

August 2, 2022

The Grant County Commission met at 8:00 AM with Commissioners Buttke, Mach, Stengel, Street and Tostenson. Chairman Stengel called the meeting to order with a quorum present. Motion by Tostenson and seconded by Buttke to approve the minutes of the July 19 meeting as presented. Motion carried 5-0. Minutes filed. Motion by Street and seconded by Buttke to approve the agenda as presented. Motion carried 5-0.

Members of the public present were Francis Brandenburger, Ben Wollschlager, Tom Frogner, Paul Anderson, Jerry Zubke, Joseph Kanthak Joe Kanthak, Eric Anderson, Spencer Street and Grant Street. Members of the staff present were Drainage Officer Berkner, Deputy Auditor Kathy Folk, and States Attorney Schwandt.

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

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

Permit DR2022-47 for Scott Wittnebel for property owned by RFS WITTNEBEL, LLC located in GOVT LOTS 1-4 EX RTY & EX LT 1 SCHUELKES SUBDIV OF GOVT LT 4 in 34-119-47 (Vernon East Township). Motion by Tostenson and seconded by Buttke to approve DR2022-47. Chairman Stengel asked Berkner to present his report on the permit.

Drainage Officer Berkner began his report by stating the applicant was adding additional tile to permit DR2005-06. If granted, this would add an additional 20,500 feet of 5" laterals to aid in draining 80 acres. The footprint of the additional tile would cover approximately 25 to 30 acres and would naturally drain through two existing 12" tiles from the previous permit. The maximum flow through those two 12" outlets could be as much as 1,100 gallons per minute. Berkner stated he didn't think the additional tile or water it would drain would be significant in comparison to the original flow from DR2005-06.

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.

Berkner informed the Board that Wittnebel was not available to attend the public hearing but that he and Wittnebel had gone over the permit application. Berkner stated the permit was straight forward but if the Board needed additional information from the applicant, the permit could be tabled.

Chairman Stengel opened the public hearing for DR2022-47 asking three times for comments for or against the project. No comments were offered. He then closed the public hearing.

Chairman Stengel then opened the discussion with the board. Commissioner Mach asked since one of the existing outlets from DR2005-06 appeared to be in Minnesota if it would be necessary to ask the applicant to provide proof of any required Minnesota drainage permit or required correspondence about the project.

Berkner said he would review the original 2005 drainage permit being modified and make it a condition to the permit to have Wittnebel provide any documentation from a Minnesota draining authority if that is the intent of the drainage board.

Chairman Stengel asked Mach if he was requesting the documentation from Wittnebel be a condition of the permit. Commissioner Mach replied yes and moved to approve the amendment which was seconded by Buttke. Motion carried 5-0. Chairman Stengel asked if there were any additional comments from the Board. Hearing none, he called the vote. Motion carried to approve Permit DR2022-47 as amended 5-0.

Permit DR2022-48 for Chris Zubke for property owned by Christopher and Natasha Zubke Living Trust for land located in the E1/2SW1/4 in 16-121-47 (Big Stone Township).

Before Chairman Stengel called for a motion to hear Drainage Permit DR2022-48 for Chris Zubke; Berkner made an announcement that the permit had been pulled to accommodate changes that will most likely combine the permit application with an adjacent landowner where they would share a main tile. The permit will be readvertised before being added to a future agenda.

Permit DR2022-49 for Eric Anderson for property owned by: Clarice Frogner for land located in the N1/2NW1/4 EX PART DEEDED, and S1/2NW1/4 in 17-119-48 (Vernon West Township); by Jim and Nancy Anderson Rev. Living Trust for land located in the SW1/4 EX LOT H-1 in 17-119-48 (Vernon West Township);

Winifred Boerger for land located in the SE1/4 EX LOT H-1 in 17-119-48 (Vernon West Township); and for Doug and Gail Barlund for land located in the NE1/4 EX LT 1 MORS SUBDIV in 17-119-48 (Vernon West Township). Motion by Mach and seconded by Street to approve DR2022-49. Chairman Stengel asked Berkner to present his report on the permit.

Berkner presented his report stating that DR2022-49 was a joint permit between four landowners: Clarice Frogner, Jim and Nancy Anderson Rev. Living Trust, Winifred Boerger, and Doug and Gail Barlund. According to Berkner, Eric Anderson was chosen by the group of landowners to coordinate all the drainage activity for the section in one permit application.

The permit is seeking to naturally drain approximately 600 acres with over 275,000 feet of pipe through seven outlets. This could flow as much as 1,435 gallons per minute at a .1% grade if the pipes ran full which is not expected. Berkner added that the natural run receiving the water from the seven outlets span three miles.

Berkner said the permit application shows three inlets. The water being drained would flow north within its natural watershed meeting up with the North Branch of the Yellow Bank River. He informed the Board that it is important to point out that this drainage project if permitted would not drain through the south branch of the Yellow Bank River where there was some concern from other landowners located to the east and south with a previous drainage permit.

In closing his report, Berkner said with the coordinated effort of the four landowners and the seven outlets discharging water over three miles of a natural waterway, the project should have very little effect on downstream landowners as per our ordinance requirements.

Stengel asked Eric Anderson for any additional information that he would like to add. Anderson said that Section 17 has always had trouble draining. After the extremely wet conditions last fall and this spring, the four landowners jointly agreed to work together to improve their drainage problems over the next two years. Once the mains are installed, they intend to complete as much of the tile pattern as possible by each landowner.

Chairman Stengel opened the public hearing for DR2022-49 asking three times for comments for or against the project. Jerry Zubke commented that he thought with the four landowners working together that it made more sense economically for each of them. With no further public comments Stengel closed the public hearing.

Chairman Stengel then opened the discussion with the board. Commissioner Tostenson remarked he had a concern about the quantity of water being drained in total, as it brings to attention the accumulative effect of all drainage projects and the impact on the county's major waterways. Commissioner Tostenson said he was not necessarily against this project individually, where he praised the joint effort of all the landowners involved working together as one, but that at some point the amount being drained in total within the county may have to be discussed.

Commissioner Mach commented on the three inlets where he stated that any inlet is always a concern of his. Eric Anderson said they were targeting the lowest areas within the section that commonly collects water. Paul Anderson said that one of the inlets on the land he farms would allow him to be able to cross an often-flooded drainage ditch.

Chairman Stengel asked if there were any additional comments from the Board. Hearing none, he called the vote. Motion carried 5-0.

Permit DR2021-19. Berkner was asked to give an update to a non-permitted drainage inlet that was reportedly installed on a permitted project DR2021-19 from last year. The permit drains the S1/2 of Section 9 in Adams East Township. Berkner stated that he and Drainage Board members Mach and Tostenson had been onsite to inspect the claim. An inlet had been located and installed in Section 10 approximately 1,000 feet to the east of the permitted inlet.

Berkner stated that the original permit for DR2021-19 indicated nine inlets to be installed over the S1/2 of Section 9 in Adams East and a solid, non-perforated, 15" main tile that crosses Section 10 before the water exits into the run into Lac qui Parle County in Minnesota. The original permit application did not show any inlet, or perforated tile, in Section 10. The additional inlet was installed and is draining surface water from Section 10. With there being crops in the field, it was impossible to account for all the inlets that were installed in Section 9. It would be better to wait until crops are harvested to determine what was installed.

Tostenson said that he wasn't so sure if the number of inlets installed in the S1/2 of Section 9 would matter if they varied slightly from the nine indicated on the permit. He remarked the board often approves drainage permits with an approximate number of inlets giving landowners some options if conditions are encountered that would cause obvious changes to the original planned inlet locations.

Berkner clarified that DR2021-19 did not identify any part of Section 10 to be drained with perforated tile or an open inlet as part of the original permit application and only showed a solid 15” pipe crossing Section 10 before flowing into Minnesota.

After a short discussion between the drainage board, Francis Brandenburger, the Minnesota landowner receiving the surface water from Drainage Permit DR2021-19, landowner Joe Kanthak for Section 10 where the inlet in question is located, and Grant Street, who applied for Drainage Permit DR2021-19 and installed a non-permitted inlet in Section 10. The landowners stated they had reached an agreement concerning the outlet in Section 10 and would be addressing the outlet in a future permit. The Board ended their discussion with no action taken.

Ben Wollschlager asked the Board if the county had decided what to do about a culvert height that had been altered without a drainage permit or township approval on 487th Avenue, a township road, between Section 9 and 10 in Adams East Township. Tostenson responded that the record on file in the Drainage Office shows that the Adams and Vernon Township Supervisors had accepted the replacement height of the culvert. If Wollschlager isn't happy with the township's decision, then Wollschlager needs to take his concerns back to the township supervisors as the culvert is in their jurisdiction. The county considers the matter closed.

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

Commissioner Tostenson left the meeting at 9AM.

Sheriff: Kevin Owen reported on the Legislative summer study for the regional jail funding proposed to be built in Aberdeen. He clarified the difference between compact laws versus contracting for bed space. He also provided data on the county's local jail to the committee members including the costs involved with transferring prisoners back and forth for court. **Staffing:** Sheriff Owen clarified with the Commission that a combined position of Deputy/Jailer would not be a good fit for the county. He would prefer a jail administrator to manage the jail area. No action was taken.

Highway: Supt Schultz and Drainage Officer Berkner presented information on the spillway in section 30 of Alban West. An easement was recorded on July 13, 1938 for the legal description of the spillway location. A search of the minute

books did not find any reference to the county building the spillway. Supt Schultz has requested the Corps of Engineers to search their records which they are continuing to do. As per the easement, the county can make repairs or improvements to the spillway, but Supt Schultz stated he would advise the Commission to have a hydraulic study done and to apply for a 404 permit from the Corps before any work is started on the spillway. This item will be placed on the August 16 agenda.

Travel: Motion by Street and seconded by Buttke to approve travel expenses for the Commissioners and personnel from the Auditor, Treasurer, Register of Deeds and Highway departments to attend the annual conference in Pierre. Motion carried 5-0.

Commissioner Tostenson rejoined the meeting at 10:15 am.

2023 Provisional Budget: The Commission continued discussion of the 2023 budget. Items discussed were year-end cash estimates by fund, historical data for cash applied from reserve to balance expenditures, operating transfers and department requests. The Commission will continue their work on the 2023 budget until finalizing the budget in September. Motion by Mach and seconded by Buttke to approve the provisional budget for publication and the following resolution for the public hearing on the 2023 budget. Motion carried 5-0. Resolution adopted.

2022-14

Resolution

**ADOPTION OF PROVISIONAL BUDGET FOR
GRANT COUNTY, SOUTH DAKOTA**

NOTICE IS HEREBY GIVEN: That the Board of County Commissioners of Grant County, will meet in the Courthouse at Milbank, South Dakota on Tuesday, September 6, 2022, at 9:00 AM for the purpose of considering the foregoing Provisional Budget for the year 2023 and the various items, schedules, amounts and appropriations set forth therein and as many days thereafter as is deemed necessary until the final adoption of the budget on the 20th day of September, 2022. At such time any interested person may appear either in person or by a representative and will be given an opportunity for a full and complete discussion of all purposes, objectives, items, schedules, appropriations, estimates, amounts and matter set forth and contained in the Provisional Budget.

Karen M. Layher
Grant County Auditor
Milbank, South Dakota

Unfinished Business: None

New Business: Commissioner Tostenson reported on the regional jail summer study meeting that he and Sheriff Owen had attended in Aberdeen. Brown County is seeking state and local funding under the compact laws for counties for a proposed regional jail in Brown County. This was a fact-finding hearing for the summer study committee.

Correspondence: None

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

1. Approve Erin Julius as a library volunteer effective 7-13-22

Claims: Motion by Street and seconded by Buttke to approve the claims. Motion carried 5-0. A-OX WELDING, supplies 75.54; ADVANCED TECHNOLOGIES, supplies 53.95; AUTOVALUE, supplies 154.88; BANNER, hwy project 7,448.30; BITUMINOUS PAVING, patching 37,174.20; BUTLER, supplies 1,060.89; CENTER POINT, books 131.99; CHS, ethanol 2,008.38; CITY OF MILBANK, water & sewer 696.52; CONSOLIDATED READY MIX, gravel 16,107.48; DAKOTA FLUID POWER, supplies 196.18; DEADWOOD RESORTS, motel 992.00; DELORIS RUFER, lib rent 100.00; DEMCO, supplies 394.24; DETCO, supplies 318.98; DUANE ATHEY, prof services 1,770.99; FISHER SAND & GRAVEL, gravel 2,941.61; GEORGIA TWP, culvert return 255.00; GRANT CO EC & DEV BOARD, allocation 8,750.00; GRANT COUNTY LIBRARY, supplies 643.86; GRANT/ROBERTS AMBULANCE, allocation 2,458.33; ISTATE TRUCK CENTER, supplies 89.10; JASON SACKREITER, rental 75.00; JEREMY WIESE, supplies 228.00; LEWIS FAMILY DRUG, supplies 14.97; LINCOLN COUNTY AUDITOR, prof services 411.70; MCLEOD'S, supplies 938.66; MICROMARKETING, audio/visual 65.99; MIDCO, internet 103.94; MIDWEST TRUCK, supplies 23.73; MILBANK AREA CHAMBER, allocation 1,000.00; MILBANK COMMUNITY TRANSIT, allocation, 5,000.00; MILBANK FIRE DEPT, allocation 750.00; MT LIBRARY SERVICES, books 58.00; NORTHWESTERN ENERGY, natural gas, 26.67; PHOENIX SUPPLY, supplies 553.35; RENODRY, contracted proj 368.56; RIVER STREET PETROLEUM, diesel 12,204.50; RYAN MAGEDANZ, prof services 950.12; SAFETY-KLEEN SYSTEMS, supplies 258.31; SCOTT BRATLAND, court appt atty 4,211.65; SD DEPT OF REVENUE MV, fees 24.20; SOUTH SHORE AMBULANCE, allocation 750.00; STAR LAUNDRY, rental 64.77; THOMSON REUTERS, ref books 1,259.36; TRUENORTH STEEL, culvert 12,240.00; TWIN VALLEY

TIRE, repairs & tires 3,181.00; VALLEY RENTAL, allocation 650.00; VALLEY SHOPPER, publishing 53.16; XEROX, copier rent 162.91.
TOTAL: \$129,450.97.

Payroll for the following departments and offices for the July 28, 2022, payroll are as follows: COMMISSIONERS 3,335.90; AUDITOR 10,066.19; ELECTION 289.12; TREASURER 3,887.15; STATES ATTORNEY 7,116.60; CUSTODIANS 3,228.75; DIR. OF EQUALIZATION 4,235.06; REG. OF DEEDS 4,502.26; VET. SERV. OFFICER 1,211.10; SHERIFF 13,681.15; COMMUNICATION CTR 6,729.20; PUBLIC HEALTH NURSE 818.41; ICAP 175.50; VISITING NEIGHBOR 1,807.70; LIBRARY 7,403.67; 4-H 3,636.45; WEED CONTROL 2,203.80; P&Z 915.75; DRAINAGE 915.75; ROAD & BRIDGE 35,073.82; EMERGENCY MANAGEMENT 2,592.00. TOTAL: \$113,825.33.

Payroll Claims: FIRST BANK & TRUST, Fed WH 8,695.38; FIRST BANK & TRUST, FICA WH & Match 13,819.56; FIRST BANK & TRUST, Medicare WH & Match 3,231.94; AAA COLLECTIONS, deduction 23.72; ACCOUNTS MANAGEMENT, deduction 145.32; AMERICAN FAMILY LIFE, AFLAC ins. 1,507.22; WELLMARK-BLUE CROSS OF SD, Employee and Commission health ins. 49,393.04; COLONIAL LIFE, ins 37.98; DEARBORN NATIONAL, life ins. 260.91; LEGAL SHIELD, deduction 51.80; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 210.00; OPTILEGRA, ins 440.77; SDRS SUPPLEMENTAL, deduction 1,280.83; SDRS, retire 12,692.11. TOTAL: \$91,790.58.

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 August 16 and September 6 and 20, 2022 at 8 AM. Motion by Tostenson and seconded by Mach to adjourn the meeting. Motion carried 5-0. Meeting adjourned.

Karen M. Layher, Grant County Auditor

Doug Stengel, Chairman, Grant County Comm.