

August 7, 2018

The Board of County Commissioners met in regular session Tuesday, August 7, 2018 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Richard Hammond.

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

Minutes of the August 1, 2018 meeting were approved with a motion by Powell, seconded by Manning and carried.

Rod Polley, Highway Superintendent, met with the Board to discuss highway matters. He presented a list of items to be declared surplus. Powell moved, seconded by Packard and carried to declare the items surplus and authorize them to be sold by Girard's Auction.

Powell moved, seconded by Hammond to adopt Resolution #2018-15 for Adhering to Statutory Requirements for Township Road Maintenance. Roll call vote: Hammond Aye, Manning Aye, Powell Aye, Packard Aye, Mockler Aye. Motion passed.

***RESOLUTION #2018-15  
ADHEREING TO STATUTORY REQUIREMENTS FOR  
TOWNSHIP ROAD MAINTENCE***

**WHEREAS**, the Clay County Commissioners support South Dakota Codified Law statutory scheme as it pertains to maintenance, inspections, and repairs of all 'small structures' located within townships in Clay County; and

**WHEREAS**, Clay County and the townships included within the same have a long and important relationship; and

**WHEREAS**, Clay County recognizes limited funding sources available for the construction and maintenance of both county and township roads and structures for each public entity; and

**WHEREAS**, pursuant to SDCL 31-14-27, any township board of supervisors or the county highway superintendent may make specific request in writing to the board of county commissioners to construct or replace in its entirety any bridge or the placing or replacing of any culvert with an opening of sixteen square feet or more and if the board of county commissioners agrees, the County thereafter may enter into agreement for the work to be done pursuant to an agreement in writing between the County and the respective township for cost-sharing of the project. After any work is completed pursuant to the written agreement, the structure shall be maintained and kept clean at the sole expense of the township; and

**WHEREAS**, pursuant to SDCL 31-14-27, the construction or replacing of any bridge or the placing or replacing of any culvert with an opening of less than sixteen square feet upon a secondary road within a township shall be at the total expense of the township. The bridge or culvert shall be maintained and kept clean at the expense of the township; and

**NOW THEREFORE, BE IT RESOLVED**, that the County Commissioners of Clay County fully recognizes and adheres to South Dakota Codified Law as it pertains to the roads, bridges and other structures located within the county, and specifically as it pertains to townships. Should any provision of South Dakota Codified law be changed, the County's response to the construction and maintenance of structures referenced pursuant to this resolution shall adhere to the updated state law regarding the same.

Adopted this 7th day of August, 2018.

CLAY COUNTY, SOUTH DAKOTA

BY:

\_\_\_\_\_  
TRAVIS MOCKLER, Chairperson  
CLAY COUNTY BOARD OF COMMISSIONERS

ATTEST:

\_\_\_\_\_  
CARRI R. CRUM  
CLAY COUNTY AUDITOR

The Board reviewed bid specifications for a dump body. Hammond moved, seconded by Manning and carried to set August 28, 2018 at 9:30 a.m. for bid opening and to authorize advertising for bids.

Sheriff Andy Howe met with the Board for the 2019 budget request.

Howe reported he calculated that it would cost approximately \$620,500 per year to board inmates elsewhere, not including staff and transportation costs if the Board chooses not to act on the findings of the Space Needs Study.

Dave Hertz met with the Board on behalf of the Vermillion Chamber & Development Company to present a proposal for Clay County Park and campground. He proposed plans for a development along the river at Clay County Park. It was discussed that the State of South Dakota owns the portion of the park that contains the campground and waterfront. Hammond is the County's representative on the Clay County Park Board and discussed the current situation and goals for the park. Packard said she is in support, but carefully because it could get destroyed rather than improved. Powell asked about the status of the grant for the road at Myron Grove. Polley said the grant was approved, but it is about 5 years out.

Bill Willroth V, Max Rosdail, Paddy Rosdail, Robin Miskimins Janice Small, Gary Small, and James R. Johnson met with the Board to discuss drainage. Max Rosdail said silt has filled in the ditch near their homes, so water is not going where it is supposed to. He said they would like the ditch cleaned and the culvert checked.

Willroth said he tried to shoot elevations on the culverts, but there is silt, so it is a guessing game. He said the south side ditch is silted in 6 inches-1 foot. He said some of the culverts on secondary driveways appear to be too high. Willroth said Small's barn floor flooded this year for the first time in the 30 years he has lived there, and Miskimins has basically a dam in the ditch.

Manning said there is a pasture on Schoellerman's property that has been farmed. Max Rosdail said it is supposed to be a farmable wetland. Paddy Rosdail said the water cannot come under the road at Small's like it is supposed to. Max Rosdail said he talked to federal conservation, and water cannot be blocked from wetlands. Mockler said the ditch is manmade and is not a natural flow.

Polley said in 2011 Johnson Engineering recommended that everything stay the same because if culverts are moved, then water will go to someone else's property, and there are designated wetlands behind Cook's property. He said one landowner built a berm to try to keep water away from his house, and it is holding water back. Polley said there is a culvert to the west of Cook's, and Carol Bymers had put a 12" culvert inside an 18" culvert when she had the driveway widened. He said there was no discussion about cleaning the ditch then. Powell said the reason the county is doing nothing is because of the study by Johnson Engineering. Polley said if the ditch is cleaned out 6" he feels that the water will just stand in

the road ditch. Mockler said the 12" culvert is a problem because it has been that way too long and the Corps of Engineers is the only one who can upsize a culvert.

Hammond said a good share of the problem is there is not enough change in elevation from the houses to the wetlands. He said he went out to Cook's property, and he laid on his belly and took a video of floaters moving in the water through the culvert and out the other side. It drains slowly, but there is not enough slope to help it drain faster. It would take Corps of Engineers' permission to do anything because they regulate waters of the United States.

Max Rosdail said the water is being blocked from draining to the wetlands. He said his ditch is several feet deep with water. Manning said if the ditch is cleaned and more water flows, Groh will have more water on his property, and he already has several pumps in his basement. Willroth said cleaning the ditch would make a nice flow toward the wetland. Manning reiterated that it would back up to Groh's property.

Hammond said it's normal for water to naturally evaporate out of natural potholes, and building houses changes that. Willroth said when the golf course was built it inhibited the natural flow from reaching the wetlands and traveling over the bluff. Hammond said he doesn't see an area where water appreciably flowed over the bluff. Willroth said there is a gully, and the golf course installed a grate for the water.

Packard asked how difficult it is to look at how much silt has happened in 7 years since Johnson Engineering looked at it. Willroth said most of the 12" culvert is silted in. Manning said he is concerned about Groh's and Neitzke's properties if anything is changed. He said maybe the county does need to clean out silt, but he knows what Hammond is saying about the lack of elevation changes not allowing anything to drain. Powell suggested having an engineer look at it again because the county cannot dig up the culverts. Hammond said he first looked at it 2 years ago and looked at elevation then, and total difference in elevation along that ¼ mile stretch was about 2 feet. He said the area would still end up with water ponding during high rainfalls.

State's Attorney Alexis Tracy said usually Circuit Court is the natural course of action for neighbors to have to take when one property owner is blocking the natural flow of water to a wetland. Hammond said he understands the frustrations because he lost some of his crops due to having to plow them out to allow his and his neighbor's water to drain. He said these types of issues are bigger and will require more work. He said he gets to be a stickler about what's natural flow and what is not. Powell moved to have the minutes reviewed from 2011 to see if there is a recommendation from Johnson Engineering, and if not then have another engineer look at it. Packard seconded that. All voted aye. Motion passed. Auditor Carri Crum produced the minutes from the 2011 meeting with Johnson Engineering regarding the study, and the Board considered them. Willroth suggested rather than spend an engineering fee he and Polley could do the work. Tracy advised the Board not to take that course of action, and instead to put the liability on an engineering firm. Polley reviewed the plans from Johnson Engineering with the Board.

Tracy reviewed upcoming trial expenses with the Board.

The Board discussed the 2019 budget.

The Board discussed the Space Needs Study. The concerns shared between board members were the costs to the taxpayers. They discussed formation of a committee to review the study. Packard moved, seconded by Manning and carried to discuss with the City of Vermillion and the Vermillion Area Chamber & Development Company the formation of a task force committee to review the Space Needs Study.

Recent payroll changes are as follows: Kaleb Christopherson was hired as a Deputy Sheriff 6/13/18 at \$2864.82/month, Samantha Hargrave as a Deputy State's Attorney 6/18/18 at \$4807.82/month, Shannon Kymala as a Deputy Sheriff 8/6/18 at \$2864.82/month, Ethan Wiesz as a Full-Time Jailer 7/3/18 at \$2660.96/month.

The Veterans/Welfare/Zoning, Sheriff's Office, and the Vermillion Public Library Board monthly reports were accepted and placed on file as well as the following Auditor's Account with the County Treasurer Report.

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 August 1, 2018.  
 I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks	6,487,139.71
Amount of actual cash	3,308.30
Total amount of checks and drafts in Treasurer's Possession not exceeding three days	78,068.85
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	700.00
Investments	1,000.00
Cash Variation	0.00
Total	
Dated this 1st day of August, 2018.	6,572,341.64

---

Carri R. Crum, County Auditor

At 12:29 a.m., Powell moved, seconded by Hammond and carried to adjourn and reconvene Tuesday, August 7, 2018 at 9:00 a.m.

\_\_\_\_\_  
Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:

\_\_\_\_\_  
Carri R. Crum, County Auditor

---