

November 15, 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 November 1, 2022 meeting as presented. Motion carried 5-0. Minutes filed. Motion by Tostenson and seconded by Mach to approve the agenda with adding a letter of support for Sisseton Lines Railroad and discussion on a commission meeting room. Motion carried 5-0.

Members of the public present were Ron Meister, Mark Junker, Amy Sis, Amber Doschadis, Kevin Kouba and Jim DeVaal. Staff members present were States Attorney Schwandt and Deputy Auditor Folk.

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

Cash on Hand	\$3,049.45
Checks in Treasurer's possession less than 3 days	\$402,277.33
Cash Items	\$0.00
TOTAL CASH ASSETS ON HAND	\$405,326.78

RECONCILED CHECKING

First Bank & Trust	\$2,078.10
Interest	\$0.00
Credit Card Transactions	\$3,796.75
TIF Fees	\$0.00
First Bank & Trust (Svg)	\$10,733,941.00

CERTIFICATES OF DEPOSIT

First Bank & Trust	\$0.00
First Bank & Trust (TIF)	\$0.00

TOTAL CASH ASSETS	\$11,145,142.63
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GENERAL LEDGER CASH BALANCES:

General	\$3,684,105.03
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General restricted cash	\$2,050,000.00
Cash Accounts for Offices General Fund	\$656.00
Sp. Revenue	\$1,216,838.09
Sp. Revenue restricted cash	\$0.00
Henze Road District	\$4,439.79
TIF Apportioning	\$0.00
TIF Milbank	\$0.00
TIF Milbank Rosewood	\$33,689.41
Special Assessment Land Rent	\$0.00
Trust & Agency	\$4,155,414.31
(schools 2,816,903.66 twps 203,672.95, city/towns 351,580.91)	
ACH Correction	\$0.00
TOTAL GENERAL LEDGER CASH	\$11,145,142.63

Dated this 9th day of November, 2022

Karen M. Layher

County Auditor

The Register of Deeds fees for the month of October were \$13,241.50, the Clerk of Courts fees for the month of October were \$5,996.82. The Sheriff fees for the month of October were \$4,693.99 with \$3,693.99 receipted into the General Fund. The following statistics for the month of August for the Sheriff's office were presented by report. Average daily inmate population 4.87; Number of bookings 16; Work release money collected \$260.00; 24/7 Preliminary Breath Test (PBT) fees collected \$373.00; SCRAM (alcohol detecting bracelet) fees collected \$452.00; 24/7 PBT participants 3; SCRAM (Sobriety Program) participants 1; Calls for Service (does not include walk-in traffic) 284; Accidents investigated 3; Civil papers served 52; Cumulative miles traveled 10,518; 911 calls responded to (including Milbank) 97. The following statistics for the month of September for the Sheriff's office were presented by report. Average daily inmate population 3.93; Number of bookings 20; Work release money collected \$500.00; 24/7 Preliminary Breath Test (PBT) fees collected \$233.00; SCRAM (alcohol detecting bracelet) fees collected \$0.00; 24/7 PBT participants 3; SCRAM (Sobriety Program) participants 1; Calls for Service (does not include walk-in traffic) 310; Accidents investigated 4; Civil papers served 91; Cumulative miles traveled 9,422; 911 calls responded to (including Milbank) 99.

Public Comment: Chairman Stengel called for public comment. There were no comments. Chairman Stengel closed the public comment.

Highway: Supt Peterson reported on a meeting he had attended with the project engineer on State Hwy 15. A plan between the county and SDDOT was reached on snow removal for CR 19 and State Hwy 15 up to the Larry Storm residence for the 2022-2023 snow season. **RR Crossings:** Supt Peterson reported there are three

railroad crossings near Albee that need repair. The correspondence received from BNSF states there isn't any Federal funding available. The project cost would be a 50/50 share with the County's share being \$127,772. No action taken.

Bridge Inspection: Mark Junker, PE with Banner Associates, presented the 2022 bridge inspection report. This inspection is a Federal requirement every two years for bridges with an opening of more than twenty feet in diameter. Currently Grant County is listed in second place for the number of bridges to maintain in the State. There are 168 inspected bridges, 45 have weight restrictions, 1 bridge is closed, and 93 (55%) bridges have been replaced or repaired since 1989. Of those 93 bridges, 60 have been done with 100% of County funds and 33 with 80/20 share with the State. In summary, Mark stated bridge replacement/repair will be an ongoing need. Prioritizing the bridge work should be the county asphalt first, county gravel second and then township third. He identified a list of repairs to be completed and a preventative maintenance plan. He advised the county to track and maintain the cost of all bridge repairs for future consideration of grant awards.

Upper MN Watershed Project: Present was District Administrator Amber Doschadis of the Upper MN Watershed who provided an update on the restoration project of the old historic channel. She reported the land has been purchased on the Minnesota side of the project with construction easements being secured on the SD side. The approval of the bridge design will take up to a year to be approved by the Corp of Engineers. There will also be a public comment period and public hearing to be held in the spring of 2023. Funding has been secured from agencies in Minnesota with an additional 1.3 million needed to build the bridge. Amber asked the Commission to consider being the applicant agency for grant funding in SD. The construction of the bridge is estimated to be in 2025.

Soil Conservation: Present were Ron Meister and Amy Sis who had questions on Ordinance 2022-01A. The questions were on the permit process and the shelter belt requirements. She explained the design and setbacks under her technical guide through the SD Conservation is different and questioned how she should proceed. The Commission advised her to meet with Zoning Officer Berkner and Todd Kays with First District to discuss the two documents. It was noted that Ordinance 2022-01A is effective 11-29-2022 and any proposed changes would begin the amendment process again.

P&Z: Chairman Stengel asked Todd Kays with First District of Local Government to provide an overview of the Planning Commission Board's work involving the proposed changes to Ordinance 2004-01 as well as an explanation of the proposed changes for Ordinance 2022-01B.

Todd reported the current zoning ordinance does not allow for a data processing center. The Planning Commission Board has been working on drafting an ordinance to allow a data processing center in a commercial/industrial area with the issuance of a CUP. He noted there was one scripter error that was corrected, and an amendment was offered from P&Z Board member John Seffrood for a separation distance of one mile from a CAFO for the reason of possible electrical spikes/stray voltage causing issues with cattle. With these two changes the PC Board recommended approval to the Commission.

Chairman Stengel opened the public hearing and called three times for proponent testimony and for opponent testimony on Ordinance 2022-01B. No one was present to offer any public comment. Chairman Stengel closed the public hearing and called for discussion amongst the Commission.

Commissioner Tostenson made a motion to remove the recommended amendment of the Planning Commission in reference to setbacks of CAFO operations (Section 1220.01, item 2). Seconded by Mach. Commissioner Tostenson stated that PC member John Seffrood does have a valid point on stray voltage that electrical companies chase monthly. He is concerned the issue of stray voltage is getting into an area of electrical technologies and engineering that the Boards do not have the expertise to manage. This issue should be addressed through a condition on the CUP which the current ordinance does allow.

Kevin Kouba asked Chairman Stengel if he could comment. Chairman Stengel gave approval. Kevin stated stray voltage is a gremlin that electrical companies deal with. The removal of the wording on the setback for a CAFO can be explained at the next hearing and agrees it should remain as a condition of a CUP.

Commissioner Mach stated he had a concern with the proposed amendment from the PC. This type of facility will not be built in open areas of the county. A data processing center will need to be built by a substation due to the amount of power required and the substations are built to absorb stray voltage. He reflected that John

Seffrood did not want a CAFO between a substation and a data processing center. Commissioner Street noted that stray voltage can be the cause of huge financial loss to an operator and maybe the amendment should be left in the ordinance.

The Commission continued to review the ordinance. Motion by Tostenson and seconded by Street to offer the following amendments. After further discussion motion carried 5-0.

1. Under Section 1220.03, letter h: remove letter h completely.
2. Under Section 1220.03, letter i: change to letter h to read as: **The maximum sound level allowed from the physical structure of any occupied residence, church, or government building is fifty-five (55) dBA after any applicable adjustments provided for herein are applied.**
3. Under Section 1220.03 letter i, to read as: **Between the hours of 10:00 p.m. and 7:00 a.m. the maximum sound level allowed from the physical structure of any occupied residence, church, or government building is forty-five (45) dBA after any applicable adjustments provided for herein are applied.**
i. the noise limitations above shall be reduced by 10 dBA for receiving property

Chairman Stengel called for a motion to hold the first reading by title only. Motion by Mach and seconded by Tostenson to have the first reading of the Ordinance by title only. Motion carried 5-0. The titled ordinance was read.

ORDINANCE NO. 2022-01B

**AN ORDINANCE ENTITLED, AN ORDINANCE TO AMEND ARTICLE II
“DEFINITIONS”, ARTICLE XI “ZONING DISTRICTS”, AND ARTICLE XII
“GENERAL REQUIREMENTS”, ADOPTED BY ORDINANCE 2004-01, AS
AMENDED OF THE ZONING ORDINANCE OF GRANT COUNTY**

Chairman Stengel called for a motion to set the second reading and a public hearing on the proposed amendments to the ordinance offered by the County Commission. Motion by Street and seconded by Buttke to set December 6th at 9:15 AM for the public hearing on the proposed amendments and second reading of Ordinance 2022-01B. Motion carried 5-0.

Wellmark: Agent Theresa Kocer joined the meeting by TEAMS and reviewed the 2023 rate change detail which included the base rate percentage change for large group and the underwriting and demographic percentage changes. Overall, the 2023 premium change was a 2.1% increase. She also reviewed claim.

Drainage: Motion by Mach and seconded by Buttke to reschedule the 2nd reading and public hearing of Drainage Ordinance 1997-1E to December 6, 2022 at 8:15 AM. Motion carried 5-0.

Railroad: A letter of support for the Sisseton Lines Railroad was reviewed. This letter is in support of the South Dakota Department of Transportation's sponsored Sisseton Milbank Railroad (SMRR) Modernization Project which is seeking federal funding support through the Consolidated Rail Infrastructure and Safety Improvements (CRISI) grant program. Motion by Tostenson and seconded by Buttke to authorize Chairman Stengel to sign the letter of support. Motion carried 5-0.

Meeting Room: The Commission discussed moving their meeting room to a different location as the basement is not audience friendly due to the pillars blocking the view. Also discussed was building a commission chamber/meeting room in the courthouse park area. This building could serve as the commission chamber as well as a library meeting room for all their programs. Commissioner Tostenson asked to keep the discussion of a new building in consideration for future development. A planning session was suggested to prioritize projects for funding purposes.

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

1. Approve appointment of Janice Yeager to the Library Board to fill the term of Clarice Robertson
2. Approve Judy Haase as a library volunteer
3. Approve hiring of Antonette Boone for PT custodian effective 11-8-22 at a rate of \$15.10
4. Approve list of items declared surplus from the sheriff department as items are outdated, broken or traded in for new equipment-record of items on file in Auditor's office

Unfinished Business: Commissioner Buttke reported the chimney has been capped to prevent bats from nesting in the chimney.

New Business: The membership cost for Unity Health and Fitness was provided to the Commission.

Correspondence: None

Claims: Motion by Street and seconded by Buttke to approve the claims. Motion carried 5-0. A-OX WELDING, supplies 16.75; BANNER, hwy proj 10,261.00; BERENS MARKET, inmate groceries & supplies 195.01; BORNES GROUP, mailing expense 1,751.81; CENTURYLINK, phone 151.46; CHS, diesel fuel 16,896.68; CITY OF MILBANK, water, sewer & garbage service 232.72; CITY

OF WATERTOWN, 911 surcharge 6,296.41; CLIMATE AIR, repairs & maint 2,496.07; CODY KELLY, prof services 300.00; COLEPAPERS, supplies 56.78; CONSOLIDATED READY MIX, gravel 11,351.14; CRAIG DEBOER, car wash usage 172.83; DENNY'S SEPTIC SERVICE, prof services 180.00; FIRST BANK & TRUST/VISA, books, gas, supplies, furniture 4,809.08; GRANT COUNTY REVIEW, publishing 2,390.58; GRANT-ROBERTS RURAL WATER, water usage 37.30; INGRAM LIBRARY SERVICES, books 758.46; INSIGHT, minor equip 687.50; INTER-LAKES COMM ACT, service worker 2,605.25; ITC, phone & internet 1,602.06; JASON SACKREITER, garbage service 230.00; JEREMY WIESE, supplies 38.00; JURGENS PRINTING, supplies 25.00; KIBBLE EQUIPMENT, repair & maint 577.94; LEWIS, supplies 311.33; MICROFILM IMAGING SYSTEMS, scanner rent 620.00; MILBANK AUTO PARTS, supplies 777.59; MINNEHAHA COUNTY, inmate housing 2,320.50; MUNDWILER FUNERAL HOME, prof services 3,500.00; NATIONAL 4-H COUNCIL, supplies 96.35; NORTHWESTERN ENERGY, natural gas 101.34; NOVAK SANITARY SERVICE, shredding service 43.26; OTTER TAIL POWER, electricity 3,454.53; QUICK PRO LUBE, supplies 54.22; QUILL, minor equip 1,758.63; R.D. OFFUTT, repairs & maint 1,898.05; RC TECHNOLOGIES, 911 transport & tower rent 95.96; RELIANCE TELEPHONE, supplies 500.00; RUNNINGS, supplies 531.25; SANDRA FONDER, court interpreter 66.67; SCANTRON, prof services 6,347.29; SEACHANGE PRINTING, prof services 185.00; SHOP INC, repairs & maint 406.69; STAN HOUSTON EQUIPMENT, supplies 201.05; STATE OF SOUTH DAKOTA, supplies 73.43; TRAPP PLUMBING, supplies 71.40; US HOTEL ACS VENTURES, motel 217.84; VALLEY OFFICE PRODUCTS, supplies 2,211.67; VALLEY SHOPPER, publishing 53.16; WAYDE FRAASCH, prof services 200.00; WHETSTONE HOME CENTER, supplies 238.79; WHETSTONE VALLEY ELECTRIC, electricity & maint 931.41. TOTAL: \$91,387.24.

MONTHLY FEES: SDACO, ROD modernization fee 218.00; SD DEPT OF REVENUE, monthly fees 146,745.94; SD DEPT OF REVENUE, sales & use tax 100.13. TOTAL: \$147,064.07.

Payroll for the following departments and offices for the November 14, 2022, payroll are as follows: COMMISSIONERS 3,335.90; AUDITOR 8,625.6; ELECTION 1,282.19; TREASURER 4,959.36; STATES ATTORNEY 6,973.80; CUSTODIANS 2,707.34; DIR. OF EQUALIZATION 3,838.00; REG. OF DEEDS 3,992.11; VET. SERV. OFFICER 1,101.00; SHERIFF 13,527.96; COMMUNICATION CTR 7,882.73; PUBLIC HEALTH NURSE 823.20; ICAP 117.00; VISITING NEIGHBOR 1,740.56; LIBRARY 7,100.78; 4-H 3,363.20;

WEED CONTROL 1,888.10; P&Z 1,363.45; DRAINAGE 264.55; ROAD & BRIDGE 30,967.98; EMERGENCY MANAGEMENT 2,160.00. TOTAL: \$108,014.81.

Payroll Claims: FIRST BANK & TRUST, Fed WH 8,075.58; FIRST BANK & TRUST, FICA WH & Match 13,152.92; FIRST BANK & TRUST, Medicare WH & Match 3,076.14; ACCOUNTS MANAGEMENT, deduction 115.76; AMERICAN FAMILY LIFE, AFLAC ins. 1,463.82; WELLMARK-BLUE CROSS OF SD, Employee health ins. 919.79; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 210.00; SDRS SUPPLEMENTAL, deduction 1,380.83; SDRS, retire 12,052.34. TOTAL: \$40,447.18.

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 December 6, 20 and 30, 2022 at 8 AM. Motion by Tostenson and seconded by Street to adjourn the meeting. Motion carried 5-0. Meeting adjourned.

Karen M. Layher, Grant County Auditor

Doug Stengel, Chairman, Grant County Commission