

March 18, 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 the March 4, 2025, minutes. Motion carried 5-0. Minutes filed. Motion by Street and seconded by Stengel to approve the agenda. Motion carried 5-0.

Present from the public was Tom Frogner, Clifford Steinlicht, Lance Frogner, Greg Streich, Raynelle Mueller, Dave Page, Dana Johnson, Ben Rethke, Jerry Bury, Tom Zych, Jerry Zubke, Kenneth Lee, Chad Boehnke, Jay Mielitz, Caryssa Mielitz, John Moes, and Jim DeVaal. Staff members present were Commissioner Assistant Layher, Drainage Officer Berkner, States Attorney Schwandt, Karla DeVaal, Tammy Wollschlager, Jennifer Meyer, Becky Wellnitz, Taylor Stotesbery, and Jennifer Waniorek.

Public Comment: Chairman Tostenson called for public comment. Dave Page, a member of the jail building study group, thanked the Commission for the opportunity to be in the study group and the Commissioner's commitment to the people in the county. He learned a lot and appreciated the hard decisions they had to make. Chairman Tostenson called two more times for public comment. There were no more comments.

Monthly Reports: The Register of Deeds fees for the month of February were \$8,308.00. The Clerk of Courts fees for the month of February were \$9,947.74. Statistics for the month of February 2025 for the Sheriff's Office were presented by report. Average Daily inmate population 5.21; Number of bookings 19; Work release money collected \$1,280.00; 24/7 Preliminary Breath Test (PBT) fees collected \$335.00; SCRAM (alcohol detecting bracelet) fees collected \$866.00; 24/7 PBT participants 3; SCRAM (Sobriety Program) participants 4; UA participants 6; Calls for Service (does not include walk-in traffic) 187; Accidents investigated 1; Civil papers served 46; Cumulative miles traveled 12,091; 911 calls responded to (including Milbank) 72.

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

Permit DR2025-04a, 04b, 04c and 04d for Lance Frogner for lands located within the NW1/4 of Section 8-19-48, the NE1/4 of Section 6-19-48, the S1/2 of Section 5-119-48 and the NW1/4 of Section 4-119-48, all in Vernon West Township.

Chairman Tostenson called for a motion to approve DR2025-04a, 04b, 04c and 04d for Lance Frogner. Motion by Street and seconded by Buttke to approve the permits for Frogner.

Drainage Officer Berkner reported the related drainage projects would help drain approximately 400 acres of land located within the NW1/4 of Section 8, the NE1/4 of Section 6, the S1/2 of Section 5 and the NW1/4 of Section 4, all in Vernon West Township within the North Branch of the Yellow Bank River Watershed. The combined drainage projects would have 4 inlets and would share one 24" tile main with DR2024-44, which was originally permitted to have a 10" main but has not been completed yet. The lateral tile design of the four new drainage permits would flow up to 2,700 gpm if installed at a .1% grade and would drain into a designated USGS blue line. It is Berkner's opinion that the drainage projects conform to questions asked in the county's drainage ordinance.

Chairman Tostenson opened the public hearing for permits DR2025-04a, 04b, 04c and 04d and asked Frogner if he had any additional comments. Frogner said his main goal is to reduce surface water and control erosion better. Tostenson asked three separate times for public comment in favor and against the drainage projects. Downstream landowner Clifford Steinlicht said he was in support of Frogner's project but has ongoing concerns that during extreme run-off events area culverts get overwhelmed and some of those same culverts are also in need of replacement. Steinlicht also talked about the responsibility of all landowners to be aware of debris from their fields that often clog waterways and their responsibility of keeping those same waterways clear. Jerry Zubke commented he liked seeing young farmers like Frogner continue their family farms by making the needed investments to continue farming into the future. Chairman Tostenson closed the public hearing and invited drainage board discussion.

During the board discussion, Steinlicht's comments were repeated about all landowners' have the responsibility of keeping their waterways clear. Chairman Tostenson called for the vote. Motion carried 5-0.

Permits DR2025-05a, 05b, 05c, 05d and 05e for Chad Boehnke for land located within the S1/2 of Section 36-121-47 in Big Stone Township. Permits DR2025-05f, DR2025-05g and DR2025-05h for Greg Streich for lands located within the

NE1/4 of Section 36-121-47, the SE1/4 of Section 25-121-47, and the W1/2 of Section 30-121-46, all within Big Stone Township.

Under the direction of States Attorney Schwandt, neighboring drainage permit requests that are applied for separately, but share a common design, could share a common report but they should be considered by separate motions. Chairman Tostenson called for a motion to approve: DR2025-05a, 05b, 05c, 05d and 05e for Chad Boehnke and Ben Rethke. Motion by Stengel and seconded by Buttke to approve the Boehnke and Rethke permits. Chairman Tostenson called for a motion to approve DR2025-05f, 05g and 05h for Greg Streich and Keith Pillatzki. Motion by Mach and seconded by Stengel to approve the Streich and Pillatzki permits.

Berkner reported the related drainage projects would share a single common 24” outletting main. The Boehnke’s and Rethke’s drainage projects would be tiling 100 acres of land and are located within the S1/2 of Section 36-121-47. The Streich and Pillatzki drainage projects would be tiling and draining 150 acres within the NE1/4 of Section 36-121-47, the SE1/4 of Section 25-121-47 and portions of the NW1/4 of Section 30-121-46, all in Big Stone Township and within the Whetstone River Watershed.

Berkner said the Boehnke and Rethke projects are a modified version of DR2024-75a, 75b, 75c, 75d and 75e, originally considered and then tabled by the drainage board in November 2024. The applicants eventually asked for those permits to be pulled so they could work out a solution with concerns of downstream landowners Streich and Pillatzki had with the original design. The two parties have now worked out a drainage design that would share a common main outlet. Boehnke’s and Rethke’s permits would have up to 6 inlets, 3 would connect directly into a tile main and 3 would drain into a wetland before flowing into an inlet in Streich’s and Pillatzki’s design.

Berkner added that according to Rethke the last 3-inlets may need to be aided by a 10 hp pump. Existing water easements and available elevations would determine their need. In total, the projects’ lateral tile design would drain as much as 530 gpm. Streich’s and Pillatzki’s design would include up to 5 inlets and would be located on the edges of existing protected wetlands where the use of perforated drain tile was restricted. In total, the combined drainage designs would have an estimated water discharge rate of up to 1,600 gpm if installed at a .1% grade. An 18” main tile would have more than enough capacity for that amount of water flow but the tile outlet being permitted would be for a 24” tile.

Berkner stated that tile would cross under 485th Avenue eventually draining into a US Fish and Wildlife slough, which naturally drains via a USGS designated blue line. Berkner said the additional capacity of the 24" tile is being sized for possible future drainage permits not related to the combined projects being considered in the two separate motions.

Berkner concluded his report saying he had been contacted by three downstream landowners with comments and concerns that portions of the main blue line drainage ditch flowing from the US Fish and Wildlife slough needs cleaning and maintenance and any additional water would only make conditions worse. It is Berkner's opinion that the drainage projects conform to questions asked in the county's drainage ordinance.

Chairman Tostenson opened the public hearing asking for additional comments from the permittees. Boehnke and Streich said they thought the combined design was in everybody's best interests. Rethke said the actual number of inlets, and the use of a pump, were possible options. He said the flexibility of implementing all the inlets, as well as the pump, would be determined by the actual installation conditions and easements with US Fish and Wildlife. Chairman Tostenson reminded both parties the permits had to be completed within two years of being granted.

Chairman Tostenson asked three separate times for public comments in favor and against permitting the combined projects. Kenneth Lee spoke about his concerns of the blue line waterway that flows out of the US Fish and Wildlife slough and eventually across his land. Much of that waterway needed to be cleaned and better maintained if it is going to receive any additional water without backing up. Berkner spoke on behalf of Ben Wollschlager, who was not present at the meeting but had contacted the County Drainage office, of those same concerns.

Tom Zych, who owns land directly downstream of the US Fish and Wildlife slough, but just upstream of land owned by Lee and Wollschlager, agreed with both Lee's and Wollschlager's concerns and thought what is needed is an official agreement between neighbors to keep the waterway better maintained.

Chairman Tostenson closed the public hearing inviting board discussion. During the discussion, downstream landowners Raynelle Mueller, Lee and Zych were asked questions by the board. The three parties agreed in the future, if all the neighbors, depending on the waterway to flow freely worked together most of their concerns would be met. Board discussion also included reviewing past drainage

problems in the area described as needing cleaning and maintenance. It would be best improved for all parties if they were to share that responsibility.

Chairman Tostenson called for the vote for DR2025-05a, 05b, 05c, 05d and 05e. Motion carried 5-0. Tostenson called for the vote for DR2025-05f, DR2025-05g and DR2025-05h. Motion carried 5-0.

Permit DR2025-06a and DR2025-06b for Jerry Bury for land located within the SW1/4 of Section 22-120-48 and the N1/2NW1/4 of Section 27-120-48, both in Alban West Township.

Chairman Tostenson called for a motion to approve drainage permits DR2025-06a and 06b for Jerry Bury. Motion by Buttke and seconded by Street to approve permits DR2025-06a and 06b.

Berkner reported the permit is for tiling 15 acres of land located within the SW1/4 of Section 22 and the NW1/4 of Section 27 in Vernon West Township located in the North Branch of the Yellow Bank River Watershed. The project would cross through 152nd Street and have one 8" outlet. The lateral tile design flow rate is calculated to be 135 gpm if installed at a .1% grade. Berkner stated it is his opinion that the drainage projects conform to questions asked in the county's drainage ordinance.

Chairman Tostenson opened the public hearing for DR2025-06a and 06b asking Bury for any additional comments. Bury said the project is just targeting a couple of low-lying areas and he would be available for questions. Chairman Tostenson then asked three separate times for public comments in favor and against the drainage projects. No one responded. Tostenson closed the public hearing inviting drainage board discussion.

During board discussion it was discussed the project was simple in its design and it had no inlets. Chairman Tostenson called for the vote. Motion carried 5-0.

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

Land Lease: The land lease sale was held with John Moes, and Jay and Caryssa Mielitz present. The following bids were received:

1. Part of the NW ¼ NW ¼ 33-120-47 (About 15 Acres) Alban Twp. Leased to Mielitz Brothers for \$600.00.

2. S ½ NE ¼ of 8-120-51 (40 Acres) Mazeppa Twp. to John Moes for \$1,600.00.

Office Space: Staff members Karla DeVaal, Becky Wellnitz, Taylor Stotesbery, Steve Berkner, Kathy Folk, Jennifer Waniorek and Jennifer Meyer discussed the office space needs of their departments after the elevator project is completed.

Bond: Tom Grimmond with Colliers Securities discussed the funding options available for the jail if additional funds are needed for the project. Grimmond explained a building lease purchase, or another bond could be done.

Travel: Commissioner Assistant Layher requested travel approval for Deputy DOE Stotesbery to attend the SDAAA annual school in Sioux Falls. Motion by Stengel and seconded by Buttke to approve the travel request. Motion carried 5-0.

County Assistance: None

Plat Approval: Commissioner Assistant Layher explained there is a problem with a plat's legal boundary description in Lura Township. Both Layher and States Attorney Schwandt met with the land agent who is selling the property. The legal description of the county parcel will be included in tract one of the new plat. Motion by Stengel and seconded by Buttke to approve the plat. Chairman Tostenson called for the vote. Motion carried 5-0.

RESOLUTION 2025-04
GRANT COUNTY COMMISSION

BE IT HEREBY RESOLVED, the motion carried that Tracts 1 and 2 of Fromm Addition in Government Lot 1 in Section 17, Township 120 North, Range 51 West of the 5th Principal Meridian, Former Sisseton Wahpeton Indian Reservation, 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 to certify the same on this 18th day of March, 2025.”

Dated this 18th day of March, 2025.

William Tostenson, Chairman
Board of Commissioners

ATTEST:
Kathy Folk, Auditor

Pavement Inventory: Motion by Street and seconded by Buttke to approve the contract with Banner for the asphalt pavement inventory for phase 5 at a cost of \$29,900. Chairman Tostenson called for the vote. Motion carried 5-0.

Elevator Change Order: Commissioner Assistant Layher presented three change orders for the elevator project. The first is the basement doors to the bathroom and offices to be replaced including the hardware and trim for \$9,218. The second change order is to change the risers and steps into the basement for \$5,388. The third is to add an outlet for the TV in the basement common area and move a thermostat in the second-floor vault for \$2,955. Motion by Stengel and seconded by Buttke to approve the three change orders from Hasslen Construction for the elevator project. Motion carried 5-0.

Move Gazebo: Library Director Wollschlager discussed with the Commission moving the gazebo north of the library for easier access for library programs, electrical source, parking accessibility and to accommodate the new detention center.

Surplus Items: Commissioner Assistant Layher presented a list of items from the highway department to be declared surplus. They will be sold at Farrell's Auction and through Purple Wave Auction website. A list is on file in the auditor's office. Motion by Stengel and seconded by Buttke to approve items to be surplus. Motion carried 5-0.

Unfinished Business: None

New Business: Commissioner Assistant Layher reviewed the bid received from Hasslen Construction for \$7,700 to install wood blocking in the 4H Complex trusses and 1x4 trim on the walls to correct the settling problem and cover the drywall cracking. Motion by Street and seconded by Buttke to approve the Hasslen bid. Motion carried 5-0. The Commission also discussed a leak in the 4H Complex floor heating system by the entrance door. Layher will get an estimate for the repair. Chairman Tostenson gave an update from the Grant County Development Corporation. The legislation bills that were passed were discussed.

Correspondence: Commissioner Assistant Layher asked who will be attending the Lake Region meeting on Thursday. Commissioners Mach and Tostenson will attend.

Executive Session: Motion by Mach and seconded by Stengel to enter executive session at 11:09 AM for the purpose of a personnel issue(s) pursuant to SDCL 1-25-2 (1). Motion carried 5-0. Chairman Tostenson declared the meeting open to the public at 11:23 AM. No action was taken because of the executive session.

Claims: Motion by Buttke and seconded by Street to approve the claims. Motion carried 5-0. AGTEGRA, ethanol, & diesel & propane 12,589.93; AL'S BODY SHOP, prof services 3,905.00; MNB CLEANING, prof services 700.00; BERENS MARKET, inmate groceries 396.95; BORNS GROUP, mailing expense 1,238.39; CRAIG DEBOER, car wash card 85.37; DEUTSCH PRINTING, subscription 70.00; FIRST BANK & TRUST/VISA, surge protector, batteries, supplies 365.26; FREMAREK, supplies 399.74; FOOD-N-FUEL, inmate meals 546.00; GRANT COUNTY REVIEW, publishing 549.17; GRANT-ROBERTS RURAL WATER, water usage 41.50; GRANT/ROBERTS AMBULANCE, prof services 489.00; HASSLEN CONSTRUCTION, contracted proj 312,007.55; INGRAM, books 612.70; INSIGHT, supplies 327.50; INTER-LAKES COMMUNITY ACTION, service worker 2,634.33; ITC, phone & internet 3,967.64; JASON SACKREITER, garbage services 360.00; JEREMY WIESE, supplies 542.95; LEWIS FAMILY DRUG, supplies 838.39; MICROFILM IMAGING SYSTEMS, scanner rent 862.00; MOTOROLA SOLUTIONS, computer repair & maint 3,088.75; NORTHWESTERN ENERGY, natural gas 668.16; OTTER TAIL POWER, electricity 3,884.40; CROSSROADS HOTEL, hotel 600.00; QUICK PRO LUBE, repair & maint 81.99; RC TECHNOLOGIES, 911 transport & tower rent 95.96; ROBERTS CO SHERIFF, prof services 1,754.00; RUNNINGS, supplies 495.89; SECUR SERV, prof services 6,824.57; SD DEPT OF HEALTH, health services 410.00; SD DEPT TRANSPORTATION, contracted proj 3,864.09; SDACES, dues 45.00; ST WILLIAMS CARE CENTER, inmate laundry 205.00; STAR LAUNDRY, rentals 118.55; SUPERIOR CAPITAL HOLDINGS, supplies 107.48; METOCHOL GROUP, supplies 75.00; THE WINDOW PLACE, contracted proj 1,280.61; TRAPP PLUMBING, repair & maint 707.88; VALLEY OFFICE PRODUCTS, supplies 769.72; VALLEY SHOPPER, publishing 84.05; VERIZON, hotspot 38.52; WHETSTONE HOME CENTER, supplies 259.44; WHETSTONE VALLEY ELECTRIC, electricity 1676.33; XEROX, copier rent 1019.52; GRAJCZYK LAW OFFICE, court appt atty 3600.00; DELORES RUFER, lib rent 100.00; VALLEY RENTAL & RECYCLING, allocation 650.00. TOTAL: \$376,034.28.

MONTHLY FEES: SD DEPT OF HEALTH, SDACO, ROD modernization fee 238.00; SD DEPT OF REVENUE, monthly fees 630.00. SD DEPT OF REVENUE, sales & use tax 188.02. TOTAL: \$1,056.02.

Payroll for the following departments and offices for March 14, 2025, payroll are as follows: COMMISSIONERS 8,120.60; AUDITOR 11,038.54; TREASURER 6,065.11; STATES ATTORNEY 7,851.30; CUSTODIANS 3,776.00; DIR. OF EQUALIZATION 6,707.36; REG. OF DEEDS 4,941.76; VET. SERV. OFFICER 1,317.50; SHERIFF 18,464.04; COMMUNICATION CTR 7,426.40; VISITING NEIGHBOR 1,703.84; LIBRARY 8,592.26; 4-H 4,036.25; WEED CONTROL 2,083.00; P&Z 1,188.30; DRAINAGE 699.00; ROAD & BRIDGE 32,433.36; EMERGENCY MANAGEMENT 2,381.85. TOTAL: \$128,826.47.

Payroll Claims: FIRST BANK & TRUST, Fed WH 6,775.55; FIRST BANK & TRUST, FICA WH & Match 15,522.56; FIRST BANK & TRUST, Medicare WH & Match 3,630.26; ACCOUNTS MANAGEMENT, deduction 90.88; BREIT & BOOMSMA, 27.69; AMERICAN FAMILY LIFE, AFLAC ins. 1,586.31; RELIANCE STANDARD LIFE DENTAL, ins. 420.90; RELIANCE STANDARD SUPPLEMENT LIFE, ins. 142.76; WELLMARK-BLUE CROSS OF SD, Employee health ins. 2,279.20; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 1,325.00; SDRS SUPPLEMENTAL, deduction 1,623.33; SDRS, retire 14,878.93. TOTAL: \$48,303.37.

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 April 1, 8 (Equalization) and 15, and May 6 and 20, 2025 at the Grant County Library at 8 AM. Motion by Stengel and seconded by Buttke to adjourn the meeting. Motion carried 5-0. Meeting adjourned.

Kathy Folk, Grant County Auditor

William Tostenson, Chairman, Grant County Commissioners