

July 18, 2023

The Grant County Commission met at 8 AM with Commissioners Buttke, Mach, Stengel, Tostenson, and Street present. Chairman Mach called the meeting to order. Motion by Buttke and seconded by Street to approve the July 5th and 6th minutes. Motion carried 5-0. Minutes filed. Motion by Stengel and seconded by Tostenson to approve the agenda. Motion carried 5-0.

Present from the public were Spencer Street, Grant Street, Gary Meister, Terry Meister, Bert Loehrer, and Adam Hunt. Staff members present were Commissioner Assistant Layher, Drainage Officer Berkner and States Attorney Schwandt.

Public Comment: Chairman Mach called three times for public comment. There were no comments. Chairman Mach closed the public comment.

The Auditor's Account with the Treasurer for June 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 June, 2023.

Cash on Hand	\$1,286.13
Checks in Treasurer's possession	
less than 3 days	\$13, 891.79
Cash Items	\$0.00
TOTAL CASH ASSETS ON HAND	\$15,177.92

RECONCILED CHECKING

First Bank & Trust	\$6,965.26
Interest	\$0.00
Credit Card Transactions	\$3,025.66
First Bank & Trust (Svgs)	\$9,048,609.18

CERTIFICATES OF DEPOSIT

First Bank & Trust	\$0.00
First Bank & Trust (TIF)	\$0.00

TOTAL CASH ASSETS	\$9,073,778.02
--------------------------	-----------------------

GENERAL LEDGER CASH BALANCES:

General	\$4,815,795.86
---------	----------------

General restricted cash	\$2,050,000.00
Cash Accounts for Offices General Fund	\$656.00
Sp. Revenue	\$1,052,923.09
Sp. Revenue restricted cash	\$0.00
Henze Road District	\$0.00
TIF Milbank	\$0.00
TIF Rosewood Mil-3	\$0.00
TIF Water Dist.	\$0.00
Special Assessment Land Rent	\$0.00
Trust & Agency	\$1,154,403.07
(schools 249,655.78, twps 72,826.03, city/towns 26,353.83)	
ACH Correction	\$0.00
TOTAL GENERAL LEDGER CASH	\$9,073,778.02
Dated this 13th day of July, 2023	
Kathy Folk	
County Auditor	

The Register of Deeds fees for the month of June were \$8,880.50. The Clerk of Courts fees for the month of June were \$8,886.27. The Sheriff fees for the month of June were \$6,225.46 with \$1,875.46 received into the General Fund.

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

Permit DR2023-17 for Adam Hunt for property owned by Adam & Jennifer Hunt, and Austin & Cydney Hunt located within the NE1/4 of 25-120-50 (Twin Brooks Township).

Chairman Mach asked for a motion to approve Drainage Permit DR2023-17 for Adam Hunt. Motion was made by Tostenson and seconded by Buttke.

Drainage Officer Berkner began his report for DR2023-17 stating the tiled area's footprint would be approximately 40 acres located within the northern half of Section 25 in Twin Brooks Township. The area is entirely within the Whetstone River Watershed. It would connect to an existing 12" outlet that was part of Drainage Permit DR2017-07.

The maximum flow of the existing 12" outlet, if the tile was installed at a .1% grade could be as much as 550 gallons per minute or 1.23 cubic feet a second (cf/s).

Berkner stated Hunt wants the option to install up to two inlets on the northwest end of Section 25 where surface water does not drain well. Berkner said in his

opinion DR2023-17 is supported by questions asked in Section 101, 313 and 317 of the county's drainage ordinance.

Before opening the public hearing Mach asked Hunt if he had any additional comments. Hunt said the current permit was always part of the original drainage plan it would be connecting to.

Chairman Mach opened the public hearing for DR2023-17 and asked three times for comments in favor or against, with no one responding. Mach closed the public hearing and called for Board discussion.

Commissioner Tostenson stated the proposed drainage project was well thought out and was targeting troubled areas. He had some concerns with the two possible inlets, which he understood are only optional if the tiling isn't effective. Mach said he always has concerns with any open inlet and would prefer it if tile designers would consider adding more laterals or a filtered inlet.

Hunt stated the two possible inlets are only an option if absolutely needed.

With no more discussion Mach called for the vote to approve DR2023-17. Motion carried 5-0.

Permits DR2023-26, DR2023-27, DR2023-28, DR2023-29, and DR2023-34 for Grant Street for property owned by Steve and Gail Street Living Trust and for adjacent properties owned by the Lohr Family Ltd. Liability Partnership. All property located within 11-118-48 (Adams West Township).

Chairman Mach asked for a motion to approve Drainage Permits DR2023-26, DR2023-27, DR2023-28, DR2023-29, and DR2023-34 for Grant Street. Motion was made by Stengel and seconded by Tostenson.

Berkner began his report stating there are approximately 130 acres of land across five parcels all located within Section 11 in Adams West Township just south of Albee. The drainage projects are located entirely within the South Fork Yellow Bank River Watershed and would have up to 3-inlets and 1-12" outlet. Berkner stated as much as 550 gpm, or 1.23 cf/s of water could be drained if the outlet tile was installed at a .1% grade.

The drainage tile map provided featured a pattern tile design made up of 5" slotted tile draining north and then east into a vested waterway. Berkner stated three inlets

were also included in the design but were located on the east side and restricted to two smaller lateral tile runs which would limit their maximum flow.

Berkner said two of the three downstream neighbors had reached out to his office for more information prior to the public hearing. None of them stated any concerns to him.

In closing, Berkner said that multiple vested drainage rights had been recorded with the county across the immediate adjacent upstream and downstream section quarters indicating this was an important drainage waterway to area landowners. Berkner concluded by stating DR2023-26, DR2023-27, DR2023-28, DR2023-29, and DR2023-34 are supported by questions asked in section 101, 313 and 317 of the county's drainage ordinance.

Chairman Mach asked Grant Street if he had any additional comments. Grant stated he would be moving his outlet west (upstream) a couple hundred feet to allow for water to drain better and make it easier to maintain the waterway when it needs to be cleaned out. He also stated he would be using only two inlets and not three as indicated in the permit application.

Chairman Mach opened the public hearing and asked three times for any comments in favor, or against, the drainage permits being considered. Bert Loehrer, who farms the land just east of the proposed tiling area, stated he was concerned whether the waterway could handle more water than it already is receiving. Currently even with regular maintenance the waterway doesn't flow very well.

Loehrer stated his biggest concern is that he doesn't want to receive more water than he is already getting. Loehrer stated any additional water would cause problems for downstream landowners along the waterway.

Grant Street stated all the water being drained to the waterway would normally go that way and once completed the whole drainage project should slow down any surge of water flowing downstream. Much of the area being drained of surface water would have to soak down to the tile before it would drain away.

Hearing no more comments in opposition, Chairman Mach closed the public hearing and called for board discussion.

Commissioner Street stated he talked to Grant Street and was familiar with the land they are seeking a drainage permit for and how Grant Street described how the

water normally flows in that area is correct. He also commented that most of the water problems Loehrer talked about are from when the main channel of the South Fork of the Yellow Bank River, flowing parallel and just south of the waterway to be used, overflows its banks, and causes area flooding.

Commissioner Street also stated he thought using a type of restricted inlet, instead of an open inlet, might help with some of Loehrer's concerns.

With no more discussion, Mach called for the vote to approve DR2023-26, DR2023-27, DR2023-28, DR2023-29, and DR2023-34. Motion carried 5-0.

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

Highway: Supt Peterson presented the funding agreement for the 2023 BIG Grant for bridge 26-310-177 project number BRO 8026(00)23-4 PCN 09H1 on CR 31. Motion by Street and seconded by Stengel to approve Chairman Mach signing the BIG Grant funding agreement for bridge 26-310-177, project number BRO 8026(00)23-4 PCN 09H1. Motion carried 5-0.

BIG Funding for 10 Bridges: Supt Peterson presented ten 2024 applications for BIG preliminary engineering funding for bridges to be signed. Motion by Tostenson and seconded by Stengel to approve Chairman Mach signing ten applications for 2024 BIG preliminary engineering funding. The SDDOT will go through all applications and determine by the score of the bridges which counties will receive funding. Chairman Mach called for a vote. Motion carried 5-0.

LaBolt Road Culverts: Commissioner Street asked for the status of the culverts to be installed on the LaBolt Road. Street would like to see them replaced in 2024 instead of 2025 as stated in the 5-Year Hwy Plan. Supt Peterson said his crew will get to them once they are done repairing the spring flood damage. Once the culverts are replaced then we will wait a year for the road to settle to do the overlay. Peterson reminded the Commission it is a \$250,000 overlay project.

Tax Deed Property Update: Treasurer DeVaal updated the Commission on the twelve property tax deeds she is working on. Two of the property owners are deceased. She is searching for the next of kin with the Clerk of Courts and Register of Deeds. One is for a mobile homeowner owing back taxes. Some of them have been making payments. DeVaal will continue working on getting these current.

Travel: Motion by Tostenson and seconded by Stengel to approve travel expenses for Karen Layher, Mike Mach, Kathy Folk, Karla DeVaal, Daren Peterson, and Becky Wellnitz to attend the fall County Convention in Sioux Falls. Motion carried 5-0.

County Assistance: None

First District: Motion by Street and seconded by Stengel to adopt the following resolution. Motion carried 5-0. Resolution adopted.

2023-07

**RESOLUTION TO CONTINUE SUPPORT FOR THE
FIRST DISTRICT ASSOCIATION OF LOCAL GOVERNMENTS
DURING FISCAL YEAR 2024
(OCTOBER 1, 2023 – SEPTEMBER 30, 2024)**

The Grant County Board of County Commissioners, having adopted and signed a Joint Cooperative Agreement on the 6th day of April, 1972, creating the First Planning and Development District, Model Rural Development Program, do hereby agree to renew their participation in the Joint Cooperative Agreement for the Fiscal Year 2024 (October 1, 2023-September 30, 2024). To support the Joint Cooperative Agreement and the activities of the district staff, the Grant County Board of County Commissioners will provide \$17,855.05 to the First District Association of Local Governments during the aforementioned Fiscal Year 2024 period.

ADOPTION:

Adopted this 18th day of July, 2023
Michael J. Mach, Chair
Grant County Commission

ATTEST:

Kathy Folk
Grant County Auditor

Historical Society: Commissioner Assistant Layher stated Arlo Levisen previously asked the County to assist with the painting cost of the Grant County Historical Society's Museum and School. The estimate to paint both is \$6,500. Commissioner Street moved to cover half of the cost of the painting, or \$3,250. Tostenson seconded the motion. Commission discussion was held. Commissioner Tostenson motioned to amend the previous motion to fund the entire \$6,500

painting project. It was seconded by Street. Chairman Mach called for a vote. Motion carried 5-0.

Executive Session: Motion by Tostenson and seconded by Buttke to enter executive session at 10:02 AM for the purpose of a personnel issue pursuant to SDCL 1-25-2 (1). Motion carried 5-0. Commissioner Assistant Layher and Auditor Folk were present. Chairman Mach declared the meeting open to the public at 10:15 AM. No action taken because of the executive session.

Unfinished Business: Commissioner Street brought in copies from a 1929 Grant County plat book showing sections 30 & 31 in Vernon Township and how the water flowed around the Skoog property before the spillway was constructed. Discussion was held. No action was taken.

New Business: Auditor Folk gave the Commissioners a report of other counties in the state that have combined law enforcement with the towns in their county. Some of them are county wide law enforcement and some have contracts with a few of their towns for a flat monthly fee or contract for an hourly rate.

Commissioner Assistant Layher reported on the incident with a man tripping on the courthouse stairs. Layher has submitted the claim to our insurance company.

Layher informed the Commission John Moes who owns land next to our gravel pit on the west side of the county will be putting up new fencing on the land he rents from us. The County will have to pay for their share of the fence. Supt Peterson will work with Moes to find the pins in the ground.

Layher reminded the Commission on August 1st the County will be holding the public hearing and first reading of the zoning ordinance administrative changes. The installation of wireless internet at the highway shop will be installed next week. Layher had spoken with Todd Kays of the First District regarding the installation of a bike path connecting towns. He advised it is a very long process as another county has been working on it for ten years.

Commissioner Buttke left the meeting at 10:40 a.m.

The Commissioners discussed the responses they have received after lowering the speed limit to 30 mph by the Henze addition east of Milbank.

Correspondence: None

2024 Provisional Budget: The Commission continued discussion of the 2024 budget. Items discussed were the tax call estimate for 2024, year-end cash balance 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 2024 budget until finalizing the budget in September. Motion by Street and seconded by Tostenson to approve the provisional budget for publication and the following resolution for the public hearing on the 2024 budget. Motion carried 4-0. Resolution adopted.

2023-08

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 5, 2023, at 9:00 AM for the purpose of considering the foregoing Provisional Budget for the year 2024 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 19th day of September, 2023. 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.

Kathy Folk
Grant County Auditor
Milbank, South Dakota

Claims: Motion by Tostenson and seconded by Stengel to approve the claims. Motion carried 4-0. A-OX WELDING, supplies 17.11; BANNER, hwy project 1,280.00; BEACON CENTER, 2nd qtr domestic abuse 405.00; BERENS MARKET, supplies 95.65; BITUMINOUS PAVING, asphalt 111,873.30; BORNS GROUP, mailing expense 1,317.48; BUTLER, repairs & maint 282.90; CENTER POINT, books 380.52; CITY OF MILBANK, rubbish 3.00; CLIMATE AIR, repairs & maint 512.64; COLEPAPERS, supplies 174.16; CRAIG DEBOER, prof services 210.92; FIRST BANK & TRUST/VISA, gas, SRP prizes, supplies 7,601.27; FIRST DISTRICT, prof services 9,354.07; FISHER SAND & GRAVEL, gravel 64.44; FLAT RATE, gravel 5,645.15; FOOD-N-FUEL, gas 88.98; GRANT COUNTY LIBRARY, summer reading program 614.58; GRANT COUNTY REVIEW, publishing 1,121.28; GRANT-ROBERTS RURAL WATER, water

usage 38.70; HUMAN SERVICE AGENCY, 3rd qtr appropriations 8,272.30; INGRAM, books 1,296.75; INTER-LAKES COMMUNITY ACTION, service worker 2,628.00; ITC, phone & internet 2,409.43; JACK'S BODY SHOP, repairs & maint 68.00; JASON SACKREITER, garbage service 405.00; MICROFILM IMAGING SYSTEMS, scanner rent 642.00; MICROMARKETING, audio/visuals 140.89; MUNDWILER FUNERAL HOME, prof services 7,758.15; NORMAN GIESEN, repairs & maint 4,105.35; NORTHWESTERN ENERGY, natural gas 13.74; NOVAK SANITARY SERVICE, shredding services 16.00; R.D. OFFUTT, repairs & maint 125.87; RIVER STREET PETROLEUM, ethanol 2,301.75; RUNNINGS, supplies 774.22; SD DEPT TRANSPORTATION, hwy projects 5,562.57; STAR TRIBUNE, periodicals 220.90; THOMSON REUTERS, ref books 1,334.97; TWIN VALLEY TIRE, repair & tires 1,109.34; VALLEY OFFICE PRODUCTS, supplies 627.50; VALLEY SHOPPER, publishing 749.43; VERIZON, hotspot 38.52; WHETSTONE HOME CENTER, supplies 37.95; WHETSTONE VALLEY ELECTRIC, electricity 705.53; XEROX, copier rent 698.60. TOTAL: \$183,123.91.

JUNE MONTHLY FEES: SDACO, ROD modernization fee 220.00; SD DEPT OF REVENUE, monthly fees 220,902.96; SD DEPT OF REVENUE, sales & use tax 190.34. TOTAL: \$221,313.30.

Payroll for the following departments and offices for the June 28, 2023, payroll are as follows: COMMISSIONERS 7,215.10; AUDITOR 7,952.02; ELECTION 46.91; TREASURER 6,050.94; STATES ATTORNEY 7,449.00; CUSTODIANS 3,788.20; DIR. OF EQUALIZATION 4,816.40; REG. OF DEEDS 5,157.11; VET. SERV. OFFICER 1,393.20; SHERIFF 14,416.57; COMMUNICATION CTR 8,753.46; PUBLIC HEALTH NURSE 1,295.66; ICAP 63.00; VISITING NEIGHBOR 2,300.88; LIBRARY 10,019.26; 4-H 4,550.70; WEED CONTROL 3,408.90; P&Z 3,645.60; DRAINAGE 907.38; ROAD & BRIDGE 36,800.19; EMERGENCY MANAGEMENT 2,716.00. TOTAL: \$132,746.48.

Payroll Claims: FIRST BANK & TRUST, Fed WH 10,043.42; FIRST BANK & TRUST, FICA WH & Match 15,976.78; FIRST BANK & TRUST, Medicare WH & Match 3,736.62; ACCOUNTS MANAGEMENT, deduction 90.55; AMERICAN FAMILY LIFE, AFLAC ins. 1,489.40; ARGUS DENTAL, ins 530.96; WELLMARK-BLUE CROSS OF SD, Employee and Commission health ins. 53,424.66; COLONIAL LIFE, ins 37.98; DEARBORN NATIONAL, life ins. 285.11; LEGAL SHIELD, deduction 38.85; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 210.00; OPTILEGRA, ins 338.38; SDRS

SUPPLEMENTAL, deduction 1,428.83; SDRS, retire 14,441.58. TOTAL: \$102,073.12.

Payroll for the following departments and offices for the July 14, 2023, payroll are as follows: COMMISSIONERS 7,215.10; AUDITOR 7,539.08; ELECTION 145.95; TREASURER 5,730.14; STATES ATTORNEY 7,298.20; CUSTODIANS 3,264.21; DIR. OF EQUALIZATION 4,417.20; REG. OF DEEDS 4,749.73; VET. SERV. OFFICER 1,277.10; SHERIFF 14,767.08; COMMUNICATION CTR 9,456.13; PUBLIC HEALTH NURSE 1,329.58; ICAP 119.00; VISITING NEIGHBOR 2,001.25; LIBRARY 7,861.01; 4-H 4,178.13; WEED CONTROL 2,972.70; P&Z 1,216.95; DRAINAGE 661.85; ROAD & BRIDGE 33,413.39; EMERGENCY MANAGEMENT 2,492.00. TOTAL: \$122,205.78.

Payroll Claims: FIRST BANK & TRUST, Fed WH 9,300.08; FIRST BANK & TRUST, FICA WH & Match 14,714.16; FIRST BANK & TRUST, Medicare WH & Match 3,441.32; ACCOUNTS MANAGEMENT, deduction 90.55; AMERICAN FAMILY LIFE, AFLAC ins. 1,457.32; ARGUS DENTAL, ins 530.96; WELLMARK-BLUE CROSS OF SD, Employee health ins. 1,953.95; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 210.00; SDRS SUPPLEMENTAL, deduction 1,428.83; SDRS, retire 13,674.97. TOTAL: \$46,802.14.

Consent Agenda: Motion by Street and seconded by Stengel to approve the consent agenda. Motion carried 4-0.

1. Approve step increase for Deputy Treasurer Jim Beyer to 6 month rate of \$20.30 per hour effective 7-30-23
2. Auto supplement of revenue and expense for \$42,010.20 received from Claims Associates for chairlift repair

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 1 and 15 and September 5 and 19, 2023 at 8 AM in the basement meeting room. Motion by Stengel and seconded by Street to adjourn the meeting. Motion carried 4-0. Meeting adjourned.