

March 4, 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 Buttke and seconded by Mach to approve the February 25, 2025, minutes. Motion carried 5-0. Minutes filed. Motion by Mach and seconded by Stengel to approve the agenda with the addition of adding EM Schuelke, and Todd Kayes to the agenda and adding a claim to the list to approve. Motion carried 5-0.

Present from the public was Ron and Vadnae Kottke, Paul Strong, Todd Kayes and Jim DeVaal. Staff members present were Commissioner Assistant Layher, Hwy Supt Peterson, Drainage Officer Berkner, EM Director Schuelke and States Attorney Schwandt.

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

Statistics for the month of January 2025 for the Sheriff's Office were presented by report. Average Daily inmate population 2.83; Number of bookings 9; Work release money collected \$860.00; 24/7 Preliminary Breath Test (PBT) fees collected \$368.00; SCRAM (alcohol detecting bracelet) fees collected \$544.00; 24/7 PBT participants 4; SCRAM (Sobriety Program) participants 3; UA participants 3; Calls for Service (does not include walk-in traffic) 164; Accidents investigated 1; Civil papers served 68; Cumulative miles traveled 13,754; 911 calls responded to (including Milbank) 114.

**Hovercraft:** EM Director Schuelke stated the Hovercraft is now complete and the remaining balance on it is \$19,220. In previous discussions, Big Stone City Fire Department, mentioned they would contribute to the cost of the Hovercraft. Commissioner Stengel brought up the Big Stone City Fire Department has requested assistance in purchasing new scuba diving equipment. Discussion was held. Motion by Stengel and seconded by Street to approve the final payment of \$19,220 for the Hovercraft. Chairman Tostenson called for the vote. Motion carried 5-0.

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

Permit DR2025-02 For Chad Steinocker for land located within the SW1/4 of Section 2 in Blooming Valley Township (2-121-52)

Chairman Tostenson called for a motion to approve permit DR2025-02 for Chad Steinocker. Motion was made by Mach and seconded by Stengel to approve drainage permit DR2025-02 for Chad Steinocker.

Drainage Officer Berkner reported the permit is for tiling 15 acres located in the SW1/4 of Section 2 in Blooming Valley Township within the Big Sioux River Watershed. The tile design would parallel an existing drainage ditch with 2-8" main tiles with pattern tiling, and 1-8" inlet which would be located directly adjacent to a culvert under 145th Street. Both 8" outlets would empty and drain through a wide grassy lowland located on Steinocker's property and flow directly into an intermittent blue-line stream as identified by the USGS. The permit, if granted, would have a maximum flow rate of 190 gpm if installed at a .1% grade. It is Berkner's opinion that the drainage project conforms to questions asked in the county's drainage ordinance.

Steinocker was not present.

Chairman Tostenson opened the public hearing for DR2025-02 and asked three separate times for public comments in favor or against the project with no one responding. Tostenson then invited drainage board discussion. He commented he was familiar with the area and confirmed the outlets would flow through a grassy area before the water would enter the blue-line stream.

Commissioner Street asked the drainage board if it is appropriate to vote on a permit if the applicant wasn't available to answer questions. Berkner responded that he had Steinocker's phone number if needed. There wasn't a request by the board to call Steinocker. Chairman Tostenson said it is the permittee's responsibility to attend the meeting if they choose to but it is not required by the drainage ordinance.

Another topic discussed was if the downstream landowners are aware additional water would be flowing in their direction, especially since the stream receiving the water is considered an intermittent stream. Commissioner Stengel stated by receiving the required two-mile downstream notice letter it is the recipient's responsibility to contact the county if they want more information. Or they could attend the public meeting in person, if they had concerns about additional water coming their way. Chairman Tostenson called for the vote on DR2025-02. Motion carried 5-0.

Permit DR2025-03a, 03b, 03c, 03d and 03e, for Paul Strong for land located within the NE1/4 of Section 17 in Big Stone Township (17-121-46).

Chairman Tostenson called for a motion to approve permits DR2025-03a, 03b, 03c, 03d and 03e for Paul Strong. Motion by Buttke and seconded by Street to approve permits DR2025-03a, 03b, 03c, 03d and 03e for Paul Strong.

Berkner reported the related permits are for tiling approximately 28 acres in the NE1/4 of Section 17 in Big Stone Township, located just east of Big Stone City north of US Highway 12. The tile project would have 1-10" outlet that would empty directly into the Whetstone River just before it flows into Minnesota. The area is prone to seasonal flooding. River levels often get high, and a dike built by the landowner after the 2010 Spring flood tends to hold water on the farmland. Berkner estimated the maximum design discharge of the pattern tiling and 10" outlet could be as high as 280 gpm if installed at a .1% grade. It is Berkner's opinion that the drainage projects conform to the county's drainage ordinance.

Chairman Tostenson asked Strong if he had any additional comments to add. Strong said his primary concern is to help the area drain better during wet conditions. He also commented that the 2010 dike design was intentionally kept low as to not cause any flooding to upstream landowners, like Rausch Brother's Granite. There the dike is easily breached by extremely high river water levels before the water level could rise at Rausch's location.

Chairman Tostenson opened the public hearing and asked three separate times for public comments in favor or against the permits. Ron Kottke said his only question is where the water is going to enter the Whetstone River. He said the map displayed during the presentation answered his question. With no more public comments, Tostenson closed the public hearing inviting drainage board discussion.

Berkner was asked whether any of the land being tiled is in Big Stone City limits. He said DR2025-03a, 03b and 03c are. State's Attorney Jackson Schwandt commented the county could not permit those specific areas and they should be removed from the motion and that it would be Strong's responsibility to contact Big Stone City if those areas needed to be permitted for drainage. Schwandt also stated that it should be noted the overall tile map design may ultimately include the water being drained from within the city, as its size is in the drainage map scheme and its quantity of water is being considered.

Chairman Tostenson asked Strong if he would like to remove those areas on the tile map designated as DR2025-03a, 03b and 03c from his permit application.

Strong said he would remove them. Tostenson then called for a substitute motion for the permits. Motion by Buttke and seconded by Street to substitute his previous motion to only include DR2025-03d and DR2025-03e for approval. Chairman Tostenson called for the vote. Motion carried 5-0.

Berkner presented new wording the drainage board had asked the State's Attorney to draft that would allow the county access to inspect any future permitted drainage projects. Permission would be granted by the applicant by signing any future drainage permit application. The draft language discussed is, "By signing this application and submitting it to the drainage board for approval, the applicant grants the Grant County Drainage Board or its representative to enter onto the land and inspect the drainage project."

Berkner also gave an update on a recent matter with Roger Engebretson, a downstream landowner in the SW1/4 of Section 16 of Adams East Township, who had concerns a drainage ditch on his property is being overburdened by drainage water it receives from DR2022-60. This drainage permit awarded to Austen Citrowske located in the NE1/4 of Section 20. According to Engebretson, the waterway has not been cleaned or maintained as was agreed by Citrowske during the public hearing when Citrowske's drainage project was approved in 2022. Berkner provided meeting notes from the 2022 drainage board meeting for DR2022-60 that quoted Citrowske as agreeing to clean and help maintain the waterway if his drainage permit was approved.

State's Attorney Schwandt stated according to state case law, and the county's drainage ordinance, the county is not responsible for mitigating a downstream hardship caused by an upstream landowner's drainage project. According to Schwandt that is an issue that has always been between neighbors.

After a lengthy discussion on the matter concerning whether the county should condition future agreements between landowners to maintain shared waterways, no official action was taken on the matter. In closing Tostenson summed up how important it was that neighbors work together on maintaining shared waterways.

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

**First District:** Manager Todd Kays presented the Annual report. Our 2024 Annual dues were \$29,357. Grants they assisted with for Grant County were \$2,537,857,

giving us a \$86.45 return on investment for the year. Our average return on investment from FY 08 to 24 was \$27.09.

**Detention Center:** Adam Keuhl with HMN Architects and Jason Gloe with Active Controls presented via teleconference options for the maintenance contract for the jail security equipment. They presented four different plans that would include programing and labor and materials for an additional four years after the first year. No action was taken on a contract.

**HWY: Gravel projects:** Supt Peterson presented to the Commission gravel estimates for the jail and garage projects. Supt Petersen advised the Commission he would rather not tie up the county employees and equipment with the jail gravel project. His estimate for the garage gravel lot is \$8,000. The County will be able to do that project. **RAIF Projects:** No discussion was needed. **Call for Hwy Bids:** Hwy Supt Peterson asked the Commission for permission to call for bids for highway materials for 2025. Motion by Stengel and seconded by Buttke to approve Hwy Supt Peterson to call for bids for 2025 highway materials. Chairman Tostenson called for the vote. Motion carried 5-0.

**Gravel for Jail:** There were questions regarding the Ronglien Construction gravel bid for the jail. A call was made to Eric Raap with GA Johnson Construction to answer those questions. An additional \$15,200 needs to be added to Ronglien's gravel bid for the jail, which brings the gravel bid total to \$193,660. Motion by Mach and seconded by Buttke to approve Ronglien's gravel bid amount of \$193,660 for the jail project. Chairman Tostenson called for the vote. Motion carried 5-0.

**Travel:** Commissioner Assistant Layher requested travel approval for Deputy Steffensen to attend the Sex Offender Conference in Deadwood, Renae Buttke and Brittany Folk to attend 24/7 training in Oacoma, Sheriff Owen and Deputy Bowsher to attend the Sheriff Conference in Deadwood, Kevin Schuelke to attend Public Health Preparedness Forum in Oacoma and Commissioner Stengel and Commissioner Assistant Layher to attend the Spring Workshop in Pierre. Motion by Buttke and seconded by Street to approve the travel requests. Motion carried 5-0.

**County Assistance:** None

**Executive Session:** None

**Cleaning Quote:** Commissioner Assistant Layher presented the only estimate received for cleaning the courthouse after the elevator construction is complete. It is from Provision Cleaning for \$29,976.85 to strip and wax floors, clean light fixtures, walls, surfaces, furnishings and carpet. Motion by Street and seconded by Buttke to approve the bid from Provision Cleaning for \$29,976.85. Chairman Tostenson called for the vote. Motion carried 5-0.

**Unfinished Business:** Commissioner Assistant Layher stated the in-floor heating in the 4-H Complex is not working. Layher called Redlinger Bros. to look at it. Layher also stated she contacted SDPAA, the county's property insurance provider, and they stated there isn't a requirement for a lightning rod on the new detention center. Layher also researched additional funding with Colliers Securities LLC, our bonding company. They advised there are two options under state statute. One is to pass another bond. The other is to do a lease purchase agreement. Discussion followed on those options. Tom Grimmond from Colliers will be contacted to attend the March 18 meeting.

Commissioner Assistant Layher reported updating the county website is progressing. The courthouse generator is leaking anti-freeze. The detention center is getting an extra electrical surge when the generator has gone into test mode after the recent power outage which is causing damage to battery backups and a monitor at the detention center.

Commissioner Assistant Layher stated the county must send \$5,000 a month to our third-party administrator to reimburse employees for their health insurance buy down for the 2024 deductible reimbursements. Motion by Stengel and seconded by Mach to approve issuing a \$5,000 monthly payment to Innovative Benefit Consultants for reimbursing employees deductibles. Chairman Tostenson called for the vote. Motion carried 5-0.

**New Business:** Discussion was held on the courthouse office space after the elevator project is completed. It was decided to have the second-floor department heads meet with the Commissioners at their next meeting on March 18<sup>th</sup> to have everyone's input.

**Correspondence:** None

**Claims:** Motion by Street and seconded by Stengel to approve the claims with the addition of Midcontinent Communications for \$111.04. Motion carried 5-0.

AVERA QUEEN OF PEACE, health services 138.00; CENTER POINT, books 503.21; CITY OF MILBANK, water & sewer 800.37; CITY OF WATERTOWN, 911 surcharge 10,354.85; COLEPAPERS, supplies 562.16; DAKOTA POWER EQUIP, supplies 246.42; FIRST BANK & TRUST/VISA, gas, tv's, i-pad, supplies 2,973.60; FOELL PC, health services 160.00; G A JOHNSON CONSTRUCTION, prof services 20,114.65; IMEG CONSULTANTS, prof services 2,850.00; JURGENS PRINTING, supplies 78.00; LAMB CHEVROLET, hwy pickup 51,605.00; LEWIS FAMILY DRUG, supplies 86.28; MICROFILM IMAGING SYSTEMS, rentals 862.00; MIDCO, lib internet 111.04; MIDWEST CONTRACTING, contracted proj \$579,631.59; MUNDWILER FUNERAL HOME, prof services 5,000.00; NASASP, dues 39.00; NATIONAL SHERIFFS ASSOCIATION, dues 125.00; NORTHWESTERN ENERGY, natural gas 2,048.57; QUALIFIED PRESORT, prof services 3,180.58; QUICK PRO LUBE, repair & maint 1,007.43; R.D. OFFUTT, repair & maint 512.40; SCANTRON, prof services 6,622.49; SD ATTORNEY GENERAL, fees 4,777.00; STATE OF SD, supplies 20.00; TROY HOYLES, prof services 300.00; WATERTOWN MOTOR COMPANY, supplies 68.04. TOTAL: \$694,777.68.

Payroll for the following departments and offices for the February 28, 2025, payroll are as follows: COMMISSIONERS 8,120.60; AUDITOR 8,898.01; ELECTION 602.44; TREASURER 6,392.09; STATES ATTORNEY 8,016.90; CUSTODIANS 3,260.90; DIR. OF EQUALIZATION 7,087.35; REG. OF DEEDS 5,091.74; VET. SERV. OFFICER 1,402.50; SHERIFF 19,127.77; COMMUNICATION CTR 9,432.00; VISITING NEIGHBOR 1,882.71; LIBRARY 9,148.74; 4-H 4,349.84; WEED CONTROL 2,365.40; P&Z 1,957.20; DRAINAGE 279.60; ROAD & BRIDGE 38,094.49; EMERGENCY MANAGEMENT 2,592.90. TOTAL: \$138,103.18.

Payroll Claims: FIRST BANK & TRUST, Fed WH 7,825.77; FIRST BANK & TRUST, FICA WH & Match 16,629.60; FIRST BANK & TRUST, Medicare WH & Match 3,889.18; 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 LIFE VISION, ins. 346.06; WELLMARK-BLUE CROSS OF SD, Employee and Commission health ins. 53,139.06; RELIANCE STANDARD BASE, life ins. 415.36; 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 15,980.87. TOTAL: \$105,179.69.

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

1. Set March 18, 2025, at 9AM for the county land lease auction.
2. Approve 4-H grounds rental agreement.
3. Declare surplus computer desk: asset 00443A, multi computer workstation: asset 08592, Samsung Galaxy Tab: asset 10114.

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 March 18 and April 1, 8 (Equalization), and 15, 2025 at the Grant County Library at 8 AM. Motion by Buttke and seconded by Stengel 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