

January 5, 2021

The Grant County Commission met at 8AM with Commissioners Buttke, Mach, Stengel, Street and Tostenson. Chairman Mach called the meeting to order. Motion by Buttke and seconded by Stengel to approve the minutes of the December 30, 2020 meeting. Motion carried 5-0. Minutes filed. Motion by Stengel and seconded by Buttke to approve the agenda with the swearing in of the new officials moved to 9:30am. Motion carried 5-0.

Chairman Mach addressed the Commission. He thanked them for the work done on behalf of the County. His goal is to promote Grant County as a county to be followed and to be called upon as a leader in government. He reiterated the words from 2019 that Chairman Stengel stated at yearend. The Commission needs to work together as a Board and the Board becomes the image of the County. He thanked the Commission for allowing his comments and for their support as he served as Chairman.

There being no final business to consider for 2020, Chairman Mach adjourned the meeting sine die and Auditor Layher assumed the chair. Nominations for Chairman were called. Motion by Buttke and seconded by Street to nominate Tostenson for Chairman and for nominations to cease and to cast a unanimous ballot for Tostenson. Vote of Commission: Street aye, Buttke aye, Stengel aye, Mach aye, and Tostenson aye. Motion carried 5-0. Commissioner Tostenson was seated as Chairman for 2021.

Nominations for Vice-Chairman were called. Motion by Mach and seconded by Buttke to nominate Stengel for vice-chairman and for nominations to cease and to cast a unanimous ballot for Stengel. Chairman Tostenson called for a roll call vote. Street aye, Buttke aye, Stengel aye, Mach aye, and Tostenson aye. Motion carried 5-0.

Members of the public present were Don Weber, Raymond Beutler, Jerry Zubke, Kathy Tyler, Rodney Thaden, Erik Peterson, Charlotte Athey, Jim Carlson, Ashlie Schweitzer, Joeline Hicks, Jim DeVaal, Norma Peters, Loren Tucholke, Rob Hicks, Paul Dummann and David Kruger. Charles McIntyre and Todd Kays joined the meeting telephonically.

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

Drainage Ordinance: The 8:10 AM public hearing was held for the second reading of Ordinance 1997-1D, an ordinance to repeal Drainage Ordinance 1997-1C and all amendments. Chairman Tostenson called for a motion. Motion by Mach and seconded by Buttke to approve Ordinance 1997-1D, an ordinance to repeal the drainage ordinance. Chairman Tostenson addressed the public with the rules for the hearing and he provided an overview of what has occurred leading up to consideration of repealing the drainage ordinance.

Chairman Tostenson stated this hearing is to consider removing the drainage ordinance. It is not about prior issued permits. The question is if the Board should be involved with citizen's business of determining what they can do with their land. Is the Board infringing on their rights? The County Commissioners went on a fact-finding mission and sought counsel from the States Attorney, First District Executive Director Todd Kays and East Dakota Manager Jay Gilbertson, area professionals versed in drainage. They all advised to dissolve the drainage board. The question to be considered is this; is the Board following the ordinance as written in Section 101 and 103. We also need to consider the county bearing the cost of the hydrology studies and how the drainage affects the downstream landowners. In addition, do the commissioners want to gamble with the taxpayer's dollar on lawsuits or should the dollars be spent on infrastructure in the County to improve the lives of the county's residents. Drainage is a specialized area. The Commissioners are not experts in the field of drainage to allow them to make an informed decision. The question the Commission needs to decide is do we follow the advice of the experts.

Question the ordinance raises is how many miles downstream should the landowners be contacted. Two miles or five miles. The need to have both sides, meaning the applicant and the downstream landowners, to discuss the project. Another issue is a record of where the drainage is occurring and finally how are we are going to administer and follow the ordinance. Chairman Tostenson asked if Todd Kays wished to comment. Todd Kays stated the synopsis was very good and his advice is to follow the ordinance as it is written.

David Kruger asked a question if the ordinance is repealed does the person draining follow the state laws. Chairman Tostenson outlined a couple of options the Commission had discussed to maintain a record of where tiling was occurring. The first one was to license the tiler and he would be responsible to notify adjacent landowners. Or secondly, implementing a building permit for tiling. The Commission was informed by legal counsel, that neither option was allowed under State law.

Todd Kays requested to address the question. He stated when there is not a Drainage Board, the drainage process falls back to following the state law. It becomes a civil matter between landowners. Chairman Tostenson opened the public hearing and called for proponent testimony.

Don Weber: Why are the Commissioners in the business of drainage? The P & Z Board oversees other zoning issues such as solar, wind towers, CAFO, variances and Conditional Use Permits. Why not have the P & Z Board oversee the drainage ordinance?

Chairman Tostenson called for opponent testimony.

Kathy Tyler: Passed out her letter to the editor from the newspaper, but not addressing the letter. I am against the repeal of the drainage ordinance. I researched and found a document from the State AG Office entitled "A Review of SD Drainage Law" to assist counties with writing drainage ordinances. It also covers 44 lawsuits from over the years. The Legislature wrote the chapter on drainage to assist the counties on better drainage management. The laws were intended to fix the lawsuit issues and now the county is concerned about lawsuits. No permitting process would affect neighborliness, drainage, and lawsuits. Ways to fix the problem cross all the t's and dot the i's in the ordinance. Put conditions on the permit. Add a statement on the permit if drainage affects the downstream landowner, the applicant is required to compensate the affected landowner or redo the drainage to fix the issue at their expense and lastly, establish a drainage board outside of the commissioners and give them resolution powers. This would allow experts or individuals willing to research to sit on the drainage board. The Commission would sit as a board of resolution. Please do what is right.

Charlotte Athey: Since drainage permits have been handed out like candy, very few have been denied. I have lived on the Whetstone for over 40 years. She passed out a map of how the river ran in 1982 and how the channel now runs, along with washout, and silt build up in Big Stone Lake. The river is eating up land by her house. There should be some type of regulations overseeing drainage with the landowners paying for the hydrology studies.

Joelie Hicks: The Commissioners were elected by areas and you know your area, know your constituents, know which way the water runs. Do not be afraid to make a decision based on your knowledge of your area because of what experts say. We

need you to make the decision at the local level. Do not give it over to the State. We have elected you to do the job at the local level, please do your job.

David Kruger: He thanked the Drainage Board for their work in the past. You have done an excellent job. Question on money ear marked for lawsuits being put to a better use, the county has not had a lawsuit on drainage. Not losing money for lawsuits. He wants to keep the drainage ordinance. He referred to Commissioner Mach's statement in the newspaper that as a Commissioner you should be active, talk to the people and landowners, ask what we can do to help as that is the aspect of commissioner's work. To bring people together. Continue to help. You force people to be proactive rather than reactive. This is the main benefit of the drainage board.

Norma Peters: What I object to is the issue of our land flooding. About 15 years ago my husband contacted the Civil Engineers as the water kept rising to the west of our property. We built a dike and a few years later we had to raise that dike again. There is no outlet for the slough. They were told to talk to the landowners to solve the rising water issue. She does not want landowners to be able to do whatever they want to the land for drainage.

Erik Peterson: As an installer, the counties that have a drainage ordinance, groundwork is laid out and the project goes very smoothly. Counties that do not have an ordinance, when I show up to do the tiling, I have witnessed arguments between landowners on the tiling project because they had not talked about the project. He has had his machinery blocked to prevent him from doing the project. Please do what is best for your County.

Chairman Tostenson called for any other opponent testimony. No other members of the public came forward. Chairman Tostenson closed the public hearing and asked the Commission for their comments or questions from the individuals who testified.

Commissioner Street stated the farmers in his district want to keep the drainage board, as they are the taxpayers and should have a say on drainage. There have been many cooperative projects between landowners, and this has worked well as the issues are resolved before a permit is issued. He agreed with the comments from Don Weber and Kathy Tyler for forming a separate drainage board with other individuals rather than the Commissioners.

Commissioner Mach asked Todd Kays how many counties have a drainage board. Todd replied of the 11 counties in First District only Moody, Deuel and Grant have

a drainage ordinance. Roberts rescinded their ordinance. Deuel has started the process to rescind their ordinance. More and more counties are repealing their drainage ordinances. A drainage ordinance is not bad, but the County needs to follow State law and their ordinance. There is always exposure. There will be more cost for the applicant to hire hydrologists and engineers. If the County wants to move forward and look at the drainage plan and follow the laws, along with the implementation, then there is not an issue. If the County continues forward as it has been done in the past, the advice from your States Attorney is this an exposure for a lawsuit. Mach asked if a condition could be on the permit stating the County is not liable. Todd responded that there is always a risk for exposure that is why the County has insurance. This should be answered by your States Attorney. Another comment regarding Erik Peterson's comment on arguments held on the Township roads. Should the Drainage Board take the brunt of the disagreements? We have had the parties involved step out of the room and solve the issues before any permit is issued.

Commissioner Street stated we have other County Ordinances and the issues of liability or exposure apply to those ordinances as well. It is not just a liability for drainage.

Todd Kays responded that zoning laws are just as problematic as the drainage, but the two things are separate from each other. Statutorily the ability of the county is to make decisions and have assurances that their decisions are protected based on the type of appeal. The P & Z Board decision is different from what could be done in a drainage lawsuit. It is a different level of review. P & Z goes back to Circuit Court under a writ of cert review whereas a review of drainage would be under a different level of review.

Commissioner Stengel stated he has been on both sides of this issue and represents the people in his district. By at large or about 90% of his area wants to keep the drainage board. He believes the board has done well over the years, but this needs to be balanced with what the States Attorney is telling us that we are not fulfilling the requirements of the ordinance. The good work of the drainage board is worth keeping, but we need to change what we are doing and follow the ordinance. Turning drainage back to State control rather than local control is a disservice to our residents. Through the State Legislature, we need to soften the responsibilities of the County so we do not claim things we are not doing or tweak the ordinance. At this point, I am not in favor of repealing the ordinance, but we need to make changes.

Commissioner Buttke stated we do not live in a perfect world. There are consequences for actions. We all make mistakes and risk the chance of being sued. We owe it the residents of the County to make some changes to the ordinance and keep it.

Commissioner Stengel stated a member of the public wished to speak. Todd Kays advised the hearing is closed but, the Chairman could reopen the public hearing. Chairman Tostenson called to reopen the hearing and asked for any proponent testimony that have not yet spoke. There were none. He called for opponents to come forward that have not spoken.

Paul Dummann stated he is speaking in favor of keeping the drainage board. He can see both sides of the issue. It is important to keep local control. The Commission should try to tweak the ordinance a little for the liability issue. Son-in-law had a 20-inch tile dump water on his quarter and flooded his land in another county. This has not happened in Grant County. Most of the outlets go into a mainstream. Sometimes there have been questions on a permit. The landowners know water will not get dumped onto their land. At hearings everyone can speak. Hearings bring people together to work things out. During one hearing when I was a Commissioner, the applicant pulled his permit after hearing his neighbor's concerns. There has to be a way to skirt the liability issue instead of repealing the ordinance. One suggestion, instead of drainage hearing, call it intent to drain, everyone gets to speak, but the drainage board does not make a decision. Keep the grassroots going with the landowners. This suggestion could be the compromise. There are other departments within the County that also have liability such as the weed department and the County could be sued. The landowners appreciate the process and by working together problems can be solved. Keep even the playing field.

Jerry Zubke believes this is a decision of the County Commissioners. He heard it said the drainage board could be sued through de novo action. He does not think that is correct based on a Supreme Court ruling in Lake County. When acting as a drainage board you are fulfilling a legislative obligation. When you abandon a drainage board and reassemble to hear a drainage dispute that would allow a de novo suit. As a drainage board you are acting under civil law. You have a legislative obligation. When you issue a permit under the limits the law allows, you cannot be sued. Agriculture has the right to drainage. As a farmer in Grant County my drainage rights are far better protected by the permit system. I want the decision to be made by the drainage board.

Rob Hicks stated as a farmer he has been before the drainage board and sometimes it goes in my favor. In one case it did not, but we were able to work through those differences with those who were involved in the permit process. This process allows you to meet your constituents in an area where it is good for both sides. Priority should not be liability, but priority should be fairness to all parties involved. Creating another level of bureaucracy is not the answer. The answer is to keep both sides in mind and make a decision that benefits the right of the particular issue. I encourage you to continue as you are doing now.

Loren Tucholke stated he has been involved with drainage and tiling and has been happy with the decisions made by the board. He agrees with having something local for no other reason to help initiate communication between neighbors and to do things on a broader scale. It is easy to say to remove liability, but a lot of these projects involve township or county roads, and this will involve the Commission. If you remove local control, does anyone want a higher authority coming in to make some of these decisions? I know the fear of liability issues as I served on the school board. You can spend a lot of time trying to find solutions to avoid getting sued. You can be frozen in that attitude and not be able to make decisions. I have been satisfied with the drainage board.

Chairman Tostenson called for opponent testimony and hearing none he closed the public hearing for a second time and opened the comment period for the Commissioners or to ask questions. He commented the Commission has a lot of work yet to do and with the discussion to rescind the ordinance or rewriting parts of it; I do not think it would be prudent for us to make a decision today without taking into consideration the comments made today. As well as the ideas brought forth today that the Commission has yet to discuss. I think the appropriate thing to do would be to call for a substitute motion to table the vote. Todd Kays, acting as parliamentarian stated the appropriate motion would be to postpone and include a date for the discussion. Chairman Tostenson called for the motion. Motion by Mach to postpone the vote until the February 2nd meeting with a comment for the Commission to study the ordinance and what changes we can make. Commissioner Stengel seconded the motion. Commissioner Street asked what is the purpose of postponing the decision versus making the decision today and still discuss these issues that the people have brought forth. I really do not understand why we should postpone the decision other than to keep the issue going. Chairman Tostenson stated for me personally, everyone that testified today brought a different angle that we have not discussed prior. I would like a little time to discuss at another meeting.

As an example, Kathy Tyler brought up the possibility of an outside drainage board. I would like time to flush that idea out. We need to discuss that option and it would be an injustice to these folks who testified today without at least investigating that one idea. Or the issue that Jerry Zubke brought out on what the board can and cannot be held accountable to. I would like a further explanation from the States Attorney on that particular point and the question of being liable if the board does not follow their own ordinance. Therefore, I think we owe these people the respect to have further discussion and not make the decision today. Commissioner Buttke agreed. Commissioner Mach stated Mr. Wiik and Mr. Deutsch were at the last meeting to discuss changes to the laws at the legislature. This will give us time to talk with them before the Feb 2nd meeting. Also, by being on the P & Z Board, it is tough to make a rapid decision. It is good to take time and review what was said. Another point Chairman Tostenson wanted to make was the season is not busy with drainage issues and there is time for further discussion. Chairman Tostenson asked for a roll call vote on the motion to postpone the decision on repealing the ordinance until the February 2nd meeting. Street nay, Buttke aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 4-1. Chairman Tostenson thanked those present and clarified there would not be a public hearing on this issue at the February 2nd meeting.

Highway: The first item for consideration was the spring weight limit restriction. Motion by Stengel and seconded by Buttke to set the weight limit of seven tons per axle with the following resolution. Chairman Tostenson called for discussion. Commissioner Street questioned why the section of County Road 4 (AKA 145th) from the corner of 472nd Ave to 478th Ave was on the list of exempted roads for the weight limit. He would like to add County Road 35 to the exempt list of roads for all the corn haulers. Supt Schultz explained the list of exempted roads were the roads agreed upon last year by the Commission after discussion with area businesses. Supt Schultz can at his discretion post or close a road if the condition of the road deteriorates. Commissioner Stengel requested the Chairman to call the question. Chairman Tostenson called for a roll call vote. Street aye, Buttke aye, Stengel aye, Mach aye, and Tostenson aye. Motion carried 5-0. Resolution adopted.

2021-01

GRANT COUNTY WEIGHT / SPEED LIMIT ENFORCEMENT RESOLUTION

WHEREAS, seasonal climatic changes can be detrimental to our highways, and

WHEREAS, The Grant County Board of County Commissioners desires to protect existing Grant County Highways, ultimately saving tax dollars, and

WHEREAS, the Grant County Board of County Commissioners desires the enforcement of weight limitations on Grant County roads as set forth and posted by the Grant County Highway Superintendent.

NOW THEREFORE BE IT RESOLVED:

WHEREAS the limits on Grant County roadways shall be set at a maximum load limit of seven tons per axle on all asphalt surface roads during the spring thaw period from March 1, 2021 to April 30, 2021, inclusive, when weight limit signs are in place. The South Dakota Highway Patrol be, and hereby is authorized and requested to enforce the weight limitations on Grant County roads; and

NOW THEREFORE BE IT RESOLVED:

The following listed roads are exempt from the weight limit restriction.

1. 144th St (AKA CR 34) from State Hwy 109 West to 484th Ave (AKA CR 43)
2. 484th Ave (AKA CR 43) from 144th St South to CR 4 (AKA 145th St)
3. 145th St from 484th Ave West to 472nd Ave (AKA CR 19/ Corona Rd)
4. 486th Ave from 145th St South to State Hwy 12 Henrich's road by Big Stone Legion
5. 472nd Ave from Roberts County Line South to State Hwy 12
6. 482nd Ave from Revillo City Limits South to State Hwy 20
7. 161st St (AKA CR 18) from 476th Ave (AKA CR 27) East to State Hwy 15
8. 455th Ave from Roberts County Line to Codington County Line
9. 149th St from 458th Ave (AKA CR 3) West to Day County Line

BE IT FURTHER RESOLVED that the penalty for the violation of the load restrictions should be as set forth in SDCL 32-22-55 and 32-22-56.

Vote of Grant County Commission: AYE: 5 NAY: 0

Dated this 5th day of January, 2021 at Milbank, SD.

William J Tostenson, Commission Chairman

ATTEST:

Karen M. Layher
Grant County Auditor

Motion by Mach and seconded by Stengel to authorize the Chairman to sign the letter to be sent to the Motor Carrier Division requesting assistance with enforcing the weight restrictions during the spring thaw. Chairman Tostenson called for a roll call vote. Street aye, Buttke aye, Stengel aye, Mach aye, and Tostenson aye.
Motion carried 5-0.

Supt Schultz informed the Commission he had gotten a quote of \$5,153.00 to replace the furnace in Marvin.

2021 Appointments: The reorganization of committees and board appointments were reviewed for changes in 2021. Motion by Stengel and seconded by Mach to approve the following list of committee appointments. Chairman Tostenson called for a roll call vote. Street aye, Buttke aye, Stengel aye, Mach aye, and Tostenson aye. Motion carried 5-0.

COMMITTEES AND BOARDS

Marty Buttke: Buildings, Community Transit, Milbank Housing Authority

Bill Tostenson: Economic Development, Mental Health, Law Enforcement

Mike Mach: First District, Planning and Zoning

Doug Stengel: ICAP, Highway

Bill Street: Insurance Alliance, Weed, Emergency Management

Auditor Layher: Christian Service, Library, Visiting Neighbor

Deputy Auditor Stephanie Pauli: 4-H

First District Appointment: Motion by Stengel and seconded by Buttke to approve the appointment of Dave Gonzenbach for the at-large position on the First District Board. Chairman Tostenson called for a roll call vote. Street aye, Buttke aye, Stengel aye, Mach aye, and Tostenson aye. Motion carried 5-0.

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

Ambulance: Grant-Roberts

Depositories: First Bank & Trust in Milbank and Brookings (TIF), Wells Fargo, Great Western, First State Bank and Public Funds Investment

Official Newspaper: Grant County Review

Travel: Motion by Buttke and seconded by Mach to approve the following rates for mileage and meals as per State rates. Chairman Tostenson called for a roll call vote. Street aye, Buttke aye, Stengel aye, Mach aye, and Tostenson aye. Motion carried 5-0.

Mileage: 42 cents a mile and 45 cents a mile for Visiting Neighbor employees;

Meal Allowance: In-state for overnight travel and transport officers (same day):

Breakfast: \$6; Lunch: \$14; Dinner: \$20; Out of State: Breakfast: \$10; Lunch: \$18;

Dinner: \$28.

Fees: Motion by Stengel and seconded by Mach to approve the following list of fees used by the county offices. Chairman Tostenson called for a roll call vote. Street aye, Buttke aye, Stengel aye, Mach aye, and Tostenson aye. Motion carried 5-0.

Grant County Fee Schedule

- FAX FEES: All Departments; \$1.00 first page, .50 each additional page
- COPY FEES: All Departments; .25 per page, .50 per page for color 8x11
- SHERIFF OFFICE FEES: Fingerprinting: \$20.00; Urine Analysis \$10.00; Breathalyzer Test \$1.00 per test
- GRANT COUNTY OFFICE & PLANNING & ZONING FEES
 BUILDING PERMIT APPLICATION
 Construction Cost / Including Labor

\$0 - \$10,000	\$25.00
\$10,001 - \$30,000	\$35.00
\$30,001 - \$50,000	\$45.00
\$50,001 - \$100,000	\$55.00
\$100,001 - \$200,000	\$100.00
\$200,001 - \$300,000	\$200.00
\$300,001 - \$500,000	\$250.00
\$500,001 - \$700,000	\$500.00
\$700,001 - \$900,000	\$700.00
\$900,001 - \$1,000,000	\$900.00
\$1,000,001 - \$1,001,000	\$902.00
\$1,001,001 and up	\$902 +
\$2.00 PER THOUSAND - \$30,000 CAP	
- TEMPORARY STRUCTURE -TOWER \$25.00
- WIND ENERGY SYSTEMS
 (WIND TOWERS) \$150.00 + \$.50 PER THOUSAND \$1,000 PER TOWER CAP
- APPEAL TO BOA HEARING \$300.00
- VARIANCE HEARING \$500.00
- CONDITIONAL USE HEARING/CAFO HEARING \$300.00
- REZONING HEARING \$300.00
- SPECIAL HEARING (OTHER THAN 2ND WEDNESDAY OF MONTH) \$1,550.00
- PLAT INSPECTION FEE \$40.00 + \$5.00 PER LOT
- DIRECTOR OF EQUALIZATION: Copy fees for Property cards: \$5.00 first page and each additional page \$1.00; Computer printouts: \$1.00 per page

WEBSITE ACCESS FEE:

<u>Number of Users</u>	<u>Quarterly Fee</u>	<u>Annual Fee</u>	<u>Setup Fee</u>
1 to 5	\$85	\$300	\$25
6 to 10	\$130	\$475	\$25

11 or more \$190 \$725 \$25

- HIGHWAY FEES:

Used Bridge Planks \$2.00 per foot
Used Cutting Edges \$2.00 per foot
Used Bridge Decking \$5.00 per foot
Used Corrugated Metal \$5.00 per foot
Orange Flags \$1.50 each
Telspar: Post \$27.04 each
 Base \$12.17 each
 Sign cost to be determined at time ordered

- WEED:

911 Sign \$20.00
Mosquito spraying \$100.00 per application
 \$50.00 per application (chemical provided by town)
Bug Collection Net \$20.00 (Leafy Spurge)

- 4-H Grounds: \$150.00 per time

Funeral Allowance: Motion by Mach and seconded by Stengel to set the county paid funeral at \$3,500 plus the cost of opening and closing the grave for 2021 with any additional costs to be itemized on the voucher. Chairman Tostenson called for a roll call vote. Street aye, Buttke aye, Stengel aye, Mach aye, and Tostenson aye. Motion carried 5-0.

APPOINTMENTS: Motion by Mach and seconded by Street to approve the following appointments with the removal of VSO as the term goes through 2021. Chairman Tostenson called for a roll call vote. Street aye, Buttke aye, Stengel aye, Mach aye, and Tostenson aye. Motion carried 5-0.

Emergency Management: Kevin Schuelke

Assessor: Kathy Steinlicht

Visiting Neighbor Coordinator: Karen Layher

Hwy Supt: Kerwin Schultz: 2-year appointment for 2021-2022

P & Z Board Appointment: The terms of Robert Spartz and Richard Hansen on the Planning Commission / Board of Adjustment ended on 12-31-2020.

Commissioner Tostenson reported Richard Hansen had agreed to serve another term. Commissioner Street reported he would like approval for James Berg of LaBolt to be appointed as Robert Spartz requested to be replaced. Motion by Stengel and seconded by Buttke to appoint Richard Hansen and James Berg to a 4-year term ending December 31, 2024. Chairman Tostenson called for a roll call

vote. Street aye, Buttke aye, Stengel aye, Mach aye, and Tostenson aye. Motion carried 5-0.

Insurance: Motion by Buttke and seconded by Stengel to approve SDPAA as the 2021 Liability and Property Insurance carrier. Chairman Tostenson called for a roll call vote. Street aye, Buttke aye, Stengel aye, Mach aye, and Tostenson aye. Motion carried 5-0.

Motion by Street and seconded by Mach to approve the SDML Worker's Compensation Fund as the workers comp carrier for 2021. Chairman Tostenson called for a roll call vote. Street aye, Buttke aye, Stengel aye, Mach aye, and Tostenson aye. Motion carried 5-0.

Life Insurance: Motion by Mach and seconded by Stengel to approve Dearborn National as the 2021 life insurance carrier. Chairman Tostenson called for a roll call vote. Street aye, Buttke aye, Stengel aye, Mach aye, and Tostenson aye. Motion carried 5-0.

Employee Benefit Plans: Motion by Street and seconded by Buttke to approve American Family Life Insurance (AFLAC), Colonial Life, Optilegra (vision), SDRS Supplemental and Legal Shield for employee benefit plan options. Chairman Tostenson called for a roll call vote. Street aye, Buttke aye, Stengel aye, Mach aye, and Tostenson aye. Motion carried 5-0.

Unfinished Business: None

New Business: Commissioner Buttke reported he had been asked if the County would consider paying for a portion of a membership to Unity Square. Information will be prepared for a future meeting.

Correspondence: A thank you note from Community Transit in appreciation for the financial support.

Claims: Motion by Mach and seconded by Stengel to approve the claims. Chairman Tostenson called for a roll call vote. Street aye, Buttke aye, Stengel aye, Mach aye, and Tostenson aye. Motion carried 5-0. CITY OF MILBANK, water & sewer 612.49; ELECTION SYSTEMS & SOFTWARE, license & maint 5,745.00; GRANT COUNTY REVIEW, publishing 755.14; IAAO, dues 370.00; JOSEPH KANTHAK, tower rental 600.00; MIDCONTINENT, internet 85.00; MUNDWILER FUNERAL HOME, prof services 2,900.00; NORTHWESTERN ENERGY, natural

gas 48.06; QUICK PRO LUBE, oil chg 163.93; SD ASSN CO COMMISSIONERS, dues 2,053.00; SD ASSN COUNTY OFFICIALS, dues 1,039.92; SD ASSOC WEED/PEST, dues 50.00; SD SHERIFF'S ASSN, dues 720.68; SDAAO, dues 150.00; SDAE4-HP, dues 120.00; SDML WORKERS' COMP FUND, insurance 41,227.00; WHETSTONE VALLEY ELECTRIC, electricity 384.00. TOTAL: \$57,024.22.

Executive Session: Motion by Mach and seconded by Stengel to enter executive session at 10:24 AM for the purpose of a personnel(s) issue pursuant to SDCL 1-25-2(1). Chairman Tostenson called for a roll call vote. Street aye, Buttke aye, Stengel aye, Mach aye, and Tostenson aye. Motion carried 5-0. Auditor Layher was present. Chairman Tostenson declared the meeting open to the public at 10:50 AM. No action 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 January 19 and February 2 and 16, 2021 at 8 AM. Motion by Mach and seconded by Buttke to adjourn the meeting. Chairman Tostenson called for a roll call vote. Street aye, Buttke aye, Stengel aye, Mach aye and Tostenson aye. Motion carried 5-0. Meeting adjourned.

Karen M. Layher, Grant County Auditor

William J. Tostenson, Chairman, Grant County Commission