

February 4, 2025

The Grant County Commission met at 8 AM with Commissioners Buttke, Mach, Tostenson and Stengel present. Chairman Tostenson called the meeting to order. Motion by Mach and seconded by Stengel to approve the January 21, 2025, minutes. Motion carried 4-0. Commissioner Assistant Layher asked to add an elevator change order to the agenda. Motion by Stengel and seconded by Buttke to approve the agenda with the noted addition. Motion carried 4-0.

Present from the public was Ben Rethke. Staff members present were Commissioner Assistant Layher, States Attorney Schwandt, Drainage Officer Berkner and Hwy Supt Peterson.

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

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

Drainage Board Chairman Tostenson called for a motion to bring back to the table DR2024-75a through DR2024-75e for Boehnke/Rethke for an update that was tabled at the December 17<sup>th</sup> meeting. Motion by Mach and seconded by Stengel to bring back discussion on permits DR2024-75a through DR2024-75e. Motion carried 4-0.

Commissioner Street arrived at 8:03 AM.

Drainage Officer Berkner gave an update on the related pending permits under consideration by the drainage board. Co-permittees, Ben Rethke and Chad Boehnke, are now asking to pull their permits until a future date as they work out details for a related drainage permit that would work together with their project by sharing a main tile.

Rethke was asked to comment. He said as many as seven additional landowners have expressed interest in being involved in the project. The two separate projects would share a section of tile but some of the landowners are waiting for their wetland determinations to be updated before they proceed.

Drainage Board comments included praising the landowners for working together. The original drainage permits by Rethke and Boehnke are now considered pulled.

Chairman Tostenson asked Berkner to give an update to an ongoing complaint against DR2021-19. Berkner said he had been working with both Joe M. Kanthak and Francis Brandenburger on a possible future drainage permit application. Both parties had agreed on a solution when previously an inlet had been installed as part of DR2021-19 without permission given by Brandenburger or the proper county drainage permit allowing for it. Berkner said even though he had been working with both parties, he had not received a completed drainage permit application with all the signatures needed to start the process to have the drainage board consider permitting the inlet.

Berkner reminded the board they had given both parties until no later than April 15th to resolve the matter between them. The board has not completed the penalty phase for the inlet that was installed without a permit that was part of DR2021-19. Chairman Tostenson asked States Attorney Schwandt if the penalty phase could proceed before April 15<sup>th</sup>. Schwandt said it could be put on an earlier agenda if that was the board's wishes.

On other drainage board agenda items, Berkner asked the drainage board if they wanted to consider making changes to the current county drainage ordinance, or possibly its administrative process. He shared some of the conditions and/or design restrictions used by other drainage permitting authorities. Berkner stated items often regulated by those drainage authorities are limiting the designed rate of flow of any future drainage permit by using the co-efficient drainage formula as a metric, not allowing perforated pipes in mains installed near groundwater depths, and possibly requiring gate shut off valves for agriculture drainage designs located in areas of the county that often have flooding problems.

The board had mixed feelings on whether the county had the legal right to regulate any drainage design beyond either approving or not approving a drainage permit application as submitted but asked both Schwandt and Berkner to look into possible administrative changes to recommend to the board.

Other topics discussed were current 2025 SD HB 1156 and 1157, both are related to agricultural drainage.

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

**HWY:** **WVEC Smoke Alarm:** Commissioner Assistant Layher stated she reached out to an electrician for a quote on the labor to install the smoke alarm from WVEC and they declined to quote it. Chairman Tostenson recused himself and turned the Chair over to Vice-Chairman Stengel. Stengel called for a motion to accept the quote. Motion by Mach and seconded by Buttke to approve the smoke alarm quote from WVEC for materials and installation of \$14,941.98 at the highway shop. Motion carried 4-0. Stengel relinquished the Chair back to Tostenson.

**Travel:** Commissioner Assistant Layher requested travel approval for 4-H Educator, Melissa Mueller, to the State 4-H Conference in Mitchell. Motion by Buttke and seconded by Stengel to approve the travel request. Motion carried 5-0.

**County Assistance:** None

**Executive Session:** None

**Unfinished Business:** None

**New Business:** Chairman Tostenson distributed a letter from Jim Urban, SDATAT District 6 Director, asking the Commission and Hwy Superintendent to support renewing RAIF funding from the State and to send a letter of support to our District 4 legislative officials and to reach out to them. The Commission agreed to support his request. Chairman Tostenson asked Commission Assistant Layher to prepare the letter to the legislators.

Commissioner Stengel reported on the ICAP meeting he attended. They discussed the lack of childcare facilities in the county and available buildings to house them and remodeling a building versus building a new building. There are 150 children in need of childcare in the area and we only have 50 slots now that are full.

Commissioner Mach reported on the Milbank City P & Z meeting he attended. Commission Assistant Layher reported the CPI for taxes payable in 2026 is 2.9%. There is a crackerbarrel session on February 15 at the 4-H Complex at 10:00 AM. Bid opening for the jail project is Thursday, February 6<sup>th</sup>. The Commission will have a special meeting on February 25 to review and accept the bids.

**Correspondence:** A funeral thank you card was received and read.

**Claims:** Motion by Stengel and seconded by Buttko to approve the claims. Motion carried 5-0. ALBAN TOWNSHIP, refund/overpayment 900.00; AUSTIN, STRAIT, BENSON, THOLE, court appt atty 885.50; AUTOMATIC SECURITY, prof services 600.00; AUTOVALUE, supplies 283.91; BERENS MARKET, supplies 6.99; CENTER POINT, books 390.72; CHS, ethanol & propane 2,558.93; CITY OF MILBANK, water & sewer 1,044.85; CITY OF WATERTOWN, 911 surcharge 10,217.73; DELANEY, NIELSEN & SANNES, court appt atty 1,381.95; DELORIS RUFER, lib rent 100.00; FIRST BANK & TRUST/VISA, gas, supplies, parts 3,239.89; FIRST DISTRICT, prof services 10,100.00; FOELL PC, health services 80.00; FREMAREK, supplies 689.02; G & R CONTROLS, repair & maint 2,266.84; G A JOHNSON CONSTRUCTION, prof services 8,722.74; GLACIAL LAKES & PRAIRIES TOURISM, dues 784.00; GRAJCZYK LAW OFFICE, court appt atty 3,600.00; HASSLEN CONSTRUCTION, contracted proj 361,678.30; JEREMY WIESE, supplies 125.00; KEVIN MEYER, supplies 30.00; KEVIN SCHNASER, prof services 1,250.00; LEWIS FAMILY DRUG, supplies 33.94; LOCATORS AND SUPPLIES, supplies 353.20; MCLEOD'S PRINTING, supplies 350.00; MICHELLE GAIKOWSKI, prof services 181.30; MIDCO, lib internet 111.04; NORTHERN TRUCK, supplies 90.15; NORTHWESTERN ENERGY, natural gas 2,482.68; QUICK PRO LUBE, repair & maint 157.98; R.D. OFFUTT, repair & maint 766.57; SAFETY-KLEEN SYSTEMS, supplies 249.06; SCANTRON, prof services 779.98; SD ASSN CO COMMISSIONERS, registration 125.00; SD ASSN COUNTY HWY SUPTS, registration 150.00; SD PUB ASSURANCE ALLIANCE, insurance 139,758.19; COMPASS COUNSELING, prof services 2,600.00; SUPERIOR CAPITAL HOLDINGS, repair & maint 77.50; TYLER TECHNOLOGIES, prof services 362.50; VALLEY RENTAL & RECYCLING, allocation 650.00; VALLEY SHOPPER, publishing 28.83; VERIZON, hotspot 38.52; XEROX, copier rent 111.81. TOTAL \$560,394.62.

Payroll for the following departments and offices for the January 28, 2025, payroll are as follows: COMMISSIONERS 8,120.60; AUDITOR 11,200.67; ELECTION 522.11; TREASURER 6,544.29; STATES ATTORNEY 8,016.90; CUSTODIANS 2,164.80; DIR. OF EQUALIZATION 7,213.85; REG. OF DEEDS 5,235.19; VET. SERV. OFFICER 1,402.50; SHERIFF 19,690.84; COMMUNICATION CTR 8,490.79; VISITING NEIGHBOR 2,012.17; LIBRARY 9,393.15; 4-H 4,673.30; WEED CONTROL 2,287.40; P&Z 1,537.80; DRAINAGE 524.25; ROAD & BRIDGE 34,727.53; EMERGENCY MANAGEMENT 2,653.20. TOTAL: \$136,411.34.

Payroll Claims: FIRST BANK & TRUST, Fed WH 9,357.77; FIRST BANK & TRUST, FICA WH & Match 16,412.56; FIRST BANK & TRUST, Medicare WH & Match 3,838.42; ACCOUNTS MANAGEMENT, deduction 90.88; BREIT & BOOMSMA 27.69; AMERICAN FAMILY LIFE, AFLAC ins. 1,606.95; RELIANCE STANDARD LIFE DENTAL, ins. 439.70; RELIANCE STANDARD LIFE VISION, ins. 368.26; WELLMARK-BLUE CROSS OF SD, Employee and Commission health ins. 53,139.06; RELIANCE STANDARD BASE, life ins. 384.06; RELIANCE STANDARD SUPPLEMENTAL, life ins. 142.76; MASA, air ambulance 328.00; COLONIAL LIFE, ins. 27.07; LEGAL SHIELD, deduction 38.85; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 2,833.00; SDRS SUPPLEMENTAL, deduction 1,458.33; SDRS, retire 15,661.87. TOTAL: \$106,155.23.

**Elevator Change Order #11:** Commissioner Assistant Layher presented change order #11 from Hasslen Construction for \$2,039 for skimming the basement floor, removal of pipes and electrical work with the elevator project. Motion by Buttke and seconded by Stengel to approve change order #11 for the elevator project of \$2,039. Chairman Tostenson called for the vote. Motion carried 5-0.

**Consent Agenda:** Motion by Mach and seconded by Buttke to approve the consent agenda. Motion carried 5-0.

1. Approve list of volunteers for all library locations, LEMPG, weather spotters, snowmobile members as required by SDPAA for work comp coverage.
2. Approve 2025 contract with First District for Parcel Layer Database for \$7,000.
3. Approve 2025 contract with First District for GIS Website hosting for \$2,750.
4. Approve 2025 agreement with First District for administrative and technical assistance services for P & Z for a maximum contract amount of \$7,000.
5. Approve 2025 contract with First District for the Highway Dept for hosting a web map for use with SDDOT road and bridge data for \$350.
6. Approve agreement with First District to update the Haz Mat plan by 9-30-25 with Grant funding and no additional cost to the county.
7. Approve list of items to be declared surplus from the library and sheriff departments as presented.

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 18 and 25 (special meeting), March 4 and 18, 2025 at the Grant County Library meeting room. All meetings

will begin at 8 AM except for Feb. 25 will be at 9 AM. Motion by Stengel and seconded by Mach to adjourn the meeting. Motion carried 5-0. Meeting adjourned.

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Kathy Folk, Grant County Auditor

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William Tostenson, Chairman, Grant County Commissioners