

January 3, 2019

The Board of County Commissioners met in regular session Thursday, January 3, 2019 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Richard Hammond.

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

Minutes of the December 27, 2018 meeting were approved with a motion by Manning, seconded by Packard and carried.

Powell moved, seconded by Hammond and carried to adjourn and reconvene to reorganize for the ensuing year.

County Auditor Carri Crum called the meeting to order. The Auditor called for nominations for Chairperson. Powell moved, seconded by Hammond to nominate Travis Mockler as Chairperson. Powell moved, seconded by Packard to cease nominations and cast a unanimous ballot for Mockler. All voted aye; motion passed.

With Chairman Mockler presiding, the following proceedings were held.

The Chairman called for nominations for Vice Chairperson. Powell moved, seconded by Manning to nominate Phyllis Packard as Vice Chairman. Powell moved, seconded by Manning to cease nominations and cast a unanimous ballot for Packard. All voted aye; motion passed.

Powell moved, seconded by Packard and carried to adopt Modern Addition of Robert's Rules of Order Original 1876 Edition by Major Henry M. Robert Completely Revised by Darwin Patnode, Ph.D. as on file with the Auditor, no restrictions on the Chair, and minutes not to record motions not seconded.

Powell moved, seconded by Packard and carried to approve the following appointments. Layne Stewart as Emergency Management Director for a one-year term expiring 1/7/2020, Commissioner Mockler to Fair Board, Commissioner Packard as member of the Executive Board of SECOG, Commissioner Packard to Board of Directors of the Clay County Youth Trust Fund and the Youth Service Council, Commissioner Mockler to the Zoning Board, Dr. Dendinger as County Health Officer, David Thiesse to Public Safety Board for a three-year term expiring 12/31/21, Commissioner Hammond as member to the Southeast Regional Detention Authority Steering Committee, Commissioner Packard to the Joint Landfill Advisory Board, Commissioner Manning to the VCDC, Commissioner Manning to Vermillion Now Advisory Council, the Chairman and Vice-Chair to the ICAP Committee, and Commissioner Hammond to the Clay County Park Board.

Hammond moved, seconded by Powell and carried to designate the Vermillion Plain Talk and the Tri-County news as the official legal newspapers.

Powell moved, seconded by Hammond and carried to designate the front door of the Courthouse and/or the Wakonda Post Office as the place for holding foreclosure sales, at the Sheriff's discretion regarding location.

Powell moved, seconded by Packard and carried to designate First Bank & Trust, Bank of the West, CorTrust Bank/Vermillion, First Dakota National, Wells Fargo Bank/Vermillion, First Premier Bank/Wakonda, SD FIT, and Vermillion Federal Credit Union as the official depositories.

Pursuant to SDCL 28-17-4, Powell moved that on county burials the funeral director in charge shall furnish casket and outside container and conduct the funeral services in customary manner and the County shall allow the funeral director for merchandise and such services rendered a sum of \$1900 (complete costs) which includes vault and opening and closing of the grave. Motion seconded by Hammond and carried.

Hammond moved, seconded by Packard and carried that, pursuant to regulations adopted by the State Board of Finance which provide for rates in connection with travel reimbursement, the mileage be set at \$.42 per mile, and if the state raises mileage during the year the County will follow suit; rates for meals set at \$32.00 per day (Breakfast \$6.00, Noon \$11.00, Evening \$15.00).

Manning moved, seconded by Packard and carried that the allowance per diem for the Commissioners appointed to serve on all Boards outside of the normal County Commission Meetings as well as the per diem for Planning & Zoning Commission members be set at \$25.00 plus mileage.

Manning moved, seconded by Hammond and carried to approve fees for boarding prisoners for other counties at \$70 per day, or per contract, fees for housing work release prisoners at \$20 per day, and daily boarding rate at \$15 per day, adult electronic GPS monitoring at \$20 per day, juvenile electronic GPS monitoring at \$10 per day, applicant fingerprinting at \$15 per 2 cards, mug shots at \$8, UA test \$10, accident reports at \$2 per page, and other reports or printing e-mailed civil process to serve at \$1 per page.

Manning moved, seconded by Hammond and carried to hold Commission meetings the first, second and last Tuesday of each month.

Hammond moved, seconded by Packard and carried to approve SD Public Assurance Alliance as the County's liability insurance and SDML for worker's compensation insurance.

Hammond moved, seconded by Manning and carried to approve worker's compensation insurance coverage for all election workers as listed on file in the Auditor's Office and Sheriff's Reserve Deputies (currently Shawn Fick, Matt Olson, Michael Smith, and Dean Tompkins-Searcy).

Powell moved, seconded by Manning and carried to pass and adopt the following Resolution #2019-01 for Establishment of Election Precincts/Polling Places for 2019. All voted aye; motion passed.

RESOLUTION #2019-01
Establishment of Election Precincts/Polling Places for 2019

WHEREAS, the Board of County Commissioners in and for the County of Clay shall establish election precincts and polling places.

NOW THEREFORE BE IT RESOLVED, that hereinafter described precincts and polling places be hereby established.

Rural Ward #1: SESD Experimental Farm, 29974 University Rd., Beresford, SD
Rural Ward #2: Gingrich-Dixon Post #13 Legion Hall, 101 Montana St., Wakonda, SD
Rural Ward #3: 4-H Center/Fairgrounds, 515 High St., Vermillion, SD
Vermillion City-All Precincts: National Guard Armory, 603 Princeton St., Vermillion, SD (Central 1 & 2/Northeast 1 & 2/Northwest 1 & 2/Southeast 1 & 2)

Commissioner Powell moved the adoption of the foregoing resolution. Motion seconded by Commissioner Manning.

Vote of Commission: Mockler Aye, Packard Aye, Powell Aye, Manning Aye, Hammond Aye.

Upon which voting the resolution was declared passed and adopted.

Dated at Vermillion, South Dakota this 3rd day of January, 2019.

Board of County Commissioners
Clay County, South Dakota

ATTEST:

Carri R. Crum, County Auditor

Powell moved, seconded by Manning and carried to pass and adopt the following Resolution #2019-02 for Establishment of Precinct Election Officials Fees for 2019. All voted aye; motion passed.

RESOLUTION #2019-02
Precinct Election Officials Fees for 2019

WHEREAS, SDCL 12-15-11 made it the responsibility of the County Commissioners of each county to set the fee for precinct election officials of all units of government in the county.

THEREFORE, BE IT RESOLVED, that the fee for precinct election officials in Clay County be set at \$175.00, and election superintendent at \$200.00, for each election.

BE IT FURTHER RESOLVED, that pursuant to SDCL 12-15-7 such election officials be allowed a fixed fee for attendance at a meeting called by the County Auditor for instruction on election laws and the duties of the judges and clerks of election as follows: \$25.00 compensation for election officials residing within ten (10) miles of the county seat plus \$.42/mile, or the established county rate, roundtrip for those residing outside of city limits, and \$30.00 for officials residing over ten (10) miles from the county seat plus \$.42/mile, or the established county rate, roundtrip.

BE IT FURTHER RESOLVED, that there will be one cell phone provided by one precinct worker per polling place, and a \$5.00 fee will be issued for the usage of the phone for only that day.

BE IT FURTHER RESOLVED that the person delivering the poll-books and ballot boxes to the County Auditor's Office at the county seat shall receive the county rate for mileage as established pursuant to SDCL 7-7-24, for miles necessarily traveled in going to and returning from making the delivery (SDCL 12-15-11). The county rate for mileage is .42 cents per mile.

BE IT FURTHER RESOLVED that the judges, clerks, Resolution Board, Counting Board, and any other personnel deemed necessary by the County Auditor for receiving ballot boxes, supplies, and for tabulating ballots be allowed \$50 plus \$.42/mile, or the established county rate, for travel to the ballot tabulation location.

BE IT FURTHER RESOLVED that the persons setting up equipment at polling places be allowed \$50 for setting up equipment and/or \$50 for taking down equipment.

Commissioner Powell moved the adoption of the foregoing resolution. Motion seconded by Commissioner Manning.

Vote of Commission: Mockler Aye, Packard Aye, Powell Aye, Manning Aye, Hammond Aye.

Upon which voting the resolution was declared passed and adopted.

Dated at Vermillion, South Dakota this 3rd day of January, 2019.

Board of County Commissioners
Clay County, South Dakota

ATTEST:

Carri R. Crum, County Auditor

At 9:17 a.m., Powell moved, seconded by Manning and carried to adjourn and convene as Clay County Ditch Board.

Powell moved, seconded by Manning and carried to set February 26, 2019 at 1:00 p.m. as the date and time for the annual joint ditch board meeting with Yankton County at Toby's Lounge in Meckling.

The Board discussed with Highway Superintendent Rod Polley the Clay Creek Ditch. Powell moved, seconded by Hammond to direct the Director of Equalization determine the benefitted acres and the tax value that the landowners potentially being added to the drainage ditch would need to pay, and a letter to be drafted by the State's Attorney and Director of Equalization to the landowners asking them to join, or to grant a maintenance easement. All voted aye; motion passed.

Polley asked who will pay for the damages east of the Meckling bridge and suggested that should be discussed at the annual meeting.

Polley also said he has not finished the gates on the culverts, and Pollman has not finished his work yet due to the weather. Powell asked about Lateral 3 where it is cutting into the township road. Polley said he has placed barricades and would like to discuss that at the annual meeting.

At 9:37 a.m., Powell moved, seconded by Packard and carried to adjourn and reconvene as Board of Clay County Commissioners.

Chairman Mockler turned the meeting over to Vice-Chair Packard.

A second reading was held for #2018-04, a zoning change from Natural Resource Conservation to Agriculture. The legal description of the property is: N1/2 SW1/4 12-94-52, Clay County, SD. The area to be rezoned, per the Surveyor's Certificate, is the East 700 Feet of the North 1440 Feet Southwest Quarter (SW1/4) of Section Twelve (12), Township Ninety-four North (T94N), Range Fifty-two West (R52W) of the 5th P.M., Clay County, South Dakota (Containing 23.14 acres, more or less). Powell asked if there was opposition at the first meeting. Packard said there was concern from Jerry Wilson regarding the description of the area being rezoned and protection for water. Discussion ensued that the area has 600 feet of pastureland as a natural filter, and anything that is a runoff concern would be filtered by the pasture. Powell moved, seconded by Manning to pass and adopt Ordinance #2018-04. During the

discussion period, Manning asked if a findings report had been written. Packard said she has written preliminary findings and sent them to Zoning Administrator Cynthia Aden for review. Aden discussed contents of the findings. Hammond said there often is not enough space on applications to fully describe things, so the findings of fact will be important in the future. Hammond suggested that petitions, or applications, should be labeled by pages with the total pages noted in order to tie the pages together. Vote of the Board: Manning Aye, Hammond Aye, Powell Aye, Packard Aye; Mockler recused himself from the vote. Motion passed.

Vice-Chair Packard turned the meeting over to Chairman Mockler.

A second reading was held for Ordinance #2018-05, an amendment to Section 4 of the Zoning Regulations regarding maximum height. Hammond said he would be recusing himself from any voting due to his interest in installing a ham radio tower, even though his tower would fall under the Joint-Jurisdiction Zoning Regulations. Powell moved, seconded by Packard to pass and adopt Ordinance #2018-05. Vote of the Board: Manning Aye, Packard Aye, Powell Aye, Mockler Aye; Hammond recused himself from the vote. Motion passed.

Kris Jacobsen, SD Association of County Commissioners, met with the Board to discuss resolutions that were passed at the County Convention in September 2018. She discussed that bills have been slow to come in this year and reported on what has been dropped into the hopper thus far. Jacobsen said there will likely be legislation introduced to raise money for state 911 radio systems and emergency management via tax for phone lines. She said two legislative bills came from the Commissioners, one of which would allow counties to instill a ½ percent sales tax for building jails and Courthouses. The other states if there is an excess in the state budget, it would allow a percentage of that for the Bridge Improvement Grant program. Jacobsen discussed the National Association of Counties' website topics and resources. She also asked for any suggestions from the Board on improvements to the SDACC's services to county government. Packard said, in support of the ½ percent tax legislation to build jails, that the counties have already taken a hit from the state and federal levels and discussed the effects of the proverbial revolving door on county jail inmates with Sheriff Andy Howe and Jacobsen.

At 10:51 a.m., Hammond excused himself from the meeting.

The Board continued to discuss the legislative process with Jacobsen. She encouraged them to contact her with any concerns.

Packard moved, seconded by Powell and carried to approve payment to Blaine's Body Shop in the amount of \$10,408.11 for collision repairs to a Sheriff's vehicle.

Powell moved, seconded by Packard and carried to authorize the Chairman to sign a letter to First Premier Bank stating that Wakonda Fire Department is a non-profit, volunteer organization operating within Clay County.

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

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 December 31, 2018.
I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks	5,699,831.84
Amount of actual cash	2,163.62
Total amount of checks and drafts in Treasurer's Possession not exceeding three days	12,291.30
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:	2,362.76
Checks returned and not deposited	
Cash Items	700.00
Investments	151,000.00
Cash Variation	0.00
Total	
	Dated this 2nd day of January, 2019.
	5,868,349.52

At 11:47 a.m. Manning moved, seconded by Packard and carried to adjourn and reconvene Tuesday, January 8, 2019 at 9:00 a.m.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

January 8, 2019

The Board of County Commissioners met in regular session Tuesday, January 8, 2019 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Richard Hammond.

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

Minutes of the January 3, 2019 meeting were approved with a motion by Manning, seconded by Hammond and carried.

Blake Van Ginkel and Seth Major from Gallagher Co. met with the Board to request that they become the broker of record for the County's insurance policies. Manning moved, seconded by Hammond and carried to authorize the Chairman to sign the broker of record documents contingent upon review of the contract by the State's Attorney's Office.

Highway Superintendent Rod Polley met with the Board. Powell moved, seconded by Manning to pass and adopt the following Resolution #2019-03 for Deletion of a Bridge from NBIS. Vote of the Board: 5 Ayes, 0 Nays. Motion passed.

**RESOLUTION #2019-03
Delete Bridge from NBIS**

The Clay County Board of Commissioners is in agreement with SDDOT that the following structure(s) should be deleted from the National Bridge Inventory System (NBIS) for the following reason(s):

STRUCTURE ID, LOCATION and REASON FOR DELETION:

14-033-090 4S & 0.4E WAKONDA Structure has been replaced with culverts
culverts that no longer meet NBIS
length requirements.

The Commission is aware of the following stipulations once a structure is deleted from the NBIS Inventory:

1. Federal Bridge funds will not be available for structure replacement or rehabilitation and
2. The structure will only be added to the Inventory following replacement, using County funds.

Upon receipt of this resolution, the above structure(s) will be deleted from inventory.

Vote of Commissioners: Yes 5 No 0

Dated at Vermillion, SD, this 8th day of January, 2019.

Attest:

Carri R. Crum, County Auditor

Travis Mockler, Chairman
Board of County Commissioners
Clay County, South Dakota

Powell moved, seconded by Hammond to pass and adopt the following Resolution #2019-04 for Weight Limit Enforcement. Vote of the Board: 5 Ayes, 0 Nays. Motion passed.

RESOLUTION #2019-04
CLAY COUNTY WEIGHT LIMIT ENFORCEMENT

Whereas, seasonal climatic changes can be detrimental to our highways, and

Whereas, the Clay County Board of County Commissioners desires to protect existing Clay County Highways, ultimately saving tax dollars, and

Whereas, South Dakota Codified Law 32-14-6 allows for the reduction of the legal weight limit which may be carried upon highways within Clay County, and

Whereas the Clay County Board of Commissioners, desire the enforcement of weight limitations on Clay County roads as set forth and posted by the Clay County Highway Superintendent.

NOW THEREFORE BE IT RESOLVED;

Whereas the limits on Clay County roads shall be set at six (6) ton per axle on all hard surface roads with the exception of County Road H-4 (469 Ave), Burbank north to Highway 50, and County Roads B-1 & B-2 (455 Ave), Bethel Hall north to Highway 46, the West County Line, from Irene south and all gravel roads shall be posted at seven (7) ton per axel, or as posted.

That the South Dakota Highway Patrol be and hereby is authorized and requested to enforce weight limitations on Clay County Roads.

BE IT FURTHER RESOLVED that the penalty for the violation of the load restrictions shall be as set forth in SDCL 32-22-55.

Vote of Clay County Commission

AYE 5 NAY 0

Dated this 8th day of January, 2019 at Vermillion, S.D.

ATTEST:

Carri R. Crum
CLAY COUNTY AUDITOR

Travis Mockler
CHAIRMAN, CLAY COUNTY COMMISSION

Powell moved, seconded by Packard and carried to approve micro-surfacing bid specifications and to set the bid opening for 9:10 a.m. on January 29, 2019.

The Board discussed a concern regarding waste trucks from the rest area east of Interstate 29 to the City's waste lagoon. Polley said it is a bad time of year to haul with 4-axle trucks on county roads, and the county was not informed prior to the hauling. Powell said they were using Ufford Road in the dark, which is one of the worst routes they could have taken. Polley also said the department put gravel on Ufford Road a week ago, and people are already complaining of vehicle tracks. Powell said he called the City regarding debris left on his driveway on Dakota St., along with the biohazard sign that was put next to his driveway, which was then cleaned up with the sign removed, and there is still potentially biohazardous debris in the area along the road and other driveways. Powell said when he talked to the City, he was told it was a County problem. However, the County had no part in the situation. Mockler then asked why they didn't have an overweight permit.

Weed Supervisor Dennis Ganschow presented quotes for sprayer trucks. He discussed the needs for a truck based on weight of the sprayer (approximately 5,600 pounds) when it is full. It was decided that Ganschow should check to see if there is a state bid and report back at the next meeting.

The Board reviewed jail boarding contracts for Lincoln, Turner, and Union Counties. Sheriff Andy Howe said there are currently 27 inmates in the 20-bed jail, so there is no room to board inmates at this time. However, it is necessary to have the contracts in place. Manning moved, seconded by Hammond and carried to authorize the Chairman to sign them.

Packard moved, seconded by Hammond and carried to add Vermillion Police Chief Matt Betzen to the Courthouse, Jail, and Law Enforcement Facility Planning Committee as a non-voting member.

Sheriff Howe and Deputy State's Attorney Philip Terwilliger briefed the Board on the eviction process for the occupied tax deed property at 113 Linden.

Powell moved, seconded by Packard and carried to declare a Kyocera copier passed down from the Auditor's Office to the Sheriff's Office surplus and give it to the Town of Wakonda.

Powell moved, seconded by Hammond and carried to authorize the following claims for payment. January Bills: (Due to Other Governments) SDACO – M&P Fund Payment \$306.00; (Professional Services and Fees) Buhls Drycleaners \$99.00; FedEx \$11.15; Great Plains LLC \$960.00; Gregg, Kelleen \$35.34; Katterhagen, Mark \$30.00; Lewno, Lucille M \$214.97; Lockwood, Darcy \$30.00; Microfilm Imaging System \$30.00; Mid-States Org. Crime \$100.00; Netsys Plus, Inc. \$510.00; Satellite Tracking \$295.75; SD State Atty Assoc. \$1,006.00; SDAAO \$225.00; Security Shredding SVC \$35.00; The Equalizer \$60.00; Tigert Art Gallery \$117.00; Village Family SVC \$1,590.00 and Yankton Co Sheriff \$50.00; (Other Professional Service) Dakotah Reporting Agency \$687.00 and Schaefer, Dean \$255.00; (Law Office) Thompson, Craig K. \$2,747.61; (Mental Health) Dakotabilites \$360.00; SD Achieve \$240.00; SESD Activity Cntr \$360.00 and SD Dept of Rev Anderson \$1,461.63; (Publishing) Broadcaster Press \$638.87; Plain Talk \$107.00 and The Equalizer \$219.00; (Rentals) Schneider Corporation \$8,460.00; (Repairs and Maintenance) Buhls Drycleaners \$24.00; Johnsen Heating & Cooling \$582.16; Netsys Plus, Inc. \$44.00; Office Systems Company \$319.50 and Walker Construction \$1,40.00; (Data Processing) Schneider Corporation \$6,850.00 and Thomson Reuters – West \$1,587.83; (Supplies & Materials) A-Ox Welding Supply Co \$176.65; Aden, Cynthia \$144.71; Blue Tarp Financial \$289.99; Brunick Service, Inc. \$28.00; Buhls Drycleaners \$20.00; Butler Machinery Co. \$1,402.66; Campbell Supply Co. \$78.52; Clay Co Conservation District \$6,000.00; D-Ware Inc. \$4,025.00; Fred Haar Co., Inc. \$924.00; Mills & Miller, Inc. \$3,506.08; O'Reilly Auto Parts \$91.32; Prochem Dynamics \$45.89; Quill Corporation \$396.95; SDACHS \$275.00; Sturdevant's Auto Parts \$466.37; Vermillion Ace Hardware \$46.38; One Office Solution \$238.88 and Ziegler, Inc. \$76.36; (Copier Supplies) Canon \$161.12; (Travel and Conference) Aden, Cynthia \$20.18; (Utilities) City of Vermillion \$1,073.56; Clay Rural Water System \$43.60; Clay Union Electric Co \$621.29; MidAmerican Energy \$1,290.15; Midco Business \$289.00; Verizon Wireless Sheriff \$320.08 and Wakonda Town \$66.90; (Payment) Brunick Service, Inc. \$47.95; State of SD Office \$1,563.50 and Vermillion Ford \$355.91; (furniture and Minor Equipment) A&B Business \$250.07; Century Business Products \$50.00; Microfilm Imaging System \$155.00 and Netsys Plus, Inc. \$260.00; (Automotive) Brunick Service, Inc. \$48.01.

At 10:21 a.m. Manning moved, seconded by Packard and carried to adjourn and reconvene Tuesday, January 29, 2019 at 9:00 a.m.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

January 29, 2019

The Board of County Commissioners met in regular session Tuesday, January 29, 2019 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Richard Hammond.

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

Minutes of the January 8, 2019 meeting were approved with a motion by Hammond, seconded by Manning and carried.

Powell discussed the Courthouse expansion briefly and said he has information on modular office units to be passed on to the facility planning committee if desired. Mockler said he may go to Pierre to testify for the ½ cent sales tax bill in legislature that would allow counties to enact a ½ cent sales tax to raise funds for jails and courthouses.

Highway Superintendent Rod Polley and Brad Stangoehr from Ulteig met with the Board to discuss the micro-surfacing project for which bid opening was postponed. Stangoehr spoke about the project. Polley is estimating the project will be \$35,000-\$36,000 per mile for approximately 15 miles. Powell asked about the lifespan of micro-surfacing as compared to chip sealing. Polley said he typically chip seals every 7-8 years, and he hopes to get at least 10 years out of the micro-surfacing. Powell moved, seconded by Packard and carried to set February 26, 2019 at 9:30 a.m. as the date and time for bid opening.

Manning moved, seconded by Packard and carried to accept the low bid from Star Energy of \$1.08/gallon for propane at the Wakonda and Vermillion highway shops.

Packard moved, seconded by Hammond and carried to accept the low bid from Brunick Service of \$1.89/gallon for 10% ethanol blend fuel.

Powell moved, seconded by Packard and carried to set February 26, 2019 at 9:15 a.m. as the time for bid opening for highway materials.

Powell moved, seconded by Manning and carried to approve and authorize the Chairman to sign a Right-of-Way Application from Clay-Union Electric for boring of cable along 452 Ave. in Section 18, T94N, R53W.

State's Attorney Alexis Tracy and Polley discussed an issue regarding a bridge maintenance easement.

Weed Supervisor Dennis Ganschow met with the Board to discuss truck quotes. Powell moved, seconded by Packard and carried to authorize the purchase of a 2019 F-450 truck from Vermillion Ford for \$38,500.

Emergency Management Director Layne Stewart met with the Board to present the SLA Quarterly Activity Report for signature. Powell moved, seconded by Packard and carried to authorize the Chairman to sign the report as presented.

Powell moved, seconded by Packard and carried to approve the following claims for payment. January Bills: (Payroll) Commissioner's \$6,876.87; Auditor's Office \$5,078.46; Treasurer's Office \$14,442.66; State Attorney's Office \$13,857.39; Courthouse \$2,525.40; Director of Equalization \$8,224.81; Veteran's Service \$1,323.09; 24/7 \$1,465.49; Sheriff's Office \$30,982.60; Jail \$19,820.52; Emergency MGMT & LEPC \$3,387.40; Highway \$34,781.55; Nurse \$2,245.30; Extension \$2,724.72; Weed \$1,683.31; Planning & Soning \$2,119.13; (Due to Other Governments) State of SD Game Fish \$100.00 and Thomson Reuters – West \$610.04; (Payroll Withholding's) Aflac \$808.09; Clay Co Treasurer \$52,347.79; Colonial Life \$555.28; Conesco/Washington \$24.45; Dearborn National \$223.02; Div. of Child Support \$757.00; New York Life Insurance \$328.57; SD Retirement System \$25,794.00; SD Supplemental Retirement \$2,125.00; SDRS Roth 457 (B) Plan \$960.00; United Way of Vermillion \$412.00; Vermillion Federal \$2,071.00 and Wellmark Blue Cross \$51,151.67; (Workmen's Compensation) SDML Worker's Comp Fund \$56,059.00; (Professional Services and Fees) Avera University \$210.28; Certified Languages \$100.65; Eagles Club \$510.35; Empco, Inc. \$150.00; Great Plains LLC \$960.00; Houska DDS, Randy \$587.00; Katterhagen, Mark \$6.00; Lewno, Lucille M \$113.25; Lincoln County Auditor \$407.00; Lockwood, Darcy \$6.00; Mister Smith's \$1,055.70; Natl Assn of Counties \$450.00; Netsys Plus, Inc. \$303.00; Pharmchem, Inc. \$713.75; SD Assn of Co Officials \$1,495.50; SD Dept of Labor Division \$521.02; SDACC Office \$3,030.00; Two Way Radio Solution \$665.00 and Yankton Co Sheriff \$50.00; (Other Professional Service) City of Vermillion \$82,608.36; SD Attorney General \$1,089.00; (Law Office) Fox & Youngberg, P.C. \$1,367.24; Kennedy, Pier & Knoff \$555.20; McCulloch, James E \$1,332.79; Peterson, Stuart. Rump \$6,344.48; Reed Law Offices \$1,319.80 and Thompson, Craig K \$2,791.83; (Mental Health) Dakotabilities \$360.00 and Lewis & Clark Behavior \$165.00; (Publishing) Broadcaster Press \$156.47 and Star Publishing \$605.58; (Repairs and Maintenance) Bear, Inc. DBS Todd's \$261.25; Brunick Service, Inc. \$25.00; Canon \$33.48; Dakota PC Warehouse \$799.99; Inland Truck Parts Co. \$100.00; Jay's Plumbing \$165.35; Kaiser Refrigeration \$136.25; Lyle Signs, Inc. \$729.00; Marco \$222.81; Nelsen Electric LLC \$1,320.00; Olson's Pest Technician \$80.00; Pressing Matters \$1,626.91; Presto-X Company LLC \$134.00; Turner Plumbing Inc. \$95.07; Vermillion Ace Hardware \$15.00; Vermillion Federal \$20.00 and Vermillion Rotary Club \$39.00; (Data Processing) Mastel, Bruce \$35.00; Netsys Plus, Inc. \$67.50 and Software Services, Inc. \$600.00; (Supplies and Materials) A & B Business \$149.02; American Stamp & Marketing \$659.08; Appera \$106.85; Bob Barker Co Inc. \$482.14; Boyer Trucks SF Inc. \$325.06; Brunick Service, Inc. \$895.59; Butler Machinery Co. \$427.26; Campbell Supply Co. \$176.96; Coyote Enterprise LLC \$12.99; Dakota PC Warehouse \$34.99; Davis Pharmacy \$769.63; FedEx \$120.69; Herren-Schempp \$193.44; Inland Truck Parts Co. \$435.59; JCL Solutions \$492.51; Kaiser Refrigeration \$51.73; Mart Auto Body & Marina \$102.24; Nelsen Electric LLC \$4,327.97; Neopost USA Inc. \$104.99; Netsys Plus, Inc. \$569.00; Northern Safety Co. \$137.14; Print Source \$75.00; Quill Corporation \$905.86; Riverside Hydraulics \$220.86; SD Assn of Weed & Pest \$50.00; SD Fed Property Agency \$2,822.00; Sooland Bobcat \$641.00; Stewart oil & Tire \$437.85; Sturdevant's Auto Parts \$127.18; Vermillion Ace Hardware \$197.41; Vermillion Federal \$378.13; Walmart Community/Gecr \$126.25; Wheelco Brake and Supply \$708.70 and One Office Solution \$230.67; (Copier Supplies) Reliance Telephone \$900.00; Ramkota Hotel \$509.95; SD Counties \$100.00 and SDAAO \$300.00; (Inmate Travel) Brunick Service, Inc. \$283.50; (Utilities) Bureau of Administration \$79.82; CenturyLink \$28.11; City of Vermillion \$1,962.79; Midco Business \$75.00; Star Energy \$1,943.79; Verizon Wireless \$54.32; Verizon Wireless Sheriff \$320.08; Verizon Wireless EMG \$40.01 and Vermillion Garbage SVC \$176.00; (Payment) Brunick Service, Inc. \$2,470.76; Hy-Vee, Inc. \$6,144.15; Layne's World, INC. \$60.50; Light and Siren \$439.05; Vermillion Public Library \$1,000.00

and Walmart Community/Geocr \$126.40; (JDC/Special Eqp.) Minnehaha County JDC & 6,956.40 and Sioux Falls 2-Way \$2,912.25; (Books) Butler Machinery Co. \$313,618.66 and Thompson Reuters – West \$99.78; (Furniture and Minor Equipment) Beyond the Office Door \$4,326.77; Canon \$335.13; Coyote Enterprise LLC \$299.99 and Verizon Wireless \$39.12.

Payroll for 2019 is as follows. All wages are monthly unless otherwise noted. Cynthia Aden \$4511.92, Jeff Anders \$4420.27, Aaron Armstrong \$4087.92, Marcie Armstrong \$2726.41, Jessica Beringer \$3166.54, Kristina Brinkmann \$2658.81, Cindy Carrington \$18.55/hour, Laura Christensen \$3246.34, Kaleb Christopherson \$3009.67, Carri Crum \$4968.89, Jill Dotson \$3461.12, Corey Doherty \$16.12/hour, Tim Dooley \$18.18/hour, Joan Downey \$3291.86, Robert Eckman \$20.66/hour, Nathan Evilsizor \$16.13/hour, Colleen Fickbohm \$3615.98, Dennis Ganschow \$26.14/hour, Richard Hammond \$1664.50, Samantha Hargrave \$5052.86, Brent Hays \$20.17/hour, Ray Hofman \$19.92/hour, Andy Howe \$6127.47, Rhonda Howe \$3272.97, Taran Hunt \$16.13/hour, Tiffany Husby \$4428.66, Nicole Klunder \$3060.10, Shannon Kymala \$3009.67, Dave Kyte \$4087.92, Tim Larson \$25.41/hour, Bill Manger \$2726.41, Linda Manning \$3459.24, Micheal Manning \$1664.50, Frank R. Martz \$26.70/hour, Larry McPherson \$28.07/hour, Andrew Mendoza \$3151.30, Dylan Miller \$3151.30, Sarah Miller \$3355.46, Travis Mockler \$1780.50, Samantha Nelson \$1397.00, Phyllis Packard \$1664.50, Paul Pederson \$4641.46, Ina Peterson \$4968.89, Tony Pick \$18.18/hour, Rodney Polley \$5597.11, Cathi Powell \$4968.89, Leo Powell \$1664.50, Robert Proefrock \$16.12/hour, Austin Rhodes \$16.53/hour, Preston Rhodes \$2864.62, Layne Stewart \$4511.92, David Styles \$3889.96, Laura Sundet \$3367.82, Daniel Swensen \$26.14/hour, Mary Taggart \$3991.37, Rhonda Taggart \$2986.06, Lisa Terwilliger \$4968.89, Philip Terwilliger \$6026.58 (includes \$300.00/mo. committal contract), Rebecca Theis \$16.13/hour, Alexis Tracy \$7120.48, Noah Umscheid \$3763.45, Tim Vanderkooi \$26.70/hour, Patricia Waage \$50.00/call, Linda Weber \$4297.81, Lisa Wood \$3013.32, Stacy Wuestewald \$50.00/call.

Powell moved, seconded by Manning and carried to authorize the Chairman to sign a Contract for Jail Services Between Sioux County, IA and Clay County regarding jail boarding.

State's Attorney Tracy briefed the Board on the documents received and clarification regarding services from Gallagher Co. There was lengthy discussion regarding the terms of the agreement with Gallagher and what they might offer the county, as well as what the charges might be for those services. Manning moved, seconded by Powell and carried to table the matter with Gallagher until the commission can request another proposal from Howalt-McDowell.

Lauren Hollenbeck, 4-H Educator, met with the Board to present the Quarterly Report.

Jim Wilson, Clay County Historic Preservation Commission, met with the Board to discuss appointment of a new member. Manning moved, seconded by Packard and carried to appoint Tim Shriner to the Clay County Historic Preservation Commission.

Zoning Administrator Cynthia Aden met with the board to present the following plats.

Powell moved, seconded by Packard to pass and adopt the following Resolution #2019-05 for a plat of Lots 1 & 2, Groh Addition, in the NW1/4 of the NE1/4 of Section 20, T92N, R51W, of the 5th P.M., Clay County, South Dakota; Merritt Groh, owner. Vote of the Board: 5 ayes, 0 nays. Motion passed.

RESOLUTION #2019-05
RESOLUTION OF COUNTY COMMISSIONERS

WHEREAS it appears that the owners thereof have caused a plat to be made of the following described real property:

A plat of Lots 1 & 2, Groh Addition, in the NW1/4 of the NE1/4 of Section 20, T92N, R51W, of the 5th P.M., Clay County, South Dakota; Merritt Groh, owner.

Be it resolved that the Board of County Commissioners of said County has examined the same and that it appears that the system of streets set forth therein conforms to the system of streets of existing plats and section lines of said County, that adequate provision is made for access to adjacent un-platted lands by public dedication or section line when physically accessible, and that all provisions of the subdivision regulations of said County have been complied with, and that all taxes and special assessments, if any upon the tract or subdivision have been fully paid and that such plat and the survey thereof have been executed according to law, and the same is hereby accordingly approved.

Travis Mockler, Chairman
Board of County Commissioners

I, Carri R. Crum, County Auditor of Clay County, South Dakota do hereby certify that the within and foregoing is a true copy of the Resolution passed on January 29, 2019.

Carri R. Crum
County Auditor, Clay County, SD

Manning moved, seconded by Hammond to pass and adopt the following Resolution #2019-06 for a plat of Tract 1, Ryken Addition, in the SE1/4 and in the E1/2 of the SW1/4 of Section 9, T93N, R52W, of the 5th P.M., Clay County, South Dakota; Larry Ryken, General Partner, Ryken Limited Family Partnership, owner. Vote of the Board: 5 ayes, 0 nays. Motion passed.

RESOLUTION #2019-06
RESOLUTION OF COUNTY COMMISSIONERS

WHEREAS it appears that the owners thereof have caused a plat to be made of the following described real property:

A plat of Tract 1, Ryken Addition, in the SE1/4 and in the E1/2 of the SW1/4 of Section 9, T93N, R52W, of the 5th P.M., Clay County, South Dakota; Larry Ryken, General Partner, Ryken Limited Family Partnership, owner.

Be it resolved that the Board of County Commissioners of said County has examined the same and that it appears that the system of streets set forth therein conforms to the system of streets of existing plats and section lines of said County, that adequate provision is made for access to adjacent un-platted lands by public dedication or section line when physically accessible, and that all provisions of the subdivision regulations of said County have been complied with, and that all taxes and special assessments, if any upon the tract or subdivision have been fully paid and that such plat and the survey thereof have been executed according to law, and the same is hereby accordingly approved.

Travis Mockler, Chairman
Board of County Commissioners

I, Carri R. Crum, County Auditor of Clay County, South Dakota do hereby certify that the within and foregoing is a true copy of the Resolution passed on January 29, 2019.

Carri R. Crum
County Auditor, Clay County, SD

Powell moved, seconded by Hammond and carried to pass and adopt the following Resolution #2019-07 for a plat of Tract J, an Addition in the S1/2 of the NW1/4 of Section 26, T95N, R51W, of the 5th P.M., Clay County, South Dakota; Wayne Lee Lundquist, Successor Trustee, The Joyce Lundquist Revocable Living Trust, owner. Vote of the Board: 5 ayes, 0 nays. Motion passed.

**RESOLUTION #2019-07
RESOLUTION OF COUNTY COMMISSIONERS**

WHEREAS it appears that the owners thereof have caused a plat to be made of the following described real property:

A plat of Tract J, an Addition in the S1/2 of the NW1/4 of Section 26, T95N, R51W, of the 5th P.M., Clay County, South Dakota; Wayne Lee Lundquist, Successor Trustee, The Joyce Lundquist Revocable Living Trust, owner.

Be it resolved that the Board of County Commissioners of said County has examined the same and that it appears that the system of streets set forth therein conforms to the system of streets of existing plats and section lines of said County, that adequate provision is made for access to adjacent un-platted lands by public dedication or section line when physically accessible, and that all provisions of the subdivision regulations of said County have been complied with, and that all taxes and special assessments, if any upon the tract or subdivision have been fully paid and that such plat and the survey thereof have been executed according to law, and the same is hereby accordingly approved.

Travis Mockler, Chairman
Board of County Commissioners

I, Carri R. Crum, County Auditor of Clay County, South Dakota do hereby certify that the within and foregoing is a true copy of the Resolution passed on January 29, 2019.

Carri R. Crum
County Auditor, Clay County, SD

The Board reviewed a letter from the SD Dept. of Transportation regarding a transportation study program.

At 11:32 a.m. Manning moved, seconded by Packard and carried to adjourn and reconvene Tuesday, February 5, 2019 at 9:00 a.m.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST: 

Carri R. Crum, County Auditor

February 15, 2019

The Board of County Commissioners met in regular session Friday, February 25, 2019 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 February 5, 2019 meeting were approved with a motion by Hammond, seconded by Manning and carried.

Scot Mannschreck appeared as a Visitor to be Heard regarding the property at 113 Linden Ave. He reported that he has been added to the February 26, 2019 agenda and asked the Board to consider his case at that time.

Ina Peterson, Director of Equalization, appeared as a Visitor to be Heard regarding the date for the County & Consolidated Equalization Board meetings. Peterson also reported that the Veterans Exemption legislation that proposed to change the exemption from \$100,000 to \$250,000 has been amended to \$150,000, although it has not yet passed.

Rachel Gackle with Howalt-McDowell Insurance met with the Board to discuss broker of record services that the company could provide to the county. The Board discussed with Gackle that they are interested in keeping employee insurance benefits at the present level but would like to explore any ways to save costs for the County. Gackle reviewed the services provided by Howalt-McDowell. State's Attorney Alexis Tracy inquired about cost savings and rate negotiations for the county. Gackle said they do provide those services. Tracy reviewed charges for services with Gackle.

Powell reported that he received a packet of information regarding the Joint Jurisdiction Zoning area with the City of Vermillion. Powell said he read in the packet that nothing can be platted in the Joint Jurisdiction area without it being adjacent to city limits and the property be annexed. Bob Iverson was present, as he is on the City's planning commission. Steve Donnelly was present and hopes to add a housing development on his property. Powell said he doesn't see that Donnelly can do anything with his property, given the interpretation of the information. Zoning Administrator Cynthia Aden said she met with Jose Dominguez and James Purdy with the City of Vermillion and discovered that her interpretation is different than theirs. Aden said she views East Main, the area in question, as very residential, and Dominguez views it as agriculture. Aden said she believes this will take meetings between City Council and the County Commission to develop a policy to direct herself and Dominguez how to handle these situations. Chris Larson with Clay-Union Electric said he is concerned because the area in question is made up of his members, and the concern is that the area would have to be annexed. Larson said he was concerned with language in the City's comprehensive plan, that the City would work with the County to ensure service by city utilities. He appeared in order to ask the County whether that might be true as Clay-Union Electric can help developers in rural subdivisions. He also said he doesn't want his customers to be limited. Larson said that within the Joint Jurisdiction area, if development is limited to areas right next to city limits, then the price of the land will greatly increase, and the potential developer will need to spend more, pushing development to go outside the Joint Jurisdiction area, which could potentially conflict with the County's comprehensive plan. Iverson and Larson discussed whether

the City would ever force annexation as it has always been voluntary in the past. Mockler asked Donnelly whether he has a timeline, to which he said no and that he can start in the area that falls in the County's jurisdiction. Aden said this would not be an occurrence of spot zoning. Polley asked where access would be for the subdivision and discussed line of sight for the entrance as well as where the county road ends and the township road begins.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. He presented bridge removal costs from Hollaway Construction for \$27,551.07 each for structure #14-130-176 (between Sec. 31 & 32 on 465 Ave.) and #14-133-170 (between Sec. 32 & 29 on 314 St.). Manning moved, seconded by Powell and carried to approve the cost of \$55,102.14 for Hollaway Construction to remove both bridges.

Powell moved, seconded by Manning and carried to accept the low bid from Brunick's Service of \$2.08/gallon for 10% ethanol blend fuel.

Polley presented a map for rumble strips. He said he spoke with the State, and they will be doing a large project in 2020 funded with federal dollars, so he submitted the map marked with intersections he would like to include. Powell moved, seconded by Hammond and carried to authorize the Highway Superintendent to proceed with the project as it will not be any cost to the County.

Powell moved, seconded by Hammond and carried to authorize the following claims for payment. February Bills: (Due to Other Governments) SD Dept of Rev \$285,860.67; (Professional Services and Fees) Avera KcKannan Hospital \$2,109.00; Certified Languages Int. \$39.60; Empco, Inc. \$75.00; Gapp, Debra \$735.00; Great Plains LLC \$705.00; Houska DDS, Randy \$92.00; Infra-Track \$2,500.00; Johnson Heating & Cooling \$348.00; KCH Law \$128.98; Lewno, Lucille M \$93.25; Lincoln County Treasurer \$429.25; Microfilm Imaging System \$30.00; Minnehaha Co. Auditor \$155.80; Satellite Tracking \$481.00; SD Dept of Health Lab \$1,370.00; Ulteig \$2,076.50; Willson Florist \$55.00; Yankton Co Sheriff \$100.00; Yankton Co Treasurer \$165.75 and Yankton Medical Clinic \$401.20; (Other Professional Services and Fees) Boys & Girls Club, Inc. \$1,750.00; Charles Mix County \$520.00; Schaefer, Dean \$1,670.00; SD Attorney General \$618.00; Sioux County \$8,260.00 and Yankton Co Sheriff \$210.00; (Law Office) Peterson, Stuart, Klen \$893.00 and McCloud, Steven \$5.00; (Metal Health) Lewis & Clark Behavior \$495.00; SD Dept of Rev \$2,061.63; SD Achieve \$240.00 and Sedd Activity Center \$360.00; (Publishing) Broadcaster Press \$619.22; Pressing Matters \$39.00 and Star Publishing \$88.50; (Repairs and Maintenance) Brunick Service, Inc. \$120.00; Buhls Drycleaners \$97.50; Butlers Machinery Co. \$361.80; Canon \$284.60; Kone, Inc. \$719.55; Leisure World, Inc. \$999.40; Office Systems Company \$205.51; Powell, Leo \$285.00; Wells, Brian \$70.00 and Walker Construction \$395.00; (Data Processing) Manatron, Inc. \$6,359.81; Mastel, Bruce \$35.00; Microfilm Imaging System \$1,550.00 and Software Services, Inc. \$3,100.00 (Supplies & Materials) A & B Business \$149.02; A-Ox Welding Supply Co \$484.39; Appera \$44.00; Boyer Trucks SF Inc. \$419.72; Brunick Service, Inc. \$213.95; Buhls Drycleaners \$69.50; Campbell Supply Co. \$218.50; Clay Union Electric Co \$600.00; Fast Auto Glass, Inc. \$265.00; Frankcotyp-Postalia Inc. \$90.00; Herren-Schempp \$342.24; Infra-Track \$34,617.41; JCL Solutions \$297.65; Kalins Indoor Comfort \$545.00; Lawson Products, Inc. \$367.64; Layne's World, Inc. \$44.16; Mark's Machinery \$185.11; Pharmchem, Inc. \$1,211.00; Plain Talk \$26.00; Pressing Matters \$356.00; Prochem Dynamics \$20.55; Qualified Presort Svc \$2,676.24; Riverside Hydraulics \$160.54; Sturdevant's Auto Parts \$258.72; Tigert Art Gallery \$103.00; Vermillion Ace Hardware \$24.33 and One Office Solution \$98.95; (Travel and Conference)

Kobert Funeral Home \$300.00; SDSU Extension Service \$71.83 and Vermillion Federal \$208.92; (Inmate Travel) Pennington County Jail \$198.50; (Utilities) Brunick Service, Inc. \$750.00; Bureau of Administration \$46.60; CenturyLink \$593.82; CenturyLink Emg \$13.70; Clay Rural Water System \$43.60; Clay Union Electric Company \$637.03; Fischer's Disposal \$50.00; Kaiser Refrigeration \$137.89; MidAmerican Energy \$1,254.13; Midco Business \$210.00; Verizon Wireless Emg \$40.01; Vermillion Garbage Svc \$60.00 and Wakonda Town \$62.65; (Payment) Austin-Whittemore House \$625.00; Beresford Public Library \$1,500.00; Brunick Service, Inc. \$22.00; Clay Co Agr Fair Association \$4,125.00; Clay Co Conservation District \$6,250.00; Dakota Senior Meals \$970.50; Lewis & Clark Behavior \$5,283.50; National Music Museum \$1,125.00; Salvation Army \$437.50; Two Way Radio Solution \$625.22; Vermillion Area Arts Counsel \$1,750.00; Vermillion Federal \$69.25; Vermillion Food Pantry \$1,875.00; Vermillion Ford \$1,138.21; Vermillion Senior Center \$5,000.00; Wakonda Ministerial \$200.00; Wakonda Senior Center \$625.00; WH Over Museum \$1,875.00 and Woodbury Co. Sheriff \$30.00; (Books) Thomson Reuters – West \$399.05; Furniture and Minor Equipment) A & B Business \$290.89; Coyote Enterprise LLC \$139.99 and Microfilm Imaging System \$155.00.

The Board reviewed an IT proposal from Erickson Solutions Group. It was decided that the matter be tabled until all department heads have spoken to Erickson Solutions Group.

The Board discussed sale of the following tax deed properties.

Parcel: 15810 02300 07000

Legal description: LOTS 1 TO 7 BLK 23 44,352 SQ FT VAN METERS ADDN

Address: 925/919 W 8th

Parcel: 15050 06200 09000

Legal description: W 71' OF N 1/2 OF LOT 8 & W 71' OF LOT 9 BLK 62 BIGELOW'S ADDN

Address: 23 N Harvard

Powell moved, seconded by Manning and carried to set the tax deed property sale date as March 12, 2019 at 10:00 a.m.

Powell moved, seconded by Manning and carried to approve two Applications for Abatement from the City of Vermillion for Lot 3 Blk 4 Erickson Addn. & Lot 1A Blk 1 Heikes Addn.

At 11:44 a.m., Powell moved, seconded by Hammond and carried to enter an Executive Session for legal matters per SDCL 1-25-2.

At 12:18 p.m., Powell moved, seconded by Hammond and carried to exit the Executive Session. No further action was taken.

At 12:29 p.m. Manning moved, seconded by Packard and carried to adjourn and reconvene Tuesday, February 26, 2019 at 9:00 a.m.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

February 26, 2019

The Board of County Commissioners met in regular session Tuesday, February 26, 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 with the addition of the IT proposal from Erickson Solutions Group.

Minutes of the February 15, 2019 meeting were approved with a motion by Powell, seconded by Hammond and carried.

Auditor Carri Crum appeared as a Visitor to be Heard to inform the Board that she will be traveling to Pierre February 27th to testify in Senate State Affairs Committee regarding House Bill 1178.

Rachel Gackle met with the Board regarding a Broker of Record Letter and a Professional Services Agreement with Howalt-McDowell for insurance brokerage services. State's Attorney Alexis Tracy said any questions she had regarding the agreement and the letter were resolved prior to the meeting. Manning moved, seconded by Packard and carried to authorize the Chairman to sign the letter and the agreement as presented.

At 9:15 a.m., a public bid opening was held for highway materials. Sealed bids were opened and read aloud. The matter was tabled in order for the Highway Superintendent to look over the bids to ensure they met specifications. Polley will return at the March 5th meeting for bid approval.

At 9:30 a.m., a public bid opening was held for Micro-surfacing. Sealed bids were opened and read aloud. The matter was tabled in order for the engineer, Brad Stangohr with Ulteig, and Polley to review the bids to ensure they met specifications. Polley and Stangohr will return at the March 5th meeting for bid approval.

Shane O'Connor appeared to discuss the bridge removal project granted to Hollaway Construction. O'Connor would like the Board to reconsider the motion and have a public bid opening for the bridge removal. He said he had the low bid in 2012 for two bridge removals and objects to what the County agreed to pay Hollaway for the current projects. Polley said Pollman Excavation had to be called to remove pilings after O'Connor's removal of the bridges, at an added cost. Polley told the Board he will no longer put together bids for Ditch Board because he is tired of people saying he is partial to a specific contractor. He said also the County has Hollaway is already on bid, so he does not legally need to bid the project. O'Connor said he asked to be added to the bidder list, and Polley said he is on the bidder list for excavation. Polley said when Lateral 50 was bid, out of 5 contractors O'Connor and Pollman were the only two to respond. O'Connor asked why he was not afforded the opportunity to bid what Hollaway bid for the highway materials. Polley said the bid was not for excavating. It was for crane work, crane men, and driving pilings, etc. Polley said next year he will give O'Connor a list of what Hollaway bids. Polley said he doesn't recall why the project was bid in 2012, but the project was smaller. The current project involves larger bridges. Powell asked O'Connor if he is a bridge builder because Hollaway also builds bridges. Polley said Hollaway has 2 engineers on staff. Powell said the commissioners have to provide what the County needs, although it would be nice to see the money stay in the county. Polley

said he will include O'Connor next year. Jodi Harnois said he was present as a character reference to O'Connor, and a \$50,000 job can make or break a small business. O'Connor asked what can be done at this point. Mockler said there is nothing at this point because the project is already scheduled. Polley said he will put O'Connor on the list for next year's materials bids as well. Mockler asked what O'Connor would have been able to do for the current materials bids because he was unsure whether O'Connor has a crane. O'Connor said he could hire a crane. Polley said the county is supplying the manpower for the surplus iron and plank because they will be selling it. O'Connor said it is not the county's best interest to use highway personnel for that. Manning said, had Polley known that O'Connor could do crane work, he would have let him know because they would prefer to hire local business. O'Connor said he didn't realize a crane was needed in this application for this year's bridge removals. Hammond suggested that going forward on future like contracts it would be helpful to have an itemized list of tasks and deliverables. Powell said it's a touchy situation with the Vermillion River to make sure the pilings get removed.

Theresa Kocer with Wellmark met with the Board to provide health insurance renewal information. Mockler informed Kocer that the county has signed an agreement with Howalt-McDowell. Kocer presented the 2019 renewal information books to the Board. She reported an overall rate increase of 8.58% if the County stays with the same plan, which will also have changes in benefits due to federal changes. Kocer and Gackle also reviewed other plan comparisons with the Board.

Scot Mannschreck appeared before the Board to request that the tax deed property at 113 Linden be granted a payment plan to pay the delinquent taxes and have his property reconveyed to him. Mockler said the County does not allow payment plans anymore. Tracy said due to statute the County would have to receive the full amount and briefed the Board on the legal timeline for reconveyance. Mockler said he will have a hard time voting to reconvey the property because it sends a bad signal to taxpayers in the County. Manning said he sees both perspectives, but his responsibility is to everyone in the county. Although he wishes the best for Mannschreck, he hopes to not be in this situation again in a few years. Powell said he has a hard time taking property away from someone, but he shares Manning's sentiments. Packard said this is the hardest thing the commissioners have to face, but this is a legal matter. She said the situation is very difficult. Mannschreck asked to be allowed to attempt to come up with the full amount before the next meeting. Hammond said the County has incurred costs to get to this point, and he worries about incurring further costs in the future if the situation happens again. Tracy again reviewed statutes with the Board and said the costs incurred should be conditions for reconveyance, and other conditions are possible. Hammond said the Board needs to know the cost of reconveyance as well. Craig DeVelder was present and encouraged the County to think about the difficulty in selling a property that could have judgements attached to it. He said the only way to get rid of them is a quiet title action, which is complicated. He asked if the County could convey the property to Mannschreck's father instead.

Lauren Hollenbeck met with the Board to present prices for leasing or purchasing a copier from Office Systems Company. She said she recommends purchasing the copier and should have the budget available for it. Packard moved, seconded by Manning and carried to authorize the purchase of the copier and the Chairman's signature on associated documents.

Polley discussed highway matters with the Board. Manning moved, seconded by Powell and carried to declare scrap iron, bridge planks, culverts, and bridge steel surplus and authorize the sale of such items.

Emergency Management Director Layne Stewart presented a Mutual Aid Agreement. Powell moved, seconded by Manning and carried to authorize the Chairman to sign the documents.

Welfare Director Cynthia Aden met with the Board to present Welfare Case #C19-08 for a county burial. Powell moved, seconded by Packard and carried to authorize payment as the individual met welfare guidelines.

Tracy and Polley discussed the culvert issue near the Landeen property. The property has been surveyed. Tracy asked the Board for direction regarding obtaining easements from neighboring property owners and associated appraisal services. It was discussed that Polley should look into an appraisal.

The Board considered a request for an exception to a personnel policy regarding personal leave. The consensus of the Board was to act according to policy and deny the exception.

Gackle discussed health insurance further with the Board. The Board decided that the matter should be placed on the agenda for March 5th. Gackle then presented plan options for Delta Dental. She also discussed the offering of vision insurance and options for the County's life and accidental death policy.

Powell moved, seconded by Manning and carried to authorize the Chairman to sign the proposal from Erickson Solutions Group for IT services for the County.

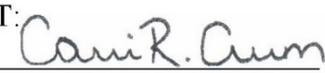
At 12:18 p.m., Powell moved, seconded by Packard and carried to enter an Executive Session for legal matters per SDCL 1-25-2.

At 12:34 p.m., Powell moved, seconded by Packard and carried to exit the Executive Session. No further action was taken.

At 12:35 p.m. Manning moved, seconded by Packard and carried to adjourn and reconvene Tuesday, March 5, 2019 at 9:00 a.m.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST: 

Carri R. Crum, County Auditor

Yankton-Clay Creek Ditch Board
February 26, 2019

The Clay and Yankton County Commissions met jointly as the Yankton-Clay Ditch board Tuesday, February 26, 2019 at 1:00 p.m. at Toby's Lounge in Meckling, SD.

Members present—Clay County: Richard Hammond, Micheal Manning, Travis Mockler, Phyllis Packard, Leo Powell, Auditor Carri R. Crum, Highway Superintendent Rod Polley, and Weed Supervisor Dennis Ganschow. Yankton County: Dan Klimisch, Cheri Loest, Joseph Healy, Gary Swensen, and Auditor Patty Hojem.

The meeting was called to order by Chairman Travis Mockler.

A motion was made by Manning and seconded by Hammond to dispense with the reading and approve the minutes of the February 13, 2018 meeting as presented. All members voted aye, the motion carried.

Ditch fund balances were noted as follows. Clay County Yankton-Clay Creek Ditch \$173,180.42 and Yankton County Yankton-Clay Creek Ditch \$110,870.85.

A motion was made by Hammond and seconded by Loesch to approve the 2018 claims: Mileage/Meeting Expenses for 2018 Meeting \$401.24, Broadcaster Press \$24.09, Press & Dakotan \$44.42, Star Publishing \$46.38. All Members voted aye, the motion carried.

The board discussed the ditch levy for 2019 pay 2020.

Joe Edelen asked about work that was scheduled but not completed from last year.

A motion was made by Troy Walraven and seconded by Brook Bye to set the levy at 8% for 2019 payable 2020 taxes and to clean 1 ½ miles from the county line west on the Yankton side.

Discussion ensued. Karen Kaberle asked if there will be a guarantee that things will be left clean, not a mess. Edelen said the removal of debris was included in his motion last year. Powell said a drag line is no longer used for the cleaning. Polley discussed beaver dams. Kaberle asked how much grass has to be planted along the edge and whether they can farm to the edge. Mockler said there is no requirement.

Vote on the motion: all voted aye; motion carried.

A motion was made by Manning and seconded by Swensen that the meeting be adjourned and convened as Clay Creek Ditch. All members voted aye, the motion carried.

ATTEST:

Travis Mockler, Chairman
Yankton-Clay Creek Ditch Board

Patty Hojem, Yankton County Auditor
Carri R. Crum, Clay County Auditor

Clay Creek Ditch Board
February 26, 2019

The Clay and Yankton County Commissions met jointly as a drainage board for the Clay Creek Ditch on Tuesday, February 26, 2019 at Toby's Lounge in Meckling, SD.

Members present—Clay County: Richard Hammond, Micheal Manning, Travis Mockler, Phyllis Packard, Leo Powell, Auditor Carri R. Crum, Highway Superintendent Rod Polley, and Weed Supervisor Dennis Ganschow. Yankton County: Dan Klimisch, Cheri Loest, Joseph Healy, Gary Swensen, and Auditor Patty Hojem.

The meeting was called to order by Chairman Travis Mockler.

A motion was made by Manning and seconded by Swensen to approve the minutes of the February 13, 2018 meeting as presented. All members voted aye, the motion carried.

Fund Balances

Clay County fund balance: \$128,508.65 Yankton County fund balance: \$97,799.15

A motion was made by Manning and seconded by Packard to approve the 2018 claims: Broadcaster Press \$54.78, Press & Dakotan \$113.90, and Star Publishing \$61.00. All members voted aye, the motion carried.

A motion was made by Justin Orr and seconded by Don Logue to leave the levy at 40% for the year 2019 payable 2020. All members voted aye, the motion carried.

Logue said the Clay Creek Ditch from the Meckling Oil to the county line has sluffs. The group discussed that cleaning should start at the bottom again. Powell said there are landowners along the bottom of the ditch that have never been members of the ditch, and he asked if the members would be in favor of paying to clean that section if the landowners agree. It was suggested that the landowners be asked to join. A member asked why the river is never cleaned.

A woman was present to make a complaint about drainage near her property, and it was determined that the issue was along the Yankton/Clay Ditch. Walraven said the gates were working, but there was too much water and it seeped through. Polley discussed checking the culvert south of Denny Olson's land.

Logue said on 454 Ave. there is a culvert that needs to be extended on the west side and riprap needs to be installed.

Mockler asked the group if the area north of Meckling near the bridge that was just replaced should be fixed where the water went over last year. Orr said it should be fixed. Logue said cleaning further east might help the issue.

The group discussed with Polley the bridge on 314.

Regarding Lateral 1, the group said it should be cleaned.

Regarding Laterals 2 & 3, the road is starting to sluff in places, and it should be cleaned and maintained. It was reported that on Lateral 2 by the old farmhouse, the culvert on the north side of the road by the east driveway has a huge hole.

On Lateral 50, there was discussion regarding whether the north and south sides are both taxed because Walraven said water comes across from one side to the other.

There was discussion about the cattails. Ganschow said Roundup can be used in mid-summer to fall. He said he was going to spray it last year, but the water never went down enough.

Polley said the ditch will be cleaned 400 ft. west of 453 Ave. to the curve.

Regarding the area near Cottonwood east of 455, tree stumps are backing water up into the fields. Walraven said that is not a lateral, it was determined that it is a township issue.

The group discussed Volin Lateral #1. Hoxeng moved, seconded by Robert Frank and carried to set the levy at 100% for 5 years. All voted aye, the motion passed. It was decided that some culverts need to be replaced, and one is located at 448 Ave.

The group discussed that at the old railroad bridge where Clay Creek comes down there is sand and silt that needs to be cleaned out. It is at the intersection where the Volin Lateral #1 joins the Clay Creek. It was decided that Yankton County will bid it to be cleaned.

Walraven moved, seconded by Nick Olson to double the levy on Lateral 50. All voted aye, the motion passed.

A motion was made by Orr and seconded by Packard to nominate Travis Mockler as Chairman. Klimisch moved, seconded by Edelen that nominations cease and a unanimous ballot be cast. All members present voted aye, the motion passed.

A motion was made by Klimisch and seconded by Healey to nominate Loest as Vice-Chairman. All voted aye, the motion passed.

At 2:09 p.m., a motion was made by Edelen and seconded by Klimisch that the meeting be adjourned. All voted aye, the motion passed.

Travis Mockler, Chairman
Clay Creek Ditch

Patty Hojem, Yankton County Auditor
Carri R. Crum, Clay County Auditor

March 5, 2019

The Board of County Commissioners met in regular session Tuesday, March 5, 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 with the addition of IT services and a letter from Blackburn.

Minutes of the February 26, 2019 meeting were amended and approved with a motion by Hammond, seconded by Packard and carried.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. Manning moved, seconded by Hammond and carried to accept the low bid of \$1.159 for propane from Butch's Propane.

Manning moved, seconded by Hammond and carried to accept the low bid of \$2.349 for diesel fuel from Stewart Oil.

Polley reviewed bids for highway materials with the Board.

Description & Size	Midstates	Brock White
Cracksealer	\$0.548 lbs	\$0.56 lbs*
Mastic Sealer	\$0.5425 lbs	\$0.52 lbs*

Hwy. Supt. recommends Brock White's bid on crack sealant & mastic sealant.

Crane work, Crane Men & Driven Piling

List equipment & operator	\$350 p. hr.*	Hollaway's
Two men	\$200 p. hr.*	Hollaway's

Hwy. Supt. recommends Hollaway's on crane work, men, piling.

Asphalt Concrete	Price per ton at plant	2018 Bid
Barkley Asphalt (Sioux City, IA FOB)	\$66.00 per ton *	NA
Myrl & Roys (Sioux Fall, SD FOB)	\$60.00 per ton *	\$55.00 per ton
Concrete Materials (Yankton, SD FOB)	\$68.00 per ton *	\$65.50 per ton
Concrete Materials (Sioux Falls, SD FOB)	\$54.00 per ton *	\$48.50 per ton

Hwy. Supt. recommends all bidders for Asphalt Concrete, whichever is most advantageous to Clay County.

Telespar Sign Posts & Anchors

12 FT. 2" X 2"	3-D Specialties	\$41.38 each*
4 ft 2 1/4" X 2 1/4"	3-D Specialties	\$15.26 each*
12 ft 1 3/4" X 1 3/4"	3-D Specialties	\$37.06 each*

Hwy. Supt. recommends 3-D Specialties (only bidder).

Liquid Asphalt	Price per Gallon	(Awarded 2018)
	Jebro	Jebro
Anti-Strip Additive	\$0.09 *	\$.09
MC70	\$3.19 *	\$2.72
MC800R	\$2.97 *	\$2.64
MC3000	\$2.48 *	\$2.21
CSS-IH /1:1 Dilute (fog seal oil)	\$1.09 *	\$1.02

Hwy. Supt. recommends Jebro (only bidder).

Powell moved, seconded by Packard and carried to accept all bids according to the Highway Superintendent's recommendations (denoted with an *).

Powell moved, seconded by Manning and carried to approve use of the Beadle County bids as follows below.

Grader Blades (¾" x 8', ¾" x 6', ¾" x 7') \$18.27 per ft.

Carbide Inserts (¾" x 6" x 4') \$60.42 per ft.

Galvanized Sheet Piling \$13.03 per sq. ft.

Corrugated Pipe (16 ga. & per ft.)

18" \$14.70

24" \$18.62

30" \$23.52

36" \$28.42

Corrugated Pipe (14 ga. & per ft.)

48" \$47.04

Corrugated Pipe (12 ga. & per ft.)

54" \$71.54

60" \$79.38

72" \$95.05

The Board reviewed Micro-surfacing Bids. Intermountain Slurry Seal, Inc. bid \$1,000,000.00, Monarch Oil bid \$681,269.55, ASTECH Corp. \$673,783.15, and Missouri Petroleum Products bid \$767,647.70. Manning moved, seconded by Hammond and carried to accept the bid from ASTECH Corp. in the amount of \$673,783.15.

The Board reviewed sample Haul Road Agreements from other neighboring counties and made recommendations on a draft agreement. Polley and Powell discussed upcoming bridge replacement on Highway 46, and a Haul Road Agreement that was signed several years ago, although the traffic would not be on Clay County roads. Powell also discussed the trucks that hauled waste from the rest area at the Interstate 29 junction on Clay County roads. Those responsible for hauling waste from the I-29 rest area and on South Dakota St. for the wastewater plant should have a Haul Road Agreement in place and clean up any mess they leave behind as they have not done so in the past. It was decided that Polley would draft an agreement for the next meeting.

Emergency Management Director Layne Stewart met with the Board for a 2019 State & Local Agreement (SLA) Workplan Discussion and discussed a Pre-Disaster Mitigation Plan letter he received. Stewart said he has been working with Leslie Mastroianni of Southeastern Council of Governments on the matter. The last meeting was held February 13, 2019, and Mastroianni predicts the final team meeting will be held in April; then the draft can be sent to the SD Office of Emergency Management.

Packard moved, seconded by Hammond and carried to approve the following claims for payment. February Bills: (Payroll) Commissioner's \$6,874.39; Auditor's Office \$5,678.44; Treasurer's Office \$14,442.64; State Attorney's Office \$14,339.72; Courthouse \$2,525.41; Director of Equalization \$8,224.79; Veteran's Service \$1,323.10; Register of Deeds \$5,115.67; 24/7 \$1,906.70; Sheriff's Office \$29,133.00; Jail \$20,290.82; Emergency MGMT & LEPC \$3,387.39; Highway \$39,933.63; Nurse \$2,245.30; Extension \$2,724.72; Weed \$1,120.39; Planning & Zoning \$2,260.98; (Due to Other Governments) Clay Co Treasurer \$3,763.00; State of SD Game Fish \$520.00; (Payroll Withholdings) Aflac \$808.09; Colonial Life \$555.28; Conseco/Washington \$24.45; Dearborn National \$227.22; Div of Child Support \$757.00; New York Life Insurance \$328.57; SD Retirement System \$25,403.30; SD Supplement Retirement \$2,125.00; SDRS Roth Plan \$960.00; United Way of Vermillion \$412.00; Vermillion Federal \$1,471.00 and Wellmark Blue Cross \$51,301.58; (Professional Services and Fees) Brown County Sheriff \$51.65; Katterhagen, Mark \$18.00; Lewno, Lucille M \$176.50; Lincoln County Auditor \$213.75; Lockwood, Darcy \$18.00; Netsys Plus, Inc. \$50.00; Pharmchem, Inc. \$513.90; Sanford Health Clinic \$598.56; SD Dept of Labor Div \$875.00; Ulteig \$2,635.84 and Yankton Co Sheriff \$50.00; (Other Professional Service) City of Vermillion \$79,751.91 and Thurston County Sheriff \$1,050.00; (Law Office) McCulloch, James E \$2,232.10 and Peterson Stuart Klen \$6,344.48; (Publishing) Pressing Matters \$39.00; (Repairs and Maintenance) Century Business Products \$50.00; Dakota Lock & Key \$275.05; Presto-X Company LLC \$56.00; Sooland Bobcat \$500.00 and Tri-State Turf \$305.00; (Supplies & Materials) Allied Oil & Supply \$310.00; Bob Barker Co Inc. \$240.22; Boyer Ford Trucks \$903.07; Brunick Machinery Co. \$373.53; Campbell Supply Co. \$216.88; FedEx \$71.82; Intoximeters, Inc. \$750.00; Lyle Signs, Inc. \$1,458.00; Midwest Oil Company \$2,512.30; Print Source \$105.00; Prochem Dynamics \$63.65; Riverside Hydraulics \$131.82; Sioux City Foundry Co. \$527.16; Sooland Bobcat \$2,993.59; Sturdevant's Auto Part \$215.93; Two Way Radio Solutions \$182.95; Vermillion Ace Hardware \$108.96; Walmart Community \$9.88 and One Office Solution \$22.62; (Travel & Conference) American Fort Pierre \$57.00; Doherty, Corey \$47.00; Ganschow, Dennis (Inmate Travel) Brunick Service, Inc. \$341.12; (Utilities) Bureau of Administration \$24.75; City of Vermillion \$968.50 and Verizon Wireless \$93.64; (Payment) Brunick Service, Inc. \$1,881.37; Fast Auto Glass, Inc. \$175.00; Hy-Vee, Inc. \$4,183.96; SE Council of Govt's. \$12,057.00; Sturdevant's Auto Part \$5.37; The Soap Guys \$56.00; Vermillion Area Arts \$1,250.00; Vermillion Area Chamber \$500.00 and Walmart Community \$135.37; (JDC/Special Eqp.) Jack's Uniforms & Equipment \$944.99; Minnehaha County JDC \$1,150.00; (Buildings and Structures) Bear, Inc. Todd's Electric \$574.91; (Books) Thomson Reuters- West \$111.21; (Furniture and Minor Equipment) Beyond the Office Door \$1,185.58; Canon \$209.96 and One Office Solution \$458.04; (Data Processing/Clay Creek) Clay Co Treasurer \$120.80; (Laterals 1A & 1B) Clay Co Treasurer \$207.00; (Laterals 2A & 2B) Clay Co Treasurer \$354.00; (Laterals 3A & 3B) Clay Co Treasurer \$398.00; (Yankton Clay Expense) Clay Co Treasurer \$506.56.

The Board discussed Courthouse space issues. Powell proposed that the Commissioners move their room to the basement meeting room so that the space be allocated to the Treasurer's and Auditor's

Offices as necessary to relieve the space constraints, especially in the Treasurer's Office. There was a discussion regarding recommendations of the facility planning committee.

Scot Mannschreck met with the Board regarding the tax deed property at 113 Linden Ave. He said his father has spoken to Clay County Abstract to arrange paying the taxes, any additional costs and taking ownership of the home. The Board discussed the situation and requested that the Treasurer's Office provide the costs. They also discussed any penalties. There was discussion about whether the County would then be setting a precedent for future tax deed proceedings. State's Attorney Alexis Tracy reviewed the time spent on the proceedings to date and costs for taxes, publications, utilities, interest rates provided by state statute, etc. Treasurer Cathi Powell was present to discuss statutes and future tax deed proceedings. Manning asked if the Board can assess a penalty. Treasurer Powell referred to statute, but said it has never happened in Clay County that she is aware of. Tracy read the applicable statutes, and discussed homestead laws with Treasurer Powell. Treasurer Powell said there was only one time since she has been in office when the Board reconveyed property to someone other than the original titled owner. She said the total due is \$10,881.94 at this time, not including utilities paid, etc. Manning moved that all back taxes, approximately 5 years of taxes be placed in an escrow account, plus a \$5,000 penalty plus any other costs such as utilities incurred by the County and the property is to be reconveyed to Mannschreck's father. Manning also asked about the homestead law that states the County cannot take a tax deed regarding a person over 70 years old. Tracy said a person could only claim one homestead, but it would be a clever way to circumvent paying the taxes. Treasurer Powell said that section of law is very complicated, and Tracy said she has not had time to research those statutes. Sheriff Andy Howe said there is no guarantee that a person who purchases the property on tax deed sale would pay taxes. Mockler said there is a personal responsibility in this matter, and it is putting undue work onto County employees. Treasurer Powell asked if the money may not be available to be placed in escrow because of the funds due to be apportioned to the city, the school district, etc. The Board asked Craig DeVelder from Clay County Abstract whether they could set up an escrow account. DeVelder said his opinion is that the proposal is ridiculous and the County takes a chance on every taxpaying citizen that they will pay their taxes. Treasurer Powell said if the property is conveyed to Mannschreck's father, then the property will not qualify for owner-occupied status, so the taxes will then be higher. Hammond suggested that there be a set penalty. Leo Powell said he agrees with Mockler, and he believes that the County would have taken a previous lady's land if she had not come up with the money. Manning rescinded his motion. Packard moved the dollar amount to be set at \$25,000, and the property is to be reconveyed to Mannschreck's father. Manning seconded the motion; discussion ensued. Treasurer Powell said special assessments are not included in any price today. Tracy read statutes and said the penalty would be apportioned to the school district, city, and other taxing entities. Leo Powell asked if it would be better to place a percentage of the value of the house rather than a dollar amount penalty. He asked if every future tax deed property will be reconveyable at \$25,000. Manning said the penalty figures out to be about \$14,000 penalty, but a little less because of the utilities paid by the County. Hammond said there needs to be enough to deter others because of the substantial cost of the State's Attorney's, Treasurer's, and other employees' time. Tracy said the Director of Equalization reported that the assessed value is \$86,369. Packard amended her motion to state that the taxes due be paid, plus a 100% penalty, plus any expenses that the County has and will incur until finalized, and the property be reconveyed to Mannschreck's father. Manning seconded the amended motion. Roll call vote of the Board: Hammond aye, Manning aye, Packard aye, Powell nay, Mockler nay. Motion passed 3 to 2. Mannschreck said his father will call Clay County Abstract today to make arrangements. DeVelder said Mannschreck's father will need to have a dollar figure to be wired, or for a cashier's check to be issued.

It was discussed that the Board will need to sign a Resolution at the next meeting, from which Mannschreck's father can obtain the dollar amount to be paid. The group discussed utilities being switched to Mannschreck's father's name.

The Board discussed the following tax deed properties previously scheduled to be sold on March 12, 2019.

Parcel: 15810 02300 07000

Legal description: LOTS 1 TO 7 BLK 244,352 SQ FT VAN METERS ADDN

Address: 925/919 W 8th

Parcel: 15050 06200 09000

Legal description: W 71' OF N 1/2 OF LOT 8 & W 71' OF LOT 9 BLK 62 BIGELOW'S ADDN

Address: 23 N Harvard

Powell moved, seconded by Packard and carried to cancel the sale. Powell moved, seconded by Hammond and carried to declare the properties surplus at 925/919 W. 8th and 23 N. Harvard. Powell moved, seconded by Manning and carried to set the tax deed sale for 10:00 a.m. on March 26, 2019 on the front steps inside the Courthouse.

Powell moved, seconded by Hammond and carried to authorize the Chairman to sign proposal from Johnsen Heating & Cooling for a mini split cooling system for the County's computer equipment/server room.

The Board discussed health insurance plan renewal. Packard moved, seconded by Powell to adopt the policy of paying the final \$500 towards the employee's deductible. The employee will pay the first \$1,500 of the \$2,000 deductible, and then the County will reimburse any amount incurred from \$1,500-\$2,000, up to a maximum of \$500; motion passed. Packard moved, seconded by Manning and carried to authorize the Chairman to sign renewal.

Powell moved, seconded by Hammond to approve cloud storage for the County's server system and authorize the Chairman to sign any necessary agreement for such data storage.

At 11:53 a.m., Powell moved, seconded by Hammond and carried to enter an Executive Session for legal matters per SDCL 1-25-2.

At 12:28 p.m., Packard moved, seconded by Manning and carried to exit the Executive Session.

At 12:32 p.m. Manning moved, seconded by Packard and carried to adjourn and reconvene Tuesday, March 12, 2019 at 9:00 a.m.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

March 12, 2019

The Board of County Commissioners met in regular session Tuesday, March 12, 2019 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, and Leo Powell; Micheal Manning and Richard Hammond were absent.

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

Minutes of the March 5, 2019 meeting were amended and approved with a motion by Powell, seconded by Packard and carried.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. Packard moved, seconded by Powell to pass and adopt the following Resolution #2019-09 for Bridge Reinspection for use with SDDOT Retainer Contracts and to use Johnson Engineering. Roll call vote: Packard aye, Powell aye, Mockler aye. Motion passed.

**RESOLUTION #2019-09
BRIDGE INSPECTION
PROGRAM RESOLUTION
FOR USE WITH SDDOT RETAINER CONTRACTS**

WHEREAS, Title 23, Section 151, *United States Code* and Title 23, Part 650, Subpart C, *Code of Federal Regulations*, requires initial inspection of all bridges and reinspection at intervals not to exceed two years with the exception of reinforced concrete box culverts that meet specific criteria. These culverts are reinspected at intervals not to exceed four years.

THEREFORE, BE IT RESOLVED, that Clay County is desirous of participating in the Bridge Inspection Program using Bridge Replacement funds.

The County requests SDDOT to hire Johnson Engineering Co. for the inspection work. SDDOT will secure federal approvals, make payments to the consulting Engineer for inspection services rendered, and bill the County for 20% of the cost. The County will be responsible for the required 20% of matching funds.

Dated this 12th day of March, 2019, at Vermillion, South Dakota.

Board of County Commissioners
Clay County, South Dakota

ATTEST:

Carri R. Crum, County Auditor

Packard moved, seconded by Powell and carried to amend the material bid acceptance to correct the Highway Superintendent's bid recommendation for the vendor for liquid asphalt to Jebro, not 3-D Specialties as previously reported.

Polley said he is consulting with neighboring counties regarding the timing for placement of weight limits restrictions on the roads, but it will be soon due to the way the roads are leaking.

Polley also reported that the county gas tanks have water in them. He is unsure of the cause, but the leak testing was good. He said he has a company coming from Sioux Falls today to determine the cause of the water.

The Board also reviewed a list of appraisers that the SD Dept. of Transportation uses for right-of-way easements. Polley said he will consult with State's Attorney Alexis Tracy on the matter.

Packard moved, seconded by Powell and carried to approve the following claims for payment: (Due to Other Governments) SD Dept of Rev \$205,943.16; SDACO – M & P Fund \$248.00; SD Dept of Labor Division \$175.00 and Thomson Reuters – West \$399.05; (Salaries and Wages) SDSU Extension Service \$8,008.00; (other Insurance) SD Public Assurance Alliance \$85,364.37; (Professional Services and Fees) Billings, John P \$2,585.00; Broadcaster Press \$126.00; Dakota Embalming \$125.00; Fox & Youngberg P.C. \$206.82; Gapp, Debra \$980; Great Pains LLC \$3,450.00; Holiday Inn Ft Pierre \$96.00; Hov Services Inc. \$798.00; Kober Funeral Home \$1,900.00; Lincoln County Treasurer \$249.53; National Sheriff Assn. \$115.00; Netsys Plus, Inc. \$90.00; Office Systems Company \$250.85; Pharmchem, Inc. \$827.95; Presto-x Company LLC \$78.00; Satellite Tracking \$126.75; SD Dept of Health Lab \$520.00; Security Shedding Svc \$157.50; Vermilion Federal \$10.00; Yankton Treasurer \$91.50 and Yankton Medical Clinic \$621.23; (Other Professional Services) Schaefer, Dean \$636.00; SD Attorney General \$443.00 and Sioux County \$4,270.00; (Law Office) Avera University \$4,000.00; Johnson, Katie \$709.54; Kennedy, Pier & Knoff \$749.05; McCulloch, James E \$1,540.41; Reed Law Offices \$1,679.70; Thompson, Craig K \$874.21 and Nadeau, Charles \$31.00; (Mental Health) Lewis & Clark Behavior \$165.00; SD Achieve \$240.00; SESD Activity Cntr \$360.00 and SD Dept of Rev \$2,964.07; (Publishing) Broadcaster Press \$115.03; Plain Talk \$94.50 and The Equalizer \$198.00; (Repairs and Maintenance) A & B Business \$49.67; Automatic Blg. Control \$204.00; Buhls Drycleaners \$311.50; Butler Machinery Co. \$1,730.00; Canon \$123.48; Century Business Products \$30.00; Moore, David \$95.00; Office Systems Company \$2,163.72; Orr Farm Supply \$21.00; SD Public Assurance Alliance \$113.75; Turner Plumbing Inc. \$264.09 and Walker Construction \$1,870.00; (Data Processing/Clay Creek) Broadcaster Press \$42.00; Mastel, Bruce \$35.00; Microfilm Imaging System \$775.00 and Software Services, Inc. \$560.00; (Yankton Clay Expense) Crum, Carri R \$30.04; Hammond, Richard \$30.04; Healy, Joseph \$42.64; Hojem, Patty \$42.64; Klimisch, Dan \$42.64; Loest, Cheri \$42.64; Manning, Micheal \$30.04; Mockler, Travis \$30.04; Packard, Phyllis \$30.04; Powell, Leo \$30.04 and Swensen, Gary \$42.64; (Supplies & Materials) A-OX Welding Supply \$380.68; Appeara \$46.79; Barco Municipal Product \$2,584.98; Blue Tarp Financial #469.99; Bob Barker Co Inc. \$62.82; Bomgaars \$53.98; Brunick Service, Inc. \$28.00; Campbell Supply Co. \$381.01; Davis Pharmacy \$881.47; Fiar Manufacturing \$70.50; Graham Tire Yankton \$611.64; JCL Solutions \$480.09; Lawson Products Inc. \$547.65; Mark's Machinery \$123.89; Neopost USA Inc. \$33.00; O'Reilly Auto Parts \$291.28; Prochem Dynamics \$55.38; Qualifies Presort Svc \$2,2339.52; Quill Corporation \$310.09; Sioux City Foundry Co. \$447.20; Sioux Equipment \$50.00; Sturdevant's Auto Parts \$1,436.06; Truck-Trailer Sales \$11.50; Vermillion Ace Hardware \$49.98; Vermillion Federal \$1,1160.80 and Zee Medical Service Co. \$177.20; (Copier Supplies) Canon \$161.12; (Travel and Conference) \$378.79; (Utilities) Bureau of Administration \$96.98; Butch's Propane \$2,491.85; CenturyLink \$537.60; CenturyLink Emg. \$13.70; City of Vermillion \$1,314.92; Clay Rural Water System \$38.30; Clay Union Electric Co. \$648.94; Fischer Disposal LLC \$50.00; MidAmerican Energy \$1,451.60; Midco Business \$285.00; Stewart oil & Tires \$5,167.80; Verizon Wireless Sheriff \$320.08; Verizon Wireless Emg \$40.01; Vermillion Ace Hardware \$35.98; Vermillion Garbage Svc \$236.00 and Wakonda Town \$66.90; (Payment) Two Way Radio Solution \$61.49; Vermillion Federal \$106.09 and James, Brad \$10.00;

(Books) Thomson Reuters – West \$111.21; (Furniture and Minor Equipment) A & B Business \$236.20; Microfilm Imaging System \$185.00 and Netsys Plus, Inc.

The Vermillion Public Library annual report, the Sheriff’s Office, Register of Deeds Office, Veterans/Welfare/Zoning monthly reports, and the following Auditor’s Account with the County Treasurer report were accepted and placed on file.

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 February 28, 2019.
I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks		5,687,840.67
Amount of actual cash		2,559.63
Total amount of checks and drafts in Treasurer's Possession not exceeding three days		41,478.50
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:		2,144.78
Checks returned and not deposited		
Cash Items		700.00
Investments		151,000.00
Cash Variation		0.00
Total	Dated this 1st day of March, 2019.	5,885,723.58

Carri R. Crum, County Auditor

At 9:25 a.m., Packard moved, seconded by Powell and carried to adjourn and reconvene Tuesday, March 26, 2019 at 9:00 a.m.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST: 

Carri R. Crum, County Auditor



March 26, 2019

The Board of County Commissioners met in regular session Tuesday, March 26, 2019 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Richard Hammond.

Powell moved, seconded by Hammond and carried to approve the agenda with addition of Ditch Board, a reschedule of the tax deed sale on one property, approval of the tax deed sale taking place at 10:00 a.m., and discussion regarding where to place the Commissioners' furniture when it is moved to the new meeting room location.

Minutes of the March 12, 2019 meeting were amended and approved with a motion by Packard, seconded by Manning and carried.

Vermillion School District Superintendent Damon Alvey appeared during Visitors to be Heard. He thanked the Board for providing a school resource officer and for recognizing the value of having a resource officer in the schools.

Patricia Bohr was present to represent Greenfield Road residents and said she was gathering information regarding the flooding.

Packard reported she attended an informational meeting for the 2020 Census. Clay County will have a full count, which will be a benefit for the county.

Layne Stewart met with the Board to discuss a Disaster Declaration. He said, using rough numbers, the county & five townships have reported a total of damage in the \$850,000-900,000 range. Stewart said the first step is to declare a disaster. Then paperwork will be submitted to the State. Packard moved, seconded by Manning and carried to pass and adopt the following Resolution #2019-10 for Declaration of Disaster.

RESOLUTION #2019-10
DECLARATION OF DISASTER

WHEREAS, Clay County, South Dakota, is suffering severe damage brought on by flooding; and

WHEREAS, the immediate impact of the rains from a storm that began March 13, 2019 and continues, during which time the ground was frozen, caused pooling of water and flooding that damaged roads, culverts, bridges, and other public infrastructure, throughout Clay County.

NOW, THEREFORE, BE IT RESOLVED by the Clay County Board of Commissioners at their regular meeting held March 26, 2019, is hereby requesting that the Governor declare a disaster to exist in the County of Clay, South Dakota.

Dated this 26th day of March, 2019.

Travis Mockler, Chairman
Clay County Commission

ATTEST:

Rod Polley, Highway Superintendent, met with the Board to discuss highway matters. He said the County will not be able to do micro-surfacing on the road east of Wakonda due to water and a washout at Frog Creek, so there will be an amendment to the micro-surfacing agreement. There is a backup plan to complete the road south of Wakonda for 4 miles and 4 miles of road north of Burbank. Powell moved, seconded by Packard and carried to authorize the Chairman to sign the micro-surfacing documents.

Manning moved, seconded by Hammond and carried to approve the agreement for striping and continuing maintenance of Clay county roads with the State.

Polley reported that the fuel tank has been fixed. There was a worn gasket on the fill pipe to the gas tank which allowed water to enter the tank.

Powell moved, seconded by Hammond and carried to accept the low bid of \$2.40/gallon from Brunick's Service for ethanol blend fuel.

Polley presented a draft Haul Road Agreement for consideration. Hammond discussed with Polley axle weight requirements on the agreement. Polley said he would prefer to have a 6-ton limit on all the roads because they are showing wear. Powell moved, seconded by Hammond and carried to adopt the Haul Road Agreement with the amendment to include a 6-ton limit.

Polley discussed issues with the County's back hoe. He said they are having repeated problems with the hydraulics on the department's John Deere and had to rent a CAT. It has been fixed, but he wanted to report it in case of any questions regarding why equipment was rented. He also said Dave Hertz has offered to let the County use his equipment at no cost for flood repair. There was also discussion regarding allowing townships to use the County's gravel reclaimer for flood repairs.

Polley reviewed a road map with the Board and said not all of the damage will qualify under FEMA for emergency relief. All of the gravel roads will qualify and roughly half of the service roads. He discussed with Stewart the threshold for damage under FEMA. He said he is also in discussion with the State to have the bridges re-inspected at the normal 80/20 cost share due to ice jams. He said the County is currently down to 9 roads that remain closed due to water.

Powell said he received a complaint about someone hauling with side dumps in the middle of the night. Polley said he can see that the roads are breaking up, and he does not want to break them up any further. However, he has to get the roads opened up, so he has to expect some travel with light loads. He said the complaint in question might have been solved with a phone call from the person doing the hauling to let him know what was going on in advance.

Bohr requested a reduced speed limit sign on Greenfield Road due to the way the road is breaking up between 311 St. and 310 St. near Prairie Lane. Polley and Foreman Larry McPherson discussed the matter. He said they can place the orange signs, but a white sign would require a resolution of the Board. Sheriff Howe concurred. She discussed a break up near the cemetery, and Polley said he can put up orange "Reduced Speed" signs and some flags. There was discussion about the road washing out around

a culvert in the area, and the Highway Department is trying to keep it open at one lane due to University Road being closed.

Vermillion Fire Chief Matt Callahan and Wakonda Fire Chief Mike Pollman appeared to request a property tax opt-out to raise more money for the county's fire protection levy. Pollman said Wakonda has 22 volunteers who receive funding through fundraisers, but they are looking for a more sustainable source. He said pricing has increased greatly for fire equipment, but the fire protection levy has only increased with growth plus CPI (the State's Consumer Price Index). Callahan said a typical fire department vehicle will last 20 years. They said each department has to put aside \$60,000-70,000/year to save enough. Hammond discussed how many residences are taxed in the Wakonda Fire Department's area. They said Yankton's fire protection levy is 3 times and Union's is 2 times Clay County's levy. Powell asked if Callahan is struggling to provide rural fire support. Callahan said his equipment is in good shape, but they use the money to fund the trucks, although they are not funded completely. Powell moved to have the Auditor and State's Attorney look into what the county can do to increase the help to the fire departments. Packard seconded the motion. Auditor Carri Crum said the method for increasing the levy would be via an opt-out, but she said she will contact the Department of Revenue. Hammond asked Callahan and Pollman if there was a recommended opt-out amount. Pollman speculated what a 50-75% increase might cost taxpayers. Hammond asked what the fire departments need. Mockler said he would like to look at 3 different levels of opt-out in relation to cost to the taxpayers. It was decided that Callahan and Pollman will return at the April 9th meeting.

The tax deed property sale date for 925/919 W. 8th St. was rescheduled for April 30th at 10:00 a.m.

Don O'Connor appeared to discuss a culvert 1 mile south of the Greenfield Rd. curve/triangle and requested an additional culvert to assist the water flow. Powell and Polley discussed whether the south side has been cleaned. Polley said the culverts are smaller in that area to slow down the flow, and the water goes under the road at Prairie Center Hall. Manning discussed where the culverts go when they come out of the triangle. Polley said the department has cleaned out that area and installed a couple new culverts in the past. Polley and McPherson said the culverts are 18", and they are smaller than the others. The smaller culverts slow the water down so the area can handle it. Bohr said her culverts are buried, and the water is supposed to go to the triangle. Powell said there has been an engineered drainage study, and to increase the size of the culvert there would be an application process with the Army Corps of Engineers. Mockler discussed with Polley whether there is even room for a bigger pipe. Polley said it can be done but the question is how it is going to handle the water. Powell said there is only so much water that can be moved at one time. Polley said if the culvert is bigger, it will still create the same problem. He cited another area where the County got permission to increase a culvert, and the area still floods the road. He said if the County wants to change it, the site would have to be taken off the FEMA list. O'Connor said if it's a money issue, he would donate his time and equipment as long as the County furnishes the materials. Bohr said the County would rather have houses flood repeatedly than have water in a farmer's field. She said she has been told she cannot get flood insurance, and she said she gets septic and farm chemicals in her yard, and last year she had fish in her yard even though she is not near a creek. Mockler said the Board has to follow state law, and the laws would have to change. Powell asked Bohr what the people she bought her house from told her about water, and she said her deed states the location is not in a flood zone. She said she was told Clay County is not a flood area. Mockler said she can get flood insurance, that it's just not required unless a property is in a flood plain, and FEMA has recently expanded the flood plain maps for the county. Manning said he wishes there was a way to go

west with the water. Troy Swee said he is there to talk about drain tile on his property, which would pull a lot of water from neighboring properties through his, but he needs culverts on 307 St. on the north side cleaned first. O'Connor said the problem with the Greenfield area is that all that water has to take the slowest route. Mockler said he does not know what is going to happen, but the Board will look into the matter.

Swee said he owns ½ mile at 307 St. He would like to clean out about 27" of dirt in the west ditch. He requested permission to have Mark Christensen clean the ditch and re-seed the grass. Polley said the County has allowed it in the past as long as the person doing the work uses the laser so it is not dug too deep, and he does not have a problem with it. Powell moved, seconded by Manning to allow the cleaning as described with the Highway Superintendent overseeing it. Under discussion the group discussed what kind of replacement to install for the concrete culvert. Swee said Christensen would do the work to install the culvert, providing that he is allowed to run a 6" water pipe under the culvert to connect the drain tile, and the County would just need to come back to install the asphalt. Polley said he would like to see the water pipe go next to the culvert rather than under it, even if it is at the same lower elevation, and the Highway Department usually requires tile line to be put in a casing. Swee also asked about taking out a field approach culvert, and the Board said it would require a different application. State's Attorney Alexis Tracy said her concern is that the natural flow of the water could be disrupted down the line somewhere, and the statutes are clear on that matter. Mockler explained that because the County does not have a drainage board, the Board is not approving the drainage plan, only the cleaning of the ditch and replacement of a culvert. Tracy said she foresees the potential of a situation similar to the area by the golf course. Mockler said the Board is not approving a change, but simply ditch cleaning. All voted aye. Motion passed.

Sheriff Andy Howe reported he sold the tax deed property at 23 N. Harvard. AMS Building Systems purchased the property for \$1,100. Manning moved, seconded by Hammond and carried to approve the sale. AMS Building Systems said they have designed an affordable home that looks like a historic house to be built on the property.

At 10:41 a.m., Manning moved, seconded by Hammond and carried to adjourn and convene as Ditch Board.

Swee was present as the manager for Stanley Munger's property. Powell said he spoke with the current owners of properties that Martin Weeks used to own about being added to the Clay Creek Ditch taxed drainage district. Polley asked if Swee thought Munger would have a problem joining the district. There was discussion that it would improve the drainage on the property. Swee said he would get the contact address to Auditor Carri Crum for mailing information.

Polley said he has been thinking of an area of concern and asked if the drainage laterals are considered private for FEMA purposes. The Board discussed the matter and Mockler said it is Clay Creek Ditch District. Stewart said they should be able to apply as it is a government entity, but he would check into the matter.

Polley said the statute he previously discussed with the Board requiring the ditch district to maintain bridges is still on the books. He said it is to be determined whether there is any damage due to the flooding around those structures.

Powell and Polley discussed the area around Meckling. Polley said in 26 years, he has not seen conditions like the current flooding situation, so this year is a unique situation.

The Board looked at a map of the area that is not currently in the Clay Creek Ditch District. Powell moved, seconded by Manning and carried to have Hammond look at the area to help determine the acres that drain into the ditch. It was determined that Ditch Board would be placed on the April 9th agenda to discuss the matter.

At 10:59 a.m., Powell moved, seconded by Packard and carried to adjourn and reconvene as Board of Clay County Commissioners.

Polley reported he will not be present for the next meeting.

Ryan O'Connor said he wonders if the County applies the FEMA money to the townships. Stewart said the townships have to apply to FEMA themselves and explained the process for applying and the thresholds for damage. FEMA will do a site inspection with each township. Jeff Becker of the Spirit Mound Township Board said they have \$220,000-250,000 in damage. Stewart says all the forms are posted on his website that have to be completed for FEMA, and he cannot complete them for everyone else. His next step is to try to get the townships together to explain that the FEMA forms must to be completed electronically, and the problem is that not all townships are using e-mail. It was discussed that a meeting will be scheduled where all township board members are in attendance.

Polley said he has some culverts on hand so that townships can get a few at a time, but he is concerned about lack of stock for longer culverts, or a shortage as Nebraska begins to repair their roads. Becker asked if there is a limit to how long roads can be closed. It was discussed that the decision is the township board's, but there was concern about landlocking people. The group also discussed that the FEMA reimbursement is only 75%, and the damages could still be very costly for townships, which may require keeping roads closed longer. Tracy reviewed the statutes with the group. Howe said on a lot of the situations, it is not a matter of damage but rather keeping people off of the roads so they do not get additional damage, and he cannot enforce it unless there is a sign stating that the road is closed. Tracy advised to post road closed signs, and if people go around the signs then they assume the liability. The shortage of signs and barricades was discussed, and Polley said he tries to help townships but this time he was out of signs and barricades. Pollman said he ordered 2 pallets of signs, and the sign company said it would be months due to the demand. Polley said he currently has two highway personnel actively building barricades full time.

Becker said the WPA box culverts are the township responsibility now, and he asked if they need to include that on FEMA applications. Polley said yes, and that he has received phone calls from other townships asking that same question and also discussed the structure in Spirit Mound Township with Becker.

Packard moved, seconded by Hammond and carried to approve the following claims for payment. (Payroll) Commissioner's \$6,874.39; Auditor's Office \$5,678.44; Treasurer's Office \$14,442.64; State Attorney's Office \$14,339.72; Courthouse \$2,525.41; Director of Equalization \$8,224.79; Veteran's Service \$1,323.10; Register of Deeds \$5,115.67; 24/7 \$1,906.70; Sheriff's Office \$29,133.00; Jail

\$20,290.82; Emergency MGMT & LEPC \$3,387.39; Highway \$39,933.63; Nurse \$2,245.30; Extension \$2,724.72; Weed \$1,120.39; Planning & Zoning \$2,260.98; (Due to Other Governments) State of SD Game Fish \$219.00; (Payroll Withholdings) Aflac \$808.09; Colonial Life \$555.28; Clay Co Treasurer \$53,414.42; Conseco/Washington \$24.45; Dearborn National \$228.48; Delta Dental \$668.00; Div. of Child Support \$757.00; New York Life Insurance \$328.57; SD Retirement System \$26,587.14; SD Supplement Retirement \$2,175.00; SDRS Roth Plan \$960.00; Tasc Flex \$2,586.65; United Way of Vermillion \$352.00; Vermillion Federal \$2,071.00 and Wellmark Blue Cross \$55,734.40; (Professional Services and Fees) Mail Finance \$89.45; Netsys Plus, Inc. \$117.50; Presto-X Company LLC \$78.00; SD Sheriff's Assn \$915.92; SDSU Extension Service \$8,008.00; Willson Florist \$60.00 and Yankton Co Treasurer \$129.50; (Law Office) Blackburn & Stevens LLC \$1,426.48; Johnson, Katie PLLC \$400.79; McCulloch, James E \$2,199.30; Peterson Stuart Klen \$6,344.48 and Thompson, Craig K \$1,354.15; (Publishing) Pressing Matters \$39.00; (Repairs and Maintenance) Fiar Manufacturing Inc. \$200.00; Heiman Inc. \$1,378.32; Mail Finance \$536.73; Paul's Plumbing, Inc. \$76.53; Pressing Matters \$16.50; \$16.50; Presto-X Company LLC \$56.00; SD State Historical Society \$50.00; Turner Plumbing Inc \$85.20 and Vermillion Area Chamber \$200.00; (Data Processing) Netsys Plus, Inc \$202.50; (Supplies & Materials) Blue Tarp Financial \$899.98; Bob Barker Co Inc \$126.73; Boyer Ford Trucks \$58.04; Brunick Service, Inc \$1,582.58; Butler Machinery Co \$517.03; Campbell Supply Co \$79.88; Coyote Enterprise LLC \$54.98; Fair Manufacturing Inc \$1,870.00; FedEx \$144.24; Herren-Schempp \$27.00; Hy-Vee, Inc \$12.92; I-State Truck Center \$44.72; John Deere Financial \$200.23; Lawson Products, Inc \$380.01; Mills & Miller, Inc \$1,782.95; Netsys Plus Inc \$57.00; Office Systems Company \$1.58; Quill Corporation \$221.91; Redwood Toxicology Lab \$116.54; Sanitation Product \$977.12; SD Assn of Co Weed Board \$150.00; Sturdevant's Auto Part \$190.60; Two Way Radio Solution \$84.99; Vander Haag's Inc. \$79.50; Vermillion Ace Hardware \$9.99; Vermillion Ace Hardware \$39.99; Walmart Community/Gecr \$16.51; One Office Solution \$130.83 and Wheelco Brake and Supply \$376.18; (Copier Supplies) Office Systems Company \$211.31; (Travel and Conference) Crum, Carri R \$28.56; Manning, Micheal \$28.56; Powell, Leo \$28.56; Ramkota Hotel \$214.00 and SDE4HE \$55.00; (Inmate Travel) Brunick Service, Inc \$607.22; (Utilities) Brunick Service Inc \$607.22; City of Vermillion \$1,021.87; Olson's Pest Technician \$80.00; Verizon Wireless \$54.34; Verizon Wireless Sheriff \$320.08 and Vermillion Garbage Svc \$176.00 (Payment) Brunick Service, Inc \$1,993.41; Hy-Vee Inc \$4,061.66; Quality Motors \$85.95; Redi Towing \$65.00; Vermillion Ford \$150.43; Walmart Community/Gecr \$252.80; Logue, Donald \$31.00; Morse, Mitchel \$10.00; Thomas, Keith \$10.00; Reich, Lester \$10.00; McPherson, Shelly \$10.00; Anderson, Brenda \$10.00; Archer, Megan \$10.00; Baedke, Aaron \$10.00; Brady, Crystal \$10.00; Collins, Blair \$180.16; Ehrick, William \$24.28; Escobar, Fernando \$10.00; Fischer, Kimberly \$10.00; Fiffin, Mary \$15.04; Green, Kelly \$186.88; Hagedorn, Renee \$36.88; Hammond, Annamarie \$10.00; Johnson, Patrick \$10.00; Kirkie, Todd \$10.00; Knutson, Jeffrey \$26.80; Kolie-Paxton, Xiola \$10.00; Lynch, Michael \$14.20; Mabry, Arthur \$12.52; Madsen, Larry \$160.00; Mazour, Joseph \$10.00; Miller, Lisa \$150.00; Murray, Theodore \$16.72; Oberle, Susan \$12.52; Pikiben, Anna \$10.00; Reeves, Gary \$10.00; Rolfes, Susan \$173.44; Stockland, Valli \$24.28; Vesely, Brian \$244.00; Zimmer, Allen \$110.00; Culver, Kimberly \$150.00 and Reyers, Erin \$110.00; (JDC/Special eqp.) Minnehaha County JDC \$2,990.00; (Furniture and Minor Equipment) Canon \$209.96; Verizon Wireless \$39.34.

Manning moved, seconded by Packard and carried to authorize the Chairman to sign Agent of Record letters to Delta Dental and Dearborn Life Insurance.

Auditor Crum reported to the Board that she will be out of the office April 10-12 for the U.S. Election Assistance Commission Standards Board Meeting in Memphis. As a member of the Board, her travel expenses will be covered by the Federal Government, and there will be no cost to the County.

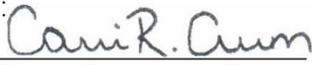
Tracy said she reviewed the resolution for the 113 Linden tax deed property and has a few changes to make, but it was discussed that the final utility bills have not arrived. Tracy said she has hesitation about reconveying the property to Mannschreck's father and said she would try to have a more concise legal recommendation by the next meeting.

At 11:39 a.m., Manning moved, seconded by Hammond and carried to adjourn and reconvene Tuesday, April 2, 2019 at 9:00 a.m.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

April 2, 2019

The Board of County Commissioners met in regular session Tuesday, April 2, 2019 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Richard Hammond.

Powell moved, seconded by Hammond and carried to approve the agenda with the addition of discussion regarding the tax deed property at 113 Linden.

Minutes of the March 26, 2019 meeting were approved with a motion by Manning, seconded by Hammond and carried.

Director of Equalization Ina Peterson met with the Board for the Director's annual conference. She reported the Pictometry fly over will be in a week or two. There were 7 appeals in the County and 2 for Consolidated Boards. There is a workshop in May in Deadwood, and the office will have shortened hours during that time. The office will be visiting properties in the City of Vermillion this year. There was discussion regarding the officials wearing yellow safety vests while assessing property.

Treasurer Cathi Powell met with the Board to submit her notice of retirement. She discussed staffing levels when she retires. It was discussed that Spring Workshop is in May, and she offered to pay her expenses to attend the workshop. She proposed to the Board that she would like to be a volunteer in the Courthouse after her retirement. She also thanked the Board for expanding the office into the previous Commissioners' Room so that she does not have to work in the vault.

It was reported that the Highway Department will be transitioning to 10-hour days April 8th.

Auditor Carri Crum reported on issues that have been discovered during the transition in IT services and updated the Board that the problems are being resolved.

State's Attorney Alexis Tracy gave the Board an update on the status of a draft Resolution to be used for reconveyance of the tax deed property at 113 Linden to Scot Mannschreck's father. Tracy suggested that the County get a document in writing indicating that Mannschreck intends his father to become the owner; however, she also said it would be a cleaner process to reconvey the property to Mannschreck himself. There was discussion regarding turning off utilities, and the total dollar amount be obtained and a letter be served by the Sheriff's Office.

The Veterans/Welfare/Zoning monthly reports and the following Auditor's Account with the County Treasurer report were accepted and placed on file.

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 March 31, 2019.
I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks	5,696,182.99
Amount of actual cash	2,526.44

Total amount of checks and drafts in Treasurer's Possession not exceeding three days	85,716.96
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	151,000.00
Cash Variation	0.00
 Total	
Dated this 1st day of April, 2019.	5,938,251.17

Carri R. Crum

Carri R. Crum, County Auditor

Manning reported during the Vermillion Chamber & Development Company was Thursday. He said he thanked Dave Hertz for allowing the use of his equipment for flood repair. Manning also said the Vermillion NOW3! Campaign expects each Board member to contribute \$2,500 over the course of 5 years. Mockler said he is also on the Vermillion NOW3! Committee, and they expect the same. There was discussion regarding whether the County should pay those contributions, and that the County already contributes \$75,000 to the project. It was decided that the County should support but not beyond what the County can afford.

Powell asked about the upcoming Joint Planning Commission meeting with the City of Vermillion Planning Commission. It was discussed that the meeting is regarding rezoning of a rural residential development, and there is a conditional use permit application for construction of a home. Powell said the commissioners should receive an e-mail with notices.

Emergency Management Director Layne Stewart reminded commissioners about the FEMA process meeting at the Fire Station at 7:00 p.m. The meeting is a procedural meeting for townships to explain how to complete the FEMA paperwork and the procurement process for flooding. It is not a meeting for individual property owners. An individual property owner's contact with the County was discussed.

Recent payroll changes are as follows: Lorin Gregg was hired as a part-time jailer 3/25/29 at \$15.74/hour.

At 10:37 a.m., Manning moved, seconded by Packard and carried to adjourn and reconvene Tuesday, April 9, 2019 at 9:00 a.m.

Travis Mockler

Travis Mockler, Chairman
Board of County Commissioners

ATTEST:

Carri R. Crum

Carri R. Crum, County Auditor

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 County Commissioners

ATTEST:



Carri R. Crum, County Auditor

**2019 Board of Equalization
Consolidated Board
Clay County**

Chairman Mockler called the Consolidated Board of Equalization to order at 1:00 p.m., Tuesday, April 16, 2019. Members present: Travis Mockler, Leo Powell, Phyllis Packard, Micheal Manning, Richard Hammond, Thomas Sorensen, Richard Holland, Howard Willson, and Rachel Olson. Also present: County Auditor Carri Crum, Director of Equalization Ina Peterson, Deputy Director of Equalization Laura Christensen, State's Attorney Alexis Tracy, and Deputy State's Attorney Samantha Hargrave. Oaths of Office were given.

The following Appeals were heard for consideration:

Appeal #19-01 – Schwasinger, Timothy L & Patricia F (15093-00100-040-00) The Director's value was \$31714 for land and \$281078 for improvements with a total of \$312792.

Manning moved, seconded by Holland to accept the Director's recommended value. All voted aye. Motion passed.

Chairman Mockler excused himself from the meeting, and Vice-Chair Packard presided over the remainder of the meeting.

Appeal #19-02 – Dehner, Robert J & Vicki L (15093-00100-100-00) The Director's value was \$32713 for land and \$340760 for improvements. The Director's recommendation was to lower the value of improvements from \$340760 to \$336800 per review of the type of fireplaces.

Powell moved, seconded by Willson to set the structure value at \$314187 and direct the Director to conduct an in-person re-evaluation of the property within the next year. All voted aye. Motion passed.

The Board considered the following Recommendations:

Appeal #19-04 – Hammond, Richard & Chadima, Sarah (15680-00200-040-00) The Director's recommendation was to lower the structure value from \$144963 to \$113819 per review of the property and to reflect recent sale price and basement finish.

Hammond recused himself and left the room during the discussion. Powell moved, seconded by Manning to accept the Director's recommended value. All voted aye. Motion passed.

Appeal #19-05 – Miksik, Radim (15060-00800-100-00) The Director's recommendation was to lower the structure value from \$141604 to \$120142 per review of the property and to reflect current quality and condition.

Appeal #19-06 – Sorensen, Matthew R & Kasey J (15260-01400-100-00) The Director's recommendation was to lower the structure value from \$301972 to \$262025 per review of the property and to recent sale price and current condition.

Appeal #19-07 – Jorgensen, Delores A (15270-00200-100-00) The Director's recommendation was to lower the structure value from \$57467 to \$41592 per review of the property and to reflect current quality and condition.

Appeal #19-08 – Collier-Wise, Kelsey & Miller, Royce (15300-00300-030-00) The Director's recommendation was to lower the structure value from \$196826 to \$138961 per review of the property and to correct square footage and reflect current condition.

Appeal #19-09 – Brinkmann, James A & Kristina R (15470-00400-050-06) The Director's recommendation was to lower the structure value from \$84539 to \$75605 per review of the property and to reflect current quality and condition.

Appeal #19-10 – Hulkonen, David (15530-03100-200-03) The Director's recommendation was to lower the structure value from \$55356 to \$49270 per review of the property and to change basement finish and added air conditioning.

Appeal #19-11 – Mei, Dongming & Gan, Li (15715-00600-060-00) The Director's recommendation was to lower the structure value from \$334960 to \$307464 per equalization to reflect comparable 2-story homes in the neighborhood.

Appeal #19-12 – Tracy, Gerald E II & Alexis A (15715-00700-090-00) The Director's recommendation was to lower the structure value from \$288504 to \$271193 per review of the property and to reflect recent purchase price & improvements.

Appeal #19-13 – Rothschadl, Barbara A (15730-08500-130-00) The Director's recommendation was to lower the structure value from \$10000 to \$5000 as it is used strictly for storage and has no water or heat.

Appeal #19-14 – Rothschadl, Barbara A (15800-00100-070-00) The Director's recommendation was to lower the structure value from \$71287 to \$64664 based on corrected basement square footage.

Appeal #19-15 – Van Peurse, Dan & Jennifer (15880-09251-191-16) The Director's recommendation was to lower the structure value from \$226808 to \$185740 per review of the property and to reflect current quality and correct basement finish.

Appeal #19-16 – Cameron, Mandi (15999-00300-000-18) The Director's recommendation was to lower the structure value from \$3631 to \$0 as the mobile home was destroyed.

Appeal #19-17 – Kuntz, Jackie Lynn (15999-00300-000-20) The Director's recommendation was to lower the structure value from \$3947 to \$0 as the mobile home was destroyed.

Appeal #19-18 – McGregor, Justin (15999-00800-000-28) The Director's recommendation was to lower the structure value from \$3732 to \$0 as the mobile home was destroyed.

Appeal #19-19 – Hage, Tom (15999-01000-000-18) The Director's recommendation was to lower the structure value from \$4357 to \$0 as the mobile home was destroyed.

Appeal #19-20 – Garcia, Joseph D (15999-01000-000-19) The Director’s recommendation was to lower the structure value from \$3805 to \$0 as the mobile home was destroyed.

Appeal #19-21 – Barrett, Karen (15999-01000-000-29) The Director’s recommendation was to lower the structure value from \$4301 to \$0 as the mobile home was destroyed.

Appeal #19-22 – MHCA Homes (15999-01000-000-32) The Director’s recommendation was to lower the structure value from \$3387 to \$0 as the mobile home was destroyed.

Appeal #19-23 – Spottedcalf, Winona J or Pratt, Will (15999-01000-000-41) The Director’s recommendation was to lower the structure value from \$4446 to \$0 as the mobile home was destroyed.

Appeal #19-24 – Kashas, Dale (15999-01000-000-47) The Director’s recommendation was to lower the structure value from \$4432 to \$0 as the mobile home was destroyed.

Appeal #19-25 – Kjellsen, Barton (15999-01000-000-97) The Director’s recommendation was to lower the structure value from \$4054 to \$0 as the mobile home was destroyed.

Appeal #19-26 – MHCA Homes (15999-01000-001-08) The Director’s recommendation was to lower the structure value from \$4752 to \$0 as the mobile home was destroyed.

Appeal #19-27 – Durham, Tom (15999-01000-001-15) The Director’s recommendation was to lower the structure value from \$4274 to \$0 as the mobile home was destroyed.

Appeal #19-28 – Burrow, Brigitte (15999-01000-001-17) The Director’s recommendation was to lower the structure value from \$3840 to \$0 as the mobile home was destroyed.

Appeal #19-29 – Summerset Acres LLC (15999-01100-000-13) The Director’s recommendation was to lower the structure value from \$500 to \$0 as the mobile home was destroyed.

Appeal #19-30– Peterson, Steven (15999-01100-000-17) The Director’s recommendation was to lower the structure value from \$500 to \$0 as the mobile home was destroyed.

Appeal #19-31 – Summerset Acres LLC (15999-01100-000-18) The Director’s recommendation was to lower the structure value from \$4059 to \$0 as the mobile home was destroyed.

Appeal #19-32 – Summerset Acres LLC (15999-01100-000-20) The Director’s recommendation was to lower the structure value from \$500 to \$0 as the mobile home was destroyed.

Appeal #19-33 – Summerset Acres LLC (15999-01100-000-22) The Director’s recommendation was to lower the structure value from \$500 to \$0 as the mobile home was destroyed.

Appeal #19-34 – Summerset Acres LLC (15999-01100-000-30) The Director’s recommendation was to lower the structure value from \$4499 to \$0 as the mobile home was destroyed.

Appeal #19-35 – Summerset Acres LLC (15999-01100-000-32) The Director’s recommendation was to lower the structure value from \$500 to \$0 as the mobile home was destroyed.

Appeal #19-36 – Summerset Acres LLC (15999-01100-000-34) The Director’s recommendation was to lower the structure value from \$4329 to \$0 as the mobile home was destroyed.

Appeal #19-37 – Summerset Acres LLC (15999-01100-000-36) The Director’s recommendation was to lower the structure value from \$3636 to \$0 as the mobile home was destroyed.

Appeal #19-38 – Summerset Acres LLC (15999-01100-000-39) The Director’s recommendation was to lower the structure value from \$500 to \$0 as the mobile home was destroyed.

Appeal #19-39 – Summerset Acres LLC (15999-01100-000-44) The Director’s recommendation was to lower the structure value from \$500 to \$0 as the mobile home was destroyed.

Appeal #19-40 – Summerset Acres LLC (15999-01100-000-45) The Director’s recommendation was to lower the structure value from \$3928 to \$0 as the mobile home was destroyed.

Manning moved, seconded by Holland to accept the Director’s recommendations for Appeals #19-05 through #19-40. All voted aye. Motion passed.

The Consolidated Board adjourned at 2:25 p.m. with a motion by Sorensen, seconded by Holland and carried.

Dated this 16th day of April, 2019.

ATTEST: Carri R. Crum
Carri R. Crum, County Auditor



Phyllis Packard, Vice-Chair
Consolidated Equalization Board

**2019 Board of Equalization
County Board
Clay County**

Vice-Chair Phyllis Packard called The County Board of Equalization to order at 2:25 p.m., Tuesday, April 16, 2019. Members present: Leo Powell, Phyllis Packard, Richard Hammond, and Micheal Manning. Also present: County Auditor Carri Crum, Director of Equalization Ina Peterson, Deputy Director of Equalization Laura Christensen, and State’s Attorney Alexis Tracy. Oaths of Office were given.

The following Appeals were heard for consideration:

Appeal #19-03 – Seiner, Michael & Sarah A (12000-09251-131-03) The Director’s recommendation was to lower the structure value from \$47541 to \$10000 due to the condition and vacancy of the home.

Appeal #19-41 – Weinberg, Lewis F (14000-00700-040-00) The Director’s recommendation was to lower the structure value from \$151240 to \$98994 per review of the property and to reflect current conditions.

Powell moved, seconded by Manning to accept the Director’s recommendations. All voted aye. Motion passed.

Powell moved, seconded by Hammond to instruct the Director of Equalization to make adjustment for Freeze on Assessment of Dwellings of Disabled and Senior Citizen per SDCL 10-6A. All voted aye. Motion passed.

Powell moved, seconded by Manning to instruct the Director of Equalization to make adjustment for Veterans Exemption per SDCL 10-4-40 & 10-4-41. All voted aye. Motion passed.

Manning moved, seconded by Hammond to accept the addition of Owner Occupied status for 2019 for the following parcels. All voted aye. Motion passed.

Parcel Number	Name	Address	
15999-01200-000-09	Leichtenberg, Kendall	314 Austin #9	Vermillion
15999-00200-000-12	Ballard, Noelle	1505 W. Cherry #12	Vermillion
15999-01600-009-14	Sherry, David L or Sarah A	914 Tom	Vermillion
15999-01100-000-01	Eary, John	1505 W. Cherry #2	Vermillion
11000-09252-162-08	Halverson, Todd A & Tracey M	46046 Timber Rd	Vermillion
11100-09251-063-25 11100-09251-063-26	Peters, Nikki & Gregg	2954 Pettersen Rd	Vermillion

The Tax Exempt List for 2019 was presented. Powell moved, seconded by Manning to approve the list as published in county legal newspapers. The list is on file in the Auditor’s Office. All voted aye. Motion passed.

The County Board adjourned for the year at 3:02 p.m. with a motion by Powell, seconded by Manning and carried.

Dated this 16th day of April, 2019.

ATTEST: Carri R. Crum
Carri R. Crum, County Auditor



Phyllis Packard, Vice-Chair
Consolidated Equalization Board

April 30, 2019

The Board of County Commissioners met in regular session Tuesday, April 30, 2019 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Richard Hammond.

Packard moved, seconded by Powell and carried to approve the agenda with the addition of a mobile home zoning ordinance violation and a request by Atkins Family Limited Partnership for plat of Tracts 1-5 of Atkins' Addition, Sec. 16, T95N, R53W.

Minutes of the April 9, 2019 meeting were approved with a motion by Manning, seconded by Packard and carried.

Prairie Center Township board members Bob Fallon and Matt Olson were present to discuss water on Greenfield Road near the old Greenfield Store. They said the township wants to do work north of Greenfield to move water west. They would like to increase the size of culverts near 309 St. and near Erickson's property because the culverts cannot handle the water. Everyone on the east gets too much water and then Gary Madsen also gets the water. The township wants to put larger culverts to help get rid of water and said Greenfield Rd. is a dam.

David Grage said water that comes by his driveway goes west through Majestic Farms. He said at times the water goes from 6 ft. to 30 ft. wide. The culvert on the field approach east of him is small and restricts water. A bigger one would help. He said then the water runs across the road south of him at Anthony Port's property. Powell said they have opened that up before.

The township board members said if the culvert is bigger at 309 St. it will take pressure off because it is all going over 309 St., and the road is washed out.

Charles Bohr said the water comes over and drowns his property.

Polley asked if it is the east-west culvert, and the group clarified that it is the one that runs under Greenfield Rd. There was discussion regarding all the culverts in the area. Polley said he wouldn't swear by it but thinks they are all 18" culverts in that area. Micheal Manning asked if the Corps of Engineers would need to be involved. Powell said if the size of culverts is increased, it could be considered putting water on others, and that would be a problem. He said the ditches were not designed for this, that they are "borrow ditches" to build the road. He also discussed the commissioners having a tour of roads.

Donnie O'Connor said recommendations in the previous drainage study were never done. Polley said he has a copy of the study. Polley asked if they are requesting to increase the culvert at Port's property. Port said there is only an 18" concrete culvert. He said the culvert is clear, but water can't get through fast enough. Powell said if those culverts are increased, it will flood Madsen's property faster. Fallon said if the water can go west before it gets to Port's it will help both Port and Madsen.

Grage suggested putting a new culvert north of Port's grove and said it would help direct the water through his field and over to Majestic Farms instead of to Port's and Madsen's properties.

Mockler said the Board will contact the township regarding the matter.

Bohr said a lot of water backfills onto his property from the south because it can't move fast enough, and there is no culvert at 312 St. Powell asked Polley if the county can clean both ditches at the curve. Polley said it was done some time back, but he does not remember the year. Fallon said Pollman did clean the south side. Powell asked if the bottom of the ditch is higher than the bottom of the culvert. Polley said it's on his list to check when he gets a chance. Olson said the area near the cemetery should be cleaned out, too, and the culvert at the cemetery goes under Greenfield Rd. Micheal Manning said it might make a difference. Powell moved to put the area on a tour of roads and notify townships of the schedule. Packard seconded the motion. All voted aye; motion passed.

Max Andersen was present for the Fairview Township Board. He said 466 Ave. south of Main St. washed out, and a temporary culvert was placed there. He said the township is asking for approval for an 18" culvert. He said he thinks Turner's development contributed to the water problem because water goes east then across, not south as was previously thought. At 316 St. & 466 Ave., a culvert goes north and drains on Ufford's property. Andersen said he wants one that goes west, but it will affect Mike Manning. He is concerned water will come to his property. Andersen said he wants to know what the township needs from county in order to do that. Mockler discussed liability. Micheal Manning asked for clarification on the area in question. Andersen said the area is across from Travis Wells' property, and the flow of water was discussed. The dead end at Wells' causes water to get to his basement and floods his front yard. Andersen said Ufford says there was a culvert years ago, and there was a waterway on Ufford's side, but it needs to be cleaned. It was said that there is a tube in side of the bluff, but the water doesn't get to it due to years of farming. Mockler asked if Ufford will sign off on a culvert installation. It was discussed that Ufford said he does not want to put water on Heine's property and said they should get Heine to sign off on the culvert installation. Hammond showed the area on Pictometry with 10' contours. Andersen said water drains quickly because it is so sandy. Micheal Manning said the water has to go down the hillside, so it should take a while to get to Heine's property. It was discussed that Heine does not want the water. Andersen said the water goes there now when rain is heavy. Andersen said Turner's development complicated the water issue and allowed water to come out to the ditch and run south. There used to be a huge swamp out there where the development is located.

Bill Willroth said water pours east from Schoellerman's, not to the west as those residents have claimed. Micheal Manning said water historically went east because the Cypress drive area used to be a swamp. Andersen said there was a reason someone put a culvert going down the bluff. Mockler and Micheal Manning said the township does not need county permission because it is a township road. There was discussion about whether there is an old riverbed that runs all the way to Jefferson. Hammond said it shows on Pictometry about ½ mile south of Alex Ufford's property.

Mike Manning said water is designed to go north, and a culvert is there, but no one has maintained it. He asked what happens when no one keeps the culvert open. Andersen said a 2" rain goes over the road and runs into the south ditch near Mike Manning's bins, and he said Mike

Manning has a legitimate concern. Andersen said where the culvert is going north the water goes on the west side of Ufford's property. Mike Manning said he thinks there was a waterway there previously, but now it goes over and near his grain bins. Micheal Manning clarified it is west of 466 Ave. where the culvert crosses 316 St. at the corner, and the water comes from Greenfield Rd. all the way down. Andersen said the culvert goes north but not far enough north. Mike Manning said water would clean out faster if the area was cleaned out, and he plans to tile his quarter to divert water around the ditch and into the gulley/ravine that already exists because he thinks it will help immensely. Powell said the subservient landowner has to take the water from upstream and cannot dam it up, if that's the route it is supposed to take, but a person cannot put new water on that landowner either. Powell asked State's Attorney Tracy about township responsibility for road ditches.

Andersen asked if he has to go back to maps from the 1940's that show where water was designed to go. Hammond said there are different soil types in low spots, and Pictometry does indicate where water goes. He said the Director of Equalization can print it. There was much discussion regarding Pictometry.

Manning moved, seconded by Hammond and carried to accept the low bid of \$2.55/gallon from Brunick Service for 10% ethanol blend fuel.

Packard moved, seconded by Hammond and carried to accept the low bid of \$1.04/gallon from Star Energy for propane.

Manning moved, seconded by Packard and carried to approve a Right-of-Way Application from Clay Rural Water on 306 St. (County Rd. #D4) in Section 20, Township 94, Range 51.

Packard moved, seconded by Hammond and carried to approve a Right-of-Way Application from Clay-Union Electric on 312 St. in Section 15, Township 93, Range 51.

Polley gave an update that 302 St. east of Wakonda and 306 St. are not going to be open until the engineer inspects the bridges. Polley said he has 25 bridges on emergency inspection with the State. He wants everything on the Vermillion River and Yankton-Clay and Clay Creek ditches inspected. Polley also said the west county line south of the Bluff will remain closed as well. Polley and Emergency Management Director Layne Stewart discussed FEMA notification. Polley said FEMA has been notified. Stewart said he spoke with Turner County, and they have \$1.5 million in bridge damage. Polley said when Johnson Engineering inspects Clay County's bridges, he will know the same day if there is a problem, but to get it in writing will take a few days. Polley said the department is working on moving water to the south near Meckling, and the area has been one-called. It was discussed that water needs to move east across Edelen's land. Polley said all culverts from Jetley Park up to the concrete culvert that was complained about at the annual Ditch Board meeting and the one north of Delaney's driveway have been one-called so they can work on them. Powell said maybe the board should be hiring contractors to do this cleaning to in order to free up the highway department personnel for other projects. Polley said his personnel will find the bottom of culverts, check them to see what needs to come out, and then hire someone because the highway department does not have the equipment, such as the laser, to do it. Polley discussed the pipe under Jetley Park and at Freeburg's land. He said there

are two waterways that go east near Delaney's land. Powell said it would be easy to go south to the Yankton-Clay Ditch, and it would not involve digging up Jetley Park. Polley said three culverts would have to be installed. Powell discussed Lateral 50. Polley said there is quite a bit of drop from Hwy. 50 to Cottonwood, but the creek cannot go anywhere until the Vermillion River goes down. Powell said the Yankton-Clay Ditch is still flowing downstream, and he thinks trees at end of the ditch where it dumps into the river are slowing it down, so those trees need to be cleaned out. Powell said at Meckling going east there are spots where water is stopped due to grass, and he does not think the State gave 1" drop per mile as was designed. Polley said 1" per mile is pretty flat. Mockler said east of Meckling to the bypass is the State's responsibility to clean out. Polley said either the State or a farmer cleaned out south of Freeburg's land and the next township road kitty corner to the west. Powell thanked Polley for the wonderful job the highway department has done, chasing signs around, etc, this spring.

Polley said there will be a change to the micro-surfacing plans. He cannot do Bluff Rd to the landfill or east of Wakonda due to too much road breakup. He will instead do from Highway 46 to the Volin Oil, 455 Ave. north of Burbank, and Timber Rd. There will be a \$75,000 addition to the contract because of wider roads, but he will not be doing any chip sealing, so there should not be any change to the department's budget.

Sheriff Andy Howe reported that the tax deed property at 919/925 W. 8th (AKA W. Chestnut) was sold to the highest bidder, Thomas Rouse, for \$5,900. Powell moved, seconded by Packard and carried to accept the bid from Rouse.

Powell moved, seconded by Packard and carried to authorize the Chairman to sign Emergency Management Director Stewart's SLA Quarterly Activity Report. Stewart gave a brief update on the status of the disaster declaration from the State and the request for a Presidential declaration. Stewart said he expects it to be a few months before FEMA inspectors could be here. He said gravel & culverts have been the main damages, and there is a ballpark estimate of \$1 million in damages, which does not count any bridges, FAS roads, or University Rd.

Karen DeLange, Alternative HRD, met with the Board to present the HR review report and make recommendations for policies and training.

Powell excused himself from the meeting at 11:20 a.m.

Sheriff Andy Howe met with the Board to discuss personnel changes within the department. He reported a deputy and his part-time administrative assistant have resigned. He would like to hire a full-time jailer and have the Jail Administrator cover some of the part-time administrative assistant's duties. This would, by Howe's projections, require a need to add approximately \$14,000 to the jail budget. Manning moved, seconded by Packard and carried to approve the hiring of a full-time jailer. Howe requested to have reserve deputy Michael Smith work as a part-time deputy to help cover some open shifts until the position is filled. The consensus of the Board was to allow the request, as the commissioners have elected to cover reserve deputies under the County's Workers Compensation Insurance, and Smith is already trained, certified, and outfitted with equipment.

Zoning Administrator Cynthia Aden met with the Board to present a plat. Aden said the plat meets zoning regulations. Manning moved, seconded by Hammond to approve the following Resolution for plat of Tract 1, Tract 2, Tract 3, Tract 4, and Tract 5 of Atkins' Addition in Section 16, Township 95 North, Range 53 West of the 5th Principal Meridian, Clay County, South Dakota; Atkins Family Limited Partnership, owner.

**RESOLUTION #2019-13
RESOLUTION OF COUNTY COMMISSIONERS**

WHEREAS it appears that the owners thereof have caused a plat to be made of the following described real property:

A plat of Tract 1, Tract 2, Tract 3, Tract 4, and Tract 5 of Atkins' Addition in Section 16, Township 95 North, Range 53 West of the 5th Principal Meridian, Clay County, South Dakota; Atkins Family Limited Partnership, owner.

Be it resolved that the Board of County Commissioners of said County has examined the same and that it appears that the system of streets set forth therein conforms to the system of streets of existing plats and section lines of said County, that adequate provision is made for access to adjacent un-platted lands by public dedication or section line when physically accessible, and that all provisions of the subdivision regulations of said County have been complied with, and that all taxes and special assessments, if any upon the tract or subdivision have been fully paid and that such plat and the survey thereof have been executed according to law, and the same is hereby accordingly approved.

Travis Mockler, Chairman
Board of County Commissioners

I, Carri R. Crum, County Auditor of Clay County, South Dakota do hereby certify that the within and foregoing is a true copy of the Resolution passed on April 30, 2019.

Carri R. Crum
County Auditor, Clay County, SD

Aden also spoke with the Board regarding a mobile home issue. The mobile home has not been moved, but the ownership was changed April 22, 2019 to the previous owner's sister. Aden said she spoke with the new owner and informed her that the mobile home still needs to be moved. She also spoke with the previous owner and explained the issues. Aden said the previous owner and current owner have expressed no interest in moving the mobile home. They have not

provided Aden a plan of action by the date she specified in her request, which was dated April 22, 2019. State's Attorney Tracy requested that the matter be tabled so she can review the matter.

Packard moved, seconded by Hammond pass and adopt the following Resolution #2019-12 for Opt Out. Roll call vote: Hammond Aye, Manning Aye, Powell Absent, Packard Aye, Mockler Aye. Motion passed.

**ATTENTION TAXPAYERS:
NOTICE OF
PROPERTY TAX INCREASE
OF \$105,000**

RESOLUTION #2019-12 FOR OPT OUT

THE GOVERNING BOARD OF Clay County Commissioners do state that the above said board is unable to operate under the tax limitation measure currently in statute in regards to the rural fire protection levy. We therefore OPT OUT of such tax limitation for purposes of raising additional tax dollars for rural fire protection in the amount of \$105,000 starting with calendar year 2019 taxes payable in the calendar year 2020. This opt out will be for 10 years, which will be through taxes payable in the calendar year 2029. This action has been taken by the board and approved by at least a two-thirds vote of the board.

This decision may be referred to a vote of the people upon a petition signed by at least five percent of the registered voters in the district and filed with the governing body within twenty days of the first publication of this decision.

Unless this action is referred to a vote of the people and reversed by such vote, this resolution authorizes the county auditor to spread an excess levy to raise tax dollars in the above stated amount.

Signed: Travis Mockler Board Chairman

Phyllis Packard Board Member

Micheal Manning Board Member

Richard Hammond Board Member

Leo Powell was absent Board Member

Attest: Carri R. Crum Clay County Auditor

Date 4/30/2019

Manning moved, seconded by Packard to pass and adopt the following Resolution #2019-08 for Reyconveyance. Vote of the Board: Mockler Aye, Packard Aye, Powell Absent, Manning Aye, Hammond Aye. Motion passed.

**RESOLUTION #2019-08
Resolution for Reconveyance**

WHEREAS Clay County holds under Tax Deed proceedings Tax Deed Document #D 139917, Book D80, Page 785, covering property described as the N 27' of 15 & S 16' of 16 Block 2, College Park, City of Vermillion, Clay County, South Dakota, according to the recorded plat thereof, and commonly known as 113 Linden Ave., Vermillion, South Dakota; and

WHEREAS Scot D. Mannschreck, 113 Linden Ave., Vermillion, SD, 57069, is the prior record owner of the above described property; and

WHEREAS SDCL 10-25-41 provides for the restoration of title to said record owner upon payment of not less than all taxes, interests and costs represented in the Tax Deed; and

WHEREAS SDCL 10-25-42 provides that the county commission may fix a higher price for the reconveyance or to annex to the reconveyance any conditions or qualifications as the county commissioners may establish; and

WHEREAS Scot D. Mannschreck has made known in public meeting with the Board of Clay County Commissioners of Clay County, South Dakota, that he intends his father to become the record owner, and has advised that his father will provide funds to pay all taxes, interest and any higher price for the reconveyance of the property that county commissioners may establish; and

WHEREAS, at public meeting on March 5, 2019, with a passing motion of the Board of Clay County Commissioners of Clay County, SD, it was declared that all taxes due on the property to date shall be paid, plus a 100% penalty shall be paid, plus all expenses that Clay County has and will incur until the transaction is finalized shall be paid, at which time a Quit Claim Deed shall be issued to Scot D. Mannschreck.

WHEREAS Scot D. Mannschreck, 113 Linden Ave., Vermillion, SD, 57069, has deposited \$22,231.57 with the Clay County Treasurer in the form of a cashier's check, and this amount represents all the taxes, interest and costs owing on said Tax Deed, as well as the higher price for reconveyance and the additional costs and expenses required to be paid by the Clay County Commissioners;

NOW THEREFORE, BE IT RESOLVED, by the Board of Clay County Commissioners, that the property be restored to Scot D. Mannschreck, and that the Clay County Treasurer is hereby authorized to issue a Quit Claim Deed thereto.

Commissioner Manning moved the adoption of the foregoing resolution. Motion seconded by Commissioner Packard.

Vote of Commission: Mockler Aye, Packard Aye, Powell Absent, Manning Aye, Hammond Aye.

Upon which voting the resolution was declared passed and adopted.

Dated at Vermillion, South Dakota this 30th day of April, 2019.

Board of County Commissioners

Clay County, South Dakota

ATTEST:

Carri R. Crum, County Auditor

Packard moved, seconded by Hammond and carried to approve the following claims for payment: April Bills: : (Payroll) Commissioner's \$6,897.49; Auditor's Office \$4,999.32; Treasurer's Office \$14,404.54; State Attorney's Office \$18,166.14; Courthouse \$2,525.41; Director of Equalization \$8,147.43; Veteran's Service \$1,323.10; Register of Deeds \$5,087.39; 24/7 \$1,766.97; Sheriff's Office \$32,434.72; Jail \$19,004.25; Emergency MGMT & LEPC \$3,387.40; Highway \$37,044.31; Nurse \$2,289.31; Extension \$2,724.72; Weed \$1,017.14; Planning & Zoning \$2,317.70; (Due to Other Governments) State of SD Game Fish \$219.00; (Payroll Withholdings) Aflac \$770.19; Colonial Life \$525.26; Consec/Washington \$24.45; Dearborn National \$224.28; Div. Of Child Support \$675.00; New York Life Insurance \$328.57; SD Retirement System \$25,922.40; SD Supplemental Retirement \$2,325.00; SDRS Roth \$960.00; United Way of Vermillion \$382.00; Vermillion Federal \$2,071.00 and Wellmark Blue Cross \$54,984.39; (Due to Other Government) State of SD Game Fish \$386.00; (Other Insurance) Mendoza, Andrew \$500.00; SD Public Assurance Alliance \$424.31 and Tri State Insulation \$250.00; (Processional Services and Fees) Avi System, Inc. \$464.87; Bureau of Administration \$2,335.59; EMS Association \$299.69; Gapp, Debra \$1,247.50; Katterhagen, Mark \$36.00; Lewno, Lucille M \$446.25; Lockwood, Darcy \$36.00; Netsys Plus, Inc. \$50.00; Pharmchem, Inc. \$885.05; Sanford Health Occupational \$46.00; SD Dept of Health Lab \$10.00; Vermillion Federal \$20.11; Yankton Co Sheriff \$150.00 and Yankton Medical Clinic \$246.30; (Law Office) Brevik Law Office LLC \$206.55; McCulloch, James E \$4,216.97; Mikelson, Gary, Attorney \$397.75; Peterson, Stuart, Klen \$6,344.48; Rhinehart Law, PC \$6,413.58 and Thompson, Craig K \$5,386.89; (Mental Health) Dakotabilities \$360.00; (Repairs and Maintenance) Bear, Inc. DBA Todd's Electric \$366.22; Ben's Handyman Service \$230.29; Canon \$90.00; Century Business Products \$30.00; Fast Auto Glass, Inc. \$320.00; Johnsen Heating Cooling \$661.18; Johnson Feed, Inc. \$123.03; Olson's Pest Technician \$209.00; Turner Plumbing Inc. \$213.01 and Vermillion Federal Credit \$60.00; (Data Processing) Bureau of Administration \$24.75; Mastel Bruce \$35.00; (Supplies & Materials) A & B Business \$168.16; Aden, Cynthia \$7.92; Bob Barker Co Inc. \$105.91; Boyer Ford Trucks \$1,264.74; Brunick Service, Inc. \$2,451.14; Bunyan's Bar & Grill \$92.50; Campbell Supply Co \$571.31; Coyote

Enterprise LLC \$12.99; Davis Pharmacy \$134.16; Fast Auto Glass, Inc. \$437.80; FedEx \$200.14; Graham Tire S.F. North \$2,891.52; Herren-Schempp \$27.00; Hy-Vee, Inc. \$20.79; Jack's Uniform & Equipment \$383.74; JCL Solutions \$374.20; Light and Siren \$5,090.00; McLeod's Printing & Supply \$200.74; Mes Companies \$32.00; Mills & Miller, Inc. \$1,722.50; North Central Rental \$6,600.00; Orr Farm Supply \$46.71; Pharmchem, Inc. \$1,211.00; Quill Corporation \$720.19; Sing-Up LTD \$23.40; Sturdevant's Auto Parts \$1,478.98; Truenorth Steel \$23,198.56; Vermillion Ace Hardware \$89.75; Vermillion Federal \$1,956.36; One Office Solution \$269.65 and Wheelco Brake and Supply \$846.88; (Copier Supplies) Quill Corporation \$65.61 and Reliance Telephone \$500.00; (Travel and Conference) Aden, Cynthia \$38.33; Howe, Andy \$85.00; Manger, Bill \$138.92; SDSU Extension Service \$39.42 and Terwilliger, Lisa \$42.00; (Inmate Travel) Brunick Service, Inc. \$275.00; (Utilities) City of Vermillion \$1,174.83; Kyte, David \$105.00; Midco Business \$210.00; Star Energy \$1,348.36; Verizon Wireless \$108.59; Verizon Wireless Sheriff \$320.08; Verizon Wireless Emg \$40.01; Vermillion Ace Hardware \$74.95; Verm/Clay Co. Landfill \$1,269.52 and Vermillion Garbage Svc \$176.00; (Payment) Brunick Service, Inc. \$1,457.81; SD Dept of Rev Anderson \$1,563.50; Hy-Vee, Inc. \$4,516.13; Sanford Health Clinic \$2,545.00; SD/NE Pls. Mgmt. Proj. \$500.00; The Soap Guys \$32.00 and Walmart Community/Geer \$126.40; (JDC/Special Eq) Clay County Ems \$90.00; Minnehaha County JDC \$10,341.89; (Buildings and Structures) Clay County Ems \$150.00; Aden, John \$400.00; Bear, Inc. DBA Todd's \$612.97 and Turner Plumbing Inc. \$250.19; (Books) Thomson Reuters – West \$510.26; (Furniture and Minor Equipment) Canon \$209.96.

At 11:58 a.m., Manning moved, seconded by Packard and carried to enter an Executive Session for personnel and legal matters per SDCL 1-25-2.

At 12:39 p.m., Packard moved, seconded by Manning and carried to exit the Executive Session.

Packard excused herself at 12:40 p.m.

Polley discussed whether he can have a private individual's drainage cleaned so that it does not continue to damage a county bridge.

At 12:52 p.m., Manning moved, seconded by Hammond and carried to adjourn and reconvene at 9:00 a.m. on Tuesday, May 7, 2019.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST: 

Carri R. Crum, County Auditor

May 7, 2019

The Board of County Commissioners met in regular session Tuesday, May 7, 2019 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Richard Hammond.

Powell moved, seconded by Manning and carried to approve the agenda with the addition of Welfare Case #C19-15.

Minutes of the April 30, 2019 meeting were approved with a motion by Manning, seconded by Powell and carried.

Emergency Management Director Layne Stewart appeared during Visitors to be Heard to report that he received one more report of damage from an individual near Burbank.

Bob Fuller appeared during Visitors to be Heard to update the Board on the progress on the Courthouse, Jail, and Law Enforcement Facility Planning Committee. Fuller reported that the committee has visited 7 other buildings in the area in addition to the in-depth tour of the Clay County facilities. The committee also met with Art Rusch, who has authored a book on the history of all South Dakota Courthouses.

Lauren Hollenbeck, 4-H Educator, met with the Board to present the Quarterly Report.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. Powell moved, seconded by Manning and carried to accept the low bid of \$2.52/gallon from Jerry's Service for ethanol blend fuel.

Polley discussed weight limits with the Board. Powell said he received a complaint that people are hauling on township gravel roads due to the weight limits on the hard surface county roads. Polley said the conditions of the roads are variable, where 3 miles might be good and then there may be an area that is not. He recommended waiting until May 13 to remove the weight limits, providing the conditions have improved. Manning said he can feel that the gravel roads are soft and can see the tracks. Powell moved, seconded by Manning and carried to wait until May 13 to remove weight limits.

Polley said he spoke with Rod Gall with the State regarding drainage near Meckling. Gall does not think anything can be done because the area is so flat, unless a lateral is installed. Hammond reviewed contours of the area and said there are many high and low spots between Jetley Park and Yankton-Clay Ditch. There was further discussion regarding a culvert that needs to be replaced. Powell said if there is a way water can be moved south, he would like to explore it. Polley asked if it would be possible to install drain tile at the corner of Jetley Park. Polley said the department will be shooting elevations from Jetley Park to Lateral 50 and cleaning corn stalks. Powell asked how expensive the equipment is to dig at the proper elevations, and Polley said it is over \$100,000 plus a subscription to the GPS systems. Polley said the department can shoot the elevations but has to hire someone to do the digging. Hammond said the contours on Pictometry are helpful, but he will need to print the maps. Powell asked if Polley if he has a

contact with the State for a 404 permit for ditch cleaning. Polley said he usually does not need a permit for this kind of ditch cleaning.

Polley reported on post-flood bridge inspections. Some are done, and the rest are underway. He said hopefully 302 St. and 306 St. will be opened within 24 hours.

Hollaway Construction wanted to move the crane in last week to begin work on the bridge at the west end of Bluff Rd. (#005-096), and Polley would not let them due to weight limits. Polley said the distance is ½ mile and asked the Board for their thoughts as he is worried the County may miss the chance for them to get started now. It was the consensus of the Board that Polley wait until the weight limits are lifted.

Zoning Administrator Cynthia Aden and Clark Larson met with the Board to present a variance request to reduce the front yard setback by 18' due to unstable ground at the building site. Acting as Board of Adjustment, Powell moved, seconded by Manning and carried to grant and approve the variance as requested.

Aden presented a variance request on behalf of Joshua and Anne Kleinhesselink. Nick Slattery from AMS Building Systems was present to represent the Kleinhesselinks. The variance request was for 50 feet from the front setback due to the slope of the lot. Slattery said the variance would allow him to shift the position of the house to utilize the slope of the land without disturbing much of the property. Acting as Board of Adjustment, Powell moved, seconded by Hammond and carried to grant and approve the variance as requested.

Welfare Director Cynthia Aden met with the Board to present Welfare Cases #C19-15 and #C19-16, for county burials. Manning moved, seconded by Powell and carried to approve Welfare Case #C19-15 as the individual met welfare guidelines. Powell moved, seconded by Hammond and carried to approve Welfare Case #C19-16 as the individual met welfare guidelines.

Manning moved, seconded by Hammond to appoint Rhonda Howe as Treasurer, effective upon retirement of current Treasurer Cathi Powell June 28, 2019. Powell recused himself from the vote. All voted aye; motion passed.

Hammond moved, seconded by Manning and carried to set date and time as May 28, 2019 at 9:30 am. for the First Reading of Ordinance #2019-01 for rezoning of Ranch Estates, Chausee, and Valley View Subdivisions in the joint jurisdiction zoning area from Agriculture to Rural Residential.

Vermillion Fire/EMS Chief Matt Callahan said he spoke with Wakonda Fire Chief Mike Pollman regarding lifting the burn ban, and road conditions have improved. Powell moved, seconded by Manning and carried to lift the burn ban effective May 13, 2019.

The Board discussed the addition of properties to the Clay Creek Ditch district. It was decided that the Director of Equalization will review the properties and the matter will be placed on the agenda for a future meeting.

The Register of Deeds, Sheriff's, and Veterans/Welfare/Zoning Offices monthly reports, and the following Auditor's Account with the County Treasurer Report were accepted and placed on file.

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 April 30, 2019.

I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks	10,765,061.35
Amount of actual cash	2,434.09
Total amount of checks and drafts in Treasurer's Possession not exceeding three days	854,733.03
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	151,000.00
Cash Variation	0.00
Total	
	Dated this 1st day of May, 2019.
	11,776,053.25

Carri R. Crum, County Auditor

At 10:19 a.m., Powell moved, seconded by Manning and carried to enter an Executive Session for legal matters per SDCL 1-25-2.

At 10:42 a.m., Powell moved, seconded by Manning and carried to exit the Executive Session.

At 10:43 a.m., Manning moved, seconded by Hammond and carried to adjourn and reconvene at 9:00 a.m. on Tuesday, May 14, 2019.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST: 

Carri R. Crum, County Auditor

May 14, 2019

The Board of County Commissioners met in regular session Tuesday, May 14, 2019 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Richard Hammond.

Packard moved, seconded by Powell and carried to approve the agenda. Packard moved, seconded by Manning and carried to add as an item of discussion the Greenfield Rd. drainage concerns.

Minutes of the May 7, 2019 meeting were approved with a motion by Manning, seconded by Powell and carried.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. The Board considered a Driveway Application from Tanner Mart on East Main St. Powell moved, seconded by Manning and carried to approve the application.

Stephanie Ufford and Joe Hubert appeared as Visitors to be Heard to request a culvert be installed due to drainage issues in their area. It was decided that the matter will be placed on the May 28, 2019 agenda.

Polley discussed weight limits with the Board and suggested that all county roads be limited to 6 tons.

Polley discussed inspection of bridges and reported that all are open with no restrictions.

It was reported that FEMA is not coming to Clay County, which means that the townships did a good job completing their disaster paperwork.

Polley discussed drainage on East Main St. and on Greenfield Rd., including the options of cleaning of ditches and installation of culverts. It was decided that the matter will be further discussed.

The Board reviewed the annual weed spraying contract. Manning moved, seconded by Packard and carried to authorize the Chairman to sign the contract.

Emergency Management Director Layne Stewart met with the Board to present a draft of the drone policy. Powell moved, seconded by Manning and carried to adopt the policy.

Hammond gave an update on Goat Island and said he spoke to the National Park Service representative. The plan is to leave Goat Island as natural as possible, but there is a possibility of adding hiking trails and camping spots. There was discussion regarding management of emergencies on the island and whether there is cell phone reception on the island. It was decided that Mockler would contact the representative as well.

Packard moved, seconded by Powell and carried to approve the following claims for payment. May Bills: (Due to Other Governments) SD Dept of Rev Anderson \$221,037.24 and SDACO M&P Fund \$304.00; (Insurance Deductible Reimbursement) Tri State Windshield \$250.00; (Professional Services and Fees) Alternative Hrd LLC \$1,850.00; Avera McKennan \$1,406.00; City of Vermillion \$156.00;

Clay County Abstract \$532.50; Ear Nose and Throat \$81.36; Gapp, Debra \$3,782.50; Hansen Funeral Home \$1,900.00; Katterhagen, Mark \$15.00; Lewno, Lucille M \$166.50; Lincoln County Auditor \$1,843.69; Lockwood, Darcy \$15.00; Pharmchem, Inc. \$713.75; Presto-X Company LLC \$78.00; Satellite Tracking \$302.25; SD Dept of Health Lab \$240.00 and Vermillion Federal \$9.96 and Yankton Co Sheriff \$100.00; (Other Professional Service) Schaeffer, Dean \$326.00 and SD Attorney General \$762.00; (Law Office) Fox & Youngberg, P.C. \$197.32; Horn Law Office, Prof. \$175.00 and McCulloch, James E \$798.10; (Mental Health) Sesd Activity Cntr \$360.00; Thompson, Craig K \$2,650.09 and Lewis & Clark Behavior \$712.00; SD Achieve \$240.00 and SD Dept of Rev Anderson \$1,601.29; (Publishing) Broadcaster Press \$368.01; Broadcaster Press \$105.00; Plain Talk \$38.75 and The Equalizer \$135.00; (Repair and Maintenance) Brunick Service, Inc. \$131.00; Buhl's Drycleaners \$24.00; Canon \$123.48; Century Business Products \$30.00; Dakota Lock & Key \$57.50; James Heating & Cooling \$267.35; Johnsen Heating & Cooling \$267.35; Kone, Inc. \$748.68; Microfilm Imaging System \$556.00; Presto-x Compnay LLC \$56.00; Taggart, Tom N \$313.50 and Turner Plumbing Inc \$97.13; (Data Processing) Mastel, Bruce \$35.00; Microfilm Imaging System \$219.00 and Software Services, Inc. \$2,000.00; (Supplies & Materials) A & B Business \$157.19; A-Ox Welding Supply Co \$478.83; Appera \$44.38; Bierschbach Equip & Supply \$278.00; Brunick Service, Inc. \$59.00; Buhl's Drycleaners \$129.00; Butler Machinery Co. \$267.71; Campbell Supply Co. \$186.88; Clay County \$50.00; Davis Pharmacy \$211.55; Diamond Mowers Inc. \$327.07; Frankcotyp-Postalia Inc. \$90.00; Jerry's Service \$2,153.99; John Deere Financial \$257.82; Lawson Products, Inc. \$579.83; Midwest Ready Mix \$538.44; Orr Farm Supply \$16.64; Pressing Matters \$104.00; Prochem Dynamics \$324.94; Quill Corporation \$317.84; Road King, Inc. \$106.88; Sooland Bobcat \$426.62; Sturdevant's Auto Parts \$216.44; 3-D Specialties, Inc. \$76.58; TrueNorth Steel \$51,197.46; Vermillion Ace Hardware \$28.96; Vermillion Ace Hardware \$89.74 and Wheelco Brake and Supply \$179.84; (Copier Supplies) Canon \$161.12 and Quill Corporation \$27.99; (Travel and Conference) SD LTAP \$300.00 and SDSU Extension Service \$85.85; (Inmate Travel) Jerry's Service \$309.78 and Pennington County Jail \$554.35; (Utilities) Bureau of Administration \$72.76; CenturyLink \$593.59; CenturyLink Emg \$13.68; City of Vermillion \$1,042.56; Clay Rural Water System \$38.30; Clay Union Electric Co \$553.93; Fischer's Disposal LLC \$50.00; MidAmerican Energy \$515.20; Midco Business \$75.00; Verizon Wireless Emg. \$80.02; Verm./Clay Co. Landfill \$1,367.95; Vermillion Garbage Svc \$60.00 and Wakonda Town \$62.65; (Payment) American Tire Distribution \$505.68; Brunick Service, Inc. \$135.95; Jerry's Service \$1,316.23; Vermillion Federal \$96.65; Wintz & Ray Funeral Home \$1,900.00; Collins, Blair \$55.04; Green, Kelly \$56.75; Hessman, Teresa \$71.00; Madsen, Larry \$50.00; Miller, Lisa \$50.00; Vesely, Brian \$71.00; Culver, Kimberly \$50.00 and Beyers, Erin \$50.00; (JDC/Special Eq.) Minnehaha County JDC \$9,200.00; (Furniture and Minor Equipment) A & B Business \$255.44; Erickson Solutions Group \$3,495.34 and Microfilm Imaging System \$185.00; (Machinery and Automotive Equipment) Vermillion Ford \$38,500.00.

At 10:59 a.m., Hammond moved, seconded by Manning and carried to adjourn and reconvene at 9:00 a.m. on Tuesday, May 28, 2019.



Travis Mockler, Chairman
Board of Clay County Commissioners

Attest:



Nicole Klunder, Deputy Auditor

Meeting May 28, 2019

The Board of County Commissioners met in regular session Tuesday, May 28, 2019 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Richard Hammond.

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

Minutes of the May 14, 2019 meeting were approved with amendment of adding hiking trails to Goat Island while keeping it as natural as possible with a motion by Hammond, seconded by Packard and carried. Minutes amended to include Culvert on 466th St. Packard motioned and Powell second. Motion passes all in favor.

Motion to move onto ditch board. Manning first amendment then Richard Hammond second.

Manning discussed ditch spots with damage that has almost blocked water from draining. Rod Polley recommends to replace cement culvert with corrugated metal 54 inch pipes in spots 468th and 319th St. and 314th and 469 St. Prairie Center does not have enough money in their account for all repairs. Mockler recommends special assessment to fix the ditches. Manning suggests pay as you go to pay for repairs. Mockler thinks an additional \$1500 will be needed to completed repairs. Manning suggested talking with land owners about the cleaning of ditches in Prairie Center. He wants to talk with the accessor's office to discuss plan and replace culverts. Last time ditch was cleaned was 10 years ago approximately.

The responsibility of Clay creek dike repair was discussed. Mockler added checking the annual minutes to see who is responsible to the next agenda.

Powell asked Larry McPherson from the highway department about road repairs. They will have to wait for the water to go down to do the repairs. The Highway Department plans on allocating money from the micro surfacing fund to the ditch repair.

First reading ordinance 2019-01 was done by Cindy Aden. One land owner objected and they were not in attendance. The 2nd reading is set for June 17th. Leo Powell motioned to approve and to go on to second reading. Packard second approval. All are in favor and motion passes.

Cindy Aden discussed the Fallen plate purchase. The land owner was in attendance. The planning commission recommend approval. Manning approved and Hammond second the approval of the plate.

Bob Fuller of the Facility Planning committee was in attendance to discuss their progress. The Committee would like to know how much detail to recommend in their reports. The recommendation include which architect, location of possible new building and so on. Manning suggested including as much detail as possible. Fuller thinks adding the recommendations will lengthen the process. Fuller suggested coming to commissions with recommendations as they decide on them. The commissioners can then approve on each before moving forward. Fuller will present to the commissioners what they have so far by the end of the June.

Cathi Powell discussed the treasurer's office need for new computers. The State is implementing a new motor vehicle system in the near future. The office's current computers will not support system. Cathi received quotes for Erickson Solution to replace 7 systems at a price of \$8300. Hammond requested more quotes for systems to compare prices. Sheriff Andy Howe has quotes from another company and will forward onto Cathi for comparison. Cathi will pay out of her current budget and request a contingency transfer at the end of year if needed. Motion passed to purchase 7 systems now by Packard first and second by Hammond. All in favor motion passes.

Ina Peterson request travel for training workshop. It is decided that Carri Crum will set in their office so it remains open and all can attend workshop. Manning approve travel and Packard second the approval. Motion approved. Eagleview completed their fly over Clay County. The company is worried about leaf count obstructing images by river. A re fly is possible once leaves are down in the fall.

The agenda was amended to add the discussion of quick claim deed 825 W chestnut St. The deed was approved at the last meeting. Mockler signed off on the deed now that the owner paid taxes on said property.

Powell discussed harassment by public on commissioners for Mockler confinements rezoning. Alexis Tracy will look into legal ways to minimize it. Packard asked to set time limits for speaking at the next meeting discussing the Mockler confinement rezoning. Tracy will look in this and discuss the matter with more detail at the next meeting.

Mockler stated chairpersons met from Beresford district and it was decided the counties will receive revenue from any new livestock from the new Turkey Hatchery going forward. Cindy was informed and will do proper paperwork if revenue is received. This applies to all new confinements in the county.

Lanye Stewart said everything was sent to the President requesting disaster relief due to flooding. He will inform commissioners of when the meeting with townships will take place discussing this.

RESOLUTION #2019-14

Auditor/Treasurer Outstanding Checks Cancellation

WHEREAS, the Board of Clay County Commissioners may by resolution cancel warrants or checks that have not been presented for payment at any time within one (1) year of the date on which the warrant or check was issued,

NOW THEREFORE BE IT RESOLVED, that the Board of Clay County Commissioners hereby authorize the cancellation of checks and warrants of record, in the Clay County Auditor and Treasurer's Office that have not been presented for payment within the one (1) year of the date of the said checks or warrants, for \$713.87 in Auditor's Warrants & \$285.23 in Treasurer's Checks and that the Auditor and Treasurer Office's shall make note of such cancellation in the Warrant and Check Register, respectfully. (List on File in the Auditor's Office)

Dated this 28th day of May, 2019, at Vermillion, South Dakota.
 Commissioner _____ moved for the adoption of the foregoing resolution,
 motion seconded by Commissioner _____.
 Vote of Commission: Ayes _____ Nays _____.
 Upon which voting the foregoing resolution was declared, passed, and adopted.
 Board of County Commissioners
 Clay County, South Dakota

 Attest: Travis Mockler, Chairman

 Carri R. Crum, County Auditor

Powell moved followed by Packard to adapt Resolution #2019-14 to Cancel Outstanding Checks. Vote of the Board: Mockler Aye, Packard Aye, Powell Absent, Manning Aye, Hammond Aye. Motion passed.

RESOLUTION #2019-15
Mobile Homes Moved to Uncollectible Tax List

WHEREAS, pursuant to SDCL 10-22-32, the Board of Clay County Commissioners may by resolution after examination of unpaid tax list, transfer to the uncollectible tax list. NOW THEREFORE BE IT RESOLVED, that the Board of Clay County Commissioners hereby authorizes the Clay County Treasurer by Resolution to move the following Mobile Homes to the Uncollectible Tax List, as in their judgment these mobile home taxes cannot be collected. (Further collection effort not required.)

List of the Mobile Homes to be moved to the Uncollectible Tax List located in Clay County Treasurer's Office are as follows:	TAXING DISTRICTS	AMOUNT DUE
TAXPAYER		
Forster, Harlan or Connie	County, Vermillion City, Vermillion School District	\$271.89
Harbor Landing Channel	County, Vermillion City, Vermillion School District	\$90.82
Petersen, Derrick or	County, Vermillion City, Vermillion School District	\$41.41
Clifford, Colleen M.	County, Vermillion City, Vermillion School District	\$158.49
Young, Paige or Ludine	County, Vermillion City, Vermillion School District	\$113.35
Peck, Mellissa	County, Vermillion City, Vermillion School District	\$113.69
Carlson, Roy	County, Fairview Township, Vermillion School District	\$496.65
Greeley, Howard	County, Vermillion City, Vermillion School District	\$218.44

Haken, Richard or Amy	County, Vermillion City, Vermillion School District	\$219.44
Rappold, Matthew L.	County, Vermillion City, Vermillion School District	\$137.58
Vennard, Wayne R.	County, Vermillion City, Vermillion School District	\$224.10
Wilber, Russell	County, Vermillion City, Vermillion School District	\$85.23
Atchison, Brian	County, Vermillion City, Vermillion School District	\$557.61
Baker, Marlene F.	County, Vermillion City, Vermillion School District	\$209.96
Cooper, Brent Alan	County, Vermillion City, Vermillion School District	\$155.11
Hughes, Ashlei	County, Vermillion City, Vermillion School District	\$148.28
Pickell, Ronald D. or Cynthia A	County, Vermillion City, Vermillion School District	\$370.96
Pratt, Will	County, Vermillion City, Vermillion School District	\$167.49

Powell moved followed by Manning to adapt Resolution #2019-15 for Uncollectible Mobile Homes. Vote of the Board: Mockler Aye, Packard Aye, Powell Absent, Manning Aye, Hammond Aye. Motion passed.

RESOLUTION # 2019-16

FUND TRANSFER BE IT RESOLVED by the Clay County Board of Commissioners the transfer of funds from the General Fund (10100) in the amount of \$616863.50 to Highway Fund (20100) and \$33039.50 to the Emergency Management Fund (22600) as levied for in the 2019 Budget.

Motion by Commissioner seconded by Commissioner .

Vote of the Board:

Packard , Manning , Hammond , Powell , Mockler . Motion carried.

Dated this 28th day of May, 2019.

Board of County Commissioners
Clay County, South Dakota

Travis Mockler, Chairman
ATTEST:

Carri R. Crum, County Auditor

Powell moved followed by Manning to adapt Resolution #2019-16 for Fund Transfers. Vote of the Board: Mockler Aye, Packard Aye, Powell Absent, Manning Aye, Hammond Aye. Motion passed.

Hammond moved followed by Manning to adapt Motion to assign 10% of 2018 911 Revenue (\$8,585) for 911 equipment replacement fund. Vote of the Board: Mockler Aye, Packard Aye, Powell Absent, Manning Aye, Hammond Aye. Motion passed.

FIREWORKS PUBLIC DISPLAY PERMIT
A PERMIT TO OPERATE A DISPLAY OF FIREWORKS

Name of Applicant: Fireworks Unlimited, Inc. Phone: 605-670-0757

Address: 703 Valley View Dr. City: Vermillion State: SD Zip: 57069

PERSONS ACTUALLY IN CHARGE OF FIRING THE DISPLAY:

Name: Tom Taylor Address: 703 Valley View Dr. City: Vermillion State: SD Zip: 57069

Name: Dennis Andersen Address: _____ City: _____ State: _____ Zip: _____

Date of Display: 7-6-19 Time of Day: 9:30

Exact Location of Display: 4551 River Dr. (Near Highline Landing)

TYPES OF FIREWORKS: U.S. Consumer Product Safety Commission CFR Title 16-1507-1998
American Pyrotechnics Association STD 87-1-1993

Display Fireworks

Consumer Fireworks

I, Thomas J. Taylor, declare and affirm under the penalty of perjury that this Fireworks Display Permit has been examined by me and to the best of my knowledge and belief is true and correct.

Dated this 20th day of May, 2019.

Thomas J. Taylor
Signature of Applicant

Subscribed and sworn to (or affirmed)

Before me this 20th day of

May, 2019.

Carri R. Crum
Notary Public



My Commission Expires: 3-21, 2023.

Permit Authorized By: _____

Title: _____

Location of Issuing Authority: _____

Date: _____

Issued subject to all applicable laws and regulations, SDCL 34-36, SDCL 34-37 and National Fire Protection Association Pamphlet #1123 (1995 Edition). This permit may not be reassigned or transferred.

Powell moved followed by Hammond to approve the Fireworks Display Permit Request from Fireworks Unlimited. Vote of the Board: Mockler Aye, Packard Aye, Powell Absent, Manning Aye, Hammond Aye. Motion passed.

Powell moved followed by Packard to approve SD Department of Health Contract Renewal for WIC Services. Vote of the Board: Mockler Aye, Packard Aye, Powell Absent, Manning Aye, Hammond Aye. Motion passed.

May 24, 2019

The Honorable Elaine L. Chao, Secretary
United States Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590
Dear Secretary Chao:

I strongly support the South Dakota Department of Transportation's Better Utilizing Investments to Leverage Development (BUILD) grant application to reconstruct and shoulder-widen the SD 46 segment from US 81 to west of I-29.

The project reconstructs a 30-mile rural road segment connecting Clay County, the City of Vermillion, the City of Yankton, and several other smaller towns to I-29 and Sioux Falls. The state is requesting \$25 million in grant funding for a project with a total cost of \$54.6 million. This project improves infrastructure condition, addresses public health and safety, promotes regional connectivity, and facilitates economic growth and competitiveness. It furthers the grant selection criteria of safety, economic competitiveness, quality of life, state of good repair, and partnerships with stakeholders.

Thank you for any assistance you can provide in funding this grant. If you have any questions or need additional information, please contact SDDOT Secretary Darin Bergquist.

On Behalf of the Board of Clay County Commissioners,

Travis Mockler
Chairman

Manning moved followed by Hammond to approve Letter Regarding SD Hwy. 46 Grant. Vote of the Board: Mockler Aye, Packard Aye, Powell Absent, Manning Aye, Hammond Aye. Motion passed.

Packard moved, seconded by Hammond and carried to approve the following claims for payment: May Bills: (Payroll) Commissioner's \$6,874.36; Auditor's Office \$4,999.29; Treasurer's Office \$14,404.53; State Attorney's Office \$18,166.11; Courthouse \$2,525.40; Director of Equalization \$8,186.42; Veteran's Service \$1,323.09; Register of Deeds \$5,087.39; 24/7 \$1,787.52; Sheriff's Office \$26,302.63; Jail \$17,373.22; Emergency MGMT & LEPC \$3,717.29; Highway \$37,654.50; WIC \$2,289.29; Extension \$2,724.72; Weed \$2,323.96; Planning & Zoning \$2,261.88; (Due to Other Government) State of SD Game Fish \$713.00 and Thomson Reuters – West \$510.26; (Payroll

Withholdings) Accounts Management \$522.60; Aflac \$770.19; Colonial Life \$525.26; Conesco/Washington \$24.45; Dearborn National \$220.08; Div of Child Support \$675.00; New York Life Ins. \$328.57; SD Retirement System \$25,660.08; SD Supplemental Retirement \$2,325.00; SDRS Roth 457 Plan \$935.00; United Way of Vermillion \$382.00; Vermillion Federal Credit \$2,571.00 and Wellmark Blue Cross \$53,946.65; (Other Insurance) SD Public Assurance \$112.20; (Professional Services and Fees) Avera McKennan Hospital \$1,406.00; Billings, John P \$3,491.25; Lewno, Lucille M \$361.50; Lockwood, Darcy \$39.00; Netsys Plus, Inc. \$107.00; Olson's Pest Technician \$209.00; Security Shredding Svc \$35.00 and Yankton Medical Clinic \$216.75; (Law Office) Blackburn & Stevens LLC \$458.50; Fremont County \$48.84; Katterhage, Mark \$39.00; Peterson, Stuart, Klen \$6,667.23 and Rhinehart Law PC \$5,000.00; (Repairs and Maintenance) Baldwin, David L \$50.00; Brunick Service, Inc. \$50.00; Olson's Pest Technician \$80.00 and Turner Plumbing Inc. \$170.41; (Supplies & Materials) Barco Municipal Products \$2,944.27; Benco Products Inc. \$256.61; Bob Barker Co Inc. \$200.48; Brunick Service, Inc. \$153.00; Butler Machinery Co. \$28.93; Campbell Supply Co. \$226.31; Clay County Abstract \$426.00; Concrete Materials \$2,275.35; Coyote Enterprise LLC \$55.97; Data Spec LLC \$449.00; Graham Tire S.F. North \$518.00; John Deere Financial \$371.48; Lawson Products, Inc. \$406.96; Lyle Signs, Inc. \$4,107.63; Pressing Matters \$31.00; Prochem Dynamics \$116.42; Quill Corporation \$126.99; Road King, Inc. \$54.39; Sturdenant's Auto Part \$18.54; Think605 \$180.60; 3-D Specialties, Inc. \$4,520.13; TrueNorth Steel \$44,215.64; Vander Haag's, Inc. \$64.98; Vermillion Ace Hardware \$118.82; Vermillion Ace Hardware \$4.98; Walmart Community/Gecr \$45.07; One Office Solution \$55.96 and Yankton Janitorial Supply \$572.90; (Travel and Conference) Best Western Ramkota \$929.93; Crum, Carri R \$42.00; Howe, Rhonda \$42.00; Ramkota Hotel \$202.00; SD Retirement System \$.32; Stewart, Layne \$52.92; (Utilities) City of Vermillion \$588.38; Verizon Wireless \$54.29; Verizon Wireless Sheriff \$320.08 and Verm/Clay CO. Landfill \$1419.38; (Payment) Brunick Service, Inc. \$180.90; Sanford Health Release \$23.53; Walmart Community/Gecr \$126.40; Collins, Blair \$55.04; Hessman, Teresa \$71.00; Madsen, Larry \$50.00; Miller Lisa \$50.00; Rolfes, Susan \$53.36; Vesely, Brian \$71.00; Zimmer, Allen \$50.00; Culver, Kimberly \$50.00 and Beyers, Erin \$50.00; (JDC/Special Eqp.) Jack's Uniforms & Equipment \$989.99; (Buildings and Structures) Johnsen Heating & Cooling \$220.00; (Furniture and Minor Equipment) Canon \$209.96; Erickson Solutions Group \$1,311.00; Microfilm Imaging System \$120.00.

At 11:02 a.m., Manning moved, seconded by Hammond and carried to adjourn and reconvene at 9:00 a.m. on Tuesday, June 4, 2019.



Travis Mockler, Chairman
Board of Clay County Commissioners

Attest:

Jessica Beringer, Deputy Auditor

June 4, 2019

The Board of County Commissioners met in regular session Tuesday, June 4, 2019 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 May 28, 2019 meeting were approved with a motion by Manning, seconded by Hammond and carried.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. There was discussion regarding drainage in the Greenfield Rd. area and near Meckling. It was decided that a tour of roads should be scheduled June 25, 2019.

Manning moved, seconded by Packard and carried to approve Clay Creek Ditch minutes.

Manning moved, seconded by Powell and carried to schedule a Ditch Board meeting for July 9, 2019, and letters will be sent out.

There was discussion regarding a letter sent on behalf of the Board of Commissioners to the Army Corps. of Engineers requesting technical assistance for areas of concern with possible flooding from the Missouri River. It was reported that there will be a conference call at 3:00 p.m. to discuss further details.

Packard moved, seconded by Hammond and carried to have Emergency Management Director Layne Stewart draft a letter to the Natural Resources Conservation Service (NRCS) to help with funding for residents along the Vermillion River.

The Veterans/Welfare/Zoning and Sheriff's Office monthly reports were accepted and placed on file.

Manning moved, seconded by Hammond and carried to enter an Executive Session for legal matters per SDCL 1-25-2. Mockler excused himself from the meeting prior to Executive Session.

At 10:54 a.m., Manning moved, seconded by Hammond and carried to exit the Executive Session, to adjourn, and to reconvene at 9:00 a.m. on Tuesday, June 11, 2019.



Travis Mockler, Chairman
Board of Clay County Commissioners

Attest:



Nicole Klunder, Deputy Auditor

June 11, 2019

The Board of County Commissioners met in regular session Tuesday, June 11, 2019 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Richard Hammond.

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

Minutes of the June 4, 2019 meeting were amended to reflect that Mockler left the meeting prior to the Executive Session and approved with a motion by Manning, seconded by Hammond and carried.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. He discussed a washout near the Dakota St. bridge. It was discussed that rip rap will need to be placed along the bank, and the Board discussed with Emergency Management Director Layne Stewart who might be responsible for the cost.

Polley also updated the Board on culverts, gravel purchasing, and road closures. He reported that SD Local Transportation Assistance Program (SDLTAP) will be visiting the county to advise him on some of the damaged roads. He discussed a damaged dike along the Volin Road.

Cathi Powell and Rhonda Howe met with the Board to discuss computer purchases and personnel in the Treasurer's Office. Cathi said she got quotes, and Erickson Solutions Group was the least expensive, so she has ordered the computers. Rhonda has hired Jeff Kleeman, and he will start June 24, 2019 at \$14.98/hour (17/1 on the pay scale). They also discussed upcoming tax deed property sales. It was discussed that the properties will be sold all at once in August rather than advertising and selling each one individually. Powell moved, seconded by Packard and carried to declare the Treasurer's Office computers surplus and authorize the sale.

Packard moved, seconded by Manning and carried to approve the following claims for payment. June Bills: (Due to Other Governments) SD Dept of Rev \$270,079.00; SDACO – M&P Fund \$398.00 (Insurance Deductible Reimbursement) Ganschow, Dennis \$500.00; (Other Insurance) Jensen Insurance \$544.00; (Professional Services and Fees) Avera McKennan \$703.00; Avera University \$199.26; City of Vermillion \$312.00; Dakotah Reporting Agency \$615.50; Davis Pharmacy \$188.32; Ear Nose and Throat \$104.41; Empco, Inc. \$75.00; Erickson Solutions Group \$1,499.00; Houska DDS, Randy \$374.00; Lewno, Lucille M \$166.50; Lincoln County Treasurer \$1,222.06; Lockwood, Darcy \$15.00; Netsys Plus, Inc. \$71.25; Office Systems Company \$325.52; Pharmchem, Inc. \$571.00; Price, Thomas L. Inc. \$500.00; Satellite Tracking \$305.50; SD Dept of Health Lab \$935.00; Tigert Art Gallery \$100.00; Ulteig \$2,144.26; Yankton Co Sheriff \$100.00 and Yankton Co Treasurer \$451.50; (Other Professional Service) SD Attorney General \$504.00 and Yankton Co Sheriff \$1,400.00; (Law Office) Katterhagen, Mark \$15.00; Kennedy, Pier & Knoff \$602.50; Kogel, Linda L \$430.80; Lambeth Law Office LLC \$780.20; Mikelson, Gary E \$271.25; Peterson, Stuart, Klen \$546.00; Reed Law Offices \$95.00; (Mental Health) SD Dept of Rev \$1,354.88; Lewis & Clark Behavior \$534.00; SD Achieve \$240.00 and SESD Activity Center \$360.00; (Publishing) Broadcaster Press \$655.38; Broadcaster Press \$165.00 and The Equalizer \$96.00; (Repairs and Maintenance) Buhls

Drycleaners \$172.50; Canon \$123.48; Concrete Materials \$1,773.97; Hollaway Const. Co. \$100,00.00; Johnsen Heating & Cooling \$258.00; Johnson Feed, Inc. \$104.33; Office Systems Company \$329.72; Presto-X Company LLC \$134.00; Road King, Inc. \$800.00 and Turner Plumbing Inc. \$86.50; (Data Processing) Bureau of Administration \$24.75; Erickson Solutions Group \$13,554.46 and Microfilm Imaging System \$775.00; (Supplies and Materials) A & B Business \$427.96; A-Ox Welding Supply Co. \$176.65; Appeara \$64.56; Blue Tarp Financial \$234.99; Bob Barker Co Inc. \$175.92; Brunick Service Inc. \$2,417.16; Buhls Drycleaners \$20.00; Campbell Supply Co. \$169.58; Concrete Materials \$4,809.10; Davis Pharmacy \$8.99; Diamond Mowers Inc. \$769.01; FedEx \$88.54; Hollaway Const. Co. \$7,782.18; JCL Solutions \$416.91; L.G. Everist, Inc. \$2,192.43; Neopost USA INC \$36.51; North Central Rental \$1,650.00; Office Elements \$92.64; Office Systems Company \$158.75; Pressing Matters \$31.00; Riverside Hydraulics \$200.00; Road King, Inc. \$3,700.00; Sanford Health Clinic \$27.89; Sturdevant's Auto Parts \$3,685.41; TrueNorth Steel \$174,217.62; Vermillion Ace Hardware \$215.90; VFW Post #3061; One Office Solution \$121.94; Wieman Construction \$538.51; Yankton Janitorial Sup \$1,191.60 and Zee Medical Service Co \$102.15; (Copier Supplies) Canon \$161.12; (Travel and Conference) Christensen, Laura \$92.00; Lunn, Gene \$514.80; Peterson, Ina \$92.00; SDAAO \$750.00; SDSU Extension Service \$85.85 and Stewart, Layne \$33.68; (Inmate Travel) Brunick Service, Inc. \$392.84 and Pennington County Jail \$242.05; (Utilities) Bureau of Administration \$80.89; CenturyLink \$593.59; CenturyLink Emg \$13.69; City of Vermillion \$1,302.93; Clay Rural Water System \$64.80; Clay Union Electric Company \$563.74; Fischer's Disposal LLC \$50.00; Manger, Bill \$92.00; MidAmerican Energy \$225.00; Midco Business \$285.00; Stewart, Layne \$150.00; Vermillion Garbage SVC \$236.00 and Wakonda Town \$66.90; (Payment) American Tire Distribution \$126.42; Brunick Service, Inc. \$1,266.95; Clay Co Historical Society \$500.00; SD Dept of Revenue \$541.86; Hy-Vee, Inc. \$3,289.33; Southeastern SD-DTA \$510.00; Stone, Jim \$475.00; Subway \$148.17; Two Way Radio Solution \$95.00; Vermillion Federal \$120.25 and Woodbury Co. Sheriff \$43.00; (JDC/Special Eqp.) Clay County EMS \$15.00; (Books) Thomson Reuters – West \$399.05; (Furniture and Minor Equipment) Microfilm Imaging System \$185.00; (Automotive) Brunick Service, Inc. \$72.46.

The Board discussed July 5 due to July 4 being on Thursday. Powell moved, seconded by Manning and carried to close the Courthouse on July 5, 2019 as well as the holiday.

The meeting recessed until 9:30 a.m.

Packard called the meeting back to order with the Board of County Commissioners acting as Board of Adjustment. Mockler excused himself from the meeting. Packard gave lengthy instruction as to how the meeting would be conducted and opened the public hearing for the Living Rivers Group to present its appeal.

Suzanne Skyrn, Co-Chair of the Living River Group of the Sierra Club, said the club found problems with the conditional use permit application from Travis Mockler, and the proposal. In the March 25th Conditional Use Permit Application, she said, there were not enough details, and as of the April 29th meeting, where the application was approved, there were still details lacking. When asked whether the Zoning Administrator or any member had personally inspected the site,

no one answered in the affirmative. Skrym said, regarding Animal Feeding Operation (AFO) or Concentrated Animal Feeding Operation (CAFO), the letter from Jeff Loof of the Natural Resources Conservation Service (NRCS) said he declined to make a determination and suggested Mockler request a determination from the Department of Natural Resources (DENR). She said the Zoning Administrator implied the applicant had followed up, but an e-mail from Kent Woodmansey of the DENR did not indicate the follow-through. She said on April 15th, citizens tried to supply information such as topographical maps and photographs, but DENR declined to intervene and claimed the applicant substituted e-mail from Woodmansey as determination of AFO status, but said it defies logic and topography with this spring's weather. At the April 29th Planning & Zoning Commission, she said the Zoning Administrator falsely implied the DENR determination was based on information she provided at a previous meeting. Manure application maps are incomplete and failed to delineate setbacks from the Vermillion River, flood plain, and NRCS area. She said Mockler previously stated that pasture grass would stop runoff to waters of the state and presented March 8th photographs of the grassland condition in the pasture. Skrym said topographical maps show the site 50 ft. above the flood plain, but Mockler claimed it was 150 ft. She said drainage to the south and west would flow to the river. Powell asked if the appeal was the information submitted April 11th or the packet received this morning. Skrym replied it was this morning. State's Attorney Alexis Tracy cited the timeline for appeals, and suggested this morning's information be considered additional information. Skrym said as a commissioner and a representative on the Planning & Zoning Commission, Mockler pushed changes to the zoning ordinance to allow expansion of small to medium operations without setbacks, and it is a conflict of interest. She said there were failures of transparency and cited conflicts on the Planning & Zoning Department's website for meeting dates. Skrym said the March 25th meeting ended with a referral to the State's Attorney, and the State's Attorney said she lacked the authority to make a determination. Skrym said the role of the Zoning Administrator is to impartially apply zoning regulations based on facts and to protect ground and surface waters, but said that Zoning Administrator Cynthia Aden said she relies on applicant statements with no independent verification. Skrym said Aden claimed at the March 25th meeting this was the first application she worked on since the ordinance, but at the April 29th meeting a planning commissioner said it was the third. Skrym also said Aden told her no new information would be added after the March 25th meeting, but new information, such as a map, was added at the April meeting. The Living River Group said their items of concern should be reversed, and the group does not believe the site is good based on what is proposed. Skrym said there is potential to have almost 3,000 animals on site, which creates a lot of manure and urine. She gave maps to the Board of Adjustment.

Packard announced that Zoning Administrator Cynthia Aden would now have the opportunity to speak. Aden responded to the claims. She said the Living River Group wished the Planning Commission & Zoning Administrator would put things into place for AFOs and CAFOs, but she does not get to do that. It requires a change in ordinance. Aden said she did not present new information at the April 29th meeting. Those things were available at the meeting, but the motion was made to refer it to the States Attorney before she could present them. She clarified that the first 2 CAFO applications were done under old zoning regulations and were what prompted the changes in ordinance. She said the changes were not pushed by Mockler or anyone on the

Planning Commission. The changes were pushed by her, and she is solely responsible for that. Aden said there were never any documents presented to her or the Planning Commission by the Living River Group; maps were never presented prior to the present hearing. Aden said the photographs of Mockler's site were taken in the winter; grass does not grow here in the winter. Aden referred to accusations made regarding false statements. She said she does not regularly engage in lying, does not intend to start now, or intend to in the future. Aden said the claim that the animal numbers of the two AFOs should be combined is false. She said the zoning regulations do not combine species. She does not get to add them together as the rules are written. That would require changes to the regulations. Aden said she has received a couple letters from the Sierra Club, and she used the letter given the first time as the group's appeal because she understood that was what the Sierra Club wished for her to do. She said, regarding the claim that there was a lack of application details, she gets to decide how she looks at things, looks at the file, and develops the file. She said the Sierra Club was vague. She had asked Mockler to prepare a plat regarding the site, which is a legal document that delineates that site. It is a farm, so there are no lots & blocks such as in city legal descriptions. Aden said she was presented evidence that the buildings would be hoop barns, open buildings, which will be situated where they need to go when the time comes. Regarding the letter from NRCS, Aden said in the process of changing zoning regulations the NRCS agreed to provide a letter that could be used, but NRCS would now not provide a letter of determination and instead said to talk to DENR. Aden said both she and Mockler spoke to Woodmansey, and she sent information via e-mail. Now she knows that this part of the regulations will not work because NRCS will not provide a letter, but regulations state because one part of the ordinance is not valid, it does not negate the rest, so it does not stop Mockler's application. The Mocklers are expanding an existing operation, which provides subtle differences in the regulations. Aden referred to the last paragraph of Woodmansey's e-mail where the Sierra Club said he needs to present the information. She said during the February 27th e-mail, as she was working on Mockler's application, she discussed his claim as well as what she can do in the future. The paragraph cited by the Living River Group is discussing a future work product and has nothing to do with Mockler's application. Aden said manure application is a question the Sierra Club asks about frequently, but the County does not regulate manure, there is just a manure setback table in the regulations. Manure is regulated by another agency. However, Mockler provided pictures of areas where manure might be spread. As for notices, Aden said she has complied with regulations. She said the Sierra Club can always contact her instead of relying on the website. She said she and the Planning Commission have never been contacted. Aden said the website is not spectacular and does not have a lot of space for things, and she is only required to post notice 24 hours in advance. It says to contact her to be put on an agenda. Aden said she has not added to any of the documents, except the findings which is required to be added. She said the findings has addressed every regulation that applies to the particular application, and the Planning Commission has been using this particular findings document format for approximately 3 years.

Manning asked about letter from NRCS in the regulations. Aden said NRCS will not provide it, although they agreed to it when the regulations were being formed, and applicants will have to go to the DENR anyway, regardless.

Packard said anyone wishing to speak in support of the appeal request will have 5 minutes each, for a total of 30 minutes.

Kelly Dilliard said she specifically asked about the Woodmansey letter and pointed out the list of things he said should be included. She said she brought it up at meetings, but Aden never said it was part of a completely different discussion. Dilliard said the lack of transparency was a problem. She said at every meeting the Sierra Club had maps and photographs and were told they could not submit them at the meetings. Powell asked who told them that. She said Aden and the Planning Commission. Jay Bottolfson, Chairman of the Planning Commission, said no board member refused to take information. Dilliard claimed Bottolfson was not at the meeting. Powell asked Auditor Carri Crum if the document provided this morning was ever received prior to today, to which she said no.

Skyrm said at the March meeting she showed a map and asked Mockler where the barns will be, and Mockler showed her. She said she asked about runoff, and he said there would not be runoff, which is hard to believe because of slope. Skyrm asked permission to show the map, and the Planning Commission said it was ok, but she was never asked to submit it. Powell asked Vice-Chair Packard for permission to see the map, and he reviewed it. Hammond asked Skyrm if she offered the document to the Planning Commission, to which she replied no. She said she figured if they wanted it, they would ask for it.

Sharon Gray said she has been to a lot of meetings when the regulations were formed where they were told there would always be an opportunity to appeal. She pointed out that is what they are doing now. Gray said she appreciates the work everyone is doing, and no one is trying to be contrary or snotty. They are just pushing back with the appeal.

Tim Shriner said it seems the Board sets an example for how residents of the county should adhere to rules and regulations. He said there is disagreement about how the regulations have been followed, and the board should have all i's dotted and t's crossed. He said it does not seem like that has been done. He said it looks vague at best, that the board has taken Mockler's word at face value. Shriner said water is precious, and not requiring more of the applicant puts them in danger of making a mockery of their own rules.

Dr. Charles Yelverton said he has not been involved in particulars of the present situation, and his concern is about water quality. He said people already know the Vermillion River is not very clean, and runoff will get worse. Yelverton said bigger operations affect all of us, and health-wise water is our most precious commodity, so everyone needs to do due diligence and get this matter ironed out better.

Jerry Wilson said it is not true that the Sierra Club did not provide information. After the March 25th hearing, they submitted a letter of appeal without as much detail. Wilson said that Aden said she was the driving force behind changes to the ordinance, and shortly after he left the County Commission she told the Board the ordinance was confusing and needed clarification from the Planning Commission. Then, he said, Mockler proposed major sweeping changes, including no limit on size or limitation over aquifers. He said the new document was approved as a matter of compromise, that no one was particularly happy with it, but it was what we had. Regarding

Mockler's statement at the January hearing at which rezoning of the property from NRCS to Ag occurred, Wilson said Mockler stated his pasture grass would contain runoff, which grossly misrepresented the fact. Wilson cited photos taken March 18th from 305 St. right-of-way showing the grassland. He said this spring we got 3 inches of rain on top of frozen ground, which is becoming a frequent occurrence, and the idea that there would be no runoff is absurd. He cited Woodmansey's letter and said there would be discharge to waters of the state, that to suggest otherwise is to put your head in the sand and believe pseudoscience. Wilson pointed out Section 11.04 of the zoning regulations, saying plans shall be drawn to scale and show detail. He asked if all existing and proposed buildings and the dimensions of proposed buildings have been presented. Wilson discussed regulations for adjoining animal feeding operations and said it applies to this. He mentioned the NRCS director's letter where he declined to make a determination and said in ordinance said letter "shall" be determined. Wilson said since there is no letter, this means they cannot legally approve the permit.

Cindy Struckman-Johnson referred to winter photos and said the condition of the pasture is what happened during the grazing season. The grass was low and trampled down during grazing season.

Laurie Brown cited the design of manure management and said the application failed to provide details for manure storage, only that it would be stored in buildings and disposed of twice a year. A waste management system was not provided as part of the process.

Packard said the Board of Adjustment had not received any other written information other than what was received this morning. Powell asked State's Attorney Alexis Tracy, regarding Section 11.04 under conditional use permits, what exactly does it say? Tracy read the section, including a general note regarding exceptions.

Wilson asked that items D and E in the section are addressed as relevant. Aden said the Planning Commission has listened to comments of people who attended the hearings, considered findings, and recommended approval, and it is up to Board of Adjustment to determine if they have followed the rules. She said what she considers a site plan is different than what the Sierra Club considers a site plan, and information differs depending on the project. It is up to her interpretation and what she feels is sufficient. What she wants to know for an AFO is where the animals are being kept. Animals cannot go outside of boundaries delineated on the plat. Aden said the proposed buildings are not truly a structure. They are canvas. She said she makes a habit of believing applicants coming into her office, that they do not lie to her as they have to pay money and go through a significant process. Manning asked about dimensions of the proposed buildings. He said he has been around hoop barns and knows how they operate. Manning said, if within that area is where livestock will be, within the platted area, he understands why there is not a specific size of building. He said he assumes buildings will be permanent, and when they are built, they will know the precise spot within the specified area. Hammond said he is a little concerned because there are a number of different types of hoop barns. He cited a particular example of one he is familiar with, and that one is 2/3 covered, and 1/3 not covered, with crushed concrete as a floor. He said he thinks Mockler will use corn fodder. Aden said it will be dry bed pack, a new concept, and manure will be under cover in the barn. She said bed pack is a

natural material that can be spread on the field. Hammond asked if a million gallons will be absorbed in bed pack. Aden said it is designed to contain the majority, but the site has been set up to have land buffers on all sides. Hammond asked when building is scheduled to happen. Aden said it is not yet scheduled. Hammond asked about a pole barn vs a hoop barn construction. Mockler said the plan for the cattle was a pole barn, but it could change to a hoop barn. Hammond asked if it will have bed pack as well and cited that 1/5 of the site area is under Aquifer Protection Overlay (APO) zone B. Mockler reviewed the map to clarify the specifics of the site area of zone B. He said none of the livestock would go in the specific area, and the current livestock are not in that area. Mockler said during the Planning Commission process he addressed where the buildings would likely be, but the contractor will tell him where to place the buildings to maximize sunlight. He said he cannot go west because of aquifer protection, cannot go south or north, and the neighbor to the east signed off on it. Hammond asked that there be a better layout, and he would ask that of any applicant. He said it was omitted, and it should have been provided to the Planning Commission. Mockler said those questions were answered to Skyrn and to the Planning Commission during its meetings. Bottolfson said he asked Mockler to pinpoint the location of buildings on the map, and Mockler did that. Hammond said he thinks including that would have put a lot of minds to ease. Aden said Mockler provided answers in the Planning Commission meetings, and she had the information necessary to make the decision that the buildings were in an appropriate place on the site.

There was discussion regarding who had visited the site. Powell said he has been on the site personally in the past regarding drain tile, and Manning said he had been there. Tracy said there is case authority regarding the matter; had a member of the commission been to the site and offered information for the record, there needs to be a record of that. Hammond said he wrote a one-page research report he did independently. He said placement of the building was one point in it.

Mockler asked if proponents could speak, which was granted. Sandy Strom spoke as a proponent. She said she has been in farming over 50 years and knows some of the opponents mean well. She said her land adjoins the Vermillion River, and in the instance of runoff, there would be a lot of dilution of it. Strom said she is fully in favor of application, opponents should be supporting small family farms, and they should be more careful in their objections because a lot of what was said is not true. She said no one builds a house and knows to the inch where it will be. She thinks a lot of the issue is trivial and not necessary to question. Mockler said what is not mentioned is that 30 acres of the area south of the building site has been restored to pasture. Mockler said he never said it would hold the water, just that it would filter it. He said it is not typically grazed down that far. Mockler said he followed the ordinance; people may not like the current ordinance, even he doesn't like it, but it is what we have. At the end of the day, he said, what matters is that he followed the ordinance.

Packard asked Hammond if he would like to be recognized on his questions. He passed out information to be placed in the file. Hammond said he finds the permit is incomplete or incorrect pertaining to Section 11.04 for the site plan. In summary, he cited APO zone B, said the floodplain map should identify the property, manure application maps should be more accurately

defined, location and design of the buildings should be provided, and discussed DENR animal unit guidelines. Packard asked for comments or questions from other commissioners. Manning asked Hammond if he thinks Mockler should have to have two permits. Hammond cited Woodmansey's letter. Manning said there are existing operations, so they are expanding from small to medium. Hammond also said he thinks it is incorrect to say the pasture is a buffer. He said he has a number of photos to show that there is no vegetation for the open feedlot, and it should be taken as a whole if it is expanded. He said runoff is funneled through a narrow drainage way to an old channel of the Vermillion River, and 13 of the last 20 years that channel had water. He suggests that engineering be done to fix those feedlots since Mockler is expanding, and the old stuff ought to comply so that no runoff reaches the waters of South Dakota. Hammond said his expert opinion is that during certain periods runoff has reached the Vermillion River, and that problem should be fixed by berm or other engineered structures to stop runoff from reaching the floodplain. Manning asked how the runoff would be concentrated into the ground. Hammond said the upper 25 feet of the soil is permeable and cited the Soil Survey of Clay County. Manning asked how long it would take to get into the water level, and Hammond guessed 5 years, although he hadn't done the calculation, hence his recommendation of going back 144 ft. with buildings and other things that could contain pollutants. Hammond said each of his items should be thought of as an individual bullet point and should be thought of as potential amendments to the existing application. Tracy asked him to clarify whether he proposes them as amendments to the findings that have been presented. He said they should be amendments to the permit itself so that it is a lot clearer and more in tune to the location. Tracy asked if the information is evidence of record. He said yes, those are things that were excluded by administrative decision, and Aden should have included them. If the proposal were a half mile east, away from the APO zone B, he would not have looked at it. Tracy asked him which sections of the ordinance he is speaking of. He cited Section 11.04, the last paragraph in reference to Woodmansey's letter, which is part of the record. His manure application comments are in response to the original application. Tracy asked if he feels information in the application itself is lacking, or if the findings are unclear. Hammond said the conditional use permit itself is incomplete or incorrect, and improperly omitted data should be included. Hammond said they have the option of recognizing and approving the appeal, approve the permit itself, or modify it so that it is acceptable to the Board of Adjustment. He proposes that the items be included so it can be acceptable to him as a member of the Board, and the other board members need to decide whether the information provided is acceptable to approve as it is. Manning asked if Hammond has evidence to the contrary regarding the APO. Hammond said it could go either way, that there are places where the aquifer extends back beneath the bluffs; a lot of the time it is contained within the bluff line, but it is not always the case. He said information should be included, and the burden of proof should be on the applicant, but it could be as simple as a well log from the farm place. Hammond showed photos with contours to show the funneling effect.

Packard said she read the state regulations, and they are also not clear as to whether separate species are added together to determine size. Hammond asked whether it is the intent of the board to put double the number of animal units into this location. Packard discussed the regulations, and Hammond said the board may make more stringent requirements than what is in the code. He said the load to the environment is additive, no matter how you apply the

regulations. Manning said he does not have a problem with having one permit, but he has a problem with item B. He said a person can have a lot of surveys and studies, and each expert can have a different opinion. Hammond said using NRCS's percolation rates, it could take less than 50 years for contaminants to break through to an aquifer 50 feet down, and future generations could be drinking contaminated water. He said we need to ask if that is acceptable? Hammond said it's not all that expensive to fix. It could be a matter of digging through existing records of well testing for the house, or a test hole could be dug by an engineering style driller for about \$1,000.

Packard asked Tracy, as a Chair, can she form a proposed amendment? Tracy said yes, that historically the Chair refrains from voting unless it is a tie and cited case law that statute does not discuss and does not mention the Chairman abstaining from the vote. Supreme Court interpreted in case law that the Chair should be participating. Packard reviewed the following points: A) additional maps detailing the site, B) well log or drill sample where the buildings will be, C) additional labeling or identification with figure 1 in the file being a suitable substitute, D) additional information drawings, maps, or description of plans for existing manure containment and dead animal storage and potentially a sheet on designs for possible size and type of building and flooring (would it require an impermeable flooring if well logs showed it was necessary), and additional maps with setbacks. Packard said she feels 90% of this is just more information on the maps and checking, and it is pretty easily done. She feels #3 of Hammond's report is something to be taken up with DENR and the regulations in the future because it is not clear. Nothing is mentioned anywhere in state regulations, and therefore nothing is mentioned anywhere in Clay County regulations. Hammond moved to amend based on items 1-3 to list those items, seconded by Powell.

Mockler called a Point of Order and asked the Board to go back to item 7 on the agenda as the Board had skipped to item 8. Motion was tabled. Packard went back to item 7 for additional testimony. Wilson submitted another document and stated on April 1st the Sierra Club submitted an appeal and said what was received today was not new. It was clarified that the 3-page document from this morning is different. The Board clarified that the April 1st document was received prior to today. Cindy Kirkeby said she understands there is a clause that if there are 2 AFOs under single ownership or share a manure facility that they have to be considered together. She said she does not understand why there is a question whether this is a CAFO or AFO. She asked, "Why wouldn't it be a CAFO?" She said if it goes to the state the same things would be required. Wilson said it is in the definition of animal feeding operation in the regulations. Mockler said if you speak with Woodmansey, you have to use Animal Units, which is what he wanted, but the table was wanted instead by others during modifications to the ordinance so therefore they are separate. Aden said there is no mechanism to combine the numbers. Wilson again read the definition of animal feeding operation. Mockler said the definition is exactly what the state says, and the state's determination stands. Tracy said of all the AFO/CAFO cases she has reviewed, that issue is not addressed in any of them. The vast majority of issues in the cases have to do with due process. There has never been an allegation that she has found that would touch that issue. Tracy said the language that needs to be adhered to is the definition of an AFO and the table in the regulations; nothing says you can only have X number of cattle if you have X

number of swine. Wilson asked, the 999 cattle on the same site, is it in the public interest of the people of Clay County and the Vermillion River to permit the numbers of a large CAFO without the state requirements? Mockler said the bottom line is what the people would like to see in the ordinance and what we actually have. What do we have and do we follow it, and is he being scrutinized more than other people in the same process? Packard said she does think they are getting into a discussion about what we want vs. what we have.

Strom asked Hammond if he would rather have Mockler take crop out of production a half mile east to move the animal operation, and does he know that the opponents would accept it? Hammond said the opponents are not the ones voting. Strom said the opponents will never be satisfied. Barbara Yelverton said they are interested in drinking water quality. Norma Wilson said she thinks there is a misunderstanding for what the Living River group is asking. She said they are asking that regulations be followed, not changed, and they do not want aquifers to be messed up and animals to be safe. She said they respect farmers but want them to follow the regulations. She said she thinks Hammond's points are very important to be considered, and they weren't included or submitted to Planning Commission.

It was asked if the Board of Adjustment needs to send the matter back to the Planning Commission. Tracy said the recommendation of the Section 11.06 decision is to uphold, amend, or overrule, and there is no language to remand to the Planning Commission.

Hammond said this is the first situation under the new rules, and in Aden's defense it is her first, and we all make mistakes. He said it is the Board of Adjustment's job to fix errors and go on, and this hearing has to be done with blinders on that Mockler happens to be the first applicant. Hammond said they need to treat everyone from this day on like they treat Mockler. They cannot treat him better or worse than any other applicant. Each application stands alone. Mockler's is a difficult setting, and going forward there may be more that are easier or harder physical settings.

Tracy said she had just received a letter from the Director of Equalization Office that was addressed to the Board of Adjustment. The letter from Mary Begley in opposition to Mockler's application was opened and submitted to the Board. Mockler asked Tracy what constitutes aggrieved. Tracy said it is a person that claims they have been harmed in some fashion. Mockler questioned who he has aggrieved and said his neighbors approved, the animals are to be outside of APO zone B according to what everything has been based upon. Mockler said the rezoning meeting minutes reflect that he and Hammond had the conversation regarding APO zone B and that the site was drawn in on a map, just not the buildings themselves. Mockler said it should be in the minutes from the Planning Commission. He said Skyrn and Bottolfson asked him, and he showed them in the Planning Commission meeting. He said the steps Hammond is asking for classifies his operation as a CAFO, not an AFO. Mockler said he cannot have a 2,400 head turnkey, state of the art operation which would have to have liquid manure, not solid, and that will change his entire plan. He said he has a crop consultant and will have a manure management plan. Hammond cited a hog barn application in Yankton County for which he has a copy in a 3-ring binder and said the applicants jumped through extra hoops. Mockler said the opponents wanted drug free, gmo free when the ordinance was being amended, and he cited Dr. Yelverton's testimony at previous meetings. He said he is trying to build what the audience wanted, antibiotic

free and gmo free, and now they are opposing him. Hammond said he is just asking for further description. Mockler said it will be operated and built to the same standards as other hoop barns they have approved.

Packard closed the hearing and stated all information that has been provided and collected will be available, and anything referenced by presenters should be provided for the file.

Hammond moved, to strike D, E, and F from the findings and adopt Hammond's document items 1-3 in their entirety, or as separate units. Powell said he is not willing to second until he gets an opinion from the State's Attorney. Tracy said to take the facts and evidence they are basing their decisions on and they need to be in a stack on the table now, and they need to specifically reference points. If they are overruling the Planning Commission's opinion they need to specifically define it. Powell asked if they are going beyond what they should by going by what Hammond found, and cited the section that discusses the Zoning Administrator's recommendation. Hammond said the previous findings should stand with additional requirements. Tracy clarified that Hammond is asking for his one-page document be added to the findings to amend conditional use hearing findings. She recommended that the Board strike directly on the findings document and add what they recommend. Powell seconded the motion at hand. Manning said he does not believe they can change item 3 because neither County nor State regulations address it. Packard said they are asking for a clearer definition in the maps that follow the requirements. Manning asked, if they require him to drill a test hole at \$1,000, and the sample shows it is not going to work, then what happens? Is he done? Hammond said it's possible he would not be fulfilling the requirements of the ordinance if the aquifer is found to be too shallow. Manning asked if he could ask Mockler a question. Upon approval, he asked Mockler, if a test hole is drilled and he finds it will not work, what is the plan? Mockler said he would not be able to build, that he would have to remain a small operation. He said according to the map the burden of proof is not on him. If someone thought he was over a shallow aquifer, the burden of proof is on them. Manning and Packard said they read it the same way regarding burden of proof.

Manning said he would like to know where the buildings will be. Mockler asked if he should submit 3 plans because each of the companies (Diamond, Lynch, and Heritage) require a different plan. They each want them built differently. No matter what he builds, he said, water of the state will not pass through the building site. Mockler said the timeframe is not bothering him, but he does not know which company he will choose yet. Manning asked about manure. Mockler said it will stay in the building until it is moved out. Manning said bed pack has very little liquid and absorbs well. Mockler said rain will not fall on the manure. One of the plans he has seen has a concrete pad with concrete walls, or it will just stay in the barn.

Packard clarified which sections of the findings document they are amending or adding to, which the Board said they are striking the words "not required" from Section 11.04 D, E, and F and substituting with Hammond's proposal items 1 A-E, not including 2, not including 3, and requiring additional maps on Section 3.07c.

Mockler and Hammond discussed maps of the building locations. Hammond said a fair amount of what he wrote will be answered by a map of the buildings and features. Manning asked Tracy if they decide to amend it, whether they have to cite what they are amending. Tracy said yes, and the part of the issue becomes that they need to understand what they are talking about because when areas are left open to interpretation it is problematic for both sides. She discussed Supreme Court cases in similar matters.

Aden said regulations prohibit her from allowing a building for an AFO over an aquifer. Hammond said one of his recommendations is to stay away from the slope to the Vermillion River. Aden said that is not in the zoning regulations.

Powell said if the motion stands, he will need to vote against it because upon clarification there are things added that are not in the ordinance. Packard said she does not believe item 3 can be included. Packard called a roll call vote. Manning no, Powell no, Packard no, Hammond yes. Motion failed.

Manning moved to strike the words “not required” from Section 11.04 D, E, and F and substitute with Hammond’s proposal parts 1 A, C, D, E, and number 2, and require a map under 3.07c to keep what the ordinance requires and require additional clarification on the manure application maps. Hammond seconded the motion. Under discussion, Mockler and Hammond discussed the definition of slope as Hammond intended. Powell asked Aden whether the County controls manure. Aden said the County does not; the setbacks are in the regulations mostly as an informational item, and the state controls the manure. Powell said he sees a problem with the motion as it indicates the County would regulate it. Aden said she could take the information in the regulation and apply it. Packard said it is not for regulation but rather demonstrates on the map that it designates the setbacks. Powell asked if the motion is to amend the application. Hammond answered yes, that the Board is asking for replacement maps that are accurate. Roll call vote of the Board: Manning yes, Powell yes, Packard yes, Hammond yes. Motion passed.

Manning asked for a time frame for Mockler to complete the requirements. The Board deferred to Tracy for advice. She referenced Section 11.05d and advised the Board to set a subsequent hearing on the matter once Mockler has provided the conditional items. The Board discussed a timeframe with Mockler. Mockler and Hammond said the requirements should not take long. The deadline was July 9th for Mockler to submit the documentation.

David Lias asked whether the Board has voted on the appeal. Hammond said they have made an amendment to make the application acceptable to the Board, and at that point the Board could approve the permit as amended or deny the permit. Tracy cited Article 9 and Section 11.06. It was decided that the public hearing would remain open, to be scheduled at a later date.

Powell moved, seconded by Manning to adjourn as Board of Adjustment and reconvene as Board of County Commissioners.

Mockler re-joined the Board of County Commissioners meeting.

Powell moved, seconded by Manning and carried to enter an Executive Session for personnel and legal matters per SDCL 1-25-2.

Mockler excused himself from the meeting at 1:40 p.m.

Manning moved, seconded by Hammond and carried to exit the Executive Session.

At 2:13 p.m., Manning moved, seconded by Hammond and carried to exit the Executive Session, to adjourn, and to reconvene at 9:00 a.m. on Tuesday, June 25, 2019.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:


Carri R. Crum, County Auditor

June 14, 2019

At 10:30 a.m. on Friday, June 14, 2019, Travis Mockler, Leo Powell, and Micheal Manning of the Board of Clay County Commissioners met in a special meeting with Jay Gelderman, Joy Cordier Jensen, Jay Cobb, Brett Pettigrew, officials from the Natural Resources Conservation Service (NRCS), regarding the Emergency Watershed Protection Program (EWP) for federal assistance for flood damages.

The areas of concern need to have houses, buildings, or infrastructure in order to qualify for the program because farm ground does not qualify under the EWP. Powell discussed a site along the bluff near Dawson Rd. bridge where the flooding has put the abutment for a bridge in danger as well as a home where Broadway meetings Dawson that had to be moved to a new foundation due to basement damage. He also discussed the Dakota St. bridge. Powell said both bridges are very important to the community. Officials said they will need to look at the home site to see if it will qualify for the funding.

Officials said they plan to view the area at the mouth of the Vermillion River and send it in with the program application. Residences in the area were discussed. Officials said one resident has placed some temporary bank stabilization, with hopes that funding will assist with a permanent solution. They said they have 60 days from the date the Board of County Commissioners signed the letter to complete site reviews. Cobb said that currently there are no EWP funds, but the organization is asking Congress for more funding due to the volume of requests. The 25% funding match that the County would need to provide was discussed, as well as the time limit for completing the work. The commissioners discussed how the County would cover the cost, as well as how the County may apply assessments to the property owners to assist with the costs associated with the riverbank stabilization.

Officials said utility repair costs can also be included in the damages and pointed out a utility pole that is in danger in the affected area at the mouth of the Vermillion River. Powell said there were rocks along the bank that the Army Corps of Engineers placed approximately 30 years ago, and those rocks are now gone.

Manning suggested contacting the Highway Superintendent to see if any other bridges may qualify to be included. Powell volunteered to go with the NRCS officials to view the sites currently under consideration. The group discussed whether it might be necessary to have a geologist view the site to determine how far the bank might cut back, or whether Dick Hammond's assessment would be enough. Engineering firms that the County has worked with were also discussed, as well as whether the NRCS engineers may or may not be able to assist. It was communicated that the size of the project may be too large for the NRCS to be able to commit any engineering services. Pettigrew said the 25% in-kind match could also include the County hauling the rock to the site.

The meeting adjourned at 11:30 a.m.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

June 17, 2019

The Board of County Commissioners met in a joint meeting with the City of Vermillion City Council Monday, June 17, 2019 at 7:00 p.m., acting as the Joint Clay County and City of Vermillion Board of Adjustment.

County Members present: Travis Mockler, Micheal Manning, and Richard Hammond; Phyllis Packard and Leo Powell were absent.

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

The Board met to hold the Second Reading for Ordinance #2019-01, An Ordinance Amending the 2013 Revised Joint Zoning Regulations for Clay County and the City of Vermillion by Rezoning Certain Property from A1: Agriculture to RR: Rural Residential. The properties proposed for rezoning are located in Fairview Township, Section 15, 20, and 21. The areas proposed for rezoning are generally described as:

- Chaussee Subdivision, Valley View Court and Fairview Estates bounded on the west by Main Street/Hillside Ave., the south by 318th Street, the east by property owned by Richard and Virginia Knutson and to the north by farm ground owned by Loren Ouellette.
- Ranch Estates Subdivision and other properties as requested which is bounded on the west by the City of Vermillion, the south by farm ground owned by Heine Brothers LLC, the east by farm ground owned by Alex and Stephanie Ufford and the north by Main Street (excluding properties owned by Cleland and Patricia Cook, Mark and Jaime Neitzke and Blaine and Heidi Schollerman).

James Purdy, Assistant City Manager, discussed the Joint-Jurisdiction Zoning Area and the subdivisions proposed to be rezoned. Clay County Zoning Administrator Cynthia Aden discussed residents' concerns that taxation would change or that the City of Vermillion would be annexing the properties, neither of which will change with the proposed rezoning.

Alderman Thomas Sorensen asked if the phrase "light development" as discussed by Purdy is defined in any way. Purdy said it refers back to density requirements and lot size. Aden said "light development" in this case would be residential in nature.

Hammond moved to pass and adopt Ordinance #2019-01, An Ordinance Amending the 2013 Revised Joint Zoning Regulations for Clay County and the City of Vermillion by Rezoning Certain Property from A1: Agriculture to RR: Rural Residential (properties are located in Fairview Township, Section 15, 20, and 21), and Manning seconded the motion. Roll call vote: Manning Aye, Powell Absent, Packard Absent, Hammond Aye, Mockler Aye. Motion passed.

ORDINANCE #2019-01

AN ORDINANCE AMENDING THE 2013 REVISED JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION BY REZONING CERTAIN PROPERTY

BE IT ORDAINED BY CLAY COUNTY, SOUTH DAKOTA:

That Ordinance #2013-04 be amended as follows:

Rezoning certain areas from A1: Agriculture to RR: Rural Residential. The properties proposed for rezoning are located in Fairview Township, Section 15, 20, and 21. The areas proposed for rezoning are generally described as:

- Chaussee Subdivision, Valley View Court and Fairview Estates bounded on the west by Main Street/Hillside Ave., the south by 318th Street, the east by property owned by Richard and Virginia Knutson and to the north by farm ground owned by Loren Ouellette.
- Ranch Estates Subdivision and other properties as requested which is bounded on the west by the City of Vermillion, the south by farm ground owned by Heine Brothers LLC, the east by farm ground owned by Alex and Stephanie Ufford and the north by Main Street (excluding properties owned by Cleland and Patricia Cook, Mark and Jaime Neitzke and Blaine and Heidi Schollerman).

Maps and a list of property owners are on file in the offices of the Clay County Zoning Administrator and the Clay County Auditor.

Planning Commission Public Hearing: April 8, 2019

First Reading: May 8, 2019

Second Reading & Adoption: June 17, 2019

Publication: June 27/28, 2019 & July 4/5, 2019

Effective Date: July 25, 2019

Hammond moved, seconded by Manning and carried to adjourn at 7:08 p.m.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

June 25, 2019

The Board of County Commissioners met in regular session Tuesday, June 25, 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 June 11, June 14, and June 17, 2019 meetings were approved with a motion by Packard, seconded by Hammond and carried.

Community Health/WIC Nurse Sami Cusick met with the Board under Visitors to be Heard to present the Community Health/WIC Office Activity Report.

Joshua Shellum, SD Department of Legislative Audit, met with the Board for the Closing Conference for the biannual audit of the years 2016 & 2017. Hammond moved, seconded by Packard and carried to authorize the Chairman to sign the associated letter of representation.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. Powell moved, seconded by Packard and carried to accept the low bids of \$2.55/gallon and \$2.20/gallon from Brunick's Service for fuel.

The Board considered a driveway application on 306 St. from Cameron Johnsen. Powell moved, seconded by Packard and carried to approve the application and authorize the Chairman to sign it.

Polley discussed the Dakota St. and Dawson Rd. bridges. Powell said the officials from the NRCS said they did not see an immediate danger to the Dawson Rd. bridge, and he is waiting for a response regarding the Dakota St. bridge. The Board discussed adding rock to stabilize the river bank. Hammond said that he foresees the Dawson Rd. bridge suffering from erosion in the future due to the path of the river and the slumping of the river bank nearby.

Polley discussed sites to be visited on the Tour of Roads, including Greenfield Rd. and Meckling Rd. drainage as well as a dike on the Clay Creek Ditch. The Prairie Center Ditch was briefly discussed.

Polley reported on the potential for the County to receive approximately \$350,000 for bridge deck repairs from the State for certain bridges in the County.

Powell discussed Lateral 50 work to be done by Pollman Excavation with Polley as well as starting the bid process for the work to be done on the Clay Creek and Yankton-Clay Ditches.

Sheriff Andy Howe reported citizen concerns for the speed limit at the residential area below the bluff by the golf course. He said it seems reasonable to lower the speed limit and took the opportunity to discuss the matter with Polley and the Board. Polley said it sounds reasonable, but the Board would need to pass a resolution to change the speed limit.

Dennis Knutson requested a road closure near his property. Polley said it is a township road but has a county bridge that is on his list to be closed in the near future. The Board discussed the process for Knutson to petition to the township for the road to be closed.

Welfare Director Cynthia Aden presented Welfare Case #C19-19 for a county burial. Powell moved, seconded by Packard and carried to allow payment of the difference between the funds the individual had available and the cost of the county burial.

Nate Welch, Vermillion Chamber & Development Company, met with the Board to present the Vermillion NOW3! campaign proposal. Jamie Baedke, Jim Peterson, and Farron Pratt were also present as Board members and thanked the commissioners for the past support. The group requested a pledge of \$100,000 to be given over the course of 5 years from the County. It was the consensus of the Board to consider the pledge during budget hearings.

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

Manning moved, seconded by Packard and carried to authorize the Chairman to sign the 211 Helpline funding request application.

The Board discussed potential payroll increases for 2020 as part of the budget process.

At 10:47 a.m., Powell moved, seconded by Packard and carried to enter an Executive Session for legal matters per SDCL 1-25-2.

At 10:58 a.m., Hammond moved, seconded by Manning and carried to exit the Executive Session.

Recent payroll changes to be reported are as follows: Madison Dooley (Summer Highway & Weed Department) 5/13/19 \$13.00/hour, Tessa Dooley (Summer Highway & Weed Department) 5/13/19 \$12.50/hour, Lorin Gregg (Part-time Jailer) 3/25/19 \$16.13/hour, James Pritchard (Summer Highway & Weed Department) 5/13/19 \$12.50/hour, Rachel Robinson (Summer Highway & Weed Department) 5/13/19 \$12.50/hour, Brady Van Loan (Part-time Jailer) 5/30/19 \$16.13/hour, Adam Aus (Deputy Sheriff) 7/1/19 \$18.25/hour, Remington Wood (Part-time Jailer) 6/27/19 \$16.13/hour.

The Auditor's Account with the County Treasurer Report was reported as follows:

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 April 30, 2019.
I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks	7,841,237.84
Amount of actual cash	3,011.05
Total amount of checks and drafts in Treasurer's Possession not exceeding three days	40,243.86
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:	3,435.95

Checks returned and not deposited

Cash Items

700.00

Investments

151,000.00

Cash Variation

0.00

Total

Dated this 1st day of
May, 2019.

8,039,628.70

Carri R. Crum, County Auditor

At 11:00 a.m., Manning moved, seconded by Hammond and carried to adjourn, and to reconvene at 9:00 a.m. on Tuesday, July 2, 2019.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

July 2, 2019

The Board of County Commissioners met in regular session Tuesday, July 2, 2019 at 9:00 a.m. Members present: Travis Mockler, Leo Powell, Micheal Manning, and Richard Hammond; Phyllis Packard was absent.

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

Minutes of the June 30, 2019 meeting were approved with a motion by Manning, seconded by Powell and carried.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. The Board considered paperwork to accept approximately \$350,000 from the state for bridge repairs. Manning moved, seconded by Powell and carried to authorize the Chairman to sign the paperwork.

Powell and Polley discussed proposed changes to the speed limit on Burbank Rd. Sheriff Andy Howe pointed out his suggestions on a map. The Board discussed that they may hear some complaints for reducing the speed limit, but Howe said he has received many complaints regarding the higher speed. Powell moved, seconded by Hammond to pass and adopt the following Resolution #2019-17, A Resolution Setting Speed Limit on a Portion of Burbank Rd. Vote of the Board: 4 Ayes, 0 Nays, Packard was absent. Motion passed.

**RESOLUTION # 2019-17
A RESOLUTION SETTING SPEED LIMIT ON A PORTION OF BURBANK RD.**

WHEREAS, members of the Clay County Board of Commissioners have determined a 35 MPH (mile per hour) speed limit is in the best interest of public safety and for signs installed on Burbank Rd. from a point 560 feet east of Natalie Court west for 4970 feet and a 45 MPH (mile per hour) speed limit from a point 560 feet east of Natalie Court east for 2250 feet,

WHEREAS, South Dakota Codified Law 32-25-9.1 allows for establishment and posting of speed limits, and

NOW THEREFORE BE IT RESOLVED that the speed limit on Burbank Rd. in Clay County be posted at 35 MPH (mile per hour) on Burbank Rd. from a point 560 feet east of Natalie Court west for 4970 feet and a 45 MPH (mile per hour) speed limit from a point 560 feet east of Natalie Court east for 2250 feet.

BE IT FURTHER RESOLVED that upon voting the above resolution be passed and adopted.

Vote of Clay County Commission:

AYE 4 NAY 0

Dated this 2nd day of July, 2019 at Vermillion, SD.

ATTEST:

Travis Mockler
Chairman, Clay County Commission

Carri R. Crum
Clay County Auditor

The Board discussed drainage on Lateral 50, Greenfield Rd. and the Meckling Rd. intersection with Jetley Park. Polley said he will proceed with engineering at the area near Meckling Rd. to determine slope. Polley said Pollman has told him there is too much water in Lateral 50 to proceed at this time. He also reported that the bridge by Pleasant Valley Hall and Frog Creek Rd. should be open tomorrow.

Zoning Administrator Cynthia Aden met with the Board to present a plat. Powell moved, seconded by Hammond to pass and adopt the following Resolution #2019-18 for plat of Tract 1, Nelson Acres, in the NE1/4 of Section 20, T94N, R51W of the 5th Principal Meridian, Clay County, South Dakota; Craig and Leslie Nelson Revocable Trust, owner. Vote of the Board: 4 Ayes, 0 Nays, Packard was absent. Motion passed.

**RESOLUTION #2019-18
RESOLUTION OF COUNTY COMMISSIONERS**

WHEREAS it appears that the owners thereof have caused a plat to be made of the following described real property:

A plat of Tract 1, Nelson Acres, in the NE1/4 of Section 20, T94N, R51W of the 5th Principal Meridian, Clay County, South Dakota; Craig and Leslie Nelson Revocable Trust, owner.

Be it resolved that the Board of County Commissioners of said County has examined the same and that it appears that the system of streets set forth therein conforms to the system of streets of existing plats and section lines of said County, that adequate provision is made for access to adjacent un-platted lands by public dedication or section line when physically accessible, and that all provisions of the subdivision regulations of said County have been complied with, and that all taxes and special assessments, if any upon the tract or subdivision have been fully paid and that such plat and the survey thereof have been executed according to law, and the same is hereby accordingly approved.

Travis Mockler, Chairman
Board of County Commissioners

I, Carri R. Crum, County Auditor of Clay County, South Dakota do hereby certify that the within and foregoing is a true copy of the Resolution passed on July 2, 2019.

Carri R. Crum
County Auditor, Clay County, SD

The Veterans/Welfare/Zoning monthly reports were accepted and placed on file.

At 9:50 a.m., Manning moved, seconded by Powell and carried to adjourn, and to reconvene at 9:00 a.m. on Tuesday, July 9, 2019.


Travis Mockler, Chairman
Board of County Commissioners

ATTEST: 
Carri R. Crum, County Auditor

July 9, 2019

The Board of County Commissioners met in regular session Tuesday, July 9, 2019 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Richard Hammond.

Powell moved, seconded by Manning and carried to approve the agenda with the addition of the fairgrounds lease agreement.

Minutes of the July 2, 2019 meeting were amended and approved with a motion by Manning, seconded by Powell and carried.

Lauren Hollenbeck, 4-H Advisor, and Kate DeVelder, State 4-H Ambassador and State 4-H Shooting Sports Ambassador, appeared during Visitors to be Heard. DeVelder spoke to the Board about her activities with the 4-H program at the local and state levels.

Emergency Management Director Layne Stewart met with the Board during Visitors to be Heard to present the Board with information regarding bank stabilization at the mouth of the Vermillion River. Stewart shared information he received from the Corps of Engineers regarding an agreement made in 1979.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. Powell moved, seconded by Hammond and carried to approve and authorize the Chairman to sign a Right-of-Way Application from Midco on 468 Ave., Section 35E, 25W, T95N, R51W.

Polley updated the Board on current and upcoming projects and road conditions.

Register of Deeds Lisa Terwilliger met with the Board for the 2020 budget request.

At 9:32 a.m., Powell moved, seconded by Packard and carried to adjourn and convene as Clay County Ditch Board.

Manning spoke about culverts that need to be replaced on Prairie Center Ditch. Landowners were present to discuss the matter. Gary O'Connor said he would like to see the job done right. Manning discussed with him the culvert near 469 Ave. & 314 St. Manning proposed raising the levy \$8-10/acre for the next few years as the culverts need to be replaced, and the ditch needs to be cleaned. O'Connor said the roads cannot be left the way they are without funding them. Powell said when Prairie Center Ditch was cleaned last time, he was surprised that the landowners voted to lower the levy. Polley said he thinks the culvert is 36", but they would need to go up in size to install a steel culvert. Metal is about half the price of concrete. It was discussed that the levy be raised \$8 for 2-3 years. O'Connor said the ditch tax is fine as long as there is enough money to maintain it. Michael McGill asked if the ditch might be carrying more water than it did 20-30 years ago due to tiling and if other untaxed land is draining into the ditch. Den Manning moved to set the levy at \$8 per acre for 3 years, seconded by Dick Nissen. All voted aye. Motion passed.

Polley said he received phone calls regarding Lateral 1B and Lateral 2A. The culvert supplier said the pipe is ready for delivery possibly next week for Lateral 2A. He also spoke about Lateral

1B and said he thinks they have a culvert in stock. He asked whether he is to hire someone to install it, or get bids. Mockler said Wieman is supposed to install the 60" culvert on Lateral 2A. Mockler also said Justin Orr spoke to him a couple of culverts, possibly on Lateral 1, that washed out and need to be filled back in. Polley also spoke about dike repairs to be done along Clay Creek.

Manning suggested discussing the culvert on Prairie Center Ditch with the Township Board. It was decided that Manning would contact the board members regarding cost sharing.

At 10:12 a.m., Powell moved, seconded by Packard and carried to adjourn and reconvene as Board of Clay County Commissioners.

Emergency Management Director Layne Stewart met with the Board for the 2020 budget request. He discussed his request for a truck purchase.

Veterans Service Officer and Zoning Administrator Cynthia Aden met with the Board for the 2020 budget request.

Ryan Anderson, Director of the 911 Communications Center, met with the Board for the 2020 budget request.

State's Attorney Alexis Tracy met with the Board for the 2020 budget request.

The Board called a 5-minute recess.

Bob Fuller, Chairman of the Courthouse, Jail, and Law Enforcement Facility Planning Committee, met with the Board, along with committee members John Walker, Marty Gilbertson, and Nate Welch. The committee submitted a report recommending "Option RG [from the Klein McCarthy Architects study] that would relocate or build a new Government Center. The Government Center would house all the operations of the current Courthouse (county offices and court services) and Public Safety Center/Jail operations." Fuller asked the committee members for comments. Walker said there are buildings in the community that could potentially be remodeled, and they are options for an architect to consider. He said the committee wants to make sure it covers all the bases for the community to make sure any chosen location is not landlocked for future expansion such as the current site. Gilbertson said the committee did not feel it makes sense to stay at the current location for many things, one of which is parking, and the committee wants to consider every asset available, not just building brand new. Hammond said Option D (expanding at the current location) would require purchasing a lot of houses to make it work. Fuller said that was one reason for the committee's recommendation.

Fuller said one problem with the Klein McCarthy Architects report is that it discusses 10-20-year future needs, and that is not far enough out. He would like to consider needs 50-100 years from now. Powell said he really likes the remote government center because when you look at the number of offices you leave behind it is not that many, and it would be easy to take them along. Powell said the existing building could be remodeled, but the Courthouse just is not big enough to accommodate all the needs. Packard asked if the committee spent time looking at what the current building could become. Fuller said there are quite a few options, and he pointed out that the committee met with the W.H. Over Museum. He said he estimates the window of time to find

an occupant for the building is 3-5 years before it begins to deteriorate. He said other occupants may not have the same needs as the current offices, but any occupant may have special needs. Fuller said the committee is adamant about not razing the current building. Powell discussed using the existing building across the bypass, and Fuller pointed out that if there is a long-term lease, someone would need to pay to break that lease. He also said it may affect the ability to recruit new businesses to town if the county occupies that building. Packard asked how having a jail attached may affect future businesses locating next to it. Fuller said one of the jails the committee visited had a John Deere dealer located next door. He said it was extremely eye-opening to tour other facilities, and one of the valuable things the committee learned is what not to do. Welch said Packard posed a good question, but the opportunity is to look at a broader scale of development and placement of this type of facility. The opportunity is to benefit from redevelopment. He said adding a Courthouse facility is a great opportunity for development. It is a good neighbor, and things can be developed around it. Welch said the point to take is how to transition community development. Powell discussed drainage issues at the east side of the city, and said there is an advantage to the city to have storm sewer out there.

Fuller said the County has a good committee, and Powell said he is impressed. Packard said she felt the Klein McCarthy Architects' view of the future was short, and the land recommendation of 8-10 acres was small. Fuller said it's important to consider population growth, including the inmate population. Walker said several of the facilities they looked at are on the outskirts of town. Sheriff Andy Howe said none of them had a police department and none had courts in the building. Powell again said growth to the east is difficult due to drainage. Welch said there are 3 areas to focus on in development, east north, and south. He said developing to the east towards the interstate is an important consideration. He said he thinks to have a broad discussion about community expansion while the County is placing the courthouse is a good discussion. Welch said planning diversification allows us to grow a stronger community.

Fuller said his concern about locating north of the bypass is access and the crossing of traffic. Powell discussed expansion in the area of East Main and future expansion of services such as schools and fire stations. Packard asked if the existing building could be part of a community center consideration. Fuller suggested looking at locating some of those community services as part of the discussion. Mockler said both boards should meet together and hammer out a direction to go. It was decided that Auditor Carri Crum would send out a calendar to determine a good time to have the meeting.

Hammond said the Board received an invitation from the Rotary Club to speak about the project and asked if the committee would be willing to do that. Walker suggested it would be best to speak with the Rotary Club after the joint meeting. Fuller said it bothers him that there were rumors that the committee meetings were secret. Howe asked if it would be appropriate for Fuller to present the committee's recommendation to the County Commission to the Rotary Club. He said he does not see a problem with presenting it as media is currently in the room. Gilbertson there are a lot of questions that there are no answers to yet, so if a question is asked that there is no answer to yet, then it is fine.

Maxine Johnson and Doris Hodgen, W.H. Over Museum, met with the Board for the 2020 budget request. She presented the museum's latest annual report. She said since 1996 the Friends

have been the sole financial support for the museum, and they have kept the doors open and the museum has become the poster child for the state. Johnson asked the Board to continue funding at the current level and if the Board would sponsor a one-day children's puppet workshop program at the cost of \$500. Johnson said the W.H. Over Museum did meet with the committee, and it was a good discussion.

Director of Equalization Ina Peterson met with the Board for the 2020 budget request.

Powell moved, seconded by Manning and carried to approve the following claims for payment. July Bills: (Due to other Governments) Clay Co Treasurer \$4,916.00; SDACO – M&P Fund \$448.00; (Professional Services and Fees) Alternative HRD LLC \$1,775.00; Axon EEnterprise Inc. \$1,705.50; Bossman, Jeanne \$129.20; Bureau of Administration \$3.84; City of Vermillion \$378.75; FedEx \$37.37; Hansen Funeral Home \$751.45; Houska DDS Randy \$332.00; Katterhagen, Mark \$30.00; Lewno, Lucille M \$333.00; Lockwood Darcy \$15.00; Pharmchem, Inc. \$628.10; Satellite Tracking \$143.00; SD Dept of Health Lab \$590.00; Ulteig \$1,390.00; Yankton Co Sheriff \$50.00 and Zuercher Technologies \$16,795.00; (Other Professional Services) Boys & Girls Club, Inc. \$1,750.00; Schaefer, Dean \$300.00 and SD Attorney General \$431.00; Computer Forensic \$208.75; (Law Office) Kennedy, Pierr & Knoff \$127.50; McCulloch, James E \$884.30; SD Achieve \$240.00 and Thompson, Craig K \$645.60; (Mental Health) Sesd Activity Center \$360.00 and SD Dept of Rev. \$670.82; (Publishing) Broadcaster Press \$645.89; (Repairs and Maintenance) Canon \$284.60; Erickson Solutions Group \$2,550.00; James Heating and Cooling \$131.86; Mark's Machinery \$172.90; Pressing Matters \$4,700.00; Presto-X Company LLC \$78.00; Stone, McKenzie \$607.42; Turner Plumbing Inc. \$74.45 and WH Over Museum \$2,400.00; (Data Processing) Erickson Solutions Group \$3,755.20; Microfilm Imaging System \$775.00; Software Services, Inc. \$1,665.00; (Supplies & Materials) A & B Business \$153.03; A-OX Welding Supply Co \$182.34; Appeara \$43.04; Bob Barker Co Inc. \$153.80; Brunick Service, Inc. \$106.53; Buhls Drycleaners \$119.00; Campbell Supply Co. \$271.32; Concrete Materials \$2,395.13; Continental Research \$607.00; Dakota PC Warehouse \$189.98; FedEx \$114.64; Hy-Vee, Inc. \$23.92; Jack's Uniforms & Equipment \$347.70; Jerry's Service \$186.02; Mark's Machinery \$2.71; MicroFilm Imaging System \$155.00; Midwest Ready Mix \$5,157.36; Neopost USA Inc. \$195.00; Prochem Dynamics \$29.22; Quill Corporation \$58.97; SD Sheriff's Assn \$54.39; Sorensen, Aimee \$23.06; Tri-State Truf \$15.93; Truenorth Steel \$3,150.00; Vermillion Ace Hardware \$10.95; Vermillion Ace Hardware \$15.44; Vermillion Ace Hardware \$7.78; Vermillion Federal \$156.80 and One Office Solution \$152.18; (Copier Supplies) Reliance Telephone \$500.00; (Travel and Conference) Mockler, Travis \$84.10; SDSU Extension Service \$59.42; The Lodge at Deadwood \$2,147.00 and Rowe, Joe \$96.66; (Utilities) Anders, Jeffrey \$180.00; Armstrong, Aaron \$180.00; Bureau of Administration \$253.50; CenturyLink \$593.59; CenturyLink Emg. \$13.69; Christopherson, Kaleb \$180.00; Clay Rural Water System \$127.80; Clay Union Electric Co \$573.37; Fischer's Disposal LLC \$50.00; Howe, Andy \$180.00; Husby, Tiffany \$180.00; Kymala, Shannon \$180.00; MidAmerican Energy \$118.06; Midco Business \$285.00; Pederson, Paul \$180.00; Umscheid, Noah \$180.00 and Vermillion Garbage Svc \$236.00; Wakonda Town \$62.65; (Payment) Austin-Whittemore House \$625.00; Charlie's Bus Service \$20.00; Clay Co Agr Fair Association \$4,125.00; Dakota Senior Meals \$970.50; Lewis & Clark Behavior \$5,283.50;

National Music Museum \$1,250.00; Vermillion Federal \$234.01; Vermillion Food Pantry \$1,875.00 and WH Over Museum \$1,875.00; (JDC/Special Eq.) Blue Collar Tactical \$495.00 and Minnehaha County JDC \$9,430.00; (Books) Sanitation Product \$62.981.66; (Furniture and Minor Equipment) MicroFilm Imaging System \$30.00 and Powell, Leo \$154.95; (Automotive) Brunick Service, Inc. \$62.25.

The Board considered a lease agreement renewal with the City of Vermillion for the fairgrounds. State's Attorney Tracy reviewed the terms with the Board. Powell moved, seconded by Packard and carried to authorize the Chairman to sign the agreement.

The Board discussed the recommendation of the committee. Packard said she is concerned about the future of the current building, but otherwise she sees the need. Mockler said he does not think anyone wants to see it torn down. Tracy said she is concerned with public safety and speed limits for people walking to the facility if the building across the bypass were to be selected as many people who participate in the 24/7 Sobriety Project do not have a Driver's License and need to walk.

At 12:11 p.m., Manning moved, seconded by Packard and carried to adjourn, and to reconvene at 9:00 a.m. on Tuesday, July 30, 2019.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

July 23, 2019

The Board of County Commissioners met in a special joint session Tuesday, July 23, 2019 at 6:30 p.m. with the Courthouse, Jail, and Law Enforcement Facility Planning Committee. Board of County Commissioners present: Travis Mockler, Phyllis Packard, Leo Powell, and Richard Hammond. Courthouse, Jail, and Law Enforcement Facility Planning Committee members present: Bob Fuller, Steven Waller, John Walker, Megan McCauley, Matt Betzen, Andy Howe, and Carri Crum.

The group discussed the committee's recommendation for Option RG (Remote Government Center) from the Klein McCarthy Architects' study.

Hammond asked if the committee has considered existing buildings. Fuller said the existing jail is beyond any kind of rehab, and he feels that if the County chooses an existing building it would be for government offices only, with a separate jail. Howe agreed. Powell asked about the Performance Mechanical (PM) building. Howe said he is certain the building would not be big enough to house everything. Waller said the structure is not designed to last long term. There was discussion regarding available land in the city. Packard asked about lot size. Fuller said it depends what the County intends to build, whether it is one-story or two-story, long term expansion plans, etc.

Mockler asked the Commissioners if they are all in agreement with the recommendation. Powell said he would rather see the jail in the current Courthouse, but he is not an architect. He said he does not like the idea of transporting inmates to court because it is a situation that will last forever, but it is better than transporting to other area jails. Packard said her heart says the building has been Clay County for a century, but whatever is built she feels reluctant but understands the potential for, and reality of, better services if they find the appropriate space. The need is definitely a jail. The idea of having court services and jail together is extremely important for lack of transportation and safety. If at all possible, a complex for a campus type of facility (might not be in the same building but within walking distance) is another thought that has come to her mind, with enough land for future expansion.

Hammond asked, in looking at other places, did the committee get a sense of what ended up being the most bang for the buck? Fuller asked for help from the committee members in answering that. Howe said the closest one to being suitable was in Worthington, MN, where there was city police, Sheriff, Jail, and courts, but not county government. He said Plymouth County's (Iowa) building was well-designed, but it did not have everything. The building in Worthington was very large, and the PM building is just not very big in comparison, but he deferred to architects for that opinion. He said Worthington was close, though. The group discussed the new Thurston County, NE Jail. Waller said the Thurston County facility already had wire mold on the walls, so the electrical was inadequate from the start. The group discussed Yankton County's issues with joining a new building to an old one, and McCauley said Lincoln County is another example of problems continuing in the old building. Fuller said the Courthouse in Plymouth County was remodeled, but they blew it. Betzen said Lawrence County was the best example of new joining old, but they lack Real Estate as well. Hammond said he

agrees with Fuller that the County should be thinking ahead 50 years or more. Howe said the jail in Worthington is an 88-bed jail (double-bunked), and if Clay County built a facility like that but single bunked, the County could classify its own inmates and have room for expansion.

Hammond said part of the trouble with the current building is that technology, heating systems, etc. has changed drastically in 50 years, and if we plan 50 years ahead and changes in technology occur in 20 years then we only got that much out of it anyway.

Fuller said the committee talked about future expansion capability quite a bit. He thinks for the good of the community and people using the building, his personal belief is that the County should build one building, do it right, and put it in the right spot so it can be expanded in the future. He said the kicker will be how to pay for it. Fuller said the county is projected to grow in population. He said Howe is seeing more and more female inmates in the jail, and they have to be accounted for. Fuller said if the County Commissioners support the committee's recommendation, the committee is prepared to do the work that is needed.

Walker said they may need more professional help at this point to guide the committee in what will or will not work in terms of buildings and how many acres will be necessary. Fuller discussed obtaining Request for Proposals (RFPs) from architects that have built these types of buildings. Howe referred back to the PM building, and said it would be beneficial to have architects look at it and say whether or not it will work. Walker said an architect can give pros, cons, and cost estimates. The group discussed whether the County should spend money looking at solutions that may or may not work, such as the PM building, or whether the money should be spent moving in one direction.

Mockler asked whether the Police Department has to be inside of city limits. Betzen said if the location was outside of the city limits, there would need to be a serious discussion with city officials. The discussion was regarding locations across the road from current city limits. Howe said state statutes would need to be reviewed to see if it is required that the county seat be in the City of Vermillion. He also discussed infrastructure needs such as sewer and water. Hammond suggested the city's engineering department may be able to assist with such matters. Howe said, in terms of identity, there is value in having a well-known street as an address, such as Main St. or Cherry St., but a location on Highway 50 would not be bad either. McCauley said she has a concern about accessibility to things such as Community Health, probation, etc., and the further the address is from Vermillion it makes it more difficult for people who are walking or do not have a vehicle. Packard said there may be a more negative feel from people if the location was across the bypass.

Mockler said the RFP will need to be placed on an agenda for approval. Welch said the community center group did not spend much on the RFP, but the County may be looking at a cost of \$40,000-\$50,000 for what it needs. Howe said he has been keeping a file of information from construction companies who have contacted him regarding the potential of a project.

Welch said he would be more than happy to help with the consultation in the RFP creation and selection, as would a few of the committee members who have experience in the process. Howe discussed his experience on the Minnehaha County Juvenile Detention Center project. McCauley

said if the County plans for a larger jail now in planning for the future, it can operate at a profit by renting the beds out until such time as the County needs the beds, although she does not like the idea of a for-profit jail. She said she does not think the Klein McCarthy Architects study overestimates anything in terms of the law enforcement needs. Hammond discussed economy of scale and that it will be cheaper to build now, such as allowing for current storage to become future office needs. Betzen said he and Howe may have actually underestimated future needs during the space needs study, as opposed to offering a wish list. Howe said that if a bond issue comes to a vote and fails, then the County will have no choice but to close the jail as it is insufficient, and at the current time the County is acting in good faith by trying to find a solution. He said if the County is forced to close the jail, the cost estimate is \$584,000 per year to house inmates elsewhere, and that does not include the transportation costs, which is money that could be paying for a new jail.

The group discussed the failed ½-cent sales tax legislation from the most recent legislative session. Welch said the group needs to stress that counties are not for raising taxes often, but it is going to be necessary to communicate to state leaders that we need to find another revenue source than property taxes. He said the need is serious about legislation to allow counties to enact that previously-proposed ½-cent sales tax for building jails and Courthouses.

Fuller said he has been told by a few people that the committee has been operating in secret, and he suggested that the commissioners make a recommendation at a regularly scheduled meeting. Packard suggested that there be a night meeting for the public. Welch suggested the UpNEXT coffee hour be utilized to inform the public. Hammond said it would be a good idea to utilize the service club circuit to disseminate information. It was discussed that the group will present at the July 31st Rotary Club Meeting.

At 7:54 p.m., the meeting adjourned.


Travis Mockler, Chairman
Board of County Commissioners

ATTEST: 
Carri R. Crum, County Auditor

July 30, 2019

The Board of County Commissioners met in regular session Tuesday, July 30, 2019 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Richard Hammond.

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

Minutes of the July 9, 2019 and July 23, 2019 meetings were approved with a motion by Manning, seconded by Hammond and carried.

Weed Supervisor Dennis Ganschow met with the Board under Visitors to be Heard to discuss repair or trade-in of one of the department's Kubotas.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. Hammond moved, seconded by Manning and carried to accept the low bid of \$2.324/gallon from Jerry's Service for ethanol blend fuel. Manning moved, seconded by Hammond and carried to accept the low bid of \$2.14/gallon from Jerry's Service for #2 diesel fuel.

Powell moved, seconded by Packard and carried to approve and authorize the Chairman to sign a Right-of-Way Application from Midco on 468 Ave. in Section 35E & 25W, T95N, R51W.

Powell moved, seconded by Packard and carried to approve and authorize the Chairman to sign a Right-of-Way Application from Vast Broadband on 306 St. in Section 18 & 19, T94N, R53W.

Polley discussed the 2020 budget request with the Board, including planned road and bridge projects for the next year and the future. He also discussed rip rap needed along the river due to the flooding and damage to roads also due to the flooding. Mockler and Polley discussed bidding fuel once a year vs. as-needed.

Lauren Hollenbeck, 4-H Educator, met with the Board to present the quarterly activity report and for the 2020 budget request. She also asked the commissioners to serve ice cream at the fair.

Dr. Stange of Lewis & Clark Behavioral Health Service met with the Board for the 2020 budget request.

Treasurer Rhonda Howe met with the Board for the 2020 budget request.

Emergency Management Director Layne Stewart met with the Board for the SLA Plan approval. Powell moved, seconded by Packard and carried to authorize the Chairman to sign the documents.

The Board called a brief recess.

At 10:05 a.m., Powell moved, seconded by Hammond and carried to adjourn and convene as Board of Adjustment. Vice-Chair Packard presided over the meeting. Mockler recused himself and sat in the audience.

Packard asked Mockler to review the building plans which were previously submitted. He stated the dimensions of the buildings and discussed that construction between the building options

would be similar (concrete apron on the front and the rest clay). The Board also reviewed manure setback maps provided by Zoning Administrator Cynthia Aden. Hammond asked if Mockler will use bed pack throughout the 5 buildings. Mockler said yes, and the bed pack will be corn stalks or straw. Mockler said the bed pack will stay through the life cycle of the hogs, but not for the cattle, which will cycle 1-2 times per year as the cattle do not leave. Hammond asked if the end walls will be enclosed. Mockler said hog buildings will have the potential to be enclosed with roll-up 14-foot wide doors, and buildings will be level grade. Hammond asked how wide the front apron will be. Mockler said the apron will be 12 or 16 feet by the length of the buildings, and the aprons will be fenced in. Hammond asked if there will be a 4-foot footing. Mockler said yes, there will be along all 4 sides, minus the gate and door location. Hammond asked if clay will be compacted. Mockler said clay will be compacted about 1 foot deep.

Packard asked Aden if all information requested was received. Aden said all information received was given to the Board, and she has nothing else.

Packard opened the meeting to public comment. Susanne Skyrn asked if the meeting is recorded. Auditor Carri Crum said meetings are not recorded. Skyrn asked if minutes are taken, to which Crum replied yes.

Skyrn addressed points of concern to the Living River Group, specifically items 1 a, c, d, e, and item 2 from Commissioner Hammond's recommendations at the previous public hearing on 6/11/19. She discussed a replacement zoning map and said she did not see any such map. Skyrn also referred to a flood plain map provided by Hammond. Regarding the location and design of manure containment, she said the map submitted did not have buildings or placement drawn to scale, and there was no location of manure containment and dead animal storage or outlined drainage ways. Skyrn said there were also no measurements showing 144 ft away from the slope to the river flood plain or valley. She referred to design and size of buildings and said there was no description of a pole shed, just a commercial brochure and Mockler's handwritten description. Skyrn felt the description was not adequate to describe how to control manure seepage. Skyrn referred to Item 2, manure application maps and said she did not receive maps. Auditor Crum apologized for not including maps when Skyrn requested the items submitted by Mockler, but Crum said the maps were submitted by Zoning Administrator Cynthia Aden via e-mail on 7/2/19, prior to Mockler's 7/9/19 deadline. Skyrn said there was no information about manure storage, so there is effectively no manure management plan.

Packard asked for a response to Item 1 from Aden. Aden said it's been obvious throughout process that we have different ways of looking at it, that there is not going to be any manure storage, so there are no manure management buildings.

A member of the audience asked about dead animals. Mockler said he could compost, burn, bury, or call a rendering truck to dispose of them. Skyrn asked where the dead animals will be located. Mockler said they can be located anywhere on his property per state law. Skyrn said they want to see the locations, and they do not want it running into the river.

Packard said they are discussing items submitted since the original appeal. Skyrn referred to a map that she said is insufficient. Manning said he did receive the map and went through it in

early in July. He said he is not concerned about dead animals as the rendering truck picks them up daily.

Packard asked the Board for any comments. Item G in paragraph 6 of the Planning Commission findings regarding disposal of dead animals was referred to, and Hammond said it was addressed, yet it didn't specify where temporary storage of dead animals would be. He said normally, in other places he has been, it would be in a location easy for the rendering company to access, typically near the road by the entrance to the property, often behind a square wooden fence to hide them. In looking at Mockler's property, Hammond said he would not be concerned about dead animal storage being near the slope leading to the flood plain. He said logistics are, and his judgement is, that Mockler will not be putting it there. Cindy Struckman-Johnson asked why commissioners are answering for Mockler. Packard replied she asked the Board for comments, and they are giving them. Hammond said he would like to address that he had seen an example of one map in early July, not all of them, until this morning. However, he was able to scan through them towards the end of the regular meeting and during break, and they looked to be in order to him.

Skyrm said there is no specification on a map of a location 144 feet away. Hammond said it was in his request, and it is hard to see on that particular map. He said he would prefer to see buildings 100 feet to the east, but that is because he thinks it would reduce the risk of any issues. However, distance to the neighboring residence could be another issue if the buildings were moved. Mockler said at the last meeting Packard clarified that the matter of the 144 feet said "may" instead of "shall." Hammond said that is correct, that they left some discretion for the 144 feet.

Cindy Kirkeby pointed out maps that show the site and said on one map the site looks adjacent to the road on the left, but on the other map it looks below, putting the cattle barn closer. Mockler said where it says the current site is, is existing cattle yards and pointed out the location for the proposed expansion. Hammond asked if Mockler intends to keep using existing feed lots, and Mockler said yes. Aden pointed out that the maps are two different things. The new maps are referring to manure management, and the new maps are not intending to match the old because they are addressing two different things. The manure management plan does not show the new site, and absolutely nothing has to do with 144 feet on either map. Caitlin Collier asked for clarification. Aden said it is manure management setbacks only on the new maps. Collier clarified it has nothing to do with new buildings. Aden said she is correct, that it addresses the setbacks in state law. Hammond said there are different setbacks from roadways, adjoining properties, etc. Collier said the map says, "River 200 feet." Hammond said within 200 feet it is not allowed to apply manure to the field. Packard said the red designates the 200 feet on the map. Hammond said that is one of the things that was debated when building the zoning regulations. Collier said in trying to look at the color map, and the black and white map, it makes it difficult in the sense that using the cattle yard as a cutoff point on both, and realizing that on one it is not drawn to scale, it's hard to tell because they don't seem to match up as far as pictures of the river, how far the proposed cattle barn is from what appears to be the water. Hammond said there is a wetland there. Packard pointed out the river on the map. Aden said the site is not in the flood

plain. Norma Wilson asked how far it is from the proposed cattle barn. Hammond and Mockler discussed the distance. Hammond said where it says site on the drawing is a general site, and the drawing misses a little, but it is not an error that is pertinent.

Dave Lias asked if setbacks are in red, and Aden said yes. Lias clarified that the maps are separate. The gray maps show the buildings, but the manure will stay in the buildings. Colored maps show where manure will eventually be spread. Mockler said yes.

Jerry Wilson said that speaking of coordination of maps, per Hammond's amendment, scale maps were to be provided, but there are no scale maps, only crudely drawn rectangles where buildings might be, and it is very relevant to coordinate the maps. Wilson sketched in buildings on Beacon maps, and it appears to him that they are on the gradient, the slope toward the drainageway that goes to the Vermillion River. Wilson said Mockler told them there will be no runoff, but he has minutes from January at which the land was rezoned from NRSC to AG land. Wilson read the minutes regarding a statement that the pasture will act as a filter. Wilson referred to pictures he took showing overgrazing and quoted Manning as saying the area is unique because the pasture acts as a natural filter. Wilson said it is B.S. because coordination of the 2 maps show it is in a drainageway, and there is no scale map. He said all one has to do is sketch on a topographical map. Wilson said for that reason alone it should not be approved. He also quoted Mockler about the group forcing him to build a state-of-the-art facility and said Hammond said he should build a facility to be proud of. Wilson said move the site to a safe location, or deny it because it cannot be safely built there, and the commissioners have a legal right and moral right to protect water. Wilson said if compared with a topographical map they are on the edge of the slope. Mockler presented the photos Wilson submitted at the 6/11/19 public hearing and asked who took them. Wilson said he took the photos, and Harry Freeman was with him. Mockler said it is not his pasture in the photograph. It is his neighbor's pasture. Mockler held up a photo of the end of 305 St., and said there was trespassing on private property involved in order for Wilson to have taken the photo he submitted. Wilson said he walked along right-of-way, but Mockler said there is no road and it is private property. Mockler said he does not control his neighbor's pasture. Wilson said there is no substantial grass between 305 St. and Mockler's pasture.

Powell said the Board of Adjustment is on a mission to address the appeal of Living River Group, and Packard said they are addressing requested documents only. Powell said a motion was made and passed with stipulations. Hammond said, with additions of items this morning, those have been met. As far as questions regarding the 144-foot setback, it was amended to "may," but in order to get the number of votes needed to get to the other issues resolved, he was willing to amend his recommendation at the 6/11/19 public hearing. Hammond said the request was not addressed, but in topographic maps he has, the building sites Mockler has, in comparing the map to the topographic maps, would be on flat land backed away from sloped ground by a relatively small amount, especially the 4 hog barns would be back 140 or more feet and the cattle barn is kind of on the edge. Hammond said he would feel more comfortable if the whole project could be east 50 feet or more. Packard asked Hammond again if he said the hog barns are fine but he would be more comfortable 50 feet to the east. Hammond said yes, but moving the cattle

barn would be encroaching on area needed to operate the hog barns. Mockler said it would cut expansion area, and he is trying to preserve farm ground as well. Powell asked if they should be following the ordinance, not what Hamond wants to see. Hammond said they would be following the ordinance.

An audience member said looking at the black and white map the drawing is not to scale of 295 feet and is longer than shown on the map, probably closer to runoff than shown. Hammond addressed Mockler and asked there is a shelter fence where the cattle barn would go. Mockler reviewed the map with him. Hammond said he has drawn it in on the contour map, and it is up on the flat land.

Collier said she realizes from over 30 years as an attorney, working with most of the Clerks of Court in the state, that as with the Clerk of Courts, people who work with the County want to help people who are making a request. She understands that desire to help people because things won't get done and they won't be doing their job unless that happens, but somewhere there has to be a line. She said she realizes they are dealing with a new ordinance and trying to make the way through, and there is already a concern about appearance. Collier said in the law she was always told the appearance of unethical behavior was a no, and for attorneys it often is, and it varies upon facts and situation, but the Chair of the County Commission is the first person asking and applying, and an employee that has appeared to be providing the things that need to be done. Collier said she appreciates Hammond's expertise, so she thinks someone who comes with expertise and they give it, they get what they get; Hammond can't stop being the knowledgeable person he is, but where does the line get crossed? If this is what anyone applying for any kind of permit would expect to receive that answers the question. If not, it is the question, she asks they consider going forward where the lines should be, and not trying to jump on Aden's back and say what are you doing? Direction for those lines has to come from above. Collier said she employed a lot of people in a lot of different areas, and if one of her employees had gotten an e-mail July 2nd and had not gotten it out until July 30th, she would have to ask why. Is it an e-mail lost in the pile, but what is the appearance? She said the Board of Adjustments is doing the best they can, and they understand that, in trying to deal with the new ordinance that has a lot of gray area. Powell said there needs to be no more long-winded people talking about themselves and appearances, that the hearing should get back to the facts. Collier said they would like to suggest the Board hear from the other person who is here to speak.

Skyrm said plans should be drawn to scale and shown in detail, that Hammond asked for scale maps showing location for each of the structures planned, and the map is not to scale and does not show things clearly. Why is it so hard to get an engineering firm to do a scale drawing where the buildings are going to be and where they are affecting the runoff? It is not acceptable to her. Hammond said the scale in the corner of the drawing is sufficient. A person can take a ruler and figure out where things are going to lay. He feels it is sufficient. It is a scale drawing, a photograph with scale, with features in correct relationship to each other. Using the scale in the corner, a person can determine distances. Skyrm said buildings are not drawn to scale or where manure is stored. Manning said manure is to be stored in the buildings. Packard said the group is

just arguing over the same points; the Board has already stated they feel those requirements have been met.

Mark Winegar asked, that the map is showing 4 swine buildings to hold 1,000, so where are the other 1,499 head? Mockler said that is not his plan right now. He is requesting a medium that goes to 2,499, but that does not mean he will feed 2,499. It just allows him to if he wants to in the future. Packard said it is an inappropriate question at this point. Wilson said the present plan is irrelevant because the permit is 2,499 hogs. Mockler said the permit is only for that site. If he is to build more, he would have to come back for another permit. State's Attorney Alexis Tracy agreed.

Mitch Peterson, an attorney at Davenport Evans, said he has worked in zoning for a decade and has been at trainings, one of which Mockler has been at. He estimated he has been at half of the Boards east of the river. In last decade, he said most Supreme Court decisions on zoning have been his case. Peterson said he wants to talk about the process of the ordinance and has heard things that are incorrect. He said Powell said setbacks are setbacks, and they can't deviate, but that is not true. He stated Mockler has the burden, that if he has not met the requirements, then they have to say no, even if he is a colleague. The Board has the power to say it's not the right site. That's why it's not the Zoning Administrator.

Peterson, quoted Section 1.03 of the zoning regulations, that the commissioners should consider and weigh public health and general welfare. He said under section 1.04 of the ordinance it shall be held at minimum requirements. He said the Board cannot look the other way if Mockler hasn't met something. Peterson said if there are conflicts between the ordinance and state law, the Board needs to hold to the strictest standard. He said when looking at the definition of conditional use permit, the planning commission may permit such use when specific provision is made in zoning district regulation. He said it means Mockler is eligible, not entitled. He also cited Article 11, conditional use permits, that the Planning Commission may authorize a conditional use permit, and it is an important distinction that highlights the power they have today, but they shall impose such conditions as appropriate to the comprehensive plan and health and welfare. He said Section 11.05, reiterates a third time that the Board has the discretion and power to say no. He said the Planning Commission must make written findings. He said the most important is subsection H regarding general compatibility to adjoining properties and other properties in the area. Peterson referred to section 3.07 regarding CAFOs. Manning said it is not a CAFO. Peterson said they need to think about that, and 3.07 governs both CAFOs and AFOs. He said under section F, the Planning Commission may impose, in addition to standards and requirements, additional conditions; the Planning Commission may adjust setbacks on a site-by-site basis. He said the Board has heard a lot of reasons to say no. If, on appeal by Mockler, the Board decides it's not the right project, a court cannot reverse it. Peterson said under section 3.07.3, the applicant shall obtain a letter from NRCS, but a letter is not on the record. If the letter is not there, it's not within the ordinance to say yes. Packard said it is an error of the ordinance because it is unattainable. State's Attorney Tracy cited severability within the ordinance itself. She said the County can't force another agency to comply with a request, and if they refuse, it puts the applicant in a situation where they cannot apply, so the County cannot require it due to

severability. Peterson said it is one thing that will be looked at by the court. Mockler said the NRCS did send a letter directing him to go to DENR. Mockler addressed the Board and said he hopes it is in the minutes that Peterson has now threatened the County with a lawsuit. If a permit is granted, Peterson will take the County to court.

Peterson said two or more operations within a mile commonly owned, they have to be considered together, that even with lower numbers they would be looked at in connection with one another. He said Mockler is at the upper limit on a medium, and one more of anything puts him at a large. Peterson cited South Dakota law and said the Board has authority to decide how they implement things, and they have two options: make it a large, or say the ordinances don't allow combination of species. State's Attorney Tracy said it is a point of clarification on a case-by-case basis, there is a reference under the chart that they may change setbacks. Peterson said to Tracy, "You interpret they may adjust, but which direction?" He said if Mockler hasn't met the burden, his plan might be smaller, but you don't get to come back again because you authorized him to go larger, and he only needs a building permit. He said the Board makes the decision for the entire community and asked what they want it to look like in the future when it's not Mockler. Peterson asked if the next person is not getting the same "Awe shucks, Pal," treatment how is that going to go? Packard said she takes offense at last comment. She said, "We have, on a constant basis, requested more from him because he is a commission member." Tracy said there has been a tone of personal attacks, and if there is an example of specific ways in which there is evidentiary value to support that comment, Peterson should cite examples. She said, "You lose credibility when making throwaway comments like that." Peterson said it is the whole notion of maxing out two mediums and looking the other way. Peterson said he said the fallback suggestion is to hold him to the large; there is no box into which his permit exists. Powell said when there is not a box this is a Conditional Use Permit, and we are agreeing to 999. Peterson said there is not a box for two species. Powell said we are not opening the door; a combination of two species is not in a box on the table. Packard said DENR considered them together, but they do not have them separate. Peterson said we are looking at a Clay County permit, not state permit. Mockler said if you want to combine species, then the ordinance needs to say animal units, but this group (referring to the Sierra Club) said whatever you do, do not change the table. Since the ordinance does not say animal units, they are not combined. Mockler said the way the ordinance is written he is a medium, not a large.

Aden said Mr. Mockler has met the burden of proof. The Planning Commission has approved it, and the permit was granted. The appeal was by Sierra Club, so they have the burden of proof. Aden said additional information was requested, and it has provided. The motion should be whether to accept or reject the Planning Commission's decision. Packard asked Tracy if it is appropriate to take time to review all of the information to make sure the Board feels strong enough to approve, disapprove, or amend. Tracy said one of the biggest things is the Board has to have a record that indicates findings and be clear in record about what is being amended. So when it was amended to include additional requirements, the Board has the information in front of them. Packard proposed to the board page numbers so they can refer specifically to make sure they have received everything they have requested. Manning asked Hammond if he is comfortable with everything Mockler submitted. Hammond said the only thing in the ordinance

that had not been put on the map was the dead animal area, but it was deemed to be not applicable in the Planning Commission deliberations. Mockler asked if it actually said where, that he knows it said what he would do with them, but wanted to clarify if it said where. Mockler said it will be a long way away from the flood plain because the truck has to get to it. He said he hates to have it along the road because it looks bad. Hammond said it ought to be close to the property entrance. Hammond said it was addressed and deemed not applicable, but he thought it should be addressed.

Sandy Pederson said she is having trouble deciding why the scale on the map is ok; it matters to her that the scale of the buildings is not to scale. She said she wants to see how big they are because the bigger they are the closer it's going to be to the slope. Hammond said they are approximately the right size as depicted, but the main thing is where they are in relation to other features on the map. He said important questions were answered, in his opinion.

Powell asked Packard if any commissioner, in good conscience, can make a ruling at all with threats of legal action, and said he wants to consult with the State's Attorney first. Packard asked if there is a motion. Powell moved to table the matter. Tracy said at some point in time action will have to be taken, and whether it will be appealed by either side, there is a due process explanation and procedure outlined to get from the Planning Commission to where they are now. Should any decision be appealed, there is a court process for that. The court is going to uphold it unless they believe the Board of Adjustment has made an erroneous application of requirements. Powell said he does not want to drag the County into litigation, so he wants to make the motion to table until the next meeting to give time for legal consultation. Packard said as Chair she feels a strong detailed review of what has been said and what has been received is in order. Collier asked if there will be a preparation of findings of fact. Tracy said that is why she has referenced the chart from the Planning Commission. Manning said he feels the public hearing should be closed because it's getting into the same stuff over and over, and now the Board needs to make a decision. Lias said he doesn't think they can do that in a public meeting. Packard said that's where the findings of fact come in. Tracy said the Board can review it individually and come back in a public meeting to review it as a group. Packard said she needs more time to look at the facts. Powell said he has reviewed the facts and is ready to make a decision, but wants to review with legal counsel because he does not want to drag County into a lawsuit.

Hammond said the dead animal site and the 144 foot move were two items he was concerned with. The matter of the 144 feet was a "may" not a "shall." He said he would be inclined to make a vote providing a spot was marked for dead animals and show the 5 buildings moved to the east 50 feet. Hammond said it is legitimate on a case-by-case basis to provide more stringent setbacks, to move the site away from the flood plain by 50-100 feet, his thought is it gets them firmly on level ground, and they would be doing their duty to address that concern by the appellant and himself. Hammond said that gets them to the point where they are within what ordinance allows them to do and compels them to do. Hammond asked if Mockler would agree to those two things. Tracy said they may make additional requirements, but there needs to be notation specifically on the map, and moving of the buildings is an additional requirement. She recommended additional time for new information, and the public comment should continue.

Wilson said he hopes they don't miss the forest for the trees. He said Hammond's additional suggestions were helpful but not complied with entirely, but he hopes they will keep in mind the issues raised by Peterson and will look at the two overriding questions (size large, not medium) and carefully review the ordinance, and the crucial question that the applicant said there will be no discharge to waters of the state. He asked the Board if they will be happy when water testing is done and there are different readings above and below the site. He said people will be allowed to do water testing because 305 St. is a right-of-way.

Mockler said Hammond should make a motion to include the 50 feet, not ask him about it. Mockler asked if he wants it 50 feet from the flood plain. Hammond said to move the entire footprint east 50 feet. Mockler said there has to be something solid to measure from. Hammond said measure off of the SW corner of the feedlot, where there is the "T" in the fence. Mockler said he has an idea of where he would put dead animals, and asked how that should be delineated. Hammond said it should be in the area not in the contours dipping into the floodplain. Hammond said an important part of the plan is dead animal storage area. Mockler asked if he wants to make the condition that it stays 200 feet from the top of the slope.

Hammond moved to amend with the provision of the site of the dead animal disposal area marked on a map and the moving of the 5 buildings an additional 50 feet due east, also documented on the map. Mockler asked if that needs to be done when it is staked out. Hammond said it can be provided on a 100-foot scale with a disposal marked as an "X" and the building sites drawn to scale. Manning asked when the area is staked out to document it. Manning seconded the motion. Skyrn asked for clarification on the map. Hammond discussed it. Vote of the Board: Hammond Aye, Manning Aye, Powell Aye, Packard Aye. Motion passed.

Tracy suggested page numbering the entire record because findings will need to come from documentation submitted to the Board. The Board will need findings for its reasoning for any appeal, and a decision is conditioned upon what's submitted. It is a matter of setting the next time for review of compliance. If Mockler submits something not in compliance with the request, then they will document it in the findings. Tracy said she wants a new map.

Peterson asked for a deadline, a date when the documents will be available for the public, and a hearing for public discussion on the new map. Manning said he doesn't want to review old stuff but offer public comment on new items. Wilson said the Board still has not responded to many of the comments such as can the Planning Commission legally approve something that has not met ordinance such as the NRCS letter and can they demonstrate through the ordinance that it can be a medium. Packard said at the present time it is appropriate to close the hearing, set a date for compliance with the amendment, and set a date for the next hearing.

Hammond moved to set the hearing for August 27, 2019 at 10:00 a.m., August 13, 2019 as the submission deadline for the information, and the documents be made available to the public by August 15, 2019 on the website. Motion seconded by Manning. All voted aye. Motion passed.

Struckman-Johnson asked that at the next hearing Mockler be the applicant, not to clarify Roberts Rules of Order for the Board as necessary.

At 12:35 p.m., Manning moved, seconded by Powell and carried to adjourn as Board of Adjustment and reconvene as Board of Clay County Commissioners. Chairman Mockler presided over the meeting.

Powell moved, seconded by Hammond and carried to authorize the following claims for payment. July Bills: (Payroll) Commissioners \$6,726.80; Auditor's Office \$4,999.28; Treasurer's Office \$14,342.62; States Attorney's Office \$18,046.13; Courthouse \$2,525.40; Director of Equalization \$8,223.74; Register of Deeds \$5,087.39; Veterans Office \$1,323.10; 24/7 \$1,679.53; Sheriff's Office \$29,847.32; Jail \$20,323.22; Emg Mgmt & Lepc \$3,387.40; Highway \$36,488.14; WIC Office \$2,602.01; Extension Office \$2,724.71; Weed Dept. \$7,736.55 and Zoning \$2,200.15 (Due to Other Government) State of SD Game Fish \$207.00; (Payroll Withholdings) Aflac \$770.19; Colonial Life \$616.38; Conseco/Washington \$24.45; Dearborn National \$229.95; Div of Child Support \$631.00; New York Life Insurance \$328.57; SD Retirement System \$26,502.44; SD Supplemental Retirement \$2,625.00; SDRS Roth 457(B) Plan \$1,035.00; United Way of Vermillion \$382.00; Vermillion Federal \$2,571.00 and Wellmark Blue Cross \$54,060.26; (Insurance Deductible Reimbursement) Husby, Tiffany \$500.00; (Other Insurance) SD Public Assurance Alliance \$1,029.93; (Professional Services and Fees) Avera University \$199.26; Butler Machinery Co. \$350.00; Empco, Inc. \$150.00; FedEx \$10.40; Lincoln County Treasurer \$668.06; Microfilm Imaging System \$1,200.00; Netsys Plus, Inc. \$773.75; Sioux Equipment \$56.95; Yankton Co Sheriff \$100.00; Yankton Co Treasurer \$240.00 and Yankton Medical Clinic \$282.76; (Other Professional Services) City of Vermillion \$70,509.52; Dakota Reporting Agency \$662.25 and Yankton Co Sheriff \$1,820.00; (Law Office) Blackburn & Stevens LLC \$578.91; Harmelink, Fox, Ravsb \$190.40; Johnson, Katie PLLC \$768.23; KCH Law \$156.60; Kruse Law Office \$197.15; McCulloch, James E \$3,547.40 and Peterson, Stuart, Klen \$6,566.53; (Mental Health) Dakotabilities \$360.00; Butler Machinery Co. \$217.90; Century Business Products \$30.00; Hollaway Const. Co. \$36,250.00; Olson's Pest Technicians \$80.00; Presto-X Company LLC \$59.00; Sioux Equipment \$340.00; Turner Plumbing Inc. \$122.11 and Yankton Transmission \$1,788.00; (Data Processing) Bureau of Administration \$48.75; Erickson Solutions \$1,895.25 and Microfilm Imaging System \$80.00; (Supplies & Materials) Bob Barker Co Inc. \$328.49; Brock White Company \$2,449.71; Brunick Service, Inc. \$300.00; Butler Machinery Co. \$14.08; Campbell Supply Co. \$139.30; Concrete Materials \$1,471.12; Coyote Enterprise LLC \$204.98; Diesel Machinery, Inc. \$8,125.00; Echo Electric Supply \$78.90; Graham Tire SF North \$493.68; Hollaway Const Co. \$2,435.34; Hollenbeck, Lauren \$35.20; Hy-Vee, Inc. \$107.47; I-State Truck Center \$68.36; Intoximeters, Inc. \$750.00; JCL Solutions \$494.38; Jerry's Chevrolet \$186.02; Jerry's Service \$8,564.21; L.G. Everist, Inc. \$3,645.41; Lawson Products, Inc. \$9.24; Layne's World, Inc. \$87.52; Midwest Ready Mix \$7,586.60; Pressing Matters \$208.80; Prochem Dynamics \$35.16; Quill Corporation \$225.24; SD Dept Of Trans \$7,294.22; Sign-Up LTD. \$47.00; Sioux Equipment \$2,049.25; Star Publishing \$28.30; Sanford Home \$358.19; Sturdevant's Auto Parts \$305.05; Syds Eastside Auto \$150.00; Tiger Corporation \$89.04; TrueNorth Steel \$65,893.44; Vermillion Ace Hardware \$49.41; Vermillion Ace Hardware \$7.67; Vermillion Ace Hardware \$49.99; One office Solutions \$462.80; Wood, Lisa \$94.00 and Yankton Janitorial Supplies \$839.70; (Travel and Conference) Pederson, Paul \$48.00 and SDSU Extension Service \$57.00; (Utilities) City of Vermillion \$2,779.11; Verizon Wireless \$69.04; Verizon Wireless Sheriff \$320.08; Verizon Wireless EMG

\$40.01; Verm/Clay Co. Landfill \$534.38 and Vermillion Garbage SVC \$236.00; (Payment) American Tire Distribution \$1,011.36; Brunick Service, Inc. \$183.90; Charlie's Bus Service \$160.00; Clay Co Conservation District \$6,250.00; SD Dept of Rev Anderson \$1,563.50; Herren-Graber, Krista \$562.00; Hy-Vee, Inc. \$4,440.56; Nutrien AG Solutions \$1,098.00; Quality Motors \$129.71; Walmart \$126.40; Collins, Blair \$55.04; Green, Kelly \$56.72; Hessman, Teresa \$71.00; Madsen, Larry \$50.00; Rolfes, Susan \$53.36; Vesely, Brian \$71.00; Zimmer, Allen \$50.00; Beyers, Erin \$50.00; Kribell, Bridget \$20.00; Kribell, Cindy \$46.04; Kribell, Tim \$20.00 and Johnson, Tricia \$41.00; (JDC/Special Eq.) Minnehaha County JDC \$7,820.00 and SD Assn of Co. Officials \$6,876.00; (Books) Thomson Reuters – West \$948.78; (Furniture and Minor Equipment) Thomson Reuters – West \$948.78; Canon \$209.96; Erickson Solutions \$8,471.86.

Powell moved, seconded by Packard and carried to adopt the 2020 Provisional Budget.

At 12:48 p.m., Packard moved, seconded by Powell and carried to enter an Executive Session for legal/contractual matters per SDCL 1-25-2.

At 1:00 p.m., Packard moved, seconded by Powell and carried to exit the Executive Session.

State's Attorney Tracy reviewed a letter regarding Lake Thompson and an issue from 2011 flooding. Lake Thompson is at record highs, and Clay County could be affected. Powell suggested that Tracy contact Jay Gilbertson. Tracy said historically the state water board established a maximum capacity, and that there should be continuing maintenance. Tracy received information from Mark Rath that there has been no maintenance, and an outlet cannot be dug deeper without authorization from the state's water board, which meets in October.

Mockler excused himself from the meeting at 1:33 p.m., and Vice-Chair Packard presided over the meeting.

At 1:34 p.m., Powell moved, seconded by Hammond and carried to enter an Executive Session for legal matters per SDCL 1-25-2.

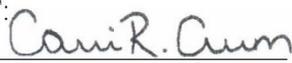
At 1:57 p.m., Powell moved, seconded by Hammond and carried to exit the Executive Session.

At 1:58 p.m., Manning moved, seconded by Powell and carried to adjourn, and to reconvene at 9:00 a.m. on Tuesday, August 6, 2019.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:


Carri R. Crum, County Auditor

August 6, 2019

The Board of County Commissioners met in regular session Tuesday, August 6, 2019 at 9:00 a.m. Members present: Travis Mockler, Micheal Manning, and Richard Hammond; Phyllis Packard and Leo Powell were absent.

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

Minutes of the July 30, 2019 meeting were amended and approved with a motion by Hammond, seconded by Manning and carried.

Highway Superintendent Rod Polley met with the Board. He presented a change order for the micro-surfacing project. Hammond moved, seconded by Manning and carried to authorize the Chairman to sign the change order.

Hammond moved, seconded by Manning and carried to declare a 2004 Sterling tandem axle dump truck with one-way snow plow, a 2005 Sterling tandem axle dump truck with one-way snow plow, and a 2012 140M2AWD motor grader surplus and authorize them for sale by Girard's Auction.

Polley said he does not have any new information regarding drainage at Jetley Park and Meckling Rd. or Greenfield Rd. and 312 St. The engineer has looked at Greenfield Rd. and 312 St., but he is gathering more information. He discussed 313 St. and Highway 19 and said he used the elevation tool on Pictometry to map the area. Polley said the landowner has requested to clean the ditch. He said he will check the area to see if it needs to be cleaned, and he will place it on the agenda for the next meeting.

Mockler asked Polley about using swinging gates when roads are closed like Union County uses. Polley said he has spoken with other counties that use them, and he is not sold on them at this point. He said he is concerned about safety if someone goes off the road and hits them.

Manning discussed road breakup near Greenfield. Polley said the department has been placing and packing gravel into it, but he plans to place an asphalt patch on the area.

The Board discussed that they received an e-mail from a resident along Burbank Rd. thanking them for lowering the speed limit in the residential area.

Matt Callahan and Matt Taggart of Vermillion Fire/EMS met with the Board to discuss a burning ordinance. Callahan said the department responded to a call of a structure fire near 309 St. and 466 Ave., which was actually a giant rubbish pile. There was another instance recently where someone lit a building on fire on their property to get rid of it, but they did not call first. This is a recurring problem where people light large things on fire and do not call to notify the fire department in advance. He spoke with other fire chiefs in the area, and this is a problem for others as well. Callahan requested an ordinance that would make certain requirements, such as notifying the fire department prior to conducting a large burn. He presented Yankton County's ordinance as a sample and said it would be nice for the fire departments in the area to have a consistent ordinance across the county lines as some of them serve multiple counties. Emergency

Management Director Layne Stewart said there have been times where he or the deputies have just driven from one fire to the next to make sure they are controlled burns because no one calls in advance of lighting the fire. He also said in the situation Callahan presented, it was determined that there were thousands of freezer packs being burned, and residents in the area were concerned about contaminants making their way into the creek nearby. He said he has a letter from the SD Dept. of Environment and Natural Resources regarding burning of toxins. Callahan said he would like the Board to review the sample ordinance, and he will come back in a month to discuss it further. Sheriff Andy Howe said his deputies often respond as well, but it is difficult because there is nothing in the ordinance to require a person to notify authorities before burning.

Bob Fuller, Chairman of the Courthouse, Jail, and Law Enforcement Facility Planning Committee, met with the Board to discuss the committee's recommendation to the Board regarding the facilities. Fuller said he thought the conversation at the July 23rd meeting with the Commissioners was very good, and the Rotary Club presentation went very well. The committee is scheduled to meet with the Lions Club and the UpNEXT Coffee Hour. It was discussed that the Commissioners would like to wait until they have all members present before voting on the matter, and the matter will be placed on the agenda for the next meeting. The group discussed rumors that the building will be torn down and again reiterated that that is not the plan. Manning said people have approached him wondering why the County does not simply remodel the Courthouse. He said he has tried to explain that it is not simple, and the extensive costs and challenges that would be involved. Fuller said the jail cannot be remodeled, and if you are going to build a jail, why not bring the other services right along with it? It was discussed that the County is trying to plan for 50-100 years in the future.

Sheriff Andy Howe met with the Board for the 2020 budget requests and discussed personnel, technology, equipment needs, jail boarding costs, inmate meal costs, and inmate transport costs.

Hammond moved, seconded by Manning and carried to schedule a tax deed sale at 10:00 a.m. on September 3, 2019 for the following properties:

- Lot 12 Block 41, Snyders Addn, Vermillion City, Clay County, South Dakota
- Lot 13, Babb's Addition to the Town of Wakonda, Clay County, South Dakota
- Lot 5 Babb's Addition to the Town of Wakonda, Clay County, South Dakota
- Commencing at the Southeast corner of Lot 7 in Block 20 of Vermillion, entered as a townsite; Thence running North along the East line of said Lot 7 to a point 30 feet South of the Northeast corner of said Lot 7; Thence in a Northwesterly direction on a straight line crossing the boundary line between Lots 6 and 7 in said block 20 at a point 68.8 feet West of the Northeast corner of said Lot 7 and extending to a point on the West line of said Lot 6 which is 8.4 feet South of the Northwest corner of said lot 6; Thence South along the West line of said Lots 6 and 7, to a point 4 feet North of the side track of the C.M. & ST.P R.R.; Thence in a Southeasterly Direction on a line parallel with and 4 feet distant from said side track to the intersection with the South line of said Lot 7; Thence East along the South line of Said Lot 7 to the place of beginning; Except lot H3 of lots 6 and 7, original townsite of Vermillion, Clay County, South Dakota.

Auditor Carri Crum discussed the condition of the Courthouse retaining wall. It was decided that due to the potentially unsafe condition of the front steps and the retaining wall in the area of the front steps, the area should be closed to the public and updated cost estimates obtained as soon as possible so that work can begin soon.

The Sheriff's Office, Veterans/Welfare/Zoning Office, Vermillion Public Library Board Monthly reports were accepted and placed on file.

At 11:05 a.m., Hammond moved, seconded by Manning and carried to enter an Executive Session for legal/contractual matters per SDCL 1-25-2.

Mockler excused himself from the Executive Session at 11:11 a.m.

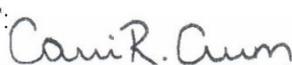
Mockler rejoined the meeting at 11:21 a.m.

At 11:22 a.m., Manning moved, seconded by Hammond and carried to exit the Executive Session.

At 11:22 a.m., Manning moved, seconded by Hammond and carried to adjourn, and to reconvene at 9:00 a.m. on Tuesday, August 13, 2019.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST: 
Carri R. Crum, County Auditor

August 13, 2019

The Board of County Commissioners met in regular session Tuesday, August 13, 2019 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Richard Hammond.

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

Minutes of the August 6, 2019 meeting were amended and approved with a motion by Manning, seconded by Hammond and carried.

Laci Fitch of Beckenhauer Construction appeared during Visitors to be Heard and expressed to the Board that she is available if they have any questions regarding the Construction Management method that could be used for the jail project.

Phyllis Packard represented the Vermillion Area Arts Council during Visitors to be Heard to discuss that the Council is not requesting an increase at this time for the 2020 budget, but there may be a request in the future.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. He reported on the ditch at 313 St. and Highway 19. He also gave the commissioners a list of current and future projects by priority.

Powell moved, seconded by Manning and carried to accept the low bid of \$1.985/gallon from Jerry's Service for #2 diesel fuel.

Powell moved, seconded by Manning and carried to approve and authorize the Chairman to sign a Right-of-Way Application from VAST Broadband on 306 St. in Section 18/19, Township 94N, Range 53W.

Hammond moved, seconded by Packard and carried to approve and authorize the Chairman to sign a Driveway Application from Brian Huth on 306 St. in the W1/2 SW1/4, 14-94-53, Bethel Township, ¼ mi. east of 456 Ave. on the north side of the road.

Bob Fuller, Chairman of the Courthouse, Jail, and Law Enforcement Facility Planning Committee, met with the Board to discuss the committee's recommendation to the Board regarding the facilities. Powell moved, seconded by Hammond to accept the recommendation of the Courthouse, Jail, and Law Enforcement Facility Planning Committee. Vote of the Board: Hammond Aye, Manning Aye, Powell Aye, Packard Aye, Mockler Aye. The vote was unanimous, and the motion passed.

Karen DeLange and Tammy Loos of Alternative HRD met with the Board to discuss a job posting when Cynthia Aden retires from her position with the Veterans/Welfare/Zoning Office, and she reviewed the Employee Handbook updates. Karen made a recommendation to the Commissioners that once department heads are comfortable with the final policy manual review, to have Karen DeLange or Tammy Loos send it to an attorney to be reviewed again. Powell moved, seconded by Manning and carried to authorize DeLange and Loos to send the draft handbook to an employment law attorney for review.

Powell moved, seconded by Hammond and carried to authorize the following claims for payment.

(DUE TO OTHER GOVERNMENT)		CONCRETE MATERIALS	\$182.53
SD DEPT OF REV ANDERSON	\$260,881.53	DIESEL MACHINERY, INC.	\$625.00
SDACO - M&P FUND PAYMENT	\$334.00	ERICKSON SOLUTIONS GROUP	\$2,136.80
(INSURANCE DEDUCTIBLE REIMBURSE)		FRANCOTYP-POSTALIA INC	\$90.00
MANGER, BILL	\$500.00	HOLLOWAY CONST CO	\$13,754.05
(PROFESSIONAL SERVICES AND FEES)		I-STATE TRUCK CENTER	\$36.33
ALTERNATIVE HRD LLC	\$2,343.75	JERRY'S SERVICE	\$16,872.50
BILLINGS, JOHN P	\$1,448.75	LUND TRUCK PARTS	\$300.00
BUHLS DRYCLEANERS &	\$119.00	MICROFILM IMAGING SYSTEM	\$155.00
CITY OF VERMILLION	\$132.00	NORTHERN SAFETY CO., INC	\$139.20
HOUSKA, DDS, RANDY	\$365.00	OFFICE ELEMENTS	\$244.53
LINCOLN COUNTY TREASURER	\$640.84	OFFICE SYSTEMS COMPANY	\$135.64
NETSYS PLUS, INC.	\$28.50	ONE OFFICE SOLUTION	\$213.19
PHARMCHEM, INC.	\$742.30	PRESSING MATTERS	\$202.00
SATELLITE TRACKING OF	\$35.75	PRINT SOURCE	\$105.00
SD DEPT OF HEALTH LAB	\$905.00	QUILL CORPORATION	\$261.97
(OTHER PROFESSIONAL SERVICE)		ROAD KING, INC	\$3,375.00
CERTIFIED LANGUAGES INTL	\$44.55	SOOLAND BOBCAT	\$514.30
MEYER, MARY ANNE	\$228.00	STURDEVANT'S AUTO PARTS	\$137.81
SD ATTORNEY GENERAL	\$497.00	TIGER CORPORATION	\$420.20
YANKTON CO SHERIFF	\$4,410.00	VERMILLION ACE HARDWARE	\$126.52
(LAW OFFICE)		VERMILLION FEDERAL	\$1,215.38
THOMPSON, CRAIG K	\$831.65	WHEELCO BRAKE AND SUPPLY	\$1,178.61
(MENTAL HEALTH)		YANKTON REXALL DRUG	\$20.98
SD ACHIEVE	\$240.00	(COPIER SUPPLIES)	
SESD ACTIVITY CNTR	\$360.00	CANON	\$161.12
LEWIS & CLARK BEHAVIORAL	\$178.00	(TRAVEL AND CONFERENCE)	
SD DEPT OF REV ANDERSON	\$552.44	D-WARE INC.	\$195.00
(PUBLISHING)		SD COUNTIES	\$555.00
BROADCASTER PRESS	\$558.80	(UTILITIES)	
STAR PUBLISHING	\$2,840.96	BUREAU OF ADMINISTRATION	\$59.38
(REPAIRS AND MAINTENANCE)		CENTURYLINK	\$594.97
CANON	\$123.48	CENTURYLINK EMG	\$13.75
CENTURY BUSINESS PRODUCT	\$30.00	CLAY RURAL WATER SYSTEM	\$93.60
CITY OF VERMILLION	\$95.85	CLAY UNION ELECTRIC CORP	\$603.29
DAKOTA LOCK & KEY	\$50.00	MIDAMERICAN ENERGY	\$43.74
HOLLOWAY CONST CO	\$150,505.00	MIDCO BUSINESS	\$285.00
KONE, INC.	\$748.68	VERIZON WIRELESS EMG	\$40.01
PRESTO-X COMPANY LLC	\$78.00	VERM./CLAY CO. LANDFILL	\$1,171.32
ROAD KING, INC	\$800.00	WAKONDA TOWN	\$62.65
TURNER PLUMBING INC	\$530.50	(PAYMENT)	
VERMILLION FEDERAL	\$55.00	BRUNICK SERVICE, INC.	\$68.95
(DATA PROCESSING)		PINE, NICOLE	\$45.20
MICROFILM IMAGING SYSTEM	\$855.00	(JDC/SPECIAL EQP.)	
SOFTWARE SERVICES, INC.	\$2,920.00	DAKOTA ARCHERY & OUTDOOR	\$820.00
(SUPPLIES & MATERIALS)		JACK'S UNIFORMS & EQUIP.	\$159.95
A & B BUSINESS	\$402.80	MINNEHAHA COUNTY JDC	\$7,130.00
A-OX WELDING SUPPLY CO	\$260.75	(BOOKS)	
APPEARA	\$43.04	THOMSON REUTERS - WEST	\$518.04
BROCK WHITE COMPANY	\$23,763.33	(FURNITURE AND MINOR EQUIPMENT)	
BRUNICK SERVICE, INC.	\$30.61	INTOXIMETERS, INC.	\$325.00
CAMPBELL SUPPLY CO.	\$19.98	MICROFILM IMAGING SYSTEM	\$30.00

(MACHINERY AND AUTOMOTIVE EQUIP)
MARK'S MACHINERY \$12,000.00

(AUTOMOTIVE)
BRUNICK SERVICE, INC. \$40.10

At 10:04 a.m., Powell moved, seconded by Hammond and carried to enter an Executive Session for legal matters per SDCL 1-25-2.

At 10:35 a.m., Powell moved, seconded by Hammond and carried to exit the Executive Session.

At 10:37 a.m., Powell moved, seconded by Hammond and carried to adjourn, and to reconvene at 9:00 a.m. on Tuesday, August 27, 2019.



Travis Mockler, Chairman
Board of Clay County Commissioners

Attest:



Nicole Klunder, Deputy County Auditor

August 27, 2019

The Board of County Commissioners met in regular session Tuesday, August 27, 2019 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Richard Hammond.

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

Minutes of the August 13, 2019 meeting were amended and approved with a motion by Manning, seconded by Hammond and carried.

Phyllis Packard represented the Vermillion Area Arts Council during Visitors to be Heard to report that the Council will be down approximately \$8,000 in funding for next year.

Packard moved, seconded by Manning and carried to accept the low bid of \$2.25/gallon from Brunick's Service for ethanol blend fuel.

Cynthia Aden, Zoning Administrator, met with the Board to present a plat. Manning moved, seconded by Powell and carried to pass and adopt the following Resolution #2019-19 for Plat of Trudeau Tract 1 & 2 in the South Half of Section 1, T94N, R53W of the 5th P.M., Clay County, South Dakota; Paul Jensen, owner.

**RESOLUTION #2019-19
RESOLUTION OF COUNTY COMMISSIONERS**

WHEREAS it appears that the owners thereof have caused a plat to be made of the following described real property:

A plat of Trudeau Tract 1 & 2 in the South Half of Section 1, T94N, R53W of the 5th P.M., Clay County, South Dakota; Paul Jensen, owner.

Be it resolved that the Board of County Commissioners of said County has examined the same and that it appears that the system of streets set forth therein conforms to the system of streets of existing plats and section lines of said County, that adequate provision is made for access to adjacent un-platted lands by public dedication or section line when physically accessible, and that all provisions of the subdivision regulations of said County have been complied with, and that all taxes and special assessments, if any upon the tract or subdivision have been fully paid and that such plat and the survey thereof have been executed according to law, and the same is hereby accordingly approved.

Travis Mockler, Chairman
Board of County Commissioners

I, Carri R. Crum, County Auditor of Clay County, South Dakota do hereby certify that the within and foregoing is a true copy of the Resolution passed on August 27, 2019.

Carri R. Crum
 County Auditor, Clay County, SD

Emergency Management Director Layne Stewart met with the Board to present the State & Local Agreement for signature. Powell moved, seconded by Packard and carried to authorize the Chairman to sign the agreement as presented.

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

(DUE TO OTHER GOVERNMENT)		FLEX SYSTEM (TASC)	\$73.72
STATE OF SD GAME FISH	\$57.00	JOHNSEN HEATING & COOLIN	\$104.65
(PAYROLL WITHHOLDING)		MARLON HANSON PLUMBING	\$91.83
AFLAC	\$770.19	MIDWEST READY MIX	\$950.63
CLAY CO TREASURER	\$53,811.43	PRESTO-X COMPANY LLC	\$137.00
COLONIAL LIFE	\$525.26	R&T REPAIR	\$262.50
CONSECO/WASHINGTON	\$24.45	TURNER PLUMBING INC	\$42.60
DEARBORN NATIONAL	\$229.95	(DATA PROCESSING)	
DELTA DENTAL OF SD	\$497.60	ERICKSON SOLUTIONS GROUP	\$1,895.25
DIV OF CHILD SUPPORT	\$631.00	(SUPPLIES & MATERIALS)	
NEW YORK LIFE INSURANCE	\$328.57	A & B BUSINESS	\$270.99
SD RETIREMENT SYSTEM	\$25,583.54	BOMGAARS	\$1,599.99
SD SUPPLEMENT RETIREMENT	\$2,675.00	BRUNICK SERVICE, INC.	\$286.31
SDRS ROTH 457(B) PLAN	\$935.00	CONCRETE MATERIALS	\$3,430.23
UNITED WAY OF VERMILLION	\$382.00	CREATIVE CULTURE INSIGNI	\$403.50
VERMILLION FEDERAL	\$2,171.00	DAVIS PHARMACY	\$1,448.52
WELLMARK BLUE CROSS	\$54,045.94	FEDEX	\$36.65
(INSURANCE DEDUCTIBLE REIMBURSE)		FRONTIER PRECISION INC	\$1,076.00
STYLES, DAVID	\$500.00	JOHN DEERE FINANCIAL	\$835.38
(OTHER INSURANCE)		LAWSON PRODUCTS, INC.	\$348.72
JENSEN INSURANCE	\$165.33	MICROFILM IMAGING SYSTEM	\$87.50
(PROFESSIONAL SERVICES AND FEES)		MIDWEST READY MIX	\$14,965.18
ANDERSON COUNTY	\$90.00	NATURESCAPING DESIGN LLC	\$489.00
EMS ASSOCIATION	\$262.55	PRESSING MATTERS	\$36.00
FLEX SYSTEM (TASC)	\$1,843.11	R&T REPAIR	\$423.14
MERCYONE DUNES	\$67.44	SD SHERIFF'S ASSN	\$30.94
NETSYS PLUS, INC.	\$50.00	SIGN-UP LTD.	\$23.50
SECURITY SHREDDING SVC.	\$35.00	STURDEVANT'S AUTO PARTS	\$200.49
YANKTON CO TREASURER	\$120.00	TRUENORTH STEEL	\$8,249.00
YANKTON MEDICAL CLINIC P	\$69.39	VERMILLION ACE HARDWARE	\$31.98
(OTHER PROFESSIONAL SERVICE)		(JAIL PHONE CARDS)	
HEEREN-GRABER, KRISTA	\$562.00	RELIANCE TELEPHONE	\$500.00
(LAW OFFICE)		(TRAVEL AND CONFERENCE)	
COLLIER, CAITLIN F	\$451.25	CHRISTENSEN, LAURA	\$200.00
HORN LAW OFFICE, PROF.LL	\$261.50	PETERSON, INA	\$200.00
KENNEDY, PIER & KNOFF LL	\$5,810.65	VERMILLION FEDERAL	\$77.00
MCCULLOCH, JAMES E	\$920.13	(INMATE TRANSPORT)	
PETERSON, STUART, KLENTZ	\$6,344.48	PENNINGTON COUNTY JAIL	\$355.80
(REPAIRS AND MAINTENANCE)		(UTILITIES)	
ERICKSON SOLUTIONS GROUP	\$387.80	CITY OF VERMILLION	\$1,246.53
FISCHER'S DISPOSAL L.L.C	\$55.00	MIDAMERICAN ENERGY	\$62.95

VERIZON WIRELESS	\$96.04	MADSEN, LARRY	\$50.00
VERIZON WIRELESS SHERIFF	\$320.08	NUTRIEN AG SOLUTIONS	\$1,318.54
VERM./CLAY CO. LANDFILL	\$532.90	ROLFES, SUSAN	\$53.36
VERMILLION GARBAGE SVC.	\$176.00	THE SOAP GUYS	\$104.00
WHEELCO BRAKE AND SUPPLY	\$798.89	VERMILLION FEDERAL	\$122.45
(OTHER PAYMENT)		VESELY, BRIAN	\$71.00
AMERICAN TIRE DISTRIBUTOR	\$126.42	WALMART COMMUNITY/GECRB	\$294.12
BEYERS, ERIN	\$50.00	ZIMMER, ALLEN	\$50.00
COLLINS, BLAIR	\$55.04	(FURNITURE AND MINOR EQUIPMENT)	
CULVER, KIMBERLY	\$50.00	CANON	\$209.96
GREEN, KELLY	\$56.72	DAKOTA PC WAREHOUSE	\$199.99
HESSMAN, TERESA	\$71.00	MURPH'S APPLIANCES, INC.	\$489.00
HY-VEE, INC.	\$3,703.55		

State's Attorney Alexis Tracy met with the Board to discuss a jail boarding contract with Plymouth County, IA.

The Board discussed with Tracy the Public Defender contract and Court Appointed Attorneys.

The Board called a recess to walk around the perimeter of the grounds and inspect the retaining wall.

The meeting was called back in session at 9:53 a.m. The Board requested more details from Heinemann Restoration regarding what the repair estimate includes. It was decided that Auditor Carri Crum would schedule a time for the Board to meet with Heinemann Restoration.

Mockler recused himself from the meeting, and Vice-Chair Packard presided.

At 10:00 a.m., Powell moved, seconded by Manning and carried to adjourn and convene as Board of Adjustment.

Packard reviewed the expectation of decorum and an agenda of proceedings with everyone present.

State's Attorney Tracy provided a slide show for the audience to recap the proceedings to date. She provided the process for the Board of Adjustment. Minutes were quoted for the motion made by the Board of Adjustment on June 11, 2019, and Tracy referred to findings of the Planning Commission. Tracy's slide show contained items from the July 30, 2019 public hearing as well as the motion for the additional amendment regarding submission of a scaled map detailing the buildings to be moved 50 feet to the east. Tracy addressed the Board's potential for clarification on the findings based upon the amendment. She also discussed the disposal site to be delineated on a map. She said today's hearing is to review compliance to the amendments and review to determine if compliance has been met, and to rule on whether to uphold, deny, or amend the Planning Commission's decision.

Brian Donahoe of Donahoe Law Firm, P.C., introduced himself as the representative for Travis Mockler. He reviewed the maps provided by Mockler showing the buildings moved east 50 feet and delineating the area for dead animal disposal. Donahoe disclosed he represents a rendering company and the SD Pork Producer's Council, neither of which, he said, have anything to do with today's meeting.

Donahoe said when an animal passes away, dead animals are placed in a separate location to be picked up by a rendering company. He said Mockler would prefer to not locate it near the road for aesthetics and other reasons. Donahoe said a rendering truck will typically arrive the next day to pick up the animals, and the requirements would be met for rendering or other disposal allowed by state laws. If the rendering truck cannot pick up, he said, the dead animals will be handled in accordance with state law. He said the compost area is delineated on the map as well for potential use in regard to bedding systems, which will be handled in accordance with state and federal regulations for storage and manure applications as fertilizer. Donahoe said Mockler has also committed to use soil scientists.

Susanne Skyrn asked Packard if she could ask a question. Packard said no, but Skyrn can address it at her time to speak.

Packard asked for any members in support of Mockler's conditional use permit to speak. Hearing none, Packard turned the floor to the appellant, Skyrn, who represents the Living River Group of the Sierra Club.

Skyrn said she is unclear what the second map represents and asked if they are new structures that will be built, or an alternative. Mockler said the second map is an alternative. She said if it is an alternative, she thinks they all need to start over again. She questioned the 50 feet and said it does not appear that the long cattle building has been moved 50 feet. Skyrn referred to previously submitted maps and said it is hard to tell scale in comparison to the new maps.

Packard and Tracy discussed the Board's role in asking for clarification. Manning asked for clarification regarding the second building. Donahoe said he wants to be clear it was one of the things discussed in previous meetings, and it was submitted to clarify those items. Manning asked, on the second map, are they both hog buildings? Mockler said yes, and the cattle barn is not on the map because it will stay the same. Hammond asked, on map #2, does the concrete floor reach the whole length, and is the manure holding area within the 300-foot length? Mockler said it is concrete under the entire structure. Hammond asked why the west end was chosen for the manure storage. Donahoe said they can move it to the east end if that is preferable. Hammond asked if it is covered, and Mockler said it could be either way. Hammond asked about the walls. Mockler said it is a 4-foot wall all around. Donahoe said it is not discussed because it is required already in the ordinance and DENR regulations, that it still has to be built with 4-foot wall. Mockler said it is fine to put a roof over it all; he can do that. Hammond said the west end is closest to the bluff in the event of the heavy rain. Donahoe said the site could be designed in an appropriate way for heavy rainfall, but they can commit to putting manure storage on the east

end at this time. Hammond asked if the cattle barn can be superimposed from drawing #1 to drawing #2. Donahoe said that is correct. Mockler said the compost referred to on the drawing is not manure. Donahoe said it could be feed that is spoiled in some way but is not for manure storage.

Skyrm said it does not look like the cattle barn is 50 feet to the east in the drawing. Donahoe asked to make a suggestion, and he suggested that the 50 feet distance be added to documentation regarding setbacks and that once footings are in Mockler can provide documentation of that distance. He also suggested that the added condition could be voluntarily accepted at this time by the applicant. Donahoe said Mockler understood that the cattle shed was not to be moved. Hammond said they have already asked for the 50-foot movement, and he thought it did apply to the cattle building and the 4 smaller buildings that were on the original drawings. Hammond said as drawn on #1, Mockler is within the edge of the slope of the flood plain, so in his mind Mockler is okay if drawing #1 matches up with #2; he would have asked for the cattle barn to be included. Donahoe said it is not unusual to require that a single map drawing to be submitted to Zoning Administrator as a condition prior to granting a building permit. Tracy said Section 3.07 has three specific provisions for imposing additional requirements. Packard said part of the problem has been lack of clarification, and a lot of it is because the ordinance does not require it. Hammond said part of what he asked for is required but was exempted in the application process. Packard said location of the building is what she is referring to. Donahoe said it is not unusual to set certain requirements, and during the process of digging footings to be modified slightly from original plans, but the 50-foot distance is something that can be verified on the ground to ensure compliance. Typically, the Zoning Administrator would verify that, and there are additional administrative provisions that ensure they can affirm compliance with requirements.

Sandy Pederson said the new map is more complicated to her than previous maps. She asked Mockler if he would leave the cattle shed more straight up and down/perpendicular, or at an angle, because she does not believe it will fit. She also asked if the 50-foot setback was in addition to the typical setback because if you pour footings and it is not right, then a person will want to leave it where it is. Donahoe said if you stake it out, then there is concern that it is not built exactly where it is staked out, so what you want is the actual area of excavation to do it right the first time. In that case, it is done after digging but before pouring concrete. An as-built drawing by an engineer can be provided later. Pederson said she is still confused about how the buildings will fit.

Tracy recommended to Packard that they stick to the agenda.

Jerry Wilson said he agreed with the State's Attorney about sticking to the agenda, but the agenda has already been thrown out the window. He said his attorney is not present because he is ill. Wilson said the Board is asking the applicant's attorney for clarification, but the Chair needs to know the ordinance, and she should know the requirements that are in the ordinance. He said he assumed they would begin with the letter from Donahoe instead of him acting as the

applicant's attorney. Wilson said if it is a true public hearing then the Board needs to stop turning to the attorney to answer every question. Wilson said the appellants are the citizens, the voters, and they will have their say one way or another. He said Donahoe's letter begins by referring to an incident in the previous meeting, which he assumes referred to Mockler's attack on him accusing him of trespassing and lying. Wilson said he wrote a letter to all board members objecting to a slanderous claim about his good name, and he was not trespassing. Wilson discussed a South Dakota Codified Law which he said gives people access on right-of-way. Wilson was told his 3 minutes of speaking time were up.

Marty Gilbertson asked if the buildings will be cited using a survey of the property before they are built to alleviate concerns.

Mark Winegar said he is not a farmer, but looking at picture #1 he is wondering if the four buildings are sufficient to hold 2,499 swine.

Tim Schreiner said he said he is confused because the maps have never been complete, and if you superimpose the cattle barn from map #1 to map #2 it sits on the hog barn, so once again a set of maps is incomplete. He said if you are guessing, there are two buildings in the same place, and it would be nice to have a map that shows everything.

Cindy Kirkeby said map #2 is confusing because of the arrow that says 50 feet with an arrow in each way. She asked if it complies with the 50 feet, or what does the arrow mean in regards to manure holding?

Elizabeth Smith read a statement from the Sierra Club Attorney in which he said he previously commented on the power the Board has, reviewed points made in previous meeting, stated the Sierra Club has standing, and members of the group concerns about the environment meet the club's mission. The statement said taxpayer members of the Sierra Club and landowners will be negatively impacted due to air and water quality and cited Supreme Court findings. Smith said she taught planning in grad school, and site plans under best practices are required prior to approval; this applicant has submitted willy-nilly what he claims to be the right plans, but which cannot possibly be the right plans. She requested the Board to require accurate site plans.

Lana Svien asked why materials were accepted after the deadline. Packard asked what the deadline was in relation to printing, and was it in the amendment as a set deadline? She asked for comment from the Board and clarification from the Auditor. Auditor Crum said the documents were to be submitted by August 13th, posted on the website by August 15th, and were received on August 16th.

Mary Mock said she believes they are missing the forest for the trees, that it's obvious the maps have come and gone and are not to scale and whatever they were asking for, and the point is the grazing, overgrazing, slope runoff, and the runoff into the Vermillion River is the issue. Mock

thanked Donahoe for saying “health” and “animal” in the same sentence in his opening paragraph.

Barbara Yelverton said they are worried about runoff, and Donahoe’s letter said something about buffers and vegetative factors. She asked what are other methods they will use to prevent runoff, and will the Board or Zoning Administrator be monitoring the buffers once it is built?

Charles Yelverton said as a group he urges them to look back on their duties because they are the public health organization of the county and the runoff and pollution of water is high potential. He said it is risky for them to approve. He also said one problem is the issue of CAFO vs. AFO, and it qualifies as a CAFO. Yelverton said when this goes to court there will not be a good leg for the County to stand on.

Packard said she would like to close the public hearing and address any questions.

Regarding the question of the building fitting on the site, Manning said Gilbertson had a good question and referred to Mockler for the answer. Mockler said he needs to hire someone to lay it out if that’s what they want. Manning said they need to know if it’s going to fit because it might change the size of the buildings and so on. Mockler said whomever is going to build it for him will survey the site. Manning said regarding the question if the buildings are big enough to hold the animals, these companies have already designed the buildings according to how many animals they are to hold. Mockler said to be clear it shows enough for 1,000 head and the plans are for 1,000 head, and the other map shows it for 2,400 head.

The Board addressed the question of why materials were submitted after the deadline. Mockler said he thought the deadline was for Friday, publication day, so he missed it. Tracy said her opinion is that the Board needs to determine if they will adhere to deadlines, and her observation is that neither side has adhered to deadlines. Tracy referred to the one-page appeal submitted on May 6th, and she said on face value that is the only document that should have been considered. Tracy said the April 1st letter would have addressed an appeal not right for the Board’s consideration but Aden included as a courtesy. Tracy said at the June 11th public hearing, Powell held up the documents and asked which was the appeal, and Skyrn identified the later letter as the appeal. She said it is aggravating to have the deadlines not adhered to, and typically in her experience the court would find a few days would not be prejudicial. Manning said he feels Mockler’s submission should be accepted as it was allowed for other party.

Manning addressed the question regarding buffers. Donahoe said the way the current facility is set up there is a strip of grass along the fence line, and it will be maintained for the building site. He said as far as formal width or depth of vegetative strips, it is not required by state or federal regulations. Application of manure on crop ground is governed by state and federal regulations and setbacks in county regulations, and the manure applied in the ground as fertilizer. He said it’s a valuable fertilizer, as is vegetation for things such as wildlife. Barbara Yelverton asked if it will be grazed. Donahoe said no because cattle will not be in the yard.

Another question referred to by Packard was the combination of species. She said there is no guidance on this and no reference that it should be compounded. Aden said the ordinance does not have any mechanism to add species together, and neither does the DENR. Packard referred to an e-mail from Kent Woodmansey in the file stating it is still an AFO. Packard said they referred to the NRCS letter as an error in the ordinance, and it does not make the rest of the ordinance null and void. She said when the ordinance was made an assumption was made that the NRCS would make such a recommendation, and it should say DENR.

Hammond said he thinks there is some concern about conflict between drawing #1 and Drawing #2, and if it is indeed a combination of the cattle barn from #1 and hog barns from #2, if they are not in conflict, they are close to it. He thinks if the cattle barn on item #1 is transferred to item #2 as drawn, there may not be room to drive a 4-wheeler between the buildings. Hammond said he thinks it is appropriate to have a drawing and granting on the condition of an engineered drawing all on one sheet. He said he has been frustrated all along with dribbling out information through the process, and normally even as a well driller he knows where everything is going to be before he shows up because it determines where he is legally allowed to drill, and it's done in early in the process.

Packard discussed the motion options and discussed as-built engineered drawings as an additional condition to approval. Hammond said he does not like the term as-built because it describes a completed project. He said what they would look at is the proposed building plan, and he would expect it to have the buildings laid out to scale with dimensions between buildings in a complete manner. If Mockler had map #2 drawn as map #1, he said it would be fine with him, and even if they didn't have #2 at all he would be in great shape.

Powell moved that the Board deny the appeal and uphold the Planning Commission's approval as amended and with the condition that the Board be presented with an engineered site plan drawing prior to construction, and the Zoning Administrator will not issue a building permit until the engineered site plan drawing has been reviewed and approved by the Board of Adjustment. Manning seconded the motion. Under discussion, Hammond and Powell discussed that it's hard to hit a target when the goal post keeps moving. Tracy said the Board needs to be identifying the findings. The manure storage area was briefly discussed. Vote of the Board: Hammond Aye, Manning Aye, Powell Aye, Packard Aye. The vote was unanimous, and the motion passed.

Packard said her feeling through all of this if we can work this hard to work together, she does not feel their farmers are such enemies as they are made out to be, and they should be working together towards a positive environment for all.

At 11:30 a.m., Powell moved, seconded by Manning and carried to adjourn as Board of Adjustment and reconvene as Board of Clay County Commissioners.

Vice-Chair Packard turned the meeting back over to Chairman Mockler.

Mockler asked Courthouse, Jail, and Law Enforcement Facility Planning Committee member Marty Gilbertson to speak to the Board regarding the use of a Design-Build method for the proposed facility. Gilbertson said typically it is cheaper and better quality than Design-Bid-Build and is similar to Construction Manager-At-Risk. He said if the Board needs more information, it would behoove the Board to have someone to come in and explain all the methods, but the committee feels it is better for the County to use Design-Build. Gilbertson said he feels the Board needs to make a motion to approve it and encouraged the Board to discuss the matter with Tracy. It was decided that the matter should be put on the next agenda.

At 11:39 a.m., Manning moved, seconded by Hammond and carried to adjourn, and to reconvene at 9:00 a.m. on Tuesday, September 3, 2019.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

September 3, 2019

The Board of County Commissioners met in regular session Tuesday, September 3, 2019 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Richard Hammond.

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

Minutes of the August 27, 2019 meeting were approved with a motion by Powell, seconded by Manning and carried.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. Hammond moved, seconded by Packard and carried to approve a Right-of-Way Application from Clay Rural Water at University Rd. & 311 St. in Section 8, T93, R51.

Polley reported that the micro-surfacing project is under way and may be done by Friday.

Polley said he had a conference call Thursday with FEMA, and they are coming this Thursday for an in-person meeting regarding the flood damages. He also said emergency relief projects are underway; they are working on University Rd. currently, and the area near Ron Huot's property should be completed soon.

Powell asked for the status on 302 St., and Polley said that is where he is going next. They are not going to tear the entire road up, but they will cut out, level, and build the road back up. Mockler asked about the road at the culverts on 306 St. near Hub City. Polley said they will be digging it out and adding fiber. The Board also discussed Lateral 50.

Polley updated the Board on the surplus equipment sale date of October 8, 2019.

Mockler said he was asked by a citizen about a culvert that washed out on 304 St. east of University Rd. Polley said he will look at it.

At 9:30 a.m., a public hearing was held regarding the 2020 Provisional Budget. No one appeared in opposition and no written comments were received.

The Board considered a Fireworks Permit for Sherry Yavelak. Matt Callahan, Vermillion Fire/EMS, was present and said he does not have any concerns about the display. Powell moved, seconded by Manning and carried to authorize the Chairman to sign the permit, with language added to require the applicant to call 605-677-7100 the day of the display to ensure there is not a National Weather Service Red Flag Warning.

State's Attorney Alexis Tracy met with the Board to present a jail inmate boarding contract with Plymouth County, IA. Powell moved, seconded by Packard and carried to authorize the Chairman to sign the contract.

Tracy presented the Board with information regarding the notice received from DENR regarding the Lake Thompson outlet. She said there will be a meeting in Pierre on September 11th regarding the issue, and Emergency Management Director Layne Stewart will be in Pierre on the date of the meeting, so he could potentially attend, as well as someone from the State's Attorney's Office if necessary. Hammond said he reviewed the past engineering report and discussed it with the Board. Powell asked if Hammond would be able to attend the meeting in Pierre on behalf of the Commissioners. Hammond said he may be able to if the schedule allows, or listen to the live meeting and provide input. The Board discussed the method for cleaning the outlet, and how it might affect Clay County. Hammond said he thinks Miner County has an elevated level of concern, and Clay County should concur. Mockler said he would like to write a letter to address the issue of routine maintenance when it is really a knee-jerk reaction to failure of routine maintenance. Packard said it may be valuable to connect with Miner County to discuss their stance. Hammond said the Board could draft a letter to express concerns that the present problem is a result of ongoing lack of maintenance, and our preference would be to leave it alone. Tracy said she would prefer something from the Commission. The Board reviewed language and intent of the letter with Tracy. Packard moved, seconded by Hammond and carried to authorize the Chairman to sign the letter to the water board.

Joy Cordier Jensen and Jay Cobb from NRCS met with the Board regarding the Emergency Watershed Protection (EWP) Program to review the finished the damage survey report for included properties and presented it to the Board. The total cost estimate for installing rip rap was \$712,400 split 75% NRCS/25% Sponsor. Jeff Loof's environmental evaluation was included. The economic portion of the report was reviewed as well. The group discussed the individual properties. Emergency Management Director Layne Stewart asked if there are any structures that will need to be moved. Cordier Jensen said there are structures near the river at Walker's Landing, so the engineers would need to evaluate that. Cobb said there could be areas where the bank could be 2:1 instead of 3:1, depending on the location. He said he thinks he will know in a month or so if the project will be funded or not. There was discussion regarding Presidential Disaster Declarations. Cordier Jensen discussed that if one sites drops out that it would affect the cost-benefit ratio, and they would need to refigure the remainder. Landowner Sue Galvin asked if she should get information from the other landowners whether they plan to participate. The Cooks said it was hard to determine when they did not have a cost estimate. Cordier Jensen discussed the cost estimates with the landowners. The group discussed how payment and reimbursement might work as well as the timeline for completion of the project. Hammond asked how the NRCS views the life of the project. Cordier Jensen said 15 years is the lifespan. Mockler asked if engineering comes before or after the agreement, and Cobb said it should come after the agreement is in place. Hammond said trying to do a project like this during high releases would be difficult, so it will likely go into the construction season. It was discussed that the landowners should have an attorney, and Galvin said her husband is an attorney.

Engineering firms were discussed and how they might be chosen. Galvin asked how the group will be billed, and Mockler said it has not been decided but may be a property tax assessment. It was decided that the group will be on the September 10th agenda for further discussion.

Zoning Administrator Cynthia Aden met with the Board to present a plat. Powell moved, seconded by Packard and carried to pass and adopt the following Resolution #2019-20 for Plat of Tract 1, Old Peterson Place, in the SW1/4 of the NW1/4 of Section 10, T93N, R51W of the 5th P.M., Clay County, South Dakota; Paul Jensen, owner.

RESOLUTION #2019-20
RESOLUTION OF COUNTY COMMISSIONERS

WHEREAS it appears that the owners thereof have caused a plat to be made of the following described real property:

A plat of Tract 1, Old Peterson Place, in the SW1/4 of the NW1/4 of Section 10, T93N, R51W of the 5th P.M., Clay County, South Dakota; Paul Jensen, owner.

Be it resolved that the Board of County Commissioners of said County has examined the same and that it appears that the system of streets set forth therein conforms to the system of streets of existing plats and section lines of said County, that adequate provision is made for access to adjacent un-platted lands by public dedication or section line when physically accessible, and that all provisions of the subdivision regulations of said County have been complied with, and that all taxes and special assessments, if any upon the tract or subdivision have been fully paid and that such plat and the survey thereof have been executed according to law, and the same is hereby accordingly approved.

Travis Mockler, Chairman
Board of County Commissioners

I, Carri R. Crum, County Auditor of Clay County, South Dakota do hereby certify that the within and foregoing is a true copy of the Resolution passed on September 3, 2019.

Carri R. Crum
County Auditor, Clay County, SD

Bob Fuller, Chairman of the Courthouse, Jail, and Law Enforcement Facility Planning Committee and State's Attorney Tracy met with the Board. Fuller said the committee would like to use the Design-Build method for the project. Tracy discussed having a company help the County through the process. Fuller explained that the method works by the contractor and

architect working together, and it gives the County one point of contact and also saves money. He said the committee felt it would be best to use Design-Build for those reasons. Hammond spoke about his experience and how each method for building works as well as why Design-Build is less expensive. Fuller said if the committee receives authorization, it could issue RFPs, and then the commissioners, or the authorized persons, could meet with the firms. Tracy reviewed the statutes with the Board. The Board briefly discussed land options and costs. Howe said Klein McCarthy Architects has offered many times to continue to communicate with the committee or the County with any future needs. Hammond suggested that the County contact the State Engineer's Office for advice. Fuller said he spoke to the City Engineer regarding the matter. Fuller said with the City Hall project, the committee selected an architect, but with the Design-Build concept there is a lot of potential cost savings for the County. Manning said he thinks the County needs a land area identified first.

Karen DeLange with Alternative HRD met with the Board regarding applicants for the Veterans/Welfare/Zoning Administrator position.

Howe reported on the tax deed property sale. Will Pratt bid \$100 for 308 W. Chestnut, and the other three properties received no bids. Powell moved, seconded by Manning and carried to accept the bid of \$100 from Will Pratt for 308 W. Chestnut and re-advertise the other lots for sale at 10:00 a.m. on October 29, 2019.

At 12:29 p.m., Powell moved, seconded by Packard and carried to adjourn, and to reconvene at 9:00 a.m. on Tuesday, September 10, 2019.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST: 
Carri R. Crum, County Auditor

September 10, 2019

The Board of County Commissioners met in regular session Tuesday, September 10, 2019 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, and Micheal Manning; Richard Hammond was absent.

Packard moved, seconded by Manning and carried to approve the agenda with addition of retaining wall repair discussion with Craig Heinemann of Heinemann Restoration and employee flu vaccines.

Minutes of the September 3, 2019 meeting were approved with a motion by Manning, seconded by Packard and carried.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. The Board considered a Driveway Application for an extension from Mike Huth on 455 Ave. Powell moved, seconded by Packard and carried to approve and authorize the Chairman to sign the application.

The Board considered a Right-of-Way Application from South Dakota Network, LLC on 455 Ave. in the east ditch from the south end of Wakonda Park south to 306 St. then west along 306 St. in the south ditch to the tower. Powell moved, seconded by Packard and carried to approve and authorize the Chairman to sign the application.

Polley said the Dalesburg Hub City Historical Society sent a letter asking for replacement of 6 signs that were put up in 1996. There was discussion regarding who will pay for the signs. It was decided that if the historical society purchases the signs, the highway department can put them up.

Polley updated the Board that Pollman Excavation sent out notices to landowners and plans to start Lateral 50 soon. Powell asked Polley about repairs on Lateral 2A, and he said he will speak to Pollman about that and the trees on the Yankton-Clay Ditch.

Craig Heinemann of Heinemann Restoration met with the Board to discuss repairs to the retaining wall. It was discussed that Heinemann will take a more detailed look at the wall and meet with the concrete contractor for the front step repairs before submitting an updated quote.

Brad Preheim and Jay Gilbertson met with the Board to discuss the Vermillion Basin Water Development District (VBWDD) expansion. Senator Arthur Rusch was present for the discussion as well. Preheim discussed that the district was interested in expanding last year to include McCook and Kingsbury Counties, and the Governor's Office did not support the matter. However, after further discussion with the Governor's Office, there may be support this year. Preheim confirmed that the Resolution of Support from Clay County is still valid. Gilbertson spoke about the tax implications and said the growth in the Sioux Falls area will help offset the

matter. He said they are working with the Secretary of State’s Office to determine whether they could get the board member election on the 2020 ballot. Rusch said he was on the watershed taskforce, and if you have the whole basin on one entity, then you can do things along the whole river. Preheim discussed the hearing on the Lake Thompson issue and said he will be representing Turner and Clay Counties. Gilbertson said the last time anything was looked at around the outlet was 2013. He said Kingsbury County would like to perform maintenance, and the matter had to come before the water management board. He said nothing that is being proposed by Kingsbury County would have any perceptible impact on the level. An advantage to expanding the VBWDD would be having one entity to monitor it rather than multiple entities. Packard asked, if permission is given, what kind of controls would be put into place that more removal is not done in the outlet than what is proposed. Gilbertson said it is a good question. The elevations of the historic water levels were discussed. State’s Attorney Alexis Tracy reviewed with Preheim and Gilbertson a letter of opposition sent by the Clay County Commissioners last week to the water management board regarding proposed work on the Lake Thompson outlet. Preheim discussed development of additional diking associations and how the VBWDD may assist them with collecting taxes and paying for repairs.

Packard excused herself from the meeting at 9:56 a.m.

Preheim also discussed expansion of the number of flood plain easements. The hope is that it will ease flooding issues.

Joy Cordier Jensen with the Natural Resources Conservation District, Rich Walker, and Sue Galvin met with the Board. Galvin said the landowners will be backing out of the EWP application due to cost, time, and contractor schedules. Cordier Jensen said if the County wishes to rescind the application, they will just need a letter. Powell moved, seconded by Manning and carried to rescind the County’s application for the EWP Program and authorize the Chairman to sign the letter.

Packard re-joined the meeting at 10:17 a.m.

The Board called a brief recess.

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

(DUE TO OTHER GOVERNMENT)		IRENE CITY	\$4,543.53
BERESFORD SCHL DIST 61-2	\$2,533.18	IRENE/WAKONDA SCHL 13-3	\$11,241.59
BETHEL TOWNSHIP	\$2,259.68	MECKLING TOWNSHIP	\$2,335.96
CENTERVILLE SCH DIST 60-	\$1,452.47	NORWAY TOWNSHIP	\$1,593.70
CITY OF VERMILLION	\$26,405.73	PLEASANT VALLEY TWP.	\$2,016.08
CLAY CO TREASURER	\$17,004.00	PRAIRIE CENTER TWP.	\$2,480.76
FAIRVIEW TOWNSHIP	\$2,612.98	RIVERSIDE TOWNSHIP	\$1,629.63
GARFIELD TOWNSHIP	\$2,379.67	SDACO - M&P FUND PAYMENT	\$344.00
GAYVILLE/VOLIN SCHL DIST	\$90.81	SEILERS SECOND ROAD DIST	\$115.78
GLENWOOD TOWNSHIP	\$2,226.80	SPIRIT MOUND TOWNSHIP	\$2,596.95

STAR TOWNSHIP	\$2,188.20
TLC WATER PROJECT DIST.	\$1.12
VERMILLION BASIN WATER	\$366.34
VERMILLION SCHL DIST 13-	\$59,224.30
VERMILLION TOWNSHIP	\$950.79
VIBORG/HURLEY SCHL 60-6	\$167.80
WAKONDA TOWN	\$1,005.73
BERESFORD RURAL FIRE	\$5,169.34
CENTERVILLE RURAL FIRE	\$3,620.06
GAYVILLE RURAL FIRE ASSO	\$3,193.08
IRENE RURAL FIRE ASSOC	\$1,630.64
VERM. RURAL FIRE ASSOC.	\$79,920.96
VOLIN RURAL FIRE ASSOC.	\$800.02
WAKONDA RURAL FIRE	\$8,979.80
(PAYROLL WITHHOLDING)	
TASC PVR	\$5,173.30
(INSURANCE DEDUCTABLE REIMBURSE)	
MCPHERSON, LARRY	\$500.00
(PROFESSIONAL SERVICES AND FEES)	
BLAINE'S BODY SHOP	\$748.20
CLAY UNION ELECTRIC CORP	\$25.00
EMS ASSOCIATION	\$273.48
FEDEX	\$37.46
MAIL FINANCE	\$178.90
PHARMACY SPECIALTIES &	\$136.00
PHARMCHEM, INC.	\$542.45
SATELLITE TRACKING OF	\$227.50
SIOUX EQUIPMENT	\$56.95
ULTEIG	\$5,314.24
YANKTON CO SHERIFF	\$150.00
YANKTON MEDICAL CLINIC P	\$664.93
ZUERCHER TECHNOLOGIES LL	\$571.66
(OTHER PROFESSIONAL SERVICE)	
GAPP, DEBRA	\$1,190.00
SD ATTORNEY GENERAL	\$600.00
(LAW OFFICE)	
KENNEDY, PIER LOFTUS &	\$260.50
MCCULLOCH, JAMES E	\$2,509.85
(MENTAL HEALTH)	
SD ACHIEVE	\$240.00
SESD ACTIVITY CNTR	\$360.00
(MENTAL HEALTH)	
SD DEPT OF REV ANDERSON	\$1,200.00
(PUBLISHING)	
THE EQUALIZER	\$194.00
(REPAIRS AND MAINTENANCE)	
ALTERNATIVE HRD LLC	\$4,751.15
BRUNICK SERVICE, INC.	\$55.00
BUHLS DRYCLEANERS &	\$245.00
CANON	\$123.48
CLAY UNION ELECTRIC CORP	\$30.00
EASTWAY AUTO SERVICE INC	\$434.17

ERICKSON SOLUTIONS GROUP	\$93.75
MAIL FINANCE	\$447.29
OFFICE SYSTEMS COMPANY	\$69.05
PRESTO-X COMPANY LLC	\$78.00
SIOUX EQUIPMENT	\$270.00
TURNER PLUMBING INC	\$94.48
(DATA PROCESSING/CLAY CREEK/INF)	
MICROFILM IMAGING SYSTEM	\$855.00
ULTEIG	\$2,042.25
(SUPPLIES & MATERIALS)	
A & B BUSINESS	\$473.36
A-OX WELDING SUPPLY CO	\$182.34
APPEARA	\$51.63
BARCO MUNICIPAL PRODUCTS	\$502.44
BAUER BUILT, INC.	\$3,475.00
BOB BARKER CO INC	\$255.76
BRUNICK SERVICE, INC.	\$22.60
C & B OPERATIONS YANKTON	\$792.00
CAMPBELL SUPPLY CO.	\$13.88
CLAY UNION ELECTRIC CORP	\$200.02
CONCRETE MATERIALS	\$1,574.20
CORTRUST BANK	\$16.00
COYOTE ENTERPRISE LLC	\$15.99
EASTWAY AUTO SERVICE INC	\$545.27
FEDEX	\$55.49
I-STATE TRUCK CENTER	\$358.04
JCL SOLUTIONS	\$496.66
LIGHT AND SIREN	\$6,735.00
MCLEOD'S PRINTING & SUPP	\$189.90
MICROFILM IMAGING SYSTEM	\$155.00
ORR FARM SUPPLY	\$41.40
PHARMCHEM, INC.	\$1,211.00
PRESSING MATTERS	\$39.00
PROCHEM DYNAMICS	\$109.21
QUILL CORPORATION	\$288.47
REDWOOD TOXICOLOGY LAB.	\$116.91
SIGN-UP LTD.	\$33.91
SIOUX EQUIPMENT	\$681.78
STURDEVANT'S AUTO PARTS	\$68.71
VERM./CLAY CO. LANDFILL	\$279.17
VERMILLION ACE HARDWARE	\$116.32
ZEE MEDICAL SERVICE CO	\$108.60
(COPIER SUPPLIES)	
CANON	\$161.12
RELIANCE TELEPHONE	\$500.00
(TRAVEL AND CONFERENCE)	
ADEN, CYNTHIA	\$64.87
BEST WESTERN OF HURON	\$140.00
SD ASSN. OF CO. OFFICIAL	\$225.00
SD COUNTIES	\$900.00
SD SHERIFF'S ASSN	\$230.00
STEWART, LAYNE	\$67.76

(INMATE TRAVEL)
 BRUNICK SERVICE, INC. \$450.00
 (UTILITIES)
 BUREAU OF ADMINISTRATION \$89.17
 CITY OF VERMILLION \$2,314.07
 CLAY RURAL WATER SYSTEM \$54.20
 CLAY UNION ELECTRIC CORP \$536.74
 MIDAMERICAN ENERGY \$97.93
 MIDCO BUSINESS \$210.00
 VERMILLION GARBAGE SVC. \$60.00
 WAKONDA TOWN \$66.90
 (PAYMENT)
 ADAMS, KRISTINA \$26.80
 ANDERSEN, CHAD \$31.00
 ANTHOFER, MEGAN \$200.00
 ASSMUS, RUSSELL \$13.36
 BALDWIN, AMANDA \$280.64
 BLUE, CASEY \$10.00
 BOHN-BROWN, DAWN \$20.08
 BRAVE, WINONA \$10.00
 BROCKEVELT, BARBARA \$18.40
 BRUE, BRENDA \$32.68
 BRUNICK SERVICE, INC. \$2,768.64
 CAMPBELL, DAVID \$10.00
 CHARRLIN, JANICE \$35.20
 COURNOYER, SHIEL \$10.00
 CUSICK, LAURY \$15.88
 DAVIS, MATTHEW \$10.00
 DERBY, JULIE \$25.96
 DEVRIES, HEIDI \$216.80
 DOMESTIC VIOLENCE \$385.00
 DURKIN, HARLAND \$10.00
 EVANS, GERALD \$10.00
 FALLAN, DAVID \$10.00
 FALLAN, ROBERT \$17.56
 FILL, AMY \$20.92
 FISCHBACH, RYUN \$10.00
 GILBERTSON, DEVIN \$10.00
 GOODMAN, DOUGLAS \$200.00
 GRAGE, JANET \$240.32
 GREEN, MICHELLE \$10.00
 HAMAR, DEBRA \$10.00
 HATTAN, GAYLE \$10.00
 HESS, WENDY \$10.00
 HUBER, LEO \$200.00
 HUDELSON, DILLION \$15.04
 JAHN, MICHELLE \$10.00
 JENSEN, JANN \$16.72
 JOHNSON, CAROL \$200.00
 JOHNSON, CRAIG \$230.24
 JONES, ROMMEY \$10.00
 JOY, CANDACE \$10.00

KASUSKE, SAMANTHA \$31.00
 KINZLE, ANASTASIA \$10.00
 KRONAIZL, LESLIE \$10.00
 KYMALA, SHANNON \$30.62
 LANDEEN, KYLEE \$30.16
 LORENZ, DAVID \$10.00
 LYLE, BRITTANY \$23.44
 MADSEN, DARYL R \$48.56
 MADSEN, TYLER \$250.40
 MOSER, TIM \$10.00
 MULLINIX, VIRGINIA \$284.00
 NAGLE, BENJAMIN \$10.00
 NEEMAN, TYLER \$10.00
 NELSON, ANITA \$20.08
 NIKKEL, EVE \$10.00
 NYDAM, EDWIN \$10.00
 OCONNOR, DON \$20.92
 OSTREM, BRANDEE \$10.00
 RASMUSSEN, JESSIE \$10.00
 REDLIN, SOL \$10.00
 REETZ, WILLIAM \$10.00
 RICE, IAN \$10.00
 ROBINSON, CAROLYN \$10.00
 ROBINSON, JUDITH \$233.60
 ROHDE, DUANE \$31.00
 SAND, THOMAS \$10.00
 SCHAEFER, DEAN \$1,198.00
 SCHROEDER, TRAVIS \$17.56
 SCHWASINGER, TIMOTHY \$10.00
 SD DEPT OF HEALTH LAB \$500.00
 SEVERSON, PAIGE \$10.00
 SHUMAKER, TIMOTHY \$10.00
 SOSINSKI, HILLARY \$10.00
 STAMMER, DAVID \$10.00
 STEPHENS, TERESA \$20.08
 STONE, ADRIAN \$10.00
 STRATTON, SANDRA \$21.76
 SUNDSTROM, DAVID \$287.36
 TAO, HAN-ZHI \$10.00
 THELEN, MELISSA \$10.00
 UHL, JANE \$10.00
 VAN KEKERIX, ANDREW \$31.00
 VERMILLION FEDERAL \$138.03
 WALKER, JAMES \$200.00
 WALSH, ALLISON \$10.00
 WHITE, CHRISTOPHER \$10.00
 WICKRE, ANDREW \$10.00
 WOOD, MELANIE \$10.00
 WOODHAMS, TINA \$10.00
 YOUNG, TIMOTHY \$10.00
 YOUNGSTROM, BRIANNA \$10.00
 (FURNITURE AND MINOR EQUIPMENT)

MICROFILM IMAGING SYSTEM (AUTOMOTIVE)	\$30.00	BRUNICK SERVICE, INC.	\$33.75
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The Board discussed the 2020 Provisional Budget. Rising jail, court, and attorney budget costs were discussed as uncontrollable expenses to the County. Sheriff Andy Howe said he came to the meeting to request additional funds in his 2020 budget. Tracy discussed rising inmate transport costs, and she said her office has tried to mediate that as best as possible, but there is a need for more staff in the jail/Sheriff's Office. Inmate medical expenses are also a problem. Powell asked if portable inmate housing could be a solution. Howe said he does not see that as an economical solution as it would double his budget request. He would need to add equivalent staffing as he currently has as he would effectively be operating two jails. Packard asked what the tradeoff would be for time on the road. Howe discussed additional personnel costs for transport officers. Powell said he fears the County will never see the funding for the new jail. Howe discussed inmate boarding expenditures to date in 2019. Due to these rising costs, the Board discussed options of cutting support to outside organizations, cutting any employee raises, or keeping the budget as-is for 2020 and opting out for 2021.

Bob Fuller, Chairman of the Courthouse, Jail, and Law Enforcement Facility Planning Committee met with the Board. Budget discussions continued, as well as the idea that the County is playing catch up on many things all at once. Fuller also discussed that he spoke with the State Engineer's Office. He said they discouraged the use of Design-Build, and he said he is gathering more reasons why. Fuller also presented information on the Construction Manager at Risk (CMAR) method. Fuller said the State Engineer's Office also recommended purchasing land first. Fuller said it will be very important to get legislation passed that would allow counties to enact a ½-cent sales tax to build jails and Courthouses. Howe discussed his conversation with Faulk County about the building of their jail and conversations with Lake County regarding the ½-cent sales tax legislation. Fuller asked if the County can do an option on land. Tracy said that is exactly what the County will need to do, contingent upon the bond measure vote. The Board discussed available land around Vermillion. Packard moved that the Board give direction to the committee to identify at least 3 proposed sites with costs and as much information as possible in order for the Board to make a land choice; motion seconded by Manning. All voted aye; motion passed unanimously. Tracy discussed statutory requirements for different construction methods. Packard moved that the committee proceed with the Construction Manager at Risk (CMAR) method and create a Request for Proposal (RFP); seconded by Powell. All voted aye; motion passed unanimously. Fuller discussed meeting with the State Engineer's Office. It was decided that Howe, Tracy, and Fuller will meet with them and report back to the Board.

At 11:59 a.m., Powell moved, seconded by Packard and carried to adjourn, and to reconvene at 9:00 a.m. on Tuesday, September 24, 2019.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

September 24, 2019

The Board of County Commissioners met in regular session Tuesday, September 24, 2019 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Richard Hammond.

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

Minutes of the September 10, 2019 meeting were approved with a motion by Manning, seconded by Hammond and carried.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. Hammond moved, seconded by Manning and carried to accept the low bid of \$2.55/gallon from Brunick Service for ethanol blend fuel.

Polley gave an update on flooding around the county. Five roads were under water; as of this morning, Polley reported, 306 St., 309 St., and University Rd. are still closed, but the water is receding. There is additional damage to the roads due to this flooding event.

Powell passed around a brochure he received at the SDACC County Convention for material used to stabilize embankments.

Polley said he met with a FEMA representative and submitted bills for work that has been completed. The County had 26 actual FEMA sites. Polley discussed the reimbursement process as well as work that has been completed and will need to be completed.

Polley said he will be submitting paperwork for emergency relief, and the amount submitted is \$307,213.27. He discussed the differences between emergency relief and FEMA funding.

Sheriff Andy Howe met with the Board to discuss a Homeland Security Grant. He reported the funding has been granted for portable and vehicle radio equipment. Howe reported he also received a federal grant for reimbursement of 50% of the cost of bulletproof vests for the officers.

Howe discussed a new RFP for jail meal bids that may be forthcoming.

Powell moved, seconded by Packard and carried to approve the following claims for payment contingent upon Coroner Andy Howe reviewing and approving a claim from Kober Funeral Home.

(Payroll)
Commissioners \$6,799.33
Auditor's Office \$5,399.31
Treasurer's Office \$13,596.32

State Attorney's Office \$18,024.12
Courthouse \$2,525.40
Director of Equalization \$8,199.80
Veteran's Service \$1,323.09

Register of Deeds \$5,087.39
 Sheriff's Office \$27,598.19
 Jail \$23,124.25
 Emergency MGMT & LEPC \$3,387.39
 Highway \$35,625.90
 Health Nurse \$1,667.20
 Extension \$2,724.71
 Weed \$1,342.49
 Planning & Zoning \$2,232.90
 (DUE TO OTHER GOVERNMENT)
 STATE OF SD GAME FISH \$100.00
 (PAYROLL WITHHOLDING)
 AFLAC \$770.19
 CLAY CO TREASURER \$51,991.38
 COLONIAL LIFE \$525.26
 CONSECO/WASHINGTON \$24.45
 CREDIT COLLECTIONS \$75.08
 DEARBORN NATIONAL \$225.75
 DELTA DENTAL OF SD \$541.60
 DIV OF CHILD SUPPORT \$631.00
 NEW YORK LIFE INSURANCE \$328.57
 SD RETIREMENT SYSTEM \$26,043.20
 SD SUPPLEMENT RETIREMENT \$2,700.00
 SDRS ROTH 457(B) PLAN \$935.00
 TASC PVR \$2,586.65
 UNITED WAY OF VERMILLION \$382.00
 VERMILLION FEDERAL \$2,171.00
 WELLMARK BLUE CROSS \$54,708.21
 (INSURANCE DEDUCTABLE REIMBURSE)
 STEWART, LAYNE \$500.00
 (PROFESSIONAL SERVICES AND FEES)
 COOK-HUBER, KERRI \$70.00
 DEPT OF LEGISLATIVE AUD. \$16,097.50
 EMS ASSOCIATION \$222.65
 KATTERHAGEN, MARK \$30.00
 LEWNO, LUCILLE M \$353.00
 LOCKWOOD, DARCY \$30.00
 NETSYS PLUS, INC. \$247.00
 OFFICE SYSTEMS COMPANY \$246.04
 SANFORD HEALTH CLINIC \$681.90
 VERMILLION FEDERAL \$90.08
 YANKTON CO SHERIFF \$50.00
 YANKTON CO TREASURER \$91.50
 (OTHER PROFESSIONAL SERVICE)
 DAKOTA REPORTING AGENCY \$765.00
 (LAW OFFICE)
 BREVIK LAW OFFICE LLC \$209.75
 KENNEDY, PIER LOFTUS & \$1,074.00
 KOLETZKY LAW OFFICE, PRO \$379.50
 MCCULLOCH, JAMES E \$237.50
 PETERSON, STUART, KLENTZ \$6,344.48
 SAUGSTAD, ASHLEY \$82.00

THOMPSON, CRAIG K \$701.70
 (MENTAL HEALTH)
 LEWIS & CLARK BEHAVIORAL \$356.00
 (PUBLISHING)
 BROADCASTER PRESS \$1,424.29
 (REPAIRS AND MAINTENANCE)
 ASTECH ASPHALT SURFACE \$718,096.12
 BOB'S SINCLAIR SERVICE \$61.00
 BRUNICK SERVICE, INC. \$88.00
 CENTURY BUSINESS PRODUCT \$30.00
 CLAY UNION ELECTRIC CORP \$290.00
 CRUM, CARRI R \$10.00
 JOHNSEN HEATING & COOLIN \$290.82
 OFFICE SYSTEMS COMPANY \$165.28
 OLSON'S PEST TECHNICIANS \$80.00
 STONE, MACKENZIE \$532.36
 TOTAL TILL & SEED INC. \$6,755.00
 WIESELER, JUDY \$50.00
 (DATA PROCESSING)
 ERICKSON SOLUTIONS GROUP \$3,847.97
 SOFTWARE SERVICES, INC. \$1,600.00
 (SUPPLIES & MATERIALS)
 BRUNICK SERVICE, INC. \$1,940.37
 BUTLER MACHINERY CO. \$494.18
 CAMPBELL SUPPLY CO. \$74
 CLAY UNION ELECTRIC CORP \$562.88
 CONCRETE MATERIALS \$2,652.02
 D-P TOOLS, INC. \$1,035.28
 DAKOTA PC WAREHOUSE \$249.99
 DAVIS PHARMACY \$1,852.71
 FEDEX \$36.65
 GRAHAM TIRE S.F. NORTH \$624.28
 HY-VEE, INC. \$187.70
 I-STATE TRUCK CENTER \$1,093.80
 OFFICE ELEMENTS \$83.41
 OFFICE SYSTEMS COMPANY \$158.75
 ONE OFFICE SOLUTION \$56.85
 POLLMAN EXCAVATION, INC. \$1,200.00
 PRINT SOURCE \$194.00
 QUILL CORPORATION \$40.25
 RDO EXCH 80-5800 \$175.00
 STURDEVANT'S AUTO PARTS \$809.35
 VERM./CLAY CO. LANDFILL \$242.24
 VERMILLION ACE HARDWARE \$154.94
 VERMILLION FEDERAL \$885.40
 WOOD, LISA \$63.04
 YANKTON JANITORIAL SUPPL \$414.70
 (TRAVEL AND CONFERENCE)
 BEST WESTERN OF HURON \$234.00
 BEST WESTERN RAMKOTA INN \$950.00
 CRUM, CARRI R \$40.00
 HOLLENBECK, LAUREN \$80.80

HOWE, RHONDA	\$40.00	VERM./CLAY CO. LANDFILL	\$111.74
SAFETY BENEFITS, INC.	\$130.00	(PAYMENT)	
SDSU EXTENSION SERVICE	\$47.16	BRUNICK SERVICE, INC.	\$1,545.53
STEWART, LAYNE	\$405.42	COLLINS, BLAIR	\$55.04
TERWILLIGER, LISA	\$40.00	CULVER, KIMBERLY	\$50.00
VERMILLION FEDERAL	\$39.89	GREEN, KELLY	\$56.72
(INMATE TRAVEL)		HESSMAN, TERESA	\$71.00
BRUNICK SERVICE, INC.	\$690.00	HY-VEE, INC.	\$5,094.44
PENNINGTON COUNTY JAIL	\$236.60	KOBER FUNERAL HOME	\$640.00
(UTILITIES)		MADSEN, LARRY	\$71.00
BUREAU OF ADMINISTRATION	\$24.00	ROLFES, SUSAN	\$53.36
CENTURYLINK	\$594.97	VERMILLION FEDERAL	\$48.44
CENTURYLINK EMG	\$13.75	VERMILLION FORD	\$408.03
CITY OF VERMILLION	\$1,144.07	WALMART COMMUNITY/GECRB	\$379.20
FISCHER'S DISPOSAL L.L.C	\$55.00	ZIMMER, ALLEN	\$50.00
MIDAMERICAN ENERGY	\$8.00	(JUVENILE DETENTION)	
MIDCO BUSINESS	\$75.00	MINNEHAHA COUNTY JDC	\$3,220.00
VERIZON WIRELESS	\$97.26	(FURNITURE AND MINOR EQUIPMENT)	
VERIZON WIRELESS EMG	\$40.01	CANON	\$209.96
VERIZON WIRELESS SHERIFF	\$320.08		

The Board discussed the 2020 Provisional Budget. Powell moved, seconded by Packard and carried to adopt the 2020 Provisional Budget as the 2020 Annual Budget. Changes made were as follows: \$38,000 taken from the Emergency Management budget and placed into the Highway Department budget for a truck, \$3,500 subtracted from the State's Attorney's budget for scanning that can be completed in 2019, \$1,000 subtracted from the Auditor's budget for a computer purchase that will be completed in 2019, and \$10,807 added to the County Health Nurse budget for projected health insurance costs.

Powell moved, seconded Packard and carried to pay for flu vaccines for county employees if not covered by health insurance.

The group discussed a resolution to be introduced by the SDACC regarding the ½-cent sales tax legislation that would allow counties to enact the tax and use the funds raised to pay for building Courthouses and jails.

State's Attorney Alexis Tracy updated the Board on a meeting in Pierre in which she expressed concern about the increasing burden of cost to counties for methamphetamine cases and what changing the penalties will do to counties. The group discussed what treatment center costs might be if counties were to add them to jails.

At 10:24 a.m., Packard moved, seconded by Hammond and carried to adjourn and convene as Clay County Ditch Board.

Polley discussed dike repairs along Clay Creek Ditch including hauling of clay and sources for obtaining it.

Powell moved, seconded by Packard and carried to approve payment of an invoice in the amount of \$2,042.25 from Ulteig for survey technician services on Clay Creek Ditch.

Polley said FEMA would like to have Ditch Board items separated from the County items. He also said the Pictometry program has been very valuable for him in documenting things for FEMA.

At 10:41 a.m., Powell moved, seconded by Packard and carried to adjourn and reconvene as Board of Clay County Commissioners.

State's Attorney Alexis Tracy and Register of Deeds Lisa Terwilliger met with the Board to request new carpet in their offices. The Board also reviewed carpet quotes for the offices plus the Commissioner Room from Total Flooring and Brunick's. Terwilliger reported that she has been able to contract with a data analytics company for potential revenue for the County in the amount of about \$6,300, which could offset the cost of the carpet. Tracy spoke about file scanning and website update costs in relation to additional office costs and overall budget with the implications of the cost of carpet replacement. Manning moved, seconded by Packard and carried to accept the lower quote from Brunick's for carpet in the Register of Deeds Office, State's Attorney's Office, and half of the Commissioner Room.

Manning asked Tracy for a brief update on the success of the Teen Court program. Tracy discussed the usage of the program by Clay County.

There was discussion regarding the Courthouse, Jail, and Law Enforcement Facility Planning Committee's work and the potential future occupancy of the Courthouse.

Recent payroll changes are as follows: Julie Plaatje was hired as a full-time jailer at the rate of \$2,795.07/month.

At 11:17 a.m., Manning moved, seconded by Packard and carried to adjourn, and to reconvene at 9:00 a.m. on Tuesday, October 1, 2019.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST: 
Carri R. Crum, County Auditor

October 8, 2019

The Board of County Commissioners met in regular session Tuesday, October 8, 2019 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Richard Hammond.

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

Minutes of the September 24, 2019 meeting were approved with a motion by Powell, seconded by Packard and carried.

Brian Kinney and Craig DeVelder met with the Board on behalf of the Trap Club to request permission to place a new multi-use, handicap accessible building on the property. They would like to extend the lease as well. The Board said they will need to speak with the Clay County Park Board, but no one voiced any opposition. Kinney said they have hopes that the club's building could become a hub for hunter safety courses and other shooting events. Hammond said he took notes and will speak with the Park Board at its meeting.

Treasurer Rhonda Howe met with the Board to discuss a tax deed property in Irene. The property owner needs to remove personal items from the property, and Howe requested that he be given until the end of the month. She also has another tax deed property that is inhabited, and the individual says he will be paying the taxes but has not as yet. Howe also discussed upcoming properties with the Board.

Emergency Management Director Layne Stewart met with the Board to present the State & Local Agreement Quarterly Report for signature. Powell moved, seconded by Packard and carried to authorize the Chairman to sign the report.

Stewart also spoke with the Board regarding a Disaster Declaration. Only Riverside Township and the Clay County Highway Department responded, each with \$1,500 in damages, which will not qualify for a declaration.

Highway Superintendent Rod Polley and Brad Stangohr from Ulteig Engineering met with the Board to present a change order for the micro-surfacing project decreasing the cost. Powell moved, seconded by Packard and carried to authorize the Chairman to sign the change order.

The Board considered a driveway application from Joseph Landeen on 302 St. in the NE corner of the NW1/4, Section 34, 94-51. Powell moved, seconded by Manning and carried to approve and authorize the Chairman to sign the application.

The Board considered a Right-of-Way Application from Long Lines, LLC on 467 Ave. in Section 15 & 16, 92-51. Manning moved, seconded by Packard and carried to approve and authorize the Chairman to sign the application.

Stangohr discussed with the Board the drainage and potential culvert installation in the Greenfield area at Prairie Center Hall. He said a study would require a higher level of runoff modeling and could be in the range of \$25,000. Powell discussed right-of-way in the area. The Board discussed landowners in the area that might be affected. Stangohr said it's likely the change in flow would be minimal due to the distance and the area. Polley said he will contact the two landowners and discuss the matter with them.

Packard excused herself from the meeting at 9:40 a.m.

Stangohr gave an update on the berm along the Clay Creek Ditch and along Jetley Park. He said the Jetley Park ditch is extremely flat, and the area cannot be graded accurately because there is not a lot of slope to force the water downstream. Improvement would be minimal. He said he looked at the pipe that goes to the lateral, and more slope can be created by lowering the pipe, but that would create other problems. He said the area will still be a sort of lake. Stangohr discussed slopes in the area. He said he did not plot the right-of-way, but he looked at cross-sections, and the ditch will be 10-12 feet wider than it is now. He proposed a 6-foot bottom that would allow a skid steer in for cleaning. Hammond discussed small humps that could be removed from the corner to the lateral. Stangohr showed Hammond what he had plotted out in the area. The Board discussed affected landowners and right-of-way. Stangohr said they could angle the pipe and put in a little longer one. Polley asked about the cost if Ulteig Engineering could identify the high spots, and the Highway Department could remove them and whether that might work. Stangohr said the dirt work in that area cannot be that accurate. It is not possible. There will be small ponds here and there. It was discussed where to place the dirt that would be removed. It was decided that Stangohr should continue with more in-depth work on the grading and plotting the right-of-way. Polley said he can proceed with obtaining quotes for the project.

Polley discussed Burbank Rd. flooding problems at the golf course. The culvert crosses Burbank Rd. to the south ditch, and the city would like it cleaned. He said there is a manhole cover but it is higher than the bottom of the culvert. Stangohr said he spoke to Jose Dominguez, City Engineer, and discussed that it's not possible to lower the manhole because the work would create a 1:1 slope, which is not a safe ditch. Mockler asked about tiling, and Stangohr said that would be the next option, but it would be a slope of only hundredths of a percent, and it would just be a trickle.

Manning moved, seconded by Hammond and carried to set the bid opening for chip seal at 9:30 a.m. on November 5, 2019.

Polley said he has had many complaints at the culvert at St. Peter's Church. He said he spoke to the FEMA representative, and a 36" pipe can be placed temporarily to get it opened up, but to place a 42" pipe will require lots of mitigation work and a hydrology study prior to placement. If he places a 42" culvert now, the County will pay 100% of the cost.

At 10:17 a.m., Manning moved, seconded by Hammond and adjourn and convene as Clay County Ditch Board.

The Board reviewed invoices to be paid. 1B & 2A. Hammond moved, seconded by Manning and carried to approve the invoices as presented.

Polley said they tried to fly the south end of Clay Creek with the drone, but the leaves were still too thick to see.

At 10:20 a.m., Manning moved, seconded by Powell and carried to adjourn and reconvene as Board of Clay County Commissioners.

Polley updated Powell on the flex-a-mat product that was presented at the County Convention. To complete a washed-out site in the county would be \$340,000. Polley said the Emergency Relief Program wanted to use rip rap, but Polley declined due to lack of a shoulder on the road, and Emergency Relief said they would place flex-a-mat up to the cost of rip rap. The rip rap estimate was \$47,000.

Polley said on the Volin Rd. they milled up a large area because the water floated the asphalt about an inch. He said they have not made progress on 302 St. as yet. He is trying to open University Rd. & 306 St. soon.

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

(UNCLAIMED PROPERTY)		STAR TOWNSHIP	\$2,938.79
SD STATE TREASURER	\$3,138.34	THOMSON REUTERS - WEST	\$530.01
(DUE TO OTHER GOVERNMENT)		TLC WATER PROJECT DIST.	\$74.49
BERESFORD SCHL DIST 61-2	\$15,283.87	VERMILLION BASIN WATER	\$449.23
BETHEL TOWNSHIP	\$1,792.39	VERMILLION SCHL DIST 13-	\$105,329.86
CENTERVILLE SCH DIST 60-	\$5,314.43	VERMILLION TOWNSHIP	\$422.40
CITY OF VERMILLION	\$42,069.77	VIBORG/HURLEY SCHL 60-6	\$191.78
CLAY CO TREASURER	\$6,149.50	WAKONDA TOWN	\$4,845.68
FAIRVIEW TOWNSHIP	\$3,196.21	(PAYROLL WITHHOLDING)	
GARFIELD TOWNSHIP	\$2,785.49	CREDIT COLLECTION	\$75.08
GAYVILLE/VOLIN SCHL DIST	\$2,493.73	(FIRE)	
GLENWOOD TOWNSHIP	\$3,081.56	BERESFORD RURAL FIRE	\$355.81
IRENE CITY	\$511.95	CENTERVILLE RURAL FIRE	\$120.72
IRENE/WAKONDA SCHL 13-3	\$17,232.12	GAYVILLE RURAL FIRE ASSO	\$113.61
MECKLING TOWNSHIP	\$2,865.42	IRENE RURAL FIRE ASSOC	\$36.91
NORWAY TOWNSHIP	\$1,931.21	VERM. RURAL FIRE ASSOC.	\$667.20
PLEASANT VALLEY TWP.	\$1,916.37	VOLIN RURAL FIRE ASSOC.	\$4.90
PRAIRIE CENTER TWP.	\$3,118.89	WAKONDA RURAL FIRE	\$144.50
RIVERSIDE TOWNSHIP	\$2,008.92	(REIMBURSEMENT)	
SD DEPT OF LABOR DIVISIO	\$175.00	ARMSTRONG, MARCIE	\$500.00
SD DEPT OF REV ANDERSON	\$224,240.22	TAGGART, MARY	\$500.00
SD STATE TREASURER	\$11.89-	(PROFESSIONAL SERVICES AND FEES)	
SPIRIT MOUND TOWNSHIP	\$2,572.06	AUDRA HILL CONSULTING IN	\$620.60

CITY OF VERMILLION	\$192.00
COYOTE ENTERPRISE LLC	\$487.92
FEDEX	\$56.98
KATTERHAGEN, MARK	\$30.00
LEWNO, LUCILLE M	\$331.50
LINCOLN COUNTY TREASURER	\$157.50
LOCKWOOD, DARCY	\$30.00
MICROFILM IMAGING SYSTEM	\$445.00
PENNINGTON CO. STATE'S	\$215.00
PHARMACY SPECIALTIES &	\$136.00
SATELLITE TRACKING OF	\$45.50
SD DEPT OF HEALTH LAB	\$1,045.00
SD NETWORK AGAINST FAMIL	\$200.00
YANKTON CO SHERIFF	\$50.00
YANKTON CO TREASURER	\$101.00
YANKTON MEDICAL CLINIC P	\$1,153.08
(OTHER PROFESSIONAL SERVICE)	
CITY OF VERMILLION	\$99,018.88
MINNEHAHA COUNTY JDC	\$10,026.02
SD ATTORNEY GENERAL	\$664.00
(LAW OFFICE)	
COLLIER, CAITLIN F	\$496.85
KENNEDY, PIER LOFTUS &	\$535.50
SUTTON, PAULETTE T. M.S.	\$9,000.00
THOMPSON, CRAIG K	\$1,011.45
(MENTAL HEALTH)	
DAKOTABILITIES	\$360.00
SD ACHIEVE	\$240.00
SESD ACTIVITY CNTR	\$360.00
(PUBLISHING)	
BROADCASTER PRESS	\$445.10
THE EQUALIZER	\$75.00
(REPAIRS AND MAINTENANCE)	
CANON	\$284.60
JOHNSON FEED, INC.	\$243.75
MOORE, DAVID	\$220.00
NELSEN ELECTRIC LLC	\$540.00
POLLMAN EXCAVATION, INC.	\$4,656.25
PRESTO-X COMPANY LLC	\$137.00
TURNER PLUMBING INC	\$76.89
(DATA PROCESSING/CLAY CREEK/INF)	
ESRI	\$700.00
MICROFILM IMAGING SYSTEM	\$855.00
(LATERALS 1A & 1B EXPENSE)	
WIEMAN CONSTRUCTION	\$2,568.36
(LATERALS 2A & 2B EXPENSE)	
CLAY CO. HIGHWAY DEPT.	\$4,171.50
WIEMAN CONSTRUCTION	\$4,533.52
(SUPPLIES & MATERIALS)	
A & B BUSINESS	\$248.01
A-OX WELDING SUPPLY CO	\$182.34
APPEARA	\$44.38

BOB BARKER CO INC	\$576.58
BOYER FORD TRUCKS	\$629.60
BRUNICK SERVICE, INC.	\$120.85
BUHLS DRYCLEANERS &	\$129.00
BUTLER MACHINERY CO.	\$273.27
CAMPBELL SUPPLY CO.	\$168.81
CONCRETE MATERIALS	\$31,856.68
CORTRUST BANK	\$60.02
GRAHAM TIRE S.F. NORTH	\$1,872.84
HOLLENBECK, LAUREN	\$169.21
JCL SOLUTIONS	\$669.05
JOHNSON FEED, INC.	\$957.23
LAWSON PRODUCTS, INC.	\$262.42
MICROFILM IMAGING SYSTEM	\$461.80
MIDWEST CARD AND	\$1,670.31
NELSEN ELECTRIC LLC	\$1,607.93
OFFICE ELEMENTS	\$261.52
ONE OFFICE SOLUTION	\$110.00
POLLMAN EXCAVATION, INC.	\$567.35
PRESSING MATTERS	\$37.00
QUILL CORPORATION	\$78.91
RDO EXCH 80-5800	\$151.25
SIGN-UP LTD.	\$23.39
STURDEVANT'S AUTO PARTS	\$271.05
VERMILLION ACE HARDWARE	\$110.51
VERMILLION FORD	\$25.48
WINTER EQUIPMENT	\$256.98
(COPIER SUPPLIES)	
RELIANCE TELEPHONE	\$500.00
(TRAVEL AND CONFERENCE)	
DOTSON, JILL	\$46.00
HOWE, ANDY	\$92.00
HUSBY, TIFFANY	\$161.72
SDSU EXTENSION SERVICE	\$173.94
VERMILLION FEDERAL	\$50.00
WEBER, LINDA	\$87.50
(UTILITIES)	
BUREAU OF ADMINISTRATION	\$96.51
CENTURYLINK	\$595.20
CENTURYLINK EMG	\$13.76
CITY OF VERMILLION	\$2,385.50
CLAY RURAL WATER SYSTEM	\$43.60
CLAY UNION ELECTRIC CORP	\$511.24
FISCHER'S DISPOSAL L.L.C	\$56.00
MIDAMERICAN ENERGY	\$116.55
MIDCO BUSINESS	\$290.00
VERM./CLAY CO. LANDFILL	\$10.76
VERMILLION GARBAGE SVC.	\$236.00
WAKONDA TOWN	\$62.65
(PAYMENT)	
AUSTIN-WHITTEMORE HOUSE	\$625.00
BRUNICK SERVICE, INC.	\$47.95

CLAY CO AGR FAIR ASSOC	\$4,125.00	VERMILLION SENIOR CENTER	\$5,000.00
CLAY CO CONSERVATION DIS	\$6,250.00	WAKONDA PUBLIC LIBRARY	\$625.00
DAKOTA SENIOR MEALS	\$970.50	WAKONDA SENIOR CENTER	\$625.00
DOMESTIC VIOLENCE	\$875.00	WH OVER MUSEUM,	\$3,750.00
LEWIS & CLARK BEHAVIORAL	\$5,283.50	YELLOW ROBE, LUKE	\$1,500.00
MARSHALL, ERIN	\$20.00	(BOOKS)	
NATIONAL MUSIC MUSEUM	\$1,250.00	STATE BAR OF SD	\$650.00
SALVATION ARMY	\$437.50	THOMSON REUTERS - WEST	\$324.00
STATE OF SD OFFICE OF	\$1,563.50	(FURNITURE AND MINOR EQUIPMENT)	
VERMILLION AREA ARTS CNC	\$1,250.00	OFFICE ELEMENTS	\$249.48
VERMILLION FEDERAL	\$200.36	(AUTOMOTIVE)	
VERMILLION FOOD PANTRY	\$1,875.00	BRUNICK SERVICE, INC.	\$380.40
VERMILLION PUBLIC LIBRAR	\$1,000.00		

The Board briefly discussed the work of the facility committee.

The 2020 payroll was discussed. Manning moved, seconded by Powell and carried to authorize the Chairman to offer the position of Veterans/Welfare/Zoning Officer to the preferred applicant with a salary range to be determined. Powell moved, seconded by Manning and carried to approve the 2020 Payroll as presented.

At 11:21 a.m., Powell moved, seconded by Hammond and carried to enter an Executive Session for personnel matters under SDCL 1-25-2.

At 11:36 a.m., Powell moved, seconded by Manning and carried to exit the Executive Session.

At 11:37 a.m., Manning moved, seconded by Hammond and carried to adjourn, and to reconvene at 9:00 a.m. on Tuesday, October 29, 2019.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:


Carri R. Crum, County Auditor

October 29, 2019

The Board of County Commissioners met in regular session Tuesday, October 29, 2019 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Richard Hammond.

Packard moved, seconded by Powell and carried to approve the agenda with the addition of appointment of the new Veterans Service, Welfare, and Zoning Administrator upon retirement of current administrator Cynthia Aden, add jail meal bid specification approval, and change Director of Equalization Ina Peterson's time slot from 10:00 to 9:00.

Minutes of the October 8, 2019 meeting were approved with a motion by Manning, seconded by Hammond and carried.

Director of Equalization Ina Peterson met with the Board. Powell asked her to explain the assessment process for homes and land along the river. Peterson explained actual use and zoning requirements. Manning said he was approached by a landowner along the Prairie Center Ditch who was concerned about additional tiling and benefitted acre assessment to the properties being tiled. It was discussed that the matter can be addressed at the annual ditch board meeting. Peterson said she has had a couple of applications for land inundated with flood water being decreased for the year, and it will revert back the following year.

Hammond moved, seconded by Manning and carried to accept the low bid of \$2.28/gallon from Brunick's Service for ethanol blend fuel.

Hammond moved, seconded by Manning and carried to accept the low bid of \$2.03/gallon from Jerry's Service for #2 dyed diesel fuel.

The Board considered a Driveway Application from Marty Gilbertson on Timber Rd. in Section 14, Norway Township. Manning moved, seconded by Powell and carried to approve the application as presented.

Polley reported on the sale of surplus equipment.

Polley presented a report from Johnson Engineering on a bridge closure east of Hwy. 19 on the Volin Rd. There is a washout that will be repaired by the Highway Department, and the repair cost will qualify under the Emergency Relief Program.

The Board considered documents from the Emergency Relief Program. Polley updated the Board on sites to be repaired under the program. Powell moved, seconded by Manning and carried to table the approval of the documents until the documents are corrected by the program.

Diane Sieperda with USDA Rural Development met with the Board to discuss funding options for government buildings. Sieperda discussed loan programs available to the county. Powell asked about grant programs with her agency. Mockler asked for loan program details. Sieperda said the interest rates are negotiated with the lender, but the government puts a 90% guarantee on the loan, so the rates may be lower. The current rate is 3.25%. She left application paperwork with the group. Powell moved, seconded by Manning and carried to authorize the Chairman to sign the application documents.

Dave Stuart and Seth Klentz with Peterson, Stuart, Klentz, & Rasmussen Prof. LLC met with the Board regarding the contract for public defender services. He discussed the 45% increase in felony cases in the past 3 years. He also discussed the staffing needs for their firm to handle the Clay County caseload. The Board discussed with him legislative changes reducing the number of defendants being sentenced to the penitentiary, the cost shift from the State to the Counties resulting from that legislation, and the large volume of repeat offenders. Powell asked how South Dakota penalties for felonies relates to other states. Stuart said, in a lot of ways, South Dakota penalizes some things as a felony level offense, whereas other states classify the same offense as a misdemeanor. State's Attorney Alexis Tracy said legislative changes from felony classification to misdemeanor would be a further cost shift from the State to the County level. Manning asked what the contract will be cost going forward. Stuart explained the contract costs as they have been in the past 3 years and said they are looking at a step increase dealing with case volume for the first year, and in the second year increasing staff. He said they would like to be close to \$100,000 in the first year and increasing in year 2 of the contract, but he will put together a written proposal for a later meeting.

Sheriff Andy Howe met with the Board to present tax deed sale results. There were no bidders on 199 Franklin. Kevin Johnson was the only bidder on Lot 5 Babb's Addition to the Town of Wakonda for \$100. Mike Logue was the only bidder on Lot 13 Babb's Addition to the Town of Wakonda. Manning moved, seconded by Packard and carried to approve the sale of Lot 5 Babb's Addition to the Town of Wakonda for \$100 to Kevin Johnson and Lot 13 Babb's Addition to the Town of Wakonda for \$100 to Mike Logue.

Emergency Management Director Layne Stewart met with the Board to authorize signature on the Memorandum of Agreement with SESDAC, Inc. for Transportation Services for Evacuation of the Public Including People with Access and Functional Needs. Powell moved, seconded by Packard and carried to approve the agreement and authorize signature.

Vermillion City Manager John Prescott met with the Board regarding the 2020 Census. The City is putting together a team of individuals as the Vermillion-Clay County Complete Count Committee to promote census participation. The census could garner \$1500/person per year in funding, so it is in the City's and the County's best interests to encourage a full and accurate count. There are 3 census tracts in Clay County, and it is estimated that the area is 25% under-counted. Starting March 12, individuals can go online to complete their census questionnaire, which is to be 10 questions and take approximately 10 minutes. Prescott asked the County to

partner with them on the committee, provide remote census completion stations in the Courthouse for those without online access, and said he would like a proclamation from the County Commission supporting the 2020 Census. Posters can be placed in the Courthouse to remind people to participate. Prescott said encouraging an early count is beneficial because university students do count. Powell moved, seconded by Manning and carried to appoint Hammond to the committee. It was decided that remote completion stations will be available in several Courthouse offices.

Zoning Administrator Cynthia Aden met with the Board to present two plats.

Powell moved, seconded by Packard and carried to pass and adopt the following Resolution #2019-23 for survey plat of Weeks Tract 2 in the NE1/4 NE1/4 of Section 34, and the NW1/4 NW1/4 of Section 35, all in T92N, R51W of the 5th P.M., Clay County, South Dakota; Patricia L. Bancroft, Trustee, owner.

RESOLUTION #2019-23
RESOLUTION OF COUNTY COMMISSIONERS

WHEREAS it appears that the owners thereof have caused a plat to be made of the following described real property:

A survey plat of Weeks Tract 2 in the NE1/4 NE1/4 of Section 34, and the NW1/4 NW1/4 of Section 35, all in T92N, R51W of the 5th P.M., Clay County, South Dakota; Patricia L. Bancroft, Trustee, owner.

Be it resolved that the Board of County Commissioners of said County has examined the same and that it appears that the system of streets set forth therein conforms to the system of streets of existing plats and section lines of said County, that adequate provision is made for access to adjacent un-platted lands by public dedication or section line when physically accessible, and that all provisions of the subdivision regulations of said County have been complied with, and that all taxes and special assessments, if any upon the tract or subdivision have been fully paid and that such plat and the survey thereof have been executed according to law, and the same is hereby accordingly approved.

Travis Mockler, Chairman

Board of County Commissioners

I, Carri R. Crum, County Auditor of Clay County, South Dakota do hereby certify that the within and foregoing is a true copy of the Resolution passed on October 29, 2019.

Carri R. Crum

County Auditor, Clay County, SD

Powell moved, seconded by Packard and carried to pass and adopt the following Resolution #2019-24 for plat of Tracts 1 and 2 of Riverside Addition in Section 26, all in T95N, R52W of the 5th P.M., Clay County, South Dakota Containing 7,921,707 S.F. (+/- 181.86 Acres); Brad R. Trudeau and Linda R. Trudeau, owners.

RESOLUTION #2019-24
RESOLUTION OF COUNTY COMMISSIONERS

WHEREAS it appears that the owners thereof have caused a plat to be made of the following described real property:

A plat of Tracts 1 and 2 of Riverside Addition in Section 26, all in T95N, R52W of the 5th P.M., Clay County, South Dakota Containing 7,921,707 S.F. (+/- 181.86 Acres); Brad R. Trudeau and Linda R. Trudeau, owners.

Be it resolved that the Board of County Commissioners of said County has examined the same and that it appears that the system of streets set forth therein conforms to the system of streets of existing plats and section lines of said County, that adequate provision is made for access to adjacent un-platted lands by public dedication or section line when physically accessible, and that all provisions of the subdivision regulations of said County have been complied with, and that all taxes and special assessments, if any upon the tract or subdivision have been fully paid and that such plat and the survey thereof have been executed according to law, and the same is hereby accordingly approved.

Travis Mockler, Chairman

Board of County Commissioners

I, Carri R. Crum, County Auditor of Clay County, South Dakota do hereby certify that the within and foregoing is a true copy of the Resolution passed on October 29, 2019.

Carri R. Crum

County Auditor, Clay County, SD

Sheriff Howe again discussed the property at 119 Franklin St. The Board decided to discuss the special assessment with the City of Vermillion to see if it is possible to reduce it or clear it in order to make the property more appealing to buyers.

Howe presented a jail boarding contract with Minnehaha County. Powell moved, seconded by Packard and carried to authorize the Chairman to sign the contract.

The Board considered jail meal bid specifications. Powell moved, seconded by Hammond and carried to authorize the advertisement for bids and set the opening for December 3, 2019 at 9:30 a.m.

Howe discussed vehicle bid specifications with the Board. He reported that the vehicle ordered last year has still not been received, and the vehicle was not produced by Ford as expected. It has been reported that the vehicle is in Chicago but has not been placed for delivery at this time. The Board discussed whether to bid a truck or an SUV. It was decided to bid an SUV and bid both the hybrid and the standard engine. Powell moved, seconded by Packard and carried to authorize the advertisement for bids and set the opening for December 3, 2019 at 9:35 a.m.

Howe discussed the scheduled rotation of vehicles for the department. He discussed wear and tear on the vehicles, breakdowns, and safety of the vehicles. He said he plans to discuss the matter further at budget time next year, but he plans to request that he be allowed to purchase two vehicles per year instead of one.

Powell moved, seconded by Packard and carried to allow the Auditor to lease scanners from Microfilm Imaging Systems through the year 2020.

Powell moved, seconded by Packard and carried to pass and adopt the following Resolution #2019-22 for Contingency Transfer.

RESOLUTION # 2019-22
Contingency Transfer

BE IT RESOLVED by the Clay County Board of Commissioners the transfer of funds for unanticipated expenses for the current budget year from Commissioners Contingency Fund Budget (D-112):

\$30,000 to Court Appointed Attorney (10100X4222153)

\$9,000 to Information Technology (10100X4251171)

\$200 to Historic Preservation (10100X4250514)

\$10 to Tourism (10100X4290721)

Motion by Commissioner Powell, seconded by Commissioner Packard.

Vote of the Board: Mockler Aye, Packard Aye, Powell Aye, Manning Aye, Hammond Aye.

Dated this 29th day of October, 2019.

Board of County Commissioners

Clay County, South Dakota

Travis Mockler, Chairman

ATTEST:

Carri R. Crum, County Auditor

Powell moved, seconded by Hammond and carried to set the date and time for a budget supplement hearing for the 911 Communications budget for November 12, 2019 at 9:30 a.m.

Powell moved, seconded by Packard and carried to re-appoint Joe Hubert to the Planning and Zoning Commission.

Powell moved, seconded by Packard and carried to appoint Andrew "Drew" Gunderson as Interim Veterans Service Officer/Welfare Director/Zoning Administrator.

Auditor Carri Crum updated the Board that the contractors who are to repair the retaining wall cannot complete the project until spring. Temporary repairs may be made, but a cost estimate is forthcoming.

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

(PAYROLL)		CONSECO/WASHINGTON	\$24.45
COMMISSIONER'S	\$8,438.50	CREDIT COLLECTIONS	\$53.43
AUDITOR'S OFFICE	\$11,195.53	DEARBORN NATIONAL	\$225.75
TREASURER'S OFFICE	\$20,728.55	DELTA DENTAL OF SD	\$673.60
STATES ATTORNEY	\$25,958.85	DIV OF CHILD SUPPORT	\$631.00
COURTHOUSE	\$3,291.86	NEW YORK LIFE INSURANCE	\$328.57
ACCESSOR'S OFFICE	\$10,642.77	SD RETIREMENT SYSTEM	\$25,667.76
REGISTER OF DEEDS	\$7,627.70	SD SUPPLEMENT RETIREMENT	\$2,625.00
VETERAN'S SERVICE	\$1,885.76	SDRS ROTH 457(B) PLAN	\$935.00
24/7 SOBRIETY PROJECT	\$1,782.37	TASC PVR	\$2,586.65
SHERIFF'S OFFICE	\$38,378.88	UNITED WAY OF VERMILLION	\$382.00
JAIL	\$27,772.68	VERMILLION FEDERAL	\$2,171.00
EMG MGMT & LEPC	\$4,511.92	WELLMARK BLUE CROSS	\$54,469.35
HIGHWAY	\$50,976.63	(REIMBURSEMENT)	
HEALTH NURSE	\$3,013.32	CRUM, CARRI R	\$500.00
EXTENSION OFFICE	\$3,615.98	(PROFESSIONAL SERVICES AND FEES)	
WEED CONTROL	\$2,800.69	ALTERNATIVE HRD LLC	\$2,323.08
PLANNING & ZONING	\$2,626.16	COYOTE ENTERPRISE LLC	\$139.98
(CASH)		HOUSKA, DDS, RANDY	\$562.00
SD STATE TREASURER	\$3,127.34	KATTERHAGEN, MARK	\$15.00
(DUE TO OTHER GOVERNMENT)		LEWNO, LUCILLE M	\$166.50
SDACC OFFICE	\$280.00	LINCOLN COUNTY AUDITOR	\$256.25
STATE OF SD GAME FISH	\$60.00	LOCKWOOD, DARCY	\$15.00
(PAYROLL WITHHOLDING)		MICROFILM IMAGING SYSTEM	\$471.00
AAA COLLECTIONS	\$494.44	NETSYS PLUS, INC.	\$247.00
AFLAC	\$770.19	PHARMACY SPECIALTIES &	\$136.00
CLAY CO TREASURER	\$52,706.71	PHARMCHEM, INC.	\$571.00
COLONIAL LIFE	\$473.39	SANFORD HEALTH CLINIC	\$1,988.20

ULTEIG	\$14,016.31
YANKTON CO TREASURER	\$360.00
YANKTON MEDICAL CLINIC P	\$76.34
(OTHER PROFESSIONAL SERVICE)	
MINNEHAHA COUNTY JAIL	\$5,159.02
SCHAEFER, DEAN	\$2,199.00
(LAW OFFICE)	
BREVIK LAW OFFICE LLC	\$206.75
GOODIER, JONATHAN T	\$10.00
HARMELINK, FOX, RAVNSBOR	\$190.40
JOHNSON, KATIE PLLC	\$180.50
MCCULLOCH, JAMES E	\$298.30
PETERSON, STUART, KLENTZ	\$6,344.48
THOMPSON, CRAIG K	\$2,008.20
(MENTAL HEALTH)	
LEWIS & CLARK BEHAVIORAL	\$534.00
(PUBLISHING)	
BROADCASTER PRESS	\$186.00
PLAIN TALK	\$45.00
(REPAIRS AND MAINTENANCE)	
BEAR, INC. DBA TODD'S	\$73.45
BEN'S HANDYMAN SERVICES	\$51.00
BRUNICK SERVICE, INC.	\$143.00
CENTURY BUSINESS PRODUCT	\$30.00
COYOTE ENTERPRISE LLC	\$79.99
ELECTION SYSTEMS AND	\$4,282.50
GRAHAM TIRE YANKTON	\$301.40
IVERSON, MONICA	\$250.00
JOHNSEN HEATING & COOLIN	\$507.00
MJ DAL SIN CO OF SD INC	\$700.00
SCHLENKER, EVELYN	\$8.52
TOTAL TILL & SEED INC.	\$2,500.00
TURNER PLUMBING INC	\$85.20
(DATA PROCESSING/CLAY CREEK/INF)	
ERICKSON SOLUTIONS GROUP	\$1,976.45
MICROFILM IMAGING SYSTEM	\$855.00
SOFTWARE SERVICES, INC.	\$1,100.00
(SUPPLIES & MATERIALS)	
A & B BUSINESS	\$161.23
BRUNICK SERVICE, INC.	\$1,340.72
CAMPBELL SUPPLY CO.	\$113.36
CLAY CO HIST PRES COMM	\$17,346.26
DAKOTA FLUID POWER INC	\$1,434.77
FEDEX	\$307.82
FRANCOTYP-POSTALIA INC	\$135.76
GRAHAM TIRE S.F. NORTH	\$2,769.67
HY-VEE, INC.	\$96.91
I-STATE TRUCK CENTER	\$50.71
MICROFILM IMAGING SYSTEM	\$435.80
NETSYS PLUS, INC.	\$29.20
ONE OFFICE SOLUTION	\$121.96
QUILL CORPORATION	\$151.02

SANFORD HEALTH CLINIC	\$17.04
SOOLAND BOBCAT	\$117.12
STURDEVANT'S AUTO PARTS	\$1,177.11
TORCO REMFG.	\$217.00
VERMILLION ACE HARDWARE	\$505.71
(TRAVEL AND CONFERENCE)	
ADEN, CYNTHIA	\$511.19
ARROWWOOD RESORT &	\$154.00
BEST WESTERN RAMKOTA INN	\$480.00
DOTSON, JILL	\$10.92
POWELL, LEO	\$443.60
(INMATE TRAVEL)	
BRUNICK SERVICE, INC.	\$312.00
(UTILITIES)	
CITY OF VERMILLION	\$2,623.01
VERIZON WIRELESS	\$117.46
VERIZON WIRELESS EMG	\$40.01
VERIZON WIRELESS SHERIFF	\$320.08
VERMILLION GARBAGE SVC.	\$176.00
(PAYMENT)	
AMERICAN TIRE DISTRIBUTO	\$505.68
BEYERS, ERIN	\$50.00
BRUNICK SERVICE, INC.	\$2,202.03
COLLINS, BLAIR	\$55.04
CULVER, KIMBERLY	\$50.00
GREEN, KELLY	\$56.72
HESSMAN, TERESA	\$71.00
HY-VEE, INC.	\$3,508.86
MADSEN, LARRY	\$50.00
MERRELL, BRITTANY	\$32.00
MES COMPANIES	\$107.50
MILLER, CYDNY	\$43.10
ROLFES, SUSAN	\$53.36
THE SOAP GUYS	\$56.00
VAVRA, ALLISON	\$47.72
VESELY, BRIAN	\$142.00
ZIMMER, ALLEN	\$50.00
(JDC/SPECIAL EQP.)	
DAKOTA REPORTING AGENCY	\$745.50
(BUILDINGS AND STRUCTURES)	
BRUNICK FURNITURE	\$2,200.00
(BOOKS)	
THOMSON REUTERS - WEST	\$530.01
(FURNITURE AND MINOR EQUIPMENT)	
CANON	\$209.96
ERICKSON SOLUTIONS GROUP	\$2,819.20

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

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 October 31, 2019.
I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks	10,485,940.75
Amount of actual cash	2,862.31
Total amount of checks and drafts in Treasurer's Possession not exceeding three days	844,891.16
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:	2,037.69
Checks returned and not deposited	
Cash Items	700.00
Investments	151,000.00
Cash Variation	0.00
Total	
	Dated this 1st day of November, 2019.
	11,487,431.91

Carri R. Crum, County Auditor

Payroll changes to be reported are as follows: Cole Albaugh-Edgecombe was hired as a part-time jailer 10/28/19 at \$16.13/hour.

At 11:40 a.m., Powell moved, seconded by Manning and carried to enter an Executive Session for legal/contractual and judicial matters under SDCL 1-25-2.

Mockler left the meeting at 12:47 p.m.

At 1:02 p.m., Powell moved, seconded by Manning and carried to exit the Executive Session.

At 1:02 p.m., Manning moved, seconded by Powell and carried to adjourn, and to reconvene at 9:00 a.m. on Tuesday, November 5, 2019.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:


Carri R. Crum, County Auditor

The Board of County Commissioners met in regular session Tuesday, November 5, 2019 at 9:00 a.m. Members present: Phyllis Packard, Leo Powell, Micheal Manning, and Richard Hammond.

Vice-Chair Packard called the meeting to order.

Powell moved, seconded by Manning and carried to approve the agenda with the addition of Prairie Center Ditch under Ditch Board and tax deed property eviction notice.

Minutes of the October 29, 2019 meeting were approved with a motion by Manning, seconded by Hammond and carried.

Ina Peterson appeared under Visitors to be Heard. She updated the Board on the intent of the Directors of Equalization to hold their own District Meetings quarterly.

Travis Mockler joined the meeting at 9:03 a.m. Packard turned the meeting over to Chairman Mockler.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. Polley said he would like to purchase a used 2015 CAT skid loader with tracks for \$44,036. The department is also short one semi-tractor, and he would like to purchase a used one in Brookings which is a 2003 Mac for \$18,000. He does not have the money in his budget, but the sale of the surplus equipment should offset the cost. Powell moved, seconded by Packard and carried to authorize the purchases.

Polley said he has Yankton County's gravel crushing bid of \$5.95 and would like to purchase off that bid as it would be a savings to the County. Manning moved, seconded by Hammond and carried to authorize the purchase.

The Board reviewed paperwork from the Emergency Relief Program. Packard moved, seconded by Hammond and carried to authorize the Chairman to sign the documents.

Polley gave an update on 302 St. If the County waits until next year, the relief will only be at 80% instead of 100%. If the County fixes 302 St. and it goes under water again next year, the funding requests will start over. It was the consensus to fix what can be fixed this year.

Polley reported that the historical paperwork has been filed for removal of bridges #14-130-176 and #14-133-170.

Powell asked when the County will start on 302 St., and Polley said maybe next week. Powell asked about 306 St., and Polley said the bridge may be open early next week, and there will be

shoulder work as well. Powell said he also heard discussion about the road to the landfill, and Polley said he will check to see if the breakup has been fixed yet.

At 9:26 a.m., Packard moved, seconded by Powell and carried to adjourn and convene as Clay County Ditch Board.

Powell discussed a beaver dam by Holmes Welding on Lateral 50 and trees downstream from Hansen's property on the Yankton-Clay Ditch. He is concerned because the jobs were bid but are not getting done. Polley said he spoke to Pollman, and there was too much water at that time.

Powell asked Polley if the Board should be bidding Clay Creek. Polley said they have not been able to fly over Clay Creek because the leaves were too thick on the trees. Powell suggested flying the whole ditch with an airplane.

Manning discussed Prairie Center Ditch, and there are areas that need to be cleaned. He said the ditch is half full in spots. Powell moved, seconded by Hammond and carried to authorize Manning to hire someone to clean the areas that need it.

At 9:35 a.m., Powell moved, seconded by Manning and carried to adjourn and reconvene as Board of Clay County Commissioners.

A public bid opening was held for chip seal, and bids were opened and read aloud. Ulteig Engineering was present to assist. PCI bid \$147,173.05. BX Civil& Construction bid \$105,000. SFC Civil Constructors bid \$105,061. It was decided that Ulteig Engineering will review the bids to ensure compliance with specifications, and the bid will be awarded at the November 12th meeting.

Polley said the Highway Department will likely switch to winter hours and 5-day weeks November 25th.

Polley also gave updates on dikes in the Meckling oil to the County line area that he turned in to FEMA.

Bob Fuller, Chairman of the Courthouse, Jail, and Law Enforcement Facility Planning Committee, met with the Board to discuss the committee's work. He presented a map with 3 potential building sites that are for sale. He said the committee will be waiting to work with an architect and construction manager who will assist with determining the best site. He said the current situation is not at the step to be talking about land prices yet. Fuller said the committee has also been working on responses to the Statement of Interest with a rubric sheet. Once the committee discusses the applicants, they will have in-person presentations and develop a recommendation for the Board. Sheriff Andy Howe reminded Fuller that the legislators have been invited to the next meeting of the committee on November 20th to discuss the potential

legislation that would allow counties to enact a ½-cent sales tax for building Courthouses and jails. Packard pointed out anything that is considered tourist activity is already at a 9% sales tax.

Lauren Hollenbeck, 4-H Educator, met with the Board to present the Quarterly Report and upcoming 4-H program activities. She also updated the Board on the mold and water damage in the building and the poor roof condition. There was discussion about the condition of the Fairgrounds as a whole.

Treasurer Rhonda Howe met with the Board to discuss a tax deed property eviction notice with the Board. It was the consensus of the Board to proceed, and Howe will work with State's Attorney Tracy.

Howe presented a copier lease contract from Office Systems Company that will be a savings to the County. Powell moved, seconded by Packard and carried to authorize the Chairman to sign the contract.

Mockler said he spoke with Howe this morning regarding VCDC property taxes. They were late by one day at a penalty of approximately \$421. Howe said the state statute requires the late fee.

Manning moved, seconded by Hammond and carried to adopt the new 2019 Personnel Manual.

Powell moved, seconded by Manning and carried to authorize the Chairman to sign a collections agreement with Advanced Asset Alliance Collections Service.

The Board discussed the county hours on the Christmas holiday week. It was the consensus of the Board that there will be normal business hours on December 23rd.

Payroll changes to be reported are as follows: Andrew Gunderson was hired as Interim Veterans Service Officer/Welfare Director/Zoning Administrator starting 11/4/19 at \$45,000/year.

At 10:40 a.m., Manning moved, seconded by Hammond and carried to enter an Executive Session for legal and personnel under SDCL 1-25-2.

At 11:17 a.m., Powell moved, seconded by Packard and carried to exit the Executive Session.

The Board discussed the recent Joint-Jurisdiction Planning Commission meeting and decisions that were made. State's Attorney Tracy discussed the two version of the City of Vermillion's Comprehensive Plans. She reviewed the process from the beginning with the process of adopting the Joint-Jurisdiction Zoning Regulations through the current conditional use permit application from Nutrien. Zoning Administrator Cynthia Aden and Tracy discussed the zoning map as it relates to the zoning of the land in question and land usage.

At 12:30 p.m., Manning moved, seconded by Hammond and carried to adjourn, and to reconvene at 9:00 a.m. on Tuesday, November 12, 2019.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:


Carri R. Crum, County Auditor

November 12, 2019

The Board of County Commissioners met in regular session Tuesday, November 12, 2019 at 9:00 a.m. Members present: Phyllis Packard, Leo Powell, Micheal Manning, and Richard Hammond.

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

Minutes of the November 5, 2019 meeting were approved with a motion by Manning, seconded by Hammond and carried.

State's Attorney Alexis Tracy appeared during Visitors to be Heard to update the Board on the Joint Jurisdiction Zoning Regulations and the Conditional Use Permit Application from Nutrien Ag. The Board discussed concerns about the project with Tracy. It was decided that the discussion would be continued.

Community Health/WIC Nurse Sami Cusick met with the Board to present the Biannual Activity Report.

Highway Superintendent Rod Polley met with the Board to present the bid tabulations for chip seal. Powell moved, seconded by Packard and carried to accept the low bid from BX Civil & Construction for \$105,000.

Polley discussed a conversation with the State regarding the County being responsible for paying all State and Federal Motor Fuel Tax on fuel purchases. He said the fuel quotes reflect that as well, but he is still looking into the matter.

Packard moved, seconded by Powell and carried to accept the low bid of \$2.38/gallon from Brunick's Service for 10% ethanol blend fuel.

At 9:38 a.m., Powell moved, seconded by Packard and carried to adjourn and convene as Clay County Ditch Board.

Polley presented an invoice to be paid to the Clay County Highway Department for culverts and a band in the amount of \$2,356.98. Powell moved, seconded by Hammond and carried to authorize payment of the invoice as the project was previously approved.

Mike Pollman of Pollman Excavation met with the Board to discuss work that was scheduled to be completed. He said due to the high river levels and the wet year, there is nowhere for the water to go, so he cannot complete the cleaning work.

Polley discussed beaver dams and said he called the state trapper, who has not returned his call yet.

Polley said he will be flying the ditch in an airplane tomorrow as long as weather permits it, and Powell said he will go along.

Pollman discussed culverts that are curling around the edges along 454 Ave. and 455 Ave. He said he mentioned it to Rod Gall, and Polley said he spoke to him as well.

Manning said he spoke to Kelly O'Connor, and he will clean the areas that need it along Prairie Center Ditch.

At 9:48 a.m., Packard moved, seconded by Powell and carried to adjourn and reconvene as Board of Clay County Commissioners.

Polley updated the Board on bridge closures and repairs. He discussed concrete repairs around the washed-out areas.

Packard moved, seconded by Powell and carried to pass and adopt the following Resolution #2019-25 for Supplement of County Budget.

RESOLUTION #2019-25
Supplement of County Budget

WHEREAS the E-911 Communications budget does not have adequate budget authority in 2019 due to expenses budgeted in 2018 and paid in 2019;

WHEREAS, the Board of County Commissioners have agreed to hold a public hearing on November 12, 2019 at 9:30 a.m. to supplement the E-911 Communications – Reimbursement % to City budget for the proper conduct and discharge of lawful county obligations and has been given in accordance with the law and direction of the County Board,

NOW THEREFORE BE IT RESOLVED: That the following budget be adopted to show the supplement to the foresaid 2019 Annual Budget:

E-911 Communications – Reimbursement % to City (20700X4221225) \$19,651
E-911 Communications – Reimbursement % to City (10100X4221225) \$42,388

Dated the 12th day of November, 2019.

Commissioner Packard moved the adoption of the foregoing Resolution; Motion seconded by Commissioner Powell.

Vote of the Commission: Packard Aye, Powell Aye, Manning Aye, Hammond Aye, Mockler Aye.

Upon which voting the foregoing Resolution was declared passed and adopted.

ATTEST:

Travis Mockler, Chairman
Board of County Commissioners

Sheriff Andy Howe met with the Board to introduce Dick Strasburg from Tegra Group regarding services he could provide for the building project. Strasburg said he has 9 full-time employees and 1 part-time employee covering the areas of urban planning, architecture, interior design, facility management. His firm acts as staff during a building project to manage the process. Strasburg said his firm breaks things down into pieces to determine what can be accomplished between now and a bond election to pass the bond and spend as little as possible. He discussed the steps from figuring out a price to a conceptual drawing. The Board reviewed Strasburg's contract with Minnehaha County, and he explained the services included. He explained his selection process for selecting architecture and contractor teams. Howe asked Strasburg to clarify the difference between a Request for Proposal (RFP) and the Statements of Qualifications from architecture and construction management teams. Strasburg said the committee has completed the right first step. The next step will be to short-list them. His firm could help narrow it to 3-4 and obtain any additional information that was missed, then assist with sending out an RFP. He said documentation will be necessary to show due diligence to the taxpayers.

Bob Fuller, Chairman of the Courthouse, Jail, and Law Enforcement Facility Planning Committee, said he made a phone call to the State Engineer's Office and was told yes, that their template Statement of Interest is the same as an RFP. Strasburg said the things that need to be included in an RFP is who the lead is, the timeline, and additional items other than what is required by the State, questions that he thinks should be asked such as who the team members will be, "A" Team vs. "C" Team, and what else they are working on. Fuller said this is millions of dollars, not a game, and if the Board is going to hire a consulting firm, it is an additional fee, and they will be paying fees for every service they receive (i.e. architecture, construction, consulting, etc.). He asked if an expenditure of \$325,000 would be a bid item, and if the committee is hiring a consulting company, then they should be searching for one just as they are searching for architects. He said if there will be a consultant then the committee should be dissolved, and a committee of the Auditor, Police Chief, and Sheriff should be formed to work with the consultant. Fuller said the consultant should have been pitching his services to the committee. Strasburg said he did not know the committee existed. Howe said he approached Mockler and suggested having Strasburg meet with the Board. Mockler clarified that the Board is not hiring anyone today.

Strasburg said he has worked with committees before. His firm has a friendly approach that shows the taxpayers that it was a fair, bulletproof process. Generally speaking, it costs a couple percent to manage a project. Projects like this are built without firms like his, and it can be done either way. State's Attorney Tracy said maybe presenting to the committee is good, and she likes the idea of not coming in over budget, and change orders can take a project way over budget. She likes the idea of streamlining it. She would have questions regarding fee structure and contract terms. She likes the idea of bills being examined to make sure they are legitimate expenses, and it had never occurred to her who would be doing that. Whether or not to hire a consultant is a

good discussion to have, and this is at a good stage in the process to consider it. Hammond said it would be appropriate to ask for a list of other clients.

Strasburg discussed a situation where a contractor had a piece of equipment on a job site for a month, and it had not been used; however, it was on the invoice because it had been onsite. He said it is important to manage those things to keep costs down. His firm streamlines management to keep all parties in their own swim lanes. Projects have 3 roles: contractor and subcontractors, architect and engineers, and the owner and their advisors. He only works for owners. He bases his fee on what he needs to do for a project.

Fuller asked the Board if a Construction Manager At-Risk would do the same thing. Howe said he did not know there was such a firm that existed. His concern was that the committee will meet on the 20th to begin to narrow the list, and he was concerned about the meeting dates. If the Board wants a consultant, they should make that decision before the committee selects an architect or construction manager. He said he disagrees with disbanding the committee at any point, at least until the shovels are in the ground. Strasburg agreed, and he asked who will make the financial decisions. Mockler said that will be the Board because they are the ones who will take the heat. Strasburg said he has also just brought a project to the point of construction and handed it over to someone else, serving only as a sounding board for questions. He also pointed to the TV in the room and asked who will make the decision whether that TV gets moved to the new building, whether it needs to be connected to the internet or anything else. Someone needs to act as the owner to make those decisions.

Manning asked what happens if the Board hires him and the bond fails. Strasburg said he only gets paid for what he does, and the Board can get rid of him any time. Tracy pointed out Item #4 in the Minnehaha County contract addressing such situations. Strasburg discussed stepping-off points within architecture and construction management contracts. He said his firm knows how to structure contracts.

Powell asked to go around the table and see what each of the Board members have gathered from this discussion. He asked Fuller for his thoughts. Fuller said a couple things concern him. Money is a concern because it is a big project. He thought CMAR would address many of these issues. Strasburg is right. There is no person with the authority to deal with these issues, and the Board could be quite busy with these things. He discussed having a 3-member committee when the 10-person committee is finished. We need to be aware of public dollars, and need to be aware that someone needs to make the decisions. Manning asked Fuller if there was a consultant with the City Hall project. Fuller said no, there was not. Howe said he was told the City used a consultant on the pool project, and Manning said he believes they did. Packard said her only comparison is the construction in the landfill/recycling. They always had an engineering firm, and the City Finance Officer followed through. Mockler said he is concerned with tax dollars, and one bad decision could cost a lot. The consulting firm has an attorney on staff, and the Board cannot overload the State's Attorney. Strasburg said they have an attorney they work with that knows the CMAR business. He also suggested that to get to the first step, write the contracts in a way

that if the bond is not approved, then they are out. Fuller said the committee is reading all the Statements of Interest and using a rubric. Packard said the consulting firm will have a lot more knowledge than committee members and a more detailed RFP. Strasburg said, in an interview, you will get a different answer than you'll get 5 minutes after you tell them they have the job. Fuller said Strasburg makes it sound discouraging, and he asked if there are no honest contractors out there. Strasburg said there are, but they are all so busy

Manning said he is leaning towards using a consulting firm because he does not think Clay County has the expertise, even though there is a great committee with a variety of people. He said he would like to see Strasburg's list of completed projects. Powell said he agrees with Manning. Hammond said usually with bigger projects the architect is acting as a super-engineer because they have been taught how to design, build, and bring to fruition, and that is the only type of project he has experience with. Strasburg said he does not want to do anything the architect does. He represents the owner with a lot of issues, but in some cases, he has been brought in by an architect and others the architects do not want him involved at all. Mockler said there are 8 people in the room who are elected, and not all may be here when the doors are opened, for one reason or another, and there should be some continuity. Hammond said he does not know much about the accountability of CMAR. He asked Strasburg if someone needs to be there every day. Strasburg said he found \$200,000 of items they were overcharged on during the Minnehaha County project, and he brought it up to the CMAR. Powell asked Howe and Fuller to discuss it with the committee for an opinion/recommendation. Fuller said he does not see where the committee would be opposed to the idea because there is no one on the County payroll who would have that expertise. It was decided that the committee will discuss it on the 20th, and the matter will be placed on the agenda for the 27th. Packard suggested having the committee pare down the Statements of Interest, but not to the point of narrowing too much yet.

Strasburg discussed firms he has worked with on other projects. Powell asked whether Klein McCarthy was interested, and Howe said they did submit a Statement of Interest. Powell said he is not interested in leaving the committee out of the decision. Fuller said if the committee makes the decision to invest in a consultant, due to the amount of money involved, they should look at companies in a similar process.

Powell moved, seconded by Hammond and carried to approve the annual Package and Retail Liquor licenses for Whimp's Place and Toby's Lounge.

At 11:49 a.m., Powell moved, seconded by Manning and carried to enter an Executive Session for personnel and legal matters per SDCL 1-25-2.

Mockler excused himself from the meeting at 12:35 p.m.

At 12:50 p.m., Manning moved, seconded by Hammond to exit the Executive Session. Vote of the Board: Hammond Aye, Manning Aye, Powell Nay, Packard Aye. Motion passed.

Tracy discussed the Joint Jurisdiction Zoning Regulations with the Board. The Board discussed the upcoming City meeting tonight. Tracy reviewed the procedures that would be involved with exiting the Joint Jurisdiction Zoning Regulations with the City.

At 1:00 p.m., Manning moved, seconded by Hammond and carried to adjourn, and to reconvene at 9:00 a.m. on Tuesday, November 26, 2019.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

November 26, 2019

The Board of County Commissioners met in regular session Tuesday, November 26, 2019 at 9:00 a.m. Members present: Phyllis Packard, Leo Powell, Micheal Manning, and Richard Hammond.

The Chairman asked for a declaration of any conflicts of interest regarding agenda items.

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

Minutes of the November 12, 2019 meeting were amended and approved with a motion by Packard, seconded by Hammond and carried.

Lauren Hollenbeck, 4-H Educator, met with the Board to discuss mold damage in the Extension Office. She presented estimates for repairs, and the Board discussed the condition of the roof. Packard moved, seconded by Manning and carried to accept the estimate from Intek for the mold remediation.

Highway Superintendent Rod Polley met with the Board to present a Driveway Application on behalf of Michael Ground for Lots 1 & 2, Arobba Addition, City of Vermillion. The Board discussed whether the area is the County's responsibility to approve the application, or the City's.

Polley said 302 St. was opened yesterday and updated other road projects.

Polley also said the Highway Department has gone back to 5-day work weeks for the winter hours.

At 9:33 a.m., Packard moved, seconded by Powell and carried to adjourn and convene as Clay County Ditch Board.

The Board discussed the airplane flyover of the Clay Creek Ditch and reviewed aerial photos. They discussed bank sluffs, trees, and beaver dams.

Powell moved, seconded by Packard and carried to authorize Polley to hire someone to backhoe/excavate the necessary areas. It was discussed that fallen trees should be removed. The Board further discussed continuing maintenance. Polley said he called the State trapper and has not received a return call yet.

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

Hammond moved, seconded by Packard and carried to approve the following claims for payment with the exception of an invoice from Ulteig in the amount of \$5,350.00 until more information can be gathered regarding what the bill is for.

Bob Fuller, Chairman of the Courthouse, Jail, and Law Enforcement Facility Planning Committee, met with the Board. Sheriff Andy Howe, Vermillion Police Chief Matt Betzen, and State's Attorney Alexis Tracy were also present. Fuller discussed that the legislators were invited to the last committee meeting, but none were present. Fuller also said some committee members are concerned that hiring a consultant would be a duplication of fees as the Construction Manager At-Risk (CMAR). After discussion about the consultant's role, the committee formally recommended the hiring of a consultant to the point of hiring a CMAR. He discussed, if the consultant is hired, the committee's thoughts are to have the consultant be a part of hiring the architect and CMAR. Hammond said there are two members who voiced concerned that this would slow things down. He said he does not think that will be the case, and it could actually speed up the process, and help the committee to make a more informed decision on who should be hired. Hammond said he feels it would be money well spent. Howe said he feels the best way to move forward is with a consultant and agrees that the consultant should help with selection of an architect and CMAR. Mockler said he understands the consultant will work for the County, whereas the CMAR will work for the construction company. Betzen said we are doing a resume and interview for probably the biggest project we will ever do in our lives. He said the only way to truly get to information on past performance of a company is to know them, and the consultant will have that experience. Tracy said she is completely on board with hiring a consultant because it will be someone to advocate for the County, make sure the moving parts are gathered together, and make sure the project stays within cost. Packard moved to ask the State's Attorney to contact Tegra Group to request a contract to review and discuss at the next meeting. The motion was seconded by Powell. Upon a vote of the Board, all voted aye. The motion unanimously passed. Howe said there was a strong emphasis on South Dakota companies, but most had a partnership to get that South Dakota connection. Dick Strasburg from Tegra Group said if he can avoid going out of state for an architect and CMAR, he will. There was lengthy discussion regarding the overall project and when public meetings might occur (when there is more information and drawings from the architect and CMAR).

Powell moved, seconded by Hammond and carried to pay the invoice to Ulteig upon further review of the cost and finding that it was related to a bridge deck repair on the Dakota St. bridge.

Manning moved, seconded by Powell and carried that the County Employee Appreciation Dinner will be held January 17th at the Eagles Club.

Howe updated the Board on condition of a tax deed property at 224 S. Dakota in Irene. The Board also discussed the tax deed property at 119 Franklin St.

At 10:50 a.m., Powell moved, seconded by Manning and carried to enter an Executive Session for personnel matters per SDCL 1-25-2.

At 10:53 a.m., Manning moved, seconded by Packard and carried to exit the Executive Session.

Tracy discussed contract specifics regarding the potential hiring of a consultant for the building project with the Board. The Board agreed to checking references for Tegra Group.

At 11:05 a.m., Manning moved, seconded by Hammond and carried to adjourn, and to reconvene at 9:00 a.m. on Tuesday, December 3, 2019.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:


Carri R. Crum, County Auditor

December 3, 2019

The Board of County Commissioners met in regular session Tuesday, December 3, 2019 at 9:00 a.m. Members present: Phyllis Packard, Leo Powell, Micheal Manning; Travis Mockler and Richard Hammond were absent.

Vice-Chair Packard called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Powell moved, seconded by Manning and carried to approve the agenda with the addition of the tabled driveway application from the previous meeting and the addition of one Dell computer to the list of equipment to be declared surplus for disposal/recycling.

Minutes of the November 26, 2019 meeting were approved with a motion by Manning, seconded by Powell and carried.

Highway Superintendent Rod Polley met with the Board to discuss the previously tabled driveway application for Lots 1 & 2 of Arobba Addition on East Main St. It appears the property is on the City's side of the street. Manning moved to refer the application to the City, seconded by Powell and carried.

At 9:06 a.m., Manning moved, seconded by Powell and carried to adjourn and convene as Clay County Ditch Board.

Powell discussed using GPS for locating beaver dams. Emergency Management Director Layne Stewart said his department's drone is available as well if necessary, but the video cannot be geo-tagged. Locations have to be physically written down. Polley said he can have an excavator available this afternoon at the rental rate of approximately \$2,300/week to travel the ditch and take the dams out without using GPS locations. Powell moved, seconded by Manning and carried to authorize Polley to rent the equipment and remove the dams.

At 9:09 a.m., Manning moved, seconded by Powell and carried to adjourn and reconvene as Board of Clay County Commissioners.

Polley asked if the County has any ordinances regarding junk yards. He said at 31315 Bluff Rd. about 4 dozen old cars have recently showed up in the yard. The Board discussed other properties in the County that have similar issues and asked State's Attorney Alexis Tracy if there is an ordinance preventing such issues. Polley said he has had a few phone call complaints. Sheriff Andy Howe was present for the discussion. Tracy said SDCL 31-30 deals with regulation of junk yards along highways, and it will be a matter of determining whether the location fits within the statute.

Manning moved, seconded by Powell and carried to declare surplus and authorize the disposal/recycling of various obsolete computer equipment.

The Sheriff's Office, Veterans/Welfare/Zoning Office, and Vermillion Public Library Board Monthly Reports were accepted and placed on file.

At 9:30 a.m., a public bid opening was held for jail meals. No bids were received. Powell moved, seconded by Manning and carried to authorize the Sheriff to negotiate for meal services for the jail.

At 9:35 a.m., a public bid opening was held for a Sheriff's patrol vehicle. No bids were received. Sheriff Howe said the department still has not received the Ford vehicle that was bid last year. He said Lamb Motors has the State bid for Ford and Beadle Sales has the State bid for Dodge. Powell moved, seconded by Manning and carried to authorize Sheriff Howe to purchase the Ford from the State bid as the County did not receive any bids.

Dick Strasburg from Tegra Group met with the Board. Manning said he called Tegra Group's references in Watertown and Rapid City but did not get in touch with anyone. Strasburg discussed the facility study, and he said it was a typical report addressing "wants" rather than "needs." He said the Board could do an initial step with his firm that could get the County to a bond vote. He said there would be a Request for Proposal (RFP) to select an architect from a short list, looking at who specifically the County would get from the companies. The architecture contract could be negotiated for the entire project, with an escape clause that only commits the County to the point of the bond election. The construction manager could be hired at the same time, with an escape clause as well. He said the RFP for the contractor needs to be thoughtfully written because there are various ways for the contractor to charge fees. Once the architect and contractor are at the table, they can help the County with a project cost. The goal is to get a cost associated with "wants" and "needs" and narrow it down from there. He also discussed pulling together soft costs for furniture, security, etc. to get an overall cost. Designing the jail in a way that minimizes staffing needs is also part of the planning process. Then the site is to be narrowed down to a few. The architect will do "fit plans" to make sure the building will fit with room for future expansion. At that point, the County can tell the voters what the cost might be.

Packard said the rumor out there in the community is the approximate \$45 million figure from the study, and that is not what the County is considering. Strasburg said it is better to start with a higher figure and come in lower than the other way around. Powell said the urgent need is the jail. Strasburg said another possibility is a phased project with the jail being first. He said one thing working against the County is that in eastern South Dakota contractors are very busy right now. Powell said if the State would pass legislation allowing a ½-cent sales tax for jails and Courthouses, all the people in the county would pay to build the jail instead of having only the real estate tax provide the only funding. He said the counties do not have the opportunities for funding that municipalities have. Strasburg proposed a fee of \$67,500 for the first phase, which is getting the architect and construction manager hired, 10% drawings, and to the bond vote. Manning asked, if the bond passes, then what is the fee beyond that? Strasburg discussed the scope of his role and cited a previous project where the total fee was \$225,000 with a committee member helping take on some responsibility. He said his firm can coach that person. Powell asked about what the County got for the fee it paid for the Klein McCarthy Architects study. Strasburg said the goal is to take the facility study and not spend much more on architecture. He said the idea is to have one person to report to, and he suggested the commission chair, one

person to make management-type decisions. Manning asked what Tegra Group's record is for projects going over budget. Strasburg said in over 200 projects, he has never gone over budget or over the time schedule. Manning asked if the \$67,500 includes travel, etc. Strasburg said yes. He gave Tracy a proposed contract and discussed the format. He discussed cost variables such as whether Tegra Group would negotiate the sale of the land, or whether someone else does it. Powell said there is no doubt that what Strasburg said is what the County needs. He asked for copies of the proposed contract to be distributed to Mockler and Hammond in advance of next week's meeting. Powell and Strasburg discussed using South Dakota built pre-fabricated jail cells vs. having the architect draw them. Strasburg said these are the ways that Tegra Group saves clients the firm's fee. He said if he is not adding enough value then the County can get rid of him. Powell said the County has never opted out, and the ½-cent sales tax would help if it was passed. Powell asked to have committee member representation for next week's meeting and to put the topic on the agenda.

Packard asked if his company helps with public relations. Strasburg said they can help with talking points because the rumor mill gets out of control and can help the committee with that. Strasburg asked how the community feels about the project. Powell said the committee and the rest of the Commission thought the focus should be on building new. He has reluctantly agreed with the concept for the good of the project. He personally preferred to use the current building in the project because he loved it. Packard said the current rumor is that the County is tearing down the building and spending \$45 million, which is not true. Manning said some costs not even considered in the \$45 million estimate from the space study was land acquisition, relocating utilities, and closing the street. Tracy said some things cannot be accomplished in this building and cited the countless times the phone company has tried to fix the phone lines in her office, plumbing, rewiring the entire building, and if the taxpayers want to stay in the building those are the costs figured in the \$45 million. Tracy said the naysayers are going to be the louder voice because the people who are supportive are not going to take the time to come in and voice their support. She said the taxpayers deserve better service than what the current limitations allow staff to deliver. Powell said Vermillion is rated in the poverty level, and how do we expect them to get so extravagant? He said it probably does make the most sense to build new, but he ran to represent the voters, not Leo Powell. Packard said her original thought was to stay in the building, but she also agreed with the committee, and as time has gone on, she sees where the Board sits, and in today's society, they are dead ducks, as are the departments in the building. There is no defense, and to redesign this facility for the work of the future with safety in mind, it would require a new facility, and hopefully the price would be half. Manning said with the project done to the jail 30 years ago, only 3 cells were added, but it's inadequate now and the commissioners cannot be shortsighted now with a 100-year-old building. They need to look ahead to see what the County is going to have years from now. Strasburg said as decision makers we figure out how to pull it down to get to a cost reality instead of the "wants." He said it all comes down to how the County wrings every dollar out. He said it makes a difference to discuss the real problems with the voters. Strasburg asked what the timeline is. The Board's response was, "ASAP." Strasburg discussed the ballot timeline with Auditor Carri Crum, and he said putting the measure on the November 2020 ballot is a realistic timeline. He asked what will the community realistically bear for cost. The previous facility study was discussed, and Strasburg said architects do not know cost; contractors know cost. He said it is important to know what the must-haves are, and know what quality finishes are vs. expensive finishes. Powell said the

County has historically not done the step-by-step things to head some of this off, and it was a bad way to do things. The group discussed the construction timeline. Strasburg said his firm figures out the most cost-effective way to do things based on the seasons. He said his firm drives the project so things do not stall out.

Packard asked Strasburg if he can attend the committee meeting December 12 if the Board hires his firm next week. Howe discussed the work the committee has done to date to review the Statements of Interest. Packard and Strasburg discussed the RFP process. Strasburg said his firm can guide the committee on the process, and his firm can add the most value in the early stages of the project.

Powell said he knows what the right thing is to do, but the County just has to figure out the money to make it happen. Manning agreed. Packard thanked Strasburg for coming.

At 10:55 a.m., Manning moved, seconded by Powell and carried to adjourn, and to reconvene at 9:00 a.m. on Tuesday, December 10, 2019.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST: 

Carri R. Crum, County Auditor

December 10, 2019

The Board of County Commissioners met in regular session Tuesday, December 10, 2019 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Richard Hammond.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Powell moved, seconded by Hammond and carried to approve the agenda with the addition of the front steps of the Courthouse.

Minutes of the December 3, 2019 meeting were approved with a motion by Powell, seconded by Packard and carried.

Powell said he contacted Welf Construction to discuss the front steps, and he thought of making the front steps a ramp for ADA accessibility. The group discussed the matter. Manning discussed removing the retaining wall and grading the lawn. Hammond said it would solve some of the drainage problems around the property.

Doug & Michelle Norling appeared and asked why Clay County was not part of the FEMA declaration because they have had damage to their basement. Mockler asked when the damage took place. The Norlings said it happened in September. Stewart said there was only \$3,000 in damage to roads and culverts countywide due to that event, so the County did not qualify. Packard said individuals and public are different. Powell asked if the County can declare a disaster. Stewart said the issue boils down to damages; as of Friday, he had not heard of any damages to homes. Stewart said it takes 5-7 homes with major damage (failure of structural unit, 18" of water on main floor, over 30 days to repair, etc.) to qualify; there are specific criteria. Stewart said nobody reported any such damages to him. Doug Norling said FEMA told them they were surprised because they had people from Clay county in to see them about damages. Stewart said Norlings were the first, and he spoke to them Friday. Packard asked if there has been public notice. Stewart said it's been on the news, 211 Helpline, etc. Manning said he has seen it on the news. Hammond asked the Norlings if the river came up to their place. Norling said it was within 20 ft. of their house, which put pressure on the basement, and two walls have moved. Powell asked Stewart if there is anything the Board can do. Stewart said he can make phone calls and ask the State. Powell said a lot of homeowners have talked to the Board about water this year but none that have qualified for a disaster. Powell asked Stewart to research the matter and get back to the Board on December 31. Hammond said water coming in due to seepage would not be covered, only flood water coming in. Stewart said basement wall movement may not be structural failure, but collapse of a wall would be. Stewart said he will make some phone calls to Pierre. Powell said if there is anything the County could qualify for, they will try.

Highway Superintendent Rod Polley met with the Board. The Board considered a Right-of-Way Application on behalf of Greg Eide on 465 Ave., Section 8, Township 94, Range 51. Powell moved, seconded by Packard and carried to approve the application as presented based on the Highway Superintendent's recommendation.

Powell moved, seconded by Manning and carried to accept the low bid of \$2.249/gallon from Stewart Oil for #2 diesel fuel.

Polley said this will be for rumble strips approaching stop signs, and it will be no cost to the County. Powell said there is no downside to the County and will be a good safety feature. Powell moved, seconded by Packard and carried to authorize the Chairman to sign an agreement with the State for rumble strips.

Manning moved, seconded by Packard and carried to authorize the Chairman to sign a contract for epoxy chip seal that was bid for the Dakota St. bridge (structure #14-117-214).

Polley updated the Board on Ditch Board matters. He said the excavator they were to rent broke down as it was being backed onto the trailer, and it would not have reached. Polley said he spoke with area contractors, and no one but Pollman Excavation could do it. The estimate was \$3,165, and it will be done Thursday. He also spoke about cattails on Lateral 50 and said he was planning to have Weed Superintendent Dennis Ganschow look at it to see if they can be safely burned.

Polley asked if there would be a problem with the Department getting broken up concrete from old barns, as long as it does not have rebar, to fill in washed out areas in the County. The Board said that would be a good option.

Emergency Management Director Layne Stewart met with the Board regarding the update process for the Pre-Disaster Mitigation Plan, and he said after two years it is finally ready to adopt. Powell moved, seconded by Packard and carried to pass and adopt the following Resolution #2019-26 for Adoption of the Clay County Pre-Disaster Hazard Mitigation Plan Update.

RESOLUTION #2019-26

A resolution of the Clay County Commission Declaring Support and Adoption of the Clay County Pre-Disaster Hazard Mitigation Plan Update dated 2019.

WHEREAS, the Clay County Board of Commissioners supports the contents of the Clay County Pre-Disaster Hazard Mitigation Plan Update; and

WEHREAS, the Clay County Pre-Disaster Hazard Mitigation Plan Update will be utilized as a guide for planning related to FEMA Hazard Mitigation and other purposes as deemed appropriate by the Clay County Board of Commissioners.

NOW THEREFORE BE IT RESOLVED, that the Clay County Board of Commissioners hereby adopts, supports and will facilitate the Clay County Pre-Disaster Hazard Mitigation Plan Update implementation.

Adopted this 10th day of December, 2019.

Travis Mockler, Chairman

Attest:

Carri R. Crum, Clay County Auditor

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

(DUE TO OTHER GOVERNMENT)		SD STATE TREASURER	\$57.07
BERESFORD SCHL DIST 61-2	\$63,454.64	(GROUP INSURANCE)	
BETHEL TOWNSHIP	\$5,543.72	PICK, TONY	\$500.00
CENTERVILLE SCH DIST 60	\$18,261.22	(PROFESSIONAL SERVICES AND FEES)	
CITY OF VERMILLION	\$294,353.23	ALTERNATIVE HRD LLC	\$375.00
CLAY CO TREASURER	\$5,253.00	CITY OF VERMILLION	\$72.00
FAIRVIEW TOWNSHIP	\$8,381.99	FEDEX	\$11.70
GARFIELD TOWNSHIP	\$3,563.06	GEO TEK ENGINEERING &	\$168.00
GAYVILLE/VOLIN SCHL DIST	\$13,416.40	LINCOLN COUNTY TREASURER	\$450.00
GLENWOOD TOWNSHIP	\$5,602.17	MAIL FINANCE	\$178.90
IRENE CITY	\$2,084.00	PHARMCHEM, INC.	\$970.70
IRENE/WAKONDA SCHL 13-3	\$93,343.47	SANFORD HEALTH CLINIC	\$2,104.20
MECKLING TOWNSHIP	\$5,891.77	SATELLITE TRACKING OF	\$253.50
NORWAY TOWNSHIP	\$5,306.22	STADEL, BRENDA	\$2,000.00
PLEASANT VALLEY TWP.	\$3,170.03	VERMILLION FEDERAL	\$70.24
PRAIRIE CENTER TWP.	\$5,335.52	YANKTON CO TREASURER	\$221.00
RIVERSIDE TOWNSHIP	\$5,005.25	(OTHER PROFESSIONAL SERVICE)	
SD DEPT OF REV ANDERSON	\$216,241.82	MEYER, MARY ANNE	\$81.60
SDACO - M&P FUND PAYMENT	\$262.00	SD ATTORNEY GENERAL	\$519.00
SEILERS SECOND ROAD DIST	\$19.18	SIOUX COUNTY	\$1,260.00
SPIRIT MOUND TOWNSHIP	\$7,084.33	(LAW OFFICE)	
STAR TOWNSHIP	\$7,085.34	BLACKBURN & STEVENS LLC	\$236.58
THOMSON REUTERS - WEST	\$411.02	JOHNSON, KATIE PLLC	\$1,275.00
TLC WATER PROJECT DIST.	\$1,084.32	(MENTAL HEALTH)	
VERMILLION BASIN WATER	\$2,371.87	SD ACHIEVE	\$240.00
VERMILLION SCHL DIST 13-	\$569,758.25	SESD ACTIVITY CNTR	\$360.00
VERMILLION TOWNSHIP	\$2,256.65	(PUBLISHING)	
VIBORG/HURLEY SCHL 60-6	\$192.06	BROADCASTER PRESS	\$670.89
WAKONDA TOWN	\$6,797.10	PLAIN TALK	\$60.75
(FIRE)		THE EQUALIZER	\$85.00
BERESFORD RURAL FIRE	\$1,003.60	(REPAIRS AND MAINTENANCE)	
CENTERVILLE RURAL FIRE	\$636.27	BUHLS DRYCLEANERS &	\$143.00
GAYVILLE RURAL FIRE ASSO	\$644.32	BUTLER MACHINERY CO.	\$749.70
IRENE RURAL FIRE ASSOC	\$206.10	DAKOTA PC WAREHOUSE	\$229.98
VERM. RURAL FIRE ASSOC.	\$3,376.25	GRAHAM TIRE YANKTON	\$375.00
VOLIN RURAL FIRE ASSOC.	\$105.79	HEITKAMP,LUCAS	\$156.38
WAKONDA RURAL FIRE	\$1,304.19	MAIL FINANCE	\$447.29
(STATE SHARED REVENUE)		NETSYS PLUS, INC.	\$1,255.00
SD STATE TREASURER	\$127.68	PRESSING MATTERS	\$461.65
(STATE SHARED REVENUE)		PRESTO-X COMPANY LLC	\$78.00

TURNER PLUMBING INC	\$106.40	RELIANCE TELEPHONE	\$500.00
VERMILLION FEDERAL	\$20.00	(TRAVEL AND CONFERENCE)	
WH OVER MUSEUM,	\$375.00	ALBAUGH-EDGECOMB, COLE	\$264.60
(DATA PROCESSING/CLAY CREEK/INF)		RAMKOTA HOTEL	\$179.98
SOFTWARE SERVICES, INC.	\$1,280.00	VERMILLION FEDERAL	\$185.00
(SUPPLIES & MATERIALS)		(UTILITIES)	
A & B BUSINESS	\$399.92	CENTURYLINK	\$680.20
A-OX WELDING SUPPLY CO	\$103.87	CENTURYLINK EMG	\$13.76
APPEARA	\$43.04	CLAY RURAL WATER SYSTEM	\$38.30
BEAR, INC. DBA TODD'S	\$167.00	CLAY UNION ELECTRIC CORP	\$608.90
BUTLER MACHINERY CO.	\$3,816.11	FISCHER'S DISPOSAL L.L.C	\$55.00
C & R SUPPLY, INC	\$2,025.79	GANSCHOW, DENNIS	\$300.00
CAMPBELL SUPPLY CO.	\$59.44	MCPHERSON, LARRY	\$150.00
CONCRETE MATERIALS	\$2,337.62	MIDAMERICAN ENERGY	\$644.74
CORTRUST BANK	\$4.00	MIDCO BUSINESS	\$75.00
CUMMINS CENTRAL POWER LL	\$174.49	VERM./CLAY CO. LANDFILL	\$480.83
DUTCH MILL PHARMACY	\$52.69	VERMILLION GARBAGE SVC.	\$60.00
FEDEX	\$49.85	WAKONDA TOWN	\$62.65
GRAHAM TIRE YANKTON	\$43.20	(PAYMENT)	
LAWSON PRODUCTS, INC.	\$853.25	BRUNICK SERVICE, INC.	\$213.87
MICROFILM IMAGING SYSTEM	\$155.00	DOMESTIC VIOLENCE	\$655.00
MIDWEST CARD AND	\$113.33	MES COMPANIES	\$675.00
ORR FARM SUPPLY	\$8.50	VERMILLION FEDERAL	\$297.58
PHARMCHEM, INC.	\$1,221.00	VERMILLION FORD	\$189.71
PLAIN TALK	\$52.00	(BUILDINGS AND STRUCTURES)	
POWELL, LEO	\$19.00	BEN'S HANDYMAN SERVICES	\$79.86
SANITATION PRODUCT	\$1,434.50	BRUNICK FURNITURE	\$3,375.00
STEWART OIL & TIRE	\$4,907.32	WALKER CONSTRUCTION	\$525.00
VERMILLION FEDERAL	\$1,262.50	(FURNITURE AND MINOR EQUIPMENT)	
VERMILLION FORD	\$25.48	MICROFILM IMAGING SYSTEM	\$30.00
(COPIER SUPPLIES)			

Powell moved seconded by Packard and carried to authorize the Chairman to sign the 2020 Combined Election Agreement with the City of Vermillion and the Vermillion School District.

State's Attorney Alexis Tracy met with the Board to update on the Lake Thompson cleanout process. She said Kingsbury County requested that the Water Board allow them to cut/remove cattails with a submerged cutter mounted to a flat bottom boat. The request was authorized. Polley said the only thing he disagrees with regarding the request is the person designated to observe the cleanout.

Powell excused himself from the meeting at 9:50 a.m.

The Board discussed sediment removal associated with the cattail removal at the Lake Thompson outlet. There were concerns that it would cause the water to move at a faster rate. Stewart said as long as the high point is not altered, it should not matter. Packard said if you cut plants, they tend to get thicker, so the problem could be compounded.

The Board considered a rental contract from the Eagles Club for the County Employee Appreciation Dinner. They discussed other options available in the community. Packard moved, seconded by Manning and carried to authorize the Auditor to negotiate a rate and sign the contract.

Sheriff Andy Howe met with the Board to discuss jail meal contracts since there were no bidders. He said he reached out to Summit and The Eagles Club, but the kitchen situation did not work out. He also contacted Pizza Ranch, The Roadhouse, and Hy-Vee. He said Pizza Ranch offered \$4.00 per meal but was not able to meet all specifications. He said Hy-Vee offered \$3.80 per meal and \$.45 for breakfast. Manning moved, seconded by Packard and carried to accept Hy-Vee's offer.

Howe also discussed the purchase of a vehicle. There were no bids, so he explored options for that as well. He said Vermillion Ford approached him afterwards. He said, due to statutes, because bid solicitations were advertised the County is bound by specifications, and the County can purchase from a dealer other than the State bid if it is a lower price. Vermillion Ford's offer was lower than State bid. Howe discussed the hybrid vs. non-hybrid and which might be available faster due to the issue with Ford not yet delivering the hybrid vehicle that was ordered last year. Manning moved, seconded by Packard and carried to reconsider the motion to purchase made at the December 3, 2019 meeting. Manning moved, seconded by Packard and carried to authorize the purchase of the vehicle from Vermillion Ford for \$35,092 with a \$3,000 trade-in for the 2013, totaling \$32,092.

Howe reported that the junk cars discussed at the last meeting were investigated, and the owner of the vehicles said they are temporarily storing the cars there while they put up a fence on their own property in Union County due to being required by Union County to fence their property. The vehicle owner said they will have the vehicles moved back to their property by spring.

Howe also discussed a tax deed property in Irene with a vehicle on the property. He said he will also be following up on that issue.

The Sheriff's Office, Veterans/Welfare/Zoning Monthly Reports, and the following Auditor's Account with the County Treasurer's Report were accepted and placed on file.

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 November 30, 2019.
I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks	6,442,361.27
Amount of actual cash	1,353.90
Total amount of checks and drafts in Treasurer's	

Possession not exceeding three days		844,891.16
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:		8,333.04
Checks returned and not deposited		
Cash Items		700.00
Investments		151,000.00
Cash Variation		0.00
Total	Dated this 2nd day of December, 2019.	7,448,639.37

Carri R. Crum, County Auditor

At 10:36 a.m., Manning moved, seconded by Hammond and carried to enter an Executive Session for contractual/legal matters per SDCL 1-25-2.

At 11:49 a.m., Packard moved, seconded by Manning and carried to exit the Executive Session.

The Board discussed the building project. Packard moved to accept Step 1 in the proposed contract with Tegra Group with the addition of the term "jail" to be included in Term #1 of the proposed consulting agreement and authorize the Chairman to sign it; motion seconded by Manning. Upon a vote of the Board, all voted aye, and the motion passed unanimously (Powell was absent).

At 11:56 a.m., Manning moved, seconded by Packard and carried to enter an Executive Session for contractual/legal matters per SDCL 1-25-2.

At 12:23 p.m., Manning moved, seconded by Packard and carried to exit the Executive Session.

At 12:26 p.m., Manning moved, seconded by Packard and carried to adjourn, and to reconvene at 9:00 a.m. on Tuesday, December 31, 2019.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST: Carri R. Crum
Carri R. Crum, County Auditor

December 12, 2019

The Clay County Commissioners met in a special session with the Courthouse, Jail, and Law Enforcement Facility Planning Committee and members of the Clay County Historical Society (CCHS) at 6:30 p.m. on December 12, 2019 in the Vermillion City Hall Large Conference Room at 25 Center St., Vermillion, SD 57069. County Commission members present were Travis Mockler, Micheal Manning, and Richard Hammond. Facility Planning Committee members present were Bob Fuller, Carri Crum, Andy Howe, Steve Waller, Greg Huckabee, Matt Betzen, John Walker, and Megan McCauley. Historical Society members present were Dan Christopherson, Jim Stone, Evelyn Schlenker, Ruth Bylander, Maxine Johnson, Wess Pravecek, Tom Sorensen, Arthur Rusch, Kevin Jacobson, Barb Campbell, and Joni Freidel. Sandy Pedersen, Clarence Pedersen, Sarah Chadima, Greg Redlin, Jerry Wilson, Norma Wilson, and Susanne Skrym were present as members of the public. State's Attorney Alexis Tracy was also present.

Bob Fuller opened the meeting by briefing the group on the committee's work since January 2019. Dan Christopherson said the CCHS is interested in remodeling and preserving the current courthouse to keep it as the center of county government. Fuller said the committee has never be interested in razing the building. Rusch said there has not been a plan for use of the courthouse and cited buildings in Yankton that have been left vacant. Fuller said they are in the process of selecting an architect, and if and when the building is built the move would be made. He said the facility study says the jail cannot be upgraded. Fuller said he prefers to take steps one at a time.

Bylander asked if the group has been to the Lincoln County Courthouse. She said it is ugly, dark, dirty, unpleasant, and asked what makes the committee think anything new will not be like that in 10 years. Fuller said he prefers not to pre-judge. Pravecek asked if the facility study said the courthouse should be remodeled and expanded. Mockler said Scott Fettig of Klein McCarthy Architects told them it would be a politically career-ending to move off-site.

Bylander cited costs for the pool, city hall, damaged roads, farming conditions, the trade war, etc. and said she cannot see how the county's citizens can afford it. Mockler said \$4 million does not get us what we need. Pravecek then asked about costs of transporting inmates to court if the jail was built elsewhere. Howe said he would need, at minimum, another vehicle and additional staff. He discussed with Pravecek video court capabilities, transporting inmates to court most days, and inconveniences in the current building. Rusch asked what conversations Howe has had with the judges about video arraignments. Howe said he brings it up every time they are asked to transport an inmate to court from other boarding facilities, and they get turned down. Tracy said every magistrate court (3 of the 4 weeks of the month on Tuesdays), if people are entering pleas, it is expeditious to get the arraignment, plea, and sentencing done because they are out faster and costing taxpayers less. She said case volume is up across the state, and they probably could utilize it more off-site, but not Thursday felony court, Tuesday magistrate court, and felony abuse & neglect cases because it is the inmate's right to appear in person. Howe discussed manpower required on Tuesdays and Thursdays. Bylander asked why the jail is not adequate. Howe said there are not enough cells, floor space, and there are many structural inadequacies. McCauley said the jail is a lawsuit waiting to happen. Walker recommended getting a tour, and

said he would not let his dog loose in there; it is a fire hazard waiting to happen. He said the committee has been to new ones, renovations, etc., and the group is way ahead of themselves now because the county does not have an architect yet. He asked if we should stick \$10 million into a building? N. Wilson asked if he is just talking about inadequacies of the jail and not the courthouse?

N. Wilson inquired about county-owned property across National St. from the courthouse. Fuller explained the area is landlocked with residential and commercial especially down the road into the future. He discussed limited parking on the north side of National. Stone said the street could be closed, and it would be cheaper than a new courthouse. N. Wilson asked about building multi-story. Fuller said building up is expensive. Christopherson said one of the residential properties could be easily bought, and a few more, so there would be plenty of room nearby. He said he wants to save the courthouse for county government but does not disagree that we need a new jail. Fuller said there are two separate buildings to maintain if done that way, and his personal opinion is to put that money into a new building.

Bylander asked, "How old is the jail? 40 years?" Howe said it is in the original courthouse building. The Safety Center addition is 3 cells used for intake, a day room and office space. Bylander said when a prisoner has to go to court, an officer has to accompany them in any case, so if they had to walk 100 feet outdoors, it wouldn't require more officers. Howe said it depends on the number of inmates. Bylander said she is seeing it as a huge expense. S. Pedersen asked why a jail cannot be attached to the north.

Pravecek asked how they are letting people know about this. Fuller said the plan is to hire an architect to draw proposals for the committee to decide upon, and there will be public meetings like city hall and the pool projects. Rusch said the architect has been hired, and the work has been ignored. Fuller said it was never ignored, but it was not accepted. Fuller said this project will not cost \$49 million; the previous architect designed a Cadillac, and we can get by with a Chevrolet. Redlin asked what the architect will do in the new proposal. Fuller said he/she will design a new building. Pravecek asked, "The new architect will be for a new facility?" Fuller said that was recommended to the county commissioners, and they agreed with it. J. Wilson asked why. Mockler asked how much money the people are willing to spend on the courthouse. Maintenance is killing the county on cost. It will need a new roof in 5-7 years, boiler, etc. Fuller said there are 13 pages of needed repairs in the study. Mockler said the county spent \$45,000 on windows, and it didn't help the problems. Stone said he tried to explain to the commissioners at the time the windows were installed, but no one would listen. Mockler said to replace them now would be very expensive. Bylander said preventive maintenance has to be done. Fuller said prior commissioners did not do that, and that is why the building is in poor condition today. Pravecek said it is still worth hanging onto. Fuller said he would like to hear ideas on how to repurpose the building. Historical society members said they don't want it repurposed. Fuller asked, if they fix this one, will they need to fix it again in 30 years?

Stone asked how many have been in the Woodbury County Courthouse? Many hands were raised. Fuller said committee members also were in a courthouse that had been remodeled, and they blew it. One of the overriding philosophies of the committee is to plan for the future, and he

feels putting several million into the existing courthouse is a band-aid and limits future expansion the way it is landlocked. Christopherson said city did not have problems negotiating for properties on the city hall project, and if not, the land can be taken. Mockler asked if Christopherson is saying it's ok to take someone's house but not move the courthouse. Mockler said the county has tried to purchase land, and it would have been \$200,000 to buy one house and get it ready to build on, not including closing the street, which would involve moving brand new fiber cables, utilities, etc., and the county will have to pay. Mockler said 15 acres of land would not be much more than that. He said the citizens will have a chance to vote if the group decides to move forward.

Pravecek asked how much the county paid for the study, and the group discussed the cost as well as what was provided. Sorensen said what is good about all of this is that the public is hungry for the truth. He cited the Plain Talk article that said the commissioners took less than 5 minutes to make a decision and said people were upset, and he got phone calls. He said we have a long way to go, and the need for public discussion is crucial and it's lacking. Fuller said there will be public discussions when there is something to discuss, such as renderings, budget, etc. Sorensen said the city has many hearings about things like the bike path and encouraged the county to keep it all as public as possible when they can hear from the architect, etc. Christopherson asked if the architect can be asked for options. Fuller said the architect(s) will be looking at the facility study. They will study background information about space needs, etc. Fuller said he is interested in doing the project right, and he is not going to discharge any idea that comes along. The committee recommended a new building after lengthy work. Rusch said Klein McCarthy recommended expansion because it's the least expensive. Mockler said before the report ever came out Fettig said it was a political career-wrecker to build a new building. Bylander said maybe what he meant is that it was a bad idea. Rusch cited parts of the report and discussed Fettig's comment. Mockler said not everything is in the minutes because that's the way the world works. Sorensen agreed.

J. Wilson said he has seen a lot of courthouses and not many as grand, stable, and impressive as ours. He said he has taken pride in our courthouse, and it's structurally sound. All buildings require maintenance and upgrades. It's fine, beautiful, and located precisely where it needs to be. A person can walk anywhere in downtown, there is plenty of parking, and it is readily accessible. Some remote location would not measure up. He said he has no faith it will find another purposeful use. He does not want to spend more money than we care to think about building something comparable, or build something cheap. He said the county can work within what we have and build a new jail if necessary. S. Pederson said she does not think you can put a price on our history, and this building is something we should be proud of. The Chamber spent a lot of money on the McVicker Plaza building, and you can't put a price on history.

Redlin said there are plenty of people on the other side of the argument but wants to speak from the standpoint of citizens on Valley View or Sharpe, and the issue is flying under the radar. He said he respects members of the committee, and said it sounds as if they have looked at alternatives and made the decision for the best interests of the community and will ask the architect for that. The objection of one side of argument and interest of the public is that the

committee is ahead of the skis, and he guarantees the community will object. He said the county should ask the architect not to just design a new building, but to renovate or expand. The public needs to see both options, and they have not at this point in time. Sorensen said too many people are hearing what is not true. He has heard from people asking about other options, closing National St., tunneling under, etc.

Bylander asked how the people on the committee were selected. Fuller said there were ads for application letters, and the commissioners and Mayor Jack Powell were involved in selecting members. Members present at the meeting were pointed out, and others were listed. Fuller said he and the committee have had 49 meetings/presentations since January. Christopherson said if the county gives the public two options it will go a lot smoother.

Fuller said one concern is that he's not sure it's in the best interest money-wise and future expansion-wise, to have two buildings. Manning referred to the space study, and he said Fettig showed the commission jails he had designed. Fettig quoted \$9-12 million, then the next time \$20-some million, then the next time \$45 million plus about \$6 million in soft-costs. Manning said that's why the commissioners formed the committee. Betzen said it was frustrating when they toured other facilities, and they were not in the price ranges of the study. Rusch said he has been involved in building courthouses and cited Yankton. Manning said Fettig was recommended as a good option, and it didn't turn out that way.

Manning said Rusch told them the ½-cent sales tax bill might have passed if commissioners had made an effort last year, and now he says there is no chance in hell it will pass this year. Mockler asked Rusch how many commissioners have to talk to him because he was in Pierre with Howe to testify for the bill. Tracy said she listened to that hearing, and Mockler was there for it. She said Lincoln, Codington, and other counties have had to look at building jails because of the cost shift from the State. The sales tax would still have to be voted on by the localities, but it is something.

Bylander said options should be a new building in a different location or adding on in the present location, and she thinks the parking lot to the north would be a perfect opportunity. She cited the National Music Museum expansion and said it shows it can be done, so it looks good. Fuller asked what the commissioners and citizens will face 50-75 years from now. Bylander asked if we build a Chevrolet, what will they face? Pravecek asked how much will Vermillion expand and said she hopes it will not grow that much.

Fuller discussed increasing numbers of inmates, particularly female inmates, and how inmate classification works. He said it presents a challenge for law enforcement. Bylander said she is horrified to think there will be 44 inmates in this county. Mockler said the jail will cost what the jail will cost, and the courthouse was only supposed to be \$6-7 million in the expansion option of the study, but that money would be spent in areas not even seen. He said the county is out of space, and if the jail goes, courts should go with it. Fuller discussed inmate transportation problems. McCauley said the courts should go, along with staff that supports it, because of travel. Bylander said if we are looking 70 years into the future whatever we build will not serve that far into the future anyway. Fuller said remodeling will not serve 70 years into the future.

Sorensen asked Fuller what he bases his band-aid statement on. Huckabee read from the study where it said the jail is unable to be renovated or expanded in a way that addresses current deficiencies. TLM Correctional Consultants said it is outdated, outmoded, and unable to be renovated or expanded. The group discussed that Manning's reference to Fettig not being worth it was the way the cost estimates expanded over the course of the study.

Hammond said the committee went above and beyond the call of duty. They visited others who had replaced or expanded and remodeled, and they were trying to learn by others' experiences and mistakes. The committee has a broad cross-section of the community as well as experience in previous building projects. He said he was happy Bob agreed to lead the committee because of his work on city hall, and others were involved in reconstruction of the med school, etc., so it was not just McCarthy's recommendations brought to the table. He said they looked at others who had been through what we are embarking on, and he has a lot of confidence in the amount of work and type of information gathered by the committee. Pravecsek said if there is only one option, if the new architect does not give two options, it will not sell.

Bylander asked how many of the tours were remodels? Betzen discussed new building in Thurston County, Orange City's new jail and remodeled courthouse, Plymouth County's new jail and remodeled courthouse, Spirit Lake's brand-new facility (15 years old). He said Spirit Lake compromised with its community by building a tower that looked like the old courthouse but serves no purpose. Worthington left its government in an older building which unfortunately looks like a prison, and a new courthouse police department, and sheriff's office on the edge of town. He also discussed Deadwood where they have fit themselves into several buildings. Fuller said the committee found things they do not want to do, and that was just as valuable. Howe discussed Yankton's word that they should not marry up to an old building. Rusch said his office was in there, and he never heard that. Howe said that is what the committee was told by the current official who gave the tour. Waller said the operating budget there goes to maintaining the building, and housing prisoners was how they paid for the renovation. Howe said the committee visited every option.

Sorensen said he is grateful for the committee members' work, and encouraged them to keep going. He said there is political, and then there is leadership, and we have good leadership to take us into the future. What we have is lack of communication to the public and rumors. He thanked the committee members. McCauley asked how the committee can better communicate to the public; meetings are listed on the website.

Tracy gave examples in the courthouse of problems that county officials face regularly. Jury trials concern her regarding the jury box because somebody trips every single time due to the box being tiny, and it is not handicap accessible. Jury panels cramp them into the space, and it is hard to hear. Benches are miserably uncomfortable for people sitting there hours on end. They can hear the judge in her chambers from the small courtroom, yet it is difficult for jurors to hear witnesses. People talking about sexual assaults are soft spoken. She said a person can hear conversations in the Public Defender's office while testimony is being taken in the courtroom. She recently had a defense attorney tell her that from the women's restroom, she could hear everything being said in Tracy's office. As a result, she purchased a sound machine to try to

mask the confidential conversations from being overheard. She almost sent her whole office home last year due to an overwhelming sewer gas smell. The public safety room cannot be used due to sewage and water dripping from ceiling tiles. There are numerous electrical issues. Hotspots for Wi-Fi have been installed in multiple places, and there are still problems. The county's IT provider has told her that Wi-Fi can be done with 4G, but they cannot do it when it comes time for 5G due to the structure of the building. Fuller said all of that is why he calls it a band-aid.

J. Wilson asked about jail beds. Howe said there are 20 beds now. There were 18, and the jail lost 4 with the elevator shaft when it was installed in the courthouse, and things have changed since then. There are so many inmates coming in each day. Howe discussed inmate segregation needs and said he has been using the 3 newer cells for intake only. If they are housing inmates there, they are looking for other jails to move inmates to. He said the jail is effectively full at 14, depending on whether inmates are men or women, and any jail will be considered full at the 75% range by today's inmate classification standards. He said the jail is sitting at 18 inmates today, he has been using house arrest to combat overcrowding, so there are 16 in the building today. Today, he is able to classify those inmates, but if a female or 2 are brought in, he will be looking for beds at other jails.

J. Wilson said building a jail with 44 beds and doubling the bunks to 88 raises the question to him whether we are putting too many people in jail. He asked if we are putting people in jail for minor drug offenses. Howe said this problem is a State-mandated solution that the counties cannot refuse. Tracy said a Class 1 Misdemeanor drug offense does not involve jail time. Howe discussed costs to board inmates and said they are in the \$50,000-60,000 per year range. He discussed jails in the area being full, resulting in boarding in other states in the \$65/day range, but Minnehaha County is \$93-94/day. Howe said he thinks it will get worse. Schlenker asked how long inmates stay in jail. Howe said most are a day, but some are a few months, and most of those are pre-trial absconders who sit until the case is resolved.

Huckabee asked Howe to share information about his IT server room. Howe said there was 1 computer in the whole building when the Safety Center addition was built. Now there is a computer on every desk, and cabling had to be pulled externally. Rooms have been repurposed, and servers have had to be moved to the basement area that was a storage room. Servers and 911 equipment have been placed in there with a mini-split air conditioner. In the last few weeks, files have been moved out and placed in the city hall basement due to more 911 equipment being required. One day, he said, he happened to open the door, just checking to make sure the air conditioner was working, and there was water running all over the 911 server, the most critical piece of equipment in the whole county. He said he covered it with tarps like a tent over top of the county's critical IT infrastructure. Howe said it is not a good situation, but things have been crowded from place to place. He discussed sewage and water leaks throughout the building. He said there are antennas on top of the courthouse for radios, and base radios have sat in the elevator mechanical room in the past. It was not secure, so they moved them into the Safety Center, and a water filter on the generator burst and sprayed water all over the radios. Howe said they lost some radios and connectivity for a few days. In 1988, he said, they never imagined 5G

wireless. They have adapted over time, shoving things into rooms, and quite a bit of stuff is in the basement of the city hall.

Christopherson thanked the committee and commissioners. Johnson said she has followed the project since day 1, and she thought about applying to be on the committee, but hearing all this, she is happy she never did. She said 911 is wonderful, and whatever we're doing we need to do it better. She thanked them for their efforts and acknowledged it is hard. Fuller encouraged people to contact the committee or commissioners and assured people there will be public meetings. Mockler said he would have loved to have meetings but could not yet answer the 3 big questions: what is it going to be, how much will it cost, and what will it do to my taxes. He said the county cannot answer any of that yet. Betzen discussed the committee's meetings with community groups, and he said they asked the newspaper to come. Howe said Dave Lias from the Plain Talk has had a copy of the facility study, and he toured the jail. Howe said Lias commented he had thought there was more to the jail. The group said the committee and county will need to really educate people. J. Wilson said Vermillion citizens know it's a real problem with a weekly paper that often doesn't cover things. He suggested people call Gary Wood (the newspaper owner) and tell him that he needs to hire another staff person because one person cannot do it all. He said he also knows many people do not take the paper, so it may struggle financially.

Christopherson discussed a revenue source for the project. Mockler discussed the ½-cent sales tax legislation being introduced this year, or a bond. Bylander asked about an election. Hammond said whatever happens, there will be an election. Fuller discussed rumors about merging with Union County or building in Wakonda. Bylander said she heard it was going through and voters would not have a choice. Sorensen said people did not understand the newspaper article.

Mockler referred to the facility study and noted the option of the expansion giving one entrance for the public, and the entrance in that option will be east facing, with parking on the north side of the courthouse, so accessibility for the public could mean walking an entire block from the parking lot. Mockler said most people in Clay County drive to the courthouse. In inclement weather, it would not be desirable to walk that far from the parking lot into the building. Crum discussed a situation where a person in a wheelchair was stuck on 3rd floor during an elevator breakdown, and they had to be carried down the stairs because the repair person would not arrive soon enough.

Howe said all of these things have been brought up many times. He said J. Wilson has been to the jail, and there are twice as many people now as there were then. He said he would be happy to show anyone the jail. Howe said there was a lot of thought as to security vulnerabilities, and he was concerned about staff safety, but the public deserves to know that these problems exist. Sorensen said the reports are public in the Auditor's Office as well. Howe said someone in the public could actually have a key to the jail because they were not built with the right kind of locks, but he did not want to yank pages out of the report before it was made public.

The meeting was adjourned.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:


Carri R. Crum, County Auditor

December 31, 2019

The Board of County Commissioners met in regular session Tuesday, December 31, 2019 at 9:00 a.m. Members present: Travis Mockler, Micheal Manning, and Richard Hammond; Phyllis Packard and Leo Powell were absent.

Chairman Mockler called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Manning moved, seconded by Hammond and carried to approve the agenda, removing the Armstrong plat.

Minutes of the December 10 & 12, 2019 meetings were approved with a motion by Hammond, seconded by Manning and carried.

Deputy State's Attorney Philip Terwilliger met with the Board to discuss the Drug and Alcohol Committal Contract. Manning moved, seconded by Hammond and carried to authorize the Chairman to sign the contract.

Zoning Administrator Drew Gunderson met with the Board to discuss office equipment purchases with the Board. He discussed the need for a scanner and software, and the quote was \$1,250. Gunderson also discussed raising building permit fees from \$25 to \$50. He compared permit costs with neighboring counties. Manning moved, seconded by Hammond and carried to authorize the equipment purchase in the 2020 budget year.

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

(DUE TO OTHER GOVERNMENT)		VERMILLION FEDERAL	\$2,171.00
STATE OF SD GAME FISH	\$63.00	WELLMARK BLUE CROSS	\$51,324.15
(PAYROLL WITHHOLDING)		(STATE SHARED REVENUE)	
AAA COLLECTIONS	\$729.33	SD STATE TREASURER	\$232.65
AFLAC	\$733.40	(STATE SHARED REVENUE)	
CLAY CO FIT FICA	\$57,603.66	SD STATE TREASURER	\$2.52
COLONIAL LIFE	\$473.39	(PROFESSIONAL SERVICES AND FEES)	
CONSECO/WASHINGTON	\$24.45	COOK-HUBER, KERRI	\$20.00
CREDIT COLLECTION	\$425.85	FEDEX	\$92.19
DEARBORN NATIONAL	\$221.55	GREAT PLAINS LLC	\$1,530.00
DELTA DENTAL OF SD	\$541.60	HOV SERVICES INC.	\$5,293.78
DIV OF CHILD SUPPORT	\$631.00	HOWE, ANDY	\$10.00
NEW YORK LIFE INSURANCE	\$328.57	ILCHUK ENTERPRISES LLC	\$256.70
SD RETIREMENT SYSTEM	\$28,242.02	KATTERHAGEN, MARK	\$6.00
SD SUPPLEMENT RETIREMENT	\$2,750.00	LEWNO, LUCILLE M	\$113.25
SDRS ROTH 457(B) PLAN	\$960.00	LOCKWOOD, DARCY	\$6.00
TASC PVR	\$2,586.94	NETSYS PLUS, INC.	\$623.00
UNITED WAY OF VERMILLION	\$382.00	SD DEPT OF HEALTH LAB	\$1,240.00

SD DEPT OF LABOR DIVISIO	\$25.00
SD SHERIFF'S ASSN	\$915.92
TIGERT ART GALLERY	\$103.00
TWO WAY RADIO SOLUTIONS	\$100.00
ULTEIG	\$10,958.41
YANKTON CO SHERIFF	\$50.00
YANKTON MEDICAL CLINIC P	\$89.35
(OTHER PROFESSIONAL SERVICE)	
CHARLES MIX COUNTY	\$195.00
SCHAEFER, DEAN	\$1,636.00
(LAW OFFICE)	
BLACKBURN & STEVENS LLC	\$118.29
COLLIER, CAITLIN F	\$465.50
INVESTIGATIVE	\$2,301.48
JOHNSON, KATIE PLLC	\$727.67
MCCULLOCH, JAMES E	\$350.50
PETERSON, STUART, KLENTZ	\$6,344.48
(PUBLISHING)	
BROADCASTER PRESS	\$12.08
PLAIN TALK	\$52.00
(RENTALS)	
SCHNEIDER CORPORATION	\$8,460.00
(REPAIRS AND MAINTENANCE)	
BEAR, INC. DBA TODD'S	\$73.45
BRUNICK SERVICE, INC.	\$90.00
BUREAU OF ADMINISTRATION	\$580.73
CANON	\$123.48
CENTURY BUSINESS PRODUCT	\$30.00
INTEK	\$9,665.36
PRESSING MATTERS	\$517.14
PRESTO-X COMPANY LLC	\$137.00
TURNER PLUMBING INC	\$51.88
TWO WAY RADIO SOLUTIONS	\$75.00
(DATA PROCESSING/CLAY CREEK/INF)	
ERICKSON SOLUTIONS GROUP	\$2,103.60
MANATRON, INC.	\$1,636.00
MARTENS, DENNIS DANIEL	\$50.00
MICROFILM IMAGING SYSTEM	\$855.00
SCHNEIDER CORPORATION	\$7,090.00
(YANKTON CLAY EXPENSE)	
MARTENS, DENNIS DANIEL	\$50.00
(SUPPLIES & MATERIALS)	
ADEN, CYNTHIA	\$49.01
BROCK WHITE COMPANY	\$46,393.60
BRUNICK SERVICE, INC.	\$1,924.25
CAMPBELL SUPPLY CO.	\$82.50
CANON	\$276.30
CONCRETE MATERIALS	\$6,479.07
DAKOTA PC WAREHOUSE	\$239.99
DAVIS PHARMACY	\$1,577.34
FEDEX	\$374.53
I-STATE TRUCK CENTER	\$673.83

JACK'S UNIFORMS & EQUIP.	\$89.84
JCL SOLUTIONS	\$371.98
MCLEOD'S PRINTING & SUPP	\$430.51
MIDWEST READY MIX	\$322.00
OFFICE ELEMENTS	\$70.50
ONE OFFICE SOLUTION	\$158.02
PRESSING MATTERS	\$211.55
PRINT SOURCE	\$227.00
PROCHEM DYNAMICS	\$79.36
QUILL CORPORATION	\$741.00
REDWOOD TOXICOLOGY LAB.	\$116.91
SD DEPT OF TRANS	\$39,034.63
STURDEVANT'S AUTO PARTS	\$642.99
TRUENORTH STEEL	\$13,473.76
TWO WAY RADIO SOLUTIONS	\$124.96
US POSTAL SERVICE-HASLER	\$27,730.00
VERMILLION ACE HARDWARE	\$228.93
VERMILLION FEDERAL	\$1,394.16
WALMART COMMUNITY/GECRB	\$55.15
(COPIER SUPPLIES)	
CANON	\$161.12
RELIANCE TELEPHONE	\$300.00
(INMATE TRANSPORT)	
BRUNICK SERVICE, INC.	\$1,873.75
(UTILITIES)	
ANDERS, JEFFREY	\$180.00
ARMSTRONG, AARON	\$180.00
AUS, ADAM	\$180.00
BUREAU OF ADMINISTRATION	\$128.49
CHRISTOPHERSON, KALEB	\$180.00
CITY OF VERMILLION	\$2,019.33
HOWE, ANDY	\$180.00
HUSBY, TIFFANY	\$180.00
KYMALA, SHANNON	\$180.00
MIDAMERICAN ENERGY	\$991.02
MIDCO BUSINESS	\$52.78
PEDERSON, PAUL	\$180.00
UMSCHEID, NOAH	\$180.00
VERIZON WIRELESS	\$102.38
VERIZON WIRELESS EMG	\$40.01
VERIZON WIRELESS SHERIFF	\$320.08
(MISC. PAYMENT & JURY/WITNESS FEES)	
AGUIRRE, DENISE	\$46.88
AMERICAN TIRE DISTRIBUTO	\$505.48
BEYERS, ERIN	\$50.00
BRUNICK SERVICE, INC.	\$676.00
COLLINS, BLAIR	\$55.04
CULVER, KIMBERLY	\$50.00
GREEN, KELLY	\$56.72
HESSMAN, TERESA	\$71.00
HY-VEE, INC.	\$4,201.65
IIAMS, SAMANTHA	\$36.80

MADSEN, LARRY	\$50.00	NATIONAL SHERIFF'S ASSOC	\$517.44
SHIRK, JARE	\$20.00	(BOOKS)	
STINSON, LISA	\$72.92	THOMSON REUTERS - WEST	\$268.61
THE SOAP GUYS	\$80.00	(FURNITURE AND MINOR EQUIPMENT)	
VESELY, BRIAN	\$71.00	CANON	\$209.96
WALMART COMMUNITY/GECRB	\$252.80	ERICKSON SOLUTIONS GROUP	\$1,239.13
ZIMMER, ALLEN	\$50.00	NETSYS PLUS, INC.	\$5,500.00
(JDC/SPECIAL EQP.)		(MACHINERY AND AUTOMOTIVE EQUIP)	
VERMILLION NOW!	\$15,000.00	LIGHT AND SIREN	\$1,765.75
(SUPPLIES & MATERIALS)			

Mockler discussed city special assessments on the property at 119 Franklin St. with the Board. It was decided that Mockler should discuss the matter with the City of Vermillion.

Manning moved, seconded by Hammond and carried to approve corrections to the 2019 Employee Handbook.

Manning moved, seconded by Hammond and carried to authorize the Chairman to sign the Community Health Nurse Services Contract with the SD Dept. of Health.

Hammond moved, seconded by Manning and carried to authorize the Chairman to sign the SD Public Assurance Alliance Intergovernmental Agreement.

Hammond moved, seconded by Manning and carried to authorize the Chairman to sign the Memorandum of Understanding with the SDSU Extension Service.

At 9:32 a.m., Hammond moved, seconded by Manning and carried to adjourn and convene as Clay County Ditch Board.

Manning moved, seconded by Hammond and carried to approve the payment of an invoice from Dennis Martens for a flyover of Clay Creek and Yankton-Clay Ditches.

At 9:34 a.m., Hammond moved, seconded by Manning and carried to adjourn and reconvene as Board of Clay County Commissioners.

Emergency Management Director Layne Stewart met with the Board to discuss any potential FEMA assistance with damages to the Norlings' property. He reported that FEMA determined the damages did not qualify for assistance. Stewart also had a discussion with rural water regarding damages from March, and he said the Board may be contacted with a proposal for the County to be a governmental sponsor for an NRCS program.

Stewart also said the Pre-Disaster Mitigation Plan Update has been completed, and the County should be reimbursed for the cost by the State.

Hammond moved, seconded by Manning and carried to pass and adopt the following Resolution #2019-27 for Publication of Delinquent Taxpayer.

RESOLUTION #2019-27

Publication of Delinquent Taxpayer

WHEREAS, pursuant to SDCL 10-23-2.3, the Board of Clay County Commissioners may by resolution require that the name, address, the amount of taxes, penalty and interest due, and the years the taxes are due of any delinquent taxpayer be published each year that a tax certificate is outstanding until the tax deed is issued.

NOW THEREFORE BE IT RESOLVED that the Board of Clay County Commissioners hereby authorizes the Clay County Treasurer by Resolution to publish any delinquent taxpayer be published each year that a tax certificate is outstanding until tax deed issued or taxes are paid current.

Dated this 31st day of December, 2019.

Vote of the Board: 3 Ayes, 0 Nays.

Attest:

Travis Mockler, Chairman

Carri R. Crum, County Auditor

Hammond moved, seconded by Manning and carried to pass and adopt the following Resolution #2019-28 for Contingency Transfer.

RESOLUTION # 2019-28
Contingency Transfer

BE IT RESOLVED by the Clay County Board of Commissioners the transfer of funds for unanticipated expenses for the current budget year from Commissioners Contingency Fund Budget (D-112):

\$25,100 to Commissioners – Professional Services/Fees (10100X4220111)

\$1,210 to Public Defender – Contract for Professional Services (10100X4222152)

\$3,800 to Court Appointed Attorney (10100X4222153)

\$3,200 to Veterans Service – Salaries/Wages (10100x4110165)

\$13,000 to Information Technology (10100X4251171)

\$29,320 to Jail- Juvenile Detention (10100X4291212)

\$1,900 to Historic Preservation (10100X4250514)

\$2,800 to Planning/Zoning – Salaries/Wages (10100X4110711)

Motion by Commissioner Hammond, seconded by Commissioner Manning.

Vote of the Board: Mockler Aye, Packard Absent, Powell Absent, Manning Aye, Hammond Aye.

Dated this 31st day of December, 2019.

Board of County Commissioners
Clay County, South Dakota

Travis Mockler, Chairman

ATTEST:

Carri R. Crum, County Auditor

Hammond moved, seconded by Manning and carried to pass and adopt the following Resolution #2019-29 for Fund Transfer.

**RESOLUTION # 2019-29
FUND TRANSFER**

BE IT RESOLVED by the Clay County Board of Commissioners the transfer of funds from the General Fund (10100) in the amount of \$355,000 to Highway Fund (20100) and \$38,000 to the Emergency Management Fund (22600) as levied for in the 2019 Budget.

Motion by Commissioner Hammond seconded by Commissioner Manning.

Vote of the Board:

Packard Absent, Manning Aye, Hammond Aye, Powell Absent, Mockler Aye. Motion carried.

Dated this 31st day of December, 2019.

Board of County Commissioners
Clay County, South Dakota

Travis Mockler, Chairman

ATTEST:

Carri R. Crum, County Auditor

Sheriff Andy Howe met with the Board to present the Minnehaha County JDC Contract. Howe discussed increases in the cost, and he said it is a reasonable increase. Manning moved, seconded by Hammond and carried to authorize the Chairman to sign the contract.

Howe also presented an inmate boarding contract renewal with Union County at the same \$65/day rate from last year. Manning moved, seconded by Hammond and carried to authorize the Chairman to sign the contract.

David Stuart and Seth Klentz met with the Board to discuss the Public Defender Contract for 2020. Stuart discussed costs and caseloads at length and proposed a 1-year contract at \$101,134,

with follow-up in 2020 as a committee. The previous contract was \$76,134. Manning asked if there is a possibility to meet in the middle, and Stuart said it does not make sense for his firm. State's Attorney Alexis Tracy said if the Board does not accept the contract, the public defender will bill at the per-hour court appointed attorney rate. Manning moved, seconded by Hammond and carried to authorize the Chairman to sign the contract and form a committee to explore options for future years regarding public defender and court appointed attorney costs. It was decided that Hammond, Manning, Tracy, and Auditor Carri Crum will participate on the committee.

At 10:19 a.m., a public hearing was held for supplement of the Court Appointed Attorney budget for unanticipated expenses for the year 2019.

Manning moved, seconded by Hammond and carried to pass and adopt the following Resolution #2019-30 for Supplement of County Budget.

**RESOLUTION #2019-30
Supplement of County Budget**

WHEREAS the Court Appointed Attorney budget does not have adequate budget authority in 2019 due to unanticipated expenditures;

WHEREAS, the Board of County Commissioners have agreed to hold a public hearing on December 31, 2019 at 10:15 a.m. to supplement the Court Appointed Attorney budget for the proper conduct and discharge of lawful county obligations and has been given in accordance with the law and direction of the County Board,

NOW THEREFORE BE IT RESOLVED: That the following budget be adopted to show the supplement to the foresaid 2019 Annual Budget:

Court Appointed Attorney (10100X4222153) \$40,600

Dated the 31st day of December, 2019.

Commissioner Manning moved the adoption of the foregoing Resolution; Motion seconded by Commissioner Hammond.

Vote of the Commission: Packard Absent Powell Absent Manning Aye Hammond Aye Mockler Aye

Upon which voting the foregoing Resolution was declared passed and adopted.

ATTEST:

Travis Mockler, Chairman

Board of County Commissioners

Carri R. Crum, County Auditor

Clay County, South Dakota

At 10:22 a.m., Manning moved, seconded by Hammond and carried to enter an Executive Session for legal/contractual matters per SDCL 1-25-2.

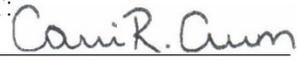
At 11:21 a.m., Manning moved, seconded by Hammond and carried to exit the Executive Session.

At 11:21 a.m., Hammond moved, seconded by Manning and carried to adjourn, and to reconvene at 9:00 a.m. on Tuesday, January 7, 2020.



Travis Mockler, Chairman
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor
