

October 17, 2023

The Grant County Commission met at 8 AM with Commissioners Buttke, Stengel, Tostenson, and Street present. Commissioner Mach was absent. Vice-Chairman Tostenson called the meeting to order. Motion by Stengel and seconded by Buttke to approve the October 3rd minutes with a correction to the Big Stone Cemetery minimum maintenance road wording as follows. Big Stone City understands and is receptive to the County making the cemetery road a minimum maintenance road. Motion carried 4-0. Corrected minutes filed. Motion by Stengel and seconded by Street to approve the agenda noting that Hwy Supt Peterson would not be in attendance. Motion carried 4-0.

Present from the public were Brian Sime, Dennis Kohl, Matt Loeschke, Ronald Meister, Paul Anderson, Jeff Schuelke, and Todd Lounsbery. Staff members present were Commissioner Assistant Layher, Drainage Officer Berkner and States Attorney Schwandt.

**Public Comment:** Vice-Chairman Tostenson called for public comment three times. There were no comments. Vice-Chairman Tostenson closed the public comment.

The Auditor's Account with the Treasurer for September 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 September, 2023.

|                                  |                    |
|----------------------------------|--------------------|
| Cash on Hand                     | \$2,343.40         |
| Checks in Treasurer's possession |                    |
| less than 3 days                 | \$52,945.64        |
| Cash Items                       | \$0.00             |
| <b>TOTAL CASH ASSETS ON HAND</b> | <b>\$55,289.04</b> |
| <br>RECONCILED CHECKING          |                    |
| First Bank & Trust               | \$6,532.44         |
| Interest                         | \$0.00             |
| Credit Card Transactions         | \$2,775.34         |
| First Bank & Trust (Svgs)        | \$8,058,609.39     |

**CERTIFICATES OF DEPOSIT**

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

**TOTAL CASH ASSETS** **\$8,123,206.21**

**GENERAL LEDGER CASH BALANCES:**

|                                                                                |                |
|--------------------------------------------------------------------------------|----------------|
| General                                                                        | \$3,268,315.48 |
| General restricted cash                                                        | \$2,050,000.00 |
| Cash Accounts for Offices General Fund                                         | \$656.00       |
| Sp. Revenue                                                                    | \$1,455,421.76 |
| Sp. Revenue restricted cash                                                    | \$0.00         |
| Henze Road District                                                            | \$442.22       |
| TIF Milbank                                                                    | \$0.00         |
| TIF Rosewood Mil-3                                                             | \$0.00         |
| TIF Water Dist.                                                                | \$0.00         |
| Special Assessment Land Rent                                                   | \$0.00         |
| Trust & Agency<br>(schools 230,542.17, twps 82,526.54 city/towns<br>39,216.86) | \$1,348,370.75 |
| ACH Correction                                                                 | \$0.00         |

**TOTAL GENERAL LEDGER CASH** **\$8,123,206.21**

Dated this 10th day of October, 2023

Kathy Folk  
County Auditor

The Register of Deeds fees for the month of September were \$11,330.15. The Clerk of Courts fees for the month of September were \$8,912.71. The Sheriff fees for the month of September were \$11,476.34 with \$3,848.35 received into the General Fund. Statistics: The following statistics for the months of August and September for the Sheriff's Office were presented by report. August: Average Daily inmate population 7; Number of bookings 29; Work release money collected \$1,550.00; 24/7 Preliminary Breath Test (PBT) fees collected \$737.00; SCRAM (alcohol detecting bracelet) fees collected \$348.00; 24/7 PBT participants 9; SCRAM (Sobriety Program) participants 2; UA participants 13; Calls for Service (does not include walk-in traffic) 271; Accidents investigated 3; Civil papers served 71; Cumulative miles traveled 14,979; 911 calls responded to (including Milbank) 102. September: Average Daily inmate population 6.16; Number of bookings 15; Work release money collected \$820.00; 24/7 Preliminary Breath Test (PBT) fees collected \$534.00; SCRAM (alcohol detecting bracelet) fees collected \$208.00; 24/7 PBT participants 5; SCRAM (Sobriety Program) participants 3; UA participants 10; Calls for Service (does not include walk-in traffic) 336; Accidents investigated 2; Civil papers served 42; Cumulative miles traveled 11,252; 911 calls responded to (including Milbank) 91.

**Drainage:** Vice-Chairman Tostenson adjourned the Board of Commissioners and convened the Commission acting as the Drainage Board.

Permit DR2023-67 for Paul Anderson for property owned by the Ron and Linda Anderson Living Trust for property located in SE1/4 EX LOT 1 EBSSENS SECOND ADDITION of 20-119-48 (Vernon West Township).

Vice-Chairman Tostenson asked for a motion to approve DR2023-67 for Paul Anderson. Motion was made by Street and seconded by Buttke.

Drainage Officer Berkner reported that DR2023-67 was a follow up permit for tiling approximately 80 acres of land located within the SE1/4 of Section 20 in Vernon West Township within the Yellow Bank River Watershed. The footprint of DR2023-67 was originally included in last year's drainage permit DR2022-20, which flowed east. Anderson removed the 80 acres from that permit when there were water volume concerns from downstream landowners and Anderson agreed to reapply for a permit for that 80 acres to drain north.

Berkner said Anderson's proposed project has no inlets and would drain through a single 12" outlet entering a blue line. If it is installed at a .1% grade it could flow as much as 550 gpm or 1.23 cf/s. Berkner closed his report saying it was his opinion the drainage project is supported by questions asked in Section 101, 313 and 317 of the county's drainage ordinance.

Vice-Chairman Tostenson asked Anderson if he had anything to add. Anderson said he didn't. Vice-Chairman Tostenson then opened the public hearing for DR2023-67 and asked three times for comments from both proponents and opponents of the project. With no one responding Tostenson closed the public hearing and called for Board discussion. The Board members stated it was a good project with no open inlets and that it was a follow-up to last year's drainage permit DR2022-20.

With no more discussion Tostenson called for the vote which passed 4-0.

Permit DR2023-68 for Blake Sime for property owned by Blake & Brenda Sime in the N1/2SW1/4 of 32-118-47 (Adams East Township).

Tostenson asked for a motion to approve DR2023-68 for Blake Sime. Motion was made by Stengel and seconded by Street.

Berkner reported that since making the original drainage permit application for DR2023-68 Blake Sime had tragically passed away. Berkner and Drainage Board Member Street had reached out to the family asking if they wanted to continue with the application. Blake's son, Justin Sime, had said yes and if needed Blake's brother Brian Sime would be available at the meeting to answer any questions.

Berkner said he also had recent conversations with Commissioner Assistant Layher and States Attorney Schwandt. They both agreed it was okay to go ahead with considering the permit. If there are signatures needed from the appropriate landowners, the family could agree to obtain them. Berkner reported he had received the signature from the landowner where the water would discharge just prior to the meeting.

According to Berkner the drainage project is re-routing water from a permit granted in 2009, DR2009-02, where the water from approximately 25 acres of tiled land located in the N1/2SW1/4 of Section 32 in Adams East Township flows north. The new permit would re-route that water to drain east. Both outlets are located within the Lac qui Parle River Watershed and their different paths join a few miles downstream of each other. The new outlet will be 10" in size and could flow as much as 340 gpm, or .76cf/s, if installed at a .1% grade. In closing, Berkner said it was his opinion that the proposed drainage permit is supported by questions asked in Section 101, 313 and 317 of the county's drainage ordinance.

Vice-Chairman Tostenson asked Brian Sime if he had anything to add to the discussion. Brian said he would be available for questions if needed. Tostenson then opened the public hearing for DR2023-68 and asked three times for both proponents and opponents for granting DR2023-68. No one responded. Tostenson closed the public hearing, inviting discussion by the Drainage Board.

After a short discussion, which recognized that the area being drained was not any different than what was already permitted in 2009 and the drained water remains in the same Lac qui Parle River Watershed. Tostenson called for the vote which passed 4-0.

Permit DR2023-69 for Matt Loeschke for property owned by Ron and Phyllis Meister for land located within the S1/2NE1/4 of 16-119-48 (Vernon West Township).

Tostenson asked for a motion to approve DR2023-69 for Matt Loeschke. Motion was made by Street and seconded by Buttke.

Berkner began his report for DR2023-69 stating it is for tiling approximately 30 acres of land located within the S1/2 of NE1/4 of Section 16 in Vernon West Township within the South Fork of the Yellow Bank River Watershed. The drainage project would have no inlets and would use 1-12" outlet from DR2021-32, permitted in 2021, which drains into a natural run and flows north and then northeast. Berkner said in total the 12" outlet could flow as much as 550 gpm, or 1.23 cf/s, if installed at a .1% grade.

Berkner told the board that according to the original application and notes from the meeting considering Drainage Permit DR2021-32, the permit had passed unanimously two years earlier. That permit also anticipated future drainage water from DR2023-69 as well as the next four drainage permits to be considered, DR2023-70, DR2023-71, DR2023-72, and DR2023-73.

Berkner said the permit application included the needed township supervisors' signatures to cross 481st Ave. It was Berkner's opinion that the project is supported by questions asked in Section 101, 313 and 317 of the county's drainage ordinance.

Vice-Chairman Tostenson asked Loeschke for any additional information related to his design. Loeschke confirmed it was always the intention of the area landowners and producers to use the previously permitted 12" outlet in DR2021-32. Tostenson then opened the public hearing for DR2023-69 asking three times for proponents or opponents to speak. No one responded. Tostenson closed the public hearing and called for Board discussion.

The Drainage Board discussion topics included whether the size of the original 12" outlet receiving the additional water, as well as the next four permit's water, was big enough. The consensus was that it was up to that outlet's owner, which Berkner said he had a signature from. It was also discussed that the area being drained by DR2023-69 was a small area, less than 30 acres in size.

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

Permits DR2023-70, DR2023-71, DR2023-72, and DR2023-73 for Jeff Schuelke for adjacent property owned by Michael & Karen Schuelke within the NW1/4 of 15-119-48 (Vernon West Township).

Vice-Chairman Tostenson asked for a motion to approve DR2023-70, DR2023-71, DR2023-72, and DR2023-73 for Jeff Schuelke. Motion was made by Stengel and seconded by Buttke.

Berkner said the four drainage projects were for tiling approximately 80 acres of abutting land located within the NW1/4 of Section 15 in Vernon West Township, all located within the South Fork of the Yellow Bank River Watershed. The drainage projects would have no inlets and would also use the same 12" outlet from the previous permit just granted, DR2023-69, which could flow as much as 550 gpm, or 1.23 cf/s, if installed at a .1% grade. Berkner said the same outlet parameters and conditions from permit DR2023-69 were also applicable to the current four drainage permits.

Vice-Chairman Tostenson asked Schuelke if he had anything to add. Schuelke said the 12" outlet being used was previously designed to handle the additional water volume and he was only now seeking a permit to connect to it.

Vice-Chairman Tostenson opened the public hearing and asked three times for any proponents or opponents of DR2023-70, DR2023-71, DR2023-72, and DR2023-73 for comments. No one responded.

Tostenson closed the public hearing inviting drainage board discussion. The topics included no inlets and the use of tiling only areas that needed help with surface drainage and not the whole 160 acres in the quarter.

With no more discussion Tostenson called for the vote which passed 4-0.

Permit DR2023-46 for Jerry Bury for property owned by Doug Buri located in N1/2NE1/4 of 32-119-48 (Vernon West Twp) tabled from the Sept 19 meeting.

Vice-Chairman Tostenson continued Board discussion of drainage permit DR2023-46 for Jerry Bury that had its original public hearing on August 15, 2023, and has been tabled twice by the Drainage Board. They are waiting for additional information from Hwy Supt Peterson and Banner Engineering on the feasibility of a hydrology study. It was motioned by Street and seconded by Buttke to table the hearing for permit DR2023-46 for another 30 days to wait for information on the hydrology study. Motion carried 4-0.

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

**HWY:** **Revilla Ditch Project:** Hwy Supt Peterson was absent. Adams Township Supervisor, Todd Lounsbery stated Adams Township is unsure if they want ownership of the ditch due to the cost of maintaining it. He suggested gifting it to Revillo or the Mud Creek Watershed. The town of Revillo receives the most

benefit from this ditch project. Revillo did not have a representative present at the meeting. Discussion was held and the Commissioners will postpone discussion of the ditch project until the November 7, 2023 meeting. Motor Grader: Motion by Stengel and seconded by Street to approve the sale and transfer of the 2007 CAT Motor Grader serial number APN01133 as per SDCL 6-13-1, to the City of Milbank for \$70,000, with two payments of \$35,000. The first payment is due in November 2023 and the second payment in January 2024. Motion carried 4-0. Joint Powers Agreement: Motion by Buttke and seconded by Stengel to approve the signing of the Joint Powers Agreement with SDDOT for the bridge on Federal Aid Highway System on CR 4, Bridge #26-352-030 for repairs from the spring flooding in the amount of \$297,625.00. Motion carried 4-0.

**Quarterly Dept. Reports:** Library: Director Tammy Wollschlager updated the Commission on the conferences the library staff have attended. ELL classes are in full swing again with 27 students. Another class will start in 2024. The month of September had 19 different programs. Treasurer: Karla DeVaal stated the real estate tax season is in full swing with the October 31<sup>st</sup> deadline approaching. They are keeping up with the mail. Motor vehicle business is not slowing down. There is one month left of issuing the new license plates. In 2024 they will be issuing new trailer and commercial plates. ROD: Becky Wellnitz explained the Modernization and Preservation Fund to the Commissioners and how it is funded by five dollars of each recording or filing fee collected by the Register of Deeds and is deposited into this fund. Three dollars remains in Grant County and two dollars is remitted to the SD Association of County Official M & P Fund. Of the money remitted across the state, the division is equal among each of the 66 counties, less fees, and costs. In August, the Grant County M & P Fund received a check for \$4,186.62 for the county's distribution share. This money is used for software and computers for the preservation of records. 4-H: Director Sara Koepke stated the new 4-H year started October 1st. Junior leaders have done classroom visits to the elementary classes. Sara went to the national 4-H conference and was awarded the Greg Yost Memorial Youth in Leadership Award. She also explained their new program Beef to Carcass. DOE: Quarterly report was given by Commission Assistant Layher. The Assessor's office has completed the appraisal of the five townships and three towns they were scheduled to do and are now working on inspecting new construction. Deputy Assessor, Taylor Stotesbery has passed all his courses and is now a fully certified appraiser. Auditor: Kathy Folk notified the Commissioners the 5-Year Hwy Plan has been approved by the SD DOT. The voter list

maintenance is currently getting updated and open enrollment for employee benefits will begin October 24. The levies for the schools, townships, towns, and special districts are being calculated now. States Attorney: Jackson Schwandt stated the Ambulance District is up and running. One trial is set for the end of November. Five more are scheduled for February 8<sup>th</sup>. He has had seven successful completions of his Juvenile Diversion Program. The States Attorney's office has just opened case file number 151 for 2023 which includes felonies and 1<sup>st</sup> class misdemeanors compared to a total of 102 case files in 2022.

**Travel:** None

**County Assistance:** None

**Allocation to NACo:** Commission Assistant Layher explained a letter was received from SDACC Board of Directors, urging support for the National Association of Counties (NACo) initiative to establish the National Center for Public Land Counties. The letter stated it is crucial that the county recognize the significant role NACo plays on behalf of counties at the national level and the potential benefits of this new center. This one-time payment of \$1,000 represents only 1% of the total LACTF dollars the county received. They would like a \$1,000 donation from each South Dakota County to establish the National Center for Public Lands Counties. This claim is included in this meeting's total claims.

**Executive Session:** None

**Unfinished Business:** Commissioner Assistant Layher reported the chair lift parts that were ordered didn't fit. The parts are being sent back to the manufacturer to fix them. Layher has started organizing items for a surplus sale. States Attorney Schwandt has met with the Judge regarding courtroom security as there are now \$10,000 grants available for this. Commissioner Assistant Layher has talked with Todd Kayes with First District about updating the county's zoning ordinance and the employee personnel policy on zero tolerance of marijuana use at work. Grant County has signed off on the FEMA application for assistance. It will now go through the proper channels for payment.

**New Business:** Commissioner Assistant Layher said she has been in contact with Corey Johnson of Johnson Construction on the potential remodel of the detention center. The Commissioner's agreed to a special meeting on October 24, 2023 at 2:30 PM in the former Commission meeting room.



Commissioner Buttke said he had been in contact with the SD DOT regarding the stop signs at the intersection of Hwy 15 and CR 4. They told Buttke they agreed to flashing light stop signs to be installed within the State's ROW. The cost of the signs would be the responsibility of the County or through a donation received by the County. The State agreed if it ever got knocked over, they would put it back up.

**Correspondence:** None

**Claims:** Motion by Stengel and seconded by Buttke to approve the claims. Motion carried 4-0. A-OX WELDING, supplies 17.11; ABDO PUBLISHING, ref books 104.85; ANN TUCHSCHERER, prof services 600.00; AUSTIN, STRAIT, BENSON, THOLE court appt atty 303.20; AVERA MCKENNAN, health services 400.95; AVERA QUEEN OF PEACE, blabs 87.00; BANNER, hwy projects 14,630.50; BEACON CENTER, 3rd qtr domestic abuse 576.00; BIG STONE THERAPIES, health services 65.00; BITUMINOUS PAVING, seal coating 107,417.40; BORNS GROUP, mailing expense 1,085.77; BUTLER, repairs & maint 11,073.71; CENTER POINT, books 615.50; CHRISTIAN REIMCHE, weed chemicals 7,425.00; CHS, diesel & ethanol 12,456.05; CITY OF MILBANK, water & sewer 60.20; COLLEEN NATALIE, prof services 600.00; CRAIG DEBOER, car wash usage 79.86; CUSTODIAN SERVICES, supplies 45.98; DUANE ATHEY, contracted proj 320.00; ESRI, computer repairs & maint 1,100.00; FIRST BANK & TRUST/VISA, motel, gas, parts 7,173.02; FIRST DISTRICT, prof services 425.00; FIRST LINE APPARATUS, prof services 500.00; FISHER SAND & GRAVEL, gravel & riprap 14,998.67; FLAT RATE, riprap 2,741.90; FREMAREK, supplies 1,645.36; GRAJCZYK LAW OFFICE, prof services 300.00; GRANT COUNTY REVIEW, publishing 458.05; GRANT-ROBERTS RURAL WATER, water usage 38.70; HUMAN SERVICE AGENCY, appropriations 8,272.30; INGRAM, books 2,118.39; INTER-LAKES COMM ACT, service worker 2,628.00; ITC, phone & internet 2,213.62; JASON SACKREITER, garbage service 431.00; KRISTIN WOODALL, prof services 153.00; LORIN LEHTOLA, box culvert proj 480,447.42; MCLEOD'S, supplies 300.86; MICROFILM IMAGING SYSTEMS, scanner rent 642.00; MILBANK WINWATER WORKS, supplies 779.83; MONTGOMERY'S, furniture 400.00; NORTHERN PLAINS APPRAISAL, registration 24.00; NORTHWESTERN ENERGY, natural gas 12.10; NOVAK SANITARY SERVICE, shredding services 62.07; OTTER TAIL POWER, electricity 3,262.56; PRAMUKHRAJ PIERRE, motel 375.00; QUICK PRO LUBE, repairs & maint 1,824.76; R.D. OFFUTT, repairs & maint 1,646.57; RC TECHNOLOGIES, 911 transport & tower rent 95.96; RIVER STREET PETROLEUM, diesel & ethanol 8,526.92; RUNNINGS, supplies 119.96; SANDRA FONDER, prof services 116.67; SCANTRON, prof

services 5,305.72; SD ASSN CO COMMISSIONERS, allocations & clerp 2,412.00; SD DEPT OF HEALTH, blabs 1,260.00; STAR LAUNDRY, rental 18.85; STATE OF SD, supplies 16.94; TRAPP PLUMBING, repairs & maint 271.32; TRUENORTH STEEL, culverts 46,567.40; TWIN VALLEY TIRE, repairs & maint 424.29; TYLER TECHNOLOGIES, computer software 449.00; VALLEY OFFICE PRODUCTS, supplies & furniture 1,744.72; VALLEY SHOPPER, publishing 28.83; VAN DIEST SUPPLY, weed & mosquito chemicals 16,374.00; VERIZON, hotspot 88.52; WHETSTONE HOME CENTER, supplies 34.51; WHETSTONE VALLEY ELECTRIC, electricity 685.34; XEROX, copier rent 577.29. TOTAL: \$778,056.50.

SEPTEMBER MONTHLY FEES: SDACO, ROD modernization fee 204.00; SD DEPT OF REVENUE, monthly fees 176,423.26. TOTAL: \$176,627.26.

Payroll for the following departments and offices for the October 13, 2023, payroll are as follows: COMMISSIONERS 7,215.10; AUDITOR 7,037.28.; ELECTION 135.53; TREASURER 5,449.34; STATES ATTORNEY 7,147.40; CUSTODIANS 3,078.60; DIR. OF EQUALIZATION 4,276.18; REG. OF DEEDS 4,608.21; VET. SERV. OFFICER 1,161.00; SHERIFF 16,187.37; COMMUNICATION CTR 6,511.80; PUBLIC HEALTH NURSE 1,132.81; ICAP 56.00; VISITING NEIGHBOR 2,014.53; LIBRARY 7,651.69; 4-H 3,710.30; WEED CONTROL 2,250.53; P&Z 1,200.94; DRAINAGE 576.45; ROAD & BRIDGE 30,454.13; EMERGENCY MANAGEMENT 2,324.00. TOTAL: \$114,179.19.

Payroll Claims: FIRST BANK & TRUST, Fed WH 7,897.01; FIRST BANK & TRUST, FICA WH & Match 13,716.04; FIRST BANK & TRUST, Medicare WH & Match 3,207.72; ACCOUNTS MANAGEMENT, deduction 84.04; AMERICAN FAMILY LIFE, AFLAC ins. 1,457.32; ARGUS DENTAL, ins 554.06; WELLMARK-BLUE CROSS OF SD, Employee health ins. 1,953.95; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 210.00; SDRS SUPPLEMENTAL, deduction 1,428.83; SDRS, retire 13,007.96. TOTAL: \$43,516.93.

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

1. 4-H smoke alarm maintenance contract with Automatic Security Company for \$600.00 per year

2. Items to be declared surplus: (2) Book/video double face display racks, fixed assets 8307 & 8308; Non folding 72" utility table, fixed asset 8424; Non folding 60" utility table, fixed asset 8695; (2) student desks, fixed assets 9260 & 9261

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 7 and 21, and December 5, 19 and 29, 2023 at 8 AM in the basement meeting room. Motion by Buttke and seconded by Stengel to adjourn the meeting. Motion carried 4-0. Meeting adjourned.

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Kathy Folk, Grant County Auditor

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William Tostenson, Vice-Chairman, Grant County Commissioners