

July 15, 2025

The Grant County Commission met at 8 AM with Commissioners Buttke, Street, Mach, Stengel and Tostenson present. Chairman Tostenson called the meeting to order. Motion by Stengel and seconded by Buttke to approve July 1 and 2, 2025, minutes. Motion carried 5-0. Tostenson added to the agenda discussion of the John Loeschke drainage permit, change Bernie Hermans discussion to Floyd Hermans, under new business have Commissioner Mach give an update of the P & Z meeting and discuss the insurance building. Auditor Folk requested to add two claims for approval and to approve two BIG Grant resolutions. Motion by Mach and seconded by Stengel to approve the agenda with the additions stated. Motion carried 5-0.

Present from the public was Jerry Zubke, Tim Miller, Ron Roehr, Tom Schuelke, Paul Nelson, Derek Nelson, Robert Sackreiter, Dan Brandenburger, Francis Brandenburger, Daren Brandenburger, Robert Hicks, Mark Rethke, Tom Schuneman, and Robert Narem. Todd Kays joined by phone. Staff members present were Commissioner Assistant Layher, Hwy Supt Peterson, Drainage Officer Berkner, States Attorney Schwandt, ROD Wellnitz, and Sheriff Owen.

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

The Auditor's Account with the Treasurer for June 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 June 2025.

Cash on Hand	\$1,639.77
Checks in Treasurer's possession	
less than 3 days	\$25,088.25
Cash Items	\$0.00
<b>TOTAL CASH ASSETS ON HAND</b>	<b>\$26,728.02</b>
 RECONCILED CHECKING	
First Bank & Trust	\$40,247.73
Interest	\$0.00

Credit Card Transactions	\$7,871.24
First Bank & Trust (Svgs)	\$7,980,186.78
Jail Bond	\$6,251,106.33
<b>CERTIFICATES OF DEPOSIT</b>	
First Bank & Trust	\$0.00
First Bank & Trust (TIF)	\$0.00
<b>TOTAL CASH ASSETS</b>	<b>\$14,306,140.10</b>
<b>GENERAL LEDGER CASH BALANCES:</b>	
General	\$3,757,459.48
General restricted cash	\$1,750,000.00
Cash Accounts for Offices General Fund	\$656.00
Sp. Revenue	\$1,129,131.59
Sp. Revenue restricted cash	\$0.00
Ambulance District	\$967.04
Henze Road District	\$0.00
Temporary Offage	\$572.51
TIF Rosewood Mil-3	\$0.00
TIF Koch	\$0.00
Special Assessment Land Rent	\$0.00
Trust & Agency	\$7,667,353.48
(schools 364,720.27, twps 81,692.25, city/towns 26,788.25)	
ACH Correction	
<b>TOTAL GENERAL LEDGER CASH</b>	<b>\$14,306,140.10</b>
Dated the 11th day of July, 2025	
Kathy Folk	
County Auditor	

The Register of Deeds fees for the month of June were \$15,032.50. The Clerk of Courts fees for the month of June were \$7,776.35. The Sheriff fees for the month of June were \$17,040.43 with \$3,156.41 received into the General Fund. Statistics for the month of May and June 2025 for the Sheriff's office were presented by report. May: Average Daily inmate population 3.41; Number of bookings 17; Work release money collected \$600.00; 24/7 Preliminary Breath Test (PBT) fees collected \$264.00; SCRAM (alcohol detecting bracelet) fees collected \$636.00; 24/7 PBT participants 3; SCRAM (Sobriety Program) participants 4; UA participants 6; Calls for Service (does not include walk-in traffic) 203; Accidents investigated 1; Civil papers served 56; Cumulative miles traveled 16,173; 911 calls responded to (including Milbank) 104. June: Average Daily inmate population 3.86; Number of bookings 13; Work release money collected \$680.00; 24/7 Preliminary Breath Test (PBT) fees collected \$144.00; SCRAM (alcohol detecting

bracelet) fees collected \$940.00; 24/7 PBT participants 3; SCRAM (Sobriety Program) participants 4; UA participants 5; Calls for Service (does not include walk-in traffic) 210; Accidents investigated 2; Civil papers served 60; Cumulative miles traveled 15,650; 911 calls responded to (including Milbank) 122.

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

**Ordinance 1997-1F First Reading:** Chairman Tostenson explained the proposed change in the drainage ordinance is to coincide with the state statute and to add a permit refund condition. Commissioner Assistant Layher read the ordinance title.

#### **ORDINANCE 1997-1F**

#### **AN ORDINANCE TO AMEND ORDINANCE 1997-1, AS AMENDED, REGULATING THE DRAINAGE OF PONDS, SLOUGHS AND LAKES OR ANY SERIES THEREOF**

Motion by Mach and seconded by Street to hold the second reading of Ordinance - 1997-1F and public hearing on August 19th at 9:00 AM. Motion carried 5-0.

Permit DR2025-21: Motion to take off the table permit DR2025-21 for Grant County for a culvert project at the intersection of 148<sup>th</sup> Street and 474<sup>th</sup> Avenue, located between the NW1/4 of Section 4 in Grant Center Township and the SE1/4 of Section 31 in Melrose Township.

Chairman Tostenson called for a motion to bring back to the table drainage permit DR2025-21 that was tabled during the June 17th meeting so additional 2-mile downstream landowners could be contacted by certified mail. Motion by Street and seconded by Buttke to bring back to the table permit DR2025-21. Motion carried 5-0.

Drainage Officer Berkner reported DR2025-21 is for an additional 30" culvert to be installed diagonally through the intersection of 474th Ave. and 145th St., between the NW1/4 of Section 4 in Grant Center Township and the SE1/4 of Section 31 in Melrose Township within the Whetstone River Watershed. The additional culvert would help reduce roadway flooding and erosion that often occurs across 474th Avenue when the existing single 30" culvert backs up. The proposed culvert would aid in getting water to flow across the intersecting roads which currently have two separate culverts that drain at right angles on the county road and the township road. The proposed diagonal culvert would flow the water

diagonally through the intersection instead of through the two culverts. Currently the water flows directly into a USGS designated intermittent blue-line waterway. The additional culvert would have an estimated maximum flow rate capacity of 2,868 gpm if installed at a .1% grade and would help pass the same quantity of water the existing culverts already pass only at a slightly higher peak rate but would reduce the chance of road flooding. It is Berkner's opinion that the project's design conforms to questions asked in the county's drainage ordinance.

Chairman Tostenson asked Hwy Supt Peterson for any additional comments. Peterson said the roadway intersection is prone to flooding and erosion and the additional culvert would reduce those problems during extreme runoff events.

Chairman Tostenson opened the public hearing asking three separate times for comments in favor and against the culvert project. Melrose Township Supervisor Tim Miller spoke about their concerns that additional culvert improvements would most likely have to be made downstream by the township to handle the water flows. Robert Sackreiter spoke about his concern that his downstream land would have additional drainage problems where large runoff events already cause him problems. Ron Roehr, who also owns land a half mile downstream of the proposed culvert asked if the additional culvert is approved what will the county do to make sure that any additional water surges would not cause him problems. Jerry Zubke, who farms Roehr's land, said he has already contacted his lawyer asking who would be responsible for any farming losses he would have if additional water flows came his way.

With no more comments Chairman Tostenson closed the public hearing inviting drainage board discussion. Street asked Peterson if raising the road would help stop the erosion. Peterson responded the road would have to be raised at least 18" and would only cause more upstream flooding. It wouldn't do much to stop flooding and road erosion. Stengel supported Peterson's answer saying raising the road only multiplies upstream problems, but Stengel also understood the downstream concerns. Tostenson commented the county's biggest concern is making the roadway safe for the public and less likely to wash out when it floods. Mach agreed and if a solution can't be found maybe the road should be closed in advance when there is a concern there may be flooding.

After lengthy board discussion Tostenson said according to state law any landowner, including the county, has the right to reasonably drain and all landowners also have the responsibility to maintain waterways that cross their property. Tostenson called for the vote. There were no votes in favor or against the

motion. Therefore, according to States Attorney Schwandt the motion officially failed. After six months it can be brought back before the Drainage Board. Permit DR2025-21 fails for lack of a vote.

Permit 2025-31a thru 31d for Derek Nelson for land located within the N1/2SW1/4 and NW1/4 of Section 2 Adams West Township and within the SW1/4 of Section 35 in Vernon West Township.

Chairman Tostenson called for a motion to approve drainage permit DR2025-31a, 31b, 31c and 31d for Derek Nelson. Motion by Mach and seconded by Street to approve permits DR2025-31a thru 31d.

Berkner said the permits are for installing tile on approximately 125 acres of land located in the South Branch of the Yellow Bank Watershed. The plans submitted compliment two previous drainage permit applications that were approved in 2013 and 2021. The new permits have 7 inlets and 2 outlets, 1-6" and 1-15," and all the drainage water would collect in an existing 10 hp pump that would discharge into a blue-line waterway that was previously installed. According to Berkner, the permittee will shut the pump off during extreme run-off events. Berkner stated it is his opinion that the project's design conforms to questions asked in the county's drainage ordinance.

Chairman Tostenson asked Derek Nelson for any additional comments. Derek confirmed the existing pump is shut off during high water flows. Paul Nelson said the 10 hp pump was installed in 2021.

Chairman Tostenson opened the public hearing asking three separate times for public comments in favor and against the drainage projects. No one responded. Tostenson closed the public hearing inviting board discussion. Both Mach and Tostenson asked D. Nelson to better define the design of, and the need for the 7 inlets. Derek responded they are used to reduce erosion by keeping the existing waterways free from silt. Street complemented the Nelsons for shutting off their pump when the waterway receiving their drainage water is full. Chairman Tostenson called for the vote. Motion carried 5-0.

Permit DR2025-32a and 32b for Francis Brandenburger for land located within the N1/2 of Section 30 of Adams East Township.

Chairman Tostenson called for a motion to approve permits DR2025-32a and -32b for Francis Brandenburger. Motion by Mach and seconded by Buttke to approve permits DR2025-32a and 32b.

Berkner reported the combined drainage projects are located on the south side of SD Hwy 20 in the Lac que Parle River Watershed and 310 acres would receive lateral pattern tiling with one 24" outlet. If granted the permit would also make improvements to an existing drainage ditch that is designated as a blue-line waterway. It is the same waterway that will receive water from the 24" outlet and is located just outside of the state highway's ditch and ROW.

Chairman Tostenson asked Brandenburger for any additional comments. Brandenburger confirmed all the ditch work cleaning and improvements would be well outside of the highway ROW and there are no inlets or pumps in the design.

Chairman Tostenson opened the public hearing asking three times for public comments in favor and against the drainage project. Tom Schuelke is concerned about the ongoing need for ditch maintenance in the area and downstream land would be at risk due to any additional water being drained. Schuelke stated drainage water already often backs up into other connected waterways that empty into the same waterway Brandenburger's project would drain into. Brandenburger responded that he had an easement with the NW1/4 of Section 29 to use that waterway for his outlet and the easement said that it is his responsibility to keep that part of the waterway maintained.

With no more public comments, Chairman Tostenson closed the public hearing inviting board discussion. Street thought any concerns about additional downstream water problems should be offset by the project not having any open inlets. Most of the water would be coming through underground tiles which would have to seep through the soil. Mach also commented that he is sensitive to some of the downstream problems and stated it is unfortunately not the County's role to force landowners to maintain their waterways. Tostenson agreed with Mach's comments. Chairman Tostenson called for the vote. Motion carried 5-0.

Chairman Tostenson adjourned the Drainage Board and reconvened the Board of Commissioners.

**Ordinance 2025-01A Second Reading:** P & Z Officer Berkner explained how Ordinance 2025-01A came about. Todd Kays, Director of First District, joined the meeting by phone. Kays explained the proposed changes to the county's planning and zoning ordinance for a residential density land plan. It would change a rural lot size from 2 acres to 5 acres.

Chairman Tostenson opened the public hearing and called for public comments in favor and against Ordinance 2025-01A. Berkner read a letter from Robert Narem and Linda Simmons who are planning to set up farmstead acreages for their daughters to move back to the area and this ordinance would prevent that. Mark Rethke stated the ordinance would decrease the value of some of the land while increasing other land values, which isn't right. Rethke also stated having the retroactive date of May 1, 2025, as the effective date of the ordinance does not give anyone planning to plat out new lots to do so.

Chairman Tostenson closed the public hearing and invited board discussion. A lengthy discussion was held with the Commission being unclear on all the rules of this ordinance and thought the concerns of Narem and Rethke are valid. Chairman Tostenson called for a substitute motion to send the ordinance back to the P & Z Board to have the ordinance revised to be clarified for ease of understanding, revisit the effective date, have landowners treated fairly and define the reason for the change of the ordinance. Motion by Street and seconded by Stengel to send Ordinance 2025-01A back to the P & Z Board for those reasons. Tostenson called for the vote. Motion carried 5-0. Kays suggested the Commissioners and the P & Z Board meet in joint sessions to discuss the ordinance. The Commission agreed.

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

Chairman Tostenson discussed the John Loeschke drainage permits DR2025-11a thru 11k. He would like the Commission to continue to wait for the ISG report of these drainage projects. The drainage board originally requested this report for educational purposes and to change their decision now would be defeating the purpose of their request.

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

**Floyd Hermans:** Hermans was not present.

**HWY:** Motion by Street and seconded by Buttke to authorize Chairman Tostenson to sign the two Preliminary Engineering BIG grant applications (phase 1) and approve Resolutions 2025-07 and 2025-08 with a 20% match for bridges 26-035-100 and 26-260-079. Motion carried 5-0.

**2026 Provisional Budget:** The Commission continued discussion of the 2026 budget. Sheriff Owen discussed his department's 2026 budget. Other items discussed were the tax call estimate for 2026, year-end cash balance estimates by fund, assigned account balances, historical data for cash applied from reserve to balance expenditures, operating transfers, and department requests. The Commission will continue their work on the 2026 budget until finalizing the budget in September. Motion by Stengel and seconded by Buttke to approve the provisional budget for publication and the following resolution for the public hearing on the 2026 budget. Motion carried 5-0. Resolution adopted.

**2025-09**

**Resolution**

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

NOTICE IS HEREBY GIVEN: That the Board of County Commissioners of Grant County, will meet in the Courthouse at Milbank, South Dakota on Tuesday, September 2, 2025, at 10:00 AM for the purpose of considering the foregoing Provisional Budget for the year 2026 and the various items, schedules, amounts and appropriations set forth therein and as many days thereafter as is deemed necessary until the final adoption of the budget on the 16<sup>th</sup> day of September, 2025. At such time any interested person may appear either in person or by a representative and will be given an opportunity for a full and complete discussion of all purposes, objectives, items, schedules, appropriations, estimates, amounts, and matter set forth and contained in the Provisional Budget.

Kathy Folk  
Grant County Auditor  
Milbank, South Dakota

**Travel:** None

**County Assistance:** The county is negotiating a settlement for a catastrophic medical relief claim.

**Unfinished Business:** Commissioner Assistant Layher stated a \$600 bid and check was received for the 1965 tractor with mower. Motion by Mach and seconded by Buttke to approve the bid for the 1965 tractor with mower. Motion carried 5-0.

**New Business:** Commissioner Mach stated the P & Z Board approved a Conditional Use Permit (CUP) for a home business for Tiffany Wellnitz and moving the Whetstone Creek Golf Club golf cart sheds to the eastside of Hwy 15.



Chairman Tostenson expressed his concern the county may obtain a property due to unpaid taxes.

**Correspondence:** None

**Executive Session:** Motion by Mach and seconded by Stengel to enter executive session at 12:07 PM for the purpose of personnel issue(s) per SDCL 1-25-2(1). Motion carried 5-0. Commissioner Assistant Layher, States Attorney Schwandt and Auditor Folk were present. Chairman Tostenson declared the meeting open to the public at 12:13 PM. No action was taken because of the executive session.

**Claims:** Motion by Street and seconded by Buttke to approve the claims as presented. Motion carried 5-0. AARON SWAN & ASSOCIATES, prof services 2,250.00; ADVANCED TECHNOLOGIES, supplies 39.98; AGTEGRA, ethanol & diesel 8,132.58; AUSTIN, STRAIT, BENSON, THOLE, KOEHN, court appt atty 2,076.09; AUTOVALUE, supplies 571.98; BERENS MARKET, inmate groceries 274.87; BORNS GROUP, mailing expense 1,772.01; CHS, bulk def 159.12; CITY OF MILBANK, water & sewer 196.42; CITY OF WATERTOWN, non-emergency dispatch 6,000.00; COLEPAPERS, supplies 979.12; CONSOLIDATED READY MIX, gravel 307.12; CRAIG DEBOER, car wash card 220.91; FIRST BANK & TRUST/VISA, tv, postage, fuel 5,588.70; FIRST DISTRICT, prof services 9,195.35; FLAT RATE, gravel 2,603.04; GALLS, supplies 187.79; FOOD & FUEL, inmate meals 438.00; GRANT CO HISTORICAL SOCIETY, allocation 5,000.00; GRANT COUNTY LIBRARY, supplies 811.50; GRANT COUNTY REVIEW, publishing 595.29; GRANT-ROBERTS RURAL WATER, water usage 46.50; HASSLEN CONSTRUCTION, prof services 34,672.90; HUMAN SERVICE AGENCY, appropriations 8,584.18; INGRAM, books 1,375.22; INTER-LAKES COMMUNITY ACTION, service worker 2,634.33; ITC, phone & internet 3,367.02; JASON SACKREITER, garbage services 510.00; JEREMY WIESE, supplies 169.45; MICROFILM IMAGING SYSTEMS, rentals 862.00; MILBANK AREA HOSPITAL AVERA, blabs 292.00; MILBANK AUTO PARTS, supplies 1,602.09; MILBANK FORD & MERCURY, repair & maint 175.96; NORTHWESTERN ENERGY, natural gas 44.17; NOVAK SANITARY SERVICE, shredding 75.00; OTTER TAIL POWER, electricity 2,610.99; QUICK PRO LUBE, repair & maint 81.99; RD OFFUTT, repair & maint 775.47; RC TECHNOLOGIES, 911 transport & tower rent 95.96; RELX, online charges 762.00; RUNNINGS, supplies 970.04; RYAN MAGEDANZ, prof services 289.09; SAFE LIFE DEFENSE, supplies 585.00; SD ASSN CO COMMISSIONERS, clerp 5,239.00; SD DEPT OF HEALTH, blabs 390.00; SDVSOA, registration 50.00; THE SHOP, repair & maint 425.46; SIOUX VALLEY COOP, diesel 10,882.79; ST

WILLIAMS CARE CENTER, inmate laundry 79.00; STAR LAUNDRY, rentals 113.50; STAR TRIBUNE, periodicals 261.72; SUPERIOR CAPITAL HOLDINGS, repair & maint 20.00; THOMSON REUTERS, ref books 977.14; UNZEN MOTORS, repair & maint 103.79; VALLEY OFFICE PRODUCTS, supplies 2,375.58; VALLEY SHOPPER, publishing 28.83; VERIZON, hotspot 90.03; WHETSTONE VALLEY ELECTRIC, electricity 865.05; XEROX, copier rent 760.99. TOTAL: \$130,644.11.

JUNE 2025 MONTHLY FEES: SD DEPT OF HEALTH, SDACO, ROD modernization fee 292.00; SD DEPT OF REVENUE, monthly fees 217,830.40. SD DEPT OF REVENUE, sales & use tax 117.09. TOTAL: \$218,239.49.

Payroll for the following departments and offices for July 14, 2025, payroll are as follows: COMMISSIONERS 8,120.60; AUDITOR 10,256.47; ELECTION 453.26; TREASURER 6,031.28; STATES ATTORNEY 7,851.30; CUSTODIANS 3,776.00; DIR. OF EQUALIZATION 4,138.00; REG. OF DEEDS 5,211.43; VET. SERV. OFFICER 1,275.00; SHERIFF 23,007.24; COMMUNICATION CTR 9,289.80; VISITING NEIGHBOR 1,920.83; LIBRARY 9,259.36; 4-H 3,738.86; WEED CONTROL 4,003.40; P&Z 1,281.50; DRAINAGE 582.50; ROAD & BRIDGE 31,050.81; EMERGENCY MANAGEMENT 2,713.50. TOTAL: \$133,961.14.

Payroll Claims: FIRST BANK & TRUST, Fed WH 7,398.39; FIRST BANK & TRUST, FICA WH & Match 16,213.36; FIRST BANK & TRUST, Medicare WH & Match 3,791.84; ACCOUNTS MANAGEMENT, deduction 134.16; AMERICAN FAMILY LIFE, AFLAC ins. 1,611.51; RELIANCE STANDARD LIFE DENTAL, ins. 402.10; RELIANCE STANDARD SUPPLEMENT LIFE, ins. 153.76; WELLMARK-BLUE CROSS OF SD, Employee health ins. 1,866.35; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 1,200.00; SDRS SUPPLEMENTAL, deduction 1,635.83; SDRS, retire 15,490.76. TOTAL: \$49,898.06.

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

1. Approve a step increase for Wade Leddy to 6-month rate of \$22.20 per hour effective 6-30-25.

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 August 5 and 19, and September 2 and 16, 2025 at 8 AM in the basement Commissioner room. Please use the elevator. 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