

April 25, 2017

The Board of County Commissioners met in regular session Tuesday, April 25, 2017 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 the addition of the setting of a date for a public hearing regarding the re-zoning of the area near 321 St. & Missouri St.

Minutes of the April 11, 2017 meeting were approved with a motion by Manning, seconded by Packard and carried.

Lisa Wood appeared during Visitors to be Heard to introduce the new Community Health Nurse, Sami Cusick.

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 Randy Jensen at 45752 302 St. Powell moved, seconded by Packard and carried to authorize the Chairman to sign approval of the application.

Polley discussed structure #14-075-051, located 7.5E & 5.1S of Irene over Frog Creek on Norwegian Ave. The replacement is scheduled to take place next year, and it will need to be advertised for anyone interested in taking it as the bridge is historic. Powell moved, seconded by Manning and carried to authorize advertisement.

An Application for Occupancy on the Right of Way of County Highways was presented on behalf of Qwest Corporation, dba CenturyLink QC for fibers along Highways A3, A4, B5, E2, H4, L3, L4, M1, M2, N2, and W2. A map is on file with the application. Manning moved, seconded by Hammond to authorize the Chairman to sign the application. Powell moved, seconded by Packard to order the previous question. Vote of the Board: 3 ayes, 2 nays. Vote of the Board on the motion to authorize the Chairman to sign the application: 2 ayes, 3 nays. Motion failed; the application was denied.

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

At 9:47 a.m., Packard moved, seconded by Manning and carried to adjourn and convene as Clay County Ditch Board.

Packard moved, seconded by Powell and carried to authorize payment of an invoice from Pollman Excavation for \$14,316.35 for cleaning of Yankton/Clay Ditch in Section 2 of Meckling Twp. and Lateral 50B from 455 Ave. to 454 Ave.

Polley discussed the replacement of structure #030-180 on 455 Ave. south of Jetley Park Rd. over Yankton/Clay Ditch.

At 9:57 a.m., Powell moved, seconded by Packard and carried to adjourn and reconvene as Board of Clay County Commissioners.

State's Attorney Alexis Tracy and Jim Wilson, Clay County Historic Preservation Commission (CCHPC), met with the Board to discuss a proposed ordinance re-establishing the CCHPC. Powell moved, seconded by Hammond and carried to set 9:30 a.m. on May 30, 2017 as the time and date for the public hearing and first reading of Ordinance #2017-02, a Historic Preservation Ordinance authorizing the creation of the Clay County Historic Preservation Commission.

At 10:05 a.m., a public hearing was held regarding petitions to vacate all of Victor Street except adjacent to all of Blocks 13 and 14, Burbank, Clay County, South Dakota, all of Madison Street between Lots 13 & 14 of Block 3 and Lots 1 & 2 of Block 9, Town of Burbank, Clay County, South Dakota, all of North Railroad Street, West of Lot 8, Block 13, Burbank, Clay County, South Dakota, all of Hotchkiss Street, Burbank, Clay County, South Dakota; all of Madison Street and Main Street West of Victor Street, Burbank, Clay County, South Dakota; all alleys in Blocks 1, 2, 10, 11, 12 and 13, Burbank, Clay County, South Dakota, and all of Monroe Street West of the East side of Lot 2, Block 3, Burbank, Clay County, South Dakota. John Slattery, Attorney, was present on behalf of his client, Janet Cunningham, a petitioner for the vacating. Fairview Township Board Supr. Max Andersen was present and said the township board does not object to the vacating of the streets in question.

Powell moved, seconded by Hammond and carried to pass and adopt the following Resolution #2017-07, a Resolution and Order Vacating Portion of Victor Street.

**RESOLUTION #2017-07**  
RESOLUTION AND ORDER VACATING PORTION OF VICTOR STREET

IN THE MATTER OF THE VACATION OF:

All of Victor Street except adjacent to all of Blocks 13 and 14, Burbank, Clay County, South Dakota

The above-entitled matter coming before the Board of Clay County Commissioners at 10:00 a.m. on the 25<sup>th</sup> day of April, 2017, pursuant to a petition presented to the Board of Clay County Commissioners requesting the vacation.

It appearing to the said Board that notice of said hearing has been given in the manner and for the time provided by law, and that this Board of Clay County Commissioners acting as a committee has made a written report and recommendation herein to vacate said portion of Victor Street and grant the relief requested in said petition, and

NOW, THEREFORE, it is hereby RESOLVED and ORDERED that,

All of Victor Street except adjacent to all of Blocks 13 and 14, Burbank, Clay County, South Dakota

Herein above specifically described be and the same is vacated, and so filed with the Register of Deeds, and the relief requested in the petition now on file, in this proceeding, is hereby granted.

Vote of the Board: 5 Ayes, 0 Nays

Dated this 25<sup>th</sup> day of April, 2017.

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Travis Mockler, Chairman  
Board of Clay County Commissioners

ATTEST:

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Carri R. Crum, County Auditor  
Clay County, South Dakota

Powell moved, seconded by Hammond and carried to pass and adopt the following Resolution #2017-08, a Resolution and Order Vacating Portion of Madison Street.

**RESOLUTION #2017-08**  
RESOLUTION AND ORDER VACATING PORTION OF MADISON STREET

IN THE MATTER OF THE VACATION OF:

All of Madison Street between Lots 13 & 14 of Block 3 and Lots 1 & 2 of Block 9, Town of Burbank, Clay County, South Dakota

The above-entitled matter coming before the Board of Clay County Commissioners at 10:00 a.m. on the 25<sup>th</sup> day of April, 2017, pursuant to a petition presented to the Board of Clay County Commissioners requesting the vacation.

It appearing to the said Board that notice of said hearing has been given in the manner and for the time provided by law, and that this Board of Clay County Commissioners acting as a committee has made a written report and recommendation herein to vacate said portion of Victor Street and grant the relief requested in said petition, and

NOW, THEREFORE, it is hereby RESOLVED and ORDERED that,

All of Madison Street between Lots 13 & 14 of Block 3 and Lots 1 & 2 of Block 9, Town of Burbank, Clay County, South Dakota

Herein above specifically described be and the same is vacated, and so filed with the Register of Deeds, and the relief requested in the petition now on file, in this proceeding, is hereby granted.

Vote of the Board: 5 Ayes, 0 Nays

Dated this 25<sup>th</sup> day of April, 2017.

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Travis Mockler, Chairman  
Board of Clay County Commissioners

ATTEST:

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Carri R. Crum, County Auditor  
Clay County, South Dakota

Packard moved, seconded by Manning and carried to pass and adopt the following Resolution #2017-09 a Resolution and Order Vacating Portion of North Railroad Street.

**RESOLUTION #2017-09**  
RESOLUTION AND ORDER VACATING PORTION OF NORTH RAILROAD STREET

IN THE MATTER OF THE VACATION OF:

All of North Railroad Street, West of Lot 8, Block 13, Burbank, Clay County, South Dakota

The above-entitled matter coming before the Board of Clay County Commissioners at 10:00 a.m. on the 25<sup>th</sup> day of April, 2017, pursuant to a petition presented to the Board of Clay County Commissioners requesting the vacation.

It appearing to the said Board that notice of said hearing has been given in the manner and for the time provided by law, and that this Board of Clay County Commissioners acting as a committee has made a written report and recommendation herein to vacate said portion of Victor Street and grant the relief requested in said petition, and

NOW, THEREFORE, it is hereby RESOLVED and ORDERED that,

All of North Railroad Street, West of Lot 8, Block 13, Burbank, Clay County, South Dakota

Herein above specifically described be and the same is vacated, and so filed with the Register of Deeds, and the relief requested in the petition now on file, in this proceeding, is hereby granted.

Vote of the Board: 5 Ayes, 0 Nays

Dated this 25<sup>th</sup> day of April, 2017.

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Travis Mockler, Chairman  
Board of Clay County Commissioners

ATTEST:

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Carri R. Crum, County Auditor  
Clay County, South Dakota

Hammond moved, seconded by Packard and carried to pass and adopt the following Resolution #2017-10 a Resolution and Order Vacating Portion of Hotchkiss Street, Madison Street, Main Street, and Alleys in Blocks 1, 2, 10, 11, 12, and 13.

**RESOLUTION #2017-10**

**RESOLUTION AND ORDER VACATING PORTION OF HOTCHKISS STREET, MADISON STREET, MAIN STREET, AND ALLEYS IN BLOCKS 1, 2, 10, 11, 12, AND 13**

IN THE MATTER OF THE VACATION OF:

All of Hotchkiss Street, Burbank, Clay County, South Dakota; all of Madison Street and Main Street West of Victor Street, Burbank, Clay County, South Dakota; all alleys in Blocks 1, 2, 10, 11, 12 and 13, Burbank, Clay County, South Dakota

The above-entitled matter coming before the Board of Clay County Commissioners at 10:00 a.m. on the 25<sup>th</sup> day of April, 2017, pursuant to a petition presented to the Board of Clay County Commissioners requesting the vacation.

It appearing to the said Board that notice of said hearing has been given in the manner and for the time provided by law, and that this Board of Clay County Commissioners acting as a committee has made a written report and recommendation herein to vacate said portion of Victor Street and grant the relief requested in said petition, and

NOW, THEREFORE, it is hereby RESOLVED and ORDERED that,

All of Hotchkiss Street, Burbank, Clay County, South Dakota; all of Madison Street and Main Street West of Victor Street, Burbank, Clay County, South Dakota; all alleys in Blocks 1, 2, 10, 11, 12 and 13, Burbank, Clay County, South Dakota

Herein above specifically described be and the same is vacated, and so filed with the Register of Deeds, and the relief requested in the petition now on file, in this proceeding, is hereby granted.

Vote of the Board: 5 Ayes, 0 Nays

Dated this 25<sup>th</sup> day of April, 2017.

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Travis Mockler, Chairman  
Board of Clay County Commissioners

ATTEST:

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Carri R. Crum, County Auditor  
Clay County, South Dakota

Manning moved, seconded by Hammond and carried to pass and adopt the following Resolution #2017-11 a Resolution and Order Vacating Portion of Monroe Street.

**RESOLUTION #2017-11**  
RESOLUTION AND ORDER VACATING PORTION OF MONROE STREET

IN THE MATTER OF THE VACATION OF:

All of Monroe Street West of the East side of Lot 2, Block 3, Burbank, Clay County, South Dakota

The above-entitled matter coming before the Board of Clay County Commissioners at 10:00 a.m. on the 25<sup>th</sup> day of April, 2017, pursuant to a petition presented to the Board of Clay County Commissioners requesting the vacation.

It appearing to the said Board that notice of said hearing has been given in the manner and for the time provided by law, and that this Board of Clay County Commissioners acting as a committee has made a written report and recommendation herein to vacate said portion of Victor Street and grant the relief requested in said petition, and

NOW, THEREFORE, it is hereby RESOLVED and ORDERED that,

All of Monroe Street West of the East side of Lot 2, Block 3, Burbank, Clay County, South Dakota

Herein above specifically described be and the same is vacated, and so filed with the Register of Deeds, and the relief requested in the petition now on file, in this proceeding, is hereby granted.

Vote of the Board: 5 Ayes, 0 Nays

Dated this 25<sup>th</sup> day of April, 2017.

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Travis Mockler, Chairman  
Board of Clay County Commissioners

ATTEST:

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Carri R. Crum, County Auditor  
Clay County, South Dakota

Packard moved, seconded by Hammond and carried to authorize the Chairman to sign renewal of the Election Services Agreement with Election Systems & Software, LLC.

Powell moved, seconded by Packard and carried to approve the following claims for payment. April Bills: Commissioners \$8,032.07, Auditor's Office \$9,536.49, Treasurer's Office \$15,961.33, States Attorney's Office \$15,027.50, Courthouse \$2,685.67, DOE's Office \$10,220.91, ROD's Office

\$7,072.21, Veteran's Office \$1,747.50, Sheriff's Office \$6,763.22, County Jail \$20,876.18, 24/7 Sobriety Project \$1,432.13, LEPC and Emerg. Mgmt. Office \$4,047.17, Highway Department \$36,837.62, WIC \$2,511.00; Extension Office \$2,904.00, Weed Department \$1,726.17, and Zoning Office \$2,402.35; (Due to Other Governments) Dept of Revenue \$874.40 and State of SD Game Fish \$359.00; (Payroll Withholdings) Aflac \$897.47; Clay Co Treasurer \$43,293.51; Colonial Life \$359.97; Conseco/Washington \$24.45; Dearborn National \$213.15; New York Life Insurance \$244.02; Optilegra Inc. \$17.92; Performant Recovery \$342.76; SD Retirement System \$20,646.76; SD Supplement Retirement \$1,875.00; SDRS Roth 457 (B) \$450.00; United Way of Vermillion \$179.00; Vermillion Federal Credit \$1,496.00; Wellmark Blue Cross \$48,278.40; (Professional Services and Fees) Lincoln County Treasurer \$301.68; Netsys Plus, Inc. \$50.00; Vermillion/Clay EMS \$172.65; Yankton Co Treasurer \$365.65; Bucklin, Clare \$17.00 and OConnor, Julaine \$10.00 ( Other Professional Services) Schaffer, Dean \$231.00; (Law Office) Peterson Stuart Rumpca \$6,098.12; (Mental Health) Avera McKennan \$1,400.00 and Dakotabilities \$540.00; (Repairs and Maintenance) Erickson Solutions Group \$540.00; Murph's Appliances \$181.98; Office Systems Company \$22.00; Olson's Pest Technical \$75.00; Paul's Plumbing, Inc. \$56.24; Presto-X Company LLC \$71.97; Sioux Falls 2-Way and Star Energy \$65.00; (Data Processing/Clay Creek) Mastel, Bruce \$35.00; (Yankton Clay Expense) Pollman Excavation \$9,226.35; (Lateral 50A & 50B Expense) Pollman Excavation \$5,090.00; (Supplies and Materials) Aden, Cynthia \$32.79; Agterra Tech Inc. \$3,640.00; Appera \$51.30; Blue Tarp Financial \$308.41; Bob Barker Co Inc. \$120.81; Campbell Supply Co. \$361.73; Charles Mix County \$150.00; Dakota PC Warehouse \$19.99; Dakota Riggers & Tool \$84.90; Fastenal Co. \$383.95; Hillyard \$163.72; Layne's World Inc. \$30.84; Mart Auto Body & Marina \$623.83; O'Reilly Auto Parts \$55.46; Print Source \$166.00; Prochem Dynamics \$47.55; Sioux City Foundry Co. \$422.42; Sioux Falls 2-Way \$4,425.95; Star Energy \$128.17; Sturdevant's Auto Part \$488.15; Vermillion Ace Hardware \$2.50; Walmart Community/Gecr \$14.93 and One Office Solution \$54.14; (Travel and Conference) Aden, Cynthia \$14.92; Best Western Ramkota \$201.98; Howe, Andy \$102.00; SDSU Extension Service \$102.37 and State 4-H Office \$50.00; (Utilities) City of Vermillion \$1,856.67; Verizon Wireless \$102.63 and Verizon Wireless \$320.10; (Payment) Hy-Vee, Inc. \$638.75; Walmart Community/Gecr \$163.90; Ebel, Nicole \$50.00; Bertram, Jolynne \$50.00; Gray, Jolinda \$50.00; Jacobson, Pamela \$50.00; Knodel, Bryant \$79.40; Logue, Tom \$65.96; Peltier, Andrew \$50.00; Prosser, Collin \$50.00; Ramakrishnan, Michele \$56.72; Cournoyer, Tayla \$20.00; Ramikrez, Rafael \$20.00 and Waters, James \$20.00; (JDC/Special Eqp.) Lutheran Social Services \$2,040.72; (Machinery and Automotive Equip) Vermillion Auto Works \$400.00; Agterra Tech Inc. \$4,000.00.

The Register of Deeds Monthly Reports, Sheriff's Office Monthly Reports, Veterans/Welfare/Zoning Monthly Reports, Vermillion Public Library Board Reports, and the following Auditor's Account with the County Treasurer Report were 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 March 31, 2017.

I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks	6,016,168.99
Amount of actual cash	3,677.31
Total amount of checks and drafts in Treasurer's	

Possession not exceeding three days		96,829.01
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:		2,124.78
Checks returned and not deposited		
Cash Items		
Investments		1,000.00
Cash Variation		0.00
Total		
	Dated this 3rd day of April, 2017.	6,119,800.09

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Carri R. Crum, County Auditor

The Board discussed a letter of support for a grant application being completed by the W.H. Over Museum. Powell moved, seconded by Packard and carried to authorize the Chairman to sign the letter.

Manning moved, seconded by Packard and carried to set the date and time for a public hearing on the rezoning of the area around 321 St. and Missouri St. at 10:00 a.m. on May 30, 2017.

The Board discussed issues regarding roads near the county line and box culverts needing work in the area.

At 10:44 a.m., Manning moved, seconded by Hammond and carried to enter an Executive Session regarding legal matters per SDCL 1-25-2.

At 11:53 a.m., Packard moved, seconded by Powell and carried to exit the Executive Session. No action was taken.

At 11:54 a.m. Packard moved, seconded by Manning and carried to adjourn and reconvene Tuesday, May 2, 2017 at 9:00 a.m.

ATTEST:

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Travis Mockler, Chairman  
Board of County Commissioners

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Carri R. Crum, County Auditor

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