

January 18, 2022

The Grant County Commission met at 8AM with Commissioners Buttke, Mach, Stengel, Street and Tostenson. Chairman Stengel called the meeting to order. Motion by Mach and seconded by Tostenson to approve the minutes of the January 4, 2022, meeting. Motion carried 5-0. Minutes filed. Motion by Mach and seconded by Buttke to approve the agenda with a change for the drainage permits to hear the Heuer permit first followed by Mertens. Motion carried 5-0.

Members from the public present were Allen Heuer, Butch Kaaz, Judy Kaaz and Mark Kriesel. Staff members present were Drainage Officer Steve Berkner and States Attorney Jackson Schwandt.

Chairman Stengel called for public comment for any items not listed on the agenda. There was none. Chairman Stengel closed the public comment period.

The Auditor's Account with the Treasurer for the month of December 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 December, 2021

Cash on Hand	\$914.29
Checks in Treasurer's possession	
less than 3 days	\$59,191.69
Cash Items	\$0.00
TOTAL CASH ASSETS ON HAND	\$60,105.98
RECONCILED CHECKING	
First Bank & Trust	\$2,987.74
Interest	\$0.00
Credit Card Transactions/TIF Fee	\$5,659.85
First Bank & Trust (Svgs)	\$6,852,497.00
CERTIFICATES OF DEPOSIT	
First Bank & Trust	\$0.00
First Bank & Trust (TIF)	\$0.00
TOTAL CASH ASSETS	\$6,921,250.57

GENERAL LEDGER CASH BALANCES:

General	\$2,947,709.36
General restricted cash	\$2,250,000.00
Cash Accounts for Offices General Fund	\$656.00
Sp. Revenue	\$368,103.22
Sp. Revenue restricted cash	\$0.00
Henze Road District	\$0.00
TIF Apportioning Northern Lights	\$0.00
TIF Milbank	\$0.00
TIF Northern Lights	\$0.00
Special assessment Land Rent	\$0.00
Trust & Agency	\$1,354,781.99
(schools 89,055.65, twps 65,502.71, city/town 17,865.33)	
TOTAL GENERAL LEDGER CASH	\$6,921,250.57

Dated this 11th day of January, 2022
Karen M. Layher
County Auditor

The Clerk of Courts fees for the month of December were \$17,719.75 and the Sheriff fees for the month of December were \$3,622.00 with \$1,278.00 receipted into the General Fund. The Register of Deeds fees for December were \$23,874.35. Sheriff's statistic report for the month of December for the Detention Center and Sheriff's Office: Average Daily inmate population 1.22; Number of bookings 14; Work release money collected \$0.00; 24/7 Preliminary Breath Test (PBT) fees collected \$330.00; SCRAM (alcohol detecting bracelet) fees collected \$0.00; 24/7 PBT participants 4; SCRAM (Sobriety Program) participants 0; Calls for Service (does not include walk-in traffic) 432; Accidents investigated 3; Civil papers served 56; Cumulative miles traveled 9,613; 911 calls responded to 92.

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

Chairman Stengel called for a motion to approve Permit DR2022-01 for Alan Heuer located in SW1/4 EX 1½ A & EX Lot H-4 in 27-120-52 Mazeppa Twp. Motion by Mach and seconded by Street to approve DR2022-01.

Chairman Stengel called on Drainage Officer Berkner to present Drainage Permit 2022-01. Berkner explained that Heuer's drainage project had already been completed without a permit approximately 10 days prior to Heuer responding to a certified letter identifying that his drainage project was in violation of the county's drainage ordinance. It was estimated that approximately four business days passed from the time of the completion of the non-permitted drainage project and when

the certified letter was sent. Heuer responded to the drainage office immediately upon receiving the letter.

Berkner said that after speaking on the phone he and Heuer agreed to meet the following day to go over the permit application process in detail where Heuer filled out much of the permit and paid the official fees. Heuer was asked to obtain the required signatures and the remaining data for the permit.

The DR2022-01 permit is for approximately 10 acres of tiling. It was identified that approximately 200 feet of the main drainage line crosses over into the Butch and Judy Kaaz property and that the drainage outlet was in the County Road 22 ditch near a culvert that crosses under the road.

Berkner said that on the day Heuer turned in his drainage permit application he advised Heuer that according to the county's drainage ordinance, signatures by both Kaaz and County Highway Superintendent Schultz are required for the application to be complete and ready for consideration by the drainage board.

Heuer stated that since turning in his application, he has contacted Butch and Judy Kaaz seeking their permission because the drainage tile had crossed their property, but they have not reached an agreement.

A tiling map provided by Heuer also showed an 8" inlet on the east side of the Heuer property, next to I-29, where the 10" outlet was located on the far westside of the property just over 1/2 a mile away in the ditch of County Road 22. The tiling map also indicated that 8", 6" and 4" lateral drain tiles were used to improve drainage and control erosion.

According to Berkner the maximum flow of the 10" outlet would be 340 gallons per minute if the tile was put in at a 1% grade. There were seven certified letters sent out to the downstream landowners with no questions or responses received by the drainage officer.

During the comment period Heuer stated that he was unaware that his drainage project needed a permit in Grant County. He stated he had recently completed another drainage project in another county that didn't need one but that he would accept responsibility for completing the drainage project without the proper permit.

Commissioner Street addressed the issue of the timing of the flow and if the water flows into a blue line. Commissioner Tostenson asked how many downstream landowners had received notice and if any had responded. Seven letters were sent

and none of the landowners had contacted the Drainage Officer with concerns. Commissioner Mach asked if the tiler had asked about the permit. The answer was no. Commissioner Tostenson remarked the tire track damage to the Kaaz property does need to be addressed either by the tiling company or Heuer. Commissioner Tostenson also had a concern on overburdening the waterway.

Chairman Stengel remarked there are four issues to be addressed; the approval of the permit, tile installed without permission, outlet in the county ROW and the issue of tiling without a permit.

Abutting landowner, Butch Kaaz commented about the completion of the drainage project without a permit. He wants to be sure that whatever is eventually permitted does not cause water to back up on their land. The Kaaz's provided photos of standing water on their property alongside the newly installed outlet. Butch Kaaz would like the outlet moved to the Heuer property with the tile crossing the county road and out-letting on the west side of the county road.

Kriesel stated he was concerned about how the Drainage Board was going to enforce the county's Drainage Ordinance as it related to the already finished drainage project when a public hearing hadn't taken place and wasn't permitted yet.

The Board continued discussion on the county's culvert size and depth and asked Supt Schultz to inspect the culvert.

During further discussion a motion was made by Tostenson and seconded by Buttke to table the permit approval until the February 15 meeting. Motion carried 5-0. Highway Superintendent Schultz was asked to look at the existing tile outlet and the possible effects on the flow of additional water through the culvert under County Road 22 or if maybe it was better for the drainage tile to be dug through the road by the Heuer land instead of the Kaaz land.

Heuer was asked to meet with Butch and Judy Kaaz to discuss a solution to the tile outlet and the tile on the Kaaz property with a final drawing of the agreed upon solution. Supt Schultz was asked to also check the current county culvert for any blockage and the possibility of allowing a tile to go through the county road by the Heuer property.

The Drainage Board began their discussion on the penalty phase for a non-permitted project. Commissioner Tostenson motioned to set the penalty at \$500 per day for four days and was seconded by Mach. Commissioner Street asked for

clarification on the calculation for the four days. Landowner Butch Kaaz remarked the tiler should also be held liable. Commissioner Tostenson asked States Attorney Schwandt for clarification on the penalty section of the ordinance.

States Attorney Jackson stated Section 320 is for a criminal charge, which the States Attorney decides whether to prosecute, it is not a civil penalty. The charge would be against the person installing the tile, not a company. Under Section 319, the Board may determine a penalty for draining without a permit and motion to have the States Attorney to proceed with civil action with a demand letter for the penalty.

Commissioner Street remarked he believes the penalty for this permit should be more than \$500 as the adjoining landowner had not been contacted about the project and the tile encroaches on the adjacent land. Motion by Street to amend the motion to \$750 per day for four days and was seconded by Tostenson. Motion carried 5-0. Motion by Tostenson and seconded by Mach to approve the penalty amount of \$750 and to request the States Attorney to send a letter to Alan Heuer. Motion carried 5-0.

Chairman Stengel asked for a motion to approve Drainage Permit 2021-39 for Darin Mertens located in Lot 2 Henze Farm Addition located in Gov't Lot 4 and in the SE1/4SW1/4 EX in 30-120-48 Alban Twp. Motion by Tostenson and seconded by Street to approve DR2021-39.

Drainage Officer Berkner was asked to present the permit. Berkner stated that the Mertens drainage project in Alban West Township is an 80-acre parcel that was split by the North Branch of the Yellow Bank River.

In the Mertens' permit application, and accompanying documentation provided, it was diagramed that two 8" outlets, located on the north bank, and one 10" outlet, located on the south bank, along with accompanying lateral 8" and 6" drain tiles that would be used to improve drainage and control erosion.

According to Berkner the three outlets running at full capacity could flow 710 gallons per minute, but it was noted that the size of the outlets were significantly larger than they needed to be as the applicant was anticipating that abutting neighbors to the proposed tiling project could eventually add on to it if needed.

Berkner said that all three landowners located up to 2-miles downstream of the proposed tiling project were sent certified letters, with none of them responding directly to his office.

Berkner also pointed out that in his opinion, vested drainage rights granted for the property in the past would not be affected by the proposed tiling project and that all the drainage would be contained within the Mertens property where no other signatures besides Mertens would be required.

Mertens, speaking via a conference call, stated that his drainage project's pipe sizing was increased at the suggestion of the tiling company he was going to use and that he had already had some conversations with his neighbors that if permitted, his drainage tile would be available to tie into if needed.

Berkner concluded that the county's ordinance was being followed in the permit application and that in his opinion, the questions in Section 101 could all be answered in the affirmative for approving the permit.

Commissioner Tostenson asked if the project contained any springs and if any wildlife would be affected by the project. Mertens responded no. Commissioner Street asked to call the question. Chairman Stengel stated the motion on the floor is the approval of DR2021-39. Motion carried 5-0 to approve the permit.

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

Highway: Supt Kerwin Schultz informed the Commission of the new federal training requirements for all CDL applicants which takes effect in February. The new Federal Entry Level Driver Training (ELDT) will require all new commercial motor vehicle drivers to receive a six-week training prior to being issued a CDL. He advised the Commission that the SD Local Transportation Assistance Program (SDLTAP) is working on establishing a training program for the counties.

BIDS FOR FUEL

DATE	BIDDER	ETHANOL	DIESEL #1	DIESEL #2
12/03	UPI	2.55		2.82
	Cenex	2.79		2.89

UPI was the low bidder for Ethanol at 2.55 and for Diesel #1 & 2 at 2.82.

12/22	UPI	2.75	3.01	
	Cenex	2.69	2.87	

Cenex was the low bidder for Ethanol at 2.69 and for Diesel #1 at 2.87.

Dept. Reports: ROD Becky Wellnitz reported her office is now providing digital copies to the Abstract Office instead of photocopying the documents. The required fees are billed out at the end of each month. The totals fees collected by her office in 2021 was \$173,324.35. **DOE:** Kathy Steinlicht reported on her 2022 payable in

2023 real estate intentions she has sent to the Dept. of Revenue. The county wide AG value per acre is \$1,764.87. She also reported the top dollar on crop AG land is \$3,047.53 and non-crop top dollar is \$1,802.05. Treasurer: Karla DeVaal reported her staff is busy filing the property cards for the new tax collection year. Advanced taxes were collected from individuals requesting to pay the 2021 taxes before yearend. Tax notices are in the process of being prepared as well as the assessment freeze applications for the elderly and disabled. VSO: Scott Malimanek informed the Commission the VA again has limited access due to COVID. He has assisted about fifteen individuals with claims. There are two individuals currently being certified for driving the DAV vehicle. 4-H: Sara Koepke reported the new building is at the stage of texturing and painting. The shooting sports program has seventy-five participants enrolled. In February she will be working on 4-H programming rather than fundraising. EM: Kevin Schuelke reported on the HMEP Grant for purchasing three Haz Mat suits and the training requirement of the grant. The LEPC met and had a tour of Valley Queen. Through the LEPC funding absorbent socks/pads were purchased and two-tier reports have been filed. Kevin also reported on fuel leak cleanups, the rapid tag machine for issuing picture ID's for county employees and that he will be submitting a request for funding a generator for the 4-H building through the 2022 Homeland Security Grant.

Health Insurance: Motion by Tostenson and seconded by Street to approve a change in the cost share for the family health insurance going from 60% to 66% being paid by the County. Motion carried 5-0. The employer cost will be \$1,924.22 per month and the employee share will be \$991.26 per month.

Scantron: Motion by Tostenson and seconded by Mach to approve a contract with Scantron for Cloud Recovery for 30 PC's at a cost of \$252 per month with an installation fee of \$1,960 and a contract for Network monitoring at \$170 per month with an installation cost of \$560. Motion carried 5-0.

2022 Elections: Motion by Mach and seconded by Tostenson to adopt the following resolution to establish the precincts for the 2022 elections. Motion carried 5-0. Resolution adopted.

2022-02
RESOLUTION TO ESTABLISH PRECINCTS
FOR THE PRIMARY AND GENERAL ELECTION TO BE HELD IN 2022

WHEREAS, SDCL 12-14-1 states the board of county commissioners shall by resolution provide for election precincts throughout its county and shall designate polling places within such precincts, and

WHEREAS, a Primary and General Election will be held in 2022 for the purpose of electing candidates;

NOW THEREFORE BE IT RESOLVED, that the Grant County Board of Commissioners hereby adopts the following precincts for the 2022 elections.

<u>Precinct Name</u>	<u>Polling Place</u>
Milbank Ward 1 Precinct 1	City Office Community Room 1001 E. 4 th Ave., Milbank
Milbank Ward 1 Precinct 2	City Office Community Room 1001 E. 4 th Ave., Milbank
Milbank Ward 2 Precinct 1	City Office Community Room 1001 E 4 th Ave., Milbank
Milbank Ward 2 Precinct 2	City Office Community Room 1001 E. 4 th Ave., Milbank
Milbank Ward 3 Precinct 1	City Office Community Room 1001 E. 4 th Ave., Milbank
Milbank Ward 3 Precinct 2	City Office Community Room 1001 E. 4 th Ave., Milbank
Milbank Ward 3 Precinct 3	City Office Community Room 1001 E. 4 th Ave., Milbank
41 Adams & Vernon Twp.-Towns of Albee & Revillo	Revillo Community Center 310 N 2 nd St., Revillo
42 Alban Twp.	Milbank Airport 14871 482 nd Ave, Milbank
43 Big Stone City & Twp.	Big Stone City Office 400 Washington, Big Stone City
44 Blooming Valley- Farmington-Lura Twps.	New Township Hall 15050 455 th Ave., Summit
45 Georgia Twp., Town of LaBolt & Madison Twp.	LaBolt Mini Mall 140 Main St., LaBolt
46 Grant Center Twp.	Whetstone Valley Electric Meeting Room 1101 E 4 th Ave., Milbank
47 Melrose Twp.	Grant County Library 207 E Park Ave., Milbank
49 Mazeppa-Osceola Twp. & Town of Marvin	Marvin Hall 204 S. Church St., Marvin
52 Stockholm Town & Twp.	Community Center 400 E. Johnson, Stockholm
53 Troy Twp. & Town of Strandburg	Rufer's General Store 123 S Main St., Strandburg
54 Twin Brooks Town & Twp. & Kilborn Twp.	Twin Brooks Community Center 502 Lasell St., Twin Brooks

Dated this 18th day of January, 2022.

Douglas Stengel
Chairman

ATTEST:
Karen M. Layher, Auditor

Primary: Motion by Street and seconded by Buttke to approve the combined election agreement with the City of Milbank and Milbank School District for holding a combined election on the Primary Election date of June 7, 2022. Motion carried 5-0.

Recycling: Motion by Tostenson and seconded by Street to continue the allocation to Valley Rental and Recycling center for \$650 per month for 2022. Motion carried 5-0.

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

1. Contract with First District to maintain the parcel layer data base for 2022 for a contract amount of \$6,000

2. Contract with First District to maintain the GIS Website Hosting for 2022 for a contract amount of \$2,500
3. Contract with First District to provide administrative and technical services to the Planning Commission/BOA and County Commission at \$50 per hour and \$3,800 for the Comprehensive Land Use Plan
4. Approve step increase for dispatcher Alexis Kohler to six-month rate of \$17.10 effective 12-31-2021

Unfinished Business: The Commission meetings will be held in the Community Room of the Courthouse beginning in February.

New Business: Commissioner Tostenson reported the Community Transit has seen an increase in transport services. The addition to the bus garage continues to move forward and there is a need for an additional bus and van.

Correspondence: None

Claims: Motion by Mach and seconded by Buttke to approve the claims. Motion carried 5-0. A-OX WELDING, supplies 293.85; ADVANTAGE ARCHIVES, contracted proj 1,419.47; BEACON CENTER, 4th qtr allocation 346.50; BORNS GROUP, mailing expense 1,161.27; CENTURYLINK, phone 152.62; CITY OF MILBANK, water & sewer 48.44; CITY OF WATERTOWN, 911 surcharge 6,167.99; CRAIG DEBOER, car wash usage 181.56; DELORIS RUFER, lib rent 100.00; ELECTION SYSTEMS & SOFTWARE, repair & maint 6,037.50; ENGELSTAD ELECTRIC, repair & maint 198.98; EQUIPMENT BLADES, supplies 1,407.60; FIRST DISTRICT, dues 8,415.79; GLACIAL LAKES & PRAIRIES, dues 784.00; GRANT-ROBERTS RURAL WATER, water usage 37.30; GRANT/ROBERTS AMBULANCE, allocation 2,458.33; HUMAN SERVICE AGENCY, 1st qtr appropriations 9,306.86; ITC, internet 1,426.23; JASON SACKREITER, garbage service 230.00; JEREMY WIESE, supplies 11.76; LIFEQUEST, allocation 2,500.00; MICROFILM IMAGING SYSTEMS, scanner rent 620.00; MICROMARKETING, audio-visuals 81.78; MOMAR, supplies 174.59; MT LIBRARY SERVICES, books 644.30; MUNDWILER FUNERAL HOME, prof services 4,883.00; NORTHWESTERN ENERGY, natural gas 253.17; NOVAK SANITARY SERVICE, shredding service 57.00; OTTER TAIL POWER, electricity 2,652.96; OVERDRIVE, prof services 1,500.00; PRAHM CONSTRUCTION, hwy proj 62,073.52; R.D. OFFUTT, repairs & maint 823.93; RELX, online charges 725.00; RIVER STREET PETROLEUM, diesel fuel & ethanol 8,162.44; RUNNINGS, supplies 23.47; SCANTRON, prof services 5,341.64; SCOTT BRATLAND, court appt atty 4,211.65; STAR TRIBUNE, periodicals 205.30; VALLEY RENTAL &

RECYCLING, allocation 650.00; VERIZON, hotspot 38.52; VISA, registration, books, supplies, 518.44; WEED & PEST CONFERENCE, registration & dues 450.00; WHETSTONE VALLEY ELECTRIC, electricity 1,335.56; XEROX, copier rent 618.86. TOTAL: \$138,731.18.

Payroll for the following departments and offices for the January 14, 2022, payroll are as follows: COMMISSIONERS 3,335.90; AUDITOR 8,540.33; ELECTION 116.56; TREASURER 5,519.28; STATES ATTORNEY 7,259.40; CUSTODIANS 3,179.89; DIR. OF EQUALIZATION 4,600.40; REG. OF DEEDS 4,831.91; VET. SERV. OFFICER 1,321.20; SHERIFF 15,004.51; COMMUNICATION CTR 8,416.83; PUBLIC HEALTH NURSE 1,040.05; ICAP 97.50; VISITING NEIGHBOR 1,210.73; LIBRARY 8,075.53; 4-H 3,981.10; WEED CONTROL 2,226.35; P&Z 1,729.76; DRAINAGE 223.85; ROAD & BRIDGE 38,008.40; EMERGENCY MANAGEMENT 2,592.00. TOTAL: \$121,311.48.

Payroll Claims: FIRST BANK & TRUST, Fed WH 9,847.31; FIRST BANK & TRUST, FICA WH & Match 14,791.66; FIRST BANK & TRUST, Medicare WH & Match 3,459.34; AAA COLLECTIONS, deduction 34.08; ACCOUNTS MANAGEMENT, deduction 100.00; AMERICAN FAMILY LIFE, AFLAC ins. 1,465.08; WELLMARK-BLUE CROSS OF SD, Employee health ins. 1,007.25; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 210.00; SDRS SUPPLEMENTAL, deduction 1,369.33; SDRS, retire 13,893.49. TOTAL: \$46,177.54.

MONTHLY FEES: SDACO, ROD modernization fee 352.00; SD DEPT OF REVENUE, monthly fees 141,484.39; SD DEPT OF REVENUE, sales & use tax 174.45. TOTAL: \$142,010.84.

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 February 1 and 15 and March 1 and 15, 2022 at 8 AM. Motion by Mach and seconded by Buttke to adjourn the meeting. Motion carried 5-0. Meeting adjourned.

Karen M. Layher, Grant County Auditor

Douglas Stengel, Chairman, Grant County Commission