

July 5, 2016

The Board of County Commissioners met in regular session Tuesday, July 5, 2016 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Raymond Passick.

Powell moved, seconded by Packard and carried to approve the agenda.

Minutes of the June 28, 2016 meeting were approved with a motion by Powell, seconded by Manning and carried.

The Board considered fuel quotes. Packard moved, seconded by Passick and carried to approve the low bid of \$2.10/gallon from Brunick's Service for 1800 gallons of ethanol blend fuel.

Layne Stewart, Emergency Management Director, met with the Board for the 2017 budget request.

Passick moved, seconded by Manning and carried to authorize travel for Stewart to Aberdeen July 6-7.

Gene Lunn, Director of Equalization, met with the Board for the 2017 budget request.

Andy Howe, Sheriff, met with the Board to discuss the proposed terms for a potential contract with Irene. Manning moved, seconded by Packard and carried to authorize Howe to present the contract to the City of Irene as reviewed by the Board.

Dennis Ganschow, Weed Supervisor, met with the Board for the 2017 budget request.

David Hutchison, Irene-Wakonda School District Superintendent, met with the Board to request a resolution that is necessary for the school district to apply for a solid waste disposal permit for the demolition of the old school building. Powell moved, seconded by Passick to pass and adopt the following Resolution #2016-10 for Solid Waste Permit. Vote of the Board: Passick Aye, Manning Aye, Powell Aye, Mockler Aye; Packard Nay. Motion passed.

**Resolution #2016-10
Solid Waste Permit**

WHEREAS, Irene-Wakonda School District desires to establish a Construction and Demolition Debris Disposal facility for the purpose of solid waste management; and

WHEREAS, the town of Wakonda has approved siting the proposed facility; and

WHEREAS, the siting of this proposed facility is not in conflict with any established zoning laws or ordinances; and

WHEREAS, Irene-Wakonda School District will file a solid waste application with the South Dakota Department of Environment and Natural Resources (DENR); and

WHEREAS, DENR will review that application to determine that the facility can be operated within the South Dakota laws and regulations; and

WHEREAS, DENR may recommend the approval of the permit with conditions adequate to safeguard the environment; and

WHEREAS, the Board of Minerals and Environment will review, modify, approve, or deny the permit if the tentative recommendations and/or conditions of the permit are contested by any interested party; and

WHEREAS, the County Commission of Clay County is required by South Dakota law SDCL 34A-6-103 to approve of a solid waste facility prior to the issuance of a solid waste permit;
IT IS THEREFORE RESOLVED that the County Commission of Clay County hereby approves construction and operation of the proposed facility to be operated under the terms of a solid waste permit to be issued by the Board of Minerals and Environment.
APPROVED this 5th day of July, 2016 by the Clay County Commission in regular session at Vermillion, SD.

Travis Mockler, Chairman
Board of Clay County Commissioners

Attest:

Carri R. Crum
Clay County Auditor

Cathi Powell, Treasurer, met with the Board to present an Application for Abatement for an elderly tax freeze for an individual who qualifies but missed the deadline. Manning moved, seconded by Powell and carried to approve the application and authorize the Chairman to sign it.

The following Auditor's Account with the County Treasurer report for the month of June was accepted and placed on file.

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

To the Board of County Commissioners of Clay County, items in the hands of the County Treasurer as of June 30, 2016. I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks	6,647,712.66
Amount of actual cash	2,922.79
Total amount of checks and drafts in Treasurer's possession not exceeding three days:	20,537.47
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	8,762.08
Total	6,683,059.78

Dated this 1st day of
July 2016.

Carri R. Crum, County Auditor

The Board discussed proposed Concentrated Animal Feeding Operation regulation changes. Manning discussed with the Board provisions for ownership changes for a CAFO. Packard requested that changes of ownership be reported to the County under the proposed regulations. Cynthia Aden, Zoning Administrator, clarified that there has never been a requirement for change of ownership reporting, only for the nutrient management plan. Passick discussed Conditional Use Permits, and Aden said those regulations appear in the Ag/NRC District section of regulations, that the CAFO regulations are not stand-alone regulations but rather work in conjunction with the rest of the ordinance. Jerry Wilson was present and voiced concerns about

change of ownership regarding Conditional Use Permits. Nancy Carlsen asked if there are requirements for permits to be filed in the Register of Deeds' Office, to which Aden said there are not. Powell said he felt it would not hurt to put a reminder in the regulations, even if it is repetitive. Packard asked for clarification regarding when a water pollution control permit is required. Mockler discussed the requirements of the state regarding manure management plans. David Lias asked whether the manure management plan is part of an operation plan. Powell said he thinks there is confusion as to what "operation plan" means in relation to "management plan." Aden said the terms were made general to encompass Animal Feeding Operations as well as CAFOs. Packard asked about reduced setbacks for expansion near municipalities, and Aden said that new operations cannot expand. Discussion continued regarding setbacks. Mockler and Jerry Wilson discussed the issue of current regulations defining everything, including one horse, as a CAFO. Deputy State's Attorney Philip Terwilliger said the definition of CAFO that was present in the regulations was circular and encompassed AFOs as well, which led to the need for clarification in the definition. Mockler and Lias discussed the differences between AFO and CAFO within the regulations. Norma Wilson questioned the state's definition of the word "concentrated" within CAFO. Terwilliger said a CAFO is a subset of an AFO and read the definition of AFO to those in attendance. Passick discussed the proposed caps on animal numbers and the reasoning behind the proposed changes. Powell suggested that the matter should go back to the 2005 version and revisions be made from there. Aden said there were issues with the 2005 version that needed to be addressed. Carlsen said she liked the idea of going back to the 2005 document and making changes from there, and she requested a committee be allowed to participate in changes. Powell and Teddi Gertsma, State's Attorney, clarified that there is a legal process by which such ordinance changes take place. Manning requested that the discussion be tabled and continued at a later date, after he had time to study the entire ordinance in its entirety. Manning moved, seconded by Packard and carried to table the discussion until July 26, 2016.

At 12:45 p.m., Powell moved, seconded by Packard and carried to adjourn and reconvene Tuesday, July 12, 2016 at 9:00 a.m.

ATTEST:

Travis Mockler, Chairman
Board of County Commissioners

Carri R. Crum, County Auditor
