

August 19, 2025

The Grant County Commission met at 8 AM with Commissioners Buttke, Street, Mach, Stengel and Tostenson present. Chairman Tostenson called the meeting to order. Motion by Stengel and seconded by Buttke to approve August 5 and 11, 2025, minutes. Motion carried 5-0. Commissioner Assistant Layher asked to add Kevin Kouba with Otter Tail Data Development to the agenda and the LEMPG Grant agreement. Motion by Stengel and seconded by Street to approve the agenda with the additions stated. Motion carried 5-0.

Present from the public was Vince Meyer, Jerry Zubke, Bernard Hermans, Clayton Whiting, Roger Hopkins, Alex Hopkins, Greg Watt, Robert Hicks, Joyce M. Hermans, Floyd Hermans, Les Peters, Ryan Hopkins, Kevin Welberg, Ann Loeschke, Austin Hunt, Dale Tuchscherer, Tim Miller, Adam Hunt, Helene Fonder, Traci Stein, David Page, Josh Wendland, Steve Wenzl, Brian Sandvig, Nicole Bury, Lance Junso, and Kevin Kouba. Staff members present were Commissioner Assistant Layher, Hwy Supt Peterson, Drainage Officer Berkner, States Attorney Schwandt, EM Director Schuelke and Sheriff Owen.

**Public Comment:** Chairman Tostenson called three times for public comment. Vince Meyer asked if the county would install rip rap by the new culvert installed on 486<sup>th</sup> Avenue. Hwy Supt Peterson will look at it. Dale Tuchscherer, Supervisor of Melrose Township stated the two culverts installed in 2024 on 481<sup>st</sup> Avenue are working but the low water crossing washed out with the last big rain, and the road has been closed for three months. It is a bus route and farm to town route. They have a quote for \$53,000 to repair with a concrete area and retaining wall. The township is strapped for cash and is asking for help from the county. The Commission will ask EM Director Schuelke to see if the road will qualify for FEMA dollars and will add the request to the September 2 agenda.

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 2025.

Cash on Hand

\$1,534.14

Checks in Treasurer's possession	
less than 3 days	\$ 8,073.72
Cash Items	\$0.00

<b>TOTAL CASH ASSETS ON HAND</b>	<b>\$9,607.86</b>
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RECONCILED CHECKING

First Bank & Trust	\$158,250.01
Interest	\$0.00
Credit Card Transactions	\$6,393.29
First Bank & Trust (Svgs)	\$7,471,102.85
Jail Bond	\$5,849,423.29

CERTIFICATES OF DEPOSIT

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

<b>TOTAL CASH ASSETS</b>	<b>\$13,494,777.30</b>
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**GENERAL LEDGER CASH BALANCES:**

General	\$3,499,068.17
General restricted cash	\$1,750,000.00
Cash Accounts for Offices General Fund	\$656.00
Sp. Revenue	\$1,282,207.44
Sp. Revenue restricted cash	\$0.00
Ambulance District	\$1,053.77
Henze Road District	\$0.00
Temporary Offage	\$698.45
TIF Rosewood Mil-3	\$0.00
TIF Koch	\$0.00
Special Assessment Land Rent	\$0.00
Trust & Agency	\$6,961,093.47
(schools 108,825.34, twps 30,090.05, city/towns 44,935.34)	
ACH Correction	

<b>TOTAL GENERAL LEDGER CASH</b>	<b>\$13,494,777.30</b>
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Dated the 11th day of August, 2025

Kathy Folk  
County Auditor

The Register of Deeds fees for the month of July were \$8,997.75. The Clerk of Courts fees for the month of July were \$9,276.21. The Sheriff fees for the month of July were \$13,425.46 with \$2,675.46 received into the General Fund.

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

Permits DR2025-11a through 11k for John Loeschke for property located within the S1/2SE1/4 of Section 11, the NE1/4 of Section 14, and the N1/2 of Section 13, and the S1/2 and NE1/4 of Section 12 in Vernon West Township.

Chairman Tostenson called for a motion to bring back to the table drainage permits DR2025-11a, through 11k for John Loeschke that was tabled during the July 1<sup>st</sup> meeting to wait for the ISG engineer report. Motion by Mach and seconded by Stengel to bring back to the table permits DR2025-11a through 11k. Motion carried 5-0.

Drainage Officer Berkner was asked to recap the 11 related drainage permits being considered that are located within Section 11, 12, 13 and 14 in Vernon West Township within the Yellow River Watershed. Berkner said they have a lateral tile footprint of 615 acres. The permits have one 30" out letting tile, and if needed 2-6" outlets. The projects would drain directly into a USGS designated blueline waterway that runs parallel to 154th Street. The original design included 12 total parcels. One parcel and its estimated 50 acre tile footprint were removed as easement commitments require that parcel's surface water continue to flow through an adjacent wetland. Other changes to the project since it was originally applied for were that it had gone from 32 inlets to 22 inlets and most of those remaining inlets were found at road culvert crossings or in existing ditches.

Berkner reported the estimated out letting flow of the project would drain through the originally planned 30" tile main. But the main could possibly be reduced to a 24" with the 50 acres and 10 inlets being removed from the original design. In total the tile main is approximately 10,000 feet in length and only the last 245 feet is sized to be a 30" tile. Berkner said the water discharge design for a 24" tile is estimated to be 4,700 gallons per minute (gpm) if installed at a .1% grade. Berkner stated it is his opinion that the project's design conforms to the county's drainage ordinance.

Berkner said he received the final seven page drainage study from ISG on August 8<sup>th</sup>. It was made available to both the Drainage Board and the concerned downstream landowners. Berkner went over the report quoting its main conclusions stating it was found the proposed drainage system, would discharge just upstream of 484th Avenue's two 48" culverts and would have little effect on increasing the chances of the road crossing culverts flooding. Berkner made references to two separate charts in the report that show those chances of flooding either with or without the completion of the proposed drainage project. Both charts said culverts at that portion of the road are expected to flood once every 10 years.

The report stated the same information about the next downstream culvert road crossing on 154th Street. The single 60" culvert would receive the surface water of the drainage project regardless of if it was tiled and stated that it would continue to flood at the same current rate. The report provided a chart showing its chances of flooding would continue to happen at a rate of once every 2 years.

Berkner reviewed the report's main conclusions saying it is his interpretation that the proposed drainage project did not quantify changing the chance of flooding at the two closest downstream culvert locations. The report also used SD DOT standards to suggest both immediate downstream roadway culvert crossings could be improved, especially the single 60" culvert crossing under 154th Street to decrease their chances of flooding to a time frame greater than once every 10 years.

Chairman Tostenson reminded the attendees the public hearing for the related drainage permits had already occurred at previous drainage board meetings and only if a drainage board member asked a question of a current meeting attendee, would comments or questions by the public be allowed and those comments could only be directed to the board.

Chairman Tostenson asked permittee representative Austin Hunt if he had anything to add to the report. Hunt said the use of all the proposed inlets is only if they are absolutely needed and would not be installed if the area drains properly without them. Tostenson invited drainage board discussion. Street commented he thought a condition should be added to granting the permit that only inlets be allowed near culverts and at the top of natural ditches. Tostenson reminded the board that it is not their place to design drainage projects but to consider them as presented. Tostenson asked Street if he was motioning the condition as he stated. Street replies yes. Tostenson called three times for a second. Motion died due to lack of a second.

After board discussion, Tostenson asked the board if they thought the report was helpful in making their final decision. Both Buttke and Street commented that it was. Mach also commented that the report showed the drainage board is considering the right things when making their decision on granting any drainage permit. Tostenson commented he thinks the report was helpful as well, but it fell short of giving explanations on how the sponge effect works and what is the expected downstream effect on having open inlets.

Berkner was asked to comment if SD Codified Law and the County's Drainage Ordinance still hold a permittee responsible for their permitted drainage design of not causing undue harm to any upstream or downstream landowner which can be enforced between parties through the courts. Berkner replied yes. Chairman Tostenson called for the vote. Motion carried 5-0.

Permit DR2025-24 for Leslie Peters for land located within the S1/2 of Section 3 of Melrose Township.

Chairman Tostenson called for a motion to approve permit DR2025-24 for Leslie Peters. Motion by Stengel and seconded by Buttke to approve permit DR2025-24.

Berkner reported the drainage permit is for tiling 100 acres located within the Whetstone River Watershed. The project would make modifications to earlier granted drainage permits, DR2007-02 and DR2019-19. It would replace some collapsed tile, and add 2 6" outlets, 2 open inlets and 1 French drain. All the outlets empty directly into the Whetstone River. The additional lateral tile design could produce as much as 700 gpm if installed at a .1% grade. But most of the water would flow through a previously installed 8" main that would be very restrictive to additional maximum amounts of water it could discharge. Berkner stated it is his opinion that the drainage project design conforms to the county's drainage ordinance.

Chairman Tostenson opened the public hearing for DR2025-24 asking Peters for any additional comments. Peters said the project is making repairs and improvements to the original permitted designs especially the area receiving the French drain.

Chairman Tostenson asked three separate times for comments both in favor or against the drainage project. Bernie Hermans, Floyd Hermans and Helaine Fonder each spoke separately about their concerns with the additional water their downstream properties would receive. Both Hermans were specifically concerned about the French drain and its 6" outlet that would discharge directly adjacent to a county bridge. Peters stated the outlet would be on his property and not within the road right-of-way and emphasized it would only drain a small 3 acre area that wouldn't even have an open inlet, only very closely spaced tile.

Hwy Supt Peterson also confirmed that the French drain's outlet is adjacent to an area that often erodes during flooding events. He thought that its effects would be minimal if any.

Fonder said her major concern is she thinks the Whetstone River in that area, as well as many other areas in the county, are already full and often flood and any additional water from additional drainage projects isn't helping. With no more public comments Chairman Tostenson closed the public hearing, inviting board discussion. After board discussion, Tostenson called for the vote. Motion carried 5-0.

Permits DR2025-37a, 37b and 37c for Roberts Hicks for land located within the SE1/4 of Section 21 in Kilborn Township.

Chairman Tostenson called for a motion to approve permits DR2025-37a, 37b and 37c for Robert Hicks. Motion by Mach and seconded by Stengel to approve permits DR2025-37a, 37b and 37c.

Berkner reported the drainage projects are for adding 110 acres of lateral tile to previously permitted DR2016-06 that would drain through an existing out letting tile. Berkner estimated the additional lateral tile would have a maximum design capacity of 450 gpm if installed at a .1% grade. The existing tile, estimated to be less than 12" would restrict that estimated peak flow. Berkner said it is his opinion that the project's designs conform to the county's drainage ordinance.

Chairman Tostenson opened the public hearing asking Hicks for any additional comments. Hicks said he is just improving the original project and using the same main. Tostenson asked three separate times for any public comments in favor or against the project. No one responded. Tostenson closed the public hearing inviting board discussion. After discussion, Tostenson called for the vote. Motion carried 5-0.

Permit DR2025-38 for Greg Watt for land located within the NE1/4 of Section 4 of Madison Township.

Chairman Tostenson called for a motion to approve permit DR2025-38 for Greg Watt. Motion by Buttke and seconded by Mach to approve permit DR2025-38.

Berkner stated the project is relocating a creek bed that is directly adjacent to and partially in County Road 475th Avenue in the NE1/4 of Section 4 in Madison Township within the North Branch of the Yellow Bank River Watershed. Its current channel would be moved about 50 feet. The project is also permitted by the US Army Corps of Engineers. By moving the creek bed, the crossing through an existing county box culvert would be at more of a gradual angle instead of at a

sharp 90 degree turn which causes Watt's land to flood and erode as well as erosion damage to the county's road ditch and its box culvert.

Watt provided drawings that show a 20' wide excavation would be made 175 feet long, creating a new channel just west of the original channel. The spoils of the new channel would be used to fill in the old channel.

Chairman Tostenson asked Watt for any additional comments. Watt said the area always has problems with flooding and erosion and this is an attempt to help that water enter the road crossing without backing up and flooding. Tostenson asked three times for comments in favor or against the project. No one responded.

Chairman Tostenson closed the public hearing inviting drainage board discussion. Hwy Supt Peterson was asked about the flooding conditions described by Watt. Peterson said the county consistently does road maintenance in that area due to erosion and the request to move the water way, and create a gradual bend, would greatly reduce the county's effort in doing that type of maintenance and repairs. Both Mach and Street asked if it should be the county's role to help with the project since it would reduce the chances and expenses of having to do constant work repairing ditch erosion. Peterson responded the highway department would help with parts of the project that is within the road right-of way. Tostenson called for vote. Motion carried 5-0.

Chairman Tostenson adjourned the Drainage Board and reconvened the Board of Commissioners.

**HWY:** Supt Peterson reported on the open positions in the highway department. Commissioner Assistant Layher received a request from the Flynn Estate to mow one cut on each side of the Flynn Trail. The county can bill the Flynn Estate for the mowing.

**Ordinance 1997-1F Second Reading:** States Attorney Schwandt explained the proposed change in the drainage ordinance is to coincide with the state statute and to add a permit refund condition. The 9:00 AM public hearing was held for the second reading of Ordinance 1997-1F. Chairman Tostenson opened the public hearing and called three separate times for public comments in favor or against Ordinance 1997-1F. No one responded. Motion by Mach and seconded by Buttke to dispense with the reading of the ordinance and to adopt Ordinance 1997-1F. Tostenson called for board discussion. Commissioner Assistant Layher stated only after a passing vote by the Commission the ordinance would take effect 20 days

after publication, and only if it was not referred by petition. The fee will be determined at the first meeting in October. Chairman Tostenson called for the vote: Stengel: Aye; Mach: Aye; Buttke: Aye; Street: Aye; Tostenson: Aye. Motion carried 5-0. Ordinance 1997-1F adopted. The ordinance is on file in the auditor's office.

#### **ORDINANCE 1997-1F**

#### **AN ORDINANCE TO AMEND ORDINANCE 1997-1, AS AMENDED, REGULATING THE DRAINAGE OF PONDS, SLOUGHS AND LAKES OR ANY SERIES THEREOF**

**Executive Session:** Motion by Stengel and seconded by Buttke to enter executive session at 9:38 AM for the purpose of economic development pursuant to SDCL 1-25-2 (5). Motion carried 5-0. Commissioner Assistant Layher, States Attorney Schwandt, Auditor Folk, Grant County Development Corporation Director, Traci Stein, and board members: David Page, Josh Wendland, Steve Wenzl, Brian Sandvig, Nicole Bury, Kevin Kouba and Lance Junso were present. Chairman Tostenson declared the meeting open to the public at 10:16 AM. No action was taken because of the executive session.

**Data Development:** Kevin Kouba, the Economic Development Manager with Otter Tail Power, presented information on South Dakota Data Storage Developers. They are interested in South Dakota because of the low energy costs, climate and land.

**Continue Review of 2026 Budget:** Auditor Folk presented reports reflecting the changes the Commissioners asked for in the 2026 budget, revenue, expenses and 5-year Hwy Plan. The Commission reviewed and discussed the revised department budgets, cash applied, operating transfers and the assigned fund balances. The Commission will continue their work on the 2026 budget until finalizing the budget in September.

**Travel:** Commissioner Assistant Layher requested travel approval for Weed Supervisor Nathan Mueller for the State Weed Conference in Mitchell and 4-H Educator, Melissa Mueller and administrative assistant, Rochelle Reede, to attend the state fair in Huron. Motion by Stengel and seconded by Street to approve the travel requests. Motion carried 5-0.

**County Assistance:** States Attorney Schwandt stated he has negotiated a catastrophic medical relief settlement at the lowest rate possible of \$73,000 to be paid over two or three years. Motion by Mach and seconded by Stengel to approve the medical relief settlement. Motion carried 5-0.



**Executive Session:** Motion by Mach and seconded by Buttke to enter executive session at 11:30 AM for the purpose of litigation issue(s) per SDCL 1-25-2 (3). Motion carried 5-0. Commissioner Assistant Layher, States Attorney Schwandt, and Auditor Folk were present. Chairman Tostenson declared the meeting open to the public at 11:40 AM. No action was taken because of the executive session.

**Letter of Support:** Commissioner Assistant Layher stated a request from Scott Wheeler was received to send a letter of support for honoring Lawrence Welk and Myron Floren during the 70<sup>th</sup> anniversary of the Lawrence Welk show. Motion by Street to send a letter of support for the 70<sup>th</sup> anniversary of the Lawrence Welk show. Motion died for lack of a second.

**Unfinished Business:** None

**New Business:** Auditor Folk said the SD Dept of Legislative Auditors are here auditing 2023-2024.

**Correspondence:** None

**Claims:** Motion by Stengel and seconded by Buttke to approve the claims as presented. Motion carried 5-0. AARON SWAN & ASSOCIATES, prof services 590.00; ACTIVE DATA SYSTEMS, computer maint 3,640.00; ADVANCED TECHNOLOGIES, supplies 139.97; AGTEGRA, ethanol & diesel 16,101.27; AVERA QUEEN OF PEACE, health services 75.40; BERENS MARKET, inmate groceries 405.23; BORNS GROUP, mailing expense 1,633.03; C&C CARPET CLEANING, prof services 207.09; CCP INDUSTRIES, supplies 170.91; CENTER POINT, books 323.61; CERTIFIED LANGUAGES, prof services 23.10; CITY OF MILBANK, rubble site 10.00; CRAIG DEBOER, car wash card 238.06; FLAT RATE, gravel 19,644.61; FOOD & FUEL, inmate meals 396.50; GRANT COUNTY LIBRARY, supplies 25.00; GRANT COUNTY REVIEW, publishing 1,717.86; INGRAM, books 1,348.90; INNOVATIVE BENEFIT CONSULTANTS, prof services 154.00; INTER-LAKES COMMUNITY ACTION, service worker 2,634.33; ITC, phone & internet 2,305.31; JASON SACKREITER, garbage services 360.00; LEWIS FAMILY DRUG, supplies 702.83; MCLEOD'S PRINTING, supplies 172.29; MICHELLE GAIKOWSKI, prof services 249.90; MICROFILM IMAGING SYSTEMS, rentals 862.00; MILBANK AREA HOSPITAL AVERA, blabs 438.00; MURRAY COUNTY, minor equip 206.90; NORTHWESTERN ENERGY, natural gas 16.39; OTTER TAIL POWER, electricity 1,141.59; QUICK PRO LUBE, repair & maint 614.93; R.D. OFFUTT,

repair & maint 2,487.72; RC TECHNOLOGIES, 911 transport & tower rent 95.96; RELX, online charges 1,051.31; RUNNINGS SUPPLY, supplies 179.27; RYAN MAGEDANZ, repair & maint 3,384.51; SD ASSN CO COMMISSIONERS, registration 1,320.00; SD DEPT OF HEALTH, blabs 725.00; ST WILLIAMS CARE CENTER, inmate laundry 304.00; STAR LAUNDRY, rentals 23.25; STAR TRIBUNE, subscription 261.72; SUPERIOR CAPITAL HOLDINGS, supplies 96.25; THE ARTCRAFT GROUP, supplies 767.85; TWIN BROOKS TOWNSHIP, raif reimbursement 86,470.08; TWIN VALLEY TIRE, repair & maint 157.57; UNZEN MOTORS, repair & maint 160.50; VALLEY OFFICE PRODUCTS, supplies 1,115.41; VALLEY SHOPPER, publishing 28.83; VERIZON COMMUNICATIONS, hotspot 90.03; WHETSTONE HOME CENTER, supplies 476.04; WHETSTONE VALLEY ELECTRIC, electricity 964.09; XEROX, copier rent 1,007.76. TOTAL: \$157,716.16.

JULY 2025 MONTHLY FEES: SD DEPT OF HEALTH, SDACO, ROD modernization fee 202.00; SD DEPT OF REVENUE, monthly fees 172,268.67. TOTAL: \$172,470.67.

Payroll for the following departments and offices for August 14, 2025, payroll are as follows: COMMISSIONERS 8,120.60; AUDITOR 9,907.90; ELECTION 361.46; TREASURER 6,392.08; STATES ATTORNEY 8,016.90; CUSTODIANS 4,153.60; DIR. OF EQUALIZATION 4,562.80; REG. OF DEEDS 5,235.18; VET. SERV. OFFICER 1,530.00; SHERIFF 21,178.81; COMMUNICATION CTR 8,373.93; VISITING NEIGHBOR 1,925.16; LIBRARY 9,439.45; 4-H 7,038.48; WEED CONTROL 2,389.60; P&Z 431.05; DRAINAGE 1,665.95; ROAD & BRIDGE 35,935.44; EMERGENCY MANAGEMENT 2,743.65. TOTAL: \$139,402.04.

Payroll Claims: FIRST BANK & TRUST, Fed WH 8,104.29; FIRST BANK & TRUST, FICA WH & Match 16,888.04; FIRST BANK & TRUST, Medicare WH & Match 3,949.64; ACCOUNTS MANAGEMENT, deduction 134.16; AMERICAN FAMILY LIFE, AFLAC ins. 1,611.51; RELIANCE STANDARD LIFE DENTAL, ins. 402.10; RELIANCE STANDARD SUPPLEMENT LIFE, ins. 153.76; WELLMARK-BLUE CROSS OF SD, Employee health ins. 1,866.35; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 1,856.01; SDRS SUPPLEMENTAL, deduction 1,635.83; SDRS, retire 15,903.63. TOTAL: \$52,505.32.

**LEMPG Grant:** This grant agreement will reimburse the county for 50% of the EM Director's salary and benefits. Motion by Stengel and seconded by Buttke to

authorize Chairman Tostenson to sign the LEMPG grant agreement. Motion carried 5-0.

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

1. Approve a step increase for Vicki Karrasch 6-month rate of \$22.20 per hour effective 8-19-25.
2. Declare surplus an HP Office Pro Jet 9025 printer, fixed asset 11013; Dorm refrigerator RDFR, fixed asset 10391.

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 2 and 16, and October 7 and 21, 2025 at 8 AM in the basement Commissioner room. Please use the elevator. 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