

April 6, 2021

The Grant County Commission met at 8 AM with Commissioners Buttke, Mach, Stengel, Street and Tostenson present. Chairman Tostenson called the meeting to order with a quorum present and asked for a motion to approve the minutes. Motion by Mach and seconded by Buttke to approve the minutes of the March 16, 2021 meeting. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0. Minutes filed. Motion by Mach and seconded by Stengel to approve the agenda as presented with the addition of a county quit claim deed. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0.

Members of the public present were Jim DeVaal, Francis Brandenburger, Steve Nelson, Chuck Liebe, Kent Sime, David and Marilyn Dorsett, Kevin Granquist and Roger Schuelke. States Attorney Schwandt was also present.

The Chairman called for public comment. No member of the public addressed the Commission.

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

Drainage Permit DR2021-01 for Roger Schuelke in Lot 1-4 in 3-118-47 in East Adams Twp. The request if granted, is to improve production. Drainage Administrator Steve Berkner stated the applicant's land in Grant County connects to his land on the Minnesota side. The downstream landowners were notified. Commissioner Street and Steve had made a site inspection. The tile project for the land in Grant County connects and outlets into the applicant's tile lines on the Minnesota side. Roger came forth and reported he has been approved for his tiling project from the Minnesota Water District Board and the tile outlets into an existing ditch. Chairman Tostenson called for comment. Francis Brandenburger stated he had an area of farm ground that is wet due to a township road being raised and wants fair treatment for his land. The Board advised him to talk to the township board members as the Drainage Board does not have any jurisdiction over this issue in Minnesota. Motion by Street and seconded by Mach to approve DR2021-01. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0.

Permit DR2021-03 for Kevin Granquist in LOT 1 DAN LEDDY ADDN LOCATED IN W1/2NE1/4, E1/2NW1/4 and in LOT 3 DAN LEDDY ADDN IN W1/2SE1/4 in 18-119-49 (Stockholm Twp). Drainage Administrator stated the applicant has the signature of the adjoining landowner for outlets. One certified letter was returned undeliverable. Commissioner Street had inspected the project site. The tile permit is in order and the reason for the application is to control erosion. Kevin stated he is draining about 230 acres. There is no change in slope or direction of water flow. The outlets go into natural runs. Chairman Tostenson called for comments. Dave Dorsett expressed his concern on the additional volume of water his field adjacent to the project would receive. He stated his land is split into two fields with a rock crossing between the fields. He does not want his renters to have problems crossing the creek getting to the fields. Commissioner Street does not believe this permit would affect the rock crossing. Chairman Tostenson stated this is the reason the Commission is considering a change in ordinance because we (the Board) do not have the expertise to determine the added volume of water to a stream. Commissioner Stengel stated the direction of the water flow is not changing, we cannot control overland flooding and tiling does temper the flow at a slower rate. Motion by Street and seconded by Mach to approve permit DR2012-03. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0. The Board thanked the Dorsetts for the comments and encouraged them to talk to Kevin on issues of concern.

Permit DR2021-04 by Steve Nelson in Govt Lot 2 Ex E 1/4, & Govt Lot 3 and E 1/4 of Lot 2, and Govt Lot 1 in 6-120-48 (Alban Twp). The Drainage Administrator stated the applicant is installing tile with the outlets on the south side of his property and enters into the south fork of the Whetstone. The NRCS letter is on file and the purpose of the application is to improve farming in the low spots. Commissioners Stengel and Buttke had inspected the site. Steve came forth and stated he is out-letting on his own property and wants to improve the low spots for farming. Chairman Tostenson asked for comment. Chuck Liebe stated he is not against the tiling project but has concerns of losing fencing and pasture ground as the water cuts further into the riverbank. Commissioner Stengel discussed how water does change course over the years and new paths are made. Commissioner Mach spoke on the issue of overland flooding causing damage to riverbanks. Motion by Stengel and seconded by Mach to approve DR2021-04. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0.

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

Flood Plain /Drainage: Auditor Layher reported the publication notice for the joint hearing with the Planning Commission on the Flood Plain Ordinance was not published. The joint hearing would need to be rescheduled and the timeline for action on the drainage ordinance would also need to be adjusted. Motion by Stengel and seconded by Mach to postpone the vote on the repeal of the Drainage Ordinance 1997-1C until the May 4, 2021 meeting. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0. Motion by Stengel and seconded by Buttke to change the joint hearing with the Planning Commission on the Flood Plain Ordinance 2021-01A until April 20, 2021 at 8 AM. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0.

DOE: Kathy Steinlicht met with the Board as part of her annual review of her office as per SDCL 10-3-14. She provided the Commission with a spreadsheet of the number of acres affected by the correction made to the soil rating layer which had been in error since 2010. There were 521 parcels that were corrected with a valuation change of \$15,615,090. She stated she had talked with many of the landowners after the assessment notices had been sent out. Also, a new soils table is being sent out to the assessors this summer and she will work with First District on implementing this project. She will finish the re-appraisal for Milbank in 2021. The Commission thanked Kathy for her work in managing the office.

Treasurer: Karla DeVaal discussed with the Commission a request to close the window at 4:30 PM for vehicle transfers. She explained a transfer may take 15 to 20 minutes and if assistance is needed from Pierre there may be an issue of receiving assistance. Chairman Tostenson spoke on the issue of the offices providing customer service. Motion by Stengel and seconded by Buttke to approve the request to close the window for transfers at 4:30 PM. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson nay. Motion carried 4-1. Karla also requested to close the office for all motor vehicle transactions the last two business days of April and October. She stated there are not any renewals for MV licensing the month of April or October when taxes are due. She would like to work on processing tax collections. Again, the discussion was on providing customer service. Motion by Mach to approve the request to be closed for MV transactions the last two business days of April and October. Chairman Tostenson called for a second. Motion failed due to a lack of a

second. It was suggested a notice be placed in the newspaper to remind the taxpayers of the outside drop box or mailing in their tax payment.

Sheriff: Kevin Owen was unable to attend. Motion by Street and seconded by Buttke to approve the hiring of Alexis Koehler as a fulltime dispatcher at \$16.20 per hour effective March 23, 2021. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0. **Statistics:** The following statistics for the month of February for the Detention Center and Sheriff’s Office were presented by report. Average daily inmate population 3.46; Number of bookings 19; Work release money collected \$0.00; 24/7 Preliminary Breath Test (PBT) fees collected \$302.00; SCRAM (alcohol detecting bracelet) fees collected \$0.00; 24/7 PBT participants 6; SCRAM (Sobriety Program) participants 0; Calls for Service (does not include walk-in traffic) 344; Accidents investigated 5; Civil papers served 56; Cumulative miles traveled 7,982; 911 calls responded to (including Milbank) 85.

Chairman Tostenson noted that Elizabeth Gabriella did not appear for the 9:30 appointment.

Highway: Supt Schultz presented the bids for consideration from the annual highway bid letting that were received and opened on March 31, 2021 at 1 PM as per the bid notice. The Commission awarded the following bids.

1. Paver Laid Asphalt

Bituminous - Short patches 100’ to 1000’ in length \$94.00 per ton. 1-3 miles of Class D asphalt overlay \$65.00 per ton. For Class D Asphalt picked up at plant is \$62.00 per ton. Extra dig outs less than 100’ is \$135.00 per ton. Motion by Mach and seconded by Stengel to accept the bid of Bituminous. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0.

2. 32 Miles of Seal Coating

Bituminous \$821,300.00

Motion by Mach and seconded by Buttke to accept the bid of Bituminous. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0.

3. 3/4” Crushed Gravel/Chips/Sand (per ton)

	Gravel	Chips	Sand
GCC Ready Mix	\$4.50	\$6.00	\$4.25
Brownlee	\$5.65		

Motion by Street and seconded by Stengel to accept the bids from GCC. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0. Motion by Buttke and seconded by Stengel to accept the bid from Brownlee. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0.

4. Pre-stressed Concrete Decking

Concrete Box Culvert

	20'	30'	40'	7X3	8X6	10X4
Forterra	\$2861.00 ea.	\$3975.00 ea.	\$5108.00 ea.	\$378.00	\$445.00	\$456.00

Motion by Mach and seconded by Stengel to accept the bid of Forterra. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0.

Bridge: Motion by Stengel and seconded by Buttke to authorize Chairman Tostenson to sign the bridge improvement grant (BIG) agreement for replacement/rehabilitation for bridge 26-320-053 (by DeVaal's), project BRO 8026(00)21-3, PCN 08F8, for a grant amount of \$614,300.00. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0. BIG: Motion by Street and Stengel to approve applying for the 2021 bridge improvement grants (BIG) program for the following bridges. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0. Resolutions adopted.

1. Resolution 2021-07, Bridge 26-032-070, located .3 miles east of intersection 149th St/452 Ave, Blooming Valley Twp, project cost \$950,000. County share \$171,475.
2. Resolution 2021-08, Bridge 26-056-020, located .4 miles west of intersection 144th St/455 Ave, Blooming Valley Twp, project cost \$470,000. County share \$84,835.
3. Resolution 2021-09, Bridge 26-310-177, located .3 miles north of intersection 160th St/480 Ave, West Vernon Twp, project cost \$550,000. County share \$99,275.

Highway 15 Project: Motion by Mach and seconded by Stengel to authorize Chairman Tostenson to sign the ROW Agreement, Deed, Temporary Easement and the Relocation of Sign Agreement for the land being purchased from the county for the Highway 15 Project. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0.

Quit Claim Deed: Motion by Street and seconded by Buttke to issue a quit claim deed to the Town of Twin Brooks to correct a deed which was recorded in error for: All of Lot 4, of Lassell's Addition to the Town of Twin Brooks, Grant County, South Dakota. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0.

4-H Static Building: 4-H Advisor Sara Koepke reported Holton Engineering had completed the bid notice for the proposed 4-H exhibit building. A discussion was held on donations, fundraising and if a bid is accepted, the County is committed to building. Chairman Tostenson asked States Attorney Schwandt to review the bid proposal documentation and report at the next meeting. Motion by Mach and seconded by Stengel to call for bids for the construction of the 4-H Static Building with the bid opening set for May 18th at 10 AM. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0. A Pre-Bid meeting was set for May 4th at 9 AM for prospective bidders and subcontractors.

Dept Reports: Librarian Jody Carlson reported on the 2020 Annual Survey of Public Libraries and the statistics for 2020. She stated the statistics show a decrease in circulation, library visits, and program attendance all related to being closed due to COVID, but she was encouraged that the Library had maintained services and looks forward to returning to a more normal year in 2021.

VSO: Scott Malimanek provided a copy of the press release entitled Veterans and Widows Pension. He is planning a weekly article to the local paper to provide information for the Veterans. He reported he is assisting more veterans who are returning to this office for help. In the month of March, he had assisted 32 veterans.

Travel: Motion by Stengel and seconded by Buttke to approve travel expenses for DOE Kathy Steinlicht and Deputy Casey Cameron to attend the Assessor's Conference in Hot Springs; for Auditor Layher, Deputy Kathy Folk and Deputy Stephanie Pauli to attend Spring Workshop in Pierre; for 4-H Advisor Sara Koepke to attend SDAE4-HP & Extension meeting in Rapid City, 4-H Camp in Arlington, State Horse Show and State Fair in Huron, SDSU Extension Conference in Brookings and NAE4-HYDP Conference in Memphis, TN. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0.

Abatement: Motion by Street and seconded by Stengel to approve an abatement of \$156.52 for tax year 2020 and a refund of \$157.10 for tax year 2019 due to error on acres on parcel 02.48.10.2001. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0.

Land Lease Sale: Motion by Mach and seconded by Buttke to authorize Chairman Tostenson to sign the land lease for 2021 with Mielitz Brothers for \$600 for part of the NW ¼ NW ¼ 33-120-47 (about 15 acres) Alban Twp. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0.

Copier Lease: The Commission completed a review comparing leasing copier quotes for the offices of Extension, Library, Sheriff and Auditor. The quotes are: Valley Office-Xerox for \$388.29, Century Business Products for \$359.73 and A & B Business Solutions for \$653.66. Motion by Mach and seconded by Street to accept the quote from Valley Office for Xerox copiers to be leased for \$388.29 per month for a term of 5 years. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0.

Register of Deeds: Motion by Street and seconded by Stengel to approve a petty cash account for the Register of Deeds Office in the amount of \$51.00. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0.

Marvin FD: A request from the Marvin Fire Dept for a donation to the building project was presented. Motion by Mach and seconded by Buttke to wait on a commitment of a donation until information is provided on the Cares Act Funding. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0.

Consent: Motion by Stengel and seconded by Buttke to approve the consent agenda. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0.

1. Approve Dalton Fox as PT Librarian beginning April 3 at \$14.70 per hour
2. Approve Dianne Schultz as PT Custodian at the Hwy Shop beginning March 26 at \$14.60 per hour
3. Approve step increase for PT Librarian Joanne Urban to \$14.95 effective 3-30-2021
4. Approve the 2021 State DOT Weed Spraying contract for \$24,930 and Pocket Gopher Baiting for \$6,000
5. Approve the 2020 list of surplus items as on file in the Auditor's Office

6. Approve auto supplement of revenue and expense for \$41,176.84 for the 2020 Homeland Security Grant used for the purchase of mobile radios, pagers and extenders

Unfinished Business: None

New Business: The 2020 annual report for the 911 Fund was provided to the Commission as was the December 31, 2020 General Fund Analysis report showing the unassigned fund balance at 23.31% with the maximum to be 40%. Grant County will host the Lake Region District meeting on April 22. Please note a quorum of Commissioners may be present at this educational workshop.

Correspondence: None

Claims: Motion by Mach and seconded by Buttke to approve the claims. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0. AL'S BODY SHOP, repairs & maint 1,170.00; ALLEGIANT EMERGENCY, supplies 929.90; AUTOVALUE, supplies 192.98; AXON ENTERPRISE, minor equip 8,997.45; BORNS, mailing expense 1,226.26; BOYER FORD TRUCKS, repairs & maint 349.49; BRENDA HOLTQUIST, prof services 42.00; BUTLER, repairs & maint 1,199.12; CCP INDUSTRIES, supplies 280.85; CENGAGE LEARNING, books 528.21; CENTER POINT, books 158.21; CHS, diesel fuel & gas 4,686.33; CITY OF MILBANK, water & sewer 553.37; CITY OF WATERTOWN, 911 surcharge 6,072.07; COLEPAPERS, supplies 285.15; COLONIAL RESEARCH CHEMICAL, supplies 170.68; DATASPEC, computer software 449.00; DELORIS RUFER, lib rent 100.00; EMERY PRATT, books 72.85; FIRST DISTRICT, prof services 8,500.00; FOX & YOUNGBERG, prof services 196.11; FREMAREK, supplies 54.22; FOOD-N-FUEL, prisoner meals 383.25; GRAJCZYK LAW OFFICE, court appt atty 3,562.50; GRANT CO TREASURER, title fees 30.00; GRANT CO REVIEW, publishing 1,379.56; GRANT-ROBERTS RURAL WATER, water usage 40.60; GRANT/ROBERTS AMBULANCE, supplies & prof services 2,988.33; HARTMAN'S, prisoner meals & supplies 365.86; KEN VANORNY, prof services 650.00; KEVIN MEYER, supplies 286.97; LARRY HOLTON, prof services 9,500.00; LARRY LOUISIANA, refund 500.00; LARRY'S REFRIGERATION, repair & maint 132.50; LOUP ELECTRONICS, repair & maint 2,791.00; MCLEOD'S, supplies 1,523.13; MIDAMERICA, books 230.45; MIDCONTINENT, lib internet 85.00; MILBANK AREA HOSPITAL AVERA, blabs 595.00; MILBANK AUTO PARTS, supplies, repairs & maint 3,158.73; MILBANK COMMUNICATIONS, utilities 900.00; NEWMAN SIGNS, supplies 503.59; NORTHWESTERN ENERGY, natural gas 1,484.81; QUILL, supplies 204.96; R.D. OFFUTT, repair & maint 2,450.83; REDWOOD

TOXICOLOGY, supplies 217.82; REGENCY MIDWEST VENTURES, motel 202.00; RELIANCE TELEPHONE, supplies 500.00; SCOTT BRATLAND, court apt atty 4,088.98; SD ASSN CO COMMISSIONERS, CLERP 3,989.00; SD BUREAU OF ADMIN, supplies 257.70; SD CONTINUING LEGAL ED, reference books 500.00; SD DEPT TRANSPORTATION, repair & maint 4,560.28; SDAAO, registration 400.00; THE SHOP, repair & maint 86.03; SUMNER DIESEL, repair & maint 108.00; SUSAN KARELS, supplies 97.34; TRAPP PLUMBING, repair & maint 379.70; TWIN VALLEY TIRE, oil chg & tires 288.15; UNZEN MOTORS, repair & maint 106.48; VALLEY RENTAL & RECYCLING, allocation 650.00; VALLEY SHOPPER, publishing 53.16; WASTE MANAGEMENT, garbage service 157.50; WATCHGUARD VIDEO, prof services 2,475.00; WEST CENTRAL COMM, repair & maint 570.00; XEROX, copier rent 171.60. TOTAL: \$89,820.06.

Payroll for the following departments and offices for the March 26, 2021 payroll are as follows: COMMISSIONERS 3,223.90; AUDITOR 7,467.14; ELECTION 71.80; TREASURER 3,943.42; STATES ATTORNEY 5,913.02; CUSTODIANS 2,802.05; DIR. OF EQUALIZATION 3,615.61; REG. OF DEEDS 4,188.59; VET. SERV. OFFICER 1,065.00; SHERIFF 10,688.56; COMMUNICATION CTR 6,379.95; PUBLIC HEALTH NURSE 792.00; ICAP 107.53; VISITING NEIGHBOR 2,030.50; LIBRARY 7,335.50; 4-H 3,298.63; WEED CONTROL 1,933.00; P&Z 5,302.00; DRAINAGE 342.00; ROAD & BRIDGE 29,266.08; EMERGENCY MANAGEMENT 2,080.00. TOTAL: \$101,846.28.

Payroll Claims: FIRST BANK & TRUST, Fed WH 7,100.41; FIRST BANK & TRUST, FICA WH & Match 12,266.66; FIRST BANK & TRUST, Medicare WH & Match 2,868.88; AAA COLLECTIONS, deduction 33.42; AMERICAN FAMILY LIFE, AFLAC ins. 1,386.66; WELLMARK-BLUE CROSS OF SD, Employee and Commission health ins. 49,573.36; COLONIAL LIFE INS, ins 37.98; DEARBORN NATIONAL, life ins. 276.77; LEGAL SHIELD, deduction 76.70; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 210.00; OPTILEGRA, ins 397.18; SDRS SUPPLEMENTAL, deduction 1,195.83; SDRS, retire 10,809.45. TOTAL: \$86,233.30.

Executive Session: Motion by Mach and seconded by Street to enter executive session at 11:23 AM for the purpose of a personnel(s) issue pursuant to SDCL 1-25-2 (1) and potential litigation pursuant to SDCL 1-25-2(3). Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0. Auditor Layher was present. Chairman

Tostenson declared the meeting open to the public at 12:07 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 April 20 and May 4 and 18, 2021, at 8 AM. The Equalization Boards will be held on April 13, 2021 at 8 AM. Motion by Mach and seconded by Stengel to adjourn the meeting. Chairman Tostenson called for a roll call vote. Buttke aye, Street aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0. Meeting adjourned.

Karen M. Layher, Grant County Auditor

William J. Tostenson, Chairman, Grant County Commission