

June 21, 2022

The Grant County Commission met at 8:00 AM with Commissioners Buttke, Stengel, Tostenson, and Mach. Commissioner Street was absent. Chairman Stengel called the meeting to order with a quorum present. Motion by Buttke and seconded by Mach to approve the minutes of the June 9 meeting as presented. Motion carried 4-0. Minutes filed. Motion by Mach and seconded by Buttke to approve the agenda as presented. Motion carried 4-0.

Members of the public present were Spencer Street, Grant Street, Raymond Beutler, Brian Schneck, Paul Anderson, Joseph Meyer and Darwin Johnson. Members of the staff present were Drainage Officer Berkner and States Attorney Schwandt.

Public Comment: Chairman Stengel called for public comment. Joseph Meyer with West Con asked if the Commission would be considering the scale application. P & Z Officer Berkner will address the issue with the applicant. There were no other comments. Chairman Stengel closed the public comment.

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

Permit DR2022-35 for Brian Schneck for property owned by Brian Schneck RE Limited Partnership and located in SE1/4 EX LT 1 OF LOESCHKE ADDN BUT INCL LOTS 1-8 & E395' OF LOT 9 SOUTH CREEK ACREAGE ADDITION in 25-120-49 (Grant Center Township). Motion by Tostenson and seconded by Mach to approve DR2022-35. Drainage Officer Berkner reported this drainage project is for approximately 100 acres located in the SE quarter of section 25 where approximately 83,000 ft of pipe would be installed. The project has two inlets and three outlets which are two 6-inch and one 12-inch pipe. The outlets running at full capacity at a .1% grade would flow at a maximum rate of 750 gallons per minute. Berkner stated that he felt that the six questions found under section 101 of SDCL 46-10A-20 of the County's Drainage Ordinance were answered in the affirmative and were supported by questions found in Section 313 and 317 of the Drainage Ordinance. The question pertaining to the impact on wildlife, he felt he didn't have enough information to answer in the affirmative but thought the impact if any would most likely be minimal if not positive overall. Berkner closed his comments saying the permit had all the required information and signatures necessary.

Schneck was asked by Commissioner Tostenson what conditions contributed to the need for the two inlets and Schneck answered that water tended to gather in those two spots because it couldn't drain properly through State Hwy 15 to the west. Schneck concluded saying that much of the water collecting in that location on his land was from the property to the north. The applicant stated the tile will run under Larry Storm's driveway and he does have the signature as required by the ordinance. One of the outlets is existing from another tile project. The southeast corner of this project ties into that existing outlet. The tile north of the building site is the new portion of this project.

Chairman Stengel opened the public comment period for pro and con testimony. There were no comments. He closed the public portion of the hearing and opened the Board's discussion.

The Board asked for clarification on the project location, asked if the open inlets could be converted to a french drain, and if the inlets have any screens. The applicant responded the tile holds filtered water and the inlets are set at a raised height to catch overland water. Commissioner Tostenson remarked he is not a fan of inlets, but the permit does follow the ordinance. Commissioner Mach inquired if the bridge on the state highway would help improve the drainage. The response was he does not know. Chairman Stengel asked if there were any other questions or comment. Hearing none the motion to approve DR2022-35 was 4-0.

Permit DR2022-36 for Ray Beutler for property owned by Raymond & Sharon Beutler Living Trust and located in S1/2NE1/4 & N1/2SE1/4 in 29-119-47 (Vernon East Township). Motion by Tostenson and seconded by Buttke to approve DR2022-36. Drainage Officer Berkner reported this permit is for approximately 60 acres that would be tiled and connected to a previously permitted drainage tile project that will drain through an existing 12-inch line that eventually connects and drains to a 15-inch outlet on adjacent property owned by the Mary Wildung Revocable Living Trust. The maximum amount of water from the 12-inch pipe connecting with the 15-inch pipe could be as much 550 gallons per minute if at .1% grade. The proposed project would use approximately 7,000 lineal feet of pipe. Berkner stated that he felt that the six questions found under section 101 of SDCL 46-10A-20 were answered in the affirmative and that the questions found in the County's Drainage Ordinance in Section 313 and 317 supported those answers. He commented that the questions pertaining to wildlife he did not have enough information to answer if there would be any negative impact to wildlife. Berkner

closed his comments by saying that the permit had all the required information and signatures.

Beutler was asked if he had any additional comments and he said that the supplied tiling map showed an additional area to be drained to help remove the water from the land adjacent to his house and that all the work to be completed was using an existing main that he and his adjoining neighbor had through a previous permit.

Chairman Stengel opened the public comment period for pro and con testimony. There were no comments. He closed the public portion of the hearing and opened the Board's discussion.

Commissioner Buttke asked if the tile goes into a wetland. Beutler responded the tile goes into a natural run south of Kaufman Slough. Chairman Stengel asked if there were any other questions or comments. Hearing none the motion to approve for DR2022-36 was 4-0.

Permit DR2022-37 for Grant Street for property owned by the Minerman Family Trust and located in the NE1/4 EX LOT A IN NW1/4NE1/4 (1 ACRE) & EX a 17' WIDE STRIP OF LAND PARALLEL TO AND ADJACENT TO THE REGULAR ROAD RIGHT OF WAY (1.02 ACRES) & EX LOT H2 in 25-118-49 (Georgia Township). Motion by Tostenson and seconded by Mach to approve DR2022-37. Drainage Officer Berkner reported the permit is for approximately 100 acres located in the NW quarter of Section 25 where two outlets would be used, one out letting straight north with the other out letting to the northeast. The project if permitted would have ten inlets and two outlets, one an 8-inch and the other a 15-inch, that could drain at a maximum of 1,185 gallons per minute if the tile pipes were installed at a .1% grade and were running full.

Berkner said that the ten inlets with sediment dams would be collecting surface water along with the buried tile as the land being drained had an elevation drop of approximately 30 ft across the quarter from the highest elevation to the lowest. Berkner also stated that the water leaving the two outlets should drain naturally within their own established watersheds separately in two parallel waterways that would eventually end up in Mud Creek and the other the South Fork of the Yellow Bank River. The two waterways join approximately 8 miles east of their two outlets.

Berkner stated that he felt that the six questions found under section 101 of SDCL 46-10A-20 were answered in the affirmative and that the questions found in the County's Drainage Ordinance in Section 313 and 317 supported those answers. He commented that the questions pertaining to wildlife did not have enough information to answer if there would be any negative impact to wildlife.

During his comments Berkner said that the Grant Street drainage permit request was missing a signature by the landowner where he asked Street to comment on this. According to Street he was having trouble getting the signature from a representative from the Minerman Trust as they lived in California and were currently traveling and staying in Wyoming but that he would get it eventually. Berkner explained to the drainage board that he would not officially issue the permit if it passed until he had that missing owner's signature and Street concurred that he understood that condition. Berkner closed his comments by saying that the permit had all the required information and will be able to obtain the required signature.

Chairman Stengel opened the public comment period for pro and con testimony. There were no comments. He closed the public portion of the hearing and opened the Board's discussion.

A brief discussion lead by Commissioners Tostenson and Mach asked Street for more information on the need for 10 inlets and Street responded that the 30 ft of elevation drop across the tillable land created a need for the inlets and that sediment dams and well-established grassy waterways would be accepting that water after being discharged. Chairman Stengel asked if there were any other questions or comments. Hearing none the motion to approve DR2022-37 was 4-0.

Permit DR2022-20 for Ron Anderson for property owned by Ronald and Linda Anderson Living Trust for property located in Vernon West Township; (a) SE1/4 EX LOT 1 EBSSENS SECOND ADDITION in 20-119-48; (b) S1/2SW1/4 EX LT 1, EBSSENS SUBDIV IN SW1/4SW1/4 in 21-119-48; (c) NE1/4 EX LOT H-3 in 21-119-48 (Vernon Township). Motion by Tostenson and seconded by Buttke to bring back to the floor DR2022-20 for consideration. Motion carried 4-0.

Drainage Officer Berkner began his presentation by giving a brief history of the permit that had its public hearing on April 19<sup>th</sup> and had been tabled giving the applicant a chance to work with his four downstream neighbors that voiced some concern with the volume of water to be drained. Berkner reported that Paul

Anderson, speaking for his father Ron Anderson, had said that he would be removing approximately 50 acres from the original drainage project of 250-acres. The acres being removed would be considered at a future date with a different permit and if approved would drain water to the north bypassing any water that would be of concern to downstream landowners. Berkner then showed the tiling map that had been prepared by Anderson's tiling contractor that showed that alternate scenario.

Berkner said that permit application, less the 50 acres removed, would still be natural drainage without any pumps. The outlet is a twelve-inch pipe located just south of SD Hwy 158 by Larry Loehrer's and could flow at a maximum 550 gallons per minute if the pipe was at a .1% grade.

Berkner stated that since the last meeting in May he has only had contact from one of the concerned landowners, being represented by Steve Hiniker of Hertz Farm Management. Hiniker said that he had some conversations with Anderson about possibly sharing some of the maintenance of the waterway being used by the Anderson project if conditions became overwhelming. Hiniker could not speak for the other landowners. Berkner said that Anderson had verified that those types of discussions had taken place, but he does not have any documentation if an actual agreement had been reached.

Berkner also reminded the board that one of the concerns of two of the downstream landowners was that they felt that the proposed drainage project would add a burden to one of their existing drainage pumps that drew water from a 15 ft deep sump where Berkner stated that the water from Anderson's proposed project would flow naturally on the surface and would most likely have little effect on those concerns.

When asked for any additional information or comments, Anderson stated that he had contact with the downstream landowners and that they shared their concerns with him, and he felt that removing the 50 acres from the initial project would alleviate most of those concerns.

Chairman Stengel asked for any additional comments on either the proponent or opponent side of granting the permit. Brian Schneck stated he is in favor of the permit as tiling will help keep the field dry during silage season producing less mud on the roads.

Commissioner Tostenson expressed his appreciation to Paul for his diligence in working with his neighbors on the issues of concern expressed by them. He also stated using grass waterways for filtering the water was appreciated. Chairman Stengel asked if there were any other comments. Hearing none, the motion to approve Permit DR2022-20 was approved with the condition that the 50 acres of tiling in Section 20 be removed from this permit. Motion carried 4-0.

This concluded the business for the drainage board. Chairman Tucholke adjourned the Drainage Board and reconvened the Board of Commissioners.

**Highway:** Supt. Schultz discussed lowering and extending the tile to the culvert that the county put in the ROW on the north side of County Road 4 in Section 14 by Rethke's. The Commission asked him to get measurements and a cost estimate for the next meeting.

**Executive Session:** Motion by Tostenson and seconded by Mach to enter executive session at 9:13 AM for the purpose of a personnel(s) issue pursuant to SDCL 1-25-2 (1). Motion carried 4-0. Auditor Layher and States Attorney Schwandt were present. Chairman Stengel declared the meeting open to the public at 9:31 AM. No action was taken because of the executive session.

**Dept. Reports:** 4-H advisor Sara Koepke reported on the OST programming of Lego Story Telling and Captain Cash, the outstanding grant applications for the 4-H complex, the 4-H leaders helping to furnish the building with needed items such as tables, chairs and display units. Stoves have been purchased through Federal Surplus Property. The 4-H Association is getting a quote on trees that need to be taken down. **ROD:** Becky Wellnitz reported the State Auditor conducted her audit in April and was pleased with the accounting practices of the office, the carpets were recently cleaned, the books were rearranged in the office as some pipes were leaking. **EM:** Director Kevin Schuelke reported an advanced weather spotter class was held with good public attendance. Repair work has been done by West Central on the sirens. Discussion on finding grant funds for a siren in Twin Brooks. The Code Red application is a very good notification source by phone. A full scale "fire" in July exercise is being planned for multi county first responders. **Treasurer:** Karla DeVaal reported she had sent out 31 delinquent property tax letters. The office staff processed 341 motor vehicle transactions in May. The office furniture is scheduled to be installed in late July and she discussed five new legislative bills with one on receipts of duplicate registrations.

**Personnel Policy:** Motion by Buttke and seconded by Mach to adopt these amendments to the Personnel Policy. Motion carried 4-0.

1. Add a statement in Section Leave of Absence, A. General Policy: Any leave of absence defined as vacation, sick leave, or funeral leave that is taken by an employee will be recorded to coincide with the employee's scheduled hours for the days of leave.

2. Clarify under the section titled Holiday Leave, all regular full-time appointed and regular full-time personnel will receive 8 hours of holiday pay.

**Consent:** Motion by Mach and seconded by Buttke to approve the consent agenda. Motion carried 4-0.

1. Approve Dalton Fox for temporary summer assistant for Library at \$15.25 effective 6-1-22
2. Approve Philip Kelly as a Big Stone Library volunteer

**Unfinished Business:** None

**New Business:** None

**Correspondence:** None

**Claims:** Motion by Tostenson and seconded by Mach to approve the claims. Motion carried 4-0. A-OX WELDING, supplies 16.75; ADVANTAGE ARCHIVES, contracted proj 2,070.00; BANNER, hwy proj 1,359.00; BERENS MARKET, supplies 5.16; BIG STONE CITY, election rental 25.00; BITUMINOUS PAVING, seal coating & patching 430,646.86; BUTLER, supplies 437.40; CENTER POINT, books 532.15; CENTURYLINK, phone 152.12; CHS, diesel fuel 4,693.00; CITY OF WATERTOWN, 911 surcharge 6,182.87; COLEPAPERS, supplies 208.70; COLONIAL RESEARCH CHEMICAL, supplies 131.32; CONSOLIDATED READY MIX, gravel 14,956.89; CRAIG DEBOER, car wash usage 109.61; CUMMINS, repair & maint 1,080.79; DELORIS RUFER, election rental 25.00; EAST RIVER ELECTRIC, tower rent 576.00; FISHER SAND & GRAVEL, gravel 2,547.91; FOOD-N-FUEL, inmate meals 408.00; GRAJCZYK LAW OFFICE, prof services 600.00; GRANT COUNTY REVIEW, periodicals 38.00; INGRAM LIBRARY, books & supplies 813.50; INTER-LAKES COMM ACT, service worker 2,565.92; ITC, internet 128.93; ISTATE TRUCK, repairs 131.87; JD POWER, reference books 210.00; L. G. EVERIST, gravel 9,143.34; LABOLT DEVELOPMENT, election rental 25.00; LEWIS, supplies 23.98; TOWN OF MARVIN, election rental 25.00; MILBANK AREA HOSPITAL AVERA, blabs 625.00; NEW TOWNSHIP HALL, election rental

25.00; OTTER TAIL POWER, electricity 2,998.85; OXYGEN SERVICE, supplies 57.65; QUICK PRO LUBE, oil chg & repair 93.96; R.D. OFFUTT, repairs & maint 4,319.60; RELX, online charges 725.00; RIVER STREET PETROLEUM, diesel fuel 8,969.85; ROAD GROOM MFG, major equip 21,924.00; SCANTRON, prof services 4,872.70; SD DEPT OF HEALTH, blabs 315.00; SD DEPT TRANSPORTATION, hwy proj 7,378.27; STAR LAUNDRY, prof services 68.31; STERN OIL, supplies 923.86; STOCKHOLM COMMUNITY CTR, election rental 25.00; TERENCE O'KEEFE, periodicals 35.00; TRUENORTH STEEL, bridge & culverts 9,431.60; TOWN OF TWIN BROOKS, election rental 25.00; TWIN VALLEY TIRE, supplies & repairs 425.55; VALLEY OFFICE PRODUCTS, supplies 1,084.12; VALLEY SHOPPER, publishing 170.08; VERIZON, hotspot 38.52; VISA, books, minor equip, gas, supplies 2,211.87; VOGEL PAINT, supplies 139.36; WHETSTONE VALLEY ELECTRIC, electricity 446.57; XEROX, copier rent 820.36. TOTAL: \$548,020.15.

MONTHLY FEES: SDACO, ROD modernization fee 246.00; SD DEPT OF REVENUE, monthly fees 190,406.75. TOTAL: \$190,652.75.

Payroll for the following departments and offices for the June 14, 2022, payroll are as follows: COMMISSIONERS 3,335.90; AUDITOR 8,026.91; ELECTION 1,180.13; TREASURER 5,090.15; STATES ATTORNEY 7,116.60; CUSTODIANS 3,520.28; DIR. OF EQUALIZATION 4,299.60; REG. OF DEEDS 4,441.79; VET. SERV. OFFICER 1,160.64; SHERIFF 14,091.55; COMMUNICATION CTR 7,684.29; PUBLIC HEALTH NURSE 818.41; ICAP 325.00; VISITING NEIGHBOR 1,865.36; LIBRARY 7,947.75; 4-H 3,688.58; WEED CONTROL 1,989.58; P&Z 1,465.20; DRAINAGE 325.60; ROAD & BRIDGE 36,368.54; EMERGENCY MANAGEMENT 2,713.50. TOTAL: \$117,455.36.

Payroll Claims: FIRST BANK & TRUST, Fed WH 9,314.21; FIRST BANK & TRUST, FICA WH & Match 14,323.86; FIRST BANK & TRUST, Medicare WH & Match 3,350.02; AAA COLLECTIONS, deduction 23.72; ACCOUNTS MANAGEMENT, deduction 145.32; AMERICAN FAMILY LIFE, AFLAC ins. 1,507.22; WELLMARK-BLUE CROSS OF SD, Employee health ins. 919.79; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 210.00; SDRS SUPPLEMENTAL, deduction 1,454.33; SDRS, retire 13,067.57. TOTAL: \$44,316.04.



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 July 5, 6 and 19 and August 2 and 16, 2022 at 8 AM. Motion by Mach and seconded by Buttke to adjourn the meeting. Motion carried 4-0. Meeting adjourned.

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Karen M. Layher, Grant County Auditor

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Douglas Stengel, Chairman, Grant County Comm.