

May 21, 2024

The Grant County Commission met at 8 AM with Commissioners Buttke, Mach, Stengel, and Tostenson present. Chairman Tostenson called the meeting to order. Motion by Stengel and seconded by Buttke to approve the May 7th, 2024 minutes. Motion carried 4-0. Minutes filed. Commissioner Street arrived at 8:03 AM. Commissioner Assistant Layher requested to add a health insurance presentation by Risty Benefits to the agenda and Commissioner Mach requested to add discussion of the Board of Adjustments meeting. Motion by Mach and seconded by Stengel to approve the agenda with the additions stated. Motion carried 5-0.

Present from the public were Dale Tuchscherer, Jason Liebe, Mark Wollschlager, Mark Erickson, Roger Risty, Dan Johnson, and Sonja Norby. Staff members present were Commissioner Assistant Layher, Drainage Officer Berkner, and States Attorney Schwandt.

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

The Auditor's Account with the Treasurer for April 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 April, 2024.

Cash on Hand	\$17,246.27
Checks in Treasurer's possession	
less than 3 days	\$1,132,578.53
Cash Items	\$0.00
TOTAL CASH ASSETS ON HAND	\$1,149,824.80
RECONCILED CHECKING	
First Bank & Trust	\$34,484.33
Interest	\$0.00
Credit Card Transactions	\$10,010.94
First Bank & Trust (Svgs)	\$15,096,000.00
CERTIFICATES OF DEPOSIT	
First Bank & Trust	\$0.00

First Bank & Trust (TIF)	\$0.00
TOTAL CASH ASSETS	\$16,290,320.07
GENERAL LEDGER CASH BALANCES:	
General	\$5,790,473.35
General restricted cash	\$2,350,000.00
Cash Accounts for Offices General Fund	\$656.00
Sp. Revenue	\$1,688,093.49
Sp. Revenue restricted cash	\$0.00
Ambulance District	\$48,552.87
Henze Road District	\$4,655.40
TIF Milbank	\$2,028.88
TIF Rosewood Mil-3	\$0.00
TIF Water Dist.	\$0.00
Special Assessment Land Rent	\$0.00
Trust & Agency (schools 4,420,844.58 twps 491,511.97, city/towns 45,815.19)	\$6,405,860.08
ACH Correction	\$0.00
TOTAL GENERAL LEDGER CASH	\$16,290,320.07
Dated this 10th day of May, 2024	
Kathy Folk	
County Auditor	

The Register of Deeds fees for the month of April were \$8,192.25. The Clerk of Courts fees for the month of April were \$6,732.53. The Sheriff fees for the month of April were \$7,630.40 with \$4,330.40 received into the General Fund. Statistics for the month of March 2024 for the Sheriff's Office were presented by report. Average Daily inmate population 3.80; Number of bookings 19; Work release money collected \$220.00; 24/7 Preliminary Breath Test (PBT) fees collected \$182.00; SCRAM (alcohol detecting bracelet) fees collected \$870.00; 24/7 PBT participants 2; SCRAM (Sobriety Program) participants 5; UA participants 14; Calls for Service (does not include walk-in traffic) 272; Accidents investigated 3; Civil papers served 61; Cumulative miles traveled 12,562; 911 calls responded to (including Milbank) 100.

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

Permit DR2024-01 for Jason Liebe for property located within the S1/2NW1/4 of 20-120-49 in Grant Center Township.

Tostenson called for a motion to approve drainage permit DR2024-01 for Jason Liebe. Motion by Stengel and seconded by Buttke to approve permit DR2024-01.

Drainage Officer Berkner reported permit DR2024-01 is for tiling approximately 65 acres of the 80-acre parcel of land located within the S1/2NW1/4 of Section 20 in Grant Center Township. The project would use 3-outlets, 2-5” and 1-10,” that would have a combined maximum flow capacity of 1 cfs, if installed at a .1% grade. The permit would drain all its water north to the Whetstone River Watershed. It is Berkner’s opinion that the project is supported by questions asked in Section 101, 313 and 317 of the county’s drainage ordinance.

Chairman Tostenson asked Liebe if he had anything to add. Liebe said he thought the presentation was accurate and that he would be available for comments if needed. Tostenson then opened the public hearing for DR2024-01 asking three times for any comment in favor or against the drainage project. No one responded.

Chairman Tostenson closed the public hearing and called for board discussion. Liebe was asked about the topography and surface elevation of the land being drained. Liebe said that the 2-5” outlets were located on the west side of the property that has a steeper elevation drop off to the creek. Liebe added that the area outletting through the 1-10” tile was much flatter, and the surface water has trouble draining in any direction.

Commissioner Street asked Liebe if there was any chance the land to the south could be drained to the south through an existing neighboring tile line. Liebe said he was unaware of any tile main that would be available. With no more discussion Chairman Tostenson called for the vote. Motion carried 5-0.

Permit DR2024-20 for both Melrose and Big Stone Townships, for a joint township road culvert replacement project located six-tenths of a mile south of the intersection 481st Avenue and 145th Street, between properties in the N1/2SE1/4 & N1/2S1/2SE1/4 of 20-121-47 in Melrose Township and the N1/2SW1/4 of 21-121-47 in Big Stone Township.

Chairman Tostenson called for a motion to approve drainage permit DR2024-20 for Melrose and Big Stone Townships. Motion by Mach and seconded by Stengel to approve permit DR2024-20 for Melrose and Big Stone Townships.

Berkner reported that DR2024-20 is being 80% funded by the Rural Access Infrastructure Fund (RAIF) and is located within the Whetstone River Watershed and it is for 2-9’ culverts replacing 1-9’ culvert that was installed in the late 1960s

which replaced a 24' spanning bridge that had collapsed. The drainage permit is located where the three main tributaries of the Whetstone River combine and drain more than a 385 square mile area, and often cause serious flooding.

Berkner said the maximum flow capacity of the 9' culvert being replaced is just over 84,000 gpm, whereas the two new 9' culverts would have a maximum flow rate of an estimated 231,000 gpm. Berkner emphasized that even though the capacity of the two new culverts would be much greater than the single culvert being replaced, it is still less than the 24' clear span bridge that was originally replaced nearly 60 years ago. It is Berkner's opinion that the project is supported by questions asked in Section 101, 313 and 317 of the county's drainage ordinance.

Chairman Tostenson asked Melrose Township Supervisor, Dale Tuchscherer, if he had any comments to add. Tuchscherer said the contract had already been awarded and they were just waiting for permit approval to go forward. Tuchscherer also commented that the two culverts once ordered would not be available until September. If everything goes smoothly, he hopes the project will be completed before fall harvest when the roadway would normally be heavily traveled.

Chairman Tostenson opened the public hearing for DR2024-20 asking three times for comments in favor or against DR2024-20. No one responded. Tostenson then closed the public hearing and called for board discussion.

Tuchscherer was asked whether the concrete spillway portion of 481st Avenue would be retained. He thought most likely all of it would have to be removed during construction. Tuchscherer added the two townships realize due to the additional quantity of water that will flow through the two culverts, compared to the one being replaced, some unforeseen downstream riverbank erosion may happen. Some rip-rap shoring will most likely have to be added in the future.

With no more discussion, Chairman Tostenson called for the vote. Motion passed 5-0.

Permit DR2024-21 for Mark Erickson for property located within the SW1/4 of 31-119-48 in Vernon West Township.

Chairman Tostenson called for a motion to approve DR2024-21 for Mark Erickson. Motion by Street and seconded by Buttke to approve DR2024-21 for Mark Erickson.

Berkner stated the project was for tiling approximately 2 acres of land located within the SW1/4 of Section 31 in Vernon West Township within the South Fork of the Yellow Bank River Watershed. The project would connect to a previously approved drainage project permitted in 2012 that has 1-18" outlet main located in Section 32 to the east. Berkner estimated the maximum amount of water to be drained by the 2 acres at any time would be .021 cfs, or 9 gpm. The maximum capacity the existing main would connect to is well over 1,500 gpm if installed at a .1% grade. In closing, it is Berkner's opinion that the project is supported by questions asked in Section 101, 313 and 317 of the county's drainage ordinance.

Chairman Tostenson asked Erickson if he had anything to add. Erickson said he is only trying to take care of a problem area that was missed when the original tile was installed. Tostenson then opened the public hearing for DR2024-21 and asked three times for comments in favor or against the project. With no one responding, Tostenson closed the public hearing and called for board discussion.

After a brief discussion Tostenson called for the vote. Motion carried 5-0.

Permits DR2024-22a and DR2024-22b for Mark Wollschlager for properties located within Govt Lots 3 & 4 and within the N1/2NE1/4 of 5-118-47 in Adams East Township.

Chairman Tostenson called for a motion to approve DR2024-22a and DR2024-22b for Mark Wollschlager. Motion by Buttke and seconded by Stengel to approve DR2024-22a and DR2024-22b.

Berkner reported the drainage project is for tiling approximately 30 acres of land located within the N1/2N1/2 of Section 5 in Adams East Township all within the South Fork of the Yellow Bank River Watershed. The drainage project would have 6-open inlets draining two separate areas, one 20-acres in size and the other 10-acres. The amount of water drained would have an estimated maximum rate of .63 cfs or 282 gpm if installed at a .1% grade.

Berkner explained the 20-acre site being drained would connect to a main from a drainage permit granted in 2015, DR2015-16, and the 10-acre area would connect to a main permitted in 2023, DR2023-11. Berkner said both of those landowners' signatures accompanied the permit application. Berkner also stated that both Burlington Northern Sante Fe (BNSF) Railroad and Grant County Highway Supt. Daren Peterson had approved of allowing both of their respective roadbeds to be bored through to make the final connections. It is Berkner's opinion that the

project is supported by questions asked in Section 101, 313 and 317 of the county's drainage ordinance.

Chairman Tostenson asked Wollschlager if he had anything to add. Wollschlager said the 20-acre location is near his family's farmstead, just north of the BNSF railroad tracks, and is an area going back many, many, years that his family has sought permission from the railroad to bore under their railroad tracks and only recently BNSF gave their permission.

Chairman Tostenson opened the public hearing for DR2024-22a and DR2024-22b asking three times for comments in favor or against the two drainage projects. No one responded. Tostenson closed the public hearing, inviting drainage board discussion.

Chairman Tostenson asked Wollschlager what the reason was for the high number of open inlets. Wollschlager stated due to poor drainage in the area, mostly a lack of drainage through the roadbed under the railroad tracks, surface water is being trapped. The inlets would route that water directly to the nearest waterway. With no more discussion, Tostenson called for the vote. Motion carried 5-0.

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

P & Z: Planning & Zoning Officer Berkner reported to the Commission that the Board of Adjustments approved 7-0 that Victory II CAFO can now increase their animal units up to 7,150.

Risty Benefits: Roger Risty, Sonja Norby and Dan Johnson with Risty Benefits gave a presentation on health, life, dental and vision insurance plans for the county employees.

Department Report: **Auditor:** Kathy Folk reported her office is busy preparing for the primary election and getting budget requests from the departments. Folk also reported on the Spring Conference she attended in Pierre and a customer service seminar.

Travel: Motion by Buttke and seconded by Stengel to approve travel expenses for EM Director Kevin Schuelke for the G272 conference in Sioux Falls and SDMAT annual exercise in Mitchell; Ashley Hanson, and Brittany Folk to attend 24/7 training in Oacoma, and Deputy DOE Taylor Stotesbery to attend a national USAP course in Pierre. Motion carried 5-0.

County Assistance: None

Malt Beverage Renewal: Commissioner Assistant Layher presented the 2024-2025 package malt beverage on-off sale license application for Cherry's Bittersweet Lodge. Motion by Stengel and seconded by Mach to approve the application of the package malt beverage on-off sale license for the period of July 1, 2024 through June 30, 2025. Chairman Tostenson called for the vote. Motion carried 5-0.

1.Cherry's Bittersweet Lodge located at 15196 455th Ave., in Lura Township with a legal description of South 200' of the West 300' of Gov't Lot 4 in the SW1/4 in 7-120-51, Grant County for a Retail (On-Off sale) Malt Beverage license.

ROW Permit: Motion by Street and seconded by Stengel to approve the Otter Tail Power ROW permit ROW 2024-05, in Georgia Township between sections 11/2 and 11/10. Chairman Tostenson called for the vote. Motion carried 5-0.

Unfinished Business: None

New Business: Commissioner Assistant Layher stated she has scheduled the Sioux Falls drainage company to be here for the June 18 Commission meeting. Sheriff Owen will be having tours of the jail next week, May 28-31, from 10-11:00 AM.

Correspondence: None

Executive Session: Motion by Mach and seconded by Stengel to enter executive session at 11:20 AM for the purpose of a personnel issue(s) pursuant to SDCL 1-25-2 (1). Motion carried 5-0. Commissioner Assistant Layher and Auditor Folk were present. Chairman Tostenson declared the meeting open to the public at 11:31 AM. No action was taken because of the executive session.

Claims: Motion by Mach and seconded by Stengel to approve the claims. Motion carried 5-0. A-OX WELDING, welding supplies 19.11; MNB CLEANING, prof services 965.00; AUTOMAXX, repair & maint 66.00; AVERA MCKENNAN, health services 260.00; BANNER, hwy projects 8,315.25; BERENS MARKET, supplies 146.24; BIG STONE RADIO, publishing 400.00; BITUMINOUS PAVING, seal coating & patching 184,699.02; CENTER POINT, books 661.97; CITY OF MILBANK, water & sewer 462.37; CLIMATE AIR, repair & maint 3,252.20; CORRIE QUALE, repair & maint 550.00; CRAIG DEBOER, car wash card 117.36; CRAIG STEINLEY, registration 350.00; DEADWOOD RESORTS, motel 618.00; DEMCO, supplies 408.41; DEVAAL, JUSTIN, contracted proj

1,652.26; EASTSIDE EQUIPMENT, supplies 508.26; ELECTION SYSTEMS & SOFTWARE, prof services 3,925.30; FARM & HOME PUBLISHERS, ref books 182.00; FOOD-N-FUEL, inmate meals 1,164.00; GRANT CO LIBRARY, meals 131.72; GRANT COUNTY REVIEW, publishing 2,744.00; GREEN ROBY OVIATT, court appt atty 1,663.90; HEARST BUSINESS MEDIA, ref books 235.00; INGRAM, books 1,209.48; INTER-LAKES COMM ACTION, service worker 2,628.00; ITC, phone & internet 134.94; VALLEY EXPRESS, publishing 595.00; JASON SACKREITER, garbage service 330.00; LORIN LEHTOLA, contracted proj 480,484.73; MILBANK AREA HOSPITAL AVERA, blabs 417.00; NEWMAN SIGNS, supplies 61.31; NORTHERN STATE UNIVERSITY, motel 133.60; NOVAK SANITARY SERVICE, shredding services 48.83; OTTER TAIL POWER, electricity 2,240.50; OXYGEN SERVICE, supplies 3,649.75; RC TECHNOLOGIES, 911 transport & tower rent 95.96; RELX, online charges 725.00; RICE-STROMGREN ARCHITECTS, prof services 28,240.00; ROBERTS CO SHERIFF, inmate housing 3,305.00; RUNNINGS, supplies 247.09; SANDRA FONDER, prof services 200.00; SCANTRON, prof services 5,962.22; SD DEPT OF HEALTH, blabs 515.00; ST WILLIAMS CARE CENTER inmate laundry 296.00; STAR LAUNDRY, rentals 56.75; UNZEN MOTORS, repair & maint 247.18; VALLEY OFFICE PRODUCTS, supplies 645.04; VERIZON, hot spot 38.52; WEST CENTRAL COMMUNICATION, repair & maint 92.50; WHETSTONE HOME CENTER, supplies 51.92; WHETSTONE VALLEY ELECTRIC, electricity 762.95; XEROX, copier rent 910.84; iLOOKABOUT, computer software 655.00. TOTAL: \$748,477.48.

APRIL 2024 MONTHLY FEES: SDACO, ROD modernization fee 200.00; SD DEPT OF REVENUE, monthly fees 198,160.25. SD DEPT OF REVENUE, sales & use tax 262.14. TOTAL: \$198,622.39.

Payroll for the following departments and offices for the May 14, 2024, payroll are as follows: COMMISSIONERS 7,861.04; AUDITOR 9,254.16; ELECTION 1,320.90; TREASURER 6,177.24; STATES ATTORNEY 7,571.14; CUSTODIANS 3,391.05; DIR. OF EQUALIZATION 4,659.21; REG. OF DEEDS 5,041.68; VET. SERV. OFFICER 1,483.20; SHERIFF 17,365.91; COMMUNICATION CTR 8,721.30; PUBLIC HEALTH NURSE 1,382.40; ICAP 38.13; VISITING NEIGHBOR 2,122.89; LIBRARY 8,483.69; 4-H 4,135.32; WEED CONTROL 2,383.28; P&Z 1,186.50; DRAINAGE 915.30; ROAD & BRIDGE 29,345.93; EMERGENCY MANAGEMENT 2,617.88. TOTAL: \$125,458.15.

Payroll Claims: FIRST BANK & TRUST, Fed WH 9,156.31; FIRST BANK & TRUST, FICA WH & Match 14,996.10; FIRST BANK & TRUST, Medicare WH & Match 3,507.20; ACCOUNTS MANAGEMENT, deduction 80.76; AMERICAN FAMILY LIFE, AFLAC ins. 1,504.08; ARGUS DENTAL, ins. 582.87; WELLMARK-BLUE CROSS OF SD, Employee health ins. 2,895.60; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 210.00; SDRS SUPPLEMENTAL, deduction 1,358.33; SDRS, retire 14,274.81. TOTAL: \$48,566.06.

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

1. Approve Kristi Seehafer as a PT Librarian for the main library effective 5-9-24 at \$17.50 per hour
2. Approve Araceli Zuniga as a PT Librarian for the main library effective 5-9-24 at \$17.50 per hour
3. Approve Dalton Peterson as a motor grader operator for the highway dept effective 5-22-24 at \$22.55 per hour
4. Approve Lisa Robinson as a volunteer at the Big Stone City Branch Library effective 5-21-24
5. Approve Gail Wellendors as a volunteer at the Big Stone City Branch Library effective 5-21-24
6. Approve Barb McKewin as a volunteer at the Big Stone City Branch Library effective 5-21-24
7. Approve contract with Watertown Regional 911 Center for non-emergency dispatching services for \$24,000 per year for 2025 and 2026
8. Approve maintenance contract with Larry's Refrigeration for the DC air conditioning system at \$1,246.20 per year
9. Declare surplus fixed asset 08974, small wood desk (in storage)
10. Declare surplus fixed assets 01516 and 01518, small end tables, to be sold

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 6 (Thursday) and 18, and July 2 and 16, 2024 at 8 AM in the basement meeting room. Motion by Mach and seconded by Stengel to adjourn the meeting. Motion carried 5-0. Meeting adjourned.

Kathy Folk, Grant County Auditor

William Tostenson, Chairman, Grant County Commissioners