

January 2, 2024

The Board of County Commissioners met in regular session Tuesday, January 2, 2024 at 9:00 a.m. at the Vermillion City Hall, 25 Center St., Vermillion, SD. Members present: Travis Mockler, Geoffrey Gray-Lobe, Elizabeth Smith, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Gray-Lobe moved, seconded by Mockler and unanimously carried to approve the agenda.

The meeting adjourned and reconvened to reorganize for the ensuing year with a motion by Gray-Lobe, seconded by Mockler and unanimously carried.

County Auditor Carri Crum called the meeting to order. The Auditor called for nominations for Chairperson. Gray-Lobe nominated E. Smith for Chairperson. Thiesse nominated Mockler for Chairperson. Paper ballots were cast, and Crum tallied the votes. E. Smith had three votes, and Mockler had two votes. E. Smith was declared Chairperson.

With Chairperson E. Smith presiding, the following proceedings were held.

The Chairperson called for nominations for Vice Chairperson. Hammond moved, seconded by Gray-Lobe and unanimously carried to nominate Mockler as Vice Chairperson.

Mockler moved, seconded by Gray-Lobe and unanimously 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.

The Board discussed appointments for the year. Mockler moved, seconded by Hammond and unanimously carried to remove the Southeast Regional Detention Authority Steering Committee from the appointment list as the committee has been dissolved. Gray-Lobe moved to reappoint all positions as listed except that Gray-Lobe be appointed to the VCDC ex-officio position and the Vermillion NOW Advisory Council position, and the motion was seconded by Hammond. Under discussion, Mockler said he has been appointed to subcommittees for those two positions, and it will upset things currently in progress. Vote of the Board: 3 Ayes, 2 Nays; motion passed. Appointments covered by the motion are as follows:

- Rod Polley as Highway Superintendent for a 2-year term expiring 1/5/2026.
- Layne Stewart as Emergency Management Director for a one-year term expiring 1/6/2025.
- Mockler to Fair Board.
- E. Smith as member of the Executive Board of SECOG.
- Gray-Lobe to Board of Directors of the Clay County Youth Trust Fund and the Youth Service Council.
- Hammond to the Planning & Zoning Commission.
- Bruce Plate to the Public Safety Board for a three-year term expiring 12/31/2026.
- Hammond and Highway Superintendent Rod Polley to the Vermillion Basin Advisory Board.

- Hammond to the Joint Powers Solid Waste & Recycling Advisory Board.
- Gray-Lobe to the VCDC Board.
- Gray-Lobe to the Vermillion Now Advisory Council.
- Gray-Lobe to the Clay County Park Board.
- E. Smith and Mockler to the ICAP Committee.
- Thiesse to the Point of Dispensing Committee and the Local Emergency Planning Committee.
- Hammond to the UAS (Drone) Committee.
- Thiesse to the County's Employee Safety Program Board.

There was discussion regarding legal newspaper designation. Crum said the communication has been very good over the past year, and there have been no issues with The New Era. Gray-Lobe moved, seconded by Hammond and unanimously carried to designate the Vermillion Plain Talk and The New Era as the official legal newspapers for the County, with the Vermillion Plain Talk being the legal newspaper for the Joint Jurisdiction Zoning Area as The New Era does not serve that area.

Thiesse moved, seconded by Gray-Lobe and unanimously carried 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.

Gray-Lobe moved, seconded by Hammond and unanimously 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 Voyage Federal Credit Union as the official depositories.

Pursuant to SDCL 28-17-4, regarding county burials, the funeral director in charge shall furnish casket and outside container or cremation services 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 Gray-Lobe and unanimously carried to set the sum at \$1,900 for services as required by SDCL 28-17-4.

Hammond moved, seconded by Gray-Lobe and unanimously carried 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 \$.51 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), and if the State raises meal per diem during the year the County will follow suit.

Gray-Lobe moved, seconded by Hammond and unanimously carried 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.

Hammond moved, seconded by Gray-Lobe and unanimously carried to approve the building permit fee at \$75, the 911 signage fee at \$75 for new signs or replacement signs with a pole, the 911 signage fee at \$25 for replacement signs without a pole, and zoning appeals at \$100.

Hammond moved, seconded by Thiesse and unanimously carried to approve fees for boarding prisoners for other counties at \$80 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 \$20 per 2 cards, mug shots at \$8, UA test \$10, accident reports at \$2 per page, other reports or printing e-mailed civil process to serve at \$2 per page, production of video \$10 per CD/DVD or email/cloud share in addition to \$10 per hour for review and redaction if necessary, contract law enforcement fee for Irene to be based on contract and currently \$61,658.15, contract law enforcement fee for Wakonda to be based on contract and currently \$18,497.48, and custodial contract for the Safety Center currently at \$10,000 from 2022 but recommended to be raised to \$13,000 for 2024.

Gray-Lobe moved, seconded by Hammond and unanimously carried to hold Commissioner meetings the first, second and last Tuesday of the month.

Hammond moved, seconded by Gray-Lobe and unanimously carried to approve SD Public Assurance Alliance as the County's liability insurance and SDML for worker's compensation insurance.

Mockler moved, seconded by Hammond an unanimously carried 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.

Gray-Lobe moved, seconded by Hammond and unanimously carried to authorize the use of Sourcewell as a potential vendor source for the county.

Hammond moved, seconded by Gray-Lobe to pass and adopt the following Resolution #2024-01 for Establishment of Election Precincts/Polling Places for 2024. Roll call vote: Hammond Aye, Thiesse Aye, Smith Aye, Gray-Lobe Aye, Mockler Aye.

RESOLUTION #2024-01
Establishment of Election Precincts/Polling Places for 2024

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

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

Rural Ward #1: SESD Experimental Farm, 29974 University Rd., Beresford, SD
Rural Ward #2: Gingrich-Dixon Post #13 Legion Hall, 101 Montana St., Wakonda, SD
Rural Ward #3: 4-H Center/Fairgrounds, 515 High St., Vermillion, SD
Vermillion City-All Precincts: National Guard Armory, 603 Princeton St., Vermillion, SD (Central 1 & 2/Northeast 1 & 2/Northwest 1 & 2/Southeast 1 & 2)

Commissioner Hammond moved the adoption of the foregoing resolution. Motion seconded by Commissioner Gray-Lobe.

Vote of Commission: Mockler Aye, Gray-Lobe Aye, Smith Aye, Thiesse Aye, Hammond Aye.

Upon which voting the resolution was declared passed and adopted.

Dated at Vermillion, South Dakota this 2nd day of January, 2024.

Board of County Commissioners
Clay County, South Dakota

ATTEST:

Carri R. Crum, County Auditor

Gray-Lobe moved, seconded by Hammond to pass and adopt the following Resolution #2024-02 for Establishment of Precinct Election Officials Fees for 2024. Roll call vote: Hammond Aye, Thiesse Aye, Smith Aye, Gray-Lobe Aye, Mockler Aye.

RESOLUTION #2024-02
Precinct Election Officials Fees for 2024

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 \$225.00, and election superintendent at \$250.00, 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: \$30.00 compensation for election officials plus \$.51/mile, or the established county rate, roundtrip for those residing outside of city limits.

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 \$.51/mile, or the established 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).

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 \$75 plus \$.51/mile, or the established county rate, for travel to the ballot tabulation location for those residing outside of city limits.

BE IT FURTHER RESOLVED that the persons setting up equipment at polling places be allowed \$75 for setting up equipment and/or \$75 for taking down equipment.

Commissioner Gray-Lobe moved the adoption of the foregoing resolution. Motion seconded by Commissioner Hammond.

Vote of Commission: Mockler Aye, Gray-Lobe Aye, Smith Aye, Thiesse Aye, Hammond Aye.

Upon which voting the resolution was declared passed and adopted.

Dated at Vermillion, South Dakota this 2nd day of January, 2024.

Board of County Commissioners
Clay County, South Dakota

ATTEST:

Carri R. Crum, County Auditor

Highway Superintendent Rod Polley discussed 313 St. & 456 Ave. Southeast Farmers Elevator Coop. is building a new grain storage facility. Polley said he is working with SE Council of Governments (SECOG) to apply for a grant for improvement of 313 St. He said he is not concerned about 456 Ave. because that was improved when the ethanol plant was going to build there. They are looking at 4 million bushels for the facility. The grant is a maximum of \$600,000. Polley said he is concerned about gravel holding up to the traffic. They plan to take grain at the facility in the fall. Gray-Lobe pointed out that the representatives from the Southeast Farmers Elevator Coop. said at the last meeting they would assist with infrastructure costs. Polley said he will have Ulteig Engineering look at the plans from the ethanol plant to make sure the road plans are still acceptable. Mockler said the road has to be concrete because the County cannot post load limits on that road. Hammond said we should be fishing for any grants we can get. Polley said the biggest problem will probably be the railroad. He said construction will start before he can do anything with the road. E. Smith asked who should talk to them about paying a portion of the cost. Hammond said they should be on the same page before a zoning change is approved. Polley discussed right-of-way matters. Mockler wondered if the County can do a TIF to pay for the road, and Polley said he will ask SECOG.

Facilities Manager Scott Hanson gave an update on the courthouse mechanical/electrical/HVAC project. He is hopeful that County Commission meetings can be moved back to the courthouse by the end of the month. E. Smith discussed the potential for having someone help with items stored in the attic. It was discussed that most of it is confidential files from the State's Attorney's Office. Treasurer Rhonda Howe said the items from her office may be able to be discarded. State's Attorney Michael Smith said he will have to go through the boxes himself. He also discussed that stack week for court is coming in February, and Hanson should discuss that with the courts. Hanson also discussed the court security project. He said L&L Builders is interested as they are already on site. He also talked about bid requirements and advertisements. E. Smith and Hammond said the County does have to bid the project, but L&L Builders could bid, and there is some redundancy with the current project that may allow for some cost savings. Hanson said there is an opportunity to make the 3rd floor restroom ADA compliant at an additional cost.

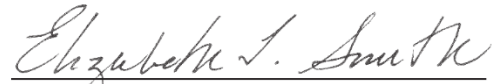
Gray-Lobe moved, seconded by Mockler and unanimously carried to authorize Chairwoman Smith and Emergency Management Director Layne Stewart to sign the POD Grant Agreement.

There was discussion regarding the Community Health Nurse program with the SD Dept. of Health. E. Smith, Thiesse, and Crum attended a meeting with the State officials last week. Thiesse said the clerical staff, Lisa Wood, is comfortable with the most recent proposal for her to take on the WIC Public Health Assistant (WPHA) position. The contract should be issued by the end of the week. The WIC officials do not know what is happening on the Community Health side of the program. E. Smith said the Board should revisit Wood's salary, and they should have Alternative HR+ review it.

Under the building project discussion, Mockler said Beckenhauer Construction will need to be first on the agenda next week as they will be presenting the final contract for the Guaranteed Maximum Price (GMP). Bids have been under budget thus far, and they want to revisit the project alternates. Also, footings are started on the building.

Under Joint Jurisdiction Zoning Area (JJZA) discussion, Hammond reported that SECOG is leading the way for the comprehensive plan verbiage, and the map is pretty well set.

At 10:44 a.m., Gray-Lobe moved, seconded by Mockler and unanimously carried to adjourn and reconvene Tuesday, January 9, 2023 at 9:00 a.m.



Elizabeth T. Smith, Chairwoman
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

January 9, 2024

The Board of County Commissioners met in regular session Tuesday, January 9, 2024 at 9:00 a.m. at the Vermillion City Hall, 25 Center St., Vermillion, SD. Members present: Travis Mockler (via Zoom), Geoffrey Gray-Lobe, Elizabeth Smith, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

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

Hammond moved, seconded by Gray-Lobe and unanimously carried to approve the minutes of the December 28, 2023 and January 2, 2024 meetings.

Dick Strassburg, TEGRA Group, and Bill Barritt, Beckenhauer Construction, met with the Board to present the Final Guaranteed Maximum Price (GMP) Amendment for the jail and law enforcement center project. Strassburg discussed the preliminary budget, schematic design, the project has been sent to 720 contractors for development of the pricing, and now sealed bids have been opened. It is time to deliver the GMP. The project is well within budget. Barritt said the market is better now, and the project was bid at a good time, so they got great responses. Strassburg said this is the first project in the last three years that has been in budget for his firm. The GMP is \$33,595,400, and he is asking for approval as Beckenhauer Construction guarantees it will not exceed that total. He said it is fun for him to deliver these kinds of results to clients. Because the project is within budget, they have been able to look at alternates such as skylight improvements. Sheriff Andy Howe said it is important to note that they have made many cuts, such as narrowing hallways, lowering ceilings and roofs, etc. to reduce the overall cost. Mockler said the \$33,595,400 does not include architecture fees, land costs, etc., so although it will be under budget, the project will still be close to the projected \$42.8 million. Barritt also discussed the access road for deliveries. Gray-Lobe moved, seconded by Hammond and unanimously carried to approve the Final Guaranteed Maximum Price Amendment and authorize signatures on the document.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. He presented a resolution for weight limit enforcement and noted that it does not include the road from Highway 19 to the landfill as that was the agreement when the landfill was built. Gray-Lobe moved, seconded by Thiesse and unanimously carried to pass and adopt the following Resolution #2024-03 for Clay County Weight Limit Enforcement and to authorize the Chairwoman to sign a letter requesting the Highway Patrol to assist with enforcement.

RESOLUTION #2024-03
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 RESOLVED;

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

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

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

Vote of Clay County Commission

AYE 5 NAY 0

Dated this 9th day of January 2024 at Vermillion, S.D.

ATTEST:

Carri R. Crum
Clay County Auditor

Elizabeth T. Smith
Chairwoman, Clay County Commission

Polley discussed a joint road striping project between neighboring counties. He said Assistant Highway Superintendent Larry McPherson has been working on it. The State has been getting the striping done very late, so the Counties are combining to bid a project themselves. Clay County’s share is only 20 miles. E. Smith said we probably need a written agreement. It was discussed that Minnehaha County will likely just send invoices for the project. Gray-Lobe and Polley discussed that the price per mile of \$7,000 and the differences in paint types.

Polley discussed Resolution #2024-04 for SD DOT Agri Business Access Grant Application, for which he has been working with SECOG. The matter was tabled.

Polley said he has been talking to SE Farmers Elevator Cooperative, Zoning Administrator Drew Gunderson, and SECOG. They are discussing whether they can have one entrance to the grain facility. If they compromise, it will be less cost. Engineers need to look at the site, and Polley said right-of-way is also a factor.

Polley discussed a structure at Frog Creek and Norwegian Gulch 1 ½ mi. south of 302 St. Engineers inspected it last fall, and 65-70% of the bottom of the culvert is gone. Polley spoke to Ulteig Engineering, and Union County had a similar project that they were able to fix using mudjacking. They are looking at a longer culvert. It would be about \$150,000 for the culvert. It would buy some time before having to disturb the road. Polley said he did not budget for it, but it has to be done. He may have to cut to some chip sealing this year to cover the cost. Polley and Thiesse discussed the method for the repair. Polley said we did this on West Main St. about 10 years ago. The culvert was installed in 1963. It

is a big project, but it is necessary. Other hard-to-get-to structures were inspected, and this was the only one needing immediate repairs.

Polley discussed his machinery budget. He said the courthouse should have its own skid loader for snow removal. The one he loaned to the courthouse broke down.

Gray-Lobe moved, seconded by Thiesse and unanimously carried to approve the following claims for payment.

(DUE TO OTHER GOVERNMENT)		SDACC OFFICE	\$3,195.00
BERESFORD SCHL DIST 61-2	\$5,301.90	TEGRA GROUP INC	\$21,400.00
BETHEL TOWNSHIP	\$1,499.93	UNION CO CLERK OF COURTS	\$10.00
CENTERVILLE SCH DIST 60-	\$150.52	VERMILLION/CLAY EMS	\$784.00
CITY OF VERMILLION	\$13,465.20	YANKTON CO SHERIFF	\$50.00
CLAY CO TREASURER	\$10,676.00	YANKTON MEDICAL CLINIC P	\$105.82
FAIRVIEW TOWNSHIP	\$1,477.56	(OTHER PROFESSIONAL SERVICE)	
GARFIELD TOWNSHIP	\$1,847.76	MINNEHAHA COUNTY JAIL	\$16,771.70
GAYVILLE/VOLIN SCHL DIST	\$27.19	SD ATTORNEY GENERAL	\$35.00
GLENWOOD TOWNSHIP	\$2,437.41	(LAW OFFICE)	
IRENE CITY	\$137.04	PETERSON, STUART, KLENTZ	\$10,905.17
IRENE/WAKONDA SCHL 13-3	\$3,493.90	(REPAIRS AND MAINTENANCE)	
MECKLING TOWNSHIP	\$1,944.70	BUHLS DRYCLEANERS &	\$151.63
NORWAY TOWNSHIP	\$1,028.76	JOHNSON FEED, INC.	\$75.53
PLEASANT VALLEY TWP.	\$1,973.33	PRESTO-X COMPANY LLC	\$182.40
PRAIRIE CENTER TWP.	\$1,256.09	THE LUMBERYARD LLC	\$37.74
RIVERSIDE TOWNSHIP	\$1,700.81	(DATA PROCESSING/CLAY CREEK/INF)	
SD DEPT OF REV ANDERSON	\$298,287.91	MICROFILM IMAGING SYSTEM	\$855.00
SPIRIT MOUND TOWNSHIP	\$2,128.95	SOFTWARE SERVICES, INC.	\$1,575.00
STAR TOWNSHIP	\$1,866.81	TRIMIN SYSTEMS INC.	\$14,025.00
VERMILLION BASIN WATER	\$88.76	(SUPPLIES & MATERIALS)	
VERMILLION SCHL DIST 13-	\$31,392.20	A & B BUSINESS	\$197.13
VERMILLION TOWNSHIP	\$401.86	A-OX WELDING SUPPLY CO	\$142.35
VIBORG/HURLEY SCHL 60-6	\$37.87	BLUE TARP FINANCIAL, INC	\$87.96
WAKONDA TOWN	\$2,049.61	BRUNICK SERVICE, INC.	\$89.28
(FIRE)		BUTLER MACHINERY CO.	\$198.06
BERESFORD RURAL FIRE	\$43.24	CHS INC.	\$2,219.99
CENTERVILLE RURAL FIRE	\$31.10	CINTAS	\$31.40
GAYVILLE RURAL FIRE ASSO	\$26.57	D-WARE INC.	\$5,620.00
IRENE RURAL FIRE ASSOC	\$6.59	I-STATE TRUCK CENTER	\$400.47
VERM. RURAL FIRE ASSOC.	\$194.37	JOHNSON FEED, INC.	\$6.04
VOLIN RURAL FIRE ASSOC.	\$6.75	M & M FARM SUPPLY	\$5.00
WAKONDA RURAL FIRE	\$63.07	MINNEHAHA COUNTY JAIL	\$103.17
(PROFESSIONAL SERVICES AND FEES)		O'REILLY AUTO PARTS	\$14.32
ALTERNATIVE HR, LLC	\$1,548.05	ONE OFFICE SOLUTION	\$374.00
BUREAU OF ADMIN PMB0112	\$10.56	PRESSING MATTERS	\$129.00
FEDEX	\$31.41	RUNNINGS SUPPLY INC H&W	\$292.02
GEO TEK ENGINEERING &	\$7,558.00	SD ASSN OF WEED & PEST	\$75.00
JLG ARCHITECTS	\$65,472.00	SDACHS	\$350.00
KATTERHAGEN, MARK	\$21.00	VERMILLION ACE HARDWARE	\$33.01
LARSON, VAL	\$21.00	WEED & PEST CONFERENCE	\$200.00
LEWNO, LUCILLE M	\$370.63	(TRAVEL AND CONFERENCE)	
LINCOLN COUNTY AUDITOR	\$987.33	WEED & PEST CONFERENCE	\$350.00
SATELLITE TRACKING OF	\$48.75	(INMATE TRAVEL)	
SD ASSN. OF CO. OFFICIAL	\$1,611.35	CENEX FLEET FUELING	\$367.17

(UTILITIES)
CENTURYLINK \$149.99
CLAY RURAL WATER SYSTEM \$105.30
CLAY UNION ELECTRIC CORP \$651.06
MIDAMERICAN ENERGY C H \$1,186.27
VERMILLION GARBAGE SVC. \$236.00
(PAYMENT)

CENEX FLEET FUELING \$2,329.59
DOMESTIC VIOLENCE \$321.50
QUALITY MOTORS \$327.79
VERMILLION ACE HARDWARE \$85.84
VERMILLION AREA CHAMBER \$500.00
(BUILDINGS AND STRUCTURES)
L & L BUILDERS \$209,296.00

Thiesse moved, seconded by Gray-Lobe and unanimously carried to approve the Energy Efficiency Community Block Grant Application and authorize the Chairwoman to sign it.

Auditor Carri Crum said Bill Kennedy recently passed away, and the family is asking that memorials be directed to the Clay County Park Association to be used for the rodeo grounds. The County’s practice for funerals of people who have worked for, or volunteered their time for, County organizations and departments is to send flowers. Given that Bill Kennedy dedicated so much of his life to Clay County Park, specifically to the rodeo grounds, Crum said she felt it would be more appropriate to give the funds that would have been used to pay for flowers to the rodeo grounds. The Commission agreed that it would be an appropriate way to honor Kennedy’s years of service.

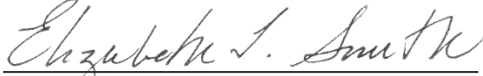
As an informational recognition item, Polley reported to the Board that Highway Department employee Kase King was awarded Firefighter of the Year and is also taking EMT classes.

At 10:46 a.m., Gray-Lobe moved, seconded by Thiesse and unanimously carried to enter an Executive Session for personnel and legal/contractual matters per SDCL 1-25-2.

At 11:59 a.m., Gray-Lobe moved, seconded by Hammond and unanimously carried to exit the Executive Session.

The Court Appointed Attorney Conflict Contract discussion item was tabled until the next meeting.

At 12:01 p.m., Thiesse moved, seconded by Gray-Lobe and unanimously carried to adjourn and reconvene Tuesday, January 30, 2024 at 9:00 a.m.


Elizabeth T. Smith, Chairwoman
Board of County Commissioners

ATTEST:

Carri R. Crum, County Auditor

January 30, 2024

The Board of County Commissioners met in regular session Tuesday, January 30, 2024 at 9:00 a.m. at the Vermillion City Hall, 25 Center St., Vermillion, SD. Members present: Travis Mockler, Geoffrey Gray-Lobe, Elizabeth Smith, David Thiesse (via Zoom), and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Hammond moved, seconded by Mockler and unanimously carried to approve the agenda with the addition of Resolution #2024-04 SD DOT Agri Business Access Grant Application.

Hammond moved, seconded by Gray-Lobe and unanimously carried to approve the minutes of the January 9, 2024 meeting.

Rachel Gackle from Marsh McClennan Agency met with the Board to discuss the 2024 insurance benefits renewal. She reported that Clay County is better than the current trend. Mockler moved, seconded by Gray-Lobe and unanimously carried to approve renewal of the current plans.

Hammond moved, seconded by Gray-Lobe to accept the low bid of \$2.85/gallon from Jerry's Service for #1 & #2 blend diesel fuel. Under discussion, Mockler asked Highway Superintendent Rod Polley if they use P40 fuel. Polley said they stopped putting it in the tanks at the Wakonda Highway Shop because the tanks are above ground, and it will not come out of the hoses in the cold weather. Motion unanimously carried.

Gray-Lobe moved, seconded by Hammond and unanimously carried to accept the low bid of \$1.49/gallon from Butch's Propane for propane at the Wakonda and Vermillion Highway Shops.

It was decided that the annual highway materials bid opening will be February 27, 2024 at 9:30 a.m.

The Board considered three Right-of-Way Occupancy Applications from Jefferson Telephone Company. Polley discussed fees for the project. Gray-Lobe said when the fees were considered, it was for the man hours to inspect each bore. Mockler agreed that they inspect each location where the applicant bores under the road, so the fee would apply to each bore. The application fee is also separate from the fee for each bore. E. Smith said the idea is to cover the County's cost so that the taxpayers are not subsidizing private companies. Hammond asked if there is a way for them to leave it open for inspections. Mockler said he wishes they were not here at this point, but unfortunately they are. Gray-Lobe moved, seconded by Mockler and unanimously carried to table the applications until the next meeting.

Hammond moved, seconded by Mockler and unanimously carried to declare surplus old iron cutting edges, aluminum signs, and bridge planks.

Polley gave a report on costs of the January snowstorms. The first storm cost the County \$51,500, and the subsequent storms were another \$230,700, for a January total cost of \$282,200. Hammond said he saw some things on the internet where people said Union County's roads were better than Clay

County's, so he drove a lot of miles around both counties to compare. He said Clay County's roads were better. E. Smith said she was really proud of the incredible job our Highway Department did. Polley said he planned with neighboring counties and stayed in touch with the radio station during the storms.

Polley also discussed problems with the snow machine. To replace it with an equivalent machine is \$300,000. The current machine is a 1972 model, and it is difficult to find parts for it. Hammond said he saw some new ones at the road conference, and they are impressive. Mockler discussed bidding and specifications with Polley. Polley has another machine in mind, and it was discussed that bids could be opened February 27th.

The Board considered Resolution #2024-04 for SD DOT Agri Business Access Grant Application.

CLAY COUNTY

**RESOLUTION #2024-04
SD DOT Agri Business Access Grant Application**

WHEREAS, Clay County desires assistance from the S.D. Department of Transportation Agri Business Access Grant Program for the purpose of 313 St.; and

WHEREAS, the Clay County Commission hereby commits to the continued maintenance of the road; and

WHEREAS, the Clay County Commission commits to the engineering costs and the local match for the project; and

WHEREAS, the Clay County Commission acknowledges its responsibility to secure rights-of-way or easements for construction;

NOW, THEREFORE, BE IT RESOLVED that the Clay County Commission hereby authorizes the filing of a grant application, including all understandings and assurances contained therein, for the Agri Business Access Grant, and hereby authorizes the Highway Superintendent to act in connection with the application and to provide such additional information as may be required.

Adopted this 30th day of January, 2024.

Elizabeth T. Smith, Chairwoman

ATTEST:

Carri Crum, Auditor

Polley said he and Assistant Highway Superintendent Larry McPherson are meeting with the engineers today after the Commission meeting. He had a phone meeting with Zoning Administrator Drew Gunderson and the SE Farmers Elevator Coop. representatives, and it did not go well. Any future meetings will be in front of the Commission. Hammond said he brought up the need for a concrete road as there is no current plan for using the railroad. Engineering is really critical for this, and test holes should be densely spaced for this location. Polley said he will have SE Farmers Elevator Coop. come in for a meeting after with the Commission after the County's engineers have inspected the site. Mockler moved, seconded by Hammond and unanimously carried to pass and adopt Resolution #2024-04 for SD DOT Agri Business Access Grant Application.

Weed Supervisor Dennis Ganschow presented a letter to the Board announcing his retirement. The Board congratulated him.

At 10:13 a.m., Hammond moved, seconded by Gray-Lobe and unanimously carried to adjourn and convene as Clay County Ditch Board with Ditch Board Chairman Mockler presiding.

Hammond moved, seconded by E. Smith and unanimously carried to approve invoices from Ulteig Engineering in the amounts of \$2,387.63 and \$657.45 for the Clay Creek Ditch.

The annual joint meeting date was set for March 5, 2024 at 1:00 at the 4-H Building.

Polley discussed the FEMA reimbursement progress. He also reported on repairs to the lateral near Bernard Schelling's property. Mockler said another culvert will be repaired where a combine damaged it on the Yankton-Clay Ditch.

At 10:20 a.m., Hammond moved, seconded by Gray-Lobe and unanimously carried to adjourn and reconvene as Board of Clay County Commissioners with Chairwoman E. Smith presiding.

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

(PAYROLL)		DIV OF CHILD SUPPORT IA	\$264.00
COMMISSIONER'S	\$9,247.39	DIV OF CHILD SUPPORT SD	\$1,367.00
AUDITOR'S OFFICE	\$14,583.19	NEW YORK LIFE C/O M&T BN	\$298.57
TREASURER'S OFFICE	\$25,105.69	SD RETIREMENT SYSTEM	\$37,289.92
STATE ATTORNEY'S OFFICE	\$32,244.48	SD SUPPLEMENT RETIREMENT	\$6,678.18
COURTHOUSE		SDRS ROTH 457(B) PLAN	\$625.00
\$14,093.69		SDRS SPECIAL PAY PLAN	\$4,441.66
DIRECTOR OF EQUALIZATION		TASC PVR	\$2,181.62
\$13,133.03		THE STANDARD - DENTAL	\$1,405.48
REGISTER OF DEEDS	\$10,212.47	THE STANDARD - LIFE INS.	\$416.34
VETERAN'S OFFICE	\$1,950.59	THE STANDARD - SH TRM DI	\$1,094.47
24/7 PROGRAM	\$1,337.60	THE STANDARD - VISION	\$354.04
		UNITED WAY OF VERMILLION	\$215.00
SHERIFF'S OFFICE	\$59,565.02	VOYAGE FEDERAL CREDIT	\$750.00
COUNTY JAIL	\$44,520.29	WELLMARK BLUE CROSS	\$59,731.35
EMERGENCY MGMT	\$5,727.57	(WORKER'S COMPENSATION)	
HIGHWAY	\$64,475.02	SDML WORKERS' COMP FUND	\$51,064.00
COMMUNITY HEALTH NURSE/WIC	\$3,715.85	(OTHER INSURANCE)	
EXTENSION OFFICE	\$3,590.94	SD PUBLIC ASSURANCE ALL.	\$130,016.75
WEED	\$893.01	(PROFESSIONAL SERVICES AND FEES)	
PLANNING & ZONING	\$3,985.86	AARMS	\$2,310.00
(DUE TO OTHER GOVERNMENT)		AMG BEHAVIORAL HEALTH	\$22.95
SDACO - M&P FUND PAYMENT	\$264.00	AMG PSYCHIATRY SF	\$168.27
(PAYROLL WITHHOLDING)		AVERA MCKENNAN	\$5,278.54
SD DEPT OF REVENUE	\$21.92	BECKENHAUER	\$679,651.60
(PAYROLL WITHHOLDING)		BETHEL TOWNSHIP	\$19,983.35
AAA COLLECTIONS	\$782.54	CITY OF VERMILLION	\$6,974.48
AFLAC	\$961.76	CLAY CO. PARK ASSOCIATIO	\$125.00
CLAY CO FIT FICA	\$68,532.84	CLAY COUNTY ABSTRACT	\$127.44
COLONIAL LIFE	\$297.05	ERICKSON SOLUTIONS GROUP	\$919.70
CONSECO/WASHINGTON	\$24.45	GAPP, DEBRA	\$900.00

GEO TEK ENGINEERING &	\$694.70
HOV SERVICES INC.	\$879.92
INTERSTATE POWER SYS INC	\$760.00
LEWIS & CLARK BEHAVIORAL	\$426.00
LINCOLN COUNTY AUDITOR	\$758.81
LINDAHL, JOSETTE MD/PHD	\$1,500.00
MATTER LAW OFFICE LLC	\$374.50
MID-STATES ORG. CRIME	\$100.00
PHARMCHEM, INC.	\$674.50
QUALIFIED PRESORT SVC IN	\$9,094.96
SANFORD HEALTH CLINIC	\$3,207.02
SANFORD HEALTH OCCMED	\$162.00
SCHILDHAUER, T. LEMBCKE	\$1,152.00
SD DEPT OF HEALTH LAB	\$940.00
SD DEPT OF LABOR & REG	\$66.51
SD EMG. MGMT. ASSOCIATIO	\$30.00
SD STATES ATTY ASSOC.	\$1,114.01
SDAO	\$225.00
SDAE4-HP DAVISON COUNTY	\$120.00
STAR TOWNSHIP	\$46,386.35
TRI-STATE EMA	\$20.00
ULTEIG	\$9,212.51
WOODBURY CO. SHERIFF	\$38.00
YANKTON CO TREASURER	\$237.90
(OTHER PROFESSIONAL SERVICE)	
CITY OF VERMILLION	\$226,567.18
SCHAEFER, DEAN	\$54.00
SONGSTAD, MELINDA	\$347.90
UNION CO CLERK OF COURTS	\$14.50
UNION CO. SHERIFF	\$6,000.00
YANKTON CO SHERIFF	\$2,040.00
(LAW OFFICE)	
DEN HERDER LAW OFFICE	\$172.36
TERWILLIGER, PHILIP	\$700.00
(MENTAL HEALTH)	
SD DEPT OF REV ANDERSON	\$600.00
(PUBLISHING)	
BROADCASTER PRESS	\$226.56
(REPAIRS AND MAINTENANCE)	
CANON	\$363.32
CENTURY BUSINESS PRODUCT	\$37.50
PRESSING MATTERS	\$25.00
PRESTO-X COMPANY LLC	\$269.23
PROCHEM DYNAMICS	\$36.78
SD PUBLIC ASSURANCE ALL.	\$149.02
VERMILLION ACE HARDWARE	\$484.82
(DATA PROCESSING/CLAY CREEK/INF)	
AUMENTUM TECHNOLOGIES	\$2,384.20
MICROFILM IMAGING SYSTEM	\$90.00
ULTEIG	\$3,525.08
(SUPPLIES & MATERIALS)	
BLACKSTRAP INC	\$3,577.14
BRUNICK SERVICE, INC.	\$197.00
BUTLER MACHINERY CO.	\$1,822.69
CHS INC.	\$660.00
CINTAS	\$186.94

CLAY UNION ELECTRIC CORP	\$750.00
DMC WEAR PARTS LLC	\$5,129.18
I-STATE TRUCK CENTER	\$1,906.53
INTERSTATE POWER SYS INC	\$98.01
L.G.EVERIST, INC	\$313.37
LAWSON PRODUCTS, INC.	\$235.37
LAYNE'S WORLD, INC.	\$264.98
LEWIS DRUG, INC.	\$1,202.85
M & M FARM SUPPLY	\$186.44
MCLEOD'S PRINTING & SUPP	\$463.29
MICROFILM IMAGING SYSTEM	\$30.00
MILLS & MILLER, INC DIS	\$2,244.00
MOORE WELDING & MFG	\$230.99
NOTHERN TRUCK	\$132.05
O'REILLY AUTO PARTS	\$59.35
PLAIN TALK/BROADCASTER	\$52.00
PRESSING MATTERS	\$383.00
PROCHEM DYNAMICS	\$1,440.15
QUALIFIED PRESORT SVC IN	\$424.28
QUILL LLC TRS	\$240.52
RIVERSIDE HYDRAULICS AND	\$4.36
RUNNINGS SUPPLY INC H&W	\$159.15
STURDEVANT'S AUTO HWY	\$305.60
TWO WAY RADIO SOLUTIONS	\$349.99
UNION CO. SHERIFF	\$192.55
VERMILLION ACE HARDWARE	\$35.98
WHEELCO BRAKE AND SUPPLY	\$1,321.11
(COPIER SUPPLIES)	
RELIANCE TELEPHONE	\$500.00
(UTILITIES)	
BUREAU OF ADMINISTRATION	\$256.29
CENTURYLINK	\$473.86
CITY OF VERMILLION	\$1,864.71
MIDAMERICAN ENERGY EXT	\$38.88
MIDAMERICAN ENERGY S C	\$25.80
MIDCO BUSINESS EXT.	\$75.39
VERIZON WIRELESS HWY TRS	\$98.53
VERIZON WIRELESS SHERIFF	\$402.02
(PAYMENT)	
AMER, TRISTAN	\$20.00
AMMON, JODI	\$22.24
BANASIAK, JOHN	\$10.00
BERESFORD PUBLIC LIBRARY	\$1,500.00
BREMER, PAUL A	\$57.14
BRYANT, DARREN	\$29.38
BYLANDER, RUTH	\$50.00
CLAY CO AGR FAIR ASSOC	\$2,062.50
CULVER, KIMBERLY	\$10.00
CUSICK, SAMANTHA	\$17.14
DAKOTA SENIOR MEALS	\$1,448.25
DIMOCK, LAURA	\$10.00
EBSER, PAUL	\$10.00
EMME, GABRIELLA	\$10.00
FADER, AARON	\$10.00
FALLAN, JULIE	\$50.00
GORDON-BLAND, DEBORAH	\$10.00

GREGER, CANDIDA	\$20.00	SALVATION ARMY	\$1,300.00
GUNHAMMER, TIA	\$20.00	SCHOENFELDER, ASHLIN	\$10.00
HAHN, SANDRA	\$70.40	SE COUNCIL OF GOVTS.	\$13,072.00
HALVERSON, ERNEST	\$53.06	SOMMERVOLD, GRANT	\$15.10
HOUGH, RYAN	\$10.00	STONER, MARSHALL	\$10.00
HY-VEE, INC. JAIL ACCT	\$416.82	SWANSON, MARY	\$10.00
JIANG, NAN	\$10.00	THE SOAP GUYS	\$115.20
JOHNSON, MARISA	\$20.00	VERMILLION PUBLIC LIBRAR	\$500.00
JORGENSEN, MATTHEW	\$50.00	VOGEL, ERIN	\$50.00
KAMMER, SEAN	\$10.00	WAKONDA PUBLIC LIBRARY	\$1,250.00
LERFALD, CHAD	\$10.00	(JDC/SPECIAL EQP.)	
LEWIS & CLARK BEHAVIORAL	\$6,310.00	AXON ENTERPRISE INC.	\$7,071.84
MADSEN, CYNTHIA	\$10.00	(BUILDINGS AND STRUCTURES)	
NELSON, ANNA	\$25.30	JLG ARCHITECTS	\$1,196.60
OSTREM, TIMOTHY	\$32.44	(FURNITURE AND MINOR EQUIPMENT)	
PECKHAM, KATHLEEN	\$10.00	CANON	\$84.79
PIZZA RANCH 14762	\$1,602.00	MICROFILM IMAGING SYSTEM	\$215.00
PRAMANN, ZACHARY	\$72.44	(AUTOMOTIVE)	
ROBERTSON, JONATHAN	\$10.00	QUALITY MOTORS	\$400.67
ROCS TRANSIT	\$468.75		

Payroll for 2024 (per month unless otherwise indicated): Cynthia Aden 25.00/meeting, Victor Allen 4303.28, Jeffrey Anders 6301.19, Tarles Antoine 3622.04, Aaron Armstrong 5594.47, Marcie Armstrong 3904.79, Amber Benway 20.90/hour, Jessica Beringer 4036.04, Brian Bertrand 19.88/hour, Kristina Brinkmann 3904.79, Melissa Brown 3281.33, Kyle Calvert 3532.23, Cynthia Carrington 23.96/hour, Kaleb Christopherson 5121.10, Ryan Church 4082.48, Erin Cook 3711.35, Carri Crum 6307.68, Danielle Davis 3522.14, Corey Doherty 22.53/hour, Caitlyn Dommer 7029.73, Timothy Dooley 25.07/hour, Joan Downey 4153.00, Dennis Ganschow 34.61/hour, Marty Gilbertson 25.00/meeting, Geoffrey Gray-Lobe 1822.92, Sarah Gregg 3609.47, Drew Gunderson 5798.70, Richard Hammond 1822.92, Kevin Scott Hanson 5025.71, Samantha Hargrave 7604.89, Brent Hays 27.17/hour, Victoria Hesse 4184.36, Andy Howe 8260.26, Rhonda Howe 6307.68, Kyle Huber 4508.19, Joseph Hubert 25.00/meeting, Tiffany Husby 5868.76, Raven Jensen 3590.94, Kase King 18.93/hour, Nicole Klunder 4239.47, Shannon Kymala 5121.10, Timothy Larson 31.34/hour, Jenna Lucas 50.00/call, Larry McPherson 36.87/hour, Sarah Miller 4592.54, Travis Mockler 1822.92, Grant Namminga 22.48/hour, Lennea Olson 4949.57, Matthew Olson 20.90/hour, Andrew Paulsen 5723.58, Paul Pederson 6457.07, Ina Peterson 36.05/hour, Julie Plaatje 4484.87, Rodney Polley 7105.15, Robert Proefrock 22.53/hour, Preston Rhodes 4640.87, William Schaeffbauer, III 31.79/hour, Tyler Schuck 4484.87, Brianna Severson 3522.14, Tom Simmons 25.00/meeting, Elizabeth Smith 1955.71, Michael Smith 7993.44, Layne Stewart 5727.57, David Styles 5327.87, Laura Sundet 4459.01, Ashley Surber 50.00/call, Rhonda Taggart 4239.47, Lisa Terwilliger 6307.68, David Thiesse 1822.92, Patti Waage 50.00/call, Linda Weber 5432.06, Lisa Wood 3715.85, Stacey Wuestewald 50.00/call.

Gray-Lobe discussed the possibility of septic system permitting. He said this was brought to him over the summer by a constituent who was concerned that the neighboring property does not have enough space for a proper septic system. When Gray-Lobe contacted the State, they said they had not issued a permit in Clay County since 2019. He discussed DANR regulations and talked about other counties' permits, specifically Meade County. He said, according to administrative rules, he does not think he is asking for anything that a certified septic installer would not already be doing. It would be creating documentation. He wanted to open the discussion. Hammond said this needs to go in front of the Planning & Zoning Commission first. He has suggested a spot on the building permit for this, so it is

already under consideration, but doing what Gray-Lobe suggests would add a couple thousand dollars to the things. He discussed differences in the landscape in Meade County that warrants their processes. If Clay County requires a licensed installer on the building permit, that is what is really needed. Gray-Lobe asked if we could require licensed installers to keep records. Mockler said we just be increasing costs. He said if we had a problem we would already know it. Hammond said there are only a few areas in the County where it would be a problem. Smith said she is a volunteer water tester for DANR, and there are areas where e.coli goes up by August. Mockler asks what happens if someone needs to replace their septic system, and they cannot comply with the new regulations. Hammond said they would need holding tanks. He said the problems are complaint-driven unless the County has an employee who just goes around to inspect these things, and the County cannot afford that. The other thing they can do is require a licensed installer on the building permit, but it needs to go through the Planning & Zoning Commission. The Board discussed using licensed installers vs. someone doing the installation themselves and following regulations. E. Smith said she likes the building permit idea and asked if the installers can do site plans. Hammond discussed it and said those are useful so you know for future remodeling, etc. where things are located. E. Smith suggested asking for a site plan as it would create a permanent record filed in a public place (i.e. the Zoning Office). Thiesse said they need more research and discussion at the Planning & Zoning Commission level.

Hammond moved, seconded by Gray-Lobe and unanimously carried to authorize the Chairwoman to sign the Energy Efficiency Community Block Grant award documents.

Regarding a strip of land along Baylor that is to be conveyed to the City of Vermillion, State's Attorney Michael Smith said Attorney Craig Thompson is working on it.

M. Smith said he spoke with the State Engineer's Office regarding the court security project, and he is comfortable with the idea of having bid specifications ready for next week's meeting.

Auditor Carri Crum asked Facilities Manager Scott Hanson if the County Commission meetings can be moved back to the courthouse, and he said not yet. The room is still being heavily occupied by the contractors on the mechanical/electrical/HVAC project.

At 10:57 a.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to enter an Executive Session for legal/contractual matters per SDCL 1-25-2.

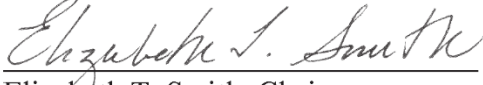
At 11:39 a.m., Hammond moved, seconded by Gray-Lobe and unanimously carried to exit the Executive Session.

Gray-Lobe moved, seconded by Hammond and unanimously carried to approve and authorize the Chairwoman to sign the 2024 Court Appointed Attorney Conflict Contract with amendments made by the Board.

Hammond moved, seconded by Gray-Lobe to approve delivery of a written notice to Philip A. Terwilliger, Attorney at Law, of cancellation of the Alcohol Committal Contract, realizing that the written contract expired December 31, 2022, although both parties have continue to operate as if it were in effect, and the Board intends to cancel the contract effective February 29, 2024. Under discussion, E. Smith said she would like it on the record that the contract is simply not used sufficiently enough to

justify keeping it in effect. Vote of the Board: Mockler Nay, Gray-Lobe Aye, Hammond Aye, Smith Aye, Thiesse Aye.

At 11:45 a.m., Gray-Lobe moved, seconded by Mockler and unanimously carried to adjourn and reconvene Tuesday, February 6, 2024 at 9:00 a.m.


Elizabeth T. Smith, Chairwoman
Board of County Commissioners

ATTEST:


Carri R. Crum, County Auditor

February 6, 2024

The Board of County Commissioners met in regular session Tuesday, February 6, 2024 at 9:00 a.m. at the Vermillion City Hall, 25 Center St., Vermillion, SD. Members present: Travis Mockler, Geoffrey Gray-Lobe, Elizabeth Smith, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Gray-Lobe moved, seconded by Thiesse and unanimously carried to approve the agenda with the addition of the RAISE Grant application.

Thiesse moved, seconded by Gray-Lobe and unanimously carried to approve the minutes of the January 30, 2024 meeting.

Jacob Connelly with Lieber Construction appeared under Visitors to be Heard to discuss the pay application process for the jail and law enforcement center project.

Emergency Management Director Layne Stewart appeared under Visitors to be Heard to report that the Ponderosa neighborhood is looking into doing rip rap as they are in danger of losing their road to the river. They do not qualify for assistance, so they plan to ask the County to apply for funding on their behalf. If they do request it, Stewart plans to invite SECOG and the Pierre Office of Emergency Management so that we have immediate answers. Mockler said the Township would qualify, but it was discussed that it says it is a private drive. Hammond said this is not an actual disaster. He asked if permission is needed to rip rap as it is a National Park. Stewart said it would be the Army Corps of Engineers.

Polley said Jefferson Telephone Company will need to resubmit their Right-of-Way Occupancy Applications.

The Board reviewed the format of the Right-of-Way Application for the fee structure. It is \$125 for every permit and \$125 for every bore under the road. Smith said her concern is that we are not paying private companies to do their work, that it is fair to taxpayers because we have a County person present to inspect the borings. Mockler said they cannot fill the hole before the Highway Department inspects it. Polley said he wants to make sure it gets done right. Mockler discussed summer highway hours as they apply to normal business hours. State's Attorney M. Smith said he likes the proposed language in the new draft better than in the old application. Hammond suggested some ways to change the formatting to fit the application language onto two pages. Mockler asked Polley if they should be notifying him when the project is done as well, and Polley said it would be good to have a completion notification. It was discussed that State's Attorney Michael Smith and Auditor Carri Crum will work with Polley for a final draft for next week's meeting. Polley clarified that this does not include any Township roads as he will not approve anything on a Township road.

Polley said weight limits are in place this morning because the roads are weeping like crazy. M. Smith said it may be outside of standard, but the resolution was passed already and this winter is outside of standard. Polley said we are the first County this year. Mockler said he has been getting phone calls

asking when the limits would be in place, so people knew it was coming. Hammond said we have to protect the roads.

At 9:43 a.m., Gray-Lobe moved, seconded by Hammond and unanimously carried to adjourn and convene as Clay County Ditch Board with Ditch Board Chairman Mockler presiding.

Polley said he received a quote of \$5,290 from Wieman Construction for tree removal on Lateral 50. Crum confirmed that there is \$16,866 in the Lateral 50 fund. Smith moved, seconded by Gray-Lobe and unanimously carried to authorize Polley to proceed with the \$5,290 quote.

At 9:49 a.m., Gray-Lobe moved, seconded by E. Smith and unanimously carried to adjourn and reconvene as Board of Clay County Commissioners with Chairwoman E. Smith presiding.

Stewart presented the SLA Quarterly Activity Report. Mockler moved, seconded by Gray-Lobe and unanimously carried to approve and authorize the Chairwoman to sign the SLA Quarterly Activity Report.

Facilities Manager Scott Hanson said the courthouse mechanical/electrical/HVAC project is proceeding. Electrical, sprinkler system, fire alarm system, and ceiling contractors are continuing to work. Next week is a quiet week because there is a jury trial. The sprinkler contractor is drilling holes this week so that the noisy work is done before the trial. The week of February 19th, the plan is to work in the State's Attorney's Office. Thousands of feet of technology cable was installed over the weekend. The week of March 4th, they would like to start work in the large courtroom. It may take three weeks. He is hopeful that the Commission Room will be available for use by the courts during that timeframe. M. Smith said he is preparing a notice of potential damages for any late completion as the contractual deadline for issuing such notice is approaching.

Hanson has been working on the court security renovation project bid specifications. He has been speaking with Dick Strassburg from TEGRA Group. It is Strassburg's opinion that a Construction Manager At-Risk (CMAR) would be beneficial to the County for this project. Hanson presented a proposal for TEGRA Group's fee of \$5,000 for assisting with selection of a CMAR for this project. He said this would be money well spent, and it takes some pressure off of him as he has not done this before. M. Smith said he spoke to the State Engineer's Office regarding this process. Hanson said his hope is that we would be able to extend the time that the courtroom is closed and continue with this project with no gap in between. M. Smith said it makes a lot of sense, and the conversation with Strassburg was very informative. The statutory requirements of doing this without a CMAR are burdensome and complicated, and he is concerned that he would struggle with time to advise the County on the project. E. Smith asked if we can just hire a CMAR. M. Smith said we can. E. Smith said as long as we can do it, it's a no-brainer. Hanson said Strassburg is a great resource, and he will keep us from pitfalls. M. Smith said he read through the grant documents, and he does not see any hiccups. It will, however, be nice to have a second set of eyes. Mockler said when the State looks at it, everything will be in order. Gray-Lobe moved, seconded by Mockler and unanimously carried to approve and authorize the Chairwoman to sign the proposal from TEGRA Group for \$5,000.

The Board discussed the following Resolution #2024-05 for RAISE Grant Application. This is strictly for planning. Gray-Lobe said this the same pool of money we applied for last year and did not get

approved for. It is \$255,000 and is similar to the FLAP Grant. There is no match required, and the planning is for feasibility, cost-benefit, and community engagement. Gray-Lobe moved, seconded by Hammond to pass and adopt the resolution.

RESOLUTION NO. 2024-05

A RESOLUTION AUTHORIZING THE CHAIRPERSON TO SIGN AN APPLICATION AND THE SOUTH EASTERN COUNCIL OF GOVERNMENTS TO SUBMIT AN APPLICATION FOR A GRANT FUNDING OPPORTUNITY FROM THE US DEPARTMENT OF TRANSPORTATION ENTITLED “FY 2024 NATIONAL INFRASTRUCTURE INVESTMENTS” FOR PLANNING FOR TRAIL CONNECTIVITY WITHIN AND BETWEEN CLAY AND YANKTON COUNTIES, SD.

WHEREAS, recreational trails offer opportunities for residents and visitors to engage in activities such as walking, biking, hiking, and other forms of outdoor recreation and exercise that address public health concerns such as obesity and mental health; and

WHEREAS, according to the Bureau of Economic Analysis the outdoor recreation economy accounted for \$454 billion of the nation’s gross domestic product; and

WHEREAS, according to the National Park Service, the Missouri National Recreational River supported \$6.9 million in local spending and 90 local jobs for a total benefit of \$8.5 million; and

WHEREAS, the 2015 Yankton County and 2023 Clay County Master Transportation Plans have identified connecting communities, trail segments, and recreation areas via pedestrian-oriented trails as an action to pursue; and

WHEREAS, outstanding natural, cultural, and recreational features enhance the quality of life for residents and create a sense of belonging and identity; and

WHEREAS, there are a number of these outstanding natural, cultural, and recreational features in or in proximity to Clay and Yankton Counties, SD including but not limited to: Missouri National Recreational River, Spirit Mound, Green Island, Goat Island, Bow Creek Recreation Area, Mulberry Bend Overlook, Clay County Park, Riverside Park, Gavins Point Recreation Area, White Crane Recreation Area, and Myron Grove that would further benefit residents and visitors of Clay and Yankton County if connected via a network of pedestrian-oriented trails; and

WHEREAS, the US Department of Transportation is offering grants that could assist Clay and Yankton Counties with feasibility studies, cost-benefit analyses, preliminary environmental reviews, and community engagement that Clay County has prepared an application for

NOW, THEREFORE BE IT RESOLVED, by the Clay County Board of Commissioners that the Chairperson is hereby authorized to sign an application and Southeast Council of Government is hereby authorized to submit the application for a grant funding opportunity from the US Department of Transportation entitled “FY 2024 National Infrastructure Investments” for planning for trail connectivity within and between Clay and Yankton counties, SD.

Approved this 6th day of February 2024.

Signed:

Attest:

Elizabeth Smith, Chairperson

Carri Crum, County Auditor

Under discussion, Mockler clarified that it is implementation of a study. E. Smith said it would be to hire someone to conduct the study. She said it includes that we will not take land from anyone who is not willingly participating. Gray-Lobe said we are exclusively stating that community input is critical. E. Smith said it is about determining where we would get the most bang for our buck. Thiesse asked if different routes will be searched out. E. Smith said the grant pays for and is aimed at connecting recreational resources to communities, so there are only certain things that would be connected, such as Spirit Mound to Vermillion, and those are listed in the grant. The engineer’s job would be to see how feasible it would be. Thiesse asked what guidelines they have to follow. He is trying to nail down a route. Gray-Lobe said it is basically a 10-mile corridor along the river and a 10-mile circle around Spirit Mound. E. Smith said it says a trail would avoid floodplain areas because the river wanders constantly. Thiesse asked if the grant money is allowed to be used for public meetings and sending out notices. Hammond said it is one of the primary goals. Mockler said part of this is going to be in Yankton County, so he asked how we spend money in another county as we do not have authority in Yankton County.

Gray-Lobe said Yankton County would have to formally adopt the resolution in support. One county had to be designated the lead for the grant, so that would be Clay County. E. Smith said Yankton County Commissioners were enthusiastic about this. Gray-Lobe discussed with Thiesse other areas that may be included, and they talked about the bicycle lane on Highway 19. E. Smith said that is a little scary on a bicycle, and people do not take that route due to concerns for personal safety. She said an engineer could study other ways to make that safer. Gray-Lobe said there is a cost-benefit factor, too. E. Smith discussed the potential for something near Timber Rd. M. Smith shared concerns about this topic being placed on the agenda well in advance as it is a popular topic. Thiesse moved, seconded by Mockler and unanimously carried to table the resolution until the next meeting.

At 10:30 a.m., Mockler moved, seconded by Thiesse and unanimously carried to enter an Executive Session for legal/contractual matters per SDCL 1-25-2.

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

At 10:47 a.m., Hammond moved, seconded by Thiesse and unanimously carried to adjourn and reconvene Tuesday, February 13, 2024 at 9:00 a.m.

ATTEST:

Carri R. Crum
Carri R. Crum, County Auditor

Elizabeth T. Smith
Elizabeth T. Smith, Chairwoman
Board of County Commissioners

February 13, 2024

The Board of County Commissioners met in regular session Tuesday, February 13, 2024 at 9:00 a.m. at the Vermillion Public Library, 18 Church St., Vermillion, SD. Members present: Travis Mockler, Geoffrey Gray-Lobe, Elizabeth Smith, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items. Regarding the solar ordinance hearing, Hammond said he has been on the Spirit Mound Trust for decades. Smith disclosed she has been a member of the Spirit Mound Trust for many years and has no financial interest. Gray-Lobe has been a member of the Spirit Mound Trust and has been employed by SD Game, Fish, & Parks (GF&P) last year. Thiesse said today is not dealing with any applications, but they have anticipated an application, and it would involve a plan that is adjacent to his land. He said he does not know if that is a conflict or not. Hammond said this has a lower bar for conflict of interest declarations, but if an application occurs, there would be a higher bar.

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

Hammond moved, seconded by Thiesse and unanimously carried to approve the minutes of the February 6, 2024 meeting.

4-H Educator Lauren Hollenbeck presented the Quarterly 4-H Activity Report.

Highway Superintendent Rod Polley met with the Board to discuss bridge inspections.

Hammond moved, seconded by Mockler and unanimously carried to pass and adopt Resolution #2024-06 for Bridge Reinspection Program.

**RESOLUTION #2024-06
BRIDGE REINSPECTION
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, Clay County is desirous of participating in the Bridge Inspection Program.

The County requests SDDOT to hire Ulteig (Consulting Engineers) 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 13th day of February, 2024, at Vermillion, South Dakota.
(city)

Board of County Commissioners
of Clay County

ATTEST:

County Auditor

Chairwoman of the Board

The Board considered a final draft of changes to the Right-of-Way Application form. It was decided that this is an administrative action, and it does not require a vote of the Board.

Polley reported that Ulteig Engineering has been inspecting the site by the alfalfa mill for the proposed grain facility.

Sheriff Andy Howe presented contracts for the Minnehaha County Juvenile Detention Center (JDC) and Union County Jail boarding rates. Hammond moved, seconded by Thiesse to approve both contracts and authorize the Chairwoman to sign them. Under discussion, Hammond noted that the only change to the JDC contract was the rate. Gray-Lobe said he was surprised to see some of the conditions that JDC could reject a person, and so it seemed the higher rate would be a last resort. Howe said they are a professional facility, and so they can deal with problem individuals. He said there is also that problem with adult inmates on occasion as well. All voted aye; motion unanimously passed.

Mockler moved, seconded by Gray-Lobe and unanimously carried to approve the following claims for payment.

(DUE TO OTHER GOVERNMENT)		GAYVILLE RURAL FIRE ASSO	\$1,002.45
BERESFORD SCHL DIST 61-2	\$28,720.46	IRENE RURAL FIRE ASSOC	\$248.78
BETHEL TOWNSHIP	\$9,713.86	VERM. RURAL FIRE ASSOC.	\$7,099.05
CENTERVILLE SCH DIST 60-	\$35,077.95	VOLIN RURAL FIRE ASSOC.	\$245.82
CITY OF VERMILLION	\$149,688.18	WAKONDA RURAL FIRE	\$2,379.72
CLAY CO TREASURER	\$8,946.26	(PROFESSIONAL SERVICES AND FEES)	
FAIRVIEW TOWNSHIP	\$14,989.29	ALLBRIGHT CLEANING	\$764.64
GARFIELD TOWNSHIP	\$14,355.01	ALTERNATIVE HR, LLC	\$2,600.50
GAYVILLE/VOLIN SCHL DIST	\$6,577.51	BECKENHAUER	\$336,751.62
GLENWOOD TOWNSHIP	\$8,279.35	BILLINGS, JOHN P	\$5,394.00
IRENE CITY	\$1,951.74	BUHLS DRYCLEANERS &	\$168.70
IRENE/WAKONDA SCHL 13-3	\$115,940.12	C-CLEANING SERVICES	\$1,196.40
MECKLING TOWNSHIP	\$9,791.36	CANON	\$25.00
NORWAY TOWNSHIP	\$5,998.69	CITY OF VERMILLION	\$1,929.40
PLEASANT VALLEY TWP.	\$12,575.78	GARFIELD TOWNSHIP	\$23,400.00
PRAIRIE CENTER TWP.	\$7,680.17	ILCHUK ENTERPRISES LLC	\$240.00
RIVERSIDE TOWNSHIP	\$10,977.51	JLG ARCHITECTS	\$20,460.00
SD DEPT OF REV ANDERSON	\$342,044.16	KONE, INC.	\$893.22
SDACO - M&P FUND PAYMENT	\$230.00	LEISURE LAWNS, LLC	\$1,141.26
SEILERS SECOND ROAD DIST	\$58.45	PHARMCHEM, INC.	\$317.55
SPIRIT MOUND TOWNSHIP	\$11,297.93	QUALIFIED PRESORT SVC IN	\$1,217.28
STAR TOWNSHIP	\$12,713.08	SD DEPT OF HEALTH LAB	\$1,725.00
TLC WATER PROJECT DIST.	\$12,623.97	TEGRA GROUP INC	\$21,602.01
VERMILLION BASIN WATER	\$2,130.11	TRITECH SOFTWARE SYSTEMS	\$2,757.08
VERMILLION SCHL DIST 13-	\$392,170.15	(OTHER PROFESSIONAL SERVICE)	
VERMILLION TOWNSHIP	\$5,568.06	MINNEHAHA COUNTY JAIL	\$10,190.40
VIBORG/HURLEY SCHL 60-6	\$84.08	SD ATTORNEY GENERAL	\$150.00
WAKONDA TOWN	\$5,884.02	UNION CO. SHERIFF	\$19,520.00
(FIRE)		YANKTON CO SHERIFF	\$595.00
BERESFORD RURAL FIRE	\$1,631.58	(LAW OFFICE)	
CENTERVILLE RURAL FIRE	\$1,173.31	PETERSON, STUART, KLENTZ	\$12,034.67

(MENTAL HEALTH)
 AVERA MCKENNAN \$7,585.39
 SD DEPT OF REV ANDERSON \$600.00
 (PUBLISHING)
 PLAIN TALK/BROADCASTER \$92.00
 (REPAIRS AND MAINTENANCE)
 BRUNICK SERVICE, INC. \$70.00
 FIRST DAKOTA CREDIT CARD \$1,194.00
 GARY'S REPAIR & WRECKER \$3,952.00
 LOFFLER COMPANIES \$484.00
 WALKER CONSTRUCTION \$1,215.00
 (DATA PROCESSING/IT)
 FIRST DAKOTA CREDIT CARD \$8,800.00
 MICROFILM IMAGING SYSTEM \$945.00
 (SUPPLIES & MATERIALS)
 A & B BUSINESS \$206.38
 A-OX WELDING SUPPLY CO \$146.83
 BOB BARKER CO INC \$111.62
 BOMGAARS \$48.66
 BRUNICK SERVICE, INC. \$371.09
 BUTLER MACHINERY CO. \$421.76
 DAKOTA LOCK & KEY \$75.00
 DAKOTA RIGGERS & TOOL IN \$2,800.00
 FAIR MANUFACTURING INC \$792.00
 FIRST DAKOTA CREDIT CARD \$592.32
 JACK'S UNIFORMS & EQUIP. \$313.59
 JERRY'S SERVICE \$5,985.00
 MICROFILM IMAGING SYSTEM \$30.00
 MILLS & MILLER, INC DIS \$2,382.60
 MINNEHAHA COUNTY JAIL \$17.79
 NORTHERN SAFETY CO., INC \$178.91
 O'REILLY AUTO PARTS \$936.94
 ONE OFFICE SOLUTION \$260.25
 PROCHEM DYNAMICS \$203.99
 QUALIFIED PRESORT SVC IN \$447.78
 RDO EXCH 80-5800 \$363.19
 RUNNINGS SUPPLY INC CH \$49.48
 RUNNINGS SUPPLY INC EXT \$19.11
 S & S EQUIPMENT INC. \$220.00
 STURDEVANT'S AUTO HWY \$3,589.28
 SYDS EASTSIDE AUTO \$115.00
 TRUCK-TRAILER SALES&SRVC \$210.00
 TRUENORTH STEEL \$11,200.00
 UNION CO. SHERIFF \$372.40
 VERMILLION ACE HARDWARE \$170.67
 VOYAGE FEDERAL CREDIT \$13.96

YANKTON TRANSMISSION \$1,850.00
 (TRAVEL AND CONFERENCE)
 FIRST DAKOTA CREDIT CARD \$485.70
 SD ASSN. OF CO. OFFICIAL \$600.00
 STYLES, DAVID \$46.00
 (INMATE TRAVEL)
 CENEX FLEET FUELING \$274.76
 (UTILITIES)
 BUTCH'S PROPANE \$819.50
 CENTURYLINK \$563.94
 CITY OF VERMILLION \$209.95
 CLAY RURAL WATER SYSTEM \$100.00
 CLAY UNION ELECTRIC CORP \$765.26
 FIRST DAKOTA CREDIT CARD \$955.83
 FISCHER'S DISPOSAL L.L.C \$65.00
 M & M FARM SUPPLY \$3.09
 MIDAMERICAN ENERGY C H \$1,627.69
 MIDAMERICAN ENERGY EXT \$80.46
 MIDCO BUSINESS EXT. \$85.39
 VERMILLION GARBAGE SVC. \$236.00
 WAKONDA TOWN \$75.40
 (AUTOMOTIVE)
 BLAINE'S BODY SHOP \$3,664.60
 BRUNICK SERVICE, INC. \$360.00
 CENEX FLEET FUELING \$2,016.68
 CLAY CO TREASURER \$74.90
 VERMILLION FORD \$454.33
 (MISC. PAYMENT)
 DOMESTIC VIOLENCE \$148.00
 DOTY, KIM \$37.50
 SANFORD HEALTH CLINIC \$2,100.00
 (JURY)
 JUROR PAY \$680.18
 (WEED CONTROL)
 CHARLES MIX CTY WEED DEP \$992.32
 YANKTON CO WEED DEPT \$1,899.25
 (BUILDINGS AND STRUCTURES)
 JCL SOLUTIONS \$1,346.18
 L & L BUILDERS \$392,097.00
 (BOOKS)
 FIRST DAKOTA CREDIT CARD \$1,870.27
 (FURNITURE AND MINOR EQUIPMENT)
 CANON \$164.00
 COYOTE ENTERPRISE LLC \$238.00
 LOFFLER COMPANIES \$473.67
 MICROFILM IMAGING SYSTEM \$215.00

A Public Hearing and First Reading was held for AN ORDINANCE OF CLAY COUNTY, SOUTH DAKOTA, AMENDING ORDINANCE NO. 2013-04, BEING THE 2013 REVISED ZONING ORDINANCE FOR CLAY COUNTY BY ADDING CHAPTER 3.16, GENERAL DISTRICT REGULATIONS, UTILITY-SCALE SOLAR ENERGY CONVERSION SYSTEMS

(USES); AND AMENDING CHAPTER 4.05.01, DISTRICTS AND BOUNDARIES, DISTRICT REGULATIONS ESTABLISHED, NRC: NATURAL RESOURCE CONSERVATION; CHAPTER 4.05.02, DISTRICTS AND BOUNDARIES, DISTRICT REGULATIONS ESTABLISHED, A-1: AGRICULTURAL DISTRICT; CHAPTER 4.05.03, DISTRICTS AND BOUNDARIES, DISTRICT REGULATIONS ESTABLISHED, RR: RURAL RESIDENTIAL DISTRICT; CHAPTER 4.05.04, DISTRICTS AND BOUNDARIES, DISTRICT REGULATIONS ESTABLISHED, C-1: COMMERCIAL DISTRICT; CHAPTER 4.05.05, DISTRICTS AND BOUNDARIES, DISTRICT REGULATIONS ESTABLISHED, I-1: LIGHT INDUSTRIAL DISTRICT; CHAPTER 4.05.06, DISTRICTS AND BOUNDARIES, DISTRICT REGULATIONS ESTABLISHED, I-2: GENERAL INDUSTRIAL DISTRICT; AND CHAPTER 2.02, DEFINITIONS, DEFINITIONS. Smith said this would allow large solar farms in the County. Zoning Administrator Drew Gunderson said after the Planning & Zoning (P&Z) Commission dealt with the ordinance, he heard there is a bill out of McCook County in legislature that would potentially require these to be zoned Commercial. It would make a mess in the State if this would pass. Director of Equalization Lennea Olson said they field a lot of questions regarding taxation and assessment. Her office does not do zoning or collection of taxes. She handles assessment and classification of real property including land and improvement. This involves real values or productivity, which only applies to Agricultural (Ag) land. The land's principal use must be devoted to an Ag pursuit, and she cited those uses as defined by SDCL 10-6-112. She provided copies of the Department of Revenue flow chart. All other properties, including Commercial, Residential, and Ag buildings are valued on a fair market value system. Mill levies are the same across the board except the school general fund levy. Zoning of the property will not affect the assessment as it is clearly defined by law what her office can and cannot do regarding assessment. Gray-Lobe asked if this has been resolved recently. He said it seemed that classification was up to the counties. Olson said the last time the law was modified was 2021 when timber was added, but assessment has been pretty clear under the laws. Gray-Lobe said he spoke to someone from the Department of Revenue last September. Olson said the solar could coincide, but they would need at least \$2,500 in agricultural pursuit income per year to qualify for Ag land. Gray-Lobe discussed soil type as it relates to farming vs. solar usage. Olson said they would verify that every year. Hammond asked for a bill number for the legislation, and Gunderson said he doesn't have one yet, but it is doubtful it will pass. If the Board feels that Commercial zoning is important, there is a workaround, and it would take another 3-4 months. Smith said there are a lot of proposed laws that never make it out of committee. She said after this hearing, the Commissioners will vote whether to send this on to a Second Reading. Thiesse asked about a setback from Spirit Mound and referenced a letter from the State. Gray-Lobe said it seemed to refer to a historic location, and it could fall under a State agency. Gunderson said setbacks can change as they are not set in stone.

Evelyn Schlenker, Clay County Historic Preservation Commission (CCHPC), spoke on behalf of the CCHPC and said what Gray-Lobe refers to is the 11.1 Review. They have done this with the National Music Museum addition plans in the past. They do have the power to review anything that impacts a site on the National Register. Spirit Mound was placed on the National Register in 1974. The nomination was written by Lloyd Moses. In 2001, there was a push to restore the land that Spirit Mound sits on as it might have been to Lewis & Clark's view. There was funding from many organizations, and eventually GF&P took over the land, and it is under the Missouri Recreational area. When Lewis & Clark wrote about it in their journal, they described the view they saw. The significance of Spirit Mound is historic, cultural, ecological, and geological. It is

important for tourism as well. About 25,000 people visit it as well as other areas of Clay County. The CCHPC agrees with the setback limits suggested by the National Park Service (NPS) and Spirit Mound Trust.

Meghann Jarchow submitted paper copies of a letter from Spirit Mound Trust. She spoke from her position as President of the Board of Directors. She asked the P&Z Commission for a 2-mile setback and said 125 feet is insufficient. It is the only state park in Clay County, is listed on the National Register, and is a spur of the Lewis & Clark Trail. Spirit Mound is used in tourism marketing. Regarding commercial development, they are not opposed to solar energy, but their interest lies in reasonably protecting the setting and view scape of Spirit Mound. Had this been in place prior to the offering of leases, the issue might not have been divisive. The Trust would like to modify their request to the National Park Service's request of a 1-mile setback as a compromise.

Richard Nissen said he is in the bottom part of the watershed where the solar panels will be. He is quite concerned about the drainage. He has 4 dams built in 2009 that were designed by the Natural Resource Conservation Service (NRCS) to handle the water. The anchors for the solar panels could break the tile lines, causing the water to come up instead of underground, causing washout of roads, etc. There are 600 acres of land that are protected by those dams, and protections for those should be included.

Todd Christensen said he has land that would possibly become a solar farm. He submitted letters in support of the solar ordinance as it is written from landowners that couldn't be present. It would allow for reasonable development.

Bill Ranney said he lives close to Spirit Mound and objects to 125 ft. setback to residences. It seems incredibly small. No one in Vermillion would have an industrial development outside their back door. He suggested a 500 ft. setback. He discussed variances. He said this discussion is common across the country for rural and suburban residences. They are trying to maintain a rural feeling, and the same argument is occurring. He is a retired archaeologist, so he supports the 1-mile setback from Spirit Mound, and he knows the solar farm will require a review and Native American consultation. In order to keep things moving forward smoothly, the 1-mile setback can prevent problems in the future. He would suggest that any development within a mile will create an adverse effect, such as light pollution. The area is used by the astronomy club, for example.

Danny Johnson said he is just north of this area, and his concern is drainage. It was called cabbage flats in the past. They made a lot of improvements to drainage and there is a lot of clay tile underground. It would be terrible to break that up and backup thousands of acres with water. He has a dam on his farm to catch runoff, and he tries to maintain things as best as he can so the water doesn't cause problems. If they drill holes for a solar farm, they will hit the tiles. There is no way to miss it. There are no maps to know where the tile is, but yet it keeps working, so it needs to be maintained.

Carson Merkwon said he likes solar, but he works on industrial projects around the country and a lot of them stop working after 10 years, or companies go bankrupt. If that happens, will we be

left with a big solar graveyard? We could be left with an environmental problem. E. Smith said there is a section regarding decommissioning that requires a bond.

Harry Freeman reiterated concerns for light pollution. He asked if there is an understanding regarding how much light is required for a project like this. E. Smith said there is not a light pollution ordinance now. Freeman said, in order to have a vision of the night sky, this is important. He also has concerns about native species and animals that could be disrupted by changes to normal light cycles.

Dave Hertz said he is a mile from Spirit Mound and is in favor of the 1-mile setback for the views. He also discussed anti-glare for solar panels and the planting of trees to create a buffer because 30-foot tall trees would block the view of the panels.

Todd Heine said he loves solar energy, and it is a good way of getting more energy to the area. There are several solar farms in Minnesota. There is a less rainfall due to refraction. He said he is asking for information regarding this phenomenon. Texas and other arid areas have less rainfall, so there is no data. He would like to see information regarding rainfall depletion in such areas like Minnesota.

Dwayne Johnson said drainage is a big issue in his area. They have clay tiles, but they also have above ground ditches installed in 1967. Some of the areas proposed will hold water and back it up onto his ground if the elevation is changed due to this project. If his family's acreages are surrounded by solar farms, what will it do to the value of their properties? It will create a hardship for people in areas where the solar farms are developed. The setbacks need to be larger around residences, not just Spirit Mound.

Carl Leikvold asked if any part of the ordinance requires control of noxious weeds. He doubts mechanical weed control could be done on the solar farm. Surrounding landowners work hard to control noxious weeds. Gray-Lobe and Gunderson said there is already language elsewhere that would address that. Mockler said the Weed Supervisor would contact the landowner as they are still responsible. Hammond said they discussed it quite a bit during the P&Z Commission stage as well as vegetation surrounding solar panels. During a Conditional Use Permit (CUP) process, it is likely they would state the sort of plans for that.

E. Smith called for any other speakers and then closed the public hearing. She opened it to discussion from Commissioners.

Gray-Lobe moved, seconded by Hammond to advance the ordinance to the Second Reading. Under discussion, Thiesse asked if there is a conflict of interest for him. State's Attorney Michael Smith said he doesn't believe so at this time. He said this has come up in case law, and it is up to Thiesse as there are no proprietary interests in this land. E. Smith added that there is a big difference between what they are doing today and a CUP, which would constitute a conflict of interest. Mockler said we are just speaking about a general ordinance for the county. Thiesse said this has turned into a specific site, so he wanted to clarify.

Gray-Lobe discussed minor corrections to typos. Regarding the section on reducing glare, he asked if it should be clarified at whose expense it would be. It was suggested it should be the

system owner's cost. Gray-Lobe discussed engineering costs related to glare studies and asked if there should be a cap on it to once a year. Gray-Lobe referred to noise in relation to existing occupied buildings and suggested it should be applied outside of setbacks so that a person could not experience noise on top of Spirit Mound. Hammond said it could end up with a person who just doesn't like the solar farm and just complains. Mockler said if it ends up in court, it wouldn't hold water without having a residence. Hammond said the risk would be small on top of Spirit Mound. Gunderson said what he has been told is that the panels themselves do not make noise, but the transformers can create a humming noise. Regarding glare study costs, E. Smith said they can mimic the language from the noise section. Hammond referred to a section that lists the Board of Adjustment and said that action should be an action of the Zoning Administrator. Regarding the decommissioning plan, Gray-Lobe said it seems there might be some words missing as the grammar seems to need changes. Hammond suggested some changes. Gray-Lobe said he hopes these facilities will be co-sited with projects that could establish perennial grasses. He has concerns that it would eventually have to be restored to row crops and suggested changes in the requirements so that a person could maintain restored prairie. E. Smith said she had concerns that they would not know what the quality of the soil was before development. Hammond said the use afterwards would be up to the landowner, so he doesn't think they should be imposing requirements on the landowner. Hammond said in the CUP they can require the landowner to state what their plans are for restoring the land after decommissioning. Unless they sterilize the soil, it should be in better shape than before. Hammond suggested a few more minor language changes.

Hammond, Mockler, and Gunderson discussed topography related to drainage. Thiesse said it is not just this site as there are a number of places in the County that have drainage issues. He thinks we should have a drainage section in the ordinance. What happens if they do destroy tile? Who will be responsible for that? H. Freeman asked if it will be in the building permit. Thiesse said it is in the CUP, but it should be in the ordinance as well. Hammond said he is thinking that leaving those things to the CUP stage makes more sense because it's more site-specific and more likely to get them where they want to be. Mockler said they could put it in the ordinance that they have to maintain surface and subsurface drainage then it is there in case no one mentions it in the CUP so that it is protected to begin with. Gunderson said the problem he has with it is that, how will they know right away? Mockler said they will not know right away, but they will eventually, and at least it gets fixed. Hammond said there should be a reporting requirement then. It should be easy if a piece of tile comes up in the trencher.

The question was posed whether this energy stays local. E. Smith said the Federal Energy Resource Commission would regulate where the energy goes as every energy provider has to apply to connect to the grid. There is no local control.

Regarding drainage, Gunderson said they need to be careful what they are dragging the County into. Mockler discussed a notification process. Gunderson said he will take that back to the P&Z Commission.

Gray-Lobe discussed utility scale vs. building-mounted solar. There is nothing in between in the ordinance. He wondered, why not have a capacity threshold? Gunderson said he tried to keep it

focused on the utility-scale operation. He gets building permit questions all the time regarding building-mounted solar. He sees the in-between solar as a future issue to address.

The Board reviewed setbacks as defined in the ordinance. It was discussed that the State's Attorney should review the definition of setback. Hertz said it could be addressed in the CUP. Hammond said it's appropriate to define it in the ordinance. Mockler said if they expand it, they have to get another CUP. He just wants to keep it uniform throughout the whole ordinance, not section-by-section. Gray-Lobe said he doesn't want to discourage solar development as it has the potential to be very beneficial for the county. What is the number that makes a company say Clay County is too much of a hassle, so they will move elsewhere? Hammond said there was some discussion on parks in general, and it was switched to Spirit Mound, partly to avoid other issues along the river. Hammond said he would be most comfortable changing it from Spirit Mound back to public parks as there should be some protections along the river. E. Smith suggested adding national historic sites. Hammond said the reasoning behind not using public parks was that we would disallow a lot of landowners along the river from putting up solar that could be a taking of property rights. That was one of the reasons it was limited to Spirit Mound. It seems to him a reasonable number would be ½ mile to 1 mile. It would take them out of a lot of federal or state hoops if they set it at 1 mile. Hammond said it seems to some folks that a 1-mile setback would be acceptable. Hertz asked if the proposal is within a mile. Mockler said they have no idea, and Gunderson said there is no application at this point. E. Smith said she likes the idea of a 1-mile setback. She read the view study by the NPS, and it seems to her that regarding the significance of the historic sites, a mile is not prohibitive and would not discourage anyone. Mockler said he thinks a mile is too far as it takes a lot of land from people. There is a gravel pit across the road and a hog farm nearby. He doesn't see how a solar farm would detract from Spirit Mound. Thiesse said he likes a mile, but he agrees with Mockler as well. He can see Spirit Mound from his recliner. He likes the mile, but he also questioned whether public access hunting ground should be addressed. H. Freeman asked if they could have some setback flexibility in a CUP process. Mockler said yes, it could be moved. Hammond said the view scape is a large part of what makes Spirit Mound special. Thiesse discussed that if a CUP application included a closer setback, it would make it subject to a historic review. E. Smith discussed screening requirements in the ordinance, and Gunderson said it addresses vegetation. E. Smith said she has received calls regarding light pollution concerns and said a 1-mile setback will help that. Gunderson said he received an email that lighting is minimal for security purposes and is downcast. E. Smith said downcast lighting makes a big difference, and she suggested making it a general requirement. Hammond said that would be appropriate in a CUP stage.

Gray-Lobe asked if the Board is comfortable with a 125 ft. setback from residences. Hammond said the P&Z Commission talked about that. He brought up in discussion there that in a couple counties up north, that was the primary issue for denial of a CUP to a solar farm as it would be close to a residential development on a lake as well as rural residences. Thiesse asked, as a property owner, is it possible for him to ask during the CUP process that the setback be extended?

Gray-Lobe and Gunderson discussed the definition and subcategories of “recreation area” in the ordinance as it applies to public parks and setbacks. E. Smith discussed with Gray-Lobe and Hammond the setbacks to the river.

Gray-Lobe and Hammond rescinded the previous motion. Hammond moved to send the revised ordinance proposal back to the P&Z Commission, seconded by Gray-Lobe and unanimously carried. E. Smith thanked the public and said they will have a better ordinance due to the input received.

The Board considered the RAISE Grant Application Resolution. E. Smith said they have revised the grant application to state there will be no involuntary taking of land. Gray-Lobe read the grant application section that said the County commits to not using involuntary means of obtaining land. He said there is other language in other areas as well regarding local landowner education about voluntary easements and that prime agricultural land is least desirable. He also discussed hunting land, trespassers on land, and getting input from stakeholders. E. Smith said she did a series of 10 focus groups in the area, each of which focused on a particular group of people (i.e. seniors, families, etc.), and every group cited access to the river for picnicking, hiking, and recreation, even within the disabled community. The grant application also says a route immediately adjacent to the river is not going to work due to washouts, etc. Gray-Lobe also said the 500-year floodplain and areas subject to erosion are addressed. Hammond moved, seconded by Gray-Lobe to pass and adopt the following Resolution #2024-07.

RESOLUTION NO. 2024-07

A RESOLUTION AUTHORIZING THE CHAIRPERSON TO SIGN AN APPLICATION AND THE SOUTH EASTERN COUNCIL OF GOVERNMENTS TO SUBMIT AN APPLICATION FOR A GRANT FUNDING OPPORTUNITY FROM THE US DEPARTMENT OF TRANSPORTATION ENTITLED “FY 2024 NATIONAL INFRASTRUCTURE INVESTMENTS” FOR PLANNING FOR TRAIL CONNECTIVITY WITHIN AND BETWEEN CLAY AND YANKTON COUNTIES, SD.

WHEREAS, recreational trails offer opportunities for residents and visitors to engage in activities such as walking, biking, hiking, and other forms of outdoor recreation and exercise that address public health concerns such as obesity and mental health; and

WHEREAS, according to the Bureau of Economic Analysis the outdoor recreation economy accounted for \$454 billion of the nation’s gross domestic product; and

WHEREAS, according to the National Park Service, the Missouri National Recreational River supported \$6.9 million in local spending and 90 local jobs for a total benefit of \$8.5 million; and

WHEREAS, the 2015 Yankton County and 2023 Clay County Master Transportation Plans have identified connecting communities, trail segments, and recreation areas via pedestrian-oriented trails as an action to pursue; and

WHEREAS, outstanding natural, cultural, and recreational features enhance the quality of life for residents and create a sense of belonging and identity; and

WHEREAS, there are a number of these outstanding natural, cultural, and recreational features in or in proximity to Clay and Yankton Counties, SD including but not limited to: Missouri National Recreational River, Spirit Mound, Green Island, Goat Island, Bow Creek Recreation Area, Mulberry Bend Overlook, Clay County Park, Riverside

Park, Gavins Point Recreation Area, White Crane Recreation Area, and Myron Grove that would further benefit residents and visitors of Clay and Yankton County if connected via a network of pedestrian-oriented trails; and

WHEREAS, the US Department of Transportation is offering grants that could assist Clay and Yankton Counties with feasibility studies, cost-benefit analyses, preliminary environmental reviews, and community engagement that Clay County has prepared an application for

NOW, THEREFORE BE IT RESOLVED, by the Clay County Board of Commissioners that the Chairperson is hereby authorized to sign an application and Southeast Council of Government is hereby authorized to submit the application for a grant funding opportunity from the US Department of Transportation entitled “FY 2024 National Infrastructure Investments” for planning for trail connectivity within and between Clay and Yankton counties, SD. Approved this 6th day of February 2024.

Signed:

Attest:

Elizabeth Smith, Chairperson

Carri Crum, County Auditor

Under discussion and public comment, Hertz asked if the \$250,000 grant is just to study the feasibility. The answer was yes. He asked if it is a separate grant to fund the trails. Gray-Lobe said he would expect that to be funded by a grant as the County would not have the funds. Hertz referred to the green line next to the river on the map and said removal of the line would be best. Gray-Lobe said that line has been removed on the current application. Thiesse said the actual building of a trail is not this resolution. It’s just for a study for the feasibility of a trail. Glen Gilbertson asked if the federal grant would be 100% federal dollars. Gray-Lobe said it does not require County money. Gilbertson suggested the project would be multi-million dollars. Gray-Lobe said it would be and would also be a multi-decade project. He discussed the process for planning and constructing such a trail. Gilbertson said he is against this. It is not a “need” item. Using a grant for a “want” item is an irresponsible use of taxpayer money and cited the federal debt. He said it would be nice to fix Timber Rd., but he doesn’t see this as a means to an end. He also thinks this would create more of a safety concern for bicycles. He also said it’s more maintenance cost for the County.

Becky Aga said she and her husband own a substantial amount of ground along the river and Timber Rd. She said they attended a meeting in December, and Gray-Lobe said he would call her, but she did not receive a call. Gray-Lobe said he took it to mean if we got the grant, he would notify her of any meeting. She said she took it to mean she would receive a call about today’s meeting. Aga said she doesn’t want to hear from a consultant. She wants to hear from the Commissioners. Thiesse said he has spoken to a number of people. Aga said she was under the impression this was a \$250,000 grant, and it is a \$255,000 grant. The comment was it is free money, but there is no such thing as free money. Her federal tax dollars go into that free money. It is frivolous. She compared this to the solar project and asked what about the view of a bike path? Will they disturb natural areas for a bike path? Her ancestors saw the opportunity to farm and spend their lives caretaking the ground. That’s what her family, as farmers, do every day. It seems like there are different views for different projects. What someone else wants is not

necessarily what she wants. They have to come to an agreement. The Board needs to talk to people individually who could be affected. She urged voting against this.

Lars Aga said there was a letter sent out by the Sierra Club. He read the letter aloud calling attention to a section referring to a “false Republican insistence.” He said the meeting is opened with the Pledge of Allegiance, which is a message of unity. Nobody should be pointed out to be the bad guy. Instead of driving a wedge, extend a hand and say hi to someone.

H. Freeman asked about the federal dollars for this project and asked why we think we fit that intention. He said the overwhelming consensus seems to question whether we need this as a county. He guesses that would be part of the feasibility study. Gray-Lobe said they applied last year. It’s highly competitive, and they didn’t get it last year. It’s a pool of money that has been allocated and will be spent somewhere. His taxpayer dollars have paid for someone else’s project. This is a way to ensure the process of getting public input is handled robustly. It’s important for every voice to be heard. As for the economic impact, they want to know if there would be an economic benefit to the area. The NPS has quantified the benefit of the Missouri National Recreational River (MNR). He sees Yankton County getting most of that tourism money. Their recreation opportunities are more robust, and their restaurants, for example, are getting the benefit of that. People will want to live here and have a great quality of life.

Hertz asked if they are working with the VCDC. Gray-Lobe said the VCDC provided a letter of support for this.

H. Freeman said the funds could also be used to improve existing trails and discussed veterans with disabilities and providing boardwalk access to trails that already exist. Gray-Lobe said there is a section regarding disability access and sloping of trails for wheelchair access. It could address the question, if a person went to Clay County Park, could they access a trail with their wheelchair?

Barb Yelverton said she is a cyclist who rides Timber Rd. and Meckling Rd. a lot. There are many times she does not feel safe. This is a piece of it. She asked if it will be concrete or limestone. Gray-Lobe said none of that is specified, and answers will be part of the study. Yelverton said rumble bars are not good for cyclists. She said let’s share the beautiful views from our roads. We can all work together. The land along the Mickelson Trail is a boon for land sellers along the trail. Most people who walk or ride will not leave trash, not everyone, but most people will be respectful. People want to have access to safe places to recreate. If we don’t do this, then let’s at least put a shoulder on Timber Rd. to make it safe. E. Smith said property values increased 2, 4, and 5% in a study she read.

Merkwan said he got involved when the Board applied for the Federal Land Access Program (FLAP) Grant. Gray-Lobe said from the FLAP grant they attempted to address concerns they heard from Merkwan and others. Merkwan asked if they are excited about an Appalachian Trail or an Ice Age Trail. He discussed the trail from Tabor to Platte. He asked if it becomes a sales pitch for landowners. He raised concerns about public notification and said the only reason he knew about the FLAP grant is because it was brought up by City Council. He and E. Smith discussed her views on the grant. She said many trails are maintained by associations like the

Appalachian and Ice Age Trail. For example, Clay County Park is maintained by an association of volunteers. Merkwan said we would have to build it for someone to maintain. \$250,000 for just a study implies a pie-in-the-sky dream. It implies planning of a 60-mile trail or something similar. He said there is a lot of right-of-way to be claimed. Merkwan said that is a concern for people who own property. He is tired of having to read grants every few months. Can we just do one grant a year? Why do we have to do this constantly? It's a lot.

Calvin Hanson of the Norway Township Board said he is here to discuss the many miles going through Norway Township. It will really affect them. He has dealt with the NPS and the Federal Dept. of Transportation (FDOT), and he said, "Good luck!" He asked if the FDOT would be involved. Gray-Lobe said it would be a local consultant. Hanson said they will have to be FDOT approved. He said we need to fix the roads we have without adding on. Who will maintain this when it is done? Can we rely on federal funds? They are opening a big can of worms on this project. If the county is going to chip in, people will say it has to go to maintaining the roads we have.

Todd Heine said we can have as many studies as we want, but it's about the people living in the community that give the response. They have the most information to give. He drives by Cotton Park 3 times a day. He is lucky to see one or two people in a week walking the trail. What is the demand? Will there be a flood of people using this? There are so many bikes in the landfill because there are not many cyclists anymore. Why would people walk in the agricultural sector of the county? He discussed the speed limit on Highway 19 and Timber Rd. and talked about safety regarding semi tire blowouts near pedestrians. He said you can feel safer in town at 25-35 mph. He doesn't know why we have to have a grant and waste money to do this. It's bureaucracy and a waste of money. What about insurance? Who is responsible for access to the trail? He guarantees a muddy tractor will cross the trail, and who sweeps the trail off to keep bicyclists safe? The landowner will get sued. He discussed visibility and safety for pedestrians and bicyclists in the dark. He said you have Clay County Park and the highlines. Put some construction in there. There is no way for a bike path to be in an agricultural community and be able to use those roads safely. Gray-Lobe said he uses Cotton Park trail regularly, and it's rare for him not to encounter someone.

R. Aga said she drives Timber Rd. & Meckling Rd. every day. She encounters bike riders and moves over if it's possible, but she knows there are people who don't. Not everybody rides single file. Sometimes bike events take the whole road. Farm equipment is not going to get smaller. Bicyclists and motorists are not respectful of farm equipment. Who is liable? It's not the County's insurance that goes up, it's hers.

Grace Freeman said she appreciates the County going for federal funds to bring something far-reaching and far-seeing into the future for her county. This is an investment in the people of Clay and Yankton Counties.

Hertz said he is a bike rider. He also hauls big equipment. He hauls over-width equipment on Highway 19, and encounters bicyclists. The state should clean the shoulders. He also rides on

gravel roads for safety and barely runs into anyone. He would be in favor of having people ride on the gravel roads.

Gary Merkwan from Yankton County said the first proposal with the green line would have gone right by his house. He asked what the bike trail would connect. An ice cream shop? A bar? A campground? There is nothing it will connect so that people will actually use the trail. There is nothing but the river, and it changes every day. There are access points like the Highlines. This just makes access for 4-wheelers to steal and vandalize things.

Yelverton said there are always people using the Cotton Park trail. What she is hearing is a lack of safety. People need to share the road. Avid cyclists want to get out on their road bikes. She has a mirror on her helmet and blinking lights and is always watching for traffic. She has ridden all over the world on a bike. Bikes and traffic can be together. A lot of people want to be outside to recreate, and they need to share.

Mockler said there were Townships who called the SD Association of Towns & Townships, and their Association advised them to pass a resolution to not allow this because it would be allowable on their township roads.

Hammond said he has been a part of a lot of grant requests for federal money used in South Dakota. In the mid-90's when the bridge to Nebraska was being proposed, a person asked him what he thought of the study for the bridge. He said it depended on which hat he was wearing. When he was wearing his local hat, he was all for it as a business owner. As a state citizen, he was kind of for it. As a federal taxpayer, he was completely against it. He compared using the money here vs. Miami or Boston. Gray-Lobe said he has a sheet for contact information to call or email if the grant is approved and encouraged people to sign up. All the input is valid. Mockler said we will have a public meeting whether they get the grant or not. One way or another, we are going to get to the end of this. H. Freeman asked if it has to be a bike trail. Could it just be used for recreation? Is there room for flexibility?

Vote of the Board: Mockler Nay, Gray-Lobe Aye, Hammond Aye, Smith Aye, Thiesse Nay; motion passed.

The Board considered the WIC Contract with the SD Dept. of Health. Thiesse said he spoke to Lisa Wood, and she is comfortable with the contract. It is only until the end of May, so we will need to go through this again shortly. M. Smith said he reviewed it and doesn't see anything egregious. Thiesse said Wood does have a meeting with the state today to find out more of her job duties. E. Smith said they did furnish a job description. Mockler moved, seconded by Gray-Lobe and unanimously carried to approve and authorize the Chairwoman to sign the contract.

Facilities Manager Scott Hanson reported on the courthouse mechanical/electrical/HVAC project. They are working on the 2nd floor and are starting to install the copper sprinkler piping in the halls. They are also working in the State's Attorney's office. Electricians have installed a large electrical panel in the north stairwell. Contractors are working on the sprinkler plan for the large courtroom. The ceiling can come down and sprinklers can be run above. They are waiting

for approval from the architects. The Commissioner room is done, but they are anticipating holding court down there, so it is not available for Commission meetings.

At 12:06 p.m., Mockler moved, seconded by Thiesse and unanimously carried to enter an Executive Session for personnel matters per SDCL 1-25-2.

At 12:22 p.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to exit the Executive Session.

At 12:22 p.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to adjourn and reconvene Tuesday, February 27, 2024 at 9:00 a.m.

ATTEST:

Carri R. Crum
Carri R. Crum, County Auditor

Elizabeth T. Smith
Elizabeth T. Smith, Chairwoman
Board of County Commissioners



February 27, 2024

The Board of County Commissioners met in regular session Tuesday, February 27, 2024 at 9:00 a.m. at the City of Vermillion City Hall, 25 Center St., Vermillion, SD. Members present: Travis Mockler, Geoffrey Gray-Lobe, Elizabeth Smith, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Hammond moved, seconded by Thiesse and unanimously carried to approve the agenda with the addition of Boys & Girls Club discussion and moving the Ditch Board items to the end of the agenda with an Executive Session added under Ditch Board for legal/contractual matters.

Thiesse moved, seconded by Gray-Lobe and unanimously carried to approve the minutes of the February 13, 2024 meeting.

Welfare Director Drew Gunderson met with the Board to present Welfare Case #CW24-003 for a county funeral. Hammond moved, seconded by Thiesse and unanimously carried to authorize payment of the county funeral as the individual met current welfare guidelines.

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

(PAYROLL)		SD RETIREMENT SYSTEM	\$34,824.86
COMMISSIONER'S	\$9,247.39	SD SUPPLEMENT RETIREMENT	\$7,978.18
AUDITOR'S OFFICE	\$14,714.44	SDRS ROTH 457(B) PLAN	\$625.00
TREASURER'S OFFICE	\$25,105.69	TASC PVR	\$2,181.62
STATE ATTORNEY'S OFFICE	\$32,244.48	THE STANDARD - DENTAL	\$1,409.40
COURTHOUSE	\$5,025.71	THE STANDARD - LIFE INS.	\$420.62
DIRECTOR OF EQUALIZATION	\$13,105.99	THE STANDARD - SH TRM DI	\$1,115.96
REGISTER OF DEEDS	\$10,212.47	THE STANDARD - VISION	\$354.04
VETERAN'S OFFICE	\$1,950.59	UNITED WAY OF VERMILLION	\$215.00
24/7 PROGRAM	\$2,173.60	VOYAGE FEDERAL CREDIT	\$750.00
SHERIFF'S OFFICE	\$57,277.57	WELLMARK BLUE CROSS	\$62,069.28
COUNTY JAIL	\$39,481.07	(CURRENT PROPERTY TAXES)	
EMERGENCY MGMT	\$5,727.57	CLAY CO TREASURER	\$397.05
HIGHWAY	\$53,822.62	(PROFESSIONAL SERVICES AND FEES)	
COMMUNITY HEALTH NURSE/WIC	\$3,715.85	ALLBRIGHT CLEANING	\$1,529.28
EXTENSION OFFICE	\$3,590.94	AVERA MCKENNAN	\$517.80
WEED	\$3,931.99	C-CLEANING SERVICES	\$2,094.55
PLANNING & ZONING	\$3,960.86	CITY OF VERMILLION	\$498.88
(DUE TO OTHER GOVERNMENT)		ERICKSON SOLUTIONS GROUP	\$884.70
CLAY CO TREASURER	\$1,176.85	FEDEX	\$47.01
(PAYROLL WITHHOLDING)		OLSON'S PEST TECHNICIANS	\$80.00
AFLAC	\$961.76	PIZZA RANCH 14762	\$1,410.00
CLAY CO FIT FICA	\$63,050.62	PRESTO-X COMPANY LLC	\$189.90
COLONIAL LIFE	\$297.05	QUALIFIED PRESORT SVC IN	\$298.45
CONSECO/WASHINGTON	\$24.45	SANFORD HEALTH CLINIC	\$128.31
DIV OF CHILD SUPPORT IA	\$264.00	SATELLITE TRACKING OF	\$175.00
DIV OF CHILD SUPPORT SD	\$1,367.00	SD DEPT OF HEALTH LAB	\$125.00
NEW YORK LIFE C/O M&T BN	\$298.57	SDSU EXTENSION SERVICE	\$11,200.00

SULLIVAN, GAGE QMHP	\$595.00	O'REILLY AUTO PARTS	\$79.96
ULTEIG	\$8,118.75	ONE OFFICE SOLUTION	\$34.80
YANKTON COUNTY EMS	\$1,125.60	PHARMCHEM, INC.	\$1,282.34
YANKTON MEDICAL CLINIC P	\$93.87	PRESSING MATTERS	\$337.00
(OTHER PROFESSIONAL SERVICE)		PROCHEM DYNAMICS	\$217.83
CHARLES MIX COUNTY	\$180.00	QUALIFIED PRESORT SVC IN	\$2,809.35
CITY OF WINNER	\$2,268.00	RUNNINGS SUPPLY INC CH	\$38.78
SCHILDHAUER, T. LEMBCKE	\$978.00	RUNNINGS SUPPLY INC H&W	\$39.56
UNION CO. SHERIFF	\$16,000.00	TWO WAY RADIO SOLUTIONS	\$658.94
(LAW OFFICE)		UNION CO. SHERIFF	\$208.30
AMG PSYCHIATRY SF	\$168.24	VERMILLION ACE HARDWARE	\$243.92
KOLETZKY LAW OFFICE, PRO	\$196.60	(TRAVEL AND CONFERENCE)	
(PUBLISHING)		DOHERTY, COREY	\$114.00
BROADCASTER PRESS	\$354.08	GANSCHOW, DENNIS	\$531.70
NEW CENTURY PRESS ACCTHW	\$74.25	LINCOLN CO 4-H/EXTENSION	\$65.00
(REPAIRS AND MAINTENANCE)		SDSU EXTENSION	\$166.05
CENTURY BUSINESS PRODUCT	\$37.50	VOYAGE FEDERAL CREDIT	\$115.00
CHARLIE'S BUS SERVICE IN	\$504.00	(INMATE TRAVEL)	
ERICKSON SOLUTIONS GROUP	\$540.00	PENNINGTON COUNTY JAIL	\$270.59
FAST AUTO GLASS, INC.	\$120.00	(UTILITIES)	
GEHM, REBECCA	\$540.00	BUREAU OF ADMINISTRATION	\$73.41
LOFFLER COMPANIES	\$257.64	BUTCH'S PROPANE	\$2,085.85
PRESTO-X COMPANY LLC	\$79.33	CENTURYLINK LUMEN	\$5.92
VERMILLION ACE HARDWARE	\$99.94	CITY OF VERMILLION	\$1,246.05
(DATA PROCESSING/CLAY CREEK/INF)		T-MOBILE	\$3.36
DOTY, KIM	\$37.50	VERIZON WIRELESS HWY TRS	\$98.53
SOFTWARE SERVICES, INC.	\$825.00	VERIZON WIRELESS SHERIFF	\$402.02
TRANSCENDENT TECHNOLOGIES	21,300.00	(PAYMENT)	
(SUPPLIES & MATERIALS)		BRUNICK SERVICE, INC.	\$135.00
BLACKSTRAP INC	\$1,816.29	HY-VEE, INC. JAIL ACCT	\$409.84
BRUNICK SERVICE, INC.	\$192.00	JANDREAU, MAELYNN	\$20.00
BUTLER MACHINERY CO.	\$152.14	PAULSON, ALICIA	\$70.85
CORTRUST BANK	\$4.00	PIZZA RANCH 14762	\$2,243.00
D-P TOOLS, INC.	\$106.37	TIETZ, DIANA	\$20.00
DIAMOND MOWERS INC	\$108.69	(TRAVEL AND CONFERENCE)	
DMC WEAR PARTS LLC	\$7,517.97	VOYAGE FEDERAL CREDIT	\$279.00
FAST AUTO GLASS, INC.	\$38.00	(BUILDINGS AND STRUCTURES)	
FIRST DAKOTA CREDIT CARD	\$75.21	JLG ARCHITECTS	\$1,346.18
GRAHAM TIRE S.F. NORTH	\$2,180.48	MIDWEST ALARM CO., INC.	\$288.75
HY-VEE, INC. COURTHOUSE	\$55.46	(FURNITURE AND MINOR EQUIPMENT)	
HY-VEE, INC. EXTENSION	\$19.96	BOB BARKER CO INC	\$215.20
I-STATE TRUCK CENTER	\$67.55	CANON	\$260.00
LEWIS DRUG, INC.	\$911.62	LOFFLER COMPANIES	\$423.88
NEBRASKA SALT & GRAIN CO	\$4,910.93		

The Board considered writing a letter of support for a Childcare Study Grant that the Vermillion Chamber & Development Company (VCDC) is applying for. E. Smith said childcare is a critical need for workforce and economic development in the region. She volunteered to draft a letter of support for the grant application. Gray-Lobe moved, seconded by Mockler and unanimously carried to authorize the Chairwoman to write and send a letter of support.

Hammond moved, seconded by Gray-Lobe and unanimously carried to pass and adopt the following Resolution #2024-09 for Auditor/Treasurer Outstanding Checks Cancellation.

RESOLUTION #2024-09
Auditor/Treasurer Outstanding Checks Cancellation

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

NOW THEREFORE BE IT RESOLVED, that the Board of Clay County Commissioners hereby authorize the cancellation of checks and warrants of record, in the Clay County 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 \$332.56 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 27th day of February, 2024, at Vermillion, South Dakota.

Commissioner Hammond moved for the adoption of the foregoing resolution, motion seconded by Commissioner Gray-Lobe.

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

Elizabeth Smith, Chairman

Attest:

Carri R. Crum, County Auditor

Mockler reported that the walls for the new jail and law enforcement center should start going up on March 11th.

Hammond said they had a meeting a little over a week ago for the Joint Jurisdiction Zoning Area committee to work out a few details, but there is nothing new to report.

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

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

To the Honorable Board of County Commissioners of Clay County
items in the hands of the County Treasurer as of February 1, 2024.
I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks	7,032,794.97
Amount of actual cash	1,819.50
Total amount of checks and drafts in Treasurer's Possession not exceeding three days	24,288.02

Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:	390.83
Checks returned and not deposited	
Cash Items	700.00
Investments	1,154,151.38
Cash Variation	0.00
Total	
	Dated this 1st day of February, 2024.
	8,214,144.70

Carri R. Crum, County Auditor

Recent payroll changes to be reported in the minutes are: Rozmus Baylor (Part-Time Jailer) hired effective 2/29/24 at \$20.90/hour.

Under Boys & Girls Club discussion, Mockler said he got a couple phone calls from people wondering why the County Commission decided not to support the Boys & Girls Club funding application. E. Smith said the request was for Sophie Johnson from SE Council of Governments to create an application. Johnson was uncomfortable doing that because City of Vermillion had an application in process for housing infrastructure funds for the Jolley School site, and the likelihood of two applications being approved was close to zero. E. Smith called a few others, and the majority wanted to wait until April. The decision was not to not do it, but to wait. Mockler and Thiesse said it should have been on a County Commission agenda. There was discussion regarding the timelines for the meeting and when the subject came up. E. Smith said she should have called two more people, but she didn't. Mockler and Thiesse said it should have been in a public meeting. E. Smith said she is sorry if they feel left out, but this was, in her view, a judgement call whether to put all hands on deck. The City would have been upset. She said we have far better chances to get both projects approved by waiting until October. Thiesse said they are a commission of five rather than a commission of three. Mockler asked if this kind of thing has happened before because he and Thiesse are being dismissed. E. Smith said she acknowledges the problem. Hammond said it should have been brought up in a meeting, even during Visitors to be Heard, to say there was not enough time or information. He did not know who E. Smith had talked to, but had he thought about it more he would have suggested it be a short topic on a County Commission agenda. Mockler said he doesn't like being blindsided by the public asking why the County Commission denied something when they didn't even discuss it.

A public bid opening was held for a HITCHDOC snow blower for the Highway Department. One bid was received from Butler, and it was opened and read aloud. The bid was for \$77,488.54. Highway Superintendent Rod Polley and Assistant Highway Superintendent Larry McPherson reviewed the bid to ensure it met specifications. Hammond moved, seconded by Mockler and unanimously carried to accept the bid from Butler for \$77,488.54.

A public bid opening was held for highway materials for the year. Bids were opened and read aloud. Barkley Asphalt's bid was received past the 9:00 a.m. deadline and was not opened. It was

decided that due to the number and complexity of bids, Polley and McPherson will review them to ensure they meet specifications and return at the next meeting for bids to be awarded.

Zoning Administrator Drew Gunderson met with the Board to discuss the rezoning of Lots 1 and 2 in Marquardt First Addition, in the SE1/4 Quarter of Section 22, Township 93 North, Range 53 West of the 5th P.M., Ralph J. Marquardt, President of Barnes Hay & Feed Co., Owner. Gunderson said they are waiting on a report from the engineer. SE Farmers' Elevator Cooperative is ok with this, so his recommendation is to table the matter until the end of March so that they can have the engineer's report. There is, however, an initial site plan. Polley said the reason the engineer is not finished is because the bore truck weighs too much for the seasonal weight limits, so it cannot be on the roads. Merle Lyons, General Manger for SE Farmers' Elevator Coop., presented a site plan. He said they are trying to utilize the property appropriately for the future for what could be on the site. They had a customer meeting on February 22nd and had 49 farmers show up. He has been in the business 44 years, and it is the best meeting turnout he has ever had. The piece they have laid out shows two areas already zoned industrial. There is a piece that is not currently zoned industrial. He discussed the bushel capacities for corn and soybeans. In the middle of the pile locations for those is the dumping area, and they are planning drive-over conveyors. For this site, traffic would come in from 456 Ave. on 313 St. They will turn onto the road that is already built. The scale house would have a 120' scale. Lyons discussed safety concerns with having trucks exit onto Highway 50. The route they believe is safe is to exit on 313 St. to Highway 50. He discussed setting the site up so they can expand if necessary to handle more bushels. They are positioning the site for future upright storage. Attorney Mike McGill said this is the only site for this use that would lower the impact on county and township roads, approximately 1800' of traffic on 313 St., and 456 Ave. was already upgraded in the past. The impact to 313 St. is the major issue. Mockler said the area crossing the railroad tracks on 456 Ave. would need to be fixed. Polley said the engineer has an idea for that, but the railroad may have something to say about that as well. Polley said when the engineer's report comes in, he can discuss the budget. Thiesse asked, when they are at peak unloading, how many trucks will that be? Lyons said at the maximum, if corn & beans are coming in at the same time, they would have the site set up for 40,000 bushels per hour, and that is unlikely. Corn by itself is 20,000 bushels. Normally, they will not have trucks stacked up. The site would have approximately a 4-million-bushel capacity. An average of 1,000 bushels would be 4,000 trucks. Thiesse said his concern would be trucks backed up on Highway 50. A train moving through could be a problem. Lyons said the State told them they would have to do traffic counts to determine whether it needs a turning lane. Mockler said trucks would use other roads instead. Polley asked if they have a reference point of where they think people might go to this facility vs. Centerville. Lyons said no, they have customers who will continue to support a certain site despite distance. Mockler said trucks could be lined up in Centerville, and it would be faster for a farmer to drive to Meckling than to wait in Centerville. Lyons said the goal would have been to have this facility going by fall, but the way things are moving, it will probably not happen. In the communities they operate in, they donated \$20,000 to food pantries and fire departments last year. Mockler asked Polley when they will be able to get the bore truck on the roads. Polley said they will plan to get the load limits off next week. It will only take a day to do the boring. Mockler asked how deep they will go. Polley said he thinks 8 feet, and a couple may be left open to monitor for

water. Hammond asked if 8 feet is enough. Polley said he was going by the engineer's opinion. Hammond said it wouldn't hurt to go to 20 feet on that site, but the normal samples would be 18 feet. He was speaking from his experience with a project on a road he worked prior where he was unhappy with long-term results. He also doesn't want it to end up like the downtown elevator in Elk Point where it tilted 11.7 feet top to bottom. Lyons said that stuff on this site is all coming down. Hammond said it would be better to spend a little more money up front than to end up with issues later. Hammond moved, seconded by Gray-Lobe and unanimously carried to table the rezoning until the last meeting in March.

At 10:15 a.m., Thiesse moved, seconded by Mockler and unanimously carried to enter an Executive Session for personnel matters per SDCL 1-25-2.

At 10:27 a.m., Gray-Lobe moved, seconded by Mockler and unanimously carried to exit the Executive Session.

At 10:27 a.m., Gray-Lobe moved, seconded by Hammond and unanimously carried to adjourn and convene as Clay County Ditch Board with Ditch Board Chairman Mockler presiding.

At 10:28 a.m., Gray-Lobe moved, seconded by E. Smith and unanimously carried to enter an Executive Session for legal/contractual matters per SDCL 1-25-2.

At 10:34 a.m., Gray-Lobe moved, seconded by Hammond and unanimously carried to exit the Executive Session.

Gray-Lobe moved, seconded by E. Smith and unanimously carried to table the Pay Application #4 for Clay Creek Ditch until the next meeting.

Gray-Lobe moved, seconded by E. Smith and unanimously carried to approve an invoice from Ulteig Engineering in the amount of \$2,079.83 for Clay Creek Ditch.

At 10:35 a.m., Hammond moved, seconded by E. Smith and unanimously carried to adjourn and reconvene as Board of Clay County Commissioners with Chairwoman E. Smith presiding.

At 10:35 a.m., Mockler moved, seconded by Thiesse and unanimously carried to adjourn and reconvene Tuesday, March 5, 2024 at 9:00 a.m.

ATTEST:

Carri R. Crum
Carri R. Crum, County Auditor

Elizabeth T. Smith
Elizabeth T. Smith, Chairwoman
Board of County Commissioners

March 5, 2024

The Board of County Commissioners met in regular session Tuesday, March 5, 2024 at 9:00 a.m. at the City of Vermillion City Hall, 25 Center St., Vermillion, SD. Members present: Travis Mockler, Geoffrey Gray-Lobe, Elizabeth Smith, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

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

Thiesse moved, seconded by Gray-Lobe and unanimously carried to approve the minutes of the February 27, 2024 meeting.

Director of Equalization Lennea Olson met with the Board to present two Applications for Abatement due to an error in application of the Influence Factor when assessing the properties. Both properties are completely within the river. Legal descriptions were listed as NW ¼ SW ¼ 24-92-53 All in the River (abatement of \$212.82) and PT NE ¼ SW ¼ 24-92-53 All in the River (abatement of \$211.34). Hammond moved, seconded by Gray-Lobe and unanimously carried to approve the Applications for Abatement and authorize the Chairwoman to sign them.

Polley presented his bid award recommendations for the highway materials bids. Smith asked about his asphalt concrete recommendation to award to all bidders according to what is most advantageous to the County. Polley said, depending on the location where they are working, it is faster and more efficient to pick up material from one bidder than another. Hammond moved, seconded by Mockler and unanimously carried to award bids per the Highway Superintendent's recommendations, including the Beadle County TrueNorth Steel bid.

Clay County Highway Department
2024 Material Bid Recommendations

Asphalt Concrete (Hot Mix)

	Myrl & Roys	Knife River
G-1	\$78 per ton	
G-2	\$83 per ton	\$72 per ton (Sioux Falls)
D-2		\$88 per ton (Yankton)

Recommend awarding to all bidders, whichever is most advantageous to Clay County.

Road Sealant

	Mid States	White Cap
Roadsaver 221	\$0.67 per lb.	\$0.67 per lb.
Mastic One	\$0.60 per lb.	\$0.60 per lb.

Recommend awarding to all bidders for availability of product.

Flex-O-Mat

	White Cap	True-North Steel
	\$4.45 per sq. ft.	\$4.65 per sq.ft.

Recommend awarding to White Cap (low bidder).

Carbide Insert Blades 4 ft.

	Equipment Blades, Inc.	Wear Parts & Equipment Co., Inc.
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\$272.00 each \$265.00 each

Recommend awarding to all bidders for availability and accessibility of product.

Plow and Grader Blades

Equipment Blades, Inc.

8' Grader Blades \$182.00 each
12' Plow Blades \$341.00 each

Recommend awarding to Equipment Blades, Inc. (only bidder).

R.C.P (reinforced concrete pipe)

Oldcastle Infrastructure

Round 30" \$72.40 per ft. Apron 30" \$770.59 each
 48" \$162.72 per ft. Apron 48" \$1,994.12 each
 72" \$377.68 per ft. Apron 72" \$3,243.75 each

Arch 36" \$141.18 per ft. Apron 36" \$1,474.40 each
 60" \$333.23 per ft. Apron 60" \$3,120.40 each

Recommend awarding to Oldcastle Infrastructure (only bidder).

Pre-Cast Concrete Box Culvert

Rinker

7' X 7' X 6' single barrel \$793.00 per ft. 7' X 7' end section \$9,770.00 each
10' X 10' X 6' single barrel \$1,121.00 per ft. 10' X 10' end section \$18,536.00 each
8' X 8' X 6' double barrel \$1,514.00 per ft. 8' X 8' end section \$22,566.00 each

Recommend awarding to Oldcastle Infrastructure (only bidder).

Corrugated Metal Pipe

Bands

Round 18" 16 ga. \$24.75 per ft. 18" X 12" wide \$49.50 each
 24" 16 ga. \$31.35 per ft. 24" X 24" wide \$94.05 each
 48" 14 ga. \$79.20 per ft. 48" X 24" wide \$188.10 each

Arched 24" = 28" X 20" 16 ga. \$36.10 per ft. 12" wide \$72.20 each
 54" = 64" X 43" 12 ga. \$138.70 per ft. 24" wide \$250.80 each

Steel Bridge 32' X 60' \$77.92 sq. ft. Total \$149,600

Recommend accepting Beadle County Bid Packet for Corrugated Metal Pipe and Pre-Engineered Modular Steel Bridges.

The Board considered Right-of-Way Applications from Right-of-Way Applications from Oak Hills Consulting/Jefferson Telephone Co./Long Lines on County Roads A-4 (Burbank), H-4 (north out of Burbank), and Loop Rd. Mockler moved, seconded by Hammond and unanimously carried to approve the applications and authorize the Chairwoman to sign them.

Polley reported the weight limits have been removed.

The Board considered the following Resolution #2024-09 for Plat of Lots 1 Through 18 and Lots 12A Through 18A Discovery Landing in Section 16 and in Section 22, Both in 92N, R52W of the 5th P.M. Clay County, South Dakota; Russell Olson, Darcy Olson, and Mary Heine AKA Mary Leary, Trustee of the Daniel Heine Living Trust, owners. Hammond moved, seconded by Thiesse to pass and adopt Resolution #2024-09.

RESOLUTION #2024-09
RESOLUTION OF COUNTY COMMISSIONERS

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

Plat of Lots 1 Through 18 and Lots 12A Through 18A Discovery Landing in Section 16 and in Section 22, Both in 92N, R52W of the 5th P.M. Clay County, South Dakota; Russell Olson, Darcy Olson, and Mary Heine AKA Mary Leary, Trustee of the Daniel Heine Living Trust, owners.

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

Elizabeth Smith
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 March 5, 2024.

Carri R. Crum
County Auditor, Clay County, SD

Under discussion, Hammond said the materials were submitted to the Planning & Zoning (P&Z) Commission. The owners and others involved in the process have completed checklist items. He sees no reason not to approve the plat. Gray-Lobe said he expected more information on this. He is wondering if the Conditional Use Permit (CUP) is still in process and asked if work has commenced on the property. Sarah Taggart, representative of the owner(s), said the survey has been done but no other work. State's Attorney Michael Smith said he has no reason to doubt the Zoning Administrator's work. Gray-Lobe was confused by sections and some may have to do with government accretion lots. Section 16 appears to be Section 21 on plat maps. He wants to make sure the legal description is correct. He also referenced section line highways. Mockler said it was explained in the CUP process. Hammond said there was a lot of discussion. Gray-Lobe said he doesn't know how state law applies. The section line appears to run through the plat, and he guesses it's not really there. He referred to Beacon and said probably there is not a line. Mockler said Section 28 does not exist, and the legal description is correct. The parcel report in Beacon is correct. Hammond said Section 21 is directly below Section 16. The part down below, he worked out between Beacon and the US Geological Survey topographic maps. Section 16 is along Timber Rd., so a person would have to find survey markers to determine the line between Sections 16 & 22. The surveyor used those marks, and in Hammond's opinion, that rules. Gray-Lobe referred to statute and said he thought they needed to adjust the naming of the plat to comply. Hammond said they would just need to ask for a change to the plat title to add the

quarter section. Gray-Lobe asked to make sure the surveyor knows where the section lines are so if there is a section line highway it is understood where it is in relation. Hammond said that has been found. The surveyor found the pins that were pre-existing to this job. That was done properly. If there are any errors, it would only be the title. That would require the surveyor to modify the legal description. Taggart said it has been looked over by a bunch of people who found it accurate. Gray-Lobe said this process is designed to catch things early. Hammond said these things can happen. M. Smith said county ordinance is not binding on state law. Statute 11-3-7 is as Gray-Lobe stated, but ultimately it is a question for the Register of Deeds whether they would accept the plat for filing. Hammond said it is to Taggart's benefit to fix this now than to have issues with selling each of the 18 lots later. Gray-Lobe advised Taggart to have an attorney take a look at SDCL 11-3-7 and ask the surveyor to make sure the section line does not run through any of the buildable lots. Hammond said a section line issue does not apply here as he has witnessed structures built across section lines many times. Gray-Lobe said there is guidance about naming, and it looks like the road should be named "Trail." There is also guidance regarding not approving dead end roads. Hammond and Mockler discussed the difference between public and private roads. Taggart said this is a private road. E. Smith asked M. Smith what the Board's responsibility is regarding seeing covenants for the property. Hammond said it is the kind of thing that one would expect to find in HOA covenants. Taggart said she is working on those. E. Smith again referred to the prohibition on approving dead end roads that should be clarified as private. Mockler said the private road was discussed as part of the CUP.

Harry Freeman was present and referred to the Natural Resources Conservation (NRC) riparian zone. He said it seems prudent to make it a condition that the homeowners don't disurb natural environments and habitat. Mockler said the CUP has already been granted, so they cannot go back and add conditions to it. Freeman asked if there is recourse for homeowners. Hammond said the only place drainage would be impacted is where the abandoned river channel crosses the road, and there is already a low spot with a culvert. Drainage is a moot issue. Freeman asked about damage to the riparian zone from rip rap for bank stabilization. Gray-Lobe asked about plans to comply with that section of the ordinance. Taggart said none of it was required in the CUP, but covenants will address keeping as many trees as possible. People will stabilize their banks, but they will have to comply with requirements. Gray-Lobe said there are different ways to stabilize banks. Mockler discussed that beauty is seen differently depending upon whose eye you are looking through. Gray-Lobe referenced the ordinance and comprehensive plan. Freeman said this is still a CUP within the NRC. Mockler said today's proceeding is not a CUP or a zoning hearing. Gray-Lobe read from the ordinance and said that is the metric they have to use. Formalizing this makes it easier for him to vote to approve the plat. Taggart said everyone will have to get a building permit and comply with the ordinance. Hammond said the CUP was the place for that, and his trust is that people who will build there will be doing so because they want to live in a natural environment. Rip rap is beyond the County's control. That is under the control of the Army Corps. Of Engineers and the Missouri National Recreational River (MNR). The river will take land. Farmers hoped it wouldn't happen, but sometimes they would lose an entire field. West of Clay County Park there is a severe erosion problem, and it is almost not savable. Rip rap will not work. Freeman said the taxpayers will be paying for the rip rap like they did in

Dakota Dunes. Hammond said Dakota Dunes is a different situation as it is not in the MNRR. He discussed the Ponderosa area, and E. Smith agreed that the Ponderosa is on its own for rip rap. Jerry Wilson said this process has been flawed from the start. He is bothered by the transfer of building eligibility. The reason it was added to the ordinance was to prevent large subdivisions. That has been misapplied. The CUP was approved 2-3 and pushed through by the State's Attorney, when it should have required a majority vote. The CUP was granted without conditions. That's an atrocity. He discussed the NRC district and said they are ignoring it. He asked the Board not to proceed further without applying conditions to the CUP. Mockler again said today's proceedings are not a CUP hearing. It is a plat approval process. Wilson talked about setbacks and variances. He wants zero variances to the 125' setback from the river. He asked about docks and whether there will be 18 of them. He said it would destroy the view. Lighting should be limited as well as structure height. He has concerns about septic tanks. Mockler said they cannot put conditions on a plat. E. Smith said 11-3-81 requires counties to protect waterways from sewage. She asked Taggart to address it in covenants. Taggart said septic systems will have to comply with regulations. Hammond said building permit applications address that now. It's possible, due to the location, that percolations tests would show that holding tanks are required. He has seen that in other places, and the septic system installers have to do testing to determine it. Wilson discussed the recreation trail grant application and said the HOA should grant access for a trail. Suzanne Skyrn talked about the first lot. The Board said it is not part of this plat. Skyrn said there was no preliminary plan as part of the subdivision. She said the P&Z Commission should have discussed compatibility with neighboring property. Hammond said the preliminary plan was given to the P&Z Commission. He thought this should be just 12 lots, but he knows under the ordinances that 12 lots on a stretch of land this long is legal. He said all lots may not even end up being built upon because a few are not as desirable. He said they decide as a group, and this hearing involves only the plat. The preliminary plan is how the lots will be subdivided and how the road will be laid out. Skyrn asked if it includes a dock, and the answer was that it does not. Gray-Lobe discussed the process and said no agenda listed a preliminary plan. However, it is in the meeting packet, even though it may not have been clear to the public. The Board's signature on the plat signifies that it complies.

E. Smith thanked everyone for a full discussion. Taggart clarified that she just needs to have the title changed to reflect the quarter and change the name of the road to be a "Trail." Gray-Lobe asked for covenants, and Mockler said they are not required for a plat. Taggart said it will all be legal. E. Smith said she would love to see anything to support that the NRC will be honored. Gray-Lobe said, aside from the NRC, what he sees complies with a rural residential district. He encouraged Taggart to go beyond the requirements. Mockler said the property already has a CUP. Even if someone doesn't like it, Taggart still has to be treated the same as everyone else. Thiesse said Gray-Lobe just publicly stated he is requiring more of her than of anyone else. Mockler said this Board did not grant a CUP; they denied an appeal of the P&Z Commission's granting of a CUP. E. Smith said she wants to keep the conversation focused on the plat. They are working toward a place where it could be approved. Taggart said she expects to be treated like every other plat that is presented. If she brings the covenants, they will be picked apart, and she is not required to do so. She wants to be treated fairly. E. Smith said they are working to make this

possible. Freeman asked if the NRC just does not matter. E. Smith said that is a central question. Mockler said, when it comes to plat, that does not matter. Gray-Lobe said the subdivision ordinance says when they sign the plat, they are saying it complies with the zoning ordinance. He said when he was at Clay County Park, he looked at the landscape and did not see anything offensive with the structures that are already there. Taggart thanked him for that and said they are trying to keep things beautiful. They want to keep as many trees as possible. She clarified that if she brings back a plat that lists the quarter and renames the road, will it be acceptable? M. Smith and Hammond discussed whether this should go back to the P&Z Commission, and Mockler said in the past it was handled by this Board. M. Smith discussed criteria in 4.01a. Mockler said those criteria would have been met by this point. Hammond said the P&Z Commission checked all the requirement boxes. M. Smith said if the criteria are met, they can approve, deny, or approve with conditions.

Hammond amended his original motion to pass and adopt Resolution #2024-09 for Plat of Lots 1 Through 18 and Lots 12A Through 18A Discovery Landing in Section 16 and in Section 22, Both in 92N, R52W of the 5th P.M. Clay County, South Dakota; Russell Olson, Darcy Olson, and Mary Heine AKA Mary Leary, Trustee of the Daniel Heine Living Trust, owners, with the final amendments being a change to the title to include the quarter section and to change the name of the road to a "Trail." Mockler seconded the amended motion. Vote of the Board: Mockler Aye, Gray-Lobe Nay, Hammond Aye, Smith Nay, Thiesse Aye. Motion passed. Gray-Lobe said he voted nay because he is not convinced it complies.

At 10:59 a.m., Hammond moved, seconded by Mockler and unanimously carried to adjourn and convene as Clay County Ditch Board with Ditch Board Chairman Mockler presiding.

At 11:00 a.m., Hammond moved, seconded by E. Smith and unanimously carried to enter an Executive Session for legal/contractual matters per SDCL 1-25-2.

At 11:13 a.m., Hammond moved, seconded by Gray-Lobe and unanimously carried to exit the Executive Session.

E. Smith moved, seconded by Thiesse and unanimously carried to approve the Pay Application #4 for Clay Creek Ditch with payment to be made to Two Rivers Contracting via Northern Escrow, Inc. and Prime Bank in the amount of \$40,654.48.

At 11:14 a.m., E. Smith moved, seconded by Gray-Lobe and unanimously carried to adjourn and reconvene as Board of Clay County Commissioners with Chairwoman E. Smith presiding.

Hammond moved, seconded by Thiesse and unanimously carried to approve the following claims for payment: (Cap. Projects) Beckenhauer Construction \$752,061.96, GeoTek Engineering \$12,666.00, TEGRA Group \$21,400.00; (Court Appointed Attorney) Frieberg, Nelson & Ask \$9,965.25, Philip Terwilliger \$9,965.25; (Courthouse Improvements) L&L Builders \$203,236.00; (Ditch Board – Clay Creek Ditch) Ulteig Engineering \$2,079.83.

Regarding the Court Security Project, M. Smith said there are two options: Construction Manager At-Risk (CMAR) or Design-Build. Dick Strassburg from TEGRA Group will have a

spot on the next agenda to discuss it. Contractors for CMAR want blueprints to be drawn up. The County may be able to hire an engineer for this. The other option is Design-Build. James Wiederrich with Woods Fuller would be a good attorney to handle this if the County chooses Design-Build. Hopefully, the Board will have enough information to make a decision next week.

Mockler reported that the walls for the new jail and law enforcement center are a week behind schedule due to a crane delay. The optimistic timeline is that personnel may be able to move into the building next June.

Hammond reported that there is a Joint Jurisdiction Zoning Area committee meeting for Thursday night.

At 11:24 a.m., Mockler moved, seconded by Hammond and unanimously carried to adjourn and reconvene Tuesday, March 12, 2024 at 9:00 a.m.

ATTEST:

Carri R. Crum
Carri R. Crum, County Auditor

Elizabeth T. Smith
Elizabeth T. Smith, Chairwoman
Board of County Commissioners

March 12, 2024

The Board of County Commissioners met in regular session Tuesday, March 12, 2024 at 9:00 a.m. at the City of Vermillion City Hall, 25 Center St., Vermillion, SD. Members present: Travis Mockler, Geoffrey Gray-Lobe, Elizabeth Smith, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

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

Hammond moved, seconded by Gray-Lobe and unanimously carried to approve the minutes of the March 5, 2024 meeting with the correction that E. Smith voted Nay on Resolution #2024-09.

Deputy State's Attorney Samantha Hargrave presented the annual Stop Domestic Violence Grant Application for \$36,406.64. Mockler moved, seconded by Gray-Lobe and unanimously carried to authorize submission of the grant application with the necessary signatures.

Dick Strassburg, TEGRA Group, met with the Board to discuss the Court Security Project. He said they looked at Construction Manager At-Risk and Design-Build options. This is a challenging project. There was a quote for \$9,400 for plans and \$9,400 for mechanical and electrical. He wants to consult with Jim Wiederrich with Woods Fuller to see what the County can legally do. It should only require a couple hours. State's Attorney Michael Smith said the statutes leave questions, and Wiederrich is the expert on this type of law. The \$15,000 retainer concerns him, but it should only take a couple of hours. Strassburg said they don't want to spend much on fees. His recommendation is to approve the retainer letter from Woods Fuller so he and M. Smith can meet with Wiederrich. Hammond moved, seconded by Mockler and unanimously carried to approve the retainer letter and authorize the Chairwoman to sign it.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. He presented a quote for additional boring costs for testing on 313 St. & 456 Ave. They will start the boring today. The application deadline for the grant for road improvements is April 15th. SE Council of Governments is waiting for that report to move forward with the grant application. Hammond said the train rollover west of there and his experience with a well boring about 800 feet northwest of the road found that the area was an old oxbow lake. He also just had borings at the Masaba property that were surprising. He said he does not think lab tests will be very expensive. The number of blows to drive the sampling tubes will determine the work needing to be done above. E. Smith said the difference in cost is about \$2,800, and no amendments are needed on the part of the Board.

Polley reported that the summer 10-hour days start March 25th.

Polley also reported that the rural electric cooperative contacted him about right-of-way in Wakonda as the County owns a lot that is involved with a project they are doing.

Polley asked Gray-Lobe to meet with him at Clay County Park regarding a tree issue. He also said he needed to replace a post at the park's entrance. There was a gray box attached to it with a mechanism inside that is potentially related to GPS locating. The lock on the box was ruined in the process of replacing the post. He would like to find out who to contact to give them a key to the new lock.

At 9:21 a.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to adjourn and convene as Clay County Ditch Board with Ditch Board Chairman Mockler presiding.

Polley said on Lateral 2A, he and McPherson inspected a slide area near a County bridge. It would be best for the County to repair it. They can pack some clay in as a temporary fix, or cut it back about 400 feet and rip rap it. Mockler said it would be better to fix it permanently. Polley said it will need a long reach excavator.

Polley brought up a drainage map, and it was decided the Board will hang it in the Commissioner Room when the renovations are completed. Polley said when this year's bridge inspections are done, he will have a new map with the structures on it. E. Smith said it would be nice to have a dedicated meeting room. Hammond said many courthouses have a small meeting room outside of the Commission Room. Discussion also included scheduling a tour of roads.

The Board considered an invoice from Wieman Construction for Lateral 50B for \$5,290.00. Polley said the work looks very good. Gray-Lobe moved, seconded by Hammond and unanimously carried to approve payment of the invoice.

The Board revisited payment of Pay Application #4 for Clay Creek Ditch from the last meeting. Hammond moved, seconded by Gray-Lobe and unanimously carried to approve the check to be made out to Two Rivers Contracting via Northern Escrow, Inc. in the amount of \$40,654.48.

At 9:34 a.m., Gray-Lobe moved, seconded by Hammond and unanimously carried to adjourn and reconvene as Board of Clay County Commissioners with Chairwoman E. Smith presiding.

The Board reviewed a change order for the courthouse mechanical/electrical/HVAC renovation project in the amount of \$23,501 for additional strobes required by the Fire Marshall. Hammond moved, seconded by Mockler and unanimously carried to approve the change order and authorize the Chairwoman to sign it.

Treasurer Rhonda Howe presented an Application for Abatement for uncollectable mobile homes. She explained that the new software pricked up old uncollectable mobile homes during the software conversion, and the process for removing them from the system is an abatement. The mobile homes do not exist anymore, so there is nothing to levy against. Hammond moved, seconded by Gray-Lobe and unanimously carried to approve the Application for Abatement and authorize the Chairwoman to sign it.

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

(DUE TO OTHER GOVERNMENT)		BETHEL TOWNSHIP	\$5,630.61
BERESFORD SCHL DIST 61-2	\$29,319.68	CENTERVILLE SCH DIST 60-	\$10,229.19

CITY OF VERMILLION	\$107,992.92
CLAY CO TREASURER	\$3,529.00
FAIRVIEW TOWNSHIP	\$6,226.70
GARFIELD TOWNSHIP	\$9,761.57
GAYVILLE/VOLIN SCHL DIST	\$14,337.32
GLENWOOD TOWNSHIP	\$6,187.93
IRENE CITY	\$844.78
IRENE/WAKONDA SCHL 13-3	\$53,361.75
MECKLING TOWNSHIP	\$7,591.19
NORWAY TOWNSHIP	\$4,222.39
PLEASANT VALLEY TWP.	\$5,282.94
PRAIRIE CENTER TWP.	\$5,285.48
RIVERSIDE TOWNSHIP	\$4,659.32
SD DEPT OF REV ANDERSON	\$400,095.96
SPIRIT MOUND TOWNSHIP	\$6,417.12
STAR TOWNSHIP	\$8,671.42
TLC WATER PROJECT DIST.	\$1,923.82
VERMILLION BASIN WATER	\$1,337.55
VERMILLION SCHL DIST 13-	\$289,747.27
VERMILLION TOWNSHIP	\$5,277.47
VIBORG/HURLEY SCHL 60-6	\$58.35
WAKONDA TOWN	\$3,073.35
(FIRE)	
BERESFORD RURAL FIRE	\$1,057.75
CENTERVILLE RURAL FIRE	\$760.66
GAYVILLE RURAL FIRE ASSO	\$649.89
IRENE RURAL FIRE ASSOC	\$161.29
VERM. RURAL FIRE ASSOC.	\$4,600.46
VOLIN RURAL FIRE ASSOC.	\$159.37
WAKONDA RURAL FIRE	\$1,542.77
(INSURANCE DEDUCTIBLE REIMBURSE)	
HARGRAVE, SAMANTHA	\$500.00
(PROFESSIONAL SERVICES AND FEES)	
ALTERNATIVE HR, LLC	\$1,339.00
AVERA MCKENNAN	\$309.49
AVERA MCKENNAN HOSPITAL	\$1,580.00
BECKENHAUER	\$752,061.96
BUHLS DRYCLEANERS &	\$93.71
C-CLEANING SERVICES	\$529.45
CERTIFIED LANGUAGES INTL	\$84.15
DAKOTA EMBALMING	\$333.50
FIRST DAKOTA CREDIT CARD	\$148.65
GEO TEK ENGINEERING &	\$12,666.00
JACKSON, JENNIFER	\$40.00
PETAL PUSHER	\$55.91
TEGRA GROUP INC	\$21,400.00
(OTHER PROFESSIONAL SERVICE)	
CITY OF WINNER	\$2,349.00
SD ATTORNEY GENERAL	\$301.00
(LAW OFFICE)	
FRIEBERG, NELSON & ASK	\$19,930.50
PETERSON, STUART, KLENTZ	\$12,583.75

TERWILLIGER, PHILIP	\$19,930.50
(PUBLISHING)	
BROADCASTER PRESS	\$33.67
NEW CENTURY PRESS ACCTHW	\$148.50
(RENTALS)	
PICTOMETRY INTERNATIONAL	\$21,787.34
(REPAIRS AND MAINTENANC)	
AUTOMATIC BLDG. CONTROLS	\$52.60
CENTURY BUSINESS PRODUCT	\$41.25
CMOORE PIT SERVICE	\$587.91
FIRST DAKOTA CREDIT CARD	\$1,204.72
GRAHAM TIRE YANKTON	\$340.00
(DATA PROCESSING/CLAY CREEK/INF)	
FIRST DAKOTA CREDIT CARD	\$2,761.75
TWO RIVERS CONTRACT. VIA	\$40,654.48
ULTEIG	\$4,159.66
(LATERALS 50A & 50B EXPENSE)	
WIEMAN CONSTRUCTION LLC	\$5,290.00
(SUPPLIES & MATERIALS)	
A & B BUSINESS	\$197.13
A-OX WELDING SUPPLY CO	\$151.17
BLACKSTRAP INC	\$1,840.34
BRUNICK SERVICE, INC.	\$160.00
CINTAS	\$379.07
DRIVELINE SERVICE INC	\$1,496.20
FIRST DAKOTA CREDIT CARD	\$589.87
GRAHAM TIRE YANKTON	\$71.10
KOLETZKY IMPLEMENT INC.	\$288.08
LAWSON PRODUCTS, INC.	\$1,079.70
NATIONWIDE MUTUAL	\$50.00
O'REILLY AUTO PARTS	\$13.98
RUNNINGS SUPPLY INC H&W	\$279.99
S & S EQUIPMENT INC.	\$780.00
SD DEPT OF TRANS	\$58.49
STURDEVANT'S AUTO HWY	\$89.99
STYLES, DAVID	\$49.18
VERMILLION ACE HARDWARE	\$223.68
VERMILLION GARBAGE SVC.	\$60.00
WAKONDA TOWN	\$76.15
WARNE CHEMICAL & EQUIP	\$232.80
(TRAVEL AND CONFERENCE)	
DOHERTY, COREY	\$20.00
FIRST DAKOTA CREDIT CARD	\$201.76
HOLIDAY INN-SPEARFISH	\$551.94
(INMATE TRAVEL)	
CENEX FLEET FUELING	\$348.18
PAULSEN, ANDREW	\$110.00
PEDERSON, PAUL	\$110.00
(UTILITIES)	
BUREAU OF ADMINISTRATION	\$112.34
CENTURYLINK HWY	\$608.01
CITY OF VERMILLION	\$651.89

CLAY RURAL WATER SYSTEM	\$110.60	PROVANCIAL, SAMANTHA	\$20.00
CLAY UNION ELECTRIC CORP	\$720.18	VERMILLION FORD	\$30.00
FIRST DAKOTA CREDIT CARD	\$1,108.22	VOGEL, ERIN	\$50.00
MIDAMERICAN ENERGY C H	\$1,030.42	(JDC/SPECIAL EQP.)	
(PAYMENT)		AXON ENTERPRISE INC.	\$495.00
BRUNICK SERVICE, INC.	\$158.00	(BUILDINGS AND STRUCTURES)	
CENEX FLEET FUELING	\$2,241.92	C-CLEANING SERVICES	\$100.70
DOMESTIC VIOLENCE	\$160.00	JLG ARCHITECTS	\$1,047.03
FALLAN, JULIE	\$50.00	L & L BUILDERS	\$406,472.00
HAHN, SANDRA	\$70.40	(BOOKS)	
HALVERSON, ERNEST	\$53.06	BUTLER MACHINERY CO.	\$77,488.54
JORGENSEN, MATTHEW	\$50.00	FIRST DAKOTA CREDIT CARD	\$160.37
KAMMER, SARAH	\$50.00	(FURNITURE AND MINOR EQUIPMENT)	
MURRA, DAWN	\$50.00	FIRST DAKOTA CREDIT CARD	\$688.00
PAULSON, ALICIA	\$3,000.00	PHEASANTLAND INDUSTRIES	\$960.00
PRAMANN, ZACHARY	\$72.44		

M. Smith reported to the Board that as a requirement of the liquidated damages provision in the courthouse mechanical/electrical/HVAC project contract, the County has to provide notice to L&L Builders of the intent to collect liquidated damages in case substantial completion is not met by the deadline. He considers this not an aggressive warning, but rather the County's obligation and responsibility with our own funds. Gray-Lobe moved, seconded by Mockler and unanimously carried to authorize the Chairwoman to sign the letter prepared by the State's Attorney. It was discussed that Facilities Manager Scott Hanson should deliver the letter with the message that this is not to be intended as an aggressive act, but just a contractual obligation.

Mockler reported, on the jail and law enforcement center building project, that the City is building both streets this year. Hammond said he thinks the crane may have showed up for the walls. Thiesse said block work is happening. Mockler said the block work is the section that will separate the law enforcement center from the jail.

Hanson said the courthouse mechanical/electrical/HVAC project is on schedule. E. Smith asked when the Commissioners might be able to move meetings back to the courthouse. Hanson said it may be possible by the next meeting as the courtroom section went faster than expected. Hammond asked if it will interface with the court security project, and Hanson said it will.

At 9:48 a.m., Hammond moved, seconded by Mockler and unanimously carried to adjourn and reconvene Tuesday, March 26, 2024 at 9:00 a.m.

ATTEST:

Carri R. Crum
Carri R. Crum, County Auditor

Elizabeth T. Smith
Elizabeth T. Smith, Chairwoman
Board of County Commissioners

March 26, 2024

The Board of County Commissioners met in regular session Tuesday, March 26, 2024 at 9:00 a.m. at the Clay County Courthouse, 211 W. Main St., Vermillion, SD. Members present: Travis Mockler, Geoffrey Gray-Lobe, Elizabeth Smith, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items. Mockler said he is unsure if it constitutes a conflict of interest, but he is a member of the SE Farmers' Elevator Coop.

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

Hammond moved, seconded by Thiesse and unanimously carried to approve the minutes of the March 12, 2024 meeting.

A public hearing and First Reading was held for Ordinance #2024-01, a request to re-zone land located at 45568 313 St., Meckling, SD 57069 and Legally Described as Lot 1 Marquardt First Addition in SE ¼ of Section 22, Township 93, Range 53, Meckling Township from C-1: Commercial to I-2: Industrial for an Agribusiness (Grain Storage). Highway Superintendent Rod Polley said the engineers have an idea of what can be done without purchasing additional right-of-way, but he is waiting for a report. Hammond moved, seconded by Mockler advance Ordinance #2024-01 to the Second Reading pending report from engineers. Under discussion, Polley said this report should not hold up the process. Hammond said they are moving ahead normally with the understanding the tests come out fine. Mockler said worst-case scenario, the County will have to rebuild the road. Polley said he doesn't want to be the one holding things up. Hammond said the County would have to modify the plans in place now if it ends up with soil that would cause issues. Mockler said they would want to build the road right so it doesn't fall apart. All voted aye; motion passed.

Savannah Wise, Executive Director of the Vermillion Boys & Girls Club, Annie Brokenleg, SD Juvenile Diversion Coordinator, and Andy Schulz, local Boys & Girls Club Advisory Council, met with the Board to discuss a grant opportunity to expand the Juvenile Diversion and Intervention (JDAI) Program in Clay County. Wise said they currently run the Teen Court program in partnership with the State's Attorney. It has been very successful. They hired a Vermillion Teen Court Coordinator that is in the schools every day. There are 18 active cases right now. The coordinator meets with school principals and counselors weekly. Wise discussed that the program currently involves a process of exploring the reasons for truancy, providing mental health services, and then Lewis & Clark Behavioral Health Services recommends therapies that have to be followed through. Tutoring is available for students struggling with grades. They meet biweekly to review active cases. State's Attorney Michael Smith said Deputy State's Attorney Caitlyn Dommer meets with them, and he feels confident this is a good program and a good opportunity. M. Smith said, in 2022, they had 11 successful diversions and 2 unsuccessful diversion cases. Hughes County was part of the grant and had 23 successful diversions, Codington County had 170, Yankton County had 20, and Brookings County had 51. The grant will provide more opportunities than just Teen Court. He has hope there are more kids that can be reached through the grant. Senate Bill 47 was passed and signed by the Governor.

The County was reimbursed \$250/successful completion in the past, and it increases to \$750 through SB47. The incentive-based structure is intentional and a positive thing for counties. E. Smith said diversion programs work, and what counties save in the short run is insignificant compared to what they save in the long run. What Teen Court has done is astonishing. Wise said currently they only reach the first-time offenders, so when they get the same names, they don't have the resources to continue. There is a lot of potential for growth. Brokenleg said the funding to increase diversion from SB47 is in the state budget. In 2016, there was an initial diversion incentive fund created, the original \$250/successful completion. Diversion works, and the numbers in South Dakota show it has been working well. This is a way to help counties expand programs. The dollars will not decrease, but she hopes to continue to see an increase. It is a good way to keep kids out of the system, hopefully long-term. The grant would come from the SD Dept. of Corrections. Clay County would not be the first county to receive the grant. Brown, Davison, Codington, Yankton, Hughes, Bennett, and Lincoln are current examples. It is a 3-year grant opportunity. At the end of the 3 years, the County and Boys & Girls Club would have to look at how to continue. All counties that have been through the grant have chosen to fund it at the end of the 3 years. Today, she is asking the County for the blessing for the Boys & Girls Club to apply and oversee everything at no cost to the County for the first 3 years. E. Smith said the request is to sign a memorandum of understanding and send a delegate from the County. Mockler asked who the partners are. E. Smith said it would be Clay and Union County and school superintendents. Wise said it would include all schools in the two counties. M. Smith said he thinks that would be appropriate. He discussed Irene-Wakonda School being located in Turner County but with Clay County residents attending. Hammond said each school district is an individual governmental unit. It sounds like this is an early draft, and perhaps those things would be cleared up. Brokenleg said this is a draft, and it would be updated to include the specific schools. Lincoln County covers a lot of school districts in the area, for example. Mockler said they can only affect the students who live in Clay County. Hammond said this is for Clay County and the students from Clay County. He understands since the Boys & Girls Club is in Vermillion, it would be heavy in the Vermillion School District, and it would be up to the Sheriff's Office and State's Attorney to make sure the outlying school districts are well served. He asked how the Boys & Girls Club would make sure there is hands-on contact. He assumes the school district would be involved. Wise said that is why it's so crucial the school is on board because the Boys & Girls Club personnel are traveling and meeting with them once a week. Hammond said he is all in, although there are just a few details to be inclusive enough to serve all of the students, but there is hand shaking with other counties. Hammond moved, seconded by Thiesse to approve the memorandum of understanding and authorize the Chairwoman to sign it, with the proviso that it would serve all Clay County juveniles that are eligible. All voted aye; motion passed. Schulz said they are thankful for the support, and he hopes to meet with the Commission more frequently. The Boys & Girls Club started over 20 years ago and has built a strong organization. They rely heavily on partnerships. They are still early on in Vermillion, and they are working toward the traditional program of serving kids who maybe can't afford the \$125/month. If there is anything they can do to help show what they do, they are happy to do that. If the Commissioners want to tour, they can see firsthand what the program looks like. He is proud of what Wise is doing in Vermillion. Hammond said he is all-in for the club, and his granddaughter participates and is

very involved. She is proud of the awards she has earned from the club. M. Smith said this is all going to happen pretty quickly and will be implemented this summer if approved.

Polley discussed the Tour of Roads. The date was set for April 17, 2024 at 1:00 p.m. Hammond said they may want to talk about the effect of the new state law on determining where county road responsibilities start and end. Polley said he will have that on the agenda for the next meeting. He said Clay County might have a couple that fit into that. Hammond discussed the terms of the legislation.

Polley updated the Board that the Highway Secretary will be retiring, so he will be hiring for that position. Corey Doherty is the Weed Supervisor as Dennis Ganschow retired. He also hired a new person but is still short by one position.

At 9:40 a.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to adjourn and convene as Clay County Ditch Board with Ditch Board Chairman Mockler presiding.

Hammond moved, seconded by Thiesse and unanimously carried to approve an invoice from Ulteig Engineering in the amount of \$2,201.15 for work on Clay Creek Ditch.

Mockler said there is a culvert on the Yankton-Clay Ditch ¼-mile east of the county line. It is 8x20' now, and 18' will need to be added, with a band, because that's what the manufacturer had on hand. Hammond said that will take care of bank stability. Mockler said they crossed it last fall with a combine, and the combine fell off the side. Wieman Construction gave an estimate for \$6,750 installation labor. The culvert was around \$6,500. Polley said they have the culvert on hand, and the band is getting made this week. It will be delivered. Mockler said with the moisture we have had, it will not get done as quickly now. Hammond moved, seconded by E. Smith and unanimously carried to approve the project.

At 9:43 a.m., Gray-Lobe moved, seconded by Hammond and unanimously carried to adjourn and reconvene as Board of Clay County Commissioners with Chairwoman E. Smith presiding.

Polley asked if the County allowed a sump that dumps into the ditch near Aus Station. Mockler said they are supposed to have a permit if it dumps directly into the ditch. Polley said he does not remember this one. Mockler asked if it pumps directly into the ditch. Polley said the PVC pipe comes out with a downspout just like the one north of the rural electric building. It's out of the right-of-way, but it does drain into the ditch. Mockler said that's a gray area because it does not dump directly into the ditch. Mockler said the owner of the one on Highway 19 got permission from the State. Polley said he has no idea how long this one has been there. Gray-Lobe and Mockler discussed the one on Highway 19. Polley suggested they drive by it on the Tour of Roads.

Facilities Manager Scott Hanson met with the Board. The courthouse elevator doesn't have a phone any longer. The phone company will not maintain an analog line. The elevator company has a system that is \$1,400-1,900 to purchase and a \$35/mo. maintenance fee thereafter. It is required by code to have a phone in the elevator. The County currently pays \$893/quarter for maintenance, so it would go up to around \$1,000/quarter. Sheriff Andy Howe said the monthly charge would be a wash because of the analog phone service that would no longer be required.

The Board also considered a change order for the courthouse mechanical/electrical/HVAC project. Mockler moved, seconded by Gray-Lobe and unanimously carried to approve the change order from JLG Architects and L&L Builders for \$11,716 and authorized the Chairwoman to sign it. Mockler moved, seconded by Gray-Lobe and unanimously carried to approve the quote for the new elevator phone system and authorize the Chairwoman to sign the acceptance documents.

Hanson reported he is back to full staff now as he has hired John D. Walker full-time and Heather Hillrichs part-time for the Safety Center.

Hammond said the Historical Society would like to give the County a grant of \$2,000 to help support improvement to the 3rd story court area. Hanson had an idea presented to him by a past contractor, Ryan O'Connor, and it would involve preserving old woodwork that could become a display area for historic photos and items. Hammond said it would enhance the historical nature of the building, and he also thought it could include the photo of the current Supreme Court Justice from Clay County. He asked M. Smith and Howe for their thoughts. It could also include a contest of school-aged kids to see who from Clay County history should be honored in the display. Mockler clarified that it could be designed for the area to be changed out periodically. Hammond said yes, it could be used for photos or documents that are historically significant to Clay County. He has seen a number of ideas in his tours of other courthouses in the state. Mockler asked if it should be encased in glass so no one messes with it. Hammond said it could. It could be a bit of an enhancement in the hallway. Mockler said this idea is cheaper than if the County had to match the marble in the hallway during the planned court security renovation.

Hanson discussed the light fixture on the main floor. He said we have a surplus of lights in the attic, and he would propose we have one refurbished and installed. It would look nicer than what is there. He has reached out to O'Dell Electric, and they said they can complete the project. He has money in his budget to cover it.

Thiesse asked M. Smith, returning to the Boys & Girls Club topic, if a person has to be a member to receive services. M. Smith said it is the after school program that is fee-based, not the diversion program. The diversion program will be available to those students who meet the criteria. This would include things other than Teen Court. Gray-Lobe clarified this would include crimes more severe than Teen Court. M. Smith said yes, it could include kids who have attempted Teen Court in the past. He said Teen Court has to operate within specific standards, and they cannot deviate from that. This grant would offer other opportunities.

M. Smith discussed a warranty deed for transfer of property near the jail site from the County to the City. There are 3 sections of this strip of land that run parallel to Baylor St. The County has clear title to this particular section. It would be deeding this portion to the City to allow them to run utilities and planning. The County is still working on the other two sections. Mockler said this is the section that has curb & gutter already. Gray-Lobe moved, seconded by Mockler and unanimously carried to approve deeding of the property to the City of Vermillion and authorized the Chairwoman to sign the deed. Under discussion, Hammond clarified there are no issues with transferring title with no consideration, such as \$1, for example. M. Smith said this is the way it has been done in the past with government entities. All voted aye; motion passed. M. Smith said

the Certificate of Value has to be filled out by City. It is exempt from transfer tax, but there is still a \$30 filing fee. He doesn't remember who will pay that. It was the consensus of the Board that the County will pay the \$30, and Thiesse said he thinks it was part of the land agreement. Thiesse said normally the seller pays it, or it can be split 50/50, but it is all negotiable in Real Estate transactions.

M. Smith updated the Board on the courthouse court security project. He said he hoped to have a proposal today from TEGRA Group. He and Dick Strassburg of TEGRA Group met with Attorney Jim Wiedderich of Woods Fuller. They are trying to combine design-build and Construction Manager At-Risk, and Wiedderich has been working on that for the County. He hopes to have it by next Tuesday. Mockler said they should look into using the same type of project for remodeling the current Safety Center when the new jail is finished. Hopefully they could use the same architect. M. Smith said he brought it up. The work Wiedderich is doing now will help with the work the County does in that building.

Howe said the communication tower was taken out of the original building permit for the jail and law enforcement center site because they didn't want to hold up the process. It will be built under the FF&E process that TEGRA Group manages. He reached out to contractors ANCO, Ehresmann Engineering, and Vantek Communications. Vantek never delivered a proposal. He believes ANCO was the better proposal of the two he received. It was \$174,070.11, and he likes the scope of what they provide. Ehresmann would not install antennas, and neither would Sioux Falls 2-Way Radio. ANCO would do that and the FCC and FAA study, which Ehresmann does not do. He thinks the two quotes would be even once we start to pay a third party to do some of those other items. He has worked with the City Engineer on things such as a fall radius. The solution was to move the tower closer to the building. Once he gets Commission approval, then he puts the tower contractor together with Beckenhauer Construction. Thiesse asked if tower placement affects insurance. Howe said he is unsure. They did discuss climb shields so people cannot climb it to get onto the roof. Hammond and Mockler said there should be a fence anyway. Howe said the intended area is near the inmate garage in an inside corner. It would not be a security problem. Mockler asked who has to submit the building permit and variance. Howe said he thinks it would be the County for the variance and the contractor for the building permit, but he will work that out. He said the communications equipment is exempt from bidding under state law. Mockler said the County should do the building permit. Mockler moved, seconded by Thiesse and unanimously carried to approve the quote from ANCO. It was clarified it was in the FF&E budget, so this is not additional expense.

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

(PAYROLL)		REGISTER OF DEEDS	\$10,212.47
COMMISSIONER'S	\$9,247.39	VETERAN'S OFFICE	\$1,950.59
AUDITOR'S OFFICE	\$14,714.44	24/7 PROGRAM	\$1,839.20
TREASURER'S OFFICE	\$25,105.69	SHERIFF'S OFFICE	\$60,172.69
STATE ATTORNEY'S OFFICE	\$32,244.48	COUNTY JAIL	\$41,009.99
COURTHOUSE	\$5,025.71	EMERGENCY MGMT	\$5,741.57
DIRECTOR OF EQUALIZATION	\$13,396.58	HIGHWAY	\$56,508.35

COMMUNITY HEALTH NURSE/WIC \$4,090.55
 EXTENSION OFFICE \$3,590.94
 WEED \$11,750.14
 PLANNING & ZONING \$3,848.11
 (PAYROLL WITHHOLDING)
 AFLAC \$874.27
 CLAY CO FIT FICA \$64,584.85
 COLONIAL LIFE \$270.54
 CONSECO/WASHINGTON \$24.45
 DIV OF CHILD SUPPORT IA \$264.00
 DIV OF CHILD SUPPORT SD \$1,367.00
 NEW YORK LIFE C/O M&T BN \$258.57
 SD RETIREMENT SYSTEM \$35,607.96
 SD SUPPLEMENT RETIREMENT \$7,978.18
 SDRS ROTH 457(B) PLAN \$625.00
 SDRS SPECIAL PAY PLAN \$9,548.22
 TASC PVR \$2,181.62
 THE STANDARD - DENTAL \$1,494.24
 THE STANDARD - LIFE INS. \$488.87
 THE STANDARD - SH TRM DI \$2,134.38
 THE STANDARD - VISION \$369.36
 UNITED WAY OF VERMILLION \$215.00
 VOYAGE FEDERAL CREDIT \$750.00
 (INSURANCE DEDUCTIBLE REIMBURSE)
 GANSCHOW, DENNIS \$500.00
 (PROFESSIONAL SERVICES AND FEES)
 ALLBRIGHT CLEANING \$764.64
 BUHLS DRYCLEANERS & \$19.20
 C-CLEANING SERVICES \$855.75
 CLAY COUNTY \$30.00
 ERICKSON SOLUTIONS GROUP \$919.70
 FEDEX \$49.73
 GOVT. EXEC. MEDIA GROUP \$1,995.00
 JLG ARCHITECTS \$27,280.00
 KATTERHAGEN, MARK \$6.00
 LARSON, VAL \$6.00
 LEWNO, LUCILLE M \$112.25
 MINNEHAHA CO. AUDITOR \$85.60
 MINNEHAHA COUNTY JDC \$29,342.72
 NATIONAL SHERIFF'S ASSOC \$250.00
 OPSAHL-KOSTEL \$1,900.00
 PHARMCHEM, INC. \$443.40
 SANFORD HEALTH CLINIC \$13,270.73
 SD DEPT OF HEALTH LAB \$1,995.00
 SDRS SPECIAL PAY PLAN \$90.00
 SECURITY SHREDDING SVC. \$45.00
 ULTEIG \$1,668.75
 (OTHER PROFESSIONAL SERVICE)
 MINNEHAHA COUNTY JAIL \$5,600.00
 (MENTAL HEALTH)
 LEWIS & CLARK BEHAVIORAL \$213.00
 (PUBLISHING)

BROADCASTER PRESS \$396.94
 NEW CENTURY PRESS ACCTHW \$94.41
 PLAIN TALK/BROADCASTER \$513.18
 (REPAIRS AND MAINTENANCE)
 AM GARAGE DOORS LLC \$1,830.00
 DAKOTA LOCK & KEY \$85.00
 DAN'S DRAIN AND \$337.50
 HEIMAN INC. \$1,299.00
 LOFFLER COMPANIES \$383.45
 MIDWEST READY MIX \$125.00
 TWO WAY RADIO SOLUTIONS \$519.75
 (DATA PROCESSING/CLAY CREEK/INF)
 ELECTION SYSTEMS AND \$805.00
 MICROFILM IMAGING SYSTEM \$945.00
 SOFTWARE SERVICES, INC. \$1,825.00
 TWO RIVERS CONTRACT. VIA \$40,654.48
 (SUPPLIES & MATERIALS)
 AM GARAGE DOORS LLC \$12,134.54
 CINTAS \$84.58
 COYOTE ENTERPRISE LLC \$180.52
 HD SUPPLY LTD \$130.28
 JACK'S UNIFORMS & EQUIP. \$106.39
 MINNEHAHA COUNTY JAIL \$10.28
 NORTHERN SAFETY CO., INC \$362.40
 O'REILLY AUTO PARTS \$30.70
 PROCHEM DYNAMICS \$825.68
 QUILL LLC ROD \$56.48
 QUILL LLC TRS \$211.72
 RUNNINGS SUPPLY INC CH \$40.16
 RUNNINGS SUPPLY INC H&W \$19.99
 THE LUMBERYARD LLC \$26.00
 THE TROPHY PLACE \$50.00
 TITAN MACHINERY \$194.10
 TRUCK-TRAILER SALES&SRVC \$81.75
 TWO WAY RADIO SOLUTIONS \$1,177.56
 VERMILLION ACE HARDWARE \$323.48
 (TRAVEL AND CONFERENCE)
 HARGRAVE, SAMANTHA \$79.28
 POLLEY, RODNEY \$168.00
 (UTILITIES)
 BUREAU OF ADMINISTRATION \$63.00
 CITY OF VERMILLION \$717.80
 FISCHER'S DISPOSAL L.L.C \$65.00
 MIDCO BUSINESS EXT. \$75.39
 VERIZON WIRELESS HWY TRS \$98.53
 (PAYMENT)
 BRUNICK SERVICE, INC. \$90.00
 GRAHAM TIRE S.F. NORTH \$588.32
 HY-VEE, INC. JAIL ACCT \$385.03
 PIZZA RANCH 14762 \$1,724.00
 QUALITY MOTORS \$88.17
 SANFORD HEALTH CLINIC \$2,569.00

VAN DIEST SUPPLY COMPANY	\$8,410.00	(FURNITURE AND MINOR EQUIPMENT)	
(BUILDINGS AND STRUCTURES)		CANON	\$209.15
C-CLEANING SERVICES	\$1,880.10	MICROFILM IMAGING SYSTEM	\$215.00

The Board considered a contract for Community Health Nurse services from the SD Dept. of Health. E. Smith said the County would pay \$6,696 for 2024. The big difference is there are no guaranteed hours. It is an as-needed basis. It would be about \$129/week, which doesn't seem excessive for the availability of nursing appointments. She is disappointed we have lost services over a period of decades, and this is one more chip. However, it is what we have. The County could contract with Sanford, but it would work out to be a lot more expensive. Thiesse moved to approve the contract and authorize the Chairwoman to sign it, and when the County is in better financial sorts, if it continues to deteriorate, the Board will look at other options. The motion was seconded by Gray-Lobe. Under discussion, E. Smith said we have a persistent poverty rate, and this is an available service for county residents, so they should look at it when the County is in a better financial position. Emergency Management Director Layne Stewart asked if they are not necessarily going to be here every week. He heard one nurse would handle multiple counties and would spend one day a week in each county. E. Smith said she has been told they will try to spend one day in Clay County, but if there are no appointments made, they will not come. Stewart said he has been having discussions with the Dept. of Health regarding Point of Dispensing (POD) because they are not supporting certain things, and the County may have to financially support POD at some point because they don't have anyone to operate outreach. Hammond said services provided by appointment only is different than one day a week to have someone here for walk-ins. They do not have a way of alerting the public that they would be here on a certain day if needed, and a lot of the clientele might not plan ahead very well. He discussed services listed and said unless it is well advertised, people would not realize they are offered services. His guess is that services will be grossly underutilized because people that would need it do not necessarily know how or when to obtain it or what types of services are provided, so it looks like the whole program is set up to fail. The Board agreed. Thiesse said it is terrible, but they don't have another option. Hammond said the agreement, as written, is self-defeating. They can't even alert constituents that it is available without a designated day. E. Smith said the only thing they have is the WIC staff that can alert WIC clients, but there are more people eligible than just WIC clients. Thiesse said the best thing the County can do is advertise. They discussed using social media and the Community Connections Center. Gray-Lobe said the more they can succeed in advertising, the more able they are to make a case that the State would not be meeting the need. Thiesse suggested providing the information to the school nurse. E. Smith said we have a resident who was the 5-day a week nurse and others that were 3 days a week, and now it's 1 day but only if necessary, so it is disappointing. Hammond said this is another pay me now or pay me later issue. Having early and effective preventative healthcare is so important and saves the community a lot of money as those clients are part of the community. All voted aye; motion passed.

At 10:49 a.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to enter an Executive Session for legal and personnel matters per SDCL 1-25-2.

At 11:10 a.m., Hammond moved, seconded by Mockler and unanimously carried to exit the Executive Session.

Recent payroll changes to be reported in the minutes are as follows: Rozmus Baylor (part-time Jailer) hired effective 2/29/24 at \$20.90/hour, Corey Doherty (Weed Supervisor) promoted effective 3/23/24 at \$26.66/hour, John Pittman (Highway Maintenance) effective 4/1/24 at \$20.90/hour.

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

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

To the Honorable Board of County Commissioners of Clay County
items in the hands of the County Treasurer as of March 1, 2024.
I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks	5,910,126.92
Amount of actual cash	1,821.12
Total amount of checks and drafts in Treasurer's Possession not exceeding three days	52,867.19
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:	296.23
Checks returned and not deposited	
Cash Items	700.00
Investments	1,154,151.38
Cash Variation	0.00
Total	
	Dated this 1st day of March, 2024.
	7,119,962.84

Carri R. Crum, County Auditor

At 11:10 a.m., Hammond moved, seconded by Mockler and unanimously carried to adjourn and reconvene Tuesday, April 2, 2024 at 9:00 a.m.

ATTEST:

Carri R. Crum
Carri R. Crum, County Auditor

Elizabeth T. Smith
Elizabeth T. Smith, Chairwoman
Board of County Commissioners

April 2, 2024

The Board of County Commissioners met in regular session Tuesday, April 2, 2024 at 9:00 a.m. at the Clay County Courthouse, 211 W. Main St., Vermillion, SD. Members present: Travis Mockler, Geoffrey Gray-Lobe, Elizabeth Smith, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Gray-Lobe moved, seconded by Mockler and unanimously carried to approve the agenda.

Hammond moved, seconded by Gray-Lobe and unanimously carried to approve the minutes of the March 26, 2024 meeting.

Gray-Lobe reported under Visitors to be Heard that he signed up to be an eclipse ambassador, and he would like to inform the public that there are about 500 pairs of eclipse viewing glasses at the public library. This will be the best chance to view an eclipse in the next 20 years. He will also be speaking at the public library from 6:00-7:00 about the eclipse.

State's Attorney Michael Smith met with the Board to report on the courthouse court security project. He said there was not a lot of movement, and he hopes to have it on the agenda for next week. He and Dick Strassburg from TEGRA Group have the information they were waiting for from Jim Wiederrich of Woods Fuller, and they will be reviewing it. The best option may be design-build, but Strassburg will offer an expert opinion once he has reviewed the information. Taking the extra time for this will be beneficial to the County on this project and future projects.

Zoning Administrator Drew Gunderson, Highway Superintendent Rod Polley, Adam Schoenherr with Ulteig Engineering, and Sophie Johnson with SE Council of Governments met with the Board to discuss the SE Farmers' Elevator Coop. grain storage facility to be built on 313 St. Schoenherr spoke about test bores on the roads. Schoenherr recommended concrete on at least 8" of base. There is an option for fabric to give extra stability. They were not able to update the cost estimate, but they are looking at about a million dollars. Mockler asked if it will include widening. Schoenherr said it will. They will have to apply for a permit to occupy the right-of-way with the SD Dept. of Transportation. Polley said that will help with the railroad crossing issue. Gray-Lobe thought he heard an estimate of 4,000 loaded trucks, but the paperwork says 2,000. Polley said he noticed that error as well. Mockler asked if they can build the road to asphalt. Is there a way to get thick enough asphalt? The County can maintain asphalt, but we do not have equipment to maintain concrete. Schoenherr said that is a discussion they can have. Mockler said it would be a long time until we would have to patch concrete. Polley said even though we do not have the equipment to maintain it, concrete is the best option. Gunderson asked how long it will take to construct the road. Schoenherr said it could be done next summer and be bid in conjunction with a Union County project. He is hoping to speed up the grant process. E. Smith asked Johnson how long it will take to get the grant together. Johnson said the grant amount maximum is \$600,000, and it is an 80/20 grant. All she needs is a cost estimate and a couple signatures for the application. The deadline is April 15th. Gunderson asked what the total project cost is for the grant application. Johnson said she put \$5 million in the grant application.

Merle Lyons with SE Farmers' Elevator Coop. said that would be easily met. E. Smith asked if she should put "in excess of \$5 million," and Lyons said yes. Mockler asked Johnson if she needs the soil study, and she said it would help to determine the cost estimate, which is what she is waiting for. Johnson said she needs a letter of commitment from SE Farmers' Elevator Coop. She will send out a template. Schoenherr said they will have the cost estimate this week. Attorney Mike McGill asked if there is a cost variance on the asphalt. Schoenherr said they can do a comparison. Lyons asked if it is summer of 2025 for construction. Polley said that is his hope. Hammond said if we do asphalt, we would end up needing a geomembrane and extra compaction in the subgrade, so he guesses it would be close to a wash with the cost of concrete. Lyons said 2025 works for him. If they can have the facility up and going by harvest of 2025, by August 31st, that would be good. Schoenherr said the good thing is there are two access points. E. Smith said Polley would like to do it as soon as possible.

A Second Reading was held for Ordinance #2024-01, an Ordinance Amending Ordinance #2013-04 (Updated with Amendments through #2017-01) by Rezoning Certain Property. This is a request to re-zone land located at 45568 313 St., Meckling, SD 57069 and Legally Described as Lot 1 Marquardt First Addition in SE ¼ of Section 22, Township 93, Range 53, Meckling Township from C-1: Commercial to I-2: Industrial for an Agribusiness (Grain Storage). No one appeared in opposition, and no written correspondence was received. Gray-Lobe moved, seconded by Mockler to pass and adopt Ordinance #2024-01. Vote of the Board: Mockler Aye, Gray-Lobe Aye, E. Smith Aye, Thiesse, Aye, Hammond Aye. Motion unanimously passed.

Mockler moved, seconded by Gray-Lobe and unanimously carried to accept the low bid of \$3.17/gallon from Jerry's Service for gasoline. Polley said he has been getting calls asking why the County is buying from out of state vendors. We use the cheapest vendor we can get. He asked the Board if he should take Jerry's Service off the list. Mockler said no because they are not always the low bid. Hammond said over a year's time, the difference can amount to a lot of money saved by the County.

Gray-Lobe moved, seconded by Mockler and unanimously carried to accept the low bid of \$3.62/gallon from Jerry's Service for diesel fuel.

Polley asked the Board if there is any problem using E-15 fuel now that it is available. The Highway Department only has one vehicle that might be too old for it. Hammond discussed price differential, and Gray-Lobe said there is a little difference in energy content. Thiesse questioned miles-per-gallon difference as well. Hammond said the difference between E-10 and E-85 is considerable. He said E-15 probably would not be much different than E-10. Gray-Lobe wondered if they should put a formula on that. E. Smith said the EPA probably has that information. Mockler said they will be moving away from E-10 in the future.

The Board reviewed Bridge Improvement Grant paperwork for structure #14-103-090. Polley said the County needs to accept the 20% cost share. He said this is the deck for the bridge off of Highway 19 that they just fixed the scour hole under. The grant is for \$684,000, and that is 80% of the cost. Mockler moved, seconded by Hammond and unanimously carried to approve the grant application and authorize the Chairwoman to sign any necessary paperwork.

Gray-Lobe moved, seconded by Hammond and unanimously carried to approve a Right-of-Way Application from Clay-Union Electric on 302 St. in Section 33, Township 95N, Range 53W and authorize the Chairwoman to sign it.

The Board considered a Right-of-Way Application from Brett Petersen - PBP Farms on 302 St. in Section 26, Township 95N, Range 53W. Polley said they already completed the work without a permit. They used 12" pipe, and they will dig it up on each end and put a 10" pipe through the 12" pipe. He will keep track of them, and he recommends approval. Mockler said the contractor and owner had a miscommunication. Each party thought the other had obtained the permit. He said he was up front with them that they would have to take it out. We don't have a fine, so we need to make them correct it. Hammond said the owner is a pretty straight-shooter. Gray-Lobe moved, seconded by Mockler and unanimously carried to approve the application and authorize the Chairwoman to sign it.

The Board considered a Right-of-Way Application from Jefferson Telephone Company on Highway A4 (Burbank Rd.). Polley said this is an extension of what the Board approved a few weeks ago. There is one bore, and they submitted a check with the application. Hammond said this gets them all the way to the city limits. Mockler moved, seconded by Gray-Lobe and unanimously carried to approve the application and authorize the Chairwoman to sign it.

Polley discussed House Bill 1229 with the Board. He said it looks like we have a couple of highways that could be in question. Hammond said he didn't get a chance to listen to the legislation to see what the intent is behind it. M. Smith said his understanding is there is going to be some changes to land touching municipalities. It will go into effect in July, and there is language regarding resolution of any disputes. It seems likely that we need to pay attention to how this law will be implemented and how we need to change ownership of any roads that fit. Hammond said in case of a disagreement, it is determined by the Secretary of Transportation. E. Smith said it would be our advantage to get it there sooner rather than later as the Secretary will likely be very busy. M. Smith said he would not be surprised if conversations happen over the next couple of months. E. Smith discussed having the County's associations help with this. Hammond said a request for an Attorney General's Opinion is probably not a bad idea. M. Smith it would be interesting to review the intent of the legislature. The folks making the law are on the same page with what they want. E. Smith said they are intending to do their best to help counties financially. Hammond said he thinks it's an ongoing set of unresolved questions, and it's time to clear it up. It also refers to townships, and it could be that roads in some places would be reverted from counties to townships. E. Smith suggested Polley look at the potentially affected roads in Clay County. Polley discussed 302 St. through Wakonda. He discussed Burbank and Meckling with M. Smith and whether that would become a township responsibility. He said he is still working on a portion of Princeton St. to get that transferred. Hammond said he thinks the strength of the bill is that it helps clarify who owns the road. He discussed 302 St. in Wakonda and said Wakonda may end up owning it, but it probably makes sense for the County to maintain it, although they should have some cost share. Polley said it is a federal FAS road, so he doesn't know if that changes anything. Mockler and Polley discussed Irene as well.

At 9:45 a.m., Gray-Lobe moved, seconded by Mockler and unanimously carried to adjourn and convene as Clay County Ditch Board with Ditch Board Chairman Mockler presiding.

Mockler discussed an email from Two Rivers Contracting. Brad Stangohr with Ulteig Engineering said the contractor ran out of money before he could finish the few days of work that is left. He said the next payment application is for work that is done. He made two versions for consideration. One version has some liquidated damages, and the other has no liquidated damages. He computed the damages per the book and used administrative costs spent on engineering since December. He would like a decision on moving forward how the Board wants to handle liquidated damages. We are getting close to being done, so they should decide that now. We were fortunate that we had a winter where they could do the work. Stangohr and Schoenherr discussed retainage, and Stangohr said he held 10% back. He said there is \$18,147 retained. E. Smith asked who the County pays the bill to. M. Smith said it is good to pay as we have been, to Northern Escrow, Inc. Mockler said the contractor is getting the work done. E. Smith moved to pay Northern Escrow, Inc. \$41,593.57, seconded by Gray-Lobe. Under discussion, Gray-Lobe said the letter seemed open-ended that they are on pause. Mockler said we are only paying him for the work he has done, so if he left we have money held back to finish the work. Gray-Lobe and Mockler said they hope we don't get to that point. Stangohr said he is well into the last mile, with maybe 2 days' worth left. They are almost done, very, very close to finished. The contractor is working out a deal to get this done. Hammond said normally if it was his own project and his own money, he would waive the damages. With the public's money, he is more reluctant, but the contractor has been acting in good faith. If we can get the job done, he agrees on waiving damages, or cutting them in half or quarter would be another solution. They are moving in the right direction giving the guy the benefit of the doubt. Stangohr said liquidated damages are difficult. In future ditch projects, they should slice them into 1-mile segments. Mockler said they did give him 2 years. Stangohr said that is in our favor. Hammond said it sounds like we didn't have any real extra costs in this case, or if there are, they are very minimal. All voted aye; motion unanimously passed.

Polley said they discussed Lateral 50 from Yankton-Clay Ditch up to Cottonwood. He does not remember if there was money, but there are getting to be quite a few trees. Mockler said we have to do the culvert first. Auditor Carri Crum said there is a little over \$17,000 in the fund. Mockler said that is about the cost of the culvert. Hammond said they left the levy alone at the annual meeting.

At 10:05 a.m., Gray-Lobe moved, seconded by Hammond and unanimously carried to adjourn and reconvene as Board of Clay County Commissioners with Chairwoman E. Smith presiding.

Sheriff Andy Howe met with the Board regarding surplus radios. There are 8 mobile radios and 11 portables, and they are not upgradable anymore. They can be deprogrammed and recycled through Sioux Falls Two-Way Radio Service, so Howe requested permission to do so. Gray-Lobe moved, seconded by Mockler and unanimously carried to declare the radios surplus and authorize Howe to recycle them through Sioux Falls Two-Way Radio Service.

Director of Equalization Lennea Olson met with the Board for her annual review. She reported they had a sales audit with the State. Prior, the ratio was 72% of market, and after reviewing they got up to 76%. Counties are supposed to be at 85% bare minimum per the State. After reappraisal, Clay County is at 91%. That is the level of assessment. The quality of assessment Coefficient of Dispersion has to be less than 25. The County was at 19 the last couple of years, and they got that down to 15.5. It is a good indication that they are getting to a better quality of assessment. Gray-Lobe said that is a real benefit across the county for people. Thiesse said that is quite an accomplishment as volatile as the market has been the past few years. Olson said, not only are they dealing with a volatile market, they are having less sales. They had 176 sales as compared to 249 the previous year. Gray-Lobe asked if we are getting back to a normal trend. Olson said that is tricky. Mockler said when we started the jail discussion in 2019, we were just at a billion dollars in value, and now we are at 1.7 billion dollars. Gray-Lobe and Olson discussed reappraisal value vs. growth value. Homes went up an average of 18% due to the market. Olson said she would love for the mill levy to go down due to the increase in value, but when budgeting entities ask for more money, that levy increases. She also spoke about Ag land classes. They have been working on changing from actual use to true productivity. Class 1, 2, & 3 soils are now listed as crop and class 5, 6, 7, & 8 soils are listed as pasture. Next spring there will be a new flyover for EagleView, so she will have new imagery for the change finder. Gray-Lobe and Olson discussed Ag buildings. Non-Ag, rural land, went up 15% as did urban land. Ag buildings went up 3%. Those were closer to market value, so they did not require as much of an adjustment. Olson reported Beacon subscriptions were down by 4. Site visits were down as well. This is partly due to lesser sales. She said she is looking at hosting another Pictometry training this fall because the last one was very successful. She discussed appeals coming in for County and Consolidated Equalization Boards. Olson asked that the Board read the Dept. of Revenue appeal guides prior to Equalization Boards. She talked about filling the vacant position in her office. Ina Peterson will be helping in the meantime. Olson reviewed her fee schedule and said she would like to add monthly and quarterly Beacon subscriptions. She would increase the shape file fees as well. GL moved, seconded by Thiesse and unanimously carried to set fees as follows.

Property Record Cards:

Hard Copy	\$1.00/page
Scan Sent Electronically	\$2.00/page

Reports:

Hard Copy or PDF	\$200/Individual Townships
Hard Copy or PDF	\$200/Wakonda City
Hard Copy or PDF	\$200/Irene City
Hard Copy or PDF	\$400/Vermillion City
Hard Copy or PDF	\$600/County

GIS:

Shape File (Individual Layer)	\$125/layer
Shape File (Main Format)	\$400 (parcel outline, owner, mailing address, legal)

Beacon:

Yearly Subscription	\$300
Quarterly Subscription	\$100
Monthly Subscription	\$40
One-Time Setup Fee	\$25

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

(DUE TO OTHER GOVERNMENT)		(SUPPLIES & MATERIALS)	
SDACO - M&P FUND PAYMENT	\$234.00	FIRST DAKOTA CREDIT CARD	\$1,071.24
(PROFESSIONAL SERVICES AND FEES)		UNION CO. SHERIFF	\$472.05
FIRST DAKOTA CREDIT CARD	\$139.27	VERMILLION ACE HARDWARE	\$258.90
SATELLITE TRACKING OF	\$234.00	(TRAVEL AND CONFERENCE)	
SDRS SPECIAL PAY PLAN	\$45.00	FIRST DAKOTA CREDIT CARD	\$1,010.52
WOODS, FULLER, SHULTZ &	\$3,300.34	(UTILITIES)	
YANKTON CO SHERIFF	\$50.00	FIRST DAKOTA CREDIT CARD	\$1,113.22
(OTHER PROFESSIONAL SERVICE)		T-MOBILE	\$30.80
SCHILDHAUER, T. LEMBCKE	\$912.00	VERIZON WIRELESS SHERIFF	\$402.02
UNION CO. SHERIFF	\$17,520.00	VERMILLION GARBAGE SVC.	\$176.00
(REPAIRS AND MAINTENANCE)		(PAYMENT)	
BIERSCHBACH EQUIP & SUPP	\$2,000.00	THE SOAP GUYS	\$112.80
FIRST DAKOTA CREDIT CARD	\$318.00	(BUILDINGS AND STRUCTURES)	
TURNER PLUMBING INC	\$8,468.26	L & L BUILDERS	\$278,532.00
VERMILLION ACE HARDWARE	\$168.95	(BOOKS)	
(DATA PROCESSING/CLAY CREEK/INF)		FIRST DAKOTA CREDIT CARD	\$676.88
FIRST DAKOTA CREDIT CARD	\$5,531.25	(FURNITURE AND MINOR EQUIPMENT)	
ULTEIG	\$2,201.15	FIRST DAKOTA CREDIT CARD	\$192.98
(YANKTON CLAY EXPENSE)		LOFFLER COMPANIES	\$2,981.25
FIRST DAKOTA CREDIT CARD	\$39.80		

The Board reviewed a quote of \$8,784.44 for hardware from Erickson Solutions Group. Crum said this was for equipment that could not be included in the L&L Builders bid for the courthouse mechanical/electrical/HVAC project. It will get the County caught up with purchases needed to upgrade and secure the County's information technology infrastructure. Mockler moved, seconded by Thiesse and unanimously carried to approve the quote and authorize the purchase.

Mockler gave a brief update on the jail and law enforcement center building project. Walls are still being constructed, although there was a brief pause in progress.

At 10:30 a.m., Hammond moved, seconded by Mockler and unanimously carried to enter an Executive Session for personnel matters per SDCL 1-25-2.

At 11:23 a.m., Hammond moved, seconded by Mockler and unanimously carried to exit the Executive Session.

At 11:23 a.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to adjourn and reconvene Tuesday, April 2, 2024 at 9:00 a.m.

Elizabeth T. Smith

Elizabeth T. Smith, Chairwoman
Board of County Commissioners

ATTEST:

Carri R. Crum

Carri R. Crum, County Auditor

April 9, 2024

The Board of County Commissioners met in regular session Tuesday, April 9, 2024 at 9:00 a.m. at the Clay County Courthouse, 211 W. Main St., Vermillion, SD. Members present: Travis Mockler, Geoffrey Gray-Lobe, Elizabeth Smith, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Mockler moved, seconded by Gray-Lobe and unanimously carried to approve the agenda with the addition of a change order for the courthouse mechanical/electrical/HVAC project.

Mockler moved, seconded by Thiesse and unanimously carried to approve the minutes of the April 2, 2024 meeting.

Ryan Thompson of Santel Communications and Mark Wilson, Santel's Network Operations Mgr. met with the Board. They said the Connect SD program is a broadband enhancement program for rural areas deemed unserved or underserved. The Governor's Office of Economic Development administers the program. Santel's application was granted in December. Between Clay and Yankton counties it will be about a \$14 million project. Wilson said he oversees these construction projects, working with local entities, contractors, engineers, etc. They have routes planned. The next piece is the permitting process. After that, they start working with homeowners and businesses to determine who will be involved in the properties and getting permission to enter the properties. Then they will start locating, obtaining customers, and construction. The final construction portion is to connect fiber optics together. The remainder of this year and all of next year is the timeline for the project. They displayed a map showing the area of the project. Mockler asked, on the map where there is a Clay County area left out, why is that? Thompson said another carrier is working the project. Certain areas were not eligible through the State for the program. Thiesse said he is at the top of the blue area, and he received a call. It is a struggle out in the country to get internet.

At 9:12 a.m., Richard Hammond joined via zoom.

Wilson said the goal is to have some connections live by the end of the year. They will start from the south and work north. Thompson said they will be starting to contact property owners soon. The government funding is the only reason they are able to do this. Mockler asked, where Bluepeak is supposed to be at in the northern part, are they supposed to be there? He has not been able to get it. He wondered if Santel will be able to cover his area as Bluepeak has not done anything in his area. Thompson said probably not, but he will try to get some information. Part of this is sharing that if we work together we can get some nice things done. He also displayed a map of South Dakota that showed coverage areas. He conveyed that the smaller companies are also run by boards, member constituents, and this project made sense to their board members as they had the same service coverage challenges. E. Smith said they are delighted to have them as it is a challenge in rural places.

Highway Superintendent Rod Polley met with the Board via Zoom, and Assistant Highway Superintendent Larry McPherson was present to discuss highway matters. They presented a

contract for road striping. McPherson said it is 20 miles for \$19,842, and they recommend approval. Mockler clarified there is no cost-sharing for this. McPherson said 18 counties got together for cost-sharing instead of using the state program. Mockler moved, seconded by Thiesse and unanimously carried to approve the contract and authorize the Chairwoman to sign it.

The Board considered a Right-of-Way Application from Clay Rural Water on County Road H1, Section 15, T95, R51. McPherson said they recommend approval. E. Smith asked about the lines, and Mockler said it is a 2-inch line. Mockler moved, seconded by Gray-Lobe and unanimously carried to approve the application and authorize the Chairwoman to sign it.

McPherson reported on the 2024 chip sealing project and said they have 32 miles to be done. The engineer’s estimate was \$1.2 million, but he thinks they can remove a road from the project. Ulteig Engineering will send a final estimate and then release it for bids. It could come in less when bids are received. Polley said he has \$1.3 million budgeted for chip sealing or micro-surfacing, but they are just doing chip sealing this year. They will know more about how much they can do after it is bid.

Polley reported that Bluepeak contacted him last week with a bunch of maps. They have six contractors that will be doing broadband work in the county this year or next.

At 9:23 a.m., Gray-Lobe moved, seconded by Mockler and unanimously carried to adjourn and convene as Clay County Ditch Board with Ditch Board Chairman Mockler presiding.

The Board considered a bill from TrueNorth Steel for \$4,541.85 for the Yankton-Clay Ditch. Thiesse moved, seconded by Gray-Lobe and unanimously carried to approve the invoice for payment.

Mockler asked Polley if we got the culvert for the other lateral, and Polley said they have it, so he just needs to know which driveway.

At 9:24 a.m., Gray-Lobe moved, seconded by Thiesse and unanimously carried to adjourn and reconvene as Board of Clay County Commissioners with Chairwoman E. Smith presiding.

Mockler moved, seconded by Thiesse and unanimously carried to approve the following claims for payment.

(DUE TO OTHER GOVERNMENT)		MECKLING TOWNSHIP	\$11,548.39
BERESFORD SCHL DIST 61-2	\$46,246.32	NORWAY TOWNSHIP	\$5,287.18
BETHEL TOWNSHIP	\$7,022.70	PLEASANT VALLEY TWP.	\$6,882.29
CENTERVILLE SCH DIST 60-	\$21,015.77	PRAIRIE CENTER TWP.	\$7,062.23
CITY OF VERMILLION	\$130,593.20	RIVERSIDE TOWNSHIP	\$7,731.90
CLAY CO TREASURER	\$2,007.00	SDACO - M&P FUND PAYMENT	\$468.00
FAIRVIEW TOWNSHIP	\$18,296.45	SEILERS SECOND ROAD DIST	\$14.72
GARFIELD TOWNSHIP	\$13,041.96	SPIRIT MOUND TOWNSHIP	\$10,019.86
GAYVILLE/VOLIN SCHL DIST	\$18,677.37	STAR TOWNSHIP	\$8,989.75
GLENWOOD TOWNSHIP	\$8,425.27	TLC WATER PROJECT DIST.	\$11,866.04
IRENE CITY	\$2,337.18	VERMILLION BASIN WATER	\$2,293.72
IRENE/WAKONDA SCHL 13-3	\$103,358.48	VERMILLION SCHL DIST 13-	\$447,007.36

VERMILLION TOWNSHIP	\$9,645.72
VIBORG/HURLEY SCHL 60-6	\$80.97
WAKONDA TOWN	\$12,649.60
(PAYROLL WITHHOLDING)	
SDRS SPECIAL PAY PLAN	\$19,096.44
(FIRE)	
BERESFORD RURAL FIRE	\$2,043.50
CENTERVILLE RURAL FIRE	\$1,469.53
GAYVILLE RURAL FIRE ASSO	\$1,255.54
IRENE RURAL FIRE ASSOC	\$311.58
VERM. RURAL FIRE ASSOC.	\$8,891.28
VOLIN RURAL FIRE ASSOC.	\$307.87
WAKONDA RURAL FIRE	\$2,980.51
(PROFESSIONAL SERVICES AND FEES)	
ALLBRIGHT CLEANING	\$764.64
ALTERNATIVE HR, LLC	\$1,777.82
AVERA MCKENNAN HOSPITAL	\$7,652.05
BECKENHAUER	\$1,503,803.24
BUHLS DRYCLEANERS &	\$38.43
BUREAU OF ADMIN PMB0112	\$12.00
C-CLEANING SERVICES	\$195.65
CITY OF VERMILLION	\$319.04
ELK POINT AMBULANCE	\$1,011.00
FIRST DAKOTA CREDIT CARD	\$278.54
FOX LAW FIRM, PLLC	\$172.14
GEO TEK ENGINEERING &	\$18,049.00
HEIMAN INC.	\$738.00
KAUFFMAN, DAVID	\$3,584.75
LARSON, VAL	\$18.00
LINCOLN COUNTY AUDITOR	\$1,737.15
MINNEHAHA COUNTY JDC	\$14,212.88
PHARMCHEM, INC.	\$191.70
PRESTO-X COMPANY LLC	\$189.90
QUALIFIED PRESORT SVC IN	\$5,835.54
SANFORD HEALTH PATHOLOGY	\$274.00
SATELLITE TRACKING OF	\$770.25
SD DEPT OF HEALTH LAB	\$2,750.00
SDRS SPECIAL PAY PLAN	\$90.00
TEGRA GROUP INC	\$21,400.00
ULTEIG	\$14,501.00
WOODS, FULLER, SHULTZ &	\$6,600.68
YANKTON CO SHERIFF	\$150.00
YANKTON MEDICAL CLINIC P	\$88.05
(OTHER PROFESSIONAL SERVICE)	
CITY OF VERMILLION	\$88,288.10
MINNEHAHA COUNTY JAIL	\$6,944.00
SCHAEFER, DEAN	\$48.00
SCHILDHAUER, T. LEMBCKE	\$1,824.00
SD ATTORNEY GENERAL	\$312.00
UNION CO. SHERIFF	\$56,320.00
(LAW OFFICE)	
FRIEBERG, NELSON & ASK	\$3,321.75

KENNEDY, PIER LOFTUS &	\$149.50
PETERSON, STUART, KLENTZ	\$10,905.17
TERWILLIGER, PHILIP	\$3,321.75
(PUBLISHING)	
NEW CENTURY PRESS ACCTAU	\$528.19
NEW CENTURY PRESS ACCTHW	\$17.91
(REPAIRS AND MAINTENANCE)	
BIERSCHBACH EQUIP & SUPP	\$4,000.00
BRUNICK SERVICE, INC.	\$130.00
BUHLS DRYCLEANERS &	\$62.29
CHARLIE'S BUS SERVICE IN	\$257.00
CRESCENT ELECTRIC	\$194.96
FIRST DAKOTA CREDIT CARD	\$636.00
GRAHAM TIRE YANKTON	\$340.00
LOFFLER COMPANIES	\$666.58
MIDWEST PETROLEUM EQUIP.	\$500.31
NATURESCAPING DESIGN LLC	\$550.00
PRESTO-X COMPANY LLC	\$79.33
PROCHEM DYNAMICS	\$95.23
RUNNINGS SUPPLY INC CH	\$119.98
THE LUMBERYARD LLC	\$42.91
TURNER PLUMBING INC	\$16,936.52
VERMILLION ACE HARDWARE	\$412.10
VERMILLION AREA CHAMBER	\$200.00
YANKTON TRANSMISSION	\$675.00
(DATA PROCESSING/CLAY CREEK/INF)	
DOTY, KIM	\$37.50
FIRST DAKOTA CREDIT CARD	\$11,062.50
MICROFILM IMAGING SYSTEM	\$945.00
TWO RIVERS CONTRACT. VIA	\$83,187.14
ULTEIG	\$4,402.30
(YANKTON CLAY EXPENSE)	
FIRST DAKOTA CREDIT CARD	\$79.60
TRUENORTH STEEL	\$4,541.85
(SUPPLIES & MATERIALS)	
A-OX WELDING SUPPLY CO	\$141.93
BARCO MUNICIPAL PRODUCTS	\$45.11
BRUNICK SERVICE, INC.	\$430.39
BUTLER MACHINERY CO.	\$63.72
CINTAS	\$151.93
DAVIS PHARMACY	\$2,139.70
FIRST DAKOTA CREDIT CARD	\$2,142.48
GRAHAM TIRE S.F. NORTH	\$1,384.00
GRAHAM TIRE YANKTON	\$57.10
HY-VEE, INC. EXTENSION	\$40.97
JERRY'S SERVICE	\$22,331.80
LAWSON PRODUCTS, INC.	\$123.49
MCLEOD'S PRINTING & SUPP	\$529.78
MICROFILM IMAGING SYSTEM	\$30.00
MIDWEST PETROLEUM EQUIP.	\$240.00
O'REILLY AUTO PARTS	\$346.37
PROCHEM DYNAMICS	\$1,364.90

QUALIFIED PRESORT SVC IN	\$3,852.36	VERMILLION GARBAGE SVC.	\$588.00
REDWOOD TOXICOLOGY LAB.	\$124.61	WAKONDA TOWN	\$80.40
RUNNINGS SUPPLY INC H&W	\$30.98	(PAYMENT)	
SD DEPT OF LABOR & REG	\$50.00	JURY/WITNESS PAYMENTS	\$553.04
UNION CO. SHERIFF	\$2,228.40	(ALLOCATIONS/DISTRIBUTIONS)	
VERMILLION ACE HARDWARE	\$943.00	CLAY CO AGR FAIR ASSOC	\$2,062.50
VOYAGE FEDERAL CREDIT	\$130.93	DAKOTA SENIOR MEALS	\$1,448.25
YANKTON TRANSMISSION	\$125.00	DOMESTIC VIOLENCE	\$220.00
(TRAVEL AND CONFERENCE)		LEWIS & CLARK BEHAVIORAL	\$6,310.00
FIRST DAKOTA CREDIT CARD	\$2,021.04	ROCS TRANSIT	\$468.75
HOLLENBECK, LAUREN	\$168.67	VERMILLION PUBLIC LIBRAR	\$500.00
(INMATE TRAVEL)		(BUILDINGS AND STRUCTURES)	
CENEX FLEET FUELING	\$332.57	L & L BUILDERS	\$557,064.00
VOYAGE FEDERAL CREDIT	\$222.87	(BOOKS)	
(UTILITIES)		FIRST DAKOTA CREDIT CARD	\$1,353.76
CENTURYLINK	\$451.27	(FURNITURE AND MINOR EQUIPMENT)	
CENTURYLINK HWY	\$149.99	CITY OF VERMILLION	\$0.00
CENTURYLINK LUMEN	\$18.21	FIRST DAKOTA CREDIT CARD	\$385.96
CITY OF VERMILLION	\$231.20	LOFFLER COMPANIES	\$5,962.50
CLAY RURAL WATER SYSTEM	\$110.60	MICROFILM IMAGING SYSTEM	\$155.00
CLAY UNION ELECTRIC CORP	\$713.73	PROCHEM DYNAMICS	\$524.02
FIRST DAKOTA CREDIT CARD	\$2,226.44	(AUTOMOTIVE)	
FISCHER'S DISPOSAL L.L.C	\$130.00	BRUNICK SERVICE, INC.	\$156.00
MIDAMERICAN ENERGY C H	\$698.66	CENEX FLEET FUELING	\$2,260.80
MIDAMERICAN ENERGY EXT	\$25.98	JERRY'S SERVICE	\$232.86
MIDCO BUSINESS EXT.	\$160.78	THE SOAP GUYS	\$225.60
T-MOBILE	\$61.60	VOYAGE FEDERAL CREDIT	\$52.36
VERIZON WIRELESS SHERIFF	\$804.04		

Mockler moved, seconded by Gray-Lobe and unanimously carried to authorize the Chairwoman to sign the U.S. Postal Service NCOA Link Mail Processing Equipment Processing Acknowledgment Form for Qualified Presort Service.

The Board considered a change order from L&L Builders for \$3,562 for the courthouse mechanical/electrical/HVAC project regarding removal of the exhaust stack for the old boiler. Mockler moved, seconded by Gray-Lobe and unanimously carried to approve the change order and authorize the Chairwoman to sign it.

Mockler updated the Board that the jail and law enforcement center project was slowed down a bit due to the heavy rain.

At 9:28 a.m., Gray-Lobe moved, seconded by Mockler and unanimously carried to adjourn and reconvene Tuesday, April 30, 2024 at 9:00 a.m.

Elizabeth T. Smith

Elizabeth T. Smith, Chairwoman
Board of County Commissioners

ATTEST:

Carri R. Crum

Carri R. Crum, County Auditor

**2024 Board of Equalization
Consolidated Board
Clay County**

Chairwoman Elizabeth Smith called the Consolidated Board of Equalization to order at 1:00 p.m., Tuesday, April 9, 2024. Members present: Travis Mockler, Elizabeth Smith, Geoffrey Gray-Lobe, Davis Thiesse, Richard Holland, Steve Ward, Brian Humphrey and Jacob Skelton. Also present: County Auditor Carri Crum, Director of Equalization Lennea Olson, and Deputy Appraiser Melissa Brown. Oaths of Office were given.

Appeal #2024-01 – Custis, Tyler & Megan (15715-00700-030-00) The Director’s recommendation was to set the total value at \$371,347. Ward moved, seconded by Mockler and unanimously carried to affirm the Director’s value.

Appeal #2024-02 – Kerkman, Gregory (15260-01100-120-00) The Director’s recommendation was to set the total value at \$409,133. Thiesse moved, seconded by Gray-Lobe and unanimously carried to affirm the Director’s value.

Appeal #2024-03 – Marketplace Vermillion, LLC (15415-00200-080-00) The Director’s recommendation was to set the total value at \$1,030,181 due to change of commercial occupancy to neighborhood shopping center shell, to reflect remodel needs in tenant spaces, and recent sale price. Mockler moved, seconded by Thiesse and unanimously carried to accept the Director’s recommended value.

Appeal #2024-04 – O’Reilly Auto Enterprises, LLC (15295-00600-050-01) The Director’s recommendation was to set the total value at \$552,704 due to change of commercial occupancy to general retail and storage warehouse to reflect use of building, and to reflect no storage garage as implied by automotive center. Gray-Lobe moved, seconded by Mockler and unanimously carried to accept the Director’s recommended value.

The following Director’s recommendations were considered:

Appeal #2024-05 – Ballard, Noelle (15999-00200-000-12) The Director’s recommendation was to set the total value at \$0 due to the mobile home having been destroyed. Gray-Lobe moved, seconded by Ward and unanimously carried to accept the Director’s recommended value.

Appeal #2024-06 – Olson, Eric (15800-00100-090-00) The Director’s recommendation was to set the total value at \$264,170 due to correcting foundation square footage, changing condition to reflect needed/ongoing improvements, adding wet bar and basement utility sink, adding yard shed, and correcting garage square footage and year built. Gray-Lobe moved, seconded by Holland and unanimously carried to accept the Director’s recommended value.

Appeal #2024-07 – Bentz, David & Dawn (15620-00400-180-00) The Director’s recommendation was to set the total value at \$302,751 due to correcting sketch to reflect proper above/below grade square footage and attached garage size, quality and condition to reflect accurate property information, basement finish type, and exterior covering. Mockler moved, seconded by Ward and unanimously carried to accept the Director’s recommended value.

Appeal #2024-08 – Maloney, Michelle and Murley, Kevin M (15720-03300-180-00) The Director’s recommendation was to set the total value at \$104,674 due to changing effective age

and condition to reflect proper remodel year and updating finished square footage. Mockler moved, seconded by Thiesse and unanimously carried to accept the Director's recommended value.

Appeal #2024-09 – Barkl, Michael (15015-00200-010-00) The Director's recommendation was to set the total value at \$318,813 due to changing square footage to be accurate on upper level of home, updating bathroom fixture count, quality, and framing to accurately reflect log home construction. Mockler moved, seconded by Gray-Lobe and unanimously carried to accept the Director's recommended value.

The Consolidated Board adjourned at 1:54 p.m. with a motion by Mockler, seconded by Humphrey and unanimously carried.

Dated this 9th day of April, 2024.

**2024 Board of Equalization
County Board
Clay County**

Chairman Elizabeth Smith called The County Board of Equalization to order at 1:54 p.m., Tuesday, April 9, 2024. Members present: Travis Mockler, Elizabeth Smith, and David Thiesse. Also present: County Auditor Carri Crum, Director of Equalization Lennea Olson, and Deputy Appraiser Melissa Brown. Oaths of Office were given.

The following Director of Equalization Appeals from the Local Board were heard for consideration:

Appeal #2024-10 – Hessman, Phillip (03000-09553-352-00) The Director’s recommendation was to set the total value at \$76,102. Mockler moved, seconded by Thiesse and unanimously carried to affirm the Director’s value.

Appeal #2024-11 – Lovejoy, Michael 2022 Rev. Trust (05000-09452-102-03) The Director’s recommendation was to set the total value at \$171,005 before the Agricultural Building exemption. Thiesse moved, seconded by Mockler and unanimously carried to affirm the Director’s value.

Appeal #2024-12 – Lovejoy, Kodie (05000-09452-102-05) The Director’s recommendation was to set the total value at \$27,445. Mockler moved, seconded by Thiesse and unanimously carried to affirm the Director’s value.

Appeal #2024-13 – Booth, Joseph & Rudd, Pamela (13750-00100-050-00) The owner wished to be present and was unable to attend, so the matter was tabled until April 17, 2024 at 1:00 p.m.

The following Appeals were heard for consideration:

Appeal #2024-14 – Lohman, Jeffrey (02000-09522-133-06, 11) The Director’s recommendation was to set the total value at \$142,054. Thiesse moved, seconded by Mockler and unanimously carried to affirm the Director’s value.

Appeal #2024-15 – Halverson, Todd & Tracey (11000-09252-162-08) The Director’s recommendation was to set the total value at \$427,040. Mockler moved, seconded by Thiesse and unanimously carried to affirm the Director’s value.

The following Recommendations were heard for consideration:

Appeal #2024-16 – Schulte, Daniel & Molly (04000-09453-353-06) The Director’s recommendation was to set the total value at \$221,699 due to discovering that the rural additional acres had been entered as rural first acres and correcting to be in line with other non-agricultural rural properties in the county. Thiesse moved, seconded by Mockler and unanimously carried to accept the Director’s recommended value.

Appeal #2024-17 – Henriksen Rev. Trust (02000-09552-292-00) The Director’s recommendation was to set the total value at \$168,672 due to location of crop soils (EdA & EdB)

it is not reasonable to use them for the harvesting of crops (SDCL 10-6-131). Mockler moved, seconded by Thiesse and unanimously carried to accept the Director’s recommended value.

Appeal #2024-18 – Jensen, Ernest & Marlys (10000-09253-073-00) The Director’s recommendation was to set the total value at \$5,487 due to the river changing, more of the parcel remains under water than sand and reallocated adjustments to reflect current conditions of parcel. Mockler moved, seconded by Thiesse and unanimously carried to accept the Director’s recommended value.

Mockler moved, seconded by Thiesse and unanimously carried to instruct the Director of Equalization to make adjustment for Freeze on Assessment of Dwellings of Disabled and Senior Citizen per SDCL 10-6A.

Mockler moved, seconded by Thiesse and unanimously carried to instruct the Director of Equalization to make adjustment for Veterans Exemption per SDCL 10-4-40 & 10-4-41 and add the property that qualified due to receiving dependency and indemnity compensation.

Mockler moved, seconded by Thiesse and unanimously carried to accept the addition of Owner Occupied status for 2024 for the following parcels.

ADDITIONS			
PARCEL NUMBER	NAME	ADDRESS	CITY
06000-09451-084-03	O’CONNELL, NICHOLAS	30485 466 AVE	BERESFORD
06000-09451-321-06	JENSEN LIVING TRUST	30835 466 AVE	VERMILLION
06000-09451-362-00	WOOD, KELLY & JERRET	30834 469 AVE	BURBANK
08100-09352-273-09	KLEINHESSELINK, JOSHUA & ANNE	31362 HILLCREST PL	VERMILLION
09000-09353-253-06	DULLERUD, WAYNE ETAL	45730 314 ST	MECKLING
10999-09252-192-03	HUBER, LEO	31828 458 AVE	VERMILLION
11000-03204-141-06	DROWSER, BLAISE & AJA	2018 DAKOTA ST	VERMILLION
11000-03204-144-03	SORENSEN, TIMOTHY A & AMY K	2808 SORENSEN AVE	VERMILLION
14000-01600-030-03	VAN BEEK, JOHN	303 OHIO ST	WAKONDA
15050-06300-100-00	FERNANDES, YOHAAN & MINDY	27 N YALE ST	VERMILLION
15340-00300-020-00	MARTINSON, ERIC & SCOTT	103 W DUKE ST	VERMILLION
15370-00200-080-00	HOLOCH, HAROLD	509 W CLARK ST	VERMILLION
15720-05400-100-00	MARSHALL, GLEN & CHELSEA	302 FRANKLIN ST	VERMILLION
15999-00900-000-25	LININGER, NASH OR MICHELLE L	447 N PLUM ST #25	VERMILLION
15999-01000-000-75	GRIMMETT, RONALD	833 E DUKE ST #75	VERMILLION
15999-01100-000-41	VOGEL, SCOT ALAN	911 E DUKE ST #41	VERMILLION
15999-01500-009-18	WHITEHEAD, PATRICK	918 KATHERINE ST	VERMILLION
15999-01600-007-13	MUECKE, ELDON R	713 TOM ST	VERMILLION
15999-01900-010-15	LEONE, CHRISTOPHER & TERESA	1015 KIM LANE	VERMILLION
REMOVALS			
11000-09252-240-21	SORENSEN, TIMOTHY A & AMY K	914 S DAKOTA ST	VERMILLION

The Tax Exempt Applications List for 2024 was presented. Mockler moved, seconded by Thiesse and unanimously carried to approve additions to the list.

Thiesse moved, seconded Mockler and unanimously carried to approve the existing Tax Exempt list as published in county legal newspapers. The list is on file in the Auditor’s Office.

The County Board recessed and scheduled to reconvene April 17, 2024 at 1:00 p.m. with a motion by Mockler, seconded by Thiesse and unanimously carried.

Dated this 9th day of April, 2024.

**2024 Board of Equalization
County Board
Clay County**

Chairman Elizabeth Smith called The County Board of Equalization to order at 1:00 p.m., Wednesday, April 17, 2024. Members present: Travis Mockler, Elizabeth Smith, Geoffrey Gray-Lobe, Richard Hammond, and David Thiesse. Also present: Chief Deputy Auditor Nicole Klunder, Director of Equalization Lennea Olson, and Deputy Appraiser Melissa Brown. Oaths of Office were given.

Thiesse moved, seconded by Mockler and unanimously carried to approve the agenda items.

The following Director of Equalization Appeal from the Local Board was heard for consideration:

Appeal #2024-13 – Booth, Joseph & Rudd, Pamela (13750-00100-050-00) Booth and the Director each spoke to the Board. The Director’s recommendation was to set the total value at \$290,720. Hammond moved, seconded by Thiesse and unanimously carried to affirm the Director’s value.

The Director spoke about two Owner-Occupied Status Applications that were made after assessment notices were mailed but prior to the deadline. Mockler moved, seconded by Thiesse and unanimously carried to accept the applications.

ADDITIONS			
PARCEL NUMBER	NAME	ADDRESS	CITY
15600-00100-150-00	SIMMONS THOMAS E & GAIKLIN QUAH	1035 VALLEY VIEW	VERMILLION
15999-01600-010-27	SPELLMAN ERIN	1027 TOM ST	VERMILLION

At 1:20 p.m., Gray-Lobe moved, seconded by Mockler and unanimously carried to adjourn for the year.