

October 15, 2024

The Grant County Commission met at 8 AM with Commissioners Buttke, Stengel, Street, Mach and Tostenson present. Chairman Tostenson called the meeting to order. Motion by Mach and seconded by Buttke to approve the September 24th, 27th, and October 1st, 2024, minutes. Motion carried 5-0. Minutes filed. Auditor Folk asked to add the approval of the revised adopted 2025 budget to the agenda. Motion by Stengel and seconded by Buttke to approve the agenda with the noted addition. Motion carried 5-0.

Present from the public were Ron Meister, Matthew Green and Jerry Zubke. Staff members present were Commissioner Assistant Layher, Drainage Officer Berkner, Hwy Supt Peterson and States Attorney Schwandt.

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

The Auditor's Account with the Treasurer for September 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 September 2024.

Cash on Hand	\$4,146.34
Checks in Treasurer's possession	
less than 3 days	\$44,883.71
Cash Items	\$0.00
<b>TOTAL CASH ASSETS ON HAND</b>	<b>\$49,030.05</b>

**RECONCILED CHECKING**

First Bank & Trust	\$43,519.79
Interest	\$0.00
Credit Card Transactions	\$3,379.96
First Bank & Trust (Svgs)	\$10,470,625.00

**CERTIFICATES OF DEPOSIT**

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

**TOTAL CASH ASSETS** **\$10,566,554.80**

**GENERAL LEDGER CASH BALANCES:**

General	\$4,081,208.75
General restricted cash	\$3,093,000.00
Cash Accounts for Offices General Fund	\$656.00
Sp. Revenue	\$1,270,681.82
Sp. Revenue restricted cash	\$0.00
Ambulance District	\$6,682.35
Henze Road District	\$0.00
TIF Milbank	\$0.00
TIF Rosewood Mil-3	\$0.00
TIF Koch	\$0.00
Special Assessment Land Rent	\$0.00
Trust & Agency (schools 689,630.78, twps 108,101.73 city/towns 55,757.93)	\$2,082,225.88
ACH Correction	\$0.00

**TOTAL GENERAL LEDGER CASH** **\$10,534,454.80**

Dated this 9th day of October, 2024

Kathy Folk

County Auditor

The Register of Deeds fees for the month of September were \$7,251.25. The Clerk of Courts fees for the month of September were \$9,271.12. Statistics for the months of August and September for the Sheriff's Office were presented by report. August: Average Daily inmate population 6.83; Number of bookings 19; Work release money collected \$600.00; 24/7 Preliminary Breath Test (PBT) fees collected \$187.00; SCRAM (alcohol detecting bracelet) fees collected \$512.00; 24/7 PBT participants 2; SCRAM (Sobriety Program) participants 4; UA participants 4; Calls for Service (does not include walk-in traffic) 266; Accidents investigated 1; Civil papers served 70; Cumulative miles traveled 14,481; 911 calls responded to (including Milbank) 94. September: Average Daily inmate population 5.2; Number of bookings 19; Work release money collected \$300.00; 24/7 Preliminary Breath Test (PBT) fees collected \$174.00; SCRAM (alcohol detecting bracelet) fees collected \$1,172.00; 24/7 PBT participants 3; SCRAM (Sobriety Program) participants 4; UA participants 4; Calls for Service (does not include walk-in traffic) 256; Accidents investigated 3; Civil papers served 36; Cumulative miles traveled 14,027; 911 calls responded to (including Milbank) 99.

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

Permits DR2024-67a and DR2024-67b for Ron Meister for land located within the S1/2 of Section 30 in Alban East Township.

Chairman Tostenson called for a motion to approve permits DR2024-67a and DR2024-67b for Ron Meister. Motion by Mach and seconded by Buttke to approve permits DR2024-67a and DR2024-67b.

Drainage Officer Berkner stated the drainage project is for tiling approximately 5 acres of land located within the S1/2 of Section 30 in Alban East Township within the North Branch of the Yellow Bank River Watershed. Meister is seeking to add additional lateral tiles in two different areas to previously permitted drainage permits DR2013-39 and DR2018-29. The maximum amount of flow from the additional tiling is estimated to be the rate of 25 gallons per minute (gpm) if installed at a .1% grade. The actual flow would be greatly limited by the existing tile design and its one outlet. It is Berkner's opinion that the drainage project conforms to questions asked in the county's drainage ordinance.

Chairman Tostenson asked Meister if he had any additional comments. Meister said he was targeting two remaining wet areas not previously tiled, and part of the project would be to do maintenance and repairs to the existing tile designs previously permitted. Tostenson opened the public hearing for DR2024-67a and DR2024-67b asking three separate times for comments in favor or against the permits. No one responded. Tostenson closed the public hearing inviting drainage board discussion.

During board discussion Commissioner Stengel commented he thought the project made sense and is just targeting areas that need additional drainage. Commissioner Street agreed. Chairman Tostenson called for the vote. Motion carried 5-0.

Permits DR2024-68a, DR2024-68b and DR2024-68c for Matthew Green for lands located within the SW1/4 of Section 30, and within the NW1/4 of Section 31, both in Kilborn Township.

Chairman Tostenson called for a motion to approve drainage permits DR2024-68a, DR2024-68b and DR2024-68c for Matthew Green. Motion by Stengel and seconded by Mach to approve permits DR2024-68a, DR2024-68b and DR2024-68c.

Berkner reported the permits are for tiling 25 acres of land located within the SW1/4 of Section 30 and the NW1/4 of Section 31, both in Kilborn Township and in the Whetstone River Watershed. The project would target drainage in two

separate locations, each with its own unique outlet. The first area included tiling 5 acres in the northern part of the NW1/4 of Section 31. The project would include an outlet with a 6” tile adjacent to a culvert under 147th Street. It would flow under the road through the culvert immediately into an inlet that connects to 20 additional acres of tile in the SW1/4 of Section 30. The tile would drain northeast into a tree lined run through an 8” outlet that has an estimated maximum flow rate of 180 gpm if installed at a .1% grade.

Berkner said the second area in the permits is for work to take place in the township road ditch of 473rd Avenue. Green will be working with Kilborn Township to remedy and repair the east side of that road ditch where severe erosion has taken place. Green will be installing 500 feet of 24” drainage tile in the deeply rutted ditch and then it would be backfilled and restored to the original surface grade. The 24-inch tile would have one inlet, and one outlet, and would work like a culvert that would collect water from the restored road ditch and would only drain water from the land area that normally drains through the ditch. The water would drain east following its normal surface drainage route, which is a grassy run.

Berkner said Green still needed two signatures from the township to authorize the work in their ditch’s right-of-way. Green said he has spoken to the township supervisors on the phone and is having trouble meeting in person to get the signatures since he lives in Chokio. Berkner stated it is his opinion that the project conforms to questions asked in the county’s drainage ordinance.

Chairman Tostenson asked Green for any additional comments. Green said the north half of the project is to aid in surface drainage, especially near 147th Street. Green also confirmed he had spoken to the township supervisors on the phone, and they have agreed to work with him on restoring the road ditch along 473rd Avenue. Tostenson opened the public hearing for DR2024-68a, DR2024-68b and DR2024-68c. Tostenson opened the public hearing and asked three times for comments in favor or against the drainage projects. No one responded. Tostenson closed the public hearing inviting drainage board discussion.

During board discussion Commissioner Stengel commented that the erosion along 473rd Avenue has always been a problem and would consider its current condition dangerous. Commissioner Street asked Green if any of the work that would be performed in the township road ditch would be paid for by the township. Green said he is paying for all of it. Motion by Stengel and seconded by Buttke to amend the motion to condition the drainage work for permits DR2024-68a, DR2024-68b

and DR2024-68c to require the permit application to be signed by the township supervisors and turned into the Drainage Officer before beginning the work within the ROW. Chairman Tostenson called for the vote. Motion carried 5-0.

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

**Hwy Dept: Skoog spillway:** Commissioners Tostenson, Mach, Hwy Supt Peterson and Bridge Forman Layher inspected the area of the spillway. Tostenson reported that Skoog would like the county to lower the east culvert 1 foot and have Mertens clean out his ditch. Tostenson stated the dam is working and the grass waterway is dry. The property has a height variance of 1 foot to 15” through the property. There is a lot of deadfall in the creek and it prohibits the water from flowing properly. The creek needs to be cleaned out of the deadfall and that is not the responsibility of the county to do on private property. Commissioner Street stated he disagrees with some of Tostenson statements. Supt Peterson advised the culverts are 1 foot lower than the top of the dam. Chairman Tostenson stated the consensus of the commission is to put this issue to rest. Tostenson suggested to have Supt Peterson and States Attorney Schwandt write a letter to Skoog stating that Skoog and Mertens need to clean out the waterway first before the county can revisit this.

**Zubke:** Jerry Zubke asked the county to lower a culvert 6” on CR 4 in Section 15 of Big Stone Township where the natural run exits his land. He remarked the water is being held back due to the culvert depth. Discussion was held and it was decided to have the commissioners and Supt Peterson and Bridge Foreman Layher look at the area later that day.

**Culvert inventory:** Supt Peterson asked if the highway department can quit supplying culverts to the townships to free up dollars and time to have all the different sizes of culverts in the county’s inventory. A local business can supply the culverts for the townships. Motion by Stengel and seconded by Mach to stop supplying culverts for the townships effective immediately. Chairman Tostenson called for the vote. Motion carried 5-0. Letters will be sent to the townships who have purchased culverts in the past.

**ROW Permit:** Motion by Stengel and seconded by Buttke to approve the ROW permit ROW2024-17 from Otter Tail Power on CR 47 in Section 17, T121, R46. Chairman Tostenson called for the vote. Motion carried 5-0.

**Travel:** None

**County Assistance:** None

**Assigned Reserves:** Motion by Street and seconded by Buttke to move \$1,375,000 from the assigned reserve funds to #302 Jail Capital Project Fund. Motion carried 5-0.

**Public Defender:** Motion by Stengel and seconded by Street to call for bids for the 2025 Public Defender contract. Motion carried 5-0.

**Construction Storage:** Discussion was held to determine where to store the maintenance equipment and products during construction of the jail. Several ideas were given, and Commissioner Assistant Layher will check into those and report back to the commission.

**Unfinished Business:** A HMN Architect associate would like to start discussing and planning remodeling the old jail. Commissioner Assistant Layher told the architect we are not ready for that yet. It was decided to put that on an August 2025 agenda.

**New Business:** Commissioner Assistant Layher reminded the commissioners of the 28<sup>th</sup> annual legislative banquet on October 21 in Webster they are invited to. Commissioner Buttke is working with several benefactors on donations for the elevator project.

**Correspondence:** The commission discussed the letter received from Hartsoch's regarding a drainage permit they were in opposition to. No action was taken. States Attorney Schwandt said the county received a \$9,000 check for the juvenile diversion program.

**Revised 2025 Adopted Budget:** Auditor Folk said due to SDCL 7-21-18 being enforced by the Department of Revenue this year on all funds that impose a levy, not just the General Fund. The county will need to revise the 2025 adopted budget and reserve 5% of the Highway Fund #201 and the Jail Debt Service Fund #402.

CHANGES FOR 2025 ADOPTED BUDGET

HIGHWAY FUND	ADOPTED	FINAL ADOPTED	CHANGE
REVENUE			
CASH APPLIED	427,758	699,155	271,397
TOTAL REVENUE CHANGES			271,397

JAIL DEBT SERVICE FUND	ADOPTED	FINAL ADOPTED	CHANGE
REVENUE			
CASH APPLIED	- 0 -	26,326	26,326
TOTAL REVENUE CHANGES			297,723
TOTAL ADOPTED VS. FINAL ADOPTED CHANGES		427,758	725,481
297,723			

Motion by Buttke and seconded by Street to adopt the revised 2025 adopted budget of having the final Hwy fund cash applied of \$699,155 and the Jail Debt Service Fund cash applied of \$26,326. Chairman Tostenson called for the vote. Motion carried 5-0.

**Claims:** Motion by Stengel and seconded by Buttke to approve the claims. Motion carried 5-0. ACCESS ELEVATOR, repair & maint 569.00; ADVANCED TECHNOLOGIES, supplies 69.98; AL'S BODY SHOP, repair & maint 890.00; AUTO-GRAPHICS, computer maint 3,092.30; AUTOVALUE, supplies 371.08; AVERA QUEEN OF PEACE, health services 138.00; BEACON CENTER, 3rd qtr domestic abuse 351.00; BERENS MARKET, inmate groceries 1,455.38; BITUMINOUS PAVING, asphalt patching & paving 1,031,358.72; BORNS GROUP, mailing expense 2,208.78; BUTLER, parts 82.96; CENTER POINT, books 562.47; CHRISTIAN REIMCHE, weed chemicals 6,480.00; CHS, ethanol 1,171.30; CITY OF MILBANK, water & sewer 501.06; CODY KELLY, prof services 375.00; COLEPAPERS, supplies 428.92; COTEAU DES PRAIRIE HOSPITAL, health services 558.00; CRAIG DEBOER, car wash card 196.20; ELECTION SYSTEMS & SOFTWARE, supplies 1,897.72; FIRST BANK & TRUST, supplies 36.15; FIRST BANK & TRUST/VISA, postage, gas, supplies 2,301.96; FIRST DISTRICT, prof services 605.00; FISHER SAND & GRAVEL, rip-rap 17,472.65; FLAT RATE, gravel 8,514.45; FOELL PC, health services 80.00; G & R CONTROLS, repair & maint 1,144.20; FOOD-N-FUEL, inmate meals 1,830.00; GRAJCZYK LAW OFFICE, prof services 300.00; GRANT COUNTY REVIEW, publishing 1,455.12; GRANT-ROBERTS RURAL WATER, water usage 40.10; GUARDIAN FLEET SAFETY, auto equip 12,914.07; HMN ARCHITECTS, prof services 47,228.61; HUMAN SERVICE AGENCY, appropriation 8,584.18; IMEG CONSULTANTS, prof services 1,800.00; INGRAM, books 677.49; ITC, phone & internet 2,193.37; JASON SACKREITER, garbage service 498.00; LEWIS FAMILY DRUG, inmate rx & supplies 77.31; MICROFILM IMAGING SYSTEMS, scanner rent 787.00; MILBANK AREA HOSPITAL AVERA, blabs 1,307.00; MILBANK AUTO PARTS, supplies 2,218.81; NORTHERN TRUCK EQUIPMENT, parts 156.00; NORTHWESTERN ENERGY, natural gas 24.87; NOVAK SANITARY SERVICE, shredding services

65.79; OTTER TAIL POWER, electricity 2,678.33; PB ELECTRONICS, repair & maint 1,230.64; QUICK PRO LUBE, repair & maint 729.88; RC TECHNOLOGIES, 911 transport & tower rent 95.96; REGENCY MIDWEST VENTURES, motel 507.96; RELIANCE TELEPHONE, supplies 500.00; RIVER STREET PETROLEUM, diesel 16,290.40; ROBERTS CO SHERIFF, inmate housing 3,701.09; ROGGE EXCAVATING, gravel 147,000.00; RUNNINGS, supplies 297.24; SANDRA FONDER, prof services 100.20; SCANTRON, prof services 5,281.54; MATT SCOTT, supplies 117.74; SD ASSN CO COMMISSIONERS, clerp 695.00; SD DEPT OF HEALTH, health services 650.00; ST WILLIAMS CARE CENTER, inmate laundry 509.00; STAR LAUNDRY, rentals 176.50; SUPERIOR CAPITAL HOLDINGS, repair & maint 779.50; US HOTEL ACS VENTURES, motel 352.68; VALLEY OFFICE PRODUCTS, supplies 2,010.56; VALLEY SHOPPER, publishing 28.83; VERIZON, hotspot 77.04; VOGEL PAINT, supplies 343.68; WHETSTONE HOME CENTER, supplies 2.49; WHETSTONE VALLEY ELECTRIC, electricity 1,058.25; XEROX, copier rent 859.08. TOTAL: \$1,351,143.59.

SEPTEMBER 2024 MONTHLY FEES: SD DEPT OF HEALTH, SDACO, ROD modernization fee 194.00; SD DEPT OF REVENUE, monthly fees 199,300.78. TOTAL: \$199,494.78.

Payroll for the following departments and offices for October 11, 2024, payroll are as follows: COMMISSIONERS 7,861.04; AUDITOR 9,479.46; ELECTION 1,592.85; TREASURER 5,833.64; STATES ATTORNEY 7,410.34; CUSTODIANS 3,257.00; DIR. OF EQUALIZATION 5,307.01; REG. OF DEEDS 4,513.64; VET. SERV. OFFICER 1,236.00; SHERIFF 16,871.83; COMMUNICATION CTR 10,660.90; PUBLIC HEALTH NURSE 1,228.80; VISITING NEIGHBOR 1,829.85; LIBRARY 8,880.57; 4-H 2,793.32; WEED CONTROL 2,644.35; P&Z 915.30; DRAINAGE 971.80; ROAD & BRIDGE 29,344.79; EMERGENCY MANAGEMENT 2,340.00. TOTAL: \$124,972.49.

Payroll Claims: FIRST BANK & TRUST, Fed WH 8,550.89; FIRST BANK & TRUST, FICA WH & Match 15,078.84; FIRST BANK & TRUST, Medicare WH & Match 3,526.52; ACCOUNTS MANAGEMENT, deduction 52.17; BREIT & BOOMSMA, 27.69; AMERICAN FAMILY LIFE, AFLAC ins. 1,667.40; RELIANCE STANDARD LIFE DENTAL, ins. 391.89; RELIANCE STANDARD SUPPLEMENT LIFE, ins. 162.00; WELLMARK-BLUE CROSS OF SD, Employee health ins. 1,881.18; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 585.00; SDRS SUPPLEMENTAL, deduction 1,458.33; SDRS, retire 14,076.23. TOTAL: \$47,458.14.



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

1. Approve hiring Kevin Huber for highway department at \$22.15 per hour effective 9-9-24.
2. Approve hiring David Athey for highway department at \$23.25 per hour effective 9-23-24.
3. Approve lease agreement with SD Dept of Ag for office space in the courthouse.
4. Declare kitchen cabinets surplus to be discarded as part of the basement remodel project
5. Approve step increase for Cheryl Schweer (library) to step 1 at \$19.60 per hour effective 10-1-24.

**Executive Session:** Motion by Mach and seconded by Buttke to enter executive session at 10:29 AM for the purpose of a personnel issue(s) pursuant to SDCL 1-25-2 (1) and litigation issue per SDCL 1-25-2(3). Motion carried 5-0.

Commissioner Assistant Layher, States Attorney Schwandt, Drainage Officer Berkner and Auditor Folk were present. Chairman Tostenson declared the meeting open to the public at 12:09 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 November 7 (Thursday) and 19, and December 3, 17, and 31, 2024 at 8 AM at the 4-H Complex. Motion by Stengel and seconded by Mach 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