

December 28, 2018

The Grant County Commission met at 8AM with Commissioners Buttke, Dummann, Mach, Stengel and Street present. Chairman Buttke called the meeting to order. Motion by Mach and seconded by Stengel to approve the minutes of the December 18, 2018 meeting. Motion carried 5-0. Minutes filed. Motion by Street and seconded by Dummann to approve the agenda with the deletion of item #4 the appointment of P & Z members as the December 18 minutes listed this item for January 8, 2019. Motion carried 5-0.

Present from the public were Commissioner Elect Bill Tostenson, Kristi Mogen, Al Robish, and David Schulte with the Grant County Review.

The Chairman called for public comment. Kristi Mogen addressed the Commission on the organic food forum she attended and participated in. The forum was held in Mitchel with 25 counties represented, commented on the minutes from the study group meeting held on November 20 not being on the website, potential litigation for improper hearing notice for the second reading of the Ordinance 2016-01C and postponing public hearing due to the inclement weather preventing attendance. Al Robish addressed the Commission asking a question if any motion to reconsider had been filed on the two permits approved at the P & Z Board of Adjustment hearing and spoke on conflict of interest of P & Z members.

2018 Year End: Auditor Layher began the year-end financial review for contingency and cash transfers. At 8:50 AM Chairman Buttke stated the Commission would cease discussion and move the meeting to the Courtroom for the 9 AM Hearing on Ordinance 2016-01C.

Public Hearing: Members of the public present were Kristi Mogen, Al Robish, William Tostenson, Nicole Bury, Tom Pillatzki, Mark Leddy, Nancy Johnson, Don Weber, Krista Atyeo-Gortmaker, Kevin Schuelke and David Schulte from the Grant County Review.

Chairman Buttke announced the next agenda item is a public hearing for the proposed Ordinance 2016-01C. This is an amendment to the Zoning Ordinance relating to Wind Energy Systems. These amendments, passed on a 5 to 2 vote and are based upon the recommendations from the Planning and Zoning Board work sessions. In order to bring the matter properly before the Commission, Chairman Buttke asked for a motion and a second to approve Ordinance 2016-01C. Motion by Dummann and seconded by Mach to approve Ordinance 2016-01C. Chairman

Buttke also announced Executive Director of First District Todd Kays would be participating by teleconference and would be providing parliamentary and commission support services. Deputy Auditor Joan Czmowski served as timer.

Chairman Buttke opened the public hearing and read the rules for testimony which are a three minute time limit and avoidance of repetition of testimony. Proponent testimony was called.

Nichole Bury stated she had written a letter to the Planning Commission members in support of the amendments. Stated change is difficult, but this is good for the community as this is another source of revenue for the landowner. Need jobs for the youth to stay in the area and this is a progression to move forward.

No other proponents spoke. Chairman Buttke called for opponent testimony.

Kristi Mogen addressed her concerns of conflict of interest for two commissioners, empty room of testifiers due to weather and improper notice for the hearing today. She also spoke on zoning being a problem if one person is harmed, public health and safety, CAFO has a mile setback, flicker trespass on non-participants, impact study, cultural sites, prairie fires, blow outs, lightning strikes, property values and noise level.

Chairman Buttke allowed 5 minutes for testimony.

Al Robish asked if any motion to reconsider had been filed on the two permits issued the prior week. He addressed issues of not following the state statutes for the hearing notice requirement of 10 days, concerned with the blades throwing ice, towers too close to the residents and board has conflict of interest.

Auditor Layher read two emails received from Kathy Tyler and Amber Christensen for the hearing.

Kathy Tyler's concerns were on the setbacks, contracts and the easements covering the entire landowner's property, the concern of money and the number of people impacted by the number of towers.

Amber Christensen requested the hearing be postponed for two reasons, not a 10 day notice and no travel advised. Her email addressed concerns relating to health and safety. Specifically the negative impact on the water supplies, hydrogeology studies impacts on water sources during the construction phase of the wind towers. Requested revision to the ordinance to include language protecting water sources.

Tom Pillatzki stated he is neither for nor against, but wants to see responsible wind energy development, take care of the non-participants. Addressed flicker, noise level, turbine safety and maintenance as these sites are next to homes, fields and gardens. Come up with a plan to make it work for participating and non-participating.

Chairman Buttke asked if anyone else wished to address the Commission. No one came forward. Chairman Buttke closed the public portion of the hearing.

Todd Kays explained the motion before the Commission is to approve as recommended by the Planning Commission the proposed amendments to the Wind Energy System Ordinance. The Commission has the following options.

1. Approve the amendments as presented.
2. Deny the amendments.
3. Amend the revisions – send back to the Planning Commission and they would need to have an additional hearing and another formal recommendation to the Commission.
4. Recommend an amendment and the County Commission would hold an additional hearing on the amendment after the required public notice is published.
5. Motion to postpone until the next scheduled County Commissioner meeting.

The County Commissioners held discussion.

Commissioner Street states Clark County has gone to a $\frac{3}{4}$ mile set back and they are moving forward with wind farms. Commissioner Street moved to do option 4 with the amendment being a $\frac{3}{4}$ mile setback for non-participants with the option of a waiver. Chairman Buttke called for a second. After calling for a second three times, the motion failed due to the lack of a second.

Commissioner Dummann is in favor of the amendments as presented. He thanked the Planning Board for their time and effort put into revisions. At a PUC hearing last week in Summit, he stated 31 local residents testified in favor of the wind farm with only one against. The tax dollars raised by the wind farms will be a good resource for the townships, schools and the county to help with the roads and bridges. Stated he is in favor of passing the amendments.

Commissioner Mach stated the Planning Board has spent all summer and fall reviewing the wind energy system ordinance with open hearings. A growing community needs money and jobs for our kids so they can come back home to work. Last week land sold in an area where the wind farm is located and it sold for \$4000 an acre. Property values were not affected. He has checked into comments made at the hearings of the Planning Commission and some have not told the whole story. He works for a coal fired power plant. He is an employee not an owner. Stated he is pro wind or anything that brings progress to the community. He talked about a township in Brookings County that had very little tax revenue for roads and now has \$168,000 in the bank. He wants to see the county progress. The wind energy companies are not interested in setbacks in building projects if there is a ¾ mile or more setback. What other industry can we bring in? Expressed appreciation for Economic Development and their support. The money generated by the wind farms will be good for the taxing authorities. Thanked Chairman Johnson for her work at the meetings. In favor of the amendments as presented.

Commissioner Mach called the question. Auditor Layher called the roll: Dummann-aye, Mach-aye, Street-aye, Stengel-aye, Buttke-aye. Motion carried 5-0.

Motion on the floor is to approve Ordinance 2016-01C as recommended by the Planning Commission relating to Wind Energy Systems. Auditor Layher called the roll. Dummann-aye, Mach-aye, Street-nay, Stengel-aye, Buttke-aye. Motion carried 4-1.

Todd Kays stated the next step is to publish the ordinance and the amendments would be effective 20 days after publication, unless referred to a vote. Chairman Buttke closed the hearing and the Commission resumed their meeting in the Commissioner Room.

2018 Year End: The Commission continued their review of the year end financials and the following actions were done.

Allocations: Motion by Dummann and seconded by Stengel to approve the following allocations. Motion carried 5-0. Marvin Fire Dept: \$10,000; Community Transit: \$10,000; Corona Fire Dept \$3,000.

Contingency: Motion by Street and seconded by Buttke to approve the following year-end contingency transfers. Motion carried 5-0.

FROM	TO	AMOUNT
#112 Contingency	#111 Commission	22,140

#112 Contingency	#151 States Attorney	3,460
#112 Contingency	#391 Bus Barn	387
#112 Contingency	#441 Mentally Ill	3,678
#112 Contingency	#442 Dev Disabled	536
#112 Contingency	#444 Mental Health	347
#112 Contingency	#445 Mental Illness Board	5,681
#112 Contingency	#611 Extension	19,722
#112 Contingency	#612 Conservation	727
#112 Contingency	#624 Drainage	8,400

Total General Fund 65,078

#112 Contingency	#226 EM Fund	10,226
#112 Contingency	#401 TIF Bond Fund	100
Total Contingency Transfers		75,404

Unused Contingency Budget for 2018	84,596
Unused Budget Authority: General Fund	810,044
Unused Budget Authority: Highway Fund	445,906

Cash Transfers: Motion by Street and seconded by Stengel to approve the cash transfer as per the 2018 budget. Motion carried 5-0.

FROM	TO	AMOUNT
101 General	#201 Highway Fund	60,000
101 General	#226 EM Fund	10,000

Capital Designation: Motion by Stengel and seconded by Dummann to approve the following list of capital designations for YE 2018 within the General Fund.

Motion carried 5-0.

Courthouse Tuck pointing	\$75,000
Software/ Hardware Upgrade	\$30,000
Library	\$70,000
Highway Road Projects	\$975,000
Gov't Bldgs-Heating/AC	\$250,000
Radio Upgrade	\$100,000
Total Designations	\$1,500,000

First District: Motion by Stengel and seconded by Buttke to approve the contract with First District of Local Government to provide administrative service to the P

& Z Board and the Board of Adjustment at a rate of \$45 per hour not to exceed \$10,750 for 2019. Motion carried 5-0.

Highway:

		BIDS FOR FUEL		
DATE	BIDDER	ETHANOL	DIESEL #1	DIESEL #2
12/06	UPI	2.259		
	Cenex	2.20		
Cenex was the low bidder for Ethanol at 2.20.				
12/21	UPI	2.02	2.65	2.25
	Cenex	2.15		2.44

UPI was the low bidder for Ethanol at 2.02 and for a 70/30 blend of Diesel 1 and 2 at an average of cost of 2.37.

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

1. Approve agreement with First District Association of Local Government to provide the CIS Web Hosting for a cost of \$2,500 for 2019
2. Approve agreement with First District Association of Local Government to provide parcel layer updates for the year 2019 for a cost of \$6,000

Unfinished Business: None

New Business: Auditor Layher provided the Commission with the proposed 2019 salary schedule for their review and consideration at the January 8 meeting.

Correspondence: None

Claims: Motion by Mach and seconded by Stengel to approve the claims as presented. Motion carried 5-0. BERENS, supplies 172.39; BROCK WHITE CO, hwy project 28,182.00; BRODART, supplies 55.45; BUREAU OF INFO & TELE, internet & email 505.75; BUTLER, parts & repair 2,621.95; CITY OF WATERTOWN, 911 surcharge 6,917.58; COMMERCIAL LIGHTING CO, light bulbs 762.47; CUMMINS CENTRAL POWER, maintenance 970.16; DAKOTA FLUID POWER, parts 71.18; DAKTECH, computers 1,722.00; DEMCO, supplies 346.61; EMERY PRATT, books 16.81; EQUIPMENT BLADES, cutting edges 4,860.00; FIRST DISTRICT, prof service 4,009.96; HARTMAN'S, supplies 2.50; HEATHER LACROIX, mental illness bd 245.13; HEDAHLS, supplies 4.99; ISTATE TRUCK CTR, supplies 205.04; JOHN GILL, reimburse 2,559.49; LEWIS FAMILY DRUG, supplies 6.98; MARVIN FIRE DEPT, allocation 10,000.00; MCLEOD'S, election supplies 598.40; MICROMARKETING, supplies

77.77; MILBANK AUTO PARTS, parts 12.24; MILBANK COMMUNITY TRANSIT, allocation 10,000.00; NEWMAN SIGNS, markers 292.62; NORTHWESTERN ENERGY, nat gas 160.57; PCMG-GLOBAL, ADOBE licensing 1,036.99; RDO EQUIPMENT, prof service 1,200.00; REGENCY-PIERRE, room 57.00; SD DEPT TRANS, hwy projects 148,968.80; SEEHAFFER HARDWARE, supplies 7.59; STAR LAUNDRY, prof service 48.04; STERN OIL CO, supplies 533.82; TECH ONE, supplies 198.00; TOWN OF CORONA, allocation 3,000.00; TWIN VALLEY TIRE, tires & repair 8,925.50; ULTRA, parts 3,150.00; UPI, ethanol 4,416.00; VALLEY OFFICE, supplies 187.70; VISA, supplies, gas, laptops & books 4,050.37; WHETSTONE VALLEY ELECTRIC, electricity 147.06; WITTROCK & SON, garbage service 525.00; XEROX, copier rent 207.28. TOTAL: \$252,039.19.

Payroll for the following departments and offices for the month of December 2018 are as follows: COMMISSIONERS 5186.90; AUDITOR 21,717.83; TREASURER 9852.94; STATES ATTORNEY 11,339.99; CUSTODIANS 4907.19; DIR. OF EQUALIZATION 6924.20; REG. OF DEEDS 6929.31; VET. SERV. OFFICER 1232.40; SHERIFF 20,392.53; COMMUNICATION CTR 13,028.98; PUBLIC HEALTH NURSE 1543.95; ICAP 666.00; VISITING NEIGHBOR 2540.14; LIBRARY 12,505.32; 4-H 5935.90; WEED CONTROL 3569.85; PLAN & ZONING 7420.20; ROAD & BRIDGE 51,545.22; EMERGENCY MANAGEMENT 3256.00. TOTAL: \$190,494.85.

Payroll Claims: FIRST BANK & TRUST, Fed WH 16,410.10; FIRST BANK & TRUST, FICA WH & Match 23,270.26; FIRST BANK & TRUST, Medicare WH & Match 5442.36; AMERICAN FAMILY LIFE, AFLAC ins. 1750.92; WELLMARK-BLUE CROSS OF SD, Employee and Commission health ins. 45,709.82; DEARBORN NATIONAL, life ins. 277.47; LEGAL SHIELD, deduction 88.65; OPTILEGRA, ins 355.36; SDRS SUPPLEMENTAL, deduction 3295.00; SDRS, retire 19,443.79; COLONIAL LIFE INS, ins 27.07. TOTAL: \$116,070.80.

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 January 8 and 15, 2019 at 8 AM. Motion by Dummann and seconded by Buttke to adjourn the meeting. Motion carried 5-0. Meeting adjourned.