

May 20, 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 to approve May 6, 2025, minutes. Motion failed due to lack of a second. Items to add to the agenda: hire jail administrator, bus barn repairs, and discuss P & Z meeting. Motion by Mach and seconded by Stengel to approve the agenda with the additions stated. Motion carried 5-0.

Present from the public was Gary and Kathy Granquist, Clayton Whiting, Jerry Zubke, Tim Miller, Les Peters, Lucas Loeschke, John Loeschke, Brian DeBoer, Ann Loeschke, Austin Hunt, Matt Loeschke, Tyler Adelman, Adam Hunt, Traci Stein, and Lilly Dreis with the Grant County Review. Staff members present were Commissioner Assistant Layher, Hwy Supt Peterson, Drainage Officer Berkner, States Attorney Schwandt and Sheriff Owen.

**Public Comment:** Chairman Tostenson called three times for public comment. There were no 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 2025.

|                                  |              |
|----------------------------------|--------------|
| Cash on Hand                     | \$12,929.78  |
| Checks in Treasurer's possession |              |
| less than 3 days                 | \$369,078.30 |
| Cash Items                       | \$0.00       |

|                                  |                     |
|----------------------------------|---------------------|
| <b>TOTAL CASH ASSETS ON HAND</b> | <b>\$382,008.08</b> |
|----------------------------------|---------------------|

RECONCILED CHECKING

|                           |                 |
|---------------------------|-----------------|
| First Bank & Trust        | \$54,266.43     |
| Interest                  | \$0.00          |
| Credit Card Transactions  | \$9,838.06      |
| First Bank & Trust (Svgs) | \$12,033,798.84 |

CERTIFICATES OF DEPOSIT

|                          |        |
|--------------------------|--------|
| First Bank & Trust       | \$0.00 |
| First Bank & Trust (TIF) | \$0.00 |

|                          |                        |
|--------------------------|------------------------|
| <b>TOTAL CASH ASSETS</b> | <b>\$12,479,911.41</b> |
|--------------------------|------------------------|

**GENERAL LEDGER CASH BALANCES:**

|  |                |
|--|----------------|
| General  | \$3,900,336.26 |
| General restricted cash  | \$1,750,000.00 |
| Cash Accounts for Offices General Fund                         | \$656.00       |
| Sp. Revenue  | \$635,058.69   |
| Sp. Revenue restricted cash                                    | \$0.00         |
| Ambulance District   | \$40,730.85    |
| Henze Road District  | \$3,544.93     |
| New MV system offage   | (\$38.74)      |
| TIF Rosewood Mil-3   | \$0.00         |
| TIF Koch   | \$0.00         |
| Special Assessment Land Rent                                   | \$0.00         |
| Trust & Agency   | \$6,149,623.42 |
| (schools 3,986,400.64, twps 473,139.36, city/towns 402,426.50) |                |
| ACH Correction   |                |

|                                  |                        |
|----------------------------------|------------------------|
| <b>TOTAL GENERAL LEDGER CASH</b> | <b>\$12,479,911.41</b> |
|----------------------------------|------------------------|

Dated the 19th day of May, 2025

Kathy Folk

County Auditor

The Register of Deeds fees for the month of April were \$11,638.25. The Clerk of Courts fees for the month of April were \$11,885.99. The Sheriff fees for the month of April were \$3,253.02 with \$2,253.02 received into the General Fund. Statistics for the month of April 2025 for the Sheriff's office were presented by report. Average Daily inmate population 3.76; Number of bookings 10; Work release money collected \$640.00; 24/7 Preliminary Breath Test (PBT) fees collected \$262.00; SCRAM (alcohol detecting bracelet) fees collected \$1,114.00; 24/7 PBT participants 3; SCRAM (Sobriety Program) participants 5; UA participants 4; Calls for Service (does not include walk-in traffic) 190; Accidents investigated 2; Civil papers served 56; Cumulative miles traveled 15,031; 911 calls responded to (including Milbank) 76.

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

Chairman Tostenson called for a motion to bring back to the table permits DR2025-11a thru -11l, located within parts of Sections 11, 12, 13 and 14, in

Vernon West Township, that were tabled for 30 days at the April 15th drainage board meeting when it was motioned and passed the applicants make available to the Drainage Board a professional drainage design study. Motion by Mach and seconded by Buttke to bring back to the table discussion of permits DR2025-11a thru 11l. Motion carried 5-0.

Drainage Officer Berkner said he had multiple conversations with permittee applicant John Loeschke since the April 15th meeting and reported their group had not yet contracted for the design study as the proposal provided by the firm that would do the study gave them two options in the type of reports they would create: 1) a drainage design study, as well as 2) make recommendations on suggested possible improvements to their original drainage design. Berkner finished his report saying Loeschke had told him he needed the board to clarify what type of report was requested.

States Attorney Schwandt said the original motion that passed only asked for a drainage design study to help the Drainage Board identify the possible downstream impacts of the proposed drainage project. The outcome of the study would only be used as a guide in the Drainage Board making their final decision. The Drainage Board asked Schwandt whether a precedent for requiring all future drainage projects to have individual drainage design studies would be set. Schwandt said that was not true because the exact unique circumstance to this drainage project would have to be present for that to happen.

Board discussion followed that due to the size of the drainage project's footprint, as well as its unique design with over 20 plus inlets, the outcome of the requested study could also serve as an educational tool for the Drainage Board. Chairman Tostenson thought it was important the board carefully consider what their intent is for asking for the study. Stengel commented he thought the combined drainage projects are each good projects by themselves and tying them together in one permitting action drew attention to itself. Stengel also said if each of these drainage projects individually sought permitting, they would each easily pass. The fact that they all are seeking approval at the same time, the combined project now seems intimidating. Stengel stated there are many combined drainage projects larger than this over the years end up using the same waterway, or main, that get approved over time and we don't even consider asking any of them for a design study. All the water being drained by this project is entering the same waterway as when the water flows over the surface. Stengel stated it's a very good design by itself and doesn't need a design study.

Schwandt reminded the board that the original motion being considered is still on the table and the request for the drainage study within 30 days was only that, a request. The drainage board could still pass or fail the original motion without the drainage study. The board had only requested a study be done to help them better understand the possible impacts of the combined projects.

Chairman Tostenson continued the idea of still requiring the drainage design study. Because of the size of the combined projects, a study would be beneficial as an educational tool by itself. He suggested the county pay for half of the study and asked for a motion to share that expense, quoted as costing \$1,100, and each party would pay \$550 each. Tostenson asked Loeschke if his group would agree to share in that \$1,100 fee equally. Loeschke said they would. After lengthy board discussion it was motioned by Mach, and seconded by Stengel, to equally share in the cost of the \$1,100 drainage design study to be used for educational purposes. Chairman Tostenson called for the vote. Motion carried 5-0.

In an amending motion to clean up a scripting error in the agenda, the original motion to consider 12 related permits that would share a single main, DR2025-11a thru DR2025-11l. DR2025-11l was removed at the request of the individual landowner. A last-minute determination by NRCS required the southern portion of that parcel's water be drained through an adjacent wetland by an additional second outlet even though the footprint of the combined projects will not change. The motion was made by Street and seconded by Buttke.

Berkner explained an amending motion would require sending out additional certified letters to the landowners directly downstream of that new outlet as required by the county's drainage ordinance. Chairman Tostenson called for the vote. Motion carried 5-0. DR2025-11l will be considered separately at a later meeting.

Chairman Tostenson asked for additional drainage board discussion on passing the request to permit DR2025-11a thru -11k. Motion by Mach and seconded by Street to postpone the vote for these permits until the drainage review study can be completed and reviewed by the drainage board. Tostenson called for the vote. Motion passed 4-1 with Stengel voting nay.

Permit DR2025-16a, 16b and 16c for Leslie Peters for property located within the N1/2 of Section 1 in Kilborn Township.

Chairman Tostenson called for a motion to bring back to the table discussion of DR2025-16a, 16b and 16c for Les Peters, that was tabled at the 5/6/2025 drainage

board meeting so States Attorney Schwandt could review pending litigation between two parties involved in these permits. Motion by Buttke and seconded by Street to bring back to the table permits DR2025-16a, 16b and 16c for discussion.

Berkner reported the proposed drainage permits are for a 200 acre project located within the N1/2 of Section 1 in Kilborn Township located in the Whetstone River Watershed. The drainage design would have 2 open inlets and 2 outlets. A single pump would be used to help direct out-letting water through a single 15" main that crosses north into Roberts County. It would flow directly into a feeding tributary to the Whetstone River. The 15" out-letting main could flow as much as 750 gpm, through the final 15" main if installed at a .1% grade.

States Attorney Schwandt stated the pending litigation for the area being considered for these drainage permits would have no negative effects on these permits. With no further discussion, Chairman Tostenson called for the vote. Motion carried 5-0 to approve permits DR2025-16a, 16b and 16c.

Permits DR2025-17a and DR2025-17b for Gary Granquist for property located within the NE1/4 of Section 10 and the SE1/4 of Section 3, both located in Troy Township.

Chairman Tostenson called for a motion to approve drainage permits DR2025-17a and 17b for Gary Granquist. Motion by Street and seconded by Buttke to approve permits DR2025-17a and 17b.

Berkner reported the two drainage projects compliment DR2024-80, which was permitted last year by Granquist, and is in the NE1/4 of Section 10. The permits have two 8" out-letting runs and address some wet areas directly downstream in the SE1/4 of Section 3 where a short 300-foot run would have an open inlet and one 8" outlet. The area being tiled would drain 7 acres of land all located within the North Branch of the Yellow Bank River Watershed.

According to Berkner, the application for DR2025-17b is missing a signature from a landowner who was not available due to a family emergency. Berkner contacted the landowner and he intends on participating in the related drainage projects. Berkner said the combined outlets would all flow through the 8" inlet and would have a maximum flow rate of 40 gpm if installed at a .1% grade. Berkner stated it is his opinion that the tile project designs conform to questions asked in the county's drainage ordinance.

Chairman Tostenson opened the public hearing for DR2025-17a and 17b asking Granquist for any additional comments. Granquist said part of the design of this project is to take care of downstream drainage problems identified during the public hearing for DR2024-80.

Chairman Tostenson asked three separate times for comments in favor or against the drainage project. No one responded. Commissioner Assistant Layher stated the two projects could be voted on today with the condition the signature be obtained before the project is started for DR2025-17b. Tostenson then closed the public hearing and called for drainage board discussion. After a brief discussion, Tostenson called for the vote. Motion carried 5-0.

At the close of the meeting Chairman Tostenson said he has become aware of unapproved work being done to existing field approaches to both county and township roads. They are being widened without the county or townships permission or permitting. In all cases the proper road authorities should be contacted for approval before any work begins. Tostenson thought the county and the townships should be aware of this practice. States Attorney Schwandt stated working in a township or county ROW without authorization would be considered at least a misdemeanor. Layher said she would have this topic addressed at the next Grant County Township Association meeting and the county will send out a letter to land owners where approaches have been expanded without adding a culvert to extend the drainage for the ROW.

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

**Executive Session:** Motion by Stengel and seconded by Mach to enter executive session at 9:07 AM for the purpose of litigation issue(s) pursuant to SDCL 1-25-1 (3). Motion carried 5-0. Commissioner Assistant Layher, Hwy Supt Peterson, States Attorney Schwandt and Auditor Folk were present. Chairman Tostenson declared the meeting open to the public at 9:42 AM. No action was taken because of the executive session.

**HWY: SDDOT Request:** Supt Peterson asked approval of SDDOT request for design exemption for BRO 8026(00) 24-1 PCN: 09N8 Bridge: 26-380-083. Motion by Street and seconded by Buttke to approve SDDOT's request for design exception for Bridge: 26-380-083. Motion carried 5-0. **Culverts:** Supt Peterson reported on three county road culverts that either need to be replaced or residents

have requested to be lowered. Chairman Tostenson advised Supt Peterson to inspect the culverts and report back to the Commission his findings.

**GCDC:** Traci Stein with the Grant County Development Corporation was invited by the Commission to explain the difference between a request for information (RFI) and a proposal and open meeting laws versus a private entity. Stein stated she was not aware the Grant County's letter of support was going to go public. The State Jail taskforce made it public. Discussion also included there is potential to build prisons based on different levels of security for prisoners within the state. Stein also gave an update on the childcare initiative, housing development and the industrial park expansion.

**Travel:** None

**County Assistance:** None

**Auto Supplements:** Motion by Stengel and seconded by Street to approve auto supplements of revenue and expense of \$6,200.00 and \$11,249.70 received from Claims Associates for repairs to two deputy sheriff vehicles. Motion carried 5-0.

**Unfinished Business:** None

**New Business:** **Bus Barn:** Commissioner Assistant Layher reported that the Community Transit bus barn roof is leaking. The Commission advised Layher to get an estimate from Hasslen Construction for the repair. **Jail Administrator:** Motion by Stengel and seconded by Buttke to approve hiring Mike Burns as Jail Administrator effective 6-3-2025 at a rate of \$30.00 per hour. Motion carried 5-0. **Community Transit:** Chairman Tostenson gave the 2024 statistics report for Community Transit. **P & Z:** Officer Berkner reported on Ordinance 2025-01A to increase the size of lots for rural residential lots from 2 to 5 acres. The public hearing will be on June 17 at the Commission meeting.

**Correspondence:** Commissioner Assistant Layher reported Community Transit's budget request for 2026 is \$12,000.

**Claims:** Motion by Stengel and seconded by Buttke to approve the claims. Motion carried 5-0. ADVANCED TECHNOLOGIES, supplies 29.99; AGTEGRA, ethanol & diesel 7,976.98; AVERA MEDICAL GROUP MILBANK, health services 124.00; AVERA QUEEN OF PEACE, health services 36.60; BANNER ASSOCIATES, contracted proj 2,147.00; BERENS MARKET, inmate groceries 325.63; BURNS GROUP, mailing expense 1,353.35; BUTLER, parts 257.72; CHARLES RAML,

contracted proj 1,705.00; CITY OF MILBANK, prof services 140.00; CORRIE QUALE, supplies 51.00; CRAIG DEBOER, car wash card 317.45; CUMMINS prof services 2,459.21; DEADWOOD RESORTS, hotel 375.00; DUANE ATHEY, repair & maint 263.00; DUANE TILLMAN, prof services 3,000.00; FLAT RATE, gravel 1,622.33; FOOD & FUEL, inmate meals 402.00; GRANT COUNTY REVIEW, publishing 1,847.54; HASSLEN CONSTRUCTION, prof services 8,000.00; HEARST BUSINESS MEDIA, ref book 264.28; HMN ARCHITECTS, prof services 8,483.61; IMEG CONSULTANTS, prof services 1,000.00; PAUL IMHOLTE, prof services 400.00; INGRAM, books 1,328.15; INNOVATIVE BENEFIT CONSULTANT, insurance 20,000.00; INTER-LAKES COMMUNITY ACTION, service worker 2,634.33; ITC, phone & internet 2,244.59; JASON LIEBE, prof services 1,300.00; JASON SACKREITER, garbage services 360.00; JORGE WIETING, repair & maint 454.17; KIBBLE EQUIPMENT, repair & maint 542.00; LEWIS FAMILY DRUG, supplies 506.76; LUXURY HOME BUYERS, minor equip 1,413.00; MEIERHENRY SARGENT, prof services 12,500.00; MILBANK AREA HOSPITAL AVERA, health services 916.50; MILBANK HOUSE MOVERS, prof services 12,755.13; NARTEC, supplies 188.34; NOVAK SANITARY SERVICE, shredding 55.67; OTTER TAIL POWER, electricity 987.19; OXYGEN SERVICE, supplies 219.36; QUICK PRO LUBE, repair & maint 1,235.92; R.D. OFFUTT, repair & maint 1,639.47; RC TECHNOLOGIES, 911 transport & tower rent 95.96; REDWOOD TOXICOLOGY, supplies 329.15; RICE-STROMGREN, prof services 16,875.00; RUNNINGS, supplies 419.23; SAFETY-KLEEN SYSTEMS, supplies 249.39; SECUR SERV, prof services 7,153.41; SD ASSN CO COMMISSIONERS, clerp 5,239.00; SD DEPT OF HEALTH, blabs 1,095.00; THE SHOP, repair & maint 351.38; ST WILLIAMS CARE CENTER, inmate laundry 133.00; STAR LAUNDRY, rentals 251.70; STERN OIL, supplies 8,289.89; TWIN VALLEY TIRE, repair & maint 653.00; VALLEY OFFICE PRODUCTS, supplies 311.19; VALLEY SHOPPER, publishing 28.83; VERIZON, hotspot 94.05; WHETSTONE VALLEY ELECTRIC, electricity 6,714.82; XEROX, copier rent 1,058.05. TOTAL: \$153,204.32.

APRIL 2025 MONTHLY FEES: SD DEPT OF HEALTH, SDACO, ROD modernization fee 250.00; SD DEPT OF REVENUE, monthly fees 154,078.74. SD DEPT OF REVENUE, sales & use tax 168.78. TOTAL: \$154,497.92.

Payroll for the following departments and offices for May 14, 2025, payroll are as follows: COMMISSIONERS 8,120.60; AUDITOR 10,413.23; ELECTION 292.61; TREASURER 6,459.73; STATES ATTORNEY 8,016.90; CUSTODIANS 4,129.00; DIR. OF EQUALIZATION 7,083.65; REG. OF DEEDS 5,086.01; VET. SERV. OFFICER 1,402.50; SHERIFF 18,496.55; COMMUNICATION CTR 8,600.60; VISITING NEIGHBOR 2,046.15; LIBRARY 9,574.92; 4-H 4,410.25; WEED



CONTROL 2,750.00; P&Z 1,363.05; DRAINAGE 722.30; ROAD & BRIDGE 35,546.57; EMERGENCY MANAGEMENT 2,653.20. TOTAL: \$137,167.82.

Payroll Claims: FIRST BANK & TRUST, Fed WH 7,556.35; FIRST BANK & TRUST, FICA WH & Match 16,549.38; FIRST BANK & TRUST, Medicare WH & Match 3,870.40; ACCOUNTS MANAGEMENT, deduction 90.88; MESSERO & KRAMER, 285.94; AMERICAN FAMILY LIFE, AFLAC ins. 1,691.94; RELIANCE STANDARD LIFE DENTAL, ins. 439.70; RELIANCE STANDARD SUPPLEMENT LIFE, ins. 153.76; WELLMARK-BLUE CROSS OF SD, Employee health ins. 2,279.20; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 1,200.00; SDRS SUPPLEMENTAL, deduction 1,623.33; SDRS, retire 15,793.00. TOTAL: \$51,533.88.

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 3 and 17, and July 1, 2 and 3 (budget hearings), and 15, 2025 at 8 AM in the basement Commissioner room. Please use the elevator. Motion by Stengel and seconded by Buttke 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