

October 18, 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 Street and seconded by Buttke to approve the minutes of the October 4, 2022 meeting as presented. Motion carried 5-0. Minutes filed. Motion by Mach and seconded by Buttke to approve the agenda with item number four, the first reading of 1997-1E removed as it was a double entry. Motion carried 5-0.

Member of the public present: Milt Stengel. Staff member present was States Attorney Schwandt.

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, 2022.

Cash on Hand	\$3,332.10
Checks in Treasurer's possession less than 3 days	\$53,452.70
Cash Items	\$0.00
<b>TOTAL CASH ASSETS ON HAND</b>	<b>\$56,784.80</b>

RECONCILED CHECKING

First Bank & Trust	\$3,757.35
Interest	\$0.00
Credit Card Transactions	\$7,439.17
TIF Fees	\$0.00
First Bank & Trust (Svggs)	\$6,642,568.00

CERTIFICATES OF DEPOSIT

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

**TOTAL CASH ASSETS** **\$6,710,549.32**

**GENERAL LEDGER CASH BALANCES:**

General	\$1,614,572.94
General restricted cash	\$2,050,000.00
Cash Accounts for Offices General Fund	\$656.00

Sp. Revenue	\$521,955.27
Sp. Revenue restricted cash	\$0.00
Henze Road District	\$0.00
TIF Apportioning	\$0.00
TIF Milbank	\$0.00
TIF Milbank Rosewood	\$0.00
Special Assessment Land Rent	\$0.00
Trust & Agency (schools 224,417.88, twps. 76,683.63, city/towns 41,314.12)	\$2,523,365.11
ACH Correction	\$0.00
<b>TOTAL GENERAL LEDGER CASH</b>	<b>\$6,710,549.32</b>

Karen M. Layher

Dated this 7th day of October, 2022

Karen M. Layher

County Auditor

The Register of Deeds fees for the month of September were \$14,674.00, the Clerk of Courts fees for the month of September were \$6,510.84. The Sheriff fees for the month of September were \$27,958.13 with \$1,958.13 receipted into the General Fund.

**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 DR2022-61 for Milton Stengel for property owned by E & M Farms, Inc., and located in NE1/4 EX RTY in 28-121-48(Melrose Township). Motion by Tostenson and seconded by Street to approve DR2022-61. Chairman Stengel asked Berkner to present his report.

Drainage Officer Berkner stated the tiling project will impact between 40 to 50 acres of land located in parts of Section 28 in Melrose Township. The project may have one outlet that would drain southeast directly into an established waterway. The 10" outlet could drain as much as 340 GPM if it ran full at a .1% grade. The tile permit presented showed no inlets in the project. 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 Milt Stengel for any additional information. Milt stated this project would take care of some troubled spots where in wet years he was unable to farm very successfully.

Chairman Stengel opened the public hearing asking three times for any comments in support of or against permit DR2022-61 with no one responding. Chairman Stengel then closed the public hearing and asked the Board to begin discussion.

Commissioner Tostenson stated he had personally inspected the project saying it was a straightforward project. He asked if there would be any inlets. Milt Stengel responded that there may be a need for one on the west side of the project area where water tends to pond. He stated that when the project begins, it would be determined if the inlet is needed. Commissioner Tostenson asked if Milt would consider using a “whisk inlet drain,” like ones being installed through another permit recently approved. Milt replied he would research the whisk inlet. County Auditor Layher said she would email information on the “whisk inlet.”

Commissioner Street asked if any of the downstream neighbors might be concerned about the project. Milt Stengel responded he had spoken to the adjoining landowners, and no one voiced any concerns. Berkner added that he had one phone call from a downstream neighbor who received a certified letter who said they had no problem with the project as it was described to them.

With no more discussion, Chairman Stengel asked for clarification if he should cast a vote for this tiling project that involves his cousin. States Attorney Schwandt replied if Milt Stengel wasn't a direct family relation, and that he did not receive any financial interest from the project, he could vote. Chairman Stengel answered that he had no ties with the land being tiled. Chairman Stengel called for the vote on DR2022-61. Motion carried 5-0.

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

**Cash Transfer:** Motion by Street and seconded by Buttke to approve the cash transfer from General Fund as per the 2022 budget. Motion carried 5-0.

FROM	TO	AMOUNT
101 General	226 EM Fund	18,470

**Drainage Fee:** States Attorney Schwandt reported he had reviewed the statutes regarding implementing an administration fee in addition to the permit fee of \$100 that is set by statute. He advised the Commission he could not find any statute that

would allow the application of an administration fee. Any change in the permit fee would require legislative action.

**Highway:** Present were Hwy Supt Schultz, Assistant Supt Daren Peterson and Paul Kosbath who addressed the Commission on a ROW occupancy request by Lakeside Biogas. The occupancy of the pipe is located on 149<sup>th</sup> St., 452<sup>nd</sup> Ave., and 146<sup>th</sup> St. in Sections 29, 28, 27, 22, 15 and 10 in Township 121, Range 52. He explained the partnership of UGI Corporation, Cal Bioenergy and Sevena Bioenergy who have developed clusters of dairy farm digester projects to produce renewable natural gas from methane gas produced by the dairies. The biogas gathering line will go from Blooming Valley Dairy Farm to Lakeside Dairy. From Lakeside Dairy the gas will be hauled to another location and sold to a natural gas company. He indicated that biogas projects reduce waste, increase the use of renewable energy, reduce long term greenhouse gas emissions, and improve the economics for dairy farms. The SD Legislature created legislation that requires any person who operates a biogas gathering line in a public ROW to place and maintain signage for marking the line and listing contact information. The County would not be responsible for installing, maintaining, or relocating the line for any county work needing to be done in the ROW. Supt Schultz stated he had no objection to the ROW request. Motion by Tostenson and seconded by Mach to approve the occupancy application ROW 2022-11 as presented. Motion carried 5-0.

**First Responder Class:** Motion by Buttke and seconded by Street to approve a payment of \$150 for each first responder who completes the EMR class as per the recommendation of EM Kevin Schuelke. Motion carried 5-0.

**P & Z:** Chairman Stengel asked Todd Kays with First District of Local Government to provide an overview of the Planning and Zoning Board's work involving the proposed changes to Ordinance 2004-01 as well as an explanation of the proposed changes. Todd noted there were four scripter errors that were corrected through the removal of Lake Park District, changing west to east in Section 292. The Planning and Zoning Board voted at their meeting to recommend to the Commission the changes to the zoning ordinance. The recommended 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. After this was done, Chairman Stengel opened the public hearing and called three times for proponent testimony and for opponent testimony on Ordinance 2022-01A. There was no one

present to offer any public comment. Chairman Stengel closed the public hearing and called for discussion amongst the Commission. Commissioner Street asked if Section 1202 for Vision Clearance on Corner Lots included crop encroachment within the ROW. Todd clarified this section is for structures, fencing or shelterbelts that obstruct the view.

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. Auditor Layher read the titled ordinance.

ORDINANCE NO. 2022-01A

**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 of the ordinance. Motion by Tostenson and seconded by Mach to set November 1<sup>st</sup> at 9 AM for the second reading of Ordinance 2022-01A. Motion carried 5-0.

**Drainage:** At the December 21, 2021 meeting, the Commission had discussed if the cost of a drainage permit could be done by parcel or by project area. Under the current ordinance, the permit fee is defined by project which may be one landowner or several. If the cost of a permit was defined by parcel, the cost of the permit would be for each parcel identified in the project. The Commission had requested the States Attorney to review the drainage ordinance for possible change to reflect the permit fee by parcel. States Attorney Schwandt informed the Commission he had prepared the revision to the drainage ordinance to reflect the change that each parcel of land as identified by the County parcel identification number, must have its own separate drainage permit. He advised the Commission the proposed ordinance change would require a first reading and a second reading with a public hearing. Motion by Tostenson and seconded by Mach to hold the first reading of the proposed ordinance. Motion carried 5-0. Auditor Layher read the title of the ordinance.

ORDINANCE 1997-1E

**AN ORDINANCE AMENDING GRANT COUNTY, SD ORDINANCE 1997-1 AN ORDINANCE REGULATING THE DRAINAGE OF PONDS, SLOUGHS, AND LAKES OR ANY SERIES THEREOF**

Motion by Tostenson and seconded by Buttke to set the public hearing and the second reading for Ordinance 1997-1E for November 15 at 9:00 AM. Motion carried 5-0.

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

1. Approve quote of \$4,208.75 from ITC for upgrade of the phone system
2. Declare surplus Pantum copier, model M6602NN, fixed asset 10789 - unrepairable
3. Approve step increase for Renae Buttke to 6-month rate of \$17.10 effective 10-3-22

**Unfinished Business:** None

**New Business:** Auditor Layher reported she would be posting job openings for a part-time janitor and a clerical assistant in the CHN office.

**Correspondence:** The Commission received an invitation to attend the Conservation District Legislative Conference in Webster.

**Claims:** Motion by Tostenson and seconded by Buttke to approve the claims. Motion carried 5-0. A-OX WELDING, supplies 17.11; ADVANCED TECHNOLOGIES, supplies 21.99; AL'S BODY SHOP, repairs & maint 490.00; AUTO-GRAPHICS, computer repairs & maint 3,092.30; AVERA QUEEN OF PEACE, blabs 86.00; BEACON CENTER, 3<sup>rd</sup> qtr domestic abuse 648.00; BERENS MARKET, inmate groceries 330.48; BIG STONE CO SHERIFF, prof services 51.00; BIG STONE THERAPIES, health services 65.00; BLACKSTRAP, supplies 2,234.02; BORNS GROUP, mailing expense 1,429.86; BREWSTER BUILDING CENTER, supplies 29.98; CENTER POINT, books 380.52; CENTURYLINK, phone 153.10; CHS, ethanol 1,904.80; CITY OF MILBANK, rubbish 60.00; CITY OF WATERTOWN, 911 surcharge 12,636.96; COLONIAL RESEARCH CHEMICAL, supplies 223.83; CRAIG DEBOER, car wash usage 186.23; DENISON'S PUBLISHING, publishing 105.00; ESRI, computer repairs & maint 1,000.00; FIRST DISTRICT, prof services 878.75; FRONTIER PRECISION, equip, 1,412.50; GJT, supplies 5.99; GRANT CO TREASURER, title & reg 15.00; GRANT COUNTY REVIEW, publishing 686.09; GRANT-ROBERTS RURAL WATER, water usage 41.70; HUMAN SERVICE AGENCY, 4<sup>th</sup> qtr appropriations 8,031.36; INGRAM LIBRARY SERVICES, books 620.49; INTER-LAKES COMMUNITY ACT, service worker 2,605.25; ITC, phone & internet 1,617.66; ISTATE TRUCK, repairs & maint 119.09; JASON SACKREITER garbage service 293.00; JODY L KUPER, first dist mtg 56.25; KJ & K FLOWERS, supplies 86.80; LEWIS FAMILY DRUG, supplies 483.16;

MACK STEEL WAREHOUSE, supplies 20.50; MCLEOD'S, supplies 55.97; MICHAEL FREDERICK, books 48.00; MICROFILM IMAGING SYSTEMS, scanner rent 620.00; MICROMARKETING, audio/visual 40.00; MIDWEST TRUCK, supplies 136.96; MILBANK AREA HOSPITAL AVERA, blabs 702.00; NORTHWESTERN ENERGY, natural gas 12.78; NOVAK SANITARY SERVICE, shredding service 59.26; OTTER TAIL POWER, electricity 2,957.29; QUICK PRO LUBE, repairs & maint 1,092.00; R.D. OFFUTT, supplies 1,291.64; RC TECHNOLOGIES, 911 transport & tower rent 95.96; REGENCY MIDWEST VENTURES, hotel 198.00; RELX, online charges 725.00; RIVER STREET PETROLEUM, diesel 6,442.80; RUNNINGS, supplies 914.90; SANDRA FONDER, prof services 41.67; SCANTRON, prof services 4,952.77; SD ASSN CO COMMISSIONERS, clerp 523.00; SD DEPT OF HEALTH, blabs 240.00; SD DEPT TRANSPORTATION, hwy project 16,858.03; THE SHOP, maint & repairs 3,012.02; TRAPP PLUMBING, maint & repairs 266.73; TRUENORTH STEEL, culverts 36,484.60; TWIN VALLEY TIRE, repairs & tires 1,092.00; VALLEY OFFICE PRODUCTS, supplies 735.23; VALLEY SHOPPER, publishing 53.16; VERIZON, hotspot 78.52; VISA, toner, gas, hotel 4,393.00; VOGEL PAINT, supplies 128.64; WHETSTONE HOME CENTER, supplies 259.38; WHETSTONE VALLEY ELECTRIC, electricity 802.47; XEROX, copier rent 550.22. TOTAL: \$127,983.77.

Payroll for the following departments and offices for the October 14, 2022, payroll are as follows: COMMISSIONERS 3,335.90; AUDITOR 9,198.47; ELECTION 1,025.75; TREASURER 5,502.20; STATES ATTORNEY 7,116.60; CUSTODIANS 4,916.10; DIR. OF EQUALIZATION 3,941.10; REG. OF DEEDS 4,365.38; VET. SERV. OFFICER 1,211.10; SHERIFF 13,596.15; COMMUNICATION CTR 7,275.33; PUBLIC HEALTH NURSE 960.41; ICAP 130.00; VISITING NEIGHBOR 1,970.78; LIBRARY 7,147.91; 4-H 3,666.21; WEED CONTROL 2,206.50; P&Z 1,210.83; DRAINAGE 549.45; ROAD & BRIDGE 35,162.58; EMERGENCY MANAGEMENT 2,430.00. TOTAL: \$116,918.75.

Payroll Claims: FIRST BANK & TRUST, Fed WH 8,791.79; FIRST BANK & TRUST, FICA WH & Match 14,254.88; FIRST BANK & TRUST, Medicare WH & Match 3,333.88; ACCOUNTS MANAGEMENT, deduction 390.26; AMERICAN FAMILY LIFE, AFLAC ins. 1,496.30; WELLMARK-BLUE CROSS OF SD, Employee health ins. 919.79; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 210.00; SDRS SUPPLEMENTAL, deduction 1,280.83; SDRS, retire 13,066.61. TOTAL: \$43,744.34.

MONTHLY FEES: SDACO, ROD modernization fee 266.00; SD DEPT OF REVENUE, monthly fees 204,178.46. TOTAL: \$204,444.46.

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 1, 10 (Canvass) and 15 and December 6, 20 and 30, 2022 at 8 AM. Motion by Street and seconded by Buttke to adjourn the meeting. Motion carried 5-0. Meeting adjourned.

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Karen M. Layher, Grant County Auditor

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Doug Stengel, Chairman, Grant County Commission