

March 17, 2023

The Grant County Commission met at 8AM with Commissioners Buttke, Mach, Stengel, and Tostenson present. Chairman Mach called the meeting to order. Motion by Buttke and seconded by Stengel to approve the minutes of the March 7, 2023, meeting. Motion carried 4-0. Minutes filed. Motion by Tostenson and seconded by Stengel to approve the agenda after removing the Drainage Permit DR2023-07 application. Motion carried 4-0.

Present from the public were Ann Grabow, Francis Brandenburger, Mark Wollschlager, Blake Sime, Joe Kanthak, Joseph Kanthak, John Seffrood, and Annelies Seffrood. Staff members present were Commissioner Assistant Layher, Drainage Officer Berkner and States Attorney Schwandt.

Chairman Mach called for public comment for any items not listed on the agenda. There were no comments offered. Chairman Mach closed the public comment.

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

Cash on Hand	\$3,256.01
Checks in Treasurer's possession	
less than 3 days	\$60,373.95
Cash Items	\$0.00
TOTAL CASH ASSETS ON HAND	\$63,629.96
 RECONCILED CHECKING	
First Bank & Trust	\$84,807.49
Interest	\$0.00
Credit Card Transactions/TIF Fee	\$3,182.90
First Bank & Trust (Svgs)	\$7,247,381.50
 CERTIFICATES OF DEPOSIT	
First Bank & Trust	\$0.00
First Bank & Trust (TIF)	\$0.00
 TOTAL CASH ASSETS	 \$7,399,001.85

GENERAL LEDGER CASH BALANCES:

General	\$3,030,426.88
General restricted cash	\$2,050,000.00
Cash Accounts for Offices General Fund	\$656.00
Sp. Revenue	\$988,360.73
Sp. Revenue restricted cash	\$0.00
Henze Road District	\$503.56
TIF Apportioning Northern Lights	\$0.00
TIF Milbank	\$0.00
TIF Northern Lights	\$0.00
Special Assessment Land Rent	\$0.00
Trust & Agency (schools 412,860.37, twps 31,152.27, city/town 65,644.21)	\$1,329,054.68

TOTAL GENERAL LEDGER CASH**\$7,399,001.85**

Dated this 10th day of March, 2023

Kathy Folk
County Auditor

The Register of Deeds fees for the month of February were \$4,282.25. The Clerk of Courts fees for the month of February were \$5,438.15. The Sheriff fees for the month of February were \$2,149.39 and receipted into the General Fund.

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

Permit DR2023-08 for Justin Sime for property owned by Michelle Harstad in the SE1/4 of 32-118-47 (Adams East Township).

Mach asks for a motion to approve Drainage Permit DR2023-08, for Justin Sime. Motion was made by Tostenson with a second by Stengel.

Drainage Officer Berkner began his report for DR2023-08 stating that approximately 90 acres located in the SE1/4 of Section 32 in Adams East Township would drain via four outlets into the Lac qui Parle River Watershed.

Berkner stated there are 3 inlets and 4 outlets, (2-5" and 2-12"), would be used in the drainage project which could drain as much as 1,210 gallons of water per minute (GPM) if the tile was installed at a .1% grade. All 3 inlets would drain through a single controlled 12" outlet that could be closed if necessary.

In closing, Berkner said that he had no outside contact in support of or against DR2023-08 from downstream landowners contacted via certified mail, including

the US Fish and Wildlife Service. It was his opinion that the project was supported by the County's Drainage Ordinance.

Mach asked Blake Sime, who was representing Justin Sime, if he had anything to add to the report. Sime said that the controlled outlet was "if needed" to slow down the flow of water from the three inlets because of the steep drop in grade elevation. Tostenson asked if the controlled outlet was closed where would that water back up and Sime said all of it would back up on their land.

Tostenson asked if DR2023-08 would affect any wetlands and Sime responded that they were waiting for that determination. They would alter their tiling laterals accordingly when the project is done, most likely next fall.

With no more comments or questions of Sime, Mach opened the public hearing for DR2023-08 asking 3 times for any comments in support of or against DR2023-08 with no one responding. Mach closed the public hearing and invited the drainage board to discuss.

Tostenson asked what type of inlet design would be used. Berkner said the permit application didn't say but that all the area collecting water with inlets would be controlled if necessary.

Mach asked Sime if the SD DNR would possibly have control of that outlet. Sime responded that it will always be their intention to slow up the water as it leaves their outlet to avoid downstream flooding.

Commissioner Street entered the meeting at 8:15 a.m.

Mach asked Berkner if "wetland determinations" were necessary before the county could approve drainage permits. Berkner responded that the current County Drainage Ordinance doesn't require it but that if it is supplied by the permittee, he adds it to their application information. Berkner concluded saying that the drainage permit application the permittee signs, states that the permittee is responsible for their project as it relates to any government programs and if it causes damage to any landowner, it is at their peril.

With no more discussion Mach called for the vote which passed 5-0.

Permit DR2023-01 for Roger Schuelke for property owned by Roger & Patricia Schuelke and located in GOVT LOT 1 of 34-119-47 (Vernon East Township).

Permit DR2023-02 for Roger Schuelke for property owned by Roger & Patricia Schuelke and located in GOVT LOTS 1-4 of 3-118-47 (Adams East Township).

Chairman Mach asked for a motion to consider drainage permits DR2023-01 and DR2023-02 for Roger Schuelke with a motion by Tostenson and seconded by Buttke.

Berkner gave his report stating it was for tiling approximately 45 acres across two parcels in the NE1/4 of Section 3 in Adams East Township and the SE1/4 of Vernon East Township.

Berkner said the drainage project would have 5 inlets and 1-15" outlet that would drain northeast onto property owned by RFS Wittnebel LLC and that the permit application included permission for that outlet. Berkner said that an additional action by the County Commissioners would be needed to allow the project to bore under 160th Street, a county road.

Berkner said the outlet could drain as much as 1,000 GPM if it was installed at .1% grade. The water would eventually flow east along a 500-foot-long ditch beside the railroad tracks east of Nassau, MN before the water would enter an established waterway on the north side of the railroad tracks. The water eventually flows into the South Fork of the Yellow Bank River further north.

Berkner added that the outlet for DR2023-01 and DR2023-02 would also be used as an outlet for the next agenda item, DR2023-03, where approximately an additional 35 acres would drain if passed. Berkner closed his report saying he thought the project was supported by the County's Drainage Ordinance.

Berkner added that Schuelke would not be present at the meeting but that he had spoken to him twice in the last few days. Mark Wollschlager, who is sharing the outlet with Schuelke on his permit DR2023-03, should be able to answer any basic questions about Schuelke's project if they come up.

Mach opened the public hearing asking three times for any comments in support of or against permits DR2023-01 and DR2023-02 with no one responding. Mach then closed the public hearing and asked the board to begin discussion.

A discussion followed. Drainage board members asked Wollschlager what kind of run the water would flow through once it crossed under the railroad. Wollschlager stated it was more of a small rocky ravine.

Tostenson asked if Wollschlager knew what type of inlets would be used by Schuelke. Wollschlager said he assumed they would be some type of open inlets. Tostenson encouraged all drainage permit applicants to consider using some type of filtered inlet if it is at all possible to limit erosion and sediments entering downstream waterways. Mach concurred with Tostenson's statement.

With no more discussion, Mach called for the vote on DR2023-03 which passed unanimously 5-0.

Motioned by Street and seconded by Buttke to approve the ROW2023-01 application for crossing 160th St. The application is to bore under the road and install 15" solid pipe tile for DR2023-03. Mach called for the vote. Motion carried 5-0.

Permit DR2023-03 for Mark Wollschlager for property owned by Mark & Laurie Wollschlager located in the NE1/4 of 4-118-47 (Adams East Township).

Chairman Mach asked for a motion to consider Drainage permit DR2023-03 for Mark Wollschlager. Motion made by Street and seconded by Buttke.

Berkner's report for DR2023-03 stated it was for tiling approximately 70 acres located in the NW1/4 of Section 4. The project would have 7 inlets and 4-outlets, 2-6", a shared 15" with DR2023-01 and DR2023-02, and a shared single 8" outlet with DR2023-04 which was the next agenda item.

Berkner said the drainage project's design was very sensitive to three existing micro sub-watersheds of the South Fork Yellow Bank River but that as the water leaves the property it will drain by gravity and go in three separate directions limiting impact to downstream property.

According to Berkner, the tiling project could drain as much as 1,365 GPM through all four outlets in extreme wet conditions. It is his opinion that because the waters are draining through their respective micro sub-watersheds that the impact would be very minimal. It was also Berkner's opinion that those maximum flow rates were based on being installed at .1% grade and not necessarily realistic under normal wet conditions.

Berkner concluded his report saying that the permit required signatures to work within the ROW of township road, 487th Avenue, which accompanied the permit application. Berkner said that he also had a signature from the landowner on the east side of 487th Avenue that would be the location of the outlet flowing southeast.

Mach asked Wollschlager if he wanted to add anything. He said that the ground in that area was very heavy and needed improved drainage to be productive and to reduce erosion.

Mach opened the public hearing for DR2023-03 asking three times for anyone to speak in favor or against the project with nobody responding. Mach closed the public hearing and invited the drainage board to begin discussion.

Mach asked Wollschlager for additional information concerning the west two outlets if they eventually join the northeast outlet that is shared with the two previously approved permits, DR2023-01 and DR2023-02. Wollschlager responded yes. Wollschlager was also asked about what type of waterway the two western outlets flowed into, and he said it was mostly a grass and cat-tailed lined rocky waterway ravine where the water flows slowly.

It was again discussed by the Drainage Board that they would like to see open inlets replaced by filtered ones when possible and encouraged Wollschlager to consider those alternatives when possible.

With no more discussion, Mach called for the vote. Motion carried 5-0.

Permit DR2023-04 for Joseph Kanthak for property owned by Ron & Iris Hay located in the SE1/4 of 4-118-47 (Adams East Township). Permit DR2023-05 for Joseph Kanthak for property owned by Joseph & Virginia Kanthak located in the SW1/4 of 4-118-47 (Adams East Township). Permit DR2023-06 for Joseph Kanthak for property owned by Joseph & Virginia Kanthak located in the SE1/4 of 4-118-47 (Adams East Township).

Mach asked for a motion to consider DR2023-04, DR2023-05 and DR2023-06 with a motion made by Street and seconded by Buttke.

Berkner's report stated that in his opinion the tiling project was supported by the County's Drainage Ordinance and would help drain and reduce erosion for approximately 90 acres across three parcels in the SE1/4 and SW1/4 of Section 4 using 8 inlets and 3-8" outlets, all draining into the South Fork of the Yellow Bank River.

Berkner said that in total, if all the tile and the outlets were installed at .1% grade a maximum flow rate of 555 GPM could be drained, which he thought could only happen in extreme wet conditions. Berkner said the tiling permit applications also included the needed third-party signatures.

Berkner concluded his presentation saying that he had had conversations with Kanthak and Drainage Board member Street recently. It was discussed that it might be possible to eliminate one 8" outlet also being shared by permit DR2023-03, which was just previously granted. The water would flow under 487th Ave. and flow straight east, where that run could join one of the remaining two outlets found in DR2023-04 and DR2023-06, which flowed straight south and would eliminate the need for crossing 487th Ave.

Street said that in his review of the project with Kanthak they discussed that it would be a much simpler installation if that change was allowed for both permits. After a lengthy discussion, it was decided it was best for the drainage board not to get involved with combining separate drainage permit designs, especially since one had been already permitted without the suggested change.

Mach asked Kanthak if he had anything to add before the public hearing started where Kanthak replied that he was open to the type of change being suggested by Street. Mach then opened the public hearing asking three times for any comments in support of or against the permits with no one responding.

States Attorney Schwandt asked for clarification if the shared outlet being used by DR2023-03 and DR2023-04 flowing to the east through 487th Ave. had the needed signatures from the township for the road crossing, and from the neighboring landowner receiving that outlet. Berkner said he did have all the needed signatures.

Schwandt concurred with the earlier board discussion that the drainage permit application be accepted according to the motion made and currently being considered without combining the suggested routing or design changes otherwise a new permit application would need to be made for the previously approved drainage permit, DR2023-03.

Mach closed the public hearing and called for board member discussion. He reminded the board that they are considering the original drainage permit application with three outlets, not combining any outlets from the previously passed permit, as was suggested by Kanthak and Street. Mach called for the vote. 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: John and Annelies Seffrood suggested having emergency snow routes declared throughout the county and asked the Commission to put together a

committee to prioritize the snow routes and create zones to let the residents know what zone the highway department will be plowing and when by announcing it on the radio and/or the county website. They also suggested having cameras on the snowplows or mounted on poles in certain problem areas so Supt Peterson could see the road conditions in all areas to help determine if there should be no travel advised.

Supt Peterson stated the highway department currently has 5 zones which include 10 routes, 5 with graders and 5 with trucks. One blade is being repaired, and the new grader will not be here until June 1st. Their snow removal policy is to remove snow on asphalt after a 2-inch snow fall and on gravel after a 4-inch snow fall.

Commissioner Mach asked what is the difference between an emergency route and a priority route? They determined emergency routes are for ambulance and fire department emergencies and priority routes would be for work and business purposes.

Commissioner Street suggested the county do an opt out for new highway equipment or increase the road levy. The Commissioners agreed to putting the current snowplow routes on the county website and to continue discussion on prioritizing snow routes.

Commissioner Tostenson stated if all these ideas were implemented it would be quite a cost for the county. Supt Peterson stated he needs to update/replace the 1989 snowblower as parts are not made for it anymore. Commissioner Tostenson authorized Supt Peterson to work with Commissioner Assistant Layher to obtain quotes for a replacement.

Travel: Sheriff Owen requested travel to Deadwood for the annual conference and Deputy Steffensen to attend a Sex Offender Conference. Motion by Street and seconded by Buttke. Motion carried 5-0.

Unfinished Business: We have received approval to join the Grant County Ambulance District from the cities of Milbank, Revillo and Twin Brooks so far.

New Business: Commission Assistant Layher stated the Grant County website is out of date and the agenda and minutes cannot be loaded to the correct page. For now, they can be found under Announcements on the website. The Commission advised her to seek bids to update the website.

Correspondence: The Lake Region quarterly meeting scheduled for March 16 was postponed to April due to the weather. Emergency Management workshop will be held Monday, March 20, 2023 at the Courthouse. Ag Day will be held Tuesday, March 21, 2023 at the 4-H Complex.

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

1. Approve hiring of Cheryl Schweer as part time library assistant effective March 20 at \$16.25 per hour

Claims: Motion by Tostenson and seconded by Stengel to approve the claims. Motion carried 5-0. A-OX WELDING, supplies 100.04; ADVANCED TECHNOLOGIES, supplies 67.96; AL'S BODY SHOP, repair & maint 350.00; AVERA QUEEN OF PEACE, blabs 221.00; BANNER, hwy project 320.00; BERENS MARKET, inmate groceries 439.22; BIG STONE CO SHERIFF, prof services 64.00; BORNS GROUP, mailing expense 1,267.91; BOYER FORD TRUCKS, repairs & maint 253.65; BUTLER, repairs & maint 2,346.18; CERTIFIED LANGUAGES INTERN, prof services 13.20; CITY OF WATERTOWN, 911 surcharge 6,227.31; CRAIG DEBOER, car wash usage 203.79; FIRST BANK & TRUST/VISA, gas, hotel, supplies 2,268.09; FOOD-N-FUEL, inmate meals 468.00; GRANT COUNTY REVIEW, publishing 336.00; GRANT-ROBERTS RURAL WATER, water usage 38.70; INTER-LAKES COMMUNITY ACT, service worker 2,628.00; ITC, phone & internet 2,694.59; ISTATE TRUCK CENTER, repair & maint 386.30; JASON SACKREITER, garbage service 95.00; JEREMY WIESE, supplies 61.95; KEVIN MEYER, supplies 90.39; LEWIS FAMILY DRUG, inmate rx & supplies 482.60; MICROFILM IMAGING SYSTEMS, scanner rent 642.00; MILBANK AREA HOSPITAL AVERA, health services 2,713.90; WANZEK, refund 844.46; MUNDWILER FUNERAL HOME, prof services 3,896.75; NELSON AUTO CENTER, auto motor equip 35,994.00; ORTONVILLE AUTO PARTS, supplies 569.57; OTTER TAIL POWER, electricity 3,531.02; PETERS DISTRIBUTING, repairs & maint 979.59; PRO IMAGE PARTNERS, prof services 570.00; QUICK PRO LUBE, supplies 97.97; R.D. OFFUTT, supplies 1,717.73; RC TECHNOLOGIES, 911 transport & tower rent 95.96; RELX, online charges 725.00; RIVER STREET PETROLEUM, diesel 12,369.58; SAFETY-KLEEN SYSTEMS, supplies 253.36; SANDRA FONDER, prof services 33.33; SCOTT BRATLAND, court appt atty 470.80; SD DEPT OF HEALTH, blabs 140.00; SD DEPT OF REVENUE, sales & use tax 227.82; SD DEPT TRANSPORTATION, hwy project 9,845.66; SD SHERIFF'S ASSN, registration 115.00; SDACES, dues 45.00; THE SHOP, repairs & maint 350.00; STAR LAUNDRY, prof services

84.32; STEPP MFG, supplies 739.96; TRAPP PLUMBING, repairs & maint 2,494.93; VERIZON, hotspot 38.52; WHETSTONE HOME CENTER, supplies 223.29; WHETSTONE VALLEY ELECTRIC, electricity 932.14; XEROX, copier rent 513.00. TOTAL: \$102,678.54.

Payroll for the following departments and offices for the March 14, 2023, payroll are as follows: COMMISSIONERS 7,202.10; AUDITOR 7,390.17; ELECTION 10.43; TREASURER 5,409.34; STATES ATTORNEY 7,147.40; CUSTODIANS 3,093.52; DIR. OF EQUALIZATION 4,108.00; REG. OF DEEDS 4,696.81; VET. SERV. OFFICER 1,238.40; SHERIFF 15,452.54; COMMUNICATION CTR 8,174.65; PUBLIC HEALTH NURSE 1,099.35; ICAP 56.00; VISITING NEIGHBOR 1,694.58; LIBRARY 5,977.74; 4-H 3,594.74; WEED CONTROL 1,923.00; P&Z 1,750.70; ROAD & BRIDGE 32,151.26; EMERGENCY MANAGEMENT 2,240.00. TOTAL: \$114,410.73.

Payroll Claims: FIRST BANK & TRUST, Fed WH 8,033.77; FIRST BANK & TRUST, FICA WH & Match 13,740.56; FIRST BANK & TRUST, Medicare WH & Match 3,213.46; ACCOUNTS MANAGEMENT, deduction 90.55; AMERICAN FAMILY LIFE, AFLAC ins. 1,585.19; ARGUS DENTAL, ins 498.89; WELLMARK-BLUE CROSS OF SD, Employee health ins. 1,953.95; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 210.00; SDRS SUPPLEMENTAL, deduction 1,380.83; SDRS, retire 12,844.68. TOTAL: \$43,551.88.

Executive Session: Motion by Tostenson and seconded by Buttke to enter executive session at 10:35 AM for the purpose of a personnel issue pursuant to SDCL 1-25-2(1). Motion carried 5-0. Chairman Mach declared the meeting open to the public at 11:20 AM. No action was 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 April 4, 11 (Equalization) and 18, 2023 and May 2 and 16 at 8 AM. Motion by Tostenson and seconded by Stengel to adjourn the meeting. Motion carried 5-0. Meeting adjourned.

