

Unapproved

June 6, 2017

The Grant County Commission met at 8AM with Commissioners Buttke, Dummann, Mach, Stengel and Street present. Chairman Mach called the meeting to order. Motion by Buttke and seconded by Stengel to approve the minutes of the May 16, 2017 meeting. Motion carried 5-0. Minutes filed. Motion by Dummann and seconded by Stengel to approve the agenda with an addition of a second change order for the storm shelter. Motion carried 5-0.

Members of the public present were John Loeschke, JoEllen Heffron, Kristi Mogen, Arlo Christians, Tyler Wilhelm, Miles Schumacher, Terrance Pellan, James Jackman, Jamie Gentile, Jay Hesse and Melissa Schmit,

Drainage: Chairman Mach adjourned the Board of Commissioners and convened the commission acting as the Drainage Board. The Drainage Administrator presented the following permit requests.

Permit DR2017-19 by Curtis Wildung, Owner for the SW1/4 of Section 28, Township 119, Range 47 (Vernon Township). The Drainage administrator presented the application. The request, if granted, would improve the saturated ground through installing lateral tiles into the natural run. Letter from the NRCS is on file. Three letters were sent to downstream landowners with three receipts acknowledged. The outlet is on the landowner's own land into a natural run. Earl Lundin was present and stated he did not have any issues with the approval of the permit. Commissioner Street stated he would recommend approval of permit DR 2017-19, seconded by Stengel. Motion carried 5-0.

Permit DR2017-20 by Blue Sky Hutterian by applicant Tim Waldner for the SW1/4 of Section 19, Township 119, Range 47 (Vernon Township). The Drainage Administrator presented the application. The owner is not in the farm program. Applicant states on application the purpose of the tile is for land improvement. The laterals go into the natural run and the outlet is on the owner's land. Adjoining landowner, JoEllen Heffron stated she does not have any issue with the permit application as long as the water outlets into the creek. Motion by Street and seconded by Stengel to approve DR 2017-20 as presented. Motion carried 5-0.

Permit DR2017-21 by Blue Sky Hutterian by applicant Tim Waldner for the SE 1/4 of Section 24, Township 119, Range 48 (Vernon Township). Application presented by

Drainage Administrator. The outlets are into a creek on the owners' land. No new information was presented as similar issues as in the prior permit. Motion by Street and seconded by Buttke to approve DR 2017-21. Motion carried 5-0.

Vernon Twp Supervisor John Loeschke reported the four culverts presently installed south of the intersection of 155th St and 484th Ave have failed. The Supervisors have had to close the road due to the road caving in. The culverts were installed approximately 60 years ago and have a total capacity output of 16.5 cubic feet. The Supervisors are requesting to remove the 4 culverts and replace with two 48 inch culverts for a total capacity output of 25.1 cubic feet. The culverts upstream and downstream have a larger output capacity than the requested change at this site. Supt Schultz stated the water does flow over the road at this site for approximately 100 feet, but the requested change should eliminate the problem. Concerns were stated on downstream landowners being concerned with the culvert capacity being changed, but the output capacity upstream and downstream are currently larger than the site of the request. Motion by Street and seconded by Stengel to approve the request from the Vernon Supervisors to install two 48 inch culverts with an increased capacity of 8.6 cubic feet after the four culverts presently in place are removed. Motion carried 5-0.

This concluded the business for the drainage board. Chairman Mach adjourned the Drainage Board and reconvened the Board of Commissioners.

Highway: Supt Schultz requested approval for ROW occupancy applications from Whetstone Valley Electric for work being completed in Georgia Twp. Motion by Stengel and seconded by Buttke to approve the following requests from WVEC. Motion carried 5-0.

1. ROW 2017-14, Section 22, Township 118, Range 49, (Georgia)) at 476th Ave and 164th St (Co. Rd 27)
2. ROW 2017-15, Section 11, Township 118, Range 49, (Georgia)) at 477th Ave and 161st St (Co. Rd 18)
3. ROW 2017-16, Section 26 & 27, Township 118, Range 49, (Georgia)) at 476th Ave and 164th St (Co. Rd 27)
4. ROW 2017-17, Section 2 & 11, Township 118, Range 49, (Georgia)) at 477th Ave and 161st St (Co. Rd 18)
5. ROW 2017-18, Section 2 & 3, Township 118, Range 49, (Georgia)) at 476th Ave and 161st St (Co. Rd 27)
6. ROW 2017-19, Section 15 & 14, Township 118, Range 49, (Georgia)) at 476th Ave and 163rd St (Co. Rd 27)

ROW: Supt. Schultz presented a right-of-way application ROW 2017-20 from Grant Roberts Rural Water for a water line to Big Stone City going through Alban and Big Stone Townships. Maps are on file in the Auditor's Office. Motion by Stengel and seconded by Dummann to approve ROW 2017-20 as presented. Motion carried 5-0. Pavement Marking: The striping agreement with DOT for the striping of the center line of asphalt roads was reviewed. The agreement is for approximately 61.0 miles of striping. The county's 40% share is \$2,403.09. The county's amount over the allocated limit is \$10,309.04 for a total cost to the county of \$12,712.13. Motion by Stengel and seconded by Dummann to authorize Chairman Mach to sign agreement number 2017-15 for pavement marking. Motion carried 5-0. There was a discussion on checking on the condition of the striping on the Summit Road and a report on the LaBolt Main Street project. The City is completing their portion before the county can proceed with the asphalt. The asphalt project for 4 miles north of LaBolt on County Road 27 will begin within two weeks.

BIDS FOR FUEL

| DATE | BIDDER | ETHANOL | DIESEL #1 | DIESEL #2 |
|---|--------|---------|-----------|-----------|
| 05/04 | UPI | | | 1.80 |
| | Cenex | | | 1.90 |
| UPI was the low bidder for Diesel 2 at 1.80. | | | | |
| 05/11 | UPI | 2.03 | | 1.805 |
| | Cenex | 2.20 | | 1.95 |
| UPI the low bidder for Ethanol at 2.03 and for Diesel 2 at 1.805. | | | | |
| 05/30 | UPI | | | 1.869 |
| | Cenex | | | 1.90 |

UPI was the low bidder for Diesel 2 at 1.869.

EM: Director Sheryl Ward reported the storm shelter in Riggins trailer park is nearly complete, but an issue on the UPS (backup power) has surfaced. The UPS was intended to be located in the utility room, but the rack does not fit. As a solution, the unit would be installed out in the corner of the main room on the other side of the utility room wall. It would be enclosed in a cabinet that provides airflow to the system and can also be locked. The cost of the change order is \$871.00. Motion by Dummann and seconded by Buttke to approve Change Order #3 as presented. Motion carried 5-0. Another change order discussed was for the final inspection of the storm shelter. A suggestion from the architect firm of Civil Design is to set an onsite meeting with all the subcontractors to review the final inspection punch list. The estimated cost of this meeting is \$2349.25. The travel

and meeting time for the final inspection is included in Civil Design contract. After discussion with the Commission, Sheryl was instructed to set a meeting date and time with the Architect from Civil Design and the General Contractor Gray Construction as well as Commissioner Mach and Buttke to meet for the final inspection. The Commission did not approve the travel expense for all the subcontractors to be present. MOU: Motion by Stengel and seconded by Buttke to approve a Memorandum of Understanding / Mutual Aid Agreement with the City of Milbank and the Milbank School District for the use of the Armory, Milbank High School and /or Koch school for the purpose of maintaining a Point of Dispensing site. Motion carried 5-0. Agreement is for a period of 5 years.

Register of Deeds: Nancy Copeland requested approval to advertise for a part time deputy who would only work in her office as needed when one of the full time staff is absent. Motion by Dummann and seconded by Buttke to approve ROD Nancy Copeland's request. Motion carried 5-0.

Grant Deuel: Supt Al Stewart reported the documents are drawn to transfer the school and property to the nonprofit group Spirit of the Cats effective July 1. The county will be receiving the remaining fund balances to be used to pay any remaining bills of the district such as electricity. After a period of three or four months these dollars would be apportioned to the school districts as specified in the school district's plan to dissolve as approved by the SD Dept of Education. In reference to the resolution prepared by States Attorney Reedstrom for a gift of funds to be kept for a period of twenty five years if the property is taken by the tax deed process and used to offset the cost of tearing the building down. The school board has requested a change to the resolution to state the interest on the money accumulates in this fund which is contrary to the county policy. The county policy is the interest stays in General Fund except where stipulated by law. Another change the school board has proposed is if a portion of the building is torn down, these funds could be accessed to pay for that cost. The Commission ask if all the acres will remain with the building as the land sale would help recoup any cost incurred by the county if the building is torn down during the period of the resolution. States Attorney Reedstrom will be contacted to revise the resolution concerning these three issues. Mr. Stewart will attend the next Commission meeting to continue the discussion.

Geronimo & Next Era: At the April 4 Commission meeting, the companies of Geronimo and Next Era had informed the Commission a letter of intent for crossing access between the two companies had not been achieved, but the letter of intent had been exchanged. The Commission had set another 60 day extension for

the companies to reach an agreement and present their report at the June 6 meeting. Geronimo, represented by Jay Hesse reported the agreement is not signed yet due to route updates and preliminary engineering costs. More time is needed as it takes considerable time to move this type of agreement through management. There is ongoing effort and they are willing to work with Next Era.

Tyler Wilhelm with Next Era, reasons there is no logic why the letter of intent could not be signed tomorrow. Next Era has offered to bear all land costs and has further offered to pay all costs associated for the crossing.

Next Era also shifted their line one-half mile south to allow a single connection point so the company's lines will not run parallel to each other for a cleaner connection. The commission noted what brought us here today from December meeting was a directive to work in good faith effort to find a point to cross outside the ROW or they will discuss rescinding the motion of allowing the poles to be placed in the right-of-way. P & Z Administrator Krista reported this route which was a published condition of the existing approved permit made by the Board of Adjustment and without this crossing agreement Geronimo cannot meet the conditions of their permit.

Arlo Christians expressed his thoughts on Next Era subletting or selling the lease, but this is Next Era's decision as he has signed a lease. He does not want to see the poles in the ROW or the arms extend over the road.

Chairman Mach asked both companies to put forth an effort to resolve this impasse. He also asked Geronimo to invite the executives who can make the decision on signing a letter of intent to the next meeting as this must get done to allow both companies to move forward with their projects. Both companies are invited to attend the June 20th meeting at 9:30 AM.

P & Z: Commissioner Dummann stated he had been contacted by Kenny Wiese and Kristi Mogen on resolution 2017-11 that had been passed at the prior meeting. He stated they had expressed concerns with the wording of item three on which states a member of the Planning commission shall be a resident of the county and qualified by knowledge or experience in zoning. They would prefer item three end after it states a member must be a resident of the county. Also, they still had concerns over item one being removed from Section 501 of the P & Z administrative manual. Commissioner Dummann expressed his opinion; the board is an elected body doing what they believe is best and maybe there could be less words in the resolution, but we trust our officials to assist the commission. He

stated it is the intent of the Commission to appoint individuals to the board who the commission believes will do the best they can on the board they are appointed to serve on. Commissioner Street asked Kristi Mogen to address her concerns with the resolution. Her concern is with the wording of qualified by knowledge or experience. She would like to see that changed to best applicant as wording does matter. Other members of the Commission agreed with Commissioner Dummann about working well with the officials. No action taken.

Executive Session: Motion by Dummann and seconded by Stengel to enter into executive session at 10:30 AM for the purpose of litigation issues pursuant to SDCL1-25-2 (3). Motion carried 5-0. States Attorney Reedstrom, Attorney Zach Peterson, Auditor Layher and Hwy Supt Schultz were present. Chairman Mach declared the meeting open to the public at 11:32 AM. No action taken as a result of the executive session.

Travel: Motion by Stengel and seconded by Street to approve travel for CHN secretaries Jessica Anderson and Elli Grabow to attend WIC training in Pierre. Motion carried 5-0.

County Assistance: None

Recording: Auditor Layher reported on the cost of equipment to record and video meetings. The cost for equipment in the Commissioner room would be approximately \$4000. A quote from Mid States Audio to install a single camera capture system to use with the audio recording system in the courtroom is \$12,000. Auditor Layher advised the Commission before any camera equipment is installed in the courtroom, permission would be need from the circuit court judge. If the commission would move the P & Z meeting to another location, such as the basement, the cost to install microphones, camera and recording equipment is estimated to be \$25,000. A portable digital recorder has been ordered for the P & Z meetings. The Commission discussed the equipment cost for a county our size and came to the consensus the meetings are open to the public to attend and opinions would be expressed more openly without being recorded. No action taken.

Vehicle: Commissioner Buttke reported he had inspected the Chevy Suburban and the Tahoe. The book value on the Suburban is 7800 and the book value of the Tahoe is 17,000 and would need tires and some minor repair. Motion by Buttke and seconded by Stengel to declare surplus the 2010 Chevy Tahoe and advertise for sale by the sealed bid process with bid opening to be July 5 at 8:30 AM. Motion carried 5-0.

Range Fire Suppression: A letter from the SD Dept. of Agriculture Wild Land Fire Suppression was reviewed. The letter contained an updated agreement which

outlines the procedure for requesting fire suppression assistance from the state. Also, the Commission must provide the department with a list of individuals who would be authorized to request assistance from the State of South Dakota, under the County Rangeland Fire Protection Agreement and designate a single point of contact for administrative purposes who would manage the billing issues. Motion by Stengel and seconded by Street to authorize Chairman Mach to sign the County Rangeland Fire Protection Agreement. Motion carried 5-0. Motion by Stengel and seconded by Street to approve the following resolution for appointing designees authorized to request state fire assistance. Motion carried 5-0. Resolution adopted.

RESOLUTION 2017-16

A Resolution for selecting designees authorized to request firefighting resources on behalf of the County Board of Commissioners:

“BE IT HEREBY RESOLVED, that the list of individuals set forth below, are hereby authorized to request rangeland fire assistance, on behalf of the County of Grant as specified in SDCL 41-20A-11. The authority to request assistance as provided shall continue in full force and effect until terminated or modified by resolution of the County of Grant Board of Commissioners.”

County Fire Assistance Authorization List: Effective Date: June 6, 2017.

| Name of Individual | Position |
|--------------------------|---------------------------|
| Kevin Schuelke | Milbank Fire Chief |
| Joe Wiik | Big Stone City Fire Chief |
| Jared Engebretson | Revilla Fire Chief |
| Tom Peschong | LaBolt Fire Chief |
| Rodney Thaden | Marvin Fire Chief |
| Jake Wientjes | Stockholm Fire Chief |
| Mike Mach | Commissioner |
| Paul Dummann | Commissioner |
| Marty Buttke | Commissioner |
| Doug Stengel | Commissioner |
| Bill Street | Commissioner |
| Sheriff Kevin Owen | Sheriff |
| Deputy Mark Luesink | Deputy Sheriff |
| Deputy Robbie Newstrand | Deputy Sheriff |
| Deputy Jeremy Steffensen | Deputy Sheriff |
| Sheryl Ward | EM Director |

Dated this 6th day of June, 2017.

Mike Mach

Chairman, Board of Commissioners

ATTEST:

Karen M. Layher, Auditor

Motion by Stengel and seconded by Street to approve the following resolution to appoint a single point of contact for administrative issues. Motion carried 5-0. Resolution adopted.

RESOLUTION 2017-17

A Resolution for selecting a single point of contact for business matters pertaining to the agreement.

“BE IT HEREBY RESOLVED, that Karen M. Layher, Grant County Auditor, is appointed County Rural Fire Coordinator for the County of Grant. The County Rural Fire Coordinator is hereby authorized to act as single point of contact, on behalf of the County of Grant, in dealing with administrative matters such as burn bans, billing, or questions about this Rangeland Fire Agreement specific to the County. This authority shall continue in full force and effect until terminated or modified by resolution of the County of Grant Board of Commissioners.”

Dated this 6th day of June, 2017.

Mike Mach

Chairman, Board of Commissioners

ATTEST:

Karen M. Layher, Auditor

P & Z: Commissioner Stengel brought forth a motion to appoint Mark Leddy as an alternate on the Planning and Zoning Board/Board of Adjustment to fill the vacancy created when David Kruger resigned. Motion was seconded by Dummann. Motion carried 5-0. The term is 5-1-17 to 5-1-2020.

Executive Session: Motion by Dummann and seconded by Stengel to enter into executive session at 12:07 PM for the purpose of a personnel issue pursuant to SDCL 1-25-2 (1). Motion carried 5-0. Auditor Layher was present. Chairman Mach declared the meeting open to the public at 12:10 PM. No action taken.

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

1. Approve Plats:

RESOLUTION
2017-18

BE IT RESOLVED, by the Board of County Commissioners of Grant County, South Dakota, that the Plat entitled:
LOT B OF AARON SKOOG THIRD SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 119 NORTH, RANGE 48 WEST OF THE 5TH P.M., GRANT COUNTY, SOUTH DAKOTA

Which has been submitted for examination pursuant to law, has been duly examined, and approved and accepted by the Grant County Planning Commission and it appearing that all taxes and special assessments have been paid and that such Plat and the survey thereof have been made and executed according to law, the Plat is hereby approved, and the County Auditor is hereby authorized and directed to endorse on such Plat a copy of this resolution and certify the same

Dated at Milbank, South Dakota, this 6th day of June 2017.

Michael J. Mach, Chairman
Grant County, South Dakota
Board of County Commissioners

STATE OF SOUTH DAKOTA)

ss

COUNTY OF GRANT)

I, Karen M. Layher, do hereby certify that I am the duly elected, qualified and acting County Auditor in and for Grant County, South Dakota, that the above and foregoing is a true, correct and complete copy of the Resolution adopted by the Board of County Commissioners of the County of Grant, South Dakota, at a regular meeting on June 6th, 2017, approving the above named Plat by a vote of said Commission and the whole thereof.

WITNESS my hand and the seal of Grant County, South Dakota this 6th day of June, 2017.

ATTEST:

Karen M. Layher
County Auditor
Grant County, South Dakota

Unfinished Business: Auditor Layher reported the lien settlement for an outstanding lien on a property in Milbank has not been finalized yet. The realtor will be in contact when all the parties have agreed to a settlement.

New Business: Auditor Layher reported a tax deed property at 111 Diggs Ave is available to be sold by the county as the 180 day redemption period has expired. The bid process for this property will be on the next agenda.

Correspondence: None

Claims: Motion by Buttke and seconded by Stengel to approve the claims as presented. Motion carried 5-0. AVERA-MILBANK CLINIC, prisoner care 156.56; BERENS, supplies 215.76; BRENDA L HOLTQUIST, prof serv 129.50; BUTLER, parts & repair 3,063.70; CENTER POINT, books 464.22; CHAMBERLAIN MCCOLLEY'S FUNERAL, co assistance 2,500.00; CITY OF MILBANK, sewer and water 600.41; COLEPAPERS, supplies 228.50; CONSOLIDATED READY MIX, gravel 356.40; CUMMINS CENTRAL POWER, maintenance 932.85; DELORES KELLY, professional service 125.00; DUANE D ATHEY, flowers 49.98; FEDEX, postage 23.54; GALE GROUP, books 165.50; GEORGE B BOOS, ct appt atty 989.00; GRANT CO SHERIFF, postage 5.34; GRANT CO REVIEW, publishing 1,400.44; GRANT-ROBERTS RURAL WATER, rural water 40.60; GRANT/ROBERTS AMBULANCE, allocation 2,458.33; HARTMAN'S, supplies 55.08; HEDAHLS AUTO PARTS, parts 90.48; JAMES B. WARD, publishing 190.00; JEFFREY D. SEEHAFFER, prof service 250.00; JOSHUA R FIEDLER, prof service 4,260.00; LABOLT DEVELOP CO, rent & internet 90.00; LEWIS FAMILY DRUG, supplies 20.64; LIBRARIAN'S BOOKS EXPRESS, books 166.00; MICROMARKETING, AV 87.45; MID-CONTINENTAL RESTORATION, prof service 77,008.00; MIDCONTINENT COMMUNICATION, internet 90.53; MIDWEST POWERSPORTS, parts 9.95; MILBANK AUTO PARTS, parts & supplies 1,150.15; MUNDWILER FUNERAL HOME, prof service 1,932.00; NORTHWESTERN ENERGY, natural gas 376.43; OFFICE PEEPS, supplies 93.53; PCMG, computer equip 1,167.72; REED ELSEVIER, prof service 700.00; REGENCY MIDWEST VENTURES, rooms 399.96; ROY ALLEN NIELSEN, reimbursement and iron 5,650.00; ROY STOLPMAN, gravel 3,911.82; RUNNINGS, supplies 413.33; SANDRA FONDER, prof service 25.00; SD EM MGMT ASSN, regis 25.00; SEEHAFFER HARDWARE, supplies 91.08; STAR LAUNDRY, prof service 34.87; STATE PROPERTY, supplies 322.00; STEPP, parts 1,146.98; TECH ONE, supplies 432.00; THE PENWORTHY CO, books 202.75; TWIN VALLEY TIRE, tires 967.91; UPI PETROLEUM, ethanol & diesel fuel 8,998.09; VISA, ref mat, gas, books, parts 1,339.45; WEST CENTRAL COMM, 911 MUX 11,745.75; WHETSTONE VALLEY ELECTRIC, electricity

266.44; WITTROCK & SON, garbage service 150.00; XEROX, copier rent 130.35, SD SEC STATE, notary 30.00. TOTALS: \$137,926.37.

Payroll for the following departments and offices for the month of May 2017 are as follows: COMMISSIONERS 5013.60; AUDITOR 13,503.38; TREASURER 9194.17; STATES ATTORNEY 10,773.24; CUSTODIANS 4352.96; DIR. OF EQUALIZATION 6186.00; REG. OF DEEDS 6747.97; VET. SERV. OFFICER 1197.30; SHERIFF 17,880.52; COMMUNICATION CTR 11,609.37; PUBLIC HEALTH NURSE 2730.24; ICAP 648.00; VISITING NEIGHBOR 3161.21; LIBRARY 11,542.45; 4-H 4268.40; WEED CONTROL 3561.05; PLAN & ZONING 1712.05; ROAD & BRIDGE 43,179.94; EMERGENCY MANAGEMENT 3110.01. TOTAL: \$160,371.86.

Payroll Claims: FIRST BANK & TRUST, Fed WH 14,959.09; FIRST BANK & TRUST, FICA WH & Match 19,259.66; FIRST BANK & TRUST, Medicare WH & Match 4504.26; AMERICAN FAMILY LIFE, AFLAC ins. 1879.46; WELLMARK-BLUE CROSS OF SD, Employee and Commission health ins. 45,680.17; DEARBORN NATIONAL, life ins. 237.89; LEGAL SHIELD, deduction 159.35; OPTILEGRA, ins 362.07; SDSR SUPPLEMENTAL, deduction 3185.00; AAA Collections, deduction 142.45; SDSR, retire 16,888.18, US DEPT OF ED, deduction 188.29. TOTAL: \$107,445.87.

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 regular meeting dates will be June 20 and July 5 and 18, 2017 at 8 AM. Motion by Dummann and seconded by Buttke to adjourn the meeting. Motion carried 5-0. Meeting adjourned.

Karen M. Layher, Grant County Auditor

Michael J. Mach, Chairman, Grant County