

January 4, 2022

The Board of County Commissioners met in regular session Tuesday, January 4, 2022 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 and carried to approve the agenda. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Minutes of the December 28, 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.

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

Manning 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.

Hammond moved, seconded by Manning to appoint Layne Stewart as Emergency Management Director for a one-year term expiring 1/2/2023, Drew Gunderson as Welfare Director, Zoning Administrator, and Veteran's Service Officer for a four-year term expiring 1/5/2026, and Rod Polley as Highway Superintendent for a two-year term expiring 1/1/2024. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Hammond moved, seconded by Smith to appoint Chairman Mockler to Fair Board. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Hammond moved, seconded by Packard to appoint Commissioner Smith as member of the Executive Board of SECOG. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Hammond moved, seconded by Manning to appoint Vice Chair Packard to Board of Directors of the Clay County Youth Trust Fund and the Youth Service Council. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Hammond moved, seconded by Packard to appoint Chairman Mockler to the Planning & Zoning Commission. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Hammond moved, seconded by Manning to appoint Dave Thiesse to the Public Safety Board for a three-year term expiring 12/31/2024. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Manning moved, seconded by Packard to appoint Commissioner Hammond and Highway Superintendent Rod Polley to the Vermillion Basin Advisory Board. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Manning moved, seconded by Packard to appoint Commissioner Hammond to the Southeast Regional Detention Authority Steering Committee. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Hammond moved, seconded by Manning to appoint Vice Chair Packard to the Joint Powers Solid Waste & Recycling Advisory Board. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Hammond moved, seconded by Packard to appoint Commissioner Manning to the VCDC Board. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Packard moved, seconded by Smith to appoint Commissioner Manning to Vermillion Now Advisory Council. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Hammond moved, seconded by Manning to appoint Commissioner Smith to the Clay County Park Board. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Hammond moved, seconded by Manning to appoint Chairman Mockler and Vice Chair Packard to the ICAP Committee. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

There was discussion regarding legal newspaper designation. State's Attorney Alexis Tracy asked what the status is with the Tri-County News as there were issues last year. Crum said the communication has been very good over the past year, and there have been no issues. Zoning Administrator Drew Gunderson asked if the County can designate only the Plain Talk for Joint Jurisdiction Zoning Area legal publications. It was discussed that since there are two legal newspapers in the county, the County is required to designate two by statute. Hammond moved, seconded by Manning 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 Packard 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.

Packard moved, seconded by Smith 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, regarding 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 determined by the County which includes vault and opening and closing of the grave. Hammond moved, seconded by Manning to table the matter until the next meeting per Welfare Director Drew Gunderson's request. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Manning moved, seconded by Hammond 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.

Smith moved, seconded by Packard 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.

Hammond moved, seconded by Manning to approve the building permit fee at \$75. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Hammond moved, seconded by Manning to approve the 911 signage fee at \$75. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Hammond 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.

The Board considered the schedule for County Commission Meetings. Manning moved, seconded by Hammond to hold Commission meetings the first, second and last Tuesday of each month. Under discussion, Smith asked the Board to consider evening meetings. Citizens don't have to take a day off of work to attend in the evening. It makes it difficult for anybody to decide to become a Commissioner until they retire, so we are missing an age group. Smith proposed an amendment to the motion to make

the meetings on Tuesday evenings at 7:00 p.m. Hammond seconded the proposed amendment to the original motion. Packard said it was tried in the past, of which there was no difference in applications or attendance. She said she does not support it. When there is an issue that people are interested in, they are in attendance. Those that want to serve find a way to do it. When they have tried in the past, it had absolutely no response or affect. Manning and Mockler agreed. Manning said if they start at 7:00 or 6:00, and they have 4-5 hour meetings, they are up late. Hammond said the other part is for employees. That ends up being an issue for them not to flex out time, or the County pays overtime for that. He agrees that to make it easier to participate it can be a good move, but if the previous experience is any indicator, it hasn't made any difference, although he is willing to give it a try. Mockler said the hot-button topics have been done at night in the past, but it is a single issue, so it keeps the meeting shorter. Packard said they should do that, as this one regarding zoning could be held at 5:30 p.m. Hammond said there is a lot to be said for regularity as well, to the best extent we can. Smith said her biggest concern is who is actually able to be on the Commission, so by having it in the morning we automatically leave out people who have full-time jobs or are caring for kids at home. Most of us are retired, and she could not have done this while working full-time. In order to have a more representative Commission, it would be good, especially since they are the people who are going to have to live in the future county we are building. Manning said the last election we did have one person who had a full-time job who ran for office. Mockler said he has a full-time job and kids at home, so it all depends on what you make as a priority. Hammond said the last 5 years he worked just mornings except Commission days, but his employer was very good to allow that. Mockler allowed input from the public upon request. Constance Krueger said when they had meetings in the past and people did not attend, you have to look at all the variables. Were the meetings advertised? She said she has to scramble for information. There may have been other reasons why people didn't attend at night. To automatically dismiss it because people didn't attend in the past is a practice to avoid. Sharon Gray said a lot of people would be here today, but they have employers who would not allow it. She understands the notion of flex time. She worked that way for many years, and it is doable. If the Commission decides to keep the meetings during the day, they need to look at a way to have them in the meetings at 5:30. It would bring in a larger number of people. She was not aware they met in the evening in the past. State's Attorney Tracy spoke from a personal standpoint. She agreed it is convenient to go to meetings in the evening. However, having kids actively involved in activities, it is a double-edged sword. When it comes to priorities, so many things occur in the evenings that are vying for people's attention in the evenings. The Board voted on the proposed amendment to the original motion. Hammond Aye, Manning Nay, Smith Aye, Packard Nay, Mockler Nay. Motion failed. The Board voted on the original motion. Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered approval of insurance providers. Smith moved, seconded by Packard to approve SD Public Assurance Alliance as the County's liability insurance and SDML for worker's compensation insurance. Under discussion, Smith noted at the last District Meeting, there is a proposal under discussion in the future that they may be able to create a risk pool with the State for health insurance. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Hammond moved, seconded by Packard 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 as listed on file in the Sheriff's Office. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Manning moved, seconded by Hammond to authorize the use of Sourcewell as a potential vendor source for the county. Under discussion, Crum was asked to provide a explanation of what Sourcewell does. She explained that Sourcewell goes out and compiles low bidders so that government agencies can legally purchase from others' bids to obtain the best pricing. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Smith moved, seconded by Hammond to pass and adopt the following Resolution #2022-01 for Establishment of Election Precincts/Polling Places for 2022. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

RESOLUTION #2022-01
Establishment of Election Precincts/Polling Places for 2022

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

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 4th day of January, 2022.

Board of County Commissioners
Clay County, South Dakota

ATTEST:

Carri R. Crum, County Auditor

Smith moved, seconded by Hammond to pass and adopt the following Resolution #2022-02 for Establishment of Precinct Election Officials Fees for 2022. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

RESOLUTION #2022-02
Precinct Election Officials Fees for 2022

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

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 4th day of January, 2022.

Board of County Commissioners
Clay County, South Dakota

ATTEST:

Carri R. Crum, County Auditor

The Board held a Second Reading 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 5th P.M., Clay County, South Dakota, as described on a Plat recorded in Book 7 of Plats on page 648, Clay County, South Dakota.

Chairman Mockler briefed the audience on the procedures for the public hearing and opened the floor to the applicant, Sarah Taggart, who spoke on behalf of her uncle Daniel Heine's widow, seeking fulfillment of her uncle's intent to develop the property. She also yielded a portion of her time to her legal counsel, Tom Reynolds. Taggart said the ordinance planned for, and makes specific provisions for, lots along the Missouri River. The request has been recommended for approval by the Zoning Administrator and the Planning Commission. Last week's hearing cleared up some confusion, and she appreciates work the Commissioners did ahead of time. She heard an agreement that, under current

zoning, residential lots are allowed. Only the exact number is unclear. It's clear the property will not remain as it is. Everything complies with the ordinance. It makes sense to choose the most straightforward path and have it zoned together. The protection of the tree line will continue uninterrupted. There will be no environmental impact. Regarding bank stabilization, the bank already has stabilization. With the level of traffic currently seen it would be difficult to see that it would impact the roads. Trucks with campers and pickups with boats already use the landing. Everything is ready to go for the development. They have an easement. Clay Rural Water is capable of handling the water needs, and Clay-Union Electric is ready to provide electricity. The installation of all utilities and the road will be privately funded. They are not asking for a contribution from the County. Taggart said they want to achieve the highest and best use for the land, fulfill the owner's intention, and fulfill the need in the county for building sites, and provide benefit to the County. If there is any doubt, she would like to ask what is different from this proposal than all other river applications. Is it the number? Precedent is for the approval. If denied, the new precedent is that the Commission will ignore its own ordinance on a whim. To deny would send a clear message that owners can have property rights stripped away. A beautiful development has been designed that is unique and shows a sensitivity to the desires of everyone to retain the area's natural beauty. The reason for the 18 lots is that it spans perfectly across the length of the tree line. The 2-acre lot size is because it is the size consistent with the directions of the trust, practicality, aesthetics, and the knowledge that this has always been approved in the past. This development will be a gem in our community that she believes the commission will count as one of its finest achievements. Covenants will ensure that natural beauty will be maintained. This is the cleanest and most straightforward way to proceed. Approval will show that a fully compliant zoning application will not be arbitrarily denied. It will show resolve to resist pressure to deny private property rights.

Tom Reynolds, Taggart's attorney, said his client submitted the proper application, paid the proper fees, provided the proper notice, and provided proper information to the Commission. It was recommended for approval by the Zoning Administrator. It was approved by the Planning Commission on a vote 4 to 1. There was ample support showed at the last meeting. There is a lot of precedent for this re-zoning, and it appears that they have all been granted in the past as evidenced by the Zoning Administrator's memo that 150 of these homes have been built in the last 50 years. What would be different about these lots? He thinks it complies with the intent of the zoning ordinance. There are other routes to make this happen, but this is a lot cleaner for the Commission. If it is denied today, this is not over. It will happen one way or another. The Commission would be doing itself a favor if it approves in this form. There is no legal reason for the Commission to deny the application for re-zoning.

Dominic Remmes said he is a registered engineer in solid waste. He directs the design, permitting, construction, environmental compliance, and operation of recycling facilities and landfills. He grew up in Vermillion, and his family enjoys time on the river. They enjoy watching others spend time on the river. It has been a place of fun, and separate from his sentiment for enjoyment of the river, the application is straightforward and in compliance within the ordinance. In his work, it is typical that zoning applications typically have multiple variance requests. Adjacent landowners typically have great concerns. He cited his current experience with a recycling facility that has variances. In this case, those who are materially affected by the development are offering no opposition, and the application is in compliance with the ordinance. Everyone has personal property in one form or other, and citizenry typically regard the use of private property freely as long as it's done within accordance of the law. Those who recently updated the ordinance did so thoughtfully to develop rules for which land could be managed within Clay County. They had a strong consideration of residential development along the

Missouri River. A “no” would marginalize the ordinance itself and make anyone with a project at the whim of the Commissioners’ desires. A vote “yes” for something in compliance with the ordinance is a reasonable thing to do.

Packard said she would like to note on record that she did receive 4 phone calls from proponents who could not attend today.

Kyle Jensen said he would like to see the betterment of the County and the tax revenue. It has been stated and stated again that this has been legally done in front of everyone, and the only reason it would be argued against is special interest group. There are 800 acres in the County purchased by the government. It is no longer collecting taxes. The campground, for example, is not paying taxes. There are 150 homes along the river. The area in which he lives, there are close to 40 residential homes that travel the township gravel roads. It is an issue for township roads as they do not have the money to maintain them. He lives along Timber Rd. He does not believe the 18 homes would cause any issue more than regular maintenance that is already done. The 18 houses are next to Clay County Park boat ramp. His parents live next to the highlines public boat ramp. There are public trees by the highlines and more than 40 residential homes in a single line going downriver from the highlines. There has never been an issue with septic. It is a beautiful stretch of river. Trees have been maintained and upgraded. It is also within the plan for this application. That was Dan Heine’s plan. That’s why the road goes there. That’s why the trees are there. It is a beautiful stretch of river for 18 spots. It’s been approved by the Zoning Administrator and Planning Commission. He does not believe it should be denied since all the work has been done legally. There have been homes that have been approved under the current ordinance. As a landowner, he would like to see it approved and their rights protected because it does make it beautiful. Heine did not want the trees to come down, and he does not want that either. There is ¼ mile of trees downriver that can be taken down, and nobody wants that.

Tom Taggart spoke about the septic tank issues. He said a lot of people who are not familiar with septic systems, you have to be licensed and certified by the state to be able to put them in. Fifty percent of the drain field evaporates. Clay County Park’s Campground has 2 bath houses with 2 septic tanks and a dump station, which 30+ campers every week dump thousands of gallons of waste, and there are no problems there. The road with the campers, semis, tractors, grain trailers, Highway Department equipment, the road is in great shape. The development will do a lot for the community. There will be a need for concrete, lumber yard, plumbers, electricians, flooring stores, hardware stores, paint, etc. Everybody will benefit from this. If all 18 lots get sold with nothing built, taxes will be \$1,000 per year per lot. With a house, a low estimate would be \$4,000 per year per house. He discussed the impact of increased tax dollars for the County over time. It was passed through the Planning Commission, it is private property, and he thinks with the taxes, everyone will benefit. It will be a beautiful development and a benefit to Clay County.

Mockler opened the comment for opponents. Cindy Gehm said the living, ever changing river that flows through Clay County and surrounding area is part of 52 miles of the river maintained by the National Park Service to support as much as possible it’s fully natural state. The portion of the river is like no other, is wild and gives our area a unique experience to explore and enjoy. Most people go to the park to experience the river, looking both to the east and the west. This segment has been zone NRC to maintain that. It is intended to remain natural. NRC does not prevent houses from being built but does prevent subdivisions, which is what this application is asking for, and it also prevents sprawl. Taggart tried to

suggest that houses would not be seen. Somehow 18 houses would not be seen? That is ridiculous. The majority do not experience the river from a boat. She does not own a boat, but she does visit the park regularly and looks forward to the drive down the road. The natural beauty ahead is part of the experience. With this change, she will see a subdivision. The houses will not be hidden. Houses might be lovely, but they are not wilderness. Taggart said Clay County Park is too busy to find solace, yet that is what Gehm finds when she goes. She requests a “no” vote on the zoning change so that they may remain as pure to the NRC zoning designation as possible.

Meghan Jarchow said she is a plant ecologist but has learned from people who have a deep knowledge about the Missouri River. It is like nowhere else in the US. It is the longest, and can be divided into 3 parts, freeflowing, channelized, and the reservoir. When you get to Ponca, the wing dikes were placed to channelize the river. When we talk about this no longer being a flood plain. Historically the land is a flood plain. The dams have downcut the river, but it does not mean it cannot be a free-flowing river. Rivers move, but the more we stabilize the banks, the more it limits the options for the river to move. She heard there is already bank stabilization, but we know all landowners will stabilize banks. You’re not going to build a beautiful house and then allow the river to move and put your house in the river. Will 18 sections of bank stabilization ruin the river? Of course not, but the more we allow, the more it will change the river. It’s important in the special designated zone, it is important to keep it in that zone. We should be really cautious when we hear threats from people. She said she heard a not-very-veiled threat from the attorney that it will be developed either way. It is important for the Commission not to be threatened by people. If they can already be developed, then allow the landowners to develop it within the current zoning.

Suzanne Skyrn said in 1937, there were 2.3 billion people on the planet and there was 66% wilderness. There are 7.87 billion and only 35% wilderness in 2020. The UN estimated 1 million species will go extinct in the next few decades due to humans taking away the habitat. Taggart said there will be no environmental harm, but that is not true. Any human structure has a disruptive effect on the environment. Every time we build something we disrupt the animals’ corridor. Does not doubt people who live along the river love it. In a previous meeting, people who own houses along the river said they love the river and take good care of their properties. They say they see wildlife all the time on their property. She discussed wildlife species that have flourished in the situation we have now and have learned to co-exist with man, but how often do you see a bobcat, fox, etc. She would like to see more of that and less housing. We should make the area a preserve, not put houses on it, but at least we can minimize the number of houses on it.

Sharon Gray said it is clear that everyone loves the river. She takes issue with the notion that variances only come from people who live adjacent. All of us own the Clay County Park, and we feel, as fellow owners of that space, that we need to be heard. She said her son would be here but could not take more time off from his job. The Comprehensive Plan clearly has provision for the natural resource conservation and to avoid the urban sprawl. The win-win is that keeping it NRC does not prevent people from building homes, but it simply means it has to do so within the NRC guidelines. Cleaner to build a subdivision would be to re-zone, but it is quite possible to build homes within the NRC because 150 of them have done it. She implored the Board to keep the zoning and discussed a conditional use permit.

Judy Sharples said she has lived in Wakonda since 1971. She said from Sioux City to New Orleans the river has been channelized, and above Yankton it has contained by dams, so this is the last section that is

free-flowing. Every mile is irreplaceable. She encouraged the Board to protect our resource and vote “no.”

Paul Hasse said he has 2.5 acres along the river in Norway Township. He discussed the public notice in the Plain Talk for the public hearing and could not find in the minutes where the Commissioners called for the public hearing. He said the Zoning Administrator authorized the public hearing and questioned who is authorized to call the public hearing. Mockler said when there is an application provided it is in the zoning regulations that it goes to a public hearing. Tracy said it is required to be noticed, and it is a due process consideration, and in her assessment all statutory requirements and County ordinance requirements have been complied with. The County has established a zoning ordinance, has vested authority with the Planning Commission, has appointed a Zoning Administrator, and he has carried out the requirements, appropriately so, in that regard. Tracy said we are splitting hairs over something that is irrelevant. Hasse said he has a zoning map in case anyone wants to see it. He said the County has 8 different zoning districts, and each one has special requirements and uses. He asked for a copy of the uses permitted in the Rural Residential district. Manning read from the list of uses in the ordinance. Hasse said residences have to be on a dedicated street. He said he was involved in planning 1,000 feet of frontage along the Missouri River. He could have squeezed out another lot with a variance, but he chose not to so the lots are 250 feet wide. To the west, the owners applied for variances and got their lots down to 205 feet wide. He calls that developer’s greed. He discussed discouragement of leap-frog development and said the property in question can be developed under the current regulations. The Ryken subdivision by the highlines was done that way.

Douglas Sharples-Schmitt spoke as a Scout and opposed the project. They will lose the natural area, resulting in destruction of animal habitats. We may lose the stop for migratory birds along their route. We may lose other species of animals as well. It will not destroy the entire stretch, but the area will not be the same. Future generations will see either a housing development or dilapidated buildings. There is a danger of increasing flood risk. He cited an article stating that residential developments may increase the risk of flood because the natural soil absorbs water and sucks it down into the deeper parts of the soil, but impervious surfaces such as roofs and concrete will not absorb rainfall, causing it to go straight into the river, and it could also carry other pollutants such as man-made waste to go straight into the river. He asked the Board to vote “no.”

Constance Krueger said Taggart and her attorney did an amazing job, but they dismissed the opponents as special interest. One of the bases of the logic is that the Zoning Administrator and most of the Commissioners are for it, why are we even having the conversation? These meetings are to protect individuals’ rights to public property, to protect zoning that is already in place. She was taken aback by threats like the statement that she does not want trees to be taken down. Is that a plan? Or is it a threat? Keep the zoning in place and trees will be saved. The argument about property rights wasn’t hit as hard this time, but we are not talking about that this time. We are talking about the Commissioners standing firm and saying they do not feel it is in the best interests to grant additional property rights. We are talking about the taxpayers who own Clay County Park. Somebody has to stand for us. That is why the County Commissioners exist, to balance these things. Nothing prohibits building now. What they don’t want is the granting of more property rights and more encroachment on the wild river. She asked the Board to consider keeping the status quo in place.

Bruce Gray said he heard the proponents make the argument that houses have already been built there. Do we just want to line the river with houses? He thinks the answer is no. He discussed NRC vs. Rural Residential. He said he takes issue with the statement that 18 houses is nothing new or unprecedented. He would argue that cement trucks, etc. for 18 homes, will affect the road. Someone will have to pick up the tab when the homes are built. Eighteen residences along the river by the boat landing will erode the natural beauty and will be lost. When he drives down there to take in the view, he drives down there in his car, which is not natural. He enjoys the park and the views, but when he leaves he takes his car with him, and you cannot take away 18 houses. He said this is our crown jewel, the doorstep to the Missouri National Recreational River.

Julia Kleinschmidt said she moved here planning to spend the rest of their lives in part because of the beautiful river and Clay County Park. That is where she and her husband got engaged. One thing she heard is an artificial argument is that the County will be in trouble if they don't follow what the Planning Commission had to say, that it has been done before, and they will be setting themselves up for trouble if they don't approve it. She hears the opponents talk about the thoughtful work put into the Comprehensive Plan. She thinks about Smith's statement that they are responsible for crafting decisions that will determine the future of the County and the community. It feels to her that they have a choice between abiding by and affirming the Comprehensive Plan and going back to the Planning Commission and saying they need some re-education about the Comprehensive Plan. She would be more worried about being inconsistent with their vision for the future.

Dave Struckman-Johnson said he lives across the road from the proposed development on Timber Rd. He said he thinks we wouldn't have this meeting if all you had to do is meet the requirements. The Zoning Administrator could do it himself. As for property rights, he does not object to that in general, but we need to consider others' rights. We need to balance things. He does not think any other development along the river has Clay County Park right next to it. If there is a desperate need for houses in Clay County, it does not need to be in that spot. If there is a need for housing, it will be somewhere, and taxes will be there regardless of where it is built. Schools, churches, and USD do not pay taxes, but does that mean we should remove them? He encouraged Commissioners to look at Google maps at the area near Clay County Park. Stabilized banks look different. There has been confusion about how many houses can be built depending on circumstances. That is something that should be resolved before a final vote on this. He spoke of the solitude at Clay County Park. He went out Sunday, and there was no one there but him. That is not an uncommon situation. He felt threatened by the attorney's statements. He spoke of covenants and asked how that is guaranteed. Does the zoning change include the covenants? We do not have to repeat mistakes made in the past. If things have already made the river less beautiful, it does not mean we need to make more things that make the river less beautiful.

Tracy spoke about Hasse's concern regarding the public hearing notice. She said the zoning ordinance Section 10.01 vests the procedure for public hearing with the Zoning Administrator. She said SDCL 11-2-4 authorizes the Commission to delegate those responsibilities to staff.

Harry Freeman spoke via Zoom. He said he is a frequent user of the river and Clay County Park. He agreed with Struckman-Johnson that many times when he visits the park, he is alone. He spoke about the quiet nights he has spent at the park prior to teaching the 6th graders about the river. He thinks the public has a strong material, personal, and public interest in protecting the land along the Missouri River. The US Supreme Court recognizes the paramount rights of the public by ruling that the navigable lakes and

rivers are held by a state in a public trust for the benefit of the citizens. Given that this stretch of river is also a national park, it is owned by all citizens of the US. People who speak on behalf of the river are ambassadors for all U.S. citizens. At the end of the day, we all know we cannot improve upon nature by building houses on it. The purpose of NRC is to preserve remaining open spaces and protect valuable and vulnerable resources. No other parcel in Clay County better deserves this designation. It is adjacent to the only rural park, is adjacent to the national park, and the river cannot speak for itself. Therefore the people of Clay County must take this decision very seriously. The current NRC standing exemplifies good stewardship.

Jerry Wilson said that even though Heine kept the land in agriculture and preserved trees along the river, that his wishes were that family build on the land. In that case, a handful of houses for family members is different than a development. He finds Taggart's statements remarkable about the NRC because it is the results of science and the wise actions of the County over years. We the public do have something to do with it as we are all custodians. The Missouri River is part of the National Parks system, which is owned by all Americans. Having canoed and kayaked the river for 44 years, he has never witnessed anybody being rescued. Most of us remember 2011, when for an entire summer, the river was running at a million gallons per second. That was the summer that numerous landowners bulldozed semi-loads of broken concrete, rebar, etc. into the river to protect their property. All this material is strictly prohibited by the Corps of Engineers and was dumped into the river without the required permits. It includes the property we are discussing today. If you float down the river, you can see it. We have to recognize that it was illegally armored in 2011. The Clay County Park lost a great deal of river frontage as a direct result of private property being armored above and below it. As for Mockler's statement that the trees will likely be clear cut anyway, it has little to do with Heine's wishes. He cannot accept the idea that private property trumps public interest. Clay County ordinance governs the use of the land, and what the Board is being asked to do is throw out the ordinance for private gain.

Mockler closed public comment and offered a rebuttal. Reynolds clarified he does not represent the Olsons, just Sarah Taggart. He did not mean his comments as a threat. He was stating facts. The farmer could clear the trees to farm right next to the river. To re-zone Rural Residential is consistent with what is already near Clay County Park. They can build on it now. They can also apply for conditional use permits, and he thinks they can get 18 lots in there now based on that. It is not as clean of a process. The lots are 2 acres with setbacks. There are already tons of lots on the river. This is not going to change the river. The National Parks Service does not own this land. It is private property. Many private property owners have been allowed to do this. Heine should have the right and ability.

Taggart said this is private property. She should be allowed to do with it as she likes as long as it does not bother an adjacent private property owner. Her uncle would not be able to have his trust honored as intended if it is denied. What's allowed in NRC is 3 properties per $\frac{1}{4}$ of a $\frac{1}{4}$. What he directed in his trust was 4, and he is not able to do what he hoped and wished. Everyone else has been able to do 2 acres with 200 feet of frontage. Now others are saying hers will have to be double, if not triple the size of what everyone else is able to do. It's a whole different set of rules for her uncle than what everyone else has to live by. This land is not Clay County Park, and this is not the river. This is private land by it. Everything you want to do on the river is still going to remain. Anyone on the land prior was trespassing. She encouraged a just and fair "yes" vote to the request.

Mockler opened the floor to the Commissioners. Packard said no matter what is decided, this environment and property will change. If it's passed, it will be a development, it will be somewhat a development or farmland, so she does not know what the benefits are. Personally, she finds it difficult to move away from NRC, but that is personal. Regarding trees, she has lived here over 50 years. That portion next to Clay County Park was her special place to go because she grew up in New England with lots of trees, and when she got afraid of the openness of South Dakota, she would go sit in the trees. She does not go there anymore because her spot has already been swallowed up by the river. The river will take the trees in the next 20-30 years. What she does ask is what are the exact benefits either way? With the NRC, there are fewer houses, so there is not quite the income. She has heard the development will provide greater protections, but she has not heard what those protections are. She would like to hear from ZA or Commission balances of the benefits of one to the other. Mockler and Gunderson discussed subdivision rules to be weighed against 3 houses per $\frac{1}{4}$ of $\frac{1}{4}$ and asked what is the difference. Gunderson said he wishes he had more time to research the question so he could phrase it better. There would be less protections in terms of setbacks and minimum lot size to go to Rural Residential. However, the applicant, in the proposal and preliminary plat, has said they will be the same standards as under NRC. The proposal brings the protections back. There wouldn't be any big difference at first brush in terms of the zoning ordinance.

Smith said she sees it differently based on the NRC district. It was created by former Commissions to protect views, preserve natural settings for wildlife habitat, to preserve the riparian zone, and aesthetic quality of the community. The applicant is asking for a change in zone to allow a higher density of development to string more houses along the river. There is a 6-mile stretch that is either in the NRC zone that is free and clear because it belongs to the federal government. This will interrupt that 6-mile stretch. It's opposed by the National Parks Service for pretty good reasons. When we talk about a free-flowing river, it's more than a concept. It changes the ecology of the river and the riparian zone. We are in a stretch of NPS river, but we are in the segment of it that is unusual and critical. Because the river flows wildly and freely, the sediment in the river allows pallid sturgeon to breed. We have a section of river that is unique in the entire country. Reading the foundational documents, this stretch is of ecological, geological, scenic, recreational, and cultural value. It's one of the few sections of the river that hit all of those values. She thinks they should be allowed to use the land to its highest and best use and the Comprehensive Plan determined it should be NRC, and the applicants have held it as that for all this time. Changing the zone, they have all the rights they have had for years, but they are asking for additional rights. She understands the economic benefit, but as a Commission they are called to look at broader interests of the special space they have. When Packard asked about positives and negatives, the positive is a higher density subdivision for applicants, but the negative is that it changes the nature of the national river.

Mockler asked Gunderson if setbacks are the same from the ordinary high water mark. Gunderson said Rural Residential does have the ordinary high water mark setbacks. Mockler said they are allowed 3 per $\frac{1}{4}$ of $\frac{1}{4}$, and a CUP would only come into play if they wanted to move more housing eligibility into that $\frac{1}{4}$ of $\frac{1}{4}$. Manning said he worked for the County in the early 1970's. He hauled concrete to stabilize the banks at Clay County Park for probably 2 weeks, so it has been done, and that part is there. There will be 9 houses no matter what we do. They could also transfer property to get another 9 lots. It's tougher, but it's under Conditional Use. Two weeks ago, he would have told you he would vote for it, a week ago he would have voted against it, and today he walked in here not knowing which way he would vote. It has been a tough situation. He worries about the next person that wants a permit, and we allow them to

change, but they have already been doing it since the Comprehensive Plan. It is private property. He likes the river, too. He likes sitting on the banks, looking at the river. He also likes to look at houses from the boat. He also has seen bank stabilization, but he didn't notice it. He noticed the houses and trees.

Mockler said the property is already rip rapped. Hammond said part of it is. Hammond said this is just a zoning issue. Commissioners and the folks on the Planning Commission should take into consideration is how consistent this particular property is to adjacent land uses. Both upstream and downstream we have beyond the NRC district. Downstream, we have federal land protected for wildlife purposes, and upstream we have Clay County Park, which is state-owned property that is essentially a preserve. This change would not add or subtract property rights. They can continue to use it as they have, the right to put at least 9 houses on it, double that under conditional use. On the eastern ¼ of ¼, it would take away one pivot, but the floodplain could complicate it. We are talking 9 houses, or perhaps 18 or more with some changes. He does not feel great about having a new residential district in that particular place in the country. We have a de facto Rural Residential district upstream, possibly due to misapplication of zoning law. He does not know it is in the community's best interest to change that.

Mockler said he does not know what to say that has not already been said. It is private property rights. Everyone talks about saving the river. It is already bank stabilized. How much of the horizon does the public get to control over private property? Smith said she thinks we have to keep in mind that their property rights are protected in the NRC designation, and they are asking for additional property rights to build at a higher density. The question is whether they have a right to build at a higher density, and that is an additional right. The NRC zone is there for a reason. Past Commissions have looked at the Missouri National Recreational River, Clay County Park, and protection of the riparian zone. It is not a question of building or not building, not a question of the horizon, but it is a question of whether we grant them additional rights to build at a higher density. She does not think it is their obligation as a Commission to be concerned about individual profit so much as the community as a whole, following the Comprehensive Plan, honoring the zoning. Keeping the NRC zone along the river is the only way we will continue to have a National Park in our county. Once we let go of the NRC zones we will end up with a river that is rip rapped entirely. In the past the Corps of Engineers has declined rip rap, and if houses are there, it will be difficult to decline again. She is very uncomfortable with this.

Manning asked about places west of the park. Were they allowed to have 3? Gunderson said most were platted in the 1960's, 1970's, 1980's before the NRC. Taggart said there are 8, and they each have about 200 feet of frontage. Mockler said there wasn't much for ordinances back then. Taggart said there are 5 structures, and 3 have never been built upon. Taggart said her dad actually made that application formally to the Commission for that subdivision. It was her family land there, too. Packard asked if it was actually Rural Residential or NRC. Gunderson said he thinks it was Agricultural back then. Hammond said as Agricultural, depending on which county you were in, you could have 1 acre to 20 acres for minimum lot size. Gunderson said that is still the case. Packard said in essence this is setting precedent because other developments were under previous ordinances. Taggart asked about the one by the highlines. Mockler said that was done under this ordinance but long before any of the current Commissioners. Smith said they are not bound by precedent in zoning situations as courts are. Every zoning situation is unique. Manning said, then what Smith is saying, if someone else comes in we don't have to give it to them. Smith said every zoning situation is unique, and you have to look at the particular situation in front of you, the particular unique set of facts. Mockler asked, if we deny it and

end up in court, what are we basing the denial on? Hammond said zoning consistent with adjacent properties. Mockler asked how far adjacent. Hammond said we have NRC along that, adjacent to a public park upstream, and game preservation downstream. Behind it is NRC and is used as ag under NRC. This would be putting a gap within that consistent zoning. Mockler said if they come back in for CUPs then it is ok. Hammond said those are considered as a case-by-case basis. Tracy said she is not sure it falls under CUPs. She and Mockler discussed permitted uses under a CUP. She said the Board has two competing interests they are weighing, and either one is under the Comprehensive Plan. She cited areas and purposes of the plan.

Hammond moved to deny the re-zoning and decline passage of Ordinance #2021-06, seconded by Smith. Roll call vote: Hammond Aye, Manning Nay, Smith Aye, Packard Aye, Mockler Nay. Motion passed. Packard noted it has been an extremely hard one, and Smith agreed.

The Board called a 5-minute recess at 11:27 a.m.

Sheriff Andy Howe met with the Board regarding the patrol car bids. Vermillion Ford indicated they would match the State bid price. He reviewed the State contract with Vermillion Ford. They matched the State bid price to the dollar, including additional specifications we required. He recommended acceptance of purchase from Vermillion Ford. Packard moved, seconded by Hammond to purchase the patrol car from Vermillion Ford. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Howe also presented a contract addendum for the Safety Center for the County to provide custodial personnel and maintenance for the City's side of the building. He said the City Council has approved the agreement. Manning moved, seconded by Hammond to approve the contract addendum and authorize the Chairman to sign it. Under discussion, Packard encouraged revisitation of the costs in future years to ensure they are adequate. Mockler discussed the contract amendment language in the event that the contract terms were not mutually agreeable. He suggested the contract be made annual. Smith proposed language, and Mockler suggested making the contract renewable in January. Packard said we are adding personnel, which will service the City's area as well. Language was discussed and an amendment was proposed. Howe said if a new building is built, a new agreement will be drafted. Packard questioned whether it takes into account the additional things, such as plumbing, electrical, etc. Howe cited language in the agreement for those things. It was discussed that the previous agreement survived since 1988 without amendment, but money was not changing hands in that agreement, so it is prudent to review it periodically. Manning moved, seconded by Packard to table the matter for language to be modified. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered the Combined Election agreement with the City of Vermillion and Vermillion School District. Smith moved, seconded by Packard to approve the contract and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered a renewal of the SD Public Assurance Alliance Intergovernmental Agreement. Tracy said she thinks the amendments make sense and should be good for all members. She did not have any concerns as it was very transparent as to what they were changing and why. Hammond said it discourages entities from jumping back and forth. Tracy discussed the provisions for board members as well and understood why they were making updates. 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.

Crum updated the Board that the Employee Appreciation Dinner and District Meeting have been scheduled.

At 12:00 p.m., Manning moved, seconded by Hammond 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 12:46 p.m., Hammond moved, seconded by Packard to exit the Executive Session. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Smith moved, seconded by Hammond to appoint Chris Larson to the Joint Powers Solid Waste & Recycling Advisory Board. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Manning moved, seconded by Packard to appoint Cindy Aden to the Planning & Zoning Commission. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

At 12:48 p.m., Manning moved, seconded by Hammond to enter an Executive Session for legal matters per SDCL 1-25-2. Mockler and Smith recused themselves. Chairman Mockler turned the meeting over to Vice Chair Packard. Roll call vote: Hammond Aye, Manning Aye, Packard Aye.

At 12:57 p.m., Hammond moved, seconded by Manning to exit the Executive Session. Roll call vote: Hammond Aye, Manning Aye, Packard Aye.


Vice Chair Packard turned the meeting back to Chairman Mockler.

At 12:58 p.m., Hammond moved, seconded by Packard to adjourn and reconvene Tuesday, January 11, 2022 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

January 11, 2022

The Board of County Commissioners met in regular session Tuesday, January 11, 2022 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 and carried to approve the agenda.

Minutes of the January 4, 2022 meeting were approved with a motion by Smith, seconded by Hammond and carried.

Manning and Packard joined the meeting via Zoom.

Layne Stewart and members of the Clay County Park Advisory Committee met with the Board. Members present were: Carolyn Butrous, Bruce Plate, Bill Kennedy, Kelly Ashby, Rich Burns, Shane Bertsch, Christina Laska, and Paul Pederson. Stewart said the committee met every 2 weeks for several months and had a goal of considering the park as a whole instead of just the campground. The idea was that the manager will be overseeing everything, not just the campground. They created bylaws, and Kennedy is ready to move forward and bring it to the park board. The annual meeting is in March, and the bylaws could be accepted then. A lot of effort and time was put in from the volunteers, so they deserve credit. Stewart said Tom & Karen Davies met with them one night to discuss benefits, pros and cons of paying employees certain ways, and keeping up with financials. Ashby said she thinks the group put together to address this gave some good thought to challenges. It will address a lot of things in a positive light with checks and balances. She feels confident about what the documents say. Kennedy said they knew they had problems, it was not an easy task, and they didn't always agree. He knew it was a give and take. There are checks and balances now with purchases, labor, etc. They are working closer with the State now. He will send the bylaws out to board members to look at, and he is sure there will be some dissention, but he believes it will be passed. The County Commission is a driver, and they are the workers down there. As a whole, he said, it will be much better going forward. There are big changes coming, and they will live more by the rules. He believes the first year or so will show a decrease in campers for those who wanted to stay for the year. At the end of 2 years, he thinks they will see a different environment and some savings. Stewart asked for any questions. Smith asked what the fiscal year will be. Stewart said January through December. Part of what they set up in the bylaws is the financial committee. Smith asked for it in the bylaws as well as an annual report to be written and presented to the Board, and it would be nice for it to be given to the Commission. Stewart said they can add that. Smith said it doesn't say who does the annual audit, and suggested it be included that each year the president of the board select a committee of at least 3 people, usually the finance committee, who will meet with the Treasurer. It is productive, and it really makes a difference. Stewart and Butrous discussed the person doing 1099's and such now, and there was thought that they could do that going forward. Smith said there is usually a short letter stating compliance with bylaws that is appended to the annual report. Smith asked Bertsch if 15 hours/month is good for a park manager. Bertsch said that will be enough time to check in with each of the facilities (i.e. shooting range, arena, etc.). Finding the right person will be key. It will work out well, and that person can report to the board. The Treasurer would

also report to the board, so the Treasurer and Park Manager are the top people. They will have someone go in once a week to look at the facilities, make recommendations, and be in charge of seasonal staff to make sure things are maintained. He said the few changes made to the camping make it an equal opportunity campground. That was a big thing. Hammond said it ends up being 3 hours a weekend or something like that. Bertsch said it is flexible. Hammond said he had about 20 or so form changes, so he would suggest not adopting today until they get a chance to share some comments with the committee. If he were in those shoes, he would burn 2/3 of those 15 hours visiting with campers. He also discussed with Bertsch the tenure of the individual. Bertsch said flexibility is important. He said workcampers will be doing most of the work and maybe a seasonal camper or so. Hammond discussed hours for the workcampers. Bertsch said they would do the cleaning, mowing, etc. Hammond said he figured the season to be April 24 to September 17, or it would be 22 weeks, so by Bertsch's estimation it would be another week or two. Bertsch discussed preparation and blowing out water lines, etc. at the end of the season. Bertsch said they see campers around the first of April until the end of November. People are really looking to get out and do things with COVID. Mockler asked if the Commission ends up voting on bylaws. Hammond said no, and Smith said ultimately the Park Board makes the decisions, but they want to hear from the Commission. Smith said it is a tremendous amount of work, and she is appreciative, especially with emphasis put on inclusiveness and bringing in volunteers. Outreach is a way of making the park more open to bring more people in. Hammond said it looks good to him although he has a few comments or questions. Packard said she was very impressed and expressed thanks. Bertsch said they tried to mirror State rules so people know the rules when they go in. Kennedy asked Hammond if the questions or comments would prevent him from distributing to the board for a look at it. Hammond said no, they would not; it's meant to be helpful suggestions. Kennedy said they want to proceed as quickly as possible for the upcoming camping season. Kennedy thanked the Commission for being patient with them and said they look forward to improvements at the park and comments from the Commission. Stewart said if the Commission emails him the comments and questions, he can include them in an email to Kennedy. Mockler thanked them for what they have done; it has only been 7 months, so it is amazing what they have accomplished in a short time. Hammond asked Bertsch if funding is available for trails. Bertsch said yes, there is some available from the National Trails Fund, so if they have any ideas for improvements, he can provide a contact in Pierre. Hammond asked if he has any suggestions. Bertsch said they probably do not want to pave it, but maybe some crushed asphalt or something like that. In the future, he suggested a connector trail.

A public hearing was conducted regarding updates to the Comprehensive Plan. Zoning Administrator Drew Gunderson said when he first started his job, the task was to update the plan. Then COVID hit. They were able to get through it, and SECOG assisted. The 2 or 3 biggest changes were that the old plan was almost a zoning ordinance with restrictions that did not belong in a comprehensive plan. The next thing was allowing commercial uses along county roads. This was the chance to get them in compliance. The third thing was joint jurisdiction questions. There was a lot of discussion on that. As far as public input, there hasn't been any comments. Gunderson said he received one question from a township board Chairman. Smith asked if the Planning Commission published a public meeting in the evening to have the plan explained to them. Having a public hearing before explaining the plan to the public, she is not sure anyone knows about it. Gunderson said it has been on the agenda for 2 years. Smith said she would like a presentation, not at a hearing at 9:00 a.m. She thinks people really care because it affects every decision made about land use. It should be presented in layman's terms, show the maps, and give them a chance for discussion. There is a technology of getting public input, and she feels like they have not taken any of those steps. What she has seen and done in the past is to have a

meeting to do vision building before it starts. SECOG does that in other communities, and she said now is the time. She could not vote for a plan that didn't have any public explanation or informed feedback. She said she strongly advises that we do that. Mockler said we had that, sent notifications to townships, school boards, water suppliers, utilities, etc. Smith said that is not citizens. Mockler said we had public hearings, and we cannot drag people out of their houses to attend. Smith said how you notify makes a difference. A legal notice doesn't work. You need a press release and notify key constituencies that are not public utilities. To get a really good plan that reflects the vision and desires of the whole community, you have to get them in, and we haven't done it. She said this is not meant as criticism. It's meant to say let's bring in young people with families, etc., and their voice is not heard. She would really like to see that happen. John Peterson was present and said he has been in contact with Gunderson for his plans going forward, and from his end Gunderson has been very open and helpful, and Peterson has been able to voice his opinion. Gunderson said he gets phone calls on all kinds of things, and he has never gotten one on the Comprehensive Plan. He wanted to get this done in 6 months, and it took 2 years of having it on the agenda. Smith said when you invite the general public in using communication channels they have access to, they come, and she would be shocked if they didn't come. A lot of people don't know what the Comprehensive Plan is. The Commission could use this to have a stronger relationship with the public. She would be happy to help organize it, write a press release, or whatever it takes. She doesn't see the harm in having a public meeting. Packard asked where she would suggest it be held; our room is not appropriate. Smith said the Kozak Room at the library is free, and it has a great zoom setup. Hammond said there is some cost but perhaps a lot of benefit to having a presentation of what the Planning Commission has come up with as a grand finale before it comes to the Commission's attention. He said he thinks there could be some benefit, but whether it's worth the cost is what matters. He thinks Smith has experience and should put together the advertising for it. He asked where she would advertise where it hasn't already been done. If she filled the Kozak Room he would be happy. Smith said she would be happy to do her best, with an actual article in the Plain Talk with quotes from the Commission, Gunderson's contact information, and get it in the Broadcaster. Everyone gets that. A small subset gets the Plain Talk. Hammond said maybe a paragraph long of large print, things they could sit on a table. Folks could go around and generate thoughts and questions, and after 20-30 minutes of an open house setup, we could answer questions. Manning asked if they are talking about presenting the whole plan or just changes. Smith said usually it's just the changes. She said what happens 99% of the time is that they get the information, look at the maps, and very little else comes of it, and that means we've done a good job. She said it just connects the public with the zoning so later on they know it was the decision of the entire county. Manning said when he did it with the City, they had people show up who didn't understand what a Comprehensive Plan is at all. He said if they don't have the background, to just show changes will not be as beneficial as you think. Smith said she thinks it would be important to have a link to the plan so they can look at the details. SECOG knows how to do this because they do it in other communities. Packard asked if there is anyone at SECOG at the moment. There was discussion regarding staffing at SECOG. Packard said it sounds like they do not have anyone who could present this. Hammond discussed whether Kristen Benidt could do a night or two of outside consulting. Smith asked if Mockler and Gunderson could do it as a team. Mockler questioned whether we would want to ask Benidt as she is no longer with SECOG. Smith said she could ask Lynne Keller-Forbes at SECOG. Hammond said it would be a three-way conversation. He said she likely has some pride in her work, and she would likely be flattered to be asked, and he thinks it would be worth exploring. Packard said she would be a good one to give an overview of what a Comprehensive Plan is, and it would not be crossing us or SECOG. Hammond said he viewed Manning's comments as expressing a need for this sort of thing. Packard said she thinks there is as there is a lot of the public who has no idea what a

Comprehensive Plan is for or why it's needed. Manning said he thinks it needs to be put out there beforehand, or else it will not do people good to come to a meeting. He would be in favor of having a meeting. He said the City got very little feedback, even at night meetings. Hammond said feedback and input is one objective of something like this, especially the educational aspect of letting people know what it is and why we want to have it. Peterson asked if it can be put out there, and then determine if there is need for a public meeting. Hammond said the best is that we would end up putting in some advertisement with a link to the plan. Gunderson said it has been on the website. Publishing timelines were discussed, and Gunderson said he would need to find out when SECOG is available. Smith said they should be avoiding Wednesday nights because of church. Hammond said Tuesdays are basketball nights. Mockler said Thursdays and Fridays are not good due to sports, and said Mondays are about the only night. Smith and Gunderson discussed dates.

The Board was to hold a First Reading of Ordinance #2022-01, an Ordinance of Clay County, South Dakota, Amending Ordinance No. 2013-04, Being the 2013 Revised Zoning Regulations for Clay County by Adding Amendment Section 3.14 Medical Cannabis Establishments and Chapter 2.02, Definitions, Definitions. Hammond said he has a few form changes and went over those with Gunderson and the Board. Peterson said he wants to get this done ASAP but wants it done right. Mockler asked about the prohibited districts for cannabis establishments under NRC. He asked if it will affect growers. Gunderson said it would be in a building and would have to involve a re-zoning. Hammond discussed general industrial zoning. Gunderson said we have light industrial and general industrial, and general can only be on major highway corridors (i.e. Highways 50, 19, and 46). Hammond said light industrial would be a good setting for testing and manufacturing shop-like structures. Smith said it would work for testing because it's really a lab. Gunderson said he can look into that more. Smith said in other states they do it in industrial parks, along commercial strips, and the labs are like offices. Hammond said even for testing it could be under commercial. Mockler said he would rather see it in commercial if it is further from town rather than re-zone general industrial to suddenly have zoning for an unintended purpose. Gunderson said we will need to move towards a C-1 and a C-2 district over the next few years anyway. Gunderson said he will look at the general industrial again. Smith moved, seconded by Hammond to table a Second Reading. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Gunderson, as Welfare Director, discussed the fee for county burials. He said last year and the year before it was asked whether we should increase the amount. He looked into it and said we are pretty good at \$1,900. Pursuant to SDCL 28-17-4, Packard 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.

Gunderson, as Zoning Administrator, presented the Building Permit Report for 2021. Smith said the location for the permits is really interesting. Manning and Hammond said they appreciated the presentation. Packard said she is curious what effect COVID had on people needing space in or out of their homes, and Gunderson said this just for new homes, not remodeling.

Nick Cerny with Erickson Solutions Group met with the Board to review a quote from Vonage for a new phone system for the County. He demonstrated the capabilities of the new system. Auditor Carri Crum

said she received notification from the State that the contract the County uses through the State will be going away at the end of the year, so the County will need to do something about the phone system. It was determined that Cerny would get some updates from Vonage regarding the quote, and the matter would be added to the next agenda.

Director of Equalization Ina Peterson met with the Board to discuss software programming issues for ProVal. She requested assistance from Matt Archer, who used to work with ProVal in Yankton County. The contract with Archer is under review by the State’s Attorney. The fee would be \$50/hour including drive time with a cap of \$2,500. Peterson said she doesn’t anticipate it taking that long. Mockler asked Peterson if she has that in the budget. She said she does not think it will be an issue, but it is difficult to tell this early in the year. Peterson said she will work out the contract, but she wanted to know that the Commission is ok with her requesting help. Mockler said she will need to explain to Archer and see what he says. Peterson said she would like to get her notices run by the first part of February. Smith said there is a consensus to go ahead with the fees, and they could informally approve it with a signature at the next meeting.

The Board reviewed diesel quotes. Smith moved, seconded by Hammond to accept the low bid of \$2.65/gallon for #2 diesel fuel from Jerry’s Service and \$2.6863/gallon for #1 diesel fuel from Vollan Oil. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered a Safety Center Contract Addendum. Hammond moved, seconded by Smith to approve the addendum and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered the following claims for payment. Hammond moved, seconded by Smith to approve the claims for payment. Under discussion, they discussed a door repair bill for the sensor on the jail’s sally port. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

(DUE TO OTHER GOVERNMENT)		VERMILLION BASIN WATER	\$257.13
BERESFORD SCHL DIST 61-2	\$4,131.42	VERMILLION SCHL DIST 13-	\$45,899.74
BETHEL TOWNSHIP	\$2,910.28	VERMILLION TOWNSHIP	\$1,045.12
CENTERVILLE SCH DIST 60-	\$385.25	VIBORG/HURLEY SCHL 60-6	\$127.19
CITY OF VERMILLION	\$16,771.99	WAKONDA TOWN	\$1,238.21
CLAY CO TREASURER	\$10,359.50	(FIRE PREMIUMS)	
FAIRVIEW TOWNSHIP	\$2,895.81	BERESFORD RURAL FIRE	\$201.11
GARFIELD TOWNSHIP	\$3,551.59	GAYVILLE RURAL FIRE ASSO	\$475.11
GAYVILLE/VOLIN SCHL DIST	\$535.94	IRENE RURAL FIRE ASSOC	\$19.18
GLENWOOD TOWNSHIP	\$2,870.26	VERM. RURAL FIRE ASSOC.	\$878.94
IRENE CITY	\$163.46	VOLIN RURAL FIRE ASSOC.	\$35.26
IRENE/WAKONDA SCHL 13-3	\$34,484.82	WAKONDA RURAL FIRE	\$163.35
MECKLING TOWNSHIP	\$5,561.66	(PROFESSIONAL SERVICES AND FEES)	
NORWAY TOWNSHIP	\$2,048.29	ALTERNATIVE HRD LLC	\$3,298.15
PLEASANT VALLEY TWP.	\$2,600.09	BUHLS DRYCLEANERS &	\$133.10
PRAIRIE CENTER TWP.	\$1,875.67	BUREAU OF ADMIN PMB0112	\$7.20
RIVERSIDE TOWNSHIP	\$2,526.93	CITY OF VERMILLION	\$2,120.00
SD DEPT OF REEMPLOYMENT	\$410.00	FEDEX	\$13.65
SD DEPT OF REV ANDERSON	\$308,503.04	HOUSKA, DDS, RANDY	\$273.00
SPIRIT MOUND TOWNSHIP	\$2,988.16	MICROFILM IMAGING SYSTEM	\$30.00
STAR TOWNSHIP	\$3,140.28	PRICE, THOMAS L.	\$350.00
TLC WATER PROJECT DIST.	\$16.93	REDI TOWING	\$415.00

SANFORD HEALTH CLINIC	\$1,673.62
SATELLITE TRACKING OF	\$195.00
SD ASSN. OF CO. OFFICIAL	\$1,578.99
SD DEPT OF HEALTH LAB	\$1,260.00
SD STATES ATTY ASSOC.	\$1,039.00
SDAAO	\$225.00
SDACC OFFICE	\$3,195.00
VERMILLION ACE HARDWARE	\$3.18
WINNER DENTAL CLINIC	\$2,177.00
(OTHER PROFESSIONAL SERVICE)	
BOYS & GIRLS CLUB, INC.	\$1,750.00
CITY OF WINNER	\$2,170.00
SCHAEFER, DEAN	\$42.00
SCHILDHAUER, T. LEMBCKE	\$732.00
SD ATTORNEY GENERAL	\$967.00
UNION CO. SHERIFF	\$22,295.00
YANKTON CO SHERIFF	\$3,840.00
(LAW OFFICE)	
FRIEBERG, NELSON & ASK	\$3,000.00
PETERSON, STUART, KLENTZ	\$10,083.33
TERWILLIGER, PHILIP	\$3,000.00
(MENTAL HEALTH)	
AVERA MCKENNAN HOSPITAL	\$2,238.00
SD ACHIEVE	\$240.00
(PUBLISHING)	
BROADCASTER PRESS	\$1,155.06
(REPAIRS AND MAINTENANCE)	
BRUNICK SERVICE, INC.	\$88.00
CHARLIE'S BUS SERVICE	\$48.00
DAKOTA PC WAREHOUSE	\$69.96
INTERSTATE POWER SYS INC	\$2,868.76
JOHNSON FEED, INC.	\$128.70
NELSEN ELECTRIC LLC	\$1,170.00
PRESTO-X COMPANY LLC	\$88.00
PROCHEM DYNAMICS	\$67.73
RACOM CORPORATION	\$608.00
SCHLENKER, EVELYN	\$27.52
WH OVER MUSEUM	\$150.00
YANKTON MOTOR SPORTS	\$600.00
(DATA PROCESSING/CLAY CREEK/INF)	
MICROFILM IMAGING SYSTEM	\$945.00
SOFTWARE SERVICES, INC.	\$682.00
TRIMIN SYSTEMS INC.	\$24,000.00
(SUPPLIES & MATERIALS)	
A & B BUSINESS	\$184.48
A-OX WELDING SUPPLY CO	\$109.30
BLACKSTRAP INC	\$1,677.98
BRUNICK SERVICE, INC.	\$83.66
CORTRUST BANK	\$8.00
CRUM, CARRI R	\$19.16
D-P TOOLS, INC.	\$95.37
EMBLEMS, INC.	\$327.00
INTERSTATE POWER SYS INC	\$1,687.73
JACK'S UNIFORMS & EQUIP.	\$146.89

JCL SOLUTIONS	\$284.30
JOHNSON FEED, INC.	\$14.21
LAWSON PRODUCTS, INC.	\$280.41
LIGHTLE ENTERPRISES OHIO	\$27.00
MARK'S MACHINERY	\$201.84
NELSEN ELECTRIC LLC	\$2,944.50
ONE OFFICE SOLUTION	\$182.64
PLAIN TALK/BROADCASTER	\$26.00
POLLEY, RODNEY	\$50.00
QUALIFIED PRESORT SVC IN	\$1,828.64
QUILL CORP. TRS	\$126.97
RUNNINGS SUPPLY INC	\$46.89
SANITATION PRODUCT	\$1,649.72
SD ASSN OF WEED & PEST	\$50.00
SD DEPT OF TRANS	\$32,179.10
SDACHS	\$350.00
TRUENORTH STEEL	\$76.84
UNION CO. SHERIFF	\$329.29
VOLLAN OIL	\$5,157.70
WEED & PEST CONFERENCE	\$150.00
WHEELCO BRAKE AND SUPPLY	\$1,089.06
YANKTON MOTOR SPORTS	\$285.28
(COPIER SUPPLIES)	
CANON	\$211.12
(TRAVEL AND CONFERENCE)	
BRUNICK SERVICE, INC.	\$19.00
WEED & PEST CONFERENCE	\$300.00
(INMATE TRAVEL)	
PENNINGTON COUNTY JAIL	\$389.07
PUMP N PAK	\$312.00
(UTILITIES)	
BUREAU OF ADMINISTRATION	\$53.42
CLAY RURAL WATER SYSTEM	\$43.30
CLAY UNION ELECTRIC CORP	\$690.96
HUSBY, TIFFANY	\$180.00
MIDAMERICAN ENERGY	\$2,650.67
MIDCO BUSINESS	\$285.00
VERIZON WIRELESS TRS	\$171.96
WAKONDA TOWN	\$66.95
(PAYMENT)	
BRUNICK SERVICE, INC.	\$121.95
DAKOTA SENIOR MEALS	\$1,137.50
DOMESTIC VIOLENCE	\$145.00
LEWIS & CLARK BEHAVIORAL	\$5,773.25
PIZZA RANCH 14762	\$2,115.50
PUMP N PAK	\$1,648.62
SE COUNCIL OF GOVTS.	\$12,479.00
(JDC/SPECIAL EQP.)	
GLOCK PROFESSIONAL INC	\$250.00
TERWILLIGER, PHILIP	\$350.00
(FURNITURE AND MINOR EQUIPMENT)	
LOFFLER COMPANIES	\$172.63
MICROFILM IMAGING SYSTEM	\$215.00

The Board considered a WIC Contract Amendment with the State. Smith 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.

At 11:18 a.m., Hammond moved, seconded by Smith to enter an Executive Session for contractual and personnel matters per SDCL 1-25-2. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

At 11:33 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.

Mockler discussed the County garage and said he thinks it should be insulated and potentially heated. Packard and Mockler discussed using spray foam. It was the consensus of the board to get quotes for the job.

At 11:36 p.m., Hammond moved, seconded by Smith to adjourn and reconvene Tuesday, January 25, 2022 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

January 25, 2022

The Board of County Commissioners met in regular session Tuesday, January 25, 2022 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning; Richard Hammond 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 Smith and carried to approve the agenda. Roll call vote: Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Minutes of the January 11, 2022 meeting were approved with a motion by Smith, seconded by Manning and carried. Roll call vote: Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Suzanne Skyrn appeared as a Visitor to be Heard. She questioned the Board regarding the recent appointment on the Planning & Zoning Commission. She said there was a display ad for the Joint Powers Solid Waste & Recycling Advisory Board but not a large ad for the Planning Commission. Mockler said it was advertised enough to get 5 applicants. Manning said there are not usually that many for such a position. Skyrn discussed requirements for being on the Planning Commission. She asked if there is any policy or law that allows for disqualification of a candidate. Manning said as long as you are a Clay County resident, you are eligible to apply. He said the Board went through every applicant. Packard said it was well-discussed as there were at least 3 that would have been very good, and it came down to the most qualified applicant. Skyrn questioned why it was done in Executive Session. Manning said the only time he was involved with choosing, there was only one applicant, and this time with 5 applicants it was not fair to the applicants to discuss them in open session. Skyrn asked, "Wouldn't it be fair to have public comments?" Manning said he does not think it's good for the applicants to have the public making comments about them in case of any negativity or hurt feelings. Skyrn said she was talking to a previous Commissioner who said they were always open to the public before.

Bruce Gray appeared as a Visitor to be Heard and said he would prefer to hear opinion from the public. It seems to him to be a disconnect. The Commission should hear the public's say.

Rachel Gackle, MMA, met with the Board to discuss the employee insurance plan renewal. She discussed ratings and premium rates for health, dental, and vision. She said in her experience, the rates are phenomenal, with only a 2.88% increase. Auditor Carri Crum said she budgeted for a 10% increase, and Gackle said historically the increases are in the 7-9% range. Gackle said dental is increasing 9%, and every one of her clients has seen an increase for dental, which is attributed to delaying dental care due to COVID. She said vision was a 7% increase, and it was based on increased utilization as well. Crum said employees pay 100% of their dental and vision insurance. Gackle discussed the broker transparency disclosure. Smith moved, seconded by Packard to approve renewal of the current plans. Roll call vote: Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Steve Waller, Chairman of the Facility Planning Committee, met with the Board to present the Site Recommendation Report. He said the committee was formed in 2019 and has spent the last 6-plus months focusing on the jail and law enforcement center. On January 11, 2022, the Committee made a

unanimous recommendation for the west half of the Stanford & Cherry lot owned by Larry Brady. It will allow for quick access for the Police Department and Sheriff's Office. The design team said 7.4 acres is enough land to build this facility. The Committee recommended that the Commission consider the west half of the site. John Walker, Committee Member, said he thinks the Commission should consider purchasing the whole site. He received about 45 phone calls saying they 100% agree with him after the article came out in the newspaper. We will never be landlocked like we are now. He said it is only \$836 taken off the tax rolls as it is farmland. He and Mockler discussed that it is roughly \$800 in taxes for the entire parcel. Walker said he thinks the Commission should negotiate the price for the whole parcel. Manning asked for the cost of the west side, and Waller said it is about \$1.3 million with the option to buy additional acreage at \$4/sq. ft. The entire parcel is \$1.8 million. The issue that could be raised is that it is land that could be developed by a business, which could impact the tax rolls. Waller said the additional cost could be put into the building instead of the land. Manning said he sees both sides. Rich Holland, Committee Member, agreed with Waller and said the extra money could be put into the building, and there is no need for land that could be purchased by a business. Waller said a lot of discussion is the jail component, and the frontage would be the law enforcement center that is the line of sight for the frontage. Waller said something we have to seriously think about is prisoner count in the future. Smith said she was really impressed with the work of the Committee, and she was impressed with the unanimous vote and recommendation. She is pleased with the outcome and the work of the Facility Committee. Waller said a lot occurred behind the scenes, and everyone was very responsive. Waller said Howard Willson and Holland were good additions to the Committee. Howe said his hope is that the Commission can accept the recommendation and move forward. To delay is another half-million per year for every year it is delayed. We need to have the bond issue drafted and prepared for the June ballot, so he hopes they move forward today. There is no time to continue to delay. It has been studied for years, so it is not rushed. He supports the recommendation of the Committee. He believes they made the decision they did with an effort toward success. We know where we are, we know what we need, and we need to move forward. Smith moved to accept the Committee's recommendation and authorize the consultants to move forward with cost estimations for the project. Manning seconded the motion. Under discussion, Packard said she will totally support this. She finds it frustrating that the entire site is not supported by the public and cited City and School property ownership for future planning purposes. It would open up land to future programs. Paul Hasse was present and said he doesn't think moving the jail a mile from the courthouse is a solution when it is zoned general business. The price is \$175,000/acre, and there is the possibility of building a 3-story building plus a basement on the present site. The Public Safety Center can stay where it is for adequate office space. Waller said the Committee has considered an addition to the current building. It was a very expensive option and does not really serve a great purpose. Future expansion became almost impossible. It was discounted a long time ago. Mockler said he thinks the County should buy the whole property as we are never going to have the opportunity to buy land this cheap and not landlock ourselves. He said we got hammered last time because the School had the foresight to buy additional property for expansion, yet the County did not. The same people now say we do not need extra land. We would not be landlocking ourselves, and the land, whatever it might become, will give us control over who our neighbor might be if we sell it. We will never have the money again because it will be tied up for the next 25-30 years. Mockler said he truly believes we need the whole property, even if we sell it for an investment. Manning agreed, but he said we need the facility. He is worried we will have so much pushback that the facility will never happen. He doesn't want to be 10 years down the line where people say it was stupid not to buy the whole thing, but there are people that will never support it, so if that's the case, he will settle for the middle ground. He doesn't think it's the right thing, and we should buy the whole property. It's never

going to be cheaper. Someday we might be able to move the fair there, or other projects that would fit. Mockler asked if we are making the right decision, or just the ok decision. Smith said it is the right decision because it's the only way the bond will pass for a critical need. We cannot continue to spend the money we are spending to board and transport inmates. She thinks this is the time. If we bought the whole property now, we would end up with another failed bond issue. Our government has to be responsible to the citizens. This is the only viable choice. Mockler asked what the public's reason is for not wanting the whole section. Smith said it seems to her there is a lack of trust in the County Commission and a concern that they are spending too much money to buy land we don't need, and if we want to build a jail and law enforcement center, let's buy property just for that. The half-million dollars would be well spent in an improved jail facility. She does not think the Commission should be spending the public's money to bank land. Mockler said it will be worth it in 40 years when the County needs that property. They will thank us for having the foresight. They're afraid we're going to build a new courthouse. We couldn't do that without a public vote anyway. We won't have the money. We would have to go through the same process over again. Having extra land, to him, is a no-brainer. Packard said she feels a vote for the 7 acres is basically for a public that she feels is a lynch mob. Every call she has had from rural residents have asked why the County is not buying the whole property. She knows the public that voted was a strong in-town focus, but if we had a full-page ad presenting the reason and logic of trying to be smart for the future she hopes there would be reason in this community, but she is not sure. Smith said she thinks it would be adding another year onto the process. She thinks she didn't hear a lot of threatening voices. What she heard was that the citizens do not want to move the courthouse, but what we are facing today is a different question. We are facing an immediate problem with building a jail. We can build it this year or waste another half-million more to build it next year. Her vote is to make it an attractive option. It's difficult enough to get the public to agree to spend this kind of money, to add concerns about banking land, that kind of speculation would cause the bond issue to go down. She wants to see this built. She was impressed with the committee's unanimous decision and the input from the interested citizens. It was a well-thought-out recommendation. Holland said they seriously considered it and decided it wasn't worth the \$500,000 gamble. We would pay more delaying it. The fair's desires for 17 acres doesn't even come close to what we are talking about now. It's not worth losing the bond issue. An audience member asked if a bond issue can be presented with Option A or Option B. The answer was no, unfortunately not, although it would be nice if we could. Mockler said with 2.15% interest, we can own that property for \$25,000/year and have it paid off in 30 years, and then we can control it because we'll never control it again. Manning asked if we can negotiate with Brady. Walker said he supports the committee, but he asked if it is possible to amend the motion to put the option out there to negotiate with Brady. What if he comes back and offers \$1.5 million, then we're talking about less than \$250,000. He thinks Larry Brady is a reasonable man. Smith said she does not think her motion would not allow it to happen. What she proposes is to go forward approving 7.4 acres because we need to get design work done immediately on the 7.4 acres. It is not signing a contract of sale, but it is basically agreeing to go ahead with 7.4 acres and to actually begin the cost estimation and design work immediately. That's what's going to move the project forward. She is using the critical path method. What is the shortest distance of time between here and moving inmates into the new jail? The critical thing today is to approve the 7.4 acres and to begin design and cost estimation. That's what her motion would do. It would not forestall any of the other discussions. She does not think her opinion would change. She respects the work of the committee, who has been diligent and hard working. As a Commission, we should take that into account, but for today, for her motion, it is simply to get that critical path moving forward. Howe agreed with Betty and disagreed with Walker for waiting another week. The Realtor has come back with a negotiated price. Obviously, he can try to negotiate again, but

this is a negotiated price. He asked the Board not to wait another week. Manning said if Smith changed her motion slightly to go ahead with the design and the 7.4 acres today, but to give Realtor Dave Thiesse the option to negotiate further. Smith said this motion is to move forward on design and cost estimation on the 7.4 acres, and that leaves whatever else happens in the future open, but it allows the process to move forward today. Mockler said it is not a motion to agree on the 7.4 acres then. Smith said it is a motion to move forward on design and cost estimation of 7.4 acres. Packard said she would second that motion. Bob Fuller, Committee Member, said moving forward with Smith's motion, which he agrees with but would word it as going forward with the Committee's recommendation, which implies going forward with the design for the jail. That doesn't mean they are going to do any design work on the rest of the property. Mockler said Smith's recommendation takes the east side of the property off the table. Smith said no, it says nothing about the property. It accepts the recommendation and agrees to go forward with the design and cost estimation. Mockler said the recommendation is to only purchase the 7.4 on the west side. Smith said accepting the recommendation means accepting the report. Mockler said the recommendation is to buy 7.4, and that's it. Smith said she thinks what Mockler is suggesting is a different motion. She suggested they vote on the motion on the table and said maybe it's time to call to question. Packard asked for clarification on the motion. Smith said the motion is to move forward on design and cost estimation on the 7.4 acre property. Packard seconded that motion. Mockler clarified it's not the purchase of 7.4 acres, it's just the design on the west 7.4 acres. Smith said she is looking at how we get to inmate moving in day as quickly as possible. We can argue about acreage and whether the bond would pass or not, but we can do that next week. What we need to do this week is begin design and cost estimation. Mockler said this would get TEGRA moving then. Smith said exactly. Fuller went back to what Howe said, and he would like them to consider language to make the decision to buy the land. Asking the architects to proceed on the design, he feels they might be hesitant to do that if there is a possibility we might not get the land. Brady could say he's not going to sell it. He would like them to lock into a decision to buy the land recommended by the Committee and then go forward with design. Smith said they may need to do that in separate motions. She wants to be sure they are following the critical path and separate the issues for purposes of moving forward. Fuller said he understands, but he is not sure the right thing to do is to move forward in one step. Mockler said the purchase of land was not on the agenda to actually give authority to purchase land, so they cannot really make that decision today. They can move forward with having TEGRA start designing. Manning said what we can do is move forward with taking the committee's recommendation. Fuller said, unless Brady sells it in the meantime. Howe said the architects are waiting for the County to decide how much land they are buying for cost estimation. The amount of land weighs heavily into the cost of the project and the bond. Mockler said if the motion passes, they can start the cost estimation tomorrow. Howe said they have already done it, and we need to get the decision made so we can establish how much we are going to ask the voters to fund. The number is known, but it just keeps changing as time goes on. Manning said we know we will need 7.4 acres, and they can give them the cost of the building on the 7.4 acres. They can do that and add on any extra cost. Mockler said the minimum is the \$1.3 million. Any additional acres would be the only variable. Mockler said we will not have costs locked in until after the June election. He said hopefully they price in any changes after April 1. Mockler restated that the motion is to move forward to have TEGRA start pricing to give us cost estimation and to site it on the west 7.4 acres of the property owned by Larry Brady. Roll call vote: Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Annie Brokenleg, State JDAI Coordinator, and Boys and Girls Club Representative, met with the Board to present a Juvenile Diversion Expansion & Case Management Discussion. She discussed the opportunity for Clay County to become a JDAI site. There are 7 sites across the state. Currently, the

newest site is Yankton County. They are able to provide a grant opportunity to fund a position for diversion cases, and they work closely with the State's Attorney. There are not a huge number of juveniles in secure detention, so it probably would not be a full-time position. They are already offering teen court, so it would expand diversion opportunities for the State's Attorney. It may also increase money the County would receive from the State. They have found that a lot of time the youth can be supervised in the community. Even if they were looking at 3 a year, it would be a cost savings for the County. She is asking to be allowed to move forward with the State's Attorney, and they would like to have a County Commissioner involved as well. State's Attorney Alexis Tracy said it is attractive to her is the opportunity to get in on grant-funded possibilities, seeing if this makes sense for us to continue. They try not to incarcerate juveniles unnecessarily because keeping them in the community is an attractive alternative. Someone who can provide intense supervision pre-adjudication, having the support and resources, she liked that option and opportunity. If it doesn't make sense over the next couple years, at least we have given it a try. Brokenleg said it is a 3-year grant, and then they can look at whether it is worth continuing. This would be the first hybrid position where the County does not need a full-time position. The County would not be looking at a lot of money as the County is already giving money for Teen Court to support diversion. Manning said he supports it, and he does not see a downside. If we can keep more people out of jail, we don't need as big of a jail in the future. Tracy said juveniles are a place where you can make a big impact. Packard asked if it is the Yankton person coming to Vermillion. Tracy said it would be the Yankton Coordinator coming to Vermillion. Emergency Management Director Layne Stewart asked what the tie-in is with the Boys and Girls Club. Tracy said the coordinator works for the Boys and Girls Club, and he is the Teen Court Coordinator. Brokenleg said he already comes here to do Teen Court, and the funding would start July 1, so the discussion would be where he could meet with the State's Attorney, so maybe an office space until the Boys and Girls Club is built. Tracy said she is looking for the Commission's blessing and whether a Commissioner is willing to serve. Smith said she thinks Hammond would be ideal, but if he is not interested, she would be willing to do it. Brokenleg said once the grant application is out, she may come back for a motion to approve it. Smith said she is really excited about this. She worked with young incarcerated individuals, and it makes a huge difference.

Zoning Administrator Drew Gunderson met with the Board to present an update on the Planning Commission activities. After some discussion, Cindy Aden was chosen as Chair. There was discussion and comments for the campground issue. They had a Joint Jurisdiction meeting with the City regarding minor changes to Light Industrial that would resolve Kevin Myron's zoning and cell towers in the Ag district. Moving forward, there will be a busy Spring, with potentially 3 ordinances: the campground, medical marijuana, and Joint Jurisdiction, as well as the Comprehensive Plan. Smith said we are all set for February 21, 2022 for a public meeting on the Comprehensive Plan.

Director of Equalization Ina Peterson met with the Board regarding a contract with Matt Archer for assistance with the ProVal software. The State's Attorney reviewed and modified the contract. Smith moved, seconded by Packard to approve the contract and authorize the Chairman to sign it. Roll call vote: Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Peterson said last year at appeals she said the soil survey would be coming out this year. She has received information that they will be putting it on hold permanently as there are issues with not having enough data from SDSU to make it a viable alternative. She thinks the legislature is discussing where they want to go with that in the future.

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

Stewart said he will be having the public assistance people from Pierre come down April 7th to talk to the cities, townships, and county personnel in case we get rain and floods. Mockler said to tell them to be prepared because Pleasant Valley Township still has not received their money from the 2019 flood.

At 10:26 a.m., Smith moved, seconded by Packard to adjourn and convene as Clay County Ditch Board. Roll call vote: Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The date for the annual meeting was set for February 22, 2022 at 1:00 p.m. at the 4-H building with a motion by Manning and a second by Smith. Roll call vote: Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Highway Superintendent Rod Polley said he has been contacted from FEMA regarding the three sites repaired by Wieman Construction. It sounds like we have to turn in the bills again, and he will see what happens.

He also asked if Ulteig got back to the Commission regarding flying Clay Creek Ditch. Mockler said they have not.

Manning said he never heard from anyone regarding cleaning Prairie Center Ditch. Polley said he will re-send it to the list of contractors.

At 10:28 a.m., Manning moved, seconded by Smith to adjourn and reconvene as Board of Clay County Commissioners. Roll call vote: Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

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

(DUE TO OTHER GOVERNMENT)		THE STANDARD - SH TRM DI	\$949.59
AVI SYSTEMS, INC.	\$2,138.32	THE STANDARD - VISION	\$153.62
DEPT OF REVENUE	\$11.58	UNITED WAY OF VERMILLION	\$267.00
SDACO - M&P FUND PAYMENT	\$480.00	VERMILLION FEDERAL	\$550.00
(PAYROLL WITHHOLDING)		WELLMARK BLUE CROSS	\$46,321.85
AFLAC	\$670.89	(PROFESSIONAL SERVICES AND FEES)	
CLAY CO FIT FICA	\$56,020.31	ERICKSON SOLUTIONS GROUP	\$790.00
COLONIAL LIFE	\$183.16	FEDEX	\$15.88
CONSECO/WASHINGTON	\$24.45	GAPP, DEBRA	\$6,290.00
DIV OF CHILD SUPPORT	\$757.20	JOHNSON ENGINEERING CO	\$1,647.49
NEW YORK LIFE INSURANCE	\$328.57	MID-STATES ORG. CRIME	\$100.00
SD RETIREMENT SYSTEM	\$27,278.02	NETSYS PLUS, INC.	\$125.00
SD SUPPLEMENT RETIREMENT	\$3,060.00	PHARMCHEM, INC.	\$647.00
SDRS ROTH 457(B) PLAN	\$185.00	SANFORD HEALTH OCCUPATIO	\$147.00
TASC PVR	\$1,633.32	SDSU EXTENSION SERVICE	\$8,454.61
THE STANDARD - DENTAL	\$884.66	ULTEIG	\$18,713.48
THE STANDARD - LIFE INS.	\$371.92	VERMILLION ACE HARDWARE	\$7.00

(OTHER PROFESSIONAL SERVICE)
CITY OF VERMILLION \$82,640.14
(LAW OFFICE)
TERWILLIGER, PHILIP \$2,947.39
(PUBLISHING)
NEW CENTURY PRESS ACCT44 \$441.05
(REPAIRS AND MAINTENANCE)
AUTOMATIC BLDG. CONTROLS \$204.00
CENTURY BUSINESS PRODUCT \$30.00
ERICKSON SOLUTIONS GROUP \$273.00
INTERSTATE POWER SYS INC \$1,650.30
JOHNSON FEED, INC. \$64.35
OLSON'S PEST TECHNICIANS \$80.00
PRESTO-X COMPANY LLC \$153.00
(DATA PROCESSING/CLAY CREEK/INF)
ERICKSON SOLUTIONS GROUP \$2,390.55
(SUPPLIES & MATERIALS)
AVI SYSTEMS, INC. \$11,728.71
BOB BARKER CO INC \$292.94
BRUNICK SERVICE, INC. \$160.00
BUTLER MACHINERY CO. \$363.00
CORTRUST BANK \$8.00
D-P TOOLS, INC. \$244.75
D-WARE INC. \$5,350.00
DAKOTA PC WAREHOUSE \$167.92
I-STATE TRUCK CENTER \$183.48
INTERSTATE POWER SYS INC \$570.38
JCL SOLUTIONS \$449.16
JOHNSON ENGINEERING CO \$60.06
JOHNSON FEED, INC. \$4.50
LAWSON PRODUCTS, INC. \$156.73
LEWIS DRUG, INC. \$757.31
M & M FARM SUPPLY \$13.72
MARK'S MACHINERY \$20.88
ONE OFFICE SOLUTION \$339.78
PROCHEM DYNAMICS \$95.67
QUILL CORP. \$134.62
RUNNINGS SUPPLY INC \$123.62
STURDEVANT'S AUTO PARTS \$198.31
VERMILLION ACE HARDWARE \$208.01
VFW POST #3061 \$32.00
YANKTON JANITORIAL SUPPL \$384.75
(TRAVEL AND CONFERENCE)
SD EMG. MGMT. ASSOCIATIO \$30.00
TURNER CO. EMS \$10.00
(UTILITIES)
ANDERS, JEFFREY \$180.00
ARMSTRONG, AARON \$180.00

BUTCH'S PROPANE \$3,109.34
CENTURYLINK \$591.04
CENTURYLINK EMG \$13.79
CHRISTOPHERSON, KALEB \$180.00
CITY OF VERMILLION \$1,826.34
HOWE, ANDY \$180.00
HUBER, KYLE \$90.00
KYMALA, SHANNON \$180.00
PEDERSON, PAUL \$180.00
VERIZON WIRELESS EMG \$40.01
VERIZON WIRELESS HWY TRS \$101.20
VERIZON WIRELESS SHERIFF \$483.84
VERIZON WIRELESS ST ATTN \$149.75
VERMILLION GARBAGE SVC. \$254.90
(PAYMENT)
GRAHAM TIRE S.F. NORTH \$278.02
HY-VEE, INC. \$219.57
MCLEOD'S PRINTING & SUPP \$90.87
SANFORD HEALTH CLINIC \$1,290.00
THE SOAP GUYS \$16.00
(PROFESSIONAL SERVICES AND FEES)
NATIONAL SHERIFF'S ASSOC \$400.51
(BUILDINGS AND STRUCTURE)
BECKENHAUER \$6,160.00
(BOOKS)
THOMSON REUTERS - WEST \$801.85
(FURNITURE AND MINOR EQUIPMENT)
CANON \$138.15
ONE OFFICE SOLUTION \$1,113.00
(PAYROLL)
COMMISSIONER'S \$8,978.03
AUDITOR'S OFFICE \$12,575.53
TREASURER'S OFFICE \$20,652.45
STATE ATTORNEY'S OFFICE \$33,038.28
COURTHOUSE \$4,546.14
DIRECTOR OF EQUALIZATION \$11,978.43
REGISTER OF DEEDS \$8,693.00
VETERAN'S OFFICE \$1,681.86
24/7 \$2,067.52
SHERIFF'S OFFICE \$37,385.52
COUNTY JAIL \$35,532.39
EMERGENCY MGMT \$4,938.50
HIGHWAY \$43,565.17
COMMUNITY HEALTH NURSE/WIC \$3,312.28
EXTENSION OFFICE \$2,827.56
WEED \$3,562.31
PLANNING & ZONING \$3,468.36

Payroll for 2022 (per month unless otherwise noted): Cynthia Aden \$25.00/meeting, Jeffrey Anders \$5173.48, Aaron Armstrong \$4594.78, Marcie Armstrong \$3254.32, Jessica Beringer \$3480.71, Kristina Brinkmann \$3254.32, Cindy Carrington \$20.20/hr., Laura Christensen \$3568.42, Kaleb Christopherson \$4064.62, Ryan Church \$2972.47, Carri Crum \$5438.68, Danielle Davis \$2761.38, Corey Doherty \$18.77/hr., Madison Dooley \$16.33/hr., Timothy Dooley \$20.92/hr., Caitlyn Dommer \$5511.34, Jill Dotson \$3903.87, Joan Downey \$3500.79, Dennis Ganschow \$27.80/hr., Marty Gilbertson

\$25.00/meeting, Sarah Gregg \$2899.45, Drew Gunderson \$4999.82, Richard Hammond \$1769.82, Kevin Hanson \$4333.33, Samantha Hargrave \$6338.05, Brent Hays \$22.17/hr., Kaylee Hoffman \$2972.47, Andy Howe \$7122.27, Rhonda Howe \$5438.68, Kyle Huber \$3363.29, Joseph Hubert \$25.00/meeting, Tiffany Husby \$4818.43, Raven Jensen \$2827.56, Kase King \$16.33/hr., Nicole Klunder \$3656.14, Shannon Kymala \$4064.62, Timothy Larson \$27.03/hr., Ryan Mahoney \$17.15/hr., Micheal Manning \$1769.82, Larry McPherson \$29.85/hr., Sarah Miller \$3684.47, Travis Mockler \$1898.75, Kara Mulheron \$16.33/hr., Lennea Olson \$2971.33, Phyllis Packard \$1769.82, Paul Pederson \$5299.76, Ina Peterson \$5438.68, Anthony Pick \$20.92/hr., Julie Plaatje \$3351.31, Rodney Polley \$6126.29, Jerry Prentice \$25.00/meeting, Norma Probst \$17.15/hr., Robert Proefrock \$18.77/hr., Preston Rhodes \$3680.79, Tyler Schuck \$3198.98, Elizabeth Smith \$1769.82, Layne Stewart \$4938.50, Austin Stromberg \$18.46/hr., David Styles \$4271.38, Laura Sundet \$3845.48, Rhonda Taggart \$3537.24, Lisa Terwilliger \$5438.68, Alexis Tracy \$7771.42, Patty Waage \$50.00/call, Linda Weber \$4684.64, Sierra Whitman \$50.00/call, Lisa Wood \$3312.28, Brianna Youngstrom \$2761.38.

The Board considered observation of the Juneteenth holiday. Smith moved, seconded by Manning to add the Juneteenth holiday to the list of observed holidays and change the Employee Handbook accordingly. Roll call vote: Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered a contract with Vonage for a phone system for the courthouse, highway shop, and Extension Office. Manning moved, seconded by Smith to approve the contract and authorize the Chairman to sign it. Roll call vote: Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board discussed office space for the newly created Facility Manager position. It was discussed whether cleaning supplies and records could be moved to another area, giving up the basement storage room for office space. Crum said that is a very wet area as water comes into the wall when it rains. Other options were considered. Tracy, Howe, and Crum discussed the option of remodeling the Court Services Office to create an additional office, thereby freeing up the small office on the north side of the building for the Facility Manager. Tracy reached out to Court Services to discuss the matter.

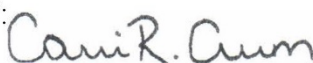
Manning said he spoke to Calvin Hanson regarding the grant program for the road to the Myron Grove Access. She has touched base with the Township attorney once and has not since. They were going to check with SECOG to see if they have encountered this before as it involves the Township turning over the road to the County when the project is complete. Mockler said he does not have faith it will pass the voters in the township. Manning said to him it's a no-brainer for the citizens, but he thinks they are concerned about traffic it may bring. Mockler said the appropriate way to do it is to let the voters vote on it at the annual meeting.

At 10:58 a.m., Manning moved, seconded by Smith to adjourn and reconvene Tuesday, February 1, 2022 at 9:00 a.m. Roll call vote: Manning Aye, Smith Aye, Packard Aye, Mockler Aye.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:


Carri R. Crum, County Auditor

February 1, 2022

The Board of County Commissioners met in regular session Tuesday, February 1, 2022 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 and carried to approve the agenda. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Minutes of the January 25, 2022 meeting were approved with a motion by Manning, seconded by Smith and carried. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Lauren Hollenbeck, 4-H Educator, met with the Board to present the Quarterly 4-H Activity Report.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. Manning moved, seconded by Smith to pass and adopt the following Resolution #2022-03. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

RESOLUTION #2022-03
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 RESOVLVED;

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 NAY0

Dated this 1st day of February, 2022 at Vermillion, S.D.

ATTEST:

Carri R. Crum
CLAY COUNTY AUDITOR

Travis Mockler
CHAIRMAN, CLAY COUNTY COMMISSION

Smith moved, seconded by Packard to set the date and time for highway materials bid opening as March 1, 2022 at 9:30 a.m. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Manning moved, seconded by Packard to declare scrap iron and aluminum signs for surplus. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Manning moved, seconded by Smith to accept the low bid of \$1.699/gallon for propane from Butch's Propane at the Wakonda and Vermillion shops. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Manning moved, seconded by Smith to accept the low bid of \$2.95/gallon for gas from Jerry's Service. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Manning moved, seconded by Hammond to accept the low bid of \$2.3231/gallon for #2 diesel from Jerry's Service for the Vermillion shop. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered six Right-of-Way Applications from Clay-Union Electric: Meckling Rd. in Sections 11 & 13 T92N R53W, University Rd. Sections 8 & 17 T95N R51W, 302 St. Section 36 T95N R52W, and 300 St. Section 24 T95N R51W. Polley recommended approval of the applications. Smith moved, seconded by Packard to approve the six 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 the need for security cameras at the Vermillion and Wakonda shops. He said they have been noticing increased traffic on the weekends when the shops are closed. There is money in the budget for it. The diesel barrels are above ground at the Wakonda shop. Smith said it sure makes sense and asked if someone would check cameras every day. Polley said it would be motion detected, and he and Foreman Larry McPherson could receive a notification on their phones. Packard said she highly supports it as it is a protection that helps us with insurance and safety. Mockler asked Emergency Management Director Layne Stewart if there is anything available. He said he will check with Safety Benefits. Hammond said he installed a Simplisafe system, and it works well and has high resolution footage. Packard said she also has a system that was provided by the phone company.

Polley discussed with the Board the new federal CDL requirements. He said they will now need to go through a training course that ranges from \$4,500-5,500, and it is a 6-week course. He said SDLTAP is scrambling to see if they can have someone be a trainer. He wanted the Board to know that after February 7th, the new requirements take effect. The total was around \$350 previously. Mockler said the person will be on staff for 6 weeks while they are in school. Polley said all the counties are trying to figure out what to do. Mockler said he wishes they would make a law just for the state of South Dakota if you don't cross state lines. Hammond said over the years he has had employees that were pretty sharp

and could take the test right away, and he has had others where he would spend \$2,500 to take a course in Mitchell and then test there. He said this is a significant problem to give up an employee for that long.

At 9:34 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.

Polley gave an update on the 1/24/21 FEMA meeting. He said they want to discuss the 5 miles from 457 to the west county line. They don't want anything else listed on there. He asked if the Board wants him to continue to be the go-to person for this. It was discussed that Brad Stangohr from Ulteig Engineering was hired to do that. Polley said he told FEMA that it is in the engineer's hands now. He sent the photos he has, so as of right now everything is turned in. He said they are keeping track of their time on the project as well. Mockler discussed getting reimbursed for culverts on Lateral 1B and 2A. Polley said he has a bill for a 60" culvert that the County furnished and will look at past bills.

Manning said he received a quote for the Prairie Center Ditch. Polley said he sent out letters to contractors for it.

Stewart asked Polley if either he or McPherson will be at the April 7th meeting with the State. Polley said yes. Stewart said they will be reviewing new policies at the meeting.

At 9:45 a.m., Smith moved, seconded by Manning 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.

State's Attorney Alexis Tracy spoke to the Board. She is advertising for a legal assistant due to an opening in her office. She said it will be very taxing on the other legal assistant, so she reached out to last summer's intern, who is able to help out. She requested authorization to hire her part-time for a short term until she gets someone hired. If she starts at the low end, she will come in under budget, but if she gets someone with experience, she will need to request more money that she estimates to be \$3,700. Manning said the previous intern actually has an idea of how things work in the office. Tracy said she will need some training, but she knows the files and the system. Mockler discussed the budgeted wages for the previous legal assistant, and Tracy discussed sick and vacation leave payout. Tracy said there is a very good chance it will not affect the budget at all, but she wanted the Board to know. She requested permission to go forward. Hammond thanked her for the information. Smith moved, seconded by Hammond to authorize Tracy to proceed. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Tracy discussed the JDAI Grant with the Board and requested formal authorization to move forward and asked for a Commissioner to serve on the work group. Hammond said it would fit in well with another of his appointments and volunteered. Smith moved, seconded by Manning that Hammond be appointed as the Commissioner on the work group committee. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

At 9:53 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 10:17 a.m., Smith moved, seconded by Packard to exit the Executive Session. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Mockler opened up discussion regarding the jail and law enforcement center land purchase. Smith moved that the County purchase 7.4 acres on the west side of the property owned by Larry Brady as recommended by the Committee. Realtor David Thiesse presented a preliminary plat of the land that Brady had done. The 7.4 acres would be lots 6-9, but it is not an official plat at this time. Mockler asked if it goes to the center of Cherry St., or if inside the yellow highlighted area is 7.4 acres. Thiesse said it is the yellow highlighted area. Manning asked Thiesse what he found out for the initial negotiations. Thiesse said Brady's final offer is \$4/sq. ft., and he has reduced the 5-year option to a 1-year option. Brady has conveyed to Thiesse that he will stick to the agreements that have been made, but at the end of March, they are back at the table. Thiesse said the price for the entire site is \$3/sq. ft. Hammond said the 7.4 acres would be \$1.3 million. Thiesse said it comes out to about \$1.9 million for the entire site. Mockler said it is a \$560,000 difference between the 7.4 acres and the whole parcel. Thiesse said this is cheaper per sq. ft. than the other options we looked at, and the market is volatile. It will go up. Manning said within a year, if we bought the rest, it would be \$4/sq. ft. Thiesse said that is correct. Wess Pravacek asked what the taxes are. Thiesse said the taxes on the whole site is roughly \$800/year. Mockler said it could be offset by renting the land, so it could be a net gain. Thiesse said there is an agreement between Brady and the renter that if it is sold after the crop is planted, he would be reimbursed for that. Steve Waller asked if this is to purchase the land or just an option. He said if it was approved in June, there is a good chance the crop would be harvested before ground is broken. Hammond said some site prep might destroy a little of the crop. Mockler said it could be enough that we would be better off to enter into an agreement. Hammond said that would have to be done sometime in the next month. Mockler said whatever we decide today, we need to get started. Hammond asked if we need to have a maximum dollar amount in the motion. Mockler said we know that, and it would be \$1,290,600 or \$1,856,000. Smith said she would be amenable to including a price of \$1,290,600 as a maximum price in her motion. Hammond seconded the motion. Mockler said his thought is that we don't know what the future is going to bring. If we bought the whole thing, we would know who our neighbor is going to be. If he gave us a year option, we will not have the money for that. Today is the day, and tomorrow is too late. Packard agreed, we will not find property at this price again. If there are any county needs in the future, we will not be able to buy property at this price. She said she is not thinking of the courthouse. There are other problems that could take place for the county in that area. She thinks we are selling ourselves short of not buying the whole for \$3/sq. ft. rather than \$4/sq. ft. She would like to hear from the public to see if they are still anti-county owning the whole property. Smith said it seems absolutely clear to her that if we want to succeed in the June bond issue for the jail and law enforcement center, 7.4 acres is what's possible. She will not engage in an argument, and she is dead certain the public will not support it. She said she stands by her motion. Mockler said the people in those meetings are the ones who said the School had the foresight to purchase property in the past for the future. Smith said she thinks it's a moot issue. She does not think a 14-acre bond issue will pass. She does not think they need to go over the same territory over and over again. They will be in the same place as they were after the June 2021 election. Mockler asked what the deal-breaker is on the extra property. Tracy said she was interested to see that the Plain Talk's unofficial poll indicates that 70.3% of people who voted said to pursue the 14 acres and 29.7% said to pursue the 7.4 acres. Smith said those polls are notoriously unreliable. Packard said on the other hand, almost every call she has received on the previous issue about the river development, people were also in support of purchasing the full

acreage. She would like to hear from Dan Christopherson. Christopherson said the biggest thing to remember is that we need a jail and law enforcement center. If we put any more reasons for people to vote "no," it is going to be difficult to pass that. He cited the property tax ramifications and the school bond issue. He said we are looking at \$50-60 million bonds to be paid off of the next 30 years. That is reason enough to back off on land we don't need for the project. That is reason to vote "no." You're going to need help to get this bond issue to pass. You don't need anyone working against you. If you buy only the land needed, you have a good chance of passing. Manning discussed a training center. Howe said no. Manning said the more he thinks about it, it's going back to what the School did, and he can't predict what's going to happen 10 years down the road. We are never going to get another opportunity to buy a piece of ground like this. It makes him wonder if we should be doing this for other things that might come in the future that we can't foresee at the moment and cited a Boys & Girls Club as an example. He said it is very important to help with the juveniles to keep them off the street and find them something to do, and in that respect, he is leaning towards buying the 14 acres for the future. Smith said, given the experience with the last bond issue, she doesn't think it will pass. She is not willing to give up the jail and law enforcement center to buy land that we have no use for at the present. We are paying a fortune in inmate boarding costs to different counties, and we will continue to do that until we have a jail. We are sending our officers all over, and is that the best use of our law enforcement officers? She said if we want to do this, we need to say this is what's possible as much as she understands Mockler's desire for the 14 acres. She said she does not think it's possible. We will continue to send inmates all over creation and discussed the high costs. Mockler asked the public why the extra acreage is a deal-breaker. Packard felt Smith was using part of the argument for approving the total package in that a vote against and to slow down the project will cost, very quickly, the extra money within a year, two years, spending it out of county to house inmates and the extra cost of putting off the project. Pravacek discussed the cost and said they all got their tax bills recently. It will only go up more. With the weather situation, farmers are going to get bitten again without rain. It's a money issue, and it's a trust issue. They were up front saying they want to help get this passed. The Committee worked like maniacs to come up with some great plans. At this point, all that work would go down the drain. She does not think a larger package will pass. It would be a shame. They weren't trying to be mean spirited for not supporting it last time. They want to go forward with this. This is the best bang for the buck. Sheriff Andy Howe said that today we are trying to solve the need for a jail. He gets frustrated that we are trying to add to the project when what we need to do today is build a jail. We are paying roughly \$30,000/month to house inmates, and he expects it to grow closer to \$40,000/month. The average population has been 27, and that's what we have today. There is an urgency, and we need to get this done. We cannot pay \$40,000/month for yet another year. We will spend \$500,000 there while we argue about land. He would love the County to have the land as Andy the taxpayer, but the County needs a jail. We can't keep talking about it and tacking on other issues to the project. When the courthouse was part of the project, the opponents actually argued about the size of the jail because the jail was the hook. That was the popular item. We can't keep waiting while we talk about other issues while we try to accomplish this one thing. He wanted to make sure the Board understands the urgency. It's not going to get better. Waller said we need to also remember that a year's delay will cost \$1 million or more, with inflation, for construction. The Committee thinks the 7.4 acres is more likely to pass. Buying 14 acres is enough for some people to say no, but he has not heard anyone say 7.4 acres wouldn't pass. The path of least resistance will be the 7.4-acre option. Hammond said he has to put a lot of emphasis on the Committee's opinion and Howe and others who would occupy the building. He leans toward the 7.4 acres, but he has a number of ideas on how they would use the land, mainly to benefit the youth of the community, but he knows it is probably not enough to sway those who are pretty adamant. It sounded

like an endorsement from Christopherson if we go ahead with the 7.4-acre proposal. His guess is the land would still be available if we found another use for the property later. He agrees the time to buy is now at a much better price, but he thinks we need to go ahead. Rich Holland said we have an option to purchase later, but to tie with this particular bond issue and the jail facility would not be a good idea. It would raise too many doubts as to what we are doing and not show respect for the Committee. He believes we still have the option in 5 years to pick up the land for a reasonable cost, but please don't put it on this particular bond. Mockler said the option has changed to 1 year. He said as a taxpayer if we came back in 5 years and bought that property for \$1.2 million, he would seriously question the people in charge why we are paying double. That's always been a shortfall. Everybody wants today, today, today. We have to look to the future, and it's never going to get any cheaper than it is right now. Holland said that also applies to the jail. If we wait another year or two, we lose a lot more than that \$1.2 million. After a lot of consideration, the best option is to purchase the 7.4 acres. Mockler said the additional purchase is going to cost about \$1.75 per \$100,000 when we talk taxes, so he is still trying to figure out what is the reasoning not to purchase the whole thing. It makes financial sense. Bob Fuller said he agrees with the financial future, but in terms of what he understands to be a deal-breaker is fear from the opponents that the extra land will be used for a courthouse, and he thinks it is unfortunate because he does not think they understand the Commission has to undertake some very valuable and necessary repairs for this building. This building is not going to go anywhere. The Commission has undertaken some of the upgrades it needs, and it will continue. There is still a voice that the extra land is going to be used for a courthouse, but we need to get beyond that when we need a jail. Mockler asked Fuller if he thinks they think the County would somehow sneak in a new courthouse. Fuller said yes, that is his understanding. Mockler said if that's the fear, he would like to understand how they think we would be able to do that in the dark of the night. Pravacek said she still thinks it's a matter of money. With the taxes going up with the necessary new school, and with the jail that is really necessary, the extra money would blow it out. We could lose the people who work for us because there is not a decent facility. She asked, is it worth it at the risk of losing what we need right now? When money is tight, you have to do something for the moment, too. She does not think the courthouse is an issue right now. People need to feel comfortable about their life. Can I pay my taxes, can I keep my house, can I keep the farm going? These are not small issues. Right now it is a matter of immediacy. Paul Hasse asked if the motion could be read. Mockler said the motion is to purchase the 7.4 acres on the west side. Hasse asked where the money is coming from. Mockler said it is an option. Crum said Smith moved that we purchase 7.4 acres on the west side of the property owned by Larry Brady as recommended by the Committee. Smith said she added, "at a price of \$1,290,600 with a 1-year option." Hasse said the City's share would be \$6.8 million. He asked Holland if the City has that kind of money. Holland said the exact amount has not been established. In the past, the City's share was 18%, but that is not a guarantee as it depends on how much of the new facility would be occupied by the Police Department and half of the 911 Center. Smith said it would be a bond issue, so it would be subject to a vote. Hasse said the question is whether the City has the money. Mockler said that is not what we are discussing today because there is no one here from the City but Holland, and is sure Holland does not want to make that decision alone. Holland said City Manager John Prescott could tell us how they will have the money, but they will have to have their fair share, and they will do that. Hasse said the land is outrageously high at \$175,000/acre. Mockler clarified that the motion is to enter into the option for purchase of the 7.4 acres. Hammond said we do not want to end up being like Lincoln County and owning 7.4 acres of land that the bond issue fails on, and we've got no jail with land we don't have a use for immediately. Thiesse said whatever is recommended, they will draw up an option to purchase and run it by the State's Attorney. Packard clarified that the option would be \$4/sq. ft. Roll call vote on the motion: Hammond voted aye and

Manning voted aye. He said he is going to say yes because he would buy the 14 acres, if he had the money, and he wants it to go through. He wants the jail, so he unfortunately cannot think for the future. Smith voted aye. Packard voted nay. She is figuring in 1 year they will be spending the extra amount in housing inmates out of county. It is illogical to not buy the full acreage at the reduced price. Mockler voted nay. Motion passed. Packard said she does want it to pass, and this is a public relations situation. It has to pass.

Mockler discussed a lawn mower purchase for the courthouse. He said the only thing not included is the mulching kit, which is another \$500. Mockler and Manning discussed that a kit included in the quote will smooth out the ride. Smith asked if this is a bid. Mockler said this includes the trade in. He said they did not technically go out for bid. Smith said she looked at prices across the country, and this is pretty much what it runs. Packard asked if it has been run by the new Facility Manager and said that person should have some say. Mockler said since it was considered last fall, he wanted to get it done in case prices go up. Manning moved, seconded by Packard to approve the quote and authorize the purchase. Mockler said this will be a bigger mower and will be used at the fairgrounds as well. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Auditor Carri Crum gave an update on ARPA funding. She said she has been reading through the 437 pages of the final rule from the U.S. Treasury Dept. There may be a standard allowance for revenue loss that might make things easier for counties to spend the money. She still has not received a definitive answer on the HVAC system and whether the new phone system could fall under IT improvements. Smith asked if they gave a time frame for answering questions, and Crum said there was some misunderstanding with previous questions, so she has not received an answer yet.

The Board discussed the office space for the Facility Manager. The proposal was to swap the Community Health Nurse Office with the Court Services Office. It would involve building out walls for an office in one area and re-installing a restroom in what was a restroom previously. Mockler said Court Services, Kim Allison, wants security glass and a counter. He is not willing to spend a bunch of money for a wish list. We are still in negotiation. Smith said she wonders if the ARPA money would pay for that glass barrier as it could be COVID protective. Mockler said they want what is in the jail. He feels it is a waste of money as they could potentially occupy the jail space in a few years. It seemed like everyone would get something as the Court Services would gain a restroom. Everyone was giving a little, but now with the extra money he is concerned. Manning said it seems foolish to spend extra money for a short time. We just got done talking about that and we are going right back to spending money on something that doesn't exist. Mockler said he is going to work with them but not give them everything they are asking for. He thinks what we agreed on is what we should stick to. Everyone that had to use the offices said it would work. Packard said she agrees with that and asked, if they don't have it now, why is it an extra that they want especially when if the jail is built it could be an appropriate space for them. Mockler said we discussed that, and it would be secure. Howe asked if it would happen in the 2 weeks before the Facility Manager starts, and Mockler said no, but it would be his first project. Mockler said the new Facility Manager will probably be using the Commission Room temporarily for an office space except Tuesdays when there is a meeting. Manning said when he heard that it would probably be a good idea. Smith said it is temporary, and it doesn't make sense to do major renovations for something temporary. Mockler said we will need to do plumbing, but hopefully it will not be so bad due to location. Howe said when the Sheriff's Office was in there, it was not used as a restroom. It was a


file room. He thinks there was an issue with plumbing. It could be fixed. Mockler said that will be the first thing to be looked at because the Nurse's Office has to have a restroom.

At 11:08 a.m., Manning moved, seconded by Smith to adjourn and reconvene Tuesday, February 8, 2022 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

February 8, 2022

The Board of County Commissioners met in regular session Tuesday, February 8, 2022 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 and carried to approve the agenda. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Minutes of the February 1, 2022 meeting were approved with a motion by Smith, seconded by Manning and carried. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Under Visitors to be Heard, Paul Hasse asked the Commission when they will have the land appraised for the 7.4 acres that they plan to purchase for the jail and law enforcement center project. He was concerned that the price may be too high.

Karen DeLange, Alternative HR+, discussed the potential of doing a wage assessment for the Highway Department. She said Polley has obtained wages from 33 counties and asked if the Commission wants a formal wage assessment. Polley said he reached out to the other counties to see what they are doing for the new CDL requirements. He said they are pretty much waiting to see what happens and most do not have a plan of action at this point except the three biggest counties who will not even interview someone without a CDL. DeLange asked Polley about the different classes of CDL licenses. Manning asked what Yankton County is doing, and Polley said they did not respond. Manning said Turner, Union, Charles Mix, and Bon Homme were the lowest wages, but we are lower than all of them. DeLange said she pulled salary data for a medium truck driver, and for 1 year of experience, the median rate is \$16.51. Three years of experience is \$17.93. They did a wage analysis for McCook County in July 2021, and that salary increased \$1,500/year between then and this morning's data. She said Polley is right to worry about it. Manning asked Auditor Carri Crum what the positions in the courthouse start at, even though it is a different job description. Crum said the Treasurer's Office, for example, starts at \$15.93. DeLange suggested starting at different wages, depending on how many years of experience they have. Mockler said that is where the steps come in at, and we have hired them that way. Polley said you have to watch out when you start doing that because he has people that have been there 10 years, and the new person might have a CDL but does not know how to run the equipment. DeLange said you could give them partial credit. Polley said everyone knows how much everyone else makes, so you know how that will go. DeLange said there would be justification. Mockler said the steps are the best way to go. He said just because they start here, it doesn't mean they have to start at the starting wage with experience. DeLange said the County could also do a hiring bonus. Polley said some of the counties are looking at that. Polley said the only county that's really doing anything right now is Pennington County, but they have a lot of people and a lot of trucks. Mockler said there should also be a probationary period, and Polley said it is usually 6 months. Smith asked if it will be advertised in a range based on experience, or will it have an hourly rate attached. Polley discussed requirements in the ad. Sheriff Andy Howe said one thing he runs into in law enforcement is certified vs. not certified, and different grades for that. Howe and DeLange discussed how he handles that in his department. Howe said he holds to steps being longevity and grade

being skills on the pay scale. He suggested having a conversation in a department head meeting. Smith said a CDL is parallel to having a law enforcement certification as it saves the County money when someone comes in with a CDL license or certification. She said she likes the idea of having the department heads meet to make sure everyone is on the same page. She said she thinks we are also low in terms of salary, so it is probably a good idea to not be the lowest and shoot for median or slightly higher than median wage. Polley said we are getting away from the topic he brought up. He wants to know, if he hires someone without a CDL, are we willing to pay for them to go to school to get it. Howe said he does start someone with certification at a grade higher. If he hires someone else without the certification, he moves them up a grade when the certification is obtained. He said we do not often get certified applicants, and while they are there, they are on the clock, so their wages are paid while they are in training. Manning asked if there is a way to contact the tech schools to offer a paid internship. Mockler asked if Polley were to hire someone without a CDL, could he have other work for them for a year first? Polley said if SDLTAP comes through, that would be something that would be a smaller cost than the \$5,500. They do grader training already. They have to train someone to be a trainer for CDL first. Manning said you could get someone in there, pay for the CDL, and you find that they will not work out. Mockler asked Crum to reach out to Kris Jacobsen if the County can create a scholarship program. Polley said we would need to change the Employee Handbook to reflect whether a person is required to have a CDL. Crum discussed requirements for other positions, such as the Director of Equalization's Office appraiser certifications, which the County pays for, but the issue is really the \$5,500 cost for the CDL training. Polley said they paid for the CDL license and the time to get the license, but it was not so costly then. Mockler said he may advertise as wages are depending on experience. Polley said he has had applicants in the past who did not want to drive plow trucks and left the interview. Mockler and Polley discussed CDL requirements for automatics vs manual transmissions and how many employees he has with each class of CDL. Hammond said one of the issues that comes up with not being able to commit to getting a CDL in the interview process, a lot of times, they may not qualify to get a CDL, for instance if they had a CDL before and were disqualified for a certain period of time (i.e. speeding or drug and alcohol convictions). Packard said at the landfill they would advertise as "CDL preferred." Hammond said it is really important to have all employees having a CDL because when you mobilize to a site, you have a number of trucks to get all the equipment to the job. If you don't have enough drivers to do it, you have to make multiple trips, and it slows the process down, costing you money. Hammond said a certain value should be put on the CDL, for instance \$1.50-2.00/hour. If they don't have that, help them get that by giving them study time, the cost for the testing process, and then bump them the extra wages after they are awarded the CDL. DeLange discussed the steps moving forward, such as a department head meeting, and having Polley come back later with any requests for the Commission. She said at some point the County may want to look at raising the starting wage.

Craig Nelson and Ryan Fickbohm from Garfield Township Board met with the Commission to discuss assistance from the County with a bridge over Baptist Creek on 308 St. south of Hub City and east of University Rd. They asked Polley to look at it. The header beam is rolling off the east side and pushing the back wall and piling away from each other. They had Johnson Engineering inspect it, and the engineer determined it needed to be closed. Polley said he got quotes from Hollaway Construction, and for a 14' concrete box culvert, it is about \$115,000. There is a 28' opening closed down to 14', and he does not think a box culvert will solve it. Two different times they poured concrete at the bottom for washouts, and it did not help. He had Hollaway look at a different option. They said either a 30' wide x 20' long concrete pre-cast double-T for about \$219,000 or a steel structure for about \$235,000. The problem is that it would come back to being a County bridge, so inspections would be required. The last

option, which no one likes, is to leave the road closed. Polley said they have replaced the little wooden structure at University Rd. and 308 St. Mockler asked if it would qualify as a small structure, and Polley said a 14'x14' box culvert would be. Polley asked if the money available for small structure inventory would be available for replacement. Mockler said it would be a question for the state official. Polley said you can see from aerial photos that it is cutting the flow down into a bottleneck. Polley discussed another nearby structure. Nelson said the problem with Marshalltown Rd. to the north is that if you go to the east intersection, there is technically not a 4-way intersection, so it is hard to turn trucks because the road is so narrow. They haven't been able to use the road because of the tonnage, and they would like to have the access. They can't use the county gravel either because of the bridges. There is only one way going east, and 3-4 miles away going west. Even with culverts, they could make the turn going to University Rd. Hammond said redoing the intersection may be financially doable because it sounds like it's going to be quite a cost to replace the bridge. He said he has been up and down the road with heavy equipment a lot in the last 4-5 years. Polley discussed another two wooden structures nearby that will be coming out sooner or later. Manning asked Polley, it seems the cheapest alternative is a concrete structure, but the water will erode out the area. Polley said there will still be a wing wall, and it will be back into the bank. Nelson discussed another structure on Marshalltown. Mockler said to fix it correctly, it is \$235,000. Polley said at minimum. For a steel bridge, it is \$251,000. He would rather see the County fix the bridge at the bottom of the hill at 309 St. and then on 466 Ave. Nelson said it also a blind intersection and is dangerous. Manning asked if it would help if the road intersection was widened out. It was discussed that it would have to dig into the landowners' fields. Manning said that's about the best fix because although he knows they want to the bridge he doesn't know if the County could afford that. Fickbohm asked about fire access. Polley said fire trucks should not be crossing it as it is. Mockler said to see what SDLTAP says about the situation. Polley said the Baptist Creek is worse than the Vermillion River; no matter what we do, it will not help flooding north of Tabernacle. Nelson said when it goes, it goes, and nothing is going to stop it.

Polley said last night there was a fire east of Wakonda. He heard something on the scanner and thought it was the County's bridge that was closed. He asked who would be the County's liability insurance company if someone got hurt on the closed bridges. Crum said it would be SD Public Assurance Alliance. He said he will discuss the matter of allowing fishing off the bridges until removal of the bridges with the insurance company. He discussed risks regarding railings and rotting bridge planks.

Manning said he has only received one quote for the Prairie Center Ditch. Polley and Crum have not received any. Polley said they usually give from 2 weeks to a month. Mockler asked that it be put on the agenda for next week. Polley said the funding to replace small structures is dependent on the number in the county. He said he will contact SDLTAP and go from there.

A public hearing was held for the transfer of liquor licenses held by Toby's Lounge to Janes Boys, LLC., the buyer of the current Toby's Lounge. 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.

Director of Equalization Ina Peterson met with the Board regarding the Pictometry flyover. She said she received an email and said due to the winter storm Landon, it affected the company's flyover. They would like to do our flyover in the next couple of weeks instead of April or May. Peterson said she is

afraid if we don't do it, we might lose the opportunity. Hammond said it looks like the 10-day forecast is good. Peterson said the wind is a problem, though.

Mockler asked about the Abatement Application from the City of Vermillion. Crum explained that it is a property that the City purchased halfway through the year. Hammond asked where it is. Peterson said it is near the City's shop. Hammond moved, seconded by Manning to approve the Abatement Application 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 to approve the following claims for payment. Roll call vote: Mockler Aye, Packard Aye, Smith Aye, Manning Aye, Hammond Aye.

(DUE TO OTHER GOVERNMENT)		DOOLEY, MADISON	\$95.00
BERESFORD SCHL DIST 61-2	\$45,951.89	EMPCO, INC.	\$75.00
BETHEL TOWNSHIP	\$10,685.90	FEDEX	\$31.05
CENTERVILLE SCH DIST 60-	\$29,792.87	HOUSKA, DDS, RANDY	\$242.00
CITY OF VERMILLION	\$157,248.19	PHELPS COUNTY	\$18.50
CLAY CO TREASURER	\$7,195.50	PIZZA RANCH 14762	\$1,559.37
FAIRVIEW TOWNSHIP	\$17,391.00	SANFORD HEALTH	\$104.65
GARFIELD TOWNSHIP	\$9,485.20	SD DEPT OF HEALTH LAB	\$720.00
GAYVILLE/VOLIN SCHL DIST	\$8,848.25	TIGERT ART GALLERY	\$320.00
GLENWOOD TOWNSHIP	\$9,731.63	UNION CO. SHERIFF	\$236.20
IRENE CITY	\$2,345.41	WINNER FAMILY DRUG	\$7.00
IRENE/WAKONDA SCHL 13-3	\$141,748.63	(OTHER PROFESSIONAL SERVICE)	
MECKLING TOWNSHIP	\$11,971.47	CITY OF WINNER	\$1,633.00
NORWAY TOWNSHIP	\$7,501.40	SCHILDHAUER, T. LEMBCKE	\$813.00
PLEASANT VALLEY TWP.	\$10,244.28	SD ATTORNEY GENERAL	\$1,230.00
PRAIRIE CENTER TWP.	\$8,622.43	UNION CO. SHERIFF	\$28,415.00
RIVERSIDE TOWNSHIP	\$8,305.91	YANKTON CO SHERIFF	\$3,340.00
SEILERS SECOND ROAD DIST	\$71.15	(LAW OFFICE)	
SPIRIT MOUND TOWNSHIP	\$11,255.12	LAMBETH LAW OFFICE LLC	\$594.00
STAR TOWNSHIP	\$14,542.27	SNOOZE, PHILLIP	\$29.00
TLC WATER PROJECT DIST.	\$11,319.77	TERWILLIGER, PHILIP	\$3,350.00
VERMILLION BASIN WATER	\$2,591.01	(MENTAL HEALTH)	
VERMILLION SCHL DIST 13-	\$489,588.09	LEWIS & CLARK BEHAVIORAL	\$184.00
VERMILLION TOWNSHIP	\$6,035.20	SD DEPT OF REV ANDERSON	\$600.00
VIBORG/HURLEY SCHL 60-6	\$113.42	(PUBLISHING)	
WAKONDA TOWN	\$10,193.40	BROADCASTER PRESS	\$1,219.96
(FIRE PREMIUMS)		NEW CENTURY PRESS ACCT43	\$125.00
BERESFORD RURAL FIRE	\$1,707.37	NEW CENTURY PRESS ACCT44	\$57.86
CENTERVILLE RURAL FIRE	\$1,025.66	PLAIN TALK/BROADCASTER	\$155.25
GAYVILLE RURAL FIRE ASSO	\$1,503.47	STAR PUBLISHING	\$1,105.45
IRENE RURAL FIRE ASSOC	\$408.78	(REPAIRS AND MAINTENANCE)	
VERM. RURAL FIRE ASSOC.	\$8,341.12	CANON	\$186.12
VOLIN RURAL FIRE ASSOC.	\$229.07	EASTWAY AUTO SERVICE INC	\$119.95
WAKONDA RURAL FIRE	\$3,000.69	INTERSTATE POWER SYS INC	\$1,720.00
(WORKER'S COMPENSATION)		JERRY'S SERVICE	\$259.98
SDML WORKERS' COMP FUND	\$57,022.00	PRESSING MATTERS	\$41.00
(INSURANCE DEDUCTIBLE REIMBURSE)		RS PLUMBING SERVICES	\$287.56
BERINGER, JESSICA	\$500.00	VERMILLION AREA CHAMBER	\$200.00
(PROFESSIONAL SERVICES AND FEES)		WALKER CONSTRUCTION	\$100.00
ALTERNATIVE HR, LLC	\$837.75	(DATA PROCESSING/CLAY CREEK/INF)	
BILLINGS, JOHN P	\$3,641.50	AUMENTUM TECHNOLOGIES	\$1,902.77

ERICKSON SOLUTIONS GROUP	\$150.00	ASHBY, KELLEY	\$10.00
MICROFILM IMAGING SYSTEM	\$945.00	BIES, JARETT	\$22.60
SOFTWARE SERVICES, INC.	\$1,606.00	CHRISTOPHERSON, SHANNON	\$71.76
(SUPPLIES & MATERIALS)		COLON, GIOVANNI	\$20.00
A-OX WELDING SUPPLY CO	\$120.82	DAVID, BRITTANY	\$10.00
BRUNICK SERVICE, INC.	\$20.00	DOMESTIC VIOLENCE	\$85.00
BUHLS DRYCLEANERS &	\$146.50	EISENBEISZ, SOMMER	\$10.00
BUTLER MACHINERY CO.	\$1,957.29	HAGEDORN, THOMAS	\$35.20
COYOTE ENTERPRISE LLC	\$9.99	HODGES, ALEX	\$10.00
EASTWAY AUTO SERVICE INC	\$12.14	HOFFMAN, RENAE	\$115.44
EHRESMANN ENGINEERING	\$417.75	HOLL, TAMARA	\$26.80
ERICKSON SOLUTIONS GROUP	\$28.16	HUOT, REGGAN	\$10.00
I-STATE TRUCK CENTER	\$287.54	JONES, AYANNA	\$20.00
INTERSTATE POWER SYS INC	\$319.67	JORGENSEN, BRANDI	\$10.00
JACK'S UNIFORMS & EQUIP.	\$71.94	JOY, LESLIE	\$10.00
JCL SOLUTIONS	\$361.72	KOST, JUNELLA	\$10.00
JERRY'S SERVICE	\$4,206.91	MADSEN, GAYLE	\$76.80
JOHN DEERE FINANCIAL	\$2,198.63	MAGANA, MELANIE	\$10.00
O'REILLY AUTO PARTS	\$50.55	MILLER, THOMAS	\$10.00
ONE OFFICE SOLUTION	\$44.61	MILLS, KEVIN	\$66.72
PRESSING MATTERS	\$55.00	MOSER, HEIDI	\$10.00
PROCHEM DYNAMICS	\$157.31	PAULHUS, NATHANAEL	\$10.00
QUALIFIED PRESORT SVC IN	\$7,024.85	PROEFROCK, DEBBIE	\$60.00
QUILL CORP.	\$280.93	RASMUSSEN, SUSAN	\$10.00
REDWOOD TOXICOLOGY LAB.	\$121.00	REESE, DYLAN	\$67.88
RUNNINGS SUPPLY INC	\$257.42	REGNERUS, JAY	\$10.00
SD DEPT OF TRANS	\$749.13	RIEDIGER, DOUGLAS	\$28.48
STURDEVANT'S AUTO PARTS	\$80.29	SIXTOES, SASHA	\$20.00
VERMILLION ACE HARDWARE	\$80.13	SLATTERY, MICHAEL	\$73.44
YANKTON JANITORIAL SUPPL	\$185.55	STEFFEN, ROGER	\$10.00
(COPIER SUPPLIES)		STEWART, JOHN	\$10.00
RELIANCE TELEPHONE	\$500.00	THELEN, CHRISTOPHER	\$60.00
(TRAVEL AND CONFERENCE)		VANDERKOOI, TIM R	\$26.80
GANSCHOW, DENNIS	\$46.20	VERMILLION AREA CHAMBER	\$500.00
(INMATE TRAVEL)		VERMILLION FEDERAL	\$36.00
PENNINGTON COUNTY JAIL	\$144.22	WEATHERTON, MICHELLE	\$35.20
(UTILITIES)		WILLIAMS, RUFUS L	\$20.00
BUREAU OF ADMINISTRATION	\$36.25	WRIGHT, SAMANTHA	\$60.00
CLAY RURAL WATER SYSTEM	\$50.60	ZARYCH, STEPHEN	\$60.00
CLAY UNION ELECTRIC CORP	\$722.24	(BUILDINGS AND STRUCTURES)	
MIDAMERICAN ENERGY	\$2,551.85	OLSON'S PEST TECHNICIANS	\$3,990.00
MIDCO BUSINESS	\$285.00	(BOOKS)	
VERIZON WIRELESS TRS	\$170.70	NORTH CENTRAL RENTAL &	\$218,592.84
VERMILLION GARBAGE SVC.	\$236.00	(FURNITURE AND MINOR EQUIPMENT)	
WAKONDA TOWN	\$62.65	CANON	\$209.96
(PAYMENT)		ERICKSON SOLUTIONS GROUP	\$2,398.00
ADAMS, BARBARA	\$10.00	MICROFILM IMAGING SYSTEM	\$215.00

The following Auditor's Account with the County Treasurer Report was to be recorded in the minutes.


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 February 1, 2022.
I hereby submit the following report of my examination of the cash:

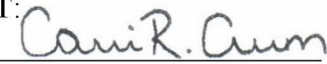
Total amount of deposits in banks		9,638,999.77
Amount of actual cash		1,200.15
Total amount of checks and drafts in Treasurer's Possession not exceeding three days		37,103.86
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:		0.00
Checks returned and not deposited		
Cash Items		700.00
Investments		151,000.00
Cash Variation		0.00
Total	Dated this 1st day of February, 2022.	9,829,003.78

Carri R. Crum, County Auditor

At 10:20 a.m., Smith moved, seconded by Packard to adjourn and reconvene Tuesday, February 22, 2022 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

February 22, 2022

The Board of County Commissioners met in regular session Tuesday, February 22, 2022 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.

Hammond moved, seconded by Smith and carried to approve the agenda with the addition of Clay County Park Discussion. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, Mockler Aye.

Minutes of the February 8, 2022 meeting were approved with a motion by Hammond, seconded by Smith and carried. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, Mockler Aye.

A public hearing and first reading was held for Ordinance #2022-02, AN ORDINANCE OF CLAY COUNTY, SOUTH DAKOTA, AMENDING ORDINANCE NO. 2013-04, BEING THE 2013 REVISED JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION BY AMENDING CHAPTER 6 SECTION 6.02 CONDITIONAL USES, AMENDING CHAPTER 6 SECTION 6.02 APPLICABLE STANDARDS AND CHAPTER 6 LI: LIGHT INDUSTRIAL DISTRICT, PURPOSE. Zoning Administrator Drew Gunderson said this is for joint jurisdiction to place the grain elevator owned by Kevin Myron in Light Industrial. He said the other change is to change wording in Light Industrial regarding occasional customer visits. Hammond said it looks cleaner and more like what we want to see. Hammond moved seconded by Smith to advance the Ordinance to the second reading. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, Mockler Aye.

A public hearing and first reading was held for Ordinance #2022-03, AN ORDINANCE OF CLAY COUNTY, SOUTH DAKOTA, AMENDING ORDINANCE NO. 2013-04, BEING THE 2013 REVISED JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION BY AMENDING CHAPTER 3 A-1: AGRICULTURAL DISTRICT SECTION 3.02 CONDITIONAL USES & APPLICABLE STANDARDS. Gunderson said last fall he and City Engineer Jose Dominguez were approached by a company who would like to place a cell tower on the east side of town by the Highway 50 bypass, but as they were reading through the ordinance, they felt it was an omission that we had broadcast tower but not telecommunications tower. He said they both felt it was an oversight that it was not included in Agricultural. Hammond said we already have one on Heikes' property. Mockler asked if it is a telecommunications tower. Hammond said yes, and they discussed that it has probably been there for 20 years. Hammond moved, seconded by Smith to advance the Ordinance to the second reading. Under discussion, Packard asked what the applicable standards are. Mockler said it will fall under Federal Aviation Administration guidelines. Hammond said it is in each individual classification that allows towers, and he had to cut his own down to 45 feet due to location. Smith said the FAA has a separate approval process. Gunderson said the standards are visibility at intersections and driveways, off-street parking, on-premises signs, and he cited Section 11.08, including a conditional use process. Hammond said there is a setback from houses. Gunderson discussed the minimum distances as well as other regulations. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, Mockler Aye.

A public hearing and first reading was held for Ordinance #2022-04, AN ORDINANCE OF CLAY COUNTY, SOUTH DAKOTA, AMENDING ORDINANCE NO. 2013-04, BEING THE 2013 REVISED

ZONING REGULATIONS FOR CLAY COUNTY BY AMENDING CHAPTER 4.05.05, DISTRICTS, PURPOSE. Gunderson said this is part 1 of 3 of the campground ordinance we've been working on. This allows for commercial use along paved county roads. When we first started the discussion, there was a question of setbacks, and half-mile along major highway corridors does not allow for much space and may be prohibitive. There was discussion about paved county roads, and why not commercial uses and there has been interest. Under the current Comprehensive Plan, the bottom of page 25, the plan envisions the majority of commercial and industrial uses along major highway corridors. The original plan was to have the language in the new Comprehensive Plan, but he thinks there is enough language in the current plan. Hammond discussed a section regarding the exemptions for small or incidental uses. He asked what type of uses does it contemplate? Gunderson said when there is a car dealer license, it's required to be zoned commercial. He said there are a couple little 1/8 acre parcels that are zoned commercial. Hammond discussed a few instances in the county, and he said it makes it permissible uses for those. He discussed wording to include the word "only" and to read, "Commercial uses may locate in parts of the county away from major highway corridors only along paved county roads, with exemptions for small or incidental uses." Smith said she has a problem with this and said to her it looks really broad. The idea of having commercial uses spread throughout the county anywhere that there is a paved road, she feels is a mistake. It allows development anywhere any time. She would prefer to designate commercial uses on a map rather than throughout the county. She grew up on the east coast and knows what that looks like. It is a sprawling mess where she grew up, and she would never want to live there. She had retirement land on the west coast as well and would not want to live there now. She does not think it fits in the plan of development, and she would like to see some thought put into what this would look like and how it would cause the county to develop. She knows there is a question on the table about the camping property, and it makes her concerned when we do wholesale zoning changes for one property. She is not saying the campground should not be permitted where it is, but the language is a really big jump that will change the way the county will look in the future. To allow it to turn into sprawl with commercial development on paved roads is a wrong direction to go in. She is for commercial development, and some that she would like to see happen, but we need to be more thoughtful about the way we do this and find another strategy about how and where we permit commercial development. She thinks it needs reworking. Mockler said he thinks it is fine. It is not about the campground. We have other businesses where people already own the property. They cannot afford to buy property where Smith feels comfortable that they should be. Smith said allowing commercial development on every paved road is about looking at the county's future in 10, 20, or 50 years. Mockler said we are really limiting the places that don't have Highway 46 or Highway 50 running through them. He asked, Wakonda is not on major roads, so do you want to limit Wakonda's growth? Smith said allowing commercial development everywhere is an extreme measure, and we could do a more focused job of defining where commercial development could be permitted. She said that is Planning & Zoning's job. Mockler said this is what Planning & Zoning has done, and to say that not a lot of thought has been put into this is kind of insulting. Smith said she is not saying there has not been a lot of thought, but she would like to see another approach. Packard said we are a small county, and how we would distinguish where we would like to see growth or not cuts out a lot of our residents' ability to do what they would like with their property. This at least confines it to our existing corridors. She agrees with what is presented here. Hammond said he sees this as more helping along, especially Ag related, added-value development. Not going with this could have quite an effect on the hemp plants, for example. They would not be able to develop without something like this. He said John Peterson's plans would not be able to develop. Karl Lecher, Peterson's partner and representative at the meeting, said Hammond is right, they need commercial zoning. The only way to do it is existing paved roads. Even with Wakonda itself, it's comprised of 2 different major highways going through, but they are not part of the major

corridors. They would have to get rezoned, and that is the only way he sees it with the land they have to use currently. It would require a land purchase. From a business owner's perspective, it is nice to have the location nearby to keep watch on it. Hammond said the product is a bulk product, and moving product, even corn and bean growers want to put bins in strategic spots. It makes a huge difference in profitability of an Ag business. Haul distance makes a difference even for the County with gravel and other products. Adding paved roads does limit commercial expansion to those spots. That's where we want them because that's where they want to be, and there are relatively few spots in Clay County. In order to have visibility, they will want to be in those few spots anyway. Most paved roads are not a place where a commercial development would want to be. He thinks the present proposal has some merit. Hammond said he does not see willy-nilly development. There may be a few places where we don't want to open a can of worms, but he does not see that being the case in general. Lecher said there will always be that one guy who wants to open a cheese shop in his house, or whatever, but the majority of the county wants to industrialize, to make a product to bring in revenue for the county or the town they live in. He believes there are noble intentions. Mockler said they still have to go through the rezoning process. Hammond said there would be a hearing with each one. He looked at the map in the new Comprehensive Plan, and on an 8.5"x11" sheet, the few little red dots show a number of commercial districts that, if not grandfathered in, such as the little grain shop on University Rd. that is not intrusive, a lot of ways it can promote family-owned businesses in the country. They would be value-added things. He also cited Heikes' farm, and he said they may be reluctant to allow him to have such a place up Bluff Rd., for example. Suzanne Skyrn was present and said she agrees with Smith. She said she grew up in southwest Idaho in a rural area. She said now it is full of development, and it is ugly. She said the rewrite of the ordinance is inviting that kind of thing. Maybe it needs to be detailed more so we don't end up with that kind of thing. She said it seems that every time an individual requests something, the Commission changes the rules to accommodate that person. She said sprawl happens. She said there is a way to contain that. She discussed language taken out, and Gunderson said it was taken out because it would have conflicted with the second paragraph. Jerry Wilson said he attended the meeting at the library regarding the Comprehensive Plan draft. He said it was full of citizens who are concerned about the changes being proposed, and he doesn't have an answer as to how they should revise ordinances to permit particular uses in particular areas, but he agrees he does not want to see sprawl all over the county. Maybe it's a matter of tweaking the particular zones and permitting conditional uses that are not currently allowed, but he does not think the answer is to wholesale open the county to commercial development. He agrees with Smith that this needs to have more thinking and careful analysis before it's ready. Hammond asked Smith what tweaks she would have in mind for the ordinance. She said it would take more thought. It would take a hard look at mapping and where specifically we would like commercial zones to grow. She said John Peterson's project is a stellar example of what we are looking for, and she cited operations like Heikes' farm as well. She said there is also the problem of residential uses being incompatible with commercial uses as well. Creating zones is the way to deal with this so that not everyone everywhere can set up a used car lot or a gas station in their back yard. Nobody wants to live in the middle of a willy-nilly commercial corridor. She said they want to be separate from commercial or industrial corridors. We can do it, but her sense is that this is not the way to do it. Mockler said when you design or develop districts, you have taken those parcels, and those people might say they are never going to sell, so you have wasted your zoning, or now they are going to get 4 times more for their land. You have eliminated the ability for the young person to come back, or for dad to give them the land they have already developed so they can come back to the county. We have excelled at pushing the young people out of the county, substantially, in the last 40 years. Of 100 kids in his graduating class, only 5 still live in Clay County. We have done a great job of shoving people way. We

would be taking away the ability for somebody who already owns the property to expand. It is very short-sighted. An extra \$800,000 or \$1 million for land is quite a bit. Smith said there are lots of reasons for young people moving to cities that have absolutely nothing to do with building a business on local land. We do have commercial zoned land that is available. Young people move to cities because we have a post-industrial society with a lot of corporate farms, so they cannot make a living here. This is not a choice between no commercial development and commercial development on any county road. We can create an ordinance that is carefully plotted by zone to allow commercial development, but not everywhere all the time. Packard said the last sentence of the second paragraph addresses all of that. "Their potential impact on residential properties, businesses, agricultural operations, public uses, natural resources, and historic areas should be considered as part of the rezoning. Packard said that addresses every point that Smith has made. Smith said the issue is once it's in the zoning code as allowable, it is bound to happen, and she likes that language and appreciates it is there, but whether a future Planning & Zoning Commission will honor that with their decisions is an open question. The exercise of going through a Comprehensive Plan process is a good one for us, and we need to spend some time thinking about what we want the county to look like. She would like the county to have commercial and industrial development in a way that doesn't create sprawl in a way that is compatible. She said this is from owning a house in an agricultural zone where this has been happening for the last 11 years and not wanting to live there anymore. She discussed the car wash up the hill from her home in California. Hammond said we all understand what she is talking about, but when applying it to Clay County, all those hard surface roads are meant to facilitate the farm to market. On the other hand, when he was looking at the map showing where we would allow commercial use, the only road that he saw that would be opened to overdevelopment would be Burbank Rd. It would take advantage of the commuter traffic from Vermillion to points southeast. The other hard surface roads are really only there to serve the farm community, and if they could promote the value-added ag, like the Peterson's project, or other value-added ag projects like could come up with the marijuana market, they would be allowed to go ahead. He would not put money on a gas station on the way to Wakonda. He would put it right in Wakonda. He does not see it on University Rd. or Greenfield Rd. Economically and logistically, he does not see the danger in opening up urban sprawl on anything except Burbank Rd. Packard's point that the last sentence is where we do consider that as time goes on. Packard moved to pass it to the second reading, seconded by Hammond. Roll call vote: Hammond Aye, Smith Nay, Packard Aye, Mockler Aye.

A public hearing and first reading was held for Ordinance #2022-05, AN ORDINANCE OF CLAY COUNTY, SOUTH DAKOTA, AMENDING ORDINANCE NO. 2013-04, BEING THE 2013 REVISED ZONING REGULATIONS FOR CLAY COUNTY BY ADDING CHAPTER 3.15 CAMPGROUND FACILITIES UNDER, ARTICLE 3 GENERAL DISTRICT REGULATIONS. Gunderson said this is the meat and potatoes of the ordinance. It will fall under the CUP criteria like wind turbines, CAFOs, etc. It could be a private or public or commercial recreational facility that has campsites. Most of the criteria came from other counties' zoning ordinances with the exception of the last two. With the discussion of the numerous campground concerns by the high lines, setbacks were a concern. Other than that, it is pretty straightforward, and there are pretty good criteria. Packard said her only recommendation is in Section 5 regarding garbage and rubbish, there be a #6 that the campground shall provide a sanitary method of disposal for solid waste and wastewater in compliance with state law. Mockler asked State's Attorney Alexis Tracy if that would constitute a substantial change. Hammond discussed lot size and asked if a 40'x50' lot is a common size. Gunderson said it is an average of other counties' zoning ordinances. He said when we had campground applications before, they were talking about a bigger individual lot size. Hammond said he was visualizing campgrounds where he has stayed, and they need to be about 50' long or so to accommodate a camper and a pickup. If it's crowded, you don't have much

room between campers. Bumping it up a little would be helpful. Packard said with the size of some of the motorhomes, to be able to park the larger ones that would help. Hammond said 2,000 sq. ft. would not be large enough for a 35-40 ft. motorhome. Mockler said that is a minimum, and he would hate to start dictating someone's business plan. Hammond said it is a matter of density for the county. Mockler said we can limit the number of campsites as well. Smith asked Hammond for a suggestion. He said he was thinking of bumping it to 2,500 sq. ft., so it does serve most, if not all, of the customer's needs. Keeping the footprint of the spot large, it reduces risk for things like wastewater disposal. Mockler said last year's proposal was 4,000 sq. ft., but they were still putting 400 sites on 40 acres, so limiting density is still subjective. Mockler said he has no problem with 2,500 sq. ft. Smith said she would go along with that. Hammond moved, seconded by Smith to amend it to 2,500 and adding a #6 bullet point as suggested by Packard. Under discussion, Tracy said it is cleaner to do another reading, just so if there is any question in the future. Hammond said he was thinking, we are limiting the road surface. Mockler said it could be changed to "at a minimum of gravel or crushed rock." The intent was no dirt road. Dave Struckman-Johnson said he was told to look in the subdivision ordinance to see that pavement is ok. It seemed to him that it would be much simpler to do what they just proposed. Hammond said "at a minimum" is fine with him. Skyrn suggested "will be" regarding the road surface. She said by saying "may be" it is not very strong. Mockler said "may be" allows them to put gravel, crushed rock, or asphalt. Hammond said "may be" could allow them to put dirt. He said "shall be" would be better. Struckman-Johnson said the current #6 says that buildings, electrical, water, sewer, etc. can be designed to be adequate for the recreational vehicles and reviewed by the Planning Commission. He has lots of respect for the committee, but he is not sure they are experts in plumbing and wiring. A commercial institution has to have a licensed plumber and electrician. It seems to him what we should do is to say that it needs to conform to all state regulations for plumbing and electrical installations. He discussed #8 and whether it needs to be on a paved road. Gunderson said #8 should be taken out. Mockler said it could be private. If it's private it could be along a gravel road. Gunderson said he is correct. He said there could be a small stretch of gravel to get to the hard surface, there would need to be a road haul agreement. Struckman-Johnson discussed the maximum number of units and also suggested "shall" instead of "may." He asked about expansion and asked if it requires a new application. Mockler said they would have to come back in if they want to expand. Struckman-Johnson asked about #10 and wanted to know if there is a setback from roads. Gunderson said the regular setbacks for commercial district and from residential dwellings would apply. Setbacks from the fenceline were discussed. Packard said think of the road down to the lake in Yankton. Visually, it's urban sprawl. She asked if there is anything about green space or visual barriers. Gunderson cited #7 about the Board of Adjustment. Packard said the surrounding neighborhood is agricultural land that is wide open. There is nothing to help with visuals. Gunderson said #7 should say Planning Commission rather than Board of Adjustment. Mockler said most campgrounds look like an asphalt parking lot, but the last application had trees. The Board could always request that trees be planted around the outside. Packard said she feels it appropriate to add that somewhere so it does not become an argument. Gunderson said he could add something to #7. That exception only applies to private campgrounds. Hammond said Struckman-Johnson had a good point to make sure infrastructure has to meet state requirements. Gunderson said that was considered regarding electrical and water for the previous campground application. The supplier is considering a better metric for such things. Overall adequacy for facilities is something that needs to be considered. Hammond said they have been good about planning ahead. In some parts of the state, north of Yankton for example, they have been turning down requests for new hookups for years. He has had 15-20 people call him to ask about water wells near Highway 81 north of Yankton or around the lake area. Revisions will be made, and another first reading will be held.

A public hearing and first reading was held for Ordinance #2022-06, AN ORDINANCE OF CLAY COUNTY, SOUTH DAKOTA, AMENDING ORDINANCE NO. 2013-04, BEING THE 2013 REVISED ZONING REGULATIONS FOR CLAY COUNTY BY ADDING CHAPTER 3.15, GENERAL DISTRICT REGULATIONS, AND AMENDING Chapter 2.02, DEFINITIONS AND THE PERMITTED USES OF SECTIONS 4.05.03 RR: RURAL RESIDENTIAL DISTRICT, 4.05.01 NRC: NATURAL RESOURCE CONSERVATION DISTRICT, AND 4.05.02. Gunderson said there were problems with the definitions regarding recreational facilities. So we have a guide, and then they added a new one, "recreation facility individual." This is for people who have a couple hookups at their place in the country for friends and family to have up to 4 sites. It's something that should have been cleaned up for a while. It is adding "recreation facility individual" to Rural Residential, NRC, and Ag definitions. Smith asked for an explanation of section 2, and how exactly it changes the regulations. Gunderson said it adds to the list of permitted uses the "recreational facility individual" because right now we just have "recreational facility private" to separate out things like the 4-H grounds, from individual. Smith asked, if someone has a home in one of these districts, they are allowed to have up to 4 campsites? Gunderson said that is correct. It is not currently defined in the zoning ordinance. He cited Yankton County's issues with basketball courts and swimming pools, etc. Packard said she thinks it is good. Her own family has a number of RVers, and their friends throughout the country have properties that allow them to stay overnight or for a while. A number of people do this now. Skyrn asked if this would change zoning of NRC to allow things like swimming pools and basketball courts. She asked if this is a wise use of NRC land as it is fragile. Mockler said this is for individuals at their home. She asked how that changes the character of NRC land. If you build things like swimming pools and basketball courts, you are defiling the purpose of that land. Smith asked if it is currently allowed. Gunderson said it is a gray area. Now, they would need to come in for a CUP. It has not been done that way in the past and was a concern for him. That's why he wanted that breakout because he knows what happened in Yankton County. This clears that up. He discussed with Smith the situation in Yankton. Kevin Myron asked if things like that required a building permit. Gunderson said not as it's currently written in the zoning ordinance. He said the Director of Equalization would probably like people to have to get building permits for that. Mockler discussed above ground pools vs. in-ground pools. He said he could concrete 160 acres without a building permit, but as soon as he builds a wall he would need one, and that's why basketball courts do not require a building permit. Director of Equalization Ina Peterson said above ground pools don't get assessed, but an elaborate deck should require a building permit. She suggested putting a size, such as is done with sheds. Smith said she is looking at the swimming pools, etc., and what our NRC would look like. Mockler said they are already there. Hammond said the main restriction is the number of housing units per quarter of a quarter. Addition of swimming pools or basketball courts is a minor change that does not contribute to occupied density of the property. Hammond moved to advance to the second reading, seconded by Packard. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, Mockler Aye.

Sheriff Andy Howe was present to discuss the camera recording system for the courthouse, jail, parking lots, Veterans Memorial, etc. He said originally there was a Homeland Security grant. The system has been running on Windows XP, which indicates how old they are. Recently a hard drive failed in a recorder. They are not fixable anymore. He had concern about the overall cost of the project. Some of the cameras are old, analog, black and white cameras. He contacted Midwest Alarm, which has been used by many agencies in the community. One issue with grants is that the vendors have to be approved, and no Chinese equipment can be used. He wants to maintain the cameras we have, otherwise they will be very expensive. He got a price for replacement of the recorders only unless the cameras cannot be used, as well as something that can be remotely viewable and complaint with a new jail and law

enforcement facility. The quote is approximately \$16,000 for one month retention of video or \$18,000 for two months of retention. He said one month is probably ok, but the longer the better, and \$2,000 might be well spent for the extra retention. Mockler asked if it would be eligible for the court security grant. Howe said some of it could, but not all of it. He said if the legislature passes it, it could come later this year and would not cover all of it. He might have a few thousand available in his budget to put towards it. Smith and Auditor Carri Crum discussed the funds that were set aside for building needs. Howe said they can save some money by having a jailer track and label camera cables. Mockler asked if the new systems are wireless. Howe said they can be, but they currently are not. Mockler said we will be here for a while, so he would like to see a whole new system, and it would clean up a lot of mess. Howe said the wires are currently zip-tied to pipes in places. He also discussed cameras for the Highway Shop. It was the consensus of the Board to have Howe looked into a wireless system. Howe said he could add a lot more coverage with a wireless system. He said they have added to the original system 4 times, and it is time to change. The camera installer said it could fail at any time. Mockler and Howe discussed remote monitoring capabilities with a new system. Mockler said he is opening a can of worms, but he asked if there is a way to tie into the panic alarms for individual offices. Howe said he is sure it's possible. It was decided that Howe would obtain quotes and return at a later date.

Highway Superintendent Rod Polley presented a Right-of-Way Application from Clay-Union Electric on Saginaw Ave. Hammond moved, seconded by Packard to approve the application. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, Mockler Aye.

Polley discussed the Rural Infrastructure Access Grant Program. He said the allocation could go up a little more because we have almost 50 new structures to add. It does not leave much help on the structure in Garfield Township. He spoke with SD LTAP, and we can upgrade to a 24' bridge in place of the 13' structure, but you have to have a study done regarding acres of water flowing under the bridge to make sure it's the right fit. Ulteig Engineering will look at it. He does not think we can access any of the money until next year. He has emailed SD LTAP to confirm. He said he has not spoken with Garfield Township, but we are looking at a year before any funds are available. He said he has structures on our own county roads, but if they are federal funding eligible, he has to remove them from the list of structures.

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

(PAYROLL)		EXTENSION OFFICE	\$2,827.56
COMMISSIONER'S	\$8,978.03	WEED	\$2,745.70
AUDITOR'S OFFICE	\$12,575.53	PLANNING & ZONING	\$3,442.32
TREASURER'S OFFICE	\$20,652.45	(DUE TO OTHER GOVERNMENT)	
STATE ATTORNEY'S OFFICE	\$26,752.97	SD DEPT OF REV ANDERSON	\$359,730.10
COURTHOUSE	\$7,741.02	SDACO - M&P FUND PAYMENT	\$330.00
DIRECTOR OF EQUALIZATION	\$11,978.43	(PAYROLL WITHHOLDING)	
REGISTER OF DEEDS	\$8,693.00	AFLAC	\$789.71
VETERAN'S OFFICE	\$1,681.86	CLAY CO FIT FICA	\$53,529.77
24/7	\$1,972.25	COLONIAL LIFE	\$183.16
SHERIFF'S OFFICE	\$36,679.93	CONSECO/WASHINGTON	\$24.45
COUNTY JAIL	\$31,632.55	DIV OF CHILD SUPPORT	\$631.00
EMERGENCY MGMT	\$4,938.50	NEW YORK LIFE INSURANCE	\$328.57
HIGHWAY	\$44,648.19	SD RETIREMENT SYSTEM	\$26,941.63
COMMUNITY HEALTH NURSE/WIC	\$3,312.28	SD SUPPLEMENT RETIREMENT	\$3,035.00

SDRS ROTH 457(B) PLAN	\$185.00
TASC PVR	\$1,549.98
THE STANDARD - DENTAL	\$1,090.27
THE STANDARD - LIFE INS.	\$375.92
THE STANDARD - SH TRM DI	\$949.59
THE STANDARD - VISION	\$187.34
UNITED WAY OF VERMILLION	\$267.00
VERMILLION FEDERAL	\$550.00
WELLMARK BLUE CROSS	\$48,420.19
(INSURANCE DEDUCTIBLE REIMBURSE)	
STEWART, LAYNE	\$500.00
(OTHER INSURANCE)	
SD PUBLIC ASSURANCE ALL.	\$414.55
(PROFESSIONAL SERVICES AND FEES)	
AVI SYSTEMS, INC.	\$1,424.37
BECKENHAUER	\$15,000.00
GREAT PLAINS LLC	\$4,717.50
JLG ARCHITECTS	\$25,700.00
LEWIS & CLARK BEHAVIORAL	\$184.00
MINNEHAHA CO. AUDITOR	\$95.00
NATIONAL SHERIFF'S ASSOC	\$142.00
SATELLITE TRACKING OF	\$464.75
SECURITY SHREDDING SVC.	\$70.00
VERMILLION FEDERAL	\$1,086.69
YANKTON CO SHERIFF	\$50.00
(OTHER PROFESSIONAL SERVICE)	
MEYER, MARY ANNE	\$448.50
(LAW OFFICE)	
PETERSON, STUART, KLENTZ	\$10,083.33
(PUBLISHING)	
NEW CENTURY PRESS ACCT44	\$252.89
(REPAIRS AND MAINTENANCE)	
BRUNICK SERVICE, INC.	\$75.00
BUTLER MACHINERY CO.	\$962.10
CENTURY BUSINESS PRODUCT	\$30.00
ERICKSON SOLUTIONS GROUP	\$813.00
GRAHAM TIRE S.F. NORTH	\$1,005.71
GRAHAM TIRE YANKTON	\$500.00
KONE, INC.	\$812.28
POWELL, CATHI	\$103.30
PRESTO-X COMPANY LLC	\$153.00
VERMILLION ACE HARDWARE	\$80.00
VERMILLION FEDERAL	\$106.49
(DATA PROCESSING/CLAY CREEK/INF)	
ERICKSON SOLUTIONS GROUP	\$3,105.80
(LATERALS 50A & 50B EXPENSE)	
POLLMAN EXCAVATION, INC.	\$1,825.20
(SUPPLIES & MATERIALS)	
A & B BUSINESS	\$191.11
BRUNICK SERVICE, INC.	\$40.00
BUTLER MACHINERY CO.	\$82.73
CORTRUST BANK	\$68.01
COYOTE ENTERPRISE LLC	\$189.96
D-P TOOLS, INC.	\$50.85
EHRESMANN ENGINEERING	\$96.30
FRANCOTYP-POSTALIA INC	\$90.00

GRAHAM TIRE S.F. NORTH	\$1,906.94
GRAHAM TIRE YANKTON	\$65.92
LEWIS DRUG, INC.	\$885.16
MICROFILM IMAGING SYSTEM	\$30.00
ONE OFFICE SOLUTION	\$143.99
PRESSING MATTERS	\$68.00
PROCHEM DYNAMICS	\$51.19
QUILL CORP.	\$14.99
QUILL CORP. TRS	\$349.32
RUNNINGS SUPPLY INC	\$1,135.18
SANFORD USD MEDICAL CTR.	\$29.68
STURDEVANT'S AUTO PARTS	\$28.22
VERMILLION ACE HARDWARE	\$551.33
VERMILLION FEDERAL	\$491.13
VERMILLION FORD	\$122.43
(TRAVEL AND CONFERENCE)	
DOHERTY, COREY	\$94.00
GANSCHOW, DENNIS	\$213.28
NCRAAO '22 TREASURER	\$975.00
TRI-STATE EMA	\$20.00
VERMILLION FEDERAL	\$350.00
(INMATE TRAVEL)	
PUMP N PAK	\$671.00
(UTILITIES)	
BUREAU OF ADMINISTRATION	\$55.33
CENTURYLINK	\$371.67
CENTURYLINK EMG	\$13.79
CENTURYLINK HWY	\$216.06
VERIZON WIRELESS EMG	\$40.01
VERIZON WIRELESS HWY TRS	\$96.20
VERMILLION FEDERAL	\$6.00
(PAYMENT)	
CHRISTOPHERSON, SHANNON	\$55.88
FAST AUTO GLASS, INC.	\$560.00
HOFFMAN, RENAE	\$77.72
HY-VEE, INC.	\$676.26
MADSEN, GAYLE	\$58.40
MILLS, KEVIN	\$53.36
PROEFROCK, DEBBIE	\$50.00
PUMP N PAK	\$1,683.24
QUALITY MOTORS	\$167.39
REGNERUS, JAY	\$50.00
SDACC OFFICE	\$1,401.00
SLATTERY, MICHAEL	\$56.72
THELEN, CHRISTOPHER	\$50.00
TRILD'S VOICE ROUTE #636	\$722.50
VERMILLION FORD	\$83.41
WRIGHT, SAMANTHA	\$50.00
ZARYCH, STEPHEN	\$50.00
(JDC/SPECIAL EQP.)	
MINNEHAHA COUNTY JDC	\$514.00
(PAYMENT)	
CLAY COUNTY EMS	\$60.00
(BOOKS)	
THOMSON REUTERS - WEST	\$623.09
(FURNITURE AND MINOR EQUIPMENT)	

CANON	\$348.11	LOFFLER COMPANIES	\$218.07
ERICKSON SOLUTIONS GROUP	\$932.00		

The Board reviewed fee proposals from JLG/BWBR Architects and Beckenhauer Construction. Packard asked about including environmental responsibility and costs for heating, cooling, etc. She said she is open to anything that has us looking at future costs of the facility and its effect. Hammond said we are just now in the process of building the first geothermal building in Vermillion. He and Mockler discussed requirements of such systems. He said there are probably 20-30 buildings in Brookings that are geothermal, and Sioux City probably has 15-20. One he was involved with is Elk Point Schools, and energy costs were cut to about 40% so that it paid for the extra investment. Steve Waller was present and asked if they are proposing a LEED building, and he said if they want to, now is the time to discuss it because it can be pricey with a big upfront cost. Mockler asked how much he think it added. Waller said on a \$38 million building, it added probably \$400,000-500,000. There was a heat recovery system that paid for itself in about 8 months. Hammond and Mockler discussed open loop vs. closed loop systems. Mockler asked if it is something that would go under a parking lot. Hammond said it is really common to do that, and the loop field is about 2-3 times the footprint of the building. Mockler said he will call Dick Strassburg at TEGRA Group when the meeting is over to discuss it. Smith moved, seconded by Packard to approve the proposals from JLG/BWBR and Beckenhauer Construction and authorize the Chairman to sign documents. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, Mockler Aye.

Regarding Clay County Park, Hammond said there was a question from the Park Board about whether the park manager's residence to remain on the park property this year. He said it is north of the campground area. The Board could set a rental price for the space, or they could ask him to move out. They could retain the right for someone else to rent the space. He wondered about it being a conforming use under zoning. Polley said the last few years he has gotten calls because they do not plow the park roads, so they end up plowing the driveway, and he would like to see no one down there. Howe said the trailer house went down there in the early 90's for a game warden and gave a history of the land use. He said he has concerns about it just as Polley, and he said the water and septic could be used for restrooms, etc. Mockler said his biggest concern is liability for the county. Smith said it is hard to justify having a private citizen living in a trailer at the beginning of a major trail and next to a kids' park. She said at some point they put in exercise stations, so it would be nice to clean up that area. Smith said the current individual allows RVs and boats to be parked there. She said giving the individual notice would likely be the best option. She discussed the part-time employee system that has been put into place, so the reason the individual was allowed to live there is no longer the case. Hammond said it sounds like the new Park Board Chairman is under the assumption we would be asking them to vacate. Packard said it sounds appropriate as we are totally changing the structure of the campground, and it is time to clean it up. She asked if the camp officers will move in an RV, and Smith clarified it is an RV. Hammond said that would be at the campground itself. Mockler asked if 90 days, or the 1st of June, is enough time. Hammond said that is reasonable. Mockler said since he is not hearing any objection, he will let the Park Board Chairman know. Hammond said the main thing is that the Chairman wanted to have a sense of what the Commission wants.

At 11:16 a.m., Smith moved, seconded by Hammond to enter an Executive Session for legal matters per SDCL 1-25-2. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, Mockler Aye.

At 11:32 a.m., Smith moved, seconded by Hammond to exit the Executive Session. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, Mockler Aye.

At 11:32 a.m., Smith moved, seconded by Hammond to adjourn and reconvene Tuesday, March 1, 2022 at 9:00 a.m. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, Mockler Aye.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

March 1, 2022

The Board of County Commissioners met in regular session Tuesday, March 1, 2022 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 and carried to approve the agenda. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Minutes of the February 22, 2022 meeting were approved with a motion by Hammond, seconded by Smith and carried. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Director of Equalization Ina Peterson appeared as a Visitor to be Heard to give the Commissioners new plat books. The office trades the subscription to Beacon for new wall maps and plat books for the office and the Commissioners. She said the Pictometry flyover is in quality control now, so within the next couple weeks there should be an early release of the imagery.

Emergency Management Director Layne Stewart met with the Board to discuss the POD trailer. There is an opportunity to receive a trailer from the Vermillion Fire Department. The current trailer is overweight, and the new one would be a 16' tandem axle that would haul everything they need. He asked for approval to accept it. The small trailer will be kept for the joint Union County POD. Packard moved, seconded by Hammond to accept the transfer of the trailer to Clay County. It was discussed that it may be stored in Clover Hall. The transfer will take place over the summer when the Fire Department's new trailer arrives. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Stewart discussed updates he would like to make to the burn ban ordinance. The wording in the current ordinance is out of date and terminology needs to be updated. He would also like to add a "watch" aspect to the ordinance such as a fire weather watch. The National Weather Service equates it to a blizzard watch, or something that is likely to happen in the next 24-48 hours. This spring is forecasted to be tough. He has spoken to Wakonda and Vermillion Fire Departments, and they are in favor of the proposed changes. Packard said it makes things clearer, and it should become a second nature to people. Stewart said most people already obey it. Hammond said it is a good improvement for residents. Stewart said dispatchers receive a notification of conditions from the National Weather Service. Mockler asked if there is a log kept of who calls dispatch.

Stewart said that question brings him to the next subject, which is proposal of an ordinance that requires people to call prior to a controlled burn. Dispatch does track who calls, and it is put on CAD maps. He said it is amazing how many controlled burns are responded to by the Fire Department due to people driving by who call it in, and dispatch did not have a record because the individual did not call it in. Manning said he called in his controlled burn last year, and another one ½ mile away had not been called in, so he had a Fire Department response. Manning said he thinks the ordinance is a good idea.

It's pretty easy to make a phone call. His farm is next to the interstate, so people call in often when they see it. Stewart said they had a call for a field on fire on the county line, and Vermillion and Beresford both responded because someone had called it in. Smith and Packard said it makes sense to them to move ahead with it.

Stewart discussed with the Board that in order to obtain a grant for the new drone, Homeland Security's grant program requires a checklist of things that need to be included in policy, which has grown to 53 pages, including a records request policy for when someone wants to request public records pertaining to a subject. He would like to set a county policy that everything goes through the Auditor so that everything is documented and fees charged. He will be adopting it for his department because he is required to, but he thinks a county-wide policy will make things easier in the long run as right now each office handles its own requests. Packard asked about charges for printing, and Stewart said there is a fee schedule that will need to be included. Packard said it may need clarification. Smith said there is no fee for government requesters, and Stewart said public records may be inspected for free during normal business hours. Mockler said let's get everything put together and then accept it. Hammond said to make sure it goes through legal review. Smith suggested that on the request form, something should be included about what form people want the records in (i.e. email or paper). Stewart said there are check boxes, and Smith said she missed it the first time. Mockler asked if we can just make a standard price for printed copies countywide, and Auditor Carri Crum said that should be fine.

Mockler clarified what the requirements are for the controlled burning. Stewart said calling in controlled burns with location, owner's name, and contact information is enough. Hammond asked if we should be doing a publication in the newspaper since the season is likely to be dry. Stewart said Union County is planning to place a burn ban today. That is the only one he knows of in the area at this time, so it's a tough call. We still have frost in the ground, and it's really deep in some spots, like 40-plus inches. Manning said he is not in that spot yet, so if you're going to burn you should use common sense. Mockler said it has been working, but what if we don't meet for two weeks, so this at least would be day-to-day. Manning said he thinks an ordinance requiring people to call in is the best idea, and the fire weather watch is a better idea yet. Mockler said today is annual meeting day for township boards, so he asked Stewart to send an email to them telling them that this is coming.

Highway Superintendent Rod Polley met with the Board regarding the Bridge Inspection Program. Polley said the county has used Johnson Engineering in the past. Mockler said he does not see any reason to change. Packard said there is historic knowledge as they have been doing the inspections from year to year. Mockler said he assumes the way they do everything is standard, and Polley agreed. Manning moved, seconded by Hammond to pass and adopt Resolution #2022-04 for Bridge Inspection Program Resolution for Use with SDDOT Retainer Contracts. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

**RESOLUTION #2022-04
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, Clay County is desirous of participating in the Bridge Inspection Program.

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% matching funds.

Dated this 1st day of March, 2022, at Vermillion, South Dakota.

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

ATTEST:

Carri R. Crum, County Auditor

A public bid opening was held for bids for highway materials. Bids were opened and read aloud. The Highway Superintendent will review bids to ensure compliance with specifications and return at the next meeting for approval.

Polley discussed placement of weight limits and said Union County put theirs on yesterday morning. He will keep the Commissioners updated. Crum suggested putting it on the website, and she said she could post to the office's Facebook page as well.

State's Attorney Alexis Tracy discussed a Memorandum of Understanding from the Township Association Attorney for Norway Township regarding the Myron Grove Access road project/454 Ave. Mockler said they will be voting on it this afternoon and are hoping the County agrees to sign the agreement. Tracy said she did not have concerns about the agreement and checked with Polley regarding the description of the area of road the County will be taking responsibility for. Mockler said the Board could make a motion to give him authority to sign the agreement if the Township Board approves it at their meeting this afternoon as he will be in attendance. Tracy advised him to compare our copy with the Township Board's copy to ensure we have the same draft. Hammond moved, seconded by Manning to authorize the Chairman to sign the agreement if the Norway Township Board signs it first. Under discussion, Mockler said if the Norway Township Board does not approve it, he will tear up the paper. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Zoning Administrator Drew Gunderson met with the Board to discuss the Comprehensive Plan Draft. He said before he takes the Plan back to the Planning Commission, he would like direction from the Board regarding the direction they should be going with it. He asked the Board for their thoughts. Smith said people made a lot of substantive comments, and one central issue is identifying a vision for the growth of the county. She thinks we need to get rid of annual updates but rather every 10 years. There were a lot of concerns about language and the number of cross-outs. Most people who spoke, thought the existing plan was preferable to the proposed plan. People talked about taking climate change into account, and there were concerns about the Missouri National Recreational River, that we should take steps to preserve and protect that national park. It is clear that the section running through the county is unusual and a national treasure. The more rip-rapping banks, etc., is done, the less of a treasure it becomes. We have a role in the preservation of that park. There were concerns about septic tank

absorption, and the Plan didn't take that into account. Smith said the map is wrong, and it's probably just the labeling at the bottom, but SECOG should take a close look at that. Mockler said the table at the bottom is actually correct. There was a study done, and that's what they determined. He thought it was wrong initially, too, but he pulled up the report online. The study mirrored exactly what the map showed. Smith said we ought to ask the geological survey to take another look at it. Mockler said according to the map, there is no place in Clay County that should have a septic tank. Smith said there was also a question about building codes. In the past people have discussed that we ought to have building codes. That is a matter for the Commission to decide. There was discussion whether we should have a cooperative relationship for building inspections, so that is something to think about. The City of Vermillion had concerns that there were some inaccuracies in the Plan. Mockler said he and Gunderson got an email about that, and they made the correction that the part of the county covered by the Plan is not served by the City's utilities. Smith said she taught Comprehensive Plan Development for over a decade, and stakeholder participation is critical. If we need to re-evaluate Joint Jurisdiction, great. If she had to pick the biggest concern, they were concerned about the loosening of language, such as "shall consider" instead of "require." Those that were not there should watch the video. There were people she had never seen before. Mockler said there were about 40 people there that didn't have to be there, such as County officials. Packard said there was a comment regarding joint powers, and the date that the landfill will be sufficient is incorrect. It was time 10 years ago to look at land purchase for expansion and environmental protection. It is something to be discussed with Yankton County whether it belongs in the Comprehensive Plan. Her comment from day one of being in the position of running the landfill was that we need more land. It should be looked at. Smith said she participated in the plan of development for the City of Vermillion probably 10 years ago, and people really cared about identifying recreational opportunities that could be developed like hiking trails, biking trails, etc. There is funding for some of those things. We also have a rail line that should be considered. Hammond said the map probably did not come from the geological survey. Map #5 did, but Map #3 regarding the septic tank absorption did not. He refers to the modern soil survey put out by the USDA Soil Conservation Service. Mockler said the map was done in 1983. Hammond asked who he worked for, and how did we end up using his map? Mockler said SECOG probably put it in there, and it's the same one in the last Comprehensive Plan. Hammond said he is surprised by it. He would not agree to the classification system, and he bets we can do better using USDA SCS data. They take several hundred samples around the county. There is normally a whole section describing which soil types are suitable for septic tank and building use. Mockler said they took a lot of liberties with this map because they took the flood plain and just filled everything else in. Hammond said he was a little surprised about how the Plan had been cooked down a lot more. He thinks the meeting was a good idea, and there are other counties where plans were put together by Planning & Zoning Boards, and they presented it to the Commission for adoption, and that meeting is where everyone showed up and said, "Wait a minute! We didn't know anything about this." Woodbury County adopted theirs, and there was enough dissent that it was almost immediately rescinded, so they started over and spent another 2 years on it. Hammond said he had many comments of substance, style, and form. Gunderson said the cross-outs were done by SECOG, and Mockler said they were to keep us out of court because SECOG said they were things the County could not defend. Gunderson said SECOG cut more than he did. Smith said in the end this is our Plan, and she remembers when the City of Vermillion had the same problem where the citizens did not like the changes SECOG made. We are in the driver's seat. The City of Vermillion had a series of public workshops, and that was what drove the redevelopment of downtown Vermillion, bike paths, livability features that the citizens like so much. SECOG things like engineers, and the work they do is essential, but our job is to create a plan for livability for the County's citizens. Smith said she agrees with Mockler

that it needs to be a broader document, but it should be a series of goals and a map. Mockler said there are almost 15,000 people in the County that will have 15,000 different answers to what constitutes livability. Smith cited aesthetic preference surveys and bringing people together to talk about visions and goals for the County. She said she thinks we have a lot of happy people who love the county and are here by choice, so what attracts people to places is livability. Those things matter. She said people often say parking is the biggest problem, but they often don't go places where parking is king, so they have to be asked in targeted ways what their preferences are and work toward that. Packard said the part she would like to see is more the county methodology for the whole county as what is livable for the city residents is very different than someone who lives in the county. What level of future construction and expansion is available in water, electric, septic systems, etc. in the county. What can we stand for future growth? What should we be pushing for? Mockler said REA can handle electric such as 3-phase. Clay Rural Water is building a new water plant, so we should be good for the term of the Comprehensive Plan. As for livability, the Townships said they would like to get rid of junk yards and more CAFOs. Mockler said that will not play well with the people who were at the public meeting. Neither side needs to dominate what this Comprehensive Plan will be. Livability to him means making a living and having a place for his kids to make a living. Tracy said if there are specific things to look at, she would be cautious about putting language back into something that SECOG took out due to legal concerns. When we look at that, if there are things they have removed in order to play it cautious, that is their job, and it is going to be her job, too. Zoning law continues to evolve, so when we look to expand language, we need to keep those things in line to be legally defensible. Zoning Ordinance can be changed, but the Comprehensive Plan is something that is designed to be with us for some time. Smith said she is pretty in tune to zoning because of her background, so things like the section about parks and open spaces being removed are not legal issues. Gunderson said they already have a draft prepared to put that back in, and it includes Clay County Park, Spirit Mound, and Alabama Bend. Smith suggested including the Frost Trail. She said the DOT Master Transportation Plan committee is looking at things like the Missouri National Recreational River, so there are things we could do to enhance it for our citizens. We should think about what we want in the future. Mockler asked how we include the MNRR when it is not within the border of the county because that's what's in the Plan. Smith said it's significant, and we should probably give it some thought. Smith said people she never thought would care about the river see it as something they want more of in their life. Hammond asked if the county's border is the state border, or does it stop at the river's edge? Mockler said it stops at the river's edge. Hammond cited Goat Island and said the new boundary commission work showed it is essentially in Nebraska. We really should think in terms of the boundary as MNRR is a resource to us. The main thing we need to think about is the pages of redlining in the first pages of the document. The document should start with where we stand in 2022, and the public and parks section should include game production. It is part of the open space discussion. We crossed out all the school district stuff, they are resources that are part of what Clay County is, even though they are not part of what county government does, they are part of what we have to manage. Asking the school districts how their planning for the future coincides with our Plan. Groups like rural water and electric should be part of our Plan as county resources. He does not see how they could be a problem with legal constraints. He would love to go point-by-point and have the planner explain how any one of those could end up being part of a lawsuit. Those sections went from 3 pages to 2 paragraphs. Mockler said they were excluded because there was not a physical school in the county jurisdiction. Gunderson said they started by contacting the school districts. The same logic followed with things like city utilities. Gunderson said they can reach out again about including them. Hammond said we have a pretty good system of schools here, ranging in sizes, that are important to what makes Clay County livable, to use Smith's terminology. They are part of the core culture. Mockler asked if we

are using the document to attract people, or to plan the zoning ordinance. Hammond cited future consolidation or population trends for school districts. Demographics need to be 2020 real Census data. Those 2018 numbers were way off. We're not giving an accurate picture of where Clay County is in 2022. Therefore, we cannot accurately look ahead to where we want to be. Hammond sees important parts that were gutted. There may be legal reasons, and if there are he would ask for a logical reason for that. Manning said the person that did a lot of this is gone from SECOG. Hammond said that has been a problem all along, even in the 5 years he was on the City's planning board. The expertise we lean on has had a constant turnover. Hammond said what we have is a good starting point. He said Gunderson started on this from his first day as well as turnover at SECOG. COVID has made it harder to get together to have everyone in a room that ought to be part of this process. Hammond said he believes COVID issues have hurt this process to make it not as complete as it could be, but it could move it ahead pretty quickly using what we have as a starting point. The new planning help from SECOG could have a look at it with fresh eyes. Packard said when she first came on, they were going through the CAFO rewrite with 2 Commissioners, 2 Planning Commission members, SECOG, and 2 citizens. She thinks it would be a positive move to have something of that sort. Manning agreed with Hammond and said it should go back to the Planning Commission and if there are things that need to be put back in, it should be put back in. He cannot see how parks and open spaces could create a legal problem. Hopefully, someone from SECOG will be present for a long enough time to help us out as they are the experts. Hammond said the land use map looks different than he thought it would, and Gunderson said SECOG put in a lot of work on that map, so it is current. Mockler said there are supposed to be 337 technical farms in Clay County. Smith said maybe it would be useful to annotate each map with the source and date for future Commissions. Hammond agreed. He said the important thing for the Planning Commission to remember is that for any plan you have to establish where you are now (i.e. the first few pages), and what are the reasonable expectations going forward. It can't be nothing, but it can't be pie in the sky. All of the resources are part of the first few pages to define where we are now. Mockler discussed building codes and said there is a state inspector that inspects plumbing and electrical. He said he catches a lot of heat from people in the Joint Jurisdiction that the City has to inspect. Mockler said we also do not allow multi-family housing units. Gunderson said, regarding building code, we could have language that at some point we want to explore it. Short term, he has had one person who asked for an inspection because he got into a disagreement with their contractor, so unless the County wants to pursue it, he has had people move into the county because they did want a building code. Hammond asked if our building permit volume supports it. Gunderson said we average maybe 2 houses a month, so for him to even get certified it would be a lot of extra work for him to take on, and he would need to shed responsibility to someone else. It would require an extra employee. Hammond said the City and State adopt the UBC, so it wouldn't necessarily be residential houses. Gunderson said most of our builders build in town as well as the county, so they are already building to code. Smith said for the time being we have bigger fish to fry. She would like to see a solid Comprehensive Plan of Development to help citizens visualize where we are going and that help us create suitable zoning ordinances. She is good with sending it back to the Planning Commission.

Manning said he had a VCDC meeting yesterday, and he was asked about moving forward with the jail, and he said the election would be in June. They thought it would be important for the County to get information out there regarding cost. Crum said once the resolution for the bond election has been passed, it will be easy to inform the public of the tax implications.

Manning said he spoke with the state representative for the transit system, and he said it was up to the local officials whether they want to let the fair use the building. The fair would like to have the concrete where vehicles are parked, but that will not work well if vehicles need to be moved out. It looks on the drawing from the state like most of the concrete is SESDAC's. Mockler asked if there is property around the building, and Manning said the fair will no longer maintain the mowing. Manning said from what he can see on the drawing, SESDAC also has some land going into the baseball field, but Prescott said he thought it was just drawn out for the grant and may not be completely accurate. He understands if the fair does not want to maintain mowing.

Hammond discussed legislative bills for funding for county infrastructure. He discussed appropriation bills regarding construction of jails. Lawrence County, Lincoln County, and Brown County asked for money from the State for money for jails. The bills didn't make it out of committee due to testimony from the state. He thinks it would not be fair for other counties to finance our jail. Mockler said hopefully the 1/2-cent sales tax bill goes through. If it passes, someone will have to explain to the public that we have to pass a bond and then ask for the 1/2-cent sales tax that we are not double-dipping. He said the scenario he uses to explain it is that it's like the sales tax is the teenager wanting to buy a car and pledging to pay it, and the parent co-signing. If the teenager (the 1/2-cent sales tax) fails to pay, the parent (the bond) has to step in to pay it.

At 11:05 a.m., Manning moved, seconded by Hammond to adjourn and reconvene Tuesday, March 8, 2022 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

March 8, 2022

The Board of County Commissioners met in regular session Tuesday, March 8, 2022 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 and carried to approve the agenda. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Minutes of the March 1, 2022 meeting were approved with a motion by Hammond, seconded by Smith and carried. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Highway Superintendent Rod Polley met with the Board to present the bid recommendations. He said he included some things specifically on the list from the Beadle County bid packet. Manning asked about prices, and Polley said some things went up a little but not like most things are increasing lately. Polley discussed asphalt prices as well as hauling. Manning moved, seconded by Hammond to accept the Highway Superintendent's recommendations as listed below.

**2022 Clay County Highway Department
Bid Award Recommendations**

Materials	Bidders	
Description & Size	Price Per Foot	
Reinforced Concrete Pipe	Hancock	Forterra
1) 24" round	\$37.48	\$36.18
2) 36" round	\$84.99	\$66.20
3) 48" round	\$161.08	\$119.13
4) 60" round	\$240.50	\$184.45
Reinforced Concrete Arch Pipe		
1) 24" arch	\$68.60	\$64.26
2) 36" arch	\$132.69	\$103.38
3) 48" arch	\$228.66	\$155.53
4) 60" arch	\$305.10	\$226.79
Reinforced Concrete Single Barrel Box Culvert (6 ft section)		
1) 6' X 6'	\$515.00	\$472.00
2) 7' X 7'	\$687.00	\$513.00
3) 8' X 8'	\$734.00	\$561.00
4) 9' X 9'	\$844.00	\$636.00
5) 10' X 10'	\$919.00	\$693.00
Reinforced Concrete Double Barrel Box Culvert (6 ft section)		
1) 8' X 8'	\$1,251.00	\$976.00
2) 9' X 9'	\$1,450.00	\$1,041.00
3) 10' X 10'	\$1,594.00	\$1,178.00
4) 11' X 11'	\$1,742.00	\$1,319.00
Reinforced Concrete Cattle Passes (per ft.)		
1) 4' X 5'	No Bid	\$203.83
2) 4' X 6'	No Bid	\$227.00
3) 5' X 7'	No Bid	\$314.68
Pre-Stressed Concrete Bulb Tee Bridge Deck Units 6' & 6" Wide		

- 1) 50 ft. No Bid \$12,564.00(each)
- 2) 90 ft. No Bid \$22,666.00(each)

Pre-Stressed Concrete Bulb Tee Bridge Deck Units 6' Wide

- 1) 50 ft. No Bid \$12,042.00
- 2) 90 ft. No Bid \$21,759.00 (next page)

Hwy. Supt. recommends awarding Forterra all concrete items bid.

Materials Bidders

Descriptions & Size

Crane Work, Driven Piling & Crane Men & Driven Piling

Holloway Construction

- 1) 40 Ton Crane w/operator \$450/hr.
- 2) 75 Ton Crane w/operator \$400/hr.
- 3) 110 Ton Crane w/operator \$590/hr.
- 4) Excavator w/Vibratory Pile Driver & Oper. \$600/hr.

Labor

- 1) Bridge Supt. \$180/hr.
- 2) General Labor \$125/hr.
- 3) Certified Bridge Welder & Welder \$180/hr.

Hwy. Supt. recommends awarding bid to Holloway Construction.

(only Bidder)

Road Crack Sealant Brockwhite Midstates Equipt.

- 1) Road Saver 221(no box) \$.73 per Lb.
- 2) Maxwell Elastoflex 61(no box) \$68 per lb.

Mastic Sealer

- 1) Mastic One Leveling \$.62 per Lb.
- 2) Maxwell Gap Mastic #201 \$.615 per Lb.

Hwy. Supt. recommends awarding both Brockwhite & Midstates due to availability of product.

Asphalt Concrete (Hot Mix per ton pricing)

Product G1/G2 RAP, G1/G2 RAM, G1, G2, D2 RAP

Bidders

Mryl & Roy's Sioux Falls	\$65.20	\$63.70			
Concrete Mat. Sioux Falls			\$65	\$65	
Concrete Mat. Yankton					\$74
Barkley Asphalt Sioux City					\$70

Hwy. Supt. recommends awarding all bidders, whichever is more advantageous to Clay County (all prices are FOB at the plants).

Hwy. Supt. recommends accepting Beadle County's bid packet. Packet includes Metal Culverts, Carbide Cutting Edges, Steel Bridge Section, Plank, Piling

Metal Culverts

Description & Size

**Price Per Foot
True-North Steel Prices FOB to Clay Co.**

- 1) 36" 16 gauge \$49.30
- 2) 48" 14 gauge \$81.61
- 3) 72" 12 gauge \$164.90
- 4) 84" 10 gauge \$246.50

Plow Blade Carbide Insert

- 1) ¾" X 6" X 4' \$73.28

Steel Pre-Engineered Modular Bridge 32' Wide

- 1) 60' \$96.97 per sq. ft. \$186,177.00
- 2) 100' \$135.97 per sq. ft. \$435,100.00

Creosote Treated#1 Douglas Fir Lumber Rough Cut

- 1) 3" X 12" X 16' \$213.92 (each)
- 2) 3" X 12" X 18' \$240.66 (each)
- 3) 3" X 12" X 20' \$267.40 (each)

Under discussion, Polley discussed difficulty obtaining materials. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Hammond moved, seconded by Smith to pass and adopt Resolution #2022-05 to Delete Bridge from NBI. Polley said it is a bridge that was removed east of Bethel Hall. It was removed and replaced with a culvert, so it no longer meets the criteria for funding the program. It needs to be deleted from the inspection list. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

**RESOLUTION #2022-05
Resolution to Delete Bridge from NBI**

The Clay County Board of Commissioners is in agreement with SDDOT that the following structure(s) should be deleted from the National Bridge Inventory (NBI) for the following reason(s):

STRUCTURE ID, LOCATION and REASON FOR DELETION:

14-030-092	9.2 S & 3 E Irene SD	Structure has been replaced with CMP that no longer meet NBIS length requirements.
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The Commission is aware of the following stipulations once a structure is deleted from the NBI:

1. Federal Bridge funds will not be available for structure replacement or rehabilitation and
2. The structure will only be added to the Inventory following replacement, using County funds.

Upon receipt of this resolution, the above structure(s) will be deleted from inventory.

Vote of Commissioners: Yes 5 No 0

Dated at Vermillion, SD, this 8th day of March, 2022.

Attest:

Carri R. Crum, County Auditor

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

Polley said they will be adopting summer hours, four 10-hour days on Monday, March 28, 2022, depending on weather.

At 9:12 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.

A bid opening was held for Prairie Center Ditch. Gregoire Excavating bid \$21,800, or \$1.25/foot with \$2,000 for tree removal, Wieman Construction bid \$24,400, 3-D Digging bid \$3.00/foot with tree removal for \$12,000. Manning said they were estimating about 3 miles. Mockler calculated it out at about \$60,000. Pollman Excavation bid \$25,871. Manning moved, seconded by Hammond to accept the bid of \$21,800 from Gregoire Excavating. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye. Manning said he would contact Gregoire, and he was glad to see 4 bids. He

had one other person call, but that individual did not bid. Polley asked about a burned area on Prairie Center Ditch. Manning said Clay-Union Electric will be replacing poles. Polley said he is not sure if he should bill them for the fire. Manning said it sounded like a downed line caused it.

Polley asked about Calvin Hanson's request for work on Yankton-Clay Ditch. The Board clarified it was regarding tree removal near the county line.

At 9:21 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.

Emergency Management Director Layne Stewart met with the Board regarding adoption of the Drone Policy. The State's Attorney's Office has reviewed the documents. Stewart said he is looking for acceptance of the policy and appointment of himself as program manager. He said it was a checklist provided by FEMA, and they referenced Virginia state law, so he compared with South Dakota state law. Polley asked if the policy pertains to the Weed Department as well, and Stewart said it applies only to his department. Smith said this is an epic policy. It is very detailed. Stewart said it took 95 hours to draft the policy. Smith moved, seconded by Packard to adopt the Drone Policy as written. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Stewart discussed a Records Request Policy and said he will adopt it for his office because he is required to have it, but department heads will meet prior to any county-wide adoption. It is not intended for daily business, such as accident reports. He will be putting it on hold for county-wide use. He discussed the fee schedule in the policy. State's attorney Alexis Tracy said she likes the idea of adopting a Freedom of Information Act policy for Emergency Management. She said it will be difficult to adopt a County-wide department policy as each department is different. She does not want it to impede progress, but it is not feasible for all requests to go through the Auditor. She discussed fine tuning language. She also discussed cybersecurity for electronic methods of providing records. She said if we are creating something for the County, it will be a long process. She understands that the Office of Emergency Management needs a policy. She said she wants to mull it over, especially for her office. Mockler asked if we can write it so that each department has a fee schedule that works for them. Tracy said there will be differences in how departments go about things, and how we are implementing that. It doesn't make sense for all records requests to go through the Auditor. If a victim's attorney requests records, it is within her discretion to turn records over and sharing vs. charging for them. She thinks department heads would need to spend some time thinking about that. Mockler said she has a very short list of things she has to release. Tracy said she would need to contemplate how much it would cost to produce those things. She understands that this is for very large requests where an employee would have to sit through hours work of time to comb through things. She thinks it will be hard to come up with one policy for everyone. Stewart said it was never intended for things like accident reports and birth certificates, for example, to go through the Auditor. He thinks it will be very wordy, at best, to distinguish what is daily business and what is a large amount of data. He can adopt it for his office with requests going through the Auditor. The matter will be placed on the next agenda for approval of the policy for the Office of Emergency Management.

Packard 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)

BERESFORD SCHL DIST 61-2	\$22,451.38
BETHEL TOWNSHIP	\$4,628.51
CENTERVILLE SCH DIST 60-	\$6,375.71
CITY OF VERMILLION	\$78,198.31
CLAY CO TREASURER	\$14,459.00
FAIRVIEW TOWNSHIP	\$9,274.95
GARFIELD TOWNSHIP	\$5,335.73
GAYVILLE/VOLIN SCHL DIST	\$1,369.70
GLENWOOD TOWNSHIP	\$3,981.71
IRENE CITY	\$240.19
IRENE/WAKONDA SCHL 13-3	\$37,016.34
MECKLING TOWNSHIP	\$4,912.77
NORWAY TOWNSHIP	\$3,079.59
PLEASANT VALLEY TWP.	\$4,211.01
PRAIRIE CENTER TWP.	\$2,881.07
RIVERSIDE TOWNSHIP	\$4,558.15
SD DEPT OF REV ANDERSON	\$318,053.13
SDACO - M&P FUND PAYMENT	\$322.00
SPIRIT MOUND TOWNSHIP	\$4,574.91
STAR TOWNSHIP	\$4,798.28
TLC WATER PROJECT DIST.	\$2,479.73
VERMILLION BASIN WATER	\$989.70
VERMILLION SCHL DIST 13-	\$224,492.23
VERMILLION TOWNSHIP	\$7,672.31
VIBORG/HURLEY SCHL 60-6	\$76.55
WAKONDA TOWN	\$3,220.41

(FIRE)

BERESFORD RURAL FIRE	\$691.97
CENTERVILLE RURAL FIRE	\$406.27
GAYVILLE RURAL FIRE ASSO	\$428.76
IRENE RURAL FIRE ASSOC	\$75.68
VERM. RURAL FIRE ASSOC.	\$4,669.59
VOLIN RURAL FIRE ASSOC.	\$90.59
WAKONDA RURAL FIRE	\$814.76

(OTHER INSURANCE)

CLAIMS ASSOCIATES	\$5,000.00
SD PUBLIC ASSURANCE ALL.	\$108,857.65

(PROFESSIONAL SERVICES AND FEES)

ALTERNATIVE HR, LLC	\$1,351.70
BROADCASTER PRESS	\$435.00
EMPCO, INC.	\$75.00
ERICKSON SOLUTIONS GROUP	\$790.00
FEDEX	\$14.85
HIGH POINT NETWORKS LLC	\$285.00
HOV SERVICES INC.	\$798.00
KATTERHAGEN, MARK	\$15.00
LEWNO, LUCILLE M	\$166.53
LINCOLN COUNTY AUDITOR	\$989.47
LOCKWOOD, DARCY	\$15.00
PHARMCHEM, INC.	\$786.25
PRICE, THOMAS L.	\$350.00
SANFORD HEALTH CLINIC	\$1,627.21
SATELLITE TRACKING OF	\$354.25
SD PUBLIC ASSURANCE ALL.	\$385.93

(OTHER PROFESSIONAL SERVICE)

BROOKINGS CO SHERIFF DEP	\$380.00
SD ATTORNEY GENERAL	\$1,219.00
(LAW OFFICE)	
FRIEBERG, NELSON & ASK	\$6,000.00
PETERSON, STUART, KLENTZ	\$10,083.33
(PUBLISHING)	
BROADCASTER PRESS	\$416.77
NEW CENTURY PRESS ACCT43	\$175.00
NEW CENTURY PRESS ACCT44	\$249.92
(REPAIRS AND MAINTENANCE)	
QUALITY MOTORS	\$142.14
R&T REPAIR	\$177.50
TRIVIEW COMMUNICATION IN	\$324.55
(YANKTON CLAY EXPENSE)	
NEW CENTURY PRESS ACCT44	\$30.00
(SUPPLIES & MATERIALS)	
BRUNICK SERVICE, INC.	\$68.39
BUHLS DRYCLEANERS &	\$144.50
COYOTE ENTERPRISE LLC	\$22.99
JCL SOLUTIONS	\$459.61
LIGHTLE ENTERPRISES OHIO	\$59.31
MART AUTO BODY & MARINE	\$697.99
OFFICE ELEMENTS	\$97.01
PROCHEM DYNAMICS	\$275.02
R&T REPAIR	\$7,923.98
RUNNINGS SUPPLY INC	\$470.06
SANITATION PRODUCT	\$116.60
SD DEPT OF TRANS	\$114.21
STURDEVANT'S AUTO PARTS	\$68.30
VERMILLION FEDERAL	\$4.00
ZEE MEDICAL SERVICE CO	\$140.75
(TRAVEL AND CONFERENCE)	
CROSSROADS HOTEL	\$539.94
KLUNDER, NICOLE	\$9.00
(INMATE TRAVEL)	
PUMP N PAK	\$650.00
(UTILITIES)	
BUREAU OF ADMIN PMB0112	\$36.25
BUREAU OF ADMINISTRATION	\$78.14
CANON	\$186.12
CITY OF VERMILLION	\$1,804.27
CLAY RURAL WATER SYSTEM	\$45.30
CLAY UNION ELECTRIC CORP	\$665.68
MIDAMERICAN ENERGY	\$2,353.49
MIDCO BUSINESS	\$285.78
VERIZON WIRELESS SHERIFF	\$351.99
VERIZON WIRELESS ST ATTN	\$149.75
WAKONDA TOWN	\$62.65
(PAYMENT)	
ABBE, PAULA	\$41.00
ANGLIN, BLAKE	\$200.00
ANGLIN, ELIZABETH	\$15.88
BARTA, MICHAEL	\$10.00
BECKER, JILL	\$15.88

BENTZ, DAWN	\$10.00	LINDSTROM, PEARL	\$23.44
BOEHM, BRANDON	\$200.00	LOPEZ, MARIA	\$10.00
BORCHARDT, DILLION	\$10.00	MAHONEY, ROGER	\$200.00
CARTER, KIMBERLEY	\$10.00	MAHOWALD, MELANIE	\$10.00
CHILD'S VOICE ROUTE #636	\$2,672.50	MARSHALL, HAROLD	\$10.00
CHRISTENSEN, WESLEY	\$10.00	MARTINSON, NATHAN	\$10.00
CLOBES, DENAE	\$20.00	MILLER, ALAN	\$10.00
DAUL, LOGAN	\$200.00	MULLER, SUSAN	\$10.00
DOMESTIC VIOLENCE	\$145.00	ORR, RICHARD	\$20.92
DONNELLY, BLAKE	\$200.00	PACKARD, SARA	\$10.00
DUBOIS, JANET DR. MD	\$50.40	PASSICK, KRISTEN	\$10.00
DUFFEK, SUSAN DR. MD	\$48.97	PAYNE, JASON	\$10.00
EDELEN, JOSEPH	\$10.00	PRATT, FARRON	\$10.00
EDWARDS, BRAYDEN	\$10.00	PUMP N PAK	\$1,682.77
ERICSSON, LAURIE	\$213.44	QUIGLEY, JAMES	\$10.00
EVEV, LEO	\$10.00	REDLIN, GREGORY	\$10.00
FERGUSON, TERRY	\$10.00	RICHARDSON, MICHAEL	\$200.00
FICK, SHELLEY	\$10.00	RISLOV, ETHAN	\$10.00
FISHER, TRISHA	\$20.00	ROETMAN, JUSTIN	\$10.00
GEU, THOMAS	\$10.00	ROKUSEK, ARNOLD	\$200.00
GOMBOCZ, ISTVAN	\$10.00	SCHULTZ, BRITTANY	\$20.00
HANSON, JUDY	\$10.00	SKELTON, JESSICA	\$15.04
HANSON, MARLON	\$20.00	SKOREY-SOLBERG, PATRICIA	\$10.00
HANSON, PAMELA	\$20.00	SMITH, BRIAN	\$22.60
HAUCK, MICHELLE	\$10.00	STAINBROOK, JESSE	\$20.00
HAUGER, MICHAEL	\$20.00	STECKELBERG, RD	\$10.00
HINSETH, SHARRON	\$307.52	TWO ELK, BRITTANY	\$200.00
HOWER, ROBIN	\$60.00	TWO WAY RADIO SOLUTIONS	\$1,024.97
HUOT, SHERRIE	\$20.08	VANDRONGELEN, LESLEY	\$233.60
JACOBS, GERARD	\$10.00	VERMILLION FEDERAL	\$122.10
JENSEN, CHARLES	\$26.80	VERMILLION FORD	\$325.42
JENSEN, RAVEN	\$18.48	WALKER, JOHN	\$20.00
JESCHKE, COURTNEY	\$20.00	WALKER, RICHARD	\$10.00
JOHNSON, BAILEY	\$30.16	WALZ, MELVIN	\$10.00
JOHNSON, TODD	\$253.76	WELLS, TRAVIS	\$12.52
JONES, ROMNEY	\$10.00	YAVELAK, SEAN	\$220.16
KEMNITZ, APRIL	\$20.00	ZWEBER, MARY	\$17.56
KINER, REID	\$10.00	(FURNITURE AND MINOR EQUIPMENT)	
KOOISTRA, HALEY	\$10.00	COYOTE ENTERPRISE LLC	\$89.97
KRAUSE, DAVID DR. MD	\$49.64	ERICKSON SOLUTIONS GROUP	\$1,500.00
LEIKVOLD, ROBIN	\$20.08	VERMILLION FEDERAL	\$64.57
LIAS, DAVID	\$10.00		

There was a brief discussion regarding the Joint Jurisdiction meeting at 5:30 p.m. at City Hall. Polley asked about the grain elevator below the hill, and Mockler said it is in city limits. Polley's question was to clarify whether weight limits need to be posted because the State asked him. Mockler explained that the meeting is regarding a zoning change from Heavy Industrial to Light Industrial. Packard clarified that the cell tower ordinance changes it to Agricultural, not Industrial. Mockler said it is being changed from Commercial to Agricultural.

Mockler said he is speaking at Rotary Club tomorrow, and Smith said she is planning to attend. They will discuss the jail project and the Comprehensive Plan. Mockler said he prefers to let the audience ask questions than for him to just talk.

At 9:50 a.m., Hammond moved, seconded by Packard to enter an Executive Session regarding legal matters per SDCL 1-25-2. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

At 10:02 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.

Hammond and Tracy discussed scheduling a meeting via Zoom for the JDAI committee.

Mockler reported he will not be present for District Meeting on March 16th, and Hammond said he will not be present either.

At 10:05 a.m., Hammond moved, seconded by Manning to adjourn and reconvene for a Special Joint Meeting with the City of Vermillion City Council Tuesday, March 8, 2022 at 5:30 p.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

March 8, 2022

The Board of County Commissioners met in a joint meeting with the City of Vermillion City Council Tuesday, March 8, 2022 at 5:30 p.m. for a Second Reading of Ordinances #2022-02 and #2022-03.

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

Packard moved, seconded by Smith and carried to approve the agenda.

The Second Reading was held for Ordinance #2022-02, an Ordinance Amending the 2013 Revised Joint Zoning Regulations for Clay County and the City of Vermillion.

AN ORDINANCE AMENDING THE 2013 REVISED JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION

AN ORDINANCE OF CLAY COUNTY, SOUTH DAKOTA, AMENDING ORDINANCE NO. 2013-04, BEING THE 2013 REVISED JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION BY AMENDING CHAPTER 6 SECTION 6.02 CONDITIONAL USES, AMENDING CHAPTER 6 SECTION 6.02 APPLICABLE STANDARDS AND CHAPTER 6 LI: LIGHT INDUSTRIAL DISTRICT, PURPOSE.

BE IT ORDAINED BY THE COUNTY COMMISSION OF CLAY COUNTY, SOUTH DAKOTA AS FOLLOWS:

Section 1. That the Purpose of Chapter 6 2013 of the Revised Joint Zoning Regulations for Clay County and the City of Vermillion is hereby amended to include the following:

6
LI: LIGHT INDUSTRIAL DISTRICT

The purpose of this district is to provide for a number of light manufacturing, wholesale, warehousing and service uses in an attractive industrial park like setting. These uses do not include residences, apartments or commercial uses which are primarily retail in nature. It is the intent of this district to provide high amenity industrial development along the major roads, while allowing for slightly heavier development in the interior of the industrial areas. The LI Light Industrial District, where permitted, shall generally be located where provisions can be made to adequately handle the sewage disposal, where the value of the land for agricultural use is marginal, and where the water supply, roads and emergency services are easily and economically available.

Section 2. That the following uses be added to Section 6.02 LI: Light Industrial District Conditional Uses of the 2013 Revised Joint Zoning Regulations for Clay County and the City of Vermillion:

Grain Terminal/Grain Processing Agribusiness

Section 3. That the following Applicable Standards be added to Section 6.02 Conditional Uses of the 2013 Revised Joint Zoning Regulations for Clay County and the City of Vermillion:

Grain Terminal/Grain Processing, 11.01, 11.03, 11.04, 11.05, 16.01

Agribusiness, 11.01, 11.03, 11.04, 11.05, 16.01

Adopted by majority vote of the Clay County Board of Commissioners in regular session this 8th day of March, 2022.

Travis Mockler
County Commission Chairperson

Attest:

(seal)

Carri Crum
County Auditor

First Reading: February 22, 2022
Second Reading: March 8, 2022
Adoption: March 8, 2022
Published: March 17/18, 2022 & March 24/25, 2022

City Engineer Jose Dominguez gave a brief report regarding the proposed ordinance changes. No one appeared in opposition, and no written correspondence was received. Smith moved, seconded by Hammond to pass and adopt Ordinance #2022-02. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Second Reading was held for Ordinance #2022-03, an Ordinance Amending the 2013 Revised Joint Zoning Regulations for Clay County and the City of Vermillion.

AN ORDINANCE AMENDING THE 2013 REVISED JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION

AN ORDINANCE OF CLAY COUNTY, SOUTH DAKOTA, AMENDING ORDINANCE NO. 2013-04, BEING THE 2013 REVISED JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION BY AMENDING CHAPTER 3 A-1: AGRICULTURAL DISTRICT SECTION 3.02 CONDITIONAL USES & APPLICABLE STANDARDS.

BE IT ORDAINED BY THE COUNTY COMMISSION OF CLAY COUNTY, SOUTH DAKOTA AS FOLLOWS:

Section 1. That the following conditional use be added to Section 3.02 A-1: Agricultural District of the Revised Joint Zoning Regulations for Clay County and the City of Vermillion is hereby amended to include the following:
Telecommunications Tower

Section 2. That the following Applicable Standards be added to Section 3.02 A-1: Agricultural District of the Revised Joint Zoning Regulations for Clay County and the City of Vermillion is hereby amended to include the following:

Telecommunications Tower: 11.01, 11.03, 11.05, 11.08, 16.01

Adopted by majority vote of the Clay County Board of Commissioners in regular session this 8th day of March, 2022.

Travis Mockler
County Commission Chairperson

Attest:

(seal)


Carri Crum
County Auditor

First Reading: February 22, 2022

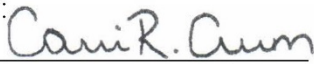
Second Reading: March 8, 2022
Adoption: March 8, 2022
Published: March 17/18, 2022 & March 24/25, 2022

City Engineer Jose Dominguez gave a brief report regarding the proposed ordinance changes. No one appeared in opposition, and no written correspondence was received. Smith moved, seconded by Hammond to pass and adopt Ordinance #2022-02. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

At 5:36 p.m., Hammond moved, seconded by Manning and carried to adjourn and reconvene in a Special Meeting on Friday, March 11, 2022 at 3:00 p.m.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST: 

Carri R. Crum, County Auditor

March 11, 2022

The Board of County Commissioners met in a special session Friday, March 11, 2022 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 and carried to approve the agenda. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board discussed a mechanical report completed by Associated Consulting Engineering, Inc. (ACEI) regarding the HVAC system. Smith and Auditor Carri Crum discussed funding. Facilities Manager Scott Hanson asked about ducting with the two system options. Ryan Van Der Bill from ACEI said both systems will have ducting as they will be bringing in the fresh air. Van Der Bill said the refrigerant option can heat and cool at the same time for separate offices. A fan coil system such as the courthouse has now is limited. It cannot do both, which is why there are issues now with the jail being hot while the courthouse offices are cold. Hanson asked about option 2 ducting. Van Der Bill said a variety of different kinds of units can be installed, wall or ceiling mounted. He is anticipating it would be more like what is in place now as there is already a place and holes for pipes. Hanson said either system uses a condensation pan, so they would all be piped back to the sewer system. He asked, does each floor feed into a 1" or 3/4" line? Van Der Bill said they didn't get into that much detail with this report. It may be a combination of places where the drains can go. Hanson asked if they would reuse the line in place now, and Van Der Bill said probably not. Hanson said there are a lot of problems now. Crum asked whether there will be ductwork in main hallways. Van Der Bill said they would like to try to avoid that and keep it in the offices. It is a relatively small ductwork because it is only providing fresh air.

Van Der Bill said in the report there was a cost estimate, and keep in mind that it was done in October 2021. Costs have gone up since then. Manning asked how much he thinks it might have gone up. Van Der Bill said he does not know at this point. Manning said option 2 showed \$510,000-615,000, so is \$615,000 the bottom range now? Van Der Bill said he recommends estimating the high end of the range. Mockler said they need to decide whether to move forward and then get updated pricing. Van Der Bill said option 1 would be like for like, and option 2 would be smaller pipes that are more flexible as to where they can be placed. Hanson clarified the large pipes would be gone. Van Der Bill said the pipes are smaller, not over 3/4", but they would have insulation. Hammond said, for reference, they would be like the small pipes that are currently in the Commission Room. Smith asked if there is a difference in energy usage between option 1 and option 2. Van Der Bill said it will not be a huge difference because they are both acquiring heat from high efficiency natural gas boilers. There is energy usage to heat and cool the fresh air. Hanson clarified that if the boilers were large enough, the Safety Center could be tied in. Van Der Bill said yes, as long as there is not a problem with sharing utilities, and a backup fuel source requirement may complicate things. Mockler said that might change if they are not housing inmates. Police Chief Matt Betzen said it would depend if it is still being used as the law enforcement center.

Mockler and Van Der Bill discussed chimney placement. Howe said the chimney that runs from the garage of the Safety Center to the courthouse roof that handles boiler exhaust. The Safety Center boiler runs on natural gas, and it can run on fuel oil. However, it does not have to use fuel oil. Mockler said that simplifies it. Howe said the chimney is an issue as it is deteriorated. Van Der Bill said the new boilers have more flexibility in venting, but if the existing boilers remains, the chimney has to remain. Howe said, over time Johnsen Heating and Cooling has suggested replacing the courthouse boiler and using the Safety Center boiler as a backup. He said the Safety Center boiler is less efficient than it could be but is functional. Van Der Bill said the recommendation is to provide 2 boilers, and they are sized at 75% of the maximum load of heating or cooling. Mockler asked if they could get rid of the Safety Center boiler and the courthouse boiler, to be replaced by the new boilers. Van Der Bill said it could be explored. Mockler said he thinks we should, and if the day comes that we don't have emergency services over there, we could plumb it. He asked if it has to be done now. Van Der Bill said there are options for that. Mockler asked if having 3 boilers is a more efficient way to do it. Van Der Bill said it covers the redundancy side of it, or phasing of the project. As for efficiency, there is not a real advantage, and he would rather have 2 than 3. Hanson asked if they could size 2 boilers to pick up the whole operation at the beginning of the project. Howe said Johnsen had discussed replacing boilers many times over the years and described the Safety Center boiler as inefficient but functional as a backup. Mockler said he would like to get rid of the chimney before it falls down. He asked Van Der Bill to figure 2 boilers that would cover both buildings. Van Der Bill said if it advances to a project that will be completed, he will return 2-3 more times to look at the buildings. He discussed options on the cost summary sheet for a boiler system, fresh air ventilation, option 2 for the refrigerant-based system, a fire sprinkler system, a fire alarm system upgrade, IT cabling, and a few other related things. Smith moved to go ahead with boiler replacement, ventilation system, and option 2. She said the fire system options are worth additional discussion. Crum discussed telecommunication cabling as well. Smith asked if it is cheaper to do it all at once. Van Der Bill said it would be cheaper to do it all at once as there is economy of scale with the project. Smith discussed electrical distribution. Mockler discussed fire sprinkler system heads. Hanson said he would prefer concealed heads as it will look better. Van Der Bill said the heads are not invisible, but there would be soffits over exposed pipes, so there is more cost in the construction side. Manning discussed the additional projects totaling over \$1 million-\$1.1 million. Bill Barritt with Beckenhauer Construction said the conversation doesn't necessarily involve them, but one thing to throw into the mix is, in order to execute work with the building occupied, this work may need to be done at night, on the weekends, or under separation/containment. There is probably a lot of other cost involved. He said, depending on how they plan to execute the work, the County may need other things as well. Barritt said he would not want to throw a percentage on it, but the prices have gone up. Smith said the funds we have available to us because of COVID money are a unique situation, so she then moved to include boiler replacement, ventilation, option 2, a general work allowance, include fire protection sprinkler system with concealed piping and heads, replacement of telecommunications cabling, and electrical distributions. She said she thinks we should not spend ARPA money on anything other than capital. We have a capital project that would modernize the courthouse and make it much more comfortable for the people working there. She said it looks like, even with escalated prices, we would still be ok. Hammond seconded the motion. Under discussion, he said, regarding the fire protection sprinkler system, they should keep in mind that there is probably not a lot of difference between concealed or not. The major sprinkler systems have to be relatively close to each other so they overlap somewhat, and he asked if it is possible to get a look at new pricing on both because it might not be worth an extra \$45,000-50,000 to us. Ryan said that is possible so that a base bid could be a more simple system and the concealed heads could be an alternate bid. Hammond said it would be nice to see

pictures. Hammond said this proposal is pretty much exactly what he thought would be the best way to go when the Commission first got the report. Manning asked if they would be able to bring other added costs into the project so they can get an idea of the total in case there are other costs they are not aware of right now. Van Der Bill said as they design, they provide estimates. There would be a series of estimates to make sure the Commissioners are not surprised as they get to the bid date. Manning said he would like to have some of the available money go towards a new jail. Mockler asked what kind of a timeline we might have for the project. Barritt said probably the biggest driver of the schedule is how many phases we have to plan. It could take 2 months or 18 months depending on how day-to-day operations can be impacted. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Van Der Bill said to keep in mind there are other people involved on the design team, an electrical engineering team, JLG Architects, and BWBR Architects, for example.

Discussion moved to the new jail and law enforcement center. Dick Strassburg, TEGRA Group, said they looked at the programming for the facility, square footage, and updated cost estimations. The discussion is really about cost escalation today. The owner's design contingency is at 3% and owner's project contingency is about 5%, and that is typical. Barritt said they just bid a similar project, and they feel pretty confident in square footage cost and sitework costs. As Strassburg said, these are conceptual square footage numbers. Strassburg said some of the larger contractors put out different cost indexes based on actual bids, and they had 21.5 nationally and 22.5 in Minneapolis last year. They looked at the last quarter of last year, which was 2.9 nationally and 2.6 in Minneapolis. They interviewed contractors who work in this region regarding cost escalation. One said they had 25% increase last year, 15% this year, and 10% for 2023 as a guess. They used 12.5% for a guess as they think it will be somewhere between 10-15%. It is based on the midpoint of construction because the supplies are not all bought on day one. Some challenging things are the roofing right now. They are seeing hyper-inflation. Strassburg was told by a roofing contractor to plan 15% per quarter this year. He said it is the Commission's decision how much to plug in. Manning said he thinks 12.5% cost escalation is low. A larger number that should be put in there. Strassburg said they used \$1.4 million for land and discussed other things like furniture and the radio tower. Manning suggested using 17% for cost escalation, and Strassburg said it moves it up roughly \$2 million. Manning said he doesn't want to put it out to the voters for \$39 million and end up at \$41 million because you can't go back for more. Strassburg said if you don't spend it all, you get it back. Hammond said the main risk is sticker shock to those paying the bill. Manning said he would rather give them the sticker shock up front than have to try to cut out. Strassburg said there are a lot of opinions on that. His whole career it has more or less been 3%, with a few exceptions, but now in some cases it's 3% per week. It is new territory for everyone, and we are trying to figure out what is reasonable and what kills a project by being too conservative. Hammond said it really is uncharted territory. Barritt said, given budgets are tough right now, there are things they are trying to do like procure materials early to lock pricing in. There are certain materials where they don't give pricing till it ships from the factory, which might be 7 months after placement of the order. Strassburg said they used to put together a bid package and take it to market, and they are not doing that right now. Some projects they are purchasing materials sometimes a few years in advance. There is timing for bonds regarding interest rates as well. There is an overall feel that the rates are inching up. Strassburg said we have to pin this down by the end of the month for ballot language, so there is some vetting to be done yet. He said we are very fortunate to have Beckenhauer Construction on the project, so we have very good numbers.

Hammond said there are three City representatives present and asked if the numbers look reasonable. Betzen said he and Howe looked at percentages for the split between the City and County, and it is very close. They did a really good job based on the information he and Howe gave them. He thinks they could sit down and try to narrow it down better, but they are really close. Howe said he does not expect to see anyone find any relief in fine tuning as they are really close. He discussed shared spaces. Hammond said it sounds like they are pretty close. Betzen said they can look at shared areas closer, such as the evidence room.

Strassburg said with 17% contingency, it comes to \$41.5 million, with \$32 million for the County and \$9.5 million for the City. Mark Ludgatis with BWBR Architects said that percent is annually, so it comes up to a total escalation of 31.2% over 22 months. Strassburg discussed the different types of contingencies. State's Attorney Alexis Tracy said when we are looking at that, what are we looking to bond, the total project cost, and the City pays us back, or just our portion? She said if this is a total, we cannot bind another board to something. Mockler said it would be one bond. Vermillion City Engineer José Dominguez said it would be under an agreement. Mockler said if something happened, they could just cut off the City's portion. Ludgatis said it would be more significant because the shared spaces are going to have to stay, such as locker rooms, break rooms, etc. Smith said the problem that Tracy is talking about is real because we are required to pay back the bond. On the other hand, the City has a completely different relationship with the bond. Ultimately, as a Commission we have to count on good will and the long relationship between the two entities, and the need of the Police Department for the space. Tracy said she wants to be clear about what we are looking to bond and how to move forward. There was a feeling before that we were double dipping. Strassburg said the interest rates are still relatively low. Smith said municipal bonds are relatively attractive to investors right now, but time is of the essence. Manning asked if we have an agreement with the City, are they required to pay their part? Tracy said she does not foresee us having an agreement on a cost share before they have to make a vote on things. There has to be one owner on the building. The agreement comes after. It's the question of the chicken or the egg. Do we make an agreement and wait for the bond to pass, or wait till the bond to pass and then form an agreement? It will still be County space and will still be law enforcement occupied. When it comes time to make the resolution, they need to know the amount. Smith said the biggest unknown is the rate of inflation for materials. Strassburg plugged in 12.5%, but what is his absolute best guess? He said if we use last quarter, it is 10-12%, and contractors are saying more like 15%, but last year as a whole was more like 20%. It depends on what happens with the war and petroleum. We don't have a lot more intel on it than anyone else, and neither do the contractors. They know that pipe cost went up this week, but could they see it coming? No. Barritt said they just got notified that aluminum is going up 15% per quarter. That's happening every day for everything, including fuel prices for trucking, etc. There is not a good answer because every day there is a new surprise. Ludgatis said timing is part of it as well. Are the vendors busy? There is no way to predict that. Barritt said subs are super busy, and they do not have manpower to do anything. Smith said she thinks people across the country have ARPA funds and are spending on infrastructure. Strassburg said it is also the demand due to COVID, where projects didn't happen, and now the need is there. Smith said she has been looking, and it seems that bond rates are going to be going up. We have to look at the cost of time as well as even .25% of rate would affect the project. Strassburg said the bond companies are working fast to lock in as soon as a bond passes. Hammond said he thinks this particular cooperative venture is so successful and so beneficial to both entities and residents of the County that he does not see a future Council or


Commission torpedoing it. Betzen said that is basically what the Council told him a month ago. They understand the need, so now is the time to sharpen pencils.

At 4:28 p.m., Hammond moved, seconded by Smith to adjourn and reconvene Tuesday, March 22, 2022, 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

March 22, 2022

The Board of County Commissioners met in regular session Tuesday, March 22, 2022 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 Manning and carried to approve the agenda with the addition of Pictometry contracts. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Minutes of the March 8, 2022 regular meeting, March 8, 2022 joint meeting with the City of Vermillion City Council, and the March 11, 2022 special meeting were approved with a motion by Manning, seconded by Smith. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

A Second Reading was held for Ordinance #2022-04, an Ordinance Amending Ordinance No. 2013-04, Being the 2013 Revised Zoning Regulations for Clay County by Amending Chapter 4.05.05, Districts, Purpose. Zoning Administrator Drew Gunderson said this is the ordinance change that would allow campgrounds along the hard surface County roads. Smith said her comment is the same as last time, that commercial uses should be targeted. Some commercial uses on County roads should be permitted, but an ordinance this broad could allow commercial sprawl that most of the rest of the country is trying to avoid. She has seen it happen in the course of 10 years and would hate to see it happen here. She is not against commercial uses along some County roads, but the ordinance is broad. Manning moved, seconded by Packard to pass and adopt Ordinance #2022-04, an Ordinance Amending Ordinance No. 2013-04, Being the 2013 Revised Zoning Regulations for Clay County by Amending Chapter 4.05.05, Districts, Purpose. Roll call vote: Hammond Aye, Manning Aye, Smith Nay, Packard Aye, Mockler Aye.

A First Reading was held for Ordinance #2022-05, an Ordinance Amending Ordinance No. 2013-04, Being the 2013 Revised Zoning Regulations for Clay County by Adding Chapter 3.15 Campground Facilities Under, Article 3 General District Regulations. Gunderson said it is the first reading of the ordinance for the conditional use permit for campgrounds. Manning moved, seconded by Smith to set the Second Reading for April 5, 2022 at 9:05 a.m. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

A First Reading was held for Ordinance #2022-06, an Ordinance Amending Ordinance No. 2013-04, Being the 2013 Revised Zoning Regulations for Clay County by Adding Chapter 3.15, General District Regulations, and Amending Chapter 2.02, Definitions and the Permitted Uses of Sections 4.05.03 RR: Rural Residential District, 4.05.01 NRD: Natural Resource Conservation District, and 4.05.02. Gunderson said it is part 3 of the campground ordinance, that is adding definitions and clarification of other definitions. Smith moved, seconded by Manning to set the Second Reading for April 5, 2022 at 9:05 a.m. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

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

The Board discussed receipt of the Vermillion Public Library Annual Report, and Smith said she would really like to see restoration of funding to the library. Packard said she would like to reconsider all of the organizations' funding that we were unable to do in 2022. Smith said she would love to see them restored, but this one in particular is a real public service that normally is part of a regular budget. The alternative is a contract or that the residents will have to start paying for it. It seems this is a small price to pay for the value of the service.

Deputy State's Attorney Samantha Hargrave met with the Board to request approval to apply for the STOP Violence grant in the amount of \$39,533.73. The in-kind match of \$13,177.91 is a portion of the Legal Assistant's salary. Smith moved, seconded by Hammond to approve and authorize Hargrave to apply for the grant. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Smith asked Auditor Carri Crum for a hard copy of the Annual Report as it is difficult to read on the computer screen.

Director of Equalization Ina Peterson met with the Board to request permission to hire a replacement for an individual who is retiring in June. She discussed wage ranges, depending upon certification and GIS experience. She said she has money in her budget for it. Manning clarified she would like to hire someone so they can be trained. It was the consensus of the Board to allow her to hire as the budget already allows it.

Peterson said the County always has a Memorandum of Understanding between Clay-Union Electric, Clay Rural Water and the Vermillion Chamber & Development Company. Two have already been signed by the organizations, and she is looking for approval for the Chairman to sign it. The Board said they did that a couple months ago, so it is acceptable for the Chairman to sign the agreements.

Facilities Manager Scott Hanson met with the Board. Mockler said they met with Court Services and looked at that office and the Community Health Nurse Office. They determined the money would be better spent fixing up the Training Room under the Safety Center for the Commission Room. Hanson discussed the replacement of ceiling tiles, wall repairs, lighting, paint, which he has been working on. Smith said it is a bigger space, and it makes sense to her. Hanson said there is no air conditioning, and he has tossed around some ideas as well as where we may be in 2 years. Mockler said the air conditioning will be part of the new HVAC system. Mockler said it would be nice for law enforcement when they use it for training. Howe said if we build a new building and vacate, we may do some remodeling. Hanson said there is a fan down there, but he does not know how operational it is. Howe said he spoke to the Police Chief as it is a shared space. He approved of 3 mornings a month. Mockler asked Howe how comfortable he is with the security of the evidence room. Howe said he is comfortable with the locking system. Howe said if we do not vacate the space, we may need to regroup a lot of things. Emergency Management Director Layne Stewart discussed putting up a wall to keep people from wandering into the garage, etc. Howe said they have discussed it, and it would be a good thing to put up a wall and have a hallway at the west end. Stewart said there is internet in the room, but it is not courthouse internet. The group discussed cellular boosters in the room. Mockler said it is also command

central if there was a natural disaster. Smith said if it is used as a command post it needs 5G service. She was an administrator during a natural disaster in Connecticut, and they could not have done it without the equipment. Stewart said a lot of functions could move upstairs, and the only time they would need it as an EOC, it would really be a bad disaster. Manning said it sounds like a good idea. Smith said if there were a disaster, we would probably have the Army and the utility companies, and it would require a large space. Mockler said Court Services was looking forward to a bathroom. There is a space for one, and he is comfortable spending the money to put it back into service. Howe said it has been decades, and he would guess the bathroom was taken out because it was not functional. Hanson said he is working on getting a price for that and also the lavatory in the WIC office. He said Court Services is discussing whether there is enough space for them to do what they need to do for UA testing. Hanson discussed the plumbing involved. Mockler discussed avoiding the same problem the Nurse's Office has, the black water that comes out of the pipes. Hanson said the cast iron should come out. He said it will need to be done on the weekend because it gets really noisy. Hammond said the sooner we can get rid of galvanized pipe the better, wherever it's at.

The Board took a 15-minute recess.

A First Reading was held for Ordinance #2022-07, an Ordinance Amending Ordinance #00-01, an Ordinance Authorizing the Clay County Board of Commissioners to Declare a Fire Danger Emergency and to Prohibit Open Burning Within the County. Stewart said it is an update of the older ordinance to include newer terminology from the National Weather Service. The area fire chiefs are in favor of the changes. Smith said this makes all the sense in the world to her, and the only question is whether there is a way to give the average citizen notice. It seems the way to make the ordinance work is public information. Stewart said Communications is informed when there is a ban in place. He said there will be advertising. Every township board member has received a copy of the draft ordinance, and he has not received any complaints. Manning asked about Section 2 for regulations regarding burning at campgrounds. Stewart said the theory behind it is that it's more watched in a campground. Manning said he does not necessarily agree with that. Mockler said he didn't agree with that in the 2014 ordinance. Smith said the Clay County Park campground only allows burning in a fire pit. Manning said people are usually partying a little in a campground, so they are not in any more control than the person burning in a barrel at home. Smith said they create the fire pits in a way that they are not dangerous. Once we have other campgrounds, we may have an issue. Hammond said he has the same concern as Manning, and he thinks a campground fire pit is probably more dangerous than a burn barrel with a screen on top. He just saw it happen on his way down to Arizona where someone let a fire burn all night and smoked up the whole campground area. Stewart said personally he has no problem not allowing it at campgrounds either during those times. He also noticed he forgot to change one reference to grasslands fire index reference, so he will correct that prior to the second reading. Smith said we could just take out Section C. Mockler said we could leave C in there so the campgrounds do not think they are different. Vermillion Fire Chief Matt Callahan said when we are under a burn ban there should be no burning at campgrounds either. There is typically a lot of ground rubbish. We also could be looking at life safety issues when there is a full campground, and a grass fire starts. Hammond said he sees the problem in Clay County Park being embers in the air floating into dry grass around the campground, so he agrees with Callahan. Stewart said he thinks in 2014 we were trying to mirror the State campgrounds. Packard said State campgrounds may be more manicured in the areas of fire pits. She agrees the campfires should be limited during high fire risk times.

Stewart said fires have to be supervised, and State's Attorney Alexis Tracy and Sheriff Andy Howe had concerns about enforcement. Mockler said he was thinking of a situation where a person starts a brush fire that will burn 4-5 days. There is no way it can be monitored at all times. He had a neighbor that started a fire in a hole, covered it with dirt afterward, and a month later it started the grove on fire. Hammond said no matter how careful you are, there can be flareups. It needs to be supervised while it's actively burning and make sure it's out, but even with safeguards there can still be flareups. Tracy said she wants to be more stringent so the liability is on the property owner, not the County. That is why she wanted to tighten up the ordinance. The only other thing she saw was the definition of open burning vs. open fire. Stewart discussed that it was probably a typo. Stewart asked Tracy to review statute numbers referenced in the ordinance draft. It was decided that due to changes, the ordinance draft will have another First Reading. Tracy discussed penalties under the ordinance and statutes. Mockler asked, if a person burns today, and it is down to embers tomorrow, is that unattended burning because a person cannot sit there for 4 days to monitor it. Howe said that is his concern as well. Mockler said he has a hard time getting too stringent for situations like that. Howe discussed if a person does not see an ad in the Plain Talk, or does not see it on Facebook, they may not call the Communications center first, so it would probably end up being a warning. Stewart said that is fine with him. Howe said they have never cited for failing to report a controlled burn, and there are people who still burn even though it's required. Howe said this would give them the authority. Smith said, thinking about the Smokey the Bear campaigns, Plain Talk circulation is not huge, and a lot of people just throw the Broadcaster away. Howe said this ordinance gives the authority to cite for a person walking away from a fire, but he asked for the Commission's support when it happens. Manning said this is not anything new. He has been burning ditches for years and always called it in. People know they need to call it in, but some decide not to bother. Howe said people don't want fire trucks coming to their house, and sometimes it's just being smart. Manning said he had called it in one time, but someone else called it in at the wrong address, and he was fine with the response procedure. Callahan said currently they are doing a lot of prescribed burns as farmers want them to do it since it's so dry. They don't stay out there for 72 hours watching a few little spots smolder, but the wind could shift and cause a flareup. As far as an active fire, that has to be attended to. Regarding enforcement, it has to be advertised that calling things in is not option anymore. There are repeat offenders who do not call things in. Some of it is going to be educational with a warning the first time, but the State statute covers recklessly burning as well, so it would be beyond the County's ordinance. Getting people to call it in will be extremely important. It's better to get folks to comply than sending a full response from the fire department. Fuel is expensive, trucks are expensive, so it helps to keep those factors down and makes it safer for everyone else. Howe asked if there is a way to differentiate between an active fire and smoldering embers because if someone burns an old house, for example, it will smolder for days. Mockler said he is not looking to collect fines or put someone in jail. Howe and Stewart discussed officer discretion. Mockler said education and giving people the number will be important for the Sheriff's Office to do. Tracy said any amount of enforcement require a little leap of faith regarding discretion. What she does not want to run into is problems identifying who is responsible. The Board discussed reckless burning, and Hammond cited language in the ordinance. He said as far as discretion, we have identified the maximum penalty, so officers have discretion up to that maximum penalty. Howe said he is comfortable with it. As for the penalty, that will need to be established so the Clerk of Courts knows, so his officers will need to put a dollar amount on the ticket. Tracy discussed bond amounts. Howe said, for example, there is a County speeding ordinance that mirrors the State's.

Mockler asked if it becomes too cumbersome to set levels for first offense, second offense, etc. Howe said they have that with dog at large issues in Wakonda. Packard asked if there is any reason to have it relate to the cost of response. Mockler and Callahan discussed that the fire department can bill for a fire response, and it may be in accordance with what State wildland would charge. Stewart discussed a past event where the person was billed for the fire department response. Tracy said what we are looking at is a situation where a person didn't take appropriate safeguards, where a situation got out of control. Hammond discussed the language of the ordinance regarding "shall" vs. "may." Tracy again discussed statutes for penalties and authority to enact them. Smith said language seems to mirror the state statute and again discussed "shall" vs. "may." Stewart said it is the wording in the original ordinance, and he changed the statute number to correct it. Stewart said the big 3 departments of the 7 in the county are in favor of the ordinance. Mockler asked if the questions have been answered as to what we will charge. Howe discussed fine plus court costs. Tracy said she would leave it as a maximum. Tracy and Howe discussed a mandatory court appearance vs. a fine. Tracy reviewed the fine and bond schedule for court costs. Howe said he would recommend not putting a fine in the ordinance and having a fine and bond schedule. Hammond discussed actual damages. Tracy said the court can decide whether they make it a mandatory court appearance, and she likes the "may" language. Stewart said he will rewrite the items and send it to Tracy and Howe for review.

Stewart presented a Records Request Policy for his department. Manning moved, seconded by Hammond to approve and adopt the Records Request Policy for the Office of Emergency Management. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Stewart updated the Board that he sent the drone information for approval, and the State's director said it looks exceptional. He should find out soon if it is approved.

Stewart discussed committee appointments. Currently Smith is on POD, Manning is on Safety Board, and Packard is on LEPC. It was decided that those would remain the same. According to drone policy, he has to set up a drone committee. He needs a Commissioner on the committee, which will meet once a quarter. Smith said she would be willing to serve. Hammond said he could, but he does not want to steal someone else's thunder. Smith moved, seconded by Packard to appoint Hammond. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Weed Supervisor Dennis Ganschow met with the Board to present the SD Dept. of Transportation Weed Spraying Contract. Manning moved, seconded by Smith to approve and authorize the Chairman to sign the contract. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Ganschow said, regarding seasonal employees, he would like to raise it to \$14/hour to encourage applicants as he only had one person apply last year. It was the consensus of the Board to allow it.

Highway Foreman Larry McPherson met with the Board to discuss highway matters. Smith moved, seconded by Packard to approve the Contract for Engineering and Engineering-related Services for Archeological Services related to bridge removals. Hammond clarified the County's match for the project is \$11,700. Highway Superintendent Rod Polley said the amount might be less because we already removed one of the structures a mile of Highway 46 east of University Rd. on 466 Ave. over Ash Creek. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered four Right-of-Way Applications from Clay-Union Electric on 308 St., Sec. 26, T94N, R53W, on University Rd., Sec. 17, T95N, R51W, on 454 Ave., Sec. 9, T92N, R53W, and on Timber Rd. Sec. 14, T92N, R53W. Smith 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 a Driveway Application for Logue Partnership on 306 St., Sec. 18, Bethel Twp., 1320' East of 452 Ave. 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 Jim Logue on 306 St., East 30A of SE1/4, SW1/4, 16-94-53. Smith asked about the size as the number was crossed out and written over. Polley said it is an 18" culvert, and the landowner understands that it is the minimum size. Mockler said he wrote 18" on the application and initialed it. 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.

Hammond moved, seconded by Smith to accept the low bid of \$1.959/gallon from Butch's Propane for the Vermillion and Wakonda shops. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Howe and Brad Johnson with Midwest Alarm met with the Board to discuss a quote for a camera system for the courthouse. Howe said, regarding the wireless camera system, Johnson discouraged that. Johnson said the first two quotes are just replacing the main recorder and conversion tools for the cameras. He discussed video storage capacity differences. He discussed cameras, switches, wires, cables, and said the last quote adds cameras. Wireless cameras are, for them at Midwest Alarm, a service nightmare. They find themselves constantly reconnecting the cameras. He would not recommend them for a courthouse, jail, or police department. Manning clarified the total system is \$125,460.45. Johnson said that is correct, and it includes replacing all the wire, new cameras, and labor. Manning asked if we build a new jail, this equipment would still work? Johnson said that is correct. Mockler asked, if the law enforcement center is off-site, can they still access these cameras? Johnson said yes, that is possible. He said this will work with high-voltage systems as in jails and discussed controls. Howe said the video recorders are old Windows XP systems, and the first quote was just a recorder. The Commission asked him for an updated quote to bring everything up to current technology. Hammond said he noticed the front and back doors don't seem to be covered. Howe said he thinks those triangles are indefinite, and Johnson said those are just camera placement, so the cameras will see as far as they are capable. He discussed that the areas will be covered both inside and outside. Hammond asked if they expect to use the full 13,000 feet of cable. Johnson said he does expect it to be close. He said they will be able to add 20-30 additional cameras to the system if needed. It could be a whole county solution as opposed to just this site. Smith said it makes sense to her, and it's about time we do it. Sooner is probably better than later. Howe said it will be a considerable improvement over what we have. It will eliminate blind spots. The more modern recorder is important. Smith moved to accept the quote of \$125,460.45, seconded by Manning. Under discussion, Mockler asked how easily this is upgraded in the future. Johnson said it will take care of the County for a long time. Roll call vote: Hammond Aye, Manning Aye, Smith Aye,

Packard Aye, Mockler Aye. Johnson said they will probably need a month to obtain parts and get the project scheduled. He will work with Hanson and coordinate with the courts. Hammond asked if we should have Tracy to look at terms and conditions first. Johnson said he is fine with that. Howe said Hanson and Johnson have worked together in the past, and the same company has done the connections center, Trinity Lutheran Church, and SESDAC, so the company has been vetted within the community.

Manning asked if the security system is included in the \$39 million for the jail proposal. Howe said certain things will go under the contractor proposal or FF&E. It will go to bid. Johnson said he will bid. He said his is the only company in South Dakota who services jails. There will be a lot of competition from other states, but it lacks local service.

Dick Strassburg from TEGRA Group met with the Board. Smith said the main question was the cost escalation over time, and the 12.5% that was suggested, and Manning had suggested going higher. She asked if 12.5% is his best guess today. Strassburg said it is. Everyone is trying to forecast it. Things are popping up every few weeks, but the logic is that it was 15% this year and 10% for the following year. He would not advise any less. There is a building boom in South Dakota, and the availability of trades is challenging. Steve Waller asked for a review of the numbers. Strassburg said they have used 12.5%. They used December 2023 for a date, and that pushes it to almost \$6 million. They also have an owner's contingency of 5%, which is typical. The owner's design contingency of 3% is also typical. The actual project cost is \$39 million, so \$30 million for the County and \$9 million for the City. There was discussion at the last meeting that 12.5% might not be enough, that it should be 17%. It starts to amp up the cost. Strassburg asked for the Commissioners' thoughts. Mockler said 17% puts it at \$41 million, and Manning said \$41.5 million. Smith asked what the cost would be for taxpayers. Mockler said at 2.5% it would be roughly \$98/\$100,000, which would be an increase of about \$26/\$100,000 over the \$725,000 opt out that the County currently has to house inmates. Mockler said he cannot speak for the City how they will pay for their portion, but his calculation was on \$39 million, although it's not really accurate because it may not be equal for City residents depending on how the City funds its portion. Howe said the City discussed using sales tax or a separate bond, but the sense was that they are leaning toward using sales tax because for the voters to vote on 2 separate bonds it may be confusing. Strassburg said it would be roughly \$75/\$100,000 for \$30 million. Tracy said the County will still need the opt out for a period of time during the construction, so that would be on top of what we are already doing. Mockler said it's an accounting issue. We could spend money to float it in the interim. Strassburg said you start paying on the bond as soon as it's issued. The question is when you lock in on it. People are locking in quickly right now in case rates go up. Smith said if we can relieve the burden of the opt out it will make for a much smoother transition for taxpayers. Manning said it could be used as a buy down on the bond, but taxpayers might understand it easier if the opt out goes out the door. Smith said it is spreading the relief over 30 years vs. immediate relief over the transition, so it smooths things out. It will make a significant difference in tax bills. Tracy said anyone who owns property knows the value has continued to go up, so it's not just the opt out. The relief would be good, and it's a matter of educating the public about those things. Smith said the City taxpayers are still smarting over the school bond, so we will need to do a good public education program. We will really need to sell this. This is not a shoe-in. Mockler said we are already spending the money on a bill that will never end, and a bond would be a bill with an end date. Manning asked if we want to use 12.5%. Mockler said he would hate to come up short. Manning said we have already cut a lot from the building. Smith said there is already a contingency that gives us a little room. Strassburg said the County only pays for what is actually spent. Smith said she is concerned about going above \$39 million because she is not certain it will pass. She

wants to see it pass. It's a psychological difference. Packard asked how difficult it is to come back for a second bond. Strassburg said it is very difficult. He said one thing they are doing on another project is to buy materials now in order to lock in a price. The County could do things like that now. Mockler asked if \$40 million is a good number. Strassburg discussed cutting the space. Mockler said then we are spending \$39 million to build the same problem we have now. Manning said he is concerned that Howe and Vermillion Police Chief Matt Betzen have done due diligence cutting out extras, and it worries him that if costs escalates more, we are dealing with less for the next 30 years. We cannot ask the voters for more money. Crum discussed accounting, and Smith asked Howe how much of the \$725,000 opt out we are using. Howe said we are hitting our estimates pretty closely. Union County saves us money on daily rates, but our bills have been right on track with our estimates. Howe cited \$28,000-30,000 monthly inmate boarding bills. He said Union County can fill up. Mockler said that is just housing, not gas or labor for transportation. Tracy said it also does not include Court Appointed Attorney and Public Defender travel costs. Howe said his personnel may make 8-10 trips per month to Sioux Falls or around 20-plus to Union County. Those costs could continue to go up if Union County starts filling up and closing their doors to us. Brookings charges almost \$100/day, which is the only place we have been finding available for female inmates. Sioux Falls has generally not been taking our inmates. Manning asked Howe if he thinks we will get by on \$725,000. Howe said he thinks so, and if the opt out continues at that level it will cover us for the next couple years during construction. Smith said her math is that it may be more like \$360,000. Howe said they have stayed under \$30,000/month for inmate boarding because they have been able to board here for up to 72 hours as they have fixed some deficiencies. We are holding around 5 inmates here. Manning said the \$360,000 does not include travel costs, wages, etc. Howe said we are not, for the most part, paying overtime for transports. Manning said he is on board with \$40 million. Howe said he would suggest a 3-year opt out, and he will have more accurate numbers before that is passed. Smith said if we are putting money toward the bond, why not put \$1 million toward it and say \$39 million. In most people's heads there is a difference between \$39 and \$40 million. Howe said he is concerned about building an inadequate building, but he is also concerned with not building a building at all. If it does not pass, we cannot build one. Howe said it will be important to tell people the dollars per thousand because that will be the important number. Bob Fuller said if they do \$40 million they will need to let the City know because it will affect their share. Smith said the biggest risk is that it doesn't pass. If we wound up a half-million or \$1 million short, there are ways to handle it. We would know well in advance because the nature of construction. She said she is worried. Mockler said he is more concerned about having to come back and ask the taxpayers for more money. Smith said it's not like we are pulling \$39 million out of a hat, and she is uncomfortable asking for more than the consultant says we need. Mockler asked Strassburg if the 12.5% is his best guess. Strassburg said it is his best guess, but if someone would have told him a year ago that we are going to see 20% he wouldn't have believed it. You can cheapen up the buildings in some areas, but on a jail it's very hard to do because you have to follow regulations to build it right. His bigger concern is that if we get involved in a war, prices will skyrocket. Packard asked if a compromise of \$39.5 million is acceptable. Smith said it is so hard to know what voters will do. Packard said they have said they will back the project. Howe said the 12.5% is on top of what they believe is a very accurate estimate from the contractors. Hopefully the number is accurate. Strassburg said Beckenhauer Construction just bid a similar project, so these are pretty solid numbers. We are in an unusual time right now. If we have \$39 million to work with, we have to push and shove and make it work. Strassburg said the Fed is pushing up interest rates. He discussed 1973 when we had the same situation. He said if something will cause it to go up that much, it will affect everyone in every way, so people will know about it. He said let's get something that passes. Manning moved to pass and adopt the following Resolution #2022-06, a

Resolution Declaring Necessity and Expediency for Issuance of General Obligation Bonds and Calling an Election, seconded by Smith. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

RESOLUTION NO. 2022-06

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 for the New Jail, Law Enforcement Safety Center, and Land Acquisition Costs (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 \$39,186,000 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 financing a new jail, law enforcement safety center, and land acquisition costs, furnishing and equipping the same, and paying for costs of issuance, 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 7th day of June 2022 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 \$39,186,000, 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 FINANCING A NEW JAIL, LAW ENFORCEMENT SAFETY CENTER, AND LAND ACQUISITION COSTS, FURNISHING AND EQUIPPING THE SAME, AND PAYING FOR COSTS OF ISSUANCE.

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. Hiring of Professionals. Meierhenry Sargent LLP of Sioux Falls, South Dakota is hereby designated as bond counsel for this issue and Colliers Securities LLC, hereby designated as Underwriter for this issue. The President and Business Manager are authorized to execute such documents as are necessary to carry out the intent of this paragraph.
8. 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 Manning moved for the adoption of the foregoing Resolution.

Said motion was seconded by Commissioner Smith and upon vote being taken the following voted AYE: 5 and the following voted NAY: 0

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

ATTEST:

Chairman

County Auditor

Smith said as a County we have zero debt. The County doesn't sell bonds for any old reason. We haven't for a long time. We don't sell debt unless it is absolutely critical.

At 12:18 p.m., Smith moved, seconded by Manning to adjourn and reconvene Tuesday, April 5, 2022, 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

March 31, 2022

The Board of County Commissioners met in a special session Thursday, March 31, 2022 at 3:15 p.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning; Richard Hammond was absent.

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. Roll call vote: Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board discussed the jail and law enforcement center project. Steve Waller, Chairman of the Jail and Law Enforcement Center Facility Planning Committee, said he has realized between now and June 7th there is not enough time for public education. It is a large bond with a lot of information. The Plain Talk editorial set us back. People only see the jail project, but they do not see the law enforcement center part. He said we have a chance in November, but if we go to a June election, we will lose. He requested that the Commission consider moving the election date to November. He wants it to happen. He has been working with it since the beginning of 2018, but the education is too much in too short a time because absentee voting starts April 22nd.

Smith asked Mayor Kelsey Collier-Wise to speak on the City's portion. Smith said it is likely that the City does not want to bond the entire amount. There is a Senate Bill 32 this year that failed. It called for \$38.3 million to build a correctional facility in Rapid City on 20 acres with 202 beds. She is trying to figure out why our costs are what they are. The State has other ideas that may affect us. Legislators have been discussing that they would like inmates to be incarcerated closer to home that would involve sending inmates to smaller regional corrections facilities 6 months prior to release, or lesser sentences, which is what our jail does. They passed a concurrent resolution 68-1 in the house and 35-0 in the senate to conduct a study regarding local jails and state correctional plans. They say there may be strategic opportunities for the state and local officials to collaborate for correctional needs. They are establishing a local correctional needs study. That suggests to her that the State is rethinking its corrections strategy, and there may be opportunities for state subsidy or a cooperative effort. They passed Senate Bill 144 to create a construction fund, and the intent is to fund it after the study reports back. South Dakota is late in the game, but what they are doing is following national best practices for incarceration. Smith is not sure we are bonding the right amount because of the City's funds and figuring out why our costs are so high. Smith spoke with Senator Arthur Rusch, and he said they set aside \$80 million for local correctional facilities, that they wanted to see where the corrections system is moving next. In light of these things, she thinks they should vote to reconsider the entire bond issue. She would like to meet with that committee at some point this summer.

Collier-Wise said the City Council did have the discussion regarding numbers presented to them. The sense from the Council was that they needed more time. Half of the Council is up for re-election and have no time or capacity to devote to this before April 22nd, and they need more time as a Council to pull it together. For this kind of effort, they would have had to have it pulled

together 2 months ago. She is willing to get the word out and educate people, but they are not in the position to hit the ground running tomorrow.

Mockler asked Packard why the west river jail was more expensive. She said she found it in 2 places, that it is 100 beds with possible expansion to 200 beds. She saw that it was \$38 million and had already been raised to \$41.3 million. She discussed land. She said people are upset about the raise in taxes for the school and are in the mood to say no to anything right now. Smith said her information comes from SB32, and it includes the purchase of 20 acres of land, preparation, architectural, engineering, furniture, equipping, etc. She said it had been at \$28 million, so the figures were updated and good as of January 2022.

Sheriff Andy Howe said he does not know if it is an apples-to-apples comparison but he suggested it is an economy of numbers and said it may be a more minimum security facility than what we are building. He would like to know more about it before comparing to our facility. Smith said it was work release and minimum to medium security level. She agreed it is not apples-to-apples, but it is a pretty stark difference that really concerns her. She discussed the sections of the failed SB 32. She said the number of beds was in the news release from the Governor's Office. She said we need to do some comparisons, but she was taken aback. The \$28 million was the number they had earlier, before the session started, and they updated it to \$38.3 million in January 2022. Manning said we cannot compare it. Waller said it becomes an education issue that will be raised.

Manning asked Dick Strassburg from TEGRA Group if he could give an idea how much costs might go up if we wait until November. Strassburg said our numbers were based on an actual project in Nebraska. They are based on bids from subcontractors for a similar project. Looking ahead, there is no more certainty than a few weeks ago, if anything a little less certainty. If he were to estimate compared to the last 6 months, he is not sure it will change. There is a general thought that interest rates will be going up, but no one knows how much. If we delay 6 months and he were to pick a number out of the air it might be 6-10%, but the interest rate might be a bigger variable than the construction increase. Mockler said ½% is \$2 million on a project. Collier-Wise said the real question is not "now vs. 6 months," it is "6 months vs. never." She feels it will fail in June, and then it will never happen. This is our last chance. There are too many questions she does not have the answer to right now. There is money to raise, a website to create, and people to train to educate the public. She really believes it will not pass in June. Mockler said if it costs more in November, it will not pass either. She said she cannot commit the City with so many unknowns. She wants to see this happen, and it is really important for this community. She wants to do it right. Manning said he understands, but it scares him, when we debated this earlier, people are smart enough to do the math. We debated \$39 vs. \$40 million, but in November it could be \$43 million. Smith said it's likely the City will not bond the entire dollar amount, which takes some money off the bond. The State is seriously considering reconfiguring the way inmates are housed, which could be an income stream for the County, and those are big uncertainties. It's a fairly high dollar amount, \$80 million. Manning said it doesn't say any of that \$80 million is going to counties. Smith said our Senator tells her that in those discussions the \$80 million is a system to partner with counties and pay for counties to house

prisoners closer to where they live. We are right in that space. Waller said he does not see any path forward that can succeed. There are too many questions. He doesn't know what the City will do. He doesn't know the specifics of the bond yet. Our chances of succeeding with a bigger number in November are better than the chances of a smaller number in June. He knows what we went through last year, and Dave Lias' article set the tone for the whole debate, so we need to step back. We are willing to put the time in, but it is going to go down in flames in June. People tell him they are not going to support it because it's "just a jail," but it's not. It's more than a jail.

Vermillion Police Chief Matt Betzen said there is no clear cut, great decision to make. Two things to remember, is that the number is big enough that the contractor can guarantee it. That is part of their strategy, that they will never go over what they can build it for. Second, even if we had to cut what we think are essential things, it will still put us better than we are today. He thinks they should pick a number and stick with it, inflation be damned. He does not think it will pass in June. He wants it to be over, after many, many years of discussing it, but he really wants to see it for the community, and he really thinks it's right for Clay County to have a jail. Doing what Dave Lias did, multiplying \$725,000 for 30 years ignores additional costs like inflation and increased boarding rates. It's going to be more than that, but people don't know that because all they saw was the newspaper article. Howe said, regarding State money, he knows there will be discussion about incarceration. He believes they will house in county jails. There is no economy involved in fewer facilities in larger regions. The other option is for the State to house in county jails. It will be better for the State to house inmates closer to home. If we spread work release around the state, people will be able to get jobs, or maybe even keep the job they had. He is not a proponent of regional jails. At the same time, if you have a county with a few inmates, and it is not cost-effective to have a jail, you will also have staff retention problems. He has spoken with the Turner County Sheriff, and he is on board with a regional jail. He does not want to build a jail. He only has 6 inmates today. He will eventually need more beds, possibly over 20 in the next 10 years. He thinks a regional jail would be appropriate. They discussed modeling the Minnehaha County JDC partnership agreement from 1995. It would be easier to staff a jail in Clay County instead of Parker. What Turner County would get is guaranteed beds and a seat on the advisory board. It would require Clay County to build a larger jail, maybe 60 beds, but Turner County would absorb part of the cost. However, Turner County is the only county in the area that would partner with us. It would put us in better position to receive any State money that might come our way. This isn't going to happen tonight or tomorrow, but it's a question that has to be answered. He agrees with Collier-Wise that this will fail in June. There is no one that wants it completed more than him, and no one who wants it to be done more than him. The time has come to complete it, but he doesn't want it to fail. He has concern that it will fail in June, and then we are done because there is nothing to do differently in November than now that will make people take it. We have done what we can. We have cut as much as we could from the project.

Manning asked Howe if he thinks there would be any opportunity between now and November to form an agreement with Turner County. Howe said they may need to pass a bond because he does not know if they have it in the bank. They would only have interest in a portion of the jail part of the project, not the law enforcement center. The Sheriff is interested, and he knows the Turner County Commission wants a jail, so he believes the Commission would be interested.

Mockler said if Turner County is interested, it doesn't mean it will be cheaper because we would have to build a bigger jail. Howe said he doesn't think it will increase in size enough for it to be a wash. Smith said she loves the idea of partnering with Turner County, especially given what the state legislature is considering if they are moving towards subsidizing regionalization. They want to be able to send people to local jails for longer stays rather than build another Sioux Falls Penitentiary, where it is inconvenient for families to visit or for people to have work release. Howe said counties already do not have beds, so there has to be some construction at the county level. The Dept. of Corrections does not want to build new prisons. We need to know the size of jail we need to build because we might need more beds. Smith said sometimes other states contract with places like Lewis & Clark Behavioral Health to build bridges back into the community so when inmates are released, they know where they will stay, how they will eat, etc., so we reduce recidivism.

Packard said she would like to support co-oping with Turner County, but the State will not support a jail that does not exist. The State will send funding to other counties who already have a jail built. Smith said they are looking to incentivize construction for counties who are looking to combine with other counties. She is concerned we could lose out that way. Packard said that could be 3-5 years down the road. Smith said they have the summer study, and they have already created the fund to set aside \$80 million. They have a problem with the women's prison because it is over capacity, so the state has a reason to push this.

Manning said he came in with the idea to go with a June election. He hoped if he was going to change, someone could convince him. It worries him the cost, no matter what it is. He does not want to see it fail. He would really like to get it going. He doesn't put a lot of stake in the State. He has seen their studies go nowhere. He hopes he is wrong because it would be great to have some money. Our legislators have not made him feel really comfortable with that.

Manning moved to rescind Resolution #2022-06, a Resolution Declaring Necessity and Expediency for Issuance of General Obligation Bonds and Calling an Election, seconded by Smith. Under discussion, Packard said she would like to see a list of 10-20 of the questions that are being asked, and find answers to those as well as a positive list. She would like to know how much, as a County Commissioner, are each of them allowed to say publicly, online, or otherwise as in the past there has been question. We should put together a sincere educational program as quickly as possible. Fuller asked what would happen with the option on the land. Mockler said the option ends, so there would be no option. They would have to get a new option, and that does not mean the price will be the same. Auditor Carri Crum said the option expires September 1, 2022. She discussed voter turnout being better in a November General Election than a June Primary Election. Packard said we need to go back to the committee that opposed this last time to see why they have been so silent when they said they would support it this time. Bob Fuller said a positive list is a great idea. He is bothered by Dave Lias' editorial, and it was very disappointing. If Lias is going to do something like that, he needs to use the right numbers because he was way off in the way he calculated that. Waller said his own opinion piece in response to the editorial addressed some of that, but the damage is done. Roll call vote: Manning Aye, Smith Aye, Packard Aye, Mockler No. Motion passed.

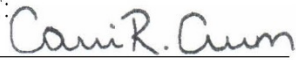
Waller said the facility committee is meeting, so they are already working on education. Fuller reminded the group that there will always be people who already have their minds made up.

At 4:16 p.m., Manning moved, seconded by Smith to adjourn and reconvene at 9:00 a.m. on Tuesday, April 5, 2022. Roll call vote: Manning Aye, Smith Aye, Packard Aye, Mockler Aye.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

April 5, 2022

The Board of County Commissioners met in regular session Tuesday, April 5, 2022 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 Visitors to be Heard. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Minutes of the March 22 and March 31, 2022 meetings were approved with a motion by Manning, seconded by Smith and carried. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Director of Equalization Ina Peterson met with the Board. She presented Pictometry contracts from the City of Vermillion and Clay-Union Electric that were previously approved for the Chairman to sign. She also conducted her annual review with the Board. She reported on appeals that have been received by her office for Equalization Boards. Hammond said it looks like ratios are in good shape. Peterson said there may be an increase next year again, too. Manning said everything is going up. Mockler said it is inflation. Hammond said he had a couple phone calls when people received their assessment notices, and he explained the situation to them. Mockler said some people believe we spend more, so we raise assessed values, but that is not how it works. Hammond said most people are not aware of the constraints the State puts on us to fit into a range of actual values.

A Second Reading was held for Ordinance #2022-05, an Ordinance Amending Ordinance No. 2013-04, Being the 2013 Revised Zoning Regulations for Clay County by Adding Chapter 3.15 Campground Facilities Under, Article 3 General District Regulations. Gunderson said it is the second reading of the ordinance for the conditional use permit for campgrounds. No one appeared in opposition, and no written correspondence was received. Hammond moved, seconded by Manning to pass and adopt Ordinance #2022-05, an Ordinance Amending Ordinance No. 2013-04, Being the 2013 Revised Zoning Regulations for Clay County by Adding Chapter 3.15 Campground Facilities Under, Article 3 General District Regulations. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

A Second Reading was held for Ordinance #2022-06, an Ordinance Amending Ordinance No. 2013-04, Being the 2013 Revised Zoning Regulations for Clay County by Adding Chapter 3.15, General District Regulations, and Amending Chapter 2.02, Definitions and the Permitted Uses of Sections 4.05.03 RR: Rural Residential District, 4.05.01 NRD: Natural Resource Conservation District, and 4.05.02. Gunderson said it is the last part of the campground ordinance, that is adding definitions and clarification of other definitions. No one appeared in opposition, and no written correspondence was received. Hammond moved, seconded by Manning to pass and adopt Ordinance #2022-06, an Ordinance Amending Ordinance No. 2013-04, Being the 2013 Revised Zoning Regulations for Clay County by Adding Chapter 3.15, General District Regulations, and Amending Chapter 2.02, Definitions and the Permitted Uses of Sections 4.05.03 RR: Rural Residential District, 4.05.01 NRD: Natural Resource

Conservation District, and 4.05.02. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Gunderson said the Medical Marijuana Ordinance will be coming April 26, 2022.

Highway Superintendent Rod Polley met with the Board. The Board considered a Driveway Application for Dale Nelson on 299 St. 120 feet east of the current driveway at 45631 299 St. Polley said the current driveway application goes through the building site where there are also small children, so he wanted a driveway going into the field. The new location does not require a culvert. Hammond and Polley discussed the width, and Polley said it is pretty flat there and is not a sharp turn. 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 Right-of-Way Application from Clay Rural Water at 46736 306 St. 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.

At 9:16 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.

Polley discussed trees in the Yankton Clay Ditch per the conversation at the annual meeting. He looked at the west county line, and there are some good-sized trees. Some are down on the bottom edge of the dike inside the fence. In the first mile there are a few, and just past 453 Ave. there are about a half-dozen that could be removed. It is not a big enough project to bid. He suggested having 3-D Digging use their mulcher. It is less than 40 trees, and some are pretty small. Manning said mulching would be the way to go. Auditor Carri Crum looked up the balance, and there was approximately \$15,670. Discussion continued regarding Polley discussed the spraying of trees from 454 Ave. to the west. Right now it is dry and grass is tall, but it's too early to spray. It has to be at a certain stage. Manning said there has to be leaves. Polley said Weed Supervisor Dennis Ganschow can use the Kubota. Hammond said he checked the west mile by Nels Jensen's, and it would be Ryken's land on the east half of the mile. Polley said the \$15,670 should easily do it. Mockler said on the last bids we got, 3-D Digging was the highest by quite a ways. Polley discussed mulching the trees. Mockler said if they mulch the stumps, it kills them, but if they are cut down, they have to be treated or they will regrow. Mockler said if they cut them with a chain saw, they need to paint them. Polley said that would require a pesticide license.

Polley discussed the layover of Clay Creek Ditch by Ulteig Engineering. He presented a contract. Packard asked if there is a cost on it, and Polley said there is a maximum amount of \$30,127.50. Mockler asked if it says how it is split between FEMA and the County. Polley said it is supposed to be split, but it is not. Polley said he will return with contract changes. Polley said there is water in it now, but it is very low, so they should be able to see sluffs and beaver dams.

Polley asked Manning if they have started on the Prairie Center Ditch. Manning said they have discussed burning the ditch, but the fire department should have a contribution. He clarified that it can be paid from the ditch money. Manning said he talked to Gregoire and Ryun Fishbach from the fire department. Polley discussed the Prairie Center wall that got burned, and he asked if Clay-Union Electric will be responsible. Manning discussed sending the bill to Clay-Union Electric. Polley said he

was contacted regarding cost of the bridge plank. Hammond said he saw, in New Mexico, Colorado, and Wyoming, they use rock cages to prevent erosion. Polley said south of the Prairie Center Hall, they had box culverts that were washed out, and they used monster blocks. They use the rock cages in big scour holes, and they are handy although it's time consuming to get the rocks into them.

At 9:38 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.

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

(CLEARING FUND - MISC.)		ONE OFFICE SOLUTION	\$208.53
SD DEPT OF REVENUE	\$800.00	QUALIFIED PRESORT SVC IN	\$4,922.36
(PROFESSIONAL SERVICES AND FEES)		QUILL CORP. TRS	\$225.47
AVERA MCKENNAN HOSPITAL	\$746.00	RUNNINGS SUPPLY INC CH	\$46.55
AVERA UNIVERSITY	\$164.66	SWEETWATER	\$524.92
ERICKSON SOLUTIONS GROUP	\$840.75	UNION CO. SHERIFF	\$667.75
HANSEN, ROBERT	\$400.00	VERMILLION ACE HARDWARE	\$784.57
LINCOLN COUNTY AUDITOR	\$440.30	VERMILLION FEDERAL	\$564.59
PRICE, THOMAS L.	\$350.00	YANKTON REXALL DRUG	\$6.00
VILLAGE FAMILY SVC CENTE	\$1,650.00	YANKTON WINNELSON CO.	\$85.46-
YANKTON CO TREASURER	\$127.50	(COPIER SUPPLIES)	
YANKTON MEDICAL CLINIC P	\$72.56	LOFFLER COMPANIES	\$223.07
(OTHER PROFESSIONAL SERVICE)		(TRAVEL AND CONFERENCE)	
BOYS & GIRLS CLUB, INC.	\$1,750.00	PIZZA RANCH 14762	\$1,165.00
CITY OF VERMILLION	\$67,510.56	SDSU EXTENSION SERVICE	\$60.26
UNION CO. SHERIFF	\$30,615.00	STEINLEY REAL ESTATE	\$325.00
YANKTON CO SHERIFF	\$7,225.00	(INMATE TRAVEL)	
(LAW OFFICE)		PENNINGTON COUNTY JAIL	\$144.22
FOX & YOUNGBERG, P.C.	\$203.11	(UTILITIES)	
FRIEBERG, NELSON & ASK	\$3,000.00	BUREAU OF ADMINISTRATION	\$36.25
PETERSON, STUART, KLENTZ	\$10,083.33	CITY OF VERMILLION	\$1,749.79
TERWILLIGER, PHILIP	\$6,700.00	JOHNSEN HEATING & COOLIN	\$846.53
(REPAIRS AND MAINTENANCE)		MIDAMERICAN ENERGY	\$448.61
ERICKSON SOLUTIONS GROUP	\$273.00	MIDCO BUSINESS	\$210.39
HEIMAN INC.	\$510.00	MIDCO BUSINESS EXT.	\$75.39
INTEK	\$186.38	VERIZON WIRELESS EMG	\$40.01
OLSON'S PEST TECHNICIANS	\$80.00	VERIZON WIRELESS SHERIFF	\$351.99
PRESSING MATTERS	\$1,171.50	VERIZON WIRELESS ST ATTN	\$149.75
PRESTO-X COMPANY LLC	\$153.00	VERIZON WIRELESS TRS	\$170.70
VERMILLION ACE HARDWARE	\$2.98	VERMILLION FEDERAL	\$6.00
VERMILLION FEDERAL	\$20.00	VERMILLION GARBAGE SVC.	\$352.00
WALKER CONSTRUCTION	\$595.00	(PAYMENT)	
YANKTON WINNELSON CO.	\$377.68	DAKOTA SENIOR MEALS	\$1,137.50
(DATA PROCESSING)		LEWIS & CLARK BEHAVIORAL	\$5,773.25
ERICKSON SOLUTIONS GROUP	\$3,627.05	MAIN STREET PUB	\$223.42
SOFTWARE SERVICES, INC.	\$2,046.00	PIZZA RANCH 14762	\$3,755.00
(SUPPLIES & MATERIALS)		SANFORD HEALTH PATHOLOGY	\$254.00
AMERICAN STAMP & MARKING	\$42.31	VERMILLION FEDERAL	\$137.42
BUHLS DRYCLEANERS &	\$21.30	(JDC/SPECIAL EQP.)	
CRESCENT ELECTRIC	\$140.68	RUGGED DEPOT LLC	\$26,113.00
JCL SOLUTIONS	\$56.17	(BOOKS)	
MCLEOD'S PRINTING & SUPP	\$1,526.00	SD DEPT OF HEALTH LAB	\$2,055.00
OFFICE ELEMENTS	\$110.59	THOMSON REUTERS - WEST	\$623.09

(FURNITURE AND MINOR EQUIPMENT)
CANON \$396.08

RUNNINGS SUPPLY INC CH \$552.43

Regarding the American Rescue Plan Act Funds Final Rule, Manning moved, seconded by Smith to allow County Auditor Carri Crum to elect the ARPA Final Rule allowing counties to use up to \$10 million of the ARPA Funds as revenue loss for the provision of general government services without needing to use the U.S. Treasury's revenue loss formula. Clay County has elected to use salaries and County-paid benefits from the General Fund as an expense of the American Rescue Plan Act in the amount up to \$10 million to be reimbursed quarterly. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Hammond moved, seconded by Packard to assign \$10,443 for the purchase of 911 Equipment and \$38,249 for the purchase of an ambulance according to the replacement schedule. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Hammond moved, seconded by Smith to pass and adopt the following Resolution #2022-08 for Treasurer Outstanding Checks Cancellation. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

RESOLUTION #2022-08
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 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 \$576.55 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 5th day of April, 2022, at Vermillion, South Dakota.

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

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

Attest:

Travis Mockler, Chairman

Carri R. Crum, County Auditor

Sheriff Andy Howe met with the Board to request an increase in shift differential pay for jailers and deputies. It is currently \$.50/hr. for evening and \$.75/hr. for weekend shifts. He thanked the Board for

pay increases in the past but said our deputies are still \$4 less than the police department. He has a new deputy starting, Victor Allen, on April 18th. He is taking a pay cut to come to work for us. Howe said he is requesting \$1/hr. for nights and weekends. It will help those who are accepting the burden of those shifts as they are less desirable. He has been short on deputies since last fall. The current deputies are picking up more night and weekend shifts as a result. He would like to be able to compensate them with shift differentials. Some have been on nights or weekends without rotation for months. He asked to have it be retroactive to January 1, or at the least April 1. He has the money in his budget as he has been short on deputies that were budgeted for. He said they currently pay \$800-850/month in shift differential between deputies and jailers, and it is low compared to other agencies. Smith said she supports it as the officers sacrifice more, and they are not home at night, so it takes a toll on the physical body as well. Hammond said it seems to be the right thing to do. He asked how long the shifts are. Howe said they are 8-10 hour shifts. Hammond said it is really \$7.50-10.00 per shift. Howe said for the month it is probably another \$150 per month. It is time away from family, and it becomes hard to get a more seasoned employee to work those shifts. It helps with retention. Deputies and jailers have not asked for this, but it is something he wanted to give and suggested it be retroactive to January 1 because they have been picking up those shifts for quite some time. Packard recommended \$1.25/hr. but does not know if it is in the budget. Howe said one thing we do have is that we double up for night shift on a weekend, so it would be \$2/hr. Mockler said we should stick with \$1 at this point because budget time is only a couple months away. Hammond moved, seconded by Smith to approve the increase in shift differential to \$1/hr. retroactive to January 1, 2022. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Mockler discussed the HVAC project with Ryan Van Der Bill, Associated Consulting Engineering, Inc., and said Mary Gilbertson and Sam Johnsen have been in the business, saw Option #2, and said the County should not do Option #2. Mockler asked for their input before we spend the money. Gilbertson said he is not an engineer, but if the County can work with the chilled water system and can put it in the Safety Center, it is easy. It is a 2-pipe system, but if controls can be added, it would help. He said he was curious about the proposal and did not have the background. Van Der Bill said they have not designed it yet, so they are open to discussion regarding going a different direction. As for the chilled water system, a 2-pipe system presents challenges with heating vs. cooling as seasons change. A refrigerated system can be independently heated or cooled. The current chiller is not sized for additional building (i.e. adding the Safety Center). He discussed other options. Gilbertson said they have customers that have the refrigerant-based systems, and it does add flexibility, but they are starting to see service issues after 5-10 years. If they can weigh out concerns, they should at least visit about it before a final decision is made. Sam Johnsen, Johnsen Heating & Cooling, said the proposed system is a great system. Here we would benefit by installing a new boiler as the current one is late 1980's. As for the chiller, we are 5-10 years old, so there is a quite a bit of life left. The boiler is probably 80% efficiency, so we can improve on the heating side of things. He discussed condensation related to the boiler and pumps. It will not change the 2-pipe system. Crum discussed temperature regulation issues in the buildings. Johnsen discussed ways to improve the efficiency and controls. He said it will not heat and cool in different areas at the same time. Mockler asked for details on the 4-pipe system. Van Der Bill said there is an additional 2 pipes so that heating vs. cooling could happen at the same time in different areas. It would add piping but would address the issues of heating in separate areas than cooling. He said they are open to ideas of a different proposition for a system. The boilers and ventilation unit are independent of any other systems. Dave Van Niewenhuyzen, JLG Architects, said the pipes for a refrigerant-based system would allow for smaller pipes. Van Der Bill said it could be blended into the building a little more. Smith asked Facilities

Manager Scott Hanson for his input. Hanson said he did not realize there was so much more to it, so he is glad Gilbertson and Johnsen are here. He said at the end of the day we need to sit down and weigh our options. There were concerns about problems in the summer regarding leakage with the current system, and that might be an issue of a good PM program of checking to make sure drain pans are not plugged. He said there are pros and cons. He likes a smaller piping system because it is more aesthetically pleasing to the eye. He discussed code for refrigerant lines. They discussed fittings vs. soldering. Mockler said with refrigerant, it leaks, and that is always an issue. It's just a matter of when. When second floor is comfortable, third floor is letting heat out. Johnsen said the pipes are in pretty good shape, but the issues have been with the fan coil units. There have been drain problems. Hammond said the mold problem is likely due to the fact that there has never been anyone to do that maintenance. Hanson said he has been down that road and knows the tricks of the trade. Hammond said the problem is being able to zone the rooms so that each room is comfortable. If there is some way we can take care of the zone problem, we need to work towards the most efficient way to do that. Preventative maintenance will take care of the health issues with mold. Van Der Bill said the fan coils would all be new. It's possible the drain pan technology would be a little different. Mockler clarified a 4-pipe system would just add 2 more pipes. Mockler said it should help if we are ventilating the air, too. Johnsen said it depends how deep into it the Board wants to go. If they are looking at a whole new system, he would lean to a refrigerant-based system, but if they are looking to save a little money but still make improvements, he would look at the boilers. As far as a comfort issue, it will be tough. In South Dakota, we can wake up to 30 degrees in the morning, but in the afternoon it can be 70 degrees. We do not have a lot of ventilation, so a system would help. If they are committed to doing a new system, he is not against a refrigerant-based system. Mockler said, barring a natural disaster, we are here for a while, so we want the best system. Packard said efficiency plus employee comfort is a big issue. Van Der Bill and Johnsen discussed a dry cooler and a heat pump style refrigerant system. Johnsen asked if it will be on the roof, and Van Der Bill and Van Nieuwenhuyzen. said it would probably be on the north side of the building. There was discussion regarding tying in the Safety Center. Smith said it is pretty clear we are staying in the courthouse. Ultimately it is up to the voters whether to move the jail and law enforcement center. There was discussion regarding tying into the Safety Center later. Manning said if Johnsen, Gilbertson, and Hanson work together to come up with a recommendation that would help. Hammond discussed the expertise of Johnson, Gilbertson, and the engineers and architects. He encouraged them to work together to come up with the most efficient, effective system. Mockler said the training room air conditioning should be added.

At 10:30 a.m., Smith moved, seconded by Hammond to enter an Executive Session for legal and contractual matters per SDCL 1-25-2. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

At 10:53 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.

Realtor David Thiesse discussed extension of the land purchase option with Larry Brady. He said Brady was frustrated with the change in decision to move the bond election from June to November and initially said the option would not be extended and cited his recent sale to Starbucks for \$10/sq. ft. He changed his mind and said he would give the County to the end of the year without compensation for the extension. Brady is in Arizona until sometime in May, and the contract will be extended when he returns.

Regarding the jail project, Packard asked if she, as a Commissioner, can write a letter to the editor. State's Attorney Alexis Tracy said there is nothing on the ballot at this time. Any time they are putting out information to the public, it is fine, and she has freedom of speech. It is not a ballot measure at this time, so campaign finance laws would not apply. Manning said the group that has gotten together is a citizen group. Tracy clarified that this is no longer a subset of the county. Smith said this is a political committee now. Smith said there is still a question of state funds, the summer study, and the possibility of a regional jail with Turner County. Last time around, some people put personal money into advertising, and we need to raise some money this time. Mockler said since there is a political committee, it can do the work the Commission wished they could have done. Manning said Representative Sydney Davis will try to get on the summer study committee and reach out for input. She discussed with Manning state money that would be for the correctional system. Smith said she thinks that is why there is a contemplation of setting aside \$80 million for regional jail operations. They will not formally appropriate money until after the summer study. Hammond said he always takes those numbers with a grain of salt. Chances of it remaining at \$80 million are relatively small, and it would be spread between a number of projects. Smith said we need to keep track of it and talk to them about our dilemma. Packard recommended that there be a question section on the website for the public. Smith said there will be a FAQ section on the website. Packard said there should be an area for the public to submit questions. Tracy said it is good to have a committee separate from the County, but there is no ballot measure and even when there is, there is nothing preventing the County from providing information to the public in a user-friendly fashion on the County website, even if it takes some money. Tracy and Manning discussed that people will say they are spending money on a County election, and Tracy said it needs to be informational. She discussed sharing information about building material costs today vs. last year in relation to the cost of the project. Once a decision is made again to move forward with a resolution to place the matter on the ballot, it would make more sense for the committee to be the ones putting literature and material out there. Mockler said everyone is wondering how the project increased so much. Thirty percent increase in building costs is low compared to what a house would be. Tracy said it is a place for people to go seek out information when they are ready to digest it. Manning said last time there was so much false information, and as a voter he wants the real information, not the rumors. Smith said the web presence will make a big difference, having accurate information and answers to frequently asked questions. Packard said she is getting people wondering why it's taking so long, or the fact that they just don't want any more taxes. Manning said the big one is why it's costing so much. Packard said the other thing is the comparison with the Rapid City project, and basically they are constructing a dorm, and that is the difference in the cost.

Mockler discussed Joint Jurisdiction. On December 7th, the City said if there are differences, we should set up a meeting. He tried to do that on that day. He mentioned it to City Council last night. He said, from the look on their faces, they didn't know it happened. He has an email from City Manager John Prescott saying the request had been passed to the Mayor. Smith said it makes a lot of sense as a County to have a relationship in the Joint Jurisdiction. Mockler said it is a slap in the face that we are supposed to be equal partners, and they ignored us. Manning said we look at it as equals, and both sides have to give and take, and that's the way it is. You have to compromise. It's not always the most fun, but that's the way it is. Smith said we might need to get an agenda going of issues to discuss. Mockler said that was proposed, and they ignored us. Mockler said he was told if we want to set up a meeting, we have to go through staff, and that's what he did. Prescott sent it on to Mayor Kelsey Collier-Wise, and that was it. Hammond said maybe we needed some cooling off time, so another run at it is appropriate. We need

to set up a time when we can work on some of these issues, and it isn't necessarily that we are going to have winners or losers. A lot of times, once you work through some of the tougher issues, it becomes big win, big win, a little loss for each side. Mockler said he will try again to set up a meeting.

At 11:16 a.m., Manning moved, seconded by Smith and carried to adjourn and reconvene on Tuesday, April 12, 2022 at 9:00 a.m.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

April 12, 2022

The Board of County Commissioners met in regular session Tuesday, April 12, 2022 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning, and Richard Hammond. Packard was initially present via Zoom meeting but could not communicate over Zoom and traveled to the courthouse to attend in person due to technological difficulties.

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 and carried to approve the agenda with the addition of courthouse HVAC project discussion; motion passed.

Manning moved, seconded by Smith and carried to approve the minutes of the April 5, 2022 meeting; motion passed.

4-H Educator Lauren Hollenbeck met with the Board to present the annual termite inspection contract with Bentson Pest Control. Hammond said it's a good idea to inspect for a few years at least to prevent a reinfestation. Smith said she read it as a guarantee that they take care of the problem if the contract is in effect. Smith moved, seconded by Hammond and carried to approve the contract; motion passed.

The Board discussed dissolution of the Courthouse, Jail, and Law Enforcement Facility Planning Committee. Hammond moved, seconded by Manning to dissolve the committee effective immediately. Under discussion, Smith clarified with Steve Waller, Chairman of the committee, that this is acceptable. Waller said the committee is in favor of this so they may move on to the next phase. Waller said it was fun but frustrating at times, and Bob Fuller deserves a lot of credit for the first phase. He thanked the Board for the opportunity to serve. He said the committee is very comfortable with the dissolution process. All voted aye; motion passed.

Manning moved, seconded by Hammond and carried to approve the following claims for payment.

(DUE TO OTHER GOVERNMENT)		SDACO - M&P FUND PAYMENT	\$362.00
BERESFORD SCHL DIST 61-2	\$49,281.29	SEILERS SECOND ROAD DIST	\$151.27
BETHEL TOWNSHIP	\$8,973.07	SPIRIT MOUND TOWNSHIP	\$7,174.01
CENTERVILLE SCH DIST 60-	\$17,557.08	STAR TOWNSHIP	\$14,335.94
CITY OF VERMILLION	\$129,628.10	TLC WATER PROJECT DIST.	\$6,798.44
CLAY CO TREASURER	\$7,960.50	VERMILLION BASIN WATER	\$2,141.63
FAIRVIEW TOWNSHIP	\$12,683.96	VERMILLION SCHL DIST 13-	\$402,823.89
GARFIELD TOWNSHIP	\$8,591.72	VERMILLION TOWNSHIP	\$4,122.10
GAYVILLE/VOLIN SCHL DIST	\$6,009.54	VIBORG/HURLEY SCHL 60-6	\$1,739.11
GLENWOOD TOWNSHIP	\$6,671.03	WAKONDA TOWN	\$13,874.21
IRENE CITY	\$2,028.31	(FIRE)	
IRENE/WAKONDA SCHL 13-3	\$114,418.70	BERESFORD RURAL FIRE	\$1,857.19
MECKLING TOWNSHIP	\$6,456.46	CENTERVILLE RURAL FIRE	\$820.79
NORWAY TOWNSHIP	\$3,831.72	GAYVILLE RURAL FIRE ASSO	\$894.14
PLEASANT VALLEY TWP.	\$6,934.06	IRENE RURAL FIRE ASSOC	\$525.36
PRAIRIE CENTER TWP.	\$8,385.96	VERM. RURAL FIRE ASSOC.	\$7,530.11
RIVERSIDE TOWNSHIP	\$5,833.70	VOLIN RURAL FIRE ASSOC.	\$256.25

WAKONDA RURAL FIRE	\$3,173.69	CRESCENT ELECTRIC	\$140.68
(OTHER INSURANCE)		DAVIS PHARMACY	\$13.46
JENSEN INSURANCE	\$511.00	ERICKSON SOLUTIONS GROUP	\$1,138.00
(PROFESSIONAL SERVICES AND FEES)		GRAHAM TIRE S.F. NORTH	\$9,600.12
ALTERNATIVE HR, LLC	\$194.00	INTERSTATE POWER SYS INC	\$692.72
AVERA UNIVERSITY	\$283.40	LOFFLER COMPANIES	\$211.29
BUREAU OF ADMIN PMB0112	\$7.20	MICROFILM IMAGING SYSTEM	\$30.00
CITY OF VERMILLION	\$12.00	MIDSTATES EQUIPMENT	\$28,377.95
FEDEX	\$32.15	NELSON REPAIRS	\$96.13
NATURESCAPING DESIGN LLC	\$525.00	O'REILLY AUTO PARTS	\$25.64
SATELLITE TRACKING OF	\$250.25	ONE OFFICE SOLUTION	\$144.06
SD DEPT OF HEALTH LAB	\$1,375.00	PRESSING MATTERS	\$107.00
ULTEIG	\$12,158.05	PROCHEM DYNAMICS	\$648.95
YANKTON MEDICAL CLINIC P	\$140.91	RUNNINGS SUPPLY INC	\$380.68
(OTHER PROFESSIONAL SERVICE)		STURDEVANT'S AUTO PARTS	\$31.44
SCHAEFER, DEAN	\$30.00	TWO WAY RADIO SOLUTIONS	\$247.98
SCHILDHAUER, T. LEMBCKE	\$2,361.00	UNION CO. SHERIFF	\$1,581.50
SD ATTORNEY GENERAL	\$1,391.00	VERMILLION ACE HARDWARE	\$236.40
UNION CO. SHERIFF	\$24,700.00	VERMILLION FEDERAL	\$90.38
YANKTON CO SHERIFF	\$8,925.00	(TRAVEL AND CONFERENCE)	
(LAW OFFICE)		POLLEY, RODNEY	\$120.00
RATTLINGLEAF, KYLE	\$43.00	SDACHS	\$100.00
RECK, TIMOTHY	\$14.00	VERMILLION FEDERAL	\$87.51
(MENTAL HEALTH)		(INMATE TRAVEL)	
LEWIS & CLARK BEHAVIORAL	\$184.00	PUMP N PAK	\$764.39
(PUBLISHING)		(UTILITIES)	
BROADCASTER PRESS	\$417.60	BUREAU OF ADMINISTRATION	\$70.66
NEW CENTURY PRESS ACCT44	\$1,477.42	BUTCH'S PROPANE	\$4,094.31
PLAIN TALK/BROADCASTER	\$150.50	CLAY RURAL WATER SYSTEM	\$45.30
(RENTALS)		CLAY UNION ELECTRIC CORP	\$744.83
PICTOMETRY INTERNATIONAL		MIDAMERICAN ENERGY	\$529.93
\$21,787.32		MIDAMERICAN ENERGY EXT	\$30.06
(REPAIRS AND MAINTENANCE)		VERIZON WIRELESS TRS	\$170.70
BRUNICK SERVICE, INC.	\$345.00	VERMILLION GARBAGE SVC.	\$236.00
BUTLER MACHINERY CO.	\$2,151.00	WAKONDA TOWN	\$62.65
CHARLIE'S BUS SERVICE	\$25.00	(PAYMENT)	
EHRESMANN ENGINEERING	\$400.00	BEEKEN, MATTHEW	\$20.00
GRAHAM TIRE S.F. NORTH	\$625.00	CHRISTIANSEN, ABIGAIL	\$20.00
HEIMAN INC.	\$1,417.00	HEMMINGSON, RYAN	\$36.80
INTERSTATE POWER SYS INC	\$1,217.13	NUTRIEN AG SOLUTIONS	\$1,275.00
JOHNSEN HEATING & COOLIN	\$627.07	PUMP N PAK	\$1,946.35
NELSON REPAIRS	\$187.50	RURING, TIFFANY	\$20.00
TWO WAY RADIO SOLUTIONS	\$582.00	SD DEPT OF HEALTH LAB	\$400.00
(DATA PROCESSING/CLAY CREEK/INF)		VAN DIEST SUPPLY COMPANY	\$1,275.00
MICROFILM IMAGING SYSTEM	\$945.00	(JDC/SPECIAL EQP.)	
(SUPPLIES & MATERIALS)		VERMILLION FEDERAL	\$658.00
A & B BUSINESS	\$184.48	(FURNITURE AND MINOR EQUIPMENT)	
A-OX WELDING SUPPLY CO	\$293.07	ERICKSON SOLUTIONS GROUP	\$1,097.75
BRUNICK SERVICE, INC.	\$91.00	INNOVATIVE OFFICE	\$310.00
BUHLS DRYCLEANERS &	\$220.30	MICROFILM IMAGING SYSTEM	\$215.00
BUTLER MACHINERY CO.	\$3,584.50	(AUTOMOTIVE)	
CHARLIE'S BUS SERVICE	\$67.00	BRUNICK SERVICE, INC.	\$30.00

The Board reviewed a new SECOG Contract and Resolution. Smith said she has been at the SECOG meetings this spring, and Tea has become a first-class municipality, so that requires changes in the representation of the Board. Hammond moved, seconded by Smith to pass and adopt the following Resolution #2022-09 Approving a Revised Joint Cooperative Agreement Establishing the South Eastern Council of Governments. All voted aye; motion passed.

**COUNTY OF CLAY
RESOLUTION #2022-09**

A RESOLUTION APPROVING A REVISED JOINT COOPERATIVE AGREEMENT ESTABLISHING THE SOUTH EASTERN COUNCIL OF GOVERNMENTS

WHEREAS, in 1970, South Dakota Governor Frank Farrar signed an Executive Order creating six Planning and Development Districts in South Dakota; and

WHEREAS, the South Eastern Council of Governments (SECOG) was created when local officials in the area exercised their authority under the "Joint Exercise of Governmental Powers" (SDCL 1-24); and

WHEREAS, SECOG serves Clay, Lincoln, McCook, Minnehaha, Turner, and Union Counties as well as the municipalities located within those counties in southeastern South Dakota; and

WHEREAS, SECOG was created as a means whereby counties and cities and other public and private organizations within them may cooperate with one another to improve the health, safety, and general welfare of the citizens of the region; and

WHEREAS, SECOG promotes regional cooperation and the economical delivery of services and has been providing technical assistance to local governmental entities for more than 50 years; and

WHEREAS, SECOG's Executive Board has determined that the existing Joint Cooperative Agreement entered into in 2017 should be revised.

NOW THEREFORE BE IT RESOLVED THAT

1. The County of Clay hereby approves the document titled "South Eastern Council of Governments Joint Cooperative Agreement" among Clay, Lincoln, McCook, Minnehaha, Turner, and Union counties and the cities of Brandon, Harrisburg, Sioux Falls, Tea, and Vermillion.
2. The agreement, containing revisions to the existing 2022 Joint Cooperative Agreement, is attached to and hereby made a part of this resolution.

Dated this 12th day of April, 2022.

Chairperson
Clay County

ATTEST:

Auditor

Highway Superintendent Rod Polley met with the Board to discuss highway matters. He presented Right-of-Way Applications from Clay-Union Electric on Saginaw Ave., Sec. 28 & 33,

T92N, R51W and on 306 St., Sec. 15, T94N, R51W. Smith moved, seconded by Hammond and carried to approve both applications and authorize the Chairman to sign them; motion passed.

Polley discussed the purchase of gravel from Marquardt. He said it came to his attention that north of Fleeg's north of Highway 50, there is only one pile left out of five piles. There is 10,000 ton at \$7.40/ton. It is 35 miles closer than the Utica pit. He discussed hot mix patching and said this year there is not a lot of break-up. He said the gravel roads need more attention, and gravel is hard to come by. He has the money in the budget to cover the additional gravel cost. It would give him the opportunity to actually fix some roads instead of just patching. He said they haul it themselves. Manning asked about the pit south of the Coffee Cup. Polley said that gravel is already spoken-for. They are not selling any of it. Manning moved, seconded by Hammond and carried to authorize the gravel purchase for \$74,000; motion passed.

Manning asked Polley whether something is sent out to bidders to tell them they did not get the bid. Polley said no, he typically does not send a letter.

At 9:23 a.m., Manning moved, seconded by Smith and carried to adjourn and convene as Clay County Ditch Board; motion passed.

Brad Stangohr with Ulteig Engineering was present with contracts for the County and FEMA portions of the Clay Creek Ditch project/drone flyover. Hammond moved, seconded by Packard and carried to approve the contracts and authorize the Chairman to sign them; motion passed. Stangohr said this will be broken out by mile with separate sets of pay items for FEMA. Smith said there are really two scopes of services. Stangohr said they are exactly the same except he separated them out for accounting purposes for FEMA. He said he got a call from Yankton County regarding 2 miles of cleaning on Clay Creek Ditch and also on Yankton-Clay Ditch. He would like to do one bid-letting for Yankton and Clay Counties. Mockler said on Clay Creek Ditch, they want to do that at the same time. Stangohr said it saves some if they do it at the same time. Hammond said the Yankton part of Yankton-Clay Ditch is kind of a forest. Mockler discussed mulching instead of digging. Polley discussed the Yankton-Clay Ditch for the 1 ½ miles of tree removal. Mockler asked how that will work with Yankton. Polley said it is completely different. He said he changed the specifications according to the discussion at last week's meeting. He was waiting for a response from the Board before sending out specifications. The bid opening was set for May 10, 2022 at 9:30 a.m.

There was discussion regarding the May 3, 2022 meeting. Auditor Carri Crum will be at the County Spring Workshop. It was decided that the April 26, 2022 meeting will be moved to April 28, 2022, and the May 3, 2022 meeting will be canceled.

At 9:33 a.m., Hammond moved, seconded by Packard and carried to adjourn and reconvene as Board of Clay County Commissioners; motion passed.

First Reading of Ordinance #2022-07 Authorizing the Clay County Board of Commissioners to Declare a Fire Danger Emergency and to Prohibit Open Burning Within the County. Emergency Management Director Layne Stewart was present and said the Sheriff and State's Attorney have reviewed the proposed ordinance. Mockler and Hammond discussed burn bans and National

Weather Service terminology regarding Red Flag Warnings and Fire Weather Warnings. Stewart said the Commission can place a burn ban by resolution. Stewart said the only county in our area that has a ban is Union County. Hammond moved, seconded by Smith to advance the ordinance to the Second Reading; motion passed. The second reading will be April 28, 2022 at 9:30 a.m. Hammond and Vermillion Fire/EMS Chief Matt Callahan discussed burning.

A public bid opening was conducted for the 2022 Micro-Surfacing project. Asphalt Surfacing Co. bid \$1,730,652.80, Missouri Petroleum bid \$1,501,851.72, ASTECH bid \$1,312,992.02. Stangohr said he will review the bids to ensure they meet specifications and return at the next meeting for approval.

Director of Equalization Ina Peterson met with the Board to present an Application for Abatement or Refund for a mobile home that was destroyed. Manning moved, seconded by Packard to approve the application and authorize the Chairman to sign it; motion passed.

Tim Schreiner, Clay County Historic Preservation Commission, met with the Board to present the annual report. He cited Section 3, the area that addresses the projects they worked on over the past year. He said they scanned old records that the Director of Equalization would be purging according to the records retention schedule. He also discussed books that have been written and preservation projects completed. The Board discussed appointments to the CCHPC. Smith said the authority lies with the County Commission. Hammond moved, seconded by Smith and carried to appoint Constance Krueger to the Clay County Historic Preservation Commission; motion passed. Hammond and Schreiner discussed access to the digital property records, and Peterson said the County's IT people said there are too many files for them to open because they are not scanned in as one document. She said they are going to have to renumber everything. Schreiner said the State has approved using the grant money to do that. Peterson said the rural areas are good. Packard said she has an old floppy disk with data on it that the CCHPC can have if they can find something to read it.

Vermillion Police Department Lieutenant Luke Trowbridge requested approval for a mural on the Dakota St. bridge. He and Officer Chet Moser have experience with crime prevention through environmental design. The bridge has been tagged with graffiti over the years, and he said rather than cover it up, they have been looking at ways to improve it, such as public art. People have a tendency to leave art alone. They are also looking at ways to improve the area under the bridge, such as landscaping. There is a muralist at the university who has specific training working with communities and leading the process to create a sense of ownership and limiting the likelihood of the mural being defaced. She is proposing covering the graffiti and placing a mural on the pier in the water. He has discussed funding with different organizations in the community, but he needs approval for the project first. Mockler asked Polley if there is any maintenance planned on the bridge. Polley said the only thing planned is the inspection as they have already completed work on the bridge. He said he was just down there about a month ago, and it is pretty terrible under the bridge, especially when it has a walkway by it. He said maybe if there is a mural the people causing the graffiti will leave it alone. He said if the artist is the one who did the mural downtown it would be good. Hammond said they looked at the bridge 4-5 years ago as a Commission. Polley said it has been a problem since has been Highway

Superintendent, and they have had summer help paint it in the past. Smith discussed the work the artist has done within the community and said she is very good at pulling together community themes and developing something beautiful. She discussed that the artist is good at applying for grant. State's Attorney Alexis Tracy said she would just make sure anyone working on the project has proper liability insurance, or make sure the County's insurance is involved. Mockler asked when the project would start. Trowbridge said they would start planning but would start painting the summer of 2023. The design process is attempting to pull in as many high school kids as she could, and the work team would be 5-6 high school students, which is where the sense of ownership gets created. Another idea the artist had that helps deter some of the tagging activity is giving them a space, such as a concrete wall in the park where the kids can do their tagging. Polley asked if the City Parks Department is in charge of the walkway. He discussed adding lighting, and Trowbridge discussed lighting and landscaping are things he will be discussing with the parks department. Packard suggested involving the Vermillion Area Arts Council. Mockler asked for a consensus of the Board that they are in agreement with the project. Polley asked for approval of the design first and that it only be painted, not anything being screwed to the structure that would affect engineering status. It was the consensus of the Board that they are in favor of the project as long as liability insurance is in place. Hammond said most of the work is on the north side, so that limits some of the liability of a person being on the ladder, etc.

The Board discussed the courthouse HVAC project with Facilities Manager Scott Hanson and Marty Gilbertson. Hanson said they and Sam Johnsen with Johnsen Heating & Cooling spent about an hour on Zoom with the engineer and walked around the facility yesterday. He said there are pros and cons to all options, and the Commission will need to make a decision what they want the end product to look like, what maintenance will be involved, etc. Gilbertson said he is not an engineer, and he is not representing any company. He looked through the report from the engineer. The refrigerant-based equipment has been out about 20 years, and his customers have seen a lot of maintenance issues. There are a lot more moving parts than a chilled water/hot water system. Parts have to be purchased specifically from the vendor. What the County has is the Cadillac, even though it needs a lot of work. There are a lot of things that can be done to tweak what is in place to improve it. He works in a lot of places, and right now they cannot find help, the equipment is technical, and he looks to the future 20-30 years down the road. The current system has been in place over 30 years, and it is still functioning. It needs some replacement, but the high wear piece is only one piece, whereas the refrigerant-based system has a lot of pieces to replace. He is thinking of future taxpayers down the road. The County could change fan coil units, improve blowers, add controls, change the boilers in a way to cover the shoulder times of the year, etc. The current system will have the least amount of maintenance down the road. He suggested new fan coils with added heating coils and additional controls so things work better. He discussed added ventilation and restroom exhaust fans. Mockler said we are looking at ventilation with this project. Gilbertson said the engineer will be looking at options. He said they should look at moving the Safety Center to a chilled water system. Now is the time to do it. Mockler said they are looking at new boilers. Gilbertson said if they are interested in upgrading, the boilers and the Safety Center are important things to do to modernize the system. Manning discussed keeping things simpler for people to be able to manage the

system. Gilbertson said he believes what is in place just needs to be tweaked. Mockler asked if we would use the same pipes. Gilbertson said they need budgetary ideas of what the future holds; start with new fan coil units, then see if it is enough, and if not, they can move to a four-pipe system. He said rooms that have been added should be evaluated for fan coil units. Hanson said he spoke with one individual who has been in the industry a long time, and that person told him it is complicated, so the contractor should have a person to maintain it. He discussed availability and high cost of parts. He does not want to be locked into one company. They discussed the system at the Extension Office and the limitations for fixing it as well as changes in types of freon. Mockler said it sounds like we should stick to the water system we have; when someone says "maintenance issues," if it's working why change. Smith discussed whether controls could make the building comfortable during shoulder seasons. Gilbertson said the controls were not as reliable in the past as they are now. He discussed boiler water temperature in relation to the chiller. Packard asked how that will affect floor to floor temperatures. Gilbertson said that is one of the limitations of the two-pipe system. Crum asked how it would help the jail when it is 90 degrees over there and cold in the courthouse. Gilbertson said that is a whole other issue. Hammond said that is one of the things he thought the four-pipe system could help. He discussed refrigerant leaks in the other system and newer materials. Gilbertson said they don't have people who are skilled in that type of work, and the new connectors are a problem because pipes only come in 20-foot lengths. Hammond asked, on the third floor, how much are the problems with being too hot from the attic. Gilbertson said buildings like this have a chimney effect. The only perfect way to do it is to run a duct into every room. Hanson discussed his experience with ventilation units. He said something has to be done to get more fresh air into the building. Gilbertson said he is approaching it more from future skillsets and keeping it simple. There is a lot of deferred maintenance that happens with some systems. Manning asked if he would recommend the ventilation they are proposing. Gilbertson said there is a simpler way to accomplish the same thing. Hanson discussed adding a system upstairs. Manning said, looking at dollar signs, if we can do something to get more ventilation in a simpler way. Gilbertson said, we can monitor CO2 levels with sensors, etc. He discussed opening windows. Crum said most of the people in the courthouse cannot lift the windows to open them. Mockler said no one would open the windows on a cold or hot day. Hanson used the Treasurer's Office for an example and said there used to only be one or two people, and now there are more. Smith said we have a lot of people in and out of a public building, and we have an issue of employee health. Gilbertson said we have something to work with here; it just needs some love. Mockler asked, if we start with a two-pipe system, could we add more pipes later? Gilbertson said yes. Hanson said there is an old ventilation system, and the ducting still exists, so there may be a way to tie into it. He said the engineer wants to schedule a meeting with him next week. Packard discussed not just moving air but cleaning air as well. Hammond discussed the system in his building. Crum discussed issues with stagnant air, difficulty opening windows, and issues with wasps, etc. coming into offices. Hammond said we want to automate things to help those things. Gilbertson suggested stressing to the engineers to broaden options. Hammond said there are key things like the open stairwell and the large attic. Crum said a lot of times they have the thermostat set at 85 in the winter because they sit near the walls, and they are cold at their desks. Hammond said we do want it quite a bit better, and Gilbertson said he thinks we can get there.

Hanson discussed with the Board the trees on the property. Hartington Tree Service said the day rate is \$4,500, and that would be the cheapest option for raising the canopy to get grass to grow. Hanson said he shopped around last year, and Hartington Tree Service was by far the cheapest. The Board discussed that hauling away adds to the cost, and that was included. Hanson also discussed the furnace at the Extension Office and whether the motor can be rebuilt. Mockler said maybe we should look at a different furnace because it is very loud. Hanson said he will discuss it with the contractor.

Mockler discussed a Joint Jurisdiction meeting with the City and the development of an agenda for long-term planning and adjustments to the Joint Jurisdiction Agreement. Packard and Mockler discussed having all four boards in the same room for a meeting.


Hammond said they had a public meeting for the Transportation Study. Smith said it was a small group, maybe 7 people from the public, but they were engaged. Hammond said the facilitators will take the comments, such as poor condition or abandoned bridges that we had already addressed. Their work so far is based upon work that has already been done and data they received from the State, and one of the more useful charts was reports over the last 5 years, one-third of which were deer strikes. There was one fatality. In general, our system is in pretty good shape, and our residents have adapted well to keep total incident reports down. There is another meeting in early fall. Packard said she has received phone calls regarding the Burbank Rd. and issues with pedestrians. She said she has received requests for a no-passing zone. Smith said there is a place on Ulteig Engineering's website for people to report problem intersections or roads for our Master Transportation Plans. The public can drop a pin with a comment regarding such problems. Smith said people in the meeting said the speed limits seem to be appropriate. Packard said that area is residential. Mockler said they have received comments wanting to increase the speed. Manning and Hammond discussed that they got SDLTAP to help with that area a few years ago. Smith said they are asking anyone who knows of a problem to identify it on the map on Ulteig's website. Mockler said the spot he would mention is where the Meckling Rd. meets the Bluff. Hammond said the engineers at the State highway department said there have been no accidents there, and it may cause accidents by changing it. They said if it is not broke, maybe they should not fix it. Hammond said where the Bluff Rd. converges with the road going up the bluff, that is a tough one for heavy vehicles to have enough merge time. A "T" intersection would be tough to negotiate with a heavy load.

At 11:18 a.m., Manning moved, seconded by Smith and carried to adjourn and reconvene on Thursday, April 28, 2022 at 9:00 a.m.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:


Carri R. Crum, County Auditor

**2022 Board of Equalization
Consolidated Board
Clay County**

Chairman Mockler called the Consolidated Board of Equalization to order at 1:30 p.m., Tuesday, April 12, 2022. Members present: Travis Mockler, Elizabeth Smith, Phyllis Packard, Micheal Manning, Richard Hammond, Kelsey Collier-Wise, Julie Hellwege, Brian Humphrey, and Shane Nordyke. Also present: County Auditor Carri Crum, State's Attorney Alexis Tracy, Director of Equalization Ina Peterson, Laura Christensen, Lennea Olson, and Timothy Schwasinger. Oaths of Office were given.

The following Appeals were heard for consideration:

Appeal #2022-01 – Schwasinger, Timothy L & Patricia F (15093-00100-040-00) The Director's recommendation was to set the value at \$347,452.

Manning moved, seconded by Hellwege to accept the Director's recommendation for Appeal #2022-01. Roll call vote: Mockler Aye, Hammond Aye, Packard Aye, Smith Aye, Manning Aye, Collier-Wise Aye, Hellwege Aye, Humphrey Aye, Nordyke Aye. Motion passed.

Appeal #2022-02 – Jeck, Roger (15720-05900-090-00) The Director's recommendation was to set the value at \$259,918 due to corrected condition.

Hammond moved, seconded by Smith to accept the Director's recommendation for Appeal #2022-02. Roll call vote: Mockler Aye, Hammond Aye, Packard Aye, Smith Aye, Manning Aye, Collier-Wise Aye, Hellwege Aye, Humphrey Aye, Nordyke Aye. Motion passed.

Appeal #2022-03 – Jeck, Roger (15730-08600-060-00) The Director's recommendation was to set the value at \$218,891 due to correction of basement square footage on older home and corrected condition on duplex.

Manning moved, seconded by Hammond to accept the Director's recommendation for Appeal #2022-03. Roll call vote: Mockler Aye, Hammond Aye, Packard Aye, Smith Aye, Manning Aye, Collier-Wise Aye, Hellwege Aye, Humphrey Aye, Nordyke Aye. Motion passed.

The Board considered the following Recommendations:

Appeal #2022-04 – Vermillion Rentals LLC (15050-06400-140-00) The Director's recommendation was to set the value at \$295,900 due to updating the property to reflect current condition.

Appeal #2022-05 – Bottorff, Kyle (15187-00100-090-00) The Director's recommendation was to set the value at \$239,238 to reflect current condition.

Appeal #2022-06 – Druecker, Scott & Kimberly (15202-00100-030-00) The Director's recommendation was to set the value at \$335,319 to adjust quality and condition to reflect current condition.

Appeal #2022-07 – Schwasinger, Timothy L Patricia F (15260-00100-030-00) The Director's recommendation was to set the value at \$168,602 due to updated quality and basement finish.

Appeal #2022-08 – Hall, Joseph H & Jessica R (15260-01400-180-00) The Director’s recommendation was to set the value at \$188,405 due to corrected basement finish and quality & condition to reflect current condition.

Appeal #2022-09 – Gilbertson, Mary C & Teresa (15280-07500-180-00) The Director’s recommendation was to set the value at \$468,678 due to corrected basement square footage & change from ½ story to unfinished attic.

Appeal #2022-10 – Vermillion Madison Park (15417-00100-020-00) The Director’s recommendation was to set the value at \$2,245,373 due to adjusted expenses to reflect normal operating year.

Appeal #2022-11 – Ouellette Rentals LLC (15590-00000-060-00) The Director’s recommendation was to set the value at \$72,837 due to removal of garage that was torn down.

Appeal #2022-12 – Ouellette Rentals LLC (15590-00000-070-00) The Director’s recommendation was to set the value at \$105,792 due to removal of garage that was torn down.

Appeal #2022-13 – Jeck, Roger G (15720-03800-140-03) The Director’s recommendation was to set the value at \$42,850 due to correcting percentage of completion.

Appeal #2022-14 – Jeck, Roger G (15720-06000-090-00) The Director’s recommendation was to set the value at \$158,239 due to corrected amount of remodeling completion.

Appeal #2022-15 – Jeck, Roger G (15810-02300-090-00) The Director’s recommendation was to set the value at \$58,139 due to removal of garage that was torn down.

Collier-Wise moved, seconded by Hammond to accept the Director’s recommendation for Appeals #2022-04, 2022-05, 2022-06, 2022-07, 2022-08, 2022-09, 2022-10, 2022-11, 2022-12, 2022-13, 2022-14, and 2022-15. Roll call vote: Mockler Aye, Hammond Aye, Packard Aye, Smith Aye, Manning Aye, Collier-Wise Aye, Hellwege Aye, Humphrey Aye, Nordyke Aye. Motion passed.

The Consolidated Board adjourned at 2:05 p.m. with a motion by Hellwege, seconded by Collier-Wise. Roll call vote: Mockler Aye, Hammond Aye, Packard Aye, Smith Aye, Manning Aye, Collier-Wise Aye, Hellwege Aye, Humphrey Aye, Nordyke Aye. Motion passed.

Dated this 12th day of April, 2022.

**2022 Board of Equalization
County Board
Clay County**

Chairman Travis Mockler called The County Board of Equalization to order at 2:05 p.m., Tuesday, April 12, 2022. Members present: Travis Mockler, Elizabeth Smith, Phyllis Packard, Richard Hammond, and Micheal Manning. Also present: County Auditor Carri Crum, State's Attorney Alexis Tracy, Director of Equalization Ina Peterson, Laura Christensen, Lennea Olson, and Thomas Muenster. Oaths of Office were given.

The following Appeals were heard for consideration:

Appeal #2022-16 – Muenster, Thomas J (12700-00000-210-00) The Director's recommendation was to set the value at \$318,935.

Manning moved, seconded by Smith to accept the assessed value for Appeal #2022-16. Roll call vote: Mockler Aye, Hammond Aye, Packard Aye, Smith Aye, Manning Aye. Motion passed.

Appeal #2022-17 – Muenster, Thomas J & Rachel (12700-00000-310-00) The Director's recommendation was to set the value at \$136,301 due to the house having been destroyed.

Smith moved, seconded by Packard to accept the Director's recommendation for Appeal #2022-17. Roll call vote: Mockler Aye, Hammond Aye, Packard Aye, Smith Aye, Manning Aye. Motion passed.

The Board considered the following Recommendations:

Appeal #2022-18 – Lohman, Jeffrey R 02000-09552-133-06) The Director's recommendation was to set the value at \$113,888 due to adjusting quality of home to reflect current condition, adding fixtures, and updating quality and condition of outbuilding.

Appeal #2022-19 – Stockland, Wesley E (03000-09553-033-00) The Director's recommendation was to set the value at \$135,088 due to meeting Ag qualifications.

Packard moved, seconded by Smith to accept the Director's recommendation for Appeal #2022-18 and 2022-19. Roll call vote: Mockler Aye, Hammond Aye, Packard Aye, Smith Aye, Manning Aye. Motion passed.

Manning moved, seconded by Hammond 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 Packard 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.

Hammond moved, seconded by Packard to accept the addition of Owner Occupied status for 2022 for the following parcels and removal of Owner Occupied status for the indicated parcel. Roll call vote: Mockler Aye, Hammond Aye, Packard Aye, Smith Aye, Manning Aye. Motion passed.

ADDITIONS

Parcel Number	Name	Address	
15093-00200-150-00	Gerrish, Edwin & Leslie	1416 Cornell St.	Vermillion
15710-07700-020-00	The Barrel LLC	103 S. Yale St.	Vermillion
12120-09151-042-01	Schoellerman, Ronald & Ann	32107 Saginaw Ave.	Burbank
06000-09451-201-01	Oelmann, Rachel & Dustin	46561 306 St.	Vermillion

REMOVAL

Parcel Number	Name	Address	Reason for Removal
12000-09251-152-00	Schoellerman, Ronald & Ann	4428 E SD 50	Applied to 32107 Saginaw Ave.

The Tax Exempt List for 2022 was presented. Manning 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 2:44 p.m. with a motion by Manning, seconded by Packard. Roll call vote: Mockler Aye, Hammond Aye, Packard Aye, Smith Aye, Manning Aye. Motion passed.

Dated this 12th day of April, 2022.

April 28, 2022

The Board of County Commissioners met in regular session Thursday, April 28, 2022 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Micheal Manning, and Richard Hammond; Elizabeth 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. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

Packard moved, seconded by Manning to amend and approve the minutes of the April 12, 2022 meeting. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

Facilities Manager Scott Hanson met with the Board. He said he has been looking into a maintenance management software system. The cost is \$1,100/year and allows for tracking repairs, costs, inventory, etc. He would have 2 other users on the system who would use their phones for the system, and he requested a \$300/year per person cell phone stipend for them. He said the software allows him to track the costs of projects and what exactly was done. If, for example, a part on the boiler was replaced, it tracks what was replaced, when it was done, the cost, and the maintenance schedule. Hammond asked, if we decide in the future to discontinue use of this particular program, does it allow for us to retrieve the information, or is it lost? Hanson said the data is ours, but he will look into it to make sure. Packard said it would be a good idea to print reports annually or semi-annually. Hammond said he has 5-6 3-ring binders of Commission business that he has printed himself because he is old-fashioned. Hanson said the program will be a great asset to the whole operation. Emergency Management Director Layne Stewart asked if it would be available for everyone to send in work orders. Hanson said yes, it allows for that. It may bump up the cost because there is a monthly fee per user. Manning moved to approve the software purchase and cell phone stipends, seconded by Packard. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye. Mockler asked Auditor Carri Crum to take the \$1,100 from the building money and the \$600 from the Commissioners budget.

Stewart met with the Board to present the Quarterly Report. Manning said it looked very thorough to him. Manning moved, seconded by Packard to approve the report and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

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

(PAYROLL)		VETERAN'S OFFICE	\$1,681.86
COMMISSIONER'S	\$8,978.03	24/7	\$1,792.18
AUDITOR'S OFFICE	\$12,575.53	SHERIFF'S OFFICE	\$36,195.84
TREASURER'S OFFICE	\$20,652.45	COUNTY JAIL	\$30,644.13
STATE ATTORNEY'S OFFICE	\$29,870.42	EMERGENCY MGMT	\$4,938.50
COURTHOUSE	\$9,591.52	HIGHWAY	\$46,559.78
DIRECTOR OF EQUALIZATION	\$11,978.43	COMMUNITY HEALTH NURSE/WIC	\$3,312.28
REGISTER OF DEEDS	\$8,693.00	EXTENSION OFFICE	\$2,395.35

WEED	\$827.10
PLANNING & ZONING	\$3,473.20
(DUE TO OTHER GOVERNMENT)	
CLAY CO TREASURER	\$1,518.76
MARTENSEN, AUSTIN	\$98.74
SD DEPT OF REV ANDERSON	\$425,611.81
(PAYROLL WITHHOLDING)	
AFLAC	\$949.79
CLAY CO FIT FICA	\$53,531.10
COLONIAL LIFE	\$183.16
CONSECO/WASHINGTON	\$24.45
DIV OF CHILD SUPPORT	\$631.00
NEW YORK LIFE INSURANCE	\$328.57
SD RETIREMENT SYSTEM	\$28,256.44
SD SUPPLEMENT RETIREMENT	\$3,125.00
SDRS ROTH 457(B) PLAN	\$185.00
TASC PVR	\$1,641.65
THE STANDARD - DENTAL	\$1,325.80
THE STANDARD - LIFE INS.	\$380.55
THE STANDARD - SH TRM DI	\$1,405.89
THE STANDARD - VISION	\$238.76
UNITED WAY OF VERMILLION	\$267.00
VERMILLION FEDERAL	\$1,100.00
WELLMARK BLUE CROSS	\$54,191.53
(MOBILE HOME TAX)	
MARTENSEN, AUSTIN	\$29.44
(INSURANCE DEDUCTIBLE REIMBURSE)	
HUSBY, TIFFANY	\$500.00
(PROFESSIONAL SERVICES AND FEES)	
ACCESS HEALTH BROOKINGS	\$404.00
AVERA MED GROUP A DEPT O	\$195.00
ERICKSON SOLUTIONS GROUP	\$3,086.00
FEDEX	\$22.36
GAPP, DEBRA	\$7,395.00
LAYNE'S WORLD, INC.	\$21.25
PETERSEN, SARAH	\$91.25
PHARMCHEM, INC.	\$503.20
SANFORD HEALTH OCCUPATIO	\$129.00
SECURITY SHREDDING SVC.	\$35.00
STADEL, BRENDA	\$48.75
TRITECH SOFTWARE SYSTEMS	\$16,338.52
ULTEIG	\$3,902.50
(OTHER PROFESSIONAL SERVICE)	
SCHILDHAUER, T. LEMBCKE	\$264.00
(LAW OFFICE)	
FRIEBERG, NELSON & ASK	\$1,544.42
(PUBLISHING)	
BROADCASTER PRESS	\$2,279.01
NEW CENTURY PRESS ACCT44	\$329.84
(REPAIRS AND MAINTENANCE)	
BEAR, INC. DBA TODD'S	\$2,090.73
BENTSON PEST MANAGEMENT	\$200.00

BLAINE'S BODY SHOP	\$232.28
BRUNICK SERVICE, INC.	\$330.00
BUTLER MACHINERY CO.	\$3,976.90
CENTURY BUSINESS PRODUCT	\$30.00
DENNIS, MICHELLE L.	\$2,000.00
ERICKSON SOLUTIONS GROUP	\$178.00
FAST AUTO GLASS, INC.	\$240.00
GRAHAM TIRE YANKTON	\$150.00
INTERSTATE POWER SYS INC	\$325.01
JERRY'S SERVICE	\$188.63
JOHNSEN HEATING & COOLIN	\$627.07
MARTINSON, SCOTT	\$555.44
MURPH'S APPLIANCES, INC.	\$64.50
NELSON REPAIRS	\$75.00
OVERHEAD DOOR COMPANY	\$249.85
PRESTO-X COMPANY LLC	\$153.00
REDI TOWING	\$190.00
VERMILLION FEDERAL	\$30.00
WH OVER MUSEUM,	\$950.00
(DATA PROCESSING/CLAY CREEK/INF)	
ERICKSON SOLUTIONS GROUP	\$12,589.95
SOFTWARE SERVICES, INC.	\$2,090.00
VERMILLION FEDERAL	\$772.65
(YANKTON CLAY EXPENSE)	
BROADCASTER PRESS	\$57.50
(SUPPLIES & MATERIALS)	
BLUE TARP FINANCIAL, INC	\$51.98
BRUNICK SERVICE, INC.	\$569.00
BUHLS DRYCLEANERS &	\$25.00
BUTLER MACHINERY CO.	\$2,005.72
FAST AUTO GLASS, INC.	\$442.25
GANSCHOW, DENNIS	\$150.00
GRAHAM TIRE S.F. NORTH	\$1,411.36
GRAHAM TIRE YANKTON	\$14.43
INTERSTATE POWER SYS INC	\$395.47
JERRY'S SERVICE	\$30,427.37
LAWSON PRODUCTS, INC.	\$2,203.43
LAYNE'S WORLD, INC.	\$151.25
LEWIS DRUG, INC.	\$1,124.42
LIGHTLE ENTERPRISES OHIO	\$60.07
NELSON REPAIRS	\$226.73
NORTHERN SAFETY CO., INC	\$177.22
ONE OFFICE SOLUTION	\$328.73
PRESSING MATTERS	\$205.00
PROCHEM DYNAMICS	\$600.50
QUALIFIED PRESORT SVC IN	\$4,635.67
RUNNINGS SUPPLY INC	\$499.43
RUNNINGS SUPPLY INC CH	\$38.98
SIGN SOLUTIONS USA LLC	\$1,594.94
UTICA GRAVEL INC.	\$74,000.00
VERMILLION ACE HARDWARE	\$309.89
VERMILLION FEDERAL	\$3,410.48

YANKTON REXALL DRUG	\$59.94	LARSON, WADE	\$10.00
(TRAVEL AND CONFERENCE)		LAWRENSEN, CRYSTAL	\$50.00
BROADCASTER PRESS	\$29.82	MADSEN, GAYLE	\$58.40
HOLLENBECK, LAUREN	\$96.00	MANCINIC, ALICIA	\$50.00
HOWE, ANDY	\$134.00	MANDERNACH, ROBIN	\$50.00
SD ASSN. OF CO. OFFICIAL	\$585.00	MARTENS, DENNIS DANIEL	\$10.00
VERMILLION FEDERAL	\$183.99	MCMILLEN, KATHRYN	\$50.00
(UTILITIES)		MILLER-OKELLEY, SAMANTHA	\$50.00
BUREAU OF ADMINISTRATION	\$36.25	MILLS, KEVIN	\$53.36
CENTURYLINK	\$353.68	OSTERBERG, RUSSELL	\$15.04
CENTURYLINK EMG	\$13.76	PELOWSKI, JENNIFER	\$31.00
CENTURYLINK HWY	\$192.02	PORT, ETHAN	\$20.00
CITY OF VERMILLION	\$1,774.87	PROEFROCK, DEBBIE	\$50.00
VERIZON WIRELESS EMG	\$40.01	REGNERUS, JAY	\$50.00
VERIZON WIRELESS HWY TRS	\$124.63	REIHE, JESSICA	\$15.88
VERIZON WIRELESS SHERIFF	\$351.98	SD DEPT OF HEALTH	\$3,348.00
VERIZON WIRELESS ST ATTN	\$149.35	SDACC OFFICE	\$736.00
VERMILLION FEDERAL	\$929.25	SHEFL, MELISSA	\$55.04
(PAYMENT)		SLATTERY, MICHAEL	\$56.72
ABBOTT, MADISON	\$10.00	THE SOAP GUYS	\$96.00
ANGLIN, TYLER	\$24.28	THELEN, CHRISTOPHER	\$50.00
BECKER, DEAN	\$18.40	TICKNOR, DONALD	\$50.00
BREWER, TODD	\$10.00	VERMILLION FEDERAL	\$43.39
BRUNICK SERVICE, INC.	\$254.00	VERMILLION FORD	\$327.88
CHAPPELEAR, AMANDA	\$50.00	VIERGUTZ, DONNA	\$76.88
CHRISTENSEN, FARREL	\$10.00	WAGNER, DOUGLAS	\$14.20
CHRISTOPHERSON, SHANNON	\$55.88	WEBER, FAYTHE	\$10.00
CLAY CO TREASURER	\$67.60	WHITMAN, SIERRA	\$20.00
CLEVER, GRACIE	\$31.00	WILLIAMS, MARGARET	\$55.04
EIDEM, GARY	\$10.00	WRIGHT, SAMANTHA	\$50.00
GALE, JERRI	\$10.00	ZARYCH, STEPHEN	\$50.00
GRAHAM TIRE S.F. NORTH	\$642.48	(JDC/SPECIAL EQP.)	
GRAHAM TIRE YANKTON	\$775.48	MINNEHAHA COUNTY JDC	\$1,285.00
HOFFMAN, RENAE	\$77.72	(BUILDINGS AND STRUCTURES)	
HY-VEE, INC.	\$303.35	WALKER CONSTRUCTION	\$2,644.35
JOHNSON, DAVE	\$64.28	(BOOKS)	
JOHNSON, JULIE	\$26.80	THOMSON REUTERS - WEST	\$623.09
KESTER, MARY	\$33.52	(FURNITURE AND MINOR EQUIPMENT)	
LARSON, STACEY	\$50.00	CANON	\$348.11

Manning moved, seconded by Hammond to assign \$890,000 in the General Fund to building projects. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

The Board discussed County credit cards. Mockler said we are looking at a couple other institutions for accounts for the County because we are stuck at a \$5,000 limit for the whole county. He discussed using the cards to pay other county bills to get cash back perks. It was decided that that topic will be on the next agenda.

A Second Reading was held for Ordinance #2022-07, an Ordinance Amending Ordinance #2014-02, an Ordinance Authorizing the Clay County Board of Commissioners to Declare a Fire Danger Emergency and to Prohibit Open Burning within the County. No one appeared in

opposition, and no written correspondence was received. Packard moved, seconded by Hammond to pass and adopt Ordinance #2022-07, an Ordinance Amending Ordinance #2014-02, an Ordinance Authorizing the Clay County Board of Commissioners to Declare a Fire Danger Emergency and to Prohibit Open Burning within the County. Under discussion, Mockler clarified that the Board is not declaring a burn ban today. Stewart said we are changing terminology to match the National Weather Service and to require citizens to call in a controlled burn. It was discussed that the Ordinance will be effective June 2, 2022. Manning said if someone does not call in a controlled burn after the effective date, they could be fined. Stewart said it will require some public education in the beginning until the word gets around. Sheriff Andy Howe discussed the fine schedule for the ordinance. He said the governing body will establish the fine schedule, and he discussed whether a court appearance would be required. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

Welfare Director Drew Gunderson met with the Board to present Welfare Case #CW22-005, a county burial application. Manning moved, seconded by Packard approve as the case meets welfare guidelines. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

Gunderson discussed county burial spots at Bluff View Cemetery. Cemetery Sexton Kolly Fostvedt said there is only one spot left of the original allocation. He suggested starting discussions with the cemetery to purchase more spots. They are currently \$200/spot but will be going up. Mockler said we should check with the other cemeteries to get the best deal. Manning clarified that they are all cremated. Hammond asked when the last time was that the county used a burial spot. Mockler said there are some remains waiting to be handled. Gunderson said it is something we should start doing. He said there has been an issue with Bluff View for several years, but the current Sexton did not seem to know the history. Manning and Mockler discussed cemeteries around Wakonda and active cemeteries in the county. Hammond asked, when remains are cremated, do they need to be buried, or can they be stored in a building? Howe said there is a common plot at Bluff View that the med school uses. Maybe the County could have something like that established. Mockler said he and Gunderson will work on it to see what we have to do. Packard suggested maybe the one spot the county has could be a common plot. Steve Waller said he used to be in charge of the body donation program at the University of South Dakota, and Bob Hansen is who he worked with. Hansen would have the details of the size of the plot and the maintenance. There is an annual maintenance fee involved. Hammond said since we do not have contact with families in these situations, we may need to keep the ashes separated so that if someone comes forward in the future we could identify the remains. Gunderson said he will contact other counties to see what they do. Waller said they received remains back in a plastic box that could be mailed, and they were fairly inexpensive if purchased in bulk. Manning said there could be something that says if they are not claimed in within a certain time, they could be placed in a common plot. Mockler clarified that the current individual's ashes will be claimed by her daughter. Hammond discussed a subterranean vault.

Zoning Administrator Drew Gunderson said Monday evening they had a Planning & Zoning Commission's meeting and gave a brief update on the activities. Mockler discussed the Joint Jurisdiction Ordinance requirements for the County Commission and City Council to have joint

meetings. State's Attorney Alexis Tracy asked if the City is having a separate meeting out of convenience, or if there is a reason. Mockler said it is in the ordinance that if an issue is brought to the board, it has to be joint. This is one of his biggest issues with joint jurisdiction and who is making the decisions. Manning asked who at the City would not agree to it. Gunderson said it was discussed in the meeting. He did not want to get into things at the moment because he is trying to get Kevin Myron's zoning issue fixed. Mockler said if we are not following the ordinance, it doesn't matter what we pass because it is invalid. Tracy said there is reference to the Boards meeting jointly. There is some conflict over the first reading and second reading for things. They have to be together for a public hearing and a vote. Does that happen during the first reading, during the second reading? What is the opposition to having both together? From her standpoint, if you are reading into technicalities, are you holding a public hearing on the first reading or the second reading? Mockler said in the past, the first readings were held separately. Tracy said you are going to listen to commentary. Her inquiry is, if you do it at the first reading, the point of a public hearing is to entertain public comment for modifications or suggestions. If you hold the first reading and wait until the second reading for the public hearing, are you discouraging consideration of public comment? If it is too hard to get everyone together, isn't there some foregone conclusion? If they hold their public hearing and consider comments, and we hold our public hearing and consider comments, no one is getting together. She asked if we are inviting public comment or not, and if it is inconvenient to get together, then she has concerns with whether they are considering public comment or not. Mockler said these are issues that it would be nice to have a meeting to discuss. Tracy said everyone has agreed to be part of joint jurisdiction. The inconvenience of getting everyone together goes along with it. Mockler said they are having a quorum, so the inconvenience thing is not an issue. Tracy asked if they could show up early? Is there time to publish? Could everyone get together on the 16th? Gunderson said there is not time for publishing. Mockler said this is a huge issue, and Tracy said she agrees. At some point in time, they need to get together to discuss these things. It has dragged on for this long, and she is unavailable through the month of June. Mockler said we need to put the issues out there. It's not a legal issue. It's an operating issue. Tracy said it would be a good idea to have the attorneys involved in that. Mockler said he has requested a full public meeting because the public needs to understand what is going on with the two boards. Hammond said it seems to him that this discussion could be done in a noon meeting. Tracy is right, that the first hearing is the formative stage for public comment, so it is best for both bodies to hear all public comments. If there is only one joint meeting, it should be the first hearing. Mockler is correct that we could have an issue come up where one party or another is really upset with what the joint group passed and sue us. The decision could be overturned because we did not follow the letter. We could get rid of the word "joint," but he does not feel like that is the right thing to do. Tracy said her recollection is that the two boards have to be together for the vote, and she thinks that is why the City has erred to the second reading. She likes the idea of using the noon meeting for discussion, but she will see what they can come up with, and Deputy State's Attorney Samantha Hargrave will be handling it. Packard said the noon meeting might be the way to get it started. Mockler said the full boards are not there for that, and he wants everyone to be present so there is no secondhand information. He wants everyone on the same page because this thing either works or it doesn't. The noon meeting will be limited to maybe a half-hour

discussion because they have other issues to address. Manning and Packard said it can work, but we need to work together and follow the rules. Mockler said the people interpreting the rules are not the decision-makers. Manning said they have legal counsel. Mockler said the boards need to decide, and legal counsel can advise whether there is anything illegal. Mockler said the easiest way to do this is put the Commission and City Council in a room together to agree on what they are going to do and then ask the legal counsels if there is anything illegal about it. Mockler said he will go to City Hall again and talk to John Prescott. Both boards have to hear public comment, and to not take public comment at the first meeting is foolish because to get to the second meeting and have to change things is wasting a lot of time. There is no reason to not be in the room together both times. He does not need to sit in front together with them, but he wants to be in the room to hear what the public has to say. We are spending way too much time on why it's not working. We need to figure something out.

Gunderson discussed the medical marijuana zoning ordinance. It will be addressed on May 31st. He wants to go back through the medical marijuana license one more time. He said if we have the zoning ordinance, we do not need to have it in the license, too. He also discussed cultivation in the license and asked for any other changes. He said he will ask for it on the May 10th meeting agenda. Mockler said we will also need to update the employee handbook. Manning asked how many have been interested. Gunderson said he has had 4-5. It's in the early days, and he does not think counties are getting inundated as much as they thought they would be.

The Board discussed the HVAC project with Hanson. Sam Johnsen, Johnsen Heating & Cooling, was present. Hanson said Johnsen has been working on the system for approx. 20 years, and he has some thoughts and concerns. Johnsen said what the Board is doing for an HVAC is great. He does not want the Board to do something proprietary with a company that no one else can handle. Hanson has seen that in the past. Often, they're higher priced, or you can't get them on site to do work. He would like to do a 4-pipe system. The refrigerant-based system is a proprietary system. There are some advantages, but there are other issues as well. He would look at new fan coil units, new boilers (they could probably pay for themselves in about 3 years). Getting fresh air into the building can be very proprietary, depending on the specifications. He said there are financial advantages for doing things in stages, such as bidding in stages. Dakota Valley School saved 20% bidding in stages. When you break things down into smaller sections, there are less unknowns to work into the bids. He said he is just giving his opinion, not trying to point the Board in one direction or other, but just sharing his experiences over 20 years in the business. Packard asked how much more might be spent writing separate bid specifications. Mockler said there is the same amount of writing, so they should not charge extra. Johnsen said when it comes to controls, that is another thing that the Board should be open about handling. Is it something they can manage? Is it something they will be comfortable with managing? Generally, if Hanson can have the most control, it's better. High efficiency boiler companies have done enough research & development into water temperatures. In his experience, it is best to let the boilers run how they are designed rather than have a management company come in and try to control them. Hanson said it's possible to get tied into a company and get in too deep. Manning said he had some experience with boiler control at the Post Office, and when they could control it themselves it was better. Johnsen said it can be overwhelming and cited the

system at the Safety Center. Mockler clarified that with a 4-pipe system, it does not have to be manually switched. Johnsen said there are settings to switch automatically. He said the County does not need all the bells and whistles. The chiller will turn on when the outdoor temperature gets to 55 degrees. Third floor might be hot, even at 55 degrees outside. The pipes are still pumping hot water because of the boiler. There is natural convection, and that's why 3rd floor is so warm. He discussed stages of operation for the boilers and said if the water can be kept cooler, there will not be that natural convection. Manning asked which items he would do first. Johnsen said he would do the boilers first. He would also do the fresh air system. Mockler and Johnsen discussed the chimney replacement. Hanson discussed the Safety Center standing alone in case of emergency. Howe said the building is supposed to be self-contained, and they discussed fuel oil capabilities. He said they need to have the generator, and the current one runs very well. He does not see a point in changing it right now. Mockler asked if the generator is big enough to run 2-3 new boilers. Stewart said it should because it is 125kw. Johnsen said it would. Howe said the natural gas has never been interrupted. There is a lot of trust placed in the natural gas supply. He does not see a reason for the boiler to run on fuel oil. Johnsen said that boiler could be disposed of then, and the whole system could be run on high efficiency boilers. Mockler asked Hanson to get in touch with the architect. Hanson said he has a revised plan to include the 4-pipe system, and they will have another meeting with the Commission in the future. Hanson said the boilers come on in stages, hence the need for 3-4 boilers. Johnsen said it is a cascade system, but it also allows for redundancy in case one breaks down. He said there are other things besides the boilers that need to be done. Hanson said the fan coil units are one thing. Johnsen discussed controls. He cited his work at the National Music Museum. Mockler asked, to save time, is it better to have them work with the engineer and come up with a recommendation for the best system. Packard asked if a geothermal system is a better option. Johnsen said there are many options for those. Packard encouraged them to look at the environmental options. Mockler discussed looking at both options, geothermal and 4-pipe system.

The Board took a 5-minute recess.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. Ulteig Engineering's Brad Stangohr was present to review the micro-surfacing bid award recommendations. He said some of the cost will be split with Yankton County for the work over the county line. Mockler asked Polley if he has the \$1.3 million in his budget. Polley said it is in the budget. Manning moved, seconded by Packard to accept the low bid from ASTECH of \$1,312,992.02. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

Mockler asked Stangohr how Clay Creek is coming along. Stangohr said the wind has been too strong to fly the drone.

The Board considered a Right-of-Way Application from Heine Electric & Irrigation on University Rd., Section 8, T95, R51. Manning moved, seconded by Packard to approve the application and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

The Board considered a Right-of-Way Application from Clay-Union Electric on 313 St., Section 19, T93, R51. Packard moved, seconded by Manning to approve the application and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

The Board reviewed fuel quotes. Packard moved, seconded by Manning to accept the low bid of \$3.658/gallon for #2 diesel fuel from Jerry's Service. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye. Packard moved, seconded by Manning to accept the low bid of \$3.34/gallon for gasoline from Jerry's Service. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

The Board reviewed a Striping Agreement with the State. Polley said we do this contract every year. It will be a little less cost than what is shown because the striping is included in the micro-surfacing project this year. Manning moved, seconded by Packard to approve the agreement and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

The Board discussed the receipt of a transportation alternatives funding letter. Polley said we receive this letter every year. He checked with SDDOT and Ulteig Engineering regarding the Master Transportation Plan to see if any of this money could be used on bike or walking trails. It can be, but we cannot apply until the State approves the Master Transportation Plan.

Polley discussed using plastic pipes for county roads in the future. He said on the Volin Road we used plastic pipe with stainless steel core. However, there is a company called ADS that uses corrugated double-wall plastic pipe. It is very rigid. He priced a 60" with 25' of fill, and it will stand up to that. It snaps together like a sewer line with a band to seal it, and it is very easy to install. It has a smooth inside. He discussed other counties that have been using it. For a 175.26/ft. metal is \$175.10. It is a lot easier to install. He would have to pay oversize load for the trucks to bring the metal culverts. He asked the Board for their thoughts regarding trying it. He said they may need to look at revising the requirements regarding not allowing plastic under driveways. This pipe can withstand burning road ditches. It is used for storm drains, too. He would like to give it a try. There will be substantial savings. Mockler said we will never know until we try. Hammond said it was displayed at the road conference last fall. He asked how it is fireproof. Polley said it is not completely fireproof, but it will withstand ditch burning. Hammond asked if it is ABS. Polley reviewed the classifications and recommendations for use. Hammond said it would be HDPE then. Hammond said give it a whirl, and we might want to think about it for driveways, too. Hammond said having a smooth interior yet corrugation for strength is helpful. Mockler said it sounds like they are all in agreement to try it.

Polley discussed a request for gravel for the rodeo grounds. He said Bill Kennedy asked if he could put a load of gravel in there for them. Stewart said the rodeo grounds is part of Clay County Park. Mockler said he would recommend delivering it, but they should pay for the gravel. Polley said they are asking for 15-tons. Stewart said they realize they are their own entity and should be self-sufficient. Hammond said those sorts of things should go through the parks board under the new system. Mockler said Polley should tell Kennedy it should go through the

Park Board. Hammond said it should be billed to the Park Board. Manning agreed with charging them for the gravel. Polley said it would only be ½-mile for delivery, so that is not a problem. Manning said it seems to him we charged for the gravel when they got gravel last year for the gun club.

Polley said the Weed Department's old pickup is sitting back in the trees at the park and wondered if he should go get that. It was donated years ago for their use. Hammond suggested visiting with Kennedy about it. It was discussed that the truck was auctioned by Girard, but the Park Board paid the commission for the auction, although there was no fee charged for the truck itself. Mockler said he should get a VIN number off of it to figure out who owns it. Crum said she is fairly certain it is titled to the Park Board. Polley said he does not even know if it runs.

Polley discussed the purchase of a Freightliner truck. He received a notice they were adding to the price due to higher cost. He said there is no way we would pay that due to being purchased off of state bid. He said they are asking us to consider assisting them with additional cost. After discussion with them, they said it will still be the same price.

Department heads met with the Board. Tracy, Register of Deeds Lisa Terwilliger, Sheriff Andy Howe, Treasurer Rhonda Howe, Crum, Facilities Manager Scott Hanson, and Stewart discussed the wage scale for 2023 with the Board. A. Howe said in order to project budgets for 2023, they need to know what to apply. The department heads agreed to request 10%. Mockler clarified that they are requesting 10% plus step raises. For his office, he has an entry level deputy that would start at \$18.47/hour and would be raised to \$20.32/hour. A Vermillion Police Department officer starts at \$23.06/hour right now. Yankton County starts at \$23.40/hour, Spink County is \$21.77, Edmunds County is \$21.78/hour, and he has a lot of other agencies he can compare to. Even with a 10% increase, they would be in the neighborhood of 10% less than others. There are also incentives for college graduates. Union County is comparable but has struggled to hire and maintain staff at that pay. It took him from September to last week to fill a position. The person took a pay cut to work here so he wouldn't have to commute to Sioux Falls anymore as he already lived in Vermillion. It would bring us halfway to equity with other agencies. Tracy said they talked extensively as a group about this. It wasn't plucked out of thin air. COLA for 2023 is predicted at 8.9%, and 2022 was 5.9%, according to the Senior Citizens League. That's not what we thought when talked to the Board last year. Everybody here knows and has felt the cost of everything, fuel, groceries, increased property taxes. Our employees have lost money in the past year. That is why we are here asking for the increase. She struggled to hire last year for the Deputy State's Attorney position. She appreciated them bumping it up 3 grades when she was struggling to get someone hired. To make it comparable to other counties, she didn't realize how far behind we had gotten, but other counties were advertising at \$72,000 and we offered \$66,000 after bumping up 3 grades. That was 2 years ago. We have more draws on everybody's paycheck and are not keeping up with pay to keep employees. Manning asked if we do pay COLA. Crum said usually the Board pays CPI. Last year it was 1.7%. Mockler asked if we know what CPI is going to be. Crum said it is 3%, and she has never been able to figure out how the State comes up with that because it is always incredibly low and does not match the real world. State employees are getting 6-8% raises, and they are saying they will still be 8.9% below market as

compared to the private market and the 6 surrounding states. Walmart personal shoppers are getting paid about \$19/hour. When you look at that, starting wage for the Auditor's, Treasurer's, and Register of Deeds Offices is \$3.07/hour below Walmart, and a 10% raise would only get us half of the difference, so we would still be below Walmart. Tracy said for the Midwest region over the last 12 months, the CIPU rose 8.6%. She said food prices increased 1.4% for the month of March and are 10.3% higher than a year ago, and energy costs are 5% higher. She got notice that dues will increase on one of their associations. They haven't increased since 2012. A. Howe said 10% COLA was just approved in Minnehaha. They start at \$23.01 for jailers and will be going up 10%. He said DCI hires college graduates with zero experience at \$23.61/hour, and they will increase to around \$30/hour. Our experienced people don't get that. Manning said if we gave 10%, it would basically be giving 8.6% CPI and 1.4% raise. Tracy said except that we lost money. A. Howe said USD Police entry level with zero experience is over \$22/hour and are still getting 6% applied to that. Even at 10% we are still considerably lower than everyone else, but they are still getting raises. Packard asked what 12-15% will do to us. Mockler said 10% on wages, not factoring overtime is about \$285,000 vs. this year, and 12.6% would be \$357,000. He said he thinks what we will need to do is go back and do the math to see what it costs to replace a person. A COLA is not a long-term solution. It will be a scary number. Walmart is paying \$17/hour just to walk in the door. What will we have to pay to get somebody? We are saving money with the positions we do not have to fill, but that's not doing the job. He doesn't know what else to do to get us where we need to be. A. Howe said he looked at entry level, but ideally by applying it across the board, we hopefully don't lose people. Mockler said yes, that will cascade to what the employees we already have. A. Howe said he and the Vermillion Police Department have been hiring, and people that are applying there are not even applying to us because wages are advertised. They would be paid a lot more at the Police Department. Manning said at SESDAC they went from \$13 to \$16 to \$17 to \$18 because they can't fill anything. He said the budget has to be able to sustain it. A. Howe said comparing to surrounding agencies, a 20% increase doesn't even get him there, yet he can't sit here and ask for 20%. Tracy said she knows 10% is a lot. It's hard to hear, but from a realistic standpoint, we can't ask for anything less. Mockler asked how does A. Howe even hire anyone? A. Howe said he would feel a lot more comfortable that he would get more applications. There was discussion regarding open positions at the Vermillion Police Department. Crum said Director of Equalization Ina Peterson could not be present but asked her to relay that she has not received many applications, and even with a 10% increase the pay is still low for the area. Terwilliger said we can hire entry level and train, but we cannot even compete. Mockler said a 12.6% increase gets us competitive with Walmart. Manning said SESDAC cannot get anyone hired. Terwilliger said as a 25-year-old, she would have been thrilled to get a county job, but now she thinks, why would I want to work here, when I could go to Walmart and make more? Mockler said we need to fix this. Packard said it is a very real problem we need to face. A. Howe said last time we increased, they were shooting for 7 grades over 3 years. There was just grades but no COLAS. During the 3rd year, they just did the COLA. It's been a few years. If you don't keep going you lose the momentum. Packard said it's almost down where we were before. R. Howe said her office is a different situation. Every person took a pay cut to work at the County, and the reasons were better hours, no weekends, no holidays, so it was for specific family reasons. Mockler said we have trained them now, and if

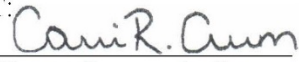
another similar job comes around, then we lose them. A. Howe said we can hire them with some skills that we're going to give them, but the second-floor offices hire at entry level but have to invest multiple years of training, so it's important to keep them. Mockler said when you lose somebody, you don't have anyone waiting to fill the spot, and you get behind. Stewart said he and Gunderson are single person offices, but they understand. He said in 2000, 22 years ago, for him to have the same purchasing power today that he had 22 years ago, he would need to make \$95,200/year today. He does not expect to have his salary doubled, but it's an illustration. A. Howe said he sees some of his 5–10-year people getting less than entry level across the hall or down the road. Polley agreed with everyone else and said this is one of the youngest crews he has ever had. He has heard a little bit about them going elsewhere for more money. Even 10% for his new hire would barely make it to \$18/hour. He said the department heads are not here to be a money grab, but we do need some help. There was discussion that the decision has to be made soon because budget planning begins soon. Mockler asked if it is too cumbersome for each office to present what they need. Manning suggested an across the board number to start with. A. Howe suggested applying a percentage as a COLA and revisiting the grade levels on the scale for each position at some point. Grades are jobs and skills. Steps are longevity. Mockler asked if the grade and step scale still works. A. Howe said it works better than anything in the past. Crum said most counties have a grade and step scale in some fashion. A. Howe said the Brookings County scale is very similar. Tracy suggested applying the percentage and reviewing the positions as Mockler had discussed. Mockler and Crum discussed property tax revenue vs. other revenue. Crum said she has not seen a massive increase on other budgetary items for her office, but the biggest increases will be the Highway Department's construction supplies and the Sheriff's Office fuel costs. A. Howe asked if the Board is comfortable with the minutes reflecting a 12.6% increase. Crum said the department heads have done their research. They are not just asking for this on a whim. A. Howe said he absolutely agrees, and even at 10% he knows we are still 10% less than everyone else. Manning said let the chips fall where they may. Packard said the public is very aware what Walmart and others are paying. A. Howe said he would rather see the momentum continue to try to keep up instead of always trying to catch up. Mockler said it just gets us caught up and doesn't put us ahead. It was decided that department heads should plan for 12.6% when preparing their budget requests. Mockler asked, if we can't do 12.6% but can get somewhere close, would it be beneficial to give an extra 2 days of vacation. If we can't give cash, what perk can we give? It was the consensus of the department heads that it would not likely make a big difference, although they expressed appreciation for the sentiment. Manning discussed his previous work experiences with salary vs. bonuses. Mockler said he worked somewhere that increased starting wage but not everyone else, and he was making a penny less than the new person that he was expected to train. A. Howe said he appreciates them even having the conversation. Crum said the State has even acknowledged that they are low and are trying to do something about it. Manning said if we can't hire people, we've got to do something.

At 12:11 p.m., Manning moved, seconded by Packard to adjourn and reconvene at 9:00 a.m. on Tuesday, May 10, 2022. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

May 10, 2022

The Board of County Commissioners met in regular session Tuesday, May 10, 2022 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.

Packard moved, seconded by Hammond to amend and approve the minutes of the April 28, 2022 meeting. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Manning moved, seconded by Smith to pass and adopt the following Resolution #2022-10 for a Replacement Order for the Organization and Incorporation of the Pleasant Valley Township, Clay County, South Dakota. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Resolution #2022-10
REPLACEMENT ORDER FOR THE ORGANIZATION and INCORPORATION of the PLEASANT VALLEY TOWNSHIP, CLAY COUNTY, SOUTH DAKOTA

WHEREAS, the Board of Supervisors of the Pleasant Valley Township is unable to locate its original organization and incorporation resolution approved by the Clay County Commissioners sometime before 1881, and

WHEREAS, no known record is on file with the Clay County Auditor, the Clay County Director of Equalization, the Clay County Register of Deeds, or the South Dakota Secretary of State declaring the Pleasant Valley Township as an incorporated township, and

WHEREAS, records in the Clay County Auditor's office demonstrate that the Pleasant Valley Township has continually had the right to levy a tax, collected road tax dollars, and filed its annual reports as required by statute acting in full faith as an official political governmental subdivision

NOW, THEREFORE, BE IT ORDERED, the Clay County Commissioners issue this replacement order declaring that the Pleasant Valley Township was previously organized as a township governmental subdivision of the State of South Dakota and a public body, corporate, and political.

BE IT FURTHER ORDERED that the Pleasant Valley Township be described as

The thirty-six sections of Township 94 North, Range 52 West, Fifth Principal Meridian, inclusive, Clay County, South Dakota.

Dated this 10th day of May, 2022.

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

Travis Mockler, Chairman
Board of Clay County Commissioners

ATTEST:

Carri R. Crum, Clay County Auditor

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

(DUE TO OTHER GOVERNMENT)		SANFORD HEALTH	\$800.45
BERESFORD SCHL DIST 61-2	\$280,854.96	SATELLITE TRACKING OF	\$162.50
BETHEL TOWNSHIP	\$41,685.52	SD DEPT OF HEALTH LAB	\$820.00
CENTERVILLE SCH DIST 60-	\$144,874.11	ULTEIG	\$2,516.06
CITY OF VERMILLION	\$1,844,184.30	UNION CO. SHERIFF	\$772.30
CLAY CO TREASURER	\$6,819.00	(OTHER PROFESSIONAL SERVICE)	
FAIRVIEW TOWNSHIP	\$50,487.64	BROOKINGS CO SHERIFF DEP	\$475.00
GARFIELD TOWNSHIP	\$19,387.06	MEYER, MARY ANNE	\$148.20
GAYVILLE/VOLIN SCHL DIST	\$62,452.83	SD ATTORNEY GENERAL	\$1,128.00
GLENWOOD TOWNSHIP	\$28,029.02	STEPHANIE MOEN	\$1,573.20
IRENE CITY	\$29,660.13	UNION CO. SHERIFF	\$14,235.00
IRENE/WAKONDA SCHL 13-3	\$596,932.51	YANKTON CO SHERIFF	\$7,990.00
MECKLING TOWNSHIP	\$23,198.37	(LAW OFFICE)	
NORWAY TOWNSHIP	\$26,464.50	FRIEBERG, NELSON & ASK	\$3,000.00
PLEASANT VALLEY TWP.	\$22,015.12	MEIERHENRY SARGENT LLP	\$12,020.91
PRAIRIE CENTER TWP.	\$20,124.78	PETERSON, STUART, KLENTZ	\$17,863.88
RIVERSIDE TOWNSHIP	\$25,750.70	SACRED HEART HOSPITAL	\$457.37
SD DEPT OF REV ANDERSON	\$373,039.99	TERWILLIGER, PHILIP	\$3,350.00
SEILERS SECOND ROAD DIST	\$3,344.02	(MENTAL HEALTH)	
SPIRIT MOUND TOWNSHIP	\$42,999.58	AVERA MCKENNAN HOSPITAL	\$746.00
STAR TOWNSHIP	\$30,446.31	(PUBLISHING)	
TLC WATER PROJECT DIST.	\$44,929.82	BROADCASTER PRESS	\$516.58
VERMILLION BASIN WATER	\$15,445.87	NEW CENTURY PRESS ACCT44	\$395.51
VERMILLION SCHL DIST 13-	\$3,540,542.10	(REPAIRS AND MAINTENANCE)	
VERMILLION TOWNSHIP	\$26,807.96	BRUNICK SERVICE, INC.	\$314.00
VIBORG/HURLEY SCHL 60-6	\$124.13	BUTLER MACHINERY CO.	\$1,312.00
WAKONDA TOWN	\$52,818.34	CHARLIE'S BUS SERVICE	\$246.00
(FIRE)		O'REILLY AUTO PARTS	\$18.99
BERESFORD RURAL FIRE	\$10,273.21	OVERHEAD DOOR COMPANY	\$375.00
CENTERVILLE RURAL FIRE	\$7,672.03	RUNNINGS SUPPLY INC	\$17.99
GAYVILLE RURAL FIRE ASSO	\$6,772.82	TWO WAY RADIO SOLUTIONS	\$406.25
IRENE RURAL FIRE ASSOC	\$1,410.18	(DATA PROCESSING/CLAY CREEK/INF)	
VERM. RURAL FIRE ASSOC.	\$45,503.74	MICROFILM IMAGING SYSTEM	\$945.00
VOLIN RURAL FIRE ASSOC.	\$1,682.53	SOFTWARE SERVICES, INC.	\$1,100.00
WAKONDA RURAL FIRE	\$14,759.90	(SUPPLIES & MATERIALS)	
(PROFESSIONAL SERVICES AND FEES)		A & B BUSINESS	\$184.48
ALTERNATIVE HR, LLC	\$930.00	A-OX WELDING SUPPLY CO	\$359.67
CITY OF VERMILLION	\$96.00	BARCO MUNICIPAL PRODUCTS	\$3,045.00
FEDEX	\$22.21	BEAR, INC. DBA TODD'S	\$629.17
IMEG	\$1,777.50	BRUNICK SERVICE, INC.	\$448.00
KOBER FUNERAL HOME	\$1,900.00	BUHLS DRYCLEANERS &	\$161.70
LINCOLN COUNTY AUDITOR	\$359.16	BUTLER MACHINERY CO.	\$283.60
LOFFLER COMPANIES	\$90.05	CHARLIE'S BUS SERVICE	\$19.00
OLSON MEDICAL CLINIC	\$162.00	D-P TOOLS, INC.	\$458.00
PHARMCHEM, INC.	\$251.60	ERICKSON SOLUTIONS GROUP	\$978.00

GRAHAM TIRE S.F. NORTH	\$3,755.30	BROOKINGS CO SHERIFF DEP	\$201.57
M & M FARM SUPPLY	\$34.53	PENNINGTON COUNTY SHERIF	\$35.00
MAINTAINX INC.	\$1,170.00	PUMP N PAK	\$494.51
MCLEOD'S PRINTING & SUPP	\$339.90	(UTILITIES)	
MICROFILM IMAGING SYSTEM	\$30.00	BUREAU OF ADMINISTRATION	\$78.63
MIDSTATES EQUIPMENT	\$31,951.84	CLAY RURAL WATER SYSTEM	\$45.30
O'REILLY AUTO PARTS	\$80.78	CLAY UNION ELECTRIC CORP	\$745.49
ONE OFFICE SOLUTION	\$102.80	MIDAMERICAN ENERGY	\$761.06
OVERHEAD DOOR COMPANY	\$650.34	MIDCO BUSINESS	\$210.39
PLASTIC WORKS	\$2,470.00	VERMILLION GARBAGE SVC.	\$236.00
QUALIFIED PRESORT SVC IN	\$1,835.34	WAKONDA TOWN	\$66.95
QUILL CORP.	\$95.91	(PAYMENT)	
QUILL CORP. TRS	\$202.91	BRUNICK SERVICE, INC.	\$52.95
RUNNINGS SUPPLY INC	\$366.04	DOMESTIC VIOLENCE	\$470.00
SOOLAND BOBCAT	\$56.13	PUMP N PAK	\$2,228.09
TWO WAY RADIO SOLUTIONS	\$422.90	SDACC OFFICE	\$736.00
VERMILLION ACE HARDWARE	\$84.96	VERMILLION FEDERAL	\$326.60
YANKTON REXALL DRUG	\$36.96	VERMILLION FORD	\$113.80
YANKTON WINNELSON CO.	\$188.77	(JDC/SPECIAL EQP.)	
(COPIER SUPPLIES)		DURABOOK AMERICAS INC	\$34.00
CANON	\$161.12	JACK'S UNIFORMS & EQUIP.	\$635.80
(TRAVEL AND CONFERENCE)		(FURNITURE AND MINOR EQUIPMENT)	
BEST WESTERN RAMKOTA INN	\$196.00	MICROFILM IMAGING SYSTEM	\$155.00
ELECTION SYSTEMS AND	\$350.00	(AUTOMOTIVE)	
(INMATE TRAVEL)		BRUNICK SERVICE, INC.	\$74.21

Smith moved, seconded by Packard to authorize the Chairman to sign documents for acceptance of the second tranche of American Recovery Plan Act funds. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Polley discussed insurance provisions in the Micro-Surfacing project contract. Brad Stangoehr with Ulteig Engineering briefed the Board on the insurance policy. He said because it is valid in North Dakota, it does not mean it's not valid in South Dakota. It is compliant in the states the company does work in. Mockler asked if it is the same company that we have been using, and Polley said yes for the past several years we have used ASTECH. Packard moved, seconded by Hammond to accept the contract and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Mockler said Ulteig has finished the flyover for Clay Creek Ditch, and Stangoehr said they are working on the plans now.

At 9:21 a.m., Hammond 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.

It was discussed that bids for tree removal on the Yankton-Clay Ditch are for the mile-and-a-half in from the county line to the east. One bid was received, and it was from 3-D Digging for \$35,000. The matter was tabled until the next meeting to ensure that there are enough funds in place to complete the project.

Manning reported that Gregoire Excavating has completed the first part of the Prairie Center Ditch and will return to do the rest. He burned part of it. Manning said he asked Gregoire Excavating if he wanted partial payment now, and he said not yet.

At 9:28 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 updated the Board that Nate Welch is no longer the CEO of the Vermillion Chamber and Development Company. Nancy Herridge will serve in the interim.

Zoning Administrator Drew Gunderson discussed the medical cannabis licensing ordinance. On May 31st, the medical marijuana zoning ordinance First Reading will be held. He would like to get the license ordinance redone as we did it in a rush last time due to time constraints. He asked the board to look it over in advance. Gunderson said we have one possible manufacturer. The only proposed change he has is removal of zoning guidelines as we will have a zoning ordinance to cover that. On the section 11c & d he wants to make sure that language is in the zoning ordinance covering the change from one type of cannabis establishment to another and conditional use permit requirement. Mockler asked if we can have it in both places, the ordinance and the licensing permit process. He suggested doubling up so people know the requirements. He said he wants to look at what other communities are doing for the renewal. On section 5c, every year we will have them come in and do a renewal like liquor licenses. He asked if it is too onerous, or if they want to keep it the way it is. There was discussion regarding renewing it like liquor licenses. Hammond said the fee will need to be received in order to renew the license. Smith said the date would be different depending on when they got their license. Mockler suggested doing it on a certain date each year. Smith suggested the first of the fiscal year. Packard said she feels it should be a different date than the first meeting of the year as there is already a lot on the agenda. Crum said liquor licenses are done in November. Gunderson discussed the number of cultivation licenses allowed and said interest has died down. Hammond said that may be because we only have a few licenses available. Smith said people who are in early in other states have been the most successful. By limiting licenses, we are limiting people getting into the business early and limiting market share. That's been true in states like California and Colorado. We do limit ourselves severely with only 1 license as we are an agricultural county because this is a very high profit commodity. Parts of the rest of the state are behind us. Vermillion has decided as a city they want to be in the forefront and have their people get the big market share. Because Vermillion is being fairly aggressive about market share making everything possible, particularly cultivation, and she thinks we should expand the number of licenses. Gunderson asked how many she is thinking. Packard said she is thinking three opens it up without going overboard to where we are not able to keep regulations as we want. Hammond said he was thinking more like 5, but 3 would be ok, too. Smith said she would support 5, but she could live with 3. Gunderson said we are in the 3-5 range for cultivation, and asked what about dispensaries? Smith said she thinks Vermillion is going to do a good job of that. She said when you add manufacturing and testing to cultivators, it's value-added agriculture, although it's not technically ag. When you can grow and make something out of it, it's a higher profit margin.

Mockler said renewed interest will come back after the November election. Hammond said he had dinner in Arizona with a man who performs all 4 functions under our licensing scheme, and he got to tour it. He thought having complete control from start to finish was an advantage because when there is something that goes wrong there are not multiple people pointing fingers. He has operations in California and Tucson. It was an eye-opening tour. Packard asked if Hammond is recommending that the dispensary license should be more than one, as she is thinking it should be more than one. They discussed three. Mockler said it is discussion at this point. Manning and Gunderson discussed John Peterson's operation as well as dispensaries in the area. Hammond said there could be an operation where the cultivation was in the county and the dispensary was in the City of Vermillion. Smith said land is cheaper in rural parts of the county, so cultivation would be more attractive outside of city limits. Manning said he thinks 3 is fine. Smith said it increases land values in the county. Hammond said land requirements for growing are small as it is important to control genetics of the product, so it will be under a roof in a building. The family in Arizona, the wife runs the grow operation with around 70 employees, and the husband runs the rest. Gunderson said he thinks startup costs are fairly high. Manning said he is good with 3. Smith said it brings in capital and jobs.

At 9:52 a.m., Manning moved, seconded by Hammond 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 10:11 a.m., Hammond moved, seconded by Packard to exit the Executive Session. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

At 10:11 a.m., Smith moved, seconded by Manning to adjourn and reconvene at 9:00 a.m. on Tuesday, May 31, 2022. 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

May 31, 2022

The Board of County Commissioners met in regular session Tuesday, May 31, 2022 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 Manning to approve the agenda with the addition of discussion regarding a resolution to the legislature showing support for regional jails and a request for Turner County to pass a resolution as well. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Smith moved, seconded by Packard to amend and approve the minutes of the May 10, 2022 meeting. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

4-H Educator Lauren Hollenbeck met with the Board to present the Quarterly Activity Report.

Vermillion Fire/EMS Chief Matt Callahan met with the Board to discuss the purchase of an ambulance. He has started the process of looking into a replacement, and there is a shortage of chassis. Most manufacturers have no chassis on their lots. To do a remount, it could be over 18 months, new ambulances are about 20 months out. There is about \$186,000 available to replace the ambulance, and he has been looking at vendors. One or two have demos coming late October or early November that will be for sale. One of the two keeps it for 2-3 months to show and then sells it. In the last 18 months, they have gone up over 15% in price. They would be waiting 18-24 months for a re-mount, and it would be about \$225,000. The demo units are \$235,000-250,000. The ambulance that needs to be replaced may not make it 18-24 months due to mileage and electrical issues. No vendor will guarantee what prices will be in the next 18-24 months. A truck recently purchased by the Fire Department cost \$100,000 more than anticipated, after they cut options from the purchase. Callahan said he wanted to have the discussion with the Commission regarding what options to take, and whether to pursue the 4-wheel drive option or not. Manning asked for the value of the trade-in, and Callahan said it is about \$10,000. Mockler asked about the demo option. Callahan said they will be around \$235,000-250,000. It has not hit the production line yet, so there is still an ability to modify them. Hammond asked if the electrical issues are in the truck or the ambulance. Callahan said some of it is the truck itself, but there is no heat or air conditioning in the patient compartment now. Smith said the demo seems to be the way to go. Callahan said we could sign the purchase now and take possession of the demo after January 1st. Callahan said he spoken to a couple of vendors regarding the demos. Both are 4-wheel drive; one is an F450, and one is an F550. Hammond and Callahan discussed lifecycle for chassis and boxes as well as availability of parts. Manning discussed the additional cost. Callahan said entities around the country have used federal funding due to COVID. Hammond asked if they are using gas or diesel, and Callahan said they are diesel. He would prefer gas due to emissions issues, but gas ambulances are not readily available. Auditor Carri Crum and Callahan discussed price increases as compared to what the County planned for. Callahan and Hammond discussed payment requirements for the purchase. Mockler said we will have to find

the money, but the decision is whether to wait 2 years or purchase the demo model. Callahan said the only thing that scares him about waiting is that the truck could cost \$270,000-280,000 if the market continues to increase. He did not know if ordering now locks in the price. It was the consensus that the demo will be the best option. Callahan said he will get a more firm price and bring it back to the Board. He said the vendors are part of Sourcewell, so we could purchase from that contract. Hammond said he likes buying demos as they are usually equipped with the things that are good sale points. Callahan said they are not the low-end equipment, and they usually have the most attractive options. Mockler asked if the outgoing ambulance can be sold to a smaller community. Callahan said it may be best to trade it, but he will check into options.

Zoning Administrator Drew Gunderson met with the Board for the First Reading of Ordinance #2022-09, an Ordinance Amending the 2013 Revised Joint Zoning Regulations for Clay County and the City of Vermillion, a request to re-zone land located at 1919 W. Cherry St., Vermillion, SD 57069 from A-1 Agricultural to LI Light Industrial for a Grain Terminal/Grain Processing Facility. He said on April 25th there was a joint planning commission meeting, and approval was recommended. Smith said she understands the City only rezoned one section, and her concern is that if we pass it as-is, then the Myrons are back where they were in the beginning. She said she wonders if the most expeditious way to resolve it is to have the City bring it up for reconsideration but match our approval to the City's approval now. They are willing to reconsider, and it should be a topic of discussion at the joint meeting to decide the best direction to go. There is some likelihood that upon reconsideration it could pass City Council. Some members of the Council had objection to the northern section being rezoned. She suggested we at least get the first part done to match the zoning change and then reconsider the northern section. Mockler said there are two issues with this. First, we do not have to agree with the City, and their amendment would die, and the original petition goes to a Second Reading. Second, he cannot believe Smith has been talking to the Mayor. The Commissioners are not supposed to be talking to anyone during this process. Mockler said this is another reason why we need to be in those Joint Jurisdiction meetings together. Smith said we need a close relationship with joint jurisdictions, so we should have joint meetings, and it is unfair to applicants to have to go through 4 meetings with separate entities. We can pass this and go nowhere, or pass what the City passed. Mockler said they do not have to change their motion for reconsideration. We have to agree to their amendment, and if we don't, their amendment dies. Smith asked Deputy State's Attorney Samantha Hargrave for an opinion. Hargrave said the Commissioners don't have to agree to their change. Smith asked, if we go ahead and pass exactly what the City passed, would the Myrons then have most of their property rezoned. Mockler said we cannot vote on the rezone until the Second Reading when we are together in a joint meeting. We don't have to agree to the amendment, and it would die. We can either let their amendment die, or we can pass it, but if it fails, the Myrons' petition goes forward to the Second Reading. The problem with what the City did is that the railroad goes across the entire property, so a Light Industrial area would cross over into Ag. Smith said she is looking for the most efficient way to do it. Mockler said he is not looking for the most efficient way to do it. He is looking for the right way. Smith said her fear is that the City doesn't agree to it, and we are back where we started. Is there a strategy that prevents that? She is trying to help the Myrons. Packard said if we should pass it as Smith asked, there is no reason for the City to change, so to her we are in a worse position. Smith said her fear

is that nothing passes. Packard said then we have to start again. It was their choice to change what was requested, and we are not agreeing with that. Smith said she doesn't want to have to go through 4 more meetings before anything changes. She said this is not the outcome she wants, but we have to figure this out in a way that's good for the community member that has applied. Hammond asked how many watched the City Council action. Mockler said we are not supposed to. He said it has already been in court that they are not supposed to get information ahead of anyone else prior to this meeting. Hammond said he thinks what is permissible is that it is a public meeting, where the full meeting is available to the public and everyone involved, and minutes have been published. Since it was a public meeting, and for him to make a fully informed decision today, he thinks it was the right thing for him to watch the meeting. It was contentious and went through several motions. He said the Myrons left, in frustration perhaps, before the end decision. He thinks it was the wrong thing to do for Smith to get into ex-parte communications with the Mayor. Smith apologized to the Commission. He said he consulted Hargrave. State's Attorney Alexis Tracy voiced her opinion via Zoom and said she does not think this is a violation of open meetings for anyone to attend a published meeting of another body. The component Mockler is referencing is the notion of whether the boards should be meeting separately. She cited case law regarding a commissioner viewing a property on their own and taking into consideration information they wouldn't have otherwise had, and that is a no-no. She would be fascinated to know the legal authority to amend anything. Those actions and decisions, it is very clear that the boards must be together for those things. The City apparently wants to do something different, and the Commission is asking if they can even consider it. Mockler and Tracy discussed case law that specifically deals with them not seeking outside information. Mockler said it can be solved if we always have first readings together. Tracy said that is correct. Tracy said she does not know how we can do anything different than have a First Reading and kick it to the Second Reading. Hammond said he thinks the City split the baby. They approved the south part and omitted the north part. They reduced the scope of the application to the south half of the property. Tracy said that doesn't qualify as a public hearing because it has to be done together, and the Commission wasn't there. Hammond said on each of these actions in Joint Jurisdiction, the bodies have to act jointly for it to work. This is a perfect example of that. That is his personal opinion. Manning asked Kevin Myron to talk as we are making a decision for him, and they don't have all the facts. Myron said these are the problems that happen when someone makes a decision regarding a business without consulting the business owner. The grain business is regulated by a lot of things and are way different than a regular business. Upon realization of this, he said, the only grain we can handle is grain we raise, so our business is essentially shut down. We are trying to sell the facility, and we are getting treated like this is bad. It is important for all of the facility to be zoned the same. He was given 7 minutes by the City, and it appalls him the decisions being made about his business without input. Not too long ago, the City had a separate meeting, which he questioned. In his mind, it should not happen because it's laid out pretty clear that in Joint Jurisdiction meetings should happen jointly. Twice he has been burned by the City meeting first and adjusting, changing, rejecting. The idea of them throwing out an alternative, and the Commission agreeing for the sole purpose of getting something done, he is about disgusted enough to say that is not good enough. We are six months later, all the hoops we have jumped through, and here we are. He

discussed his properties around lower Vermillion and discovered 3-4 days before the third reading that zoning was going to be changed. They created a brand new category. The promise was made to him in December that it would take 3-4 weeks. Myron said he laughed at the notion it would be done in 3-4 weeks. When the City did things on their own, they did it side-by-side, and he was not notified, but he stumbled across it. It's going on six months and no resolution in sight. He thinks his case, coming up over 9 months, has shown in a multitude of ways how this Joint Jurisdiction Agreement is not working. He has lost 2 solid sale offers, and he cannot get anyone to come look at the facility. Everyone knows what is going on, and they also saw what went on with Nutrien. If this can't go through the way it is, he will be very loud, very vocal, that this agreement goes away. It doesn't need to be structured like this. There needs to be a tie-breaker. It just isn't fair. Myron showed a map of the current zoning. He discussed prior zoning. He said there is a sliver on the eastern edge that the City wants to cut off and claims was always that way. He does not see anything in any of the notices about that portion. Hammond asked, before Joint Jurisdiction, if there was just Industrial. Mockler said it was General Industrial. Manning said when you look back it says General Industrial. Myron said in 1987, 1989, it says Light Industrial. Mockler asked for more clarification on the smaller sliver. Gunderson said City Engineer Jose Dominguez said it was brought up in previously, and it would not be a problem. Myron said he feels it should all be the same. On overflow years, they dump grain on the ground, and now he wouldn't be able to let grain flow over an imaginary line. If they are trying to create a buffer of Agricultural outside of city limits, why shouldn't there be one inside of city limits. He keeps hearing about grandfathering, and he thinks he can continue to use the track. If he tries to sell it, can they continue to use the track. The rail rates are based on the number of cars. Part of the attractiveness of the property is the room for expansion or addition of tracks. Manning said the bottom line is that Myron wants the whole thing to be Light Industrial. Myron discussed natural borders of tree lines, fences, etc. It makes sense moving forward going forward what those borders are. There is no evidence about something coming in to negatively affect value of homeowners. He has 55 years and 4 ownership changes to show that no one has torn down fences or trees. He would like to use the building for warehousing. Light Industrial allows it. For resale, he thinks it has to all be zoned the same as it saves confusion later. Manning said what Myron is saying is true, and the rules are what they will be discussing tomorrow night. He also thinks, what he has been hearing, the City's amendment does not mean anything. If we agree to the amendment, it doesn't help Myron. They need to get to the Second Reading and work this out. He said this is ridiculous. Mockler said if it is all Light Industrial, it takes away any confusion in the future when there is a new Commission 20 years down the road. Myron asked for a show of support to zone it all Light Industrial. Tracy discouraged a vote. Packard said going to the Second Reading is the Board showing a position. Mockler said the City's amendment would die. Hammond said it means we accept the opinion and expertise of both planning commissions. Hammond moved, seconded by Smith to advance the ordinance to the Second Reading. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board held a First Reading of Ordinance #2022-08, an Ordinance Amending Ordinance #2013-04 (Updated with Amendments through #2017-01), a request to re-zone land located at 45369 302 St., Wakonda, SD 57073 from A-1 Agricultural District to C-1 Commercial District for an Agribusiness. Gunderson said it is the rezoning for John Peterson's hemp grinder. The

Planning Commission voted to approve it. There was one letter from a neighboring property owner across the road. Mockler said they do not live there, but they own the property. Peterson said no one is living there at the moment. No one has lived there for about 3 years. There are still cattle there. He said he thinks the big issue is the unoccupied farm site with the activity across the road. Manning said the grinder is in a building, and Peterson confirmed it. Gunderson said after this he will need to apply for a Conditional Use Permit (CUP). Hammond moved, seconded by Smith to advance the ordinance to the Second Reading. Under discussion, Hammond discussed whether the neighboring property could have renters. He asked Peterson why he selected the location. Peterson said the driveway was already there, and it involved the least amount of dirt work. Packard asked how much smell would actually be generated. Peterson said there is dust collection systems, and the bales are dried, so they do not have the pungent smell. Mockler said he assumes the field would smell worse. Peterson said the smell comes from the top foot of the plant, and he is dealing with everything underneath. Packard said they are assuming that it would be like the alfalfa plant used to be. Peterson said people think of the hay plant in Gayville. This will be dried already. Packard said she does not see how there would be any smell, or minimal. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board conducted a First Reading of Ordinance #2022-01, an Ordinance Amending Ordinance #2013-04 (Updated with Amendments through #2017-01), an Amendment to Section 3.14 Medical Cannabis Establishments and Chapter 2.02, Definitions, Definitions. Gunderson said this will be the marijuana zoning ordinance. Hargrave went through it. Gunderson discussed setbacks from other businesses. Manning said he can't see where that would be an issue. Mockler said he does not know what purpose it would serve. Hammond said he recalls that there were setbacks for certain types of things, like separating testing facilities from growing facilities, but that is state law. He asked about licenses and license locations. Smith asked about testing facilities being required to locate in General Industrial and asked what the rationale is. Gunderson said his thought is that there would be more vehicle traffic. Smith said this would probably make it extremely difficult as there are probably only 3-4 sections in the county that would apply. There is not much opportunity for any of these businesses to locate. The ordinance is really restrictive, and we are basically making it almost impossible in this county. Mockler said he assumes those labs would be in the city. Packard said not necessarily. Smith said for the most part, manufacturing goes along with cultivation. Manning said maybe testing should be put in Commercial and General Industrial. Smith suggested C-1 and I-2. Mockler said manufacturing needs to be in General Industrial. Smith said manufacturing means compounding, and dispensaries can also create the product on site. Karll Lecher said the cultivators for medical marijuana can only sell the flower itself. Once it comes to processors, they can take the flower and compound it into a more concentrated form for resins, etc. The testing facilities test other people's products. It takes 5-6 days to get results. He would not say there are vehicles going in and out most of the time. Smith said for medical marijuana, it is important for compounding the product on-site. Her husband worked with a medical marijuana facility in California, and it was phenomenally effective, better than anything on the medical market. Getting the manufacturing in the same facility is what creates the profit margin, so she is suggesting the addition of C-1 to General Industrial in the ordinance. Testing mostly happens remotely. Manning agreed with

Smith. Smith discussed it with Gunderson, and he said it would keep stuff on the major highways. He said cultivation is in General Industrial or Commercial. Manning clarified that the General Industrial areas are big enough, but there are not enough of them. Mockler said, with any of these, we will have to re-zone them. Smith said it makes it a lot easier as people look before they purchase. If we want to allow the industry, we are being pretty restrictive. She asked what the rationale is for not allowing it in Ag, and Gunderson said it is for the road upkeep. Mockler said it is also Dept. of Health vs. Dept. of Ag at the state. Gunderson also discussed availability of internet, water, power, etc. The Board discussed adding Commercial. Gunderson and Mockler discussed highway corridors. Mockler discussed blueprints for the fire departments. Packard asked about the employee backgrounds, and Gunderson said that is under licensing. The Board agreed to condense two paragraphs of the zoning ordinance so all four functions (cultivating, manufacturing, testing, and dispensing) would be allowable in Commercial and General Industrial zones. Smith moved, seconded by Hammond to advance the ordinance to the Second Reading. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Gunderson said licensing will be on the agenda next week. Smith discussed CUPs in the licensing. She discussed if a license is denied, they cannot reapply for 12 months, it seems it is an injustice to people whose licenses are denied due to the maximum number of licenses. Hargrave suggested some wording, and Smith said she likes the idea of putting some discretion in there. Smith also suggested a lottery in the case of an overabundance of applications. Mockler said it could be done by order in which they come in.

Emergency Management Director Layne Stewart met with the Board to discuss storm damage on May 12, 2022. He said we need to declare a disaster as a just-in-case measure for FEMA assistance. We would need to hit a threshold determined by population. Clay-Union Electric lost 17 poles at \$34,000 total. Clay County lost the roof on the hoop shed, so we can only claim the \$500 insurance deductible. The City of Vermillion lost an \$8,000 golf net that protects homes along the course, which may or may not qualify for FEMA. East River had a loss of \$15,000. Pleasant Valley Township lost one stop sign. We are sitting at \$57,700, but we are not hurt if we declare a disaster. Even if we do not qualify, the state can use our totals to get the declaration threshold for others. Hammond clarified it does not include private losses, only public infrastructure. Smith moved, seconded by Hammond to pass and adopt the following Resolution #2022-11 for Disaster Declaration. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

RESOLUTION #2022-11

DECLARATION OF DISASTER

WHEREAS, Clay County, South Dakota, is suffering damage brought on by a storm that occurred May 12, 2022; and

WHEREAS, the immediate impact of the storm caused damage to trees, building, signs, electrical poles, electrical service, and other public infrastructure, throughout Clay County.

NOW, THEREFORE, BE IT RESOLVED by the Clay County Board of Commissioners at their regular meeting held May 31, 2022, is hereby requesting that the Governor declare a disaster to exist in the County of Clay, South Dakota.

Dated this 31st day of May, 2022.

Travis Mockler, Chairman
Clay County Commission

ATTEST:

Carri R. Crum, Clay County Auditor

Stewart said from Sunday night's storm, a separate event, Clay-Union lost one pole. Pleasant Valley lost another stop sign. There were trees blocking county roads, so there will be costs. There also was hail damage on the Highway Superintendent's truck.

Facilities Manager Scott Hanson met with the Board. The Board discussed a pipe leak above where the Commissioners sit. Mockler asked if the new HVAC system will have new pipes. Hanson said no, the old pipes would stay.

Hanson discussed options for the 4-H building kitchen HVAC. He discussed the cost of replacing the one bad unit (approx. \$3,275) vs. replacing it with one unit (approx. \$18,000-24,800) for the whole facility instead of having 3 separate units. Hammond said if we installed the whole-building unit, the increased efficiency would probably pay for itself in about 5 years. Smith said the other unit is about 40 years old and 60% efficiency. Manning said he would like to explore the whole-building unit because we would be better off. Mockler said we can agree to spend not over \$24,800, but if we can get a better deal authorize Hanson to pursue it. Smith said it looks like the efficiency of the \$18,000 unit is 95%. Hammond moved, seconded by Manning to authorize not over \$24,800. Under discussion, Mockler said in the big room in the winter, they use it only 2 days a week, and he asked if it can be set automatically to turn down when not in use. Hanson said it can be scheduled in the thermostats. Smith wondered if the Board needs to act to sign the proposal. Mockler said they can finalize it next week. Hanson said he can do the labor to remove the old unit. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Hanson discussed the restroom plumbing in the WIC office. He reached out to 5 plumbers and received a quote from 1 for \$4,500. It would be a new sink and new plumbing lines. Manning moved, seconded by Packard to approve the work according to the quote. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Hanson and Ryan VanDerBill from Associated Consulting Engineering discussed the courthouse HVAC project. Hanson discussed a 4-pipe water system. It would require another set of pipes, and the existing pipes would be re-used. A refrigerant-based system would require more technical maintenance. There was discussion regarding phasing the project with replacement of

fan coil units. Hanson said he is in favor of doing it all at once so as not to disrupt the working environment twice. They discussed updating the unit that feeds the courtroom and designing it to receive a lot of direct fresh air from the outside as that room is heavily used. Mockler asked for pricing. VanDerBill said his revised cost estimate includes inflation due to the current economy and lines them up so the Board can compare them apples to apples. Option 3b splits up a base bid of new fan coil units with the ability to add another set of pipes later, and an alternate to install the extra piping as part of the project. The other items such as boiler replacement, electrical distribution, fire alarm systems, etc. need to be added in. VanDerBill said it is over \$1 million, and possibly 30-40% more for the current economy. The 4-pipe system would be \$125,000 more than the system option discussed 2 months ago. Hammond asked if the fire alarm system is included in the fire protection sprinkler system. VanDerBill said yes, if a sprinkler system is not chosen, the fire alarm system could still be upgraded. Mockler said it's funny he should use the word upgrade since we do not currently have one. Manning reviewed the individual items. Mockler said the high end is \$1.444 million before inflation. VanDerBill said, with inflation, it could be over \$2 million. Smith said it doesn't happen very often that we would have the money to do a project like this. Manning moved, seconded by Hammond to authorize the continued work by the engineering staff for a boiler, ventilation system, Option 3b (the 4-pipe system with the 2-pipe option), general work, the lower cost of the two fire sprinkler and alarm options, telecommunication cabling, electrical gear. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered a rumble strip/pavement marking contract with the State. 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.

The Board discussed the loss of the hoop shed roof at the Highway Shop. The Board directed the Highway Superintendent to take bids for the work.

The was updated that work is underway on the Landeen bridge, structure #14-150-006.

At 11:43 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.

The Board reviewed the tree removal bid for the Yankton-Clay Ditch from 3-D Digging that was publicly opened. Hammond moved, seconded by Smith to accept the bid from 3-D Digging. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

At 11:45 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.

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)		AUDITOR'S OFFICE	\$12,575.53
COMMISSIONER'S	\$8,978.03	TREASURER'S OFFICE	\$20,771.35

STATE ATTORNEY'S OFFICE	\$28,459.99	AM LAWN CARE	\$295.00
COURTHOUSE	\$9,359.22	BUTLER MACHINERY CO.	\$1,211.00
DIRECTOR OF EQUALIZATION	\$11,978.43	CHARLIE'S BUS SERVICE	\$50.00
REGISTER OF DEEDS	\$8,693.00	CLAY RURAL WATER SYSTEM	\$95.00
VETERAN'S OFFICE	\$1,681.86	KALINS INDOOR COMFORT IN	\$263.30
24/7	\$1,783.60	SIOUX EQUIPMENT	\$300.00
SHERIFF'S OFFICE	\$40,386.38	VERMILLION FORD	\$32.00
COUNTY JAIL	\$31,008.97	(SUPPLIES & MATERIALS)	
EMERGENCY MGMT	\$4,938.50	AGTERRA TECH INC.	\$900.00
HIGHWAY	\$44,365.48	BARCO MUNICIPAL PRODUCTS	\$208.15
COMMUNITY HEALTH NURSE/WIC	\$3,312.28	BIERSCHBACH EQUIP & SUPP	\$37.95
EXTENSION OFFICE	\$2,142.54	BLUE TARP FINANCIAL, INC	\$103.38
WEED	\$2,397.84	BROCK WHITE COMPANY	\$19.79
PLANNING & ZONING	\$3,436.44	BRUNICK SERVICE, INC.	\$80.00
(DUE TO OTHER GOVERNMENT)		BUHLS DRYCLEANERS &	\$41.10
CLAY CO TREASURER	\$8,462.00	BUTLER MACHINERY CO.	\$925.56
(PAYROLL WITHHOLDING)		CLAY RURAL WATER SYSTEM	\$19.29
AFLAC	\$949.79	CORTRUST BANK	\$4.00
CLAY CO FIT FICA	\$53,685.61	DAKOTA PC WAREHOUSE	\$199.99
COLONIAL LIFE	\$183.16	KALINS INDOOR COMFORT IN	\$84.04
CONSECO/WASHINGTON	\$24.45	KNIFE RIVER MIDWEST, LLC	\$2,253.98
DELTA DENTAL OF SD	\$38.84	LAWSON PRODUCTS, INC.	\$58.66
DIV OF CHILD SUPPORT IA	\$631.00	M & M FARM SUPPLY	\$13.98
DIV OF CHILD SUPPORT SD	\$926.00	PRESSING MATTERS	\$237.00
NEW YORK LIFE INSURANCE	\$328.57	RIVERSIDE HYDRAULICS AND	\$161.62
SD RETIREMENT SYSTEM	\$27,668.84	RUNNINGS SUPPLY INC	\$1,261.81
SD SUPPLEMENT RETIREMENT	\$3,135.00	SD DEPT OF TRANS	\$1,133.07
SDRS ROTH 457(B) PLAN	\$200.00	SIOUX EQUIPMENT	\$512.14
TASC PVR	\$1,691.65	STAN HOUSTON	\$73.30
THE STANDARD - DENTAL	\$1,366.36	STURDEVANT'S AUTO PARTS	\$185.01
THE STANDARD - LIFE INS.	\$388.81	VERMILLION ACE HARDWARE	\$141.42
THE STANDARD - SH TRM DI	\$1,035.36	VERMILLION FORD	\$71.31
THE STANDARD - VISION	\$258.60	(TRAVEL AND CONFERENCE)	
UNITED WAY OF VERMILLION	\$267.00	SDACC OFFICE	\$595.00
VERMILLION FEDERAL	\$1,100.00	(UTILITIES)	
WELLMARK BLUE CROSS	\$55,781.95	BUREAU OF ADMINISTRATION	\$36.25
(PROFESSIONAL SERVICES AND FEES)		CENTURYLINK HWY	\$216.02
ARCHER, MATTHEW	\$1,650.00	VERIZON WIRELESS HWY TRS	\$69.68
SANFORD HEALTH OCCUPATIO	\$245.00	(PAYMENT)	
ULTEIG	\$2,942.00	BRUNICK SERVICE, INC.	\$126.00
(PUBLISHING)		DEBEAUMONT, ANNELIESE	\$20.00
PLAIN TALK/BROADCASTER	\$37.05	HAUGER, JUSTIN	\$20.00
(REPAIRS AND MAINTENANCE)		ONEY, ERICA	\$20.00
ACCURATE BUILDERS	\$917.50		

Hammond moved, seconded by Packard to pass and adopt the following Resolution #2022-07 for Fund transfer. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

**RESOLUTION # 2022-07
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 \$917,071 to Highway Fund (20100) and \$51,976 to the Emergency Management Fund (22600) as levied for in the 2022 Budget.

Motion by Commissioner Manning seconded by Commissioner Hammond.

Vote of the Board:

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

Dated this 31st day of May, 2022.

Board of County Commissioners
Clay County, South Dakota

Travis Mockler, Chairman

ATTEST:

Carri R. Crum, County Auditor

Smith moved, seconded by Packard to approve an amendment to the Intergovernmental Agreement with the SDML Workers Compensation Fund and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Smith moved, seconded by Packard to reschedule the next meeting for 9:00 a.m. on June 9, 2022. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Smith proposed that the Board pass a resolution in support of encouraging the state to authorize and fund regional jails, and informally encourage Turner County to do the same. Sheriff Andy Howe said he is currently in discussion with Lincoln and Turner Counties and what that might look like. He is working on scheduling a meeting with the Chairmen. Smith said she would work with Howe to draft a resolution. She said Art Rusch suggested the resolution. Howe said what they are looking to do is get state funding for those jails, to expand them. Howe gave an update on meetings with the Turner, Lincoln Counties. Lincoln County believes, politically, they are years from a new jail. Turner County is the same. Howe approached them about sharing debt for the cost of sharing a new jail. They also discussed the option of housing with an understanding of the number of beds we could provide. Lincoln County coming on board would dramatically change the kind of jail we would build. It would triple the size. The jail would be here due to staffing abilities. It would require a firm commitment from Lincoln County as it would increase cost and staffing. Turner County does not feel they could staff a jail. We can manage Turner County inmates. We currently receive all Turner County inmates pursuant to our 72-hour hold policy. With that in mind, they were going to reach out to their Commissions. The ball is in their court to reach out to their Commissions. Hammond asked what Hutchinson County is doing. Howe said he thinks they house in Mitchell or Yankton.

It was noted that there is a Joint Jurisdiction meeting with the Vermillion City Council tomorrow night at 7:00 p.m.

Stewart said after looking at it all, we need to go with the higher population number for the disaster declaration, and he did let the state know we declared a disaster. He encouraged the Board to watch for any damage out in the county.

At 12:00 p.m., Manning moved, seconded by Hammond to enter an Executive Session for personnel and legal matters per SDCL 1-25-2. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

At 12:22 p.m., Manning moved, seconded by Hammond to exit the Executive Session. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board discussed the joint meeting for June 1. A suggestion was received that someone other than the Mayor or Chairman would preside over the meeting. Mockler said the ordinance does not allow it. Smith asked Hargrave what the ordinance says regarding chairing the meetings. The Board discussed how to handle the meeting. Hammond discussed Roberts Rules of Order. It was discussed it is too late in the game for this meeting for the suggestion. Mockler said someone from the boards as a moderator could end up putting someone in an awkward position. Smith said it would be worth making part of the discussion for the future. She said she would be in favor of suspending the rules and electing a moderator. Somebody from the outside would not understand the issues well enough to moderate a meeting. Smith suggested establishment of chairmanship of the joint meetings going forward and cited Roberts Rules of Order for conventions. Mockler said the problem with that is that it combines the two boards into one. Smith said you would have to establish voting rules. Mockler said there are bigger fish to fry than who runs the meetings. Hammond said Smith's suggestion is essentially consensus rule. Manning suggested having one manage whose turn it is to speak and the other to keep the time. Smith said they could alternate meetings. She also suggested town meeting formats where someone is elected. Mockler said he is worried that we will be focusing on something that is not a problem instead of focusing on the real problems. Hammond suggested having a sub-committee going forward to work through these details.

At 12:58 p.m., Manning moved, seconded by Smith to adjourn and reconvene at 9:00 a.m. on June 9, 2022. 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

June 1, 2022

The Board of County Commissioners met in a special joint session with the City of Vermillion City Council at City Hall, 25 Center St., Vermillion, SD, Thursday, June 9, 2022 at 7:00 p.m. Members present: Travis Mockler, Phyllis Packard, Elizabeth Smith, Micheal Manning, and Richard Hammond.

Manning moved, seconded by Packard and carried to approve the agenda.

Regarding intergovernmental communications, Councilman Holland suggested sending agendas and packets to each other. Hammond and Smith said it would work to email the packets.

Regarding the ICAP Committee, Councilman Holland said meetings are not being well attended by some. He discussed having a quarterly “state of the community” breakfast meeting attended by various parties within the community. A projected cost of about \$1,000 would be shared by members of the committee. It could be run by a moderator or someone from ICAP.

The Board and Council discussed Joint Jurisdictional Zoning Area items. Mockler said we could solve lots of headaches and heartburn if we had meetings together. City Manager John Prescott said what we are doing is very similar to what Minnehaha and Lincoln are doing with some of their municipalities. He suggested 4 parameters. 1. Getting the best public participation. Make people feel like they can present their points of view and be heard. 2. Applicants. Make a process that works for applicants without extra meetings. 3. Additional Joint Meetings. 4. Having the best public process. Prescott suggested keeping the same first step, which is a joint Planning Commission meeting to make recommendations. Then, the process could move to a City/County joint meeting. Take public comment, close the public hearing, set a First Reading meeting date. Have a City/County joint meeting. Take additional public comment. Consider the First Reading. Have another City/County joint meeting. Take additional public comment. Consider the Second Reading. One con of this is that there would be more joint meetings. There are some considerations of multiple public hearings on the same topic. He does not know the legality of that. They might need to look at the ordinance to see if language needs to be clarified. Mayor Kelsey Collier-Wise discussed logistics to decide when the joint meetings could be. For example, she suggested 6:00 p.m. on a Council day since packets are already going out instead of using a meeting poll method. Mockler asked why we would need to have the 3rd joint meeting. Prescott said the Council and Commission treat the First Reading differently. The Council considers voting up or down based on the language that is in there. The Commission considers advancing it on for consideration at a Second Reading. Steps 3 & 4 are a true public hearing where no one has made up their mind but will hear comments. Mockler said we are interpreting the ordinance that no vote can be taken unless the boards are together. Currently the vote has to be joint. Collier-Wise asked if they would then take out step 2. Mockler said they could do what is happening now except have the First Reading together. Mockler said the Council voted for an amendment that the Commission didn't agree with, but maybe if they had been together they might have understood. He said they could take out step 2. Step 3 would become step 2, with no votes, and the public hearing. Mockler said current zoning ordinance states any vote taken will be done jointly with both boards. City Engineer José Dominguez cited Section 14.04. He said it is

what happens at the joint meeting, and if it's approved then it is adopted. Prior to that, it says the Commission and Council shall jointly conduct a public hearing. Statute also follows the same verbiage. It is the way Minnehaha and Lincoln do it with Dell Rapids and Sioux Falls, and attorneys have interpreted it that way in the past. Collier-Wise said they are not necessarily married to the process. Mockler asked how they jointly act separately. Dominguez said they cannot act by themselves, but the public hearing would be the second one. Mockler said the City voted to amend the application from Kevin Myron. Collier-Wise said the motion was not to amend it. Councilwoman Hellwege suggested having language in the ordinance so that it would require a public hearing and joint meeting. Three meetings is a lot for everyone as these are special meetings. To ask people to come to 3 meetings is a lot. Most of the discussion happens in the early stages, and they should be on the same page by the Second Reading. She asked, can we reduce to 2 meetings, but not as many as 3? They asked the City Attorney, is there any advisable way to change the approach to ordinances? Dominguez said statute requires only one joint meeting, which would be #4 of the proposal. They can have additional meetings. Nothing prevents it. The concerns are if there is a change for a Second Reading, there has to be another meeting. That is why there is a meeting #4 in the proposal. Hellwege suggested keeping proposal items 1-3 as that is where most action happens. Collier-Wise said the County wants to hold votes together. Holland said the first meeting should be the First Reading. It wouldn't have to be at City Hall. By the end of that meeting, we have the first joint vote. Packard said the County does not vote on the first meeting. Holland suggested they do vote on the first meeting. Mockler asked what the Council has to vote on at the First Reading. Holland said they vote on the application. Mockler asked how they modify it without the County here. Manning said the County process is different than the City's. Collier-Wise said that is the hang up right now. Mockler said they could vote on the First Reading, but they don't because of the way they interpret the ordinance to be joint meeting. They could vote, so get rid of item 2 and have 3 & 4 jointly. Mockler said the County has always come to the City Council at their regularly scheduled meeting. Hammond said he agrees; as an applicant he would not like having an extra meeting. Two joint meetings should happen because they do end up being able to discuss issues that might come up. Eliminating item 2 is what he would like to see. He would like to see discussion and a vote at the first joint meeting. Collier-Wise asked if we can agree or do we need to pass an ordinance. The City Attorney said we can do that; there is a difference in interpretation of the ordinance but not the statutes. Collier-Wise asked for clarifying language to be put in the ordinance. Mockler suggested "all Joint Jurisdiction meetings shall be held jointly." Hammond said public input is important, and the change would help that.

Mockler said it was brought up that a policy was put in place that has not been passed to the Board. Dominguez said there was a Conditional Use Permit (CUP) and when they were considering it, the City Planning Commission brought up annexing, service areas, etc., which created discussion. One question brought up is why they are doing this. Dominguez said when they were doing a re-zone, they started following a policy, and it is just a procedure the city staff has been following. An October 26, 2020 memo said, based on the comprehensive plan, it was to avoid large residential developments occurring on the periphery, so the staff took the position that as long as it doesn't develop street infrastructure it should be allowed. It is a criteria for future annexation and utilities. Mockler said the way he presented it was that it is the only way

the city would pass it, so they made it policy for Joint Jurisdiction. Dominguez said there is Gunderson's representation and his representation. They both present and decide what is best for everyone, so there is a criteria staff follows when they make a recommendation to Council. Mockler said the comprehensive plan is not law. Once the ordinance is written, that is the law, not the comprehensive plan. If it's not in the ordinance, how is the public supposed to understand when they need to do? Collier-Wise said she is not following. Councilman Ward said the staff is working off of a philosophical point of view for building neighborhoods outside of city limits. Dominguez said yes. Ward asked if they are forced upon the City to accept? Does the City Council have to? The Council may or may not agree. In the Joint Jurisdiction ordinance this is not a requirement, but it is a recommendation. Dominguez said it is a policy to keep it fair and equal for everyone. Ward said the council is under no obligation to say yes or no. Mockler said as presented it was part of the application. Dominguez said it wasn't even in the memo for the meeting. Mockler said if they put policy in place that the boards haven't approved that is the problem. Collier-Wise said they tell the staff no all the time. Dominguez said it's literally just his recommendation and what he bases it on to make it fair for everyone that comes through his door. Hammond clarified whether Dominguez is talking about inside or outside of city limits. Dominguez said it is for Joint Jurisdiction because there is a concern over how streets are laid out, fire response, etc., if it is annexed in the future. Collier-Wise compared it to a variance. She said they sometimes disagree with Dominguez. Hammond said there is a need for consistency and extraterritorial issues have to match a history inside of city limits. The City is striving to have a consistent treatment of citizens. Dominguez said they are trying to have something that is consistent. Mockler asked where the policies are written so the general public will know. Dominguez said they can write them out. Mockler asked if they are just in his head right now. He wants to know the procedure. Dominguez said he and Gunderson can put together a book of policies. Mockler said that would be great. Collier-Wise said she has no intention of promising that they will follow those policies. Dominguez said the Commission can choose not to accept Planning Commission recommendations, and it is the same thing at the City. They do not agree with him all the time. He has no issues coming up with a list of policies and procedures. Holland said Dominguez can't possibly write them all down but asked if it's something not allowed by ordinance, it's stated in the memos. Dominguez said yes. Holland said a recommendation is a feeling or idea, and the Council can disagree. It's not a rule. Hammond asked that Gunderson be kept in the loop early on so it helps the Commission feel that they are in the loop. County Planning Commission Chair Cynthia Aden said Matt Fairholm brought up a good problem, which is how are we handling growth and utilities in the City of Vermillion? They need the boards to get together and decide so they can tell the planning commission staff. Hellwege said they are 2 different types of governing bodies. The Commission is more detail-oriented and Council relies on staff recommendations based on professional standards. She suggested more regular meetings and consideration of definitions, plans, or proposals for joint ideas for a comprehensive plan for the Joint Jurisdiction so that everyone can have expectations regarding staff recommendations. She said they need to allow staff to make professional recommendations. Having a comprehensive plan would be a good idea to have some written standards for joint goals. Councilwoman Jennewein said most policies are based on laws and common practices that govern what they do. Writing it in policy could be duplicative in a way. Collier-Wise said policy

makes it sound more official than it is. She suggested using the word framework or guidelines. Holland said there is a comprehensive plan for Joint Jurisdiction. Mockler said that was a problem early on that not everyone knew there was a comprehensive plan. Hammond said it would be nice to have some parameters that Dominguez and Gunderson are using.

Councilwoman Price said a lot of the meeting has been about figuring out how they each do things. She asked if the commission has subcommittees. She thinks it would be valuable if they had a joint subcommittee to get together to talk about issues in a less formal way to hash things out more efficiently than a full quorum meeting. She asked for the process of setting up a subcommittee. Collier-Wise said it depends if it falls under statute. Something like this could be done more informally. Price said it could possibly be tacked onto the policies & procedures committee. Hammond said it is on his list.

Mockler discussed pros and cons of Joint Jurisdiction. Mockler said he doesn't want to go back, but he did say he didn't trust the City, and the mayor accused them of public corruption. He said it wasn't in the meeting but on a Facebook video. He said he can provide the video. Smith called a point of order and said personal issues are not permitted under Roberts Rules; they should stick to the issues at hand. Mockler said it is not personal. Collier-Wise said she cannot respond to something she doesn't know about, and she thinks very highly of the commissioners. Smith said it is not on the agenda. Mockler said it is under the cons, and it is probably why the Mayor will not respond to his emails. Collier-Wise said she feels like they have made a lot of progress. Mockler said this meeting was in the making for 6 months. Collier-Wise said she already apologized for the misunderstanding. Mockler said he and the Mayor don't talk. Collier-Wise said we have aired this and discussed it in a public venue, and they should try and do better. Hammond said they have made good progress tonight, and some personal issues are counterproductive to get into negative actions and feelings. He said they should take what has been done tonight and move on ahead. Price said if the problems with Joint Jurisdiction should have a regular communication process it might address that. Another problem might be misaligned priorities, reviewing the comprehensive plan and having the same priorities such as growth and having a method for addressing it. Priorities might be different, but knowing what they are and talking about them openly. Those are the two major problems, but what would others be? Packard said talking about things together more would be helpful. Marty Gilbertson, County Planning Commission member, said there are a lot of good points. The only way Joint Jurisdiction is going to live is for people to understand what is in the ordinance. Dominguez has his opinion. The subcommittee better have someone interested in doing what is right for the applicant. They have to think about what is right for applicant and the future. He discussed the Myron property. If Joint Jurisdiction is going to keep going, they better have people who want to get in the trenches and talk. It is in the best interest of the City to have someone who wants to dive in. He and Dominguez see things differently. He hears from people who live in the Joint Jurisdiction, and they wonder why they can't build a certain size garage. They need to do a better job in the trenches first. Ward asked Gilbertson for a specific section or policy they should be looking at. Gilbertson cited the grain terminal right in the ordinance. Ward said he doesn't think it's correct but asked if there is anything else. Gilbertson said Nutrien didn't land where it should have landed. They see things differently.

Mockler asked for pros and cons. Holland said without Joint Jurisdiction, the City wouldn't have a say in state definition. He discussed the 3-mile area and said it's better to do it together. Working together, they can understand each other's problems. Mockler discussed the statute that grants the City the 1 mile. Hammond cited SDCL 11-6-26. He said without Joint Jurisdiction the City would still have platting ability. Mockler said that is platting, not zoning. Dominguez cited SDCL 9-29-1, 9-33-4, and 9-33-4.1. He discussed police powers outside the City within 1 mile. Also, the statutes deal with building permits within 1 mile. Without Joint Jurisdiction, that would be the City's extraterritorial area. Mockler said it's not zoning. Dominguez said there was an attorney opinion from 1981 that says cities have a 1-mile jurisdiction outside of city limits. Mockler said it doesn't say they have zoning. He asked what the SD Municipal League does because they told him all the municipalities have is platting. Dominguez said McHenry gave the opinion in 1981 that specifically said they do have zoning jurisdiction outside of city limits within 1 mile. Hammond said Joint Jurisdiction is a benefit to both County and City but most especially to constituents. In the long run it's good for them to cooperate. He said there are pluses and minuses to how we are set up right now. We have room for improvement to make it fit our situation better than it has in the past. We could throw it out and start over, but he would put the emphasis on starting over. Mockler said what about the people in Joint Jurisdiction who do not have any recourse against the City, because that is the biggest complaint he hears. Hammond said, as a citizen, most of our influence is diluted because of that, but they still have influence through Planning & Zoning and the Commission. He doesn't know how to fix that except to have a separate board for Joint Jurisdiction. Dominguez and Collier-Wise said they don't think its allowed under law. Price said just because they don't vote for a representative, that doesn't mean they don't respect the others. Her constituents don't get to vote Hellwege out because she voted against what they want. Because we are a joint board that represents both. Jennewein said a lot of municipalities in the state do not have Joint Jurisdiction, and the citizens have representation on the board. If it was dissolved, the City would have jurisdiction, then they no longer have representation by the County Commission. Smith said she feels comfortable with provisions discussed tonight and moving forward. We will get better at it because we are focused on it now. A subcommittee will focus on making it more smooth. It will be a more improved process for constituents. Manning suggested going over the Joint Jurisdiction Comprehensive Plan, and give it to the subcommittee to resolve issues so everyone is on the same page. Leave the past in the past and move forward. Holland discussed the comprehensive plan as it is referenced in statute. Two major positives (joint meetings and subcommittee) came out of tonight. Hammond asked if we should address composition of subcommittee. Collier-Wise said it could be under quorum, the Commission would have to be 2 people, so the City could be 2 people to keep it even. Hammond suggested adding staff or chairs from the planning commissions to give more history and guidance. Collier-Wise suggested coming up with a proposal. Manning said he likes the idea of having chairs of the planning commissions and Dominguez and Gunderson. Mockler said we did try this a year-and-a-half ago, and it didn't work so good. It was decided the City will come up with a proposal and timeline for that.

Collier-Wise said Prescott had an idea of something to work on together. Prescott said Chamber has a Cherry St. enhancement committee, such as landscaping of the welcome sign at the city limits. They would like to accomplish painting of the bridge something other than orange. The

idea was the Commission and Council could encourage painting the bridge to enhance Vermillion. They would draft a resolution. Colors considered are black, blue and green. Hellwege said she would love something about Vermillion and Clay County, but Collier-Wise said the State is strict about what can be on it. Color options were discussed in more detail. Packard said she really supports this. It was the consensus of the Commission and Council to support black as the color.

Kevin Myron asked if he can speak about Joint Jurisdiction. He voiced appreciation for the boards getting together. He said he has been through an ordeal. He said he feels the directives of the Joint Jurisdiction was not followed in the zoning change to his property. The joint meetings were a huge obstacle that caused a lot of confusion and resentment. The time for the process is excessive with his 2nd zoning request and at least 6 ½ months. His perspective changed on the southern portion of his process. Three weeks vs. 6 ½ months is a huge difference. He doesn't need this ordeal any longer than it has to be. He said a lot of the farmers in the area are discussing unfairness between the City and County. We elect Commissioners to handle issues in the county. Residents of Vermillion can vote for Council. Joint Jurisdiction people feel like they don't have a voice. The City gets a voice outside of city limits, but Joint Jurisdiction residents or businesses have no say on the other side. He discussed a sliver/buffer around the city. He suggested the buffer should also be on the other side. There seems to be unfairness. You can't just slap stuff on the Joint Jurisdiction. Each side has equal rights, but when one side says no it's done. There is a lack of industrial and economic growth. There needs to be a tie breaker. Both sides should not have equal power. If one side says yes, and one side says no, it should be kicked back to the County. That has to be contributing to lack of industrial growth. We are losing out on a lot of growth.

Hellwege said, regarding lack of industrial development, they have worked hard to create Light Industrial which will allow them to move in that direction. Without Joint Jurisdiction, it would up to the City, so it is a good idea to have Joint Jurisdiction. Fairness is not the same as equality. While the Council represents the city, the Commission represents everyone in the city as well as outside the city. In terms of representation, it is fair because there are more people living in the city, and they have their concerns. Even if there are accountability concerns, it is fair. People in the city limits are represented by both city and county. As for excessive time, she is disappointed it took so long, but there were different types of zoning issues. Mockler said on the county side, when the County initiates a re-zone, they do what the applicant would have to do. He hopes they can adopt that in Joint Jurisdiction.

At 8:56 p.m., Smith moved, seconded by Hammond and carried to adjourn.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

June 9, 2022

The Board of County Commissioners met in regular session Thursday, June 9, 2022 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 of authorizing payment of the deductible for the County's insurance pool attorney. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Minutes of the May 31, 2022 meeting were amended and approved with a motion by Hammond, seconded by Manning. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Vermillion Fire/EMS Chief Matt Callahan met with the Board to discuss the 2023 ambulance purchase. He reviewed last week's discussion and said he spoke to vendors over the past week to fine tune the cost of a purchase of a 2021 F550 diesel 4x4 ambulance. It will be a demo vehicle that he will take possession of in mid to late January. It will cost \$245,374, but there are a few minor things such as secondary switch panels, heating, and air conditioning controls that will need to be changed. They have added and done other modifications that he asked for. The ambulance has not made it to production yet, so it is best to make those changes now. He does not see the extra panels costing a whole lot of money as it is pre-production. They are giving \$5,000 trade for the old ambulance and are allowing us to delay payment until we take possession of the ambulance. Manning said he assumes they re-sell the ambulances, so \$5,000 seems low. Callahan said it needs a lot of work prior to any resale. Getting parts can be difficult as the manufacturer has gone out of business. Mockler asked if we are getting rid of an F550. Callahan said it is an E450. Smith said it sounds like we need to increase our annual allocation for the budget. Callahan said we are probably looking around the \$50,000 mark with increases each year. It's hard to speculate where we will be in a year with recent price increases in the economy. We could do research every year and adjust it yearly. Ten years ago, we were buying ambulances for \$110,000. Packard moved, seconded by Hammond to authorize the purchase of the demo ambulance. Under discussion, Mockler asked if we can try to sell the current ambulance for more than the trade amount. Callahan said he can check into that. Hammond said the downside is the heating and AC in the patient compartment is not functional at this point. Callahan said there is a bad spot on the circuit board, and the company that made it doesn't exist anymore. They were able to bypass the circuit board. It is currently working, but there is no guarantee that it will continue to work. Manning asked if they take out the patient compartment, could they sell the chassis? Callahan said they cut away the back wall during the build, so it is not possible to remove it. Mockler and Callahan discussed that the City takes ownership, so they will surplus it. He said they could send it out to the SD Ambulance Association to see if anyone is interested. Mockler asked who gets the money then. Is it applied against the new ambulance? Callahan said his knee-jerk reaction is yes. Smith and Callahan discussed the accounting for it as

it is a partnership between the City and County. Hammond said it seems to him that the last City surplus sale, it said the proceeds revert to the General Fund, so it is worth checking into. Callahan said they would receipt the sale into the General Fund, but a check could be written to the manufacturer. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board convened as the Canvassing Board and conducted a canvass of the official returns for the June 7, 2022 Primary/Municipal/School Election. Hammond moved, seconded by Manning to approve the figures as canvassed. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board held a Second Reading of Ordinance #2022-08, an Ordinance Amending Ordinance #2013-04 (Updated with Amendments through #2017-01), a request to re-zone land located at 45369 302 St., Wakonda, SD 57073 from A-1 Agricultural District to C-1 Commercial District for an Agribusiness. Gunderson said there were no changes or comments received since first reading. Manning moved, seconded by Hammond to adopt Ordinance #2022-08, an Ordinance Amending Ordinance #2013-04 (Updated with Amendments through #2017-01), a request to re-zone land located at 45369 302 St., Wakonda, SD 57073 from A-1 Agricultural District to C-1 Commercial District for an Agribusiness. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board conducted a Second Reading of Ordinance #2022-01, an Ordinance Amending Ordinance #2013-04 (Updated with Amendments through #2017-01), an Amendment to Section 3.14 Medical Cannabis Establishments and Chapter 2.02, Definitions, Definitions. Gunderson said there were a couple unsubstantial changes to consolidate the zoning districts. Hammond and Gunderson discussed background check requirements. Hammond said he presumes building plans are required. Gunderson said the license and state law require it. Building permit processing includes the building plan and site plan. Hammond moved, seconded by Smith to adopt Ordinance #2022-01, an Ordinance Amending Ordinance #2013-04 (Updated with Amendments through #2017-01), an Amendment to Section 3.14 Medical Cannabis Establishments and Chapter 2.02, Definitions, Definitions. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Gunderson discussed cannabis licensing. He said he wants to look at page 3b, and the whole paragraph should not have been blocked out, so he wanted to clarify that. Page 3 #10, under the licensing phase, they will not know who their employees will be, so they will have to go through the State, and we will not get involved with that. He also discussed moral turpitude. He cited page 5 #6 being removed because we are no longer concerned about when state law goes into effect. Page 6 he discussed fees. Page 8 he corrected a typo, and #7 should just be removed. The bottom of page 8, he asked Smith if she had something to change. Smith said we can't make the finding that is asserted because research suggests it isn't true. She would like to delete the first sentence because there is no evidence it's true that cannabis establishments become targets of theft and violent crimes. Gunderson discussed the higher level of security at such establishments. Page 9, Mockler commented before that b & c should identify primary local fire and EMS departments. He also discussed 12b that is under state law. Gunderson said that is all he and the

State's Attorney's Office had for suggestions. Packard suggested correcting a typo of prove vs. proof. Smith said the typo is page 5, under section 5 #6 where it should say "proof" instead of "prove." Packard also asked if we should have a definition of "certification." Hammond said he thinks that refers to State certification. Packard said that is what she assumed, but she does not like to assume. Gunderson said he will look at it one more time. Hammond discussed section 5 #4 for government license or certification. He said that refers to any jurisdiction in the United States. We want to cast a wide net to catch a bad actor that has lost certification somewhere else. Gunderson suggested using "license" with "certification, registration, or other like credentials" in parenthesis. Manning and Hammond discussed whether that would come up in a background check and determined an administrative proceeding might not come up under a criminal background check. Hammond said we should leave it the way it is and add the catch-all verbiage, but we should call other jurisdictions in other states to see if there is something out there we don't know about yet. Gunderson said he has been talking to some. Packard cited page 3, section 5 #4 that discussed previous experience operating such an establishment. She discussed requiring documentation. Mockler said plenty of people start businesses that don't have prior experience, and he would hate to deny someone a license because of lack of prior experience. It is up to them and their bank if they are up to making that kind of financial investment. Hammond said if they do not have prior experience, hopefully they would hire someone that did. Mockler said if it goes south, we always have the conditional use permit process. Packard asked if we have anything on employee training. Gunderson said not explicitly but discussed Section 5 #5 there is a reference to operating procedures. Mockler said it would be almost impossible to enforce. Gunderson said day-to-day operations would not include hazardous materials. Mockler said the Sheriff will be consulted at renewal time. Manning said if they are not training employees they will probably fail. It was discussed that this will need to go through the hearing process as it is an ordinance. Hammond said it is an ordinance that creates county law governing this suite of commerce, and he thinks it should go through the ordinance building process. Smith said we are creating a regulatory system, and that would be a law. Sheriff Andy Howe discussed a statement regarding penalty of perjury on the license application. He said if they may want to make sure there is a basis for denial if they have done this poorly elsewhere. He suggested a records check procedure. Gunderson said he has an application form started, and he will be sending it to Howe for review. Hammond said we act as a legislative, administrative, and executive board. Manning said we will have to handle it the same as a liquor license. Mockler asked for a rundown of what a person has to do in the license process. Gunderson said it would involve re-zoning, CUP, and State and County licenses. Smith said she is good with the draft. Gunderson said it will evolve over the years. Packard said on page 4, B1, it references the County Commission consideration of the application at the next available meeting. She suggested a 30-day reference instead to give them more time to review it. Hammond said "available" leaves a little discretion because they may consider the schedule already full. Packard said it seems it could be called into question. Gunderson suggested "the next available meeting but within 30 days." Mockler asked if it would be in conflict with the zoning ordinance process of 65 days. Gunderson said it is separate. Mockler discussed changing 3 to 30 days after a "completed application."

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.

(DUE TO OTHER GOVERNMENT)		CLAY RURAL WATER SYSTEM	\$19.29
CLAY CO TREASURER	\$8,462.00	DAKOTA PC WAREHOUSE	\$199.99
(PROFESSIONAL SERVICES AND FEES)		KALINS INDOOR COMFORT IN	\$84.04
ARCHER, MATTHEW	\$1,650.00	KNIFE RIVER MIDWEST, LLC	\$2,253.98
SANFORD HEALTH OCCMED	\$245.00	LAWSON PRODUCTS, INC.	\$58.66
ULTEIG	\$2,942.00	M & M FARM SUPPLY	\$13.98
(PUBLISHING)		PRESSING MATTERS	\$237.00
PLAIN TALK/BROADCASTER	\$37.05	RIVERSIDE HYDRAULICS AND	\$161.62
(REPAIRS AND MAINTENANCE)		RUNNINGS SUPPLY INC	\$1,261.81
ACCURATE BUILDERS	\$917.50	SD DEPT OF TRANS	\$1,133.07
AM LAWN CARE	\$295.00	SIOUX EQUIPMENT	\$512.14
BUTLER MACHINERY CO.	\$1,211.00	STAN HOUSTON	\$73.30
CHARLIE'S BUS SERVICE	\$50.00	STURDEVANT'S AUTO PARTS	\$185.01
CLAY RURAL WATER SYSTEM	\$95.00	VERMILLION ACE HARDWARE	\$141.42
KALINS INDOOR COMFORT IN	\$263.30	VERMILLION FORD	\$71.31
SIOUX EQUIPMENT	\$300.00	(TRAVEL AND CONFERENCE)	
VERMILLION FORD	\$32.00	SDACC OFFICE	\$595.00
(SUPPLIES & MATERIALS)		(UTILITIES)	
AGTERRA TECH INC.	\$900.00	BUREAU OF ADMINISTRATION	\$36.25
BARCO MUNICIPAL PRODUCTS	\$208.15	CENTURYLINK HWY	\$216.02
BIERSCHBACH EQUIP & SUPP	\$37.95	VERIZON WIRELESS HWY TRS	\$69.68
BLUE TARP FINANCIAL, INC	\$103.38	(PAYMENT)	
BROCK WHITE COMPANY	\$19.79	BRUNICK SERVICE, INC.	\$126.00
BRUNICK SERVICE, INC.	\$80.00	DEBEAUMONT, ANNELIESE	\$20.00
BUHLS DRYCLEANERS &	\$41.10	HAUGER, JUSTIN	\$20.00
BUTLER MACHINERY CO.	\$925.56	ONEY, ERICA	\$20.00

Facilities Manager Scott Hanson discussed the courthouse garage with the Board. He said he is proposing to use the west fourth as a shop area. He has been doing a little work out there to make things more convenient. It needs to be painted, work done on mortar joints, and heating and cooling would be nice. Johnsen Heating & Cooling has a mini-split unit that they would sell us for cost plus installation. Manning asked what is in the budget as it would be about \$2,000 for the mini-split unit. Regarding the budget, Hanson discussed the cost of painting. He said there is water intrusion along the north wall of the courthouse, and he is having it looked at. Smith said having water undermining a building is scary. Hanson said it would be about \$4,500 to correct the window well situation on the north side. Manning said the most logical place is the garage for the workshop. Hammond said some things should be done pretty early, and stage 2 may involve a perimeter drain. Hanson said there is water intrusion on the north wall of the boiler room, and that is a whole different ball game. It may involve the mechanical upgrade. Packard and Smith asked what the next step is from the Commission. Hanson said he needs the approval. He also discussed insulation in the garage. Mockler said Hanson is asking for \$2,000 for heating & cooling, but there will need to be allowance for insulation. Hanson said \$1,000 for paint and \$1,000 for insulation might do it. Hammond said some of the market prices have dropped in that area over the last 3 months. Packard moved to set a budget not to exceed \$5,000 to provide a workshop space in the garage, seconded by Manning. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board discussed a regional jail resolution. It was decided that the resolution will be placed on the agenda for next week. Smith said it would be good to communicate with the Chairs of Turner and Lincoln Counties. She also communicated with the association to keep us apprised of what happens with the State's summer study committee. Manning said the committee started at 10:00 this morning and discussed the schedule for the day. Smith said she didn't want to see us be left out. Hammond said he is a little concerned that there are two committees, so he wants to keep track of both as for appropriation dollar amounts. Smith said the one committee seems to be targeted towards state construction of state facilities, and one seems to be targeted towards looking at a regional system. Many states keep inmates closer to their home region to keep them near family and jobs when they are released. Hammond said the draft resolution is a good start. It points out that we support the whole idea. It would be good if we could figure out a way to say, "Don't forget us, too," not just the 3 biggest population centers. Manning said today's meeting appears to be more of an organizational meeting. Hammond said we are in an awkward in-between situation where we have some moderate jail populations, but not big enough to catch notice to ask for state funding. Manning said some of the small places have the same issues, where if they had a regional jail they wouldn't have to go so far.

Mockler said the last agenda item is to authorize the deductible of \$5,000 for the lawsuit that will be going to the Supreme Court. Manning moved, seconded by Packard to authorize payment of the deductible. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Auditor Carri Crum reminded the Board that District Meeting is June 15th in Menno.

Manning updated the Board on the agreement between the Fair Board and the Transit Building. There was a compromise for 3 out of the 5 garage stalls. The City will mow the north side of the building. A group will set up on Tuesday instead of Monday for the fair.

Packard said the Joint Powers Solid Waste & Recycling is meeting to discuss raising rates.

At 10:47 a.m., Manning moved, seconded by Hammond to adjourn and reconvene at 9:00 a.m. on June 14, 2022. 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

June 14, 2022

The Board of County Commissioners met in regular session Tuesday, June 14, 2022 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 Manning to approve the agenda with the addition of surplus property. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Minutes of the June 1, 2022 special joint meeting with the Vermillion City Council and the June 9, 2022 meeting were approved with a motion by Smith, seconded by Hammond. 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 considered a Driveway Application from James Lundquist on Greenfield Rd. Manning moved, seconded by Smith to approve the application and authorize the Chairman to sign it. Under discussion, Packard asked if it is close to the corner. Polley said it is not too bad. They moved it up the hill for sight, and it will be fine. Hammond said he assumes Lundquist will talk to Polley regarding the culvert before it's done. Polley said it will not require a culvert. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered gas quotes. Packard moved, seconded by Smith to accept the low bid of \$4.44/gallon from Brunick Service. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Mockler asked Polley to check with Ulteig Engineering for an update on the Clay Creek Ditch project. Polley said he has also been in contact with FEMA. They discussed the drone flyover and the bidding process.

Manning asked Polley if Southeast Coop. has had an opportunity to bid for fuel. Polley said they have declined to give a quote the past few times, but he will contact them again.

The Board considered a Fireworks Display Permit from Fireworks Unlimited for a display on July 4, 2022. Manning moved, seconded by Smith to approve the permit and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

At 9:12 a.m., Manning moved, seconded by Smith to enter an Executive Session for legal matters per SDCL 1-25-2. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

At 9:23 a.m., Manning moved, seconded by Hammond to exit the Executive Session. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Smith moved, seconded by Hammond to declare surplus property commencing at the SE corner of the SE1/4 of Section 27, for a place of beginning; thence north on a line between Section

26 and Section 27, 295 feet; thence south 39°0 minutes, west 428 feet; thence east between Section 27 and Section 34, 295 feet to the place of beginning, except Lot H-1 in the SE1/4 and Subject to highway right-of-way, all in Township 95 North of Range 52, West of the 5TH P.M., Clay County, South Dakota (30199 SD Highway 19, Centerville, SD). Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye. Smith said the County has assessed the property at \$357, and in addition associated fees, for a total of \$464. Smith moved to offer it for sale for \$470.00, seconded by Hammond. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Facilities Manager Scott Hanson met with the Board to report on the HVAC system project. He spoke to the engineer on the fire suppression system in the Safety Center, and Hanson told him there is not currently one. They are proposing to install one large enough to accommodate the Safety Center in case it is assigned. Hanson discussed water lines coming into the buildings. The engineer and architects have been working on the project. The fee proposal should be ready by June 28th. The 4-H building HVAC project is underway. Mockler asked how the progress is coming on the fiberoptic cable installation. Hanson discussed the logistics of installing the line under the parking lot/driveway. Hanson said the acoustical ceiling tile project in the State's Attorney's Office starts tomorrow.

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.


The Board discussed a resolution for regional jails. Manning discussed language in the resolution regarding the rejected bond issue. Packard suggested "rejected a bond that included a jail." Sheriff Andy Howe said he does not have any issues with the language of the "whereas" portions, and he is considering language in the "be it resolved" section. He discussed any potential partnership with Turner or Lincoln Counties in relation to the resolution. He discussed that most counties do not have jails, so they operate in a regional jail situation with other counties already. Howe expanded on the contracts for bed space vs. sharing ownership of debt for jails and questioned the definition of regional jail. Packard suggested something along the idea of "cooperative systems." Mockler asked Howe and Smith to work on the language for the next agenda.

At 9:50 a.m., Hammond moved, seconded by Smith to adjourn and reconvene Tuesday, June 28, 2022 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

June 28, 2022

The Board of County Commissioners met in regular session Tuesday, June 28, 2022 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 and carried to approve the agenda with the addition of surplus declaration for old Sheriff's patrol car computers.

Manning moved, seconded by Hammond and carried to approve the minutes of the June 9, 2022 meeting.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. He said a couple people have been interested in purchasing the old bridges when we dispose of them. He spoke to the State, and they don't see any reason we could not do this. We would have to advertise the sale, take bids, and open them just like we do for old equipment. They would have to remove everything like we are doing on the bridge over the Vermillion River on the Manning bottom. When they get done, the caissons and pilings are out of the river, and a berm would be built. Hammond clarified that the concrete end piers would have to be removed, too. Polley said they have plank back walls with two approach spans out to the metal bridge over the river channel. He said he does not know if the people understand what goes into taking out a bridge. Hammond discussed others, and Polley said they have not come up for bid yet with the state program. Polley said if we do this, he prefers to have an engineer work up the contract so we get everything out. Mockler asked, if we surplus these and no one wants them, can we still qualify for the state program? Polley said he thinks we could. Polley discussed fishing from closed bridges, and the insurance company and state advised not to allow it. He cited a situation near Aberdeen where a little girl got hurt. Hammond said most places on the Vermillion River, it's just as good to fish from the bank anyway. Smith said it sounds like a win-win, but her reservation is on liability, so we would have to transfer liability to the person removing the bridge. She asked State's Attorney Alexis Tracy if we can transfer liability via contract. Mockler said we do that for bridge removal now. Smith said she just does not want it to result in the County having a lawsuit. Polley said he believes we had a hold harmless clause in the past. Tracy discussed logistics of taking out the bridge. Hammond said it could be a township road, so it would be a liability if someone was injured on the property, the bridge owner might not incur the liability. Tracy said it is no different than a vehicle. Once they purchase it from us, we could put it in the advertising that it is as-is. Hammond said during the deconstruction process there could be liability that follows the land easement. Mockler said it would be simple enough to add to the hold-harmless clause. Polley said he thinks when the private citizens look at it, they may change their minds due to the amount of work involved. He said these are through pony trusses that are 13 feet across with beams across. Tracy clarified they would need to make suitable arrangements to haul it away. Manning added the cleanup. Polley said on others the state engineers make the arrangements. Tracy said the removal is part of the negotiation process. Hammond said there is a

risk of someone walking away with the part they want and not finishing the contract. Polley said the only bridges he has seen picked up and moved somewhere else are smaller ones. Tracy said during the bidding, the removal costs become part of the bid. She said she would use what the state has done in the past as our model.

Polley discussed a SD Soybean Association grant for bridges. He said Tim Ostrem told him they have \$100,000 in grant money, and they want to give \$10,000 to each of various counties. It had to be strictly for engineering on bridges that soybeans were hauled across. Ostrem contacted Brad Stangoehr with Ulteig Engineering regarding our bridge projects. Polley said we have run into a problem east of Hwy. 19 on the Volin Rd. where the scour hole is. It will take so many tons of clay that he does not think we can do it. Stangoehr will be looking at it, so that may involve engineering costs that may qualify for the grant. The hole is 130'x30'x12'. Manning asked what the cost is to fill in the hole. Polley discussed the 404 permit and said it is breeding season for Topeka Shiner, so it will be fall before they do something with it. You cannot get rip rap in Sioux Falls anymore, so they have to go to Spencer for it. The clay is coming from K.I. Knutson's, so it is not far to haul. Hammond asked if clay will just erode away. Polley said they did the same thing near the rural water plant, and he thinks this is a bigger hole. Hammond said the clay from Knutson's must be glacial till. Polley said it is the best clay.

Zoning Administrator Drew Gunderson met to present a plat. Manning moved, seconded by Hammond and unanimously carried to pass and adopt the following Resolution #2022-16 for plat of Tract 1, Norling Addition in Government Lot 2 of the Northwest Quarter of Section 3, Township 95 North, Range 51 West of the 5th P.M., Clay County, South Dakota, Todd Austin and Janna Aslesen, Co-Personal Representatives of the Estate of Anadell J. Norling, owners.

**RESOLUTION #2022-16
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, Norling Addition in Government Lot 2 of the Northwest Quarter of Section 3, Township 95 North, Range 51 West of the 5th P.M., Clay County, South Dakota, Todd Austin and Janna Aslesen, Co-Personal Representatives of the Estate of Anadell J. Norling, 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.

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 June 28, 2022.

Carri R. Crum
County Auditor, Clay County, SD

The Board considered a plat of Tract 1, Tract 2, Tract 3 and Tract 4 of Sudlow's Addition, in the NW1/4 of the SE1/4; SW1/4 of the NE1/4; the S1/2 of Government Lot 1 of the NW1/4; the N1/2 of Government Lot 1 of the SW1/4 and the N1/2 of the SW1/4 of the SE1/4, all in Section 7, T93N, R51W of the 5th P.M., Clay County, South Dakota, Patrice S. Lee, Leland Clark Sudlow, and Michelle A. Vanderwal, owners. Manning and Mockler said there was a sale of Tracts 1-3 a few years ago. Gunderson said he would like more time to look into it. Manning moved, seconded by Hammond and unanimously carried to table consideration of the plat.

A public hearing was held for the First Reading of Ordinance #2022-10, a request to re-zone land located at 31547 454 Ave., Meckling, SD 57069 from A-1 Agricultural District to C-1 Commercial District for a motor vehicle repair shop. Gunderson said this was straightforward, and the Planning Commission recommended approval. Hammond moved, seconded by Manning and unanimously carried to advance the ordinance to a Second Reading on July 5, 2022 at 9:15 a.m.

Gunderson updated the Board that the Planning Commission finished up the Conditional Use Permit for John Peterson's hemp operation. The Planning Commission also had Barb Iacino's project on Hwy. 50 at the old group home. She would like to break it up into separate properties. They are also working on Toby's Lounge so if he wants to expand he can. It was discussed that it will involve some work with the State's Attorney regarding the zoning ordinance.

The Board reviewed proposals for the HVAC system/mechanical upgrades to the courthouse. No action was taken.

Facilities Manager Scott Hanson discussed furniture proposals for the Commission Room conference table. He presented options from One Office Solution and Canfield Business. He said it would be nice to have something more permanent so things don't get moved around a lot. He said there is a cable management system in the tables as well. He discussed the method for getting electrical service to the tables and said he would work with an electrician for that. Emergency Management Director Layne Stewart said they need to make sure everyone knows it is not movable due to microphone cables. Manning and Mockler said they are concerned about being able to see the audience. Hammond said maybe a trapezoid shape would work, and possibly making some angle-shaped inserts may work. He said he has seen such setups in office furniture. Mockler asked if we could get something custom built, and it was decided that Hanson would look into it. Sheriff Andy Howe said the planned setup will work for them. Howe said he is surprised a table cannot be purchased that would be exactly what we need, but they just are not available.

Hanson said there is a mop sink in the jail that used to be a shower stall, and there is very little pressure. He crawled into the crawl space to see what was going on with the plumbing. There are mostly galvanized water lines. He proposed to replace the cast iron and galvanized water lines in one project. The quote was about \$4,500. Howe asked if it takes care of the men's room on the

first floor and the first two cells in the jail. Hanson said it is just the far west. He was not able to look at the cell because there was a prisoner in there. He asked if the Board wants to do it now or wait until next year. Hammond said the water chemistry in Vermillion corrodes galvanized plumbing, and he always thinks of it as a ticking time bomb. Smith said it seems like a lot for a mop sink and asked how critical it is. Hanson said you need a place to properly mix chemicals. Howe said on the police department side there is a mop sink in the men's bathroom, or the courthouse men's bathroom. It is quite a ways in and out of secure areas, so it would be good to fix the one in the jail, and it is only a matter of time until the galvanized plumbing gives out. Hanson discussed that even if a new jail is built, that area will still be used. Howe discussed replacement of a secure shower on the north side of the building. That shower has long been out of commission. It would be \$8,500 if Hanson installs it, but about \$13,000 installed. Howe said that is not even in his budget request for 2023. He said if a new jail is approved, we do not need it, but if a new jail is not approved, he will need it due to contraband and security concerns. Hanson said he could do a temporary fix on the mop sink and wait until after the bond election. Manning said it seems like the best idea. Hammond said it would at least fix the flood risk if the galvanized plumbing gives out. Howe said if the vote passes, he would like to keep two cells for court holding cells.

Tracy and Hanson discussed the installation of an acoustical ceiling in her office. She said it looks professional, and there is an immediate difference in the echoing of sound. You can still hear voices, but you cannot hear verbatim what people are saying in private conversations. Hanson said the installer was able to make the tiles fit around the pipes nicely.

The Board discussed the surplus of old Panasonic Sheriff's patrol car computers. Erickson Solutions Group said there is no life left in them. Manning moved, seconded by Hammond and unanimously carried to declare the computers surplus.

Director of Equalization Ina Peterson presented a new discretionary formula resolution due to Senate Bill 162. It is mandatory for a new resolution to be approved in order to keep the discretionary formula in place. Smith moved, seconded by Manning and unanimously carried to pass and adopt Resolution #2022-12 for Discretionary Formula SDCL 10-6-137.

Clay County Resolution #2022-12
Discretionary Formula SDCL 10-6-137

WHEREAS, the County of Clay, State of South Dakota has deemed it in the best interest of the County to adopt a Resolution implementing a Discretionary Formula for the reduced taxation of new structures and additions and partially constructed structures pursuant to SDCL 10-6-137.

NOW, THEREFORE, BE IT RESOLVED, that the following properties shall be, and hereby are, specifically classified for the purpose of taxation pursuant to SDCL § 10-6-137(5), (6), and (7):

- ___ Any new commercial residential structure, or addition to an existing structure, containing four or more units, if the new structure or addition has a full and true value of thirty thousand dollars or more (SDCL § 10-6-137(5));

- ___ Any new affordable housing structure containing four or more units with a monthly rental rate of the units at or below the annually calculated rent for the state's sixty percent area median

income being used by the South Dakota Housing Development Authority, for a minimum of ten years following the date of first occupancy, if the structure has a full and true value of thirty thousand dollars or more (SDCL § 10-6-137(6));

FURTHER RESOLVED, that any structure classified pursuant to this Resolution shall, following construction, initially be valued for taxation purposes in the usual manner, and that value shall be referred to in this Resolution as the "Pre-Adjustment Value"; and be it

FURTHER RESOLVED, that the assessed value to be used for tax purposes of any structure classified pursuant to 10-6-137(5), (6), and (7) be calculated at a no more than twenty-five percent in the first or second year, no more than fifty percent in the third or fourth year, no more than seventy-five percent in the fifth or sixth year, and one hundred percent in the seventh year; and be it

FURTHER RESOLVED, that the assessed value to be used for tax purposes of any structure classified pursuant to this Resolution shall, following construction, be calculated as follows:

- a. For the first tax year following construction, 25% of the Pre-Adjustment Value;
- b. For the second tax year the following construction, 25% of the Pre-Adjustment Value;
- c. For the third tax year following construction, 50% of the Pre-Adjustment Value;
- d. For the fourth tax year following construction, 50% of the Pre-Adjustment Value;
- e. For the fifth tax year following construction, 75% of the Pre-Adjustment Value;
- f. For the sixth tax year following construction, 75% of the Pre-Adjustment Value;
- g. For the seventh tax year following construction, 100% of the Pre-Adjustment Value;

and be it

FURTHER RESOLVED, that the Board of County Commissioners may, if requested by the owner of any of the above-described property, not apply the above formula, in which case the full assessment shall be made without application of the formula. In waiving this formula for the structure of one owner, the Board of County Commissioners is not prohibited from applying the formula for subsequent new structures by that owner; and be it

FURTHER RESOLVED, that for purpose of this Resolution, the assessed valuation during any of the seven years may not be less than the assessed valuation of the property year preceding the first year of the tax years following construction; and be it

FURTHER RESOLVED, that any structure that is partially constructed on the assessment date may be valued for tax purposes pursuant to this Resolution and the valuation may not be less than the assessed valuation of the property in the year preceding the beginning of construction; and be it

FURTHER RESOLVED, that following the seven-year period under this section, the property shall be assessed at the same percentage as is all other property for tax purposes.

Approved this 28th day of June, 2022

Clay County Commission

By: _____

Travis Mockler, Chairman

Attest:

Clay County Auditor
(Seal)

Manning moved, seconded by Hammond and unanimously carried to approve the following claims for payment.

(PAYROLL)		CONSECO/WASHINGTON	\$24.45
COMMISSIONER'S	\$8,978.03	DIV OF CHILD SUPPORT IA	\$631.00
AUDITOR'S OFFICE	\$12,575.53	DIV OF CHILD SUPPORT SD	\$926.00
TREASURER'S OFFICE	\$20,909.42	NEW YORK LIFE INSURANCE	\$328.57
STATE ATTORNEY'S OFFICE	\$27,913.99	SD RETIREMENT SYSTEM	\$28,210.96
COURTHOUSE	\$9,490.51	SD SUPPLEMENT RETIREMENT	\$3,160.00
DIRECTOR OF EQUALIZATION	\$17,395.75	SDRS ROTH 457(B) PLAN	\$200.00
REGISTER OF DEEDS	\$8,693.00	SDRS SPECIAL PAY PLAN	\$1,966.97
VETERAN'S OFFICE	\$1,681.86	TASC PVR	\$1,691.65
24/7	\$1,663.55	THE STANDARD - DENTAL	\$1,364.64
SHERIFF'S OFFICE	\$39,517.17	THE STANDARD - LIFE INS.	\$384.53
COUNTY JAIL	\$30,992.41	THE STANDARD - SH TRM DI	\$1,075.22
EMERGENCY MGMT	\$4,938.50	THE STANDARD - VISION	\$258.60
HIGHWAY	\$39,113.17	UNITED WAY OF VERMILLION	\$267.00
COMMUNITY HEALTH NURSE/WIC	\$3,312.28	VERMILLION FEDERAL	\$1,100.00
EXTENSION OFFICE	\$2,827.56	WELLMARK BLUE CROSS	\$54,186.05
WEED	\$12,891.67	(FIRE)	
PLANNING & ZONING	\$3,442.32	BERESFORD RURAL FIRE	\$2,448.80
(DUE TO OTHER GOVERNMENT)		CENTERVILLE RURAL FIRE	\$2,272.88
BERESFORD SCHL DIST 61-2	\$83,505.48	GAYVILLE RURAL FIRE ASSO	\$1,422.38
BETHEL TOWNSHIP	\$15,069.94	IRENE RURAL FIRE ASSOC	\$444.32
CENTERVILLE SCH DIST 60-	\$55,424.98	VERM. RURAL FIRE ASSOC.	\$7,132.34
CITY OF VERMILLION	\$2.00	VOLIN RURAL FIRE ASSOC.	\$313.18
FAIRVIEW TOWNSHIP	\$14,586.28	WAKONDA RURAL FIRE	\$3,951.04
GARFIELD TOWNSHIP	\$13,588.66	(CURRENT PROPERTY TAXES)	
GAYVILLE/VOLIN SCHL DIST	\$26,929.00	PLAINS COMMERCE BANK	\$352.09
GLENWOOD TOWNSHIP	\$16,057.86	(GROUP INSURANCE)	
IRENE CITY	\$2.00	GANSCHOW, DENNIS	\$1,000.00
IRENE/WAKONDA SCHL 13-3	\$204,552.12	(OTHER INSURANCE)	
MECKLING TOWNSHIP	\$15,662.34	SD PUBLIC ASSURANCE ALL.	\$435.62
NORWAY TOWNSHIP	\$9,405.90	(PROFESSIONAL SERVICES AND FEES)	
PLAINS COMMERCE BANK	\$1,150.70	ALTERNATIVE HR, LLC	\$2,122.50
PLEASANT VALLEY TWP.	\$15,568.64	ANDERSEN, KAYLA	\$100.00
PRAIRIE CENTER TWP.	\$11,465.12	ASHLEY, JENNIFER	\$401.68
RIVERSIDE TOWNSHIP	\$16,545.22	BERG, SUSAN A	\$350.84
SD DEPT OF REV ANDERSON	\$760,383.08	BERINGER, JESSICA	\$421.68
SDACO - M&P FUND PAYMENT	\$1,460.00	BREMER, RUTH	\$512.30
SPIRIT MOUND TOWNSHIP	\$12,232.30	BUDGET BLINDS OF	\$2,035.00
STAR TOWNSHIP	\$18,946.22	BUHLS DRYCLEANERS &	\$198.00
TLC WATER PROJECT DIST.	\$3,854.10	BYLANDER, RUTH	\$403.36
VERMILLION BASIN WATER	\$3,185.44	CARLSON, MICHAEL	\$100.00
VERMILLION SCHL DIST 13-	\$1,007,499.46	CITY OF VERMILLION	\$308.00
VERMILLION TOWNSHIP	\$6,843.64	CLAY COUNTY ABSTRACT	\$426.00
VIBORG/HURLEY SCHL 60-6	\$195.34	CRUM, KELTON	\$100.00
WAKONDA TOWN	\$2.00	CRUM, RANDY E	\$150.00
(PAYROLL WITHHOLDING)		ERICKSON SOLUTIONS GROUP	\$10,210.50
AFLAC	\$949.79	FADER, AARON	\$405.04
CLAY CO FIT FICA	\$55,710.17	FAIRHOLM, MATTHEW	\$351.68
COLONIAL LIFE	\$183.16	FAIRHOLM, SHANNON	\$411.68

FEDEX	\$174.14	SCHILDHAUER, T. LEMBCKE	\$1,896.00
HALL, KACIE	\$363.36	SD ATTORNEY GENERAL	\$2,000.00
HEGGESTED, TERI	\$406.72	UNION CO. SHERIFF	\$30,550.00
HEINE, KATHERINE	\$398.72	YANKTON CO SHERIFF	\$6,460.00
HODGEN, DORIS	\$464.20	(LAW OFFICE)	
HOFMAN, PAM	\$200.00	FRIEBERG, NELSON & ASK	\$5,104.50
HOFMAN, RAY	\$200.00	KENNEDY, PIER LOFTUS &	\$141.40
JOHNSON, KAILI	\$386.12	MCLEOD'S PRINTING & SUPP	\$10,083.33
JOHNSON, LISA	\$411.68	TERWILLIGER, PHILIP	\$3,350.00
JOPLING, CURTIS	\$403.36	(MENTAL HEALTH)	
JOPLING, SUSAN	\$403.36	LEWIS & CLARK BEHAVIORAL	\$368.00
KATTERHAGEN, MARK	\$12.00	(MENTAL HEALTH)	
KLUNDER, NICOLE	\$521.98	SD DEPT OF REV ANDERSON	\$2,400.00
KOCER, KEVIN	\$100.00	(PUBLISHING)	
LEISURE LAWNS, LLC	\$2,282.52	BROADCASTER PRESS	\$2,192.82
LEWIS DRUG, INC.	\$77.30	NEW CENTURY PRESS ACCT44	\$1,558.16
LEWNO, LUCILLE M	\$224.50	VERMILLION FEDERAL	\$159.30
LIND, COLLIN	\$352.52	(REPAIRS AND MAINTENANCE)	
LOCKWOOD, DARCY	\$12.00	BEAR, INC. DBA TODD'S	\$895.35
MABRY, ARTHUR	\$409.24	BUHLS DRYCLEANERS &	\$17.00
MEHLHAF, JEANNE	\$465.88	CENTURY BUSINESS PRODUCT	\$90.00
MINNEHAHA CO. AUDITOR	\$1,613.92	DENNIS, MICHELLE L.	\$400.00
MINNEHAHA COUNTY JDC	\$48.02	ERICKSON SOLUTIONS GROUP	\$273.00
MOORE WELDING & MFG	\$256.00	FAIRHOLM, SHANNON	\$25.00
MOORE, ANNA	\$404.20	FLAGS UNLIMITED	\$245.44
MOORE, MICHELE	\$467.56	GRAHAM TIRE S.F. NORTH	\$375.00
NELSEN, PEGGY	\$446.20	INTERSTATE POWER SYS INC	\$537.50
NORTH CENTER RADIOLOGY	\$48.02	JOHNSON HEATING & COOLIN	\$4,532.82
OLSON, LINDA J	\$403.36	JOHNSON FEED, INC.	\$172.56
OLSON'S PEST TECHNICIANS	\$160.00	KONE, INC.	\$1,702.20
PETERSON, JOHN	\$550.64	LAYNE'S WORLD, INC.	\$46.64
PRAVECEK, ETHELYN (WESS)	\$465.04	LOFFLER COMPANIES	\$213.31
REDDEN, KATIE	\$100.00	MIDWEST ALARM CO., INC.	\$3,637.66
REDI TOWING	\$380.00	NELSEN ELECTRIC LLC	\$11,960.00
SANFORD HEALTH	\$131.36	NELSON REPAIRS	\$225.00
SANFORD HEALTH CLINIC	\$1,336.00	PRECISION PAINTING	\$3,873.96
SANFORD HEALTH OCCMED	\$96.00	PRESSING MATTERS	\$3,658.00
SATELLITE TRACKING OF	\$416.00	RUNNINGS SUPPLY INC CH	\$23.08
SD DEPT OF HEALTH LAB	\$2,060.00	SANITATION PRODUCT	\$5,159.32
SDVSOA	\$200.00	SD STATE HISTORICAL SOC.	\$110.00
SORENSEN, THOMAS	\$404.20	SDRS SPECIAL PAY PLAN	\$45.00
SZYMONSKI, DEANN	\$425.12	TERWILLIGER, PHILIP	\$232.30
TRITECH SOFTWARE SYSTEMS	\$8,111.64	THE LUMBERYARD LLC	\$98.26
ULTEIG	\$6,656.00	TOTAL FLOORING LLC	\$525.12
WALLER, STEVEN	\$404.20	USPS VERMILLION OFFICE	\$2.14
WALRAVEN, DEENA	\$455.36	VERMILLION ACE HARDWARE	\$232.64
WHIPPLE, DENNIS	\$441.16	(DATA PROCESSING/CLAY CREEK/INF)	
YANKTON CO SHERIFF	\$100.00	ERICKSON SOLUTIONS GROUP	\$14,347.58
YANKTON CO TREASURER	\$194.40	MICROFILM IMAGING SYSTEM	\$1,710.00
YANKTON MEDICAL CLINIC P	\$125.36	SOFTWARE SERVICES, INC.	\$2,552.00
(OTHER PROFESSIONAL SERVICE)		(SUPPLIES & MATERIALS)	
BOYS & GIRLS CLUB, INC.	\$1,750.00	A & B BUSINESS	\$368.96

A-OX WELDING SUPPLY CO	\$660.58	CLUBHOUSE HOTEL & SUITES	\$1,968.00
BEAR, INC. DBA TODD'S	\$71.96	DAVIS, DANIELLE	\$40.00
BRUNICK SERVICE, INC.	\$14,711.34	GREGG, SARAH	\$40.00
BUHLS DRYCLEANERS &	\$107.00	KLUNDER, NICOLE	\$40.00
CORTRUST BANK	\$16.00	OLSON, LENNEA	\$200.00
CRESCENT ELECTRIC	\$695.30	SDSU EXTENSION SERVICE	\$548.20
DAVIS PHARMACY	\$9,017.46	THE LODGE AT DEADWOOD	\$2,580.00
DS SOLUTIONS, INC.	\$175.00	TRACY, ALEXIS A	\$132.00
ELECTION SYSTEMS AND	\$6,923.42	VERMILLION FEDERAL	\$172.10
ERICKSON SOLUTIONS GROUP	\$389.96	YOUNGSTROM, BRIANNA	\$40.00
GRAHAM TIRE S.F. NORTH	\$532.48	(INMATE TRAVEL)	
HD SUPPLY LTD	\$357.88	PENNINGTON COUNTY JAIL	\$1,118.06
HY-VEE, INC.	\$177.24	PUMP N PAK	\$1,107.34
INTERSTATE POWER SYS INC	\$94.86	(UTILITIES)	
INTOXIMETERS, INC.	\$1,500.00	ALLEN, VICTOR	\$60.00
KINGS CRUSHING LLC	\$33,750.00	ANDERS, JEFFREY	\$180.00
LAWSON PRODUCTS, INC.	\$71.08	ARMSTRONG, AARON	\$180.00
LEWIS DRUG, INC.	\$115.16	BUREAU OF ADMINISTRATION	\$214.89
LIGHTLE ENTERPRISES OHIO	\$149.22	CENTURYLINK	\$403.57
LOFFLER COMPANIES	\$383.36	CENTURYLINK EMG	\$41.31
MCLEOD'S PRINTING & SUPP	\$439.90	CENTURYLINK HWY	\$384.32
MICROFILM IMAGING SYSTEM	\$60.00	CHRISTOPHERSON, KALEB	\$180.00
NELSEN ELECTRIC LLC	\$11,662.66	CITY OF VERMILLION	\$7,882.83
NELSON REPAIRS	\$1,047.08	CLAY RURAL WATER SYSTEM	\$213.00
O'REILLY AUTO PARTS	\$573.48	CLAY UNION ELECTRIC CORP	\$1,374.14
ONE OFFICE SOLUTION	\$230.02	FP MAILING SOLUTIONS	\$180.00
PETERSON, INA	\$31.98	HOWE, ANDY	\$180.00
PRESSING MATTERS	\$48.00	HUSBY, TIFFANY	\$180.00
PROCHEM DYNAMICS	\$261.38	KYMALA, SHANNON	\$180.00
QUALIFIED PRESORT SVC IN	\$9,506.96	LOFFLER COMPANIES	\$211.29
QUILL CORP.	\$156.77	MIDAMERICAN ENERGY	\$458.92
QUILL CORP. TRS	\$731.74	MIDAMERICAN ENERGY EXT	\$124.26
REDWOOD TOXICOLOGY LAB.	\$200.00	MIDCO BUSINESS	\$420.78
RIVERSIDE HYDRAULICS AND	\$152.00	MIDCO BUSINESS EXT.	\$472.34
RUNNINGS SUPPLY INC	\$235.84	PEDERSON, PAUL	\$180.00
RUNNINGS SUPPLY INC CH	\$1,141.88	STEWART, LAYNE	\$342.58
SANITATION PRODUCT	\$324.16	VERIZON WIRELESS EMG	\$120.03
SD DEPT OF TRANS	\$1,957.59	VERIZON WIRELESS HWY TRS	\$187.00
SEACHANGE	\$370.00	VERIZON WIRELESS SHERIFF	\$1,055.94
THE LUMBERYARD LLC	\$991.70	VERMILLION FEDERAL	\$1,824.48
UNION CO. SHERIFF	\$92.00	VERMILLION GARBAGE SVC.	\$472.00
VERMILLION ACE HARDWARE	\$4,152.85	WAKONDA TOWN	\$133.90
VERMILLION FEDERAL	\$3,744.98	(PAYMENT)	
WIEMAN CONSTRUCTION	\$1,952.80	BRUNICK SERVICE, INC.	\$267.00
(COPIER SUPPLIES)		CHRISTOPHERSON, SHANNON	\$111.76
CANON	\$1,611.20	CLAY CO AGR FAIR ASSOC	\$8,250.00
LOFFLER COMPANIES	\$505.28	DAKOTA SENIOR MEALS	\$1,137.50
(TRAVEL AND CONFERENCE)		DOMESTIC VIOLENCE	\$170.00
ARMSTRONG, MARCIE	\$40.00	GRAHAM TIRE S.F. NORTH	\$642.48
BERINGER, JESSICA	\$40.00	HOEKE, ANGELA	\$173.72
BRINKMANN, KRISTINA	\$40.00	HOFFMAN, RENAE	\$155.44
BRUNICK SERVICE, INC.	\$111.00	HY-VEE, INC.	\$852.98

MADSEN, GAYLE	\$116.80	(JDC/SPECIAL EQP)	
NUTRIEN AG SOLUTIONS	\$6,539.00	JACK'S UNIFORMS & EQUIP.	\$1,146.35
PIZZA RANCH 14762	\$5,384.00	(UTILITIES)	
PROEFROCK, DEBBIE	\$100.00	NATIONAL SHERIFF'S ASSOC	\$140.25
PUMP N PAK	\$5,345.14	(BUILDINGS AND STRUCTURES)	
QUALITY MOTORS	\$80.96	F. M. ACOUSTICAL TILE IN	\$5,167.00
REGNERUS, JAY	\$100.00	HARTINGTON TREE SERVICE	\$7,800.00
SD DEPT OF REV ANDERSON	\$1,260.78	(BOOKS)	
SE SD TOURISM ASSOC.	\$530.00	THOMSON REUTERS - WEST	\$1,518.64
SLATTERY, MICHAEL	\$113.44	(FURNITURE AND MINOR EQUIPMENT)	
THELEN, CHRISTOPHER	\$100.00	CANON	\$1,044.33
TONGA, ZACHARY	\$76.78	ERICKSON SOLUTIONS GROUP	\$1,154.00
VAN ROCKEL, HALEY	\$78.97	LOFFLER COMPANIES	\$485.22
VERMILLION FEDERAL	\$553.04	MICROFILM IMAGING SYSTEM	\$970.00
VERMILLION FORD	\$4,171.84	(AUTOMOTIVE)	
WILSON, MIKAYLA	\$20.00	BRUNICK SERVICE, INC.	\$180.00
ZARYCH, STEPHEN	\$100.00		

The Board discussed an opt out resolution for 2022 taxes payable in 2023. Hammond asked Howe how things are looking with the jail boarding costs. Howe said he budgeted for an average daily population of 20 at Yankton County rates as they were in the middle of the rate options. Union County has taken most of the inmates, so the projection is probably about right for this year. Hammond asked, dollar-wise, if the opt out is looking right. Howe said yes, and it may not need to be as high. Auditor Carri Crum said she will have the budget packets ready by next week for the Commission, but she wanted to get the conversation started as the July 15 deadline is quickly approaching.

The Board discussed an updated draft of a regional jail resolution. It was decided it will be placed on the agenda next week. Smith said she noticed this is the month to send things to the State association and suggested we create a version to be sent to the association for consideration. The Board agreed that would be good.

Manning moved, seconded by Smith and unanimously carried to pass and adopt the following Resolution #2022-15 for Approving a Revised Joint Cooperative Agreement Establishing the Southeastern Council of Governments.

**County of Clay
Resolution #2022-15**

A RESOLUTION APPROVING A REVISED JOINT COOPERATIVE AGREEMENT ESTABLISHING THE SOUTH EASTERN COUNCIL OF GOVERNMENTS

WHEREAS, in 1970, South Dakota Governor Frank Farrar signed an Executive Order creating six Planning and Development Districts in South Dakota; and

WHEREAS, the South Eastern Council of Governments (SECOG) was created when local officials in the area exercised their authority under the "Joint Exercise of Governmental Powers" (SDCL 1-24); and

WHEREAS, SECOG serves Clay, Lincoln, McCook, Minnehaha, Turner, and Union Counties as well as the municipalities located within those counties in southeastern South Dakota; and

WHEREAS, SECOG was created as a means whereby counties and cities and other public and private organizations within them may cooperate with one another to improve the health, safety, and general welfare of the citizens of the region; and

WHEREAS, SECOG promotes regional cooperation and the economical delivery of services and has been providing technical assistance to local governmental entities for more than 50 years; and

WHEREAS, SECOG's Executive Board has determined that the existing Joint Cooperative Agreement entered into in 2017 should be revised.

NOW THEREFORE BE IT RESOLVED THAT

1. The County of Clay hereby approves the document titled "South Eastern Council of Governments Joint Cooperative Agreement" among Clay, Lincoln, McCook, Minnehaha, Turner, and Union counties and the cities of Brandon, Harrisburg, Sioux Falls, Tea, and Vermillion.
2. The agreement, containing revisions to the existing 2017 Joint Cooperative Agreement, is attached to and hereby made a part of this resolution.

Dated this 28th day of June, 2022.

Chairperson
Clay County

ATTEST:

Auditor


Hammond moved, seconded by Smith and unanimously carried to approve the renewal of the WIC contract with the State and authorize the Chairman to sign it.

The Board considered a recommendation and quote from Erickson Solutions Group for new laptops for the Commissioners. Smith said the quote looks like a good price. Smith moved, seconded by Manning and unanimously carried to approve the quote and authorize the purchase.

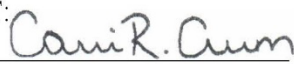
At 10:38 a.m., Smith moved, seconded by Manning and unanimously carried to enter an Executive Session for contractual matters per SDCL1-25-2.

At 10:46 a.m., Hammond moved, seconded by Smith and unanimously carried to exit the Executive Session.

At 10:47 a.m., Manning moved, seconded by Smith and unanimously carried to adjourn and reconvene at 9:00 a.m. on Tuesday, July 5, 2022.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST: 

Carri R. Crum, County Auditor

July 5, 2022

The Board of County Commissioners met in regular session Tuesday, July 5, 2022 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 and unanimously carried to approve the agenda.

Manning moved, seconded by Hammond and unanimously carried to approve the minutes of the June 28, 2022 meeting.

William Shorma, Candidate for House District 17, appeared during Visitors to be Heard. He gave an introduction and a presentation regarding the “30x30” program started by President Biden.

Highway Superintendent Rod Polley met with the Board to discuss the purchase of a 2009 Ford F550 boom truck for \$37,500.00. He said he has the money in the budget. Polley said he spent \$25,000 2 years ago for tree trimming. Hammond clarified they would use the truck for sign maintenance and tree trimming over the roadways. Polley said yes, their current equipment cannot reach the trees that are hitting the semis and snowplow trucks as they drive under them. They also have to remove and re-install signposts to replace or maintain signs. Manning said he would recommend the purchase. Packard said it sounds like we would save money by purchasing it. She asked if the truck has been inspected. Polley said equipment has to be certified every 2 years. Hammond said he has purchased equipment from Steffen in the past, and they stand behind it. Manning moved, seconded by Hammond and unanimously carried to approve the purchase.

Zoning Administrator Drew Gunderson met with the Board to present a plat. Manning moved, seconded by Smith to pass and adopt the following Resolution #2022-16 for plat of Tract 1, Norling Addition in Government Lot 2 of the Northwest Quarter of Section 3, Township 95 North, Range 51 West of the 5th P.M., Clay County, South Dakota, Todd Austin and Janna Aslesen, Co-Personal Representatives of the Estate of Anadell J. Norling, owners. Vote of the Board: 5 Aye, 0 Nay.

**RESOLUTION #2022-16
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, Norling Addition in Government Lot 2 of the Northwest Quarter of Section 3, Township 95 North, Range 51 West of the 5th P.M., Clay County, South Dakota, Todd Austin and Janna Aslesen, Co-Personal Representatives of the Estate of Anadell J. Norling, 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.

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 June 28, 2022.

Carri R. Crum
County Auditor, Clay County, SD

A Second Reading was held for Ordinance #2022-10, a request to re-zone land located at 31547 454 Ave., Meckling, SD 57069 from A1-Agricultural District to C-1 Commercial District for a Motor Vehicle Repair Shop. No one appeared in opposition and no written correspondence was received. Manning moved, seconded by Smith to pass and adopt Ordinance #2022-10, a request to re-zone land located at 31547 454 Ave., Meckling, SD 57069 from A1-Agricultural District to C-1 Commercial District for a Motor Vehicle Repair Shop. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board moved the opt out resolution discussion and budget discussion to next week's agenda.

Hammond moved, seconded by Manning to pass and adopt the following Resolution #2022-13, for Support for State Enablement and Assistance for a Regional Jail System in the State of South Dakota. Vote of the Board: 5 Aye, 0 Nay.

RESOLUTION #2022-13

RESOLUTION OF SUPPORT FOR STATE ENABLEMENT AND ASSISTANCE FOR
A REGIONAL JAIL SYSTEM IN THE STATE OF SOUTH DAKOTA

WHEREAS, Clay County, South Dakota, constructed its jail within its original courthouse in 1912,

And

WHEREAS, despite previous updates, Clay County Jail's aging facility is no longer suitable for housing inmates for longer than 72 hours,

And

WHEREAS, the adjoining Counties of Turner and Lincoln are likewise in need of housing for jail inmates,

And

WHEREAS, Southeast South Dakota Counties have a longstanding history of inmate housing contracts with each other to best serve each county's needs while making jail housing space available to partner counties in need,

And

WHEREAS, the taxpayers of Clay County have rejected a bond issue that would have supported the construction of a new jail,

And

WHEREAS, it is to the benefit of the State of South Dakota that prison inmates for rehabilitation purposes be housed closer to their homes in the months prior to release in order to reconnect with families and find employment,

NOW, THEREFORE, BE IT RESOLVED by the Clay County Board of Commissioners at their regular meeting held July 5, 2022, to hereby request that the Committee on Regional Jails and State Correctional Plans favorably consider enabling and subsidizing the cost of construction of regionally operated jails in the State of South Dakota.

Motion by Commissioner Hammond seconded by Commissioner Manning.

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

Dated this 5th day of July, 2022.

Board of County Commissioners
Clay County, South Dakota

Travis Mockler, Chairman

ATTEST:

Carri R. Crum, County Auditor

Packard gave a brief report from the Joint Powers Solid Waste & Recycling meeting. They met a couple weeks ago, and rates will be raised by \$2.50/ton for Clay and \$4.50/ton for Yankton. The \$10 split was recommended 6-7 years ago by the consultant. They will look at fuel prices during the year as well. Manning asked what they do for Elk Point when they haul trash here. Packard said it is the Clay County rate.

Emergency Management Director Layne Stewart reminded the Commission of the upcoming employee BBQ on July 19th.

The Board discussed the HVAC project with Facilities Manager Scott Hanson, Ryan Van Der Bill of Associated Consulting Engineering, Lynne Remmers and Mike Schellin, JLG Architects. Remmers, acting Project Manager, reviewed the project proposals. She said they will be bringing on Banner Associates for civil engineering, such as the new water line for fire sprinkler system. They will also have a structural engineer. Design would be September through winter, with bidding in February-March for spring construction. Hanson asked if any includes removal of the old boiler stack. Van Der Bill said if it is left as a backup, it would be left in place. The chimney for the courthouse would not be used any longer, so it could be removed and capped. The old one could be reconstructed. Sheriff Andy Howe said it looks pretty bad, but the steel wrap on it is what is deteriorated, and the chimney is cement. Mockler clarified that the boiler project is not doing anything with the Safety Center. Hanson said the boilers in the courthouse would have the capacity to serve the Safety Center in the future. Van Der Bill agreed and also discussed the proposed courthouse boilers. Mockler asked if we would be better off to connect to the Safety Center now. Van Der Bill said it would be connected in, and they will study whether it is best to keep the old boiler for a backup. Packard said no matter what happens with the new jail, we have full intention of continuing to use the Safety Center. Manning said if we do build a new jail, the Sheriff's Office will need holding cells for court, so we will continue to use the building. Mockler said it is better to put money towards new equipment rather than to maintain 30-year-old equipment. Hammond discussed architectural work with Remmers. Hanson asked for clarification on an item regarding special inspections. Schellin said if they were to put in any

new beams or such items, that would fall under special inspections. Hanson asked about the equipment yard and asked if a new fence can be factored in. Remmers said that is something that can be looked at. Packard /Smith approve & accept proposals. Hanson asked if the Board would like to hear from JLG and ACEI periodically. Hammond said there will be some back and forth throughout the project. Van Der Bill said when they are in the design process, they will work with Hanson, and if there are things he wants to bring to the Board he can. He would not recommend design discussions in the Commission Meetings, but he would be willing to do status updates. Hammond said they can leave that to Hanson's discretion.

Hanson discussed quotes for a paint project in the 4-H building that came in around \$5,000. Packard asked if he can buy a spray gun and paint it. Manning said it would be a good 4-H project. Smith said there is a Boy Scouts troop in town that helped with the park cleanup. Packard said United Way has a list as well. Mockler discussed approaching the 4-H leaders to have the 4-H kids paint the room. Manning said purchasing good paint is important as well. Hanson said he had the roof inspected as well. Hanson, Howe, and Auditor Carri Crum discussed the budgets for repairing and maintaining the buildings. Howe discussed the Joint Powers Agreement for the Safety Center. Hanson said they will be starting the WIC restroom in August.

At 10:10 a.m., Manning moved, seconded by Smith and unanimously carried to enter an Executive Session for contractual matters per SDCL 1-25-2.

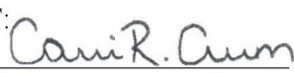
At 10:18 a.m., Smith moved, seconded by Packard and unanimously carried to exit the Executive Session.

Mockler updated the Board that the Myron Grove road project process has begun. The road construction could start next year.

At 10:19 a.m., Manning moved, seconded by Packard and unanimously carried to adjourn and reconvene at 9:00 a.m. on Tuesday, July 12, 2022.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST: 

Carri R. Crum, County Auditor

July 12, 2022

The Board of County Commissioners met in regular session Tuesday, July 5, 2022 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Micheal Manning, and Richard Hammond; Elizabeth 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 new jail facility discussion. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

Packard moved, seconded by Manning to approve the minutes of the July 5, 2022 meeting. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

Joe Kyte appeared to speak with the Board to invite the Commissioners to an open house to celebrate 50 years of service for the EMS Department on July 30, 2022.

Sheriff Andy Howe met with the Board to present a contract with the Minnehaha County Juvenile Detention Center. Howe said they are trying to keep the member counties together and average costs over a 5-year period. Manning clarified that the rate is divided out. Howe said the daily rate contract is different, as this contract is similar to a regional jail situation for juveniles in planning for the future. Howe said he would not recommend anything different than what we are doing. Manning moved, seconded by Hammond to approve the contract and authorize the Chairman to sign it. Under discussion, Packard asked if it is higher or lower than what had been paying. Howe said in 1995 our obligation was around \$7,000/year. This does not obligate the County for anything right now but simply secures our position and agrees to a cost template if there was a new JDC built. State's Attorney Alexis Tracy said the benefit is that it keeps the County as stakeholders with a voice in the planning process when the time comes. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

Treasurer Rhonda Howe met with the Board to present an Application for Abatement. She said the application is for a mobile home that has been destroyed. Packard moved, seconded by Manning to approve the application and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

Highway Superintendent Rod Polley met with the Board to present three contracts with the South Dakota Dept. of Transportation for bridge removal project funding. The first is a bridge over Clay Creek west of the Bluff Rd. north of the landfill. The other is over the Vermillion River on 314 St. a mile-and-a-half east of University Rd. Polley said the third one, a mile east of University Rd. on 465 Ave. south of the Manning feedlot, has already been removed, so the contract will not need to be signed. Packard moved, seconded by Hammond to approve both contracts and authorize the Chairman to sign them. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

Polley asked if the Commission wishes to continue with the bridge removal program, or let it out publicly in case someone wants the structure. Mockler said he thinks the County should stick

with the program. Manning agreed and said if someone wants to buy it, they can contact the contractor who is removing it and contract with them. Packard said it is the same time element. Polley said it takes liability away from the County. Hammond agreed.

Mockler discussed Lateral 50 cleaning with Polley. They discussed landowner notification. Mockler said someone wants to drain into Lateral 50, and they thought they would have to deal with the SDDOT. Mockler and Polley also discussed landowners that pay taxes for it. Mockler said someone wants to build 3 houses south of where the structure burned down, and that is the property that wants to drain into the lateral. It is currently in the rezoning process.

Polley discussed that Brad Stangohr from Ulteig Engineering should be placed on the agenda for the next meeting.

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

(DUE TO OTHER GOVERNMENT)		BILLINGS, JOHN P	\$4,671.25
BERESFORD SCHL DIST 61-2	\$4,069.76	BUREAU OF ADMIN PMB0112	\$7.20
BETHEL TOWNSHIP	\$3,036.98	CITY OF VERMILLION	\$108.00
CENTERVILLE SCH DIST 60-	\$7,029.98	HOUSKA, DDS, RANDY	\$279.00
CLAY CO TREASURER	\$9,426.00	LINCOLN COUNTY AUDITOR	\$1,366.29
FAIRVIEW TOWNSHIP	\$3,206.01	PHARMCHEM, INC.	\$94.35
GARFIELD TOWNSHIP	\$3,666.25	SANFORD HEALTH CLINIC	\$196.00
GAYVILLE/VOLIN SCHL DIST	\$58.13	SATELLITE TRACKING OF	\$104.00
GLENWOOD TOWNSHIP	\$4,807.94	SD DEPT OF HEALTH LAB	\$480.00
IRENE/WAKONDA SCHL 13-3	\$12,211.85	SDAAO	\$75.00
MECKLING TOWNSHIP	\$4,021.50	ULTEIG	\$5,519.50
NORWAY TOWNSHIP	\$2,114.74	VERMILLION FEDERAL	\$15.96
PLEASANT VALLEY TWP.	\$3,562.00	YANKTON MEDICAL CLINIC P	\$120.68
PRAIRIE CENTER TWP.	\$2,909.46	(OTHER PROFESSIONAL SERVICE)	
RIVERSIDE TOWNSHIP	\$3,993.42	BOSSMAN, JEANNE	\$1,200.80
SD DEPT OF REV ANDERSON	\$393,214.79	SD ATTORNEY GENERAL	\$890.00
SDACO - M&P FUND PAYMENT	\$358.00	UNION CO. SHERIFF	\$15,405.00
SPIRIT MOUND TOWNSHIP	\$4,037.88	YANKTON CO SHERIFF	\$2,465.00
STAR TOWNSHIP	\$3,758.83	(LAW OFFICE)	
TLC WATER PROJECT DIST.	\$28.72	FRIEBERG, NELSON & ASK	\$3,000.00
VERMILLION BASIN WATER	\$177.36	PETERSON, STUART, KLENTZ	\$20,806.86
VERMILLION SCHL DIST 13-	\$51,906.22	TERWILLIGER, PHILIP	\$3,350.00
VERMILLION TOWNSHIP	\$1,073.47	(MENTAL HEALTH)	
VIBORG/HURLEY SCHL 60-6	\$76.40	SD DEPT OF REV ANDERSON	\$600.00
(PAYROLL WITHHOLDING)		(PUBLISHING)	
DIV OF CHILD SUPPORT SD	\$926.00	BROADCASTER PRESS	\$2,058.34
(FIRE)		NEW CENTURY PRESS ACCT44	\$419.63
BERESFORD RURAL FIRE	\$265.31	(REPAIRS AND MAINTENANCE)	
CENTERVILLE RURAL FIRE	\$199.17	BRUNICK SERVICE, INC.	\$27.00
GAYVILLE RURAL FIRE ASSO	\$22.72	BUHLS DRYCLEANERS &	\$49.50
VERM. RURAL FIRE ASSOC.	\$381.23	CLAY CO HISTORICAL SOC	\$500.00
VOLIN RURAL FIRE ASSOC.	\$8.45	D-P TOOLS, INC.	\$152.11
WAKONDA RURAL FIRE	\$57.23	JOHNSON FEED, INC.	\$564.80
(PROFESSIONAL SERVICES AND FEES)		NELSON REPAIRS	\$727.50
ALTERNATIVE HR, LLC	\$846.50	O'CONNOR COMPANY	\$27.71

PRESSING MATTERS	\$34.00	PUMP N PAK	\$811.34
PRESTO-X COMPANY LLC	\$226.45	(UTILITIES)	
SECURITY SHREDDING SVC.	\$35.00	BUREAU OF ADMINISTRATION	\$20.75
SIoux EQUIPMENT	\$190.00	CLAY RURAL WATER SYSTEM	\$148.90
VERMILLION ACE HARDWARE	\$70.55	CLAY UNION ELECTRIC CORP	\$597.35
YANKTON WINNELSON CO.	\$140.59	MCPHERSON, LARRY	\$150.00
(DATA PROCESSING/CLAY CREEK/INF)		MIDAMERICAN ENERGY	\$149.58
ERICKSON SOLUTIONS GROUP	\$3,528.00	MIDCO BUSINESS	\$210.39
MICROFILM IMAGING SYSTEM	\$945.00	VERMILLION FEDERAL	\$1,777.75
(SUPPLIES & MATERIALS)		VERMILLION GARBAGE SVC.	\$236.00
A & B BUSINESS	\$184.48	WAKONDA TOWN	\$66.95
A-OX WELDING SUPPLY CO	\$120.82	(PAYMENT)	
BRUNICK SERVICE, INC.	\$216.74	CHRISTOPHERSON, SHANNON	\$55.88
BUHLS DRYCLEANERS &	\$57.60	DOMESTIC VIOLENCE	\$645.00
D-P TOOLS, INC.	\$8.66	FAST AUTO GLASS, INC.	\$80.00
DIAMOND MOWERS INC	\$1,851.36	HOFFMAN, RENAE	\$77.72
ELECTION SYSTEMS AND	\$3,053.70	LEWIS & CLARK BEHAVIORAL	\$5,773.25
HANSON, KEVIN SCOTT	\$259.80	MADSEN, GAYLE	\$58.40
JOHNSON FEED, INC.	\$99.84	MILLS, KEVIN	\$53.36
MCLEOD'S PRINTING & SUPP	\$439.90	NUTRIEN AG SOLUTIONS	\$840.00
MICROFILM IMAGING SYSTEM	\$30.00	PAULSON, ALICIA	\$88.00
NELSON REPAIRS	\$6.24	PIZZA RANCH 14762	\$1,313.60
ONE OFFICE SOLUTION	\$15.00	PROEFROCK, DEBBIE	\$50.00
PRESSING MATTERS	\$429.00	PROEFROCK, ROBERT	\$0.00
PROCHEM DYNAMICS	\$1,852.26	PUMP N PAK	\$2,700.95
QUALIFIED PRESORT SVC IN	\$4,982.79	REGNERUS, JAY	\$50.00
QUILL CORP.	\$22.47	SANFORD HEALTH	\$2,382.80
RUNNINGS SUPPLY INC CH	\$210.42	SLATTERY, MICHAEL	\$56.72
RUNNINGS SUPPLY INC HWY	\$52.99	THE SOAP GUYS	\$96.00
SIoux EQUIPMENT	\$93.80	THELEN, CHRISTOPHER	\$50.00
THE LUMBERYARD LLC	\$65.55	VERMILLION FEDERAL	\$58.65
UNION CO. SHERIFF	\$215.75	VERMILLION FORD	\$1,360.96
VERMILLION ACE HARDWARE	\$590.34	WALLER, STEVEN	\$339.58
VERMILLION FEDERAL	\$234.88	WRIGHT, SAMANTHA	\$50.00
YANKTON REXALL DRUG	\$29.96	(JDC/SPECIAL EQP.)	
YANKTON WINNELSON CO.	\$283.40	MINNEHAHA COUNTY JDC	\$4,112.00
(TRAVEL AND CONFERENCE)		(BOOKS)	
BRUNICK SERVICE, INC.	\$61.00	STEFFEN TRUCK AND	\$37,500.00
CLUBHOUSE HOTEL & SUITES	\$349.60	THOMSON REUTERS - WEST	\$742.81
OLSON, LENNEA	\$114.00	(FURNITURE AND MINOR EQUIPMENT)	
SD NETWORK AGAINST FAMIL	\$200.00	MICROFILM IMAGING SYSTEM	\$215.00
SDAO	\$400.00	MURPH'S APPLIANCES, INC.	\$769.00
(INMATE TRAVEL)		(AUTOMOTIVE)	
PENNINGTON COUNTY SHERIF	\$35.00	BRUNICK SERVICE, INC.	\$125.50

Packard moved, seconded by Hammond to pass and adopt the following Resolution #2022-18 for Contingency Transfer. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

RESOLUTION # 2022-18
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):

\$10 to Tourism (10100X4290721)

Motion by Commissioner Packard, seconded by Commissioner Hammond.

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

Dated this 12th day of July, 2022.

Board of County Commissioners
Clay County, South Dakota

Travis Mockler, Chairman

ATTEST:

Carri R. Crum, County Auditor

Manning moved, seconded by Packard to assign \$890,000 in the General Fund to building projects. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

Packard moved, seconded by Manning to authorize Auditor Carri Crum to apply and obtain a business credit card account issued by Pinnacle Bank through First Dakota National Bank with an aggregate limit to be set at \$50,000 and to designate Auditor Carri Crum as the administrator/gatekeeper of the account. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

The Board discussed passage of a resolution for opt-out. Howe said we are really talking about out-of-county jail boarding. He requested \$500,000 for the 2023 boarding budget based on an average daily population of 20 inmates boarded in Union County. He said his figures came out to \$474,000, but he rounded it to \$500,000 because we do board some in counties with higher rates. Packard asked if this includes fuel. Howe said it does not include fuel. His fuel budget request includes an increase in fuel costs, and those actually come out of the Sheriff's budget instead. Mockler discussed that no opt out puts the County's reserve at a projected 22.89%, and a \$250,000 opt out would be a projected 25.7%. That is assuming nothing changes in the budget, and we continue not funding for outside organizations. Packard said she would like to revisit funding those organizations, even at a low level. Manning said he agrees with Packard because he knows some of those organizations are hurting right now. Manning said he would not mind opting out for \$250,000 as it would help those organizations out. Mockler said adding those back in with the \$250,000 opt out would put the reserve at about 23%. Howe said he cannot promise Union County will continue to take the inmates. He is assuming 20 inmates per day, but we still house a certain number of work release here. He does his best to save every dollar he can and budget responsibly. He is optimistic that he will not exceed the \$500,000. The Board further discussed funding for other outside organizations. Manning suggested including an opt out of \$100,000 to help the non-mandated programs. There was discussion about whether to fund them at the past levels or to start lower. Hammond suggested having the organizations send a letter

with their request to annotate it with the justification for the need. Tracy discussed being clear about what they are opting out for. Manning and Mockler said they do not think we can opt out at all. Packard said we are covering our operating expenses, but we will be in a different position next year. She does not want the public to get the impression that we do not need the new jail and law enforcement center. Manning said we are still showing a need for inmate boarding costs. That will not change. Howe said we have a trend for projecting costs, and he feels comfortable with his numbers. Manning said the other counties could raise their rates at any time. Howe said Minnehaha County is going up to over \$100/day, and Yankton County just increased to around \$85/day. He expects a bump in rates from Union County at some point. Mockler said we will be opting out next year. We could opt out for \$250,000 this year to help offset a larger opt out next year. Packard said she is comfortable with \$100,000-150,000. Mockler said opting out for \$250,000 might help to not have, for example, a \$500,000 opt out next year. Howe said the inmate numbers may not drive a need for more funding, but boarding rates may if rates go up, or if a lower cost county cannot take our inmates. Hammond said \$250,000 is smart if we designate it for housing inmates and transportation, including cost of labor. If we ended up with other expenses where we run through our reserves, we could be in a world of hurt. Manning said it would be about 1/3 of the impact for the citizens. Hammond said the \$725,000 opt out was really to help us for more than a year because we were in arrears for some of the inmate boarding costs. Howe said if Union County cannot take our inmates we will be driving more directions. The Board discussed fuel cost, labor, and upkeep and replacement of the transport vehicles. Mockler pointed out that the transport van was used when we bought it. Howe said it is accumulating at least 50,000 miles a year. Hammond said we could reach 250,000 miles very quickly. Packard moved, seconded by Hammond to pass and adopt the following Resolution #2022-14 for Opt Out. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

**ATTENTION TAXPAYERS:
NOTICE OF
PROPERTY TAX INCREASE
OF \$250,000**

RESOLUTION #2022-14 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 \$250,000 starting with calendar year 2022 taxes payable in the calendar year 2023. This opt out will be for 1 years, which will be through taxes payable in the calendar year 2023. 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

Phyllis Packard Board Member

Micheal Manning Board Member

Richard Hammond Board Member

_____ Board Member

Attest: Carri R. Crum Clay County Auditor

Date 7/12/2022

PT182

The Board discussed the newly proposed jail and law enforcement center. Mockler said the land purchase option expires September 1. He said we also are waiting for the regional jail committee to finish its study at the state level. The measure is proposed on the fall ballot, but we are waiting for these things. Howe said, regarding the regional jail committee, he does not believe we will see a lot of funding, and if it does happen then that's fine. We could still pursue our project with the idea of it being a regional jail to board inmates. He is assuming Lincoln County will not be interested, and Turner County expressed that they may not be interested in sharing the debt but would board with us. Every county in South Dakota already operates as a regional jail situation. There are a lot of counties in South Dakota where it wouldn't make sense to have their own jail, so they already operate regionally. As long as we continue with the idea that our doors will be open to board for other counties, we should pursue it. Over the course of the bond and beyond it would cost more than building our jail. He just does not see a lot of funding coming from the state. Expanding existing jails could include integrating space for state inmates, and state money might come for that purpose. He does not expect a construction project to be cheaper a year from now. Howe said we already know what it cost us to wait 6 months. Packard asked where we are in design development. Howe said it has been established since spring, and the purpose for delaying it was to allow time to inform the public. Packard said she feels strongly it needs to be on social media. Howe said there is a public meeting on July 19th at the library. Packard said there should be weekly updates in places like a website, social media, VCDC Monday Messenger, etc. Howe said they do not want bitter conversations on Facebook. They would like to provide a website. Of course, that will cost money, but he thinks some of the people in the citizens committee are ready to write checks because they believe in the need for the project. He stressed that this is not the group that was appointed by the Commission. That group has been dissolved. Instead, this is a group of people who believe in the project. Packard discussed methods for spreading information. She said she feels it needs to be on the ballot in November. Manning said he hopes the meeting on the 19th will create more discussion. It was decided that a notice will be posted in case there may be a quorum of Commissioners present at the public meeting, but no decisions will be made. Ballot language discussion will also be placed on the next agenda.

At 10:30 a.m., Packard moved, seconded by Manning to enter an Executive Session for legal matters. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

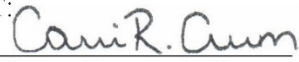
At 10:43 a.m., Packard moved, seconded by Hammond to exit the Executive Session. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

At 10:44 a.m., Manning moved, seconded by Packard to adjourn and reconvene for a Special Joint Meeting with the City of Vermillion City Council on July 14, 2022 at 5:30 p.m. at City Hall, 25 Center St., Vermillion, SD 57069.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

July 14, 2022

The Board of County Commissioners met in a special joint session with the City of Vermillion City Council at City Hall, 25 Center St., Vermillion, SD, Thursday, July 14, 2022 at 5:30 p.m. Members present: Travis Mockler, Phyllis Packard, Micheal Manning, and Richard Hammond; Elizabeth Smith was absent.

Packard moved, seconded by Hammond and unanimously carried to approve the agenda.


A Second Reading was conducted for Ordinance #2022-09, an Ordinance Amending the 2013 Revised Joint Zoning Regulations for Clay County and the City of Vermillion by Rezoning Certain Property. City Engineer Jose Dominguez gave a brief description of the ordinance being considered in the Joint Jurisdiction Zoning Area. No one appeared in opposition, and no written correspondence was received. Manning moved, seconded by Packard to pass and adopt Ordinance #2022-09, an Ordinance Amending the 2013 Revised Joint Zoning Regulations for Clay County and the City of Vermillion by Rezoning Certain Property. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

At 5:36 p.m., Manning moved, seconded by Packard and unanimously carried to adjourn and reconvene for the next regular Board of County Commissioners meeting on Tuesday, July 26, 2022 at 9:00 a.m.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:


Carri R. Crum, County Auditor

July 26, 2022

The Board of County Commissioners met in regular session Tuesday, July 26, 2022 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 Manning and unanimously carried to approve the agenda with the addition of adoption of the 2023 Provisional Budget and designation of The New Era as a legal newspaper.

Hammond moved, seconded by Smith and unanimously carried to approve the minutes of the July 12, 2022 and July 14, 2022 meetings.

Emergency Management Director Layne Stewart met with the Board to present the Quarterly Activity Report. Smith moved, seconded by Manning and unanimously carried to approve the report and authorize the Chairman to sign it.

Stewart also met with the Board regarding his 2023 budget request. He and Hammond discussed the drone. Smith asked if Stewart anticipates any major repairs to vehicles. Stewart said no major repairs are anticipated. He discussed recent repairs to the mobile command trailer.

Zoning Administrator Drew Gunderson met with the Board to present a plat. Hammond moved, seconded by Smith and unanimously carried to pass and adopt the following Resolution #2022-19 for plat of Tract 1 of Abild Addition, an Addition in the West Half of the Southwest Quarter of Section 1, Township 94 North, Range 52 West of the 5th Principal Meridian, Clay County, South Dakota; Arden S. Abild, Trustee of The Arden S. Abild Living Trust, Dated January 30, 2006, owner.

**RESOLUTION #2022-19
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 Abild Addition, an Addition in the West Half of the Southwest Quarter of Section 1, Township 94 North, Range 52 West of the 5th Principal Meridian, Clay County, South Dakota; Arden S. Abild, Trustee of The Arden S. Abild Living Trust, Dated January 30, 2006, 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.

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 July 26, 2022.

Carri R. Crum
County Auditor, Clay County, SD

Manning said Steve Waller did an outstanding job of presenting information at the public meeting of the citizens' committee for the jail project. Tracy said there was good attendance as well.

State's Attorney Alexis Tracy met with the Board regarding her 2023 budget request. Mockler asked if they are caught up on scanning, and Tracy said they have been doing that in-office now, so there is no additional budget for that. She said in the coming years, she plans to look at a software system.

Register of Deeds Lisa Terwilliger met with the Board regarding her 2023 budget request for the Register of Deeds Office and Modernization & Preservation Fund. They discussed refinishing the front counter in the office. There was discussion regarding the software conversion that is taking place.

Sheriff Andy Howe met with the Board to discuss appointing a Commissioner to the Courthouse Security Committee, which has been formed by the courts, and it involves the availability of grant funding for court security. Manning moved, seconded by Smith and unanimously carried to appoint Commissioner Hammond to the committee.

Howe also discussed his 2023 budget requests with the Board for the Sheriff's Office, Jail, Coroner, and 24/7 Sobriety Project Fund. He discussed out-of-county inmate boarding and said he based it on the Union County rate for an average daily population of 20. Clay County has been fortunate that Union County has accepted most of the inmates as they are the most cost-effective option in the area. He also discussed inmate meals and juvenile detention costs. Howe discussed wage discrepancies for deputies in similar counties and neighboring agencies. He said Turner, Union, and Clay are the lowest paid counties that he knows of in the state. Hammond said Walworth County has been advertising for months. He said he thinks Howe is a good employer, and they appreciate that. Mockler and Crum discussed workers compensation insurance rates. Howe discussed the unpredictable fuel prices. He discussed that he and the deputies discussed replacement of the Tasers, which were handed down from the Vermillion Police Department, but they think they can wait one more year to replace them to save money. There was discussion regarding how to account for budgeting for vehicle purchases. Howe also discussed that the hybrid vehicles have worked out for the department. Hammond said other agencies have reported success with hybrid vehicles.

Treasurer Rhonda Howe met with the Board regarding her 2023 budget request. She discussed expenditures for mailing fees that is covered in revenue by customers. Manning said he was told by a customer that the Treasurer's Office had provided him excellent customer service.

Highway Superintendent Rod Polley met with the Board. He said he has been renting tractors, and he can no longer find them. He said the current tractor is too light for their purposes. He has been able to find a CASE IH MAXXUM 115MC under the Sourcewell contract and has a purchase price of \$95,947.80. Polley had budgeted for other equipment that will not be purchased this year, so he has money in the budget. It is 120 horsepower, and Hammond said that is good. It also has front-wheel assist. There was further discussion regarding features of various tractors. Smith asked if the John Deere tractor could be surplussed, and Polley listed various things they will continue to use it for. Manning moved, seconded by Smith and unanimously carried to approve the purchase of the tractor for \$95,947.80.

Manning and Polley discussed a previous tractor purchase. Hammond asked about the crack sealer machine. Polley said we used to own one with the City, and it has become a problem when both need it at the same time, so the City bought out the County's half. Polley said he is also looking at a used self-propelled broom, but it has not been finalized yet. The semi-tractor should be here at the end of the month. Polley said if he cannot get a 450 flatbed, maybe he should turn his truck over to the crew and purchase a light duty truck. Mockler and Polley discussed that they will put beet juice in the MAXXUM 115MC.

Polley discussed the Myron Grove Access Road project. He discussed the proposed materials to be used on the road. Smith asked if there is a process for asking for a reconsideration of the project. Polley said the County will be responsible for the road afterward, and he does not want to put his name on something he does not think will last. There is truck traffic and construction in that area. Hammond said there is a pretty broad range in the project budget. Mockler said he told them to talk to Pollman as he was familiar with the Saginaw Ave. project. He said he is afraid they will pour 3 inches of base, and that is not going to work. Polley said that is the way he took it, too. He discussed getting core samples. Hammond said that should be part of the project. Mockler said it should be done right or not done at all. Smith agreed.

Polley said he has had private contractors unload excavators on the oil roads. There are 3 spots on the new micro-surfacing that are torn up. One spot is really bad, and it poked a hole into the road. Mockler said this would not be any different than a farmer whose disc chiseled, and the County went after them for it. Polley said he uses the contractor, but he is not looking to let them off the hook.

Polley discussed whether there is anything in the landfill contract to have them help maintain the road. He remembers Clay County building the road from Highway 19 to 313 St. to handle truck traffic back in the 1990's. He discussed wheel ruts and said he does not think Clay County should have to pay for it all. There is no haul road agreement. He said it does not seem fair. Packard said other counties' landfills paid for the entire road. To her knowledge it was just not discussed. Hammond asked if all the collection trucks are weighed. Polley said they are all legal, but all the ruts are westbound, and it is really a half-mile that has taken a beating. He thinks the

only way to fix it is to dig it out and put a fabric under it. Packard said it might be something where another grant can be requested to assist. Polley said there are grants for bicycle paths or grain-to-market, but he has never seen a grant for the road to a landfill. Packard said there are grants and loans from the state. She said it is worth looking into. Hamond said it is the sub-base that needs to be repaired. City Manager John Prescott was present, and Packard asked him his thoughts on the possibility of the Joint Powers helping to repair the road. Prescott said he does not think there is anything in the contract regarding the road. He said he does not know if the grant fund would help. Hammond asked what kind of money would be involved to do it right. Polley estimated up to \$750,000. Packard suggested contacting the state solid waste association.

At 10:58 a.m., Hammond moved, seconded by Packard and unanimously carried to adjourn and convene as Clay County Ditch Board.

Brad Stangohr from Ulteig Engineering discussed the Clay Creek Ditch project. He said he will be sending plans to Yankton County and FEMA, and there will be a bid opening. He said on the last one, we let it for bid in the fall and gave them until spring. Mockler said we don't want to have them do it in the winter because last time it froze over, and they didn't see the sluffs. Hammond discussed giving them until the week before Thanksgiving. Stangohr said, in the bid specifications, he can give contractors until the third week in November.

Manning moved, seconded by Packard and unanimously carried to approve invoices from Ulteig Engineering for \$2,132.00 and \$1,904.00 for the Clay Creek Ditch.

At 11:01 a.m., Manning moved, seconded by Hammond and unanimously carried to adjourn and reconvene as Board of Clay County Commissioners.

At 11:03 a.m., Hammond moved, seconded by Smith and unanimously carried to enter an Executive Session for legal/contractual matters.

At 11:40 a.m., Hammond moved, seconded by Smith and unanimously carried to exit the Executive Session.

Facilities Manager Scott Hanson met with the Board. He discussed the poor condition of the roof on the 4-H/Extension Office building and the quotes he received for it. He said there is damage to the ceiling tiles inside and a leak around the kitchen vent. He said the membrane is starting to shrink and pull away from the parapet wall. Manning wondered if it would be better to put a pitched roof on the building. Manning said the post office replaced the roof on that building 3 times while he worked there. Hanson discussed relocation of condensing coils, etc. if the roof was replaced with a pitched roof.

Hanson discussed noise reduction in the courthouse. He discussed the cost of acoustical wall panels vs. ceiling tiles. With the upcoming HVAC project, Ryan VanDerBill from Associated Consulting Engineering said it could be added to the project.

Hanson briefed the Board about the plumbing project under the jail. He said he has a plumber coming to work on the WIC Office restroom, and he will see if he can get the project done for less than the original quote.

Hanson said the HVAC project in the 4-H Center has been done. Manning reverted back to the roof discussion and talked about what was done at the post office to add a small slope. Hammond said adding a small slope or a pitched roof would result in a savings in heating and cooling costs.

Smith moved, seconded by Hammond and unanimously carried to designate The New Era as a legal newspaper for Clay County.

Manning moved, seconded by Packard and unanimously carried to adopt the 2023 Provisional Budget.

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

(PAYROLL)		(OTHER INSURANCE)	
COMMISSIONER'S	\$8,978.03	SD PUBLIC ASSURANCE ALL.	\$463.46
AUDITOR'S OFFICE	\$12,254.25	(PROFESSIONAL SERVICES AND FEES)	
TREASURER'S OFFICE	\$21,047.49	AVERA MCKENNAN	\$382.73
STATE ATTORNEY'S OFFICE	\$28,052.42	CNA SURETY DIRECT BILL	\$50.00
COURTHOUSE	\$9,232.96	ELK POINT AMBULANCE	\$572.00
DIRECTOR OF EQUALIZATION	\$11,469.31	FEDEX	\$29.47
REGISTER OF DEEDS	\$8,693.00	GAPP, DEBRA	\$2,720.00
VETERAN'S OFFICE	\$1,681.86	GREENTREE PSYCHOLOGICAL	\$200.00
24/7	\$2,226.35	LEWIS & CLARK BEHAVIORAL	\$184.00
SHERIFF'S OFFICE	\$40,366.40	LINCOLN COUNTY AUDITOR	\$476.40
COUNTY JAIL	\$30,720.99	SANFORD HEALTH CLINIC	\$439.90
EMERGENCY MGMT	\$4,938.50	SD SHERIFF'S ASSN	\$1,760.00
HIGHWAY	\$45,890.71	SECRETARY OF STATE	\$60.00
COMMUNITY HEALTH NURSE/WIC	\$3,312.28	ULTEIG	\$7,422.00
EXTENSION OFFICE	\$2,827.56	VERMILLION FEDERAL	\$75.80
WEED	\$5,334.26	(OTHER PROFESSIONAL SERVICE)	
PLANNING & ZONING	\$3,442.32	CITY OF VERMILLION	\$87,009.65
(PAYROLL WITHHOLDING)		HORN LAW OFFICE, PROF.LL	\$181.60
AFLAC	\$949.79	SCHAEFER, DEAN	\$12.00
CLAY CO FIT FICA	\$54,635.39	SCHILDHAUER, T. LEMBCKE	\$1,446.00
COLONIAL LIFE	\$183.16	THURSTON COUNTY SHERIFF	\$200.00
CONSECO/WASHINGTON	\$24.45	(LAW OFFICE)	
DIV OF CHILD SUPPORT IA	\$631.00	PITTMAN, DANIEL	\$44.00
NEW YORK LIFE INSURANCE	\$328.57	(REPAIRS AND MAINTENANCE)	
SD RETIREMENT SYSTEM	\$27,413.84	BRUNICK SERVICE, INC.	\$358.12
SD SUPPLEMENT RETIREMENT	\$3,135.00	CENTURY BUSINESS PRODUCT	\$30.00
SDRS ROTH 457(B) PLAN	\$200.00	DAKOTA ALIGNMENT & FRAME	\$308.00
TASC PVR	\$1,891.65	EASTWAY AUTO SERVICE INC	\$393.76
THE STANDARD - DENTAL	\$1,325.80	ERICKSON SOLUTIONS GROUP	\$292.00
THE STANDARD - LIFE INS.	\$384.53	OLSON'S PEST TECHNICIANS	\$80.00
THE STANDARD - SH TRM DI	\$1,038.44	STATE FARM INSURANCE	\$50.00
THE STANDARD - VISION	\$258.60	VERMILLION FEDERAL	\$194.56
UNITED WAY OF VERMILLION	\$267.00	(DATA PROCESSING/CLAY CREEK/INF)	
VERMILLION FEDERAL	\$2,200.00	ERICKSON SOLUTIONS GROUP	\$2,698.45
WELLMARK BLUE CROSS	\$54,186.05	ULTEIG	\$4,036.00
(SALARIES AND WAGES)		(SUPPLIES & MATERIALS)	
CALVERT, KYLE	\$2,158.41		

BIERSCHBACH EQUIP & SUPP	\$150.00	CENTURYLINK	\$136.71
BRUNICK SERVICE, INC.	\$147.00	CENTURYLINK EMG	\$13.89
BUTLER MACHINERY CO.	\$1,001.79	CITY OF VERMILLION	\$1,190.96
CLAY UNION ELECTRIC CORP	\$1,200.00	LOFFLER COMPANIES	\$211.29
DAKOTA ALIGNMENT & FRAME	\$20.02	VERIZON WIRELESS EMG	\$40.01
EASTWAY AUTO SERVICE INC	\$180.58	VERIZON WIRELESS HWY TRS	\$87.51
ERICKSON SOLUTIONS GROUP	\$393.00	VERIZON WIRELESS SHERIFF	\$352.07
HY-VEE, INC.	\$62.85	VERMILLION FEDERAL	\$6.00
JENSEN, RAVEN	\$62.17	(PAYMENT)	
KNIFE RIVER MIDWEST, LLC	\$61,245.36	CHRISTOPHERSON, SHANNON	\$55.88
LEWIS DRUG, INC.	\$5,216.53	GRAHAM TIRE S.F. NORTH	\$642.48
MIDWEST READY MIX	\$831.25	HOFFMAN, RENAE	\$77.72
NORTHERN SAFETY CO., INC	\$107.62	HY-VEE, INC.	\$350.97
ONE OFFICE SOLUTION	\$200.62	MADSEN, GAYLE	\$8.40
PROCHEM DYNAMICS	\$465.37	NUTRIEN AG SOLUTIONS	\$8,150.00
QUALIFIED PRESORT SVC IN	\$1,413.51	PROEFROCK, DEBBIE	\$50.00
QUILL CORP.	\$30.47	QUALITY MOTORS	\$67.54
QUILL CORP. TRS	\$182.97	REGNERUS, JAY	\$50.00
REDWOOD TOXICOLOGY LAB.	\$22.32	SD DEPT OF HEALTH	\$1,674.00
RUNNINGS SUPPLY INC CH	\$168.95	SLATTERY, MICHAEL	\$56.72
RUNNINGS SUPPLY INC HWY	\$351.83	VERMILLION FORD	\$47.37
SD DEPT OF TRANS	\$871.98	WRIGHT, SAMANTHA	\$50.00
STURDEVANT'S AUTO PARTS	\$3.08	ZARYCH, STEPHEN	\$50.00
ULTEIG	\$81.25	(JDC/SPECIAL EQP.)	
VERMILLION ACE HARDWARE	\$168.21	MINNEHAHA COUNTY JDC	\$4,883.00
VERMILLION FEDERAL	\$1,118.08	SD PROPERTY MANAGEMENT	\$200.00
YANKTON REXALL DRUG	\$46.94	SDACC OFFICE	\$736.00
(COPIER SUPPLIES)		(BUILDINGS AND STRUCTURES)	
CANON	\$211.12	MIDWEST ALARM CO., INC.	\$60,000.00
(TRAVEL AND CONFERENCE)		OVERHEAD DOOR COMPANY	\$6,259.00
BEST WESTERN RAMKOTA INN	\$294.00	(BOOKS)	
SDACC OFFICE	\$585.00	THOMSON REUTERS - WEST	\$1,134.99
THE LODGE AT DEADWOOD	\$669.00	TITAN MACHINERY	\$95,947.80
VERMILLION FEDERAL	\$300.46	(FURNITURE AND MINOR EQUIPMENT)	
(INMATE TRAVEL)		CANON	\$222.94
PENNINGTON COUNTY JAIL	\$144.22	VERMILLION ACE HARDWARE	\$5,599.00
(UTILITIES)		VERMILLION FEDERAL	\$625.00
BUREAU OF ADMINISTRATION	\$36.25		

The Sheriff's Office and Vermillion Public Library Board reports were reviewed 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 July 1, 2022.

I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks

11,395,429.23

Amount of actual cash		2,035.81
Total amount of checks and drafts in Treasurer's Possession not exceeding three days		51,431.83
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	Dated this 1st day of July, 2022.	11,600,596.87

Carri R. Crum, County Auditor

At 12:07 p.m., Hammond moved, seconded by Smith and unanimously carried to enter an Executive Session for legal matters.

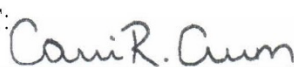
At 12:21 p.m., Smith moved, seconded by Packard and unanimously carried to exit the Executive Session.

Recent payroll changes to be reported in the minutes are as follows: Victoria Hesse (Legal Assistant) 4/4/22 at \$3,608.62, Victor Allen (Deputy Sheriff) 4/18/22 at \$3,200.69/month, Jayden Sullivan (Jailer) 5/2/22 at \$17.15/hour, Allyson Johnson (Summer Highway/Weed) 5/23/22 at \$14/hour, Amanda Knutson (Summer Highway/Weed) 5/23/22 at \$14/hour, Morgan Wiecker (Summer Highway/Weed) 5/23/22 at \$14.00/hour, Kyle Calvert (Deputy Director of Equalization) 5/23/22 at \$2,761.38/month, Jenna Lucas (Med. Tech.) 6/1/22 at \$50/call.

At 12:22 p.m., Smith moved, seconded by Hammond and unanimously carried to adjourn and reconvene on Tuesday, August 2, 2022 at 9:00 a.m.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST: 

Carri R. Crum, County Auditor

August 2, 2022

The Board of County Commissioners met in regular session Tuesday, August 2, 2022 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 ambulance service to Irene. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Manning moved, seconded by Packard to approve the minutes of the July 26, 2022 meeting. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Weed Supervisor Dennis Ganschow met with the Board to discuss issues with Wild Parsnip. It has been appearing in Meckling Township, and he has contacted the two people that own the land where it originated. He was going to discuss grant funding to spray it, but he noticed this morning that it has been sprayed. Packard asked Ganschow about Hemlock. He said we do have it around, and it can spread if not treated. He said there are a few types of weeds that are becoming more common in the county, but he is trying to stay ahead of them.

Ganschow also spoke to the Board regarding his 2023 budget request. He said he did not budget for any equipment as he ordered a new Kubota this year, but he did raise the budget for chemicals as prices have gone up.

Highway Superintendent Rod Polley met with the Board regarding a request from Bob Anderson for ditch cleaning near 30974 Bluff Rd. by the culvert inlet. Polley said he does not see a problem, but he would like approval from the Board before any work starts. Hammond asked if Polley would be present when the digging happens. Polley said yes, he wants to look at the culvert condition as well. Hammond moved, seconded by Packard to approve the project. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Polley also spoke to the Board regarding his 2023 budget request. He said his materials and supplies budget was difficult because prices are unpredictable. He may have overestimated fuel a little, but prices can fluctuate. Micro-surfacing is also hard to predict due to fluctuations in the oil market. Manning said it is pretty hard to guess. Polley said salt sand is even difficult because it is a gravel byproduct and has to be loaded by the vendor, so prices are even increasing on that. He said Union County has started to use salt only, or a brine, on portions of the county roads. Polley discussed the purchase of a loader bucket as well. He discussed the details with Manning and Hammond and said it could be used by the Weed Department for spraying the drainage ditches such as Lateral 50. Mockler said the Ditch Board does hire the Weed Department to spray, and as long as the bucket does not get too beat up, it can be used on the next tractor, too. Manning said he thinks there will be a lot of uses for a loader. Polley said his machinery budget can be reduced unless the Board wants to keep the money in the budget for roads instead. Manning said they need to keep up on roads, or we will be in trouble.

Polley said he sent out 8 letters to contractors regarding damages to the roads from loading and unloading machinery. He said Foreman Larry McPherson has been dealing with private contractor damages on the Bluff Rd., and the Sheriff's Office has been involved. Every case of damages has been on a micro-surfaced road, not an old chip-sealed road.

Polley said he is in a disagreement with the SDDOT regarding a detour for work on SD Highway 46. He said all the traffic is on the Clay County roads where they are trying to work. We have no through trucks on a couple of our roads. Yankton County has no through trucks and a \$500 fine. He said he hates to penalize truck drivers, but he also hates to see our road get broken up when we are trying to fix it. Mockler asked if we could put up a barricade that says, "road closed to through traffic." Sheriff Andy Howe discussed the definition of "through traffic." He said he thinks "no truck traffic" or "no through trucks" is probably appropriate. Howe said Polley should consider a "no through trucks" sign, but we would need an ordinance for them to enforce it. There was discussion whether it needs to be an ordinance or a resolution. Auditor Carri Crum obtained a copy of Yankton County's resolution as well as the applicable statute and forwarded it as necessary.

Polley said there was an issue with the structure near Landeen's property. It may need to have additional work. There have been core samples, and the SDDOT will let him know the outcome soon. Mockler said if it doesn't mean specifications, and the SDDOT is going to approve it, then they can cover the County's 20%. What good are the specifications if they are not going to follow them? Hammond discussed core testing cylinders and said he wonders how they turned out. He said the 7-day test should give a good idea. Mockler said the contractor didn't listen, and now we have a whole structure when they could have just had a floor to be redone. Hammond said it's up to the site inspector to issue the stop work order. Polley said it was the SDDOT doing a slump test with samples. He said he stood there to watch for 3 hours, but he does not know what those results were. Mockler was concerned that we will be stuck with a structure that does not meet specifications.

Dr. Thomas Stanage, Lewis & Clark Behavioral Health Services, met with the Board regarding the 2023 budget request. In the last calendar year, the numbers were up in Clay County. He spoke about the services to children, families, mental health care, substance abuse treatment, and crisis services. He discussed the need for inpatient beds in the region as well, and they had to convert space in the substance abuse care area for mental health crisis patients. The State is supporting the cost for the pre-commitment hearing days for the first time ever. It saves the cost to the County at several thousand dollars per patient. He also presented drawings of a plan for a regional facility. He said due to the needs and the increased patients, Lewis & Clark Behavioral Health Services is asking counties for a 6% increase for 2023. Mockler and Hammond discussed child services, and Stanage said the numbers in 2021 went down a bit due to staffing difficulties, but the need was still there. He said they estimate that at the end of this school year, they will have a waiting list of approximately 50 children.

The Board discussed placing a bond issue on the November 8, 2022 General Election ballot for the jail and law enforcement center project. Manning said he feels that they need to try to move forward and put the measure on the ballot. Packard agreed. Manning said he knows people will

say they should wait to see if the State will allocate money for regional jails, but he does not feel we can bank on that. Howe said the State official is asking for money for men's beds, so it is obvious where that money is going. Howe said waiting another year could add another \$3-4 million to the County's project cost. Steve Waller was present and said if the State is willing to fund it, we will not be that far into the process that we could not adapt to accept funding. The bid process will still be in the works at the end of legislative session if the bond question passes in November. Hammond said there is really no good reason to delay. Those outside funds could be a happy circumstance that could reduce our debt cost in the long run. Smith said that is true, and the construction costs are extraordinarily high right now, and she thinks the shipping and sourcing problems may go away over time. It's clear that what we are doing is bonding for the worst-case scenario, for the most we might need, and she suspects the regional jail commission may at some point contribute something. In addition, she thinks supply costs will not keep going up the way they have been. She does not think we will have to spend every penny, and she is optimistic for long-term prospects for construction costs. It's very important that the county have a decent, humane place for prisoners. She is watching population go up in surrounding counties as well, so she is in strong support of the bond issue. Howe said Smith is right about this being a worst-case scenario, and any savings during construction does come back to the County. Waller said, to wait for construction costs to come down, we are probably waiting 5-10 years. Howe said in the last public meeting, people asked, "Why not wait?" The cost of waiting is inflation on project costs as well as the half-million dollars each year we throw away in another county for inmate boarding, and that will continue to go up. Packard said that half-million dollars is the minimum. Manning said the information Waller presented at the public meeting showed that. Howe said Union County has decided to raise our inmate boarding rates from \$65 to \$80/day. He looked at the numbers again and thinks we are still ok for the opt out amount in 2023. He budgeted \$500,000 for inmate boarding, which will allow us to board 17 inmates per day elsewhere for a year. Generally speaking, we are right in there, and as long as we don't see a major fluctuation, he will be accurate. Manning asked if Yankton County will raise their rates as well, and Howe said they already raised theirs this year. The Board considered the updated cost estimate of \$42,723,545 from TEGRA Group, the architects, and the construction manager at-risk. Manning moved, seconded by Hammond to pass and adopt the following Resolution #2022-20 Declaring Necessity and Expediency for Issuance of General Obligation Bonds and Calling an Election. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

RESOLUTION NO. 2022-20

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 for the New Jail, Law Enforcement Safety Center, and Land Acquisition Costs (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 \$42,800,000 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 financing a new jail, law enforcement safety center, and land acquisition costs, furnishing and equipping the same, and paying for costs of issuance, 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 8th day of November 2022 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 \$42,800,000, 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 FINANCING A NEW JAIL, LAW ENFORCEMENT SAFETY CENTER, AND LAND ACQUISITION COSTS, FURNISHING AND EQUIPPING THE SAME, AND PAYING FOR COSTS OF ISSUANCE.

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. Hiring of Professionals. Meierhenry Sargent LLP of Sioux Falls, South Dakota is hereby designated as bond counsel for this issue and Colliers Securities LLC, hereby designated as Underwriter for this issue. The President and Business Manager are authorized to execute such documents as are necessary to carry out the intent of this paragraph.
8. 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 Manning moved for the adoption of the foregoing Resolution.

Said motion was seconded by Commissioner Hammond and upon vote being taken the following voted AYE: 5 and the following voted NAY: 0

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 2nd day of August, 2022.

County Auditor

The Board discussed County-owned land parcel #15090-00100-020-01. Deputy State’s Attorney Samantha Hargrave reviewed the statutory process for selling the property. Mockler said we could be stuck with the property for a while. Smith said the property is not worth much to anyone. Crum said most counties use the process of appointing three commissioners who are real property owners to appraise the property. Howe said they would just need the 3 Commissioners to affirm the Director of Equalization’s value, advertise, and have a sale. Manning agreed. Mockler and Hargrave discussed the statute for sealed bids vs. public auction. Hammond moved, seconded by Packard to declare Parcel #15090-00100-020-01 surplus. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye. It was decided that Micheal Manning, Richard Hammond, and Phyllis Packard were appointed as the statutory three appraisers of the property.

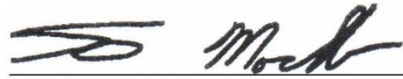
Manning said he received a call from Yankton County Commissioner Cheri Loest regarding ambulance service to Irene. Yankton County is not in favor of continuing to service Irene. They get about 25 calls per year, most of which are to the nursing home, which is located in Clay County. Viborg and Centerville also respond to the area. Manning said it is a situation between the different ambulance organizations where their territories are. Howe said it is really an Irene City Council issue. The Council has addressed this, and their intention is to be served by Centerville and Viborg ambulance services, although sometimes the small-town ambulance services have trouble putting a crew together. Manning said right now Wakonda has first responders, but Vermillion actually goes into Wakonda. Howe said, if requested, Vermillion

ambulance would go to Irene as well, but there are territories mapped out. Mockler said the ambulance directors need to talk to each other. Howe said Beresford goes pretty deep into Clay County, and Lincoln County dispatches for them. Howe said they have started monitoring other counties' dispatch so they know when ambulance calls are happening in Clay County.

At 11:10 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 11:15 a.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 11:15 a.m., Manning moved, seconded by Packard to adjourn and reconvene on Tuesday, August 9, 2022 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

August 9, 2022

The Board of County Commissioners met in regular session Tuesday, August 9, 2022, 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.

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

Hammond moved, seconded by Packard to approve the minutes of the August 2, 2022 meeting. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, and Mockler Aye.

The Director of Equalization, Ina Peterson, met with the Board regarding her 2023 budget request.

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

(DUE TO OTHER GOVERNMENT)		VERM. RURAL FIRE ASSOC.	\$50,996.31
BERESFORD SCHL DIST 61-2	\$1,787.87	VOLIN RURAL FIRE ASSOC.	\$452.38
BETHEL TOWNSHIP	\$4,908.99	WAKONDA RURAL FIRE	\$5,152.53
CENTERVILLE SCH DIST 60-	\$1,597.86	(PAYROLL WITHHOLDING)	
CITY OF VERMILLION	\$16,871.90	DIV OF CHILD SUPPORT SD	\$1,852.00
CLAY CO TREASURER	\$7,948.50	TASC PVR	\$566.86
FAIRVIEW TOWNSHIP	\$5,677.50	(FIRE)	
GARFIELD TOWNSHIP	\$6,243.94	BERESFORD RURAL FIRE	\$34.80
GAYVILLE/VOLIN SCHL DIST	\$53.62	CENTERVILLE RURAL FIRE	\$55.76
GLENWOOD TOWNSHIP	\$6,573.78	GAYVILLE RURAL FIRE ASSO	\$54.26
IRENE CITY	\$434.73	IRENE RURAL FIRE ASSOC	\$13.50
IRENE/WAKONDA SCHL 13-3	\$7,047.45	VERM. RURAL FIRE ASSOC.	\$342.10
MECKLING TOWNSHIP	\$6,964.66	WAKONDA RURAL FIRE	\$63.27
NORWAY TOWNSHIP	\$3,956.28	(INSURANCE DEDUCTIBLE REIMBURSE)	
PLEASANT VALLEY TWP.	\$6,174.75	MCPHERSON, LARRY	\$500.00
PRAIRIE CENTER TWP.	\$5,450.00	(OTHER INSURANCE)	
RIVERSIDE TOWNSHIP	\$5,477.41	SD PUBLIC ASSURANCE ALL.	\$614.79
SD DEPT OF REV ANDERSON	\$384,436.64	(PROFESSIONAL SERVICES AND FEES)	
SPIRIT MOUND TOWNSHIP	\$6,716.74	ALTERNATIVE HR, LLC	\$1,684.25
STAR TOWNSHIP	\$6,581.38	ERICKSON SOLUTIONS GROUP	\$862.50
TLC WATER PROJECT DIST.	\$435.37	FLEX SYSTEM (TASC)	\$1,265.32
VERMILLION BASIN WATER	\$128.45	PHARMCHEM, INC.	\$377.40
VERMILLION SCHL DIST 13-	\$46,453.58	SATELLITE TRACKING OF	\$123.50
VERMILLION TOWNSHIP	\$1,371.29	SD DEPT OF HEALTH LAB	\$515.00
VIBORG/HURLEY SCHL 60-6	\$70.46	(OTHER PROFESSIONAL SERVICE)	
WAKONDA TOWN	\$2,761.67	KROGER, SYLVIA	\$98.60
(CLEARING FUND - MISC.)		SD ATTORNEY GENERAL	\$439.00
SD DEPT OF REEMPLOYMENT	\$364.08	UNION CO. SHERIFF	\$14,625.00
(DUE TO OTHER GOVERNMENT)		YANKTON CO SHERIFF	\$5,015.00
BERESFORD RURAL FIRE	\$2,892.77	(LAW OFFICE)	
CENTERVILLE RURAL FIRE	\$2,074.20	PETERSON, STUART, KLENTZ	\$10,083.33
GAYVILLE RURAL FIRE ASSO	\$1,796.00	TERWILLIGER, PHILIP	\$3,350.00
IRENE RURAL FIRE ASSOC	\$949.78	(MENTAL HEALTH)	

MINNEHAHA CO. AUDITOR (PUBLISHING)	\$110.00	RIVERSIDE HYDRAULICS AND RUNNINGS SUPPLY INC HWY	\$176.78 \$160.94
BROADCASTER PRESS (REPAIRS AND MAINTENANCE)	\$87.86	SD DEPT OF TRANS	\$24,799.39
BUHLS DRYCLEANERS & BUTLER MACHINERY CO.	\$49.50 \$2,279.00	TRUCK-TRAILER SALES&SRVC	\$311.25
CANON	\$161.12	UNION CO. SHERIFF	\$230.95
FLEX SYSTEM (TASC)	\$23.00	VERMILLION ACE HARDWARE	\$87.76
KONE, INC.	\$851.10	VERMILLION FEDERAL	\$167.78
PFEIFER IMPLEMENT	\$270.00	YANKTON REXALL DRUG	\$52.94
POLLMAN EXCAVATION, INC.	\$262.50	(TRAVEL AND CONFERENCE)	
PRESTO-X COMPANY LLC	\$161.45	CRUM, CARRI R	\$156.05
RIVERSIDE HYDRAULICS AND VERMILLION ACE HARDWARE	\$180.00 \$663.39	HOWE, RHONDA	\$40.00
(DATA PROCESSING/CLAY CREEK/INF)		TERWILLIGER, LISA	\$40.00
ERICKSON SOLUTIONS GROUP	\$8,800.00	(UTILITIES)	
MICROFILM IMAGING SYSTEM	\$855.00	BUREAU OF ADMINISTRATION	\$17.00
SOFTWARE SERVICES, INC. (SUPPLIES & MATERIALS)	\$2,002.00	CITY OF VERMILLION	\$654.01
A-OX WELDING SUPPLY CO	\$117.10	CLAY RURAL WATER SYSTEM	\$106.50
BOB BARKER CO INC	\$111.90	CLAY UNION ELECTRIC CORP	\$614.07
BRUNICK SERVICE, INC.	\$111.25	MIDAMERICAN ENERGY	\$123.99
BUHLS DRYCLEANERS & BUTLER MACHINERY CO.	\$103.06 \$1,129.76	MIDCO BUSINESS	\$210.39
COYOTE ENTERPRISE LLC	\$104.97	MIDCO BUSINESS EXT.	\$75.39
CRESCENT ELECTRIC	\$148.30	VERMILLION GARBAGE SVC.	\$236.00
HY-VEE, INC.	\$46.44	WAKONDA TOWN	\$71.25
JEBRO INC.	\$14,117.00	(PAYMENT)	
JERRY'S SERVICE	\$4,668.59	BRUNICK SERVICE, INC.	\$104.00
KNIFE RIVER MIDWEST, LLC	\$62,203.36	DOMESTIC VIOLENCE	\$410.00
LAWSON PRODUCTS, INC.	\$77.38	MADSEN, GAYLE	\$50.00
LAYNE'S WORLD, INC.	\$316.42	(JDC/SPECIAL EQP.)	
MCLEOD'S PRINTING & SUPP	\$1,250.00	JACK'S UNIFORMS & EQUIP.	\$751.28
MICROFILM IMAGING SYSTEM	\$30.00	MOTOROLA	\$50.00
NORTHERN SAFETY CO., INC	\$188.44	(BOOKS)	
O'REILLY AUTO PARTS	\$59.98	BROCK WHITE COMPANY	\$68,284.37
ONE OFFICE SOLUTION	\$397.74	(FURNITURE AND MINOR EQUIPMENT)	
PFEIFER IMPLEMENT	\$80.93	CANON	\$125.17
POLLMAN EXCAVATION, INC.	\$6,625.61	ERICKSON SOLUTIONS GROUP	\$310.00
PRESSING MATTERS	\$24.00	LAYNE'S WORLD, INC.	\$29.25
QUALIFIED PRESORT SVC IN	\$3,480.23	MICROFILM IMAGING SYSTEM	\$60.00
		(AUTOMOTIVE)	
		BRUNICK SERVICE, INC.	\$175.10

Packard moved, seconded by Hammond to approve the surplus sale date of September 6, 2022 for parcel #15090-00100-020-01 at 10:00 a.m. of the amount of \$1,657.70. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, and Mockler Aye.

The Board discussed the current COVID-19 Leave Personnel Policy. Alexis Tracy, the States Attorney, read what our policy is right now, by going back to previous minutes. Our policy for COVID-19 is that the employee doesn't need to use their sick leave time when they have COVID. It just needs to be documented on the payroll sheet, to keep track. Tracy then read the CDC guidelines that are listed as of right now, on their website. Lots of discussion on what other businesses do, some board members suggested different

ideas. Chairman Mockler suggested to add an extra forty hours to everyone's sick leave now, and it won't be paid out if they retire or quit. After further discussion, the board thought it would be best to talk to the County's Human Resource officer, Karen DeLange with Alternative HR+; to see what her thoughts are on these ideas. It will be discussed again at the August 30, 2022, meeting.

911 Director Ryan Anderson met with the board regarding his 2023 budget request. He is wanting to upgrade the Zetron Max radio system, which is total would only cost \$258,000.00. However, it would only cost the the county \$105,000.00, because the city would pay half, and we have \$58,000 in the budget already. The system they are using now is outdated, and if it breaks down, there are no replacement parts to fix it. Anderson discussed what it's used for: 911 calls to first responder's vehicles, for the callers, mapping, and much more. He did ask for quotes, and both quotes came back close to the same amount that was given to the board.

Greg Peters, VCDC Board member, came in to request funding for Cherry Street's Beautification. Vermillion City limits has two "Vermillion" welcome signs. The VCDC hired Weller Brothers to do some landscaping around both signs to help it look better, and to keep the mowing around it easier. The estimation for this project would cost \$20,000, but he has gotten many donations from different businesses around Vermillion and is requesting \$4,000.00. Peter's goal is to help make Cherry Street look better when visitors come into town. The board discussed and told him they will look at their budget.

Zoning Administrator Drew Gunderson spoke to the board on the First Reading of Ordinance #2022-12, an Ordinance Repealing and Replacing Ordinance #2021-05, Ordinance Creating Licensing Regulations for Medical Cannabis Establishments. Gunderson and The Board mentioned a few grammar errors and requested that he gets more information about section 11, and bring it back to the board, for the first reading on September 13, 2022.

Gunderson also spoke to the Board regarding his 2023 budget request.

Highway Superintendent Rod Polley met with the Board regarding gas quote for 10% ethanol. He received two quotes: 1st -Jerry's Service for \$3.22, and 2nd - Brunick \$3.40. Hammond moved, seconded by Packard to accept the \$3.22 Gas quote for 10% ethanol from Jerry's Service. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, and Mockler Aye.

Polley spoke to the Board about the Driveway Application for Michael Lundquist on University Rd. Polley said he is extending his driveway and joining his neighbor's driveway. In total it would be 80 feet long, but they are only adding 40 feet, due to the neighbor's driveway already is 40 feet, and it has a culvert. Polley said it shouldn't be a problem at all to do. Hammond moved and seconded by Packard to approve the driveway application for Michael Lundquist on University Rd. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, and Mockler Aye.

Polley discussed with the board about the Recycling Trailer for Wakanda. Since 2016 he has been pulling this recycling trailer back and forth for them. He thought, at first, it was going to be a one-time thing, but has been doing it since. He is asking if the Board would be okay, if he goes to the Wakanda City's meeting, and tell them he is no longer doing it. And is more than happy to guide one of their city workers, to make sure he does it correctly. The Board supported his decision.

Polley discussed No Thru Trucks on 452 Ave. Due to closure of SD Highway 46. Polley suggested that we keep it as is, because of safety of the farmers that live there. Trucks would have a hard time passing if they tried on that road. The Board agreed with Polley to keep it as it is.

Polley discussed his meeting with Myron Grove Project Engineers. He and Larry McPherson met with the Engineers. The Engineer wants to take samples of the blue clay, that would be 6 inches deep into the ground. They will have a better plan, once they get the results back from the blue clay. This project won't cost the county or the township any money, but the Board wants Polley to verify that information.

At 11:12 a.m., Hammond moved, seconded by Packard to enter an Executive Session per SDCL 1-25-2 for contractual matters. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, and Mockler Aye.

At 11:29 a.m., Hammond moved, seconded by Packard to exit the Executive Session. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, and Mockler Aye.

At 11:30 a.m., Hammond moved, seconded by Packard to adjourn, and reconvene on Tuesday August 30, 2022, at 9:00 a.m. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, and Mockler Aye.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:



Nicole Klunder, Chief Deputy County Auditor

August 30, 2022

The Board of County Commissioners met in regular session Tuesday, August 30, 2022, 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 and unanimously carried to approve the agenda.

Packard moved, seconded by Smith and unanimously carried to approve the minutes of the August 9, 2022 meeting.

Damon Alvey, Vermillion School District Superintendent, appeared during Visitors to be Heard to thank the Commission for budgeting for the School Resource Officer position in the schools. They had a great emergency management exercise over the summer with Clay County, Union County, and the school district to plan for school safety measures. Without the generous work of the Commission they would not be able to have that position in the schools.

Attorney Mike McGill met with the Board to discuss the removal of Structure #14-140-012. McGill said his client has owned 320 acres of farmland land since 1998. He referred to the map showing the 320 acres they own near 466 Ave. There was an 8-acre parcel of land separate from the rest of the farm. There is a significant change of elevation, about 25-30 feet, that could be a source of access. In the early 1980's, the south $\frac{3}{4}$ of 466 Ave. was vacated, approximately 1400 feet, there is a small cemetery, and the road left in place had a bridge that crossed Ash Creek allowed them access to a portion of their land. A gully washer would have water as high as the top of the bridge. There are no other places on the road, so the Township vacated it. He said about 6 years ago, barricades were placed over the bridge in the past. His clients had entered the CRP plan, and his clients bailed hay for part of the CRP program. In February and March of this year, the County removed the bridge, and they did not deliver the required 180-day notice to his clients before removing the bridge. McGill said State's Attorney Alexis Tracy refers to it as "the bridge to nowhere," but it is a bridge to 8 acres. He acknowledged the cost of bridge repair and funding issues. He discussed statutes regarding required access to landlocked parcels greater than 10 acres as well as a Clay County Supreme Court Case. McGill said it is a perfect storm as the parcel is 8 acres, the bridge inspection showed it could only hand 3-ton per axle, and although it was on the list to be destroyed, it was removed with no notice to his clients. McGill discussed the specifics of the Supreme Court Case, Gregoire v. Clay County, and how it relates to the discretion of the County Commission. His clients are asking the Commission to make a decision as to what the discretionary act would be in relation to the situation. They understand the budgetary constraints and the expense of bridge repair. He suggested hauling in dirt and culverts to replace the access, but it would probably be blown out by a "gully washer." It would be very expensive for his client to build a private access, so he is wondering what the County can do. McGill again discussed the Gregoire case, where a bridge that was destroyed in 1987, the County did not replace the bridge, and they instead installed culverts and dirt fill for a low water crossing. The Supreme Court decided that it was an appropriate exercise of discretion. In this

situation, his client would be happy with a low water crossing. If the Commission would choose not to do anything, his client would appeal to the circuit court. The other solution would be to ask the neighbor to grant access to the land, or to purchase the 8 acres, which McGill suggested to him several times. His client requests restored access to the land by rebuilding the bridge or providing some other alternative. Tracy said, in the notice he provided that it was referencing to the west and south, and she asked if there is an inability to access from the north and east. McGill said the north is the area where the bridge was removed, and it is a very large gully. He discussed that the neighbor to the east will allow access early in the spring and then after harvest. The simplest solution is the cooperation of the neighbors, but if that cooperation ever ceased, they would not have access. They cannot compel the neighbor to give access because it is only 8 acres, not 10 acres. He discussed farming to the east. Tracy discussed the possibility of a paid easement. Mockler discussed the vacation of the road and farming to the middle of the road to the south of the bridge. Mockler said they will need to discuss it and provide the decision to McGill. It was decided the matter will be on the next agenda.

At 9:22 a.m., Hammond moved, seconded by Smith and unanimously carried to adjourn and convene as Clay County Ditch Board.

No bids were received for the public bid opening.

The Board reviewed invoices in the amount of \$4,853.00 and \$3,719.00 for the Clay Creek Ditch cleanout project. Manning moved, seconded by Packard and unanimously carried to approve payment of the invoices.

At 9:24 a.m., Hammond moved, seconded by Smith and unanimously carried to adjourn and reconvene as Board of Clay County Commissioners.

Highway Superintendent Rod Polley presented diesel fuel quotes. Hammond moved, seconded by Manning and unanimously carried to accept the low bid of \$3.7945/gallon from Vollan Oil for #2 diesel at the Wakonda Shop and \$3.67/gallon from Jerry's Service for #2 diesel at the Vermillion Shop.

The Board reviewed a Change Order presented by Brad Stangohr from Ulteig Engineering for the micro-surfacing project. Polley said they added the west county line from South of Irene to 306 St., and Yankton County jumped on our bid. We have half of the west county line, which is \$171,830.85. It is all striped and ready to go. Hammond clarified that is for our half of the county line. Polley said it is and recommended approval. Smith moved, seconded by Hammond and unanimously carried to approve the Change Order and authorize the Chairman to sign it.

Manning asked about Union County's chip seal with an oil base on top. Polley said that is called fog sealing, and we used to do that before we switched to using micro-surfacing instead. It helps retain the rock and will wear off before spring.

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

(DUE TO OTHER GOVERNMENT)		BETHEL TOWNSHIP	\$4,908.99
BERESFORD SCHL DIST 61-2	\$1,787.87	CENTERVILLE SCH DIST 60-	\$1,597.86

CITY OF VERMILLION	\$16,871.90
CLAY CO TREASURER	\$7,948.50
FAIRVIEW TOWNSHIP	\$5,677.50
GARFIELD TOWNSHIP	\$6,243.94
GAYVILLE/VOLIN SCHL DIST	\$53.62
GLENWOOD TOWNSHIP	\$6,573.78
IRENE CITY	\$434.73
IRENE/WAKONDA SCHL 13-3	\$7,047.45
MECKLING TOWNSHIP	\$6,964.66
NORWAY TOWNSHIP	\$3,956.28
PLEASANT VALLEY TWP.	\$6,174.75
PRAIRIE CENTER TWP.	\$5,450.00
RIVERSIDE TOWNSHIP	\$5,477.41
SD DEPT OF REV ANDERSON	\$384,436.64
SPIRIT MOUND TOWNSHIP	\$6,716.74
STAR TOWNSHIP	\$6,581.38
TLC WATER PROJECT DIST.	\$435.37
VERMILLION BASIN WATER	\$128.45
VERMILLION SCHL DIST 13-	\$46,453.58
VERMILLION TOWNSHIP	\$1,371.29
VIBORG/HURLEY SCHL 60-6	\$70.46
WAKONDA TOWN	\$2,761.67
(CLEARING FUND - MISC.)	
SD DEPT OF REEMPLOYMENT	\$364.08
(DUE TO OTHER GOVERNMENT)	
BERESFORD RURAL FIRE	\$2,892.77
CENTERVILLE RURAL FIRE	\$2,074.20
GAYVILLE RURAL FIRE ASSO	\$1,796.00
IRENE RURAL FIRE ASSOC	\$949.78
VERM. RURAL FIRE ASSOC.	\$50,996.31
VOLIN RURAL FIRE ASSOC.	\$452.38
WAKONDA RURAL FIRE	\$5,152.53
(PAYROLL WITHHOLDING)	
DIV OF CHILD SUPPORT SD	\$1,852.00
TASC PVR	\$566.86
(FIRE)	
BERESFORD RURAL FIRE	\$34.80
CENTERVILLE RURAL FIRE	\$55.76
GAYVILLE RURAL FIRE ASSO	\$54.26
IRENE RURAL FIRE ASSOC	\$13.50
VERM. RURAL FIRE ASSOC.	\$342.10
WAKONDA RURAL FIRE	\$63.27
(INSURANCE DEDUCTIBLE REIMBURSE)	
MCPHERSON, LARRY	\$500.00
(OTHER INSURANCE)	
SD PUBLIC ASSURANCE ALL.	\$614.79
(PROFESSIONAL SERVICES AND FEES)	
ALTERNATIVE HR, LLC	\$1,684.25
ERICKSON SOLUTIONS GROUP	\$862.50
FLEX SYSTEM (TASC)	\$1,265.32
PHARMCHEM, INC.	\$377.40
SATELLITE TRACKING OF	\$123.50

SD DEPT OF HEALTH LAB	\$515.00
(OTHER PROFESSIONAL SERVICE)	
KROGER, SYLVIA	\$98.60
SD ATTORNEY GENERAL	\$439.00
UNION CO. SHERIFF	\$14,625.00
YANKTON CO SHERIFF	\$5,015.00
(LAW OFFICE)	
PETERSON, STUART, KLENTZ	\$10,083.33
TERWILLIGER, PHILIP	\$3,350.00
(MENTAL HEALTH)	
MINNEHAHA CO. AUDITOR	\$110.00
(PUBLISHING)	
BROADCASTER PRESS	\$87.86
(REPAIRS AND MAINTENANCE)	
BUHLS DRYCLEANERS &	\$49.50
BUTLER MACHINERY CO.	\$2,279.00
CANON	\$161.12
FLEX SYSTEM (TASC)	\$23.00
KONE, INC.	\$851.10
PFEIFER IMPLEMENT	\$270.00
POLLMAN EXCAVATION, INC.	\$262.50
PRESTO-X COMPANY LLC	\$161.45
RIVERSIDE HYDRAULICS AND	\$180.00
VERMILLION ACE HARDWARE	\$663.39
(DATA PROCESSING/CLAY CREEK/INF)	
ERICKSON SOLUTIONS GROUP	\$8,800.00
MICROFILM IMAGING SYSTEM	\$855.00
SOFTWARE SERVICES, INC.	\$2,002.00
(SUPPLIES & MATERIALS)	
A-OX WELDING SUPPLY CO	\$117.10
BOB BARKER CO INC	\$111.90
BRUNICK SERVICE, INC.	\$111.25
BUHLS DRYCLEANERS &	\$103.06
BUTLER MACHINERY CO.	\$1,129.76
COYOTE ENTERPRISE LLC	\$104.97
CRESCENT ELECTRIC	\$148.30
HY-VEE, INC.	\$46.44
JEBRO INC.	\$14,117.00
JERRY'S SERVICE	\$4,668.59
KNIFE RIVER MIDWEST, LLC	\$62,203.36
LAWSON PRODUCTS, INC.	\$77.38
LAYNE'S WORLD, INC.	\$316.42
MCLEOD'S PRINTING & SUPP	\$1,250.00
MICROFILM IMAGING SYSTEM	\$30.00
NORTHERN SAFETY CO., INC	\$188.44
O'REILLY AUTO PARTS	\$59.98
ONE OFFICE SOLUTION	\$397.74
PFEIFER IMPLEMENT	\$80.93
POLLMAN EXCAVATION, INC.	\$6,625.61
PRESSING MATTERS	\$24.00
QUALIFIED PRESORT SVC IN	\$3,480.23
RIVERSIDE HYDRAULICS AND	\$176.78

RUNNINGS SUPPLY INC HWY	\$160.94
SD DEPT OF TRANS	\$24,799.39
TRUCK-TRAILER SALES&SRVC	\$311.25
UNION CO. SHERIFF	\$230.95
VERMILLION ACE HARDWARE	\$87.76
VERMILLION FEDERAL	\$167.78
YANKTON REXALL DRUG	\$52.94
(TRAVEL AND CONFERENCE)	
CRUM, CARRI R	\$156.05
HOWE, RHONDA	\$40.00
TERWILLIGER, LISA	\$40.00
(UTILITIES)	
BUREAU OF ADMINISTRATION	\$17.00
CITY OF VERMILLION	\$654.01
CLAY RURAL WATER SYSTEM	\$106.50
CLAY UNION ELECTRIC CORP	\$614.07
MIDAMERICAN ENERGY	\$123.99
MIDCO BUSINESS	\$210.39
MIDCO BUSINESS EXT.	\$75.39
VERMILLION GARBAGE SVC.	\$236.00
WAKONDA TOWN	\$71.25
(PAYMENT)	
BRUNICK SERVICE, INC.	\$104.00
DOMESTIC VIOLENCE	\$410.00
MADSEN, GAYLE	\$50.00
(JDC/SPECIAL EQP.)	
JACK'S UNIFORMS & EQUIP.	\$751.28
MOTOROLA	\$50.00
(BOOKS)	
BROCK WHITE COMPANY	\$68,284.37
(FURNITURE AND MINOR EQUIPMENT)	
CANON	\$125.17
ERICKSON SOLUTIONS GROUP	\$310.00
LAYNE'S WORLD, INC.	\$29.25
MICROFILM IMAGING SYSTEM	\$60.00
(AUTOMOTIVE)	
BRUNICK SERVICE, INC.	\$175.10
(PAYROLL)	
COMMISSIONER'S	\$8,978.03
AUDITOR'S OFFICE	\$12,575.53
TREASURER'S OFFICE	\$21,047.49
STATE ATTORNEY'S OFFICE	\$27,992.15
COURTHOUSE	\$9,485.46
DIRECTOR OF EQUALIZATION	\$11,171.39
REGISTER OF DEEDS	\$8,693.00
VETERAN'S OFFICE	\$1,681.86
SHERIFF'S OFFICE	\$38,298.34
COUNTY JAIL	\$35,432.49
EMERGENCY MGMT	\$4,938.50
HIGHWAY	\$48,994.86
COMMUNITY HEALTH NURSE/WIC	\$3,312.28
EXTENSION OFFICE	\$2,827.56

WEED	\$1,530.01
PLANNING & ZONING	\$3,566.68
(DUE TO OTHER GOVERNMENT)	
SDACO - M&P FUND PAYMENT	\$280.00
(PAYROLL WITHHOLDING)	
AFLAC	\$949.79
CLAY CO FIT FICA	\$55,216.61
COLONIAL LIFE	\$183.16
CONSECO/WASHINGTON	\$24.45
DIV OF CHILD SUPPORT IA	\$220.00
DIV OF CHILD SUPPORT SD	\$926.00
NEW YORK LIFE INSURANCE	\$328.57
SD RETIREMENT SYSTEM	\$28,206.04
SD SUPPLEMENT RETIREMENT	\$3,110.00
SDRS ROTH 457(B) PLAN	\$225.00
TASC PVR	\$1,691.65
THE STANDARD - DENTAL	\$1,364.64
THE STANDARD - LIFE INS.	\$388.81
THE STANDARD - SH TRM DI	\$1,083.14
THE STANDARD - VISION	\$268.52
UNITED WAY OF VERMILLION	\$267.00
VERMILLION FEDERAL	\$1,100.00
WELLMARK BLUE CROSS	\$57,839.33
(INSURANCE DEDUCTIBLE REIMBURSE)	
KYMALA, SHANNON	\$500.00
(OTHER INSURANCE)	
JENSEN INSURANCE	\$166.33
SD PUBLIC ASSURANCE ALL.	\$463.46
(PROFESSIONAL SERVICES AND FEES)	
BROADCASTER PRESS	\$42.88
CITY OF VERMILLION	\$36.00
DAKOTA LOCK & KEY	\$14.00
ERICKSON SOLUTIONS GROUP	\$1,695.00
FEDEX	\$18.79
FORUM COMMUNICATIONS	\$20.98
ILCHUK ENTERPRISES LLC	\$260.00
PLYMOUTH CO SHERIFF	\$66.25
SANFORD HEALTH	\$104.65
TODD COUNTY TRIBUNE	\$30.66
ULTEIG	\$409.00
VERMILLION FEDERAL	\$60.93
(OTHER PROFESSIONAL SERVICE)	
SCHILDHAUER, T. LEMBCKE	\$333.00
(LAW OFFICE)	
FRIEBERG, NELSON & ASK	\$3,000.00
(PUBLISHING)	
BROADCASTER PRESS	\$857.85
NEW CENTURY PRESS ACT440	\$118.56
NEW CENTURY PRESS ACT447	\$1,092.97
THE NEW ERA	\$49.00
(REPAIRS AND MAINTENANCE)	
BEAR, INC. DBA TODD'S	\$3,514.41

BUTLER MACHINERY CO.	\$491.00	VERMILLION FEDERAL	\$105.16
CENTURY BUSINESS PRODUCT	\$30.00	(INMATE TRAVEL)	
ERICKSON SOLUTIONS GROUP	\$292.00	PUMP N PAK	\$611.54
HANSON, KEVIN SCOTT	\$42.00	(UTILITIES)	
INTERSTATE POWER SYS INC	\$1,149.18	CENTURYLINK	\$143.71
JERRY'S SERVICE	\$182.34	CENTURYLINK EMG	\$13.89
JOHNSEN HEATING & COOLIN	\$2,542.05	CITY OF VERMILLION	\$2,007.90
NELSON REPAIRS	\$510.00	FP MAILING SOLUTIONS	\$90.00
WALKER CONSTRUCTION	\$3,973.51	VERIZON WIRELESS EMG	\$40.01
(DATA PROCESSING/CLAY CREEK/INF)		VERIZON WIRELESS HWY TRS	\$87.51
ERICKSON SOLUTIONS GROUP	\$4,573.45	VERIZON WIRELESS SHERIFF	\$352.07
MICROFILM IMAGING SYSTEM	\$945.00	VERMILLION FEDERAL	\$905.59
ULTEIG	\$8,572.00	(PAYMENT)	
(SUPPLIES & MATERIALS)		CHRISTOPHERSON, SHANNON	\$55.88
A & B BUSINESS	\$184.48	GRAHAM TIRE S.F. NORTH	\$1,284.96
BARKLEY ASPHALT, INC.	\$5,312.88	HAGLUND, ALICIA	\$20.00
BRUNICK SERVICE, INC.	\$163.10	HOFFMAN, RENAE	\$77.72
CORTRUST BANK	\$4.00	HY-VEE, INC. EMG MNG	\$404.78
COYOTE ENTERPRISE LLC	\$199.97	MADSEN, GAYLE	\$58.40
ELITE UNMANNED	\$565.00	MILLS, KEVIN	\$53.36
ERICKSON SOLUTIONS GROUP	\$29.00	PIZZA RANCH 14762	\$2,457.00
FIRST DAKOTA CREDIT CARD	\$801.61	PROEFROCK, DEBBIE	\$50.00
HY-VEE, INC. EMG MNG	\$307.75	PUMP N PAK	\$2,671.30
INTERSTATE POWER SYS INC	\$837.37	REGNERUS, JAY	\$50.00
JEBRO INC.	\$320.00	SANFORD HEALTH	\$2,715.00
JERRY'S SERVICE	\$27,525.00	SLATTERY, MICHAEL	\$56.72
JOHN DEERE FINANCIAL	\$36.33	THELEN, CHRISTOPHER	\$50.00
KNIFE RIVER MIDWEST, LLC	\$78,250.48	VERMILLION FORD	\$208.97
LEWIS DRUG, INC.	\$2,858.54	WRIGHT, SAMANTHA	\$50.00
LIGHTLE ENTERPRISES OHIO	\$74.56	ZARYCH, STEPHEN	\$50.00
MCLEOD'S PRINTING & SUPP	\$80.77	(JDC/SPECIAL EQP.)	
NELSON REPAIRS	\$959.15	ADVEXURE LLC	\$29,094.00
ONE OFFICE SOLUTION	\$365.99	AXON ENTERPRISE INC.	\$375.00
PRESSING MATTERS	\$31.00	BLUE COLLAR TACTICAL	\$1,800.00
PROCHEM DYNAMICS	\$305.55	MINNEHAHA COUNTY JDC	\$2,056.00
QUALIFIED PRESORT SVC IN	\$2,310.82	(BUILDINGS AND STRUCTURES)	
RUNNINGS SUPPLY INC HWY	\$499.96	JOHNSEN HEATING & COOLIN	\$2,673.47
SAP AMERICA INC	\$527.18	(BOOKS)	
THE LUMBERYARD LLC	\$29.04	THOMSON REUTERS - WEST	\$378.04
VERMILLION ACE HARDWARE	\$317.83	(FURNITURE AND MINOR EQUIPMENT)	
VERMILLION FEDERAL	\$854.41	CANON	\$348.11
VOLLAN OIL	\$5,691.75	COYOTE ENTERPRISE LLC	\$179.98
(TRAVEL AND CONFERENCE)		ERICKSON SOLUTIONS GROUP	\$4,890.00
FIRST DAKOTA CREDIT CARD	\$104.69	JOHNSEN HEATING & COOLIN	\$19,265.34
HOLLENBECK, LAUREN	\$55.00	LOFFLER COMPANIES	\$240.96
SDSU EXTENSION SERVICE	\$268.11	MICROFILM IMAGING SYSTEM	\$215.00
TYLER TECHNOLOGIES	\$449.00		

Packard said, in the ordinance we are about to discuss, there is a spelling error, and she asked if an old ordinance can be corrected. Zoning Administrator Drew Gunderson discussed the correction process.

The Board held a First Reading & Public Hearing for an Ordinance allowing the Re-zoning Application for Plat of Lot 4 of Lot A and Lot 5 of Lot A, in the NW1/4 of Section 21, T93N, R53W of the 5th P.m., Clay County, South Dakota; and a Replat of Lot 2 of Lot A, in the NW1/4 of Section 21, T93N, R53W of the 5th P.M., Clay County, South Dakota, Hereafter to be Known as: Lot 3 of Lot A in the NW1/4 of Section 21, T93N, R53W of the 5th P.M., Clay County, South Dakota (31214 454 Ave., Meckling) from A-1 Agricultural to RR Rural Residential. Gunderson discussed Barb Iacino's plan for breaking up the house compound into individual homes. The Planning & Zoning Commission recommended approval of the re-zoning. He recommended advancing to the Second Reading on September 6th. Hammond clarified it is the old Judith Grant nursing home compound on Highway 50. Hammond said he had a vested interest in the project in the past, but that has long since passed. Hammond moved, seconded by Manning and unanimously carried to advance the proposed ordinance to the Second Reading on September 6, 2022.

At 9:45 a.m., Manning moved, seconded by Packard and unanimously carried to adjourn and convene as the Board of Adjustment.

The Board conducted a hearing regarding the appeal of a decision rendered by the Planning & Zoning Commission granting a Conditional Use Permit (CUP) request granting the transfer of building eligibilities for 18 residential property lots on land located approximately on the south end of 460 Ave. along the river, legally described as Lot A of Lot X and a Portion of Lot A1, Accretion to Government Lots 3 and 4, Section 16 and a portion of Lot A1, Accretion to Lot A, Section 22, All in Township 92 North, Range 52 West of the 5th P.M., Clay County, South Dakota. Geoffrey Gray-Lobe asked about an email sent to the Board questioning whether the Board of Adjustment is the appropriate body to hear this request. Mockler said, under the advice of legal counsel, yes, this is the appropriate board. Smith cited Section 11.06 for appeal of Planning Commission decision, and it says a decision rendered by the Planning Commission for Conditional Use Permit may be appealed to the Board of County Commissioners. Smith said it does not say Board of Adjustment. Tracy said she would direct Commissioner Smith to her previous email to the Board about this matter identifying codified law that specifically identifies an appeal to the Board of Adjustment. Tracy said SDCL 11-2-55 specifically directs that "an appeal to the Board of Adjustment may be taken by any aggrieved person or by any officer, department, board, or bureau of the county adversely affected by any decision of the administrative officer to grant or deny the permit." She said codified law addresses that issue. In addition to that, Article 9 of our zoning ordinance specifically identifies that appeals of the decisions of the Planning Commission should be taken to the Board of Adjustment and that the County Commissioners will serve in that capacity as the Board of Adjustment. In that regard, she said she believes the intent of the zoning ordinance is for the County Commission to sit as the Board of Adjustment as is consistent with statutory authority authorizing them to do so rather than appointing a specific Board of Adjustment. Gray-Lobe questioned Tracy regarding Section 9 that addresses variances and decisions of the Zoning Administrator and said this appeal is neither of those. Mockler said this is the advice of the legal counsel, so this is the direction they are going today. They are in the Board of Adjustment, they are here to hear the appeal, and he discussed the process for which the meeting will be conducted. Mockler said Gunderson will

start, Mitch Peterson will receive 10 minutes to present, opponents will get 2 minutes each, Brian Donahoe will get 10 minutes, proponents will get 2 minutes each, and Peterson will get 5 minutes of rebuttal time. Mockler requested that while people are speaking, the audience not speak amongst themselves as it is distracting.

Gunderson said, on behalf of Daniel Heine Living Trust and Russell and Darcy Olson, Sarah Taggart submitted a CUP application for the transfer of building eligibilities. The area covered by the CUP would be 418 acres in size. A total area for proposed 18 lots would be approximately 56 acres, which gives each lot between 2 and 2.8 acres. Lots 11-18 would have separate accretion sublots, giving river access while separating the buildable lots from the FEMA designated flood plain. Access to the subdivision would be by paved county road 460 Ave. The site is bordered to the south by the Missouri National Recreational River, west by the Clay County Park, and to the north and east by approximately 500 acres of crop ground with no adjoining residences. It is zoned Natural Resource Conservation District (NRC). On August 10, the Planning & Zoning Board voted to grant the CUP, and on August 15, an appeal was delivered to himself, and that brings us to where we are at today.

Mockler yielded the floor to Attorney Mitch Peterson, who spoke on behalf of the appellants. He said he has been involved with zoning requests before this Board and about half of the counties east of the river. When think about a CUP, it's nothing anyone is entitled to. If someone doesn't meet the particular requirements, for example in another setting, if someone doesn't meet a setback, you can't give them a CUP. Only if they satisfy all of the minimum requirements, are then then eligible for a permit. They are not entitled to one, and our court has been very clear about that. In particular, most recently in the Miles v. Spink County case, even though all the particular minimums are met, the board still has to weigh things like economics, aesthetics, the property around it. It's only if all the minimums are met, you get to the point where you have the power to say this is good for our county or not. And when you wrestle with those factors and weigh them and make a decision to say this isn't right, it's not consistent with the purpose, it's not really the way we want to develop this county, you cannot be reversed in court. That's what the Miles v. Spink County case decided this year. When you exercise your judgement and say no, you've got cover in court. You can't be reversed for that. And that also goes to the issue, Mr. Donohue has raised the issue of a takings claim and said when you don't grant the property owner a housing development along a river that's one of the jewels of this county, you can be sued for unconstitutionally taking the property rights. He said that is legally incorrect. He discussed Section 1.03 and said the whole purpose of developing a comprehensive plan and ordinance is to decide in advance the rules you want in place and the values as the county grows, and as we get conflicting desires about how land should be used. Those are to have orderly growth, to promote public health and general welfare, to provide adequate light and air, to prevent overcrowding of land, to encourage the most appropriate uses of land, to facilitate the adequate provision for parks, other public facilities, to protect the land, water, and natural resources. That is the overall purpose of the ordinances. When you look at the definition of CUP, in Section 11.01 in the CUP section it always uses the word "may." You "may" authorize it if all requirements are met. You "may" permit a particular conditional use, which means the Board has discretion. The Supreme Court recently affirmed that you get to make a judgement call. Don't let

anyone tell you what you have to do. Additionally, when you look at 11.05 it says the CUP can be denied when not in harmony with the purpose and intent of these regulations. If this is not consistent with the harmony of this county, surrounding land uses, the way we want NRC property used, the way we want people to enjoy the park, they can deny it. He urged the Board to keep that in mind as they listen to the various comments. They can say no. In the NRC district, the purpose 4.05.01 is to preserve land in public open spaces, to protect natural drainage, to limit permanent structures, to protect views, to preserve natural settings for wildlife habitats, to add to the aesthetic quality of the community, to prevent the destruction or the pollution of valuable, irreplaceable natural resources, and to lessen urban density. He said all of those things are in disharmony with what Ms. Taggart wants to do. She wants to engage in serial successive eligibilities to consolidate 400 acres with the building eligibilities which were intended for family farmers, to consolidate and funnel them through and stick them on a river side that overlooks the park and the river. The fact that she asked for a re-zoning request is admission that she needs one. The fact that she was here to say, "I need this zoned Rural Residential so I can do my housing development along the river so all the people can look at that instead of the natural beauty," the fact that she asked for that is an admission that she needs it. The County already said no to that idea. They need to say no again just because it's repackaged in a new creative way. They have the ability to say it isn't what they want there, and we're not going to get cute with CUPs. It's not in harmony with what they want to in an NRC property. Additionally, when you drill down more into Section 11.05c2 with all CUP requests, whether it's for a wind tower or transfer of housing eligibilities, before it can be granted, there must be written findings certifying that satisfactory provision and arrangement have been made concerning several factors, including factor E, screening and buffering which is important when you think about the way people want to use the river and the park. They want to look at natural beauty. They don't want to look at the two-story houses overlooking it. Factor H, it must be in general compatibility with adjoining property and other property in the zoning district in which such use is to be located. It's about compatibility with what is going on out there. It's about harmony with how this county has chosen to be used. Is Ms. Taggart's proposed use in harmony with the decisions already made by this county years ago and recently with the re-zoning? It is not, and for that reason they should say no to this conditional use request. Finally, Mr. Donahue has raised the issue of standing. You've got a room full of people that have grievances here that use this park and use this river and will be negatively affected. They clearly have a right for their voice to be heard. He urged the Board to listen to them and make a decision that is right for the entire county, not just for Ms. Taggart's proposed development. He asked for the Board to deny the CUP and reverse the Planning Commission.

Bruce Gray, 804 Canby St., spoke to the Board. He said SD law requires zoning to be in accordance with the Comprehensive Plan. He cited page 15 of the plan and said, under the heading Preservation of Open Space, it says to maintain the environmental balance in the county, certain areas should be preserved in the natural state. Land for the proposed development is zoned NRC. He restated that in Section 4.05.01 of the zoning ordinance says the purpose of the NRC is to preserve lands best suited for natural drainage areas, public open space, and agricultural uses from encroachment by incompatible uses. The area will also provide protection from floods and erosion, protect natural drainage courses and their capacity to carry runoff water,

limit permanent structures and uses of land in areas subject to flooding, protect views, preserve natural settings for wildlife habitats, add to the aesthetic quality of the community, prevent the destruction or pollution of valuable and irreplaceable natural resources, and lessen urban density.

Curt Dimmick, National Park Service (NPS) Superintendent for the Missouri National Recreational River (MNRR). The MNRR was established as a component of the National Wild and Scenic River System, with the lower 59 mile district of the river, which stretches from Gavin's Point to Ponca State Park, being established by congress in 1978. The outstanding remarkable values for which the MNRR was deemed special protection include the free-flowing condition, water quality, cultural, ecological, fish & wildlife, geological, recreational, and scenic. Section 10A of the Wild & Scenic Rivers Act, the non-degradation enhancement policy, directs that the NPS shall administer the river to protect and enhance the values which cause it to be included in the system. The segment of the Missouri River where the proposed housing development is to be located is currently devoid of any development from Clay County Park to the Vermillion-Newcastle bridge. It is the NPS opinion that the development would contribute to the impairment of the scenic and other outstanding remarkable values of this segment of the river. Currently, the NPS owns little land along the river, so they work with private landowners, state, and local government to protect and enhance the values of the river through voluntary protection of resources, easements, and zoning designations on lands adjacent to the river. Clay County has been at the forefront of the cooperative effort for many years through its zoning ordinances applied to riverside land. They look forward to continuing the efforts to protect and enhance the values that make the MNRR worth of its special status. NPS does have a program that allows them to purchase property within and adjacent to its legislative boundary from willing sellers, and if any current or future landowners of this property would be interested, they would speak to them about the process.

Norma Wilson, 30959 Frog Creek Rd., spoke to the Board. She said she is one of many Clay County citizens who are aggrieved because an area she respects and loves is being targeted by a large housing development that would be built in the NRC district on one of the last wild and scenic stretches of the Missouri River next to Clay County Park. The Missouri is the longest river in the United States and the most precious natural resource in our corner of the world. It is part of Clay County's history. Bald eagles, great blue herons, green herons, pelicans, geese, cormorants, muskrats, deer, and beavers enjoy the stretch of the Missouri as their home. An 18-unit housing development in the riparian zone would destroy the habitat, beauty, and serenity of that unique place. Maps in the Comprehensive Plan show that soils at the site are severely limited for septic systems. Pollution from the development would degrade the environment for aquatic life and make recreation on the river unsafe for humans. Noise would drive away animals and people seeking sanctuary at Clay County Park. Taxpayers elect and pay the County Commissioners. They depend on them to protect the special places. The county ordinance makes it clear that the purpose of the NRC district is to abide by the ordinances and Comprehensive Plan in order to protect that district. She is aggrieved that the Clay County Planning & Zoning Commission did not provide her and other opponents a chance to speak before they voted to issue the CUP. She appealed to the Board of Adjustment to say no to the housing development

and asked them to work with the NPS to preserve the natural corridor for wild animals and people along the river's edge from Clay County Park to the Alabama Bend.

Sharon Gray, 32 E. Bloomingdale St., presented a piece of artwork she created. She said she spoke on behalf of one who is personally aggrieved. She appreciated that both sides the river. She is not implying that they do not. The painting she presented is one of many, but one of the particular area they are talking about. She paints the view and sells those paintings. That is the way she is financially aggrieved by changing and putting 18 units there. She acknowledged that there will probably be eventually units there. She trusts they will not have lots of lights, docks, and riprap, but 18 is inappropriate.

Cindy Gehm, 804 Canby St., brought photos she placed on the wall for display. She has been taking photos of the different seasons for years. She is sharing because they are photos of the view of the area. She takes them from Clay County Park of land to the east. She shared them to demonstrate the beauty of the chaos, trees falling while others are the protectors of the bank, eventually to fall. Decaying branches and trunks become homes to various species. The shifting sand is a daily event, and each year the scene in this wild area differs immensely. The river heading into Clay County Park is fast and raging, the water that moves past the land at the proposed subdivision also rages, and that area has been changing and breaking away, especially in high water years. She cited the area of the zoning ordinance that refers to the aquifer protection district. The proposed housing area is not only NRC, protecting waterways, land, and wildlife that surrounds them. It also sits on aquifer protection district zone B. Zone A sits low and is approximately a mile away from the proposed development. Her concern is septic systems, drain fields, wastewater, seasonally high groundwater table, and shallow aquifer below. It requires test boring. The aquifer protects drinking water, the close proximity to the river is an obvious factor. Soil type when determining septic fields is also considered as some are too permeable like sand, and others like clay are too restrictive. She discussed septic systems must meet South Dakota's more stringent requirements. She said they need to maintain recreational benefit and scenic boost that the area provides. They should keep the 6 miles consistent and as wild as possible because it is such a unique habitat. There is a reason it is protected by the NPS and is also designated NRC land. She said we should never ignore the designations for our own gain.

Jerry Wilson, 30959 Frog Creek Rd., said he has lived in Clay County and enjoyed the stretch of the MNRR for decades. He finds Mr. Donahoe's open threat to sue the county if his clients don't get their way downright offensive. Not to mention his distortion of the county ordinance and assertion that the citizens have no say in the matter. Conditional use is not a right but an exception that may be granted if it meets all conditions of the ordinance, and this does not. The right of citizens to appeal is guaranteed by the ordinance. He is personally aggrieved by a plan that violates public rights and county rules. He was a County Commissioner when the ordinance to limit building eligibilities to 3 per quarter-quarter was written. The intent was to limit urban sprawl, not to encourage it. The transfer of eligibility was for the next generation of family farmers to build homes on the land, not for a housing development next to the national and county parks. In 2009, speculators proposed a housing development on North Alabama Bend, a

mile from this, and after careful study, he and his fellow Commissioners voted unanimously to reject the proposal. The wisdom of that decision was made clear in 2011 when much of that land was under water for months. Today, that mile-long stretch of riverfront is public land, protected for future generations, accessible to all, and enjoyed by many. He said the river between Clay County Park and the Newcastle bridge is the jewel of the county, natural habitat for wildlife and people. He asked the Board to please stand up to special interests and their threatening lawyer, and stand up for the public, river, and parks.

Harry Freeman, 30814 Frog Creek Rd., thanked the Board for considering what he had to say. There is already a house in the same area that has been approved for development. They are not here appealing what they can already do under the current law. There are already houses in the NRC zoning. Four houses with the acreage allowed is not why they are here. He believes 18 homes is a density on the most sensitive land in Clay County along an undeveloped stretch of our national park in NRC land is just wrong. The applicants may create fuzzy math to exploit a loophole in the ordinance that was never intended to be used in this manner while there is clear language and solid, irrefutable logic in the NRC ordinance and the Comprehensive Plan to reject this CUP. At the beginning of August over 120 people from around the country and outside of our country camped at Clay County Park. They were canoers and kayakers that have navigated the entire stretch of the Missouri River over the past 50 years. It was a celebration that could have been chosen anywhere along the Missouri River's 2,300 mile route from Three Forks, Montana to the sea but they chose our stretch. One of the paddlers, Steve Stell, said the river is full of sandbars and feels wild in places, and it looks like he imagines it did before lakes, levees, and other flood control measures. The organizer, Norm Miller, a historian from Livingston, MT, said he wanted to see America the same way Lewis & Clark saw it. Freeman urged the Board to keep the park a natural treasure, keep it a refuge for future explorers of all ages, to retain a part of America as it once was unspoiled by development.

David Swanson, 31590 Greenfield Rd., said riparian forests and shrubland habitat along rivers are disproportionately rich habitats for birds and other wildlife. He cited research published by the Journal of Environmental Management in 2012 documented that between 1892 and 2006 55% of floodplain forest, 77% of shrubland on the 59-mile reach of the MNRR has been lost to past development. The regional riparian forest and shrubland bird populations have declined as a result, contributing to the 3 billion birds lost in North America since the 1970's, documented in a 2019 study published in the Journal of Science. Shrubland birds have been particularly affected along the MNRR as the dams have limited regeneration of the flood-dependent habitat. These shrublands are one of the most imperiled habitats along the river. Shrubby understory vegetation forms a prominent part of the landscape within the proposed development area. Bird survey research along the 59-mile reach of the MNRR has documented 17 species that are reliant on extensive area of this riparian shrubland habitat. Based on past development projects along the river, this development will likely remove most of this shrubby understory as it blocks views of the river. Local population declines in shrubland birds and other wildlife will very likely result from such changes. Granting a CUP thus seems incompatible with the NRC zoning designation goal of preserving natural settings for wildlife habitat.

Constance Krueger, 714 Lewis, thanked the Board for the opportunity to speak as they didn't get to last time. They appealed the decision as aggrieved citizens. She said she wants to make sure they are careful about the word "aggrieved" because there could be some talk later on about the word aggrieved having a specific, narrow definition. She cited the Oxford English Dictionary definitions of the word. The first definition is, "opposed or hurt in spirit, distressed, troubled, annoyed, vexed." The second definition is, "injured or wronged in one's rights, relations, or position, injuriously affected by the action of anyone, having cause of grief or offense, having a grievance." When people come here and say they are aggrieved, please listen to the individual concerns. She said she is distressed and aggrieved by the request for the CUP. Yesterday, she had the opportunity to be on the river, and she was shocked at where those houses were going. Imagining the docks, and imagining the banks being redone, she had no idea how impactful, how close it is to the county park and the wild and scenic river. She was troubled and offended and aggrieved. She asked the Board to please listen to everyone carefully and not allow the CUP. Ten houses are enough.

Susanne Skyrn, 722 Lewis, gave the Board handouts of the NPS report on spending in 2021 at the MNRR. She spoke about the visitors and said they spent \$6.9 million, the most of any year since 2012 except for the same amount in 2013. She spoke of the economic output, up to \$8.4 million, the most in 10 years. With the exception of jobs, all the parameters were up in 2021. She said 141,000 visitors came to the park and spent the most dollars on lodging, restaurants, groceries, gas, and other things, all services available in Vermillion. She spoke of the economic value of preserving the land around the national park as people come here to enjoy the wild and scenic river, especially after two years of COVID quarantine, people are anxious to get outside. Visitor spending in the future will rise. As development encroaches on our wild spaces in our nation, people value the places that are still natural and will spend money to visit those places and the gateway communities. Land on the river is worth more if left undeveloped. The figures reflect visitor spending on the MNRR as a whole, not just our stretch, but \$8 million dollars is a lot of money, even if it's divided amongst the gateway communities that host the visitors. If our reputation is that of having the most beautiful part of the river, how much more money would the county received it if capitalized on that, protected the natural beauty, and promoted the area for its scenic value? She asked the Board to deny the CUP request and preserve the unique area of the river.

Gretchen Ford, 1025 W. Main St., said the MNRR was designated in 1978, and the 59-mile stretch is unique as it remains vastly undeveloped. The NPS is entrusted with its care and requests the support of communities along its corridor to help maintain this habitat. Dan Heine had a vision to develop the property as it would be a financial asset to his family and provide homes in a beautiful setting. Two other honorable men who have passed had a different vision for the river. Martin Weeks, lawyer and State's Attorney, worked hard to protect the river. John Davidson, of the USD School of Law, published the Missouri River Case Study in 2013. Their combined visions were instrumental in the protection of the river for the public to enjoy. Eighteen properties will increase light and noise population with an average of 2-3 vehicles per house, lawnmowers, snowblowers, that would disrupt the habitat and would not be one would expect to experience in the natural environment. It's not about building homes for the Heine

descendants, it's about building 18 homes. She urged the Commission to respect NRC protections and deny the application.

Eileen Thournir, 113 Forest Ave., said Attorney Donahoe is quoted as saying, "If this CUP is not granted, then the property would be used for cattle production." She said she guesses he assumes the CUP for whatever type of cattle production will automatically be approved. This is where the Board will establish a precedent, where this unique parcel of land will either be protected according to the intent and purpose of the zoning ordinance and the Comprehensive Plan, or by voting to allow this CUP setting a precedent contrary to the purpose of the NRC, and that has been stated in Section 4.05.01. She requested that the Board reject the attempt to circumvent the previous ruling of this Commission that denied rezoning the same property as Rural Residential. She asked the Board to protect the interests of the public. She was convinced to move here, partly because of the beauty and pristineness she witnessed. Once the Board accepts the CUP, it can never give back to the future generations the unique section of land the public has entrusted it with. It can never be returned to its original condition.

Geoffrey Gray-Lobe, 514 W. Main St., said much of what is being discussed is bringing back issues heard when the Board wisely voted not to allow the property to be converted to Rural Residential. One of the primary issues he has with the approval of the CUP is the novel use of the transfer of building eligibilities. It has never been used before. He went down and asked Gunderson for some examples of how it has been used in the past, and it has never, so how this is being treated today is determining how the Planning & Zoning Commission should approach this in the future. If you look at the NRC district ordinance, it says each quarter-quarter has three building eligibilities, and then on the next page, when we are talking about this particular conditional use, it says that the transfer of a building eligibility of one parcel to another parcel, so to him it seems very clear that "parcel" has a specific meaning. It means a quarter-quarter section. That's the only unit of this zoning area that has any building eligibilities to transfer anywhere. You have to look at quarter-quarter sections. If you look at the map see the quarter-quarter sections overlaid, the math that's used to calculate 31 building eligibilities is flawed. Within the property at issue today, there are only 5 quarter-quarter sections that he can find that are wholly within the borders of the county. Those 5 are not taking any building eligibilities from any adjacent landowners. Every single one of the other quarter-quarter sections crosses a property line, and any neighbor's property, if those building eligibilities are all used, those neighbors have fewer building eligibilities available. It's inappropriate to simply calculate the cumulative area. There is nothing in the ordinance that says a building eligibility is 13.3 acres. It says they are held by quarter-quarter sections. This was not addressed at the Planning & Zoning Commission level. Gunderson requested it be discussed and have some findings. If these 18 are moved here, that leaves potentially 13 others if you accept that math. They said nothing about where those are. Without saying where they are, none of the adjacent landowners know how many building eligibilities they have. It's too vaguely written in the ways it's being used right now, and we need to listen to everyone who is explaining all the reasons why this is inappropriate.

Grace Freeman, 30814 Frog Creek Rd., said she is aggrieved that the Planning & Zoning Commission didn't consider openly question the impacts of allowing the CUP during that hearing for the subdevelopment on NRC land. She is appealing to the Board of Adjustment. In her opinion, open space preservation can actually help lower taxes. Residential development does increase land valuation for property tax purposes, and the increased valuation may lead you to approve a development project, but when that development project is inconsistent with the Comprehensive Plan, it doesn't work. The decision, coupled with higher demand for services generated by residential development can actually increase tax rates and overall tax bills for county residents. Studies show that per capita increases are significantly lower in towns with protected lands and substantial farmlands. Open space preservation can actually help keep taxes lower. Zoning regulations are the legal mechanisms to achieve the goals of the County's Comprehensive Plan. Clay County's Comprehensive Plan stresses the importance of avoiding scattered and sprawled development. We have two extraordinary natural assets, the MNRR and Spirit Mound. Both wild and scenic places draw visitors from all over the region and give locals a place to escape. Just as we would encourage our Clay County Commissioners, the Zoning Board, and Board of Adjustments to deny a CUP allowing a landowner to manipulate housing allotments of Ag land across from Spirit Mound, she urged the Board to deny the CUP along the Missouri river.

Tim Schreiner, 1115 Valley View Dr., said he moved back to Vermillion for two reasons, friends and the river. The beautiful, pristine, wild, natural resource we have is unlike resources most of the South Dakota counties find themselves with. It's the center of a lot of what we do. Because we have this wonderful place, the responsibility that comes with it is that we are trusted with preserving it. It would be unfortunate if this development went forward. The Comprehensive Plan and zoning regulations do not permit this kind of development without a special waiver. He is hoping that they can turn it down. Let them do the small housing development that the regulations let them do. It would destroy the pristine look of the river in that part, which is now wonderful, in a way that the zoning rules and Comprehensive Plan essentially don't allow.

Matt Pesicka, 318 Prospect St., said Section 05.01 establishes NRC district. The area will provide protection from floods and erosion, protect natural drainage courses in their capacity to carry runoff water, limit permanent structures and uses of land in areas subject to flooding, protect views, preserve natural settings for wildlife habitat, add to the aesthetic quality of the community, prevent the destruction of valuable and irreplaceable natural resources, and lessen the urban density. The CUP was approved by the Planning & Zoning Commission, yet not a single purpose of the NRC zoning district has been upheld or supported by its approval. It's very clear in the Comprehensive Plan and our county ordinances that this area needs protection. The Planning & Zoning Commission made the wrong decision because they did not effectively and appropriately balance what our ordinances say need to be protected. He said the board is aware of specific harms and what they should do to protect this land from these harms. He urged the Board not to let the proponents distract them with arguments about "standing." He said a standing doctrine has its basis in the constitutional principle of separation of powers. To have standing in a court setting, you need to have a concrete and particularized or imminent injury that is fairly traceable to the final decision of a rule-making body, and that it is justiciable in a court,

meaning that the court's ruling isn't necessarily about factors that the Board is weighing today, but whether or not they made an erroneous decision. They may here more today about how the opponents lack standing and how they need to address that. It's meant to distract them and muddy the waters about how clear the ordinance is about the NRC land and its importance.

Judy Sharples, 104 Montana St., said in 1971 she and her husband moved from Los Angeles to Wakonda. They wanted to escape the dehumanizing effects of the city. They found Clay County a beautiful place to live. The river was a natural place to go to receive inspiration. Their happiness was cut short when they heard the forces would be working to channelize the river. There were environmentalists, US Fish & Wildlife Service, various people came together, and the plan was defeated. They were handed a beautiful legacy that they still enjoy today, 50 years later. She asked the Board to think carefully about their legacy for the future, consider everything they have heard, make the right decision, and don't be swayed by threat of a lawsuit. She will feel aggrieved and a substantial sense of loss if they approve the housing development.

Elizabeth Hanson, 45572 306 St., Volin, said she has listened to all the information, and she has independently read much of the information herself, and she agrees with the comments made today. Her friend grew up on the river and is mad at her because she feels like it is an attack on her family and their legacy as they own property on the river. It's not the issue here. It's not about being opposed to existing homes on the river. She knows the joy of living on the water as she lived for a decade on a lake in Wisconsin. She doesn't like the idea about anyone telling her what she can and cannot do with her property, but she knows that is part of being a property owner. There are rules and laws that govern what she can do. It isn't about opposing all development and keeping people from doing what they want to do with their property within the boundaries of what the ordinances allow. There are lots of different bodies that have a say in what happens along the stretch of the Missouri that is actually primitive and what it used to be before, in the time of Lewis & Clark.

Sandra Kern Mollman, 30717 University Rd., said she knows there are a handful of people represented on one side, in favor of changing something that will be long standing and permanent. At the same time, there is an entire county full of land, water, trees, and animals that the Board is encouraged to look out for. That handful of people have lots of weight for lots of reasons, but that doesn't change that she hopes they can look out for all of Clay County for the long term. She is grateful for them taking into consideration how important those decisions are. She hopes the board can look out for all of them.

Greg Redlin, 1135 Valley View Dr., said he has lived in Vermillion for over 50 years. He has been reading Lewis & Clark's journals recently, and they camped at a location very near Cotton Park, and the next morning trekked up to Spirit Mound. It was a hot day and a difficult climb. They saw some spectacular views of the county and the river. We don't have to climb Spirit Mound now. We have mulberry outlook, and it has spectacular views of the river. He imagines what it looked like to Lewis & Clark when they came through in 1804 and back down in 1805. It is a beautiful treasure we have been entrusted with, and if the development is approved, it will encroach upon that treasure, and reduce that treasure in the eyes of many, not only in the eyes of

Vermillion and it's children, but in the nation's eyes and the nation's children. He urged the Board not to approve the development.

Mockler said he would like to hear from everyone who signed the appeal letter and called on them individually.

Mary Lynn Kavanaugh, 113 Forest Ave., said she grew up on a farm right outside of town. The Missouri river has been a haven for her. She was gone for years, but what drew her back was the land and the river. She hopes we can keep the beautiful asset to the community. It gives so much to the heart and soul of the people who live here.

The Board took a 5-minute recess.

Mockler called upon Thomas Marshall, 102 Austin St., a signer of the appeal letter, but he was not present.

Brian Gevik, 45572 306 St., said he has not spoken to the Board previously. This issue motivated him to do something he has not done before. Something he cares a lot about is threatened. He is conflicted. He would love to live on the river. He loves it. He would love to live in the Badlands, maybe someplace in the Black Hills, but to him it's wrong. All the legal arguments aside, to him it's not right for that area.

Kathleen Kavanaugh, 19 N. Pine St., said she grew up on a farm near here. She spent a lot of time in college along the river in this very stretch where they are proposing this development. At that time there was a path that accessed the area. The thing that concerns her most is the precedent that will be established by the Board's decision. She asked for a precedent that follows the intent and purpose of the ordinance and the Comprehensive Plan.

Mockler called upon Tom Cooper, 300 Forest Ave., a signer of the appeal letter, but he was not present.

Paul Hasse, 415 Sterling St., said he owns a lot on the river 10 miles west of town, 2.5 acres with 250' of frontage. He was involved with re-platting 1000 feet of frontage. He could have gotten 5 lots but chose to do 4 lots out of it. It's decent. The land under question now can be developed according to existing zoning code. They don't need special exceptions to overcrowd. Usually developers, when they want to overcrowd, it's called developer's greed.

Brian Donahoe, Attorney for the applicant, said he doesn't consider himself a big city lawyer as he was born in Vermillion. His great-great grandparents came from Ireland and homesteaded the area. They have 6 generations of family here, his mother lives here, too, and they care deeply about the river as a family, and they care deeply about the environment. They care deeply about the rights of landowners, homeowners, and others as well. He is here to talk about the specifics of a plan set up by Daniel Heine. He nurtured existing trees on his land, an area where he eventually wanted to have houses. He spoke to people about it before he passed away, and his living trust carries that on. They have been told the approach is a loophole, or is something that someone claims is a mission because there was a rezoning application that was denied, and they came back with a plan. There is a claim that the rezoning application marries us as the applicant

to the position that this is not appropriate unless it's rezoned. That's not the truth. At the rezoning hearing, it was suggested that conditional use and building transfers might be a way to do the same thing. The Trust went forward with the plan and hired him to make sure they did it right and did not have problems, as you can see it is controversial. A lot of people are opposed to this, but it does work very well, and in fact it does enhance the protections of the land that are intended by the zoning designation, so when you didn't change the zoning and left it as NRC, you kept this private land with protections that require it to have larger lot size and other things that allow it to go forward under permitted uses, like agriculture or other things that could alternatively be done that could take out the trees, that will take out this view that everyone is talking about as if it were their own, as if it were a public park. It's not a public park. It's private land. You will see the same thing, but from a different vantage point, or from the same vantage point as where the pictures were taken or paintings were made if you do allow the zoning to go forward. This was approved with the idea that there were going to be trees still left. Housing will be interspersed, yes, but it will be on larger lots, deeper lots back from the FEMA flood zone, with soils that will have to be tested, all the other requirements that go along with protections that are already in place. Those are the environmental laws. Under the zoning, there are permitted uses, single family dwellings and the provisions that were met with the Planning Commission. Gunderson, as a professional, went through those things and found they were met. The building eligibilities are a conditional use. We can disagree about the map or how it's parsed out, but nothing under the provision of NRC district says only in certain circumstances, like in one quarter-quarter section, or only within a certain area, or not allowed if you don't have everything the way people want it who are opposed to this. What it says is that you have to have a minimum lot size of 2 acres, or a larger lot size because of soil conditions, so we've looked at that. We have the lots. It talks about the transfer of building eligibilities between contiguous parcels under the same ownership. We've got that. There has been a lot of talk about the intent. You don't talk about intent when you're acting as a quasi-judicial body. You talk about meaning. You talk about what the ordinance says. You look at the ordinance and the language that is there. You have a lot of different folks who had different intent as legislators who came in and made the laws. As a court, you don't have them all come in and address what they think the law should have been or what they intended it to be. You look at what the law is. It is something that allows the farmer, in this case, instead of consolidating these building eligibilities for a family member and just to continue the farming operation, it's for the family members and others to continue to enjoy the river. It's no different than a farmer consolidating several different building eligibilities on a large piece of land in one area so that you only have one entrance, so you don't have a bunch of field entrances, so you don't have a lot of traffic, you don't have a lot of bus stops. You have an area that is contiguous, together, in the area preserving the trees. It makes perfect sense and meets the requirements. The parcels from which the eligibilities are transferred are going to continue as agricultural land. If it's not built, then the appropriate thing for someone who is a steward for a trust is doing their fiduciary duty to maximize the value of the land would be taking those trees out. He said he can't say that is what will happen, but it's wholly within their power. If they do, they can turn it into agricultural use or other things that will change this more dramatically than if the housing eligibilities are actually transferred and this is built. These lots are going to be for sale. If someone buys the lot and doesn't build on it for 15-20 years, that's

fantastic for the opponents who want this to stay natural. If they build on it, one would expect that they are going to have respect for the property around them and continue to want that river to be great. Who better than an abutting landowner to take care of the river? The application met all the requirements. Standing is a requirement. That is not something that is a distraction. It is not something defined by those who oppose the project. It is part of the law. It was part of the law under *Cable v. Union County* that has been codified. That is recognized by national treatises and other things that address the law that say this particular requirement has been in application or applied to this set of statutes or ordinances in South Dakota even down to Clay County even before that became a statute. He urged the Board to focus on two things. There has to be something here that is redressable, meaning if their decision to deny the housing eligibility transfer is something that they want, it has to give them what they are looking for. They are looking for protection. They won't get it if it is denied and it goes on to agricultural production, and all the trees are gone, or a big shed is put up, or cattle are run on that land. So all of that is another problem that they need to address, and they haven't touched on it at all. Secondly, they have to be aggrieved in a way that is different than the public in general, that's different or unique from the public, and nobody has proved that. Nobody has shown that. They have talked about how they use the river, or how they use the county park. All of those are public uses. They have nothing to do with a property they own or some other economic use. You can't say, "Because I took a picture and sold it," or, "I painted a picture and sold it," or, "Because I can go there on the river or use other public access and view that and then make money from that experience that is personal to them in a way that is different or unique from the general public because anybody in the general public can do that. There is no statutory authority here for them to come in and make the appeal. On their letter, they are coming in the last minute and arguing this has to be the County Commission, not the Board of Adjustment, the letter they have in the last sentence, the only thing that mentions the body they are appealing to, they have that it's for the Board of Adjustment. You're still right under the law. This is the Board of Adjustment, and that's where you are supposed to be. Lastly, the authority the Board has is not unbridled. There is a discussion about discretion, whether you can deny this because it's not compatible with other uses, but when it says you can have single family houses, then it's compatible with single family houses. When it says you can have agriculture, or things that make it much more barren or less attractive, you're talking about discretion that you should exercise by approving this, but more importantly this is not a legislative action it is a quasi-judicial action. The Board's authority is to act on what has been decided. What has been decided is the ordinance. The ordinance has given the Board what it needs to determine this issue. Based on that, he asked they deny the appeal, which means they would allow the CUP that has been approved lawfully to continue.

Sarah Taggart spoke on behalf of the Daniel Heine Living Trust and his widow. The land was purchased by her grandfather and passed on to her uncle who lived in Vermillion and farmed the land, paid property tax on it, and cared for it for many decades. It had always been his intention to develop his riverfront into beautiful residential lots. Sadly, he just never got to it prior to his death. However, he did make his intentions clear. In his trust, he left part of the riverfront to the families of one brother and three of his sisters. He directed four of the lots, approximately 2 acres with 200 feet of frontage, per the ordinance, to be platted and left to four different families to be used for their enjoyment. While getting the work done for those lots to be platted, his widow and

trustee decided it made sense to, at the same time in accordance with his intentions, to develop additional lots along the riverfront and have a comprehensive plan submitted all at once. She presented a sketch of the land and lots. Lot 1 is owned by Russell & Darcy Olson. It was previously farmed all the way to the bank and trees had been cleared. Since the Olsons purchased the lot, it is no longer being farmed. They have planted trees and made improvements to make a buffer between their property and the boat landing, with more improvements to come. Lots 2, 3, 4, and 5 are the lots directed to be platted to the four families of the siblings. The trees have been preserved here because he chose to preserve them. He could have chosen not to. Her uncle always intended to develop the riverfront and knew river lots with trees would have been much more desirable than one without, so rather than farming them he left the trees undisturbed. He could have certainly cleared the area long ago and gained substantial amount of farm ground. Lots 11-18 are lots and sublots, that have the accretion lots that there will be a deed restriction that they stay together. They naturally push the properties way far back because the structure will be built on the lot. They will not be built in the flood zone and basically will not be visible from the river, especially the ones further downriver. It's a nice way to make it all work and hopefully please others.

Kyle Jensen, 31582 454 Ave., has lived here his whole life, and goes boating on the river every weekend from Springfield to Omaha by the river. He appreciates the number of people here to speak about what they believe in. He said there is an equal amount of people who could not be here today that believe in how we feel and our rights. There is a stretch straight south of where he lives, the Highlines, downriver where there are probably 30 houses together on the river. That is beautiful. There are existing trees, much like Dan Heine left, and that is beautiful to him and the others. He has been farming with Dan Heine since 1998, becoming a personal friend, and his plan was to develop it. Existing trees were left because that was his plan. His opinion is it meets everything and has passed through the zoning board perfect to what Dan's plan was. It's up to the County to approve it. He doesn't believe in building houses, trailers, or campground just anywhere. The roads have to support it. He is on the Norway Township board. They are dealing with an issue right now that he is not in favor of because the roads don't support it. Here, they will have one blacktop route to these houses. All the lots are the same size as a lot of the other houses. He believes the appeal should be denied and approval given to what the zoning board has been through.

Kolly Fostvedt, 1510 Crestview Dr., with a second home at 45467 River Dr., said he has been using the river over 50 years, and has owned property there just over 21 years. In recent years, he purchased farm ground and had it platted from farm ground to residential for his daughters. They grew up enjoying the river, and he wants them to have the opportunity to come back and continue the legacy. It was done because he met all requirements and was granted in December 2020.

Glen Gilbertson, 31704 Bergen Ave., said he also serves on Norway Township board and served on Clay Rural Water Board of Directors for 12 years. He was the state representative for 7 and a president of the rural water center for 6. He has heard people say they were will be pollution to groundwater. He disagrees. A project would have to be permitted. It will be done properly. It is

irresponsible to say there will be pollution. He knows the family, who are responsible people, and it will be done right.

Paul Remmes, 605 Sharpe Dr., said he is Dan Heine's nephew and grew up working his farm. He remembers about 13 summers working on the land. He believes the development would provide a great source of attractive building sites. There has been a lack of available residential real estate in the area for many years. This would be attractive sites and readily sellable. It would provide new property tax revenue. Inflation is going up. There is a squeeze on budgets everywhere. Tax revenue would benefit all of Clay County residents. It provides a capital efficient growth in Clay County. The road, water and electrical infrastructure would be funded by the lot owners. No capital investment for this project is required from the County, and no special tax incentives are sought for this project. He encouraged the Board to approve the CUP.

Dominic Remmes, a registered professional engineer, said he directs permitting and zoning of different projects, with particular attention to environmental compliance, is at the core of what he does. He and his wife own a home near the proposed development. They believe the development would be a great project for Clay County. It would be an enhancement by preserving both the environment and personal property rights. Dam construction ended the free flowing Missouri River. It is liberally managed by the Corps of Engineers. When water flows through the dam it has a new energy and is relatively sediment-free, and as such it has a great appetite for destructive erosion, including that of the riparian environment. Protection from the environmental damages is a necessary response to dam construction, and the predecessors on the Commission prudently approved the stabilization for the banks along Clay County Park so that scenic views could be sustained and preserved long into the future, and these property owners will do the same. The Clay County zoning ordinance explicitly took the development of residential lots on the Missouri River into careful consideration. Rules were established for river frontage, height of buildings, lot size, setbacks from the river. Clearly, aesthetics, stewardship, and sustainability were considered. The ordinance created not an either-or but a both-and balanced consideration of the environment and property rights. The applicant has responded yes to the balanced approach that was provided in the written guidance of the ordinance. He asked the Board to approve the CUP.

Jeanne Ives, Wheaton, IL, said she was previously a City Council member there and is the niece of Dan Heine. She is familiar with zoning applications and their impact on both parties. She worked on the farm many years growing up. Board members have the duty to uphold fundamental American principle of private property rights and existing laws surrounding those rights. As this application is fully compliant with the current Clay County zoning ordinance, Board members can rest assured they are protecting owners and upholding current law. There are no loopholes they are going through. The CUP was put together with the help of Clay County staff to ensure compliance. The ordinance clearly anticipates, expects, and allows for residential zoning. There is no infringement on Clay County Park, on the river, no adjacent private property owner has any issue with any aspect of this application. Her uncle, at the suggestion of the NPS folks would be rolling over in his grave if they were to sell the land to the government. It will not happen. Government altered the river decades ago with the damming and continue to alter it with

the control of the river. For the environmentalists, there is currently spraying on sandbars every year to control vegetation. It's not in its natural preserve at all. Spraying is going to start September 5, 2022. This project protects the river and adds value to the community. The arrogance of some of the opponents is very alarming. The opponents' lawyer compared property development to a hog farm in his written opposition to this meeting. Opponents rejected private property rights, which is a fundamental component of freedom. If you don't own the fruits of your labor, then you are not free. Our founding fathers understood that well. To protect the environment and preserve the timber along the river, the best option is to allow owners with a vested interest to keep aesthetic value, to hold and maintain that land under the strict covenants of this application and development rules which have been set up by the developer. The last thing the community wants is for future owners to clear land and farm to the river's edge. The only way to ensure that doesn't happen is to protect the riverfront with residential lots that cannot be disassembled in the future.

Tom Taggart, 45949 Liberty Rd., said his dad and Richard Bottolfson were very involved in Clay County Park, its campground, walking path, boat access, deck on the west end of the park, and they loved for everybody to enjoy it. His dad said the river should be available to everyone. If people want to live there, they should be able to live there. He and Dan Heine always talked about developing the ground. His dad was all for it. He has spoken to the Bottolfson brothers, and their dad would have been all for it as well. With the park and that together, it is a good fit. The park will still operate the same for people to enjoy. He said he is for the housing development.

Mitch Peterson said it has become clear the math is off. You cannot take 400-plus acres, divide by 40 and say you have 10 quarter-quarter sections. That's not how it's defined in the ordinances. The only quarter-quarter sections from which and to which building eligibilities can be transferred are those which are wholly owned by the same owner and are contiguous to one another. There is 5 total quarter-quarter sections within this, even if they are right that you cannot just transfer contiguous but keep filtering them down to where you want, it's only 15. The Board needs to take a closer look at the quarter-quarter section that's along the river because there is no way the quarter-section line is completely straight because it's going to have water in it, and water is not owned by them which means water cannot be a recipient, a transferor or transferee of building eligibilities. You can't grant it based on that, based on your own ordinance. The bigger question is the purpose and the overall intent of the ordinance, particularly NRC 4.05.01 about preserving land, public open spaces, limiting permanent structures, preserving the natural settings and wildlife habitats, aesthetic qualities, natural resources, and lessening urban density. This project of putting 18 homes against the river is not compatible with any one of those purposes, not a single one of them. They are entitled to their 3 building eligibilities. No one is denying them their building eligibilities on the quarter-quarter section, but to transfer 15 more into there, it's not clear where they're coming from. That's not in harmony with putting up a housing development right along the river when this is NRC land. That would be appropriate for a Rural Residential district. They tried that. It didn't work. That is the only path for this particular project with this level of density of housing in the NRC district, according to the ordinances. He spoke of "standing," and he referred the Board to his letter from the day before.

The standing requirement is unique for the appeals from here to court. That is the only thing it applies to. At this level, the ordinances say these people have a right to be heard. Even if the heightened standing requirement applies, you've heard testimony from many people in this room how they are personally, specifically, and concretely affected and would be negatively affected by this project. Regarding Mr. Donahoe's comments, respectfully the proper Board here is the Board of County Commissioners. That's how Minnehaha County does it under 1-2-17.3, it allows the county by ordinance to identify the entity that is approving a CUP. It can choose a Board of County Commission. It can choose the Board of County Commission serving as a Board of Adjustment. Or you can have an appointed Board of Adjustment. There are 3 options in this state. If CUPs are supposed to be appealed to the Board of Adjustment, then the rules in 11-2-55 through 60 apply. That's not the choice your county made. Your county made a different choice, much like Minnehaha County did, where they chose the Planning Commission, followed by a Board of County Commissioner hearing, and under the ordinance 11.06 it says the decision rendered by the Planning Commission on a CUP can be appealed to the Board of County Commissioners. It could not be clearer who is supposed to be acting, and it matters because of the requirements. Everyone on the Board has heard many good reasons why they should deny this project. It is not in harmony with the minimum rules or with the overall purpose or intent of the ordinances. You are absolutely covered to say no, we don't think this is in harmony, and under the Miles v. Spink County case that just came out this year, you cannot be reversed. Mr. Donahoe didn't argue very effectively against that notion. Peterson said it's because what he is saying is true. You have discretion and authorities all over in the ordinances. It's in 11.05 2B, it says you can deny a permit if it's not in harmony with the overall purposes of the ordinances, not even specific to the use, but the overall what you want this county to look like according to your Comprehensive Plan and ordinances. You can say no. Don't be bullied into approving this project you know in your heart is not compatible. He asked the Board to stand up to everyone in the county and say no to the project.

Donahoe objected for the record, as a point of order, even if the Board does not allow it, that there is a different interpretation being put on the Miles case, that the harmony issue is not the law. It is a misstatement of the law. He would ask the Zoning Administrator to look into the math issue. Mockler denied Donahoe and told the audience he appreciates the help, but he does not need it as he can control the meeting.

Mockler closed the public hearing and turned the floor over to the Board of Adjustment.

Manning said it is a very tough one. He understands both sides. He is not a river person, but he did fish a lot with father-in-law in Minnesota, and he did enjoy seeing all the houses that were built from year to year. His back yard is pretty much wildlife, so this is a very difficult decision for him, more so than he thought it was going to be.

Manning passed the mic to Packard, who said she will agree that this is extremely difficult. Both sides have numerous, very valid points. Things she keeps questioning is where and how this sets precedent for the rest of the NRC district along the river. No one has spoken to that. The other issue is yes, it is on an existing road. To her knowledge, the Highway Department has not been requested to comment on this road. In her mind, it would need major improvements or constant

care, and it would be County expense. Her experience with the landfill and various other background is that we have not had proper road agreements with other developments that have brought up many questions and many expenses. It is something she would like to see in this plan, some sort of percentage as it will increase traffic on the road, not only during construction, but for life. Spot development is a major portion of the Comprehensive Plan. This is a most desirable spot development. It is difficult because it is private land, in the NRC area, and right along a natural treasure. Are all protections provided? If anything, she would like to see a little smaller development.

Hammond said he thinks in our previous hearings, most of the attendees know how he feels about developments along the river. This is large enough that it could contribute to urban sprawl, on the national park, adjacent to the state park. His viewpoint was, in the last hearings, that our permitted uses allow 12 lots on this property. Maybe there are economic reasons for 18, but he does not see the heir count matching the number of 18 lots. He acknowledged he may be wrong. He thinks 12 permitted uses with no change in zoning at all could be done easily with less impact on that stretch of river. Hammond said he has some other reasons to come to this conclusion, but those are the larger pertinent reasons.

Smith said this is indeed a difficult issue. She has listened carefully to both sides, but she has to keep coming back to our own documents. Looking at the purpose of the NRC district, those are the criteria they have to use. They have complete discretion as a Board to approve or deny, so going back to the NRC zone, they have to ask whether the development is compatible with the NRC district's purpose of providing open space. The answer is no. Does it protect views of the MNRR. The answer is no. Does it protect wildlife habitat? Professor Dave Swanson argued powerfully here, and he is the bird expert in the State of South Dakota and along the Missouri River, and he made a good argument that it would in fact destroy some important, critical wildlife habitat. Does it prevent the destruction of irreplaceable natural resources? Again, the answer is no. The other important document is the Clay County Plan of Development. Goal 2, Objective 6, to preserve and enhance the Missouri River riparian area. The County, this is a quote, she said, values the preservation of Missouri River habitat for the natural scenic qualities of the MNRR and encourages development that preserves and enhances these qualities. This development clearly does not do that. The NPS representative, the local Superintendent, is opposed to the granting of this permit specifically because it would interfere with the core values of the MNRR, the national park that flows along the edge of our county. We've heard a lot of talk about the extent to which it is wild and scenic. Along the entire Missouri River, over 2,300 miles, we have one small stretch where the river still runs wild, and Clay County is it. This particular section of the river is it. You can find this in the foundation document of the MNRR and the amendments to that. As Packard mentioned earlier, another part of the Comprehensive Plan says we need to prevent scattered and haphazard development in AG-1 zones, and this is in AG-1 zone. This would be a unique, high-density development in a fragile ecosystem, and we also have a goal to avoid leapfrog development. She thinks the zoning code wisely permits no more than 3 residences per quarter-quarter in NRC zones. Is there a good reason to make an exception in this case? Not if we follow our Comprehensive Plan of Development, and not if we take seriously the purposes of the NRC designation in our zoning code. Granting this would

work against our own written policies. Smith said she has been hard at work with the SD Dept. of Transportation and County staff in writing a Master Transportation Plan for this district. The idea is not only highways but also foot paths and bike paths. One of the dreams of various groups has been to connect hiking trails in Clay County Park to the hiking trails out to Mulberry Bend. This would be a key piece of land to do that. If we take seriously our Comprehensive Plan and our zoning ordinance, we would have to support this appeal.

Mockler addressed Packard's question regarding access being granted, which has been done in 2003 and 2014 with platting, so it does not have to go through that process again. Gunderson said it was a small lot and a chunk, not for a development. Hammond said the Olson plat was a permitted use, not a CUP. Hammond also said he should clarify his comment about the 18 lots. His point was he would hate to be part of creating a family feud about which get the 18 lots if there are more family members that really want to have a lot on the river.

Mockler said the CUP was permitted by the Planning & Zoning Commission is legal, it's allowed in our ordinance, in NRC through this mechanism, and his question is if the Planning & Zoning Commission err in their decision? Mockler asked Mr. Dimmick, in the time he has been with the NPS, between property owners and river users, has there been any conflict that he has had to resolve? Dimmick said he has not as he has only been with the MNRR for 8 months. He has not worked a park that had these kinds of interactions before. He has been with the NPS for over 27 years, but it's a new type of park for him. It's one of the of the most unique as they don't have a lot of areas under the Wild & Scenic River status.

Smith said one other issue is in the Zoning Administrator's memo, there is no problem with compliance with the Comprehensive Plan. Gunderson clarified that was for the re-zoning hearing held earlier in the meeting for Barb Iacino's request. Smith asked Gunderson what he said in his memo about this. Gunderson said, "It can be assumed that any listed CUP in its individual zoning district (barring any confusion about definitions) aligns with an was written within the goals of the Comprehensive Plan. The South Dakota Supreme Court wrote: 'The comprehensive plan and the land use ordinance are complementary, but their purposes are different. The plan sets out what is to be accomplished; the ordinance sets out concrete standards to ensure that the plan's objectives are realized.... The ordinance is the translation of the comprehensive plan's goals into measurable requirements for applicants.' There is nothing stated in the Goals of the Clay County Comprehensive Plan that states housing is incompatible with the environment along the Missouri River." Smith argued that, given what the Comprehensive Plan says about preserving and enhancing the Missouri River riparian area. She thinks there is an issue there. Gunderson quoted page 1 of the Comprehensive Plan, "The Comprehensive Plan is a general guideline and neither endorses nor prohibits development of a certain kind in a certain area. It is intended as a guide to the County in its implementation of the zoning regulations, subdivision regulations, capital improvement plans, and other related policies." Smith said she thinks it suggests we do use the Comprehensive Plan as a guideline here in addition to zoning ordinances. With respect to the text of the ordinance creating NRC districts and the guidance that created that ordinance, she thinks it's pretty clear that granting this application would work against our own written policies. Mockler said it also says, "to preserve farmland," so instead of having 3 houses

in every quarter-quarter that you can move those to one quarter-quarter to preserve farmland. If we are going to just start cherry-picking out of the Comprehensive Plan which part we're going to follow, that's the one he is going to pick. Smith said we do have discretion, and in the end, we have a process of weighing. She has nothing but respect for the stewardship of the Taggart family. She worked really hard on Clay County Park with Terry Taggart. She has no doubt every member of the family cares as much as Terry did about the river. We have a weighing problem. We have complete discretion. We have to weigh the public interest and having a national park at our doorstep and what our own policies and ordinances say about how we should make decisions. Discretion is never unlimited, but in this case the guidance falls on the side of sustaining this appeal.

Manning asked Gunderson to read the first line of the Comprehensive Plan again. He said he would disagree with Smith. It says it neither endorses nor prohibits. That says it's just a guideline. The ordinance is what we go by. The Heine family has covered everything they need to do. Everything they have done has been correct by our ordinance. The only thing he would question right now is the quarter-quarter math. They are either getting 18 or they are getting 12. Nobody has said they don't want to see any houses. That's not the case here. If he is against it, he doesn't want to see any houses there. He wants to see it left the way it is. He doesn't understand that.

Smith said with the transfer of eligibility allows them to qualify for a CUP, but it is still entirely discretionary. It doesn't create a permitted use. Manning said he agrees with that. Smith said they can argue transferability, but her issue is that they are supposed to be guided by the Comprehensive Plan and the NRC ordinance. We do have an NRC ordinance that very clearly says we should be providing open space, protecting views, preserving habitat, preventing destruction of irreplaceable natural resources. That's not the Comprehensive Plan. That's not the guide. That's the ordinance. We have discretion. We could decide for or against. We do have to follow our own policies when we are exercising that discretion.

Mockler asked Smith, if we should follow the ordinance, does NRC district allow the CUP they have applied for and been approved and is being appealed right now? Mockler said it does. Smith said if he is asking if it's a possibility, if they could decide in that direction, the answer is yes. She said they have total discretion. They can vote yes, or they can vote no, and in either case they are within the law. They have to think about the future of the people of Clay County, the best interests of the entire county.

Mockler said they are all in agreement that the process is all on par with the zoning ordinance. Everything has been legal. In the NRC district a CUP is allowable. It's not as Mr. Peterson says, it is not an entitlement, but it is allowable. Hammond said when a conditional use conflicts with the more general overlying ordinance it is at a point where our board has discretion to decide whether the overall ordinance is being fulfilled with the application of the conditional use. Mockler said there are already houses along the river from the east to west of this proposed one, so that would make it fairly compatible. Plus, we have to look at all the other NRC districts in the county. We are not just setting precedent for, not just along the river because that's not just where the NRC district is. Hammond said it is understood and concurred. Mockler said he thinks

it's a very compatible use when they have at least 200, he doesn't know how many, residences along the river. No one has said they are not going to be able to use the river or the park the way previously used it.

Hammond moved to overturn the decision of the Planning & Zoning Board, seconded by Smith. Roll call vote: Packard Aye, Manning Nay, Hammond Aye, Smith Aye, Mockler Nay. Motion failed.

The Board took a 5-minute recess.

The Board considered the HVAC Project contract with JLG Architects. Tracy said she can give additional thoughts in Executive Session if they would like to, but there have been a number of updates and things that were removed. Facilities Manager Scott Hanson is comfortable moving forward with things as they are, and so is she. They discussed the contract terms for estimated reimbursable costs. Manning moved, seconded by Hammond and unanimously carried to approve the contract and authorize the Chairman to sign it.

The Board discussed the COVID-19 leave personnel policy. Hammond moved, seconded by Smith and unanimously carried to table the topic until the next meeting.

Under the topic of the 2023 budget discussion, Hammond spoke about the emergency well on the courthouse grounds. He said he thinks there will be necessary repairs to the well pump in the ballpark of \$3,000-4,000. Emergency Management Director Layne Stewart said the well has never been used in an actual operation, and it was a way to ensure that inmates could maintain some sort of source for drinking water, etc. It's not a requirement for emergency management purposes. It was probably a requirement to get the federal money to build the Safety Center. Hammond said if we don't need it, he has no problem with not fixing it. Mockler asked if we have to cap it. Hammond said not necessarily. Hammond discussed a hypothetical situation where water towers were destroyed. Mockler said it may be a question for Sheriff Howe. Howe said the well doesn't serve the courthouse. The building was intended to be self-contained with generator, heat, water, etc. Our water supply is independent of the city's supply in the event of a contaminated city water supply. It would be safe water for the public to fill containers. It was the consensus of the Board not to worry about repairing it at the current moment.

At 12:33 p.m., Packard moved, seconded by Hammond and unanimously carried to enter an Executive Session for personnel and legal matters per SDCL 1-25-2.

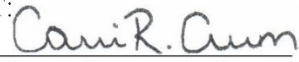
At 1:00 p.m., Hammond moved, seconded by Manning and unanimously carried to exit the Executive Session.

At 1:00 p.m., Hammond moved, seconded by Smith and unanimously carried to adjourn and reconvene at 9:00 a.m. on Tuesday, September 6, 2022.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

September 6, 2022

The Board of County Commissioners met in regular session Tuesday, September 6, 2022, 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.

Harold Timmerman, Lincoln County Emergency Manager, presented Emergency Manager of the Year Award to Layne Stewart. Timmerman said Stewart has served for nearly 20 years and has been a valuable asset to the region and the State Emergency Management Association. He has served as Vice President several times. Stewart thanked Timmerman and thanked the State EMA. He said he doesn't feel that he does anything that others would not do as well. They all try to help out where they are needed.

Nick Slattery met with the Board to discuss drainage around Whimp's Place. He said he is willing to help to make things work better for County, local people who live around it, and patrons of Whimp's. There is a drainage ditch nearby. Water runs into the basement, around the building, and it is very high on a good event. He would like to help build a non-permeable ditch system that would help run to the east. If there needs to be an enclosure, tank, or some holding system to give it time to dissipate, that's fine. He is looking for safety on the road as well as to keep water out of the basement. It is dangerous to the drivers on the road as well. He doesn't want to create a problem for the housing in the area as well. Slattery said he would like to work with the County as a joint venture to solve the drainage problems. Hammond asked how many inches of rain causes a problem. Slattery discussed whether the soil is saturated or not. He said the corner fills up with water, sometimes a foot deep. Hammond asked if the parking lot puddles up badly. Slattery said the parking lot and properties do not seem to collect standing water. Hammond asked Highway Superintendent Rod Polley how the culverts are in the area. Polley said Johnson Engineering did a study in the past, and they ended up putting culverts in place from east of Whimp's all the way to the ditch. He said this is the first time he has heard anything additional since the culverts were installed. It has been over 10 years since the work was done. The road has a crown, and it's lower than the road. Slattery said a solid pipe or a solid pipe cut in half so it is exposed at the top could be placed, but at some point, in his experience, it will pool, and he doesn't want to make it worse for residents in the area. He suggested possibly improving drainage both to the south and east. Hammond suggested delivering all the puddled water to the east. Slattery said the water sits until it has time to dissipate. He said he does a lot of flat grade in Vermillion, but he is not sure he is that is the solution in that area. Mockler asked if there are utilities in the ditch. Slattery said it is above ground. Mockler discussed the idea of installing a 12-inch tile to an upright culvert to function as a cistern with a variable pump to send the water to the culvert at the east. Polley said the pipe for the pump will need to be above ground at some point. Manning asked about the person to the east, and Mockler said it will need to stay in the

ditch. Slattery said he doesn't want to push it onto someone else. Polley said he is not sure about the road ditch there as it is pretty level. Hammond clarified that the basement is concrete block with a sump pump but no perimeter drain. Slattery said he could fix that at some point, but he would like to do it all at the same time. Mockler said they have to make sure it keeps moving. Hammond said the Johnson Engineering study is a good starting point as we already paid for it once. Polley said he will contact them.

Polley presented a Right-of-Way Application from Denney's Plumbing at 2506 E. Main St., 318 St., Section 17, T92N, R51W. He discussed the plan for a manhole. Hammond reviewed the plan and said it is not big enough for a sewer system and thought it may be for a gray water system. Polley said he thinks it may need to go to the City as it is on their side of the road; we're talking inches, but it's right in the center. Manning said he has seen City trucks out there when they were doing electrical, so he thinks it may be. Hammond said it should be a City issue. He can't imagine what they may be doing with a sewer line that size. Mockler said we should refer it to the City as they will eventually be in charge of it, so they may as well make sure it's built right now. Hammond said since the north side is in City limits, it should go to them, but we can have further discussion if that doesn't end up being correct. Polley said he will send it to the City Engineer.

The Board discussed Structure #14-140-012. Polley said, when the County used to take care of all small structures, he remembered there is a small creek about ¼ mile away with a little bridge along a vacated township road that would allow access to the landowner. He plans to take the drone out to fly the area. Polley suggested putting a 30" culvert in the creek to give the landowner a way to drive across. The bridge has been closed for 8 years, except for David Olson asking if it will be taken out because kids had been partying on it. It couldn't have been crossed with anything more than an ATV, so he does not see how the landowner would ever be able to cross it with a tractor. Mockler discussed installing a culvert on the south side. Polley said there is a driveway off of the township road just south of where he thinks the small structure is. It was discussed that Mr. Olson said he would give the landowner access. Mockler said the simplest solution is to have them put a culvert across. The County can't pay for it because the road is closed. Polley said we cannot put anything in Ash Creek due to the studies that would be involved and the volume of water flow. He said he will update the Board after he uses the drone.

Polley said the micro-surfacing project is starting on the county line today. The entire project should be done soon. He said it made a world of difference west of Highway 19 on 302 St. to Frog Creek Rd.

Polley said Johnson Engineering is closing for business, so next year when it comes time for bridge inspections there will be other choices to make.

A public hearing was held for the 2023 budget as required. No written correspondence was received, and no one appeared in person or via Zoom.

A Second Reading was held for Ordinance #2022-11, an Ordinance Amending Ordinance #2013-04 (Updated with Amendments Through #2017-01) by Rezoning Certain Property. Hammond said he noticed there will no longer be a Lot 2. Gunderson said there will not be due

to the way the land would be broken up. Owner Barb Iacino said she would make all the lots RR Rural Residential. She will be splitting up the homes into 3 normal acreages. Gunderson said he received many questions regarding zoning due to the way it was combined, and people could not get financing for it. Hammond said he did a fire suppression well just east of the fence. Manning moved, seconded by Hammond to pass and adopt Ordinance #2022-11, an Ordinance Amending Ordinance #2013-04 (Updated with Amendments Through #2017-01) by Rezoning Certain Property. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Gunderson discussed the Joint Jurisdiction Zoning Ordinance and starting work on the Joint Jurisdiction Comprehensive Plan. In the past, there were 2 delegates from the City and County to work with SECOG on it. He said the delegates are recommended to be Cindy Aden and Marty Gilbertson. Manning moved, seconded by Packard to approve Cindy Aden and Marty Gilbertson as the delegates. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Gunderson said past issues will be addressed in the Joint Jurisdiction Comprehensive Plan, and they hope to finish the changes by October or November. It will probably involve 2 meetings per month.

Gunderson appeared as Welfare Director to present two requests for county funerals, applications #CW22-009 and CW22-010. Hammond moved, seconded by Smith to approve the applications as the individuals met current welfare guidelines. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Stewart met with the Board to present the LEMPG grant contract with the State to reimburse up to half of Stewart's salary. Smith moved, seconded by Packard to approve the contract and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Regarding the Emergency Management Office's drone, Stewart discussed policy costs for liability vs. damage and both. He talked about specific repair costs in the event of damage. Hammond said it sounds like Stewart does a lot of the repairs himself. Stewart said electronics are hard to damage, and the motor is about \$100. The biggest part might be the landing gear, which could be a couple hundred dollars. The whole system cost \$29,000. Hammond said if it were to crash into the river, it would be a total loss situation. Stewart said there are regulations for flying over the river. He is leaning towards liability only, but ultimately it is the County's property, so the Commission should make the decision. Smith said liability only makes sense to her as the premiums are so high. Hammond moved, seconded by Smith to insure for liability only with Jensen Insurance. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye. Stewart discussed drone pilots. Currently he is the only one. There have been some interested, but they are not County employees. State's Attorney Caitlyn Dommer and Hammond are on the board, and there have been discussions regarding creating a new position with the County as a drone pilot. They would be paid a small stipend, and the County would pay training costs. Hammond said we really should have backup pilots for times when Stewart is unavailable. Auditor Carri Crum said the real issue might be liability insurance coverage as the

worker's compensation insurance should not be an issue. It was decided that Stewart would contact Safety Benefits for more information.

Stewart said he may start moving sound equipment to the larger training room under the Public Safety Center for the next meeting.

Sheriff Andy Howe reported on the surplus property sale for parcel #15090-00100-020-01. Manning moved, seconded by Smith to approve the sale of parcel #15090-00100-020-01 to Bunyan's LLC for \$100. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board discussed the COVID-19 leave personnel policy discussion. The Board received an email from Karen DeLange of Alternative HR+ regarding their inquiry into the matter. Smith said she Karen has it right, that it makes sense to revert to sick leave for the policy. Smith moved, seconded by Hammond to revert to the normal sick leave policy. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Manning moved, seconded by Smith to reschedule the next meeting to September 20, 2022. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Regarding an Opioid Settlement Contract, State's Attorney Alexis Tracy said the current estimate of things is that the County will receive a couple thousand dollars, and she does not know what it will end up being. She thinks our recovery will be tiny, although it doesn't hurt to sign onto it. Crum said she has not received the contract yet and will put the matter on the agenda when she has it.

The Board discussed the 2023 budget. Smith said one of the non-mandated expenses is really different from the others, and that is the libraries. They are really government. The alternative to us contributing is that the citizens will have to pay for the library cards, and she hates to see that happen. She thinks that's the one on the list that she thinks they might want to talk about. She thinks libraries are fundamentally different. They were part of the founding of the United States. It was decided that they will continue to discuss the non-mandated programs at the next meeting.

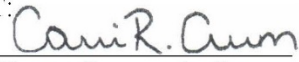
Facilities Manager Scott Hanson met with the Board for his 2023 budget request. He discussed a list of priority projects and plans for other items at the courthouse, Safety Center, and 4-H/Extension building as well as maintenance contracts going forward. Hanson presented projected equipment costs as well as safety concerns for clearing snow during business hours using a skid loader vs. smaller equipment. He talked about increased costs for building materials, and that contractors will only give a quote that is good for 15 days. Hammond, Hanson, and Tracy discussed some grant funding that may be available for projects in the courts area.

At 10:43 a.m., Hammond moved, seconded by Smith to adjourn and reconvene at 9:00 a.m., Tuesday, September 20, 2022.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

September 20, 2022

The Board of County Commissioners met in regular session Tuesday, September 20, 2022, 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.

Smith moved, seconded by Hammond and unanimously carried to approve the agenda.

Hammond moved, seconded by Smith and unanimously carried to approve the minutes of the August 30, 2022 and September 6, 2022 meetings.

Lauren Hollenbeck, 4-H Educator, met with the Board to present the Quarterly Activity Report.

Zoning Administrator Drew Gunderson met with the Board to discuss County Commission delegates to the Joint Jurisdiction Comprehensive Plan Working Group. He said that worked well in the past. Smith and Hammond expressed interest. Packard moved, seconded by Mockler and unanimously carried to appoint Hammond and Smith to the Joint Jurisdiction Comprehensive Plan Working Group.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. Polley discussed the surplus of a 1999 Rosco Self-Propelled and a 1997 Freightliner Semi. He discussed auctioning the equipment or advertising for sealed bids. Mockler said it is a good time to try to sell the semi. Polley said there are other counties interested in the broom. Mockler suggested putting it out to other counties at \$25,000 or best offer. Hammond and Mockler discussed engine specifications with Polley. Polley said he hates to see it go too low because it's a good truck. Mockler asked if we could put a box on it. Polley said he could get an estimate for what it would cost to put a box on it. Hammond moved, seconded by Smith and unanimously carried to surplus and authorize for sale the 1999 Rosco Self-Propelled Broom.

Polley said he flew a drone over the area of structure #14-140-02. He said there is a creek and the possibility of water. However, he does not see an issue with installing a 36-48" culvert. It would take some fill, but there is plenty there. The little bridge he remembered is still there, but it might not accommodate much more than a 4-wheeler. He is unsure of the condition of it. State's Attorney Alexis Tracy said she did mention that to Mike McGill and received some correspondence from him, which she will be forwarding on to the Commission.

Polley discussed that the Richards' are still discussing the corner being their property. They would like to place boulders to prevent others from driving on the property. Tracy said she was unclear on it, but it was the landowners wanting the Board's blessing to place the borders. She said photos show some deep grooves and encroachment on their property. She said that is not something the County would be interjecting on. It seems to be an issue they, with the assistance of their attorney, need to come up with a way to address. It is not something the County has control over. Hammond asked Tracy if it is outside of the right-of-way. Polley said it is, but they are looking at Beacon. Polley said boulders would be the last thing they want there, especially in

the winter if someone were to slide into them. Brad Stangohr with Ulteig Engineering discussed a 10-foot clear zone, but said it depends on traffic counts. It would never be less than 10, but it could be as much as 14 feet. Tracy said there was a good conversation about the boulders, and she does not think they would go that route anymore. Polley discussed a guard rail with break-away posts. Hammond discussed a fence. Tracy said something that would have some give to it but draw attention to the property line, but they will need to decide. Hammond said he thinks they want the Board's blessing to relieve liability, but he doubts that would remove their liability. He said it seems that a nice split rail fence could solve the problem. Polley said the only problem would be blowing snow as it is already a bad corner. Mockler asked if we need that curve there. Polley said it has been there since he was at least 10 years old. Hammond said that would be a good solution. Mockler said, if that were the solution, he would like to see the stop sign moved so semis can make the turn. Hammond said they could have the choice of putting in a fence or abandoning the pavement in favor of planting grass or something. Polley said he can look into right-of-way and seeding. Hammond asked if we dug a ditch and seeded it, would it improve drainage? It was the consensus that it would not do anything. Polley discussed tile and culverts in the area.

A public bid opening was held for the County Road D-1 pipe project. Bids were opened and read aloud; 3-D Digging bid \$95,793.00, Persing Excavating bid \$46,091.00, Two Rivers bid \$33,491.70, and Conners Construction bid \$65,517.00. It was decided that Ulteig Engineering would review the bids to ensure they met specifications.

A public hearing was held regarding the 5-year Road Plan. Stangohr reported that a 5-year plan is submitted to the SD Department of Transportation. There are requirements that have to be met, such as mapping, certification, minutes, meeting attendance roster, etc. This allows the County to apply for the Bridge Improvement Grant. Smith asked how it relates to the Master Transportation Plan. Stangohr said the Master Transportation Plan is a higher-level view and covers a longer period of years. The 5-year plan allows the County to apply for 80/20 BIG grants from the State. He has never been denied for a bridge rehab that he didn't get the first year. Polley said it would be similar to what was done to the Dakota Street bridge. Stangohr discussed bridge repair procedures and said this document is a fluid document. It can be amended at any time if we have a bridge that is not in the plan and needs to be done. He discussed the timeline for applications. Polley asked if the Board is aware of any bridges needing help that he may have overlooked. Hammond said not that he is aware of and asked Stangohr about types of repairs. Stangohr said a lot of them are deck repairs. There was discussion regarding meetings at the SD Counties Convention in Pierre. Stangohr and Polley discussed SDDOT extensions for Rural Access Infrastructure Funds for Townships. Stangohr said it is up to the Board to determine how to distribute the funds to Townships that apply. The method for funding distribution was discussed at length. Smith moved, seconded by Packard and unanimously carried to accept the 5-year Road Plan. Stangohr said he will check into some things regarding distribution of RAIF monies.

Polley discussed political signs with the Board. He said there are a few legislative candidate signs in the right-of-way and asked how to get a hold of the people. Tracy said every political

candidate is required to file information. Auditor Carri Crum said she can get contact information for the candidates. Sheriff Andy Howe said he typically contacts the candidate.

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

The following Auditor's Account with the County Treasurer and various monthly department reports 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 September 1, 2022.
I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks	10,724,683.79
Amount of actual cash	1,509.13
Total amount of checks and drafts in Treasurer's Possession not exceeding three days	19,857.32
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:	2,390.59
Checks returned and not deposited	
Cash Items	700.00
Investments	151,000.00
Cash Variation	0.00
Total	
	Dated this 1st day of September, 2022.
	10,900,140.83

Carri R. Crum, County Auditor

Jerry Wilson and appellants of the Heine subdivision Conditional Use Permit were present to speak to the Board. Mockler said, if it is about the CUP, which he is assuming it is, that was passed, they cannot discuss the matter. Wilson's attorney has already been in touch with the County's attorney for preservation of documents, which means an impending legal lawsuit. As defendants, the County cannot discuss anything about the CUP. Wilson asked if they can speak. Mockler said they can speak, but not about the CUP. Wilson said then will talk about being denied the opportunity to speak. In his years as a Commissioner and attending Commission meetings, he has never witnessed someone on the agenda being denied the right to speak. That's called prior censorship, and he does not believe that is acceptable in a democratic society. He understands why Tracy does not want to hear from them. It was she who intentionally misquoted

the county ordinance. Mockler said to Wilson that they are done now, and we are not discussing this. We cannot have a conversation with someone regarding pending legal. Wilson said there is only one lawyer who has threatened to sue the County, and that is not the appellants' lawyer. Mockler said, "Correction," and deferred to Tracy. Tracy said she does want to make a point of clarification of that. Wilson's attorney communicated with her, and if he is unfamiliar with his communication, she suggested Wilson visit with him about that. It's an inaccurate statement. It's also an inaccurate statement to identify that she has falsely done anything. She owes an obligation to her Board. Her communications with them regarding pending or potential litigation, are specifically exempted, for a variety of reasons, from open meeting requirements. If he wants to stand up there and advise some things, that is his prerogative to do that, but to make personal attacks on her. Wilson interrupted that it is not a personal attack. Tracy said it is absolutely is, and it is out of line and is not on the agenda. Secondly, she said, Wilson's attorney advised the County in no uncertain terms, in multiple different avenues, how he intends to sue the County unless they succumb to the appellants' demands. Wilson said that is not true. Tracy said that is exactly what the communication was and advised preservation of documents request. So if Wilson is unfamiliar with those things, she suggests he speak to his attorney. Wilson said he has all the communications and knows what he has said to her and what she has said to him. The applicants attorney overtly and directly threatened to sue the County if his clients didn't get their way. Tracy said it's comical that they each accuse each other of the same thing. They both advised the County that they would sue if they did not do what they asked, and the Board made its decision, and that's the process. This is not the appropriate venue to litigate a matter in a Commissioner meeting. That's not appropriate. Wilson said the decision was on the basis of false information that she provided about the county ordinance. Tracy said, "Shame on you, Jerry." Mockler said they are done with this. Wilson said he would then visit the office of the Plain Talk Editor, and they will discuss this with the public. Mockler said that's fine, they can discuss it in the court of public opinion. Geoffrey Gray-Lobe said he is present because the CUP piqued his interest, and reading the sections of the ordinance carefully, he believes the ordinance was misread in the appeals process. It is a general question, and he thinks going forward the question should be addressed. He sent the Commissioners a letter that referenced the CUP at the bottom, but the entire body of the letter is generally about the ordinance. He said they all have the letter, so that is his comment.

The Board discussed the 2023 budget. Smith asked about SD Achieve and what it covers. Auditor Carri Crum said yes, Lifescape bought out SD Achieve, so it would be similar to SESDAC's services. Tracy clarified that they are a non-profit like SESDAC only much larger. They provide services in Sioux Falls to adults and children. Smith asked how stable the estimated cash contribution to the budget is, and Crum said it is pretty stable. Smith said the only change she would like to see would be to add back in the three libraries. It really is a government service that is provided to non-city residents in Clay County. In Vermillion, last year, the library foundation kicked in the \$4,000, and they cannot keep doing that. We need to keep doing that. We need to think about this as a matter of policy. Library is an essential public service. Outside of schools, libraries are the most important things we can do for kids. She grew up in the library, and it made a huge difference in her life. They are not even asking for much, not even a proportional share. The bulk of the payments for libraries come from the cities. Using the

Auditor's calculations, it would increase the budget by less than 1/10 of one percent. Smith moved to restore funding for Beresford Library for \$1,500, Wakonda Library for \$2,500, and Vermillion Library for \$4,000, for a total of \$8,000; motion seconded by Hammond. Under discussion, Packard said she was informed by a Union County resident that they could not get a card to the Vermillion Library. She did call and found that they can get one with a \$45 fee. Packard said she cannot support this unless we look at the others. It is just as important, if not more, to make sure we are feeding these kids. We have eliminated many others that are in desperate need. The libraries are not in desperate need. It is helpful, wonderful, terrific, but she is not sure what is happening with the W.H. Over. She knows they are in a really bad position. She is not sure what's happening with the building and spoke of the contents of the building. What kind of money they are out, the Vermillion Area Arts Council puts in \$10,000 to the W.H. Over that is member-supported, if not more, and \$15,000 that is local, personal money that helps the operation. She is not pushing for the Arts Council this year. They received a grant from the State to provide services to seniors. This year they are in a pretty good position. There are other organizations on the list that are as important, if not more important, than the libraries, and they should look at those equally. Smith said she would like to look at Teen Court, and a number of organizations are an essential fabric of the community. It would make sense to look at them in chunks and make some decisions. The library is an essential government service that we ought to be paying our fair share for, so our citizens in the county can continue to get library cards for free. She doesn't know that her parents would have paid for a library card for her as a kid, but that was her place, and it made her the person she has become. It has been, since the 1920's, a path of upward mobility for kids across the nation. She thinks this is not like anything else on the list, but she agrees they should go back and look at the list. Libraries belong in the budget every year. Packard said she would support it for half, not at the full amount. Mockler said he does not think they should go through individually. They are going to have to come to an agreement on all of it. Smith said she thinks we should give to Teen Court. Mockler said the ones they gave to last year, Teen Court, the Fair Board, Lewis & Clark Behavioral Health Services, and Dakota Senior Meals we can all agree on. Hammond said those are presently in the proposed budget. Mockler said that comes up to \$42,893. Smith said it would be a wonderful thing to donate to other non-profits. She is also very respectful of tax rates creeping up and so on. Soil Conservation, for example, is a wonderful organization. It would be wonderful to give them \$25,000 again, but it's just not in the cards this year. Mockler said that is what we need to balance because there are going to be people just as passionate about soil conservation as Smith is about the library. Packard said soil conservation services the farmers, and it would be giving them nothing. Smith said in this case it is a public service and is part of public budgets across the country. Last year we did not pay our share for our citizens. If we do not pay this going forward, our citizens will be forced to pay for library cards individually. It will cost more. Free public libraries are a basic block of democracy. Without them, we are foreclosing a lot of opportunities for kids whose families cannot afford to pay \$45 for a library card. Now kids can access this from their computers at home. They don't have to go to Vermillion to get the service online. They can actually read the books and see the pictures and so on. Packard said many of the other entities are in other counties in South Dakota as well as across the nation. For example, again, Brookings supports their arts council by at least 60% of their budget. She also cited Washington Pavilion.

She is sure the county and city both have that in their budget. They are seen as public services, just as the library. Providing a small amount to each, saying yes, we are in support of you, but at this point it is very difficult to give more. Hammond said Smith is correct that he feels bad about fencing out rural residents that will end up purchasing library cards. Beresford Library does receive funds from both Lincoln and Union Counties. He said he recalls that they were providing more money than they asked from Clay County. He said without it, Beresford, too, would end up charging rural customers for a library card whose counties were not picking up the fee. Packard said she finds that as somewhat of a threat that they have to charge county residents. Smith said they have to pay their costs somehow. Packard said all the organizations have to pay their costs. Smith said the City basically supports the library. Packard said they all do, but they are taking that as one entity. She said her experience is with the Arts Council, where the City pays \$2,000, which is earmarked for children's programs, and the remainder of the \$80,000 budget is supported by local or state or federal funds. How is that appropriate that we are not supporting locally? Smith said she puts things in boxes, and a lot of them are non-profits and are not part of government. Libraries are a piece of government, a longstanding public provision that is critical, especially for kids. Gray-Lobe asked to comment. He agreed that there are a lot of excellent non-profits like the Arts Council that provide great public service and try to do it for free. One thing that sets the library apart is the breadth of the services they offer and the universality of them so the public spaces they offer for free are the only free public spaces like that in the county. Any person can have access to the meeting rooms. People that don't have young children right now might not be as engaged with the library, but they have done a fantastic job of broadening the offerings far beyond books. It is a place you can go look at SD Codified Laws, see public records, public computers, and digital offerings. You can watch movies, listen to music, get car repair guides, take courses, and it's a whole suite that is broadly appealing. What they offer sets them in a slightly different category. Smith said the Vermillion Library serves around 7,000 patrons. She said she doesn't want to tell some constituent that because they live in a rural district they will have to pay for their library card. Mockler said here is a simple solution, for him anyway. The library is \$8,000. The Arts Council is \$5,000. It's \$13,000 total. It seems the stars have aligned. It just so happens that the raises for the Commissioners total \$13,000. We forego our raises, and those two programs get funded without changing the budget. Smith said she is in. He said he doesn't want to make the decision until next week as Manning should be able to give his two cents, too. He might throw a wrench into it and say somebody else needs money, too. Mockler said the Soil Conservation doesn't bother him to not fund it because they turned down a \$5,000 grant from the water basin. Hammond said they didn't answer when it was offered. Mockler said that's the same thing, is how he feels. Hammond said Turner County has made a generous offer to help the program along. He feels less troubled by not funding the Soil Conservation Service at the rate from the past. Smith said they have the capacity to earn money. Smith said Mockler had a good idea about the raises, and she likes that. Hammond said they should continue that discussion at the next meeting with that on the table. Smith rescinded her motion. The matter was tabled until next week.

At 10:28 a.m., Hammond moved, seconded by Packard and unanimously carried to adjourn and reconvene at 9:00 a.m. on September 27, 2022.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

September 27, 2022

The Board of County Commissioners met in regular session Tuesday, September 27, 2022, at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Micheal Manning, and Richard Hammond; Elizabeth 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 and unanimously carried to approve the agenda with the addition of a Right-of-Way Application from Reid Bird on E. Main St. in Section 16, T92, R51.

Hammond moved, seconded by Packard and unanimously carried to approve the minutes of the September 20, 2022 meeting.

The Board considered a Driveway Application from Barb Iacino on 454 Ave. between Lot 4 & Lot 5 of Lot A. Highway Foreman Larry McPherson said Highway Superintendent Rod Polley asked him to relay that the landowner should take care of the culvert cost. Mockler asked if they know slope & depth. Larry said yes, it's on paper. Packard moved, seconded by Hammond and unanimously carried to approve the application at the landowner's expense.

McPherson reported to the Board on tree issues on private property along Timber Rd. Manning said Todd Halverson called him, and he went out to take a look. Manning said it looks like they are on Cindy Struckman-Johnson's property. You cannot see to come out of Halverson's driveway. Mockler said if they hang over, they should be trimmed up. Manning said there is no question they hang over, and he doesn't know how she sees coming out of her driveway. Manning said he drove in and back out of Halverson's driveway. He had to drive out quite a way before he could see. He thinks something needs to be done. He would hate to see someone get killed because it's a busy road. Mockler said someone needs to talk to her. Hammond asked what the policy usually is. McPherson said they usually trim up as far as they can reach. He said they have a boom truck now, so they can reach higher. Hammond said he has recent experience with the city trimming trees at his place. Manning said part of the problem is the bushes have never been trimmed up. He said she has not been very receptive in the past to tree trimming. Hammond said someone does need to talk to her. He cited public safety reasons. Manning said he was going to suggest Smith talk to her as they know each other, and she would be the perfect person. Packard said she knows her, but not closely. Hammond said he can do that. He will try in person first, but he asked for a phone number, and Auditor Carri Crum supplied the phone number.

Brad Stangoehr with Ulteig Engineering was present to present bid tabulations for the County Road D-1 Culvert Replacement Project. Stangoehr recommended awarding the low bid of \$33,491.70 from Two Rivers Contracting. Packard moved, seconded by Manning and unanimously carried to accept the contract and award the bid in the amount of \$33,491.70.

At 9:12 a.m., Hammond moved, seconded by Packard and unanimously carried to adjourn and convene as Clay County Ditch Board.

The Board reviewed an invoice from Ulteig Engineering for \$722.75 for Clay Creek Ditch. Packard moved, seconded by Hammond and unanimously carried to approve the claim for payment.

Manning moved, seconded by Packard and unanimously carried to approve payment of invoices from The Broadcaster/Plain Talk for \$49.80 and The New Era for 40.18.

At 9:13 a.m., Hammond moved, seconded by Packard and unanimously carried to adjourn and reconvene as Board of Clay County Commissioners.

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

(PAYROLL)		JENSEN INSURANCE	\$272.00
COMMISSIONER'S	\$8,978.03	(PROFESSIONAL SERVICES AND FEES)	
AUDITOR'S OFFICE	\$12,575.53	ERICKSON SOLUTIONS GROUP	\$883.75
TREASURER'S OFFICE	\$21,047.49	FIRST DAKOTA CREDIT CARD	\$88.48
STATE ATTORNEY'S OFFICE	\$27,914.07	GAPP, DEBRA	\$2,720.00
COURTHOUSE	\$9,409.71	MINNEHAHA COUNTY JDC	\$3,855.00
DIRECTOR OF EQUALIZATION	\$11,171.39	SEA, INC.	\$925.00
REGISTER OF DEEDS	\$8,693.00	STEPHANIE MOEN	\$18.00
VETERAN'S OFFICE	\$1,681.86	(OTHER PROFESSIONAL SERVICE)	
24/7 PROGRAM	\$1,526.35	CERTIFIED LABORATORIES	\$125.40
SHERIFF'S OFFICE	\$40,840.20	(REPAIRS AND MAINTENANCE)	
COUNTY JAIL	\$36,910.42	ERICKSON SOLUTIONS GROUP	\$292.00
EMERGENCY MGMT	\$4,938.50	FIRST DAKOTA CREDIT CARD	\$182.15
HIGHWAY	\$47,922.47	GRAHAM TIRE S.F. NORTH	\$625.00
COMMUNITY HEALTH NURSE/WIC	\$3,342.28	LOFFLER COMPANIES	\$170.76
EXTENSION OFFICE	\$2,827.56	NELSON REPAIRS	\$85.00
WEED	\$1,109.26	VERMILLION ACE HARDWARE	\$40.95
PLANNING & ZONING	\$3,447.54	(DATA PROCESSING/CLAY CREEK/INF)	
(PAYROLL WITHHOLDING)		BROADCASTER PRESS	\$49.80
AFLAC	\$1,344.75	ERICKSON SOLUTIONS GROUP	\$2,989.45
CLAY CO FIT FICA	\$55,652.25	MICROFILM IMAGING SYSTEM	\$855.00
COLONIAL LIFE	\$183.16	NEW CENTURY PRESS ACT439	\$40.18
CONSECO/WASHINGTON	\$24.45	ULTEIG	\$722.75
DIV OF CHILD SUPPORT IA	\$220.00	(SUPPLIES & MATERIALS)	
DIV OF CHILD SUPPORT SD	\$926.00	BRUNICK SERVICE, INC.	\$73.76
NEW YORK LIFE INSURANCE	\$328.57	FIRST DAKOTA CREDIT CARD	\$955.42
SD RETIREMENT SYSTEM	\$28,911.44	GRAHAM TIRE S.F. NORTH	\$378.94
SD SUPPLEMENT RETIREMENT	\$5,060.00	JOHN DEERE FINANCIAL	\$68.22
SDRS ROTH 457(B) PLAN	\$275.00	KNIFE RIVER MIDWEST, LLC	\$2,726.04
TASC PVR	\$1,691.65	LOFFLER COMPANIES	\$442.43
THE STANDARD - DENTAL	\$1,403.48	NELSON REPAIRS	\$61.61
THE STANDARD - LIFE INS.	\$410.12	QUILL CORP.	\$150.50
THE STANDARD - SH TRM DI	\$1,070.77	RUNNINGS SUPPLY INC HWY	\$3.98
THE STANDARD - VISION	\$268.52	SANFORD HEALTH	\$103.00
UNITED WAY OF VERMILLION	\$267.00	THE LUMBERYARD LLC	\$24.69
VERMILLION FEDERAL	\$750.00	VERMILLION ACE HARDWARE	\$20.96
WELLMARK BLUE CROSS	\$55,776.47	WHEELCO BRAKE AND SUPPLY	\$345.00
(OTHER INSURANCE)		(TRAVEL AND CONFERENCE)	

CALVERT, KYLE	\$214.00	IMMING, GORDON	\$25.30
CLUBHOUSE HOTEL & SUITES	\$378.36	JENSEN, JOHN	\$35.50
FIRST DAKOTA CREDIT CARD	\$516.97	JENSEN, ROCHELLE	\$28.36
OLSON, LENNEA	\$214.00	JOHNSON, SHELDON	\$28.36
(UTILITIES)		LAMOUR, JOSEPH	\$10.00
BUREAU OF ADMIN PMB0112	\$36.25	LINDMIER, ROLANDA	\$10.00
CITY OF VERMILLION	\$991.98	MADSEN, GAYLE	\$60.20
FIRST DAKOTA CREDIT CARD	\$811.78	MARTINEZ, JENNIFER	\$10.00
VERIZON WIRELESS SHERIFF	\$351.98	MARTZ, JESSICA	\$19.18
VERMILLION GARBAGE SVC.	\$176.00	MEYER, CHRISTOPHER	\$26.32
(PAYMENT)		MOSTERD, ERIC	\$50.00
ACREA, DENNIS	\$50.00	PROEFROCK, DEBBIE	\$50.00
ANDERS, JEFFREY	\$10.00	REGNERUS, JAY	\$50.00
ARCHAMBEAU, LAURA	\$66.32	SLATTERY, MICHAEL	\$58.16
BARNETT, HANNA	\$50.00	SMITH, JOSHUA	\$29.18
BLISS, KEVIN	\$50.00	STEWART, JASMINE	\$10.00
BRUNICK SERVICE, INC.	\$55.95	SULLIVAN, RANDY	\$50.00
CHAUSSEE, MICHAEL	\$53.06	THELEN, CHRISTOPHER	\$50.00
CHRISTOPHERSON, SHANNON	\$57.14	TIAHRT, SABRINA	\$50.00
COTTER, TIMOTHY	\$50.00	WARD, STEPHEN	\$50.00
EZRAILSON, CATHY	\$10.00	WELCH, ROBERT	\$10.00
FRIGGE, DIANE	\$10.00	ZARYCH, STEPHEN	\$50.00
HAMMOND, ZACHARY	\$10.00	(JDC/SPECIAL EQP.)	
HAYS, TERESA	\$10.00	MOTOROLA	\$11,480.00
HERRERA, ANDREA	\$10.00	(FURNITURE AND MINOR EQUIPMENT)	
HOLOCH, DUANE	\$53.06	CANON	\$348.11
HOVDEN, JEFFREY	\$50.00	ERICKSON SOLUTIONS GROUP	\$688.00
HY-VEE, INC. JAIL	\$260.81	MICROFILM IMAGING SYSTEM	\$60.00

The Board discussed a Right-of-Way Application from Reid Bird. Mockler said his only concern is the landowner is not the applicant, it's the tenant, and they are crossing the road. He would like the landowner to acknowledge it because if anything happens to the road it will go against the landowner. Manning asked if Bird bought the property. Mockler said in Beacon it is still listed under the same landowner. Hammond asked if the renter would be paying for the tiling. Mockler said it happens a lot. Mockler said they should have something in writing from the owner. It was decided McPherson should call Bird. Hammond said the landowner should know the liability risk. Mockler said it should be minimal risk, but he wants to make sure the landowner knows.

Hammond moved, seconded by Packard and unanimously carried to approve a contract accepting payment in the Opioid Settlement Class Action Lawsuit and authorize the Chairman to sign it.

The Chairman called a 10-minute recess.

A Public Hearing and First Reading was held of Ordinance #2022-12, an Ordinance repealing and replacing Ordinance 2021-05, Ordinance Creating Licensing Regulations for Medical Cannabis Establishments. Zoning Administrator Drew Gunderson asked for comments or

concerns. None were presented. Hammond moved, seconded by Packard and unanimously carried to set the Second Reading for October 4, 2022 at 9:30 a.m.

The Board discussed the 2023 annual budget. There was discussion regarding funding the libraries and Vermillion Area Arts Council with what would have been Commissioner pay raises. Manning said he spoke with someone on the library board, and they said if they didn't get money it wouldn't be a big deal. The Food Pantry has never counted on it. SESDAC will be fine, but he would like to see SESDAC put back on in the future. Mockler said he would like to see \$4,000 for the welcome signs at the entrance to Vermillion paid this year. He said a decision doesn't need to be made today. It can wait until closer to the end of the year. Hammond said it can be done in December. Mockler said even the last meeting of the year would be fine, but since the County helped start the project, he would like to see it finished. Manning said if we can help the City of Vermillion look better, hopefully it will create more housing to get us some more tax money. Jerry Litsch was present and said he came to discuss the library, but he hears that the Commissioners are putting their own skin in the game, so he thanked the Board for supporting the library. Hammond moved, seconded by Packard to pass and adopt the 2023 Provisional Budget, with changes to be published, as the 2023 Annual Budget along with Resolution #2022-21. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

ANNUAL BUDGET FOR CLAY COUNTY, SD
For the Year January 1, 2023 to December 31, 2023

Tax Levy in COUNTY TAX LEVIES	Dollars	\$/s/1,000
WITHIN LIMITED LEVY:		
* General County Purposes		
(10-12-9) Library	5,886,810.00	4.4095
LIMITED LEVY (10-12-21) -		
SUB TOTAL		
OUTSIDE LIMITED LEVY:		
County Snow Removal Fund		
(34-5-2)	5,886,810.00	4.4095

RESOLUTION #2022-21

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 Provisional Budget and all changes, elimination's and additions

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	-	0.0000
LIMITED AND UNLIMITED LEVY - SUB-TOTAL	5,886,810.00	4.4095
OTHER SPECIAL LEVIES		
Secondary Road (Unorg. PT-76) (31-12-27)		
Fire Protection (34-31-3)	240,260.00	0.2963

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, 2023 and ending December 31, 2023 and the same is hereby approved and adopted by the Board of County Commissioners of Clay County, South Dakota, this 27th day of September, 2022. 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, 2022 through December 31, 2022.

BOARD OF COUNTY COMMISSIONERS OF Clay County, South Dakota

Travis Mockler Chairman

Phyllis Packard Commissioner

Micheal Manning Commissioner

Richard Hammond Commissioner

(Elizabeth Smith was absent) Commissioner

ATTEST Carri R. Crum County Auditor

TOTAL TAXES LEVIED BY COUNTY	6,127,070.00	4.7058
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* These Amounts include the 25% to be distributed to cities.

As of September 27, 2022 these levies are not approved by the Department of Revenue

The Board reviewed the proposed 2023 Payroll documents with estimated annual totals of \$3,644,111.46. Mockler asked if 4-H Educator Lauren Hollenbeck was included, and Crum said she is not under payroll as she is a State employee but is included as necessary in the annual budget. Packard moved, seconded by Hammond to approve the 2023 Payroll and authorize the Chairman to sign the document.

At 9:48 a.m., Manning moved, seconded by Hammond and unanimously carried to enter an Executive Session for legal matters per SDCL 1-25-2.

At 11:05 a.m., Manning moved, seconded by Hammond and unanimously carried to exit the Executive Session.

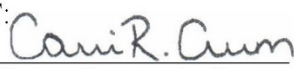
Recent payroll changes to be reflected in the minutes are as follows: Andrew Paulsen as Investigative Deputy Sheriff (7/22/22) at \$56,409.80/yr., Divya Neopaney as Jailer (8/22/22) at \$35,669.69/yr., Grant Namminga as Jailer (8/22/22) at \$17.15/hr.

At 11:06 a.m., Manning moved, seconded by Hammond to adjourn and reconvene Tuesday, October 4, 2022 at 9:00 a.m.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:


Carri R. Crum, County Auditor

October 4, 2022

The Board of County Commissioners met in regular session Tuesday, October 4, 2022, 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 and unanimously carried to approve the agenda with the addition of a state grant application for the Weed Department.

Manning moved, seconded by Hammond and unanimously carried to approve the minutes of the September 27, 2022 meeting. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Weed Supervisor Dennis Ganschow met with the Board to report that the Dept. of Agriculture approached him to apply for a multi-county weed control grant. He has done these in the past. It will be Yankton, Clay, Charles Mix, and possibly Bon Homme or Union County. He will be meeting with everyone to see what they want to do and how much to apply for. It could be \$30,000-50,000. Clay County's boat will need to go to the other counties as they don't have a boat. It will likely involve some in-kind match, such as usage of the boat. Packard moved, seconded by Hammond to approve that Ganschow apply for the grant. Under discussion, Smith asked what exactly the work of the grant is. Ganschow said it will be for noxious weeds along the Missouri River. There are a lot of noxious weeds along the river that are hard to get to except by boat, and the landowners simply are not going to do it. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Manning asked if trees can be sprayed this time of year, before it freezes. Ganschow said they need to have leaves on them, and it will need to be done soon.

Highway Foreman Larry McPherson presented Right-of-Way Application from Reid Bird on E. Main St. in Section 16, T92, R51. McPherson said Highway Superintendent Rod Polley approves of the culvert as long as it's encased. Manning moved, seconded by Packard to approve the application, with the culvert being encased, and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Sheriff Andy Howe presented patrol car bid specifications. He said he requested two hybrid SUVs as that is what they have been doing. He has been told the car that was ordered earlier to arrive this fall will now not be here until February. Smith moved, seconded by Manning to approve the specifications as written and set a bid opening date of October 25, 2022 at 9:30 a.m. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Howe said he has had an ongoing request from deputies for years for external vest carriers. Some deputies have purchased their own. It has become standard for law enforcement to wear them. The idea is that it takes the weight off the hips and relieves lower back pain. Radios, tasers, and some other equipment are on the vest, although firearms are still on the waist. He didn't budget

for it, but looking at the current year budget, he has the money because he budgeted for a deputy's salary who was then deployed in the military, so those wages are unspent. The carriers and any equipment will be under \$4,500, including reimbursing the deputy who purchased his own. Packard moved, seconded by Hammond to approve the purchase. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Emergency Management Director Layne Stewart met with the Board to report that the County was approved for the Pre-Disaster Mitigation Plan Update Grant. It pays for SECOG to update the plan. It will include \$4,000 of in-kind payments, but if people attend meetings, it covers it without an issue. Hammond moved, seconded by Packard to approve the acceptance of the grant and authorize the Chairman to sign the documents. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Welfare Director Drew Gunderson presented application #CW22-0012 for a county burial. Smith moved, seconded by Hammond to approve the application as the individual met current welfare guidelines. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board discussed procedures for being placed on the Commission Agenda. Mockler said there was discussion last week regarding individuals who are not staff being placed on the agenda. Mockler said it was discussed that the deadline be Friday before the meeting. Hammond said it should be 9:00 so there is a 48-hour notice. Smith said she agrees strongly with that, and she thinks it would make a big difference. Hammond said it would be helpful for the packet to be sent out on Friday so they have time to review the agenda, or go out into the County to look at things if necessary. Manning and Packard agreed that Monday afternoon gets kind of busy. Manning also said the staff doesn't need to make those decisions all the time, that it should fall onto the Board, so individuals wanting to get on the agenda should go through the Chairman. Packard clarified whether the policy should be the Board or the Chairman. Mockler said he thinks it needs to be, especially if it's going to be a hot topic. The Board needs to understand what they are asking to be on the agenda for. Packard agreed. Mockler said when someone wants to be on the agenda, they should call him as it should not be the Auditor's job. Manning said if they want to be on the agenda, they should call a Commissioner, who could then call the Chairman instead of putting it onto the Auditor because that's not right. It was decided that the policy be changed to contact the Chairman 48 hours in advance of the meeting to be placed on the agenda, and agendas would be sent out to the Board on Friday.

The Board took a 5-minute recess.

A Second Reading was held of Ordinance #2022-12, an Ordinance repealing and replacing Ordinance 2021-05, Ordinance Creating Licensing Regulations for Medical Cannabis Establishments. Zoning Administrator Drew Gunderson asked for comments or concerns. Smith said it looks good and incorporated a lot of suggestions they have had. Manning moved, seconded by Smith to pass and adopt Ordinance #2022-12, an Ordinance repealing and replacing Ordinance 2021-05, Ordinance Creating Licensing Regulations for Medical Cannabis Establishments. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler

Aye. Gunderson said they have already got the re-zoning application started for John Peterson's establishment.

At 9:31 a.m., Manning moved, seconded by Hammond to adjourn and reconvene at 9:00 a.m. on Tuesday, October 11, 2022. 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

October 11, 2022

The Board of County Commissioners met in regular session Tuesday, October 11, 2022, at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Micheal Manning, and Richard Hammond; Elizabeth Smith 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 and unanimously carried to approve the agenda. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

Hammond moved, seconded by Manning and unanimously carried to approve the minutes of the October 4, 2022 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 presented a Right-of-Way Application from Todd Heine on Timber Rd. 1/2-mile west of Highway 19. Polley said it is for irrigation pipe. He said he told them they have to have it encased. Hammond moved, seconded by Packard to approve the application. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

The Board reviewed diesel fuel quotes. Manning moved, seconded by Packard to accept the low bid of \$3.56/gallon from Vollan Oil for #2 diesel fuel at the Wakonda shop. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye. Polley said, regarding fuel quotes, they have had trouble with the bidders dragging their feet, and they have sent a reminder that they should be as speedy as they can. Polley said Vollan Oil has been really competitive.

Polley asked Hammond what he determined about the trees at 46048 Timber Rd. Hammond said the landowner said she had the trees trimmed by Gary's Tree Service two years ago. They have grown back. There are others, like Heine's driveway across the road. He said the Highway Shop should be trimmed as well as some around Clay County Park. The landowner just asked that they be careful as she doesn't want the trees destroyed. Hammond said they will not go past the 40-foot right-of-way. Polley said they have a boom truck so they can do some of that now. He said the traffic hazard he looks for is stop signs, and he doesn't know how many driveways they will have to trim back. Hammond said they should look at field driveways, too. Polley asked if he should inform the landowner. Hammond said he will call her after the meeting to let her know. Polley said before the snow flies, they will be out cutting trees.

The Board discussed the flag pole at the Extension Office. Veterans Officer Drew Gunderson said he looked at the flag pole, and he is not sure what kind of shape the pulley is at the top. He said if we have a boom truck they can check it. There is power available. He has not had a chance to speak to Facilities Manager Scott Hanson yet, but he will. Gunderson asked Polley if they can weld a new pulley onto it. Polley said he doesn't know how long the actual cables are that they have.

Manning moved, seconded by Packard to assign \$901,440 in the General Fund to building projects. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

Hammond moved, seconded by Manning to set the date and time for a Budget Supplement Hearing as October 25, 2022 at 9:40 a.m. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

Manning moved, seconded by Packard to pass and adopt the following Resolution # 2022-22 for Contingency Transfer. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

RESOLUTION # 2022-22
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):

\$10,000 to Court Appointed Attorney (10100X4222153)
\$4,990 to General Gov't. Building – Insurance (10100X4210161)
\$15,000 to General Gov't. Building – Supplies (10100X4260161)
\$5,000 to General Gov't. Building – Equipment (10100X4350161)
\$15,000 to Information Technology (10100X4251171)
\$8,000 to Care of Poor – Supplies (10100X4260411)
\$11,000 to Planning & Zoning – Salaries & Wages (10100X4110711)
\$1,400 to Planning & Zoning – Joint Jurisdiction Building Permits (10100X4221711)
\$1,300 to Planning & Zoning – Publishing (10100X4230711)

Motion by Commissioner Manning, seconded by Commissioner Packard.

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

Dated this 11th day of October, 2022.

Board of County Commissioners
Clay County, South Dakota

Travis Mockler, Chairman

ATTEST:

Carri R. Crum, County Auditor

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

(DUE TO OTHER GOVERNMENT)		GARFIELD TOWNSHIP	\$4,543.86
BERESFORD SCHL DIST 61-2	\$15,308.38	GAYVILLE/VOLIN SCHL DIST	\$810.00
BETHEL TOWNSHIP	\$2,371.57	GLENWOOD TOWNSHIP	\$4,392.20
CENTERVILLE SCH DIST 60-	\$7,363.98	IRENE CITY	\$208.41
CITY OF VERMILLION	\$59,984.41	IRENE/WAKONDA SCHL 13-3	\$12,217.79
CLAY CO TREASURER	\$6,416.00	MECKLING TOWNSHIP	\$3,275.05
FAIRVIEW TOWNSHIP	\$6,668.35	NORWAY TOWNSHIP	\$1,984.39

PLEASANT VALLEY TWP.	\$3,680.26
PRAIRIE CENTER TWP.	\$3,001.96
RIVERSIDE TOWNSHIP	\$3,339.23
SD DEPT OF REV ANDERSON	\$353,231.87
SDACO - M&P FUND PAYMENT	\$302.00
SPIRIT MOUND TOWNSHIP	\$3,920.36
STAR TOWNSHIP	\$4,093.82
TLC WATER PROJECT DIST.	\$1,127.50
VERMILLION BASIN WATER	\$661.29
VERMILLION SCHL DIST 13-	\$179,546.44
VERMILLION TOWNSHIP	\$1,913.11
VIBORG/HURLEY SCHL 60-6	\$65.92
WAKONDA TOWN	\$2,917.79
(FIRE)	
BERESFORD RURAL FIRE	\$805.84
CENTERVILLE RURAL FIRE	\$303.15
GAYVILLE RURAL FIRE ASSO	\$105.02
IRENE RURAL FIRE ASSOC	\$62.59
VERM. RURAL FIRE ASSOC.	\$2,363.88
VOLIN RURAL FIRE ASSOC.	\$9.70
WAKONDA RURAL FIRE	\$466.65
(PROFESSIONAL SERVICES AND FEES)	
CITY OF VERMILLION	\$101.50
FEDEX	\$33.25
HANSEN FUNERAL HOME, INC	\$1,900.00
HOUSKA, DDS, RANDY	\$279.00
JLG ARCHITECTS	\$6,102.66
KATTERHAGEN, MARK	\$21.00
LARSON, VAL	\$21.00
LEWNO, LUCILLE M	\$186.57
LINCOLN COUNTY AUDITOR	\$1,573.70
PHARMCHEM, INC.	\$220.15
PLYMOUTH CO SHERIFF	\$66.25
SATELLITE TRACKING OF	\$32.50
SD DEPT OF HEALTH LAB	\$545.00
ULTEIG	\$15,504.00
YANKTON CO SHERIFF	\$50.00
YANKTON MEDICAL CLINIC P	\$232.32
(OTHER PROFESSIONAL SERVICE)	
CITY OF VERMILLION	\$85,409.75
SCHAEFER, DEAN	\$42.00
SD ATTORNEY GENERAL	\$657.00
UNION CO. SHERIFF	\$18,720.00
YANKTON CO SHERIFF	\$1,615.00
(LAW OFFICE)	
BOYS & GIRLS CLUB, INC.	\$1,750.00
FRIEBERG, NELSON & ASK	\$3,000.00
PETERSON, STUART, KLENTZ	\$10,941.83
TERWILLIGER, PHILIP	\$3,350.00
(MENTAL HEALTH)	
AVERA MCKENNAN	\$790.00
(MENTAL HEALTH)	

SD DEPT OF REV ANDERSON	\$600.00
(PUBLISHING)	
BROADCASTER PRESS	\$1,527.55
NEW CENTURY PRESS ACT440	\$80.82
NEW CENTURY PRESS ACT447	\$1,096.59
(REPAIRS AND MAINTENANCE)	
BRUNICK SERVICE, INC.	\$154.73
BUHLS DRYCLEANERS &	\$142.20
CANON	\$236.16
CRESCENT ELECTRIC	\$382.38
HD SUPPLY LTD	\$325.00
INTERSTATE POWER SYS INC	\$2,211.40
OLSON'S PEST TECHNICIANS	\$80.00
PRESTO-X COMPANY LLC	\$172.89
RIVERSIDE HYDRAULICS AND	\$150.00
SIOUX EQUIPMENT	\$210.00
THE LUMBERYARD LLC	\$77.47
VERMILLION ACE HARDWARE	\$277.17
(DATA PROCESSING/CLAY CREEK/INF)	
ESRI INC	\$1,084.66
MICROFILM IMAGING SYSTEM	\$945.00
(SUPPLIES & MATERIALS)	
A & B BUSINESS	\$127.01
A-OX WELDING SUPPLY CO	\$120.82
BARCO MUNICIPAL PRODUCTS	\$167.48
BOB BARKER CO INC	\$361.02
BRUNICK SERVICE, INC.	\$108.35
BUHLS DRYCLEANERS &	\$70.54
FP MAILING SOLUTIONS	\$178.40
GOVERNMENT FORMS AND	\$31.18
HD SUPPLY LTD	\$79.98
LAYNE'S WORLD, INC.	\$36.72
MICROFILM IMAGING SYSTEM	\$30.00
O'REILLY AUTO PARTS	\$151.77
ONE OFFICE SOLUTION	\$201.05
PRESSING MATTERS	\$94.78
PROCHEM DYNAMICS	\$1,074.63
QUALIFIED PRESORT SVC IN	\$5,314.38
RIVERSIDE HYDRAULICS AND	\$3.01
RUNNINGS SUPPLY INC HWY	\$122.15
SD DEPT OF TRANS	\$8,341.45
SIOUX EQUIPMENT	\$390.38
STURDEVANT'S AUTO HWY	\$275.64
TRUENORTH STEEL	\$34,102.00
ULTEIG	\$976.85
UNION CO. SHERIFF	\$370.05
VERMILLION ACE HARDWARE	\$524.28
VOLLAN OIL	\$7,921.00
(TRAVEL AND CONFERENCE)	
HOLLENBECK, LAUREN	\$96.00
PAULSEN, ANDREW	\$133.60
VERMILLION FEDERAL	\$25.00

(INMATE TRAVEL)		RUNNINGS SUPPLY INC HWY	\$54.99
PENNINGTON COUNTY JAIL	\$270.59	SD DEPT OF HEALTH	\$1,674.00
PUMP N PAK	\$408.93	SLATTERY, MICHAEL	\$58.16
(UTILITIES)		THELEN, CHRISTOPHER	\$50.00
A & B BUSINESS	\$63.49	TWO WAY RADIO SOLUTIONS	\$560.49
BUREAU OF ADMINISTRATION	\$10.82	VAN DIEST SUPPLY COMPANY	\$8,045.00
CENTURYLINK HWY	\$149.99	VERMILLION FEDERAL	\$58.80
CITY OF VERMILLION	\$1,563.35	VERMILLION FORD	\$1,391.01
CLAY RURAL WATER SYSTEM	\$135.90	WRIGHT, SAMANTHA	\$50.00
CLAY UNION ELECTRIC CORP	\$630.18	ZARYCH, STEPHEN	\$50.00
MIDAMERICAN ENERGY	\$142.55	(JDC/SPECIAL EQP.)	
MIDAMERICAN ENERGY EXT	\$8.00	SDACC OFFICE	\$736.00
MIDAMERICAN ENERGY S.C.	\$44.56	(BUILDINGS AND STRUCTURES)	
MIDCO BUSINESS	\$220.39	NEU POND & LANDSCAPING	\$5,637.75
MIDCO BUSINESS EXT.	\$75.39	ROEL PLUMBING LLC	\$3,000.00
VERMILLION GARBAGE SVC.	\$60.00	THE LUMBERYARD LLC	\$26.07
(PAYMENT)		TOTAL FLOORING LLC	\$239.39
DAKOTA SENIOR MEALS	\$1,137.50	(BOOKS)	
DOMESTIC VIOLENCE	\$75.00	I-STATE TRUCK CENTER	\$126,117.00
HOFFMAN, RENAE	\$167.32	STATE BAR OF SD	\$650.00
LEWIS & CLARK BEHAVIORAL	\$5,473.25	(FURNITURE AND MINOR EQUIPMENT)	
MADSEN, GAYLE	\$60.20	MICROFILM IMAGING SYSTEM	\$215.00
MILLS, KEVIN	\$54.08	ONE OFFICE SOLUTION	\$285.00
NUTRIEN AG SOLUTIONS	\$2,657.50	VERMILLION ACE HARDWARE	\$23.94
PIZZA RANCH 14762	\$2,611.00	(AUTOMOTIVE)	
PROEFROCK, DEBBIE	\$50.00	BRUNICK SERVICE, INC.	\$166.30
REGNERUS, JAY	\$50.00		

At 9:22 a.m., Hammond moved, seconded by Packard to enter an Executive Session for personnel matters per SDCL 1-25-2. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

At 10:09 a.m., Manning moved, seconded by Hammond to exit the Executive Session. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.

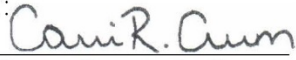
Mockler said to Polley that it looks like someone tried to mow the plastic mat near Huot's bottom and caught it. Polley said someone tried to windrow it and caught it, and it is fraying but held together. He said they are mowing it higher now. Polley said that's the only problem he has with that material. Mockler said it's just weeds, and he doesn't know why anyone would try to windrow it. Hammond said he spoke to someone at the conference about it, and the plastic does break down over time. Polley said there is a marker at each end so the person running the blade knows it's there. They are just held in by metal staples. Polley said they burned it along Highway 19, and it melted. He said that is the only drawback as it is expensive. Our project was around \$76,000 in 2020. Hammond said it is the right product for what we need to do there. He wondered if there should be more markers along there.

Polley told Manning he will check the county line road. If it needs to be bladed again, they will do it again.

At 10:15 a.m., Manning moved, seconded by Hammond to adjourn and reconvene on Tuesday, October 25, 2022 at 9:00 a.m. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST: 

Carri R. Crum, County Auditor

October 25, 2022

The Board of County Commissioners met in regular session Tuesday, October 25, 2022, 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 and unanimously carried to approve the agenda. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Packard moved, seconded by Smith and unanimously carried to approve the minutes of the October 11, 2022 meeting. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board reviewed fuel quotes. Hammond moved, seconded by Packard to accept the low bid of \$2.967/gallon from Vollan Oil for gasoline. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye. Packard moved, seconded by Smith to accept the low bid of \$4.522/gallon from Vollan Oil for #2 diesel fuel. 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 Quarterly LEMPG Activity Report. Manning moved, seconded by Packard to approve the report and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Stewart presented the Board with new Local Emergency Planning Committee Bylaws. In doing some research, the last set was adopted in 1992. He rewrote them, and they passed the LEPC board, but the County Commission also needs to approve them. Hammond moved, seconded by Packard to approve and adopt the LEPC Bylaws. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Stewart discussed the drone pilots. He has been working with Caitlyn Dommer, Deputy State's Attorney, who is writing the contract agreement. It will be on a future agenda. Hammond said he got to see the new drone fly last week as well as its capabilities. Stewart said there is a new expectation of privacy law, so usage other than emergencies will need to be approved by the State's Attorney's Office.

Manning moved, seconded by Hammond to approve the following claims for payment.

(PAYROLL)		VETERAN'S OFFICE	\$1,681.86
COMMISSIONER'S	\$8,978.03	24/7 PROGRAM	\$1,700.87
AUDITOR'S OFFICE	\$12,575.53	SHERIFF'S OFFICE	\$42,230.98
TREASURER'S OFFICE	\$21,047.49	COUNTY JAIL	\$34,570.35
STATE ATTORNEY'S OFFICE	\$27,914.07	EMERGENCY MGMT	\$4,938.50
COURTHOUSE	\$9,308.71	HIGHWAY	\$44,963.25
DIRECTOR OF EQUALIZATION	\$11,580.33	COMMUNITY HEALTH NURSE/WIC	\$3,312.28
REGISTER OF DEEDS	\$8,693.00	EXTENSION OFFICE	\$2,827.56

WEED	\$2,308.77	SOFTWARE SERVICES, INC.	\$814.00
PLANNING & ZONING	\$3,454.68	(SUPPLIES & MATERIALS)	
(CLEARING FUND - MISC)		BOB BARKER CO INC	\$140.25
SD DEPT OF REVENUE	\$175.00	BRUNICK SERVICE, INC.	\$175.00
(PAYROLL WITHHOLDING)		CENTURYLINK EMG	\$13.84
AFLAC	\$1,147.27	ERICKSON SOLUTIONS GROUP	\$46.00
CLAY CO FIT FICA	\$55,016.11	FAST AUTO GLASS, INC.	\$894.46
COLONIAL LIFE	\$183.16	FERGURSON WATERWORKS	\$23,102.21
CONSECO/WASHINGTON	\$24.45	FIRST BANK & TRUST VISA	\$2,317.10
DIV OF CHILD SUPPORT IA	\$220.00	GRAHAM TIRE S.F. NORTH	\$1,239.22
DIV OF CHILD SUPPORT SD	\$926.00	I-STATE TRUCK CENTER	\$836.66
NEW YORK LIFE INSURANCE	\$328.57	NELSON REPAIRS	\$348.79
SD RETIREMENT SYSTEM	\$28,683.62	ONE OFFICE SOLUTION	\$131.56
SD SUPPLEMENT RETIREMENT	\$5,060.00	PRESSING MATTERS	\$424.00
SDRS ROTH 457(B) PLAN	\$275.00	PROCHEM DYNAMICS	\$216.00
TASC PVR	\$1,691.65	QUALIFIED PRESORT SVC IN	\$2,074.06
THE STANDARD - DENTAL	\$1,403.48	QUILL CORP.	\$53.67
THE STANDARD - LIFE INS.	\$393.09	QUILL CORP. TRS	\$71.56
THE STANDARD - SH TRM DI	\$1,053.34	RIVERSIDE HYDRAULICS AND	\$105.70
THE STANDARD - VISION	\$268.52	RUNNINGS SUPPLY INC HWY	\$149.76
UNITED WAY OF VERMILLION	\$267.00	STURDEVANT'S AUTO HWY	\$217.71
VERMILLION FEDERAL	\$750.00	THE LUMBERYARD LLC	\$15.94
WELLMARK BLUE CROSS	\$55,776.47	VERMILLION ACE HARDWARE	\$44.44
(PROFESSIONAL SERVICES AND FEES)		YANKTON WINNELSON CO.	\$89.74
DAKOTA EMBALMING	\$230.00	(TRAVEL AND CONFERENCE)	
ERICKSON SOLUTIONS GROUP	\$869.50	BEST WESTERN RAMKOTA INN	\$980.00
HOSTEK	\$119.33	DOMMER, CAITLYN	\$60.00
MINNEHAHA CO. AUDITOR	\$608.57	FIRST BANK & TRUST VISA	\$889.94
SANFORD HEALTH CLINIC	\$745.45	HARGRAVE, SAMANTHA	\$160.00
SANFORD HEALTH OCCMED	\$301.00	SDSU EXTENSION SERVICE	\$63.67
YANKTON CO TREASURER	\$147.70	STYLES, DAVID	\$28.00
(OTHER PROFESSIONAL SERVICE)		TRACY, ALEXIS A	\$60.00
KROGER, SYLVIA	\$33.20	(UTILITIES)	
SCHILDHAUER, T. LEMBCKE	\$582.00	BUREAU OF ADMINISTRATION	\$36.25
(MENTAL HEALTH)		CENTURYLINK	\$136.36
AVERA MCKENNAN	\$790.00	CITY OF VERMILLION	\$835.28
(PUBLISHING)		FIRST BANK & TRUST VISA	\$6.00
NEW CENTURY PRESS ACT447	\$49.00	VERIZON WIRELESS HWY TRS	\$91.80
(REPAIRS AND MAINTENANCE)		WAKONDA TOWN	\$66.95
CENTURY BUSINESS PRODUCT	\$30.00	(PAYMENT)	
CHARLIE'S BUS SERVICE	\$50.00	ERICKSON, CHELSEA	\$20.00
ERICKSON SOLUTIONS GROUP	\$292.00	FIRST BANK & TRUST VISA	\$1,449.95
FIRST BANK & TRUST VISA	\$20.00	HY-VEE, INC. JAIL	\$160.76
I-STATE TRUCK CENTER	\$3,419.43	PUMP N PAK	\$2,348.20
NELSON REPAIRS	\$510.00	STURDEVANT'S AUTO HWY	\$14.00
OVERHEAD DOOR COMPANY	\$365.00	THE SOAP GUYS	\$96.00
TWITE CONSTRUCTION	\$1,309.77	VERMILLION FORD	\$63.40
VERMILLION ACE HARDWARE	\$85.54	(JDC/SPECIAL EQP.)	
(DATA PROCESSING/CLAY CREEK/INF)		JACK'S UNIFORMS & EQUIP.	\$254.39
ERICKSON SOLUTIONS GROUP	\$2,698.45	(BOOKS)	
FIRST BANK & TRUST VISA	\$958.87	DIESEL MACHINERY, INC.	\$41,250.00
SCHNEIDER GEOSPATIAL	\$1,500.00	THOMSON REUTERS - WEST	\$648.60

(FURNITURE AND MINOR EQUIPMENT)
FIRST BANK & TRUST VISA \$821.42

VERMILLION ACE HARDWARE \$73.95

Zoning Administrator Drew Gunderson met with the Board to present a plat of Tract 1 of Lundberg Addition, an Addition in the Southeast Quarter of Section 3, Township 95 North, Range 51 West of the 5th Principal Meridian, Clay County, South Dakota. Gunderson said they are platting it off for a refinance or something similar. Manning moved, seconded by Packard to pass and adopt the following Resolution #2022-24 for plat of Tract 1 of Lundberg Addition, an Addition in the Southeast Quarter of Section 3, Township 95 North, Range 51 West of the 5th Principal Meridian, Clay County, South Dakota; Amy R. Dravland, Trustee of the Gary D. and Diane K. Lundberg Family Trust, dated August 15, 2013, owner. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

**RESOLUTION #2022-24
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 Lundberg Addition, an Addition in the Southeast Quarter of Section 3, Township 95 North, Range 51 West of the 5th Principal Meridian, Clay County, South Dakota; Amy R. Dravland, Trustee of the Gary D. and Diane K. Lundberg Family Trust, dated August 15, 2013, 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.

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 October 25, 2022.

Carri R. Crum
County Auditor, Clay County, SD

Gunderson presented a plat of Tract 1 of Wetland Addition in the South Half of the Southeast Quarter of Section 20, Township 93 North, Range 51 West of the 5th Principal Meridian, Clay County, South Dakota, Containing 199,145 Sq. Ft. (4.57 Acres) More or Less; Wetlands America Trust, Inc., owner. He said Wetlands America Trust, Inc. is a subsidiary of Ducks Unlimited, and he recommends approval. Manning pointed out that Prairie Center Ditch runs along the property and asked if it will be a problem when it needs to be cleaned. Mockler said it

will be. Manning said it is scheduled to be cleaned. Gunderson suggested tabling it until he can check into the matter. Hammond said if the ditch were to be deepened, it could affect the wetlands. If it were cleaned, the spoils could affect the wetland. Mockler said it could effectively stop drainage as it could not be cleaned. Hammond said this is sort of like the issue on the outlet to Lake Thompson. Manning said it looks like it crosses Prairie Center Ditch. Manning moved, seconded by Hammond to table the plat until the next meeting to give Gunderson time to check into the matter.

The Board conducted a Public Hearing & First Reading of Ordinance #2022-12, regarding an amendment of the 2013 Revised Zoning Ordinance for Clay County. Gunderson said this is part of Toby's project and getting the zoning ordinance to match the language on the liquor license. Hammond clarified that we are just adding off sale. The proposed ordinance would be an amendment to Chapter 4.05.05, Districts and Boundaries, C-1: Commercial District: Conditional Uses, specifically adding off-sale alcoholic beverage establishments to the Commercial District Conditional Uses. No one appeared in opposition, and no written correspondence was received. Hammond moved, seconded by Manning to set the Second Reading for November 1, 2022. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board conducted a Public Hearing & First Reading of Ordinance #2022-13, regarding an amendment of the 2013 Revised Zoning Ordinance for Clay County. Gunderson said this is the next part in John Peterson's marijuana operation. No one appeared in opposition, and no written correspondence was received. Hammond moved, seconded by Packard to set the Second Reading for November 1, 2022. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Sheriff Andy Howe met with the Board to discuss patrol car bids. While Mr. Stewart with Vermillion Ford was working on the bid for this bid opening, Ford canceled the order for the previously bid patrol car. Howe told him we would look at the state bid contracts. Lamb Motors was the state contract holder, but Ford is not building patrol cars. There are no Tahoes available either. That leaves the Dodge Durango. Stewart recommended the Durango. He is not looking to lose the County's business, but he simply cannot deliver the car. Ford can change the previously bid purchase to a 2023 model, but the price increases \$7,000 and it would likely be canceled as they cannot promise the car. Howe said it is not Vermillion Ford's fault as they cannot get the car from Ford. He reached out to Wegner Auto in Pierre with the state contract. They do meet the advertised specs, other than the battery, which is not a big deal. It would be \$41,078 for a 2023. He told them we could buy a 2022 Durango to replace the previously bid model. The only option we have is the state bid. Howe said the Dodges are a little cheaper than the Fords, but we have always tried to stay local. The vehicle itself meets the specifications. Warranty work would be done in Yankton and service performed locally. Manning said we would have the 2022 and two new ones in 2023. Howe said that would be correct as we budget for 1 ½ each year, and 2023 is a 2-car year. He said the detective is driving the deployed deputy's car, who will be back in December. We could possibly get him into something else altogether, which Howe does not want to do. If we cannot get the 2022 Durango, Howe said maybe he will be back at another meeting. Manning asked about the car we had. Howe said it would be surplus. Howe said estimated

delivery is August, but he is only slightly more optimistic than Ford. Hammond and Howe discussed the budget for 2023. Howe said he has to also revisit equipment for the car as it is built for Ford Explorers. Mockler and Crum discussed accounting for the 1 ½ cars per year. Packard moved, seconded by Smith to authorize Howe to order three 2023 Durangos from Wegner Auto at the state bid price. Under discussion, Hammond asked if it would be a hybrid. Howe said no, it would be gas. Howe said if he is unable to get one of them before August, he may look for a surplus highway patrol vehicle with some life left in it. Hammond said we can cancel without penalty. Howe said they could also cancel on us, but the hope is that they will not. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Hammond moved, seconded by Manning to return the bid bond check to Vermillion Ford for the previously bid purchase that was canceled. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye. Howe said there were 68 Explorers on order that were canceled by Ford, so it is a problem for many agencies. Mockler said the Highway Department truck order has been canceled as well. Hammond said Ford is dividing their dealerships into four different classes.

A public hearing was held regarding a supplement to the budget. No one appeared in opposition, and no written correspondence was received. Manning moved, seconded by Packard to pass and adopt the following Resolution #2022-23 for Supplement of County Budget.

RESOLUTION #2022-23
Supplement of County Budget

WHEREAS the County budget does not have adequate budget authority in 2022 for Commissioners Contingency;

WHEREAS, the Board of County Commissioners have agreed to hold a public hearing on October 25, 2022 at 9:40 a.m. to supplement the County General budget, Rural Infrastructure Access Fund budget, and Modernization & Preservation Fund 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 2022 Annual Budget:

General Fund Commissioners – Prof. Svc./Fees (10100X4220111) \$13,000
General Fund Gen. Gov't. Building – Improvements (10100X4320161) \$49,000
Rural Infrastructure Access Fund (29500X4220000) \$21,069
Modernization & Preservation Fund – Software (25000X4251163) \$4,600

Dated the 25th day of October, 2022.

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.

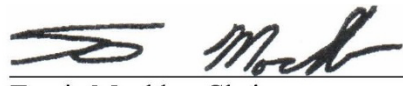
ATTEST:

Carri R. Crum, County Auditor

Chairman
Board of County Commissioners
Clay County, South Dakota

Manning said Gregoire Excavating cleaned part of the Prairie Center Ditch last spring, and he will get a hold of him to finish the rest now.

At 9:44 a.m., Manning moved, seconded by Packard to adjourn and reconvene on Tuesday, October 25, 2022 at 9:00 a.m. Roll call vote: Hammond Aye, Manning Aye, Packard Aye, Mockler Aye.



Travis Mockler, Chairman
Board of County Commissioners

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

November 1, 2022

The Board of County Commissioners met in regular session Tuesday, November 1, 2022, 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. Mockler declared a conflict of interest for the feedlot discussion topic and said he would be recusing himself from that portion of the meeting.

Hammond moved, seconded by Packard and unanimously carried to approve the agenda with the addition of Sheriff Andy Howe for patrol car purchase. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, Mockler Aye.

Hammond moved, seconded by Packard and unanimously carried to approve the minutes of the October 25, 2022 meeting. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, Mockler Aye.

Dan Johnson, Johnson Engineering, met with the board to present the annual bridge inspection report. There is a structure north of Meckling where they are recommending posting that bridge due to the corrugated metal deck. Spacing between the girders is the issue on that structure. Mockler asked if there is a way to separate the single or combination vehicles. Johnson said the County would have to look into reducing the spacing between girders to remedy the situation. The County would need to work with a consultant. Mockler said there is a lot of truck traffic over 40 tons, and all we would be doing is shoving that traffic onto Bluff Rd. Hammond said that would be worse in the long run. Johnson said they also recommend posting structures 141-080 and 140-160 at 5 tons. Johnson said they have updated the maps as well.

The Board considered a resolution to delete structure 14-130-176 from the National Bridge Inventory as the bridge has been removed. Packard moved, seconded by Hammond to pass and adopt the Resolution #2022-26 to Delete Bridge from NBI. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, Mockler Aye.

**RESOLUTION #2022-26
Resolution to Delete Bridge from NBI**

The Clay County Board of Commissioners is in agreement with SDDOT that the following structure(s) should be deleted from the National Bridge Inventory (NBI) for the following reason(s):

STRUCTURE ID, LOCATION and REASON FOR DELETION:

14-130-176	2.9 N & 1 E of Vermillion	Structure was removed as part of the 2020 Removal Program PCN 08A8.
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The Commission is aware of the following stipulations once a structure is deleted from the NBI:

1. Federal Bridge funds will not be available for structure replacement or rehabilitation

- and
2. The structure will only be added to the Inventory following replacement, using County funds.

Upon receipt of this resolution, the above structure(s) will be deleted from inventory.

Vote of Commissioners: Yes 4 No 0

Dated at Vermillion, SD, this 1st day of November, 2022.

Attest:

Carri R. Crum, County Auditor

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

Polley discussed a change order for the micro-surfacing project. Packard moved, seconded by Hammond to approve of the change order and authorize the Chairman to sign it. The Board considered an Application for Payment for the project in the amount of \$1,907,211.01. Hammond moved, seconded by Packard to approve the payment and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board considered contracts for the pipe replacement on Road D-1. Hammond moved, seconded by Packard to approve the contract and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, Mockler Aye.

Polley discussed advertising surplus equipment for sealed bids.

Hammond asked Polley how it went filling in a big scour hole. He said it went well, and they just need to armor the sides with concrete.

Polley and the Board discussed Timber Rd. right-of-way related to trees on Cynthia Struckman-Johnson's property. Hammond said he was a bit surprised by the wording of the letter from her attorney. He said the County did not issue a citation as referenced in the letter. He asked Polley for his thoughts on the tree trimming. Polley and Hammond both thought the trimming is good. Hammond asked about the right-of-way. Polley said the official documents are at the Register of Deeds Office. He has old road documents in his office, and he also uses Beacon, which say 80 ft. He feels that if they want to prove otherwise, they should do the research. Smith said she thinks the issue is a neighbor issue, and Struckman-Johnson is looking for some certainty so she can protect herself from the neighbor's complaints as he seems very focused on this. Hammond asked the Board if they should answer the attorney's letter stating that the visibility issues appear to be resolved. Smith said that would be helpful. Mockler said it should also reflect that it is an ongoing maintenance process, that the right-of-way is a minimum of 33 feet from the center of the road, and that she was not cited as the letter claimed. Hammond and Polley discussed fence lines, electrical poles, etc. Hammond said generally on blacktop roads it is a 40-foot right-of-way. Polley said they have marked right-of-ways on Timber Rd. Smith said the letter would help resolve the problem for Struckman-Johnson. Hammond said she really has no responsibilities as typically right-of-way obstructions are taken care of by the County. Typically, we would not

need to notify her, as it was done as a courtesy. She did not need to hire the trimming to be done at her expense. It was discussed that the State's Attorney would draft a letter.

At 9:300 a.m., Packard moved, seconded by Hammond to adjourn and convene as Clay County Ditch Board. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, Mockler Aye.

Polley said Brad Stangohr with Ulteig Engineering will be doing 3 separate bids. Stangohr said they will divide into 3 contracts: FEMA as its own, Clay County's as its own, and Yankton as its own near the county line. The bid opening is November 10th. Polley and Stangohr discussed that the completion date is December 1, 2023. Polley clarified that as long as the winter allows they can work. Polley said there is about 6 inches of water, although he did not see a beaver dam and doesn't know why it's holding water. He said he had a meeting with FEMA and would like to get that 4 miles cleaned as soon as possible to end the process with FEMA as it has been going on since 2019. Mockler said they cannot dig in the winter due to the frozen ground. Stangohr said we will get some interest in this one as he has already received calls. Mockler said they could trap the beavers.

At 9:40 a.m., Packard moved, seconded by Hammond to adjourn and reconvene as Board of Clay County Commisisoners. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, Mockler Aye.

Oakley Perry from the State and 4-H Educator Lauren Hollenbeck met with the Board to discuss Hollenbeck's hours as 4-H Educator. They are proposing to increase her hours in Clay County as 50%, Union County at 50%, and Yankton to zero. Perry said Yankton County is in good shape. Hollenbeck said from a workload and mental health standpoint, this would be much better than what she is currently doing. Perry said there may be a slight increase in travel costs as well. Hollenbeck said she has not used all of her travel budget the past couple of years. Packard moved, seconded by Hammond to approve the proposal. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, Mockler Aye. Perry said his next step is to approach Yankton County.

Sheriff Andy Howe met with the Board to report that he ordered 3 Dodge Durangos per the conversation at the last meeting. He needs a vehicle sooner than next August, so he looked at Federal Surplus Property and found a 2015 Ford Explorer that is not a patrol car. He also looked at the Nebraska Federal Surplus Property and found a 2017 model that is a patrol car. They would have to transfer it to South Dakota's inventory for us to purchase it. It already includes some patrol car equipment. He will be short a car in a month when the deputy returns from deployment as the detective has been using it. Packard said she would not cancel the 3rd Durango, as it's likely they will cancel one or more from our order anyway. Mockler asked if we have equipment for the car. Howe said we are sitting on Ford Explorer equipment due to the canceled order from Ford. Some equipment is already in the surplus vehicle, but we may be able to return some of what we purchased. Mockler asked which he would rather have. Howe said he would like the 2017 from Nebraska. Packard moved, seconded by Hammond to authorize Howe to pursue the 2017 vehicle in Nebraska, or the 2015 in South Dakota if the 2017 does not pan out. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, Mockler Aye.

Zoning Administrator Drew Gunderson met with the Board. Gunderson presented a plat for approval. Mockler said it is the one from last week that was tabled. Manning's questions were answered. Hammond moved, seconded by Packard to pass and adopt the following Resolution #2022-25 for plat of Tract 1 of Wetland Addition in the South Half of the Southeast Quarter of Section 20, Township 93 North, Range 51 West of the 5th Principal Meridian, Clay County, South Dakota, Containing 199,145 Sq. Ft. (4.57 Acres) More or Less; Wetlands America Trust, Inc., owner. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, Mockler Aye.

**RESOLUTION #2022-25
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 Wetland Addition in the South Half of the Southeast Quarter of Section 20, Township 93 North, Range 51 West of the 5th Principal Meridian, Clay County, South Dakota, Containing 199,145 Sq. Ft. (4.57 Acres) More or Less; Wetlands America Trust, Inc., 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.

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 November 1, 2022.

Carri R. Crum
County Auditor, Clay County, SD

A Second Reading was held for Ordinance #2022-14, regarding an amendment of the 2013 Revised Zoning Ordinance for Clay County. The ordinance is an amendment to Chapter 4.05.05, Districts and Boundaries, C-1: Commercial District: Conditional Uses, specifically, adding off-sale alcoholic beverage establishments to the Commercial District Conditional Uses. No one appeared in opposition, and no written correspondence was received. Hammond moved, seconded by Smith to pass and adopt Ordinance #2022-13, regarding an amendment of the 2013 Revised Zoning Ordinance for Clay County. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, Mockler Aye.

A Second Reading was held for Ordinance #2022-13 for a request to re-zone land located at 45304 302 St Wakonda, SD 57073 from A1 Agricultural District to C-1 Commercial District for

an Agribusiness (Medical Marijuana Cultivation Facility). The legal description is: The South 560 Feet of the West 355 Feet of the Southwest Quarter (SW 1/4) of Section Twenty-nine (29), Township Ninety-five (95) North, Range Fifty-three (53) West of the 5th P.M., Clay County, South Dakota. No one appeared in opposition, and no written correspondence was received. Packard moved, seconded by Hammond to pass and adopt Ordinance #2022-13 for a request to re-zone land located at 45304 302 St Wakonda, SD 57073 from A1 Agricultural District to C-1 Commercial District for an Agribusiness. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board discussed a resolution for establishment of penalties for zoning. State's Attorney Alexis Tracy said discussed that there is a gray area whether a county ordinance violation is a civil or criminal offense. It's going to come into criminal court, but there is a statute that discussed it being a civil case. Any time we have a criminal citation, it is technically a criminal complaint. It is a civil proceeding treated as a crime. The Board can do up to \$500 fine for a violation of a county ordinance up to 30 days in jail. It's authorized by statute. It has been a long time coming. Tracy said fining someone for this type of offense is one solution. The Board can also do an injunction by civil action. We can do nuisance abatement proceedings if it qualifies. We can assess the individual, but there are additional remedies for an owner or tenant. Tracy said Gunderson researched other counties, SECOG, etc. Packard asked if it is per day or one time. Tracy said it is per day. Gunderson will give notice, but he does not have to. It's a nice way to handle it to put a person on notice, and it is very reasonable. If they choose to continue to violate, every day is another offense. Packard asked if there is a cap. Tracy said she does not think so. Why would someone go through a CUP, etc., if there is no penalty for noncompliance. There is a point in time where we do not want to box ourselves in. Civil remedies can be additional to these penalties. Mockler asked if we can assess these penalties to the property. Tracy said someone would get ordered to pay fines and costs, there is a state collections agency, the county can use a collection agency, and so at some point in time there is an obligation for us to enforce it civilly. Mockler asked if we can include something that will disallow a person from getting a building permit if they owe the County money. Gunderson said most people do not apply for the permit themselves. It is the contractor. Mockler said no one will construct a \$100,000 grain bin, for example, and have it torn down. Tracy said she likes the creativity. There are remedies of similar nature available. She said sometimes we'll want to address things with an injunction action. Hammond said the last few sentences of the resolution might have the most teeth. Perhaps preventing delivering concrete, building materials, or even water service, could be the one that has the most teeth. Mockler said we will become hated by people that would have had no idea. Tracy said that is the part where we put someone on notice first. Gunderson asked, what if this puts livestock at risk, for example, if water was shut off in the summer. Hammond said that is where other laws kick in, where if they had notice that water would be shut off, they would be subject to animal abuse. When considering the resolution, it should be general. Tracy read more language in the resolution and discussed that it is authorized by law. Hammond said he doesn't think we intend to impose a penalty on a 3rd party who maybe didn't know they would be in violation of an ordinance. Packard asked if it would be appropriate to publish something for the public as most people do not read minutes. This is a serious act that we will hopefully not have lots of. A notice in the paper may help protect us as well as individuals. Smith said she wonders

if there is a case to be made for keeping it simple. Thinking to the future, while some of the remedies sound practical, she thinks once we put them into practice, the staff may find it gets complicated quickly. It seems that an injunction works a lot better than negative reinforcements. It gets the problem solved quickly if it's a serious one. It's much simpler and more direct. Cutting off supplies, utilities, etc. doesn't solve the problem but makes it more complicated. Mockler said simpler is much better, but the only thing he has to base it on is property taxes. When you start tax deed process, people know about it and realize the county actually will do something. It only takes a couple for word to get out. Mockler asked what dollar amount we want to set the fine. Hammond suggested \$250/day. Packard said she thinks \$500/day. Mockler said most people will remedy the situation when they are put on notice. It's those who don't we need to make ourselves heard. Gunderson said he doesn't want to be heavy-handed, but we have had so much of this. Tracy said sometimes people go about this the right way for their conditional use permits and get denied. There is no guarantee. Mockler said this is for building permits, too. Hammond said we do need to keep it very general. Tracy suggested that the Board give suggestions before next week's meeting, to email herself or Gunderson. The consensus of the Board was to set the fine amount at \$500/day. Mockler asked what else we can withhold without the person paying the fine. Smith said it makes sense to have an injunction provision and lien the property for payment of fines if necessary. Mockler said if we put a \$500 fine in place, would there be interest? Hammond suggested 10% interest. Tracy and Hammond discussed a schedule for fines, and Hammond said he thinks the statute is 18%. Hammond said realistically, if they are paying \$500/day, and it takes them 3 weeks to get their calculator out, 10% isn't really that much. Mockler said there is a timeframe before the fine starts. Hammond said those that refuse to comply are the ones that we need to make sure eventually come around. They may hang out there long enough that interest won't make much difference. Smith said tacking on interest increases the urgency of remedying the situation right away. At some point, the County should lien the property. The idea of ongoing interest is important, and it's the county saying very loudly that it needs to be done today. Gunderson asked Tracy if this would be resolved in the injunction process. Tracy said she would need to look into what is covered by that. Mockler said by next Thursday we need to get the fine in place.

Mockler turned the meeting over to Packard and went to sit in the audience. Gunderson said north on Greenfield Rd., a man built a feedlot without any permits. He is in violation of setbacks to the road, cemetery, and 3 residences. He has spoken to the individual on the phone and through the Sheriff's Office. He returned a CUP permit application without a check and very poorly filled out. Smith asked if we need an injunction. Tracy said she would like to give him the 30 days to get into compliance. She thinks it was a reasonable timeline, considering the blatant disregard for the ordinance. Packard asked if there are state regulations, or does the county come first? Gunderson said the county comes first, but the individual is probably not in compliance with state regulations. He said he wants a head count on the cows at some point. Tracy said he is potentially in violation of a few different things. Hammond said it sounds like we have some setbacks that may or may not be easily resolved. Gunderson said not unless several neighbors sign off. Even then he is too close to the road. Hammond asked if there are other hard structures involved. Gunderson said the fences are involved, as well as the cattle gates, sorting chute, hay bales, etc. It is more than a fence. Packard asked if any water aquifer is affected. Gunderson said

he is on top of a hill. Hammond said we should put a time limit on a permit application that he needs to meet the application requirements as well as any variances. Gunderson said if he comes in tomorrow with a completed application, he still wants the cattle out of there until the process is complete. He would go through the process. Hammond said he has to remedy the violation immediately, and he would back Gunderson on that. Smith said this is going to end up in Tracy's court. Tracy said the end of the notice is November 23rd. Tracy said sometimes these things are met with resistance, and the realities sink in eventually so they start making arrangements. Hopefully he'll take care of what he needs to do. But if he doesn't, she would like to visit with the Board. Gunderson said his hope is that whoever owns the cattle will pull the cattle upon hearing there are fines coming.

Facilities Manager Scott Hanson met with the Board to report that he had the first pre-construction meeting for the HVAC/mechanical project. The process is moving forward nicely. He said there was talk about ductwork in the jail, and it is dependent upon the bond issue election. They also discussed the public safety center boiler. Hanson said he doesn't think we want to incur the expense of removing the old boiler. Hammond asked about asbestos removal. Hanson said he would say not with a boiler that age. He said we will need to have testing done, and they are recommending the whole site be tested, including the exterior. Hanson said that will be good information to have for the future as well.

Hanson discussed the flagpole at the 4-H Center. To illuminate that would be \$700. Mockler said he is in favor of lighting it. Packard said we have spent quite a bit over there, which we have normally not spent. She questioned whether it can be put off for another year. Mockler said there is still a roof to be considered. Packard said there are more important things to consider. Hanson said they could try something solar powered.

Hanson updated on the table for the Commission Room. He has reached out to a couple of contractors. One here was \$8,000, and the one in Sioux Falls was \$28,000. He has not heard from the third contractor yet.

Hammond moved, seconded by Packard to reschedule the November 8, 2022 meeting to Thursday, November 10, 2022 due to the General Election. Roll call vote: Hammond Aye, Smith Aye, Packard Aye, Mockler Aye.

At 10:52 a.m., Hammond moved, seconded by Packard to adjourn and reconvene Thursday, November 10, 2022. 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



November 10, 2022

The Board of County Commissioners met in regular session Thursday, November 10, 2022, at 10:15 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. Mockler declared a conflict of interest for the feedlot discussion topic and said he would be recusing himself from that portion of the meeting.

Smith moved, seconded by Packard and unanimously carried to approve the agenda with the addition liquor license renewals for Whimp's Place and Toby's Lounge, bond update/discussion and levy, and feedlot discussion.

Hammond moved, seconded by Smith and unanimously carried to approve the minutes of the November 1, 2022 meeting.

At 10:20 a.m., Packard moved, seconded by Smith and unanimously carried to adjourn and convene as Clay County Ditch Board.

A public bid opening was held for work to be done on Clay Creek Ditch. Two Rivers bid \$247,478 for a Clay County portion, Wieman Construction bid \$372,000 for a lower section, Two Rivers bid \$289,900 for a FEMA section, Pollman Excavation bid \$319,580 for a lower section, Pollman Excavation bid \$137,240 for a FEMA section, Wieman Construction bid \$59,100 for a FEMA section, Wieman Construction bid \$137,750 for the Yankton section, and Two Rivers bid \$144,207 for the Yankton section. Ulteig Engineering will review the bids to ensure they meet specifications, and a decision will be made at the November 29, 2022 meeting.

At 10:29 a.m., Packard moved, seconded by Hammond and unanimously carried to adjourn and reconvene as Board of Clay County Commissioners.

Weed Supervisor Dennis Ganschow met with the Board to present a weed grant application. Hammond and Manning said it looked pretty straightforward. Ganschow said due to the large area it will be a 3-year project. The State only does 1 year at a time, so he will apply each year. He said Bon Homme County has a new guy who wants to participate. Packard moved, seconded by Manning and unanimously carried to approve the application and authorize the Chairman to sign it.

Under Visitors to be Heard, Packard thanked Auditor Carri Crum and staff for the hard work during the General Election.

Sheriff Andy Howe presented a Union County Inmate Boarding Contract. They are raising rates to \$85/day. Manning moved, seconded by Packard and unanimously carried to approve the contract and authorize the Chairman to sign it.

The Board considered liquor license renewals for Whimp's Place and Toby's Lounge. Hammond moved, seconded by Smith and unanimously carried to approve the applications and authorize the Chairman to sign them.

The Board considered a SDSU Extension Service Memorandum of Understanding for a 50%-time 4-H Educator. Hammond moved, seconded by Smith and unanimously carried to approve the MOU and authorize the Chairman to sign it.

Smith moved, seconded by Packard and unanimously carried to allow the Auditor and/or Chairman to apply for LATCF grant funding.

Packard moved, seconded by Smith and unanimously carried to allow the Chairman to sign a waiver and application for a Brownfields grant that may help with any asbestos or hazardous materials abatement on the courthouse grounds.

The Board convened as the Canvassing Board and conducted a canvass of the official returns for the November 8, 2022 County Bond and General Election. Manning moved, seconded by Smith and unanimously carried to approve the figures as canvassed.

Zoning Administrator Drew presented a resolution for establishment of fines. Gunderson referred to Section 3 of the draft ordinance, which had been questioned, and said it can be removed and still passed today. Regarding the idea of assigning fines to contractors or others involved, other counties have it, but he doesn't know if they use it. Manning said a contractor should ask for a permit, but it depends on what they are doing. Smith said she may ask to amend it once there is a motion. Hammond moved, seconded by Smith to pass and adopt the resolution. Smith moved to amend the resolution to strike #3, seconded by Manning. Under discussion, Hammond said whether it's in there or not, they may never choose to exercise it, but it is an additional hammer if we choose to use it. Mockler asked what happens if we don't fine everyone involved. Packard suggested "and/or" language. Smith said it's more litigation. Manning said it is opening a big can of worms, and the person who should have done the right thing in the first place should be responsible. Hammond said he cannot ever see us fining a contractor or utility provider, but he could see an order to discontinue service to an offending property. If we are really in trouble, that's the only thing we have with immediacy. He used an example of a person doing something that was an immediate injury to the public, it would be the only way they could make them stop right away. Smith asked about the use of an injunction to create the immediacy and cited Section 2. Hammond said it would be if we include Section 3. Smith said even if we don't include #3, we can use an injunction. Deputy State's Attorney Caitlyn Dommer said it makes more sense to her to use an injunction because you would have to prove a subcontractor knew they were violating a law. Hammond asked if the injunction would extend to the contractor or utility service provider. She said if the injunction is against the owner, all operations would have to cease. Hammond said removing Section 3 is ok if that's the case. Mockler said the injunction would include the contractors because it would cease the work. Hammond said he is thinking of places where construction is done and has been in operation for 2 years, and suddenly the owner violates. Ongoing service providers could be an additional hammer, but he said he is willing to support the motion. Mockler said it can be added later if they need to. All voted aye on the amendment. Hammond moved, seconded by Manning to pass and adopt Resolution #2022-27, A Resolution of Clay County, South Dakota to Establish a Civil Penalty for Violations of the Clay County Zoning Ordinance, as amended. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

RESOLUTION NO. 2022-27

A RESOLUTION OF CLAY COUNTY, SOUTH DAKOTA TO ESTABLISH A CIVIL PENALTY FOR VIOLATIONS OF THE CLAY COUNTY ZONING ORDINANCE.

WHEREAS, pursuant to SDCL 7-8-32, SDCL 7-8-33, SDCL 7-18A-2, SDCL Ch. 21-10, and SDCL Ch. 11-2, the Legislature has vested Clay County with the authority to create, maintain, and promote public health, safety, and welfare of the residents and community.

WHEREAS, Clay County is desirous of establishing a civil penalty, in the form of fines and fees authorized by statute, after a property owner fails to comply within the time designated per Section 1.06 of the Clay County Zoning Ordinance.

NOW, THEREFORE, be it resolved that Clay County establishes a civil penalty in the form of a five hundred (\$500.00) dollar fine any person, firm, corporation, or association violating any provision of the Clay County Zoning Ordinance, or failing to comply with the conditions of an approved permit.

1. Each day that the violation continues shall be considered a separate offense and subject to additional penalties. The County may file a complaint, often issued in the form of a citation, and may initiate legal proceedings to collect the civil penalties and/or to correct the violation.
2. In addition to a complaint filed against an offending person, firm, corporation or individual, the County may pursue any other legal remedies available, including but not limited to: injunctive relief and/or abatement of public nuisance.

Adopted this 10th day of November, 2022.

APPROVED:

(SEAL)

Chairman, Clay County Commission

Attest: _____
County Auditor

Reading and Adoption: November 10, 2022

Published: November 24/25, 2022

Effective (20 days after publication): December 15, 2022

Gunderson continued the feedlot discussion from the previous meeting. Packard took over the meeting as Mockler recused himself. Gunderson said it is 200' from a FEMA floodplain and has drainage on 2 sides. The individual has expanded the operation to right next to drainage. Manning said he was out there yesterday. There were 3 pens before, and now there are 4. They are feeding cattle. He said they have to go through the right procedures. It looks like there is piped in water as well. Gunderson said they had a trencher out there. Manning said the individual is moving forward instead of pulling back. Hammond said it would be a spot where a first occurrence of an aquifer is greater than 50'. He checked that. Gunderson said he contacted the State, but there doesn't seem to be a lot of movement. Manning clarified that the operator did submit a permit application. Smith said he didn't finish it and didn't pay the fee. Hammond said it was an application without required supporting documents. Gunderson said the individual

admitted he didn't understand the questions but did not ask either. He doesn't think the individual understands how serious it is. Smith asked what the date is, and Gunderson said it is November 23, which was generous because other counties give 7 days. Smith asked who would issue the citation. Gunderson said it might have to be the Board, but he will need to check with the State's Attorney on that. Smith said they should ask the State's Attorney about the procedure for assessment of civil penalties. Dommer said they were hoping to schedule a special meeting to discuss it next week. Hammond said we have already issued a notice of violation. Gunderson said the notice was delivered October 20, and Hammond said it will be a little long. Smith said if we meet next week, it gives time to work out what procedures we want to use. She said, in addition to a complaint, the county may pursue any other legal remedies available, including but not limited to injunctive relief. She said she assumes the State's Attorney could move for injunctive relief immediately.

Packard turned the meeting back to Mockler.

Packard moved, seconded by Hammond to approve the following claims for payment. There was discussion regarding services provided by Interstate Power Systems. All voted aye; motion passed.

Register of Deeds Fees: Clay Co. Treasurer 4665.00; Fees Due to State: 346175.16; Insurance Deductible Reimbursement: Ina Peterson 500.00; Insurance: SD Public Assurance Alliance 524.68; Professional Services/Fees: John Billings 4747.00, Buhl's Cleaners 159.92, Canon 125.17, City of Vermillion 96.00, Dakota Embalming 440.00, JLG Architects 12968.15, Pharmchem 251.60, Satellite Tracking of People 139.75, SD Dept. of Health Lab 730.00, Security Shredding 35.00, State Bar of SD 955.00, Yankton Co. Sheriff 50.00; Court Reporter: Schildhauer, T. Lembecke 390.00; Other Professional Services/Fees: SD Attorney General 482.00, Union County Sheriff (Inmate Boarding) 17,095.00, Yankton County Sheriff (Inmate Boarding) 1190.00; Court Appointed Attorneys: Frieberg, Nelson & Ask 3000.00, Peterson, Stuart, Klentz 10,083.33, Philip Terwilliger Law 3350.00; Mental Illness: Lewis & Clark Behavioral Health 368.00; Publishing: Broadcaster Press 292.71, New Century Press 1851.31; Repairs/Maintenance: Boone Brothers Roofing 927.50, Buhl's Cleaners 24.00, Charlie's Bus Service 210.00, Crescent Electric 114.92, Fast Auto Glass 240.00, Interstate Power Systems 8115.83, Presto-X Company 172.89, Vermillion ACE Hardware 42.12, Vermillion Federal Credit Union Card 15.96, Vollan Oil 328.83, Yankton Winnelson 58.90; Information Technology: Erickson Solutions Group 275.00, Microfilm Imaging Systems 945.00, Software Services 813.00, TTECH 6700.00, Vermillion Federal Credit Union 173.03 Credit; Materials/Supplies: A&B Business 190.50, A-OX Welding 117.10, ASTECH Asphalt Surfacing 1,434,743.10, BARCO Municipal Products 501.50, Butler Machinery 4431.10, D-P Tools 45.35, Fast Auto Glass 535.25, Flags Unlimited 216.86, I-State Truck Center 348.00, Interstate Power Systems 4802.02, Intoximeters 230.50, Jack's Uniforms 256.69, Microfilm Imaging Systems 30.00, Minnehaha County JDC 26.07, Motorola 396.00, Qualified Presort 2538.76, Quill 306.72, Runnings 52.46, SD Dept. of Transportation 175.00, Seachange 185.00, Sturdevant's Auto Parts 1054.35, Tiger Corporation 777.97, Union Co. Sheriff 144.00, Vermillion ACE Hardware 57.83, Vermillion Federal Credit Union 397.46, Vollan Oil 38182.05, One Office Solution 288.22; Travel/Conference: Best Western Ramkota 231.00, Corey Doherty 20.00, Dennis Ganschow 20.00, Andy Howe 34.00, Layne Stewart 34.00; Inmate Transport: Pennington County Jail 270.59, Pump N Pak 206.21; Utilities: Centurylink 149.99, City of Vermillion 1336.90, Clay Rural Water System 170.10, Clay Union Electric 563.30, MidAmerican Energy 414.66, Midco Business 295.78, Verizon Wireless 399.98, Vermillion Federal Credit Union 6.00, Vermillion Garbage Service 236.00, Wakonda Town 66.95; Automotive Expense: Bob's Sinclair 172.95, Brunick Service 107.00, Pump N Pak 2521.73, Redi Towing 75.00, Vermillion Federal Credit Union 126.93, Vermillion Ford 323.17; Payment to State: SD Dept. of Revenue 630.39; Juvenile Detention: Minnehaha County JDC 7453.00; Inmate Meals: Pizza Ranch 1355.75; Special Equipment: Vermillion Federal Credit Union 314.65; Building Improvements: Midwest Alarm 67389.63; Books: Thomson Reuters Westlaw 132.90; Furniture/Minor Equipment: Canon 222.94, Microfilm Imaging Systems 215.00, Vermillion ACE Hardware 289.99; Machinery/Auto Purchase: SD Federal Property Agency 15200.00.

At 11:38 a.m., Smith moved, seconded by Packard and unanimously carried to enter an Executive Session for legal/contractual matters per SDCL 1-25-2.

At 12:00 p.m., Hammond moved, seconded by Packard and unanimously carried to exit the Executive Session.

The Board spoke to Tom Grimmond, Colliers Securities, to discuss levying for the bond. Smith asked about bond anticipation notes and how they should work out levying for the first year. Smith asked what the number should be. Grimmond said he suggested \$2.6 million from preliminary numbers. The City is supposed to contribute a certain amount of money to that, but maybe they are not ready yet. He thinks for the first year, the County will have to tax for that. The County has to pay debt service on the bond for that one way or another. Smith said the issue is the opt-out overlapping the bond. This will look like a big bump up, and it will go down after the jail is open. She asked is there a way to soften the tax impact for the 2 years that we are also paying room and board for the inmates. Grimmond said they could work on that. They could push more of the principal down into the later years and structure around that. Mockler asked how quick this needs to be figured. Grimmond said they could try to issue bonds now because rates are trending upward, or they could wait until design is done and issue bonds in the summer. There would be a long interest period of a full year. He would advise against waiting as rates are trending upward. Smith agreed about the interest rate risk, but she wonders if we can smooth the payments in the first 2 years until the jail actually opens. Mockler said the City has mentioned front loading their payments so it would not take them 30 years. Crum discussed the levy timeline. There was discussion regarding deciding on the levy next Friday. Hammond said he likes to pay principal as quickly as possible. If we can do it by sticking to the plan, \$2.3 is probably better. Smith said this may not be an issue once the City decides what they are prepared to do. Hammond said they may not be able to answer today, but hopefully by next Friday. Mockler said city officials are out of the office until noon today. Grimmond said we can do some smoothing. He said even if the City contributes extra, the County is still on the hook. Mockler asked, if rates drop, can bonds be refinanced? Grimmond said there is a non-call period of about 10 years. If rates get low enough, they can do something. Smith asked how much interest goes up if they are non-callable. Grimmond said with rates going up, people are trying to protect their rate, so right now normal is 10 years. Rates are back where they were at in the 1990's or early 2000's. Manning said we should look into the USDA funding, even if it is not much. Hammond said if we got a windfall, it could be reflected in our annual levies, even if there were monies from a regional jail situation. Smith said she spent over an hour with the attorney in Sioux Falls explaining our concerns that small counties are not going to pay capital costs, so unless it is added to statute it doesn't help us. We are much better off that it worked out this way. Hammond said the legislature we have known for the past several years, you never know. Smith said the intention if the proposal doesn't work is to mandate regions. She said public authorities have their place, but this current proposal is not one that will work.


The Board scheduled a special meeting for Friday, November 18, 2022 at 9:00 a.m.

At 12:28 p.m., Manning moved, seconded by Smith and unanimously carried to adjourn and reconvene at 9:00 a.m., Friday, November 18, 2022.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:


Carri R. Crum, County Auditor

November 18, 2022

The Board of County Commissioners met in regular session Friday, November 18, 2022, 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. Mockler declared a conflict of interest for the feedlot discussion topic and said he would be recusing himself from that portion of the meeting.

Smith moved, seconded by Packard and unanimously carried to approve the agenda with the addition of feedlot discussion.

Smith moved, seconded by Manning and unanimously carried to approve the minutes of the November 10, 2022 meeting.

The Board discussed the tax levy for the jail and law enforcement center bond. Mockler asked if we are picking up the city's tab the first year. Smith said we could create a bond sinking fund. We would create a fund and put it in an interest-bearing account for a number of years, and as soon as the bonds are able to be redeemed, we could prepay a big chunk of it. Mockler said we can't hold it for 5 years. He said it will be a chunk of change the first year. Smith said she wants to see the City's money getting used to offset the taxpayer's expense as opposed to using it for a budget increment and create a tradition of keeping it separate. Crum said whatever comes in from the bond levy goes into a special fund for the bond, and whatever the City kicks in would go into that bond fund, too. Manning said the only thing would be to pay smaller payments in the beginning and larger payments at the end, but we are paying more interest. Mockler said we need to hold the City's money in order to keep the levy about the same every year as his understanding is that the City does not plan to pay their share over 30 years. Crum said the money would go into the bond fund each year but just wouldn't get spent out. Mockler and Crum discussed the difference between Capital Outlay and a bond fund. Hammond said the Capital Outlay cap in length dates back to the property tax cap legislation from the 1990s because government entities, especially school districts, were getting big bank accounts built up, and the governor felt it was unfairly taxing current residents for the benefit of future residents. Smith said if we can create this fund, it will make a big difference in the long run. She said the 1.95 would be even over the life of the bond. Crum said it could fluctuate some, as the value goes up, the levy goes down. We could use a portion of the City money each year. State's Attorney Alexis Tracy clarified that whether the opt out will get lumped in with the bond. Crum explained that the opt out is a general fund opt out, so it gets lumped in with the general fund dollars, and the bond is a separate fund. Mockler asked what interest rate we are at today. Thomas Grimmond, Colliers Securities, said we are about where we were showing in the presentation, an average of about 4.72%. Mockler asked what the dollar amount was that we needed.

Grimmond said where you have leeway is how much principal you pay in the first year. The total payment may be about \$2.6 million. We could reduce that by \$600,000 and move some principal down the schedule. That could be spread out over the remaining 29 years. Mockler asked, if the City does not build, can we change the bond to subtract that portion. Grimmond said no, that the

County would be locked into that schedule. He discussed passage of a resolution authorizing issuance of the bonds, but he said the County can wait, although there is a risk of interest rates going up. Hammond said interest for a year would be about \$1.9824 million. If we paid \$2 million the first year, we would only knock out a very small amount. Grimmond said the current schedule would be about \$900,000 in principal in the first year. We can reduce it by \$600,000, but it does increase payments in the latter years. We can levy the \$2.6 million, but there was some concern over the levy going into the full effect and not having the City's participation right away, and there was the opt out for prisoner boarding for the next couple of years. Hammond said last week we talked, and if we went with \$2.3 million with the anticipation that the City would be kicking in something that would come close to the balance. Grimmond said that would be very doable. Once they set the levy, if they did the \$2.3 million, and the payment is \$2.6 million, the County would not want to go into default the first year. No number has been really talked about when that check will be cut the first time. Grimmond said, if you move the amount down to \$2.3 million, and you levy for \$2.3 million, then you would be fine. Smith said, as she recalled from last week's discussion, we talked about trying to smooth the tax rate so that for the first 2 years of the bond, the tax rate is not bumping up and then going down again, so smoothing payments those first 2 years. While it does mean that expenses will be slightly higher over the long haul, it means people who are living very close to the line won't have to have a 2-year tax bump while we are double-paying for inmate boarding and the facility. Hammond said we should not depend on a City payment. It could be that their payments wouldn't kick in until we actually open the jail. That would be worst-case, but we shouldn't plan on City payments until we are getting close to occupancy. That could change, but with what we know now, we should make our obligations balance. Grimmond said once you set the first year and issue bonds, it dictates what you do the next few years. Manning said if we pick the \$2.6 million today, and the City comes in somewhere down the line, in 10 years we can pay ahead on this bond. If we leave it at \$2.6 now, which Manning said he does not like, if we leave it there, the money we get from the City, we can put it into an interest account, when this bond comes up in 10 years, we can use that to pay the principal down to lower taxes later. Mockler said we can do \$2.6 now and change it to what it needs to be next year. We'll be setting this levy every year. Manning said he doesn't think smoothing it out is a possibility right now. Packard said safety is \$2.6 million. Manning said he doesn't like it, but right now we have an unknown. Smith asked Grimmond, if we set it at \$2.3 million, would we change the bond repayment schedule? Grimmond said the first year, we would set it at \$2.3 million, and the rest of the schedule would be level debt. Manning said we wouldn't be paying principal down much. Smith said for some people it would moderate impact for people who are close to the edge, or farmers who have a lot of land. For one year, we wouldn't have to depend on the City to do it. We're really only looking at 9 years that we can't prepay. That makes up the difference next year, so taxpayers wouldn't have that one year bump. Mockler said it adds \$266,000 to the end cost with added interest. Grimmond said we are taking \$300,000 I principal and spreading it over 30 years. It does increase the total cost. It would be over the \$2.6 million next year, but the city's contribution could help that. Smith said it spreads the cost of the bond to future taxpayers who will be benefitting from the asset. Manning asked, what happens if the city is done paying at the end of 10 years, we were depending on their money for the payment, we'll no longer have it. Mockler said, we will hold some of that money.

He said at that point, we can refinance or pay ahead or divvy it up over the remaining payments. Grimmond said it can be restructured at that time. Smith said if we use this method it would not be principal over 30 years because after 10, we could prepay a good deal from the excess from the City. We're really looking at the first 10 years. It would be offset by interest from the bond fund. Packard said she keeps hearing "hopefully" from that plan. Smith said there are a lot of uncertainties, but she thinks we can trust the City. We don't know what the payment plan will be, but we know there will be a plan. We are not banking on the City for the first year, but it does smooth the tax rate. Mockler said if we do that, do we want to make it what our portion would be? Smith suggested structuring the bond in a way that the first payment is \$2.3 million. Mockler said the county's portion should be about \$2.1 million. Grimmond said they are set up with semi-annual interest and annual principal. Mockler said that changes the payment because he had been figuring monthly. Grimmond said payments would go from \$2.6 to \$2.7 if the first year was \$2.3 million. He said, to lessen the impact on taxpayers, we did grow taxable value by 2% the first couple years, and in 2026, we tried to lessen the impact to taxpayers at first. Mockler asked, when we get this money, can we put it on interest? Grimmond said yes, you can earn as much on the bonds as the rates on the bonds. You can invest it and earn interest on it up to the interest on the bond. SDFIT has a construction fund investment program. He cannot help the County invest the money as it is an SEC regulation. Hammond said realistically speaking we'll probably gain a couple percent. Smith said short-term treasury yields are really good right now. Manning moved, seconded by Smith to pass and adopt the following Resolution #2022-28 for Adoption of Annual Budget for Clay County, South Dakota, set the levy at \$2.3 million for 2022 payable 2023 taxes, and amend the 2023 Annual Budget accordingly.

ANNUAL BUDGET FOR CLAY COUNTY, SD
For the Year January 1, 2023 to December 31, 2023

Tax Levy in

RESOLUTION #2022-28

COUNTY TAX LEVIES	Dollars	\$'s/1,000
WITHIN LIMITED LEVY:		
* General County Purposes		
(10-12-9)	5,886,810.00	4.4095
Library		
LIMITED LEVY (10-12-21) -		
SUB TOTAL		
OUTSIDE LIMITED LEVY:	5,886,810.00	4.4095
County Snow Removal Fund		
(34-5-2)		
County Road and Bridge		
(10-12-13)		

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 Provisional Budget and all changes, elimination's and additions

have been made thereto and,

Whereas, said Provisional Budget was duly adopted as the Annual

Courthouse, Jail, etc., Bldg. (7-25-1)		
Bond Interest Sinking (7-24-18)	2,300,000.00	1.7228
Ag Building (7-27-1)		
UNLIMITED LEVY - SUB TOTAL	2,300,000.00	1.7228
LIMITED AND UNLIMITED LEVY - SUB-TOTAL	8,186,810.00	6.1323
OTHER SPECIAL LEVIES		
Secondary Road (Unorg. PT- 76) (31-12-27)		
Fire Protection (34-31-3)	240,260.00	0.2963
TOTAL TAXES LEVIED BY COUNTY	8,427,070.00	6.4286

* These Amounts include the 25% to be distributed to cities.

As of November 18, 2022 these levies are not approved by the Department of Revenue

It was discussed that rates might actually go down, but we'll see what happens. Grimmond discussed the current market and said it may get pushed into the first week in January. A lot of bonds get paid off in December and January, so there is a lot of money needing to be reinvested, so it may be good for interest rates. Hammond said, to make it really clear, he has 100% faith in the City coming through, it sounds like the feeling of the Council is that it should be done over about 10 years. When it starts, and how it will be structured is the only thing we do not know. We have full faith in the City Council. Mockler said he will talk to the City Manager to get on the agenda to see what they want to do.

Budget for 2023 and,
Whereas, at the November 8, 2022 election, the voters of Clay County voted to authorize issuance of bonds in an amount not exceeding \$42.8 million and,
Whereas, the first annual payment will be due for such bond in 2023,
NOW THEREFORE BE IT RESOLVED, That such Annual Budget be amended and all its purposes, schedules, appropriations, amounts, estimates and all matters therein set forth, SHALL BE APPROVED AND ADOPTED AS THE FINAL ANNUAL BUDGET OF THE APPROPRIATION AND EXPENDITURES FOR CLAY County, South Dakota and all its institutions and agencies for calendar year beginning January 1, 2023 and ending December 31, 2023 and the same is hereby approved and adopted by the Board of County Commissioners of Clay County, South Dakota, this 18th day of November, 2022. 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, 2022 through December 31, 2022.

BOARD OF COUNTY COMMISSIONERS OF Clay County, South Dakota

_____ Chairman
 _____ Commissioner
 _____ Commissioner
 _____ Commissioner
 _____ Commissioner
 _____ Commissioner

ATTEST _____ County Auditor

Mockler recused himself and turned the meeting over to Packard to begin the feedlot discussion. Zoning Administrator Drew Gunderson said, at the last minute, Mr. Jensen has gotten an attorney and has asked for extra time to apply for a Conditional Use Permit (CUP) for the feedlot. Gunderson said he thinks we have to give him the extra time as a courtesy to the attorney. State's Attorney Alexis Tracy said Jensen wants the application deadline to be December 9th and continue to look into options for removal of the cattle in the meantime. There is no guarantee that a CUP will be approved. He needs to go back and begin that process. They want until December 9th, and then implicitly for us not to issue penalty. Smith asked if he would get to keep the cattle there the whole time. There is no health and safety guarantee as somebody who has not followed the law until now, it seems to her the cattle need to be moved. Gunderson said he is uncomfortable with putting the neighbors on the spot as part of this is getting waivers from adjoining neighbors. He is very uncomfortable with that. He would be more comfortable having that discussion without the cattle being there. Smith agreed and said she thinks that has to be done by the deadline. Tracy said she would like to discuss a portion in Executive Session pertaining to potential litigation. Manning asked, in the meantime, is he trying to find a home for the cattle? Gunderson said Jensen says he is. Packard asked if any of them have been moved. Gunderson said no. Smith said the only thing he has done to date is put in more infrastructure, and that is not a sign of good faith. He received notice that this was an illegal feedlot. She is thinking about the neighbors, and it just seems really unfair to the surrounding properties. Manning said it makes it tough for them. Usually you want to do the best for your neighbors, and he is putting them under undue circumstances. Hammond and Packard said they should go into Executive Session.

At 10:01 a.m., Hammond moved, seconded by Smith and unanimously carried to enter an Executive Session for legal matters per SDCL 1-25-2.

At 10:47 a.m., Hammond moved, seconded by Smith and unanimously carried to exit the Executive Session.

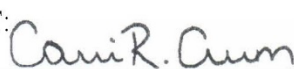
At 10:47 a.m., Manning moved, seconded by Smith and unanimously carried to enter an Executive Session for contractual matters per SDCL 1-25-2.

At 10:57 a.m., Manning moved, seconded by Hammond and unanimously carried to exit the Executive Session.

At 10:58 a.m., Smith moved, seconded by Hammond and unanimously carried to adjourn and reconvene at 9:00 a.m. Tuesday, November 29, 2022.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST: 
Carri R. Crum, County Auditor

December 1, 2022

The Board of County Commissioners met in regular session Thursday, December 1, 2022, 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 and unanimously carried to approve the agenda with the addition of the annual Employee Appreciation Dinner and an Executive Session for legal matters.

Hammond moved, seconded by Smith and unanimously carried to approve the minutes of the November 18, 2022 meeting.

After some technical difficulties, Manning was able to communicate via Zoom.

Jim Peterson, VCDC, met with the Board to discuss the Vermillion NOW! 3 campaign. He discussed the County's pledge and asked if it may be reinstated. Mockler said they tried to keep the opt out lower, so they cut non-mandated programs. They hoped to reinstate funding, but they were not able to. He said they did not budget for it in 2022 or 2023. As of now, they do not know about 2024. Mockler said, to make it clear, no one was upset, it was nothing that either side had done, but they had to make cuts. Packard said it was because of having to board inmates in other counties. Hammond thanked Peterson for coming in to ask about it.

Highway Superintendent Rod Polley discussed the Rural Access Infrastructure Funds. He had 3 of the 11 eligible townships turn in a 5-year plan. He doesn't know how they Board wants to distribute funds. Some counties are going to the extreme, but he would like to do it first-come-first-served if possible. He discussed structure requests from the townships. Hammond said we have requests for possibly \$120,000 and approximately \$140,000 available. Mockler asked how we get the others on. Polley said he heard there was such a low turnout that the State would extend the deadline, but he did not hear if they actually extended it. He said they had plenty of time to turn it in. Mockler asked what else the others need to do. Polley said they need a 5-year plan showing which culverts, gravel, etc. they plan to do each year. Star, Bethel, and Garfield have submitted their 5-year plans. Star has already called the pipe company. Their estimate should be pretty good numbers. Bethel had a cost estimate, too. He said we did help Star a couple years ago. He said he has had questions about the bridge closed over Baptist Creek. Smith asked if there is a deadline for awarding the funds. Polley said no, but the deadline for submitting 5-year plans has passed. He said he does not want to get too complicated with deciding how to distribute the funds. Smith said the point of the program was to try to get townships to make 5-year plans, but the deadlines defeated the purpose of the program. Polley said he will email Kris Jacobsen with the association to see if they did extend the deadline. He said he went to Fairview's meeting one evening. They have a couple culverts they are thinking about changing that FEMA would not cover. But they never submitted anything. Hammond said if you don't have deadlines, nothing happens. Mockler said it only disqualifies them this year, not forever.

Hammond said if we award the funds for the three projects and publicize it, maybe it will light a fire under the others. Mockler said the only thing that lights a fire is water. When it's dry, they don't think about it. Hammond said the Board will take the requests either way and discussed written request vs. in-person requests. Smith said it makes sense to make awards if only three applied, but we should check on whether the deadline was extended. Polley said the funding is based on population, so we are at the bottom of the list for dollars. Mockler said he wishes the townships would understand that this is a participation bill. If there is low participation, they will get rid of the funding. Polley said he doesn't know how many of them go to the township association meeting each year. Hammond asked if there is a template on what the 5-year plan should look like. Polley said not really. They can use a map showing what they plan to do. Brad Stangohr from Ulteig Engineering said there was a simple template that came out after the requirements. He said he can help townships, too. He did ask the question about extending the deadline, but he got a wishy-washy answer and was told it would be up to the counties. Packard said it sounds like we have three projects that might over-use the money. Stangohr said there is a matching portion that figures into it, around 80/20. Hammond said we can hold a workshop to show them. Polley said Garfield is the third applicant, and their estimate was about \$250,000. Manning said at the meeting in Olivet they handed out templates. Smith said they got a workbook. Manning said if Ron Peterson has already developed a template, maybe he would allow others to use it. Mockler asked for the estimate from Bethel. Polley said the total cost was \$25,000. Mockler said that Star wanted \$46,517. He also accounted for the matching dollar amounts. For 2023 that's \$85,000, so that would leave around \$60,000 for Garfield. He said they will need all the applications. Polley said the one in Garfield affects the least amount of people because there are ways around it, and if it was a County structure he doesn't know if we would replace it. Mockler and Polley discussed routes around it. Mockler asked John Peterson where Star's projects are. Peterson said one is by Warren Jensen's. Polley said Bethel's is north of Donnie Lyso's at 305 St. & 458 Ave. It was decided that Polley would reach out to the three and have them come in to talk to the Board. Packard suggested doing one meeting with the three and then have the rest come in at a different time.

Polley discussed a problem with right-of-way on Timber Rd. The fence line shows a 40' right-of-way, and Beacon shows 40' of right-of-way, but the Register of Deeds Office shows 33'. It is obvious how far in the ditch the fences are. Mockler discussed prescriptive easement if it has been that way over 20 years, but that would be for the State's Attorney. Polley said it is not a new fence, but if you don't have signs up and they replace a sign, they will try to get in another couple rows of crop. He said it costs a lot to have someone find the pins. Mockler said finding the pins won't tell us the right-of-way. Polley discussed ownership. He asked if he should hire someone to survey the spot he is doing. Smith asked State's Attorney Alexis Tracy for her thoughts. She said SDCL 31-18-2 talks about width of section line highways, and that is 66', which would be the 33'. She said there is authority that would indicate whether there is a prescriptive easement. The question is how to get it reflected because what is on the books is 33'. There was discussion about where the 40' comes from. Polley said they acquire the right-of-way when they build the roads. Zoning Administrator Drew Gunderson said in the 1940's-1960's the State told the Counties to plat their roads. He said somehow Clay County did about 1/3. He said something has to be done at some point. He knows it's a big expense, but it has to get done

sometime. Mockler said if they haven't been paying taxes for up to 40' for over 20 years, he asked if that is a legitimate case. Tracy said all of that makes sense, but it is a matter of documenting it. She cannot find anything in statute quickly. It makes sense, it is consistent, but she would like to find something in statute. Mockler discussed the Director of Equalization's information and searching old minutes. Director of Equalization Ina Peterson said when she drew in those lines on Beacon, she used a memo that said what size the roads were, and she thinks the document came from the Highway Shop. Polley said he thinks he has it hanging in the office, and Gunderson said he has a copy as well. Polley said they don't say they are the final plans. They say that's what the County "should" acquire, not that they did acquire it. Mockler asked Peterson to look for the document and also to look for when the County took the right-of-way off of the property taxes. Peterson said it was around the time she first started, maybe in 1994. Mockler said that's 28 years ago. Hammond said it's practice for decades. He discussed adverse possession. Tracy said Gunderson's observations are interesting long term if there is something that should have been done that we need to update. Mockler said he believes if you don't pay property taxes you lose it.

Polley and Stangohr presented a payment request for the County Road D-1 pipe replacement. Polley said they ran into a concrete box culvert at the bottom of that, and they almost ended up with a big mess. The pipe company said it was packed good enough, and it will be fine. Stangohr said he has a change order put together, but we should pay him for everything but the seeding. Mockler requested the second bill before the end of the year. Stangohr said he can easily have it by December 13th. Smith asked about the actual completion date. Polley said the original one was November 15th, but it was done Monday with gravel today. Smith asked, for this invoice, the percent of work completed is 80? Mockler said, for this invoice, it's more like 60%, but the project is done except for seeding. Stangohr said the pay request is by bid item, but he can do the math next time for percentage. Stangohr said the completion date will be changed in the final change order to account for the delay in figuring out what to do about the box culvert that was discovered. Polley recommended to pay it, and Stangohr said it's fair. Smith moved, seconded by Packard to approve the payment application and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Polley said the new steel bridge north of Meckling needs to be posted per Johnson Engineering. He contacted Turner County as they have the same structure. They have 2 firms that inspected theirs, and they are not required to post it. He does not agree that ours needs to be posted. He will have Stangohr give a second opinion. He does not want to post it prior to a second opinion.

At 9:58 a.m., Packard 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.

Stangohr presented bid tabulations. He called part of the project FEMA and part of it Clay County. The low bids were \$247,478.44 from Two Rivers Contracting, LLC for the Clay County portion and \$59,100.00 from Wieman Construction, LLC for the FEMA portion. Stangohr said he is going to visit with FEMA as the representative wants a copy of the engineering report. We want to make sure we do it right so it stays FEMA eligible. Mockler asked Crum for the balance

in the fund and how much is collected each year. Crum said there is a balance of \$277,825 and annual collections of \$51,310. He said we will have enough next year by October to pay both bids in the event that FEMA does not cover it. Manning and Stangoehr discussed the bid from Wieman to make sure it was not a mistake, and Stangoehr said he confirmed Wieman will do the whole project for the amount of the bid. Polley said on the other bid, he did put in removal of obstructions on the other one. He said he knows the FEMA portion but asked how far they are going for the other bid. Stangoehr said it is the rest of the ditch to the river. Manning moved, seconded by Hammond to accept the low bids of \$247,478.44 from Two Rivers Contracting, LLC for the Clay County portion and \$59,100.00 from Wieman Construction, LLC for the FEMA portion. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Polley asked what the status is on the Yankton-Clay Ditch. Stangoehr said the part that is Yankton County's is separated out. Wieman won that, and he is working with Yankton County. Polley said he is asking about the mile-and-a-quarter of trees west of the county line. Stangoehr said he did not put that in there. It could potentially be change ordered. Crum said it has \$40,010. Mockler said he doesn't think it can be done for that amount. Polley said it was discussed at the annual meeting. Stangoehr said they can get quotes. If it's over \$50,000 they just don't accept it. If it's under, then they look at the budget. Polley said he can request quotes.

Polley updated on FEMA progress on the Clay Creek Ditch. He said it's difficult to deal with them. Stangoehr said he will visit with them early next week.

At 10:10 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.

Gunderson presented a medical marijuana license application on behalf of John Peterson for Five Star Cannabis. He said he used the State application packet for documentation. All the documentation is present, and any questions Gunderson had were answered. Hammond suggested a correction that if there is an alarm requiring police response. Neither Vermillion Police Department nor Yankton Police Department will respond. It needs to be listed as Clay County Sheriff's Office. Hammond asked what will be done with waste foliage. Karll Lecher, also with Five Star Cannabis, said they are proposing to mix with earth, coffee grounds, dirt, anything that renders it unusable. In the future, they plan to install an incinerator. Mockler asked more about the process of having waste foliage. Lecher said it needs to be useless to someone wanting to steal it. Hammond asked about the hours of operation being 9:00-5:00 except during harvest season. Lecher said during harvest he just did not want to run out of time because of the risk of mold, etc. They may push 12 hours at most on harvest days. Mockler asked about planting. Lecher said planting is different than traditional. They have mother plants, where they take clippings to make clone plants. Eventually, the mother plant dies off, and they start a new batch. Gunderson asked how long it takes. Lecher said it averages 16-18 weeks. Gunderson asked, between trimming to testing, how long it takes. Lecher said it gets sent out immediately as they cannot sell any products until they get test results, which takes about 5 days. They make a QR code from the results for packaging, and they can ship out right away. Gunderson asked

about secure access. Lecher explained how they plan to handle access log retention. Gunderson asked about mold. Lecher discussed the process of preventing mold. Hammond discussed roof water collection and said there are things collecting on the roof that couldn't be used in the plants. Lecher discussed filtration systems. Peterson said it would be for landscaping, etc. as he doesn't want any Dicamba or other chemicals in their product. Hammond said the application was rigorous and complete. Gunderson asked about the pumping of CO2 into the building. Lecher discussed the vapor factor and said they do that as they are exiting the room, and there are sensors. Gunderson said that would be something for fire and EMS to know. Lecher said the room has exhaust fans and HVAC. Hammond said it would not impair your physical performance at those rates. Smith said she was impressed at how well thought out it was. Lecher said they had a consulting team. Packard said it was extensive and impressive. Hammond moved, seconded by Smith to approve the application from John Peterson and Five Star Cannabis. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Tom Grimmond with Colliers Securities was present to discuss the bond process for the jail and law enforcement center project. He said interest rates have been holding nicely, but it depends on what the Fed does over the next couple of weeks. They are predicting inflation to stick around until 2025. The trend is upward. Grimmond reviewed the resolution drafted by Bond Counsel, and the section designating the Auditor as the post-issuance compliance officer. He also spoke about bond ratings, the registrar paying agent, etc. Smith moved, seconded by Packard to pass and adopt the following Resolution #2022-29, a Resolution Authorizing the Execution, Terms, Issuance and Payment of General Obligation Bonds, Series 2022, in the Aggregate Principal Amount of not to Exceed Forty-Two Million Eight Hundred Thousand Dollars (\$42,800,000) of Clay County, South Dakota. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

**EXTRACT OF MINUTES OF MEETING OF THE
COUNTY COMMISSIONERS OF CLAY COUNTY, SOUTH DAKOTA**

Pursuant to due call and notice thereof, a meeting of the County Commissioners of Clay County, South Dakota, was held on December 1, 2022, at 9:00 o'clock a.m.

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

and the following were absent: N/A.

Thereupon the Chair declared that a quorum was present and the meeting opened for transaction of business.

Member, Smith, introduced the following resolution and moved its adoption:

RESOLUTION NO. 2022-29

RESOLUTION AUTHORIZING THE EXECUTION, TERMS, ISSUANCE AND PAYMENT OF GENERAL OBLIGATION BONDS, SERIES 2022, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED FORTY-TWO MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$42,800,000) OF CLAY COUNTY, SOUTH DAKOTA

WHEREAS, the voters of Clay County authorized the issuance of general obligation bonds at a special election held November 7, 2022. Approximately 60% of the voters voted in favor of authorizing the Bonds to provide funds to finance a new jail, law enforcement safety center, land acquisition costs, furnishing and equipping the same, and paying for costs of issuance; and

WHEREAS, the County Commissioners has determined that the issuance of general obligation bonds of the County is in the best interests of County; and

WHEREAS, the County Commissioners has determined that it is necessary and in the best interest of the County to issue General Obligation Bonds, Series 2022 of the County.

NOW THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSIONERS OF CLAY COUNTY, AS FOLLOWS:

ARTICLE I

DEFINITIONS

Section 1.1. Definition of Terms.

In addition to the words and terms elsewhere defined in this Resolution, the following words and terms as used herein, whether or not the words have initial capitals, shall have the following meanings, unless the context or use indicates another or different meaning or intent, and such definitions shall be equally applicable to both the singular and plural forms of any of the words and terms herein defined:

"Act" means collectively SDCL Chapter 6-8B and Title 7, as amended.

"Authorized Officer of the County" means the Chair of the County Commissioners and the Auditor, or, in the case of any act to be performed or duty to be discharged, any other member, officer, or employee of the County then authorized to perform such act or discharge such duty.

"Bonds" means not to exceed \$42,800,000 in aggregate principal amount of General Obligation Bonds, Series 2022, authorized and issued under this Resolution.

"Bond Counsel" means Meierhenry Sargent LLP, a firm of attorneys recognized as having experience in matters relating to the issuance of state or local governmental obligations.

"Bond Payment Date" means such dates as are set forth in the Bond Purchase Agreement.

"Bond Purchase Agreement" means the agreement or agreements between the County and the Underwriter for the purchase of the Bonds.

"Bond Resolution" means this Resolution, duly adopted by the County Commissioners on the date hereof, as it may be amended from time to time.

"Bondholder", "Holder" and "Registered Owner" means the registered owner of a Bond, including any nominee of a Depository.

"Book-Entry Form" or "Book-Entry System" means a form or system, as applicable, under which physical bond certificates in fully registered form are issued to a Depository or to its nominee as Registered Owner, with the certificated bonds being held by and "immobilized" in the custody of such Depository, and under which records maintained by persons, other than the County or the Registrar and Paying Agent, constitute the written record that identifies, and records the transfer of the beneficial "book-entry" interests in those bonds.

"Auditor" means the Auditor of the County appointed pursuant to the provisions of South Dakota Codified Laws Title 7-10 or, in the absence of such appointment or in the event the person so appointed is unable or incapable of acting in such capacity, the person appointed by the County Commissioners to perform the duties otherwise performed by the Auditor, or his designee.

"Bond Insurer" means Build America Mutual Assurance Company, Assured Guaranty Municipal Corp. or such other insurer designated by the Authorized Officer of the County.

"Chair" means the Chair of the County Commissioners elected pursuant to the provisions of SDCL 7-8 or his or her designee acting on his or her behalf.

"Closing Date" means the date the Bonds are exchanged for value.

"Code" means the Internal Revenue Code of 1986, as amended, and the applicable regulations of the United States Department of Treasury promulgated thereunder as in effect on the date of issuance of the Bonds.

"Delinquency" means the failure of the County to deposit with the Registrar and Paying Agent any amount due with respect to the Outstanding Bonds or any Parity Obligation on or before the fifteenth day preceding an Interest Paying Date for any Outstanding Bonds or Parity Bonds.

"Delinquent Amount" means (i) regarding a Delinquency with respect to an Interest Payment Date, all principal, interest, and other amounts coming due on the Bonds or Parity Obligations on such date and on the next occurring Interest Payment Date, and (ii) regarding a Delinquency with respect to an Interest Payment Date, all principal, interest, and other amounts coming due on the Bonds or Parity Obligations on such date.

"Depository" means any securities depository that is a clearing agency under federal laws operating and maintaining, with its participants or otherwise, a Book-Entry System, including, but not limited to DTC.

"DTC Participant(s)" means securities brokers and dealers, banks, trust companies and clearing corporations that have access to the DTC system.

"DTC" means the Depository Trust Company, a limited purpose company organized under the laws of the State of New York, and its successors and assigns.

"Improvements" means the new jail, law enforcement safety center, and land.

"Interest Payment Dates" means such dates as set forth in the Bond Purchase Agreement.

"Letter of Representation" means the Blanket Issuer Letter of Representations to DTC of the County.

"Official Statement" and "Preliminary Official Statement" means the Official Statement and Preliminary Official Statement described in Section 8.2 hereof pertaining to the sale of the Bonds.

"Original Issue Discount or OID" means an amount by which the par value of a security exceeds its public offering price at the time of its original issuance.

"Original Issue Premium or OIP" means the amount by which the public offering price of a security at the time of its original issuance exceeds its par value.

"Outstanding," "Bonds Outstanding," or "Outstanding Bonds" means, as of a particular date all bonds issued and delivered under this Resolution except: (1) any bond paid or redeemed or otherwise canceled by the County at or before such date; (2) any bond for the payment of which cash, equal to the principal amount thereof with interest to date of maturity, shall have theretofore been deposited prior to maturity by the County for the benefit of the Owner

thereof; (3) any bond for the redemption of which cash, equal to the redemption price thereof with interest to the redemption date, shall have theretofore been deposited with the Registrar and Paying Agent and for which notice of redemption shall have been mailed in accordance with this Resolution; (4) any certificate in lieu of or in substitution for which another bond shall have been delivered pursuant to this Resolution, unless proof satisfactory to the County is presented that any bond, for which a certificate in lieu of or in substitution therefore shall have been delivered, is held by a bona fide purchaser, as that term is defined in Article 8 of the Uniform Commercial Code of the State, as amended, in which case both the certificate in lieu of or in substitution for which a new bond has been delivered and such new bond so delivered therefor shall be deemed Outstanding; and, (5) any bond deemed paid under the provisions of Article VII of this Resolution, except that any such bond shall be considered Outstanding until the maturity or redemption date thereof only for the purposes of being exchanged, transferred, or registered.

"Parity Obligations" means any bond, note, certificate or other obligation of the County issued after the date hereof which is secured by general taxation.

"Paying Agent" means a commercial bank or regulated financial institution which is serving as the Registrar and Paying Agent under Sections 4.3(c), 4.5, and 4.6, and Article VI of this Resolution and who is also party to the State Pledge Agreement in the capacity of the "Paying Agent".

"Person" means an individual, partnership, corporation, trust, or unincorporated organization, or a governmental entity or agency or political subdivision thereof.

"Purchase Agreement" means the Bond Purchase Agreement or Agreements authorized pursuant to and described in Section 8.1 hereof by and between the County and the Underwriter.

"Rating Agency" means one or more of the following rating agencies: S&P Global Ratings, Moody's Investors Service Inc. and Fitch IBCA, Inc.

"Record Date" means such date or dates as set forth in the Bond Purchase Agreement.

"Registrar and Paying Agent" means the Auditor or any Registrar and Paying Agent appointed by the Auditor its successor or successors hereafter appointed in the manner provided in Article VI hereof.

"Resolution" means this Resolution as it may be amended from time to time.

"Schedule" means the schedule which indicates the principal and interest payments on the Bonds.

"County Commissioners" means the County Commissioners of the County elected pursuant to the provisions of the SDCL Chapter 7-8.

"County" means Clay County.

"Underwriter" means Colliers Securities LLC, Sioux Falls, South Dakota.

"Vice-Chair" means the Vice-Chair of the County Commissioners who may act for the Chair in the absence of the Chair.

Section 1.2. References to Resolution.

The words "hereof", "herein", "hereunder", and other words of similar import refer to this Resolution as a whole.

Section 1.3. References to Articles, Sections, Etc.

References to Articles, Sections, and other subdivisions of this Resolution are to the designated Articles, Sections, and other subdivisions of this Resolution as originally adopted.

Section 1.4. Headings.

The headings of this Resolution are for convenience only and shall not define or limit the provisions hereof.

ARTICLE II

FINDINGS

Section 2.1.

It is hereby found and determined by the County Commissioners as follows:

- (a) The principal amount of the Bonds has been authorized by voters of the District;
- (b) The County hereby determines that all limitations upon the issuance of Bonds have been met and the Bonds are being authorized, issued and sold in accordance with the provisions of this Resolution and the Act.

ARTICLE III

AUTHORITY, PLEDGE, AND LEVY

Section 3.1. Authority.

It is declared necessary for the County to financing a new jail, law enforcement safety center, and land acquisition costs, furnishing and equipping the same, and paying for costs of issuance, including, but not limited to, Underwriter's discount, credit enhancement and rating agency fees, there shall be issued pursuant to, and in accordance with, the provisions of the Act, the Bond Resolution, and other applicable provisions of law, General Obligation Bonds of the County in the aggregate principal amount of not to exceed \$42,800,000.

Section 3.2. Pledge.

Pursuant to Article XIII § 5 of the State of South Dakota Constitution, the District does hereby provide for an annual tax sufficient to pay principal, premium if any, and interest when due. The full faith, credit and unlimited taxing powers of said District shall be and they are hereby irrevocably pledged to the prompt and full payment of the principal of, premium, if any, and interest on each and all of said Bonds as such principal and interest respectively become due.

To provide moneys for payment of principal and interest when due, there is hereby levied upon all taxable property in said County a direct, annual ad valorem tax, to be spread with other levies of the County upon the tax rolls in an amount sufficient to produce collected taxes in an amount not less than the amount sufficient to pay principal, premium, if any, and interest when due as indicated on a debt service schedule to be attached and made a part hereof.

The proceeds of said levies are hereby appropriated to, and shall be held in a separate sinking fund and used for no purpose other than for payment of principal, premium, if any, and interest on said Bonds; provided that, if any payment of interest or principal falls due when moneys in said sinking fund are insufficient, the County shall request and the County Auditor shall spread additional levies sufficient for payment of principal, premium, if any, and interest when due or the same shall be advanced from any funds of the County to said sinking fund.

Said levies shall be irrevocable so long as any of the Bonds or interest thereon shall remain unpaid, except that the County Commissioners of the District and the Auditor shall have the power to reduce the levy as provided by state law.

A certified copy of this Resolution shall be filed with the Auditor, and this Resolution shall constitute authority to said Auditor and her successor in office to spread said levy on the tax rolls for all years on the debt service schedule.

ARTICLE IV

FORM, TERMS, EXECUTION, AND TRANSFER OF BONDS

Section 4.1. Authorized Bonds.

The aggregate principal amount of Bonds that may be issued under the Resolution shall not exceed Forty-Two Million Eight Hundred Thousand and No/0 Dollars (\$42,800,000) and mature not to exceed 30 years after the year of issuance.

Section 4.2. Form of Bonds; Execution.

(a) The Bonds are issuable only as fully registered Bonds, without coupons, in denominations of Five Thousand Dollars (\$5,000) or any integral multiple thereof (but no single Bond shall represent installments of principal maturing on more than one date). All Bonds issued under this Resolution shall be substantially in the form set forth in Exhibit A attached hereto, and by this reference incorporated herein as fully as though copied. Exhibit A, the form of the Bond shall be on file with the Auditor and open to public inspection.

(b) The Bonds shall be executed in such manner as may be prescribed by applicable law in the name and on behalf of the County with the manual or facsimile signature of the Chair, attested by the manual or facsimile signature of the Auditor, and approved as to form and countersigned by a Resident Attorney by his manual or facsimile signature.

(c) In the event any officer whose manual or facsimile signature shall appear on any Bonds shall cease to be such officer before the delivery of such Bonds, such manual or such facsimile signature shall nevertheless be valid and sufficient for all purposes as if he or she had remained in office until such delivery. Any Bonds may bear the facsimile signature of, or may be manually signed by, such individuals who, at the actual time of the execution of such Bonds, were the proper officers of the County to sign such Bonds, although on the date of the adoption by the County of this Resolution, such individuals may not have been such officers.

Section 4.3. Maturities, Interest Rates, and Certain Other Provisions of Bonds.

(a) The Bonds shall become due and payable as set forth in the Bond Purchase Agreement. The Bonds may be sold with O.I.P. and/or O.I.D.

(b) The Bonds shall be designated "General Obligation Bonds, Series 2022" or such other designation as shall be determined by the County Commissioners pursuant to Section 9.1 hereof. The Bonds shall bear interest from their date or from the most recent interest payment date to which interest has been paid or duly provided for, until the principal amount of the Bonds is paid, such interest (computed upon the basis of a 360-day year of twelve 30-day months) being payable on Interest Payment Dates. Interest on each Bond shall be paid by wire transfer, check or draft of the Paying Agent, payable in lawful money of the United States of America, to the person in whose name such Bond is registered at the close of business on the Record Date. The principal of the Bonds shall be payable in lawful money of the United States of America at the principal office of the Paying Agent on the Bond Payment Date. Each Bond shall state that it is issued pursuant to SDCL 6-8B.

(c) The Registrar and Paying Agent shall make all interest payments with respect to the Bonds on each interest payment date directly to the registered owners as shown on the Bond registration records maintained by the Registrar and Paying Agent as of the close of business on the Record Date by wire transfer, check or draft mailed to such owners at their addresses shown on said Bond registration records, without, except for final payment, the presentation or surrender of such registered Bonds, and all such payments shall discharge the obligations of the County in respect of such Bonds to the extent of the payments so made. Payment of principal of and premium, if any, on the Bonds shall be made upon presentation and surrender of such Bonds to the Registrar and Paying Agent as the same shall become due and payable.

Section 4.4. Negotiability of Bonds.

All Bonds issued under this Resolution shall be negotiable, subject to the provisions for registration and transfer contained in this Resolution and in the Bonds.

Section 4.5. Registration, Transfer and Exchange of Bonds.

(a) The Bonds are transferable only by presentation to the Registrar and Paying Agent by the registered owner, or his legal representative duly authorized in writing, of the registered Bond(s) to be transferred with the form of assignment on the reverse side thereof completed in full and signed with the name of the registered owner as it appears upon the face of the Bond(s) accompanied by appropriate documentation necessary to prove the legal capacity of any legal representative of the registered owner. Upon receipt of the Bond(s) in such form and with such documentation, if any, the Registrar and Paying Agent shall issue a new Bond or Bonds to the assignee(s) in \$5,000 denominations, or integral multiples thereof, as requested by the registered owner requesting transfer. The Registrar and Paying Agent shall not be required to transfer or exchange any Bond during the period commencing on a Record Date and ending on the corresponding interest payment date of such Bond, nor to transfer or exchange any Bond after the publication of notice calling such Bond for redemption has been made, nor to transfer or exchange any Bond during the period following the receipt of instructions from the County to call such Bond for redemption; provided, the Registrar and Paying Agent, at its option, may make transfers after any of said dates. No charge shall be made to any registered owner for the privilege of transferring any Bonds, provided that any transfer tax relating to such transaction shall be paid by the registered owner requesting transfer. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and neither the County nor the Registrar and Paying Agent shall be affected by any notice to the contrary whether or not any payments due on the Bonds shall be overdue. Bonds, upon surrender to the Registrar and Paying Agent, may, at the option of the registered owner, be exchanged for an equal aggregate principal amount of Bonds of the same maturity in any authorized denomination or denominations.

(b) Except as otherwise provided in this subsection, the Bonds shall be registered in the name of Cede & Co., as nominee of DTC, which will act as securities depository for the Bond. References in this Section to a Bond or the Bonds shall be construed to mean the Bond or the Bonds that are held under the Book-Entry System. One Bond for each maturity shall be issued to DTC and immobilized in its custody. Unless otherwise provided herein, a Book-Entry System shall be employed, evidencing ownership of the Bonds in authorized denominations, with transfers of beneficial ownership affected on the records of DTC and the DTC Participants pursuant to rules and procedures established by DTC.

Each DTC Participant shall be credited in the records of DTC with the amount of such DTC Participant's interest in the Bonds. Beneficial ownership interests in the Bonds may be purchased by or through DTC Participants. The holders of these beneficial ownership interests are herein referred to as the "Beneficial Owners." The Beneficial Owners shall not receive the Bonds representing their beneficial ownership interests. The ownership interests of each Beneficial Owner shall be recorded through the records of the DTC Participant from which such Beneficial Owner purchased its Bonds. Transfers of ownership interests in the Bonds shall be accomplished by book entries made by DTC and, in turn, by DTC Participants acting on behalf of Beneficial Owners. SO LONG AS CEDE & CO., AS NOMINEE FOR DTC, IS THE REGISTERED OWNER OF THE BONDS THE REGISTRAR AND PAYING AGENT SHALL TREAT CEDE & CO., AS THE ONLY HOLDER OF THE BONDS FOR ALL PURPOSES UNDER THIS RESOLUTION, INCLUDING RECEIPT OF ALL PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON THE BONDS, RECEIPT OF NOTICES, VOTING AND REQUESTING OR DIRECTING THE REGISTRAR AND PAYING AGENT TO TAKE OR NOT TO TAKE, OR CONSENTING TO, CERTAIN ACTIONS UNDER THIS RESOLUTION.

Payments of principal, interest, and redemption premium, if any, with respect to the Bonds, so long as DTC is the only owner of the Bonds, shall be paid by the Registrar and Paying Agent directly to DTC or its nominee, Cede & Co., as provided in the Letter of Representation. DTC shall remit such payments to DTC Participants, and such payments thereafter shall be paid by DTC Participants to the Beneficial Owners. Neither the County nor the Registrar and Paying Agent shall be responsible or liable for payment by DTC or DTC Participants, for sending transaction statements or for maintaining, supervising or reviewing records maintained by DTC or DTC Participants.

In the event that (1) DTC determines not to continue to act as securities depository for the Bonds or (2) the County determines that the continuation of the Book-Entry System of evidence and transfer of ownership of the Bonds would adversely affect their interests or the interests of the Beneficial Owners of the Bonds, the County may discontinue the Book-Entry System with DTC. If the County fails to identify another qualified securities depository to replace DTC, the County shall cause the Registrar and Paying Agent to authenticate and deliver replacement Bonds in the form of fully registered Bonds to each Beneficial Owner.

NEITHER THE COUNTY NOR THE REGISTRAR AND PAYING AGENT SHALL HAVE ANY RESPONSIBILITY OR OBLIGATIONS TO ANY DTC PARTICIPANT OR ANY BENEFICIAL OWNER WITH RESPECT TO (i) THE BONDS; (ii) THE ACCURACY OF ANY RECORDS MAINTAINED BY DTC OR ANY DTC PARTICIPANT; (iii) THE PAYMENT BY DTC OR ANY DTC PARTICIPANT OF ANY AMOUNT DUE TO ANY BENEFICIAL OWNER IN RESPECT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS; (iv) THE DELIVERY OR TIMELINESS OF DELIVERY BY DTC OR ANY DTC PARTICIPANT OF ANY NOTICE DUE TO ANY BENEFICIAL OWNER THAT IS REQUIRED OR PERMITTED UNDER THE TERMS OF THIS RESOLUTION TO BE GIVEN TO BENEFICIAL OWNERS, (v) THE SELECTION OF BENEFICIAL OWNERS TO RECEIVE PAYMENTS IN THE EVENT OF ANY PARTIAL REDEMPTION OF THE BONDS; OR (vi) ANY CONSENT GIVEN OR OTHER ACTION TAKEN BY DTC, OR ITS NOMINEE, CEDE & CO., AS OWNER.

SO LONG AS A BOOK-ENTRY SYSTEM OF EVIDENCE OF TRANSFER OF OWNERSHIP OF ALL THE BONDS IS MAINTAINED IN ACCORDANCE HERewith, THE PROVISIONS OF THIS RESOLUTION RELATING TO THE DELIVERY OF PHYSICAL BOND CERTIFICATES SHALL BE DEEMED INAPPLICABLE OR BE OTHERWISE SO CONSTRUED AS TO GIVE FULL EFFECT TO SUCH BOOK-ENTRY SYSTEM. IF THE PROVISIONS OF THE LETTER OF REPRESENTATION SHALL BE IN CONFLICT WITH THE PROVISIONS OF THIS RESOLUTION AS SAID PROVISIONS RELATE TO DTC, THE PROVISIONS OF THE LETTER OF REPRESENTATION SHALL CONTROL.

Section 4.6. Mutilated, Lost, Stolen, or Destroyed Bonds.

(a) In the event any Bond is mutilated, lost, stolen, or destroyed, the County may execute, and upon the request of an Authorized Officer of the County the Registrar and Paying Agent shall authenticate and deliver, a new Bond of like maturity, interest rate, and principal amount, and bearing the same number (but with appropriate designation indicating that such new Bond is a replacement Bond) as the mutilated, destroyed, lost, or stolen Bond, in exchange for the mutilated Bond or in substitution for the Bond so destroyed, lost, or stolen. In every case of exchange or substitution, the Bondholder shall furnish to the County and the Registrar and Paying Agent: (1) such security or indemnity as may be required by them to save each of them harmless from all risks, however remote; and, (2) evidence to their satisfaction of the mutilation, destruction, loss, or theft of the subject Bond and the ownership thereof. Upon the issuance of any Bond upon such exchange or substitution, the County and the Registrar and Paying Agent may require the Owner thereof to pay a sum sufficient to defray any tax or other governmental charge that may be imposed in relation thereto and any other expenses, including printing costs and counsel fees, of the County and the Registrar and Paying Agent. In the event any Bond which has matured or is about to mature shall become mutilated or be destroyed, lost, or stolen, the County may, instead of issuing a Bond in exchange or substitution therefor, pay or authorize the payment of the same (without surrender thereof except in the case of a mutilated Bond) if the Owner thereof shall pay all costs and expenses, including attorney's fees, incurred by the County and the Registrar and Paying Agent in connection herewith, as well as a sum sufficient to defray any tax or other governmental charge that may be imposed in relation thereto and shall furnish to the County and the Registrar and Paying Agent such security or indemnity as they may require to save them harmless and evidence to the satisfaction of the County and the Registrar and Paying Agent the mutilation, destruction, loss, or theft of such Bond and of the ownership thereof.

(b) Every Bond issued pursuant to the provisions of this section shall constitute an additional contractual obligation of the County (whether or not the destroyed, lost, or stolen Bond shall be found at any time to be enforceable) and shall be entitled to all the benefits of this Resolution equally and proportionately with any and all other Bonds duly issued under this Resolution.

(c) All Bonds shall be held and owned upon the express condition that the provisions of this Section are exclusive, with respect to the replacement or payment of mutilated, destroyed, lost, or stolen Bonds, and, to the maximum extent legally permissible, shall preclude all other rights or remedies, notwithstanding any law or statute now existing or hereafter enacted to the contrary.

Section 4.7. Authentication.

The Registrar and Paying Agent is hereby authorized to authenticate and deliver the Bonds to the Underwriter or as it may designate upon receipt by the County of the proceeds of the sale thereof, to authenticate and deliver Bonds in exchange for Bonds of the same principal amount delivered for transfer upon receipt of the Bond(s) to be transferred in proper form with proper documentation as hereinabove described. The Bonds shall not be valid for any purpose unless authenticated by the Registrar and Paying Agent by the manual signature of an officer thereof on the Bond set forth herein on the Bond form.

Section 4.8. Qualification for DTC.

The Registrar and Paying Agent is hereby authorized to take such actions as may be necessary from time to time to qualify and maintain the Bonds for deposit with DTC, including but not limited to, wire transfers of interest and principal payments with respect to the Bonds, utilization of electronic book entry data received from DTC in place of actual delivery of Bonds and provision of notices with respect to Bonds registered by the DTC (or any of its designees identified to the Registrar and Paying Agent) by overnight delivery, courier service, telegram, telecopy or other similar means of communication. No such arrangements with DTC may adversely affect the interest of any of the Owners of the Bonds, provided, however, that the Registrar and Paying Agent shall not be liable with respect to any such arrangements it may make pursuant to this section.

Section 4.09. Underwriter.

The Chair and Auditor, individually or jointly, are authorized to retain Underwriter upon such terms as they approve.

Section 4.10. Bond Counsel.

The Chair and Auditor are authorized to retain Bond Counsel upon such terms as they approve.

Section 4.11. Rating Agency.

The Chair and Auditor are authorized to retain the Rating Agency upon such terms as they approve.

Section 4.12. Dissemination Agent.

The County authorizes the Authorized Officer of the District to retain a dissemination agent with regard to the written undertaking authorized in Section 10.8 hereof.

Section 4.13. Bond Insurance.

The County does hereby authorize to insure the bonds with a Bond Insurer. The Authorized Officer is authorized to execute such documents as may be required by the Bond Insurer. The terms and conditions of the Bond Insurer shall be incorporated herein as if stated in full.

ARTICLE V

REDEMPTION OF BONDS PRIOR TO MATURITY

Section 5.1. Redemption.

The Bonds are subject to redemption as set forth in the Bond Purchase Agreement.

Section 5.2. Notice of Redemption.

Notice of call for redemption, whether optional or mandatory, shall be given by the Registrar and Paying Agent on behalf of the District not less than thirty (30) nor more than sixty (60) days prior to the date fixed for redemption by sending an appropriate notice to the registered owners of the Bonds to be redeemed by first-class mail, postage prepaid, at the addresses shown on the bond registration records of the Registrar and Paying Agent as of the date of the notice; but neither failure to mail such notice nor any defect in any such notice so mailed shall affect the sufficiency of the proceedings for redemption of any of the Bonds for which proper notice was given. As long as DTC, or a successor depository, is the registered owner of the Bonds, all redemption notices shall be mailed by the Registrar and Paying Agent to DTC, or such successor Depository, as the registered owner of the Bonds, as and when above provided, and

neither the County nor the Registrar and Paying Agent shall be responsible for mailing notices of redemption to DTC Participants or Beneficial Owners. Failure of DTC, or any successor depository, to provide notice to any DTC Participant or Beneficial Owner will not affect the validity of such redemption. The Registrar and Paying Agent shall mail said notices, in the case of mandatory redemption of term Bonds, as and when provided herein and in the Bonds, and, in the case of optional redemption, as and when directed by the County pursuant to written instructions from an Authorized Representative of the County given at least forty-five (45) days prior to the redemption date (unless a shorter notice period shall be satisfactory to the Registrar and Paying Agent).

Section 5.3. Payment of Redeemed Bonds.

(a) If notice of redemption shall have been given in the manner and under the conditions provided in Section 5.2 hereof and if on the date so designated for redemption the Registrar and Paying Agent shall hold sufficient monies to pay the redemption price of, and interest to the redemption date on, the Bonds to be redeemed as provided in this Resolution, then: (1) the Bonds so called for redemption shall become and be due and payable at the redemption price provided for redemption of such Bonds on such date; (2) interest on the Bonds so called for redemption shall cease to accrue; and, (3) such Bonds shall no longer be Outstanding or secured by, or be entitled to, the benefits of this Resolution, except to receive payment of the redemption price thereof and interest thereon from monies then held by the Registrar and Paying Agent.

(b) If on the redemption date, monies for the redemption of all Bonds or portions thereof to be redeemed, together with interest thereon to the redemption date, shall not be held by the Registrar and Paying Agent so as to be available therefor on such date, the Bonds or portions thereof so called for redemption shall continue to bear interest until paid at the same rate as they would have borne had they not been called for redemption and shall continue to be secured by and be entitled to the benefits of this Resolution

ARTICLE VI

REGISTRAR AND PAYING AGENT

Section 6.1. Appointment and Acceptance of Duties.

The County hereby authorizes the Auditor to appoint the Registrar and Paying Agent with respect to the Bonds and authorizes and directs the Registrar and Paying Agent to maintain bond registration records with respect to the Bonds, to authenticate and deliver the Bonds as provided herein, either at original issuance, upon transfer, or as otherwise directed by the County, to effect transfers of the Bonds, to give all notices of redemption as required herein, to make all payments of principal and interest with respect to the Bonds as provided herein, to cancel and destroy Bonds which have been paid at maturity or upon earlier redemption or submitted for exchange or transfer and to furnish the County at least annually an audit confirmation of Bonds paid, Bonds Outstanding and payments made with respect to interest on the Bonds. The Chair and the Auditor, or either of them is hereby authorized to execute and the Auditor is hereby authorized to attest such written agreement between the County and the Registrar and Paying Agent, as they shall deem necessary or proper with respect to the obligations, duties and rights of the Registrar and Paying Agent. The payment of all reasonable fees and expenses of the Registrar and Paying Agent for the discharge of its duties and obligations hereunder or under any such agreement is hereby authorized and directed.

Section 6.2. Permitted Acts and Functions.

The Registrar and Paying Agent may become the Owner of any Bonds, with the same rights as it would have if it were not a Registrar and Paying Agent. The Registrar and Paying Agent may act as an underwriter or fiscal agent in connection with the sale of the Bonds or of any other securities offered or issued by the County.

Section 6.3. Resignation or Removal of the Registrar and Paying Agent and Appointment of Successors.

(a) The Registrar and Paying Agent may at any time resign and be discharged of the duties and obligations created by this Bond Resolution by giving at least sixty (60) calendar days' written notice to the Auditor. The Registrar and Paying Agent may be removed at any time by the Auditor, provided that such removal does not constitute a breach of any contractual agreement with any such Registrar and Paying Agent, by filing written notice of such removal with

such Registrar and Paying Agent. Any successor Registrar and Paying Agent shall be appointed by the Auditor and shall be a trust company or a bank having the powers of a trust company, having a combined capital, surplus, and undivided profits aggregating at least Seventy-Five Million Dollars (\$75,000,000), willing to accept the office of Registrar and Paying Agent on reasonable and customary terms and authorized by law to perform all the duties imposed upon it by this Bond Resolution.

(b) In the event of the resignation or removal of the Registrar and Paying Agent, such Registrar and Paying Agent shall pay over, assign and deliver any monies and securities held by it as Registrar and Paying Agent, and all books and records and other properties held by it as Registrar and Paying Agent, to its successor, or if there be no successor then appointed, to the Auditor until such successor be appointed.

Section 6.4. Merger or Consolidation of Registrar and Paying Agent.

Any corporation or association into which the Registrar and Paying Agent may be converted or merged, or with which it may be consolidated, or to which it may sell or transfer its trust business and assets as a whole, or substantially as a whole, or any corporation or association resulting from any such conversion, sale, merger, consolidation, or transfer to which it is a party shall be and become successor Registrar and Paying Agent hereunder and shall be vested with all the trusts, powers, discretion, immunities, privileges, and other matters as was its predecessor, without the execution or filing of any instrument or any further act, deed, or conveyance on the part of any of the parties hereto, anything herein contained to the contrary notwithstanding. Upon any such conversion, merger, consolidation, sale or transfer, the Auditor shall have the right and option, upon notice to such converted, merged, consolidated or acquiring entity, to remove such entity and appoint a successor thereto pursuant to the procedures and requirements set forth in Section 6.3 hereof.

ARTICLE VII

ADDITIONAL BONDS

The County may issue Parity Obligations on a parity herewith. The County may also issue additional bonds which are payable from general taxes.

ARTICLE VIII

DEFEASANCE OF BONDS

Section 8.1. Defeasance of Bonds.

If the County shall pay and discharge the indebtedness evidenced by any of the Bonds in any one or more of the following ways, to wit:

- (a) By paying or causing to be paid, by deposit of sufficient funds as and when required with the Registrar and Paying Agent, the principal of and interest on such Bonds as and when the same become due and payable;
- (b) By depositing or causing to be deposited with any trust company or financial institution whose deposits are insured by the Federal Deposit Insurance Corporation or similar federal agency and which has trust powers ("an Agent"; which Agent may be the Registrar and Paying Agent) in trust or escrow, on or before the date of maturity or redemption, sufficient money or Federal Obligations, as hereafter defined, the principal of and interest on which, when due and payable, will provide sufficient moneys to pay or redeem such Bonds and to pay premium, if any, and interest thereon when due until the maturity or redemption date (provided, if such Bonds are to be redeemed prior to maturity thereof, proper notice of such redemption shall have been given or adequate provision shall have been made for the giving of such notice);
- (c) By delivering such Bonds to the Registrar and Paying Agent, for cancellation by it;

and if the County shall also pay or cause to be paid all other sums payable hereunder by the County with respect to such Bonds, or make adequate provision therefor, and by resolution of the Governing Body instruct any such Escrow

Agent to pay amounts when and as required to the Registrar and Paying Agent for the payment of principal of and interest and redemption premiums, if any, on such Bonds when due, then and in that case the indebtedness evidenced by such Bonds shall be discharged and satisfied and all covenants, agreements and obligations of the County to the holders of such Bonds shall be fully discharged and satisfied and shall thereupon cease, terminate and become void.

If the County shall pay and discharge the indebtedness evidenced by any of the Bonds in the manner provided in either clause (a) or clause (b) above, then the registered owners thereof shall thereafter be entitled only to payment out of the money or Federal Obligations deposited as aforesaid.

Except as otherwise provided in this Section, neither Federal Obligations nor moneys deposited with the Registrar and Paying Agent pursuant to this Section nor principal or interest payments on any such Federal Obligations shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the principal and premium, if any, and interest on said Bonds; provided that any cash received from such principal or interest payments on such Federal Obligations deposited with the Registrar and Paying Agent, (A) to the extent such cash will not be required at any time for such purpose, shall be paid over to the County as received by the Registrar and Paying Agent and (B) to the extent such cash will be required for such purpose at a later date, shall, to the extent practicable, be reinvested in Federal Obligations maturing at times and in amounts sufficient to pay when due the principal and premium, if any, and interest to become due on said Bonds on or prior to such redemption date or maturity date thereof, as the case may be, and interest earned from such reinvestments shall be paid over to the County, as received by the Registrar and Paying Agent. For the purposes of this Section, Federal Obligations shall mean direct obligations of, or obligations, the principal of and interest on which are guaranteed by, the United States of America, or any agency thereof, obligations of any agency or instrumentality of the United States or any other obligations at the time of the purchase thereof are permitted investments under South Dakota Law for the purposes described in this Section, which Bonds or other obligations shall not be subject to redemption prior to their maturity other than at the option of the registered owner thereof.

ARTICLE IX

SALE OF BONDS AND DEPOSIT OF PROCEEDS

Section 9.1. Sale of Bonds.

The Bonds shall be sold to the Underwriter at a price set forth in the Bond Purchase Agreement. The Chair and the Auditor, or either of them, in consultation with the Underwriter, is authorized to make such changes in the structuring of the terms and sale of the Bonds as they shall deem necessary. In this regard, they, or either of them, in consultation with the Underwriter, are authorized to cause to be sold an aggregate principal amount of the Bonds less than that authorized herein, to sell in one or more series at the same or different dates, to sell any or all of the Bonds as term Bonds with annual mandatory redemption requirements which will produce substantially the same annual principal reductions as authorized herein, to change the dated date of the Bonds, and to adjust principal and interest payment dates and redemption dates of the Bonds. The form of the Bond set forth in Exhibit A attached hereto shall be conformed to reflect any changes, if any, as hereinbefore mentioned. The Chair and the Auditor, or either of them, are hereby authorized to execute and the Auditor is authorized to attest the Bond Purchase Agreement with the Underwriter providing for the purchase and sale of the Bonds. The Bond Purchase Agreement shall be in form and content acceptable to the Chair and Auditor, the execution thereof by either of them to constitute conclusive evidence thereof, and approved as to form and legality by the County's attorney; provided the Bond Purchase Agreement effects the sale of the Bonds in accordance with the provisions of this Resolution, and is not inconsistent with the terms hereof. The Chair and the Auditor are authorized to cause the Bonds to be authenticated and delivered by the Registrar and Paying Agent to the Underwriter and to execute, publish, and deliver all certificates and documents, including the Official Statement, and closing certificates and documents, as they shall deem necessary in connection with the sale and delivery of the Bonds. Bond Counsel is authorized to release the Bonds in any closing.

Section 9.2. Official Statement.

The Chair, Auditor, and the Underwriter are hereby authorized and directed to provide for the preparation and distribution of a Preliminary Official Statement describing the Bonds (the "Preliminary Official Statement"). After the

Bonds have been sold, the Chair and Auditor shall make such completions, omissions, insertions and changes in the Preliminary Official Statement not inconsistent with this Resolution as are necessary or desirable to complete it as a final Official Statement for purposes of Rule 15c2-12(e)(3) of the Securities and Exchange Commission.

To comply with paragraph (b) (3) of Rule 15c2-12 of the Securities and Exchange Commission under the Securities Exchange Act of 1934 (the "Rule") and with Rule G-32 and all other applicable rules of the Municipal Securities Rulemaking Board, the County agrees to deliver to the Underwriter, the Official Statement (which shall be a final official statement, as such term is defined in the Rule, as of its date) in an electronic format as prescribed by the MSRB.

Section 9.3. Disposition of Bond Proceeds.

The proceeds of the sale of the Bonds, combined with interest earnings, shall be deposited and accredited in the fund and accounts as prescribed by the South Dakota Department of Legislative Audit and will be used by the County to financing a new jail, law enforcement safety center, and land aquisition costs, furnishing and equipping the same, and paying for costs of issuance.

Section 9.4. Tax Matters.

- (a) The County covenants and agrees with the registered owners from time to time of the Bonds that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the Bonds to become includable in gross income for federal income tax purposes under the Code and applicable Treasury Regulations (the "Regulations"), and covenants to take any and all actions within its powers to ensure that the basic interest on the Bonds will not become includable in gross income for federal income tax purposes under the Code and the Regulations.
- (b) The Chair and the Auditor, being the officers of the County charged with the responsibility for issuing the Bonds pursuant to this Resolution are hereby authorized and directed to execute and deliver to the Underwriter thereof a Bond in accordance with the provisions of Section 148 of the Code, and Section 1.148-2(b) of the Regulations, stating that on the basis of facts, estimates and circumstances in existence on the date of issue and delivery of the Bonds, it is reasonably expected that the proceeds of the Bonds will be used in a manner that would not cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code and the Regulations.
- (c) The County shall file with the Secretary of the Treasury a statement concerning the Bonds containing the information required by Section 149(e) of the Code.

ARTICLE X

MISCELLANEOUS

Section 10.1. Failure to Present Bonds.

- (a) Subject to the provisions of Section 4.7 hereof, in the event any Bond shall not be presented for payment when the principal or redemption price hereof becomes due, either at maturity or at the date fixed for prior redemption thereof or otherwise, and in the event monies sufficient to pay such Bond shall be held by the Registrar and Paying Agent for the benefit of the Owner thereof, all liability of the County to such Owner for the payment of such Bond shall forthwith cease and be completely discharged. Whereupon, the Registrar and Paying Agent shall hold such monies, without liability for interest thereon, for the benefit of the Owner of such Bond who shall thereafter be restricted exclusively to such monies for any claim under this Resolution or on, or with respect to, said Bonds.
- (b) If any Bond shall not be presented for payment within a period of five years following the date when such Bond becomes due, whether by maturity or otherwise, the Registrar and Paying Agent shall, subject to the provisions of any applicable escheat or other similar law, pay to the County any monies then held by the

Registrar and Paying Agent for the payment of such Bond and such Bond shall (subject to the defense of any applicable statute of limitation) thereafter constitute an unsecured obligation of the County.

Section 10.2. Payments Due on Saturdays, Sundays, and Holidays.

In any case where the date of maturity or interest on or principal of any Bonds, or the date fixed for redemption of any Bonds, shall be a Saturday or Sunday or shall be, at the place designated for payment, a legal holiday or a day on which banking institutions similar to the Registrar and Paying Agent are authorized by law to close, then the payment of the interest on, or the principal, or the redemption price of, such Bond need not be made on such date but must be made on the next succeeding day not a Saturday, Sunday, or a legal holiday or a day upon which banking institutions similar to the Registrar and Paying Agent are authorized by law to close, with the same force and effect as if made on the date of maturity or the date fixed for redemption, and no interest shall accrue for the period after such date.

Section 10.3. Miscellaneous Acts.

The appropriate officers of the County are hereby authorized, empowered, and directed to do any and all such acts and things, and to execute, acknowledge, deliver, and, if applicable file or record, or cause to be filed or recorded, in any appropriate public offices, all such documents, instruments, and certifications, in addition to those acts, things, documents, instruments, and certifications hereinbefore authorized and approved, as may, in their discretion, be necessary or desirable to implement or comply with the intent of this Bond Resolution, or any of the documents herein authorized and approved, or for the authorization, issuance, and delivery by the County of the Bonds.

Section 10.4. Amendment.

The County Commissioners is hereby authorized to make such amendments to this Bond Resolution as will not impair the rights of the Bondholders.

Section 10.5. No Recourse Under Bond Resolution or on Bonds.

All stipulations, promises, agreements, and obligations of the County contained in the Resolution shall be deemed to be the stipulations, promises, agreements, and obligations of the County and not of any officer, director, or employee of the County in his or her individual capacity, and no recourse shall be had for the payment of the principal of or interest on the Bonds or for any claim based thereon or on this Resolution against any officer, director, or employee of the County or against any official or individual executing the Bonds.

Section 10.6. Partial Invalidity.

If any one or more of the provisions of this Resolution, or of any exhibit or attachment thereto, shall be held invalid, illegal, or unenforceable in any respect, by final decree of any court of lawful jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, or of any exhibit or attachment thereto, but this Resolution, and the exhibits and attachments thereto, shall be construed the same as if such invalid, illegal, or unenforceable provision had never been contained herein, or therein, as the case may be.

Section 10.7. Continuing Disclosure.

The County hereby covenants and agrees that it will annually provide certain financial and operating information which is customarily prepared and publicly available and material event notices as required by Rule 15c2-12 of the Securities Exchange Commission (SEC) for the Bonds. The Chair is authorized to execute at the Closing of the sale of the Bonds, an agreement for the benefit of and enforceable by the owners of the Bonds specifying the details of the financial information and material event notices to be provided and its obligations relating thereto. Failure of the County to comply with the undertaking herein described and to be detailed in said closing agreement, shall not be a default hereunder, but any such failure shall entitle the owner or owners of any of the Bonds to take such actions and to initiate such proceedings as shall be necessary and appropriate to cause the County to comply with its undertaking as set forth herein and in said agreement, including the remedies of mandamus and specific performance. The Chair is authorized to execute any amendments as he or she deems necessary to comply with any rules of regulations adopted by the SEC.

Section 10.8. Post Issuance Compliance.

The County does hereby adopt Meierhenry Sargent Post-Issuance Compliance Policy and Tax-Advantaged Obligations and Continuing Disclosure with regard to the Bonds attached hereto. The County appoints the Auditor as its chief post issuance compliance officer.

Section 10.9. Conflicting Resolutions Repealed.

All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 10.10. Effective Date.

This Resolution shall take effect from and after its adoption, the welfare of the County requiring it.

Motion was made by Commissioner Smith, seconded by Commissioner Packard to approve said resolution and upon vote being taken the following voted AYE: 5 - Hammond, Manning, Smith, Packard, Mockler, and the following voted NAY: 0.

ATTEST: _____
Chair

Auditor

EXHIBIT A- (FORM OF BONDS)
UNITED STATES OF AMERICA
STATE OF SOUTH DAKOTA
CLAY COUNTY, SOUTH DAKOTA
GENERAL OBLIGATION BONDS, SERIES 2022

REGISTERED

REGISTERED

No.

\$.00

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Bond Date</u>	<u>CUSIP No.</u>
%			
Registered Owner:	Cede & Co.		
	55 Water Street, 1 st Floor.		
	New York, New York 10041		
	Tax ID #13-2555119		

Principal Amount

REFERENCE IS HEREBY MADE TO THE FURTHER PROVISIONS OF THE BOND SET FORTH ON THE FOLLOWING PAGES, WHICH FURTHER PROVISIONS SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS IF SET FORTH AT THIS PLACE.

It is hereby certified and recited that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this Bond did exist, have happened, been done and performed in regular and due form and time as required by law. This Bond is issued in full compliance with SDCL Chapters 7-24 and 6-8B and Resolution #2022-29 adopted

December 1, 2022.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Resolution until it shall have been authenticated by the execution by the Registrar of the Bond of authentication endorsed hereon.

IN WITNESS WHEREOF, the County has caused this Bond to be signed by the manual or facsimile signature of its Chair of the County Commissioners of the County and to be countersigned by the manual or facsimile signature of the County Auditor all as of the Bond Date specified above.

ATTEST:

Clay County, South Dakota

By:

Auditor

Chair

COUNTERSIGNED:

Resident Attorney

CERTIFICATE OF AUTHENTICATION

This Bond is a Bond of the series designated therein and has been issued under the provisions of the within-mentioned Resolution and the date of its authentication is ____.

Bond Registrar and Paying Agent

By: _____
Authorized Officer

KNOW ALL MEN BY THESE PRESENTS: That Clay County, South Dakota (the "County"), hereby acknowledges itself to owe and for value received promises to pay Principal Amount, to the Registered Owner mentioned above in lawful money of the United States of America, together with interest thereon from the Bond Date mentioned above at the Interest Rate mentioned above. The interest hereon is payable _____, and semiannually thereafter on _____ and _____ in each year to maturity or earlier redemption by wire transfer, check or draft mailed to the Registered Owner at its address as it appears on the Bond registration books of the County maintained by U.S. Bank Trust Company, National Association as Bond Registrar and Paying Agent (the "Registrar"), on the close of business on the fifteenth day of the calendar month (whether or not a business day) immediately preceding the interest payment date (the "Record Date"). The principal hereof due at maturity or upon redemption prior to maturity is payable at the office of Registrar upon presentation and surrender of this Bond at maturity or upon earlier redemption. The principal of, premium (if any) and interest on this Bond is payable in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts.

This Bond is one of an authorized issue of Bonds limited in aggregate principal amount to a maximum of \$42,800,000 (the "Bonds") and was authorized by County voters at a special election held November 7, 2022.

Approximately 60% of the voters voted in favor of authorizing the Bonds all of like date and tenor except as to maturity, interest rates and privileges of redemption, the proceeds of this issue will be used by the County to financing a new jail, law enforcement safety center, and land acquisition costs, furnishing and equipping the same, and paying for costs of issuance pursuant to a resolution duly and regularly adopted by the County (the "Bond Resolution"), and are subject to all the provisions and limitations of the Resolution and Chapters 13-19 and 6-8B, South Dakota Codified Laws, as amended. The County has levied an irrevocable tax for the payment of the Bonds.

[REDEMPTION PROVISIONS]

This Bond is transferable by the registered holder hereof in person or by his attorney duly authorized in writing at the office of the Bond Registrar in St Pual, Minnesota, but only in the manner, subject to the limitations and upon payment of the charges provided in the Bond Resolution, and upon surrender and cancellation of this Bond. Upon such transfer a new Bond or Bonds of authorized denomination of the same maturity and for the same aggregate principal amount will be issued to the transferee in exchange therefore.

The County and the Bond Registrar may deem and treat the registered holder hereof as the absolute owner hereof and neither the County nor the Bond Registrar shall be affected by any notice to the contrary.

BOND OPINION
42,800,000

Clay County, South Dakota

General Obligation Bonds, Series 2022

Ladies and Gentlemen:

We have acted as bond counsel in connection with the issuance by Clay County (the "Issuer") of 42,800,000 General Obligation Bonds, Series 2022, dated _____ (the "Bonds"). We have examined such certified proceedings and other papers as we deem necessary to render this opinion.

We have not been engaged or undertaken to review the accuracy, completeness or sufficiency of the Official Statement or other offering material relating to the Bonds and we express no opinion relating thereto.

As to questions of fact material to our opinion, we have relied upon the certified proceedings and other certifications of public officials furnished to us, without undertaking to verify such facts by independent investigation.

Based upon the foregoing, we are of the opinion that, under existing law:

1. The Bonds are valid and binding general obligations of the Issuer.
2. All taxable property in the territory of the Issuer is subject to ad valorem taxation without limitation as to rate or amount to pay the Bonds. The Issuer is required by law to include in its annual tax levy the principal and interest coming due on the Bonds to the extent the necessary funds are not provided from other sources.
3. The Bonds have been duly authorized by the electors of the County and pursuant to Resolution No. ____ adopted by the Issuer on November 29, 2022 executed and delivered by the Issuer in full compliance with SDCL Chapters 7-24 and 6-8B and are valid and binding general obligations of the Issuer.
4. The interest on the Bonds is excluded from gross income for federal income tax purposes and is not an item of tax preference for purposes of the federal alternative minimum tax; however, such interest is taken into account in determining the annual adjusted financial statement income of applicable corporations (as defined in Section 59(k) of the Code) for the purpose of computing the alternative minimum tax imposed on corporations for tax years beginning after December 31, 2022. The opinions set forth in the preceding sentence are subject to the condition that the Issuer comply with

all requirements of the Internal Revenue Code of 1986 as amended, that must be satisfied subsequent to the issuance of the Bonds in order that interest thereon be, or continue to be, excluded from gross income for federal income tax purposes. The Issuer has covenanted to comply with each such requirement. Failure to comply with certain of such requirements may cause the inclusion of interest on the Bonds in gross income for federal income tax purposes to be retroactive to the date of issuance of the Bonds. We express no opinion regarding other federal tax consequences arising with respect to the Bonds.

7. Under existing law, the interest on the Bonds is includible in "taxable income" for the State of South Dakota income tax purposes when the recipient is a "financial institution" as defined by Chapter 10-43, South Dakota Codified Laws, according to present state laws, regulations and decisions. We express no further opinions regarding other South Dakota tax consequences arising with regard to the Bonds.

It is to be understood that the rights of the holders of the Bonds and the enforceability thereof may be subject to bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting creditors' rights heretofore or hereafter enacted to the extent constitutionally applicable and that their enforcement may be subject to the exercise of judicial discretion in accordance with general principles of equity and subject to regulatory requirements under the laws of the United States and of the State of South Dakota.

Meierhenry Sargent LLP

AS PROVIDED IN THE RESOLUTION REFERRED TO HEREIN, UNTIL THE TERMINATION OF THE SYSTEM OF BOOK-ENTRY-ONLY TRANSFERS THROUGH DEPOSITORY TRUST COMPANY, NEW YORK, NEW YORK (TOGETHER WITH ANY SUCCESSOR SECURITIES DEPOSITORY APPOINTED PURSUANT TO THE RESOLUTION, "DTC"), AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THE RESOLUTION TO THE CONTRARY, A PORTION OF THE PRINCIPAL AMOUNT OF THIS BOND MAY BE PAID OR REDEEMED WITHOUT SURRENDER HEREOF TO THE REGISTRAR. DTC OR A NOMINEE, TRANSFEREE OR ASSIGNEE OF DTC OF THIS BOND MAY NOT RELY UPON THE PRINCIPAL AMOUNT INDICATED HEREON AS THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID. THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED IN THE MANNER PROVIDED IN THE RESOLUTION.

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR (B) TO THE REGISTRAR FOR PAYMENT OF PRINCIPAL, AND ANY BOND ISSUED IN REPLACEMENT HEREOF OR SUBSTITUTION HEREFOR IS REGISTERED IN THE NAME OF DTC AND ANY PAYMENT IS MADE TO DTC OR ITS NOMINEE, ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL BECAUSE ONLY THE REGISTERED OWNER HEREOF, DTC OR ITS NOMINEE, HAS AN INTEREST HEREIN.

(Form of Assignment)

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints

attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated:

NOTICE: The signature to this Assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

Post-Issuance Compliance Policy for Tax-Exempt and Tax-Advantaged Obligations and Continuing Disclosure

Definitions

“Compliance Officer” means the Auditor of the Issuer.

“Issuer” means Clay County, South Dakota.

Statement of Purpose

This Post-Issuance Compliance Policy (the “Policy”) sets forth specific policies of the Issuer designed to monitor post-issuance compliance:

- (i) with applicable provisions of the Internal Revenue Code of 1986, as amended (the “Code”), and regulations promulgated thereunder (“Treasury Regulations”) for obligations issued by the Issuer on tax-exempt or tax-advantaged basis (“Obligations”); and
- (ii) with applicable requirements set forth in certificates and agreement(s) (“Continuing Disclosure Agreements”) providing for ongoing disclosure in connection with the offering of obligations to investors (“Offerings”), for obligations (whether or not tax-exempt/tax-advantaged) subject to the continuing disclosure requirements of Rule 15c2-12 (the “Rule”) promulgated by the Securities and Exchange Commission (“SEC”) under the Securities Exchange Act of 1934.

This Policy documents practices and describes various procedures and systems designed to identify on a timely basis facts relevant to demonstrating compliance with the requirements that must be satisfied subsequent to the issuance of Obligations in order that the interest on such Obligations continue to be eligible to be excluded from gross income for federal income tax purposes or that the Obligations continue to receive tax-advantaged treatment. The federal tax law requirements applicable to each particular issue of Obligations will be detailed in the arbitrage or tax certificate prepared by bond counsel and signed by officials of the Issuer and the post-closing compliance checklist provided by bond counsel with respect to that issue. This Policy establishes a permanent, ongoing structure of practices and procedures that will facilitate compliance with the requirements for individual borrowings.

This Policy similarly documents practices and describes various procedures and systems designed to ensure compliance with Continuing Disclosure Agreements, by preparing and disseminated related reports and information and reporting “material events” for the benefit of the holders of the Issuer's obligations and to assist the Participating Underwriters (within the meaning of the Rule) in complying with the Rule.

The Issuer recognizes that compliance with pertinent law is an on-going process, necessary during the entire term of the obligations, and is an integral component of the Issuer's debt management. Accordingly, the analysis of those facts and implementation of the Policy will require on-going monitoring and consultation with bond counsel and the Issuer's accountants and advisors.

General Policies and Procedures

The following policies relate to procedures and systems for monitoring post-issuance compliance generally.

- A. The Compliance Officer shall be responsible for monitoring post-issuance compliance issues.
- B. The Compliance Officer will coordinate procedures for record retention and review of such records.
- C. All documents and other records relating to Obligations issued by the Issuer shall be maintained by or at the direction of the Compliance Officer. In maintaining such documents and records, the Compliance Officer will comply with applicable Internal Revenue Service (“IRS”) requirements, such as those contained in Revenue Procedure 97-22.
- D. The Compliance Officer shall be aware of options for voluntary corrections for failure to comply with post-issuance compliance requirements (such as remedial actions under Section 1.141-12 of the Regulations and the Treasury’s Tax-Exempt Bonds Voluntary Closing Agreement Program) and take such corrective action when necessary and appropriate.
- E. The Compliance Officer will review post-issuance compliance procedures and systems on a periodic basis, but not less than annually.

Issuance of Obligations - Documents and Records

With respect to each issue of Obligations, the Compliance Officer will:

- A. Obtain and store a closing binder and/or CD or other electronic copy of the relevant and customary transaction documents (the “Transcript”).
- B. Confirm that bond counsel has filed the applicable information report (e.g., Form 8038, Form 8038-G, Form 8038-CP) for such issue with the IRS on a timely basis.
- C. Coordinate receipt and retention of relevant books and records with respect to the investment and expenditure of the proceeds of such Obligations with other applicable staff members of the Issuer.

Arbitrage

The following policies relate to the monitoring and calculating of arbitrage and compliance with specific arbitrage rules and regulations.

The Compliance Officer will:

- A. Confirm that a certification of the initial offering prices of the Obligations with such supporting data, if any, required by bond counsel, is included in the Transcript.
- B. Confirm that a computation of the yield on such issue from the Issuer's financial advisor or bond counsel (or an outside arbitrage rebate specialist) is contained in the Transcript.
- C. Maintain a system for tracking investment earnings on the proceeds of the Obligations.
- D. Coordinate the tracking of expenditures, including the expenditure of any investment earnings. If the project(s) to be financed with the proceeds of the Obligations will be funded with multiple sources of funds, confirm that the Issuer has adopted an accounting methodology that maintains each source of financing separately and monitors the actual expenditure of proceeds of the Obligations.
- E. Maintain a procedure for the allocation of proceeds of the issue and investment earnings to expenditures, including the reimbursement of pre-issuance expenditures. This procedure shall include an examination of the expenditures made with proceeds of the Obligations within 18 months after

each project financed by the Obligations is placed in service and, if necessary, a reallocation of expenditures in accordance with Section 1.148-6(d) of the Treasury Regulations.

- F. Monitor compliance with the applicable “temporary period” (as defined in the Code and Treasury Regulations) exceptions for the expenditure of proceeds of the issue, and provide for yield restriction on the investment of such proceeds if such exceptions are not satisfied.
- G. Ensure that investments acquired with proceeds of such issue are purchased at fair market value. In determining whether an investment is purchased at fair market value, any applicable Treasury Regulation safe harbor may be used.
- H. Avoid formal or informal creation of funds reasonably expected to be used to pay debt service on such issue without determining in advance whether such funds must be invested at a restricted yield.
- I. Consult with bond counsel prior to engaging in any post-issuance credit enhancement transactions or investments in guaranteed investment contracts.
- J. Identify situations in which compliance with applicable yield restrictions depends upon later investments and monitor implementation of any such restrictions.
- K. Monitor compliance with six-month, 18-month or 2-year spending exceptions to the rebate requirement, as applicable.
- L. Procure a timely computation of any rebate liability and, if rebate is due, to file a Form 8038-T and to arrange for payment of such rebate liability.
- M. Arrange for timely computation and payment of “yield reduction payments” (as such term is defined in the Code and Treasury Regulations), if applicable.

Private Activity Concerns

The following polices relate to the monitoring and tracking of private uses and private payments with respect to facilities financed with the Obligations.

The Compliance Officer will:

- A. Maintain records determining and tracking facilities financed with specific Obligations and the amount of proceeds spent on each facility.
- B. Maintain records, which should be consistent with those used for arbitrage purposes, to allocate the proceeds of an issue and investment earnings to expenditures, including the reimbursement of pre-issuance expenditures.
- C. Maintain records allocating to a project financed with Obligations any funds from other sources that will be used for otherwise non-qualifying costs.
- D. Monitor the expenditure of proceeds of an issue and investment earnings for qualifying costs.
- E. Monitor private use of financed facilities to ensure compliance with applicable limitations on such use. Examples of potential private use include:
 - 1. Sale of the facilities, including sale of capacity rights;
 - 2. Lease or sub-lease of the facilities (including leases, easements or use arrangements for areas outside the four walls, e.g., hosting of cell phone towers) or leasehold improvement contracts;

3. Management contracts (in which the Issuer authorizes a third party to operate a facility, e.g., cafeteria) and research contracts;
4. Preference arrangements (in which the Issuer permits a third party preference, such as parking in a public parking lot);
5. Joint-ventures, limited liability companies or partnership arrangements;
6. Output contracts or other contracts for use of utility facilities (including contracts with large utility users);
7. Development agreements which provide for guaranteed payments or property values from a developer;
8. Grants or loans made to private entities, including special assessment agreements; and
9. Naming rights arrangements.

Monitoring of private use should include the following:

1. Procedures to review the amount of existing private use on a periodic basis; and
2. Procedures for identifying in advance any new sale, lease or license, management contract, sponsored research arrangement, output or utility contract, development agreement or other arrangement involving private use of financed facilities and for obtaining copies of any sale agreement, lease, license, management contract, research arrangement or other arrangement for review by bond counsel.

If the Compliance Officer identifies private use of facilities financed with tax-exempt or tax-advantaged debt, the Compliance Officer will consult with the Issuer's bond counsel to determine whether private use will adversely affect the tax status of the issue and if so, what remedial action is appropriate. The Compliance Officer should retain all documents related to any of the above potential private uses.

Qualified Tax-Exempt Obligations

If the Issuer issues qualified tax-exempt obligations in any year, the Compliance Officer shall monitor all tax-exempt financings (including lease purchase arrangements and other similar financing arrangements and conduit financings on behalf of 501(c)(3) organizations) to assure that the \$10,000,000 "Small Issuer" limit is not exceeded.

Federal Subsidy Payments

The Compliance Officer shall be responsible for the calculation of the amount of any federal subsidy payments and the timely preparation and submission of the applicable tax form and application for federal subsidy payments for tax-advantaged obligations such as Build America Bonds, New Clean Renewable Energy Bonds and Qualified School Construction Bonds.

Reissuance

The following policies relate to compliance with rules and regulations regarding the reissuance of Obligations for federal law purposes.

The Compliance Officer will identify and consult with bond counsel regarding any post-issuance change to any terms of an issue of Obligations which could potentially be treated as a reissuance for federal tax purposes.

Record Retention

The following policies relate to retention of records relating to the Obligations issued. The Compliance Officer will:

- A. Coordinate with staff regarding the records to be maintained by the Issuer to establish and ensure that an issue remains in compliance with applicable federal tax requirements for the life of such issue.
- B. Coordinate with staff to comply with provisions imposing specific recordkeeping requirements and cause compliance with such provisions, where applicable.
- C. Coordinate with staff to generally maintain the following:
 - 1. The Transcript relating to the transaction (including any arbitrage or other tax certificate and the bond counsel opinion);
 - 2. Documentation evidencing expenditure of proceeds of the issue;
 - 3. Documentation regarding the types of facilities financed with the proceeds of an issue, including, but not limited to, whether such facilities are land, buildings or equipment, economic life calculations and information regarding depreciation.
 - 4. Documentation evidencing use of financed property by public and private entities (e.g., copies of leases, management contracts, utility user agreements, developer agreements and research agreements);
 - 5. Documentation evidencing all sources of payment or security for the issue; and
 - 6. Documentation pertaining to any investment of proceeds of the issue (including the purchase and sale of securities, SLGs subscriptions, yield calculations for each class of investments, actual investment income received by the investment of proceeds, guaranteed investment contracts, and rebate calculations).
- D. Coordinate the retention of all records in a manner that ensures their complete access to the IRS.
- E. Keep all material records for so long as the issue is outstanding (including any refunding), plus seven years.

Continuing Disclosure

Under the provisions of SEC Rule 15c2-12 (the “Rule”), Participating Underwriters (as defined in the Rule) are required to determine that issuers (such as the Issuer) have entered into written Continuing Disclosure Agreements to make ongoing disclosure in connection with Offerings subject to the Rule. Unless the Issuer is exempt from compliance with the Rule or the continuing disclosure provisions of the Rule as a result of certain permitted exemptions, the Transcript for each issue of related obligations will include a Continuing Disclosure Agreement executed by the Issuer.

In order to monitor compliance by the Issuer with its Continuing Disclosure Agreements, the Compliance Officer will, if and as required by such Continuing Disclosure Agreements:

- A. Assist in the preparation or review of annual reports (“Annual Reports”) in the form required by the related Continuing Disclosure Agreements.
- B. Maintain a calendar, with appropriate reminder notifications, listing the filing due dates relating to dissemination of Annual Reports, which annual due date is generally expressed as a date within a certain number of days (e.g., 365 days) following the end of the Issuer’s fiscal year (the “Annual Report Due Date”), as provided in the related Continuing Disclosure Agreements.
- C. Ensure timely dissemination of the Annual Report by the Annual Report Due Date, in the format and manner provided in the related Continuing Disclosure Agreements, which may include transmitting such filing to the Municipal Securities Rulemaking Board (“MSRB”) through the Electronic Municipal Market Access (“EMMA”) System at www.emma.msrb.org in the format prescribed by the MSRB.

- D. Monitor the occurrence of any “Material Event” (as defined in the Continuing Disclosure Agreements) and timely file notice of the occurrence of any such Material Event in the manner provided under the Continuing Disclosure Agreements. To be timely filed, such notice must be transmitted within 10 days (or such other time period as set forth in the Continuing Disclosure Agreements) of the occurrence of such Material Event.
- E. Ensure timely dissemination of notice of any failure to perform under a Continuing Disclosure Agreement, if and as required by the Continuing Disclosure Agreement.
- F. Respond to requests, or ensure that the Issuer Contact (as defined in the Continuing Disclosure Agreement) responds to requests, for information under the Rule, as provided in the Continuing Disclosure Agreements.
- G. Monitor the performance of any dissemination agent(s) engaged by the Issuer to assist in the performance of any obligation under the Continuing Disclosure Agreements.

PASSED and ADOPTED by Clay County, this 1st day of December, 2022.

Chair of the County Commissioners

ATTEST:

Auditor

Grimmond discussed the timeline for the end of the year bond redemptions. Mockler asked, once the bonds are issued, can Grimmond lead the County through the process? Grimmond said he cannot advise the County per SEC rules. He said SD FIT specializes in construction fund monies. Grimmond explained the process for construction draws and investing the money. He said he can be a go between, but he cannot advise the County. He said single banks, in general, have to collateralize the money, and sometimes single banks do not want to do that.

The Board reviewed a Memorandum of Understanding for collaboration between the University of South Dakota and the Clay County Point of Dispensing (POD). Hammond moved, seconded by Smith to approve the MOU and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

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

(PAYROLL)		COUNTY JAIL	\$38,113.23
COMMISSIONER'S	\$8,978.03	EMERGENCY MGMT	\$4,938.50
AUDITOR'S OFFICE	\$12,575.53	HIGHWAY	\$43,192.25
TREASURER'S OFFICE	\$21,047.49	COMMUNITY HEALTH NURSE/WIC	\$3,312.28
STATE ATTORNEY'S OFFICE	\$27,914.07	EXTENSION OFFICE	\$2,827.56
COURTHOUSE	\$9,510.71	WEED	\$5,378.22
DIRECTOR OF EQUALIZATION	\$11,239.85	PLANNING & ZONING	\$3,408.26
REGISTER OF DEEDS	\$8,693.00	(DUE TO OTHER GOVERNMENT)	
VETERAN'S OFFICE	\$1,681.86	BERESFORD SCHL DIST 61-2	\$223,599.44
24/7 PROGRAM	\$1,896.67	BETHEL TOWNSHIP	\$36,187.80
SHERIFF'S OFFICE	\$39,889.60	CENTERVILLE SCH DIST 60-	\$126,173.39

CITY OF VERMILLION	\$1,236,037.69	BIES, JARETT	\$220.25
FAIRVIEW TOWNSHIP	\$48,165.20	BIRKELAND, KATHRYN	\$206.22
GARFIELD TOWNSHIP	\$16,574.20	BREMER, RUTH	\$245.35
GAYVILLE/VOLIN SCHL DIST	\$52,315.42	BYLANDER, RUTH	\$202.24
GLENWOOD TOWNSHIP	\$24,468.04	CARLSON, MICHAEL	\$50.00
IRENE CITY	\$16,514.56	CHURCH, JEFFREY	\$204.85
IRENE/WAKONDA SCHL 13-3	\$537,038.90	CLAY CO TREASURER	\$83.40
MECKLING TOWNSHIP	\$18,661.81	FAIRHOLM, MATTHEW	\$176.02
NORWAY TOWNSHIP	\$20,549.24	FAIRHOLM, SHANNON	\$201.02
PLEASANT VALLEY TWP.	\$24,085.94	FEDEX	\$19.75
PRAIRIE CENTER TWP.	\$20,505.52	FIRST DAKOTA CREDIT CARD	\$67.64
RIVERSIDE TOWNSHIP	\$21,457.51	FREIDEL, JOANNE	\$175.87
SDACO - M&P FUND PAYMENT	\$252.00	HALL, KACIE	\$182.04
SEILERS SECOND ROAD DIST	\$3,349.21	HEGGESTED, TERI	\$176.84
SPIRIT MOUND TOWNSHIP	\$31,135.01	HERBSTER, KELLY	\$205.05
STAR TOWNSHIP	\$25,520.83	HOFMAN, PAM	\$125.00
TLC WATER PROJECT DIST.	\$38,531.96	HOFMAN, RAY	\$125.00
VERMILLION BASIN WATER	\$13,306.46	HOLLENBECK, LAUREN	\$1,836.70
VERMILLION SCHL DIST 13-	\$3,035,051.68	JOHNSON, LISA	\$206.02
VERMILLION TOWNSHIP	\$24,319.11	JOPLING, CURTIS	\$202.04
VIBORG/HURLEY SCHL 60-6	\$1,722.16	JOPLING, SUSAN	\$202.04
WAKONDA TOWN	\$42,317.06	KLUNDER, NICOLE	\$276.85
(PAYROLL WITHHOLDING)		KNIFFEN, SAMUEL K	\$202.35
AFLAC	\$1,147.27	LARSON, VAL	\$15.00
CLAY CO FIT FICA	\$55,904.54	LEWNO, LUCILLE M	\$166.57
COLONIAL LIFE	\$183.16	LINCOLN COUNTY AUDITOR	\$1,026.50
CONSECO/WASHINGTON	\$24.45	LOCKWOOD, DARCY	\$15.00
DIV OF CHILD SUPPORT IA	\$734.00	MADSEN, MARY K	\$231.11
DIV OF CHILD SUPPORT SD	\$1,027.00	MANNING, LINDA	\$205.10
NEW YORK LIFE INSURANCE	\$328.57	MEHLHAF, JEANNE	\$233.57
SD RETIREMENT SYSTEM	\$28,934.40	MOORE, MICHELE	\$234.59
SD SUPPLEMENT RETIREMENT	\$5,060.00	MORRISON, PATRICK	\$201.48
SDRS ROTH 457(B) PLAN	\$275.00	MYRON, LYNN	\$202.19
TASC PVR	\$1,691.65	NELSEN, PEGGY	\$226.98
THE STANDARD - DENTAL	\$1,277.32	NELSON, ANTHONY	\$203.06
THE STANDARD - LIFE INS.	\$393.09	O'KELLEY, KEVIN	\$176.48
THE STANDARD - SH TRM DI	\$1,053.34	OSBORNE, KENT	\$232.55
THE STANDARD - VISION	\$268.52	OSTREM, CARLA	\$230.14
UNITED WAY OF VERMILLION	\$267.00	OYEN, KARI	\$244.42
WELLMARK BLUE CROSS	\$54,877.99	OYEN, NICHOLAS	\$244.42
(FIRE)		PECHOUS PUBLICATIONS LLC	\$24.97
BERESFORD RURAL FIRE	\$8,619.67	PETERSON, JOHN	\$283.96
CENTERVILLE RURAL FIRE	\$6,396.37	PRAVECEK, ETHELYN (WESS)	\$233.06
GAYVILLE RURAL FIRE ASSO	\$5,186.47	REDDEN, KATIE	\$50.00
IRENE RURAL FIRE ASSOC	\$1,148.48	SCHAFFER, DONNA	\$203.42
VERM. RURAL FIRE ASSOC.	\$39,028.51	SCHAPEKAHM, ERICKA	\$175.97
VOLIN RURAL FIRE ASSOC.	\$1,442.52	SORENSEN, MARY	\$202.55
WAKONDA RURAL FIRE	\$13,380.95	STATE BAR OF SD	\$540.00
(PROFESSIONAL SERVICES AND FEES)		SZYMONSKI, DEANN	\$248.81
AMG RADIOLOGY YANKTON	\$9.12	TERWILLIGER, PHILIP	\$233.11
BERG, SUSAN A	\$175.66	ULTEIG	\$5,213.63
BERINGER, JESSICA	\$210.84	WALRAVEN, DEENA	\$232.69

WHIPPLE, DENNIS	\$206.17
WILSON, JAMES P	\$233.52
ZIMMERMAN, JOYCE P	\$177.24
(MENTAL HEALTH)	
AMG BEHAVIORAL HEALTH	\$23.62
AMG HOSPITALISTS	\$8.08
AMG UNIVERSITY PSYCH	\$204.78
(PUBLISHING)	
BROADCASTER PRESS	\$52.00
NEW CENTURY PRESS ACT447	\$218.83
(REPAIRS AND MAINTENANCE)	
CENTURY BUSINESS PRODUCT	\$30.00
ERICKSON SOLUTIONS GROUP	\$292.00
FIRST DAKOTA CREDIT CARD	\$82.07
G & R CONTROLS	\$137.25
INTERSTATE POWER SYS INC	\$790.94
KONE, INC.	\$851.10
LOFFLER COMPANIES	\$287.98
NELSON REPAIRS	\$100.00
O'REILLY AUTO PARTS	\$4.99
OLSON'S PEST TECHNICIANS	\$80.00
PRESTO-X COMPANY LLC	\$99.44
SDSU EXTENSION ATTN: BAR	\$200.00
TWO RIVERS	\$19,740.72
TWO WAY RADIO SOLUTIONS	\$222.75
VERMILLION ACE HARDWARE	\$37.90
VERMILLION AUTO WORKS	\$1,458.00
(DATA PROCESSING/CLAY CREEK/INF)	
AUMENTUM TECHNOLOGIES	\$7,657.00
ERICKSON SOLUTIONS GROUP	\$2,771.95
(SUPPLIES & MATERIALS)	
BARCO MUNICIPAL PRODUCTS	\$4,028.73
FIRST DAKOTA CREDIT CARD	\$1,685.76
HOLLENBECK, LAUREN	\$363.01
HY-VEE, INC. EXTENSION	\$124.18
INTERSTATE POWER SYS INC	\$206.22
L.G.EVERIST, INC	\$2,716.41
LAWSON PRODUCTS, INC.	\$157.83
MCLEOD'S PRINTING & SUPP	\$272.00
NELSON REPAIRS	\$77.49
O'REILLY AUTO PARTS	\$57.00
ONE OFFICE SOLUTION	\$74.93
PRESSING MATTERS	\$40.00
PROCHEM DYNAMICS	\$762.30
QUALIFIED PRESORT SVC IN	\$1,670.58
QUILL CORP.	\$538.51
QUILL CORP. TRS	\$267.97
RIVERSIDE HYDRAULICS AND	\$926.31
SANFORD HEALTH CLINIC	\$1,156.81
SANFORD USD MEDICAL CTR.	\$39.53
TWO RIVERS	\$525.78
TWO WAY RADIO SOLUTIONS	\$329.93

USPS VERMILLION OFFICE	\$22.52
VERMILLION ACE HARDWARE	\$16.99
VERMILLION AUTO WORKS	\$699.38
VERMILLION PLAIN TALK	\$26.00
YANKTON JANITORIAL SUPPL	\$257.90
(COPIER SUPPLIES)	
CANON	\$236.12
(TRAVEL AND CONFERENCE)	
ANDERS, JEFFREY	\$34.00
FIRST DAKOTA CREDIT CARD	\$254.28
HOLLENBECK, LAUREN	\$75.00
SDSU EXTENSION SERVICE	\$309.16
WOOD, LISA	\$150.40
(UTILITIES)	
CENTURYLINK EMG	\$13.82
CITY OF VERMILLION	\$2,388.02
FIRST DAKOTA CREDIT CARD	\$890.71
VERIZON WIRELESS EMG	\$40.01
VERIZON WIRELESS HWY TRS	\$91.40
(PAYMENT)	
BRUNICK SERVICE, INC.	\$680.00
CHRISTOPHERSON, SHANNON	\$57.14
CUNNINGHAM, JACOB	\$50.60
DOMESTIC VIOLENCE	\$975.00
FIRST DAKOTA CREDIT CARD	\$336.33
GLAUE, MATTHEW	\$20.00
GRAHAM TIRE S.F. NORTH	\$642.48
HOFFMAN, RENAE	\$83.66
HY-VEE, INC. JAIL	\$387.58
MUECKE, ALAYNA	\$27.14
PETERSON, ANTHONY	\$20.00
PROEFROCK, DEBBIE	\$50.00
REGNERUS, JAY	\$50.00
SLATTERY, MICHAEL	\$58.16
THELEN, CHRISTOPHER	\$50.00
TWO WAY RADIO SOLUTIONS	\$194.49
VERMILLION FORD	\$71.32
ZARYCH, STEPHEN	\$20.00
(JDC/SPECIAL EQP)	
MINNEHAHA COUNTY JDC	\$257.00
(BUILDINGS AND STRUCTURES)	
BOONE BROTHERS	\$491.03
PRECISION PAINTING	\$943.50
(BOOKS)	
THOMSON REUTERS - WEST	\$545.77
(FURNITURE AND MINOR EQUIPMENT)	
CANON	\$348.11
FIRST DAKOTA CREDIT CARD	\$349.97
LOFFLER COMPANIES	\$256.11
(MACHINERY AND AUTOMOTIVE EQUIP)	
LIGHT AND SIREN	\$3,567.18

At 10:47 a.m., Smith moved, seconded by Hammond to enter an Executive Session for legal matters per SDCL 1-25-2. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Mockler recused himself and left the meeting.

At 11:36 a.m., Hammond moved, seconded by Smith to exit the Executive Session. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye.

The Board briefly discussed the annual Employee Appreciation Dinner.

At 11:37 a.m., Smith moved, seconded by Hammond to adjourn and reconvene at 9:00 a.m. on Tuesday, December 6, 2022. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

December 6, 2022

The Board of County Commissioners met in regular session Tuesday, December 6, 2022, 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 said he would have a conflict of interest in the bridge matter, and Mockler said he would have a conflict of interest in the feedlot matter.

Manning moved, seconded by Smith and unanimously carried to approve the agenda.

Hammond moved, seconded by Smith and unanimously carried to approve the minutes of the December 1, 2022 meeting.

Philip Terwilliger, Sam Nelson, and Austin Felts were present to discuss the proposed renewal contract for Court Appointed Attorney conflict cases. Terwilliger said Abuse & Neglect (A&N) cases have been increasing in volume and expanding to further legal matters like termination of parental rights. There is, as usual, a steady flow of criminal cases, but he has not noticed a sharp increase in those, particularly the felony side. Nelson said they would like to continue for another year if the Board would have them. A&N cases are taking longer than they would like. That is partly because the Dept. of Social Services is overworked and understaffed. The foster system is overworked as well. They have had kids with a bad combination of unique circumstances bouncing from foster care to foster care. They are seeing more of that here and in Union County. His wife is a prosecutor in Lincoln County as has seen that as well. He said there is a cost increase in the contract proposal and discussed increases in the cost of employment, etc. State's Attorney Alexis Tracy requested to discuss the contract in Executive Session.

Mike McGill met with the Board regarding his clients, Lone Spruce Farms, Inc., and their property. The nearby bridge was removed by the County. He said it costs a significant amount of money to build a bridge, so they suggested a culvert instead. McGill requested a culvert to be placed at County expense at the bottom of the gulley, and his client would provide the fill. The land has been re-enrolled in CRP, which takes off some of the pressure of land access. They will only need to access it a couple times in a 10-year time. Mockler asked how the clients accessed the property in the past 8 years. He said it was closed in 2014. McGill said the tenant said he crossed the bridge in 2016, and he thinks it was barricaded sometime in 2016. Mockler said they put up barricades when things are closed. McGill discussed the Gregoire vs. Clay County case in which the Supreme Court ruled in favor of Clay County. He said they are asking to use the south access, consistent with the Highway Superintendent's proposal as a compromise. The neighbors are willing to cooperate as well. Mockler said the parcel is less than 10 acres as well. McGill said yes, so they cannot get a statutory right-of-way. Hammond said the photo provided shows a barricade across an apparently abandoned road, and he asked if there is something else he should be seeing. McGill said it is if you approach the property from the south. The road has been closed since the late 1980's, but there is a gulley where a culvert could be placed. Polley said where he suggested the culvert be placed is to the west of that in the pasture where the people already own it, not where McGill suggested. McGill said he misunderstood and reiterated the

clients' request. Polley said he thinks they are talking about two different things. He reviewed the suggestions on a map. Tracy said if there is an unsafe bridge, the County appropriately closed it. Beyond that, it is a matter of how he gains access to his property. If the Board wants to assist, she would defer to the Board. Packard voiced concerns about setting a precedent for people requesting assistance on a closed road. McGill said his clients claim they did not receive any notice. There is a clash of rights, a statutory and constitutional right of property access and the county's duty to provide safe bridges. It's a tough case. McGill said there are a lot of bridges in Clay County, and a lot of them are old. Smith said she shares Packard's concerns, and because there is a possibility of litigation, she proposed that the Board discuss the request in Executive Session.

Paul Deutsch from Ulteig Engineering met with the Board to present the draft Master Transportation Plan. He presented the findings and recommendations for the plan and said there is a 3-week comment period. Mockler asked if the County has always had a 5-year road plan. Polley said he has always had a 5-year plan, but not one that was approved by the State. It was recently completed by Ulteig Engineering to qualify the County for the Bridge Improvement Grant (BIG) Program. Deutsch said they had good communication with the public. He said this is a 20-year plan, but they recommend updating it every 5-10 years. Mockler asked about the bicycle and pedestrian plan and said they appear to be going across people's property with the trails. Deutsch said they are very high-level assessments of the terrain, etc. Mockler said the feasibility of this is almost nonexistent, so why are we wasting time on it? Smith said it actually increases the value of the landowner's property. She said it is not true for every property owner. Yankton and Union Counties have these, and there is money available to develop them. There is money out there that doesn't get used. They told her if we were to apply for a multi-use trail, that money is just available. Other counties do it, and it's incredibly popular. Mockler said we have 2 weeks of deer hunting every year, and he is constantly checking fences and gates. Smith said it becomes an economic development tool. Mockler said, from the map, the people who are going to want this probably are not the ones who own any of the land. He hears people complain every day about people going across their property. We are spending money on the conceptual design, and it would be better spent on something we can accomplish. Smith said there is a lot of public support for it, and we should see it as something to explore over time. One of the trails she worked on, they took landowners to visit, on a bus, a similar trail and spent time talking to city managers, county people, and landowners to find out the impact it would have on them. The hike she took for a week had a system of self-closing gates to contain sheep, cattle, etc. Mockler said he is the only one who opens the gate, so he knows when it is opened. Smith said it should be put in the plan as a goal as there is a lot of support out there for it, and it doesn't cost us anything to have it as a goal. Projects never happen unless you plan them. If you don't have it in a plan, there is no chance. Complete transportation plans nationally now provide for pedestrians. Every year, the first warm day of spring, there is a group that walks from the top of Spirit Mound to Clay County Park. It's on public land. It's possible to route these trails along gravel roads. Mockler said he hopes all the landowners are paying attention. Mockler discussed the city's bike path along the river. Deutsch said it is really a conversation starter. A lot of times, something like this is really just in somebody's head, but now there is something to actually look at. It's conceptual, just a vision, but if there are enough people who want to do something like this, it may start with

baby steps. Hammond said he thinks Deutsch is right. In looking at all the trails on this, they had looked at possible destinations, and people came to the public meetings, of which bike trails were probably the most discussed part. He thinks including it as part of the plan is appropriate. It was done in Union County, and there were a few trails built because of it with mainly federal funding. He hasn't seen much in the way of problems with inappropriate use such as trash or trespassing on private property. There are a few that would eventually pass muster and would help with the use of public land for health, fitness, and biking. He discussed the weekly bike trek to Burbank for spaghetti night. Without landowner buy-in, it's not viable, and he thinks back to last year when there was a proposed bike and hiking path on an existing railroad right-of-way in Charles Mix County, and the residents killed it. There are good arguments on both sides. There are certain parts of the plan that we will probably want to develop in the future to make bicycling and hiking safer. A side benefit is to possibly make it safer for vehicle traffic as well. Packard asked if it is possible to put in a statement that they are highly conceptual, that it is in no way set in stone. It may need big letters, so it doesn't create an anti-plan. Smith said there would need to be a lot of consultation and agreements, and if he could put that in writing it would help. Deutsch said they did develop a similar trails master plan for Union County. None of the ones they proposed have been developed. Hammond said those were developed before Ulteig's Plan. Deutsch discussed the process of a feasibility study. Smith said sometimes there is a work-around. It's a negotiation with the landowners. The only way to get money is to have a plan. Hammond said there is so much that was under discussion that is not included. Clay County actually has an excellent safety record for transportation. There are a few problem intersections and stretches that we should look at over time as money allows. Flood mitigation was also discussed for roads that are consistently washed out. The County has already started to test flexi-mat as a way to harden grades. The bicycle and pedestrian plan is a small part of what this document entailed. Smith said it will help us get funding. It will put us higher on the priority list for State funds. It will be a real asset to the Highway Department. Mockler asked Polley if he has the master plan, on page 14, at the corner of 305 and 469, is that a County gravel? Deutsch said that is something that is documented as a County-maintained roadway. Polley said, for example, we used to help the Township with maintenance at Allsen. Deutsch said there are some in the DOT's records, and maintenance may have been transferred at some point in time, but the DOT may need to be informed so they can update their records. Manning said it looks like something that needs to be cleaned up. Polley said SECOG sends a map every year for us to update. Hammond said there were places where the State's database had not been updated, for example with bridges that had been taken out. Polley discussed a few bridge locations that have been fixed but not updated in the database. Deutsch said they tried to stay consistent. Hammond said his point was that it helped us find that State records were out of date, which could affect us in the future for funding, so this was a benefit of the study. Polley discussed roads that are now City of Vermillion roads but are still County roads in the State system. Deutsch discussed whether there were formal transfers or a handshake. They can provide a template Memorandum of Understanding for a permanent record. Smith said she likes the idea of acknowledging that some road records are different with DOT, and designate them in a different color. Hammond discussed noting that they are a conflict of record. Deutsch said they show roads in green as candidates for jurisdictional transfer. Maybe some of the other maps we could address it with

another feature. Mockler asked Polley who the engineer was for the Cotton Park bridge. Polley said it was Ulteig Engineering. He thinks it was Brad Stangohr. Deutsch asked if a bridge inspection was provided afterward. Mockler said it would have been Johnson Engineering. Deutsch said it may not have been sent to the National Bridge Inventory. Manning asked how this affects the funding we apply for. Deutsch said the map is just a generic, noncommittal plan. Some priorities may change. A long-term priority project may change to a more immediate priority. It is an enhancement plan, for example, non-essential but preferable if funding becomes available. Manning clarified that if maps are not correct, it could or could not affect funding. Deutsch said it could, but he could not commit either way. Getting things formally corrected is in the County's best interest. Smith said if we have upgraded something already, we probably do not need more funding for it. Hammond said he thinks it should be understood that this is a snapshot in time. Six months later we could end up with a flood that changes everything. It should be true and correct when we accept it. Polley asked, when there is a joint jurisdiction meeting, are roads ever questioned? Mockler said that is just zoning. Polley said the men sitting right behind him have 4 sections that are in question. Deutsch said they are not in question, but they are candidates for transfer. Polley said one is a county oil road. Deutsch said those are identified because they are not connected in a grid pattern. If you don't agree with something, it can be taken off. A Garfield Township Board member said the information needs to be corrected and discussed the Township plan with Polley and Deutsch, and he said a lot of them are not County bridges.

Polley discussed Rural Access Infrastructure Fund distribution. He said Garfield, Star, and Bethel Townships will be on the next agenda. The deadlines for the 5-year plan were not extended. Money needs to be awarded by January 15th. The deadline for the next year's funding is October 1st. Garfield Township said the more structures they have, the higher they rank, and the more money they get. If the number of structures is not accurate, that affects their funding. Polley said the engineering firm counted the structures. He went through the County side, and the number is on the ball, but he has not looked through the Townships. Smith asked Polley if we need to investigate and amend our count. Polley said he will follow up with Ulteig Engineering. Manning said we need to get it corrected for funding purposes. Mockler said we can always add to maps. This is not the final forever. He said Zoning Administrator Drew Gunderson has the software that Ulteig Engineering uses, so maybe Gunderson is the person to report changes and updates to.

Hammond moved, seconded by Smith and unanimously carried to approve the low propane quotes of \$1.79 from Butch's Propane for the Vermillion and Wakonda Highway Shops.

Sheriff Andy Howe and Judge Tami Bern met with the Board to request that the Commission approve submission of a grant application for a court security grant. There are two projects, one is the jury room and small courtroom. The cost would be a 75% grant with a 25% match from the County. The other includes modifications to the main courtroom. Inmates sit with the general public, and that is a security risk. The project would move the jury box to the other side of the courtroom. The inmates could be placed in a separate area. Jurors would not have to pass in front of the defendants. The current jury box is not handicap accessible. Manning said it is something

that needs to be done. Bern said the first project has to be done. Howe said Bern explained it well, and it is a need. The second project guts the courtroom and redesigns it. It is invasive but solves several problems. Manning said both projects total about \$66,000 and wondered how the County is doing on finances. Bern said they can submit one application and not both. Facilities Manager Scott Hanson said they are budgetary numbers only. Manning said some of the estimates leave out certain things that are unknown. Hanson said there are a lot of variables. Puetz Construction told him the County would be responsible for painting, flooring, restoration of woodwork, etc. Hanson then contacted the other contractors for those estimates. Some of the work involves wallpaper removal, lead testing and potential containment, electrical, etc. He said if it goes out for bid, we will need tight specifications. No matter what we do, it is going to be difficult to make the bathroom ADA accessible without blowing out walls. It will not be enough for a wheelchair to turn around. It would remove the raised floor. Manning asked how that affects the grant. Bern said if we get State funding for the restroom and jury room expansion, we should consider it a gift as the secure hallway is what applies. Smith said it may make sense to just get the project done. Tracy said it is not dignified to require our residents to serve their civic duty and use that restroom. That restroom is difficult to use, and it is awkward and uncomfortable for everyone to hear. Those things need to be updated. The taxpayers have spoken that they were not willing to move our facilities offsite. The safety issues in the courtroom are concerning as well. Smith said this an old problem, and we have a unique opportunity. Smith moved, seconded by Packard to authorize application for the grant for both projects. Under discussion, Packard asked about ADA modifications to the courtroom. Bern said the witness stand is level with the floor, and the lower level of the jury box would be made level with the floor. She said, in every jury trial she has ever had, a juror has tripped in the jury box. Mockler and Hammond discussed that woodwork and such are not guaranteed. Hammond asked, if we committed more of the cost, would it bump up our chances. Bern said she doesn't recall, but there was some restoration of woodwork included. Hammond asked what would happen if the \$46,950 was not in the budget to replicate woodwork. It sounds like there is some question whether the woodwork would need to be restored or would not survive. If it did not survive, what would we do? Hanson said the term he heard was quarter-sawn oak to match what is there to the best of their ability. There are panels involved on the east and west walls, etc. Railing pieces would have to be moved. It is estimated that if the whole thing went badly, it could cost \$15,000. Smith said this is a local contractor who mills woodwork to restore what was there. Hanson said they were already able to identify things that had been replaced that the general public would not be able to identify. Mockler asked, during construction, how will court work. Bern said that is a good question. It may need to be done in phases, and they will have to be very cognizant of how they schedule. Mockler asked who will be the point person on this project. With the HVAC and jail, he will start getting confused. Hammond said he will continue on from the planning stage. All voted aye; motion unanimously passed.

Howe presented jail meal bid specifications. He said he hopes to get competitive bids. Smith moved, seconded by Hammond and unanimously carried to set the bid opening for December 27, 2022.

Smith moved, seconded by Hammond and unanimously carried to approve and authorize the Chairman to sign the 2023 contract with Minnehaha County JDC.

Howe spoke about a proposal for a flat fee with Minnehaha County JDC for debt service and boarding on a new building in lieu of a daily boarding rate plus a portion of the debt service. The anticipated annual bond payment is around \$4.5 million. Clay County's portion could be \$76,000 plus the daily rate. He does not know whether that would include Arise for the shelter care option. He said right now we pay the same rate for Arise. There are a lot of questions to be answered. Looking at the last 5 years, they mentioned bed day usage, and our annual payment varies from \$16,000-65,000. In most cases, that is one or two kids who is there for a few months. Smith said she sees an uptrend, not toward the mean. Tracy said she has concerns because juvenile cases should take priority in the justice system, and she has expressed concerns in the past and pushed where they can. We can do better than this, and our justice system should be doing better than this for our kids. Sitting in juvenile jail is not getting them the resources they need. Howe said there is a gamble going for a flat fee, but he doesn't think it's terribly risky. We are still going to pay a daily rate, but we would hopefully be guaranteed beds. Hammond said we may be guaranteed first availability of beds within the compact vs. outside of the compact. Howe said we have not been turned away for lack of beds. If there are other alternatives, we use those. It's those kids that home is not a suitable option, that's where the kids go to shelter care. Hammond said their projected fee is only 1/3 increase. Howe said he is expecting the daily rate to go over \$300 anyway. Mockler said a \$425 flat fee would go up anyway. Tracy said she wonders what the advantage is of a flat fee. Howe said he thinks they just want to know where we stand. He thinks we shouldn't gasp at \$425 compared to about \$300 now. It's expensive and always will be. Manning said he thinks we need more information. Hammond said with what we know right now, he would lean towards per day, but he needs more information. Smith moved, seconded by Packard and unanimously carried to send an email expressing willingness to continue the discussion and requesting additional information as it becomes available.

Emergency Management Director Layne Stewart met with the Board to discuss drone pilots. He said he and the State's Attorney's Office have recommended keeping to County employees only for the drone pilots. It will present less insurance and liability issues. Tracy said if drone usage picked up, and we had problems finding pilots within the County employees, we might revisit the issue. Hammond and Packard discussed other pilots in the area but acknowledged that does not resolve some of the issues.

Stewart thanked Packard and Manning for their service as he is not on the agenda again prior to the end of the year.

Zoning Administrator Drew Gunderson presented a plat. Manning moved, seconded by Smith and unanimously carried to pass and adopt the following Resolution #2022-30 for Plat of Jensen Tract, an Addition in the S1/2 of the NE1/4 of Section 32, Township 95 North, Range 51 West of the 5th Principal Meridian, Clay County, South Dakota; Thelma R. Lind, Trustee of the Thelma Lind Revocable Trust, owner.

RESOLUTION #2022-30
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 Jensen Tract, an Addition in the S1/2 of the NE1/4 of Section 32, Township 95 North, Range 51 West of the 5th Principal Meridian, Clay County, South Dakota; Thelma R. Lind, Trustee of the Thelma Lind Revocable Trust, 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.

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 December 6, 2022.

Carri R. Crum
County Auditor, Clay County, SD

Gunderson said he does not have anything further on the Jensen feedlot discussion. Mockler turned the meeting over to Vice-Chair Packard and recused himself. Tracy reviewed action up to date. Gunderson said he is at over 1,000 cattle, so it is a large operation. Smith said this is really unfair to neighbors and anyone else who complies with the law, so she would be in favor of moving forward with an injunction with all due speed. He has continued to add infrastructure, cattle, and has seen no evidence that this individual is going to comply. She does not want to go to court, but she does not see any other way to ensure health and safety. Manning agreed with Smith. He said, obviously he is not getting the message or saying he is above it. Packard said her understanding is that more cattle have been brought in and none taken out. Gunderson said he has no evidence of additional cattle being brought in, but more infrastructure has been. Tracy said his attorney advised that he had no location to put the cattle but provided no timeline, and that was specifically requested. We have not been given a date or timeline. Provided we can verify the cattle are still out there and have not been moved, then SDCL 11-2-34 would apply. She clarified what the Board would prefer the action be. Smith moved, seconded by Manning pursuant to SDCL 11-2-34, the Board requests that the State's Attorney apply for an injunction to remove all livestock from the new facility at 46881 307 St., Burbank, SD, legal description being the NE1/4 of the NE1/4, Section 26, Township 94 North, Range 51 West of the 5th P.M., Clay County, South Dakota, and if the cattle are not removed in a reasonable period of time, then the County can remove and sell the cattle, and to further to injoin the property owner from

placing additional livestock at the facility until a Conditional Use Permit is obtained. There was discussion that Tracy feels notice has been given, and it should be immediate. Smith said we have gotten nothing back, no negotiation. All voted aye; motion unanimously passed.

Chairman Mockler rejoined the meeting.

Facilities Manager Scott Hanson and Ryan Van Der Bill from Associated Consulting Engineering updated the Board on the Mechanical/Electrical/HVAC project. He said the location of the main duct run needs some discussion. There is a secondary option for the fan coil units as well. Van Der Bill said the challenge for running the main ducts would create an awkward corner in the jury room. He asked if they could run the ducts vertically on the north wall. It would involve blocking off a window, putting a black film over it, covering it and insulating it. Mockler said that jury room will get expanded. Hammond asked about the existing chimney. Van Der Bill said it will remain there, but it will not be used for the new boiler. Hammond said he ran vertical HVAC up through an existing chimney. Van Der Bill said it is made of a hard quartzite, so in order to install it, that would be a challenge. Hanson asked why that site is the most favorable. Van Der Bill said it puts it in a central location, and there are load bearing walls that alleviate structural concerns about placement of the new HVAC unit. The length and runs of ductwork ends up being more balanced. Manning asked, will there ever be a problem if the elevator had to be replaced in the future. Van Der Bill said that work would be in the elevator shaft, not outside of it. Mockler said he assumes if there were ever a new elevator, it would be added outside. He wishes that were a possibility now as that would be a great duct shaft. Hanson said the ductwork build-out would be pretty substantial. Smith asked Hanson if it's workable. Hanson said it's not his first choice, but his first choice doesn't work either. He thinks this is the best option, unfortunately. Mockler asked, if the jury room is expanded, does that change location at all? Van Der Bill said he doesn't think so as the current jury room doorway is still going to be necessary. Hammond said he thinks covering the window is probably the best option as presented. Mockler said there will still be 2 windows, so there will be plenty of daylight. Van Der Bill discussed the option of using fan coil units with electric heat to help alleviate the shoulder season when both heating and cooling may be needed. The current 2-pipe system could be maintained, and the additional 2 pipes would not be needed. The fan coil units would have small electric heaters that could be used occasionally. There would be a little more electrical costs, but less cost for piping. It would be a simpler design, so there would be a credit on the design fee and approximately a \$150,000 savings. Smith asked if each office can control their heat. He said everything is tied to central automation system, so the occupants can adjust the temperature in a range, or so the electric heat is locked out certain months of the year when boiler heat is available. It can be put on a time schedule for electrical heat allowed during occupied hours. Hammond and Van Der Bill discussed the payback timelines. Packard asked about repairs. Van Der Bill said the electric heaters will eventually need to be replaced, but valves and a pump will be eliminated. Hammond said ongoing maintenance costs would be lower as moving parts are eliminated. Van Der Bill said operating costs are slightly higher, but the payback on the \$150,000 savings might not happen over the life of the equipment.

At 12:20 p.m., Smith moved, seconded by Manning and unanimously carried to enter an Executive Session for legal/contractual matters per SDCL 1-25-2.

At 1:06 p.m., Hammond moved, seconded by Smith and unanimously carried to exit the Executive Session.


Hammond moved that the County offer to sell Lone Spruce Farms a 30"x30' culvert at the County's cost for the culvert, seconded by Smith and unanimously carried.

At 1:08 p.m., Hammond moved, seconded by Smith and unanimously carried to adjourn and reconvene at 9:00 a.m., Tuesday, December 13, 2022.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:


Carri R. Crum, County Auditor

December 13, 2022

The Board of County Commissioners met in regular session Tuesday, December 13, 2022, 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.

Manning moved, seconded by Smith to approve the minutes of the December 6, 2022 meeting. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Lauren Hollenbeck, 4-H Educator, appeared during Visitors to be Heard to present 2023 4-H Calendars to the Board and to thank them for their service to Clay County. State's Attorney Alexis Tracy also appeared as a Visitor to be Heard as well. The County received a check from the State for \$2,302.08 for the Juvenile Justice Diversion Program. The State pays approximately \$209 for each juvenile who has a successful completion in the program.

Highway Superintendent Rod Polley met with the Board. Township board members from Star, Bethel, and Garfield Townships and Brad Stangohr from Ulteig Engineering were also present to discuss the Rural Access Infrastructure Fund program. Stangohr discussed the small structure inventory and the measurements that qualify the structure as a small category. He said there are a lot of old WPA culverts, but they have to be 16 sq. ft., and 5'x3' was a common size. He said if there are any he missed on the map, the township board members can contact him to look at them. It was discussed that he does not have an inspection report, as they were logged into the SD DOT's program. The report has to be obtained from them, although there is a website available. Stangohr said they gave a good, fair, or poor rating, but did not crunch the numbers as it was not part of the scope of work. Garfield Township Board members questioned the conditions as they have semis crossing structures. Stangohr said the WPA structures would be the last on his list, and he would be more concerned about the timber structures. He said Ulteig can inspect the bridges for a fee. Star Township said they have one posted at 3 tons that they would like to know how it fits into a priority list. Stangohr discussed that the minimum is 3 tons. He said the timber structures were all built in about the same 10-year window, and they will all go bad around the same time. Stangohr explained the timber bridge construction and how he measures them. Garfield Township said they have one that is a County bridge, and he thinks it is about 18 feet. Stangohr said the federal law is that bridges have to be inspected every 2 years, so they were inventoried at that time. It might have measured 20 feet at that time, and sometimes they tilt in over time, or they may have measured wrong back in the 1970's. Garfield Township members said they brought a map. Mockler asked, on the RAIF award, can the Townships bank that? Stangohr said if you have \$140,000, for example, they have to spend the money in 4 years. If they were going to bank some, if they didn't spend the whole \$140,000 this year, they could roll over some of the award to the next year, but the initial \$140,000 has to be spent within 4 years and so on. If you don't spend it all within the 4 years, it goes back to the State and into the

Federal fund. Mockler asked if they could come back in and apply next year to bank more. Stangohr said he thinks so, but he does not know for sure, or they could pick the worst one and award the whole amount this year, then come back for another next year. Some of the small structures, you may end up with a pre-cast concrete box culvert, and it may cost \$250,000. Garfield Township asked if the inventory numbers are raised, would the County be eligible for more money next year? Stangohr said yes, but it would take a lot of them to raise it any significant amount as it is based on a ratio. We want them right in the database, though, because you can't manage them if you don't know about them. Mockler said if they are not on the inventory, we cannot use the fund to help replace them. Manning asked if he can find out if they can come back and apply again next year. Stangohr said he will ask. It was discussed that Stangohr thinks the program will continue as the need is present across the state. Stangohr said they have pre-purchased the culvert from the supplier and hired a contractor to install it, and that is cheaper by about half. He has a bunch of local bidders that want to install those. Smith said Manning's question is critical because if one township couldn't afford to pay the difference and cannot apply for the same project again the next year, then the whole county is out. This is not a small amount of money, especially for a township, so getting this question answered is important. Stangohr said he might be able to step out in the hallway and make a phone call. Smith said this will also affect how we allocate funds. Stangohr said there are not very many rules and said the management of the awards is up to the County Commissioners. Packard asked for clarification on the dollar amount and said we have enough to give it to each of the applicants. Mockler said we do not have enough to give it all to Garfield, and we are on the opposite side from normal as we are the grantors this time. Stangohr said he will be finding out if the County can hold over the funding as well and award it all at once. Ron Peterson, Star Township, said the one they are applying for this year is a WPA structure that is a safety concern. There is one with an 11 foot drop off, wings are broken off, and old timber is holding it up. With the amount of money they have, it would not replace it. It is on their list for next year. The current project they have applied for would enhance the safety of the township as well. Smith said Bethel Township did not complete the application in enough detail for the Board to know why their project is important, or what needs to be fixed. Stangohr stepped out to make the phone call.

The Board reviewed a payment application for the County Road D-1 pipe replacement project. It includes everything but the seeding as that will be done in the spring. This includes work done thus far. Hammond moved, seconded by Manning to approve the payment application and authorize the Chairman to sign it. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Stangohr returned to the meeting and said the County can do partial awards and allow the townships to reapply until it is enough. The SDDOT does not have a rule for that. Mockler said he wants it out of the County's hands and into the Township's hands so it does not look like the County is just sitting on it. Packard asked if there is a concern if there will be a program next year. Mockler said we can only worry about what is today. Manning said if the program goes away and the township doesn't have enough to complete a big project, they could switch to a smaller project. He said he is disappointed that some other townships did not apply as he knows

they have projects out there. Stangohr said if they call him, he will spoon feed them through the whole process. Hammond said if we under-report, chances are in the future they will say our needs are smaller. He discussed order of importance for projects and asked if they took into consideration school bus routes and other things when ranking priorities. If we had a flood or something where 2 bridges on the same route went out at the same time, it would be important. Garfield Township board members presented a pamphlet that shows the county's ranking throughout the state. He said they don't have much for bus routes. A bridge on 308 St. is the one they are proposing to do with this program. Smith said that is a scary map.

Weed Supervisor Dennis Ganschow met with the Board to have a noxious weed declaration renewed for Musk and Plumeless Thistle as it has to be done every 5 years. Manning moved, seconded by Hammond to declare Musk and Plumeless Thistle noxious weeds and authorize the Chairman to sign the declaration. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

Ganschow said the tractor they ordered is not here yet, so the money will be unspent in this year's budget, but next year's budget will need to be supplemented for it when it arrives.

Peterson added that the structure they are applying for is a downsize, and the approval from the Corps of Engineers has a sunset clause. He asked the Board to keep that in mind.

At 9:50 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.

Hammond moved, seconded by Smith to approve invoices from The New Era for publishing notices to bidders on Clay Creek Ditch in the amounts of \$17.92, \$15.92, \$61.04, and \$54.23. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

The Board discussed trees in the Yankton-Clay Ditch. Polley referred to minutes on May 5, 2022 when quotes were approved. He said the work was completed, and it looks nice.

Polley said he found a flash drive of minutes that Auditor Carri Crum gave him of minutes. He found right-of-way documentation for the Yankton-Clay Ditch that shows the 1:1 slope as well in the February 24, 1910 minutes from Clay and Yankton. Hammond clarified that there are 3 stretches of right-of-way on the ditch. Mockler clarified that from the center the right-of-way is 23-75 feet.

Stangohr said he has been working with FEMA to answer questions on the Clay Creek Ditch. He said we have a lump sum number. They will not pay for the tree removal but will for the rest, so the award will be prorated. He has spoken to the contractor on the first section. He is working on obtaining the bonds and will start removing trees while the ground is hard after the first of the year and do digging when the ground thaws. Stangohr and Polley discussed further FEMA documentation. Polley said he appreciates Stangohr's help as this is about the 10th person he has dealt with at FEMA.

At 10:01 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.

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

(DUE TO OTHER GOVERNMENT)		SD SHERIFF'S ASSN	\$949.00
BERESFORD SCHL DIST 61-2	\$58,233.23	TAGGART, TOM N	\$35.00
BETHEL TOWNSHIP	\$9,471.95	TRITECH SOFTWARE SYSTEMS	\$1,065.62
CENTERVILLE SCH DIST 60-	\$42,139.17	ULTEIG	\$4,533.25
CITY OF VERMILLION	\$32,625.94	WAGNER-LAKE ANDES	\$992.00
CLAY CO TREASURER	\$11,946.50	YANKTON CO TREASURER	\$127.50
FAIRVIEW TOWNSHIP	\$8,716.59	(OTHER PROFESSIONAL SERVICE)	
GARFIELD TOWNSHIP	\$5,598.82	SCHILDHAUER, T. LEMBCKE	\$2,234.00
GAYVILLE/VOLIN SCHL DIST	\$6,439.00	SD ATTORNEY GENERAL	\$731.00
GLENWOOD TOWNSHIP	\$8,072.74	UNION CO. SHERIFF	\$12,165.00
IRENE CITY	\$2,341.63	YANKTON CO SHERIFF	\$3,740.00
IRENE/WAKONDA SCHL 13-3	\$92,877.91	(LAW OFFICE)	
MECKLING TOWNSHIP	\$5,177.11	FRIEBERG, NELSON & ASK	\$3,000.00
NORWAY TOWNSHIP	\$6,471.78	TERWILLIGER, PHILIP	\$3,350.00
PLEASANT VALLEY TWP.	\$4,411.94	(PUBLISHING)	
PRAIRIE CENTER TWP.	\$2,570.15	BROADCASTER PRESS	\$3,158.12
RIVERSIDE TOWNSHIP	\$9,551.69	NEW CENTURY PRESS ACT440	\$21.84
SD DEPT OF REV ANDERSON	\$318,444.10	NEW CENTURY PRESS ACT447	\$74.59
SEILERS SECOND ROAD DIST	\$17.82	(RENTALS)	
SPIRIT MOUND TOWNSHIP	\$6,851.50	SCHNEIDER GEOSPATIAL	\$8,460.00
STAR TOWNSHIP	\$9,935.76	(REPAIRS AND MAINTENANCE)	
TLC WATER PROJECT DIST.	\$15,656.41	BRUNICK SERVICE, INC.	\$110.00
VERMILLION BASIN WATER	\$2,480.25	BUHLS DRYCLEANERS &	\$24.00
VERMILLION SCHL DIST 13-	\$548,660.47	BUTLER MACHINERY CO.	\$5,462.00
VERMILLION TOWNSHIP	\$4,019.89	CHARLIE'S BUS SERVICE	\$46.00
VIBORG/HURLEY SCHL 60-6	\$52.04	DAKOTA ALIGNMENT & FRAME	\$280.00
WAKONDA TOWN	\$10,153.65	FIRST DAKOTA CREDIT CARD	\$40.00
(FIRE)		GRAHAM TIRE S.F. NORTH	\$187.50
BERESFORD RURAL FIRE	\$2,235.81	INTERSTATE POWER SYS INC	\$4,113.62
CENTERVILLE RURAL FIRE	\$2,144.89	JOHNSON CONTROLS, INC.	\$1,500.45
GAYVILLE RURAL FIRE ASSO	\$1,120.11	LOFFLER COMPANIES	\$205.91
IRENE RURAL FIRE ASSOC	\$385.91	MICROFILM IMAGING SYSTEM	\$2,112.00
VERM. RURAL FIRE ASSOC.	\$6,001.96	PRESTO-X COMPANY LLC	\$73.45
VOLIN RURAL FIRE ASSOC.	\$328.83	TWITE CONSTRUCTION	\$1,267.08
WAKONDA RURAL FIRE	\$3,043.76	(DATA PROCESSING/CLAY CREEK/INF)	
(PROFESSIONAL SERVICES AND FEES)		ALTERNATIVE HR, LLC	\$352.75
BUHLS DRYCLEANERS &	\$157.80	FIRST DAKOTA CREDIT CARD	\$1,917.74
CITY OF VERMILLION	\$108.00	MICROFILM IMAGING SYSTEM	\$855.00
ERICKSON SOLUTIONS GROUP	\$869.50	NEW CENTURY PRESS ACT447	\$149.11
GRAY-LOBE, GEOFFREY	\$81.60	SCHNEIDER GEOSPATIAL	\$7,426.00
LINCOLN COUNTY AUDITOR	\$1,296.10	SOFTWARE SERVICES, INC.	\$660.00
PHARMCHEM, INC.	\$238.15	(SUPPLIES & MATERIALS)	
RYAN'S CONSTRUCTION	\$1,100.00	A & B BUSINESS	\$190.50
SATELLITE TRACKING OF	\$97.50	A-OX WELDING SUPPLY CO	\$120.82
SD DEPT OF HEALTH LAB	\$1,335.00	BUTLER MACHINERY CO.	\$13,167.79

CHARLIE'S BUS SERVICE	\$1,446.00	CENTURYLINK	\$136.73
CORTRUST BANK	\$75.63	CENTURYLINK HWY	\$149.99
CRUM, CARRI R	\$42.47	CITY OF VERMILLION	\$816.44
DAKOTA ALIGNMENT & FRAME	\$18.20	CLAY RURAL WATER SYSTEM	\$96.60
DS SOLUTIONS, INC.	\$175.00	CLAY UNION ELECTRIC CORP	\$629.22
ELECTION SYSTEMS AND	\$2,580.80	FIRST DAKOTA CREDIT CARD	\$1,781.42
FIRST DAKOTA CREDIT CARD	\$4,854.20	GANSCHOW, DENNIS	\$300.00
GRAHAM TIRE S.F. NORTH	\$353.62	MCPHERSON, LARRY	\$150.00
HOLLENBECK, LAUREN	\$363.01	MIDAMERICAN ENERGY	\$523.37
INTERSTATE POWER SYS INC	\$1,941.61	MIDAMERICAN ENERGY EXT	\$38.10
JENSEN, RAVEN	\$24.44	MIDAMERICAN ENERGY S.C.	\$442.88
L.G.EVERIST, INC	\$6,151.90	MIDCO BUSINESS	\$210.39
LOFFLER COMPANIES	\$359.34	MIDCO BUSINESS EXT.	\$75.39
M & M FARM SUPPLY	\$119.77	STEWART, LAYNE	\$150.00
MICROFILM IMAGING SYSTEM	\$90.00	VERIZON WIRELESS SHERIFF	\$401.96
NAPA AUTO SUPPLIES	\$31.36	VERM./CLAY CO. LANDFILL	\$17.10
O'REILLY AUTO PARTS	\$10.33	VERMILLION GARBAGE SVC.	\$236.00
OFFICE ELEMENTS	\$129.01	(PAYMENT)	
ONE OFFICE SOLUTION	\$189.98	DOMESTIC VIOLENCE	\$490.00
QUALIFIED PRESORT SVC IN	\$1,661.81	FIRST DAKOTA CREDIT CARD	\$2,899.90
RUNNINGS SUPPLY INC HWY	\$350.39	JACK'S UNIFORMS & EQUIP.	\$1,507.92
RUNNINGS SUPPLY INC SHRF	\$982.20	LEWIS & CLARK BEHAVIORAL	\$300.00
SD DEPT OF TRANS	\$78,862.76	MCQUILLAN, SEAN	\$118.94
SOOLAND BOBCAT	\$84.28	MISTER SMITH'S	\$69.99
STURDEVANT'S AUTO HWY	\$1,043.96	PIZZA RANCH 14762	\$1,463.50
TWO RIVERS	\$10,160.30	PUMP N PAK	\$2,096.41
UNION CO. SHERIFF	\$41.00	VERMILLION FEDERAL	\$219.68
VERMILLION ACE HARDWARE	\$83.85	VERMILLION FORD	\$487.18
(TRAVEL AND CONFERENCE)		ZARYCH, STEPHEN	\$30.00
CRUM, CARRI R	\$62.73	(BUILDINGS AND STRUCTURES)	
FIRST DAKOTA CREDIT CARD	\$1,778.66	JLG ARCHITECTS	\$28,224.81
HOLLENBECK, LAUREN	\$75.00	(BOOKS)	
SD STATE 4-H OFFICE	\$10.00	THOMSON REUTERS - WEST	\$280.03
SDSU EXTENSION SERVICE	\$29.95	(FURNITURE AND MINOR EQUIPMENT)	
VERMILLION FEDERAL	\$120.94	ERICKSON SOLUTIONS GROUP	\$979.00
(INMATE TRAVEL)		FIRST DAKOTA CREDIT CARD	\$1,642.84
PUMP N PAK	\$567.70	LOFFLER COMPANIES	\$303.13
(UTILITIES)		MICROFILM IMAGING SYSTEM	\$215.00
BUREAU OF ADMINISTRATION	\$61.64	VERMILLION ACE HARDWARE	\$395.93
BUTCH'S PROPANE	\$2,140.81		

The Board took a 5-minute recess.

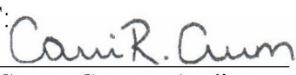
At 10:08 a.m., Smith moved, seconded by Manning to enter an Executive Session for legal, contractual, and personnel matters per SDCL 1-25-2. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

At 10:36 a.m., Manning moved, seconded by Hammond to exit the Executive Session. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

At 10:36 a.m., Hammond moved, seconded by Smith to adjourn and reconvene at 9:00 a.m.
Tuesday, December 27, 2022.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST: 
Carri R. Crum, County Auditor

December 27, 2022

The Board of County Commissioners met in regular session Tuesday, December 27, 2022, 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 and unanimously carried to approve the agenda.

Hammond moved, seconded by Smith and unanimously carried to approve the minutes of the December 13, 2022 meeting.

Highway Superintendent Rod Polley met with the Board regarding Resolution #2022-34 for Application in the Bridge Improvement Grant Program. Manning moved, seconded by Hammond to pass and adopt Resolution #2022-34 for Bridge Improvement Grant Program Resolution Authorizing Submission of Applications. Vote of the Board: 5 Ayes, 0 Nays.

Resolution #2022-34

BRIDGE IMPROVEMENT GRANT PROGRAM

RESOLUTION AUTHORIZING SUBMISSION OF APPLICATIONS

WHEREAS, Clay County wishes to submit an application(s) for consideration of award for the Bridge Improvement Grant Program:

STRUCTURE NUMBER(S) AND LOCATION(S):

14-130-146, 1.2 E & 6.0 N of Vermillion, SD

14-112-090, 1.8 W of Hub City, SD

and WHEREAS, Clay County certifies that the project(s) are listed in the county's Five-Year County Highway and Bridge Improvement Plan*;

and WHEREAS, Clay County agrees to pay the 20% match on the Bridge Improvement Grant funds;

and WHEREAS, Clay County hereby authorizes the Bridge Improvement Grant application(s) and any required funding commitments.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is requested to accept the attached Bridge Improvement Grant application(s).

Vote of Commissioners/Council: Yes 5 No 0

Dated at Vermillion, SD, this 27th day of December, 2022.

ATTEST:

County Auditor

Chairman

At 9:03 a.m., Smith moved, seconded by Packard and unanimously carried to adjourn and convene as Clay County Ditch Board.

The Board considered invoices from Ulteig Engineering for the Clay Creek Ditch Cleanout FEMA portion for \$550.00 and the Clay Creek Ditch Cleanout for \$770.00. Hammond moved, seconded by Smith and unanimously carried to approve payment of the invoices.

At 9:05 a.m., Hammond moved, seconded by Packard and unanimously carried to adjourn and reconvene as Board of Clay County Commissioners.

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

(PAYROLL)		THE STANDARD - VISION	\$268.52
COMMISSIONER'S	\$9,475.93	UNITED WAY OF VERMILLION	\$242.00
AUDITOR'S OFFICE	\$12,575.53	VERMILLION FEDERAL	\$1,017.00
TREASURER'S OFFICE	\$21,047.49	WELLMARK BLUE CROSS	\$54,082.78
STATE ATTORNEY'S OFFICE	\$27,929.69	(PROFESSIONAL SERVICES AND FEES)	
COURTHOUSE	\$9,339.01	AMG HOSPITALISTS	\$133.72
DIRECTOR OF EQUALIZATION	\$11,381.35	FEDEX	\$37.26
REGISTER OF DEEDS	\$8,693.00	GOVT. EXEC. MEDIA GROUP	\$1,645.00
VETERAN'S OFFICE	\$1,681.86	HY-VEE, INC. COURTHOUSE	\$213.00
24/7 PROGRAM	\$1,626.10	IMEG	\$2,765.13
SHERIFF'S OFFICE	\$44,789.33	SECRETARY OF STATE	\$30.00
COUNTY JAIL	\$34,922.69	SECURITY SHREDDING SVC.	\$35.00
EMERGENCY MGMT	\$4,938.50	ULTEIG	\$7,838.10
HIGHWAY	\$54,563.94	(LAW OFFICE)	
COMMUNITY HEALTH NURSE/WIC	\$3,312.28	KRUSE LAW OFFICE	\$2,480.70
EXTENSION OFFICE	\$2,827.56	YOUNGBERG LAW LLC	\$202.60
WEED	\$1,793.10	(PUBLISHING)	
PLANNING & ZONING	\$3,497.54	BROADCASTER PRESS	\$64.58
(DUE TO OTHER GOVERNMENT)		NEW CENTURY PRESS ACT447	\$1,006.32
SDACO - M&P FUND PAYMENT	\$340.00	(REPAIRS AND MAINTENANCE)	
(PAYROLL WITHHOLDING)		BRUNICK SERVICE, INC.	\$15.00
AFLAC	\$1,147.27	BUTLER MACHINERY CO.	\$500.00-
CLAY CO FIT FICA	\$58,639.10	CENTURY BUSINESS PRODUCT	\$30.00
COLONIAL LIFE	\$183.16	ERICKSON SOLUTIONS GROUP	\$292.00
CONSECO/WASHINGTON	\$24.45	ERIE LANDMARK CO	\$1,487.00
DIV OF CHILD SUPPORT IA	\$734.00	GRAHAM TIRE S.F. NORTH	\$625.00
DIV OF CHILD SUPPORT SD	\$1,027.00	INTERSTATE POWER SYS INC	\$1,677.67
NEW YORK LIFE INSURANCE	\$328.57	JOHNSON FEED, INC.	\$328.90
SD RETIREMENT SYSTEM	\$29,710.56	PRESTO-X COMPANY LLC	\$99.44
SD SUPPLEMENT RETIREMENT	\$4,760.00	TWO WAY RADIO SOLUTIONS	\$314.00
SDRS ROTH 457(B) PLAN	\$275.00	VERMILLION ACE HARDWARE	\$32.99
TASC PVR	\$1,691.85	WIESELER, JUDY	\$44.00
THE STANDARD - DENTAL	\$1,277.32	(DATA PROCESSING/CLAY CREEK/INF)	
THE STANDARD - LIFE INS.	\$388.81	ERICKSON SOLUTIONS GROUP	\$2,888.25
THE STANDARD - SH TRM DI	\$1,053.34	ULTEIG	\$1,320.00

(SUPPLIES & MATERIALS)

BLACKSTRAP INC	\$1,683.36
BOB BARKER CO INC	\$133.00
BRUNICK SERVICE, INC.	\$7,593.65
BUTLER MACHINERY CO.	\$1,711.16
CINTAS	\$299.03
CRESCENT ELECTRIC	\$6.83
FIRST DAKOTA CREDIT CARD	\$488.17
GOVERNMENT FORMS AND	\$349.00
GRAHAM TIRE S.F. NORTH	\$180.12
I-STATE TRUCK CENTER	\$283.19
INTERSTATE POWER SYS INC	\$355.90
JOHNSON FEED, INC.	\$16.02
M & M FARM SUPPLY	\$24.50
MCLEOD'S PRINTING & SUPP	\$808.33
MICROFILM IMAGING SYSTEM	\$30.00
O'REILLY AUTO PARTS	\$91.54
OFFICE ELEMENTS	\$1,180.08
ONE OFFICE SOLUTION	\$5.72
PRESSING MATTERS	\$104.00
PROCHEM DYNAMICS	\$587.24
QUALIFIED PRESORT SVC IN	\$1,993.41
QUILL CORP.	\$222.13
RUNNINGS SUPPLY INC CH	\$187.70
RUNNINGS SUPPLY INC HWY	\$268.11
SD DEPT OF TRANS	\$36,654.55
SIRCHIE	\$405.29
TWO WAY RADIO SOLUTIONS	\$15.99
VERMILLION ACE HARDWARE	\$333.65
VERMILLION AREA CHAMBER	\$600.00
WHEELCO BRAKE AND SUPPLY	\$1,351.20
(COPIER SUPPLIES)	
CANON	\$161.12
LOFFLER COMPANIES	\$337.14
(UTILITIES)	
BUREAU OF ADMINISTRATION	\$1.80
CENTURYLINK	\$136.29
FIRST DAKOTA CREDIT CARD	\$890.71
VERIZON WIRELESS EMG	\$80.02
VERIZON WIRELESS HWY TRS	\$96.34
WAKONDA TOWN	\$62.65
(PAYMENT)	
ADAMS, BRIANA	\$77.54
BARBERA, HOPE	\$50.00
BERKHOUT, JAN	\$10.00
BILLBERG, LENNI	\$10.00
BISCHOFF, ELIZABETH	\$10.00
BORGMAN, DEVON	\$20.00
BRODSKY, CURTIS	\$18.16
BROERS, CHISUM	\$50.00
BRUNICK SERVICE, INC.	\$485.00
CHRISTOPHERSON, SHANNON	\$114.28

CLAY CO TREASURER	\$7.14
DAVIS, GARRETT	\$21.22
DICKENSEN, SANDRA	\$10.00
EDELEN, AUDRA	\$50.00
FIRST DAKOTA CREDIT CARD	\$11.98
FISCHER, LINDA	\$14.08
FREEMAN, LINDA	\$26.32
GESTELAND, TRACELYN	\$50.00
GJORAAS, KIA	\$82.22
GORS, GALE	\$72.44
HARVEY, DENNIS	\$10.00
HEIKES, GLADYS	\$53.06
HLAVAC, MASON	\$45.50
HOESING, KERRIGAN	\$36.32
HOFFMAN, RENAE	\$83.66
HOVALDT, DANA	\$10.00
HY-VEE, INC. COURTHOUSE	\$48.11
HY-VEE, INC. JAIL	\$303.64
JOHNSON, RONALD	\$25.30
KRIBELL, BRIAN	\$42.64
MADSEN, GAYLE	\$120.40
MARTENS, SHERYL	\$32.44
MCDOWELL JOHNSON, TERESA	\$50.00
MCMANISAL, BROOKS	\$20.00
MILLS, KEVIN	\$54.08
MOEN, DONNA	\$10.00
POWELL, CATHI	\$10.00
PROEFROCK, DEBBIE	\$100.00
RASMUSSEN, JEFFREY	\$10.00
REGNERUS, JAY	\$50.00
SANFORD HEALTH	\$5,858.00
SHEETS, ARIAN	\$50.00
SLATTERY, MICHAEL	\$116.32
STEINHAUS, CHERLYN	\$35.50
SWICK, MATTHEW	\$29.38
TAYLOR, JANET	\$74.48
THE SOAP GUYS	\$104.00
THELEN, CHRISTOPHER	\$50.00
TRACY, GERALD	\$10.00
UFFORD, ALEX	\$54.08
VERMILLION FORD	\$47.37
WRIGHT, SAMANTHA	\$50.00
ZARYCH, STEPHEN	\$100.00
(JDC/SPECIAL EQP.)	
CHRISTOPHERSON, KALEB	\$508.20
JACK'S UNIFORMS & EQUIP.	\$3,064.64
(BOOKS)	
BUTLER MACHINERY CO.	\$27,857.39
SANITATION PRODUCT	\$34,640.00
THOMSON REUTERS - WEST	\$598.78
(FURNITURE AND MINOR EQUIPMENT)	
CANON	\$84.79

FIRST DAKOTA CREDIT CARD	\$648.01	BRUNICK SERVICE, INC.	\$38.00
TROWBRIDGE HOMES LLC (AUTOMOTIVE)	\$390.00	QUALITY MOTORS	\$350.00

The Board discussed the proposed Court Appointed Attorney Conflict Contract for 2023. Smith said they have three choices: accept the proposed contract, negotiate, or choose to go back to the old system. Mockler suggested offering a 3% raise, especially after seeing the numbers. Manning said he thinks that is generous, after seeing the case numbers. Manning moved, seconded by Hammond and unanimously carried to offer a 3% increase from the 2022 contract and have Auditor Carri Crum relay that proposal message.

The Board considered approval of payment for the new ambulance. Manning moved, seconded by Packard and unanimously carried to approve the payment in the amount of \$248,003 with the check to be issued January 3, 2023.

Smith moved, seconded by Packard and unanimously carried to unassign \$268,598 in the General Fund that had previously been assigned for building expenses completed in 2022.

Smith moved, seconded by Packard to pass and adopt the following Resolution #2022-32 for Automatic Supplement. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

RESOLUTION #2022-32
Automatic Supplement

WHEREAS, Clay County has been reimbursed \$25,000 for grant equipment; and

WHEREAS the Emergency Management 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:

Emergency Management – Equipment Grant (22600X4291222) – \$5,000.00

Dated this 27th day of December, 2022.

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

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

Smith moved, seconded by Packard to pass and adopt the following Resolution #2022-33 for Contingency Transfer. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

**RESOLUTION # 2022-33
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):

\$43,500 to Commissioners – Professional Services/Fees (10100X4220111)
\$5,550 to Judicial – Books (10100X4340130)
~~\$760 to Auditor – Group Insurance (10100X4150141)~~
\$2,000 to Treasurer – Supplies (10100X4260142)
\$1,700 to Public Defender – Contract (10100X4222152)
\$2,400 to Information Technology (10100X4251171)
\$1,900 to Planning & Zoning – Publishing (10100X4230711)
\$600 to Modernization & Preservation – Software (25000X4251163)
\$145 to Domestic Abuse (22900X4290434)

Motion by Commissioner Smith, seconded by Commissioner Packard.

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

Dated this 27th day of December, 2022.

Board of County Commissioners
Clay County, South Dakota

Travis Mockler, Chairman

ATTEST:

Carri R. Crum, County Auditor

Packard moved, seconded by Smith to pass and adopt the following Resolution #2022-31 for Fund Transfer. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

**RESOLUTION # 2022-31
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 \$200,000 to Highway Fund (20100) and \$45,000 to the Emergency Management Fund (22600) as levied for in the 2022 Budget.

Motion by Commissioner Packard seconded by Commissioner Smith.

Vote of the Board:

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

Dated this 27th day of December, 2022.

Board of County Commissioners
Clay County, South Dakota

Travis Mockler, Chairman

ATTEST:

Carri R. Crum, County Auditor

Smith moved, seconded by Packard and unanimously carried to use salaries and County-paid benefits from the General Fund as an expense of the LATCF Grant.

The Board took a brief recess until 9:30 a.m.

Sheriff Andy Howe met with the Board. A public bid opening was held for jail meals for 2023. No bids were received.

Howe discussed a Minnehaha County Jail inmate boarding contract renewal. He said the rate is what he expected. He will continue to board inmates in Union County as much as possible due to their rate being the lowest. Manning asked if any inmates are boarded in Yankton County. Howe said yes, they do occasionally board inmates in Yankton County, but Union County's rate is \$80/day vs. Yankton County's rate of \$85/day with less transportation mileage as well.

Hammond moved, seconded by Smith and unanimously carried to approve the contract and authorize the Chairman to sign it.

Zoning Administrator Drew Gunderson discussed posting a vacancy on the Planning & Zoning Commission for applications. He said it will need to be done as soon as possible and wanted the Board to designate a time frame. Smith said a month sounds right. Manning agreed. Smith said it should be put on the agenda the first week of February for applications to be considered.

A public hearing was held for a Supplement to the 2022 County Budget as advertised. No one appeared in opposition, and no written correspondence was received. Manning moved, seconded by Packard to pass and adopt the following Resolution #2022-35 for Supplement of County Budget. Roll call vote: Hammond Aye, Manning Aye, Smith Aye, Packard Aye, Mockler Aye.

**RESOLUTION #2022-35
Supplement of County Budget**

WHEREAS the County budget does not have adequate budget authority in 2022 for Commissioners Contingency;

WHEREAS, the Board of County Commissioners have agreed to hold a public hearing on December 27, 2022 at 9:45 a.m. to supplement the County General 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 2022 Annual Budget:

- Commissioners – Publishing for \$10,000
- Treasurer – Salaries/Wages for \$10,000
- Treasurer – Supplies for \$25,000
- Court Appointed Attorney for \$16,000
- General Government Building – Improvements budget for \$90,000
- Care of Poor - Supplies for \$6,000

Dated the 27th day of December, 2022.

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

A public hearing was held for a variance on land located at approximately 31364 Meckling Rd Meckling, SD 57069 from the Clay County Ordinance Section 4.05.05 C-1: Commercial District: Setbacks. Gunderson recommended that the variance be tabled until a second reading on the proposed zoning change so that it can be explained to the new County Commission members all at once. Galen Gran was present and voiced concerns about the semi-truck parking, trash, and hours of operation for the proposed storage units. Gunderson said the semi-truck issues have been addressed. Nick Slattery of Jane's Boys, owners of Toby's Lounge, said the storage units would be accessible at any time for the individuals renting the units. If he needs to place a sign on the building stating, for example, that hours are 6:00 a.m.-9:00 p.m. for people to adhere to, he will do that. As for the semi-truck parking, the individual has been trucking for 50 years and has a history of parking there. He understands that running a refer at 2:00 a.m. is not good. Slattery said he wants to do things delicately for the neighbors and wants Toby's to be a nice place for the community. Gunderson said others voiced concerns about the truck noise as well. Slattery said posting hours of operation for the proposed storage units will not be a problem. Gunderson said lots of research went into this as it has been a very complicated matter. Slattery said Meckling and Burbank are tough communities for Gunderson, and Jane's Boys wants to fix it. They want to make the communities better. Hammond moved, seconded by Packard and unanimously carried to table the variance hearing until January 3, 2023.

The First Reading and Public Hearing was held for Ordinance #2022-15 for a request to re-zone land located at 31364 Meckling Rd Meckling, SD 57069 from RR Rural Residential to C-1

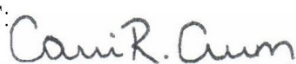
Commercial District for an On/Off-Sale Alcoholic Beverage Establishment and a storage unit (general warehousing). Hammond moved, seconded by Smith and unanimously carried to set the Second Reading of Ordinance #2022-15 for 9:30 a.m. on January 3, 2023.

Gunderson thanked Packard and Manning for their service on the Commission. He said the annual building permit report will be going out via email to the Commission later today.

At 9:54 a.m., Manning moved, seconded by Packard to adjourn and reconvene at 9:00 a.m. Tuesday, January 3, 2023.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST: 
Carri R. Crum, County Auditor
