

November 1, 2022

The Grant County Commission met at 8:00 AM with Commissioners Buttke, Mach, Stengel, Street and Tostenson. Chairman Stengel called the meeting to order with a quorum present. Motion by Tostenson and seconded by Buttke to approve the minutes of the October 18, 2022 meeting as presented. Motion carried 5-0. Minutes filed. Motion by Mach and seconded by Street to approve the agenda as presented. Motion carried 5-0.

Members of the public present were Dan Mikkelson, Leslie Rethke and Mark Rethke. Staff member present was 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 DR2022-62 for Leslie Rethke, for property owned by Leslie and Regina Rethke located in GOVT LOTS 3, 4, 5, 6 & SW1/4SE1/4 EX PT OF LOT H1 & EX N1/2E1/2SE1/4 & EX N1/2S1/2E1/2SE1/4, in 14-121-48 (Melrose Township). Motion by Tostenson and seconded by Mach to approve DR2022-62. Chairman Stengel asked Berkner to present his report.

Drainage Officer Berkner, who joined the meeting by phone, stated the project is a straightforward drainage project with one inlet and no laterals. This project is being partially cost shared by the county to improve drainage in the ROW on the north side of the road west of the corner of County Road 4 and Hwy 15.

Berkner said the drainage permit if granted would improve a prior drainage project that the county had participated in years ago. The tile had begun to fail with standing water remaining in the ditch which could possibly cause road base damage. The tiling project inlet would be located just outside of the ROW on Rethke's property. A 12" pipe would drain straight west approximately 1,700 feet to a point where the water would drain naturally north entering an open waterway that would bypass the Rethke home.

Berkner stated he had been contacted by an adjacent landowner, Brian and Jennifer Allmendinger, for information on the tiling project and they had no problem with the issuance of the permit. Berkner closed his report saying the six questions under section 101 were answered in the affirmative and the other list of questions in Section 313 and 317 support the affirmative response.

Chairman Stengel asked the applicant if he had any additional information to present. Leslie Rethke stated an 8' pipe may be used in place of the 12" pipe.

Chairman Stengel opened the public hearing asking three times for any comments in support of or against permit DR2022-62 with no one responding. Chairman Stengel then closed the public hearing and asked the Board to begin discussion.

Commissioner Tostenson wanted the record to show that the county would not participate in a new drainage project that would benefit a private landowner but that the County was participating in a portion of the cost of this project due to a prior county drainage project that was done to alleviate water standing in the ditch and backing up onto the Rethke property. In addition, Tostenson wanted to make sure that the county was not responsible if the new drainage project did not alleviate the standing water problem outside of the county's road ditch and the future maintenance would be the responsibility of Rethke. The applicant and the Board agreed verbally to these conditions.

Commissioner Street asked for clarification on how much of the 1,700 feet of pipe would be in the county's road ditch. Berkner said it was his understanding that the entire pipe would be in the ROW like the original design as that was intended to reduce road ditch erosion. Berkner noted the county's GIS topography map showed that there was approximately 6' of fall as the water would flow west but there was a significant rise midway along the 1,700-foot route.

With no more comments from the Board Stengel called for the vote. Motion carried 4-0 with the condition of future maintenance of the tile and inlet would be the responsibility of the landowner. Commissioner Buttke abstained due to a family member's co-ownership of the property.

Permit DR2022-63 for Leslie Rethke for property owned by Leslie and Regina Rethke located in the SW1/4 EX ROAD & EX H2 & EX LT 1 BEN RETHKE SUBDIV in 13-121-48 (Melrose Township). Motion by Street and seconded by Mach to approve DR2022-63. Chairman Stengel asked Berkner to present his report.

Berkner stated this permit is like the prior drainage project DR2022-62. The tiling project would use one inlet and an 8" main with no laterals to drain water from a low area of the field where water gets trapped. The water from the 8" tile would travel approximately 2,500 feet north to a tree lined waterway where the water would enter and drain straight east. Berkner added that he had spoken again with adjacent landowner Allmendinger about this drainage project where they again had no problem with the permit application. Berkner closed his report saying the six questions under section 101 were answered in the affirmative and the other list of questions in Section 313 and 317 support the affirmative response.

Stengel asked the applicant if he had anything to add about the drainage project. The applicant replied the one inlet would use a French drain.

Chairman Stengel opened the public hearing asking three times for any comments in support of or against permit DR2022-63 with no one responding. Chairman Stengel then closed the public hearing and asked the Board to begin discussion.

Commissioner Tostenson commented that he was happy to see a French drain used instead of an open inlet. Commissioner Street commented on the possible need for any future laterals which were not in the permit application. Rethke replied they didn't think they needed any.

With no more discussion Stengel called for the vote. Motion carried 4-0.

Commissioner Buttke abstained due to a family member co-owning the property.

Permit DR2022-64 for Dan Mikkelson for properties owned by Danny and Tamara Mikkelson for land located in LOTS 1 & 2 MERTENS SUBDIV IN NE1/4 EX LOT H1 IN MERTENS SUBDIV in 25-120-49 (Grant Center Township). Land also included in the project is in the S 581' OF SW1/4NE1/4; SE1/4NE1/4 EX LTS 142 MERTENS SUBDIV & EX W 125' OF N 739 OF SE1/4NE1/4 & EX LOT H1 & H2 IN SE1/4NE1/4; & E 800 OF NE1/4NE1/4 EX N 246' OF W 56' OF E 800 & EX OL A & EX LOT H1 IN NE1/4NE1/4 & EX A STRIP OF LAND 17' WIDE ALONG EAST SIDE OF NE1/4 PARALLEL AND ADJACENT TO THE REGULAR ROW in 25-120-49 (Grant Center Township). Motion by Street and seconded by Mach to approve DR2022-64. Chairman Stengel asked Berkner to present his report.

Berkner reported the proposed project would help drain approximately 2 small areas just south of Mikkelson's house that tend to hold surface water for a period.

Berkner also reported two inlets would be used and would drain through one 8” main that connects to previously permitted project DR2022- 35. The tile line goes south of the residence at a depth of 7 feet and would outlet directly into an established tree lined waterway flowing east. Berkner closed his report saying the six questions under section 101 were answered in the affirmative and the other list of questions in Section 313 and 317 support the affirmative response.

Chairman Stengel asked the applicant if he had any additional information to add. The applicant stated there will be two inlets. One is by the trees on his property and the other one is south of his home along Highway 15. The 8” perforated tile will connect to Brian Scheck’s permitted drainage project.

Chairman Stengel opened the public hearing asking three times for any comments in support of or against permit DR2022-64 with no one responding. Chairman Stengel then closed the public hearing and asked the Board to begin discussion.

Commissioner Mach said this area has a history of flooding to the north of the Mikkelson property and having some of that water drain south might help reduce flooding in the field north of the residence.

Berkner added that the County’s GIS topography map indicated that the two areas being drained had an equal chance of draining either north or south. He stated he did not think having the water draining south was technically leaving the watershed because all the water drains into the Whetstone River watershed.

Commissioner Street stated he had looked at the project and was familiar with the challenges of properly draining the area. He wanted to know if Mikkelson would consider using an inlet that would filter the surface water being drained.

Mikkelson replied he would consider that option. Auditor Layher agreed to provide Mikkelson with an example of the filtered inlet Street spoke of. The Board had no further comments or questions.

Chairman Stengel called for the vote. Motion carried 5-0.

At the conclusion of the three Drainage Permit agenda items Tostenson asked Berkner if he could check into the status of the Al Heuer drainage project that had been permitted earlier in the year with conditions to move his drainage outlet to cross 457th Ave. Berkner stated he would contact Heuer for that update.

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

Highway: Supt Peterson presented a ROW application request from RC Communication. Motion by Mach and seconded by Buttke to approve ROW2022-12, Motion carried 5-0.

Executive Session: Motion by Mach and seconded by Tostenson to enter executive session at 8:50 AM for the purpose of a personnel issue pursuant to SDCL 1-25-2(1). Motion carried 5-0. States Attorney Schwandt and Supt. Peterson were present. Chairman Stengel declared the meeting open to the public at 8:57 AM. Motion by Tostenson and seconded by Mach to approve the recommendation from Hwy Supt Peterson to appoint Justin Layher as Assistant Supt/Bridge Crew Forman effective 11-1-2022 at a rate of \$26.95 per hour. Motion carried 5-0.

Zoning Ordinance: The second reading and Commission discussion on Ordinance 2022-01A was held. The ordinance changes include defining ornamental trees used for landscaping, animal and farm fences, privacy fences, walls and hedges, vision clearance on corner lots, extended home occupations and shelterbelt setback requirements. Executive Director of First District Todd Kays joined the meeting by telephone and reviewed the amendment to the zoning ordinance.

Motion by Tostenson and seconded by Stengel to have the second reading of Ordinance 2022-01A, an ordinance amending Ordinance 2004-01, Chairman Mach called for discussion. Commissioner Street asked for clarification on the clear view triangle found in Sections 225c. Todd Kays explained if you measure from the intersection 100 feet to the west and 100 feet to the south and drop a point and then connect the southern and western dots your clear view triangle does not encroach private property and as long as you do not plant in the right of way, there is no violation of the clear view triangle. After further discussion and clarification, it was moved by Tostenson and seconded by Mach to dispense with the reading of the ordinance. Motion carried 5-0. Motion by Tostenson and seconded by Buttke to call the question to vote on Ordinance 2022-01A. Chairman Stengel called for a roll call vote. Buttke aye, Street nay, Mach aye, Tostenson aye and Stengel aye. Motion carried 4-1. Ordinance 2022-01A was adopted. The ordinance is on file in the Auditor's Office and will be published on 11-9-2022 with an effective date of 11-29-22.

Commissioner Street excused himself from the meeting at 9:30 AM.

Liquor Licenses for 2023: Auditor Layher presented the renewals for the 2023 liquor license period. The state law was amended to remove the public hearing requirement for renewals of licenses. Any new license or transfer of a license would require a public hearing. Motion by Buttke and seconded by Mach to approve the renewal of the liquor licenses for 2023. Chairman Stengel called for vote. Motion carried 4-0.

1. Gertje Van Lith Post 229 American Legion Club located in Lot A NE1/4 NE1/4 & Lts 1-3 Big Stone AM Legion ADDN Section 24, Township 121, Range 47, in Grant County, South Dakota for Retail (on-sale) Liquor

2. Whetstone Creek Golf Course located in GOVT Lot 1 & SE1/4NW1/4 and W1/2NW1/4 except Lot 1 2nd Country Club Addition, Ex W 550' of OLA, Ex Part Platted & sold & Road; Lot 1 Third County Club Addition in NE1/4 & Lot 1 4th Country Club Addn in Gov't Lot 4 & EX Lts 5A, 6A, 7A, 8A in Grant County, South Dakota for Retail (on-sale) Liquor

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

1. Approve quote of \$199.37 from Scantron for Vmware renewal for server management software
2. Approve applying for the FY2024 Weed & Pest Grant with award amount to be determined
3. Declare items surplus: Toshiba copier, Redi Kleen parts washer, Brown swivel chair, HP2530 Switch, 2-way Base telephone, PA 200 heater

Unfinished Business: None

New Business: None

Correspondence: None

Claims: Motion by Mach and seconded by Tostenson to approve the claims. Motion carried 4-0. AL'S BODY SHOP, repair & maint 4,693.25; AUTOVALUE, supplies 2,352.40; AVERA QUEEN OF PEACE, blabs 49.00; BANNER, hwy project 32,573.38; BUTLER, repair & maint 847.00; CENTER POINT, books 520.01; CHS, ethanol 2,359.04; CITY OF MILBANK, water & sewer 290.86; CODY KELLY, prof services 300.00; COLONIAL RESEARCH CHEMICAL, supplies 265.12; CONSOLIDATED READY MIX, gravel 10,782.86; CORRIE QUALE, repair & maint 9,311.76; DELORIS RUFER, lib rent 100.00; DUANE ATHEY, prof services 160.00; FISHER SAND & GRAVEL, gravel 1,999.80; G & R CONTROLS, repair & maint 9.86; GRANT/ROBERTS AMBULANCE,

allocation 2,458.33; JASON LIEBE, prof services 1,170.00; LARRY'S REFRIGERATION, repair & maint 1,100.68; MCLEOD'S, supplies 166.64; MICROMARKETING, audio/visual 45.00; MIDCO, library internet 103.94; MIDWEST TRUCK & PARTS, repair & maint 1,208.73; MUNDWILER FUNERAL HOME, prof services 3,535.00; NEWMAN SIGNS, supplies 895.95; NORTHWESTERN ENERGY, natural gas 10.00; PETTYCASH, mailing exp 12.50; QUICK PRO LUBE, repair & maint 1,311.93; QUILL, supplies 585.98; R.D. OFFUTT, repair & maint 22.82; REGENCY MIDWEST VENTURES, motel 198.00; RIVER STREET PETROLEUM, diesel 5,823.00; ROBERTS CO SHERIFF, inmate housing, 600.00; SANDRA FONDER, court interpreter 33.33; SCOTT BRATLAND, court appt atty 4,211.65; STAR LAUNDRY, rentals 197.59; TRUENORTH STEEL, culverts 68,622.18; TYLER TECHNOLOGIES, computer software 449.00; VALLEY RENTAL, allocation 650.00; VAN DIEST SUPPLY, mosquito control 3,408.75; WEST CENTRAL COMMUNICATION, repair & maint 150.00; XEROX, copier rent 106.72; ZEM'S FRESH STARTS, supplies 30.00. TOTAL: \$163,722.06.

Payroll for the following departments and offices for the October 28, 2022, payroll are as follows: COMMISSIONERS 3,335.90; AUDITOR 9,028.14; ELECTION 1,258.88; TREASURER 5,441.25; STATES ATTORNEY 7,116.60; CUSTODIANS 5,426.83; DIR. OF EQUALIZATION 3,373.20; REG. OF DEEDS 4,169.56; VET. SERV. OFFICER 1,211.10; SHERIFF 14,085.15; COMMUNICATION CTR 7,660.85; PUBLIC HEALTH NURSE 848.94; ICAP 97.50; VISITING NEIGHBOR 1,940.43; LIBRARY 7,581.89; 4-H 3,898.25; WEED CONTROL 2,003.55; P&Z 1,261.70; DRAINAGE 549.45; ROAD & BRIDGE 34,878.22; EMERGENCY MANAGEMENT 2,376.00. TOTAL: \$117,543.39.

Payroll Claims: FIRST BANK & TRUST, Fed WH 9,118.74; FIRST BANK & TRUST, FICA WH & Match 14,283.70; FIRST BANK & TRUST, Medicare WH & Match 3,340.54; ACCOUNTS MANAGEMENT, deduction 115.76; AMERICAN FAMILY LIFE, AFLAC ins. 1,496.30; WELLMARK-BLUE CROSS OF SD, Employee and Commission health ins. 48,443.06; COLONIAL LIFE, ins 37.98; DEARBORN NATIONAL, life ins. 287.34; LEGAL SHIELD, deduction 51.80; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 210.00; OPTILEGRA, ins 401.04; SDRS SUPPLEMENTAL, deduction 1,530.83; SDRS SUPPLEMENTAL, special pay 4,858.00; SDRS SUPPLEMENTAL, fee 45.00; SDRS, retire 12,633.51. TOTAL: \$96,853.60.

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 November 10 (Canvass) and 15 and December 6, 20 and 30, 2022 at 8 AM. Motion by Mach and seconded by Buttke to adjourn the meeting. Motion carried 4-0. Meeting adjourned.

Karen M. Layher, Grant County Auditor

Doug Stengel, Chairman, Grant County Commission