

May 3, 2022

The Grant County Commission met at 8AM with Commissioners Buttke, Street and Tostenson present. Absent were Commissioners Mach and Stengel. Motion by Buttke and seconded by Street to call the meeting to order. Motion carried 3-0. Motion by Buttke and seconded by Street to appoint Commissioner Tostenson to be seated as Chairman for the meeting. Motion carried 3-0. Motion by Buttke and seconded by Street to approve the minutes of the April 11 and 19, 2022, meetings as presented. Motion carried 3-0. Minutes filed. Motion by Buttke and seconded by Street to approve the agenda as presented. Motion carried 3-0.

Members of the public present were Tyler Keller, Paul Karels, Noble Karels Christian Karels, Eric Anderson and Jim DeVaal.

Members of the staff present were Drainage Officer Berkner and States Attorney Schwandt.

Public Comment: The Acting Chairman called for public comment. There were not any comments. Acting Chairman Tostenson closed the public comment.

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

Permit DR2022-23 for Christian & Noble Karels for property owned by Paul Karels for land located in NE1/4 EX N 792' OF E 500' OF NE1/4NE1/4 in 28-120-48 (Alban West Township). Motion by Street and seconded by Buttke to approve DR2022-23. Drainage Officer Berkner remarked the required signatures have been obtained. The project has two tile areas each with a 6-inch outlet going into the natural run. The project area is 50 acres with a direct impact to about 20 acres. A .1% grade with a double wall pipe, water would flow at 90 gallons per minute if running at full capacity. 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 were answered in the affirmative with the note on not enough information on the impact to wildlife. Berkner noted the sponge effect of the tile project should help with controlling downstream flooding.

The applicant stated he is replacing an existing tile line in the SW corner and adding a lateral on both sides. In addition, he is adding a couple of fingers in the NW corner to outlet into the creek.

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

Commissioner Street asked for clarification that the SW corner is repair to an existing line, and what creek the water flows into, which is the north fork of the Yellow Bank. Commissioner Tostenson complimented the applicant on improving the problem areas only. Motion to approve the permit carried 3-0.

Permit DR2022-24 for Christian & Noble Karels for property owned by Paul Karels for land located in NE1/4 EX LT 1 GRANITE SKYLINE ESTATES SUBDIV in 14-120-48 (Alban West Township). Motion by Street and seconded by Buttke to approve DR2022-24. Drainage Officer Berkner stated the applicant is replacing an existing tile that has failed and will add some 6-inch laterals. The project area is 60 acres with a direct impact to about 20 acres. There is an existing outlet. At a .1% grade with a double wall pipe, water would flow at 90 gallons per minute if running at full capacity. 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 were answered in the affirmative with the note on not enough information on the impact to wildlife.

The applicant stated he is replacing an existing line that has failed in a 2-acre area and adding a couple of laterals. He is planning to tie into the existing system that begins at the north end of the 2-acre area and removing the inlet.

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

Commissioner Street remarked on the removal of the inlet as being positive and that an existing tile line helps when working with other agencies. There were no other comments. Motion to approve the permit carried 3-0.

Permit DR2022-25 for Christian & Noble Karels for property owned by Sharon Karels for land located in N1/2N1/2SE1/4, and for property owned by Joel O'Brien located in SE1/4 EX THE N1/2N1/2SE1/4. Both located in 9-120-48 (Alban West Township). Motion by Street and seconded by Buttke to approve DR2022-25. Drainage Officer Berkner stated this permit is like the prior permit in that the applicant is replacing an existing tile that has failed and will add some 4-inch and 6-inch laterals. The project area is 60 acres with a direct impact to about 20 acres.

There is an 8-inch existing outlet. At a .1% grade with a double wall pipe, water would flow at 185 gallons per minute if running at full capacity. The project area does contain a wetland determination and the applicant's tile is setback the required distance. 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 were answered in the affirmative with the note on not enough information on the impact to wildlife.

The applicant stated he is replacing an existing line that is no longer working. He will eliminate an existing inlet along the mainline and add some laterals. The outlet remains at the existing location at the north end.

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

Commissioner Street asked if the outlet is on the adjoining landowner's land. The applicant stated he had spoken with the adjoining landowner about taking the current outlet underground across the fence line to the creek, but the adjoining landowner decided not to join the project. Drainage Officer Berkner remarked he had received a call from the adjoining landowner who stated he is not against the Karel's project. There were no other comments. Motion to approve the permit carried 3-0.

Permit DR2022-26 for Christian & Noble Karels for property owned by Paul Karels for land located in SW1/4 EX OUTLOTS 1 & 2 OF KARELS OUTLOTS & EX OUTLOT 3 KARELS ADDITION & EX S1/2SW1/4SW1/4SW1/4 & EX LOT H1 IN SW ¼ in 4-120-48 (Alban West Township). Motion by Buttke and seconded by Street to approve DR2022-26. Drainage Officer Berkner reported this permit is for property directly east of Runnings. The project does have one inlet and one outlet. There is an existing tile line that drains to a designated wetland that does not have an outlet. The proposed project is to install an inlet by the existing tile in the NE corner and run a 10-inch solid wall pipe south parallel with the road. The outlet would be in the SE corner and exit into a culvert going across CR 10 into a natural grass waterway. The water route remains in the same watershed. The reason for this run is to take some of the pressure off the exiting tile and reroute the water coming east from the businesses along Highway 12. The project area is only 2 acres. For the 10-inch at a .1% grade with a solid wall pipe, water would flow at 340 gallons per minute if running at full capacity. From the letters sent out to the downstream landowners there were not any questions received. 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 were answered in the affirmative with the note on not enough information on the impact to wildlife.

The applicant stated he is rerouting the water coming from the west that the existing tile run cannot handle and is impacting crop production. The project will take the water south to a natural blue line stream allowing the existing tile system to perform as originally designed. Replacing an existing line that is no longer working. With the water running from the west the existing drainage system does not work until that water stops, making it too late to save crops.

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

Commissioner Street asked if the current tile line stays, which it does. Commissioner Tostenson stated the Board is appreciative the project is only addressing the problem areas and the outlet of the water is in a grass run which aids in filtration. Questions were asked if the water would run through a culvert or a separate tile when crossing the run. The applicant stated that had not been determined yet. He was reminded to obtain a permit from the Highway Supt. if boring under the road was required. Commissioner Buttke remarked the project is well planned. There were no other comments. Motion to approve the permit carried 3-0.

Permit DR2022-27 for Tyler Keller for property owned by Todd and Sheree Keller for land located in GOVT LOTS 1 & 2 & S1/2NE1/4 in 5-121-49 (Kilborn Township). Motion by Buttke and seconded by Street to approve DR2022-27. Drainage Officer Berkner presented his findings. The water flows north into Roberts County. There are two inlets and three outlets. The project area is 180 acres with only 60 acres being impacted with laterals. For the two 6-inch pipes and one 10-inch pipe at a .1% grade with a solid wall pipe, water would flow at 520 gallons per minute if running at full capacity. From the letters sent out to the downstream landowners there were not any questions received. 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 were answered in support of section 101. No signatures were required.

The applicant stated on the east side of his project where he is installing laterals, as it is mostly salt areas. The area is not a huge water problem. He is just trying to fix the salt issue. This area has a 10-inch main for future expansion to catch additional salt. The inlets on the west side are to reduce erosion. The outlet by the trees will catch the water coming from the west and filter the dirt and chemicals before entering the creek going north. The outlet in the field is to help erosion as currently there is a three-foot ditch in the field. He is hoping to reduce the water and maybe next year reshape the run to allow him to farm across the run. The south inlet by the trees is to collect the water and filter the runoff thru the trees.

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

Commissioner Tostenson relayed that Commissioner Stengel had been on site to review the project and supports the permit as it is a good, designed plan for working on reducing the salty ground and the ditch problem. Commissioner Tostenson suggested using a French drain rather than an open inlet in the field. He appreciated the use of laterals versus inlets and fixing the problem areas only. With the water table rising, the salt is pushed up. It takes 3 to 5 years to see improvement to the soil. Commissioner Buttke remarked all questions were answered and is supportive of the project. There were no other comments. Motion to approve the permit carried 3-0.

Permit DR2022-28 for Eric Anderson for property owned by Eric and Anita Anderson for land located in NW1/4 EX RTY BUT INCL LOT 1 ERIC ANDERSON SUBDIV in 22-119-49 (Madison Township). Motion by Street and seconded by Buttke to approve DR2022-28. Drainage Officer Berkner presented his findings. The permit application indicated that the project area would be approximately 140 acres, using 1 inlet and 4 outlets. For a total maximum outlet flow of 645 gallons per minute if all four pipes ran full and were installed at the indicated .1% grade.

In his evaluation of the permit application, using the tiling map provided and data from the county's GIS website, Berkner said in his opinion that the questions asked in the county's drainage ordinance pertaining to Section 101 for SDCL 46A-10A-20 where all answered in the affirmative and were supported by Section 313 and 317 of the ordinance.

The applicant was asked to add any additional comments. Anderson said that an additional inlet and outlet was now on the tiling map he turned in late due to unforeseen delays. Anderson stated that those changes were to better accommodate water from the west entering his property through culverts under 475th Avenue.

Upon further review of the updated tiling map Berkner stated that the footprint of the area tiled was the same as he originally presented and that he had missed an additional inlet and a 6-inch outlet was added. Berkner stated that the additional 6-inch outlet added has a maximum output of 90 gallons per minute at a .1% grade. He again stated that the tiling map footprint hadn't changed which should have minimal impact as the water naturally came from another property owner and would run underground instead of over ground.

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

Commissioner Street stated the water being collected from the culverts and going north is still the same watershed. It is the same amount of water going the same direction. Commissioner Tostenson questioned if adding an outlet that does not appear on the present permit could be approved or would the additional outlet need another permit.

The States Attorney clarified if the downstream landowners were properly notified, the outlet would not need another permit. It was noted the adjoining landowners for the proposed outlet had received notice.

Commissioner Tostenson asked if the direction of the flow was being altered. Anderson answered that two inlets would be placed to collect water that came from the west through culverts under 475th Ave as the water runs across his land and causes erosion.

Berkner added that that water would enter the same natural waterways, along with water from additional laterals indicated in the tiling maps, where it would cross SD Highway 20 in the same waterways as it would have originally flowed but without causing erosion.

There are no inlets in the ROW. There is a small grass way for the area going north to allow the filtering of the water. There were no other comments. Motion to approve the permit carried 3-0.

Permit DR2022-19 for Chris Zubke for property owned by Charles Liebe Living Trust for land located in the LOTS 1A, 2A, 3A, 4A, 5A, 6A, 7A & 8A SHAW'S ADDITION IN SW1/4 & 80' STRIP ON THE NORTH SIDE OF LOTS 1-12 SHAW'S ADDN DESIGNATED FOR STREET PURPOSES in 3-120-49 (Grant Center Township). Motion by Buttke and seconded by Street to bring back Permit DR2022-19 to the table for discussion. Motion carried 3-0. Drainage Officer Berkner reported the applicant, Chris Zubke, had informed him that none of the homeowners south of his project had requested to connect to his project. With no further discussion the motion to approve the permit carried 3-0.

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

Highway: Supt Schultz reported on the bid opening for box culvert project 26-030-067. The six bids received are as follows.

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|---------------------------|--------------|
| 1. SFC Civil Construction | \$646,372.00 |
| 2. BX Civil Construction | \$529,954.00 |
| 3. Prahm Construction | \$611,558.50 |
| 4. Lehtola | \$530,263.08 |
| 5. Grangaard Construction | \$717,980.50 |
| 6. Swingen Construction | \$636,076.00 |

The Commission held discussion on the two low bids. The question was asked if the construction would be in 2022 or 2023 and could a bid other than the lowest bid be considered if construction could be completed this year. The bridge is listed to be constructed in 2023 in the 5-year plan. The bid from BXCC would be for construction in 2023. Mark Junker with Banner Associates has reviewed all the bids to determine if the contractors have met all the requirements of the bid. After discussion, a motion was made by Buttke and seconded by Street to accept the low bid from BXCC for \$529,954.00 pending concurrence with SDDOT. Motion carried 3-0. Motion by Buttke and seconded by Street to approve Banner Associates for engineering services for project 26-030-067. Motion carried 3-0.

Biannual Audit: The closing audit conference was held telephonically with State Auditor Maria Schwader for the period of 2019-2020. She reported all staff members were very helpful in providing the data she requested. She reviewed the

letter of governance, the representation letter, the management letter, and the schedule of comments. There is one written comment stating additional cash in the amount of \$179,000 should have been transferred from the General Fund to the Highway Fund to cover the designated revenue received for bridge repair. She remarked Grant County personnel does an excellent job on financial reporting.

Cash/Contingency Transfers: Motion by Buttke and seconded by Street to approve the cash transfer as per the 2022 budget and the contingency amount. Motion carried 3-0.

| FROM | TO | AMOUNT |
|------------------|----------------------|-----------|
| 101 General Fund | 201 Highway Fund | \$750,000 |
| FROM | TO | AMOUNT |
| 112 Contingency | 513 County Monuments | \$6.00 |

Malt Beverage Licenses: Auditor Layher reported three renewals for the 2022-2023 package off-sale Malt Beverage and SD Farm Wine licenses were received. The state law was changed effective 7-1-2011 to remove the public hearing requirement for renewals of licenses. Motion by Street and seconded by Buttke to approve the renewal of the licenses as presented for the period of July 1, 2022 through June 30, 2023. Motion carried 3-0.

1. Gertje Van Lith Post 229 American Legion Club, located in Lot A NE1/4 NE1/4 (4.82A) Section 24, Township 121, Range 47, in Grant County, South Dakota for Retail (off-sale) Package Malt Beverage
2. Whetstone Creek Golf Course with the legal description of NW1/4 EX Lot 1, 2nd Country Club Addn., EX W 550' of OL A EX PT Platted and Sold and EX Road; Lt 1 Third Country Club Addn in NE1/4 & Lt 1, 4th Country Club Addn, Gov't Lot 4 (141.54 A) for Retail (off-sale) Package Malt Beverage
3. The Abbey of the Hills Inn and Retreat Center located in Lot 1 and Lot 2, Gilbert Hess Subdivision in the NE1/4 and in E1/2 NW 1/4 in Section 35, Township 121 North, Range 50 West of the 5th P.M in Grant County, South Dakota, for Retail (on-off sale) Malt Beverage and SD Farm Wine

Tax Freeze: Motion by Buttke and seconded by Street to approve application AF2022-01 for the 2022 tax year Assessment Freeze for the Elderly as the applicant missed the deadline and qualified for the Assessment Freeze as per SDCL 10-6A-4. Motion carried 3-0.

Veterans Exemption: Motion by Street and seconded by Buttke to approve DOE Steinlicht's recommendation to approve two late applications which qualified for the veteran exemption under state statute for tax year 2022. Motion carried 3-0.

Sheriff: Kevin Owen and Deputy Orville Folk were present. As per the 2022 budget Sheriff Owen requested approval to order a Ford Interceptor SUV for a base purchase price of \$36,240 from Lamb Motors in Oneida, State contract #17619. Motion by Buttke and seconded by Street to approve the vehicle purchase. Motion carried 3-0. **Surplus:** Motion by Street and seconded by Buttke to declare surplus a 2012 Ford Explorer with mileage of 100,736 to be sold by sealed bid. Motion carried 3-0. **Prisoner Housing:** Motion by Buttke and seconded by Street to approve signing the Codington County Detention Center agreement to house adult prisoners at a cost of \$95.00 per day. Motion carried 3-0. **CR#19:** Sheriff Owen reported the road is being patrolled daily. The traffic count has increased because the county road is designated as a detour for the Hwy 15 project. The asphalt is breaking up which the SDDOT plans to address. **Office Furniture:** A quote for office cubicles for the deputies will be submitted for future consideration. The plan is to provide office space in the lower level of the DC. **Firearm Training:** Deputy Folk reported on a trigger interactive firearms training module. There are five target stands to teach interaction of a moving target rather than a still target. The cost of the training module is \$3,000.00. Motion by Buttke and seconded by Street to approve the purchase of the firearms training module. Motion carried 3-0.

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

1. Approve hiring of Teresa Spors as a Visiting Neighbor Aide on 4-22-2022 at \$15.10 per hour
2. Approve step increase for Joanne Urban, library assistant, to step one at \$15.75 per hour effective 4-6-2022
3. Approve step increase for David Spors, maintenance, to step one at \$15.60 effective 4-6-2022
4. Approve step increase for James Beyer, dispatch, to step 2 at \$17.45 effective 4-6-2022
5. Approve appointment of Judy Schultz, Lindsay Allen and Aspen Remington as members on the Visiting Neighbor Board effective 5-1-2022
6. Declare surplus a Dell Inspiron 17.3 laptop, serial number 18HHQF2, fixed asset 10273, item unrepairable

Unfinished Business: None

New Business: None

Correspondence: None

Claims: Motion by Buttke and seconded by Street to approve the claims. Motion carried 3-0. ACCESS ELEVATOR, repair & maint 506.00; AUSTIN, STRAIT,

BENSON, THOLE, court appt atty 80.80; AUTOVALUE, supplies 334.46; AVERA QUEEN OF PEACE, health services 292.00; BERENS MARKET, prisoner groceries & supplies 455.94; BUTLER, repairs 1,763.48; CENGAGE LEARNING, books 21.69; CENTER POINT, books 131.97; CERTIFIED LANGUAGES, prof services 19.80; CHS, ethanol 2,599.20; CITY OF MILBANK, water & sewer 1,215.45; DARCY LOCKWOOD, prof services 15.00; DELORIS RUFER, lib rent 100.00; FIRST DISTRICT, prof services 429.99; FOX & YOUNGBERG, prof services 203.11; FOOD-N-FUEL, inmate meal & car washes 580.00; GRANT CO EC & DEV BOARD, allocation 8,750.00; GRANT/ROBERTS AMBULANCE, allocation 2,458.33; HEARST BUSINESS MEDIA, ref book 215.00; ISTATE TRUCK, repair & maint 840.03; LEWIS, inmate RX & supplies 84.70; LUCILLE LEWNO, prof services 166.53; MARK KATTERHAGEN, prof services 15.00; MICROMARKETING, cd book 44.99; MIDCONTINENT, lib internet 109.34; MILBANK AREA HOSPITAL AVERA, blabs 510.00; MILBANK AUTO PARTS, supplies & repairs 837.00; MOMAR, supplies 10.98; NARTEC, supplies 194.49; NORTHERN TRUCK EQUIPMENT, repairs 174.53; NORTHWESTERN ENERGY, natural gas 2,449.13; OXYGEN SERVICE, minor equip & supplies 4,023.12; PENNINGTON CO JAIL, prof services 180.81; QUICK PRO LUBE, oil chg 87.96; RC TECHNOLOGIES, 911 transport & tower rent 95.96; RIVER STREET PETROLEUM, diesel fuel & ethanol 12,856.16; ROBERTS CO SHERIFF, inmate housing 2,790.00; ROY NIELSEN, hwy proj 240.00; SANDRA FONDER, prof services 75.00; SCOTT BRATLAND, court appt atty 4,211.65; SD ATTORNEY GENERAL, ref book 14.00; SD BUREAU OF ADMIN, supplies 325.00; SD DEPT OF HEALTH, blabs 435.00; SD DEPT TRANSPORTATION, hwy proj 6,050.44; ST WILLIAMS, inmate laundry 173.00; TEAM LABORATORY CHEMICAL, patching 908.50; THE WINDOW PLACE, repairs & maint 25.00; TRACY GRANT, prof services 240.00; VALLEY RENTAL & RECYCLING, allocation 650.00; WEST CENTRAL COMMUNICATION, minor equipment 5,107.18; WS LEASING, 4H building 118,881.43; XEROX, copier rent 112.09. TOTAL: \$183,091.24.

Payroll for the following departments and offices for the April 28, 2022, payroll are as follows: COMMISSIONERS 3,335.90; AUDITOR 10,736.99; ELECTION 386.99; TREASURER 5,785.85; STATES ATTORNEY 7,259.40; CUSTODIANS 3,435.50; DIR. OF EQUALIZATION 4,600.40; REG. OF DEEDS 4,659.40; VET. SERV. OFFICER 1,321.20; SHERIFF 14,023.98; COMMUNICATION CTR 7,901.59; PUBLIC HEALTH NURSE 997.43; ICAP 429.00; VISITING NEIGHBOR 1,825.05; LIBRARY 8,362.37; 4-H 4,040.60; WEED CONTROL 2,068.50; P&Z 1,353.28; DRAINAGE 712.25; ROAD & BRIDGE 40,472.01; EMERGENCY MANAGEMENT 2,673.00. TOTAL: \$126,380.69.

Payroll Claims: FIRST BANK & TRUST, Fed WH 10,151.15; FIRST BANK & TRUST, FICA WH & Match 15,377.06; FIRST BANK & TRUST, Medicare WH & Match 3,596.20; AAA COLLECTIONS, deduction 23.72; ACCOUNTS MANAGEMENT, deduction 100.00; 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 440.77; SDRS SUPPLEMENTAL, deduction 1,454.33; SDRS, retire 14,408.69. TOTAL: \$98,944.13.

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 May 17, and June 9 and 21, 2022 at 8 AM. Motion by Buttke and seconded by Street to adjourn the meeting. Motion carried 3-0. Meeting adjourned.

Karen M. Layher, Grant County Auditor

William J. Tostenson, Acting Chairman, Grant County Commission