

January 3, 2019

The Board of County Commissioners met in regular session Thursday, January 3, 2019 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Richard Hammond.

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

Minutes of the December 27, 2018 meeting were approved with a motion by Manning, seconded by Packard and carried.

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

County Auditor Carri Crum called the meeting to order. The Auditor called for nominations for Chairperson. Powell moved, seconded by Hammond to nominate Travis Mockler as Chairperson. Powell moved, seconded by Packard to cease nominations and cast a unanimous ballot for Mockler. All voted aye; motion passed.

With Chairman Mockler presiding, the following proceedings were held.

The Chairman called for nominations for Vice Chairperson. Powell moved, seconded by Manning to nominate Phyllis Packard as Vice Chairman. Powell moved, seconded by Manning to cease nominations and cast a unanimous ballot for Packard. All voted aye; motion passed.

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

Powell moved, seconded by Packard and carried to approve the following appointments. Layne Stewart as Emergency Management Director for a one-year term expiring 1/7/2020, Commissioner Mockler to Fair Board, Commissioner Packard as member of the Executive Board of SECOG, Commissioner Packard to Board of Directors of the Clay County Youth Trust Fund and the Youth Service Council, Commissioner Mockler to the Zoning Board, Dr. Dendinger as County Health Officer, David Thiesse to Public Safety Board for a three-year term expiring 12/31/21, Commissioner Hammond as member to the Southeast Regional Detention Authority Steering Committee, Commissioner Packard to the Joint Landfill Advisory Board, Commissioner Manning to the VCDC, Commissioner Manning to Vermillion Now Advisory Council, the Chairman and Vice-Chair to the ICAP Committee, and Commissioner Hammond to the Clay County Park Board.

Hammond moved, seconded by Powell and carried to designate the Vermillion Plain Talk and the Tri-County news as the official legal newspapers.

Powell moved, seconded by Hammond and 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.

Powell moved, seconded by Packard and carried to designate First Bank & Trust, Bank of the West, CorTrust Bank/Vermillion, First Dakota National, Wells Fargo Bank/Vermillion, First Premier Bank/Wakonda, SD FIT, and Vermillion Federal Credit Union as the official depositories.

Pursuant to SDCL 28-17-4, Powell moved that on county burials the funeral director in charge shall furnish casket and outside container and conduct the funeral services in customary manner and the County shall allow the funeral director for merchandise and such services rendered a sum of \$1900 (complete costs) which includes vault and opening and closing of the grave. Motion seconded by Hammond and carried.

Hammond moved, seconded by Packard and 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 \$.42 per mile, and if the state raises mileage during the year the County will follow suit; rates for meals set at \$32.00 per day (Breakfast \$6.00, Noon \$11.00, Evening \$15.00).

Manning moved, seconded by Packard and 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.

Manning moved, seconded by Hammond and carried to approve fees for boarding prisoners for other counties at \$70 per day, or per contract, fees for housing work release prisoners at \$20 per day, and daily boarding rate at \$15 per day, adult electronic GPS monitoring at \$20 per day, juvenile electronic GPS monitoring at \$10 per day, applicant fingerprinting at \$15 per 2 cards, mug shots at \$8, UA test \$10, accident reports at \$2 per page, and other reports or printing e-mailed civil process to serve at \$1 per page.

Manning moved, seconded by Hammond and carried to hold Commission meetings the first, second and last Tuesday of each month.

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

Hammond moved, seconded by Manning and 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 (currently Shawn Fick, Matt Olson, Michael Smith, and Dean Tompkins-Searcy).

Powell moved, seconded by Manning and carried to pass and adopt the following Resolution #2019-01 for Establishment of Election Precincts/Polling Places for 2019. All voted aye; motion passed.

RESOLUTION #2019-01
Establishment of Election Precincts/Polling Places for 2019

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

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

Upon which voting the resolution was declared passed and adopted.

Dated at Vermillion, South Dakota this 3rd day of January, 2019.

Board of County Commissioners
Clay County, South Dakota

ATTEST:

Carri R. Crum, County Auditor

Powell moved, seconded by Manning and carried to pass and adopt the following Resolution #2019-02 for Establishment of Precinct Election Officials Fees for 2019. All voted aye; motion passed.

RESOLUTION #2019-02
Precinct Election Officials Fees for 2019

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

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

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

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

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

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

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

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

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

Upon which voting the resolution was declared passed and adopted.

Dated at Vermillion, South Dakota this 3rd day of January, 2019.

Board of County Commissioners
Clay County, South Dakota

ATTEST:

Carri R. Crum, County Auditor

At 9:17 a.m., Powell moved, seconded by Manning and carried to adjourn and convene as Clay County Ditch Board.

Powell moved, seconded by Manning and carried to set February 26, 2019 at 1:00 p.m. as the date and time for the annual joint ditch board meeting with Yankton County at Toby's Lounge in Meckling.

The Board discussed with Highway Superintendent Rod Polley the Clay Creek Ditch. Powell moved, seconded by Hammond to direct the Director of Equalization determine the benefitted acres and the tax value that the landowners potentially being added to the drainage ditch would need to pay, and a letter to be drafted by the State's Attorney and Director of Equalization to the landowners asking them to join, or to grant a maintenance easement. All voted aye; motion passed.

Polley asked who will pay for the damages east of the Meckling bridge and suggested that should be discussed at the annual meeting.

Polley also said he has not finished the gates on the culverts, and Pollman has not finished his work yet due to the weather. Powell asked about Lateral 3 where it is cutting into the township road. Polley said he has placed barricades and would like to discuss that at the annual meeting.

At 9:37 a.m., Powell moved, seconded by Packard and carried to adjourn and reconvene as Board of Clay County Commissioners.

Chairman Mockler turned the meeting over to Vice-Chair Packard.

A second reading was held for #2018-04, a zoning change from Natural Resource Conservation to Agriculture. The legal description of the property is: N1/2 SW1/4 12-94-52, Clay County, SD. The area to be rezoned, per the Surveyor's Certificate, is the East 700 Feet of the North 1440 Feet Southwest Quarter (SW1/4) of Section Twelve (12), Township Ninety-four North (T94N), Range Fifty-two West (R52W) of the 5th P.M., Clay County, South Dakota (Containing 23.14 acres, more or less). Powell asked if there was opposition at the first meeting. Packard said there was concern from Jerry Wilson regarding the description of the area being rezoned and protection for water. Discussion ensued that the area has 600 feet of pastureland as a natural filter, and anything that is a runoff concern would be filtered by the pasture. Powell moved, seconded by Manning to pass and adopt Ordinance #2018-04. During the

discussion period, Manning asked if a findings report had been written. Packard said she has written preliminary findings and sent them to Zoning Administrator Cynthia Aden for review. Aden discussed contents of the findings. Hammond said there often is not enough space on applications to fully describe things, so the findings of fact will be important in the future. Hammond suggested that petitions, or applications, should be labeled by pages with the total pages noted in order to tie the pages together. Vote of the Board: Manning Aye, Hammond Aye, Powell Aye, Packard Aye; Mockler recused himself from the vote. Motion passed.

Vice-Chair Packard turned the meeting over to Chairman Mockler.

A second reading was held for Ordinance #2018-05, an amendment to Section 4 of the Zoning Regulations regarding maximum height. Hammond said he would be recusing himself from any voting due to his interest in installing a ham radio tower, even though his tower would fall under the Joint-Jurisdiction Zoning Regulations. Powell moved, seconded by Packard to pass and adopt Ordinance #2018-05. Vote of the Board: Manning Aye, Packard Aye, Powell Aye, Mockler Aye; Hammond recused himself from the vote. Motion passed.

Kris Jacobsen, SD Association of County Commissioners, met with the Board to discuss resolutions that were passed at the County Convention in September 2018. She discussed that bills have been slow to come in this year and reported on what has been dropped into the hopper thus far. Jacobsen said there will likely be legislation introduced to raise money for state 911 radio systems and emergency management via tax for phone lines. She said two legislative bills came from the Commissioners, one of which would allow counties to instill a ½ percent sales tax for building jails and Courthouses. The other states if there is an excess in the state budget, it would allow a percentage of that for the Bridge Improvement Grant program. Jacobsen discussed the National Association of Counties' website topics and resources. She also asked for any suggestions from the Board on improvements to the SDACC's services to county government. Packard said, in support of the ½ percent tax legislation to build jails, that the counties have already taken a hit from the state and federal levels and discussed the effects of the proverbial revolving door on county jail inmates with Sheriff Andy Howe and Jacobsen.

At 10:51 a.m., Hammond excused himself from the meeting.

The Board continued to discuss the legislative process with Jacobsen. She encouraged them to contact her with any concerns.

Packard moved, seconded by Powell and carried to approve payment to Blaine's Body Shop in the amount of \$10,408.11 for collision repairs to a Sheriff's vehicle.

Powell moved, seconded by Packard and carried to authorize the Chairman to sign a letter to First Premier Bank stating that Wakonda Fire Department is a non-profit, volunteer organization operating within Clay County.

The following Auditor's Account with the County Treasurer report was accepted and placed on file.

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

To the Honorable Board of County Commissioners of Clay County

items in the hands of the County Treasurer as of December 31, 2018.
I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks	5,699,831.84
Amount of actual cash	2,163.62
Total amount of checks and drafts in Treasurer's Possession not exceeding three days	12,291.30
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:	2,362.76
Checks returned and not deposited	
Cash Items	700.00
Investments	151,000.00
Cash Variation	0.00
Total	
	Dated this 2nd day of January, 2019.
	5,868,349.52

At 11:47 a.m. Manning moved, seconded by Packard and carried to adjourn and reconvene Tuesday, January 8, 2019 at 9:00 a.m.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor
