

August 6, 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 Buttke and seconded by Stengel to approve the July 16 and 25, 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 Raymond Beutler, Jacob Beutler, Roger Engebretson, Ben Wollschlager, Glen Kropuenske, Paul Anderson, Joe Kanthak, Joseph Kanthak, Jon Bork, Lonny Heller, Justin Sime, Brenda Sime, Bob Wollschlager, Francis Brandenburger, Tracy Stein and Dan Johnson. Staff members present were Commissioner Assistant Layher, States Attorney Schwandt and Drainage Officer Berkner.

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

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

Permit DR2024-39a and DR2024-39b for Jon Bork for properties located within the SE1/2 of Section 19 in Adams East Township.

Chairman Tostenson called for a motion to approve drainage permits DR2024-39a and DR2024-39b for Jon Bork. Motion by Mach and seconded by Stengel to approve permits DR2024-39a and DR2024-39b.

Drainage Officer Berkner reported the application is for tiling 145 acres of land located within the SE1/2 of Section 19 in Adams East Township within the Lac Qui Parle River Watershed. The project would have one inlet near culverts that flow under 484th Avenue and one 15" outlet that would drain north and then east. It is estimated to have a normal maximum water flow capacity of 1.57 cubic feet per second (cfs) or 720 gallons per minute (gpm) if installed at a .1% grade.

Berkner said two downstream landowners had expressed concerns about the additional quantity of water to be drained. Berkner explained the water being drained from the 145 acres would flow north and then east. Normally

approximately half of that surface water, especially the proposed open inlet water from the culvert under 484th Avenue would flow south under SD Hwy 20 and then east. Berkner added that both normal drainage paths are within the same watershed which is required by the county's drainage ordinance.

Berkner ended his report saying it is his opinion that the project conforms to questions asked in the county's drainage ordinance and that one signature was still needed from the neighboring landowner to the north that would have the one 15" outlet.

Chairman Tostenson asked Bork for any additional comments. Bork said the report is accurate and the reason for directing all of the water into one outlet flowing north is that it is a complicated process dealing with the State of South Dakota to bore under SD Hwy 20. Tostenson then opened the public hearing for DR2024-39a and DR2024-39b asking three separate times for comments in favor or against the project. No one responded. Tostenson closed the public hearing and called for board discussion.

After a lengthy discussion concerning the possible impact of all the water draining north, it was motioned by Street and seconded by Mach to table the request for 30 days so Bork would have a chance to get the needed missing signature as well as to try and work out a solution that is acceptable to the downstream neighbors. Chairman Tostenson called for the vote. Motion carried 5-0.

Permit DR2024-40 for William Schuneman for property located within the SW1/4 of Section 8 in Alban West Township.

Chairman Tostenson called for a motion to approve drainage permit DR2024-40 for William Schuneman. Motion by Mach and seconded by Street to approve permit DR2024-40.

Berkner said the permit is for tiling 5 acres of land located within the SW1/4 of Section 8 in Alban West Township within the North Branch of the Yellow Bank River Watershed. The drainage project would tie into previously permitted drainage project DR2011-32 which had two existing outlets, one 12" and one 15". The estimated maximum flow could be .079 cfs or 75 gpm if installed at a .1% grade. It is Berkner's opinion that the drainage project conforms to questions asked in the county's drainage ordinance.

Schuneman was unavailable for comment.

Chairman Tostenson opened the public hearing for DR2024-40 asking three separate times for any comment in favor or against the permit. No one responded.

After a brief drainage board discussion, Chairman Tostenson called for the vote. Motion carried 5-0.

Permit DR2024-38 for Paul Anderson for property located within the NE1/4 of Section 20 in Vernon West Township.

Chairman Tostenson called for a motion to approve drainage permit DR2024-38 for Paul Anderson. Motion by Buttke and seconded by Street to approve permit DR2024-38.

Berkner reported DR2024-38 is for tiling approximately 100 acres of land located within the NE1/4 of Section 20 in Vernon West Township within the North Branch of the Yellow Bank River Watershed. Berkner said the drainage project would have two separate outletting mains, one 8" and one would tie into an existing 15" outlet from DR2012-39. Berkner estimated the additional combined amount of water to be drained will have a maximum flow rate of 1.08 cfs or 484 gpm at a .1% grade. Berkner stated it is his opinion that the drainage project conforms to questions asked in the county's drainage ordinance.

Chairman Tostenson asked Anderson for any additional comments. Anderson said he would be available for comments if needed. Tostenson then opened the public hearing portion for the permit asking three separate times for comments in favor or against DR2024-38. No one responded. Tostenson then closed the public hearing inviting drainage board discussion. Commissioner Street commented that both outlets are into a well-established tree-lined waterway. With no more discussion, Chairman Tostenson called for the vote. Motion carried 5-0.

Permit DR2024-42 for Paul Anderson for property located within the E1/2NE1/4 of Section 20 in Madison Township.

Chairman Tostenson called for a motion to approve permit DR2024-42 for Paul Anderson. Motion by Stengel and seconded by Street to approve permit DR2024-42.

Berkner said drainage project DR2024-42 is for tiling 4-5 acres of land located within the E1/2NE1/4 of Section 20 in Madison Township within the North Branch of the Yellow Bank River Watershed. It would connect to a 15" main permitted in 2012, DR2012-28. The estimated maximum flow of the additional tile laterals will

be .08 cfs, or 35 gpm if installed at a .1% grade. Berkner said the outletting water from the existing 15" tile main empties near the southern road ditch of SD Hwy 20 where it intersects with 474th Avenue and flows east through a culvert. It then flows north under SD Hwy 20 through a culvert about a half mile later.

Berkner said the road ditch along Hwy 20 can handle average surface runoff. Under those conditions water is easily directed north through the culvert under SD Hwy 20 but under heavy runoff events the water also flows past that same north flowing culvert and continues east following the southside of SD Hwy 20 road ditch. The new inlet requested by Anderson is only catching water that normally takes the same path to the SD Hwy 20 road ditch and the addition of that inlet should greatly reduce field erosion.

In closing, Berkner said two landowners had contacted him for more detailed information. Both individuals were present at the meeting. Berkner added it was his opinion that the drainage project conforms to questions asked in the county's drainage ordinance.

Chairman Tostenson asked Anderson if he had any additional comments. Anderson said the inlet is due to the steep elevation changes in that area. During heavy runoff periods, significant erosion occurs. The open inlet would reduce that erosion and outlet the water into the road ditch where it would normally go.

Chairman Tostenson then opened the public hearing for DR2024-42 and asked three times for both comments in favor or against the project. No one responded. Tostenson closed the public hearing inviting drainage board discussion.

With no discussion, Chairman Tostenson called for the vote. Motion carried 5-0.

Permit DR2024-43 for Jacob Beutler for property located in the SE1/4 of Section 27 in Vernon West Township.

Chairman Tostenson called for a motion to approve permit DR2024-43 for Jacob Beutler. Motion by Street and seconded by Buttke to approve permit DR2024-43.

Berkner reported the permit is for tiling 145 acres of land located within the SE1/4 of Section 27 in Vernon West Township within the South Branch of the Yellow Bank River Watershed. The project has four inlets and would have two separate outlets: one 6" and one 12". The one 12" outlet would drain directly into a neighboring landowner's drainage ditch. That landowner had spoken directly with Berkner about the project and had signed off on that outlet's location. It is

Berkner's opinion that the project conforms to questions asked in the county's drainage ordinance.

Chairman Tostenson asked Beutler if he had anything to add to the report. Beutler said he would be available for comments if needed. Tostenson then opened the public hearing for DR2024-43 asking three times for comments in favor or against. No one responded. Tostenson closed the public hearing and called for board discussion.

Discussion topics included asking Beutler for the need of the four open inlets. Beutler responded that those areas are prone to erosion during heavy rain events and three of them are in low areas. In wet years, he is unable to plant in those areas. Beutler added that the fourth inlet was in a grassy area.

Beutler was asked if he would be using any berms near the inlets to help capture silt and other debris. He said berms wouldn't work very well with some crops. Both Commissioners Tostenson and Mach encourage Beutler to, if possible, consider berms. Chairman Tostenson called for the vote. Motion carried 5-0.

Chairman Tostenson relinquished the Chair to Vice-Chairman Stengel and left the meeting at 8:40 AM.

Permit DR2024-41, amending DR2022-45, for Joe Kanthak for property located within Government Lots 1-4 of Section 10 in Adams East Township.

Vice-Chairman Stengel called for a motion to approve permit DR2024-41 for Joe Kanthak. Motion by Mach and seconded by Buttke to approve permit DR2024-41.

Berkner said permit DR2024-41 is for land located in Government Lots 1-4 of Section 10 in Adams East Township within the South Branch of the Yellow Bank River Watershed. It is an amendment to DR2022-45 that was awarded in 2022 and tiled 20 acres. The amended permit, DR2024-41, would add laterals to drain an additional 8 acres, upsize the original main from 8" to a 12" main and add two more inlets for a total of six. Berkner estimated those changes would increase the maximum outlet flow of water from .41 cfs or 185 gpm, to .58 cfs or 260 gpm if installed at a .1% grade.

Berkner stated the outletting main empties directly into a well-established tree-lined creek where it flows directly into Minnesota. Berkner noted the creek in that location is prone to flooding under extreme runoff events. Berkner said he had been contacted by one adjoining landowner with concerns about the proposed

drainage project. That individual was present at the meeting. Berkner concluded his report saying it is his opinion that the project conforms to questions asked in the county's drainage ordinance.

Berkner also went over an ongoing complaint between the permittee and his upstream landowner, directly across abutting township road 487th Avenue, a shallow road culvert allows surface water to flow from west to east onto the land in the drainage permit.

The complainant says the height of the berm that was installed to direct water toward one of the original inlets permitted in DR2022-45, directly adjacent to the 487th Avenue can, during extreme run off events, causes water to back up through the culvert onto the neighbor's land. Prior to the berm being built that never happened.

Berkner said under the past direction of the drainage board he has investigated that claim several times. He has suggested to the permittee with the berm to lower it. They have done so three different times but have not entirely removed it. Berkner presented tile maps of the original permitted tile project, DR2022-45, and the amended tile project map, DR2024-41. Berkner also has photos of the inlet and berm that is part of the complaint as well as photos taken this spring showing water that was backing up through the culvert that is a concern of the upstream landowner.

Vice-Chairman Stengel asked Kanthak if he had anything to add to the report. Kanthak said during construction of the original tile design of DR2022-45 conditions were discovered that initiated the changes they made to the original permitted design. Stengel then opened the public hearing portion for DR2024-41 asking three separate times for comments in favor or against the permit.

Glen Kropuenske, the adjacent landowner, stated his concern is the originally permitted design, once it was completed with the berm and inlet right beside 487th Avenue it is often backing water up through the culvert under 487th Avenue onto his land. He requested the drainage board condition the new permit to have that berm removed or lowered enough to not back up water onto his land. Another concern of Kropuenske's is the elevation of the inlet, as it seems to be compromised by high water events in the creek it empties into. When the creek floods, water flows backward through the 12" main again backing up on his property.

Vice-Chairman Stengel then closed the public hearing portion of considering DR2024-41 asking for board discussion. State's Attorney Schwandt was asked to comment on the county's role about the Kropuenske's complaint. Schwandt said the county's drainage board only has jurisdiction over granting or denying drainage permits and if a permitted drainage design is causing an unreasonable hardship between landowners, then according to State Law, that is a matter between landowners. Their next step is through the circuit court. Schwandt also said the inlet and berm that is part of the complaint for the current drainage permit was already permitted with DR2022-45. The berm is not part of the drainage permit being considered currently, DR2024-41, which was simply for tiling 8 additional acres, upsizing the main from 8" to 12", and adding two more inlets to the original permit's design.

Vice-Chairman Stengel called for the vote. Motion carried 4-0.

This concluded the business of the Drainage Board. Vice-Chairman Stengel adjourned the Drainage Board and reconvened as the Board of Commissioners.

**HWY: ROW Permits:** Hwy Supt Peterson requested approval for two ROW applications. Motion by Mach and seconded by Buttke to approve Ottertail Power ROW permit ROW2024-10 for CR35, Section 14, T 118, R 48 (Adams West). Motion carried 4-0. Motion by Street and seconded by Buttke to approve Jerry Bury's ROW permit ROW2024-09 for CR35, Section 10, T 120, R 48 (Alban West). Motion carried 4-0. **Blade:** Supt Peterson stated the new blade has arrived and the 2011 CAT motor grader is being surplussed. **Fuel System:** Supt Peterson has gotten three quotes for a computerized fuel system. They are \$23,000, \$27,000 and \$49,000. The high bid also includes two new fuel tanks. Peterson is waiting to see how the 2024 highway budget looks before ordering a fuel tracking system.

**Travel:** Motion by Buttke and seconded by Mach to approve Treasurer DeVaal, Auditor Folk and Deputy DOE Stotesbery to attend the SDACES conference in Oacoma and Auditor Folk, Commissioner Assistant Layher and Commissioner Stengel to attend the fall county convention in Rapid City. Motion carried 4-0.

**County Assistance:** None

**First District:** Motion by Street and seconded by Buttke to adopt the following resolution. Motion carried 4-0. Resolution adopted.

**2024-09**

**RESOLUTION TO CONTINUE SUPPORT FOR THE  
FIRST DISTRICT ASSOCIATION OF LOCAL GOVERNMENTS  
DURING FISCAL YEAR 2025  
(OCTOBER 1, 2024 – SEPTEMBER 30, 2025)**

The Grant County Board of County Commissioners, having adopted and signed a Joint Cooperative Agreement on the 6<sup>th</sup> day of April, 1972, creating the First Planning and Development District, Model Rural Development Program, do hereby agree to renew their participation in the Joint Cooperative Agreement for the FISCAL YEAR 2025 (October 1, 2024-September 30, 2025). To support the Joint Cooperative Agreement and the activities of the district staff, the Grant County Board of County Commissioners will provide \$18,390.70 to the First District Association of Local Governments during the aforementioned FISCAL YEAR 2025 period.

**ADOPTION:**

Adopted this 6<sup>th</sup> day of August, 2024  
William Tostenson, Chair  
Grant County Commission

**ATTEST:**

Kathy Folk  
Grant County Auditor

**Unfinished Business:** None

**New Business:** Commissioner Assistant Layher reminded the Commissioners the elevator bid opening is at 11:00 AM on Thursday, August 8<sup>th</sup>.

**Correspondence:** None

**Claims:** Motion by Mach and seconded by Buttke to approve the claims. Motion carried 4-0. MNB CLEANING, prof services 700.00; AUTOVALUE, parts 16.00; BERENS MARKET, inmate groceries 448.11; BORNS GROUP, mailing expense 1,818.89; BUTLER, computer repair & maint 240.00; CENTER POINT, books 653.90; CHS, diesel & ethanol 9,730.76; CITY OF MILBANK, water & sewer 835.40; CLIMATE AIR, repair & maint 3,539.06; CORRIE QUALE, supplies 9.00; CRAIG DEBOER, car wash card 78.75; DELORIS RUFER, lib internet 100.00; DR BRYAN JOHNSON, prof services 365.00; DUANE ATHEY, contracted proj 3,738.00; FIRST BANK & TRUST/VISA, supplies, motel, minor equip 5,012.53; FIRST DISTRICT, prof services 10,660.98; FLAT RATE, gravel



14,946.75; G & R CONTROLS, computer repair & maint 2,266.84; GANNETT HOLDINGS, periodicals 204.33; FOOD-N-FUEL, inmate meals 630.00; GRAJCZYK LAW OFFICE, court appt atty 3,550.00; GRANT CO HISTORICAL SOCIETY, allocation 7,000.00; GRANT CO TREASURER, title & lic 26.70; GRANT COUNTY LIBRARY, SRP prizes 1,213.00; GRANT COUNTY REVIEW, publishing 2,764.63; GRANT-ROBERTS RURAL WATER, water usage 35.30; HELSPER, MCCARTY & RASMUSSEN, court appt atty 952.35; ITC, phone & internet 2,056.23; JOHN DEERE FINANCIAL, repair & maint 813.71; LARRY'S REFRIGERATION, repair & maint 1,060.76; LEWIS FAMILY DRUG, supplies 612.08; MICROFILM IMAGING SYSTEMS, scanner rent 787.00; MIDCO, lib internet 108.92; MIKE SMITH, prof services 250.00; MILBANK AREA CHAMBER, allocation 1,000.00; MILBANK AREA HOSPITAL AVERA, blabs 139.00; MILBANK AUTO PARTS, supplies 1,319.76; MILBANK FIRE DEPT, allocation 750.00; NORTHERN TRUCK, supplies 1,207.32; NORTHWESTERN ENERGY, natural gas 64.84; QUICK PRO LUBE, repair & maint, supplies 2,400.88; R.D. OFFUTT, repair & maint 292.40; RAUSCH GRANITE, repair & maint 1,075.00; RC TECHNOLOGIES, 911 transport & tower rent 95.96; REDWOOD TOXICOLOGY LAB, supplies 321.72; RIVER STREET PETROLEUM, ethanol & diesel 6,455.84; ROBERTS CO SHERIFF, inmate housing 3,450.00; SANDRA FONDER, prof services 37.50; SCANTRON, prof services 6,546.86; SD DEPT OF HEALTH, blabs 80.00; SD DEPT TRANSPORTATION, contracted proj 47,672.64; SD SECRETARY OF STATE, insurance 30.00; SDSU EXTENSION, parking pass 85.00; THE SHOP, repair & maint 252.00; ST WILLIAMS CARE CENTER, inmate laundry 195.00; STAR LAUNDRY, rentals 125.46; STERN OIL, supplies 9,766.79; STREET GRAPHEX, supplies 20.00; SUMNER DIESEL, repairs & maint 85.35; VALLEY RENTAL & RECYCLING, allocation 650.00; VALLEY SHOPPER, publishing 28.83; VERIZON, hotspot 38.52; WAUSAU EQUIPMENT, parts 3,368.37; WEST CENTRAL COMMUNICATION, repairs & maint 993.25; WHIMSY ON MAIN, SRP prizes 943.48; XEROX, copier rent 118.78. TOTAL: \$166,835.53.

Payroll for the following departments and offices for the July 26, 2024, payroll are as follows: COMMISSIONERS 7,861.04; AUDITOR 10,508.90; ELECTION 555.00; TREASURER 5,828.44; STATES ATTORNEY 7,410.34; CUSTODIANS 3,257.00; DIR. OF EQUALIZATION 5,942.00; REG. OF DEEDS 5,013.14; VET. SERV. OFFICER 1,236.00; SHERIFF 17,829.51; COMMUNICATION CTR 9,257.70; PUBLIC HEALTH NURSE 1,228.80; ICAP 15.25; VISITING NEIGHBOR 2,014.59; LIBRARY 9,842.07; 4-H 10,185.41; WEED CONTROL 2,308.20; P&Z 836.20; DRAINAGE 971.80; ROAD & BRIDGE 29,715.23; EMERGENCY MANAGEMENT 2,486.25. TOTAL: \$134,302.87.

Payroll Claims: FIRST BANK & TRUST, Fed WH 9696.93; FIRST BANK & TRUST, FICA WH & Match 16,126.86; FIRST BANK & TRUST, Medicare WH & Match 3,771.56; ACCOUNTS MANAGEMENT, deduction 80.76; BREIT & BOOMSMA, deduction 27.69; AMERICAN FAMILY LIFE, AFLAC ins. 1,851.36; ARGUS DENTAL, ins. 629.86; WELLMARK-BLUE CROSS OF SD, Employee and Commission health ins. 52,357.25; COLONIAL LIFE, ins. 27.07; DEARBORN NATIONAL, life ins. 294.71; LEGAL SHIELD, deduction 38.85; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 2,460.00; OPTILEGRA, ins. 499.65; SDRS SUPPLEMENTAL, deduction 1,358.33; SDRS, retire 14,136.67. TOTAL: \$103,357.55.

**Consent Agenda:** Motion by Street and seconded by Buttke to approve the consent agenda. Motion carried 4-0.

1. Approve Abigail Pillatzki as library volunteer in the library (Main) effective 8-1-24
2. Declare surplus: Sony VCR/DVD player: asset 09308; VTEL TV Stand, amp and speaker: asset 09305; Sony 32in TV: asset 09306; 2011 Cat motor grader: asset 2574; CD media cabinet with drawers: asset 08696; Dell Latitude E5500: asset 09724; HP Monitor; asset 10420; Cupboard cabinet: asset 05454; 3 sets of tire chains: asset 07960, 07962 and 07961
3. Approve step increase for Deven Weinkauff to 1 yr effective 7-10-24 at \$29.15 per hour

**Executive Session:** Motion by Buttke and seconded by Street to enter executive session at 10:05 AM for the purpose of a personnel issue(s) pursuant to SDCL 1-25-2 (1). Motion carried 4-0. Commissioner Assistant Layher, States Attorney Schwandt and Auditor Folk were present. Vice-Chairman Stengel declared the meeting open to the public at 10:12 AM. No action was taken because of the executive session.

**Public Health Nurse:** Brianna Adlin, Public Health Nurse from Webster, introduced herself to the Commissioners. She comes once a week to Grant County but is available 5 days a week by telephone if needed. Adlin gave a report to the Commission on how she is promoting her office in the county. She has met with staff at the Milbank clinic and hospital. She gives immunizations, flu vaccines and works with the Big Stone City School and a parent group at the Grant County Library.

**Risty Benefits:** Dan Johnson with Risty Benefits reviewed coverage and costs for policies on health, life, dental and vision insurance plans for the county employees.

Health insurance will be renewed on 01-01-2025. Motion by Buttke and seconded by Street to approve Risty Benefits to be Grant County's agent of record for Wellmark health insurance for 2025. Vice-Chairman Stengel called for the vote. Motion carried 4-0. Motion by Mach and seconded by Buttke to move all ancillary insurance products (dental, vision, life and voluntary life) to Reliance Standard with Risty Benefits as agent of record effective September 1, 2024. Vice-Chairman Stengel called for the vote. Motion carried 4-0.

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 20, 2024 and September 3 and 24, 2024 at 8 AM in the basement meeting room. Motion by Buttke and seconded by Street to adjourn the meeting. Motion carried 4-0. Meeting adjourned.

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Kathy Folk, Grant County Auditor

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William Tostenson, Chairman, Grant County Commissioners