

January 5, 2021

The Board of County Commissioners met in regular session Tuesday, January 5, 2021 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning, and Richard Hammond.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Packard moved, seconded by Hammond and carried to approve the agenda with the addition of the review and acceptance of the LEMPG Personnel Action Form, suggestions from Smith, and the use of Sourcewell as a vendor. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Minutes of the December 29, 2020 meeting were approved with a motion by Hammond, seconded by Manning. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Manning moved, seconded by Hammond and carried to adjourn and reconvene to reorganize for the ensuing year.

County Auditor Carri Crum called the meeting to order. The Auditor called for nominations for Chairperson. Packard moved, seconded by Hammond to nominate Travis Mockler as Chairperson. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

With Chairman Mockler presiding, the following proceedings were held.

The Chairman called for nominations for Vice Chairperson. Manning moved, seconded by Hammond to nominate Phyllis Packard as Vice Chairman. Manning moved, seconded by Smith to cease nominations and cast a unanimous ballot for Packard. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Hammond moved, seconded by Smith and carried to adopt Modern Addition of Robert's Rules of Order Original 1876 Edition by Major Henry M. Robert Completely Revised by Darwin Patnode, Ph.D. as on file with the Auditor, no restrictions on the Chair, and minutes not to record motions not seconded. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Regarding appointments to be considered, Sheriff Andy Howe said the Southeast Regional Detention Authority Steering Committee essentially no longer exists. It was decided that the Board can appoint someone if the need arises. There was also discussion regarding the Clay County Park Board administration. Hammond said there were a few issues, particularly with campground reservations, but the matters are being resolved. Smith said there are serious trail issues. Howe discussed the Courthouse Security Committee, which was recently formed to identify issues, monitor security, and provide a formal identification of concerns. Emergency Management Director Layne Stewart explained that the Point of Dispensing (POD) Committee is tasked with handling 20,000 vaccines in 48 hours in the event of a mass health emergency. It may be involved in COVID-19 vaccine dispensing sometime in the future, but at the moment it is being handled by healthcare facilities due to cold-storage requirements for

the vaccine. The Local Emergency Planning Committee (LEPC) handles HAZMAT spill events in the county. The Safety Board oversees the county's employee safety program.

The Board considered the following appointments. Layne Stewart as Emergency Management Director for a one-year term expiring 1/4/2022, Drew Gunderson as Welfare Director, Zoning Administrator, and Veteran's Service Officer for a four-year term expiring 1/7/2025, Commissioner Mockler to Fair Board, Commissioner Smith as member of the Executive Board of SECOG, and Commissioner Packard to Board of Directors of the Clay County Youth Trust Fund and the Youth Service Council.

The Board considered appointing Commissioner Mockler to the Planning & Zoning Commission. Hammond expressed interest in serving on the Planning & Zoning Commission instead of Mockler. Hammond moved, seconded by Smith to appoint Hammond to the Planning & Zoning Commission. Under discussion, Manning said that Mockler has a better feel for the Joint Jurisdiction topic, and he does not want people to get the wrong idea about the work Mockler has done on the Planning & Zoning Commission. He said the Board needs a strong front, or people will be able to start undermining the Board. Smith said the County is about to do long-term planning, and Hammond has technical skills and expertise in water, decades of experience. She said it has been 20 years since long-term planning has been done. She does not see it as divisive, but as strategic as to where they put their energy as a commission. Hammond said he is a landowner in the Joint Jurisdiction area and gets questions from neighboring landowners. He said there is no question about Mockler's work, but it is not a bad idea to make changes from time to time. Mockler asked if they are making changes for the sake of change and said he would like a better explanation of why he should not be able to continue the work he has done over the last 11 years. Hammond and Mockler discussed Hammond's comments that it is a contentious issue, and it could be beneficial to Mockler personally to help tamp down rivalries and dissention in the spirit of helping to take the process forward for Joint Jurisdiction and the comprehensive plan. Hammond said he previously served on the City of Vermillion's planning commission. Packard said she has the feeling that it might provide Mockler more protection not to be on the Planning & Zoning Commission, but she is bothered by the appearance of changing the appointment to Hammond. Smith called to question. Roll call vote: Hammond Aye, Manning No, Smith Aye, Packard No, Mockler No. Packard proposed that Mockler be appointed to the Planning & Zoning Commission, and Hammond seconded the proposal.

The following appointments were also considered. Jerry Prentice and Marty Gilbertson to three-year terms through 12/31/23, Bruce Plate to Public Safety Board for a three-year term expiring 12/31/2023, and Commissioner Hammond and Highway Superintendent Rod Polley to the Vermillion Basin Advisory Board, Commissioner Packard to the Joint Landfill Advisory Board, Commissioner Manning to the VCDC, Commissioner Manning to Vermillion Now Advisory Council, the Chairman and Vice-Chair to the ICAP Committee, Commissioner Smith to the Clay County Park Board, Commissioner Smith to POD Committee, Commissioner Packard to LEPC Committee, and Commissioner Manning to Safety Board. Manning moved, seconded by Smith to approve the appointments. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

There was discussion regarding legal newspaper designation. Auditor Carri Crum expressed concerns regarding the Tri-County News. She explained that there is no office in Clay County, no communication or proofs provided after things are e-mailed to them for publishing, bills are sometimes not timely, and there have been problems in the past with obtaining Affidavits of Publication. Howe said there has been

an increased cost to the county in the past for re-publishing when there have been errors in what is published. Director of Equalization Ina Peterson said when she published her list there was no proof provided prior to publication, and it was at least 6 months before the bill was received. Crum said it can cause accounting issues from one year to the next when there is such a large gap between bills at the end of a year. However, it was noted that State's Attorney Alexis Tracy looked into the matter, and it appears that the state has certified the Tri-County News, so the county is obligated to designate them as a legal newspaper, unless someone successfully challenges the certification. Manning said there needs to be timely bills, and they need to provide proof of publication. Smith and Manning said the Auditor and State's Attorney should send a legal letter explaining the problems and what the county expects for a resolution. Mockler said, following the letter, the county should keep track to make sure the needs are being met. Hammond moved, seconded by Smith to designate the Vermillion Plain Talk and the Tri-County News as the official legal newspapers. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Manning moved, seconded by Hammond to designate the front door of the Courthouse and/or the Wakonda Post Office as the place for holding foreclosure sales, at the Sheriff's discretion regarding location. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Hammond moved, seconded by Manning and carried to designate First Bank & Trust, Bank of the West, CorTrust Bank/Vermillion, First Dakota National, Wells Fargo Bank/Vermillion, First Premier Bank/Wakonda, SD FIT, and Vermillion Federal Credit Union as the official depositories. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Pursuant to SDCL 28-17-4, Hammond moved that on county burials the funeral director in charge shall furnish casket and outside container and conduct the funeral services in customary manner and the County shall allow the funeral director for merchandise and such services rendered a sum of \$1,900 (complete costs) which includes vault and opening and closing of the grave. Motion seconded by Manning. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Hammond moved, seconded by Smith that, pursuant to regulations adopted by the State Board of Finance which provide for rates in connection with travel reimbursement, the mileage be set at \$.42 per mile, and if the state raises mileage during the year the County will follow suit; rates for in-state meals set at \$40.00 per day (breakfast \$6.00, lunch \$14.00, evening \$20.00) and out-of-state meals set at \$56.00 per day (breakfast \$10.00, lunch \$18.00, evening \$28.00). Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Manning moved, seconded by Hammond that the allowance per diem for the Commissioners appointed to serve on all Boards outside of the normal County Commission Meetings as well as the per diem for Planning & Zoning Commission members be set at \$25.00 plus mileage. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Building permit fees and 911 signage fees were discussed, and the Board questioned whether the current \$50 fees cover the costs involved. Polley said the Highway Department has to install 911 signs, and they provide the post for the sign as well. Hammond moved, seconded by Smith to approve the building permit fee at \$75 and 911 signage fee at \$75. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Packard moved, seconded by Manning to approve fees for boarding prisoners for other counties at \$70 per day, or per contract, fees for housing work release prisoners at \$20 per day, and daily boarding rate at \$15 per day, adult electronic GPS monitoring at \$20 per day, juvenile electronic GPS monitoring at \$10 per day, applicant fingerprinting at \$15 per 2 cards, mug shots at \$8, UA test \$10, accident reports at \$2 per page, and other reports or printing e-mailed civil process to serve at \$2 per page. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye. Howe said the costs have not changed, and the fee amounts have been working well.

Manning moved, seconded by Smith to hold Commission meetings the first, second and last Tuesday of each month. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered approval of insurance providers. Smith asked about the current providers. Crum explained that they are pools for counties and municipalities. They provide excellent customer service and additional coverages to the counties at no additional cost, in addition to other benefits to the county. Howe said they are very proactive. Hammond moved, seconded by Manning to approve SD Public Assurance Alliance as the County's liability insurance and SDML for worker's compensation insurance. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Manning moved, seconded by Smith to approve worker's compensation insurance coverage for all election workers as listed on file in the Auditor's Office and Sheriff's Reserve Deputies (currently Shawn Fick, Matt Olson, Michael Smith, and Dean Tompkins-Searcy). Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Hammond moved, seconded by Manning to authorize the use of Sourcewell as a potential vendor source for the county. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Hammond moved, seconded by Manning to pass and adopt the following Resolution #2021-01 for Establishment of Election Precincts/Polling Places for 2021. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

**RESOLUTION #2021-01**  
**Establishment of Election Precincts/Polling Places for 2021**

WHEREAS, the Board of County Commissioners in and for the County of Clay shall establish election precincts and polling places.

NOW THEREFORE BE IT RESOLVED, that hereinafter described precincts and polling places be hereby established.

Rural Ward #1: SESD Experimental Farm, 29974 University Rd., Beresford, SD

Rural Ward #2: Gingrich-Dixon Post #13 Legion Hall, 101 Montana St., Wakonda, SD

Rural Ward #3: 4-H Center/Fairgrounds, 515 High St., Vermillion, SD

Vermillion City-All Precincts: National Guard Armory, 603 Princeton St., Vermillion, SD (Central 1 & 2/Northeast 1 & 2/Northwest 1 & 2/Southeast 1 & 2)

Commissioner Hammond moved the adoption of the foregoing resolution. Motion seconded by Commissioner Manning.

Vote of Commission: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Upon which voting the resolution was declared passed and adopted.

Dated at Vermillion, South Dakota this 5<sup>th</sup> day of January, 2021.

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Board of County Commissioners  
Clay County, South Dakota

ATTEST:

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Carri R. Crum, County Auditor

Packard moved, seconded by Manning to pass and adopt the following Resolution #2021-02 for Establishment of Precinct Election Officials Fees for 2021. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

**RESOLUTION #2021-02  
Precinct Election Officials Fees for 2021**

WHEREAS, SDCL 12-15-11 made it the responsibility of the County Commissioners of each county to set the fee for precinct election officials of all units of government in the county.

THEREFORE, BE IT RESOLVED, that the fee for precinct election officials in Clay County be set at \$175.00, and election superintendent at \$200.00, for each election.

BE IT FURTHER RESOLVED, that pursuant to SDCL 12-15-7 such election officials be allowed a fixed fee for attendance at a meeting called by the County Auditor for instruction on election laws and the duties of the judges and clerks of election as follows: \$25.00 compensation for election officials residing within ten (10) miles of the county seat plus \$.42/mile, or the established county rate, roundtrip for those residing outside of city limits, and \$30.00 for officials residing over ten (10) miles from the county seat plus \$.42/mile, or the established county rate, roundtrip.

BE IT FURTHER RESOLVED, that there will be one cell phone provided by one precinct worker per polling place, and a \$5.00 fee will be issued for the usage of the phone for only that day.

BE IT FURTHER RESOLVED that the person delivering the poll-books and ballot boxes to the County Auditor's Office at the county seat shall receive the county rate for mileage as established pursuant to SDCL 7-7-24, for miles necessarily traveled in going to and returning from making the delivery (SDCL 12-15-11). The county rate for mileage is .42 cents per mile.

BE IT FURTHER RESOLVED that the judges, clerks, Resolution Board, Counting Board, and any other personnel deemed necessary by the County Auditor for receiving ballot boxes, supplies, and for tabulating ballots be allowed \$50 plus \$.42/mile, or the established county rate, for travel to the ballot tabulation location.

BE IT FURTHER RESOLVED that the persons setting up equipment at polling places be allowed \$50 for setting up equipment and/or \$50 for taking down equipment.

Commissioner Packard moved the adoption of the foregoing resolution. Motion seconded by Commissioner Manning.

Vote of Commission: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Upon which voting the resolution was declared passed and adopted.

Dated at Vermillion, South Dakota this 5<sup>th</sup> day of January, 2021.

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Board of County Commissioners

ATTEST:

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Carri R. Crum, County Auditor

The Board reviewed and accepted the LEMPG Personnel Action Form submitted by Emergency Management Director Layne Stewart.

Packard suggested that commissioners serving on other committees should give a short update on committee activities during commission meetings. She said there will be a Household Hazardous Waste Collection event in April.

At 10:05 a.m., Manning moved, seconded by Hammond to adjourn and convene as Clay County Ditch Board. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

There was discussion regarding how to have the annual joint ditch board meeting, given the COVID-19 pandemic. Crum suggested forgoing the meal and holding the meeting at the 4-H Center or the Armory. It was decided that the meeting should be held in April at the 4-H Center so that people have room to spread out 6 feet apart. Manning moved, seconded by Smith to set April 6, 2021 at 1:00 p.m. as the date and time for the annual joint ditch board meeting with Yankton County at the 4-H Center, 515 High St. in Vermillion.

The Board reviewed a pay request from Ulteig Engineering on behalf of the contractor working on the Yankton-Clay Ditch project. Polley said he spoke to the engineer, and the project is about 40% done. He said the contractor is heading west now. He noted that some of the contractor's equipment was vandalized, but they are still working. Hammond moved, seconded by Packard to approve the pay request in the amount of \$59,940.00. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Polley asked about the diking associations. He said there are trees that have been cut, and it does not appear that they will be burned. He is concerned the debris will end up under the bridges and discussed sites near 302 St. east of Wakonda, north of Clay Rural Water, and north of the fertilizer plant. Mockler said Polley should talk to Brad Preheim as TLC and Vermillion Basin Water Development are helping with the diking associations. Polley said on normal years they end up excavating around the bridges to save them. Hammond discussed the project near Highway 19. Polley said there are lots of piles in other places. Polley said he can find out who the landowners are. Hammond said he will call Preheim. Manning said perhaps the Board should ask Preheim to come to a meeting. Mockler said Preheim should definitely be notified so they do not grant any funding to the landowners until the debris is cleaned up.

At 10:14 a.m., Manning moved, seconded by Hammond and carried to adjourn and reconvene as Board of Clay County Commissioners. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

A public hearing was held regarding a supplement to the 2020 budget for Lateral 50A/B ditch cleaning expenses in the amount of \$7,818.00. Hammond moved, seconded by Packard to pass and adopt the

following Resolution #2021-03 for Supplement of County Budget. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

**RESOLUTION #2021-03  
Supplement of County Budget**

WHEREAS the Lateral 50 budget does not have adequate budget authority in 2020 for ditch cleaning;

WHEREAS, the Board of County Commissioners have agreed to hold a public hearing on January 5, 2021 at 9:45 a.m. to supplement the Lateral 50 budget for the proper conduct and discharge of lawful county obligations and has been given in accordance with the law and direction of the County Board,

NOW THEREFORE BE IT RESOLVED: That the following budget be adopted to show the supplement to the foresaid 2020 Annual Budget:

Lateral 50 (24307X4257000) \$7,818

Dated the 5<sup>th</sup> day of January, 2021.

Commissioner Hammond moved the adoption of the foregoing Resolution; Motion seconded by Commissioner Packard.

Vote of the Commission: Packard Aye Smith Aye Manning Aye Hammond Aye Mockler Aye

Upon which voting the foregoing Resolution was declared passed and adopted.

ATTEST:

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Carri R. Crum, County Auditor

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Chairman  
Board of County Commissioners  
Clay County, South Dakota

Manning moved, seconded by Packard to declare surplus and authorize for sale the Ford Explorer previously used by the Director of Equalization Office. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The following Auditor's Account with the County Treasurer Report for the month of December 2020 was accepted and placed on file.

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

To the Honorable Board of County Commissioners of Clay County  
items in the hands of the County Treasurer as of December 31, 2020.  
I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks	7,784,808.95
Amount of actual cash	2,483.23
Total amount of checks and drafts in Treasurer's Possession not exceeding three days	14,776.47
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:	2,037.69

Checks returned and not deposited	
Cash Items	700.00
Investments	151,000.00
Cash Variation	0.00

Total

Dated this 1st day of  
January, 2021. 7,955,806.34

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Carri R. Crum, County Auditor

Mockler said there is a Joint Jurisdiction working group meeting on Thursday, and he will be unable to attend as he and Manning are interviewing candidates for the Extension Secretary position. Marty Gilbertson and Jay Bottolfson will attend on behalf of the county.

Smith discussed her requests. The first was that the county budget be posted online. She also said she spoke with Dave Lias from the Plain Talk, and he is open to the commissioners writing a regular column regarding the county business. It was discussed that especially with the upcoming Courthouse project, it would be a good way to inform the public. Packard suggested also using the VCDC Monday Messenger. Packard also reminded the Board that due to open meeting requirements, all e-mails must be distributed through the Auditor. Manning said writing articles is not in his wheelhouse, but he said he supports the idea. Hammond said there will need to be plenty of upcoming communication about the Courthouse. Packard added that Joint Jurisdiction would also be a good topic to cover. Manning said the articles need to be information, not editorial. Smith said she will give the others a chance to read the articles before publication. Smith requested that meetings be recorded. Crum said in the past the State's Attorneys have advised against recording the meetings. It was discussed that the topic should be put on the agenda to discuss with State's Attorney Alexis Tracy. Smith said it is simple to do Facebook Live or Zoom. Howe said Walworth County records its meetings. Stewart said Zoom can go to YouTube. Hammond said Yankton County records meetings. Hammond commended Crum on the minutes and said it may take pressure off of her as she would be able to refer back to recordings later if needed. Mockler and Manning discussed clips being taken out of context, as well as the other way around in some situations. Smith said all people see is the decision, not the context.

Manning discussed Courthouse inadequacies. Smith said she appreciated meeting with Bob Fuller regarding the Courthouse, Jail, and Law Enforcement Facility Planning Committee's work, and she appreciated getting a tour of the jail. She voiced concern about the plumbing problems that endanger the 911 system equipment.

Hammond asked how the county is set with being able to communicate with legislators this session. Mockler and Hammond discussed Courthouse funding regarding ½-cent sales tax legislation. Hammond said Arthur Rusch said the counties were not working funding legislation soon enough or hard enough, and there was concern about having more than one bill. Hammond said he does not agree that having multiple bills addressing the same topic can be bad. Mockler discussed bills being dropped by multiple sources. Smith suggested that the commissioners invite all three legislators to a meeting to ask for advice because the topic is huge and essential. Manning discussed counties that planned to build a jail together, but they got no support. Mockler said the legislators could not grasp that the tax ended when the cost of the building project was paid. Manning said it was disappointing.

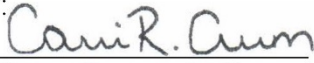


At 10:50 a.m. Manning moved, seconded by Hammond to adjourn and reconvene Tuesday, January 12, 2021 at 9:00 a.m. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

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January 12, 2021

The Board of County Commissioners met in regular session Tuesday, January 12, 2021 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning, and Richard Hammond.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Hammond moved, seconded by Manning to approve the agenda and amend it to reflect that the public hearing is for the First Reading of Ordinance #2020-03. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Minutes of the January 5, 2021 meeting were approved with a motion by Hammond, seconded by Packard. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Rachel Gackle with Marsh & McClennan Agency met with the Board to discuss health insurance benefit renewal. Wellmark proposed a 2.49% increase. Gackle said medical trends have been running 7-8% increase. The County is in the 51-100 market, which puts it into a pool of similar companies, and the pool is trending at a 5% increase. Gackle reviewed the current plan vs. renewal plan and advised the Board to accept the renewal plan rather than shopping for other companies. Manning said he agrees, and he cannot see shopping for other plans. Smith and Hammond discussed with Gackle the prescription drug copays for Tier 4 drugs. Gackle said they can educate employees regarding the prescription coverage changes during open enrollment. Emergency Management Director Layne Stewart asked if prescription copays go toward the out-of-pocket maximum, to which Gackle said yes. Stewart said he has never had any issues with Wellmark, and his opinion is it is a very good company. Gackle said they are handling open enrollments via Zoom meetings and brain shark videos. Manning moved, seconded by Packard to accept the renewal plan, allow the Chairman to sign the renewal documents, and keep employee contributions the same. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Stewart met with the Board to discuss the bid specifications for a new drone. Smith moved, seconded by Hammond to set the bid opening for February 2, 2021 at 9:30 a.m. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board reviewed the SLA Quarterly Activity Report with Stewart. Hammond moved, seconded by Packard to authorize the Chairman to sign the report. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

A public hearing was held for the First Reading of Ordinance #2020-03, an Ordinance Amending Ordinance #2013-04 (Updated with Amendments Through #2017-01) by Rezoning Certain Property, a zoning change for land located at approximately 298 S 466th Ave Vermillion, SD (Northwest side of the road) from A1: Agriculture to RR: Rural Residential. The legal description of the property is: The East 26 1/3 Rods of the SE 1/4 of the SE 1/4, Section 17, Township 92 North, Range 51 West of the 5th p.m., Except Lot H6 thereof, Clay County, South

Dakota. Zoning Administrator Drew Gunderson discussed the previous meetings in which the city and county considered the re-zoning request. Nick Hovden was present to discuss his work with drain tile companies, etc. He told the Board he came up with the requirement that the homes be garden-style or slab-on-grade houses. He said the drain tile specialists say there will be minimal drainage requirements for homes of that style, and it will drain to the north. Manning said he likes the idea of slab houses and discussed the garden style homes with Hovden. Hovden said they would be no more than 4 feet below grade. Hammond said he had a garden-style home in the 70's. He discussed infiltration for house plus driveway, and he said they would not be increasing runoff by much, maybe 5% or less. Manning said it would be nice to add houses there. Hovden said they wouldn't be moving forward if they thought it would disrupt their quality of life there. Packard asked if there is any provision regarding outbuildings or large garages that would add to that displacement. Hovden said they want it to be more of an acreage neighborhood rather than combines, tractors, etc. Gunderson said they are already limited by rules. Hammond said they will not want to reduce the size of the wetland at the southeast corner of the development because that is a water storage buffer. Hovden said when Clay Rural Water put in the pipe, they were digging 12-14 feet deep and were not in water. The Board discussed the procedure for advancing it to the second reading with the city since it is in the joint jurisdiction.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. Hammond moved, seconded by Smith to pass and adopt the following Resolution #2021-05 for Weight Limit Enforcement. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

RESOLUTION #2020-05  
CLAY COUNTY WEIGHT LIMIT ENFORCEMENT

Whereas, seasonal climatic changes can be detrimental to our highways, and

Whereas, the Clay County Board of County Commissioners desires to protect existing Clay County Highways, ultimately saving tax dollars, and

Whereas, South Dakota Codified Law 32-14-6 allows for the reduction of the legal weight limit which may be carried upon highways within Clay County, and

Whereas the Clay County Board of Commissioners, desire the enforcement of weight limitations on Clay County roads as set forth and posted by the Clay County Highway Superintendent.

NOW THEREFORE BE IT RESOLVED;

Whereas the limits on Clay County roads shall be set at six (6) ton per axle on all hard surface roads. All gravel roads shall be posted at seven (7) ton per axel, or as posted. Also all roads hard surface and gravel will be posted "NOT to EXCEED 80,000 LBS."

That the South Dakota Highway Patrol be and hereby is authorized and requested to enforce weight limitations on Clay County Roads.

BE IT FURTHER RESOLVED that the penalty for the violation of the load restrictions shall be as set forth in SDCL 32-22-55.

Vote of Clay County Commission

AYE 5 NAY 0

Dated this 12<sup>th</sup>, day of January, 2021 at Vermillion, S.D.

ATTEST:

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Carri R. Crum  
CLAY COUNTY AUDITOR

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Travis Mockler  
CHAIRMAN, CLAY COUNTY COMMISSION

The Board discussed the contract for the addition to the Weed Department building. State's Attorney Alexis Tracy discussed the contract terms with the Board. She discussed having Polley appointed as the owner's agent, interest provisions she would like modified to 4.5% to align with statute, and the 7-day timeline for completion inspection. Polley said he could only think of concrete testing that he would not be able to inspect himself. Smith discussed change orders regarding "reasonable and overhead" and wondered if that is standard. Hammond said it is usually negotiated, and his opinion is that usually the owner is in the driver's seat. Hammond said, regarding concrete, what happens before the pour determines the quality of the concrete. Polley said he added the extra funds for concrete preparation because by time he paid someone to test the compaction, it was a wash. Polley said he could have Johnson Engineering do a test while they are testing bridge decks. Manning moved, seconded by Smith to approve the contract and authorize the Chairman to sign it with Rod Polley listed as the owner's agent. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Polley discussed the agreement with SD Department of Transportation regarding the bridge project near Landeen's. The State would like to buy out the County, but the County would still have to follow State regulations. The County has about \$100,000 invested now, and Polley does not know what else to do except turning it over for legal matters because it requires right-of-way purchase. Landeen said her husband did not want the bridge because it slowed people down, and it's a wooden bridge, so it has a weight limit on it. He said everyone on the east side of the bridge has already signed. The State requires a speed limit sign of 35 mph and will not spend any money on leveling the hill that approaches the bridge. Polley said he has told them he did not care if it was 10:00-11:00 p.m., that he would meet with the Landeens regarding the project. Smith asked if the funds expire, and Polley said there is a 10-year limit. Hammond discussed easement issues. Polley said there is a .015 permanent easement, but the temporary construction easement seems to be an issue. Tracy said they were looking into an engineer to help her identify what is a fair offer, if the landowner refused, then it would essentially go to a jury trial. The surrounding landowners have agreed voluntarily, so there was a fairness component. They have not had a criminal jury trial since COVID-19 hit, and she does not know how a civil trial would proceed with those restrictions. Tracy suggested contacting them and giving them a time. Polley said he would even meet them on the weekend or in the evening. Manning and Polley discussed engineering cost estimates. Manning said he thinks the County needs to tie up the money so that it does not get taken back. Mockler asked, if the County takes the buyout from the State, and

they cannot get the bridge done, then what happens? There was discussion regarding appraising the land, and Polley said local appraisers do not want to do it. Mockler suggested trying to set up an appointment with the Landeens before the next meeting. Polley discussed the annual bridge inspection and closing of the bridge with Hammond. Polley suggested that Mockler meet the Landeens with him.

The Board discussed cutting trees in the Vermillion River dike. Hammond said it is TLC Water Project District's responsibility. Polley discussed sites, one being on Highway 19 by Nutrien and the bridge on the south side of 302 St. and also northwest of Mockler's house. Mockler said Brad Preheim with TLC will contact the landowners, or otherwise DENR would need to handle it. Polley said he thinks someone cut the trees with hopes that the logs will float somewhere.

Polley introduced the Caterpillar sales representative, Phil Melmer, from Butler Machinery. He discussed \$182,222 left in his 2020 budget and the \$219,000 cost of the excavator. Melmer discussed the excavator models 318 and 320 and specifications with the thumb on the bucket. The 320 is \$204,500 without the thumb on the bucket, or \$219,000 with the thumb on the bucket. It would also have grade control. Manning asked about the ditching bucket attachment, and Melmer said that is \$7,000. The cost with both buckets would be around \$227,000. Polley said they could do work on the ditch. He discussed that the city's 318 is pretty short when they have borrowed it in the past. Polley said a long reach would be about \$500,000 plus a \$100,000 trailer to haul it on. He discussed that the current trailer can haul the 320, although it is near the maximum. Packard clarified that the County will be using Sourcewell. Melmer also said there is a 7-year warranty. Mockler asked if it will print a scale ticket, and Melmer said there is not an on-board printer, but he would need to see what pricing is for that, although it will do electronic communications. Manning discussed the budget with Polley. Mockler discussed micro-surfacing with Polley and wondered if they could cut down the micro-surfacing since they did extra in 2020. Melmer said he can hold the pricing until after the next meeting. Polley reported to Smith that the Highway Department has ordered a mini-excavator, side dump trailer, Freightliner, and a truck with the equipment budget in 2021.

Packard moved, seconded by Hammond to pass and adopt Resolution #2021-04 for Supplement to County Budget. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

**RESOLUTION #2021-04  
Supplement of County Budget**

WHEREAS the County budget does not have adequate budget authority in 2020 for Commissioners Contingency;

WHEREAS, the Board of County Commissioners have agreed to hold a public hearing on January 12, 2021 at 9:30 a.m. to supplement the Commissioners Contingency budget for the proper conduct and discharge of lawful county obligations and has been given in accordance with the law and direction of the County Board,

NOW THEREFORE BE IT RESOLVED: That the following budget be adopted to show the supplement to the foresaid 2020 Annual Budget:

Commissioners Contingency (10100X4290112) \$1,690

Dated the 12<sup>th</sup> day of January, 2021.

Commissioner Packard moved the adoption of the foregoing Resolution; Motion seconded by Commissioner Hammond.

Vote of the Commission: Packard Aye Smith Aye Manning Aye Hammond Aye Mockler Aye

Upon which voting the foregoing Resolution was declared passed and adopted.

ATTEST:

\_\_\_\_\_  
Carri R. Crum, County Auditor

\_\_\_\_\_  
Chairman  
Board of County Commissioners  
Clay County, South Dakota

Tracy discussed the recording of meetings. She advised the Board that it is a decision that they can make, weighing pros and cons of that, although they are not required to. She discussed records retention timeframe, and said storage space becomes a cost as time goes on. The SD Local Government General Retention Manual from 2017 discusses LG-11 recording of board meetings, where it says it needs to be kept 90 days after minutes have been approved, and the recording needs to be accessible within 5 days. Tracy suggested talking to Erickson Solutions Group regarding costs, platform, etc. Tracy said if there is a human error, the commissioners can end up being in violation of open meetings laws, so she encouraged the commissioners to be mindful of that. She said minutes may not need to be quite as detailed, but the Board has to also be very mindful that the recordings can potentially be out there forever, although some of the nastiness that the Board puts up with in meetings could be tempered. Smith said a lot of other jurisdictions use Facebook Live which is automatically stored, and Zoom sessions upload to YouTube, where the County could have a YouTube channel and cited other uses for it. Hammond discussed Zoom meetings he has attended that were recorded, and he has had the opportunity to go back and review what he said. Smith said advantages are public information and increasing public trust. People are less likely to think government is a conspiracy. Tracy said any medium they look at, they should think about how they initiate Executive Sessions. Does the Zoom meeting continue to record if people are put in the waiting room? Stewart said Zoom records directly to YouTube Live, and he thinks it is a very good idea to get Erickson Solutions Group involved as they may have a platform that is easier to cut on and off for Executive Sessions. Mockler asked how the County can ensure no one gets a hold of the video and edits it. Stewart said you cannot control that. Tracy said it is a good point. She said the courtroom is currently closed to audio and video devices, and in order for it to be open to that the judge and both sides have to approve it. She said she would be hard pressed to approve it. Mockler said it has happened already where someone edited a YouTube video of a governmental entity in South Dakota. Stewart encouraged the Board to remember the internet hiccups, as he lost access in his office and came into the meeting in person. Mockler asked what happens when Zoom cuts out and they lose it, as has happened in the past. Tracy discussed the caveats to that and said minutes are still the permanent record. Smith said she thinks as long as minutes are on file they have fulfilled the law and whatever they do that is extra is just extra. Mockler said it could be a legal

issue if they have not posted the video within 5 days. Tracy reviewed statute 1-27-1.17 and its requirements for draft minutes to be available within 10 days. Mockler asked who gets charged with the misdemeanor. Smith said she thinks the minutes policy would not change, but offering a recording is purely an optional thing that the county would do to create a warmer relationship with the public. Manning said he does not want someone to take what he says, take a little piece out of it, and make it look like he said the opposite because he has seen it happen. He does not have a problem being transparent, but he does not want someone to be able to edit recordings. Manning said he thinks they need to get a cost quote from Erickson Solutions Group first as well. Hammond said, even if someone edits a video and takes a snippet out, the full version is still available. Mockler said the case in South Dakota, it was the original that was edited. Stewart said the paid subscription to Zoom is only a 30-day cloud storage. Packard said there is a cost for that storage. Tracy discussed storage of law enforcement videos. It was decided that the Auditor would contact Erickson Solutions Group regarding attending the next meeting. Hammond commended the Auditor for the details in the minutes, and said having a recording could be an advantage, but he does not want to create more work for the Auditor. Mockler and Hammond discussed having people give their name and address for the minutes. Sheriff Andy Howe suggested that if they are going to embrace it, they should use the mics as they are designed, and bring the mics toward them to avoid absences of sound. The group discussed usage of the mics. Stewart encouraged everyone to be mindful of visitor location so that they are sitting on camera.

The Board discussed extending COVID-19 leave. Smith said the Board should encourage employees to stay home when sick. Manning said along those lines, he had no idea someone in the Courthouse had COVID-19. Mockler said it's supposed to be confidential. Manning discussed that the employees should know that someone has it because the more they know, the better they are. Tracy said that she does not think a general notification is a bad thing and used the Vermillion Public School System as an example. Packard asked if anyone in the Courthouse has been contacted. Stewart said the Dept. of Health is overwhelmed with contact tracing, but by HIPAA the county cannot share who the person is. He thinks it would be ok to narrow down to Courthouse vs. Highway Department. Mockler asked if they are able to ask the person if it is ok to share that they have COVID-19, and Tracy advised against that. Stewart said we do not want to get into the business of contact tracing, but it would be good to let employees know that there is a case in the Courthouse. Smith said the CDC is saying 40% of the population is asymptomatic and discussed surveillance testing. Stewart said they found an 18% asymptomatic rate at Sturgis for first responders. Mockler said they have seen pretty good success with what they are doing, so he asked if it needs to change. Packard said she needed to do business with Courthouse offices, she would have done it on a different day if she had known. Manning discussed that would involve notifying the public. Stewart said it would involve the same scenario as going to Walmart or Hy-Vee. They have not had employee to employee transfer, and no known public to employee transfer or vice versa. The Auditor was directed that the current leave policy regarding COVID-19 will remain in place for the time being.

Stewart discussed the FBI warning about Courthouse security on January 20, 2021.

Hammond briefed the Board on the Clay County Historic Preservation Commission meeting from January 11, 2021. He said he went through the philosophy behind why the survey was done the way it was. Smith said they were largely positive, and Hammond sent an e-mail with the December committee report. The report is posted on the County website. Smith said she feels like the questions they had were answered. Hammond said there was some complaining about not hearing anything for 8 or 9 months, and he informed them that there was a lot of postponing due to COVID-19. Howe said he sensed concern about turning the Courthouse over to a private ownership that may not maintain it, and covenants were discussed. He said he does not want the jail to be held hostage by the Courthouse project, but he firmly believes there is a need for a new Courthouse as well. He does not want to see the current building fall into disrepair either. He said there are a lot of uses for the building that would require less expensive renovation than continuing to use it as a Courthouse. He said there were accusations about the committee being secretive, and that is not true. The committee has tried to get the information to the newspapers, and it has not been successful. Smith said she reached the conclusion that it will be hard to gain 60% support without coming up with a plan for the current Courthouse because there is a solid core of impassioned regular voters who believe if the Courthouse is abandoned it would not survive. The covenant would require that the building would not be demolished without approval of the Historic Preservation Commission. Mockler said if that were the case it would be county property forever. Hammond discussed timeframes for covenants and said it does not need to be extreme as 99 years. Packard wondered if it will require formation of another committee for putting together a plan for the building. Smith said she has spoken to a couple entities who have expressed interest in the building, with or without covenants, but she thinks it is key to getting bond approval. Howe said one thing mentioned is the old library and how it is not kept as well as some would like, and he thinks with the covenant there it would have less objection to private ownership. He discussed having money available to fix up the building if ownership would be passed on. Hammond said he had several suggestions, and the more brainstorming can be done the more likely to come up with the solution that is just right. Hammond said after the meeting he sent an e-mail to the Chairman of the Commission with Bob Fuller's progress report through December, and he expressed that he objected to the secrecy allegations and requested an apology because the committee has done an incredible amount of work. Auditor Carri Crum reported that the report is posted two different places on the County website, and when the committee was having meetings they were posted in advance on the website as well. Manning said maybe the future use of the building is something to talk to Fuller about. He said the historic post office in Yankton had covenants, and they have had trouble selling it, as well as replacing windows when it was open. Manning said he would hope the Historic Preservation would be open to compromise. Smith said she would like this to be smooth sailing, as time is of the essence, and she would not want to lose it due to an issue that could have been resolved. Mockler asked how they are going to come up with something in 5 months if no one has come up with one in 2 years. Packard said she has heard lots of good ideas, but funding is another question. Mockler said that has always been a stopping point. Smith said it could become condominiums, and she knows one person who has not backed away from the idea. She said she thinks the County has to try everything. The backup plan, in her mind, would be a 2-step process where the first process would be the jail and law enforcement and the Courthouse would be set aside for the following

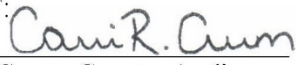


year as the jail and law enforcement is a critical issue. Manning discussed an old grade school that was converted into housing. Smith said it is happening across the country. There are a lot of possibilities, but it comes down to finding investment money.

At 12:21 p.m., Manning moved, seconded by Smith to adjourn and reconvene at 9:00 a.m. on Tuesday, January 26, 2021. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:   
Carri R. Crum, County Auditor

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January 26, 2021

The Board of County Commissioners met in regular session Tuesday, January 26, 2021 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning, and Richard Hammond.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Manning moved, seconded by Smith to approve the agenda. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Minutes of the January 12, 2021 meeting were approved with a motion by Packard, seconded by Smith. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Highway Superintendent Rod Polley met with the Board regarding highway matters. The Board discussed discounts for purchasing the CAT excavator through Sourcewell. Polley said the final cost is \$226,453.93 with the additional bucket discussed at the previous meeting. Mockler confirmed that the excavator has the GPS and scale capabilities. Polley said it does and has grade control, a ditch bucket as previously discussed, the premier warranty, and free delivery. Smith said she looked at prices across the country, and this is a good price. She said they range from \$230,000-270,000 without the additional accessories and features. Manning asked if the bridges get backed up underneath, is an excavator used to clear them out? Polley said when the water is high, they can reach it. Otherwise, if the water is low, they cannot get to it, and neither can Pollman with his long reach excavator. Smith and Mockler discussed supplementing the budget for the purchase. Polley said people have approached him to ask what took so long to purchase an excavator. Manning moved, seconded by Smith to authorize the purchase of the 2020 CAT excavator for \$226,453.93 from Butler CAT through Sourcewell. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered five driveway applications from Clay-Union Electric for boring to get rid of overhead power lines. The application locations are: Bluff Rd., Sec. 20, T94N, R53W, 302 St./459 Ave., Sec. 30, T95N, R52W, 302 St., Sec. 36, T95N, R53W, 454 Ave., Sec. 28, T93N, R53W, and 306 St./465 Ave., Sec. 18, T94N, R51W. Manning moved, seconded by Smith to approve the applications as presented and authorize the Chairman to sign them. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Polley discussed trees inside the river dike east of Wakonda. He said Gregoire Construction contacted him, and they did pull the debris outside of the dike. Polley said he looked at it, and it looks good.

At 9:20 a.m., Smith moved, seconded by Manning to adjourn and convene as Clay County Ditch Board. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board reviewed a pay request from Ulteig Engineering for 3-D Digging & Trucking on the Yankton-Clay Ditch project. Polley said they have done quite a bit of work, although he could not see the bottom of the ditch due to snow cover. He said the contractor is having a hard time

contacting Karen Kaerberle regarding work on her land. Hammond said he tried to contact her a couple times regarding this issue, and someone else answered and said they did not know her. Polley suggested the Board approve the pay request, and he asked if anyone wants to look at it with him. Hammond volunteered to do that but suggested the drone may also be helpful. Polley said he is concerned about the bottom of the ditch because he could not see it with the snow cover. He said if the snow melts they can use the drone. Manning clarified that the beaver dams will be removed before the project is complete. The Board discussed the completion date of April 15<sup>th</sup>. Manning moved, seconded by Hammond to approve the pay request in the amount of \$45,697.50 and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

At 9:28 a.m., Packard moved, seconded by Smith to adjourn and reconvene as Board of Clay County Commissioners. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Zoning Administrator Drew Gunderson met with the Board to present a plat on behalf of John S. Donnelly and Margaret A. Donnelly, Trustees of the John & Margaret Donnelly Living Trust, owners. Manning moved, seconded by Hammond to pass and adopt the following Resolution #2021-06 for plat of Donnelly Addition in the NW1/4 of Section 22, T92N, R51W of the 5<sup>th</sup> P.M., Clay County, SD, John S. Donnelly and Margaret A. Donnelly, Trustees of the John & Margaret Donnelly Living Trust, owners. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

**RESOLUTION #2021-06  
RESOLUTION OF COUNTY COMMISSIONERS**

WHEREAS it appears that the owners thereof have caused a plat to be made of the following described real property:

A plat of Donnelly Addition in the NW1/4 of Section 22, T92N, R51W of the 5<sup>th</sup> P.M., Clay County, SD, John S. Donnelly and Margaret A. Donnelly, Trustees of the John & Margaret Donnelly Living Trust, owners.

Be it resolved that the Board of County Commissioners of said County has examined the same and that it appears that the system of streets set forth therein conforms to the system of streets of existing plats and section lines of said County, that adequate provision is made for access to adjacent un-platted lands by public dedication or section line when physically accessible, and that all provisions of the subdivision regulations of said County have been complied with, and that all taxes and special assessments, if any upon the tract or subdivision have been fully paid and that such plat and the survey thereof have been executed according to law, and the same is hereby accordingly approved.

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Travis Mockler, Chairman  
Board of County Commissioners

I, Carri R. Crum, County Auditor of Clay County, South Dakota do hereby certify that the within and foregoing is a true copy of the Resolution passed on January 26, 2021.

\_\_\_\_\_  
Carri R. Crum

The Board reviewed the renewal of the SDSU Extension Memorandum of Understanding. Hammond moved, seconded by Packard to approve it and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Mockler updated the Board on the small group meeting regarding the Joint Jurisdiction. He said the big discussion was regarding the boundary and the city's future plans. They meet again February 11<sup>th</sup>.

State's Attorney Alexis Tracy discussed revisions to the grant policies. There was discussion regarding budgetary planning tools between Smith and Auditor Carri Crum. Howe said he has been discussing the jail replacement for nearly 20 years. He spoke about a statute regarding inmate boarding that allows those funds to be used for the building. Tracy discussed caps and allocating funds according to SDCL 7-25-5 and said the county has not had any money to be concerned with this in the past.

Jeff Erickson of Erickson Solutions Group met with the Board to discuss IT services regarding recording of meetings. He said meetings can be recorded and shared easily, especially if the entire meeting is to be shared, but what if the county does want to edit to include slides, materials, etc. either during the meeting or after. He discussed that they can stop the recording for Executive Sessions and resume later. Once the recording link is out there, anyone can do anything they want with it; a person can take snippets, cut out words, etc., and not a lot can be done to prevent that. There is no control over what someone can do to edit it and make it look different than it was. He said he recommends keeping a copy of the original someplace else, like on a server or device as proof later of what really happened. There was discussion regarding internet connection in the Commissioner Room as the current meeting was dropped three times. Stewart discussed cameras and angles for videos as well as storage. Packard discussed legislation regarding recall of officials and suggested putting the decision regarding recording meetings on hold until the legislative session is complete. Hammond asked if there is middle ground that recordings can be retained in the Auditor's Office to be distributed on request. There was a discussion between Erickson and Stewart regarding cloud storage limitations on Zoom. Smith said she is all for recording, but the idea behind the suggestion is to cut through distrust of the county commission as being secretive and to be transparent and open. She thinks it would establish trust for people to see what a county commission meeting is like. Hammond said there is more openness and transparency as a result of COVID-19 as people can attend via Zoom. It was discussed that the county can make it easier for more people to understand that the avenue is available to them, and make it plain that recordings are available and keep a record of who checks them out. Erickson said there is hardware and software that could cover the meeting, but recording would require the Auditor to start recording, and stop the recordings. Manning suggested taking baby steps. He said he doesn't mind having recordings available for people to check out. Crum asked how to do that, and whether the recording would be given out on a flash drive to be returned. Erickson said a copy would be saved on the server, and a person could check it out on a flash drive. It would require having a computer to watch the file. Putting it on

YouTube would make it available for anyone to see and edit. Packard asked if the recording from the flash drive is then still able to be edited. Erickson said yes, it can still be edited from a flash drive. It does not make it any more secure. Smith said they may be worrying about something that is not that big of a problem. The City of Vermillion has been doing it for years. She said she thinks the risk is small, and the positive side is a long term good. Manning said he does not totally agree with that because she was not sitting on his side during CAFO meetings when people said things that were rude and not nice, and he could see them twisting the videos to make the commission look bad. Smith said if the people could see what was happening, they may have a different perspective; a recording would have helped more people see what actually happened. Packard said she is on both sides of the fence as she sees comments in the paper. In the past, the commission has provided evening meetings, but no one appeared. She said she sees Smith's point, but asked when was the last time the city was sued, yet the county is currently still in the middle of a lawsuit. Smith said she is unsure a recording would have changed anything about that lawsuit. Packard said she is referring to the future. Smith said people do not necessarily come to the meetings, and they do tune into Facebook Live. Hammond said the protection is having the original, unaltered recording. Mockler said there is legitimate concerns when the wrong people have the original; it has happened. Tracy said 90 days of retention in office after minutes have been approved is required, but if we're going to record why not cannonball into the swimming pool, or don't do it at all. She said another example of pluses and minuses is the building project. The plethora of meetings that have been had, and yet the commission has been accused of hiding them. She said any time a recording has been checked out, then the county needs to maintain it forever. With law enforcement reports, they have to view the videos in the office. Erickson said it would be practical to save the original videos for years. Hammond said they should be kept for a multi-year period of time. Crum expressed concern that it is sometimes difficult to manage the Zoom meeting waiting room as well as taking the minutes, which are priority as they are the official record. She requested, if meetings are recorded, that others help monitor the recording as she will need to concentrate on taking minutes. Packard said it will bring in a whole new level of administration, making sure the recording is in the right place, whether it goes out or not, making sure it's maintained. Erickson said he anticipates an extra 20-30 minutes of time to put the master copy on the server, a copy that goes to YouTube, etc. The first time will take longer because the process is new. He said it is something that would have timeliness to the process, or it creates a new stream of conspiracy theories. Erickson said he recommends having more than one person work on it together, and train multiple people to help in case that person is gone. He said it does add extra labor and overhead, and his concern is making sure it's recorded, or in case there is an Executive Session, to remember to stop it from recording. Hammond said all of the commissioners can look for the recording button to make sure it's off. Tracy said she thinks someone other than the Auditor should be assigned this task because the official minutes are the official minutes. She said some of the smoothest trials are when another person aside from the attorney handles technology, especially as it pertains to the Executive Session aspect of things. Manning was concerned that if the county records meetings, someone at the county could edit the video. He used the example that if he were to coerce the Auditor's Office to edit the video, then people watching on Zoom would say the county edited it, and even if the county didn't edit it the person could still say they

did. Tracy asked about hiccups with internet connection, and how does that work. Erickson said it would keep recording what the cloud sees. In the Commissioner Room, the Zoom meeting froze, but it would record what happened in the Zoom meeting, not in the Commissioner Room. As for editing the master copy, he said the county would have to have safeguards in place, such as a policy. Packard said there would have to be a person designated as an IT person. She said the commissioners constantly pile more and more onto the Auditor's Office, and those minutes are majorly important, speaking from her own difficulty of taking minutes for non-profit meetings it's difficult and the county can't afford to have the Auditor miss things. Smith said the only responsibility is to push the record button, turn it off, and then turn it back on for Executive Sessions. She thinks it is not an undue burden. Hammond said the city has the Assistant City Manager as the person to do all the technology stuff outside of the running of the meeting. Mockler said now they have hired someone to do that. It was decided that the Board will think about the issue and revisit it. Packard said they should think about whether a deputy auditor will handle it, or a separate IT person. Stewart volunteered to do it at the next meeting as a trial.

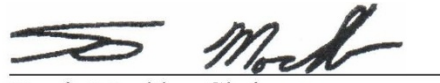
Hammond discussed bills moving through legislature regarding legal publication and referendum recall of commissioners. Smith said with HB1058, the association is taking the position that it is a solution to a problem that doesn't exist, and they are opposing it because it does not provide commissioners with due process. The other is HB1050 regarding publishing requirements. For official newspapers, they are trying to require that the county publishes at higher prices, and they do not have to put it in the newspaper, only online on their website. HB1054 requires a copy of ballot measures to be given to voters. Mockler asked if anyone can open a newspaper if they just have to do it online then. Packard said they can increase their fee by putting it online as well. Mockler and Smith discussed where the HB1058 came from. Mockler said he would be more comfortable if it listed every elected official. Tracy discussed cost for a special election every time a person was frustrated with someone. Smith discussed the process. Hammond and Packard discussed reasons in statute for recalling a commissioner.

Payroll changes to be reported in the minutes are as follows: Raven Jensen was hired in the Extension Office starting 1/25/21 at \$2,639.05/month.

Wages to be reported with the January minutes are as follows (listed per month unless otherwise noted): Jeffrey Anders \$5,070.00, Aaron Armstrong \$4,398.97, Marcie Armstrong \$3,189.23, Adam Aus \$3,460.82, Jessica Beringer \$3,300.16, Jay Bottolfson \$25.00/meeting, Kristina Brinkmann \$3,050.57, Tracy Cannon-Lass \$16.81/hour, Cynthia Carrington \$19.79, Laura Christensen \$3,497.05, Kaleb Christopherson \$3,625.62, Carri Crum \$5,179.70, Corey Doherty \$17.60/hour, Timothy Dooley \$19.81/hour, Jill Dotson \$3,607.17, Joan Downey \$3,430.77, Dennis Ganschow \$27.24/hour, Marty Gilbertson \$25.00/meeting, Lorin Gregg \$3,058.67, Sarah Gregg \$2,706.15, Drew Gunderson \$3,813.76, Richard Hammond \$1,735.12, Samantha Hargrave \$5,516.85, Brent Hays \$21.72/hour, David Hesse \$16.00/hour, Andrew Howe \$6,783.11, Rhonda Howe \$5,179.70, Joseph Hubert \$25.00/meeting, Tiffany Husby \$4,722.06, Raven Jensen \$2,639.05, Nicole Klunder \$3,300.16, Shannon Kymala \$3,625.62, Kasen Lambeth \$5,266.08, Timothy Larson \$26.49/hour, Linda Manning \$3,960.19, Micheal Manning \$1,735.12, Frank R. Martz \$27.82/hour, Larry McPherson \$29.25/hour, Dylan Miller

\$20.81/hour, Sarah Miller \$3,497.05, Travis Mockler \$1,856.04, Lennea Olson \$2,706.15, Zoey Olson \$3,058.67, Phyllis Packard \$1,735.12, Paul Pederson \$5,193.76, Ina Peterson \$5,179.70, Julie Plaatje \$3,134.99, Rodney Polley \$5,834.56, Anthony Pick \$19.81/hour, Jerry Prentice \$25.00/meeting, Robert Proefrock \$18.40/hour, Preston Rhodes \$3,284.28, Tyler Schuck \$2,913.02, Elizabeth Smith \$1,735.12, Layne Stewart \$4,703.33, Austin Stromberg \$16.81/hour, David Styles \$4,185.95, Laura Sundet \$3,509.94, Daniel Swensen \$27.24/hour, Mary Taggart \$4,159.80, Rhonda Taggart \$3,189.23, Lisa Terwilliger \$5,179.70, Alexis Tracy \$7,422.56, Noah Umscheid \$4,121.87, Patty Waage \$50.00/med. call, \$4,479.17, Lisa Wood \$3,140.47, Staci Wuestewald \$50.00/med. call.

At 10:46 a.m., Smith moved, seconded by Packard to adjourn and reconvene at 9:00 a.m. on Tuesday, February 2, 2021. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:

  
Carri R. Crum, County Auditor

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February 2, 2021

The Board of County Commissioners met in regular session Tuesday, February 2, 2021 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning, and Richard Hammond.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Hammond moved, seconded by Smith to approve the agenda with the addition of Lauren Hollenbeck for the Extension/4-H Office activity report. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Minutes of the January 26, 2021 meeting were approved with a motion by Manning, seconded by Smith. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Sheriff Andy Howe appeared as a Visitor to be Heard. He updated the Board on body and car camera purchases. He has decided to use Watchguard, and the money was previously budgeted for. Howe has also applied for a grant to assist with the purchase.

Lauren Hollenbeck, 4-H Educator, met with the Board to present the office's activity report and to introduce the new Extension Secretary, Raven Jensen.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. The Board considered three Right-of-Way Applications from Clay-Union Electric on 452 Ave., two in Sec. 19, one in Sec. 31, T95N, R53W. Smith moved, seconded by Hammond to approve the applications as presented. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Polley discussed the Transportation Study program with the SDDOT. He said it is a good program, but there is no way to determine cost prior to entering the program, although he estimates \$25,000. The DOT looks at all the roads to see which ones need improvement. The City of Vermillion has participated. If the county is to sign up, the application must be submitted by March 1, and there is no guarantee of acceptance. The funds would come from the 2022 budget. Packard asked if there is any way to combine a bicycle path with the study. Powell said it is part of the study. Smith said the City of Vermillion did a bicycle master plan, and she said she loves Packard's idea of incorporating a bicycle plan into the transportation master plan. Manning said one study category is a 20-year master transportation plan and asked Polley if that's what he wants. Polley said the pavement plan is a big one, and he can check to see which categories are included, or if they all are. He will check on the bicycle plan. He said there are quite a few areas that are eligible. Packard asked if it is done with private engineering. Polley said there is an advisory board that picks the engineering firm because there are a certain few that are eligible. The advisory board also reviews whether the county needs the program. Packard asked if SECOG provides this kind of service, and Polley said he can ask. Smith asked what the county's chances are, if the county checks too many boxes will they think it is unrealistic, or should the county present a more targeted approach? She thinks a 20-year master plan will help enormously with financial planning, and a bicycle plan is a good target. Packard agreed. Mockler asked if it



is the best use of county money because the county already knows the Meckling Road and the Volin Road are the two that need to be replaced, and due to cost that will be a 20-year plan. Smith said a master plan gives an organized 20-year plan that would be helpful in terms of planning. Packard pointed out that the Highway Department does have a 5-year plan. Polley said it is a maintenance plan, not for new construction. He is in the process of updating it with SECOG now so that the county can participate in the Bridge Improvement Grant program for some bridge repairs. Polley said Fairview Ave. is also a priority. SDLTAP looked at it, and they cannot believe there have not been more accidents on that road because it is basically a one-lane road going up the hill. The east county line is also in need. Polley said he is reading through Davison County's plan, and it is 127 pages. He said he will dig into the program deeper, and he can present more at the next meeting. Packard said she would be in favor, as is Smith. Hammond said the county has its 5-year plan, and there are some big expenses coming that are probably crimping the planning. The commissioners may have to figure out some way to afford it, and it may be a good step in figuring out what the needs are 10 years out. Polley said this program may not be around next year. Manning said he thinks the county should pursue it, and there is always the option to decline it later. It would be helpful to have more information, and to have this program in place to help obtain more funds later on. Polley said he does not think Brown County paid more than about \$30,000, and he is estimating \$25,000 would be a little high. Polley said, for Smith's benefit, that the road north of Meckling up to the bluff was applied for under the SIB loan through the State, and that can be another tool for the county. Hammond and Polley discussed access to other counties' reports online.

Polley updated the Board that 3-D Digging & Trucking did contact Karen Kaeberle regarding her property. She does not want him to proceed until she can see what is to be done. The contractor is working on everything else around her property. Polley said he can see the progress when he drives along 459 Ave. They have been removing trees with the backhoe and excavator. It was discussed that they can work on the bottom without entering Kaeberle's property.

Emergency Management Director Layne Stewart met with the Board for the drone bid opening. Stewart and State's Attorney Alexis Tracy discussed that Chinese-made electronics have been banned and discussed that it may have an affect on bids that have been submitted. Stewart said he has been in contact with Homeland Security, and not all federal agencies are following those guidelines. Mockler said the Board could also reject all bids and start over if necessary. Stewart said it was also advertised contingent on grant approval. Bids were opened and read aloud. Frontier Precision bid \$33,827.60, Advexture bid \$29,094.00, and John McGraw bid \$33,107.00. It was decided that Stewart would review bids and return at a later meeting as the grant process will take until September, and purchase will be in 2022.

Packard moved, seconded by Manning to approve the renewal Consultant Contract for Provision of Community Health Services with the SD Department of Health. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Zoning Administrator Drew Gunderson met with the Board to present a plat on behalf of Erlan M. & Joann L. Olson. Manning moved, seconded by Hammond to pass and adopt the following Resolution #2021-07 for a plat of Tract 1 of Olson Addition, an Addition in the S1/2 of the

SE1/4 of Sec. 15, T93N, R51W of the 5<sup>th</sup> P.M., Clay County, SD, Erlan M. & Joann L. Olson, owners. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

**RESOLUTION #2021-07**  
**RESOLUTION OF COUNTY COMMISSIONERS**

WHEREAS it appears that the owners thereof have caused a plat to be made of the following described real property:

A plat of Tract 1 of Olson Addition, an Addition in the S1/2 of the SE1/4 of Sec. 15, T93N, R51W of the 5<sup>th</sup> P.M., Clay County, SD, Erlan M. & Joann L. Olson, owners.

Be it resolved that the Board of County Commissioners of said County has examined the same and that it appears that the system of streets set forth therein conforms to the system of streets of existing plats and section lines of said County, that adequate provision is made for access to adjacent un-platted lands by public dedication or section line when physically accessible, and that all provisions of the subdivision regulations of said County have been complied with, and that all taxes and special assessments, if any upon the tract or subdivision have been fully paid and that such plat and the survey thereof have been executed according to law, and the same is hereby accordingly approved.

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Travis Mockler, Chairman  
Board of County Commissioners

I, Carri R. Crum, County Auditor of Clay County, South Dakota do hereby certify that the within and foregoing is a true copy of the Resolution passed on February 2, 2021.

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Carri R. Crum  
County Auditor, Clay County, SD

Manning discussed the draft grant policies with Tracy and Auditor Carri Crum. Tracy discussed the need to update the policies but that some situations may not need to be included, such as sub-recipient monitoring, although if the situation comes up in the future it may be needed. Packard discussed giving a copy to the Historic Preservation Commission. Packard asked if a synopsis can be put together. Crum discussed that many things are in practice, and probably were part of a written policy in the past but would be helpful to have a policy book in place. Smith said she likes that idea, especially for new employees as they come on board if they will be handling grants. Smith requested to have the matter on the agenda at the next meeting. Packard requested it be at the last meeting in February. Mockler suggested that it be on the agenda for the next meeting, and subsequent meetings as needed to get through it. It was decided to place the item on the agenda as necessary until it is complete and have department heads attend to learn and ask questions.

Manning said he had a VCDC meeting last week. He updated the Board that they are starting on the next phase of Bliss Pointe, especially affordable housing. The group discussed housing prices and average cost per square foot for building homes. Smith said there are a lot of subsidies available. Manning discussed townhomes. He said the VCDC does have developers interested, but they are still working on details.

Tracy discussed with the Board additional items for meetings, such as the committee updates like Manning's update on the VCDC meeting. Packard also suggested having legislative updates on the bottom of the agenda. Tracy discussed that regarding the definition of a meeting, teleconferences and e-mail discussions could also be considered meetings.


Stewart showed the Board how Zoom recording works. The matter will be placed on the next agenda for further discussion.

At 10:20 a.m., Manning moved, seconded by Smith to adjourn and reconvene at 9:00 a.m. on Tuesday, February 9, 2021. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

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February 9, 2021

The Board of County Commissioners met in regular session Tuesday, February 9, 2021 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning, and Richard Hammond.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Hammond moved, seconded by Manning to approve the agenda. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Minutes of the February 2, 2021 meeting were approved with a motion by Hammond, seconded by Packard. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. The Board discussed the SDDOT Transportation Study Program. Polley said he discussed it with SECOG, and they do not have a similar program. He said he is in favor of joining the program after reading other counties' studies. Hammond said he looked through some of McCook County's study as it is similar to Vermillion with the river, recreation area, expanding agricultural loads, etc. From what he saw, it is a good product. He discussed the 20% cost share with Polley, and McCook County paid around \$25,000. Other larger counties have paid \$35,000-50,000 due to the management system. Polley said he thinks Clay County can do that portion on its own. McCook County did almost every option with its study, and Union County is in the process now. Manning asked if there will be a cost estimate once the options are chosen. Polley said there will be a better estimate once the paperwork is completed. Smith cited three reasons to join the program: long-term financial planning, project planning, and primary evidence of need when applying for state and federal funding. She would also like to include a bicycle plan. Packard said she agrees with Smith. Polley said the Highway Superintendent from McCook County said he sticks to the plan, and he does not work on anything out of order from the plan. It has cut down on the calls from the public as the plan is open knowledge to the public. He said other Highway Superintendents thought it was a good program. Manning moved to apply for the program and decide from there whether to proceed once the county knows more details, seconded by Smith. Hammond and Smith discussed checking most of the options and then deciding what to eliminate later. Smith said checking all the options is almost like checking none. She discussed the master plan, and said the county will be better off to target the options on the application. Smith and Polley discussed the application and whether there is a narrative section to explain what the county is looking for. Polley said there are 11 areas that can be studied, and he had 5 in mind. Smith suggested asking the contact person whether it's better to request the master plan, or whether to check all the options, if it will affect getting the grant. Polley said most counties do the 5 things he had in mind, but he will ask his contact person. Hammond said he is on the same page with Polley. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered the surplus of old iron, aluminum signs, and bridge planks. Packard moved, seconded by Hammond to declare the old iron, aluminum signs, and bridge planks surplus and authorize the sale of the items. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Hammond moved, seconded by Manning to set March 2, 2021 at 9:30 a.m. for bid opening for highway supplies and materials bids. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Polley said he spoke to Brad Stangohr from Ulteig Engineering to point out a few spots on the Yankton-Clay Ditch that need to be taken care of. He said Stangohr will be on site today to drive the length of the project. There is an area where the excavator sunk in and will need attention. There is one spot with brush piles in the bottom, and some branches in the ditch. There are also bucket-sized chunks that need to be removed, and Stangohr will look for those as well. Polley said there is a spot across from Holmes' Welding where the bank has sluffed off, and there may need to be rip rap added, or other repairs. Hammond said the medium-sized trunks/branches will be the main issue when the water comes up. He said the wash-out has some rip rap, but it's washed out badly enough that the bank will need to be stabilized and may be helped with a few loads of rip rap. Mockler asked Polley to have the contractor look at it. It was discussed that they should look at either straightening the turn or adding rip rap.

Emergency Management Director Layne Stewart met with the Board to present the bid tabulation for the drone. Advexture from Los Angeles, CA, had the low bid of \$29,094.00. He recommends that, contingent upon funding from Homeland Security, acceptance of Advexture's bid. Manning moved, seconded by Smith to accept the bid from Advexture. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Mockler asked about the status of the generator repairs. Stewart said he is currently working on the POD trailer and then will take it for repairs.

The Board and department heads reviewed at length the county's grant practices and a draft grant policy manual being considered.

Zoning Administrator Drew Gunderson met with the Board. Mockler briefed the Board on a Conditional Use Permit that did not qualify. The Board discussed publishing expenses and the refund of the application fee. Gunderson said he and City of Vermillion Engineer Jose Dominguez were both under the impression it was to be a stick-built manufactured home, when it was really to be a trailer house. State's Attorney Alexis Tracy discussed that the information was the applicant's responsibility. Mockler said the application should have never made it that far, so he suggested refunding the fee less the publishing costs. Manning said it was kind of a mistake on all sides. Mockler said going forward the fee payment should not be accepted until the application is complete. Smith said it would be helpful if permit questions did not come to the commission unless the application is complete. Gunderson and others clarified that is currently the practice. Hammond moved, seconded by Smith to refund the application fee less the publication costs. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Hammond moved, seconded by Manning to approve the following claims. Roll call vote:  
 Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

(PAYROLL)		AFLAC	\$657.08
COMMISSIONER'S	\$8,796.52	CLAY CO FIT FICA	\$53,587.59
AUDITOR'S OFFICE	\$11,890.95	COLONIAL LIFE	\$347.79
TREASURER'S OFFICE	\$22,583.91	CONSECO/WASHINGTON	\$24.45
STATE ATTORNEY'S OFFICE	\$26,291.83	DIV OF CHILD SUPPORT	\$631.00
COURTHOUSE	\$3,430.77	NEW YORK LIFE INSURANCE	\$328.57
DIRECTOR OF EQUALIZATION	\$11,382.90	SD CHILD SUPPORT CENTER	\$713.00
REGISTER OF DEEDS	\$8,230.27	SD RETIREMENT SYSTEM	\$27,166.48
VETERAN'S OFFICE	\$1,601.78	SD SUPPLEMENT RETIREMENT	\$3,775.00
24/7 PROGRAM	\$1,997.76	SDRS ROTH 457(B) PLAN	\$760.00
SHERIFF'S OFFICE	\$42,974.34	TASC PVR	\$2,051.65
COUNTY JAIL	\$33,161.90	THE STANDARD - DENTAL	\$748.12
EMERGENCY MGMT	\$4,703.33	THE STANDARD - LIFE INS.	\$393.66
HIGHWAY	\$47,610.30	THE STANDARD - SH TRM DI	\$1,059.54
COMMUNITY HEALTH NURSE/WIC	\$3,140.47	THE STANDARD - VISION	\$171.09
WEED	\$1,035.12	UNITED WAY OF VERMILLION	\$252.00
PLANNING & ZONING	\$2,298.74	VERMILLION FEDERAL	\$2,171.00
(DUE TO OTHER GOVERNMENT)		WELLMARK BLUE CROSS	\$50,097.73
BERESFORD SCHL DIST 61-2	\$41,585.39	(FIRE PREMIUMS)	
BETHEL TOWNSHIP	\$10,665.98	BERESFORD RURAL FIRE	\$1,413.65
CENTERVILLE SCH DIST 60-	\$26,644.45	CENTERVILLE RURAL FIRE	\$1,135.60
CITY OF VERMILLION	\$160,502.29	GAYVILLE RURAL FIRE ASSO	\$1,506.20
CLAY CO TREASURER	\$15,694.50	IRENE RURAL FIRE ASSOC	\$508.96
FAIRVIEW TOWNSHIP	\$20,180.68	VERM. RURAL FIRE ASSOC.	\$8,260.93
GARFIELD TOWNSHIP	\$10,551.89	VOLIN RURAL FIRE ASSOC.	\$191.51
GAYVILLE/VOLIN SCHL DIST	\$12,133.26	WAKONDA RURAL FIRE	\$3,285.41
GLENWOOD TOWNSHIP	\$10,570.85	(LEGAL SERVICES-CT APP'T ATT'Y/)	
IRENE CITY	\$2,570.07	CLAY CO CLERK OF COURTS	\$25.00
IRENE/WAKONDA SCHL 13-3	\$155,272.59	(WORKMEN'S COMPENSATION)	
MECKLING TOWNSHIP	\$14,301.50	SDML WORKERS' COMP FUND	\$62,722.00
NORWAY TOWNSHIP	\$6,948.06	(PROFESSIONAL SERVICES AND FEES)	
PLEASANT VALLEY TWP.	\$11,742.25	ALTERNATIVE HRD LLC	\$6,039.95
PRAIRIE CENTER TWP.	\$11,757.24	BROADCASTER PRESS	\$16.53
RIVERSIDE TOWNSHIP	\$8,873.46	BUHLS DRYCLEANERS &	\$138.50
SD DEPT OF REV ANDERSON	\$602,709.13	BUREAU OF ADMINISTRATION	\$6.72
SDACC OFFICE	\$456.00	CERTIFIED LANGUAGES INTL	\$21.45
SDACO - M&P FUND PAYMENT	\$360.00	CITY OF VERMILLION	\$230.00
SEILERS SECOND ROAD DIST	\$240.03	EMPCO, INC.	\$75.00
SPIRIT MOUND TOWNSHIP	\$12,107.71	ERICKSON SOLUTIONS GROUP	\$3,800.00
STAR TOWNSHIP	\$17,192.04	FEDEX	\$54.45
STATE OF SD GAME FISH	\$239.00	GAPP, DEBRA	\$7,862.50
THOMSON REUTERS - WEST	\$1,101.34	HOUSKA, DDS, RANDY	\$1,001.00
TLC WATER PROJECT DIST.	\$10,602.32	LINCOLN COUNTY TREASURER	\$349.20
VERMILLION BASIN WATER	\$2,537.84	MID-STATES ORG. CRIME	\$100.00
VERMILLION SCHL DIST 13-	\$437,722.51	MINNEHAHA CO. AUDITOR	\$161.00
VERMILLION TOWNSHIP	\$6,719.43	PHARMCHEM, INC.	\$1,092.35
VIBORG/HURLEY SCHL 60-6	\$208.34	PIERCE COUNTY	\$39.78
WAKONDA TOWN	\$14,834.61	PRICE, THOMAS L. INC	\$500.00
(PAYROLL WITHHOLDING)		QUALIFIED PRESORT SVC IN	\$41.09

SACRED HEART HOSPITAL	\$1,275.91	GERRISH, ED	\$64.96
SANFORD HEALTH	\$98.00	I-STATE TRUCK CENTER	\$623.49
SANFORD HEALTHCARE SHCA	\$138.62	JERRY'S CHEVROLET	\$407.20
SATELLITE TRACKING OF	\$656.50	KONE, INC.	\$780.68
SD ASSN. OF CO. OFFICIAL	\$1,495.48	L & L MOTOR SUPPLY	\$179.76
SD DEPT OF HEALTH LAB	\$840.00	NELSEN ELECTRIC LLC	\$480.00
SD SHERIFF'S ASSN	\$915.92	OFFICE ELEMENTS	\$13.58
SD STATES ATTY ASSOC.	\$1,006.00	OLSON'S PEST TECHNICIANS	\$80.00
SDAO	\$225.00	PRESTO-X COMPANY LLC	\$206.00
SDACC OFFICE	\$3,030.00	RIVERSIDE HYDRAULICS AND	\$400.00
SECURITY SHREDDING SVC.	\$87.50	RS PLUMBING SERVICES	\$237.55
TERWILLIGER, PHILIP	\$350.00	TAGGART, TOM N	\$495.40
VERIZON WIRELESS ST ATTN	\$152.10	VERMILLION ACE HARDWARE	\$79.98
WALKER CONSTRUCTION	\$325.00	VERMILLION FORD	\$241.50
YANKTON CO TREASURER	\$93.40	WALKER CONSTRUCTION	\$1,275.00
YANKTON MEDICAL CLINIC P	\$1,115.93	(DATA PROCESSING/CLAY CREEK/INF)	
YANKTON PRESS & DAKOTAN	\$0.00	ERICKSON SOLUTIONS GROUP	\$3,436.78
YELLOW ROBE, CONSULTING	\$1,500.00	MICROFILM IMAGING SYSTEM	\$1,710.00
(OTHER PROFESSIONAL SERVICE)		SOFTWARE SERVICES, INC.	\$2,920.00
BOYS & GIRLS CLUB, INC.	\$1,750.00	(YANKTON CLAY EXPENSE)	
CITY OF VERMILLION	\$90,550.57	ULTEIG	\$86.00
DAKOTA REPORTING AGENCY	\$1,088.50	3D DIGGING & TRUCKING LL	\$105,637.50
REEVES, MEGAN	\$112.20	(SUPPLIES & MATERIALS)	
SCHAEFER, DEAN	\$126.00	A & B BUSINESS	\$452.72
SD ATTORNEY GENERAL	\$3,802.00	A-OX WELDING SUPPLY CO	\$318.99
THURSTON COUNTY SHERIFF	\$3,350.00	BLUE TARP FINANCIAL, INC	\$350.97
(LAW OFFICE)		BOB BARKER CO INC	\$522.30
BARTLING, CHRISTOPHER	\$54.00	BRUNICK SERVICE, INC.	\$223.18
JOHNSON, KATIE PLLC	\$657.00	BUTLER MACHINERY CO.	\$3,785.64
KOGEL, LINDA L	\$2,887.60	C & B OPERATIONS YANKTON	\$85.98
OXNER LAW OFFICE LLC	\$2,114.70	CANON	\$261.63
PETERSON, STUART, KLENTZ	\$18,333.32	CONCRETE MATERIALS	\$2,072.07
THOMPSON, CRAIG K	\$7,994.73	CORTRUST BANK	\$4.00
(MENTAL HEALTH)		COYOTE ENTERPRISE LLC	\$209.90
DAKOTABILITIES	\$720.00	D-P TOOLS, INC.	\$696.55
LEWIS & CLARK BEHAVIORAL	\$184.00	D-WARE INC.	\$5,350.00
SD ACHIEVE	\$480.00	ERICKSON SOLUTIONS GROUP	\$74.00
SESD ACTIVITY CNTR	\$360.00	FRANCOTYP-POSTALIA INC	\$90.00
(PUBLISHING)		GRAHAM TIRE S.F. NORTH	\$1,248.56
BROADCASTER PRESS	\$2,382.09	GRAHAM TIRE YANKTON	\$1,008.00
PLAIN TALK/BROADCASTER	\$47.25	HOLLENBECK, LAUREN	\$18.07
STAR PUBLISHING	\$331.04	I-STATE TRUCK CENTER	\$39.37
(REPAIRS AND MAINTENANCE)		JCL SOLUTIONS	\$412.75
ASTECH ASPHALT SURFACE	\$847,483.77	JERRY'S CHEVROLET	\$313.11
AUTOMATIC BLDG. CONTROLS	\$204.00	LAWSON PRODUCTS, INC.	\$352.21
BROADCASTER PRESS	\$86.25	LAYNE'S WORLD, INC.	\$29.76
BUHLS DRYCLEANERS &	\$187.00	MICROFILM IMAGING SYSTEM	\$310.00
CENTURY BUSINESS PRODUCT	\$30.00	MIDWEST OIL COMPANY	\$3,527.59
CHARLIE'S BUS SERVICE	\$35.00	NATIONAL SHERIFF'S ASSOC	\$16.13
DAKOTA LOCK & KEY	\$95.00	NELSEN ELECTRIC LLC	\$543.07
DAKOTA PC WAREHOUSE	\$83.98	NORTH CENTRAL RENTAL &	\$2,156.00
GEHM, CINDY	\$477.00	NORTHERN SAFETY CO., INC	\$152.04

O'REILLY AUTO PARTS	\$664.18
OFFICE ELEMENTS	\$120.19
ONE OFFICE SOLUTION	\$324.62
PLAIN TALK/BROADCASTER	\$26.00
PRINT SOURCE	\$27.00
PROCHEM DYNAMICS	\$609.49
QUALIFIED PRESORT SVC IN	\$5,450.73
QUILL CORPORATION	\$1,386.92
RDO EXCH 80-5800	\$32.13
RIVERSIDE HYDRAULICS AND	\$138.74
RUNNINGS SUPPLY INC	\$345.60
SANITATION PRODUCT	\$82.65
SD ASSN OF CO WEED BRDS	\$150.00
SD DEPT OF TRANS	\$2,344.33
SIGN-UP LTD.	\$97.23
SOOLAND BOBCAT	\$514.39
STAN HOUSTON	\$224.95
STURDEVANT'S AUTO PARTS	\$898.16
TRUCK-TRAILER SALES&SRVC	\$36.50
TWO WAY RADIO SOLUTIONS	\$364.97
VERMILLION ACE HARDWARE	\$315.71
VERMILLION FEDERAL	\$202.47
VERMILLION FORD	\$252.14
WHEELCO BRAKE AND SUPPLY	\$403.56
YANKTON JANITORIAL SUPPL	\$659.85
(COPIER SUPPLIES)	
CANON	\$161.12
RELIANCE TELEPHONE	\$500.00
(TRAVEL AND CONFERENCE)	
HY-VEE, INC.	\$27.56
PEDERSON, PAUL	\$180.00
SD ASSN. OF CO. OFFICIAL	\$110.00
SDACC OFFICE	\$110.00
(INMATE TRAVEL)	
PENNINGTON COUNTY JAIL	\$180.67
PUMP N PAK	\$434.00
(UTILITIES)	
ANDERS, JEFFREY	\$180.00
ARMSTRONG, AARON	\$180.00
AUS, ADAM	\$180.00
BUREAU OF ADMINISTRATION	\$147.68
BUTCH'S PROPANE	\$1,689.50
CENTURYLINK	\$1,071.40
CENTURYLINK EMG	\$27.74
CHRISTOPHERSON, KALEB	\$180.00
CITY OF VERMILLION	\$1,935.60
CLAY RURAL WATER SYSTEM	\$107.80
CLAY UNION ELECTRIC CORP	\$1,329.46
HOWE, ANDY	\$180.00
HUSBY, TIFFANY	\$180.00
KYMALA, SHANNON	\$180.00
MIDAMERICAN ENERGY	\$1,960.05

MIDCO BUSINESS	\$650.00
PEDERSON, PAUL	\$180.00
UMSCHEID, NOAH	\$180.00
VERIZON WIRELESS EMG	\$40.01
VERIZON WIRELESS HWY TRS	\$115.54
VERIZON WIRELESS SHERIFF	\$320.08
VERIZON WIRELESS TRS	\$345.42
VERMILLION GARBAGE SVC.	\$472.00
WAKONDA TOWN	\$125.30
(PAYMENT)	
AUSTIN-WHITTEMORE HOUSE	\$625.00
BERESFORD PUBLIC LIBRARY	\$1,500.00
BERNARD, PAMELA	\$50.00
BRUNICK SERVICE, INC.	\$299.90
CLAY CO AGR FAIR ASSOC	\$4,125.00
CLAY CO CONSERVATION DIS	\$6,250.00
DAKOTA SENIOR MEALS	\$970.50
DOMESTIC VIOLENCE	\$410.00
ENGEMAN, JEFFREY M	\$50.00
ERICKSON, JENNIFER C	\$50.00
FARABEE, DARLENE	\$50.00
HY-VEE, INC.	\$3,090.78
JACOBSON, KEVIN	\$50.00
JENSEN, CAROLYN	\$52.52
LANE, TRACEY	\$50.00
LEWIS & CLARK BEHAVIORAL	\$5,605.00
MURLEY, KEVIN M	\$54.20
NATIONAL MUSIC MUSEUM	\$1,250.00
ONDROZECK, PAUL	\$10.00
PUMP N PAK	\$2,898.64
SALVATION ARMY	\$437.50
SE COUNCIL OF GOVTS.	\$12,337.00
SPRINGER, ELIZABETH	\$52.52
THE SOAP GUYS	\$40.00
TIMMERMANN, TIFFANY	\$50.00
VERMILLION AREA ARTS CNC	\$1,250.00
VERMILLION AREA CHAMBER	\$500.00
VERMILLION FEDERAL	\$64.41
VERMILLION FOOD PANTRY	\$1,875.00
VERMILLION FORD	\$274.08
VERMILLION PUBLIC LIBRAR	\$1,000.00
VERMILLION SENIOR CENTER	\$5,000.00
WAKONDA MINISTERIAL ASSN	\$200.00
WAKONDA PUBLIC LIBRARY	\$625.00
WH OVER MUSEUM,	\$1,875.00
(BUILDINGS AND STRUCTURES)	
PRESSING MATTERS	\$2,742.00
(BOOKS)	
BUTLER MACHINERY CO.	\$226,453.93
I-STATE TRUCK CENTER	\$119,431.00
SD DEPT OF REVENUE	\$452.00
THOMSON REUTERS - WEST	\$75.02



VERMILLION FORD \$37,644.00  
(FURNITURE AND MINOR EQUIPMENT)  
CANON \$209.96

MICROFILM IMAGING SYSTEM \$120.00  
ONE OFFICE SOLUTION \$2,360.00

The Board considered Resolution #2021-08 for County Wildland Fire Protection. Manning moved, seconded by Packard to pass and adopt Resolution #2021-08. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

**RESOLUTION #2021-08**  
**County Wildland Fire Protection**

WHEREAS the County has not established a Wildland Fire Protection Plan;

BE IT HEREBY RESOLVED, that the list of individuals set forth below, are hereby authorized to request wildland fire assistance, on behalf of the County of Clay as specified in SDCL 41-20A-11. The authority to request assistance as provided shall continue in full force and effect until terminated or modified by resolution of the County of Clay Board of Commissioners.

County Fire Assistance Authorization list:			
Effective Date: February 9, 2021			
Name of Individual	Position	Daytime Phone	Emergency or Cell Phone
Layne Stewart	Emg. Mgmt. Dir.	605-677-7185	605-677-9812
Andy Howe	Sheriff	605-677-7100	605-670-1915
Paul Pederson	Chief Deputy	605-677-7100	712-212-3630

BE IT HEREBY RESOLVED, that Layne Stewart, Emergency Management Director, is appointed County Rural Fire Coordinator for the County of Clay. The County Rural Fire Coordinator is hereby authorized to act as a single point of contact, on behalf of the County of Clay, in dealing with administrative matters such as burn bans, billings, or questions about this Wildland Fire Agreement specific to the County. This authority shall continue in full force and effect until terminated or modified by resolution of the County of Clay Board of Commissioners.

Dated the 9<sup>th</sup> day of February, 2021.

Commissioner Manning moved the adoption of the foregoing Resolution; Motion seconded by Commissioner Packard.

Vote of the Commission: Packard Aye Smith Aye Manning Aye Hammond Aye Mockler Aye

Upon which voting the foregoing Resolution was declared passed and adopted.

ATTEST:

\_\_\_\_\_  
Carri R. Crum, County Auditor

\_\_\_\_\_  
Travis Mockler, Chairman  
Board of County Commissioners  
Clay County, South Dakota

Smith moved, seconded by Packard to assign \$71,050 for the future purchase of an ambulance. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Manning moved, seconded by Hammond unassign \$200,000 in the Road & Bridge Fund that had been assigned for a bridge replacement project. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

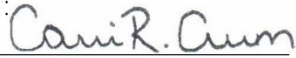
The Board discussed recording Zoom meetings. The Board's feelings were that the topic has been discussed at length, and it is time to make a decision. Smith moved to record county commission meetings on Zoom and make those available to the public within a reasonable length of time. Manning seconded the motion. Under discussion, Packard said a designee should be responsible for the recordings, other than the Auditor. Smith said the recording button is the only requirement. Packard said she has been involved in recording minutes for meetings, and she has thoroughly missed things; it is doubling up on actions for the Auditor. Auditor Carri Crum said she is concerned with failure of technology as has been a problem in the current building situation. Smith said the county would be doing this in addition to minutes, and this is just something extra, not something required. Manning said if the commissioners do this and decide it is too many hassles and problems, they can drop it. Tracy agreed that it is not required, but it is included in records retention to keep recordings for 90 days beyond the approval of the official minutes. Crum recommended making the videos available via something like YouTube vs. checking them out on a flash drive to the public. Packard suggested recording for a month as a trial. Tracy said if they are recorded, they need to be maintained, accessible, and available. Packard said she still feels strongly that there needs to be a person other than the Auditor to be responsible for recording. Hammond said he is still concerned with having an original copy in case of someone editing the video. Smith said what happens when people make the changes, is they download a copy, but they cannot change the actual YouTube video. Mockler said as long as someone from the county does not get a hold of it as has happened in another county. He said if someone changes a video, they better be prepared to have each other's back. Sheriff Andy Howe said they record the Zoom meetings for jail visits, and there are options for retention. Manning asked how long the recordings should be retained. Mockler discussed that some meeting recordings should be retained longer than 90 days. Tracy said Erickson Solutions Group, the county's IT provider, recommended 3, 5, or 7 years. Mockler asked if there is a big public outcry for this. The commissioners used to get requests to have night meetings and no one came when they did have night meetings. Hammond said it would be a solution for that problem as well. Smith said she just thinks it is a good faith effort, and she is continually amazed by the lack of information that the public knows. She thinks it would help the public realize there is no mass conspiracy. Packard said those who have an issue do know when to show up. There have been many meetings with 50-100 people show up, and there have been many with none. Mockler said he was yelled at for having a meeting during the day, and of the many before it regarding the topic, it was the only one held during the day. Packard said she does not think there is an outcry, but she thinks transparency is good. She asked, if the county has to record and keep meetings for 5-7 years, is it worth it? Hammond said yes, it will help keep people from making up their own story if the real story is out there. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Nay, Mockler Nay. Motion passed.

Manning updated the Board on Nick Hovden's rezoning request. There will be a joint second reading with the City of Vermillion in the future. Hammond said there will be a Clay County Park Board meeting on February 18<sup>th</sup>, at which they will discuss reservation rates and getting things up and running for this year. There is also a movement to put free life jackets at the boat ramp, and Hammond said he would like to make sure that goes through. Mockler and Hammond discussed issues regarding the trail and outhouse.

At 11:31 a.m., Manning moved, seconded by Smith to adjourn and reconvene at 9:00 a.m. on Tuesday, February 23, 2021. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST: 

Carri R. Crum, County Auditor

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February 23, 2021

The Board of County Commissioners met in regular session Tuesday, February 23, 2021 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning, and Richard Hammond.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Manning moved, seconded by Smith to approve the agenda. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Minutes of the February 9, 2021 meeting were approved with a motion by Manning, seconded by Hammond. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Sheriff Andy Howe appeared as a Visitor to be Heard regarding the Community Health Nurse's Office vaccine refrigerator. He was approached by the office to check into the status of connection to the generator in the Public Safety Center. He said the old refrigerator has reached its end of life, and the State has provided a new refrigerator that is much too large and has to sit in the secretary's office area. The State has said the County should pay to have the electrical run to ensure that the refrigerator is on the Safety Center's generator for backup power. Auditor Carri Crum said in the past the topic was explored, the electrical quotes were several thousand dollars, and she recalls the sentiment was that the State should bear the expense. Howe said he looked at the electrical and feels that it would not be as big of a job as previously anticipated due to a now-unused electrical line in the utility area of the courthouse that is connected to the Safety Center. Packard asked what the cost would be if the County purchased the smaller refrigerator. Howe said he has received information that the smaller refrigerator is available in Salem, but the State has given them the larger one anyway. Smith said, given the electrical grid situation in the past week, it sounds like something that should be done. Mockler said he thought the electrician told him it was fixed to be on backup power in the past. Manning said he also thought Leo Powell looked into it at one time when he was on the Board.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. The Board discussed with Polley the SDDOT Transportation Plan application, which is due March 1, 2021. Smith said she would add to the application to identify the best potential bicycle routes and integrate them into Vermillion's master bike plan so that when the County is fixing roads into the future it can take that into account. She said it will be a big help in terms of planning. Polley said he would get that added into the application. It was discussed that the Board has already voted to move forward with the application. Polley said it will be around 2022-2023 because everything is in place for 2021 and is behind due to COVID-19.

The Board reviewed diesel fuel quotes. Manning moved, seconded by Smith to accept the low bid of \$2.06/gallon from Jerry's Service for #2 diesel fuel for the Wakonda shop. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye. Manning moved, seconded by Smith to accept the low bid of \$1.912/gallon from Jerry's Service for #2 diesel fuel

for the Vermillion shop. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye. Polley discussed using a new P40 fuel that is good to -40 degrees. He discussed a new provider, Vollan Oil, that wants to be added to the quote list. The fuel is made in Canada, and the provider uses only that fuel in his delivery trucks. He said the P40 was cheaper by a few cents per gallon than the #2 dyed diesel fuel. He discussed that the quotes the Board just approved were received in the morning and afternoon on the same day, so it shows how volatile the prices are right now.

The Board reviewed propane quotes. Manning moved, seconded by Hammond to approve the low bid of \$1.499/gallon from Butch's Propane for propane at the Vermillion and Wakonda shops. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Polley presented Agreement #614983 from the Emergency Relief program in the amount of \$395,429.40 for flood damage to federally funded roads. Polley said this is money already spent in 2019 and 2020. Manning moved, seconded by Smith to authorize the Chairman to sign the agreement. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye. Polley presented Agreement #614997 from the Emergency Relief program in the amount of \$114,063.79 for additional funding for 2 pipes east of Hub City, almost the same amount spent to be reimbursed. Hammond moved, seconded by Packard to authorize the Chairman to sign the agreement. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye. Polley said these agreements are still not everything that has been submitted to the Emergency Relief program.

Polley updated the Board that \$174,830.54 has been received from FEMA, with more to come, for flood damages. Manning asked if FEMA will be providing more money to South Dakota. Mockler said there possibly will be more for COVID. Smith said the federal government is looking at leaning more heavily on FEMA. Mockler asked, other than the slow process, if Polley is having trouble getting the money. Mockler said his township is having trouble and having to re-prove everything. Polley said he has had to work with three different FEMA representatives from Washington, D.C., Boston, and Louisiana, and they keep asking for the same things. He said Spirit Mound Township has settled up a long time ago. Emergency Management Director Layne Stewart said to have the Township e-mail him because there is a form to fill out. Mockler said the Township Board was told to send bills, receipts, everything to them. Stewart said Amanda VanderPlaats in Pierre is the person to talk to.

Polley gave an update that the insurance company has issued a check for the lightning strike 7/1/2019 for \$19,900.17. He said he and Mockler had some difficulty, but the claim has finally been paid.

Polley said they are watching the roads with the weather forecast. So far everything looks good, and the ad has been in the paper in case of load limits. He will let the Commissioners know if he has to put up limits before the next meeting. Manning said he has heard the County was putting them up next week, and he clarified for people what the ad said. Polley said it's so dry that it froze a little deeper, but the frost will come out quick. He said he usually tries to coordinate with

neighboring counties (Turner, Union, Lincoln, Yankton). He said there is no seeping yet, and when that starts it is getting close.

At 9:30 a.m., Manning moved, seconded by Smith to adjourn and convene as Clay County Ditch Board. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Polley said he reached a different FEMA representative. They put the dike repair on Clay Creek, the potential cleaning from 459 Ave. to the west, and culverts on Lateral 1 and 2 in review because they are having trouble understanding how the Ditch Board works. Polley said he explained that the Highway Department and Ditch Board are separate, even though they insisted it be submitted as one. Auditor Carri Crum said she received a phone call inquiring about an ordinance designating the Ditch Board, and she tried to explain that the ditches were established by petition of the landowners in the early 1900s, so there is no ordinance. Smith asked how the Ditch Board works, if it is an intergovernmental agreement or a private association. Mockler and Manning discussed that there are others like the Vermillion Basin Water Development District that operate similarly. Hammond said the Ditch Board is similar to road associations, but he does not know if there is a statute. He considers it a quasi-public system. He said there may have been an enabling act in 1897, and we possibly do not have access to that anymore. Surely the County took on the responsibility back when it was first done sometime between 1895 and the early 1900s. Polley said he remembers minutes from 1903. Crum said she looked back into the minutes, and there is nothing in the ditch minutes showing legal authority. Hammond asked if there was an act by the Commissioners taking on that responsibility. State's Attorney Alexis Tracy said she has searched statute and cannot find anything that utilizes the term "Ditch Board." What she can find has to do with drainage, but the County got out of that business for a reason having to do with liability and other things. When it comes to drainage and water management, that is the board that the Commissioners can enact. She wondered if there is something in the Commissioner Handbook about that. Mockler said it may be under the statutes for watershed districts, where it explains taxing authority, how to set it up, and go through those processes, including duties afterwards. Polley said FEMA questioned why the Highway Department is doing all the paperwork for it and his and the bookkeeper's time spent on it. Crum said she went in circles trying to explain it. Hammond asked how much money has been applied for. Polley said cash paid out is about \$25,000, but the cleanout of 459 Ave. – 452 Ave. on Clay Creek Ditch is pending whether they will pay and estimated at \$125,000. Smith said the County needs to figure out legal authorization, and it may mean creating something where the County enters into an agreement. The Ditch Board would incorporate but be authorized by the parties. Manning said he thinks it became a situation where they decided to form a ditch and it was assumed that the County Commissioners would control it because the tax money came into the County, but the people that pay into it decide how they want to spend it. If a landowner wants something cleaned out, they get a hold of the people in that area because they decide. Packard said they also decide how much they put in. Hammond said the county is acting as the fiduciary. He said there should be a resolution, and if there has not been before, then maybe it needs to be done now. The Highway Department could toss in in-kind work. Stewart said Clay County is the first to ever try getting FEMA reimbursement for damages in South Dakota, and the person who said the County should is no longer with the State Office of Emergency Management. The issue is it is public

assistance money, and in order for it to happen it has to be from an agency with an actual governmental function. Taxing and maintenance can be a governmental function, and there have to be processes. Stewart suggested maybe something has changed in laws or processes, and maybe something needs to be updated. He said he will contact Amanda VanderPlaats to see if she knows where to go with it. Mockler said the Ditch Board is quasi-governmental by taxing, having annual meetings, and electing a chair and vice-chair. They may need to create something modernly-official in order to qualify in the future. Hammond said whatever the Ditch Board does now to create an enabling act will not help with this application, but acting as Treasurer they have exercised administrative functions. They have inspected and approved the maintenance programs in addition to acting as Treasurer. Stewart said the best example is Ponderosa in 2011's bank stabilization. The landowners did not qualify for relief. Packard said the recycling center is governmental as it is has an agreement under the counties and is operated by the city. Stewart said if they are operated under the city they fall under the city, and that is what FEMA looks at. Polley said he brought it up with FEMA because the Board needs to let out bids for it soon. The dike that washed out near the Meckling Rd. has been fixed, as has the Lateral 1 culvert and Lateral 2. Paperwork has been turned in twice but not reimbursed from FEMA. Smith said it might be worth sending the minutes and making the argument that this is the equivalent of an ordinance in 1902, but they should come up with a legal format for the future. Tracy asked Mockler if this falls under the watershed district, then it should have an initiating petition, and if someone wants to dissolve it they need to have a resolution dissolving it. There are other bodies of government that some of this paperwork may have been involved with. Hammond said this was a huge undertaking, and the steam shovel for this had living quarters behind it. It was towed by a barge. There were thousands of acres of farmland that were unusable in Clay County without it. He said he would think there would have been more than a casual agreement. Mockler said the original one was in the early 1900s and in the 1950s or 1960s they went to the federal government for money, so things were redone. Smith said she wonders if there are records of what happened. Crum could not find anything specific enough in the minutes. Mockler said they got the funding to clean Clay Creek and straighten the Vermillion River, and that got killed. Smith said if there is documentation of that then the county could show that to FEMA. Hammond asked if that would have been sponsored by the Vermillion Basin. He would like to find out more about the history and previous operation because that can help going forward and expanding the district.

Polley said on the Yankton-Clay Ditch cleanout project, they have been cleaning out little sticks and sluffs. The engineer will drive it again this morning. He said there has been nothing for progress at Karen Kaeberle's yet. The contractor has been out on the project even when it was really cold, but Polley has not been out to look at it.

At 10:03 a.m., Smith moved, seconded by Manning to adjourn and reconvene as Board of Clay County Commissioners. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Ina Peterson, Director of Equalization, met with the Board to discuss IT matters. She said she was under the impression that Erickson Solutions Group had moved everything to the new

server, which had not been done yet. It is time to move to the ProVal program, and the estimate is 40 hours of work by that company. The total depends upon how much Erickson Solutions Group is able to do. Erickson Solutions Group's estimate is about \$3,200. Beacon will not move to the new server but will run off of ProVal. She wants to add additional layers, such as building permits, which is useful to the Realtors, etc. She said she has money in her budget for it as the vehicle purchase that was budgeted happened in 2020 instead of 2021. Manning moved, seconded by Smith to authorize the Chairman to sign the agreement. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Peterson said usually she brings township boards in for a training before the annual meetings regarding Equalization Boards. She said they will be doing that on the day of the annual meetings.

A public hearing was held for supplement of the 2021 budget for an excavator purchase. Manning moved, seconded by Packard to pass and adopt the following Resolution #2021-09 for Supplement of County Budget. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

**RESOLUTION #2021-09**  
**Supplement of County Budget**

WHEREAS the County budget does not have adequate budget authority in 2020 for Commissioners Contingency;

WHEREAS, the Board of County Commissioners have agreed to hold a public hearing on February 23, 2021 at 9:30 a.m. to supplement the Road & Bridge budget for unanticipated expenses and the proper conduct and discharge of lawful county obligations and has been given in accordance with the law and direction of the County Board,

NOW THEREFORE BE IT RESOLVED: That the following budget be adopted to show the supplement to the foresaid 2021 Annual Budget:

County Road & Bridge - Machinery (20100X4340311) \$226,453.93

Dated the 23<sup>rd</sup> day of February, 2021.

Commissioner Manning moved the adoption of the foregoing Resolution; Motion seconded by Commissioner Packard.

Vote of the Commission: Packard Aye Smith Aye Manning Aye Hammond Aye Mockler Aye.

Upon which voting the foregoing Resolution was declared passed and adopted.

ATTEST:

\_\_\_\_\_  
Carri R. Crum, County Auditor

\_\_\_\_\_  
Chairman  
Board of County Commissioners  
Clay County, South Dakota

Hammond said he received a question about the excavator purchase, and the individual asked why the County would be competing with ditch digging contractors in the future. He said in the



past the County has had to rent an excavator similar to this one, and it can do the job with this equipment. The purchase was not to compete with contractors. Mockler said the County may clean its own ditches, but it will not be bidding work for Yankton-Clay Ditch, Clay Creek Ditch, etc. Hammond said he just wanted to clarify that to make sure he was giving accurate information. Mockler said there are probably things that the County bids out like culverts, that maybe could be done if Polley wants to undertake it. Hammond said in the County's own ditches, there may be a decision to buy a brush grinder for things that are being neglected now and could be taken care of with the purchase of a machine.

Veterans Service Officer Drew Gunderson met with the Board regarding the closure of the checking account that was used for purchasing flags for the Veterans Memorial. It is not a County checking account, and donations have ceased over the past several years. He said he simply wanted it noted in the minutes for transparency.

The Board considered assignment of funding to the building project. Mockler asked if everyone is ok with \$1,000,000. Packard said if the County has it, do it. Hammond agreed. Smith said she thinks it's a really good idea. Tracy said she would like to take an opportunity to touch base about the funding for the building project and the timeline moving forward. It was late last summer that it was determined that it was not the time to put it on the November election, and a goal was set of a June election. Decisions need to be made regarding funding in March because the Board has to vote to allocate funding to bonding for the project, and it has to get on the ballot. Ballot language has to be submitted no later than April 1<sup>st</sup>. The county hasn't had funds to allocate till now. It is time to make a decision. She said a resolution will need to be made. The statute 7-25-3 references funding by the Commission authorized for building and public improvements. There are different mechanisms for lease purchases. There are projects that do not go to a vote, but this is the statute that references revenues, special levies, and debt services that first go to a vote. She said the resolution has to come first and the Commission votes for it to go forward. She said she was told by another State's Attorney's office that the County had used bonding counsel, and the attorney had attended a couple meetings, etc. She said she spoke to Dick Strassburg from TEGRA Group regarding that, and he would be visiting with another county that does that more frequently. She has not heard back from him yet. She thinks if it is not on a June ballot, then it puts it down the road further, and the school is intending to have an election, so it is time to take some type of action on this. She discussed the timeline of approval of concept, plan, and budget, and the County is a full month behind the timeframe. Mockler and Crum discussed the advantages for proceeding with the election in June. Manning said the County needs to get something done in March so it can move forward. Manning and Tracy discussed that the resolution and funding is part of the same thing. Tracy discussed that ballot language is crafted from the resolution. Smith and Crum discussed the bonding company, the need for bond counsel, and how it might relate to rates, etc. Smith said she has never been involved in a public issue without bond counsel. Packard said she recalls that the City has always used Colliers (FKA Dougherty & Co.). Smith said research is clear that things go much better when bonding is bid competitively, and presumably the underwriters will do that. Mockler said building costs are going to be 50% higher than when they gave estimates. Packard asked if they should consider the decision on construction of the jail only. Tracy said it is worth it to visit with

the Courthouse, Jail, and Law Enforcement Facility Planning Committee. It was discussed that nothing has changed with the condition of facilities and the jail, and the County will continue to farm the prisoners out and pay the daily costs, and they are not going to go down. Mockler said if the County does not build now, the County may need to close the jail until building costs come back down. Hammond said Strassburg may be able to give guidance on that as well. Smith said building costs seem to be a combination of low interest rates and the pandemic, so those things will pass, and interest rates are already starting to go back up. For the jail, the Board has a responsibility to deal with it sooner rather than later. Manning said the Board still needs to go forward with having Strassburg present for a meeting. The Committee has done hard work, and the County needs to continue. If it comes to the point the County cannot afford it, then the Board will deal with it. Packard said the Board may be able to go forward with the election, but may be able to postpone things. Mockler said he does not want to slow the project down, but he does not want to spend an exorbitant amount of money to have it done. Mockler and Crum discussed that the State Auditor said it is acceptable practice for the County to assign money for a building project. Hammond moved, seconded by Smith to assign \$1,000,000 in the General Fund to a building project. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Hammond asked about a bill to be paid to Barco for signs in the amount of \$2,270. Polley discussed the list of signs that were purchased. Hammond and Crum discussed the vouchers. It was the consensus of the Board that the vouchers will be approved at the next meeting.

The Board and department heads reviewed at length the county's grant practices and a draft grant policy manual being considered.

Mockler gave an update that the Joint Jurisdiction working committee will meet Thursday.

At 11:24 a.m., Manning moved, seconded by Smith to enter an Executive Session for personnel matters per SDCL 1-25-2. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

At 11:44 a.m., Smith moved, seconded by Packard and carried to exit the Executive Session. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Smith reported in a Clay County Park Board meeting from last week. There will be a large hammock event for the Guinness Book of World Records that has been planned as an annual event. There are 18 rodeo events scheduled. The "Kids Don't Float" life jacket program is moving along, and there is talk of having some at Myron Grove as well. The Board raised the monthly camping rate to \$275/month. There was also discussion about the potential of adding a new bathroom and additional campsites. Mockler asked if there is a good phone number that people can use. Hammond said the nightly rate is still \$20. The monthly spots are limited to 10. The inner row is a reservation-basis (approx. 15-17 spots), and the rest is first-come-first-served (approx. 20 spots). There will be a phone for reservations, and they were discussing taking credit cards for reservations. It was discussed that reaching the campground for reservations has been difficult in the past. Hammond said the Vermillion Chamber and Development Company has expressed interest in providing a reservation service at a fee. Hammond and Crum discussed that

it would be helpful if there was a website for the campground, and it is difficult for people not familiar with the area to understand that it is not a county-run facility. Packard suggested that maybe the State's campground reservation system may be able to handle the park as well. Smith said she will speak with Tony Kellar, Economic Development Director for the VCDC, about that and see what she can find out about reservations. Hammond suggested speaking with Game, Fish, and Parks as well. Hammond said his napkin calculations show the present reservation system income should be around \$40,000/year, which covers operating expenses and could take care of improvements.

The Sheriff's Office and Vermillion Public Library Board monthly reports were accepted and placed on file, as well as the following Auditor's Account with the County Treasurer report.

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

To the Honorable Board of County Commissioners of Clay County  
 items in the hands of the County Treasurer as of January 31, 2021.  
 I hereby submit the following report of my examination of the cash:

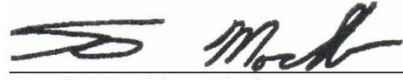
Total amount of deposits in banks		7,499,349.88
Amount of actual cash		1,431.82
Total amount of checks and drafts in Treasurer's Possession not exceeding three days		36,494.28
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:		2,037.69
Checks returned and not deposited		
Cash Items		700.00
Investments		151,000.00
Cash Variation		0.00
 Total		
	Dated this 1st day of February, 2021.	7,691,013.67

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Carri R. Crum, County Auditor

Recent payroll changes to be reported in the minutes are as follows: Kyle Huber was hired as a Deputy Sheriff starting February 25, 2021 at \$19.02/hour.

At 11:56 a.m., Smith moved, seconded by Packard to adjourn and reconvene at 9:00 a.m. on Tuesday, March 2, 2021. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

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March 2, 2021

The Board of County Commissioners met in regular session Tuesday, March 2, 2021 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning, and Richard Hammond.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Manning moved, seconded by Smith to approve the agenda with discussion for open meetings. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Minutes of the February 23, 2021 meeting were approved with a motion by Packard, seconded by Smith. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Dan Christopherson with the Clay County Historical Preservation Commission (CCHPC) and the Clay County Historical Society (CCHS) appeared under Visitors to be Heard regarding the building project. He said the CCHPC & CCHS care deeply for the building and wish that it be rehabbed, restored, and maintained as the center of government. They would like to work together to preserve it for future generations. Tom Sorensen said in his personal opinion there is no question the County needs another jail and law enforcement facility, and it should be treated as a separate issue. He spoke about his family's history in Clay County and said he is a member of the CCHS and chairs the CCHPC, but his remarks are his own opinion, not as a spokesperson. Sorensen said it takes leadership to make decisions, and input from the public, too. He thanked the Commissioners for their hard work researching decisions and said the facility planning committee also deserves gratitude. Their work is important to Clay County's history and services. Sorensen said Clay County sometimes suffers from a lack of official information and hears too much partisan noise, and local news is extremely important. He said the historic courthouse serves as more than a historic building, and the County's history is rich. The cornerstone was laid, and the masons took pride in what they built. The Courthouse is meant to stand, be kept, and admired in some form. Sorensen said there are a variety of options to turn to and told the Commissioners not to forget the strong symbolism of our government. He requested that the County Commission make a covenant with Clay County's people as owners and a signal of their leadership, sending a message of historic importance, adding a covenant that will travel with it to protect it as a historic building. He said they will be thanked now and in the future. Jerry Wilson spoke and agreed with what Christopherson and Sorensen said. He said he is one of the few small print nerds that always reads official notices and minutes of meetings, and one of the big problems in Clay County is the lack of an active news media. He said there was no notice in last week's newspaper that an important topic was going to be on the agenda. It's extremely important that the elected officials of the county do everything possible to stay in touch with the public they serve. He said he is happy that meetings are being recorded and available to the public; it's extremely important that the public be actively engaged in the discussion. Wilson said it has been between 1-2 years that he heard through the grapevine that there was discussion of reviewing issues in the Courthouse and Safety Center. He said the jail was atrocious 12 years ago and is atrocious today, and everyone agrees that the County needs a new jail, or that it be

expanded. The County owns land where that expansion could occur. He has never heard a rational explanation of why it has not been considered. Wilson said the County does not need a new Courthouse. It is always expensive to maintain or repair, but he cannot believe the public would go for abandoning the current building. He said the Commission needs to actively engage the public, and the survey was wise. He would like to see what should have happened in the beginning, an open, well-advertised public meeting, where what is known now can be objectively presented, and people can ask questions, respond, discuss, and debate. He said the County should begin by getting input of the citizens in order to get a bond issue accepted. His personal view is that the building should be preserved and enhanced in whatever way is necessary. He does not understand why conduits cannot be run through ceilings, knows the roof and windows are a problem, and it could be a gradual process over a period of years. The immediate problem is the Safety Center and jail, and it should be built on property that the County owns. Constance Krueger spoke about her dad's history with the telephone company. She said she recently moved back to Vermillion and was sad to see the old high school torn down. She said she is taking the chance to get involved. She filled out the survey but was frustrated that she didn't get a chance to respond about the Courthouse. She asked the County to explore grants. Norma Wilson said this is a big undertaking. It is good to invite the whole community to provide input, but one meeting is not enough. She said the Commissioners have to consider historical preservation step by step and decide what is the most important. She said she was impressed with the beauty of the details in the building and the fact that it was built for the uses it serves, and she does not think the County could build something like this today. She said the people have something very special to the heart of the County, and it needs to be preserved. She said the Commissioners should consider very seriously the importance of having a jail facility that will serve us better because it is inadequate, and don't worry about the whole so much as taking it step by step.

At 9:25 a.m., Smith moved, seconded by Packard to adjourn and convene as Clay County Ditch Board. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Brad Stangohr from Ulteig Engineering was present to discuss the Yankton-Clay Ditch. There is one landowner who is not on board with them removing evergreen trees. There are some cedar trees growing out of the bank, or slope. He said there are a couple courses of action. He thinks there is an old easement where they can take the trees out whether she is on board or not, or they can clean out the bottom and leave that short section alone. Mockler said at a minimum the trees should be taken out of the bottom. Stangohr said that will be done. Hammond said he doubts there would be an issue with that but asked how many cedars would need to be taken out for the ditch to work properly. Stangohr said they would all need to be taken out. He said they could go from the bottom to shred them, but he is concerned that the Sheriff's Office would need to be involved. Smith asked if the County has the history of the easement. Stangohr said the documents are from 1919, and he needs to verify that they were recorded but does not think they were. Hammond said the phone number he had for the landowner was not current, but he may be able to speak to the renter that farms the land. He said the trees are big and have to have been there for 50-60 years. Hammond said if the easements were not recorded, there may be trouble and asked how much issue would there be if the trees remain. Will it inhibit the operation of the

ditch as it designed to work? Stangoehr said they do reduce the flow. Hammond and Stangoehr discussed how much it would restrict the flow, and Stangoehr said it would affect the upper third of the ditch if it was full. Hammond asked, in those conditions, would it flood upstream? Mockler verified that the rest is done, and Stangoehr said it is in the final cleanup stages. Mockler said the Ditch Board meeting is April 6<sup>th</sup>, and the landowner is usually in attendance. Stangoehr said sometimes a face-to-face conversation gets a person on board. He said even if the ditch is flowing in April, if she will let them in, they can grind it from the top. They discussed that it can be done from the bottom now, but it is getting pretty soft to drive an excavator up the sides. State's Attorney Tracy asked if the issue is the manner in which they are removing the trees. Stangoehr said the landowner does not want them gone. Tracy said a person cannot block the flow of drainage, but proper procedures need to be followed. The County needs specific documentation of the responsibilities of the Ditch Board. They discussed the location and the approximate 400' stretch of trees. Hammond said during high flows the water will need to flow through there. Tracy said the property owners upstream will be impacted by it. She said she thinks it is not about disrupting the natural beauty of the trees, but instead it is about drainage issues. Manning said the landowner was at the annual meeting last year, and she did not object to the cleaning, so she was aware of it. Hammond said Leo Powell offered to go along with him to speak to the landowner, and Packard also volunteered to go along. It was decided the matter would be placed on the next agenda.

The Board considered a pay application for the Clay Creek Ditch Berm restoration. It was decided to put the matter on the next agenda.

Stangoehr discussed placing riprap on the Yankton-Clay Ditch where there is some erosion. He said he spoke to the contractor. He asked the Commissioners if there is money in the fund for that, and there was discussion regarding the amount in the fund. Stangoehr did a quick estimate of the cost for riprap. Polley asked about the stretch from Holmes Welding to the river, and Hammond said it is State of SD land. Mockler said it has to be maintained. Polley said it does not need to be cleaned. Stangoehr said riprap will protect the bank but will not improve the flow.

At 9:49 a.m., Hammond, Smith moved to adjourn and reconvene as Board of Clay County Commissioners. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Polley updated the Board that contracts were signed at the last meeting for Emergency Relief, but the State mixed up numbers, so the County will need to sign them again when the revisions are complete.

A public bid opening was conducted for highway materials. Bids were opened and read aloud. It was decided that Polley will review bids to ensure compliance and return to the next meeting with bid tabulations.

Polley spoke about a small structure project that Star Township requested assistance for. He said he understood that they wanted assistance replacing 2 concrete structures, and there would be 2 pipes installed. However, they replaced 2 pipes and left one of the concrete structures. He said the Township Board indicated they will be requesting assistance again with more structures. He

wanted to make sure he did not misunderstand the scope of the last project as the one remaining concrete structure is the one that was the worst. Polley asked if there will need to be rules or something in writing next time. He said Prairie Center Township will also be approaching the County for assistance. Hammond said to replace the structure that Polley provided a photo for, there may need to be more than the 2 pipes in the photo. Manning said the agreement was that the Township would do the work, and the County would provide the pipes.

Polley said weight limits went on the roads yesterday. Manning said someone from Cargill called him to ask why all the counties are putting weight limits up. Polley said if the frost comes out too fast, that's when the roads break up.

The Board considered a quote from Erickson Solutions Group for internet and Wi-Fi equipment at the Extension Office/4-H Building. Lauren Hollenbeck, 4-H Educator, said they have had issues in the building with internet and Wi-Fi. They have been using Zoom meetings for 4-H families, and it is a problem. Auditor Carri Crum also discussed that there are currently no cloud backups for the Extension Office computer, so if the computer were to crash, they would lose everything. Manning moved, seconded by Hammond to authorize the Chairman to sign the quote. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board discussed the building project. Bob Fuller, Chairman of the Courthouse, Jail, and Law Enforcement Facility Planning Committee, was present to discuss last night's 2-hour committee meeting. The committee discussed the next steps for the project. The pandemic delayed in-person public meetings, and it put a pause on committee activities. The committee discussed public meetings and venues for those. They are waiting on the updated cost estimates so that there are accurate cost estimates for public meetings. The architects will participate, as well as the committee members, in the public meetings. Fuller said he understands the public's concern about where things are with this project, but there will be updated and accurate estimates later this month and then there will be public meetings. Packard asked if estimates will include, definitely a new jail, but also renovation of the existing building as well as new. Dick Strassburg of TEGRA Group discussed the estimates that will be provided to cover every possible scenario. He said those should be available by March 23<sup>rd</sup>, and it will require a special meeting. He discussed the estimates for closing the jail. Strassburg said Clay County either builds a jail here or pays to build a jail for someone else through inmate boarding costs. Fuller said the full survey report was just received yesterday. He said he does not feel he has the authority to distribute beyond the committee or commissioners. Mockler said it will be a public document because the public will pay for it. Crum said she will put it on the website. Fuller said the summary report he wrote was in the Plain Talk, on the VCDC website, and on the County's website, but no one has contacted him with questions. Wess Pravecek asked for clarification on bids. She asked if there will be bids for remodeling the old Courthouse, building new, or doing nothing and wanted to make sure the renovation of the Courthouse will be included. Smith clarified that they will be estimates, not bids. Strassburg said there will be estimates for renovating/adding onto the Courthouse. Fuller said the ultimate goal for estimates and public input is to determine what language will be used for an election, and everyone needs to be aware of that. Tracy spoke about the missing cost component for the survey and said the other factor is deadlines. Everything



came to a halt due to the pandemic. It was decided that a June election would garner the best voter turnout. Deadline for ballot language is April 1<sup>st</sup>, so the Commission has to have a decision made, a resolution implemented, and language to be submitted by April 1<sup>st</sup>. There will need to be some public meetings after that determination has been made. Christopherson clarified that the plan is to make a decision before April 1<sup>st</sup>, so the choice will be yes or no, not option A, B, C. Tracy said it will be regarding funding, not choices for options. Fuller said that is why they did a survey to try to get a general feel from the public. It was sent to 6,500 residents, the response was approximately 10.5%, and results were decidedly mixed. Fuller said he thinks if someone was in support of the recommendation for building brand new, and if someone was against building a brand new building, they could find information in the survey to justify both sides. Smith said 51% wanted to preserve historic character, and keeping taxes low was low on the list. She thinks there was a higher percentage of people who are older and wealthier who responded. She said most recognized the need for a jail. Smith said it is necessary to study the report before moving forward because it can guide the Board in moving forward with a bond issue. Fuller said there were good ideas in the open-ended question regarding what to do with the Courthouse if a new one was built. Packard said the April 1<sup>st</sup> deadline is disturbing to her. She does not know if they can get enough out there and not get shot down. If it costs more on an election, they should do it later. Smith said she agrees with the concerns, but she is having trouble balancing it with what she sees and what Sheriff Howe is telling them about the jail. Packard asked if the County can do two elections, one just for the jail. Tracy said she appreciates not waiting until November because conditions continue to deteriorate, and the County will get sued if they do not do something soon. It is bad. Smith said she has experience with jails and prisons in several states, and as bad as it was, they had a cell block that was brought on a barge from Sing Sing, and that was a whole lot better than what Clay County has. This has to change, and it has to happen soon. She said it is an emergency and a matter of how we treat fellow humans, and she does not want to wait until November. From the survey, it is clear to see that people understand that, but people do not understand the Courthouse. More than half the County wants to preserve the historic character, and the County will have trouble getting 2/3 vote. Smith said the County does not have to have a decision until March 23<sup>rd</sup> about what the numbers will look like. She asked about estimating the cost of land. If we choose to build a law enforcement center and jail off the land the County owns, there are good arguments to be made about that for inmate exercise space, etc, and the County needs a good land estimate in terms of bonding cost. Hammond asked Strassburg about his thoughts on the timing and whether he knows anything on the bonding issues. Strassburg said the County has it together more than most, with the committee and the urgency of the issue. Doing nothing will still require increasing taxes to house inmates elsewhere. The current timing is pretty typical. He said to keep in mind that the end users know the building better than anyone else. Having the people who know the most involved in educating the public is important. He said the idea of having multiple solutions for the public doesn't work, and the hard decisions should be on the committee. Wishy washy ballot measures do not work. He said Howe and Tracy know the issues well. Educating the citizens on the facts of what the decision is based on is important. Smith said they need to sort out the City's contribution and how that will work, and it may affect Vermillion taxpayers more than those in the County. The County will have to negotiate a cost share with the City of Vermillion. Manning said it was talked about in

the past, and it would be based on square footage of what the police department occupies. He said one of the things at the meeting last night is when they talked about the price of building new, Strassburg said you do purchase land at the start of the process because after the election people will compete and offer land for a better price. Smith said they should not purchase land yet, but instead incorporate land estimates. Mockler said there are already estimates. Strassburg said the property selection should come after the vote to encourage people to sharpen their pencils. Jerry Wilson asked if there will be other things on the ballot in June. It was discussed that there is a City and School Board election on the ballot. He said a special election could be held between April and November. Crum discussed the timeline and cost sharing benefit of combined elections. Mockler said if the County gets the construction numbers ahead of time there are 2 months to have public meetings. Manning discussed options for having public meetings because there needs to be a place for everyone to feel safe. He said the biggest thing to realize is that if things are not done by June, the County may need to close the jail between now and then. He discussed the cost of a lawsuit. Smith added that if the County did go ahead to bond just a law enforcement center and jail, it would be wise to include the Courthouse roof. The building has water intrusion that has ruined the inside plaster. There was a massive roof leak in the small courtroom as well. Whether the building needs to be renovated or sold, it needs a new roof now. She doesn't think it could be sold with the existing roof. If it needs to be renovated, it will add cost by not fixing the roof. She saw an estimate of \$330,000 for the new roof. An updated estimate will be needed by April 23<sup>rd</sup>. Strassburg said there will be a roof estimate with the construction cost estimates. He will have architects look at overall condition because water may be coming through the wall itself, or windows, and may need to be tuckpointed. There are severe electrical concerns, and that should be included as well. Strassburg said it will be a 7-figure number when they start to renovate the building. He said the architect in him loves the building, but it has many very expensive problems to solve. Crum discussed the urgency of the ADA accessibility aspect. She pointed out that the elevator has a history of breakdowns. Crum cited a time when a person in a wheelchair was on 3<sup>rd</sup> floor in court, and the elevator broke down. The repair company was tied up with other emergency situations that day and could not get there until the next day. The individual was stuck on 3<sup>rd</sup> floor, with no accessible restroom and no way to get out of the building when it closed for the day. The family had no choice but to carry the person, sitting in the wheelchair, down all the flights of stairs to the 1<sup>st</sup> floor. She asked everyone to imagine if the marble stairs had had any water or snow on them, and one of the people carrying the wheelchair slipped, the outcome could have been very bad. Packard discussed the lack of safety of various rooms, including the Commissioner Room. Strassburg said the building has a lot of issues to meet code. Judy Sullivan asked if the taxpayers have to vote to maintain a building like a roof. Mockler said the County could opt out if it doesn't have money, but that could be referred to a vote. Smith said the County did set aside a million dollars and could allocate it to stabilizing the building for whatever future use it would choose. Pravecek said they understand the public safety factor, and it needs to be done. The need for the roof would be the priority, but couldn't some other updates or fixes be done at a separate time down the line? She said old buildings are capable of being updated. She said how said the Commissioners should be talking to Vermillion, Wakonda, Meckling, and Burbank to help sell people on the idea. The Courthouse could be manageable a piece at a time. The Board discussed bond counsel, and

Strassburg said Minnehaha County does not use bond counsel until after the election. Smith said the bond counsel helps with the legality of the process, so it would be after the election. They write an opinion letter that makes it easier to sell the bonds. The topic will be on the agenda for the next meeting.

The Board and department heads reviewed at length the County’s grant practices and a draft grant policy manual being considered.

Smith moved, seconded by Hammond, to approve the following claims for payment. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

(PAYROLL)		WELLMARK BLUE CROSS	\$49,125.75
COMMISSIONER'S	\$8,796.52	(PROFESSIONAL SERVICES AND FEES)	
AUDITOR'S OFFICE	\$11,780.02	DAVIS PHARMACY	\$571.85
TREASURER'S OFFICE	\$22,184.69	ERICKSON SOLUTIONS GROUP	\$956.25
STATE ATTORNEY'S OFFICE	\$26,291.83	HOUSKA, DDS, RANDY	\$867.00
COURTHOUSE	\$3,430.77	MINNEHAHA CO. AUDITOR	\$493.50
DIRECTOR OF EQUALIZATION	\$11,382.90	SDSU EXTENSION SERVICE	\$8,248.40
REGISTER OF DEEDS	\$8,368.93	(OTHER PROFESSIONAL SERVICE)	
VETERAN'S OFFICE	\$1,601.78	DAKOTAH REPORTING AGENCY	\$1,135.00
24/7 PROGRAM	\$1,613.76	(LAW OFFICE)	
SHERIFF'S OFFICE	\$46,064.41	COMPUTER FORENSIC	\$387.50
COUNTY JAIL	\$30,574.49	KENNEDY, PIER LOFTUS &	\$432.90
EMERGENCY MGMT	\$4,703.33	OXNER LAW OFFICE LLC	\$3,034.60
HIGHWAY	\$52,748.49	THOMPSON, CRAIG K	\$474.65
COMMUNITY HEALTH NURSE/WIC	\$3,140.47	(MENTAL HEALTH)	
EXTENSION OFFICE	\$3,248.26	SESDAC FOUNDATION	\$360.00
WEED	\$1,551.00	(PUBLISHING)	
PLANNING & ZONING	\$2,595.78	BROADCASTER PRESS	\$17.46
(DUE TO OTHER GOVERNMENT)		STAR PUBLISHING	\$946.38
STATE OF SD GAME FISH	\$356.00	(REPAIRS AND MAINTENANCE)	
(CLEARING FUND - MISC.)		AUTOMATIC BLDG. CONTROLS	\$223.42
SD DEPT OF REVENUE	\$947.00	CENTURY BUSINESS PRODUCT	\$30.00
(PAYROLL WITHHOLDING)		INTERSTATE POWER SYS INC	\$427.78
AFLAC	\$657.08	JOHNSEN HEATING & COOLIN	\$713.30
CLAY CO FIT FICA	\$56,409.04	JOHNSON FEED, INC.	\$69.30
COLONIAL LIFE	\$299.98	LEISURE LAWNS, LLC	\$999.40
CONSECO/WASHINGTON	\$24.45	PRESTO-X COMPANY LLC	\$62.00
DIV OF CHILD SUPPORT	\$631.00	QUALITY MOTORS	\$557.18
NEW YORK LIFE INSURANCE	\$328.57	RUNNINGS SUPPLY INC	\$57.99
SD CHILD SUPPORT CENTER	\$713.00	TRI-STATE TURF &	\$315.00
SD RETIREMENT SYSTEM	\$27,487.08	(DATA PROCESSING/CLAY CREEK/INF)	
SD SUPPLEMENT RETIREMENT	\$3,875.00	ERICKSON SOLUTIONS GROUP	\$2,801.42
SDRS ROTH 457(B) PLAN	\$760.00	(SUPPLIES & MATERIALS)	
TASC PVR	\$2,051.65	BARCO MUNICIPAL PRODUCTS	\$2,603.99
THE STANDARD - DENTAL	\$819.40	BLACKSTRAP INC	\$8,479.09
THE STANDARD - LIFE INS.	\$393.66	BRUNICK SERVICE, INC.	\$453.54
THE STANDARD - SH TRM DI	\$1,059.54	CANON	\$138.15
THE STANDARD - VISION	\$171.09	CORTRUST BANK	\$64.28
UNITED WAY OF VERMILLION	\$252.00	COX AUTO SUPPLY, INC	\$44.19
VERMILLION FEDERAL	\$2,171.00	COYOTE ENTERPRISE LLC	\$83.98

DAKOTA PC WAREHOUSE	\$79.98	CARGILL, ROBERT	\$10.00
DAVIS PHARMACY	\$263.02	DOSS, JOAN	\$10.00
I-STATE TRUCK CENTER	\$970.17	ENGEMAN, JEFFREY M	\$60.00
JERRY'S SERVICE	\$18,553.93	ERICKSON, JENNIFER C	\$60.00
JOHNSON FEED, INC.	\$54.85	FARABEE, DARLENE	\$60.00
LAWSON PRODUCTS, INC.	\$244.19	FREY, ANDREA	\$10.00
LAYNE'S WORLD, INC.	\$272.90	FRIER, BRENT	\$31.00
LOFFLER COMPANIES	\$193.75	GREELEY, NICKOLAS	\$10.00
O'REILLY AUTO PARTS	\$40.39	HAMMOND, RICHARD	\$10.00
ONE OFFICE SOLUTION	\$166.38	HARGADINE, KAITLYN	\$10.00
PRESSING MATTERS	\$21.00	HAUGER, MICHAEL	\$10.00
PROCHEM DYNAMICS	\$294.54	HY-VEE, INC.	\$714.07
QUALIFIED PRESORT SVC IN	\$2,277.12	JACOBSON, KEVIN	\$60.00
QUILL CORPORATION	\$126.46	KINNEY, CHRISTOPHER	\$25.12
RUNNINGS SUPPLY INC	\$66.93	KOSTER, KAREN	\$10.00
SANITATION PRODUCT	\$410.44	LANE, TRACEY	\$60.00
SDACHS	\$350.00	LOGUE, MARK	\$27.84
STURDEVANT'S AUTO PARTS	\$944.91	MINCKS, BEVERLY	\$10.00
TRACTOR SUPPLY CREDIT	\$12.98	MURLEY, KEVIN M	\$68.40
VERMILLION ACE HARDWARE	\$84.56	MYRON, LYNN	\$10.00
VFW POST #3061	\$32.00	NILSEN, CHRISTOPHER	\$10.00
WHEELCO BRAKE AND SUPPLY	\$981.31	OELMANN, DUSTIN	\$10.00
(TRAVEL AND CONFERENCE)		PATES, KARI	\$10.00
SD ASSN. OF CO. OFFICIAL	\$110.00	PECKHAM, KATHLEEN	\$10.00
SDACHS	\$100.00	PETERS, NICOLE	\$10.00
SDSU EXTENSION SERVICE	\$123.66	PIZZA RANCH 14762	\$3,571.75
(UTILITIES)		REGNERUS, CARISSA	\$10.00
BUREAU OF ADMINISTRATION	\$53.25	ROETMAN, TERI	\$10.00
BUTCH'S PROPANE	\$2,188.54	SANFORD HEALTH CLINIC	\$2,707.00
CITY OF VERMILLION	\$1,949.88	SPRINGER, ELIZABETH	\$65.04
MIDAMERICAN ENERGY	\$364.18	THIEL, JASON	\$10.00
UMSCHEID, NOAH	\$30.00	TIMMERMANN, TIFFANY	\$10.00
VERIZON WIRELESS EMG	\$40.01	TUCKER, PENNY	\$10.00
VERIZON WIRELESS HWY TRS	\$100.54	VERMILLION ACE HARDWARE	\$171.63
VERIZON WIRELESS SHERIFF	\$320.08	WEISSER, ILEEN	\$10.00
VERIZON WIRELESS ST ATTN	\$152.10	(JDC/SPECIAL EQP.)	
(PAYMENT)		TERWILLIGER, PHILIP	\$350.00
ANDERSON, SHARON	\$10.00	(BOOKS)	
BALLEWAG, SAMANTHA	\$10.00	THOMSON REUTERS - WEST	\$127.32
BEETSCH, NAOMI	\$27.64	(FURNITURE AND MINOR EQUIPMENT )	
BERNARD, PAMELA	\$60.00	CANON	\$209.96
BLAND, RYAN	\$10.00	(MACHINERY AND AUTOMOTIVE EQUIP)	
BOXER, ELISE	\$10.00	VERMILLION FORD	\$76,870.00
BUCKNEBERG, MELISSA	\$35.20		

The Board discussed a COVID vaccine refusal personnel policy, where if an employee refuses the vaccine once it is widely available, the employee has to use sick or vacation time if they are off work. Tracy discussed that it is a change in practice, and it involves giving notice to employees. Emergency Management Director Layne Stewart said the vaccine doesn't prevent a person from getting COVID-19. The Board decided to discuss the matter with Alternative HRD.

The Board discussed open meetings and how to proceed with facility committee meetings. It was the consensus that only 2 Commissioners will attend the committee meetings.

At 12:01 p.m., Packard moved, seconded by Manning to adjourn and reconvene at 9:00 a.m. on Tuesday, March 9, 2021. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST: Carri R. Crum

Carri R. Crum, County Auditor

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March 9, 2021

The Board of County Commissioners met in regular session Tuesday, March 9, 2021 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning, and Richard Hammond.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Hammond moved, seconded by Manning to approve the agenda with the addition of Resolution #2021-10 for Bridge Reinspection Program. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Minutes of the March 2, 2021 meeting were approved with a motion by Packard, seconded by Smith with the amendment that the last 2 lines on page 5 should reflect that Smith said the County will have to negotiate a cost share with the City of Vermillion. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Dan Christopherson of the Clay County Historical Society was present as a Visitor to be Heard. He said he has been thinking about the roof, and no matter what happens going forward the roof will have to be fixed, so he is requesting the Board seriously consider having it done. He suggested that John Walker be consulted with as he helped with Trinity Lutheran Church. The roof is a serious issue, and it will help a lot to make other issues not quite so serious. As for the jail and law enforcement center, they have always felt it needs to be done and is a priority. They feel like it could be done on the current site as there is room to acquire houses cheaper than acquiring land off-site and would be more convenient for the Sheriff's Office. On any type of bond issue coming up this spring, the Historical Society would like to reiterate their offer to work together on that. He said it is easier to work together, but one requirement is that the courthouse be saved as part of county government. If the bond issue includes that, then they will be happy to work hard as they can to make it happen for the county. Christopherson thanked the Commission for its hard work.

Highway Superintendent Rod Polley met with the Board for the highway materials bid tabulations. Manning clarified that we have purchased through Beadle County's bid in the past, and Polley said the County has done that for 15 or more years. The County is using culverts and modular metal bridges from TrueNorth Steel. Packard asked if the price of culverts has gone up. Polley said they have been steadily going up, but nothing over the top.

<u>Asphalt Concrete</u>	Price Per Ton at Plant
Barkley Asphalt (Sioux City, IA, FOB)	\$66.25
Myrl and Roys (Sioux Falls, SD, FOB)	\$49.50 for G-1
Myrl and Roys (Sioux Falls, SD, FOB)	\$53.90 for G-2
Concrete Materials (Yankton, SD, FOB)	\$70.00 for D-1
Concrete Materials (Yankton, SD, FOB)	\$71.00 for D-2
Concrete Materials (Sioux Falls, SD, FOB)	\$58.00 for G-1
Concrete Materials (Sioux Falls, SD, FOB)	\$58.00 for G-2

Highway Supt. recommends awarding to all bidders for Asphalt Concrete, whichever is more advantageous to Clay County.

Crane Work, Crane Men, and Driving Piling

Hollaway Construction

40-ton crane w/operator \$425/hour  
110-ton crane w/operator \$575/hour  
40-ton hydraulic crane w/ operator \$375/hour  
Bridge Snooper truck w/operator \$825/day  
Excavator Vibratory Pile Driver w/operator \$600/hour

Road Sealant & Rubberized Mastic Material

Mid States

Road Saver 221

Maxwell Elastoflex 61 \$ .517 boxed \$ .535/lb box-less  
McAsphalt MACSEAL690-2 \$ .503/lb. boxed

Mastic One Material

Maxwell Gap Mastic Modified #201 \$ .529/lb. box-less  
McAsphalt MACSEAL M.A.R.S. \$ .564/lb. boxed

Brock White

Roadsaver 221 \$ .56/lb. boxed  
Mastic One Leveling Mastic \$ .52/lb. boxed

Highway Supt. recommends awarding to Brock White.

Flex-A-Mat

Brock White

Flex-A-Mat \$4.75/sq. ft.

Highway Supt. recommends awarding to Brock White (only bidder).

Reinforced Concrete Pipe

	Hancock	Forterra
24"	\$ 26.70 Per Ft.	\$ 32.98 Per Ft.
36"	\$ 53.64 Per Ft.	\$ 60.22 Per Ft.
60"	\$143.05 Per Ft.	\$168.25 Per Ft.

Highway Supt. recommends awarding to Hancock.

Reinforced Pre-cast Concrete Box Culvert

	Hancock	Forterra
6' X 6'	\$381.00 Per L. Ft.	\$410.00 Per L. Ft.
7' X 7'	\$488.00 Per L. Ft.	\$446.00 Per L. Ft.
8' X 8'	\$529.00 Per L. Ft.	\$488.00 Per L. Ft.

Highway Supt. recommends awarding to Forterra.

Reinforced Concrete Box Culvert (Double Barrel)

	Hancock	Forterra
8' X 8'	\$ 889.00 Per L. Ft.	\$ 849.00 Per L. Ft.
9' X 9'	\$996.00 Per L. Ft.	\$ 905.00 Per L. Ft.
10' X 10'	\$1,089.00 Per L. Ft.	\$1,024.00 Per L. Ft.

Highway Supt. recommends awarding to Forterra.

<u>Pre-Stressed Concrete Bulb Tee Bridge Deck</u>	Forterra
40" Deep X 40' Long X 6' Wide	\$ 8,588.00
40" Deep X 80' Long X 6' Wide	\$17,474.00
40" Deep X 40' Long X 6'6" Wide	\$8,985.00
40" Deep X 80' Long X 6'6" Wide	\$18,298.00

Highway Supt. recommends awarding to Forterra (only bidder).

<u>Pre-Stressed Concrete Bridge Deck Units</u>	Forterra
23" Deep X 3'10" Wide X 20' Long	\$2,754.00
23" Deep X 3'10" Wide X 30' Long	\$3,821.00
23" Deep X 3'10" Wide X 40' Long	\$4,903.00

Highway Supt. recommends awarding to Forterra (only bidder).

<u>Pre-Cast Cattle Pass</u>	Hancock
4' X 6'	\$239.11/ft.

Highway Supt. recommends awarding to Hancock (only bidder).

Highway Supt. recommends purchasing through Beadle County's bid packet for corrugated metal pipe, galvanized bridge decking, aluminum box culverts, pre-engineered modular steel bridges, grader blades, and carbide insert blades from True-North Steel.

Corrugated Metal Pipe

24"	\$21.85/ft. for 16 gauge
36"	\$33.35/ft. for 16 gauge
48"	\$55.20/ft. for 14 gauge
60"	\$93.15/ft. for 12 gauge

Galvanized Bridge Decking \$11.40/sq. ft.

Aluminum Box Culverts \$622.23/linear ft.

Pre-Engineered Modular Steel Bridges 20' \$23,944.00

Grader Blades ¾" X 8" X 8' \$18.27

Carbide Inserts ¾" X 6" X 4' \$60.42

Manning moved, seconded by Hammond to approve the Highway Superintendent's recommendations and accept the bids as recommended. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered amendments to the Emergency Relief Contracts #614983 and #614997. Polley said the error was a good thing as the County gained \$32,000 over the last agreement. Smith moved, seconded by Manning to authorize the Chairman to sign the amendments. The sites are three bridges: off of Norwegian Ave. on 303 St., down the hill from Dalesburg Church, and one on 308 St. east of Bob Gregoire's old place. Mockler and Polley discussed the one by Dalesburg, a person can't get to it unless it is dry, and also the one on 303 St. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.



Polley said he received a 2-week notice from the mechanic, so he will be advertising for that position.

Polley said he received a phone call from the Clay County Sportsmen's Group, which wants to put a sign in the right-of-way on one of the County's sign posts where it says "Clay County Park" to the south. He said they are a private entity, and the County does not allow private signs in the right-of-way. He said there is a statute regarding that, and Mockler said it is in the County's zoning regulations as well. Hammond referred to the Heikes Family Farms sign in the right-of-way, and he wants to make sure it's consistent. It was discussed that it may be a township road. Hammond said he assumes they must have gone through the state highway department to get it as it is a blue sign. Polley said the State does advertise for businesses on the blue signs. Hammond said he brought it up for the sake of consistency. He said the Sportsmen's Group could potentially put up a sign along the fence line outside of the right-of-way.

At 9:17 a.m., Hammond moved, seconded by Manning to adjourn and convene as Clay County Ditch Board. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Brad Stangoehr from Ulteig Engineering was present to give an update on the Yankton-Clay Ditch Cleanout. He reported that the contractor is done and is cleaning up. There was a pay request, and he will have that ready soon. He asked if there was progress on speaking to the landowner who would not allow the contractor on her property. Hammond said he spoke to the renter last week and again on Sunday, and the renter was going to call her and get back to Hammond. He said he went out himself on Saturday and looked at it. Once he looked at it from the middle it's worse than he thought. There are a number of trees that need to be taken out, and there are a bunch that will obstruct the flow of water. The renter was going to get back to him, and Hammond is also going to call the landowner. Stangoehr asked Hammond to call him or text him so that if she gives approval the cleaning does not have to wait until another meeting. Hammond told Stangoehr there is a concrete bridge on the west end that has a low berm partially obstructing the throat on the upstream side near 455 Ave. on the west end of the property. Hammond said the Ditch Board may need to do something with that by cleaning it out from the bottom. Hammond said the bridge really should be replaced. Polley said it is the County's bridge but still has a 40-ton load limit. Hammond said he is more concerned about it obstructing the ditch. He said the County should be thinking about replacing it. Polley said it would fall on the Highway Department to replace it. He said everything above and below it is an 8-foot culvert, so the area is bigger than an 8-foot pipe. Stangoehr said he will discuss things with the contractor and take a look at that spot as well. Hammond said he can send pictures.

The Board considered a pay application for the Clay Creek Ditch berm. Manning moved, seconded by Smith to approve the pay application. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

At 9:29 a.m., Manning moved, seconded by Packard to adjourn and reconvene as Board of Clay County Commissioners. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered the annual SDDOT contract for weed spraying. Packard moved, seconded by Manning to authorize the Chairman to sign the contract. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered Resolution #2021-10 for Bridge Inspection Program for Use with SDDOT Retainer Contracts. Polley said the State requires a resolution to pick an engineering firm from its list, and since 2005 Johnson Engineering has been doing them. Hammond moved, seconded by Packard to pass and adopt Resolution #2021-10, choosing Johnson Engineering for the inspections. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

**RESOLUTION #2021-10  
BRIDGE INSPECTION  
PROGRAM RESOLUTION  
FOR USE WITH SDDOT RETAINER CONTRACTS**

WHEREAS, 23 CFR 650 Subpart C, requires initial inspection of all bridges and reinspection at intervals not to exceed two years with the exception of reinforced concrete box culverts that meet specific criteria. These culverts are reinspected at intervals not to exceed four years.

THEREFORE, BE IT RESOLVED, that Clay County is desirous of participating in the Bridge Inspection Program using Bridge Replacement funds.

The County requests SDDOT to hire Johnson Engineering Co. for the inspection work. SDDOT will secure federal approvals, make payments to the Consulting Engineer for inspection services rendered, and bill the County for 20% of the cost. The County will be responsible for the required 20% of matching funds.

Dated this 9<sup>th</sup> day of March, 2021, at Vermillion, South Dakota.

\_\_\_\_\_  
Travis Mockler  
Chairman, Board of County Commissioners  
Clay County, South Dakota

ATTEST:

\_\_\_\_\_  
Carri R. Crum, County Auditor

Joshua Shellum, SD Dept. of Legislative Audit, met with the Board for the audit closing conference. He said there were no deficiencies to report, no violations of laws, rules, or regulations. He presented a letter outlining views on accounting practices, there were no uncorrected misstatements to financial statements, and said he did not have any troubles completing the audit. He also requested signatures on a letter from the County to Legislative Audit stating they made all requests available to him and his team. Smith moved, seconded by Hammond to authorize the Chairmand and Auditor to sign the letter. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye. Smith congratulated Auditor Carri Crum on a good, clean audit.

The Board discussed the building project & bond issue. Bob Fuller, Chairman of the Courthouse, Jail, and Law Enforcement Facility Planning Committee said he got the public listening meeting

confirmed to be at the 4-H building on March 18<sup>th</sup> at 7:00 p.m. He said the tough thing about arranging that kind of meeting is trying to anticipate turnout, and he looked at 11-12 possibilities. He said the committee will encourage mask wearing and social distancing. Dick Strassburg of TEGRA Group explained that there will be stations with each option presented and have an architect stationed at each one. He said, in reality, people will listen and ask questions and go from one question to the next. The committee will be there to mingle and answer questions. He said the committee is very involved, more than any other committee he has worked with. The members know a lot, and the intent is to make available all the studying, things they have learned, pricing, etc. Packard asked for a sign-in sheet asking people who they are representing. Fuller said the meeting will start at 7:00 p.m., and he does not expect a speech except a greeting with instructions for the public to visit each table and give written suggestions. Strassburg said the committee wants suggestions in writing so they can sort them out. Smith suggested that the committee have a website available for people to make comments after the fact when they have had time to think about it. She said the National Park Service does that for their design proposals. Crum said the County's website does not have that capability. It was decided that the comments could go to an e-mail address. Fuller said there will be two ads in two issues of the Broadcaster, a story in the Plain Talk, it is on the County's website, and Crum created a Facebook event. It was suggested that a Monday Messenger feature would be good, as well as the City of Vermillion website, and posters hung around town would be good. Packard suggested church services' Sunday bulletins would be good. Fuller said committee members have been asked to put it on Facebook as well. Christopherson said the CCHS could put it on their website. Tom Grimmond from Colliers Securities was present. He said it sounds great and asked when the Commission will be getting back together to decide on which option to put on the ballot. He has been doing this for 29 years, with a lot of history and bond issues, and said he is present to answer any questions. Interest rates are really good right now. People will ask what it will cost, and he can help with numbers. Strassburg said they have an all-day work session tomorrow, and he is confident the County will have unusually good estimates, including construction, soft costs, etc. They always suggest when you do language for resolution it goes up to a certain number. The goal is to do everything possible to pull it down and bring everything back to the Commissioners to ask if this is how they want to spend the money. He said after that there is still heavy lifting to do to get it within budget. Hammond asked for big note cards for people to write on during the meeting. Strassburg said he has not been on a project with this many schemes and this much detail, so he feels really good about being prepared for this since the committee has been at it a long time. He hopes a lot of people show up so they can show the information they have developed. Smith asked about bonding capacity and said she wants to make sure the County is not even close to that. Grimmond said it is based on 5% of total assessed value. For example, if the County had \$1 billion in assessed value, it could do 5%, or \$50 million. Fuller encouraged the Commissioners to look at other options besides bonding. He was part of City Hall and there was a different procedure for that. Christopherson suggested visiting with Mike Carlson at City Hall. Grimmond said City Hall was a lease-purchase, but the lowest interest is general obligation (GO) bonds. Lease-purchase could be used in this category, but the County is under 5%, so there isn't a need to look at a lease-purchase, where there is no requirement of a vote. For a larger project, the County should consider bonds. There is a \$.90/thousand tax limit. He asked when

Commission will decide on project itself. Mockler said the latest is March 30<sup>th</sup>. Mockler asked if the language can be written and just fill in the bond amount at the end. Grimmond said he can have bond counsel leave it blank at the moment, but for ballot language it has to be decided. He said it can be written for “up to” \$44 million, for example, but everyone will assume that the project will be the maximum amount. He said the County can do a series of bonds, a smaller amount and then the full amount later so it doesn’t incur interest from day one. He said the Board will want to get the bond election question ferreted out with the State’s Attorney, get bond counsel to put it together, drop in a dollar amount on the 30<sup>th</sup> and have them sign off on the final document. Smith asked what term is recommended. Grimmond said interest rates have been bumping up over the last two months and passed out historical rate information. He said they are still in a very good spot with interest rates, and the levy has dropped accordingly. Rates have gotten better from the last year’s estimate and are still historically low. Grimmond said 25 years on something like this is typical. GO bonds can go 50 years, but he has never done it; he has done some 30 years, but most people are not comfortable beyond 25 years. Generations are typically 30-35 years, so by the next generation it would be paid off, and interest rates compound even more after 25 years. Mockler said 30 years makes the payment easier, and Grimmond said rates would still be very good at 30 years. He said the bond resolution can say “up to” 30 years, but generally the voter might not be happy if it was shortened up because it would affect the levy. Mockler said it can always be paid off early. Grimmond said with tax bonds, if it is paid off early, it generally means the County has over-taxed the property owners. Mockler asked, if valuations go up, does the tax bill go down? Grimmond said that is called real growth, coming from new construction. Mockler asked if that is something the Commissioners have to decide every year, and Grimmond said yes. Grimmond said the idea of having a specific meeting is the key because there will always be a few that say they didn’t know, so the County has cleared the hurdle by scheduling a public meeting. Smith asked if bonds will be less saleable at 30 years. Grimmond said GO bonds are unlimited, so if there was lost value in Clay County the tax could be raised, making it desirable for bond sales. Most counties can get A-rated bonds, and he expects the County to be rated well with AA2 or AA1 since it has a good audit with no debt load, and it has a diversified demographic. Fuller spoke about growth in the past 5-10 years along the bypass, etc. Mockler said they will have a special meeting before the 30<sup>th</sup> if necessary.

The Board and department heads reviewed at length the County’s grant practices and a draft grant policy manual being considered.

The Board reviewed vouchers to be paid. Smith questioned and invoice to Blue Tarp Financial and a credit question for Sheriff Howe. After determining that Blue Tarp Financial is the store credit account servicer for Northern Tool & Equipment, Manning moved, seconded by Smith to approve the following claims for payment. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

(DUE TO OTHER GOVERNMENT)		FAIRVIEW TOWNSHIP	\$8,863.66
BERESFORD SCHL DIST 61-2	\$25,450.24	GARFIELD TOWNSHIP	\$5,957.75
BETHEL TOWNSHIP	\$5,060.48	GAYVILLE/VOLIN SCHL DIST	\$5,087.66
CENTERVILLE SCH DIST 60-	\$8,013.01	GLENWOOD TOWNSHIP	\$4,908.42
CITY OF VERMILLION	\$84,368.54	IRENE CITY	\$1,069.92

IRENE/WAKONDA SCHL 13-3	\$56,148.40
MECKLING TOWNSHIP	\$3,964.04
NORWAY TOWNSHIP	\$4,024.53
PLEASANT VALLEY TWP.	\$5,094.92
PRAIRIE CENTER TWP.	\$4,658.09
RIVERSIDE TOWNSHIP	\$2,725.83
SD DEPT OF REV ANDERSON	\$283,233.78
SDACO - M&P FUND PAYMENT	\$394.00
SEILERS SECOND ROAD DIST	\$36.46
SPIRIT MOUND TOWNSHIP	\$4,043.53
STAR TOWNSHIP	\$6,645.75
TLC WATER PROJECT DIST.	\$6,631.92
VERMILLION BASIN WATER	\$1,141.49
VERMILLION SCHL DIST 13-	\$212,372.33
VERMILLION TOWNSHIP	\$6,364.73
VIBORG/HURLEY SCHL 60-6	\$111.22
WAKONDA TOWN	\$4,396.50
(FIRE PREMIUMS)	
BERESFORD RURAL FIRE	\$1,064.07
CENTERVILLE RURAL FIRE	\$314.97
GAYVILLE RURAL FIRE ASSO	\$564.36
IRENE RURAL FIRE ASSOC	\$176.06
VERM. RURAL FIRE ASSOC.	\$4,638.66
VOLIN RURAL FIRE ASSOC.	\$111.04
WAKONDA RURAL FIRE	\$1,338.24
(ZONING, BUILDING PERMITS)	
MCMAHAN, KENNETH	\$83.00
(LEGAL SERVICES-CT APP'T ATT'Y/)	
RIGGS, LAYLA C	\$70.00
(PROFESSIONAL SERVICES AND FEES)	
ALTERNATIVE HRD LLC	\$365.00
BILLINGS, JOHN P	\$2,090.00
EMPIRE HVAC	\$78.40
HANSEN, BOB	\$400.00
HOV SERVICES INC.	\$837.90
KATTERHAGEN, MARK	\$22.50
LEWNO, LUCILLE M	\$191.51
LINCOLN COUNTY AUDITOR	\$220.00
LOCKWOOD, DARCY	\$22.50
MINNEHAHA COUNTY JAIL	\$5.62
PHARMCHEM, INC.	\$256.95
SATELLITE TRACKING OF	\$32.50
SD ACHIEVE	\$240.00
SD DEPT OF HEALTH LAB	\$640.00
SESD ACTIVITY CNTR	\$360.00
WOODBURY CO. SHERIFF	\$10.00
YANKTON CO SHERIFF	\$50.00
YANKTON CO TREASURER	\$149.75
(OTHER PROFESSIONAL SERVICE)	
MINNEHAHA COUNTY JAIL	\$2,725.52
SD ATTORNEY GENERAL	\$2,158.00
THURSTON COUNTY SHERIFF	\$900.00

YANKTON CO SHERIFF	\$1,040.00
(LAW OFFICE)	
JOHNSON, KATIE PLLC	\$772.30
MCCULLOCH, JAMES E	\$4,513.02
PETERSON, STUART, KLENTZ	\$9,166.66
UNIVERSITY PSYCHIATRY	\$1,250.00
(PUBLISHING)	
BROADCASTER PRESS	\$1,314.14
(REPAIRS AND MAINTENANCE)	
AUTOMATIC BLDG. CONTROLS	\$147.96
BRUNICK SERVICE, INC.	\$238.05
BUHLS DRYCLEANERS &	\$123.00
EMPIRE HVAC	\$1,650.00
GEHM, CINDY	\$225.00
I-STATE TRUCK CENTER	\$1,588.95
JOHNSEN HEATING & COOLIN	\$2,428.48
JOHNSON FEED, INC.	\$54.45
LOFFLER COMPANIES	\$324.78
PRESTO-X COMPANY LLC	\$82.00
VERMILLION ACE HARDWARE	\$47.97
VERMILLION FORD	\$640.50
WALKER CONSTRUCTION	\$1,040.00
(DATA PROCESSING/CLAY CREEK/INF)	
MICROFILM IMAGING SYSTEM	\$855.00
WIEMAN CONSTRUCTION	\$13,812.00
(LATERALS 50A & 50B EXPENSE)	
POLLMAN EXCAVATION, INC.	\$9,945.39
(SUPPLIES & MATERIALS)	
A & B BUSINESS	\$119.22
A-OX WELDING SUPPLY CO	\$112.76
BLACKSTRAP INC	\$1,630.00
BLUE TARP FINANCIAL, INC	\$354.99
BOYER FORD TRUCKS	\$318.21
BRUNICK SERVICE, INC.	\$3,639.96
BUHLS DRYCLEANERS &	\$56.70
CORPORATE WAREHOUSE	\$519.85
ELECTION SYSTEMS AND	\$94.80
EMPIRE HVAC	\$2,314.87
HANSEN LOCKSMITHING INC	\$100.00
I-STATE TRUCK CENTER	\$503.53
JCL SOLUTIONS	\$555.27
JOHNSON FEED, INC.	\$3.81
L.G.EVERIST, INC	\$2,609.95
LOFFLER COMPANIES	\$192.08
ONE OFFICE SOLUTION	\$385.89
PETTY CASH	\$99.80
PROCHEM DYNAMICS	\$1,082.30
QUALIFIED PRESORT SVC IN	\$3,633.79
QUILL CORPORATION	\$35.90
RUNNINGS SUPPLY INC	\$200.34
STURDEVANT'S AUTO PARTS	\$890.35
VERMILLION ACE HARDWARE	\$554.61

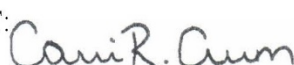
VERMILLION FEDERAL	\$110.72	FIRSTSOURCE ADVANTAGE LL	\$52.29
VERMILLION FORD	\$572.33	HOUESTAD, ALEXES	\$20.00
ZEE MEDICAL SERVICE CO (COPIER SUPPLIES)	\$119.90	KURTZ, CLAIRE	\$20.00
CANON	\$161.12	MCANINCH, MALINAH	\$20.00
(INMATE TRAVEL)		PIZZA RANCH 14762	\$3,053.00
PENNINGTON COUNTY JAIL	\$414.81	PUMP N PAK	\$1,246.48
PUMP N PAK	\$290.00	SMALL, THUNDER	\$20.00
(UTILITIES)		VERMILLION FEDERAL	\$126.59
CENTURYLINK	\$547.70	YELLOW ROBE, CONSULTING	\$1,500.00
CENTURYLINK EMG	\$13.87	(JDC/SPECIAL EQP.)	
CLAY RURAL WATER SYSTEM	\$53.90	TERWILLIGER, PHILIP	\$350.00
CLAY UNION ELECTRIC CORP	\$685.03	(BUILDINGS AND STRUCTURES)	
FEDEX	\$132.69	MJ DALSIN CO OF SD INC	\$819.50
MICROFILM IMAGING SYSTEM	\$155.00	(BOOKS)	
MIDAMERICAN ENERGY	\$1,357.62	BUTLER MACHINERY CO.	\$55,566.27
MIDCO BUSINESS	\$295.00	(FURNITURE AND MINOR EQUIPMENT)	
VERMILLION GARBAGE SVC.	\$176.00	MICROFILM IMAGING SYSTEM	\$60.00
WAKONDA TOWN	\$62.65	(MACHINERY AND AUTOMOTIVE EQUIP)	
(PAYMENT)		LAYNE'S WORLD, INC.	\$340.21
DOMESTIC VIOLENCE	\$115.00	(AUTOMOTIVE)	
		BRUNICK SERVICE, INC.	\$19.40

The Board reviewed the 2020 Annual Report.

At 10:40 a.m., Smith moved, seconded by Manning to adjourn and reconvene at 9:00 a.m. on Tuesday, March 30, 2021. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:   
Carri R. Crum, County Auditor

March 30, 2021

The Board of County Commissioners met in regular session Tuesday, March 30, 2021 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning, and Richard Hammond.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Manning moved, seconded by Hammond to approve the agenda with addition of Treasurer Rhonda Howe for a tax contract. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Minutes of the March 9, 2021 meeting were approved with a motion by Hammond, seconded by Smith. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Samantha Hargrave, Deputy State's Attorney, met with the Board to present a grant application for \$24,142.24 with a match of \$8,047.40. Hammond moved, seconded by Packard to authorize the Chairman to sign the application. Under discussion, Smith asked about length of operating time, and it was clarified that it was months. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Highway Superintendent Rod Polley met with the Board to present resolutions for removal of closed bridges under the federal aid program. Manning moved, seconded by Hammond to pass and adopt the following Resolutions #2021-13, #2021-14, #2021-15, and #2021-16 for Federal Aid Bridge Program for County and Urban Projects. Under discussion Smith asked about persons who might be affected. Mockler clarified that the bridges are already closed, and this is just an action to remove them. Polley said they are on township roads, minimum maintenance at best, not landlocking anyone, and some are in the vacation process already. Polley said they had one person saying they should not be taken out because it's a good place to take kids fishing, but the County would still be open to liability even though they are closed. Smith said it is fine as long as we know we will never need them again because once we remove them the federal government will never spend money on them ever again. Polley said he would not be doing this if there was a chance of future funding. Manning and Hammond discussed road conditions being poor. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

**Resolution #2021-13**  
**FEDERAL AID BRIDGE PROGRAM RESOLUTION**  
**FOR COUNTY AND URBAN PROJECTS**

WHEREAS, Clay County desires the \_\_\_ replacement or x removal of the bridge hereinafter described:

STRUCTURE NUMBER AND LOCATION: 14-088-170, 3.5 N & 3.2 W of Vermillion

LIST OF CURRENT LANDOWNERS ADJACENT TO THE PROJECT (NAMES & ADDRESSES):

AND WHEREAS, Clay County is obligated and hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements.

AND WHEREAS, Clay County is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Federal Bridge Funds.

AND WHEREAS, the bridge is in need of replacement for the following reasons:

1. The condition rating is Poor.
2. For Replacement project the bridge is not located on a County or Township designated No Maintenance or Minimum Maintenance Road.
3. For Removal project the bridge location will not be eligible for federal or state bridge funds in the event that a bridge is reconstructed. The owner agrees to submit a separate resolution to delete the structure from the National Bridge Inventory upon completion of the project.
4. The bridge is located on a Federal Aid Route   , a school bus route   , a mail route   , a field to farm to market route   x  , a lake or recreation access route   , or other (please specify)   .
4. The load carrying capacity of the existing bridge can    or cannot   x   be improved to carry legal loads by rehabilitation of the existing bridge.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the "Local Roads Plan" and the State's "Standard Specifications for Roads and Bridges," the bridge project at the above described location. Items to be handled by State forces with Federal Participation will include hydraulic study review, foundations investigation (if necessary), plan reviews, and construction administration.

Estimated Cost of Project Including Engineering: \$	<u>30,000</u>
Federal Share (81.95%): \$	<u>24,585</u>
Local Share (18.05%): \$	<u>5,415</u>

Vote of Commissioners/Council: Yes   5   No   0  

Dated at \_\_\_\_\_, SD, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
ATTEST:

\_\_\_\_\_  
County Auditor

\_\_\_\_\_  
Chairman

**Resolution #2021-14**  
**FEDERAL AID BRIDGE PROGRAM RESOLUTION**  
**FOR COUNTY AND URBAN PROJECTS**

WHEREAS, Clay County desires the    replacement or   x   removal of the bridge hereinafter described:

STRUCTURE NUMBER AND LOCATION: 14-130-176, 2.9 N & 1.0 E of Vermillion

LIST OF CURRENT LANDOWNERS ADJACENT TO THE PROJECT (NAMES & ADDRESSES):

AND WHEREAS, Clay County is obligated and



hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements.

AND WHEREAS, Clay County is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Federal Bridge Funds.

AND WHEREAS, the bridge is in need of replacement for the following reasons:

1. The condition rating is Poor.
2. For Replacement project the bridge is not located on a County or Township designated No Maintenance or Minimum Maintenance Road.
3. For Removal project the bridge location will not be eligible for federal or state bridge funds in the event that a bridge is reconstructed. The owner agrees to submit a separate resolution to delete the structure from the National Bridge Inventory upon completion of the project.
4. The bridge is located on a Federal Aid Route    , a school bus route    , a mail route    , a field to farm to market route   x  , a lake or recreation access route    , or other (please specify)    .
4. The load carrying capacity of the existing bridge can     or cannot   x   be improved to carry legal loads by rehabilitation of the existing bridge.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the "Local Roads Plan" and the State's "Standard Specifications for Roads and Bridges," the bridge project at the above described location. Items to be handled by State forces with Federal Participation will include hydraulic study review, foundations investigation (if necessary), plan reviews, and construction administration.

Estimated Cost of Project Including Engineering: \$	<u>30,000</u>
Federal Share (81.95%): \$	<u>24,585</u>
Local Share (18.05%): \$	<u>5,415</u>

Vote of Commissioners/Council: Yes 5 No 0

Dated at \_\_\_\_\_, SD, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
ATTEST:

\_\_\_\_\_  
County Auditor

\_\_\_\_\_  
Chairman

**Resolution #2021-15  
FEDERAL AID BRIDGE PROGRAM RESOLUTION  
FOR COUNTY AND URBAN PROJECTS**

WHEREAS, Clay County desires the     replacement or   x   removal of the bridge hereinafter described:

STRUCTURE NUMBER AND LOCATION: 14-133-170, 3.5 N & 1.3 E of Vermillion

LIST OF CURRENT LANDOWNERS ADJACENT TO THE PROJECT (NAMES & ADDRESSES):

AND WHEREAS, Clay County is obligated and

hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements.

AND WHEREAS, Clay County is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Federal Bridge Funds.

AND WHEREAS, the bridge is in need of replacement for the following reasons:

1. The condition rating is Poor.
2. For Replacement project the bridge is not located on a County or Township designated No Maintenance or Minimum Maintenance Road.
3. For Removal project the bridge location will not be eligible for federal or state bridge funds in the event that a bridge is reconstructed. The owner agrees to submit a separate resolution to delete the structure from the National Bridge Inventory upon completion of the project.
4. The bridge is located on a Federal Aid Route    , a school bus route    , a mail route    , a field to farm to market route   x  , a lake or recreation access route    , or other (please specify)    .
4. The load carrying capacity of the existing bridge can     or cannot   x   be improved to carry legal loads by rehabilitation of the existing bridge.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the "Local Roads Plan" and the State's "Standard Specifications for Roads and Bridges," the bridge project at the above described location. Items to be handled by State forces with Federal Participation will include hydraulic study review, foundations investigation (if necessary), plan reviews, and construction administration.

Estimated Cost of Project Including Engineering: \$	<u>30,000</u>
Federal Share (81.95%): \$	<u>24,585</u>
Local Share (18.05%): \$	<u>5,415</u>

Vote of Commissioners/Council: Yes 5 No 0

Dated at \_\_\_\_\_, SD, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
ATTEST:

\_\_\_\_\_  
County Auditor Chairman

**Resolution #2021-16  
FEDERAL AID BRIDGE PROGRAM RESOLUTION  
FOR COUNTY AND URBAN PROJECTS**

WHEREAS, Clay County desires the     replacement or   x   removal of the bridge hereinafter described:

STRUCTURE NUMBER AND LOCATION: 14-140-012, 1.2 S & 14.0 E of Irene

LIST OF CURRENT LANDOWNERS ADJACENT TO THE PROJECT (NAMES & ADDRESSES):

AND WHEREAS, Clay County is obligated and

hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements.

AND WHEREAS, Clay County is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Federal Bridge Funds.

AND WHEREAS, the bridge is in need of replacement for the following reasons:

1. The condition rating is Poor.
2. For Replacement project the bridge is not located on a County or Township designated No Maintenance or Minimum Maintenance Road.
3. For Removal project the bridge location will not be eligible for federal or state bridge funds in the event that a bridge is reconstructed. The owner agrees to submit a separate resolution to delete the structure from the National Bridge Inventory upon completion of the project.
4. The bridge is located on a Federal Aid Route    , a school bus route    , a mail route    , a field to farm to market route x, a lake or recreation access route    , or other (please specify)    .
4. The load carrying capacity of the existing bridge can     or cannot x be improved to carry legal loads by rehabilitation of the existing bridge.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the "Local Roads Plan" and the State's "Standard Specifications for Roads and Bridges," the bridge project at the above described location. Items to be handled by State forces with Federal Participation will include hydraulic study review, foundations investigation (if necessary), plan reviews, and construction administration.

Estimated Cost of Project Including Engineering: \$	<u>30,000</u>
Federal Share (81.95%): \$	<u>24,585</u>
Local Share (18.05%): \$	<u>5,415</u>

Vote of Commissioners/Council: Yes 5 No 0

Dated at \_\_\_\_\_, SD, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
ATTEST:

\_\_\_\_\_  
County Auditor

\_\_\_\_\_  
Chairman

Leo Powell was present to discuss a request for signs from the Clay County Sportsman's Club. Powell said after the last meeting, he was contacted by the local game warden to see if there was something they could do to get it done. The Sportsman's Club hosts various shooting events through the year, offer memberships, and all of the profits are reinvested for maintenance, insurance, etc. He said they are proud to host the Clay County Flyers 4-H Club, EPJ Junior High Trap Team and USD Trap Team. They requested a directional sign with an estimated cost of \$150. Powell said the Pistol Club is not requesting to be on the sign. Powell requested that Polley be allowed to purchase signs and place them on the existing sign posts. Polley said the signs can be placed on the posts, but it is a private sign. Mockler and Powell discussed whether the intent was to ask the County to pay for the signs. Powell said \$150 is not a big investment as the public uses the location. Polley said it would be a brown sign with white letters that has CCSG with an

arrow. Manning asked about liability for things that go on at the location, and Powell said they have their own insurance. Smith said as long as it is permissible according to ordinances, she is good with it, but she referred it to the State's Attorney. State's Attorney Alexis Tracy said she was not present for the last meeting due to magistrate court, and she asked for further details. Powell filled her in on the location along Timber Rd. He said the game warden contacted him to request it since the land belongs to the County and is leased to the Park Board, who in turn leases it to the Sportsman's Club. Hammond said the signs would be where the current signs are posted directing people to the park, boat ramp, and campground. Tracy clarified that the question is whether the signs violate ordinance. Powell said this is not private, it is open to the public, and it is part of Clay County Park. Polley said the group is not affiliated with Clay County. He does not have a problem with it, but in the past they have made people take them down. Tracy requested that the ordinances be placed on the website for easier access. Mockler and Powell discussed whether the zoning regulations cover signage. Manning said it may open things up for other private sign requests. Manning moved, seconded by Smith to table the matter to the next meeting. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Polley updated the board that the Highway Department has switched to 4 10-hour days, Monday-Thursday, for the summer, and weight limits will be removed Thursday. Manning asked about who is operating the gravel pit across from the Coffee Cup east of the interstate. Polley said he does not know about it.

At 9:28 a.m., Smith moved, seconded by Hammond to adjourn and convene as Clay County Ditch Board. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Brad Stangohr from Ulteig Engineering presented pay applications for the Yankton-Clay Ditch project. He said the applications #3 and #4 would bring the project to 95%, holding some back until the final completion. He said an additional site would require a change order. Hammond discussed the amount of the budget for the project. Polley asked about rip rap. Mockler said he thought they were going to get a bid on the rip rap by Holmes. Stangohr said they can get that. Hammond said it is a pretty good swirl pit there. Also, he said the throats of the culverts upstream and downstream were smaller than that particular bridge, and if that is the case it should not be a big deal. Stangohr said it is likely not blocking as much as it looks like. He said it would likely be \$15-20 thousand for the rip rap. Smith said she noticed really minor math discrepancies she could not figure out, and Stangohr conceded he may have made an error. Smith said they were really, really small errors. Stangohr said if so they should get it corrected. Smith discussed how she got the numbers and said they were very insignificant, and one was less than \$1, so it could be a rounding error. Stangohr re-figured the numbers and said he got the same number as before. He reviewed how he obtained the numbers with the Board. Manning moved to approve pay applications #3 and #4, seconded by Hammond. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

At 9:38 a.m., Hammond moved, seconded by Packard to adjourn and reconvene as Board of Clay County Commissioners. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

A public bid opening was held for the 2021 micro-surfacing project. Bids were opened and read aloud. ASTECH's bid was \$1,138,466.70. Missouri Petroleum's bid was \$1,156,792.10. Stangohr said he will return at the next meeting with the bid tabulation, after he reviews them to ensure they meet specifications.

Pleasant Valley Township Board member Ron Huot met with the Board to request assistance regarding a box culvert that is deteriorated. He said he would like to request a cost-share where the Township would purchase the culverts and install them if the County would tear them out. It is located on 305 St., ¾ mi. west of Frog Creek Rd., straight west of Larson's, and north of Lyso's. Huot said last time the County paid to tear one out, and the Township had it installed. Mockler said the County could do it with its new excavator. Polley said the excavator is not delivered yet, but they could do it with the backhoe. Polley said he does not have a problem with it. Manning moved, seconded by Packard to approve it. Mockler abstained from the vote as he lives in the township. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye.

Hammond said the TLC Water Project District meeting is April 6<sup>th</sup> in Centerville at 7:00 p.m.

Welfare Director Drew Gunderson met with the Board to present Welfare Case #CW20-026 for medical assistance from Avera Hospital. He said the medical records indicate it is not an emergency medical procedure, and he requested the Board deny the application as it is not eligible under welfare guidelines. Hammond moved, seconded by Manning to deny as it does not meet current welfare guidelines. Smith asked why this is not an administrative procedure. Gunderson said because they have an application, he has to get a formal denial. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Treasurer Rhonda Howe met with the Board. She presented a contract for a property the County started tax deed on, and in the middle of the process the property owner filed bankruptcy. The County is part of the bankruptcy plan. The contract is agreeing to the payment plan under the bankruptcy. Mockler said the contract states they will pay the taxes under the plan, and if they miss a payment the County will immediately start the tax deed process again. Smith moved, seconded by Packard to authorize the Chairman to sign the contract. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Howe presented a resolution for mobile homes that are uncollectible for tax purposes as most have been destroyed and removed. Manning moved, seconded by Smith to pass and adopt the following Resolution #2021-11 for Uncollectible Mobile Homes. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

**RESOLUTION #2021-11**  
**Mobile Homes Moved to Uncollectible Tax List**

WHEREAS, pursuant to SDCL 10-22-32, the Board of Clay County Commissioners may by resolution after examination of unpaid tax list, transfer to the uncollectible tax list.

NOW THEREFORE BE IT RESOLVED, that the Board of Clay County Commissioners hereby authorizes the Clay County Treasurer by Resolution to move the following Mobile Homes to the Uncollectible Tax List, as in their judgment these mobile home taxes cannot be collected. (Further collection effort not required.)

List of the Mobile Homes to be moved to the Uncollectible Tax List located in Clay County Treasurer's Office are as follows:

TAXPAYER	TAXING DISTRICT	AMOUNT DUE
Auen, Sheena Marie	County, Vermillion city, Vermillion school district	\$282.38
Anderson, Alvin Lewis	County, Vermillion city, Vermillion school district	\$60.15
Bingen, Kate L.	County, Fairview Township, Vermillion school district	\$174.94
Bingen, Kate L. & Charles W.	County, Fairview Township, Vermillion school district	\$420.05
Boterman, Douglas Duane	County, Vermillion city, Vermillion school district	\$210.09
Bucklin, Clare June	County, Vermillion city, Vermillion school district	\$284.25
Cameron, Mandi	County, Vermillion city, Vermillion school district	\$84.35
Caton, Caleb	County, Norway township, Vermillion School district	\$513.47
Christensen, Ron	County, Fairview Township, Vermillion school district	\$27.23
Clark, Jerry A.	County, Vermillion city, Vermillion school district	\$109.61
Deal, David	County, Vermillion city, Vermillion school district	\$103.58
Dotson, Zenon	County, Vermillion city, Vermillion school district	\$461.86
Durham, Tom R.	County, Vermillion city, Vermillion school district	\$216.61
Durham, Tom	County, Vermillion city, Vermillion school district	\$142.46
Hanson, Merleen	County, Vermillion city, Vermillion school district	\$542.35
Jacobs, Randy Ray	County, Norway township, Vermillion School district	\$83.06
Lind, Eugene A or Cam	County, Vermillion city, Vermillion school district	\$184.89
Nellis, David	County, Vermillion city, Vermillion school district	\$20.58
Schick, Kenneth	County, Vermillion city, Vermillion school district	\$180.63
	TOTAL	\$4,102.54

Dated this 30<sup>th</sup> day of March, 2021 at Vermillion, South Dakota.

Commissioner Manning moved for the adoption of the foregoing resolution, motion seconded by Commissioner Smith.

Vote of Commission: Aye 5, Nay 0.

Upon which voting the foregoing resolution was declared, passed and adopted.

Board of County Commissioners  
Clay County, South Dakota

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Travis Mockler, Chairman

Attest:

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Carri R. Crum, County Auditor

Emergency Management Director Layne Stewart met with the Board to report that he applied to be on the City's Human Relations Commission. He requested approval from the Board for him to be on the Commission if he is chosen. It was the consensus of the Board that there are no conflicts with him serving on the Commission.

The Board reviewed a request from John Twite to use his metal detector to find items that might be buried in the lawn. Mockler and Hammond said digging would not be a great idea. Packard said most of the time it involves a trowel and very little disturbance. Smith said it seems like a liability, especially if it involves a sprinkler system. They could potentially partner with anthropology at USD because digging could be a problem unless it was done by people who really know what they are doing, although it sounds like a really fun project. If the detectors did find something, they might be able to find a partner for him that would do a really responsible job. Packard said they could limit him to mapping, and Smith said she loves that idea. Wess Pravecek said Bill Ranney has been doing some work below the hill, and he was part of archaeology at the university. She discussed previous partnerships with the archaeology department. Fuller said there was a time years ago when the Sheriff would allow the prisoners on the yard in the evenings. Mockler said he doubts they would find much since the whole thing was fill dirt. Hammond moved to deny the request, seconded by Manning. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board took a 5-minute recess and returned to session at 10:06 a.m.

The Board discussed the building project and potential passage of a resolution calling for a bond election. Bob Fuller discussed the public listening meeting on March 18<sup>th</sup> and the Courthouse, Jail, and Law Enforcement Facility Planning Committee meeting on March 25<sup>th</sup>, at which the committee reaffirmed its original recommendation to build a new facility off-site. Fuller said, as a personal opinion, the Board is keeping the process moving, deciding what the funds will be, what they will be for, and what the final decision will be for the voters, so it is simply another

step in the process. Dan Christopherson spoke about compromise and said it can work to do a lot of good things in democracy. He said, to get public support you have to have a lot of information out there and have citizens able to make decisions. He told the Board public support will be needed, and the vote will be yes or no, so they need to be careful about how they write the resolution and what's included. He said he has not had a single person say they were in support of abandoning the courthouse or building all new elsewhere; however, a new jail and law enforcement center is needed, and it makes the most sense to have it nearby. Moving offices out in order to remodel the current building has a big price tag of \$3.6 million over a period of 2-3 years. Christopherson said \$3.6 million would be better spent remodeling the law enforcement center, moving some offices over there, and fixing the roof will be a sign of commitment to saving the current building. He encouraged the Board to think about compromise. Tom Sorensen spoke on his own behalf, thanked the commissioners and committee, and addressed saving the courthouse building. He said Fuller informed him that the State's Attorney and attorney for the bonding company would work on ballot language, and there must be choices that are meaningful to all the public, not just those working in the buildings. He said it has become a priority for many taxpayers to receive assurance whether commissioners want to save the building. Sorensen said photos were mounted on the walls of the law school showing courthouses from all counties in South Dakota, and he encouraged them to go view the photos. He doesn't want Clay County's to simply become a photo. He said he has been a judge for teen court, and also represented clients as an attorney, which provides an alternative to juvenile detention; it is gratifying and meaningful to watch the teens in awe of décor of the courtroom and hallways as it is a showplace in educating youth and their parents. He said the Commission should ask the City to pay for part of a new law enforcement and jail structure, but it is a separate issue from the courthouse building. Sorensen said they need to keep the historic courthouse building, and other questions can be worked out to meet the needs of staff. Various sources paid for a similar structure, as Old Main only cost \$5 million, and look at it now. He told the Board to show people they want to take care of the historic structure as they move forward with a new enforcement center. He said the courthouse lawn might be historic, but we might not know now. Sorensen also thanked Stewart for his interest in serving on the City's Human Relations Commission, as he helped get it established. Susanne Skyrn said she thinks the courthouse needs to stay because it is part of the heritage and history in Vermillion. There are many older houses, the National Music Museum, Carnegie building, the president's home for the university, are singular, and they don't build things like it anymore. The courthouse is something that will be around a long time. She said the County desperately needs a new jail and law enforcement center, but she thinks it can be built to the north of the courthouse and doesn't know why they need such a large structure. She has seen very little growth in Vermillion and Clay County over the past 30 years. Skyrn thanked the commissioners for their work and said she hopes the County will save the courthouse and use it for that, or at the least for something else. Wess Pravecek with the Clay County Historical Society said they want to work together so it's not "us" against "you." She said they plan to host get-togethers to promote building a new public safety building. She said if it has to be on the ballot in June, think about giving it another year to have people better informed, but the bottom line is making sure voters are well-informed. No matter what, it's going to be a chunk of money. She said the County should fix the roof, do basic maintenance right now, but be more



conscientious about working together to get the public safety building going and fix this building. She said if they try to do this too suddenly, dump it and build all new, it will be a resounding “no” and wants to find a compromise and work together. Jim Stone said the Board does not realize the value of the current structure. They do not build like this anymore. He said Europe has buildings 300-500 years old, and they are still using them. He does not understand why the County wants to move out; this is an icon in Vermillion, and he hopes the Board realizes this. Jerry Wilson said he agreed with everything said thus far. He said he was shocked to see the proposed size of the new additions, and it looks like it is more than doubling present square footage. He said it seems extravagant, and he questioned the need for such a massive increase in square footage. He said he served on the Commission and was proud of the facility although there was some cramping due to added employees. He said he is in favor of stabilizing the roof, building a new jail on County property, and as Christopherson suggested moving into the present law enforcement center while the rest of construction takes place would save a lot of money and address historic preservation concerns. He said it could be passed as they could all get behind it, but it would be difficult to pass the present proposal. If the voters do not approve it, he said, the County is actually behind square one, and it is difficult to come back in a timely fashion and do what needs to be done. He said he hopes the County will preserve the current courthouse, add a more modest addition, and maintain the present law enforcement center for temporary offices and also permanent offices to expand government services.

Tracy thanked everyone for recognizing the need that exists. She said she fully supports the Commission in whatever decision is made to address that need, whether it is spending \$54 million, \$55 million, or \$41 million, because doing nothing will cost more long-term, and it is not what’s best for our county. In her professional capacity, she supports whatever decision they make to address that need. She said, also, in her professional capacity as a steward of taxpayer money, and as a taxpayer herself, her personal belief is unquestionably to go with the \$41 million option because there are other needs in the community with the schools, and when they look at an additional \$15 million, which actually amounts to \$18 million when you add relocation expenses, she does not think it is a good use of taxpayer resources. She said the only reason to do that is an emotional attachment to a structure, that she does not personally possess, to the tune of effectively \$18 million. If it is what the Board chooses to do, she will support it because it addresses the need, but she requested that they consider the less expensive \$41 million option.

Mockler closed public comment and opened discussion up to the Board. Packard asked for more detail of why the drawings look to be the size they are. She said she doesn’t feel the drawings really show what the Board is asking to decide on. Dick Strassburg of TEGRA Group said they do not take one side or other as a consultant to the County, but they provide facts. The existing courts and county administration space is 24,570 sq. ft. and the proposed new is 29,214 sq. ft. The primary growth is not in county offices; it is in the law enforcement area. Packard said confusion is whether the 24,570 includes the State’s Attorney’s office. She said she hates to assume, but asked if they would move to courts area, law enforcement area, or county government area, and that would depend on size of each one. Strassburg discussed the concept plan which gives enough to price it and to know the size but said it would need to be worked out during the design process. It is adding sq. ft. for things like a jury area with a restroom and ADA

accessibility. In general, the space is not growing a lot for what is needed for those areas, but it is bringing it up to codes and standards and is adding a considerable amount in the jail and law enforcement center. Pravecek asked if the State's Attorney's Office would be moving into the public safety building, and if so, wouldn't that free up space in the courthouse? Tracy said her office and the public defender would go with the courts. Strassburg said that would be typical. Smith asked Sheriff Andy Howe, regarding the relationship between the jail, law enforcement center, and courthouse. The committee presented two options: to build new north of town, or build on the north side of the courthouse site. If they build to the north, they do not have as many space considerations as if they build on the site of the courthouse. She asked Howe what he thinks about that decision as it seems that there is an enormous value to having the jail immediately adjacent to the courthouse. Howe said there is a difference between adjacent and connected. Ideally, they would take inmates through a secure corridor, a secure elevator if it's upstairs, not through a public hallway as they do now which is the least ideal situation. Distance is irrelevant, if it is blocks away or yards away, in terms of transporting inmates. He said he will not walk inmates across the street. If it was across the street, he would still load them into the vehicle and drive them across, and they would be in chains. There is a lot of risk of escape or other issues if they are going to move inmates with that kind of distance. Across the street or across town is really a similar situation. Sharing a wall or straight upstairs would be ideal. Howe commented on the size of the jail. He said the County needs a 44-bed jail today for the current population for inmate segregation/classification options so they are not housing co-defendants together, violent with non-violent offenders, etc. It gets difficult in a small jail, there is economy involved in co-housing people, and inmates do better in groups. The County had an 18-bed jail when it was built and 20 beds today. He said they have had a need for growth. Even the Klein McCarthy study said the jail should be 5 times larger now than it is, and the law enforcement center should be 3 times larger. Howe said we need that extra space as we sit here today. Strassburg discussed the square footage of the jail and law enforcement center. Today there is 11,385 sq. ft., and with the proposed it is 51,719 sq. ft. Packard asked why the total change from the first engineering, building it adjacent to the existing courthouse and creating an "L" rather than north-south. She finds it disturbing, in keeping the courthouse, is the little section with elevators and entrance that would be one big wind tunnel and no access other than walking ½-block. Design comes later, but she found the setup of staying with the courthouse disturbing. Strassburg said the realities of older buildings, as an architect with appreciation of older buildings, he read the reports and thought it was a great building, but as he got into it, he realized this is what needs to be done. They do not build buildings like the old ones with the same materials. Things that have changed that are different is they do not build buildings with monumental public space and then cramp people behind the grand corridors. It takes away a lot of square footage from the actual working space. The challenges are that the systems need to be replaced. Mechanical, electrical is downright scary in this building, and you should be thankful it has not burned down because it is in very, very rough shape. It needs new mechanical, electrical, fire protection system, anew elevator, also a separate elevator for inmates so that inmates in chains are not going up the same elevator as the jury and public, and it needs to meet handicapped code. We studied several ways, and the most efficient way is an elevator and restroom addition, and use the existing elevator shaft for mechanical and HVAC duct work. They need to run ducts in

order to meet current HVAC codes. The current shaft is crumbling, and he said it would not be economically feasible to put an elevator in the existing shaft as it needs a substantial amount of work, and he does not know if it would work. Plus, there needs to be 2 elevators. To meet ADA is a big deal and takes a fair amount of square footage. It is probably the biggest single factor. Smith asked if there is a way, if we built a law enforcement and jail complex on site, to safely bring prisoners to the courtrooms. Is there a design option that would allow that to happen? Can a secure corridor be constructed to connect the jail to the court room? Strassburg said yes, if the County takes out the street and expands on-site it would accomplish that.

Smith said it is safe to say from public comment that she does not believe building north of town and abandoning the courthouse is viable politically. The committee did its job, and provided all the information needed, and gave a recommendation. For efficiency, it is the right option. However, it is not the only option, and the community has made it known that a full new building up north will not fly, we have learned that from the survey and outpouring of concern. Some people believe it is the usual suspects complaining, and she doesn't think it is the case. Commissioners have heard from both people who have lived here their whole lives and new people, names she has never heard of, who care deeply about the courthouse. She said if you go back to the first study and first committee meetings, everyone's first and main concern is the jail. She would like to see action on a new jail, combined with a law enforcement center ASAP. If they go to bond with a new proposal, for everything new up north, they will wind up having to put a smaller proposal on the November agenda. Smith said they need 60%, it is not a 50% vote. She does not think they have it, that it is a political reality, and they have to deal with it. Smith said she would propose thinking about it in phases, phase 1 being building a new jail and law enforcement center on-site and at the same time putting a new roof and doing what needs to be done to stabilize the courthouse. Water does more damage than any other kind of wear on a building. The video and tour have persuaded her that whatever is done with the building, whether it is kept or sold, it needs a new roof and tuckpointing and stabilization now. She suggested following with a transition phase where they can move law enforcement and inmates to the new facility, creating space in the existing facility, building an addition for stairs, elevators, restrooms to meet ADA requirements in the transition phase. Move staff to the existing law enforcement center. They could probably discuss and negotiate with the City for temporary staffing space, possibly in City Hall, and then renovate the courthouse and do the kind of renovation and reconfiguration it needs. Smith said she is very concerned about plumbing. As for the electricity, she has lived in old houses for most of her life and has lived with a lot of very scary electricity, but as long as you don't mess with it and try to change anything, it's probably safe in the near term. The advantages for phasing it would be the minimal cost of relocation, which would save a lot of money, it solves most critical problem with jail conditions, makes passage of the bond issue almost certain, and that is the main reason for proposing it. She added that 1/3 of children in the county are eligible for free lunches, and these are the families that don't have cars, and they are the families that use courthouse the most, a great many of low-income individuals live close to downtown to the west of the courthouse. There is a significant advantage to them not to have to go way north and then back downtown for separate services at the Community Connections Center. By leaving the administrative offices on the same footprint it is a service to those families. It keeps the jail and courts connected in a safe way and keeps the police and

Sheriff in the same place. The difference in the mill rate, it looks like \$50 per \$100,000 in property value. Smith said, on an individual taxpayer basis, it is not insupportable or insufferable. It's reasonable. People have mentioned Old Main, which is a really spectacular building. If we renovate the courthouse, we can pass the bond issue and would have something very special like Old Main. Mockler asked what the proposal is. Smith proposed to do the project in 3 phases, with the 1<sup>st</sup> phase bond for building a jail and law enforcement on site, put a new roof on the courthouse, and tuckpointing. They could add an addition for stairs, elevators, and restrooms, or do it in the next phase. She said her main goal is to get the law enforcement center and jail through the bonding process.

Strassburg recommended, if they look at a scheme like that, to do the stair tower and restrooms in the 1<sup>st</sup> phase. It would be a difficult thing to add back. In today's dollars it is about \$5,750,000 million with cost escalation going forward each year plus soft costs and design costs. Smith asked what building jail and law enforcement center on-site would be, \$39 million? Strassburg said start at \$55 million and back down from there. They put \$3.6 million for moving the courts and doing a rental facility. He discussed the breakdown of 22,000 sq. ft. at \$4/sq. ft. for moving (\$2 for moving out and \$2 for moving back in), at an estimate of \$88,000, which at this point needs to be refined. There are a lot of county records and such to move. Then it involves taking a rental facility for 22,000 sq. ft. at \$20/sq. ft. There is one building in town that is about that size, the old Pizza Hut. They are asking \$15/sq. ft. for it. They figured in maintenance and ongoing operating costs such as heating and cooling of another \$5/sq. ft. Then the big cost is building out the courts and everything that is in the courthouse for an estimated \$100/sq. ft. That's not carpet on the floor. That's how we meet the requirements of privacy and security for the courts. One fact about the current building is it is not the kind of building we can remodel part now and part later. It involves moving out, gutting it, the power is off, literally gut all electrical, all mechanical, most of the ceilings will come down for fire protection, so it is major work and there could not be occupancy at that time. As far as moving into the current law enforcement center, he said he thinks that is possible, although some of the systems are tied together. If the Board would choose that direction, there has to be a way to reduce the \$3.6 million. There is probably something where they could substantially reduce the cost. He said there is another warehouse for sale at \$600,000. The County could buy it, use it, and sell it when it's done. Clay County has a pretty good economy where there are not many empty buildings, so there is not much to consider. If he took the \$55 million today and they asked what would be the bond issue on that, it would be close to \$50 million to do that. Cost escalation is the biggest issue because in the industry now, it is different than inflation, and there is a dramatic spike in construction cost. The team made the assumption that it will not stay red hot, by the time they design and bid it would be roughly 9 months to a year, but it may cool off a bit. Cost escalation is historically 3% per year. If you look at the phasing piece, the balance on the whole thing is what makes the most sense from a total outlay of cash. It would be most cost effective to do it all at once and get competitive bids. They could probably bring it to under \$50 million by phasing it, but it would not be the same number to bring it back. It would likely not be \$5.7 million, but it would get escalated up, and he would guess it might be 3 years out.

Mockler said they have a motion, and they would need a second. Smith said what they need are numbers, and she suggested the motion be the scope of project, and an actual number. She said she thinks Strassburg can give a number to get a good sense of whether phasing makes sense, or whether they should put the whole thing out to bond and do it all at once. There was discussion whether Smith made a motion or a proposal. Smith clarified that she started the discussion off with an idea, they do not have a number yet, and they need to have a number in order to have a motion. Strassburg suggested the number may go from \$55 million to \$50 million. They would want to design the renovation of the courthouse at the same time as they design the law enforcement center, jail, and courts because it has to tie together. They would incur the design cost in phase 1 and defer construction. He said there are logistical issues that would cost money, so they would do it knowing that if they went with \$50 million that when they come back that \$5.7 million is half again that amount. Smith clarified it would cost \$2.5 million more to phase, despite not having to move people out. Strassburg said it would be at least that, and the big variable is what to do in the meantime. They went to subcontractors and got good numbers, but the relocation cost of \$3.6 million is variable. There may be a better solution. What they recommend is bond language to be “up to” and work together through the process to bring it down. Smith asked if \$50 million includes building a jail and law enforcement center on-site that could connect to court rooms, and to include a new roof on courthouse. Strassburg said the roof would be included in the 2<sup>nd</sup> phase. Smith asked if it would include cost of moving staff and building the addition for stairs, elevators, and restrooms, so the only thing it would not include is the cost of renovating the courthouse offices. Strassburg said that is correct. Smith said a \$50 million bond issue would cover a new jail, law enforcement center on-site, a new roof, tuckpointing on the courthouse, building an addition for stairs, elevators, restrooms, and relocating as necessary administrative staff. Strassburg said it sounds right, but the caution is that the County would have to acquire private property, and there is always the question of the willingness of sellers, and closing a street with new fiber optics, so there is some risk to be considered. Smith moved to approve a \$50 million bond issue that would cover a new jail, law enforcement center on-site, a new roof, tuckpointing on the courthouse, building an addition for stairs, elevators, restrooms, and relocating as necessary administrative staff. Mockler clarified the \$50 million motion does everything except remodeling government offices. Smith agreed and said would happen in a future bond issue, but it would repair exterior issues on the courthouse. Packard seconded the motion for discussion. Manning asked Strassburg if phase 2 would be the roof and tuckpointing. Strassburg said they would have to work through details of the \$325,000 for that, and other things to consider is \$210,000 for mitigation and bat removal, and demolition of the current safety center for \$225,000. Manning said then it would be \$50 million now, but to come back to do offices, it would be more. Strassburg said it would depend on when it’s done, but remobilizing the site includes paying for staff and the contractor turns it into a separate project. It might cost \$10 million, but it’s a bigger number down the road, so if you took \$55 million today, it might cost \$60 million down the road. Manning said instead of that \$5 million to do the offices it could be \$7.5 million. Strassburg said the biggest issue is cost escalation. Manning said his biggest problem is coming back to the voters for another \$7.5 million after asking for \$50 million. He thinks voters will say the County already got what they need. He doesn’t think it can be done in phases, because in his experience it just doesn’t happen, and he is

kind of thinking that himself. He said people will think you should have asked for it the first time, and now you're coming back to ask for more. He said he does not think that is going to happen. Smith said she would accept a friendly amendment to the motion. Packard said there has been no mention of windows that definitely need to be replaced. They have already tried to fix those. Packard said she agrees with Manning that if they do it, they need to do it all because coming back will only cost more. Smith amended the motion to contract the work into 1 phase on-site in order to save what is estimated to be \$2.5 million, but on the other side they will have higher relocation costs which are already folded in to the \$55 million number. If they are escalating the cost \$2.5 million by phasing it, they are also saving quite a bit of money relocating staff. Strassburg said it is probably a net of \$2.5 million more, assuming they don't spend all on moving. He said they would see if they could peel some dollars off of the relocation cost estimate. Smith amended the motion to make the project one phase with a bond of up to \$55 million. Packard seconded the amended motion for further discussion. Packard asked if it also includes elevators, stairs, and structural. She asked how much safety does that give us within the existing courthouse? Strassburg said it would meet code in every way. Smith said windows are a big issue for staff and heating costs and asked if this number includes appropriate window repairs. Strassburg said it does. Mockler said the actual windows are not the problem. The County spent quite a bit of money 5-6 years ago to re-insulate the windows, but it's coming through the sill. Mockler said \$55 million is going in the wrong direction if they think people will support it; \$41 million is hard enough to swallow. There will be a room full of people in 2 weeks complaining their taxes are already too high, and he does not know how the County can ask them for more. Mockler said to get the bond passed is a simple majority of 50% plus 1. They do not have to cross the 60% threshold. He said he is not in favor of putting \$55 million bond on ballot. Strassburg suggested if they go with the lower cost to build new, would it be possible to allocate dollars for waterproofing on this building (a new roof and tuckpointing) so it wouldn't deteriorate until a potential user comes along? One thing that is difficult for the courts in this building is there has to be an addition for elevators and stairs. Other uses wouldn't require same level as the County does to operate as a courthouse. The architect in him would like to preserve this building, but that could be a compromise, too, and actively look for another use to take on the project. Manning said it has come out a lot that the commissioners do not want to see this courthouse not be maintained, no matter what choice they make today. It has never been the issue that they didn't want to put a roof on it; he did not know about the need for tuckpointing until recently. He said he would support a new roof and tuckpointing because, if they decide to build new somewhere else, the county is still going to be in this building for at least 3-4 more years. They have to maintain it. He said they need to work together with the Historical Society, and if it means moving out, then they should work together to find something else to move into the current building, and use it for what it is. It would still be the center of town, it would not be the courthouse, but it could be something else great for the community. It is not an efficient place anymore for the county employees. He said he does not know for sure that he can sit here and say for sure that he wants to spend \$55 million. He is having tough time with \$41 million. Klein McCarthy's first estimate was of \$12 million for a new jail and renovation of the courthouse, and then he came back with \$40 million or \$50 million, and it just kept escalating. Manning said this is not like Old Main. There were big donors for that, and Clay County doesn't have big donors.

They had the whole state paying for it, and we have one county paying for it. If the County renovates the courthouse and move the jail across the street or wherever, they only have about 17 people still working in the courthouse. That's it. Then the County is maintaining a huge building for 17 people. He said the Board needs to figure out what is best for the taxpayers in Clay County. The school wants to build new. Taxpayers may have a rough time paying all the taxes. Manning said he may have to leave Clay County, seriously, because it gets pretty tough to pay all these taxes. Packard said one thought that keeps coming back to her is this community cannot, and does not, support the museums it has. That has been the #1 suggestion for what this building could be in the future. The idea of another large, expensive building in the Main St. area being questionable as to what its future is is scary to her. She understands building new, and the time and effort of committee and its choice. On the other hand, she understands folks screaming, "Save our courthouse." She said she is in a quandary. They have to build a jail. Where ever it is built is where the courthouse will be in the future. They have to put together a bond issue that will build a jail and safety center within 2 days. The big question is what to do with the rest of the courthouse. Does the County stay or move? Mockler said it depends on what they want to spend. If they build a new jail and law enforcement center somewhere else, that doesn't get them out of needing to do something with the courthouse. The question is whether to spend \$55 million or \$41 million. Packard clarified that the estimates include land cost. Mockler said they also have to remember the courthouse is not just for Vermillion, it is for all of Clay County. He is assuming people in Irene do not have the connection to the courthouse that people in Vermillion have, but the County is going to ask them to pay for it, too. Hammond said we have a responsibility for the current building for 5-10 years. They will have that cost whether we use it, rent it, or a third use comes up for it. They need to be thinking about that part and its value to the west downtown area. They have to take responsibility that this anchor to the business district is here. He expects the neighborhood will change here. His guess is in a few years the lumber yard will want to move where they have space to load and unload trucks daily. The rest of the neighborhood will change as far as the residential makeup. They need to add those thoughts into the equation. He also worries about the load of the extra \$15 million or so onto the citizens that are having a hard time making ends meet now. The county has some of the highest poverty rates in the Midwest, not just South Dakota, and the idea of loading extra onto the property owners as well as pass-through to renters. It's not just the owners, but the renters end up paying indirectly. Has been torn by those two parts. This has been a grand old building to him, too. He understands problems with restoring and keeping old buildings going. He said he was probably a key figure in getting the music museum moved into the current building with key structural issues they thought it had, but it did not. It looked like it did. The basement concrete was broken and tented up about 4 feet. It sounds bad, but the entire building had settled uniformly straight down. He recommended a soil engineer, and it was easily and cheaply fixed. He is an old building fan himself. He has restored houses in town. It costs more to restore than build new. He has made that decision 3 times now and financially lost 3 times. Those are thoughts he has not expressed but is wrestling with. Strassburg said something out there for conversation, is a bond of \$42 million but have a \$1 million fund to go toward preserving the current courthouse with a deed restriction that it can't be torn down. It is financially substantially more to keep it, but to do something toward renovation costs. Do the roof and tuckpointing now because the County will

be there for several years no matter what, but set up a fund to go towards someone else taking it over, or to preserve it. He said he is not sure if \$1 million is right, or what the voters would think, but it might be a compromise. Hammond said he had been thinking of that himself. He suggested ¼ of difference between the 2 proposals, say \$41 million to \$46 million with the extra couple million going to key improvements beyond tuckpointing and roof, maybe electrical and sewer. Strassburg said to give the building what is needed it's hard to do that in phases. They will need to open all the walls and fix the problems, or don't touch it at all. Mechanical and electrical go together, and from a building code perspective getting a fire protection system. The team really studied that. Strassburg suggested an escrow fund for must-do improvements over the next years and have it go towards reducing costs for someone else to renovate it. Packard asked where the County is legally or for the public to start a courthouse foundation to solicit private funds for the future of the courthouse. As a County they cannot do that, but with all the historic preservation people out there screaming to keep the courthouse, do they have an option to do that? Fuller encouraged the Commission to investigate thoroughly any and all possible sources of funding, maybe hiring a professional to do that. Visit with the Vermillion Chamber & Development Company to see if they can help find a way to pay for it. They don't have a firm commitment from the City. Fuller encouraged them to contact a group or professional to dig for dollars to help pay for it. Mockler said they have done that. Nate Welch was present and was asked by Hammond for input on those funding questions. Welch said they have a resource for foundation grant searching. For a 5-year contract it costs about \$10,000, and he knows there are systems for that kind of conversation. He suggested if the Historical Society does not have capacity of receiving those funds, their 501c3 could potentially help. That concept of having \$1 million or a couple million could really help tip the scale of conversations and ideas have been had, and that type of fund could help. He could set up a contract with a service for \$10,000. Packard said she supported that proposal 10 years ago. Welch said it was 7 years ago, and he didn't have that much pull back then. Packard suggested that the building could be a decent boys and girls club, although it may take an addition of a gym in the back. It is still cheaper than what the County is proposing. She said she was talking about setting up a foundation to receive money if there are moneys that are hard to find, but using the 501c3 as a depository for fundraising for the courthouse future. Strassburg said the existing courthouse's physical layout doesn't suit really well for today's world as a courthouse. He asked if there was anything with the college that may have already been vetted with the committee. He said he sees a pending school need and this at the same time. The timing of both needs could cause the fate of this building to not be preserved. Packard discussed Main St. improvements as a competing interest. Tracy said the proposed resolution language is to specifically identify improvements and allocate the resources. She thinks Smith's amendment contemplates the \$55 million and updates to that extent. What to do long-term is a discussion that can continue to be had. She discussed statutes 6-14-1 and 6-14-2 regarding creation of an endowment fund but said it might be a long-term discussion. They need to flesh out what those options are. She said that code only has 2 statutes, and the second discussed interest on the fund. Tracy said as long as the County owns the structure there is a maintenance obligation. There is a desire to maintain what the County owns. Roll call vote on the motion: Hammond no, Manning no, Smith yes, Packard no, Mockler no. Motion failed.



Hammond clarified the other option is \$41 million and proposed a bond issue of \$44 million to fund a new complete jail, law enforcement center, and courthouse, as proposed and reserve the remaining \$3 million-plus for renovation of the current courthouse. Strassburg said they need \$41 million for the proposed project, and suggested designating for flexibility so if less is spent they could put more toward renovation of the courthouse. Hammond said he has seen several public buildings come in under bid cost, and he would hope that could happen. Packard suggested language adding any funds not spent on renovation of the existing courthouse for beginning an ongoing foundation in support of the courthouse. Smith said her concern is, although she likes the idea of a preservation endowment fund, but the best use is often recycling the building into needs that the County has, or residents' needs, and one possibility is condominiums or housing, and what she would like to see is the broadest ability possible to keep the building in use, which could be a non-profit, but it also would be possible for a sale to occur to someone who wants to create downtown housing out of it. She would prefer it be used for present functions and updated, but that not being possible at this point, the economics for anyone wanting to do anything with the building will be the cost of stabilization and doing a renovation. If funding can be used to make it a more attractive option, that would be good. She would like to keep purposes broad, and not entirely nonprofit. Packard said the foundation should be for possibly any building in the county, but the courthouse is first priority. Smith said, other options being foreclosed, the goal should be to transfer ownership of the property to an entity that will make it useful to the community, and that could be a non-profit or housing. Manning said there is already \$1 million set aside for maintenance, and he thinks the million would not be part of the \$325,000. It would be separate. Instead of making it \$44 million, he said, make it \$41 million and use the \$1 million towards maintenance of the building in the future, plus the \$325,000 separately for the roof and tuckpointing. Mockler said they don't have to wait for a bond for the roof and tuckpointing because \$1 million is already set aside. Manning said they need to set aside some money because they don't know what might come up in the future. Maybe someone like a non-profit will want it, and they can help them out. Mockler said once people realize they're serious more opportunities will arise. Welch encouraged \$44 million as a way to give more options for the future use of the building. The added \$3 million, as well as the other \$1 million, would show the commitment for the future of the building. Hammond cited a building in Cedar Rapids that his family owns called The Cherry Building. He said it is a successful story for renovating a rundown factory building in a rundown neighborhood, and the entire neighborhood has turned around now. It was a key central brick that they built the entire neighborhood into something the whole community comes to.

Hammond moved to accept the \$41 million new-site option, with an additional \$3 million renovation fund for improvement and upkeep of the present courthouse building. Manning asked if they need to add something to that for someone purchasing the building in the future. Strassburg suggested keeping it flexible for saving money or if they find it going over budget they could use the money regardless. Hammond said the resolution would be for the \$44 million. Manning seconded the motion. Tracy clarified resolution language. Her understanding is that language is to pay for the improvements described as construction of a new jail, public safety center, and courthouse facility, and government services located off-site, plus minor renovations to the current facility. She wanted a qualification to "minor" so it is not misleading to the public

who is voting. Tracy discussed the remaining resolution language. Hammond suggested using the verbiage “stabilization of the current courthouse facility.” Fuller suggested, “protecting the integrity of the current facility.” Tracy said she can offer up some language, but she would like that to come from the Board. Smith suggested, “and preservation of the current courthouse for future uses for the good of the community.” Hammond suggested keeping it simple with, “stabilization and preservation of the current courthouse structure.” Strassburg said that would give the most flexibility because a private person could go for other funding, such as historic tax credits, and it’s a little broader. He suggested keeping the language broader, such as “design and construction,” not just “construction.” Mockler asked if they need \$4 million total for the structural integrity of the building. Packard said it was to give leeway for both projects. Hammond said it is in case it goes over bid on the new structure. Mockler was concerned with how to explain that extra \$4 million to the taxpayers. Smith asked if they should have a second resolution allocating that \$1 million for the stabilization and preservation of the courthouse. Mockler said he really would like \$41 million and take the \$1 million already set aside for the building. Packard said she disagrees because it would be available for use for future needs. Mockler said people will not vote for them to have a bank account. Smith said she thinks they will vote for preservation of the building. Mockler said maybe Vermillion residents will, but everyone keeps talking Vermillion, and 55% of the property taxes are not coming from within Vermillion. To take more from them, they are going to have a problem. Tracy said she has concerns, and consulting with bonding authority said her concerns are valid. She had concerns whether they can do what they are proposing to put that \$3 million towards. SDCL 7-24-1 is about providing for buildings or buildings occupied for courthouse, office, or jail purposes. The County has an obligation to provide suitable buildings. If we are contemplating \$41 million for new facilities, then the maintenance is for property owned by the county, and she is concerned that what they are allocating bonds for, whether there is legal authority to add in \$3 million. She said they do have an obligation to maintain this building for as long as the County is in it. It is a kind of catch 22, when they are allocating funds for suitable buildings, then they are contemplating abandoning this building. They can take \$1 million already allocated, and it is a safer route. Strassburg said that is a good point. The bond company would encumber the property as a debt holder to the property. Mockler said the county can opt out for a year at a time for things that might arise at that point, and he would rather do that. Hammond said he wants to make sure the building is taken care of, not building a bank account. Manning clarified with Tracy that they cannot set aside \$3 million, they have to maintain the building anyway because they still own it. Tracy said the purpose for the resolution does not give them the statutory authority to do that. Smith said they do have statutory authority to do the new roof and tuckpointing under the bond. Packard said it would not be under the bond. Smith said it is legally possible to put the \$325,000 in the bond because it is to fix a building currently used for the County and can take the other \$1 million for a stabilization/preservation fund for anything that comes up in the next few years until they can convey the property to a responsible owner. She said she would also like to see a historic preservation covenant. Manning said the bond should stand alone at \$41 million and the \$1 million they have set aside is going to be used for maintenance anyway. Until the property gets to someone else, if that’s the case, they have to maintain it to the best of their ability. Tracy said she felt more comfortable rolling that into the

resolution if they identified a situation in which they were staying on-site. When they are identifying they are renovating the structure because they are staying on-site, that's one thing, but funding an option to take it all off-site it falls under a whole different statute. Hammond discussed the components of the new site option with Tracy. Tracy deferred to Tom Grimmond from Colliers Securities said he is concerned about the \$3 million for future development, and he does not think the SD law allows for it. The county can designate projects for this facility, such as the roof and tuckpointing, under the \$41 million option as long as projects are designated, but the \$3 million with no project designated would not be allowed. Hammond said he was thinking it would take that much for other parts of the project, electrical improvements, drainage around the outside, and sewer and water that were not included in the project. Tracy said if you had figures from the construction management firm identifying what it would cost for those items, they may be able to do that. Smith asked if the \$325,000 for tuckpointing and roof are in the \$41 million, and Strassburg said yes. After some discussion, Hammond rescinded his motion, and Manning rescinded his second.

Mockler said there is no need to wait for the bond issue to do the roof and tuckpointing. Fuller clarified that land acquisition is included in the \$41 million. Tracy discussed with the Board the language for the resolution identifying the project. Strassburg asked if anyone is concerned about encumbering the current property under the bond. Mockler said it concerns him. Christopherson asked for "stabilization and preservation" to be included to help passage with voters. Hammond said he would be ok with that. Fuller asked, if replacing the roof and tuckpointing is, in fact, preservation. Auditor Carri Crum said the language is important is it is what they will be moving to vote on. Tracy asked if that is an implicit promise to the voters, and do the commissioners intend to keep that? Smith said she thinks it would be wise of the commission to pass a historic preservation covenant on the property as part of keeping the faith with the voters. Grimmond said the County is not leasing, they are just doing a general obligation bond, and so if the County Commission decides to sell the property it is not encumbered because there is no ground lease. The property will not be encumbered, and neither will the new site. He said he could be wrong, but he is pretty sure he is right. Packard asked for 24 hours to re-check the language. Tracy repeated the language one more time. Packard asked if there is any way to get the word "preservation" in there. There was discussion regarding using the word "preservation." Strassburg suggested "stabilization and preservation of the exterior of the current courthouse." Strassburg said right now there is a 5% construction contingency and a 1.5% design contingency. One consideration is, if you have more community input, whether you want to bump that.

Pursuant to due call and notice thereof a meeting of the Commission of Clay County, South Dakota, was held on March 30, 2021 at 9:00 o'clock a.m.

The following commissioners were present: Richard Hammond, Micheal Manning, Phyllis Packard, Elizabeth Smith, Travis Mockler.

and the following were absent: (there were no commissioners absent).

Commissioner Hammond then introduced and moved the adoption of the following Resolution:

**RESOLUTION NO. 2021-12**

**RESOLUTION DECLARING NECESSITY AND EXPEDIENCY FOR ISSUANCE OF GENERAL OBLIGATION BONDS AND CALLING AN ELECTION**

WHEREAS, Clay County (the "County") hereby finds it necessary to pay to for the: New Jail, Law Enforcement Safety Center, Courts, Government Services, Land Acquisition Costs, and current Courthouse Stabilization and Exterior Preservation, (the "Improvements"), if so approved by the voters; and

WHEREAS, the County is authorized to issue bonds pursuant to SDCL Chapter 7-24 to finance the Improvements, if so approved by the voters, and copies of said preliminary plans on file with the County Auditor; and

WHEREAS, pursuant to SDCL 6-8B-3 no bonds may be issued unless authorized by a vote of the people.

BE IT RESOLVED by the Commission of County Clay, South Dakota, as follows:

1. Declaration of Necessity. It is hereby found, determined and declared that it is necessary and expedient for this County to borrow money by issuing its General Obligation Bonds in an amount not exceeding \$41,000,000 (forty-one million dollars) payable from 1 and not to exceed 30 years from year of issuance, bearing interest payable at such times and at such rate or rates as may be determined by the Commission, for the purpose of: New Jail, Law Enforcement Safety Center, Courts, Government Services, Land Acquisition Costs, and current Courthouse Stabilization and Exterior Preservation, if so approved by the voters.
2. Election. The question of authorizing the issuance of such bonds shall be submitted to the qualified electors of the County at a bond election which is to be held on the 8<sup>th</sup> day of June 2021 between the hours of 7:00 o'clock a.m. and 7:00 o'clock p.m. The question shall be in substantially the following form:

SHALL CLAY COUNTY, SOUTH DAKOTA, ISSUE AND SELL ITS NEGOTIABLE GENERAL OBLIGATION BONDS IN A REGISTERED PRINCIPAL AMOUNT NOT EXCEEDING \$41,000,000 (FORTY-ONE MILLION DOLLARS), ISSUED IN ONE OR MORE SERIES, BEARING INTEREST AT SUCH RATES AS MAY BE DETERMINED BY THE COMMISSION, PAYABLE AND MATURING FROM 1 AND NOT TO EXCEED 30 YEARS AFTER THE YEAR OF ISSUANCE, FOR THE PURPOSE OF NEW JAIL, LAW ENFORCMENT SAFETY CENTER, COURTS, GOVERNMENT SERVICES, LAND ACQUISITION COSTS, AND CURRENT COURTHOUSE STABLIZATION AND EXTERIOR PRESERVATION.

SHALL THE ABOVE PROPOSITION BE APPROVED AND THE BONDS ISSUED?

3. Polling places and Judges. Polling places and judges and clerks for said election shall be selected according to South Dakota Law.
4. Voter Registration Deadline. The County Auditor is hereby authorized and directed to give notice of voter registration and deadline therefore, as required by law. The deadline for voter registration shall not be less than fifteen (15) days prior to the election. The County Auditor shall give notice of the availability of registration officials and state when registration will be terminated and the effect of a failure to have registered. Such notice shall be published in official newspapers of the County at least once each week for (2) two consecutive weeks, the last publication to be not less than (10) ten nor more than (15) fifteen days before the deadline for registration.
5. Notice of Election. The County Auditor is hereby authorized and directed to give notice of bond election, said notice to be published in the official newspaper for the County, once each week for two (2) successive weeks before said date of election. The second notice shall be published not less than four (4) days nor more than ten (10) days before the election.
6. Ballots. The County Auditor is authorized and directed to cause printed ballots to be prepared for use at said election in substantially the form on file with the County Auditor and to publish with the second notice of election.

7. Canvass. Said election shall be held and conducted and the votes cast thereat shall be counted, certified and canvassed according to law, and this Board shall meet at the regular meeting room in Clay, South Dakota, in the County for the purpose of canvassing the results within six (6) days of the election.

Commissioner Hammond moved for the adoption of the foregoing Resolution.

Said motion was seconded by Commissioner Manning and upon vote being taken the following voted AYE: Richard Hammond, Micheal Manning, Phyllis Packard, Elizabeth Smith, Travis Mockler

and the following voted NAY: (there were no nay votes).

whereupon said motion was declared duly passed and adopted, and was signed and attested by the Chairman and County Auditor.

ATTEST:

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
County Auditor

STATE OF SOUTH DAKOTA )

:SS

COUNTY OF CLAY )

I, Carri R. Crum, the undersigned, duly qualified and acting County Auditor of Clay County, State of South Dakota, hereby certify that I have carefully compared the attached and foregoing Extract of Minutes with the original thereof on file and of record in my office, and that the same is a full, true and complete transcript of the minutes of a meeting of the Commission of said County duly called and held on the date therein indicated, so far as such Minutes relate to the issuance of bonds by said County.

WITNESS my hand and official seal of the County as such County Auditor this 30th day of March, 2021.


\_\_\_\_\_  
County Auditor

At 12:18 p.m., Hammond moved, seconded by Packard to adjourn and reconvene at 9:00 a.m. on Tuesday, April 6, 2021. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.



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Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:

  
\_\_\_\_\_  
Carri R. Crum, County Auditor

April 5, 2021

The Board of Clay County Commissioners met in a joint meeting with the City of Vermillion City Council on Monday, April 5, 2021 at 6:30 p.m.

County members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning, and Richard Hammond.

The Board met to hold the Second Reading for Ordinance #2020-03, An Ordinance Amending the 2013 Revised Joint Zoning Regulations for Clay County and the City of Vermillion by Rezoning Certain Property, land located at approximately 298 S 466th Ave Vermillion, SD (Northwest side of the road) from A1: Agriculture to RR: Rural Residential. The legal description of the property is: The East 26 1/3 Rods of the SE 1/4 of the SE 1/4, Section 17, Township 92 North, Range 51 West of the 5th p.m., Except Lot H6 thereof, Clay County, South Dakota. Manning moved, seconded by Packard to adopt Ordinance #2020-03. Under discussion, Hammond said conditions such as basement restrictions and reasonable size would not add much drainage issues. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

**ORDINANCE #2020-03, AN ORDINANCE AMENDING THE 2013 REVISED JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION BY REZONING CERTAIN PROPERTY**

BE IT ORDAINED BY CLAY COUNTY, SOUTH DAKOTA:

That the 2013 Revised Joint Zoning Regulations for Clay County and the City of Vermillion be amended as follows:

Zoning change for land located at approximately 298 S 466th Ave Vermillion, SD (Northwest side of the road) from A1: Agriculture to RR: Rural Residential. The legal description of the property is: The East 26 1/3 Rods of the SE 1/4 of the SE 1/4, Section 17, Township 92 North, Range 51 West of the 5th p.m., Except Lot H6 thereof, Clay County, South Dakota.

Planning Commission Public Hearing: October 26, 2020

First Reading: January 12, 2021

Second Reading & Adoption: April 5, 2021

Publication: April 15/16 & 22/23, 2021

Effective Date: May 13, 2021

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Travis Mockler, Chairperson, Clay County  
Board of Clay County Commissioners

ATTEST:

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Clay County Auditor


At 6:46 p.m., Packard moved, seconded by Hammond to adjourn. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.



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Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:

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Carri R. Crum, County Auditor

April 6, 2021

The Board of County Commissioners met in regular session Tuesday, April 6, 2021 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning, and Richard Hammond.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Hammond moved, seconded by Packard to approve the agenda with addition of Emergency Management Director Layne Stewart for Drone Policy Updates and Welfare Case legal matters. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Minutes of the March 30, 2021 meeting were approved with a motion by Hammond, seconded by Smith. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Mockler spoke as a Visitor to be Heard. He said it was wildly inappropriate for Smith to go on social media after last week's meeting to torpedo the building project. Everyone voted in favor of it, and then to go on social media and say that this is going to fail and then give the information that we are going to build it north of town, because he does not think they have decided where they are going to build it, it could be a possibility, yes, but they are all commissioners and they all made the decision. His personal belief it is was wildly inappropriate. Smith said she thinks she serves the people and not the commission, and she spoke for herself that she was disappointed that her proposal did not go forward, and to not communicate her beliefs would violate her sense of ethics. She said she thinks one of the concerns the public has about the commission is that it doesn't talk and doesn't communicate, and her promise when she was running was to be as transparent as possible, and she will continue to do that. Mockler said that would be easier to swallow if she had voted against it than to have voted in favor of it. Manning personally agreed with Mockler. He said they have to work together, and he feels like that point that they have not been transparent disgusts him because over the years they have been as transparent as possible, and when that campaign was running he got tired of hearing that. Anyone who wants some answers could come to the meetings or come to talk to them. That was never an issue. If she had voted against it he would have felt a little better because he could have understood. When you vote for something you need to stand behind it. He has voted against things in the past that he did not believe in, and that is his prerogative, and we have a responsibility to listen to the people, not necessarily the commission. However, one small group is not the whole county, and that's where we lose sight. Smith said she is not accusing anyone of anything, but she is saying what she said when she ran for office, and what she intends to do as she goes forward, and she will always be on the side of transparency. She voted for it because we have to move forward. We cannot have nothing, and once her motion failed something needed to happen to get it to a vote. She voted to put it on the ballot. That's what she voted for. If her motion failed, they had to get it on the ballot somehow. She voted for it because it needed to get on the ballot. She said she thought very hard about not voting for it. She has said from the beginning, she does not believe the public will go for the whole thing with no provision for the



courthouse. She is not going to pretend that she thinks it is great. It's too much to ask of a fellow commissioner.

The Board considered the bid tabulations for the micro-surfacing bid award. Morgan Wrasper from Ulteig Engineering was present to affirm that ASTECH was the low bidder. Manning moved, seconded by Hammond to award the project to the low bidder of ASTECH. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board discussed the request for a sign from the Clay County Sportsmen's Club. Mockler said the State's Attorney has been very busy and was unable to look into the matter. Manning moved to table the topic until the next meeting, seconded by Smith. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye. Leo Powell was present and asked for the sign to say Shooting Sports. He said the top sign on the post in question already says Clay County. The fewer the letters, the less cost there will be. Polley discussed the size of the sign. Hammond discussed font size. Powell said they can stew on it for a week and see if someone can come up with better wording.

The Board considered a ditch cleaning request. Polley said Terry Jensen asked a few years ago, and the Board gave him permission to clean the ditch in front of his house for ¼ mile. The contractor made it around the corner and never came back. He has his own mini-excavator now. The location is ½ mile west of Greenfield Rd. In front of his house, you can only see ½" of the culvert as it's silted in. He will flag where the old tile is, and he will seed it. Polley said Jensen will tell him when he starts so he can check it. Manning moved, seconded by Packard to allow Jensen to clean the ditch. Under discussion, Hammond asked if the tiles ever give issue where they surface into the ditch. Polley said yes, and he tries to have them get it as close to a culvert that goes under the creek and on their property. He makes them put a post with an orange top so the Highway Department knows it's there. He makes them keep it in the back slope. Hammond said Polley is getting along without an ordinance. Mockler discussed that there is an ordinance about dumping into a county road ditch. Polley said he has been telling them to mark them, and so far he has not had any issues. Manning said he knows the tile guys tell the landowners to mark them. Polley said sometimes they put a trigger guard on them, and if that gets too far out he makes them put it up. For example, on the Volin oil there is one about 3 ft. tall. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board discussed condemnation of structure #14-150-006. Polley said this is Landeen's bridge. He said the State's Attorney would like the matter tabled to next week. Polley said this has gone on at least 3 years, and the State is on him that if it doesn't get done they will take the funding away and leave the county to pay \$100,000 for engineering, and we'll still have a wooden bridge. It's been 6 years and in the last 3 years he can't get anyone to talk to him. He ran into one of them, and they almost hid from him. It is such a minute little piece of ground, a tenth of an acre at the end of the pipe where the rock is going to be, and a temporary easement in case they need to turn the loader around to install the rock. Polley said she will not get back to him, and neither of the boys will. Mockler said he talked to Joe and he was going to talk to John. They want the county to go back and level the hill to the north, but it is a township road and it does not need to be done. Manning asked if there is anyone else on the road. Polley said there is someone

across the road, and he already signed off on it. Polley said the issue is the speed. Right now, it is posted at 55 mph, but they slow down because it is a wooden bridge, but when the new box culvert is installed, the State requires a sign to post it at 25 or 35 mph. Hammond said it is a pretty steep hill. Polley said when they had it closed, they had legal issues, where the Sheriff caught them moving barricades. They have been uncooperative for the past 10 years. Mockler told them if they close the bridge, they will never get a bridge again. Polley said they are using federal and state money, and they are making him jump through the hoops. There is no give on their end. Manning said it sounds to him like condemnation is the only choice, or close it and take it out. Hammond and Polley discussed the construction easement and the .1-acre permanent easement. Mockler said he will call Joe after the meeting to let him know they would like to handle things civilly, or that's the route they will have to do. Manning said, or they can close it and dig it up. Hammond said there are three options: they can close it, do repairs the easy way, or do it the hard way. Mockler and Hammond discussed that the bridge can still be traveled, but they take semis across it, which they are not supposed to do. Hammond moved, seconded by Smith to table the matter until the next meeting. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Polley reported to the Board that someone has been ditching without permission on 302 St. Polley said he has legal questions for the State's Attorney. He said there are a couple of statutes regarding change of grade in the ditch. Polley asked, what can the County do? Have them push the dirt back in? He said they dug, and it is loose, so the first rain will cause problems. There is water standing in it when he took pictures because the tile was running. There is quite a ditch coming in on the right side of the photo, and that's where most of the water was running out into the field. Now they are trying to divert it all to the west. One of the other pictures shows it is quite a drop-off. They were all graded in 2009 to a 6:1 because they used state/federal money and built it to state standard. They never asked for permission. Mockler said he saw them doing it, but he assumed they had permission. Polley asked if, when someone asks for permission if the board should make the decision. Mockler said it is easier for Polley to bring it to the Board so that it doesn't appear he is playing favorites. Manning agreed. Polley said when it gets over 100 feet it makes him nervous. Mockler asked if it can be done by consensus with legal action at the next meeting. Deputy State's Attorney Samantha Hargrave said she is taking notes and will look into it. Hammond said it really is a mess of sloppy work. Manning asked if they cut into the road slope. Polley said no, it was the back slope, that they are outside of the 10-foot safe zone. He had the Sheriff out there to make a report. Polley said he thinks it's too late to do something about this one, but he worries about the next one. Manning said he thinks they could do something about it. Mockler agreed because they were supposed to get permission. Polley discussed notices that were put in the paper in the past regarding such items. Smith said it might be helpful for Polley and State's Attorney Alexis Tracy to work together to come up with a procedure that would meet legal standards, and cover Polley's back, and if the Commission approved that procedure, then it could run independently and come back to the commission when Tracy deems it necessary. It would save a lot of time and trouble. Polley said he would like to add boring to it, too, if they are going to do with that. Polley said at Sorenson's west of Holmes' they went under the road, and it's already done. He does not know if it's encased. Hammond said they were hired by Clay Rural Water. They discussed what company it was that did the work. Hammond said he

called Polley to check to make sure the bypass was not the County's responsibility as well as the County's responsibility under Timber Rd. once it got to that point. Mockler said Clay Rural Water knows they need to encase it, and they really emphasized it near Wakonda when they did that. Hammond said we have a procedure for ditch work like this. There is an ordinance that it is illegal to mess with the ditch, and when Polley finds one he brings information to the Board and follows the procedure. They have had people that did it come into a meeting. Polley said it's on the website. Mockler said on 302 it's going to be better if the Board tells them they need to come up with a plan to fix it. Polley discussed drainage in the area and the sign that is just visible on one side of the photo.

Polley discussed with the Board whether there are any regulations for artesian wells draining into road ditches. Polley said he found that there is nothing in statute to prevent it. Hammond said the State's Water Rights Commission has a rule that if there is an artesian flow the landowner must restrict it to 5 gallons/minute to keep it from freezing over the winter. He knows of a few places where they have looked at it and dressed it down, but they don't have much authority as a means of fine or misdemeanor. It was discussed that this is the same ground as the ditch on 302 St. Polley said they ditched it out to drain it to the ditch. When the County did the road, it was backfilled, and a creek ran inside to the west of two culverts. Now there is a hand-dug trench so it runs into the ditch, and it is kind of low there. There is a lot of water sitting in the ditch that is hard on the road. He said it was running harder than it is now. It would be nice if they could run a tile to get it out of the road ditch. Mockler said they could cap it. Mockler and Polley discussed a nearby artesian well. Mockler asked Hammond, if they are not using the wells, are they not considered abandoned? Hammond said yes, there is a 1955 law that if you are not using a well like that, you should cap it. There was a matching fund to help landowners cap it, but there has never been a penny in that fund since 1955, so there is no teeth in that either really. Hammond discussed one near Chamberlain along the south road ditch along I-90. Mockler asked what the cost would be to cap an artesian well. Hammond said it varies a lot, but generally it would be \$1,500 or less. Hammond said if it is something damaging the road or a neighbor's property, there are damages that you could perhaps get recourse in court. Mockler said it would be cheaper to split the cost with them. Hammond said there is no guarantee in plugging them. Mockler said the best way to plug them is to try to save them because re-mining usually kills them. Hammond discussed the procedures for it and his experiences with doing it. Polley discussed another one near Meckling and said there are a number of them in the laterals. They discussed that it makes the ditch soft, especially in wet years, and Hammond said it can make a soft spot in the road because it keeps the ground from freezing in the winter.

The Board discussed previously passed bridge removal resolutions. Polley said that Resolution #2021-14 is for a bridge that was already approved. The Board acknowledged that the resolution was passed for bridge #14-130-176 that was already submitted for funding, and the County does not intend to collect twice for the same structure. Wrasper, with Ulteig Engineering, said they did not submit Resolution #2021-14 as it was already submitted.

Polley reported that the County was approved for the Local Transportation Study, the road study, bike path, and asphalt. It will take a couple months to get paperwork together. It is estimated at

\$150,000 to do the study with \$30,000 of that being the County's cost. It will not be more, but it could be less. He will have an agreement to sign in the next couple months. Manning confirmed that at that time the Board will know what the County's share will be.

The Board considered Gordon Andersen's ditch cleaning request. Polley said it is on the west side of Greenfield Rd. It needs to be cleaned to get the water to run back down. It has cut a trench back in the field. The ditch is silted in. Andersen wants to clean out back to the creek where it belongs and will re-seed it. Polley recommended approval. Mockler confirmed that Polley told him how deep he can dig. Manning moved, seconded by Hammond to approve the request. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

There was a brief discussion about the annual joint Ditch Board meeting with Yankton County at 1:00 p.m. at the 4-H Center.

Director of Equalization Ina Peterson met with the Board to present her annual report to the Commissioners. Smith asked which Vermillion neighborhoods had increased values. Peterson said it was land on one street in Bliss Pointe, and on Mickelson. Peterson said houses are selling for more than what they can keep them assessed at. It is a buyer's market, and houses have had bidding wars. Manning observed that ag land went down in value. Peterson discussed the productivity system used by South Dakota that uses the past 8 years for ag land. Peterson asked if the Board wants her to resume going into houses. It was the consensus that if the owners are comfortable, and if the staff is comfortable, they could do that. She discussed the new ProVal software. Peterson she has been working on the soil survey for townships. She has looked at Glenwood and just finished Riverside. She reported that the staff will go to conference in May, and former Director of Equalization Gene Lunn will work part-time while they are gone. She discussed appeals. Mockler asked Peterson about a new law regarding ag land. She said she had not heard the bill passed, but it was anything under 20 acres. She said it would not change WRP ground. Manning clarified that it is basically for small acreages. Hammond asked about a tree assessment. Peterson said she thinks they are referring to timber, and Clay County does not have anyone in the timber business. She said she knows there is a Christmas tree farm, but she does not know how it is rated without looking.

Zoning Administratro Drew Gunderson presented a plat. Looking at the drawing, Hammond said he was surprised that the other corners were not marked since it's odd shaped and discussed the pins that are marked. Mockler clarified that the plat in question is south of the road, not north of the road on the drawing/map. Hammond said for this plat, then, it does not matter. Hammond moved, seconded by Smith to pass and adopt the following Resolution. #2021-17 for a plat of Bancroft Tract 2, in the NW1/4 of the SW1/4 of Section 35, T92N, R51W of the 5<sup>th</sup> P.M., Clay County, SD, Patricia L. Bancroft, Trustee, Patricia L. Bancroft 2017 Declaration of Trust Dated July 13, 2017, owner. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

**RESOLUTION #2021-17  
RESOLUTION OF COUNTY COMMISSIONERS**

WHEREAS it appears that the owners thereof have caused a plat to be made of the following described real property:

A plat of Bancroft Tract 2, in the NW1/4 of the SW1/4 of Section 35, T92N, R51W of the 5<sup>th</sup> P.M., Clay County, SD, Patricia L. Bancroft, Trustee, Patricia L. Bancroft 2017 Declaration of Trust Dated July 13, 2017, owner.

Be it resolved that the Board of County Commissioners of said County has examined the same and that it appears that the system of streets set forth therein conforms to the system of streets of existing plats and section lines of said County, that adequate provision is made for access to adjacent un-platted lands by public dedication or section line when physically accessible, and that all provisions of the subdivision regulations of said County have been complied with, and that all taxes and special assessments, if any upon the tract or subdivision have been fully paid and that such plat and the survey thereof have been executed according to law, and the same is hereby accordingly approved.

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Travis Mockler, Chairman  
Board of County Commissioners

I, Carri R. Crum, County Auditor of Clay County, South Dakota do hereby certify that the within and foregoing is a true copy of the Resolution passed on April 6, 2021.

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Carri R. Crum  
County Auditor, Clay County, SD

Welfare Director Drew Gunderson met with the Board for welfare case legal help. He requested a consultant's assistance regarding legal help. There is a consultant who is advising for Hand County, and he would like the County to contract with her as there is one hospital and one attorney who is difficult to deal with. Hammond said it does come up periodically, and this particular one is always the issue. Gunderson said the other hospitals in the area do not use this process anymore. He said he has been dealing with one case for about 8 months. Gunderson said the County may have 5-6 cases to deal with per year with a consultant. Mockler proposed approving up to \$2,000 in expenses for the consultant. Hammond moved, seconded by Smith to approve up to \$2,000 in expenses with the consultant. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Emergency Management Director Layne Stewart presented the updated draft of the drone policy. There is an option, instead of taking the pilot's test every 2 years, they can do a certificate of authorization through the FAA that would last 3 years, and instead of \$150 it would be \$50. Stewart said this is good for existing pilots, but he feels new ones should take the \$400 training and the \$150 pilot's test to make sure they know the laws, regulations, air space, etc. He discussed costs for taking the test and said the County covers the passing test only. If a person takes the test multiple times in order to pass, the person pays for the failed tests and the County only pays the \$150 fee one time. Stewart said he will maintain his maximum of 4 pilots, but he has no idea how many pilots the Weed Supervisor would like to have. Smith asked where the drone is stored. Stewart said the drone is in his office, behind a locked door. Currently, he and Weed Supervisor Dennis Ganschow are the only licensed pilots. Ganschow has the code to the

office but still has to be let into the locked corridor by dispatch. Smith asked about National Park Service prohibitions along the Missouri River. Stewart said he asked for a waiver 3-4 years ago, and he was told it would take a considerable amount of time. He discussed specifics of the prohibited areas. She said it just strikes her as a place where search and rescue would be critical. It was decided that the wording can be updated by the next meeting for approval. Smith asked if the Weed Department has a similar policy. Stewart said the only other department that has a drone is the Highway Department, and he does not know what they have for a policy. Stewart said he has been told by Frontier Precision that his policy is more extensive than anyone else in the area. The Highway Department could adopt the same policy. He has a liability policy covering the equipment and pilots, and he does not know if the Highway Department has a separate policy. Stewart said he requires the pilots to be County employees due to liability coverage. Smith said the Board should ask the Highway Department for a similar policy. Hammond said the draft policy says Clay County, so it could apply to the Highway Department as well. Mockler said it can be adopted that way. Smith said there is a statement that it does not apply to the Highway Department, but they would just need to amend that to include the Highway Department. Stewart said he will re-write it for next week. Mockler said Stewart should have Ganschow review it as well.

Stewart said Yankton County issued a burn ban last night. He suggested that the Commission consider that as well if there is no rain. Mockler said there is a red flag provision currently. Hammond asked if Stewart is suggesting a notification in the newspaper. Stewart said the Commission can issue a ban even on red flag days. Stewart said if dry conditions do not change, Vermillion Fire Chief Matt Callahan is in favor of a burn ban. Packard asked if the Board allow Stewart to do that. He said it has to be done in a resolution. Smith said it seems Packard is proposing a resolution allowing Stewart to declare a ban. Stewart said when the commission passes a burn ban, it's a ban until rescinded. They discussed rain in the forecast.

Stewart asked Mockler if he has heard anything about the status of the generator repair. Mockler said he will call to check on it.

Manning moved, seconded by Hammond to approve the following claims for payment. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

(PAYROLL)		COMMUNITY HEALTH NURSE/WIC	\$3,140.47
COMMISSIONER'S	\$8,796.52	EXTENSION OFFICE	\$2,639.06
AUDITOR'S OFFICE	\$11,890.95	WEED	\$490.32
TREASURER'S OFFICE	\$22,384.30	PLANNING & ZONING	\$2,248.74
STATE ATTORNEY'S OFFICE	\$21,025.75	(DUE TO OTHER GOVERNMENT)	
COURTHOUSE	\$3,430.77	STATE OF SD GAME FISH	\$105.00
DIRECTOR OF EQUALIZATION	\$11,382.90	THOMSON REUTERS - WEST	\$974.02
REGISTER OF DEEDS	\$8,368.93	(PAYROLL WITHHOLDING)	
VETERAN'S OFFICE	\$1,601.78	AFLAC	\$657.08
24/7 PROGRAM	\$1,932.68	CLAY CO FIT FICA	\$51,665.88
SHERIFF'S OFFICE	\$41,330.52	COLONIAL LIFE	\$299.98
COUNTY JAIL	\$27,947.08	CONSECO/WASHINGTON	\$24.45
EMERGENCY MGMT	\$4,703.33	DIV OF CHILD SUPPORT	\$631.00
HIGHWAY	\$57,471.64	NEW YORK LIFE INSURANCE	\$328.57

SD CHILD SUPPORT CENTER	\$713.00
SD RETIREMENT SYSTEM	\$26,755.96
SD SUPPLEMENT RETIREMENT	\$3,875.00
SDRS ROTH 457(B) PLAN	\$810.00
SDRS SPECIAL PAY PLAN	\$5,023.87
TASC PVR	\$2,051.65
THE STANDARD - DENTAL	\$748.12
THE STANDARD - LIFE INS.	\$397.94
THE STANDARD - SH TRM DI	\$1,028.32
THE STANDARD - VISION	\$161.81
UNITED WAY OF VERMILLION	\$252.00
VERMILLION FEDERAL	\$1,321.00
WELLMARK BLUE CROSS	\$51,196.64
(SALARIES AND WAGES)	
CANNON-LASS, TRACY G.	\$1,668.95
(INSURANCE DEDUCTABLE REIMBURSE)	
MILLER, SARAH	\$500.00
(PROFESSIONAL SERVICES AND FEES)	
CERTIFIED LANGUAGES INTL	\$64.35
ERICKSON SOLUTIONS GROUP	\$793.00
FEDEX	\$15.16
HOUSKA, DDS, RANDY	\$840.00
LINCOLN COUNTY AUDITOR	\$778.64
MINNEHAHA COUNTY JAIL	\$17.22
NATIONAL SHERIFF'S ASSOC	\$135.00
SANFORD HEALTH OCCUPATIO	\$48.00
SDRS SPECIAL PAY PLAN	\$45.00
TEGRA GROUP INC	\$12,500.00
VERIZON WIRELESS ST ATTN	\$152.10
VERMILLION FEDERAL	\$122.63
VILLAGE FAMILY SVC CENTE	\$1,620.00
YANKTON MEDICAL CLINIC P	\$414.30
(OTHER PROFESSIONAL SERVICE)	
MINNEHAHA COUNTY JAIL	\$5,159.02
(LAW OFFICE)	
GAUDREAU, DYLAN	\$84.00
KATTERHAGEN, MARK	\$9.00
KOGEL, LINDA L	\$6,389.70
(PUBLISHING)	
STAR PUBLISHING	\$795.65
(REPAIRS AND MAINTENANCE)	
BRUNICK SERVICE, INC.	\$198.00
BUTLER MACHINERY CO.	\$545.00
CENTURY BUSINESS PRODUCT	\$30.00
GRIFFIN, DOUGLAS E	\$3,241.22
HEIMAN INC.	\$700.60
I-STATE TRUCK CENTER	\$3,286.24
JERRY'S CHEVROLET	\$626.40
JOHNSON FEED, INC.	\$69.30
NELSEN ELECTRIC LLC	\$90.00
PRESTO-X COMPANY LLC	\$144.00
PROCHEM DYNAMICS	\$36.71

RS PLUMBING SERVICES	\$183.71
SCHWEITZER, KALEY	\$500.00
TWO WAY RADIO SOLUTIONS	\$1,720.00
VERMILLION FEDERAL	\$853.38
VERMILLION GARBAGE SVC.	\$176.00
WALKER CONSTRUCTION	\$225.00
(DATA PROCESSING/CLAY CREEK/INF)	
AUMENTUM TECHNOLOGIES	\$800.00
ERICKSON SOLUTIONS GROUP	\$3,019.04
SOFTWARE SERVICES, INC.	\$2,100.00
(YANKTON CLAY EXPENSE)	
3D DIGGING & TRUCKING LL	\$62,662.50
(SUPPLIES & MATERIALS)	
BARCO MUNICIPAL PRODUCTS	\$373.08
BEAR, INC. DBA TODD'S	\$170.19
BLUE TARP FINANCIAL, INC	\$314.96
BRUNICK SERVICE, INC.	\$6.20
BUTLER MACHINERY CO.	\$213.80
CANON	\$138.15
CORTRUST BANK	\$4.00
COYOTE ENTERPRISE LLC	\$19.99
DAKOTA PC WAREHOUSE	\$19.99
GANSCHOW, DENNIS	\$375.00
GRAHAM TIRE S.F. NORTH	\$624.28
HEIMAN INC.	\$912.58
HERREN-SCHEMPP	\$18.09
HOLLENBECK, LAUREN	\$45.00
I-STATE TRUCK CENTER	\$1,008.18
JACK'S UNIFORMS & EQUIP.	\$190.84
JENSEN, RAVEN	\$90.00
JERRY'S CHEVROLET	\$480.29
JOHNSON FEED, INC.	\$28.85
LAWSON PRODUCTS, INC.	\$141.06
LINCOLN COUNTY HIGHWAY	\$1,298.39
LUND TRUCK PARTS	\$50.00
NELSEN ELECTRIC LLC	\$295.39
PHARMCHEM, INC.	\$1,211.00
PROCHEM DYNAMICS	\$203.00
QUILL CORPORATION	\$299.68
RUNNINGS SUPPLY INC	\$493.69
SD DEPT OF TRANS	\$1,119.55
STURDEVANT'S AUTO PARTS	\$506.80
TRUENORTH STEEL	\$9,609.60
TWO WAY RADIO SOLUTIONS	\$3,134.89
VERMILLION ACE HARDWARE	\$40.05
VERMILLION FEDERAL	\$1,606.19
YANKTON JANITORIAL SUPPL	\$1,090.14
YANKTON REXALL DRUG	\$13.98
(COPIER SUPPLIES)	
RELIANCE TELEPHONE	\$500.00
(TRAVEL AND CONFERENCE)	
HOWE, RHONDA	\$182.18

SD SHERIFF'S ASSN	\$115.00	HY-VEE, INC.	\$468.29
SDAAO	\$600.00	JACOBSON, KEVIN	\$50.00
TERWILLIGER, LISA	\$52.00	LANE, TRACEY	\$50.00
(UTILITIES)		MURLEY, KEVIN M	\$54.20
BUREAU OF ADMINISTRATION	\$97.94	QUALITY MOTORS	\$1,073.28
CITY OF VERMILLION	\$1,951.00	SPRINGER, ELIZABETH	\$52.52
JOHNSEN HEATING & COOLIN	\$800.00	THE SOAP GUYS	\$72.00
MIDCO BUSINESS	\$215.00	TIMMERMANN, TIFFANY	\$50.00
TRANSOURCE INC	\$189.02	VERMILLION AUTO WORKS	\$310.57
VERIZON WIRELESS EMG	\$40.01	VERMILLION FORD	\$41.88
VERIZON WIRELESS HWY TRS	\$115.54	(BOOKS)	
VERIZON WIRELESS SHERIFF	\$320.08	BUTLER MACHINERY CO.	\$54,316.49
VERIZON WIRELESS TRS	\$173.52	(FURNITURE AND MINOR EQUIPMENT)	
VERMILLION FEDERAL	\$10.32	CANON	\$84.79
(PAYMENT)		VERMILLION ACE HARDWARE	\$79.99
BERNARD, PAMELA	\$50.00	VERMILLION FEDERAL	\$263.27
ENGEMAN, JEFFREY M	\$50.00	(AUTOMOTIVE)	
GROSDIDIER, JUSTIN	\$20.00	TRI-STATE WINDSHIELD	\$250.00

The Board discussed an amendment to the Joint Powers Agreement for the landfill. Packard said when there is a new grant or loan awarded to the landfill, there needs to be a new amendment to the agreement. There is \$1,966,000 revolving loan fund awarded for the closure of cells 2 & 3, and construction of cell 6, and with each new award there has been an amendment. This is the 8<sup>th</sup> amendment, stating the parties must remain partners until all debts are paid. Manning asked how long they will enough room. Packard said she does not have that information readily available, although she feels they should have bought land a while ago. Manning moved, seconded by Hammond to approve the amendment and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Mockler updated the Board that there is a Joint Jurisdiction Zoning meeting Thursday.

At 10:37 a.m., Hammond moved, seconded by Packard to adjourn and reconvene at 9:00 a.m. on Tuesday, April 13, 2021. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST: Carri R. Crum  
Carri R. Crum, County Auditor



**Yankton-Clay Ditch Board**  
**April 6, 2021**

The Clay and Yankton County Commissions met jointly as the Yankton-Clay Ditch Board Tuesday, April 6, 2021 at 1:00 p.m. at the Clay County 4-H Center, 515 High St., Vermillion, SD.

Members present—Clay County: Richard Hammond, Micheal Manning, Travis Mockler, Auditor Carri R. Crum, and Highway Superintendent Rod Polley. Yankton County: Cheri Loest, Joseph Healy, Wanda Howey-Fox, Development Services Director Gary Vetter, and Auditor Patty Hojem.

The meeting was called to order by Chairman Travis Mockler.

A motion was made by Manning and seconded by Hammond to dispense with the reading and approve the minutes of the February 11, 2020 meeting as presented. All members voted aye; the motion passed.

Ditch fund balances were noted as follows. Clay County Yankton-Clay Creek Ditch \$39,691.48 and Yankton County Yankton-Clay Creek Ditch \$118,376.59.

A motion was made by Manning and seconded by Hammond to approve the 2020 Clay County claims: Broadcaster/Plain Talk - \$92.87, Star Publishing - \$69.36, Vermillion Federal Credit Union (Credit Card Order for Meeting Postcards) - \$9.00, Ulteig Engineering - \$15,751.43. All members voted aye; the motion passed.

A motion was made by Healy and seconded by Loest to approve the 2020 Yankton County Claims: Plumbing & Electric Services - \$550.00, 2020 Meeting - \$383.36, First Bank Card - \$151.25, Pollman Excavation - \$19,576.57. All members voted aye; the motion passed.

Under discussion regarding cleaning requests, Troy Walraven asked about the ditch in Yankton County to the county line. Healy said it was bid to Chris Nelson, and he has committed to the end of July to start at the county line and go 1.5-2 miles. It was pretty clean from there. Doug Bye said it was approved to do a lateral that has not been done. He asked, if there then why not do it all? Healy said the plan was to clean any sluffs they saw. Bye said if they cannot get to it this spring, then why not wait until fall. Calvin Hanson discussed the stretch from 454 Ave. to the Vermillion River. Mockler said it is done except Karen Kaeberle's property. Hanson asked about 454 Ave. to the county line. Mockler said there is not enough money this year, but it may be possible next year.

The Board discussed the ditch levy for 2021 pay 2022. Walraven moved, seconded by Hanson to keep the levy at 8%. All members voted aye; the motion passed.

A motion was made by Healy and seconded by Loest that the meeting be adjourned and convened as Clay Creek Ditch Board. All members voted aye; the motion passed.

**Clay Creek Ditch Board**  
**April 6, 2021**

The Clay and Yankton County Commissions met jointly as the Clay Creek Ditch Board on Tuesday, April 6, 2021 at the Clay County 4-H Center, 515 High St., Vermillion, SD.

Members present—Clay County: Richard Hammond, Micheal Manning, Travis Mockler, Auditor Carri R. Crum, and Highway Superintendent Rod Polley. Yankton County: Cheri Loest, Joseph Healy, Wanda Howey-Fox, Development Services Director Gary Vetter, and Auditor Patty Hojem.

The meeting was called to order by Chairman Travis Mockler.

A motion was made by Manning and seconded by Loest to dispense with the reading and approve the minutes of the February 11, 2020 meeting as presented. All members voted aye; the motion passed.

Ditch fund balances were noted as follows. Clay County Clay Creek Ditch \$206,114.80 and Yankton County Clay Creek Ditch \$115,938.91.

A motion was made by Manning and seconded by Loest to approve the 2020 Clay County claims: Broadcaster/Plain Talk - \$77.43, Pollman Excavation - \$12,252.51, Star Publishing - \$111.55, Vermillion Federal Credit Union (Credit Card Order for Meeting Postcards) - \$8.99, Wieman Construction - \$13,812.00. All members voted aye; the motion passed.

A motion was made by Healy and seconded by Loest to approve the 2020 Yankton County claims: Stockwell - \$72.00 and Wieman Construction - \$8,163.28. All members voted aye; the motion passed.

Under discussion regarding Clay County cleaning requests, Mockler said Lateral 50 is clean. Pollman Excavation is still owed some money for the bill, but it will be paid this year. Doug Bye said he wants to add a 10-foot extension on an existing 30-foot culvert along Lateral 50A. Mockler said he would look at it. Justin Orr and Mockler discussed cleaning the mouth by Fischer's. Healy clarified that Yankton County's fund balance does not include the balances of the Laterals. Mockler discussed hiring an engineer to do a flyover of the ditch. Orr said lots of laterals need to be addressed, especially by Gayville. Polley said Lateral 2A by the cattle yard is so bad it is difficult to find the culvert. Mockler said they are going to need to bid the work. Orr said Lateral 2B is the same condition. Mockler said Lateral 1 needs more cleaning, and he will look at them. Orr said when these projects are being contracted, there should be a fine to hold the contractor accountable after the completion deadline. Mockler said that was in the contract for the Yankton-Clay Ditch project, and they are doing that now.

Under discussion regarding Yankton County cleaning requests, Healy said the Volin Lateral from 448 Ave. east to the convergence on the south side has had all the trees removed. He said sand bars were cleaned out. Steven McClure said he contacted those downstream and wants to have it cleaned from 450 Ave. to Turkey Creek as it still appears to have a lot of silt. He said the

neighboring landowner lives in California, and they sent a letter to Healy. McClure moved, seconded by Robert Frank to have Wieman Construction continue to clean Clay Creek Ditch from 450 Ave. (old railroad) to Turkey Creek. Under discussion of the motion, the group determined that 451 Ave. to the county line is fairly clear. All members voted aye; the motion passed. McClure said he would like Wieman to look at the section from 451 Ave. to the county line just to make sure it is flowing well. Healy and Mockler discussed that Clay County uses a drone to fly over the ditches.

Polley updated the Clay County landowners that FEMA is still delaying payment of the repairs from the 2019 flooding because they do not understand the agreement between the landowners and the Ditch Board.

The Board discussed the ditch levy for 2021 pay 2022. Orr moved, seconded by Tom Logue to leave the Clay County Clay Creek Ditch levy at 40%. All members voted aye; the motion passed. McClure moved, seconded by Frank to leave the Yankton County Clay Creek Ditch levy at 65%. All members voted aye; the motion passed.

At 1:50 p.m., Manning moved, seconded by Healy to adjourn and convene as Prairie Center Ditch Board. All voted aye; the motion passed.

**Prairie Center Ditch Board**  
**April 6, 2021**

The Clay County Commissioners met as the Prairie Center Ditch Board in a sub-meeting of the joint Clay and Yankton County Commissions acting as Ditch Board on Tuesday, April 6, 2021 at the Clay County 4-H Center, 515 High St., Vermillion, SD.

Members present—Clay County: Richard Hammond, Micheal Manning, Travis Mockler, Auditor Carri R. Crum, and Highway Superintendent Rod Polley. Yankton County: Cheri Loest, Joseph Healy, Wanda Howey-Fox, Development Services Director Gary Vetter, and Auditor Patty Hojem.

The meeting was called to order by Chairman Travis Mockler.

The Board considered the ditch levy for 2021 pay 2022. Manning updated the group that the Prairie Center Ditch fund balance is approximately \$22,525. With the current \$8/acre levy, the taxes are approximately \$14,000/year. Joe Manning moved, seconded by Joe Hubert to lower the levy to \$4 per acre. All members voted aye; the motion passed.

The Clay and Yankton County Commissions, acting as the joint Ditch Board, considered nominations for Chairman. A motion was made by Logue and seconded by Orr to nominate Travis Mockler as Chairman. Manning moved, seconded by Howey-Fox that nominations cease and a unanimous ballot be cast. All members present voted aye except Mockler; the motion passed.

A motion was made by Gary Hoxeng and seconded by Healey to nominate Loest as Vice-Chairman and that nominations cease and a unanimous ballot be cast. All voted aye, the motion passed.

At 1:53 p.m., a motion was made by Healy and seconded by Loest that the meeting be adjourned. All voted aye, the motion passed.

Travis Mockler, Chairman  
Clay Creek Ditch

Attest:  
Patty Hojem, Yankton County Auditor  
Carri R. Crum, Clay County Auditor

April 13, 2021

The Board of County Commissioners met in regular session Tuesday, April 13, 2021 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning, and Richard Hammond.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Manning moved, seconded by Smith to approve the agenda with addition 4-H Educator Lauren Hollenbeck for termite and carpenter ant issues in the 4-H/Extension building. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Minutes of the April 5, 2021 and April 6, 2021 meetings were approved with a motion by Hammond, seconded by Manning. Under discussion, Smith said she was reminded that Roberts Rules of Order says members should refrain from attacking a person, and that includes visitors. She would suggest that in the future the board members refrain from doing that, and what happened at last week's meeting ought to be avoided in the future. Mockler asked who was attacked. Smith said he could read the minutes, and it's really clear. Mockler said he watched the video, and that's pretty clear. He said if she is referring to him, he stated facts. Smith said she is referring to Mockler and Manning. She said the whole point of Robert's Rules is they should speak to the question in front of them and ahead of them, and that certainly did not do that. She said she is suggesting that as a commission they work together better if they speak to the question in front of them and ahead of them and refrain from attacking person or motives. Mockler said they should clarify what they are going to consider an attack and what is considered the truth. He said he does not think he said anything that wasn't true. Smith said Roberts Rules goes into that question, and basically it says that you should speak to the issue on the floor and not personalities, and not things that are not on the agenda at the meeting. Mockler said that's why he spoke under Visitors to be Heard. Smith said she understands he disagrees with her, and she respects his disagreement. However, she does not think that kind of thing is helpful for getting business done and getting them to work together as a commission, and in the future she hopes they correct the matter and, as Robert's Rules says, prevent its repetition. Manning asked Smith, if they have a disagreement with someone, they should take it up personally? Smith said the idea is not to take up the time of the meeting with personal concerns or beliefs about somebody else, or what somebody else is doing, instead to keep meetings about the matter at hand so they are not wasting their time, or the time of someone else who might want to watch the meeting afterward. Manning said he has heard a lot of transparency, and if they are sitting there and not bringing something out that they feel strongly about, then they are not being transparent. What he has been hearing all along is that they are not being transparent. Smith said they are really different things. She quoted Roberts Rules of Order, "A speaker may strongly disagree with the nature or likely consequence of a proposed action, but must avoid personalities, and under no circumstances may a speaker attack or question the motives of another person." She said that would include things such as, "I would respect you more if..." She said it is counterproductive, and she is suggesting they use meetings to work on the agenda in front of them. Mockler said he disagrees and asked how that affects approving the minutes. He

asked if Smith is wanting it struck from the minutes. She said no, it is perfectly fine, it happened. It's there. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Manning appeared as a Visitor to be Heard. He said he needs information regarding Prairie Center Ditch. A couple people approached him, and they want to use some of the money to do some cleaning. He said he does not think it needs an engineer and wonders if it needs to be on a future agenda to have them come in. He was also approached by Calvin Hanson regarding Karen Kaeberle's property along the Yankton-Clay Ditch, and he says there is as much of an easement along the ditch as a road. He said he does not have any documentation. Hammond said engineering documents would have a labeled easement. Mockler said people also said at the meeting that the Ditch Board purchased property, but he has no idea where to find that. Hammond said he doesn't know where they came up with that idea. Smith asked if it would be in the Register of Deeds Office, and Mockler said he was not able to find it there. Hammond said easements should be listed on encumbrances of neighboring properties, and if it is not listed, for our purposes it doesn't exist. Highway Superintendent Rod Polley and Auditor Carri Crum discussed documentation that Troy Walraven and Justin Orr provided to them regarding the ditches. Polley said 10 years ago when they first started talking about a plan, he saw old minutes from around 1910 on the Yankton-Clay Ditch that went from 50 ft. of right-of-way to 200 ft., but it was not specific where it was at. There was discussion regarding the sod-buster law from 1985. Manning said west of Kaeberle's along the south side of the ditch, there are still some trees standing after the cleaning. Polley said that is east of the oil, and they stopped at the oil road. Mockler said when push comes to shove on this ditch, state law says Kaeberle cannot stop drainage. Polley discussed whether the top of the dike is included in the ditch. Polley said the trees are on the slope. Hammond said in the middle of the grove of trees, they made a path about 75 feet wide, so there is a place to work from. Manning said you can't plant grass under the trees because they kill it off, so then you have a mud slide when they do clean it off, so you are back to square one again. Polley said 20 years ago the bridge was going to get replaced when they put in the culverts, but Kaeberle stopped that, too, because she didn't want trees cleared out. Mockler said the item should be placed on the next agenda. Manning said on Prairie Center Ditch, someone had dumped sofas and loveseats. Hammond said Kaeberle is home now.

State's Attorney Alexis Tracy was also a Visitor to be Heard and said April is Child Abuse Awareness & Prevention Month and also Sexual Assault Awareness & Prevention Month. She presented awareness wrist bands to all those present.

Lauren Hollenbeck, 4-H Educator, met with the Board to give an update on a termite and carpenter ant problem in the building. There are bugs coming in through the walls. She said the pest control company told her this problem is all along the north wall from floor to ceiling, and it is the worst they have ever seen. They have dusted for the carpenter ants, but she is getting quotes for the termite treatments. There was discussion regarding quotes and approval of the work as well as repairs to the building.

Polley discussed signs for the Shooting Sports near Clay County Park. Hammond spoke on behalf of Leo Powell. Powell asked him to pass along that the signs could say CCSC, and Powell said he would like them to proceed. Mockler said he looked at the sign post, and it will not

obstruct views. Smith said the question is the legality of it. Tracy said she has not found anything that says they can or cannot post the signs. She referenced page 27 & 28 of the zoning regulations regarding on-premises signs. The location is in a natural resource conservation area for the APO Zone B. In those areas, there is nothing about signs in the regulations, so then she would default to general district requirements. She discussed general requirements for signs on-premises and off-premises, structurally safe, securely anchored, etc. Tracy discussed that ground signs are approved by Board of Adjustment. She also discussed definitions within the regulations. Mockler said the sign would be off-premises. Tracy said she just wants to make sure that there will be no obstruction or liability by adding an additional sign to the post. Tracy and Mockler discussed the Commissioner Handbook does not reference signs. Tracy reviewed statutes regarding signs. Polley said to him it's like a business, even though it's a membership program, and he discussed the signs for the rodeo grounds. He said the County didn't pay for the rodeo grounds, campground, picnic area, or boat ramp sign. Tracy discussed the statute prohibiting commercial advertising. Smith said she does not think it is commercial, that it would be akin to a Rotary Club sign. She said she thinks Polley is right, that there might be an issue with precedence, but otherwise the sign sounds fine. Hammond said he thinks they can make the decision at their discretion, and there is a certain affinity or symmetry with other signs that are already there. Smith said she thinks that is correct, and they would want the minutes to reflect that the decision is related to the fact that it is part of the park, and they are approving it despite the fact that it is a private association. Hammond and Mockler discussed that they would need to put Board of Adjustment on the agenda for the next meeting. Mockler said as far as the precedent they would be doing it to point out that it is on public ground. Manning said if they have the right to decide each and every time, it is not so bad. Mockler said if they had to put a whole new sign post up, he would be more hesitant. Manning said he does not think the County should pay for it. If they want it, they should pay for it. Packard asked if they are officially organized as a non-profit. Mockler said he does not know. Hammond and Manning discussed that they can ask Powell if he knows whether they are non-profit. Polley clarified that it is the skeet shooting sport, not the pistol club. Polley said he is waiting for Board approval because he is on the 4<sup>th</sup> proposed signage wording. Polley and the Board discussed sign sizes and the abbreviation of Clay County Shooting Club on the sign.

Polley discussed with the Board the condemnation of structure #14-150-006. Mockler said he has not gotten anywhere yet with the Landeens. Tracy said she needs until June as her schedule is full with court matters. Polley said the State will be fine with that as they understand the legal system has been backed up for a year. Tracy said even if they don't contest it, they essentially have to put it to trial, with jurors, to determine an amount. She does not know where the court system is at with civil trials. Mockler said he thinks eminent domain will need to be the kick-starter of the conversation since every other avenue has failed. Polley asked if they can send a certified letter. Tracy said she previously sent a letter asking for a meeting. Mockler said he would like to put it on the agenda for the next meeting to give everyone a chance to think about whether to hire outside counsel for this matter as the State's Attorney's Office is already down an attorney at the moment. Manning said if the County doesn't do something with the bridge they will lose \$100,000 from the State. Polley said the County already has \$20,000 into this, and if they back out it would be another \$80,000, and they would have an old bridge. If they get a

box culvert, it is another \$100,000 in the State agreement, or they pay the \$80,000 to get out of the agreement with the State and be stuck with an old wooden bridge. Smith said when she went to the Commissioners' Workshop, she spoke to the SD Dept. of Transportation, and the first thing they brought up was this bridge. The State will lose their funding and their ability to give the County the funding, so time is of the essence because of the federal expiration date. Polley said it was scheduled for 2017, so the County is going into the 4<sup>th</sup> construction year, and actually he is looking at 2022 if he can get something done by this fall. Tracy asked about an appraisal. Polley said the appraiser wanted \$4,000 up front to appraise it. Tracy said that is the first thing that needs to be done so the County could make an offer or take it to trial. Manning asked if anyone local could appraise it. Polley said he got a list from the SD Dept. of Transportation, and he contacted at least 7-11 appraisers from the list before he found one. Mockler proposed making an offer without the appraisal, figuring \$10,000/acre it might be \$1,000 for .10/acre, to try to save the appraisal fees. Tracy said she tried to get them to come into a meeting because it was not safe for Polley to go out there, but it will cost a lot more money otherwise. Polley discussed the temporary easement for placement of the rip rap as well as the permanent easement. He said at the next meeting he will bring a plan sheet. Polley said they want the hill knocked down, but they don't realize it's going to be in their front yard. Mockler said it is a township road, so they do not have the authority, but there will be a 35 mph speed limit sign. Polley said he will provide them with the plan sheet. Hammond said the County could even give them the \$4,000. Mockler said it would be cheaper for the County to do it that way. Polley said the agreement is the County puts the fence in after the project is done, and he thinks if they are being paid for the land they should have to put the fence back up. Mockler said that would be part of the negotiation. Hammond said they should have a picture of the fencing they have done before to show them that it would be a nice fence. Polley said he does not know which direction to go. Mockler said to put it on the next agenda and asked Tracy if they can pay it from her budget with the savings of being short an attorney. Tracy said she does not think they will get it done with that savings. She said it may be tens of thousands of dollars. Hammond discussed rule of thumb in risk management in private sector, and he said there is a lot for the public sector to learn from the private sector. Polley asked Smith who she spoke with at the State, but she did not remember. She said she sat with the LTAP and SDDOT guys at lunch, and they were really interesting. Mockler said they can always get it appraised if they have to go to trial, but they can also make an offer without getting it appraised.

Polley discussed with Tracy that someone dug in the County ditch on 302 St. He said there are two waterways going into their field, and of course they want to farm. Polley said they just had the road built in 2009, with a 6:1 slope, and now there is a big trench. He said everyone else has to get permission. Mockler said they could have accomplished the same thing by building a berm in their field, but Polley said it was easier to dig in the ditch. Polley said you can go back and fix it, but the first time it rains it will wash away. Tracy said at this point it is intentional damage to property. Mockler said he actually saw them doing it. Tracy said there is a process they need to go through, and she discussed the County's recourse. Mockler said they should be responsible for fixing it, and if it washes out they should continue to fix it until it's solved. Polley said they changed the flow the same as diverting water on Yankton-Clay Ditch across someone's property. Tracy discussed damages under civil proceedings. Mockler said he was hoping to discuss it with



the landowner to have him come up with a solution. Smith suggested giving a notice to the landowner prior to taking any legal action. Polley said there were two landowners asking permission last week. Mockler said it is in State law that if they dump or dig in County right-of-way they have to ask permission. Manning clarified that Smith is proposing the State's Attorney send a notice that the landowner has been ditching without permission and ask for a remedy. Tracy said she thinks it can range from a class 2 misdemeanor up to a felony level offense, and alternatively there are civil remedies. She said this is a nightmare, and the landowner needs to understand that he needed permission before hand and identify to the County what he is going to do to remedy this. Manning said he thinks that is the way to go, and it puts the ball in his court. Packard said then it is not coming from one commissioner, it's coming from the County. Hammond said it is nothing new, people always needed permission to do this. Manning said the only person he is damaging is the County's road. Polley said they had an engineer in 2009, and if that would have been the case they would have done it then. Mockler said if a person goes into a ditch it is a hazard. Hammond said it is a traffic hazard. Polley said it is outside the 10-foot safety zone, but it is in the right-of-way. Mockler said the County is responsible for that.

At 10:08 a.m., Manning moved, seconded by Smith to adjourn and convene as Clay County Ditch Board. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Todd Bye requested a driveway extension at the annual joint ditch board meeting. He wants two driveways extended on the same property. It would be a 48" metal pipe and a band. Polley said he assumes this would be at Bye's expense. Mockler asked who is installing it. He thought Bye was putting it in, but they need that information from Bye. Mockler said they usually only provide one driveway. He needs two 10-foot extensions, so if he does the work, then the Ditch Board could pay for the culverts. Manning asked how big around the culvert is, and Polley said it is 48". Manning moved, seconded by Hammond to pay for the two 10-foot 48" culverts and 2 bands paid by the ditch lateral if Bye pays to install them and it's done under the direction of the Highway Superintendent. It was discussed that he needs to have it done right. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye. Polley asked if the Board wants him to give them a cost estimate first. Mockler and Polley discussed the cost to cut it vs. the Highway Department doing the work. Polley said it would be better to have the company cut the culvert. Polley talked about who will pick up the culverts. Hammond said the landowner could pick it up. Mockler suggested checking the cost of getting it from Menno vs. Huron. Polley said it is an unusual size.

The Board considered an invoice from Ulteig Engineering in the amount of \$4,020.40 for the Yankton-Clay Ditch project. Polley and Manning discussed whether the standing trees that were previously discussed are an issue. Manning said it was not much. Auditor Carri Crum clarified that the bill is for Ulteig's fees, not the contractor. Smith asked if the engineering is done and the bill seems fair. Hammond said the only thing left is the Kaeberle land. He said the Board owes them this much. Hammond moved, seconded by Manning to approve payment of the invoice. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered an invoice from the Broadcaster/Plain Talk in the amount of \$30.00 for advertising the joint ditch board meeting. Hammond moved, seconded by Packard to approve payment of the invoice. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Tracy requested next time they talk about Ditch Board structure in general. Polley and Mockler discussed levies. She said what she is finding is County Drainage Board information and said she is looking for guidance on authority for the Ditch Board. Mockler said it would fall under watershed districts. Hammond said it would be similar to the TLC Water Project District.

At 10:24 a.m., Hammond moved, seconded by Smith to adjourn and reconvene as Board of Clay County Commissioners. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Emergency Management Director Layne Stewart met with the Board to present the revised drone policy. Stewart said he has made changes to generalize the policy for Clay County, so if they want to, they can adopt it for the Highway Department as well. Weed Supervisor Dennis Ganschow said the test they had to take is way more than what they need to know. He understands the need to know the rules, but he wonders if there is a way they can come up with their own test. Stewart said they can come up with a test for the Highway Department, but he is still going to have the pilots to take the class and the test due to law enforcement and evidence rules. Ganschow said when he retires there will be no one out there to fly a drone because no one out there has wanted to take it. Mockler and Smith said for liability reasons the test is important. Hammond said the Geological Survey has two pilots, and in a pinch they could probably help with an emergency. Stewart said it depends, with Highway or departmental use, it would be fine, but if they are out searching for someone if the pilot is not a County employee he would not want to get into a worker's comp situation. Mockler asked Stewart if the one he is taking is the one he is proposing, and if he and Ganschow have taken it is passable. Stewart said there were four that took the FAA test last time, and they all passed on the first try. Smith discussed custody of the drone and asked Ganschow how he will secure the drone when it's not in use. Ganschow said it is in his office. Smith said one of her concerns is that the drone be in his secure custody at all times so that no one could access it if they are not a licensed pilot. Ganschow said he can lock it up. Manning said he feels more comfortable staying with a standardized test. The Board discussed that the maps are small print. Manning moved, seconded by Smith to adopt the policy as presented. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Mockler said he spoke to the generator repairman. They think it is fixed, but they are letting it sit a bit to make sure it will start without ether.

The Board considered Resolution #2021-18 for Contingency Transfer. Hammond moved, seconded by Smith to pass and adopt the resolution. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

**RESOLUTION # 2021-18**  
**Contingency Transfer**

BE IT RESOLVED by the Clay County Board of Commissioners the transfer of funds for unanticipated expenses for the current budget year from Commissioners Contingency Fund Budget (D-112):

\$2,000 to Court Appointed Attorney – Abuse & Neglect (10100X4222154)

Motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_.

Vote of the Board: Mockler \_\_\_\_\_, Packard \_\_\_\_\_, Smith \_\_\_\_\_, Manning \_\_\_\_\_, Hammond \_\_\_\_\_.

Dated this 13<sup>th</sup> day of April, 2021.

Board of County Commissioners  
Clay County, South Dakota

\_\_\_\_\_  
Travis Mockler, Chairman

ATTEST:

\_\_\_\_\_  
Carri R. Crum, County Auditor

Manning asked about the status of collections efforts for court appointed attorney fees. Crum said the last time she checked, the collections agency had collected 4% of the amount sent to them. Tracy and Crum discussed changes to the court system's collections processes.

Stewart said for the Ditch Board discussion for next week he could have Amanda Vanderplaats from the State in attendance.

At 10:38 a.m., Hammond moved, seconded by Smith to enter an Executive Session for potential litigation per SDCL 1-25-2. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

At 10:57 a.m., Hammond moved, seconded by Smith to exit the Executive Session. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

At 10:57 a.m., Smith moved, seconded by Hammond to adjourn and reconvene at 9:00 a.m. on Tuesday, April 27, 2021. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.



\_\_\_\_\_  
Travis Mockler, Chairman  
Board of County Commissioners

ATTEST: Carri R. Crum

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Carri R. Crum, County Auditor

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**2021 Board of Equalization  
Consolidated Board  
Clay County**

Chairman Mockler called the Consolidated Board of Equalization to order at 1:00 p.m., Tuesday, April 13, 2021. Members present: Travis Mockler, Elizabeth Smith, Phyllis Packard, Micheal Manning, Richard Hammond, Steve Ward, Richard Holland, Brian Humphrey, and Tim Schwasinger. Also present: County Auditor Carri Crum, Director of Equalization Ina Peterson, Laura Christensen, and Lennea Olson. Oaths of Office were given.

Manning moved, seconded by Smith to approve the agenda. Roll call vote: Mockler Aye, Hammond Aye, Packard Aye, Smith Aye, Manning Aye, Holland Aye, Humphrey Aye, Ward Aye, Schwasinger Aye. Motion passed.

The Board considered the following Recommendations:

**Appeal #2021-01 – Sammelton, Irene** (15880-09251-183-48) The Director's recommendation was to set the value at \$799 due to the omitted property.

Manning moved, seconded by Packard to accept the Director's recommendation for Appeal #2021-01. Roll call vote: Mockler Aye, Hammond Aye, Packard Aye, Smith Aye, Manning Aye, Holland Aye, Humphrey Aye, Ward Aye, Schwasinger Aye. Motion passed.

**Appeal #2021-02 – 505 W. Main Partnership** (15210-09252-133-10) The Director's recommendation was to lower the value of improvements from \$495,073 to \$430,723 to correct miscalculation of 10% increase.

Smith moved, seconded by Holland to accept the Director's recommendations for Appeal #2021-02. Roll call vote: Mockler Aye, Hammond Aye, Packard Aye, Smith Aye, Manning Aye, Holland Aye, Humphrey Aye, Ward Aye, Schwasinger Aye. Motion passed.

**Appeal #2021-03 – Boomgaarden, Larry** (15530-02100-100-00) The Director's recommendation was to lower the structure value from \$38,369 to \$24,739 to reflect current condition.

Hammond moved, seconded by Smith to accept the Director's recommendation for Appeal #2021-03. Roll call vote: Mockler Aye, Hammond Aye, Packard Aye, Smith Aye, Manning Aye, Holland Aye, Humphrey Aye, Ward Aye, Schwasinger Aye. Motion passed.

**Appeal #2021-04 – Shumaker, Timothy** (15050-06300-130-03) The Director's recommendation was to lower the structure value from \$183,030 to \$167,389 to reflect current condition.

Schwasinger moved, seconded by Ward to accept the Director's recommendation for Appeal #2021-04. Roll call vote: Mockler Aye, Hammond Aye, Packard Aye, Smith Aye, Manning Aye, Holland Aye, Humphrey Aye, Ward Aye, Schwasinger Aye. Motion passed.

**Appeal #2021-05 – VMA Apartments LLC** (15880-09251-183-64) The Director's recommendation was to lower the structure value from \$81,054 to \$71,764 to reflect current condition.

Manning moved, seconded by Packard to accept the Director's recommendation for Appeal #2021-05. Roll call vote: Mockler Aye, Hammond Aye, Packard Aye, Smith Aye, Manning Aye, Holland Aye, Humphrey Aye, Ward Aye, Schwasinger Aye. Motion passed.

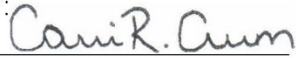
The Consolidated Board adjourned at 1:13 p.m. with a motion by Smith, seconded by Hammond. Roll call vote: Mockler Aye, Hammond Aye, Packard Aye, Smith Aye, Manning Aye, Holland Aye, Humphrey Aye, Ward Aye, Schwasinger Aye. Motion passed.

Dated this 13<sup>th</sup> day of April, 2021.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

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**2021 Board of Equalization  
County Board  
Clay County**

Chairman Travis Mockler called The County Board of Equalization to order at 1:13 p.m., Tuesday, April 13, 2021. Members present: Travis Mockler, Elizabeth Smith, Phyllis Packard, Richard Hammond, and Micheal Manning. Also present: County Auditor Carri Crum, Director of Equalization Ina Peterson, Laura Christensen, Lennea Olson, James W. Olson, and Farron Pratt. Oaths of Office were given.

The following Appeals were heard for consideration:

**Appeal #2021-06 – Olson, James W** (12000-09251-214-06) The assessed value was an AG Class A value of \$120,417.

Hammond moved, seconded by Manning to accept the assessed value for Appeal #2021-06. Roll call vote: Mockler Aye, Hammond Aye, Packard Aye, Smith Aye, Manning Aye. Motion passed.

**Appeal #2021-07 – Pratt, Farron & Michele** (11000-09252-143-04) The Director’s recommendation was to lower the structure value from \$457,842 to \$422,590 to give an 8% functional obsolescence due to being in the new FEMA Flood Plain.

Smith moved, seconded by Packard to accept the Director’s recommendation for Appeal #2021-07. Roll call vote: Mockler Aye, Hammond Aye, Packard Aye, Smith Aye, Manning Aye. Motion passed.

**Appeal #2021-08 – Poznicek, Steve M** (12000-09251-023-00) The Director’s recommendation was to lower the structure value from \$176,388 to \$167,896 to remove basement finish.

Smith moved, seconded by Manning to accept the Director’s recommendation for Appeal #2021-07. Roll call vote: Mockler Aye, Hammond Aye, Packard Aye, Smith Aye, Manning Aye. Motion passed.

Hammond moved, seconded by Smith to instruct the Director of Equalization to make adjustment for Freeze on Assessment of Dwellings of Disabled and Senior Citizen per SDCL 10-6A. Roll call vote: Mockler Aye, Hammond Aye, Packard Aye, Smith Aye, Manning Aye. Motion passed.

Smith moved, seconded by Manning to instruct the Director of Equalization to make adjustment for Veterans Exemption per SDCL 10-4-40 & 10-4-41. Roll call vote: Mockler Aye, Hammond Aye, Packard Aye, Smith Aye, Manning Aye. Motion passed.

Manning moved, seconded by Smith to accept the addition of Owner Occupied status for 2021 for the following parcels. Roll call vote: Mockler Aye, Hammond Aye, Packard Aye, Smith Aye, Manning Aye. Motion passed.

Parcel Number	Name	Address	
01000-09551-103-00	Bucher, Stephen	46740 299 St.	Beresford
15186-00100-030-00	Olson, Trae	530 Cottage Ave.	Vermillion

15710-07400-060-00	Merkwan, Carson & Courtney	221 E. Main St.	Vermillion
15720-04600-020-00	Gilbertson, Chelsea	120 N. Dakota St.	Vermillion
15720-04700-070-00	Gilbertson, Gavin	202 N. Dakota St.	Vermillion

The Tax Exempt List for 2021 was presented. Packard moved, seconded by Smith to approve the list as published in county legal newspapers. The list is on file in the Auditor’s Office. Roll call vote: Mockler Aye, Hammond Aye, Packard Aye, Smith Aye, Manning Aye. Motion passed.

The County Board adjourned for the year at 1:48 p.m. with a motion by Manning, seconded by Smith. Roll call vote: Mockler Aye, Hammond Aye, Packard Aye, Smith Aye, Manning Aye. Motion passed.

Dated this 13<sup>th</sup> day of April, 2021.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

April 27, 2021

The Board of County Commissioners met in regular session Tuesday, April 27, 2021 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning, and Richard Hammond.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Hammond moved, seconded by Smith to approve the agenda with addition of a discussion item for the State's Attorney's Office. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Minutes of the April 13, 2021 meeting were approved with a motion by Manning, seconded by Smith. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Jerry Wilson was present as a Visitor to be Heard. He said he has been disturbed to see that commissioners have been using Visitors to be Heard for what he considers inappropriate uses. Wilson said commissioners control the agenda and have the power to say what they want to say, so it should be reserved for citizens who are not commissioners. He said he was particularly disturbed by the session earlier this month where Chairman Mockler used Visitors to be Heard to attack a fellow commissioner because she disagreed with him. He served on the commission, and they had many disagreements; the effort was always to reach consensus, which is as it should be, but if they did not reach a consensus they held a vote and the majority ruled. He never heard that another commissioner should not express their point of view. That is guaranteed by the first amendment, and to suggest that another commissioner should be silent and not speak out if they disagree with anyone on the commission is not appropriate. He hopes in the future they will not witness disrespect from one commissioner to another.

Lauren Hollenbeck, 4-H Educator, met with the Board to present the Quarterly Report. She discussed her activities over the past quarter. She said twenty kids from Clay County went to state shoot in Pierre, which is a good showing for the County. She said Raven Jensen is working on updating the handbook.

Hollenbeck gave an update on the termite and carpenter ant problem at the Extension Office. Packard moved, seconded by Smith to approve the quote from Bentson Pest Management for treatment. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye. There was discussion regarding repairs to the walls once the termites have been treated.

Weed Supervisor Dennis Ganschow met with the Board to report he would like to surplus the 2002 GMC sprayer truck, a 500-gallon tank, 4 hose reels, 2 pumps for parts. Manning moved, seconded by Smith to surplus and authorize the sale of the listed items. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Ganschow said he is having a hard time finding summer help. He said he needs to hire two people, the job was open a month, and he has not had any applications.



Emergency Management Director Layne Stewart met with the Board to present the Quarterly Report. Hammond moved, seconded by Smith to approve and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Barb Ballensky from the Vermillion Public Transit and Ionela Georgescu from SESDAC were present to discuss the agreement for use of the vehicle building during the Clay County Fair. Georgescu said they reached out to the State because if there is no written agreement, the Vermillion Public Transit can lose its funding. The State was unable to find an agreement. Georgescu said the agreement between the City of Vermillion and Clay County for use of the building during the fair and any other week during the year should not have been signed without State approval first. She said they can lose funds if the barn is used at any time for any other purpose than transportation. She offered a copy to the Board. The State said they are prepared to send a letter stating that no one may use the barn. Georgescu said she and Ballensky wanted to have a chance to sit down with the City and the County and work something out. She said there are going to be some conditions and questions. They do not understand why they need to take the buses out on Monday night when the fair starts later in the week, like Thursday. It exposes the buses to damage such as a storm, hail damage, vandalism, etc. They have \$425,000 worth of buses, and the State will not pay for repairs or replacement. If someone would get hurt in the barn during that week, or if their equipment is vandalized, the State said it is on Vermillion Public Transit if something happens. They have reached out to their insurance company, and they suggested a contract between the 3 parties releasing the Vermillion Public Transit if something happens during the week of the fair. Georgescu's proposal was to allow use of the barn from Wednesday to the end of the fair, for 3 days only. She said they do not see a reason to remove the buses Monday. It exposes the buses with no shelter of any kind, and no one uses the barn until Wednesday night or Thursday morning. She said they spoke with City Manager John Prescott to find a place to store the buses to keep them safe. She said the State is open to the idea, but if we cannot meet the conditions they propose, they and the State are not willing to take the responsibility. She said it is something they had been working on in the past, but it took a while to get the facts. Mockler said the fair has them move out Monday so they can set up, and Sunday is clean up day. He said it would have to be longer than 3 days, with Monday as the setup day, they need the week. Before the building was built, they had to have come to the agreement, or else the building would never have been built. Georgescu said it is not what was in the agreement. Mockler said it would have been in the 2004 agreement. Georgescu said it was from 2003 and 2009. She said she was not talking about the agreement only between the County and City. She was speaking of the agreement between the State, SESDAC, Vermillion Public Transit, and the City. Mockler said without the approval from the County, that building would never have been built so that had to have been a rental agreement in place. Georgescu said the agreement said none of the parties can enter into a contract without written approval of the State. She quoted parts of the contract and said the City should immediately notify the State of all cases if any use of the building is different than what was stated in the project application. Mockler said the City messed up somewhere, and Prescott was not the City Manager at the time, but there was a rental agreement from 1977 between the City and the County, an amendment to the agreement was signed, otherwise the building would not have been allowed to be built, so the City failed on their end if they forgot to notify someone. Smith said she would like to hear from Prescott.

Prescott said they are all in a pickle because the community needs public transportation. He questioned Mockler's comment because the agreement says, "during the County Fair," and he does not know if that week before fits the legal interpretation and discussed the verbiage of the 2019 agreement. He discussed use of the building for the extra week for the dog show. Prescott said we need to find a way to work together and do this. He said he does not remember what is in the bus barn. He asked if they can figure out a different place. Melissa O'Connor was present and said vendors are in the building during the fair. Prescott suggested the vendors may not need 2 days to set up and said everyone needs to work together to protect the assets that are not moveable during that time. Prescott said they do not want the State to say, "No way." There are 5 buses that the group needs to figure out how to store for a few days, and he does not think that is impossible. Prescott said they should look at a longer term solution for this. Hammond clarified it is 5 buses. Smith clarified that they are looking for a solution the State would approve by finding safe places for 5 buses for the time the fair is using the building. Smith asked Polley if there is anything in the Highway Maintenance Shop to fit the buses. Hammond and Manning asked if there is space at the City Maintenance. Prescott said they would need to make sure if there are 5 buses that the City's on-call vehicles could be moved out if necessary. Manning suggested using the impound lot if the weather forecast is good or move them inside if a storm is approaching. Prescott said he does not see the impound lot as an issue at all. Manning said they will need more than 3 days, but asked if there is a compromise, for example Tuesday afternoon to Monday. Barb said they usually move back in Sunday afternoon. Manning said he understands what Ballensky and Georgescu are saying about Monday, and he knows the Fair Board wants Monday. He does not know how much there is to move in and out. Ballensky said there is a lot to put away, such as tools. Manning and Prescott discussed use of the impound lot. Hammond asked if all 5 buses are used daily. Ballensky said not all 5 are used at once, but at the height of the day they use 3. Hammond said maybe those that are not used could be stored in a less accessible spot, and the ones in use could be more accessible. The main thing is to get them out of the weather. Hammond and Prescott discussed accommodating a 12x12 doorway. They discussed length of the buses as well. Hammond said he could probably store one for free if it was not being used. Manning asked if they could take one out to the County Shop. Polley said in inclement weather the shop is full. He said there may be room in the new addition to the weed building once it is built. He also discussed building width and door sizes. Hammond said if his insurance agent goes along with it, he would be happy to help. Smith and Manning discussed airport hangars, and Prescott said those are privately owned and fall under another lease agreement. Georgescu said if they are going to decide this is the route they want to go, the State would put the Vermillion Public Transit in charge, so Vermillion Public Transit would make the rules because the federal government paid for the building, or else the State is out. She discussed communication with the State regarding the agreement. She said no one wants to lose public transportation. She said she thinks they can work for Tuesday through Sunday at noon. They do not want to agree to an extra week at any time during the year, so they want that taken out of the agreement because it is very hard. Georgescu said they need to discuss who will be responsible if something happens in that time frame. Those are huge liabilities to them. She said they do not have the money to replace those things, and the State made it very clear they are not going to pay for any repairs or any replacements. State's Attorney Alexis Tracy said as far as liability when it

is used by the County, it is clear the County is responsible for anything and quoted part of the lease agreement stating such. If the City were to get sued, or by extension SESDAC or Vermillion Public Transit, the County has agreed to assume responsibility via the lease agreement. She said if things are not properly stored away, it is on the County. If it is damage to the buses due to weather, etc, the Vermillion Public Transit's insurance would need to work out. She agrees that everyone wants to find a solution. She referenced the 2003 agreement, which contemplated the construction of the building and use by the fair, and quoted a portion of the agreement. Tracy said she hopes the State comes to the table as well. If the County is asking for Sunday at noon, they are looking at a modification as well. Packard asked if there were State funds involved in construction of the building. Ballensky said it was federal funds, for which the State was the pass-through to the City. Packard said that in itself is somewhat an approval of the agreement. Ballensky said there is no documentation between the City and State allowing the fair to use the building. Hammond pointed out that there is no place in the contract that mentions the additional time for the dog show that doesn't say that couldn't be attached to the front of the back of the fair week. He asked if that is at the discretion of the user of the building. They could use the time already reserved for the dog show for set-up and tear-down. Mockler said they want that extra week for whatever might come up during the year. Hammond said from year-to-year what comes up is setting up and tearing down the fair. Mockler asked, if it was private property and someone built a building it becomes attached to the property, so technically the City owns the Public Transit building. Ballensky said the Feds own 80% of it because they put up 80% of the money. Prescott said they do not carry insurance on it. Mockler said, when it comes to technical ownership, if it is a fixed object to property it goes with the property. If a renter puts cupboards in, the owner owns the cupboards because they are attached to the property. Maybe the City is different than private property. Prescott said in the 2003 agreement, it says the title to the bus barn shall be in the name of the City. Mockler said he is trying to figure out how the State is saying they own the building. Georgescu said the State does not own the building, but they put 80% of the construction funds. The City put in about \$58,000, and the federal share was \$232,000 for the bus barn. Technically, because of that, the State says this is a federal building. Nothing should be signed into an agreement without their written approval. Mockler said the contract Prescott has says the City owns the building. Georgescu said the original contract says no one can enter into any other agreement without written approval from the State, and it says they can terminate the funds at any time. She said the agreement says the City should notify the State right away if at any time the building will be used for something different than public transportation. Mockler asked about the two week time frame for the fair. Georgescu said it does not say anything about that. She said she read the agreement between the City and Clay County, but the State was not involved in that and did not give written approval. The construction agreement does not say anything about giving Clay County access to the building at any time. She said nothing like this is mentioned about an extra week either. Based on that, they should have the State approval in writing that the contract should be given written approval by the State. Mockler asked if they have been audited in the past 18 years. Georgescu said they are audited twice a year. Mockler asked how that is all of a sudden a problem. Georgescu said in the past they were never asked to leave the barn, so when that happened they started looking into it because when you are using federal funds you have to follow the rules. She said the State is not

going to agree to that extra week. Smith said it is complicated, but Tracy nailed it. But they do all have an interest in making it work. She does not think it is a stretch to find a solution everyone can agree to. She does not think it is a hard ask, given that all the transit district needs is a place to store buses while the fair uses the building. She would not want to lose the transit as it is an essential service to Clay County residents. They need to find out what the City's capacity is for buses during that time and where to store the additional buses for safety. Georgescu said the State and Vermillion Public Transit are not interested in allowing the extra week. Smith clarified that the dog show does not still happen. Mockler said the County would not have agreed to the construction if they did not want the two weeks. Tracy said she thinks that is the concept Hammond is looking at, maybe there can be some time tacked onto the front and back end. She said if the fair wants any set-up time they are going to have to give on some of that. If it is not something the County is utilizing, and it's really important to Vermillion Public Transit, then she thinks the County needs to look at a give and take because maybe it's cumbersome enough for them to move out of the building for a period of time, that if they are going to move out they do it once and the County cushion's time on either side of that for set-up. When it is time to negotiate this, everyone should come to the table with their bottom line, how important it is, and what cannot give. Hammond discussed the contracts that are in conflict. The County could shorten it to 6 days and the trick is to find a place to park 5 buses and accessory equipment for that timeframe. Hammond said he would need to talk to his insurance agent about his offer, but he doesn't see a problem with that. He could leave his backhoe out for that timeframe, so he could accommodate a couple buses. Georgescu said the State told them they were doing them a favor by letting them deal with the City and County to find a common ground because they are ready to say no use at all for the fair. Tracy said she does not know they have the authority to do that. She asked what the penalty is to Vermillion Public Transit. Georgescu said they would lose the funds. Tracy clarified that the barn goes back to the City. Packard said she cannot believe there is not any other such agreement in the State for such purposes as this is a rural state. She is sure that Huron facilities are used for other purposes than the state fair. Buildings do not go unused in this state, and they rarely go unshared. Georgescu said she understands, but the State is having problems with paying for any damages or vandalism. If it had not been built with federal funds it may be different. Vermillion Public Transit is at their mercy. They are coming back and saying they would look at a contract between the State, the City, and Vermillion Public Transit so the fair could use it, but not to that extent. The extra week is what is really essential to them. Manning discussed whether the City of Huron owns the State fairgrounds. It was clarified that the State owns the state fairgrounds. Mockler discussed federal vs. state funding. Ballensky said the federal funds pass through the State so there are federal rules. Manning said that's the problem they are running into, is the State can call the shots because they control the money. Manning said they need to work together to find a compromise, add a couple days on the start or on the back and find a place to keep the buses safe. Georgescu said they do want to work together, and they are present because the State is ready to say no. Mockler asked for the contact information of the person at the State. Manning said it sounds like the insurance is taken care of, and the vehicle part can be figured out. It comes down to the time period that the Fair Board wants it and SESDAC and the City agree to it. If everyone can get something into place then we can be done with this problem. Prescott said they would need to do an amendment to the lease

agreement so the people 10 years from now understand. Hammond said the City has two contracts that are in conflict, and it is up to the County and Vermillion Public Transit to help resolve that conflict. Georgescu said she has been at SESDAC for 4 years, and Jerry Tracy looked into it at that time, and unfortunately Jerry left, and there was turnover, and she thinks 2017 is the first time they looked into it because it was the first time it came up. She said she was working with Jerry to get everything together. They wanted to have everything in order, with all the signatures and written approval, and they are missing that piece. They do not feel great about that extra week because they don't know when the County might want the barn. If it is winter, the buses might not start. The State does not want that either. Georgescu said they are going to agree to let Clay County use it Tuesday to Sunday. Mockler said the Fair Board is not happy they keep getting ground taken away from them without any say over it and referenced the softball fields. Smith asked if there might be room where school buses are kept. Mockler said they are kept outside at JFI. Manning said Clover Hall was the school bus barns in the past. Manning asked if the Board can table it for each party to come back with what they want. Hammond suggested they come up with what they can offer as well. Manning said that gives time to figure out an amendment and show proof of insurance. Manning moved, seconded by Smith to table the matter to a future meeting. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye. Tracy asked what the timeline is. Georgescu said the State would like it done as soon as possible. Mockler said the Fair Board meets next Thursday. Manning and Mockler discussed having the Fair Board propose what they want to see. Tracy said they have to get past it. Mockler said it is easy to get past it when you do not use it, and the Fair Board keeps losing ground without anyone asking and cited the cell tower as well. Tracy discussed gaining extra days on the front end and back end that they were not otherwise entitled to. Mockler and Tracy discussed what the verbiage "during the fair" constitutes. Mockler said it starts Monday and ends Sunday because it includes set-up and tear-down. Hammond said he thinks during the publicized schedule there is something about set-up. Smith said it is worth negotiating and used the example that Larry Smith used Vermillion Public Transit every day to get to and from the bakery. She thinks of it as an essential service. She agreed with Mockler that the history is really difficult, but we will need to give a little. Mockler said they agreed for the barn to be built there and only asked for two weeks; the barn should have been built somewhere else. Smith said she does not think that will help resolve the problem. Packard said there is a great deal of traffic coming into the fair, and that is a big liability if the transit vehicles are on-site. They are asking for accidents to happen. It is better for the buses not to be there, for their protection. Mockler said it should have been built somewhere else, but that was the give and take 18 years ago. Hammond said it was the common benefit. Mockler said he does not understand how they get audited twice a year, and it has never been an issue. Plus, they started looking into it in 2017, and the agreement was amended in 2019, but it's just now an issue. Manning said in 2017 they started to look into it and Jerry was leaving, there was a period of time they did not have a director, they had an interim director, Nick came onboard, and then he left, and now they have a new board director. It got dropped. Mockler and Manning discussed whether today's information is in conflict with what the Fair Board was told by the previous director. Manning said Georgescu is a very detailed person, and if she read it, she wants everything in a line. She usually has her stuff in a row, it is

hard to say she is ever wrong, and he is sure she wanted all this straightened out, went back and researched, then called the State.

Welfare Director Drew Gunderson met with the Board to discuss Welfare Case #CW20-024. Gunderson requested the Board to authorize payment of \$17,782.17. Packard asked for the original amount requested. Gunderson said it was around \$300,000. Packard moved, seconded by Smith to approve payment of the claim. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

At 10:24 a.m., Manning moved, seconded by Smith to adjourn and convene as Ditch Board. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Tracy spoke to say that she cannot find any authority for Ditch Board. She said if she searches for Ditch Board in statute, she cannot find it. Mockler said it is under watershed districts. She said anything she finds is in managing water flow. Her question is whether they have ever really given up the business of having a drainage board because that is where having the authority of regulating the water comes from. She asked what the primary functions are as a ditch board, and where they get the authority. Mockler said at the annual meeting the members vote on the levy and tell them what projects they want done. During the year they can come in and say a culvert is broken, and what they need fixed. Smith said the problem is they have no paperwork because it's such an old organization, so they have no authority unless there is an ordinance somewhere in the statute that enables them to do it. We cannot correct what is past, but it would make sense to create for the future, to create an ordinance structure that allows us under existing state statute to operate. Smith said it is a FEMA reimbursement problem that probably is not going away. Mockler said it has to be somewhere in the 1950's when they were going to straighten the Vermillion River with federal funds, and they got federal funds for Clay Creek at the same time. Hammond asked Tracy if she followed up with where TLC Water Project District got its authority. They tax landowners that are within the district and use the tax money to perform individual projects like the Clay Creek Ditch. He said the Board's authority would follow that of the TLC Water Project District. He said it is not like the Vermillion Basin as that is an entirely different authority. Mockler said the people against it finally got lesser and lesser, and there was a vote somewhere to form it. Smith said it could be a private association. Mockler said then the Board wouldn't be involved. Tracy said they cannot give the State what they need for FEMA funds because she cannot draft a letter identifying this. Mockler asked Auditor Carri Crum if she would be able to find when they started to levy for the laterals. They discussed old minutes. Leo Powell said the Yankton-Clay Ditch and the Clay Creek Ditch have minutes going back to 1905 because he has read them. There was discussion between Powell and Crum regarding those minutes. Stewart introduced Amanda Vanderplaats from the SD Office of Emergency Management and asked her for a further explanation of documents she needs. Vanderplaats discussed what the FEMA office in Denver needs and said the Ditch Board stands to lose out on a substantial amount of funds. Mockler asked what the County needs an ordinance for. Vanderplaats says they do not need an ordinance, just need something from the attorney stating why there was no ordinance established in the early 1900's. She said everyone understands that things were done with a handshake back then, but FEMA needs something explaining the legal

authority. Smith clarified that Tracy could take the research that Crum has done on the history and explain that this is the way it has been for over 100 years, and Clay County does the administration, and the Ditch Board serves as the taxing entity, and that would be enough. Vanderplaats said Chris Americanos is the attorney in Denver from FEMA, and they need something written up by an attorney that establishes the roles and responsibilities for the County and the Ditch Board. Manning asked how Tracy can say how it was established when there is nothing out there to say how it was established since there is nothing to show the petition. Smith said we do know how it operates, the roles of each entity, and why there is no ordinance. Packard said we don't have the legal reasoning. Smith said she thinks what we can say is at the time this arrangement was established, it was informal, and it has continued to be informal until the present. Hammond said we have long-established and practiced taxing authority by that group of landowners on themselves and administered by the Ditch Board. That is the key that should make a difference to the folks out in Denver. Powell said it was an authority that came from the federal government. Mockler said it was a watershed district long before state law. He asked Vanderplaats if they are eligible for federal money if they are private tax dollars. Vanderplaats said that is why they need to establish legal authority because it is not available to private individuals. If the County has the legal responsibility it is an eligible governmental entity. Vanderplaats said they need to establish legal authority, and if they are operating under the County's EIN, then that would help establish the legal responsibility of the County. That can be used to help establish the County's legal responsibility. Mockler asked Crum if the County gets audited every other year. Crum said the ditches are a special assessment fund that appears under the County budget. Vanderplaats said it will trigger an OIG audit because it is over \$750,000. That is part of the reason why the County needs to cross the t's and dot the i's. Mockler said his understanding is that the County is not responsible for it, but we are the stewards of the money. Packard said the County is responsible for doing the contracting and collecting the money. Mockler said it is at the direction of the members. Tracy said that is her concern. Everything in statute is under the manager of the watershed district. She said she cannot find authority that says anything about counties. She discussed petitions for watershed districts. Smith said Hammond suggested we basically set up a watershed district before statute addressed watershed districts. Crum discussed old statutes giving the Commissioners authority over drainage ditches. Tracy said the statutes preceded current statutes. Tracy said she does not feel comfortable signing her name giving them the legal authority when she cannot find the legal authority. Smith said she thinks FEMA is willing to accept a common law explanation as opposed to a statutory explanation. She said other counties hire an attorney from Minnesota who specializes in such matters. Polley clarified that the amount she referenced is different than his estimates. She said there are 3 projects that are included in the memo. He said that is the first time he has heard those numbers because the project has been pending due to this issues. She said FEMA's consolidated resource center in Texas does the estimates, and they are just estimates right now. Mockler and Polley discussed the project areas. Mockler said when they have the annual meeting the members vote for a Chairman and Vice-Chair, and he asked if that sets a legal authority for that body. Vanderplaats said something that muddies it a bit is that members of the Commission are also on the Ditch Board. Mockler said it is not a dual role because the Chairman of the Commission does not need to also be the Chairman of the Ditch Board. Vanderplaats said it can be murky. Smith

said there is another way of thinking about this that might be helpful. The Ditch Board serves as an advisory board. The ultimate legal authority is always with the County. Vanderplaats asked if the County can supercede what they vote to levy. Mockler and Manning answered no. Tracy said the reference for the laws that Crum discussed is the old version of what became 46a-11-14 in the 1980s. It is potentially a starting spot, but today's law indicates a different practice. Even if she comes up with something identifying how they started and got to the situation they are in, it will be referring to old law. She wants something from someone else identifying how it operates. Tracy said she wants someone else who sits in that role to put something in writing.

Vanderplaats said what she translated from earlier law into the SDCL, it would be helpful as well to translate into SDCL. Once FEMA formally issues the determination memo, the County will only have 60 days to issue a written appeal to the determination. It is coming, although it has not been issued yet. Smith said one possibility is to hire a lawyer who specializes in these types of things, and other counties have hired him. Manning said he has information for Prairie Center, and Polley said he read information on the laterals. Mockler told Vanderplaats the Board will be in contact. She said this will set legal precedent going forward for other disasters. If these sites are deemed ineligible for this disaster, then future damages will follow. Powell discussed minutes from the Yankton-Clay Ditch. Polley and Vanderplaats discussed the grant portal.

The Board discussed tree removal on the Yankton-Clay Ditch. Brad Stangoehr from Ulteig Engineering was present for the discussion. Manning referenced trees still standing near the road west of the cemetery, about a mile west of Kaeberle's property. Hammond said it is west of 455 Ave. Stangoehr said he will look at them. Polley said there are trees near Holmes Welding, and he thought they were part of the project, too. Stangoehr said they left some on purpose because it was difficult to determine whose they were. Polley said to him it looks like they are on the slope. Powell discussed right-of-way along the ditches and also said there is a sluff west of Holmes Welding that never got touched.

Manning asked if they are any further on progress at Kaeberle's property. Stangoehr's answer was no. It was discussed that the Sheriff's Office stopped the contractor. Sheriff Andy Howe said the Sheriff's Office did not stop the contractor. Manning and Mockler discussed that the easement lets them onto it, and Mockler said the drag line cut into the easement. Powell said the only spot was a little south of Meckling, and he and Gerald Sommervold stopped the contractor as soon as he started. Mockler and Powell discussed that the drag line was used on Clay Creek Ditch. He said Jepsen lost several rows of corn due to the drag line expanding the ditch.

The Board discussed placement of rip rap. Stangoehr said to add 105' of rip rap and fabric is \$25,438.58. Powell asked if that is State property. Mockler and Crum discussed funds in the Yankton-Clay Ditch fund. Powell discussed a wash-out area at the State's property. Mockler said they will not do anything to it until it takes the road out. Polley said it has no name on it on Beacon, which usually means the State has it. Mockler said it is on the edge of the Yankton-Clay Ditch, so the Ditch Board is responsible for it. It was decided to put the matter of the rip rap on the next agenda.



At 11:22 a.m., Manning moved, seconded by Smith to adjourn and reconvene as Board of Clay County Commissioners. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

At 11:23 a.m., Hammond moved, seconded by Packard to adjourn and convene as Board of Adjustment. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Powell said Tony Stokely, the game warden, contacted him regarding a sign request for the Clay County Sportsmen's Club. Powell presented a paper with the wording they wanted on the sign. There was discussion about options for sign size. Polley said the other sign that is on the post is 48" long. He said the letters were 4" on the rest of the signs on the post. Hammond asked if the pistol club asked to be added to the sign. Powell said yes. Mockler clarified with Powell that they want it all on one sign. Powell and Manning discussed membership in the club. Mockler and Polley discussed approval of a sign that is no larger than a certain size. There was discussion regarding payment of the cost of the sign. Powell said he does not ever remember anyone else paying for a County sign. Polley said the Clay County Park sign was paid by the State. Polley said he has changed the sign 4-5 times. Mockler said they need to put the request in writing because Polley is wasting too much time changing it each time someone wants it to say something different.

At 11:30 a.m., Manning moved, seconded by Hammond to adjourn and reconvene as Board of Clay County Commissioners. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board discussed structure #14-150-006. Polley reported he and Mockler got the signatures for the bridge from the Landeens so the project can move forward. He requested approval of all the right-of-way documents and bid letting authorization. Manning moved, seconded by Smith to authorize the Chairman to sign the documents. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye. Polley said hopefully it will be on the fall bid-letting with construction next year.

The Board considered a list of items (including the 2006 Sterling, side dump, old 4-door pick-up, and belly dump) to be declared surplus and sold by Girard Auction. The plan is to start bidding May 10<sup>th</sup> and close May 18<sup>th</sup>. Smith moved, seconded by Packard to declare the list of items surplus and authorize the sale. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board reviewed the Transportation Study Agreement with the State. Packard moved, seconded by Smith to approve it authorize the Chairman to sign it. There was discussion regarding the maximum cost of \$30,000. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered the Striping Agreement with the State. Polley said it is split between the counties that participate. Manning moved, seconded by Smith to approve it and authorize the

Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered a Right-of-Way Application from Brian Huth at 302 St. & 456 Ave. for boring under the road for encased drain tile. Polley said it will be an 8" tile with 10" encasement. Polley and Hammond discussed the type of tile and size of encasement. Manning moved, seconded by Hammond to approve the application and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered a Driveway Application for Anthony Nelson on 454 Ave. Polley said he is constructing a machine shed. It needs a culvert, which is on the application that they install an 18" culvert, all at the landowner's expense. Manning moved, seconded by Smith to approve the application and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered two Driveway Applications for Tom Austin. The first is at 304 St. ¼ mi. west of University Rd. Smith moved, seconded by Hammond to approve the application and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye. The second application is for a location ½ mi south of 302 St. on the east side of University Rd. Smith moved, seconded by Hammond to approve the application and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered a Right-of-Way Application from Clay-Union under Bluff Rd., Section 33, T94N, R53W. Hammond moved, seconded by Smith to approve the application and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered fuel quotes. Packard moved, seconded by Smith to approve the low bid of \$2.485/gallon from Brunick's Service. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Polley updated the Board that he feels the Highway Department should go without a mechanic until the first of the year. Everything is so new that they have to have computers to work on everything, and they had been hauling equipment to Sioux Falls to be worked on. He would like to hire a maintenance worker and have Interstate do the oil changes as there is a maintenance worker retiring next year. They come to the shop and do not charge mileage. The trucks go 10,000 miles between oil changes. The CAT equipment are all under 84 month service agreements. There is only one that does not have extended warranty. Manning asked about tire changes, etc. Polley said a lot of times they use Brunick's for that as they buy off of state bid and have Brunick's install them. As for big tires, they have never done it. They have been using JFI, Inc. and Graham Tire. He said they can change tires to spares, but they do not fix them. Hammond and Polley discussed split rim tires. Polley said if they break down on the road, Interstate will come to them. He said he has talked to some young guys, and they wouldn't be willing to work for the County for under \$35/hour. He wants to see if it is cheaper to have an outside mechanic handle repairs. Polley discussed maintenance checklists and inventories of oil

and filters. Mockler asked if they can do oil changes on Friday while the department is not working. Polley said they can do that as well as on inclement weather days. Polley said it is a sister company to the dealer they purchased the trucks from, although he will be the first client county in South Dakota. If something breaks down, they come to us.

Consideration of vouchers and payroll were tabled until the next meeting. Polley updated the board on a purchase of a windrow buster as he has received complaints regarding sod on the gravel.

Smith moved, seconded by Hammond to reschedule the next meeting for Thursday, May 6, 2021. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Polley discussed another incident on 302 St. of digging in the road ditch. He asked if he should send a letter. It was discussed that the matter will be placed on the agenda for the next meeting.

The Board considered a letter of support from the Commissioners for the building project. The poverty level for Clay County was discussed. Packard recommended it go in the newspaper, website, Facebook, and any other method. Bob Fuller discussed that it is up to the Commissioners what method they use to distribute the letter. The Board discussed with Tracy what they are allowed to publish. Packard said she was hoping they may pick it up as a story. Crum discussed updating any changes to the letter prior to distributing. Packard asked if there is a press release list. Manning asked if it can be put in the Broadcaster with a private citizen paying for it. Crum discussed campaign finance reporting requirements. Tracy suggested starting out as a press release. If it is posted as a press release on the County website it is ok to do as it does not cost anything. Advertising must adhere to campaign finance rules. Smith said she will be voting not because she disagrees with the Commissioners becoming advocates. Their job is to put the facts out there and let people decide. Manning said the way Packard wrote it, she used facts. He said he believes it is factual and as someone that believes in it, he does not have a problem paying it out of his own pocket. Hammond said he feels comfortable that it is a factual document. Manning asked Tracy if they can put it on social media and then the Plain Talk. Mockler said it can be a press release and on the website. Tracy said the vast majority if it is squarely within facts, information what it is about, what options have been looked at, what some requirements are, and only a couple of spots could be deemed as taking sides. Hammond said perhaps the last 2 sentences. Tracy discussed the second paragraph. She discussed getting guidance from the Secretary of State regarding bond measures. When there is a unanimous vote, it is hard for her to contemplate why they would not advocate for it. She said when publishing information about why they came to the decision they did as a board it is factual. Mockler said it is Tracy's job to defend them. Tracy said if funding publication of it is deemed inappropriate conduct, the Commission needs to be careful what public money they give to an entity that opposes this because that gets into comingling in campaign finance. Howe suggested the real issue is spending funds to persuade rather than educate, and if they are not spending any public money they are entitled to their opinions. Howe said if they run a Broadcaster ad, they have to make clearly sure it is factual, but a letter to the editor is free. Manning said to him it is educational. Hammond said there are probably 3 sentences that could be considered persuasive. Fuller said Tracy made a key point, that they are on record unanimously for advocating for the

recommendation, and a letter to the editor is probably the best bet. Packard the persuasive sentences can be taken out. Tracy said she hesitates taking out things that help explain why they came to the decision they did. She reviewed the statute and said it is about expenditure of public funds, and you can expend public funds to simply educate the voters. Smith said the template for what the statute means is the way that the Secretary of State's Office is the way they write the explanations of ballot questions. If you're saying what it is, and what it pays for, and so on it is perfectly legitimate, but once you get into other territory it's an issue. What the statute makes clear is that any private individual, any member of this Commission who wants to publish an advocacy letter they are free to do it under their own name. Tracy said whoever wants to put their name on it and publish it, she needs to double check the campaign finance rules to advise. Mockler discussed how it will be signed. Packard said she was careful not to address anything as "all" because she did not believe Smith would be signing it. Hammond said the second to last paragraph that discusses the poverty rate is a big part of his vote, a big part of why he supported this, and a big part of why he proposed the language. Tracy discussed preference as to how the letter is signed. Manning clarified that it will be sent as a letter to the editor and a press release. Hammond added that it will be put on the website. Manning said if someone is paying for it to be published in the Broadcaster, that is their right as an individual citizen. It was decided that Crum would make the editorial changes Hammond suggested, and the Board would come back to the topic. Tracy discussed the nuances of putting the letter on a letterhead.

The Board considered bid specifications and opening date for the Courthouse roof replacement and tuckpointing project. Smith moved, seconded by Packard to approve the bid specifications and set the bid opening for May 25, 2021 at 9:30 a.m. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board reconsidered the letter of support. Manning moved to approve the letter as a press release and letter to the editor to be placed on Facebook and the County website; seconded by Hammond. Fuller said under discussion, once it appears in the Plain Talk, why couldn't he place an ad in the Broadcaster thanking and endorsing the Commissioners' action and put on it, "Paid for by Bob Fuller." Crum said he can, but if it's over \$100 he will need to fill out a campaign finance form. Packard asked if the opposing committee is doing that. Crum said yes, they have filed the appropriate campaign finance paperwork to date. Packard asked if they can copy the letter or share. Mockler said yes, it can be shared once it's out there. Roll call vote: Hammond Aye, Manning Aye, Smith Nay, Packard Aye, Mockler Aye.

Smith gave a Clay County Park Board update. The Vermillion Chamber & Development Company agreed to host a reservation system and take phone calls so if someone is confused about the website, they can help them register. There has been dissent from the staff at the park; they have opposed this for a long time. People can register online with a credit card or call the VCDC during business hours to make a reservation. People can pay by credit card or with a check. They are trying to take cash out of the system. All campsites will be subject to the online reservation system. People can reserve for the season, monthly, or even first-come-first-serve. There will be a sign at the entrance with phone numbers to call and the website. The State will make those signs. This will solve some problems. She said we can link it on the county website if

we want to. They will have a website with photographs and a map. The price will go up a little bit. Campers and RVs will go up to \$25 which will more than cover the cost of having the reservation website. May 1<sup>st</sup> there will be a park cleanup from 10:00-12:00. She discussed the hammock event after which the park was cleaned up nicely. Mockler asked Crum if the County website can have a link to the reservation website. Hammond said they can send 4-H participants down the trails and boat ramp areas. Hammond said they did not break a record with the hammock event. They had 95, and the record was 126. The Board discussed the hammock club.

The Board discussed the County Comprehensive Plan. Smith said Jose Dominguez had some questions, and she has some questions. Mockler said the Planning & Zoning Commission has been working on it. Smith said she would love to have the public brought in at an earlier stage, so the public is involved in the very beginning of the Comprehensive Plan. It would give people a chance to talk about their vision of Clay County 10 years from now for their children, bike trails, etc. Mockler said they have been working on it for about a year, and they have had meetings every month. They have not specifically invited anyone. Smith said to invite people in as early as possible. She cited an example of the number of senior citizens has decreased because she has watched her friends, one by one, move out because there is no place to go once they cannot maintain their own houses anymore. They have to go out of Clay County unless they go to the assisted living or Wakonda. It's easy to her is that it needs to be part of the plan, seeking opportunities for the elderly. Mockler said it is the City's plan. This plan will not cover the City or the Joint Jurisdiction. Smith said it could be that people don't want economic development, that they want to stay rural. We might write a different plan if people say they want to expand the tax base. It gives the public a voice. There are people that do this really well, strategic planning people, and at the end of a two-hour meeting they have input from people. Tracy said that would be really good feedback to give to the Planning & Zoning Commission and to Drew Gunderson. Mockler said they have sent letters out to other entities, for example, the townships have been notified, and they have not responded. Smith said Dominguez is saying they haven't had any input yet. Mockler said they have not, yet. He said when the City had theirs, they were invited to a meeting with Clay Rural Water, the REA, places like that. They have had public meetings. The last 6 meetings, the room has been full. Tracy said, from a department head standpoint, if they want something done differently, they should start with Drew Gunderson. Smith said it is really the Planning & Zoning Commission, but ultimately what they produce the Commissioners have to agree to. Mockler said a year ago this Board gave him direction to go in, and Smith may not know this, but things have been put into process before she came onto the Commission. Smith said there is a process commonly used in planning early on in the process to help guide and create energy and motivation in the plan. She discussed the City of Vermillion's rewrite of their plan in the early 2000's. Early planning sessions talked about certain streets and roadways, and people came in and talked about what was really important to them. Those things were written into the plan. When the plan was ultimately passed, people were enthusiastic. People get excited. It gets press coverage. She discussed Vermillion's bike trails. Hammond said he would have to correct her that it was early in the planning process. He said he was on the City's Planning & Zoning Board at the time. Smith said those were great meetings. Hammond said it was 3 ½ years into the process, not early in the process. Manning said he was on the City's board as well, and they were in the process of going through it again when COVID-19 hit, correcting things, and

once that was done then they would have public input. Meetings were always published, it was wide open, and one or two people stopped in about things they were concerned about. Mockler said the City Planning & Zoning Committee is upset they were not invited. He said it is the same process they used on their Comprehensive Plan. We're not doing it on the Joint Comprehensive Plan. The City has never brought up that we should have all these people coming in. They have actually changed it to a small group to get through some of the things the boards are arguing about. Manning said he agrees with Smith from to the standpoint it could be a wider discussion, and when they have their meetings, that's the time to do it. They do open it to the public. Smith said the process she is suggesting is more than having a Planning & Zoning meeting that is public. Mockler said that's what they have been talking about is what the public wants, and he discussed that having a campground is a sticking point. People want it, and others do not. Smith said that is her suggestion. Mockler said it got triggered by the very first red lines between Clay County and the City of Vermillion. It's a rough draft, and they are getting upset by a rough draft. Mockler said he and Dominguez have already sat down before this went out, and does not know how it got put in there. The simple fact that we have a Joint Jurisdiction Area, that it would help govern the area. Hammond said he has a number of comments on the memo. Mockler said, like Gunderson, Dominguez, for lack of a better term, is a kicking post. He doesn't make the decisions but gets to bring forth the bad news. He has to do what the Board tells him to.


Mockler updated the Board that the Joint Jurisdiction discussion has been put on hold until June.

At 12:59 p.m., Manning moved, seconded by Hammond to enter an Executive Session regarding personnel matters per SDCL 1-25-2. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

At 1:17 p.m., Hammond moved, seconded by Smith to exit the Executive Session. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The consensus of the Board is to allow the State's Attorney to proceed with the hiring process.

At 1:17 p.m., Manning moved, seconded Smith to adjourn and reconvene at 9:00 a.m. on Thursday, May 6, 2021. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST: Carri R. Crum  
Carri R. Crum, County Auditor

May 6, 2021

The Board of County Commissioners met in regular session Thursday, May 6, 2021 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning, and Richard Hammond.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Hammond moved, seconded by Smith to approve the agenda. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Minutes of the April 27, 2021 meeting were approved with a motion by Smith, seconded by Manning. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Highway Foreman Larry McPherson met with the board to present a Driveway Application from Travis Johnson on 302 St. ¼ mi. east of Greenfield Rd. on the north side of the road. Manning moved, seconded by Smith to approve the application and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

It was decided that the topic of digging in the ditch on 302 St. without permission would be placed on the agenda for the next meeting as Highway Superintendent Rod Polley could not be present. Manning asked if the location was on 302 St. Mockler said there are 2 spots on 302 St., 2 different people. McPherson said they dug below the culvert at one of the spots. Manning and Mockler discussed that they dug through the field and to the culvert too deep. Mockler said the landowner will be paying for it. Hammond asked how big the culvert is, and McPherson and Mockler said it is at least 24"-36". Manning asked if the other location was the same type of thing. Mockler said they dug down in the ditch. It comes across the road. There used to be two creeks, and they used the ditch to bring them together. If they had just stayed inside of their fence line there would not be a problem, but they used the ditch to dig it deeper and bring it together. That one will entail the State's Attorney sending them some type of letter.

At 9:08 a.m., Hammond moved, seconded by Packard to adjourn and convene as Board of Adjustment. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Hammond moved, seconded by Manning to approve placement of two signs for Clay County Sportsmen's Club and Pistol Club. Under discussion Packard asked for the price of the signs. Mockler and McPherson clarified that the signs are ordered and priced at \$198 per sign, and Mockler said the club is paying for them. Packard said as a public service, why doesn't the County pay for it? Mockler said it is a public club, but you have to pay for a membership, so it is kind of a gray area. Hammond said a lot of clubs have membership requirements, and he would be ok with paying for it. Smith said she is not sure they want to set a precedent, and she said it is a private membership organization. It was discussed that both clubs are on County property, but one is more private than the other. Packard said she would vote to pay for the signs. Smith asked, if the Rotary Club, which is a private organization, decided to meet on County land, would the County pay for their sign? Packard said she believes they would. Roll call vote on the

motion for placement of the signs: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Packard moved for the County to pay for the signs, seconded by Hammond. Under discussion, Hammond said he has seen plenty of Rotary signs on the road, and he doubts they pay for the signs. He thinks it is a service to the public to help direct traffic to each of the entities that rise to the level of getting permission for having a sign there. They have to conform to what the County wants, although it's a little more expensive than he thought it would be. Emergency Management Director Layne Stewart said he has been president of some of those clubs, and the clubs pay for the signs in town. The City provides the post, but the clubs are responsible for paying for the signs. Roll call vote: Hammond Nay, Manning Nay, Smith Nay, Packard Nay, Mockler Nay. Packard said the vote changed since it was clarified what is done. Mockler confirmed with McPherson that the County will hang the signs for the clubs.

At 9:13 a.m., Packard moved, seconded by Hammond to adjourn and reconvene as Board of Clay County Commissioners. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Mockler asked McPherson if the County has to replace the spinners on the top of the stop signs when they go bad. McPherson said they have ordered some, but they have not come in yet. They looked into lights at one point, but they didn't last very long. McPherson said they will replace them when they come in.

At 9:14 a.m., Manning moved, seconded by Smith to adjourn and convene as Ditch Board. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered a change order for placement of rip rap for the Yankton-Clay Ditch. Smith moved, seconded by Manning to approve it and authorize the Chairman to sign it. Under discussion, Auditor Carri Crum said the concern last week was whether there would be enough money in the fund to pay for it, and it was determined that there would be since the April taxes have been remitted. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Hammond moved, seconded by Manning to approve the payment application for the Jetley Park project and to authorize the Chairman to sign it. Hammond said he looked it over, and it looks like a good job. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Hammond said he got a hold of Karen Kaeberle, and she agreed to allow them to add yellow ribbon to the trees they want to remove, and she will look and negotiate. Mockler said she doesn't understand that anything on the in-slope is not negotiable.

Manning said he has the records for Prairie Center from 1952 when they put the ditch in. It discusses the Commissioners as the Ditch Board. Manning went out to his vehicle to obtain the records.



Hammond discussed the denial letter from FEMA and said there were 3 criteria, and it seemed to him that they would only need to provide 2 if they sent a letter documenting it. They would not necessarily need origination documentation if they were the County Commissioners acting as the Ditch Board and if they sent a letter documenting that. Mockler said it should be easy since they have annual meetings that they are in charge of, with minutes. Hammond said they would need to confirm with the State's Attorney, but it would seem to him that if they certified that they are the County Commissioners acting as administrators it sounded as if it would be enough to do the trick. The members are all the landowners, but the Commissioners administer. Smith said if you read Amanda Vanderplaats' letter to the Commissioners it describes all things that are easy. She said they basically want to know some history, how it actually operates, and why we do not have an ordinance. It seems to her that the kind of documentation that Crum found that it has always been this way, it provides for them a legal basis for which to provide the funds. She does not think it's a stretch. They are really asking for a common law explanation since we do not have a statutory explanation, and she does not see that it should be a problem as they are asking for things that we can state as true. Hammond said they are asking for a determination that yes, we do administer that ditch. Mockler said a law would be simpler since it is a federal government. Smith said the idea behind common law is that practice really matters, that we have done it this way for so many years, it was prior to when we were a very organized county, and we have minutes referring to a petition and records are so old that we do not have the actual petition. Citizens assess themselves, the County administers the program, and from talking to other commissioners at the training session, they were able to solve it with a lawyer who states these things and basically provides the history. They want to know why we don't have an ordinance, and that seems easy as well. Smith said we do have the fact that there was no statutory structure at that time. An ordinance was not contemplated at that time. It's probably sensible to have an ordinance in the future so we never have this problem with FEMA again. Packard asked, back in 1905, was a petition provided verbally? Packard and Crum discussed minutes from 1905. Smith said either way there was no statutory framework at that time. It seems as though FEMA would be happy with a letter and a copy of minutes that reference a petition. Mockler said a few copies of minutes could be attached as examples. Smith said a possibility would be to do what other counties have done and hire a specialist who does exactly this. Tracy does a lot of criminal stuff, but she doesn't necessarily do this kind of thing and might be more comfortable hiring this kind of lawyer. Smith said she would be willing to make some phone calls and find the person who has done it for other counties. Packard said she would support that because Tracy wants the exact legal structure, and a water rights lawyer would be able to address that. Mockler said on the personal side, any time they have had a problem with the Vermillion River they have used Jim McCulloch, and the TLC Water Project District is using Ricky Noonan out of Minnesota. Brad Preheim would be able to help some on this and point us in the right direction. Smith said they can save a lot of money by collecting information in advance. She is less familiar with Ditch Board than others, so if someone is willing to write down how Ditch Board operates. If we can give that package of stuff to the attorney, we could probably save ourselves quite a few hours of attorney time. Stewart said they are looking for reasons to give us the money. He encouraged the Board to remember the timeline. We only have 60 days from the time of the letter, so we are already falling behind. Packard recommended putting this on the agenda for Tuesday to consider

a cost proposal to hire someone for this. Mockler suggested using McCulloch if he has time just for the logistics because he is here, and he and Tracy can work together. Hammond said we do not act as the Yankton Clay Ditch Board, the Clay Creek Ditch Board, or the Prairie Center Ditch Board. We act as an overall Ditch Board for the whole county. We, at our annual ditch meeting, ask each of the folks showing up that are members to vote on what they do. Since we do that as one Board for all three of them that implies that we are acting as the administrative board. Having them combined helps our argument. Smith asked who will contact McCulloch and who will put together an operations outline? Mockler said we should wait until Tuesday to find out the State's Attorney's opinion. He asked Stewart if it is 60 business days, or just 60 days. Stewart said he would find out.

Mockler said he drove in past Holmes' this morning, and the evergreen trees are on the back slope, but they are on the in-slope, so at some point they will have to look at those because the roots are starting to show. He is afraid they will fall in if they are not removed first.

Manning discussed the documents from Prairie Center in 1952, and they petitioned the Board of County Commissioners to take on the Prairie Center Ditch as Ditch Board and talks about taking the ground. Taking, to him, means they took the piece of ground to establish the ditch, making the Ditch Board controller of it, taking it from the landowners, even though the landowners still pay taxes on it based on the value. To him, it shows they did actually take that ditch. He assumes that is how they did the others, too. Mockler said that needs to be part of the letter to FEMA. Hammond said taking does not necessarily mean taking the title to the property; it can mean taking an easement just like the 33 feet of right-of-way on a township road. It is a taking for the common good.

At 9:34 a.m., Smith moved, seconded by Hammond to adjourn and reconvene as Board of Clay County Commissioners. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Manning moved, seconded by Smith to approve the following claims for payment. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

(DUE TO OTHER GOVERNMENT)		RIVERSIDE TOWNSHIP	\$4,694.85
BERESFORD SCHL DIST 61-2	\$60,911.27	SD DEPT OF REV ANDERSON	\$351,697.04
BETHEL TOWNSHIP	\$6,768.11	SDACO - M&P FUND PAYMENT	\$446.00
CENTERVILLE SCH DIST 60-	\$13,684.79	SPIRIT MOUND TOWNSHIP	\$12,319.66
CITY OF VERMILLION	\$137,844.90	STAR TOWNSHIP	\$10,007.59
CLAY CO TREASURER	\$12,155.76	STATE OF SD GAME FISH	\$404.00
FAIRVIEW TOWNSHIP	\$11,122.03	THOMSON REUTERS - WEST	\$550.67
GARFIELD TOWNSHIP	\$8,840.29	TLC WATER PROJECT DIST.	\$4,681.16
GAYVILLE/VOLIN SCHL DIST	\$4,866.37	VERMILLION BASIN WATER	\$1,946.16
GLENWOOD TOWNSHIP	\$7,654.12	VERMILLION SCHL DIST 13-	\$327,109.80
IRENE CITY	\$2,189.11	VERMILLION TOWNSHIP	\$2,566.75
IRENE/WAKONDA SCHL 13-3	\$94,113.01	VIBORG/HURLEY SCHL 60-6	\$100.39
MECKLING TOWNSHIP	\$7,249.27	WAKONDA TOWN	\$11,379.13
NORWAY TOWNSHIP	\$4,640.91	(PAYROLL WITHHOLDING)	
PLEASANT VALLEY TWP.	\$6,412.37	AFLAC	\$809.44
PRAIRIE CENTER TWP.	\$7,705.56	CLAY CO FIT FICA	\$51,279.05

COLONIAL LIFE	\$299.98
CONSECO/WASHINGTON	\$24.45
DIV OF CHILD SUPPORT	\$631.00
NEW YORK LIFE INSURANCE	\$328.57
SD CHILD SUPPORT CENTER	\$713.00
SD RETIREMENT SYSTEM	\$26,290.28
SD SUPPLEMENT RETIREMENT	\$2,525.00
SDRS ROTH 457(B) PLAN	\$810.00
TASC PVR	\$2,051.65
THE STANDARD - DENTAL	\$910.21
THE STANDARD - LIFE INS.	\$529.24
THE STANDARD - SH TRM DI	\$1,006.07
THE STANDARD - VISION	\$179.76
UNITED WAY OF VERMILLION	\$232.00
VERMILLION FEDERAL	\$1,321.00
WELLMARK BLUE CROSS (FIRE)	\$47,852.98
BERESFORD RURAL FIRE	\$2,074.27
CENTERVILLE RURAL FIRE	\$829.14
GAYVILLE RURAL FIRE ASSO	\$882.65
IRENE RURAL FIRE ASSOC	\$311.81
VERM. RURAL FIRE ASSOC.	\$7,229.97
VOLIN RURAL FIRE ASSOC.	\$157.83
WAKONDA RURAL FIRE	\$2,114.97
(SALARIES AND WAGES)	
CANNON-LASS, TRACY G.	\$1,360.33
(INSURANCE DEDUCTABLE REIMBURSE)	
HUSBY, TIFFANY	\$500.00
PICK, TONY	\$500.00
(OTHER INSURANCE)	
JENSEN INSURANCE	\$511.00
SD PUBLIC ASSURANCE ALL.	\$97,644.42
(PROFESSIONAL SERVICES AND FEES)	
ALTERNATIVE HRD LLC	\$431.25
AVERA HEART HOSPITAL	\$17,782.17
BILLINGS, JOHN P	\$2,470.00
ERICKSON SOLUTIONS GROUP	\$2,965.50
FEDEX	\$42.02
HOUSKA, DDS, RANDY	\$98.00
LEWIS & CLARK BEHAVIORAL	\$368.00
LEWNO, LUCILLE M	\$146.51
LOCKWOOD, DARCY	\$9.00
PHARMCHEM, INC.	\$485.35
SANFORD HEALTH OCCUPATIO	\$129.00
SATELLITE TRACKING OF	\$97.50
SD DEPT OF HEALTH LAB	\$1,055.00
SD PUBLIC ASSURANCE ALL.	\$135.16
SECURITY SHREDDING SVC.	\$70.00
ULTEIG	\$3,660.08
UNIVERSITY PSYCHIATRY	\$207.76
VERMILLION FEDERAL	\$84.11
YANKTON CO TREASURER	\$105.20

YANKTON MEDICAL CLINIC P	\$248.87
(OTHER PROFESSIONAL SERVICE)	
BOYS & GIRLS CLUB, INC.	\$1,750.00
DAKOTAH REPORTING AGENCY	\$540.00
MEYER, MARY ANNE	\$10.00
REEVES, MEGAN	\$54.40
SCHAEFER, DEAN	\$63.00
SD ATTORNEY GENERAL	\$2,625.00
YANKTON CO SHERIFF (LAW OFFICE)	\$400.00
JOHNSON, KATIE PLLC	\$287.10
KOGEL, LINDA L	\$4,305.40
MCCULLOCH, JAMES E	\$6,221.50
OXNER LAW OFFICE LLC	\$539.70
PETERSON, STUART, KLENTZ	\$9,166.66
THOMPSON, CRAIG K	\$3,534.30
(MENTAL HEALTH)	
AVERA MCKENNAN HOSPITAL	\$728.00
DAKOTABILITIES	\$720.00
LEWIS & CLARK BEHAVIORAL	\$184.00
SD ACHIEVE	\$240.00
SESD ACTIVITY CNTR	\$360.00
SD DEPT OF REV ANDERSON (PUBLISHING)	\$1,200.00
BROADCASTER PRESS	\$1,826.82
PLAIN TALK/BROADCASTER	\$35.08
(REPAIRS AND MAINTENANCE)	
BEAR, INC. DBA TODD'S	\$1,484.55
BUHLS DRYCLEANERS &	\$171.20
BUTLER MACHINERY CO.	\$3,207.20
CENTURY BUSINESS PRODUCT	\$30.00
ERICKSON SOLUTIONS GROUP	\$5,952.39
GEHM, CINDY	\$390.00
GRAHAM TIRE YANKTON	\$135.00
HEIMAN INC.	\$384.00
HK SOLUTIONS GROUP	\$15,000.00
JERRY'S CHEVROLET	\$89.95
JOHNSEN HEATING & COOLIN	\$5,133.62
LOFFLER COMPANIES	\$267.61
MICROFILM IMAGING SYSTEM	\$155.00
MURPH'S APPLIANCES, INC.	\$179.00
NATURESCAPING DESIGN LLC	\$435.00
NELSEN ELECTRIC LLC	\$180.00
OLSON'S PEST TECHNICIANS	\$430.00
PRESTO-X COMPANY LLC	\$144.00
QUALITY MOTORS	\$63.54
SWENSEN, DANIEL	\$450.00
TURNER PLUMBING INC	\$114.15
VERMILLION ACE HARDWARE	\$250.94
VERMILLION FEDERAL	\$634.00
VERMILLION FORD	\$12.00

(DATA PROCESSING/CLAY CREEK/INF)  
MICROFILM IMAGING SYSTEM \$855.00  
SOFTWARE SERVICES, INC. \$1,040.00  
(YANKTON CLAY EXPENSE)  
BROADCASTER PRESS \$30.00  
ULTEIG \$4,020.40  
(SUPPLIES & MATERIALS)  
A & B BUSINESS \$169.14  
A-OX WELDING SUPPLY CO \$180.67  
AGTERRA TECH INC. \$900.00  
BRUNICK SERVICE, INC. \$284.55  
BUTLER MACHINERY CO. \$1,413.92  
CANON \$138.15  
CORTRUST BANK \$4.00  
COYOTE ENTERPRISE LLC \$119.98  
DS SOLUTIONS, INC. \$175.00  
GRAHAM TIRE YANKTON \$25.45  
JACK'S UNIFORMS & EQUIP. \$133.89  
JCL SOLUTIONS \$598.24  
JERRY'S CHEVROLET \$48.69  
LOFFLER COMPANIES \$7.48  
MEAD LUMBER \$28.93  
MIDWEST STRIPING \$3,061.00  
MOBILE ELECTRONIC SVC IN \$20.00  
MOHR DESIGNS LLC \$16.50  
NELSEN ELECTRIC LLC \$66.92  
NORTH CENTRAL \$587.63  
ONE OFFICE SOLUTION \$468.89  
PRESSING MATTERS \$208.00  
PRINT SOURCE \$147.00  
PROCHEM DYNAMICS \$143.68  
QUALIFIED PRESORT SVC IN \$4,828.57  
QUILL CORPORATION \$172.25  
RUNNINGS SUPPLY INC \$144.18  
SANITATION PRODUCT \$380.08  
SIGN-UP LTD. \$88.38  
STURDEVANT'S AUTO PARTS \$40.79  
TRUENORTH STEEL \$1,757.20  
VERIZON WIRELESS TRS \$173.52  
VERMILLION ACE HARDWARE \$347.54  
VERMILLION FEDERAL \$983.88  
VERMILLION FORD \$31.82  
(COPIER SUPPLIES)  
CANON \$161.12  
LOFFLER COMPANIES \$159.25  
(TRAVEL AND CONFERENCE)  
D-WARE INC. \$210.00  
POLLEY, RODNEY \$88.00  
SD ASSN. OF CO. OFFICIAL \$555.00  
SDACC OFFICE \$150.00  
SDAE4-HP DAVISON COUNTY \$60.00  
SDSU EXTENSION SERVICE \$260.27

THE LODGE AT DEADWOOD \$279.00  
(INMATE TRAVEL)  
FICK, SHAWN \$18.00  
PENNINGTON COUNTY JAIL \$144.22  
PUMP N PAK \$441.54  
TOMKINS-SEARCY \$18.00  
(UTILITIES)  
BUREAU OF ADMINISTRATION \$110.83  
CENTURYLINK \$548.10  
CENTURYLINK EMG \$13.89  
CITY OF VERMILLION \$2,139.94  
CLAY RURAL WATER SYSTEM \$48.60  
CLAY UNION ELECTRIC CORP \$660.70  
HEIMAN INC. \$156.00  
MIDAMERICAN ENERGY \$1,226.11  
MIDCO BUSINESS \$75.00  
VERIZON WIRELESS EMG \$40.01  
VERIZON WIRELESS HWY TRS \$115.60  
VERIZON WIRELESS SHERIFF \$320.08  
VERIZON WIRELESS ST ATTN \$152.45  
VERMILLION GARBAGE SVC. \$176.00  
WAKONDA TOWN \$66.90  
(PAYMENT)  
AUSTIN-WHITTEMORE HOUSE \$625.00  
BEGAY, MISTY \$20.00  
BRUNICK SERVICE, INC. \$214.90  
CLAY CO AGR FAIR ASSOC \$4,125.00  
CLAY CO CONSERVATION DIS \$6,250.00  
COLLINS, KATRINA \$20.00  
CORBIN, FELICIA \$20.00  
DAKOTA SENIOR MEALS \$970.50  
DOMESTIC VIOLENCE \$160.00  
ENGEMAN, JEFFREY M \$100.00  
ERICKSON, JENNIFER C \$100.00  
FARABEE, DARLENE \$100.00  
FAST AUTO GLASS, INC. \$50.00  
GRAHAM TIRE S.F. NORTH \$146.01  
GROSDIDIER, JUSTIN \$20.00  
HY-VEE, INC. \$499.93  
JACOBSON, KEVIN \$100.00  
JOHN, MONIQUE \$20.00  
LANE, TRACEY \$100.00  
LEWIS & CLARK BEHAVIORAL \$5,605.00  
MCKENNAN, HANNAH \$20.00  
MURLEY, KEVIN M \$108.40  
NATIONAL MUSIC MUSEUM \$1,250.00  
NYDAM, EDWIN \$10.00  
PIZZA RANCH 14762 \$2,562.25  
PUMP N PAK \$1,445.11  
SALVATION ARMY \$437.50  
SANFORD HEALTH \$2,340.00  
SPRINGER, ELIZABETH \$105.04

TIMMERMANN, TIFFANY	\$100.00	TRITECH SOFTWARE SYSTEMS	
VERMILLION AREA ARTS CNC	\$1,250.00	\$72,527.00	
VERMILLION FEDERAL	\$115.98	(BOOKS)	
VERMILLION FOOD PANTRY	\$1,875.00	THOMSON REUTERS - WEST	\$550.67
VERMILLION PUBLIC LIBRAR	\$1,000.00	(FURNITURE AND MINOR EQUIPMENT)	
VERMILLION SENIOR CENTER	\$5,000.00	CANON	\$335.13
WAKONDA PUBLIC LIBRARY	\$625.00	MICROFILM IMAGING SYSTEM	\$60.00
WALMART COMMUNITY/SYNCB		QUILL CORPORATION	\$104.94
\$115.98		(MACHINERY AND AUTOMOTIVE EQUIP)	
(JDC/SPECIAL EQP.)		LIGHT AND SIREN	\$2,024.53
JACK'S UNIFORMS & EQUIP.	\$1,101.88	TWO WAY RADIO SOLUTIONS	\$3,332.80
MINNEHAHA COUNTY JDC	\$11,956.00	(AUTOMOTIVE)	
TERWILLIGER, PHILIP	\$350.00	BRUNICK SERVICE, INC.	\$24.00

The Board considered Resolution #2021-19 for Cancellation of Outstanding Checks. Smith moved, seconded by Packard to pass and adopt the resolution. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

**RESOLUTION #2021-19**  
**Auditor/Treasurer Outstanding Checks Cancellation**

WHEREAS, the Board of Clay County Commissioners may by resolution cancel warrants or checks that have not been presented for payment at any time within one (1) year of the date on which the warrant or check was issued,

NOW THEREFORE BE IT RESOLVED, that the Board of Clay County Commissioners hereby authorize the cancellation of checks and warrants of record, in the Clay County Auditor and Treasurer's Office that have not been presented for payment within the one (1) year of the date of the said checks or warrants, for \$567.64 in Auditor's Warrants & \$1973.24 in Treasurer's Checks and that the Auditor and Treasurer Office's shall make note of such cancellation in the Warrant and Check Register, respectfully. (List on File in the Auditor's Office)

Dated this 6<sup>th</sup> day of May, 2021, at Vermillion, South Dakota.

Commissioner Smith moved for the adoption of the foregoing resolution, motion seconded by Commissioner Packard.

Vote of Commission: Ayes 5 Nays 0.

Upon which voting the foregoing resolution was declared, passed, and adopted.

Board of County Commissioners  
Clay County, South Dakota

\_\_\_\_\_  
Travis Mockler, Chairman

Attest:

\_\_\_\_\_  
Carri R. Crum, County Auditor

The Board considered a contract with Beckenhauer Construction for the oversight of the courthouse roof and tuckpointing project. Packard and Crum discussed that Beckenhauer

Construction is the Construction Manager At-Risk for the building project. Hammond moved, seconded by Smith to approve the contract not to exceed \$6,160.00. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.


Manning asked if there is a committee meeting tonight, and Crum said the Courthouse, Jail, and Law Enforcement Facility Planning Committee meets at 7:00 p.m.

At 9:37 a.m., Manning moved, seconded Smith to adjourn and reconvene at 9:00 a.m. on Tuesday, May 11, 2021. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:

  
Carri R. Crum, County Auditor

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May 11, 2021

The Board of County Commissioners met in regular session Thursday, May 11, 2021 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning, and Richard Hammond.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Smith moved, seconded by Hammond to approve the agenda. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Minutes of the May 6, 2021 meeting were approved with a motion by Manning, seconded by Smith. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. He presented an amendment to the Emergency Relief Agreement with the State. Hammond moved, seconded by Packard to approve the amendment and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board discussed digging in the ditch on 302 St. without permission. Mockler said State's Attorney Alexis Tracy is working on the matter. Polley discussed sending a letter and clarified that it includes unapproved driveway extensions and irrigation. He said the Department of Agriculture and Natural Resources (DANR) will be approving a new notice to be published. The overspray is not as bad as the driveway application issue. Mockler said it should be two different letters, two different styles so it can be a template for next time. Polley discussed that the County has an ordinance for the driveway applications and then discussed the unapproved ditch digging. Mockler said they have to get permission for the digging in the ditch. Tracy said she will get the letter written as she has been busy with court proceedings. She discussed contact information for the individuals and Mockler discussed whether to send it to the landowner or the renter. Polley said he was told in the past to send it to the landowner, and he has had good luck with that because the landowner gets a hold of the renter right away. He said he went on Beacon to pull up the parcel number and address. Tracy said if we have an address for the renter, we can "cc" them on the letter. Tracy said her intent is to notify them that the County has concerns that there has been digging in the ditch and pursuant to statute they need to request permission. Manning asked what happens once the County writes a letter. Mockler said the County should leave it up to them to come up with a plan to fix it. Smith clarified that we are asking for a remedy. Tracy said she will cite the statute that identifies that ditches need to be maintained and cleaned appropriately, but there is an avenue to go about doing so appropriately. That is the part people will not like is that it costs money. They need to have someone who does this for a living, for their own sake due to civil liability. They need to have someone that they can fall back on when the neighboring property owner is angry that water has flowed onto their property, and that will not be cheap. There is a process and procedure to go through to appropriately clean out a ditch. Smith said the problem is that the ditch is problematic for neighbors now because they have done something they should not have done. They need to be required to fix it. Mockler said the one will affect the road, so they need to figure out how to fix it. Tracy said there are two different issues, people

who may dig in the future and people who have already had. Mockler said there are two or three the present time. Polley and Mockler discussed that Polley has already spoken to one landowner. Mockler said we want to keep it black and white. Tracy asked Polley if he had something to reference, possibly an engineering company that did this for the County as was done in the past when she first started. Packard said these people have dug ditches into our ditches. Polley said one diverted the water from two waterways into one waterway into the County's ditch, after it goes under the road. Packard said Tracy is talking about cleaning, and we are talking about two different things. Mockler said they will claim it is cleaning, but they dug the ditch deeper. Tracy asked if there is a separate issue where someone that dug a channel into a ditch that did not otherwise go there. Mockler said, no, it goes there, but they dug it deeper. Polley said they dug it too deep, about a foot below the culvert. The flow of water has been changed, and there will be water sitting in the ditch. Hammond said they did dig into the County's ditch. Polley said it is a road ditch, not a ditch out in a field. Tracy said she needs some bullet points of the problem for each parcel. Polley said he has pictures of them as well. Manning said he thought there were three places, two on 302 St. and one other. Mockler said there is another on 306 St., but Polley is getting that one resolved as it is not as severe an issue. Manning said the landowner should have permission any time they dig in a ditch, whether it's Township or County. Mockler said there is paperwork to fill out for a Township, so he doesn't know why they think there is not with the County. Polley said most people know that, but neither of them got permission at the elevation that either is dug at. Polley discussed that they should be avoiding the clay because it is not silt, and in pictures you can see clay. Manning asked if they did it themselves. Polley said it was a rental machine. Mockler said most contractors just do what the person tells them to do. Tracy said she and Polley will work together, but she foresees it being a long-term process to fix. Mockler said it will be in their best interest to fix this year so they can get it seeded because next spring could be completely different than what we have this year. Manning said once you loosen the soil up.... Polley said even getting it seeded could be a problem. Mockler said it's better to get it done now while it's dry because there is going to be a lot of water coming through those two areas when it rains.

Polley said the three bridges the County applied for this year were approved for removal by the State. One is over Clay Creek north of the landfill, one east of Manning's feedlot on 314 St., and the last one is a mile south of Highway 46 over Ash Creek on 466 Ave. Mockler asked if the one south of Manning's feed lot was last year. Polley said it is in the process, but it may be 2022. He said there are four total on the list through the State.

At 9:18 a.m., Manning moved, seconded Hammond to adjourn and convene as Ditch Board. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Packard moved, seconded by Smith to approve an invoice from the Broadcaster/Plain Talk for minutes of the annual meeting. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board discussed appeal of the FEMA determination. Polley said he received the official denial for Clay Creek and the Laterals. Tracy said she would take the denial documents. Polley said it explains why they denied it and what they are looking for. Packard said they had



discussed talking to another attorney who specializes in this and asked if it has been accomplished. Mockler said Amanda Vanderplaats with the SD Office of Emergency Management said it would be a waste of money. They just need a simple letter from Tracy explaining what they have been doing, include minutes, the letter Manning found to give the authority on Prairie Center Ditch, and do a little more research. It needs to be done by July 2<sup>nd</sup>. Emergency Management Director Layne Stewart said it needs to be done in 60 days. Tracy said she has it in her calendar to do this before the end of this month and to have it finalized by mid-June at the latest. Stewart said once they receive the letter, FEMA has 90 days to make a judgement. If they deny it again, we do have another opportunity for appeal. His guess is that the second would be less chance of approval than the first. Tracy said long term, the authority is old statutory authority that vested this with the Commission, and they titled themselves as the Ditch Board. Statutes have been updated since then. She asked the Board if they want to continue to serve in this capacity as they are grandfathered in. Mockler asked if they could get rid of that authority in today's statutes. Tracy said it goes elsewhere, and she would look at statutes. Manning said he thinks it should stay with the County because he does not think it can be left to the landowners as there would be a lot more disagreements. There needs to be a governing board. Hammond agreed and said Ditch Board sounds a little less official, and the Board may want to have a resolution that outlines each of the drainage districts and call itself the Clay County Drainage District Administrative Board. Mockler said either that or Watershed Board. Hammond said they are not really a watershed as they are artificial in nature, but we could declare them watersheds. Packard encouraged making sure not to lose consistency. Mockler and Smith discussed getting the FEMA appeal through first, but Mockler said he would be less inclined to change it after the FEMA appeal. Tracy discussed the term "Ditch Board" and encouraged updating with the time. Smith said it may not be our last rodeo. If FEMA doesn't like it, there could be another federal agency that doesn't like it. It does make sense to conform our practice with state statute. Hammond said going back 30 years, in water law, there are such things as drainage districts which could help us out with the feds. Polley asked Stewart if he and Tracy would like to participate in his meetings with FEMA every Monday. Stewart said he will participate.

At 9:20 a.m., Hammond moved, seconded by Smith to adjourn and reconvene as Board of Clay County Commissioners. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Manning moved, seconded by Hammond to approve the following claims for payment. Smith asked about the \$2,174.41 bill to I-State Truck Center for wiper blades. Polley said it includes all trucks, and they are heated wiper blades. Polley said there are 7 trucks, and it is something that has to be installed factory; they cannot do it. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

(DUE TO OTHER GOVERNMENT)		ALTERNATIVE HRD LLC	\$573.75
CLAY CO TREASURER	\$20,941.00	BUREAU OF ADMIN PMB0112	\$546.45
SD DEPT OF REV ANDERSON	\$375,543.89	CITY OF VERMILLION	\$72.00
SDACO - M&P FUND PAYMENT	\$460.00	HOUSKA, DDS, RANDY	\$1,110.00
(PROFESSIONAL SERVICES AND FEES)		JLG ARCHITECTS	\$8,238.61

LINCOLN COUNTY TREASURER	\$615.10	FRANCOTYP-POSTALIA INC	\$90.00
PHARMCHEM, INC.	\$314.05	I-STATE TRUCK CENTER	\$513.23
SANFORD HEALTH	\$5,358.65	JOHNSON FEED, INC.	\$134.38
SATELLITE TRACKING OF	\$123.50	LEISURE WORLD, INC.	\$450.00
SD DEPT OF HEALTH LAB	\$425.00	LEWIS DRUG, INC.	\$37.78
STADEL, BRENDA	\$48.75	LOFFLER COMPANIES	\$188.90
VERMILLION FEDERAL	\$52.19	MICROFILM IMAGING SYSTEM	\$155.00
(OTHER PROFESSIONAL SERVICE)		MINNEHAHA COUNTY JAIL	\$13.74
DAKOTAH REPORTING AGENCY		ONE OFFICE SOLUTION	\$247.13
\$2,345.00		PRESSING MATTERS	\$209.00
MINNEHAHA COUNTY JAIL	\$3,017.54	PROCHEM DYNAMICS	\$64.64
SD ATTORNEY GENERAL	\$2,810.00	QUALIFIED PRESORT SVC IN	\$1,423.74
UNION CO. SHERIFF	\$6,963.00	QUILL CORPORATION	\$353.46
(LAW OFFICE)		RUNNINGS SUPPLY INC	\$1,232.06
FRIEBERG, NELSON & ASK	\$914.57	SANFORD HEALTHCARE SHCA	\$44.00
JOHNSON, KATIE PLLC	\$1,629.40	SEVERANCE, TOM	\$15,000.00
OXNER LAW OFFICE LLC	\$807.50	SIGN-UP LTD.	\$36.00
PETERSON, STUART, KLENTZ	\$9,166.66	STURDEVANT'S AUTO PARTS	\$18.80
TERWILLIGER, PHILIP	\$1,345.32	TRACTOR SUPPLY CREDIT	\$176.99
(MENTAL HEALTH)		VERMILLION ACE HARDWARE	\$35.98
SD ACHIEVE	\$240.00	VERMILLION FEDERAL	\$633.98
(PUBLISHING)		VERMILLION FORD	\$630.00
BROADCASTER PRESS	\$625.73	(TRAVEL AND CONFERENCE)	
PLAIN TALK/BROADCASTER	\$216.00	CRUM, CARRI R	\$129.50
STAR PUBLISHING	\$912.76	HOWE, RHONDA	\$291.96
(REPAIRS AND MAINTENANCE)		TERWILLIGER, LISA	\$72.00
BENTSON PEST MANAGEMENT		(INMATE TRAVEL)	
\$2,023.00		PENNINGTON COUNTY JAIL	\$144.22
BUHLS DRYCLEANERS &	\$222.90	(UTILITIES)	
CANON	\$161.12	BUREAU OF ADMINISTRATION	\$55.54
CENTURY BUSINESS PRODUCT	\$30.00	CENTURYLINK	\$548.10
CHARLIE'S BUS SERVICE	\$48.00	CLAY UNION ELECTRIC CORP	\$740.93
FRAME ALIGNERS INC	\$5,350.00	MIDAMERICAN ENERGY	\$1,091.29
GEHM, CINDY	\$468.00	MIDCO BUSINESS	\$280.00
I-STATE TRUCK CENTER	\$1,661.18	VERIZON WIRELESS TRS	\$173.94
JOHNSON HEATING & COOLIN	\$513.40	WAKONDA TOWN	\$62.65
JOHNSON FEED, INC.	\$99.00	(PAYMENT)	
PRESSING MATTERS	\$739.00	HANSON, MARLON	\$20.00
SCHULD, MARIANNE	\$879.00	HANSON, PAMELA	\$20.00
VERMILLION FEDERAL	\$20.00	PIZZA RANCH 14762	\$2,597.00
(DATA PROCESSING/CLAY CREEK/INF)		SD DEPT OF HEALTH	\$3,269.50
ERICKSON SOLUTIONS GROUP	\$5,231.50	THE SOAP GUYS	\$48.00
SOFTWARE SERVICES, INC.	\$1,060.00	VERMILLION FEDERAL	\$30.56
(YANKTON CLAY EXPENSE)		(JDC/SPECIAL EQP.)	
BROADCASTER PRESS	\$102.90	AXON ENTERPRISE INC.	\$1,308.88
(SUPPLIES & MATERIALS)		TERWILLIGER, PHILIP	\$350.00
A & B BUSINESS	\$256.43	VERMILLION FEDERAL	\$598.01
A-OX WELDING SUPPLY CO	\$112.23	(BOOKS)	
BOB BARKER CO INC	\$697.71	BUTLER MACHINERY CO.	\$132,219.55
BRUNICK SERVICE, INC.	\$3,332.77	(FURNITURE AND MINOR EQUIPMENT)	
COYOTE ENTERPRISE LLC	\$129.97	MICROFILM IMAGING SYSTEM	\$60.00
FRAME ALIGNERS INC	\$150.00		

The Board considered a grant agreement from the U.S. Treasury for American Rescue Plan funds. Smith moved, seconded by Hammond to approve the agreement and authorize the Chairman to sign it. Smith said it is amazing. Manning asked if we know how much the County will receive. Crum said she does not know an exact number yet, but it is in the ballpark of \$2.7 million. She said right now it seems a little more limited as to what counties can spend the funds on as it is for infrastructure, but NACO is working with the Treasury to see if the funds can be used for improving or building jails as they are a COVID-19 hotspot. Smith and Crum discussed that funds have to be committed by December 31, 2024. Smith suggested creating a capital improvement plan for 5 years, and get input from department heads as to what they anticipate the big expenditures to be in the next 5 years. Have a format that allows people to put in a project, rough estimated cost, and a description and rationale. It allows the Commission to prioritize those whenever money like this comes available. And then what we could do in the future is ask department heads to update their capital improvement plans. Projects that are finished go off, and projects that they now anticipate go on. Smith said it is a simple system that works really well. It works so that when you get a windfall of some sort or towards the end of the year you can say we can allocate surpluses to capital projects. Packard said we have that with the highway department, and the other departments have that unofficially. Mockler said he is sure Howe has one for the Sheriff's Department. Smith said it would be integrating it and making it more official for all departments to determine the critical one for the next year. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye. Smith said she would be happy to design a system based on best practices, a form, and a format. Manning said it never hurts to look at it. Smith suggested putting it on a future agenda. Manning said this American Rescue Plan funding is unheard of. Usually we are trying to figure out how to balance the budget, and there is usually never much left. It's good to be prepared, but he is not sure how much there will be in the future. Smith used police radios as an example, and said at one point her husband was shot at, and his radio did not work. It had been on the capital improvement plan but far down, and that brought it to the top of the plan. If the County has a good plan, sometimes it impresses potential funding organizations. Plans bring money and attract funding. It makes a big difference. Hammond said the tighter the budget, the more you need the planning.

Manning asked how things came out with the Fair Board and the Vermillion Public Transit. It was decided that the matter will be placed on the agenda at the next meeting.

The Board and department heads reviewed at length the County's grant practices and a draft grant policy manual being considered.

At 10:05 a.m., Manning moved, seconded Smith to adjourn and reconvene at 9:00 a.m. on Tuesday, May 25, 2021. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

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May 25, 2021

The Board of County Commissioners met in regular session Thursday, May 25, 2021 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning, and Richard Hammond.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Manning moved, seconded by Hammond to approve the agenda. All voted aye; motion passed.

Minutes of the May 11, 2021 meeting were approved with a motion by Smith, seconded by Packard. All voted aye; motion passed.

Treasurer Rhonda Howe met with the Board regarding a property that the County is taking tax deed on, and it is involved in a bankruptcy. She presented a payment plan for consideration. The amount is \$27,939.79 to date, and interest will keep accruing. The plan is a 60-month payment plan. Mockler said the County has a policy that we do not accept payments, but this may need to be an exception because it is the only way to make it work for them. Manning asked what happens if they miss a month. Howe said if they miss a month we start tax deed process again. Mockler said his understanding is that with bankruptcy laws, their hands are tied. State's Attorney Alexis Tracy said they clarified that payments for this year have been collected in escrow, and beyond that, he views the contract as if they break it they violate it. There is a provision that if they sell the property, they take the proceeds and pay in full all the creditors. Mockler said they will be able to start the process again. Howe said if they sell, the County will get its money. Howe said she cannot apply a partial payment. Mockler said there is a penalty, but it's just not the same as they enforced last time. Howe said we were going to take deed to the property, and the day before they came with the bankruptcy paperwork. Hammond discussed principal and interest. Manning said it sounds like a situation where we have to make an exception. Mockler said, unfortunately yes. Manning discussed the value of the property. Smith asked Tracy if she recommends this. Tracy said with the bankruptcy proceedings, collecting something is better than nothing. The biggest concern initially was that she did not want to start the tax deed three-year process over again. Smith moved, seconded by Manning to approve the agreement and authorize the Chairman to sign it. Hammond said he wonders with 10% interest how they could come out with that kind of payment, although he is on board. Howe said it was probably figured when they put the original contract out. Mockler said we are not a bank, but if we had to go the full 5 years we would gain \$8,000 in interest. Manning said he worries that others will do the same thing. Mockler said they will have to go through bankruptcy as that is the only reason we are doing this. Manning said he does not want to start a precedent. All voted aye; motion passed.

Zoning Administrator Drew Gunderson met with the Board for a Variance Hearing on behalf of Richard Schoellerman. He said it is on the Ponderosa. They are just changing the front and rear, not the side yards. Smith said her only question is the wetland designation, and it looks like about ½ the property is in river and wetland, and a well-developed flood plain. Gunderson said that goes right through half of the Ponderosa, and he does not understand why the maps are

created that way. Hammond said if you ended up with flooding, like 8 years ago, it would be within that zone, and without flood insurance, it would be his own risk to save his house. That would be a short-term risk, and in his opinion it would be long-term risk. His neighbor, Larry Brady, has done extensive rip rap. As time goes on, rip rap will become less and less effective. As long as residents are willing to assume the risk around 25 years from now. Smith said her concern is septic, if you have a 40-foot front setback and a 75-foot rear setback that is almost all wetland, do we have a septic problem? She said she sees the change in the river every year. It causes her some concern about septic. Hammond said he has done work on Brady's property, and he does not remember where the septic is, so he is not sure how septic systems are laid out. Brady said the whole Ponderosa is outside of the flood zone. Gunderson clarified it is outside of the FEMA flood zone. Brady said he assumes the septic is toward the road. He said in 2011 when it flooded, it still had not come up far enough. Flood insurance is not required. He does not know where the wetlands come from. He has lived there 40 years and has never seen a drop of water. Smith said half of the property is on federally designated wetland, and Brady said he does not know how. He said it may have something to do with the National Recreational River designation. There are certain things they are allowed or not allowed to do. He said they paid \$660,000 to stabilize the Ponderosa and had a barge bring in rock. Smith said she read up on wetlands last night, and they use a combination of aerial mapping and soil analysis, and it is a federal wetlands group that does this nationally. It is called the National Wetlands Inventory, part of the fish & wildlife service. Manning moved to approve the variance, seconded by Hammond. Under discussion, Packard said she remembers the setback was for protection of the landowners to ask for help when the river attacks. Hammond said that is the reason for him saying twice today that you're on your own. Brady said the Corps of Engineers, Clay County assumed the responsibility, in writing, after it was done. It was a demonstration project to protect the bank 3 different ways, to test which way would work, and none of them worked. Ponderosa claimed it was a 3<sup>rd</sup> party beneficiary, and Judge Jensen determined they were not a 3<sup>rd</sup> party, so everyone at the Ponderosa knows they are on their own. They take care of their own road, school buses don't come down their private road, etc. Smith asked how many square feet the septic drainage field would be. Brady said it would be a 10,000-gallon tank, with however many laterals. Smith asked if there is space in a 40-foot setback to do that. Brady said that is a 30-foot setback now, according to covenants, and the variance is for 40-feet. Smith said you cannot put a septic system in a wetland. Hammond said it would not be. She said she is trying to figure out how a septic system relates to size. Smith discussed that a 4-bedroom house would have a pretty big drainage field. Hammond said it is shaped like a tuning fork, and you would have several tines, depending on the size, and the contractor has rules from the state that he would have to comply with. It is a state regulated deal where and how you put in a septic system. Smith said she is looking at regulations, and she supposes it also depends on the kind of soil, in this case sandy soil and mud. Hammond said most often you would be required to test to establish performance attributes of the system. Smith said she does not know the tank capacity in this state. Hammond said there again statewide rules would govern, and he has done lots of tests and a few designs based on the guidance of the rules. In this case we have to rely on the expertise of the rules. Smith said, because it is so close to the river, she is concerned about the setback lines, particularly the rear setback of 75 feet, and a 4,320 sq. ft. house. We could think about increasing the square footage

of the setback by the river, and that would perhaps be less of a hardship. Brady said this is the first home that has come under the 125-foot rule, and prior it was 75 feet. Smith asked Mockler why Planning and Zoning increased that setback. Mockler said the Living River Group asked for it. They wanted people to be further off of the river bank. Smith asked what the rationale was. Mockler said they had just come through the flooding and it was a knee-jerk reaction, and it should probably be back to 75 feet. Gunderson said this is the largest setback in the state along the river. Smith said it is probably because of the nature of the river. She is on the river all the time, and it is never the same. Brady said reducing the back yard will give another 50 feet for the septic drain field. The only covenants are 30 feet by the street and 7.5 feet along the sides. They have tried to get them to change it back to 75 feet. Manning clarified that this would be 75 feet from the river. Schoellerman said it would be so that the house is not set back so far that you cannot see anything with the other houses. Brady discussed covenants with the Board and presented copies to them. Emergency Management Director Layne Stewart requested that audience members use mics because those on Zoom cannot hear any of the conversation. Smith said she would like to understand this better. They got the proposal yesterday, and she would like more time to understand it better. Manning clarified that right now it is 30 feet in front and 125 feet in back according to the covenants. What Rich wants to do is go 40 feet on the road side and 75 on the river side. Hammond said that would leave a little more room for the septic system. Manning said everyone else is 75 feet from the river. Mockler said this house would be in line with the rest. Brady said it will still be farther back, even at 75 feet. Hammond discussed the meander line of this lot as compared to others in the area. He said he will spend a lot of rip rap to make sure it stays where it is. Vote of the Board: 4 ayes; Smith voted nay. Motion passed.

A public bid opening was held for the roof and tuckpointing project. Bids were opened and read aloud. Jones Caulking & Tuckpointing from Sioux Falls bid \$237,500. Boone Brothers from Sioux City bid \$89,340 for roofing. ARS bid \$110,430. White Hawk Roofing & Construction submitted a base bid of \$63,450. Heinemann Restoration bid \$65,000. Midcontinental Restoration bid \$80,432. Hammond asked what the estimate was. Mockler said the consultant guessed it was around a \$350,000 project. Packard discussed estimates for the Arts Council building. Hammond said he thought it was \$375,000. Beckenhauer Construction will review bids and return with results during the June 10<sup>th</sup> meeting.

Tracy discussed an example of proposed temporary language for medicinal marijuana. She said on July 1<sup>st</sup> it becomes legal, but there is a bit of lag time because the SD Dept. of Health has to put things into effect regarding regulations. However, there is nothing in state statute about limiting the number of dispensaries within counties. As she understands it, if a budding dispensary wants to set up shop here, they can do so as long as they fill out the paperwork with the Dept. of Health. This is a lot like liquor licenses. We can limit hours of operation, distance from schools, etc. There is some of things regulated by Dept. of Health. There is some scary, concerning, and troubling vague language in this. There is some gray area as far as when there is no application available, what happens? To make it clear, what the local council of governments has drafted and given to counties who wish to use it is a temporary ordinance that says we will not accept any local permit or license until the SD Dept. of Health has promulgated regulations. Any application received prior to such regulations being promulgated will be denied. We would

be saying we are waiting until we know what the Dept. of Health is regulating, and then we can take a look at it from a long-term standpoint. She discussed how this fits within Joint Jurisdiction, and of course, this goes into zoning. Mockler clarified that we are just discussing medical at this time. City Manager John Prescott was present and said the City Council had a first reading of two ordinances, and they were looking at having a special meeting Thursday for the second reading. That has been thrown for a loop. He anticipates the zoning ordinance will be ok, but he anticipates starting over on the licensing ordinance. Mockler asked if they will treat it like a liquor license. Prescott said it is non-transferrable. It will be heard like applications, and they will act on those applications. Mockler wondered whether we can put a moratorium until rules can be written right. Tracy said the temporary proposal mentions that. She said 34-20G-59 says no local government may prohibit a dispensary, but you could probably say 1. It goes into reasonable fees for licenses, so it will be interesting to see what other localities do. Mockler discussed how the county and city relate. Tracy said the temporary ordinance is not saying zero. It is saying we need to know what the Dept. of Health's regulations will cover. The alternative is we could begin crafting more permanent rules. It will be interesting to see is the Supreme Court ruling on the constitutional amendment. There is a lot more legislation will need to happen regarding recreational use. Smith said she thinks as a commission, we have an additional issue, which is the growers who might want to grow outside of the city, but it takes time for someone to gear up for this kind of crop. There are specialties, but 79% of the voters voted for medical marijuana, and she thinks that suggests that we have an obligation to make this work in an orderly way. In part, because of the way the industry works, because there are national players, she would much prefer local people are the ones doing the growing. It would make a lot of sense to do a zoning ordinance in advance and set up a system, pending licensing regulations emerging on October 29<sup>th</sup>. She said she has had very personal experience with this, but 79% of the county is for this. She would like to see preparatory ordinances so that when October 29<sup>th</sup> comes, we are ready to go the next day. We have farmers that have been able to plan adequately, and local dispensaries are able to find local product instead of national corporations. Mockler said he assumes the growers have to be licensed Smith said the statute is pretty comprehensive. Tracy said it is, but the question is what the State will come down with as far as requirements. They will be taking every day until the end to put the rules together. She said the Commissioners are the ones who will make the laws here. She said it is difficult for her to know what we will do with that until we know what the state will do. She said there are hugely extensive requirements, and she wants to make sure we are not to step too far into something that is already spoken for. Things will be defined by statute, and she would rather reference statutory language, and she does not want our ordinance to be out of line with that. We need to act quickly as we are already behind the timeframe, and she favors something more temporary. Sheriff Andy Howe said he prefers language pursuant to State regulations so the county is not holding the bag on enforcing those regulations because we could not do that without additional staffing. Mockler said we need to make it clear that there is no grandfathering. He is afraid come January, Pierre will start rewriting rules, and we will be outdated. Hammond said we will have a moving target. Smith said it has been pretty smooth in other states. Tracy said she disagrees with that. Smith said she does not think it's rocket science, but she agrees with language pursuant to State statute. The SD Dept. of Health will write regulations and create a body for oversight. She does not think that



will be up to the county. She does not think the City has made plans to do oversight and testing. Our major responsibility is to create zoning districts and a local approval process for licenses pursuant to state statute. If we wait till October there will be an industry in place, and our farmers will be left out. There is one farm north of town that has substantial greenhouses in place. She thinks it will be a loss for our farmers. Gunderson said we can start working on that this summer, but he thinks for July 1 we need the moratorium in place. If he gets the notices to the paper by Wednesday they can be published by Friday the 4<sup>th</sup>. He discussed having a meeting on June 15<sup>th</sup>. Smith asked whether the County is not going to create a zoning structure so that is in place. Smith said she thinks that's a mistake because it doesn't allow dispensaries, testing organizations, manufacturing organizations, and cultivating organizations, to ramp up. Gunderson said he has a plan for that. Mockler said this is the last thing we want to rush through. Smith said 79% of the voters want this, and people are suffering now that this could help. She would like to see medical marijuana available as soon as health regulations are in place. We can do this carefully, and she thinks we have time. Gunderson said we have to have something in place by July 1<sup>st</sup>. Tracy said that is the responsible thing. If we have nothing in place, it becomes a question of what to do with people who set up shop. They will not have a license from the State, and they need to comply with State requirements as well. Smith said no prescriptions are possible until the Dept. of Health promulgates regulations. There will be time to buy a building, create a security system, and so on. If the county says we are going to make this as hard as possible, then we have a non-permissive environment that will drive growing and wholesale distribution to out of state corporations, and she would hate to see that happen. Mockler said no one is saying to make it as hard as possible. We are trying to do it right. If we do it willy-nilly, we will have long-term problems. Packard said we could have to rebuild because the state comes out with different rules. Smith said we have a very simple job as a commission, which is to create zoning districts and local approval process. This has been done in 30-something states. It's rather simple, and let's not make it harder than it is, and let's make it possible for people to plan capital expenditures, buy land, erect greenhouses, find a testing company, and explore regulations. This is what voters have clearly told us they want, and we have a responsibility as a Commission to listen to that. We have to look at land use across the county, but we have maps and can choose appropriate zones. Gunderson said we are working on the Comprehensive Plan, so we can put some vague language in there regarding the event of legalization, so people who are interested, we are moving forward. Mockler asked if we have to have this in the Comprehensive Plan. Tracy said the federal government needs to make this lawful under federal law. It makes this horrendous situation to propose regulation of a substance that is illegal under federal law. We can't have alcohol laws that are different, so we are going to lose highway funding with this. She struggles with including information in the Comprehensive Plan and otherwise. She said we are going to see a lot of out-of-state acquiring of this because if someone would have been eligible for a medicinal card, we cannot prosecute, we are going to allow out of state cards, and there is a lot of this that we are not prepared to handle. We need to get a meeting set up as far as zoning goes. That would be the place to discuss that. If the first reading is not adopted, then there will need to be a meeting set up for a second first reading and so on. Mockler asked if we can get all 4 boards together in the same room at the same time? Prescott discussed the number of members that would need to be present. Hammond said it is necessary to go down

that path. We are behind already, and we do need to work on the temporary measure. We have growers who have already contracted in state who have contracts out of state to grow, so the business part is already going ahead, so there is some merit to the argument that we do need to address some issues in zoning pretty quickly. If we don't have zoning in place, that means it is restrictive, and if we don't have restrictions we have the wild west, and we don't want that. Gunderson said we have enough time to do a temporary zoning. Hammond said it is the upstream growers, testing, and manufacturing he is thinking of. Personally he is not sure he wants dispensaries in joint jurisdiction or the county. Mockler said we cannot collect sales tax on that. Hammond and Tracy discussed what can be prohibited as far as dispensaries, facilities, etc. Mockler asked if it is like liquor, where you can have a bar but not necessarily a distillery. Tracy and Prescott discussed the statute. Hammond asked how "establishment" has been defined in state law. Tracy discussed the definition and said there is discussion to be had on this. Hammond said it seems we may need to very carefully define what each of these are and how they relate to the term "establishment." Tracy said the State will change terms and clarify things in January. If we start defining terms within our ordinance and the State starts changing, then we are out of whack with our ordinance, and we have to go back to the drawing board. It was discussed whether this has been assigned to a summer study. Gunderson discussed the publishing dates for notices.

Tracy discussed a summer internship in her office. She asked for authorization to pay 160 hours. It is within budget, and asked the Board to consider \$14.00/hour. Manning moved, seconded by Packard to allow Tracy to pay \$14.00/hour. All voted aye; motion passed.

The Board met with Barb Ballensky from Vermillion Public Transit and Ionela Georgescu from SESDAC regarding the agreement for use of the transit building during the fair. Mockler said we are in agreement with Monday noon to Sunday noon, and the extra week is gone. Georgescu said, if we would like them to clean the barn before, they will need money to do it. Mockler said the Fair Board will be responsible for cleaning before and after. She said that works for them, as long as the county finds a roof for the buses. She also discussed liability. Mockler said the Fair Board insures it for that week already. Prescott said there would be an addendum to the agreement to spell out the change. Georgescu asked to be able to reach out the state for a letter allowing the changes first. Once the state approves, they can have the legal advisor take a look at it and do the amendment. Mockler said there will need to be a plan solidified for the buses. Manning and Hammond said the group is in good shape and going in the right direction.

The Board returned to the medical marijuana discussion. Hammond, Mockler, and Prescott briefly discussed zoning ordinances. Smith asked why we would not allow dispensaries in Wakonda and Irene if they wanted one. Mockler said we are not saying they can't. They are cities just like Vermillion. Hammond said the purpose is to treat an illness, and it should be the goal to use it to treat the folks who need it. Hammond said we are treating the same species in both laws for entirely different purposes, and do we concentrate on the purpose or the common species? Medical and recreational marijuana is different. The breeding process of the plant is in part different. Smith said manufacturing is different, too. Mockler said it will be regulated by Dept. of Health. Hammond said that's what makes it so confusing.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. Polley discussed the 2021 Micro-Surfacing Project and presented a map with planned roads. He said something needs to be done to the Volin Rd. and wondered if the Commissioners think it is an appropriate application. He said the engineers from LTAP think it will help the ride and surface, but in the future from the county line east to Bethel Hall they will be looking at a regrade. If we want to use state money, we will have to follow their rules. The hills need to be leveled, and for lack of a better term the dips need to be filled. There are good sized culverts in those dips. It is getting terribly rough because of traffic being shut down on Highway 46. He thinks for now this is a good application, but he wants the Boards thoughts. Manning asked if he thinks it needs to be redone. Polley said yes, we get a lot of Iowa to Yankton travel. Manning asked how many miles it is, and Polley said it is 3 miles. He said the state had an estimate of about \$4 million done around 2010, and by the time it came around for STIP money, they took it away because regulations had changed. He thinks right now a chip seal will not help, but the micro-surfacing takes out the imperfections of the road, so it makes it safer. Hammond asked if the east end should extend to the road going to Meckling. Polley said County Road D1 does go to Meckling, but there is not nearly as much grading needing to be done there. After Bethel Hall to 456 Ave. it's pretty good along the edges. Manning said if they do those 3 miles they will buy some time. Polley said it will buy about 8 years. Manning said it might make sense now because we don't know what the state will give. Polley said there is not a lot to give now, and the Transportation Study is a couple years out. Manning said it sounds to him we better move forward. Hammond said it fits within bidding parameters. Polley said the map shows the routes that were bid. There are 3 miles from Frog Creek to Highway 19 he thinks is a little more prone to breakups. Manning said when he has driven on it, it has made a big difference. Polley said it will be one of the worst we have done. Mockler said the biggest problem is it's just too narrow of a road. Polley discussed slope.

Polley discussed contracting propane purchases. He asked, to be legal, whether we would have to ask for a few different contractors' quotes. He discussed rumors of a propane shortage and said right now propane is \$1.39, and the contract would be \$1.599 from May 1, 2021-May 1, 2022. Polley said we do not do it on fuel and gas, and we have been doing decent on that. Packard said at the landfill they did ask for at least 3 quotes. Polley said when they need it they contact at least 3 for quotes. Mockler read the proposal and said if the County pays ahead it is \$1.499. There was discussion regarding whether it is legal to pay for fuel before the County receives it. Polley said he thinks it would be 5,000 gallons or less between the two shops. He said it is also under \$25,000 for the bid requirement. Mockler and Manning discussed that contracting early usually pays off in the long haul. Hammond said it is not a terrible price, although Manning said it is not a cheap price. Polley and Hammond said Butch's Propane is the only one who has sent a contract. Polley discussed other bidders for propane. He said sometimes the bidders don't like when something goes out an extra decimal in prices. Smith said she has been scanning propane prices, and she said there was a spike over winter months but is starting to come down. She discussed that it's an unknown, and a lot of it is due to increased exports to Asia. Hammond said propane and natural gas have increased and will continue to increase. Smith said the stored supply has declined, and she said there is no way of knowing which way prices will go. Polley said he is fine either way. He said he had a price of \$2.00/gallon in his budget. Manning asked if

we can pay ahead. Smith and Auditor Carri Crum discussed the County's accounting basis, and Crum said she will check with Legislative Audit. Manning said he will contact Southeast Farmer's Elevator Coop. Tracy suggesting asking Legislative Audit about fuel specifically since there are exceptions. Manning discussed the refund of money if it's not used in that year.

Polley gave an update on the signs for Clay County Sportsmen's Club and Pistol Club. He said the clubs are paying for the signs, which are 24"x48" like the rest of the signs on the post. Polley said he will be ordering them.

The Board discussed the Transportation Study. Polley said the County will need to form a Transportation Study Advisory Committee. He said all others include zoning, 2-3 commissioners, emergency manager, sheriff, and planning board. The SDDOT will have 4 people, and they said the County's representation should outnumber that. Mockler said there should be 2 commissioners. Packard asked if there should be 2 individuals from the county who are not employees. Polley said the others have just been from the County and State. Packard said due to comments about the courthouse project, she feels there should be individuals. Polley said he and Gunderson will be on the panel. Hammond asked what the timeline is, and Polley said he wasn't given a deadline but would like it to be sooner than later. Stewart volunteered to be on the panel. Mockler and Packard discussed finding people who have time to do it. Polley said individuals may have their sights concentrated on their own needs. Smith said she has participated as a member of the public, and one thing that takes care of public concerns is to have workshops at various stages where engineers explain what they are doing. She cited the bicycle plan within the City of Vermillion. She said she suspects they will do some of that, and it will not be a big issue.

At 11:13 a.m., Manning moved, seconded by Hammond and carried to adjourn and convene as Clay County Ditch Board. All voted aye; motion passed.

The Board discussed the driveway extension for Todd Bye. Polley said they cannot get anything to match up to the culverts. They are squished on the ends, they are getting rusty, and they are odd-sized arched pipes. They do make them, but they are \$3,383.60 each. Bye requested 2 driveways. They are 40-footers. Lead time is 6-8 weeks. There will be no freight costs. He said it is on Lateral 3A. Mockler asked if he is sure it's Lateral 3. Hammond said that lateral starts about a mile from the county line. It was discussed that it is the south side of Highway 50 to the west. Polley said Bye thinks the lateral starts at the west end of the culvert. Mockler said they can check with the Director of Equalization because he thinks it stops at Highway 50 and it would be private land. He said it changes right in that area.

The Board considered an invoice from Ulteig Engineering for the Yankton-Clay Ditch project in the amount of \$594.20. Packard said in the past there has been a set engineering fee for each project. Polley said he thinks it is a set fee, but they are breaking it into sections as the project progresses. Mockler discussed mileage, and Polley said they have been on site several times to check on trees, etc. Manning said we have added onto this so many times, that it may be part of that. Polley said this firm bills a little different than others, and that is why sometimes there are several bills on the same invoice. Hammond said it is for services through March 31<sup>st</sup> and after this bill we are \$716 below the limit for the entire project, so he does not think it includes the

added rip rap. Mockler said the difference between past projects is that Polley is not the supervisor, and it was given to Ulteig Engineering. Hammond asked Polley if he would like to go mark trees on Kaeberle's property. He volunteered to go along. Manning moved, seconded by Hammond to approve payment of the invoice. All voted aye; motion passed.

At 11:26 a.m., Packard moved, seconded by Hammond to adjourn and reconvene as Board of Clay County Commissioners. All voted aye; motion passed.

Mockler called a 5-minute recess.

The Board discussed complaints received by people who want to camp at Clay County Park. Tony Kellar from the Vermillion Chamber & Development Company (VCDC) said the online reservation system has not been made live to the public. Nate Welch from the VCDC said the back work is not complete. Hammond said Bonfire and the Association people have been in contact and read from an e-mail. He said Bonfire was getting frustrated with the on and off of the process. He said there is communication showing omissions from the application from the VCDC, and they were things he personally helped take care of, such as signatures from Terry Taggart and the State park officials. He brought it back for Kellar to complete it, and the folks at Bonfire said they had not received it. He said there is plenty of blame to go around from all parties. The people at the park need a printer and card reader to take credit card payments. Welch said they just entered into a different conversation than what they came for. They did not come to pass blame, and they are an organization that they and the community have invested in, and to bring out a conversation from a salesman, and to place blame on the VCDC, he will give an opportunity to step back and have a conversation as a team. Otherwise, they have entered into a different conversation. Hammond said he was involved with Tony and Terry to resolve, and he was not assessing blame to anyone exclusively, and they have some issues they are having trouble with. Mockler said they are here to solve problems going on today. It is not the first time he has received phone calls from people wondering why they cannot camp there. Staff, for the first time Friday, called him back to ask who he is with, and when he said he was the County Commissioner the tone changed. He said there are no financials, there is not a good accounting system, and no idea where the money goes. There are a lot of issues that need to be resolved that the County Commission is ultimately going to be responsible for. Welch said before we continue, they are here to provide background, a partnership explanation of why they did not send the communication to Bonfire. VCDC cannot try to help solve the problem anymore because he has 4 months of documentation of communication. We have done everything we can, so when they are met with the response that there is plenty of blame to go around. We are also here to tell the Board why we have to leave this at your doorstep. We don't provide a problem without a recommendation of a solution. If you want to go back and forth to catch up on what they have been dealing with the last 7 years and over 200+ hours of staff time over the past 4 months he encouraged the Board to do so. We are partners. Welch said he is here to offer an explanation and be available to answer questions, but he is not here to hash out and join in solving a problem going on with that Board. The VCDC has expended too much resources, and 40% of the Economic Development Director's time has been put to this organization, Clay County Park. That does not create any jobs or increase tax base. He has two complaints from

staff members who have felt physically threatened by staff at Clay County Park. Welch said he will not rework through the problem. He will provide any details so that the VCDC can serve the Commission. He will offer a solution and then go. There is not blame going around. We are trying to work together. Hammond said we are trying to work together, and he only brought up that there was communication brought up with Bonfire and initiated by the Park Board Manager. Smith said she has spent dozens of hours on the park problem, and when the Commission had its discussion and Crum talked about the phone calls she was getting, VCDC talked about the phone calls they were getting, the Park Association got together and determined we needed a reservation system. The Chamber stepped up, and they did a lot of research, found a good candidate, and found a GF&P gentleman, Shane Birch. He came to a few of the Park Board meetings, thought the reservation system was good, would solve a lot of problems. In the meantime, she did a lot of research to find out where the problem was. The Association has been together many decades. Birch told her they did a good job until about 5 years ago. What's become really clear is that there are no financial controls whatsoever, and this has been a source of conflict among the Executive Committee of the Board, the Vice-President of the Board also happens to be the park manager, another member of the board also happens to be park staff, and when pushed by the Treasurer to get some information, the park management refuses to use the receipt book. The only thing the Treasurer knows is that there are occasional deposits, and they have no idea what they are for, and the Treasurer is directed to write checks and has nothing to show what they are for. This made her very nervous, and after asking for bylaws for months, only one person had the bylaws, and he was in Florida for the winter. She finally got a copy, and it is now in the file. Some terms are being violated. There is a tiki bar that has been constructed, and the State parks system says is not legal under the terms of the lease and must be taken down. At a meeting of the Association, everyone was sort of willing to make an exception for the tiki bar, and that is not ok. It was difficult to get paperwork together, as the VCDC put hundreds of hours into training park staff, developing the Bonfire applications, merchant agreement had to be gone through, and it looked good, Birch thought it was good. The State loves Clay County Park and loves that the County is willing to run it. They do not want to run it. It is distanced from their headquarters, and they have their hands full in Yankton. But they also see the way it is being treated is unacceptable. There were photos of the bathrooms. There was a motorcycle group that was willing to spiff up the playground equipment. They did a lot of painting and wanted permission to put a sign up saying they had done this but didn't want to be associated with a park that was badly run. The VCDC needed one additional piece of information that only the park management could provide. Despite the fact that the campground wasn't formally open, all of the spaces for seasonal campers were already given away before the public had an opportunity to try to reserve them. The Board had voted for 10 spaces, but more than 10 spaces were given away. Smith said she lost a lot of sleep over this, and she knows people are desperately unhappy with it. If she had her way, the Association would become a model management and just do it, and the VCDC system would go through, and we would have a lot of happy campers. Right now we have no campers outside of "I don't know who" because we don't have names, addresses, license plates, how much they paid, or receipts. Mockler asked if Deb sent a list after Friday. Welch said no. Mockler said she told him she had it in an e-mail and was going to send it. Hammond said he thinks she sent the list along. Welch said he would bet it is not complete and not what they asked

for. Mockler said she just didn't do it. Hammond said he was out there Saturday morning, and they had all but two spaces rented out. Last summer, the policy was to take no reservations because of COVID-19, it was an anomaly. The year before there were some issues. The lists are check marked folks that want to reserve ahead. They pay up front, for roughly half of the campground, by folks that want to keep coming back. Last weekend, he talked to ABATE people, and the bathrooms in question are clear up by the trailer house. They are doing a nice job painting the playground, working on the shelter, picnic benches. He said they told him they were upset about the condition of the north bathroom, and Hammond said he had taken pictures of the condition and it was obvious it hadn't been looked at since last season at best. By the time he spoke to them, they were happy with things by that point. Someone had set of logs set in a circle. Those were taken away somewhere. The ABATE group was willing to put their signs up. They asked to have a rally on June 19<sup>th</sup> as part of a poker run or something of the sort. They would like to camp with 10-12 of the motorcycle camp style things because they know the actual campground is overbooked at this point. He told them to bring it to the Park Board, and it is something they should talk about as a Commission. There was a Boy Scout troop in the tent area, and the present troop leaders have been around several years, and they were happy with the way things were set up for them in the tenting area. It was a good environment for their kids to be in for the last several years, and that's why they keep coming back. He took a look at license plates, and there were a few from Yankton County. The campground was booked up. Every spot wasn't filled, but he talked to one set of campers from Alcester, and they wanted to come have lunch with their family here. Tracy said that is great, one of the things wants to come to the table is to ensure positive experiences go forward. Just the nature of what she does is looking at the unsavory, being concerned with what could go terribly wrong. The financial aspect is terribly concerning. It is ripe for embezzlement of funds. Organizations with far better mechanisms have fallen victim to that. Sometimes good people can be accused or can actually take. We owe it to the park to make sure it doesn't happen. When people have improper registration, people like to hide out in places where they will not be reviewed. She discussed sex offenders camping in parks, or neglectful situations, particularly when there are children in these locales. The question is what's going on, how it is going to improve, and where we go from here. Manning said he read Smith's summary, and Smith and Hammond are on the Board, and he spoke of the photos. Smith said the photos were taken after the May 1<sup>st</sup> volunteer community cleanup event. They did every pathway, roadside, parking lot, and had a mountain of trash bags. She is the newest person, and she has never seen anything like this. Manning asked if the VCDC would take the reservations. He asked if they need Bonfire. It was explained that Bonfire is the reservation system. Manning asked if not everything was filled out, and Hammond said he and Tony completed it. Welch provided a quick background and said he does not think a statement like that is fair, and if the goal and intent is to sift to the bottom of what his interests are he can provide more clarity. Welch said when it comes to the background of operational and organizational challenges, and those are extreme concerns they have been watching for a while, and Smith has done a great job working through it. The statement that the VCDC needed just one more thing to get it going is not true. The park staff only needed to do one simple thing and they couldn't do that. To stress that our leaving the project is based off not getting one simple thing is not true. Welch addressed Hammond and said the things he said were from people at the park, and we are

dealing with problems on the outer circle, a park for the people that is owned by the County, and those people are not being served. He said he wants to explain the history, a detail of the last 4 months, and the final 4 main things they needed, and to offer a solution. Welch thanked Smith and Hammond for the work that went into it, Kellar, and 2-3 other VCDC staffers. They have been taking phone calls for about 10 years and trying to work with the park and operations down there. Currently have a challenge, and conflict in values. He addressed service to others. The question is are we giving reservations to those who want it? People say they try to get year-long reservations and have not been able to. He addressed organization of membership. He understands "participate to participate." Part of that is being transparent, open, up front, and he does not think that is practice. We have a struggle with that. He addressed the pride and care for land which we occupy. The photos show that care and consistency does not happen. Stewardship is a big concern. We cannot keep operating and will not associate with those who are not making the efforts to be better at it. He addressed engagement with others who want to help. Volunteers want to be part of it, but we lose more volunteers than we can gain, so there is an exclusivity down there. It is not a park for the people. The other thing is collaboration of a community. There is no definition of how to be in or out of that group. That is against the values of the VCDC and the County as a community. Not all are welcome, only some. In the 10 years of the VCDC, they have provided front line customer service, phone calls, the return phone calls because numbers were disconnected or not answered, so they started to take better account of the details and complaints. We know things can't be perfect, but there is no effort. They cannot take much more of being the front porch because it is tough. They have provided marketing, listed on their website, and put it in the visitor's guide. Welch said we ensure we try to be cost effective for the community. They have tried to engage the staff to find out how they can help. They don't provide a problem without a recommendation for a solution. They have not come to the County to make it public until they cannot do it any more. It is a requirement for staff to attend meetings. They tried to help with a reservation system, and they helped bring a hammock event. Board action and staff are taking different approaches. There are new fees, they worked on financial procedures with no changes in that. Complaints started to come in in March, and in April those continued. The Board addressed park policies and the VCDC created a map with the limited information they had. Park staff never once met deadlines. That is the reason you get blanks on a form. The hammock event was issue #1 with staff being physically threatened. Staff were speaking poorly of VCDC on Facebook. There was pushback from staff in May. The VCDC continued efforts with very little traction when they would work with staff. There were little to no responses from Clay County Park Staff to VCDC staff. Welch said do not send blame to his staff. He takes absolute offense to that. Welch said the second aggressive situation happened where another staff had to complain about the same staff member at the park being aggressive. His staff who felt threatened were two large men, not women. In a final attempt, there were 4 things they had been working on for 4 months, updated and completed campsite registration, asking for about 5 data points. They did not get any of them. When they started the idea for Bonfire, they anticipated up to 53 rentable sites, 10 were seasonal, 43 were reservable, and after the MOU was discussed and agreed upon, 12 sites are seasonal, 21 are reservable, and 20 are still first-come-first-served. They have multiple anecdotes about calls from people saying they wonder if anything is available at the park, and when they call the staff says they are booked.



There are photos take a few days ago of a camp reserved days in advance. 40% of available campsites are reservable. His final ask is updated and completed campsite information and final form for merchant processing. They have been asking for it for over a week. Our staff filled it out after asking for it and giving a 2:00 deadline. A signed MOU we had been discussing for a long time. We have done what we said we would do. Asked that information on Facebook be updated and to maybe stop bashing VCDC. They even took the Facebook request off the final request. Welch said the VCDC is an organization that takes pride in accountability. His departing offer of what he is trying to say is the VCDC can operate this on an organizational structure. The problem at the park is organization, accountability, and accounting. No one would take the accountability. Welch said they can deal with that. They have passion. They are a 501c. They can put a committee on this. They would form a committee that would advise for us that could get us through 3 years, take care of the creation of the committee, retain staff that want to be part of the solution, retain and grow volunteers, staff can add marketing and logistics, accounting, reporting. Within the first year we can know how much the park can usually make. Can know what the County could have. If they can operate it, they can put 60% back to promotion and send 40% back to the Commission. In year 2 and 3 they can provide a plan for what the park can be. He said he cannot allow VCDC to be used as a giving tree. Manning asked if VCDC is offering to assume management. Welch said yes, they have offered that multiple times. Manning said he likes that idea. Hammond said the VCDC staff has attended meetings, but at no time have they been a member of the Board. Tony represented himself as being a member of the Board, and that is not true. Welch said that may have been a miscommunication. Hammond said it is not that he wouldn't be welcome, and he has enjoyed working with him on tryinf to work our way through these issues. He tried to have an active part of that. Hammond said he knows there have been hard feelings. Hammond said he heard allegations of officials having trouble with park staff and referred to Hammock days. Welch said the second occasion was during Bonfire training. Stewart said he agrees 100% with Welch. He was a member of the park board in 2006. It was a great organization that did well every meeting. In 2007, the State DENR and he put together the walking trail. He said he quit going because of the way the meetings were run. Everything on the record was voted on, and then would be moved into discussion after meetings were closed, and that's where things really happened. It has progressively gotten worse out there. He will not take his grandkids to camp out there, especially when the first thing you see driving in is a bar. He addressed the Facebook issue. Stewart said it has become a private club. Even after this, they still want the first-come-first-served, and it is 100% the financial issues because no one knows how many and who. He agrees with someone else taking over management. Have hosts instead of management. Some of this has been so frustrating over the years that as a park board member he finally gave up. He said Steve Howe was the first to bring it up, so it has been a while. It has been an asset, but it has become such a thing that he will not bring his grandkids there. Smith said she would like to speak to the legal aspect. For a long time, the Association had 9 year leases, paid taxes for a while, and now leases are \$1/year, which she guarantees have not been paid. The State gave a long-term lease to Clay County. The State owns the campground down to the river. The County owns from the campground to Timber Rd. All of that is sublet, with the State's permission to the Association. The Association is a private 501c3 nonprofit. They are run by a board of directors. They have agreed to have a commissioner on the board. This year they

forgot to have the annual meeting in March, so it will be June 3<sup>rd</sup>. There is a Board that controls the park. The president is the executive, so to her that means he is the person who hires and fires staff. The county's lease to the nonprofit association, either side can withdraw with a 30 day notice. What we are looking for is what's best for the park and for the people of the county. Smith said she came up with a series of options. One of which is that the VCDC can take over. Shane Birch said the current situation is unacceptable, and his remedy would be that the State could take the park back, but they do not want to. If they did, they could put up a kiosk and everyone would have to pay \$8. That is not a win. The other thing is that the State could send over 2 park interns for the summer to run the place, they would be willing to do that. They have done everything they can to help us. They have provided capital improvements. Income is substantial because fields are rented out, income from the rodeo events, and sports clubs that pay rent. Add that to long term campers at \$275/month and \$25/night for RVs and \$10/night for tent sites, it is substantial amount of money that comes in. She said she has looked over the financials. The Treasurer is doing her best. She has not been able to get any kind of receipts or accounting from the park management. Mockler said he thinks what should happen is we should give 30 day notice, and we take it over as the Board with the VCDC's help running the online reservation system. Get issues ironed out and then set up an advisory board or whomever we want to work it out. We need to get in front of it. He said he doesn't want the VCDC to get yelled at for the rules, but he wants it to be kicked back to the Board. Smith discussed the MOU. She said the association board came up with pretty good standards. We have what it takes to make a sign, paid by the State park, with a website to register. Smith said it has been asked, what happens if it is 2:00 a.m., and no one is there to register a camper? She said the VCDC found an answering service for \$100/mo. plus a small fee they will answer the phone all night and input the reservation for them. They have put in 100s of hours. Welch said it would have been \$50 if they did not have all the other things to deal with. Mockler said they have good rules in place; they just need to enforce them. Manning said the problem is staff, and they are not doing their job. They are not keeping the place clean. Packard said their own residence is a dump. Smith said the proposed solution was to put a fence up around the campground manager, and there is an unregistered vehicle sitting there in the middle of the campground. Mockler said it is going to be a long year. They discussed ownership of the manager's trailer house. Smith said bringing in Shane Birch, who is the manger for the land we lease, would be really critical. Hammond said he tried calling him yesterday, but he did not answer. Smith said he is a pleasure to work with and incredibly generous, and we would need to take up on his offer of a couple interns. He could give technical assistance. Mockler asked if the Board wants to take over. Packard said it is the only alternative. Smith moved, seconded by Packard to send a registered Letter of Intent for the County to give 30-day notice to take over the park. Under discussion, Smith discussed active board members. There is a guy who is President of the Friends of the Missouri National Recreational River who would be excited. She said there is a young woman from USD, who organized the hammock event, who could serve. Kelly Ashby, who has a Master's in park management, would be great. It might be a good nexus of citizens for advisory of the committee. Hammond said there is no need to an election for board members if there is nothing to administer. Smith said they have a large amount of money because they have been collecting rent and have not been spending a lot of it. The remaining question is who they give that money to.

She said it ought to come back to the County, but the Association could reserve it for park projects that the County approves. Mockler, Smith, and Hammond discussed the Association structure and bylaws. Hammond said he has an itemized list of income and expenditures for 2020. The annual revenue last year was \$60,082. Tracy said by giving notice that the County is rescinding the lease agreement, the organization can be out there, but they no longer have the lease. Hammond said the State leases to the County, and the County subleases to the Association. Packard asked who explains this to the current management. Mockler said he can, and he asked if Hammond wants to. Hammond said Terry Taggart should be notified. Mockler said this is not a reflection on Terry. He has put in many years. If anyone has put in their heart and soul to that park it is Terry. Hammond said the name of the park has led to come misconception. Crum and Smith discussed creation of a special revenue fund for management of the park money. Packard suggested running it through the VCDC's 501c3. Upon a vote of the Board, 4 voted aye; Hammond abstained. Motion passed. Mockler said he would like to invite Birch, the 3 individuals that could be park board members, and the VCDC with a brainstorming session. He would like to give notice to the seasonal and monthly campers. Hammond said there are 3 tiers: seasonal, reservations, and first-come-first-served. Smith said she would change the mix a little bit in favor of people who have reserved ahead. There is always a danger when you have a lot of walk-in sites that people will leave without paying, or they go vacant because people will not travel 200 miles when they are not sure they will get a space. Mockler said they should give a formal letter of how next year will probably operate. Smith said the State allows reservations 90 days ahead. Packard said she would like to see some covenants on seasonal spaces that they don't look like permanent residents. There was discussion regarding decks and the tiki bar. Manning said it's too bad it did not come to a head before the season. Stewart volunteered to be on the board as well. Mockler said they will take applications when the time comes.

Smith moved, seconded by Packard and carried to approve the following claims for payment.

(PAYROLL)		CENTERVILLE SCH DIST 60-	\$177,402.58
COMMISSIONER'S	\$8,796.52	CITY OF VERMILLION	\$1,221,929.89
AUDITOR'S OFFICE	\$11,890.95	FAIRVIEW TOWNSHIP	\$50,882.16
TREASURER'S OFFICE	\$22,495.23	GARFIELD TOWNSHIP	\$21,517.43
STATE ATTORNEY'S OFFICE	\$21,025.75	GAYVILLE/VOLIN SCHL DIST	\$58,702.26
COURTHOUSE	\$3,430.77	GLENWOOD TOWNSHIP	\$28,097.92
DIRECTOR OF EQUALIZATION	\$11,382.90	IRENE CITY	\$24,136.60
REGISTER OF DEEDS	\$8,368.93	IRENE/WAKONDA SCHL 13-3	\$653,965.72
VETERAN'S OFFICE	\$1,601.78	MECKLING TOWNSHIP	\$21,215.55
24/7 PROGRAM	\$1,739.84	NORWAY TOWNSHIP	\$27,019.33
SHERIFF'S OFFICE	\$40,410.99	PLEASANT VALLEY TWP.	\$20,748.60
COUNTY JAIL	\$29,413.83	PRAIRIE CENTER TWP.	\$20,793.70
EMERGENCY MGMT	\$4,703.33	RIVERSIDE TOWNSHIP	\$27,917.13
HIGHWAY	\$44,727.99	SEILERS SECOND ROAD DIST	\$3,250.19
COMMUNITY HEALTH NURSE/WIC	\$3,438.87	SPIRIT MOUND TOWNSHIP	\$38,969.45
EXTENSION OFFICE	\$2,639.06	STAR TOWNSHIP	\$32,087.85
WEED	\$3,562.05	STATE OF SD GAME FISH	\$262.00
PLANNING & ZONING	\$2,211.98	TLC WATER PROJECT DIST.	\$27,625.47
(DUE TO OTHER GOVERNMENT)		VERMILLION BASIN WATER	\$14,293.15
BERESFORD SCHL DIST 61-2	\$281,571.14	VERMILLION SCHL DIST 13-	\$2,645,869.48
BETHEL TOWNSHIP	\$48,102.52	VERMILLION TOWNSHIP	\$30,210.58

VIBORG/HURLEY SCHL 60-6	\$1,710.67
WAKONDA TOWN	\$39,998.63
(PAYROLL WITHHOLDING)	
AFLAC	\$809.44
CLAY CO FIT FICA	\$51,185.28
COLONIAL LIFE	\$299.98
CONSECO/WASHINGTON	\$24.45
DIV OF CHILD SUPPORT	\$631.00
NEW YORK LIFE INSURANCE	\$328.57
SD CHILD SUPPORT CENTER	\$713.00
SD RETIREMENT SYSTEM	\$26,074.50
SD SUPPLEMENT RETIREMENT	\$2,525.00
SDRS ROTH 457(B) PLAN	\$810.00
TASC PVR	\$2,051.65
THE STANDARD - DENTAL	\$2,317.46
THE STANDARD - LIFE INS.	\$385.74
THE STANDARD - SH TRM DI	\$1,006.07
THE STANDARD - VISION	\$124.69
UNITED WAY OF VERMILLION	\$232.00
VERMILLION FEDERAL	\$1,321.00
WELLMARK BLUE CROSS	\$50,573.66
(FIRE)	
BERESFORD RURAL FIRE	\$10,673.03
CENTERVILLE RURAL FIRE	\$8,294.14
GAYVILLE RURAL FIRE ASSO	\$6,428.17
IRENE RURAL FIRE ASSOC	\$1,491.59
VERM. RURAL FIRE ASSOC.	\$44,706.37
VOLIN RURAL FIRE ASSOC.	\$1,941.99
WAKONDA RURAL FIRE	\$15,647.63
(PROFESSIONAL SERVICES AND FEES)	
AVERA MCKENNAN HOSPITAL	\$2,184.00
DAVIS PHARMACY	\$692.09
FEDEX	\$46.10
REDI TOWING	\$135.00
ULTEIG	\$6,840.00
YANKTON CO SHERIFF	\$50.00
YANKTON MEDICAL CLINIC P	\$147.63
(LAW OFFICE)	
BOTTOLFSON, MICHAEL	\$95.00
FOX & YOUNGBERG, P.C.	\$167.01
MCCULLOCH, JAMES E	\$989.21
(MENTAL HEALTH)	
SESD ACTIVITY CNTR	\$360.00
(RENTALS)	
PICTOMETRY INTERNATIONAL	
\$18,440.00	
(REPAIRS AND MAINTENANCE)	
BRUNICK SERVICE, INC.	\$107.28
JERRY'S CHEVROLET	\$352.50
JOHNSEN HEATING & COOLIN	\$918.16
KONE, INC.	\$812.28
NATURESCAPING DESIGN LLC	\$90.00

OLSON'S PEST TECHNICIANS	\$80.00
PRESTO-X COMPANY LLC	\$144.00
TRI-STATE TURF &	\$149.93
TWO WAY RADIO SOLUTIONS	\$588.75
(DATA PROCESSING/CLAY CREEK/INF)	
ERICKSON SOLUTIONS GROUP	\$4,349.50
MICROFILM IMAGING SYSTEM	\$855.00
SCHNEIDER CORPORATION	\$1,500.00
(YANKTON CLAY EXPENSE)	
ULTEIG	\$594.20
(SUPPLIES & MATERIALS)	
AGTERRA TECH INC.	\$745.00
BARCO MUNICIPAL PRODUCTS	\$3,027.14
CANON	\$138.15
CLAY CO TREASURER	\$89.80
DAVIS PHARMACY	\$157.24
ELECTION SYSTEMS AND	\$1,896.46
JERRY'S CHEVROLET	\$176.53
LYLE SIGNS, INC	\$127.80
MART AUTO BODY & MARINE	\$134.00
MICROFILM IMAGING SYSTEM	\$120.00
PERSING, SCOTT VINCENT	\$2,651.67
POLLMAN EXCAVATION, INC.	\$3,568.05
PRINT SOURCE	\$265.00
QUALIFIED PRESORT SVC IN	\$1,239.65
QUILL CORPORATION	\$89.94
RUNNINGS SUPPLY INC	\$757.65
SIGN-UP LTD.	\$26.94
STURDEVANT'S AUTO PARTS	\$799.96
TWO WAY RADIO SOLUTIONS	\$6,075.71
ULTEIG	\$151.20
VERMILLION ACE HARDWARE	\$15.98
YANKTON JANITORIAL SUPPL	\$820.49
(TRAVEL AND CONFERENCE)	
THE LODGE AT DEADWOOD	\$618.00
(UTILITIES)	
BUREAU OF ADMINISTRATION	\$53.25
CENTURYLINK EMG	\$13.89
CITY OF VERMILLION	\$1,380.18
VERIZON WIRELESS EMG	\$40.01
VERIZON WIRELESS HWY TRS	\$115.60
VERIZON WIRELESS SHERIFF	\$320.08
VERIZON WIRELESS ST ATTN	\$152.45
(PAYMENT)	
CHILD'S VOICE ROUTE #636	\$734.00
DOMESTIC VIOLENCE	\$160.00
HY-VEE, INC.	\$565.43
NUTRIEN AG SOLUTIONS	\$2,456.00
QUALITY MOTORS	\$57.29
WH OVER MUSEUM,	\$1,875.00
WIARDA, ADAM	\$36.80
WOODBURY CO. SHERIFF	\$10.00

(JDC/SPECIAL EQP.)		THOMSON REUTERS - WEST	\$550.67
MINNEHAHA COUNTY JDC	\$3,172.00	(FURNITURE AND MINOR EQUIPMENT)	
(BOOKS)		CANON	\$209.96

Smith moved, seconded by Manning and carried to pass and adopt the following Resolution #2021-20 for Contingency Transfer.

**RESOLUTION # 2021-20  
Contingency Transfer**

BE IT RESOLVED by the Clay County Board of Commissioners the transfer of funds for unanticipated expenses for the current budget year from Commissioners Contingency Fund Budget (D-112):

\$5,000 to Court Appointed Attorney – Abuse & Neglect (10100X4222154)

Motion by Commissioner Smith, seconded by Commissioner Manning.

Vote of the Board: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Dated this 25<sup>th</sup> day of May, 2021.

Board of County Commissioners  
Clay County, South Dakota

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Travis Mockler, Chairman

ATTEST:

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Carri R. Crum, County Auditor

Packard moved, seconded by Manning and carried to pass and adopt the following Resolution #2021-21 for Fund Transfers.

**RESOLUTION # 2021-21  
FUND TRANSFER**

BE IT RESOLVED by the Clay County Board of Commissioners the transfer of funds from the General Fund (10100) in the amount of \$758,105 to Highway Fund (20100) and \$30,482 to the Emergency Management Fund (22600) as levied for in the 2021 Budget.

Motion by Commissioner Packard seconded by Commissioner Manning.

Vote of the Board:

Packard Aye, Manning Aye, Hammond Aye, Smith Aye, Mockler Aye. Motion carried.

Dated this 25<sup>th</sup> day of May, 2021.

Board of County Commissioners  
Clay County, South Dakota

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June 1, 2021

The Board of County Commissioners met in regular session Thursday, June 1, 2021 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, and Richard Hammond; Manning was absent.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Packard moved, seconded by Hammond to approve the agenda with the addition of Park Board and rescheduling of the next meeting to June 10, 2021. All voted aye; motion passed.

Approval of minutes of the May 25, 2021 meeting were tabled until the next meeting with a motion by Smith, seconded by Packard. All voted aye; motion passed.

Emergency Management Director Layne Stewart reminded everyone to use microphones.

Al Margheim with the Vermillion Pistol Club and Bill Kennedy appeared as Visitors to be Heard regarding the Clay County Park. It was decided they would wait until the Park Board discussion agenda item.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. He reported on the sale of surplus property.

The Board considered an agreement for the removal of Structure #14-130-176. Polley recommended that the Board sign the agreement. Packard moved, seconded by Smith to approve the agreement and authorize the Chairman to sign it. All voted aye; motion passed.

Polley updated the Board on the striping project. The State put out the striping project to bid, and there were no bidders due to the lack of paint supplies. The County cannot get in on the first part of the project due to mastic sealing. Bids for the second part will not be let until sometime in July, so the striping will be done later in the year than normal.

Polley gave an update on the extension to the weed building. The foundation has been poured, and they are starting to put it up today. They think they will be done by the third week in June.

Packard moved, seconded by Hammond to reschedule the next meeting to June 10, 2021. All voted aye; motion passed.

The Board discussed Clay County Park. Hammond passed around 3 sets of pictures, some from March 6, some from May 21, and yesterday. He would like to have the Board look through those and offer any comments. He said as far as park condition and condition of the grounds, it is in excellent condition, especially after the holiday weekend. The campground was full.

Hammond congratulated Leo Powell on the "Kids Don't Float" project. There is a life jacket station in place now.

Hammond moved discussion back to the photos and said he expects the park to have a lot of wear and tear over the winter, and in his opinion everything is in excellent shape. There was a

little bit of debris in the south shower that someone had tracked in and a little stray toilet paper. He found one plastic bag.

Hammond said he thought the Board's actions last week were hasty, and they had not given all players involved notice and a chance to come to the meeting. The rodeo grounds and shooting club did not have an opportunity. Smith said, with all due respect, they did give notice of intent, so that gave us a month. Hammond said when you give a lessee notice, they need to be out in 30 days, so also with all due respect, he feels that's incorrect. He felt that last week's action was inappropriate, and he moved to rescind the action from last week, continue to monitor improvements at the park and monitor Board actions. Mockler cited Robert's Rules of Order regarding rescinding motions that have been partially acted upon. State's Attorney Alexis Tracy said the motion to reconsider has to be made prior to an adjournment of the meeting. A motion to rescind can possibly happen at the next meeting, but the fatal determination in this case is that the letter has been sent. The motion can no longer be made to rescind because the sending of the letter is problematic.

Smith discussed where the Board goes from here. Shane Birch from Game Fish & Parks was present to discuss the matter. Mockler said he would extend Hammond the courtesy of delving into it. Hammond said the cancellation notice is the notice that prevails, so the lessee has to be out in 30 days. Smith said in the event they decided to go Hammond's way, a new lease would be the way to remedy it, and they might want to require things like accounting. Birch introduced himself as the District Parks Supervisor and said he has been in this position for 20 years, worked with the Park Board for years, and did a lot of great things in the park. Going forward, a decision has been made, and whether it's reorganizing or a sublease, they are happy to assist and help in any way they can. He said the Highway Department has helped with docks, and the Park Board has helped with mowing. He suggested a reorganization being the way to go. As far as running the park, he said he has job duty descriptions of the Springfield Recreation Area, which is similar to Clay County Park, and he passed those out. He discussed having campground staff to help with mowing, etc. There is a conservation officer who is willing to patrol occasionally in addition to the Sheriff's Office. The main thing is continuing maintenance. The challenge will be identifying personal equipment vs. park equipment. During reorganization of the board, it would be a good step to alleviate pressure of operating as a commission. To manage a campground takes a lot of time and people to do that. Having a Board helps with decision making. Smith asked how to find a campground host. Birch said he reached out to Pierre for a list, or the Board can advertise locally. He encouraged the Board to find someone for the whole season. He said they can be paid, or you can offer a campsite with an hourly wage. A seasonal campground ranger can also be hired to patrol at night until about midnight. Packard asked if hosts are responsible for upkeep and mowing. Birch said maintenance of equipment is usually done by shop people. Hammond said some of the seasonal campers act as hosts, mentor those that are coming and going, and are kind of expected to help with cleanup. There were 3 park cleanups this year already. Hammond asked Birch for his opinion on the condition of the park. Birch said it is in pretty good shape, but it definitely needs some cleanup around the manager's area. Hammond said there is a roll-off that will be filled up soon from that area. Birch said there needs to be some weed-eating done. Hammond said he spotted poison ivy on a tree in the campground,



and they took care of that right away. He said the stuff going into the roll-off is a lot of bicycles and such that people left at campsites, which will be taken to Yankton and sold.

Smith said they are talking about two different management models. There are accounting and bad check issues, issues with names, addresses, and license plates, and organization and maintenance issues. Right now, the association meets once a month, and the hands-on management has been left to the park management. She said there are no receipts. Hammond said there are receipts via the tickets people fill out, which are not kept long term, but they are there in case of issues with law enforcement. Hammond said several years ago the board asked the manager to move to the site so that there would be someone there year-round. During that period of time, having someone there watching out has cut out a ton of problems. Hammond said a couple of old-timers on the Board called him and gave him a talking-to about the history of the park and having a manager on site with presence every day, especially in the evenings and overnight. If we go to a different method with part-time hosts, he said he does not know if that is good enough. Smith said there may be receipts, but when the Treasurer has requested them, the management has been angry and refused to give them to her. Hammond asked if Smith has followed up on that. Smith said at one point Hammond asked for receipts. Hammond said they do need to have that under control.

Smith said another model is the Commission directly managing with the help of an advisory board directly appointed by the Commissioners. The money would go into a special revenue account in the Auditor's Office so payroll would be done based on invoices, and money would come in as revenue dedicated to the park. Packard said she is in favor of reviewing things. She feels they made a decision too early and quickly. There is a lot involved in the campground and other organizations with the system out there. She does not think they took into consideration what the changes would require and what it would require of the County's internal personnel. She would like to see a review of the lease with the Board of Directors and to come up with a plan on how to make sure the financials are appropriate. There were things said last week, and she received irate phone calls. She said she believes they need to step back and work with current personnel to see how they can make improvements. It is a nonprofit organization, and for the County to take it over, she does not know how that is possible. There is a vote going on next week, and no matter what the outcome, they will have massive amounts of decisions to make for the future, so it not an appropriate time to make changes midstream. They can take this year to take a look at the needs of the park and review those. Massive changes internally and publicly are wrong.

Smith said she is concerned there is no infrastructure in the Park Association for making reservations, answering the phone, and the number of problems that have to be solved immediately either way. Right now, the financial responsibility is zero. The State leases the land to the County, so it is really the County's land to dispose of, and it is subleased. Smith said they would not take over the 501c3, and it continues to work within what would change with the financial control. It is the financial control that has been the most difficult part of working with the Park Association because there isn't any, and we should be concerned about that park because we are the lessees from the State. We can rehabilitate the system or take control. The

other organizations can continue. She doesn't think anyone wants to change that. The rodeo grounds and the clubs have been a great part of the park.

Hammond said he disagrees with the financial controls. He cited the spreadsheets of where money has gone. He does not think the County can run it on \$60,000/year, whether current standards are too high or too low. No money comes directly from the County, other than County-owned land brings about \$17,000 rent per year. Birch said there are very few campgrounds that make a profit. That \$17,000 does supplement what it costs to run the park. The State does help with certain things; they did just pump out the septic. They consider it cooperation, and their mission is to provide recreation. Hammond said there are a lot of volunteers that make it so we can get by with that kind of expenditure so the park operation can continue. There is enough documentation that they know there is no skimming of cash, they know there is pretty close to full use of the campground. If there was a great reservation system, they wouldn't be selling more sites on an average year. Smith said the number of unhappy would-be campers is concerning. She said the spreadsheets show the money coming in, but they don't show who the money is coming from, no receipts, nothing. Under those circumstances it is impossible to know what is actually happening on the ground. There should be a register of who is camping, and there ought to be a reservation system. There are things that are working, so the question is whether to save the current system, but she thinks it would be easier to reorganize with an advisory board under the County with the Auditor doing the accounting and the Treasurer, a camp host to be there throughout the season, and a number of possible advisory board members. The park needs some love. She said she is a regular park user hiking trails every week, going out on the river, she is there 3 days a week. It is up to the Commission to determine, and she thinks it is smoother to create an advisory board. She does not think anyone knows the rodeo grounds as well as Kennedy, and she sees him as part of the board, and she sees Hammond as part of it. Hammond said they are working on financial controls. He has interviewed campers, and they are very happy. What they have is unhappy want-to-be campers. They have a scarce resource, and it is frustrating. He is adamantly opposed to making more campsites. A part of that park is nature. He thinks it should be called the Wherry Nature Preserve instead of Clay County Park as it gives expectations that shouldn't be had. It ought to be used by the VCDC, as they are good at promoting Vermillion as a community. The only way to make it into more of a money cow is to put more campsites in, and he thinks that is a bad idea. Smith said we do not want it to be a cash cow, but we want it to be a place for people to take their family. We should manage the sites we have well. Hammond said he takes his grandkids there, and he would like to speak with Stewart about his comments to expand on that. Smith said people are upset that they see open spaces, but they are unable to get a reservation. They have not had policies and procedures for that. Once the County leases the space to a private Association, they have control, and we have nothing to say about fairness in camping spots. All 10 seasonal spots were given away before they were able to try to get one. Those are the kinds of things that are happening, and no one was able to give her bylaws, there is not really a budget, and financials are really just a list of deposits and checks. Hammond said that is what they are working towards fixing.

Smith said she would have no objection to giving a month-to-month lease to see if the Association improves. Kennedy said he has been involved in the park for almost all of his 71

years, and this whole thing took him by surprise. He does not remember Smith's concerns being voiced at Park Board meetings. Smith said she voiced some concerns, talked to the Treasurer, and talked to Hammond. Kennedy said someone gave the VCDC pictures and he asked if the Park Board was made aware of those problems. Nate Welch said they can send years of e-mails, not specifically the pictures, but the cleanliness and complaints. Kennedy asked if the Park Board was made aware of the meeting last week. Mockler said it was on the agenda, but no one was contacted personally. Smith said she was unaware it was on the agenda, but something prompted it. Mockler said when it gets dropped on his desk, he has to fix it. He has always had a problem with return phone calls from the park. The VCDC is trying to do an online reservation system, and nothing is happening. The staff isn't giving information to the VCDC. He finally got a hold of Deb the Friday before. Mockler said the VCDC hadn't received it by the following Tuesday. As far as a knee-jerk reaction, we finally got their attention, and we are finally getting answers. Mockler said he does not want to take this on, but he has to protect the County and how it reflects on the County. The tiki bar is against State rules, and he asked about ATVs. Kennedy said ATVs are not allowed on trails. Birch said they have to be a licensed driver, all the safety equipment, and no one under 14. Golf carts do not have to be licensed, but ATVs do.

Kennedy asked as a lessee, were they able to give input? Mockler said the two Commissioners on the Park Board were present. Kennedy suggested it was a conflict of interest. Tracy said she does not think any Commissioner had a conflict of interest. On the contrary, they have a direct interest. They have terminated the lease. The cleanest way to go about things is they would discuss applying the lease with the Park Board, but the next component is the managerial component. She does not think the VCDC will stay on. They need to think about how they will fix the problems with that board. Tracy told the Board they need to decide where they are going with this because in 30 days something needs to be in place. No one had a conflict of interest, and they were well within their right to give notice to terminate the lease.

Kennedy asked if the reservation system had been turned in. Terry Taggart said it had been turned in. Hammond said he worked on filling in blanks on the documents, so he worked with others, and he ran the agreement to the State for a signature, then he took it to Kellar to be sent to Bonfire. A couple days later, Bonfire e-mailed to say they had blanks on the forms, and those were the things he worked on. About 24 hours later the VCDC gave notice that they wanted out of the agreement. Kennedy asked if the VCDC knows when it was sent. Kellar said the document was not sent. Welch said it was not sent because it was incomplete. Kennedy asked if three people worked on it, what got left incomplete, and why wasn't the document checked for completeness? Welch said the timelines were a little bit off. Welch said the condition of the document was one of multiple things. Kellar said there are two documents to sign up with Bonfire, one was done early one. They second is a merchant processing document for funds to be transferred to the Park Board. The Association was responsible to fill that out. It sat in limbo. The deadline was quickly approaching, and they had not provided documentation. Hammond said he would be coming to the VCDC, and they filled out the form together. There were a few remaining items, a picture of the property which Kellar said he would get. Kellar said they completed the document, and Welch told him to wait one day because there were a couple other deadlines. Before the day could pass, those other deadlines were missed. Hammond said all of

the items that Bonfire sent him were accounted for, and he knows it was done. He spent his own time making sure it was completed. He asked for a copy of the finished documents, and he does not have that. He did not mean to call into contention that VCDC was doing something nefarious. It got pushed back due to his surgery and scheduling conflicts, and he meant no negative information on the VCDC. He has been a part of VCDC for a couple of decades, and he was just looking for answers to why the document was not sent.

Kennedy said he strongly supports the reservation system. It should eliminate people saying they couldn't get in because someone didn't answer the phone. The other thing right now is that there is a lot of volunteer work. He has been involved in a lot of volunteer work like equipment, spraying, trimming trees along the trail. You can break a lease, but without saying what needs to be done, he didn't think that's how the Midwest works on a lot of things. He said he thinks the ball got dropped a little bit there. He does not know the Commission will run it, how they will do the gun club, do the boat club, the rodeo grounds, etc. The County has sprayed, he sprayed more, the County has mowed a little, he has mowed more, etc. He discussed scheduling of the clubs. If you put a lot of restrictions, who will keep things cleaned up? They have events that bring in 50-60 rigs of people who stop at Bunyan's, Walmart, Runnings, etc. Hammond said Kennedy is a member of the Park Association.

Hammond asked Sheriff Andy Howe to speak. Howe said he was a member of the Park Board but stopped attending when he had a scheduling conflict, so Chief Deputy Paul Pederson took his place. He discussed the rodeo club arena and said they had a management agreement with the Park Association, and they turned management back to them, and Kennedy's family adopted it. Before the campground they called it the circle, and there was no improved campsites, no electricity, no water. His involvement was over 25 years, before the campground manager. He said Mike Chaney is the only other person who has been there as long as he has. Bill Willroth was a Commissioner and took the bull by the horns and developed relationship with the State parks and the campground. The Sheriff's Office does not enforce campground rules. If a law is not being broken, they have no authority. He said they get calls from the campground are usually from the campground manager upset with a camper, or a camper upset with the campground manager. They usually try to mediate. If they get complaints, they refer people to the Park Association. It's generally fairly peaceful down there. Hammond said the drive-throughs usually tamp down the folks they don't want to have there doing illegal activity. Howe said in the early 1990's the Park Association allowed the game warden to move his trailer there at the playground area to the north. He moved, and a city police officer went down there for a while. When the campground manager moved there, he volunteered a lot of hours to keep a free campsite for the season, and then it was decided he would move his trailer from town to the site by the park. Hammond said it was Terry Taggart's idea to have him move his trailer down there. Howe said it was. Howe said he gets calls with people complaining about reservations. When his brother worked for the VCDC, they tried to get a reservation system, but the local campers were very against it. They do get complaints that the gate is closed, but there are people camping in there. He does not have an answer for that. The park manager's space has grown to quite a community over time. Smith said that seems to be what they have heard, and no policy being followed, so it is hard for others who get phone calls about it. There are a lot of angry people out

there, and that's what prompted Mockler to add it to the agenda last week. Hammond said they apportioned campsites at the meeting, and that may have caused more friction than intended. Birch said they discussed with the park manager and Taggart. They go the breakdown and site numbers listed so that can be passed along to the VCDC. The first-come-first-served is a tricky thing, and it took 80% of their management to handle that area. They went to same-day reservations, and that helped. If they had all seasonal campsites, they would all be reserved. No one can stay longer than 2 weeks for fairness. If there are a portion, and there is a drawing, that could be fair.

Smith asked Birch for his advice. He said if they could reorganize, make sure bylaws are set, get the reservation system going, and work towards having someone there to deal with problems as they come up, day and night. Hammond said the bylaws are complete, but they are outdated. Smith said maybe a reasonable way to go forward would be to have the June 3<sup>rd</sup> meeting and elect board members, create financial procedures, maybe an audit committee, get some energetic board members to fill the spots of those who no longer attend, have reservation information, and a budget. It's a huge amount of work, but it's not impossible. It would require cooperation from campground management, and that is part of the problem with the VCDC. They would have policies and procedures to follow. They could determine when the campground is fully used, whether they should change the numbers of spaces that are first-come-first-served, but the management has to agree that the Association is the controlling body that creates the financial policies and procedures. Smith said she admires the people who have put so much time into the park, but there are too many unhappy people for it to continue to go on. Howe said his parents were workcampers when they retired, so he observed campground rules in those places. There are rules, and the workcampers have more rules than the campers. They can't have wooden porches, mildew on awnings, age requirements for their camping units, parking in designated spots, etc. He would recommend rules for hosts as well as campers. Smith said the VCDC came with a list of those questions to the meeting, and decisions were made. But she is not sure they are being abided by. The ATV rules are a big safety issue.

Hammond asked Margheim for his input. Margheim said his priorities are the continued existence of the club and to have a good lease with whatever organization they need to have that lease with. When he became president, the first thing he did was to get a lease in place with the Park Association. That is one of the reasons he is present, is to ask what happens with the club's lease. He wants a lease that permits them to have confidence that the money they invest is going to have long-term impact. He said he has no vested interest in which organization they lease from. It sounds like a lot of work for the County. He likes the idea of fixing problems with the existing organization and going forward, but if they end up taking out another lease with the County, they will eagerly work to do that.

Smith asked the VCDC for their input. Welch said he is afraid they are in the same position they were a week ago. He noted a difference of opinion, or an example of the cluster of management challenge. They were present last week as a true partner, to answer questions, and they were at a point the Friday before as an organized and staffed organization. They have systems of management, organization, accountability, and they feel they could help make the problems go

away relatively quickly. They have put far too much time into the current status, and their resources have been depleted when it comes to that. He cannot continue to put resources to the same problems, especially if they have not seen true effort to change that. They do not have resources to put towards a restructure of a dysfunctional nonprofit, so they will not be participating in that if the County chooses that. They can take care of accounting and reporting. If there is a volunteer, staff, or host, that wants to participate in the vision and accountability, the VCDC can work with that. But if they do not want to participate in fair treatment of campers, reservation systems, respectful professionalism amongst partners, then they do not make that choice anymore. They love the campground down there, love the county, love the Commission, but they are nonprofit as well. They are a strong nonprofit, and they stand for the accountability. If they want to fix that house, they cheer the County on, but they have no more resources to provide. They wish the County well. Smith makes a good point, everything she listed can be done on day one. It is a lot of work to take on. It is hard to find volunteers, and there is a chance those resources will be depleted as well. He can direct resources to make it efficient, but he cannot start back at the beginning when they are already 10 yards ahead of you.

Stewart said he did not receive a phone call from Hammond, his name never came up on any of his phones, so he is not trying to dodge him. In his mind, there are two issues, a Park Board issue and a management issue. Restructuring the Park Board probably needs to be done. Everyone probably needs to be kicked off and an application process started, put in requirements for board members, requirements for attending meetings and putting in time volunteering each year at the park. That way the Board has a working knowledge of what goes on down there. The park management is where all the issues are stemming from. In any case, the board makes the rules, the manager abides by the rules and enforces the rules. That is his issue with taking his family there. The campers are there to enjoy themselves. His problem is when you are told you can have one camper on a spot, but there are friends of the manager doubling up on a spot. When the manager's job is resolving issues, he does not think the park manager should have alcohol on their site.

Smith said they have been dancing around the issue of park management, she asked Hammond and Kennedy to talk about park management issues in a constructive way. What can the Association do to ensure park management that complies with park rules and financial accountability? Packard asked if the park manager is under any contract. Hammond said he does not know. He said he and Smith have worked towards getting the management to live by the rules. He thinks it's a matter of diligence and keeping at it. Board members have to have an oar in the water. You cannot go to meetings once a month. You have to go on the ground and have a part in it. He has stayed out there for opportunities to see on the ground as a camper to see how things are being operated. Mockler asked how many board members there are. Hammond said there are 14, but about 8 attend. Packard asked about bylaws stating if you miss three meetings you are out. Smith said it is in the bylaws, but no one has had a copy. The person who supervises the park, and the only person who can hire and fire and help improve management is the president of the board. It requires a president who is able to really be on it. The Park Board meets Thursday for its annual meeting. She does not find out about meetings, does not get phone calls. Hammond said he makes those calls. She said it is informal, and members miss meetings

because they don't know about them. What she would like to do is to put the decision off until next week with the idea of seeing what happens at the annual meeting and seeing what the Board is able to come up with. Mockler said he is not ready to pull back the letter that was sent. They know there are good things, but there are problems that need to be fixed, and those need to be addressed. He wants the gun club and rodeo club to have a seamless transition. He does not want to do it long term. Issues are being narrowed down and need to be addressed. Is 14 people on the board excessive? Hammond said it is a great plenty. Mockler said there are people who should be on there. That is something to decide at the annual meeting. Fourteen is too many. Packard said 14 is not too many if you have the right people in the flock. Hammond said the bylaws need to be updated because there are structural issues that should be easy to fix. Mockler said he hopes the VCDC can help with the reservation system. Smith said there is an excellent Treasurer, but she can only provide what she has, and the park manager has refused to give her what she asks. The Association has been willing to allow it. Packard said park management needs a job description. Mockler said someone needs to run Bonfire because the Park Board is in agreement with putting it in place. It should be narrowed down by now who is not following through, but we're not getting there. Smith said it's clear it's park management that is not providing the information that VCDC needs for the reservation system. Mockler said he is talking vague because we are beyond laying blame. Hammond said the park management has been to Bonfire training, but whether they have picked up enough of it, he does not know. Smith said the Bonfire system needs to be run by a different person than the person handling on-site transaction. The treasurer needs to be able to download. A different person takes in money and writes a receipt than the person who downloads from the system. Mockler clarified that there would not be cash transactions and no checks. Birch said they get a few who pay cash when they come to the park. Checks are a last resort. The reservation system is able to make deposits, and they do daily deposits off of that. Cash drawers are set up for each employee. Having separate people is great because there is more accountability.

Stewart said with the annual meeting coming up, there used to be family members of the manager on the park board, so there is a conflict of interest in the oversight. He thinks the reservation system is a must, and 100% of the spots should be on the system. When you have first-come-first-served, you could potentially have spots open that no one knows about, as well as the cabin. It's more about convenience for all than 10 people being able to build a deck and park their camper there all year. There are people who get things easier than others, and part of that is the board not keeping the manager to enforcing the rules. The reservation system will take care of all the accounting issues as well. Smith said they do need to address the conflict of interest issue. Howe said it sounds like they will wait till after the annual meeting to make decisions, but keeping the VCDC engaged is important. They have been trying to get traction on a reservation system for years against opposition, and to get this close it's important. Reservations are the way to go. The VCDC has worked so hard for so long, they should remain engaged. Kennedy thanked the Board for being able to speak today, and said he agrees with the reservation system with no first-come-first-served sites. He said they will need to make some hard decisions at the annual meeting. They will make people mad, but people are mad now. Now is the time to go in and clean it up. If the board members don't want to do it, they don't need to be on the board. There is a mess with money, reservations, management, and they need to write

it out and make the tough decisions. Guidelines should be run by the commission. The Park Board will hear about it, but it is time to do it. Smith asked Birch if the State could help in the event that we end up short on park management. Birch said the state could help with that in the interim. Smith said, if everyone agrees, it's on the Association to see how much progress can be made Thursday. She wants to know how to get people to the meeting. She said she would call through the list if someone could tell her. Mockler said he saw it in the paper. It was decided that Smith and Hammond will attend the meeting, but it will be advertised as an open meeting for the Commissioners in case Mockler wants to go.

At 11:27 a.m., Smith moved, seconded Packard to adjourn and reconvene at 9:00 a.m. on Thursday, June 10, 2021. All voted aye; motion passed.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST: 

Carri R. Crum, County Auditor

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June 10, 2021

The Board of County Commissioners met in regular session Thursday, June 10, 2021 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning, and Richard Hammond.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Packard moved, seconded by Manning to approve the agenda with the addition of Jail Discussion. All voted aye; motion passed.

Minutes of the May 25, 2021 and June 1, 2021 meetings were approved with a motion by Smith, seconded by Packard. All voted aye; motion passed.

Dan Christopherson with the Clay County Historical Society offered the group's assistance with the remodeling and restoration of the courthouse for the county government. He said on July 28<sup>th</sup> they will have an event led by Bob Yapp, a Historian and Preservationist, to do workshops on historic preservation and questions and answers. He invited the commissioners to attend. Susan Gray, Chair of the Vermillion Historic Preservation Commission, said the role is to educate citizens about historic preservation. She said he has much experience and runs a school in Hannibal, MO to teach historic preservation skills and is a consultant. Don Dahlin said there is more that we agree on than disagree on. He said the jail cannot continue; we need a new jail. Everyone he knows who voted against the bond issue feels that way. The Public Safety Center needs major changes. The serious disagreement is on the courthouse. He hopes the commission will work with those who voted against the bond to develop a plan quickly to make the facilities first rate.

Sheriff Andy Howe appeared as a Visitor to be Heard to present a Letter of Commendation to the jail staff. Howe expressed appreciation for the prevention of transmission of COVID-19 within the jail. During the pandemic to date, no inmates or staff contracted the virus at the jail. The jail's performance and success is due to the quality of staff. Loren Gregg and Grayson Lass were present to represent the jail staff.

Roger Jeck appeared as a concerned citizen and said in light of the vote, he suggested establishment of the committee similar to the City Hall Committee. He suggested a makeup of half city and half county residents. He said because of current high construction costs it seems like there is plenty of time to consider options and get prices.

At 9:15 a.m., the Board convened as the Canvassing Board and conducted a canvass of the official returns for the June 8, 2021 Combined County/Municipal/School Election. Manning moved, seconded by Hammond to approve the figures as canvassed. All voted aye; motion passed.

Bill Barritt with Beckenhauer Construction met with the Board to present the bid tabulation for the roof & tuckpointing project. Barritt said they ran a credit check on the bidders as part of the tabulation. He reported that the tuckpointing bids were based off of 35% of the building. He

recommended Heinemann Restoration. Barritt also recommended carrying a \$30,000 contingency for the tuckpointing. Heinemann Restoration proposed starting mid-September. Auditor Carri Crum said she believes the state statute requires a performance bond. Dick Strassburg of TEGRA Group said he recently worked with the same company in Minnehaha County with good results. Barritt said he contacted Jones Caulking because even though they were a higher bid they are from Vermillion, so he wanted to touch base with them. Barritt discussed roofing bids. He discussed that White Hawk Roofing would use Mule Hide EPDM. He said in his 20+ years he has not heard of the product, so he reached out to architects and roofing contractors that Beckenhauer Construction has relationships with. They had very little experience with it as well. Due to a roof being a very important system to the building, he said Beckenhauer Construction would recommend using Boone Brothers due to the Firestone system and credit rating. Strassburg said TEGRA Group has the same opinion in going with a proven manufacturer due to the historic building. Firestone is a very common roofing system, and TEGRA Group has used it on probably 100 buildings. Smith asked how long the roof will last. Barritt said there is typically a 20-year warranty on roofing systems. Usually in his experience it lasts 20-25 years. Manning said there is about a \$19,000 difference, then he thinks Boone Brothers is probably using a better product, that is probably where we need to go. Barritt discussed details within the bids and said there is about a \$16,200 difference. It would be \$92,300 for Boone Brothers vs. \$76,100 for White Hawk. Packard said going with a known product is the correct thing to do. Barritt said they did speak with the contractor, and they will work with the radio tower vendor to ensure things stay operational. There are a few mechanical units up there. There is a possibility of breakage in the lines during the shifting of those units, in which case they would need a contractor to fix it. Strassburg said there should be a contingency for unanticipated items. Strassburg and Barritt discussed that a 10% contingency should be appropriate. Hammond said he saw completion dates on the tuckpointing but asked about roofing completion dates. Barritt said Boone Brothers would be sometime in October. He would not anticipate more than a 2-3 week process. With material availability changes, they are estimating a 120-day procurement time. Hammond asked if they should put a hard completion date on the project. Strassburg said snow does not leak into the building like rain does. It will come down to material availability. Smith said the other possibility would be to put a bonus amount in for a certain completion date. Manning said the availability of material is the problem, and he doesn't think they can hold them to that type of deal because if they can't get the material they can't do the work. Smith said everyone she talks to said the same thing about construction, but by adding a bonus you are not compromising basic bid, but they get extra if they get it done by a reasonable date in terms of acquiring materials. Barritt said due to temperature-sensitive glue they will not want to drag out much past mid-November, but the end of 2021 would be appropriate. The bigger challenge will be the height of the building. They do make low-temperature glues. Strassburg suggested asking the State's Attorney about legalities of adding a bonus. Hammond said he is not asking for a penalty for late completion. A hard completion date is a different thing. Barritt said he can follow up with Boone Brothers to get a hard date. Hammond said if there are changes, they should give timely updates. Manning asked where they are from. Barritt said they have several locations, but this is the Sioux City office. Manning and Barritt discussed credit ratings. Hammond asked if a reasonable date would be November 15<sup>th</sup>. Barritt said he believes so, but he can follow up with

them. He said he usually shoots for Thanksgiving. Hammond moved to approve and accept the bids from Boone Brothers and Heinemann Restoration, seconded by Smith. The group discussed contingency and performance bond in relation to the budget. All voted aye; motion passed. Christopherson asked them to repeat the amounts. Smith said she would hope they would not entirely use the contingency.

At 9:41 a.m., Packard moved, seconded by Manning to adjourn and convene as Clay County Ditch Board. All voted aye; motion passed.

Polley and Mockler discussed that Lateral 3A stops at 453 Ave. on the south side of 312 St., and the driveway for Todd Bye is west of that. Mockler said it is not part of Lateral 50. Manning and Mockler discussed that all the fields are paying on Lateral 50, but there is an additional assessment. Manning said it sounds like the culverts will be the Township Board's responsibility to allow them to do what they need to do.

At 9:44 a.m., Hammond moved, seconded by Packard to adjourn and reconvene as Board of Clay County Commissioners. All voted aye; motion passed.

The Board considered three Driveway Applications from Gordon Andersen: on University Rd. in the NE1/4 of Section 15 95-51, on 300 St. in the NW1/4 of Section 20 95-51, and on 300 St. in the NE1/4 of Section 20 95-51. Polley said he put plastic pipe in, and he told him it didn't work, so he took it out. He said he checked all locations and recommends approval. Manning moved, seconded by Smith to approve all 3 applications and authorize the Chairman to sign them. All voted aye; motion passed.

The Board considered a Driveway Application from Cottonwood Farms, LLC on 321 St. (Ponderosa Dr.) AKA Loop Rd. Polley said there is no culvert required due to the way it slopes. Smith and Polley discussed that there are no other culverts on that side of the road. Smith moved, seconded by Hammond to approve the application and authorize the Chairman to sign it. All voted aye; motion passed.

Polley said he gave the State's Attorney a copy of the TrueNorth Steel bid, and it sounds like 50-60 counties in the state are having their State's Attorneys review the bid due to a notice from TrueNorth Steel that prices are going up. The bid was to be for a year. He said we accepted the bid, but there is no contract executed. He is reaching out to other culvert companies, but the trouble is they can only bring 50 feet at a time due to being out of state. Hammond said when we bid it was for delivery for the duration of the year. That was for a normal price increase. The second question is whether they intend to honor the bids. Polley said the way he takes their letter is that nothing is being honored. Smith said it sounds like a problem for the State's Attorney.

Polley said he has 5 applicants for the Highway Department job opening. Manning asked how the company from Sioux Falls is working out for mechanic's work. Polley said the first time was not so good, but he got it straightened out. They have been down once to change oil in 3 trucks, a skidloader, a dozer, and a semi. It was about the same as what we were paying to have the staff mechanic do it. He said he worked on the crack sealer when it broke down. They have some

vehicles coming up for oil changes, and Polley tries to plan to have at least 3 things to work on per trip.

Polley discussed a bridge with a scour hole under it. He got approval from the Corps of Engineers for the 404 plan, then they need approval from the biologist so they can de-water it and fix it. Next to that they removed a driveway and culverts. He had to have Pollman Excavation use his GPS. He discussed culverts and flood gates in the area that were removed. The landowner, Ron Huot, agreed, and he is the only one that is affected. Mockler asked that it be reflected in the minutes that it was agreed upon between the County and Ron Huot to remove the culverts, and if the culverts need to be replaced in the future it is the county's expense to install two 30" x 80' pipes.

The Board discussed Clay County Park signs. Smith said the first proposed sign is one the State will pay for. The second is ATV rules would be a brochure that is handed out to anyone who brings in an ATV. They have had complaints about the behavior of ATVs. Hammond asked if the park will have its own brochures. Smith said Shane Birch with the State will be willing to print them. Hammond said he made a markup of the brochure that is specific to this park and said it might be good to have a brochure made. Mockler said it should say Clay County Park to avoid confusion. Packard said it appears to pertain to Oahe. Hammond said he redlined it to make it easy to see the changes. Mockler asked if there will be just one sign at the entrance. Smith said yes, and it will take about 2 weeks to get it done. Polley said the State has its own Pheasantland Industries, which is good. Smith discussed the sign and said the phone number is worth noting because it is the phone number of the camp management. The VCDC is out of the reservation system unless the Commission asks them to come back in. The choice is to use the VCDC for all reservations with a night answering system, or to change to the State system next year which would require an \$8 State fee in addition to the camping fee. It's a lot more expensive for campers. Hammond said that would be a 30% increase. Smith recommended going with the sign for now. Mockler asked what happens when the ATVs break the rules. Smith said they would call the Sheriff's Office. Mockler asked what happens if they are licensed and are on a trail. Smith said it is county property, and whenever something goes wrong at the park that is not a civil matter the park management calls the Sheriff's Office. If it is civil matter, they leave it to them to work out, but if it's a motor vehicle violation, disorderly conduct, or trespassing issue she would leave it to the officer to work out. Hammond said it's not really anything new. Howe said it isn't anything new. They could establish ordinances, but there is no such ordinance right now except a trespassing situation. Smith said the State has been using the rules, and it works well. Hammond said they are allowed to use a licensed ATV in the campground. Howe said people will drive it to the shower house, and they can if the ATV is licensed, and they are a licensed driver. Mockler said the biggest complaint is the trail. Packard discussed site occupancy of 6 people. Smith said if you have a large number of people in a family, and the rule is there as a standard. Basically, if you have a large number of people, you have to have 2 sites. The park manager can bend and be reasonable if you have one family and one RV. Some families come with an RV and a car, some come with 2 vehicles. Maximum occupancy of 6 people makes sure the campground is not overtaxed and the sanitary facilities operate properly. Mockler discussed campers that sleep 10 people. Smith said the key is that the campground manager has to be

sensitive to the families. What they don't want is 4 carloads of college kids who will party all night. Smith moved, seconded by Hammond to accept the sign and allow it to be posted. All voted aye; motion passed.

Smith said she wanted to check in with everyone regarding the annual meeting of the Park Association on June 3<sup>rd</sup>. They came up with a rules committee to write the rules that will govern the organization and management of the park during the time that the Commission is superintending it. The committee so far is Bill Kennedy, Paul Pederson, Bruce Plate, Carolyn Butrous, Smith, Hammond, Rich Burns (worked for Bureau of Land Management for 36 years), Kelly Ashby (Masters in Park Management). Mockler's idea was to make it small with the idea that they could work together to come up with financial policies & procedures, and personnel policies. Smith asked if they want to add Layne Stewart. Mockler and Smith said it is an advisory board to update bylaws and policies & procedures. Manning said it would be nice to have an odd number. Mockler said they will work together jointly, so Smith and Hammond cannot vote with both boards. Manning agreed and suggested 7 people. Smith asked Stewart if he would be willing to serve. Stewart said that is fine and briefly discussed financials regarding employees vs. subcontractors. Hammond said some are 1099s and some are W-2s. Mockler said the committee should assume nothing is in place and set it up the way they want it. Hammond said non-employees should be using invoices and employees should use time sheets and fall under wage and hour law. Smith said they should start at ground zero and build a financial system.

The Board considered a Fireworks Display Permit Application from Fireworks Unlimited and the VCDC. Smith moved to approve the application, seconded by Packard. There was discussion regarding the new location for the City's annual display. All voted aye; motion passed.

The Board considered the annual WIC contract with the State. Manning moved, seconded by Smith and carried to approve the contract and authorize the Chairman to sign it. All voted aye; motion passed.

Packard moved, seconded by Smith to pass and adopt the following Resolution for Automatic Budget Supplement. Roll Call Vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

**RESOLUTION #2021-22**  
**Automatic Supplement**

WHEREAS, Clay County has been reimbursed \$72,527.00 for Homeland Security grant equipment; and

WHEREAS the Sheriff's Office budget does not have adequate funds to allow for the purchase and;

WHEREAS, the Board of County Commissioners have agreed to supplement the department by an automatic supplement, with grant reimbursement received from the State of South Dakota, for the proper conduct and discharge of lawful county obligations has been given in accordance with the law and direction of the County Board,

NOW THEREFORE BE IT RESOLVED: That the following budget be adopted as an automatic supplement to the aforesaid annual budget:

Sheriff's Office – Training/Equipment (10100X4291211) – \$72,527.00

Dated this 10th day of June, 2021.

Commissioner Packard moved the adoption of the foregoing Resolution. Motion seconded by Commissioner Smith.

Vote of the Commission: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, and Mockler Aye.

Upon which voting the foregoing Resolution was declared passed and adopted.

Attest:

\_\_\_\_\_  
Carri R. Crum, County Auditor

\_\_\_\_\_  
Travis Mockler, Chairman  
Board of County Commissioners  
Clay County, South Dakota

Seth Klentz and Dave Stuart were present to discuss the proposal for the Public Defender Contract renewal. Stuart said the conclusion of this year will be 25 years working with the County as the Public Defender. He said the last 2 years have brought some unprecedented growth in terms of number of cases. Typically, contracts were for 3 years that gave good security and budgeting ability. The last 2 years were 1-year contracts. They would like to get back to a 3-year contract. He discussed case load increases in relation to the contract amount. They proposed a 3-year contract to phase up to \$130,000 by year 3 and then a more regular 2.5-3% increase per year, depending on what caseloads do. He discussed the difficulties that may occur with traveling to Union County to meet with inmates depending upon what happens with the jail. Smith asked how many hours they spend on cases. Klentz said it depends on the type of case. He discussed the efficiency of the State's Attorney's Office and said he may close cases faster here than in other counties due to the efficiency of the office. He said typically it is less than 10 hours for basic misdemeanors. Smith asked for the percentage of run-of-the-mill cases vs. other cases. Klentz said in felony court, he is seeing a lot of aggravated assault and sex offenses, and in misdemeanor court close to 1/3 of what he sees is that type. Tracy said they have seen a lot of increase. She has 2 rape cases, a kidnapping and aggravated assault, a homicide case, aggravated battery of an infant, and a theft case of nearly \$500,000. Last year, roughly 26% of felonies were drug offenses, 21% were burglaries & thefts, 15 % were assaults, 7% were sex offenses, 3% were DUIs, and other offenses made up the other 28%. Misdemeanors were 6% drug offenses, DUIs were 18%, assaults were 15%, bond & failure to appear was 13%, intentional damage was 4%, then about 42% were other traffic offenses. For reference, in 2019, misdemeanor drug offenses were 16%. Klentz said going into Christmas that's when a lot of the rapes, etc., materialized and caused a spike. Manning asked if he anticipates that they will increase. Klentz said legalized marijuana will complicate issues with DUIs. Meth leads to burglaries and more violent crimes. Mockler said the numbers are fair, and it is one cost the County can solidify for at least the next 3 years. Packard asked, in case all cases go down significantly, is there a de-escalation of cost? Stuart said they are still trying to catch up from 10-11 years ago, and he does not predict numbers going down in the future. Hammond said it is smart to get something like

this out of the way early. Packard moved, seconded by Hammond to approve the contract and authorize the Chairman to sign it. All voted aye; motion passed.

The Board discussed the jail status following the failed bond election. Howe said they have been hanging on by their fingernails waiting for the vote. At this point there is no solution on the horizon, and they have to close the jail. He would like to operate as a holding facility at a maximum of 72 hours. He said Union County would take their inmates today, but they do get full and would not be able to take them. We also have contracts with Yankton County, Minnehaha County, Thurston County, NE, Plymouth County, IA, and Sioux County, IA . We have been using them quite a bit the past few years and can continue to do that. He said he does not anticipate reducing jail staff. Howe discussed other duties for which he needs the staff. They could completely close and have all arresting officers transport, but he does not believe that serves Clay County citizens well. Jailers can be trained to transition to transport officers, so he would not be keeping deputies off the roads as much. With a 72-hour length of stay, the issues regarding functionality, lack of amenities like sunshine, fresh air, etc., protecting inmates' rights, would not come into play as much. They will have minimal use of the older part of the jail as they are able, but they will need all of it. People come and go daily, but the average length of stay is 7.25 days. Most inmates leave within the day, but some are there over 6 months. Since we have been up front about deficiencies, they cannot keep them long. He will need to fix some issues in the jail. They have a shower that was long ago shut down. He will convert one block to work release. He hopes to resolve some plumbing issues to have female work release. Electronic monitoring will not always get the result they need. This is a temporary solution because the jail is getting older and older. There have been allegations that it was mismanaged and poorly maintained, and that is not the case. There have been thousands of dollars spent every year on maintenance and improvements in the jail. With a reduced population, they will have the ability fix some issues that could not be fixed while people were living and working there all the time.

Manning asked how much it will affect the budget. Howe said they will spend \$28,000-30,000 per month. He will request \$160,000 for a jail budget supplement in 2021. It will double for his budget request in 2022. He anticipates adding an additional \$250,000 more than the \$70,000 he currently has for 2022. In 2019, they had no floor space because they had mattresses on the floors for inmates. Inmate numbers were lower in 2020 due to the pandemic, but they are bouncing back up. Manning and Howe discussed use of staff for transports. He said he is contemplating policies for firearms training. Howe said he equates the jail administrator's new duties to being a trucking company dispatcher who manages transports. Howe presented a written draft plan to the commissioners.

Smith said it sounds like the next step for the Board is to figure out what they can propose that will pass. It might be helpful if they had a specialist in jail design. There are consultants that specialize in architectural designs of jails that make it safer and more secure. She said she would love to see the County pursue that kind of design. When we go out to bond, we can show people exactly what we are going to do, what it will cost, and where it is going to go. She has no doubt that kind of issue would pass. She didn't talk to a person who was against the jail. Howe encouraged the Board not to dismiss the experts we already have. It's what BWBR does, and

that's why they were chosen, specifically for that reason. They are experts, and that's why we have JLG and BWBR. Packard agreed with Howe that we have two experts and said this started with courthouse safety and for courthouse employees. The jail is definitely needed, but so is safety to the courthouse and disability access. There is more of a problem than just the jail. It would pass quickly if we go with just the jail, but it will leave a very big and very expensive problem that we also have to face. Tracy said this has been evaluated 3 years ago plus that we have an expert so we don't end up with design flaws like what we have in the new portion of the jail where back in the 1980's they just went with the low bid and not someone with expertise. Even with the Klein McCarthy Study, they also engaged a jail specialist, and a subsection of that report was specifically with those specializing in correctional facilities. We did that once, in addition to who the County has hired, both the architects and the Construction Manager At-Risk, who then the experts we have now were vetted. It was a panel interview with architectural firms who specialize in this. Every single one of them who came to interview specialized in this. Our consultant who has been hired specializes in this. There's a lot of throwing Dick Strassburg under the bus by the opposition, and that was absolutely outrageous. This is what he does. We have Klein McCarthy as an expert, TEGRA Group as an expert, hired specifically for that, helping us craft appropriate questions for that interview process to vet out the best firms who know what they are doing here, and we have hired and contracted with the best firms. Tracy said she knows Smith was not part of that, but she wanted to make it very clear to the public that the County has secured those experts in that field. We have those people, and we need to use them. Manning said he has a problem with people saying the people on the committee don't know anything. They put in a lot of time, and he feels bad for the employees working in this building and for the people on the committee. He said he does not care if people do not like him, but he does care about those people on the committee and how they were received. They went beyond with no pay, visited places, saw what was going on, and came back with the best ideas. Everyone he talked to said if they were voting no, it was not because they cared about the historical building or the jail, it was because of the cost. Smith said kudos to the committee, but when you see a 2:1 vote against a bond issue, you have to pay attention. The goal is not to criticize what's gone before but to figure out where to go in the future. How can we create a bond issue that addresses the most serious needs and is acceptable to the voters? It is time to put the bad feelings behind us and speak to the challenges we have to face today. We need a new jail and law enforcement center at a cost the voters feel they can handle. A few talked about the bond issue for the school. They were seeing \$41 million plus \$26 million. She said we cannot afford to wait on the jail and law enforcement center, so we need to move ahead and do the best job we can. She said Howe mentioned sunshine, exercise, and basic requirements of the human body. She said in the short term it's going to be really expensive, and she would rather be paying off a bond than renting from other counties. The faster we can get there the better. She spoke of the problem of the school bond election and said we will need to think about timing as well.

Tracy said we would all like to see that done, but it is troubling to her to hear a commissioner say we should hire an expert. If a commissioner sitting here today does not know that we have spent taxpayer dollars to hire multiple experts, how do we expect the public to know about that? We have had multiple meetings, it has been in the minutes, we have talked about it, so Tracy said she really wants to make sure when we talk about the problems going forward and building a jail and



law enforcement center it's about cost and not because we have not hired the right experts to do the job.

Mockler said they will have to figure something out about the jail. He said he does not know where they will cut costs on a jail. It is what it is. To say that no one is fighting against the jail is false. He said he sat in those forums and had to defend why we are building a 44-bed jail. Our own Senator Art Rusch sat there and said we don't need this big of a jail. He argued against it all the time, so say that people are not against it is false. This isn't Mayberry. We don't have 2 cells. We can't do that anymore. We are housing way more than we ever thought we ever would. Smith said the people she has talked to said the doubts have been part in response to Minnehaha County Jail overbuilding, and the question of whether we are overbuilding. Mockler asked how Minnehaha County overbuilt when they are already full. Smith said she heard they have a floor they are renting out. Howe said they can take more inmates if they had the staff. It is not the lack of inmates. Smith said it's hard to get information about jail capacity, but that might be an interesting question to look at, exactly what is the right number. Smith said Klein McCarthy's number is very different than the most recent number. Howe asked Smith what number she thinks Klein McCarthy recommended. Smith said she thinks it was 25. Howe said Art Rusch said that many times, but Howe is confident Rusch knows what he said is incorrect. Klein McCarthy estimated an average daily population of 25, and he thinks that is incorrect. He estimates 28. Klein McCarthy recommended a 40-bed jail, plain, black & white. It's in there. Art Rusch can read it again. It's in there; 40 is the number. Tracy said it is on page 87 of the March 2018 report. Smith said all she had is what Dick Fuller gave her, and she read that really carefully. Howe said 25 was the average daily population, and you don't build for your average daily population, and you need to build for spikes. To build a 25-bed jail would be incredibly short sighted and inappropriate to build a jail like that in Clay County knowing that it will be full on day one, and we'll be housing in other counties while we're paying a bond. Forty is the number. Forty-four is better. The study has been done. You can misrepresent it to sway voters, but the number is what it is. Smith said she read the data given to her carefully. What she saw was the daily population number. She did not see the 40. Howe said it says 40, and it also says the size of the jail needs to be 5 times what we have. Smith said she agrees with that, but he is talking about square footage, not beds. The question is how we move forward from here.

Mockler said they knew what the cost would be to get what they need, not what they want. Howe said they did programming work for many meetings, and they trimmed, and trimmed, and trimmed. The experts were surprised to see that Howe was including in the 44 beds a work release pod that they didn't consider as part of our population. They actually recommended a larger jail, 44 beds plus a work release pod. We cut that. One thing we often do is to say we have 20 beds, but some of the cells are intake and holding classification cells, so truthfully our number of beds is 14 by industry standards. Howe said he counts every bed we have, and we have put people on mattresses on the floor. In the study, the 44 beds includes work release in a minimum security setting, which is much less expensive, so we have trimmed and trimmed. To trim anything more would take away things we need. We considered using dispatch for perimeter access control rather than jail personnel. We want to go that route for savings in construction and staff. I can't imagine where we are going to save anymore money. This jail that was designed is

the least expensive option we could have done. To do anything less would be so inappropriate and short-sighted that he will not recommend it.

Packard said the other issue is a site. She said we were accused of having special agreements of sites with people, and we were hiding information. Packard sees it as we build it here, or we don't build it, or we build it somewhere else and transport inmates. Either way there is a lack of safety. Mockler said some people voted no just because of cost, but in the long run it going to cost even more. Mockler said if we want to we can purchase land that we'll get lambasted on like Lincoln County did and spend money on land they can't use. Smith said what we might want to do instead is an option. It is an option to buy, and it becomes part of the contract of sale. Mockler said the option has to be renewed, and the landowner doesn't just sit on it until you're ready to pay them, so it does add cost. Smith said it probably will add to the price at which somebody is willing to sell. Mockler said we'll never make it to have an election this year and have it on the tax rolls for next year. Tracy and Mockler discussed having to wait 6 months for another bond election. Tracy said they looked into options to purchase 3 years ago, and typically those options are going to cost. Manning said they looked into those houses north of the courthouse. Mockler said they had a Realtor approach the homeowners, and the first didn't want to sell. Manning said he thinks you have to wait 6 months. Smith said Howe was concerned about transport and building on this site was no more or less problematic than building on an alternate site. Howe said ideally you transport inmates through a secure corridor or secure elevator into the courtroom. You can do something else, but his recommendation is if we don't include the courthouse in the project, it doesn't matter where it is because they will still be transporting inmates through the halls of this building. His recommendation is not to attach to this building. He cited Yankton and Lincoln County's recommendations when the committee researched it. His recommendation is to go with the land that fits the building, not fitting the building to the land. He discussed that the site across the street is too small but discussed the land near the fire station that is zoned residential. He said maybe it is not an option, or not enough space. Having it in the same building is optimal, but other options are possible. Smith said her concern is health and safety issues for inmates to get exercise and sun and meet minimum recommendations. Howe said you cannot design the building till you have the money to pay the architect to design it. Ideally you get the concepts, square footage, and price, and then you get the bond. Howe said they told us we needed 8 acres, and if we are going to build something different, we would need that information.

Smith said one option would be bond anticipation notes that are short term and allow you to pay or architectural and planning fees, and once you get the actual bond, you repay the bond anticipation notes to incorporate those into the bond. Mockler asked what happens when the bond doesn't pass. Smith said then the county has to repay the notes. Smith said it allows you to produce a model of what voters are paying for when they vote yes, allows you to have a site, and to be able to show voters exactly what is in the plan. Hammond asked for examples of those being used for a jail in a situation like ours. Smith said she does not know how often bond anticipation notes are used in South Dakota. Hammond asked for examples in the United States. Smith said it is used everywhere and is common. Hamond said it should be easy to come up with an example or three; tell us where it has worked before. Smith said they were used in Hampton

Connecticut and the City of New Haven; it's a standard finance method. She said the preconstruction stuff is relatively inexpensive in comparison to the cost of a bond issue. Another option is to keep sending inmates elsewhere, or we could do a regional jail. Packard said it is a 5-10-15 year project to build a regional jail, and it would probably never happen. Packard said let's keep it to reality. Mockler said he doesn't know if we could even do a regional jail. Howe said a regional jail would not solve our issues here. Union and Yankton Counties have made considerable investments into their own jails, so they would not walk away from that. Turner County does not have the average daily population to justify the investment into their own jail. Although we can count on Turner County here, and people object to building a jail to house inmates, but at the same time there is nothing wrong with housing another county's inmates in empty beds if they meet classification requirements. Smith said, to be clear, she is rejecting that idea because someone will bring it up. Manning said if bond anticipation notes is something we can do we should ask Dick Strassburg because he would know about it. He thinks we should stick to who we have because we had a committee that sat down and interviewed people. We have an architect, someone to build it, and we hired Dick. We've done that work. Let's not start from scratch again. We did that with Klein McCarthy. There was some good that came out of that, but there were also some things that didn't work out. Manning said, as Packard said earlier, we started out to make this place more safe. It was nothing to do with the jail at the time, and it all mushroomed into it. If we are going to move ahead, he wants to see us to stick with who we have and move ahead from there, he doesn't think we can cut any more from the jail as we have cut enough already, and he thinks it's foolish to put it here. They have 3-4 separate buildings in Sioux County. They have the area north of town for the jail where they have space for the inmates to get out and get sunlight, and if you try to start cramming that into this site, it's going to be a mess. There is too much to it. Smith said she agrees with Manning.

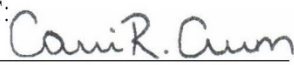
Smith said we have other options for preliminary construction design work, which is the million dollars since the roof & tuckpointing bids came in much lower than the consultant suggested it would. Packard said they have earmarked it for this building on issues they haven't addressed. Smith said we are also expecting \$2.7 million next year in COVID money, so if you add those together you would not even have to do bond anticipation notes. Crum said that money is going to be very limited, and we will have to get very creative if we are going to use that money unless the Treasury Department comes out with additional expanded guidelines. NACO says you can use it for jails, but you have to provide very sufficient documentation that it was used for the purchases of mitigating COVID-19. Some counties are struggling with whether to even accept the money because they don't know how they are going to be able to use it. It was designed for premium pay for first responders, broadband, water, and sewer services which are typically run by cities, not counties. Smith said she does not recall voting specifically that the whole million dollars has to go to this building, just that they would take the roof & tuckpointing out of that million dollars. Packard and Mockler said it was to go a building fund. Smith said a building fund could also pay for preliminary construction design for a jail. Packard said they would then also be eliminating that money for needs in this building. Smith recommended they expedite the design for building a new jail. Mockler said the design is at least a million because the architect gets 5%. Smith said once we decide that we want a new jail, we have to figure out how to pay for a preliminary design. She is hearing a lot of "no." Mockler said he is not saying no, he is just

telling her how much it is going to cost. We have just taken about \$250,000 of that million, so we are still short. We know we are going to be short come budget time. There is no extra money. The million dollars is a one-time thing, and so is the \$2.7 million if we take it. Mockler said he knows Smith has never done a budget with them before, but there is never any extra money. Smith said this is a one-time cost for design and pre-construction documents for a new jail. Smith asked Crum if the money would pay for repairs to the current building. Crum said it can be used for HVAC systems to improve clearing out of airflow exchange. Smith said preliminary finances is the first issue we have before us, and we need to get some research and do it. Hammond said regarding HVAC stuff, one he knows is COVID-19 related by watching some of the professional communications he gets, is that air exchange and cleaning is a big deal. A big part of that is air exchange rates, and that would be extremely easy in this building. Packard said she believes they have spoken that they would check with their consultant as far as funding a possibilities, and what the realities are in South Dakota for funding up front. One step is to check with our consultant on that. From what she is hearing, she understands they are looking to build off-site. Mockler and Manning said they are. Smith said in order to get what they need for square footage to create a healthy jail that makes sense. Howe said the programming has been done for necessary square footage. The building has not been designed, but the square footage is in a spreadsheet. Packard asked to have Strassburg attend a future meeting to see what options are for funding. Final designs would not be obtained until they get bonding. Mockler and Crum discussed opting out. Crum said the deadline is in July because they are referrable. Mockler said if Howe is going to come with a request for another \$250,000, we have to cut something or raise more money. The group discussed how opt outs work and that it could be used for design costs and inmate transportation. Manning and Mockler discussed cutting some funding to the non-mandated programs and that the \$250,000 boarding cost is an estimate, so it could be more. Howe said in 2019 they had a lot of trouble housing inmates in Union and Yankton Counties because they were full, so they had to use Minnehaha County, but they are the highest rate. Yankton County had an old jail, but they make money and operate on funding earned from housing inmates, so they spent \$750,000 to renovate the old part of the jail and expanded their capacity. Union County did the same thing. In the 1990's we held all their women because they didn't have the capacity, and then they built their new jail. Just recently they took the old jail and renovated it for capability to house women. The Board discussed they should put the matter on the agenda for the June 22<sup>nd</sup> meeting and to cancel the meeting on June 29<sup>th</sup>.

At 11:43 a.m., Manning moved, seconded Hammond to adjourn and reconvene at 9:00 a.m. on Thursday, June 15, 2021. All voted aye; motion passed.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:   
Carri R. Crum, County Auditor

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June 15, 2021

The Board of County Commissioners met in a special session Tuesday, June 15, 2021 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning, and Richard Hammond.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Hammond moved, seconded by Manning to approve the agenda. All voted aye; motion passed.

Chairman Mockler turned the meeting over to Vice-Chair Packard as he would be serving on the Clay County Planning Commission.

The Board of Clay County Commissioners met in a joint meeting with the Clay County Planning Commission regarding Ordinance #2021-02, A Temporary Ordinance Regarding the Issuance of Local Medical Cannabis Establishment Permits and/or Licenses. A public hearing and first reading was held. No one appeared in opposition and no written correspondence was received. A second reading was set for June 22, 2021 at 9:15 a.m. The Planning Commission adjourned and Mockler re-joined the Commission Meeting.

The Board discussed funding for the jail budget. Smith said she sent an e-mail around to everyone after last meeting because she heard from the Vice President of the Board of Ed. Their consultant put together a drawing of the building at no extra charge. They chose a site and got a drawing with a functional description of what it would include. She said she thinks if we had a location and a simple architectural rendering and a list of what would be in the building it would be enough to go out to bond. We don't need detailed architectural renderings, roof details, where things would join, structural support, etc. She thinks we need a rendering of what it would look like, and it does not take an architect very long to do. It should be minimal and fast. It's something architects do pretty quickly. Mockler said he is confused, and Packard said she is as well. Mockler said the detailed one is what she asked for leading up to the vote. We did have a rendering of what the building will like in conceptual design, and she said it is not good enough. Smith said we had blocks, and what the School Board has done is different, and it shows what the building looks like from the street. Mockler said we have that. Smith said, looking at those drawings, that is not the street view. We need a street view of the building. The Board of Ed is managing to get support with a street view of the building. She thinks we could get support with a street view of the building. Packard asked what building she is talking about. Smith said she is talking about the jail. Mockler said he thought the opt out we were talking about is for the jail budget for next year because we have to come up with the money somewhere because there is going to be extra money that is not in the account. Packard discussed an estimate of what it will be. Mockler and Hammond discussed the excess is \$250,000 over this year. Smith said it would be helpful if we had something helpful in writing, what it would look in a high year, and what it would look like in a low year. Packard said we are only talking about what it would cost to take inmates to other jails. Manning said what Sheriff Andy Howe was getting at last week was an estimate of what he thought it would be using 2019 and 2020 numbers, and it depends on where he can house them, too. He said the \$250,000 was to finish out this year, what he gathered.

Packard discussed varying boarding rates at other counties. Auditor Carri Crum said she understood Howe to say that it would be \$250,000 plus the \$70,000 that was already budgeted. Mockler said the discussion does not need to end today, but if we opt out, how much, or do we start cutting non-mandated programs because there is \$150,000 of non-mandated that we pay every year. Smith said July 15 is the deadline for opt out. Smith said her suggestion is that if they are going in that direction, they do some serious public information campaign before we pass it because once we pass it there is a certain number of days for people to gather signatures for a referendum. If people don't understand what it is they will just vote no on an opt out. She said we need to do some public information in advance of that. She asked how much we have in contingency for this year. Crum said the budget has historically been \$120,000, but she will be recommending an increase at budget time because it has been completely used in the past several years. Cash reserves have been sitting around 28-32%. Crum and Smith discussed that we will need to do some sort of supplement. Packard asked the non-mandated programs are. It was discussed that those include libraries, senior citizens centers, soil conservation, fair board, food pantry, teen court, museums, etc. Hammond asked what a full \$.90/thousand would raise, and Crum and Mockler said it is about \$1 million. Crum said she does not think jail boarding is a part of what is allowed in that statute and discussed other options. She said the Board could opt out for a certain dollar amount for a certain number of years. Crum said the \$.90/thousand road and bridge fund option would allow the County to raise money for road and bridge projects and thus reduce the contribution from the County General Fund to the Road & Bridge Fund each year, but it muddies the waters. Manning and Smith agreed that the opt out would be the cleanest method. Packard asked if the Board can opt out for purchase of land and final design and jail boarding. Crum said they can opt out for any amount as long as the mill levy does not exceed the statutory maximum.

The Board recessed and traveled to the Vermillion City Hall for a joint meeting.

The Board of County Commissioners met at the Vermillion City Hall in a special joint meeting with the Clay County Planning Commission, City of Vermillion Planning Commission, and the City of Vermillion City Council regarding ordinances in the Joint Jurisdiction zoning area.

A public hearing and first reading was held for Ordinance #2021-03, A Temporary Ordinance Regarding the Issuance of Local Medical Cannabis Establishment Permits and/or Licenses in the City of Vermillion's Joint Jurisdiction area. No one appeared in opposition and no written correspondence was received. Manning moved, seconded by Hammond to set the second reading for June 22, 2021 at 9:15 a.m. All voted aye; motion passed.

The Board recessed at 9:43 a.m. and traveled to the courthouse.

The Board reconvened the meeting at 9:50 a.m.

The Board continued to discuss the topic of an opt out. Hammond and Crum discussed the statutes for opt outs. Manning asked about using a portion of the \$.90/thousand. Crum said the opt out is different than the statute for \$.90/thousand for buildings. Packard asked how much \$1.2 million would be for 4 years. Crum explained that each year it would generate \$1.2 million each year if written that way. Mockler said \$1.2 million would be roughly \$100/\$100,000 in

value. Smith and Crum discussed the statutes. Howe discussed planning for an average daily population of 20, and his recommendation is \$620,500 for 2022 and discussed the difference in boarding rates for Union and Minnehaha Counties. For the rest of 2021, he may need additional \$138,000. He said they are not necessarily holding inmates here the full 72 hours. If it looks like they are not leaving custody, they move on to another jail. Manning asked if there is any savings that might offset that \$620,500. Howe said there may be a savings in inmate meals for 2021. Howe said we might spend in the hundreds of dollars going forward feeding inmates rather the thousands of dollars. Manning said we have always had a tough time getting bids for meals; he speculates it might get tougher. Howe said that is true. Pizza Ranch has been very gracious this year, and the owner understands it could affect his bottom line. If we do not get bidders we may need to look at frozen dinners. Inmates will not be in the jail long enough for that to hurt anyone. Mockler asked if the fuel increase will be significant. Howe said the transport van will be on the road more, but it may save the deputies from some of those longer transports, so he is unsure at this point how much that budget will increase. Packard asked if there is additional safety equipment needed in the van. Howe discussed additional cost for leg restraints needed. It may cost \$1,000 or so for restraints, which he may be able to cover under the current budget. Howe estimates the budget shortage for this year may be around \$110,000 with meal decreases considered, and next year around \$600,000 with meal decrease considered. Packard asked about Dakota Days. Howe said overtime is an expense we always have. He does not expect a lot of additional jail costs for Dakota Days as they are usually just overnight stays, and most of the time they are not in jail long enough to be fed. Manning said it looks like if we will be opting out, we should plan for \$600,000. Mockler said they would burn through savings otherwise. Manning said he would not mind doing a little of both opting out and cutting non-mandated programs. People might realize what the Board is trying to do, and it is not all dropped on one group. Mockler and Crum discussed that the budget packets are typically ready by July 1<sup>st</sup>. Howe said Lincoln County has discussed pursuing a courthouse without a jail. Howe said based on Lincoln County's jail board expenditures he does not think his estimates are too far off. Howe said these numbers are defensible. He said we'll be sending a million dollars a year out of the county before long if we don't get a jail built. Howe said he was asked about potential revenue from boarding using any empty beds if the inmate classification is the same. He can project year-by-year what that might be. It would help serve Turner County with boarding their inmates and offset our costs in the process.

Smith did some rough calculations and said the mill rate increase for adding \$600,000 would be about .54. She said if they can cut other places they might be able to get it down to .5. Manning said there is nowhere else to raise revenue. The County's revenue stream is property taxes. Smith asked if there is any increase in property valuation. Crum said we always have some growth and discussed increasing the taxes by growth plus CPI each year. She said health insurance increases, raises, etc. eat up some of that.

Howe said he is comfortable with \$600,000 based on 20 inmates, and there were many times in 2019 they were at 25 inmates. He encouraged the Board to focus on public safety and not as much the costs completely. Obviously, we want to be conscious of the costs. He discussed


fluctuation in inmate boarding numbers and said he would not be surprised to see it occasionally reach 25 again in the next year.

At 10:15 a.m., Packard moved, seconded Hammond to adjourn and reconvene at 9:00 a.m. on Tuesday, June 22, 2021. All voted aye; motion passed.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

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June 22, 2021

The Board of County Commissioners met in a special session Tuesday, June 22, 2021 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning, and Richard Hammond.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Manning moved, seconded by Hammond to approve the agenda with the addition of vouchers, open meetings rules discussion, and joint powers update. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye. Motion passed.

Minutes of the June 10, 2021 and June 15, 2021 meetings were approved with a motion by Hammond, seconded by Packard. Roll call vote: Hammond Aye, Manning Aye, (it was noted that Smith was having difficulty with internet connection), Packard Aye, Mockler Aye. Motion passed.

Hammond moved, seconded by Packard to approve the following claims for payment. Roll call vote: Hammond Aye, Manning Aye, (it was noted that Smith was having difficulty with internet connection), Packard Aye, Mockler Aye. Motion passed.

Packard updated the group that they had a meeting for the joint powers solid waste board. Vermillion Recycling facility's upgrade is basically finished. The big news is that the next trench is well underway, and the bid was about ½ of the engineer's estimate. They expect it to be done by about October 26<sup>th</sup>. The hazardous waste event went well, with about 300 vehicles in Yankton and 80 in Vermillion.

Packard discussed open meetings rules. She said they had an open meetings rules session at the first workshop she attended as a commissioner. It was stated that the correct procedure for commissioners' communications is to send an e-mail to the Auditor and then it should be distributed from there. Hammond and Manning concurred.

The Board recessed until such time as the public hearing was scheduled for Ordinances #2021-02 and #2021-03, Temporary Ordinances Regarding the Issuance of Local Medical Cannabis Establishment Permits and/or Licenses.

At 9:15 a.m., a Second Reading was held for Ordinance #2021-02 and Ordinance #2021-03, Temporary Ordinances Regarding the Issuance of Local Medical Cannabis Establishment Permits and/or Licenses. No one appeared in opposition, and no written correspondence was received. Packard moved, seconded by Hammond to pass and adopt Ordinance #2021-02 and Ordinance #2021-03. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye. Motion passed.

The Board discussed options for jail funding. Dick Strassburg from TEGRA Group and Tom Grimmond from Colliers Securities were present. Grimmond passed around a presentation that addresses funding information. He said interest rates are down right now, but the economy is heating up. If the economy continues to improve and housing prices continue to soar, the Fed

may step in and make rate changes. He discussed options other than General Obligation (GO) Bonds. Building fund bonds have a maximum levy of \$.90/\$1,000. The County can also do Certificates of Participation under a lease-purchase agreement per 7-21-16.1, which requires 4 out of 5 commissioners voting aye to pass and is subject to a referendum. Another option is Certificates of Participation per 7-25-19 including use of a levy under 7-25-1, also subject to a referendum. Grimmond reviewed the statutes pertaining to bonds and how they apply to counties. Grimmond said Pennington and Minnehaha Counties built their jails under sale and lease-back agreements per 7-25-19 as well as projects in Lincoln and Brookings Counties. Mockler asked if they would have to find someone to build a building and lease-purchase it back. Grimmond said the County would designate a Trustee who would be involved. The title is always in the County's name. There is a ground lease that is established. It allows the Trustee to take away access to the building if the County would default. At the end of the term, it is a \$1 payment, and the building is all the County's. Strassburg asked if 7-25-1 and 7-25-19 are both limited to \$.90/\$1,000, and Grimmond said the bond counsels' interpretation has been that the only time you get out from under the \$.90/\$1,000 is a GO bond. Grimmond said it would be about \$23 million for a project over 30 years, assuming the current valuation and a \$.90/\$1,000 levy. If interest rates go up, the \$23 million would go down. Mockler asked about interest rates vs. GO bonds. Grimmond said the bank would act as the Trustee, and what he has seen with other counties is the rating was the same for certificates as it had been for GO bonds. There are points that would be paid, so the interest is a little more than it would have been for GO bonds. Manning asked about a fixed interest rate, and Grimmond said it is fixed at the time of the sale. Manning said right now they could build a \$23 million jail, and Packard and Grimmond clarified that it could be \$23 million for the construction cost, plus interest. Grimmond said he is not a fan of taking everything to the maximum, even though the cushion grows as the County's property valuation grows. He would recommend instead something in the \$18-20 million range. Mockler said \$26.2 million would be the cost of a jail and law enforcement center, but about \$6.2 million of that would be the City's cost. Grimmond said in Brookings, the County paid their portion of the facility and did their own financing for that. Minnehaha County was different, where the City paid for the whole project and leases to the County. Strassburg asked Grimmond if two entities could have two bonds. Grimmond said it could be done. Packard asked if it is project-specific so that it could only be used for the jail and referred to renovations to the courthouse falling under the levy. Grimmond said the County can make it part of the project, although it takes away money for the jail part of the project. Strassburg and Grimmond agreed that it would encumber the courthouse for the 30 years. Grimmond encouraged them to consider the jail and courthouse as separate projects, so the ground leases are separate. Strassburg asked Grimmond, if the City finances a portion, is one entity primary and one secondary from a bond-holder perspective? Grimmond said he is still working through that in his head as to how that would work for the ground lease. If the City had sales tax money, they could do a sales tax bond. Grimmond discussed that the City could ground lease their portion. Smith asked how the trustee gets paid and whether it reduces the money available for construction. Grimmond said it is an annual fee of about \$2,000-2,500, so it is not included in the up-front cost. Mockler clarified that they would still work through Strassburg. Grimmond said in reality they would work through the Auditor and then Strassburg. Manning asked if it is possible to take another bond out for the

courthouse. Grimmond said if it is a GO bond the County could do that separately as it would not fall under the \$.90/\$1,000. He said, again, there is a maximum that they would want to stay under. Grimmond discussed the differences with the State's building authority. Strassburg asked if it might be a 2.2% higher interest rate, and Grimmond said it would be more like 2.1%. Strassburg said it is run the same way from a construction perspective, and Grimmond confirmed it. Mockler asked if it is the way they built City Hall, and Grimmond said yes, the statutes are different but the same process. Grimmond discussed the nuances of having the County and City each owning a portion since a ground lease is all about denying access in the event of a default. Strassburg suggested having the building built with a line of demarcation and cross-easements for restroom access, etc. Strassburg said they have done that before with projects. Packard said she hates to think expansion when we are just trying to build, but if the City, for example, would decide they needed more, it should be designed so they could add on without disturbing the County's portion. Mockler clarified that the title is still in the County's name. Grimmond said the title does not change, so the property is always the County's. Strassburg asked about bond anticipation notes. Grimmond said the idea behind those is when there is a USDA loan or something has already been committed to take out those. There would have to be a mechanism in place prior to bond anticipation notes being allowed. The GO bond would have to be in place first. That would not be an option for the County unless there was some other financing arranged, so that is why they are not used much in South Dakota. It is better to lock interest rates up front. Mockler clarified that rates are locked on a lease-purchase as well. Grimmond said yes, the rates are locked upon the sale date. Mockler and Grimmond discussed that it is possible to go 30 years under 7-21-19, it requires 4 of 5 commissioners voting for it, and it is referrable. Strassburg said the process would be the same under a lease-purchase. Grimmond said the next step is they would put a resolution together and vet it with the State's Attorney. Strassburg asked if it would be a motion conditional upon the action of the City. Grimmond suggested making it as clean as you can because obviously you would not build a portion of a building. Mockler said we have to move forward whether the City does or not. If they come along, it works better for everyone, but we cannot wait. Grimmond said he does not know how the City is planning to handle its portion, so that would be a discussion to be had.

Strassburg said he can work with the architects and contractor to break out the City's portion. Strassburg said they would not just split the baby as there were shared areas. Packard said a next step is the cost. Manning said we need to get some numbers for the City. Strassburg said they can break it out in three numbers: just the County, just the City, and for each entity if they join. Manning asked Grimmond if his recommendation is to get closer to \$20 million instead of \$23 million. Grimmond said \$23 million is just what the County can do within the \$.90/\$1,000. Hammond said it would be so much simpler if the whole project was \$23 million or under. Mockler said we can build a parking lot, but the City can do in-kind, such as putting in utilities, so there are other ways to share what has to be done. Strassburg said they still have to drill into cost escalation, but the current estimate is \$26.2 million. The Board discussed lumber costs decreasing, and Strassburg said steel needs to come down. He said PVC is up right now as well, but by the time we are actually building it should resolve itself. Manning said the key is getting the interest rate locked in now, and hopefully the building cost goes down. Grimmond discussed interest rates vs. construction costs. Grimmond said interest rates can be locked in now with the

intent to spend the money within 3 years, but it could take up to 5 years for the total project. He said after 3 years, you have to restrict the yield to whatever the bond yield was. Most building projects are 2 years.

Packard asked for the cost of remodeling the courthouse. Strassburg said one of the challenges was how to handle the renovations. He said one project leads to another. For example, the elevator would require rebuilding the shaft, which then is rebuilding the walls of the offices. Mockler said that elevator shaft is also the run for all the electrical wires. Strassburg said the problem is it's hard to segment the project because one little project ends up being a much bigger project. Mockler said without move-out numbers, the construction cost was about \$12 million. Strassburg said that was including the addition because it would cost more to renovate the current restrooms.

Manning said it looks to him like 7-25-19 is the simplest way to go. Mockler and Hammond concurred. He said it takes 4 out of 5 commissioners to approve it, and then it depends whether or not it is referred. Mockler and Auditor Carri Crum discussed the timeline for an election, and it will not happen in time for an election this fall. Packard said there were many who voted no and yet said they supported a jail, so if they were to bring this to a referendum they would basically be saying close down the County. She said she believes it will not be taken to a referendum if the commissioners treat it rationally and say what the costs are being used for. Smith agreed and said this is what makes sense in terms of the problems we are facing in the short term and the long term, it's the way to go. Mockler said the property is something we need to move on. Packard asked about the feeling on the property across from ACE Hardware. Mockler said it was too small, and the cost of the Lamplighter made it prohibitive. Smith said she wrote down 5.4 acres including laundromat, hotel, and Paul's Plumbing, and that is too small. The location is awkward at best. Packard agreed it would be too small. Mockler said the location south of Runnings was a hard no. He discussed the Munger property, Brady's property south of Polaris, and the location across the bypass. Manning said they should move on one of those properties, but Mockler has contacted them and has not heard back yet. Emergency Management Director Layne Stewart asked if the Munger property includes the house location. It was discussed that it just included the property north of the bypass. Zoning Administrator Drew Gunderson said they split the 40 acres into 3 lots up against Highway 19. Mockler said this will probably take a special meeting to move on the land, and it needs to be a time when the State's Attorney is available. Packard asked if we can even schedule without having information from the landowners. The Board discussed having a special meeting to discuss land location and/or negotiations. Deputy State's Attorney Samantha Hargrave tentatively said it should fall under an Executive Session matter. It was discussed that it may fall under contractual matters. The special meeting was set for 9:30 a.m. on Friday, June 25, 2021.

Shane Birch, with the State of South Dakota, was present for a discussion regarding Clay County Park. Smith said she has questions. The first is who will have oversight of the park. Hammond thought the Association will have oversight, and her impression was that the County will do that. She felt it would be awkward to have an Association with no part in the lease overseeing the park. Hammond said the County can have whatever level of oversight it wants. We can continue

operating the way we are and work towards fixing any problems we have. His thought is the lease was canceled, but we are continuing to have the Association operate as is and evaluate the relationship going forward. He was not understanding that the County would administer the park directly, including financials, as the Association would not have any part in that type of situation. Mockler asked whether the Board is in agreement that the end goal is to have the Association back in charge at some point. Mockler said working with them is the easiest way to get them back in control of it. Hammond said there is low risk to that as well. The chances of having bad things occur going forward would be mainly due to lack of trust back and forth between the County and Park Board. Smith said in order for the Association to run it they would need some legal basis for that because right now they don't have that. She asked, can we allow a private association collect fees for a land for which they have no right to unless we have a contract or a lease that allows them to control the land? She thinks we are asking for trouble if we tell them to continue to run it the way they have. We lose the oversight we were looking for. There has to be a contract or legal basis for the County to do that. She said they are all on the same page in reorganizing it in a more responsive way, but allowing them to continue to run everything without a lease is problematic. Hammond said we probably jumped the gun by pulling the lease the way we did instead of saying we are not happy with the way things were working and putting them on notice that we could pull the lease. It would have given us the legal structure Smith was talking about. Mockler said this is the way we run the Fairgrounds. We have the oversight, but in the meantime, we are rewriting the bylaws and rules of staff duties and conduct. That is what we wanted. They are the ones mostly involved with it, and if there is any concern, Smith and Hammond are both on the board, so they should have firsthand knowledge if something is going down the wrong path. At any time, we can take control of the finances. It is best to work with them to get them on the path they need to be on.

Smith said she wants to clarify that the Association will continue to operate and the advisory board will write policies and procedures moving forward. Mockler and Packard discussed that the advisory board is made up of people on the Association's board. Hammond said one of the goals is to reduce the size of the Association's board because the size is unwieldy. The Board discussed volunteering requirements for members of the board. Smith discussed that the bylaws lack a conflict of interest statement, and that is required by the IRS to maintain 501c3 status. It's really important that the State's Attorney look at this and sign off on it. It causes her concern to have an entity running things that doesn't have a lease or legal document in place that articulates things like liability and worker's compensation insurance. We have no control over terms and conditions under which they lease the land. The prior lease required things like public use and liability insurance. At this point in time, we hold the liability and not the Association. Mockler said the Fairgrounds operates the same way, and they carry their own liability insurance and we do not have a contract with them. Hammond said they do carry their own liability insurance. Mockler said we have the ability to tell them they have to operate this way if they want control back. Hammond said he does not think we want to operate the park. He thinks the costs would go up quite a bit, and we would have to invest way more than the \$17,000/year crop rent. Smith said she would like to hear from Birch as well. Hammond asked specifically, if the County is operating it directly going forward without the lease, how comfortable is the State with its lease to the County. Birch said they would be comfortable with the County taking it over temporarily

or running through the advisory committee. They are in the middle of camping season, and it would be the best interest to get through this year. As for the financial part of it, it would be a good idea to run that through the Treasurer's Office. We can make it through these last couple months and get the bylaws written, or have the State take it over, which is what they would do if they had to, although it's not the first choice. There are some new, good board members coming in that are willing to put the time in. Packard said we have a legal right, if you have a non-profit that is taking care of everything, and all the funds are coming into the County, why should the non-profit exist? She believes the funds should stay with the non-profit. By bringing it into the Treasurer's Office, it is making more expense to the County and less responsibility to the operator and yet asking them to take on more rules. It would be completely disruptive to bring the accounting to the County, and the non-profit has no funds, so they would have to bring everything to the County to get anything done. Smith said they are talking about two different models, and the one that makes the most sense legally is not the most convenient one. If there is no lease or contract, on what basis are we allowing the Association to control the land and accept payment for the land. She said it really is a problem, and it doesn't solve the basic problem that brought us to this point. The other alternative is the one Birch discussed, the park advisory board taking charge, and it is messy. If a private non-profit association that has no formal legal relationship with the county is allowed to use the land, the County will be liable. If they have liability insurance, it does not release the County of liability, unless there is a formal agreement that transfers liability to them. Packard moved that the County provide a temporary lease to the Park Board for 6 months while we iron out legal problems and other issues. Hammond said we have way too much on our plate going forward with transferring, taking over the responsibilities ourselves. It's too much on our plate to try to run this without what we have at the park. Manning seconded the motion. Mockler said as far as operating business as usual and issues that got us to this point, those issues are being addressed, hopefully, by the advisory committee because that's what they were tasked to do. Hammond said their job was mainly to redo bylaws, policies, and procedures and then report those back to the Board. The Board is responsible for enacting the changes and seeing that they are lived up to. Hammond said we got the new rules posted last week, and it is a great sign. Mockler discussed responsibilities of staff, making sure there are no tiki bars, etc., and those things are going to be addressed, which can be done by January. Hammond said we would have a new streamlined board. Mockler said he wants to work with them on good faith to get back to where they need to be. Hammond said that is an important phrase, and we need to demand good faith from those who are doing the operations. Mockler said we still have the ability to say no, but we don't want to do that, and they want to run it the way it should be run. They are the perfect people to write those rules, bylaws, and expectations. Hammond said having Stewart and Paul Pederson are important components. Mockler said they will run the rules and bylaws past the Commission. Hammond said his understanding is both the Association board and this Commission need to approve those bylaws and amend as necessary. Hammond said he would propose amending the motion to include the lease continuing on a month-to-month basis for the next 6 months. Packard said it feels restrictive. Hammond said that is what the lease was like before. Continuing on that basis is what would have the same teeth we had in the old lease. Packard accepted the amendment to the motion, and Manning seconded it. Manning asked how long the camping season is, and Birch said it's through October. Hammond

said he calculated it to May 14<sup>th</sup>-October 17<sup>th</sup>. Most weekend campers come 2 nights, and holiday weekends they come 3 nights, and others want to stay for a whole week. Figuring it all in, a true camping season would involve about 54 nights. He figured if we had 100% occupancy on 2-night weekends for the whole season and nothing else, it would be an income of \$50,600. Over last year it would be an additional \$9,000. He said if we hired other managers and other people, we would be way short on funds. Mockler asked where we are at on Bonfire, and Hammond said it's been put on hold. Birch said his suggestion is this be part of the future plan to start next year since we are in the middle of camping season. He suggested having someone other than management operating it, such as a call center. Getting everyone prepared for it and trained for next year would be a good thing. Hammond said we have 3 ½ months left, and Bonfire will do monthly contracts, so the advantage of going ahead is a try-out period. With the training we have already had we could probably get it going before the July 4<sup>th</sup> weekend, but the campground is all reserved for that already. That would be the advantage to going ahead with Bonfire, and this year could be training wheels to find its advantages and disadvantages. He does not see the liability and internal control problems because proceeds are deposited directly into the bank account. There is a paper trail. If there are problems, it would be problems created by Bonfire. Packard asked if Bonfire sends out a daily report to management. Hammond said he thinks it's set up to go in and check. Packard said the campground management needs to know who is there. Birch said it's a live system, so you can get a roster. Hammond clarified that he and Smith could check it. Smith said the issue she sees is that the Treasurer of the association needs to control the account because that person has the opportunity to take campsites offline to give certain people priority access to sites, and that has been a problem. It is problematic to give control of the entire reservation system to the campground managers. They can easily download the information they need every day. The reason Bonfire is set up the way it is, it's for internal control purposes. They cannot give free sites on the side by disabling access to certain sites or accepting cash by disabling the sites in Bonfire. Internal control is destroyed by not separating duties. Birch said there are times where you have to make some adjustments where you have to credit a camper for a site, and you can have a free site for volunteers coming in, so that would be a chance for favoritism, but you can count the occupancy vs. the rate to check that. Hammond said he has done that. Mockler asked how they would pull sites off for someone else. Birch said there are things like maintenance holds that can be placed on a site. Hammond said there have been accusations of that, and using the roster it's fairly easy to keep track of the available sites. They are keeping the envelopes, and he almost brought a stack of them today to establish it. The level of accountability hasn't always been taken care of, but he brought it up at the March meeting that they need to be saved. Mockler said Bonfire would get rid of the envelopes. Birch said there are information cards to be posted on the post at the campsite. Mockler said that is why management should have access to Bonfire without changing and holding sites. Mockler said he couldn't hold 10 sites with his credit card without someone having to explain, and Hammond said he would be committing to pay for those 10 sites as well and discussed cancellation policies. Smith said the problem is that if camp management controls Bonfire, they can reserve sites for friends and family, or basically mimic what the problems are now. It's such a simple change to make that someone else sets up the site other than management, and it seems critical if we want fair access for all citizens of Clay County to those sites. You're paving cow

paths, electronically instituting the system we have now, and she does not want to reinstitute the system we have now with a fancy Bonfire veneer. Mockler asked how they would reserve sites without paying for them on Bonfire. Smith said they could make sites available at certain times, and those sites could be taken before it's released to the public. Bonfire is set up to avoid that problem by giving the Treasurer the authorized user, and the management can download reports yet be unable to manipulate the system. Mockler and Packard said that is what they are suggesting. Smith said she thinks Hammond is suggesting the management run it. What she is suggesting is that the Treasurer manage Bonfire and the management is not able to manipulate the sites. Mockler said they need to be able to manage the sites that are there and help people with first-come-first-served sites. Hammond said the most common reason to take a site off is electrical box failures, which is a common problem since they are exposed to weather, so camp management has to be able to take sites offline for reasons like that. If he had a password to get into Bonfire, he would probably spot issues like Smith is worried about. He goes down there a couple times a week to physically look at the situation. He has a list of seasonal sites. Only the Treasurer gets a free site, and the workers pay for theirs and get \$11/hour for the work they do. Mockler said they would have to have a reason for putting sites on hold in Bonfire. Hammond asked why sites would be getting put on hold anyway as they are open until reserved. Smith said we have figured out that some people get preference, and those are the phone calls we are getting. It's possible for someone who controls the whole Bonfire system to do that. If you gave owner responsibilities to management, you would have to scrutinize every transaction and timing. The wise thing is to mimic the way the State does it. They separate the reservation system from the site management system. When a site has maintenance issues, they can contact the reservation system to take a site offline for a period of time, but they don't control every aspect of the system. It's a tried-and-true system. You have one part doing the reservation system, taking care of money and the deposits, accurate lists, and then the actual camp management is able to download who has reserved sites and so on. That's what makes sense to her. Packard asked how available the Treasurer is. Hammond said he visited with her for an hour or so last night. They want to make sure the management makes a deposit by Tuesday for the previous weekend. Packard said she agrees the dual system is appropriate. We do not have the funds to hire someone, but if the Treasurer gets a free campsite, it is payment to an extent. Packard said it may only require a phone call to Bonfire. Hammond said having Bonfire may help her take care of some of the bookkeeping that will be downloadable. Packard said she would not be worried about when the deposits are going in because they would be automatic. Manning said we need to try Bonfire for the rest of the year and let the Treasurer be in charge to see how much more work it will be for her, and going forward we will know some of the problems, so he suggests we put Bonfire in the rest of the year and put the Treasurer in charge if she is willing to do it. We will know which sites are on hold, and the hold should only be for maintenance. Birch said we just put up a new sign, so we would have to change that. With Bonfire, they will have 2 means of payment, and we always want them to use a credit card, but the other is cash at the park. Avoid checks if you can. Most people have credit or debit cards. You might not even have deposits some weeks because it's all done by credit. He has some concerns about starting it right now, but it can be done. Packard said she would recommend putting a disclaimer that the system is under construction. Birch said there should not be a lot of



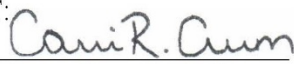
hold, and if there is a problem it is usually a breaker. Mockler asked if Hammond will take care of getting Bonfire set up. Hammond said we can amend it that the Treasurer has primary financial control, and operational control can be with the campground managers, with the understanding that if there are holds it has to be a maintenance reason and be reported to the Treasurer, himself, or Smith. Smith clarified that control of the owner part of the site would be the Treasurer's, and management would be able to download the list of campers and sites every day. Packard said management should not have to do anything but contact the Treasurer. Hammond and Packard discussed that if the management cannot get a hold of the Treasurer, they can have a secondary contact person. It could be Smith, or it could be himself. He said he has tried to make sure everyone involved knows that he is involved. We'll make sure everyone communicates and knows where the boundaries are. We'll make those formal in the new bylaws and policies and procedures. Smith asked Birch if it sounds like a workable plan for the rest of the year. He said it can be done, and the starting point is probably the most difficult, making sure there are no hiccups or errors. Smith asked whether he is comfortable with the Association doing day to day management with a temporary lease. He said that is fine as there is a 30-day notice if something comes up, and it gives time to get the bylaws written. Manning asked if the advisory board will always be there. Mockler said once their job is done they dissolve and go back to the board. Hammond said to think of the advisory board as a subcommittee. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye. Motion passed.

At 11:40 a.m., Manning moved, seconded Packard to adjourn and reconvene at 9:00 a.m. on Tuesday, June 22, 2021. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye. Motion passed.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:

  
Carri R. Crum, County Auditor

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June 25, 2021

The Board of County Commissioners met in a special session Friday, June 25, 2021 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning, and Richard Hammond.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Manning moved, seconded by Hammond to approve the agenda. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The discussed the American Rescue Plan funds. Hammond said he asked to have the subject added to the agenda because under the funding, some of the things that are eligible are things like improving the quality of the atmosphere in public buildings like this one. One of the things he knows about this building is that we do have air exchange problems. Under national HVAC standards you exchange air so many times per hour to be considered a building that contains healthy air. In the information, “ventilation improvements in congregate settings, health care settings, or other key locations...capital investments in public facilities to meet pandemic operational needs, such as physical plan improvements to public hospitals and health clinics or adaptations to public buildings to implement COVID-19 mitigation tactics.” Page 18 of the interim final rule gives us hope that we would be able to use some of those funds. As I understand it, the State has several billions of dollars earmarked for South Dakota. Her verified the amount with Auditor Carri Crum. Crum said the total allocation for the County is a little over \$2.7 million, and we have already received half of it. Hammond said if that’s the case, it would be a good, wise use of those funds to earmark some for the HVAC. He wanted to see if there would be interest in following up on doing a project like that, if it would be in the interest of Clay County. In view of the type of air quality problems we already know we have in the building, an antiquated fan coil style units with essentially zero air exchange in and out of the living space of the building, it might be a good idea to look into it, see if we can get an expert to take a look at the building. Mockler asked if we should have Beckenhauer Construction do it. Hammond said it would be a good idea as they have already looked at it as part of the previous work on the building project. Mockler said they would have access to the people who would do that type of work, too. Hammond said with the previous assessment of the building, it could be a matter of asking for their written opinion. He said he was looking for a sense from the Commission whether we should look at something like this. Packard asked about using it for plumbing and another area for using it for non-profit aid that was negatively used for tourism programs. It might help our budget for the next year. Crum discussed subrecipient monitoring requirements if the money was passed on to non-profits. Hammond asked about deadline for application process itself. Hammond said the deadline for funds to be used is the end of 2024. Mockler said he will contact Dick Strassburg with TEGRA Group to discuss having Beckenhauer Construction assist with the process. Crum discussed that it might involve a contract similar to what was used for their oversight of the roof and tuckpointing project. Hammond said with that kind of money it’s worthwhile to look into it. It was discussed that plumbing does not fall under the guidelines. Hammond said there is a spot where the city could

use funding to replace all lead household connections. City Manager John Prescott was present and said some of that is a property owner's responsibility from the meter box back. The City does replace their lines if they find it. In downtown, they did find one lead connection, and that property owner replaced it. Hammond said when he lived on Yale St., they had a full lead connection to the house from the City's connection. He thinks this program will help replace it on the private side because they are specifically concerned about effects of lead on children. That is his impression in reading the act. Smith said she thinks the HVAC project fits squarely under the grant, but her reading is that plumbing will not. She likes the alternate way of using funding for that.

At 9:52 a.m., Hammond moved, seconded by Packard to enter an Executive Session for contractual matters per SDCL 1-25-2. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

At 10:04 a.m., Hammond moved, seconded by Smith to exit the Executive Session. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board discussed land options for a jail. Mockler said we know Brady wants \$2.5 million for his 12-14 acres across from Pump 'n Pak. Stan Munger has not returned phone call. Maybe he's busy, or maybe he's not interested in selling the 32 acres. The property south of Runnings was a "no." The property north of the bypass, across from Walmart is 38 acres at \$16,200/acre, so around \$615,600. Munger's property and the land north of the bypass are outside of city limits. Hammond asked what the City's thoughts are on the properties and how it would impact the City's expansion plans. Prescott said he does not see any of those properties coming into the city limits as a negative, particularly if they were partners in the complex. Mockler said this is the personal opinion of Prescott and Collier-Wise, and the County would not hold them to it. Hammond said Mayor cannot speak for council. Collier-Wise said she predicts the bigger concern of the council would be traversing of Highway 50. Mockler said he thinks we can get stoplights put in. Brookings has 2 stoplights on their bypass. Collier-Wise said she hopes so, but some things you think DOT can take care of quickly and easily but years later you are still waiting for it, she does not want to depend on that. It should be confirmed because it is a big decision. Hammond concurred. Mockler said he likes the north property to help push Vermillion as it is just about out of development property. It would help get sewer and water across the bypass, plus the cost as \$2 million goes a long way. Manning and Packard agreed that the cost is a huge factor. Mockler asked if we can own development property. Prescott said the City did own the lots where Biotest and Runnings are at one time. They would sell to businesses as they came up. It's not always easy for a government entity to deal with Real Estate, so they transferred the property to VCDC since they are better and handling some of those things.

Mockler asked for initial thoughts. Manning said Brady has the best spot for location, but the price is way beyond what we can think of spending. He said he wants to see if Munger is even interested in selling. It's not a bad spot either. Otherwise, he is sold on the 38 acres across the bypass. Dollars and cents mean a lot to him. Manning asked since we have not heard back from two of the landowners, we may be down to one location. Hammond said the suggestion has been to have Realtor represent us. Packard asked why because it will add 5-8% on top of what we are

already paying. Of all of our Real Estate offices, there tends to be some family ties within, and she does not know how that will get us any further ahead. Smith said an agent is incredibly useful at this point in the process. The County could send out an RFP to agencies in the area and ask them to come up with a proposal for representing us. Because it's a large amount of money we may be able to negotiate a lower rate. Mockler asked what they are going to do for the County that the Board does not already know. Smith said they would negotiate a fair price and facilitate a sale by gathering documents, setting a sale date, and superintending the transaction. Many who try to sell a house on their own end up hiring an agent. Collier-Wise said she thinks there might be more comfort level on the council's side if there were a third party negotiating. Mockler said on the property north of the bypass, there is no negotiating. They will not come down. Crum said TEGRA Group's website lists Real Estate brokerage as part of their services, and the County is already engaging their services for the project, unless a local agent may have a better relationship with the sellers. Manning said he likes that idea, and Packard agreed. Manning said he does not know how they would choose a local Realtor, and the County has already hired Strassburg. Hammond said Strassburg may also engage local Realtors on the County's behalf, which gives another layer between the County and the sellers. Packard said it makes the most sense because TEGRA Group has already been hired as the County's owner's representative. Manning moved to have Strassburg/TEGRA Group look into negotiating property for the County, seconded by Packard. Under discussion, Smith said she would still favor getting a better rate by sending out RFPs, and TEGRA could bid like everyone else. She said she would prefer to have a competitive process based on a lower rate for this transaction. Mockler said the other thing is the person who owns the property north of the bypass is a Realtor, so there is no cost there. Smith said the County needs someone representing us. Packard said that is what TEGRA Group does. We are looking into what they would charge, and if it's unacceptable then we can look into RFPs, but time-wise she would like to get this going. Hammond said maybe we should ask TEGRA Group to give us a proposal and whether he would end up being a manager to what Smith is suggesting. Manning amended his motion that the County ask for a proposal to find out what TEGRA Group charges. If it's way out of line we don't go that route. Realtors in Vermillion charge 5-6%, so if he comes in under that it would be alright with him. Packard said she would accept that amendment as a second. Roll call vote: Hammond Aye, Manning Aye, Smith No, Packard Aye, Mockler Aye.

At 10:21 a.m., Hammond moved, seconded by Manning to adjourn. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

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July 6, 2021

The Board of County Commissioners met in regular session Tuesday, July 6, 2021 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning, and Richard Hammond.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Hammond moved, seconded by Packard to approve the agenda with the addition of LEMPG Agreement Amendment. All voted aye; motion passed.

Smith moved, seconded by Manning to approve the minutes of the June 22 & 25, 2021 meetings. All voted aye; motion passed.

The Board considered fuel quotes. Manning moved, seconded by Smith to accept the low bid of \$2.19/gallon for #2 diesel fuel from Jerry's Service. All voted aye; motion passed.

Auditor Carri Crum discussed the 2022 budget with the Board. She presented the budget with no opt-out, a \$600,000 opt-out, and a \$750,000 opt-out. Crum discussed that the cash reserves have been around 30-32% for several years, and with no opt-out it is projected to be around 6.9%. Smith asked about increased spending, and she and Crum discussed that it is inmate boarding, salary increases, health insurance premiums, etc. Crum said the Highway Department budget request is an increase of approximately \$400,000. She discussed that material costs have increased. She said other departments held the line pretty well for budget requests. Hammond said the big players are typically salaries, health insurance, and the Highway Department budget. The others do not make a huge difference. Crum said the cash reserve could end up better at the end of the year if we receive more revenue and do not spend the entire budget. She clarified that the projections do not account for the \$1 million set aside for the building as that is not a surplus of cash but is set aside for the specific project. Hammond said it appears the \$600,000 opt out is an appropriate number as it maintains some appropriate cash balance because it doesn't take much, if there is another year with extreme highway damage, to use up extra funds. The jail problem is hard to project human behavior to know how much load there will actually be on the inmate boarding. Howe discussed inmate boarding costs at Union County vs. Minnehaha County and fuel usage for transports as well. He said they will do everything they can to save every dollar possible. Packard said she feels it has potential to be in a higher range, and she supports the \$750,000 option as it gives the County more room. If we do not have to spend it all, then it is available for the building or other expenses. Crum said if the opt-out resolution is for 5 years, for example, and they find they do not need it all, they do not have to take it all. Mockler said it can be for one year as well. He asked Crum if the budget projections account for a supplement in 2021 for the jail budget. Crum said no. Mockler said that does not include some form of cutting budgets. Howe said the inmate count is increasing, and he expects we will be in the mid-20's soon. He projects we will board close to 20 next year on average. Howe said he may be able to house work release inmates in the jail when COVID-19 is not a concern, and when repairs can be made. Manning discussed opting out for a year at a time to see how it goes as it sends a message to people that they are trying to be responsible with the money. He said they should still look at

making some cuts in some areas. Mockler asked for a list of non-mandated programs to be provided to the Commissioners. Hammond said the inmate boarding expense will be in the ballpark of 5 years even if we build a jail now. He said the opt-out could be referred and voted down. Mockler said we either opt-out or go bankrupt, and what if \$600,000 is not enough. Crum said it is possible to pass another opt-out resolution. Packard said she is more comfortable with 2 years. Smith said a one-year opt-out seems the most sensible, given the uncertainty. She thinks Howe will learn a lot this year about how the jail will work. She would hate to have an embarrassing surplus at the end of the year. Manning said if you have it, you do not have to spend it. Smith said that gives the sense that we have over-taxed people, and she would rather be conservative. Crum said the first year will be tricky to predict, and the next couple of years will be uncertain. Howe said the goal is to lighten the load on the jail, but there is no guarantee that there will not be a lawsuit resulting the court shutting down the jail. He thinks the projected costs are pretty safe. Howe discussed budgeting more for vehicle replacement, possibly 1.5 vehicles per year so that the vehicles are replaced every 6 years. Mockler said the 1.5 cars per year is walking the fine line between getting enough use out of the vehicles and replacing them before they start nickel and diming us. Howe discussed reliability of vehicles during inmate transports, etc. Hammond said going to Sioux Falls vs. Elk Point to board inmates could make a big difference in mileage on the vehicles. Mockler said it may change if we get a jail built, too. Hammond said when he used to use federal vehicles, they replaced them on a per-mile basis, so maybe we should consider that method. Howe said they average 30,000 miles per year per car, but the transport vehicle could be different. Hammond said they are in the 180,000-200,000 mile range when they are traded.

Dick Strassburg from TEGRA Group was present to discuss replacement of the courthouse HVAC system. He said he discussed the matter with JLG Architects regarding having their engineer look into it. Howe said the air conditioning unit in the visiting judge's office was leaking into the Treasurer's Office via electrical boxes. Crum said the court room unit leaked into the Auditor's Office last week as well. She said they struggle to keep the units from leaking each year, and they routinely grow mold inside in the areas where the air blows out. State's Attorney Alexis Tracy said she is sure the court room units ran a lot during the trial. She said the judge had the jury deliberate in the court room as the jury room is too small. Hammond said it may be good to replace the condensation lines in the meantime. Howe said the courthouse used to have window air conditioners. Emergency Management Director Layne Stewart said it might not be a bad idea to look at the return air exchange in the Safety Center as well.

Strassburg and Courthouse, Jail, and Law Enforcement Center Facility Planning Committee Chairman Steve Waller discussed properties available for a jail. Strassburg said his firm can help with Real Estate brokerage, and they work with Bender in Sioux Falls, although for a community the size of Vermillion sometimes it works well to just hire an attorney. Tracy recommended hiring someone if that is the course they want to take as she is not well-versed in Real Estate law. Strassburg said they have worked with Jim Weiderich at Woods Fuller. Tracy said he helped the County with the architect and construction manager contracts, and she cannot think of anyone locally who might not have a conflict. The Board discussed that Margaret Crew might be a good local option. Smith said the other question is negotiating a price, and that is what Realtors do.

Mockler said the sellers he has talked to said to add 6% to the price if a Realtor is involved. Manning and Mockler discussed that Larry Brady's property went up to \$3.9 million, we have not heard back from Stan Munger, and the property across the bypass is around \$615,000. Manning said he does not think we have any other option than the \$615,000 property. Manning said if Munger does not return a call, he must not be interested in selling. It was discussed that when Bob Fuller spoke to him a year or so ago, he was not interested in selling at the time because his mother was still alive. Tracy discussed with the Board whether to go into Executive Session regarding contractual matters. She suggested sending a letter to Munger as she sometimes has more success with that. Manning said he does not want to sit on it and have someone else buy the available property. Smith said she thinks it makes sense to have an agent assisting the County, and it does not make sense to her for the five of them to negotiate a deal. Mockler said that is the Commission's job. He said he negotiated his properties himself and then got the attorney involved to handle paperwork. Strassburg said in Vermillion there are relationships, and he questions bringing in an outsider, although an attorney or broker should handle paperwork. Packard said she is very comfortable with approaching Margaret Crew to be the representative. Hammond said there is a good chance she has been working on the sale of Munger's other property, and maybe she has a means of contacting him. He said it is helpful to have a second piece of property in play, especially one on this side of the highway.

Manning moved, seconded by Hammond to approve the following claims for payment. All voted aye; motion passed.

(PAYROLL)		GLENWOOD TOWNSHIP	\$6,310.57
COMMISSIONER'S	\$8,796.52	IRENE CITY	\$1,710.97
AUDITOR'S OFFICE	\$11,890.95	IRENE/WAKONDA SCHL 13-3	\$52,293.35
TREASURER'S OFFICE	\$37,223.97	MECKLING TOWNSHIP	\$7,098.27
STATE ATTORNEY'S OFFICE	\$21,276.52	NORWAY TOWNSHIP	\$4,026.57
COURTHOUSE	\$3,430.77	PLEASANT VALLEY TWP.	\$6,353.41
DIRECTOR OF EQUALIZATION	\$11,893.62	PRAIRIE CENTER TWP.	\$6,843.42
REGISTER OF DEEDS	\$8,368.93	RIVERSIDE TOWNSHIP	\$5,075.60
VETERAN'S OFFICE	\$1,601.78	SD DEPT OF REV ANDERSON	\$355,284.37
24/7 PROGRAM	\$2,201.84	SDACO - M&P FUND PAYMENT	\$414.00
SHERIFF'S OFFICE	\$40,817.14	SEILERS SECOND ROAD DIST	\$134.82
COUNTY JAIL	\$29,324.66	SPIRIT MOUND TOWNSHIP	\$5,677.08
EMERGENCY MGMT	\$4,703.33	STAR TOWNSHIP	\$7,911.63
HIGHWAY	\$43,273.18	STATE OF SD GAME FISH	\$335.00
COMMUNITY HEALTH NURSE/WIC	\$3,246.03	TLC WATER PROJECT DIST.	\$1,211.40
EXTENSION OFFICE	\$2,639.06	VERMILLION BASIN WATER	\$1,664.32
WEED	\$10,369.29	VERMILLION SCHL DIST 13-	\$453,430.15
PLANNING & ZONING	\$2,308.40	VERMILLION TOWNSHIP	\$2,917.49
(DUE TO OTHER GOVERNMENT)		VIBORG/HURLEY SCHL 60-6	\$118.69
BERESFORD SCHL DIST 61-2	\$26,945.82	WAKONDA TOWN	\$5,120.24
BETHEL TOWNSHIP	\$5,340.74	(PAYROLL WITHHOLDING)	
CENTERVILLE SCH DIST 60-	\$9,484.59	AFLAC	\$809.44
CITY OF VERMILLION	\$206,207.86	CLAY CO FIT FICA	\$53,261.90
CLAY CO TREASURER	\$8,875.00	COLONIAL LIFE	\$183.16
FAIRVIEW TOWNSHIP	\$8,324.65	CONSECO/WASHINGTON	\$24.45
GARFIELD TOWNSHIP	\$6,428.05	DIV OF CHILD SUPPORT	\$624.66
GAYVILLE/VOLIN SCHL DIST	\$9,676.13	NEW YORK LIFE INSURANCE	\$328.57

SD CHILD SUPPORT CENTER	\$713.00
SD RETIREMENT SYSTEM	\$26,088.76
SD SUPPLEMENT RETIREMENT	\$2,525.00
SDRS ROTH 457(B) PLAN	\$810.00
SDRS SPECIAL PAY PLAN	\$14,593.44
TASC PVR	\$2,576.65
THE STANDARD - DENTAL	\$983.05
THE STANDARD - LIFE INS.	\$385.74
THE STANDARD - SH TRM DI	\$1,020.70
THE STANDARD - VISION	\$179.76
UNITED WAY OF VERMILLION	\$232.00
VERMILLION FEDERAL	\$1,321.00
WELLMARK BLUE CROSS	\$51,335.64
(FIRE DEPARTMENTS)	
BERESFORD RURAL FIRE	\$899.51
CENTERVILLE RURAL FIRE	\$654.45
GAYVILLE RURAL FIRE ASSO	\$623.23
IRENE RURAL FIRE ASSOC	\$177.43
VERM. RURAL FIRE ASSOC.	\$3,490.00
VOLIN RURAL FIRE ASSOC.	\$78.22
WAKONDA RURAL FIRE	\$1,341.19
(INSURANCE DEDUCTIBLE REIMBURSE)	
POLLEY, RODNEY	\$500.00
PROEFROCK, ROBERT	\$500.00
STEWART, LAYNE	\$500.00
(PROFESSIONAL SERVICES AND FEES)	
ALTERNATIVE HRD LLC	\$890.00
ASHLEY, JENNIFER	\$200.00
AVERA MCKENNAN HOSPITAL	\$1,456.00
BECKENHAUER	\$3,000.00
BEERMANN, SHEILA	\$50.00
BERG, SUSAN A	\$200.00
BERINGER, JESSICA	\$206.64
BIRKELAND, KATHRYN	\$223.86
BREMER, RUTH	\$242.10
CARLSON, MICHAEL	\$50.00
CITY OF VERMILLION	\$77.50
CRUM, RANDY E	\$75.00
DEPT OF LEGISLATIVE AUD.	\$17,060.50
DOWNEY, JOAN	\$145.00
ERICKSON SOLUTIONS GROUP	\$1,803.08
FADER, AARON	\$200.00
FEDEX	\$57.08
GAPP, DEBRA	\$6,842.00
HALL, KACIE	\$180.00
HODGEN, DORIS	\$200.00
HOFMAN, PAM	\$100.00
HOFMAN, RAY	\$100.00
HOUSKA, DDS, RANDY	\$317.00
HUOT, JOAN	\$223.56
ILCHUK ENTERPRISES LLC	\$260.00
JOHNSON, LISA	\$205.00

JOPLING, CURTIS	\$200.00
KATTERHAGEN, MARK	\$72.00
KENNEDY, PIER LOFTUS &	\$306.90
LEWIS & CLARK BEHAVIORAL	\$368.00
LEWIS DRUG, INC.	\$20.79
LEWNO, LUCILLE M	\$726.04
LINCOLN COUNTY AUDITOR	\$976.60
LINCOLN COUNTY TREASURER	\$1,083.51
LOCKWOOD, DARCY	\$72.00
LOFFLER COMPANIES	\$323.59
MABRY, ARTHUR	\$204.04
MANGER, BILL	\$50.00
MEHLHAF, JEANNE	\$230.00
MINNEHAHA CO. AUDITOR	\$140.00
MINNEHAHA COUNTY JAIL	\$17.65
MOLLMANN, SANDRA	\$192.89
NATIONWIDE MUTUAL	\$50.00
NELSEN, PEGGY	\$196.29
OLSON, LINDA J	\$200.00
PETERSON, JOHN	\$252.93
PHARMCHEM, INC.	\$342.60
PRAVECEK, ETHELYN (WESS)	\$205.00
PROSSER, SHEILA	\$200.00
QUALIFIED PRESORT SVC IN	\$38.17
REDDEN, KATIE	\$50.00
SANFORD HEALTH OCCUPATIO	\$414.00
SATELLITE TRACKING OF	\$172.25
SCHAFFER, DONNA	\$200.00
SD DEPT OF HEALTH LAB	\$530.00
SD HUMAN SERVICES CENTER	\$68.60
SDRS SPECIAL PAY PLAN	\$45.00
SECURITY SHREDDING SVC.	\$210.00
SZYMONSKI, DEANN	\$268.65
TRITECH SOFTWARE SYSTEMS	\$16,298.00
ULTEIG	\$638.00
UNION CO. SHERIFF	\$347.49
VERMILLION FEDERAL	\$52.19
WHIPPLE, DENNIS	\$204.36
WILSON, JAMES P	\$230.00
YANKTON CO SHERIFF	\$150.00
YANKTON CO TREASURER	\$134.90
YANKTON MEDICAL CLINIC P	\$426.98
(OTHER PROFESSIONAL SERVICE)	
ISI LLC	\$337.40
MEYER, MARY ANNE	\$372.00
MINNEHAHA COUNTY JAIL	\$2,920.20
SCHILDHAUER, T. LEMBCKE	\$864.00
SD ATTORNEY GENERAL	\$2,186.00
UNION CO. SHERIFF	\$3,380.00
(LAW OFFICE)	
JOHNSON, KATIE PLLC	\$168.30
JONES, KODY	\$22.00



MCCULLOCH, JAMES E	\$1,380.10
PETERSON, STUART, KLENTZ	\$9,166.66
THOMPSON, CRAIG K	\$836.55
(MENTAL HEALTH)	
AVERA UNIVERSITY	\$205.62
SD ACHIEVE	\$240.00
SESDAC FOUNDATION	\$360.00
(PUBLISHING)	
BROADCASTER PRESS	\$1,050.23
PLAIN TALK/BROADCASTER	\$342.00
STAR PUBLISHING	\$575.28
(REPAIRS AND MAINTENANCE)	
BEAR, INC. DBA TODD'S	\$132.81
BRUNICK SERVICE, INC.	\$45.00
BUHLS DRYCLEANERS &	\$169.10
BUTCH'S PROPANE	\$174.00
CENTURY BUSINESS PRODUCT	\$30.00
CLAY CO HISTORICAL SOC	\$500.00
GEHM, CINDY	\$636.00
HANSEN LOCKSMITHING INC	\$75.50
INTERSTATE POWER SYS INC	\$1,665.31
JOHNSEN HEATING & COOLIN	\$2,975.57
KALINS INDOOR COMFORT IN	\$89.00
NELSEN ELECTRIC LLC	\$1,155.00
O'REILLY AUTO PARTS	\$16.98
PRESTO-X COMPANY LLC	\$144.00
PROCHEM DYNAMICS	\$48.29
ROAD KING, INC	\$900.00
RS PLUMBING SERVICES	\$160.02
SCHULD, MARIANNE	\$2,040.00
STEFFEN, BERNARD	\$1,100.00
TRI STATE INSULATION	\$ .00
TRI-STATE TURF &	\$114.42
TURNER PLUMBING INC	\$85.20
VERMILLION AREA CHAMBER	\$200.00
WH OVER MUSEUM,	\$1,175.00
(DATA PROCESSING/CLAY CREEK/INF)	
ERICKSON SOLUTIONS GROUP	\$11,542.50
MICROFILM IMAGING SYSTEM	\$855.00
SOFTWARE SERVICES, INC.	\$760.00
(YANKTON CLAY EXPENSE)	
CRUM, CARRI R	\$25.00
HAMMOND, RICHARD	\$25.00
HEALY, JOSEPH	\$25.00
HOJEM, PATTY	\$47.68
HOWEY-FOX, WANDA	\$47.68
LOEST, CHERI	\$47.68
MANNING, MICHEAL	\$25.00
MOCKLER, TRAVIS	\$25.00
POLLEY, RODNEY	\$25.00
VETTER, GARY	\$47.68
(SUPPLIES & MATERIALS)	

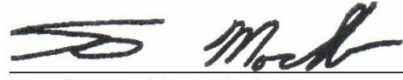
A & B BUSINESS	\$185.28
A-OX WELDING SUPPLY CO	\$109.30
AGTERRA TECH INC.	\$43.00
BROCK WHITE COMPANY	\$953.94
BRUNICK SERVICE, INC.	\$235.80
BUTCH'S PROPANE	\$1,382.34
BUTLER MACHINERY CO.	\$143.10
C & R SUPPLY, INC	\$667.48
CANON	\$138.15
CORTRUST BANK	\$4.00
D-P TOOLS, INC.	\$279.22
DAKOTA RIGGERS & TOOL IN	\$182.15
DIAMOND MOWERS INC	\$14.72
FEDEX	\$118.40
HOLLENBECK, LAUREN	\$20.63
HY-VEE, INC.	\$113.80
INTAB, INC.	\$89.86
INTERSTATE POWER SYS INC	\$123.75
JERRY'S SERVICE	\$8,825.48
KALINS INDOOR COMFORT IN	\$29.91
KLUNDER, NICOLE	\$236.16
LAYNE'S WORLD, INC.	\$51.04
LOFFLER COMPANIES	\$192.08
MCLEOD'S PRINTING & SUPP	\$347.24
MICROFILM IMAGING SYSTEM	\$155.00
NELSEN ELECTRIC LLC	\$5,970.75
ONE OFFICE SOLUTION	\$329.39
PRESSING MATTERS	\$65.02
QUALIFIED PRESORT SVC IN	\$1,262.16
REDWOOD TOXICOLOGY LAB.	\$118.87
RIVERSIDE HYDRAULICS AND	\$561.48
ROAD KING, INC	\$5,580.00
RUNNINGS SUPPLY INC	\$143.20
SD REDBOOK FUND	\$398.20
SDVSOA	\$100.00
SIGN-UP LTD.	\$26.94
STEFFEN, BERNARD	\$417.74
STURDEVANT'S AUTO PARTS	\$505.01
TRACTOR SUPPLY CREDIT PL	\$135.94
TRUENORTH STEEL	\$36,071.42
TWO WAY RADIO SOLUTIONS	\$275.00
TYLER TECHNOLOGIES	\$449.00
VERMILLION ACE HARDWARE	\$431.52
VERMILLION FEDERAL	\$1,257.23
WARNE CHEMICAL & EQUIP	\$620.80
(COPIER SUPPLIES)	
CANON	\$161.12
LOFFLER COMPANIES	\$354.03
(TRAVEL AND CONFERENCE)	
BEST WESTERN RAMKOTA INN	\$1,212.00
CHRISTENSEN, LAURA	\$86.00
HOLLENBECK, LAUREN	\$49.50

OLSON, LENNEA	\$86.00	ENGEMAN, JEFFREY M	\$50.00
PETERSON, INA	\$86.00	ERICKSON, JENNIFER C	\$50.00
SDAAO	\$720.00	FARABEE, DARLENE	\$50.00
SDSU EXTENSION SERVICE	\$45.55	GRAHAM TIRE S.F. NORTH	\$584.04
TERWILLIGER, LISA	\$25.20	HY-VEE, INC.	\$717.52
VERMILLION FEDERAL	\$197.20	JACOBSON, KEVIN	\$50.00
(INMATE TRAVEL)		LANE, TRACEY	\$50.00
CHRISTOPHERSON, KALEB	\$92.00	MURLEY, KEVIN M	\$54.20
PEDERSON, PAUL	\$148.00	NUTRIEN AG SOLUTIONS	\$2,047.50
PENNINGTON COUNTY JAIL	\$244.85	PIZZA RANCH 14762	\$3,014.50
PUMP N PAK	\$262.00	PUMP N PAK	\$1,505.21
(UTILITIES)		ROSS, ROBERT D	\$56.96
BUREAU OF ADMINISTRATION	\$109.99	SAWTELL, DAWN	\$50.00
CENTURYLINK	\$548.10	SD DEPT OF REV ANDERSON	\$630.39
CENTURYLINK EMG	\$13.89	SDACC OFFICE	\$1,786.00
CITY OF VERMILLION	\$3,509.06	SOUTHEASTERN SD-DTA	\$520.00
CLAY RURAL WATER SYSTEM	\$139.60	SPRINGER, ELIZABETH	\$52.52
CLAY UNION ELECTRIC CORP	\$694.55	VERMILLION FEDERAL	\$26.01
MIDAMERICAN ENERGY	\$540.21	VERMILLION FORD	\$46.28
MIDCO BUSINESS	\$495.00	WIARDA, ADAM	\$36.80
STEWART, LAYNE	\$150.00	(JDC/SPECIAL EQP.)	
VERIZON WIRELESS EMG	\$40.01	MINNEHAHA COUNTY JDC	\$1,785.00
VERIZON WIRELESS HWY TRS	\$100.60	SDACC OFFICE	\$5,696.00
VERIZON WIRELESS TRS	\$178.71	TERWILLIGER, PHILIP	\$350.00
VERMILLION FEDERAL	\$6.00	(BOOKS)	
VERMILLION GARBAGE SVC.	\$592.00	THOMSON REUTERS - WEST	\$423.35
WAKONDA TOWN	\$71.25	(FURNITURE AND MINOR EQUIPMENT)	
(PAYMENT)		CANON	\$209.96
BAISDEN, TAMMY	\$20.00	LOFFLER COMPANIES	\$81.54
BRUNICK SERVICE, INC.	\$49.95	MICROFILM IMAGING SYSTEM	\$60.00
DOMESTIC VIOLENCE	\$230.00	VERMILLION FEDERAL	\$696.67

The Board considered a Fireworks Display Permit from Fireworks Unlimited for a display in the field south of 318 St. and east of 454 Ave. Crum said Fireworks Unlimited said they will wet the field down before and after and have a water tank available to prevent any fire. Smith asked Stewart for his opinion on a display during current weather conditions. Stewart said it is mainly a field, and they have done it for other events in the County. He is ok with it as there is no burn ban in place. Smith moved, seconded by Hammond to approve the permit. Under discussion, Packard asked if there is a caveat in case a burn ban is put into place prior to the display. Smith and Hammond amended the motion to make the permit approval contingent upon a burn ban not being in place on the date of the display. All voted aye; motion passed.


The Board considered an amendment to the LEMPG grant award agreement. Stewart said the County will receive another couple hundred dollars. Packard moved, seconded by Smith to approve the agreement amendment and authorize the Chairman to sign it. All voted aye; motion passed.

At 10:07 a.m., Smith moved, seconded by Hammond to adjourn and reconvene at 9:00 a.m. on July 13, 2021. All voted aye; motion passed.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:

  
Carri R. Crum, County Auditor

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July 13, 2021

The Board of County Commissioners met in regular session Tuesday, July 13, 2021 at 9:00 a.m. Members present: Travis Mockler, Elizabeth Smith, Micheal Manning, and Richard Hammond; Phyllis Packard was absent.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Hammond moved, seconded by Smith to approve the agenda with the addition of an amendment to the 2019 Highway Infrastructure Program. All voted aye; motion passed.

Manning moved, seconded by Hammond to approve the minutes of the July 6, 2021 meeting. All voted aye; motion passed.

State's Attorney Alexis Tracy appeared as a Visitor to be Heard to report to the Board that her office has received a notice for the Stop Violence Against Women Act grant award, and it is about \$15,000 lower than previous years.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. Polley discussed with the Board hiring for the open positions at the Highway Department. He said he has two very good candidates and would hate to lose either one. He has an open position and another person retiring in January. Hiring two people would cover both positions. Manning moved, seconded by Hammond to authorize Polley to hire for two positions. All voted aye; motion passed.

The Board considered a proposal for improved IT services from the County's IT provider, Erickson Solutions Group, at the Highway Shop. Polley said they are having trouble backing up their computers and would be using equipment similar to what is in place at the courthouse. Manning moved, seconded by Hammond to accept the proposal. All voted aye; motion passed. Manning said it seems like computer costs just keep going up. Auditor Carri Crum said half of the courthouse offices were down on Friday due to failure of a network switch. Most of the county offices use web-based software programs, so they were unable to work while the equipment was down.

Polley said the weed building addition is done.

Polley also updated the Board on the Transportation Study. They are getting ready to put together a board, and he would like to have two commissioners on it. Polley, Emergency Management Director Layne Stewart, and Zoning Administrator Drew Gunderson are the other members, along with representatives from the State. Hammond and Smith volunteered for the positions.

The Board considered an amendment to the 2019 Highway Infrastructure Program extending the date for spending the money. Smith moved, seconded by Hammond to approve the amendment to the 2019 Highway Infrastructure Program and authorize the Chairman to sign it. All voted aye; motion passed.

Tracy discussed the Westlaw Contract renewal options with the Board. Westlaw is the search engine for all legal searches for the State's Attorney's Office. It is a three-year agreement and is an upgraded program with new features, and it is \$487 per month. There is an add-on for extra governmental forms for an additional fee. Tracy and Mockler discussed whether it is worth an extra \$500 per year for the add-on. Manning asked whether it can be added later. Tracy said they could do that. Hammond moved, seconded by Smith to authorize the \$487/month plan. All voted aye; motion passed.

The Board discussed a draft of the Clay County Park Lease. Hammond moved, seconded by Manning to approve and authorize the Chairman to sign the lease agreement. All voted aye; motion passed. Stewart said the advisory board did meet last week. He said it was a good discussion, and there is a survey out currently to arrange the regular meeting schedule. He is giving a tour of facilities Thursday afternoon to the new members. He said he spoke with Polley, and the Highway Department has a tractor at the park. Hammond said they use it to drag the roads at the park. Mockler said it could sit inside at the Highway Shop, and they could use it when they need to. Smith said the rodeo grounds could use some gravel. Hammond said the rodeo grounds and the shooting club could use some grading when the Highway Department has time. Polley said they are ok with it as long as the Commission approves. Manning said it would be better for the tractor to be parked inside. Hammond said they use it during the Halloween festival for the hay rack rides. Mockler said it will still be available to them. Sheriff Andy Howe said there was never a written agreement for the tractor, so it does seem appropriate for the County to store it inside. Hammond agreed and said Bill Kennedy uses his own equipment for the rodeo grounds. Polley asked Howe if anyone has mowed the rodeo grounds. Howe said he has not been there to see. Stewart said he drove in there a few days ago, and it had been mowed.

Mockler reported to the Board that the State and Township Board are still talking about paving the road to the highlines landing. Polley said the last letter he received said 2023 is the earliest it could happen if the funds are available, and he assumes prices have gone up substantially since the letter. Mockler said for a mile-and-a-half they allocated a million dollars. Polley said it is an access grant. Mockler said it is up to the Township Board because it is their road to give up, not the County's road to take. Hammond said he understood that the Park Service would pave the road, and the Township Board would have to maintain it. Mockler said that is the problem; the Township does not have the equipment to maintain it. It was discussed that there are a lot of steps that have to happen (surveying, bid letting, etc). Polley asked if the County would take it over if the Township wanted us to. Mockler said that is a discussion that would have to happen.

The Board considered adopting a resolution for an opt out. Manning said he does not see a whole of choice in the matter. He would like to do it on a yearly basis and would like to do \$750,000. He knows there was concern that there might be a lot of money left over, but that would mean next year they would not opt out for as much. Hammond concurred all of those thoughts. Manning moved, seconded by Hammond to pass and adopt the resolution for one year at \$750,000. Smith said she agrees with one year but would like to see \$600,000 because she trusts Howe's estimates. She is loathe to overtax people in any way. In the event we had a complete disaster and were short \$150,000 they could amend the budget and appropriate additional funds

from fund balance. She proposed that as an amendment to the motion. Mockler said \$600,000 puts the County at a 14.6% reserve for next year, and it does not take into account the additional money needed this year for inmate boarding. He is concerned with the 14.6% reserve ending up being lower. Manning said that concerns him. Mockler said inmate population could rise. Manning said that 14.6% reserve is one of the lowest numbers they have seen. Mockler said he thinks the lowest he has seen since he has been on the Board is 19%. Manning said he looked at the non-mandated programs and came up with a cut of \$37,000 and could do more. He asked if the County is committed to the \$20,000 per year Vermillion NOW pledge. He said if they could cut some from the budget, he feels more comfortable with a \$600,000 opt out. He said he knows the cuts will be unpopular. He also said the last thing he wants to do is not give people raises. He said it will be difficult to find other cuts. Smith said she agrees they will need to make cuts at \$600,000. She has noted that over time that budgets sometimes shift and become more responsive to the current needs of the community than they might have been before. She thinks \$50,000 in cuts is very reasonable, so maybe they are looking at more like a \$650,000 or \$700,000 opt out. Howe said the difference between his estimates has to do with average daily population and where we board them. They have had success with Union County being able to take inmates, and the savings is considerable compared to Minnehaha County, a \$200,000-300,000 difference. As long as Union County jail is available, they save a lot on the daily rate and transportation costs. The numbers are based on about 20 inmates, and right now we are in the 16-inmate range, and a couple of those are on house arrest. He expects the numbers to increase over the next year. He does not think \$600,000 is inappropriately low; he does not want to be caught short on funds, but maybe we can adjust if it changes. Manning amended his motion to \$700,000, seconded by Hammond. Roll call vote: Hammond Aye, Manning Aye, Smith Nay, Mockler Nay.

Smith asked if we are assuming the jail is costing \$750,000 instead of \$600,000, or are we subsidizing other areas of the budget with the opt out? The Board agreed it is for the jail. Smith said she would be willing to go up to \$650,000. Mockler said his thought is that we are going to deplete our reserves with what we will spend this year. If an emergency happens, like if a bridge collapses, that's what the reserve is for, for emergencies. He would like to get back to the 20% range. Manning said the opt out is for the jail, and that is where we are going to use the money, not everything else. If we have to house inmates in Minnehaha County the costs could go up \$200,000, so that is why he originally said \$750,000 and then talked himself down to \$700,000. He does not want to be over the top either. Mockler said he might be too radical because he could find \$130,000 in non-mandated programs to cut. Smith asked Howe how far into reserves he might need to get for 2021. Howe said he was thinking around \$128,000. Smith asked if any of it can be found in the existing budget. Howe said the meal budget would be underspent, and the boarding budget would be overspent. Hammond said they are looking forward to the next 18 months, and we have already demonstrated that inflation is going to take a toll on us. His bank is expecting things to stay at about 6% over the short to medium term, so that means our expenses a year out could be higher than we are projecting, especially for fuel costs. Petroleum costs are probably going to stay high and possibly grow 30%. Howe said he checked boarding bills for June, and using that he expects to go over around \$128,000, assuming that we can continue to board in Union County. Smith said on that basis she would go back and vote yes. There was

discussion regarding Robert's Rules of Order. Tracy said someone could make a motion and identify further discussion regarding the matter. There was more discussion regarding opting out vs. cutting the budget for non-mandated programs. Hammond said there is not much in the operating budget they can cut without really affecting the County services that they are required to provide. Hammond moved, seconded by Smith to pass and adopt the following Resolution #2021-23 for Opt Out in the amount of \$725,000 for one year. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Mockler Aye.

**ATTENTION TAXPAYERS:  
NOTICE OF  
PROPERTY TAX INCREASE  
OF \$725,000**

**RESOLUTION #2021-23 FOR OPT OUT**

THE GOVERNING BOARD OF Clay County Commissioners do state that the above said board is unable to operate under the tax limitation measure currently in statute. We therefore OPT OUT of such tax limitation in the amount of \$725,000 starting with calendar year 2021 taxes payable in the calendar year 2022. This opt out will be for 1 years, which will be through taxes payable in the calendar year 2022. This action has been taken by the board and approved by at least a two-thirds vote of the board.

This decision may be referred to a vote of the people upon a petition signed by at least five percent of the registered voters in the district and filed with the governing body within twenty days of the first publication of this decision.

Unless this action is referred to a vote of the people and reversed by such vote, this resolution authorizes the county auditor to spread an excess levy to raise tax dollars in the above stated amount.

Signed: Travis Mockler Board Chairman

Elizabeth Smith Board Member

Micheal Manning Board Member

Richard Hammond Board Member

\_\_\_\_\_ Board Member

Attest: Carri R. Crum Clay County Auditor

Date July 13, 2021

Howe said he will do his best to keep the boarding costs down. His numbers are based on Yankton County's rates because they are between Union County and Minnehaha County. Yankton County's rate is \$85/day, Union County's rate is \$60/day, Minnehaha County's rate is pennies away from \$100/day, and Thurston County, NE is \$50/day, but it is a longer distance and lesser access to the public defender. Most of the inmates are pre-trial, and it works best to have them in Union County for cost and access to the public defender.

Crum updated the Board that Dick Strassburg from TEGRA Group and JLG Architects have been working on the potential of a new HVAC system for the courthouse and redesigning the jail and law enforcement center without the courthouse and government offices.


Manning updated the Board that he had a Vermillion Chamber & Development Company (VCDC) meeting, and they have opened up the next phase of the Bliss Pointe subdivision. He discussed the VCDC's pricing strategy for lots in the subdivision as well as how the lots are divided between local Real Estate agencies for sale purposes.

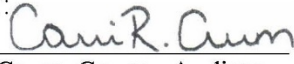
At 10:01 a.m., Manning moved, seconded by Hammond to enter an Executive Session for contractual matters per SDCL 1-25-2. All voted aye; motion passed.

At 10:34 a.m., Hammond moved, seconded by Smith to exit the Executive Session. All voted aye; motion passed.

The minutes will also reflect that the Board discussed Economic Development under the Executive Session per SDCL 9-34-19.

At 10:34 a.m., Hammond moved, seconded by Smith to adjourn and reconvene at 9:00 a.m. on July 27, 2021. All voted aye; motion passed.

  
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Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:   
\_\_\_\_\_  
Carri R. Crum, County Auditor

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July 27, 2021

The Board of County Commissioners met in regular session Tuesday, July 27, 2021 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning, and Richard Hammond.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Manning moved, seconded by Packard to approve the agenda with the addition of declaration of surplus for the pop machine and authorizing the disposal/recycling of it and Ditch Board for a driveway extension for Todd Bye. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Hammond moved, seconded by Manning to approve the minutes of the July 13, 2021 meeting. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Under Visitors to be Heard, Susan Gray, Chair of the Vermillion Historic Preservation Commission, said they have invited Bob Yapp for a presentation tomorrow night at 7:00 p.m. She invited the Board to attend and said he is a great resource for them as he has a consulting firm and runs a school in Hannibal, MO. Hammond said he plans to attend and has attended a presentation by Bob Yapp in the past.

At 9:06 a.m., Manning moved, seconded by Hammond to adjourn and convene as Clay County Ditch Board Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Mockler said Todd Bye would like to have a couple of culverts installed along Lateral 50. The Lateral is out of money, and Mockler wondered if Bye pays for the culverts, can the Ditch Board reimburse him later. Mockler and Auditor Carri Crum discussed the funds. Smith said they should not make it worse by spending more money that is not there as it would not likely conform to statute. Polley discussed that you can see where he has been off in the ditch as he turns into the driveways.

Polley reported that the rip rap is done on the Yankton-Clay Ditch.

At 9:10 a.m., Hammond moved, seconded by Packard to adjourn and reconvene as Board of Clay County Commissioners. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Andrew Peterson from SDLTAP was present to discuss repairs between 312 St. & 313 St. on 470 Ave. Polley would like to mill it up and turn it to gravel. Peterson said with that section of road, Polley requested traffic counts October 11-31, 2019. The average daily traffic (ADT) was 68 vehicles, with 15% being truck traffic. It was during harvest time, so that impacts the traffic count. Typically, under 150 ADT they recommend keeping it a gravel surface as it is the most cost-effective surface. There is always the option of doing nothing, but there are some negative things that can happen with waiting longer, such as a new asphalt road with an inadequate base. A gravel road with milled crushed asphalt will be a better road than a regular gravel road. The

ditches are steep, and doing an asphalt road will bring it up another few inches. Reclaiming costs are probably a little higher than standard costs since it is a short section, but life cycle costs are much cheaper to maintain. Hammond clarified that in the beginning it is a better surface but asked how long that lasts. Peterson said it varies, but said eventually it will blend in. Manning asked if it will end up like the ¼ mile to the interstate where it is washboard. Polley said it depends on the material. Peterson agreed and said that section is definitely material related. Hammond said he used to use this section a lot, and getting there via the washboard section, it was almost preferable to go around. Manning said if that section does not turn out well or get maintained well, he will hear about it. Polley said it will be maintained just like any other road as the blade is in that area anyway. Manning said he understands why Polley wants to mill it up. Polley said otherwise he will need to purchase right of way, etc. Peterson said patching asphalt is very costly and is a temporary solution that is hard to maintain. He suggested doing something with it sooner than later. Manning said he has pulled at least 3 people out of that ditch, and he couldn't believe they made it. Hammond said those ditches are pretty important in wet periods. Peterson said milling will not affect the ditches, aside from blending that area. Hammond moved, seconded by Packard to reclaim 470 Ave. between 312 St. & 313 St. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye. Peterson said in this situation he would call it upgrading to gravel. Manning said he hopes people don't come down that too hard, knowing how many have gone in the ditch. Polley said the surface should be tighter as opposed to asphalt with holes.

Polley discussed traffic counts on Fairview Ave. He said his 5-year plan includes straightening that road. Peterson said the ADT was 56 from June 4-18, 2020. Polley said that surprised him because he thought they were looking at a 200-count road. Peterson said it was set up between the hill and East Main St. Polley said he would like to widen the hill, but the Sheriff has not reported a lot of crashes, and the traffic count was lower than expected.

Polley discussed 452 Ave. between Hwy. 46 & 306 St. Peterson said the counts were taken Jan. 19-Feb. 2, 2021, the first count was 121, and the second was 192. Polley said if the Board would like traffic counts anywhere else it presents a nice, detailed report.

The Board considered a Driveway Application from Gerald and Kari Richards at 31375 Bluff Rd. Hammond moved, seconded by Packard to approve the application and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered 2 Driveway Applications for extensions from Bruce Mockler on Greenfield Rd & 310 St. on the west side. Packard moved, seconded by Hammond to approve the applications and authorize the Chairman to sign them. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered the 2022 budget request for the Highway Department. Polley discussed the need for a new oil distributor. Butler had one for \$19,800, and he purchased it. He said that will not come out of next year's machinery budget. Under materials, he included \$600,000 for the Yankton County Line, in conjunction with Yankton County, for a thin lift. Polley said it does

not need to be milled up, and Yankton County's Highway Superintendent agrees. He plans for 26 miles of micro-surfacing. He said he requested a 5% increase for himself as he is the lowest paid and longest serving Superintendent in the area except Bon Homme County. Mockler and Polley discussed the purchase of a diesel truck and what it will pull as well as a payloader and its warranty. Hammond agreed that on the truck purchase, it is much better to get a diesel for what it is used for.

Mockler asked Polley what happened to the flashing yellow signs at Hub City. Polley said they wouldn't work, and he sent them back, so he just received the new solar signs and will get them put up soon.

Ryan Anderson, 911 Communications Director, met with the Board for the 2022 budget request. He discussed payroll, staffing coverage, equipment needs, and IT costs.

The Board reviewed the LEPC and Emergency Management budget requests for 2022.

The Board reviewed Emergency Management Director Layne Stewart's Quarterly Activity Report. Manning moved, seconded by Hammond to authorize the Chairman to sign the report. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Treasurer Rhonda Howe met with the Board to present a resolution raising the NSF fee to the State statute fee of \$40. Hammond moved, seconded by Packard to pass and adopt the following Resolution #2021-24 for the Establishment of an NSF Fee. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

RESOLUTION #2021-24  
FOR THE ESTABLISHMENT OF AN NSF FEE

WHEREAS, by motion of the Board effective August 1, 2021, the Clay County Commissioners establish an NSF fee of \$40.00 for non-sufficient fund checks presented to Clay County; and

NOW THEREFORE BE IT RESOLVED, that the Clay County Treasurer's Office charge the \$40.00 NSF fee effective August 1, 2021.

Dated this 27th day of July, 2021.

\_\_\_\_\_  
Travis Mockler, Chairman  
Clay County Board of Commissioners

ATTEST

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Carri R. Crum, Clay County Auditor

Howe discussed the 2022 Treasurer's Office budget request. She said she corrected the health insurance budget line due to changing demographics within the office.

Sheriff Andy Howe met with the Board to discuss the 2022 budget requests for Coroner, 24/7 Sobriety Project, Sheriff's Office, and County Jail. Manning and Howe discussed the use of SCRAM bracelets vs. PBT for the 24/7 Sobriety Project. Howe discussed the out of county boarding budget line increase for the jail, as well as salaries, building maintenance, inmate phone

cards, etc. Under the Sheriff's Office budget, he discussed IT needs, inmate transport, mobile data computer replacement for the patrol cars, Taser replacement, patrol car rotation, etc. Howe discussed the need for another deputy, although he knows there are so many other needs within the County that he did not include it in his budget request. He said neighboring counties, even Turner County, have a detective, and Vermillion Police Department has 3 detectives. He has deputies doing felony investigations that should be done by a detective, and they are very time consuming. He said he intended to ask for another deputy, but due to the needs in the jail and other department heads' needs, he did not include it. Mockler clarified that with another deputy comes another vehicle purchase as well. Hammond asked how many felony follow-ups the Sheriff's Office does in a year. Howe said he does not have the number available at the moment. State's Attorney Alexis Tracy said she has two for the Sheriff's Office right now. Hammond said the trail is getting cold if the deputies are busy with other things, and we are diverting a load to the people who have been harmed if we are unable to devote the time to the investigations. Howe said there is an open jailer position since spring, and he has not had even one application since then. He also advertised for a med tech, and 3 people called but only 1 applied. He has two deputies that have been activated on National Guard duty, and another is injured with an upcoming surgery. Mockler said to add a deputy would cost \$120,000-130,000. Howe said the only thing he could stop doing in order to do more elsewhere is the School Resource Officer position, and that is so important that he does not want to diminish that. Hammond and Packard said the County must keep that School Resource Officer. Howe said they have 32 open felony cases, including 1 homicide.

Weed Supervisor Dennis Ganschow met with the Board regarding the addition of a weed, Common mullein (*Verbascum Thapsus L.*), to the local noxious weed list. The Board would need to approve it, and then the State would need to approve it. Manning moved, seconded by Packard to add the weed to the local noxious weed list. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Ganschow discussed the 2022 budget request. He said his request was lowered a bit due to a lesser need for equipment.

Tracy met with the Board for the 2022 State's Attorney's Office budget request. She discussed salaries for the legal assistants. They are both paralegals, and she asked for a grade increase for them. She has had no applicants for the Deputy State's Attorney position, other than one person who has not finished law school yet. She compared salaries to openings on the State Bar website as well as openings in neighboring states. She would like to advertise in a range from \$66,000-72,000. Manning and Tracy discussed cost-of-living rates, and Manning said the hard part is the money issue. Tracy said she hopes that people understand when their property assessment goes up, so does that of the County's employees. She requested the commissioners to adopt her salary proposal and authorization to advertise for the wages. Manning, Crum, Howe, and Tracy discussed wages for department heads.

Director of Equalization Ina Peterson met with the Board for the 2022 budget request. She discussed her data processing budget needs and costs for the Pictometry fly-over.

Crum discussed the 2022 Courthouse budget request. She discussed the courthouse improvement budget line. She said she did not include it in the budget request but would like the Board to consider creating a building maintenance department like Union County's, where there are two people to handle cleaning and maintenance. It has been increasingly hard to find a handyman who will come fix the little items. Between the two people, the courthouse would have coverage for things like sick leave and vacation time, whereas now there is no one to cover for the janitor when she takes time off. Crum acknowledged that it seems like a bad time to request the extra staff position, but the voters made it known that they feel the building has not been maintained, so maybe this is an answer to that. Tracy discussed the way Union County's building maintenance department functions. She said as the County potentially expands to another building, they will need more staff. She feels that since we will not be moving out of this building, it is a need, and the voters have asked for it. Howe said on a day while it's actively snowing, the snow removal is a lot, and the contractor does it once. He said right now he and Crum are the ones who have to figure out who will fix things, to call a plumber, or patch a hole in a wall. He said he cannot get plumbers to take his calls for the jail, so it is hard to get someone to fix things. Meanwhile, he and Crum have jobs to do besides maintain the building. He is the landlord for the Safety Center. Sometimes it is himself and Chief Betzen on a ladder fixing things. He has a lot of historical knowledge about the building, so he will need to teach someone before he retires how to monitor the generator so diesel fuel does not spill, etc. Manning said if we have two buildings we will definitely need somebody, and he asked if it is a full-time job with a full-time janitor. Tracy said yes and explained how the schedule worked. Lauren Hollenbeck, 4-H Educator, said Union County also just hired an extra person for the building maintenance department. Packard said within 3-4 years they will need at least two full-time people. Crum said there is a part-time person in the jail and safety center, but they could use someone more hours. Howe said he does not think their building is clean enough, and that is just cleaning; he is not talking about maintenance. Crum said, depending where the person is placed on the scale, it could cost \$57,000-60,000 per year. Mockler said it would need to be a person who is a jack of all trades. Howe said he can think of a few people. Crum said they have talked about it for years. They used to contract out for mowing, and the janitor asked to be able to do it, then we added a sprinkler system, so it has to be mowed twice as often. Howe discussed the trees that need to be trimmed. The group discussed tree services in the area.

Hollenbeck met with the Board to discuss the 2022 Extension Office budget request. She discussed the need for new computers and phones as well as travel for the State Fair. Mockler asked how the termite situation is in the building. Hollenbeck said the termites have been taken care of, and she has started to call contractors for quotes on the repairs.

Hollenbeck also presented the Quarterly 4-H Activity Report.

Zoning Administrator Drew Gunderson met with the Board regarding the SD Planner's Association's recommendations for marijuana ordinances. He said he is obtaining assistance from SE Council of Governments in writing the ordinances. He discussed recommendations for dispensary regulations. He discussed determinations for the number of dispensaries and said the Planning Commission's recommendation was one. The State is recommending a \$5,000 permit

application fee, although the Board can set a different fee. Mockler said the recommendation was one in the County and one in the Joint Jurisdiction Zoning Area. Gunderson said 99% of counties are only allowing dispensaries and none of the other types of facilities (cultivation, manufacturing, and testing). He said his recommendation would be the same. He said he has not had an opportunity to discuss the Joint Jurisdiction Zoning Area with the City. Smith asked what the rationale is behind only allowing one dispensary in the County. Mockler said the Planning Commission was concerned with the potential of overwhelming the Sheriff's Office. Gunderson said a lot of the enforcement would fall on the Sheriff's Office, and they were concerned with the resources. Packard discussed allowing competition, but having too many would be a problem. Mockler said there could possibly be four that the Sheriff's Office would have to address: Irene, Wakonda, the County, and the Joint Jurisdiction. Smith said the City is considering a liberal ordinance. Cultivation, testing, etc., is a business opportunity for farmers. There are a number of people in the County who are considering this as a business opportunity. She suggested taking a look at allowing it in agricultural or commercial zones. Howe said dispensaries in communities don't bother him as much as rural cultivation. He said he does not have the staff to monitor rural cultivation. If there are multiple people interested, they should start small and demonstrate responsibility. He said it is a lot to ask of a small agency. Smith asked if the State will take any role in inspections. Gunderson said there is a proposal to do that on some level, but the Counties are supposed to be involved in oversight as well. He said the State's Attorney, Sheriff, and one other person are to make up a Board to oversee it. Hammond asked what the take is on what is likely to happen on inaction. Gunderson said we have to do something by October 28<sup>th</sup>. Tracy said she will be more prepared to discuss this in the coming months as there is so much change happening right now. Hammond said he knows Clark County has already acted to only allow dispensaries. Gunderson said Minnehaha and Lincoln Counties are only allowing dispensaries. He said nobody wants to take the next step yet. Mockler said drafts of rules get rewritten, but we need something in place to begin with that is not set in stone so that we are not allowing a free-for-all. Hammond said it is probably a good idea to be more restrictive at first. Howe, Gunderson, and Mockler discussed the application process and background checks. Howe said he has spoken with one person who wants to get into the business, and he has faith in that person having good intentions, but there are plenty who should not be in the business. He said the production level concerns him more. Gunderson said we need to have something in writing to determine criteria of who gets the permit. Mockler and Manning discussed having a lottery system. Packard said there are criteria for landfill management that would relate well to this. Smith asked if the SD Dept. of Health will be doing any training sessions. She said we need a line that determines who is taking responsibility. In other states, what grow operations generally look like is an industrial park with enormous buildings with grow lights, water, and so on. South Dakota will not allow people to just grow fields. Every state has strict security requirements that make it easier to figure out whether they are adhering to state and county rules. Gunderson said a permit would probably come first and then a Conditional Use Permit. Hammond said the permit determines whether the applicant is eligible and then they may have one or more locations to apply for a CUP. Mockler said if they are going through the CUP process, they should be guaranteed a permit at the end. Tracy said there is proposed language for refund of fees if the applicant does not obtain the state permit. Mockler said they would do the state steps first, and

we would get a copy. He said it would be like the CUP process for livestock. He thinks they would have to jump through state hoops first, then get the CUP, and then they would be eligible. Hammond said he wonders why the State would require us to also run a background check after they have done one. Howe discussed differences in background checks. The Board discussed residency requirements. Hammond said the CUP would be site-specific, but the permit would be for the ability to operate. Mockler asked what happens when the person has a permit but cannot get a CUP and does not have a site. Can they tie up the one available license? Hammond said Smith makes a good point that other states have been down this path, and it is good to learn from their experiences. Howe discussed local connections to entities who have a history of doing things right; it pays to be selective to make sure it's done right. He has concerns about facilities with inadequate security, or complaints about facilities in which he would not have the manpower to handle it. Smith said we want local people, but we are wanting people to have a long track record, and they are probably mutually exclusive. She thinks we should think about our own population. This is a high profit crop. Initially the capital outlay is enormous. She wants the Board to think about how we create balance of giving a local people an opportunity for those that want to invest. Howe said it is approved, it's legal, and it's going to happen, so we want to encourage legal sellers, and having the local connection would potentially involve a partnership. Hammond said those things are not necessarily mutually exclusive; he thinks we can have someone in Clay County with a partnership with an operation in Belgium, for example.

Packard moved, seconded by Manning to approve the following claims for payment. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

(PAYROLL)		GARFIELD TOWNSHIP	\$7,987.22
COMMISSIONER'S	\$8,796.52	GAYVILLE/VOLIN SCHL DIST	\$3,624.78
AUDITOR'S OFFICE	\$11,890.95	GLENWOOD TOWNSHIP	\$7,326.04
TREASURER'S OFFICE	\$19,719.53	IRENE CITY	\$563.30
STATE ATTORNEY'S OFFICE	\$22,563.58	IRENE/WAKONDA SCHL 13-3	\$112,966.44
COURTHOUSE	\$3,430.77	MECKLING TOWNSHIP	\$7,861.48
DIRECTOR OF EQUALIZATION	\$11,070.70	NORWAY TOWNSHIP	\$5,075.98
REGISTER OF DEEDS	\$8,368.93	PLEASANT VALLEY TWP.	\$7,670.48
VETERAN'S OFFICE	\$1,601.78	PRAIRIE CENTER TWP.	\$7,941.92
24/7 PROGRAM	\$2,144.48	RIVERSIDE TOWNSHIP	\$7,470.74
SHERIFF'S OFFICE	\$38,336.71	SD DEPT OF REV ANDERSON	\$414,783.91
COUNTY JAIL	\$30,431.82	SDACO - M&P FUND PAYMENT	\$414.00
EMERGENCY MGMT	\$4,703.33	SPIRIT MOUND TOWNSHIP	\$8,270.78
HIGHWAY	\$47,092.46	STAR TOWNSHIP	\$7,281.08
COMMUNITY HEALTH NURSE/WIC	\$3,246.03	STATE OF SD GAME FISH	\$120.00
EXTENSION OFFICE	\$2,639.06	TLC WATER PROJECT DIST.	\$1,661.10
WEED	\$7,150.04	VERMILLION BASIN WATER	\$483.60
PLANNING & ZONING	\$2,364.28	VERMILLION SCHL DIST 13-	\$350,641.16
(DUE TO OTHER GOVERNMENT)		VERMILLION TOWNSHIP	\$1,921.52
BERESFORD SCHL DIST 61-2	\$27,558.00	VIBORG/HURLEY SCHL 60-6	\$200.78
BETHEL TOWNSHIP	\$5,763.64	WAKONDA TOWN	\$7,766.60
CENTERVILLE SCH DIST 60-	\$29,505.90	(PAYROLL WITHHOLDING)	
CITY OF VERMILLION	\$83,162.18	AFLAC	\$809.44
CLAY CO TREASURER	\$31,209.00	CLAY CO FIT FICA	\$52,690.09
FAIRVIEW TOWNSHIP	\$6,829.72	COLONIAL LIFE	\$183.16

CONSECO/WASHINGTON	\$24.45
DIV OF CHILD SUPPORT	\$624.66
NEW YORK LIFE INSURANCE	\$328.57
SD CHILD SUPPORT CENTER	\$713.00
SD RETIREMENT SYSTEM	\$26,056.52
SD SUPPLEMENT RETIREMENT	\$2,475.00
SDRS ROTH 457(B) PLAN	\$810.00
TASC PVR	\$1,964.15
THE STANDARD - DENTAL	\$947.41
THE STANDARD - LIFE INS.	\$379.32
THE STANDARD - SH TRM DI	\$983.19
THE STANDARD - VISION	\$198.32
UNITED WAY OF VERMILLION	\$232.00
VERMILLION FEDERAL	\$850.00
WELLMARK BLUE CROSS	\$49,800.48
(FIRE PREMIUMS)	
BERESFORD RURAL FIRE	\$26.04
CENTERVILLE RURAL FIRE	\$531.42
GAYVILLE RURAL FIRE ASSO	\$71.72
IRENE RURAL FIRE ASSOC	\$2.08
VERM. RURAL FIRE ASSOC.	\$766.22
WAKONDA RURAL FIRE	\$313.66
(OTHER INSURANCE)	
JENSEN INSURANCE	\$153.33
SD PUBLIC ASSURANCE ALL.	\$1,249.42
(PROFESSIONAL SERVICES AND FEES)	
ALTERNATIVE HRD LLC	\$903.75
AVERA MCKENNAN HOSPITAL	\$728.00
BILLINGS, JOHN P	\$3,960.00
BUREAU OF ADMIN PMB0112	\$8.40
CITY OF VERMILLION	\$53.50
CNA WESTERN SURETY	\$100.00
ERICKSON SOLUTIONS GROUP	\$757.00
FEDEX	\$67.06
FLEX SYSTEM (TASC)	\$1,652.39
HANSEN, BOB	\$400.00
KATTERHAGEN, MARK	\$15.00
LEWNO, LUCILLE M	\$166.51
LINDAHL, JOSETTE MD/PHD	\$6,000.00
LOCKWOOD, DARCY	\$15.00
PHARMCHEM, INC.	\$199.85
REDI TOWING	\$210.00
SANFORD HEALTH CLINIC	\$98.00
SATELLITE TRACKING OF	\$221.00
SD ACHIEVE	\$240.00
SD DEPT OF HEALTH LAB	\$120.00
SD NETWORK AGAINST FAMIL	\$200.00
SECRETARY OF STATE	\$90.00
TEGRA GROUP INC	\$14,000.00
VERIZON WIRELESS ST ATTN	\$304.65
YANKTON CO SHERIFF	\$50.00
YANKTON MEDICAL CLINIC P	\$996.93

(OTHER PROFESSIONAL SERVICE)	
BOYS & GIRLS CLUB, INC.	\$1,750.00
CITY OF VERMILLION	\$153,916.96
DAKOTAH REPORTING AGENCY	\$235.00
KAUFFMAN, DAVID	\$3,265.00
MINNEHAHA COUNTY JAIL	\$5,743.06
SCHAEFER, DEAN	\$144.00
SD ATTORNEY GENERAL	\$1,477.00
YANKTON CO SHERIFF	\$1,600.00
(LAW OFFICE)	
JOHNSON, KATIE PLLC	\$454.00
KENNEDY, PIER LOFTUS &	\$198.00
MCCULLOCH, JAMES E	\$5,360.10
PETERSON, STUART, KLENTZ	\$9,166.66
TERWILLIGER, PHILIP	\$1,456.29
(MENTAL HEALTH)	
DAKOTABILITIES	\$720.00
LEWIS & CLARK BEHAVIORAL	\$184.00
(PUBLISHING)	
BROADCASTER PRESS	\$1,890.32
STAR PUBLISHING	\$1,125.43
(REPAIRS AND MAINTENANCE)	
BRUNICK SERVICE, INC.	\$234.95
BUHLS DRYCLEANERS &	\$168.56
BUTLER MACHINERY CO.	\$413.40
CENTURY BUSINESS PRODUCT	\$30.00
FLEX SYSTEM (TASC)	\$30.60
GRAHAM TIRE S.F. NORTH	\$750.00
HK SOLUTIONS GROUP	\$19,785.00
INTERSTATE POWER SYS INC	\$3,678.50
JOHNSON HEATING & COOLIN	\$806.93
NATURESCAPING DESIGN LLC	\$90.00
OLSON'S PEST TECHNICIANS	\$80.00
OVERHEAD DOOR COMPANY	\$225.00
PRESTO-X COMPANY LLC	\$147.00
RS PLUMBING SERVICES	\$426.32
SANITATION PRODUCT	\$130.00
TRI-STATE TURF &	\$127.09
TWO WAY RADIO SOLUTIONS	\$213.75
VERMILLION ACE HARDWARE	\$114.95
(DATA PROCESSING/CLAY CREEK/INF)	
ERICKSON SOLUTIONS GROUP	\$4,722.25
MICROFILM IMAGING SYSTEM	\$855.00
SOFTWARE SERVICES, INC.	\$1,360.00
(SUPPLIES & MATERIALS)	
A & B BUSINESS	\$184.33
A-OX WELDING SUPPLY CO	\$112.76
AGTERRA TECH INC.	\$1,525.00
AMERICAN STAMP & MARKING	\$378.39
ANDERS, JEFFREY	\$180.00
BARCO MUNICIPAL PRODUCTS	\$656.93
BLUESCOPE CONST. INC.	\$89,178.00



BOB BARKER CO INC	\$101.15	CITY OF VERMILLION	\$1,143.35
BROCK WHITE COMPANY	\$1,245.34	CLAY RURAL WATER SYSTEM	\$117.50
BRUNICK SERVICE, INC.	\$531.34	CLAY UNION ELECTRIC CORP	\$621.90
BUTLER MACHINERY CO.	\$20,455.59	HOWE, ANDY	\$180.00
CANON	\$138.15	HUBER, KYLE	\$120.00
CITY OF VERMILLION	\$2,250.43	HUSBY, TIFFANY	\$180.00
D-P TOOLS, INC.	\$192.73	KYMALA, SHANNON	\$180.00
ELECTION SYSTEMS AND	\$846.82	MCPHERSON, LARRY	\$150.00
GRAHAM TIRE S.F. NORTH	\$282.50	MIDAMERICAN ENERGY	\$233.34
HY-VEE, INC.	\$91.34	MIDCO BUSINESS	\$75.00
INTERSTATE POWER SYS INC	\$1,983.82	PEDERSON, PAUL	\$180.00
JCL SOLUTIONS	\$717.23	VERIZON WIRELESS EMG	\$40.01
JERRY'S SERVICE	\$16,206.00	VERIZON WIRELESS HWY TRS	\$44.28
LAYNE'S WORLD, INC.	\$34.85	VERIZON WIRELESS SHERIFF	\$640.16
LEWIS DRUG, INC.	\$484.07	VERIZON WIRELESS TRS	\$174.62
MCLEOD'S PRINTING & SUPP	\$439.90	VERMILLION GARBAGE SVC.	\$236.00
MICROFILM IMAGING SYSTEM	\$155.00	WAKONDA TOWN	\$66.95
MINNEHAHA COUNTY JAIL	\$13.46	(PAYMENT)	
ONE OFFICE SOLUTION	\$262.59	AUSTIN-WHITTEMORE HOUSE	\$625.00
ORR FARM SUPPLY	\$.95	BERNARD, PAMELA	\$100.00
OVERHEAD DOOR COMPANY	\$595.00	BRUNICK SERVICE, INC.	\$149.95
PROCHEM DYNAMICS	\$54.84	CLAY CO AGR FAIR ASSOC	\$4,125.00
QUALIFIED PRESORT SVC IN	\$2,783.66	CLAY CO CONSERVATION DIS	\$6,250.00
QUILL CORPORATION	\$473.37	COLLINS, CORY	\$57.80
RUNNINGS SUPPLY INC	\$1,207.36	DAKOTA SENIOR MEALS	\$970.50
SANITATION PRODUCT	\$154.15	DOMESTIC VIOLENCE	\$890.00
SD DEPT OF TRANS	\$1,767.46	DR MORTINSEN, ROY	\$20.00
STURDEVANT'S AUTO PARTS	\$405.79	ENGEMAN, JEFFREY M	\$100.00
T & D CHOPPING	\$150.00	ERICKSON, JENNIFER C	\$150.00
TWO WAY RADIO SOLUTIONS	\$315.97	GRAHAM TIRE S.F. NORTH	\$584.04
VERIZON WIRELESS HWY TRS	\$56.28	HY-VEE, INC.	\$208.02
VERMILLION ACE HARDWARE	\$120.82	JACOBSON, KEVIN	\$50.00
VERMILLION FEDERAL	\$107.24	LANE, TRACEY	\$200.00
YANKTON REXALL DRUG	\$14.13	LEWIS & CLARK BEHAVIORAL	\$5,605.00
ZEE MEDICAL SERVICE CO	\$251.95	MAIN STREET PUB	\$143.97
(COPIER SUPPLIES)		MURLEY, KEVIN M	\$108.40
CANON	\$161.12	NATIONAL MUSIC MUSEUM	\$1,250.00
RELIANCE TELEPHONE	\$1,000.00	NOWAK, TERESA RN	\$20.00
(TRAVEL AND CONFERENCE)		NUTRIEN AG SOLUTIONS	\$2,692.50
HUSBY, TIFFANY	\$34.00	OPLINGER, JAEDYN	\$20.00
SDSU EXTENSION SERVICE	\$64.82	OPLINGER, TESS	\$20.00
(INMATE TRAVEL)		PUMP N PAK	\$1,551.73
PENNINGTON COUNTY JAIL	\$288.44	QUALITY MOTORS	\$73.35
PUMP N PAK	\$665.00	SALVATION ARMY	\$437.50
VERMILLION FEDERAL	\$112.32	SCHLEY, ELLIE	\$20.00
(UTILITIES)		SCHROEDER, ANDREW	\$20.00
ARMSTRONG, AARON	\$180.00	SPRINGER, ELIZABETH	\$105.04
AUS, ADAM	\$180.00	TIMMERMANN, TIFFANY	\$100.00
BUREAU OF ADMINISTRATION	\$99.32	VERMILLION AREA ARTS CNC	\$1,250.00
CENTURYLINK	\$547.90	VERMILLION FEDERAL	\$263.99
CENTURYLINK EMG	\$13.88	VERMILLION FOOD PANTRY	\$1,875.00
CHRISTOPHERSON, KALEB	\$180.00	VERMILLION FORD	\$92.56

VERMILLION PUBLIC LIBRAR	\$1,000.00	THOMSON REUTERS - WEST	\$1,048.21
VERMILLION SENIOR CENTER	\$5,000.00	(FURNITURE AND MINOR EQUIPMENT)	
WAKONDA PUBLIC LIBRARY	\$625.00	BOB BARKER CO INC	\$824.62
WH OVER MUSEUM,	\$1,875.00	CANON	\$209.96
WOLLMANN, SIERRA	\$20.00	ERICKSON SOLUTIONS GROUP	\$929.00
(JDC/SPECIAL EQP.)		MICROFILM IMAGING SYSTEM	\$60.00
MINNEHAHA COUNTY JDC	\$18,300.00	O'REILLY AUTO PARTS	\$16.99
TERWILLIGER, PHILIP	\$350.00	ONE OFFICE SOLUTION	\$1,000.00
WATCHGUARD VIDEO	\$58,630.00	(AUTOMOTIVE)	
(BOOKS)		BRUNICK SERVICE, INC.	\$63.50

The Board considered the 2022 Provisional Budget. Manning moved, seconded by Hammond to adopt the 2022 Provisional Budget. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Hammond moved, seconded by Packard to approve and authorize the Chairman to sign the Public Defender Contract for 2022 through 2024. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered appointing a representative to the JDC Advisory Board. Howe discussed the history of the agreement and the activity of the board. Hammond said he had been the representative, and he would be willing to continue. Packard moved to appoint Hammond, seconded by Manning. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered proposals from JLG Architects. The Board discussed the scope of the proposal for the HVAC project. Smith asked whether plumbing, mechanical, and electrical is a total review, or just the amount needed for the HVAC system. Hammond said whenever you look at HVAC on a building like this, the other components are involved to some extent. Smith asked whether the plumbing, mechanical, and electrical is a total review, or just the amount needed for the HVAC system because one would be reimbursable under the American Rescue Plan, and the other might not be. Hammond said for the amount of money we're talking about, he would risk it, and it might be partially reimbursable, and it's worth it to take that risk. Packard moved, seconded by Hammond to approve the proposal and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye. The Board discussed the proposal for a concept drawing for the jail and law enforcement center. Smith said, included in this contract, is design for the courthouse and administrative offices, and given the results of the bond election it seems unwarranted at this point, so she would prefer to see this a design for the jail and law enforcement center. Mockler called attention to the project description, and Manning discussed the scope of work. Smith said she does not think we should pay for any design work on Phase 2, and it seemed to her they were talking about designing for both phases. She thinks it would break faith with the electorate. Mockler said he thinks we should plan for the future so that if it ever does happen it will match right up, and if it does happen it will cost more then to have another one done. Smith said they have gotten a clear message from the voters, and she does not support a contract for something the electorate has clearly rejected. Manning said you have to look to the future. Maybe it will never happen, but it

is good to have it out there in case we do have to draw back on it. He does not want to be here 10 years down the road when they say the courthouse has completely had it. If we buy ground large enough that someday if we have to build a courthouse we can do it. He doesn't want someone to come back years from now to say they wished the commissioners would have thought ahead. He thinks it's a good thing to have a concept. Smith said in the event that in 10 years the County decides to build something new, the requirements and the plan will likely be different than the needs of today. The voters have spoken clearly, and she does not think they should pay for design work that the voters have declined. Packard asked if we can have preliminary approval pending clarification on that portion. Howe asked if the City is paying for a portion of this as it is paying for design of their building. They should be participating in these from the get-go. He said he thinks they should be part of the project every step of the way. Hammond said the price tag is \$16,675, and if it were to be pared down and take out those steps, it would likely be \$12,000-13,000, and he does not think there is harm in those possible future plans included. It could be construed that we are thinking we can go ahead with some government center in the future. That's not his intent. Howe discussed a county in Minnesota that had been served by Klein McCarthy. They designed a courthouse with a jail, and the citizens did not want a jail, so they struck the jail off of the plans. They planned for the future so the design would make sense. Howe discussed planning for the future and including the City in the proposal. It was decided that the proposal should be presented to City Manager John Prescott. Howe said if they design the next phase they need to make sure people understand that it's preliminary, and they are not going to pay for blueprints on a building they are not going to build. Tracy said they think that is presuming the voters voted it down solely on the historic nature because people told her they voted against it due to the taxes going up that much. Tracy said limiting themselves is not the best idea either. Packard moved, seconded by Hammond to table the matter to the next meeting. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board reviewed monthly reports from the Sheriff's Office, Vermillion Public Library Board, and the following Auditor's Account with the County Treasurer report.

#### AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

To the Honorable Board of County Commissioners of Clay County  
 items in the hands of the County Treasurer as of June 30, 2021.  
 I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks	10,229,780.51
Amount of actual cash	1,164.39
Total amount of checks and drafts in Treasurer's Possession not exceeding three days	46,829.71
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:	3,103.48
Checks returned and not deposited	
Cash Items	700.00
Investments	151,000.00
Cash Variation	0.00

Total

Dated this 1st day  
of July, 2021.

10,432,578.09

Carri R. Crum, County Auditor

At 12:50 p.m., Packard moved, seconded by Smith to enter an Executive Session for contractual matters per SDCL 1-25-2. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

At 1:04 p.m., Packard moved, seconded by Hammond to exit the Executive Session. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

At 1:04 p.m., Manning moved, seconded by Hammond to adjourn and reconvene at 9:00 a.m. on August 3, 2021. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST: Carri R. Crum  
Carri R. Crum, County Auditor

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August 3, 2021

The Board of County Commissioners met in regular session Tuesday, August 3, 2021 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Micheal Manning, and Richard Hammond; Smith was absent.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Manning moved, seconded by Packard to approve the agenda with the addition of Emergency Management Director Layne Stewart for budget/drone discussion. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

Packard moved, seconded by Manning to approve the minutes of the July 13, 2021 meeting. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. He discussed the timeframe for the reclamation project on 470 Ave. (east county line). The project is scheduled for some time in September. It will be a lot less than what he estimated. He budgeted \$300,000, and it will not come close. He planned to inject a liquid that helps hold gravel together, making it firm for several years. It is around \$3,000. They will be testing to see how far down the clay layer is. Mockler asked for the cost estimate, and Polley said it should be under \$50,000. Polley said other counties have bids, so if it goes over the \$50,000 statutory bid limit he can purchase from the other counties' bids. The mobilization fee is only \$1,500 since they are already working in the area.

Polley said the old Waslund place on the Vermillion bottom 1.5 miles south and 1 mile west of Hub City, there is a bridge in bad shape. It gets inspected every year. It has been a 5-ton bridge, and we have to lower it to 3-ton. It will be a very expensive repair. The gussets are rusted, and the rivets are stretching out. That is what happened to the bridge in Minneapolis that collapsed. Polley said he does not think it is worth fixing. It was discussed that the main traffic in that area is deer hunters. Polley said the railings prevent anything but a pickup from crossing. Mockler suggested closing it. He said a ¾-ton pickup is 5-tons. Polley said the last few years the road has been so washed out. A closure would be the best scenario. Manning said he thinks it should be closed.

At 9:12 a.m., Packard moved, seconded by Manning to adjourn and convene as Clay County Ditch Board. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

The Board considered a pay request from 3-D Digging for tree removal on the Yankton-Clay Ditch. It was discussed that they are the trees are the ones Hammond and Polley are marking. Hammond said postponing until the end of the month might be a good deal as they should know more by then. He said some of the trees that were milled off are shooting some sprouts already, so they may need to be sprayed this fall. Polley said he spoke to Weed Supervisor Dennis Ganschow about it. Packard moved, seconded by Hammond to table the matter until the next meeting. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

The Board discussed Todd Bye's culvert request on Lateral 50A. Manning said he would like to help him out with at least one. Mockler said next spring at the annual ditch meeting, they can make the motion to reimburse Bye for the culverts. Hammond asked if Bye was going to install it himself. Polley said the installation was to be Bye's responsibility. Hammond said the installation costs about as much as the culvert. Polley said they are pretty big culverts, about \$8,000 for both culverts, and prices have gone up. Mockler said in the past the Ditch Board has provided the culverts, and the installation is the landowner's responsibility. Hammond said he was thinking in terms of doing one, paying the whole thing, and then letting him pay the whole thing for the second one.

At 9:18 a.m., Packard moved, seconded by Hammond. To adjourn and reconvene as Board of Clay County Commissioners. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

Welfare/Zoning Administrator Drew Gunderson met with the Board for the 2022 budget requests. He said last year he increased his supply budget, which was great to have everything modernized for the COVID-19 pandemic. Manning discussed the professional services budget for Planning & Zoning, and it was the consensus to raise it to \$250 to cover software subscription fees.

Auditor Carri Crum discussed the 2022 budget request with the Board.

Register of Deeds Lisa Terwilliger met with the Board for the 2022 budget request. Manning clarified with Crum that when a budget is not depleted at the end of the year, the money just stays in the general fund. Terwilliger said search fee revenue is up from about \$360 to \$500, so COVID-19 has not slowed them down. Mortgages and satisfactions are up as well.

Phil Terwilliger and Sam Nelson met with the Board to present a conflict contract proposal. Terwilliger said part of the research that contributed to terms are the conflict costs that are increasing, not just here, but in other jurisdictions as well. In 2019, the costs for Clay County were around \$120,500, and that was driven by a few factors, but one case billed about \$17,000 alone. A lot of times the cases that get sent to a conflict attorney are cases that are particularly involved with multiple facets. They may be charged with a felony plus an abuse & neglect proceedings, which trigger an attorney for mother, father, and child(ren). Other sources might be a drug bust with multiple defendants. Due to the diversity within firms, they foresee this virtually eliminating hourly conflict attorney fees. Nelson said there will be 3 entities that would take care of most conflicts via contract. He practices in Union County, so he does not have as many ties that would affect conflicts. He said they wrote the proposal for one year to see if it's a good fit in terms of budget. Between the public defender contract and their proposal, the County would cover the lion's share of criminal cases for around \$200,000. There is benefit to the County as Terwilliger and Nelson have both prosecuted, so they understand what the needs are. Packard made a correction on page 2 to say 2022, not 2021. Manning asked if they have a similar contract with Union County. Nelson said they do have a similar contract; every third case is the one he gets as there are three firms. Terwilliger said Union County has a similar fluctuation of cases, and this proposal would come in well under what Union County is paying. Terwilliger said the

contract contemplates Habeas cases, which are time-consuming and are almost always a conflict with the public defender. Mockler said the proposal is \$72,000, which is under the budgeted amount.

Missy O'Connor met with the Board for the 2022 budget request for the Clay County Fair Board. She said they have a significant shortfall of \$18,915 using conservative budget numbers. They had over \$10,000 in repairs last year, and a lot of them were band-aids on things. She acknowledged that money is tight and asked if maybe the County could help with mowing or snow removal to offset costs for the Fair Board. Manning said maintenance and repairs are not going to slow down. O'Connor said there is a grant competition each fall, and she plans to submit an application for that. Packard asked if they have looked into the South Dakota Community Foundation as that might be a funding possibility. Mockler said since they have opted out to help with the budget, the non-mandated programs are first on the list to cut. Packard and Manning discussed mowing area and costs as well as snow removal.

Packard moved, seconded by Manning to approve and authorize the Chairman to sign the Pictometry contract. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

The Board considered a proposal from JLG Architects for a concept drawing. Rich Holland, Vermillion City Council, said he is thoroughly confused as it seems contrary to what the public asked for, and it's probably not going to happen. Mockler said it is planning for the future in case a new courthouse were ever to be needed. They don't want to discover down the road that if the building were turned a quarter turn, for example, that things would connect a lot better. It is just a conceptual design on how to place the jail, not blueprints, so that buildings could fit together in the future if needed. Holland said it would design for both the jail and courthouse in the proposal, and the proposal is fine if the County wants to spend the money. The problem he would have is it is 3 times the land needed for the jail. Mockler said this will help the County figure out exactly how much land it would need for the jail so as not to be landlocked in the future. Holland said it will be hard to sell to the public. He said he read it as a proposal for the layout of what the jail and courthouse will look like, implying that the Board fully plans to abandon the existing courthouse. Mockler said it is not what that is implying. They would be planning enough land in case something happened to the courthouse in the future. It would make more sense to be able to attach to the jail in the future if it was needed rather than have two locations. Holland asked, if it is going to be separated, why not continue to have it separated in the future? Mockler said he would like to have enough land that the County is not landlocked. Holland discussed that he is hoping we will not need that many jail cells in the future. Manning said when you say we buy 30-40 acres, if that is the amount, the Board's idea is that if the price is right, they could obtain the land they need, and then sell off the rest that is not needed. The idea of getting a drawing of how the courthouse could hook on to a jail and make it look proper only if it was needed, is being foresighted, not narrow-sighted. He wants to plan ahead in case Commissioners in the future need it. Holland said by looking at land for the future, we limit what is available to us because there are plots in the city that are 7-10 acres, and we can't consider those because we are looking at so much more, and he does not think it benefits. Manning said even with the jail and law enforcement center, 7 acres is not necessarily enough. Holland said it

might be too small for a single story, but not for a double story. Mockler said the high cost of elevators would be a waste of money. Several people have approached him to say that if it is built, they hope it is one-story for accessibility. Mockler and Holland discussed cost of land vs. cost of an elevator if it were designed to expand up to a second floor. Holland said he does not think it is a bad proposal, but he does not think they will be able to sell it to the general public. Packard moved to approve the contract, seconded by Manning. Under discussion, Manning asked if the City is planning to pay part of the cost of the proposal, or are they thinking the County is paying all of it. Holland said he did not specifically ask, but he is assuming the County is paying it. Packard said her understanding is that the final construction costs might include some of this rather than piecemealing it. Holland said he was not aware that the City paid any of it. Mockler said the City paid for part of the Klein McCarthy study. Packard and Holland discussed square footage percentages as they will relate to cost. Bob Fuller was present and asked if there is a definition of concept drawings in the proposal. Packard discussed the deliverables, including illustrating a future phase for a courthouse as a “ghosted masses.” Fuller said the distinction is that it is not blueprints. Mockler said blueprints will only be drawn for a jail and law enforcement facility. Fuller said they had conceptual drawings for the bond election, and not blueprints. He said people seemed to feel that the drawings for the bond election were the final product, and they were not; they were a conceptual drawing, not blueprints. Mockler discussed with Holland that from rough math, the City’s share might be about \$3,300. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye. Packard said her impression from the public was that the drawings did not give enough information for them to vote on. The school was easier to delineate a classroom vs. a teacher’s lounge vs. a gym than what we are dealing with.

Emergency Management Director Layne Stewart met with the Board to discuss the equipment cost carried over into the 2022 budget from the 2021 budget is the drone. He is still in the running for a Homeland Security grant, but it will not pay for all of it. He will probably apply for other grant(s) that might also help cover those leftover costs. Mockler asked about the drone bids and whether they will still be good. Stewart said he has been e-mailing the vendor, and he has an e-mail from the State approving it.

At 10:21 a.m., Packard moved, seconded by Manning to enter an Executive Session for personnel and contractual matters per SDCL 1-25-2. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

At 10:34 a.m., Packard moved, seconded by Hammond to exit the Executive Session. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

Mockler said they will need to sharpen their pencils regarding the budget, and he acknowledged that someone will be mad, whether it is a County budget recipient or a taxpayer. Packard said she did question the Register of Deeds budget. Packard said she does support cutting 50% of the non-mandated budgets, but she cannot support going further. Cutting completely is actually killing a number of organizations. If we cut in half, people can understand that. She discussed annual costs for the Vermillion Area Arts Council that are not variable. Mockler and Packard discussed electricity costs. Manning said there are some things on the list that could be cut



completely. Tracy and Packard discussed costs for running the Teen Court program. Hammond said, looking at the discretionary list, Teen Court is one that he would want to leave it as it is. Anything we do to divert the work load from the regular justice system, including the School Resource Officer, makes us money in the long run because it keeps people out of the court system. Hammond said the discretionary list needs to have a lot of thought put into it. Packard discussed matching funds for Dakota Senior Meals/ROCS. Manning and Crum discussed Dakotabilities. Packard and Mockler discussed contributions to Soil Conservation and the Main Street Center as well as W.H. Over Museum and National Music Museum. Manning said they definitely have to go through the list and cut some of it out.

At 10:54 a.m., Manning moved, seconded by Packard to adjourn and reconvene at 9:00 a.m. on August 10, 2021. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:

  
Carri R. Crum, County Auditor

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August 10, 2021

The Board of County Commissioners met in regular session Tuesday, August 10, 2021 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, and Richard Hammond; Micheal Manning was absent.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Packard moved, seconded by Hammond to approve the agenda with the addition of a Right-of-Way Application from Clay Union Electric on 452 Ave., Section 7, T95N, R53W. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, Mockler Aye.

Packard moved, seconded by Smith to approve the minutes of the August 3, 2021 meeting. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, Mockler Aye.

Packard moved, seconded by Smith to approve the low bid for diesel fuel at \$2.375 from Vollan Oil. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, Mockler Aye.

Highway Superintendent Rod Polley spoke about a bridge near the old Waslund place on the Vermillion bottom 1.5 miles south and 1 mile west of Hub City. An inspection by Johnson Engineering recommended a 3-ton limit, which is not adequate for vehicles, so Polley recommends closing the bridge. Hammond said it is essentially a dirt road, and Polley said it has been under water the past couple years. Hammond moved, seconded by Packard to close the bridge. Under discussion, Packard said for safety it has to be done. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered a Right-of-Way Application from Clay-Union Electric on 452 Ave. in Section 7, T95N, R53W. Hammond moved, seconded by Packard to approve the application and authorize the Chairman to sign it. . Roll call vote: Hammond Aye, Smith Aye, Packard Aye, Mockler Aye.

Grace Freeman appeared as a Visitor to be Heard. She said as a nurse and a grower, she would like to hear what the County Commission is thinking regarding the Cannabis laws. As a grower, she is going to be attending a class. As a nurse, part of her continuing education for her Minnesota license is doing a course on medical marijuana. One of the main points of research for her Master's in Minnesota was on medical marijuana. There is a lot of research happening in Kentucky, Vermont, a lot of the western states, and South Dakota is behind the ball. She wanted to see where the Commission is at with it. Mockler said it is on the agenda later in the meeting.

Milt Haar and Dugan Smith from the National Park Service met with the Board to discuss the Federal Land Access Program for road and facility improvement. In 2018, a proposal was submitted, which was agreed on by the township and county to resurface the Myron Grove Access road, estimated at \$940,000. The project is scheduled for 2023. Haar said Calvin Hanson from the Norway Township Board told him they are not interested due to long-term maintenance costs, and neither is the County. Haar asked if that was the case. Mockler said that is not correct, but it is a township road, so they would have to give it to the County. Haar said it will be built to

federal standards, so it would be a good road. It would involve crack sealing every 3-5 years and chip sealing and striping every 5-7 years. He said he would contact the township supervisors, and Mockler said he would contact them as well. Haar said the gravel road is in poor condition, and the road would give better access to the river for the public. Smith said the parking lot is not so bad, but the road is rough on trailers, and a lot of people don't want to go on it. Haar said they just finished a study regarding better access and recreation. Haar said he will check on the deadline. He said it is good to know the County is still interested. Mockler and Haar discussed the length of the proposed pavement. Packard asked Mockler if there is any reason the Township would not agree to the County taking it over, and Mockler said he does not think the campground will want it. Mockler asked Polley if there is any problem with the County taking it over. Polley said if it is built to federal standards, it will be a good road. He said the Township has to ask the County to take it over. It was the Consensus of the Board that they are in favor of taking over the road.

Dr. Stange from Lewis & Clark Behavioral Health Services met with the Board for the 2022 budget request. He spoke about services they provide to the area counties, such as detox and crisis situations, and their future goal of having a receiving center. He said the County's contribution is a small part of their budget, but it gives them the ability to leverage dollars from the State.

Welfare/Zoning Administrator Drew Gunderson met with the Board regarding Welfare Case #CW21-016 for a county funeral. Smith moved, seconded by Packard to approve payment of the \$1,900 claim. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, Mockler Aye.

Gunderson discussed medical marijuana ordinances. He said last week the SD Dept. of Health announced they will be done with the rules a month early. The SD Planner's Association released a draft. SE Council of Governments has been working with Gunderson to draft an ordinance. He discussed that the State will be changing some laws. His recommendation is to follow what the State is doing. There are sections regarding security, data, insurance, etc. that have changed with every draft, and he anticipates continuous changes. Mockler said the insurance should fall with the financial provider. Smith said we might want to look at other states regarding insurance. She said many of them bank through credit unions because they are unable to bank through the regular banking systems. The banking industry has been trying to figure out how to do this because they are losing business to credit unions. Gunderson said you can get insurance, but it is not regulated through South Dakota yet. Mockler asked why we care if they have insurance for the product. Packard said it makes a responsible citizen when you have licenses to have proof of insurance. Smith said the State requires us to give out at least one license, and if we require insurance but no one can get it, it's a moot point. State's Attorney Alexis Tracy said she has not seen any direction coming from the Attorney General's Office. She said we are permitting, so do we require liability insurance for liquor licenses? Smith said she really wants to have a discussion regarding licensing, dispensaries, etc. She spoke of her sister's experiences with medical marijuana during chemo treatments and her husband's experiences with Parkinson's. Allowing a dispensary means allowing a product that is standardized to be sold in a retail establishment. That product might have been made anywhere. It's different than going

to a nurse that can give specific kinds of marijuana to get through specific medical conditions, such as chemo and epilepsy. If we only allow a dispensary, people will get relief from pain, or help with sleep, but the people who need it most will need it compounded and disallowing it in this County will make it difficult for these people. Mockler asked what we are disallowing. Smith discussed manufacturing. She asked Freeman to speak to the reasons it makes a difference to have a nurse do the growing. Different strains are grown for different things. You need someone who understands the different strains, chemistry, and the disease. This type of person was available to her husband in California. It makes a difference to have a person in the community vs. driving a few hundred miles. Smith said she is neutral on recreational marijuana, but she is passionate about medical marijuana. What is needed is someone who understands the disease and the chemistry. Freeman said a dispensary cannot compound. It is part of manufacturing. She discussed potencies and amounts, leaf vs. oil, etc. The doctors will write a prescription for the disease. Pharmacists compound medications to make them more specific for patients. If compounding is part of manufacturing, you do need that component. Packard asked if we are talking about numerous different licenses, and Mockler said there are manufacturing, testing, and production. Freeman discussed testing of seeds, and dispensing would only be one-size-fits-all. Mockler asked if things can be ordered in. Freeman said you might have to alter what you order in. She is afraid of the limitation of only allowing a dispensary. For nursing, you would not want your license revoked for helping someone. If you could provide it from the start, defining compounding in-house, it would be prudent. Just being a dispensary might not cut it. Mockler said to run a dispensary, you don't have to be a trained medical professional, so it could be a problem. Freeman said maybe the rules should be on who you license, but not limit whether they can be part of manufacturing. Mockler said the problem is who will lease the facility because we do not have the resources or knowledge. Gunderson said we do not have the time to figure all that out in the next 6 weeks, but we can come back to it. Freeman said hopefully there is time to discuss over the next 6 week to decide whether to allow manufacturing. Gunderson asked if testing takes place before it gets to the dispensary, or before it gets distributed. Freeman said the manufacturer would have the equipment. If you allow the dispenser to be the manufacturer, you will get a more quality product. Smith said in California, dispensaries are very different than recreational places, with much more security, etc. A good dispensary has somebody on staff with medical background and is able to respond to a person's particular disease. A lot has to do with which compounds are included. Most big dispensaries have pills, gummies, etc., but for someone like her sister, she couldn't eat, so it wouldn't work. People with M.S. who are having a movement crisis use a spray that is compounded for them. You can see the studies on the National Institute of Health website. Run of the mill marijuana was a disaster for Smith's husband with Parkinson's, and the compound was very specific and worked quickly. Freeman asked if there is anything she can do to help the County with research. Gunderson said State information is changing almost weekly, and his understanding is that manufacturing and dispensaries have to be separate. The group discussed that home occupation is not allowed, and they often reside in industrial parks. Smith said the City of Vermillion is on track to allow everything, but not everyone lives in the City of Vermillion. She knows of 3 individuals who reside outside of the City who are interested, who are fine, upstanding individuals, but we are saying no them. Mockler said that is today, but eventually it will change. He discussed the law

enforcement aspect. Smith said these places police themselves, and Mockler said he understands but the cash can be a problem with crime. Smith said it is mostly a credit card business. She discussed the different sets of rules. She said pharmacies take in more cash than a dispensary in a day, and if anything these places are more secure. Freeman said in South Dakota it has to be prescribed for certain conditions only, and some insurances will cover that, she does not understand the concerns. Mockler said it is kind of like a liquor license. Packard asked if there is anything in the draft for certification, and Gunderson said it will come from the State. Packard said she is more concerned about background checks. Mockler said it would be so much simpler if a pharmacist could just handle it. Smith said we have people in this county who cannot get relief. Smith said medical marijuana makes a big difference in quality of life for people who are very ill. We need a workable system. Freeman said she is happy to see what she can come up with by next week to work with the Dept. of Health for manufacturing and dispensary certification. Tracy said in statute for someone to receive a card, they have to get it from a licensed physician, so that is one thing to note. We will have to police this as a state because the federal government has not. She discussed the statutory definition of manufacturing at a state level and said it seems broad. A manufacturing entity has to be a different facility than a dispensary. Testing has to be a separate entity. She said she thinks there will have to be some updates in legislature. Freeman asked if the County can give a license for manufacture. Gunderson said not at this time, but it is set up to change it very readily. Smith said often the growing and dispensing happens on the same property. Tracy said it makes sense, but legislature needs to fine-tune and hone things. Hammond discussed that the draft seems to address it on page 3 where it discusses multiple classes of licenses. Maybe a building would have two fire walls to separate each of 3 different types of entities, so they could be separate but on the same piece of ground, to satisfy state law. He said he thinks one part of a background check should be that there is someone that would be able to do compounding. He said the options here should be to get substances that can alleviate or cure very serious illnesses to our public, and we should be focused on that as best we can, to have the right employee who can do that work. Tracy said that would be interesting to see if it is a more stringent requirement than state statute so we could implement that in Clay County. She discussed questions she has taken down to research. Gunderson discussed requiring a county background check. For a state permit, he has heard they have to have a DCI background check, and he asked if we want a County background check. Packard said she wants to see what the State requires. Smith said Packard's question is a good one, because to require a second background check that is exactly the same as the first one is a waste of time. Tracy said she does not know if they are looking for different things. Tracy and Mockler discussed whether the County can make background check issues more strict than State definitions. Sheriff Andy Howe said the goal is to make sure the results are provided to the County. He said if a basis for exclusion is a fingerprint check, he would then look for disqualifying felonies. We want to make sure we have results from the DCI fingerprint check, but there are certain things on a local level that he would look for. FBI and DCI results are usually the same, but we check them both anyway. Smith asked Howe if they should be required on both levels, and he said yet because there might be information known besides the criminal history. He discussed other information that might be known on a local level that might be relevant. He discussed military recruiters who ask his office for locally known information. He

recommends doing that so there are no surprises. Mockler said this application will also be a conditional use permit and like a liquor license where it has to be renewed every year, so we might find out that information throughout the year. Howe discussed the cost of the background check, and the County would want the applicant to pay the fee. Mockler said we will need to have it be \$5,000 plus any applicable fees. Packard asked if background investigations cover financial information, too. Howe said there could be a credit check, but you would have to evaluate and decide whether the person meets the criteria. Unless you have criteria, he does not see the relevance. Mockler said there are a lot of startup businesses that don't have a great credit report because they have borrowed so much to get going, and he would hate to exclude someone when it is not our money being spent. Smith said a related question might be someone who has file bankruptcy four times, and the question is who we want to restrict. The standards in the proposed ordinance are pretty good. Smith said we need a whole picture, and then we decide whether we want to trust them to run this business. She asked, if the State requires DCI to run a background check, do we require them to pay for DCI to do a second background check? Howe said if it had been done, we could verify that there are no events that would exclude them. The fingerprint checks list who the results go to. Smith asked if there is anyone at DCI that Howe could check in with to see how we can nest the two processes together. Howe said he can contact them. Mockler and Smith said we want the background checks to go to the State first. Tracy referenced the statutes regarding applications and background checks and said they would have to do our background check first. Smith said we need to find out whether the DCI can then use our background check information. Mockler said we should just require what the State will require. Tracy said they have to go through the County process first, or the State will not license them. Mockler said they should do the background check first and then pay the \$5,000 fee. Gunderson discussed conduct regulations as well as signage and advertising. Howe said he likes to see the language refer to state ordinance rather than duplicate it in case it changes. He discussed disqualifying behavior as a criterion for renewing the license, but said we do not want to itemize the disqualifying behaviors in case the state statutes change. Mockler discussed the definition of "under the influence." Smith said we want more general language and a reference to state statute. Gunderson asked who will take the applications. Mockler said it will be under a conditional use permit, so it falls under him. Packard and Gunderson discussed the fees and process. Gunderson said the applicant finds the ground, goes through the rezoning, and gets a conditional use permit (county permit, state permit, and building permit if necessary). The county and state permits cover security. Gunderson discussed the process for passing the draft. Smith suggested that Tracy look at the section regarding liability and make sure it conforms to the Administrative Procedures Act.

The Board discussed cybersecurity testing.

Smith moved, seconded by Packard to approve the following claims for payment. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, Mockler Aye.

(DUE TO OTHER GOVERNMENT)		CITY OF VERMILLION	\$24,738.25
BERESFORD SCHL DIST 61-2	\$916.89	CLAY CO TREASURER	\$10,928.50
BETHEL TOWNSHIP	\$5,372.36	FAIRVIEW TOWNSHIP	\$4,921.85
CENTERVILLE SCH DIST 60-	\$2,455.27	GARFIELD TOWNSHIP	\$5,530.53

GAYVILLE/VOLIN SCHL DIST	\$68.00
GLENWOOD TOWNSHIP	\$5,657.53
IRENE CITY	\$764.55
IRENE/WAKONDA SCHL 13-3	\$14,345.85
MECKLING TOWNSHIP	\$6,238.82
NORWAY TOWNSHIP	\$3,394.11
PLEASANT VALLEY TWP.	\$5,704.55
PRAIRIE CENTER TWP.	\$4,862.58
RIVERSIDE TOWNSHIP	\$5,102.27
SD DEPT OF REV ANDERSON	\$349,615.72
SDACO - M&P FUND PAYMENT	\$506.00
SEILERS SECOND ROAD DIST	\$169.26
SPIRIT MOUND TOWNSHIP	\$5,879.68
STAR TOWNSHIP	\$6,753.31
TLC WATER PROJECT DIST.	\$139.63
VERMILLION BASIN WATER	\$162.67
VERMILLION SCHL DIST 13-	\$39,087.34
VERMILLION TOWNSHIP	\$1,454.29
VIBORG/HURLEY SCHL 60-6	\$82.32
WAKONDA TOWN	\$3,913.21
(DUE TO OTHER GOVERNMENT)	
BERESFORD RURAL FIRE	\$2,785.43
CENTERVILLE RURAL FIRE	\$1,950.62
GAYVILLE RURAL FIRE ASSO	\$1,737.28
IRENE RURAL FIRE ASSOC	\$896.20
VERM. RURAL FIRE ASSOC.	\$43,997.08
VOLIN RURAL FIRE ASSOC.	\$423.61
WAKONDA RURAL FIRE	\$4,857.79
(FIRE)	
BERESFORD RURAL FIRE	\$11.58
CENTERVILLE RURAL FIRE	\$109.85
GAYVILLE RURAL FIRE ASSO	\$63.45
IRENE RURAL FIRE ASSOC	\$59.53
VERM. RURAL FIRE ASSOC.	\$389.59
VOLIN RURAL FIRE ASSOC.	\$44.35
WAKONDA RURAL FIRE	\$405.67
(PROFESSIONAL SERVICES AND FEES)	
ALTERNATIVE HRD LLC	\$701.25
CITY OF VERMILLION	\$48.00
CLAY COUNTY ABSTRACT	\$213.00
HOUSKA, DDS, RANDY	\$242.00
MINNEHAHA COUNTY JAIL	\$19.08
PHARMCHEM, INC.	\$114.20
SATELLITE TRACKING OF	\$162.50
SD ACHIEVE	\$240.00
SD DEPT OF HEALTH LAB	\$280.00
(OTHER PROFESSIONAL SERVICE)	
MINNEHAHA COUNTY JAIL	\$3,504.24
SD ATTORNEY GENERAL	\$1,324.00
YANKTON CO SHERIFF	\$5,426.29
(LAW OFFICE)	
HORN LAW OFFICE, PROF.LL	\$217.80

KENNEDY, PIER LOFTUS &	\$176.20
MCCULLOCH, JAMES E	\$75.00
PETERSON, STUART, KLENTZ	\$9,166.66
(REPAIRS AND MAINTENANCE)	
BEAR, INC. DBA TODD'S	\$176.21
BRUNICK SERVICE, INC.	\$170.00
BUHLS DRYCLEANERS &	\$48.00
CHARLIE'S BUS SERVICE	\$48.00
GEHM, CINDY	\$312.00
INTERSTATE POWER SYS INC	\$1,451.50
JOHNSEN HEATING & COOLIN	\$365.78
KONE, INC.	\$812.28
MART AUTO BODY & MARINE	\$200.00
SCHULD, MARIANNE	\$1,020.00
VERMILLION ACE HARDWARE	\$56.00
(DATA PROCESSING/CLAY CREEK/INF)	
CANON	\$186.12
MICROFILM IMAGING SYSTEM	\$855.00
(SUPPLIES & MATERIALS)	
A & B BUSINESS	\$169.54
A-OX WELDING SUPPLY CO	\$209.14
BRUNICK SERVICE, INC.	\$434.93
BUHLS DRYCLEANERS &	\$136.40
BUTLER MACHINERY CO.	\$47.60
CONCRETE MATERIALS	\$67,848.85
HY-VEE, INC.	\$100.16
INTERSTATE POWER SYS INC	\$353.05
JCL SOLUTIONS	\$118.00
LAWSON PRODUCTS, INC.	\$205.66
MART AUTO BODY & MARINE	\$749.99
MICROFILM IMAGING SYSTEM	\$215.00
ONE OFFICE SOLUTION	\$225.34
PRESSING MATTERS	\$77.00
QUALIFIED PRESORT SVC IN	\$2,785.65
QUILL CORPORATION	\$133.52
RUNNINGS SUPPLY INC	\$110.91
SANITATION PRODUCT	\$67,838.00
SD DEPT OF TRANS	\$203.32
STURDEVANT'S AUTO PARTS	\$35.49
UNION COUNTY HWY DEPT	\$1,109.66
VERMILLION ACE HARDWARE	\$387.88
VERMILLION FEDERAL	\$12.97
(TRAVEL AND CONFERENCE)	
FLAGS UNLIMITED	\$418.50
PACKARD, PHYLLIS	\$350.00
SDSU EXTENSION SERVICE	\$128.48
VERMILLION FEDERAL	\$77.00
(UTILITIES)	
BUREAU OF ADMINISTRATION	\$75.13
CENTURYLINK	\$547.90
CENTURYLINK EMG	\$13.88
CLAY RURAL WATER SYSTEM	\$75.10

CLAY UNION ELECTRIC CORP	\$690.86	JENSEN, KEVIN	\$10.00
MIDAMERICAN ENERGY	\$168.06	JOHNSON, JOSEPH	\$10.00
MIDCO BUSINESS	\$285.00	JOY, DERYK	\$10.00
VERIZON WIRELESS TRS	\$173.64	KASHAS, DALE	\$10.00
VERMILLION GARBAGE SVC.	\$60.00	KNUTSON, BEVERLY	\$29.32
(PAYMENT)		KOCHER, CHRISTOPHER	\$150.00
ANDERSON, VALERIE	\$10.00	KRIBELL, JACOB	\$30.16
BENTZ, DAVID	\$10.00	LEE, APRIL	\$20.92
BERNTSON, JEAN	\$10.00	MCDONALD, KEVIN	\$10.00
BIERLE, JAMES	\$150.00	MORRIS, ANGELA	\$26.80
BOHLMANN, DIANE	\$213.00	OCONNOR, STACEY	\$150.00
BOUCK, MARYLOU	\$170.16	OLSON, MATT	\$18.40
BRUNICK SERVICE, INC.	\$244.95	PAPE, CHRISTOPHER	\$10.00
BRUNICK, MICHELLE	\$150.00	PIZZA RANCH 14762	\$2,264.50
CABLE, ANNA	\$10.00	PIZZUTO, JOHN T	\$20.08
CALLAGHAN, JORDAN	\$10.00	QUALITY MOTORS	\$103.00
CHRISTENSEN, SHEREE	\$31.00	RADIGAN, DIANA	\$150.00
DIXON, MARK	\$10.00	RED CLOUD, ERIC	\$10.00
DOMESTIC VIOLENCE	\$345.00	ROBERTSON, MEGGIN	\$10.00
DRUMMOND, EDWARD	\$150.00	SAGE, JEREMY	\$16.72
EHLERS, CHAD	\$150.00	SAWTELL, DAWN	\$50.00
EMMICK, BRIAN	\$18.40	SCHULD, MARIANNE	\$10.00
ERICKSON, KENNETH	\$10.00	SUN, HAORAN	\$10.00
FAIMAN, ALEXANDER	\$10.00	THE SOAP GUYS	\$80.00
FISHER, JEFF	\$10.00	UHL, RANDY	\$10.00
FLATEN, KATHRYN	\$10.00	VERMILLION FEDERAL	\$129.74
GANSCHOW, DAVID	\$28.48	WELCH, KRISTA	\$10.00
GEVESHAUSEN, JOELLEN	\$167.64	WESNER, JEFF	\$150.00
GREGG, CURTIS	\$14.20	WHARTON, ROBERT	\$10.00
HANSEN, ROBIN	\$187.80	(JDC/SPECIAL EQP.)	
HANSON, CALVIN	\$22.60	TERWILLIGER, PHILIP	\$350.00
HASSE, PAUL	\$10.00	TRIVIEW COMMUNICATION IN	\$685.25
HENNIES, GERALD	\$10.00	(BOOKS)	
HILLRICHS, HEATHER	\$150.00	THOMSON REUTERS - WEST	\$36.88
HOWE, ANDY	\$24.28	(AUTOMOTIVE)	
JAMES, BRIAN	\$26.80	BRUNICK SERVICE, INC.	\$73.75

At 11:12 a.m., Packard moved, seconded by Smith to adjourn and reconvene at 9:00 a.m. on August 31, 2021. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, Mockler Aye.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST: Carri R. Crum  
Carri R. Crum, County Auditor



August 31, 2021

The Board of County Commissioners met in regular session Tuesday, August 31, 2021 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning, and Richard Hammond.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Manning moved, seconded by Smith to approve the agenda with the addition of ethanol blend fuel quotes for the Highway Department. Roll call vote: Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Smith moved, seconded by Manning to approve the minutes of the August 10, 2021 meeting. Roll call vote: Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Hammond joined the meeting via Zoom.

Under Visitors to be Heard, Mark Winegar, Dan Christopherson, and Jerry Wilson asked the Board to hold public interest meetings prior to land purchase for the jail and law enforcement center. Wess Pravecek asked about the status of the courthouse roof project. She also asked if the commissioners have moved forward with hiring a facility maintenance manager. Auditor Carri Crum said tuckpointing is scheduled to start next week, and the roof project is scheduled to start around October 1<sup>st</sup>. Smith asked for an update on the HVAC study. Crum said an engineer did a walkthrough of the HVAC system, but the electrical engineer still needs to do a site visit. Wilson said he reviewed the 2018 TLM Consultants report that anticipated an average population of 25. The jail population at the time was an average of 17, and over the past 6 years the average population was 75% of capacity. He was surprised at the proposal for a larger jail. He said the Minnehaha County Jail is large and occupies less than a block, and a block is 4 acres. He thinks a large land purchase does not ring true. TLM Consultants said Clay County should revert to probation. They also noted a majority of the jail population is people of color and said we need to understand why. They concluded the jail population is sometimes determined by the outcome of a bond schedule, which indicates to him we are putting poor people in jail more than those who can come up with a bond. He asked whether the County has adequate counseling, drug & alcohol treatment, diversion, and restorative justice. Wilson said we need a new jail but should answer those questions and solicit input. He said he hopes we can move forward as a united community in creating a jail we need and not an overbuilt one. Smith said there is a facility committee meeting Thursday night, September 9th, and the agenda includes looking at the land. She said the question of land is still in play, and it might be wise for the facility committee and Commission to do a public meeting once a piece of land has been proposed. It would go a long way toward responding to a lot of questions the public has, in particular the size of the jail. Corrections was the focus of her Master of Science in Criminal Justice degree, and she understands a lot of what Sheriff Howe is saying in regards to inmate classification, and it might be wise to look at that more clearly. Connie Nelson is experienced in correction and in this particular system. Manning said all the facility committee meetings have been open to the public. The public could always offer input at that time. We had some people at the meetings. It has

never been closed to the public. He said he wants to get that out there that the meetings have always been open to the public and publicized. Wilson asked how the meetings were publicized because he reads the Plain Talk. Crum said they are always posted on the County website under the Facility Committee tab, just as the County Commission agendas are posted under the County Commission tab. Wilson said most people don't look at the County website, and Manning said most people don't read the Plain Talk either. Winegar asked if the meetings are held at the courthouse. Manning said next week's meeting will be held at City Hall, but they have previously been held here and on Zoom. Smith said she thinks the suggestion was for a widely publicized meeting with the public invited, and Manning said his point is that they are not secret. Smith agreed that they are not secret.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. Larry Dean with the State of SD Dept. of Transportation was present. They discussed the road to the Myron Grove access (454 Ave.). Polley contacted Dean to see what the County has to do to add it to the inventory of roads. Dean recommended having a jurisdictional agreement with the Township Board to take over jurisdiction of the road. If that is what the intent is, once the agreement is signed, then the process according to the statute includes a resolution, sending the resolution to the SDDOT, the SDDOT would have to approve an Executive Order to add the road to the County's inventory. Smith asked if the Township is willing to do this. Mockler said the Township Board is having a special meeting. Calvin Hanson from the Township Board was listening on Zoom, but the Commissioners were unable to hear him. Polley asked Dean if it is possible to run the road all the way to the river once the road is added to the County's inventory. Dean said there is another process he will need to complete with the Federal Highway Administration to change the classification of the road. Currently 454 Ave. south from Highway 50 to Timber Rd. is currently a rural minor collector, which makes it ineligible for federal aid. After the project is done, he would like to extend the classification to a rural major collector all the way to the river. He would draft a resolution for the Commission's consideration and then complete the federal process. Mockler asked if the resolution would be effective when the federal project through the National Parks Service is completed because he does not want to take over the road if the funding were to be pulled. Dean said yes and recommended discussing it with the State's Attorney, but based upon other jurisdictional agreements it could be effective on any date. Mockler clarified that the Board is in consensus of taking over the road once the federal project is complete. Hammond said we need to keep in mind going forward is that the primary traffic generator is the boat ramp itself for the national scenic river. It was applied for under a parks access, and whether or not the campground is installed, we already have a primary traffic generator with the boat ramp. Hammond and Mockler clarified that the road will be 100% funded, and it will not cost the County or the Township. Dean asked Polley what the average traffic count is, and Polley said it was around 150. Dean said he would talk to federal highway regarding the classification, and we may want to change the functional classification due to traffic volumes. Once it is approved, it would be federal aid eligible. Mockler and Dean discussed that there is no downside except that if there was an event, like a flood, then the damage would go through Emergency Relief instead of FEMA, so there would be a threshold.

The Board discussed the Rural Infrastructure Access Fund and the small structure inventory. Mockler said we have received money to do the inventory, a little over \$31,000, and SD LTAP mentioned hiring a consultant to do it. Polley said he contacted Ulteig Engineering. Brad Stangohr was present from Ulteig, and he said he can get an estimate, but he doesn't think it would go over the funds received from the State. Polley said he and McPherson did a lot of the legwork on this a little over 5 years ago, and he has a map. They are asking for more than a location and size for the inventory. Mockler said they can be 5 feet apart and still qualify as a structure, but minimum maintenance roads do not qualify and we will want those on there as they are the most likely to get washed away. Smith said they will allocate funds based on the number of structures in each county, so we would get more money if we have all the structures on the inventory. Manning said we need to have a meeting with the township boards after the inventory is done because they have to have a 5-year replacement plan. He said Minnehaha County got a culvert replacement application, so he thought we could look at it to see if it's something we may be able to use. Packard asked if anyone has checked SECOG to see if any consulting services are available. Smith said SDDOT did not recommend it because an engineer who is qualified in determining the sufficiency of a bridge or culvert is necessary, and SECOG does not have the expertise. Stangohr said they will put together a streamlined application in a GIS system database. Smith said that is the State's preference. Stangohr said it is faster and cheaper to use GIS. Mockler said they should schedule a meeting with Townships around December 1<sup>st</sup>. Smith and Mockler discussed how drainage districts will be listed.

The Board considered an Application for Right-of-Way Occupancy for Midco from SD Hwy 50 north to just north of 316 St. east side of University Rd. and then under University Rd. at 2628 N. University. Smith moved, seconded by Packard to approve the application and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered an Application for Right-of-Way Occupancy for Clay-Union Electric under 302 St. at 46749 302 St. Smith moved, seconded by Hammond to approve the application and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered a Driveway Application for Craig Nelson at approx. 30250 Greenfield Rd. for an extension. Smith asked if it is a 16 or 18-foot and asked if the cement culvert conforms to County requirements. Polley said yes. Manning moved, seconded by Smith to approve the application and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered a Driveway Application for Andy Johnson on Burbank Rd. Smith said she is not comfortable with it because there is no description of the work. Smith moved to table it to next week, seconded by Manning. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye. Polley said the Driveway Application from Mark Girard will wait until next week as well.

Smith moved, seconded by Hammond to approve the low bid of \$2.70/gallon for ethanol blend fuel from Brunick's Service. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Polley discussed speeding complaints on 316 St. Polley said he had SD LTAP do a traffic count for 7 days, and there were 1,968 total vehicles. Eighty-five percent of them were driving 34 mph, 50% of them were driving 29 mph, and the average speed was 28.6 mph in a 35 mph speed zone. There was one vehicle that was driving 53 mph. Sheriff Howe has been asking him if we need more signs. It's a 1000-foot zone posted at 35 mph. After getting the traffic count information, Polley said he sees no reason to put up more signs. Smith suggested referring it to the Sheriff's Office. Polley said they have patrolled it, and the Sheriff has a copy. His recommendation as well as Polley's is to leave it as it is. It is a Township road. Manning said he thinks most of the traffic is coming out of Rolling Hills. Hammond said that speeder was 15 seconds before 8:00 a.m., and he suspects the person was late to work. Polley and Smith discussed that the person who complained could have a copy of the information as well.

Polley said micro-surfacing is starting Thursday.

At 9:57 a.m., Smith moved, seconded by Packard to adjourn and convene as Clay County Ditch Board. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered a pay request for the Yankton-Clay Ditch project. It was discussed that the request is for the placement of the rip rap. Stangoehr said he withheld 10% until it is done. Mockler asked if the rip rap placement was its own project. Stangoehr said it was added as a change order. Mockler asked if he should be paid for the full \$25,000 since it is done. Stangoehr said the 10% is our guarantee if we are going to go back for the trees. It is an incentive for the contractor to go back and do that. Stangoehr asked if the landowner knows about the tree removal. Hammond said after the last of the ribbons and paint, he tried to call the landowners, but the phone numbers were inactive, so he called the renter. The renter said he would contact the person managing the affairs. He agrees they should be able to go ahead. The renter would have crops out in about 2 ½ weeks, which would make work easier for the contractor. Hammond said we have done what we said we would do, and she has been notified. Stangoehr said he will take it from here. Hammond moved, seconded by Packard to approve the pay request and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

At 10:03 a.m., Manning moved, seconded by Packard to adjourn and reconvene as Board of Clay County Commissioners. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Emergency Management Director Layne Stewart met with the Board to present the LEMPG Contract. Packard moved, seconded by Smith to approve the contract and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Michael Carlson met with the Board on behalf of the Fair Board. Jennifer Law, Julie Fallan, and Missy O'Connor were also present. Carlson said there is a lease with the tCity for the property and the County owns the building. Buildings continue to age and need repairs. The Fair Board Manager solicits volunteers for repairs, etc., and they will still have a shortfall of about \$3,700 in the 2022 budget. More repairs still need to be done. Community members use the fairgrounds throughout the year. The budget does not include the fair costs, and fair profits are used for manager wages, 4-H premiums, and to help balance the operating budget. He hopes the Board is happy with the turnout this year, and they still continue to look for events and activities to draw people in. Carlson said the Fair Board requests continuation of funding at the \$16,500 level. Manning said it shouldn't be a problem to let them use the courthouse mower to alleviate mowing costs. Mockler said the County will have to replace the mower faster than normal. Crum recommended replacing the mower with a commercial model next time. O'Connor said they mow about 8 acres. O'Connor said they had about \$8,000 more in sponsorship, but they added more events. It was said that Clay-Union Electric moved its community member appreciation to be part of the fair. They have had good feedback. Smith said she appreciates the detail provided in the budget. Mockler said the Board has been looking at 50% decrease in the non-mandated budgets. If the mowing decreases the budget by \$4,000, they will probably still see a \$4,000 decrease. Carlson reminded the Board they do have County employees housed in the building that some of the utilities go for. Manning said they will try, but unfortunately that is the way things have gone this year. He is a fan of the fair, but he is also on the Board at SESDAC and the Food Pantry, and he has let them know there may be cuts. It's good to let them know in advance. It doesn't help the pain, but at least they know. Some people may get a lot less than they expected. Part of it is the costs the County is running into this year. He also thinks the number of people they are serving and helping is good for the County. This might not be the year, but maybe next year will be better. Smith said with the data they received, before they cut the allocation in half, they should pull out the cost of housing employees there. It was discussed that the County pays 100% of the utilities and insurance on the building. Carlson said the Fair Board shares half of the copier costs. Mockler said they will do their best.

Director of Equalization Ina Peterson met with the Board. She discussed purchase of a Real Estate tracker that will allow them to access documents from the Register of Deeds Office. She said she would like to purchase it now instead of waiting until next year. She said she has money in her budget due to less travel this year and less auto expenses. Zoning Administrator Drew Gunderson said he would like to have the software as well and also should be able to fit it into the budget. Mockler discussed saving costs by having Erickson Solutions Group do installations for both offices at once. Manning moved, seconded by Smith to approve the purchases for the Director of Equalization and Zoning Offices. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Peterson asked if the small structure inventory can be downloaded to her office's GIS system. Mockler discussed that it has to be maintained somehow so 10 years down the road it's not lost. Peterson said then it could be loaded into Pictometry.

Gunderson met with the Board for a first reading of Ordinance #2021-04, an ordinance amending Ordinance #2013-04 (Updated with Amendments Through #2017-01) by re-zoning certain property from A1 Agriculture to LI Light Industrial for a property legal described as: A parcel of land approximately fifteen acres in size beginning in the Northeast corner of the East Half of the Northwest Quarter of Section 26, Township 93 North, Range 52, Except Lot H- 1, thence West 550 feet thence South 1,200 feet thence East 550 feet thence North to the point of beginning, Clay County, South Dakota. (Containing 15 acres, more or less). The second reading was set for September 7<sup>th</sup> at 9:05 a.m. with a motion by Smith and seconded by Hammond. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Gunderson presented the Board with a draft ordinance regarding cannabis licensing. Gunderson said he is including zoning with licensing due to the time crunch, and following up with changes as they come. He discussed an EPA fact sheet regarding septic systems for manufacturing. Smith said she questions why we are preventing local farmers from participating in this by becoming growers. Gunderson said if it is too far out in the county, it is a big concern for law enforcement than it is for potentially for joint jurisdiction. Law enforcement is less concerned if it is near town than if it is out in the county. Smith said we may be imagining a problem where it does not exist, and we need data. It is a high value crop, and it would increase the tax rolls and give some farmers an opportunity to really make a living. She appreciates that he included in the ordinance that it can be changed. She supports this, but we need to give thought to what's happened in other states and whether it is a big problem for law enforcement in other states. We are allowing 1 manufacturing license and we have one person who is highly qualified that may begin compounding, but she suspects there may be other people as well. We need to ensure fairness in the implementation of the ordinance. Mockler said he does not think anyone wants to stop what she wants, but we are trying to wrap our minds around what we are required to do today. Mockler asked how growing increases tax rolls. Smith said the structures add a lot of value to a property. Manning said until the State comes out with rules, this could be written 10 times. We need to take baby steps. Smith said she is glad the other Commissioners have an open mind. State's Attorney Alexis Tracy said to follow up on things that were discussed last time, she has some answers. Insurance for establishments and permitting, she cannot find anything, and it will become a matter of which states we want to mimic. However it appears the insurance industry has issued guidance; they are responding to that need. There is a preference for localities to require insurance. There is nothing in state statute requiring it, and she discussed whether to be stricter than state requirements. She spoke at length about insurance nuances regarding this issue. It will get really interesting if Amendment A is found to be constitutional. Gunderson said the State told him commercial liability for the building should not be a problem. When he asked his insurance company, his agent laughed. There is another type of insurance for the product. Mockler asked why we care about whether we have insurance on their building. Tracy said you consider other types of businesses. It is somewhat of a nuisance aspect and used the remains of a fire as an example. Smith said property insurance requirements can be sketchy. Mockler said we do not require insurance for Walmart or Nutrien, for example. Packard said most of that is bank requirements rather than government requirements. Mockler said he would like to see a blueprint of the facility for the fire department. Gunderson said he can add it in. Packard said she did not go back to state law but asked about whether medical cannabis is restricted to adult use.

Gunderson said he will check into it further. Smith said the state provides that caregivers are authorized to pick up with a card. Tracy said she does not necessarily have as many concerns about that due to state provisions in statute regarding regulations for minors and caregivers picking up prescriptions. Mockler asked if there is a gap between ages 18 and 21. Tracy and the Board discussed Dept. of Health regulations for minors and caregivers. Hammond suggested substituting “for adult use” with something such as “for prescribed medicinal use.” He said such things will be regulated by the State. Gunderson suggested “for qualified patient” as the language is used elsewhere. Hammond also suggested adding “medical” to the title of the ordinance. Mockler and Gunderson discussed having a first-come-first-served process, and Gunderson said the State will have a lottery system. It was discussed whether the application fees are refundable to those who do not prevail in the lottery. Gunderson said they have to go through the Conditional Use Permit process first. Gunderson said he took the lottery language out, and he asked if he should put it back in. By the time they get through the CUP, the County license, and the State license, it is a long way for something to get upstream. Hammond discussed background check provisions and asked what local records constitutes. Gunderson said that is one of the big question marks that is still being worked out at the State level. Hammond discussed disposal of hazardous materials and asked about a bond to clear up any future issues such as required of other types of establishments. Smith said the byproducts are basically weeds, and she does not see it being a dangerous issue. She does not think we have superfund liability. Stewart said it would not be any different than the fertilizer plant. The liability falls on the property owner, and it’s all run through the State.

Tracy said they discussed residency, and her concern is SDCL 34-20G-55 that provides the condition that at least one officer is a resident of this state. Would the County prevent another type of business from owning a business here if the owner lived in Sioux Falls? There could be multiple investors, but one has to be a resident of South Dakota under state requirements. Mockler said we do not require that of any other business. Smith said she does not think county residence is critical. She would not be surprised if others come in from other states. Tracy said they may be more qualified. The Board discussed absentee landlords. Mockler said we are looking for a good actor more than where they live. Manning said it is no different than when MASABA came over from Iowa.

Tracy discussed background checks and said we have all-encompassing language, so we just need to be mindful of keeping up on those things as things change. She said she could not find authority that there cannot be multiple types of facilities in one location, except testing facilities under state regulations. She said she thinks that the State will maintain that a testing facility must be separate from another type of facility. Smith asked if we should just be silent on that since the State has already spoken. Gunderson proposed a change to the language. Tracy discussed hours of operation for dispensaries. Mockler suggested language of “seven days a week.” Hammond discussed deleting hours of operation under manufacturing facilities. Gunderson said there is something under Dept. of Health Regulations regarding working hours for employees. Hammond said it is just referring to being open to the public. Packard said if you are manufacturing you want someone in there at all times, even if it is just a night watchman. The Board discussed prohibitions of mixing types of businesses, for example a dispensary and a vape shop. Tracy said

the goal is to keep it more medicinal. There was discussion about the definition of “open to the public.” Mockler and Smith discussed whether we care about the hours of operation, and Smith questioned whether a dispensary that is open at 2:00 a.m. is good optics for the community and discussed law enforcement aspects as well. Hammond said this is medical marijuana, and we want it to be analog to a pharmacy, not a bar. Mockler questioned whether this would be something someone can do full-time right away, or will this be something more like a start-up for people where they get off work from a full-time job and then open up after 5:00. It was discussed that it is part of a “wet clay” that is changing. Hammond suggested shifting it from 9:00 a.m.-9:00 p.m. Mockler said it might be a case where a person is out there watering and cultivating at midnight. Hammond said his suggestion might make it easier for someone who has a full-time job to be open.

Smith moved, seconded by Manning to approve the following claims for payment. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard stepped away for a moment, Mockler Aye.

The Board considered the final draft of the Court Appointed Attorney Conflict Contract. Smith moved, seconded by Hammond to approve the contract and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Crum gave a brief update on the status of a cybersecurity testing project and said it will be free for the County.

There was a brief budget discussion. Manning asked if the Commission can use the building fund money for repairs to the fair buildings. He said it may help alleviate budget problems. Mockler said he can get a request from the Fair Board for what they would like to have done. Manning said we might be caught in a budget crunch for a few years. Mockler said a lot of labor can be donated. Smith said lumber is way down, according to the Wall Street Journal. Mockler said the lumber index is different, and Smith said she is speaking about price. Mockler said Menard’s prices have not gone down yet. Manning said the current problem is trucking, and Smith agreed that supply chain is a problem. Smit said the article said that the problem is beginning to resolve itself, and the Federal Reserve said this is not a typical inflation scenario. Smith said the only other issue for the courthouse that is immediate is the plumbing and electricity that have to be worked on in conjunction with a new ventilation and HVAC system.

Crum updated on tree trimming and said trees around the courthouse grounds will be trimmed on September 11<sup>th</sup>.

At 11:12 a.m., Smith moved, seconded by Manning to adjourn and reconvene at 9:00 a.m. on September 7, 2021. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST: 

Carri R. Crum, County Auditor

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September 7, 2021

The Board of County Commissioners met in regular session Tuesday, September 7, 2021 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning, and Richard Hammond.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Hammond moved, seconded by Smith to approve the agenda with the addition of next week's meeting schedule. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Manning moved, seconded by Smith to approve the minutes of the August 10, 2021 meeting. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Under Visitors to be Heard, Evelyn Schlenker commended the Board on the start of the tuckpointing project and exploring the HVAC system. She also commended the Facility Planning Committee on the public meetings available via Zoom. Connie Krueger asked if it's possible to have public meetings. The Save Our Historic Courthouse Committee wants to build a jail and make sure the voters' voices are heard. The citizens own the building, and the Commissioners are stewards. They want the Board to carefully consider how to come together and create a vision. She is concerned about the employees in the building and their complaints and how to fix things now and plan for the future. She wants to explore how to make sure when people come to interact with the judicial system they have a link to the past. She believes the committee and Commissioners have done their best to be stewards, but she thinks they have different visions. There has to be a way to compromise and come together to preserve the building. Sam Heikes was present to discuss medical marijuana. He has had several conversations with Zoning Administrator Drew Gunderson. He has gathered information as a lobbyist in Pierre, knowing that in 2018 hemp became a legal crop nationwide. It was added as another cash crop to fill the void of the failure of the tobacco crop. His farm feeds about 90 people, plus the hospital and nursing home for an estimated total of 500-600 people. He has 10 acres of CRP ground, and it will be taken out of production to grow hemp for CBD oil production. He also has interest in medical marijuana. He has interest in producing hemp for CBD oil and having a dispensary. He plans to convert a field to certified organic production of food grade CBD oil. He has hopes that the Commission and City of Vermillion can work together, and the County should put its foot down and tell the City what it's going to do and not have the City tell the County what they're going to do. He is on the line of the City limits, and his facility serves about 100 people per week for local produce, and he would like to have a dispensary and production of legal hemp as it is a legal crop which does not require a license or permit to grow.

The Board conducted a second reading of Ordinance #2021-04, an Ordinance Amending Ordinance #2013-04 (Updated with Amendments Through #2017-01) by Rezoning Certain Property from from A1 Agriculture to LI Light Industrial for a property legal described as: A parcel of land approximately fifteen acres in size beginning in the Northeast corner of the East

Half of the Northwest Quarter of Section 26, Township 93 North, Range 52, Except Lot H- 1, thence West 550 feet thence South 1,200 feet thence East 550 feet thence North to the point of beginning, Clay County, South Dakota. (Containing 15 acres, more or less). No one appeared in opposition, and no written correspondence was received. Manning moved, seconded by Hammond to pass and adopt the ordinance. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered a Right-of-Way Application from Midco on 318 St. in Section 20/21, T92N, R51W. Smith moved, seconded by Hammond to approve the application and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered a Right-of-Way Applications from Midco on Fairview Ave. in Section 21, T92N, R51W. Smith moved, seconded by Manning to approve the application and authorize the Chairman to sign it. Under discussion, Smith said a lot of people will be very happy to have fiber optic cable. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered a Driveway Application from Mark Girard on 308 St., ½ mile east of 456 Ave. to widen the existing field approaches on both sides of the road. Manning moved, seconded by Hammond to approve the application and authorize the Chairman to sign it. Under discussion, Smith clarified the width of the entrance. Mockler said it's 50 feet. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered a Driveway Application from Andy Johnson at 2231 Burbank Rd. to improve the existing driveway with concrete to the asphalt tongue. Manning moved, seconded by Hammond to approve the application and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Ditch cleaning for Layton Strom was moved to the next meeting's agenda.

The Board conducted a public hearing for the 2022 budget. Auditor Carri Crum said she did not receive any written correspondence, and no one appeared to discuss the budget. Smith suggested putting out a press release a couple weeks in advance as people do not read the legals. Manning said people have come in the past if they had concerns. The ones that have a reason to come have come. Smith said people who have a strong self-interest find out about it, but it helps to have a wider group discussing what really matters to them and what doesn't. She hopes in the future we think about it. She said Crum is doing her job, but this is the Commission's job. Mockler said after last Tuesday's meeting with the Fair Board, he went to ACE Hardware to get a quote on trading the mower. They gave him a ballpark, with trade in, of \$5,000 for a light commercial model. Mockler said the current mower continues to blow the oil filter, so it is building up pressure somewhere. He said he also priced a John Deere, which was around \$8,000. There was discussion whether Runnings sells what the County needs, but they do not have a service department.

Emergency Management Director Layne Stewart said he is asking for authorization for him to sign the letter from SECOG to begin the process of the Pre-Disaster Mitigation Program update which will enable the County to apply for a grant in 2022. In the past, there was around a \$3,000 match, which can be a soft match, and in the past the updates have never cost the County any hard cash. Packard moved, seconded by Smith to authorize the Chairman and Stewart to sign the letter. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Mockler asked if we have heard from FEMA. Stewart said he thought we received a letter. August 25<sup>th</sup>, Jim Poppen from Pierre asked for the Chair's name and verified the address. Crum said she has not received anything. Mockler said he has not received anything yet, but he assumes with the holiday it's on its way.

The Board considered the Cybersecurity testing agreement with Dakota State University. Smith asked whether the 2 principle investigators work for the University. Crum said yes. Smith moved, seconded by Manning to approve and authorize the Chairman to sign the agreement. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Smith moved, seconded by Packard to approve the WIC clerical contract amendment and authorize the Chairman to sign it as it is just a correction to the FAIN number listed on the agreement. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

There was discussion regarding next week's meeting. Crum will be in Rapid City for the County Convention, but she said Deputy Nicole Klunder can take minutes if the Board does not wish to reschedule. It was the consensus of the Board to have Klunder take the minutes rather than reschedule.

Chairman Mockler called a recess until 9:45 a.m.

The Board conducted a public hearing and first reading of Ordinance #2021-05, An Ordinance Creating Licensing Regulations for Medical Cannabis Establishments. Packard asked how many times this will change in the next 6 months. Mockler said that is the question. Packard said, for the public's benefit, this is in motion. Mockler said it is temporary at best. Gunderson said the phrase he uses for it is "wet clay." Gunderson said this will cover joint jurisdiction. There will be separate joint jurisdiction and county zoning, but the licensing will cover joint jurisdiction. Smith asked if it is the appropriate time to propose an amendment. She said she found we are missing a lot of information, so she did research in peer review studies of new knowledge from law enforcement journals and alcohol and drug abuse journals, some of which were studies commissioned by the National Institute of Drug Abuse. She looked for which concerns are critical concerns, and which are general fears about the unknown. A UCLA study said the density of dispensaries is not related to an increase in property or violent crime. When you use FBI statistics and GIS information and control for demographics and population density, you do not see dispensaries causing a lot of crime. Denver Police Department found dispensary robberies to be on par with pharmacies and lower than banks and liquor stores. The Journal of Alcohol and Drug Abuse said there is no relationship between dispensaries and increased crime. PLOS One, a premier journal, said legalizing medical marijuana does not lead to an increase in

crime, and looking at it, much of it was generated by fears and concerns. The technique was to interview law enforcement and ask what their concerns were. It does look like it's not the problem that we think it is. There are concerns for police, one of which is grow houses. When they go into grow houses without prior notice, they have had mold and fungus reactions, and there was one case of electrocution in Canada, so this is an issue for building inspectors. For police, one impact has been the increased call for health and welfare checks. Police do have concerns about training and driving under the influence. There are not a lot of incidences of driving under the influence, but police do not have a good way for marijuana testing because the only thing that really works is a blood test. It is an issue that states have not caught up with yet. She is not sure this is the big problem for law enforcement that we are making it out to be. In most states it runs pretty smoothly, and we are a small jurisdiction. In one study, there was no increase in crime around dispensaries, but there were mild increases in crime in urbanized areas in rings around dispensaries. Her guess is it is due to who lives around dispensaries because they are urbanized areas in many places, and they are generally built in industrial parks. For agricultural organizations and family farms, the cost to develop a grown house or an alarmed, secured outdoor field is a lot cheaper in outlying areas than in the city. To build in the city requires indoor growing, and land and buildings are expensive. Growing outdoors is a very high profit business. Smith moved to amend the ordinance to allow 5 dispensaries, 5 manufacturing facilities, and 5 growing facilities in the county. The motion died for lack of a second.

Mockler opened the matter for public comment. Heikes said Smith's research regarding law enforcement is very important. From an agriculture point of view, this is an exciting time with a new crop in outside production. That is where you can get the cheapest product that doesn't require as much intensity as a grow house would, where you have expensive lights, etc. His purpose is to let the County Commissioners know what his intentions are at this time as an outside grower of hemp, registered with the State, and he has access to a distiller that takes the oils out. It is also important to know that the County supports this crop and the future of the crop and that they realize an outside grow of this medical crop is cheaper. As this proceeds, he wants to be able to have a license to grow if he does medical marijuana as opposed to CBD hemp. He envisions having a dispensary for medical marijuana products in addition to hemp CBD oil. It will be good for rural Clay County as well as veterans and low income people in the County who have a need for medical marijuana but cannot afford the expense.

Josh Scherrer of ThirdsMedia was present to provide comment on the proposed ordinance. His base is Colorado. He has been working with a few firms in Colorado, so if there is anything the City or Commissioners need for information on the industry. With the potential of this industry in the tri-state area, they are very interested. If anyone has any questions, they are available. They are wanting to invest into people who are here, or into the community itself. Sharp Solutions deals with transportation logistics, storage, etc., and they want to help move cities away from the stigmatism in smaller areas that are not used to the ordinances, etc. Smith asked him to tell how Colorado has dealt with the kinds of problems that Sheriff Andy Howe is deeply concerned about. He said each city has dealt with different things. A lot of dispensaries are in areas there were previously not great, and now they are doing very well. It has regentrified the area. He does not know if it is directly due to tax revenue, but he would bet it is. Patrols were

asked to be in those areas more often than others initially, but now it is not the same. Ashley Weber, a cofounder of Normal in Colorado, knows a lot more about it on this level and has offered to talk on Zoom. Smith said from the Commission's perspective, they do not get any money from sales tax. It is entirely property tax based. She asked, how has the property tax base been affected in Colorado? Scherrer said he does not know specifically, but property value did increase in one area, but they did put a lot of money into that area. Mockler said the County does not have anything to do with the City of Vermillion, so as far as surrounding properties, it will still be farm ground. Smith said it would be interesting because she knows farmers have to put money into creating a growing area, so she assumes that would increase the value of the acreage. Mockler said it depends what they do. A fence and lights do not increase property value. Heikes said in rural Clay County, if there is an outside grow facility like he is proposing, and it is profitable, and they would expect taxes to follow. Mockler said they would not. Heikes said he has known Scherrer and his team because of the produce and the restaurant he was involved with. Because of his Colorado experience, they are in the process of talking to his team to help in the future. Hammond said part of our law must be based on Colorado law because he noticed a reference to Colorado law in the statute. Hammond asked Sherrer if he has experience in growing. Scherrer said most of his information is coming as they are building. The startup is not something he was involved with in Colorado. Heikes said when he was in Pierre lobbying, he met all the players, and several of them were South Dakota people who ended up in other states and came back with expertise in production, marketing, dispensing, growing, etc. He has several people he has consulted with, so it is pretty valuable. Things are working pretty good in Colorado, and he wants to copy that. He wants to do it right from the beginning. Hammond asked how many years has Colorado been up and running. Scherrer said the groups helping to regulate it in the last 4-5 years have taken hold. Smith said there is a Forest Service study regarding what happened to rural areas' property values in undeveloped land that went up 3-4%, and her idea is that once it is developed, the land would go up even more. They looked at Humboldt County, CA. Their results suggest that doubling of the median existing cannabis density in a watershed is associated with the 3-4% increase in undeveloped land. Packard said medical marijuana was voted in in November 2000 in Colorado. Scherrer said with the licensing, the harder it is to get into an area, the more expensive it is. If we are buying from other counties, the cost is going to go up. People will come here if it's cheaper vs. other counties. He and Mockler discussed that the City is separate. He said we will be allowing 4 in the county that the Sheriff's Office will be responsible for. Gunderson clarified that this covers joint jurisdiction as well. Smith said the data suggests that the Sheriff doesn't have to worry as much as we were afraid he would have to worry. The data suggests the crime is just not there. We are implying that the minimum number is best, and she is suggesting that maybe it's not the best. Mockler said we are a small county and asked why we have to allow one on every street corner. Vermillion is only 25 minutes away. Smith said we do not ask this question for pharmacies. Mockler said there are only 3 in the county, all in Vermillion, but yet everyone seems to be able to get their prescriptions. Smith said she is not sure that non-permissive legislation serves our community well. Packard said she understands where Smith is coming from, but this is not the time to expand the numbers as we are just trying to figure out what one place of each type will have for requirements to meet. She does not feel comfortable expanding numbers at this time. Heikes said

it is important that the Sheriff has full information from other areas that did or did not create more of a load, and he thinks it is less of an issue. Howe was present via Zoom and said he has been hearing too much about what he has said or what he wants, without ever having been asked. He said he would appreciate if the group would ask him rather than quoting him on something he has not said. Manning asked, in Colorado, has Scherrer had experience with outside growers? Scherrer said he has not but has been talking with them. Manning asked if they are all organic. Manning said that is a hard issue in the county because we have other organic growers of corn, etc., and it makes things tough with chemicals like Dicamba drifting. It's hard for the farmers. He applauded Heikes and said it is not going to be easy because of those things. Heikes said he has a good relationship with his neighbors, and they understand chemical trespass issues. Manning said he planted soybeans in a field where Dicamba was detected. They have no idea where it came from, and it could have come from miles away. Mockler said chemical trespass is a hard one to prove. Heikes said he is going to try his best to have certified organic because he thinks it adds value in the medical arena. Mockler said organic is easy with hemp as it is such an invasive crop, and Heikes will not get taken over by weeds. Heikes said they have heard about cover crops and seeding into that cover crop.

State's Attorney Alexis Tracy said it is good to keep it moving forward in anticipation of it being updated. It's good to get something in place and then work to modify and improve upon it going forward. If we can adopt the term "cannabis cultivation facility" for growing, that is the terminology from statute. She felt better about greenhouse form, because of security requirements. Some of the things discussed today as security concerns could be mitigated through a greenhouse. You can't prevent everything from traveling into the soil without a greenhouse. There was language about preventing more than one establishment per locale that has been improved upon. By statute, the only facility you cannot co-locate with other establishments is testing. Otherwise, there is already language crafted into the draft if you choose to go from one to five, for example. There is framework contemplating expansion upon this in the future. There is a need to improve provisions about cultivation facility language if they want to add it. Right now it is general industrial and commercial locations. Heikes said, after several visits with Gunderson, the addition of outside cultivation is the key for him, knowing how much more expensive greenhouses are. Off season you can do things in a greenhouse, and they will do that in another location. Tracy said from a theft of product standpoint, it will be harder to manage security requirements in state statute and Dept. of Health regulations. Heikes said 3 years ago hemp became legal across the country, the demand for it, since it is a low THC product, is much less than a high THC product. Having a security fence with motion detectors and lights, they will not have an armed guard like they did in Colorado with high THC products. Hammond said he views the risk as being similar to a pharmacy, a similar risk with similar security measures taken. In driving through Colorado, he could tell dispensaries by signage with bars on windows. Scherrer said it is pretty normal, but a lot of places have mesh in the glass due to the image. He does not think they have a lot of break ins at dispensaries. Medical does not have as much theft as recreational. He does not think anyone should be scared of it. Hammond asked if security measures are mandated, and Scherrer said they are regulated, such as the type of glass and number of people allowed inside at once. They have a security commission that is in charge of it out of safety for the businesses. It is based off of common practices for security measures for a

high dollar facility. Hammond said, regarding cannabis cultivation facilities, in terms of risk analysis, if Heikes had medical marijuana on his property in a fenced area, he likens it to copper theft. The higher the value of the product, the more risk there is. Heikes should be thinking of appropriately high level security, which may consider response time for the Sheriff's Office. Hammond asked, if someone had 10 minutes to get in, grab materials, and have the Sheriff show up, what would the value be? That determines the level of security. Scherrer said it would be higher than \$10,000. Mockler said we do not have to contemplate that today. Hammond said that gives us time to learn about this. That is part of the reason it reads as it is today because we need to get this done quickly. That's why there was no second to Smith's motion. It's not that we are not expecting to increase the number of authorized facilities, but right now we want to be very careful, speaking for himself. Even in months' time, not years, we could open those doors that would be advantageous to the industry and to the public. Mockler clarified we are proposing to allow 2 of the 4 types of industry.

Smith said on page 34 of the ordinance, under C, numbers 1 and 2 are pretty much identical. Smith said she thinks they changed it, which created the typo. Gunderson said they can leave it for the time being. Smith said in the coming months she thinks there will be changes that will allow people in our county to participate. Mockler clarified that testing is the facility that cannot co-exist with other types of facilities and that the grow facility is under the Dept. of Health. He wondered if they will consider the grow facility as agriculture. Gunderson said that is a good question as it is currently all under the Dept. of Health. Heikes said he spent time with the Secretary of Agriculture. He understands that the only involvement by the Dept. of Ag. is the crop insurance. Heikes said there is also involvement by the Dept. of Revenue. Manning asked about zoning. Mockler said he is asking because agriculture is a permitted use, and this is not just a permitted use, it's a licensed use, so we will need to add something. He said we can allow it in agricultural district but discussed what is allowed regarding licensed or permitted uses, and it is not in our ordinance today. Hammond said Heikes' location can be easy to change as an adjacent use. Mockler said people will assume it just because you don't have a license it's under agriculture, and it's a permitted use, and really they can't just do it. Manning said Heikes is alright with hemp. Manning asked Heikes about using a greenhouse. Heikes said he had a greenhouse at one time, and his part-time job working with a certified organic farm in Clark, they had plans for both outside and inside growing, so he may at some time. When the products become so much more valuable, they would require a secure inside greenhouse. Manning asked if that would require Heikes to have 2 licenses, to which Mockler and Smith said if it is on separate sites, yes. Heikes said if the door opens for medical marijuana, he may do that and discussed licensing requirements for growing and dispensing. Mockler said the second reading will be next week. Howe said he will review the document prior to the second reading.

Packard left the meeting at 10:55 a.m.

The Board and department heads reviewed at length the County's grant practices and a draft grant policy manual being considered.

There was a brief discussion regarding budgets. The Board determined they will have a more lengthy discussion about the 2022 budget at the next meeting. It was also discussed that Crum


should reach out to Philip Terwilliger and Sam Nelson to see if they would be interested in amending the 2022 Court Appointed Attorney Conflict Contract to begin sooner to cover the remainder of 2021.

At 12:10 p.m., Manning moved, seconded by Hammond to adjourn and reconvene at 9:00 a.m. on September 14, 2021. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:

  
Carri R. Crum, County Auditor

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September 14, 2021

The Board of County Commissioners met in regular session Tuesday, September 14, 2021, at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning, and Richard Hammond.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts or interest regarding agenda items.

Hammond moved, seconded by Smith to approve the agenda. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Manning moved, seconded by Smith to approve the minutes of September 7, 2021 meeting. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

No visitors were present to be heard at the September 14, 2021 meeting.

Four Norway township officers (Chairman Glen Nelson, Superintendents Calvin Hanson, Kyle Jensen, and Clerk Jim Lee ) came and spoke about Myron Grove Access Road Project. Mockler wanted the township to have a meeting first to discuss the road, to get something in writing saying that they're giving the road project to the county after the road is fixed. The Township wants to speak to the Towns and Township Association lawyer, too, to make sure they're following the correct protocols and guide them in the document they will present to the County Commissioners. Manning reminded the board, and the township officers, that there is a deadline to complete this task. Auditor Carri Crum will contact the National Park Service Officer Milt Haar to find out when that deadline is. The Norway Township Myron Grove Access Road Project will be discussed again at a later meeting, once the Township Officers have their meeting, and have something in writing saying that the County is going to take over the road, once it's fixed.

Highway Superintendent Rod Polley discussed the ditch cleaning request from Layton Strom. He wants to clean the ditch between the culverts. Polley said he went out there to look at it and said that Strom hired a crew to do the work. This will be done under the supervision of Superintendent Polley, and he said, that he never received any application, yet, from Strom. He will be in contact with him about the driveway application, but nothing will be done with the driveway until the application is received and approved. Smith motioned to approve the Layton Strom ditch clean-up with the supervision of Superintendent Polley, seconded by Hammond. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Mockler called a recess until 10:00 a.m.

Polley added that he is going to try to hire one to two more workers. Also, the micro-surfacing will be finished this Thursday the 16<sup>th</sup>.

Hammond moved, seconded by Manning to approve the following claims for payment. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

(DUE TO OTHER GOVERNMENT)		BETHEL TOWNSHIP	\$2,634.15
BERESFORD SCHL DIST 61-2	\$9,719.66	CENTERVILLE SCH DIST 60-	\$982.80

CITY OF VERMILLION	\$24,065.95
CLAY CO TREASURER	\$7,334.50
FAIRVIEW TOWNSHIP	\$6,421.88
GARFIELD TOWNSHIP	\$3,600.17
GAYVILLE/VOLIN SCHL DIST	\$1,397.67
GLENWOOD TOWNSHIP	\$3,813.61
IRENE CITY	\$555.98
IRENE/WAKONDA SCHL 13-3	\$10,372.14
MECKLING TOWNSHIP	\$3,638.04
NORWAY TOWNSHIP	\$2,471.52
PLEASANT VALLEY TWP.	\$3,418.35
PRAIRIE CENTER TWP.	\$2,508.52
RIVERSIDE TOWNSHIP	\$2,819.88
SD DEPT OF REV ANDERSON	\$325,971.88
SDACO - M&P FUND PAYMENT	\$368.00
SEILERS SECOND ROAD DIST	\$18.24
SPIRIT MOUND TOWNSHIP	\$3,942.47
STAR TOWNSHIP	\$3,184.05
TLC WATER PROJECT DIST.	\$1,024.91
VERMILLION BASIN WATER	\$427.78
VERMILLION SCHL DIST 13-	\$98,732.84
VERMILLION TOWNSHIP	\$5,769.62
VIBORG/HURLEY SCHL 60-6	\$111.91
WAKONDA TOWN	\$3,822.23
(FIRE)	
BERESFORD RURAL FIRE	\$309.18
CENTERVILLE RURAL FIRE	\$56.55
GAYVILLE RURAL FIRE ASSO	\$152.79
IRENE RURAL FIRE ASSOC	\$3.33
VERM. RURAL FIRE ASSOC.	\$2,816.02
VOLIN RURAL FIRE ASSOC.	\$11.78
WAKONDA RURAL FIRE	\$142.30
(OTHER INSURANCE)	
SD PUBLIC ASSURANCE ALL.	\$1,909.76
(PROFESSIONAL SERVICES AND FEES)	
ALTERNATIVE HRD LLC	\$633.75
AVERA MCKENNAN	\$461.82
BROADCASTER PRESS	\$105.00
CITY OF VERMILLION	\$12.00
FEDEX	\$57.57
LEWNO, LUCILLE M	\$20.00
LINCOLN COUNTY TREASURER	\$1,324.98
MINNEHAHA COUNTY JAIL	\$14.69
NETSYS PLUS, INC.	\$197.00
PHARMCHEM, INC.	\$314.05
SATELLITE TRACKING OF	\$130.00
SD DEPT OF HEALTH LAB	\$850.00
TURNER CO. SHERIFF	\$68.00
WOODBURY CO. SHERIFF	\$30.00
YANKTON CO TREASURER	\$149.75
(OTHER PROFESSIONAL SERVICE)	

MINNEHAHA COUNTY JAIL	\$3,017.54
SD ATTORNEY GENERAL	\$1,202.00
UNION CO. SHERIFF	\$15,860.00
(LAW OFFICE)	
LAMBETH LAW OFFICE LLC	\$351.45
LEWIS, LAMONICA L	\$27.00
PETERSON, STUART, KLENTZ	\$9,166.66
(MENTAL HEALTH)	
SD ACHIEVE	\$240.00
SD DEPT OF REV ANDERSON	\$600.00
(PUBLISHING)	
BROADCASTER PRESS	\$947.50
(REPAIRS AND MAINTENANCE)	
BRUNICK SERVICE, INC.	\$232.65
CENTURY BUSINESS PRODUCT	\$30.00
CRUM, RANDY E	\$25.00
MIDWEST CARD AND	\$1,400.00
MOORE WELDING & MFG	\$270.00
PEDERSEN MACHINE, INC.	\$60.00
RS PLUMBING SERVICES	\$127.56
(DATA PROCESSING/CLAY CREEK/INF)	
CANON	\$161.12
ERICKSON SOLUTIONS GROUP	\$8,324.00
LOFFLER COMPANIES	\$164.84
(YANKTON CLAY EXPENSE)	
3D DIGGING & TRUCKING LL	\$22,803.63
(SUPPLIES & MATERIALS)	
A & B BUSINESS	\$219.48
A-OX WELDING SUPPLY CO	\$112.76
BIERSCHBACH EQUIP & SUPP	\$464.00
BRUNICK SERVICE, INC.	\$76.00
BUHLS DRYCLEANERS &	\$150.82
BUTLER MACHINERY CO.	\$453.26
CONCRETE MATERIALS	\$26,216.94
CORTRUST BANK	\$4.00
DIAMOND MOWERS INC	\$702.60
HY-VEE, INC.	\$46.47
LEWIS DRUG, INC.	\$771.30
LIGHT AND SIREN	\$730.84
LOFFLER COMPANIES	\$186.52
MCLEOD'S PRINTING & SUPP	\$399.90
MICROFILM IMAGING SYSTEM	\$155.00
NORTHERN SAFETY CO., INC	\$136.66
O'REILLY AUTO PARTS	\$11.76
ONE OFFICE SOLUTION	\$46.94
PEDERSEN MACHINE, INC.	\$3.00
QUILL CORPORATION	\$734.06
RUNNINGS SUPPLY INC	\$150.88
SIOUX CITY FOUNDRY CO.	\$322.18
UNION CO. SHERIFF	\$590.55
VERMILLION ACE HARDWARE	\$67.96
WARNE CHEMICAL & EQUIP	\$205.70

(COPIER SUPPLIES)		ERICKSON, JENNIFER C	\$50.00
QUILL CORPORATION	\$25.10	FARABEE, DARLENE	\$50.00
(TRAVEL AND CONFERENCE)		GRAHAM TIRE S.F. NORTH	\$862.06
VERMILLION FEDERAL	\$25.00	JACOBSON, KEVIN	\$50.00
(INMATE TRAVEL)		LANE, TRACEY	\$50.00
PUMP N PAK	\$457.00	MART AUTO BODY & MARINE	\$75.00
(UTILITIES)		MURLEY, KEVIN M	\$54.20
BUREAU OF ADMINISTRATION	\$58.58	PIZZA RANCH 14762	\$1,100.50
CENTURYLINK	\$278.76	PUMP N PAK	\$1,911.74
CENTURYLINK HWY	\$269.14	SANFORD HEALTH PATHOLOGY	\$240.00
CLAY RURAL WATER SYSTEM	\$53.90	SPRINGER, ELIZABETH	\$52.52
CLAY UNION ELECTRIC CORP	\$716.02	TIMMERMANN, TIFFANY	\$50.00
CONCRETE MATERIALS	\$53,420.58	VAN DIEST SUPPLY COMPANY	\$4,980.00
MIDAMERICAN ENERGY	\$168.78	(JDC/SPECIAL EQP.)	
VERIZON WIRELESS HWY TRS	\$173.64	TERWILLIGER, PHILIP	\$350.00
VERMILLION GARBAGE SVC.	\$60.00	(BOOKS)	
WAKONDA TOWN	\$71.25	THOMSON REUTERS - WEST	\$565.23
(PAYMENT)		(FURNITURE AND MINOR EQUIPMENT)	
BERNARD, PAMELA	\$50.00	BRUNICK SERVICE, INC.	\$73.60
BRUNICK SERVICE, INC.	\$186.95	MICROFILM IMAGING SYSTEM	\$60.00
DOMESTIC VIOLENCE	\$375.00		
ENGEMAN, JEFFREY M	\$50.00		

The property at 46893 Main St., Burbank, had a complaint by Mike Gobell. He wants it condemned because it's a hazard, and wildlife is living inside of the property buildings. Director of Equalization Ina Peterson spoke about the property. She said the taxes were paid by a mortgage company, but no owner is on file. Smith recommended that we talk to the bank to see if any owners are listed. Mockler wants Zoning Administrator Drew Gunderson to talk to Jose' Dominguez from City Hall to find out their process for condemning a building. The Board will table this complaint until next meeting.

Smith moved, seconded by Hammond to approve the WIC Clerical Contract (Second Amendment) and authorize Chairman Mockler to sign it. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

A Second Reading was held for Ordinance #2021-05. No one appeared in opposition, and no written correspondence was received. Manning moved, seconded by Packard to approve the Second Reading of Ordinance #2021-05, an Ordinance Creating Licensing Regulations for Medical Cannabis Establishments, pass and adopt it, and authorize Chairman Mockler to sign it. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

There was a lengthy discussion regarding modifications to the 2022 Provisional Budget. Packard started out the meeting with a recommendation to hire a building maintenance supervisor to have on staff. Packard went on to explain that Crum's job description doesn't entail overseeing all the maintenance and building needs. This person would oversee doing maintenance to the courthouse, the Public Safety Center building, and the Extension office. Packard recommended moving money out of the building fund to make this position. Smith agreed with Packard that Crum's list is getting bigger by the day, and this position will allow her to focus more on her

day-to-day work. Manning recommended speaking with Union County's maintenance supervisor to help guide us for the job description. Smith asked Crum to get ahold of Alternative HR to help figure out the payroll and job description. Manning recommended that they make this person a department head, and they will have to answer to the County Commissioners for any questions or budget stuff. Crum estimated that this position, including benefits, could be around \$60,000 per year. Mockler said, if we find the right person to do this job, it will save the County some money by not calling other services to fix things around the courthouse, Public Safety Center, and the Extension Office. Packard that repair costs keep going up, but hopefully if we open this position, it will be cost effective. Mockler asked that Crum adjust the budget for this position, that will come out of the building fund, to get in contact with Alternative HR to determine salary, job description, and start the hiring process for November 2021.

Manning said we should cut some groups from the budget, to save the County some money, like: Food Pantry, Salvation Army, Wakonda Ministerial, Beresford Library, Vermillion Library, and Wakonda Library, Austin-Whittemore House, National Music Museum, Vermillion Area Arts Council, W.H. Over Museum, Soil Conservation, SESDAC, Vermillion Now Pledge, and Dakotabilities. He would like to still give to Teen Court (Boys & Girl Club), Lewis and Clark BHS (Drug Abuse and Mental Health), and Fair Board but give them \$4,000 less, and Dakota Senior Meals "Meals on Wheels". Manning said if we make those cuts, we free up \$117,900. Smith said for the future we need to have the non-profits fill out an application and tell the County Commissioners what their plans are to do with the money, if given to them.

Sheriff Andy Howe wants to open an investigator position and have a vehicle for this new position. Howe said we can save money by reusing one of his old vehicles and wants to revisit the Irene/Wakonda contract, too. The salary for this new position will be based on experience.

Mockler wants to add Register of Deeds Lisa Terwilliger to the next agenda to discuss her budget.

Crum told the County Commissioners that, for the 2023 budget, we need to start thinking about a new software program, since our software programmer is retiring in four years.

Mockler wants Crum to make those changes to the 2022 budget before the County Commissioners finalize the budget at the next meeting on September 28<sup>th</sup> to reflect the new maintenance position and the new investigator position, non-profits that were cut, and the Court Appointed Attorney's conflict contract discussed at the previous meeting.

At 11:27 a.m., Manning moved, seconded by Hammond, to adjourn and reconvene at 9:00 a.m. on September 28, 2021. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST: 

Carri R. Crum, County Auditor

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October 5, 2021

The Board of County Commissioners met in regular session Tuesday, October 5, 2021, at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning, and Richard Hammond.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts or interest regarding agenda items.

Smith moved, seconded by Hammond to approve the agenda. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Hammond moved, Seconded by Smith to approve the minutes of September 28, 2021, meeting. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Visitors Heard: Superintendent of Vermillion School District, Damon Alvey, came to thank the County Commissioners for their partnership over the years, and having SRO, Aaron Armstrong, in the schools is making it a big difference, and appreciates all that he has done to keep the schools safe, and appreciated the snow removal for the snowplow workers as well.

Highway Superintendent Rod Polley met with the Board to discuss fuel quotes for the Wakonda Shop. The Board reviewed the fuel quotes. Hammond moved, seconded by Smith to approve to low bid of \$2.54/gallon from Vollan Oil. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Sheriff Andy Howe brought in a quote from Hander Inc. Plumbing & Heating, from Sioux Falls, South Dakota, because of repairs that are needed in the jail cells. Smith asked, if he reached out to any of the local plumbers for these repairs? Sheriff Andy said, he did, but he didn't receive any call backs from any of them. Smith asked if the HVAC will be part of the part of the mechanical space? Sheriff Andy, responded, it is up them to decide that.

After further discussion, Smith moved, seconded by Packard to approve the repair expenses quote, from Hander Inc. Plumbing & Heating, and possibly having part of the jail be on HVAC mechanical space, Sheriff Andy opted to put the project on hold until he can get a timeline. Roll Call Vote: Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Chairman Travis Mockler said, at next meeting, Fire Marshall, Matt Taggart will be here to discuss the property complaint from Mike Gobell.

Chairman Travis Mockler asked that we go to recess at 9:15 a.m. until 9:30 a.m.

Chairman called the meeting back into session at 9:30 a.m.

4-H educator, Lauren Hollenbeck, came in to discussed July, August, September, and part of October's quarterly reports. Hollenbeck said, both county and state fair went well overall. We're down in some areas within the fair, like the exhibits, but up in a few areas, like poultry. A few of our Clay County's 4-Hers did very well overall statewide, like Emmet Knutson, in poultry, Spencer Skatvold, in sheep, Riley Skatvold in sheep, to name a few.

4-H educator, Lauren Hollenbeck discussed the bids she received to fix the termite damage that is the in the extension office. All the termites are gone, but there is damage in the walls, with some water damage as well. Commissioner Hammond, looked at the bids, and asked why each of the bids were so different? Hollenbeck, said the materials were listed on each bid. Commissioner Manning asked if she could get a more itemized list from each of the bidders, to see exactly what differences were with the cost, with electrical cost too.

4-H Educator, Lauren Hollenbeck, said she would contact all three of the bidders, and get back to the county commissioners at a future meeting time.

Chairman Travis Mockler called for a five-minute recess at 9:40 a.m.

Chairman Travis Mockler called the meeting back into session at 9:45 a.m.

Drew Gunderson, Zoning Administrator – Resolution #2021-27 for Plat of Tracts 1, 2, & 3 in Wetmore Peterson Addn. in NW 1/4 8-94-52 Pleasant Valley Twp., 30442 Frog Creek Rd. Gunderson said, the survey included cleaning stuff up, from an old legal description.

Manning moved, seconded by Smith to approve the Resolution #2021-27 for Plat of Tracts 1, 2, & 3 in Wetmore Peterson Addn. in NW 1/4 8-94-52 Pleasant Valley Twp., 30442 Frog Creek Rd. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

**RESOLUTION #2021-27  
RESOLUTION OF COUNTY COMMISSIONERS**

WHEREAS it appears that the owners thereof have caused a plat to be made of the following described real property:

A plat of Tracts 1 thru 3 of the Wetmore-Peterson Addition, an Addition in the Northwest ¼ of Section 8, T94N, R52W, 5<sup>th</sup> P.M., Clay County, SD, Rebecca Louise Peterson, Robert Duane Peterson, and Emily Brigham, owners.

Be it resolved that the Board of County Commissioners of said County has examined the same and that it appears that the system of streets set forth therein conforms to the system of streets of existing plats and section lines of said County, that adequate provision is made for access to adjacent un-platted lands by public dedication or section line when physically accessible, and that all provisions of the subdivision regulations of said County have been complied with, and that all taxes and special assessments, if any upon the tract or subdivision have been fully paid and that such plat and the survey thereof have been executed according to law, and the same is hereby accordingly approved.

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Travis Mockler, Chairman  
Board of County Commissioners

I, Nicole Klunder, Deputy County Auditor of Clay County, South Dakota do hereby certify that the within and foregoing is a true copy of the Resolution passed on October 5, 2021.

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Nicole Klunder

Deputy County Auditor, Clay County, SD

At 9:52 a.m., Smith moved, seconded by Hammond, to adjourn and reconvene at 9:00 a.m. on October 12, 2021. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

A handwritten signature in black ink, appearing to read "Steve Mockler". The signature is written in a cursive style with a large, stylized "S" at the beginning.

Rocke Klirby

September 28, 2021

The Board of County Commissioners met in regular session Tuesday, September 28, 2021, at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning, and Richard Hammond.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts or interest regarding agenda items.

Packard moved, seconded by Hammond to approve the agenda. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Hammond moved, seconded by Smith to amend and approve the minutes of September 14, 2021 meeting, with the amendment correcting the amount that budget cuts will save the County being \$117,900 instead of the \$39,134 that was previously stated. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. Brad Stangohr from Ulteig Engineering was also present to discuss a change order and final payment application from ASTECH for the micro-surfacing project. He said adjustments to the amount of materials required, etc. resulted in a savings of \$82,238.53, and he did add 2 days to the completion date due to the micro-surfacing in Irene conflicting with their homecoming parade. Packard moved, seconded by Hammond to approve the change order and payment application and to authorized the Chairman to sign them. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Stangohr said he has plans for the small structure inventory, and he will use the SD Dept. of Transportation GIS system. He also said the planning study kickoff meeting went very well, with better participation than most meetings of the sort. He also said he is working with 3-D Digging to finish the Yankton-Clay Ditch Project. Hammond said he is not sure if the corn is out of the fields yet in the area that needs to be finished.

The Board reviewed propane quotes. Packard moved, seconded by Smith to approve the low bid of \$1.60/gallon from Grow Mark. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

The Board reviewed diesel quotes. Smith moved, seconded by Hammond to approve the low bid of \$2.37/gallon from Brunick's Service. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Polley presented a cost journal for work done at the gun club. He said they were unable to get the grader into the site due to low hanging tree branches, but they used a skid loader to fill holes with gravel in the drive. He was unsure whether the County should charge the gun club. The County has charged the campground for gravel for the pads in the past. Smith said there has been discussion regarding how those things will work at the Clay County Park, and the matter has been referred to the advisory committee. She said it seems like we should at least charge for materials. Hammond said the way the budget is currently, we should charge. Mockler asked



about blading, and Polley said the more we do the more we get asked to do. Hammond said he recommended asking the Township for blading as they may only charge a couple hundred dollars, and he even offered to donate \$50-75 to the cause, similar to offering his building to the bus barn for the fair. He said sometimes the Township will just help. With today's budget constraints, he said the County should send a bill. Polley said the trees need to be trimmed because they prevent access for a blade. Manning said the County should charge any group if not everyone in the county is getting a benefit from it. Hammond said it is the County's land, but the gravel is for the gun club's benefit. Hammond moved, seconded by Manning to authorize Polley to send a bill to the gun club in the amount of \$472. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Mockler asked Polley about a situation on University Rd. south of the Wakonda Oil at Tom Austin's property. Polley said he spoke to him yesterday.

Manning moved, seconded by Smith to approve the following claims for payment. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

(PAYROLL)		THE STANDARD - DENTAL	\$947.41
COMMISSIONER'S	\$8,796.52	THE STANDARD - LIFE INS.	\$383.60
AUDITOR'S OFFICE	\$11,890.95	THE STANDARD - SH TRM DI	\$1,013.57
TREASURER'S OFFICE	\$21,176.87	THE STANDARD - VISION	\$215.18
STATE ATTORNEY'S OFFICE	\$21,401.99	UNITED WAY OF VERMILLION	\$232.00
COURTHOUSE		VERMILLION FEDERAL	\$550.00
\$3,430.77		WELLMARK BLUE CROSS	\$50,569.24
DIRECTOR OF EQUALIZATION		(INSURANCE DEDUCTABLE REIMBURSE)	
\$11,449.99		MCPHERSON, LARRY	\$500.00
REGISTER OF DEEDS	\$8,368.93	(OTHER INSURANCE)	
VETERAN'S OFFICE	\$1,601.78	SD PUBLIC ASSURANCE ALL.	\$2,299.33
24/7 PROGRAM	\$1,302.48	(PROFESSIONAL SERVICES AND FEES)	
SHERIFF'S OFFICE	\$39,517.33	ACCURATE EYE CARE	\$80.00
COUNTY JAIL	\$30,573.69	AVERA MEDICAL GROUP	\$105.71
EMERGENCY MGMT	\$4,703.33	DAKOTA ALLERGY & ASTHMA	\$90.40
HIGHWAY	\$52,495.69	DAKOTA COUNTY SHERIFF	\$59.60
COMMUNITY HEALTH NURSE/WIC		ERICKSON SOLUTIONS GROUP	\$757.00
\$3,246.03		FEDEX	\$29.75
EXTENSION OFFICE	\$2,639.06	FLEX SYSTEM (TASC)	\$250.00
WEED	\$4,258.72	GAPP, DEBRA	\$2,592.50
PLANNING & ZONING	\$2,364.28	LOFFLER COMPANIES	\$258.00
(PAYROLL WITHHOLDING)		MINNEHAHA COUNTY JDC	\$849.25
AFLAC	\$763.16	(LAW OFFICE)	
CLAY CO FIT FICA	\$53,837.01	JOHNSON, KATIE PLLC	\$461.10
COLONIAL LIFE	\$183.16	(MENTAL HEALTH)	
CONSECO/WASHINGTON	\$24.45	LEWIS & CLARK BEHAVIORAL	\$184.00
DIV OF CHILD SUPPORT	\$675.00	(REPAIRS AND MAINTENANCE)	
NEW YORK LIFE INSURANCE	\$328.57	BEAR, INC. DBA TODD'S	\$260.26
SD CHILD SUPPORT CENTER	\$479.08	CHARLIE'S BUS SERVICE	\$92.00
SD RETIREMENT SYSTEM	\$26,765.84	DAKOTA ALIGNMENT & FRAME	\$309.00
SD SUPPLEMENT RETIREMENT	\$2,510.00	INTERSTATE POWER SYS INC	\$477.50
SDRS ROTH 457(B) PLAN	\$810.00	LOFFLER COMPANIES	\$152.06
TASC PVR	\$1,539.15		

M.J. DAL SIN CO.	\$662.50	SDSU EXTENSION SERVICE	\$68.77
MCLEOD'S PRINTING & SUPP	\$27.64	STEWART, LAYNE	\$194.00
OLSON'S PEST TECHNICIANS	\$80.00	TERWILLIGER, LISA	\$408.44
PRESTO-X COMPANY LLC	\$153.00	VERMILLION FEDERAL	\$248.00
VERMILLION FEDERAL	\$127.47	WOOD, LISA	\$28.00
(DATA PROCESSING/CLAY CREEK/INF)		(UTILITIES)	
ERICKSON SOLUTIONS GROUP	\$2,659.50	CENTURYLINK EMG	\$13.88
ESRI INC	\$895.62	CITY OF VERMILLION	\$2,953.21
SOFTWARE SERVICES, INC.	\$1,584.00	GROWMARK FS	\$1,919.20
(SUPPLIES & MATERIALS)		VERIZON WIRELESS EMG	\$80.02
ASTECH ASPHALT SURFACE	\$1,056,228.17	VERIZON WIRELESS HWY TRS	\$116.44
BARCO MUNICIPAL PRODUCTS	\$2,234.93	VERIZON WIRELESS SHERIFF	\$320.08
BOB BARKER CO INC	\$70.68	VERIZON WIRELESS ST ATTN	\$151.90
BRUNICK SERVICE, INC.	\$19,118.87	VERMILLION FEDERAL	\$6.00
CANON	\$138.15	VERMILLION GARBAGE SVC.	\$176.00
CONCRETE MATERIALS	\$99,521.70	(PAYMENT)	
COYOTE ENTERPRISE LLC	\$650.00	BERNARD, PAMELA	\$50.00
D-P TOOLS, INC.	\$564.42	ENGEMAN, JEFFREY M	\$50.00
DAKOTA ALIGNMENT & FRAME	\$18.54	ERICKSON, JENNIFER C	\$50.00
FRONTIER PRECISION INC	\$45.00	FARABEE, DARLENE	\$50.00
HOLLENBECK, LAUREN	\$75.81	HY-VEE, INC.	\$184.69
INTERSTATE POWER SYS INC	\$101.12	JACOBSON, KEVIN	\$50.00
JACK'S UNIFORMS & EQUIP.	\$64.94	JOHNSON, WENDY	\$20.00
JCL SOLUTIONS	\$577.32	LANE, TRACEY	\$50.00
M & M FARM SUPPLY	\$42.33	MURLEY, KEVIN M	\$54.20
MEAD LUMBER	\$15.58	O'NEILL, DEVIN	\$20.00
ONE OFFICE SOLUTION	\$94.52	PYPER, JAYDE	\$20.00
PRESSING MATTERS	\$424.00	SPRINGER, ELIZABETH	\$52.52
RUNNINGS SUPPLY INC	\$269.49	THE SOAP GUYS	\$56.00
SD FED. PROPERTY AGENCY	\$524.25	TIMMERMANN, TIFFANY	\$50.00
TRI-STATE TURF &	\$132.65	TWO WAY RADIO SOLUTIONS	\$247.49
TWO WAY RADIO SOLUTIONS	\$514.99	VERMILLION FEDERAL	\$172.64
VERMILLION ACE HARDWARE	\$19.99	VERMILLION FORD	\$63.40
VERMILLION FEDERAL	\$507.60	(JDC/SPECIAL EQP.)	
YANKTON REXALL DRUG	\$99.89	MINNEHAHA COUNTY JDC	\$8,313.00
(TRAVEL AND CONFERENCE)		(BOOKS)	
BEST WESTERN RAMKOTA INN	\$909.00	THOMSON REUTERS - WEST	\$1,052.09
CRUM, CARRI R	\$198.00	(FURNITURE AND MINOR EQUIPMENT)	
GANSCHOW, DENNIS	\$74.00	CANON	\$209.96
HOLLENBECK, LAUREN	\$88.00	(AUTOMOTIVE)	
HOWE, RHONDA	\$408.44	VERMILLION FEDERAL	\$26.43
OLSON, LENNEA	\$221.84		

Director of Equalization Ina Peterson presented a software renewal contract. Hammond clarified that the contract is the same as previous years. Hammond moved, seconded by Smith to approve the contract and authorize the Chairman to sign it. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

The Board discussed new software for the County with Auditor Carri Crum, Treasurer Rhonda Howe, Register of Deeds Lisa Terwilliger, and Director of Equalization Ina Peterson. The County's current software provider, Patti Guthrie with Software Services, Inc. was present to

discuss the conversion process. Transcendent Technologies provided a presentation and proposal for their services and software. There was a lengthy discussion about the software needs of the County as it pertains to land records and property tax billing.

Terwilliger met with the Board to discuss her 2022 budget request and to request \$420 be added to the utilities line due to an inadvertent omission on the budget request. She discussed software needs for her office and said the Modernization & Preservation Fund will cover some of those costs. She would also like to have the counter refinished in her office.

Daniel Burniston, Vermillion Public Library Director, was present for a discussion regarding budget funding cuts. He said library cards are currently free for county residents, and if funding is cut long-term, the library board may need to charge county residents \$45 annually for a library card. He also discussed the various youth programs and the recent upgrade from a part-time coordinator of the youth programs to a full-time position. Smith said kids really use the library, and it functions almost as a community center. She said she had not thought about library cards for county residents. Hammond said the library's budget presentation each year is impressive.

The Board considered Resolution #2021-25 for Annual Budget and Levies. Packard moved, seconded by Manning to pass and adopt Resolution #2021-25. Under discussion, Hammond said if he were to add any one program back in, it would be Dakotabilities because the services they provide to disabled individuals fits with the County's core responsibilities. Manning said SESDAC provides the same programs, and it is local to Clay County. If they cut SESDAC, Manning said he feels they should cut Dakotabilities, too. Hammond said he heard the center at Redfield is going away, and Manning said SESDAC has more individuals coming to them. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye. Smith said she assumes the Board will reconsider restoring funding to the organizations in future years with an application process.

ANNUAL BUDGET FOR CLAY COUNTY, SD  
For the Year January 1, 2022 to December 31, 2022

Tax Levy in	RESOLUTION #2021-25	
COUNTY TAX LEVIES	Dollars	\$'s/1,000
WITHIN LIMITED LEVY:		
* General County Purposes		
(10-12-9) Library	6,114,313.00	4.941
LIMITED LEVY (10-12-21) -		
SUB TOTAL		
OUTSIDE LIMITED LEVY:	6,114,313.00	4.941
County Snow Removal Fund		

ADOPTION OF ANNUAL BUDGET FOR CLAY

County, South Dakota

Whereas, (7-21-5 thru 13), SDCL provides that the Board of County Commissioners shall each year prepare a Provisional Budget of all contemplated expenditures and revenues of the County and all its institutions and agencies for such fiscal year and, Whereas, the Board of County Commissioners did prepare a Provisional Budget and cause same to be published by law, and Whereas, due and legal notice has been given to the meeting of the Board of County Commissioners for the consideration of such

(34-5-2)		
County Road and Bridge (10-12-13)		
Courthouse, Jail, etc., Bldg. (7-25-1)		
Bond Interest Sinking (7-24-18)		
Ag Building (7-27-1)		
UNLIMITED LEVY - SUB TOTAL	-	-
LIMITED AND UNLIMITED LEVY - SUB-TOTAL	6,114,313.00	4.941
OTHER SPECIAL LEVIES		
Secondary Road (Unorg. PT- 76) (31-12-27)		
Fire Protection (34-31-3)	234,974.00	0.312
TOTAL TAXES LEVIED BY COUNTY	6,349,287.00	5.253

Provisional Budget and all changes, elimination's and additions have been made thereto.

NOW THEREFORE BE IT RESOLVED, That such provisional budget as amended and all its purposes, schedules, appropriations, amounts, estimates and all matters therein set forth, SHALL BE APPROVED AND ADOPTED AS THE ANNUAL BUDGET OF THE APPROPRIATION AND EXPENDITURES FOR CLAY County, South Dakota and all its institutions and agencies for calendar year beginning January 1, 2022 and ending December 31, 2022 and the same is hereby approved and adopted by the Board of County Commissioners of Clay County, South Dakota, this 28th day of September, 2021. The Annual Budget so adopted is available for public inspection during normal business hours at the office of the County Auditor, Clay County, South Dakota. The accompanying taxes are levied by Clay County for the year January 1, 2021 through December 31, 2021.

BOARD OF COUNTY COMMISSIONERS OF Clay County, South Dakota

\_\_\_\_\_ Chairman  
 \_\_\_\_\_ Commissioner  
 \_\_\_\_\_ Commissioner  
 \_\_\_\_\_ Commissioner  
 \_\_\_\_\_ Commissioner  
 ATTEST \_\_\_\_\_ County Auditor

\* These Amounts include the 25% to be distributed to cities.

As of September 28, 2021 these levies are not approved by the Department of Revenue

Packard moved, seconded by Smith to approve payment by the County of any employee flu vaccines that are not covered by insurance. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

The Board considered Resolution #2021-26 for the Establishment of Removal of Asset due to NSF checks the County has been holding long-term. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

RESOLUTION #2021-26  
FOR THE ESTABLISHMENT OF REMOVAL OF ASSET

WHEREAS, by motion of the Board effective September 28, 2021, the Clay County Commissioners establish the removal of assets for non-sufficient fund checks presented to Clay County in pursuant of SDCL 7-11-4.2; and

NOW THEREFORE BE IT RESOLVED, that the Clay County Treasurer's Office and Clay County Auditor's office remove the asset of insufficient fund or no account checks in the amount of \$2,037.69. (List on file with Clay County Treasurer's office)

Dated this 28th day of September, 2021.

\_\_\_\_\_  
Travis Mockler, Chairman  
Clay County Board of Commissioners

ATTEST

\_\_\_\_\_  
Carri Crum, Clay County Auditor

The Board reviewed a tuckpointing quote from Heinemann Restoration for the Public Safety Center. The estimate is \$17,800. Sheriff Andy Howe said he spoke with Police Chief Matt Betzen, and the City has no objection to participating in the project as it is necessary maintenance. Smith moved, seconded by Hammond to approve the quote. Packard briefly stepped out of the room and was not present for the roll call vote. Roll call vote: Mockler Aye, Smith Aye, Manning Aye, Hammond Aye.

The Board tabled the follow-up on the property complaint by Mike Gobell until the next meeting.

The Board considered an amendment to the Court Appointed Attorney Conflict Contract, moving the start date of the contract up to November 1, 2021. Smith moved, seconded by Hammond to approve it authorize the Chairman to sign the contract amendment. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

At 11:25 a.m., Smith moved, seconded by Manning to enter an Executive Session for personnel matters per SDCL 1-25-2. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

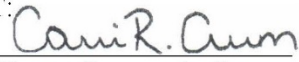
At 12:06 p.m., Hammond moved, seconded by Smith to exit the Executive Session. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

At 12:06 p.m., Smith moved, seconded by Packard, to adjourn and reconvene at 9:00 a.m. on October 5, 2021. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

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October 12, 2021

The Board of County Commissioners met in regular session Tuesday, October 12, 2021, at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning, and Richard Hammond.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts or interest regarding agenda items.

Hammond moved, seconded by Manning to approve the agenda. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Manning moved, seconded by Smith to approve the minutes of the October 6, 2021 meeting. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Highway Superintendent Rod Polley appeared under Visitors to be Heard to update that the Weed Department sprayed trees along the Yankton-Clay Ditch and the Prairie Center Ditch as well as road ditches.

Director of Equalization Ina Peterson appeared under Visitors to be Heard to update the Board that she spoke with Tyler Technologies regarding the software, and they are not sure how much they will be able to help as they are unsure how the information would get to TTech. Mockler said the topic will be on the end of the month meeting.

The Board discussed a complaint received from Mike Gobell regarding a property in Burbank. Vermillion Fire Marshal Matt Taggart said he looked at the property at Mockler's request, and there are significant safety hazards. He said there was an issue such as this once before, and an ordinance would need to be adopted. He said there is a statute allowing the township board to abate the nuisance. State's Attorney Alexis Tracy discussed the legalities of abating a nuisance property and SDCL 21-10-6. She said the township board could take action. Taggart said there was no fire, but the property was abandoned. The neighbors are concerned about safety. Hammond asked whether it would be a candidate for a training burn. Taggart said their insurance company does not like them to do that. Tracy said there needs to be photographs and documentation of a nuisance. Mockler said passing the ordinance would be the easiest way to handle it. Tracy said her recollection regarding the previous draft ordinance is that it specifically addressed appointing a County Fire Marshal. Taggart said in his City role he is allowed to deem a structure unsafe. He said he agrees with the complaint, that the structure is an unsafe nuisance. Mockler discussed whether the County could adopt the fire code, and Taggart said they could adopt sections that would allow him to deem a building unsafe. Mockler requested that a copy be given to Zoning Administrator Drew Gunderson for review. Hammond said there are always fire safety issues with such a building. Smith said she worries about kids, too. Manning asked about the procedure for the notice requirements, and Taggart briefly reviewed it. Manning and Mockler discussed the ordinance timeline for passage through the Planning & Zoning Commission and then through the County Commission. Taggart said he will wait for word from the County before making any moves. Tracy said it may be a good idea to discuss with the township board because sometimes it just takes an official letter to spur action. Mockler said the township will not want

to spend the money to tear it down. Tracy said it is a public nuisance, not just a private nuisance. Any concerns the County has, the township board may have as well. Manning asked if Taggart would be willing to help the township board draft a letter, and Taggart said he would. Mockler asked, if the township board does the abatement, and they will not tear it down, then can the County still do it? Tracy said she would look into it. Taggart said abatement does not mean it has to be torn down. They could put new windows in, a new roof on, etc. Smith said the County should still proceed with the ordinance, but sometimes a letter is effective. Taggart discussed budgeting for a tear-down process. Mockler said he will contact the township board. Tracy and Gunderson discussed whether an ordinance would go into the Zoning Regulations or be a separate County ordinance. Gunderson said he would not be able to get it onto a Planning & Zoning Commission agenda until December. Smith said a public safety ordinance would not have to go through Planning & Zoning. Tracy discussed the statutes referenced in the draft ordinance and said it could be a separate ordinance. She also discussed other aspects of the draft ordinance.

Gunderson and John Peterson met with the Board to discuss medical cannabis cultivation. Gunderson said Peterson would like to request that the County revisit cultivation. Peterson discussed the ordinance, state statute, and requested that the County consider one cultivation license. He said he would like to open a facility, employ a few people, and he has a site already. Peterson and Manning discussed plans for the facility. Peterson said, in his experience with growing CBD hemp, growing outdoors would not work due to cross pollination. Mockler and Gunderson discussed zoning regarding commercial property. Gunderson said if they adopt the comprehensive plan draft, it would be allowed. Smith said it makes sense to allow growing in agricultural zones, not restricting it to commercial. She discussed land prices. She said she thinks we should have growing. Mockler said the State does not consider it an agricultural product. He said since it falls under Dept. of Health and not Dept. of Ag. it is not agricultural. Hammond said it depends on ordinances that apply to commercial properties vs. agricultural properties. It may require rewriting ordinances. Peterson said, eventually every person who has a card can grow their own, but his would be for sale to dispensaries and discussed commercial zoning. Mockler and Peterson discussed the number of licenses for dispensaries in the County, municipalities, joint jurisdiction, etc. Manning asked, if we rewrite the ordinance to allow one grower, Peterson would have to plat that piece off. Peterson said if that's what it takes, he will do it. Manning moved that it be rewritten to allow one grower, seconded by Smith. Under discussion, Smith said if we pass a resolution to allow one grower, Peterson could go through the process. Gunderson said he could start the process at the end of October when the State rules are released. He requested that the matter be held until the next meeting. Manning withdrew his motion. Manning asked Peterson how much hemp he grew. Peterson said they did 5 acres of CBD hemp and 40 acres of seed and fiber hemp. He discussed pollen contamination. Manning and Peterson discussed products and combining it. He said he thinks the seed and fiber hemp growing will really take off in this area.

Lauren Hollenbeck, 4-H Educator, met with the Board to discuss quotes for repairing termite damage in the building. She contacted the contractors regarding a more itemized list of work to be done. Smith said it looks like the Burkhart quote is the lower one and seems comparable to



the AMS quote. Hollenbeck said they told her electric is on the quote just in case because they don't know what they will find. Smith said the big difference seems to be the electrical. Hollenbeck said it will be a subcontractor job for both quotes. Packard said often the contractor is contracting for a roll-off, and the contractor will pay the landfill. Manning discussed the difference in electrical between the quotes, and Mockler said it is a guesstimate. Hammond said once you get the sheetrock out it's pretty easy. Packard asked what the bids are as she did not have them in front of her. Manning said Burkhart is \$12,410 and AMS is \$18,523. Mockler said Tom Taggart's bid was \$3,500 and does not include electrical or painting. Smith moved to accept the quote from Keith Burkhart, seconded by Packard. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Packard moved, seconded by Manning to approve the following claims for payment. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

(DUE TO OTHER GOVERNMENT)		JERRY'S CHEVROLET	\$232.50
CLAY CO TREASURER	\$5,925.00	JOHNSON FEED, INC.	\$524.10
SD DEPT OF REV ANDERSON	\$321,262.58	SCHULD, MARIANNE	\$1,038.00
SDACO - M&P FUND PAYMENT	\$310.00	(DATA PROCESSING/CLAY CREEK/INF)	
(PROFESSIONAL SERVICES AND FEES)		MICROFILM IMAGING SYSTEM	\$1,710.00
CITY OF VERMILLION	\$36.00	(SUPPLIES & MATERIALS)	
SATELLITE TRACKING OF	\$91.00	A & B BUSINESS	\$184.48
SCHILDHAUER, T. LEMBCKE	\$1,353.00	A-OX WELDING SUPPLY CO	\$112.76
SD DEPT OF HEALTH LAB	\$1,355.00	BLACKSTRAP INC	\$1,758.70
YANKTON CO SHERIFF	\$50.00	BOB BARKER CO INC	\$52.99
YANKTON MEDICAL CLINIC P	\$56.50	BRUNICK FURNITURE	\$41.50
(OTHER PROFESSIONAL SERVICE)		BRUNICK SERVICE, INC.	\$4.00
BOYS & GIRLS CLUB, INC.	\$1,750.00	BUHLS DRYCLEANERS &	\$203.22
MINNEHAHA COUNTY JAIL	\$486.70	CHEN ENTERPRISES LLC	\$118.90
SCHAEFER, DEAN	\$75.00	CONCRETE MATERIALS	\$30,712.97
SD ATTORNEY GENERAL	\$927.00	COYOTE ENTERPRISE LLC	\$59.98
UNION CO. SHERIFF	\$19,500.00	INTERSTATE POWER SYS INC	\$506.05
YANKTON CO SHERIFF	\$1,760.00	JCL SOLUTIONS	\$86.73
(LAW OFFICE)		JERRY'S CHEVROLET	\$273.55
KOGEL, LINDA L	\$2,262.60	JOHNSON FEED, INC.	\$134.94
MCCULLOCH, JAMES E	\$1,461.90	LOFFLER COMPANIES	\$188.84
PETERSON, STUART, KLENTZ	\$9,166.66	MICROFILM IMAGING SYSTEM	\$155.00
(MENTAL HEALTH)		PROCHEM DYNAMICS	\$14.08
DAKOTABILITIES	\$720.00	QUALIFIED PRESORT SVC IN	\$4,831.65
SD ACHIEVE	\$240.00	RUNNINGS SUPPLY INC	\$10.66
(PUBLISHING)		TEAM LAB	\$13,200.00
BROADCASTER PRESS	\$820.36	UNION CO. SHERIFF	\$628.85
STAR PUBLISHING	\$926.80	VERMILLION ACE HARDWARE	\$19.98
(REPAIRS AND MAINTENANCE)		VERMILLION FEDERAL	\$119.18
BRUNICK SERVICE, INC.	\$63.00	VOLLAN OIL	\$5,920.74
CENTURY BUSINESS PRODUCT	\$30.00	WILLSON FLORIST	\$112.89
DAKOTA PC WAREHOUSE	\$1,174.95	ZEE MEDICAL SERVICE CO	\$107.55
FAST AUTO GLASS, INC.	\$451.71	(COPIER SUPPLIES)	
GEHM, CINDY	\$276.00	CANON	\$161.12
INTERSTATE POWER SYS INC	\$877.50	(TRAVEL AND CONFERENCE)	

BEST WESTERN RAMKOTA INN	\$462.00	LANE, TRACEY	\$50.00
STAY USA HOTEL & SUITES	\$693.00	LEWIS & CLARK BEHAVIORAL	\$5,605.00
STYLES, DAVID	\$126.00	MURLEY, KEVIN M	\$54.20
(INMATE TRAVEL)		NATIONAL MUSIC MUSEUM	\$1,250.00
PUMP N PAK	\$251.20	PUMP N PAK	\$2,002.24
(UTILITIES)		RUNNINGS SUPPLY INC	\$269.94
BUREAU OF ADMINISTRATION	\$33.50	SALVATION ARMY	\$437.50
CLAY RURAL WATER SYSTEM	\$69.80	SPRINGER, ELIZABETH	\$52.52
CLAY UNION ELECTRIC CORP	\$681.25	TIMMERMANN, TIFFANY	\$50.00
MIDAMERICAN ENERGY	\$177.25	VERMILLION AREA ARTS CNC	\$1,250.00
MIDCO BUSINESS	\$210.00	VERMILLION FEDERAL	\$64.65
VERIZON WIRELESS TRS	\$361.02	VERMILLION FOOD PANTRY	\$1,875.00
VERMILLION GARBAGE SVC.	\$60.00	VERMILLION PUBLIC LIBRAR	\$1,000.00
WAKONDA TOWN	\$66.95	VERMILLION SENIOR CENTER	\$5,000.00
(PAYMENT)		WAKONDA PUBLIC LIBRARY	\$625.00
AUSTIN-WHITTEMORE HOUSE	\$625.00	WH OVER MUSEUM,	\$1,875.00
BERNARD, PAMELA	\$50.00	(JDC/SPECIAL EQP.)	
BRUNICK FURNITURE	\$51.95	TERWILLIGER, PHILIP	\$350.00
CLAY CO AGR FAIR ASSOC	\$4,125.00	(BUILDINGS AND STRUCTURES)	
CLAY CO CONSERVATION DIS	\$6,250.00	HEINEMANN RESTORATION IN	\$66,950.00
DAKOTA SENIOR MEALS	\$970.50	(BOOKS)	
ENGEMAN, JEFFREY M	\$50.00	THOMSON REUTERS - WEST	\$136.23
ERICKSON, JENNIFER C	\$50.00	(AUTOMOTIVE)	
JACOBSON, KEVIN	\$50.00	BRUNICK FURNITURE	\$62.40
KOUPAL, KELSEY	\$80.56		

The Board discussed a request from Lewis & Clark Rural Water System to give them some of the County's American Rescue Plan Act funds. Smith said she thinks it should be on a future agenda for the Board to plan how to spend the money. She discussed how the County might spend the money on the HVAC system and other things that might be included as allowable expenditures. Sheriff Andy Howe said he escorted the electrical engineer around the buildings last week. The engineer did not know what the timeline was for finishing up the work for the HVAC quote.

At 10:05 a.m., Manning moved, seconded by Packard, to adjourn and reconvene at 9:00 a.m. on October 26, 2021. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST: Carri R. Crum  
Carri R. Crum, County Auditor

October 26, 2021

The Board of County Commissioners met in regular session Tuesday, October 26, 2021. Due to audio issues on the Zoom meeting, the meeting began 10 minutes late at 9:10 a.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning, and Richard Hammond.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts or interest regarding agenda items.

Smith moved, seconded by Hammond to approve the agenda. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Manning moved, seconded by Smith to approve the minutes of the October 12, 2021 meeting. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Gunderson said no discussion or decision will be had on the Conditional Use Permit appeal for the campground. It will be on the agenda for November 9<sup>th</sup> at 9:00 a.m. due to a publication error.

After some technical issues, Packard left the Zoom meeting to travel to the courthouse to attend the meeting in person.

Highway Superintendent Rod Polley met with the Board. He presented a Right-of-Way Application from Longlines LLC. Manning moved, seconded by Hammond and carried to approve the application as presented. Motion passed.

Polley presented a Driveway Application for Sandy Strom. He said it is part of the ditch cleaning for Layton Strom and recommended approval. Hammond moved, seconded by Smith and carried to approve the application. Motion passed.

Johnson Engineering recommends closure of a bridge on 313 St.  $\frac{3}{4}$  miles east of where University Rd. turns back to the north. He closed it a couple weeks ago due to the abutments and recommendation of the Johnson Engineering. Polley discussed a bridge that was recently closed due to reduction of the limit from 5-ton to 3-ton. Johnson Engineering also recommended a 2-ton limit on 303 St. on the river bottom near Mike Hemmingson's. Polley recommended closure of the bridge to stay consistent in policy. Mockler said a 2-ton limit is essentially a walking bridge. Manning moved, seconded by Hammond and carried to close the bridges. Motion passed.

Polley discussed his budget and said he may need a supplement. The bottom line has funds at this time, but he will be close by the end of the year.

Mockler gave an update that the Norway Township Board is having a meeting tonight to discuss the Myron Grove Access road (454 Ave.) project.

Emergency Management Director Layne Stewart met with the Board to present the quarterly report. Manning said it looks thorough, as usual. Manning moved, seconded by Hammond and carried to approve and authorize the Chairman to sign the report. Motion passed.

Packard arrived in person at the meeting.

Zoning Administrator Drew Gunderson discussed the medical cannabis license ordinance. He discussed previously recommended changes by resolution that would allow one growing license. However, it will require other changes. There is a holdup, and right now if it is allowed, it would only be on the major highway corridors, and Friday or Monday the State will be releasing rules. Smith asked what in the ordinance has to change. Gunderson said allowing commercial operations in the County, and right now only commercial/industrial uses are along Highway 50. They are trying to expand that. Medical marijuana, the Comprehensive Plan, and the campground are tied together as action needing to be taken. Smith asked what the tie is. Gunderson said it is commercial use, and the holdup is criteria that the Planning & Zoning Commission is working on. Manning said when the information comes out from the State it could affect this as well. Mockler asked if the Board wants to allow commercial along paved County roads as they can give direction to the Planning & Zoning Commission if they want to. He said his thought was to allow it along paved County roads, but they got pushback from the public. Gunderson and Mockler said they got hung up on commercial building size. They discussed the potential needs for building size. Manning said it sounds like the Planning & Zoning Commission still needs to work on finding the right criteria. Hammond said it could end up prohibiting uses that we want to allow. Sharon Gray said she appreciates the detail that goes into the building sizes, and the concern with building size seemed to come down to how to align with the Comprehensive Plan that respects beauty and protects natural resources. She said they have to figure that out so it is open for feedback from the community regarding natural resources preservation. It was not the size, but rather the impact. Smith asked Gray if she is suggesting a Conditional Use Permit so that there is a hearing. Gray said she appreciates opportunities for the public to voice their concerns but cannot speak for the many people that were at the Planning & Zoning Commission meeting.

The topic moved to Joint Jurisdiction issues discussion. Kevin Myron was present and said the events that have happened to him and his business over the last 2 months, it is hard not to get involved. His father started in agri-business in Vermillion in 1969. He is currently the manager and gave a history of the facilities. In 2003, he knew the zoning was industrial and had to apply for a multitude of building permits. They have about 43 acres, the lower 2/3 of which was industrial and the upper 1/3 of which was agricultural. Myron discussed that 2018-2019 were rough due to the wet weather, and then 2020 the pandemic hit. They were looking at other opportunities for the facility. He approached Gunderson due to an opportunity to lease the track, and Gunderson said he was unable to do that due to the zoning being agricultural. A grain elevator is not allowed, and heavy industrial is the only zoning that allows grain elevators in Joint Jurisdiction. He has been trying to find documentation as to how the zoning got changed. After a couple weeks of searching, the City said during the restructuring of the Joint Jurisdiction agreement in 2012, the zoning of his property was changed from industrial to agricultural. Myron discussed notification requirements of the property owner. He said he wants to know why it happened and who initiated the change. Myron said he was told he could pursue it with litigation, but his goal is not to fight the City. He has to go through the whole rezoning process with 5 different entities, which may take 2-3 months or longer. He also has to ask for the Conditional

Use Permit and go through that process. He said he cannot believe that a business or property owner in Clay County could have their zoning change without notice, and he wants that changed. He has to jump through twice the hoops since he is in Joint Jurisdiction, and he does not believe it is fair. He said business opportunities have walked away due to what is happening in this county. Myron said he has 2 opportunities next week, and he has to explain to them that the zoning will not work for months. He said one is a once-in-a-lifetime opportunity for Clay County, and it is in jeopardy. He thinks the Joint Jurisdiction agreement is very slanted toward the City, and the buck stops with them. He said it should be 51% the County's decision. He said as a business owner in Clay County, he demands a change as the County is no longer obligated to do Joint Jurisdiction since state laws changed in 2012. He said it is affecting him financially. Manning asked if it has to go through the Director of Equalization to go from agricultural to heavy industrial. He said it was heavy industrial at one time, but at the time it was changed to agricultural it was light industrial. He said the County's zoning allows his business in light industrial. Hammond suggested it may be a clerical error that the map was drawn wrong. He said it should be determined whether it was an error, or whether the tax status was changed when the map was drafted. Director of Equalization said the zoning does not affect tax as there are only 3 categories, Agricultural, Non-agricultural, or Owner Occupied. Two acres can be Agricultural if it meets certain requirements. Myron said he was encouraged by the City not to proceed with a rezoning request as he is grandfathered. He said he is not satisfied with that. He said grain elevators were changed, and as the only grain elevator operator in the County, why wasn't he contacted? He gets the sense that someone does not want a grain elevator in the county. Myron asked why the zoning categories for the County are so much different than those for the Joint Jurisdiction. Mike Hauck was present and asked if the grandfathering goes away if he sells it. Myron discussed the specifics and said grandfathering is not acceptable to him or his bank. He said he had 2 cooperatives that were looking at him this summer, and both dropped. He said others will look at how this situation even happened. Manning said he would like to resolve the problem right now, but he is not sure how, let alone in a future situation. Myron said if things are not changed, that will change his views on whether he wants to continue to operate here. Hauck said the land across the river is zoned light industrial, and that does not make sense. Hammond said it seems like there was an error when the map was drawn. Mockler said the same people who made the error are still on the boards and are not willing to work to fix it, so it makes you wonder if it was intentional. Myron said the year his zoning was changed, Bliss Pointe was introduced. Hammond said as a property owner in Joint Jurisdiction, the present system promotes targeted development. Within the City limits, it is easy to develop, within Joint Jurisdiction it is very difficult, and outside of Joint Jurisdiction it is very easy to develop. Myron said they have proven that they can operate well in this county, and he does not deserve to be going through this. He said from the County end, the response has been positive, but from the City end there is a different tone. He would like his property that resides in the County to go back to the County's decision. He said he should have some adaptability for use of his assets. Stewart said from the standpoint of problems with hazardous materials, he has not had one issue. The only problem was the train that derailed 5 years ago over his driveway. If the County ended the Joint Jurisdiction, would it free up a lot of this hassle? Mockler said yes. Stewart said he does not understand how it happened, and he is sure it is a mapping mistake. He said it is not included

in the layer in Pictometry, so it appears to be a mapping issue involving only this property. Smith asked if there are any old minutes. Myron said he has pored through minutes and memos, and he cannot find one reference to his facility. Hammond said the change is not necessarily supported by the record. Myron said the stance of the City Manager and City Engineer is that the change was made on the map, and everyone approved of the map. Myron said he found a memo with reference to a City future use map, and it was stated it was not to be used as a Joint Jurisdiction map but cannot get an answer where the map came from. Myron asked if the County Commissioners can request the zoning change and asked why he has to pay to request a zoning change as he already went through all of this and has proven himself. Manning and Mockler asked State's Attorney Alexis Tracy if the County can initiate the zoning change. Tracy said she thinks they can do that. She said this is a multi-layered onion, and she wants to visit with them in Executive Session regarding potential litigation. Manning said he was on the City Planning Commission, and he does not remember it specifically coming up, and he thinks Don Forseth told Myron the same thing. Myron said he has asked people whether they were aware the map included zoning changes, and the response has been no. Mockler said he was on County Planning & Zoning Commission at the time, and he does not remember it, nor does Jerry Wilson. Packard said she remembers them being very careful not to make changes to zoning on southern properties and wonders if it was a distraction from the other side. Gunderson said properties to the east retained their zoning. Manning concurred with Packard regarding the zoning to the south. He said we need to figure out what to do to resolve this. We are after good industries for the community. Hammond said the rail spur is a community asset. Hammond proposed it be on the next agenda to allow Gunderson and Tracy to do some work on it. Myron said he would prefer things to go back to the County's decision. Mockler and Hauck discussed the CUP, and Mockler said he would love to be able to waive it but cannot. Gray said she would testify on Myron's behalf, so he would have a Sierra Club member on his side. Myron said in the fertilizer business, they have to be very aware of chemical containment, and his father was nationally recognized for it. They are very sensitive to the fact that they are next to the river. Mockler suggested initiating the zoning change and the CUP at the same time. Hammond said it is still a process, and it will take some time. Mockler said at least Myron will not be charged for it. Myron asked if he will go through this again in a couple years when the Comprehensive Plan is updated.

Hammond moved, seconded by Packard and carried to approve the following claims for payment. Motion passed.

(PAYROLL)		COUNTY JAIL	\$31,614.25
COMMISSIONER'S	\$8,796.52	EMERGENCY MGMT	\$4,703.33
AUDITOR'S OFFICE	\$11,890.95	HIGHWAY	\$47,289.54
TREASURER'S OFFICE	\$21,176.87	COMMUNITY HEALTH NURSE/WIC	\$3,246.03
STATE ATTORNEY'S OFFICE	\$21,401.99	EXTENSION OFFICE	\$2,639.06
COURTHOUSE	\$3,430.77	WEED	\$5,405.94
DIRECTOR OF EQUALIZATION	\$11,449.99	PLANNING & ZONING	\$2,364.28
REGISTER OF DEEDS	\$8,368.93	(DUE TO OTHER GOVERNMENT)	
VETERAN'S OFFICE	\$1,601.78	BERESFORD SCHL DIST 61-2	\$23,829.54
24/7 PROGRAM	\$1,302.48	BETHEL TOWNSHIP	\$2,869.08
SHERIFF'S OFFICE	\$39,942.13	CENTERVILLE SCH DIST 60-	\$11,021.69

CITY OF VERMILLION	\$73,885.12	BUREAU OF ADMIN PMB0112	\$22.00
FAIRVIEW TOWNSHIP	\$6,278.62	ERICKSON SOLUTIONS GROUP	\$1,122.00
GARFIELD TOWNSHIP	\$5,348.04	FEDEX	\$18.16
GAYVILLE/VOLIN SCHL DIST	\$1,802.90	HOUSKA, DDS, RANDY	\$242.00
GLENWOOD TOWNSHIP	\$4,140.83	PHARMCHEM, INC.	\$171.30
IRENE CITY	\$447.73	SANFORD HEALTH	\$877.94
IRENE/WAKONDA SCHL 13-3	\$20,499.05	SECURITY SHREDDING SVC.	\$35.00
MECKLING TOWNSHIP	\$3,123.12	ULTEIG	\$5,187.00
NORWAY TOWNSHIP	\$3,154.68	VERMILLION FEDERAL	\$54.31
PLEASANT VALLEY TWP.	\$2,851.81	YANKTON MEDICAL CLINIC P	\$10.01
PRAIRIE CENTER TWP.	\$5,161.83	(OTHER PROFESSIONAL SERVICE)	
RIVERSIDE TOWNSHIP	\$4,224.10	CITY OF VERMILLION	\$36,622.37
SEILERS SECOND ROAD DIST	\$137.02	SCHILDHAUER, T. LEMBCKE	\$246.00
SPIRIT MOUND TOWNSHIP	\$3,354.50	(LAW OFFICE)	
STAR TOWNSHIP	\$3,284.52	SARTWELL, RHETT	\$1,473.81
STATE OF SD GAME FISH	\$115.00	(MENTAL HEALTH)	
TLC WATER PROJECT DIST.	\$631.35	avera university	\$363.60
VERMILLION BASIN WATER	\$808.65	(PUBLISHING)	
VERMILLION SCHL DIST 13-	\$179,259.33	STAR PUBLISHING	\$40.00
VERMILLION TOWNSHIP	\$1,027.07	(REPAIRS AND MAINTENANCE)	
VIBORG/HURLEY SCHL 60-6	\$119.23	BEAR, INC. DBA TODD'S	\$322.31
WAKONDA TOWN	\$8,936.71	CENTURY BUSINESS PRODUCT	\$30.00
(PAYROLL WITHHOLDING)		COYOTE ENTERPRISE LLC	\$29.99
AFLAC	\$763.16	GRAHAM TIRE S.F. NORTH	\$200.00
CLAY CO FIT FICA	\$52,697.12	INTERSTATE POWER SYS INC	\$1,054.29
COLONIAL LIFE	\$183.16	JOHNSEN HEATING & COOLIN	\$315.90
CONSECO/WASHINGTON	\$24.45	JOHNSON FEED, INC.	\$359.30
DIV OF CHILD SUPPORT	\$757.22	OVERHEAD DOOR COMPANY	\$225.00
NEW YORK LIFE INSURANCE	\$328.57	PRESSING MATTERS	\$1,075.00
SD RETIREMENT SYSTEM	\$26,512.26	PRESTO-X COMPANY LLC	\$65.00
SD SUPPLEMENT RETIREMENT	\$2,585.00	SCHREINER, TIM	\$80.00
SDRS ROTH 457(B) PLAN	\$760.00	TAGGART, TOM N	\$336.60
TASC PVR	\$1,539.15	VERMILLION FEDERAL	\$9.00-
THE STANDARD - DENTAL	\$947.41	(DATA PROCESSING/CLAY CREEK/INF)	
THE STANDARD - LIFE INS.	\$379.32	ERICKSON SOLUTIONS GROUP	\$2,294.60
THE STANDARD - SH TRM DI	\$998.56	SOFTWARE SERVICES, INC.	\$528.00
THE STANDARD - VISION	\$196.62	(SUPPLIES & MATERIALS)	
UNITED WAY OF VERMILLION	\$232.00	BLACKSTRAP INC	\$1,577.09
VERMILLION FEDERAL	\$550.00	BRUNICK SERVICE, INC.	\$41.50
WELLMARK BLUE CROSS	\$49,685.47	BUTLER MACHINERY CO.	\$315.22
(RURAL FIRE)		CANON	\$138.15
BERESFORD RURAL FIRE	\$947.93	CONCRETE MATERIALS	\$18,824.00
CENTERVILLE RURAL FIRE	\$468.37	D-P TOOLS, INC.	\$128.47
GAYVILLE RURAL FIRE ASSO	\$175.67	DIAMOND MOWERS INC	\$188.76
IRENE RURAL FIRE ASSOC	\$23.99	GRAHAM TIRE S.F. NORTH	\$2,664.56
VERM. RURAL FIRE ASSOC.	\$2,895.73	HOLLENBECK, LAUREN	\$25.97
VOLIN RURAL FIRE ASSOC.	\$31.84	HY-VEE, INC.	\$80.93
WAKONDA RURAL FIRE	\$301.06	INTERSTATE POWER SYS INC	\$964.22
(INSURANCE DEDUCTABLE REIMBURSE)		JCL SOLUTIONS	\$283.75
DOWNEY, JOAN	\$500.00	JENSEN, RAVEN	\$217.36
(PROFESSIONAL SERVICES AND FEES)		JOHNSON FEED, INC.	\$109.30
BILLINGS, JOHN P	\$3,372.93	LEWIS DRUG, INC.	\$848.87

LIGHTLE ENTERPRISES OHIO	\$28.23	IVERSON, ROBIN	\$200.00
MINNEHAHA COUNTY JDC	\$9.70	JACOBSON, BARBARA	\$10.00
OVERHEAD DOOR COMPANY	\$195.25	JAMES, KINSEY	\$10.00
PROCHEM DYNAMICS	\$455.40	JENSEN, JARED	\$15.04
QUILL CORPORATION	\$69.05	JENSEN, JIMMY	\$31.00
RUNNINGS SUPPLY INC	\$166.36	JENSEN, TIM	\$36.80
STURDEVANT'S AUTO PARTS	\$1,084.95	JOB, TYLER	\$10.00
VERMILLION ACE HARDWARE	\$8.97	JOHNSON, WANDA	\$200.00
VERMILLION FEDERAL	\$687.21	JORDRE, BECCA	\$200.00
YANKTON JANITORIAL SUPPL	\$353.50	KJELDEN, GRACE	\$10.00
(TRAVEL AND CONFERENCE)		KLINGER, MELISSA	\$200.00
BERINGER, JESSICA	\$60.00	LEBER, AL	\$10.00
CRUM, CARRI R	\$60.00	MACK, JACQUELINE	\$10.00
KLUNDER, NICOLE	\$60.00	MARTENS, SHERYL	\$28.48
SDSU EXTENSION SERVICE	\$142.20	MILLER, THOMAS	\$10.00
VERMILLION FEDERAL	\$462.00	MOCKLER, SCOTT	\$10.00
(UTILITIES)		MOLLET, DEBRA	\$10.00
BUREAU OF ADMINISTRATION	\$109.62	MORRISON, PATRICK	\$10.00
CENTURYLINK	\$368.91	NELSON, CYNTHIA	\$10.00
CENTURYLINK EMG	\$13.85	NELSON, TODD	\$10.00
CENTURYLINK HWY	\$216.18	NUTRIEN AG SOLUTIONS	\$3,207.00
CITY OF VERMILLION	\$924.84	OSTREM, MARK	\$32.68
MIDCO BUSINESS	\$75.00	PECKHAM, TOMALYN	\$200.00
VERIZON WIRELESS HWY TRS	\$116.00	PERSON, THERESA	\$10.00
VERIZON WIRELESS SHERIFF	\$320.08	QUALITY MOTORS	\$115.36
VERIZON WIRELESS ST ATTN	\$150.80	REISER, AMANDA	\$200.00
VERMILLION FEDERAL	\$6.00	SCHISSEL, MARK	\$16.72
(PAYMENT)		SCHULTE, MATTHEW	\$16.72
ANDERSON, ANGELA	\$17.58	SOKOLOWSKI, JOSEPH	\$31.84
BANCROFT, PATRICIA	\$200.00	STECKELBERG, PATRICIA	\$10.00
BARTON, EMMA	\$10.00	TROWBRIDGE, MARIA	\$10.00
BITTERMAN, LAURA	\$10.00	TURNER, ROBERT	\$10.00
BRUNICK SERVICE, INC.	\$103.90	VAN KEKERIX JAMES	\$300.80
BUTLER, JOSHUA	\$200.00	VAN KEKERIX, RHONDA	\$300.80
CARD, KAREN	\$200.00	VERMILLION FEDERAL	\$77.90
CHRISTENSEN, ERIN	\$10.00	VOGT, SIDNEY	\$10.00
COLLINS, LISA	\$10.00	WANG, JENNY	\$10.00
DOMESTIC VIOLENCE	\$325.00	WASLEY, EMERY	\$10.00
DUMAN, SHERYL	\$10.00	WHELOCK, RANDALL	\$10.00
ECKMAN, ROBERT	\$10.00	WICK, BETSEY	\$10.00
EDELEN, MARY	\$10.00	WINGO, JOSEPH	\$10.00
FAST AUTO GLASS, INC.	\$350.00	(JDC/SPECIAL EQP.)	
GANG, DOROTHIE	\$10.00	MINNEHAHA COUNTY JDC	\$7,320.00
GAUTIER, JAMES	\$200.00	VERMILLION NOW!	\$20,000.00
GRAHAM TIRE S.F. NORTH	\$595.28	(BOOKS)	
GRAY, THERESA	\$10.00	THOMSON REUTERS - WEST	\$623.09
GYLFE, ARLENE	\$31.00	(FURNITURE AND MINOR EQUIPMENT)	
HAGLUND, ALICIA	\$10.00	CANON	\$209.96
HANSEN, ROBERT	\$17.56	ERICKSON SOLUTIONS GROUP	\$388.00
HESSMAN, PHILLIP	\$300.80	INNOVATIVE OFFICE	\$906.00
HUMPHREY, RITA	\$10.00	MICROFILM IMAGING SYSTEM	\$60.00
HY-VEE, INC.	\$147.05	QUILL CORPORATION	\$204.98



(MACHINERY AND AUTOMOTIVE EQUIP)  
LAYNE'S WORLD, INC.                      \$35.00

(AUTOMOTIVE)  
BRUNICK SERVICE, INC.                      \$62.40

Mockler said he will be at the Norway Township Board meeting tonight and wanted to clarify that the Board is still in favor of taking over 454 Ave. if the project is completed. The Commission agreed.

Manning moved, seconded by Smith and carried to approve a sound system installation quote for the courtroom. Motion passed.

TTech proposal. Manning asked if this proposal is what is needed. Smith said it sounds like they are willing to continue to support for a period of time. Peterson said the contract has nothing to do with her office, and her current software will be supported until 2025. She said in that time, if TTech is not doing their program, she will have time to look at another program. Software Services will be writing a conversion to the State's requirements, which will be a cost-share with the other 5 counties that Software Services provides software for. Tracy discussed contract terms and a change to strike reference to Vanguard's software. Smith asked Tracy if she is satisfied with the other amendments that were made in response to Tracy's questions. Tracy said it was acceptable. Hammond said a cost cap applied to the existing contract, and not to any additional modules we may adopt in the future. Tracy said if something will be designed for the Director of Equalization in the future, it will be a separate contract. Gunderson said at some point he will want to integrate as well for his files. Smith moved, seconded by Hammond and carried to approve the contract and authorize the Chairman to sign it. Motion passed.

The Board considered adoption of a new grant policy manual developed over the past several months. Manning moved, seconded by Smith and carried to adopt the policy. Motion passed.

Regarding Joint Jurisdiction discussion, Mockler said there are a lot of problems, and they should have a serious discussion. Hammond said it should not be such a sticky situation, but it has become one. As a property owner, he said those landowners feel like there are a lot of hoops to jump through with 5 different bodies to deal with, and it does end up being a break on change or development. Things are discouraged more in that circle than inside or outside that area. He went through those hoops with zoning and building permits on his property, so he is living some of those problems they are discussing. Manning said it seems that the County and City have separate rules, and there are no joint rules as far as the way they are interpreting things. Mockler said he wants only the rules for Joint Jurisdiction to come into play, but the City always wants their Comprehensive Plan to come into play. Hauck asked if the City and County both have to agree, or there will be no Joint Jurisdiction? He said he believes the County can trump the City. Mockler said the County can get out of it. Mockler said the City would have platting and a subdivision ordinance if the County were to get out of Joint Jurisdiction. Mockler said he has seen too many things where rules were bent. Packard asked if there is anything in the Joint Jurisdiction that actually benefits the County because she hasn't seen anything for a long time. Mockler said it is the largest contentious thing we have to deal with because it is always a fight. Gunderson said others have such agreements, but only Brookings County and ours are written where it is 50/50. Gunderson and Hauck discussed the structure in Yankton County. Hammond

said it is an issue, and you can see the development desert in Joint Jurisdiction has not occurred in Brookings. Gunderson said the Joint Jurisdiction covers 23 square miles in Clay County. Hammond said in Brookings Joint Jurisdiction, the City builds out the base utilities, so they support future expansion, and that has not been his experience in Vermillion. Mockler said we are pushing businesses somewhere else all the time. Hammond said we are discouraging development. Mockler said there are businesses that the general public doesn't hear about. Gunderson said he has 6 businesses waiting right now, and not one is willing to look in Joint Jurisdiction. Hammond said that is one of the reasons why Heine Electric is 100 feet outside of Joint Jurisdiction. Gunderson said that is the reason Clay-Union Electric built its facility where it did. Mockler said if we happened to get out, he would still want to use the City's street plan because it makes sense. Hammond and Gunderson said it would remain. Mockler said he has been on Planning & Zoning since 2011, and he is more than ready to get out of Joint Jurisdiction. Packard said she still is not hearing any positive for the County. Mockler said people are not happy, and people in the Joint Jurisdiction have no recourse. They cannot vote anyone out in the City. Hammond said they are under the influence without any representation at all. Mockler said he explained that to them; they are making decisions for people who do not live in the City. It was discussed that each entity has veto power, so those in Joint Jurisdiction do not have a voice. Hammond suggested that Gunderson or Tracy could research whether there are unintended consequences of withdrawing. Gunderson discussed researching Comprehensive Plans. Mockler asked about subdivision rules. Gunderson discussed roads, construction, and rights-of-way. Gunderson said we do not have subdivision ordinance in the Joint Jurisdiction so the City assumed it under their subdivision ordinance. Mockler said if we did get out, it would be by resolution, and with timing an end date of April 1 would give Gunderson time to redo all the documents in time to be ready to go for the next building season. Gunderson said there would be some things that would need to be worked out. Smith asked Tracy if she would like to weigh in on it. Tracy said she would like to discuss potential litigation in Executive Session. She said Gunderson has a very good grasp of what those powers will be for the City and the County, and she feels better about having his discussion today vs. when the topic first came up.

At 11:21 a.m., Manning moved, seconded by Hammond and carried to enter an Executive Session for legal/contractual matters per SDCL 1-25-2. Motion passed.

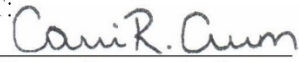
At 12:40 p.m., Manning moved, seconded by Smith and carried to exit the Executive Session. Motion passed. Manning moved, seconded by Smith to allow the Chairman to sign an engagement letter from Dakota Realty for property purchase options and to allow total expenditures of \$4,000-\$8,000 for those options. Under discussion, Smith said she would like to make it clear to the public that the Commission is not narrowing sites under consideration or sites that may come available, but instead the Commissioners are trying to do their due diligence on obtaining competitive prices. Motion passed.

At 12:41 p.m., Smith moved, seconded by Packard and carried to adjourn and reconvene at 9:00 a.m. on November 2, 2021. Motion passed.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

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November 2, 2021

The Board of County Commissioners met in regular session Tuesday, November 2, 2021 at 9:10 a.m. due to technical difficulties with Zoom. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning, and Richard Hammond.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts or interest regarding agenda items.

Manning moved, seconded by Smith to approve the agenda. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Hammond moved, seconded by Smith to approve the minutes of the October 26, 2021 meeting. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. He presented a Driveway Application from Marty Gilbertson on 313 St., Section 26, T93N, R52W. Manning moved, seconded by Hammond to approve the application and authorize the Chairman to sign it. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Hammond moved, seconded by Packard and carried to accept the low bid of \$3.00/gallon from Brunick's Service for ethanol blend fuel. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

State's Attorney Alexis Tracy met with the Board to obtain authorization of expenses for a Guardian ad Litem for a current case. Smith moved, seconded by Manning and carried to authorize the expenditures. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Zoning Administrator Drew Gunderson met with the Board to report that there will be a joint meeting of the City and County Planning & Zoning Commissions regarding Kevin Myron's zoning issue on November 16th. It was discussed that a quorum of Commissioners may be at the meeting, so Auditor Carri Crum said she would post notice as such. Hammond said he may attend as an interested property owner in the Joint Jurisdiction.

Gunderson discussed the subdivision ordinance and provisions of SDCL 11-2-1(7) as it relates to the Joint Jurisdiction area. He also discussed comprehensive plans in place that govern the Joint Jurisdiction in relation to new plats in the area. The group reviewed, if the Joint Jurisdiction was resolved, what actions would be effective within the 3 miles outside of the City of Vermillion. Hammond said it would make a brighter line as to what is City and what is County. Manning said we would have control except subdivisions and platting. Mockler said it is that way now. Hammond said the Board has been looking at the narrow view of what is right for the county, but the broader view of what is right for citizens of the county and city could be better without the Joint Jurisdiction area. Smith discussed anticipation of growth of the city, and she said it makes sense to engage the City in discussion as well because it may not be Joint Jurisdiction or nothing. It could be that the agreement could be recrafted in a way that doesn't pose such a burden on citizens in that area. She encouraged working together. Mockler said we have been doing that for

2 years, and the City is not willing to give anything. Hammond said he agreed with Smith about the purpose of Joint Jurisdiction, but it hasn't been working and is not working at this point. We are hitting an impasse, and sometimes an impasse is what is required to resolve big issues. Packard asked if the City's new comprehensive plan includes the corridor along Highway 50 to the east. Gunderson said 1 mile out is residential, and 2 miles out is reserved, and there is a goal of maintaining all 5 miles as a scenic entryway to the City of Vermillion, although it is not written. Manning asked Gunderson if he thinks the County should get out of the Joint Jurisdiction. Gunderson said he would be enthusiastic about it, but how the City would react gives him pause. Manning said he would like to work together with the City, but it's been a long time of butting heads, even when he was on the City's planning commission. He said the City wanted to control growth in relation to what goes where.

The Board considered contracts from Microfilm Imaging Systems for a Real Estate Tracker program for the Director of Equalization and Planning & Zoning offices. Packard asked if it can wait until next week to give more time to review it. Director of Equalization Ina Peterson said the Board has already approved the software, so the contract can wait until the next meeting. It was decided that the matter be placed on the agenda for next week.

Hammond discussed with Peterson, regarding the Myron property discussion from last week, the property should have switched from Non-Ag to Ag at some point. Peterson said as long as she has been with the County, she thinks it has been Ag. She said because they are making money from agriculture, the property would be classified as Ag. Gunderson asked how long it has been a grain elevator as the records he can find are from 1967. Manning and Mockler said it was 1967 as far as they know. Peterson said they can look back at old books to see what the value was from that time frame. Sometimes they wrote notes in the books.

Mockler asked Peterson what ARC GIS is. Peterson said it is data underneath and said most everything is ARC GIS. Mockler said for a FEMA map, a surveyor working for Farron Pratt needs a base elevation for his property. Peterson asked if they can get it from the Pictometry program. Hammond said normally they can go back to the geological survey for base elevations and survey from that monument. He said there is a USGS benchmark at Holmes Welding's front yard and one at the south end of the airport, so there are some near the property in question.

The Board considered a proposed expenditure of \$2,000 to the SD Association of County Officials for a pooled contract with Eide Bailey for advisory services regarding allowable usage of the American Recovery Plan Act (ARPA) funds. Hammond moved, seconded by Packard to approve the expenditure. Under discussion, Packard said she views it as an insurance policy regarding the expenditures. Mockler said this might be helpful with gray area regarding allowable expenditures. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Regarding the facilities manager position, the Board discussed who will review the applications. Mockler said he thinks it could be closed next Friday. Smith said they could begin to interview before it is closed. Mockler said usually Alternative HR+ has us narrow the list, do soft interviews, and narrow to 3-4 to interview. If it does not work out, they open it back up. They

like to keep it to 5 interviewers. Mockler said he thought the panel could be himself, Crum, Sheriff Andy Howe, the Alternative HR+ representative, and one other person. He also discussed background check requirements for the individual as they will be working in the jail. Manning said the person will need a lot of skills (i.e. people skills, electrical, plumbing, etc.), and he said he thinks we need to set a probationary period. Mockler said they may need to hire out the repairs, but they would coordinate it. Manning said we need someone who will do the job, or it's a waste of money, so there needs to be a probationary period. Mockler said the department heads should meet with the person as well to learn what is important in each office as for fixing and cleaning. The consensus was to close the position next Friday.

Recent payroll changes to be reflected in the minutes are as follows: Danielle Davis (Deputy Treasurer) \$2,706.14/month, Kase King (Highway) \$16.00/hour, Kara Mulheron (Highway) \$16.00/hour, Sierra Whitman (Jail Med-Tech) \$50.00/call, KayLee Hoffman (Full-Time Jailer) \$2,913.02/month.

At 9:58 a.m., Hammond moved, seconded by Packard to adjourn and reconvene at 9:00 a.m. on November 9, 2021. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:

  
Carri R. Crum, County Auditor

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November 9, 2021

The Board of County Commissioners met in regular session Tuesday, November 9, 2021 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning, and Richard Hammond.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Hammond moved, seconded by Manning to approve the agenda. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Manning moved, seconded by Smith to approve the minutes of the November 2, 2021 meeting. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Hammond moved, seconded by Packard and carried to adjourn and convene as Board of Adjustment (BOA). Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Zoning Administrator Drew Gunderson met with the Board to present an appeal for a Conditional Use Permit for a Campground to be located at 45426 318 St., currently zoned A-1 Agricultural. Gunderson recommended denial of the CUP request as the owners clearly intended it to be a business, open for a fee, so it would be commercial use. Such use is only available under commercial zoning. A large campground immediately adjoining residential property may not have compatibility with adjacent properties and cited the Zoning Regulations. The Planning & Zoning Commission found that the CUP is not for private use, and it is not generally compatible with adjoining properties and other properties in the area, and it is inconsistent with the intent of the Zoning Regulations and denied the CUP.

Wanda Howey Fox, Attorney for Mike and Michelle Hauck and Chad Grunewaldt, asked that the BOA approve the CUP for the 408 campground sites, anticipated to be built in stages, the middle stage going first. Each site would have a fire pit, playground, water, sewer, and internet, and an on-site management. The project will be built in stages, middle, south, and north sides of the land. She said people believe that it will cause congestion on the river. However, part of the state and federal money will be used to enhance the boat ramp, and people are against it because they think it will take hours to get their boats on the water. She said it does not take house now, and she does not anticipate it taking hours in the future. It will bring customers to businesses in Vermillion. It is her understanding that the City of Vermillion has indicated they are in favor of it. Mike Hauck said he looked to see what the Private Recreation Area definition is, and there is not one in the ordinance. They looked in other places where private recreation was for hiking, biking, etc., and they believe a campground meets the definition. There is no definition in the Clay County ordinance. He asked how this cannot be allowed if there is no definition.

Steve Sanford appeared on behalf of his wife who owns nearby land, and also on behalf of others who have homes in the addition. He said this is a commercial recreational facility, and while private is not defined, a commercial recreational facility is a category under the zoning ordinance, and it is not a permitted conditional use. Going beyond that, he said, picture 400

camping spots on 40 acres, and ask if that is compatible with the existing uses. This violates the intent of the zoning plan and the ordinance itself. If you say this is compatible with the existing uses, then what is the next thing coming? To do so, you would turn your back on the zoning plan and the zoning ordinance. The appeal should be denied, and the decision of the planning commission should be upheld.

Tom Sorensen said he owns land in the addition, and it's right on the edge of the Missouri National Recreational River, which does include boating, fishing, kayaking, canoeing, etc. The ordinance is in place for a reason. He and his wife are against this. He said the project has 3 stages, and he questioned what additional stages may come. He asked if beer will eventually be sold by someone who is known for crowding people in to the legal limit and then building on the roof to allow more people. He voiced concerns for traffic on the roads leading to the boat ramp. As a landowner who likes being near a national park, this would snowball. He asked the Board to follow its ordinance and say no.

Marlies Noll spoke in opposition of the campground. She said she and her wife own a house on 318 St. They wanted specifically to move into a rural area. There is nothing but farms and their house. A campground would increase traffic, noise, and the people would have no vested interest in behaving themselves as they do not own land. The roads (318 St. and 454 Ave.) are not in great shape now. They think for a quality-of-life standpoint, this will significantly deteriorate their quality of life. The amount of people drawn to the campground would be 4-5 times the population of Norway Township. That the City of Vermillion thinks it's a good idea is irrelevant because they are not in the city. Nobody besides Mike Hauck and Chad Grunewaldt are in favor of it.

Daniel Johnson spoke as a friend of the Missouri National Recreational River. He is a frequent user of the river. The national park website says the two sections of freely running Missouri River are vestiges of the untamed west. It gives a sense of what Lewis & Clark saw. It's rare, a valuable habitat, and it's a huge asset to Vermillion, Clay County, and Yankton County. It has fallen a victim of its own success because it's so beautiful and unique, and it has already been set aside on a national level to be preserved. It would be out of character to sacrifice the ambiance of the river as it is now.

Julie Holter spoke as a neighboring landowner. Her family prefers that the campground not happen. She said it has been a residential, quiet place for the 40 years that her family has owned it. She is concerned about the boat ramp area. She is also concerned about things such as vandalism.

Jerry Wilson said he agrees with Gunderson's conclusion that the proposal is not compatible with the comprehensive plans and zoning regulations. He voiced concerns that there is consideration of changing the zoning ordinance in a way that could permit this in the future. He canoes along the river and enjoys the natural world we still have here vs. a big city. He cited concerns about the zoning ordinance, comprehensive plan, the landowners, the road, the boat ramp area, parking lot, and said we should preserve the natural resource.



John Moser said his property is adjacent to the proposed campground. He said he sent letters regarding the matter. Lewis & Clark Campground has roughly 418 camping pads on over 1,000 acres managed by the Game, Fish, and Parks. This is trying to put a similar amount of spots, with buildings, on 40 acres. His biggest fear is how it will be managed properly. The police department will not be patrolling. If this happens, he will move, but he does not know how he will sell his house because he doesn't know anyone who would want to live next to a campground unless they run it.

Susanne Skyrn said she uses the river for kayaking. She said there is no place for hiking and biking as the proponents cited. She spoke about where the sewage will go, where the water will come from, what will go out in the trash. She said we need to protect the river. Development will destroy it.

Tom Sorensen said he should disclose that the addition is his grandparents'. There are developments along the river's edge, but not into the farmland. He said his daughter asked that he mention she was in the area when a murder happened. Mockler said that had nothing to do with the campground.

Howey Fox said Clay County does run a campground, and they believe the campground they are proposing which has barriers and trees would be further than the housing development. They think the only people who should use the national park is the 50-100 people who live in the area. She said the application was filed on July 9<sup>th</sup>, and more than 65 days has passed since the application was made. Hauck's wife's father and grandfather owned the river frontage before it was developed. All the people who live along the edge were fine with the development at that time, but apparently they are not fine with it. They think it would be a good weekend recreation thing for Clay County. Grunewaldt said the application was made on July 9<sup>th</sup>, and no decision was made before it was tabled until September 30<sup>th</sup>. The 65 days was up, so it automatically passes as a permit to be built. The VCDC wrote a letter recommending it to take pressure off of the current campground. He said the County pays to help promote and bring tourism to the county.

Mockler asked for comments from the Board. Manning said he understands everyone's point, but the way the ordinance is written now, this would have to be commercial. Everything he has read it looks commercial to him. What matters is that they have to follow the ordinance. He said he would uphold the Planning Commission decision. Smith said it seems that this is definitely incompatible with the plan of development, with good reason, and the plan needs to reflect the vision of the entire community for property uses. There is a love and respect. The research she did showed 10 focus groups, and the one commonality was people care about the Missouri National Recreational River. They want the river to continue to be what it is. They need to think as a county about the role of a national park and how they want to use it. Citizens have a right to a peaceful enjoyment of their property. The US Supreme Court has said zoning decisions must respect that. When the entire existing neighborhood says they will move, but they don't know if they can sell their houses, their family has lived there their entire lives, etc., she will be voting no. Hammond said he read through the records, and he, too, sees the distinction between private and public use of the property. The proposal would be public use. Hammond moved denial of the

appeal and support of the Planning Commission's decision. Packard seconded the motion. Under discussion, she said it is obviously a commercial development, and putting 400 spots on 40 acres, is way over the capacity of the land. She doesn't understand how the sewer problem could be handled. The zoning says it is not appropriate. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Manning moved, seconded by Hammond and carried to adjourn and reconvene as Board of Clay County Commissioners. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Packard asked if our Zoning Regulations deal with how they would address sewer of something that size. Mockler said he thinks it's under the CUP. He said it also falls under the State as well. Hamond said the issue was cited in the information from Gunderson. Gunderson said it is in the Comprehensive Plan, but it does not detail it.

Gunderson discussed ARC GIS mapping regarding the FEMA floodplain map. He said there was a website for surveyors, but the website has been taken down. He discussed that surveyors have access to benefits of ARC GIS software in other counties. He discussed his budget as well as the complexity of the software and said he can use the software for lots of other things as well. Hammond said his understanding from using other software like it is that it is the underlying support for things like Beacon. He has always termed ARC info as user hostile. It's something that has great power because of the way it's built. He said he thinks Gunderson would use it enough to become proficient, but it's not simple. Hammond said he is for it if we use it a lot. Director of Equalization Ina Peterson said it is something she already has, and in their contract there is 2 days of on-site training as well as webinars. She feels Gunderson would become more proficient than her office. Smith said there is a steep learning curve. The advantage for us would be the ability to layer maps to see how various elements interact. It's a very valuable tool, particularly for Planning & Zoning. She said they have given Gunderson an awful lot to do, and they would need to figure out if he actually has the time to use it to the extent it is intended to use. She also said with a software license, you often agree not to share, so we would need to look at the fine print to make sure we could share with surveyors. Packard asked if it is available through a service. Gunderson said the survey and engineering companies all have it. Packard asked if it would make sense to work with one of them rather than expect Gunderson to learn a cumbersome and complicated system. Gunderson said we work with SECOG, but unfortunately they are training a new person, and they do not do FEMA maps. Hammond asked if the real solution is for the supporting data to be added back into the website. Peterson said there are 50-60 structures in the flood plain. She said all it would be is adding a layer to the map. Dan Johnson, Johnson Engineering, said they do not have GIS software as most of their clients use the planning districts, such as SECOG. Smith said it sounds like the main use at the present for this is a private person who wants it. Gunderson said one surveyor is trying to get one person's property out of the flood plain map. He said the surveyor is not 100% wrong when he says we should have access to it, but he is the only one wanting it. Smith said she proposes we look at it in the future, but she is not sure it makes sense for the county's taxpayers. Packard agreed. Hammond said unless the county's staff wants it, he agrees with Smith. Mockler asked if it

makes sense to start building it now, before there is a big demand for it. Gunderson said it would be a valuable resource for the County. Hammond asked if it could go into Beacon. Peterson said the Beacon map comes from our ARC GIS. She said she called SECOG because she has been working on the drainage ditches, and SECOG cannot find a map. Manning said if it is \$1,500 and \$300/year, he thinks we should do it for the potential uses in the future. Manning moved to allow the purchase of the software, seconded by Hammond. Under discussion, Hammond said the purchase price is a minor cost. A lot of cost is Gunderson's and Peterson's labor to load things into it. He asked if they can accomplish the same thing through SECOG. Packard asked if we might need to hire another person to actually use it. Mockler said the people we have on staff now will use it, or we will not do it. He asked Gunderson and Peterson if they are going to use it. Packard said we are already asking our people to do way more than they should. She said she feels we should ask SECOG first. Peterson asked, if SECOG does it, how will it get on our computers and wondered where it will be stored at. Gunderson recommended trying it. Peterson said they have a lot of layers started, but they have other things that they have needed to get done. She said they have had very helpful software training. Mockler said we were lucky when Toby was at SECOG for 19 years, and there have been 5 replacements since. Packard clarified that Gunderson is willing to try. Smith asked Gunderson how he would use the program. Gunderson said, outside of the FEMA layer, he could use it for 911 addressing and updating zoning maps when they have rezoning as well as the highway study. Smith said that is what she needed to hear. Mockler asked if it will allow us to keep old zoning layers to access old zoning changes. Peterson said yes. Mockler said he likes that as we have lost a lot of old zoning maps over the years. Manning said it could be helpful for situations such as Kevin Myron's. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Dan Johnson, Johnson Engineering, met with the Board. He discussed the annual bridge inspection, three old truss bridges in particular. He said 7 miles south and .6 miles east of Hub City is recommended for closure for abutment issues. Another structure 10.5 miles south and 11.8 miles east of Irene in Pleasant Valley is recommended to be reduced to 3 tons, and it was confirmed that the structure has been closed. The third bridge is 6 miles south and 7.8 miles east of Irene in Riverside Township. Polley said it has also been closed. Polley said 313 St. and 314 St. are now closed at the river. Manning said when you get to 2 or 3 tons, you cannot drive a pickup over it. Hammond said they are essentially pedestrian bridges. Hammond said going forward, maybe the new infrastructure bill may be of some help. Johnson said he has not heard of any state programs that might spin out of that, but he guesses there will be new programs. Johnson said they will help where they can, and they appreciate working with the County.

The Board considered a bid letting authorization for removal of a large bridge south of 314 St. on 463 Ave. near Jeff Olson's property. It is 81.95% paid with federal funds, making the County's share approximately \$28,596.50. Hammond moved, seconded by Packard to approve and authorize the Chairman to sign the document. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Polley said the structure over Ash Creek that was difficult to get an easement, was let for bids, and it came in 10.5% over the engineering estimate. The Count's share of 20% is \$92,056 for a twin box culvert. Construction is scheduled for next year.

Under a bridge east of 19 on the Volin oil the scour problem will be inspected by Johnson Engineering. An environmentalist from a different engineering firm will make sure there are no protected species. He is concerned it will not be simple repairs due to exposed pilings. Hammond asked if it is being pumped into a coffer dam. Polley said it will be pumped downstream. Hammond asked what kind of piling it is. Polley said it is a 1970 wood piling. He said there is at least 5-6 feet of exposed wood. He said he will have more to report at the next meeting. Hammond asked if we have pile driving data. Polley said he has not been able to find old data from around the time the highway shop moved to Timber Rd.

Polley said the department will return to winter hours on November 22<sup>nd</sup>.

The Board considered a contract for a Real Estate Tracker Program from Microfilm Imaging Systems. Hammond said he looked at it. State's Attorney Alexis Tracy said the contract looked fine to her. Hammond moved seconded by Manning to approve it and authorize the Chairman to sign it. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

The Sheriff's Office monthly report, Vermillion Public Library monthly report, and the following Auditor's Account with the County Treasurer Report were accepted and placed on file.

AUDITOR'S ACCOUNT WITH THE COUNTY  
TREASURER

To the Honorable Board of County Commissioners of Clay County  
items in the hands of the County Treasurer as of November 1, 2021.  
I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks	13,974,882.96
Amount of actual cash	1,490.17
Total amount of checks and drafts in Treasurer's Possession not exceeding three days	14,748.67
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:	0.00
Checks returned and not deposited	
Cash Items	700.00
Investments	151,000.00
Cash Variation	0.00

Total		14,142,821.80
	Dated this 1st day of November, 2021.	

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Carri R. Crum, County Auditor

Smith moved, seconded by Packard to approve the following claims for payment. Under discussion, Hammond discussed expenditures for publishing, over \$18,000 on outside attorneys which should be reduced by the contract going forward, and mental health, medical relief for the poor, etc. were about \$4,000. Those things are things the County has to pay, and as times are hard those may increase a lot. Auditor Carri Crum noted that about \$1,600 of that was inmate medications purchased in Union County, so that money is not going to Clay County pharmacies anymore. It was discussed that those types of things will be ongoing and will no longer be helping Clay County businesses. Mockler noted that yesterday the inmate count was 25. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

(DUE TO OTHER GOVERNMENT)

BERESFORD SCHL DIST 61-2 \$235,516.28  
BETHEL TOWNSHIP \$35,347.97  
CENTERVILLE SCH DIST 60- \$120,040.92  
CITY OF VERMILLION \$1,145,728.36  
CLAY CO TREASURER \$8,079.50  
FAIRVIEW TOWNSHIP \$45,480.08  
GARFIELD TOWNSHIP \$15,318.50  
GAYVILLE/VOLIN SCHL DIST \$54,354.96  
GLENWOOD TOWNSHIP \$26,577.32  
IRENE CITY \$16,253.25  
IRENE/WAKONDA SCHL 13-3 \$592,026.14  
MECKLING TOWNSHIP \$20,745.80  
NORWAY TOWNSHIP \$21,863.28  
PLEASANT VALLEY TWP. \$24,793.54  
PRAIRIE CENTER TWP. \$18,558.92  
RIVERSIDE TOWNSHIP \$18,707.65  
SD DEPT OF REV ANDERSON \$255,261.81  
SDACO - M&P FUND PAYMENT \$422.00  
SEILERS SECOND ROAD DIST \$2,835.80  
SPIRIT MOUND TOWNSHIP \$32,150.14  
STAR TOWNSHIP \$26,429.46  
TLC WATER PROJECT DIST. \$26,808.99  
VERMILLION BASIN WATER \$12,542.74  
VERMILLION SCHL DIST 13- \$2,413,238.45  
VERMILLION TOWNSHIP \$22,336.86  
VIBORG/HURLEY SCHL 60-6 \$1,705.98  
WAKONDA TOWN \$36,564.02  
(FIRE)  
BERESFORD RURAL FIRE \$8,865.88  
CENTERVILLE RURAL FIRE \$6,112.71  
GAYVILLE RURAL FIRE ASSO \$5,845.30  
IRENE RURAL FIRE ASSOC \$1,208.10  
VERM. RURAL FIRE ASSOC. \$37,930.10  
VOLIN RURAL FIRE ASSOC. \$1,412.26  
WAKONDA RURAL FIRE \$13,528.34  
(PROFESSIONAL SERVICES AND FEES)  
ALTERNATIVE HRD LLC \$4,390.70  
BUREAU OF ADMIN PMB0112 \$7.20  
CITY OF VERMILLION \$60.00  
DOOLEY, TIM \$128.00  
EMPCO, INC. \$225.00  
ERICKSON SOLUTIONS GROUP \$1,520.00  
FLEX SYSTEM (TASC) \$16.25  
HOUSKA, DDS, RANDY \$565.00  
JLG ARCHITECTS \$30,425.00  
KATTERHAGEN, MARK \$6.00  
LEWNO, LUCILLE M \$112.25  
LOCKWOOD, DARCY \$6.00  
MINNEHAHA CO. AUDITOR \$736.39  
SACRED HEART HOSPITAL \$2,671.64  
SATELLITE TRACKING OF \$107.25

SD DEPT OF HEALTH LAB \$1,490.00  
SDACC OFFICE \$2,000.00  
STATE BAR OF SD \$1,080.00  
YANKTON CO TREASURER \$95.30  
YANKTON MEDICAL CLINIC P \$135.00  
(OTHER PROFESSIONAL SERVICE)  
MINNEHAHA COUNTY JAIL \$584.04  
SD ATTORNEY GENERAL \$1,658.00  
UNION CO. SHERIFF \$18,655.00  
YANKTON CO SHERIFF \$3,920.00  
(LAW OFFICE)  
FRIEBERG, NELSON & ASK \$3,000.00  
LAMBETH LAW OFFICE LLC \$732.60  
MATTER LAW OFFICE LLC \$2,027.31  
PETERSON, STUART, KLENTZ \$9,166.66  
TERWILLIGER, PHILIP \$4,250.54  
(MENTAL HEALTH)  
SD ACHIEVE \$240.00  
SESD ACTIVITY CNTR \$2,520.00  
(PUBLISHING)  
BROADCASTER PRESS \$1,429.05  
STAR PUBLISHING \$2,401.95  
(REPAIRS AND MAINTENANCE)  
BEAR, INC. DBA TODD'S \$321.61  
BRUNICK SERVICE, INC. \$278.28  
INTERSTATE POWER SYS INC \$1,444.50  
KONE, INC. \$812.28  
LOFFLER COMPANIES \$261.80  
OUT ON A LIMB \$2,130.00  
PRESTO-X COMPANY LLC \$88.00  
(DATA PROCESSING/CLAY CREEK/INF)  
MICROFILM IMAGING SYSTEM \$1,040.00  
SOFTWARE SERVICES, INC. \$1,452.00  
(SUPPLIES & MATERIALS)  
A-OX WELDING SUPPLY CO \$109.30  
BLACKSTRAP INC \$1,601.92  
BRUNICK SERVICE, INC. \$4,891.72  
BUHLS DRYCLEANERS & \$140.81  
CHARLIE'S BUS SERVICE \$120.00  
CONCRETE MATERIALS \$19,649.63  
FRANCOTYP-POSTALIA INC \$90.00  
INTERSTATE POWER SYS INC \$1,280.98  
JCL SOLUTIONS \$169.81  
LEWIS DRUG, INC. \$1,642.84  
LOISEU CONSTRUCTION INC. \$30,160.65  
MICROFILM IMAGING SYSTEM \$185.00  
O'REILLY AUTO PARTS \$35.97  
OFFICE ELEMENTS \$350.73  
ONE OFFICE SOLUTION \$154.59  
POLLEY, RODNEY \$12.00  
QUALIFIED PRESORT SVC IN \$3,152.96  
QUILL CORPORATION \$153.23

RIVERSIDE HYDRAULICS AND	\$272.78	MIDCO BUSINESS	\$285.00
RUNNINGS SUPPLY INC	\$322.42	STEWART, LAYNE	\$150.00
SD DEPT OF TRANS	\$3,485.92	VERMILLION GARBAGE SVC.	\$236.00
STURDEVANT'S AUTO PARTS	\$219.29	WAKONDA TOWN	\$75.55
SWEETWATER	\$479.97	(PAYMENT)	
TRACTOR SUPPLY CREDIT PL	\$79.96	BERNARD, PAMELA	\$50.00
TRUCK-TRAILER SALES&SRVC	\$61.00	BRUNICK SERVICE, INC.	\$27.00
UNION CO. SHERIFF	\$304.55	DOMESTIC VIOLENCE	\$175.00
VERMILLION ACE HARDWARE	\$186.44	ENGEMAN, JEFFREY M	\$50.00
VERMILLION FEDERAL	\$59.37	ERICKSON, JENNIFER C	\$50.00
(COPIER SUPPLIES)		FARABEE, DARLENE	\$50.00
CANON	\$116.12	JACOBSON, KEVIN	\$50.00
(TRAVEL AND CONFERENCE)		LANE, TRACEY	\$50.00
ANDERS, JEFFREY	\$34.00	MURLEY, KEVIN M	\$54.20
CLUBHOUSE HOTEL & SUITES	\$1,107.12	PIZZA RANCH 14762	\$1,772.50
STEWART, LAYNE	\$34.00	SPRINGER, ELIZABETH	\$52.52
VERMILLION FEDERAL	\$343.01	STATE OF SD GAME FISH	\$630.39
(INMATE TRAVEL)		VERMILLION FEDERAL	\$36.85
PUMP N PAK	\$476.16	VERMILLION FORD	\$63.40
(UTILITIES)		(JDC/SPECIAL EQP.)	
BUREAU OF ADMINISTRATION	\$62.85	TERWILLIGER, PHILIP	\$350.00
CENTURYLINK	\$372.33	(BOOKS)	
CENTURYLINK EMG	\$13.85	STATE BAR OF SD	\$650.00
CITY OF VERMILLION	\$1,393.26	(FURNITURE AND MINOR EQUIPMENT)	
CLAY RURAL WATER SYSTEM	\$64.50	MICROFILM IMAGING SYSTEM	\$60.00
CLAY UNION ELECTRIC CORP	\$694.69	(AUTOMOTIVE)	
MIDAMERICAN ENERGY	\$367.47	BRUNICK SERVICE, INC.	\$143.80

The Board considered garage door quotes for Clover Hall. Someone hit it, and it is not working properly and needs to be replaced. The quote included insulated and non-insulated doors. Hammond asked if we will ever be heating Clover Hall. Mockler said that was taken into consideration for the future. Hammond said he does not remember what the support structures looked like, whether they were rotten. Mockler said he thinks they were ok. Packard asked if insurance would cover any of it. Mockler said not that he is aware of. Hammond said you can post-insulate a garage door, and he wondered if a standard one would be fine. He verified it is a double thickness door. Mockler said that is his understanding. Hammond moved to approve the quote for the uninsulated door, and it was seconded by Manning. Under discussion, Mockler said it does not include wiring. Hammond and Mockler discussed that the current door is manual. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Crum reported on the progress of the roof project and tuckpointing the Safety Center. Hammond said tuckpointing effectiveness can be checked with thermal imaging.

The Board discussed replacing Terry Taggart on the Joint Powers Solid Waste & Recycling System board. Packard said we could publish a form for applicants. Smith said she thinks it would be good to advertise and invite people to apply. Crum said she would put together an application and send it out to the Packard. It was decided the matter will be placed on the next agenda.

Manning said he noticed the transit had buses parked outside. It was discussed that one is sold, and one is for sale. Mockler said there are 2 buses and 2 vans parked outside. Manning said he did follow up on that.

At 10:46 a.m., Hammond moved, seconded by Manning to enter an Executive Session for legal matters per SDCL 1-25-2. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

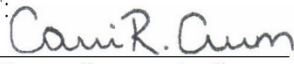
At 11:04 a.m., Manning moved, seconded by Hammond to exit the Executive Session. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

At 11:04 a.m., Hammond moved, seconded by Smith to adjourn and reconvene at 9:00 a.m. on November 30, 2021. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:

  
Carri R. Crum, County Auditor

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November 30, 2021

The Board of County Commissioners met in regular session Tuesday, November 30, 2021 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning, and Richard Hammond.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Smith moved, seconded by Packard to approve the agenda with the addition of the Opioid Settlement, the opening on the Joint Powers Solid Waste & Recycling Advisory Board, and the upcoming opening on the Planning & Zoning Commission. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Smith moved, seconded by Manning to approve the minutes of the November 9, 2021 meeting. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

At 9:03 a.m., Smith moved, seconded by Hammond to adjourn and convene as Clay County Ditch Board. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Brad Stangohr, Ulteig Engineering, and Highway Superintendent Rod Polley were present. Stangohr said the Yankton-Clay Ditch project should be done at the end of this week or the beginning of next week. Mockler clarified that the contractor wants another \$1,500 for mobilization of the tree grinding equipment.

Mockler said Clay Creek Ditch needs to be cleaned again. Mockler and Polley discussed the FEMA reimbursement. Polley said he drove it last Tuesday, and the only part he didn't get into is the south end. He said there are a lot of beaver dams from 313 St. to where the Lewis & Clark pipeline goes under the creek. It is really backed up under the bridge on 315 St. Polley said now is a good time to get imaging with a drone. Polley said he is concerned about how to remove the beaver dam under the bridge near the landfill. It is on the removal list, but he does not know how many years we will have to wait. Mockler asked Stangohr to begin work on an estimate. It was discussed that it could be bid this winter for work starting in the spring. Polley, Mockler, and Stangohr discussed the beaver dams and usage of the state trapper if he is not too busy. Manning asked if we have to use the state trapper, or if we can use another one. Polley said they had someone else do it in the past. Manning said he can contact someone he knows, and Polley said he will call the state trapper as well.

Manning said some of Prairie Center Ditch needs to be cleaned, so the Board should look into getting quotes for it as it is under the bid threshold. He also discussed a hole in a township road near the ditch.

At 9:20 a.m., Hammond moved, seconded by Manning to adjourn and reconvene as Board of Clay County Commissioners. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Sheriff Andy Howe met with the Board. He presented bid specifications for jail meals. Manning moved, seconded by Smith to set the date and time for bid opening as 9:30 a.m. on December 28, 2021. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Howe also presented bid specifications for a patrol car, to include both hybrid and non-hybrid engines. He discussed potential fuel cost savings vs. potential repair costs for the hybrid vehicle. He also recommending changing the language for color options. Smith asked if visibility matters and said white is more visible. Howe further discussed patrol car colors. Hammond said he has a hybrid with 120,000 miles and has not had any issues. He said the starting and stopping of the engine is a little irritating until you get used to it. Howe discussed fuel savings. Hammond said driving in town makes a big difference in fuel mileage. Smith said her experience with hybrids is that they are trouble-free. She thinks for patrol cars that sit in one place while the deputy does reports during the winter with heat running, there would be a savings. Hammond moved, seconded by Smith to set the date and time for bid opening as 9:40 a.m. on December 28, 2021 for the hybrid vehicle with color options. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Emergency Management Director Layne Stewart met with the Board to present a Mutual Aid Agreement for intercounty sharing of resources during emergencies or disasters within Region 1. Packard moved, seconded by Manning to approve the agreement and authorize the Chairman to sign it. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Manning moved, seconded by Smith and carried to approve renewal of liquor licenses for Whimp's Place and Toby's Lounge. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

The Board discussed the HVAC report for the courthouse. Manning said it was pretty thorough, and Smith said she had to look up some things. Crum and Smith discussed the funds available in the money set aside for the building. Smith discussed the problems with equipment from 1991 as well as savings over time with more efficient systems. She asked to what extent can the issues be sequenced vs. savings for doing it all at once. Hammond and Smith discussed the ventilation and HVAC system. She said a sprinkler system is very important, but it may be something to look at next year. Packard asked how much the ventilation system depends on the other work. Hammond said he thinks it is freestanding. State's Attorney Alexis Tracy said that is a good question and cited electrical work in her office that took a circuit away from the Director of Equalization Office. Tracy asked how detailed the mock-up for the second floor is and discussed intrusions into her office. Crum discussed concerns about the fan coil units because of rust, mold, and leaks. It was discussed that ductwork will be an intrusion. Smith said she served on the historic preservation commission for many years, and it is possible to modernize the building without destroying historical qualities. Nothing proposed here interferes with preservation law. She suggested involving the historic preservation members so they have input. She feels a strong obligation to the people who work in the building to get the ventilation fixed. Hammond said what is likely to fit into the budget is the ventilation and HVAC system. He feels we should go with option 2 rather than option 1. In his experience, the newer designed fan coils are more resistant to issues we have here. Mockler said depending on how much federal funding takes care

of, we could do the entire project. Hammond and Mockler discussed electrical service to the building. Stewart said our system is completely different than everywhere else to fit into the City of Vermillion's system. Manning said the panels should be changed out. Hammond said we should go ahead with IT cabling as well. Hammond and Crum discussed cabling deficiencies in the building. The Commission agreed that proposed work to be done be sent to Eide Bailly for their professional opinion on what parts of the project could be funded with federal infrastructure money.

Hammond moved, seconded by Manning to pass and adopt the following Resolution #2021-28 for Fund Transfer. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

**RESOLUTION # 2021-28  
FUND TRANSFER**

BE IT RESOLVED by the Clay County Board of Commissioners the transfer of funds from the General Fund (10100) in the amount of \$658,105 to Highway Fund (20100) and \$30,482 to the Emergency Management Fund (22600) as levied for in the 2021 Budget.

Motion by Commissioner Hammond seconded by Commissioner Manning.

Vote of the Board:

Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye. Motion carried.

Dated this 30<sup>th</sup> day of November, 2021.

Board of County Commissioners  
Clay County, South Dakota

\_\_\_\_\_  
Travis Mockler, Chairman

ATTEST:

\_\_\_\_\_  
Carri R. Crum, County Auditor

Manning moved, seconded by Smith to pass and adopt the following Resolution #2021-29 for Contingency Transfer. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

**RESOLUTION # 2021-29  
Contingency Transfer**

BE IT RESOLVED by the Clay County Board of Commissioners the transfer of funds for unanticipated expenses for the current budget year from Commissioners Contingency Fund Budget (D-112):

\$5,000 to Court Appointed Attorney (10100X4222153)  
\$6,000 to Court Appointed Attorney – Abuse & Neglect (10100X4222154)  
\$30,000 to Courthouse – Improvements (10100X4320161)  
\$177 to Animal Damage Control Fund (10100X4290166)  
\$30,000 to Information Technology (10100X4251171)

\$172 to Coroner – Post Mortem (10100X4290213)  
\$9,000 to Care of Poor – Professional Services (10100X4220411)  
\$600 to Drug & Alcohol Committal Contract (10100X4291443)  
\$3,000 to Historic Preservation Commission (10100X4250514)  
\$10 to Tourism (10100X4290721)

Motion by Commissioner Manning, seconded by Commissioner Smith.

Vote of the Board: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Dated this 30<sup>th</sup> day of November, 2021.

Board of County Commissioners  
Clay County, South Dakota

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Travis Mockler, Chairman

ATTEST:

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Carri R. Crum, County Auditor

Hammond moved, seconded by Packard and carried to approve payroll for 2022 on file in the Auditor's Office. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Smith moved, seconded by Manning to approve a Redistricting Assistance Agreement with SE Council of Governments. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

The Board considered a payment application from Boone Brothers Roofing for the courthouse roof project \$68,200. Smith moved, seconded by Hammond to approve the application and pay the claim. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Manning moved, seconded by Packard to approve and authorize the Chairman to sign the Memorandum of Understanding with the SDSU Extension Service for the 4-H Educator. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

The Board discussed the citizen opening for the Joint Powers Solid Waste & Recycling Advisory Board. Packard suggest it be advertised as "open until filled."

The Board discussed advertisement of an opening for the Planning & Zoning Commission with Zoning Administrator Drew Gunderson.

Tracy discussed the Opioid Settlement with the Board. She said most of the counties in the state are signing onto this issue. It is in the beginning stages of negotiating a settlement with pharmaceutical companies. She discussed a conversation with the Attorney General's Office regarding the matter. There will be no legal fees incurred by the County, and Tracy recommended signing onto the matter. Manning moved, seconded by Packard to sign onto the

Opoind Settlement. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

The Board discussed the recent Joint Jurisdiction meeting. Mockler said he understands the reservations, but there is a philosophical difference in opinion of how things operate. We are not on the same plane as the City. The motion to deny from the last meeting was for the purpose of rewriting the ordinance, and denying a person something that is allowed under the current ordinance is a problem. Manning said they were there to either deny it or put it where it should have been. Mockler discussed changes in the zoning over the years and said the zoning ordinance is not being followed. He said he has no problem changing the zoning ordinance, but not in the middle of someone's application. Manning said you have to follow the ordinance at the time. You can't just pick and choose what you want. Manning and Mockler discussed the first reading scheduled for next week for rezoning. Gunderson and Mockler discussed the appeal process. Manning said he would like someone to explain to him exactly what benefit there is for the County to be in the Joint Jurisdiction agreement. Smith said the purpose is if the City expands in the future, they would like a say. It's looking 25 years out to keep consistency in City land use problems. It is to be a cooperative deal that works for the future. Mockler said he has never fielded this many phone calls from potential businesses who ask him why they should come to Clay County and not Union or Yankton County. He does not see a lot of future expansion with the decisions that are being made. Manning said it has to be a give and take, and the other night he didn't see any give at all. A lot of it was the way it was presented to them. He said usage of the example of a packing plant scared people. Mockler said all that it took to change Myron's zoning last time was a notice in the paper, but this time all the neighboring properties got a certified letter. Manning asked what the benefit is to the County, and Smith said it is not for the County, but rather orderly growth for the City and County. The essence of Joint Jurisdiction is that we will always have a discussion and give the City a say in the defined area. She thinks the Myron case is a good example because it would be easy for the County to give him heavy industrial zoning, but it is immediately adjacent to an area that the VCDC and City of Vermillion spent a lot of money to develop into housing. This is the problem that Joint Jurisdiction was created to solve. Mockler said Joint Jurisdiction created this problem. Smith said they can continue to run the elevator. Gunderson said they cannot sell it. Smith said they can sell it for the same use. Gunderson said they can sell it as personal use, but they cannot market it as a grain terminal anymore, and he used to have that right. Mockler said if it burns down, he cannot rebuild. Mockler said this doesn't come down to who spent more money or who pays more property taxes. It comes down to right and wrong. Smith said if someone wants to run that business, it can be sold as that business it can be operated as that business because it is a pre-existing non-conforming use. Gunderson said he doesn't get to sell it as the terms under which he bought it. Packard said, as a business, would you buy if you cannot expand it? You are eliminating his ability to sell it. Mockler said if we get out of Joint Jurisdiction the City gets input on platting and subdivisions. He said there are plenty of people who are livid that they moved out of the City and still have to follow their rules. Tracy said it is frustrating when we go to meeting after meeting, and there is a divide between the two Boards, and the result is that nothing gets done. The folks who live in Joint Jurisdiction do not get to vote in the City counterparts but are still governed by them. The packing plant example was a scare tactic. In

order to get a packing plant, you have to apply for a Conditional Use Permit. If you want to remove that possibility, you come back and rewrite the ordinance. She said it has gone on over a year, and probably longer than that. If there was serious discussion to be had on this, we need to move forward and be updating these things. Different definitions need to be updated, such as agri-business. It is not what our ordinance defines it as. Tracy said if business is not going well, and they quit operating for a year, then they are done. We cannot go back. We can only go forward. We cannot put Myron back in the position he was in before. It appears to be an oversight that his section got rezoned, but we cannot go back. The closest thing to that is heavy industrial. It does not fit light industrial. Gunderson said this morning Myron called him, and apparently there is some discussion from City Council of moving the grain elevator to light industrial. He said the Joint Jurisdiction Comprehensive Plan discussions have been going on about a year, and it's like a stone wall. Not having one Comprehensive Plan is a huge problem. Mockler said the City wanted extra land, it wasn't just a matter of being able to have a say in what's right outside of the city. Having a say in what goes along Highway 50 is just having control. It's not right for the people living along Highway 50. Gunderson said it is very different than the way Joint Jurisdiction is used anywhere else in South Dakota. Hammond said the way we are practicing it is a misnomer. Joint implies that it is a cooperative setup, especially if we end up with two comprehensive plans. Those are concurrent plans. It makes it sound like the Commissioners do not also represent those in the City, and that doesn't mean we forfeit the right and responsibility to represent the City residents as well as those in the Joint Jurisdiction area. He owns property in the Joint Jurisdiction area, and he feels it is less value to him because there are additional and conflicting rules he has to live under. It's like bullseye, or targeted rules. It's not working. It's broken. If we have to tear down the old building on the lot to make the lot more valuable, then maybe that's the first step. Smith asked if in other places there is a single comprehensive plan. It sounds like there should be one set of rules for Joint Jurisdiction. Mockler said there is a Joint Jurisdiction Comprehensive Plan, but the City says they get to use theirs and says the County cannot use its. Gunderson said he does not know the entire answer to Smith's question, but he will research it. Tracy said when they come together for future planning, the City's future growth is extending beyond the City for future planning purposes. The issue is that when there is an agreement, it is appropriate to consult the County because the ordinance updates have to be consistent with the future land use map and the comprehensive plan. When it is inconsistent with the Joint Jurisdiction future land use map and comprehensive plan, how are they going to do something that contradicts. If they have a quandary, it's one they created for themselves. The governing piece of it is the Joint Jurisdiction map. Gunderson said most counties and cities don't use their comprehensive plan as heavily as we do, almost like a shadow zoning criteria rather than a check in the box. Mockler said the comprehensive plan is an outline for how the zoning ordinance is supposed to be. The ordinance is the law, but the plan is the guidance for writing the law. The comprehensive plan is not the law. The zoning ordinance is what you follow, and the City and County are having a hard time agreeing on that. Manning said the grain elevator is specifically written in there. In 2012, there was just "industrial," and no "heavy" or "light." How did it go from just industrial to light and heavy. Mockler said it is SECOG's template for everybody. Mockler said for the first five years, they didn't know there was a Joint Jurisdiction Comprehensive Plan. In the next meeting, the City said they get to use

their plan as well. Manning said he understands Smith and Hammond. His idea is that if you are going to work together, you have to go by the laws for that area. You go by the problem in front of you now, like Myron's situation, and then fix the ordinance after. Mockler said they are hindering growth regarding annexing into the City. Manning said he would think that would be a problem for the VCDC. Smith said that would be a good conversation for the VCDC board. Gunderson said if we decide to get out of Joint Jurisdiction, there will probably be a joint meeting with City Council at some point for Myron's property, would we have this as a second agenda item at that meeting? Mockler said that would be a good idea. Mockler said he would like Gunderson to convey the message that the County would like them to pass the first reading so we can be in the same room for the conversation. Manning agreed. Hammond agreed. Smith said a conversation is really important.

Hammond moved, seconded by Smith to approve the following claims for payment. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

(PAYROLL)		THE STANDARD - SH TRM DI	\$1,073.83
COMMISSIONER'S	\$8,796.52	THE STANDARD - VISION	\$232.04
AUDITOR'S OFFICE	\$12,190.95	UNITED WAY OF VERMILLION	\$232.00
TREASURER'S OFFICE	\$21,176.87	VERMILLION FEDERAL	\$550.00
STATE ATTORNEY'S OFFICE	\$21,401.99	WELLMARK BLUE CROSS	\$51,121.24
COURTHOUSE		(LEGAL SERVICES-CT APPT ATT'Y/)	
\$3,430.77		CLAY CO CLERK OF COURTS	\$54.80
DIRECTOR OF EQUALIZATION		(PROFESSIONAL SERVICES AND FEES)	
\$11,449.99		ERICKSON SOLUTIONS GROUP	\$1,048.00
REGISTER OF DEEDS	\$8,368.93	GREAT PLAINS LLC	\$1,792.50
VETERAN'S OFFICE	\$1,601.78	HOUSKA, DDS, RANDY	\$102.00
SHERIFF'S OFFICE	\$42,983.77	LEWIS & CLARK BEHAVIORAL	\$184.00
COUNTY JAIL	\$31,816.11	LINCOLN COUNTY TREASURER	
EMERGENCY MGMT	\$4,703.33	\$2,157.12	
HIGHWAY	\$49,292.89	PHARMCHEM, INC.	\$332.50
COMMUNITY HEALTH NURSE/WIC		RS PLUMBING SERVICES	\$491.79
\$3,246.03		SANFORD HEALTH	\$104.65
EXTENSION OFFICE	\$2,639.06	SANFORD HEALTH CLINIC	\$98.00
WEED	\$3,329.18	SANFORD HEALTH OCCUPATIO	\$196.00
PLANNING & ZONING	\$2,603.34	ULTEIG	\$3,942.64
(DUE TO OTHER GOVERNMENT)		VERIZON WIRELESS ST ATTN	\$150.80
STATE OF SD GAME FISH	\$211.00	VERMILLION FEDERAL	\$154.18
(PAYROLL WITHHOLDING)		(OTHER PROFESSIONAL SERVICE)	
AFLAC	\$763.16	SCHILDHAUER, T. LEMBCKE	\$1,884.00
CLAY CO FIT FICA	\$53,585.94	(LAW OFFICE)	
COLONIAL LIFE	\$183.16	DEN HERDER LAW OFFICE	\$151.10
CONSECO/WASHINGTON	\$24.45	JOHNSON, KATIE PLLC	\$2,121.70
DIV OF CHILD SUPPORT	\$757.22	KENNEDY, PIER LOFTUS &	\$79.20
NEW YORK LIFE INSURANCE	\$328.57	KOGEL, LINDA L	\$3,072.78
SD RETIREMENT SYSTEM	\$26,657.58	(MENTAL HEALTH)	
SD SUPPLEMENT RETIREMENT	\$3,085.00	AVERA UNIVERSITY	\$530.39
SDRS ROTH 457(B) PLAN	\$735.00	(PUBLISHING)	
TASC PVR	\$1,539.15	BROADCASTER PRESS	\$74.24
THE STANDARD - DENTAL	\$1,107.94	(REPAIRS AND MAINTENANCE)	
THE STANDARD - LIFE INS.	\$401.87	BEAR, INC. DBA TODD'S	\$167.13

BURKHART, KEITH LLC	\$12,410.21	SDSU EXTENSION SERVICE	\$203.49
CENTURY BUSINESS PRODUCT	\$30.00	VERMILLION FEDERAL	\$323.28
ELECTION SYSTEMS AND	\$4,445.00	(UTILITIES)	
JOHNSEN HEATING & COOLIN	\$1,057.10	BUREAU OF ADMINISTRATION	\$33.50
MARK'S MACHINERY	\$365.00	CENTURYLINK HWY	\$216.16
OLSON'S PEST TECHNICIANS	\$80.00	CITY OF VERMILLION	\$1,831.97
PRESTO-X COMPANY LLC	\$65.00	MIDCO BUSINESS	\$210.00
QUALITY MOTORS	\$97.29	VERIZON WIRELESS EMG	\$40.01
R&T REPAIR	\$1,588.59	VERIZON WIRELESS HWY TRS	\$101.34
VERMILLION FORD	\$246.75	VERIZON WIRELESS SHERIFF	\$320.08
(DATA PROCESSING/CLAY CREEK/INF)		VERMILLION FEDERAL	\$6.00
AUMENTUM TECHNOLOGIES	\$7,292.00	(PAYMENT)	
ERICKSON SOLUTIONS GROUP	\$2,289.55	BERNARD, PAMELA	\$50.00
(SUPPLIES & MATERIALS)		BRUNICK SERVICE, INC.	\$115.00
A & B BUSINESS	\$184.48	CLAY CO TREASURER	\$6.85
CANON	\$138.15	ERICKSON, JENNIFER C	\$50.00
CONCRETE MATERIALS	\$1,588.14	FARABEE, DARLENE	\$50.00
CORTRUST BANK	\$4.00	GUNHAMMER-ARROW, SONYA	\$20.00
ERICKSON SOLUTIONS GROUP	\$36.00	HY-VEE, INC.	\$253.74
FAST AUTO GLASS, INC.	\$975.00	JACOBSON, KEVIN	\$50.00
HY-VEE, INC.	\$112.92	KOBER FUNERAL HOME	\$512.50
JCL SOLUTIONS	\$399.80	LANE, TRACEY	\$50.00
LOFFLER COMPANIES	\$201.73	MERRILL, SAMANTHA	\$20.00
MARK'S MACHINERY	\$155.43	MURLEY, KEVIN M	\$54.20
MCLEOD'S PRINTING & SUPP	\$169.90	PUMP N PAK	\$1,622.36
MID-CITY RABBIT CLUB	\$25.00	SANFORD HEALTH CLINIC	\$1,290.00
MINNEHAHA COUNTY JDC	\$88.15	SPRINGER, ELIZABETH	\$52.52
O'REILLY AUTO PARTS	\$19.98	THE SOAP GUYS	\$64.00
PHARMCHEM, INC.	\$1,211.00	TIMMERMANN, TIFFANY	\$50.00
PRESSING MATTERS	\$281.00	VERMILLION FEDERAL	\$329.29
PROCHEM DYNAMICS	\$106.03	(JDC/SPECIAL EQP)	
QUALIFIED PRESORT SVC IN	\$2,262.80	CLAY COUNTY EMS	\$105.00
QUILL CORPORATION	\$354.35	MINNEHAHA COUNTY JDC	\$6,588.00
R&T REPAIR	\$2,088.55	(SPECIAL EQP)	
RUNNINGS SUPPLY INC	\$69.99	CLAY COUNTY EMS	\$90.00
STURDEVANT'S AUTO PARTS	\$16.62	NATIONAL INSTITUE FOR	\$149.00
TRUCK-TRAILER SALES&SRVC	\$72.81	NATIONAL SHERIFF'S ASSOC	\$139.75
VERMILLION ACE HARDWARE	\$125.17	(BUILDINGS AND STRUCTURES)	
VERMILLION FEDERAL	\$224.45	BOONE BROTHERS	\$68,200.00
VERMILLION FORD	\$111.04	TOTAL FLOORING LLC	\$3,653.58
VERMILLION PLAIN TALK	\$52.00	(BOOKS)	
YANKTON REXALL DRUG	\$28.05	THOMSON REUTERS - WEST	\$308.10
(TRAVEL AND CONFERENCE)		(FURNITURE AND MINOR EQUIPMENT)	
BEST WESTERN OF HURON	\$398.80	CANON	\$209.96
GANSCHOW, DENNIS	\$30.00	ERICKSON SOLUTIONS GROUP	\$1,384.00

Recent payroll changes to be reported in the minutes are as follows: Ryan Church (Full-Time Jailer) starting 12/16/21 at \$2,913.02/mo., Caitlyn Dommer (Deputy State's Attorney) started 12/1/21 at \$5,511.34/mo., Madison Dooley (Highway Maintenance) transitioned from part-time to full-time at \$16.00/hr., KayLee Hoffman (Full-Time Jailer) started 11/1/21 at \$2,913.02/mo.,




Ryan Mahoney (Part-Time Jailer) started 11/29/21 at \$16.81/hr., Norma Probst (Part-Time Jailer) started 11/228/21 at \$16.81/hr.

At 11:19 a.m., Manning moved, seconded by Hammond to adjourn and reconvene at 9:00 a.m. on December 7, 2021. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:   
Carri R. Crum, County Auditor

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December 7, 2021

The Board of County Commissioners met in regular session Tuesday, December 7, 2021 at 9:10 a.m. Members present: Travis Mockler, Elizabeth Smith, Micheal Manning, and Richard Hammond; Phyllis Packard was absent.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Manning moved, seconded by Hammond and carried to approve the agenda.

Hammond moved, seconded by Smith to approve the minutes of the November 30, 2021 meeting with the following changes. Smith said she asked if visibility matters during the patrol car discussion. She also asked to add that the Commission agreed that proposed work to be done be sent to Eide Bailly for their professional opinion on what parts of the project could be funded with federal infrastructure money. All voted aye. Motion passed.

The Board discussed the rezoning petition from Kevin Myron. Zoning Administrator Drew Gunderson said a deal has been reached and City Council has made a recommendation to staff to move the grain elevator to light industrial. They moved to deny it last night with that idea in mind. Gunderson said there is a quirk in Joint Jurisdiction rules. If we approve this today, he can apply as soon as the changes are made. He doesn't have to wait the 6 months. The City has moved a long way from where they were at three months ago. Gunderson said he wished it would have happened sooner and that we would have been involved. Mockler asked if they said anything when Gunderson requested they approve it so they could all be in the same room. Gunderson said it is the second time he has asked for a joint meeting and not gotten it, but frustration aside, there has been progress. He has to find out from someone on the City side how we will go about the changes and what the specifics actually were. Smith said she was really impressed with the meeting. The City Attorney said they would be willing to act expeditiously on adding grain elevators and agribusiness to light industrial. She came away a little confused as to whether they were permitted uses or subject to Conditional Use Permits (CUP). That is something that we might want to discuss with the City for Joint Jurisdiction. Every City Council member was clear that there would never be a heavy industrial area there. When you look at the definition of heavy industrial, the word they use is nuisance industry. She said to Myron that it is clear his business is not a nuisance. There were a lot of people from Bliss Pointe and Constance that came to say they support Myron's business. Heavy industrial is sort of a dead letter. If we have to vote on it, we have to vote on it, but she would leave that up to the attorney, or Myron could withdraw the petition. The City Attorney also gave the opinion that because the application for light industrial is different from this request that they would not have to wait the 6 months. Even though we completely trust the Myrons who have been here for 50 years, zoning is for everyone, and if somebody else for some reason had that property, they could really put something in there that would be noxious. It very specifically says in heavy industrial you don't put it next to residential. We have a budding residential property. The cleanest way to go is maybe we iron it out together, and we do it fast. City Manager John Prescott estimated it could be done in 4-6 weeks. It is sort of a happy ending and a win-win all around. We will have to

change what is included in light industrial as well as a zoning change. We'll have to do those in sequence. It was not a contentious meeting. Hammond asked Gunderson for his recommendation. Gunderson said he recommends approving what we have in front of us because we are following the zoning ordinance, and if we deny it, it would cause other problems with the reapplication. Smith said she thinks it is exactly the same language that the City Attorney said would not apply and asked what is different about the County. Gunderson said Prescott cited language on the third line from the bottom discussing denial on the part of both Boards. If we both deny it, then that part could kick in for reapplication. Smith said if that is true (she would like to hear the State's Attorney's opinion on that), it puts the Commissioners in a terrible situation because they wind up voting for something that clearly is not in the best interests of the public. The definition of heavy industrial is very sobering, and it very specifically says it is a nuisance industry that should not be put in a commercial, business, or residential area. If the State's Attorney is not available, she would move to table it to a time when we can get her opinion. State's Attorney Alexis Tracy entered the meeting, and Smith gave her a synopsis of the discussion. The question that Gunderson brings up, if both organizations deny do they have to wait 6 months, or is an application for light industrial substantially different than an application for heavy industrial. Smith said she would argue that it is. Manning asked Myron if he has seen anything in writing that discusses switching this to light industrial. Myron said, in conversations last week with Steve Ward, he thought the starting point was that he feels the zoning was changed improperly, but the only category for grain elevators is light industrial. If grain elevators were not allowed in heavy industrial, why were they put there to begin with? The reason they are pushing, still, for heavy industrial, is that it is the only solution that fixes the problem immediately. The next quickest solution would be to give them light industrial as it is the only classification that allows grain elevators. He would put it in writing the second things are changed to allow light industrial. In talking to Ward, he asked Myron to present to the City Council what he wants. If we could revert back to the County's ordinance, we would be fine. The efforts of Ward and Mayor Collier-Wise, and City Engineer Jose Dominguez were very constructive. What is concerning to him, the City's stance during the day, prior to the meeting, their interpretation was if they voted on this he would not be able to reapply for 6 months. He said the way he reads it, in order to be subject to the 6-month delay, both the County Commissioners and the City Council have to deny it. Maybe they were changing their stance, but they were putting a lot of pressure on him to drop the zoning request prior to the meeting. He appreciates the discussion that went on yesterday on his behalf, but he is disappointed he wasn't given the chance to explain everything last night as he was only given 5 minutes. He realized he was speaking to a group of people who do not know who his business is. He had 5 minutes to convey to them, and he failed. He would have liked to speak to them prior. He said he had reached out with a different alternative, but he also wanted them to know about a quick fix. Right now, his business is unsellable and not financeable. Agricultural does not allow for grain terminals, nor the rest of the things his business does. He is a little concerned because their stance was, he could not reapply for 6 months. It seems clear to him also that he does not have to worry about a 6-month waiting period if one of the two Boards vote in his favor. Smith said she is on his side, wants it to work fast, but what he is asking them to do is to vote for a district that is to provide for, "heavy industrial uses which may create some nuisance, and which are not

properly associated with nor compatible with residential, office, or institutional establishments.” That is a real problem for public officials because they have to vote not just for him but for everyone who, in perpetuity, might own that property. She does not want to vote on that because it is a nuisance, not compatible with residential, office, or institutional establishments, and it is immediately adjacent to residences and residential property. Smith said it is wrong on both sides, but she is a public official, and she has to vote for the County in the long term. To her, the fastest, easiest fix is for the County to work with the City on the deal that was made. She feels confident that the Mayor will make good on her assurances. She watched the whole Council reach consensus that they want light industrial. She thinks people have expressed a lot of concern and compassion, and they want to make it right. She thinks it can be done in 6 weeks. She hopes he would withdraw the heavy industrial because she reads it as if the Council voted no last night, and the Commission votes yes, or if they both vote no, then we are at this question and point of uncertainty whether light industrial is substantially different than heavy industrial. Smith said she does not know that we want to fight that with the City if we come out on different sides of that. She asked Tracy for her advice. Tracy said her concern is that it says, “no application requesting a zoning district classification change on any property whose application includes any such property either entirely or substantially the same as that which has been denied. The question to her is, is it applicable to the property or the application. She would say it does indicate that if we are talking about an application for zoning district reclassification on a parcel that has been denied, that property owner has to wait 6 months. Tracy asked, now, is the application the same? She would say light industrial and heavy industrial are two completely different zoning classifications. That is not substantially the same. Because there are not some commas in there to clarify, she thinks, without further research, it is on the property. Her next inquiry is, if the Boards come together and rezone property, it is a different process than an applicant doing that. She does not believe, then, that the property owner is applying for the reclassification. So it’s like when Joint Jurisdiction went into effect. She thought it was probably the direction it was going to go. We are talking about light industrial instead of heavy industrial. The grain elevator is not contemplated in light industrial. What is authorized will have to be updated. She said she uncertain whether it will be an authorized use, or whether it will be a CUP. Smith said that’s what she and Gunderson were uncertain about last night. It didn’t come up last night. It was apparently discussed at the noon meeting that she was not at. That is the question. Smith asked, if Tracy were to tell them what the most expeditious way of solving Myron’s problem is, what would it be? Myron asked, if he were to drop the request, does Tracy see that the 6-month waiting period would come into play. Tracy said, in that case there has not been a denial, if they withdraw it, they are still in good grounds for reconsideration. The bigger problem is that light industrial does not contemplate this, and the two entities will have to go through updating the zoning ordinance. The most expeditious way to address the situation was to grant the request, but the City is not going to do that. If the negotiation is about light industrial, there is some work to be done on a broader scale. We are modifying our zoning ordinance for this parcel of property, and then on top of that rezone that parcel. Smith said we would have to rezone the property and redefine light industrial, and the decision has to be made whether it is a permitted use. The question between the two that has to be worked out is what the new definition of what light industrial will look like. Myron said they are open to dropping it, but right now they have no

guarantees, only estimates, on the timeline. He is overseeing the interests of his and his parents' investment, which is significantly impacted. He suggested the issue of whether the zoning change should have been allowed. Mockler said they cannot take up that issue right now, although he will let him speak to that when they are done with the issue at hand. Myron said if they are open to talking about the issue because the City was not. Manning asked what happens if they vote to uphold the Planning & Zoning Commission, does that take the 6-month waiting period out. Gunderson said it is dead, no matter what. Smith said there is also a problem of definition, and she has an ethical issue with violating their own zoning code. Manning said it is violating it right now. Smith said they want to change that. Manning said the things he heard were, and it was a scare tactic, that they were going to put a slaughtering plant there. Smith said the real issue is going back to the language of the zoning ordinance. There is talk of the sale of the property. We're not zoning for the Myrons. We are zoning for forever. We are talking about redoing the zoning ordinance. We are not talking about a lot of time here. We are talking about a couple of months. This is a dead letter anyway, and forcing us to vote on a dead letter is counterproductive. Mockler said there is no way to do this in 4-6 weeks. Smith said the consensus is that we want to fix this for Mr. Myron as quickly as we can. Tracy said she is not trying to get crosswise with the City, but she agrees with Manning about scare tactics. She does not know if this was discussed, but had his rezone been approved, and we were concerned about slaughter houses, the two Boards could come together and remove all provisions in the aftermath so it is not allowed in Joint Jurisdiction. She said she heard a lot of conversation that it should be done anyway. What is being contemplated is an update in the entire ordinance anyway, but an avenue also would have been to approve the request, go back in, and remove the things everyone was concerned about. Mockler said the City wanted nothing to do with that. Myron said the County Planning & Zoning Commission members proposed that in the joint meeting a couple weeks ago. Tracy said she hopes in the discussion we are not talking about agri-business. We can't reclassify what the business is. It is a grain terminal, and we define that in our ordinance. She said unless we are going to remove that, which would seem odd, she would ask everyone to focus on the permitted uses for light industrial vs. heavy industrial. Tracy asked how the City Council can vote without the County Commission? It is a joint vote. Both Boards jointly govern that property. Hammond said when his property in Joint Jurisdiction was changed, it was a joint meeting. They are not acting consistently. Hammond said his opinion is that this parcel is rightfully zoned light industrial. This application has brought up three of issues. One is how the property was put into in the present zoning. What is an appropriate zoning classification for a grain facility? What is proper zoning for this property? Light industrial is a proper classification to be next door to residential. When this was done some years ago, it was probably misapplied. The proper classification for this parcel is light industrial. It's never going to be residential. Heavy industrial is not a proper use. The number one step should be reclassifying this property from agricultural to light industrial. The second thing is, he said he has spent a lot of time around Myron's facilities, and there is some argument that it ends up with a lot of dust, and that is the only part of a grain handling facility that fits in heavy industrial. The proper classification is light industrial. Any grain handling facility like this is properly light industrial. The property is not in a great spot for other uses. Hammond would prefer to defer action because he thinks the right thing is to move it to light industrial and then have a reclassification of light industrial to include

grain handling facilities, and then allow Myron to apply for the properly classified zoning application and use. Tracy said she cautions the Board, going forward, that the decisions have to be made together, per ordinance. Whatever decision made that is not in compliance with statutory requirements and our own governing law that was put into place by both Boards, is not valid, in her legal opinion. When she reviews the Joint Jurisdiction ordinance section 14.04 (Tracy cites language from the ordinance), "...the Board of County Commissioners and City Council SHALL jointly conduct a public hearing to act on all applications.... The County Auditor shall cause to be published a notice of the time and place.... On the day of the public hearing the Board of County Commissioners and City Council SHALL review the decisions and recommendations of the respective planning commissions...." She does not know how whatever happened last night occurred because action within Joint Jurisdiction must be conducted together. Smith requested that Tracy speak to the City Attorney. Hammond discussed the difference between "joint" and "concurrent." Tracy said she will contact the City Attorney. She asked whether the two Boards are going to get together, or if they are not and are going to go through a reclassification of light industrial, they still have to do that together. Smith said she would like to go through rezoning because she thinks it is faster with a lot less uncertainty. She has a lot of concern that, if they begin to push the City, she cannot believe they will change their vote, and it will just take more time. She thinks Hammond is right, and if all parties concerned want to get this done as expeditiously as possible, Hammond is right. Myron said he is open to dropping it. Auditor Carri Crum read a chat from Dave Lias regarding previous explanation from Jose Dominguez at a City Council Meeting. Smith said he is talking about rezoning. Mockler said the ordinance states they need to meet together. Hammond said it must be a joint meeting, not a concurrent meeting. Myron asked for thoughts on this being an error. Section 2.07, in his mind, clearly states how property zoning is supposed to be transferred over. It specifically states that is how it is supposed to be handled, not by a map. At the time of the agreement of signing, his property was light industrial. Smith asked Tracy for her take on that as it is a procedural question. Tracy said she was not there, and she is not going to say what the two planning boards did at the time and discussed publication of notices. Manning said there are two choices: deny it, or Myron withdraws his application and the Boards get together. Mockler said it's clearly stated how the decision is supposed to be made, and it has not happened yet. Last night's meeting means nothing, and this meeting means nothing, because we did not follow the ordinance. Voting for it is a moot point. Smith again agreed with Hammond's stance and said what she would like to see is an agreement between the Council and the Commission on rezoning. She said she thinks people's hearts are in the right place, the neighbors care, and it can happen reasonably quickly. Hammond said he thinks there are reassurances from the County's Planning & Zoning Commission that we would follow that pathway of rezoning the property, and adding that classification to light industrial and that our Planning Commission would start that process. It could be that members of the City Planning Commission will have to do this as a Joint Jurisdiction area with some pressure from you and a few neighbors that say this is the decision we want to see to push the process along. By not doing anything, it could become a blighted area in the future. The best thing is to have it properly rezoned and reclassified. Hopefully that process will work on the City's side, and Hammond said he is sure it could work on the County's side. Smith asked Gunderson if he is willing to make this a priority. Gunderson said absolutely,

and is very uncomfortable not having something in writing. Smith said the Council as a whole last night was committed to the rezone to light industrial, the question was whether it will be permitted use or CUP. No matter what we have to work that out. Myron said what was indicated to him by the City Engineer is that both would have to be under CUP. He said it was a conditional use in heavy industrial. It was too broad of a category not to be controlled. Agri-business under the County's classification is pretty specific. For a grain terminal, there is a grain terminal in every county in South Dakota. It is an ag state. If he drops his request, he will not be allowed to be in the only category that allows for grain elevators. He is trying to remedy this as quickly as possible. He has been doing this for a few months already. If this is going to be some dispute and compromise and back-and-forth, he has not seen where that has worked well in the past. The Joint Jurisdiction agreement is a joke. It's broken. It's not working. It's not satisfying his business's needs. The process is painful and has been a nightmare for him. If he has to reapply for a CUP he has to go through the entire process again. He has to meet with both planning commissions, City Council, and County Commission. He has to go through the process twice. Smith asked Gunderson what kind of timeline he can suggest that would be reasonable. It might help to nail things down. Gunderson said the City said 4-6 weeks to get the changes into place, and he thinks that is optimistic. Then he has to go through the rezoning and CUP. Maybe this time it could happen concurrently. Three to six months is about what he estimates. Smith said she thinks the choice is Myron's on how he wants to proceed. She does not want to have a premature vote. Mockler said he does not have to decide right now. Smith said they could table it. Myron said this is going on and on and on. He doesn't feel that he was notified of the zoning change and did not discover it until 10 years later. He would like to solve it as quickly as he can. He appreciates the efforts and concern on the County's side of things. He has been living this for the last 3 months, and he could have to live it for another 3-6 months. In looking at the proposal, he can look at the way he has been treated in the last day or two by the City, or the last 3 months. They are still in belief that the zoning change was ok. He does not think he was notified properly before or after, he does not think the zoning change was ever discussed, or a reason given for the zoning change. It looks like it is in direct violation of the very agreement that this was part of, and the City still thinks that's ok. He gets the sense that that County does not think it's ok. He has zero guarantees that anything is going to be done for them. He said he is exhausted with the process at this point. Smith said one possibility is for the Commission to table it, but there are deadlines. Gunderson did not recommend tabling it. Mockler said the Board cannot make a decision on the application because it will not hold up due to not being in a joint meeting with the City. Smith asked Mockler if he is proposing no vote today. Mockler said it would not be legal. Manning said that is basically what Tracy said. Mockler said everything says "jointly," not "separately" or "concurrently." Smith said we know the direction this would go in, even if we had a joint meeting, and what we really need to do is begin work with the City on rezoning. She proposes they do it soon. She said she just wants to get it fixed. Mockler asked Gunderson for a deadline, and Gunderson said it is 65 days from application submission. Myron said if this was done in error, why can't they recognize this and put it back the way it was. Hammond said it takes time, too. There is still a process to right an error, so they would not be able to make a resolution today to fix his problem. Myron said to expedite the process, he will drop the rezoning request, and although it bothers him, he is doing it in good faith to try and get this resolved. His

sense is that everyone is ok with the new proposal, and he would like them to fight for both of those categories to be under allowed uses. He would like to feel that they are on board with it and will make every effort. He is not concerned on things on the County's end, and everyone knows where his concern is. It is absolutely justified based on how he has been treated the last 3 months. He appreciates the recent change in effort on the City's side. He said he needs a chance to tell the City Council what is going on. He wants them to make informed decisions about the whole thing. He is ready to drop the request. Publication requirements for public hearings were discussed. Mockler said, if no action is taken, he was trying to figure out when the 65 days expires. Gunderson said that is for the Planning Commission to take action. Gunderson said he would like to have a joint meeting to work out what changes will be made to light industrial. Mockler said he would like it to be a CUP, but not for this situation as it has already been there. Smith said she thinks they can do that anyway as they have a pre-existing, non-conforming use. Mockler said the question is whether it is a permitted use or a conditional use. He is ok with CUP, as long as Myron does not have any conditional use. Smith said they did say they were for these uses. Mockler said they will bring up what happens when the next one comes in. Hammond said the fastest way is to do conditional use. There will be fewer issues on the other side. CUP would probably be appropriate in terms of what is likely to be in that classification going forward. It doesn't mean it will slow down Myron's process. Mockler said they can do the zoning and CUP at the same time. Mockler and Gunderson discussed changes to the definition of light industrial. Smith said the only thing she heard was to add grain terminal into light industrial. Gunderson quoted text of the definition. Hammond said he would add "persistent" before "frequent" due to harvest season. Mockler said it shouldn't be a problem if they are allowing ready mix facilities already, and trucks are always in and out of there. Myron said they do have the other category "agri-business." It is important to them, too. He does not want to lose that right. Manning said he would still have that as it talks about storage of farm chemicals on site. Mockler said the City would not consider Nutrien to be a farm store or feed store. He does not know what Nutrien would be if that is not exactly what they are. Mockler said it doesn't matter what we put in there, they will define it however they want. Myron said when he hears restrictions added, it's hard not to sit in his seat and cringe because everything he does that limits or harnesses him, it's hard to be in business with things like Mother Nature and COVID. Mockler discussed permitted uses. Myron said he has to have grain terminal and agri-business included. Gunderson said he wants the executive boards to work things like that out. Myron said he is not sure the City knows or understands what his business needs. He said the path leads to him dropping his rezoning request, but he is being left hanging out in the wind. Hammond said we are discussing a legislative process, and that is done in little 5-minute increments sometimes, and unfortunately that is normal. What we need to do what we can to make those 5-minute increments occur in a shorter timeframe, and it can be done. It was discussed that it cannot be tabled while things are changed because the application is for heavy industrial. Hammond said they belong in light industrial. Mockler said he understands the City gave their staff direction to move it to light industrial, so the County can direct Gunderson to do that as well. Myron said he felt comfortable with it as long as grain terminal and agri-business is in there. It fits all the things he has done and would possibly want to do. Mockler said the whole section is questionable. Hammond said the zoning starts out at the regional planning commission, that is actually



planning for Sioux Falls, and there are a lot of things are in our ordinance because of that. Myron asked if MASABA should be in heavy industrial. Mockler said they are in the City. Hammond said the City's planning & zoning is primary within the city limits. Myron said it's interesting how he is in the County but the City can dictate what he can and cannot do, yet the County has no control over that. Residential grew out to where he is, and now it is drastically impacting what he can and cannot do, even though the homes, except 2 or 3, came in after his business was established. Where are his rights to say they cannot build houses there because it will infringe in his rights in the future? Myron said he will drop his application. He requested the Board make every effort to get this through as quickly as possible and to continue to look out for his interest as well as everyone else. Hammond said that is their job. Mockler said it can be done the same way they did the medical marijuana ordinance, where everyone was in the same room.

Myron asked if he can make comments about the Joint Jurisdiction Agreement. Mockler said he can be a Visitor to be Heard. Myron said the agreement opened the door for his situation to happen. He feels he was not given proper notice. He would have anticipated a map showing the new boundaries, but not a change in zoning. In his mind, it was not adequate. He cannot look at the notice that was published and predict that his zoning was going to be changed from it. He said if you take to 99% of people in the county, they will believe if their property is going to be rezoned they should be notified in writing. This has been a huge waste of time and money, and he believes it was allowed because of the Joint Jurisdiction Agreement. The whole process of meeting with both planning commissions, City Council, and County Commissioners is too complicated. He is jumping through a lot of hoops that other businesses are not having to do. Everything they are doing limits what businesses can do, and we can't figure out why Vermillion is not having the growth that we are seeing in other communities? They are kicking our butts in commerce and economic development, and he thinks it is due to the Joint Jurisdiction Agreement and cited the issues Nutrien had. His father has developed a minimum of three multimillion dollar facilities in the county, his businesses were the backbone of Nutrien, and he cannot sell his multimillion dollar facility. Right now it is worthless, and he cannot sell it. This agreement has significantly impacted his father, one of the largest investors in Clay County, and possibly Nutrien as well. He believes the County was approving the improvements, and the City was rejecting them. He believes the City has too much control. At a minimum it should be 49% City and 51% County, and if a decision cannot be reached it should default to the County. We have County Commissioners to control and moderate the county properties. He would just as soon see the Joint Jurisdiction Agreement go away. In his mind, if the County elected to enter the agreement, they can elect not to do it, until some better measures can be put into place. Is the Joint Jurisdiction Agreement serving the needs of the constituents? It is not for us. Something needs to be done. He would like both entities to look at things in the zoning categories. He is trying to figure out why a few people were dictating his situation, and the Joint Jurisdictional Agreement allowed that. The Joint Jurisdiction Agreement is not working, and he does not want to look forward to doing business in a community with this agreement in place. He is wondering why he continues to invest in this community. He thinks this needs to be in the hands of the people who are best able to make these kinds of decisions. Based on what happened with Nutrien, he doesn't think that is happening, and he cited a housing development on the bluff that would have fallen part in the County and part in the Joint Jurisdiction. The County portion was

approved, and the owner did not even apply in the Joint Jurisdiction because they were informed that would not be approved. There is too much control and veto power with the City as well as butting of heads. This needs to default to the County Commission. He has about 12 leads for his business, and he is down to 2 left. He has lost significant business opportunities, and he will probably lose the remainders due to this situation.

Smith moved, seconded by Hammond and carried to approve and authorize the Chairman to sign the Point of Dispensing Contract renewal.

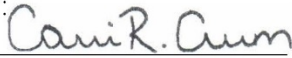
Hammond moved, seconded by Manning and carried to approve and authorize the Chairman to sign the Community Health Nurse Contract renewal.

At 11:16 a.m., Manning moved, seconded by Smith and carried to adjourn and reconvene at 9:00 a.m. on December 14, 2021.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

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December 14, 2021

The Board of County Commissioners met in regular session Tuesday, December 14, 2021 at 9:10 a.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning, and Richard Hammond.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Smith moved, seconded by Manning to approve the agenda. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Manning moved, seconded by Smith to approve the minutes of the December 7, 2021 meeting. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Mayor Kelsey Collier-Wise spoke as a Visitor to be Heard. She wanted to address statements made at the last County Commission meeting. When people make statements in public meetings they not only disrespect her and the other elected officials who make policies for the community, you are doing a disservice to the other 12,000 people that they jointly represent. She said she hears or reads things about what the City supposedly did or said that never took place in a meeting she presided over or in conversations she was a part of. She said the City is accused of not cooperating with the County, yet she has never had someone reach out to her other than Smith. She is not sure who is being chosen to represent the entire City of Vermillion in the eyes of the Commission, but it does not appear to be the elected representatives. These statements are published in the record with no opportunity for rebuttal. The City is governed by a City Manager form of government. The City Manager and staff are beholden to the people of Vermillion. Remarks at the last Commission meeting suggest that the City Council and City staff are at odds, or that the staff is not working under the direction of the Council. Nothing could be further from the truth. To imply corruption or malfeasance undermines all of us. These issues are not City vs. County. The City is in the county. We all have work to do to improve the relationship. In the meantime, she respectfully requested that if they have a problem with something they talk about it like community leaders and not air grievances in public meetings. Vermillion City Council Member Steve Ward supported the Mayor's statement and said they have the responsibility to air dirty laundry privately and not publicly. It does not help things move forward when there is public discord. We have a number of important issues, and he hopes we can move forward working together honestly. He looks forward to doing that.

Members of the Clay County Soil Conservation District Todd Christensen, Mike Lynch, Bob Fallan, and Missy Kayl met with the Board. They voiced displeasure with the budget cut and said it caught them by surprise. They have been receiving \$25,000 for several years and said they previously received \$35,000 and cited work drilling acres for farmers who have CRP land, sell plants, trees, and shrubs, and shelter belt planning. He said their mission is to work with NRCS to help farmers with conservation plans when they need it. The NRCS does not exist in Clay County unless the Conservation District exists, so farmers would not have access to programs. He cited SD Codified Laws that require them to be organized. He said they are required to be organized, but they have no taxing authority, so they depend on their sales, and the balance

coming from the County. They have received funding from Vermillion Basin Water Development District in the past for capital improvements, such as a cooling unit for tree storage. He said they may be able to scrape by with no subsidy in 2022. Their equipment is old and needs upkeep. In the future, it is not feasible to run the Conservation District without help from the County. He requested a commitment to help them in the future. Smith said she knows the least about all of these things as she is the newest one on the Commission. The Board ran into a serious financial crisis this year, and they were by no means the only ones whose budgets were cut. She said she did not know who they are, and at the end of the fiscal year, it would be great if they could send an annual report with the last 3 years and a summary of what they have accomplished. Kayl said she was thrown into the position 5 years ago, and she said she will do that in the future. Smith said, at budget time, if she could send the financial statements with a request letter they would probably be in pretty good shape. Hammond thanked them for coming in and providing information. Kayl said they have started selling seed and promoting scholarships and an essay program for kids. Hammond clarified that they helped with the cooling unit. Manning said the last few years, they also did not require groups to come in with financial reports. Mockler said that is not correct, that it was required before Kayl came onto the Conservation District. Smith said the statute requires it. State's Attorney Alexis Tracy asked them to explain checks and balances for the accounting of funds. Kayl and Tracy discussed that the Conservation District Board approves things, and it is a two-signature policy. Manning said the budget cut was not planned. He cannot guarantee they will not have to do this next year, although they hope it is only once.

The Board considered approval of vouchers to be paid. Hammond asked if the courtroom sound system is working well. Auditor Carri Crum said she believes they have been working on it. Tracy said she was not aware that it was installed yet. In order to make sure, Crum and Tracy contacted the Clerk of Courts Office, and it was determined that it had not yet been installed. Hammond moved, seconded by Manning to approve the following claims for payment, with the bill for the sound system being held for the time being. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

(DUE TO OTHER GOVERNMENT)		SD DEPT OF REV ANDERSON	\$315,288.47
BERESFORD SCHL DIST 61-2	\$54,720.00	SDACO - M&P FUND PAYMENT	\$346.00
BETHEL TOWNSHIP	\$8,043.70	SEILERS SECOND ROAD DIST	\$134.82
CENTERVILLE SCH DIST 60-	\$41,920.71	SPIRIT MOUND TOWNSHIP	\$4,664.93
CITY OF VERMILLION	\$231,388.20	STAR TOWNSHIP	\$10,291.86
CLAY CO TREASURER	\$8,926.00	TLC WATER PROJECT DIST.	\$5,751.30
FAIRVIEW TOWNSHIP	\$9,678.17	VERMILLION BASIN WATER	\$2,307.39
GARFIELD TOWNSHIP	\$6,097.86	VERMILLION SCHL DIST 13-	\$453,164.92
GAYVILLE/VOLIN SCHL DIST	\$6,558.95	VERMILLION TOWNSHIP	\$3,138.53
GLENWOOD TOWNSHIP	\$5,834.26	VIBORG/HURLEY SCHL 60-6	\$83.36
IRENE CITY	\$3,218.41	WAKONDA TOWN	\$10,174.01
IRENE/WAKONDA SCHL 13-3	\$106,361.99	(FIRE)	
MECKLING TOWNSHIP	\$4,326.80	BERESFORD RURAL FIRE	\$1,841.62
NORWAY TOWNSHIP	\$4,679.59	CENTERVILLE RURAL FIRE	\$2,085.98
PLEASANT VALLEY TWP.	\$5,304.35	GAYVILLE RURAL FIRE ASSO	\$789.48
PRAIRIE CENTER TWP.	\$2,383.19	IRENE RURAL FIRE ASSOC	\$407.97
RIVERSIDE TOWNSHIP	\$9,832.71	VERM. RURAL FIRE ASSOC.	\$5,051.12

VOLIN RURAL FIRE ASSOC.	\$270.62
WAKONDA RURAL FIRE	\$3,157.97
(PROFESSIONAL SERVICES AND FEES)	
ALTERNATIVE HRD LLC	\$776.25
BUHLS DRYCLEANERS &	\$156.40
CLAY COUNTY ABSTRACT	\$106.50
GREAT PLAINS LLC	\$4,852.50
SATELLITE TRACKING OF	\$149.50
SD DEPT OF HEALTH LAB	\$1,045.00
SD SHERIFF'S ASSN	\$915.92
STATE BAR OF SD	\$415.00
ULTEIG	\$17,117.08
YANKTON MEDICAL CLINIC P	\$94.99
YANKTON REXALL DRUG	\$28.97
(OTHER PROFESSIONAL SERVICE)	
CHARLES MIX COUNTY	\$130.00
SD ATTORNEY GENERAL	\$1,487.00
UNION CO. SHERIFF	\$21,255.00
YANKTON CO SHERIFF	\$4,170.00
(LAW OFFICE)	
BELL, JOSHUA	\$48.00
MATTER LAW OFFICE LLC	\$1,867.32
PETERSON, STUART, KLENTZ	\$9,166.66
TERWILLIGER, PHILIP	\$3,382.14
WIDDISON LAW FIRM	\$2,016.70
(MENTAL HEALTH)	
SD ACHIEVE	\$240.00
(PUBLISHING)	
BROADCASTER PRESS	\$288.36
(RENTALS)	
SCHNEIDER GEOSPATIAL	\$8,460.00
(REPAIRS AND MAINTENANCE)	
BRUNICK SERVICE, INC.	\$190.00
CENTURY BUSINESS PRODUCT	\$30.00
CMOORE PIT SERVICE	\$200.00
FAST AUTO GLASS, INC.	\$210.00
JOHNSON FEED, INC.	\$34.65
PRESTO-X COMPANY LLC	\$88.00
VERMILLION ACE HARDWARE	\$80.00
VERMILLION LAWN SERVICE	\$375.00
(DATA PROCESSING/CLAY CREEK/INF)	
MICROFILM IMAGING SYSTEM	\$945.00
SCHNEIDER GEOSPATIAL	\$7,150.00
SOFTWARE SERVICES, INC.	\$1,122.00
(LATERALS 50A & 50B EXPENSE)	
POLLMAN EXCAVATION, INC.	\$862.27
(SUPPLIES & MATERIALS)	
A & B BUSINESS	\$184.48
A-OX WELDING SUPPLY CO	\$408.71
BRUNICK SERVICE, INC.	\$348.00
CMOORE PIT SERVICE	\$20.00
CONCRETE MATERIALS	\$4,117.05

DAKOTA RIGGERS & TOOL IN	\$155.49
DIAMOND MOWERS INC	\$256.60
GENERAL EQUIPMENT &	\$194.27
I-STATE TRUCK CENTER	\$47.08
JCL SOLUTIONS	\$149.22
JERRY'S SERVICE	\$16,177.67
JOHNSON FEED, INC.	\$2.43
LOFFLER COMPANIES	\$15.21
M & M FARM SUPPLY	\$27.12
MICROFILM IMAGING SYSTEM	\$2,417.00
O'REILLY AUTO PARTS	\$153.70
ONE OFFICE SOLUTION	\$194.06
PROCHEM DYNAMICS	\$51.19
QUALIFIED PRESORT SVC IN	\$1,393.05
QUILL CORP.	\$167.99
RIVERSIDE HYDRAULICS AND	\$646.90
RUNNINGS SUPPLY INC	\$130.31
SIRCHIE	\$85.05
STAN HOUSTON	\$279.90
STURDEVANT'S AUTO PARTS	\$394.67
TURNER CO. HIGHWAY DEPT.	\$789.46
UNION CO. SHERIFF	\$890.30
VERMILLION ACE HARDWARE	\$49.96
VERMILLION PLAIN TALK	\$78.00
WHEELCO BRAKE AND SUPPLY	\$1,056.12
ZEE MEDICAL SERVICE CO	\$48.10
(COPIER SUPPLIES)	
CANON	\$186.12
LOFFLER COMPANIES	\$172.86
(TRAVEL AND CONFERENCE)	
PROGRESSIVE AGRICULTURE	\$75.00
SD LTAP	\$219.98
SDAE4-HP DAVISON COUNTY	\$120.00
(INMATE TRAVEL)	
PUMP N PAK	\$360.00
(UTILITIES)	
BUREAU OF ADMINISTRATION	\$63.03
CENTURYLINK HWY	\$216.16
CITY OF VERMILLION	\$72.00
CLAY RURAL WATER SYSTEM	\$43.30
CLAY UNION ELECTRIC CORP	\$647.18
GANSCHOW, DENNIS	\$300.00
MCPHERSON, LARRY	\$150.00
MIDAMERICAN ENERGY	\$1,672.07
MIDCO BUSINESS	\$85.00
VERIZON WIRELESS TRS	\$164.21
VERMILLION GARBAGE SVC.	\$236.00
WAKONDA TOWN	\$62.65
(PAYMENT)	
BRUNICK SERVICE, INC.	\$761.95
CLAIMS ASSOCIATES	\$2,324.08
DOMESTIC VIOLENCE	\$240.00

HESSMAN, PHILLIP	\$100.80	(BUILDINGS AND STRUCTURES)	
PUMP N PAK	\$1,811.04	HEINEMANN RESTORATION IN	\$11,866.67
QUALITY MOTORS	\$141.64	(BOOKS)	
VERMILLION AUTO WORKS	\$460.00	THOMSON REUTERS - WEST	\$121.92
VERMILLION FORD	\$38.78	(FURNITURE AND MINOR EQUIPMENT)	
(JDC/SPECIAL EQP.)		MICROFILM IMAGING SYSTEM	\$60.00
TERWILLIGER, PHILIP	\$350.00		

Sheriff Andy Howe updated the Board on the planned body camera system purchase. He received a grant check for the patrol car portion of the project. It was a \$65,000-67,000 project, and we received \$12,200 from a grant to help fund it. The project has been completed.

Smith asked Howe what the average cost of daily fees for inmates in other counties has been for the last few months. Howe said we have been lucky. When budgeting, he split the difference between what Union County (\$65/day) and Minnehaha County (nearly \$100/day) charges us and used the \$80/day charge from Yankton County. Union County has been very good to us, and fortunately they have been able to take almost all of our inmates. We generally have one or two in another jail. We have been able to minimize our expenses a bit by holding people here if we think they might bond out within 72 hours. We also have work release inmates at the moment as well. The inmate population is climbing, and he predicts an average daily population of 17 as we end the year. He anticipates closer to 20 next year. He said things are going pretty well in terms of cost, and Union County has not approached him for any changes in boarding rates. We currently continue to board for Turner County for holding. He hopes for a good continued relationship with Turner County. If we do get a jail built he wants to be able to continue to help Turner County as we have for a number of years. Any assistance we can give them, we are happy to do that. Hammond said Charles Mix must be about \$65/day, too. Howe said yes. There was an inmate that was housed in Winner. The Charles Mix situation was because, rather than driving to Charles Mix and then bring them back here for two days, we tend to just leave them there to avoid the transport and having the person essentially homeless here when they get out until they find a way back to Charles Mix once they are released.

At 9:30 a.m., a public hearing was held for the transfer of liquor licenses held by Whimp's Place to Janes Boys, LLC., the buyer of the current Whimp's Place. No one appeared in opposition, and no written correspondence was received. Manning moved, seconded by Smith approve the liquor license transfer applications and authorize the Chairman to sign them. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

At 9:35 a.m., Manning moved, seconded by Smith and carried to adjourn and reconvene at 9:00 a.m. on December 28, 2021. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor



December 28, 2021

The Board of County Commissioners met in regular session Tuesday, December 28, 2021 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning, and Richard Hammond.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Manning moved, seconded by Hammond to approve the agenda with the addition of the Contingency Transfer Resolution and renewal of the Minnehaha County Juvenile Detention Center contract. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Smith moved, seconded by Packard to approve the minutes of the December 14, 2021 meeting. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

The Board held a First Reading/Public Hearing for Ordinance #2021-06, a request for zoning change for land located at the South end of 460 Ave (along the river) from NRC Natural Resource Conservation to RR Rural Residential for a Subdivision, 18 residential property lots, for a property legal described as: Preliminary plat of Lot A of Lot X, Section 16, Township 92 North, Range 52 West of the 5th P.M., Clay County, South Dakota. AND Parts of Accretion land to Government Lots 3 and 4 of Section 16, Township 92 North, Range 52 West of the 5<sup>th</sup> P.M., Clay County, South Dakota, as described on a Plat recorded in Book 7 of Plats on page 648, Clay County, South Dakota.

Mockler outlined the procedures for the hearing and yielded the floor to Zoning Administrator Drew Gunderson. Gunderson read a memo for the re-zoning application. His recommendation is approval due to the precedent of allowing the building of single family homes in NRC and along the Missouri River under the current zoning ordinance, the comprehensive plan has a 2-acre minimum for lot size and the application uses the 2-acre minimum rule, and the proposed plats meet requirements of a rural residential district.

Sarah Taggart spoke as a proponent of the re-zoning application. Her uncle, Daniel Heine, owned the land and had always intended to develop the land. His widow, Taggart's aunt, decided to develop the land in accordance with his intentions. Heine preserved the trees rather than clear the land for farming. Taggart discussed covenants/deed restrictions for building on the lots. She said really there will only be 10 residential lots on the river, as the other 8 are not directly on the river due to the flood plain. The zoning designation she has applied for is clearly allowed in the zoning regulations and setbacks are greater than those of other navigable water bodies in the county. She said there is a great need for residential building sites in the county. Clay County has a great deal of tax exempt property, and this would create property tax revenue. Taggart said having people living along the river is a benefit for those who find themselves needing help along the river. Rural Residential zoning will not inhibit the activity of others who use the river. She said she wants to provide a beautiful development with the natural beauty of the riverbank being maintained. Under covenants, the lots will not be allowed to be subdivided, setbacks will



be increased, and no mobile homes will be allowed. Taggart said this is sensible, reasonable development that is as minimal and unintrusive as you can find. It does not infringe on others' property rights.

Mockler opened the floor to other proponents. Darcy Olson spoke for herself and Russell Olson. They purchased a portion of the property with intentions of building their retirement home on it. They have planted native trees and intend to plant more as well as a natural bank stabilization. Their home will be set back and will not have a dock. They moved from a big city so they could enjoy the beauty. Homes will be tasteful, and they will align with the beauty of the area. She encouraged the Board to pass the re-zoning request.

Sara Mart spoke as a landowner upriver from the sites. She would rather see aesthetically pleasing trees than farmland. Landowners will take care of the properties, doing all they can to protect the bank, wildlife, and trees. She sees kayakers, canoers, floaters, boaters, and she has helped many. She said they are surrounded by wildlife at their property. Mart spoke about a letter to the editor that was misinformation, then stated corrections to the information. She spoke about improvements at Clay County Park and said landowners will do the same to improve and preserve the area. She encouraged the Board to pass the re-zoning.

Garrett Peterson spoke on behalf of himself and his wife, Connor. They use Clay County Park's boat ramp to boat the river in the summer. He said there are beautiful homes and cabins along South Dakota and Nebraska's banks, and they admire the homes and landscaping, which add to the beauty of the river. The stabilization of the banks and preservation of the trees will improve the area.

Jeanne Ives, niece of Daniel Heine, spoke as a beneficiary of the trust. She said, according to Gunderson, there are approximately 150 residences along the river in Clay County. Eighteen new residences is nothing new or unprecedented along the Missouri River or in the NRC district. She cited her own experience in Illinois and discussed re-zoning applications she has considered, saying this proposal does not have competing property rights, and it is routine. The controversy is surprising as they have not asked for special accommodations. A no vote threatens all other people's property rights, and they may as well throw out the rule book at that point. She said a group took out a full-page ad about the hearing, and she said they do not own the property in question and have not paid a single tax dollar on it. There is no infringement of their rights. She said the application fully complies with the current ordinance for Rural Residential zoning, and approval ensures property rights and economic growth.

Lars Aga said he is a property owner along the Missouri River. He said, regarding the ad in the paper, some of the people on the list enjoy property along the river because they lease it from him, so some of the pressure from one side or the other needs to be looked at.

Paul Remmes, nephew of Dan Heine, said his uncle loved the land and would have loved to see the development go through. He could have gone all the way to the river with the irrigation system, but would rather see the area preserved. Remmes said he is fully in support of the project.

Kolly Fostvedt spoke as a property owner along the river. He wanted to relay that he is in favor of the project. Having homes there is not going to be detrimental. He has also helped people along the river who needed it.

Kyle Jensen said he farms Dan Heine's grounds and discussed Heine's intentions regarding the land. Heine set the irrigators up to preserve the trees with the intention of the river lots being sold. He boats on the river from Omaha to Yankton. Listening to Taggart say that only 10 will be along the river, that is a big compromise. When he boats, his family sometimes just stops to admire the homes along the river. Two irrigation pivots could be extended to farm the ground, but he does not believe a taxpayer should be told what to do with his ground. The zoning is in place.

Norman Kaufman said he uses Clay County Park and said the application meets all the requirements, so he wanted to give his support.

Doug Mart said he lives on the river and boats on it. The setbacks and lot sizes will make a beautiful development, and the trees will stay. He would rather look at trees than farm ground, which could happen if the farmer decided to.

Mockler opened the floor to opponents.

Suzanne Skyrn said maps in the Comprehensive Plan show areas that are not suitable for septic tanks. The area is hard to see, but it is yellow and red, which means they are not areas recommended for septic tanks. She discussed soil properties and site features for septic tank limitations or installation. She asked what will happen to the waste coming from the homes if the land is not suitable for septic tanks. She said the area is zoned NRC for a reason, and it is not suitable for development.

Bruce Gray said 18 lots seems like a lot. He cited part of the Comprehensive Plan and highlighted an area of the introduction and said to ignore it seems like it throws out the purpose of the plan. If it is an inheritance, a house or two seems like one thing, but this feels like a new town popping up along the river. A lot of people pay taxes, and Clay County Park is a resource to everyone. Preservation of open space is important in Clay County, and he cited waterfowl and game areas. He said it is not zoned Rural Residential and asked that the zoning not be changed.

Constance Krueger discussed the preservation of Spirit Mound. She said the current zoning protects the ability to enjoy the land. She wants to trust the owner that the houses will be aesthetically pleasing, but showing people a stretch of wild river that cannot be seen anywhere else, once it's re-zoned, it's done, and if it's not aesthetically pleasing nothing can be done about it. The farther away you move from resources, it taxes all of the resources. The proposal is to put quite a few houses quite a ways away from Vermillion, with possible septic problems, and we have unique features. Each mile increases the expense of supporting the community and taxes resources. She requested the zoning be kept as it is because once it is re-zoned, it is done.

Dave Struckman-Johnson said he came to South Dakota for grad school and chose to stay here. One big reason is the environment. There are beautiful parts of the river and parts with rip rap, and he could not imagine that people would like to look at houses with rip rap when it is at eye

level, and the houses are above. He asked what the point is of a conservation area if it is just to be changed to Rural Residential. If it can be changed, is there any place that cannot?

Geoffrey Gray-Lobe apologized for not previously recognizing that the proponents also love the river. He discussed the zoning map and said he thought he would see a patchwork of NRC around the county. The NRC is pretty much a continuous band along the Missouri River floodplain. The areas where it is broken are areas administered as wildlife areas by the Corps of Engineers. In light of that, he said he takes issue with the statement that it is not new or unprecedented. The intent is obvious. In the Comprehensive Plan, there is a page for appropriate use. He has been employed to do federally funded wildlife and ecology research, but he only needs to point out items from the Comprehensive Plan omitted in the memo. He discussed property rights and said he does own property adjacent to the development, as he is part-owner of Clay County Park, as are the other Clay County taxpayers. To maintain balance, certain areas should be maintained in their natural state. He cited areas of the Comprehensive Plan guidelines for rural areas such as the high water mark, haphazard development, and residential density. He said he did not see plans for a sewage treatment system for the development. He listed goals of protecting natural resources, creating greenways within floodplain areas, limiting development in areas with unsuitable soils and high water tables, limitations on developments in areas unsuitable for septic tanks, preserve and enhance Missouri River riparian areas. He said what we have in place allows houses, just not 18 houses.

Meghan Jarchow encouraged the Board to vote “no” and leave the current zoning in place. It is meant to be part of the free-flowing river. She said as the banks are stabilized, the river is less free-flowing. The reason for not allowing bank stabilization along the Missouri National Recreational River is to keep it free-flowing. She said it affects everyone who lives along the river, particularly downstream.

Sharon Gray apologized for being the letter-writer, and said Taggart very kindly corrected her. She wrote a new letter to the editor, but she does not think it got printed in time. She echoed Gray-Lobe’s comments. She said the Comprehensive Plan avoids scattered sprawl in a rural area and said this proposal would be bordered by a public park, a wild and scenic river, and agricultural land, so how is it not scattered sprawl? She said the current zoning allows for some residential, just not 18.

Cindy Gehm spoke about aesthetics of the river and nature photography, and she said structures are not part of wildlife photography. She said she is trying to make the point that the beauty of the river is its natural, wild beauty, and this portion of the river has been designated to remain natural. The river changes weekly, and that is part of the beauty. When she moved here, someone told her to go to Clay County Park, and that was the place that sold her to move here and raise her family. Her church has Sunrise Service every Easter. The natural area is a real perk to the county, and the whole development sets a poor precedent that we could plop a subdivision in the area of the park.

Milt Haar, Acting Manager of the Missouri National Recreational River, said it was established by Congress and given to the Park Service to protect the values for which the river was

designated as part of the wild and scenic rivers. Since the recreational river is a neighbor to the property, he examined values for which it was designated. He said if they are trying to manage the river according to those values, an NRC designation would be helpful to them, as opposed to Rural Residential.

Jerry Wilson was present via Zoom and said most of the argument has been well-made. The Zoning Administrator described the purposes of Rural Residential and said it complies, therefore it will be ok, but he omitted the purposes of the NRC district. Wilson said the key issue that this is NRC land, and this proposal does not comply with NRC land. He spoke about the annual river day for 6<sup>th</sup> graders at Clay County Park, and he said he always tells the students how lucky we are to live here where we have our own National Park, where we have access to this beautiful river. In the 2,300 miles of river, only about 100 miles are free-flowing. So far, all the land between the Clay County Park and the Missouri River bridge are undeveloped. This is our only park, our only place to enjoy the river, and a housing development would change that forever. Ultimately, he said public officials are sworn and have promised, in times of conflict in public and private spheres, to listen to the public's property rights.

Mockler gave Taggart a chance for rebuttal. She said septic tanks will comply with regulations. She said a portion of 4 lots will be visible from Clay County Park, but none of the others will be. She discussed that covenants will have greater setbacks so as not to be as visible from the river. A giant portion that will remain NRC, and some other lots are not river lots. People will want to keep as many trees as they can to keep their lot beautiful. The land could be cleared and farmed, leaving nothing, and it sounds like everyone loves the trees. There is already development there. The Clay County Park is development, and the slab of concrete that is the landing is not natural, and the government has placed rip rap along the banks. Even if the land was in public hands, it could be rip rapped. There is a ton of activity at Clay County Park, and you will not find solitude there as there are lights, noise, people, and dogs. Adjacent to the parcel is almost 4 miles of government-owned river frontage. There is not a lack of undeveloped land along the river. Where she lives next to Clay County Park, there is a development of 8 properties that have been there 25 years, and 3 have never been developed. Who knows how many lots will be developed? Some may buy extra lots just to have extra space. They may not even all get sold. Some of it may just sit there. NRC was blanketly slapped on a lot of property, and nowhere does it say property cannot come out of NRC. This is privately owned property. This is not the public's to decide. The intentions of the private ownership are good, it will not inhibit the flow of the river and fish and wildlife will not be harmed. Everybody recreates a different way, so this will not cause anyone not to do the same activities they are already doing. The ordinance allows for this, and provisions have been made for this. She encouraged the Board to re-zone the property, respect private property rights, and allow it to become an asset to the county.

Mockler opened it up to comments from the Board. Hammond said this is a development of 18 properties, and if it stays NRC, the assumption is that there would be zero. Per his research, the owners of the property can develop 12 houses without any zoning change, special permits, or conditional uses. They can develop up to 3 residences on each ¼ of a ¼ section. The property owners can keep it as agricultural. They can have 8 properties withing the 4 owners in NRC.

They voluntarily proposed 2-3 acre lots as it is in NRC. It would be zero if they do nothing, 66% if they work with zoning as it is, or 100% to the 18 if it becomes Rural Residential. Mockler said there are 600 acres, so there is potential for 45 houses. Hammond said if they transfer rights from the riverfront to the acres north. Hammond said this is a  $\frac{1}{4}$  of a  $\frac{1}{4}$  section, and he would construe to be each 40 acres platted. Mockler said they could plat it however they want on the 40 acres. Hammond discussed Public Land Survey system definitions and said if Mockler is correct there are a lot more rights. Mockler said it is cleaner the way they have proposed it. Hammond said it is not black & white. They have not taken away any property rights, but if they re-zone it they add property rights. When he took public law at USD, the government can give or take away rights. Smith said Hammond's analysis is spot-on. She discussed the reason for the 4-mile section of public land is because the federal government chose to buy land rather than allow it to be developed at a larger development than this. She encouraged the National Parks Service representative to bring that possibility back to his regional office because, as Taggart said, make an offer. It could satisfy a lot of the goals. She has spent many hours talking to people and reading letters on both sides. She went back to the foundational document of the Missouri National Recreational River. She thinks past Commissioners knew what they were doing when they created the NRC zone, and they comply with the foundational documents of the MNRR. She said this is a request for re-zoning, and they would have the right under the current zone to build 12 houses and additional development in the agricultural land to the north. What is at stake is giving additional property rights to owners who own land now under the NRC district. We have a unique 59-mile section that is unique among the 2,300 plus miles of the Missouri River corridor, some of the last remaining wetland habitats along the river. Every time you stabilize a bank you prevent a river from meandering, or sandbars from forming. We now have a wildlife corridor, and that's why it's in the NRC zone. Building 18 houses interrupts the corridor. Smith further discussed foundational documents. She said the Park Service divides the section into segments, and ours is unique among all the sections. One of the reasons is lack of bank stabilization, and wildlife really care. She is concerned about the conversion of riverfront to residential uses. The Army Corps has already denied bank stabilization in some areas, and once you put residential houses, bank stabilization becomes necessary, and the river no longer meanders, is no longer a wild and scenic river, and it destroys the purpose of the national park. She is concerned that at some point we will no longer have a wild and scenic river, and we need to think not only about 18 people who want to purchase this land but about future generations. The NRC land is to provide continuous wildlife habitat. The family of Daniel Heine can follow his wishes and develop properties for the family, but giving them the right to situate 18 houses along the NRC area shortchanges the river and the values of the National Park. When she came here 22 years ago, the river was the deciding factor among other opportunities. It is true that there are so many houses along the river already, but after the 2011 flood, not all of the residents at the Ponderosa are happy that their houses are right along the river. She discussed the floodplains and said you cannot hold rivers, citing her experience with a massive flood in Connecticut. She said the highest and best use would be public acquisition of the land and reasonable development under the NRC designation.

Manning said Taggart could develop 12 houses. He asked how it would affect the Olsons, and Mockler said they would be one of the three unless Taggart developed 3 on the  $\frac{1}{4}$  of the  $\frac{1}{4}$ , then

they may not. There was discussion regarding how  $\frac{1}{4}$  of  $\frac{1}{4}$  is defined under zoning and Public Land Survey. Manning said they could get to 12 platting the land differently, but he knows Taggart is set on 18. Mockler said it all depends on how you draw the  $\frac{1}{4}$  of the  $\frac{1}{4}$  section. Hammond discussed survey adjustments and also accretion along the river. He said it is all accretion land, it was originally part of Nebraska, but because of treaties between the states the land was given to South Dakota, so he originally questioned the sections in the legal descriptions, but he confirmed that legally it is in section 16 even though it is outside of section 16 proper. He discussed his experience with such matters. He said is pretty certain 12 houses could be allowed under present zoning on the land in consideration.

Packard said she has listened and spoken to both sides. She has read everything. This issue has brought more out and with more respect than any issue in the past 11 years of her experience. She discussed the right hand vs. the left hand of important points. She is for the lower count. Changing the property to Rural Residential and a count of 18 feels like it is opening up to further and further development along the river. Twelve is a lot more comfortable. She did ask the Highway Superintendent how much this will affect the road to Clay County Park which is currently built as a light-weight road for cars, trucks, and boats. Any development will require a complete upgrade to that road and potentially Timber Rd. She cannot commit funds the County does not have to upgrading the roads. She would like to see an agreement for road care. She was happy to hear about the strict covenants. She said at this point the property rights are there to develop this to the extent that somewhat satisfies both sides leaving it as NRC.

Mockler said if they allow the re-zone, it allows 18 lots. What he predicts is if they leave it as it is, they will develop 12 and clear cut the rest for irrigation and farming. Hammond said he helped Dan Heine in the past, and the wrong landowner would clear cut the cottonwoods along the river. He cannot imagine anyone being that dumb because that land is mainly protected, instead of by rip rap, by those cottonwoods. He does not think the neighbors would not correct a person. He discussed his first family pet being buried in those cottonwoods. Manning said, "Never say never." Mockler said there are 56 acres of trees now that they are being taxed on. Hammond said the bank is steadily eroding now as it is. The water level is being pulled down by degradation of the river. Cottonwoods depend on shallow groundwater level, and they will likely be replaced by something like Cedar.

Manning moved, seconded by Packard to advance the proposed Ordinance #2021-06 to a second reading on January 4, 2022. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Register of Deeds Lisa Terwilliger met with the Board for the signing of a software proposal from Trimin. She said the software will initially be paid by the Modernization & Preservation dollars received from the State. Manning discussed annual fees with her. Manning moved, seconded by Smith to approve the proposal and authorize the Chairman to sign the contract. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

A public bid opening was held for 2022 jail meal bids. One bid was received from Pizza Ranch in the amount of \$4.00 per meal and \$.85 for breakfast cereal. Howe said it is not out of line and

is reasonable considering current jail operations. Smith moved, seconded by Packard to accept the bid from Pizza Ranch. Under discussion, Howe said he did present the specifications to Hy-Vee as well since they have bid in the past, but no bid was received from Hy-Vee. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

A hearing was held for supplement of the 2022 budget. Smith moved, seconded by Packard to pass and adopt the following Resolution #2021-30 for Supplement of County Budget. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

**RESOLUTION #2021-30**  
**Supplement of County Budget**

WHEREAS the County budget does not have adequate budget authority in 2021 for Commissioners Contingency;

WHEREAS, the Board of County Commissioners have agreed to hold a public hearing on December 28, 2021 at 9:30 a.m. to supplement the Road & Bridge budget, ARPA fund budget, General Government Building, Commissioners budget, and Jail budget for unanticipated expenses and the proper conduct and discharge of lawful county obligations and has been given in accordance with the law and direction of the County Board,

NOW THEREFORE BE IT RESOLVED: That the following budget be adopted to show the supplement to the foresaid 2021 Annual Budget:

County Road & Bridge – Supplies & Materials (20100X4260311) \$164,626  
ARPA Fund – Professional Services & Fees (29000X4220000) \$2,000  
General Government Building – Improvements (10100X4320161) \$109,904  
Commissioners – Professional Services & Fees (10100X4220111) \$99,312  
Jail – Out of County Inmate Boarding (10100X4221212) \$62,491

Dated the 28th day of December, 2021.

Commissioner Smith moved the adoption of the foregoing Resolution; Motion seconded by Commissioner Packard.

Vote of the Commission: Packard Aye Smith Aye Manning Aye Hammond Aye Mockler Aye

Upon which voting the foregoing Resolution was declared passed and adopted.

ATTEST:

\_\_\_\_\_  
Carri R. Crum, County Auditor

\_\_\_\_\_  
Chairman  
Board of County Commissioners  
Clay County, South Dakota

A public bid opening was held for the 2022 Sheriff's patrol car. No bids were received in the Auditor's Office. Howe said he did receive an e-mail bid from Don Stewart weeks ago but nothing sealed. Bid requirements were discussed, including purchase from vendors who match the State bid price and the \$50,000 bid threshold amount, so it is not required but is a prior practice. Howe said he would want to make sure everything meets specifications. It was decided the matter could be considered at the next meeting. Mockler asked who has the State bid, and Howe said it is Lamb Motors. Smith moved, seconded by Hammond to table the matter until the

next meeting. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

The Board considered a renewal of the inmate boarding contract from Union County. Howe said it is the same price as the previous contract, and it is a standard contract we have with every other county we contract with. Manning moved, seconded by Hammond to approve the contract and authorize the Chairman to sign it. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

The Board considered the renewal of the contract with Minnehaha County Juvenile Detention Center. Howe said the cost is over \$300, but he believes there are concessions offered to us as a member county. He said it is likely a fair price, and there are not a lot of other options. He said there are a lot more services provided for juveniles than for adults, such as school and hands-on approaches for services. Manning moved, seconded by Hammond to approve the contract and authorize the Chairman to sign it. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Hammond recognized Daniel Burniston from the Vermillion Public Library. Hammond encouraged him to attend in case there may be some funds available at the end of the year, which ended up not being the case with the budget supplement. He said it is a good reminder for us, and Smith agreed, saying she will actively search for savings because she is committed. She said once the Commission sees what the balance looks like at year end, and if the trend for the most cost-effective inmate boarding continues, she would like to try to make that happen. Hammond said those non-mandated funds are continuing need, and we have obligation to help people. Burniston said he came to see if there were any possibility of funds, and the Library Board was reluctant to charge county residents for cards after a 95-year history of not charging them, but there is an operational cost associated with running the library. There were mixed feelings on the Library Board. Jerry Litsch said he uses the library all the time. He has lived all over the country securing work, and this library is phenomenal. Whatever they need for money, the County should be giving to them. He said it is a top-notch library, one of the best he has ever seen, and he has lived in big cities. It has all of the services of a big city library and more. Packard said there are a number of organizations they did not fund, and we do need to look at all of them in future years. Each one we have funded in the past are pretty important.

Smith moved, seconded by Hammond to pass and adopt the following Resolution #2021-31 for Contingency Transfer. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

**RESOLUTION # 2021-31**  
**Contingency Transfer**

BE IT RESOLVED by the Clay County Board of Commissioners the transfer of funds for unanticipated expenses for the current budget year from Commissioners Contingency Fund Budget (D-112):

\$12,554 to Court Appointed Attorney (10100X4222153)  
\$2,831 to Court Appointed Attorney – Abuse & Neglect (10100X4222154)  
\$12,780 to General Government Building – Improvements (10100X4320161)



\$409 to 24/7 Sobriety Project – Wages (24800X4110212)  
\$467 to Care of Poor – Supplies (10100X4260411)

Motion by Commissioner Smith, seconded by Commissioner Hammond.

Vote of the Board: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Dated this 28<sup>th</sup> day of December, 2021.

Board of County Commissioners  
Clay County, South Dakota

\_\_\_\_\_  
Travis Mockler, Chairman

ATTEST:

\_\_\_\_\_  
Carri R. Crum, County Auditor

At 11:39 a.m., Packard moved, seconded by Smith to adjourn and convene as Clay County Ditch Board. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Brad Stangoehr with Ulteig Engineering was present to present a change order and final payment request for the Yankton Clay Ditch project. The change order was to add mobilization fees and reduce the amount of rip rap used as well as changing the completion date. Hammond moved, seconded by Manning to approve the change order and payment request and authorize the Chairman to sign it. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

At 11:41 a.m., Hammond moved, seconded by Packard to adjourn and reconvene as Board of Clay County Commissioners. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Hammond moved, seconded by Manning to approve the following claims for payment. Under discussion, Howe said the Hander Plumbing bill was less than 25% of the estimate, and all jail cell plumbing is functional. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

(PAYROLL)		HIGHWAY	\$59,471.59
COMMISSIONER'S	\$8,796.52	COMMUNITY HEALTH NURSE/WIC	\$3,260.03
AUDITOR'S OFFICE	\$12,001.88	EXTENSION OFFICE	\$2,699.98
TREASURER'S OFFICE	\$21,176.87	WEED	\$5,393.52
STATE ATTORNEY'S OFFICE	\$26,481.38	PLANNING & ZONING	\$2,364.28
COURTHOUSE	\$3,430.77	(PAYROLL WITHHOLDING)	
DIRECTOR OF EQUALIZATION	\$11,518.20	AFLAC	\$705.34
REGISTER OF DEEDS	\$8,368.93	CLAY CO FIT FICA	\$58,464.97
VETERAN'S OFFICE	\$1,601.78	COLONIAL LIFE	\$183.16
24/7	\$1,445.66	CONSECO/WASHINGTON	\$24.45
SHERIFF'S OFFICE	\$37,185.41	DIV OF CHILD SUPPORT	\$757.22
COUNTY JAIL	\$35,720.21	NEW YORK LIFE INSURANCE	\$328.57
EMERGENCY MGMT	\$4,703.33	SD RETIREMENT SYSTEM	\$28,109.58

SD SUPPLEMENT RETIREMENT	\$3,010.00
SDRS ROTH 457(B) PLAN	\$735.00
SDRS SPECIAL PAY PLAN	\$8,772.57
TASC PVR	\$1,539.35
THE STANDARD - DENTAL	\$2,518.66
THE STANDARD - LIFE INS.	\$756.66
THE STANDARD - SH TRM DI	\$1,987.21
THE STANDARD - VISION	\$473.36
UNITED WAY OF VERMILLION	\$232.00
VERMILLION FEDERAL	\$550.00
WELLMARK BLUE CROSS	\$50,348.06
(INSURANCE DEDUCTABLE REIMBURSE)	
GANSCHOW, DENNIS	\$500.00
(PROFESSIONAL SERVICES AND FEES)	
CERTIFIED LANGUAGES INTL	\$122.10
DOOLEY, MADISON	\$33.00
ERICKSON SOLUTIONS GROUP	\$795.25
FEDEX	\$15.21
HOLLENBECK, LAUREN	\$1,749.24
LOFFLER COMPANIES	\$318.47
PETERSEN, SARAH	\$131.25
SDRS SPECIAL PAY PLAN	\$45.00
SECURITY SHREDDING SVC.	\$35.00
TWO WAY RADIO SOLUTIONS	\$485.99
VERIZON WIRELESS ST ATTN	\$150.80
VERMILLION FEDERAL	\$161.77
(OTHER PROFESSIONAL SERVICE)	
CITY OF WINNER	\$2,100.00
(LAW OFFICE)	
AMUNDSEN, JOSHUA M	\$33.00
FRIEBERG, NELSON & ASK	\$3,000.00
JOHNSON, KATIE PLLC	\$613.80
MATTER LAW OFFICE LLC	\$1,658.78
PHARMCHEM, INC.	\$849.15
TERWILLIGER, PHILIP	\$3,077.97
(MENTAL HEALTH)	
AVERA MCKENNAN HOSPITAL	\$746.00
(PUBLISHING)	
STAR PUBLISHING	\$1,373.40
(REPAIRS AND MAINTENANCE)	
BUTLER MACHINERY CO.	\$2,714.70
DAKOTA PC WAREHOUSE	\$799.98
HANDER INC	\$2,010.21
INTERSTATE POWER SYS INC	\$1,008.02
JOHNSON HEATING & COOLIN	\$794.03
LOFFLER COMPANIES	\$172.63
NELSEN ELECTRIC LLC	\$780.00
PRESTO-X COMPANY LLC	\$65.00
VERMILLION ACE HARDWARE	\$48.00
VERMILLION FEDERAL	\$83.27
WALKER CONSTRUCTION	\$210.00
WIESELER, JUDY	\$50.00

(DATA PROCESSING/CLAY CREEK/INF)	
ERICKSON SOLUTIONS GROUP	\$2,869.50
(YANKTON CLAY EXPENSE)	
3D DIGGING & TRUCKING LL	\$25,233.74
(SUPPLIES & MATERIALS)	
BUTLER MACHINERY CO.	\$689.24
CANON	\$138.15
COYOTE ENTERPRISE LLC	\$9.99
GRAHAM TIRE S.F. NORTH	\$673.12
HY-VEE, INC.	\$21.97
INTERSTATE POWER SYS INC	\$961.34
LOFFLER COMPANIES	\$192.08
M & M FARM SUPPLY	\$87.52
NELSEN ELECTRIC LLC	\$854.97
O'REILLY AUTO PARTS	\$128.31
ONE OFFICE SOLUTION	\$233.67
PRESSING MATTERS	\$339.00
QUALIFIED PRESORT SVC IN	\$2,188.02
QUILL CORP.	\$95.36
QUILL CORP. TRS	\$153.23
RIVERSIDE HYDRAULICS AND	\$3.00
RUNNINGS SUPPLY INC	\$226.71
SD SHERIFF'S ASSN	\$45.10
SE FARMERS ELEVATOR COOP	\$2,400.00
STURDEVANT'S AUTO PARTS	\$1,755.78
VERMILLION ACE HARDWARE	\$90.97
VERMILLION AREA CHAMBER	\$600.00
VERMILLION FEDERAL	\$2,139.01
(TRAVEL AND CONFERENCE)	
SD LTAP	\$100.00
SDSU EXTENSION SERVICE	\$49.50
VERMILLION FEDERAL	\$39.71-
(UTILITIES)	
BUREAU OF ADMINISTRATION	\$33.50
CENTURYLINK	\$363.82
CITY OF VERMILLION	\$1,747.21
VERIZON WIRELESS HWY TRS	\$101.34
VERIZON WIRELESS SHERIFF	\$320.08
VERMILLION FEDERAL	\$12.00
(PAYMENT)	
ASTEC	\$200.00
BERNARD, PAMELA	\$50.00
BISHOP, MARTIN	\$36.80
CENTURYLINK EMG	\$13.84
ELLIOT, DUANE	\$20.00
ENGEMAN, JEFFREY M	\$50.00
ERICKSON, JENNIFER C	\$50.00
FARABEE, DARLENE	\$50.00
FREMONT COUNTY	\$24.61
GRAHAM TIRE S.F. NORTH	\$278.02
GUNHAMMER, TRESSA	\$20.00
HAGE, TATE	\$20.00

HY-VEE, INC.	\$182.99	VERIZON WIRELESS EMG	\$40.01
JACOBSON, KEVIN	\$50.00	VERMILLION AUTO WORKS	\$2,324.08
KELLEY, AMBER	\$20.00	VERMILLION FEDERAL	\$144.00
KNIFFEN, SAMUEL K	\$20.00	VERMILLION FORD	\$262.98
LANE, TRACEY	\$50.00	(BUILDINGS AND STRUCTURES)	
MART, WILLIAM	\$20.00	BOONE BROTHERS	\$24,100.00
MOHR, ROBIN	\$20.00	HEINEMANN RESTORATION IN	\$11,866.67
MURLEY, KEVIN M	\$54.20	LOUIE'S CARPET CLEANING	\$24,402.66
PETERSON, JEN	\$20.00	(BOOKS)	
QUALITY MOTORS	\$304.68	THOMSON REUTERS - WEST	\$745.01
QUISTAN, RICHARD M	\$20.00	(FURNITURE AND MINOR EQUIPMENT)	
ROBERTS, ALEX	\$20.00	CANON	\$209.96
SALTZGIVER, JACLYN	\$20.00	ERICKSON SOLUTIONS GROUP	\$508.79
SD DEPT OF HEALTH	\$1,634.75	ONE OFFICE SOLUTION	\$885.00
SPRINGER, ELIZABETH	\$52.52	TURNER PLUMBING INC	\$2,006.11
TIMMERMANN, TIFFANY	\$50.00	VERMILLION FEDERAL	\$162.42
VENA, EMANUEL	\$20.00		

Hammond moved, seconded by Manning to approve the payment request for the courthouse roof project. Under discussion, Auditor Carri Crum said she will be holding the check as there are minor details that need to be completed in the next day or two. Smith asked that Beckenhauer Construction take a look to make sure it is completed. Crum said they have been involved and have been on site, that there were really minor items left to be completed. She thinks they could make a final approval of the project via a virtual method and will hold the check until that is done. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

Hammond moved, seconded by Smith to assign \$37,135 to the 2023 planned ambulance purchase. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

The Board considered un-assignment of funds held within the \$1 million set aside for building project(s). Items that were accomplished and paid in 2022 include tuckpointing the courthouse and safety center, the courthouse roof, and mold testing & remediation in the courthouse in a total amount of \$195,518. Crum briefly explained how assigned funds are held per the County's accounting system prescribed by the State. Manning moved, seconded by Smith to un-assign \$195,518 in the General Fund. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

The Board discussed applications for the Planning Commission and the Joint Powers Solid Waste & Recycling Advisory Board. Smith, Packard, and State's Attorney Alexis Tracy discussed whether this falls under Executive Session for personnel matters. It was decided the Board would discuss applications at the next meeting.

At 12:00 p.m., Manning moved, seconded by Packard to enter an Executive Session for personnel matters per SDCL 1-25-2. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

At 12:46 p.m., Smith excused herself from the meeting.

At 12:46 p.m., Hammond moved, seconded by Manning to exit the Executive Session. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

To be reported in the minutes is the following Auditor's Account with the County Treasurer report:

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

To the Honorable Board of County Commissioners of Clay County items in the hands of the County Treasurer as of December 1, 2021.

I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks	9,798,067.09
Amount of actual cash	2,525.15
Total amount of checks and drafts in Treasurer's Possession not exceeding three days	37,103.86
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:	782.90
Checks returned and not deposited	
Cash Items	700.00
Investments	151,000.00
Cash Variation	0.00
Total	
	Dated this 1st day of December, 2021.
	9,990,179.00

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Carri R. Crum, County Auditor

At 12:47 p.m., Hammond moved, seconded by Manning and carried to adjourn and reconvene at 9:00 a.m. on January 4, 2022. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.



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Travis Mockler, Chairman  
Board of County Commissioners

ATTEST: Carri R. Crum  
Carri R. Crum, County Auditor

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