

June 3, 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 Mach and seconded by Stengel to approve the May 6, 2025, minutes. Motion carried 5-0. Minutes filed. Auditor Folk requested to add a Willscott invoice for \$251.69 to the claims. Motion by Street and seconded by Buttke to approve the agenda with the addition stated. Motion carried 5-0.

Present from the public were Jerry Bury, Annelies Seffrood and John Seffrood. Staff members present were Commissioner Assistant Layher, Hwy Supt Peterson, Drainage Officer Berkner, and States Attorney Schwandt.

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

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

Drainage permits DR2025-18a, 18b, 18c, 18d and 18e for Annelies Seffrood for property located within the S1/2 and NE1/4 of Section 10, the W1/2 of Section 11, and the NE1/4 of Section 14, all in the Former Sisseton Wahpeton Indian Reservation, Township 121 of Blooming Valley Township.

Chairman Tostenson called for a motion to approve permits DR2025-18a thru 18e for Annelies Seffrood. Motion by Mach and seconded by Street to approve permits DR2025-18a thru 18e.

Drainage Officer Berkner reported the permits are for 500 acres directly adjoining the Blooming Valley Dairy. The overall design has two inlets, one vent, and two outlets. The two outlets, a 12" and an 18", would drain into two separate waterways in the NW1/4 of Section 10 and merge in the NE1/4 of Section 9. The lateral tile footprint of the area receiving tiling would have a combined design flow of up to 1,700 gpm if installed at a .1% grade. Berkner said it is his opinion that the permits' design conforms to the county's drainage ordinance.

Chairman Tostenson opened the public hearing for the five related drainage permits asking the Seffroods for any additional comments. They said they had

worked with all the adjoining neighbors to put together an overall planned design and four of their neighbors joined in the project's design.

Chairman Tostenson asked three separate times for both comments in favor and against the drainage projects. No one responded. Tostenson closed the public hearing and invited drainage board discussion. Tostenson said he liked the overall design and the fact that different landowners are working together, and other neighboring landowners were given a chance to join the project. With no further discussion Tostenson called for the vote. Motion carried 5-0.

Permit DR2025-19 for Jerry Bury for land located in the S1/2NW1/4 in Section 14 of Alban West Township.

Chairman Tostenson called for a motion to approve drainage permit DR2025-19 for Jerry Bury. Motion by Buttke and seconded by Street to approve permit DR2025-19.

Berkner said the Alban West Township drainage project, located in the S1/2NW1/4 of Section 14, within the North Branch of the Yellow Bank River Watershed, is for five acres and would connect to previously permitted DR2011-33. In total the project would add an additional 45 gpm to DR2011-33's existing out letting water volume if installed at a .1% grade. Berkner said it is his opinion that the project's design conforms to the county's drainage ordinance.

Chairman Tostenson opened the public hearing for DR2025-19 asking Bury for any additional comments. Bury said the original DR2011-33 design should have included the current proposed 5-acres and it is only now he is getting around to adding it.

Chairman Tostenson asked three separate times for comments both in favor and against the drainage project. No one responded. After a brief discussion, Tostenson called for the vote. Motion carried 5-0.

Refund Permit Fee: Drainage Officer Berkner explained he received a request from Joe M. Kanthak to be refunded a \$100 drainage permit fee. Berkner stated he accepted the fee in January when the Drainage Board was in the process of considering the penalty phase for the same inlet that was installed in Section 10 of Adams East Township by Kanthak that did not have a drainage permit. Berkner said at that time Kanthak was working on an agreement to eventually install the non-permitted inlet that would need the signature of the downstream landowner who owned the existing tile main which was connected to without a proper county

drainage permit. Berkner stated the two parties were not able to reach an agreement.

Commissioner Assistant Layher said the \$2,000 penalty that was charged against the non-permitted inlet had been paid. States Attorney Schwandt was asked to comment on whether the refund request was allowed. Schwandt asked Berkner if he had done any work on preparing the permit for consideration by the Drainage Board, and if any public notices had been prepared and sent to the required downstream landowners as well as ran in the paper. Berkner stated he had only accepted the \$100 fee from Kanthak. He told Kanthak the County would not be able to go forward with processing the permit application for consideration by the Drainage Board without the required downstream landowner's signature. Schwandt stated that because no administrative action had been taken by the County, the fee is eligible for a refund but stressed after any official administrative action takes place the county permits should not be eligible for refunds.

Chairman Tostenson called for a motion to issue the \$100 refund to Kanthak. Motion by Stengel and seconded by Mach to issue the refund. Motion carried 5-0.

Drainage Fee Increase: Drainage Officer Berkner presented a drainage fee increase proposal in response to recently passed HB 1157 which allows SD counties to raise drainage permit fees from a maximum of \$100 to a new maximum of \$500. The current \$100 amount for drainage permit application fees was set by the State back in the 1980's and had not been changed until now. Berkner said any new drainage permit fees could go into effect beginning July 1st. He put together a proposal for consideration which is on a sliding scale. Permit costs would be directly related to the type of drainage work being done as well as the size of area that would benefit by receiving drainage improvements.

States Attorney Schwandt stated any change in fees would have to be addressed by amending the current County Drainage Ordinance where the \$100 fee is mentioned. For the next meeting, Schwandt was asked to review possible amendments to the current drainage ordinance that would allow for fees to be raised. Berkner was asked to adjust his proposed fee schedule to reflect smaller increases and to provide examples of how the new fees would affect the costs of some recent drainage permit application fees.

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

Executive Session: Motion by Stengel and seconded by Buttke to enter executive session at 9:15 AM for the purpose of a litigation issue(s) pursuant to SDCL 1-25-2 (3). 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 9:30 AM. Motion by Street and seconded by Buttke to approve signing the contract for a case management system for the States Attorney. Motion carried 5-0.

HWY: Golf Course: Hwy Supt Peterson stated Jan Scriver of Whetstone Creek Golf Course asked if they could purchase asphalt from the County's bid. States Attorney Schwandt will see if they qualify to use the County's bid.

Travel: None

County Assistance: None

GIS Layer: Commissioner Assistant Layher reported First District can create a layer in the GIS system to attach the parcel number to the location of any tiling pipes that have been installed in the ROW's. The cost will depend on how many permits they get per year going forward and how many past years of tiling permits the county wants in GIS.

Ordinance 2025-01A: The Commission discussed the revision of Ordinance 2025-01A. The first reading of the ordinance will be June 17, 2025, at 10:00 AM.

Unfinished Business: None

New Business: Commissioner Assistant Layher stated there will be a bridge named in honor of Ronald Dexter who was killed in Vietnam. The bridge is located on Hwy 15 south of Milbank. The dedication will be August 2nd at 11:00 AM with a reception and light lunch following at the 4-H Complex.

Correspondence: None

Claims: Motion by Street and seconded by Stengel to approve the claims. Motion carried 5-0. AUTOVALUE, supplies 376.84; BIG STATE INDUSTRIAL SUPPLY, supplies 143.88; BIG STONE CO SHERIFF, prof services 154.55; CENTER POINT, books 390.72; CITY OF MILBANK, water & sewer 252.94; CITY OF WATERTOWN, 911 surcharge 10,492.05; CUMMINS, repair & maint 1,219.20; DELORIS RUFER, lib rent 100.00; DUANE ATHEY, prof services 400.00; FIRST

BANK & TRUST, supplies 146.22; FIRST BANK & TRUST/VISA, computer, postage, supplies 6,943.23; GRAJCZYK LAW OFFICE, prof services 3,600.00; GRANT CO SOIL CONSERVATION, allocation 12,000.00; GRANT COUNTY LIBRARY, supplies 338.95; GRANT COUNTY REVIEW, publishing 661.50; JOHN DEERE FINANCIAL, repair & maint 159.81; JORGE WIETING, repair & maint 3.00; JOHN KEIMIG, registration 500.00; KEVIN MEYER, supplies 129.99; MIDCO, lib internet 118.39; MIDWEST POWERSPORTS, supplies 82.95; NORTHERN CON-AG, gravel 12,823.17; NORTHWESTERN ENERGY, natural gas 418.06; OTTER TAIL POWER, electricity 2,788.07; RELX, online charges 762.00; MATT SCOTT, computer repair 65.00; TAMARA KNUDTSON, prof services 100.00; TEAM LABORATORY CHEMICAL, patching 1,016.00; THE WINDOW PLACE, repair & maint 528.57; TITAN MACHINERY, supplies 116.30; TRAPP PLUMBING, repair & maint 16.83; VALLEY RENTAL & RECYCLING, allocation 650.00; JOE MARK KANTHAK, refund \$100.00. TOTAL: \$57,598.22.

Payroll for the following departments and offices for the May 28, 2025, payroll are as follows: COMMISSIONERS 8,120.60; AUDITOR 10,765.76; ELECTION 149.18; TREASURER 6,392.09; STATES ATTORNEY 8,016.90; CUSTODIANS 4,164.90; DIR. OF EQUALIZATION 7,026.21; REG. OF DEEDS 5,017.16; VET. SERV. OFFICER 1,445.00; SHERIFF 18,653.80; COMMUNICATION CTR 8,172.08; VISITING NEIGHBOR 1,816.34; LIBRARY 9,378.90; 4-H 4,261.88; WEED CONTROL 2,553.00; P&Z 1,386.35; DRAINAGE 594.15; ROAD & BRIDGE 36,266.30; EMERGENCY MANAGEMENT 2,653.20. TOTAL: \$136,833.80.

Payroll Claims: FIRST BANK & TRUST, Fed WH 7,519.14; FIRST BANK & TRUST, FICA WH & Match 16,463.68; FIRST BANK & TRUST, Medicare WH & Match 3,850.38; ACCOUNTS MANAGEMENT, deduction 90.88; MESSERIL/KRAMER PA, deduction 285.94; AMERICAN FAMILY LIFE, AFLAC ins. 1,691.94; RELIANCE STANDARD LIFE DENTAL, ins. 439.70; RELIANCE STANDARD LIFE VISION, ins. 353.56; WELLMARK-BLUE CROSS OF SD, Employee and Commission health ins. 55,058.30; RELIANCE STANDARD BASE, life ins. 389.02; RELIANCE STANDARD SUPPLEMENTAL, life ins. 153.76; MASA, air ambulance 327.00; COLONIAL LIFE, ins. 27.07; LEGAL SHIELD, deduction 38.85; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 2,708.00; SDRS SUPPLEMENTAL, deduction 1,623.33; SDRS, retire 15,798.82. TOTAL: \$106,819.37.

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 June 17, and July 1, 2 and 3 (Budget Hearings) and 15, 2025 and will be held at the new Grant County Commission room in the courthouse basement at 8 AM. Motion by Mach and seconded by Street to adjourn the meeting. Motion carried 5-0. Meeting adjourned.

Kathy Folk, Grant County Auditor

William Tostenson, Chairman, Grant County Commissioners