

December 21, 2021

The Grant County Commission met at 8 AM with Commissioners Buttke, Mach, Street and Tostenson present. Commissioner Stengel was absent. Chairman Tostenson called the meeting to order with a quorum present and asked for a motion to approve the minutes. Motion by Mach and seconded by Buttke to approve the minutes of the December 7, 2021, meeting. Motion carried 4-0. Minutes filed. Motion by Street and seconded by Buttke to approve the agenda. Motion carried 4-0.

Members of the public present were Paul Anderson, Kevin Miller, Tim Rufer, Kristie Rufer, Steve Brown and Randy Athey. Staff present were States Attorney Schwandt, Drainage Officer Berkner and Deputy Auditor Folk.

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

The Auditor's Account with the Treasurer for the month of 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, 2021

Cash on Hand	\$3,188.97
Checks in Treasurer's possession less than 3 days	\$27,429.50
Cash Items	\$0.00
TOTAL CASH ASSETS ON HAND	\$30,618.47
RECONCILED CHECKING	
First Bank & Trust	\$3,314.40
Interest	\$0.00
Credit Card Transactions/TIF Fee	\$4,705.38
First Bank & Trust (Svgs)	\$8,084,051.00
CERTIFICATES OF DEPOSIT	
First Bank & Trust	\$0.00
First Bank & Trust (TIF)	\$0.00
TOTAL CASH ASSETS	\$8,122,689.25

GENERAL LEDGER CASH BALANCES:

General	\$3,263,216.90
General restricted cash	\$2,250,000.00
Cash Accounts for Offices General Fund	\$656.00
Sp. Revenue	\$736,758.07
Sp. Revenue restricted cash	\$0.00
Henze Road District	\$130.72
TIF Apportioning Northern Lights	\$0.00
TIF Milbank	\$0.00
TIF Northern Lights	\$0.00
Special assessment Land Rent	\$0.00
Trust & Agency (schools 587,333.41, twps 47,266.80, city/town 35,045.01)	\$1,871,927.56
TOTAL GENERAL LEDGER CASH	\$8,122,689.25

Dated this 12th day of December, 2021

Karen M. Layher

County Auditor

The Clerk of Courts fees for the month of November were \$6,269.75 and the Sheriff fees for the month of November were \$3,742.00 with \$2,890.00 receipted into the General Fund. The Register of Deeds fees for November were \$10,687.75.

Executive Session: Motion by Buttke and seconded by Mach to enter executive session at 8:07 AM for the purpose of a personnel(s) issue pursuant to SDCL 1-25-2(1). Chairman Tostenson called for a vote. Motion carried 4-0. Auditor Layher, Drainage Officer Steve Berkner and States Attorney Schwandt were present. Chairman Tostenson declared the meeting open to the public at 8:09 AM. No action was taken because of the executive session.

Drainage: Chairman Tostenson adjourned the Board of Commissioners and convened the Commission acting as the Drainage Board. Auditor Layher excused herself from taking minutes on the Paul Anderson permit as the land is owned by her and her brothers. Motion by Mach and seconded by Buttke to approve Permit DR2021-38.

Drainage Officer Berkner presented Permit DR2021-38 for Paul Anderson as follows. He stated the applicant had been in about two months prior for a permit to drain to the east. Now, the present permit is for a tile in the natural channel on the land, no laterals, going to the northeast. The volume of water is not changing. The permit is to convert overland water to go to the tile. This will allow Paul to cross to other areas in the parcel and to prevent erosion. There are drainage rights for the

parcel on file in the Register of Deeds office which were filed in the 1980's. Commissioner Street asked the applicant if the project had been completed.

The applicant stated the erosion in the channel is bad. The single tile line will help the erosion and allow him to cross to a section of land on this parcel. He had talked to all the downstream landowners about the project and believed all was in order. The project was finished seven days ago when the tiler was finishing a project on the Kohl property.

Commissioner Street stated his issue is with the enforcement of the ordinance as the voters want the Commission to do. Commissioner Street made a motion to enforce the ordinance according to Section 319.

States Attorney Schwandt explained Sections 319 and 320 which are the penalty sections of the ordinance if a permittee does not obtain a permit prior to tiling, or a tiling contractor commences work before a permit is approved. Both sections refer to the violation as a class one misdemeanor. The States Attorney can commence a civil suit in the name of the County or proceed with criminal charges. He advised the Commission he can send a demand letter to the permittee to pay the civil penalty. He also advised the Board there is not anything in the ordinance to prevent approval after the violation is acted upon.

Commissioner Mach asked the applicant how many days it had been since the project was completed. He determined four working days had passed and suggested a penalty of \$500 per day for the four days.

Paul stated he had advised the contractor to proceed as he had started the permit with Steve and had talked to all the downstream landowners.

Commissioner Street stated his issue is with the enforcement of the Section 319 of the ordinance and amended his motion to include the civil penalty of \$500 per day for 4 days. The motion was seconded by Mach. Motion carried 4-0.

Chairman Tostenson opened the public hearing and called for pro and con comments from the public on DR2021-38. There were not any comments offered and the public hearing was closed. The Board began their discussion. Chairman Tostenson explained the Drainage Board would now ask their questions

concerning the permit. He started the discussion by asking the culvert size on 158th St. to determine if the culvert can handle the flow of the water from the project. The answer was there is no issue with the culvert. Another question was the height of the inlets which are 6 inches high.

Commissioner Street stated this project is converting surface water flowing through a tile pipe. There is not any change in the amount of water being drained. There are not any springs within the project area. The water flows onto his dad's land, his aunt's land and back to the parcel he farms.

The list of questions on the administrative form were answered in the affirmative by the applicant. Drainage Officer Berkner stated the two questions difficult to answer are the impact on wildlife and impact downstream.

Chairman Tostenson asked for final comments; there were none. He called the motion on the floor to approve DR2021-38. Motion carried 4-0.

Drainage Officer Berkner reported he had received information on a tiling project in Mazeppa Township that did not have a permit. He stated he had sent the landowner a letter on the need to obtain a tiling permit. The hearing for the permit will be held on January 18, 2022.

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

Sheriff: Kevin Owen stated he is here with some members of the public to discuss two issues. The first issue is dogs running at large. The second issue to be discussed is vicious dogs per state statute within city limits and what is the County's responsibility. Sheriff Owen asked to discuss remedies and what those present can do as private citizens. States Attorney Schwandt referenced the laws pertaining to the subject. SDCL 40-34-4 refers to more than five dogs shall amount to a public nuisance, but the key words are the Commission "may provide". This means enacting an ordinance to define five or more dogs as a public nuisance. Under SDCL 40-34-5, for dogs running at large, also means an enforcement ordinance. A private individual can bring a public nuisance complaint against an individual. A city or town may enact an ordinance on dogs and their city attorney or law officer enforces the city ordinance. The sheriff's duties pertain to the

unincorporated areas of the county and only if the County has enacted an ordinance on dogs.

Highway: Supt Schultz presented an application resolution, utilities certificate and a ROW certificate to apply for a BIG grant for bridge 26-030-067 located .3 miles north of the intersection of 452nd Ave and 149th St in Blooming Valley Twp. The ROW certificate would be signed after the ROW donation agreement is signed by the landowner. Motion by Mach and seconded by Buttke to approve the documents provided the landowner signs the land agreement. Motion carried 4-0. Resolution adopted.

2021-44
Bridge Improvement Grant Program
Resolution Authorizing Submission of Applications

WHEREAS, Grant County wishes to submit an application(s) for consideration of award for the Bridge Improvement Grant Program:

STRUCTURE NUMBER(S) AND LOCATION(S):

Structure No. 26-030-067 located on 452 Ave., 0.3 miles north on 149th St.

and WHEREAS, Grant County certifies that the project(s) are listed in the county's Five-Year County Highway and Bridge Improvement Plan*;

and WHEREAS, Grant County agrees to pay the **20% match** on the Bridge Improvement Grant funds;

and WHEREAS, Grant County hereby authorizes the Bridge Improvement Grant application(s) and any required funding commitments.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is requested to accept the attached Bridge Improvement Grant application(s).

Vote of Commissioners: Yes : 4 No: 0 Absent: 1

Dated at Milbank, SD this 21st day of December 2021.

ATTEST:

Karen M. Layher
County Auditor

William J. Tostenson
Chairman

Motion by Street and seconded by Buttke to approve up to \$200 for land purchase next to the ROW for this bridge project. Motion carried 4-0.

BIDS FOR FUEL

DATE	BIDDER	ETHANOL	DIESEL #1	DIESEL #2
11/01	UPI		3.02	
	Cenex		3.25	
UPI was the low bidder for Diesel at 3.02.				
11/04	UPI			2.85
	Cenex			2.84
Cenex was the low bidder for Diesel 2 at 2.84.				
11/15	UPI	2.89		
	Cenex	2.94		
UPI was the low bidder for Ethanol at 2.89.				
11/17	UPI		2.87	
	Cenex		2.99	
UPI was the low bidder for a blend of Diesel 1 & 2 at 2.87.				
11/17	UPI		2.96	
	Cenex		2.99	
UPI was the low bidder for Diesel 1 at 2.96.				

Marvin Fire Dept: Motion by Mach and seconded by Street to approve the payment of a claim in the amount of \$895 for electrical work to the Marvin Fire Hall due to wires being damaged when work was being done by the County. Motion carried 4-0.

Auto Supplement: Motion by Mach and seconded by Buttke to approve an auto supplement of revenue and expense for the ARP grant funding for the library's digitalization project in the amount of \$26,950.00. Motion carried 4-0.

Redistricting Ordinance: The first reading of a proposed ordinance change on commissioner districts based on the 2020 census was held by reading the title only. Auditor Layher read the titled ordinance.

**ORDINANCE 2022 - 01
AN ORDINANCE REPEALING EXISTING GRANT COUNTY COMMISSIONER VOTING DISTRICTS AND ESTABLISHING NEW VOTER DISTRICTS BASED UPON 2020 CENSUS, PER SDCL 7-8-10 AND 7-8-12, BY DIVIDING GRANT COUNTY INTO FIVE (5) COUNTY COMMISSIONER DISTRICTS AND ESTABLISHING THE BOUNDARIES THEREOF.**

Motion by Mach and seconded by Street to approve the first reading of Ordinance 2022-01 by title only and to set January 4 at 9:00 AM for the second reading. Motion carried 4-0.

Executive Session: Motion by Mach and seconded by Buttke to enter executive session at 9:52 AM for the purpose of a personnel(s) issue pursuant to SDCL 1-25-2(1). Motion carried 4-0. Auditor Layher and States Attorney Schwandt were present. Chairman Tostenson declared the meeting open to the public at 10:03 AM. No action was taken because of the executive session.

Unfinished Business: None

New Business: The Commission noted the tax year 2020 delinquent tax list prepared by Treasurer DeVaal.

Correspondence: None

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

1. Approve step increase for Tammy Wollschlager to step 8 at \$17.50 per hour effective 12-14-2021
2. Declare surplus: Sharp calculator, fixed asset number 10647; a Smart UPS 1000VA, fixed asset number 00081; an APC UPS-1000, fixed asset 08557

Claims: Motion by Mach and seconded by Buttke to approve the claims as presented. Motion carried 4-0. A-OX WELDING, supplies 148.73; ADVANCED TECHNOLOGIES, supplies 57.97; AVERA MCKENNAN, health services 201.48; BANNER, hwy proj 20,779.10; BRENDEN SCHWENN, prof services 895.00; BUTLER, repairs & maint 1,045.90; CENTER POINT, books 370.92; CENTURYLINK, phone 153.84; CITY OF WATERTOWN, 911 surcharge 6,176.56; COLONIAL RESEARCH CHEMICAL, supplies 128.84; CONSOLIDATED READY MIX, gravel 461.34; CRAIG DEBOER, car wash usage 238.32; DEMCO, supplies 113.90; FOOD-N-FUEL, inmate meals 152.25; HARTMAN'S, prisoner groceries, supplies 214.10; INSIGHT, minor equip 608.00; INTER-LAKES COMMUNITY ACTION, service worker 2,565.92; JASON SACKREITER, garbage service 95.00; KEVIN MEYER, supplies 232.99; LARRY'S REFRIGERATION, repairs & maint 7,952.28; LEWIS, supplies 330.60; MCLEOD'S, supplies 423.18; MICROFILM IMAGING SYSTEMS, scanner rent 620.00; MICROMARKETING, cd books 69.78; MIDWEST TRUCK & PARTS, repairs & maint 715.60; MILBANK AREA HOSPITAL AVERA, blabs 125.00; MUNDWILER FUNERAL HOME, prof services 6,759.00; NORTHWESTERN ENERGY, 4H building 1,027.75; OTTER TAIL POWER, electricity 3,013.04; PB ELECTRONICS, supplies 360.00; QUICK PRO LUBE, repairs & maint 342.57; QUILL, supplies & minor equip 983.73; RC

TECHNOLOGIES, 911 transport & tower rent 95.96; RELX, online charges 725.00; RIVER STREET PETROLEUM, ethanol 6,569.18; SCANTRON, minor equip 1,329.28; SD DEPT OF HEALTH, blabs 120.00; ST WILLIAMS, prof services 118.00; STERN OIL, supplies 5,117.75; TRUENORTH STEEL, hwy proj 3,610.08; TWIN VALLEY TIRE, supplies 124.00; TYLER BUSINESS FORMS, supplies 229.47; VALLEY OFFICE PRODUCTS, supplies 1,732.03; VAN DIEST SUPPLY, weed chemicals 13,380.00; VERIZON WIRELESS, hotspot 38.52; VISA, supplies, meals, mailing, gas, books 2,371.80; WHETSTONE HOME CENTER, supplies 96.29; WHETSTONE VALLEY ELECTRIC, electricity 647.38; XEROX, copier rent 788.36. TOTAL: \$94,455.79.

Payroll for the following departments and offices for the December 14, 2021, payroll are as follows: COMMISSIONERS 3,223.90; AUDITOR 7,745.64; ELECTION 94.24; TREASURER 5,994.37; STATES ATTORNEY 6,051.42; CUSTODIANS 3,036.23; DIR. OF EQUALIZATION 3,974.56; REG. OF DEEDS 4,386.27; VET. SERV. OFFICER 1,171.50; SHERIFF 14,100.79; COMMUNICATION CTR 8,764.85; PUBLIC HEALTH NURSE 800.26; ICAP 145.48; VISITING NEIGHBOR 1,652.13; LIBRARY 7,300.78; 4-H 3,490.20; WEED CONTROL 1,957.40; P&Z 1,406.00; DRAINAGE 266.00; ROAD & BRIDGE 32,662.38; EMERGENCY MANAGEMENT 2,314.00. TOTAL: \$110,538.40.

Payroll Claims: FIRST BANK & TRUST, Fed WH 8,572.51; FIRST BANK & TRUST, FICA WH & Match 13,461.28; FIRST BANK & TRUST, Medicare WH & Match 3,148.18; AAA COLLECTIONS, deduction 34.08; ACCOUNTS MANAGEMENT, deduction 98.05; AMERICAN FAMILY LIFE, AFLAC ins. 1,431.37; WELLMARK-BLUE CROSS OF SD, Employee health ins. 1,007.25; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 210.00; SDRS SUPPLEMENTAL, deduction 1,369.33; SDRS, retire 12,510.11. TOTAL: \$41,842.16.

MONTHLY FEES: SD DEPT OF HEALTH, 4th qtr county health nurse 1,907.25; SD DEPT OF REVENUE, monthly fees 179,399.84; SD; SDACO, ROD modernization fee 290.00. TOTAL: \$181,597.09.

Commissioner Buttke excused himself from the meeting at 10:30 AM.

Drainage: Chairman Tostenson adjourned the Board of Commissioners and convened the Commission acting as the Drainage Board. Drainage Office Berkner reported that the applicant Darin Mertens for Permit 2021-39 is unable to attend

the meeting today. Motion by Street and seconded by Mach to table Permit 2021-39 until the January 18, 2022, meeting. Motion carried 3-0.

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

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 30, 2021, and January 4 and 18, 2022, at 8 AM. Motion by Mach and seconded by Street to adjourn the meeting. Motion carried 3-0. Meeting adjourned.

Karen M. Layher, Grant County Auditor

William J. Tostenson, Chairman, Grant County Commission