

March 15, 2022

The Grant County Commission met at 8AM with Commissioners Mach, Street and Tostenson. Commissioners Buttke and Stengel were absent. Vice-Chairman Mach called the meeting to order. Motion by Street and seconded by Tostenson to approve the minutes of the March 1, 2022, meeting as presented. Motion carried 3-0. Minutes filed. Motion by Tostenson and seconded by Street to approve the agenda as presented. Motion carried 3-0.

Members of the public present were Steve and Vicki Strege, Jerry Zubke, Michael Schneck, James Eckberg, Darwin Johnson, Mike Smith, John Forman, Chris Zubke, Steve Farrell, Josh Wendland, Jim Wendland, Jevon Zirbel, David Zirbel and Jim DeVaal. Staff members present were States Attorney Schwandt and Drainage Officer Berkner.

Vice-Chairman Mach called for public comment for any items not listed on the agenda. There were not any comments offered. Vice-Chairman Mach closed the public comment period.

The Auditor's Account with the Treasurer for the month of 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, 2022.

Cash on Hand	\$2,260.37
Checks in Treasurer's possession less than 3 days	\$57,650.25
Cash Items	\$0.00
TOTAL CASH ASSETS ON HAND	\$59,910.62
RECONCILED CHECKING	
First Bank & Trust	\$2,554.80
Interest	\$0.00
Credit Card Transactions	\$5,103.69
TIF Fees-	\$0.00
First Bank & Trust (Svg)	\$6,626,072.00

CERTIFICATES OF DEPOSIT

First Bank & Trust	\$0.00
First Bank & Trust (TIF)	\$0.00
TOTAL CASH ASSETS	\$6,693,641.11
GENERAL LEDGER CASH BALANCES:	
General	\$2,274,334.67
General restricted cash	\$2,250,000.00
Cash Accounts for Offices General Fund	\$656.00
Sp. Revenue	\$352,945.80
Sp. Revenue restricted cash	\$0.00
Henze Road District	\$585.69
TIF Apportioning	\$0.00
TIF Milbank	\$0.00
TIF Milbank	\$0.00
Special Assessment Land Rent	\$0.00
Trust & Agency (schools 515,154.84, twps 30,771.86, city/towns 91,087.60)	\$1,815,118.95
TOTAL GENERAL LEDGER CASH	\$6,693,641.11

Dated this 9th day of March, 2022
Karen M Layher
County Auditor

The Clerk of Courts fees for the month of February were \$5,293.23 and the Sheriff fees for the month of February were \$13,418.10 with \$2,332.10 receipted into the General Fund. The Register of Deeds fees for February were \$10,417.75. The 4th quarter report for Community Health Services was noted.

Drainage: Vice-Chairman Mach adjourned the Board of Commissioners and convened the Commission acting as the Drainage Board for Permit DR 2022-03 for Darwin Johnson for property owned by Marlyn & Myrna Johnson located in the NW1/4, and NE1/4 in 28-119-49 (Madison Township). Drainage Officer Berkner explained the project involves approximately 100 acres and drains to the northeast. There are two outlets on the applicant's land. The outlet pipe sizes are a ten and a fifteen-inch pipe. At a .1% grade with a double wall pipe, water would flow at 1,340 gallons per minute if running at full capacity. The six questions under the SD statutes were answered in the affirmative and the other list of questions in Section 313 and 317 were answered in the affirmative or not enough information.

Vice-Chairman Mach called for a motion. Motion by Street and seconded by Tostenson to approve permit DR 2022-03. Vice-Chairman Mach asked the

applicant to explain the project. Darwin Johnson explained there will be four to six sediment ponds/dams. The purpose of the ponds is to control erosion and water flow. The sediment ponds are on the main tile lines and have inlets. The water outlets into a natural run. As the ponds fill up, the sediment settles, and cleaner water exits through the pipes. He stated that he has installed other ponds as this is best way to control erosion on land that has hills. The ponds are farmed around.

Commissioner Tostenson stated dams are also used on the west end of the county to control erosion. Commissioner Street remarked the water exiting through the pipes in the sediment ponds is cleaner water. Berkner remarked the outlet tile is a five-inch tile. At a .1% grade, the flow would be fifty-five gallons per minute if running at full capacity. Vice-Chairman Mach asked for additional comments. There was none. Vice-Chairman Mach stated the motion on the floor. Motion carried 3-0.

Permit DR 2022-02 for Michael Schneck, for property owned by Schneck Real Estate LTD, located in the N1/2NW1/4 EX PT SOLD & EX LOTS 1-4 ADLERS NORTHGATE ADDN, S1/2NW1/4, W1/2SW1/4 EX LOT 1 VANORNY SUBDIV EX LOTS 1 & 2 ADLER'S SECOND ADDN, and E1/2SW1/4 EX LT 1 & 2 & EX ADLERS SOUTHGATE ADDN in 13-120-49 (Grant Center Township).

Drainage Officer Berkner provided maps to the Commission showing the 2-mile downstream landowners. Only one letter was returned undeliverable. The project area is 240 acres. The signature for the 24-inch tile outlet on the connecting parcel, owned by Jim Wendland was obtained. At a .1% grade with a double wall pipe, the flow rate would be 3,485 gallons per minute, if running at full capacity. Berkner informed the Board the questions under SD statutes were answered in the affirmative. The questions from section 313 and 317 were answered in the positive or with not enough information. He also reminded the Board to discuss impacts downstream.

Vice-Chairman Mach called for an affirmative motion for the permit. Motion by Tostenson and seconded by Street to approve Permit DR 2022-02.

Vice-Chairman Mach asked if the applicant, Michael Schneck had any information to present on the application. The applicant did not. He also asked the question if there is an inlet. The tiler, Jerry Zubke, responded there would be an 8-inch inlet in the low spot area of the project on the west side of the highway. There are 50' laterals on each side of the inlet to control the water and allow for crop improvement.

Commissioner Tostenson stated he has concerns with inlets as nitrates and other pollutants enter the tile and run straight to the outlet. If the outlet is on a grass run, this will filter the water. He would rather see additional laterals used to absorb the water. His other concern is the water running in the open ditch on the south side of Milbank. There are two runs that converge into this grass run and the water that goes through Pribyl Park has caused flooding in that existing run. He would like these two issues addressed.

Commissioner Street remarked that the diagram is a very complete project. With the amount of tile in the project area the water will seep down to the tile which creates a sponge effect and releases the water at a slower rate and should ease the flooding concerns.

Commissioner Mach asked if the inlet would allow silt to be deposited into the grass run which in turn will build up and who will clean the run. Commissioner Tostenson asked about the silt cleanout around the inlet and the maintenance required around the inlet.

Jerry Zubke stated the low spot is 9.70 acres and the clean out of silt is general maintenance for the landowner.

Vice-Chairman Mach called for proponent testimony. Mike Smith remarked the tile project would be beneficial to the residents of Adler Addition. The tile project would drain the water slowly over time and the tile would become a reservoir for holding the water. The surface water retention is high in the Adler Addition and sump pumps run year-round. The run behind the housing addition that goes east does need to be cleaned out. Michael Schneck remarked as the new owner of the land with the run, he would be willing to clean out the run.

Jim Wendland asked if the tile will run all the way to the culverts and if there is enough slope to drain. The tile will end at the natural run as the pipes would be exposed if extended to the culverts. The main issue is the cleaning out of the run to allow the water to flow. The weeds and brush in the channel causes the silt to build up and impedes the flow.

City Administrator John Forman reported the city had hired Jerry Zubke to clean a portion of the run and is willing to work on additional clean out of the run.

Vice-Chairman Mach called for further proponent testimony and there was none. He then called for opponent testimony.

Steve Strege stated the plan sounds good, but in his opinion, you are taking one problem and moving the problem to another place. More water is being added to the run. There is 10 acres of farm ground holding water that is being tilled with an inlet to drain that ground. This water is being added to the run. The drainage ditch by his residence used to have defined banks. Over the years the City has added culverts and cleaned parts of the run that has helped with the flooding around his house, but silt has again filled the run. The ditch needs to be cleaned in areas of Milbank. It is not a good idea to add additional water to the present run.

The Commission discussed the amount of water flowing through the two runs is the same, it is the timing of the release of water that changes. The tile holds the water and releases the water over a period of days. Commissioner Tostenson asked if any of the water drains to the north. The natural flow of the water is to the east.

City Administrator John Forman stated the City Council is not against the project. The Council does have concerns with potential flooding south of 12th Ave. The City is discussing plans on cleaning the run. The Council did vote to request a valve shutoff, or a gate be installed at the end of the tile outlet to help control the water flow on the south run which meets up with the run from Pribyl Park.

Commissioner Street remarked there is a difference between gallons per minute used for tile capacity versus the measurement of cubic feet per second used when measuring the rate of flow in a waterway.

EM Director Kevin Schuelke suggested to satisfy the citizens, the Board could consider a gate or a level gauge (used to measure flooding) at the tile outlet. If the water reaches a certain level, the gate is closed. He acknowledged the tiling project does enhance the farm ground, the run should be cleaned to get the water to flow and the level gauge is a positive tool to allow the tiling project to be approved.

Commissioner Tostenson asked if cleaning out the run through the park and behind the apartment complex and the addition of a gate would relieve some of Strege's concerns of continued flooding. Steve Strege responded he is still not in favor of the project.

Jerry Zubke remarked the cleaning out of the run to the highway is the responsibility of the applicant, but other parties, such as the City would need to finance the clean out through Milbank.

Commissioner Tostenson stated there are two issues that need to be resolved before acting on the motion to approve the permit. The first one is the ability to gate the outlet

and control it. This should be done by someone from City management. The second issue is cleaning out the run on the east side of the highway and where the two runs converge together south of Pribyl Park.

Jerry Zubke would like the permit tabled to allow all the parties involved to be able to consult with their attorney.

Motion by Tostenson and seconded by Street to table DR 2022-02 until the April 19th meeting to allow all parties involved to consult with their attorney and what the City Council would suggest of what is involved with cleaning out the water ways and the issue of the gate to move the permit forward. Motion carried 3-0.

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

Highway: Motion by Street and seconded by Tostenson to set March 31 at 1 PM for the opening of the annual bid letting for highway supplies with the acceptance of bids on April 5 at 8:30 AM. Motion carried 3-0. **BIG Grant:** Supt Schultz reported the BIG grant award for bridge 26-030-067 on County Road #41 has been awarded and could be moved up to bid this spring with a possible construction date for this fall. This would move the project up by one year. Motion by Tostenson and seconded by Street to accept the BIG grant award of \$472,000 for bridge 26-030-067. Motion carried 3-0. The question discussed is changing the 5-year plan to reflect this change to the timeline and managing the funding of the project. The County is required to pay the cost of construction and to request reimbursement from the State.

LaBolt Road: Commissioner Tostenson asked to readdress applying for the Agri-Business grant for a rebuild on the 2 miles from Hwy 15 into LaBolt. This item will be added to the April 5 agenda and Mark Junker from Banner Associates will be invited to attend the meeting.

Rumble Strip: Commissioner Mach asked Supt Schultz to have rumble strips cut in on the north/south intersection of 482nd Ave and 149th St (Airport corner) and to check if stop ahead signs are installed.

BIDS FOR FUEL				
DATE	BIDDER	ETHANOL	DIESEL #1	DIESEL #2
01/11	UPI	2.78	3.00	
	Cenex	No Bid	No Bid	

UPI was the only bidder for Ethanol at 2.78 and for Diesel #1 at 3.00.

01/18	UPI	3.25
	Cenex	No Bid

UPI was the only bidder for Diesel #1 at 3.25.

01/24	UPI	2.997
	Cenex	No Bid

UPI was the only bidder for Ethanol at 2.997.

01/31	UPI	3.29
	Cenex	3.36

UPI was the low bidder for Diesel #1 at 3.29.

02/08	UPI	3.109
	Cenex	3.07

Cenex was the low bidder for Ethanol at 3.07.

02/17	UPI	3.08
	Cenex	3.14

UPI was the low bidder for Ethanol at 3.08.

Land Lease: The land lease sale was held as published. There were no members of the public present.

1. Part of the NW ¼ NW ¼ 33-120-47 (About 15 Acres) Alban Twp. The lease will be offered to Mielitz Brothers, who has leased the land in prior years.
2. S ½ NE ¼ of 8-120-51 (40 Acres) Mazeppa Twp. The lease will be offered to John Moes, who has leased the land in prior years.

Executive Session: Motion by Street and seconded by Tostenson to enter executive session at 10:05 AM for the purpose of a personnel issue pursuant to SDCL 1-25-2 (1). Motion carried 3-0. Auditor Layher and Sheriff Owen were present. Vice-Chairman Mach declared the meeting open to the public at 10:20 AM. No public action was taken.

Treasurer: Karla DeVaal presented the final drawing and quote for office furniture. The cost for three workstations with acrylic panel between two desks is \$5,168.75. Treasurer DeVaal is planning to have the workstations face the front counters. Motion by Tostenson and seconded by Street to approve the purchase. Motion carried 3-0.

4-H: Advisor Sara Koepke was present. The budget supplement hearing was held with no members of the public present. The purpose of the budget supplement of \$200,000 is to adopt budget authority for the change to budget #523 4-H Building due to the building project. The source of cash being from the designated reserve

for the project. Motion by Tostenson and seconded by Street to approve the budget supplement with the source of cash in General Fund reserve account for \$200,000 to #523 4-H Building. Motion carried 3-0. Change Order 5: The Commission reviewed a change order in the amount of \$11,813.48 for the addition of plywood on the north wall of the shooting area. There was not a motion to move the change order. Acoustical Panels: Advisor Sara Koepke presented information on purchasing acoustical panels for the north wall of the shooting area for an approximate cost of \$3,000. Motion by Tostenson and seconded by Street to approve purchasing acoustical panels instead of approving Change Order 5. Motion carried 3-0.

Cash Transfers: Motion by Street and seconded by Tostenson to approve the cash transfers as per the 2022 budget. Motion carried 3-0.

FROM	TO	AMOUNT
101 General	766 Law Library	\$4,100
101 General	226 Emergency Management	\$40,000

Annual Report: The 2021 annual report was presented to the Commission by Auditor Layher and Deputy Auditor Kathy Folk. The revenue and expense categories were explained by Auditor Layher. The January 1, 2021, beginning net position for all funds was \$5,131,191.87 and the December 31, 2021, net position balance for all funds is \$5,575,938.40 indicating an increase of assets of \$444,746.53. The unassigned General fund balance percentage is 21.08%. Under State code the percentage cannot be more than 40% of the General Fund budget. Motion by Street and seconded by Tostenson to accept the annual report as presented. Motion carried 3-0. The annual report is on file in the Auditor's Office.

Unfinished Business: None

New Business: Commissioner Tostenson asked to have States Attorney Schwandt and P & Z Officer Berkner present information on platting requirements for county property adjacent to Milbank. He also stated the Comprehensive Land Use Plan is nearing the final draft.

Correspondence: The Commission received an invitation letter from the Brown County Commission to attend an informational meeting on March 26 at 1 PM for discussion on a regional jail project. Please note one or more Commissioners may attend this meeting.

Consent: Motion by Tostenson and seconded by Street to approve the consent agenda. Motion carried 3-0.

1. Approve step increase for Sam Athey to 1 year at \$20.40 an hour effective 3-1-2022

Claims: Motion by Street and seconded by Tostenson to approve the claims. Motion carried 3-0. A-OX WELDING, supplies 114.82; AMERICAN LIBRARY ASSOC, dues 228.00; AUTOVALUE, supplies & repairs 402.32; AVERA MCKENNAN, health services 262.00; BANNER, hwy proj 685.00; BERENS MARKET, supplies & inmate groceries 399.08; BLUETARP FINANCIAL, supplies 54.00; BORNES GROUP, mailing expense 2,018.80; BOYER FORD TRUCKS, repairs & maint 83.28; BROCK WHITE, asphalt 27,880.71; BUTLER, repairs & maint 463.02; CENGAGE LEARNING, books 114.86; CENTER POINT, books 541.86; CENTRAL PROGRAMS, books & supplies 730.54; CENTURYLINK, phone 152.62; CITY OF MILBANK, water & sewer 530.42; CITY OF WATERTOWN, 911 surcharge 6,159.56; CRAIG DEBOER, car wash usage 671.36; CRAIG STEINLEY, registration 175.00; DEUTSCH PRINTING, periodicals 60.00; DUANE TILLMAN, prof services 1,140.00; FOLEY & FOLEY LAW OFFICE, court appt atty 1,356.90; FREMAREK, supplies 286.26; FOOD-N-FUEL, prisoner meals 383.25; GRAJCZYK LAW OFFICE, prof services 300.00; GRANT COUNTY REVIEW, publishing 900.31; GRANT-ROBERTS RURAL WATER, water usage 37.30; GRANT/ROBERTS AMBULANCE, prof services 463.00; INGRAM, books 1,091.53; ITC, internet & phone 1,451.00; JASON SACKREITER, garbage service 230.00; KILBORN TOWNSHIP, copy reimbursement 7.00; LARRY DIXON, prof services 450.00; LARRY HOLTON, 4h building 8,320.00; LERNER PUBLISHING, books 217.65; LINCOLN CO AUDITOR, prof services 552.04; MACK STEEL, supplies 114.66; MICROFILM IMAGING SYSTEMS, scanner rent 620.00; MICROMARKETING, cd books 114.78; MILBANK AREA HOSPITAL AVERA, blabs 1,685.00; MILBANK AUTO PARTS, supplies 826.02; MINNEHAHA CO, inmate housing 1,989.00; MOMAR, supplies 106.94; NATIONAL SHERIFFS ASSOC, dues 71.00; NORTHWESTERN ENERGY, natural gas 3,648.37; OTTER TAIL POWER, electricity 3,727.81; PRAMUKHRAJ HURON, hotel 116.99; QUICK PRO LUBE, oil chgs & supplies 241.88; R.D. OFFUTT, repairs & maint 1,296.43; RC TECHNOLOGIES, 911 transport & tower rent 95.96; RELX, online charges 725.00; RIVER STREET PETROLEUM, gas & diesel fuel 9,137.25; ROBERTS CO SHERIFF, inmate housing 2,790.00; RUNNINGS, supplies 535.03; SANDRA FONDER, prof services 75.00; SCANTRON, prof services 5,437.73; SD DEPT OF HEALTH, blabs 525.00; SD DEPT TRANSPORTATION, hwy proj 5,052.85; SD PUB ASSURANCE ALLIANCE, ins 100,049.56; SD SHERIFF'S ASSN, dues & supplies 826.48; SD STATE HISTORICAL SOCIETY, dues 55.00; ST

WILLIAMS, inmate laundry 183.00; STAR LAUNDRY, prof services 81.77; STATE OF SD, supplies 527.00; THE PENWORTHY COMPANY, books 108.76; TWIN VALLEY TIRE, repairs & maint 28.91; VALLEY OFFICE PRODUCTS, supplies 1,359.07; VALLEY SHOPPER, publishing 53.16; VERIZON, hotspot 38.52; VISA, books, gas, meals, supplies 1,746.24; WATCHGUARD VIDEO, prof services 2,475.00; WEST CENTRAL COMMUNICATION, repairs & maint 580.50; WHETSTONE VALLEY ELECTRIC, electricity 1,010.31; WS LEASING, 4h building 140,833.08; XEROX, copier rent 777.10; ZEM'S FRESH STARTS, supplies 63.65. TOTAL: \$348,643.30.

MONTHLY FEES: SDACO, ROD modernization fee 220.00; SD DEPT OF REVENUE, monthly fees 137,759.79; SD DEPT OF REVENUE, sales & use tax 163.54. TOTAL: \$183,143.33.

Payroll for the following departments and offices for the March 14, 2022, payroll are as follows: COMMISSIONERS 3,335.90; AUDITOR 7,731.17; ELECTION 139.88; TREASURER 5,147.83; STATES ATTORNEY 6,973.80; CUSTODIANS 2,807.88; DIR. OF EQUALIZATION 3,838.00; REG. OF DEEDS 4,323.14; VET. SERV. OFFICER 1,101.00; SHERIFF 13,563.44; COMMUNICATION CTR 7,146.56; PUBLIC HEALTH NURSE 750.20; ICAP 117.00; VISITING NEIGHBOR 1,676.60; LIBRARY 7,232.54; 4-H 3,392.95; WEED CONTROL 1,843.00; P&Z 1,393.98; DRAINAGE 234.03; ROAD & BRIDGE 32,241.56; EMERGENCY MANAGEMENT 2,160.00. TOTAL: \$107,150.46.

Payroll Claims: FIRST BANK & TRUST, Fed WH 8,080.62; FIRST BANK & TRUST, FICA WH & Match 13,046.82; FIRST BANK & TRUST, Medicare WH & Match 3,051.32; AAA COLLECTIONS, deduction 34.08; ACCOUNTS MANAGEMENT, deduction 100.00; 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 12,071.80. TOTAL: \$40,475.98.

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 5, 12 (Equalization) and 19, 2022 at 8 AM. Motion by Street and seconded by Tostenson to adjourn the meeting. Motion carried 3-0. Meeting adjourned.

Karen M. Layher, Grant County Auditor

Michael Mach, Vice-Chairman, Grant County Commission