

October 11, 2016

The Board of County Commissioners met in regular session Tuesday, October 11, 2016 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Raymond Passick.

Packard moved, seconded by Passick and carried to approve the agenda with the addition Jill Munger, Community Health/WIC Nurse for an amendment to the Point of Dispensing (POD) Grant.

Minutes of the October 4, 2016 meeting were approved with a motion by Manning, seconded by Powell and carried.

Jill Munger, Community Health/WIC Nurse, presented an amendment to the POD Grant in order for the county to receive an additional \$1,000 of grant funds. Powell moved, seconded by Packard and carried to authorize the Chairman's signature on the amendment.

Rod Polley, Highway Superintendent, met with the Board to discuss highway matters. An Application for Entrance from a Clay County Highway was presented on behalf of Mark Peterson for a driveway extension west of Wakonda on 302 St. Passick moved, seconded by Packard and carried to authorize the Chairman's signature for approval with work to be done at the landowner's expense.

The Board considered Applications for Occupancy on a Clay County Highway on behalf of East River Electric for electrical lines with poles to be located outside of the right-of-way at 308 St. & 462 Ave., 305 St. & 455 Ave., 305 St. & 459 Ave., 306 St. & Hwy. 19, 309 St. & 465 Ave. Passick moved, seconded by Manning and carried to authorize the Chairman to sign the applications as presented.

Polley gave the Board an update on the drainage ditch slough at Brook Bye's land with a Pictometry photo of the area.

Powell spoke with Polley regarding gravel that washed away from Don Gregg's driveway due to water coming from a county oil road. They also discussed whether or not the area met the requirements for "hidden driveway" signage.

Layne Stewart, Emergency Management Director, met with the Board to present the SLA Quarterly Activity Report for Fiscal Year 2016. Passick moved, seconded by Packard and carried to authorize the Chairman to sign the report.

Stewart gave an update to the Board on the upcoming Point of Dispensing Drill to be conducted on October 20, 2016.

Stewart briefly explained new state-required documentation regarding expenditure reporting.

Andy Howe, Sheriff, met with the Board to discuss vehicle bid specifications. Howe discussed the need for a truck in the Sheriff's Office fleet and specifications for such. Passick moved, seconded by Manning and carried to authorize the bid specifications and advertising, with bid opening to be November 1, 2016 at 9:30 a.m.

At 9:30 a.m., a public hearing was held for the second reading of Ordinance #2016-04, An Ordinance Combining the Offices of County Sheriff and County Coroner. No one appeared in opposition, and no written correspondence was received. Packard moved, seconded by Manning to pass and adopt the ordinance. Passick Aye, Manning Aye, Powell Aye, Packard Aye, Mockler Aye.

Howe also discussed the possibility of starting a commissary program at the jail with orders being paid by inmates in advance. Powell moved, seconded by Packard and carried to authorize the commissary program with a rate of 10% commission for the County.

At 9:42 a.m., Passick moved, seconded by Manning and carried to enter an Executive Session for personnel matters per SDCL 1-25-2.

At 10:17 a.m., Powell moved, seconded by Packard and carried to exit the Executive Session.

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

On October 6, 2016, all Commissioners, Auditor Carri Crum, Nate Welch with Vermillion Chamber & Development Company, and Vermillion Mayor Jack Powell toured Dakota Plains Dairy's 4,250 head operation in Lincoln County.

The Board discussed the proposed changes to the zoning regulations regarding Concentrated Animal Feeding Operations (CAFO) and discussed the dairy operation tour with those attending the meeting. Powell felt the dairy tour was very educational. He said rain water does not run off but rather is collected, and it actually helped drainage in an area that previously had drainage problems. Packard said one concern that she has heard through the public hearings has been antibiotic use. She explained that at this operation, if a cow is given antibiotics, it is quarantined until antibiotics are out of the system. Powell said that the milking stalls are cleaned after each cow, and Packard said the udders are cleaned before the milking machine is attached. Teddi Gertsma, State's Attorney, asked if there was an odor. Powell said the odor he noticed was in the silage/feed area, where it smelled like alcohol. Packard said the cows were extremely quiet. She also said she found that the larger operations have potentially more protections than the smaller ones, they are extremely efficient, and extremely clean. The stalls are cleaned 3 times per day. Powell stated that it was a \$17 million operation to build. Packard said it is still family owned to a certain degree. The parent, son, and daughter each run one of the dairies. Passick asked why would the Commissioners eliminate the economic opportunity to have a company who could prove itself to be responsible.

The Commissioners discussed that Bill Hansen with the State of South Dakota said Lincoln County residents had a lot of concerns with Dakota Plains Dairy the first time, and now with the expansion plans, there has been virtually no opposition to the second unit. Powell said he gained

a different opinion regarding the animal number cap. Cindy Kirkeby asked if there is no cap, and a 20,000 animal operation comes, would it be hard to deny? Commissioners answered that Planning & Zoning would go through a process to approve it, then if there were problems the County Commission would hear it. Packard said she can see Clay County needing a compliance officer in the future, not because of large operations. The large operations do not want to be shut down. She said it is the middle of the road operations that could be more of a danger. The County does not have enough personnel, so that is something that should be looked at.

Powell said they learned that wages started at \$13.50/hour, housing is provided at \$1.00/hour less hourly wage, and health insurance and vacation time are available. Powell said when asked, Tom Jones, a former Senator who lives in Viborg, said he has never heard a complaint from anybody in the area about the facility. Passick went back to Kirkeby's question and said a 20,000 dairy would not likely happen unless the market for the milk was already in the area and land was lined up for manure management, etc. He said he does not want to take a position where the County is eliminating the possibility for good potential and said many counties in the state have never had a cap. Packard said the current proposal is a 5,600 animal number cap. Said she is throwing under the table her previous recommendation for a 4,500 cap. Some other big industry such as cheese or milk processing would need to be here before a request for 10,000 operation or another big request were to come along. Frank Orr asked what would happen if there were a large animal operation request. Commissioners clarified that there is a cap for any operation in the current proposal.

Manning said he would much rather have an operation like what was toured than an open facility. Jerry Wilson said, according to the American Dairy Association, the average dairy size is 100-200 cows, and 97% are family owned. He said the dairy farm bottom dropped out because of large dairies, and one can put 28 family farms out of business. Wilson asked what is in it for Clay County? At \$13.50/hour, he said, they can live but not buy anything. He encouraged the Commissioners to ask themselves some questions. What about the economic realities? Is this good for Clay County? He said regarding setbacks in Minnehaha County, there is no size limit, but there are gradually increasing setbacks. Wilson said he is hopeful that the Commissioners study economics and other factors that are equally relevant. Mockler said they took into consideration Turner and Lincoln County setbacks, and these are at least equal. Mockler said the average pay is \$50,000/year. Passick clarified that was the starting wage. Wilson asked how many were citizens and residents of the county. Commissioners said not all of the workers live in the county; some live in Beresford. They discussed with Wilson the starting wages at other industries in Clay County. Wilson asked the Commissioners to consider a complete economic analysis. Passick said the State has numbers for the dollar amount generated for different animals. Commissioners discussed the cost benefit for hauling corn to a large dairy vs. to Hudson. Powell said setbacks are important, but they also need to look at the economic benefit as well before approving. Wilson said the federal government is buying mountains of seeds to subsidize the market. Passick said subsidies are a fact of life in an agricultural community, and he would hope that an organization with multi millions to invest would do their research to make sure they can make it here. Frank Orr said it is hard for him to stomach the locals having a hard time making it, and it is hard to find a balance.

Manning said in the proposed zoning regulations, he would like large, medium, small for sizes but would like to do something with the Natural Resources Conservation area to keep people who are currently there in operation but prohibit expansion or new operations in those areas. The Board discussed having Patrick Andrews with SECOG look at it. Packard said looking at the dairy operation opened her eyes, but she did not have time to thoroughly look back through the proposal. She requested time to do so. Passick said SECOG needs to be involved in wording any changes to the proposal. The Board settled on inviting Andrews to the October 25, 2016 meeting.

Nancy Losacker asked if Dakota Plains Dairy had a tornado or other emergency plan to contain manure. Passick discussed that the drainage is designed to slope in such a way that it contains runoff in the property's lagoons. Kirkeby asked what the animals are doing when they are not being milked. Powell said there is a pen for them to wander and individual stalls to lie down. Wilson asked about fly control chemicals, and the Commissioners explained that the air current generated from large fans on the sides of the building is enough to keep flies off the animals. Further discussion was tabled until the October 25th meeting.

At 11:21 a.m., Packard moved, seconded by Manning and carried to adjourn and reconvene Tuesday, October 25, 2016 at 9:00 a.m.

Travis Mockler, Chairman
Board of County Commissioners

ATTEST:

Carri R. Crum, County Auditor
