

November 7, 2023

The Grant County Commission met at 8 AM with Commissioners Buttke, Mach, Stengel, Street and Tostenson present. Chairman Mach called the meeting to order. Motion by Street and seconded by Buttke to approve the October 17 and 24, 2023 minutes. Motion carried 5-0. Minutes filed. Motion by Tostenson and seconded by Stengel to approve the agenda with the change of moving Item E under Highway to follow Item A. Motion carried 5-0.

Present from the public were: Mark Junker, Clayton Tucholke, Todd Lounsbery, James Berg, Larry Erp, Jon Wold, Bob Spartz, Sarah Erickson, and Mark Erickson. Staff members present were Commissioner Assistant Layher, Drainage Officer Berkner and States Attorney Schwandt.

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

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

Permits DR2023-74 and DR2023-75 for Doug Schneck, for adjoining property owned by Doug Schneck Real Estate Ltd Partnership and Schneck Real Estate Ltd Partnership for properties located in S1/2 of 15-120-48 (Alban West Township)

Chairman Mach asked for a motion to approve drainage permits DR2023-74, and DR2023-75 for Doug Schneck. Motion was made by Stengel and seconded by Tostenson.

Drainage Officer Berkner began his report for DR2023-74 and DR2023-75 stating the permittee is seeking to tile approximately 30 acres of abutting land located within the SW1/4 and SE1/4 of Section 15 in Alban West Township, all located within the North Fork of the Yellow Bank River Watershed. The tiling projects have 2-8" outlets, one flowing north connecting to a main tile installed in 2008 and one flowing south discharging into a certified wetland which drains through an existing culvert under 151st Street.

According to Berkner the water being discharged by the 2-8” outlets could be as much as 370 gpm or .82 cfs if installed at a .1% grade and flows through two separate natural runs where they eventually join northeast of the tiling project.

Berkner stated an optional 6” outlet with an open inlet may be necessary flowing west and then north as the permittee wanted the option to install that feature in case the certified wetland became larger. Berkner continued if the optional 6” outlet and inlet were needed it would not change the footprint of the two permits being considered but would seek an alternate route for approximately 1/3 of the area seeking permit to drain. In that case Berkner said an additional outlet would require a separate drainage permit and public hearing.

Berkner emphasized he had cautioned both the permittee and the tiling contractor that if the 6” main and the inlet drained to the west and then the north it would need a separate drainage permit application, public hearing and a passing drainage board vote for that action or would face penalties.

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

Chairman Mach opened the public hearing for DR2023-74 and DR2023-75 asking three times for comments in favor or against the two drainage permits with no one responding. Mach closed the public hearing and called for Board discussion.

The Board commented on the location of the optional inlet to the certified wetlands and its need for a future drainage permit if it drains to the west and then north. Berkner emphasized the permittee and tile contractor had agreed if that relief inlet and main outlet were installed to drain west and then north it would remain capped until it could be properly permitted.

With no more discussion Chairman 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.

**HWY: Bridge Inspection:** Mark Junker, PE with Banner Associates, presented the 2023 annual bridge inspection report. This inspection is a federal requirement every two years for bridges with an opening of more than twenty feet in diameter. Currently Grant County is listed in second place for the number of bridges to maintain in the State. There are 168 inspected bridges. Mark’s presentation included slides of the three bridges built this year with grant funding, slides of

damaged bridges due to the spring flood occurrence, and bridges to be rehabbed in 2024. Prioritizing the bridge work should be the county asphalt first, county gravel second and then township third. He advised the county to track and maintain the cost of all bridge repairs for future consideration of grant awards.

Intersection Quote: Mark Junker also presented the scope of their preliminary engineering services for the intersection of 149<sup>th</sup> Street and 480<sup>th</sup> Avenue. It will include accident history research, site distance, truck turning, volume of traffic, drainage, further safety improvements, widening and additional signage. Banner's quote for this preliminary work is \$19,500. Commissioner Tostenson motioned to approve the quote from Banner Associates and for Banner to begin the preliminary engineering. The motion was seconded by Stengel. Chairman Mach called for the vote. Motion carried 5-0.

Revilla Ditch: Todd Lounsbery, Supervisor of Adams Township, stated he had spoken with Wayne Erickson, Mayor of Revillo, about the transfer of the Lot H1 ditch on the northwest side of Revillo. The Town of Revillo is in favor of the county transferring Lot H1 to them. Motion by Street and seconded by Buttker to transfer the ownership of Lot H1 that was purchased in 2013 for culvert work to assist with diverting water around Revillo by the following resolution. Chairman Mach called for the vote. Motion carried 5-0. Resolution adopted.

## RESOLUTION

2023-14

### CULVERT PROJECT LAND PURCHASE TRANSFERRED TO TOWN OF REVILLO

WHEREAS, Grant County has a deed to certain property, and wishes to deed such property to the Town of Revillo, and

WHEREAS, SDCL 6-5-2 gives Grant County, a political subdivision of the State of South Dakota, the power to convey and transfer any real property which is now or may hereafter be held or owned by it to another subdivision of the State of South Dakota, and

WHEREAS, the Grant County Board of Commissioners deems it advisable and to the best interests of the public to convey such property to the Town of Revillo, a political subdivision of the State of South Dakota, and

THEREFORE, be it resolved on a motion of Commissioner Street, seconded by Commissioner Buttker that Grant County execute and deliver a Quit Claim Deed to the Town of Revillo for the following described property:

Lot H-1, located in the Northeast Quarter (NE1/4) of Section Twenty-one (21), Township One Hundred Eighteen (118), North, Range Forty-eight (48) West of the 5<sup>th</sup> P.M., Grant County, South Dakota, containing approximately 2.71 acres of which 1.37 acres is section line right-of-way, according to the Plat thereof on file in the Office of the Register of Deeds, Grant County, South Dakota.

Upon call of the motion the Commissioners voted 5 yea and 0 nay.

Whereupon the Chairman declared the same to be duly passed and adopted.

Dated this 7<sup>th</sup> day of November, 2023 at Milbank, South Dakota.

Michael J. Mach, Chairman  
Grant County Commission

ATTEST:  
Kathy Folk  
Grant County Auditor

**Motor Grader Bid:** Hwy Supt Peterson asked the Commission for permission to call for bids to purchase a 2024 motor grader per the budget. Motion by Stengel and seconded by Tostenson to approve Hwy Supt Peterson to call for bids for a 2024 motor grader. Chairman Mach called for the vote. Motion carried 5-0.

**Furnace Replacement:** Hwy Supt Peterson presented a quote to replace the highway office furnace from Comfort Plus Heating & Air for \$4,250.00. No other bids were received. Motion by Stengel and seconded by Buttke to accept the bid of \$4,250.00 from Comfort Plus Heating & Air. Chairman Mach called for the vote. Motion carried 5-0.

**Bridge Damage:** Commissioner Street stated he had some reservations about not filing an insurance claim for the bridge that was damaged by the combine earlier this fall. He spoke with Hwy Supt Peterson and States Attorney Schwandt prior to the meeting and is now satisfied with how it is being handled.

**Main Street LaBolt Hearing:** Chairman Mach called for an affirmative motion to approve the action of removing Main Street LaBolt from the county road system and returning the road to the Town of LaBolt. Motion by Tostenson and seconded by Mach to remove Main Street LaBolt from the county road system.

Chairman Mach opened the public hearing. He asked three times for comments from anyone in favor of removing Main Street LaBolt from the county road system. No one responded. Mach asked for opponent testimony.

Jon Wold, Mayor of LaBolt, stated he is not in favor. He stated Main Street LaBolt is highly used in the fall with up to 170 trucks using it on a busy day. On slower days, it is 70 trucks. He said Main Street snow removal has been done by either LaBolt Elevator or the City of LaBolt, not the county. LaBolt has never sent a bill to the county for the snow removal and never will as long as he is Mayor. The concrete in front of Emily's Place was paid for by individuals and businesses in LaBolt, not the county. He suggested having Main Street sealed when the two miles into LaBolt overlay is done. Wold has spoken with Larry Dean with the SD DOT who has given him the written procedure for deleting roads from the county highway system. The procedure states, a transfer of a section of road to another governmental entity needs a document from the entity receiving the segment of road that they agree to accept the segment of road. In other words, if the county wants to give the City of LaBolt the street back, the LaBolt City Council must approve it. Wold said they don't approve of it.

James Berg questioned how much money the county will save if they abandon one block of asphalt of the county road system out of 177 asphalt miles in the county. He stated there are 50-60 tax paying Grant County farmers using that street. There are farmers from Deuel and Codington County using that street as well. Berg also questioned why CR 12 by the county shop is tarred for 1.25 miles west of Hwy 15 and then it stops. CR 31 east of Henze addition is tarred for a half a mile. CR 17 south out of Twin Brooks is tarred for another 1.5 miles and goes to no other town or county road. In the Town of Marvin 3-4 street blocks are tarred.

Clayton Tucholke stated a lot of work was done on that street. It was dug out side to side and put 10 feet of rock in. The LaBolt Elevator did that and now four semi loads can sit side by side without any problems.

Chairman Mach asked two more times for opponent testimony. No one responded. Mach closed the public hearing and opened board discussion.

Commissioner Street stated James Berg had some good comments about the tax paying farmers using that street. Street said it is poor judgement to take that street off the county road system. He also spoke with Larry Dean of the SD DOT who said it is typical of small towns to have their Main Streets tarred.

Commissioner Buttke stated it bothers him that there are hardworking tax paying residents in and around LaBolt that are asking the county to have one block maintained by the county. Yet the county is asked to remodel the jail for approximately two million dollars for housing inmates.

Commissioner Tostenson said James Berg brought up some good points. Tostenson said he doesn't have the answers why some short sections of roads are paved in the county but that may be a good idea to change those roads to gravel. But it comes down to the budget and how can the county reduce their costs. He gave examples of the Ambulance District being formed, the ditch being transferred to the Town of Reville and Big Stone City helping with snow removal on the county roads within their city limits. It is not about taking away your street, it is about saving money to continue providing the services we must provide. Tostenson pointed out the services the county is required to provide like inmate room & board, mental illness, and burial expenses. He explained how the county discussed and may have to take money out of reserve to pay for building bridges this year.

Commissioner Street said he understands that everything is on the table. The county funds 4-H and the library because the people want it. Street questioned why not fund LaBolt Main Street because the citizens of LaBolt want it.

Hwy Supt Peterson remarked if the City of LaBolt is fine with continuing the snow removal of their Main Street, this would save the county crew time on turning the large snowplows around on a narrow street and deciding where everyone wants the snow to be piled.

Commissioner Stengel pointed out the county built a nice road for the ethanol plant. The county has built roads or improved roads for other businesses such as dairies in the county. He agreed it should have a paved road for trucks to go to the elevator and not gravel.

Commissioner Street asked the public attendees if they would be in favor of raising the county road levy from .25 up to the limit of .90 to help with the county budget constraints. No one responded.

Chairman Mach asked the Board if they needed to table the vote to give States Attorney Schwandt time to research the SD DOT procedure of removing a street from the county road system. Motion by Tostenson to table the vote until the November 21<sup>st</sup> meeting for States Attorney Schwandt to determine if the city can reject the street being abandoned by the county. The motion failed due to a lack of a second. Further discussion was held. Stengel stated he was uncomfortable

deciding today on the vote. He would like States Attorney Schwandt to further review the procedure for giving the street back to the City of LaBolt. Tostenson made a substitute motion to table the vote to the next meeting on November 21<sup>st</sup> or if States Attorney Schwandt has completed his research before that meeting to have a special commission meeting. Stengel seconded the motion. Chairman Mach called for the vote. Motion carried 3-2 with Street and Buttke voting nay.

**Wellmark:** Agent Theresa Kocer presented and reviewed the 2024 rate change detail which included the base rate percentage change for large group and the underwriting and demographic percentage changes. Overall, the 2024 premium change was a zero percent increase. She also reviewed the large claim history.

**Liquor License Transfer:** Chairman Mach opened the public hearing for the transfer of a Retail (On-Sale) Liquor License and a Retail (On-Off Sale) Malt Beverage License with the issuance of the 2024 license to Cherry Brockway and Mike Tunnissen for Bittersweet Lodge was held. No members of the public were present to comment. Mach closed the public hearing. Motion by Tostenson and seconded by Buttke to approve the application for the transfer of license of the malt beverage and liquor license with the issuance of the 2024 license to Cherry Brockway and Mike Tunnissen for Bittersweet Lodge. Chairman Mach called for the vote. Motion carried 5-0.

**EM:** Director Kevin Schuelke gave his quarterly department report. He updated the Commission on the State digital radio project implementation and testing. He suggested the county use the 511 Emergency Road System to put travel condition information on it. Schuelke is still looking for a replacement EM vehicle. He asked the Commission to fund the certified training of new firefighters within the county. The cost is \$300 per person. Schuelke stated the State has programs for farmers to participate in a live shelterbelt program for high wind areas. The farmers can leave strips of corn rows, silage bags or bales in these areas for potential reimbursement. Schuelke reported First District is working on updating the five-year Haz Mat Plan for pre-disaster mitigation. First District would like a letter of support from Grant County for the grant application. Motion by Stengel and seconded by Tostenson to commit to the planning effort by First District. Motion carried 5-0.

**Travel:** Sheriff Owen requested travel approval for Deputies Caden Bjordahl and Devin Weinkauf to attend training in Pierre. Motion by Street and seconded by Buttke to approve travel for Deputies Caden Bjordahl and Devin Weinkauf. Motion carried 5-0.

**County Assistance:** Motion by Buttke and seconded by Street to deny case PR 2023-03. Motion carried 5-0.

**Public Defender Contract:** Motion by Tostenson and seconded by Buttke to approve the Public Defender contract with Gregory Grajczyk for \$3,550.00 per month for 2024. Motion carried 5-0.

**Auto Supplement:** Motion by Street and seconded by Buttke to approve an auto supplement of revenue and expense for fund #246 for \$8,700 for unanticipated donations to the library for English Learning and grant reimbursement for attending SDLA Conference. Motion carried 5-0.

**Update Contract:** Motion by Tostenson and seconded by Stengel to update the maintenance contract for the Courthouse and Library with Larry's Refrigeration. Motion carried 5-0.

**Unfinished Business:** General discussion was held on economic development in the County.

**New Business:** Commissioner Assistant Layher has spoken with Corey Johnson of Johnson Construction, and he would like to do another walk through of the detention center. The walk through is scheduled for November 30<sup>th</sup>. Layher also spoke with the potential advisory committee members, and they have all accepted their position on the committee. Layher told the Commissioners that there will be changes in the SD DOH, specifically in the county nurse's office. The WIC program will still be here, but a health nurse will travel here and be in the office two days a month. Layher advised the Commissioners the Milbank Chamber of Commerce will be putting up a Christmas tree again on the front lawn of the Courthouse.

**Correspondence:** None

**Executive Session:** Motion by Tostenson and seconded by Stengel to enter executive session at 12:05 PM 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 12:50 PM. No action was taken because of the executive session.



**Claims:** Motion by Street and seconded by Stengel to approve the claims. Motion carried 5-0. ARMANDO MONROY LOPEZ, prof services 700.00; AUTOVALUE, repairs & maint 343.29; AVERA QUEEN OF PEACE, blabs 225.00; BERENS MARKET, inmate groceries 568.75; BITUMINOUS PAVING, patching & overlay 25,590.00; BX CIVIL & CONSTRUCTION, box culvert proj 62,945.40; CENTER POINT, books 142.11; CHS, diesel & ethanol 5,347.48; CITY OF MILBANK, prof services, water & sewer 1,694.59; CODINGTON CO SHERIFF, inmate housing 570.00; COLEPAPERS, supplies 584.71; CRAIG DEBOER, car wash usage 64.35; DELORIS RUFER, lib rent 100.00; DENNYS SEPTIC SERVICE, prof services 100.00; DUANE ATHEY, repairs & maint 180.00; FIRST BANK & TRUST/VISA, hotel, gas, minor equip 3,733.64; FISHER SAND & GRAVEL, gravel 7,972.65; FLAT RATE, rock 2,734.90; FOOD-N-FUEL, inmate meals 778.00; GRAJCZYK LAW OFFICE, prof services & court appt atty 4,000.00; GRANT CO LIBRARY, furniture 1,000.00; GRANT-ROBERTS RURAL WATER, water usage 38.70; GRANT/ROBERTS AMBULANCE, allocation 2,458.33; INGRAM, books 471.58; ITC, phone & internet 2,396.08; JASON LIEBE, prof services 1,200.00; LEWIS FAMILY DRUG, supplies & inmate rx 904.01; LINCOLN CO AUDITOR, prof services 110.00; MADISON TOWNSHIP, RAIF reimbursement 5,187.91; MICROMARKETING, audio/visual 95.88; MIDCO, lib internet 103.92; MILBANK AREA HOSPITAL AVERA, blabs 695.00; MILBANK AUTO PARTS, supplies 512.38; MUNDWILER FUNERAL HOME, prof services 3,830.00; NORTHWESTERN ENERGY, natural gas 142.98; PRAIRIE LAKES HEALTHCARE, health services 85.00; QUICK PRO LUBE, repairs & maint & supplies 1,255.93; R.D. OFFUTT, repairs & maint 3,600.00; RALPH SCHMIDT, contracted proj 3,428.58; REGENCY MIDWEST VENTURES, motel 328.00; RELX, online charges 725.00; RIVER STREET PETROLEUM, ethanol & diesel 7,264.84; SAFETY-KLEEN SYSTEMS, supplies 253.36; SANDRA FONDER, prof services 83.33; SANFORD HEALTH, health services 3,500.00; SCANTRON, minor equip, repairs & maint 1,730.52; SD DEPT OF HEALTH, blabs 405.00; SD DEPT TRANSPORTATION, hwy proj 7,355.24; ST WILLIAMS CARE CENTER, inmate laundry 254.00; TIGER MOWERS, repairs & maint 459.58; TRAPP PLUMBING, repairs & maint 426.87; TRUENORTH STEEL, culverts 33,533.35; TWIN VALLEY TIRE, repairs & maint 951.30; VALLEY OFFICE PRODUCTS, supplies 1,008.52; VALLEY RENTAL & RECYCLING, allocation 650.00; WEST CENTRAL COMMUNICATION, minor equip, repairs & maint 38,740.89; XEROX, copier rent 119.40. TOTAL: \$243,680.35.

Payroll for the following departments and offices for the October 27, 2023, payroll are as follows: COMMISSIONERS 7,215.10; AUDITOR 6,955.46; ELECTION

854.85; TREASURER 5,774.14; STATES ATTORNEY 7,298.20; CUSTODIANS 3,380.11; DIR. OF EQUALIZATION 4,314.63; REG. OF DEEDS 4,692.41; VET. SERV. OFFICER 1,277.100; SHERIFF 17,051.75; COMMUNICATION CTR 8,692.92; PUBLIC HEALTH NURSE 1,314.23; ICAP 77.00; VISITING NEIGHBOR 1,989.05; LIBRARY 8,347.87; 4-H 3,942.30; WEED CONTROL 1,946.55; P&Z 1,174.26; DRAINAGE 672.53; ROAD & BRIDGE 29,514.69; EMERGENCY MANAGEMENT 2,492.00. TOTAL: \$118,977.15.

Payroll Claims: FIRST BANK & TRUST, Fed WH 8,370.40; FIRST BANK & TRUST, FICA WH & Match 14,263.04; FIRST BANK & TRUST, Medicare WH & Match 3,335.76; ACCOUNTS MANAGEMENT, deduction 84.04; AMERICAN FAMILY LIFE, AFLAC ins. 1,457.32; ARGUS DENTAL, ins 554.06; WELLMARK-BLUE CROSS OF SD, Employee and Commission health ins. 55,365.08; COLONIAL LIFE, ins 37.98; DEARBORN NATIONAL, life ins. 303.61; LEGAL SHIELD, deduction 38.85; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 210.00; OPTILEGRA, ins 376.86; SDRS SUPPLEMENTAL, deduction 1,428.83; SDRS, retire 13,595.10. TOTAL: \$99,420.93.

**Consent Agenda:** Motion by Tostenson and seconded by Stengel to approve the consent agenda and set a hearing date of November 21, 2023 for Ordinances 2023-02 and 2023-03. Motion carried 5-0.

1. Approve Jennie Carrino as Deputy Auditor effective October 23, 2023 at \$20.05 per hour
2. Approve Darla Folk as a Visiting Neighbor aid effective November 6, 2023 at \$16.10 per hour
3. Approve step increase to Cheryl Schweer, Library, to 6-month rate of \$18.10 per hour
4. Approve renewal of virtual server and fire wall license for 1-year with Secur-Serv for \$1,461.94
5. Approve renewal of Ruckus software for 1-year with Secur-Serv for \$294.05
6. Set hearing date for Ordinances 2023-02 and 2023-03 for a proposed ordinance revision for Riggin's Airport Addition (Dakota Storage Sheds) from Ag designation to Commercial/Industrial

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 November 21, and December 5, 19 and 29, 2023 at 8 AM. Motion by Buttke and seconded by Street to adjourn the meeting. Motion carried 5-0. Meeting adjourned.

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Kathy Folk, Grant County Auditor

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Michael J. Mach, Chairman, Grant County Commissioners