

September 5, 2023

The Grant County Commission met at 8 AM with Commissioners Buttke, Mach, Stengel, and Tostenson present. Commissioner Street was absent. Chairman Mach called the meeting to order. Motion by Tostenson and seconded by Buttke to amend and approve the August 15, 2023 minutes to remove the sentence “Street believes it is the landowner or hauler that should be responsible for the road repairs” and replace it with “Street believes it is the CUP holder that should be responsible for the road repairs”. Motion carried 4-0. Minutes filed. Motion by Buttke and seconded by Stengel to approve the agenda. Motion carried 4-0.

Present from the public were: Darin Thiele, Doug Wollschlager, Tom Wollschlager, Gary Meister, Nancy Johnson, and Gary Meyer. Staff members present were Commissioner Assistant Layher, Drainage Officer Berkner and States Attorney Schwandt.

Public Comment: Chairman Mach called for public comment three times. There were no comments.

Drainage: Chairman Mach adjourned the Board of Commissioners and convened the Commission acting as the Drainage Board.

Permit DR2023-49 for Casey Magedanz for property owned by Casey Magedanz and located in the NW1/4 of 31-118-48 (Adams West Township).

Chairman Mach asked for a motion to approve DR2023-49 for Casey Magedanz. Motion was made by Tostenson and seconded by Buttke.

Drainage Officer Berkner began his report for DR2023-49 stating it was for tiling approximately 10 acres located within the NW1/4 of Section 31 in Adams West Township within the South Fork of the Yellow Bank River Watershed. The project would have 2-5” outlets going directly into a natural run and could flow as much as 110 gpm or .25 cf/s, if installed at .1% grade.

Berkner said it was his opinion that the project is supported by questions asked in Section 101, 313 and 317 of the county’s drainage ordinance.

Chairman Mach then opened the public hearing for DR2023-49 and asked three times for comments in favor or against DR2023-49. No one responded. Mach closed the public hearing and called for Board discussion.

Berkner stated that Magedanz was not able to attend the meeting and that he had spoken to Magedanz just prior to the meeting. Magedanz's intention was to tile some trouble areas. Berkner said he also spoke to Drainage Board member Street, just prior to the meeting. Street said he had looked at the project and confirmed Magedanz's comments.

With no other discussion Mach called for the vote which passed 4-0.

Permit DR2023-60 for Gary Meyer for property owned by Gary Meyer and located within the SE1/4 of 29-118-48 (Adams West Township).

Chairman Mach asked for a motion to approve DR2023-60 for Gary Meyer. Motion by Stengel and seconded by Buttke.

Berkner reported DR2023-60 was for approximately 40 acres of land located within the SE1/4 of Section 30 in Adams West Township located within the South Fork of the Yellow Bank River Watershed. It would have up to 6 inlets, where Meyer had indicated to him that they would most likely use only four inlets. The design has 3-6" and 1-8" outlets going directly into a natural run, in total the 4 outlets could flow as much as 455 gpm, or 1 cf/s, if installed at .1% grade.

Berkner said it was his opinion that the project is supported by questions asked in Section 101, 313 and 317 of the county's drainage ordinance.

Chairman Mach asked Meyer if he had any additional comments. Meyer confirmed after speaking with his tiling contractor it was thought only 4 inlets would be necessary instead of 6.

Chairman Mach opened the public hearing asking three times for comments in favor or against DR2023-60. No one responded. Mach closed the public hearing and called for Board discussion.

Both Tostenson and Mach spoke about their concerns of any open inlet and asked Meyer what type of design his inlets would be. Meyer said they would have grates over them to help keep out debris. Meyer also volunteered if needed he would absolutely reduce the number of inlets to no more than four. Stengel stated the

Drainage Board should not be designing any drainage permit as that should be up to the permittee and his tiling contractor.

Tostenson said he understood the Drainage Board's role of not designing drainage projects and thought it was important to always ask the questions that are required of the Drainage Board, as found in the county's drainage ordinance, when considering any drainage permit. He thought open inlets may deposit sediment and unwanted nutrients on downstream landowners. Mach concurred.

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

Permit DR2023-50 for Mike Johnson for property owned by Michael D & Nancy J Johnson and located within the NW1/4 of 23-120-48 (Alban West Township).

Chairman Mach asked for a motion to approve DR2023-50 for Mike and Nancy Johnson. Motion was made by Tostenson and seconded by Stengel.

Berkner reported DR2023-50 was for tiling approximately 20 acres of land located within the NW1/4 of Section 23 in Alban West Township within the North Fork of the Yellow Bank River Watershed. The drainage project will use 1-18" outlet from DR2017-18, which drains north directly into a natural run. In total the 1-18" outlet could flow as much as 1615 gpm, or 3.6 cf/s, if installed at a .1% grade.

Berkner added the drainage project was finishing part of a tiling project permitted with DR2017-18 where multiple landowners went together to use one 18" main. 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.

Chairman Mach asked Nancy Johnson for any additional information related to DR2023-50. She confirmed they were just finishing some troubled areas that had originally been permitted in 2017 but not completed.

Chairman Mach opened the public hearing for DR2023-50 asking three times for comments in favor or against DR2023-50. No one responded. Mach closed the public hearing and called for Board discussion.

Stengel said he looked at the area to be tiled and he concurred with Johnson's comments that it was only targeting some troubled areas. With no discussion Mach called for the vote which passed 4-0.

Permit DR2023-59 for Darin Thiele for property owned by Debra Thiele and located in the S1/2SW1/4 of 14-120-48 (Alban West Township).

Mach asked for a motion to approve DR2023-59 for Darin Thiele. Motion was made by Tostenson and seconded by Buttke.

Berkner stated DR2023-59 was for tiling approximately 20 acres of land located within the SW1/4 of Section 14 in Alban West Township within the North Fork of the Yellow Bank River Watershed. The project will use 1-18" outlet, from DR2017-18, flowing north going directly into a natural run. In total the 1 outlet could flow as much as 1615 gpm or 3.6 cf/s if installed at .1% grade.

Berkner said it was his opinion that the project is supported by questions asked in Section 101, 313 and 317 of the county's drainage ordinance.

Chairman Mach asked Thiele if he had any additional comments. Thiele had no comments.

Chairman Mach opened the public hearing for DR2023-59 asking 3 times for comments in favor or against. No one responded. Mach closed the public hearing and called for Board discussion.

Stengel said that he looked at the project and just like DR2023-50 it shares a common outlet permitted in 2017 and said it is only targeting areas that have trouble draining. With no more discussion Mach called for the vote. Motion carried 4-0.

Permit DR2023-51, DR2023-52, DR2023-53, DR2023-54, DR2023-55, DR2023-56, DR2023-57, DR2023-58 for Doug Wollschlager.

a. DR2023-51, DR2023-52 and DR2023-56 for property owned by Earl Lundin located within the W1/2 and NE1/4 of 25-119-48 and within the NW1/4NE1/4 of 36-119-48 (Vernon West Township)

b. DR2023-53 for property owned by Bernard Wollschlager and located in the N1/2 SE1/4 of 25-119-48 (Vernon West Township)

c. DR2023-54 for property owned by the Thomas Wollschlager Living Trust and located in the S1/2 SE1/4 of 25-119-48 (Vernon West Township)

d. DR2023-55 and DR2023-57 for property owned by the Doug & Renae Wollschlager Living Trust located within both the NW1/4 and NE1/4 NE1/4 of 36-119-48 (Vernon West Twp)

e. DR2023-58 for property owned by the Gary & Marsha Meister Living Trust for property located within the NW1/4 of 31-119-47 (Vernon East Township)

Chairman Mach asked for a motion to approve DR2023-51, DR2023-52, DR2023-53, DR2023-54, DR2023-55, DR2023-56, DR2023-57, DR2023-58 for Doug Wollschlager. The motion was made by Stengel and seconded by Tostenson.

Before making his presentation Berkner said in total 4 producers were making a joint application for the 8 permits. They all shared some elements and Doug Wollschlager would serve as one spokesperson for all the permits.

Berkner reported the drainage projects were for tiling approximately 180 acres of land located within Section 25 and the N1/2 of Section 36 in Vernon West Township and within the NW1/4 of Section 31 in Vernon East Township and all are within the South Fork of the Yellow Bank watershed. It would have 4 inlets and use 1-5" and 2-6" outlets flowing north into a ditch and into a natural run. The 1-5" and 1-6" outlet flowing southeast would enter directly into a waterway. In total the 5 outlets combined could flow as much 380 gpm or .85 cf/s if installed at a .1% grade.

Berkner added the project needs County Right-of-Way permission to cross County Road 28 (159th Street) as well as permission from Vernon Township Supervisors to cross 484th Avenue where he has already received those two signatures from the township.

Berkner said even though the combined drainage permits flow water in two directions, both of those paths are part of two smaller micro-watersheds found within the South Fork of the Yellow Bank Watershed where the waters will join within a couple of miles downstream. Berkner added all the areas being drained both north and southeast follow closely vested surface drainage rights recorded in the 1980s.

Berkner said Drainage Board member Street asked earlier if the Drainage Office had received any comments concerning the combined drainage projects. Berkner reported he hadn't. Berkner said Street asked him to reach out to the Blue Sky Hutterian Colony, located just north of the combined projects, as that area received flooding a few years ago which washed out three culverts on 484th Ave. Berkner

said he called the colony asking if they had any concerns and they responded they didn't.

In closing Berkner said in his opinion the combined proposed projects are supported by questions asked in Section 101, 313 and 317 of the County's Drainage Ordinance.

Chairman Mach asked Doug Wollschlager if he had any comments. He said collectively the permits are an effort by multiple landowners to work together on one overall drainage plan and the inlets were at the suggestion of their tiling contractor who better understood the need for those inlets.

Chairman Mach opened the public hearing asking three times for anyone to speak in favor or against the eight drainage permits. No one responded. Mach closed the public hearing and called for Board discussion.

Two of the participating landowners in the joint permits, Doug Wollschlager and Tom Wollschlager, were asked to further explain the need for the inlets. They said they were to help move water along before it could either back up or cause erosion. This happens to the south if the creek located across the road is high. Then the surface drainage can't do its job and water gets trapped and often just stays there.

Tostenson explained again that even though the question is redundant for all drainage permits using inlets he thought it was the drainage boards responsibility to ask those questions that are directly found in the drainage ordinance, so the permittee is aware of their responsibility.

Chairman Mach added that he too saw the benefits of inlets, especially with hard rains that would normally wash away surface sediment and cause erosion. With an inlet, water can get underground before it does damage to the surface. With no more discussion Mach called for the vote. Motion carried 4-0.

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

Executive Session: Motion by Stengel and seconded by Tostenson to enter executive session at 8:45 AM for the purpose of a personnel issue(s) pursuant to SDCL 1-25-2 (1). Motion carried 4-0. Commissioner Assistant Layher, Auditor Folk and States Attorney Schwandt were present. Chairman Mach declared the meeting open to the public at 9:00 AM. No action was taken because of the executive session.

2024 Budget Hearing: The published hearing for the 2024 budget was held with no members of the public present. The Commission reviewed revenue and expense changes to the provisional budget. The Centrally Assessed valuations have been received from the Dept of Revenue. The final growth factor and the county tax call may now be finalized for final budget approval at the next meeting. The budget for 2024 will be finalized and adopted on September 19, 2023.

Highway 5 Year Plan: The public hearing for the County's Five-Year Highway and Bridge Plan was held. Chairman Mach opened the meeting for public comment during the review of the 5-year project list which includes replacing bridge structures by the county crew, striping, asphalt, gravel, equipment, and bridge replacement. No members of the public were present. Chairman Mach closed the public hearing for the 5-year plan. The second reading of the plan will be on the September 19 agenda for the Commission's approval and then sent on to SD DOT by October 13th.

Budget Supplement: The budget supplement hearing was held with no members of the public present. The purpose of the budget supplement of \$5,000 for #246 is to increase budget authority associated with the 2023 budget with the source of cash being the #246 Library Special Gifts Fund. Motion by Stengel and seconded by Buttke to approve the budget supplement of \$5,000 to #246 Library Special Gifts Fund. Motion carried 4-0.

Sheriff: Sheriff Owen discussed the need for the jail area to be refurbished. The Commission suggested planning for the update in 2024 and putting the expense into the jail budget in 2025.

Travel: None

County Assistance: None.

Cash Transfers: Motion by Buttke and seconded by Tostenson to approve the cash transfer of \$1,000,000 from General Fund to #201 Hwy Fund as per the 2023 budget. Motion carried 4-0.

Contracts: Motion by Buttke and seconded by Stengel to approve the maintenance contract with Climate Air for bi-annual service of HVAC at the 4-H complex for

\$2,035 per year. Motion carried 4-0. Motion by Tostenson and seconded by Buttke to approve Chairman Mach signing the sub-recipient agreement with the SD Office of EM for receiving FEMA funds. Motion carried 4-0. Motion by Buttke and seconded by Stengel to approve the contract with Whetstone Valley Electric Coop for \$40,827.04 to upgrade the courthouse smoke alarm system in 2024. Commissioner Tostenson recused himself. Motion carried 3-0.

Unfinished Business: Discussion was held about adding rumble strips and a flashing light on the stop signs at the intersection of Hwy 15 and CR 4.

New Business: Commissioner Tostenson brought up the maintenance of Main Street in LaBolt. He would like to know the county's cost involved and to put that on the next meeting's agenda.

Correspondence: None

Claims: Motion by Stengel and seconded by Buttke to approve the claims. Motion carried 4-0. AARON ANDERSON, repairs & maint 102.04; AUTOVALUE, supplies 75.89; BX CIVIL & CONSTRUCTION, box culvert proj 97,506.00; C&C CARPET CLEANING, prof services 567.88; CENTER POINT, books 142.49; CHS, diesel 6,425.37; CITY OF MILBANK, water & sewer 417.33; CLIMATE AIR, repairs & maint 2,424.68; CORRIE QUALE, repairs & maint 95.00; DELORIS RUFER, lib rent 100.00; DEPT OF AG & NATURAL RESOURCES, permit 100.00; EMERGENCY SERVICE MARKETING, contracted proj 2,725.00; FISHER SAND & GRAVEL, gravel & gabian 3,757.54; GALLS, supplies 288.37; FOOD-N-FUEL, inmate meals 234.00; GRAJCZYK LAW OFFICE, court appt atty 3,400.00; GRANT COUNTY REVIEW, publishing 2,740.54; GRANT-ROBERTS RURAL WATER, water usage 43.30; GRANT/ROBERTS AMBULANCE, allocation 2,458.33; INSIGHT, supplies 1,679.00; INTOXIMETERS, supplies 200.00; KATHLEEN PARISOT, ref books 65.00; KRISTIN WOODALL, prof services 284.20; LEWIS FAMILY DRUG, supplies 110.68; MICROFILM IMAGING SYSTEMS, scanner rent 642.00; MICROMARKETING, audio/visual 54.80; MIDCO, library internet 103.90; MILBANK AUTO PARTS, supplies 409.08; MILBANK FORD, repairs & maint 73.57; MUNDWILER FUNERAL HOME, prof services 3,500.00; NORTHWESTERN ENERGY, natural gas 78.72; OFFICE PEEPS, supplies 25.97; PETTYCASH, mailing expense 9.26; QUICK PRO LUBE, repairs & maint 75.97; R.D. OFFUTT, auto equip 402,258.39; RELX, online charges 725.00; RIVER STREET PETROLEUM, ethanol & diesel 6,593.64; ROBERTS CO

TREASURER, hwy project 20,029.34; SANDRA FONDER, prof services 225.00; SANFORD HEALTH, blabs 83.00; SD DEPT OF HEALTH, blabs 280.00; SD DEPT TRANSPORTATION, hwy project 3,400.31; SD PUB ASSURANCE ALLIANCE, insurance 318.04; ST WILLIAMS CARE CENTER, inmate laundry 190.00; STAR LAUNDRY, prof services 160.22; TRACY GRANT, prof services 240.00; TRAPP PLUMBING, repairs & maint 458.91; TROY HOYLES, prof services 650.00; TWIN VALLEY TIRE, repairs & tires 1,321.00; VALLEY RENTAL, allocation 650.00; VALLEY SHOPPER, publishing 26.58; WEST CENTRAL COMMUNICATION, minor equipment 7,149.61; XEROX, copier rent 114.20. TOTAL: \$575,789.15.

Payroll for the following departments and offices for the August 28, 2023, payroll are as follows: COMMISSIONERS 7,215.10; AUDITOR 7,423.00; ELECTION 125.10; TREASURER 5,754.15; STATES ATTORNEY 7,298.20; CUSTODIANS 3,401.30; DIR. OF EQUALIZATION 4,417.20; REG. OF DEEDS 4,979.09; VET. SERV. OFFICER 1,277.10; SHERIFF 16,489.32; COMMUNICATION CTR 7,752.65; PUBLIC HEALTH NURSE 1,274.40; ICAP 56.00; VISITING NEIGHBOR 2,078.18; LIBRARY 8,105.47; 4-H 4,204.28; WEED CONTROL 2,182.05; P&Z 1,056.83; DRAINAGE 821.98; ROAD & BRIDGE 31,167.42; EMERGENCY MANAGEMENT 2,464.00. TOTAL: \$119,542.82.

Payroll Claims: FIRST BANK & TRUST, Fed WH 8,641.74; FIRST BANK & TRUST, FICA WH & Match 14,341.96; FIRST BANK & TRUST, Medicare WH & Match 3,354.18; ACCOUNTS MANAGEMENT, deduction 84.04; AMERICAN FAMILY LIFE, AFLAC ins. 1,457.32; ARGUS DENTAL, ins 530.96; WELLMARK-BLUE CROSS OF SD, Employee and Commission health ins. 54,394.87; COLONIAL LIFE, ins 37.98; DEARBORN NATIONAL, life ins. 297.21; LEGAL SHIELD, deduction 38.85; OFFICE OF CHILD SUPPORT ENFORCEMENT, child support 210.00; OPTILEGRA, ins 347.75; SDRS SUPPLEMENTAL, deduction 1,428.83; SDRS, retire 13,605.68. TOTAL: \$98,771.37.

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 September 19, and October 3 and 17, 2023 at 8 AM. Motion by Stengel and seconded by Buttke to adjourn the meeting. Motion carried 4-0. Meeting adjourned.

Kathy Folk, Grant County Auditor

Michael J. Mach, Chairman, Grant County Commissioners