

June 15, 2021

The Grant County Commission met at 8 AM with Commissioners Buttke, Mach, Stengel, Street and Tostenson present. Chairman Tostenson called the meeting to order with a quorum present and asked for a motion to approve the minutes. Motion by Stengel and seconded by Buttke to approve the minutes of the June 1 and 3, 2021 meetings. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0. Minutes filed. Motion by Street and seconded by Buttke to approve the agenda with a discussion on a county road intersection on the east side of LaBolt. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0.

Members of the public present were Troy Gilbertson, Abby Tschakert and Marvin Amdahl. Staff member present was States Attorney Schwandt.

The Auditor's Account with the Treasurer was presented for the month of May.

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 May, 2021

Cash on Hand	\$2,165.55
Checks in Treasurer's possession less than 3 days	\$32,930.26
Cash Items	\$0.00
TOTAL CASH ASSETS ON HAND	\$35,095.81
RECONCILED CHECKING	
First Bank & Trust	\$2,012.18
Interest	\$0.00
Credit Card Transactions/TIF Fee	\$986.90
First Bank & Trust (Svgs)	\$8,936,032.00
CERTIFICATES OF DEPOSIT	
First Bank & Trust	\$0.00
First Bank & Trust (TIF)	\$0.00
TOTAL CASH ASSETS	\$8,974,126.89
GENERAL LEDGER CASH BALANCES:	
General	\$4,124,835.72

General restricted cash	\$2,250,000.00
Cash Accounts for Offices General Fund	\$656.00
Sp. Revenue	\$991,767.04
Sp. Revenue restricted cash	\$0.00
Henze Road District	\$550.16
TIF Apportioning Northern Lights	\$0.00
TIF Milbank	\$0.00
TIF Northern Lights	\$0.00
Special assessment Land Rent	\$0.00
Trust & Agency	\$1,606,317.97
(schools 997,976.73, twps 57,870.31, city/town 73,685.70)	

TOTAL GENERAL LEDGER CASH **\$8,974,126.89**

Dated this 10th day of June, 2021

Karen M. Layher

County Auditor

The Register of Deeds fees for the month of May were \$12,451.25. The Clerk of Courts fees for the month of May were \$7,121.46 and the Sheriff fees for the month of May were \$4,330.68 with \$2,450.68 receipted into the General Fund. Statistics: The following statistics for the month of April for the Detention Center and Sheriff's Office were presented by report. Average Daily inmate population 4.23; Number of bookings 15; Work release money collected \$520.00; 24/7 Preliminary Breath Test (PBT) fees collected \$331.00; SCRAM (alcohol detecting bracelet) fees collected \$0.00; 24/7 PBT participants 6; SCRAM (Sobriety Program) participants 0; Calls for Service (does not include walk-in traffic) 439; Accidents investigated 3; Civil papers served 71; Cumulative miles traveled 9,936; 911 calls responded to (including Milbank) 87.

Highway: Supt Schultz presented a right-of-way occupancy application for crossing county roads from WVEC for underground replacement of wire. All asphalt will be bored under the surface. Chairman Tostenson recused himself from the discussion and relinquished the chair to Vice-Chairman Stengel who called for the motion. Motion by Mach and seconded by Buttke to approve ROW 2021-49 occupancy application for WVEC on 145th St for sections 16, 17, and 18. Vice-Chairman Stengel called for a roll call vote. Buttke aye, Street aye, Mach aye and Stengel aye. Motion carried 4-0. Chairman Tostenson assumed the Chair. Building: Chairman Tostenson stated he had been contacted about purchasing the siding off the county owned building next to the county garage in Marvin. The building is scheduled to be taken down by the highway workers this summer. County property valued under \$500 does not need to be offered under the competitive bid process. Motion by Mach and seconded by Stengel to approve selling the siding from the building on parcel 20.00.02.06A to Troy Gilbertson and Abby Tschakert.

Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0. CR 19: Commissioner Street questioned if the cost of the asphalt repair on County Road 19 and the road by Troy would be billed to Next Era. The road haul agreement will be reviewed, and this item will be on the July 6 meeting.

BIDS FOR FUEL				
DATE	BIDDER	ETHANOL	DIESEL #1	DIESEL #2
5/06	UPI	2.559		2.39
	Cenex	2.60		2.41
UPI was the low bidder for ethanol at 2.559 and for Diesel 2 at 2.39.				
05/18	UPI			2.44
	Cenex			2.48
UPI was the low bidder for Diesel 2 at 2.44.				
05/26	UPI	2.589		2.44
	Cenex	No Bid		No Bid
UPI was the only bidder for ethanol at 2.589 and for Diesel 2 at 2.44.				

Dept. Reports: DOE Kathy Steinlicht discussed tax increment financing districts with the Commission as the City of Milbank is considering the formation of a TIF at the Koch School location. The Koch School property is currently tax-exempt property. Therefore, the property will not have a base value established. The valuation established on the new proposed structure will be called the increment value. The tax dollars paid on the increment value is used to pay the bonds for the project cost. ROD: Rebecca Wellnitz reported on the fees collected for the month of May. The office is seeing more traffic. The Mayor of Big Stone City and two clergy from Milbank will perform civil marriage ceremonies. The office was rearranged for better workflow. Treasurer: Karla DeVaal reported the average number of title transfers is 261 per month. For April there were 324 title transfers and 266 in May. This does not include license tab renewals. The new motor vehicle system is still scheduled to start on November 29, 2021. P & Z: Administrator Steve Berkner asked to have the three plats approved prior to the zoning meeting being held on Tuesday afternoon rather than Monday. Auditor: Karen Layher reported the ballots for the referendum election have been prepared with the States Attorney writing the explanation for the ballot. The polling locations have been reserved and the election workers are being contacted. The 2022 budget is in the process of being prepared.

Plats: Motion by Stengel and seconded by Mach to approve the plats with the condition all plat requirements are met, and the Planning Commission approves the plats. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0.

2021-12A

REPLAT OF:

LOTS 1 AND 2 OF FRANSEN SUBDIVISION INTO LOTS 1R & 2R OF FRANSEN
SUBDIVISION SHEET 2 of 3

RESOLUTION Document #2021-12

BE IT RESOLVED by the Board of County Commissioners of Grant County, South Dakota, that the plat entitled “REPLAT OF LOTS 1 AND 2 OF FRANSEN SUBDIVISION INTO 1R AND 2R OF FRANSEN SUBDIVISION LOCATED IN THE NORTHEAST QUARTER (NE1/4) OF SECTION 14, T120N, R52W OF THE 5TH P.M., GRANT COUNTY, SOUTH DAKOTA”, which has been submitted for examination pursuant to law, and it appearing that all taxes and special assessments have been paid and that such plat and the survey thereof have been made and executed according to law, the plat is hereby approved, and the County Auditor is hereby authorized and directed to endorse on such plat a copy of this Resolution and certify the same.

Dated this 15th day of June, 2021.

Karen M. Layher
Grant County, South Dakota

2021-13
Resolution

BE IT RESOLVED by the Board of County Commissioners of Grant County, South Dakota that the plat entitled: “LAU ADDITION LOCATED IN GOVERNMENT LOTS 1 AND 2 IN THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 120 NORTH, RANGE 51 WEST OF THE 5TH P.M., IN THE SISSETON AND WAHPETON INDIAN RESERVATION, GRANT COUNTY, SOUTH DAKOTA”, which has been submitted for examination pursuant to law, and it appearing that all taxes and special assessments have been paid and that such plat and the survey thereof have been made and executed according to law, the plat is hereby approved, and the County Auditor is hereby authorized and directed to endorse on such plat a copy of this Resolution and certify the same.

Dated this 15th day of June, 2021.

Willaim J. Tostenson, Chairman
Board County Commissioners
Grant County, South Dakota

ATTEST:

Karen M. Layher, County Auditor,
Grant County, South Dakota

2021-14

COUNTY COMMISSION RESOLUTION

It was moved by Commissioner Stengel, seconded by Commissioner Mach, motion carried that the LOT 2 OF SCHAFFER SUBDIVISION LOCATED IN THE SE1/4 OF SECTION 25, TOWNSHIP 118 NORTH, RANGE 49 WEST OF THE 5TH P. M.,

GRANT COUNTY, SOUTH DAKOTA, as described above and hereon be approved and accepted and the Chairman is hereby instructed to endorse on such plat this resolution and certify the same.

William J. Tostenson
Chairman, Board of Commissioners,
Grant County, South Dakota

Training: Auditor Layher requested approval for an online training module on Property Tax from Tyler Tech, our software company, for staff training in the Treasurer's Office. Cost of the training is \$520.00 for 4 hours. Motion by Street and seconded by Buttke to approve the request as presented. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0.

Contingency: Motion by Street and seconded by Buttke to approve the following contingency transfer. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0.

FROM	TO	AMOUNT
#112 Contingency	#523 4-H Buildings	20,000

Motion by Stengel and seconded by Buttke to approve the following contingency transfer. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0.

FROM	TO	AMOUNT
#112 Contingency	#513 County Monuments	27

Cannabis Ordinance: Chairman Tostenson asked to have the second reading of Ordinance 2021-02. Motion by Stengel and seconded by Mach dispense with reading of the ordinance with the Auditor reading the title only, Ordinance 2021-02, a temporary ordinance regarding the issuance of local medical cannabis, establishment of permits and/or licenses. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0. Chairman Tostenson called for further comments and hearing none called for a roll call vote on the adoption of Ordinance 2021-02. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0. The temporary ordinance on cannabis, 2021-02 is on file in the Auditor's Office and will be published on June 23, 2021, with the effective date of June 23, 2021 as this is an emergency ordinance until the Dept of Health develops the rules by October 29, 2021.

Railroad: Mark Wegner, asked the County to support the Roberts County sponsorship of the Sisseton Milbank Railroad Modernization Project which is an

infrastructure modernization project that will create greater opportunities for shippers, cooperatives, communities, and enterprises to invest in rail service. The grant would fund the replacement of 37 miles of rails, some of which date back to the 1880's. This line of rail is a vital link to the US freight rail network providing competitive freight rail options for northeast South Dakota. Motion by Stengel and seconded by Buttke to send a letter of support for the grant for the replacement of the rail. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0.

Sheriff: Kevin Owen requested approval to purchase four shotguns with two being converted to non-lethal weapons. With the GFP having an auction here in Milbank, there may be an opportunity to purchase shotguns. The Commission gave their verbal approval to purchase the shotguns.

4-H: Educator Sara Koepke reported on the phenomenal success of the malt wagon. Thank you to the community for their support. Sara also reported the amount of pledged donations for the 4-H static building is \$1,250,000.00. She asked if the Commission would allow pledges to be paid over a period of several years. After discussion, the Commission advised Sara the donations will need to be collected during the building process as the County will need to pay for the building as it is being built.

The Chairman called for public comment. No member of the public addressed the Commission.

Unfinished Business: Commissioner Mach asked to discuss the present drainage ordinance and the repeal of the drainage ordinance that was referred to a vote. Due to the special election on the referendum, County ordinance 1997-1C is still in effect. The application process is still in effect. The process is the applicant applies for a permit, submits tiling plan, if crossing a township road a twp. supervisor signs the application for approval to cut thru the road, if the outlet is on the adjoining landowner's land; his signature is obtained, a fee of \$100 is collected, the drainage officer compiles a list of downstream landowners and sends a certified letter to landowners two miles riparian to the tile outlet, a notice of the permit hearing is advertised 10 days prior to the meeting. The drainage board holds a hearing to determine if the permit is granted. Under the new Flood Prevention Ordinance, these are the changes from the process outlined under drainage.

1. The permit application is changed to hydrological alteration plan which will still be kept for public review.

2. The landowner is required to notify by certified letter the landowners two sections downstream from the outlet, not the County.
3. The Drainage Board does not hold a hearing for consideration of issuing a permit.

New Business: Commissioner Street brought forth for discussion the intersection of County Roads 18 and 27, on the southeast corner of LaBolt. The intersection has an obstructed view due to trees, for vehicles turning to go east at that intersection. The question proposed is who controls the ROW, the city or the county. States Attorney Schwandt stated this is a gray area of law. The County controls the top of the road with a ROW of 33 ft., but since the residence is inside city limits, this is the gray area of who controls the ROW. He suggested the Town Council be contacted to discuss the issue with the landowner. If the Council does not resolve the issue, the nuisance statute could be used for removal of the trees in the ROW.

Correspondence: The next Lake Region District meeting will be held on July 22 in Day County. County Officials and Commissioners will be in attendance.

Consent: Motion by Buttke and seconded by Street to approve the consent agenda. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0.

1. Approve step increase for dispatcher James Beyer to 1 year effective 5-29-2021 at \$16.70 per hour

Claims: Motion by Street and seconded by Buttke to approve the claims as presented. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0. A-OX WELDING, supplies 16.15; ABDO PUBLISHING, books 299.53; ACCESS ELEVATOR repair & maint 450.00; AL'S BODY SHOP, repair & maint 50.00; ALLEGIANT EMERGENCY, minor equip 9,938.06; BERENS MARKET, supplies 14.07; BORNS, mailing expense 940.79; CENTURYLINK, phone 151.26; CITY OF WATERTOWN, 911 surcharge 6,142.54; CONSOLIDATED READY MIX, gravel 38,349.91; CRAIG DEBOER, car wash 13.00; FISHER SAND & GRAVEL, gravel 1,120.98; FREMAREK, supplies 338.89; GRANT COUNTY REVIEW, publishing 62.00; GRANT-ROBERTS RURAL WATER, water 36.40; HARTMAN'S, supplies 103.57; INGRAM, books & a/v 712.00; INTER-LAKES COMM ACT, service worker 2,565.92; ITC, phone & internet 1,474.10; KJ & K FLOWERS, supplies 115.00; LEWIS, supplies 8.48; LINCOLN CO AUDITOR, prof services 110.00; MICROFILM IMAGING SYSTEMS, scanner rent 642.00; MIDWEST TRUCK & PARTS, repairs & maint 19.51; MILBANK AREA

CHAMBER, supplies 250.00; MILBANK AUTO PARTS, supplies & repairs 2,295.40; MILBANK SCHOOL, minor equip 40.00; NORTHWESTERN ENERGY, natural gas 67.82; OTTER TAIL POWER, electricity 2,245.73; QUILL, supplies 68.36; R.D. OFFUTT, repair & maint 132.60; RC TECHNOLOGIES, 911 transport & tower rent 95.96; RELX, online charges 725.00; RIVER STREET PETROLEUM, diesel fuel & ethanol 10,989.21; RUNNINGS, supplies 340.71; SCANTRON, prof services 5,016.55; STAR LAUNDRY, prof services 67.40; WILMOT ENTERPRISE, periodicals 35.00; TWIN VALLEY TIRE, oil chg & tires 730.35; VALLEY OFFICE PRODUCTS, supplies 702.52; VALLEY SHOPPER, publishing 53.16; VERIZON WIRELESS, hotspot 38.52; VISA, books, meals, supplies, gas 948.24; WASTE MANAGEMENT, garbage service 157.50; WHETSTONE HOME CENTER, supplies 149.44; WHETSTONE VALLEY ELECTRIC, electricity 461.83; XEROX, copier rent 674.85; Z & Z HOTELS, motel 664.00. TOTAL: \$90,624.31.

Payroll for the following departments and offices for the June 14, 2021 payroll are as follows: COMMISSIONERS 3,223.90; AUDITOR 7,207.78; ELECTION 89.75; TREASURER 3,651.73; STATES ATTORNEY 5,913.02; CUSTODIANS 2,772.35; DIR. OF EQUALIZATION 3,615.60; REG. OF DEEDS 4,372.58; VET. SERV. OFFICER 1,065.00; SHERIFF 13,105.77; COMMUNICATION CTR 7,746.53; HEALTH NURSE 660.00; ICAP 82.23; VISITING NEIGHBOR 1,635.90; LIBRARY 7,378.43; 4-H 3,336.80; WEED CONTROL 1,913.80; P&Z 1,282.50; DRAINAGE 95.00; ROAD & BRIDGE 29,078.09; EMERGENCY MANAGEMENT 2,080.00. TOTAL: \$100,306.73.

Payroll Claims: FIRST BANK & TRUST, Fed WH 7,649.67; FIRST BANK & TRUST, FICA WH & Match 12,190.62; FIRST BANK & TRUST, Medicare WH & Match 2,850.96; AAA COLLECTIONS, deduction 33.42; ACCOUNTS MANAGEMENT, deduction 96.43; AMERICAN FAMILY LIFE, AFLAC ins. 1,468.71; WELLMARK-BLUE CROSS OF SD, Employee health ins. 985.12; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 210.00; SDRS SUPPLEMENTAL, deduction 1,195.83; SDRS, retire 11,249.56. TOTAL: \$37,930.32.

MONTHLY FEES: SDACO, ROD modernization fee 346.00; SD DEPT OF REVENUE, monthly fees 195,666.15. TOTAL: \$196,012.15.

Executive Session: Motion by Stengel and seconded by Street to enter executive session at 10:10 AM for the purpose of a personnel(s) issue pursuant to SDCL 1-

25-2 (1). Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0. Auditor Layher and States Attorney Schwandt were present. Chairman Tostenson declared the meeting open to the public at 10:35 AM. 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 July 6 and 16 (Friday) and August 3 and 17, 2021, at 8 AM. The July 7 and 8 budget meetings will be held with various departments. Motion by Buttke and seconded by Stengel to adjourn the meeting. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0. Meeting adjourned.

Karen M. Layher, Grant County Auditor

William J. Tostenson, Chairman, Grant County Commission