

November 3, 2015

The Grant County Commission met at 8AM with Commissioners Buttke, Dummann, Mach, Stengel and Tucholke present. Chairman Tucholke called the meeting to order. Motion by Mach and seconded by Stengel to approve the minutes of the October 20, 2015 meeting. 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 Kate Capp and Tim Tyler.

**CHN:** Nurses Joan Frerichs and Jennifer Meyer were present. Joan informed the commission she would be retiring on November 11 after 36 years of working as a state community health nurse in the courthouse. The commission extended sincere appreciation to her for her service to the residents of the county and wished her well in her retirement. Jennifer Meyer will begin full time status as CH Nurse.

**Highway:** Supt Schultz presented the following request for right-of-way occupancy from Codington Clark Electric for ROW occupancy application ROW 2015-13 on 152<sup>nd</sup> St in 14-120-52. The project would require a bore under County Road 14. Motion by Dummann and seconded by Stengel to approve ROW 2015-13 application from Codington Clark. Motion carried 5-0. **Bridge Easement:** Motion by Stengel and seconded by Mach to approve easements with landowners Doug and Gloria Peiker and Jonathon and Kerry Wold for bridge replacement Project BRO 8026 (24) PCN00ZE located in section 17 and 18 in Adams Twp. Motion carried 5-0. The bridge is scheduled to be replaced in 2017 or 2018. **Haul Road:** Supt Schultz reported the road finding report for the roads to be used for the Cap X project had been given to him. The report lists the condition of the roads before the project begins. **ROW:** A discussion was held on the fencing of the ROW. Fences are an obstruction for the blading and mowing of ditches. Landowner will be contacted to remove the fence.

**Liquor Licenses for 2016:** Auditor Layher reported two of the three renewals for the 2016 liquor licenses were complete. The state law was changed effective 7-1-2011 to remove the public hearing requirement for renewals of licenses. Any new license or transfer of a license would require a public hearing. Motion by Dummann and seconded by Buttke to approve the renewal of two liquor licenses for 2016 which are as follows. Motion carried 5-0.

1. BitterSweet Lodge located at 15196 455<sup>th</sup> Ave., in Lura Township with a legal description of SW ¼ corner of the SW ¼ SW ¼, Section 7, Township 120, Range 51, Grant County for Retail (on-sale) Liquor
2. Gertje Van Lith Post 229 American Legion Club, located in Lot A NE1/4NE1/4 (4.82A) Section 24, Township 121, Range 47, in Grant County, South Dakota for Retail (on-sale) Liquor

**General Fund Report:** Auditor Layher discussed the general fund cash analysis report. Under SDCL 7-21-18.1 the law states the general fund unassigned cash balance of the general fund may not exceed 40% of all general fund appropriations contained in the budget for the next fiscal year. The unassigned cash for September 30, 2015 is \$1,046,219.38 and the percentage is 22.18% of the 40% general fund cash test. This report is done by the modified accrual basis and includes accounts payable of \$47,223.90. Motion by Dummann and seconded by Stengel to approve filing the report with SD Dept of Legislative Audit. Motion carried 5-0.

**ROW:** States Attorney Mark Reedstrom reported he had been asked to research the question if the commission has the supervisory authority to allow the use of the right-of-way. He stated he had reviewed the statutes and had contacted the Attorney General's Office to discuss the issue of ROW and who has authority to control the use of the right-of ways on county roads. States Attorney Reedstrom's research and information from the SD Attorney General office shows that the county does have an easement for the ROW which gives the county the authority to allow right of way activity and that it is a common practice to use the right of ways for temporary use, such as manure hoses. The landowner does own the land to the center of the road, but certain statutes imply control of the ROW belongs to the governing board. Limited uses of the right of ways is considered an easement. He believes the commission, as the supervisory authority, does have control of the ROW. Kate Capp asked if the State owned their ROW. Tim Tyler stated the laws provide for the use of the ROW for public good such as utilities. The commission's discussion was held on the wear and tear on roads with hauling versus pumping hoses going directly to the fields and cropping being done within the right of way. States Attorney Reedstrom suggested legislation be drafted to be clarify the intent of the supervisory control of the right-of-way. Chairman Tucholke stated he would talk to Senator Jim Peterson about proposing this legislation.

**FFA:** The Milbank High School FFA AG Issues Team presented their district competition presentation on The Advantages Versus the Disadvantages of Consuming Raw Milk. Members of the Ag Issues team are Will Mischel, Andrew

Mears, Caleb Schafer, Sara Capp and Sadie Holland. Their coach is Suzanne Souza. The commission wished them good luck at the state competition.

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

1. Approve auto supplement for revenue and expense to #211 Sheriff Budget for the reimbursement from the Drug Control Fund Award in the amount of \$2837.96
2. Approve auto supplement for revenue and expense to 226-222 for the reimburse from Homeland Security Grant for the purchase of armor vests for police officers in the amount of \$1300.00
3. Approve step increase to 6 months step of \$12.05 per hour for library aide Teresa Adolph effective 10-02-2015
4. Step increase for Heather Rise, CHN Secretary, to 1 year step of \$13.30 per hour effective 10-24-15
5. Declare surplus adjustable shelving unit with wood top and sides– used for reference materials and wooden 4 Drawer chest, fixed asset number, 1697 from Extension inventory
6. Approve list of library materials to be declared surplus for the months of July-August – September 2015
7. Set November 19 at 8:45 am for budget hearing supplement for Fund 246 in the amount of \$4000
8. Set November 19 at 9 AM for public hearing on the 5 year County Highway Plan

**Executive Session:** Motion by Stengel and seconded by Mach to enter into executive session at 9:29 AM for the purpose of a personnel issue(s) pursuant to SDCL 1-25-2 (1). Motion carried 5-0. Auditor Layher was present. Chairman Tucholke declared the meeting open to the public at 9:45 AM. No action taken.

**Unfinished Business:** None

**New Business:** None

**Correspondence:** None

**Claims:** Motion by Mach and seconded by Buttke to approve the claims as presented. Motion carried 5-0. AARON ANDERSON, prof serv 459.19; AVERA-MILBANK CLINIC, prisoner care & prof serv 542.00; AVERA-MILBANK HOSPITAL, prisoner care 9,847.79; AVERA MEDICAL GROUP RAD, prisoner care 419.00; CITY OF MILBANK, water & sewer 622.65; MILBANK GLASS, repair 132.65; CRIMESTAR, maint 1,500.00; DAKOTA STATE, mover rental 1,200.00; DUANE D ATHEY, prof serv 120.00; GARY HORIGHAUSEN, hwy

project 457.72; GRANT CO REVIEW, publishing 717.30; GRANT/ROBERTS AMBULANCE, allocation 2,458.33; ROBERT GREWING, reimburse 4,250.00; LARRY J TRAPP, repair 1,248.12; LEWIS FAMILY DRUG, supplies 84.01; MICROMARKETING, DVD 21.45; MIDCONTINENT, internet 68.90; MILBANK COMMUNICATIONS, maint 952.50; MILBANK FORD & MERCURY, prof serv 21.15; NELSON LAW OFFICE, allocation 3,633.00; NORTHWESTERN ENERGY, nat gas 55.81; O'CONNOR CO, maint 1,120.26; O'KAYES FURNITURE, carpet 9,698.40; QUILL, supplies 192.35; RELIANCE, inmate phone cards 500.00; RUNNINGS, supplies 9.99; RYAN HAGE, prof service 3,620.00; SD ATTY GENERAL, refund 177.30; SD DEPT TRANS, hwy project 147.86; VALLEY OFFICE, supplies 499.04; VALLEY SHOPPER, publishing 24.15; VISA, gas, supplies, airline ticket & room 605.17. TOTAL: \$45,436.09.

Payroll for the following departments and offices for the month of October 2015 are as follows: COMMISSIONERS 4783.75; AUDITOR 14,183.69; TREASURER 9052.70; STATES ATTORNEY 10,371.50; CUSTODIANS 5794.38; DIR. OF EQUALIZATION 6295.01; REG. OF DEEDS 6547.70; VET. SERV. OFFICER 1329.40; SHERIFF 16,855.06; COMMUNICATION CTR 10,329.12; PUBLIC HEALTH NURSE 2509.61; ICAP 642.60; VISITING NEIGHBOR 3116.65; LIBRARY 11,737.31; 4-H 4378.18; WEED CONTROL 3345.90; PLAN & ZONING 1864.80; ROAD & BRIDGE 51,203.21; EMERGENCY MANAGEMENT 3291.01. TOTAL: \$167,631.58.

Payroll Claims: FIRST BANK & TRUST, Fed WH 16,010.29; FIRST BANK & TRUST, FICA WH & Match 20,304.48; FIRST BANK & TRUST, Medicare WH & Match 4748.74; AMERICAN FAMILY LIFE, AFLAC ins. 1746.76; WELLMARK-BLUE CROSS OF SD, Employee and Commission health ins. 41,545.48; DEARBORN NATIONAL, life ins. 229.86; LEGAL SHIELD, deduction 172.30; OFFICE OF CHILD SUPPORT, deduction 566.00; OPTILEGRA, ins 365.08; ROGENBURG LAW, deduction 163.95; SDSR SUPPLEMENTAL, deduction 150.00; SDRS, retire 18,793.01. TOTAL: \$104,795.95.

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 November 19 (Thursday) and December 1 and 15, 2015 at 8 AM. Motion by Stengel 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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Clayton Tucholke, Chairman, Grant County Comm.