The Grant County Commission met at 8 AM with Commissioners Buttke, Mach, Stengel, Street and Tostenson present. Chairman Tostenson called the meeting to order. Motion by Buttke and seconded by Street to approve the April 2nd and 9th, 2024 minutes. Motion carried 5-0. Minutes filed. Commissioner Assistant Layher stated the Consent Agenda item #2 should be removed from the agenda. Motion by Mach and seconded by Buttke to approve the agenda with the correction stated. Motion carried 5-0.

Present from the public were Ben Wollschlager, Dave Wollschlager, Brent Buttke, Larry Wildung, Terry Meister, Steve Spiering, Doug Wollschlager, Jason Street, Calvin Pies, Ben Rethke, and Steve Pendergrass. Staff members present were Commissioner Assistant Layher, Drainage Officer Berkner, Hwy Supt Peterson, EM Director Schuelke, DOE Steinlicht and States Attorney Schwandt.

<u>Public Comment:</u> Chairman Tostenson called for public comment. Calvin Pies with the Summit Fire Department stated they are interested in the county's old EM Suburban to use for their medical calls. Commissioner Assistant Layher stated the surplus property procedure has been started. The Commission has the right to reject any kind and all bids and remove an item from a sale. Fire Chief Pies asked the Commission to consider transferring the vehicle to the Summit Fire Department. Chairman Tostenson advised Pies to submit a letter of request for the vehicle to Layher.

Chairman Tostenson again called for public comment. Larry Wildung asked what the status is of tiling the Kaufman Slough. Wildung stated the north drainage tile collapsed and the water runs onto his land. After discussion, Chairman Tostenson stated the Commission will ask Hwy Supt Peterson to look at it and will put it on the agenda of the May 7th meeting.

Chairman Tostenson called three more times for public comment. No one responded.

The Auditor's Account with the Treasurer for March 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 March, 2024.

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The Register of Deeds fees for the month of March were \$7,722.25. The Clerk of Courts fees for the month of March were \$3,792.20. The Sheriff fees for the month of March were \$6,601.90 with \$4,401.90 received into the General Fund. Statistics for the month of February 2024 for the Sheriff's Office were presented by report. Average Daily inmate population 6.20; Number of bookings 15; Work release

money collected \$380.00; 24/7 Preliminary Breath Test (PBT) fees collected \$87.00; SCRAM (alcohol detecting bracelet) fees collected \$348.00; 24/7 PBT participants 2; SCRAM (Sobriety Program) participants 4; UA participants 10; Calls for Service (does not include walk-in traffic) 246; Accidents investigated 2; Civil papers served 86; Cumulative miles traveled 12,014; 911 calls responded to (including Milbank) 72.

<u>Drainage:</u> Chairman Tostenson adjourned the Board of Commissioners and convened the Commission acting as the Drainage Board.

Permit DR2024-08 for Dave Wollschlager for property located within: W1/2W1/2 of Section 10 in Madison Township.

Chairman Tostenson called for a motion to approve DR2024-08 for Dave Wollschlager. Motion was made by Stengel and seconded by Buttke to approve DR2024-08.

Drainage Officer Berkner reported permit DR2024-08 is for tiling approximately 140 acres of land within the W1/2W1/2 of Section 10 in Madison Township within the Yellow Bank River Watershed. The drainage project would have two outlets, 1-12" and 1-8", their combined maximum flow could be as much as 735 GPM or 1.66 cf/s, if installed at .1% grade.

Berkner added DR2024-08 would work in conjunction with drainage mains permitted late last year in DR2023-78, located directly adjacent in the E1/2W1/2 of Section 10. At that time, it was presented that in the near future a related tiling permit application would be presented that would share mains. It is Berkner's opinion the project is supported by questions asked in Section 101, 313 and 317 of the county's drainage ordinance.

Chairman Tostenson opened the public hearing for DR2024-08 asking Dave Wollschlager if he had anything to add. He said a few adjustments had been made by the tiling contractor to better position the main drainage tiles. The footprint land area would not change. Dave said he would be available for comments if needed.

Chairman Tostenson asked three separate times for comments in favor or against the drainage permit. No one responded. Tostenson closed the public hearing inviting discussion between the board.

Commissioner Street asked if any more neighbors might be able to join the two combined tile projects, especially neighbors to the south. Dave Wollschlager

thought those mains would not have much capacity available to add anymore acreage. After a brief discussion Chairman Tostenson called for the vote to approve drainage permit DR2024-08. Motion carried 5-0.

Permit DR2024-09 for Dave Wollschlager located in the S1/2NE1/4 of Section 28 in Vernon East Township.

Chairman Tostenson called for a motion to approve drainage permit DR2024-09 for Dave Wollschlager. Motion by Stengel and seconded by Buttke to approve permit DR2024-09.

Berkner stated permit DR2024-09 is for approximately 50 acres of land located in the S1/2NE1/4 of Section 28 in Vernon East Township within the South Fork of the Yellow Bank River Watershed. The permit, if granted, would have two inlets and two outlets, 1-12" and 1-6", which could have a maximum flow rate of 640 gpm, or 1.66 cf/s, if installed at .1% grade. It is Berkner's opinion that the drainage project is supported by questions asked in Section 101, 313 and 317 of the county's drainage ordinance.

Chairman Tostenson asked Dave Wollschlager for any additional comments. He said his neighbor to the south who was receiving water directly from one of the outlets, Curt Wildung, said he was interested in applying for a future drainage permit to tie into the 12" main. Berkner concurred with Wollschlager's comment saying Wildung had already indicated he wanted to be on the next available Drainage Board agenda to consider that request.

Chairman Tostenson opened the public hearing for DR2024-09 asking three times for comments in favor or against the drainage permit. No one responded.

Chairman Tostenson called for board discussion. The main topic centered around the concern that during heavy run-off events, silt and fertilizer could enter the two inlets. Wollschlager responded that it was not expected to be a problem since the outlets were in naturally occurring grass drainage ditches. With no more discussion Tostenson called for the vote to approve drainage permit DR2024-09. Motion carried 5-0.

Permit DR2024-10 for Brent Buttke located in the SW1/4 of Section 5 in Melrose Township.

Chairman Tostenson called for a motion to approve permit DR2024-10 for Brent Buttke. Motion by Stengel and seconded by Mach to approve drainage permit DR2024-10.

Berkner reported drainage permit DR2024-10 is for tiling approximately 55 acres of land within the SW1/4 of Section 5 in Melrose Township within the Whetstone River Watershed. The drainage project would have 1-10" outlet, its maximum flow could be as much as 340 gpm or .76 cf/s, if installed at .1% grade. It is Berkner's opinion that the project is supported by questions asked in Section 101, 313 and 317 of the county's drainage ordinance.

Chairman Tostenson asked Brent Buttke if he had any additional comments. Brent said the permit was only tiling areas that had trouble draining and he would be available for any questions if needed.

Chairman Tostenson opened the public hearing for DR2024-10 and asked three times for any comments in favor or against the drainage permit. No one responded. Chairman Tostenson closed the public hearing and invited drainage board discussion.

Commissioner Stengel commented he liked the simplicity of the project and stated the limited tiling being planned would provide a significant benefit to the land. Buttke was asked if there would be any benefit to the farmstead directly abutting his land seeking tiling to the west. He said they would also see improved drainage if the tiling project was permitted.

With no more discussion Chairman Tostenson called for the vote for permit DR2024-10. Motion carried 5-0.

Permit DR2024-11 for Jason Street located in the SW1/4 of Section 7 in Adams East Township.

Chairman Tostenson called for the motion to approve permit DR2024-11 for Jason Street. Motion by Commissioner Street and seconded by Buttke to approve permit DR2024-11.

Berkner said the drainage project was for tiling approximately 140 acres of land within the SW1/4 of Section 7 in Adams East Township within the South Fork of the Yellow Bank River Watershed. The project would have 4 open inlets and 2 outlets, 1-10" and 1-12", their combined maximum flow could be as much as 890 gpm or 2 cf/s, if installed at .1% grade. They would empty into an established

waterway. It is Berkner's opinion that the project is supported by questions asked in Section 101, 313 and 317 of the county's drainage ordinance.

Chairman Tostenson asked Jason Street if he had any additional comments. Jason Street added that parts of the drainage project would be replacing older tile structures that have fallen into disrepair. He thought it was better to start over with a completely new tile design instead of repairing some of the old and adding some new.

Chairman Tostenson opened the public hearing for permit DR2024-11 asking three times for comments in favor or against the drainage permit. No one responded. Chairman Tostenson closed the public hearing inviting discussion between the board.

Board discussion topics included concerns of the number of open inlets and that sediment and other pollutants could be introduced into the downstream waterways. Jason Street responded that the inlets were all located around the edge of low spots that hold water for a long time after heavy rains. Jason also said three of the inlets would be located on the edges of an 11-acre circle, not the center or lowest point of that area, where standing water would be deepest. The water would be drained away with buried seepage tile and not flow directly into the drainage main.

With no more discussion Chairman Tostenson called for the vote to approve drainage permit DR2024-11. Motion carried 5-0.

Permit DR2024-12 for Jason Street located in the NE1/4 of Section 17 in Adams East Township.

Chairman Tostenson called for a motion to approve drainage permit DR2024-12 for Jason Street. Motion by Buttke and seconded by Commissioner Street to approve permit DR2024-12.

Berkner said permit DR2024-12 is for tiling approximately 25 acres of land within the NE1/4 of Section 17 in Adams East Township within the South Fork of the Yellow Bank River Watershed. The drainage project would have 1-inlet and 2-6" outlets where the combined maximum flow could be as much as 180 gpm or .4 cf/s, if installed at .1% grade, and empty into a grassy drainage ditch. It is Berkner's opinion that the project is supported by questions asked in Section 101, 313 and 317 of the county's drainage ordinance.

Chairman Tostenson asked Jason Street if he would like to add anything. Jason said that along with reducing erosion over time the tile project would greatly reduce alkali in the soil.

Chairman Tostenson opened the public hearing for permit DR2024-12 asking three times for comments in favor or against the drainage permit. No one responded. Chairman Tostenson closed the public hearing inviting discussion between the board.

During the Drainage Board discussion Jason Street was asked about the need for the open inlet. Jason said it would be positioned to only be needed when extremely heavy rain events occurred. With no more discussion, Chairman Tostenson called for the vote to approve permit DR2024-12. Motion carried 5-0.

Permit DR2024-03 for Ben Wollschlager located in the N1/2SE1/4 of Section 25 in Vernon West Township.

Motion by Street and seconded by Buttke to take from the table Drainage Permit DR2024-03. Chairman Tostenson called for the vote. Motion carried 5-0. Chairman Tostenson asked Berkner to present his report again for DR2024-03.

Berkner began his report saying permit DR2024-03 was an amended drainage permit to DR2023-53, which was approved last year along with seven other related permits; DR2023-51, DR2023-52, DR2023-54, DR2023-55, DR2023-56, DR2023-57, and DR2023-58, that shared common design elements. According to Berkner permit DR2024-03 is for tiling land in the N1/2 of the SE1/4 of Section 25 in Alban West Township, all within the South Fork of the Yellow Bank River Watershed.

Berkner stated the amended drainage permit DR2024-03, if granted, would still tile the same 35-acre footprint, with one open inlet, but would change the direction of the outletting water to flow entirely east into an open vested drainage ditch, replacing the original design of DR2023-53 that permitted drained water to flow north through two separate 6" outletting mains and south through a shared main.

Berkner said the 1-8" outlet of DR2024-03 would have a maximum flow rate of 185 gpm, or .41 cf/s, if it ran full and was installed at .1% grade. He added the required downstream landowners had all received letters, and a public notice ran twice in the paper.

Berkner concluded his report saying it is his opinion that the project is supported by questions asked in Section 101, 313 and 317 of the county's drainage ordinance. He has received multiple inquiries from downstream landowners directly to the east who had concerns about the additional quantity of water being drained through one main outlet, instead of the three outletting mains – 2 that flowed north, and 1 south, already permitted in DR2023-53.

Chairman Tostenson asked permittee Ben Wollschlager if he had any additional comments. Ben said he thought the new design was simpler as it uses an already existing vested waterway that flows through his property being drained instead of relying on a shared main that in his opinion has a flawed design. Ben did not realize when the original permits were applied for, that during heavy run-off events, water could potentially flow the wrong way causing his field to flood.

Chairman Tostenson opened the public hearing and asked three times for any comments in favor or against permit DR2024-03. Doug Wollschlager, who was a party of the original eight drainage permits that shared a common design, spoke in opposition to granting the amended drainage permit saying he was concerned that if it were granted, it would have an effect on the original tile map design of all participating landowners and if the amendment was allowed it would also have an adverse effect on the land immediately receiving the water to the east compared to the already approved design that drained both north and south.

Hearing no more public comments Chairman Tostenson closed the public hearing and invited discussion. State's Attorney Schwandt was asked to review language found in the County's Drainage Ordinance. Schwandt spoke primarily about Section 101: "(101.3) The drainage creates no unreasonable hardship or injury to the owner of the land receiving the drainage;" and "(101.5) The owner of the land being drained does not substantially alter on a permanent basis the course of flow, the amount of flow, or the time of flow from that which would occur;". Schwandt emphasized to the Drainage Board according to South Dakota State Law, and South Dakota Case Law, a landowner has a right to drain their land if it did not cause "unreasonable hardship" to downstream land where it could be expected that occasionally there could be a smaller, measured, short-term impact, it just couldn't cause a long-term hardship.

Downstream landowner Steve Spiering was recognized to speak. He drew attention to the definition of "unreasonable hardship" of the County's Drainage Ordinance. It was Spiering's opinion that DR2024-03 would likely cause immediate downstream landowners in the path of the vested drainage ditch to at least bear the

additional cost of electricity that would be needed to run their drainage pumps already installed with prior drainage permitting.

Drainage Board discussion was led by Commissioner Street that when considering any drainage permit, he believes, when possible, it should always be the Drainage Board's priority to approve simple designs that drain water as efficiently as possible to the nearest creek, or established waterway, where that drained water would cause the least amount of hardship if any. Commissioner Street concluded that in his opinion, the original design of DR2023-53 was that type of design.

With no more discussion, Chairman Tostenson called for a roll call vote to approve drainage permit DR2024-03. Buttke: Nay, Street: Nay, Mach: Nay, Stengel: Nay. Motion failed 0-4.

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

<u>HWY: Office Administrator:</u> Supt Peterson stated his current office administrator's last day of work is Thursday, April 18th. Paul Tostenson, a Hwy truck driver has been training for the office position. Supt Peterson would like to transfer P. Tostenson to the office position at his current payrate of truck driver and when needed he will drive truck. Chairman Tostenson relinquished the Chair to Vice Chairman Stengel. Motion by Mach and seconded by Buttke to approve the transfer of truck driver Paul Tostenson to the office administrator position at his current rate of pay and he will be available to drive truck when necessary. Chairman Stengel called for the vote. Motion carried 4-0. Chairman Stengel relinquished the Chair back to Commissioner Tostenson.

<u>**DOE:**</u> Kathy Steinlicht reported the total property exemption amount for 2024 from Commercial Discretionary, Commercial Residential Discretionary, Renewable Energy Credit, Disabled Veteran Exemption, Buffer Strip Reduction and Elderly & Disabled Assessment Freeze is \$25,790,649. Steinlicht gave the Commissioners three different appraiser's quotes for appraising the grain elevators in the county.

Travel: None

County Assistance: None

<u>Cash Transfer:</u> Motion by Mach and seconded by Street to approve the cash transfer as per the 2024 budget. Motion carried 5-0.

FROM TO AMOUNT 101 General 766 Law Library Fund 4,100

<u>Storm Shelter:</u> Commissioner Assistant Layher stated the toilets have been removed and plugged, the water heater drained, and all plumbing is turned off in the storm shelter. It still needs to be sanitized.

Executive Session: None

Unfinished Business: None

New Business: Commissioner Assistant Layher stated she received an email from the Governor's Office of Economic Development that a dairy expansion project has been completed. The dairy reassigned their grant reimbursement of \$743,000 to Grant County. There are no restrictions within the grant agreement for the county on how the funds are to be spent. Layher suggested once the money is received the Commission should move it to an assigned fund for county building projects.

Commissioner Stengel attended a Codington County board meeting, and they discussed possibly adding 15 battery storage units at a substation four miles south of South Shore. Each of them will store up to 120 megs of electricity from the windmills. They look like export containers. Residents in the area are concerned about possible hazards of the battery units.

<u>Correspondence:</u> Commissioner Assistant Layher stated the county employees and Commissioners are invited to a presentation and tour of the new Valley Queen employee facility and offices on April 23. Layher mentioned it is at the same time as the jail project meeting in Big Stone City. Layher also stated a new lighted sign will be installed at the 4-H grounds.

Commissioner Buttke left the meeting at 10:30 AM.

<u>Claims:</u> Motion by Street and seconded by Stengel to approve the claims with the addition of SD Public Assurance Alliance for the 2024 Property and Liability insurance for \$133,259.11 and motor grader insurance for \$1,113.96 and SD Public Safety \$10.00 for an ID card. Motion carried 4-0. 15 HOTEL GROUP, motel 534.00; A-OX WELDING, supplies 242.99; ADVANCED TECHNOLOGIES, supplies & repairs 241.86; MNB CLEANING, prof services 700.00; AVERA

QUEEN OF PEACE, health services 87.00; BANNER, hwy projects 7,558.80; BEACON CENTER, 1st qtr domestic abuse 328.50; BERENS MARKET, inmate groceries 467.25; BORNS GROUP, mailing expense 873.88; CERTIFIED LANGUAGES INTERN, prof services 26.40; CITY OF MILBANK, water & sewer 590.96; CRAIG DEBOER, car wash card 180.15; DEADWOOD RESORTS, motel 315.00; DENISON'S PUBLISHING, publishing 105.00; DUANE TILLMAN, prof services 1,690.00; FIRST BANK & TRUST/VISA, supplies, minor equip, motel 1,352.26; FIRST DISTRICT, prof services 1,150.96; GALLS, supplies 536.94; FOOD-N-FUEL, inmate meals 540.00; GRANT COUNTY REVIEW, publishing 1,407.90; GRANT-ROBERTS RURAL WATER, water usage 44.90; HUMAN SERVICE AGENCY, 2nd qtr appropriations 8,584.18; INGRAM, books 1,291.62; INTER-LAKES COMM ACTION, service worker 2,628.00; ITC, phone & internet 2,188.57; INTOXIMETERS, supplies 400.00; JASON SACKREITER, garbage service 315.00; LEWIS FAMILY DRUG, supplies 524.58; MACK LAND SURVEYING, prof services 750.00; MICROFILM IMAGING SYSTEMS, scanner rent 787.00; MILBANK AREA HOSPITAL AVERA, blabs 2,919.00; MILBANK AUTO PARTS, supplies & parts 938.70; MUNDWILER FUNERAL HOME, prof services 7,443.50; NEW TOWNSHIP HALL, rental 40.00; NEWMAN SIGNS, supplies 2,394.63; NORTHWESTERN ENERGY, natural gas 626.82; NOVAK SANITARY SERVICE, shredding services 99.85; OTTER TAIL POWER, electricity 2,777.84; OVERDRIVE, prof services 1,500.00; QUICK PRO LUBE, repair & maint 81.99; R.D. OFFUTT, parts 890.09; RC TECHNOLOGIES, 911 transport & tower rent 95.96; RIVER STREET PETROLEUM, ethanol & diesel 6,690.90; ROBERTS CO SHERIFF, inmate housing 215.00; RUNNINGS, supplies 206.94; RYAN MAGEDANZ, repair & maint 717.00; SCANTRON, prof services 6,081.72; SD BUREAU OF ADMIN, prof services 120.75; SD DEPT OF HEALTH, blabs 2,785.00; SD DEPT OF LEGIS AUDIT, prof services 15,797.50; SD DEPT OF PUBLIC SAFETY, supplies 10.00; SD DEPT TRANSPORTATION, contracted proj 3,920.82; SD PUB ASSURANCE ALLIANCE, insurance 134,373.07; SDAAO, registration 235.00; ST WILLIAMS CARE CENTER, inmate laundry 227.00; STAR LAUNDRY, rentals 105.53; TRAPP PLUMBING, repair & maint 582.93; TROY HOYLES, prof services 300.00; TWIN VALLEY TIRE, tires & repairs 1,492.23; U.S. POSTAL SERVICE, mailing expense 84.00; VALLEY OFFICE PRODUCTS, supplies 2,867.51; VALLEY SHOPPER, publishing 28.83; VERIZON, hotspot 38.52; WATERTOWN MOTOR, parts 17.00; WHETSTONE HOME CENTER, supplies 112.08; WHETSTONE VALLEY ELECTRIC, electricity 927.18; XEROX, copier rent 793.24. TOTAL: \$234,981.83.

MARCH 2024 MONTHLY FEES: SDACO, ROD modernization fee 236.00; SD DEPT OF REVENUE, monthly fees 176,769.89. TOTAL: \$177,00.89.

Payroll for the following departments and offices for the April 12, 2024, payroll are as follows: COMMISSIONERS 7,861.04; AUDITOR 11,999.42; ELECTION 666.00; TREASURER 6,177.24; STATES ATTORNEY 7,571.14; CUSTODIANS 3,761.85; DIR. OF EQUALIZATION 4,659.20; REG. OF DEEDS 4,975.08; VET. SERV. OFFICER 1,359.60; SHERIFF 16,340.89; COMMUNICATION CTR 9,398.40; PUBLIC HEALTH NURSE 1,368.00; ICAP 30.50; VISITING NEIGHBOR 1,975.25; LIBRARY 8,183.58; 4-H 4,204.54; WEED CONTROL 2,370.20; P&Z 3,348.80; DRAINAGE 689.30; ROAD & BRIDGE 33,249.31; EMERGENCY MANAGEMENT 2,632.50. TOTAL: \$132,821.84.

Payroll Claims: FIRST BANK & TRUST, Fed WH 9,881.42; FIRST BANK & TRUST, FICA WH & Match 15,909.56; FIRST BANK & TRUST, Medicare WH & Match 3,720.86; ACCOUNTS MANAGEMENT, deduction 80.76; AMERICAN FAMILY LIFE, AFLAC ins. 1,504.08; ARGUS DENTAL, ins. 582.87; WELLMARK-BLUE CROSS OF SD, Employee health ins. 2,895.60; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 210.00; SDRS SUPPLEMENTAL, deduction 1,358.33; SDRS, retire 14,759.26. TOTAL: \$50,902.74.

<u>Consent Agenda:</u> Motion by Street and seconded by Stengel to approve the consent agenda. Motion carried 4-0.

- 1. Approve Ann Grabow as a volunteer at the Big Stone City Branch Library effective 4-16-24
- 2. Removed
- 3. Declare surplus and to be discarded a humidifier, fixed asset number 00191
- 4. Approve consultant contract with SD Dept of Health for a POD manager to receive \$3,000.00
- 5. Approve contract with SD DOT for the 2024 Pocket Gopher Baiting with the county to receive \$8,750.00
- 6. Approve contract with SD DOT for the 2024 Noxious Weed Control with the county to receive \$33,730.00

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 7 and 21, and June 6 and 18, 2024 at 8 AM in the basement meeting room. Motion by Stengel and seconded by Street to adjourn the meeting. Motion carried 4-0. Meeting adjourned.	
Kathy Folk, Grant County Auditor	William Tostenson, Chairman, Grant County Commissioners