

July 10, 2018

The Board of Clay County Commissioners met with township board members July 10, 2018 at 7:00 p.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Richard Hammond. Others present were Highway Superintendent Rod Polley, State's Attorney Alexis Tracy, Auditor Carri Crum, and Greg Vavra and Andrew Peterson from SD Local Transportation Assistance Program (SDLTAP).

Greg Vavra spoke to the township board members regarding small structures. The enactment of Senate Bill 1 from 2015 was briefly discussed as well as the definition of a small structure (SDCL 31-14-1) and statutes that deal with them such as SDCL 31-14-2 and 31-14-27.

Vavra asked whether the townships are having an engineer inspect their structures annually as SDCL 31-14-33 requires townships to handle maintenance and repairs of structures on their secondary road systems. A representative from the SD Assn. of Towns & Townships (SDAT&T) called to question the definition of a secondary road in statute. Ron Peterson, township board member, said his township has been operating under the assumption that the county was maintaining those structures. Vavra pointed out a photo in his handout of a small structure that appears to be a bridge but is defined as a culvert. Dale Christensen said he was under the impression that the size of the opening determined what was a culvert. Vavra said for a culvert 60" and above the townships may ask for the county's assistance. State's Attorney Tracy pointed out that the statutes still provide a procedure for the townships to request that the commissioners approve, on a case by case basis for a specific project, the county's assistance with funding. However, the maintenance going forward is not required of the county by statute.

Highway Superintendent Polley said on his maps, he is unsure for structures located on the borders which townships may be maintaining the structures, so he provided a letter to both bordering townships. He referred to a map on display at the meeting.

State's Attorney Tracy referenced SDCL 31-1-5 for the definition of secondary roads.

Vavra asked if any townships are utilizing the .50/thousand levy provided by Senate Bill 1 passed in 2015 for roads and bridges. He pointed out that townships can utilize those dollars for small structures, and it is done annually at the annual meeting, so the levy is available for 1 year and renewed as needed.

Christensen asked what the county will do with the money that has been continually spent on these small structures. Polley said he does not have money in his budget specifically for this purpose, and with the townships maintaining them, it provides the townships the ability to install some different types of structures. Polley discussed with one township the maintainer going over a bridge that is not designed for that weight and the continuous repairs the highway department has made to planks.

Vavra discussed structures that are functionally obsolete throughout the state. There was \$8.9 million available for \$280 million worth of projects. Senate Bill 1 from 2015 has created about \$18 million. Peterson said this meeting is forcing the townships to inspect their structures and

potentially close them. He is concerned they are opening a can of worms, and he is hopeful there is a dialogue that can happen between townships and the commissioners to compromise.

The representative from Terry Sletten from SDAT&T asked what the commissioners' goals are for this meeting. Mockler said if the county continues to maintain these structures in each township, the result will likely be a need to opt out to fund it. She said that option would be more beneficial than the township taking on the cost because it spreads the tax over a greater number of people than just those in the township.

Mockler said the townships need to police their own structures because people are taking heavier machinery over these structures than what they are designed for. Hammond said the county is not in a position to maintain and inspect the structures as thoroughly as the township board members living in the townships, and the townships should want to maintain them. He said the commissioners are willing to discuss projects as they come up.

Polley discussed people moving barricades to go across structures with heavy machinery. He pointed out a situation that happened recently where damage occurred in a township. It involved a 30,000-pound machine that traveled over a 14,000-pound structure. Vavra said the previous highway superintendent may have looked at the structures routinely, but he was not an engineer with the knowledge to determine how structurally sound the structure was. Polley said the south three townships do not even have a small structure, and others have a lot of them. He said wing walls often get broken off by machinery as well.

Vavra said, in fairness to the commission if the townships are going to request help, then the township boards should do their part and request it in advance so that both parties can arrange for the funding in the budget in advance for the project.

Peterson asked if the townships can order sign bases from the highway department and be billed for them. Polley answered yes and said he has a better product that what Peterson asked about for a cheaper price than the previously used product. He also discussed cost-effectiveness of plastic pipe instead of steel for culverts and situations like field approaches that are not ideal for plastic.

Jim Johnson asked if he should continue to call the highway department when he sees a washout while driving the maintainer, and Polley said he will still help and put up barricades as necessary.

Peterson asked what the status is of the county drainage board. Mockler said the county no longer has a drainage board. Vavra said the person would now need a 404 permit from the Corps of Engineers.

Vavra discussed cost-saving options for pipes that are rusting out, such as liners. Polley said there was one he had lined with concrete recently, and it did not decrease water flow. Wayne Thedorff asked if there is a completion date for the project on the Volin Road. Polley said they will be back to work on it next week, and it would take a day to a day-and-a-half, and the one on 308 St. has a day's work left to completion.

Jim Johnson said they have 3 bridges that are longer overhead steel bridges and asked if the county will still maintain it and whether there are plans to close one of them. Polley said he is in

the inspection cycle for it and does not have any plans for replacement of that specific structure as cost estimates are approximately \$3.7 million, not including any dirt work costs. Polley said his personal truck is 7,300 pounds, and it would be overweight for a 3-ton structure. He said there is not much reason to keep one open. Vavra said at that point it would be a prioritization whether to upgrade it for emergency vehicle access, or to close it.

Hammond suggested it might be a priority for the townships to get the inspection forms done, and then possibly coordinate with the county for inspections to save engineering expense by having the engineers make one trip to inspect for the county and townships at the same time.

Jim Morrison asked how far down the line the state assistance goes for inspections, and Vavra said it is for 20' and larger structures.

Dave Scott from Geddes was present and said he is a former state legislator, and Senator Frerichs proposed a bill last fall for \$5 million for money to counties, but the Executive Director of SD Assn. of County Commissioners did not testify for the bill, yet he was outside 5 minutes prior. Scott said he just wanted to voice his disappointment.

Vavra said SDLTAP services are free to townships and encouraged them to contact him.

Mockler thanked everyone for attending. At 8:35 p.m., Powell moved, seconded by Hamond and carried to adjourn.

Travis Mockler, Chairman

Board of County Commissioners

ATTEST:

Carri R. Crum, County Auditor
