

May 6, 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 Stengel to approve the April 15, 2025, minutes. Motion carried 5-0. Minutes filed. Auditor Folk requested to add to the agenda an elderly tax freeze, Commissioner Assistant Layher asked to add a gazebo repair quote from Hasslen's, and Commissioner Mach asked to add a report by the Commission members who attended the Big Stone City Council 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 Wendy Grabow, Paul Nelson, Brian DeBoer, Jerry Zubke, Les Peters, Tim Miller, David Kruger, Richard Strei, Tyler Keller and Todd Keller. Staff members present were Commissioner Assistant Layher, Hwy Supt Peterson, Drainage Officer Berkner, Deputy DOE Stotesbery and States Attorney Schwandt.

Public Comment: Chairman Tostenson called for public comment. David Kruger asked how the county will identify all the tiling lines in the rights-of-way for future generations. Commissioner Assistant Layher will check with First District, who handles the GIS website, and report back to the Commission. Chairman Tostenson called twice more for public comment. There were no additional comments.

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

Permit DR2025-10 for Todd Keller for land located in the SE1/4 of Section 6 in Kilborn Township.

Chairman Tostenson called for a motion to approve DR2025-10 for Todd Keller. Motion by Stengel and seconded by Buttke to approve permit DR2025-10.

Drainage Officer Berkner reported the project is for a 20 acre, 3-outlet, drainage project in the SE1/4 of Section 6 in Kilborn Township located in the Whetstone River Watershed. The drainage design has no inlets and would connect in two places previously permitted DR2014-09. Berkner added the project could drain as much as 125 gallons per minute (GPM) if installed at a .1% grade. The outlets all

discharge into the same blue-line waterway and would flow east by northeast into Roberts County. It is Berkner's opinion that the drainage project conforms to questions asked in the county's drainage ordinance.

Chairman Tostenson opened the public hearing asking Keller for any additional comments. Keller said there may be a need to add one inlet but that would only be installed if needed. Chairman Tostenson asked three separate times for both comments in favor and against the drainage project. No one responded. Tostenson closed the public hearing by inviting drainage board discussion. The drainage board discussion included the need for amending the original drainage permit application to include the possible one inlet. Stengel and Buttke modified their original motion to include one possible inlet for DR2025-10. Chairman Tostenson called for a vote to modify the motion. Motion carried 5-0. Discussion comments included that the design was simple, only targeting small areas, and the water was being discharged into a good natural run with multiple outlets. Chairman Tostenson called for the vote to approve DR2025-10. Motion carried 5-0.

Permit DR2025-14a and -14b for Richard Strei for property located in the N1/2 of Section 1 in Big Stone Township.

Chairman Tostenson called for a motion to approve DR2025-14a and -14b for Richard Strei. Motion by Mach and seconded by Buttke to approve permit DR2025-14a and -14b.

Berkner reported the drainage project is for tiling 95 acres, with 3 outlets for the drainage project located within the N1/2 of Section 1 in Big Stone Township in the Big Stone Lake Watershed. The drainage design has no inlets and could drain as much as 550 (GPM) if installed at a .1% grade. The outlets all discharge into an adjacent wildlife wetland area that is part of a blue-line waterway and would flow north into Roberts County. Berkner said it is his opinion that the tile project conforms to questions asked in the county's drainage ordinance.

Chairman Tostenson opened the public hearing for the two drainage permits asking Strei for any additional comments. Strei said he had only recently been able to do the project after he bought out some existing wetland determinations.

Chairman Tostenson asked three separate times for comments in favor and against the drainage project. No one responded. Berkner then read a neutral letter from the Waubay US Fish and Wildlife office that asked the permittee to consider some type of control device to limit possible roadway flooding that occurs during extremely heavy runoff events. Berkner stressed the US Fish and Wildlife letter did

not request the control device, only suggested it be taken into consideration by Strei. Chairman Tostenson closed the public hearing and invited drainage board discussion. The board asked Strei if he would consider adding a control structure to the project as suggested by US Fish and Wildlife. Strei said he would work with his tiling contractor to see if it was necessary. The board asked States Attorney Schwandt if the original motion would need to be amended to allow the possible addition of the suggested flow control devices. Schwandt stated that if the original footprint, outlet sizes and locations didn't change, an amending motion wasn't necessary. Chairman Tostenson stated it probably is best to amend the original motion to error on the side of caution. Mach and Buttke modified their original motions to include the possible use of restrictive flow control devices. Chairman Tostenson called for a vote to modify the motion. Motion carried 5-0.

Chairman Tostenson asked Strei if all the outlets were located on his property. Strei said they are. Other comments included that the project looked to be well designed, and it is best to leave the option to the need for a control structure up to the permittee and his tiling contractor. Chairman Tostenson called for the vote. Motion carried 5-0.

Permit DR2025-15 for Paul Nelson for land located in the NE1/4 of Section 6 in Georgia Township.

Chairman Tostenson called for a motion to approve drainage permit DR2025-15 for Paul Nelson. Motion by Buttke and seconded by Street to approve permit DR2025-15.

Berkner said the project is for tiling 45 acres, with 10 inlets and 7 outlets. The tile project is within the NE1/4 of Section 6 in Georgia Township located in the North Branch of the Yellow Bank River Watershed. Berkner said late Friday Nelson had contacted him that his tiling contractor had suggested combining two outlets into one and boring under the township road with one outlet pipe. Berkner said Nelson had supplied a tile map of the change. Berkner added the required two township board supervisor signatures allowing the road crossing was provided, along with a revised tile map by Nelson. The outlets all discharge into two separate blue-line waterways that eventually merge and flow northeast. The outlets discharge into a tile footprint in the project and could drain as much as 325 GPM if installed at a .1% grade. Berkner said it is his opinion that the tile project's design conforms to question asked in the county's drainage ordinance.

Chairman Tostenson opened the public hearing for DR2025-15 asking Nelson for any additional comments. Nelson said the high inlet count has to do with catching water as it left either a road culvert, fence line or shelterbelt and would greatly reduce erosion. Nelson also stated the request to include a road crossing in his design, suggested by his tile contractor, made the most sense to greatly reduce erosion within the township road ditches, and on his neighbor's land that would directly receive some of the drained water.

Chairman Tostenson asked three separate times for comments in favor and against the drainage project. No one responded. Tostenson then asked for an amended motion to include moving the outlet causing a change in the footprint of the drainage permit. Buttke and Street amended the motion to include moving the outlet and changing the footprint of DR2025-15. Chairman Tostenson called for the vote to amend the motion. Motion carried 5-0

Board discussion topics included comments about the number of inlets. Nelson explained further that most of them are in areas that directly receive nearby water that tend to cause erosion. The drainage board asked tile contractor Jerry Zubke about the effect of open inlets and helping tile mains drain more efficiently. Zubke concurred that inlets often make a big difference in improving drainage design efficiencies. Street commented that it is a good gesture on Nelson's part to improve his original drainage design to minimize its effects on his downstream neighbor. Chairman Tostenson called for the vote. Motion carried 5-0.

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

Chairman Tostenson called for a motion to approve permits DR2025-16a, 16b and 16c for Leslie Peters. Motioned by Street and seconded by Mach to approve permits DR2025-16a, 16b and 16c.

Berkner said the project is for a 200 acre project 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 12" and a 15". A pump would lift the 12" discharge to flow through a railroad roadbed culvert and then flow directly into an inlet connected to the 15" out letting main. That 15" main also collects water from an additional inlet and flows north into Roberts County where it would connect to an existing underground main which empties into a grass waterway about two miles east. The drainage projects combined out let flow would be up to 750 GPM, all through the final 15" main if installed at a .1% grade. Berkner said it is his

opinion that the project's design conforms to questions asked in the county's drainage ordinance.

Chairman Tostenson opened the public hearing asking Peters for any additional comments. Peters agreed that the area is prone to drainage problems, especially due to water drainage through the culverts under the railroad roadbed. The pump design was only used because getting permission from the railroad to bore under their roadbed is very difficult, expensive and time consuming.

Chairman Tostenson asked three separate times for comments in favor and against permitting the combined drainage projects. Kilborn Township Supervisor Dave Kruger said the township had given permission for the 15" main to cross their township road but wanted to make sure that the main running parallel to the township road is to be installed outside of their road ditch right-of-way. Kruger also stated it was the township's understanding that Peters would make some improvements to the road ditch by removing a berm. Peters said he understood both concerns and stated all tile mains would be outside of the right-of-ways and the berm would be removed. Peters' tiling contractor Jerry Zubke spoke confirming the tile mains would be outside of the road right-of-ways.

Zubke was asked by Tostenson to explain the pump and the design of the inlets. Zubke said the pump would have a 5 hp motor, with a 6" outlet, and its discharge would run through the railroad's culvert. The inlet next to the culvert on the other side of the roadbed would be a terrace design to better direct the water into that inlet. Chairman Tostenson closed the public hearing inviting board discussion. The consensus was that it looked like a good design.

Mach asked the question of State's Attorney Schwandt whether a pending lawsuit between landowners in the area should be acknowledged and possibly discussed before the motion is voted on. Schwandt said he was unfamiliar with any pending legal case and said he would recommend the motion be tabled until the next meeting so he can review any such pending legal action. Kruger confirmed he was aware of such a lawsuit. Motioned by Mach and seconded by Stengel to table the original motion until the May 20th meeting. Chairman Tostenson called for the vote to table the original motion for two weeks. Motion carried 5-0.

Update on Permits DR2025-11a-11k: Berkner updated the Commissioners on drainage permit DR2025-11a -11k. The permittees haven't decided to have a professional drainage review done on their permits yet.

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 Mach and seconded by Stengel to enter executive session at 9:30 AM for the purpose of a personnel issue(s) pursuant to SDCL 1-25-2 (1). Motion carried 5-0. Commissioner Assistant Layher, States Attorney Schwandt, Sheriff Owen and Auditor Folk were present. Chairman Tostenson declared the meeting open to the public at 10:00 AM. No action was taken because of the executive session.

HWY: Liebe Addition: Hwy Supt Peterson reported he approved moving a driveway approach for Chris Brehmer. **ROW's:** Supt Peterson reported several obvious encroachments in the county ROW's and a land renter that built their own approach and blocked a culvert. Commissioner Assistant Layher will check with States Attorney Schwandt on the state statutes.

Travel: Commissioner Assistant Layher requested travel approval for VSO Scott Malimanek to attend the annual conference in Sioux Falls and EM Director Kevin Schuelke to attend the SBI meeting in Mobridge. Motion by Stengel and seconded by Buttke to approve the travel requests. Motion carried 5-0.

County Assistance: Discussion of a potential funeral request.

Change Orders: Commissioner Assistant Layher presented a change order from Hasslen Construction for the elevator project for \$8,387. It includes installing aluminum guards on the elevator walls, painting door frames in the basement, inserting an in-wall fire extinguisher on the third floor, adding two diffusers in the basement and adding blocking to the wood ramp. Motion by Buttke and seconded by Stengel to approve the Hasslen Construction change order for \$8,387. Motion carried 5-0.

Malt Beverage Licenses for 2025: Commissioner Assistant Layher reported three of the four renewals for the 2025-2026 package off-sale Malt Beverage and SD Farm Wine licenses were complete. Bittersweet Lodge did not renew their license. Motion by Street and seconded by Buttke to approve the renewal of the licenses as presented for the period of July 1, 2025, through June 30, 2026. Chairman Tostenson called for a vote. Motion carried 5-0.

1. Gertje Van Lith Post 229 American Legion Club, located in Lot A NE1/4 NE1/4 (4.82A) Section 24, Township 121, Range 47, in Grant County, South Dakota for Retail (off-sale) Package Malt Beverage.

2. Whetstone Creek Golf Course with the legal description of Gov't Lot 1 & SE1/4NW1/4 & W1/2NW1/4 EX Lot 1, Second Country Club Addn, EX W 550' of OL A, EX PT Platted and Sold and Road; Lt 1 3rd Country Club Addn in NE1/4 & Lt 1, 4th Country Club Addn in Gov't Lot 4 & EX LTS 5A, 6A, 7A, 8A for Retail (off-sale) Package Malt Beverage.

3. The Abbey of the Hills Inn and Retreat Center located in Lot 1 and Lot 2, Gilbert Hess Subdivision in the NE1/4 and in E1/2 NW1/4 in Section 35, Township 121 North, Range 50 West of the 5th P.M. in Grant County, South Dakota, for Retail (on-off sale) and SD Farm Wine.

Sq Ft Guideline: Deputy DOE Stotesbery requested to add to the county fee schedule a building permit fee for a building less than 100 sf. No value will be put on a building less than 100 sf, but it will require a building permit. Motion by Stengel and seconded by Buttke to add a building permit requirement for a building less than 100 sf to the county fee schedule. Motion carried 5-0.

Abatement: Motion by Buttke and seconded by Stengel to approve the following abatement. Motion carried 5-0.

1. Bill number: 241673.0; Tax year: 2024; Abatement: \$434.84; Reason: Owner Occupied status was removed in error

Elderly Tax Freeze: Motion by Mach and seconded by Stengel to approve application AF2025-01 for the 2025 tax year Assessment Freeze for the Elderly as the applicant missed the deadline and qualified for the Assessment Freeze as per SDCL 10-6A-4. Chairman Tostenson called for a vote. Motion carried 5-0.

Unfinished Business: Commissioner Assistant Layher stated Johnson Construction will begin May 12th on the jail construction site. Cal Schulte offered his nearby commercial lot for rent during the construction of the jail. Commissioner Assistant Layher stated there is a change order for the gazebo of \$2,700 to replace the skirting around the gazebo and install the steps and ramp. Motion by Mach and seconded by Buttke to approve the gazebo change order of \$2,700. Motion carried 5-0.

New Business: Commissioners Mach, Stengel and Tostenson attended the Big Stone City Council meeting and reported on the discussion of the proposal submitted for the state penitentiary. Commissioner Assistant Layher reported two deputy sheriff vehicles hit deer and will be repaired. Insurance will reimburse the county \$6,200 and \$11,249.70 for damages. Chairman Tostenson received an

estimate from Natalie Remund of \$616.80 to search for a new Administrator to prepare for Karen Layher's retirement.

Correspondence: None

Claims: Motion by Stengel and seconded by Street to approve the claims. Motion carried 5-0. ADVANCED TECHNOLOGIES, supplies 188.97; AUSTIN, STRAIT, BENSON, THOLE, court appt atty 207.00; AUTOVALUE, supplies 0.38; CENTER POINT, books 414.69; CITY OF MILBANK, water & sewer 778.01; CITY OF WATERTOWN, 911 surcharge 10,011.11; DEADWOOD RESORTS, hotel 474.00; DELORIS RUFER, lib rent 100.00; FIRST BANK & TRUST, gas, hotel, supplies 6,595.92; FIRST DISTRICT, prof services 395.80; G A JOHNSON CONSTRUCTION, prof services 405,966.85; GRAJCZYK LAW OFFICE, court appt atty 3,600.00; GRANT ROBERTS RURAL WATER, water usage 51.50; HASSLEN CONSTRUCTION, contracted proj 95,374.54; HELSPER, MCCARTY & RASMUSSEN, court appt atty 1,493.80; HOLIDAY INN, hotel 448.00; INNOVATIVE BENEFIT CONSULTANT, insurance 810.00; INTOXIMETERS, supplies 420.00; JOHN DEERE FINANCIAL, parts 184.64; KEVIN MEYER, supplies 84.93; KING MIDAS, prof services 1,425.00; LEWIS FAMILY DRUG, supplies 71.74; MCLEOD'S PRINTING, supplies 291.71; MICROFILM IMAGING SYSTEMS, rentals 862.00; MIDCO, lib internet 111.04; MILBANK AREA HOSPITAL AVERA, blabs & health services 4,474.63; MILBANK AUTO PARTS, supplies 1,709.09; MUNDWILER FUNERAL HOME, prof services 5,000.00; NEWMAN SIGNS, supplies 82.37; NORTHWESTERN ENERGY, natural gas 1,284.40; OTTER TAIL POWER, electricity 2,433.43; PETERS DISTRIBUTING, prof services, 209.18; QUICK PRO LUBE, repair & maint 111.48; REGENCY MIDWEST VENTURES, hotel 424.00; RELX, online charges 762.00; RICK BRAMMER, prof services 425.00; SANDRA FONDER, prof services, 30.00; SECUR SERV, prof services 9,684.07; SD DEPT OF HEALTH, health services 4,140.88; SD PUB ASSURANCE ALLIANCE, insurance 544.81; SDAAO, registration 500.00; ST WILLIAMS CARE CENTER, inmate laundry 220.00; STEPP MFG, parts 996.76; STREET GRAPHEX, supplies 367.44; SUMNER DIESEL, repair & maint 342.45; SUPERIOR CAPITAL HOLDINGS, minor equipment 14,893.30; TITAN MACHINERY, supplies 3,888.96; VALLEY RENTAL & RECYCLING, allocation 650.00; XEROX, copier rent 188.81. TOTAL: \$583,724.69.

Payroll for the following departments and offices for the April 28, 2025, payroll are as follows: COMMISSIONERS 8,120.60; AUDITOR 10,288.87; ELECTION 275.40; TREASURER 6,392.08; STATES ATTORNEY 8,016.90; CUSTODIANS

4,190.50; DIR. OF EQUALIZATION 7,325.07; REG. OF DEEDS 5,361.40; VET. SERV. OFFICER 1,402.50; SHERIFF 19,037.44; COMMUNICATION CTR 8,972.40; VISITING NEIGHBOR 1,754.21; LIBRARY 8,426.98; 4-H 4,433.75; WEED CONTROL 2,200.00; P&Z 1,141.70; DRAINAGE 1,036.85; ROAD & BRIDGE 36,791.63; EMERGENCY MANAGEMENT 2,653.20. TOTAL: \$137,821.48.

Payroll Claims: FIRST BANK & TRUST, Fed WH 7,805.87; FIRST BANK & TRUST, FICA WH & Match 16,586.96; FIRST BANK & TRUST, Medicare WH & Match 3,879.24; 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. 390.94; 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 16,042.85. TOTAL: \$107,504.19.

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

1. Approve step increase for Steve Griffee, sheriff dept., to 1 year step of \$28.15 effective 4-15-2025.
2. Declare surplus a HP all-in-one printer, fixed asset number 10606.

Executive Session: Motion by Stengel and seconded by Mach to enter executive session at 11:18 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 11:25 AM. No action was taken because of the executive session.

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 May 20, and June 3 and 17, 2025 and will be held at the new Grant County Commission room in the courthouse basement at 8 AM. Motion by Stengel and seconded by Mach to adjourn the meeting. Motion carried 5-0. Meeting adjourned.

Kathy Folk, Grant County Auditor

William Tostenson, Chairman, Grant County Commissioners