

December 19, 2023

The Grant County Commission met at 8 AM with Commissioners Buttke, Mach, Stengel, Tostenson, and Street present. Chairman Mach called the meeting to order. Motion by Tostenson and seconded by Buttke to approve the December 5 and 7, 2023 minutes. Motion carried 5-0. Minutes filed. Motion by Street and seconded by Tostenson to approve the agenda. Motion carried 5-0.

Present from the public were Keith Christians, Dave Wollschlager and Todd Langston. Staff members present were Commissioner Assistant Layher, Drainage Officer Berkner and States Attorney Schwandt.

Public Comment: Chairman Mach called for public comment three times. There were no comments. Chairman Mach closed the public comment.

The Auditor's Account with the Treasurer for November 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 November, 2023.

Cash on Hand	\$1,405.80
Checks in Treasurer's possession less than 3 days	\$42,636.86
Cash Items	\$0.00
TOTAL CASH ASSETS ON HAND	\$44,042.66
RECONCILED CHECKING	
First Bank & Trust	\$15,105.43
Interest	\$0.00
Credit Card Transactions	\$9,956.11
First Bank & Trust (Svgs)	\$9,642,154.68
CERTIFICATES OF DEPOSIT	
First Bank & Trust	\$0.00
First Bank & Trust (TIF)	\$0.00
TOTAL CASH ASSETS	\$9,711,258.88
GENERAL LEDGER CASH BALANCES:	
General	\$4,722,353.94

General restricted cash	\$2,050,000.00
Cash Accounts for Offices General Fund	\$656.00
Sp. Revenue	\$1,280,821.92
Sp. Revenue restricted cash	\$0.00
Henze Road District	\$667.02
TIF Milbank	\$0.00
TIF Rosewood Mil-3	\$0.00
TIF Water Dist.	\$0.00
Special Assessment Land Rent	\$0.00
Trust & Agency (schools 474,724.09, twps 42,423.85, city/towns 52,351.50)	\$1,656,760.00
ACH Correction	\$0.00
TOTAL GENERAL LEDGER CASH	\$9,711,258.88

Dated this 8th day of December, 2023

Kathy Folk
County Auditor

The Register of Deeds fees for the month of November were \$5,041.00. The Clerk of Courts fees for the month of November were \$8,317.39. The Sheriff fees for the month of November were \$9,716.61 with \$2,966.61 received into the General Fund. Statistics: The following statistics for the months of October and November for the Sheriff's Office were presented by report. October: Average Daily inmate population 7.54; Number of bookings 29; Work release money collected \$2,435.00; 24/7 Preliminary Breath Test (PBT) fees collected \$543.00; SCRAM (alcohol detecting bracelet) fees collected \$954.00; 24/7 PBT participants 4; SCRAM (Sobriety Program) participants 3; UA participants 14; Calls for Service (does not include walk-in traffic) 365; Accidents investigated 4; Civil papers served 44; Cumulative miles traveled 15,352; 911 calls responded to (including Milbank) 102. November: Average Daily inmate population 6.06; Number of bookings 21; Work release money collected \$590.00; 24/7 Preliminary Breath Test (PBT) fees collected \$319.00; SCRAM (alcohol detecting bracelet) fees collected \$500.00; 24/7 PBT participants 3; SCRAM (Sobriety Program) participants 3; UA participants 13; Calls for Service (does not include walk-in traffic) 297; Accidents investigated 4; Civil papers served 47; Cumulative miles traveled 13,305; 911 calls responded to (including Milbank) 94.

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

Permit DR2023-78 for Jay Mertens for property owned by Kevin & Debra Pederson and located the E1/2NW1/4 INCL LT 1 PEDERSON SUBDIVISION & E1/2SW1/4 of 10-119-49 (Madison Twp).

Chairman Mach asked for a motion to approve drainage permit DR2023-78 for Jay Mertens. Motion was made by Tostenson and seconded by Buttke.

Drainage Officer Berkner began his report for DR2023-78 stating the drainage project is located in the E1/2 of the W1/2 of Section 10 in Madison Township located within the North Fork of the Yellow Bank River Watershed. It is for re-permitting approximately 145 acres of land originally permitted in 2012 and was never started.

According to Berkner the tile map provided by the permittee indicates no inlets and 1-15" outlet which could have a maximum capacity of 1000 gpm, or 2.23 cf/s, if it ran full and installed at a .1% grade. The original 2012 permit, DR2012-42, called for a 1-12" outlet. It is being upsized to accommodate a possible future drainage project by an adjacent landowner.

Berkner said his office has received three comments concerning beaver dams that have greatly slowed the flow of water in the creek that was going to receive drainage water in recent years. Berkner closed his report saying it was his opinion that the project is supported by questions asked in Section 101, 313 and 317 of the county's drainage ordinance and reminded the drainage board that it is a re-permit of DR2012-42 that was never started.

Mach opened the public hearing for DR2023-78 asking three times for comments in favor or against the drainage permit. Keith Christians, who farms land directly downstream of the proposed project, confirmed that recent beaver dam activity has greatly restricted the flow of water out of the area the outlet would drain into. Christians stated he wasn't against the drainage project being permitted but he did have concerns about the beaver dams slowing the water flow.

State's Attorney Schwandt commented that the county is not responsible for monitoring or restricting beaver dam activity on private land and it is the individual landowner's responsibility.

With no more discussion Chairman Mach called for the vote. Motion carried 5-0.

Permit DR2023-79 for Doug Schneck for property owned by Schneck Real Estate Ltd Partnership and located within the SW1/4 of 15-120-48 (Alban West Township).

Chairman Mach asked for a motion to approve drainage permit DR2023-79 for Doug Schneck. Motion was made by Stengel and seconded by Buttke.

Berkner began his report saying DR2023-79, is a permit for land located in the SW1/4 of Section 15 in Alban West Township and is a follow up to permits DR2023-74 and DR2023-75. Those permits had a modification in the direction some of the out letting water would flow. The design change was made without enough time to notify the public when the original two permits were approved November 7th. Berkner said at that time the design modification changed the direction of the outlet flow of 1-inlet and its 6” outlet. The permits DR2023-74 and DR2023-75 were conditioned so it could be installed but had to be capped until it could be permitted.

Berkner said the 1-inlet and 1-6” main tile would now connect into an existing 24” tile that flows north, instead of south, and would only serve as an overflow for a 20-acre sized certified wetland if it overflows its normal boundaries. Under those conditions the water has problems flowing through existing road culverts causing water to back up.

In total Berkner said the additional 6” outlet would have a maximum flow rate capacity of 90 gpm, or .2 cf/s, if it ran full and was installed at .1% grade. The 24” pipe and outlet that flows north would be receiving the additional water from DR2023-79 has a maximum flow rate of 3,485 gpm, or 7.77 cf/s, if it was installed and ran full at a .1% grade.

Berkner closed his report saying it is his opinion that the project is supported by questions asked in Section 101, 313 and 317 of the county’s drainage ordinance.

Chairman Mach opened the public hearing for DR2023-79 asking three times for comments in favor or against the drainage permit with no one responding. Mach closed the public hearing and called for Board discussion.

A brief discussion followed of what responsibility the county has in drainage permitting in relation to the rules surrounding certified wetlands. States Attorney Schwandt said that it is the responsibility of the permittee, not the county, to keep their drainage designs in compliance with all government regulations and guidelines.

Berkner concurred with Schwandt’s statement adding that during the permitting application process he always explains to permittees that they alone are responsible for following all state and federal rules and regulations related to their drainage projects and ultimately are individually responsible if their drainage design causes harm to their neighbors.

With no more discussion Mach called for the vote. Motion carried 5-0.

Berkner gave an update and showed photos of the work completed by Jerry Bury for drainage permit DR2023-46. A county ROW permit was issued to allow ditch work near the intersection of 480th Ave. and 159th St. just northeast of the Victory II Dairy in Vernon West Township.

Berkner mentioned with constructing a drainage ditch parallel to 159th Street on private property Bury had also removed erosion sediment from the county's road ditch as discussed during his drainage permitting. Berkner said Bury sought prior approval of the work to be completed from Hwy Supt Daren Peterson and Berkner.

Berkner said a copy of the signed ROW work permit is now attached to the original drainage permit application and the work completed met the standards set by Peterson.

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

HWY: Motor grader: Hwy Supt Peterson presented two motor grader bids available to purchase from the National Joint Powers Alliance. This organization goes through the bid process. This RFP is a competitive bid proposal that allows other government entities to purchase from the listed equipment items. The Butler CAT bid for a motor grader to be delivered in 2024 is \$455,972.55 complete with wing attachment. The bid from RDO for a John Deere motor grader with wing attachment is \$466,167.00. Motion by Street and seconded by Buttke to approve the purchase agreement from Butler CAT with a delivery date of June of 2024. Motion carried 5-0.

RAIF Funds: Supt Peterson presented the township RAIF fund requests for 2024. The county total is \$497,820 (80%) and the townships total is \$124,454 (20%). Motion by Tostenson and seconded by Stengel to approve the township RAIF funding requests for 2024. Motion carried 5-0.

Ottertail Transmission Line: Todd Langston of Ottertail Power presented a report on the new Big Stone South to Alexandria (BSSA) 345-kV Transmission Line. The BSSA project will allow more energy to flow from the generation sources to customers and reduce congestion on the existing transmission system. It will also increase reliability by strengthening the regional transmission system and

increase resiliency to better withstand major weather events. The line will be 95-105 miles in length, built with self-supporting steel monopoles 150' in height. The foundations will be concrete with 4-6 monopole structures per mile. Easement acquisition will begin in 2024. Route permit application submission will be in 2025 with a target service date of June 2030. Public outreach meetings for Milbank and Ortonville areas are tentatively scheduled for mid-February 2024.

Travel: None

County Assistance: None

4-H /Extension: Motion by Stengel and seconded by Buttke to approve the Memorandum of Understanding between SDSU Extension and Grant County for the 4-H Program. Motion carried 5-0.

Unfinished Business: None

New Business: Commissioner Tostenson requested States Attorney Schwandt to explain the protocol for juveniles in the court system. Schwandt stated it depends if they would qualify for the Diversion Program, their prior criminal history and if they have a misdemeanor or felony charge. Each case is different. Juvenile crimes are not public information. Schwandt said he can be contacted if someone has questions.

The Commission discussed Summit Power Carbon Solutions who install CO2 pipelines to North Dakota and how this type of pipeline fits within the county's ordinance.

Commissioner Assistant Layher stated the SD Dept of Legislative Audit State Auditor, Maria Schwader, was on site last week to conduct the bi-annual audit of the financial records.

Correspondence: None

Claims: Motion by Street and seconded by Stengel to approve the claims. Motion carried 5-0. A-OX WELDING, supplies 17.11; ADAM LAUSENG, repairs & maint 3,500.00; MNB CLEANING, prof services 700.00; BERENS MARKET, inmate groceries 425.31; BIEN PHARMACY, inmate rx 4.00; BORNS GROUP, mailing expense 1,384.06; CCP INDUSTRIES, supplies 285.73; CENTER POINT,

books 521.52; CHRISTOPHER NOELDNER, supplies 820.26; CODINGTON CO SHERIFF, inmate housing 1,045.00; CRAIG DEBOER, car wash usage 165.34; D-WARE, maint agreement 4,570.00; DENNIS AMBERG, minor equip 1,382.65; JUSTIN DEVAAL, contracted proj 2,207.12; EQUIPMENT BLADES, supplies 7,776.00; FISHER SAND & GRAVEL, gravel & riprap 5,461.80; GRANT CENTER TOWNSHIP, RAIF reimbursement 9,241.74; GRANT COUNTY REVIEW, publishing 678.70; INGRAM, books 2,018.33; INTER-LAKES COMM ACTION, service worker 2,628.00; ITC, phone & internet 2,245.27; JASON SACKREITER, garbage service 230.00; JURGENS PRINTING, supplies 32.00; KRISTIN WOODALL, prof services 16.90; LEON'S CLEANING SERVICE, prof services 2,200.00; LEWIS & CLARK BEHAVIORAL HEALTH, prof services 213.00; LEWIS FAMILY DRUG, supplies 513.15; LINCOLN CO AUDITOR, prof services 460.85; MICROFILM IMAGING SYSTEMS, scanner rent 642.00; MILBANK AREA HOSPITAL AVERA, blabs 973.00; MINNEHAHA CO AUDITOR, prof services 398.87; MUNDWILER FUNERAL HOME, prof services 3,830.00; NORTHWESTERN ENERGY, natural gas 54.98; NOVAK SANITARY SERVICE, shredding services 46.07; OTTER TAIL POWER, electricity 2,538.89; R.D. OFFUTT, repairs & maint 196.65; RC TECHNOLOGIES, 911 transport & tower rent 95.96; RIVER STREET PETROLEUM, diesel & ethanol 5,670.17; RON'S EQUIP PAINTING, repairs & maint 302.56; RUNNINGS, supplies 763.66; SANDRA FONDER, prof services 116.66; SCANTRON, prof services 5,571.53; MATT SCOTT, repairs & maint 227.50; SD DEPT OF HEALTH, blabs 550.00; SD DEPT TRANSPORTATION, contracted proj 99,625.57; STAR LAUNDRY, rentals 160.22; TYLER BUSINESS FORMS, supplies 188.23; UNZEN MOTORS, repairs & maint 176.55; VALLEY OFFICE PRODUCTS, supplies & furniture 2,355.17; VALLEY SHOPPER, publishing 28.83; VERIZON, hotspot 38.52; WHETSTONE HOME CENTER, supplies 147.95; WHETSTONE VALLEY ELECTRIC, contracted proj & electricity 27,171.41; XEROX, copier rent 899.22; YANKTON CO TREASURER, prof services 135.00. TOTAL: \$203,649.01.

NOVEMBER MONTHLY FEES: SDACO, ROD modernization fee 172.00; SD DEPT OF REVENUE, monthly fees 201,199.50. TOTAL: \$201,371.50.

Payroll for the following departments and offices for the December 14, 2023, payroll are as follows: COMMISSIONERS 7,215.10; AUDITOR 9,230.31; ELECTION 67.76; TREASURER 5,774.14; STATES ATTORNEY 7,298.20; CUSTODIANS 3,374.80; DIR. OF EQUALIZATION 4,439.20; REG. OF DEEDS 4,963.45; VET. SERV. OFFICER 1,277.10; SHERIFF 17,334.64; COMMUNICATION CTR 8,957.29; PUBLIC HEALTH NURSE 1,283.25; ICAP

119.00; VISITING NEIGHBOR 2,114.50; LIBRARY 7,650.14; 4-H 3,973.02; WEED CONTROL 2,111.40; P&Z 1,366.40; DRAINAGE 533.75; ROAD & BRIDGE 32,252.97; EMERGENCY MANAGEMENT 2,492.00. TOTAL: \$123,828.42.

Payroll Claims: FIRST BANK & TRUST, Fed WH 8,850.66; FIRST BANK & TRUST, FICA WH & Match 14,784.50; FIRST BANK & TRUST, Medicare WH & Match 3,457.68; ACCOUNTS MANAGEMENT, deduction 84.04; AMERICAN FAMILY LIFE, AFLAC ins. 1,570.25; ARGUS DENTAL, ins. 605.97; WELLMARK-BLUE CROSS OF SD, Employee health ins. 2,895.60; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 210.00; SDRS SUPPLEMENTAL, deduction 1,428.83; SDRS, retire 14,175.88. TOTAL: \$48,063.41.

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

1. Declare surplus Canon Printer, Brother Fax, Bar Code Scanner, HP Elite Pad Tablet, HP Slimline PC, Advent Wireless Speaker System, Voicesaver PA System, Lenovo HD Touch Screen, HP All-in-one Computer, (2) chairs with arms, Juvenile Magazine Rack, Scan Pro 2000 Microfilm Machine, Dell Optiplex 3010 Computer, iPad Cases, (5) Table Top Voting Booths, (9) various office chairs, Time clock, (2) Angola Pump with fittings, Lincoln Wire-Matic welder and various shelving, stands, computer equipment and phone equipment as designated for 2023 year-end inventory

Executive Session: Motion by Stengel and seconded by Tostenson to enter executive session at 10:35 AM for the purpose of a personnel issue(s) pursuant to SDCL 1-25-2 (1). Motion carried 5-0. Commissioner Assistant Layher, Sheriff Owen, Hwy Supt Peterson, and Auditor Folk were present. Chairman Mach declared the meeting open to the public at 11:20 AM. No action was taken because of the executive session.

Chairman Mach recessed the meeting at 11:21 AM. and reconvened the meeting at 1:36 PM.

Present from the jail advisory committee were Dave Page, Dan Snaza, Greg Thomas, Adam Hunt, and Travis Lester. Present from the public were Tom Grimmond from Colliers Securities and Kathy Ward from Valley Express News. Adam Keuhl with HMN Architects and Cory Johnson with Johnson Construction

joined via teleconference. Chairman Mach reconvened the meeting. The purpose of the meeting was to review the preliminary drawing of a new jail.

Sheriff Owen read a list of over 30 cases that were held in court today to show the type of offenses being committed within the county, which reflects the need to secure the safety of the staff and public. Adam Keuhl presented the details of the new jail plan layout with Keuhl and Sheriff Owen describing the purpose of each different room. It is a 9,700 sq ft facility with 20 beds.

Discussion was held on the location of the new jail, construction costs, a bond levy and when to hold an election for the bond levy. The Commissioners and jail committee consensus is to hold the election with the primary in June instead of having a special election. They will meet again on January 16. Informational public meetings are being planned for 2024.

Executive Session: Motion by Street and seconded by Buttke to enter executive session at 4:00 PM for the purpose of a personnel issue(s) pursuant to SDCL 1-25-2 (1). Motion carried 5-0. Commissioner Assistant Layher and States Attorney Schwandt were present. Chairman Mach declared the meeting open to the public at 4:35 PM. No action was taken because of the executive session.

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 29, 2023 and January 2 and 16, 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

Michael J. Mach, Chairman, Grant County Commissioners