

November 16, 2021

The Grant County Commission met at 8 AM with Commissioners Buttke, Mach, Stengel, Street and Tostenson present. Chairman Tostenson called the meeting to order with a quorum present and asked for a motion to approve the minutes. Motion by Mach and seconded by Buttke to approve the minutes of the November 2, 2021, meeting. Motion carried 5-0. Minutes filed. Motion by Buttke and seconded by Stengel to approve the agenda. Motion carried 5-0.

Members of the public present were Mark and Sarah Erickson and Jason Street. Staff members present were States Attorney Schwandt and Drainage Officer Berkner.

The Chairman called for public comment. No member of the public present offered any comment.

The Auditor's Account with the Treasurer for the month of 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, 2021

Cash on Hand	\$1,840.35
Checks in Treasurer's possession	
less than 3 days	\$498,924.55
Cash Items	\$156.00
TOTAL CASH ASSETS ON HAND	\$500,920.90
RECONCILED CHECKING	
First Bank & Trust	\$1,835.88
Interest	\$0.00
Credit Card Transactions/TIF Fee	\$4,107.94
First Bank & Trust (Svgs)	\$10,559,020.00
CERTIFICATES OF DEPOSIT	
First Bank & Trust	\$0.00
First Bank & Trust (TIF)	\$0.00
TOTAL CASH ASSETS	\$11,065,884.72
GENERAL LEDGER CASH BALANCES:	
General	\$4,621,494.57

General restricted cash	\$2,250,000.00
Cash Accounts for Offices General Fund	\$656.00
Sp. Revenue	(\$214,394.11)
Sp. Revenue restricted cash	\$0.00
Henze Road District	\$4,550.19
TIF Apportioning Northern Lights	\$0.00
TIF Milbank	\$956.12
TIF Northern Lights	\$0.00
Special assessment Land Rent	\$0.00
Trust & Agency	\$4,402,621.95
(schools 2,705,451.12, twps 193,593.50, city/town 358,180.21)	
TOTAL GENERAL LEDGER CASH	\$11,065,884.72

Dated this 5th day of November, 2021
Karen M. Layher
County Auditor

The Clerk of Courts fees for the month of October were \$6,389.25 and the Sheriff fees for the month of October were \$9,232.00 with \$2,655.00 receipted into the General Fund. The Register of Deeds fees for October were \$13,080.25.

Drainage: Chairman Tostenson adjourned the Board of Commissioners and convened the Commission acting as the Drainage Board. Commissioner Street recused himself from Permit 2021-36 for Jason Street.

Chairman Tostenson asked for a motion to approve Permit DR2021-36 for Jason Street for property owned by Orman J. Street Trustee, located in the NE1/4 and the NW1/4SE1/4 of 16-118-47 (Adams East Twp). Motion by Mach and seconded by Stengel to approve permit DR2021-36.

Drainage Officer Berkner presented Permit DR2021-36 as follows. He stated the applicant is adding three additional laterals approximately 150 yards each to existing permitted tile projects. Two of the laterals would tie into Steve Street's permit 2021-30 and the third lateral would tie into Jeff Schuelke's Permit 2021-07. There were seven letters sent out to the downstream landowners. Drainage Officer Berkner asked to have the written comments received from downstream landowner Steve Schmidt for Permit 2021-30 be entered into today's record. Mr. Schmidt's comments reflect he is not against drainage but wanted his comments on record. The permit does not have any outlets as the laterals tie into existing projects creating choke points. The flow rate is 55 gallons per minute for a double wall pipe running at full capacity for the five-inch tile on Permit 2021-07. The flow rate is 1,000 gallons per minute for a double wall pipe running at full capacity for the fifteen-inch tile on Permit 2021-30. The list of questions on the administrative

form were answered in the affirmative by the applicant. Drainage Officer Berkner stated the two questions difficult to answer are the impact on wildlife and impact downstream.

Applicant Jason Street stated this project is to improve some low spots and tie into existing approved tiling projects. These additional laterals will help to control erosion and improve farm ground for productivity. The water naturally flows east and with the additional laterals, the flow rate of water will be reduced helping in the prevention of overland flooding and to clear up the salt spots.

Chairman Tostenson opened the public hearing and called for pro and con comments from the public on DR2021-36. There were not any comments offered and the public hearing was closed. The Board began their discussion.

Chairman Tostenson asked how the question was answered on the effect to the downstream landowner. The question led to discussion on overland flooding versus the tempered flow of tiling. Overland flooding results in cutting trenches in the field and washing dirt away versus tiling, removing salt spots and allowing the crops to filter the water. Commissioner Buttke asked for clarification on downstream landowners being notified and any effects on wildlife. Commissioner Mach asked for clarification that the project does not have any open inlets and on the connection points to the existing tile. Commissioner Stengel spoke on the landowner's right to drain.

Chairman Tostenson asked for final comments; there were none. A roll call vote was called. Stengel aye, Buttke aye, Mach aye, and Tostenson aye to approve Permit 2021-36. Motion carried 4-0.

Chairman Tostenson asked for a motion to approve Permit DR2021-37 for Mark Erickson for property owned by Mark and Sarah Erickson, located in the NE1/4 INCLUDING RR RTY in NW1/4NE1/4, but EX RR RTY in E1/2NE1/4 & S1/2NE1/4 in 14-118-49 (Georgia Twp). Motion by Mach and seconded by Stengel to approve permit DR2021-37.

Drainage Officer Berkner reported 5 letters had been sent to downstream landowners. He explained the project does not impact the Michael Hoffman land as he had initially thought. The water drains to the east. A letter was received from landowner David Schlosser which expressed concerns of his renter not being able

to cross the run on his property to access the field. The two project areas have inlets for draining to the livestock ponds. These would be filled first. Then any excess water would flow east through the Kohl property. The flow rate for each six-inch pipe is 90 gallons per minute for a double wall pipe running at full capacity into the livestock ponds. The project includes approximately 6,000 feet of pipe. The questions on the administrative form were answered by the applicant in the affirmative.

The applicant Mark Erickson explained there are two project areas. The north project area has the water going into a stock pond. The other project area is a ravine and not much water exits the area. Any excess water would flow east to the Kohl property. The ponds are for the cattle grazing the pastures. Currently, the farmable ground is planted on a yearly basis but harvesting the crop is a challenge.

Chairman Tostenson opened the public hearing and called for pro and con comments from the public on DR2021-37. There were not any comments offered and the public hearing was closed. The Board began their discussion.

Commissioner Street stated he had reviewed the project with the landowner. He suggested removing two of the inlets in the projects and suggested tile to drain those two areas as farming around inlets is a nuisance. Commissioner Street commented with the water inlets directing the water to the ponds, the remaining water runs downstream in the pastures and a ravine.

Chairman Tostenson had a concern with the amount of sedimentation in the stock dam and field runoff entering the stock dam. With this area being pastureland, the grass aids in filtering. He also asked if there were any springs in the area. Applicant responded no.

Commissioner Mach expressed his concern with open inlets and would prefer the applicant use laterals to accomplish the drainage rather than an open inlet. He asked the applicant to talk with the tiler on the inlet issue.

Commissioner Stengel stated there is a place for open inlets on projects. With this project, sediments are being held in the stock pond and clear water runs off. An open tile will aid in drying the problem area faster than an underground lateral.

Chairman Tostenson asked if the Board would like to table the permit to allow the applicant to discuss removing the inlets with the tiler. Commissioner Mach clarified he does not have a concern with this permit as the inlet goes directly to

the stock dam. He would like to see fewer inlets, but that decision is for the landowner to decide with the tiler. If the number of inlets is reduced it is a benefit for the landowner. Commissioner Stengel remarked if the permit is approved as presented and the number of inlets is reduced that becomes an improvement for the project. Commissioner Street stated a tile drawing may change when the project is being done due to having to go around a rock in the field and that is why it is required to file a final map drawing of the project.

Chairman Tostenson asked if there were any other comments. Hearing none, the motion on the floor is to approve Permit 2021-37 as presented. He called for a roll call vote. Stengel aye, Street aye, Buttke aye, Mach aye, and Tostenson aye. Motion carried 5-0.

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

Highway: Motion by Stengel and seconded by Buttke to authorize signing the tree planting agreement with Soil Conservation for a shelter barrier on the east side of the Highway Shop in the amount of \$918.00. Chairman Tostenson called for a roll call vote. Stengel aye, Street aye, Buttke aye, Mach aye, Tostenson aye. Motion carried 5-0. **Marvin Shop:** Motion by Street and seconded by Stengel to authorize Chairman Tostenson to sign the proof of loss statement from Claims Associates for the claims amount of \$11,926.69. Chairman Tostenson called for a roll call vote. Stengel aye, Street aye, Buttke aye, Mach aye, Tostenson aye. Motion carried 5-0.

Liquor Licenses for 2022: Auditor Layher presented the renewals for the 2022 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 Street to approve the renewal of the liquor licenses for 2022. Chairman Tostenson called for vote. Motion carried 5-0.

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 (on-sale) Liquor
2. Whetstone Creek Golf Course located in the NW ¼ except Lot 1, 2nd Country Club Addition, Ex W 550' of OLA, Ex Part Platted & sold & E Road, Lot 1, Third County Club Addition in NW ¼ & Lot 1, 4th Country Club Addition in Gov't Lot 4 (4.42 Acres) in Grant County, South Dakota for Retail (on-sale) Liquor
3. Big Stone Pumpkin Patch located in Lot 1, Freiwald Addn in Gov't Lots 1, 2, 7, 8 (6.16 Acres) Section 5, Twp 120, Range 47 in Grant County, South Dakota for Retail (on-sale) Liquor

Cash Transfers: Motion by Stengel and seconded by Mach to approve the cash transfer as per the 2021 budget. Motion carried 5-0.

FROM	TO	AMOUNT
101 General	201 Highway Fund	1,209,073

Executive Session: Motion by Buttke and seconded by Stengel to enter executive session at 9:32 AM for the purpose of a personnel issue pursuant to SDCL 1-25-2. Chairman Tostenson called for a vote. Motion carried 5-0. Auditor Layher and States Attorney Schwandt were present. Chairman Tostenson declared the meeting open to the public at 9:55 AM. No voted action was taken.

Unfinished Business: None

New Business: The Commission discussed nuisance laws and county roads within municipalities.

Correspondence: None

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

1. Approve plats:

2021-38

RESOLUTION

BE IT RESOLVED by the Board of County Commissioners of Grant County, South Dakota, that the plat entitled: "Harstad Addition Located in the South Half of the Northwest Quarter of Section 33, Township 118 North, Range 47 West of the 5th P.M., Grant County, South Dakota", which has been submitted for examination pursuant to law, and it appearing that all taxes and special assessments have been paid and that such plat and the survey thereof have been made and executed according to law, the plat is hereby approved, and the County Auditor is hereby authorized and directed to endorse on such plat a copy of this Resolution and certify the same.

Dated this 16th day of November, 2021.

William J. Tostenson, Chairman,
Board of County Commissioners
Grant County, South Dakota

ATTEST:

Karen M. Layher

County Auditor

Grant County, South Dakota

2021-39

COUNTY COMMISSION RESOLUTION

It was moved by Commissioner Street, seconded by Commissioner Buttke, motion carried that the LOT 2 OF ADLER'S SECOND ADDITION LOCATED IN THE W1/2SW1/4 OF SECTION 13, TOWNSHIP 120 NORTH, RANGE 49 WEST OF THE 5TH P.M., GRANT COUNTY, SOUTH DAKOTA, as described above and hereon be approved and accepted and the Chairman is hereby instructed to endorse on such plat this resolution and to certify the same.

William J. Tostenson, Chairman,
Board of County Commissioners
Grant County, South Dakota

2. Approve rental contract for Register of Deeds computer equipment with Microfilm Imaging Systems for \$330.00 per month effective 8-1-2021
3. Items to be declared surplus – list on file in Auditor's Office

Claims: Motion by Stengel and seconded by Mach to approve the claims as presented. Motion carried 5-0. A-OX WELDING, supplies 16.15; ACCESS ELEVATOR, maint 506.00; AUTOVALUE, repairs & maint, supplies 211.13; AVERA QUEEN OF PEACE, health services 317.00; BERENS MARKET, supplies 5.78; BORNS, mailing expense 1,642.69; BOYER FORD TRUCKS, repairs & maint 556.70; BUTLER, supplies, repairs & maint 1,513.38; CALEB LAPP, contract proj 6,450.00; CENGAGE LEARNING, books 216.50; CENTER POINT, books 370.92; CENTURYLINK, phone 153.84; CHS, diesel fuel 9,061.67; CLIMATE AIR, repairs & maint 2,354.77; COLONIAL RESEARCH CHEMICAL, supplies 178.85; CONSOLIDATED READY MIX, gravel 1,355.32; CRAIG DEBOER, car wash usage 65.10; CUSTODIAN SERVICES, repairs & maint, supplies 203.95; EMERGENCY SERVICE MARKETING, contracted proj 3,125.00; FLAT RATE, hwy proj 704.50; GALL'S, supplies 1,339.43; GEOTEK ENGINEERING, hwy proj 1,255.00; FOOD-N-FUEL, inmate meals 462.00; GRANT CO SOIL CONSERVATION, prof services 459.00; GRANT-ROBERTS RURAL WATER, water usage 6,008.43; HARTMAN'S, inmate groceries 549.02; INGRAM, books, audio visuals 1,067.50; INTER-LAKES COMM ACT, service worker 2,565.92; ITC, phone & internet 1,421.29; INTOXIMETERS, supplies 320.00; ISTATE TRUCK CENTER, supplies 82.93; JASON SACKREITER, garbage service 230.00; LERNER PUBLISHING, books 156.93; LEWIS, supplies

211.89; MICROFILM IMAGING SYSTEMS, scanner rent 1,860.00; MICROMARKETING, audio/visuals 200.00; MIDAMERICA BOOKS, books 254.35; MIDWEST TRUCK & PARTS, repairs & maint 773.44; MILBANK AREA HOSPITAL AVERA, blabs 595.00; MILBANK AUTO PARTS, supplies, repairs 1,764.54; MUNDWILER FUNERAL HOME, prof services 1,200.00; NORTHWESTERN ENERGY, natural gas 25.72; NOVAK SANITARY SERVICE, shredding service 41.00; OFFICE PEEPS, minor equipment 695.00; OTTER TAIL POWER, electricity 2,427.39; PHOENIX SUPPLY, supplies 133.67; PRAHM CONSTRUCTION, hwy proj 144,895.50; QUICK PRO LUBE, oil chg, repairs 1,136.62; RC TECHNOLOGIES, 911 transport & tower rent 95.96; RELX, online charges 725.00; RIVER STREET PETROLEUM, diesel fuel 2,156.00; ROBERTS CO SHERIFF, prof services 30.00; RUNNINGS, supplies & repairs 422.05; SCANTRON, prof services 5,161.70; SD DEPT OF HEALTH, blabs 200.00; ST WILLIAMS, inmate laundry 63.00; STATE OF SD, supplies 323.50; STERN OIL, supplies 301.88; TEAM LABORATORY CHEMICAL, hwy proj 780.50; TRANSOURCE TRUCK & EQUIP, supplies 54.20; TRUENORTH STEEL, hwy proj 629.28; UNZEN MOTORS, repair & maint 1,335.89; VALLEY OFFICE PRODUCTS, supplies 1,212.39; VALLEY SHOPPER, publishing 26.58; VERIZON WIRELESS, hotspot 38.52; VISA, motel, books, supplies, gas 1,931.69; WASTE MANAGEMENT, garbage service 157.90; WHETSTONE HOME CENTER, supplies 628.64; WHETSTONE VALLEY ELECTRIC, electricity 569.67; XEROX, copier rent 684.74. TOTAL: \$218,669.91.

Payroll for the following departments and offices for the November 12, 2021, payroll are as follows: COMMISSIONERS 3,223.90; AUDITOR 7,439.69; ELECTION 143.60; TREASURER 5,354.74; STATES ATTORNEY 6,051.42; CUSTODIANS 3,028.80; DIR. OF EQUALIZATION 3,994.42; REG. OF DEEDS 4,513.06; VET. SERV. OFFICER 1,171.50; SHERIFF 13,030.14; COMMUNICATION CTR 6,910.80; PUBLIC HEALTH NURSE 808.50; ICAP 189.75; VISITING NEIGHBOR 1,585.00; LIBRARY 7,501.10; 4-H 3,501.70; WEED CONTROL 1,848.40; P&Z 1,444.00; DRAINAGE 228.00; ROAD & BRIDGE 30,194.88; EMERGENCY MANAGEMENT 2,288.00. TOTAL: \$104,451.40.

Payroll Claims: FIRST BANK & TRUST, Fed WH 7,888.70; FIRST BANK & TRUST, FICA WH & Match 12,704.60; FIRST BANK & TRUST, Medicare WH & Match 2,971.16; AAA COLLECTIONS, deduction 34.08; ACCOUNTS MANAGEMENT, deduction 98.05; AMERICAN FAMILY LIFE, AFLAC ins. 1,468.71; WELLMARK-BLUE CROSS OF SD, Employee health ins. 985.12; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 210.00; SDRS

SUPPLEMENTAL, deduction 1,369.33; SDRS, retire 11,764.47. TOTAL: \$39,494.22.

MONTHLY FEES: SD DEPT OF REVENUE, monthly fees 141,290.95; SD DEPT OF REVENUE, sales & use tax 583.47; SDACO, ROD modernization fee 320.00. TOTAL: \$142,194.42.

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 7, 21 and 30, 2021 and January 4 and 18, 2022, at 8 AM. Motion by Stengel and seconded by Mach to adjourn the meeting. Motion carried 5-0. Meeting adjourned.

Karen M. Layher, Grant County Auditor

William J. Tostenson, Chairman, Grant County Commission