

December 3, 2024

The Grant County Commission met at 8 AM with Commissioners Buttke, Mach, Street and Stengel present. Commissioner Tostenson was absent. Vice-Chairman Stengel called the meeting to order. Motion by Mach and seconded by Buttke to approve the November 19, 2024, minutes. Motion carried 4-0. Auditor Folk asked to add a claim for Scott Bratland for \$1,403.00 for court appointed attorney fees and to add the approval of a Supplemental Budget Hearing for the elevator project as an item. Motion by Street and seconded by Buttke to approve the agenda with the noted additions. Motion carried 4-0.

Present from the public were Gary Granquist, Francis Brandenburger, Dennis Kohl, Grant Street, Spencer Street, Joe Kanthak, Ben Rethke, Greg Streich, Joan Frerichs, Eugene Frerichs, John Fox, Adam Keuhl, Corey Johnson and Eric Rapp. Staff members present were Commissioner Assistant Layher, States Attorney Schwandt, Drainage Officer Berkner, Hwy Supt Peterson and Sheriff Owen.

Public Comment: Vice-Chairman Stengel called for public comments three times. There were no comments.

Drainage: Vice-Chairman Stengel adjourned the Board of Commissioners and convened the Commission acting as the Drainage Board.

Permits DR2024-75a through DR2024-75e for Boehnke and Rethke: Drainage Officer Berkner gave an update for drainage permits DR2024-75a, DR2024-75b, DR2024-75c, DR2024-75d, and DR2024-75e, for Chad Boehnke and Ben Rethke that was tabled for 30 days at the November 7th meeting. Berkner said he had spoken with Rethke the previous day and he said they would like an additional 14 days to work with the two immediate downstream landowners who had expressed concerns during the public hearing for the permits about the additional amount of water their properties would receive.

At the November meeting all the parties were asked to work out a possible solution to the concerns expressed. During board discussion it was also discussed that any changes to the original design would have to be reapplied for, which would require a new public hearing. Mach made the motion to further table the original motion until the December 17th meeting and Street seconded the motion. Vice-Chairman Stengel called for the vote. Motion carried 4-0.

Permits DR2023-32 and DR2023-33 for Dennis Kohl: Berkner gave an update to the status of drainage permits DR2023-32 and DR2023-33 for Dennis Kohl. The permits were originally considered and granted by the drainage board over two meeting dates on 7/5/2023 and 8/1/2023. In September of this year Kohl asked Berkner if he had to do anything with the county to add a pump to the sump that was already installed as part of his previously permitted design.

Berkner said upon his review of the original drainage permits, it showed a sump, and the use of a possible pump only if needed, was part of the original design submitted to his office and was eventually permitted. Berkner had a brief conversation with Commissioner Mach, who was the drainage board chairperson at the time. They reviewed Kohl's original drainage permit application which showed the sump, and a possible future pump was part of the original design. Berkner said it was discussed all that was needed was that Kohl's file for DR2023-32 and DR2023-33 to be updated, showing the pump was eventually needed and was installed in the existing sump and it should be okay for Kohl to proceed.

Berkner said he then told Kohl to go ahead with the installation. A recent review of the meeting notes from 7/5/2023 and 8/1/2023 showed the actual possible use of the pump was not in the original approved drainage board meeting notes.

The drainage board asked States Attorney Schwandt to address the status of the request to add the pump that was missing from the approved meeting notes. Schwandt said even though it was in the original applications, technically it should also be in the official minutes. Therefore, a new public hearing would have to be scheduled. Berkner said he would schedule that public hearing for the next available meeting.

Drainage issue in Section 10 of Adams East Township: Berkner gave the background information on a recent drainage complaint for an open inlet that had been connected to an existing permitted tile main without a drainage permit. The land in the complaint is owned by Joseph Kanthak and located in Section 10 of Adams East Township. Berkner said it was connected to a 15" tile main that was installed back in 2021 as part of drainage permit DR2021-19 for Grant Street, for land directly adjacent to Section 10 in the S1/2 of Section 9.

Berkner said the inlet in the complaint wasn't included in DR2021-19 when it was permitted. All the inlets in that permit were to be installed entirely in Section 9 where that permit's outletting main was to only cross Section 10 on its way to

connecting to a 24” main located in Minnesota that is owned by Francis Brandenburger.

Back in 2022 Berkner’s office was asked to investigate the same complaint, that an inlet had been installed in Section 10 without being permitted. He contacted both Grant Street and Kanthak advising them it is in violation of the county’s drainage ordinance and needed to be either properly permitted or removed. Berkner said he received multiple reports from Grant Street, Kanthak and Brandenburger that the inlet was then blocked, and he considered the matter closed.

Berkner said in early fall of 2024, his office was again contacted that the inlet had been re-opened. He investigated the new complaint, and it was found to be correct. Berkner said he contacted Grant Street, Kanthak and Brandenburger that the complaint will be on the current agenda. All three individuals were at the meeting to respond to questions or make comments. During drainage board discussion States Attorney Schwandt stated for the inlet to remain, it would have to be properly permitted and that it is up to the drainage board to decide if its current status is a violation of the drainage ordinance and if it is, should it be penalized appropriately.

Grant Street, Kanthak and Brandenburger each spoke on the matter. Grant Street and Kanthak both said they were aware the inlet had been connected to the 15” main at the time the original tile was installed in 2021 and was done under their authority.

Drainage board discussion continued. Commissioner Mach thought it was best to wait on making any type of motion until all five drainage board members were present as Tostenson was currently absent. Bill Street said he supported Mach’s view to wait until the next meeting as well, and give the parties involved time to work out a possible solution. Motion by Mach and seconded by Street to table further discussion until the next drainage board meeting scheduled for December 17th. Vice-Chairman Stengel called for the vote. Motion carried 4-0.

Permit DR2024-78 for Eugene Frerichs for land located within the SE1/4 of 26-121-48 in Melrose Township.

Vice-Chairman Stengel called for a motion to approve DR2024-78 for Eugene Frerichs. Motion by Mach and seconded by Buttke to approve permit DR2024-78.

Berkner stated the drainage project is for tiling approximately 35 acres of land located within the SE1/4 of Section 26 in Melrose Township within the Whetstone

River Watershed. The project would have 1-inlet to catch water near the residential home that is currently under construction. It would drain through two outlets, 1-6” and 1-8”. The maximum design flow of the two outlets draining the lateral tile would be up to 125 (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.

Vice-Chairman Stengel asked Frerichs for any additional comments. Frerichs said he was adding tile to areas not previously tiled. Stengel opened the public hearing and asked three times for both public comments in favor or against the permit. No one responded. Stengel closed the public hearing and invited drainage board discussion.

During board discussion Stengel commented that as the next downstream landowner to the project he was familiar with the capacity of the creek that would be receiving the water from the outlets. Historically during heavy run-off periods, that waterway didn’t seem to have any problems with detrimental flooding. Vice-Chairman Stengel called for the vote. Motion carried 4-0.

Permits DR2024-79 for Chad Steinocker for land located withing the SE1/4 of Section 2 in the former Sisseton Wahpeton Indian Reservation in Blooming Valley Township.

Vice-Chairman Stengel called for a motion to approve drainage permit DR2024-79 for Chad Steinocker. Motion by Street and seconded by Buttke to approve permit DR2024-79.

Berkner said the permit is for tiling 60 acres of land located within the SE1/4 of Section 2 in Blooming Valley Township in the former Wahpeton and Sisseton Indian Reservation located in the Big Sioux River Watershed. The project would have 1-inlet near the township road to the south that is at the top of a highly erodible drainage ditch and would drain north through a 12” outlet that has a design capacity of up to 400 gpm from the lateral tile if installed at a .1% grade. Berkner said that it is his opinion that the drainage project conforms to questions asked in the county’s drainage ordinance.

Steinocker was not present.

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

Mach said he had spoken with Steinocker and they talked about the need for the inlet where Steinocker said after heavy run-off events the area receives significant erosion on his land as well as in the township road ditch that often needs to be repaired. Mach said the need for the inlet at that location made sense and the outlet flowed into an established grassy drainage ditch. Vice-Chairman Stengel called for the vote. Motion carried 4-0.

Permit DR2024-80 for Gary Granquist for land located within the NW1/4 of Section 10 in Stockholm Township.

Vice-Chairman Stengel called for a motion to approve DR2024-80 for Gary Granquist. Motion by Mach and seconded by Buttke to approve permit DR2024-80.

Berkner said the project is for tiling 10 acres of land located within the NW1/4 of Section 10 in Troy Township within the North Branch of the Yellow Bank River Watershed. The project would have 1-6" outlet and the estimated amount of flow would be equal to a maximum 90 gpm if installed at a .1% grade. Berkner added that it is his opinion that the drainage project conforms to questions asked in the county's drainage ordinance.

Vice-Chairman Stengel asked Granquist for any additional comments. He said he is targeting a few wet areas not yet tiled. His outlet would drain onto his neighbor's pastureland to the south. It would be entering a natural run at its lowest point in his neighbor's property to avoid causing any problems. Stengel opened the public hearing asking three times for both comments in favor or against the drainage project. Only John Fox responded saying he understood the need for the drainage project, which probably would not affect his downstream land, but other drainage from the same 1/4 of land previously permitted that drains east has caused wet conditions for him. Stengel closed the public hearing by inviting drainage board discussion.

During board discussion, with Fox's comments concerning existing drainage tile water causing some problems for him, Granquist said he would work with his neighbor to resolve those problems. 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: Bridge Inspections: Mark Junker, PE with Banner Associates, presented the 2024 annual bridge inspection report. This inspection is a federal requirement every two years for bridges with an opening of more than twenty feet in diameter. Currently Grant County is listed in second place for the number of bridges to maintain in the State. There are 168 inspected bridges. Mark's presentation included slides of the seven bridges built this year with grant funding and bridges to be rehabbed in 2025. Prioritizing the bridge work should be the county asphalt first, county gravel second and then township third. **ROW Permit:** Motion by Mach and seconded by Buttke to approve the Otter Tail Power ROW permit ROW 2024-28, in Alban Township between sections 8 and 9 for installing overhead electrical lines. Vice-Chairman Stengel called for the vote. Motion carried 4-0.

Budget Supplement: The budget supplement hearing was held with no members of the public present. The purpose of the budget supplement of \$100,000 is to adopt additional budget authority for 2024 associated with the jail project expenditures. The source of cash is from the 101 General Fund. Motion by Buttke and seconded by Mach to approve the budget supplement of \$100,000 to Jail Fund account #302-4800-422.9 Other Professional Services. Motion carried 4-0.

2024-13

Resolution

**ADOPTION OF SUPPLEMENTAL BUDGET FOR
GRANT COUNTY, SOUTH DAKOTA**

Whereas, the #302 Capital Jail Project Fund has expenditures in 2024 and needs a budget supplement to cover these expenses.

THEREFORE, BE IT RESOLVED, that such supplemental budget of \$100,000 be added to the 2024 budget with funds coming from the #101 General Fund of Grant County, South Dakota for #302 Capital Jail Project Fund. It will be effective twenty days after publication. It is hereby approved and adopted by the Board of County Commissioners of Grant County, South Dakota on this 3rd day of December 2024.

Dated this 3rd day of December 2024.

Doug Stengel, Vice Chairman
Grant County Board of Commissioners

ATTEST:

Kathy Folk, Auditor

Jail Project: Adam Kuehl, architect with HMN Architects, and Corey Johnson and Eric Rapp with Johnson Construction gave the commission an update on the jail project plans. They are now estimating the cost of the jail to be \$7.6 million due to the rising cost of mechanical, electrical and plumbing equipment and labor.

Travel: None

County Assistance: None

Cash Transfers: Motion by Street and seconded by Buttke to approve the cash transfer as per the 2024 budget and redesignate the assigned funds for the jail and elevator projects. Motion carried 4-0.

FROM	TO	AMOUNT
101 General	201 Highway Fund	1,000,000
101-276.88 Assigned Jail Project	302 Jail Project Fund	800,000
101-276.89 Assigned Tuckpointing	101 GF Gov't Bldg Unassigned	75,000
101-276.96 Assigned Software Upgrade	101 GF Gov't Bldg Unassigned	30,000
101-276.97 Assigned Library	101 GF Gov't Bldg Unassigned	70,000
101-276.98 Assigned Hwy Projects	101 GF Gov't Bldg Unassigned	400,000

Automatic Supplements: Motion by Mach and seconded by Buttke to approve automatic supplements of \$42,580.66 for opioid settlement funds received for allocation to the school resource officer and \$13,352.67 for the security grant for the courtroom doors. Motion carried 4-0.

Change Order: Commissioner Assistant Layher presented a change order for the elevator project to increase the contract price by \$27,063 for changing the storage space into meeting rooms. This will require new flooring and ceiling tiles. This amount will come out of the elevator project contingency fund. Motion by Mach and seconded by Buttke to approve the change order for the elevator project. Vice-Chairman Stengel called for the vote. Motion carried 4-0.

Vehicle Bid Opening: The bid opening for the sale of the 2017 Ford Explorer was held with no member of the public present. Two bids were received.

Ford Explorer	
Ringwood Motors	\$2,680
Alysa Peterson	\$5,000

Motion by Street and seconded by Buttke to accept the bid of \$5,000 from Alysa Peterson for the 2017 Ford Explorer. Motion carried 4-0.

Public Defender Contract: Motion by Mach and seconded by Buttke to approve the Public Defender contract with Greg Grajczyk for \$3,600.00 per month for 2025. Motion carried 4-0.

Milbank TIF (052): Commissioner Assistant Layher reported the Milbank TIF (052) for the Hurley Addition curb and gutter has been paid in full and can now be closed out. Motion by Street and seconded by Buttke to finalize the closing of the Milbank (052) Curb & Gutter Tax Increment Financing District. Motion carried 4-0.

Unfinished Business: None

New Business: Commissioner Mach reported on the Shooting Sports meeting. Auditor Folk reminded the commission Grant County will be hosting the Lake Region District of SD Counties Association quarterly meeting on December 12 at 11:30. Commissioner Street mentioned the State Open Meeting Commission has been citing counties for not conducting meetings correctly.

Correspondence: None

Claims: Motion by Mach and seconded by Buttke to approve the claims. Motion carried 4-0. AUSTIN, STRAIT, BENSON, THOLE, court appt atty 322.00; BERENS MARKET, inmate groceries 675.12; BITUMINOUS PAVING, patching 178,843.40; SCOTT BRATLAND, court appt atty 2,035.50; CENTER POINT, books 535.10; CRAWFORD-OSTHUS FUNERAL CHAPEL, prof services 3,500.00; FARM & HOME PUBLISHERS, ref books 650.00; FIRST BANK & TRUST, supplies 134.22; FISHER SAND & GRAVEL, contracted proj 28,611.96; SANDRA FONDER, prof services 60.00; GRAJCZYK LAW OFFICE, court appt atty 3,550.00; HASSLEN CONSTRUCTION, contracted proj 230,868.05; IMEG CONSULTANTS, prof services 3,780.00; INGRAM, books 1,357.97; ITC, internet 134.94; JOHN DEERE FINANCIAL, parts 14.84; CODY KELLY; prof services 200.00; RELX, online charges 725.00; MICROFILM IMAGING SYSTEMS, prof services 6,598.00; MILBANK AREA HOSPITAL AVERA, blabs 730.00; MILBANK AUTO PARTS, supplies 2,209.43; MILBANK COMMUNITY TRANSIT, allocation 5,000.00; CORRIE QUALE, supplies 37.80; CITY OF MILBANK, water & sewer 838.41; MNB CLEANING, prof services 700.00; NORTHERN TRUCK, supplies 130.37; NORTHWESTERN ENERGY, natural gas 431.83; PENNINGTON CO JAIL, prof services 180.81; QUICK PRO LUBE, repair & maint 563.97; RADAR SHOP, repairs & maint 448.00; DELORIS

RUFER, lib rent 100.00; SD DEPT OF HEALTH, blabs 555.00; STATE OF SD SDSU, registration 250.00; STERN OIL COMPANY, supplies 525.36; TITAN MACHINERY, repairs & maint 3,439.86; TWIN VALLEY TIRE, repairs & maint 4,044.60; VALLEY RENTAL & RECYCLING, allocation 650.00; CITY OF WATERTOWN, 911 surcharge 10,161.87; XEROX, copier rent 151.03; YALE MECHANICAL, repairs & maint 3,252.20; TOTAL: \$496,996.64.

Payroll for the following departments and offices for the November 27, 2024, payroll are as follows: COMMISSIONERS 7,861.04; AUDITOR 13,158.06; ELECTION 988.35; TREASURER 4,991.24; STATES ATTORNEY 7,731.94; CUSTODIANS 3,943.48; DIR. OF EQUALIZATION 6,561.53; REG. OF DEEDS 4,664.78; VET. SERV. OFFICER 1,483.20; SHERIFF 18,422.05; COMMUNICATION CTR 10,761.73; VISITING NEIGHBOR 1,678.54; LIBRARY 10,302.22; 4-H 3,342.35; WEED CONTROL 2,370.20; P&Z 1,508.55; DRAINAGE 734.50; ROAD & BRIDGE 33,388.56; EMERGENCY MANAGEMENT 2,895.75. TOTAL: \$136,788.07.

Payroll Claims: FIRST BANK & TRUST, Fed WH 9,659.73; FIRST BANK & TRUST, FICA WH & Match 16,439.12; FIRST BANK & TRUST, Medicare WH & Match 3,844.68; ACCOUNTS MANAGEMENT, deduction 52.17; BREIT & BOOMSMA 27.69; AMERICAN FAMILY LIFE, AFLAC ins. 1,612.48; RELIANCE STANDARD LIFE DENTAL, ins. 420.90; RELIANCE STANDARD LIFE VISION, ins. 369.41; WELLMARK-BLUE CROSS OF SD, Employee and Commission health ins. 51,945.23; COLONIAL LIFE, ins. 27.07; RELIANCE STANDARD BASE, life ins. 367.18; RELIANCE STANDARD SUPPLEMENTAL, life ins. 142.76; MASA, air ambulance 327.00; LEGAL SHIELD, deduction 38.85; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 3,489.51; SDRS SUPPLEMENTAL, deduction 1,458.33; SDRS, retire 15,539.39. TOTAL: \$105,761.50.

Supplemental Budget: Motion by Mach and seconded by Buttke to approve holding a supplemental budget hearing on December 17th, 2024, at 9 AM to establish a \$400,000 budget for 2024 for the department #161 Government Building account for the elevator project with the source of cash being from the General Fund #101. Vice-Chairman Stengel called for the vote. Motion carried 4-0.

Executive Session: None

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

1. Declare surplus: Reference books, fixed assets 10263 and 10609; HP Pavilion Desktop PC, fixed asset 10116; Hon gray chair, fixed asset 08691; (4) revolving plastic display racks, fixed asset 02298-02301; (12) exhibit display benches, fixed asset 02341-02352; stove, fixed asset 02303, (2) Fort Smith tables, 01649 and 02263; One sided exhibit table, fixed asset 02280; (2) HP monitors, fixed asset 10420 and 10421; a three station work center, fixed asset 8005
2. Approve step increase for Renae Buttke to step 2 at \$19.70 effective 11-12-2024
3. Approve agreement with SD Dept of Health for public health services in 2025 for \$8,281.78

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 December 17 and 31, 2024, at the 4-H Complex and January 7 and 21, 2025, at the Grant County Library meeting room. All meetings will begin at 8 AM. Motion by Buttke and seconded by Mach to adjourn the meeting. Motion carried 4-0. Meeting adjourned.

Kathy Folk, Grant County Auditor

Doug Stengel, Vice-Chairman, Grant County Commissioners