

August 20, 2024

The Grant County Commission met at 8 AM with Commissioners Buttke, Stengel, Street and Tostenson present. Commissioner Mach was absent. Chairman Tostenson called the meeting to order. Motion by Buttke and seconded by Stengel to approve the August 6th, 2024 minutes. Motion carried 4-0. Minutes filed. Motion by Stengel and seconded by Buttke to approve the agenda. Motion carried 4-0.

Present from the public were Dave Van Veen, Dave Schneck, Joyce Hartsoch, Tim Hartsoch, Julie Jarman, Gene Boerger, Mark Mueller, Doug Schneck, Lance Frogner, Tom Frogner, David Kruger, Eric Peterson, Kyle Werning, Chuck Brandel, Tom Grimmond, Jade Hasslen, Brent Hasslen and Jeff Stromgren. Staff members present were Commissioner Assistant Layher, Drainage Officer Berkner, and States Attorney Schwandt.

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

The Auditor's Account with the Treasurer for July was noted.

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

To the Honorable Board of County Commissioners,
Grant County:

I hereby submit the following report of my examination of the cash and cash items in the hands of the County Treasurer of the County of Grant as of the last day of July, 2024.

Cash on Hand	\$1,109.20
Checks in Treasurer's possession less than 3 days	\$73,574.71
Cash Items	\$0.00
TOTAL CASH ASSETS ON HAND	\$74,683.91
RECONCILED CHECKING	
First Bank & Trust	\$24,341.27
Interest	\$0.00
Credit Card Transactions	\$1,311.54
First Bank & Trust (Svgs)	\$10,220,623.90
CERTIFICATES OF DEPOSIT	
First Bank & Trust	\$0.00

First Bank & Trust (TIF)	\$0.00
TOTAL CASH ASSETS	\$10,320,960.62
GENERAL LEDGER CASH BALANCES:	
General	\$4,418,785.16
General restricted cash	\$3,093,000.00
Cash Accounts for Offices General Fund	\$656.00
Sp. Revenue	\$1,446,727.17
Sp. Revenue restricted cash	\$0.00
Ambulance District	\$164.21
Henze Road District	\$0.00
TIF Milbank	\$0.00
TIF Rosewood Mil-3	\$0.00
TIF Koch	\$0.00
Special Assessment Land Rent	\$0.00
Trust & Agency (schools 12,919.87, twps 28,156.81, city/towns 12,581.49)	\$1,361,628.08
ACH Correction	\$0.00
TOTAL GENERAL LEDGER CASH	\$10,320,960.62
Dated this 9th day of August, 2024	
Kathy Folk	
County Auditor	

The Register of Deeds fees for the month of July were \$6,271.50. The Clerk of Courts fees for the month of July were \$12,116.96. The Sheriff fees for the month of July were \$8,501.29 with \$3,501.29 received into the General Fund.

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

Permit DR2024-44 for Lance Frogner for land located within the E1/2NE1/4 of Section 5 of Vernon West Township.

Chairman Tostenson called for a motion to approve drainage permit DR2024-44 for Lance Frogner. Motion by Street and seconded by Buttke to approve permit DR2024-44.

Drainage Officer Berkner reported the application is to tile 60 acres of land located in the E1/2NE1/4 of Section 5 in Vernon West Township within the North Branch of the Yellow Bank River Watershed. The project would have one inlet and one

10” outlet. The designed water flow capacity for the lateral tiling could be as much as 141 gallons per minute (gpm) if installed at a .1% grade.

The 10” outletting main would connect to a 24” tile before it would cross at the intersection of 154th Street and 480th Avenue. The permit application had the required signatures from both the township supervisors and county highway superintendent. Berkner said it is his opinion the project conforms to questions asked in the county’s drainage ordinance.

Chairman Tostenson asked Frogner for any additional comments. Frogner said he would be available for comments if needed. Tostenson then opened the public hearing asking three separate times for comments in favor or against DR2024-44. No one responded. Tostenson closed the public hearing and invited drainage board discussion.

After a brief discussion, Frogner was asked about the need for the inlet and its basic design to reduce sediment. Chairman Tostenson called for the vote. Motion carried 4-0.

Permits DR2024-45a, DR2024-45b and DR2024-45c for Annelies Seffrood for adjoining land located in the N1/2 and SE1/4 in the former Sisseton Wahpeton Indian Reservation in Section 22 of Blooming Valley Township.

Chairman Tostenson called for a motion to approve permits DR2024-45a, DR2024-45b and DR2024-45c for Annelies Seffrood. Motion by Buttke and seconded by Street to approve permits DR2024-45a, DR2024-45b and DR2024-45c.

Berkner reported the permits are for tiling 100 acres of land located in Section 22 in Blooming Valley Township within the Big Sioux River Watershed. According to Berkner the drainage project would be connected to DR2024-27, permitted earlier this year, and would have 5 outlets all entering grass waterways, two 6”, one 8” and two 15”, with a combined estimated flow of 1,090 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.

Seffrood was unavailable for comment.

Chairman Tostenson then opened the public hearing asking three separate times for any comments in favor or against the permit. No one responded. Tostenson closed the public hearing and invited drainage board discussion.

After a brief discussion including the project not having any inlets and using well defined grassy waterways for accepting water, Chairman Tostenson called for the vote. Motion carried 4-0.

Permits DR2024-46a, DR2024-46b and DR2024-46c for Dave Schneck for adjoining land located within the W1/2, SE1/4 and SW1/4NE1/4 of Section 11 of Alban West Township.

Chairman Tostenson called for a motion to approve drainage permits DR2024-46a, DR2024-46b and DR2024-46c for Dave Schneck. Motion by Street and seconded by Buttke to approve permits DR2024-46a, DR2024-46b and DR2024-46c.

Berkner said the projects are for tiling approximately 100 acres of land located within the W1/2 of Section 11 in Alban West Township within the North Branch of the Yellow Bank River Watershed. The drainage project would have two separate outletting mains, one 8" and one 15". Berkner estimated the combined amount of water to be drained could have a flow rate of 502 gpm if installed at a .1% grade. Berkner said it is his opinion that the drainage project conforms to questions asked in the county's drainage ordinance.

Chairman Tostenson asked Schneck if he had anything to add. Schneck said he is available for questions. Tostenson then opened the public hearing portion for the permits asking three separate times for comments in favor or against the permits. Mark Mueller stated he thought the next permit on the agenda, DR2024-47, had some elements in common with the current permits where it might be advantageous if they shared an outlet. Tostenson closed the public hearing and invited drainage board discussion. After a brief discussion, Tostenson called for the vote. Motion carried 4-0.

Permit DR2024-47 for Doug Schneck located within the W1/2 in Section 2 of Alban West Township.

Chairman Tostenson called for a motion to approve permit DR2024-47 for Doug Schneck. Motion by Stengel and seconded by Street to approve permit DR2024-47.

Berkner reported permit DR2024-47 is for tiling 30 acres of land located within the W1/2 of Section 2 in Alban West Township within the North Branch of the Yellow Bank River Watershed with one inlet and 5 outlets, two 5", one 8" and two 6". Berkner estimated the maximum flow from the lateral tiles of the combined outlets to be 490 gpm if installed at a .1% grade. One of the outlets, a 6", would use a solar operated discharge pump that would help drain water from a small 3-to-5-

acre area. Berkner said all the water would run onto land owned by the US Fish & Wildlife (USFW) before flowing downstream into Lake Albert. Berkner added he was contacted by USFW and they had no problems with the design.

In closing Berkner said two downstream landowners had contacted the drainage office for more detailed information. Both individuals are present at the meeting. Berkner added it is his opinion the drainage project conforms to questions asked in the county's drainage ordinance.

Chairman Tostenson asked Schneck if he had any additional comments. Schneck said all the water being drained would end up on the USFW land, just as it normally does, and the 3-to-5-acre area would be aided by a pump. Tostenson then opened the public hearing for DR2024-47 and asked three times for both comments in favor or against the drainage project. Joyce Hartsoch and Dave Van Veen spoke about their concerns on the impact of any additional water their downstream properties would receive. With no one else responding Tostenson closed the public hearing inviting drainage board discussion.

A lengthy board discussion followed and Schneck was asked to give more details about his project. Board comments included identifying along with private land ownership, both the federal government and the State of South Dakota own downstream land and the waterways and culverts receiving the runoff are all in need of cleaning.

Commissioner Street made an intervening motion to table the final vote for DR2024-47 for 30 days so more information could be gathered. Buttke seconded the motion. Realizing the second meeting in September is not until the 24th, Street amended his intervening motion to table the final vote until the drainage board meeting on September 24th. Buttke seconded the motion. Chairman Tostenson called for the vote. Motion carried 4-0.

Permits DR2024-48a and DR2024-48b for Doug Schneck located within the W1/2 in Section 36 of Grant Center Township.

Chairman Tostenson called for a motion to approve permits DR2024-48a and DR2024-48b for Doug Schneck. Motion by Buttke and seconded by Street to approve permits DR2024-48a and DR2024-48b.

Berkner said the permits are to tile 5 acres of land located within the W1/2 of Section 36 in Grant Center Township within the North Branch of the Yellow Bank River Watershed. The drainage project would have two 6" outlets and would drain directly into a well-established tree lined creek with a design flow capacity of 95 gpm if installed at a .1% grade. It is Berkner's opinion that the projects conform to questions asked in the county's drainage ordinance.

Chairman Tostenson asked Schneck if he had any additional comments. Schneck said he would be available for questions. Tostenson then opened the public hearing for permits DR2024-48a and DR2024-48b asking three separate times for comments in favor or against the permits. No one responded. Tostenson closed the public hearing and invited drainage board discussion.

After a brief discussion Chairman Tostenson called for the vote. Motion carried 4-0.

Permits DR2024-49a, DR2024-49b and DR2024-49c for Doug Schneck for property located within the W1/2 of Section 5 of Grant Center Township.

Chairman Tostenson called for a motion to approve permits DR2024-49a, DR2024-49b and DR2024-49c for Doug Schneck. Motion by Buttke and seconded by Street to approve permits DR2024-49a, DR2024-49b and DR2024-49c.

Berkner stated permits DR2024-49a, DR2024-49b and DR2024-49c are for tiling 55 acres located in the W1/2 of Section 5 in Grant Center Township within the Whetstone River Watershed. The permits would have up to 13-inlets and 3-outlets, one 12" outletting tile would drain 30 acres north, using a pump, into a drainage ditch and culvert that flows north under 148th Street. The other 25 acres would drain south directly into a creek through two separate 10" outlets. Berkner estimates the designed water capacity of the lateral tiles in the drainage project could be up to 211 gpm flowing north, and 306 gpm flowing south if installed at a .1% grade. Berkner said he was contacted by one person who wanted more information about the project and is also present at the meeting. It is Berkner's opinion that the project conforms to questions asked in the county's drainage ordinance.

Chairman Tostenson asked Schneck about the high number of inlets. Schneck said he only intended to have 8-inlets total, 3-inlets draining north and 5 draining south. Tostenson then opened the public hearing portion for the permits asking three separate times for comments in favor or against the permits. Downstream landowners who received certified letters, Julie Jarman and Gene Boerger, both

spoke about their concerns of additional water their land could receive if the northern flowing drainage permit was granted.

After closing the public hearing Tostenson invited drainage board discussion. Schneck, Jarman and Boerger were also allowed to speak and answer questions when called upon. After a lengthy board discussion Tostenson thought that since the drainage board was meeting with one less member, as Commissioner Mach was absent, that it is probably best to ask for an intervening motion to table the vote on the permits until the full board could meet. Motioned by Street and seconded by Buttke to table permits DR2024-49a, DR2024-49b and DR2024-49c until the second drainage board meeting on September 24th. Chairman Tostenson called for the vote. Motion carried 4-0.

Permit DR2024-50 for Gary Meyer for land located within the E1/2NE1/4 of Section 33 of Adams West Township.

Chairman Tostenson called for a motion to approve permit DR2024-50 for Gary Meyer. Motion by Street and seconded by Stengel to approve DR2024-50.

Berkner said the permit is to tile 50 acres of land located in the E1/2NE1/4 of Section 33 in Adams West Township within the South Branch of the Yellow Bank River Watershed. The project would have 5-inlets and two outlets, one 6” and one 8”, that both drain north. The water would drain from the lateral tiling through the two outlets and have a combined design water flow capacity of 235 gpm if installed at a .1% grade. It is Berkner’s opinion that the project conforms to questions asked in the county’s drainage ordinance. Meyer was not available for comments.

Chairman Tostenson then opened the public hearing asking three separate times for comments in favor or against the project. No one responded. Tostenson closed the public hearing and invited drainage board discussion.

In Meyer’s absence Berkner was asked if he had any additional information concerning the number of inlets. Berkner said four of them are right at the property line where there is a steep slope, and all the inletting water is being drained directly into the creek that runs through the center of Meyer’s property, in some cases is less than 100 yards away.

After a brief discussion Chairman Tostenson called for the vote. Motion carried 4-0.

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

ISG Services: Kyle Werning and Chuck Brandel, of ISG gave an overview of the different fees of planning and reviewing drainage permits and projects within the county. It ranges from a single permit review to large and complicated drainage projects and plans.

Jail Bond: Tom Grimmond with Colliers was present to give an overview of the bond process once the bid letting for the jail project is complete. He advises interest rates trends to have been down and January is a good time to be in the market.

Hasslen Construction: Jade Hasslen and Brent Hasslen with Hasslen Construction and Jeff Stromgren with Rice Stromgren Architectural Services were present and gave the dates of November 4th through May 2nd as the construction beginning and end date schedule for the elevator, roof repair and basement remodel project. They reviewed the standard estimate report by each subcontractor. The total cost of the project is \$1,467,234. Motion by Stengel and seconded by Buttke to approve the estimate and move forward with the bids received for the elevator, basement remodel and courthouse roof repair with Hasslen Construction as the Construction Management of Risk (CMR) for these projects. Motion carried 5-0.

Travel: None

County Assistance: None

Sealed Bids: Commissioner Assistant Layher stated no bids were received for the 2011 Cat Motor Grader. Hwy Supt Peterson would like to readvertise for bids, and he will send the notice out to different venues. Motion by Stengel and seconded by Buttke to readvertise for bids for the 2011 Cat Motor Grader. Motion carried 4-0.

Chairman Tostenson recused himself from the discussion of the Whetstone Valley Electric ROW applications and handed the chair over to Vice-Chairman Stengel.

ROW Permits: Commissioner Assistant Layher requested the Commission to approve the utility crossing agreement ROW Permit 2024-12 with Whetstone Valley Electric to bore under the road at 1.1 miles north on CR 35 and Hwy 10 in Alban Township. Motion by Street and seconded by Buttke to approve the utility crossing agreement Permit 2024-12, with Whetstone Valley Electric. Vice-

Chairman Stengel called for the vote. Motion carried 3-0. Layher also requested approval for ROW Permit 2024-13 with Whetstone Valley Electric to bore under the road located at 1 mile east of CR 35 and Hwy 10 in Alban Township. Motion by Buttke and seconded by Street to approve the utility crossing agreement Permit 2024-12 with Whetstone Valley Electric. Vice-Chairman Stengel called for the vote. Motion carried 3-0.

Vice-Chairman Stengel yielded the chair back to Chairman Tostenson.

LEMPG Grant: This grant agreement will reimburse the county for 50% of the EM Director's salary and benefits. Motion by Street and seconded by Buttke to authorize Chairman Tostenson to sign the LEMPG grant agreement. Motion carried 4-0.

Unfinished Business: Commissioner Assistant Layher stated \$44,927.04 is owed back to the state for bridges 030-067, 270-237 and 310-177. The county was advanced 75% of the cost of the bridges (\$571,189.62) when the construction began. The net difference is \$526,262.58. Banner engineering costs came in less than what was originally bid, therefore we must reimburse the state for the overpayment. Layher also stated that Risty Benefits will be here this week to sign up employees for vision, dental and life insurance.

New Business: Commissioner Assistant Layher advised the Commission that one of the two compressors in the chiller unit has failed, and we don't have an estimate for the repair yet. Chairman Tostenson asked the Commissioners their opinion of putting on hold permanently moving offices within the courthouse until after the elevator project is complete. It was the consensus of the Commissioners to not permanently move offices until the elevator project is complete. Tostenson commented that the Community Transit Bus Barn addition will be completed by September 1st.

Correspondence: None

Claims: Motion by Stengel and seconded by Buttke to approve the claims. Motion carried 4-0. ACTIVE DATA SYSTEMS, computer maint 3,640.00; ADVANCED TECHNOLOGIES, supplies 62.64; AL'S BODY SHOP, repair & maint 250.00; AVERA QUEEN OF PEACE, health services 87.00; BERENS MARKET, supplies 269.66; BIG STONE CO SHERIFF, prof services 153.68; BUTLER, motor grader 463,656.60; CCP INDUSTRIES, supplies 523.62; CHARLES KRANZ, repair & maint 243.55; CHS, ethanol 2,128.00; CITY OF MILBANK, rubbish 20.00;

COLEPAPERS, supplies 382.24; CRAIG DEBOER, car wash card 98.82; ESCO MFG, contracted proj 8,259.00; FISHER SAND & GRAVEL, rip rap 726.12; FREMAREK, supplies 286.96; GALLS, supplies 55.97; FOOD-N-FUEL, inmate meals 594.00; GRANT COUNTY REVIEW, publishing 558.00; INGRAM, books 1,517.85; INTER-LAKES COMMUNITY ACTION, service worker 2,628.00; ITC, lib internet 134.94; JASON SACKREITER, garbage service 330.00; KEVIN MEYER, supplies 694.32; LARRY'S REFRIGERATION, repair & maint 2,345.24; LEWIS FAMILY DRUG, supplies 319.68; MOMAR, supplies 547.51; NEWMAN SIGNS, signs & posts 941.90; NORMAN GIESEN, parts 108.57; NOVAK SANITARY SERVICE, shredding services 62.91; OTTER TAIL POWER, electricity 2,987.60; QUICK PRO LUBE, repair & maint 223.46; RC TECHNOLOGIES, 911 transport & tower rent 95.96; RELX, online charges 725.00; RIVER STREET PETROLEUM, diesel 4,152.90; RUNNINGS, supplies 459.62; SANDRA FONDER, prof services 79.17; SCANTRON, prof services 6,225.16; MATT SCOTT, computer repair 130.00; SD ASSN COUNTY OFFICIALS, registration 600.00; SD DEPT OF HEALTH, blabs 405.00; SD DEPT TRANSPORTATION, contracted proj 44,927.04; SD PUB ASSURANCE ALLIANCE, insurance 546.57; THE SHOP, repair & maint 252.00; ST WILLIAMS CARE CENTER, inmate laundry 115.00; STAR LAUNDRY, rentals 56.75; STERN OIL, supplies 232.32; TOWN OF SOUTH SHORE, bulk water 5.00; TRAPP PLUMBING, repair & maint 616.93; TWIN VALLEY TIRE, repair & maint 5,058.10; VALLEY OFFICE PRODUCTS, supplies 1,235.78; WHETSTONE HOME CENTER, supplies 621.73; WHETSTONE VALLEY ELECTRIC, electricity 817.43; XEROX, copier rental 809.29. TOTAL: \$563,004.59.

JULY MONTHLY FEES: SD DEPT OF HEALTH, SDACO, ROD modernization fee 184.00; SD DEPT OF REVENUE, monthly fees 181,518.38. TOTAL: \$181,702.38.

Payroll for the following departments and offices for the August 14, 2024, payroll are as follows: COMMISSIONERS 9,386.24; AUDITOR 9,901.74; ELECTION 482.85; TREASURER 6,177.24; STATES ATTORNEY 7,571.14; CUSTODIANS 3,582.70; DIR. OF EQUALIZATION 6,723.82; REG. OF DEEDS 5,335.84.; VET. SERV. OFFICER 1,359.60; SHERIFF 18,078.78; COMMUNICATION CTR 8,810.80; PUBLIC HEALTH NURSE 1,382.40; VISITING NEIGHBOR 1,776.03; LIBRARY 9,579.67; 4-H 3,406.25; WEED CONTROL 2,664.64; P&Z 1,186.50; DRAINAGE 802.30; ROAD & BRIDGE 31,648.30; EMERGENCY MANAGEMENT 2,574.00. TOTAL: \$132,430.84.

Payroll Claims: FIRST BANK & TRUST, Fed WH 9,543.03; FIRST BANK & TRUST, FICA WH & Match 15,976.62; FIRST BANK & TRUST, Medicare WH & Match 3,736.56; ACCOUNTS MANAGEMENT, deduction 80.76; BREIT & BOOMSMA, 27.69; AMERICAN FAMILY LIFE, AFLAC ins. 1,720.32; ARGUS DENTAL, ins. 582.87; WELLMARK-BLUE CROSS OF SD, Employee health ins. 1,881.01; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 585.00; SDRS SUPPLEMENTAL, deduction 1,358.33; SDRS, retire 14,526.15. TOTAL: \$50,018.34.

Executive Session: Motion by Stengel and seconded by Buttke to enter executive session at 11:45 AM for the purpose of a personnel issue(s) pursuant to SDCL 1-25-2 (1) and litigation issue per SDCL 1-25-2(3). Motion carried 4-0. Commissioner Assistant Layher, States Attorney Schwandt, Drainage Officer Berkner and Auditor Folk were present. Chairman Tostenson declared the meeting open to the public at 12:28 PM. No action was taken because of the executive session.

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

1. Approve amending agreement with LexisNexis subscription for the updated version of the program with no increase in the subscription rate for the remainder of 2024
2. Declare surplus: shredder, asset 00522; floor scrubber (Zamboni); black mesh chair, asset 10399; CD media cabinet with drawers, asset 08696; metal card storage boxes, asset 1881 and 1876; recipe size card box, asset 0650
3. Approve step increase for John Waldner to 1 yr effective 8-2-24 at \$22.65 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 September 3 and 24, 2024 and October 1 and 15, 2024 at 8 AM in the basement meeting room. Motion by Buttke and seconded by Stengel to adjourn the meeting. Motion carried 4-0. Meeting adjourned.

