

March 26, 2019

The Board of County Commissioners met in regular session Tuesday, March 26, 2019 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Richard Hammond.

Powell moved, seconded by Hammond and carried to approve the agenda with addition of Ditch Board, a reschedule of the tax deed sale on one property, approval of the tax deed sale taking place at 10:00 a.m., and discussion regarding where to place the Commissioners' furniture when it is moved to the new meeting room location.

Minutes of the March 12, 2019 meeting were amended and approved with a motion by Packard, seconded by Manning and carried.

Vermillion School District Superintendent Damon Alvey appeared during Visitors to be Heard. He thanked the Board for providing a school resource officer and for recognizing the value of having a resource officer in the schools.

Patricia Bohr was present to represent Greenfield Road residents and said she was gathering information regarding the flooding.

Packard reported she attended an informational meeting for the 2020 Census. Clay County will have a full count, which will be a benefit for the county.

Layne Stewart met with the Board to discuss a Disaster Declaration. He said, using rough numbers, the county & five townships have reported a total of damage in the \$850,000-900,000 range. Stewart said the first step is to declare a disaster. Then paperwork will be submitted to the State. Packard moved, seconded by Manning and carried to pass and adopt the following Resolution #2019-10 for Declaration of Disaster.

RESOLUTION #2019-10
DECLARATION OF DISASTER

WHEREAS, Clay County, South Dakota, is suffering severe damage brought on by flooding; and

WHEREAS, the immediate impact of the rains from a storm that began March 13, 2019 and continues, during which time the ground was frozen, caused pooling of water and flooding that damaged roads, culverts, bridges, and other public infrastructure, throughout Clay County.

NOW, THEREFORE, BE IT RESOLVED by the Clay County Board of Commissioners at their regular meeting held March 26, 2019, is hereby requesting that the Governor declare a disaster to exist in the County of Clay, South Dakota.

Dated this 26th day of March, 2019.

Travis Mockler, Chairman
Clay County Commission

ATTEST:

Rod Polley, Highway Superintendent, met with the Board to discuss highway matters. He said the County will not be able to do micro-surfacing on the road east of Wakonda due to water and a washout at Frog Creek, so there will be an amendment to the micro-surfacing agreement. There is a backup plan to complete the road south of Wakonda for 4 miles and 4 miles of road north of Burbank. Powell moved, seconded by Packard and carried to authorize the Chairman to sign the micro-surfacing documents.

Manning moved, seconded by Hammond and carried to approve the agreement for striping and continuing maintenance of Clay county roads with the State.

Polley reported that the fuel tank has been fixed. There was a worn gasket on the fill pipe to the gas tank which allowed water to enter the tank.

Powell moved, seconded by Hammond and carried to accept the low bid of \$2.40/gallon from Brunick's Service for ethanol blend fuel.

Polley presented a draft Haul Road Agreement for consideration. Hammond discussed with Polley axle weight requirements on the agreement. Polley said he would prefer to have a 6-ton limit on all the roads because they are showing wear. Powell moved, seconded by Hammond and carried to adopt the Haul Road Agreement with the amendment to include a 6-ton limit.

Polley discussed issues with the County's back hoe. He said they are having repeated problems with the hydraulics on the department's John Deere and had to rent a CAT. It has been fixed, but he wanted to report it in case of any questions regarding why equipment was rented. He also said Dave Hertz has offered to let the County use his equipment at no cost for flood repair. There was also discussion regarding allowing townships to use the County's gravel reclaimer for flood repairs.

Polley reviewed a road map with the Board and said not all of the damage will qualify under FEMA for emergency relief. All of the gravel roads will qualify and roughly half of the service roads. He discussed with Stewart the threshold for damage under FEMA. He said he is also in discussion with the State to have the bridges re-inspected at the normal 80/20 cost share due to ice jams. He said the County is currently down to 9 roads that remain closed due to water.

Powell said he received a complaint about someone hauling with side dumps in the middle of the night. Polley said he can see that the roads are breaking up, and he does not want to break them up any further. However, he has to get the roads opened up, so he has to expect some travel with light loads. He said the complaint in question might have been solved with a phone call from the person doing the hauling to let him know what was going on in advance.

Bohr requested a reduced speed limit sign on Greenfield Road due to the way the road is breaking up between 311 St. and 310 St. near Prairie Lane. Polley and Foreman Larry McPherson discussed the matter. He said they can place the orange signs, but a white sign would require a resolution of the Board. Sheriff Howe concurred. She discussed a break up near the cemetery, and Polley said he can put up orange "Reduced Speed" signs and some flags. There was discussion about the road washing out around

a culvert in the area, and the Highway Department is trying to keep it open at one lane due to University Road being closed.

Vermillion Fire Chief Matt Callahan and Wakonda Fire Chief Mike Pollman appeared to request a property tax opt-out to raise more money for the county's fire protection levy. Pollman said Wakonda has 22 volunteers who receive funding through fundraisers, but they are looking for a more sustainable source. He said pricing has increased greatly for fire equipment, but the fire protection levy has only increased with growth plus CPI (the State's Consumer Price Index). Callahan said a typical fire department vehicle will last 20 years. They said each department has to put aside \$60,000-70,000/year to save enough. Hammond discussed how many residences are taxed in the Wakonda Fire Department's area. They said Yankton's fire protection levy is 3 times and Union's is 2 times Clay County's levy. Powell asked if Callahan is struggling to provide rural fire support. Callahan said his equipment is in good shape, but they use the money to fund the trucks, although they are not funded completely. Powell moved to have the Auditor and State's Attorney look into what the county can do to increase the help to the fire departments. Packard seconded the motion. Auditor Carri Crum said the method for increasing the levy would be via an opt-out, but she said she will contact the Department of Revenue. Hammond asked Callahan and Pollman if there was a recommended opt-out amount. Pollman speculated what a 50-75% increase might cost taxpayers. Hammond asked what the fire departments need. Mockler said he would like to look at 3 different levels of opt-out in relation to cost to the taxpayers. It was decided that Callahan and Pollman will return at the April 9th meeting.

The tax deed property sale date for 925/919 W. 8th St. was rescheduled for April 30th at 10:00 a.m.

Don O'Connor appeared to discuss a culvert 1 mile south of the Greenfield Rd. curve/triangle and requested an additional culvert to assist the water flow. Powell and Polley discussed whether the south side has been cleaned. Polley said the culverts are smaller in that area to slow down the flow, and the water goes under the road at Prairie Center Hall. Manning discussed where the culverts go when they come out of the triangle. Polley said the department has cleaned out that area and installed a couple new culverts in the past. Polley and McPherson said the culverts are 18", and they are smaller than the others. The smaller culverts slow the water down so the area can handle it. Bohr said her culverts are buried, and the water is supposed to go to the triangle. Powell said there has been an engineered drainage study, and to increase the size of the culvert there would be an application process with the Army Corps of Engineers. Mockler discussed with Polley whether there is even room for a bigger pipe. Polley said it can be done but the question is how it is going to handle the water. Powell said there is only so much water that can be moved at one time. Polley said if the culvert is bigger, it will still create the same problem. He cited another area where the County got permission to increase a culvert, and the area still floods the road. He said if the County wants to change it, the site would have to be taken off the FEMA list. O'Connor said if it's a money issue, he would donate his time and equipment as long as the County furnishes the materials. Bohr said the County would rather have houses flood repeatedly than have water in a farmer's field. She said she has been told she cannot get flood insurance, and she said she gets septic and farm chemicals in her yard, and last year she had fish in her yard even though she is not near a creek. Mockler said the Board has to follow state law, and the laws would have to change. Powell asked Bohr what the people she bought her house from told her about water, and she said her deed states the location is not in a flood zone. She said she was told Clay County is not a flood area. Mockler said she can get flood insurance, that it's just not required unless a property is in a flood plain, and FEMA has recently expanded the flood plain maps for the county. Manning said he wishes there was a way to go

west with the water. Troy Swee said he is there to talk about drain tile on his property, which would pull a lot of water from neighboring properties through his, but he needs culverts on 307 St. on the north side cleaned first. O'Connor said the problem with the Greenfield area is that all that water has to take the slowest route. Mockler said he does not know what is going to happen, but the Board will look into the matter.

Swee said he owns ½ mile at 307 St. He would like to clean out about 27" of dirt in the west ditch. He requested permission to have Mark Christensen clean the ditch and re-seed the grass. Polley said the County has allowed it in the past as long as the person doing the work uses the laser so it is not dug too deep, and he does not have a problem with it. Powell moved, seconded by Manning to allow the cleaning as described with the Highway Superintendent overseeing it. Under discussion the group discussed what kind of replacement to install for the concrete culvert. Swee said Christensen would do the work to install the culvert, providing that he is allowed to run a 6" water pipe under the culvert to connect the drain tile, and the County would just need to come back to install the asphalt. Polley said he would like to see the water pipe go next to the culvert rather than under it, even if it is at the same lower elevation, and the Highway Department usually requires tile line to be put in a casing. Swee also asked about taking out a field approach culvert, and the Board said it would require a different application. State's Attorney Alexis Tracy said her concern is that the natural flow of the water could be disrupted down the line somewhere, and the statutes are clear on that matter. Mockler explained that because the County does not have a drainage board, the Board is not approving the drainage plan, only the cleaning of the ditch and replacement of a culvert. Tracy said she foresees the potential of a situation similar to the area by the golf course. Mockler said the Board is not approving a change, but simply ditch cleaning. All voted aye. Motion passed.

Sheriff Andy Howe reported he sold the tax deed property at 23 N. Harvard. AMS Building Systems purchased the property for \$1,100. Manning moved, seconded by Hammond and carried to approve the sale. AMS Building Systems said they have designed an affordable home that looks like a historic house to be built on the property.

At 10:41 a.m., Manning moved, seconded by Hammond and carried to adjourn and convene as Ditch Board.

Swee was present as the manager for Stanley Munger's property. Powell said he spoke with the current owners of properties that Martin Weeks used to own about being added to the Clay Creek Ditch taxed drainage district. Polley asked if Swee thought Munger would have a problem joining the district. There was discussion that it would improve the drainage on the property. Swee said he would get the contact address to Auditor Carri Crum for mailing information.

Polley said he has been thinking of an area of concern and asked if the drainage laterals are considered private for FEMA purposes. The Board discussed the matter and Mockler said it is Clay Creek Ditch District. Stewart said they should be able to apply as it is a government entity, but he would check into the matter.

Polley said the statute he previously discussed with the Board requiring the ditch district to maintain bridges is still on the books. He said it is to be determined whether there is any damage due to the flooding around those structures.

Powell and Polley discussed the area around Meckling. Polley said in 26 years, he has not seen conditions like the current flooding situation, so this year is a unique situation.

The Board looked at a map of the area that is not currently in the Clay Creek Ditch District. Powell moved, seconded by Manning and carried to have Hammond look at the area to help determine the acres that drain into the ditch. It was determined that Ditch Board would be placed on the April 9th agenda to discuss the matter.

At 10:59 a.m., Powell moved, seconded by Packard and carried to adjourn and reconvene as Board of Clay County Commissioners.

Polley reported he will not be present for the next meeting.

Ryan O'Connor said he wonders if the County applies the FEMA money to the townships. Stewart said the townships have to apply to FEMA themselves and explained the process for applying and the thresholds for damage. FEMA will do a site inspection with each township. Jeff Becker of the Spirit Mound Township Board said they have \$220,000-250,000 in damage. Stewart says all the forms are posted on his website that have to be completed for FEMA, and he cannot complete them for everyone else. His next step is to try to get the townships together to explain that the FEMA forms must to be completed electronically, and the problem is that not all townships are using e-mail. It was discussed that a meeting will be scheduled where all township board members are in attendance.

Polley said he has some culverts on hand so that townships can get a few at a time, but he is concerned about lack of stock for longer culverts, or a shortage as Nebraska begins to repair their roads. Becker asked if there is a limit to how long roads can be closed. It was discussed that the decision is the township board's, but there was concern about landlocking people. The group also discussed that the FEMA reimbursement is only 75%, and the damages could still be very costly for townships, which may require keeping roads closed longer. Tracy reviewed the statutes with the group. Howe said on a lot of the situations, it is not a matter of damage but rather keeping people off of the roads so they do not get additional damage, and he cannot enforce it unless there is a sign stating that the road is closed. Tracy advised to post road closed signs, and if people go around the signs then they assume the liability. The shortage of signs and barricades was discussed, and Polley said he tries to help townships but this time he was out of signs and barricades. Pollman said he ordered 2 pallets of signs, and the sign company said it would be months due to the demand. Polley said he currently has two highway personnel actively building barricades full time.

Becker said the WPA box culverts are the township responsibility now, and he asked if they need to include that on FEMA applications. Polley said yes, and that he has received phone calls from other townships asking that same question and also discussed the structure in Spirit Mound Township with Becker.

Packard moved, seconded by Hammond and carried to approve the following claims for payment. (Payroll) Commissioner's \$6,874.39; Auditor's Office \$5,678.44; Treasurer's Office \$14,442.64; State Attorney's Office \$14,339.72; Courthouse \$2,525.41; Director of Equalization \$8,224.79; Veteran's Service \$1,323.10; Register of Deeds \$5,115.67; 24/7 \$1,906.70; Sheriff's Office \$29,133.00; Jail

\$20,290.82; Emergency MGMT & LEPC \$3,387.39; Highway \$39,933.63; Nurse \$2,245.30; Extension \$2,724.72; Weed \$1,120.39; Planning & Zoning \$2,260.98; (Due to Other Governments) State of SD Game Fish \$219.00; (Payroll Withholdings) Aflac \$808.09; Colonial Life \$555.28; Clay Co Treasurer \$53,414.42; Conseco/Washington \$24.45; Dearborn National \$228.48; Delta Dental \$668.00; Div. of Child Support \$757.00; New York Life Insurance \$328.57; SD Retirement System \$26,587.14; SD Supplement Retirement \$2,175.00; SDRS Roth Plan \$960.00; Tasc Flex \$2,586.65; United Way of Vermillion \$352.00; Vermillion Federal \$2,071.00 and Wellmark Blue Cross \$55,734.40; (Professional Services and Fees) Mail Finance \$89.45; Netsys Plus, Inc. \$117.50; Presto-X Company LLC \$78.00; SD Sheriff's Assn \$915.92; SDSU Extension Service \$8,008.00; Willson Florist \$60.00 and Yankton Co Treasurer \$129.50; (Law Office) Blackburn & Stevens LLC \$1,426.48; Johnson, Katie PLLC \$400.79; McCulloch, James E \$2,199.30; Peterson Stuart Klen \$6,344.48 and Thompson, Craig K \$1,354.15; (Publishing) Pressing Matters \$39.00; (Repairs and Maintenance) Fiar Manufacturing Inc. \$200.00; Heiman Inc. \$1,378.32; Mail Finance \$536.73; Paul's Plumbing, Inc. \$76.53; Pressing Matters \$16.50; \$16.50; Presto-X Company LLC \$56.00; SD State Historical Society \$50.00; Turner Plumbing Inc \$85.20 and Vermillion Area Chamber \$200.00; (Data Processing) Netsys Plus, Inc \$202.50; (Supplies & Materials) Blue Tarp Financial \$899.98; Bob Barker Co Inc \$126.73; Boyer Ford Trucks \$58.04; Brunick Service, Inc \$1,582.58; Butler Machinery Co \$517.03; Campbell Supply Co \$79.88; Coyote Enterprise LLC \$54.98; Fair Manufacturing Inc \$1,870.00; FedEx \$144.24; Herren-Schempp \$27.00; Hy-Vee, Inc \$12.92; I-State Truck Center \$44.72; John Deere Financial \$200.23; Lawson Products, Inc \$380.01; Mills & Miller, Inc \$1,782.95; Netsys Plus Inc \$57.00; Office Systems Company \$1.58; Quill Corporation \$221.91; Redwood Toxicology Lab \$116.54; Sanitation Product \$977.12; SD Assn of Co Weed Board \$150.00; Sturdevant's Auto Part \$190.60; Two Way Radio Solution \$84.99; Vander Haag's Inc. \$79.50; Vermillion Ace Hardware \$9.99; Vermillion Ace Hardware \$39.99; Walmart Community/Gecr \$16.51; One Office Solution \$130.83 and Wheelco Brake and Supply \$376.18; (Copier Supplies) Office Systems Company \$211.31; (Travel and Conference) Crum, Carri R \$28.56; Manning, Micheal \$28.56; Powell, Leo \$28.56; Ramkota Hotel \$214.00 and SDE4HE \$55.00; (Inmate Travel) Brunick Service, Inc \$607.22; (Utilities) Brunick Service Inc \$607.22; City of Vermillion \$1,021.87; Olson's Pest Technician \$80.00; Verizon Wireless \$54.34; Verizon Wireless Sheriff \$320.08 and Vermillion Garbage Svc \$176.00 (Payment) Brunick Service, Inc \$1,993.41; Hy-Vee Inc \$4,061.66; Quality Motors \$85.95; Redi Towing \$65.00; Vermillion Ford \$150.43; Walmart Community/Gecr \$252.80; Logue, Donald \$31.00; Morse, Mitchel \$10.00; Thomas, Keith \$10.00; Reich, Lester \$10.00; McPherson, Shelly \$10.00; Anderson, Brenda \$10.00; Archer, Megan \$10.00; Baedke, Aaron \$10.00; Brady, Crystal \$10.00; Collins, Blair \$180.16; Ehrick, William \$24.28; Escobar, Fernando \$10.00; Fischer, Kimberly \$10.00; Fiffin, Mary \$15.04; Green, Kelly \$186.88; Hagedorn, Renee \$36.88; Hammond, Annamarie \$10.00; Johnson, Patrick \$10.00; Kirkie, Todd \$10.00; Knutson, Jeffrey \$26.80; Kolie-Paxton, Xiola \$10.00; Lynch, Michael \$14.20; Mabry, Arthur \$12.52; Madsen, Larry \$160.00; Mazour, Joseph \$10.00; Miller, Lisa \$150.00; Murray, Theodore \$16.72; Oberle, Susan \$12.52; Pikiben, Anna \$10.00; Reeves, Gary \$10.00; Rolfes, Susan \$173.44; Stockland, Valli \$24.28; Vesely, Brian \$244.00; Zimmer, Allen \$110.00; Culver, Kimberly \$150.00 and Reyers, Erin \$110.00; (JDC/Special eqp.) Minnehaha County JDC \$2,990.00; (Furniture and Minor Equipment) Canon \$209.96; Verizon Wireless \$39.34.

Manning moved, seconded by Packard and carried to authorize the Chairman to sign Agent of Record letters to Delta Dental and Dearborn Life Insurance.

Auditor Crum reported to the Board that she will be out of the office April 10-12 for the U.S. Election Assistance Commission Standards Board Meeting in Memphis. As a member of the Board, her travel expenses will be covered by the Federal Government, and there will be no cost to the County.

Tracy said she reviewed the resolution for the 113 Linden tax deed property and has a few changes to make, but it was discussed that the final utility bills have not arrived. Tracy said she has hesitation about reconveying the property to Mannschreck's father and said she would try to have a more concise legal recommendation by the next meeting.

At 11:39 a.m., Manning moved, seconded by Hammond and carried to adjourn and reconvene Tuesday, April 2, 2019 at 9:00 a.m.

Travis Mockler, Chairman
Board of Clay County Commissioners

Attest:

Carri R. Crum, County Auditor