

March 5, 2019

The Board of County Commissioners met in regular session Tuesday, March 5, 2019 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Richard Hammond.

Manning moved, seconded by Hammond and carried to approve the agenda with the addition of IT services and a letter from Blackburn.

Minutes of the February 26, 2019 meeting were amended and approved with a motion by Hammond, seconded by Packard and carried.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. Manning moved, seconded by Hammond and carried to accept the low bid of \$1.159 for propane from Butch's Propane.

Manning moved, seconded by Hammond and carried to accept the low bid of \$2.349 for diesel fuel from Stewart Oil.

Polley reviewed bids for highway materials with the Board.

Description & Size	Midstates	Brock White
Cracksealer	\$0.548 lbs	\$0.56 lbs*
Mastic Sealer	\$0.5425 lbs	\$0.52 lbs*

Hwy. Supt. recommends Brock White's bid on crack sealant & mastic sealant.

Crane work, Crane Men & Driven Piling

List equipment & operator	\$350 p. hr.*	Hollaway's
Two men	\$200 p. hr.*	Hollaway's

Hwy. Supt. recommends Hollaway's on crane work, men, piling.

Asphalt Concrete	Price per ton at plant	2018 Bid
Barkley Asphalt (Sioux City, IA FOB)	\$66.00 per ton *	NA
Myrl & Roys (Sioux Fall, SD FOB)	\$60.00 per ton *	\$55.00 per ton
Concrete Materials (Yankton, SD FOB)	\$68.00 per ton *	\$65.50 per ton
Concrete Materials (Sioux Falls, SD FOB)	\$54.00 per ton *	\$48.50 per ton

Hwy. Supt. recommends all bidders for Asphalt Concrete, whichever is most advantageous to Clay County.

Telespar Sign Posts & Anchors

12 FT. 2" X 2"	3-D Specialties	\$41.38 each*
4 ft 2 1/4" X 2 1/4"	3-D Specialties	\$15.26 each*
12 ft 1 3/4" X 1 3/4"	3-D Specialties	\$37.06 each*

Hwy. Supt. recommends 3-D Specialties (only bidder).

Liquid Asphalt	Price per Gallon	(Awarded 2018)
	Jebro	Jebro
Anti-Strip Additive	\$0.09 *	\$.09
MC70	\$3.19 *	\$2.72
MC800R	\$2.97 *	\$2.64
MC3000	\$2.48 *	\$2.21
CSS-IH /1:1 Dilute (fog seal oil)	\$1.09 *	\$1.02

Hwy. Supt. recommends Jebro (only bidder).

Powell moved, seconded by Packard and carried to accept all bids according to the Highway Superintendent's recommendations (denoted with an *).

Powell moved, seconded by Manning and carried to approve use of the Beadle County bids as follows below.

Grader Blades (¾" x 8', ¾" x 6', ¾" x 7') \$18.27 per ft.

Carbide Inserts (¾" x 6" x 4') \$60.42 per ft.

Galvanized Sheet Piling \$13.03 per sq. ft.

Corrugated Pipe (16 ga. & per ft.)

18" \$14.70

24" \$18.62

30" \$23.52

36" \$28.42

Corrugated Pipe (14 ga. & per ft.)

48" \$47.04

Corrugated Pipe (12 ga. & per ft.)

54" \$71.54

60" \$79.38

72" \$95.05

The Board reviewed Micro-surfacing Bids. Intermountain Slurry Seal, Inc. bid \$1,000,000.00, Monarch Oil bid \$681,269.55, ASTECH Corp. \$673,783.15, and Missouri Petroleum Products bid \$767,647.70. Manning moved, seconded by Hammond and carried to accept the bid from ASTECH Corp. in the amount of \$673,783.15.

The Board reviewed sample Haul Road Agreements from other neighboring counties and made recommendations on a draft agreement. Polley and Powell discussed upcoming bridge replacement on Highway 46, and a Haul Road Agreement that was signed several years ago, although the traffic would not be on Clay County roads. Powell also discussed the trucks that hauled waste from the rest area at the Interstate 29 junction on Clay County roads. Those responsible for hauling waste from the I-29 rest area and on South Dakota St. for the wastewater plant should have a Haul Road Agreement in place and clean up any mess they leave behind as they have not done so in the past. It was decided that Polley would draft an agreement for the next meeting.

Emergency Management Director Layne Stewart met with the Board for a 2019 State & Local Agreement (SLA) Workplan Discussion and discussed a Pre-Disaster Mitigation Plan letter he received. Stewart said he has been working with Leslie Mastroianni of Southeastern Council of Governments on the matter. The last meeting was held February 13, 2019, and Mastroianni predicts the final team meeting will be held in April; then the draft can be sent to the SD Office of Emergency Management.

Packard moved, seconded by Hammond and carried to approve the following claims for payment. February Bills: (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) Clay Co Treasurer \$3,763.00; State of SD Game Fish \$520.00; (Payroll Withholdings) Aflac \$808.09; Colonial Life \$555.28; Conseco/Washington \$24.45; Dearborn National \$227.22; Div of Child Support \$757.00; New York Life Insurance \$328.57; SD Retirement System \$25,403.30; SD Supplement Retirement \$2,125.00; SDRS Roth Plan \$960.00; United Way of Vermillion \$412.00; Vermillion Federal \$1,471.00 and Wellmark Blue Cross \$51,301.58; (Professional Services and Fees) Brown County Sheriff \$51.65; Katterhagen, Mark \$18.00; Lewno, Lucille M \$176.50; Lincoln County Auditor \$213.75; Lockwood, Darcy \$18.00; Netsys Plus, Inc. \$50.00; Pharmchem, Inc. \$513.90; Sanford Health Clinic \$598.56; SD Dept of Labor Div \$875.00; Ulteig \$2,635.84 and Yankton Co Sheriff \$50.00; (Other Professional Service) City of Vermillion \$79,751.91 and Thurston County Sheriff \$1,050.00; (Law Office) McCulloch, James E \$2,232.10 and Peterson Stuart Klen \$6,344.48; (Publishing) Pressing Matters \$39.00; (Repairs and Maintenance) Century Business Products \$50.00; Dakota Lock & Key \$275.05; Presto-X Company LLC \$56.00; Sooland Bobcat \$500.00 and Tri-State Turf \$305.00; (Supplies & Materials) Allied Oil & Supply \$310.00; Bob Barker Co Inc. \$240.22; Boyer Ford Trucks \$903.07; Brunick Machinery Co. \$373.53; Campbell Supply Co. \$216.88; FedEx \$71.82; Intoximeters, Inc. \$750.00; Lyle Signs, Inc. \$1,458.00; Midwest Oil Company \$2,512.30; Print Source \$105.00; Prochem Dynamics \$63.65; Riverside Hydraulics \$131.82; Sioux City Foundry Co. \$527.16; Sooland Bobcat \$2,993.59; Sturdevant's Auto Part \$215.93; Two Way Radio Solutions \$182.95; Vermillion Ace Hardware \$108.96; Walmart Community \$9.88 and One Office Solution \$22.62; (Travel & Conference) American Fort Pierre \$57.00; Doherty, Corey \$47.00; Ganschow, Dennis (Inmate Travel) Brunick Service, Inc. \$341.12; (Utilities) Bureau of Administration \$24.75; City of Vermillion \$968.50 and Verizon Wireless \$93.64; (Payment) Brunick Service, Inc. \$1,881.37; Fast Auto Glass, Inc. \$175.00; Hy-Vee, Inc. \$4,183.96; SE Council of Govt's. \$12,057.00; Sturdevant's Auto Part \$5.37; The Soap Guys \$56.00; Vermillion Area Arts \$1,250.00; Vermillion Area Chamber \$500.00 and Walmart Community \$135.37; (JDC/Special Eqp.) Jack's Uniforms & Equipment \$944.99; Minnehaha County JDC \$1,150.00; (Buildings and Structures) Bear, Inc. Todd's Electric \$574.91; (Books) Thomson Reuters- West \$111.21; (Furniture and Minor Equipment) Beyond the Office Door \$1,185.58; Canon \$209.96 and One Office Solution \$458.04; (Data Processing/Clay Creek) Clay Co Treasurer \$120.80; (Laterals 1A & 1B) Clay Co Treasurer \$207.00; (Laterals 2A & 2B) Clay Co Treasurer \$354.00; (Laterals 3A & 3B) Clay Co Treasurer \$398.00; (Yankton Clay Expense) Clay Co Treasurer \$506.56.

The Board discussed Courthouse space issues. Powell proposed that the Commissioners move their room to the basement meeting room so that the space be allocated to the Treasurer's and Auditor's

Offices as necessary to relieve the space constraints, especially in the Treasurer's Office. There was a discussion regarding recommendations of the facility planning committee.

Scot Mannschreck met with the Board regarding the tax deed property at 113 Linden Ave. He said his father has spoken to Clay County Abstract to arrange paying the taxes, any additional costs and taking ownership of the home. The Board discussed the situation and requested that the Treasurer's Office provide the costs. They also discussed any penalties. There was discussion about whether the County would then be setting a precedent for future tax deed proceedings. State's Attorney Alexis Tracy reviewed the time spent on the proceedings to date and costs for taxes, publications, utilities, interest rates provided by state statute, etc. Treasurer Cathi Powell was present to discuss statutes and future tax deed proceedings. Manning asked if the Board can assess a penalty. Treasurer Powell referred to statute, but said it has never happened in Clay County that she is aware of. Tracy read the applicable statutes, and discussed homestead laws with Treasurer Powell. Treasurer Powell said there was only one time since she has been in office when the Board reconveyed property to someone other than the original titled owner. She said the total due is \$10,881.94 at this time, not including utilities paid, etc. Manning moved that all back taxes, approximately 5 years of taxes be placed in an escrow account, plus a \$5,000 penalty plus any other costs such as utilities incurred by the County and the property is to be reconveyed to Mannschreck's father. Manning also asked about the homestead law that states the County cannot take a tax deed regarding a person over 70 years old. Tracy said a person could only claim one homestead, but it would be a clever way to circumvent paying the taxes. Treasurer Powell said that section of law is very complicated, and Tracy said she has not had time to research those statutes. Sheriff Andy Howe said there is no guarantee that a person who purchases the property on tax deed sale would pay taxes. Mockler said there is a personal responsibility in this matter, and it is putting undue work onto County employees. Treasurer Powell asked if the money may not be available to be placed in escrow because of the funds due to be apportioned to the city, the school district, etc. The Board asked Craig DeVelder from Clay County Abstract whether they could set up an escrow account. DeVelder said his opinion is that the proposal is ridiculous and the County takes a chance on every taxpaying citizen that they will pay their taxes. Treasurer Powell said if the property is conveyed to Mannschreck's father, then the property will not qualify for owner-occupied status, so the taxes will then be higher. Hammond suggested that there be a set penalty. Leo Powell said he agrees with Mockler, and he believes that the County would have taken a previous lady's land if she had not come up with the money. Manning rescinded his motion. Packard moved the dollar amount to be set at \$25,000, and the property is to be reconveyed to Mannschreck's father. Manning seconded the motion; discussion ensued. Treasurer Powell said special assessments are not included in any price today. Tracy read statutes and said the penalty would be apportioned to the school district, city, and other taxing entities. Leo Powell asked if it would be better to place a percentage of the value of the house rather than a dollar amount penalty. He asked if every future tax deed property will be reconveyable at \$25,000. Manning said the penalty figures out to be about \$14,000 penalty, but a little less because of the utilities paid by the County. Hammond said there needs to be enough to deter others because of the substantial cost of the State's Attorney's, Treasurer's, and other employees' time. Tracy said the Director of Equalization reported that the assessed value is \$86,369. Packard amended her motion to state that the taxes due be paid, plus a 100% penalty, plus any expenses that the County has and will incur until finalized, and the property be reconveyed to Mannschreck's father. Manning seconded the amended motion. Roll call vote of the Board: Hammond aye, Manning aye, Packard aye, Powell nay, Mockler nay. Motion passed 3 to 2. Mannschreck said his father will call Clay County Abstract today to make arrangements. DeVelder said Mannschreck's father will need to have a dollar figure to be wired, or for a cashier's check to be issued.

It was discussed that the Board will need to sign a Resolution at the next meeting, from which Mannschreck's father can obtain the dollar amount to be paid. The group discussed utilities being switched to Mannschreck's father's name.

The Board discussed the following tax deed properties previously scheduled to be sold on March 12, 2019.

Parcel: 15810 02300 07000

Legal description: LOTS 1 TO 7 BLK 244,352 SQ FT VAN METERS ADDN

Address: 925/919 W 8th

Parcel: 15050 06200 09000

Legal description: W 71' OF N 1/2 OF LOT 8 & W 71' OF LOT 9 BLK 62 BIGELOW'S ADDN

Address: 23 N Harvard

Powell moved, seconded by Packard and carried to cancel the sale. Powell moved, seconded by Hammond and carried to declare the properties surplus at 925/919 W. 8th and 23 N. Harvard. Powell moved, seconded by Manning and carried to set the tax deed sale for 10:00 a.m. on March 26, 2019 on the front steps inside the Courthouse.

Powell moved, seconded by Hammond and carried to authorize the Chairman to sign proposal from Johnsen Heating & Cooling for a mini split cooling system for the County's computer equipment/server room.

The Board discussed health insurance plan renewal. Packard moved, seconded by Powell to adopt the policy of paying the final \$500 towards the employee's deductible. The employee will pay the first \$1,500 of the \$2,000 deductible, and then the County will reimburse any amount incurred from \$1,500-\$2,000, up to a maximum of \$500; motion passed. Packard moved, seconded by Manning and carried to authorize the Chairman to sign renewal.

Powell moved, seconded by Hammond to approve cloud storage for the County's server system and authorize the Chairman to sign any necessary agreement for such data storage.

At 11:53 a.m., Powell moved, seconded by Hammond and carried to enter an Executive Session for legal matters per SDCL 1-25-2.

At 12:28 p.m., Packard moved, seconded by Manning and carried to exit the Executive Session.

At 12:32 p.m. Manning moved, seconded by Packard and carried to adjourn and reconvene Tuesday, March 12, 2019 at 9:00 a.m.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor
