

October 19, 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 Buttke and seconded by Stengel to approve the minutes of the October 5 and 13, 2021, meetings. Motion carried 5-0. Minutes filed. Motion by Mach and seconded by Street to approve the agenda. Motion carried 5-0.

Members of the public present were Richard Will, Casey Blankenship, Gary Meister, Doug Wollschlager and Dan Loehrer. 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 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, 2021

Cash on Hand	\$998.53
Checks in Treasurer's possession less than 3 days	\$24,362.81
Cash Items	\$156.00
TOTAL CASH ASSETS ON HAND	\$25,517.34
RECONCILED CHECKING	
First Bank & Trust	\$3,968.23
Interest	\$0.00
Credit Card Transactions/TIF Fee	\$1,365.43
First Bank & Trust (Svgs)	\$7,312,250.00
CERTIFICATES OF DEPOSIT	
First Bank & Trust	\$0.00
First Bank & Trust (TIF)	\$0.00
TOTAL CASH ASSETS	\$7,343,101.00

GENERAL LEDGER CASH BALANCES:

General	\$2,813,860.50
General restricted cash	\$2,250,000.00
Cash Accounts for Offices General Fund	\$656.00
Sp. Revenue	\$310,401.47
Sp. Revenue restricted cash	\$0.00
Henze Road District	\$0.00
TIF Apportioning Northern Lights	\$0.00
TIF Milbank	\$0.00
TIF Northern Lights	\$0.00
Special assessment Land Rent	\$0.00
Trust & Agency	\$1,968,183.03
(schools 677,197.89, twps 98,954.50, city/town 47,417.43)	

TOTAL GENERAL LEDGER CASH **\$7,343,101.00**

Dated this 12th day of October, 2021
 Karen M. Layher
 County Auditor

The Clerk of Courts fees for the month of September were \$6,516.87 and the Sheriff fees for the month of September were \$13,082.33 with \$1,183.98 received into the General Fund. The Register of Deeds fees for September were \$10,742.50.

Drainage: Chairman Tostenson adjourned the Board of Commissioners and convened the Commission acting as the Drainage Board. Chairman Tostenson addressed the applicants in attendance on understanding the Drainage ordinance, the landowner’s right to drain under State law and protecting the downstream landowner. He encouraged the Board members to ask questions of the applicant for record keeping purposes and to ask the questions that are required of the County’s Drainage Ordinance.

States Attorney Schwandt asked to address the Board on the administrative form prepared by the Drainage Officer on the questions to be covered during the hearing for a drainage permit. He informed the Board he has been working with the Drainage Officer on the form, but it is not ready to be used yet. The form contains the spirit of the ordinance, but it is not the ordinance, and these are not the only questions that should be asked. The form references uncontrolled drainage. That is only part of the ordinance. Drainage covers all forms of controlled and uncontrolled drainage. States Attorney Schwandt reminded the Board that the form is a start, but it is not the Ordinance.

Chairman Tostenson asked if an open inlet could be considered uncontrolled drainage. The pipe can only handle so much water, the issue is if the stream or creek receiving the water can absorb the amount being added by the pipe. An open

ditch is uncontrolled. A discussion was held on how to determine the capacity of a blue line; the amount of rain in the last two months with the streams holding the rain total; tiling moving the water at a controlled rate; working with East Dakota water on a flow capacity presentation; the historical data available on the USGS website; streams taking more water as the stream deepens.

Chairman Tostenson asked for a motion to approve Permit DR2021-31 for Doug Wollschlager for property owned by the Doug and Renae Wollschlager Living Trust located in the NW ¼ of 36-119-48 (West Vernon Twp). Motion by Stengel and seconded by Buttke to approve permit DR2021-31.

Drainage Officer Berkner presented Permit DR2021-31 as follows. He stated he goes through the questions on the long form with the permittee. The form becomes part of the file. This project has two inlets and three outlets. The footprint of the project is 160 acres with approximately 50 acres being impacted by tiles. A tile diagram was provided; the NRCS letter was provided; the tile diameter is 6, 8, and 10 inches; the rate of flow is 609 gallons per minute for a double wall pipe running at full capacity; minimal effect on wildlife; the water does normally flow in the direction of the outlets. There was a concern expressed by Gordon Bunting of downstream having some choke points in culverts and bridges. He is the receiver of one of the outlets on his land and did sign the application for approval. He just wanted to make the County aware of culvert and bridge issues.

Applicant Doug Wollschlager stated this project is to improve farm ground for productivity, control erosion, reduce the water table so when it does rain the ground can hold the water and to get rid of the areas of standing water.

Gary Meister commented there is one foot of drop from Highway 15 to the Minnesota line.

Chairman Tostenson opened the public hearing and called for pro and con comments from the public on DR2021-31. There were not any comments offered and the public hearing was closed. The Board began their discussion.

Chairman Tostenson asked Doug about lowering the level of the ground water and if the tile was going into the water table. Doug responded the tile is in the top two feet of ground creating a sponge effect; there are not any springs in the project area. Commissioner Stengel asked for clarification that the water naturally runs

east. The answer was yes. Commissioner Street had no questions. Commissioner Buttke asked about water quality. Doug replied with tiling there is less erosion and less mud going in the creek. The discussion continued on the inlets being level with the ground to catch the water; screens on the inlets to catch debris; the culvert in the county road is higher than the field; culvert is used as an equalizer; tiling improves erosion; it is a stream of water running over time to reduce overland flooding; water comes down from the west and takes three to five days to move on; should inlets be raised to control water amounts going into the tiles; cannot prevent flooding; tiling tempers the flow of water moving on; no wetlands in the project area. Commissioner Mach stated he is not a fan of open inlets, but for this project this will help erosion and the water already flows to the east. Drainage Officer Berkner stated under SD law commercial building projects are required to plan for one acre of land to retain one inch of rain for a 24-hour period. Tiling does more than that standard.

Chairman Tostenson asked for a roll call vote. Stengel aye, Street aye, Buttke aye, Mach aye, and Tostenson aye to approve Permit 2021-31. Motion carried 5-0. Chairman Tostenson reminded the applicant to bring in the final tile diagram to the Drainage Officer when the project is completed.

Chairman Tostenson asked for a motion to approve Permit DR2021-32 for Casey Blankenship for property owned by Kelly Blankenship, located in N1/2 NE1/4 of 15-119-48 (Vernon West Township); Michael and Karen Schuelke, located in the NW1/4 of 15-119-48 (Vernon West Township); John and Judy Loehrer Rev. Trust, located in the S1/2 NE1/4 N1/2 and the SE1/4 except H-2 of 15-119-48 (Vernon West Township); Daniel and Shelly Loehrer, located in the NW1/4 EX LOT 1 LOEHRER FARM SUBDIV in NW1/4 & EX E 881.62' of 14-119-48 (Vernon West Township). Motion by Street and seconded by Stengel to approve permit DR2021-32.

Drainage Officer Berkner explained there are four landowners installing mains as part of this permit; there are very few laterals; there will be additional permits in the future; what the applicant is trying to accomplish is communication between neighbors; a tiling diagram map was provided; Casey is installing the laterals; the project area is 240 acres with only 80 acres having the laterals; there are 2 outlets each with a 12 inch diameter; flow rate per outlet is 550 gallons per minute with a double wall pipe running at 100% with a 1% grade; the long form of questions was reviewed and answered by the applicant; four letters were sent and there was not any concerns from the downstream recipients.

The applicant remarked he may have to correct a couple of laterals by the Dan Loehrer land; the tile connects to the tile in the Richard Will land; the township supervisors have signed the application for cutting through the township road; Supt Schultz has approved boring under the asphalt county road by the Dan Loehrer's residence.

Chairman Tostenson opened the public hearing and called for pro and con comments from the public on DR2021-32. Dan Loehrer remarked that tiling is a sponge effect and does help control erosion. The ditches are full of cornstalks and bean stubble with soil erosion being evident. The creeks and streams have the capacity, but they need to be cleaned out; remove the trees and the beaver dams and the water would keep moving downstream. The applicant, Casey, remarked tiling is not like a culvert into a lake; it is a sponge effect; he wants to tile his land; encourages the upstream landowners to tile; downstream flooding is worse; with tiling it is a more controlled release of water and less erosion; climate cycle is different from the 1960's; now we get larger amounts of rainfall at one time; it is better to tile the land as it helps the downstream landowners. There were not any other comments offered and the public hearing was closed. The Board began their discussion.

Commissioner Stengel asked about the mainlines being part of future tiling projects; all the mainlines connect to allow future laterals to be installed as part of future permits, the tile diagram is exactly the plan for the placement of the tile; there are not any plans to change the tile pattern or laterals; Commissioner Street commented this is probably the biggest cooperative project he has seen; Casey remarked he wanted to accommodate the upstream landowners; the water naturally flows east and north; the outlet is on Casey's land in an open ditch that is farmable; the main connects to the tile on the Will land; no need for easements; does not affect wildlife; Casey spoke with Game and Fish who had no issues with tiling as it does help with erosion; the 10 inch tile north of Judy Loehrer's farm site is for future cross tiling projects; the project is all gravity drained; no pumps are being installed.

Chairman Tostenson remarked this is a complicated permit and has future projects being added and asked the Board if this is a project the Drainage Officer should inspect before the tile is covered. The applicant remarked he would be receptive and would encourage the inspection. He is willing to contact the Drainage Officer when the project is completed which may be next year or the following year depending on the weather. Commissioner Street offered to amend his original motion to include the condition the applicant contact the Drainage Officer before

the tile is covered and to include the future tiling projects as part of the inspection. Stengel did amend his second. Chairman Tostenson asked if there were any other questions or comments. Commissioner Mach reminded the applicant to file a final tile diagram with the Drainage Officer when the project is completed. He also asked the applicant how he would answer the question of tiling adding more water to the streams and causing erosion. Casey remarked if you look at satellite images from past years; the maps tell the story of how the streambed changes over the course of time; the rainfalls are different today; riverbanks do change over the course of time; erosion does occur due to overland flooding.

Chairman Tostenson asked for final comments; there were none. A roll call vote was called. Stengel aye, Street aye, Buttke aye, Mach aye, and Tostenson aye to approve Permit 2021-32. Motion carried 5-0.

Chairman Tostenson relinquished the chair to Vice-Chairman Stengel and asked to be recused from DR2021-33. Vice-Chairman Stengel assumed the chair.

Vice-Chairman Stengel asked for a motion to approve Permit DR2021-33 for property owned by Gary and Marsha Meister located in the NW1/4 & Ex E 881.62' in 14-119-48 (Adams West Township). Motion by Buttke and seconded by Street to approve DR2021-33.

Drainage Officer Berkner reported this new permit is a re-permit of DR2013-36. The new project is simpler. The new tile pattern is on file; there are two inlets in the project; it is a 12-inch line; flows to the NE corner of the project; The flow rate is 529 gallons per minute at a 1% grade in a double walled pipe figured at 100% capacity; the project area is 80 acres with 40 acres impacted by tile; the questions from the long form were answered by the applicant and is on record with the permit application; there is minimal effect on wildlife or the downstream landowners.

The applicant stated the tile line connects to the tile on the Paul Nelson property; the pump is on the Nelson property; the water enters the stream on the Nelson property; Paul Nelson had sized his tile in anticipation of the future tiling project of Gary Meister.

Vice-Chairman Stengel opened the public hearing and called for pro and con comments from the public on DR2021-33. There were not any comments offered and the public hearing was closed. The Board began their discussion.

Commissioner Mach clarified the inlets were a six-inch tile and a discussion was held on pumps. Commissioner Stengel explained a deep pump could be used to lift the water over a hill into a different watershed or another reason for a pump is if the tiler cannot get the placement of the tile deep enough to prevent farm equipment from snagging the tile. There were no additional questions.

Vice-Chairman Stengel called for a roll call vote. Street aye, Buttke aye, Mach aye and Stengel aye. Motion carried 4-0 to approve permit DR2021-33 as presented.

Vice-Chairman Stengel relinquished the chair and Chairman Tostenson was seated.

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

Commissioner Street excused himself from the meeting at 9:47 AM.

Highway: Supt Schultz presented a right-of-way occupancy application from Northwestern Energy for the installation of a gas line. Motion by Mach and seconded by Buttke to approve ROW 2021-54 occupancy application for Northwestern Energy on County Road #26 in 6-119-48. Chairman Tostenson called for a roll call vote. Buttke aye, Mach aye, Stengel aye and Tostenson aye. Motion carried 4-0.

BIDS FOR FUEL

DATE	BIDDER	ETHANOL	DIESEL #1	DIESEL #2
09/01	UPI	2.699		2.38
	Cenex	2.72		2.49

UPI was the low bidder for Ethanol at 2.699 and for Diesel at 2.38.

09/14	UPI			2.51
	Cenex			2.55

UPI was the low bidder for Diesel at 2.51.

09/23	UPI	2.73		2.60
	Cenex	2.64		2.61

Cenex was the low bidder Ethanol at 2.64 and UPI was the low bidder for Diesel at 2.60.

County Assistance: Motion by Stengel and seconded Buttke to deny case PR2021-02. Motion carried 4-0.

Contingency: Motion by Mach and seconded by Stengel to approve the following contingency transfers. Motion carried 4-0.

FROM	TO	AMOUNT
#112 Contingency	#120 Elections	10,000
#112 Contingency	#436 Visiting Neighbor	5,000
#112 Contingency	#624 Drainage	5,000

4-H Building: Auditor Layher presented Change Order #4 for the new Static Building in the amount of \$4,886.39. The change order is for adding color and an epoxy sealant on the concrete. Motion by Buttke and seconded by Stengel to approve Change Order #4 as presented. Motion carried 4-0. The adjusted contract amount is \$1,746,660.51.

AARP Funds: Motion by Stengel and seconded by Mach to approve a contract with SDACC in the amount of \$2,000 for consulting services with Eide Bailey to provide guidance on allowable expenses under the AARP funds. Motion failed 0-4. The Commission requested additional information be presented at the next meeting.

Unfinished Business: Auditor Layher reported VSO Malimanek sent out 306 informational letters to the veterans at a cost of \$177.48. The VSO is planning to do a quarterly mailing.

New Business: None

Correspondence: None

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

1. Approve step increase to 6-month rate of \$23.70 per hour for Sheriff Deputy Wesley Bowsler effective 10-19-21
2. Approve Eric Ternus and Darci O'Farrell to the Visiting Neighbor Board effective 10-1-21

Claims: Motion by Stengel and seconded by Buttke to approve the claims as presented. Motion carried 4-0. AUTO-GRAPHICS, computer maint 3,092.30; BEACON CENTER, 3rd qtr allocation 706.50; BERKNER EXCAVATING, 4H building 1,556.13; BITUMINOUS PAVING, seal coating 347,353.00; BORNS GROUP, mailing expense 1,318.11; CENTER POINT, books 167.96; CENTURYLINK, phone 154.32; CHS, tank rent 40.00; CITY OF WATERTOWN, 911 surcharge 6,137.86; CONSOLIDATED READY MIX, gravel & hwy proj 13,999.43; CRAIG DEBOER, car wash usage 273.56; FEDEX,

postage 38.61; FIRST DISTRICT, prof services 612.64; FISHER SAND & GRAVEL, gravel & riprap 6,309.04; FLAT RATE, hwy proj 910.00; FOOD-N-FUEL, inmate meals 330.75; HARTMAN'S, inmate groceries 205.72; HOLLOWAY BRIDGE AND CULVERT, hwy proj 225,572.43; HUMAN SERVICE AGENCY, 4th qtr appropriations 7,797.44; INGRAM, books 640.60; INSIGHT, supplies 82.50; INTER-LAKES COMMUNITY ACTION, service worker 2,565.92; ITC, phone & internet 1,428.42; JD POWER, ref books 175.00; LEWIS, supplies 199.80; MCLEOD'S, supplies 244.58; MICROFILM IMAGING SYSTEMS, prof services 169.00; MUNDWILER FUNERAL HOME, prof services 3,750.00; NORTHWESTERN ENERGY, natural gas 30.00; NOVAK SANITARY SERVICE, shredding service 16.00; OTTER TAIL POWER, electricity 3,033.08; PETTY CASH-DC, postage 4.00; QUILL, supplies 114.11; RC TECHNOLOGIES, 911 transport & tower rent 95.96; RELIANCE TELEPHONE, supplies 500.00; RELX, online charges 725.00; RIVER STREET PETROLEUM, diesel fuel & gas 11,920.19; RONGLIEN EXCAVATING, 4H building 16,165.50; SCANTRON, prof services 4,970.45; SD ASSN CO COMMISSIONERS, prof services 2,000.00; SD DEPT OF HEALTH, blabs 445.00; SDSU EXTENSION, registration 100.00; ST WILLIAMS, inmate laundry 65.00; THE PENWORTHY COMPANY, books 109.88; TRAPP PLUMBING, prof services 1,622.06; TROY HOYLES, prof services 225.00; TWIN VALLEY TIRE, oil chg & tires 1,942.95; VALLEY OFFICE, paper & supplies 3,152.15; VALLEY SHOPPER, publishing 26.58; VERIZON WIRELESS, hotspot 38.52; VISA, meals, supplies, books, motel 1,526.44; WASTE MANAGEMENT, garbage service 508.10; WHETSTONE HOME CENTER, supplies 71.93; WHETSTONE VALLEY ELECTRIC, electricity 86.72; XEROX, copier rent 707.53. TOTAL: \$676,033.77.

MONTHLY FEES: SDACO, ROD modernization fee 292.00; SD DEPT OF REVENUE, monthly fees 180,598.13. TOTAL: \$180,890.13.

Payroll for the following departments and offices for the October 14, 2021, payroll are as follows: COMMISSIONERS 3,223.90; AUDITOR 7,765.56; ELECTION 300.66; TREASURER 4,233.97; STATES ATTORNEY 6,051.42; CUSTODIANS 3,050.90; DIR. OF EQUALIZATION 4,260.13; REG. OF DEEDS 4,193.31; VET. SERV. OFFICER 1,171.50; SHERIFF 13,559.55; COMMUNICATION CTR 6,449.90; PUBLIC HEALTH NURSE 924.00; ICAP 101.20; VISITING NEIGHBOR 1,680.83; LIBRARY 7,735.58; 4-H 3,547.70; WEED CONTROL 2,333.40; P&Z 1,168.50; DRAINAGE 465.50; ROAD & BRIDGE 31,954.27; EMERGENCY MANAGEMENT 2,327.00. TOTAL: \$106,498.78.

Payroll Claims: FIRST BANK & TRUST, Fed WH 8,151.36; FIRST BANK & TRUST, FICA WH & Match 12,958.34; FIRST BANK & TRUST, Medicare WH & Match 3,030.50; AAA COLLECTIONS, deduction 33.42; 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 11,973.88. TOTAL: \$40,278.71.

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 2 and 16 and December 7, 21 and 30, 2021, at 8 AM. Motion by Buttke and seconded by Stengel to adjourn the meeting. Motion carried 4-0. Meeting adjourned.

Karen M. Layher, Grant County Auditor

William J. Tostenson, Chairman, Grant County Commission