

August 3, 2021

The Grant County Commission met at 8 AM with Commissioners Buttke, Mach, Stengel, Street and Tostenson present. Chairman Tostenson called the meeting to order with a quorum present and asked for a motion to approve the minutes. Motion by Street and seconded by Buttke to approve the minutes of the July 16 meeting. Motion carried 5-0. Minutes filed. Motion by Stengel and seconded by Mach to approve the agenda with the 8:30 appointment on the Golf Course moved to 8 AM. Motion carried 5-0.

Members of the public present were Jerry Zubke, Grant Street, Spencer Street, Blake Sime, Steve Street, Tom Schuneman, Kevin Kouba, Robert Johnson, Jim DeVaal and Bill Steinlicht.

Golf Course: Tom Schuneman addressed the Commission on a financial request to support the Whetstone Creek Golf Course. He provided information on the course being a public course, the governing board, budget, improvements completed and yet to be done, equipment purchased, and future equipment needs. Kevin Kouba spoke on the course being an economic tool for the County and youth, the improvements that have been done to make the course a “great” 18-hole course. He asked the Commission to consider the financial request.

Public Comment: The Chairman called for public comment. No member of the public present offered any comment.

Drainage: Chairman Tostenson adjourned the Board of Commissioners and convened the Commission acting as the Drainage Board. A Drainage Permit Approval Form was provided to the board members to be used as a checklist for what is to be considered in Sections 101, 313, 317 and 318 of the drainage ordinance when a permit is brought forth for consideration. This is an administrative form. Chairman Tostenson asked if the board had any comments on the results of the special referendum election. Commissioner Street commented that the vote indicated the people affected by drainage really support how it has been done. Chairman Tostenson spoke on having less interference from government if the approval of the permit had been removed.

Permit DR2021-18 for Robert Johnson in the W1/2SE1/4 & NE1/4SE1/4 of Section 35, Township 120, Range 49 (Grant Center Township). The request, if

granted, would control erosion. Drainage Officer Steve Berkner reported he had received the required information from the applicant. Motion by Street and seconded by Mach to approve the permit. Commissioner Street reported the tile area is 15 to 20 acres and outlets downstream into the North Yellow Bank. The applicant stated the project is to enhance the drainage of an existed draw. Jerry Zubke asked to address the Board on Section 101 of the Ordinance under SDCL 46A-10A-20 on the basic principle that any rural land which drains onto other rural land has a right to continue drainage. Chairman Tostenson begin the permit hearing by reading the questions on the drainage permit form with each board member completing their form. Discussion was held on the timing of the flow, the direction of the flow onto downstream landowners and enhancing the drainage of an existing run. Question called. Motion carried 5-0.

Permit DR2021-19 for Grant Street in the SW1/4 of Section 9 Township 118, Range 47 and in the SE1/4 of Section 8, Township 118, Range 47 and in the SE1/4 of Section 9, Township 118, Range 47 (Adams East Twp). The request, if granted, would control erosion. Commissioner Street recused himself from the discussion. Drainage Officer Steve Berkner reported he had received the required information from the applicant. Motion by Mach and seconded by Buttke to approve permit DR2021-19. Chairman Tostenson again referred to the questions on the permit approval form. The adjacent landowner's signature has been obtained. The tile will cross a township and a county road and approval from the township and County Hwy Supt has been obtained. Discussion on tile size, staying within the watershed and timing flow. Question called. Motion carried 4-0 with Street abstaining.

Permit DR2021-20 for Blake Sime, applicant, in the N1/2 N of RTY in 23-118-48 and the N1/2 of 24-118-48 and for the SW1/4 EX 1 A in 14-118-48 and the SE1/4 Ex Road & Ex Lot 4 Stuart and Lucille Sime Addition in 14-118-48 (Adams West Twp). The request, if granted, would control erosion. Drainage Officer Steve Berkner reported he had received the required information from the applicant. Motion by Street and seconded by Stengel to approve the permit DR2021-20. The applicant stated he has obtained the signature from the adjacent landowner and from the township supervisors for crossing the road. There are two outlets on the applicant's land and one outlet on the adjacent landowner's property. Chairman Tostenson had the Commission use the drainage permit form for questions of the applicant. Question called. Motion carried 5-0.

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

4-H Building: Rudy Nef addressed the Commission and urged the Commission to move forward with the building project as programs for youth are building the future. The Commission reviewed the bid and the two alternate bids from WS Construction Management from Sioux Falls, as the General Contractor, for the building of the 4-H static building. Motion by Mach and seconded by Street to accept the bid of \$1,689,458.86 submitted by WS Construction and to accept Bid Alternate #1 Foam Insulation for \$17,351.14 and Alternate Bid #2 Additional Exterior Concrete for \$24,682.90. Motion carried 5-0.

Highway: Motion by Stengel and seconded by Buttko to approve hiring of Nathan Stecker effective August 16th at \$19.30 per hour. Motion carried 5-0. **ROW:** Supt Schultz presented a right-of-way occupancy application for Mill Valley Dairy for crossing county road on 151st St in 23-120-49 in Grant Center Twp. The pipe would be bored under the road. Motion by Street and seconded by Buttko to approve ROW 2021-52 for Mill Valley Dairy by Gerhard ter Denge as presented. Motion carried 5-0. **Bridge:** Motion by Stengel and seconded by Buttko to approve calling for bids on August 25th at 10 AM for the box culvert project, bridge #26-320-053 with the bid documents available through the Banner Associates website. Motion carried 5-0. **5 Year Hwy Plan:** Motion by Stengel and seconded by Mach to amend the 2021 five-year Highway Plan to included bridge 26-310-177 for a preliminary engineering study. Motion carried 5-0. Resolution adopted.

2021-24

BRIDGE IMPROVEMENT GRANT PROGRAM
RESOLUTION AUTHORIZING 5 YEAR COUNTY PLAN AMENDMENTS

WHEREAS, Grant County wishes to amend their previously approved 5 year County Plan for the Bridge Improvement Grant Program:

ADDITION OF STRUCTURE NUMBER(S) AND LOCATION(S):

26-310-177 located over unnamed tributary #3-2 to S. Fork Yellow Bank River on County Road 31 (480th Ave), 0.3 miles North of 160th St.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is requested to accept the Amended 5 Year County Highway and Bridge Improvement Plan, previously approved on 11-30-2020.

Vote of Commissioners: Yes: 5 No: 0

Dated at Milbank, SD, this 3rd day of August, 2021.

ATTEST:

Karen M. Layher
County Auditor

William J. Tostenson
Chairman

Truck: Motion by Stengel and seconded by Buttke to approve the purchase of a 2005 Sterling LT9500 truck with box, blade, wing and sander for \$32,000 from the SD DOT surplus sale. Motion carried 5-0. **Report:** Supt Schultz reviewed the report he had prepared on culvert and bridge replacement and constructed since 1998.

P&Z: Steve Berkner reported the 4-H Shooting Sports will be starting a small caliber shooting program at the Trap Shooting Range, but the zoning ordinance does not give clear guidance on the process for shooting ranges. Motion by Mach and seconded by Stengel to request the P & Z board to review the ordinance and propose a revision for consideration on shooting ranges. Motion carried 5-0.

Sheriff: Kevin Owen requested approval for travel expenses for Deputy Steffensen and himself to attend the conference on Building a Crisis Response in our Communities (mental illness) in Oacoma. Motion carried 5-0. Sheriff Owen reported he had signed up for a pilot program offered by the State on mental illness evaluations. The program would allow him to connect with a doctor who will evaluate the person to determine what course of action should be taken for the individual. He will update the Commission after he has been certified on the training. **Console:** Midwest Communications from Willmar is scheduled to replace the radio console on Wednesday. **Dispatch:** Sheriff Owen reported he has discussed with personnel at the Watertown dispatch the possibility of fielding local traffic calls. He will provide more information at a future meeting.

Travel: Motion by Stengel and seconded by Street to approve travel expenses for States Attorney Schwandt to attend the conference on Building a Crisis Response in our Communities (mental illness) in Oacoma. Motion carried 5-0.

County Assistance: Motion by Mach and seconded Buttke to deny case PR2021-01. Motion carried 5-0.

2022 Provisional Budget: The Commission reviewed the proposed adjustments for the 2022 Provisional Budget which are on file in the Auditor's Office. Total expense for the General Fund is \$6,789,407 and for the Highway Fund \$4,383,269. Motion by Mach and seconded by Buttke to approve the provisional budget for publication and the following resolution for the public hearing on the 2022 budget. Motion carried 5-0. Resolution adopted.

2021-23
Resolution
ADOPTION OF PROVISIONAL BUDGET FOR
GRANT COUNTY, SOUTH DAKOTA

NOTICE IS HEREBY GIVEN: That the Board of County Commissioners of Grant County, will meet in the Courthouse at Milbank, South Dakota on Tuesday, September 7, 2021, at 9:00 AM for the purpose of considering the foregoing Provisional Budget for the year 2022 and the various items, schedules, amounts and appropriations set forth therein and as many days thereafter as is deemed necessary until the final adoption of the budget on the 21st day of September, 2021. At such time any interested person may appear either in person or by a representative and will be given an opportunity for a full and complete discussion of all purposes, objectives, items, schedules, appropriations, estimates, amounts and matter set forth and contained in the Provisional Budget.

Karen M. Layher
Grant County Auditor
Milbank, South Dakota

Liquor License: Motion by Street and seconded by Buttke to adopt the following resolution to establish the number of package off-sale liquor licenses available based on county population. Motion carried 5-0. Resolution adopted.

RESOLUTION 2021-25

AN ALCOHOLIC BEVERAGE LICENSE FOR PACKAGE OFF-SALE LIQUOR

WHEREAS, the Legislature of the State of South Dakota has provided for the approval of package off-sale liquor by the boards of county commissioners of the counties of said State pursuant to SDCL Title 35 as amended; and

WHEREAS SDCL 35-4-11.1 as amended provides that the board of county commissioners shall on or before the second of September in each year determine by ordinance or continuing resolution the number of package off-sale liquor licenses (other than malt beverage) it will approve for the ensuing calendar year and the fees to be charged for the various classifications of licenses; and

WHEREAS, the Grant County Board of County Commissioners has set the number of package off-sale liquor licenses at four and the fee for such license at \$1,200.00 per year; and

WHEREAS, Grant County currently qualifies for zero package off-sale liquor licenses, making four licenses available for issuance July 1, 2021; and

WHEREAS, the Grant County Board of Commissioners wishes to make the license available to the public on a first-come, first-serve basis.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Grant County Commission makes the following rules applicable to the issuance of new package off-sale liquor licenses:

1. Applicants may apply for the package off-sale liquor license beginning upon passage of 2021 Senate Bill 152
2. Such application packet shall include the following:
 - A. **Uniform Alcoholic Beverage Application.** This must be completed fully and according to its instructions and bear the necessary original signatures.
 - B. **License Purchase Fee.** License purchase fee in the amount of \$1,200.00 shall be presented at time of application.
3. In the event the first-come, first-served applicant is not able to meet the licensing standards set out by SDCL Ch. 35-2, the applicant who next submits a fully and accurately completed application shall be next considered.

Dated this 3rd day of August, 2021.

William J. Tostenson, Chairman
Grant County Commission

ATTEST:

Karen M. Layher
Grant County Auditor

Cell Phone: Motion by Street and seconded by Stengel to change the cell phone stipend to staff members as approved by the County Auditor. Motion carried 5-0.

Canvass for Special Election: The Board canvassed the results of the Special Referendum Election. The results are as follows. Motion by Buttke and seconded by Street to approve the canvass of the referendum election. Motion carried 5-0.

Milbank 1-1 and 1-2
Poll Book Count 29
Ballots Counted 29

Milbank 2-1 and 2-2
Poll Book Count 38
Ballots Counted 38

Milbank 3-1, 3-2, 3-3
Poll Book Count 66
Ballots Counted 66

41 Adams-Albee-Reville-Vernon
Poll Book Count 106
Ballots Counted 106

43 Big Stone City & Twp &
42Alban Twp
Poll Book Count 104
Ballots Counted 104

44 Blooming Valley-Farmington-Lura
49 Mazeppa-Osceola-Marvin
Poll Book Count 22
Ballots Counted 22

45 Georgia-LaBolt-Madison
Poll Book Count 55
Ballots Counted 55

46 Grant Center & 47 Melrose
Poll Book Count 86
Ballots Counted 85

52 Stockholm Town & Twp
53 Troy Twp and Stranburg
Poll Book Count 17
Ballots Counted 17

54 Twin Brooks Town & Twp-Kilborn
Poll Book Count 44
Ballots Counted 44
1 Provisional Ballot

Provisional Ballots: 1 not counted – not registered; Percentage of Voter Turnout: 11.75%; Total voters: 567. Motion by Stengel and seconded by Mach to certify the canvass of votes as correct and to sign the canvass certificate for the Special Referendum Election. Motion carried 5-0.

Unfinished Business: Motion by Stengel and seconded by Buttke to declare surplus the 4-H static building and to sell by sealed bids with the bid opening on August 17th at 9 AM. Motion carried 5-0.

New Business: none

Correspondence: none

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

1. Approve extension agreement for maintenance and support agreement for the Livescan fingerprint system in the amount of \$2,466.00 for the contract period of 9-30-21 to 9-29-22
2. Approve step increase for PT Librarian Janelle Kelly to Step 5 at \$15.60 effective 7-14-21

Executive Session: Motion by Buttke and seconded by Stengel to enter executive session at 12:10 PM for the purpose of a personnel issue pursuant to SDCL 1-25-2 (1). Motion carried 5-0. Auditor Layher and States Attorney Schwandt were present. Chairman Tostenson declared the meeting open to the public at 12:16 PM. No action was taken because of the executive session.

Claims: Motion by Stengel and seconded by Street to approve the claims as presented. Motion carried 5-0. BANNER ASSOCIATES, hwy proj 1,648.00; BIG STONE CITY, election rental 25.00; BRODART, supplies 57.41; CHS, diesel fuel 3,499.32; CITY OF MILBANK, water & sewer 712.64; COLEPAPERS, supplies 239.09; CONSOLIDATED READY MIX, gravel 4,946.40; CORRIE QUALE, repair & maint 267.50; DELORIS RUFER, lib rent 100.00; DUANE ATHEY, prof services 175.00; DURICK FIRE EXTINGUISHER, repair & maint 38.00; FIRST DISTRICT, prof services 9,340.66; FOOD-N-FUEL, prisoner meals 141.75; GRAJCZYK LAW OFFICE, prof services 300.00; GRANT/ROBERTS AMBULANCE, allocation 2,458.33; INSIGHT PUBLIC SECTOR, supplies 1,573.50; JASON LIEBE, prof services 875.00; KRISTIN WOODALL, prof services 132.60; LABOLT DEVELOPMENT, election rental 25.00; MANUEL CARDENAS, repair & maint 478.05; TOWN OF MARVIN, election rental 25.00; MCLEOD'S, supplies 1,466.81; MICROMARKETING, audio/visuals 104.78; MIDCO, lib internet 85.00; MILBANK AREA CHAMBER, supplies 50.00; MILBANK AREA HOSPITAL AVERA, blabs 119.00; MILBANK AUTO PARTS, supplies 998.71; NORTHWESTERN ENERGY, natural gas 112.50; OFFICE PEEPS, supplies 126.44; QUICK PRO LUBE, oil chg 33.02; RIVER STREET PETROLEUM, ethanol & diesel fuel 7,295.47; RYAN MAGEDANZ, prof services 1,233.45; SCOTT BRATLAND, court appt atty 4,088.98; SD DEPT OF HEALTH, blabs 40.00; SD DEPT OF PUBLIC SAFETY, teletype 2,340.00; SD DEPT TRANSPORTATION, hwy proj 708.49; STAR LAUNDRY, prof services 86.36; STERN OIL, supplies 5,840.25; STOCKHOLM COMMUNITY CTR, election rental 25.00; MITCHELL HAMPTON INN, hotel 122.50; TRUENORTH STEEL, culverts 38,600.51; TOWN OF TWIN BROOKS, election rental 25.00; TWIN VALLEY TIRE, tires 7,049.00; VALLEY RENTAL & RECYCLING, allocation 650.00; VALLEY SHOPPER, supplies 369.00; VAN DIEST SUPPLY, weed control 6,336.00; WEST CENTRAL COMMUNICATION, prof services 392.00; WHETSTONE VALLEY ELECTRIC, election rental 25.00; TOTAL: \$105,381.52.

Payroll for the following departments and offices for the July 28, 2021 payroll are as follows: COMMISSIONERS 3,223.90; AUDITOR 7,670.50; ELECTION 318.61; TREASURER 3,817.58; STATES ATTORNEY 6,051.42; CUSTODIANS 3,074.05; DIR. OF EQUALIZATION 3,974.56; REG. OF DEEDS 4,274.08; VET. SERV. OFFICER 1,171.50; SHERIFF 12,867.77; COMMUNICATION CTR 6,656.60; PUBLIC HEALTH NURSE 886.88; ICAP 132.83; VISITING NEIGHBOR 1,887.55; LIBRARY 7,926.86; 4-H 3,744.80; WEED CONTROL

2,255.08; P & Z 1,501.00; Drainage 171.00; ROAD & BRIDGE 31,792.32; EMERGENCY MANAGEMENT 2,483.00. TOTAL: \$105,881.89.

Payroll Claims: FIRST BANK & TRUST, Fed WH 8,228.77; FIRST BANK & TRUST, FICA WH & Match 12,972.04; FIRST BANK & TRUST, Medicare WH & Match 3,033.70; AAA COLLECTIONS, deduction 33.42; ACCOUNTS MANAGEMENT, deduction 96.43; AMERICAN FAMILY LIFE, AFLAC ins. 1,468.71; WELLMARK-BLUE CROSS OF SD, Employee and Commission health ins. 46,299.06; COLONIAL LIFE, ins 37.98; DEARBORN NATIONAL, life ins. 272.04; LEGAL SHIELD, deduction 76.70; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 210.00; OPTILEGRA, ins 423.10; SDRS SUPPLEMENTAL, deduction 1,195.83; SDRS, retire 11,866.50. TOTAL: \$86,214.28.

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 August 17 and September 7 and 21, 2021, at 8 AM. Motion by Stengel and seconded by Mach to adjourn the meeting. Motion carried 5-0. Meeting adjourned.

Karen M. Layher, Grant County Auditor

William J. Tostenson, Chairman, Grant County Commission