

June 9, 2022

The Grant County Commission met at 8:00 AM with Commissioners Buttke, Street, Stengel, Tostenson, and Mach. Chairman Stengel called the meeting to order with a quorum present. Motion by Tostenson and seconded by Buttke to approve the minutes of the May 17, 24, 26 and June 1 meetings as presented. Motion carried 5-0. Minutes filed. Motion by Mach and seconded by Buttke to approve the agenda with DR2022-34 to be the first drainage permit to be presented. Motion carried 5-0.

Members of the public present were Joe Kanthak, Joseph Kanthak, Darwin Johnson, Francis Brandenburger, Ben Wollschlager, Tom Wollschlager and Scott Wittnebel. Members of the staff present were Drainage Officer Berkner and States Attorney Schwandt.

Public Comment: Chairman Stengel called for public comment. There were no 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 DR2022-34 for Scott Wittnebel, for property owned by Jennifer Wittnebel Living Trust, located in Government Lots 3 & 4 in 27-119-47 (Vernon East Township). Motion by Tostenson and seconded by Mach to approve DR2022-34.

Drainage Officer Berkner reported this permit is in section 27 and would drain approximately 25 acres. There are two outlets and 20,000 feet of tile. The outlet pipe is an 8-inch tile. The outlet running at full capacity at a .1% grade would flow at a maximum rate of 185 gallons per minute. The water flows into the south fork of the Yellow Bank River in Minnesota. The six questions under section 101 as per SDCL 46-10A-20 were answered in the affirmative and the other list of questions in Section 313 and 317 supports the affirmative response.

Applicant Scott Wittnebel stated he had obtained the signatures from the township officials to cross the minimum maintenance road. The purpose of the application is for erosion control. He plans to fill in the plow furlough and use tile to route the water underground instead of overland.

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 Tostenson asked where the old inlet goes. The applicant stated that inlet is from a prior drainage project that was done many years ago as it is cement tile. The two projects are separated by a range of hills but do end up in the same run. Discussion was held on using french drains versus an open inlet.

Commissioner Mach brought forth his concern of inlets taking the overland water to a natural run without filtration. The applicant states the inlets have screens, are above the ground and most of the water is filtered through the ground before it reaches the natural run. Commissioner Tostenson asked for clarification that the project is all located in Grant County which it is. Chairman Stengel asked if there was anymore discussion and hearing none called the vote. Motion carried 5-0.

Permit DR2022-31 for Thomas Wollschlager, for properties owned by Thomas Wollschlager located in the SW1/4 and in the NW1/4 EX THE E 1105' OF W 1780' OF N 790', both in 20-118-49 (Georgia Township). Motion by Street and seconded by Buttke to approve DR2022-31.

Drainage Officer Berkner presented his report. This request if approved would drain approximately 50 acres that has 30 ft of drop. There are two inlets that discharge through a 6-inch outlet across a grassy run. There are two inlets that discharge through a 12-inch outlet into a grassy run. There are four inlets that discharge through a 12-inch outlet through a sediment/stock dam. The two 12-inch outlets running at full capacity at a .1% grade would have a combined output of 1,100 gallons per minute. This runs into permit DR2022-30 that was approved in May. The one 6-inch outlet running at full capacity at a .1% grade would have an output of 90 gallons per minute. The water flows into the LaBolt Dam. The six questions under section 101 as per SDCL 46-10A-20 were answered in the affirmative and the other list of questions in Section 313 and 317 supports the affirmative response.

Applicant Tom Wollschlager stated the south inlet will be removed from the project as it is located too close to the designated wetland in this field.

Chairman Stengel opened the public comment period for pro and con testimony. There were not any comments. He closed the public portion of the hearing and opened the Board's discussion.

Commissioner Street remarked that one outlet goes into the Meyer permit approved in May and he asked for clarification on the other outlet. The applicant stated the second outlet drops into his pasture before running through the culvert. Commissioner Tostenson remarked he is pleased to see grass waterways and the stock dam being used to filter the sediments. There were not any other questions or comments. Motion to approve permit DR 2022-31 carried 5-0.

Permit DR2022-32 for Darwin Johnson for property owned by Darwin & Audra Johnson located in the NE1/4 NE1/4 in 29-119-49 (Madison Township); Marlyn and Myrna Johnson located in the NW1/4 of 28-119-49 (Madison Township); Marlyn Johnson located in the S1/2 SW1/4 in 21-119-49 (Madison Township). Motion by Tostenson and seconded by Mach to approve DR2022-32.

Drainage Officer Berkner reported this permit is for sections 21, 28 and 29 in Madison Twp. The legal for the S1/2SE1/4 of this permit had been omitted in the legal publication and will need to be advertised and that portion of this permit will need to be considered at the next meeting. This permit if approved would drain approximately 185 acres. There is a series of 8 inlets each with a sediment dam and one 15-inch outlet. There is a 135 foot drop over one and a quarter mile. The 15-inch outlet running at full capacity would have an output of 1,000 gallons per minute. The water eventually flows into the north branch of the Yellow Bank River. The six questions under section 101 as per SDCL 46-10A-20 were answered in the affirmative and the other list of questions in Section 313 and 317 supports the affirmative response.

The applicant stated the purpose of the permit is for erosion control and there is a sediment dam by each inlet. He stated he may not need to install all the inlets and sediment dams.

Chairman Stengel opened the public comment period for pro and con testimony. There were not any comments. He closed the public portion of the hearing and opened the Board's discussion.

Commissioner Tostenson asked how often maintenance had to be done on the sediment ponds. The applicant remarked he does maintenance on a yearly basis in the spring. Commissioner Street remarked that in his experience new water channels are cut on each side if a grass waterway is used versus a sediment pond. The applicant and Commissioner Tostenson both remarked that is what usually

happens. There were not any other questions or comments. Motion to approve permit DR 2022-32 carried 5-0.

Permit DR2022-33 for Joseph Kanthak for property owned by Joseph and Virginia Kanthak in Government Lots 1-4, in 10-118-47 (Adams East Township). Motion by Buttke and seconded by Street to approve DR2022-33.

Drainage Officer Berkner presented that this permit request is for section 10 of Adams East next to a vacated portion of 487<sup>th</sup> Avenue where a bridge was removed. Work began on lowering the culvert on May 13 without a permit. The applicant was contacted, and work was halted that same day, culvert replaced, and the permit was applied for the next working day. Once the permit application was completed, the lowering of a second culvert of equal height was added as well as installing 1,800 ft of 8-inch tile with one inlet to aid in draining. There is a drop of 6 ft between the two culverts. The permit if approved would lower two culverts to aid in draining approximately 20 acres. The 8-inch tile with inlet would aid in draining approximately 10 acres. The 8-inch outlet running at full capacity at a .1% grade could flow at a maximum of 185 gallons per minute. The water flows into the south fork of the Yellow Bank River.

The applicant remarked he wants to lower the culvert to improve drainage held back by a culvert under 487<sup>th</sup> Avenue.

Chairman Stengel opened the public comment period for pro and con testimony. Ben Wollschlager who rents the Kropenske land, stated Glen Kropenske is not in favor of the permit. He stated the project was stopped and culvert put back in, but at a lower depth of 12-inches according to a tile probe he had done. Reference was made by Francis Brandenburger that there are rocks by another inlet because another inlet was dumping into his tile without permission. States Attorney Schwandt stated the discussion cannot involve what was done on the Minnesota side as this board does not have jurisdiction across the border. Kanthak stated the inlet is on the SD side and was part of a permit that Grant Street had done. Chairman Stengel closed the public portion of the hearing and opened the Board's discussion.

Commissioner Street asked the applicant about pattern tiling from the township road to the Minnesota border. The applicant responded he was just trying to eliminate surface water. Commissioner Street asked the States Attorney for clarification on the rules for a township installing a culvert to the bottom of a run. States Attorney Schwandt explained if the culvert is on a township road the supervisors have the authority to lower or raise a

culvert, but the township needs the approval of the drainage board because of FEMA rules. Commissioner Tostenson asked for clarification on land ownership, remarked the issue of the lowering of the culvert is not something the board can solve based on the information presented and as the ordinance is written, the Board considers drainage issues. Culverts on township roads are under the authority of the township supervisors who should come before the Drainage Board as per FEMA requirements. Commissioner Mach asked if the water course was being altered which Drainage Officer Berkner responded by 100 yards. Chairman Stengel stated the Drainage Board's issue to consider drainage as the culvert is a township issue.

Motion by Tostenson and seconded by Mach to postpone action DR2022-33 until the July 5 meeting to allow the applicant time to work on the culvert issue with the township supervisors. Motion carried 5-0.

States Attorney Schwandt advised the Board to readvertise the permit as that would allow additional public testimony at the new hearing date.

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

**Bid Opening:** The bid opening for the sale of the 2013 Ford Explorer was conducted. The following bids were received. Bryce Johnson for \$4,273.00 and Doug Gulley for \$2,619.00. Motion by Tostenson and seconded by Buttke to accept the bid of \$4,273.00 from Bryce Johnson. Motion carried 5-0.

**Sheriff:** The following statistics for the month of April for the Detention Center and Sheriff's Office were presented by report. Average Daily inmate population 4.23; Number of bookings 11; Work release money collected \$680.00; 24/7 Preliminary Breath Test (PBT) fees collected \$240.00; SCRAM (alcohol detecting bracelet) fees collected \$180.00; 24/7 PBT participants 3; SCRAM (Sobriety Program) participants 1; Calls for Service (does not include walk-in traffic) 335; Accidents investigated 3; Civil papers served 83; Cumulative miles traveled 11,224; 911 calls responded to (including Milbank) 86. **Jail Agreement:** Motion by Street and seconded by Buttke to authorize Chairman Stengel to sign the prisoner contract with Roberts County Detention Facility at a cost of \$100.00 per day for adult prisoners and \$200.00 per day for juveniles. Motion carried 5-0. **Office Furniture:** The quote for office cubicles for the deputies in the lower level of the DC was reviewed. Motion by Mach and seconded by Street to approve the purchase of office furniture from Valley Office Products in the amount of \$13,994.00. Motion carried 5-0.

**P & Z:** The Commission directed Steve Berkner, P & Z officer, to have the Grant County P & Z board open three sections of the Grant County Land Use ordinance to review and potentially revise the document. Two of the sections pertain to the wording of setback distances on “small-acreage residential properties”. Berkner reports that the county has been granting so many variances that it indicates a need to update the ordinance. He is anticipating that the P & Z board may recommend clearer verbiage concerning improvements such as shelterbelts and storage sheds.

Berkner noted that there also needs to be some distinction between fences for agricultural purposes and landscaping structures. Likewise, he sees a need for clarification in the ordinance between shelterbelts for land preservation and ornamental plantings.

The third section of the land use ordinance to be reviewed with the possibility of revision relates to plats. Currently, the document specifies a two-acre minimum for residential sites in the rural portions of the county, outside of established developments. The county leaders want to consider whether that minimum should be increased to make it easier for homeowners to comply with setback requirements.

Motion by Tostenson and seconded by Mach to open only the portion of the ordinance pertaining to plat size, ag fencing versus ornamental fences, language clarification on setbacks for shelterbelts, setback distances for trees and buildings on small acreage residential properties for the P & Z Board to make a recommendation on possible changes to the Commission. Motion carried 5-0.

**EM:** Director Kevin Schuelke reported on May 30<sup>th</sup> storm damage which included tree and building damage in areas of the county. After a call to the City of Milbank, county residents, may take tree waste to the city rubble site for no cost, if they do not have any means to dispose of tree waste.

**Travel:** Motion by Buttke and seconded by Mach to approve travel expense for Assistant Supt. Daren Peterson to attend Supt. Certification Training in Pierre. Motion carried 5-0.

**Executive Session:** Motion by Tostenson and seconded by Street to enter executive session at 10:12 AM for the purpose of a personnel(s) issue pursuant to SDCL 1-25-2 (1). Motion carried 5-0. Auditor Layher and States Attorney Schwandt were present. Chairman Stengel declared the meeting open to the public

at 10:15 AM. Motion by Mach and seconded by Tostenson to advertise for a FT maintenance supervisor in preparation of staff retirement. Motion carried 5-0.

**4-H:** Motion by Buttke and seconded by Street to approve the purchase of office furniture for the new 4-H offices from Valley Office Products at a cost of \$16,326.30. Motion carried 5-0.

**Disaster:** Motion by Buttke and seconded by Street to approve Resolution 2022-07 to declare a disaster declaration due to the May 30, 2022 storm. Motion carried 5-0. Resolution adopted.

**Resolution 2022-07**

**RESOLUTION FOR DISASTER DECLARATION FROM THE MAY 30, 2022 STORM**

**WHEREAS,** Grant County, South Dakota, has suffered damage, brought on by a severe wind, rain and tornados on May 30, 2022; and

**WHEREAS,** Grant County has committed all available resources and taken all possible actions within the jurisdictional boundaries to combat and to alleviate the emergency/disaster and local resources are not adequate to cope with the situation.

**WHEREAS,** Grant County recognizes that all municipal, tribal and rural electric cooperatives, utility companies, farmers and ranchers have taken all possible actions within the jurisdictional boundaries to combat and to alleviate the emergency/disaster.

**THEREFORE BE IT RESOLVED** that the Grant County Board of Commissioners for, and on behalf of the citizens of Grant County, request the Governor of the State of South Dakota to petition the President of the United States of America to declare Grant County, South Dakota an emergency/disaster area.

Dated this 9<sup>th</sup> day of June, 2022.

Douglas Stengel, Chairman  
Grant County Board of Commissioners

ATTEST:

Karen M. Layher  
Grant County Auditor

**Malt Beverage License:** Motion by Tostenson and seconded by Mach to approve the renewal of the license as presented for the period of July 1, 2022 through June 30, 2023. Motion carried 5-0.

1. Bitter Sweet Lodge located at 15196 455<sup>th</sup> Ave., in Lura Township with a legal description of S 200' of West 300' PT Gov't 4 in the SW 1/4, 7-120-51, Grant County for Retail (off-sale) Package Malt Beverage.

**Primary Canvass:** The Board canvassed the results of the June 7<sup>th</sup> Primary Election, and the results are as follows:

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| Milbank 1-1<br>Ballots Counted 178                                   | Milbank 1-2<br>Ballots Counted 7                        |
| Milbank 2-1<br>Ballots Counted 68                                    | Milbank 2-2<br>Ballots Counted 182                      |
| Milbank 3-1<br>Ballots Counted 6                                     | Milbank 3-2<br>Ballots Counted 56                       |
| Milbank 3-3<br>Ballots Counted 177                                   | 41 Adams-Albee-Reville-Vernon<br>Ballots Counted 111    |
| 42 Alban<br>Ballots Counted 111                                      | 43 Big Stone City & Twp<br>Ballots Counted 187          |
| 44 Blooming Valley-Farmington-Lura<br>Ballots Counted 58             | 45 Georgia-LaBolt-Madison<br>Ballots Counted 88         |
| 46 Grant Center<br>Ballots Counted 115<br>(Includes one Provisional) | 47 Melrose<br>Ballots Counted 109                       |
| 49 Mazeppa-Osceola-Marvin<br>Ballots Counted 49                      | 52 Stockholm Town & Twp<br>Ballots Counted 29           |
| 53 Troy & Strandburg<br>Ballots Counted 27                           | 54 Twin Brooks Town & Twp-Kilborn<br>Ballots Counted 72 |

Total ballots cast were 1,630 with a 34.52% turnout.

Motion by Buttke and seconded by Street to certify the canvass of votes as correct and to sign the canvass certificate for the Secretary of State's Office. Motion carried 5-0.

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

1. Approve step increase for PT Librarian Barb Robinson to Step 1 \$15.75 per hour effective 5-28-22
2. Approval to change the date to July 5 at 9:30 am for a budget supplement for fund 207 for \$24,000



**Unfinished Business:** None

**New Business:** Commissioner Tostenson stated he had been asked if the Commission would consider installing cement picnic tables in the Courthouse Park. He will get pictures and prices for the picnic tables. He informed the Commission the DAV van will be returned to the DAV as drivers cannot be secured. He also reported on the number of patriotic service organizations that participated in the memorial service of Navy Seaman Laverne Nigg.

**Correspondence:** None

**Claims:** Motion by Mach and seconded by Buttke to approve the claims. Motion carried 5-0. AUTOVALUE, supplies 106.67; BERENS MARKET, inmate groceries 405.15; BORNS GROUP, mailing expense 782.60; BOYER FORD TRUCKS, supplies 75.39; CENGAGE LEARNING, books 160.44; CENTER POINT, books 370.92; CHS, diesel fuel & gas 10,061.48; CITY OF MILBANK, water & sewer 706.56; CITY OF WATERTOWN, 911 surcharge 6,241.56; CLIMATE AIR, repair & maint 3,871.87; COLEPAPERS, supplies 360.41; COLONIAL RESEARCH CHEMICAL, supplies 193.35; CONSOLIDATED READY MIX, gravel 11,819.87; CUSTODIAN SERVICES, minor equip 721.99; DELORIS RUFER, lib rent 100.00; DEMCO, supplies 138.57; DS SOLUTIONS, prof services 450.00; DUANE ATHEY, supplies 73.70; ELECTION SYSTEMS & SOFTWARE, prof services 2,320.06; FISHER SAND & GRAVEL, gravel & riprap 47,880.99; FOOD-N-FUEL, inmate meals 366.00; GRANT CO HISTORICAL SOCIETY, allocation 6,937.33; GRANT CO SOIL CONSERVATION, allocation 12,000.00; GRANT COUNTY REVIEW, publications 1,993.07; GRANT-ROBERTS RURAL WATER, water usage 41.70; GRANT/ROBERTS AMBULANCE, allocation 2,458.33; GREEN ROBY OVIATT, court appt atty 3,664.00; INSIGHT, supplies 332.50; INTER-LAKES COMM ACT, service worker 5,210.50; ITC, phone & internet 1,288.13; JACKSON SCHWANDT, prof services 50.00; JASON SACKREITER, garbage service 230.00; LEWIS, inmate rx & supplies 43.45; LUTHER YELLOW ROBE JR., prof services 1,500.00; MICROFILM IMAGING SYSTEMS, scanner rent 620.00; MICROMARKETING, audio/visuals 102.78; MIDCONTINENT, lib internet 103.94; MIDWEST POWERSPORTS, supplies 6.05; MILBANK AREA HOSPITAL AVERA, blabs 625.00; MILBANK AUTO PARTS, supplies & parts 1,839.52; MILBANK FORD, repairs & maint 1,630.59; MILBANK WINWATER WORKS, repairs 182.83; NORTHWESTERN ENERGY, natural gas 1,226.50; OXYGEN SERVICE, supplies 225.72; PROLINE MARKETING, supply 81.35; QUICK PRO LUBE, oil chg & repairs 657.83; QUILL, supplies 60.27; R.D.

OFFUTT, repair & maint 78.41; RC TECHNOLOGIES, 911 transport & tower rent 95.96; REGENCY MIDWEST VENTURES, motel 385.00; RICK BRAMMER, summer reading prog 400.00; RIVER STREET PETROLEUM, diesel fuel & ethanol 22,096.10; RONLIEN EXCAVATING, contracted project 4,601.25; RUNNINGS, supplies 248.33; SCOTT BRATLAND, court appt atty 4,211.65; MATT SCOTT, prof services 162.50; SD ASSN COUNTY HWY SUPTS, registration 85.00; SD DEPT OF HEALTH, blabs 480.00; SD DEPT OF REVENUE – MOTOR, prof services 15.00; SDVSOA, registration & dues 100.00; SEACHANGE, supplies 185.00; THE SHOP, repairs & maint 2,729.88; ST WILLIAMS, inmate laundry 340.00; STAN HOUSTON EQUIP, supplies 101.00; STAR LAUNDRY, prof services 86.07; STATE OF SD, supplies 240.00; TITAN MACHINERY, supplies 319.50; TRAPP PLUMBING, prof services 93.84; TWIN VALLEY TIRE, repair & supplies 28.91; VALLEY RENTAL & RECYCLING, allocation 650.00; VALLEY SHOPPER, publishing 53.16; WAYDE FRAASCH, prof services 50.00; WAYNE SWENSON, prof services 787.50; WEST CENTRAL COMMUNICATION, repairs & maint 1,905.94; WHETSTONE VALLEY ELECTRIC, electricity 74.78; WS LEASING, 4H building 62,827.30; XEROX, copier rent 826.58; ZEM'S FRESH STARTS, supplies 48.32. TOTAL: \$234,625.95.

Payroll for the following departments and offices for the May 27, 2022, payroll are as follows: COMMISSIONERS 3,335.90; AUDITOR 7,671.07; ELECTION 359.01; TREASURER 5,158.85; STATES ATTORNEY 6,973.80; CUSTODIANS 2,813.85; DIR. OF EQUALIZATION 3,838.01; REG. OF DEEDS 4,159.97; VET. SERV. OFFICER 1,101.01; SHERIFF 13,442.95; COMMUNICATION CTR 6,693.10; PUBLIC HEALTH NURSE 818.40; ICAP 292.50; VISITING NEIGHBOR 1,842.88; LIBRARY 7,343.22; 4-H 3,554.28; WEED CONTROL 1,843.00; P&Z 1,119.26; DRAINAGE 508.75; ROAD & BRIDGE 32,282.88; EMERGENCY MANAGEMENT 2,531.25. TOTAL: \$107,683.94.

Payroll Claims: FIRST BANK & TRUST, Fed WH 8,104.48; FIRST BANK & TRUST, FICA WH & Match 13,054.92; FIRST BANK & TRUST, Medicare WH & Match 3,053.18; AAA COLLECTIONS, deduction 23.72; ACCOUNTS MANAGEMENT, deduction 145.32; AMERICAN FAMILY LIFE, AFLAC ins. 1,507.22; WELLMARK-BLUE CROSS OF SD, Employee and Commission health ins. 51,293.00; COLONIAL LIFE, ins 37.98; DEARBORN NATIONAL, life ins. 267.31; LEGAL SHIELD, deduction 76.70; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 210.00; OPTILEGRA, ins 462.53; SDRS SUPPLEMENTAL, deduction 1,454.33; SDRS, retire 12,102.18. TOTAL: \$91,792.87.

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 June 21 and July 5, 6 and 19, 2022 at 8 AM. Motion by Buttke and seconded by Street to adjourn the meeting. Motion carried 5-0. Meeting adjourned.

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Karen M. Layher, Grant County Auditor

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Douglas Stengel, Chairman, Grant County Comm.