

September 27, 2016

The Board of County Commissioners met in regular session Tuesday, September 27, 2016 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, and Micheal Manning; Raymond Passick was absent.

Powell moved, seconded by Packard and carried to approve the agenda with the addition of the Conflict of Interest Policy.

Minutes of the September 15, 2016 meeting were approved with a motion by Manning, seconded by Powell and carried.

Andy Howe, Sheriff, spoke with the Board over the phone regarding jail meal services. He reported that Cherry Street Grille and Howler's have closed, leaving the jail without food service. Howe reported that he negotiated with Neil Chapman, The Roadhouse, to provide meal service at \$3.75/meal. The Board discussed budgetary costs for 2017 as well. Powell moved, seconded by Packard and carried to approve the temporary pricing contract of \$3.75/meal with The Roadhouse until the end of 2016. The Board also wished to convey a thank you message to The Roadhouse for providing the meals on such short notice.

Boy Scout Andrew Sharples appeared during Visitors to be Heard to introduce himself and state that he was present to observe the meeting.

Powell moved, seconded by Manning to approve the following claims for payment. Payroll: Commissioners \$7,874.50, Auditor's Office \$9,049.67, Treasurer's Office \$15,229.43, States Attorney's Office \$14,295.67, Courthouse \$2,632.42, DOE's Office \$9,892.25, ROD's Office \$6,628.67, Veteran's Office \$1,663.33, Sheriff's Office \$32,201.50, County Jail \$24,754.28, 24/7 Sobriety Project 1,422.99, LEPC \$385.25, Emerg. Mgmt. Office \$3,467.00, Highway Department \$38,244.98, WIC 2,354.25, Extension Office \$2,847.58, Weed Department \$2,526.03, and Zoning Office \$2,285.55; Bills: (Payroll Withholdings) Aflac \$1,055.00; Clay Co Treasurer \$42,435.43; Colonial Life \$359.97; Conseco/Washington \$24.45; Dearborn National \$220.29; New York Life Insurance \$244.02; Optilegra Inc. \$17.92; SD Retirement System \$20,346.06; SD Supplement Retirement \$1,585.00; SDRS Roth Plan \$450.00; United Way of Vermillion \$238.00; Vermillion Federal Credit Union \$1,666.00 and Wellmark Blue Cross \$37,021.71; (Clearing Fund – Misc.) Dept. of Revenue \$2,400.07; (Professional Services and Fees) City of Vermillion \$84.00; Clark Engineering Corp. \$3,042.65; Houska DDS, Randy \$226.00; Netsys Plus, Inc. \$198.75; Paul's Plumbing, Inc. \$106.88; Sanford Health Clinic \$145.00; Security Shredding Svc \$35.00; University Cleaners \$78.25 and Yankton Co Sheriff \$50.00; (Law Office) Kogel, Linda L \$791.20; Peterson Stuart Rumpca \$5,978.55 and Reed Law Offices \$1,002.64; (Repairs and Maintenance) Century Business Products \$25.00; Paul's Plumbing Inc. \$336.60; Pollman Excavation \$4,092.75 and Wells Brian \$65.00; (Data Processing/Clay Creek) Mastel, Bruce \$35.00 and Microfilm Imaging System \$52.35; (Supplies and Materials) Bierschbach Equip & Supply \$52.35; Boyer Trucks SF Inc. \$571.72; Butler Machinery Co. \$179.10; Campbell Supply Co. \$179.10; Concrete Materials \$1,565.40; Dakota PC Warehouse \$99.99; Dakota Riggers & Tool \$345.00; Hy-Vee, Inc. \$36.68; L.G. Everist, Inc. \$563.87; Lawson Products, Inc. \$237.32; Microfilm Imaging System \$364.00; Neve's Uniforms

& Equipment \$544.32; O'Reilly Auto Parts \$14.98; Pollman Excavation \$83.54; Quill Corporation \$49.52; Riverside Hydraulics \$303.79; SD Dept. of Transit \$4,673.69; Sooland Bobcat \$675.00; Sturdevant's Auto Part \$169.01; The Road Guy \$165,173.08; Wells Brian \$36.75; Verizon Wireless \$64.51 and Wheelco Brake and Supply \$926.33; (Copier Supplies) Office Systems Company \$163.33; (Travel and Conference) Christensen, Laura \$160.00; Ganschow, Dennis \$159.76; Hollenbeck, Lauren \$74.40; Peterson, Ina \$160.00; Powell, Cathi \$116.76; SDSU Extension Service \$299.60 and Stewart, Layne \$365.80; (Utilities) CenturyLink \$405.62; City of Vermillion \$3,283.43; MidAmerican Energy \$57.47; Verizon Wireless \$43.16; Verizon Wireless \$280.07 and Vermillion Garbage Svc \$156.00; (Payment) Hy-Vee, Inc. \$483.46; Subway \$143.60; Walmart Community/Gecr \$181.17; Ballard, Madonna \$50.00; Ehlers, Jamie \$50.00; Emmick, Brian \$60.08; Knedler, Beth \$58.40; Prusa, Karen \$60.92; Shumaker, Sandra \$50.00; Wiedruch, Nancy \$70.16; Zuercher, Nancy \$50.00; Chasing Hawk, Tyler \$20.00; Fostuedt, Kolly \$20.00 and Ganschow, Robert \$36.80; (JDC/Special Eq.) Minnehaha County JDC \$400.00; Neve's Uniforms & Equip \$362.00 and SD Assn. of Co Officials \$2,461.48; (Books) State Bar of SD \$675.00; Thomson Reuters – West \$213.00; (Furniture and Minor Equipment) Counsel \$3.96.

At 9:15 a.m., a public hearing was held for the first reading of Ordinance #2016-04, an Ordinance Combining the Offices of County Sheriff and County Coroner. No one appeared in opposition, and no written correspondence was received. Powell moved, seconded by Manning and carried to set the date and time of a public hearing for the purpose of the second reading/adoption of Ordinance #2016-04 on October 11, 2016 at 9:30 a.m.

At 9:27 a.m., Manning moved, seconded by Powell and carried to adjourn and convene as Clay County Ditch Board.

The Board discussed cleaning sloughs on the Yankton Clay Ditch near Brook Bye's property. They also discussed spraying of trees by Jana Bye's property along Lateral 50. Dennis Ganschow, Weed Supervisor, said his department can spray the area. The Board discussed cleaning the trees out.

Polley reported on a 30' boom system for tree cutting seen by Powell at the SD County Convention. Polley said the Highway Department does not have a tractor that will handle it. Polley estimated \$225,000 for the tractor and boom setup. He could have a demonstration done on the Yankton Clay Ditch.

Polley also said trees will need to be removed by Holmes Welding, and he was able to negotiate with Pollman Excavation regarding sharing equipment for the job.

Powell moved, seconded by Packard and carried to authorize Polley to hire Pollman Excavation to complete work in the three areas which were discussed.

At 9:49 a.m., Manning moved, seconded by Powell and carried to adjourn and reconvene as Board of Clay County Commissioners.

Dennis Ganschow, Weed Supervisor, met with the Board to request an Assistant Weed Supervisor. He proposed hiring for a full-time position between the Weed Department and Highway Department. Rather than hiring 4 seasonal workers, he would hire only 3. Manning moved, seconded by Packard to hire an Assistant Weed Supervisor to work part-time for the Highway Department as well, adding \$20,000 to the Highway Department Budget to help cover the wages and benefits.

Powell discussed the recent chip sealing with Polley and said he thinks the roads that were not fog sealed are rougher to drive on and is concerned about tire wear.

Ganschow discussed the grant for Purple Loosestrife grant for Clay, Union, and Yankton Counties. The grant will probably include more biological control with bugs. The grant will likely be \$15,000-20,000 between the three counties with the counties likely contributing in-kind labor costs. Powell moved, seconded by Packard and carried to authorize Ganschow to apply for the grant.

Ganschow also requested to upgrade to a larger boat with unused budget in 2016. He discussed the potential purchase of a surplus National Park Service boat vs. a new boat. Manning moved, seconded by Packard and carried to authorize Ganschow to purchase the surplus boat if available.

Cynthia Aden, Zoning Administrator, and Patrick Andrews, SE Council of Governments, met with the Board to discuss changes to the proposed zoning regulation draft regarding Concentrated Animal Feeding Operations (CAFO). The Board discussed conditional use permits and the definition of a new operator. Packard questioned why the regulations are increasing the numbers so much in comparison to statewide averages. Powell cited the study by the Governor's Office of Economic Development that found only two locations in Clay County where it would be possible to have such a large operation. The Board discussed Passick's proposal for animal numbers and his rationale behind it. Mockler discussed large dairy operations in Lincoln and Turner Counties and the potential for economic development in the eastern part of the state. Packard recommended a compromise between what the regulations had and what is proposed, making the point that the County is not anti-progress but also needs protection. Packard proposed 4,200 as a cap. She and Powell stated they think it is too high, but Packard also pointed out it is a compromise. Powell said he feels it is too high, and the argument is about 5,600 when there are only approximately 9,000 head in the entire County. Packard cited a study on animal numbers that found 3,600 was a happy medium between residential and farming regarding complaints. Powell said there is a need to protect agriculture in Clay County, but there is also a need to protect the water. Manning said he doesn't want to see pollutants in the water, but if there is a number where a well-managed dairy could operate, then it's an economic opportunity. He said he is not opposed to compromising on a number, realizing that not everyone will be happy but it would be a middle ground.

The Board discussed setbacks to wells. Jerry Wilson was present and clarified that the setbacks would be going back to where the County was. Packard discussed setbacks to Wakonda and Irene, suggesting that only current operations are grandfathered. Aden stated there is something in the current ordinance regarding non-conforming or non-standard uses, and in her opinion it

would also affect anything under the CAFO regulations. Jerry Wilson pointed out a section of the regulations. Mockler said does not foresee being overrun with livestock operations; what he foresees happening near Wakonda or Irene is for people to want a few horses or chickens, and currently they would not be able to. Wilson said the current draft had Small B to exempt, for example, 4-H kids, etc. from being regulated and asked why the proposal is to remove Small B which protects those types of situations. Manning said he made the request to remove it because there seemed to be a lot of confusion regarding Small A and Small B. Powell suggested changing the bottom number from zero to, for example, 50 or 100, then the small person with a few chickens would be covered. Wilson and Mockler discussed the Small B category. Manning, Aden, and Wilson discussed conditional use permits, CAFOs and Animal Feeding Operations (AFOs).

Cindy Kirkeby said her interpretation was that a person has to jump through the hoop as to whether the definition of CAFO applies and then that triggers the usage of the animal number table. Mockler and Aden clarified that current regulations in place do not flow that way. Aden also said the two triggers for CAFO are size and whether or not they are discharging into waters of the state. Wilson and the Board discussed Natural Resources Conservation and the Aquifer Protection Overlay maps. Mockler said the animal number tables started at zero to prevent manure in the water, which seemed to be the resounding public concern.

Wilson said not everyone has the same notion of what future the County should be planning for, and what he hears in the public hearings is that the future that the public is planning for does not include CAFOs. Aden said she has people visiting her office that have a different idea for the future, and they are waiting until the regulations are done to consider moving forward with any kind of operation.

The Board discussed the 2017 budget. Changes were made to the Provisional Budget to add \$4,000 to the County Fair budget for bleacher repairs, to change the Historical Sites budget from \$18,000 to \$15,000 to reflect a change in the grant being received and for potential cemetery maintenance, and to add \$20,000 to the Highway Department budget for the new position being created. Also, Packard moved, seconded by Manning and carried to authorize the addition of \$500 to the Public Welfare budget to be allocated and paid to the Clay-Union Foundation only if the foundation supplies financial reports to the Board supporting the need for funding. With those changes to the Provisional Budget, the General Fund Cash Balance Applied changed from \$288,519 to \$311,150, the General Fund Net Means of Finance and Total Appropriations changed from \$5,378,075 to \$5,399,575, and the County Road & Bridge Fund Net Means of Finance and Total Appropriations changed from \$3,560,480 to \$3,580,480. Packard moved, seconded by Manning to pass and adopt the 2017 Provisional Budget as the 2017 Annual Budget with the discussed changes and to pass and adopt the following Resolution for Adoption of Annual Budget for Clay County. Roll call vote: Manning Aye, Powell Aye, Packard Aye, Mockler Aye. Motion passed.

RESOLUTION

ADOPTION OF ANNUAL BUDGET FOR Clay County, South Dakota

Whereas, (7-21-5 thru 13), SDCL provides that the Board of County Commissioners shall each year prepare a Provisional Budget of all contemplated expenditures and revenues of the County and all its institutions and agencies for such fiscal year and,

Whereas, the Board of County Commissioners did prepare a Provisional Budget and cause same to be published by law, and

Whereas, due and legal notice has been given to the meeting of the Board of County Commissioners for the consideration of such Provisional Budget and all changes, elimination's and additions have been made thereto.

NOW THEREFORE BE IT RESOLVED, That such provisional budget as amended and all its purposes, schedules, appropriations, amounts, estimates and all matters therein set forth, SHALL BE APPROVED AND ADOPTED AS THE ANNUAL BUDGET OF THE APPROPRIATION AND EXPENDITURES FOR Clay County, South Dakota and all its institutions and agencies for calendar year beginning January 1, 2017 and ending December 31, 2017 and the same is hereby approved and adopted by the Board of County Commissioners of Clay County, South Dakota, this 27th day of September, 2016. The Annual Budget so adopted is available for public inspection during normal business hours at the office of the county auditor Clay County, South Dakota. The accompanying taxes are levied by Clay County for the year January 1, 2017 through December 31, 2017.

	Tax Levy in	
	Dollars	\$'s/1,000
COUNTY TAX LEVIES		
WITHIN LIMITED LEVY:		
* General County Purposes (10-12-9)	4,688,680.00	4.294
LIMITED LEVY (10-12-21) -SUB TOTAL		
OUTSIDE LIMITED LEVY:	4,688,680.00	4.294
UNLIMITED LEVY - SUB TOTAL		
LIMITED AND UNLIMITED		
LEVY - SUB-TOTAL	4,688,680.00	4.294
OTHER SPECIAL LEVIES		
Fire Protection (34-31-3)	113,088.00	.160
TOTAL TAXES LEVIED BY COUNTY	4,801,768.00	4.454

* These Amounts include the 25% to be distributed to cities.

As of September 27, 2016 these levies are not approved by the Department of Revenue.

BOARD OF COUNTY COMMISSIONERS OF Clay County, South Dakota

Travis Mockler, Chairman

Leo F. Powell, Commissioner

Micheal Manning, Commissioner

Phyllis Packard, Commissioner

ATTEST: Carri R. Crum, County Auditor

Packard moved, seconded by Manning and carried to adopt and add to the County Personnel Manual a Conflict of Interest Policy.

At 12:47 p.m. Manning moved, seconded by Powell and carried to adjourn and reconvene Tuesday, October 4, 2016 at 9:00 a.m.

ATTEST:

Travis Mockler, Chairman
Board of County Commissioners

Carri R. Crum, County Auditor
