

December 6, 2016

The Grant County Commission met at 8AM with Commissioners Buttke, Dummann, Mach, Stengel and Tucholke present. Chairman Stengel called the meeting to order. Motion by Buttke and seconded by Dummann to approve the minutes of the November 10, 2016 meeting. Motion carried 5-0. Motion by Tucholke and seconded by Mach to approve the minutes of the November 15, 2016 meeting. Motion carried 5-0. Minutes filed. Motion by Dummann and seconded by Buttke to approve the agenda. Motion carried 5-0.

Members of the public present were Jerry Bury, Adam Hunt, Arnie Hunt, Wayne Loeschke, Denny Kohl, Tom Pillatzki, Roger Loeschke, Robert Spartz, Nancy Johnson, Barth Adolph, Mike Adolph, Todd Kays, Ginny Tostenson, Holli Seehafer, Melissa Schmit and Jay Hesse.

Drainage: Chairman Stengel adjourned the Board of Commissioners and convened the commission acting as the Drainage Board. The Drainage Officer presented an amendment to Permit DR2016-10 by Jerry Bury for owner Doug Buri in the SE ¼ in 28-119-48 and the E1/2 N1/2 NW ¼ of 33-119-48 (Vernon). Drainage Officer Krista stated this is an amendment to the permit issued earlier this year and the intent of the amendment is to solve the water issue in the ditch. Jerry Bury reported the ditch is being cleaned out and with tile installed in the ditch, the water will continue to move towards the natural run. The amendment includes laterals and a pump to move the water from the ditch to outlet into the natural run on Myron Roggenbuck's land. Denny Kohl expressed concern with the water running down the ditch and the water leaving the ditch thru the culverts and going into his pasture causing flooding. He would like one of the culverts blocked to prevent the water going onto his land. Jerry stated he has taken elevation shots and the Kohl land is the lowest ground and will receive the surface water during large rains, but the tile and the ditch cleaning should benefit the Kohl land by keeping the water moving down the ditch. Chairman Stengel asked if there was any further information to be presented. Seeing none, he called for a motion. Motion by Tucholke and seconded by Buttke to approve the amendment to DR2016-10 as presented. Motion carried 5-0.

Permit DR2016-16 for A Hunt Farms, by Adam Hunt in the SE ¼ of 2-119-48(Vernon). Drainage Officer reported the permit is in order. This permit is part of a cooperative project for the southern part of Tyler Adelman permit approved at the last meeting. Adam

reported the outlet is located on his land. He stated he is uncertain if a pump will be needed. The water flows into a natural run. Motion by Tucholke and seconded by Dummann to approve permit DR2016-16. Motion carried 5-0. This concluded the business for the drainage board. Chairman Stengel adjourned the Drainage Board and reconvened the Board of Commissioners.

Highway: Supt Schultz presented a right-of-way application from WVEC to bore under County Road 4 to replace the wire between Section 18 and 19 in Melrose Twp. Motion by Dummann and seconded by Buttke to approve right-of-way application ROW 2016-17. Motion carried 5-0. Supt. Schultz reported Northwestern Energy is moving their line across to the other side of the road south of LaBolt on 476th Ave in Section 14 of Georgia Twp. Motion by Tucholke and seconded by Mach to approve right-of-way application DR2016-18. Motion carried 5-0. **Change Order:** Construction Change Order No 3 for the County Road 8 project was presented. The change order is a net increase of \$7,642.31 to the contract due to additional asphalt and dig outs. Motion by Dummann and seconded by Mach to approve Change Order #3 for Project Number P 6266(07) PCN 04VQ. Motion carried 5-0. **Tile /Road Project:** Kerwin reported he had been contacted on the cost share for the road / ditch tile project on County Road 39 by the Dave Meyer residence. The county placed a tile in the ditch and in the road. These two tiles connected to the main tile line permitted under the Dave Meyer DR 2016-02 permit to improve the county road at this location. The installer is estimating the county share of this project to be approximately \$18,000. Motion by Mach and seconded by Tucholke to table the cost share tile project until the December 20th meeting and to have Supt Schultz invite Dave Meyer and Eric Peterson to attend the meeting. Motion carried 5-0.

BIDS FOR FUEL

DATE	BIDDER	ETHANOL	DIESEL #1	DIESEL #2
11/01	UPI			1.860
	Cenex			2.05
UPI was the low bidder for Diesel 2 at 1.860.				
11/05	UPI	NO BID		NO BID
	Cenex	1.92		1.80

Cenex was the only bidder for Ethanol at 1.92 and for Diesel 2 at 1.80.

CAFO Vesting: Todd Kays, Executive Director for First District presented the proposed drafted language for the vesting process the Planning and Zoning board had agreed upon at their meeting in October. The intent of the commission and the P & Z Board is to allow the smaller existing operators of a Class E to vest but would not be required to obtain a nutrient, manure management, fly and odor

control plans, letters of assurance or haul road agreements. The proposed amendments will ultimately do the following:

- Require all CAFOs over 500 animal units established after June 9, 2016 to obtain a permit and comply with nutrient, manure management, fly and odor control, letters of assurance, and haul road agreements as well as State General Permit if over 1,000 animal units.
- Allow existing Class E CAFOs to replace and/or expand within their existing class unencumbered by Setback and minimum lot area requirements without vesting – They cannot further encroach upon the setback of existing operation.
- Existing Class E CAFOs are not required to obtain nutrient, manure management, fly and odor control, letters of assurance, and haul road agreements.
- Allow existing **vested** Class E CAFOs to expand up to 1,999 animal units unencumbered by Setback and minimum lot area requirements - They are required to obtain a conditional use permit at 1,000 animal units.
- Allow **vested** Class C CAFOs to expand up to 1,999 unencumbered by Setback and minimum lot area requirements without vesting – They cannot further encroach upon the setback of existing operation.
- Allow **vested** Class B CAFOs to expand up to 4,999 unencumbered by Setback and minimum lot area requirements without vesting – They cannot further encroach upon the setback of existing operation.
- Allow **vested** Class A CAFOs to expand by 10% of their County-Issued Permit unencumbered by Setback and minimum lot area requirements without vesting – They cannot further encroach upon the setback of existing operation.

Commissioner Tucholke questioned the clarity of the 80 acre minimum requirement. He stated when the ordinance was adopted in 2004, the intent of the 80 acres was for the county to have some collateral if the operation ceased to exist. It is not the intent to encumber the smaller operations. The proposed amendment will remove Class D and E from the 80 acre minimum. Todd's explanation of the 80 acre requirement: In a review of the existing regulations it was determined that the 80 acre minimum lot requirement enacted in 2004 resulted in creating 74 existing CAFOs that were non-conforming, thereby restricting their replacement in the event of a calamity or expansion thereof. The proposed language requires any CAFO established after June 9, 2016 to have a minimum lot area of 80 acres. The language also allows those CAFOs established prior to June 9, 2016 with less than 80 acres to become vested at a minimum lot area requirement of less than 80 acres. Those CAFOs with less than 80 acres that choose not to vested will become nonconforming.

P & Z Board Member Tom Pillatzki asked if the 2 year dormant section, the P & Z Board had requested to be part of the proposed changes had been included. Todd will check on the wording for the dormant section to make sure the language is in the proposed changes to be recommended on December 20.

Todd presented proposed language for an amendment to the zoning regulations to define what type of light industrial /agribusiness activities are permitted for ag zoned land. The proposed change will be placed on the agenda after the commission has had a chance to review the proposed language.

Motion by Dummann and seconded by Buttke to set December 20th at 9 AM for a joint hearing with the Planning and Zoning Board and to hold a public hearing and a first reading of Ordinance 2016-01A. Motion carried 5-0.

Auto Supplement: Motion by Dummann and seconded by Tucholke to approve an auto supplement of revenue and expense for the amount of 575.00 to 611 4-H / Extension for the reimbursement of travel expenses to attend the national convention where Sara was awarded the Achievement and Service Award. Motion carried 5-0.

Sheriff: Kevin Owen presented the Roberts County Detention and Jail Rental agreement to house adult and juvenile prisoners at Roberts County Detention Facility at a cost of \$65.00 per day for adult prisoners and \$135.00 per day for juveniles. This contract is only utilized if we cannot house a prisoner locally. Motion by Mach and seconded by Buttke to authorize Chairman Stengel to sign the contract with Roberts County. Motion carried 5-0.

Wind Farm: Jay Hesse and Melissa Schmit introduced themselves to the commission and reported on the proposed Cattle Ridge Wind Farm which runs along County Road 26 and crosses the county road in various locations due to the signed land easements. The wind farm is a 200 Megawatt wind /solar development and includes a project size of approximately 16,000 acres. The commission reviewed the proposed crossings where the lines cross over to the other side. Another discussion held was if the commission would allow poles to be located within the county right-of-way or close to the edge of the ROW. Through discussion with Jay and Melissa, they explained land easements are written with an exclusive or nonexclusive clause. A nonexclusive clause would allow multiple companies to secure an easement for the same parcel of land otherwise with a signed exclusive contract, land may be tied up and transmission line routes are difficult and much more expensive. Due to this being the first review of the project Dummann made a motion and it was seconded by Mach to table decision on the two ROW requests from Cattle Ridge Wind Farm until the December 20th meeting. Motion carried 5-0.

States Attorney: Mark Reedstrom brought forth for discussion the drafting of a joint powers agreement with Milbank and drafting a county ordinance to allow the city to collect a fee for a fire call outside the boundaries of the city limits. Mark went on to explain in order for a city to collect a fee outside of their boundaries a joint powers agreement should be in place between the two government entities or a there needs to be a state law to address the issue of collecting the fee. The commission requested Mark to draft the documents for their review. An ordinance adoption requires two readings and a public hearing.

Unfinished Business: None

New Business: None

Correspondence: A Comprehensive Economic Development Strategy survey was received from First District of Local Government and given to each commission member to complete. A check in the amount of \$1336.56 was received from Farrell Auction for the sale of the Ford Van and miscellaneous items from the Highway Shop.

Consent Agenda: Motion by Mach and seconded by Buttko to approve the consent agenda. Motion carried 5-0.

1. Approve step increase for Jessica Anderson to 1 year at a rate of \$13.70 per hour effective 11-23-2016
2. Approve step increase for Teresa Adolph to 1 year at a rate of \$12.65 per hour effective 11-20-2016
3. Approve step increase for Bob Newstrand to 6 months at a rate of \$20.05 per hour effective 12-13-2016
4. Approve step increase for Tammy Wollschlager to 2 year at a rate of \$14.10 per hour effective 11-7-2016
5. Change order 2 for the Storm Shelter project with a net decrease of \$3,310
6. Approve 2017 contract for \$7,210 with SD Dept of Health for public health services

Claims: Motion by Tucholke and seconded by Mach to approve the claims as presented. Motion carried 5-0. A-OX WELDING, supplies 40.09; AASON ENGINEERING, prof service 655.50; ACCESS ELEVATOR INC, prof service 30,086.00; AVERA MCKENNAN HOSPITAL, BLAB 480.00; BERENS, supplies 351.56; BITUMINOUS PAVING, asphalt 535,781.06; BORNS GROUP, mailing expense 1,198.79; BRENDA L HOLTQUIST, prof service 94.50; BUREAU OF INFO, Internet 485.00; CENTER POINT, books 395.22; CHS INC, diesel 4,490.68; CITY OF MILBANK, water & sewer 660.78; CITY OF WATERTOWN, 911 surcharge 6,447.08; CNH INDUSTRIAL, parts 404.31;

COLEPAPERS, supplies 245.22; ELECTION SYSTEMS, prof service & ballots 2,409.05; EQUIPMENT BLADES, parts 6,052.00; FREMAREK, supplies 323.49; GALL'S, parts 281.27; GRANT CO SHERIFF, mailing fees 7.36; GRANT COUNTY REVIEW, publishing 1,113.65; GRANT-ROBERTS RURAL WATER, rural water 36.40; GRANT/ROBERTS AMBULANCE, allocation 2,458.37; HASSLEN, prof services 17,700.00; INTER-LAKES COMMUNITY ACT, worker 4,412.16; ITC, phone & internet 1,139.99; LARRY J TRAPP, prof services 763.93; LEWIS FAMILY DRUG, supplies 27.72; MCLEOD'S, tax notices 549.14; MIDCO, internet 69.23; MILBANK AUTO PARTS, parts 1,408.27; NORTHWESTERN ENERGY, nat gas 379.00; OFFICE PEEPS, supplies 18.54; OVERDRIVE, books 1,000.00; PCMG INC, supplies 2,082.00; POSTMASTER, stamps 49.00; PRAIRIE LAKES HEALTHCARE, BLAB 99.00; QUILL, supplies 83.68; RUNNINGS, supplies & parts 124.41; RYAN MAGEDANZ, prof services 158.34; SANDRA FONDER, prof services 65.00; SCHUNEMAN EQUIP, parts 911.06; SD DEPT TRANS, hwy projects 30,272.01; SDOEM, books 136.00; SEACHANGE, ballot setup 175.00; ST WILLIAMS, prisoner laundry 198.90; TECH ONE, supplies 51.00; TRUENORTH STEEL, hwy project 15,465.20; TWIN VALLEY TIRE, tires 366.59; TYLER BUSINESS FORMS, supplies 157.66; VISA, supplies 629.26; XEROX, copier rent 194.04.TOTAL: \$673,183.51.

Payroll for the following departments and offices for the month of November 2016 are as follows: COMMISSIONERS 4922.75; AUDITOR 13,708.24; TREASURER 8892.43; STATES ATTORNEY 10,557.70; CUSTODIANS 4411.91; DIR. OF EQUALIZATION 6269.06; REG. OF DEEDS 6621.60; VET. SERV. OFFICER 1184.55; SHERIFF 17,689.44; COMMUNICATION CTR 11,915.21; PUBLIC HEALTH NURSE 2259.61; ICAP 598.50; VISITING NEIGHBOR 3221.85; LIBRARY 11,561.11; 4-H 4080.78; WEED CONTROL 3338.85; PLAN & ZONING 1873.64; ROAD & BRIDGE 52,905.26; EMERGENCY MANAGEMENT 3206.00; CORONER 289.60. TOTAL: \$169,508.09.

Payroll Claims: FIRST BANK & TRUST, Fed WH 17,268.16; FIRST BANK & TRUST, FICA WH & Match 20,624.68; FIRST BANK & TRUST, Medicare WH & Match 4823.48; AMERICAN FAMILY LIFE, AFLAC ins. 1726.57; WELLMARK-BLUE CROSS OF SD, Employee and Commission health ins. 44,481.89; DEARBORN NATIONAL, life ins. 229.86; LEGAL SHIELD, deduction 159.35; OPTILEGRA, ins 343.32; SDSR SUPPLEMENTAL, deduction

185.00; AAA Collections, deduction 142.45; UNITED ACCTS, deduction 200.00; SDRS, retire 19,226.87. TOTAL: \$109,411.63.

It is the policy of Grant County, South Dakota, not to discriminate against the handicapped in employment or the provision of service.

The next scheduled meeting dates will be December 20 and 29, 2016 at 8 AM. Motion by Dummann and seconded by Mach to adjourn the meeting. Motion carried 5-0. Meeting adjourned.

Karen M. Layher, Grant County Auditor

Doug Stengel, Chairman, Grant County Comm.