

November 21, 2023

The Grant County Commission met at 8 AM with Commissioners Buttke, Mach, Stengel, and Street present. Chairman Mach called the meeting to order. Motion by Stengel and seconded by Buttke to approve the November 7, 2023 minutes. Motion carried 4-0. Minutes filed. Motion by Street and seconded by Buttke to approve the agenda. Motion carried 4-0. Commissioner Tostenson arrived at 8:10.

Present from the public were JoEllen Heffron, Raymond Beutler, Doug Wollschlager, Becky Holtquist, Tim Holtquist, Loren Tucholke, Jerome Schuelke, Kevin Schuelke, Jerry Bury and Gary Meister. Staff members present were Commissioner Assistant Layher, Drainage Officer Berkner and States Attorney Schwandt.

Public Comment: Chairman Mach called for public comment. Kevin Schuelke stated the level of the slough is rising along CR 39 at the intersection of 158th Street and 486th Avenue. Residents and landowners in that area are asking the county to help prevent continuing erosion of those roads. Chairman Mach asked Drainage Officer Berkner to look at the tiling permit history for that area and Hwy Supt Peterson to check the highway department records for what was done there before. They will give their reports at the December 5th meeting.

There were no other comments. Chairman Mach closed the public comment.

The Auditor's Account with the Treasurer for October 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 October, 2023.

Cash on Hand	\$1,007.21
Checks in Treasurer's possession	
less than 3 days	\$440,100.13
Cash Items	\$0.00
TOTAL CASH ASSETS ON HAND	\$441,107.34
RECONCILED CHECKING	
First Bank & Trust	\$12,633.99
Interest	\$0.00

Credit Card Transactions	\$6,522.23
First Bank & Trust (Svgs)	\$12,634,290.69
CERTIFICATES OF DEPOSIT	
First Bank & Trust	\$0.00
First Bank & Trust (TIF)	\$0.00
TOTAL CASH ASSETS	\$13,094,554.25
GENERAL LEDGER CASH BALANCES:	
General	\$4,711,766.10
General restricted cash	\$2,050,000.00
Cash Accounts for Offices General Fund	\$656.00
Sp. Revenue	\$1,190,473.25
Sp. Revenue restricted cash	\$0.00
Henze Road District	\$4,034.70
TIF Milbank	\$1,828.30
TIF Rosewood Mil-3	\$34,428.01
TIF Water Dist.	\$0.00
Special Assessment Land Rent	\$0.00
Trust & Agency (schools 3,447,660.21, twps 243,848.50, city/towns 399,488.54)	\$5,101,367.89
ACH Correction	\$0.00
TOTAL GENERAL LEDGER CASH	\$13,094,554.25

Dated this 8th day of November, 2023

Kathy Folk
County Auditor

The Register of Deeds fees for the month of October were \$8,800.50. The Clerk of Courts fees for the month of October were \$11,016.52. The Sheriff fees for the month of October were \$6,937.35 with \$4,437.35 received into the General Fund.

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

Permit DR2023-76 for Loren Tucholke for property owned by Loren & Sandra Tucholke located within the NW1/4 of 6-118-48 (Adams West Township)

Chairman Mach asked for a motion to approve DR2023-76 for Loren Tucholke. Motion was made by Street and seconded by Tostenson.

Drainage Officer Berkner began his report for DR2023-76 stating the drainage project is for tiling approximately 30 additional acres of land and replacing tile affecting approximately 10 acres of land located within the NW1/4 of Section 6 in

Adams West Township within the South Fork of the Yellow Bank River Watershed. The drainage project would tie into three existing outlets, 2-6” and 1-12”, that empty into an existing natural run that flows from southwest to northeast across the Tucholke property out letting near the road ditch of 160th Street.

In total the three existing outlets could flow as much 730 gpm, or 1.63 cf/s, if installed at a .1% grade. Berkner reminded the drainage board that the additional 30 acres being drained should not add to the maximum flow rate of the original three main outlets permitted in the past.

Berkner closed his report saying it was his opinion that the project is supported by questions asked in Sections 101, 313 and 317 of the county’s drainage ordinance.

Chairman Mach opened the public hearing for DR2023-76 asking three times for comments in favor or against the drainage permit with no one responding. Mach closed the public hearing and called for Board discussion.

During the Drainage Board discussion, it was discovered that in error, one landowner, AHunt Farms LLC, was omitted from the required two-mile downstream certified mailing list. Under the direction of States Attorney Schwandt, the landowner was contacted via conference call during the meeting. Adam Hunt said they have no concerns in permitting DR2023-76 and stated he would stop in and sign a statement to that effect. Schwandt confirmed that Hunt’s signature would meet the requirement that this landowner was appropriately contacted.

After a brief drainage board discussion Chairman Mach called for the vote. Motion carried 5-0.

Permit DR2023-46 for Jerry Bury for property owned by Doug Buri located in N1/2NE1/4 of 32-119-48 (West Vernon Twp) tabled from the October 17, 2023 meeting

Chairman Mach opened the discussion of drainage permit DR2023-46 for Jerry Bury that had its original public hearing on August 15, 2023 and had been tabled by the Drainage Board waiting for additional information. No additional public comments would be allowed unless a board member asked for additional information.

Chairman Mach asked Drainage Officer Berkner to review DR2023-46 which was for drainage ditch work to be done for approximately 2,600’ on the southside of

159th Street, where water flows west to east, up to the intersection of 480th Avenue and 159th Street in the N1/2NE1/4 of Section 32 in Vernon West Township. Berkner said that earlier in the year the road had received significant flood and erosion damage during the record rapid snow melt.

According to Berkner the drainage permit was currently seeking to do two things: 1) to excavate approximately 1,300' of new 30' wide and 3' deep drainage ditch on private property directly adjacent to and parallel to 159th Street, and 2) permission for the permittee to work within approximately 1,300' of 159th Street's right-of-way performing erosion related repairs.

Berkner concluded his report saying originally the permittee also had asked the county to consider replacing two county road culverts, one flowing north under 159th Street and one flowing east under 480th Avenue, and if the county chose to consider making them either larger or lowering them. The permittee has now said considering or granting that request was no longer necessary.

Chairman Mach asked Bury for any further comments. Bury said that water flowing east down the south side of 159th Street's ditch would often overflow its ditch channel and then cause heavy erosion of the adjacent field he farms. It would then deposit that topsoil in front of 480th Avenue's culvert where it slows down the culvert's rate of flow and often causes the road to wash out when the water backs up.

Chairman Mach reminded the Drainage Board the public hearing for DR2023-46 has already been held and the permittee's revision, to not request the two culverts be replaced or altered did not change the overall scope of the project and if anything lessened its downstream impact. Mach called for Board discussion. Most of the discussion included the topic of what impact the excavation of a 1,300' long open ditch to drain surface water on private land would have on the intersection of 159th Street and 480th Avenue which was prone to severe erosion after heavy runoff events.

Another topic was the possible impact on two overhead intersecting power lines, their poles and guy wires, which could be damaged during heavy runoff events near the outlet of the proposed drainage ditch. It was suggested the power utility company be consulted before any work is done by the permittee.

It was also identified that a well-maintained drainage ditch, with an appropriate grass waterway, would greatly reduce the amount of soil erosion from the adjacent farmland helping to keep the intersection's culvert open. With the help of some

additional riprap, it should reduce the chance of the intersection being flooded or washed out.

Hwy Supt Peterson confirmed that additional riprap would help reduce erosion, but said it was also important to not lower the ditch's elevation leading up to the culvert while installing the riprap. Peterson emphasized that the ditch and culvert bottom need to be the same exact elevation after the work is completed.

At the conclusion of the discussion, Tostenson motioned to amend the original motion to not replace the two culverts and to include contacting the power companies that own the powerlines as soon as possible to get their approval of the design of the open drainage ditch in the permit. The amended motion was seconded by Stengel. With no more discussion Mach called for the vote. Motion carried 5-0.

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

Public Hearings: Chairman Mach opened the public hearing for Ordinance 2023-02 on behalf of the Board of County Commissioners and asked for a motion and a second to approve Ordinance 2023-02. Motion by Street and seconded by Buttke to approve Ordinance 2023-02.

Chairman Mach asked Todd Kays, Executive Director with First District, via video conference to provide an overview of Ordinance 2023-02.

Kays stated the change came about when Dakota Storage Sheds applied for a CUP variance. The county ordinance was short in a few areas and didn't allow light manufacturing in a commercial and industrial zone. The county currently does have light manufacturing in commercial and industrial zones; therefore, the county needs to define that in the ordinance. The county also needs to give commercial and industrial zones more flexibility by setting up setbacks like they do for CUPs. Kays remarked that the P & Z committee recommended the county commissioners approve Ordinance 2023-02 at their meeting on November 20.

Chairman Mach asked three times for comments in favor or against Ordinance 2023-02. No one responded. Mach closed the public hearing.

Chairman Mach stated the Board of County Commissioners will now have the first reading by title only of Ordinance 2023-02 with Commissioner Assistant Layher

reading the title. Layher read the title: **ORDINANCE NO. 2023-02, AN ORDINANCE ENTITLED, AN ORDINANCE TO AMEND ARTICLE II “DEFINITIONS”; AND ARTICLE XI “COMMERCIAL/INDUSTRIAL DISTRICT”, ADOPTED BY ORDINANCE 2004-01, AS AMENDED, OF THE ZONING ORDINANCE OF GRANT COUNTY.**

Motion by Tostenson and seconded by Street to acknowledge the first reading of Ordinance 2023-02 by title only and to set December 5, 2023 at 9:00 AM for the second reading and Board discussion. Chairman Mach called for the vote. Motion carried 5-0.

Chairman Mach opened the public hearing for Ordinance 2023-03 on behalf of the Board of County Commissioners and asked for a motion and a second to approve Ordinance 2023-03. Motion by Street and seconded by Buttke to approve Ordinance 2023-03.

Chairman Mach asked Todd Kays to provide an overview of Ordinance 2023-03.

Kays stated this ordinance is also regarding Dakota Storage Sheds. The land they are displaying the completed sheds on is currently zoned as agricultural and it should be zoned commercial/industrial. The county just needs to clean up the ordinance to reflect the rezoning that strip of land to commercial/industrial instead of agricultural.

Chairman Mach asked three times for comments in favor or against Ordinance 2023-03. No one responded. Mach closed the public hearing.

Chairman Mach stated the Board of County Commissioners will now have the first reading by title only of Ordinance 2023-03 with Commissioner Assistant Layher reading the title. Layher read the title: **ORDINANCE NO. 2023-03, NOTICE OF PUBLIC HEARING OF THE GRANT COUNTY COMMISSION ON ORDINANCE NUMBER 2023-03, AN ORDINANCE ENTITLED, AN ORDINANCE TO AMEND ARTICLE III “ESTABLISHMENT OF DISTRICTS”, ADOPTED BY ORDINANCE 2004-01, AS AMENDED, OF THE ZONING ORDINANCE OF GRANT COUNTY.**

Motion by Street and seconded by Buttke to acknowledge the first reading of Ordinance 2023-03 by title only and to set December 5, 2023 at 9:00 AM for the second reading and Board discussion. Chairman Mach called for the vote. Motion carried 5-0.

HWY: LaBolt Main Street: Chairman Mach asked States Attorney Schwandt to explain his findings after researching state statutes of vacating a road. Schwandt stated there are several statutes on this topic that are conflicting. One statute says you can vacate a road by petition. The second statute says the county has the right to control the roads under their jurisdiction. Another statute says the county can change the road system. If the county does so, they must notify the SD DOT. Schwandt stated there is nothing in state statute that allows you to transfer the maintenance of a road from one entity to another without the agreement of the other entity. There is also a statute that states you cannot transfer the road without the entity taking ownership of it. There is another statute to declare the road minimum maintenance or close the road.

Board discussion was held. Chairman Mach opened the tabled motion from the November 7th meeting. A substitute motion was made to table the vote to the next meeting on November 21st or if States Attorney Schwandt has completed his research before that meeting to have a special commission meeting. The original motion on the table is to approve the transfer of Main Street LaBolt to the Town of LaBolt but on the advice of States Attorney Schwandt he advised the Commission to vote it down. Mach called for the vote. The vote was 0-5 to transfer Main Street LaBolt to the Town of LaBolt. Motion failed. Main Street LaBolt will remain in the county road system.

The Commissioners requested States Attorney Schwandt to prepare a Memorandum of Understanding that the Town of LaBolt will continue to do the snow plowing of Main Street.

Stop sign: Hwy Supt Peterson reported that the cost of a flashing 36" stop sign is between \$1,300 and \$2,600. They would take 4-6 weeks to get. The SD DOT has agreed to put rumble strips on CR 4 at the intersection of HWY 15 and CR 4. Commissioner Tostenson stated the county shouldn't take over the State's stop signs, then the county will be setting a precedence for the future. Due to budget constraints the county shouldn't take on any more responsibilities than they must. Supt Peterson said the county could install a flashing light on the stop ahead signs. Tostenson motioned to approve the county installing flashing yellow lights on the stop ahead signs on CR 4 at the intersection of HWY 15. The motion died for lack of a second.

Bridge Easement: Motion by Street and seconded by Stengel to approve easements for bridge 26-320-101 to be built in 2025. Mach called for the vote. Motion carried 5-0.

Change Order: Supt Peterson presented a change order in the amount of \$4,767.74 for bridge 26-310-177 for additional costs over the contract amount of building the bridge. Motion by Tostenson and seconded by Buttke to approve the change order in the amount of \$4,767.74 for bridge 26-310-177. Mach called for the vote. Motion carried 5-0.

Plat Approval: Motion by Tostenson and seconded by Stengel to approve the plat as presented by Steve Berkner, Planning and Zoning Officer. Chairman Mach called for the vote. Motion carried 5-0.

2023-15

RESOLUTION BY THE BOARD OF COUNTY COMMISSION
GRANT COUNTY SOUTH DAKOTA

ON MOTION MADE AND CARRIED THE FOLLOWING RESOLUTION WAS ADOPTED: “BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF GRANT COUNTY, SOUTH DAKOTA IN REGULAR MEETING ASSEMBLED THAT THE PLAT OF T & B HOLTQUIST SUBDIVISION LOCATED IN THE NE1/4 OF SECTION 27, T121N, R47W OF THE 5TH P.M., GRANT COUNTY, SOUTH DAKOTA BE APPROVED THIS 21ST DAY OF NOV, 2023 IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3 AND ALL ACTS AMENDATORY THERETO.” I KATHY FOLK, COUNTY AUDITOR OF GRANT COUNTY, CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION ADOPTED BY THE BOARD OF COMMISSIONERS OF GRANT COUNTY, SOUTH DAKOTA.

DATED THIS 21ST DAY OF NOV, 2023.

Kathy Folk
Auditor
Grant County, South Dakota

Travel: None

County Assistance: None

Liquor License: Motion by Tostenson and seconded by Stengel to approve the 2024 liquor license renewals for Gertje Van Lith Post #229, Whetstone Golf Course, and the Spirit of the Cats Foundation. Chairman Mach called for the vote. Motion carried 5-0.

Wellmark Renewal: Motion by Stengel and seconded by Tostenson to approve the renewal of the Wellmark health insurance plan for county employees. Chairman Mach called for the vote. Motion carried 5-0.

Pre disaster Plan: Motion by Street and seconded by Buttke to approve the Pre-Disaster Mitigation Plan with First District by signing the letter of funding commitment, Resolution 2023-16 designating the applicant's agent, and signing the designation of applicant agent's form. Chairman Mach called for the vote. Motion carried 5-0.

2023-16
RESOLUTION
APPOINTMENT OF APPLICANT AGENT

WHEREAS Grant County is submitting a grant application to the Federal Emergency Management Agency and the State of South Dakota; and

WHEREAS Grant County is required to appoint an Applicant Agent for the purpose of signing documents and assuring the completion of all application documents;

NOW THEREFORE BE IT RESOLVED that the Grant County Board of County Commissioners appoints Mike Mach and/or Kevin Schuelke as the authorized Applicant Agent. Dated this 21st day of November 2023.

Mike Mach
Chair, Grant County Commission

Kevin Schuelke
Grant County Emergency Management Director

Attest:
November 21, 2023

Karen Layher
Grant County Commission Assistant

Contracts: Commissioner Assistant Layher presented maintenance contracts from Larry's Refrigeration for the courthouse boilers for \$676.02 per year and for the 4-H complex for \$1,941.88 per year. Motion by Stengel and seconded by Buttke to approve the two maintenance contracts with Larry's Refrigeration. Chairman Mach called for the vote. Motion carried 5-0.

Bids for Snow Removal: Commissioner Assistant Layher stated no bids were received by the deadline for the snow removal at the 4-H grounds. Layher said we can now call for quotes.

Unfinished Business: None

New Business: Chairman Mach reported Commissioner Tostenson, Commissioner Assistant Layher, Auditor Folk, Treasurer DeVaal and himself attended the quarterly Lake Region District meeting in Veblen. Commissioner Tostenson reported on the Grant County Development Corporation and what they are currently working on. He also suggested each commissioner should attend the town meetings in their district. They will appoint a liaison to each town at their first meeting in January.

Correspondence: None

Claims: Motion by Buttke and seconded by Stengel to approve the claims. Motion carried 5-0. A-OX WELDING, supplies 16.75; ACOUSTICAL SURFACES, acoustic panels 1,541.88; ARMANDO MONROY LOPEZ, prof services 700.00; AUSTIN, STRAIT, BENSON, THOLE, court appt atty 967.30; AUTO-GRAPHICS, computers repairs & maint 3,092.30; AUTOMAXX, supplies 10.00; AVERA MCKENNAN, health services 19.00; BANNER, hwy projects 25,509.60; BERENS MARKET, inmate groceries 577.56; BITUMINOUS PAVING, asphalt 11,059.40; BLACKSTRAP, supplies 2,262.56; BORNS GROUP, mailing expense 1,817.95; CENTER POINT, books 380.52; CHS, diesel & ethanol 6,628.00; CITY OF WATERTOWN, 911 surcharge 19,100.65; CLIMATE AIR, repairs & maint 3,112.00; CODY KELLY, prof services 325.00; CRAIG DEBOER, car wash usage 189.66; DEMCO, supplies 649.04; DR BRYAN JOHNSON, health services 1,136.00; FISHER SAND & GRAVEL, gravel 1,964.21; FLAT RATE, gravel 3,670.14; GALLS, supplies 549.35; FOOD-N-FUEL, inmate meals 749.10; GRANT COUNTY REVIEW, publishing 1,064.90; HELSPER, MCCARTY & RASMUSSEN, court appt atty 2,174.00; INSIGHT, supplies 457.97; INTER-LAKES COMM ACT, service worker 2,628.00; INTOXIMETERS, supplies 200.00; JACK'S BODY SHOP, repairs & maint 70.00; JASON SACKREITER,

garbage service 230.00; JB SEAMLESS GUTTERS, building improvements 435.00; KIBBLE EQUIPMENT, repairs & maint 746.27; KRISTIN WOODALL, prof services 21.25; LORIN LEHTOLA, box culvert proj 81,585.75; MICROFILM IMAGING SYSTEMS, scanner rent 642.00; MUNDWILER FUNERAL HOME, prof services 3,830.00; OTTER TAIL POWER, electricity 2,746.11; QUICK PRO LUBE, repairs & maint 211.92; R.D. OFFUTT, supplies 35.03; RC TECHNOLOGIES, 911 transport & tower rent 95.96; RIVER STREET PETROLEUM, ethanol & diesel 8,400.52; RUNNINGS, supplies 839.94; SCANTRON, prof services 7,088.79; ST WILLIAMS CARE CENTER, inmate laundry 309.00; STAR LAUNDRY, rental 320.44; STATE BAR OF SD, dues 1,080.00; TITAN MACHINERY, repairs & maint 5,740.70; TWIN VALLEY TIRE, tires & repairs 633.50; VALLEY SHOPPER, publishing 28.83; VERIZON, hotspot 38.52; WEST CENTRAL COMMUNICATION, repairs & maint 7,276.00; WHETSTONE HOME CENTER, supplies 2,955.99; WHETSTONE VALLEY ELECTRIC, electricity 690.10; XEROX, copier rent 764.24; YANKTON CO SHERIFF, prof services 50.00. TOTAL: \$219,418.70.

OCTOBER MONTHLY FEES: SDACO, ROD modernization fee 216.00; SD DEPT OF REVENUE, monthly fees 145,992.79. SD DEPT OF REVENUE, sales & use tax 290.81. TOTAL: \$146,499.60.

Payroll for the following departments and offices for the November 14, 2023, payroll are as follows: COMMISSIONERS 7,215.10; AUDITOR 8,951.08; ELECTION 370.09; TREASURER 5,804.59; STATES ATTORNEY 7,298.20; CUSTODIANS 3,385.40; DIR. OF EQUALIZATION 4,480.90; REG. OF DEEDS 4,906.11; VET. SERV. OFFICER 1,277.10; SHERIFF 15,691.25; COMMUNICATION CTR 8,677.66; PUBLIC HEALTH NURSE 1,274.40; ICAP 112.00; VISITING NEIGHBOR 1,789.13; LIBRARY 8,064.32; 4-H 3,898.00; WEED CONTROL 2,219.40; P&Z 1,238.30; DRAINAGE 640.50; ROAD & BRIDGE 33,130.59; EMERGENCY MANAGEMENT 2,464.00. TOTAL: \$122,888.12.

Payroll Claims: FIRST BANK & TRUST, Fed WH 8,782.91; FIRST BANK & TRUST, FICA WH & Match 14,784.72; FIRST BANK & TRUST, Medicare WH & Match 3,457.72; ACCOUNTS MANAGEMENT, deduction 84.04; AMERICAN FAMILY LIFE, AFLAC ins. 1,570.25; ARGUS DENTAL, ins. 606.05; WELLMARK-BLUE CROSS OF SD, Employee health ins. 1,953.95; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 210.00; SDRS SUPPLEMENTAL, deduction 1,428.83; SDRS, retire 14,057.90. TOTAL: \$46,936.37.

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

1. Approve highway dept's D-Ware contract for project accounting software for 1 year at \$4,570
2. Approve purchase of upgrading 8 desktop and 6 laptop computers as per the 2024 budget
3. Approve SD Ag Dept grant application in the max amount of \$5,000 for weed and pest control

Executive Session: Motion by Stengel and seconded by Street to enter executive session at 11:08 AM for the purpose of a personnel issue(s) pursuant to SDCL 1-25-2 (1) and litigation issues per SDCL 1-25-2(3). Motion carried 5-0.

Commissioner Assistant Layher, Sheriff Owen, Auditor Folk and States Attorney Schwandt were present. Chairman Mach declared the meeting open to the public at 12:19 PM. 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 December 5, 19 and 29, 2023 and January 2 and 16, 2024 at 8 AM in the basement meeting room. Motion by Stengel and seconded by Buttke to adjourn the meeting. Motion carried 5-0. Meeting adjourned.

Kathy Folk, Grant County Auditor

Michael J. Mach, Chairman, Grant County Commissioners