

August 29, 2016

The Board of County Commissioners met in regular session Monday, August 29, 2016 at 9:00 a.m. Members present: Travis Mockler, Leo Powell, Raymond Passick and Micheal Manning; Phyllis Packard was absent.

Manning moved, seconded by Passick and carried to approve the agenda.

Minutes of the August 9, 2016 meeting and August 15, 2016 public hearing were approved with a typo correction to the August 15 minutes to change “go” to “got” in the following paragraph, “Mike Cody from Yankton said he is going through the same issue with the Yankton County Commissioners, that sixteen years ago same issue came before county commission. He said people who got excited about it lived in country, and they had a referendum election that came out 69% to 31% but now issue is back.” Passick moved, seconded by Manning and carried to approve the minutes with the discussed correction.

Rod Polley, Highway Superintendent, Adam Polley and Kevin Goff of Clark Engineering, Mike Pollman of Pollman Excavation, and Kris Huwe of Double H Paving, met with the Board to discuss the final details of the Saginaw Avenue/Loop Road construction project. Goff presented details regarding change orders and request for payment. The Board discussed gravel overrun quantities with Goff and Huwe. The Board gave Huwe a brief break to discuss acceptable quantities with Pollman.

Passick moved, seconded by Manning and carried to approve low bid of \$1.45/gallon from Jerry’s Service for 7500 gallons of #2 Diesel.

Manning moved, seconded by Passick and carried to approve low bid of \$2.16/gallon from Brunick’s Service for 1800 gallons of ethanol blend fuel.

An Application for Entrance from a Clay County Highway was presented on behalf of Steve Weber for a driveway on 302 St. in the NE ¼ 36-95-52. Manning moved, seconded by Powell and carried to approve the application at landowner’s expense and authorize the Chairman to sign it.

An Application for Entrance from a Clay County Highway was presented on behalf of Scott Henderson for a driveway at 31197 Greenfield Rd. Powell moved, seconded by Passick and carried to approve the application at landowner’s expense and authorize the Chairman to sign it.

Powell moved, seconded by Manning, to pass and adopt the following Resolution #2016-13. All members voted aye. Motion passed.

RESOLUTION #2016-13

Federal Aid Bridge Replacement or Rehabilitation Program Resolution for County and Urban Projects

WHEREAS, Clay County desires the replacement of the bridge hereinafter described:

STRUCTURE NUMBER AND LOCATION:

Structure 13E & 1.1S of Irene over Ash Creek SN 14-130-011 (29810 Univ. Rd.)

AND WHEREAS, Clay County is obligated and hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and federal requirements.

AND WHEREAS, Clay County is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Bridge Replacement Funds.

AND WHEREAS, the bridge is in need of replacement/rehabilitation for the following reasons:

1. The sufficiency rating is 48.4.
2. The bridge is not located on a County or Township designated Minimum Maintenance Road.
3. The bridge is located on a Federal Aid Route.
4. The load carrying capacity of the existing bridge cannot be improved to carry legal loads by rehabilitation of the existing bridge.

NOW THEREFORE, BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the "Local Roads Plan" and the State's "Standard Specifications for Roads and Bridges," the bridge replacement or rehabilitation project at the above described location. Items to be handled by State forces with Federal Participation will include hydraulic study review, foundations investigation (if necessary), plan reviews, and construction administration.

Estimated Cost of Project Including Engineering: \$ 1,235,663.00

Federal Share (80%): \$ 988,530.40

Local Share (20%): \$ 247,132.60

Proposed Year of Construction: 2017

Vote of Commissioners: Yes 4 No 0

Dated at Vermillion, South Dakota this 29th day of August, 2016.

ATTEST:

Carri R. Crum, County Auditor

Travis Mockler, Chairman

Manning moved, seconded by Passick and carried to approve travel to Aberdeen for Polley and Larry McPherson, Highway Foreman, for a bridge meeting.

Powell moved, seconded by Manning and carried to approve the following claims for payment.

Huwe and Pollman returned to the meeting. Huwe stated that he and Pollman would split the difference in pay request amounts 50/50 with the removal of liquidated damages. Manning moved, seconded by Passick and carried to authorize \$37,187.70 with the liquidated damages waived. Powell moved, seconded by Manning and carried to authorize the Chairman and Auditor to sign the change order documents prepared by Clark Engineering.

Polley gave an update on a farmer using the road ditch on Saginaw Ave. and creating scuffs to the new asphalt and ruts in the ditch. He has drafted a letter and taken photos but requested guidance from the Board regarding further action. Teddi Gertsma, State's Attorney, suggested that Polley speak with the Sheriff's Office about the matter.

Polley also reported that Mike Isaacson's property pins on Saginaw Ave. have been reinstalled.

At 9:58 a.m., Passick moved, seconded by Manning and carried to enter an Executive Session regarding Legal/Personnel matters per SDCL 1-25-2.

At 10:19 a.m., Powell moved, seconded by Manning and carried to exit the Executive Session. No further action was taken.

The Board discussed the budget request from the Fair Board and the need for repairs to the bleachers at the fairgrounds. Mockler said there would be cost estimates prepared for the next meeting.

The Board discussed the Zoning Ordinance. Powell asked Clarence Pederson for his thoughts about the public hearing on August 15, 2016. Pederson said he liked the discussion between the farmers and those who were not farmers. Powell said it seems to him that a lot of people thought the 2005 ordinance was a good foundation. He said he examined the zoning map and the aquifer map and cannot see where in Clay County 5600 head of cattle could be accommodated. Mockler said according to the aquifer map alone, there is not a place that can accommodate 1 head of cattle. Mockler suggested using the 2005 ordinance and making changes to the items that do not work. Gertsma discussed the proper legal procedures, and Passick said he does not think things have been done improperly. Mockler and Powell discussed the 2013 ordinance. Mockler also discussed the setback to private wells and what the Board of Adjustments' legal authority might be regarding those setbacks and asked Pederson for his thoughts as to whether it would resolve the conflict regarding the 250 feet setback vs. 1320 feet. Manning said he is not opposed to starting with the 2005 ordinance and working forward, but there are things that need to be changed due to procedures being changed since that ordinance, and thinks the proposal that the Board is considering now could be edited using some items from 2005 that worked. Manning said there will be give and take no matter what, that both sides will have to give a little. Passick said he is not concerned about a high number on the animal count because it does not automatically guarantee that the County will approve it. He does not want to prevent economic development for the county if there is ever an operation that can prove itself to be responsible and acceptable. Mockler suggested that the board members come back at the next meeting with suggestions, which could be forwarded through the Zoning Administrator to Patrick Andrews from the Southeast Council of Governments.

The Vermillion Public Library Board reports and the Sheriff's Office monthly reports were accepted and placed on file.

At 11:08 a.m. Powell moved, seconded by Manning and carried to adjourn and reconvene Tuesday, September 6, 2016 at 9:00 a.m.

ATTEST:

Travis Mockler, Chairman
Board of County Commissioners

Carri R. Crum, County Auditor
