

April 2, 2024

The Grant County Commission met at 8 AM with Commissioners Buttke, Mach, Stengel, Street and Tostenson present. Chairman Tostenson called the meeting to order. Motion by Stengel and seconded by Buttke to approve the March 19, 2024 minutes. Motion carried 5-0. Minutes filed. Motion by Street and seconded by Buttke to approve the agenda. Motion carried 5-0.

Present from the public were Ben Wollschlager, Andrew Pillatzki, Roger McCulloch, Doug Wollschlager, Tony Folk, Dean and Tiffany Wellnitz, William O'Farrell, David Gulck, Alex and Daria Liebe, Ben Rethke, Jim DeVaal and Kris Koch, Jason Weiers and Joshua Humburg with Otter Tail Power. Staff members present were Commissioner Assistant Layher, Drainage Officer Berkner, Hwy Supt Peterson, and States Attorney Schwandt.

Public Comment: Chairman Tostenson called for public comment three times. There were no comments.

Drainage: Chairman Tostenson adjourned the Board of Commissioners and convened the Commission acting as the Drainage Board.

Permit DR2024-02a and DR2024-02b for Adam Pauli for properties located within: S1/2SW1/4 in 36-120-49 (Grant Center Township) and S1/2SE1/4 in 36-120-49 (Grant Center Township).

Chairman Tostenson called for a motion to approve permits DR2024-02a and DR2024-02b for Adam Pauli. Motion was made by Mach and seconded by Stengel to approve Drainage Permits DR2024-02a and DR2024-02b for Adam Pauli.

Drainage Officer Berkner reported that DR2024-02a and DR2024-02b are two adjacent drainage projects located within the S1/2 of Section 36 in Grant Center Township just south of Milbank in the Yellow Bank River Watershed. The permits, if granted, would provide drainage for approximately 100 acres using 1-12" outlet, which could have a maximum flow rate of 550 gpm, or 1.23 cf/s, if installed at .1% grade. Berkner said the project will have no open inlets.

Berkner said in total five downstream landowners had received letters and a public notice ran twice in the paper and his office had not received any questions or comments on the project prior to the meeting. Berkner added the permittee had

also turned in signed statements in support of the drainage project from three of the closest downstream landowners.

According to Berkner, while Pauli was seeking a permit to bore under SD Hwy 15 for his outlet, the SDDOT said they preferred he use a sump and lift pump to discharge water through the existing SD Hwy 15 culvert instead of boring under the road. If permitted the pump would have a discharge rate of 650 gpm or 1.45 c/fs.

In closing, it was Berkner's opinion that the drainage project was supported by questions asked in Section 101, 313 and 317 of the county's drainage ordinance.

Chairman Tostenson opened the public hearing for DR2024-02a and DR2024-02b asking three times for comments in favor or against with no one responding. Tostenson closed the public hearing and called for board discussion.

The topics included acknowledging the State had requested a lift pump be used instead of boring under SD Hwy 15 and even though it was not required the statements from the three downstream landowners supporting DR2024-02a and DR2024-02b were appreciated.

With no more discussion Chairman Tostenson called for the vote to approve DR2024-02a and DR2024-02b. Motion carried 5-0.

Permit DR2024-03 for Ben Wollschlager for property located within: N1/2SE1/4 in 25-119-48 (Vernon West Township).

Chairman Tostenson called for a motion to approve Drainage Permit DR2024-03 for Ben Wollschlager. Motion was made by Buttke and seconded by Stengel to approve Drainage Permit DR2024-03 for Ben Wollschlager.

Drainage Officer Berkner began his report for DR2024-03 stating the permittee is seeking to tile land in the N1/2 of the SE1/4 of Section 25 in Vernon West Township and this is an amendment to DR2023-53, which was permitted last year. Berkner said the amended drainage permit DR2024-03, if granted, would have one open inlet, and drain approximately 35 acres of land. It would discharge on the permittee's property entirely through one 8" outlet and drain straight east through a culvert under 484th Ave.

According to Berkner the original drainage permit, DR2023-53, would have drained approximately the same 35 acres but would have shared multiple outlet mains with five other landowners who were permitted at the same time.

Berkner said the 1-8" outlet of DR2024-03 would have a maximum flow rate capacity of 185 gpm, or .41 cf/s, if it ran full and was installed at .1% grade. He added in total six downstream landowners had received letters, and a public notice ran twice in the paper.

Berkner concluded that upon further review one eligible landowner was omitted from receiving a certified letter. Berkner stated he had information the landowner was aware of the proposed drainage project but asked State's Attorney Schwandt for his opinion if the motion should continue or if it should be tabled until the landowner in question receive his own certified letter.

Schwandt said technically each downstream landowner should receive a certified letter and the motion should be tabled for a minimum of 14 days so the required letters could be sent out again. A motion was made by Mach and seconded by Street to table the motion for Drainage Permit DR2024-03 until the April 16th meeting and instructed Berkner to send out the required letters again. Chairman Tostenson called for the vote. Motion carried 5-0.

Permit DR2024-06 for Roger McCulloch for property located within: N1/2NW1/4 in 5-120-48 (Alban West Township).

Chairman Tostenson called for a motion to approve DR2024-06 for Roger McCulloch. Motion by Stengel and seconded by Buttke to approve Drainage Permit DR2024-06 for Roger McCulloch.

Berkner reported the drainage project DR2024-06 is for tiling approximately 30 acres of land within the NW1/4 of Section 5 in Alban West Township within the Whetstone River Watershed. The drainage project would have 2-8" outlets and the maximum combined flow could be as much as 370 gpm or .82 cf/s, if installed at .1% grade. It was Berkner's opinion that the project was supported by questions asked in Section 101, 313 and 317 of the county's drainage ordinance.

Chairman Tostenson opened the public hearing for DR2024-06 asking McCulloch and the tiling contractor, Ben Rethke, if they had anything to add to the report. Both responded they would be available for questions.

Chairman Tostenson asked three times for comments in favor or against the drainage permit. No one responded. Chairman Tostenson closed the public hearing and called for board discussion.

Commissioner Stengel stated it was a straightforward project where only traditionally wet areas were receiving some pattern tiling. After a brief discussion Chairman Tostenson called for the vote for Drainage Permit DR2024-06. Motion carried 5-0.

Permit DR2024-07 for Roger McCulloch for property located in the NE1/4 20-121-47 (Melrose Township).

Chairman Tostenson called for a motion to approve DR2024-07 for Roger McCulloch. Motion by Street and seconded by Buttke to approve Drainage Permit DR2024-07 for Roger McCulloch.

Berkner reported the drainage project for DR2024-07 is for tiling approximately 8 acres of land in the NE1/4 of Section 20 in Melrose Township within the Whetstone River Watershed. The drainage project would have a single 8" outlet and its maximum flow could be as much as 185 gpm or .41 cf/s, if installed at .1% grade. It was Berkner's opinion that the project was supported by questions asked in Section 101, 313 and 317 of the county's drainage ordinance.

Chairman Tostenson opened the public hearing for DR2024-07 asking McCulloch and tiling contractor Rethke if they had anything to add. Both responded that they would be available to answer questions.

Chairman Tostenson asked three times for comments in favor or against the drainage permit. No one responded. Tostenson closed the public hearing inviting discussion between the board.

During the discussion Stengel again commented that the permittee was only seeking to tile a very small area that traditionally had trouble draining. With no more discussion Chairman Tostenson called for the vote. Motion carried 5-0.

This concluded the business for the Drainage Board. Chairman Tostenson adjourned the Drainage Board and reconvened the Board of Commissioners.

Otter Tail Power: Joshua Humburg, Jason Weiers and Kris Koch with Otter Tail Power presented an update on the Big Stone South to Alexandria (BSSA) 345-kV Transmission Line and the Milbank Area Reliability Project (MARP).

HWY: Advertise for Bids: Motion by Stengel and seconded by Buttke to advertise for box culvert project 26-320-101, pending the SDDOT bid letting authorization. Chairman Tostenson called for the vote. Motion carried 5-0. **SDDOT Funding:** Motion by Street and seconded by Stengel to approve the signing of the SDDOT BIG grant funding agreement for box culvert project 26-320-101. Chairman Tostenson called for the vote. Motion carried 5-0. **Banner Asphalt Contract:** Motion by Mach and seconded by Stengel to approve the contract with Banner for the asphalt pavement inventory for phase 4 at a cost of \$28,900. Chairman Tostenson called for the vote. Motion carried 5-0. **Banner Bridge Inspections:** Motion by Street and seconded by Buttke to approve Banner for the bi-annual bridge inspections to be completed this year. Chairman Tostenson called for the vote. Motion carried 5-0. **ROW Permit:** Motion by Mach and seconded by Stengel to approve the Otter Tail Power ROW permit ROW 2024-02, # OTP24-X3. Chairman Tostenson called for the vote. Motion carried 5-0.

Highway Annual Bid Letting: Supt Peterson presented the bids for consideration from the annual highway bid letting. They were received and opened on March 28, 2024, at 1 PM as per the bid notice. The Commission awarded the following bids.

1. Precast Concrete Pipes, Box Culverts and Bridge Deck Units

Rinker was the only bidder. Rates on file

Motion by Buttke and seconded by Mach to accept the bid from Rinker. Motion carried 5-0.

2. Pea Gravel for Chip Sealing:

Duininck: \$16.50 per ton

LG Everist: \$12.05 per ton

Northern Con Ag: \$7.05 per ton

Motion by Stengel and seconded by Buttke to accept bids from both LG Everist and Northern Con Ag: Motion carried 5-0.

3. Class 5 Gravel:

Duininck: \$16.75 per ton

Flat Rate: \$7.00 per ton

GCC: \$7.75 per ton

LG Everist: \$6.00 per ton

Motion by Street and seconded by Stengel to accept bids from both Flat Rate and GCC. Motion carried 5-0.

4. Pit Gravel: GCC was the only bidder at \$5.15 per ton. Motion by Stengel and seconded by Buttke to accept the pit gravel bid of GCC. Motion carried 5-0.

5. Sand for winter salt/sand mix (per ton):

Duininck: \$17.00 per ton

GCC: \$10.85 per ton

LG Everist: \$11.35 per ton

Motion by Street and seconded by Buttke to accept the sand bids from GCC. Motion carried 5-0.

6. Paver Laid Asphalt for 11 miles:

Bituminous: \$71.00 per ton

Duininck: \$74.00 per ton plus \$80,000 for mobilization

Motion by Stengel and seconded by Buttke to accept the Bituminous bid of \$71.00 per ton for paver laid asphalt. Motion carried 5-0.

7. Asphalt Patching 100 ft to 1,000 ft. Price per ton: Bituminous bid for short patches 100' to 1,000' in length at \$115.00 per ton was the only bid. Motion by Street and seconded by Mach to accept the Bituminous bid. Motion carried 5-0.

8. Asphalt Patching Extra Dig Out Areas (Price per ton): Bituminous was the only bidder at \$165 per ton. Motion by Stengel and seconded by Mach to accept the Bituminous bid. Motion carried 5-0.

9. Asphalt FOB. Price per ton:

Bituminous: \$85.00 per ton

Duininck: Hot Mix \$83.00 per ton w/Rap 58.28

Duininck: Cold Mix \$180.00 per ton

Motion by Stengel and seconded by Buttke to accept the Bituminous bid of \$85.00 per ton. Motion carried 5-0.

10. Chip & Fog Sealing 5-10 miles (county supplies chips):

TopKote Inc.: using MC3000 Oil \$30,438.14 per mile at 24' roads

TopKote Inc.:	using CRS2P	\$27,647.37 per mile
Bituminous:	using MC3000 Oil	\$32,276 per mile at 25' roads
Bituminous:	using AE150S	\$26,849.14 per mile

Motion by Street and seconded by Buttke to accept the Bituminous for chip and fog sealing because of our experience with them. Motion carried 5-0.

11. Crane Work, pile driving:

Century	Rates on file
Holloway	Rates on file

Bids were received from Century and Holloway. Motion by Stengel and seconded by Mach to accept both bids depending on the location of our project. Motion carried 5-0.

Zoning Ordinance: The second reading of Ordinance 2024-02 was held. Chairman Tostenson stated the motion to approve is on the floor and seconded. Tostenson opened the board discussion. After further discussion Chairman Tostenson called for the vote to amend the official zoning map to classify Lots 1, 2, 3, 4, and 5 of Liebe’s 1st Addition in the NW1/4 in 12-120-49 (Grant Center Township) to Commercial/Industrial from Agricultural. Buttke: Aye; Street: Aye; Mach: Aye; Stengel: Aye; Tostenson: Aye. Motion carried 5-0. Ordinance 2024-02 adopted. The ordinance is on file in the auditor’s office.

ORDINANCE NO. 2024-02

AN ORDINANCE ENTITLED, AN ORDINANCE TO AMEND ARTICLE III ESTABLISHMENT OF DISTRICTS ADOPTED BY ORDINANCE 2004-01 AS AMENDED OF THE ZONING ORDINANCE OF GRANT COUNTY.

DOE: Kathy Steinlicht met with the Board as part of her annual review of her office as per SDCL 10-3-14. Steinlicht reported she is in the process of preparing for the equalization meeting next week. She updated the Board on the Valley Queen expansion project, and that an independent appraiser will be here in September.

Sheriff: New Hire: Sheriff Owen asked for approval to hire Steve Griffee as a Deputy Sheriff. Motion by Mach and seconded by Buttke to approve hiring Steve Griffee as a Deputy Sheriff at \$26.90 per hour with a hire date of 4-15-2024. Motion carried 5-0. **Vehicle:** Sheriff Owen found a Dodge Ram special service vehicle with a police package at Billion Automotive to be ordered for \$42,449,

which is the state bid price. A vehicle purchase is in the 2024 budget. Public Jail Meetings: The Commission discussed the upcoming jail town hall meetings and who will be in attendance.

Commissioner Buttke left the meeting at 10:30 AM.

Travel: None

County Assistance: None

Hasslen Construction: Commissioner Assistant Layher stated Hasslen Construction was the only contractor that submitted a request for proposal for the elevator project. If approved by the Commission, Hasslen Construction will now be able to prepare the bid documents. Motion by Stengel and seconded by Mach to approve Hasslen Construction as the General Contractor for the courthouse elevator project. Chairman Tostenson called for the vote. Motion carried 4-0.

Storm Shelter: Commissioner Assistant Layher received an estimate from Milbank House Movers to move the storm shelter for \$100,000 to \$120,000. Layher also spoke with Civil Design who built it. Civil Design advised Layher that the storm shelter was built to withstand 250 mph winds during a tornado. If it is cut off at the base it will no longer meet FEMA standards for a tornado shelter. If moved, it could only be used as a restroom or bathhouse. Layher stated the Milbank Fire Department will hose the interior down and then the county will have a cleaner sanitize it. Motion by Stengel and seconded by Mach to remove and turn off all the utilities and change the lights in the storm shelter if all other options are exhausted after reaching out to potential buyers. Chairman Tostenson called for the vote. Motion carried 4-0.

Annual Report: The 2023 annual report was presented to the Commission by Auditor Folk. The revenue and expense categories were explained. January 1, 2023, beginning net position for all funds was \$6,738,688.61 and the December 31, 2023, net position balance for all funds was \$8,194,268.72 indicating an increase of assets of \$1,455,580.11. Motion by Mach and seconded by Street to accept the annual report as presented. Motion carried 4-0. The annual report is on file in the Auditor's Office.

Executive Session: None

Commissioner Buttke returned to the meeting at 11:25 AM.

Unfinished Business: Commissioner Assistant Layher reported the county received a \$10,000 grant for security doors for the courtroom. They are being installed this week. Chairman Tostenson gave an update on the GCDC interviewing process of a new director. Tostenson also asked if the board was interested in Summit Carbon Solutions coming to meet with them again. Layher shared a revised drawing of the basement remodel project from Rice Stromgren Architects. Commissioner Mach updated the Board on the items that were discussed at the Lake Region Area officials meeting last week in Roberts County.

New Business: Commissioner Stengel attended the ICAP meeting and said a new cook was hired to prepare the frozen meals for the 60+ program.

Correspondence: None

Claims: Motion by Mach and seconded by Street to approve the claims with the addition of the City of Milbank water bill of \$531.78. Motion carried 5-0. AL'S BODY SHOP, repair & maint 290.00; ANN TUCHSCHERER, prof services 1,000.00; AUSTIN, STRAIT, BENSON, THOLE, court appt atty 646.30; AUTOVALUE, supplies 20.27; AVERA QUEEN OF PEACE, health services 87.00; BUTLER, parts 624.16; CENTER POINT, books 664.23; CITY OF MILBANK, water & sewer 581.98; COLLEEN NATALIE, prof services 1,000.00; CRAIG DEBOER, car wash card 97.65; DAKOTA FLUID POWER, supplies 2,001.30; DELANEY, NIELSEN & SANNES, court appt atty 1,461.16; DELORIS RUFER, lib rent 100.00; EASTSIDE EQUIPMENT, parts 128.55; FIRST BANK & TRUST/VISA, parts, supplies, minor equip 11,373.54; FOOD-N-FUEL, inmate meals 924.00; GRAHEK ENTERPRISES, supplies 75.00; GRAJCZYK LAW OFFICE, court appt atty 3,550.00; GRANT CO EC & DEV BOARD, allocation 9,000.00; HUGO DE JESUS RODRIGUEZ JUAREZ, prof services 60.00; INSIGHT, supplies 750.00; JD POWER, ref books 156.00; JHOSELIM P SERRANO SAAVEDRA, prof services 200.00; KRISTIN WOODALL, prof services 117.60; LARRY'S REFRIGERATION, repair & maint 3,983.52; MCLEOD'S, supplies 749.09; MIDCO, lib internet 108.92; MUNDWILER FUNERAL HOME, prof services 3,830.00; NATIONAL SHERIFFS ASSOC, dues 125.00; NORTHWESTERN ENERGY, natural gas 1,340.34; PENNINGTON CO JAIL, prof services 180.81; QUICK PRO LUBE, repair & maint 261.46; RELX, online charges 725.00; RIVER STREET PETROLEUM, diesel & ethanol 7,389.28; ROBERTS CO SHERIFF, inmate housing 3,894.70; ROGGE EXCAVATING, gravel 227,000.00; SD POLICE CHIEF'S ASSOC, registration 115.00; ST WILLIAMS CARE CENTER, inmate laundry 201.00; STAR LAUNDRY, rentals 105.53; VALLEY RENTAL & RECYCLING, allocation

650.00; WEST CENTRAL COMMUNICATION, repair & maint 202.50; XEROX, copier rent 129.38. TOTAL: \$285,900.27.

Payroll for the following departments and offices for the March 28, 2024, payroll are as follows: COMMISSIONERS 7,861.04; AUDITOR 8,514.06; ELECTION 555.00; TREASURER 6,177.24; STATES ATTORNEY 7,571.14; CUSTODIANS 3,661.63; DIR. OF EQUALIZATION 4,674.03; REG. OF DEEDS 5,013.93; VET. SERV. OFFICER 1,359.60; SHERIFF 15,195.69; COMMUNICATION CTR 9,713.47; PUBLIC HEALTH NURSE 1,382.40; ICAP 30.50; VISITING NEIGHBOR 2,326.65; LIBRARY 9,664.23; 4-H 4,323.96; WEED CONTROL 2,421.00; P&Z 1,559.40; DRAINAGE 406.80; ROAD & BRIDGE 35,524.06; EMERGENCY MANAGEMENT 2,603.25. TOTAL: \$130,539.08.

Payroll Claims: FIRST BANK & TRUST, Fed WH 9,149.83; FIRST BANK & TRUST, FICA WH & Match 15,568.78; FIRST BANK & TRUST, Medicare WH & Match 3,641.16; ACCOUNTS MANAGEMENT, deduction 80.76; AMERICAN FAMILY LIFE, AFLAC ins. 1,504.08; ARGUS DENTAL, ins. 582.87; WELLMARK-BLUE CROSS OF SD, Employee and Commission health ins. 52,426.42; COLONIAL LIFE, ins. 37.98; DEARBORN NATIONAL, life ins. 281.64; LEGAL SHIELD, deduction 38.85; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 2,085.00; OPTILEGRA, ins. 455.97; SDRS SUPPLEMENTAL, deduction 1,358.33; SDRS, retire 14,357.82. TOTAL: \$101,569.49.

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

1. Approve step increase for Jamie Highsmith to 6-month rate of \$19.35 per hour effective 3-17-2024
2. Approve hiring of Danica Maus as deputy auditor effective 3-25-2024 at \$21.30 per hour
3. Approve hiring of Lori Marvel as a part time deputy auditor effective 3-25-2024 at \$21.30 per hour

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 April 9 (Equalization) and 16, and May 7 and 21, 2024 at 8 AM in the basement meeting room. Motion by Stengel and seconded by Buttke to adjourn the meeting. Motion carried 5-0. Meeting adjourned.

Kathy Folk, Grant County Auditor

William Tostenson, Chairman, Grant County Commissioners