

August 16, 2022

The Grant County Commission met at 8:00 AM with Commissioners Buttke, Stengel, Street and Tostenson. Commissioner Mach was absent. Chairman Stengel called the meeting to order with a quorum present. Motion by Buttke and seconded by Street to approve the minutes of the August 2 meeting as presented. Motion carried 4-0. Minutes filed. Motion by Tostenson and seconded by Buttke to approve the agenda as presented. Motion carried 4-0.

Members of the public present were Christian and Noble Karels. Members of the staff present were Drainage Officer Berkner, Deputy Auditor Folk, DOE Steinlicht and States Attorney Schwandt.

Public Comment: Chairman Stengel called for public comment. There were no comments. Chairman Stengel closed the public comment.

The Auditor's Account with the Treasurer for July 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 July, 2022.

Cash on Hand	\$3,413.40
Checks in Treasurer's possession less than 3 days	\$11,627.20
Cash Items	\$0.00
<b>TOTAL CASH ASSETS ON HAND</b>	<b>\$15,040.60</b>
RECONCILED CHECKING	
First Bank & Trust	\$15,434.41
Interest	\$0.00
Credit Card Transactions	\$4,478.84
TIF Fees	\$0.00
First Bank & Trust (Svgs)	\$7,809,588.00
CERTIFICATES OF DEPOSIT	
First Bank & Trust	\$0.00
First Bank & Trust (TIF)	\$0.00
<b>TOTAL CASH ASSETS</b>	<b>\$7,844,541.85</b>

**GENERAL LEDGER CASH BALANCES:**

General	\$2,407,272.49
General restricted cash	\$2,050,000.00
Cash Accounts for Offices General Fund	\$656.00
Sp. Revenue	\$1,471,087.24
Sp. Revenue restricted cash	\$0.00
Henze Road District	\$0.00
TIF Apportioning	\$0.00
TIF Milbank	\$0.00
TIF Milbank Rosewood	\$0.00
Special Assessment Land Rent	\$0.00
Trust & Agency (schools 11,516.98, twps 27,282.50, city/towns 15,527.18)	\$1,915,526.12
ACH Correction	\$0.00
<b>TOTAL GENERAL LEDGER CASH</b>	<b>\$7,844,541.85</b>

Karen M. Layher

Dated this 8th day of August, 2022

Karen M. Layher

County Auditor

The Register of Deeds fees for the month of July were \$8,952.50, the Clerk of Courts fees for the month of May were \$6,908.27 and for the month of June were \$8,147.76. The Sheriff fees for the month of July were \$46,224.71 with \$2,380.41 receipted into the General Fund.

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

Permit DR2022-50 for Michael Schwandt for property owned by the Leland & Dorothy Schwandt Trust located in GOVT LOT 4 & SW1/4NW1/4 of 5-121-49 (Kilborn Township). Motion by Street and seconded by Tostenson to approve DR2022-50. Chairman Stengel asked Berkner to present his report on the permit.

Drainage Officer Berkner began his report stating the applicant was not available to attend the meeting but that he had met with Schwandt twice and that Commissioner Tostenson had been onsite of the project location with Schwandt. Tostenson agreed that he had met with Schwandt. The Drainage Board could contact Schwandt later if additional information was needed.

Berkner said that DR2022-50 was seeking to improve drainage on approximately 20 acres of land located in Section 5 in Kilborn Township. He stated Schwandt was also adding 500' of additional lateral tile to an existing 8" main permitted three

years ago with Drainage Permit DR2019-43. According to Berkner permit DR2022-50, if granted, would also install approximately another 5,000' of 4" and 6" drain tile.

Berkner added that the applicant had indicated that he most likely would install one inlet to catch water that entered his property from the north as it does cause extensive ponding and some erosion. Berkner said if the inlet was installed according to Schwandt's drainage permit application, it would be placed on Schwandt's property in Section 5 close to the right-of way where the culvert crosses under 142<sup>nd</sup> Street between Grant and Roberts County.

Berkner asked Tostenson if he wanted to add anything to the report. Tostenson said that if the applicant did include the inlet as part of the project, it would certainly aid draining water entering across the road from the north. Tostenson also thought the project was very conservative in its design where any water entering from under 142<sup>nd</sup> Street has no way of being captured without an inlet.

Tostenson added that he appreciated the simple design indicated on the tile map saying the applicant was in his opinion, getting the most impact out of minimal tiling or when it would be easy for him to pattern tile everything. Tostenson also commented that the neighbors in that area of the county seem to work with each other very well.

Berkner said in total, including the original 8" tile outlet installed previously, the three outlets would drain at a maximum 305 gallons per minute if they were installed at a grade of .1%.

Berkner closed his report saying the six questions under section 101 as per SDCL 46-10A-20 were answered in the affirmative and the other list of questions in Section 313 and 317 supports the affirmative response.

Chairman Stengel opened the public hearing for DR2022-50 asking three times for comments for or against the project where nobody answered. He then closed the public hearing.

Chairman Stengel asked if there were any additional comments from the Board. Hearing none, he called the vote for Permit DR2022-50. Motion carried 4-0.

Permit DR2022-51 for Christian & Noble Karels for property owned by the Ann James Trust for land located in SE1/4 of Section 14 and the N1/2NE1/4NE1/4 of

Section 23 both in Township 120, Range 48 (Alban West Township). Motion by Buttke and seconded by Tostenson to approve DR2022-51. Chairman Stengel asked Berkner to present his report.

Berkner reported this permit would help maintain drainage on two acres of land located in Section 14 and drains into Section 23 in Alban East Township. Berkner explained the permit was seeking to help water pass under 151<sup>st</sup> Street where the existing culvert tends to not flow efficiently, leaving water trapped in Section 14 and often flooding a 2-acre certified wetland.

Berkner stated in the past five different drainage permits approved since 2007, the tile design was for the water to flow from the southeast corner of Section 14 to the northeast corner of Section 23 through an existing culvert on 151<sup>st</sup> street. According to Berkner that culvert was often leaving water standing in Section 14 where it would overflow a wetland area and flood farmland.

Berkner said this permit is requesting to install approximately 500' of solid 5" tile to connect both section's existing tile projects. In total Berkner stated that the 5" pipe connecting the drainage project would only flow 55 gallons per minute if that pipe was installed at a .1% grade.

Berkner closed his report saying the six questions under section 101 as per SDCL 46-10A-20 were answered in the affirmative and the other list of questions in Section 313 and 317 supports the affirmative response.

Chairman Stengel then asked the applicants for additional information or comments. Christian Karels said that the new solid 5" tile would be added to two existing 5" outlets from a previous permit which would send the water through the solid pipe and not add additional water to the wetland.

Christian stated that the small wetland adjacent to 151<sup>st</sup> Street was a certified one and they had been working with the appropriate agencies to not drain that area with this permit and that is why they were going to use solid pipe as to not have a negative effect on that wetland. The applicant stated the tile is outside of the required setbacks of the wetland area.

Chairman Stengel opened the public hearing for DR2022-51 asking three times for comments for or against the project where no one answered. With no further public comment Stengel closed the public hearing asking for the board to discuss the project.

Stengel asked the board if they had any concerns or comments that needed to be addressed before calling the vote. Commissioner Street felt that since the outlets from a previous project were just being extended across the road that that should have little if any impact on the area. With no further discussion Chairman Stengel called for the vote. Motion carried 4-0.

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

**Highway:** The Commission discussed a request to lower the speed limit on a mile of road on the east side of Henze Addition. The Commission considered a change to signage, the traffic entering and exiting from homes and a business on this section of road. After much decision, a motion was made by Street and seconded by Buttke to adopt the following resolution. Motion carried 4-0. Resolution adopted.

**A Resolution to Establish a Speed Limit  
Resolution 2022-15**

A resolution establishing speed limitations on specified sections of 480<sup>th</sup> Avenue (AKA County Road #31) located in Alban West Township, Grant County, South Dakota.

WHEREAS, Grant County recognizes a responsibility to determine and establish speed zones upon the highways within its jurisdiction pursuant to SDCL 32-25-9.1.

NOW THEREFORE, BE IT RESOLVED by Grant County that no person shall drive a vehicle upon 480<sup>th</sup> Avenue (AKA County Road #31) beginning at the intersection of 149<sup>th</sup> Street and 480<sup>th</sup> Avenue continuing south to the intersection of 150<sup>th</sup> Street and 480<sup>th</sup> Avenue in excess of thirty (30) miles per hour.

BE IT ALSO RESOLVED, that such speed zones shall be conspicuously posted at the beginning and ending of the zone, and

BE IT ALSO RESOLVED, that a violation of this resolution is a class 2 misdemeanor, punishable by a term of imprisonment not to exceed thirty days in the county jail or a fine not to exceed two hundred dollars, or both.

Dated this 16<sup>th</sup> day of August, 2022.

Doug Stengel, Chairman  
Board of Commissioners

ATTEST:

Karen M. Layher, Auditor

Spillway: The Commission continued their discussion of the spillway in Section 30 in Alban West on 153<sup>rd</sup> St. Supt Schultz reported the DOT has not informed him yet of any documentation on this structure filed at the State. A county resident spoke with the Auditor and the Drainage Officer remembering his grandfather talking about the spillway being a WPA project. Auditor Layher stated she does have some WPA records in her office and will find those documents. At this time the Commission discussed adding this structure to the 5 Year Highway Plan so costs can be budgeted, if it is determined the county does own the structure.

Motion by Tostenson and seconded by Street to add this structure to the 2023 Highway Plan. Motion carried 4-0. County Road 4: The extension of the tile pipe in the ROW by Rethke's was discussed as the motion to approve the additional tile in the ROW was tabled to this meeting. The estimated cost for the additional tile line is estimated at \$30,000. The tile line would drain the water west and then north of the Rethke farm site. There was discussion if a tile project was done in the future by the landowners, there may be a better cost option for the county to participate at that time. The motion on the floor is to install the additional tile in the county ROW on the northside of CR 4 in Section 18 in Melrose Twp. Chairman Stengel called for the vote. Motion failed 0-4. Banner: Motion by Tostenson and seconded by Street to approve the contract for engineering services with Banner Associates for bid ready plans and bid letting for bridge 26-270-237 located on County Road 27 and bridge 26-310-177 located on County Road 31 for an estimated fee of \$66,000.00 per structure. Motion carried 4-0.

Pictometry: A demonstration was done by Ryan Poots with the company Eagleview on a software program for oblique imagery. The aerial photos provide three dimensional images of structures at a three or a six-inch clarity. The software would be a good asset for the Assessor, Planning and Zoning, Drainage, EM and first responders. The company would take aerial photos every three years of the county with the date of flying to be determined by the county. The cost would be \$31,803.33 annually for six years.

2023 Budget: The Commission continued reviewing department requests within the Provisional Budget, continued review of revenues and expenses in preparation for the adoption of the budget in September.

**Travel:** Motion by Buttke and seconded by Street to approve travel expense for Weed Supervisor Nathan Mueller to attend annual conference in Pierre. Motion carried 4-0.

**Voting Location:** A discussion was held on changing the voting location for Alban Township from the airport to the Whetstone Valley Electric meeting room. The reason for the suggested change is space and handicapped accessibility requirements. Motion by Street and seconded by Buttke to authorize Auditor Layher to change the precinct location for Alban Twp to the Whetstone Valley Electric meeting room starting with the November General Election. Motion carried 4-0. All registered voters in Alban Township will be notified by mail of the location change.

**Discretionary Formula:** The commercial residential discretionary formula was amended during the 2022 legislative session. The formula was changed from a five-year to a seven-year formula. Due to the formula change in SDCL 10-6-137, DOE Steinlicht requested the Commission to update the commercial residential discretionary formula for multiple family complexes. Motion by Tostenson and seconded by Buttke to adopt the following resolution. Motion carried 4-0. Resolution adopted.

**Grant County Resolution No. 2022-16  
Resolution for Commercial Residential Discretionary Formula  
Updated per SDCL 10-6-137**

WHEREAS, the County of Grant, State of South Dakota has deemed it in the best interest of the County to adopt a Resolution implementing a Discretionary Formula for the reduced taxation of new commercial structures and additions and partially constructed structures pursuant to SDCL 10-6-137.

NOW, THEREFORE, BE IT RESOLVED, that the following properties shall be, and hereby are, specifically classified for the purpose of taxation pursuant to SDCL § 10-6-137:

Any new commercial residential structure, or addition to an existing structure, containing four or more units, if the structure or addition has a full and true value of thirty thousand dollars or more (SDCL § 10-6-137(5));

FURTHER RESOLVED, that any structure classified pursuant to this Resolution shall, following construction, initially be valued for taxation purposes in the usual manner, and that value shall be referred to in this Resolution as the “Pre-Adjustment Value”; and be it

FURTHER RESOLVED, that the assessed value to be used for tax purposes of any structure classified pursuant to this Resolution shall, following construction, be calculated as follows:

- a. For the first tax year following construction, 20% of the Pre-Adjustment Value;

- b. For the second tax year following construction, 25% of the Pre-Adjustment Value;
- c. For the third tax year following construction, 40% of the Pre-Adjustment Value;
- d. For the fourth tax year following construction, 50% of the Pre-Adjustment Value;
- e. For the fifth tax year following construction, 60% of the Pre-Adjustment Value;
- f. For the sixth tax year following construction, 75% of the Pre-Adjustment Value;
- g. For the seventh tax year following construction, 100% of the Pre-Adjustment Value;

and be it FURTHER RESOLVED, that the Board of County Commissioners may, if requested by the owner of any of the above described property, not apply the above formula, in which case the full assessment shall be made without application of the formula. In waiving this formula for the structure of one owner, the Board of County Commissioners is not prohibited from applying the formula for subsequent new structures by that owner; and be it

FURTHER RESOLVED, that for purpose of this Resolution, the assessed valuation during any of the seven years may not be less than the assessed valuation of the property year preceding the first year of the tax years following construction; and be it

FURTHER RESOLVED, that any structure that is partially constructed on the assessment date may be valued for tax purposes pursuant to this Resolution and the valuation may not be less than the assessed valuation of the property in the year preceding the beginning of construction; and be it

FUTHER RESOLVED, that following the seven-year period under this section, the property shall be assessed at the same percentage as is all other property for tax purposes.

Approved this 16<sup>th</sup> day of August, 2022.

Grant County Commission  
Doug Stengel, Chairman

Attest:  
Karen M. Layher, County Auditor

**Cash Transfers:** Motion by Tostenson and seconded by Buttke to approve the cash transfer as per the 2022 budget. Motion carried 4-0.

FROM	TO	AMOUNT
101 General	#226 EM Fund	20,000

**Executive Session:** Motion by Tostenson and seconded by Buttke to enter executive session at 11:19 AM for the purpose of a personnel issue pursuant to SDCL 1-25-2. Motion carried 4-0. Auditor Layher was present. Chairman Stengel declared the meeting open to the public at 11:25 AM. No action was taken because of the executive session.

**Unfinished Business:** None



**New Business:** Auditor Layher informed the Commission that a business had expressed interest in renting the former 4-H office space. The Commission reviewed a proposal for administrative fees for drainage permits based on acres in the parcel or the number of acres impacted by the project. No action was taken.

**Correspondence:** The September P & Z meeting has been changed to September 19 at 4 PM.

**Consent:** Motion by Street and seconded by Buttke to approve the consent agenda. Motion carried 3-0 with Commissioner Tostenson excusing himself from the vote.

1. Set Sept. 6 at 9:30 am for budget supplement hearing for 4-H Complex
2. Approve 2023 Local EM Performance Grant for 50% of reimbursement of salary and benefits
3. Approve Laverna Moldenhauer as library volunteer effective 7-25-22
4. Approve 2-year E-911 and non-emergency contract and with the City of Watertown with no change in fees

**Claims:** Motion by Buttke and seconded by Tostenson to approve the claims.

Motion carried 4-0. A-OX WELDING, supplies 16.75; ACTIVE DATA SYSTEMS, computer maint 3,309.00; ADVANCED TECHNOLOGIES, supplies 28.98; AL'S BODY SHOP, repairs & maint 200.00; AVERA QUEEN OF PEACE, DOT testing 160.00; BANNER, hwy projs 755.00; BERENS MARKET, supplies 109.10; BERKNER EXCAVATING, repairs & supplies 474.00; BORNS GROUP, mailing expense 1,180.04; BUTLER, parts, supplies & postage 1,790.56; CENTER POINT, books 370.92; CENTURYLINK, phone 154.42; CHS, propane 931.70; CITY OF WATERTOWN, 911 surcharge 6,358.43; CITY OF WATERTOWN, summer reading prog 336.60; CODY KELLY, prof services 200.00; CRAIG DEBOER, car wash 17.64; DATA443 RISK MITIGATION, computer maint 152.33; DEMCO, supplies 174.11; FRONTIER PRECISION, major equip 1,413.31; FOOD-N-FUEL, supplies 12.78; GRANT COUNTY REVIEW, publishing & supplies 1,992.72; GRANT-ROBERTS RURAL WATER, water 37.30; INGRAM LIBRARY, books 661.66; INTER-LAKES COMM ACT, service worker 2,605.25; ITC, phone & internet 1,659.66; JASON SACKREITER, garbage service 525.00; LEWIS DRUG, supplies 137.46; MCLEOD'S, supplies 163.07; MICROFILM IMAGING SYSTEMS, scanner rent 620.00; MILBANK AREA HOSPITAL, health services 10,177.50; MILBANK AUTO PARTS, supplies 3,957.53; NEWMAN SIGNS, supplies 897.30; NORTHERN TRUCK EQUIPMENT, parts & supplies 398.34; NORTHWESTERN ENERGY, natural gas 13.98; NOVAK SANITARY, shredding service 43.26; OTTER TAIL POWER, electricity 2,918.79; RC TECHNOLOGIES, 911 transport & tower rent 95.96; RELENTLESS, registration 649.00; RELX, online charges 725.00; RIVER

STREET PETROLEUM, diesel fuel 13,370.72; RUNNINGS, supplies 770.58; RYAN MAGEDANZ, repairs & supplies 125.89; SANDRA FONDER, prof services 158.34; SCANTRON, prof services 5,276.85; SD ASSN CO COMMISSIONERS, registration 1,170.00; SDSU EXTENSION, parking & admission 55.00; STAR LAUNDRY, rental 90.53; STATE OF SD, supplies 150.00; STERN OIL, supplies 11,102.72; TOWN OF SOUTH SHORE, supplies 3.60; VALLEY OFFICE PRODUCTS, minor equip, furniture, supplies 22,056.10; VERIZON, hotspot 38.52; VISA, books, supplies, minor equip, motel, gas 2,037.30; WHETSTONE HOME CENTER, supplies 457.80; WHETSTONE VALLEY ELECTRIC, electricity 911.82; XEROX, copier rent 641.01. TOTAL: \$104,841.23.

JUROR FEES, jurors 3,063.88.

Payroll for the following departments and offices for the August 12, 2022, payroll are as follows: COMMISSIONERS 3,335.90; AUDITOR 10,213.15; ELECTION 243.74; TREASURER 5,279.70; STATES ATTORNEY 7,116.60; CUSTODIANS 2,716.35; DIR. OF EQUALIZATION 4,161.04; REG. OF DEEDS 4,565.88; VET. SERV. OFFICER 1,211.10; SHERIFF 14,532.85; COMMUNICATION CTR 9,578.83; PUBLIC HEALTH NURSE 954.80; ICAP 130.00; VISITING NEIGHBOR 1,491.23; LIBRARY 7,239.32; 4-H 3,992.84; WEED CONTROL 2,430.75; P&Z 936.10; DRAINAGE 742.78; ROAD & BRIDGE 31,841.36; EMERGENCY MANAGEMENT 2,484.00. TOTAL: \$115,198.32.

Payroll Claims: FIRST BANK & TRUST, Fed WH 8,875.36; FIRST BANK & TRUST, FICA WH & Match 14,032.74; FIRST BANK & TRUST, Medicare WH & Match 3,281.86; AAA COLLECTIONS, deduction 23.72; ACCOUNTS MANAGEMENT, deduction 145.32; AMERICAN FAMILY LIFE, AFLAC ins. 1,598.42; WELLMARK-BLUE CROSS OF SD, Employee health ins. 919.79; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 210.00; SDRS SUPPLEMENTAL, deduction 1,280.83; SDRS, retire 12,405.41. TOTAL: \$42,773.45.

MONTHLY FEES: SDACO, ROD modernization fee 178.00; SD DEPT OF REVENUE, monthly fees 185,065.91. TOTAL: \$185,243.91.

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 September 6 and 20 and October 4 and 18, 2022 at 8 AM. Motion by Tostenson and seconded by Street to adjourn the meeting. Motion carried 4-0. Meeting adjourned.

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Karen M. Layher, Grant County Auditor

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Doug Stengel, Chairman, Grant County Commission