

February 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 Street to approve the January 16, 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 was Eric Kunzweiler. Staff members present were Commissioner Assistant Layher, Drainage Officer Berkner, Hwy Supt Peterson, and States Attorney Schwandt.

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

HWY: Gravel Royalty: Supt. Peterson reported the owner of Morehouse Pit is requesting \$1.32 per ton royalty fees. Peterson remarked the royalty fees have increased since the last time the county crushed gravel, but the requested amount is on the lower end of royalty fees being paid. Commissioner Assistant Layher suggested a contract be prepared by the States Attorney for the owner to sign. Motion by Mach and seconded by Stengel to approve the contract for the royalty fee of \$1.32 per ton with the owner of the Morehouse Pit. Motion carried 5-0.

Joint Power Agreements: Supt Peterson presented SDDOT Joint Powers and Funding Agreement for bridge replacement project 26-293-210, BRO-B 8026 (37), PCN 09MR with 100% funding from the Federal Highway Local Bridge Replacement Program. The project cost is \$1,276,000. Motion by Street and seconded by Buttke to approve Chairman Tostenson to sign the agreement for bridge 26-293-210. Motion carried 5-0. Supt Peterson presented SDDOT Joint Powers and Funding Agreements for two Bridge Improvement Grants (BIG) for preliminary engineering 1) Bridge 26-296-020, BRO 8026(00)24-2, PCN 09NA with a maximum cost share of 80% (\$53,400) through BIG funds and 20% (\$13,350) local funding. The total preliminary engineering project cost is \$66,750. 2) Bridge 26-380-083, BRO 8026(00)24-1, PCN 09N8 with a maximum cost share of 80% (\$53,400) through BIG funds and 20% (\$13,350) local funding. The total preliminary engineering project cost is \$66,750. Motion by Mach and seconded by Street to approve Chairman Tostenson to sign the agreements for bridge 26-296-020 and 26-380-083. Motion carried 5-0.

Executive Session: Motion by Mach and seconded by Stengel to enter executive session at 8:17 AM for the purpose of a personnel issue(s) pursuant to SDCL 1-25-2 (1). Motion carried 5-0. Commissioner Assistant Layher, States Attorney Schwandt, Hwy Supt Peterson, and Auditor Folk were present. Chairman Tostenson declared the meeting open to the public at 8:23 AM. No action was taken because of the executive session.

ICAP: Eric Kunzweiler, Executive Director of ICAP, gave a report on the services they provide in the county. They have downsized their board of directors from 42 down to 15. Those directors represent the public, private and low-income sectors of the counties. They started in 1966 and cover 14 districts in the state. ICAP is funded mostly with federal dollars, the counties' allocations, a small portion from the state and donations.

Zoning Ordinance: The 9:30 AM public hearing was held for the second reading of Ordinance 2024-01. Motion by Stengel and seconded by Mach to dispense with the reading of the ordinance and to adopt Ordinance 2024-01. Chairman Tostenson called for discussion. There was none. Chairman Tostenson called for the vote. Buttke: Aye; Street: Aye; Mach: Aye; Stengel: Aye; Tostenson: Aye. Motion Carried 5-0. Ordinance 2024-01 adopted. The ordinance is on file in the auditor's office.

ORDINANCE NO. 2024-01

AN ORDINANCE ENTITLED, AN ORDINANCE TO REPEAL AND REPLACE SECTION 1106 FLOOD PLAIN PREVENTION ORDINANCE ADOPTED BY ORDINANCE 2004-01, AS AMENDED, OF THE ZONING ORDINANCE OF GRANT COUNTY.

Sheriff: Inmate contract: Sheriff Owen presented to the Commission a new inmate housing contract from Codington County for \$130 a day. Sheriff Owen recommended we sign the agreement in case we need to house an inmate with Codington County. Motion by Buttke and seconded by Stengel to approve the inmate housing contract with Codington County. Chairman Tostenson called for the vote. Motion carried 5-0. **Jail project:** A question was asked if the Commission could obtain another estimate on construction costs before the public forums are held. Layher will check on this. Discussion was held on the feedback received from the public, planning of the town hall meetings, and having an open house of the jail for the public. **Issuance of Bonds:** Motion by Street and seconded by Buttke to approve Resolution 2024-03 calling for the Issuance of General Obligation

Bonds for \$6,000,000 and setting the primary election date of June 4th for the vote on the issuance of the bonds for the new jail. Chairman Tostenson called for the vote. Motion carried 5-0. Resolution adopted.

RESOLUTION NO. 2024-03

RESOLUTION DECLARING NECESSITY AND EXPEDIENCY FOR ISSUANCE OF GENERAL OBLIGATION BONDS AND CALLING AN ELECTION

WHEREAS, Grant County (the “County”) hereby finds it necessary to provide funds for financing the new Grant County Law Enforcement Center will be a new building located South of the existing Sheriff’s Office on the NE corner of the park along Detention street. The proposed facility will include the Sheriff’s Office, Dispatch, Jail, and Jail support, furnishing and equipping of the same, and the costs of issuing the Bonds (the “Improvements or Construction”), if so approved by the voters; The proposed project will meet all building code and American Correctional Association requirements providing safety for the Public, Staff, and Detainee, and

WHEREAS, the County is authorized to issue bonds pursuant to SDCL Chapter 7-24 to finance the Improvements and Construction, if so approved by the voters; and

WHEREAS, pursuant to SDCL 6-8B-3 no bonds may be issued unless authorized by a vote of the people.

BE IT RESOLVED by the Commission of Grant County, South Dakota, as follows:

1. Declaration of Necessity. It is hereby found, determined and declared that it is necessary and expedient for this County to borrow money by issuing its General Obligation Bonds in an amount not exceeding \$6,000,000 payable from 1 and not to exceed 20 years from year of issuance, bearing interest payable at such times and at such rate or rates as may be determined by the Commission, for the purpose of financing the new Grant County Law Enforcement Center will be a new building located South of the existing Sheriff’s Office on the NE corner of the park along Detention street. The proposed facility will include the Sheriff’s Office, Dispatch, Jail, and Jail support, furnishing and equipping of the same, and the costs of issuing the Bonds (the “Improvements or Construction”), if so approved by the voters; The proposed project will be meet all building code and American

Correctional Association requirements providing safety for the Public, Staff, and Detainee.

2. Election. The question of authorizing the issuance of such bonds shall be submitted to the qualified electors of the County at a bond election which is to be held on the 4th day of June 2024 between the hours of 7:00 o'clock a.m. and 7:00 o'clock p.m. The question shall be in substantially the following form:

SHALL GRANT COUNTY, SOUTH DAKOTA, ISSUE AND SELL ITS NEGOTIABLE GENERAL OBLIGATION BONDS IN A PRINCIPAL AMOUNT NOT EXCEEDING \$6,000,000, ISSUED IN ONE OR MORE SERIES, BEARING INTEREST AT SUCH RATES AS MAY BE DETERMINED BY THE COUNTY COMMISSION, PAYABLE AND MATURING FROM 1 AND NOT TO EXCEED 20 YEARS AFTER THE DATE OF ISSUANCE, FOR THE PURPOSE OF FINANCING THE NEW GRANT COUNTY LAW ENFORCEMENT CENTER WILL BE A NEW BUILDING LOCATED SOUTH OF THE EXISTING SHERIFF'S OFFICE ON THE NE CORNER OF THE PARK ALONG DETENTION STREET. THE PROPOSED FACILITY WILL INCLUDE THE

SHERIFF'S OFFICE, DISPATCH, JAIL, AND JAIL SUPPORT, FURNISHING AND EQUIPPING OF THE SAME, (THE "IMPROVEMENTS OR CONSTRUCTION"), AND THE COSTS OF ISSUING THE BONDS, IF SO APPROVED BY THE VOTERS; THE PROPOSED PROJECT WILL BE MEET ALL BUILDING CODE AND AMERICAN CORRECTIONAL ASSOCIATION REQUIREMENTS PROVIDING SAFETY FOR THE PUBLIC, STAFF, AND DETAINEE.

SHALL THE ABOVE PROPOSITION BE APPROVED AND THE BONDS ISSUED?

3. Polling places and Judges. Polling places and judges and clerks for said election shall be selected according to South Dakota Law.

4. Voter Registration Deadline. The County Auditor is hereby authorized and directed to give notice of voter registration and deadline therefore, as required by law. The deadline for voter registration shall not be less than fifteen (15) days prior to the election. The County Auditor shall give notice of the availability of registration officials and state when registration will be terminated and the effect of a failure to have registered. Such notice shall be published in official newspapers of the County at least once each week for (2) two consecutive weeks, the last

publication to be not less than (10) ten nor more than (15) fifteen days before the deadline for registration.

5. Notice of Election. The County Auditor is hereby authorized and directed to give notice of bond election, said notice to be published in the official newspaper for the County once each week for two (2) successive weeks before said date of election. The second notice shall be published not less than four (4) days nor more than ten (10) days before the election.

6. Ballots. The County Auditor is authorized and directed to cause printed ballots to be prepared for use at said election in substantially the form on file with the County Auditor and to publish with the second notice of election.

7. Canvass. Said election shall be held and conducted and the votes cast thereat shall be counted, certified and canvassed according to law, and this Board shall meet at the regular meeting room in Grant County, South Dakota, in the County for the purpose of canvassing the results within six (6) days of the election.

Commissioner Street moved for the adoption of the foregoing Resolution. Said motion was seconded by Commissioner Buttke and upon vote being taken the following voted AYE: Buttke; Mach; Stengel; Street; Tostenson and the following voted NAY: None.

Whereupon said motion was declared duly passed and adopted and was signed and attested by the Chairman and County Auditor.

ATTEST:
Kathy Folk
County Auditor

William J. Tostenson
Chairman

Liquor License: Commissioner Assistant Layher presented the 2024 package malt beverage off-sale license application for Cherry's Bittersweet Lodge. Motion by Mach and seconded by Stengel to approve the application of the package malt beverage off-sale license for 2024. Chairman Tostenson called for the vote. Motion carried 5-0.

1. Cherry's Bittersweet Lodge located at 15196 455th Ave., in Lura Township with a legal description of South 200' of the West 300' of Gov't Lot 4 in the SW1/4 in 7-120-51, Grant County for Malt Beverage (Off-Sale) Liquor.

Department Reports: VSO: Scott Malimanek provided copies of the special report Promise to Address Comprehensive Toxics (PACT) Act of 2022 and discussed its findings. This Act expands VA benefits for those affected by burn pits and toxic substances. He advised the SD Legislators are working to pass a bill to raise the 100% disabled veterans tax exemption for their owner-occupied residence from \$150,000 to \$200,000.

DOE: Kathy Steinlicht provided an estimated assessed value for the storm shelter if the building became privately owned. The Commission discussed options of what to do with it. Steinlicht also stated she wrote a letter of opposition to the state tax committee members regarding SB 183 and SJR 505.

Register of Deeds: Becky Wellnitz provided the 2023 year to date Statement of Fees collected for her office totaling \$106,862.68. She reported they obtained some free office furniture through the state surplus site. The Register of Deeds office is now able to accept debit and credit card payments. Their 2023 year-end lien records balance with the auditor's records. Wellnitz updated the Commission on the two bills the state legislators are proposing regarding notaries and the age restrictions for marriage licenses.

Library: Tammy Wollschlager gave the Commission the increased programming numbers for the 4th quarter. She recognized years of service for employees and volunteers ranging from 5-20 years. She is planning a spring art exhibit for all the different projects their patrons do and hosting a book author in the future.

Treasurer: The report was read by Auditor Folk. The Treasurer's office is working on filing tax statements into the drawers and pulling escrows. The motor vehicle transactions have not slowed down.

4-H: The report was read by Commissioner Assistant Layher. 4-H enrollment continues until May. There are currently 194 enrolled with 21 volunteers, 151 members, and 22 cloverbuds. There are 35 new enrollments with 25 club and 19 shooting sports. 93 youth are registered in shooting sports. Other programs reported on were Adopt a Cow, Food, Fun & 4-H, and Feed to Carcass.

Auditor: Kathy Folk reported the W-2's, 1099's and 1095 forms now must be filed electronically for businesses with over 10 forms. The process was not easy due to the IRS' computer system crashing due to the overload of users. The new CPI rate for 2024 pay 2025 taxes is 3%. Folk is preparing for the annual township association meeting on Wednesday, February 21.

Travel: Motion by Mach and seconded by Stengel to approve travel expenses for: Hwy Supt Peterson to attend the Short Course conference in Deadwood, EM Director Kevin Schuelke to attend the IMAT conference in Oacoma, Auditor Folk and Treasurer DeVaal to attend the spring workshop in Pierre, and Treasurer DeVaal to attend the fall convention in Rapid City. Motion carried 5-0

County Assistance: None

Abatements: Motion by Stengel and seconded by Mach to approve the following abatements. Motion carried 5-0.

1. Bill Number: 237614.0; Tax year: 2023; Abatement: \$732.82: Reason: Property became tax exempt on 3-29-2023
2. Bill Number: 230009.0; Tax year: 2023; Abatement: \$61.38: Reason: Trailer house gone-removed from assessment roll
3. Bill Number: 237188.0; Tax year: 2023; Abatement: \$96.36: Reason: Trailer house gone-removed from assessment roll
4. Bill Number: 230810.0; Tax year: 2023; Abatement: \$1,077.44: Reason: Due to qualified disabled veteran exemption
5. Bill Number: 239162.0; Tax year: 2023; Abatement: \$2,231.50: Reason: Due to qualified disabled veteran exemption
6. Bill Number: 239386.0; Tax year: 2023; Abatement: \$1,977.02: Reason: Due to qualified disabled veteran exemption

Election Agreements: Motion by Mach and seconded by Stengel to approve the combined election agreement with the City of Milbank, Milbank School District, and the Big Stone City School District for holding a combined election on the Primary Election date of June 4, 2024. Motion carried 5-0.

P & Z Board: Due to Richard Hansen resigning from the P & Z Board, discussion was held on possible candidates to fill the position.

4-H Boards: Tabled for the next meeting on February 20.

Library Smoke Alarm: Commissioner Assistant Layher reported Whetstone Valley Electric is ready to install the new smoke alarm system for the courthouse. Once the courthouse system is installed the library's smoke alarm system will be disabled from the combined system. The estimate from Whetstone Valley Electric to replace the library smoke alarm system is \$22,210.86. Layher advised the board that the library smoke alarm system is not in the budget for 2024. Board discussion was held. Motion by Street and seconded by Mach to replace the library smoke

alarm system in 2024 by a formal budget supplement of \$22,210.86 from the General Fund. Chairman Tostenson relinquished the chair to Vice Chairman Stengel. Vice Chairman Stengel called for the vote. Motion carried 4-0. Tostenson abstained from the vote. Stengel returned the chair back to Chairman Tostenson.

Request for Proposal: Commissioner Assistant Layher explained the county needs to advertise for a general contractor to obtain cost proposals for the elevator project. Motion by Mach and seconded by Stengel to approve the Request for Proposal for Construction Manager at Risk for the courthouse elevator project. Chairman Tostenson called for the vote. Motion carried 5-0.

Personnel Policy: Motion by Buttke and seconded by Stengel to clarify Section F to state if an employee is required to maintain essential services on a holiday, they will be paid for 8 hours of holiday pay plus their rate of pay for the hours worked on the holiday. Section G was clarified to state if an employee in the highway department is called to maintain essential services when the courthouse is closed or on Saturday or Sunday, they shall be paid 150% of their rate of pay. For both clarifications, the hours of work will count towards their 40 hours of actual work time. Chairman Tostenson called for the vote. Motion carried 5-0.

Unfinished Business: Chairman Tostenson brought up a suggestion for the future to share the VSO officer with Roberts County and staff a part-time secretary in Grant County. Other counties have also combined the office to share duties. Tostenson also gave an update on the Grant County Development Corporation.

New Business: Chairman Tostenson said Summit Carbon Solutions would like to meet with the Commission at their February 20th meeting. Commissioner Stengel gave an update from the Big Stone City Council meeting.

Correspondence: Three thank you notes were read thanking the Commission for the funeral flowers, employee Christmas lunch and allowing the use of the courthouse for the Chamber's Christmas festivities.

Claims: Motion by Buttke and seconded by Stengel to approve the claims with the change of amount of ICAP voucher to \$2,628.00. Motion carried 5-0. ACCESS ELEVATOR, repairs & maint 749.00; MNB CLEANING, prof services 700.00; AUSTIN, STRAIT, BENSON, THOLE, court appt atty 629.90; BANNER, hwy projects 3,182.10; BERENS MARKET, inmate groceries 1,009.24; CENTER POINT, books 712.20; CHS, propane 1,040.63; CITY OF MILBANK, water &

sewer 924.40; CITY OF WATERTOWN, 911 surcharge 6,427.70; CITY OF WATERTOWN, non-emergency dispatch 18,000.00; CRAIG DEBOER, car wash usage 72.45; DELORIS RUFER, lib rent 100.00; EQUIPMENT BLADES, supplies 5,000.00; FIRST BANK & TRUST/VISA, supplies, dues, gas 3,301.44; FIRST DISTRICT, prof services 10,100.00; FREMAREK, supplies 641.41; G & R CONTROLS, repairs & maint 2,266.84; FOOD-N-FUEL, inmate meals 1,218.00; GLACIAL LAKES & PRAIRIES TOURISM, dues 784.00; GRAJCZYK LAW OFFICE, court appt atty 3,550.00; GRANT CO EC & DEV BOARD, allocation 9,000.00; GRANT CO HISTORICAL SOCIETY, allocation 5,000.00; GRANT COUNTY REVIEW, publishing 864.20; GRANT CO SOIL CONSERVATION, allocations 13,000.00; INGRAM, books 586.64; INSIGHT, supplies 625.00; INTER-LAKES COMM ACTION, service worker 2,628.00; ISTATE TRUCK CENTER, part 197.59; JASON SACKREITER, garbage service 265.00; JEREMY WIESE, supplies 2.25; KRISTIN WOODALL, prof services 327.25; LEWIS FAMILY DRUG, supplies 518.01; LOCATORS AND SUPPLIES, supplies 280.00; MICROFILM IMAGING SYSTEMS, prof services & scanner rent 4,972.00; MICROMARKETING, audio/visual 123.77; MIDCO, lib internet 103.92; MILBANK AUTO PARTS, supplies 1,578.61; MOTOROLA SOLUTIONS, computer repairs & maint 2,470.00; NORTHWESTERN ENERGY, natural gas 1,639.17; PHOENIX SUPPLY, supplies 382.15; QUALIFIED PRESORT SERVICE, prof services 2,997.35; QUICK PRO LUBE, repairs & maint 2,115.94; RC TECHNOLOGIES, 911 transport & tower rent 95.96; REDWOOD TOXICOLOGY, supplies 423.67; RELX, online charges 725.00; RIVER STREET PETROLEUM, ethanol & diesel 7,972.82; ROBERTS CO SHERIFF, inmate housing 3,795.00; RYAN MAGEDANZ, repairs & maint 141.87; SANDRA FONDER, prof services 349.99; SCOTT BRATLAND, court appt atty 4,793.00; SD ASSN COUNTY HWY SUPTS, registration 100.00; SD DEPT OF HEALTH, blabs 840.00; SD DEPT OF PUBLIC SAFETY, supplies 50.00; SD DEPT TRANSPORTATION, contracted proj 3,885.78; SD SHERIFF'S ASSN, dues 726.68; SD STATE HISTORICAL SOCIETY, dues 55.00; ST WILLIAMS CARE CENTER, inmate laundry 200.00; STAR LAUNDRY, rental 105.53; STEPP MFG, part 240.68; TITAN MACHINERY, repairs & maint 2,451.13; TRAPP PLUMBING, repairs & maint 257.81; TWIN VALLEY TIRE, tires & repairs 601.48; VALLEY RENTAL & RECYCLING, allocation 650.00; XEROX, copier rent 805.38. TOTAL: \$139,352.94.

Payroll for the following departments and offices for the January 26, 2024, payroll are as follows: COMMISSIONERS 7,861.04; AUDITOR 9,199.72; ELECTION 249.75; TREASURER 5,788.44; STATES ATTORNEY 7,410.34; CUSTODIANS 3,340.80; DIR. OF EQUALIZATION 4,346.94; REG. OF DEEDS 4,996.48; VET.

SERV. OFFICER 1,236.00; SHERIFF 16,530.13; COMMUNICATION CTR 8,848.58; PUBLIC HEALTH NURSE 1,231.76; VISITING NEIGHBOR 1,853.06; LIBRARY 8,399.64; 4-H 4,034.95; WEED CONTROL 2,023.00; P&Z 1,627.20; DRAINAGE 180.80; ROAD & BRIDGE 30,260.20; EMERGENCY MANAGEMENT 2,340.00. TOTAL: \$121,758.83.

Payroll Claims: FIRST BANK & TRUST, Fed WH 8,431.99; FIRST BANK & TRUST, FICA WH & Match 14,461.38; FIRST BANK & TRUST, Medicare WH & Match 3,382.06; ACCOUNTS MANAGEMENT, deduction 84.04; AMERICAN FAMILY LIFE, AFLAC ins. 1,650.63; ARGUS DENTAL, ins. 605.97; WELLMARK-BLUE CROSS OF SD, Employee and Commission health ins. 56,307.30; COLONIAL LIFE, ins. 37.98; DEARBORN NATIONAL, life ins. 312.51; LEGAL SHIELD, deduction 38.85; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 2,085.00; OPTILEGRA, ins. 459.67; SDRS SUPPLEMENTAL, deduction 1,208.33; SDRS, retire 13,869.22. TOTAL: \$102,934.93.

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

1. Set March 5, 2024 at 9 AM for the county land lease auction
2. Approve step increase for Deven Weinkauff to 6-month rate of \$28.90 per hour
3. Approve step increase for John Waldner to 6-month rate of \$22.40 per hour
4. Approve step increase for Shawna Przybycien to 1-year rate of \$21.80 per hour
5. Approve step increase for James Beyer to 1-year rate of \$21.80 per hour
6. Declare surplus to be discarded a Sharp Compet QS-2770H fixed asset 10364

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 February 20 and March 5 and 19, 2024 at 8 AM in the basement meeting room. Motion by Mach and seconded by Stengel to adjourn the meeting. Motion carried 5-0. Meeting adjourned.

Kathy Folk, Grant County Auditor

William Tostenson, Chairman, Grant County Commissioners

