

March 1, 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 Tucholke and seconded by Buttke to approve the minutes of the February 9 and 16, 2016 meetings. Motion carried 5-0. Minutes filed. Motion by Mach and seconded by Buttke to approve the agenda. Motion carried 5-0.

Members of the public present were Arvin Mueller, Mark Mueller Myron Mueller, Beth Mueller, Roger Karels, Randy Wessman, Roger Loeschke, Bill Street, Pat Meyer, Shirley Wiese, Kenny Wiese, Kate Capp, David Kruger, Vincent Meyer, Tim Tyler, Jim DeVaal, Rudy Nef, Holli Seehafer, Val Cameron, Mark Leddy, Tom Pillatzki, Loretta Pillatzki, Holly Hilbrand, Gerry Adolph, Nancy Johnson, Joeline Hicks, Gary Lee and Mary Lee.

**Drainage:** Chairman Stengel adjourned the Board of Commissioners and convened the commission acting as the Drainage Board. Drainage administrator Krista Atyeo-Gortmaker presented the following permit application.

Letters from Jay Gilbertson, Manager of East Dakota Water District and Matt Hubers of NRCS were provided to the board that were reviewed in the packet by the Drainage Board.

Permit DR 2016-01 for Mark Mueller in 3-120-47 and in 4-120-47 of Alban Township. Krista presented the application and reported the application is in order and she does have a copy of the NRCS letter on file. The flow of the water is north to south with the outlet located on the applicant's land. The land to be tiled contains numerous wetland spots and the tiler is aware of the NRCS setback rules as Mark is in the farm program. Commissioner Stengel stated he had been on site to look at the project and asked the applicant to address the board. Mark stated the project has been approved by NRCS and he is proposing to tile around the wetland areas to improve the ground for farming and will be draining to a gated wetland on his ground.

Chairman Stengel opened the hearing for public comment and asked for those opposed to the application to speak.

Myron Mueller: He questioned the additional volume of water and potential nitrates added to that point of the natural run where he resides. Stated concerns of

driveway being flooded for a longer period of of time than what occurs now. Questioned whether manual gates are effective. Submitted six pages of information for the board's consideration.

Arvin Mueller: He reiterated the concerns of Myron. The flooding of the driveway for a longer period of time is a concern as he needs access to the grain bins. He questioned if it is right for a person to gain farmland productivity if someone downstream loses farm ground. He submitted his written information.

Roger Karels: Submitted a letter of opposition to the project from the Yellow Bank Township Supervisors. The road already has four culverts. Difficult to build up a road in a swamp area. Stated his farm is tiled and understands tiling. He disagrees with the measurement flow of the tile being proposed.

Steve Strei: Agrees with Karels and believes there is a public safety concern. The ditch needs to be cleaned, but getting permitted to clean outside of a ROW is difficult. Not against tiling, just the additional pressure being added to the run.

Chairman Stengel asked for proponents to testify.

Randy Wessman: The tiler for the project stated it is possible to control water leaving the outlet into the existing wetland. The sand filters the nitrates out before going into the tile. Most nitrates entering the water are from overland flooding. Tile will be placed eleven feet deep.

Mark Mueller: Clarified it is a non-perforated tile and he would not be draining wetlands.

Chairman Stengel closed public portion and asked the Drainage Officer if the permit is in order. She responded yes. Commissioner Tucholke suggested sending the permit application back to the drainage officer and have the parties involved work together to find a solution. Motion by Tucholke and seconded by Mach to table the permit application until the April 5, 2016 meeting to allow the parties time to work out a plan. 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 requested approval to hire Aason Engineering to conduct the bi-annual bridge re-inspection. Motion by Mach and seconded by Dummann to authorize Chairman Stengel to sign the following resolution. Motion carried 5-0. Resolution adopted.

**2016-07**  
**BRIDGE REINSPECTION**

**PROGRAM RESOLUTION  
FOR USE WITH SDDOT RETAINER CONTRACTS**

**WHEREAS**, Title 23, Section 151, United States Code and Title 23, Part 650, Subpart C, Code of Federal Regulations, requires initial inspection of all bridges and re-inspection at intervals not to exceed two years with the exception of reinforced concrete box culverts that meet specific criteria. These culverts are re-inspected at intervals not to exceed four years.

**THEREFORE**, Grant County is desirous of participating in the Bridge Inspection Program using Bridge Replacement funds.

The County requests SDDOT to hire Aason Engineering (Consulting Engineers) for the inspection work. SDDOT will secure Federal approvals, make payments to the Consulting Engineer for inspection services rendered, and bill the county for 20% of the cost. The County will be responsible for the required 20% matching funds.

Dated this 1<sup>st</sup> day of March, 2016, at Milbank, South Dakota.

Board of County Commissioners  
Of Grant County  
Doug Stengel, Chairman of the Board

ATTEST:  
Karen M. Layher  
County Auditor

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

1. Set March 15 at 9 AM for the land sale of the property obtained by the county under the tax deed process
2. Set March 15 at 9:05 AM for the land lease sale for the county owned land to be leased in 2016
3. Set March 30 at 11 AM for the annual Highway Dept bid opening for materials used with consideration of the bids to be on April 5, 2015 at 8:15 AM
4. Declare surplus from Social Services Dept. - Forms Drawer – fixed asset #0523, Blue Chair – fixed asset #0211

**Zoning Ordinance:** The 9AM public hearing was held for the second reading of Ordinance 2016-01. Chairman Stengel asked Todd Kays, of First District to review the proposed amendments to the current ordinance. Todd stated a joint hearing of the P & Z Board and the commission was held on February 9 where public testimony was received. The P & Z Board then proceeded to approve amendments to the 2004-01 ordinance with the commission holding the 1<sup>st</sup> reading by title the same evening. Todd reviewed the eight amendments which are on file

in the Auditor's Office and on the county's website. He advised the commission of their options for action which are to approve, not approve or send back to the P & Z Board with recommended suggestions.

Chairman Stengel called for proponents of the amendments to the zoning ordinance.

Kate Capp: In favor of approving the amendments. P & Z board put forth good effort and it is a compromise.

Vincent Meyer: In favor of passing. Lots of effort done. Good job as is.

Pat Meyer: P & Z spent a lot of time on the ordinance changes. It is a good compromise. In favor of passage.

Joelie Hicks: P & Z had work on the ordinance a few years ago without any action or change to the ordinance. These changes look at the whole community. It is good and would like to see it approved.

Bill Street: Has some concerns with hog numbers. Maybe experiment with odor control. Under present condition approve.

Tim Tyler: Input from citizens and community was given. Reached a compromise. Supports the approval.

Kenny Wiese: Agrees with changes. Good compromise. Send the changes through.

Chairman Stengel called for opponents to testify.

Mark Leddy: Stated he is concerned the amended ordinance will cap the size a producer will be allowed to expand for both the permitted and non-permitted operations. The change to the ordinance now transfers the right of expansion from the operator to the neighbors. It is a taking of property rights from the existing operator. Only way to expand is for your neighbor within the setback to agree and that will require a ransom. This is a nail in the coffin for the dairy industry here.

Rudy Nef: Stated that agricultural in general is the number one industry in the county. The county needs the strong ag base as it is the county's economic base. The population has declined. The CAFO brings people to the area to work and to become a member of the community. Ordinance is not good for agriculture. It is not pro ag.

Nancy Johnson: She expressed her opinion that she is neither for nor against the changes, but has some concerns. The amendments are the consensus of the board. She is concerned the changes do not clearly define a policy on land use for livestock development. Also, a couple areas conflict with each other. An area of

concern for her is the vesting section for current operations and the odor control model. She stated if the commission would send the ordinance back for further work by the board, she would like clear cut objectives for the P & Z board to consider. Would like to see an ordinance that promotes growth. We need to move forward not backward.

Todd Kays: Spoke on how the ordinance works for the vesting of a current unpermitted operation and how the odor model could be put in place.

David Kruger: Addressed the comment on ransom. He stated as a farmer, all ordinances hold you ransom. Priority in life should be faith, family and friends. Not money. With those priorities, there will be places for the livestock. He stated the ordinance does not cover all the issues, but it is where the P & Z board wants to be. Met our goal.

Discussion continued on amendment changes, odor model, vesting and setbacks. Chairman Stengel closed the public portion of the meeting and asked if the commission had any other questions or comments. Commissioner Tucholke stated when the one-half mile set was established, never thought there would be CAFOs over 2000, but it has changed. We need the milk production and we have to represent the whole community. We want to encourage people to build here and if the rules are followed, they get to build. We are not stopping production. Commissioner Mach stated he appreciates Valley Queen here in the county and that the company will continue to grow through people being good neighbors. Commissioner Dummann stated the commission must look out for the good of the county. There are individuals on both ends of an issue, but the commission must try to work out what is best for most of the people. He thinks this is a step in the right direction. Commissioner Buttke agreed it is a step in the right direction. Chairman Stengel called for a motion. Motion by Tucholke and seconded by Buttke to approve the second reading and to adopt Ordinance 2016-01 with the correction of grammar or numbering errors within the ordinance. Chairman Stengel called for a roll call vote. Buttke: aye; Dummann: aye; Tucholke: aye; Mach: aye; Stengel: aye. Motion passed 5-0. The notice of adoption will be published on March 9 and 16. The ordinance's effective date is April 5, 2016.

**ROD:** Nancy Copeland reported on the scanning project done last summer in her office. Approximately 130 re-scans of pages need to be done to complete the numbering sequence to ensure book and page is complete. The cost is approximately \$8000 and the expense would be out of the Modernization Fund.

Motion by Mach and seconded by Buttke to approve the re-scanning project with Document Imaging. Motion carried 5-0.

**Sheriff:** Kevin Owen requested approval to hire Ashley Belden as a full time dispatcher and 24/7 administrator effective 02-29-16 at a beginning wage of \$14.00 per hour. Motion by Mach and seconded by Tucholke to approve the request. Motion carried 5-0.

**Assessor:** Kathy Steinlicht reported assessment notices were sent out the last week of February. County wide changes for tax year 2016 payable in 2017 were all rural non-ag lots within the county (residential and commercial) were individually reappraised using sales prices of comparable property. A reappraisal of non-ag building sites in the townships of Alban and Big Stone was completed. A city wide-reappraisal of non-ag property was done in Big Stone City. The last reappraisal for Big Stone City was 1993. Certain additions in Milbank received lot value increase and house values increase. She reported the office is receiving numerous phone calls and residents stopping in to ask questions.

**2015 Annual Report:** Auditor Layher presented the 2015 annual report to the Board. Presented for review was the Statement of Net Position, Statement of Activities, Revenue and Expense and Changes in Fund Balances and a budgetary comparison of government activities by type. The January 1, 2015 beginning net position was 3,240,511.58 and the December 31, 2015 net position balance is 3,492,105.51 indicating a change in assets of \$251,593.93 for 2015. Motion by Mach and seconded by Tucholke to accept the annual report as presented and for publication. Motion carried 5-0. The annual report is on file in the Auditor's Office.

**Copiers:** Motion by Tucholke and seconded by Buttke to approve a copier lease agreement with Xerox for the Library at cost of \$83.55 per month for 5 years. Motion carried 5-0. Auditor Layher reported the copier for the Sheriff's Office had been narrowed down to two models. She requested approval to move forward with selection based on the demo of the scanning feature. Approximate cost to be \$70.00 per month. Motion by Mach and seconded by Dummann to approve Sheriff Owen and Auditor Layher to make the final copier selection. Motion carried 5-0.

**Executive Session:** None

**Unfinished Business:** None

**New Business:** An ad for a part time custodian for the courthouse will be advertised due to a retirement.

**Correspondence:** None

**Claims:** Motion by Mach and seconded by Buttke to approve the claims as presented. Motion carried 5-0. BERENS, supplies 411.16; BUREAU OF INFO & TELE, internet & email 440.00; CITY OF MILBANK, water & sewer 640.30; CITY OF WATERTOWN, 911 surcharge 6,161.32; CREATIVE CO, books 259.18; DAVID MOGARD, reimburse supplies 80.00; GRANT CO SHERIFF, postage 17.41; GRANT CO REVIEW, subscription 36.00; GRANT/ROBERTS AMBULANCE, alloca 2,458.33; HEDAHL, supplies 2.70; INTER-LAKES COMM ACTION, worker 2,206.08; LINCOLN CO AUDITOR, co assist 18.00; MICROMARKETING, DVD 103.42; MIDCONTINENT, internet 68.90; MILBANK COMMUNICATION, batteries 85.30; MT LIBRARY SERVICES, books 366.00; MUNDWILER, co assist 3,225.00; NORMAN GIESEN, parts 60.00; NORTHWESTERN ENERGY, nat gas 1,737.11; QUILL, supplies 305.42; REED ELSEVIER, on line charges 2,518.00; REGENCY MIDWEST-PIERRE, rooms 262.00; REGENCY MIDWEST-ABERDEEN, rooms 527.94; RELIANCE, phone cards 500.00; SCHUNEMAN EQUIP, parts & repair 201.19; SDACC, regis 300.00; SDPAA, insurance 74,206.62; SDACES, dues 30.00; THOMAS BURNS, ct appt atty, 678.60; TOWN OF STRANDBURG, internet 293.00; TYLER COMPUTER, comp equip 157.00; US HOTEL-CHAMBERLAIN, room 177.50; WILLIAM E COESTER, ct appt atty 851.08. TOTALS: \$99,384.56.

Payroll for the following departments and offices for the month of February 2016 are as follows: COMMISSIONERS 4922.75; AUDITOR 14,057.15; TREASURER 9888.83; STATES ATTORNEY 10,557.70; CUSTODIANS 4856.58; DIR. OF EQUALIZATION 6245.36; REG. OF DEEDS 6621.60; VET. SERV. OFFICER 1341.00; SHERIFF 17,828.98; COMMUNICATION CTR 11,341.49; PUBLIC HEALTH NURSE 2217.60; ICAP 630.00; VISITING NEIGHBOR 3494.28; LIBRARY 11,182.14; 4-H 4050.13; WEED CONTROL 3225.75; PLAN & ZONING 1676.42; ROAD & BRIDGE 52,733.73; EMERGENCY MANAGEMENT 2985.20; TOTAL: \$169,856.69.

Payroll Claims: FIRST BANK & TRUST, Fed WH 17,060.54; FIRST BANK & TRUST, FICA WH & Match 20,613.78; FIRST BANK & TRUST, Medicare WH & Match 4821.02; AMERICAN FAMILY LIFE, AFLAC ins. 1643.24; WELLMARK-BLUE CROSS OF SD, Employee and Commission health ins. 44,624.39; DEARBORN NATIONAL, life ins. 234.36; LEGAL SHIELD, deduction 159.35; OFFICE OF CHILD SUPPORT, deduction 566.00;

OPTILEGRA, ins 343.32; SDSR SUPPLEMENTAL, deduction 150.00; SDRS, retire 19,094.79. TOTAL: \$109,310.79.

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 March 15 and April 5 and 19, 2016 at 8 AM. The County and the Consolidated Board of Equalization begins on April 12, 2016. Motion by Tucholke and seconded by Mach to adjourn the meeting. Motion carried 5-0. Meeting adjourned.

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Karen M. Layher, Grant County Auditor

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Doug Stengel, Chairman, Grant County Comm.