

February 24, 2015

The Board of County Commissioners met in regular session Tuesday, February 24, 2015 at 9:00 a.m. Members present: Mockler, Packard, Powell, Passick and Manning.

Packard moved, seconded by Passick and carried to approve the agenda as presented.

Minutes of the February 10, 2015 meeting were approved with a motion by Manning, seconded by Packard and carried.

Gene Lunn, Director of Equalization, met with the Board during Visitors to be Heard to report on a request from SECOG for access to the Beacon program. Lunn also reported that the Beacon program is now fully funded by subscribers.

Rod Polley, Highway Superintendent, met with the Board to discuss Highway matters. An Application for Occupancy on the Right of Way of County Highways was presented on behalf of Clay-Union Electric for a cable on 306 St. in Section 15, Township 94, Range 51. An Application was also presented for Occupancy on the Right of Way of County Highways was presented on behalf of Clay-Union Electric for a cable on 302 St. in Section 26, Township 95, Range 52. Packard moved, seconded by Powell and carried to authorize the Chairman to sign the applications as presented.

Andy Howe, Sheriff, met with the Board to request travel for Tiffany Husby to Mitchell April 14-16 for the SD Corrections Association Annual Spring Conference. Powell moved, seconded by Packard and carried to authorize the travel request.

The Board considered an Application for Abatement or Refund of Taxes for a partial abatement in the amount of \$545.93 for buildings that were demolished in October 2013. Powell moved, seconded by Passick and carried to authorize the Chairman to sign the application as presented.

The Board discussed updates on pending legislation during the current session.

At 9:30 a.m., a public hearing was held for the first reading of Ordinance #2015-01, an Ordinance Imposing a County Wheel Tax. Paul Hasse was present and said in his opinion the county is using political bullying by stating that the state will withhold funding for counties without a wheel tax. Hasse asked if the Board has plans to share wheel tax dollars with municipalities. Packard said, in lieu of money going back to municipalities, the county would be improving roads to and from the municipalities. The greatest complaints are the roads leading to the municipalities. Powell said traffic counts going to those communities are the highest. Alan Dale, Plain Talk, asked if there is a study of how many miles people from Vermillion travel the county roads. Random traffic count studies were discussed. Mockler pointed out that a large number of people who live in the county work in Vermillion and travel the roads daily. Manning said approximately 42% of the workforce in Vermillion comes from outside of the city. Passick said agriculture is the main industry in Clay County, the agricultural industry uses the roads, and that agriculture also indirectly supports Vermillion. Hasse suggested that the county needs to lobby the state for changes. Passick moved and seconded by Manning to set the public hearing for Second Reading/Adoption of Ordinance #2015-01 at 9:30 a.m. on March 3, 2015. Vote of the Board: Mockler aye, Packard aye, Powell aye, Manning aye, Passick aye. Motion passed.

At 9:45 a.m., a public hearing was held for Resolution #2015-11 for Supplement of County Budget. No written comments were received, and no one appeared in opposition. Manning moved, seconded by Packard and carried to pass and adopt Resolution #2015-11.

**RESOLUTION #2015-11**

**Supplement of County Budget**

WHEREAS the County General 911 Communications budget does not have adequate budget in 2015 for County General 911 Communications (10100X4221225) to allow payment of expenses directly from the County General Fund in lieu of completing budgeted fund transfers from the County General Fund to the E-911 Fund for budgeted 911 Communications expenses;

WHEREAS, the Board of County Commissioners have agreed to hold a public hearing on February 24<sup>th</sup> at 9:45 a.m. to supplement the County General 911 Communications budget for the proper conduct and discharge of lawful county obligations and has been given in accordance with the law and direction of the County Board,

NOW THEREFORE BE IT RESOLVED: That the following budget be adopted to show the supplement to the foresaid 2015 Annual Budget:

911 Communications Department (D-225) \$170,134  
(GL# 10100X4221225)

Dated the 24<sup>th</sup> day of February, 2015.

Commissioner Manning moved the adoption of the foregoing Resolution; Motion seconded by Commissioner Packard.

Vote of the Commission: Mockler aye, Packard aye, Powell aye, Manning aye, and Passick aye.

Upon which voting the foregoing Resolution was declared passed and adopted.

ATTEST:

\_\_\_\_\_  
Carri R. Crum, County Auditor

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

John Robertson, Cherry Street Grille, met with the Board to discuss the jail meal bid process. Robertson said he respectfully requests the County Commissioners reconsider Robert's Rules of Order regarding the awarding of a contract. It was discussed whether there actually was a contract, or just a bid situation. State's Attorney Teddi Gertsma advised the Board to stand with the previous decision. It was decided that Robertson should be added to the agenda for the next meeting, and the State's Attorney's Office would return with an opinion for the Board.

Cynthia Aden, Welfare Director, met with the Board to present Welfare Case #C14-35. Aden reported that she has worked with the State's Attorney's Office to determine eligibility. Powell moved, seconded by Packard and carried to authorize payment of the claim as presented.

Packard moved, seconded by Manning and carried to approve the following claims for payment. February Payroll: Commissioners \$7,720.24, Auditor's Office \$8,599.42, Treasurer's Office \$13,281.88, States Attorney's Office \$13,948.42, Courthouse \$2,497.92, DOE's Office \$9,532.08, ROD's Office

\$6,394.66, Veteran's Office \$1,630.83, Sheriff's Office \$31,722.40, County Jail \$21,307.98, 24/7 Sobriety Project \$1,283.52, LEPC \$377.67, Emerg. Mgmt. Office \$3,399.00, Highway Department \$35,815.33, Community Health Nurse \$2,204.08, Extension Office \$2,791.75, Weed Department \$1,441.75, and Zoning Office \$2,145.83. February Bills: (Payroll Withholdings) Aflac \$692.57; Clay CO Treasurer \$39,788.75; Colonial Life \$409.47; Conseco/Washington \$100.70; Dearborn National \$213.99; New York Life Insurance \$244.02; Optilegra Inc. \$17.92; SD Retirement System \$18,942.94; SD Supplement Retirement \$1,135.00; SDRS Roth 457(B) Plan \$350.00; United Way of Vermillion \$202.00; Vermillion Federal \$1,466.00 and Wellmark Blue Cross \$29,877.92; (Due to Other Governments) State of SD Game Fish and Parks \$775.00; Thomson Reuters – West \$86.46; (Cleaning Fund – Misc. \$32.58) Dept. of Revenue \$32.58; (Other Insurance) SD Public Assurance Alliance \$68,908.70; (Professional Services and Fees) Beck, Pat \$40.95; Billings, John P \$2,385.00; Corrisoft LLC \$277.20; Gapp, Debra \$1,170.00; Ilchuk Enterprises LLC \$65.00; Lewno, Lucille M \$159.49; MicWebs \$840.00; Pharmchem, Inc. \$283.00; Rehfuss, Cathy \$18.00; Sanford Health Clinic \$66.00; SDSU Extension Service \$7,112.00; Sioux Falls 2-Way \$100.00; Software Services, Inc. \$80.00; State Bar of SD \$415.00; Swanda, Karen \$18.00; Yankton Co Sheriff \$25.00 and Yankton Co Treasurer \$363.75; (Other Professional Service ) Bergendahl, David L \$678.00; Schaefer, Dean \$186.00; Koletzky Law Office \$222.40; Peterson, Stuart. Rumpca \$5,640.14 and Thompson, Craig K \$364.94; (Rentals) Pictometry Internation \$1,500.00; (Repairs and Maintenance) Election System and \$3,498.00; Kokne, Inc. \$615.48; Netsys Plus, Inc. \$62.50; Racom Corporation \$418.22; SD Public Assurance Alliance \$288.00; Sioux Falls 2-way \$37.50; Vermillion Ace Hardware \$20.00; Walker Construction \$320.00; (Clay Creek Ditch Expense) Bureau of Administration \$21.00; Mastel, Bruce \$35.00; Netsys Plus, Inc. \$63.75 and Software Services, Inc. \$1,620.00; (Yankton Clay Expense) Crum, Carri R \$29.44; Hojem, Patty \$40.44; Manning, Micheal \$29.44; Mockler, Travis \$29.44; Packard, Phyllis \$29.44 and Passick, Raymond \$29.44; (Supplies & Materials) Bob Barker Co Inc. \$109.85; Boyer Trucks SF Inc. \$362.89; Butler Machinery Co. \$268.55; Campbell Machinery Co. \$235.39; Chemco, Inc. \$39.82; Francotyp-Postalia Inc. \$129.00; Hillyard \$84.74; Hy-Vee Inc. \$56.77; Marco \$272.32; MidAmerican Research Co. \$98.51; Neve's Uniforms & Equipment \$128.90; Riverside Hydraulics \$25.27; Sioux City Foundry Co. \$304.80; Sturdevant's Auto Parts \$36.87; Verizon Wireless \$12.05; Vermillion Ace Hardware \$183.06 and Walmart Community/Gecr \$78.08; (Travel and Conference) Ganschow, Dennis \$338.06; Howe, Andy \$60.00; Hy-Vee, Inc. \$42.36; Professional Security \$50.00; SD Ltap \$200.00 and Stewart, Layne \$95.70; (Utilities) Verizon Wireless \$73.99; Wakonda Town \$57.35; (Payment) Fast Auto Glass, Inc. \$252.00; Freeman, Grace \$425.00; Hy-Vee, Inc. \$403.96; Quality Motors \$512.12; Vermillion Ford \$184.80; Walmart Community/Gecr \$230.35; Albertsen, Jody \$100.00; Brown, Laurie \$100.00; Callahan, Robin \$100.00; Hubert, Joseph \$100.00; Iacino, Noah \$100.00; Jensen, Lynn \$129.60; Jensen, Stephanie \$50.00; Leffers, Cindy \$100.00; McClennings, Michael \$100.00; Nemec, Kelsey \$100.00 and Thin Elk, Sasheen \$91.78; (Books) Thomson Reuters – West \$486.41.

At 10:53 a.m., Packard moved, seconded by Passick and carried to adjourn and convene as Ditch Board in a joint meeting with Yankton County Commissioners for Yankton-Clay and Clay Creek Ditch Board. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, Raymond Passick, Deb Olmstead, Donna Freng, Kettering, Yankton County Auditor Patty Hojem, and Clay County Auditor Carri Crum.

Passick moved, seconded by Manning and carried to dispense with the reading of the February 25, 2014 minutes and approve the minutes.

Packard moved, seconded by Powell and carried to approve payment of the following claims:

Mileage/Meeting Per Diem for 2014 Meeting

- C. Crum \$29.44
- J. Harper \$40.44
- P. Hojem \$40.44
- B. Jensen \$40.44
- T. Mockler \$29.44
- P. Packard \$29.44
- R. Passick \$29.44
- L. Powell \$29.44
- A. Sinclair \$40.44

Freng moved, seconded by Manning and carried to approve retention the current levy of 8% (eight percent) of the original cost of the ditch in the Yankton-Clay Ditch District for the year 2015 payable 2016.

At 11:04 a.m., Packard moved, seconded by Manning and carried to adjourn and reconvene as the Clay Creek Ditch Board.

Packard moved, seconded by Passick and carried to dispense with the reading of the February 25, 2014 minutes and approve the minutes.

Packard moved, seconded by Powell and carried to approve payment of the following claims:

Engineering Services

- Johnson Engineering \$9,500.00

Meal Cost for 2014 Meeting

- First Bank & Trust Visa/Toby's Lounge \$145.25

Publishing

- Broadcaster Press \$171.73
- Star Publishing \$102.17
- The Equalizer \$34.00

Ditch Cleanout

- Pollman Excavation (Phase 2) \$84,591.99

Packard moved, seconded by Olmstead and carried to approve the levy of 40% (forty percent) of the original cost of the ditch in the Clay Creek Ditch District for the year 2015 payable 2016.

At the time for election of officers, Chairman Mockler turned the meeting over to Vice-Chairman Powell.

A motion was made by Kettering and seconded by Packard to nominate Olmstead as Chair for the Clay Creek and Yankton-Clay Ditch Boards, with nominations to cease and a unanimous ballot be cast for Olmstead. Mockler, Packard, Powell, Manning, Passick, Kettering, and Freng voted aye; Olmstead voted nay. Motion passed.

Chairwoman Olmstead called for nominations for Vice-Chair. A motion was made by Passick and seconded by Kettering to nominate Mockler as Vice-Chair for the Clay Creek and Yankton-Clay Ditch Boards, with nominations to cease and a unanimous ballot be cast for Mockler. All voted aye. Motion passed.

Packard recommended regular communication, such as a quarterly report, between Yankton County and Clay County Commissioners regarding the ditches.

At 11:37 a.m., Kettering moved, seconded by Passick and carried to adjourn as Clay Creek Ditch Board.

At 11:37 a.m., Powell moved, seconded by Packard and carried to reconvene as Board of Clay County Commissioners.

The Yankton County Commissioners and Clay County Commissioners discussed the Extension Service 4-H Educator contract and also collaboration between the counties' highway departments and weed departments.

At 12:00 p.m. Manning moved, seconded by Packard and carried to adjourn and reconvene Tuesday, March 3, 2015 at 9:00 a.m.

ATTEST:

\_\_\_\_\_  
Travis Mockler, Chairman  
Board of County Commissioners

\_\_\_\_\_  
Carri R. Crum, County Auditor

---