

August 4, 2020

The Grant County Commission met at 8 AM by telephonic conference with the public. Commissioners Buttke, Mach, Stengel, Street and Tostenson were present at the meeting site. Chairman Mach called the meeting to order. Motion by Stengel and seconded by Buttke to approve the minutes of July 8 and 21, 2020 meetings. Chairman Mach called for a roll call vote. Buttke aye, Street aye, Stengel aye, Tostenson aye and Mach aye. Motion carried 5-0. Minutes filed. Motion by Street and seconded by Stengel to approve the agenda with moving the appointment time for Bobbie Bohlen to 8:45 AM. Chairman Mach called for a roll call vote. Buttke aye, Street aye, Stengel aye, Tostenson aye and Mach aye. Motion carried 5-0. Minutes filed.

Members of the public present were Eric Anderson, Darwin Johnson and Bobbie Bohlen.

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

Drainage: Chairman Mach adjourned the Board of Commissioners and convened the commission acting as the Drainage Board. The Drainage Administrator presented the following permit requests.

Drainage Permit DR 2020-11 by Eric Anderson, for the Jim & Nancy Anderson Revocable Living Trust, in Lots 3,4 except RTY & N 5 A of S1/2NW1/4 of Section 3 and the NE1/4 of Section 4 both in 118-49, Georgia Township. The request if granted, would allow the control of erosion and allow for easier farming. Drainage Administrator reported the NRCS determination is on file, the adjoining landowner's signature has been obtained and this is a cooperative project with Darwin Johnson's permit being presented today. Commissioner Street stated he had reviewed the project with both applicants and would recommend approval. Motion by Street and seconded by Tostenson to approve Permit 2020-11 as presented. Chairman Mach called for a roll call vote. Buttke aye, Street aye, Stengel aye, Tostenson aye and Mach aye. Motion carried 5-0.

Drainage Permit DR 2020-12 by Darwin Johnson, for the NE1/4 and W1/2 of Section 3 Township 118, Range 49, Georgia Township. The request if granted, would control erosion and drain wet areas. The Drainage Administrator stated the wetland determination is on file. Two additional letters were sent out in addition to the shared letters from the Anderson project. The applicant is staying back the required distance from the wetland. This is a cooperative project with DR 2020-11.

Motion by Street and seconded by Tostenson to approve Permit 2020-12 as presented. Chairman Mach called for a roll call vote. Buttke aye, Street aye, Stengel aye, Tostenson aye and Mach aye. Motion carried 5-0.

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

Highway: Supt Schultz presented an application from Jerald Zubke to cross County Road 33 between Section 15 and 16 in Big Stone Township. The plan is to cut through the road for the placement of a 12-inch tile. Motion by Stengel and seconded by Tostenson to approve ROW 2020-24 for crossing County Road 33 in Big Stone Township. Chairman Mach called for a roll call vote. Buttke aye, Street aye, Stengel aye, Tostenson aye and Mach aye. Motion carried 5-0.

BIDS FOR FUEL				
DATE	BIDDER	ETHANOL	DIESEL #1	DIESEL #2
07/07	UPI			1.50
	Cenex			1.55
UPI was the low bidder for Diesel 2 at 1.50.				
07/14	UPI	1.80		1.55
	Cenex	1.95		1.55
UPI was the low bidder for Ethanol at 1.80 and Cenex received the bid for Diesel 2 at 1.55.				
07/14	UPI			1.55
	Cenex			1.55
Cenex received the bid Diesel 2 at 1.55.				
07/24	UPI			1.55
	Cenex			1.55
UPI received the bid for Diesel 2 at 1.55.				

Economic Development: Executive Director Bobbie Bohlen provided an update on the apartment complex being built on the site east of St Williams and other housing projects that are being completed and being prepared for occupancy. Bobbie reported she will be on staff until mid-September and will assist with completing some grant projects. She expressed her thanks and her appreciation to the commission for the good working relationship over the years.

EM: Manager Kevin Schuelke informed the Commission on the CARES Act reimbursement for the EM area. Due to the EM position being funded by 50% through a federal grant, his salary cannot be requested under the CARES Act

unless the Commission opts out of the Local Emergency Management Program Grant. No action was taken.

Public Hearing: The 9 AM public hearing for the purpose to act upon a request from Dakota Range III for a 20 year franchise granting them authorization to erect and maintain poles and wires and necessary appurtenances and bury cable for the purpose of conducting electricity for lighting, heating and power purposes (Utility Lines) along and/or across certain public highways in the county pursuant to SDCL Chapter 31-26. Mollie Smith representing Dakota Range joined the meeting by teleconference. There were no members of the public present in the Commissioner's Room. Chairman Mach opened the public hearing and called for opponent testimony three times. No one offered any comments. Chairman Mach called for proponent testimony three times. No one offered any comments. Chairman Mach closed the public hearing. Ms. Smith answered the Commission's questions on the transmission line to Roberts County. Chairman Mach called for a motion. Motion by Tostenson and seconded by Buttker to adopt the following resolution. Chairman Mach called for a roll call vote. Buttker aye, Street aye, Stengel aye, Tostenson aye and Mach aye. Motion carried 5-0. Resolution adopted.

RESOLUTION

2020-27

RECITALS

I.

WHEREAS, Dakota Range III, LLC (Dakota Range), has filed an application with the Grant County Board of Commissioners pursuant to Chapter 31-26 of the South Dakota Codified Laws, for authorization to erect and maintain poles and wires and necessary appurtenances and bury cable for the purpose of conducting electricity for lighting, heating and power purposes (Utility Lines) along and /or across certain public highways in Grant County, South Dakota.

II.

WHEREAS, the Grant County Board of Commissioners has the jurisdiction and authority to grant the application of Dakota Range as set forth in paragraph I above, subject to such conditions as it may desire to impose.

III.

WHEREAS, Dakota Range has obtained approval of the locations of the Utility Lines crossing township highways, including section lines, from the applicable organized townships.

IV.

WHEREAS, Dakota Range has obtained approval of the locations of the Utility Lines crossing Grant County public highways from the Grant County Highway Department.

Now, therefore, be it resolved by the Grant County Board of Commissioners as follows:

1. That the application of Dakota Range dated April 22, 2020, for authorization to erect and maintain poles and wires and necessary appurtenances and bury cable for the purpose of conducting electricity for lighting, heating and power purposes along certain public highways in Grant County, South Dakota is granted subject to the conditions set forth herein.
2. That this grant is for a period twenty (20) years from and after August 4, 2020.
3. That as consideration for this grant, Dakota Range agrees to indemnify and hold harmless Grant County, its officers and employees from any and all liability, damages, claims, demands or otherwise, whether the same is based on contract or otherwise in law or in equity associated with the design, construction, installation, operating, inspecting, repairing, maintaining, replacing or removal of the Utility Lines along with all appurtenances thereto located pursuant to this grant, except such liability, damages, claims or demands which arise as a result of the intentional act or negligence of the county, its officers, employees or agents.
4. That as additional consideration for this grant, Dakota Range agrees to restore, at its expense, the affected areas to as good a condition as before said work was commenced and replace any structures affected, i.e., culverts and signs.
5. If the public highways in the county should be rebuilt or construction and maintenance of the county highways otherwise requires the removal or relocation of the Utility Lines, removal or relocation of the Utility Lines within the public highways shall be solely at the expense of Dakota Range.
6. That the rights and conditions of this grant shall be binding upon the successors and assigns of Dakota Range.
7. This grant shall further be subject to all rules and regulations as specified in the current edition of the National Electrical Safety Code.
8. That this grant shall not be effective until execution of the acceptance of the conditions set forth below by Dakota Range.

The following voted YEA: Buttke, Street, Stengel, Tostenson, Mach

The following voted NAY: None

Dated this 4th day of August, 2020.

GRANT COUNTY BOARD OF COMMISSIONERS

By: Michael J. Mach

Chairman, Board of County Commissioners

Attest:

Karen M. Layher, Grant County Auditor

Travel: Motion by Stengel and seconded by Buttke to approve travel expenses for VSO Scott Malimanek to attend annual training in Pierre. Chairman Mach called for a roll call vote. Buttke aye, Street aye, Stengel aye, Tostenson aye and Mach aye. Motion carried 5-0.

County Assistance: Motion by Street and seconded by Stengel to have the States Attorney review case PR 2020-02 for determination of benefits. Chairman Mach

called for a roll call vote. Buttke aye, Street aye, Stengel aye, Tostenson aye and Mach aye. Motion carried 5-0.

Provisional Budget: The Commission continued discussion of the 2021 budget. Items discussed were a gravel road plan, improvements on County Road 39 and 14, the 5-year road and bridge plan, salary adjustments to maintain and ensure a good work force, medical savings account for employees and benefit package for employees. The public hearing for the 2021 budget will be Sept 1 at 9 AM.

Sheriff: The statistics for the month of June for the Detention Center and Sheriff's Office were presented by report. Average Daily inmate population 3.16; Number of bookings 16; Work release money collected \$360.00; 24/7 Preliminary Breath Test (PBT) fees collected \$302.00; SCRAM (alcohol detecting bracelet) fees collected \$102.00; 24/7 PBT participants 4; SCRAM (Sobriety Program) participants 1; Calls for Service (does not include walk-in traffic) 410; Accidents investigated 6; Civil papers served 63; Cumulative miles traveled 9,491; 911 calls responded to (including Milbank) 82.

Library: Director Jody Carlson reported she had completed the FY2019 statistics report and provided a copy of the report to the Commission. In 2019 the county library and the branch libraries had a total circulation of 53,044 and the library has 93,738 items of books, magazines, newspapers. The circulation per capita is 7.4 and a total of 192 programs were done by the staff. Overall, the statistics remain consistent with 2018. Jody stated the staff has been busy even with the COVID issues by offering curbside pickup, book walks in the park and the summer reading program.

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

1. Bill Number: 198283.0; Tax year: 2019; Amount: \$291.00; Reason: The assessment for a garage should have been assessed on Parcel 26.13.00.04.

Omitted Property: Motion by Stengel and seconded by Buttke to hold an omitted property hearing on August 18, 2020 at 9 AM for adding the valuation of a garage on parcel 26.13.00.04. Chairman Mach called for a roll call vote. Buttke aye, Street aye, Stengel aye, Tostenson aye and Mach aye. Motion carried 5-0.

NACO: The National Organization of Counties is offering a 12-week course on leadership and communication. The discounted cost for the course is \$1695 for

three enrollees. Motion by Tostenson and seconded by Street to offer the opportunity for three department supervisors or elected officials to sign up for the course. Chairman Mach called for a roll call vote. Buttke aye, Street aye, Stengel aye, Tostenson aye and Mach aye. Motion carried 5-0.

Unfinished Business: Commissioner Tostenson asked to discuss the minimum 2-acre rule for plat purposes. He asked to have the P & Z officer put together a report on the building permits by township with the number of acres for each of the building permits. He stated he had read the Comprehensive Land Use Plan and would like the Commission to discuss at a future meeting a plan for updating the land use plan after reviewing the building permit information from the P & Z officer.

New Business: None

Correspondence: None

Claims: Motion by Stengel and seconded by Tostenson to approve the claims as presented. Chairman Mach called for a roll call vote. Buttke aye, Street aye, Stengel aye, Tostenson aye and Mach aye. Motion carried 5-0. AL'S BODY SHOP, repairs 1,844.60; ALLIED 100, minor equip 3,048.00; AUTOVALUE, supplies 282.25; CENTER POINT, books 44.24; CITY OF MILBANK, water & sewer 1,006.77; CITY OF WATERTOWN, 911 surcharge 6,217.53; COLONIAL RESEARCH CHEMICAL, supplies 187.86; CONSOLIDATED READY MIX, gravel 5,214.44; DELORIS RUFER, lib rent 100.00; EQUIPMENT BLADES, supplies 2,000.00; GRAJCZYK LAW OFFICE, prof services 300.00; GRANT CO HISTORICAL SOCIETY, allocation 6,944.52; GRANT CO TREASURER, postage 83.40; GRANT COUNTY REVIEW, publishing 954.18; GRANT/ROBERTS AMBULANCE, allocation 2,458.33; HUMAN SERVICE AGENCY, prof services 468.00; INSIGHT, supplies 216.99; MANUEL CARDENAS, prof services 353.10; MICROMARKETING, books 48.79; MIDAMERICA BOOKS, books 113.70; MIDCONTINENT, internet 85.00; MILBANK AREA CHAMBER OF COMMERCE, allocation 1,030.00; MILBANK AUTO PARTS, supplies & repairs 888.88; MILBANK FIRE DEPT, allocation 750.00; MINNEHAHA COUNTY AUDITOR, prof services 231.86; NORTHWESTERN ENERGY, natural gas 57.79; QUICK PRO LUBE, supplies 205.99; QUILL, supplies 251.65; RIVER STREET PETROLEUM, diesel fuel 4,256.45; ROSS K DEN HERDER, prof services 150.60; SANDRA FONDER, prof services 62.50; SCANTRON, prof services 4,799.96; SCOTT R BRATLAND, court appt atty 4,088.98; SD ASSN CO COMMISSIONERS, clerp 3,989.00; SD DEPT TRANSPORTATION, bridge inspection share 2,629.13; SOUTH SHORE AMBULANCE, allocation 750.00; STAR LAUNDRY, prof

service 94.08; STARCAP MARKETING, computer software 1,190.00; TRUENORTH STEEL, culverts 7,375.02; VALLEY RENTAL & RECYCLING, allocation 650.00; WILBUR-ELLIS HOLDINGS, weed chemicals 5,332.00; WILDUNG IMPLEMENT, parts 540.00. TOTAL: \$71,295.59.

Payroll for the following departments and offices for the July 28, 2020 payroll are as follows: COMMISSIONERS 2,708.40; AUDITOR 9,005.71; ELECTION 130.59; TREASURER 5,253.26; STATES ATTORNEY 6,002.75; CUSTODIANS 2,935.63; DIR. OF EQUALIZATION 3,722.00; REG. OF DEEDS 4,168.78; VET. SERV. OFFICER 1,105.50; SHERIFF 12,825.50; COMMUNICATION CTR 7,179.95; PUBLIC HEALTH NURSE 870.80; ICAP 389.40; VISITING NEIGHBOR 1,612.90; LIBRARY 6,615.61; 4-H 3,278.96; WEED CONTROL 2,155.80; P&Z 1,182.13; Drainage 86.85; ROAD & BRIDGE 30,661.98; EMERGENCY MANAGEMENT 1,793.40. TOTAL: \$103,685.90.

Payroll Claims: FIRST BANK & TRUST, Fed WH 8,588.68; FIRST BANK & TRUST, FICA WH & Match 12,592.12; FIRST BANK & TRUST, Medicare WH & Match 2,945.02; AAA COLLECTIONS, deduction 33.42; AMERICAN FAMILY LIFE, AFLAC ins. 1,390.29; WELLMARK-BLUE CROSS OF SD, Employee and Commission health ins. 48,602.24; COLONIAL LIFE INS, ins 101.51; DEARBORN NATIONAL, life ins. 296.24; LEGAL SHIELD, deduction 63.75; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 210.00; OPTILEGRA, ins 441.18; SDRS SUPPLEMENTAL, deduction 1,195.83; SDRS, retire 11,463.73. TOTAL: \$87,924.01.

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

1. Approve auto supplement for expense and revenue to the EM Fund for the reimbursement of Homeland Security grant funding of radios in the amount of \$48,359.73
2. Declare surplus: (1) Sony receiver and speakers, (5) digital cameras, (3) NOAA weather radios, (1) slide projector, (1) video projector, (2) printers, (1) office basic program, (13) computers, (1) black chair, (1) video chair, (1) sofa, (8) plastic storage trays, (1) playhouse cube, (1) Book display case, (1) kid ovation tabletop, (2) shelf units, (2) computer desks
3. Approve salary step increase to 6 months for Paul Tostenson to \$18.15 effective 7-21-2020

Executive Session: Motion by Stengel and seconded by Buttke to enter executive session at 11:02 AM for the purpose of a personnel(s) issue pursuant to SDCL 1-

25-2 (1). Auditor Layher was present. Chairman Mach declared the meeting open to the public at 12:27 PM. Chairman Mach called for a roll call vote. Buttke aye, Street aye, Stengel aye, Tostenson aye and Mach aye. Motion carried 5-0. 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 August 18 and September 1 and 22, 2020 at 8 AM. Motion by Street and seconded by Stengel to adjourn the meeting. Chairman Mach called for a roll call vote. Buttke aye, Street aye, Stengel aye, Tostenson aye and Mach aye. Motion carried 5-0. Meeting adjourned.

Karen M. Layher, Grant County Auditor

Michael J. Mach, Chairman, Grant County Comm.