

October 1, 2024

The Grant County Commission met at 8 AM with Commissioners Buttke, Mach, Stengel, Street and Tostenson present. Chairman Tostenson called the meeting to order. Commissioner Assistant Layher asked to add approving a highway road approach permit to the agenda. Motion by Mach and seconded by Buttke to approve the agenda with the addition noted. Motion carried 5-0.

Present from the public were Richard Will, Ben Wollschlager, John Loeschke, Tim Wollschlager, Joe Kanthak, Dale Skoog, Kelly Blankenship, Doug Wollschlager, and Dustin Nelson. Staff members present were Commissioner Assistant Layher, States Attorney Schwandt, Hwy Supt Peterson and Drainage Officer Berkner.

**Public Comment:** Chairman Tostenson called for public comment. Dale Skoog brought up his concerns with the Yellow Bank River not flowing like it should on his land. Skoog would like to have the east culvert lowered. Tostenson gave Skoog the elevation heights of the dam and culverts from 2015 that Aason Engineering did, and stated the east culvert is lower than the dam. He also advised Skoog the county cannot go onto private property and clean out runs. After a lengthy discussion, Tostenson stated that he will have Supt Peterson go out and measure the culvert depth and report back to the commission.

Chairman Tostenson called twice more for public comment. There were no more comments.

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

Chairman Tostenson spoke on the need for drainage permit applicants who have been awarded drainage permits in the past. They need to turn in a final copy of the drainage work they have completed as required by the County's Drainage Ordinance. He said this step is rarely done and technically puts that permittee in violation of their original drainage permit. Tostenson suggested in the future, the drainage board may consider this before future drainage permit applications are even accepted from that permittee.

Permit DR2024-61a and DR2024-61b for Kelly Blankenship for lands located within the S1/2SE1/4 of Section 20, and the NE1/4 of Section 29, both in Big Stone Township.

Chairman Tostenson called for a motion to approve permits DR2024-61a and DR2024-61b for Kelly Blankenship. Motion by Stengel and seconded by Buttke to approve permits DR2024-61a and DR2024-61b.

Drainage Officer Berkner reported the permit is for tiling 80 acres of land located within the S1/2SE1/4 of Section 20 and NE1/4 of Section 29, both in Big Stone Township, and within the Whetstone River Watershed. Berkner said the project would have 3-outlets, 2-6", and 1-10", with an estimated design flow rate through the three outlets to be 318 gallons per minute (gpm) if installed at a .1% grade.

Berkner said Blankenship's plan is to install the three tile mains and a small portion of the lateral tiles in the first year and to add additional lateral tiling the following year only if needed. All the work would be in the original permitted area. Berkner said it is his opinion that the drainage project conforms to the county's drainage ordinance.

Chairman Tostenson asked Blankenship if he had anything to add. Blankenship said the report is accurate and the tile projects, as presented, are a little oversized. He said he would start small and have some flexibility to add more tiling only if it is needed. Tostenson opened the public hearing for DR2024-61a and DR2024-61b the two related drainage permits asking three separate times for any comments in favor or against the permits. No one responded. Chairman Tostenson closed the public hearing and opened board discussion.

States Attorney Schwandt asked to be recognized, stressing his comments were not necessarily his legal opinion, he asked Blankenship on whether the project would have an effect on the planned Whetstone River diversion project. Blankenship responded that in all the meetings he has had with the engineers of the project those kinds of concerns about agriculture drainage projects never came up.

During board discussion Stengel said he had a chance to inspect the project. He said there are very noticeable low spots in the area and the tiling project presented would certainly help drain those areas. With no further discussion Chairman Tostenson called for the vote. Motion carried 5-0.

Permit DR2024-62a and DR2024-62b for Kelly Blankenship for lands located within the W1/2 in Section 11 in Vernon West Township.

Chairman Tostenson called for a motion to approve permit DR2024-62a and DR2024-62b. Motion made by Street and seconded by Stengel to approve permits DR2024-62a and DR2024-62b.

Berkner said the permit is for adding 75 acres of tiling to previously permitted DR2011-20 for land located within the W1/2 of Section 11 in Vernon West Township and within the North Branch of the Yellow Bank River Watershed. The new tile project would connect to two existing outlets, 1-8", and 1-24". The estimated design flow rate would be 493 gpm if installed at a .1% grade but the actual maximum flow rate would be limited to what the existing outlets can already handle. It is Berkner's opinion that the drainage project conforms to the county's drainage ordinance.

Chairman Tostenson asked Blankenship for any additional comments. Blankenship said he is only targeting areas that still have drainage problems not addressed with the original tile permit. Tostenson opened the public hearing for permits DR2024-62a and DR2024-62b asking three separate times for public comments in favor or against the drainage permits. No one responded. Chairman Tostenson closed the public hearing and called for board discussion.

During drainage board discussion Street commented the project made sense and the maximum flow of water at any time through the two existing outlets would not increase. With no further discussion, Chairman Tostenson called for the vote. Motion carried 5-0.

Permit DR2024-63 for Dustin Nelson for land located within the SE1/4 of Section 19 in Farmington Township.

Chairman Tostenson called for a motion to approve permit DR2024-63 for Dustin Nelson. Motion by Street and seconded by Buttke to approve permit DR2024-63.

Berkner said the project is for tiling 50 acres of land located within the SE1/4 of Section 19 in Farmington Township within the Big Sioux River Watershed. Berkner added the drainage project would have 1-inlet, alongside 456th Avenue and 2-8" outlets. It is estimated the two outlets would drain an estimated 315 gpm if installed at a .1% grade. It is Berkner's opinion that the drainage project conforms to the county's drainage ordinance.

Chairman Tostenson asked Nelson for any additional comments. Nelson said he was trying to address some troublesome wet spots. Chairman Tostenson opened

the public hearing asking three times for public comments in favor or against DR2024-63. No one responded.

Chairman Tostenson closed the public hearing inviting board discussion. Tostenson asked Nelson how close the inlet would be to the road's right-of-way. Nelson said it would be just outside of the right-of-way. That area would be left as a grassy area to help with filtering silt and other debris. Tostenson asked if the inlet would be close to a road culvert. Nelson said the water that accumulates there is mostly from seepage under the road and there is no one source that all the water comes from. Chairman Tostenson called for the vote. Motion carried 5-0.

Permit DR2024-64 for Casey Magedanz for land located within the SW1/4 of Section 31 Adams West Township.

Chairman Tostenson called for a motion to approve permit DR2024-64 for Casey Magedanz. Motion by Buttke and seconded by Stengel to approve permit DR2024-64.

Berkner reported the project is for tiling 25 acres of land located within the SW1/4 of Section 31 in Adams West Township within the South Branch of the Yellow Bank River Watershed. The drainage project would have 3-inlets and 1-8" outlet. Berkner estimated the amount of water to be drained would have a flow rate of 354 gpm if installed at a .1% grade. It is Berkner's opinion that the drainage project conforms to the county's drainage ordinance.

Chairman Tostenson opened the public hearing asking three times for comments in favor or against permit DR2024-64. No one responded. Magedanz was not available for comment. Tostenson closed the public hearing inviting board discussion. Some board members were interested in talking to Magedanz about the 3-inlets. The motion was paused so Magedanz could be reached by phone.

Upon reaching Magedanz by phone, he was asked questions about the inlets. He said that due to the steep grades across the area, 2 inlets would be used at the top of 2 different draws and the third would be adjacent to the road ditch of 166th Street. Magedanz said all 3 inlets would have small terraces or berms to help slow down water flow and help reduce silt from being deposited in the downstream outlet which empties into a grassy waterway.

Chairman Tostenson called for the vote. Motion carried 5-0.

Permit DR2024-65 for Vernon Township for a road culvert replacement between land located within the SE1/4 of Section 25 in Vernon West Township and in the SW1/4 of Section 30 in Vernon East Township.

Chairman Tostenson called for a motion to approve permit DR2024-65 for Vernon Township. Motion by Buttke and seconded by Stengel to approve permit DR2024-65.

Berkner said Vernon Township is in the process of replacing an arched, or out-of-round, 42" x 29" single wall corrugated metal culvert, that has a rough corrugated interior surface, with a similar sized 36" round dual-wall, or smooth interior surface culvert. The need for the permit to replace the culvert is even though the two culverts are very similar in opening area size, only different shapes, the depth of the new 36" culvert would be 7" deeper if it is installed at the same depth below the road surface, which is the township's intention. Berkner also explained the new 36" round smooth interior culvert would flow water nearly 40% faster than a similar sized corrugated culvert.

Commissioner Assistant Layher added that FEMA requires proper county permitting for any replacement culvert to be installed at a different elevation or size for it to be covered in possible future disaster mitigation.

During his report, Berkner provided diagrams and charts comparing the flow rates of the two culverts, the old arched culvert to the new round culvert. He said his information came from consulting with Hwy Supt Peterson as well as referencing engineered specifications for various culverts with similar characteristics to the old and new proposed culvert.

In closing Berkner said 14 downstream landowners received certified letters of the proposed culvert project and a public notice ran twice in the paper. He had several discussions with people with differing opinions on whether the proposed project would have a negative effect on downstream landowners. All those individuals are in attendance and can speak on their own behalf.

Chairman Tostenson asked Vernon Township Supervisors Tim Wollschlager and John Loeschke to comment on their proposed culvert replacement project. They both spoke on the quickly deteriorating conditions of the existing culvert and that its collapse was probably eminent. That specific culvert location and roadway has been prone to drainage problems for many years. They said if a decision couldn't be made soon the road may have to be closed.

Chairman Tostenson opened the public hearing asking three times for comments against permitting the project as presented. Doug Wollschlager said his land is on the receiving side, downstream, of the culvert, that if replaced as explained he would receive more water because the culvert would be 7” lower and have a greater flow rate because it was smooth and not corrugated.

With no more comments against the project Tostenson asked three times for comments in favor of the project. Ben Wollschlager spoke saying since the man-made waterway that flows through the culvert was created over 80 years ago, and is a vested waterway, that it is required to accept the upstream water. With no more comments Tostenson closed the public hearing inviting drainage board discussion.

One of the topics of the drainage board discussion included the minimum amount of cover, estimated to be around 6”, between the road surface to the top of the existing culvert and the planned replacement culvert. Hwy Supt Peterson said having only 6” of cover between a roadway surface and the top of a culvert was unacceptable for county roadways and any replacement culvert should be deeper if possible.

After a lengthy discussion, it was motioned by Street and seconded by Buttke to table the discussion until the November 7th meeting so more information can be gathered. Chairman Tostenson called for the vote. Motion carried 5-0 to table permit DR2024-65 until November 7<sup>th</sup>.

Permits DR2024-66a and DR2024-66b for Joe Kanthak for lands located within S1/2 in Section 4 of Adams East Township.

Chairman Tostenson called for a motion to approve DR2024-66a and DR2024-66b for Joe Kanthak. Motion by Buttke and seconded by Street to approve permits DR2024-66a and DR2024-66b.

Berkner said the permits are to tile 15 acres of land located within the S1/2 of Section 4 in Adams East Township within the South Branch of the Yellow Bank River Watershed. Berkner said the drainage project tile map presented by the permittee also shows adding 6-inlets to the previously permitted projects DR2023-04, DR2023-05 and DR2023-06 which have 2-outlets, 1-12” and 1-15”, and drains directly into the South Branch of the Yellow Bank River. It is Berkner’s opinion that the project conforms to questions asked in the county’s drainage ordinance.

Chairman Tostenson asked Kanthak for any additional comments. Kanthak said there was a misunderstanding about the tile project where 5 of the 6 inlets shown in

the presentation map were already approved in the original drainage permit and in place. Now they are only seeking a permit for one new inlet and some additional lateral tile.

Chairman Tostenson opened the public hearing asking three times for comments in favor or against drainage projects DR2024-66a and DR2024-66b. No one responded. Chairman Tostenson closed the public hearing and opened board discussion. During drainage board discussion Kanthak was asked for additional information concerning the new inlet and its placement. He said over the last couple of years the ditch normally draining surface water in that location has eroded away and with the additional inlet, it should alleviate that type of future erosion.

Kanthak was also asked if any of the new lateral tiles, once installed, might eliminate the need for any of the inlets installed with the earlier drainage permit. He said that might be a possibility but wouldn't know for sure until this new phase of tiling was completed. Chairman Tostenson called for the vote. Motion carried 5-0.

Berkner gave an update on permits DR2024-33 for Tim Wollschlager and DR2024-60a and DR2024-60b for Paul Nelson on a question asked from the September 24 meeting during consideration of Paul Nelson's drainage permits, DR2024-60a and DR2024-60b.

During drainage board discussion for Nelson's permits Commissioner Street asked because of their close proximities to Tim Wollschlager's drainage permit, DR2024-33, where they share a property line, would they be allowed to share Nelson's 12" outletting main tile which would eliminate the need for Wollschlager's main entirely.

States Attorney Schwandt responded to Street's question saying only under unique conditions would separate drainage permits be allowed to combine a basic element. There would have to be minimal deviations from their original approved designs to allow that change without them having to re-apply for a new drainage permit. Schwandt said that in this case they would have to use the same waterway to outlet into, at nearly the same location, and use one combined main no bigger than the largest of the two originally permitted main sizes.

At the September 24th meeting neither Wollschlager, nor his original approved tile map design, were available to review how the suggested change would relate to Nelson's permits being considered at the time. Since that time both Schwandt and

Berkner have met with Wollschlager and reviewed the adjacent drainage map designs, where their two mains, one an 8” and the other a 12”, drain separately into the same waterway approximately 150 yards apart.

Berkner said it was their recommendation to report to the drainage board the permits to outletting mains could be combined with minimal effect if the original 12” main of Nelson’s remained the same size. Chairman Tostenson directed Berkner to make the changes to Wollschlager’s and Nelson’s drainage permits.

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

**HWY:** Supt Peterson said he has four problem roads where flooding occurs regularly that he would like the county to add culverts to or increase the size of the current culvert(s). He will provide additional information at a future meeting. He also found reasonably priced CDL online training that would help with recruiting new hires if the county would permit it.

Supt Peterson asked to have a road approach permit approved to construct a new approach on the south side of CR 4 approximately 63’ west of their current approach by the new power plant substation. Motion by Stengel and seconded by Buttke to approve road approach permit RA2024-01. Motion carried 5-0.

**Travel:** None

**County Assistance:** None

**Unfinished Business:** None

**New Business:** Commissioner Assistant Layher said Milbank City Administrator Pendergrass asked the county for a letter of support for their trails grant through the state. Layher signed the letter on behalf of the county and sent it off. States Attorney Schwandt stated the county will be receiving a check for \$9,000 for the successful completion of 12 juveniles in the diversion program. Auditor Folk said the county will receive a check for \$8,709.26 from the state for the indigent defense allocation. Commissioner Mach reported on the First District and the Emergency Management meetings he attended. Reinstating the burn ban was



also discussed with EM Kevin Schuelke, who under the current resolution may enact the burn ban when needed.

**Correspondence:** None

**Claims:** Motion by Stengel and seconded by Buttke to approve the claims. Motion carried 5-0. AUSTIN, STRAIT, BENSON, THOLE, court appt atty 1,054.00; CITY OF MILBANK, water & sewer 625.78; DELORIS RUFER, lib rent 100.00; ELECTION SYSTEMS & SOFTWARE, prof services 56.40; FREMAREK, supplies 875.44; GRAJCZYK LAW OFFICE, court appt atty 3,550.00; GRANT CO EC & DEV BOARD, allocation 9,000.00; GREEN ROBY OVIATT, court appt atty 1,613.60; HELSPER, MCCARTY & RASMUSSEN, court appt atty 907.35; LARRY'S REFRIGERATION, repair & maint 2,627.88; MARLIN SNELL, prof services 551.00; MCLEOD'S PRINTING, supplies 1,629.99; MIDAMERICA BOOKS, books 83.85; MIDCO, lib rent 108.92; QUALITY INN, motel 1,206.00; MUNDWILER FUNERAL HOME, prof services 3,500.00; NORTHWESTERN ENERGY, natural gas 10.00; RC TECHNOLOGIES, 911 transport & tower rent 95.96; SANDRA FONDER, prof services 60.00; TRAPP PLUMBING, repair & maint 292.74; TROY HOYLES, prof services 650.00; WEST CENTRAL COMMUNICATION, repair & maint 1,947.02; XEROX, copier rent 426.45; TOTAL: \$30,972.38.

Payroll for the following departments and offices for the September 27, 2024, payroll are as follows: COMMISSIONERS 8,899.60; AUDITOR 7,981.83; ELECTION 1,171.05; TREASURER 6,227.75; STATES ATTORNEY 7,571.14; CUSTODIANS 3,588.34; DIR. OF EQUALIZATION 4,691.20; REG. OF DEEDS 5,191.53; VET. SERV. OFFICER 1,398.62; SHERIFF 17,909.96; COMMUNICATION CTR 8,544.34; PUBLIC HEALTH NURSE 1,382.40; ICAP 30.50; VISITING NEIGHBOR 1,937.31; LIBRARY 10,109.89; 4-H 3,334.94; WEED CONTROL 3,231.91; P&Z 3,704.00; DRAINAGE 1,084.80; ROAD & BRIDGE 29,976.34; EMERGENCY MANAGEMENT 2,605.62. TOTAL: \$130,573.07.

Payroll Claims: FIRST BANK & TRUST, Fed WH 9,172.18; FIRST BANK & TRUST, FICA WH & Match 15,723.22; FIRST BANK & TRUST, Medicare WH & Match 3,677.26; ACCOUNTS MANAGEMENT, deduction 52.17; BREIT & BOOMSMA 27.69; AMERICAN FAMILY LIFE, AFLAC ins. 1,720.32; RELIANCE STANDARD LIFE DENTAL, ins. 402.10; RELIANCE STANDARD LIFE VISION, ins. 360.78; WELLMARK-BLUE CROSS OF SD, Employee and Commission health ins. 49,543.36; COLONIAL LIFE, ins. 27.07; RELIANCE

STANDARD BASE, life ins. 360.10; RELIANCE STANDARD SUPPLEMENTAL, life ins. 159.50 MASA, air ambulance 311.00 LEGAL SHIELD, deduction 38.85; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 2,093.00; SDRS SUPPLEMENTAL, deduction 1,358.33; SDRS, retire 14,141.67. TOTAL: \$99,168.60.

**Executive Session:** None

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

1. Approve FY 2025 WIC contract in the amount of \$14,044 with the SD Dept of Health
2. Approve signing grant award letter with SD Dept of Public Safety for funding in the amount of \$6,000 for updating the Hazmat Response Plan with a local match of \$1,500
3. Approve hiring of Melissa Mueller as 4-H Advisor effective 9-26-2024 at \$26.05 per hour
4. Declare surplus a P1225 portable handheld radio, fixed asset 17001

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 October 15, 2024, in the basement meeting room. Starting with the November meetings the Commission will meet at the 4-H Complex, November 7 (Thursday) and 19, 2024. All meetings will begin at 8 AM. 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