

September 1, 2020

The Grant County Commission met at 8 AM by telephonic conference with the public. Commissioners Buttke, Mach, Stengel, Street and Tostenson were present at the meeting site. Chairman Mach called the meeting to order. Motion by Tostenson and seconded by Stengel to approve the minutes of August 18, 2020 meeting. Chairman Mach called for a roll call vote. Buttke aye, Street aye, Stengel aye, Tostenson aye and Mach aye. Motion carried 5-0. Minutes filed. Motion by Buttke and seconded by Stengel to approve the agenda. Chairman Mach called for a roll call vote. Buttke aye, Street aye, Stengel aye, Tostenson aye and Mach aye. Motion carried 5-0.

Members of the public present were Kevin Granquist, David Lau, Jim DeVaal and Mark Leddy. Joining by telephone were Jay Gilbertson, Todd Kays, Scott Jansen, Drew Christianson, Casey Blankenship and Richard Will.

The Chairman called for public comment. No member of the public addressed the Commission.

Drainage: Chairman Mach adjourned the Board of Commissioners and convened the commission acting as the Drainage Board. The Drainage Administrator presented the following permit requests.

Drainage Permit DR2020-15 by Kevin Granquist, for Marilyn Stemsrud, for Section 10, Township 119, Range 50 West of the 5th Principal Meridian, Grant County, South Dakota (Stockholm Township) to improve land and stop erosion. The Drainage Administrator reports the wetland determination is on record and two letters sent out were received back and all is in order for the permit to be approved. Tostenson reported he had been on the premise to see the project and supports the permit. Motion by Tostenson and seconded by Stengel to approve DR2020-15 as presented. Chairman Mach called for a roll call vote. Buttke aye, Street aye, Stengel aye, Tostenson aye and Mach aye. Motion carried 5-0.

Drainage Permit DR2020-16 by Kevin Granquist, for Mark Granquist, for Section 32, Township 119, Range 49 West of the 5th Principal Meridian, Grant County, South Dakota (Madison Township) to improve land and stop erosion. The Drainage Administrator reports the wetland determination has been received and the two letters sent are returned with signatures and all is in order for the permit. Commissioner Street stated he had been on site to review the project and reported the outlets go into a blue line. Motion by Street and seconded by Buttke to approve DR2020-16 as

presented. Chairman Mach called for a roll call vote. Buttke aye, Street aye, Stengel aye, Tostenson aye and Mach aye. Motion carried 5-0.

Drainage Permit DR2020-17 by Jay Mertens, for Kenne Dailie, for Section 27, Township 120, Range 49 West of the 5th Principal Meridian, Grant County, South Dakota (Grant Center Township) to create a bypass around the Dailie farmstead. Wetland determination is on file and the culvert will be used to go through the road to the adjoining landowner who has agreed to the plan, to reach a blue line stream. The letters were sent and received for the project. Commissioner Stengel reports he was aware of issues that were created in a previous permit and supports the approval of this permit. Motion by Street and seconded by Stengel to approve DR2020-17 as presented. Chairman Mach called for a roll call vote. Buttke aye, Street aye, Stengel aye, Tostenson aye and Mach aye. Motion carried 5-0.

Drainage Permit DR2020-18 by Richard Will, for Will Land Trust, for Section 11, Township 119, Range 48 West of the 5th Principal Meridian, Grant County, South Dakota (Vernon Township) to improve farm ability of land. Casey Blankenship and Richard Will were present telephonically to answer any questions. The Drainage Administrator reports the NRCS determinations are on file from the previous projects done in the area. Both adjoining landowners have completed the signature forms for the two outlet locations. Five letters were mailed out and all is in order for the project to meet approval. Street reported to being on site to review the project and supports approval. Motion by Street and seconded by Tostenson to approve DR2020-18 as presented. Chairman Mach called for a roll call vote. Buttke aye, Street aye, Stengel aye, Tostenson aye and Mach aye. Motion carried 5-0.

Chairman Mach reported on a discussion held with States Attorney Reedstrom and Todd Kays of First District on what options may be available to the Commission if the drainage ordinance is repealed. One suggestion discussed was to implement a permit license. The tiling company or the owner of the tiling machine would be required to obtain a license from the county before any tiling is done. The tiler would need to furnish notice when the project is completed. Commissioner Street asked to hold on further discussion until after County Convention because one of the sessions is on drainage. No action was taken.

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

Highway: Supt Schultz reported he had a ROW occupancy application to bore under County Road 3 east of I-29 in conjunction with the wind towers. He is still waiting for maps indicating the locations. Motion by Tostenson and seconded by Buttke to table the ROW application until Sept. 22 meeting. Chairman Mach called for a roll call vote. Buttke aye, Street aye, Stengel aye, Tostenson aye and Mach aye. Motion carried 5-0.

The following speed limit resolution was introduced by Supt Schultz for County Road 34 off Hwy 109 going east into Big Stone City. Motion by Stengel and seconded by Tostenson to approve the following resolution. Chairman Mach called for a roll call vote. Buttke aye, Street aye, Stengel aye, Tostenson aye and Mach aye. Motion carried 5-0. Resolution adopted.

**A Resolution to Establish a Speed Limit
Resolution 2020-33**

A resolution establishing speed limitations on specified sections of 144th Street (AKA County Road 34) located in Big Stone Township, Grant County, South Dakota.

WHEREAS, Grant County recognizes a responsibility to determine and establish speed zones upon the highways within its jurisdiction pursuant to SDCL 32-25-9.1.

NOW THEREFORE, BE IT RESOLVED by Grant County that no person shall drive a vehicle upon 144th Street (AKA County Road #34) beginning at State Hwy 109 and continuing east to 3rd St in Big Stone City in excess of thirty miles per hour.

BE IT ALSO RESOLVED, that such speed zones shall be conspicuously posted at the beginning and ending of the zone, and

BE IT ALSO RESOLVED, that a violation of this resolution is a class 2 misdemeanor, punishable by a term of imprisonment not to exceed thirty days in the county jail or a fine not to exceed two hundred dollars, or both.

Dated this 1st day of September, 2020.

Michael J. Mach, Chairman
Board of Commissioners

ATTEST:
Karen M. Layher
Grant County Auditor

Bridge: The bridge inspection is being done by Mark at Banner Associates. Supt Schultz stated he had received a call from Mark on bridge 26-363-090 located on 159th St between section 13 and 24 of Alban West as the inspection indicated missing pile supporting the north portion of the east cap due to ice damage. Permanent barricades have been placed by the County as the bridge is not suitable for vehicle traffic. Supt Schultz suggested using the remaining funds from the \$585,000 grant and to hire Holloway Construction to repair the bridge next spring. Motion by Tostenson and seconded by Stengel to approve the plan as presented by Supt Schultz. Chairman Mach called for a roll call vote. Buttke aye, Street aye, Stengel aye, Tostenson aye and Mach aye. Motion carried 5-0. **Road Plan:** The discussion continued on the work order by Banner Associates to prepare a plan for repair or rebuild of two sections of asphalt roads based on the core sampling done by Geo Tech. The two-sections of road would be the 2 miles into LaBolt from Hwy 15 and the County Road 34 from Hwy 109 to the Ethanol Plant. The cost of the plan is a maximum of \$9500. Motion by Tostenson and seconded by Street to authorize Chairman Mach to sign the work order with Banner Associates. Chairman Mach called for a roll call vote. Buttke aye, Street aye, Stengel aye, Tostenson aye and Mach aye. Motion carried 5-0.

Solar Ordinance: Chairman Mach began the discussion on solar by reporting on a tour of “solar gardens” sites in Minnesota he had taken along with Commissioner Tostenson, Mark Leddy and David Lau. He stated it was a good tour to be able to see the fencing and setbacks from roads and residences. A one-megawatt farm would need approximately 8 to 10 acres. Commissioner Tostenson asked to have clarified how the 500’ setback from residences is measured and how the fence line measurement is done. The 500’ is measured from the wall of the residence closet to the base of the first panel. The fence is measured from the edge of the property line 30’ back. The discussion continued with the issue of fencing, setbacks and proposed amendments to the solar ordinance. Motion by Tostenson and seconded by Stengel to rescind the motion from the July 7, 2020 meeting to send Ordinance 2020-01A back to the PC/P & Z board for further review. Chairman Mach called for a roll call vote. Buttke aye, Street aye, Stengel aye, Tostenson aye and Mach aye. Motion carried 5-0. This action places the solar ordinance back to the Commission for their consideration. Motion by Tostenson and seconded by Buttke to hold the first reading of Solar Ordinance 2020-01A by title with the amendment of a chain link fence as standardized in the NEC code and to amend section 4 and 5 from “County” to “Board of Adjustment”. Chairman Mach called for a roll call vote. Buttke aye, Street aye, Stengel aye, Tostenson aye and Mach aye. Motion carried 5-0. Motion by Stengel and seconded by Buttke to set the public hearing

and second reading of Solar Ordinance 2020-01A for September 22, 2020 at 8:30 AM. Chairman Mach called for a roll call vote. Buttke aye, Street aye, Stengel aye, Tostenson aye and Mach aye. Motion carried 5-0.

Personnel Policy: First District Executive Director Todd Kays joined by teleconference and present were ROD Becky Wellnitz and DOE Kathy Steinlicht. The personnel policy has been in the process of being updated with the assistance of Todd Kays and the county department supervisors. The next step is for the Commissioners to review the updated policy for any additions or revisions before final adoption. The Commission will continue their review of the policy at the next meeting.

Zoning: Present for a discussion on the Comprehensive Land Use Plan and the two-acre minimum plat requirement was P & Z Chairman Mark Leddy, DOE Kathy Steinlicht and P & Z Officer Krista Atyeo-Gortmaker. The Commission had requested information on the number of two-acre plats associated with building permits. This information will be used to create a map layer to illustrate where building is happening in the County. The next layer will include all sites up to 10 acres. This discussion is part of an overall review of the comprehensive land use plan as the plan has not been updated in 20 years. Motion by Tostenson and seconded by Stengel to direct the Planning Commission to review and update the Comprehensive Land Use Plan using all available resources at their disposal, as expeditiously as possible, under the direction of the Planning Commission Chairman Mark Leddy. Chairman Mach called for a roll call vote. Buttke aye, Street aye, Stengel aye, Tostenson aye and Mach aye. Motion carried 5-0. The plan will need to go through the hearing process to allow public comment.

Consent: Motion by Stengel and seconded by Buttke to approve the consent agenda as presented. Chairman Mach called for a roll call vote. Buttke aye, Street aye, Tostenson aye and Mach aye. Motion carried 4-0. Commissioner Stengel had excused himself from the meeting.

1. Approve plats: on condition of approval by the Planning Commission on Sept 14th.
2020-31

COUNTY COMMISSION RESOLUTION

It was moved by Commissioner Stengel, seconded by Commissioner Buttke, motion carried that the LOT 5 IN LOT 4 OF RABE FARM SUBDIVISION LOCATED IN THE SE ¼ OF SECTION 14, TOWNSHIP 121 NORTH, RANGE 47 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.

Michael J. Mach, Chairman

2020-32

RESOLUTION BY THE BOARD OF COUNTY COMMISSION
GRANT COUNTY, SOUTH DAKOTA

On motion made and carried the following resolution was adopted: "Be it resolved by the Board of County Commissioners of Grant County, South Dakota in regular meeting assembled that the plat of Lot 1, FREIWALD SUBDIVISION in Gov't Lot 4 in Section 4, T120N, R47 W of the 5th P.M., Grant County, South Dakota, be approved this 1st day of September, 2020 in accordance with the provisions of SDCL 11-3 and all acts amendatory thereto." I Karen M. Layher, County Auditor of Grant County, certify that this is a true copy of the resolution adopted by the Board of Commissioners of Grant County, South Dakota.

Dated this 1st day of September, 2020.

Karen M. Layher
County Auditor,
Grant County, South Dakota

2. Declare surplus 2003 Chevy Silverado 1500 Red Pickup VIN 256132, fixed asset 08773; 1990 Ford Stakebed Truck VIN 302516, fixed asset 8032A; Weed Sprayer 2000, fixed asset 08322; Danuser Post Hole Auger, fixed asset 12404; Shaver post driver, fixed asset 12405; 1000 gallon water tank, fixed asset 02533; Boombuster nozzle, hose electric boom, fixed asset 07437; 5X10 utility trailer with tailgate ramp, fixed asset 07682.

Commissioner Stengel rejoined the meeting.

2021 Budget Hearing: The published hearing for the 2021 budget was held with no members of the public offering any comments. 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 CPI factor is 1.7% and the growth factor is .928% for 2021. Motion by Stengel and seconded by Buttke to authorize the final preparation of the 2021 budget with the changes from the Provisional Budget to be approved on September 22. Chairman Mach called for a roll call vote. Buttke aye, Street aye, Stengel aye, Tostenson aye and Mach aye. Motion carried 5-0.

Executive Session: Motion by Tostenson and seconded by Stengel to enter executive session at 12:40 PM for the purpose of a personnel(s) issue pursuant to SDCL 1-25-2 (1). Chairman Mach called for a roll call vote. Buttke aye, Street aye, Stengel aye, Tostenson aye and Mach aye. Motion carried 5-0. Auditor Layher was present. Chairman Mach declared the meeting open to the public at 1:22 PM. No action was taken because of the executive session.

Lien: Motion by Stengel and seconded by Buttke to approve a lien settlement of 50% in the amount of \$155.25 on the property described as Lot 1 Steffen Subdivision the SW ¼ in 27-121-48, parcel 12.48.27.3001. Chairman Mach called for a roll call vote. Buttke aye, Street aye, Stengel aye, Tostenson aye and Mach aye. Motion carried 5-0

New Business: None

Correspondence: None

Claims: Motion by Stengel and seconded by Buttke to approve the claims as presented. Chairman Mach called for a roll call vote. Buttke aye, Street aye, Stengel aye, Tostenson aye and Mach aye. Motion carried 5-0. AUTOVALUE, repairs & maint 1,222.85; AVERA QUEEN OF PEACE, prof services 70.55; BOYER FORD TRUCKS, supplies 736.15; CENTER POINT, books 361.32; CITY OF MILBANK, water & sewer 62.23; CONSOLIDATED READY MIX, gravel 8,260.80; DELORIS RUFER, lib rent 100.00; DETCO INDUSTRIES, supplies 800.91; FLOWER SHOPPE, supplies 37.28; FOELL PC, prof services 60.00; GRANT/ROBERTS AMBULANCE, allocation 2,458.33; INSIGHT PUBLIC SECTOR, minor equip 601.99; MIDCONTINENT, lib internet 85.00; NORTHWESTERN ENERGY, natural gas 40.00; PHOENIX SUPPLY, inmate supplies 132.43; POSTMASTER, postage 55.00; PROFESSIONAL DEVELOPMENT ACADEMY, registration 1,695.00; QUICK PRO LUBE, oil chg & supplies 178.92; SCANTRON, prof services 4,738.46; SCOTT BRATLAND, court appt atty 4,088.98; SD ASSN COUNTY OFFICIALS, registration 185.00; SD DEPT OF PUBLIC SAFETY, teletype 2,340.00; SD SHERIFF'S ASSN, registration 120.00; TRUENORTH STEEL, culverts 3,239.07; TWIN VALLEY TIRE, repair & maint 39.40; TYLER TECHNOLOGIES, maint agreement 4,130.76; VALLEY QUEEN CHEESE, supplies 160.78; VALLEY RENTAL & RECYCLING, allocation 650.00. TOTAL: \$36,651.21.

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 22 and October 6 and 20, 2020 at 8 AM. Motion by Buttke and seconded by Street to adjourn the meeting. Chairman Mach called for a roll call vote. Buttke aye, Street aye, Stengel aye, Tostenson aye and Mach aye. Motion carried 5-0. Meeting adjourned.

Karen M. Layher, Grant County Auditor

Michael J. Mach, Chairman, Grant County Comm.