

April 9, 2019

The Board of County Commissioners met in regular session Tuesday, April 9, 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.

Minutes of the April 2, 2019 meeting were approved with a motion by Manning, seconded by Packard and carried.

Mockler reported that a letter was delivered to Scot Mannschreck with a deadline of 9:00 a.m. on April 30, 2019 to fulfill the requirements for reconveyance of the tax deed property at 113 Linden.

Highway Superintendent Rod Polley met with the Board. Manning moved, seconded by Packard and carried to accept the low bid of \$2.0968 from Jerry's Service for #2 diesel fuel.

Polley presented a draft press release to the Board regarding the approaching snow storm. It will be difficult to plow any snow on county roads due to the road conditions, and gravel roads are too soft to plow. It was decided that that the news release be sent out.

Polley discussed a bill for getting electricity installed to the refrigerated trailer for the Soil Conservation District. The Board determined that the bill should be sent to the Soil Conservation District.

Polley discussed a culvert at the Volin Road near Hub City and whether to use concrete or metal pipe. Mike Pollman of Pollman Excavation discussed the cost difference. Polley said it will be approximately a month before he can get the replacement culvert.

The Highway Department has been trying to work on rutted roads, but the machinery cannot travel the roads at this time due to conditions. Polley showed the Board photos of an overturned Highway Department truck from 2004 when road conditions were similar to current conditions.

Vermillion Fire/EMS Chief Matt Callahan and Wakonda Fire Chief Mike Pollman met with the Board to discuss their request to opt out for the rural fire protection levy. Pollman proposed an increase of \$13.66 per \$100,000 of value. Callahan said they have discussed whether the amount would be enough for 5-10 years from now. The increase would help the fire departments, especially Wakonda, with keeping up with equipment purchases. Layne Stewart, Emergency Management Director, pointed out that all fire departments in the county would receive the increased funding, not just Wakonda and Vermillion. State's Attorney Alexis Tracy and Auditor Carri Crum discussed limitations for the fire protection levy and for opt out resolutions. Powell and Hammond discussed placing a 10 year opt out. Powell moved, seconded by Packard to propose a 10 year opt out with dollar amounts as proposed at \$13.66 per \$100,000 of value based on the current values, with the formal resolution to be passed on April 30, 2019. Under discussion, Manning said it seems like a large increase all at once, especially for farmers with a lot of AG land value and instead proposed a 60% increase of the current levy for 5 years. Vote of the Board: 4 ayes; Manning voted nay. Motion passed.

The Board considered a Resolution for Burn Ban proposed by Pollman and Callahan due to the poor road conditions. Pollman and Callahan said it would be very difficult to navigate soft roads with fire trucks at this time. Packard moved, seconded by Hammond to pass and adopt the following Resolution #2019-11 to Provide for the Temporary Emergency Regulation of Fire Hazards in Clay County. Vote of the Board: 5 ayes, 0 nays.

Resolution #2019-11

A Resolution to Provide for the Temporary Emergency Regulation of Fire Hazards in Clay County

WHEREAS, Clay County is experiencing hazardous road conditions throughout the County; and

WHEREAS, Clay County adopted Ordinance #2014-02 on November 25, 2014 authorizing the Clay County Board of Commissioners to declare a fire danger emergency and to prohibit open burning within the county; and

WHEREAS, Clay County is dedicated in taking steps to protect the health and safety of all residents of the County and all property within the County; and

WHEREAS, the Clay County Commission has consulted with local fire officials and law enforcement officials in regard to the severity of this issue, and

WHEREAS, for purposes of this Resolution, "Open burning" shall be defined as any outdoor fire, including but not limited to the prescribed burning of fence rows, fields, wildlands, trash, and debris, the intentional burning of any substance, whether natural or manmade, or the intentional casting off of any burning substance, whether natural or manmade, except the burning of such substance in a container sufficient so as to prohibit the escape of any of the burning substance, or any sparks, flames, or hot ashes from the container. The escape of any such burning substance, or the escape of any sparks, flames, or hot ashes from any such container shall be deemed prima facie evidence that the container was insufficient so as to meet the exception from the definition of an open burning set forth herein. This also excludes fires contained within liquid-fueled or gas-fueled stoves, fireplaces within all buildings, charcoal grill fires at private residences, and permanent fire pits or fire grates located on supervised developed picnic grounds and campgrounds; and

WHEREAS, conditions of road hazard now exist in Clay County;

THEREFORE BE IT RESOLVED that the Clay County Commissioners enact this resolution on an emergency basis and impose a ban to prohibit or restrict open burning pursuant to SDCL 7-8-20.18;

BE IT FURTHER RESOLVED that the ban will be in place until road conditions improve.

Dated this 9th day of April, 2019.

ATTEST:

Carri R. Crum, Clay County Auditor

Travis Mockler, Chairman
Board of County Commissioners

Zoning Administrator Cynthia Aden and Director of Equalization Ina Peterson met with the Board to discuss a zoning ordinance violation. The violation is regarding a mobile home owned by Andrew Kohl that was placed without obtaining necessary zoning permits and without placement on a permanent foundation, and then upon notification by Aden and eviction from the land by the Sheriff, Kohl moved the mobile home to another piece of land, again without permits. He has not responded to any notifications made by Aden of the violations. Aden asked for direction from the Board as to how to proceed with enforcing the ordinance. It was also discussed that it appears someone may be living in the mobile home without water or electrical services, although it appears that extension cords have been run

to the mobile home. Packard said the permit fees should be doubled because the individual did not obtain permits either time that the mobile home was moved. Aden agreed and said there have been no punitive fees at this time either. Tracy discussed the punitive process within the zoning ordinance, and it was discussed that the landowner be held accountable. It was decided that Aden would send a final notification to the landowner, Kohl, and the other land occupant.

Packard moved, seconded by Powell and carried to approve the following claims for payment. April Bills: SD Dept of Rev Anderson Bldg \$250,396.13; SDACO – M&P Fund Payment \$244.00 and SD Dept of Labor Division \$1,219.47; (Professional Services and Fees) Alternative Hrd LLC \$2,600.00; Avera McKennan Hospital \$703.00; Avera University \$199.26; Empco, Inc. \$75.00; FedEx \$25.08; Great Plains LLC \$1,657.50; Lincoln County Auditor \$26.37; Netsys Plus, Inc. \$565.00; Satellite Tracking \$152.75; SD Dept of Health Lab \$325.00; Security Shredding Svc \$35.00 and Sioux Equipment \$276.95; (Other Professional Service) Boys & Girls Club, Inc. \$1,750.00; City of Vermillion \$61,596.77; Schaefer, Dean \$48.00 and SD Attorney General \$638.00; (Law Office) McCulloch, James E \$586.97; Reed Law Offices \$617.50 and Reynolds Law, LLC \$741.00; (Mental Health) SD Achieve \$240.00; SESD Activity Cntr. \$360.00 and SD Dept of Rev credit \$491.07; (Publishing) Broadcaster Press \$194.07; Broadcaster Press \$781.64; Pressing Matters \$151.00; Star Publishing \$973.01 and The Equalizer \$135.00; (Repairs and Maintenance) Buhls Drycleaners \$24.00; Canon \$123.48; Fishcer's Disposal LLC \$50.00; Interstate Power Sys \$201.00; Johnsen Heating & Cooling \$602.00; Johnson Electric, Inc. \$71.40; Office System Company \$158.75; Sioux Equipment \$255.00 and Swensen, Daniel \$400.00; (Data Processing/Clay Creek) Walker Construction \$360.00; Microfilm Imaging System \$775.00 and Software Services, Inc. \$780.00; (Yankton Clay Expense) Star Publishing \$20.00; (Supplies & Materials) A & B Business \$258.60; A-OX Welding Supply Co \$173.05; Aden, John \$100.00; Agterra Tech Inc. \$1,015.00; Appera \$43.04; Buhl's Drycleaners \$119.00; Clay County EMS \$139.00; Concrete Materials \$1,963.50; FedEx \$183.51; JCL Solutions \$245.52; Jerry's Service \$15,728.10; North Central \$75.00; Print Source \$149.00; Prochem Dynamics \$154.74; Sign-Up Ltd. \$61.40; Sioux Equipment \$10.83; Sooland Bobcat \$845.86; Vermillion Ace Hardware \$489.96 and One Office Solution \$143.39; (Copier Supplies) Canon \$186.12; (Travel/Conference) Brunick Service \$29.50; Corey Doherty \$47.00; SD Assn. of Co. Officials \$700.00; Utilities Bureau of Admin \$81.50; Centurylink \$593.59; City of Vermillion \$1107.17; Clay Rural Water System \$43.60; Clay Union Electric \$700.45; MidAmerican Energy Co. \$1088.15; Midco Business \$285.00; Wakonda Town \$62.65; (Allocations/Car Expense/Jury & Witness/Due to Other Govt.) Austin-Whittemore House \$625.00; Brunick Service \$411.90; Clay Co. Agr. Fair Assn. \$4125.00; Clay Co. Conservation Dist. \$6250.00; Dakota Senior Meals \$970.50; Dakotah Reporting Agency \$1158.25; Lewis & Clark Behavioral Health \$5283.50; National Music Museum \$1250.00; Salvation Army \$437.50; SDACC Office \$4771.00; Vermillion Area Arts Council \$1250.00; Vermillion Federal Credit Union \$228.83; Vermillion Food Pantry \$1875.00; Vermillion Public Library \$1000.00; Vermillion Senior Citizens Center \$5000.00; Wakonda Public Library \$1250.00; Wakonda Senior Citizens Center \$625.00; WH Over Museum \$1875.00; Nicole Pine \$20.00; (Bldg. Improvements) Johnsen Heating & Cooling \$6107.15; Naturescaping Design \$175.00; (Furniture/Minor Equip.)Microfilm Imaging Systems \$185.00.

Tracy reviewed a renewal of the Fairgrounds Lease Agreement with the City. There was discussion regarding storage of county trailers because Stewart said he received notice that there are dog classes and floats to be built in the Clover building during Dakota Days. Mockler said he has made it clear that there will always be space dedicated to the county trailers. Tracy advised that the proposed agreement

requires written consent from the City. She recommended further discussion with the City and the Fair Board prior to approving any agreement.

Packard moved, seconded by Hammond to allow county payment of Spring Workshop expenses for Treasurer Cathi Powell. Powell recused himself from the vote. Vote of the Board: 4 ayes, 0 nays. Motion passed.

Manning moved, seconded by Packard and carried to authorize the Chairman to sign a Quit Claim Deed for the tax deed property at 23 N. Harvard that was previously sold to AMS Building Systems, LLC for \$1100.00.

The Sheriff's Office and Register of Deeds Office monthly reports were accepted and placed on file.

Tracy discussed a request she received from Glenn Pulse for copies of public records of any communications between Mockler and Jeff Mount, Blaine Iverson, their aerial crop spraying company, and the Federal Aviation Administration. Powell said he had conversation with a person in Rapid City, as an individual not as a commissioner, regarding crop spraying near his property. Mockler said he spoke with Mount to request him to spray his own pasture, as an individual not as a commissioner. Tracy said the Board of Clay County Commissioners meeting minutes are available for anyone to review online or in-person at the Auditor's Office.

At 11:35 a.m., Manning moved, seconded by Hammond and carried to adjourn with the next regularly scheduled Board of County Commissioners meeting to be at 9:00 a.m. April 30, 2019.

At 11:35 a.m., Hammond moved, seconded by Manning and carried to convene the County and Consolidated Equalization Boards meeting.

At 11:36 a.m., Hammond moved, seconded by Packard and carried to recess the meeting until 1:00 p.m. April 16, 2019.

Travis Mockler, Chairman
Board of Clay County Commissioners

Attest:

Carri R. Crum, County Auditor