

January 5, 2016

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

Packard moved, seconded by Powell and carried to approve the agenda with the addition of discussion regarding drainage near 309 St. ¼ mi. east of Hwy. 19.

Minutes of the December 29, 2015 meeting were approved with a motion by Manning, seconded by Passick and carried.

The meeting adjourned and reconvened to reorganize for the ensuing year.

County Auditor, Carri R. Crum, called the meeting to order. The Auditor called for nominations for Chairperson. Powell moved to nominate Travis Mockler as Chairman. Motion seconded by Packard. No further nominations were made. Powell moved, seconded by Packard to cease nomination and a unanimous vote be cast for Mockler as Chairman. All voted aye; motion carried to elect Travis Mockler as Chairman.

With Chairman Mockler presiding, the following proceedings were held.

The Chairman called for nominations for Vice Chairperson. Passick moved, seconded by Powell to nominate Phyllis Packard as Vice Chairman. No further nominations were made. Passick moved, seconded by Powell, to cease nomination and a unanimous vote be cast for Packard as Vice Chairman. All voted aye; motion carried to elect Phyllis Packard as Vice Chairman.

Packard moved, seconded by Manning and carried to adopt Modern Addition of Robert's Rules of Order (current version 2005 on file in the Auditor's Office), no restrictions on the Chair, and minutes not to record motions not seconded.

The following appointments were approved. Rod Polley as Highway Superintendent for a two-year term with a motion by Powell, seconded by Passick and carried. Layne Stewart as Emergency Management Director for a one-year term with a motion by Powell, seconded by Manning and carried. Cynthia Aden as Welfare Director, Zoning Administrator, and Veterans Officer for a two-year term with a motion by Manning, seconded by Passick and carried. Passick moved, seconded by Manning and carried to appoint 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, Dave Thiesse to Public Safety Board for a three-year term expiring 12-31-18, Commissioner Passick 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, and the Chairman and Vice-Chair to the ICAP Committee.

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

Manning moved, seconded by Powell and carried to designate the front door of the Courthouse and the front door of the Post Office in Wakonda as places for holding foreclosure sales.

Passick moved, seconded by Manning 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, Packard 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 Manning and carried.

Passick moved, seconded by Powell 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).

Packard moved, seconded by Manning 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 \$20.00 plus mileage.

Powell moved, seconded by Packard and carried to approve fees for boarding prisoners for other counties at \$60 per day with the exception of Turner and Lincoln Counties which are under contract for \$55 per day, 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, accidents reports at \$2 per page, and other reports or printing e-mailed civil process to serve at \$1 per page.

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

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

Passick moved, seconded by Manning and carried to approve worker's compensation insurance coverage for election workers and Sheriff's Reserve Deputies (currently Shawn Fick, Matt Olson, and Kay Luther).

Powell moved, seconded by Packard and carried to pass and adopt the following Resolution #2016-01 for Establishment of Election Precincts/Polling Places for 2016.

**RESOLUTION #2016-01**  
**Establishment of Election Precincts/Polling Places for 2016**

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: Senior Citizens Center, 119 Ohio 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 Passick moved the adoption of the foregoing resolution. Motion seconded by Commissioner Manning.

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

Upon which voting the resolution was declared passed and adopted.

Dated at Vermillion, South Dakota this 5<sup>th</sup> day of January, 2016.

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Board of County Commissioners  
Clay County, South Dakota

ATTEST:

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Carri R. Crum, County Auditor

Powell moved, seconded by Packard and carried to pass and adopt the following Resolution #2016-02 for Establishment of Precinct Election Officials Fees for 2016.

**RESOLUTION #2016-02  
Precinct Election Officials Fees for 2016**

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 \$150.00, and election superintendent at \$175.00, 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 from the county seat and \$30.00 for officials residing outside the ten (10) miles from the county seat.

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.

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

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

Upon which voting the resolution was declared passed and adopted.

Dated at Vermillion, South Dakota this 5<sup>th</sup> day of January, 2016.

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Board of County Commissioners  
Clay County, South Dakota

ATTEST:

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Carri R. Crum, County Auditor

The following Auditor's Account with the County Treasurer for December 2015 was accepted and placed on file.

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

To the Board of County Commissioners of Clay County, items in the hands of the County Treasurer as of December 31, 2015. I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks	4,858,364.82
Amount of actual cash	740.50
Total amount of checks and drafts in Treasurer's Possession not exceeding three days	4,689.35
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:	5,315.92
Checks returned and not deposited	
Cash Items	
Investments	1,000.00
Cash Variation	
Total	4,870,110.59

Dated this 4th day of January 2016.

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Carri R. Crum, County Auditor

Rod Polley, Highway Superintendent, met with the Board to discuss highway matters. Manning moved, seconded by Packard and carried to accept low bid of \$1.484/gallon from Stewart Oil for 750 gallons of 50/50 blend of #1 and #2 diesel.

The Board briefly discussed random drug testing services for the Highway Dept., and a decision was made to research companies for cost quotes.

Polley discussed a drainage issue on 309 St. ¼ mi. east of Hwy. 19. It was decided that the issue is a maintenance item that does not involve the County.

Lauren Hollenbeck, 4-H Educator, met with the Board to present the quarterly report.

Layne Stewart, Emergency Management Director, met with the Board to present the SLA Quarterly Activity Report – FY 2016. Passick moved, seconded by Packard and carried to authorize the Chairman to sign the report. Powell moved, seconded by Packard and carried to authorize the Chairman to sign the associated Personnel Action Report for the state.

Gene Lunn, Director of Equalization, met with the Board to present the Pictometry Memorandum of Understanding. Powell moved, seconded by Packard and carried to authorize the Chairman to sign the report.

Andy Howe, Sheriff, met with the Board to present jail meal bid specifications for review and approval. Manning moved, seconded by Packard and carried to approve the specifications and set the bid opening for 9:15 a.m., Tuesday, January 26, 2016.

At 10:16 a.m. Powell moved, seconded by Packard and carried to adjourn and reconvene Tuesday, January 12, 2016 at 9:00 a.m.

  
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Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:   
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Carri R. Crum, County Auditor

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January 12, 2016

The Board of County Commissioners met in regular session Tuesday January 12, 2016 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Raymond Passick and Micheal Manning.

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

Minutes of the January 5, 2016 meeting were approved with a motion by Manning, seconded by Passick and carried.

Powell moved, seconded by Packard and carried to authorize the Highway Superintendent to use Sanford Health for the random drug/alcohol testing program.

Polley discussed bridge structure #14-110-056 replacement. Passick moved, seconded by Manning and carried to authorize the Chairman to sign required documents for the SD Dept. of Transportation to replace the bridge.

Polley presented a proposal for the 5-year Road & Bridge Plan.

Powell moved, seconded by Packard and carried to declare surplus old iron and aluminum signs.

Polley discussed with the Board having two of the long-time employees take the Class A CDL test to upgrade from Class B. It was the consensus of the Board to allow the expense as ongoing employee training.

The Vermillion Public Library reports, the Sheriff's monthly reports, and the Register of Deeds monthly report were accepted and placed on file.

Passick moved, seconded by Packard and carried to authorize the Chairman to sign the 2016 Combined Election Agreement with the City of Vermillion and the Vermillion School District.

Powell moved, seconded by Packard and carried to adopt updates to the Register of Deeds Records Retention Manual.

The Board discussed with Cynthia Aden, Welfare Director, the verbiage of the previously approved letter to the state in support of Medicaid expansion.

Powell moved, seconded by Packard and carried to approve the following claims for payment. January Bills: (Due to other Government) Dept. of Revenue \$155,052.09 and SD Assn of County Officials \$284.00; (Workmen's Compensation) SDML Workers' Comp Fund \$31,467.00; (Professional Services and Fees) Davis Pharmacy \$251.77; Gray-Lobe, Geoffery \$229.50; Hansen Funeral Home \$19.00; Lewis & Clark Behaviro \$160.00; Mid-State org. Crime \$100.00; Minnehaha Co. Auditor \$579.00; Netsys Plus, Inc. \$456.00; Pharmchem, Inc. \$456.00; SD Assn. of Co. Officials \$1,495.48; SD Dept of Health Lab \$490.00; SD Sheriff's Assn \$765.92; SDAAO \$165.00; Village Family SVC Center \$1,470.00 and Yankton Medical Clinic \$42.48; (Other Professional Services) Bossman, Jeanne \$110.80

and Scheild, Pamela M. (Law Office) Harmelink, Fox, Ravnsb \$286.00 and McCulloch, James E \$326.50; (Mental Health) Dept of Revenue \$60.00; SD Achieve \$180.00; Dakotabilities \$360.00; Dept of Revenue \$2,211.63 and Sesd Activity Center \$360.00; (Publishing) Broadcaster Press \$99.61; Genisweb.com \$118.00 and The Equalizer \$259.04; (Rentals) Schneider Corporation \$2,115.00; (Repairs and Maintenance) Brunick Service, Inc. \$25.00; Century Business Products \$50.00; Empire Hvac \$637.50; First Bank & Trust Visa \$9.00; Hartelco \$10.00; Microfilm Imaging System \$30.00; Midwest Bldg. Maint. \$24.00; Presto-X Company LLC \$68.84 and Walker Construction \$842.00; (Data Processing/Clay Creek) Netsys Plus, Inc. \$42.50; Schneider Corporation \$6,850.00 and Thomson Reuters – West \$1,337.14; (Supplies and Materials) A & B Business \$188.47; A-Ox Welding Supply Co. \$154.75; Allied Oil & Supply \$1,573.01; Appera \$78.96; Bob Barker Co. Inc. \$146.04; Boyer Trucks SF Inc. \$70.38; Brunick Service, Inc. \$25.00; Butler Machinery Co. \$65.39; Campbell Supply Co. \$380.91; D-Ware Inc. \$19.00; Dakota PC Warehouse \$11.98; Davis Pharmacy \$20.29; Empire Hvac \$400.77; FedEx \$197.32; Herren-Schempp \$57.98; Jack's Uniforms & Equipment \$227.80; L.G. Everist. Inc. \$1,175.69; Mart Auto Body & Marina \$12.99; McLeod's Printing & Supply \$398.98; MidWest Bldg. Maint. \$42.00; Mills & Miller, Inc. \$1,445.94; Neve's Uniforms & Equipment \$218.75; North Central \$83.82; Office Elements \$301.00; Orr Farm Supply \$5.20; Plain Talk \$130.00; Quill Corporation \$384.97; SD Sheriff's Assn. \$25.34; Stewart Oil & Tire \$1,113.01; Sturdevant's Auto Part \$69.60; Vermillion Ace Hardware \$43.45; Western Office Tech. \$96.39 and Wheelco Brake and Supply \$266.68; (Travel And Conference) First Bank & Trust Visa \$50.00; Natl assn. of Counties \$450.00 and Steinley Real Estate \$680.00; (Inmate Travel) Pennington County Jail \$140.65; (Utilities) Ander's Jeffrey \$240.00; Armstrong, Aaron \$120.00; Bureau of Administration \$84.21; City of Vermillion \$93.96; Hartelco \$79.95; Howe, Andy \$240.00; Husby Tiffany \$240.00; Kyte, David \$120.00; MidAmerican Energy \$766.49; Midcontinent Comm. \$270; Pederson Paul \$120.00; Smith Michael \$120.00; Wakonda Town \$57.35 and West, Jermi \$240.00; (Payment) Beresford Public Library \$1,500.00; Clay CO Historical Society \$1,000.00; Ganschow, Dennis \$117.60; Quality Motors \$91.68; SE Council of Govts. \$11,691.00; The Roadhouse \$3,488.05 and Wakonda Senior Center \$625.00; (JDC/Special Eqp.) Clay Union Foundation \$800.00; (Books) Thomson Reuters – West \$510.73.

At 11:11 a.m. Packard moved, seconded by Manning and carried to adjourn and reconvene Tuesday, January 26, 2016 at 9:00 a.m.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

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January 14, 2016

The Board of County Commissioners met in special session on Tuesday, January 14, 2016 at 7:00 p.m. for a public hearing of the first reading regarding amendment of the 2013 Revised Zoning Ordinance for Clay County. Specifically, the Board of County Commissioners considered adoption of amendments to Section 2.02, Definitions, Section 3.07, Concentrated Animal Feeding Operations (CAFO), Section 4.05.01, NRC: Natural Resource Conservation District and Section 4.05.02, A-1: Agricultural District, which were recommended by the Clay County Planning Commission. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Raymond Passick. Also present: Toby Brown, Southeast Council of Governments, Cynthia Aden, Zoning Administrator, and Carri Crum, Auditor.

Toby Brown explained the proposed changes to the public.

Jerry Wilson spoke against the amendments and requested that documents he presented regarding neighboring counties be entered into the public hearing record.

Archimedes Plutonium spoke against the amendments.

Sharon Gray opposed the amendments, expressing concern about small operations being grandfathered in to allow for expansion to a medium operation ¼ mile from residences.

Jim Petrick said there is a future need for more livestock production in order to keep up with increasing demand.

Mike Cody, of Yankton, spoke about issues he experienced in Yankton due to the livestock sales barn located in the city.

Mike Lovejoy discussed the need to make regulations conducive to future generations of farmers being successful.

Judy Sharples spoke against the amendments and urged Commissioners to keep the ordinance as is.

Bruce Gray was in favor of maintaining the current ordinance.

Dean Spader spoke against the proposed changes and in favor of planned grazing land for livestock as an alternative to CAFOs.

Clarence Pederson voiced concern about setbacks in the proposed amendments and urged the Commissioners not to change the current ordinance.

Geoffrey Gray-Lobe said he strongly opposed changing the current ordinance.

Cindy Kirkeby said the current ordinance should be maintained with the exception of the insurance provision.

Todd Christensen said if land use is too restrictive it limits what a farmer can do with his land.

Travis Mockler said the comments he has received mostly focus on the next generation of farmers and the difficulties they may face getting into the business. Mike Lovejoy and Jim Petrik echoed what Travis Mockler reported.

Harry Scholten said Clay County does not need to have everything more concentrated.

Travis Mockler said a concern is that the current ordinance, if enforced, could put many current farmers out of business.

Norma Wilson said she does not understand the reasoning why the current ordinance is not sufficient.

Raymond Passick asked the audience, outside of the AFO (Animal Feeding Operation) designation, what exactly is it about the existing ordinance that makes it too difficult for the current Clay County farmers to expand, and what about the proposed changes make it helpful. Keith Mockler replied that he and his brother, Todd, are a small operation of about 150 head of livestock. Due to some apartments that have been built recently near his farm, it is impossible under the current ordinance for him to expand his operation. Jerry Wilson asked why the reverse setback is proposed to be removed. Travis Mockler said it is currently not enforced, and has not been in the past. Leo Powell said the apartments in question went beyond what the building permit allowed. Sharon Gray said the ordinance should not be changed to remove the reverse setback, but rather enforce the situation in question. Raymond Passick discussed waivers connected with a conditional use permit.

John Davidson said the county does not need to make such a comprehensive reform, and he would prefer the matter to be tabled and for the County to deal with specific pieces.

Jim Petrik said the proposed amendments are a balance between the 2005 ordinance and the 2013 revision.

Liz Merrigan said there is no problem with stopping for more thought regarding the ordinance because everyone has a right to live in a peaceful place.

Nancy Carlsen said the public has not had the opportunity to participate in drafting the changes.

Mark Winegar said what troubles him is that the County should be able to enforce the current ordinances before looking at making changes.

Craig Johnson said unless the ordinance is changed, it will affect his livelihood.

Laurie Brown asked how the current ordinance got to the point where everyone is breaking the law. Toby Brown explained that in 2013, the AFO definition was taken out of the regulations. The 2005 ordinance had an AFO definition. With the removal of the AFO definition, it opened the regulations up to added requirements and expenses to the farmers in order to comply. The current proposed amendment restores the AFO definition.

Cindy Kirkeby said the small animal operation numbers seem like a lot to her.

Marty Gilbertson said, speaking for himself and not as a member of the Clay County Planning & Zoning Commission, if the current producers want to expand, the County is currently effectively asking them to tear down and move their operation in order to expand, which would put them out of business.

Bob Wood asked for clarification on the Small A and Small B setback. Travis Mockler said the setback has always been ¼ mile.

Mark Winegar, Toby Brown, and John Davidson discussed the reverse setback.

Grant Sorensen discussed his operation and said he is in favor of the ordinance amendments.

Raymond Passick said, in his personal opinion, a mistake was made with the 2013 revision. Then speaking as a Commissioner, he said as soon as someone realized there was a problem the Commissioners took action to correct it, and it has been a long process.

Cindy Struckman-Johnson said the County should deal with the small operations that are affected instead of being concerned about \$40 million dairies.

Nancy Carlsen asked if a committee could be formed to review the changes line by line. Micheal Manning said that is what the Commission effectively did by asking the Planning & Zoning Commission to review the ordinance.

Nancy Losacker said people need to be prepared for the unknown, such as tornado damage.

The Commission closed the public hearing to any further comments with a motion by Manning, seconded by Powell and carried.

Powell moved, seconded by Packard and carried to set the public hearing for the second reading on February 9, 2016 at 7:00 p.m.

Passick moved, seconded by Manning and carried to adjourn at 9:29 p.m.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:

  
Carri R. Crum, County Auditor

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January 26, 2016

The Board of County Commissioners met in regular session Tuesday January 26, 2016 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Raymond Passick and Micheal Manning.

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

Minutes of the January 12, 2016 meeting and January 14, 2016 public hearing were approved with a motion by Manning, seconded by Passick and carried.

Jill Munger, Community Health/WIC Nurse, met with the Board to present the Quarterly Activity Report.

At 9:15 a.m., the public bid opening was held for jail meals. The bids were opened and read aloud. Texas Roadhouse bid \$3.50 for noon and evening meals and \$.40 for breakfast. Cherry Street Grille bid \$3.09 for noon and evening meals and \$.20 for breakfast. Howler's bid \$3.20 for noon and evening meals and \$.25 for breakfast. Powell moved, seconded by Passick and carried to accept the low bid from Cherry Street Grille.

Rod Polley, Highway Superintendent, met with the Board to discuss highway matters. Polley reported that Dennis Ganschow, Weed Supervisor, will be receiving a Presidential Award from the State of Nebraska for Purple Loosestrife control.

The Board considered a pay request for Saginaw Avenue for \$159,498.12. Powell moved, seconded by Packard and carried to authorize Polley to sign approval of the pay request.

Polley requested to purchase another 2016 Freightliner 114SD Chassis off of the previous bid obtained in May 2015 bid as the truck is budgeted for. Packard moved, seconded by Passick and carried to authorize the purchase.

Manning moved, seconded by Packard and carried to accept low bid of \$.79/gallon for 300 gallons of propane from Star Energy for the Wakonda Shop. Manning moved, seconded by Passick and carried to accept low bid of \$1.485/gallon for 1600 +/- gallons of 10% ethanol from Brunick's Service for the Vermillion Shop. Manning moved, seconded by Packard and carried to accept low bid of \$1.391/gallon for 750 gallons of 50/50 blend diesel from Country Pride Coop. for the Wakonda Shop.

Polley discussed the 5-year plan and presented a map and informational packet to the Board related to bridge sufficiency ratings.

At 9:30 a.m., the public bid opening was held for a sheriff vehicle. The single bid received was opened and read aloud. Vermillion Ford bid \$28,500 with \$2,800 trade in for a total of \$25,700 for a 2016 Ford Explorer Police Package. Powell moved, seconded by Manning and carried to accept the bid from Vermillion Ford.

Howe discussed Senate Bill 2 and encouraged the Commissioners to contact the legislators in support of the bill.

At 9:40 a.m., a public hearing was held regarding supplement of the 2015 Ditch Special Assessment budget. Powell moved, seconded by Packard and carried to adjourn and convene as Ditch Board. Powell moved, seconded by Packard and carried to pass and adopt the following Resolution #2016-03.

**RESOLUTION #2016-03**  
**Supplement of County Budget**

WHEREAS the Ditch Special Assessment budget does not have adequate budget authority in 2015 for expenses paid directly from the Ditch Special Assessment Fund;

WHEREAS, the Board of County Commissioners have agreed to hold a public hearing on January 26, 2016 at 9:40 a.m. to supplement the Ditch Special Assessment 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 2015 Annual Budget:

Ditch Special Assessment (24300) \$31,935

Dated the 26<sup>th</sup> day of January, 2016.

Commissioner Powell moved the adoption of the foregoing Resolution; Motion seconded by Commissioner Packard.

Vote of the Commission: Packard Aye Powell Aye Manning Aye Passick Aye Mockler Aye

Upon which voting the foregoing Resolution was declared passed and adopted.

ATTEST:

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Carri R. Crum, County Auditor

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

At 9:42 a.m., Powell moved, seconded by Packard and carried to adjourn and reconvene as Board of Clay County Commissioners.

Dennis Ganschow, Weed Supervisor, met with the Board to request approval for travel to Sioux Falls for a weed meeting that took place the previous week. Powell moved, seconded by Manning and carried to authorize the travel. Passick moved, seconded by Manning and carried to authorize travel to Sioux Falls for another weed meeting event.

Gene Lunn, Director of Equalization, met with the Board to discuss closure of the office for training at 1:00 on February 9th. Manning moved, seconded by Packard and carried to authorize the closure. Lunn also reported that Laura Christensen passed the certification courses and testing.

The Vermillion Public Library reports and the Veterans, Welfare, and Zoning monthly reports were accepted and placed on file.

The Board considered a travel request for Layne Stewart to Sioux Falls on February 9<sup>th</sup> for a social media training and to Mitchell on February 12<sup>th</sup> for a rapid tag credential class. Passick moved, seconded by Manning and carried to approve the travel as requested.

Passick moved, seconded by Powell and carried to approve the following claims for payment. January 2016 Payroll: Cynthia Aden \$1633.33 (Veterans), Cynthia Aden (Zoning) \$2188.75, Jeffrey Anders \$3829.08, Aaron Armstrong \$3341.58, Jessica Beringer \$2472.83, Steve Bierle \$17.61/hour, Jay Bottolfson \$20.00/meeting, Cindy Carrington \$14.69/hour, Tracy Chamberlain \$2354.25, Laura Christensen \$2472.83, Carri Crum \$4274.42, Joan Downey \$2632.42, Robert Eckman \$2663.67, Colleen Fickbohm \$2,847.58, Dennis Ganschow \$21.59/hour, Marty Gilbertson \$20.00/meeting, Teddi Gertsma \$6262.83, Dane Hackett \$14.67/hour, Paul Halter \$13.97/hour, Brent Hays \$15.04/hour, Jennifer Holman \$50.00/med. tech. call, Andy Howe \$5250.00, Rhonda Howe \$2585.17, Joe Hubert \$20.00/meeting, Tiffany Husby \$3656.33, Nicole Klunder \$2302.42, David Kyte \$3341.58, Timothy Larson \$19.56/hour, Gene Lunn \$4274.42, Linda Manning \$2922.42, Micheal Manning \$1553.25, Frank R. Martz \$20.55/hour, Kevin McGuire \$13.22/hour, Curtis McLeod \$13.00/hour, Larry McPherson \$22.09/hour, Micah Mesman \$2663.67, Sarah Miller \$2651.75, Travis Mockler \$1661.50 (Commissioner), Travis Mockler \$20.00/meeting, Benjamin Murra \$14.67/hour, Kyle Nilsen \$14.67/hour, Jane Olson \$4274.42, Phyllis Packard \$15536.25, Raymond Passick \$1553.25, Paul Pederson \$3734.67, Ina Peterson \$3145.00, Rodney Polley \$4855.08, Catherine Powell \$4274.72, Leo Powell \$1553.25, Jerry Prentice \$20.00/meeting, Elizabeth Rakness \$14.67/hour, Caryn Rice \$2354.25, Michael Smith \$3229.25, Layne Stewart \$3467.00 (Emg. Mgmt.), Layne Stewart \$385.25 (LEPC), David Styles \$2926.83, Laura Sundet \$2846.50, Daniel Swensen \$22.09/hour, Mary Taggart \$3145.00, Rhonda Taggart \$2302.42, Philip Terwilliger \$4724.17, Noah Umscheid \$2663.67, Timothy Vanderkooi \$20.55/hour, Patty Waage \$50.00/med. tech. call, Linda Weber \$3308.67, Jerami West \$3923.50, Lisa Wood \$1236.42, Staci Wuestewald \$50.00/med. tech. call; Commissioners \$7,874.50, Auditor's Office \$9,049.67, Treasurer's Office \$15,229.43, States Attorney's Office \$14,295.67, Courthouse \$2,632.42, DOE's Office \$9,892.25, ROD's Office \$6,628.67, Veteran's Office \$1,663.33, Sheriff's Office \$34,135.29, County Jail \$23,215.55, 24/7 Sobriety Project 1,320.30, LEPC \$385.25, Emerg. Mgmt. Office \$3,467.00, Highway Department \$39,711.66, Community Health Nurse \$2,354.25, Extension Office \$2,847.58, Weed Department \$906.78, and Zoning Office \$2,188.75. January Bills: (Payroll Withholdings) Aflac \$1,267.55; Clay CO Treasurer \$42,542.06; Colonial Life \$359.97; Conseco/Washington \$100.70; Dearborn National \$211.89; New York Life Insurance \$244.02; Optilegra Inc. \$17.92; SD Retirement System \$20,363.72; SD Supplement Retirement \$1,160.00; SDRS Roth 457(B) Plan \$400.00; United Way of Vermillion \$238.00; Vermillion Federal \$1,566.00 and Wellmark Blue Cross \$35,264.53; (Due to Other Government) SD Assn of Co Official \$284.00; Dept of Revenue \$78.32; State of SD Game Fish \$55.00; (Professional Services and Fees) Kauffman, David \$3,296.00; Hansen Funeral Home \$1,881.00; Johnson Engineering Co. \$3,675.79; Netsys Plus, Inc. \$50.00; Sanford Health Occupational \$55.50; SDACC Office \$2,440.96; Valiant Vineyards \$1,722.00; Vermillion/Clay EMS \$272.25; Yankton Co Sheriff \$75.00; Yankton Co Treasurer \$250.00; Yankton Medical Clinic \$42.48 and Westover, Jamie \$10.00; (Other Professional Service) City of Vermillion \$610.00 and Frantzen Reporting \$57.45; (Publishing) Broadcaster Press \$162.00; Plain Talk \$121.50 and The Equalizer \$165.45; (Repairs and Maintenance) Brunick Service, Inc. \$15.00; Counsel \$3.64; Double H Paving Inc. \$159,498.12; Harding Glass \$2,500.00; Louie's Carpet Cleaning \$301.52; Netsys Plus, Inc. \$255.00; Paul's Plumbing, Inc. \$25.51; Prairie Technology LLC \$68.84; Presto-X Company LLC \$68.84; Triview Communication \$741.65; Turner Plumbing Inc. \$165.71 and Vermillion Ace Hardware \$20.00; (Data Processing/Clay Creek) Manatron, Inc. \$12,890.00 and Mastel, Bruce \$35.00;

(Supplies and Materials) Brunick Service, Inc. \$1,415.02; Butler Machinery Co. \$909.16; Campbell Supply Co. \$402.59; Claritus \$234.36; Continental Research Co. \$488.37; County Pride Coop \$1,161.90; D-Ware Inc. \$1,881.00; Dakota PC Warehouse \$369.94; Dakota Riggers & Tool \$96.00; Fast Auto Glass, Inc. \$285.00; FedEx \$419.24; Hansen Locksmithing Inc. \$1,117.60; I-State Truck Center \$311.96; JCL Solutions- Spencer \$95.46; L.G. Everist, Inc. \$1,368.96; Lawson Products, Inc. \$343.38; Marco \$222.77; McLeod's Printing & Supply \$750.90; Netsys Plus, Inc. \$85.00; Plain Talk \$26.00; Prairie Technology LLC \$1,350.00; Pressing Matters \$181.00; SD Fed. Property Agency \$20.00; Sioux City Foundry Co. \$674.30; Smithco Mfg., Inc. \$346.95; Sturdevant's Auto Part \$29.78; Truenorth Steel \$7,360.00; Verizon Wireless \$12.55; Walmart Community/Gecr \$17.08; One Office Solution \$102.70 and Wheelco Brake and Supply \$71.70; (Travel and Conference) Ganschow, Dennis \$49.98; SD Emg. Mgmt. Association \$60.00 and SDSU Extension Service \$86.40; (Inmate Travel) Brunick Service, Inc. \$185.00; (Utilities) CenturyLink \$525.07; City of Vermillion \$1,969.47; Clay Rural Water System \$48.30; Clay Union Electric Co. \$623.29; Midwest Oil Company \$1,416.35; Star Energy \$229.10; Verizon Wireless \$354.06 and Vermillion Garbage Svc \$156.00; (Payment) Brunick Service, Inc. \$1,131.33; Clay Co Agr Fair Association \$4,125.00; Clay Co Conservation District \$8,750.00; Dakota Senior Meals \$1,393.00; Hy-Vee, Inc. \$407.50; National Music Museum \$1,250.00; Salvation Army \$1,200.00; Vermillion Area Arts Council \$1,500.00; Vermillion Area Chamber \$500.00; Vermillion Food Pantry \$1,875.00; Vermillion Public Library \$2,000.00; Vermillion Senior Center \$3,750.00; Wakonda Public \$625.00; Walmart Community/Gecr \$160.92; WH Over Meseum \$1,875.00; Howe, Sherry \$20.00 and Anderson, Austin \$20.00; (JDC/Special Eqp.) Minnehaha County JDC \$825.00 and Public Agency \$295.00; (Books) Sanitation Product \$65,687.00; SD Fed. Property Agency \$500.0 and Thomson Reuters – West \$90.78; (Furniture and Minor Equipment) Microfilm Imaging System \$120.00.

At 9:58 a.m., Passick moved, seconded by Manning and carried to enter an Executive Session regarding personnel and legal/contractual matters.

At 10:14 a.m., Powell moved, seconded by Manning and carried to exit Executive Session. No further action was taken.

The Board discussed the January 14, 2016 Public Hearing regarding proposed zoning ordinance changes.

At 11:20 a.m., Powell moved, seconded by Packard and carried to adjourn and reconvene Tuesday, February 2, 2016 at 9:00 a.m.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:   
Carri R. Crum, County Auditor

February 9, 2016

The Board of County Commissioners met in regular session Tuesday, February 9, 2016 at 9:00 a.m.

Members present: Travis Mockler, Phyllis Packard, Leo Powell, Raymond Passick and Micheal Manning.

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

Minutes of the January 26, 2016 meeting were approved with a motion by Manning, seconded by Packard and carried.

Sherri Matthews, Wellmark Blue Cross/Blue Shield, met with the Board to discuss renewal rates and options for the County's health insurance. Passick moved, seconded by Manning and carried to authorize renewal of the current plan.

Gary Ebel, Lewis & Clark Behavioral Health Services, met with the Board to request a letter of support from the County for an expansion project involving the State of SD. Powell moved, seconded by Packard and carried to authorize the Chairman to sign the letter in support of the expansion project.

Rod Polley, Highway Superintendent, met with the Board to discuss highway matters. An Application for Occupancy on the Right of Way of Public Highways in the County was presented on behalf of the City of Vermillion on 464 Ave. in Section 12, T92N, R52W, for transmission of electrical energy. Passick moved, seconded by Manning and carried to table the application until the February 23 meeting to give Polley additional time to gather additional information about the application.

The Board reviewed the annual county road striping agreement with the SD Dept. of Transportation. Powell moved, seconded by Packard and carried to authorize the Chairman to sign the agreement.

Polley discussed mailbox issues during snow removal and requested the minutes reflect that the Highway Dept. would like the public to know that mailboxes are not intentionally damaged during snow removal, the employees are as careful as they can be, and they do get the mailboxes put back up as soon as possible.

At 10:03 a.m., Passick moved, seconded by Packard and carried to adjourn and convene as Ditch Board.

Manning moved, seconded by Powell and carried to set February 23, 2016 as the date for the annual meeting.

At 10:04 a.m., Passick moved, seconded by Manning and carried to adjourn and reconvene as Board of Clay County Commissioners.

Powell moved, seconded by Packard and carried to authorize travel for Dennis Ganschow to Norfolk, NE on February 9 to accept an award for the Purple Loosestrife Project.

Passick moved, seconded by Manning and carried to assign \$30,000 within the General Fund to be accumulated for the purpose of an ambulance purchase and to assign \$9,800 within the General Fund to be accumulated for the purpose of purchasing equipment for the 911 Communications Center.

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

Powell moved, seconded by Packard and carried to approve the following claims for payment. February Bills: (Due to other Government) Dept. of Revenue \$703.25; (Clay Creek Assessment) Johnson, Andrew \$1.60; (Professional Services and Fees) Anderson, Norma \$15.00; Collison, Jeanne \$22.50; Gapp, Debra \$2,430.00; Kittelson, Joan \$22.50; Lewno, Lucille M \$395.48; Lincoln County Treasurer \$162.53; Microfilm Imaging

System \$258.00; Morphotrak, LLC \$5,656.00; Pharmchem. Inc. \$300.00; Sanford Health Clinic \$331.71; SD Dept. of Health Lab \$210.00; SD Planner's Association \$25.00; Security Shredding SVC \$35.00; Swanda, Karen \$15.00 and Timekeeping Systems Inc. \$295.00; (Other Professional Service) City of Vermillion \$66,622.68; Meyer, Mary Anne \$128.80 and Schaefer, Dean \$275.00 (Law Office) KCH Law \$75.77; Kogel, Linda L \$3,935.94; Thompson, Craig K \$6,897.97; (Mental Health) Dept. of Revenue \$60.00; SD Achieve \$180.00; Dept. of Revenue \$1,611.63 and Sesd Activity Cntr \$360.00; (Publishing) Star Publishing \$365.36 and The Equalizer \$562.89; (Repairs and Maintenance) Century Business Products \$30.44; Counsel \$.61; Fischer's Disposal LLC. \$50.00; Hartelco \$10.00; Kone, Inc. \$639.18; Midwest Bldg. Maint. \$66.00; Sanitation Products \$2,970.00; Sioux Falls 2-Way \$225.00 and Tendaire Industries \$60.00; (Data Processing) Microfilm Imaging Systems \$525.00; Netsys Plus, Inc. \$21.25; Software Services, Inc. \$2,120.00; (Supplies & Materials) A & B Business \$185.57; A-Ox Welding Supply Co. \$163.74; Appeara \$52.64; Boyer Trucks SF Inc. \$456.31; Campbell Supply Co. \$250.82; Clay Union Electric Company \$600.00; Cornhusker International \$31.00; Davis Pharmacy \$276.47; FedEx \$63.65; First Bank & Trust Visa \$455.55; L.G. Everist, Inc. % 1,073.96; Lawson Products, Inc. \$460.30; Microfilm Imaging System \$532.00; Mills & Miller, Inc. \$\$,824.15; Neve's Uniforms & Equipment \$146.85; Print Source \$25.00; Qualified Presort Svc \$2,550.61; Quill Corporation \$51.86; Riverside Hydraulics \$141.90; Sanitation Product \$2,617.74; Sdachs \$275.00; Sioux Falls 2-Way \$1,875.83; Sturdevant's Auto Part \$621.37; Tendaire Industries \$72.44; The Equalizer \$136.11; Vermillion Federal Credit \$20.59; One Office Solution \$314.79 and Zee Medical Service Co. \$60.75; (Travel and Conference) First Bank & Trust Visa \$50.00; Ganschow, Dennis \$49.98 and SD Police Chief's Assn. \$85.00 (Utilities) Bureau of Administration \$146.82; Hartelco \$79.95; MidAmerican Energy \$1,214.24; Midco Business \$270.00; Vermillion Garbage Svc. \$120.00 and Wakonda Town \$61.60; (Payment) Dept. of Revenue \$1,545.00; The Roadhouse \$3,788.25; Vermillion Federal Credit \$25.70; Ballard, Madonna \$50.00; Ehlers, Jamie \$50.00; Emmick, Brian \$50.00; Heine, Todd \$55.04; Knedler, Beth \$58.40; Prusa, Karen \$60.92; Sevening, Diane \$50.00; Shumaker, Sandra \$50.00; Wiedrich, Nancy \$50.00 and Zuercher, Nancy \$50.00; (Furniture and Minor Equipment) A & B Business \$233.62; Century Business Products \$50.00; First Bank & Trust Visa \$23.02; Microfilm Imaging Systems \$120.00 and One Office Solution \$324.29.

At 10:06 a.m. Powell moved, seconded by Manning and carried to adjourn and reconvene Tuesday, February 23, 2016 at 9:00 a.m.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:   
Carri R. Crum, County Auditor

February 9, 2016

The Board of County Commissioners met in special session on Tuesday, February 9, 2016 at 7:00 p.m. for a public hearing of the second reading regarding amendment of the 2013 Revised Zoning Ordinance for Clay County. Specifically, the Board of County Commissioners considered adoption of amendments to Section 2.02, Definitions, Section 3.07, Concentrated Animal Feeding Operations (CAFO), Section 4.05.01, NRC: Natural Resource Conservation District and Section 4.05.02, A-1: Agricultural District, which were recommended by the Clay County Planning Commission. Members present: Travis Mockler, Phyllis Packard, Raymond Passick, Leo Powell, and Micheal Manning. Also present: Carri Crum, Auditor, and Cynthia Aden, Zoning Administrator.

Alice Alexander requested the Commissioners to consider who the ordinance is for, who it is benefitting, and to consider whether the risk is worth possibly hurting the greater population of Clay County.

Archimedes Plutonium requested that any Commissioners who have livestock or family who have livestock recuse themselves from the vote. Phyllis Packard said that the County Commission and Planning & Zoning Commission would effectively be prevented from having any farmers on both boards, which she believed is not the spirit of the laws. Travis Mockler clarified that the farming operation owned by his brother, Keith, is no way affiliated with his own farm. Micheal Manning also stated he has livestock but would have no financial gain from the change in ordinance.

Barbara Yelverton voiced concerns about groundwater contamination via animal waste, air pollution, and stated that CAFOs are not family farm friendly.

Archimedes Plutonium was concerned about livestock bringing mass MRSA deaths to Clay County.

Dr. Charles Yelverton said the ordinance change threatens health within the county. He presented a handout regarding pathogens present within manure lagoons and voiced concerns that the lagoons would leach the pathogens into the groundwater, infecting people with compromised immune systems. He was also concerned with antibiotic usage in CAFO operations.

Raymond Passick addressed that Archimedes Plutonium said he was satisfied with current animal number restrictions and clarified that the numbers have not changed within the proposed ordinance. Discussion followed that there are only two locations possible in Clay County for a large operation. Leo Powell discussed the requirements needed for a large operation to actually succeed and said there is a lot of misinformation out there.

Cindy Kirkeby said she did not understand why the current ordinance is unenforceable. Raymond Passick said Toby Brown explained that everything in Clay County would need to be considered a CAFO, making it impossible for current operations in the county to afford the costs involved with state permits. Discussion followed regarding definitions of AFOs and CAFOs and manure management requirements.

Bob Wood said he supports agriculture. However, he thinks the ambiguity is in the AFO/CAFO definitions.

Leo Powell moved that the ordinance revisions be rejected and returned to the Planning & Zoning Commission for the issues to be reviewed. Raymond Passick seconded the motion and stated he thinks it's possible for a compromise to be reached. Phyllis Packard clarified why the state conducted a site analysis for dairy operations within counties in South Dakota, and stated the county signed up to obtain information as to how the county fared in comparison to other counties.

Cindy Kirkeby said she thinks it is fine for South Dakota to have a cheese factory, but the cattle do not need to be confined. Archimedes Plutonium said South Dakota does not have enough rainfall for a dairy operation. The Board clarified that dairies are already operating in the state. Raymond Passick clarified that the ordinance does not require the animals to be confined.

The Board discussed that the subject would be on future meeting agendas in order to give the Planning & Zoning Commission some direction regarding the ordinance.

Nancy Carlsen requested citizen participation. Phyllis Packard said the process will not involve forming a separate committee, and Cynthia Aden, Zoning Administrator, said the Planning Commission meetings are always open to the public, and anyone can contact her to be put on the agenda. Micheal Manning said he thinks some compromises have already been made, even if everyone does not agree, he thinks the Planning Commission did a good job, and it's not a bad ordinance the way it has been rewritten. Alice Alexander requested that someone break down the pieces for the layperson and an opportunity for the community to decide what kind of businesses they want to attract.

Roll Call Vote: Manning-Nay, Powell-Aye, Passick-Aye, Packard-Aye, Mockler-Nay. Motion passed 3-2.

Nancy Carlsen requested the definition for fisheries as well as a clarification to verbiage regarding the number of animals. Travis Mockler clarified that the verbiage regarding animal numbers comes from a table provided by the state and the definitions of AFO and CAFO. Discussion took place regarding definitions and former revisions.

At 8:20 p.m., Powell moved, seconded by Packard and carried to adjourn.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:

  
Carri R. Crum, County Auditor

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February 23, 2016

The Board of County Commissioners met in regular session Tuesday February 23, 2016 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Raymond Passick and Micheal Manning.

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

Minutes of the February 9, 2016 meeting were approved with a motion by Manning, seconded by Packard and carried.

Jose Dominguez appeared during Visitors to be Heard to introduce the new Utilities Manager, Shane Griese, for the City of Vermillion.

Andy Howe, Sheriff, also appeared during Visitors to be Heard to update the Board regarding upcoming changes to the juvenile detention contract with Minnehaha County.

Rod Polley, Highway Superintendent, Jose Dominguez, City Engineer, John Prescott, City Manager, and Jack Powell, Mayor, met with the Board to discuss the plans involved with an upcoming Application for Occupancy on the Right of Way of Public Highways in the County on 464 Ave. in Section 12, T92N, R52W, 316 St. in Section 7, Township 92N, Range 51W, and 465 Ave. in Section 7 & 8, Township 92N, Range 51W for electrical energy transmission lines. Passick moved, seconded by Powell and carried to set March 8, 2016 at 9:15 a.m. for public hearing on consideration of the application.

Todd Christensen, and Rob Johnson, Dakota Power and Community Wind, met with the Board to discuss the potential for the Lincoln and Union County wind project to expand into Clay County.

Packard moved, seconded by Passick and carried to pass and adopt the following Resolution #2016-04 for Clay County Weight Limit Enforcement. Packard moved, seconded by Powell and carried to authorize the Chairman to sign the associated letter to the SD Highway Patrol requesting assistance with enforcement.

RESOLUTION #2016-04  
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 22nd day of February, 2016 at Vermillion, S.D.

ATTEST:

\_\_\_\_\_  
Carri R. Crum  
CLAY COUNTY AUDITOR

\_\_\_\_\_  
Travis Mockler  
CHAIRMAN, CLAY COUNTY COMMISSION

Passick moved, seconded by Powell and carried to authorize the use of Beadle County bids for materials.

Manning moved, seconded by Passick and carried to accept low bid from Star Energy of \$.79/gallon for propane at the Wakonda and Vermillion Shops. Manning moved, seconded by Passick and carried to accept low bid from Brunick's Service of \$1.34/gallon for 750 gallons of 50/50 Diesel.

Cynthia Aden, Welfare Director, met with the Board to present Welfare Case #C16-04 for a county burial. Powell moved, seconded by Manning and carried to authorize payment of the claim as the individual met welfare guidelines.

The Register of Deeds monthly activity report was accepted and placed on file.

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

To the Board of County Commissioners of Clay County, items in the hands of the County Treasurer as of January 31, 2016. I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks	5,615,404.78
Amount of actual cash	2,565.10
Total amount of checks and drafts in Treasurer's Possession not exceeding three days	37,098.47
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:	2,848.77

Checks returned and not deposited

Cash Items

Investments

1,000.00

Cash Variation

Total

5,658,917.12

Dated this 1st day of  
February 2016.

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Carri R. Crum, County Auditor

Packard moved, seconded by Manning and carried to approve the following claims for payment. February Bills: Commissioners \$7,874.50, Auditor's Office \$9,049.67, Treasurer's Office \$15,229.43, States Attorney's Office \$14,295.67, Courthouse \$2,632.42, DOE's Office \$9,903.25, ROD's Office \$6,628.67, Veteran's Office \$1,663.33, Sheriff's Office \$32,045.70, County Jail \$21,641.19, 24/7 Sobriety Project 1,408.32, LEPC \$385.25, Emerg. Mgmt. Office \$3,489.00, Highway Department \$38,122.96, WIC \$2,354.25, Extension Office \$2,847.58, Weed Department \$1,314.20, and Zoning Office \$2,188.75; (Due to Other Government) SD Assn. of Co. Officials \$262.00; Reliance Telephone \$500.00 and State of SD Game Fish \$564.00; (Clearing Fund – Misc.) Dept. of Revenue \$1,641.51; (Payroll Withholdings) Aflac \$1,267.55; Clay Co Treasurer \$40,991.57; Colonial Life \$359.97; Conseco/Washington \$100.70; Dearborn National \$211.89; New York Life Insurance \$244.02; Optilegra Inc. \$17.952; SD Retirement System \$19,753.98; SD Supplement Retirement \$1,160.00; SDRD Roth Plan \$400.00; United Way of Vermillion \$238.00; Vermillion Federal Credit Union \$1,666.00 and Wellmark Blue Cross \$35,264.54; (Professional Services and Fees) Billings, John P \$3,375.00; Certified Language Inc. \$26.40; Corrisoft LLC \$138.60; Houska, DDS Randy \$73.00; Lewis & Clark Behavior \$320.00; Lincoln County Treasurer \$415.00 and Yankton Co Sheriff \$25.00; (Other Professional Services) Maxine J. Risty \$442.16; (Law Office) Peterson, Stuart, Rumpca \$6,316.96; Reed Law Office \$351.00 and Yankton Co Treasurer \$264.70; (Publishing) Broadcaster Press \$859.99 and Star Publishing \$391.55; (Repairs and Maintenance) Allied Oil & Supply \$191.25; Automatic Bldg. Control \$214.00; Bear, Inc. DBA Todd's \$188.07; Clay Co Treasurer \$27.97; Johnson Feed, Inc. \$142.50; Triview Communication \$502.20; Turner Plumbing Inc. \$225.00 and Walker Construction \$519.00; (Data Processing/Clay Creek) Bureau of Administration \$24.00; Mastel, Bruce \$35.00 and Microfilm Imaging System \$496.00; (Supplies and Materials) Allied Oil & Supply \$34.50; Boyer Trucks SF Inc. \$235.17; Brunick Service, Inc. \$2,220.00; Campbell Supply Co. \$211.36; Clay Co Treasurer \$58.33; Dakota PC Warehouse \$34.99; Echo Electric Supply \$64.50; FedEx \$138.39; Francotyp-Postalia Inc. \$129.00; General Equipment \$61.37; Intoximeters, Inc. \$345.00; JCL Solutions \$137.51; L.G. Everist, Inc. \$523.60; Layne's World, Inc. \$35.00; MidAmerican Research \$299.43; Minnehaha County JDC \$46.47; Neve's Uniforms & Equipment \$99.90; Print Source \$26.00; Sanford USD Medical \$4.43; Sturdevant's Auto Parts \$286.61; US Postal Service \$10,000.00; Wal-Mart \$52.02; One Office Solution \$30.78 and Wheelco Brake and Supply \$154.88; (Travel and Conference) Aden, Cynthia \$68.27; Christensen, Laura \$135.28; Ganschow, Dennis \$259.56; Lunn, Gene \$47.00; Peterson, Ina \$47.00; SDACHS \$80.00; SDSU Extension Service \$29.48; and Stewart, Layne \$242.00; (Utilities) CenturyLink \$439.81; Clay Rural Water System \$53.40; Clay Union Electric Co \$615.26; Star Energy \$1,570.36 and Verizon Wireless \$86.54;

(Payment) Erickson Solutions \$2,000.00; Freeman, Grace \$375.85; Hy-Vee, Inc. \$525.17; Quality Motors \$340.25; Sanford Health Clinic \$7,257.09 and Wal-Mart \$241.31; (JDC/Special Eqp.) Minnehaha County JDC \$5,775.00; (Books) Thomson Reuters – West \$601.51; (Furniture and Minor Equipment) A & B Business \$204.77; Dakota PC Warehouse \$399.98.

Powell moved, seconded by Manning and carried to declare surplus two tax deed properties, one described as Lot 4, East End, City of Vermillion, Clay County, SD and one described as 1 Sq Acre in SE Corner SE ¼ 11/93/51, Prairie Center Township, Clay County, SD, and set March 29, 2016 at 10:00 a.m. for the sale.

The Board discussed current zoning regulations for concentrated animal feeding operations. It was decided that the County Commission will meet with the County Planning & Zoning Commission to discuss the regulations on March 29, 2016 at 5:15 p.m.

At 10:33 a.m. Manning moved, seconded by Passick and carried to adjourn and reconvene Tuesday, March 1, 2016 at 9:00 a.m.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:   
Carri R. Crum, County Auditor

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Yankton-Clay Ditch Board  
February 23, 2016

The Clay and Yankton County Commissioners met jointly as the Yankton-Clay Ditch board at Tuesday, February 23, 2015 at Toby's Lounge in Meckling, SD.

Members present—Clay County: Leo Powell, Micheal Manning, Travis Mockler, Phyllis Packard, Auditor Carri R. Crum, Highway Superintendent Rod Polley, and Weed Supervisor Dennis Ganschow. Donna Freng, Raymon Epp, Debra Bodenstedt and Yankton County: Auditor Patty Hojem.

The meeting was called to order by Chairman Debra Bodenstedt.

A motion was made by Manning and seconded by Passick to approve the minutes of the February 10, 2015 meeting as presented. All members voting aye, the motion carried.

Fund Balances.

Clay County Yankton-Clay Ditch \$93,425.78      Yankton County Yankton-Clay Ditch \$77,646.29.

The following claims were reported to the landowners present at the meeting:

**Mileage/Meeting Per Diem for 2015 Meeting**

C. Crum \$29.44

P. Hojem \$40.44

T. Mockler \$29.44

P. Packard \$29.44

R. Passick \$29.44

Meal for 2015 Meeting

First Bank & Trust Visa \$117.65

**Advertising**

Broadcaster Press \$42.00

Star Publishing \$36.00

The Equalizer \$29.00

Landowner presented a request to replace a culvert 4 (four) miles west of Volin, SD., which was connected to the Yankton-Clay Ditch in Yankton County.

A motion was made by Mockler and seconded by Manning to approve the 8% (eight percent) of the original cost of the ditch in the Yankton-Clay Ditch for the year 2016 payable 2017.

Clay Creek Ditch Board  
February 23, 2016

The Clay and Yankton County Commissioners met jointly as a drainage board for the Clay Creek Ditch on Tuesday, February 23, 2016 at Toby's Lounge in Meckling, SD.

Members present—Clay County Micheal Manning, Travis Mockler, Phyllis Packard, Leo Powell, Auditor Carri R. Crum, Highway Superintendent Rod Polley, and Weed Supervisor Dennis Ganschow. Yankton County: Donna Freng, Raymon Epp, Debra Bodenstedt and Auditor Patty Hojem.

The meeting was called to order by Chairman Debra Bodenstedt.

A motion was made by Mockler and seconded by Powell to approve the minutes of the February 10, 2015 meeting as presented. All members voting aye, the motion carried.

Fund Balances

Clay County fund balance: \$60,709.68. Yankton County fund balance -\$57,520.18

Those present briefly discussed Phase 3 of the Clay Creek Ditch Cleanout Project and also discussed bidding future work on the ditch, per mile rather than as a project.

A motion was made by Mockler and seconded by Manning to leave the levy at 40% for the year 2016 payable 2017.

A motion was made by Manning to nominate Debra Bodenstedt as Chairman for the Clay Creek and Yankton-Clay Ditch Boards. Packard seconded the motion. Powell called for a unanimous ballot and that nominations cease. All members voting aye, motion carried.

A motion was made by Bodenstedt and seconded by Freng to nominate Travis Mockler as Vice Chairman. Powell moved that nominations cease and a unanimous ballot be cast. All members present voting aye. Motion carried.

A motion was made by Mockler and seconded by Manning that the meeting be adjourned. All voting aye, motion carried.

ATTEST:

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

Debra Bodenstedt, Chairman  
Clay Creek Ditch  
Yankton-Clay Ditch

March 1, 2016

The Board of County Commissioners met in regular session Tuesday, March 1, 2016 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, and Micheal Manning; Raymond Passick was absent.

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

Minutes of the February 23, 2016 meeting were approved with a motion by Powell, seconded by Manning and carried.

Rod Polley, Highway Superintendent, met with the Board. Manning moved, seconded by Packard and carried to accept low bid of \$1.53/gallon from Brunick's Service for 10% ethanol blend fuel.

Powell moved, seconded by Packard and carried to set March 29, 2016 at 9:30 a.m. as the time and date for bid opening on highway department materials for the year.

Catherine Powell, Treasurer, met with the Board. She presented a list of mobile homes that have been deemed uncollectible and which have not had utilities and/or are uninhabitable. Manning moved, seconded by Packard and carried to declare the mobile homes uncollectible.

Treasurer Powell also discussed the need for an additional outgoing phone line in the office. Packard moved, seconded by Manning and carried to authorize the addition of a phone to the County's plan.

At 9:27 a.m., Manning moved, seconded by Packard and carried to adjourn and reconvene Tuesday, March 8, 2016 at 9:00 a.m.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:   
Carri R. Crum, County Auditor

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The Board of County Commissioners met in regular session Tuesday, March 8, 2016 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Raymond Passick and Micheal Manning.

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

Minutes of the March 1, 2016 meeting were approved with a motion by Manning, seconded by Packard and carried.

Rod Polley, Highway Superintendent, met with the Board to discuss Highway Matters. Manning moved, seconded by Packard and carried to accept low bid of \$1.1574/gallon for #2 Diesel from Jerry's Service.

Bob Iverson, City of Vermillion Solid Waste Director, met with the Board to discuss landfill matters. Iverson requested the County's support for potential purchase of land adjacent to the landfill for safer access to the landfill, a dirt stockpile, and runoff ponds. Packard stated she would be in contact with the SD DENR to inquire about assistance with funding.

Packard moved, seconded by Manning and carried to pass and adopt the following Resolution #2016-05 for Mobile Homes Moved to Uncollectible Tax List.

**RESOLUTION #2016-05**  
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:

<b>Assessed Against</b>	<b>Taxing Districts</b>	<b>Year</b>	<b>Amount</b>
Linda or Tim Hughes	County, Vermillion City, Vermillion School District	2015	\$146.49
Starla Gratzfeld	County, Vermillion City, Vermillion School District	2014	\$173.97
Frank E Forman	County, Vermillion City, Vermillion School District	2013	\$148.60
		2014	\$144.80
		2015	\$129.77
Kimberly J Lane	County, Vermillion City, Vermillion School District	2014	\$103.30
		2015	\$98.62
Merleen Hanson	County, Vermillion City, Vermillion School District	2012	\$126.13
		2013	\$102.81
		2014	\$129.72

Dated this 8<sup>th</sup> day of March, 2016 at Vermillion, South Dakota.

Commissioner Packard moved for the adoption of the foregoing resolution, motion seconded by Commissioner Manning.  
Vote of Commission: Aye 5 Nay 0.

Upon which voting the foregoing resolution was declared, passed and adopted.

Board of County Commissioners  
Clay County, South Dakota

\_\_\_\_\_  
Travis Mockler, Chairman

Attest:

Carri R. Crum, County Auditor

Packard moved, seconded by Powell and carried to approve the following claims for payment. March bills: (Due to Other Govt.) Dept. of Revenue \$221293.29, SD Assn. of Co. Officials \$212.00, SD Dept. of Labor \$284.71; (Liability Insurance) SD Public Assurance Alliance \$68588.68; (Prof. Svc./Fees) Blackburn & Stevens \$133.91, Jeanne Collison \$15.00, Dept. of Revenue \$1750.55, FedEx \$39.97, Hansen Funeral Home \$1900.00, Randy Houska \$135.00, Mark Katterhagen \$6.00, LaCroix Law Office \$273.83, Larry Anthofer DBA Leisure Lawns \$982.30, Lucille Lewno \$252.74, Lincoln Co. Auditor \$757.24, James McCulloch \$233.83, National Sheriff's Assn. \$112.00, Netsys Plus \$50.00, Overhead Door Co. \$36.00, Reed Law Offices \$657.00, Cathy Rehfuss \$15.00, Maxine Risty \$233.96 SD Achieve \$180.00, SESDAC \$360.00, Brenda Stadel DBA Grapevine Designs \$25.00, Karen Swanda \$6.00, Craig Thompson \$1580.64, Union Co. Sheriff \$9.00, Vermillion Garbage Svc. \$156.00, Yankton Co. Sheriff \$25.00, Yankton Medical Clinic \$121.47; (Publishing) The Equalizer \$129.72; (Repairs/Maint.) Century Business Products \$25.00, First Bank & Trust Visa \$9.00, Hartelco \$10.00, Johnson Controls \$278.34, Johnson Electric \$99.86, Marco \$791.53, Microfilm Imaging Systems \$30.00, Midwest Bldg. Maint. \$24.00, Mark Nelson DBS Nelson Electric \$45.00, Overhead Door Co. \$455.00, Presto-X Co. \$68.84, SD Public Assurance Alliance \$177.00, Daniel Swensen \$200.00, Walker Construction \$669.00; (Data Processing) Microfilm Imaging Systems \$496.00; (Supplies/Materials) A&B Business \$213.59, A-OX Welding Supply \$163.74, American Stamp & Marking \$112.63, Bob Barker Co. \$170.74, Boyer Trucks SF \$438.96, Brunick Service \$1573.70, Campbell Supply \$284.96, Continental Research Corp. \$899.35, Davis Pharmacy \$475.72, First Bank & Trust Visa \$148.52, JCL Solutions \$675.57, Jerry's Service \$8194.39, Johnson Feed \$272.58, Lawson Products \$234.22, Mart Auto Body & Marine \$40.47, Midwest Bldg. Maint. \$42.00, Midwest Striping \$7442.00, Mark Nelson DBA Nelson Electric \$22.72, Northern Safety Co. \$54.06, Overhead Door Co. \$366.70, Pressing Matters \$28.00, Print Source \$7.50, Quill Corp. \$366.70, SD Assn. of Co. Weed Boards \$150.00, SD Dept. of Transportation \$646.79, Sioux City Foundry \$481.12, Stewart Oil & Tire \$563.80, Sturdevant's Auto Parts \$941.87, Toastmasters \$36.00, Truck-Trailer Sales/Svc. \$44.85, True Value \$115.45, USD Toastmasters \$6.00, Vermillion Ford \$87.40, One Office Solution \$57.42, Wheelco Brake & Supply \$662.08; (Travel/Conference) Brunick Service \$16.00, First Bank & Trust Visa \$558.03, Dennis Ganschow \$58.00, Larry McPherson \$37.00, Paul Pederson \$16.00, SD LTAP \$250.00, Jerami West \$108.00; (Inmate Transport) Brunick Service \$200.00; (Utilities) Bureau of Administration \$94.30, City of Vermillion \$1886.46, Clay Rural Water System \$53.40, Fischer's Disposal \$50.00, Hartelco \$79.95, MidAmerican Energy \$1454.05, Midco Business \$270.00, Verizon Wireless \$280.07, Vermillion Garbage Svc. \$60.00, Wakonda Town \$61.60; (Machinery/Auto) Brunick Service \$903.80, Vermillion Federal Credit Union \$86.88; (Grants) Grace Freeman \$225.00; (Jury/Witness) Madonna Ballard \$50.00, Jamie Ehlers \$50.00, Todd Heine \$55.04, Beth Knedler \$58.40, Karen Prusa \$60.92, Diane Sevensing \$50.00, Sandra Shumaker \$50.00, Nancy Wiedrich \$70.16; (Training/Special Equip.) Vermillion Federal Credit Union \$350.85; (Catastrophic Legal Fund) SD Assn. of Co. Officials \$2461.48; (Furniture/Minor Equip.) Century Business Products \$50.70, Microfilm Imaging Systems \$120.00, Neve's Uniforms & Equip. \$147.95.

The Veterans, Welfare, and 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 Board of County Commissioners of Clay County, items in the hands of the County Treasurer as of February 29, 2016. I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks	5,497,273.72
Amount of actual cash	2,884.68
Total amount of checks and drafts in Treasurer's	

Possession not exceeding three days	15,523.11
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:	5,188.02
Checks returned and not deposited	
Cash Items	
Investments	1,000.00
Cash Variation	
Total	5,521,869.53

Dated this 1st day of  
March 2016.

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

At 9:44 a.m. Powell moved, seconded by Packard and carried to adjourn and reconvene Tuesday, March 29, 2016 at 9:00 a.m.



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

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

March 14, 2016

The Board of County Commissioners met in a joint session with the Clay County Planning & Zoning Commission and a special session on Monday, March 14, 2016 at 6:00 p.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Raymond Passick. Planning & Zoning Commission Members Present: Jay Bottolfson, Marty Gilbertson, Joe Hubert, and Jerry Prentice. Also present: Cynthia Aden, Zoning Administrator, and Carri Crum, Auditor.

The commissions discussed potential changes to the Concentrated Animal Feeding Operation (CAFO) regulations.

Jerry Wilson provided information about the process for developing the regulations and discussed other aspects of the proposed changes.

John Davidson requested that the commissions consider issues with Zone B Aquifers and suggested that the commissions break down the issues into separate parts and deal with them accordingly, especially considering animal numbers as that seems to be the biggest issue.

Bottolfson discussed a letter of opinion from the State's Attorney's Office regarding reverse setbacks.

Passick clarified that the purpose of the meeting was not to make final decisions regarding the ordinance, but rather to discuss and ask questions.

Packard requested clarification regarding the insurance process for CAFOs, and Bottolfson, Aden, and Mockler clarified the order of the process.

Passick identified 3 things within the ordinance that were important to him. He suggested setbacks be developed regarding waters of the state. He also suggested a conditional use process be used when a small operation desires to expand to a medium and discussed requirements that could be imposed. Finally, he discussed the dairy numbers within the ordinance. Passick proposed allowing expansion to take place only in a direction that would not diminish setbacks and requiring a plan for a barrier between the CAFO and other properties (i.e. trees, berms, or other options). He also reviewed dairy numbers within neighboring counties' regulations and suggested eliminating a cap within the number tables and giving the Clay County Planning & Zoning Commission the tools necessary to evaluate the operations on an individual basis before granting them the ability to expand.

Manning asked Passick if his suggestions would apply to other animals as well, and Passick discussed that dairy operations should be considered separate from others. Gilbertson clarified that swine producers in the County seem to be comfortable with current regulations.

Packard suggested a graded fee scale for conditional use permits and pointed out that for bigger operations, the County would have to hire professionals to evaluate the situation. The graded fees would assist with the additional costs.

Packard discussed that Passick's proposal does have merits for protection and for economic development. Bottolfson discussed that the counts could fluctuate a bit in a real world operation, so there should be some leeway for the animal units.

Further discussion took place regarding reverse setbacks.

It was decided that the commissions would meet again in joint session on March 28, 2016 at 5:15 p.m. in the Courthouse.

The joint session was adjourned at 7:15 p.m.

At 7:17 p.m., the Board of Clay County Commissioners met in a special session to consider an Application for Occupancy on the Right of Way of Public Highways in County from the City of Vermillion for an electric transmission line along 464 Ave. in Section 12, Township 92N, Range 52W, 316 St. in Section 7, Township 92N, Range 51W, and 465 Ave. in Sections 7 & 8, Township 92N, Range 51W. Powell moved, seconded by Manning and carried to approve the application.

At 7:18 p.m., Manning moved, seconded by Powell and carried to adjourn.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

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March 29, 2016

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

Packard moved, seconded by Packard and carried to approve the agenda with request to move the joint powers discussion to after the Highway Superintendent’s time slot, to make it an executive session for legal/contractual matters, and to invite Bob Iverson, City of Vermillion Solid Waste Director, to participate in the session.

Minutes of the March 8, 2016 meeting and the March 14, 2016 joint and special session were approved with a motion by Manning, seconded by Passick and carried.

Cathi Powell, Treasurer, met with the Board to present an Application for Abatement for an elderly tax freeze that meets requirements but missed the deadline. Powell moved, seconded by Packard and carried to approve the application.

Gene Lunn, Director of Equalization, met with the Board to present an Application for Abatement for a structure that was demolished. Passick moved, seconded by Manning and carried to approve the application.

Powell moved, seconded by Packard and carried to authorize the Chairman to sign the 2016 Extension Memorandum of Understanding.

Powell moved, seconded by Packard and carried to pass and adopt the following Resolution #2016-06 for Auto Supplement to Sheriff’s Office Special Equipment Budget.

**RESOLUTION #2016-06  
Automatic Supplement**

WHEREAS, Clay County has been reimbursed \$2,499.65 for equipment placed on recall by the manufacturer; and

WHEREAS the Sheriff’s Office budget does not have adequate funds to allow for the purchase of replacement equipment in 2016 and;

WHEREAS, the Board of County Commissioners have agreed to supplement the department by an automatic supplement, with reimbursement received from EOTech, for the proper conduct and discharge of lawful county obligations 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 as an automatic supplement to the aforesaid annual budget:

Clay County Sheriff’s Office (10100X4291211) – Special Equip. - \$2,499.65

Dated this 29<sup>th</sup> day of March, 2016.

Commissioner \_\_\_\_\_ moved the adoption of the foregoing Resolution. Motion seconded by Commissioner \_\_\_\_\_.

Vote of the Commission: Manning \_\_\_\_\_, Mockler \_\_\_\_\_, Packard \_\_\_\_\_, Passick \_\_\_\_\_, and Powell \_\_\_\_\_.

Upon which voting the foregoing Resolution was declared passed and adopted.

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

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

The Board reviewed the 2015 Annual Report, and it was accepted and placed on file as were the Register of Deeds, Sheriff's Office, and Vermillion Public Library monthly reports.

Rod Polley, Highway Superintendent, met with the Board to discuss Highway and Weed Department matters. Polley presented the annual contract with the SD Dept. of Transportation for spraying of road ditches along state highways within Clay County. Powell moved, seconded by Packard and carried to authorize the Chairman to sign the contract as presented.

Applications for Occupancy on the Right of Way of County Highways were presented on behalf of Clay-Union Electric for cables on 300 St. in Section 22, Township 95N, Range 51W and on 304 St. in Section 10, Township 94N, Range 51W. Passick moved, seconded by Manning and carried to approve the applications and authorize the Chairman to sign them.

The Board reviewed the SD Dept. of Transportation bridge inspection engineering list. Powell moved, seconded by Packard and carried to approve the use of Johnson Engineering, Yankton, SD, and to pass and adopt the following associated resolution.

**BRIDGE REINSPECTION  
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**, Clay County is desirous of participating in the Bridge Inspection Program using Bridge Replacement funds.

The County requests SDDOT to hire Johnson Engineering (Consulting Engineers) 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% matching funds.

Dated this 29<sup>th</sup> day of March, 2016, at Vermillion, South Dakota.

Board of County Commissioners  
Of Clay County

ATTEST:

\_\_\_\_\_  
County Auditor

\_\_\_\_\_  
Chairman of the Board

Packard moved, seconded by Powell and carried to set April 26, 2016 at 9:30 a.m. for bid opening on a truck box, plow, and quick attach for the new truck.

At 9:30 a.m., bid opening commenced for highway materials. Bids were opened and read aloud. As was the process in previous years, Powell moved, seconded by Manning and carried to have Polley review the bids and return at the next meeting for the Commissioners' acceptance.

At 9:49 a.m., Packard moved, seconded by Passick and carried to enter an Executive Session regarding legal/contractual matters, with an invitation for Bob Iverson, City of Vermillion Solid Waste Director, participating. Mockler excused himself from the session.

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

Andy Howe, Sheriff, met with the Board to present the results of the tax deed property auction. The .99 acre lot, \$50 only bid. 10 S. University \$58,000 highest bid. Powell moved, seconded by Packard and carried to approve and accept both sales.

Passick moved, seconded by Manning and carried to approve the following claims for payment. March Bills: Commissioners \$7,874.50, Auditor's Office \$9,049.67, Treasurer's Office \$15,229.43, States Attorney's Office \$14,295.67, Courthouse \$2,632.42, DOE's Office \$9,892.25, ROD's Office \$6,628.67, Veteran's Office \$1,663.33, Sheriff's Office \$32,702.75, County Jail \$20,872.18, 24/7 Sobriety Project 1,452.88, LEPC \$385.25, Emerg. Mgmt. Office \$3,467.00, Highway Department \$39,611.19, WIC \$2,354.25, Extension Office \$2,847.58, Weed Department \$954.22, and Zoning Office \$2,313.91; (Due to Other Government) Reliance Telephone \$1,000.00; State of SD Game Fish \$434.00; (Clearing Fund – Misc.) SD Dept of Labor \$157.84; (Payroll Withholdings) Aflac \$1,267.55; Clay Co Treasurer \$41,424.00; Colonial Life \$359.97; Conseco/Washington \$24.45; Dearborn National \$207.69; New York Life Insurance \$244.02; Optilegra Inc. \$17.952; SD Retirement System \$19,974.48; SD Supplement Retirement \$1,160.00; SDRD Roth Plan \$400.00; United Way of Vermillion \$238.00; Vermillion Federal Credit Union \$1,566.00 and Wellmark Blue Cross \$36,603.93; (Professional Services and Fees) Claims Associates \$3,090.05; Corrisoft LLC \$84.15; Houska, DDS, Randy \$281.00; Johnson Engineering Co \$1,912.00; Lewis & Clark Behavior \$320.00; Mail Finance \$63.75; Microfilm Imaging System \$55.00; Pharmchem, Inc. \$175.00; Sanford Health Clinic \$1,905.38; SD Dept. of Health Lab \$2,395.00; SDSU Extension Service \$7,328.00; Security Shredding Svc \$140.00; Sioux Falls 2-Way \$125.00; Yankton Co Treasurer \$204.90 and Yankton Medical Clinic \$264.79; (Law Office) Acers, Jacob \$740.00; Blackburn & Stevens LLC \$887.91; Mannschreck, Scot D \$4,839.74; Peterson, Stuart, Rumpca \$5,978.55 and Thompson, Craig K \$766.35; (Publishing) Broadcaster Press \$222.01; Pressing Matters \$121.00 and Star Publishing \$313.48; (Rentals) Schneider Corporation \$2,115.00; (Repairs and Maintenance) Aden, John \$102.00; Brunick Service, Inc. \$76.00; Century Business Products \$25.00; Counsel \$2.10; Election Systems \$3,498.00; Hansen Locksmithing Inc. \$1,700.00; Mail Finance \$382.44; Netsys Plus, Inc. \$437.50; Presto-X Company LLC \$68.84; Verizon Wireless \$9.99 and Vermillion Ace Hardware \$30.00; (Data Processing/Clay Creek) Broadcaster Press \$42.00; Bureau of Administration \$48.00; Clay Co Treasurer \$67.60; Mastel, Bruce \$35.00 and Software Services. Inc. \$660.00 (Yankton Clay Expense) Broadcaster Press \$42.00; (Laterals 50A & 50B Expense) Clay Co Treasurer \$.30; (Supplies and Materials) Allied Oil & Supply \$3,055.96; Appera \$52.64; Brock White Company \$20,515.50; Brunick Service Inc. \$215.00; Butler Machinery Co. \$1,350.20; Campbell Supply Co. \$73.23; Dakkota PC Warehouse \$36.98; FedEx \$79.71; Heiman Inc. \$240.58; Hy-vee, Inc. \$55.04; JCL Solutions \$131.67; Kalins Indoor Comfort \$89.73; McLeod's Printing & Supply \$89.04; Mead Lumber \$99.13; Microfilm Imaging System \$171.00; Paul's Plumbing, Inc. \$104.15; Pressing Matters \$159.00; Quill Corporation \$232.73; Redwood Toxicology Lab \$113.92; Road King, Inc. \$58.17; Sanford Health Clinic \$917.73; Sign-Up Ltd. \$22.05; Sturdevant's Auto Parts \$456.51; Truck-Trailer Sales \$176.00; Truenoth Steel \$378.06; Verizon Wireless \$11.11; Vermillion Ace Hardware \$12.48; Walmart Community/Gecr \$57.71; One Office Solution \$146.18; Wheelco Brake and Supply \$1,141.50 and Zee Medical Service Co \$84.85; (Copier Supplies) Office Systems Company \$146.10; (Travel and Conference) Cedar Shore Resort \$327.80; Hy-Vee, Inc. \$43.95; SDSU Extension Service \$91.90 and Stewart, Layne \$93.72; (Utilities) CenturyLink \$439.80; City of Vermillion \$1,802.62; Clay Union Electric Co \$577.02; Midco Business \$205.00; Verizon Wireless \$293.59 and Vermillion Garbage SVC \$156.00; (Payment) Brunick Service, Inc. \$188.00; Cherry Street Grille \$2,625.06; Clay Co Treasurer \$5.51; Hy-Vee, Inc. \$443.07; Sdacc Office \$1,583.00; Walmart Community/Gecr \$122.84 and Remmick, Cherrie \$20.00; (JDC/Special Eqp. Ems Association \$120.00; Ems Association \$90.00 and SD Fed. Property Agency \$562.50; (Books) Thomson Reuters – West \$601.51; (Furniture and Minor Equipment) A & B Business \$228.91 and Motorola \$2,374.55.

At 10:18 a.m. Packard moved, seconded by Passick and carried to adjourn and reconvene Tuesday, April 5, 2016 at 9:00 a.m.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

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April 5, 2016

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

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

Minutes of the March 29, 2016 meeting were approved with a motion by Passick, seconded by Packard and carried.

Shane O'Connor appeared during Visitors to be Heard to voice concerns about the Saginaw Avenue project. He was concerned about the materials and consistency of the materials used in the project. He also asked when the road would be bladed, as it is very rough. Rod Polley, Highway Superintendent, said Pollman Excavation should be there soon to blade the road, and the materials are at the recommendation of Clark Engineering, the engineering firm hired to oversee the project. O'Connor was also concerned about standing water in the ditches in certain spots along the road that used to drain. Polley said he would look into the matter.

Manning moved, seconded by Passick and carried to accept low bid of \$1.71/gallon from Brunick's Service for 10% ethanol blend fuel.

Rod Polley, Highway Superintendent, met with the Board. Bids were reviewed from the bid opening on March 29, 2016. Packard moved, seconded by Manning and carried to approve the bids as recommended by the Highway Superintendent. A record of the bids is available at the Auditor's Office.

An Application for Occupancy on the Right of Ways of County Highways was presented on behalf of Clay Rural Water System for a pipe line on Highway H2, Section 27, Township 94, Range 51. Powell moved, seconded by Passick and carried to authorize the Chairman to sign approval of the application.

Lauren Hollenbeck, 4-H Educator, met with the Board to present the Quarterly Report and to invite the Commissioners to upcoming 4-H Listening Sessions.

Jane Olson, Register of Deeds, and Gene Lunn, Director of Equalization, met with the Board to discuss Register of Deeds Office software.

Gene Lunn, Director of Equalization, met with the Board to present the Annual Audit Review.

Philip Terwilliger, Deputy State's Attorney, met with the Board to present the STOP Violence Against Women Grant application for signature. Passick moved, seconded by Packard and carried to authorize the Chairman to sign the application.

Catherine Powell, Treasurer, met with the Board to discuss an upcoming tax deed property that is currently inhabited. Teddi Gertsma, State's Attorney, stated they would assist with the proceedings.

The Veterans, Welfare, and Zoning monthly reports and the following Auditor's Account with the County Treasurer Report for March was accepted and placed on file.

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

To the Board of County Commissioners of Clay County, items in the hands of the County Treasurer as of March 31, 2016. I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks	5,692,668.72
Amount of actual cash	2,271.93
Total amount of checks and drafts in Treasurer's Possession not exceeding three days	52,558.53
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:	4,902.82
Checks returned and not deposited	
Cash Items	
Investments	1,000.00
Cash Variation	
Total	5,753,402.00

Dated this 1st day of  
April 2016.

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Carri R. Crum, County Auditor

The Board reviewed a proposal from Tri-State Insulation for repair of Courthouse windows.

Polley returned to present the 5 Year Plan for road and bridge projects and discussed with the Board options for priority projects throughout the county.

At 11:15 a.m., Powell excused himself from the meeting.

It was decided that April 25, 2016 at 7:00 p.m., the Commission will meet with Township Board representatives to discuss the 5 Year Plan and Bridge Improvement Grant program.

Frank Orr appeared to ask if a culvert and driveway could be placed on University Road by the old golf course to allow cars to park off of the road. The matter was discussed, and no decision was made.

At 11:46 a.m., Packard moved, seconded by Passick and carried to adjourn and reconvene Tuesday, April 12, 2016 at 9:00 a.m.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

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April 12, 2016

The Board of County Commissioners met in regular session Tuesday, April 12, 2016 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning; Raymond Passick was absent.

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

Minutes of the April 5, 2016 meeting were approved with a motion by Packard, seconded by Powell and carried.

Jill Munger, Community Health/WIC Nurse, met with the Board to present the Quarterly Report.

The Board considered fuel quotes for diesel fuel at the Wakonda Highway Shop. Packard moved, seconded by Powell and carried to accept the low bid of \$1.345/gallon from Brunick's Service.

It was reported that the Highway Department will be switching to summer hours on April 18.

At 9:14 a.m., Powell moved, seconded by Packard and carried to adjourn and convene as Clay County Ditch Board.

Manning moved, seconded by Packard and carried to authorize payment of an invoice to the Clay County Highway Department for a culvert on Lateral 50.

At 9:15 a.m., Powell moved, seconded by Packard and carried to adjourn and reconvene as Board of Clay County Commissioners.

Layne Stewart, Emergency Management Director, met with the Board to present the SLA Quarterly Activity Report – FY 2016. Powell moved, seconded by Manning and carried to authorize the Chairman to sign the report.

Powell moved, seconded by Packard and carried to approve the following claims for payment. April: (Due to other Government) Dept. of Revenue \$703.25; Dept of Revenue \$248,616.29; SD Counties \$234.00 and Thomson Reuters – West \$510.73; (Other Insurance) SD Public Assurance \$142.00; (Professional Services and Fees) Corrisoft LLC \$84.15; Hansen Locksmithing Inc. \$200.00; Lewis & Clark Behavior \$160.00; Lincoln County Auditor \$348.00; Microfilm Imaging System \$1,072.50; MidAmerican Energy \$184.82; Netsys Plus, Inc. \$75.10; Pharmchem, Inc. \$325.00; Sanford Health Clinic \$170.59; SD Dept of Health Lab \$995.00; University Cleaners \$73.00; Vermillion Federal Credit Union \$57.19; Thompson, Kayla \$18.00; (Other Professional Services) City of Vermillion \$57,658.11; (Law Office) Kogel, Linda L \$358.89 and Reed Law Offices \$1,019.00; (Mental Health) Dakotabilities \$360.00; Dept of Revenue \$60.00; SD Achieve \$180.00; Sesd Activity Center \$360.00 and Dept of Revenue \$1,208.93; (Publishing) Plain Talk \$1,012.10; Star Publishing \$1,314.34 and The Equalizer \$972.07; (Repairs and Maintenance) First Bank & Trust Visa \$9.00; Fischer's Disposal \$50.00; Hartelco \$10.00; Heiman Inc. \$750.00; Interstate Power System \$1,341.78; Midwest Bldg. Maint. \$32.00; Netsys Plus, Inc. \$100.44; Office Systems Company \$547.00; Paul's Plumbing,

Inc. \$192.50; Turner Plumbing Inc. \$75.00; Vermillion Ace Hardware \$35.00 and Walker Construction \$366.76; (Data Processing) Netsys Plus, Inc. \$511.96; (Laterals 50A & 50B) Clay Co. Highway Dept. \$1,424.50; (Supplies and Materials) A&B Business \$168.88; A-Ox Welding Supply Co. \$290.08; Appera \$52.86; Avi Systems, Inc. \$2,783.13; Bear, Inc. \$344.50; Brock White Company \$561.05; Brunick Service, Inc. \$1,644.40; Campbell Supply Co. \$89.57; Dakota PC Warehouse \$557.96; Davis Pharmacy \$58.91; First Bank & Trust Visa \$184.77; Heiman Inc. \$257.49; High-Tech \$170.95; Interstate Power Sys \$596.52; Jack's Uniforms & Equipment \$284.75; JCL Solutions \$1,796.34; Johnson Feed, Inc. \$41.60; Lawson Products, Inc. \$390.51; Lund Truck Parts \$245.00; McLeod's Printing \$1,105.20; Midwest Bldg. Maint. \$63.00; Neve's Uniform & Equipment \$44.95; Office Elements \$321.04; Orr Farm Supply \$36.88; Peterbilt of Sioux Falls \$272.55; Pharmchem, Inc. \$486.40; Quill Corporation \$96.63; Sturdevant's Auto Part \$28.05; True Value \$32.47; Vermillion Ace Hardware \$72.42; One Office Solution \$139.09; Wheelco Brake and Supply \$359.01; Winter Equipment \$181.55 and Yankton Janitorial Supply \$1,249.60; (Travel and Conference) Aden, Cynthia \$25.15; Anders, Jeffrey \$79.00; Husby, Tiffany \$79.00; SD Assn of County Officials \$700.00 and Vermillion Federal Credit Union \$279.80; (Inmate Travel) Brunick Service Inc. \$115.00; (Utilities) Clay Rural Water System \$43.20; Clay Union Electric Co \$625.16; Hartelco \$79.95; MidAmerican Energy \$402.90; Midco Business \$65.00; Stewart, Layne \$60.00; Vermillion Garbage SVC \$60.00 and Wakonda Town \$57.35; (Payment) American Tire Distribution \$509.00; Brunick Service, Inc. \$1,014.60; Clay Co Arg Fair Assoc \$4,125.00; Clay Co Conservation \$8,750.00; Dakota Senior Meals \$1,393.00; Dakotah Reporting Agency \$599.20; Dept of Revenue \$1,545.00; 4-H Leaders Association \$4.89; National Music Museum \$1,250.00; Vermillion Federal Credit \$106.16; Vermillion Food Pantry \$1,875.00; Vermillion Ford \$158.40; Vermillion Public Library \$1,000.00; Vermillion Senior Center \$3,750.00; Wakonda Ministerial \$200.00; Wakonda Public Library \$625.00; Wakonda Senior Center \$625.00; WH Over Museum \$1,875.00; Ballard Madonna \$50.00; Ehlers, Jamie \$50.00; Emmick, Brian \$60.08; Heine, Todd \$55.04; Knedler, Beth \$58.40; Prusa, Karen \$60.92; Sevening, Diane \$50.00; Shumaker, Sandra \$50.00 and Weidrich, Nancy \$70.16; (Books) Sanitation Product \$13,801.25; (Furniture and Minor Equipment) A&B Business \$198.62; Century Business Products 50.00; Machinery and Equipment) Microfilm Imaging System \$150.00 and Vermillion Ford \$25,700.00.

The Register of Deeds Office monthly report was accepted and placed on file.

The Board discussed upcoming Courthouse improvements. Powell moved, seconded by Packard to authorize repairs to the North and West windows.

At 9:34 a.m., Packard moved, seconded by Manning and carried to adjourn and reconvene Tuesday, April 26, 2016 at 9:00 a.m.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

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**2016 Board of Equalization  
Consolidated Board  
Clay County**

Chairman Mockler called The Consolidated Board of Equalization to order at 1:00 p.m., Tuesday, April 12, 2016. Members present: Travis Mockler, Leo Powell, Phyllis Packard, Micheal Manning, Katherine Price, Stephen Ward, Richard Holland, and Tim Schwasinger. Also present: County Auditor Carri Crum, Director of Equalization Gene Lunn, and Chief Deputy Director of Equalization/GIS Coordinator Ina Peterson. Oaths of Office were given.

The following Appeals were heard for consideration:

**Appeal #16-001 – ARC HVVMNSD001 LLC (15295-00100-020-00)** Lunn reported that he received notification from the appellant requesting to withdraw the appeal.

**Appeal #16-002 – Timothy Shumaker (15050-06300-130-03)** The Director's recommendation was to lower the structure value from \$179,432 to \$157,291 to update the records to reflect current condition.

**Appeal #16-003 – Douglas A. & Jennifer E. Peterson (15280-07800-160-00)** The Director's recommendation was to lower the structure value from \$205,637 to \$187,603 to update the records to reflect current condition.

**Appeal #16-004 – Alice I. Kutilek (15720-04100-120-00)** The Director's recommendation was to lower the structure value from \$29,915 to \$0 due to the residence having been demolished.

**Appeal #16-005 – Curtis & Kelleen Gregg (15720-05500-140-00)** The Director's recommendation was to lower the structure value from \$500 to \$0 due to the residence having been demolished.

**Appeal #16-006 – Kimberly J. Lane (15999-11500-070-01)** The Director's recommendation was to lower the structure value from \$3,168 to \$0 due to it having been deemed an uncollectible mobile home by resolution of the Board of Clay County Commissioners.

Ward moved, seconded by Packard to accept the Director's recommendations for Appeals #16-002, #16-003, #16-004, #16-005, and #16-006. All voting aye, motion carried.

The Consolidated Board adjourned at 1:10 p.m. with a motion by Manning, seconded by Price and carried.

Dated this 12<sup>th</sup> day of April, 2016.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

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**2016 Board of Equalization  
County Board  
Clay County**

Chairman Mockler called The County Board of Equalization to order at 1:11 p.m., Tuesday, April 12, 2016. Members present: Travis Mockler, Leo Powell, Phyllis Packard, and Micheal Manning. Also present: County Auditor Carri Crum, Director of Equalization Gene Lunn, and Chief Deputy Director of Equalization/GIS Coordinator Ina Peterson. Oaths of Office were given.

The following Appeals were heard for consideration:

**Appeal #16-007 – William O’Connor** (07000-09351-142-03) Manning moved, seconded by Packard to accept the local board value of \$23,334 for land and \$99,879 for structure, totaling \$123,213. All voting aye, motion carried.

**Appeal #16-008 – James G. Green** (07000-09351-294-01) Powell moved, seconded by Manning to accept the local board value of \$64,130. All voting aye, motion carried.

**Appeal #16-009 – Thomas P. & Mary L. Merrigan** (11000-09251-072-21) Manning moved, seconded by Powell to lower the structure value from \$7,380 to \$0 due to the mobile home having been demolished. All voting aye, motion carried.

**Appeal #16-010 – Larry & Clarene Meins** (11000-09252-114-09) Powell moved, seconded by Manning to lower the land value from \$25,837 to \$23,245 and the structure value from \$130,473 to \$53,087 to reflect the current use and condition. All voting aye, motion carried.

Powell moved, seconded by Packard 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 voting aye, motion carried.

Powell moved, seconded by Packard to instruct the Director of Equalization to make adjustment for Veterans Exemption per SDCL 10-4-40. All voting aye, motion carried.

Manning moved, seconded by Packard to accept the addition of Owner Occupied status for 2016 for the following parcels. All voting aye, motion carried.

Parcel Number	Name	Address	
15999-00500-000-25	Kim Dimmick or Austin Martensen	411 Stanford #25	Vermillion
12000-09251-353-00	Jace & Lauren C Hollenbeck	32061 Ponderosa Dr	Burbank
03000-09553-253-00	David Jensen	30172 457 Ave	Wakonda
03000-09553-362-00	Paul D Jensen	45713 302 St	Wakonda
15999-01600-010-02	Kora Walker	1002 Tom	Vermillion
14200-00000-120-00	Carolyn Vickie Triplette	9 Maple	Wakonda

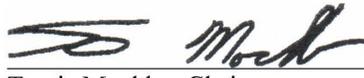
Manning moved, seconded by Packard to accept the removal of Owner Occupied status for 2016 for the following parcels. All voting aye, motion carried.

Parcel Number	Owner	Address	Reason for Removal
15800-00200-140-00	Angela K Jackson	514 Valley View, Vermillion	Applied for Other House
08200-09352-060-00	Gary L & Patricia M Mount	30980 Bluff Rd, Volin	Applied for Other House
15270-00100-070-00	Michael W Brandwein	108 Linden, Vermillion	Applied for Other House in Sioux Falls
15810-02700-020-00	Douglas Mart	819 W Main, Vermillion	Applied for Other House
05000-09452-264-00	Eldon W Johnson Revocable Trust	46258 308 St, Vermillion	Applied for Other House
11000-09252-154-00	Richard R Jahn	46171 Timber Rd, Vermillion	Applied for Other House
02000-09552-332-00	Latendresse Family Trust	46650 299 St, Beresford	Applied for Other House in Beresford

The Tax Exempt List for 2016 was presented. Packard moved, seconded by Manning to approve the list as published March 16, 17, & 18, 2016 in county legal newspapers. The list is on file in the Auditor's Office. All voting aye, motion carried.

The County Board adjourned for the year at 2:13 p.m. with a motion by Manning, seconded by Packard and carried.

Dated this 12<sup>th</sup> day of April, 2016.

  
 Travis Mockler, Chairman  
 Board of County Commissioners

ATTEST:   
 Carri R. Crum, County Auditor

April 25, 2016

The Board of County Commissioners met in a special session with township board members to discuss the 5-year Road & Bridge Plan on Monday, April 25, 2016 at 7:00 p.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, and Micheal Manning. Township Board Members present: Kurt Amundson and Jeff Becker, Spirit Mound, Bob Fallon, Prairie Center, Calvin Hanson, Norway, Duane Holoch, Vermillion, and Ron Huot, Pleasant Valley. Also present: Rod Polley, Highway Superintendent, and Carri Crum, Auditor.

Polley presented a map of bridges and structures in the county and explained the difference in definitions between bridges and structures. He first outlined the six priority roads on the 5-year Road & Bridge Plan. Polley then discussed bridges that are on the schedule under the Surface Transportation Improvement Plan (STIP). He also outlined the six priority bridges on the 5-year Road & Bridge Plan and explained that the Bridge Improvement Grant (BIG) Program takes up to 3 years for a project once it is on the list. Powell asked how many years it took for a project under the STIP. Polley said projects had been scheduled out to the year 2032 when the program ended. Powell clarified that with wheel tax and the BIG Program, the County should be able to move along a little quicker with projects. Polley said the State's cost estimate for bridges is \$7,000/foot for the structure only, no grading.

Polley discussed with Hanson an upcoming meeting with SD LTAP regarding a gravel road in Norway Township.

The Commissioners briefly discussed the Annual Tour of Roads.

It was discussed that the County will be hiring out chip sealing for the year, and approximately 35 miles will be done. Hiring out the projects is more cost-effective and frees up the County Highway Department for 6 weeks to get other projects done.

At 7:43 p.m., Powell moved, seconded by Manning and carried to adjourn.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:

  
Carri R. Crum, County Auditor

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April 26, 2016

The Board of County Commissioners met in regular session Tuesday, April 26, 2016 at 9:00 a.m. Members present: Travis Mockler, Leo Powell, Raymond Passick and Micheal Manning; Phyllis Packard was absent.

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

Minutes of the April 12, 2016 meeting and the April 12, 2016 County and Consolidated Equalization Board minutes were approved with a motion by Manning, seconded by Passick and carried.

Cynthia Aden, Zoning Administrator, met with the Board to present a plat on behalf of Bye Real Estate, L.L.C. Aden reported that the plat is dividing one piece of land into four pieces, it meets zoning requirements, and was unanimously approved by the Planning & Zoning Commission. The Board discussed the road maintenance and drainage. Mike Manning was present and asked if the road could be turned over to the township. Paul Hasse said the owners could petition the township to take over the road, and if the township does not agree, then they could sue the township. Hasse also questioned the setbacks, to which Aden responded that there is plenty of room for the setbacks. Hasse also questioned the utility easement, and Aden said it is not required by the county to have it on the plat. Hazen Bye stated the road is an issue, but the task at hand is whether to plat the lots, and the road and utility easements will be taken care of in the future at the time of obtaining building permits. Powell moved, seconded by Passick to pass and adopt the following Resolution for Plat of Lots 7 thru 10, Ryken Subdivision, in Government Lot 4, Section 21, T92N, R53W of the 5<sup>th</sup> P.M., Clay County, South Dakota; Joseph Hubert, Glynis Erickson and Hazen Bye, as members of Bye Real Estate, L.L.C., owners. All voting aye; motion passed.

#### **RESOLUTION OF COUNTY COMMISSIONERS**

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

Plat of Lots 7 thru 10, Ryken Subdivision, in Government Lot 4, Section 21, T92N, R53W of the 5<sup>th</sup> P.M., Clay County, South Dakota; Joseph Hubert, Glynis Erickson and Hazen Bye, as members of Bye Real Estate, L.L.C., 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.

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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 26, 2016.

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Carri R. Crum  
County Auditor, Clay County, SD

Cynthia Aden, Welfare Director, met with the Board to present Welfare Case #C16-12 for a county burial. Powell moved, seconded by Manning and carried to approve payment of the claim.

Jill Munger, Community Health Nurse, met with the Board to discuss the Point of Dispensing (POD) Grant. Passick moved, seconded by Manning and carried to authorize the Chairman's signature for acceptance of the \$3,000 grant.

At 9:30 a.m., a public bid opening was held for a truck box, plow, and quick attach for a Highway Department truck. Bids were opened and read aloud. The bids were as follows: Custom Truck Equipment \$75,140, Northern Truck Equipment \$72,246, and Sanitation Products \$73,824. Polley excused himself from the meeting briefly to review the bids and ensure they met specifications.

Jim Wilson, Clay County Historic Preservation Commission (CCHPC), met with the Board to discuss the possibility of preserving certain handwritten Courthouse records. Passick inquired whether there might be grants to provide for such a project. Wilson said the records could be scanned and made available on the website. It was agreed that cost estimates would be discussed at budget request time. Wilson also gave a brief update on current projects of the CCHPC.

The Board discussed drainage west of Auss Station. Powell reported that he discussed the matter with Polley. Mockler said he went to look at the site. It was discussed that cleaning the road ditch likely would not improve the matter.

Powell moved, seconded by Manning and carried to approve the following claims for payment. April Bills: Commissioners \$7,874.50, Auditor's Office \$9,049.67, Treasurer's Office \$15,229.43, States Attorney's Office \$14,295.67, Courthouse \$2,632.42, DOE's Office \$9,892.25, ROD's Office \$6,628.67, Veteran's Office \$1,663.33, Sheriff's Office \$31,843.43, County Jail \$20,069.04, 24/7 Sobriety Project 1,290.96, LEPC \$385.25, Emerg. Mgmt. Office \$3,467.00, Highway Department \$37,606.65, WIC \$2,200.10, County Nurse 154.15, Extension Office \$2,847.58, Weed Department \$691.88, and Zoning Office \$2,405.87; (Due to Other Government) State of SD Game Fish \$504.00; (Clearing Fund – Misc.) SD Dept of Labor; \$199.68 (Payroll Withholdings) Aflac \$1,276.65; Clay Co Treasurer \$40,485.10; Colonial Life \$359.97; Conseco/Washington \$24.45; Dearborn National \$207.69; New York Life Insurance \$244.02; Optilegra Inc. \$17.952; SD Retirement System \$19,590.00; SD Supplement Retirement \$1,535.00; SDRD Roth Plan \$400.00; United Way of Vermillion \$238.00; Vermillion Federal Credit Union \$1,566.00 and Wellmark Blue Cross \$36,603.93; (Professional Services and Fees) Cody, Denise \$57.00; Counsel \$7.12; FedEx \$31.70; Johnson Engineering Co. \$1,296.74; Lewno. Lucille M \$381.98; Lincoln County Treasurer \$130.50; Sanford Health Clinic \$693.34; Swanda, Karen \$57.00; (Other Professional Services and Fees) Schaeffer, Dean \$42.00 and Yankton Co Sheriff \$50.00; (Law Office) Peterson, Stuart, Rump \$5,978.55; (Repairs and Maintenance) Butler Machinery Co. \$1,839.20; Hollenbeck, Lauren \$84.79; Netsys plus, Inc.

\$42.50 and Presto-X Company LLC \$6/.84; (Data Processing) Mastel, Bruce \$35.00; (Supplies and Materials) Brunick Service, Inc. \$1,921.20; Butler Machinery Co. \$4,162.57; Campbell Supply Co. \$70.23; DS Solutions, Inc. \$192.50; Girard Auction \$600.00; Hollenbeck, Lauren \$15.80; Hy-Vee, Inc. \$931.94; L.G. Everist, Inc. \$53,142.80; Layne's World, Inc. \$35.00; Lowell Cook \$8,381.00; Mart Auto Body & Marina \$131.08; SD Continuing Legal \$10.60; Sturdevant's Auto Parts \$343.15; Sundet, Laura \$19.97; Verizon Wireless \$13.26; Vermillion Ace Hardware \$14.95 and One Office Solution \$8.82; (Travel and Conference) D-Ware Inc. \$165.00; Hays, Brent \$28.00 and Polley, Rodney \$28.00; (Utilities) CenturyLink \$439.00; City Of Vermillion \$1,882.80; Verizon Wireless \$453.57 and Vermillion Garbage Svc \$156.00; (Payment) Walmart Community/Geocr \$149.00; Ballard, Madonna \$50.00; Ehlers, Jamie \$50.00; Emmick, Brian \$60.08; Knedler, Beth \$58.40; Prusa, Karen \$60.92; Sevensing, Diane \$50.00; Shumaker, Sandra \$50.00; Wiedrich, Nancy \$70.16 and Zuercher, Nancy \$50.00; JDC/Special Eq.) SD Assn of Co Official \$2,461.48; I-State Truck Center \$110,644.00; (Books) Thomson Reuters – West \$90.78; (Furniture and Minor Equipment) A & B Business \$198.62; Netsys Plus, Inc. \$146.25.

The Vermillion Public Library Board reports were accepted and placed on file.

The Board reviewed the following General Fund Surplus Analysis.

**CLAY COUNTY**  
**GENERAL FUND SURPLUS ANALYSIS**  
**DATE March 31, 2016**

The amount of General Fund dollars that counties can retain as surplus is restricted by SDCL 7-21-18.1 which states: "The total unreserved, undesignated fund balance of the general fund may not exceed forty percent of the total amount of all general fund appropriations contained in the budget for the next fiscal year. The total unreserved, undesignated fund balance of the general fund of the county as of March thirty-first and September thirtieth shall be published in the minutes of the proceedings of the board of county commissioners and reported to the Department of Legislative Audit. The report shall be on forms prescribed by the Department of Legislative Audit."

The following analysis should be completed as of March thirty-first and September thirtieth of each year. Thereafter, the unreserved, undesignated fund balance amount should be published in the minutes of the governing board. This analysis should also be filed with the Department of Legislative Audit.

**ASSETS AND DEFERRED OUTFLOWS OF RESOURCES:**

**Assets:**

10100	Cash	\$ 1,854,251.24
10200	Cash Change	\$ 600.00
10300	Petty Cash	\$ 100.00
10800	Taxes Receivable--Current	\$ 4,133,886.14
11000	Taxes Receivable--Delinquent	\$ 107,439.46

11XXX	Other Receivables	_____
12800	Notes Receivable	_____
13100	Due from Other fund	_____
13200	Due from Other Government	_____
13300	Advance to Other Fund	_____
14100	Inventory of Supplies	_____
15100	Investments	_____
1XXXX	Other Assets	_____

**Deferred Outflows of Resources:**

19800	Other Deferred Outflows of Resources	_____
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**TOTAL ASSETS AND DEFERRED OUTFLOWS OF RESOURCES**

\$ 6,096,276.84
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**LIABILITIES, DEFERRED INFLOWS OF RESOURCES AND FUND BALANCES:**

**Liabilities:**

20100	Claims Payable	_____
20200	Accounts Payable	_____
20800	Due to Other Funds	_____
20900	Due to Other Governments	_____
21600	Accrued Wages Payable	_____
21700	Payroll Withholding Payable	_____
22300	Unearned Revenue	_____
2XXXX	Other liabilities	_____

**Deferred Inflows of Resources:**

25000	Unavailable Revenue--Property Taxes	\$ 4,241,325.60
25100	Unavailable Revenue--Special Assessments	_____
25200	Other Deferred Inflows of Resources	_____

**Fund Balances:**

27300	Nonspendable	_____
27400	Restricted	_____
27500	Committed	_____
27600	Assigned	_____

27601 Subsequent Year's Budget (GF Budget's Cash Applied amount)

*(choose one of the following amounts based on filing date)*

March = 75% of GF's cash applied in current budget \_\_\_\_\_

September = 25% of GF's cash applied in current budget + 100% of GF's cash applied in next year's budget. \$ 327,405.75

December = 100% of GF's cash applied in next year's budget. \_\_\_\_\_

27602	Capital Outlay Accumulations	
27604	Assigned - 911 Purposes	\$ 29,600.00
27697	Assigned - City Ambulance	\$ 85,000.00
27700	Unassigned	\$ 1,412,945.49

**TOTAL LIABILITIES, DEFERRED INFLOWS OF RESOURCES  
AND FUND BALANCES**

\$ 6,096,276.84
-----------------

Following Year's General Fund Budget  
(use current year for March analysis)

\$ 5,380,225.00
-----------------

The unassigned fund balance, account 27700,  
divided by the following year's General Fund budget  
resulting in the fund balance percentage

26%
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The Board discussed littering and trash issues regarding construction trash blowing around an area in the county. Powell discussed the need for an ordinance on the matter, and the Board consulted with Teddi Gertsma, State's Attorney.

Polley returned to the meeting and stated the bids met specifications. He recommended that the Board accept the low bid from Northern Truck Equipment. Powell moved, seconded by Passick and carried to accept the low bid of \$72,246 from Northern Truck Equipment. The Board thanked the bidders.

Rod Polley, Highway Superintendent, and Dan Johnson, Johnson Engineering, met with the Board to discuss requirements of the Bridge Improvement Grant (BIG) Program. Polley reviewed the bridges that qualify for the program. Johnson discussed sufficiency and NBI ratings for the county's bridges that are used to qualify bridges for the BIG Program.

Polley discussed a letter received from Robert Wood regarding dust on 313 St. between University and Highway 19. He reported that dust control spray would cost approximately \$2,667 and presented a map marked with areas throughout the county for which he has received dust complaints. The Board agreed that it would be cost-prohibitive for the county to spray all areas with dust issues.

Polley discussed with the Board structure #14-122-133. Powell moved, seconded by Passick and carried to pass and adopt the following Resolution #2016-07 to Delete Structure #14-122-133 from NBIS BrM Database.

**RESOLUTION #2016-07  
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:

14-122-133      13.3S & 12.2E of Irene      Structure has been permanently closed  
to public travel with no intent to replace.

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 4 No 0

Dated at Vermillion, SD, this 26<sup>th</sup> day of April, 2016.

Attest:

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

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

Polley reported that Pollman Excavation will be trying to blade Saginaw Avenue on Wednesday.

At 11:12 a.m. Powell moved, seconded by Manning and carried to adjourn and reconvene  
Tuesday, May 3, 2016 at 9:00 a.m.

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

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

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May 3, 2016

The Board of County Commissioners met in regular session Tuesday, May 3, 2016 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Raymond Passick.

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

Minutes of the April 26, 2016 meeting were approved with a motion by Manning, seconded by Powell and carried.

Lynne Keller Forbes, SECOG Executive Director, appeared to introduce SECOG employees Patrick Andrews and Kristen Benidt to the Board.

Bob Iverson, City of Vermillion Solid Waste Director, met with the Board. He said the landfill received a request from the SD DENR to host a tire drop-off, and there is an associated grant that will cover the cost. The drop-off program will be for residents, not for businesses. The program will be starting as soon as possible.

Andy Howe, Sheriff, met with the Board during Visitors to be Heard to brief the Board on upcoming contract rate changes for housing juveniles.

Powell moved, seconded by Manning and carried to reconsider a motion from the April 26, 2016 meeting to award the bid for a dump body, axle, plow, and hitch from Northern Truck Equipment for \$72,246. Larry McPherson, Highway Foreman, Teddi Gertsma, State's Attorney, and Philip Terwilliger, Deputy State's Attorney, met with the Board. Gertsma reported that there was an issue with whether the dump body met bid specifications according to the language of the specifications requiring a double wall dump body. The intent of the bid specifications was to require a double wall dump body for both options: steel or stainless steel. The low bid from Northern Truck Equipment included a single wall stainless steel dump body. Terwilliger briefed the Board on the statutes regarding reconsidering bid awards. Powell moved to accept the double wall stainless steel dump body based on the intent of the bid specifications, the tag axle, two-way snow plow, and hitch from Sanitation Products for \$73,824. Motion seconded by Packard. All voting aye, motion carried.

Anthony Port appeared before the Board to discuss drainage at Greenfield Rd. and Prairie St. He reported that he spoke with Rod Polley, Highway Superintendent, last week regarding water near his home. Port requested larger culverts under Prairie St. and under his driveway. Powell discussed the problem with increasing the flow of water in the area and how it would affect other properties. It was the consensus of the Board that adding larger culverts would create problems with drainage for other properties in the area.

At 9:57 a.m., Manning moved, seconded by Packard and carried to adjourn and convene as Clay County Ditch Board.

Mockler reported that the Pictometry photographs have been updated. The Board discussed bidding the next 3 miles of Clay Creek Ditch with two options for an additional 2 miles individually per mile for a potential of a total 5 miles. Powell moved, seconded by Packard and carried to authorize Johnson Engineering to prepare bid specifications.

At 9:59 a.m., Packard moved, seconded by Powell and carried to adjourn and reconvene as Board of Clay County Commissioners.

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

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

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

Total amount of deposits in banks	10,094,085.81
Amount of actual cash	6,841.98
Total amount of checks and drafts in Treasurer's Possession not exceeding three days	745,750.66
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:	2,214.78
Checks returned and not deposited	
Cash Items	
Investments	1,000.00
Cash Variation	8,762.08
Total	10,858,655.31

Dated this 2nd day of  
May 2016.

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Carri R. Crum, County Auditor

Passick moved, seconded by Manning and carried to appoint Ed Gerrish to the Clay County Historic Preservation Commission.

Powell moved, seconded by Packard and carried to authorize the Chairman to sign the EShare Secure License Agreement for the Register of Deeds Office with Microfilm Imaging Systems, Inc.

Mockler and Packard reported on a potential Integrated Community Action Partnership (ICAP) project. They reported on a feasibility study regarding a potential community recreation center for which ICAP is requesting funding. Powell moved, seconded by Packard and carried to authorize a \$2,000 contribution to the cost of the study.

Teddi Gertsma, State's Attorney, discussed with the Board hiring a summer intern. It was the consensus of the Board that since the money is in the budget Gertsma should proceed.

At 10:27 a.m., Packard moved, seconded by Powell and carried to adjourn and reconvene Tuesday, May 10, 2016 at 9:00 a.m.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

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May 10, 2016

The Board of County Commissioners met in regular session Tuesday, May 10, 2016 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Raymond Passick.

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

Minutes of the May 3, 2016 meeting were approved with a motion by Powell, seconded by Manning and carried.

Rod Polley, Highway Superintendent, presented an Application for Entrance from a Clay County Highway on behalf of Rob Ganschow for an entrance to be located 100 ft. west of 45493 306 St. Packard moved, seconded by Manning and carried to authorize the Chairman to sign the application.

The Board considered fuel quotes for 10% ethanol. Manning moved, seconded by Passick and carried to accept the low bid of \$1.81/gallon from Brunick's Service.

Passick moved, seconded by Packard and carried to approve the following claims for payment. May Bills: (Due to Other Government) SD assn. of Co. Officials \$272.00; Dept of Revenue \$189,441.67; (Other Insurance) SD Public Assurance Alliance \$961.00; (Professional Services and Fees) City of Vermillion \$36.00; Cody, Denise \$15.00; First Bank and Trust Visa \$2.50; Hansen Funeral Home \$1,900.00; Houska, DDS, Randy \$470.00; Lewis & Clark Behavior \$640.00; Lewno, Lucille M \$150.49; Lincoln County Treasurer \$309.85; Netsys Plus, Inc. \$488.50; Pharmchem, Inc. \$400.00; SD Dept of Health Lab \$105.00; Swanda, Karen \$15.00; The Equalizer \$58.00; Woodbury Co. Board \$200.00; Yankton Co Sheriff \$25.00; Yankton Medical Clinic \$84.96; Zuercher Technologies \$1,260.00; Polley, Rodney \$100.00 and Family of Colette Abbot \$100.00; (Other Professional Service) Maxine J. Risty \$298.96; (Law Office) Peterson, Stuart, Rump \$3,356.24; Dept of Revenue \$60.00 and SD Achieve \$180.00; (Mental Health) SESD Activity Center \$360.00 and Dept. of Revenue \$2,191.90; (Publishing) Broadcaster Press \$218.37; The Equalizer \$198.84; (Repairs and Maintenance) A & B Business \$195.07; Century Business Products \$25.00; Dakota Alignment & Framing \$385.00; Hartelco \$10.00; Interstate Power System \$739.00; Johnson Electric, Inc. \$72.93 and Kone Inc. \$665.07; (Data Processing) Bureau of Administration \$24.00; Microfilm Imaging System \$496.00 and Software Services, Inc. \$700.00; (Supplies & Materials) A-ox Welding Supply Co. \$164.94; Appera \$53.48; Bob Barker Co Inc. \$218.42; Brunick Service, Inc. \$1,329.20; Campbell Supply Co. \$44.83; Coyote Chemical Company \$90.10; Dakota Alignment & Framing \$2,542.10; Election Systems \$2,399.70; FedEx \$96.79; First Bank & Trust Visa \$563.66; Hollenbeck, Lauren \$88.97; Jack's Uniforms & Equipment \$182.80; JCL Solutions \$177.78; L.G. Everist, Inc. \$18,434.93; Lawson Products, Inc. \$520.56; Mark's Machinery \$20.58; Orr Farm Supply \$60.00; Plastic Works \$1,350.00; Pressing Matters \$92.00; Productivity Plus Acct. \$37.69; PSA Salem Pool Fund \$214.00; Quill Corporation \$327.68; SD Dept. of Trans. \$99.47; SD/NE Pls Mgmt. Proj. \$500.00; Sioux City Foundry Co. \$433.80; Sturdevant's Auto Parts \$57.99; Truenorth Steel \$24,081.92; Vermillion Ace Hardware \$33.97; Wakonda Town \$57.35 and Zee Medical Service Co \$150.15; (Travel & Conference) Best Western Ramkota \$197.88;

Brunick Service, Inc. \$25.08; Howe, Andy \$68.00; SD Assn of Co Officials \$300.00; SDAAO \$280.00 and Stewart, Layne \$84.92; (Utilities) Bureau of Administration \$59.92; City of Vermillion \$80.78; Clay Rural Water System \$43.20; Clay Union Electric Co. \$605.96; Fischer's Disposal \$50.00; Hartelco \$79.95; MidAmerican Energy \$457.49; Micro Business \$270.00 and Vermillion Garbage Svc \$60.00; (Payment) Augustus Management LLC \$2,388.95; Brunick Service, Inc. \$164.90; Hy-Vee, Inc. \$424.14 and Lewis & Clark Behavior \$9,670.50; (JDC/Special Eqp.) Blue Collar Tactical \$3,150.00; (Books) Vermillion Ace Hardware \$233.96; (Furniture and Minor Equipment) A & B Business \$52.05; Century Business Products \$52.27; Dakota PC Warehouse \$119.99; Microfilm Imaging Systems \$150.00 and One Office Solution \$159.80.

The Veterans, Welfare, Zoning, Sheriff's, and Register of Deeds monthly reports were accepted and placed on file.

Powell moved, seconded by Passick and carried to approve travel for the Auditor, Treasurer, Deputy Treasurer, and Register of Deeds to Pierre for the SD Assn. of County Officials Spring Workshop.

The Board discussed legal newspaper billing. Teddi Gertsma, State's Attorney, discussed the issue with the Board. Scott Munger was present and said it would be nice to have a percentage of how much the Plain Talk had overcharged the County. Gertsma said she talked to the Attorney General's Office regarding the issue several times. Powell moved, seconded by Manning and carried to accept the check from the Plain Talk for \$6,172.23 to resolve the previous years' overbilling issue for legal notices.

At 9:12 a.m., Packard moved, seconded by Manning and carried to adjourn and reconvene Tuesday, May 31, 2016 at 9:00 a.m.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:   
Carri R. Crum, County Auditor

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May 31, 2016

The Board of County Commissioners met in regular session Tuesday, May 31, 2016 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Raymond Passick and Micheal Manning.

Packard moved, seconded by Manning and carried to approve the agenda, with the addition of Ditch Board.

Minutes of the May 10, 2016 meeting were approved with a motion by Passick, seconded by Powell and carried.

Rod Polley, Highway Superintendent, met with the Board to discuss highway matters. The Board set the date for the Annual Tour of Roads to be June 28, 2016 following the regular meeting.

Polley discussed a concern reported by Matt Olson regarding rusting pipes at 312 St. & the Vermillion River. It was discussed that the pipes are outside of the right-of-way, so the County would not have to replace the pipes.

An Application for Entrance from a Clay County Highway was presented on behalf of Tom Merrigan to extend driveways at 2309 N. University Rd. Packard moved, seconded by Manning and carried to approve the application and authorize the Chairman's signature.

An Application for Occupancy on the Right-of-Way of County Highways was presented on behalf of Clay Rural Water System on East Main St. in Section 21, Township 92, Range 51 for a pipe. Passick moved, seconded by Powell and carried to approve the application and authorize the Chairman's signature.

Polley gave a report on Saginaw Avenue. He reported that the current plan is to pave the road in July. The Board requested that Polley set up a meeting with the contractor to discuss the project.

Larry Anthofer and Andy Johnson, Leisure Lawn Care, met with the Board to discuss concerns regarding the sprinkler system project for the Courthouse.

At 9:42 a.m., Packard moved, seconded by Manning to adjourn and convene as Board of Adjustments.

A variance hearing was held to consider a request for variance on behalf of Jerry & Leisa Bailey for a front setback of 45 feet due to the steep slope of the hill. It was reported that the Auditor received a phone call from the Sorensens stating that they were not opposed to the variance but would like to make sure the Baileys know that they spray the neighboring farm field. A neighboring property owner appeared with a copy of the covenants to ask about the setbacks listed in the covenants. Cynthia Aden, Zoning Administrator, clarified that the zoning regulations are different than the covenants, and the County does not enforce the covenants. Powell moved, seconded by Packard and carried to authorize and approve the variance.

At 9:51 a.m., Passick moved, seconded by Packard and carried to adjourn as Board of Adjustments and reconvene as Board of Clay County Commissioners.

Nancy Carlsen, Cindy Kirkeby, and Mark Wetmore met with the Board to discuss the Spirit Mound Township Cemetery. They discussed improvements that have been made to the cemetery and the need to raise funds to repair stones in the cemetery that are deteriorating. Jerry Wilson was present as well and said he discussed a weed problem at the cemetery with Dennis Ganschow, Weed Superintendent.

Cindy Kirkeby shared a flyer with the Board about the upcoming River Honoring celebration at Clay County Park.

T.J. Nelson from Senator Rounds' Office and Anna Madsen, Summer Intern, met with the Board to introduce himself, provide contact information, and discuss with the Board any concerns at the county level.

Powell moved, seconded by Manning and carried to approve and authorize the Chairman to sign a Fireworks Display Permit for a Fireworks Unlimited display on July 2<sup>nd</sup> at the Highlines.

The Board discussed the proposed CAFO regulations. Jerry Wilson was present, and Powell asked for his thoughts on the current draft of the proposed changes. Wilson said there are minor changes in language, but the major changes that were previously proposed and subsequently rejected, such as setbacks and waters of the state, are still present in the current draft. Powell moved, seconded by Packard and carried to allocate time on the July 5, 2016 agenda at the end of the meeting to discuss the proposed changes in the CAFO regulations further before moving into public hearings.

Powell moved, seconded by Packard and carried to approve the following claims for payment. May Bills: Commissioners \$7,874.50, Auditor's Office \$9,049.67, Treasurer's Office \$15,229.43, States Attorney's Office \$15,195.67, Courthouse \$2,632.42, DOE's Office \$9,892.25, ROD's Office \$6,628.67, Veteran's Office \$1,663.33, Sheriff's Office \$32,334.08, County Jail \$20,736.74, 24/7 Sobriety Project 1,341.12, LEPC \$385.25, Emerg. Mgmt. Office \$3,467.00, Highway Department \$37,840.06, County Nurse 2,354.25, Extension Office \$2,847.58, Weed Department \$2,916.23, and Zoning Office \$2,297.31; (Due to Other Government) State of SD Game Fish \$444.00; Reliance Telephone \$500.00 (Payroll Withholdings) Aflac \$1,276.65; Clay Co Treasurer \$41,422.48; Colonial Life \$359.97; Conseco/Washington \$24.45; Dearborn National \$207.69; New York Life Insurance \$244.02; Optilegra Inc. \$17.952; SD Retirement System \$19,745.08; SD Supplement Retirement \$1,535.00; SDRS Roth Plan \$400.00; United Way of Vermillion \$238.00; Vermillion Federal Credit Union \$1,566.00 and Wellmark Blue Cross \$36,693.63; (Professional Services and Fees) Billings, John P \$2,857.50; Broadcaster Press \$20.16; Corrisoft LLC \$311.85; Gapp, Debra \$2,160.00; Katterhagen, Mark \$22.50; Lewno, Lucille M \$172.96; Lincoln County Treasurer \$18.00; Netsys Plus Inc. \$582.50; Swanda, Karen \$22.50; Yankton Co Sheriff \$25.00 and Yankton Co Treasurer \$538.60; (Law Office) Peterson, Stuart, Rump \$6,323.55; (Publishing) Star Publishing \$261.47 and The Equalizer \$21.74; (Repairs and Maintenance) Bear, Inc. Db a Todd's \$107.12; Benco Products Inc. \$600.00; Century Business Products \$25.00; Counsel

\$2.00; Davis Watch & Clock Repair \$95.40; Johnson Feed, Inc. \$190.00; Midwest Bldg. Maint. \$24.00; Muenster, Ted \$473.27; Stone, Jim \$7.40 and Straub, Holly \$49.12; (Data Processing/Clay Creek) Bureau of Administration \$24.00 and Mastel, Bruce \$35.00; (Supplies and Materials) Benco Products Inc. \$7,850.64; Bob Barker Co Inc. \$115.57; Brock White Company \$881.08; Brunick Service, Inc. \$2,002.42; Campbell Supply Co. \$527.62; Concrete Materials \$2,534.50; Dataspec, LLC \$399.00; Davis Pharmacy \$104.48; FedEx \$115.24; Francotyp-Postalia Inc. \$129.00; Hy-Vee Inc. \$101.81; Intellectual \$61.95; JCL Solutions \$137.03; Johnson Feed, Inc. \$39.66; Lawson Products, Inc. \$317.03; Layne's World, Inc. \$23.34; Leisure World Inc. \$420.00; Mark's Machinery \$3,903.01; Microfilm Imaging Systems \$380.00; Midwest Bldg. Maint. \$42.00; Moore, David \$54.90; Quill Corporation \$396.93; Riverside Hydraulics \$228.05; Sturdevant's Auto Parts \$64.48; Truenorth Steel \$1,669.50; Van Diest Supply Company \$9,278.80 and Verizon Wireless \$13.26; (Copier Supplies) Quill Corporation \$32.37; (Travel and Conference) Best Western Ramkota Pierre \$569.94; Crum, Carri R \$57.00; Howe, Rhonda \$57.00; Olson, Jane \$57.00; Powell, Cathi \$57.00 and Vermillion Federal Credit Union \$831.65; (Inmate Travel) Brunick Service, Inc. \$90.50; (Utilities) CenturyLink \$439.80; City of Vermillion \$1,121.58; Verizon Wireless \$89.41; Verizon Wireless \$280.07 and Vermillion Garbage SVC \$156.00; (Payment) Brunick Service, Inc. \$1,103.48; Crop Production Service \$8,059.20; Freeman, Grace \$462.50; Hy-Vee, Inc. \$511.03; Layne's World, Inc. \$313.77; Oswald Investigations \$588.20; Quality Motors \$40.43; Sioux Falls 2-Way \$2,025.63; Vermillion Federal Credit Union \$85.98; Sevensing, Diane \$300.00 and Leader, Jordan \$20.00(JDC/Special Eqp.) Minnehaha County JDC \$330.00; (Books) Thomson Reuters – West \$601.51 and A & B Business \$250.67; (Furniture and Minor Equipment) Microfilm Imaging System \$120.00; (Machinery and Auto Equipment) \$2,369.93.

The Board accepted notification from Dalesburg Lutheran Church of its upcoming barn quilt raffle.

Powell moved, seconded by Manning and carried to authorize the Chairman to sign the FY 2017 WIC County Contract with the SD Dept. of Health.

Manning moved, seconded by Passick and carried to June 14, 2016 at 9:05 a.m. for a public hearing for the first reading of Ordinance #2016-02, an ordinance amending the 2013 Revised Joint Zoning Regulations for Clay County and the City of Vermillion. The purpose of the hearing is to explain, discuss, and hear public comment regarding the proposed zoning change of certain properties to the APO – Zone A (Aquifer Protection Overlay District Zone A – Aquifer Critical Impact Zones) classification. Specifically, the properties are located in Vermillion Township, Sections 1 and 2 (South), 25, 26, 34, 35, and 36, Clay County, South Dakota.

Andy Howe, Sheriff, met with the Board to discuss the Juvenile Detention contract with Minnehaha County Juvenile Detention Center. Howe recommended continuing the agreement. Powell moved, seconded by Passick and carried to approve the contract and authorize the Chairman to sign it.

Howe discussed with the Board the potential for a contract with City of Irene for law enforcement. He stated he would need one to two additional deputies. The Board requested a monetary comparison and discussed the need for a longevity clause in the contract. Teddi

Gertsma, State's Attorney, stated it is easier to prosecute cases with officers who have proper training. The Board further discussed the budgetary costs to the county for law enforcement.

Teddi Gertsma, State's Attorney, discussed recent updates regarding the New Star Pipeline taxation.

Jane Olson, Register of Deeds, met with the Board. Manning moved, seconded by Passick and carried to authorize the Chairman to sign a renewal contract with Microfilm Imaging Systems for computer equipment.

Olson reported that there have been bulk purchase requests for documents and requested guidance from the Board regarding a policy for such requests. Gertsma and Philip Terwilliger, Deputy State's Attorney, advised the Board regarding statutes governing such requests.

Olson reported on an issue regarding plats and survey certificates for three pieces of property dating back to 1937. Gertsma suggested that the State's Attorney's Office send a letter to the landowners asking that they clear up the issue.

The Vermillion Public Library Board monthly reports and Annual Survey Certification were accepted and placed on file.

Recent payroll changes/additions were as follows: Garrett Anderson (Summer Highway/Weed) hired 5/24/16 at \$12.00/hr., Daniel Brue (Summer Highway/Weed) hired 5/18/16 at \$12.00/hr., Brett Hansen (Summer Highway/Weed) hired 5/16/16 at \$12.00/hr., Dylan Kludt (Summer Highway/Weed) hired 5/23/16 at \$12.00/hr., Benjamin Mulford (Intern – State's Attorney's Office) hired 5/19/16 at \$15.00/hr., Ricardo Rodriguez (Part-time Jailer) hired 4/26/16 at \$13.64/hr.

At 11:58 a.m., Packard moved, seconded by Powell and carried to adjourn and convene as Clay County Ditch Board.

Packard moved, seconded by Manning to amend the request to Johnson Engineering for preparation of bid specifications for 3 miles of Clay Creek Ditch with the option of an additional 3 miles individually for the potential of finishing the project.

At 11:59 a.m., Packard moved, seconded by Powell and carried to adjourn and reconvene as Board of Clay County Commissioners.

At 12:00 p.m. Passick moved, seconded by Manning and carried to adjourn and reconvene Thursday, June 9, 2016 at 9:00 a.m.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

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June 9, 2016

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

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

Minutes of the May 31, 2016 meeting were approved with a motion by Manning, seconded by Passick and carried.

Packard moved, seconded by Powell and carried to authorize travel for Jessica Beringer, Nicole Klunder, Linda Manning, and Rhonda Taggart to Pierre on June 14-15 for the SD Assn. of County Officials Deputy Workshop.

Powell moved, seconded by Manning and carried to set July 12, 2016 at 10:00 a.m. for the sale of the N 439' of W 496.12' of S ½ SW ¼ 26/095/51, commonly known as 30178 Greenfield Rd.

The Board spoke with Randy Kramer, Tri-State Turf & Irrigation, via phone regarding the upcoming sprinkler system project. They discussed the layout and coverage of the sprinkler heads.

Packard moved, seconded by Manning and carried to direct department heads to use a 2% payroll increase on 2017 budget requests.

At 9:15 a.m., the Board convened as the Canvassing Board and conducted a canvass of the official returns for the June 7, 2016 Primary/Municipal Election. Powell moved, seconded by Packard and carried to approve the figures as canvassed.

Rod Polley, Highway Department, met with the Board. He reported on the current status of Saginaw Avenue and discussed the contract with the Board.

Packard moved, seconded by Passick and carried to accept the low bid of \$1.65/gallon from Jerry's Service for 900 gallons of #2 dyed diesel for the Wakonda shop.

Andy Howe, Sheriff, met with the Board to discuss the potential terms for a contract with Irene.

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

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

To the Board of County Commissioners of Clay County, items in the hands of the County Treasurer as of May 31, 2016. I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks	8,073,092.59
Amount of actual cash	1,815.30
Total amount of checks and drafts in Treasurer's possession not exceeding three days:	48,527.33

Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:	2,124.78
Checks returned and not deposited	
Cash Items	
Investments	1,000.00
Cash Variation	8,762.08
 Total	 8,135,322.08

Dated this 1st day of  
June 2016.

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

Philip Terwilliger, Deputy State's Attorney, met with the Board to give a brief update on the New Star Pipeline taxation.

At 11:12 a.m., Packard moved, seconded by Manning and carried to adjourn and reconvene Tuesday, June 14, 2016 at 9:00 a.m.



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Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:   
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Carri R. Crum, County Auditor

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June 14, 2016

The Board of County Commissioners met in regular session Tuesday, June 14, 2016 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, and Micheal Manning; Raymond Passick was absent.

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

Minutes of the June 9, 2016 meeting were approved with a motion by Manning, seconded by Powell and carried.

Powell moved, seconded by Packard and carried to approve the following claims for payment. June bills: (Due to Other Governments) Dept. of Labor \$150.68, Dept. of Revenue \$203,908.79; (Modernization/Preservation Fund) SD Assn. of County Officials \$374.00; (Animal Damage Control Fund) State of SD Game, Fish, & Parks \$541.86; (Jail Phone Cards) Reliance Telephone \$500.00; (Prof. Svc./Fees/Election Workers) Lillian Abild \$208.52, Cynthia Aden \$35.00, Jennifer Ashley \$175.00, Bryan Beringer \$120.00, Jessica Beringer \$139.13, Ruth Bremer \$216.76, Broadcaster Press \$20.46, Ruth Bylander \$25.00, Michael Carlson \$35.00, City of Vermillion \$144.00, Corrisoft LLC \$133.65, Carri Crum \$20.00, Dept. of Revenue \$1,071.63, Joan Downey \$165.57, Aaron Fader \$150.00, First Bank & Trust Visa \$103.80, Fox & Youngberg, P.C. \$373.44, Geo Tek Engineering \$9,852.00, Roma Halvorson \$213.60, Carol Hansen \$214.02, Gloria Hensley \$150.00, Pam Hofman \$60.00, Ray Hofman \$60.00, Bennet Johnson \$175.00, Lisa Johnson \$205.00, Kennedy, Pier & Knoff \$214.60, Anthony Klunder \$140.00, Nicole Klunder \$129.48, Linda Kogel \$11,583.49, Erma Larson \$200.00, Lewis & Clark Behavioral Health Svc. \$160.00, Lucille Lewno \$73.50, Mary K. Madsen \$38.40, Mail Finance \$63.75, Linda Manning \$35.00, James McCulloch \$12,180.50, Michele Moore \$175.00, Peggy Nelsen \$218.64, Beverly Orr \$180.00, Kent Osborne \$205.00, Overhead Door Co. \$59.00, Ina Peterson \$224.32, Pharmchem, Inc. \$575.00, Wess Pravecek \$205.00, Rapid City Journal \$40.88, Maxine Risty \$318.96, Sac Sun \$25.37, Ranah Sample \$237.72, Donna Schafer \$175.00, SD Achieve \$180.00, SD Dept. of Health Lab \$918.00, SESDAC \$360.00, Donna Sommervold \$175.00, Mary Sorensen \$175.00, Ryan Styles \$175.00, DeAnn Szymonski \$208.56, Lisa Terwilliger \$35.00, Vermillion Federal Credit Union \$8.38, Linda Wensel \$35.00, James P. Wilson \$155.00, Yankton Co. Sheriff \$25.00; (Publishing) Broadcaster Press \$395.75, Plain Talk \$93.39, Star Publishing \$408.36, The Equalizer \$412.14; (Beacon/Pictometry) Pictometry International \$14,362.16, Schneider Corporation \$2,115.00; (Repairs/Maint.) Bear, Inc. DBA Todd's Electric \$184.90, Bob's Sinclair Svc. \$44.50, Century Business Products \$50.00, First Bank & Trust Visa \$18.00, Fischer's Disposal \$50.00, Hartelco \$10.00, Mail Finance \$382.44, Murph's Appliances \$98.49, Overhead Door Co. \$185.00, Presto-X Co. \$68.84, Riverside Hydraulics \$200.00, Tom Taggart \$450.00, Torco Remfg. \$68.50; (Data Processing) Bruce Mastel DBA Macman Designs \$35.00, Microfilm Imaging Systems \$496.00, Software Services \$260.00; (Supplies/Materials) A&B Business \$175.57, A-Ox Welding Supply \$158.65, Appera \$52.64, Bob Barker Co., Inc. \$27.05, Brunick Service \$2,054.07, Campbell Supply \$693.13, Diamond Mowers \$939.69, FedEx \$76.52, First Bank & Trust Visa \$528.67, JCL Solutions \$249.11, Jerry's Service \$1,416.86, Microfilm Imaging Systems \$76.00, Midwest Bldg. Maint. \$42.00, Midwest Ready Mix \$798.00, Overhead Door Co. \$10.50, Pharmchem, Inc. \$608.00, Pressing Matters \$58.00, Riverside Hydraulics \$397.29, SD Dept. of Transportation

\$62.79, Stan Houston \$99.50, Sturdevant's Auto Parts \$956.25, True Value \$124.20, Vermillion ACE Hardware \$70.40, One Office Solution \$64.44, Zee Medical Supply \$56.90; (Travel/Conference) Cynthia Aden \$27.71, Brunick Service \$61.90, Cedar Shore Resort \$367.80, Laura Christensen \$107.00, First Bank & Trust Visa \$76.50, Holiday Inn Spearfish \$510.00, Ina Peterson \$107.00; (Inmate Transport) \$105.00; (Utilities) Bureau of Administration \$53.43, Centurylink \$456.84, City of Vermillion \$824.63, Clay Rural Water \$84.00, Clay-Union Electric \$557.81, Hartelco \$79.95, Larry McPherson \$150.00, MidAmerican Energy \$228.63, Midco Business \$270.00, Vermillion Garbage Svc. \$60.00, Wakonda Town \$61.60; (Machinery/Auto) American Tire Distributor \$445.08, Brunick Service \$1,229.52, First Bank & Trust Visa \$39.94, Johnson Feed, Inc. \$253.37, Vermillion Federal Credit Union \$23.50; (Jail Meals) Cherry Street Grille \$461.24, Clay County Sheriff \$4,104.66; (County Health Nurse Payment) Dept. of Revenue \$1,545.00; (Coroner Post Mortem) Sanford Health \$2,350.00; (Jury Fees) Madonna Ballard \$50.00, Jamie Ehlers \$50.00, Brian Emmick \$60.08, Todd Heine \$55.04, Beth Knedler \$58.40, Karen Prusa \$60.92, Diane Sevening \$50.00, Sandra Shumaker \$50.00, Nancy Wiedrich \$70.16, Nancy Zuercher \$50.00; (Training/Equipment) EMS Association \$45.00, Herren-Schempp \$63.45, Ultramax \$132.50; (Building Improvements) Tri-State Insulation/Keith Joy \$15,945.79; (Furniture/Minor Equipment) A&B Business \$218.12, First Bank & Trust Visa \$203.30, Microfilm Imaging Systems \$150.00, Netsys Plus \$365.25.

The Veterans, Welfare, Zoning, Sheriff's, and Register of Deeds monthly reports were accepted and placed on file.

At 9:05 a.m., a public hearing was held for the first reading of Ordinance #2016-02 (a & b), an ordinance amending the 2013 Revised Joint Zoning Regulations for Clay County and the City of Vermillion by rezoning certain property described as Sections 1 and 2 (South), 25, 26, 34, 35, and 36 in Vermillion Township to APO – Zone A (Aquifer Protection Overlay District Zone A – Aquifer Critical Impact Zones). Jim Auen, Lewis & Clark Regional Water System Operations Manager, was present and spoke with the Commissioners regarding the reasons for the request. No written communication was received, and no one appeared in opposition of the rezoning request.

Gene Lunn, Director of Equalization, met with the Board to present a tax exemption request for a property that was inadvertently omitted from the tax exempt list. Powell moved, seconded by Packard and carried to approve the request.

Jason Rumpca of Peterson, Stuart, Rumpca & Rasmussen met with the Board to discuss renewal of the Public Defender contract. Packard moved, seconded by Manning and carried to authorize the Chairman to sign the contract renewal.

Rod Polley, Highway Superintendent, Kevin Goff, Clark Engineering, and Kris Huwe, Double H Paving, met with the Board to discuss the Saginaw Avenue project. It was discussed that depending upon the weather, the paving could be done by July 15<sup>th</sup>. Contract terms were also discussed.

Polley discussed a bridge 1 mile east of Seven Mile Station and ½ mile south of 302 St. near Gordon Johnson's property. He said that the state will be opening up bid letting, so there is a possibility that the project may be done this year.

Polley also reported that a new full time employee was hired. Tim Dooley started 6/13/16 at \$13.00/hour.

The Board also discussed with Polley and Teddi Gertsma, State's Attorney, the problem of people fishing from bridges and causing dangerous situations between the fishermen and vehicle traffic.

At 10:41 a.m., Manning moved, seconded by Powell and carried to adjourn and reconvene Tuesday, June 28, 2016 at 9:00 a.m.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:   
Carri R. Crum, County Auditor

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June 28, 2016

The Board of County Commissioners met in regular session Tuesday, June 28, 2016 at 9:00 a.m. Members present: Phyllis Packard, Leo Powell, Raymond Passick and Micheal Manning; Travis Mockler was absent.

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

Minutes of the June 14, 2016 meeting were approved with a motion by Powell, seconded by Passick and carried.

Rod Polley, Highway Superintendent, met with the Board to discuss highway matters. A change order was discussed to allow for additional asphalt on the Loop Road. Powell moved, seconded by Manning and carried to accept the proposal from Double H Paving, Inc. for Change Order #3 on the Saginaw Avenue project with a substantial completion of July 15, 2016, final completion of the total project to be August 1, 2016, and to authorize the Vice Chair's signature.

At 9:32 a.m., Passick moved, seconded by Powell to adjourn and convene as Board of Adjustments.

A variance hearing was held to consider a request for variance on behalf of Dan and Carrie Mart at Lot 3 Holter Wagner 21-92-53 (Norway Township) to allow for building without blocking natural drainage. Cynthia Aden, Zoning Administrator, was present and reported that a similar variance was granted in the past to another property in the area. The Clay County Zoning Board of Adjustments granted the variance. No one appeared in opposition, and no written correspondence was received. Powell moved, seconded by Passick and carried to grant the variance.

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

Passick moved, seconded by Manning and carried to approve the following claims for payment. June Bills: Commissioners \$7,874.50, Auditor's Office \$9,049.67, Treasurer's Office \$15,229.43, States Attorney's Office \$16,935.67, Courthouse \$2,632.42, DOE's Office \$9,892.25, ROD's Office \$6,628.67, Veteran's Office \$1,663.33, Sheriff's Office \$33,030.87, County Jail \$21,405.07, 24/7 Sobriety Project 1,364.00, LEPC \$385.25, Emerg. Mgmt. Office \$3,467.00, Highway Department \$35,210.69, County Nurse 2,354.25, Extension Office \$2,847.58, Weed Department \$9,503.71, and Zoning Office \$2,317.31; (Due to Other Government) State of SD Game Fish \$464.00; (Payroll Withholdings) Aflac \$1,276.65; Clay Co Treasurer \$43,209.34; Colonial Life \$359.97; Conseco/Washington \$24.45; Dearborn National \$207.69; New York Life Insurance \$244.02; Optilegra Inc. \$17.92; SD Retirement System \$19,432.40; SD Supplement Retirement \$1,560.00; SDRS Roth Plan \$400.00; United Way of Vermillion \$238.00; Vermillion Federal Credit Union \$1,566.00 and Wellmark Blue Cross \$36,6706.23; (Professional Services and Fees) Cody, Denise \$15.00; Flex System (Tasc) \$1,308.58; Katterhagen, Mark \$15.00; Lewno, Lucille M \$150.46; Netsys Plus, Inc. \$113.75; Yankton Co Sheriff \$50.00; Yankton Co Treasurer \$139.25 and Yankton Medical Clinic

\$127.16; (Law Office) Kogel, Linda L \$2,310.67; McCulloch, James E \$3,841.97; Mikelson, Gary E Attorney \$191.88; Peterson, Stuart, Rumpca \$5,978.55 and Thompson, Craig k \$1,310.56; (Repairs and Maintenance) Century Business Products \$25.00; Erickson Solutions \$1,485.00; Flex System (Tasc) \$60.84; Harding Glass \$66.33; Midwest Bldg. Maint. \$24.00; Netsys Plus, Inc. \$661.25; Osborne, Kent \$900.00; Pressing Matters \$2,302.00; Presto-X Company LLC \$68.84; Ranney, William \$180.00; Shire Properties LLC \$2,400.00; Total Flooring LLC \$984.66; Vermillion Area Chamber \$200.00 and Wilharm, Jessi \$37.43 (Data Processing) Bureau of Administration \$24.00; (Supplies & Materials) Brunick Service, Inc. \$107.94; Campbell Supply Co. \$230.20; Cornhusker International \$65.16; Election Systems \$1,751.06; FedEx \$78.16; Hy-Vee, Inc. \$55.36; JCL Solutions \$422.19; Lawson Products Inc. \$282.19; Northern Safety Co. \$154.41; Office Elements \$199.26; Quill Corporation \$474.12; Sanford Health Clinic \$23.80; Sign-up Ltd. \$23.96; Fickbohm, Colleen \$425.00; I Sturdevant's Auto Parts \$169.93; Truenorth Steel \$834.75; Verizon Wireless \$13.26; Vermillion Ace Hardware \$48.90 and Walmart Community/Gecr \$71.84 (Copier Supplies) Quill Corporation \$31.99; (Travel and Conference) Beringer, Jessica \$89.34; Best Western Ramkota \$210.08; Klunder, Nicole \$36.00; Lunn, Gene \$32.00; Manning, Linda \$36.00; Nilsen, Kyle \$34.44; Rodriguez, Ricardo \$46.62; SDAAO C/O Wendy Semmler \$600.00; Stewart, Layne \$64.76 and Taggart, Rhonda \$36.00; (Utilities) City of Vermillion \$2,322.90; Verizon Wireless \$89.41; Verizon Wireless \$280.07 and Vermillion Garbage Svc \$156.00; (Payment) Brunick Service, Inc. \$46.95; Hy-Vee, Inc. \$420.40; Integrated Weed Control \$1,500.00; Quality Motors \$318.66 and Walmart Community/Gecr \$119.20; (Buildings and Structures) Naturescaping Design \$12,179.00; (Books) Thomson Reuters – West \$601.51; Vermillion Ace Hardware \$368.96; (Furniture and Minor Equipment) Netsys Plus, Inc. \$2,500.00.

Larry Brady appeared during Visitors to be Heard to request that Rod Polley, Highway Superintendent, oversee the paving work at the Ponderosa which is being completed with private funds. Polley clarified that the County has an engineer hired to oversee the Loop Road project. Passick suggested that Polley have no official capacity or responsibility, but if he is present he could observe and point out any potential issues to Brady who would then handle it. Teddi Gertsma, State's Attorney, cautioned that Polley would be acting outside the scope of his employment. Powell said that the county officials are public servants, and the minutes could reflect the intent of the Board in authorizing Polley to observe but not be responsible in any way for the project. Polley also offered to contact SDLTAP to see if that organization could help. Manning echoed Gertsma's concerns and worried about setting a precedent and any potential injuries as well. Kumoli Ramakrishnan said they asked that the county recognize that the Ponderosa residents are part of the taxpayers that the county serves, and again clarified that they are not expecting Polley to be responsible for the project, just to observe and point out any potential problems.

Passick moved, seconded by Manning and carried to pass and adopt the following Resolution #2016-08 for Fund Transfer.

**RESOLUTION # 2016-08  
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 \$761,192 to Highway Fund (20100) and \$22,384 to Emergency Mgmt. Fund (22600) as levied for in the 2016 Budget.

Motion by Commissioner Passick seconded by Commissioner Manning.

Vote of the Board:

Packard Aye, Manning Aye, Passick Aye Powell Aye, Mockler Absent. Motion carried.

Dated this 28<sup>th</sup> day of June, 2016

Board of County Commissioners  
Clay County, South Dakota

\_\_\_\_\_  
Phyllis Packard, Vice Chair

ATTEST:

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

Powell moved, seconded by Manning and carried to pass and adopt the following Resolution #2016-09 for Contingency Transfer.

**RESOLUTION # 2016-09**  
**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):

\$22,000 to Court Appointed Attorney (10100X4222153)

\$4,300 to Coroner – Post Mortem (10100X4290213)

Motion by Commissioner Powell, seconded by Commissioner Manning.

Vote of the Board: Packard Aye, Manning Aye, Passick Aye, Powell Aye, Mockler Absent. Motion carried.

Dated this 28<sup>th</sup> day of June, 2016.

Board of County Commissioners  
Clay County, South Dakota

\_\_\_\_\_  
Phyllis Packard, Vice Chair

ATTEST:

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

Manning moved, seconded by Passick and carried to declare surplus the tax deed property at 30178 Greenfield Rd.

Department heads spoke with the Commissioners regarding the quarterly department head meeting. It was requested that a Commissioner Liaison be appointed to attend the meetings. Packard was selected. Courthouse security concerns were discussed as well as the 2017 payroll for department heads. The Commissioners directed the department heads to put in their budget requests a 3% increase plus the 2% cost of living allowance for 2017.

At 10:25 a.m. Manning moved, seconded by Powell and carried to adjourn and reconvene  
Thursday, July 5, 2016 at 9:00 a.m.



Phyllis Packard, Vice Chair  
Board of County Commissioners

ATTEST:   
Carri R. Crum, County Auditor

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July 5, 2016

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Travis Mockler, Chairman  
Board of Clay County Commissioners

Attest:

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Carri R. Crum  
Clay County Auditor

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

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

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

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

Total amount of deposits in banks	6,647,712.66
Amount of actual cash	2,922.79
Total amount of checks and drafts in Treasurer's possession not exceeding three days:	20,537.47
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:	2,124.78
Checks returned and not deposited	
Cash Items	
Investments	1,000.00
Cash Variation	8,762.08
<b>Total</b>	<b>6,683,059.78</b>

Dated this 1st day of  
July 2016.

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Carri R. Crum, County Auditor

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

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

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



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST: 

Carri R. Crum, County Auditor

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July 12, 2016

The Board of County Commissioners met in regular session Tuesday, July 12, 2016 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Raymond Passick.

Packard moved, seconded by Manning and carried to approve the agenda with discussion regarding the letter for Notice of CAFO Training added to the bottom.

Minutes of the July 5, 2016 meeting were approved with a motion by Manning, seconded by Powell and carried.

Larry Brady and Terry Brady appeared during Visitors to be Heard to thank the Commissioners and voice their appreciation for the reconstruction of Saginaw Avenue.

Cathi Powell, Treasurer, met with the Board for the 2017 budget request and to request travel. Passick moved, seconded by Manning and carried to authorize travel to Pierre for a committee meeting with the Department of Revenue and Legislative Research Council on July 20.

Dr. Stanage, Lewis & Clark Behavioral Health Services, met with the Board for the 2017 budget request.

Teddi Gertsma, State's Attorney, met with the Board for the 2017 budget request.

Cynthia Aden, Veterans Service Officer, Welfare Director, and Zoning Administrator, met with the Board for the 2017 budget request.

Wess Pravecek and Dan Christopherson met with the Board for the 2017 budget request from the Austin-Whittemore House.

Layne Stewart, Emergency Management Director, met with the Board to present the Quarterly Report and the SLA Performance Grant Subaward Agreement Amendment. Powell moved, seconded by Packard and carried to authorize the Chairman to sign the SLA Quarterly Activity Report – FY 2016. Manning moved, seconded by Passick and carried to authorize the Chairman to sign the 2016 Emergency Management Performance Grant Subaward Agreement Amendment #1.

Packard and Gertsma discussed the joint powers agreement for solid waste and recycling. It was reported that the City of Yankton is changing recycling practices, and Packard voiced concerns about effects on the contract. Gerstma said if the changes do not affect the costs addressed in the contract then there is no breach of contract. Powell moved, seconded by Manning and carried that Packard to be authorized to vote on behalf of the Commission, accepting the changes providing they are revenue neutral and following the terms of the contract.

At 10:00 a.m., a tax deed sale was held on the front steps of the Courthouse for the sale of 30178 Greenfield Rd. (N 439' of W 496.12' of S1/2 SW1/4 26/095/51). Andy Howe, Sheriff, reported

that the property sold to Shawn Jacob for \$15,000. Powell moved, seconded by Packard and carried to authorize the sale of the property to Shawn Jacob for \$15,000.

Andy Howe, Sheriff, met with the Board regarding the potential contract with the City of Irene and also gave an update on the contract with the City of Wakonda. He said the council in Wakonda was favorable to increasing the contract to \$15,000, and the council in Irene tabled the matter for further discussion.

Bill Hansen, Department of Agriculture, met with the Board to introduce himself and update on the services provided by the Dept. of Agriculture.

Rod Polley, Highway Superintendent, met with the Board for the 2017 budget request.

Cynthia Aden, Zoning Administrator, and Bob and Katie Cook met with the Board to discuss an issue with a cul-de-sac on 321 St. that was platted and was never installed. It was decided that Aden would speak to the individual and the State's Attorney regarding the matter.

Polley reported that substantial completion has been met and presented Application for Payment #4 for the Saginaw Avenue construction project. Powell moved, seconded by Packard and carried to authorize the Chairman to sign the application.

An Application for Entrance from a Clay County Highway was presented on behalf of Karl Leikvold and Barry Peterson for an entrance to be located on 308 St. ¼ mile east of 461 Ave. on the south side on the property line. Powell moved, seconded by Packard and carried to authorize the Chairman to sign the application.

Powell moved, seconded by Manning and carried to pass and adopt the following Resolution #2016-11, A Resolution Setting Speed Limit on a Portion of Saginaw Avenue.

#### **RESOLUTION # 2016-11**

##### **A RESOLUTION SETTING SPEED LIMIT ON A PORTION OF SAGINAW AVENUE**

WHEREAS, members of the Clay County Board of Commissioners had previously determined a 30 MPH (mile per hour) speed limit was in the best interest of public safety and for signs installed on Saginaw Avenue from Burbank Road to 321 Street for the duration of the Loop Road construction project and,

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

WHEREAS, the project has been completed to the extent that traffic has resumed a normal standard of travel;

NOW THEREFORE BE IT RESOLVED that the speed limit on Saginaw Avenue, in Clay County be restored to posted at 55 MPH (mile per hour) for the portion approximately 2 miles in length that was previously under construction.

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

Vote of Clay County Commission:

AYE 5 NAY 0

Dated this 12<sup>th</sup> day of July, 2016 at Vermillion, SD.

ATTEST:

\_\_\_\_\_  
Travis Mockler  
Chairman, Clay County Commission

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

Powell moved, seconded by Packard and carried to approve the following claims for payment. July Bills: City of Vermillion \$156.00; (Professional Services and Fees) Clark Engineering Corp \$1,565.20; Cody Denise \$6.00; Johnson Engineering Co \$1,624.86; Lewno, Lucille M \$207.74; Lincoln County Treasurer \$245.90; Netsys Plus, Inc. \$279.00; Sanford Health Occupation \$27.75; Satellite Tracking \$26.00; SD Dept. of Health Lab \$990.00; Swanda, Karen \$6.00; Taser International \$1,705.50 and Vermillion Federal Credit \$21.66; (Other Professional Services) City of Vermillion \$58,311.78 and Schaefer, Dean \$231.00; (Mental Health) Dakotabilities \$540.00; Dept. of Revenue \$60.00; SD Achieve \$180.00 and Sesd Activity Cntr. \$360.00; (Publishing) Broadcaster Press \$1,502.07; Star Publishing \$835.43 and The Equalizer \$159.50; (Repairs and Maintenance) Fischer's Disposal LLC \$50.00; Hartelco \$20.00; Jerry's Service \$105.00; Midwest Bldg. Maint. \$24.00; Netsys Plus, Inc. \$63.75; Sioux Falls 2-Way \$150.00; Tri-State Windshield \$250.00; Wells, Brian \$97.50 and Yankton Motor Sports \$300.00; (Data Processing) Mastel, Bruce \$35.00; Microfilm Imaging System \$496.00 and Software Services, Inc. \$1,860.00; (Supplies and Materials) A & B Business \$196.04; A-Ox Welding Supply Co. \$163.74; Benco Products Inc. \$823.65; Bob Barker Co. Inc. \$112.59; Brunick Service, Inc. \$2,695.35; Campbell Supply Co. \$25.47; D-P Tools, Inc. \$1,023.27; Dakota PC Warehouse \$332.97; Diamond Mowers Inc. \$424.74; Double H Paving Inc. \$458,020.98; First Bank & Trust Visa \$737.74; Graham Tire Yankton \$450.00; Hydrotex \$1,385.13; I-State Truck Center \$36.88; Intab, Inc. \$1,003.44; Jerry's Service \$45.79; Midwest Bldg. Maint. \$42.00; Midwest Ready Mix \$274.31; Office Systems Company \$237.80; Orr Farm Supply \$77.60; Pedersen Machine, Inc. \$336.01; Pressing Matters \$29.00; Sanitation Product \$220.50; SD Dept. Transportation \$1,527.42; Sign-Up Ltd. \$23.45; Sioux Falls 2-Way \$222.89; Sturdevant's Auto Part \$528.23; True Value \$95.48; Vermillion Ace Hardware \$89.94; Vermillion Federal Credit Union \$34.51 and Yankton Motor Sports \$61.03; (Copier Supplies) Century Business Products \$50.00; (Travel and Conference) First Bank & Trust Visa \$99.81; Howe, Andy \$69.00; Polley, Rodney \$53.00; SDSU Extension Service \$122.39; Stewart, Layne \$277.36; Sundet, Laura \$53.00; (Inmate Travel) Brunick Service, Inc. \$95.00; Pennington County Jail \$140.65; (Utilities) Anders, Jeffrey \$240.00; Armstrong, Aaron \$120.00; Bureau of Administration \$49.84; \$49.84; Clay Rural Water System \$105.60; \$105.60; Clay Union Electric Co. \$602.05; Hartelco \$79.95; Howe, Andy \$204.00; Husby, Tiffany \$240.00; Kyte, David \$120.00; MidAmerican Energy \$132.24; Midco Business \$270.00; Pederson, Paul \$120.00; Smith, Michael \$120.00; Vermillion Garbage Svc \$60.00; Wakonda Town \$57.35 and West, Jerami \$204.00; (Payment) Minnehaha County JDC \$2,148.17; Brunick Service, Inc. \$881.10; Cherry St. Grille \$2,289.23; Clay Co Arg Fair Assoc. \$4,125.00; Clay Co Conservation District \$8,750.00; Dakota Senior Meals \$1,393.00; First Bank & Trust Visa \$306.68; Graham Tire S.F. North \$239.60; Lewis & Clark Behavior

\$4,835.25; National Music Museum \$1,250.00; Quality Motors \$33.98; Vermillion Federal Credit Union \$27.60; Vermillion Food Pantry \$1,875.00; Vermillion Senior Center \$3,750.00; Wakonda Public Library \$625.00; Wakonda Senior Center \$625.00 and WH Over Museum \$1,875.00; (Furniture and Minor Equipment) A & B Business \$242.62; Counsel \$5.41 and Microfilm Imaging Systems \$150.00.

The Board discussed a CAFO Training in Huron on July 13, 2016 that was recommended to the Board by Tom Jones. The Board members appreciated the recommendation but were unable to attend due to the late notice.

The Veterans, Welfare, Zoning, Sheriff's, and Register of Deeds monthly reports were accepted and placed on file.

At 11:43 a.m., Powell moved, seconded by Passick and carried to adjourn and reconvene Tuesday, July 26, 2016 at 9:00 a.m.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:   
Carri R. Crum, County Auditor

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July 18, 2016

The Board of County Commissioners met in a joint session with the City of Vermillion City Council in the Council Chambers at City Hall on July 18, 2016 at 5:30 p.m. The purpose of the meeting was a public hearing for the second reading of Ordinance #2016-02 (a & b), an ordinance amending the 2013 Revised Joint Zoning Regulations for Clay County and the City of Vermillion by rezoning certain property described as Sections 1 and 2 (South), 25, 26, 34, 35, and 36 in Vermillion Township to APO – Zone A (Aquifer Protection Overlay District Zone A – Aquifer Critical Impact Zones). County members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Raymond Passick. Also present: Cynthia Aden, Zoning Administrator, and Carri Crum, Auditor.

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

Aden reported that the reason for the ordinances is for wellhead protection.

Jim Auen, Lewis & Clark Regional Water System Operations Manager, was present and explained that the water provider is requesting the zoning change to protect groundwater from any future contamination.

Powell asked if, during the testing process, the water system had found any evidence of contamination. Auen replied that, to his knowledge, no contamination had been found.

Powell moved, seconded by Packard to pass and adopt Ordinance #2016-02a. Roll call vote of the Commission: Passick Aye, Manning Aye, Powell Aye, Packard Aye, Mockler Aye. Motion passed.

ORDINANCE #2016-02a

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:

THE ZONING CLASSIFICATION under the 2013 Revised Joint Zoning Regulations for Clay County and the City of Vermillion, South Dakota, of the real property described as:

Properties located in Vermillion Township, Sections 1 and 2 (South), 25, 26, 34, 35, and 36. (See Zone A Exhibit, attached)

IS HEREBY CHANGED to the following zoning classification:

APO – Zone A (Aquifer Protection Overlay District Zone A – Aquifer Critical Impact Zones)

Adopted this 18<sup>th</sup> day of July, 2016.

\_\_\_\_\_  
Chairman, Clay County Board of  
Commissioners

ATTEST:

\_\_\_\_\_

Auditor

Powell moved, seconded by Passick to pass and adopt Ordinance #2016-02b. Roll call vote of the Commission: Passick Aye, Manning Aye, Powell Aye, Packard Aye, Mockler Aye. Motion passed.

ORDINANCE #2016-02b

AN ORDINANCE AMENDING THE 2013 REVISED ZONING REGULATIONS FOR CLAY COUNTY BY REZONING CERTAIN PROPERTY.

BE IT ORDAINED BY CLAY COUNTY, SOUTH DAKOTA:

THE ZONING CLASSIFICATION under the 2013 Revised Zoning Regulations for Clay County, South Dakota, of the real property described as:

Properties located in Vermillion Township, Sections 1 and 2 (South), 25, 26, 34, 35, and 36. (See Zone A Exhibit, attached)

IS HEREBY CHANGED to the following zoning classification:

APO – Zone A (Aquifer Protection Overlay District Zone A – Aquifer Critical Impact Zones)

Adopted this 18<sup>th</sup> day of July, 2016.

\_\_\_\_\_  
Chairman, Clay County Board of  
Commissioners

ATTEST:

\_\_\_\_\_

Auditor

At 5:40 p.m., Manning moved, seconded by Powell and carried to adjourn.



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Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:



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Carri R. Crum, County Auditor

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July 26, 2016

The Board of County Commissioners met in regular session Tuesday, July 26, 2016 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Raymond Passick and Micheal Manning. Vice Chair Packard called the meeting to order. Mockler arrived at 9:04 a.m.

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

Minutes of the July 12, 2016 meeting were approved with a motion by Powell, seconded by Manning and carried.

Paul Hasse appeared during Visitors to be Heard to present concerns regarding the trees in the Southeast Corner at the intersection of Timber Road and the road going South to the Clay County Park. Hasse feels that the intersection is a blind intersection due to the trees and requested they be trimmed back to allow for visibility.

The Board considered an Application for Occupancy on the Right of Way of County Highways from Clay-Union Electric on 308 St., Sections 26, 27, and 34, T94N, R52W for electric conduit. Packard moved, seconded by Passick and carried to authorize the Chairman to sign approval of the application.

The Board considered an Application for Occupancy on the Right of Way of County Highways from Clay-Union Electric on 309 St., Sections 4, T93N, R51W for electric conduit. Manning moved, seconded by Powell and carried to authorize the Chairman to sign approval of the application.

Manning moved, seconded by Passick and carried to accept the low bid from Brunick Service of \$1.69/gallon for 800 gallons of #2 dyed diesel for the Wakonda highway shop.

Jane Olson, Register of Deeds, met with the Board for the 2017 budget requests.

Andy Howe, Sheriff, met with the Board for the 2017 budget requests and to present contracts for law enforcement for Wakonda and Irene. Powell moved, seconded by Packard and carried to authorize the Chairman to sign the contract with Irene. Powell moved, seconded by Packard and carried to authorize the Chairman to sign the contract with Wakonda.

Lauren Hollenbeck, 4-H Educator, met with the Board for the 2017 Extension Office budget request and also presented a Quarterly Report.

Jill Munger, Community Health/WIC Nurse met with the Board to give the Quarterly Activity Report.

At 10:10 a.m., a public hearing was held for budget supplement. Powell moved, seconded by Passick and carried to pass and adopt the following Resolution #2016-12 for Supplement of County Budget.

**RESOLUTION #2016-12**

## Supplement of County Budget

WHEREAS the County Road & Bridge/Highway Department budget does not have adequate budget expenditure authority in 2016 to allow for payment of the Loop Road/Saginaw Avenue construction contract;

WHEREAS the Board of County Commissioners have previously assigned \$900,000 within the Road & Bridge Fund for the purpose of the Loop Road/Saginaw Avenue construction project;

WHEREAS the Board of County Commissioners have agreed to hold a public hearing on July 26, 2016 at 10:10 a.m. to supplement the Highway Department 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 2016 Annual Budget:

Road & Bridge/Highway Department (D-311) \$900,000  
(GL# 20100X4260311)

Dated the 26<sup>th</sup> day of July, 2016.

Commissioner Powell moved the adoption of the foregoing Resolution; Motion seconded by Commissioner Passick.

Vote of the Commission: Mockler Aye Packard Aye Powell Aye Manning Aye and Passick Aye

Upon which voting the foregoing Resolution was declared passed and adopted.

ATTEST:

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

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

Sharron Jensen, Fair Board, met with the Board for the 2017 budget request.

Jim Wilson met with the Board on behalf of the Clay County Historic Preservation Commission and the Vermillion Area Arts Council for the 2017 budget requests.

Cynthia Aden, Zoning Administrator, met with the Board to present a plat. Passick moved, seconded by Powell and carried to pass and adopt the following Resolution for a replat of Tract 7, Emmick's Addition in the NE1/4 and in the NW1/4, and a portion of the NE1/4, all in Section 17, T93N, R53W of the 5<sup>th</sup> P.M., Clay County, South Dakota, hereafter to be known as Tract 7A, Emmick's Addition in the NE1/4 and in the NW1/4 of Section 17, T93N, R53W of the 5<sup>th</sup> P.M., Clay County, South Dakota; Robert S. Emmick, owner.

### 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 replat of Tract 7, Emmick's Addition in the NE1/4 and in the NW1/4, and a portion of the NE1/4, all in Section 17, T93N, R53W of the 5<sup>th</sup> P.M., Clay County, South Dakota, hereafter to be known as Tract 7A, Emmick's Addition in the NE1/4 and in the NW1/4 of Section 17, T93N, R53W of the 5<sup>th</sup> P.M., Clay County, South Dakota; Robert S. Emmick, 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.

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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 26, 2016.

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Carri R. Crum  
County Auditor, Clay County, SD

Powell moved, seconded by Packard and carried to approve the following claims for payment. July Payroll: Commissioners \$7,874.50, Auditor's Office \$9,049.67, Treasurer's Office \$15,229.43, States Attorney's Office \$17,055.67, Courthouse \$2,632.42, DOE's Office \$9,892.25, ROD's Office \$6,628.67, Veteran's Office \$1,663.33, Sheriff's Office \$32,443.96, County Jail \$21,055.57, 24/7 Sobriety Project 1,525.68, LEPC \$385.25, Emerg. Mgmt. Office \$3,467.00, Highway Department \$38,236.02, WIC 2,354.25, Extension Office \$2,847.58, Weed Department \$8,103.27, and Zoning Office \$2,188.75; July Bills: (Due to Other Government) State of SD Game Fish \$314.00; Thomson Reuters – West \$530.04; Dept. of Revenue \$314 and Reliance Telephone \$500.00; (Payroll Withholdings) Aflac \$1,276.65; Clay Co Treasurer \$43,352.27; Colonial Life \$359.97; Consec/Washington \$24.45; Dearborn National \$211.89; New York Life Insurance \$244.02; Optilegra Inc. \$17.92; SD Retirement System \$19,502.34; SD Supplement Retirement \$1,560.00; SDRS Roth Plan \$400.00; United Way of Vermillion \$238.00; Vermillion Federal Credit Union \$1,566.00 and Wellmark Blue Cross \$37,152.87; (Professional Services and Fees) Certified Languages Int. \$105.60; Clay Co Treasurer \$101.00; Corrisoft LLC \$29.70; Lewis & Clark Behavior \$320.00; Netsys Plus, Inc. \$576.50; Pharmchem, Inc. \$375.00; Sanford Health Clinic \$194.00; Security Shredding Svc \$35.00 and Yankton Co Sheriff \$100.00; (Law Office) Beck, Pat \$45.45; Peterson, Stuart, Rumpca \$5,633.55 and Reed Law Offices \$322.00; (Publishing) Star Publishing \$34.81; (Repairs and Maintenance) Bear, Inc. DBA's Todd's \$679.42; Butler Machinery Co. \$4,902.70; Counsel \$5.80; Jerry's Chevrolet \$105.00; Nelsen Electric LLC \$45.00; Overhead Door Company \$244.00; Sioux Falls 2-Way \$128.75 and Turner Plumbing Inc. \$223.94; (Data Processing) Clay Creek Bureau of Administration \$27.00; (Supplies and Materials) Appera \$78.96; Bob Barker Co Inc. \$14.03; Brunick Service Inc. \$1,477.43; Butler Machinery Co. \$5,583.50; Campbell Supply Co. \$22.11; Davis Pharmacy \$181.88; FedEx \$246.91; Hollenbeck, Lauren \$44.30; Holms Welding & Mfg. \$10.50; Hy-Vee, Inc. \$103.45; Intoximeters, Inc. \$650.00; JCL Solutions \$552.02; Jerry's Chevrolet \$45.79; John Deere Financial \$351.48; Lawson Products, Inc. \$281.16; Microfilm Imaging Systems \$126.35; Nelsen Central Rental \$2,880.00; Pressing Matters \$28.00; Sioux Falls 2-Way \$100.00; Fickbohm, Colleen \$25.20; Stewart Oil & Tire \$285.90; Sturdevant's Auto Part \$15.67; Torco Remfg. \$68.00; Verizon Wireless \$13.26; Walmart Community/Geocr. \$149.21 and One Office Solution \$9.51; (Inmate Travel) Pennington County Jail \$236.60;

(Utilities) CenturyLink \$473.98; Christensen, Marjorie \$52.58; City of Vermillion \$3,023.65; Verizon Wireless \$89.41; Verizon Wireless \$280.07 and Vermillion Garbage Svc \$156.00; (Payment) Brunick Service, Inc. \$176.95; Hy-Vee, Inc. \$566.12 and Walmart Community/Geocr. \$157.94; (Buildings and Structures) Tri-State Turf \$10,073.00; (Books) Thomson Reuters – West \$194.00; (Automotive) Brunick Service, Inc. \$94.15.

The Board discussed proposed Ordinance #2016-03, an amendment to the 2013 Revised Zoning Ordinance for Clay County. Manning moved to bring the proposed regulations to a public hearing and first reading August 15, 2016 at 7:00 p.m.; motion seconded by Passick. All voting aye, motion passed.

At 10:50 a.m. Manning moved, seconded by Passick and carried to adjourn and reconvene Thursday, August 2, 2016 at 9:00 a.m.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

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August 2, 2016

The Board of County Commissioners met in regular session Tuesday, August 2, 2016 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Raymond Passick.

Packard moved, seconded by Passick and carried to approve the agenda with the addition of Executive Session at the end for personnel matters.

Minutes of the July 26, 2016 meeting were approved with a motion by Manning, seconded by Powell and carried.

Rod Polley, Highway Superintendent, met with the Board to discuss highway matters. Powell reported to Polley that he received a few phone calls regarding large trucks driving up onto the new Saginaw Ave. without using the designated driveways.

An Application for Entrance from a Clay County Highway was presented on behalf of Gloria and Daryl Henriksen for a driveway on 308 St. in 28-94-52. Polley reported that Daryl Henriksen requested a new culvert. Powell moved, seconded by Packard and carried to approve the application and authorize the Chairman to sign it with the culvert to be installed at the applicant's expense and meeting all necessary requirements.

Powell moved, seconded by Packard and carried to accept the low bid of \$1.95/gallon from Brunick's Service for 1700 gal. of 10% ethanol blend fuel.

Polley presented a bid letting authorization from the state to take place in 2017. It was the consensus of the Board to allow the Chairman to sign the document and take formal action at the next meeting.

The Board discussed with Polley the concerns that Paul Hasse presented at the previous meeting regarding the trees at the intersection of Timber Road and the road to Clay County Park. Polley said he would be contacting the landowner to discuss tree trimming. Powell also reported on another site where bushes/trees need to be trimmed, and Polley said he would discuss it with the landowner there as well.

It was discussed that the Weed Supervisor should brief the Board at a future meeting on mosquito control related to the potential for the Zika virus.

Ryan Anderson, 911 Director, met with the Board for the 2017 budget request.

The Board discussed various budget requests for the 2017 budget.

Powell moved, seconded by Manning and carried to adopt the provisional budget for 2017 and to set Tuesday, September 6, 2016 at 9:30 a.m. as the time for public hearing regarding the annual budget for 2017.

Powell moved, seconded by Passick approve travel for Lauren Hollenbeck, 4-H Educator, for horse show and state fair expenses.

At 10:45 a.m., Powell moved, seconded by Packard and carried to enter an executive session for personnel matters.

At 11:17 a.m., Powell moved, seconded by Packard and carried to exit executive session. No action was taken.

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

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

To the Board of County Commissioners of Clay County, items in the hands of the County Treasurer as of July 31, 2016. I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks	6,073,078.50
Amount of actual cash	3,786.51
Total amount of checks and drafts in Treasurer's possession not exceeding three days:	39,650.86
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:	2,843.47
Checks returned and not deposited	
Cash Items	
Investments	1,000.00
Cash Variation	8,762.08
Total	6,129,121.42

Dated this 1st day of August 2016.

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

At 11:19 a.m., Passick moved, seconded by Packard and carried to adjourn and reconvene Tuesday, August 9, 2016 at 9:00 a.m.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:   
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Carri R. Crum, County Auditor

August 9, 2016

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

Manning moved, seconded by Passick and carried to approve the agenda with the addition of the rescheduling of the next regular meeting.

Minutes of the August 2, 2016 meeting were approved with a motion by Powell, seconded by Packard and carried.

At 9:02 a.m., Packard moved, seconded by Manning and carried to enter an Executive Session for economic development matters.

At 9:04 a.m., Powell moved, seconded by Packard and carried to exit the Executive Session. No action was taken.

Rod Polley, Highway Superintendent, met with the Board to discuss highway matters. He presented Pay Request #5 for the Saginaw Ave./Loop Rd. project. Powell moved, seconded by Packard and carried to authorize the Chairman to sign Pay Application #5 and authorize payment at Polley's recommendation.

The Board discussed bridge #14-130-011, 1 ¼ miles south of SD Hwy. 46 on University Rd. Powell moved, seconded by Passick and carried to authorize the Chairman to sign the necessary bidding documents, including easement documents, Right-of-Way certificates, bid letting authorization, and utilities certificates.

Polley discussed street signage for a housing development in the County.

Polley updated that he spoke with the owner of the property at the corner of Timber Rd. and the road going to the Clay County Park regarding trimming the trees to improve visibility, and the Highway Department will take care of it.

Dennis Ganschow, Weed Supervisor, met with the Board to request travel to Watertown for the annual SD Weed & Pest meeting September 14-15. Passick moved, seconded by Powell and carried to authorize the travel as requested.

Ganschow gave a brief update on the county's mosquito control and discussed with the Board their concerns about the potential for the spread of the Zika virus and the West Nile virus.

Passick moved, seconded by Manning and carried to authorize the following claims for payment. August Bills: (Due to Other Government) SD Assn. of Co Officials \$288.00 and Reliance Telephone \$500.00; (Professional Services and Fees) City of Vermillion \$36.00; Clark Engineering Corp \$7,518.92; FedEx \$10.95; Gapp, Debra \$2,310.00; Katterhagen, Mark \$21.00; Lewis & Clark Behavior \$320.00; Lewno, Lucille M \$251.21; Lincoln County Treasurer

\$1,523.02; Netsys plus, Inc. \$743.75; Olson Medical Clinic \$145.00; Pharmchem, Inc. \$250.00; Satellite Tracking \$110.00; SD Dept of Health Lab \$1,265.00; Secretary of State \$30.00; Software Services Inc. \$40.00; State Farm Insurance \$50.00; Swanda, Karen \$21.00; Yankton Medical Clinic \$399.69 and Zuercher Technologies \$14,245.00; (Law Office) Yankton Co Treasurer \$116.25; (Mental Health) SD Achieve \$180.00; Sisd Activity Center \$360.00 and Dept. of Revenue \$2,211.63; (Publishing) Star Publishing \$209.47; (Rentals) Pictometry International \$3,322.40; (Repairs and Maintenance) Century Business Products \$26.08; Cornhusker International \$805.00; First Bank & Trust Visa \$9.00; Hartelco \$10.00; Johnson Electric, Inc. \$51.86; Midwest Bldg. Maint. \$24.00 and Presto-X Company LLC \$68.84; (Data Processing) Microfilm Imaging Syst \$496.00 and Software Services, Inc. \$460.00; (Supplies and Materials) A&B Business \$179.16; A-OX Welding Supply Co. \$245.54; Ace Hardware \$65.97; Appera \$52.64; Bierschbach Equip & Supply \$400.05; Bob Barker Co Inc. \$178.96; Boyer Trucks SF Inc. \$250.55; Brunick Service, Inc. \$2,572.13; Butler Machinery Co. \$1,564.32; Campbell Supply Co. \$31.97; Concrete Materials \$125,509.80; Cornhusker International \$132.92; D-P Tools, Inc. \$114.95; Dakota Riggers & Tool \$622.96; Diesel Machinery, Inc. \$3,000.00; Double H Paving Inc. \$118,851.34; FedEx \$63.50; First Bank & Trust Visa \$305.13; Jensen Insurance \$138.66; Mark's Machinery \$58.84; Midwest Bldg. Maint. \$42.00; Neve's Uniforms & Equip. \$454.65; Office Elements \$359.32; Print Source \$28.00; Quill Corporation \$323.96; Sioux Falls 2-Way \$84.99; Sooland Bobcat \$472.28; Sturdevant's Auto Part \$81.82; Torco Remfg. \$76.50; True Value \$18.97; Vermillion Ace Hardware \$72.69; Wheelco Brake and Supply \$517.79 and Zee Medical Service Co. \$91.60; (Travel and Conference) Hollenbeck, Lauren \$59.60; Peterson, Ina \$104.00; Sdvsoa \$85.00 and Vermillion Federal Credit Union \$1,013.12; (Inmate Travel) Brunick Service Inc. \$230.00; (Utilities) Bureau of Administration \$61.71; Clay Rural Water System \$68.70; Clay Union Electric Co. \$482.95; Hartelco \$79.95; MidAmerican Energy \$138.01; Midco Business \$270.00; Vermillion Garbage Svc \$60.00 and Wakonda Town \$57.35; (Payment) Augustus Management LLC \$3,605.25; Brunick Service, Inc. \$1,180.32; SE SD Tourism Assoc. \$495.00; Vermillion Federal Credit Union \$123.55; Ballard, Madonna \$50.00; Ehlers, Jamie \$50.00; Heine, Todd \$55.04; Knelder, Beth \$58.40; Prusa, Karen \$60.92; Sevensing, Diane \$50.00; Shumaker, Sandra \$50.00; Wiedrich, Nancy \$70.16; Hernandez, Kelly \$20.00 and O'Brian, Jane \$20.00; (Buildings and Structure) Paul's Plumbing, Inc. \$4,591.85; (Furniture and Minor Equipment) Century Business Products \$57.58; First Bank & Trust Visa \$826.30; JCL Solutions \$211.92;. Microfilm Imaging System \$150.00.

Manning moved, seconded by Passick and carried to reschedule the next regular meeting from August 30, 2016 to Monday, August 29, 2016 at 9:00 a.m.

Gene Lunn, Director of Equalization, met with the Board to discuss software issues.

At 9:45 a.m., Mockler excused himself from the meeting, and Vice-Chair Packard assumed the duties of the Chairperson.

At 9:47 a.m., Powell moved, seconded by Manning and carried to adjourn and convene as Clay County Ditch Board.

Troy Walraven met with the Board on behalf of neighboring landowners to request cleaning along Lateral 50 and voice concerns regarding a culvert in need of replacement. Powell moved,

seconded by Manning and carried to authorize Pollman Excavation to do the cleaning and replace the culvert as requested.

At 9:58 a.m., Powell moved, seconded by Passick and carried to adjourn and reconvene as Board of Clay County Commissioners.

The Veterans, Welfare, Zoning, and Register of Deeds monthly reports were accepted and placed on file.

At 9:59 a.m., Manning moved, seconded by Passick and carried to adjourn and reconvene Tuesday, August 29, 2016 at 9:00 a.m.



Travis Mockler, Chairman  
Board of County Commissioners



Phyllis Packard, Vice Chair  
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

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August 15, 2016

The Board of Clay County Commissioners met in a special session at 7:00 p.m. on August 15, 2016 for a public hearing and first reading regarding Ordinance #2016-03, an amendment to the 2013 Revised Zoning Ordinance for Clay County. Specifically, the Board of County Commissioners discussed the potential for adoption of amendments to Section 2.02, Definitions; Section 3.07, Concentrated Animal Feeding Operations (CAFO); Section 4.05.01, NRC: Natural Resource Conservation District; Section 4.05.02, A-1: Agricultural District; and 4.0508, APO: Aquifer Protection Overlay District, which were recommended by the Clay County Planning Commission. Members present were Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Raymond Passick. Others present were Cynthia Aden, Zoning Administrator, Carri Crum, Auditor, and Patrick Andrews, SE Council of Governments.

The Board opened the hearing by asking for members of the public to speak on the proposed ordinance. Clarence Pederson asked for a clear explanation. Leo Powell explained that the Deputy State's Attorney said the ordinance needed to be rewritten so that the Zoning Administrator could enforce the ordinance because as it stands she is unable to do so. Cindy Kirkeby suggested the board go through the document for the public. Michael Hauck asked how many times it was necessary to hash this out.

Glen Pulse said he moved to the county based on Clay County having a more restrictive setup. He stated he is for the growth of business, but is also for the rights of property owners who are already there. He said he has seen larger operations tax resources, law enforcement, first responders, schools, etc. Travis Mockler discussed with him the setbacks of the proposed ordinance.

Mockler said people keep telling him the commissioners are rushing into this, but it has been 2 ½ years.

Jim Petrik said he watched Powell and a group of others sit through many meetings and come up with the current ordinance, and large scale livestock operations did not overrun the county then. He said his organic neighbor has to bring in manure from elsewhere because there is not enough in Clay County. Petrik said people need to get past the mindset that manure is some kind of nuclear waste, and that the big livestock operators are going to go where they are wanted. Pulse replied manure is great, but organic producers have to have manure tested for antibiotics, etc.

Sharon Gray stated she thinks it is great that Clay County is stricter than state standards and that the 2005 ordinance was a great compromise. The current proposal is too aggressive. She wants a small group that represents both sides.

Jerry Wilson said he and wife have chosen to live in Clay County. He was involved in the development of the 2005 ordinance and thinks it was about right. Wilson said the county has not seen a large influx of livestock operations, and the largest is 39% of what is allowed. He said the county is seeking solutions to a problem that doesn't exist. Wilson discussed the large dairy operations offering \$10.00 per hour jobs. He said the Planning & Zoning Commission produced a radical draft, and the ordinance is sloppily written due to contradictions. He discussed setbacks in the current ordinance and the new draft. Wilson said natural resources deserve to be preserved.

Powell said the current count of cattle in Clay County is approximately 9,200 and hogs number approximately 10,200 across 12 operations. Wilson said manure is an asset but with 5,600 head of livestock it can become a liability. Powell said about 6 years ago the county had 15,000 head of cattle. Mockler asked if Wilson thought the 2005 ordinance was good. Wilson said it was basically good but needed a little tweaking in 2013. Mockler said the Animal Feeding Operation definition was a huge issue. Wilson said it could be added back in without setback changes. There was discussion regarding the setback for wells.

Mockler referred back to Wilson's statistics regarding livestock operations paying \$10.00 per hour. He said the new large operation in a neighboring county pays \$13.50 per hour, benefits, and a housing allowance to an application who knows nothing about working at a dairy. Mockler said he is trying to spur business so Clay County kids have a job. Wilson said it is not the kind of thing kids should aspire to.

Rebecca Terk said she thinks it's legitimate and important to give farm kids opportunities for employment. She said she worked for a statewide farm organization in Minnesota, working with thousands of farmers and landowners and never met farm kid who had any desire to work for a large confinement organization. She said to people with family farm backgrounds these things are not opportunities. Terk said she has dealt with water pollution in southwest & central Minnesota and said the water in Big Stone Lake in Minnesota is impaired by large operations in South Dakota. Terk suggested keeping levels at what they are now in ordinance.

Ina Anderberg said she has been amazed at the expertise of the community and stated it seemed like the Planning & Zoning Commission was not listening to community members speaking to them at their meetings. She wants the Commission to go back to the 2005 ordinance and said it worked well, so there is no need to change it.

Jim Petrik said he would like the people in attendance to meet the SDSU swine club and the SDSU dairy club to see how enthusiastic they are. He said alfalfa and producers have to send produce to eastern Iowa, Illinois, and Wisconsin. Petrik said farmers can do things safely and sustainably in Clay County.

Terk asked if Clay County's numbers are not sufficient or that whether Clay County does not have enough numbers. She does not think increasing limits is the issue for getting kids into farming. Petrik discussed the lower fixed costs for building operations a notch larger and said farmers here may be willing to partner with a young person if the operation is larger. He discussed the economics of producing to keep up with the market prices. Wilson said the American Dairy Association average is 200 cows.

Clarence Pederson asked why it is important to change from 1000 feet to 250 feet to a well in the proposed ordinance and wondered if that will that really improve economic benefit for farmers. Mockler said the proposed ordinance did not change manure application setbacks. Petrik discussed DENR requirements for waters of the state. Nancy Carlsen asked about Terk's claim of pollution to Minnesota waters. Petrik cited the Chesapeake Bay pollution that was blamed on farming but was found to be due to other sources such as residential development. Petrik said if

manure is applied within regulations then pollution is probably due to residential developments or commercial fertilizers.

Scott Jepsen said farming near the Missouri river already restricted, so being on a shallow aquifer is a double edged sword. He said his kids are not coming back unless they double their operation because that's the only way they can make a living. Jepsen asked people to be realistic regarding economics. Cindy Kirkeby asked if the operation was doubled would it fall under existing calf numbers? Jepsen asked how we can predict now what will be sustainable down the road.

Cindy Struckman-Johnson said her farmland is in Gregory county, where they grow crops, pasture for cattle, or have hunting land. She said, in Gregory, a local farmer wanted to bring in a 6,000-8,000 hog operation a couple miles from town. It was the farmers against the farmers, has been going on 4 years, and is still going. She said it created hate and animosity and that setting up a Concentrated Animal Feeding Operation (CAFO) next to family farms tears people apart because people don't want a stinky environment.

Mike Cody from Yankton said he is going through the same issue with the Yankton County Commissioners, that sixteen years ago same issue came before county commission. He said people who got excited about it lived in country, and they had a referendum election that came out 69% to 31% but now issue is back. He said the big picture shows vast changes coming in agriculture in the future. He discussed changes and pollution in Iowa and said the land will not be able to sustain the demands of the world. Cody claimed the long term plan is not sustainable, that large CAFOs are last century, and he would like to cut back on amount of food going into fast food industry. He also said the country pays way too much money to farmers to grow too much grain. Mockler pointed out that Yankton allows twice the livestock as Clay County.

Cindy Kirkeby gave the commissioners a handout where she attempted to solve problems in the 2013 ordinance. She suggested the commission appoint a committee to look at the ordinance. Mockler said Kirkeby's proposal almost mirrors the proposed ordinance, and Manning echoed Mockler's thoughts.

John Davidson said the purpose of zoning is to achieve balance between different land uses, and the current ordinance achieves the balance. As a Planning & Zoning Commission member, he said he saw many approvals for rural residences, and that has to be balanced against other competing uses. Davidson said no single use can be allowed to dominate over others, but the current proposal allows dominance and present code provides substantial animal operations.

Craig Johnson said people are getting frustrated, and he asked that the commissioners take action on the Planning & Zoning Commission's proposal. He pointed out the right to farm covenant and asked Powell to read it. Johnson said agricultural areas are a different culture, and people should be able to accept that if they are moving into it. Wilson said the definition of agriculture in ordinance excludes CAFOs. Turk said the majority of people testifying so far have lived in Clay County long-term. Johnson said the words coming out of everyone's mouths are different and that he is hearing only one side, nothing that will help the farm side.

Clarence Pederson said the setbacks for private wells other than owners or operators says 250 feet and asked if it was a different number before. Passick pointed out that an area in the current proposal is underlined, which indicates it is new. Mockler discussed setbacks for expansion vs. new operations (Section 5k) and also clarified that cow operations cannot switch to swine.

Mockler clarified that the right to farm covenant has been in the ordinance for years. It is nothing new. Struckman-Johnson said what people have to put up with still has to be regulated by federal, state, and local law. The right to farm is still regulated. Kirkeby discussed the right to farm and natural resource conservation district section relating to agricultural district.

Pulse thanked the commissioners for the meeting and said he is not 110% against the ordinance but is concerned about certain areas. He said he would like to hear from the farmers in attendance as to how it prevents them from growing. Sheldon Johnson said he does not sell a single commodity in Clay County because the economics for it is to go elsewhere. Johnson buys diesel from other counties because it is not available in Clay County. He said he has no personal interest in a CAFO, but reiterated that his products are going elsewhere because there is no market in Clay County. Johnson said it is necessary to give kids room to grow, or it is impossible to talk them into trying farming.

Petrik said he spent \$10,000 extra dollars for raising livestock in Clay County under ordinance due to permitting process, but he did what was required. He said the commissioners are great thinkers, and he has faith that their stewardship is good and they have heard the concerns. Powell asked if soil or concrete in Petrik's pit is more permeable. Petrik said it's a draw, but nothing seals a crack in concrete better than manure. Powell asked if the engineering study indicated the impermeability of the soil. Petrik said it has the tremendous ability to filter.

Passick said most concerns heard at this hearing were about the large operations and clarified that the only large animal number that has increased in the proposed ordinance is dairy. He said approval of the ordinance does not automatically approve a large operation. It merely gives them a chance to prove themselves. He does not think Clay County will be overrun by requests for a large dairy because there is not room in Clay County for lots of large dairies.

Wilson says there are a lot of square miles of floodplains that are opened up in the new ordinance. Mockler asked how the protections are being removed and clarified that the protection was not changed since the 2005 ordinance. Wilson said the entire ordinance was reviewed from 2005 and did not devote a lot of time to CAFOs due to reviewing over 80 pages at the time. Wilson said the AFO definition was removed after he was a commissioner and said removing it was a mistake.

Scott Jepsen asked if his location according to the aquifer map says he cannot have 5,000 head. He said if he had not been there already he would not be able to have his livestock.

Wilson said there has been a change in requirements when selling CAFOs. Petrik said the Department of Environment and Natural Resources (DENR) permit stays with the operation. Once a permitted operation, always a permitted operation, and he cited the feedlot in Hurley as an example. Even though the operation has decreased in size, it still has to maintain permits.

Petrik said regardless of the size of the operation, if there is a single complaint filed with DENR they will be required to become permitted. Petrik asked how many complaints the Board gets in a year. Mockler said the only complaint he has heard is, "Why can't we expand?"

Powell said the Board is trying to follow legal counsel's recommendation regarding the AFO and CAFO definition.

Nancy Carlsen asked if the board directed the Planning and Zoning Commission to increase the dairy numbers, to which the Board said no. Powell said the due process of law is that the process goes through the Planning & Zoning Commission and then the County Commission goes through the same process.

At 9:22 p.m., Powell moved, seconded by Manning and carried to adjourn. The time for second reading will be set at a later Board of Clay County Commissioners meeting.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

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August 29, 2016

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

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

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

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

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

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

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

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

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

### **RESOLUTION #2016-13**

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

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

STRUCTURE NUMBER AND LOCATION:

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

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

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

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

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

NOW THEREFORE, BE IT RESOLVED:

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

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

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

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

Proposed Year of Construction: 2017

Vote of Commissioners: Yes 4 No 0

Dated at Vermillion, South Dakota this 29<sup>th</sup> day of August, 2016.

ATTEST:

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Carri R. Crum, County Auditor

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Travis Mockler, Chairman

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

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

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

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

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

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

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

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

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

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

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



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:   
Carri R. Crum, County Auditor

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September 6, 2016

The Board of County Commissioners met in regular session Tuesday, September 6, 2016 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Raymond Passick.

Packard moved, seconded by Passick and carried to approve the agenda with the addition of a travel request from Layne Stewart, Emergency Management Director.

Minutes of the August 29, 2016 meeting were approved with a motion by Manning, seconded by Powell and carried.

Jane Olson, Register of Deeds, appeared during Visitors to be Heard to discuss new computer software with the Board. It was suggested that Olson should obtain cost estimates and discuss the estimates at a later meeting.

Andy Howe, Sheriff, met with the Board to request travel for Noah Umscheid to Pierre for the Law Enforcement Training Academy. Passick moved, seconded by Powell and carried to authorize three round-trips of travel at County expense.

The Board reviewed a draft of proposed Ordinance #2016-04, An Ordinance Combining the Offices of County Sheriff and County Coroner. Powell moved, seconded by Manning and carried to set September 27, 2016 at 9:15 a.m. as the date for Public Hearing and First Reading of Ordinance #2016-04.

At 9:30 a.m., a Public Hearing was held for consideration of the 2017 Provisional Budget. No one appeared in opposition, and no written correspondence was received.

Cynthia Aden, Zoning Administrator, met with the Board to present the following plat. Passick moved, seconded by Manning and carried to pass and adopt the following resolution for plat of Tract 1, Mount's Addition, in the NE1/4 of the NE1/4, Section 5, T91N, R51W of the 5<sup>th</sup> P.M., Clay County, South Dakota; Gwendolyn Ann Hult Mount, A/K/A Gwen A. Mount, trustee of the Gwen A. Mount Revocable Trust, owner.

#### **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, Mount's Addition, in the NE1/4 of the NE1/4, Section 5, T91N, R51W of the 5<sup>th</sup> P.M., Clay County, South Dakota; Gwendolyn Ann Hult Mount, A/K/A Gwen A. Mount, trustee of the Gwen A. Mount 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.

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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 6, 2016.

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Carri R. Crum  
County Auditor, Clay County, SD

Cynthia Aden, Welfare Director, presented to the Board the Welfare Case #C15-33. Manning moved, seconded by Packard and carried to authorize payment as presented due to the individual meeting welfare guidelines.

Layne Stewart, Emergency Management Director, met with the Board to request travel to Aberdeen September 11-16, 2016 for the state conference. Manning moved, seconded by Passick, and carried to authorize the travel request.

Manning moved, seconded by Passick and carried to change the next regular meeting from Tuesday, September 13, 2016 to Thursday, September 15, 2016 at 9:00 a.m.

The Board discussed the proposed zoning ordinance changes. Manning stated he would like to change the definition of Agriculture back to that of the 2005 ordinance. The powers of the Board of Adjustments was also discussed regarding setbacks to wells and animal number caps. Regulations for Small A and Small B animal charts were reviewed. Discussion occurred that Clay County farmers are purchasing manure from Iowa farmers under regulations set forth by their manure management plans with the state. It was decided that Cynthia Aden, Zoning Administrator, would work with the Board to revise the proposed ordinance with changes they would like to see and present a new draft.

The Veterans, Welfare, and Zoning monthly reports and the following Auditor's Account with the County Treasurer report for the month of August was accepted and placed on file.

#### AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

To the Board of County Commissioners of Clay County, items in the hands of the County Treasurer as of August 31, 2016. I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks	5,564,952.02
Amount of actual cash	2,471.21
Total amount of checks and drafts in Treasurer's possession not exceeding three days:	16,220.19
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:	2,198.18
Checks returned and not deposited	
Cash Items	
Investments	1,000.00

Cash Variation 8,762.08  
Total 5,595,603.68

Dated this 1st day of  
September 2016.

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Carri R. Crum, County Auditor

At 11:05 a.m., Manning moved, seconded by Passick and carried to adjourn and reconvene Thursday, September 15, 2016 at 9:00 a.m.



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Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:   

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Carri R. Crum, County Auditor

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September 15, 2016

The Board of County Commissioners met in regular session Thursday, September 15, 2016 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Raymond Passick.

Manning moved, seconded by Passick and carried to approve the agenda with the addition of the approval of an invoice from Pollman Excavation for Ditch Board and a correction to the time slot for Jill Munger, Community Health/WIC Nurse, to reflect that she would be discussing the upcoming POD drill and flu vaccines.

Minutes of the September 6, 2016 meeting were approved with a motion by Passick, seconded by Manning and carried.

Rod Polley, Highway Superintendent, met with the Board to discuss highway matters. An Application for Entrance from a Clay County Highway was presented on behalf of Robert Johnson for a driveway on 452 Ave. approximately 1/3 mile south of the intersection of 452 Ave. and 312 St. Powell moved, seconded by Packard and carried to approve the application with work to be at the landowner's expense.

Polley reported that the Highway Department is finished with chip sealing for the season. He also gave the Board an update on new paving procedures that include a fabric and concrete overlay. Survey work for a bridge east of Bethel Hall was also discussed as well as the procedures for the bridge grant program.

At 9:14 a.m., Passick moved, seconded by Manning and carried to adjourn and convene as Clay County Ditch Board.

Powell moved, seconded by Packard and carried to authorize payment of an invoice from Pollman Excavation for \$4,614.29 for cleaning on Lateral 2B and Lateral 50B.

Hazen Bye and Troy Walraven met with the Board to request cleaning on Lateral 50B near Jana Bye's property. The Board discussed the location with Polley, who will discuss it with the Weed Department.

Powell and Polley discussed a rotary ditch cleaning tool that mows and cleans trees which Powell learned about at the County Convention.

Manning reported that he talked to Pollman regarding previously approved cleaning on Prairie Center Ditch, and Pollman plans to do the work this fall. Polley said the Weed Department plans to spray this fall as well.

Polley reported on a culvert on the Yankton-Clay Ditch near the county line south of 313 St. that is becoming covered and hidden. Currently only one end is visible. It was decided that Polley should proceed with looking for the other end.

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

Jill Munger, Community Health/WIC Nurse, met with the Board to discuss the upcoming Point of Dispensing drill and flu vaccines. Powell moved, seconded by Packard and carried to authorize flu vaccines for county employees with the understanding that the Community Health Nurse's Office would attempt to bill the county employee health insurance first, and if not covered, then the county will cover the cost. Munger requested that county employees be allowed time away from the offices on a rotating basis to participate in scenarios during the POD drill. Powell moved, seconded by Packard and carried to authorize the employees to participate in the POD drill by giving them the time off to attend.

Polley returned to the meeting to ask Philip Terwilliger, Deputy State's Attorney, if he has the legal authority to remove campaign signs that are in the right-of-way and hold them for the candidate to pick up at the Highway Shop. Terwilliger said that by statute it is a misdemeanor to place campaign signs in the right-of-way.

Powell moved, seconded by Packard and carried to authorize the following claims for payment. September Bills: (Due to Other Governments) Dept. of Revenue \$205,597.55; SD Assn of Co Officials \$496.00 and Reliance Telephone \$500.00; (Professional Services and Fees) City of Vermillion \$84.00; First Bank & Trust Visa \$6.80; Lewno, Lucille M \$45.50; Lincoln County Treasurer \$154.83; Mail Finance \$63.75; Minnehaha Co. Auditor \$270.00; Netsys Plus Inc. \$218.25; Pharmchem, Inc. \$450.00; Sanford Health Clinic \$13,267.72; Satellite Tracking \$130.00; SD Achieve \$180.00; SD Dept. of Health Lab \$620.00; Yankton Co Treasurer \$88.65 and Yankton Medical Clinic \$322.56; (Other Professional Services and Fees) Reeves, Megan \$331.00; (Mental Health) SESD Activity Cntr. \$360.00 and Dept. of Revenue \$411.63; (Publishing) Star Publishing \$234.21; (Rentals) Schneider Corporation \$2,115.00; (Repairs and Maintenance) Brunick Service, Inc. \$55.00; Century Business Products \$59.79; First Bank & Trust Visa \$9.00; Hartelco \$10.00; Kone, Inc. \$679.94; Louie's Carpet Cleaning \$149.00; Mail Finance \$382.44; Microfilm Imaging System \$30.00; Wells, Brian \$65.00 and Walker Construction \$1,900.00; (Data Processing) Microfilm Imaging System \$496.00; Netsys Plus, Inc. \$327.50 and Software Services, Inc. \$2,060.00; (Laterals 2A & 2B Expense) Pollman Excavation \$1,070.77; (Laterals 50A & 50B Expense) Pollman Excavation \$3,543.52; (Supplies & Materials) A & B Business \$33.95; A-Ox Welding Supply Co. \$163.74; Appera \$52.64; Boyer Trucks SF Inc. \$2,203.04; Butler Machinery Co. \$12.64; Campbell Supply Co. \$118.52; Concrete Materials \$48,459.28; Coyote Chemical Company \$122.30; Dakota Riggers & Tool \$28.70; Davis Pharmacy \$511.87; Double H Paving Inc. \$118,549.06; FedEx \$63.81; First Bank & Trust Visa \$64.51; John Deere Financial \$570.94; Johnson Feed, Inc. \$114.20; Mart Auto Body & Marina \$13.49; Midwest Bldg. Maint. \$66.00; Midwest Oil Company \$1,614.05; Orr Farm Supply \$26.00; Quill Corporation \$47.58; Sturdevant's Auto Parts \$462.40; Truenorth Steel \$7,474.69; True Value \$122.97; One Office Solution \$139.98 and Wheelco Brake and Supply \$1,414.30; (Travel and Conference) Best Western of Huron \$208.00; Brunick Service, Inc. \$34.00; Crum, Carri R \$167.88; First Bank & Trust Visa \$28.55; Olson, Jane \$68.76 and SD Planner's Association \$80.00; (Inmate Travel) Brunick Service, Inc. \$173.00 and Pennington County Jail \$236.60; (Utilities) Bureau of Administration \$41.59; Clay Rural Water System \$63.60; Clay Union Electric Co. \$487.75; Hartelco \$79.95; MidAmerican Energy \$84.12; Midco

Business \$270.00; Vermillion Garbage Svc \$60.00 and Wakonda Town \$57.35; (Payment) Brunick Service, Inc. \$1,289.94; Cherry St Grille \$2,868.73; Crop Production Service \$2,103.00; First Bank & Trust Visa \$92.28; Freeman, Grace \$787.50 and Cournoyer, Ray \$608.88; (JDC/Special Eqp.) Vermillion Federal Credit \$40.00; (Buildings and Structures) Walker Construction \$1,800.00; (Books) John Deere Financial \$1,250.00; Thomson Reuters – West \$272.50; Truenorth Steel \$1,675.61; (Furniture and Minor Equipment) A & B Business \$219.98; Coyote Enterprise LLC \$119.99 and Microfilm Imaging Systems \$120.00.

The Register of Deeds monthly report was accepted and placed on file.

The Board discussed adoption of a Conflict of Interest Policy. It was decided that the matter be tabled until a more complete policy should be drafted and returned to the Board.

Powell moved, seconded by Packard and carried to authorize the Chairman's signature on the 2017 Emergency Management Performance Grant.

Recent payroll changes are as follows. Dylan Miller was hired as a part-time jailer, effective 7/1/16 at \$13.64/hour. Ricardo Rodriguez began as a full-time jailer 8/15/16 at \$13.64/hour.

At 9:58 a.m., Manning moved, seconded by Packard and carried to adjourn and reconvene Tuesday, September 27, 2016 at 9:00 a.m.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:   
Carri R. Crum, County Auditor



September 27, 2016

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### RESOLUTION

ADOPTION OF ANNUAL BUDGET FOR Clay County, South Dakota

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

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

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

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

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

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

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

BOARD OF COUNTY COMMISSIONERS OF Clay County, South Dakota

Travis Mockler, Chairman

Leo F. Powell, Commissioner

Micheal Manning, Commissioner

Phyllis Packard, Commissioner

ATTEST: Carri R. Crum, County Auditor

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

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



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

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October 4, 2016

The Board of County Commissioners met in regular session Tuesday, October 4, 2016 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Raymond Passick.

Packard moved, seconded by Passick and carried to approve the agenda with the amendment that the resolution for appeal of utility values should reflect years 2015 forward.

Minutes of the September 27, 2016 meeting were approved with a motion by Manning, seconded by Packard and carried.

Rod Polley, Highway Superintendent, met with the Board to discuss highway matters. Manning moved, seconded by Powell and carried to approve the low bids of \$1.669/gallon from Stewart Oil & Tire for #2 diesel for the Wakonda Highway Shop and \$1.91/gallon from Brunick Service for ethanol blend fuel.

At 9:05 a.m., Packard moved, seconded by Powell and carried to adjourn and convene as Clay County Ditch Board.

Packard moved, seconded by Powell and carried to set October 25, 2016 at 9:15 a.m. as the time for bid opening on Clay Creek Ditch Cleanout Project Phase 3.

Polley reported that he spoke with Pollman Excavation regarding the projects near Holmes Welding, Jana Bye's property, and Brook Bye's property, and they will be working together to coordinate the work.

At 9:12 a.m., Powell moved, seconded by Passick and carried to adjourn and reconvene as Board of Clay County Commissioners.

Packard moved, seconded by Manning to pass and adopt the following Resolution #2016-14. Roll call vote: Passick Aye, Manning Aye, Powell Aye, Packard Aye, Mockler Aye. Motion passed.

**RESOLUTION #2016-14**  
**NuStar Pipeline Operating Partnership, L.P. Central Assessment Appeal**

WHEREAS it appears that the State of South Dakota may have undervalued the central assessment of the properties of NuStar Pipeline Operating Partnership, L.P. in Clay County;

NOW BE IT THEREFORE RESOLVED that the Board of County Commissioners of Clay County approve that the law firm of Meierhenry Sargent LLP of Sioux Falls, SD appeal the tax assessments involving all NuStar properties in Clay County for the years 2015 forward.

Dated the 4<sup>th</sup> day of October, 2016.

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

Vote of the Commission: Mockler Aye Packard Aye Powell Aye Manning Aye and Passick Aye.

Upon which voting the foregoing Resolution was declared passed and adopted.

ATTEST:

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

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

Passick moved, seconded by Packard and carried to set October 25, 2016 at 9:30 a.m. as the time for bid opening for Courthouse and Public Safety Center snow removal services.

The Board discussed proposed zoning regulations changes. It was reported that there is a tour scheduled of a 4,250 head dairy operation in Lincoln County on Thursday, October 6, 2016 at 1:00 p.m. Tentatively, attendees will be the County Commissioners, County Auditor, Nate Welch of the Vermillion Chamber and Development Company, and Mayor Jack Powell of the City of Vermillion. The Board discussed how many acres of ag land there are in the county. Gene Lunn, Director of Equalization, reported that there are 251,298.12 acres, which includes crop and pasture. Mockler said there should be approximately 225,000 acres of tillable land. Further discussion was tabled until a future meeting.

The Sheriff's Office Monthly Activity Reports were accepted and placed on file.

At 9:37 a.m., Manning moved, seconded by Passick and carried to adjourn and reconvene Tuesday, October 11, 2016 at 9:00 a.m.

ATTEST:

Carri R. Crum  
Carri R. Crum, County Auditor

Travis Mockler  
Travis Mockler, Chairman  
Board of County Commissioners

October 11, 2016

The Board of County Commissioners met in regular session Tuesday, October 11, 2016 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Raymond Passick.

Packard moved, seconded by Passick and carried to approve the agenda with the addition Jill Munger, Community Health/WIC Nurse for an amendment to the Point of Dispensing (POD) Grant.

Minutes of the October 4, 2016 meeting were approved with a motion by Manning, seconded by Powell and carried.

Jill Munger, Community Health/WIC Nurse, presented an amendment to the POD Grant in order for the county to receive an additional \$1,000 of grant funds. Powell moved, seconded by Packard and carried to authorize the Chairman's signature on the amendment.

Rod Polley, Highway Superintendent, met with the Board to discuss highway matters. An Application for Entrance from a Clay County Highway was presented on behalf of Mark Peterson for a driveway extension west of Wakonda on 302 St. Passick moved, seconded by Packard and carried to authorize the Chairman's signature for approval with work to be done at the landowner's expense.

The Board considered Applications for Occupancy on a Clay County Highway on behalf of East River Electric for electrical lines with poles to be located outside of the right-of-way at 308 St. & 462 Ave., 305 St. & 455 Ave., 305 St. & 459 Ave., 306 St. & Hwy. 19, 309 St. & 465 Ave. Passick moved, seconded by Manning and carried to authorize the Chairman to sign the applications as presented.

Polley gave the Board an update on the drainage ditch slough at Brook Bye's land with a Pictometry photo of the area.

Powell spoke with Polley regarding gravel that washed away from Don Gregg's driveway due to water coming from a county oil road. They also discussed whether or not the area met the requirements for "hidden driveway" signage.

Layne Stewart, Emergency Management Director, met with the Board to present the SLA Quarterly Activity Report for Fiscal Year 2016. Passick moved, seconded by Packard and carried to authorize the Chairman to sign the report.

Stewart gave an update to the Board on the upcoming Point of Dispensing Drill to be conducted on October 20, 2016.

Stewart briefly explained new state-required documentation regarding expenditure reporting.

Andy Howe, Sheriff, met with the Board to discuss vehicle bid specifications. Howe discussed the need for a truck in the Sheriff's Office fleet and specifications for such. Passick moved, seconded by Manning and carried to authorize the bid specifications and advertising, with bid opening to be November 1, 2016 at 9:30 a.m.

At 9:30 a.m., a public hearing was held for the second reading of Ordinance #2016-04, An Ordinance Combining the Offices of County Sheriff and County Coroner. No one appeared in opposition, and no written correspondence was received. Packard moved, seconded by Manning to pass and adopt the ordinance. Passick Aye, Manning Aye, Powell Aye, Packard Aye, Mockler Aye.

Howe also discussed the possibility of starting a commissary program at the jail with orders being paid by inmates in advance. Powell moved, seconded by Packard and carried to authorize the commissary program with a rate of 10% commission for the County.

At 9:42 a.m., Passick moved, seconded by Manning and carried to enter an Executive Session for personnel matters per SDCL 1-25-2.

At 10:17 a.m., Powell moved, seconded by Packard and carried to exit the Executive Session.

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

On October 6, 2016, all Commissioners, Auditor Carri Crum, Nate Welch with Vermillion Chamber & Development Company, and Vermillion Mayor Jack Powell toured Dakota Plains Dairy's 4,250 head operation in Lincoln County.

The Board discussed the proposed changes to the zoning regulations regarding Concentrated Animal Feeding Operations (CAFO) and discussed the dairy operation tour with those attending the meeting. Powell felt the dairy tour was very educational. He said rain water does not run off but rather is collected, and it actually helped drainage in an area that previously had drainage problems. Packard said one concern that she has heard through the public hearings has been antibiotic use. She explained that at this operation, if a cow is given antibiotics, it is quarantined until antibiotics are out of the system. Powell said that the milking stalls are cleaned after each cow, and Packard said the udders are cleaned before the milking machine is attached. Teddi Gertsma, State's Attorney, asked if there was an odor. Powell said the odor he noticed was in the silage/feed area, where it smelled like alcohol. Packard said the cows were extremely quiet. She also said she found that the larger operations have potentially more protections than the smaller ones, they are extremely efficient, and extremely clean. The stalls are cleaned 3 times per day. Powell stated that it was a \$17 million operation to build. Packard said it is still family owned to a certain degree. The parent, son, and daughter each run one of the dairies. Passick asked why would the Commissioners eliminate the economic opportunity to have a company who could prove itself to be responsible.

The Commissioners discussed that Bill Hansen with the State of South Dakota said Lincoln County residents had a lot of concerns with Dakota Plains Dairy the first time, and now with the expansion plans, there has been virtually no opposition to the second unit. Powell said he gained

a different opinion regarding the animal number cap. Cindy Kirkeby asked if there is no cap, and a 20,000 animal operation comes, would it be hard to deny? Commissioners answered that Planning & Zoning would go through a process to approve it, then if there were problems the County Commission would hear it. Packard said she can see Clay County needing a compliance officer in the future, not because of large operations. The large operations do not want to be shut down. She said it is the middle of the road operations that could be more of a danger. The County does not have enough personnel, so that is something that should be looked at.

Powell said they learned that wages started at \$13.50/hour, housing is provided at \$1.00/hour less hourly wage, and health insurance and vacation time are available. Powell said when asked, Tom Jones, a former Senator who lives in Viborg, said he has never heard a complaint from anybody in the area about the facility. Passick went back to Kirkeby's question and said a 20,000 dairy would not likely happen unless the market for the milk was already in the area and land was lined up for manure management, etc. He said he does not want to take a position where the County is eliminating the possibility for good potential and said many counties in the state have never had a cap. Packard said the current proposal is a 5,600 animal number cap. Said she is throwing under the table her previous recommendation for a 4,500 cap. Some other big industry such as cheese or milk processing would need to be here before a request for 10,000 operation or another big request were to come along. Frank Orr asked what would happen if there were a large animal operation request. Commissioners clarified that there is a cap for any operation in the current proposal.

Manning said he would much rather have an operation like what was toured than an open facility. Jerry Wilson said, according to the American Dairy Association, the average dairy size is 100-200 cows, and 97% are family owned. He said the dairy farm bottom dropped out because of large dairies, and one can put 28 family farms out of business. Wilson asked what is in it for Clay County? At \$13.50/hour, he said, they can live but not buy anything. He encouraged the Commissioners to ask themselves some questions. What about the economic realities? Is this good for Clay County? He said regarding setbacks in Minnehaha County, there is no size limit, but there are gradually increasing setbacks. Wilson said he is hopeful that the Commissioners study economics and other factors that are equally relevant. Mockler said they took into consideration Turner and Lincoln County setbacks, and these are at least equal. Mockler said the average pay is \$50,000/year. Passick clarified that was the starting wage. Wilson asked how many were citizens and residents of the county. Commissioners said not all of the workers live in the county; some live in Beresford. They discussed with Wilson the starting wages at other industries in Clay County. Wilson asked the Commissioners to consider a complete economic analysis. Passick said the State has numbers for the dollar amount generated for different animals. Commissioners discussed the cost benefit for hauling corn to a large dairy vs. to Hudson. Powell said setbacks are important, but they also need to look at the economic benefit as well before approving. Wilson said the federal government is buying mountains of seeds to subsidize the market. Passick said subsidies are a fact of life in an agricultural community, and he would hope that an organization with multi millions to invest would do their research to make sure they can make it here. Frank Orr said it is hard for him to stomach the locals having a hard time making it, and it is hard to find a balance.

Manning said in the proposed zoning regulations, he would like large, medium, small for sizes but would like to do something with the Natural Resources Conservation area to keep people who are currently there in operation but prohibit expansion or new operations in those areas. The Board discussed having Patrick Andrews with SECOG look at it. Packard said looking at the dairy operation opened her eyes, but she did not have time to thoroughly look back through the proposal. She requested time to do so. Passick said SECOG needs to be involved in wording any changes to the proposal. The Board settled on inviting Andrews to the October 25, 2016 meeting.

Nancy Losacker asked if Dakota Plains Dairy had a tornado or other emergency plan to contain manure. Passick discussed that the drainage is designed to slope in such a way that it contains runoff in the property's lagoons. Kirkeby asked what the animals are doing when they are not being milked. Powell said there is a pen for them to wander and individual stalls to lie down. Wilson asked about fly control chemicals, and the Commissioners explained that the air current generated from large fans on the sides of the building is enough to keep flies off the animals. Further discussion was tabled until the October 25<sup>th</sup> meeting.

At 11:21 a.m., Packard moved, seconded by Manning and carried to adjourn and reconvene Tuesday, October 25, 2016 at 9:00 a.m.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:   
Carri R. Crum, County Auditor

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October 25, 2016

The Board of County Commissioners met in regular session Tuesday, October 25, 2016 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning; Raymond Passick was absent.

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

Minutes of the October 11, 2016 meeting were approved with a motion by Powell, seconded by Manning and carried.

Jill Munger, Community Health/WIC Nurse, met with the Board to present the Quarterly Community Health/WIC Nursing Report.

At 9:15 a.m., Manning moved, seconded by Packard and carried to adjourn and convene as Clay County Ditch Board.

At 9:15 a.m., public bid opening took place for Clay Creek Ditch Cleanout Project Phase 3. Bids were opened and read aloud. Representatives from Johnson Engineering were present to assist with tabulation. Bids were as follows:

Bidder	Base Bid	Alternate A	Alternate B	Alternate C	Bid Security	Total
Jerke & Sons Construction	32,352.66	11,242.00	14,493.00	13,253.00	10% Bond	71,340.66
Pollman Excavation	45,470.00	19,280.00	19,220.00	23,720.00	10% Bond	107,690.00
Siteworks, LLC	71,100.00	23,100.00	28,500.00	22,100.00	10% Bond	144,800.00

Powell moved, seconded by Packard and carried to authorize Johnson Engineering to review the bids in order to ensure specifications were met before accepting any bids at the next meeting.

At 9:23 a.m., Manning moved, seconded by Packard and carried to adjourn and reconvene as Board of Clay County Commissioners.

The Board discussed Jay Bottolfson's position on the Planning and Zoning Commission that is expiring December 31, 2016. It was the consensus of the Board to ask Jay Bottolfson to remain on the Commission.

The Register of Deeds Office Monthly Report was accepted and placed on file.

At 9:30 a.m., public bid opening took place for Courthouse snow removal for the 2016-2017 winter season. One bid was received from Walker Construction. The bid was opened and read aloud. The bid for the parking lot was \$95 per hour and \$100 per time for sidewalks. Powell moved, seconded by Manning and carried to accept the bid.

Matt Callahan, Vermillion Fire/EMS Deputy Chief, met with the Board during Visitors to be Heard to discuss options for ambulance replacement.

Jim Wilson, Clay County Historic Preservation Commission (CCHPC), met with the Board. Wilson discussed the update of bylaws and re-authorization via resolution by the County Commissioners. He also discussed the bank account and the need for a Tax ID Number on the account. Teddi Gertsma, State's Attorney, asked that the CCHPC give an annual accounting report to the County Commissioners. Manning moved, seconded by Powell and carried to authorize the use of the County's Tax ID Number (FEIN) for the CCHPC bank account.

Patrick Andrews from SE Council of Governments (SECOG) and Cynthia Aden, Zoning Administrator, met with the Board to discuss a draft of a presentation on proposed zoning regulation changes. The Board also discussed Concentrated Animal Feeding Operations (CAFOs) and manure management plans. Packard requested that the AFO definition be included in the section under review, even though it may be repetitive. Aden said the CAFO definition is set to be removed from section 3.07 and moved to the definition section so that all the definitions will be in the definition section to remove redundancy. Teddi Gertsma, State's Attorney, clarified that it would be set up like SD Codified Law, where a person is to refer back to the definition section for the definitions of certain terminology. Mockler pointed out that the presentation did not include the change in the definition of Agriculture back to the 2005 definition.

Further discussion took place regarding the Aquifer Protection Overlay District, and Mockler suggested requiring anyone in Zone B to obtain a conditional use permit. Packard, Powell, Manning, and Aden discussed that it would require the operator to prove that the soil on that specific site is impermeable over an aquifer.

Packard said that 4,500 cows seems to be in the ballpark for financial purposes. Mockler and Manning discussed that 5,600 cows would include the dry cows and calves in addition to the potential 4,500 milk cows.

Aden talked about setbacks and explained that the right-of-way setback was reduced to allow for building closer to the road for truck purposes. She discussed setbacks referring to the owner/operator's own well, not neighboring wells. She said the distance of small operations from incorporated municipalities would require the use of municipality regulations. Mockler said his concern was that it should not affect operations currently in place near the municipalities. The remainder of the setback measurements were changed from miles to feet and not reduced.

Andrews discussed changing the number table to start at one instead of zero. He also talked about correcting a typo changing a title from Ag district to NRC district. The right-to-farm covenant was discussed. The slide show presentation changes were reviewed again.

Kristen Benidt from SECOG met with the Board to give an update on the County Site Analysis. Benidt reported that the 2013 study employed a number of criteria and determined there were 2 "good" sites for a potential CAFO in Clay County. The study was simply a tool for counties who could be interested in future development. Since the study, the State has partnered with SECOG

to follow up. Benidt spoke with the Board about assigning a point of contact/liaison to have access to a private website with contacts and information regarding the study.

Packard moved, seconded by Manning and carried to approve the following claims for payment. October 11, 2015 Bills: (Due to Other Governments) State of SD Game Fish \$81.00; SD Dept of Labor \$649.89; Reliance Telephone \$1,000.00; (Professional Services and Fees) Datatronics, Inc. \$2,972.01; Gapp, Debra \$750.00; Hostek \$89.99; Johnson Engineering Co \$2,323.00; Katterhagen, Mark \$60.00; Lewis & Clark Behavior \$640.00; Lewno, Lucille M \$690.34; Lincoln County Treasurer \$119.53; Reh fuss, Cathy \$18.00; Sanford Health Clinic \$125.03; Satellite Tracking \$162.50; SD Dept. of Health Lab \$830.00; Swanda, Karen \$15.00; Yankton Co Sheriff \$50.00 and Yankton Medical Clinic \$264.79; (Other Professional Services) City of Vermillion \$79,191.15; Schaefer, Dean \$162.00; (Law Office) Brevik Law Office LLC \$492.26; Collison, Jeanne \$27.00; Fox & Youngberg, P.C. \$168.32; Koletzky Law Office \$215.60; Deed Law Offices \$193.20 and Thompson, Craig K \$1,019.46; (Mental Health) Dakotabilites \$540.00; SD Achieve \$180.00; SESD Activity Cntr. \$360.00 and Dept. of Revenue \$841.90; (Publishing) Broadcaster Press \$371.23; (Repairs and Maintenance) Brunick Service, Inc. \$40.00; Dakota Lock & Key \$40.00; Hansen Locksmithing \$47.50; Hartelco \$10.00; Midwest Bldg. Maint. \$24.00; Presto-X Company LLC \$70.91 and Wells, Brian \$341.25; (Data Processing/Clay Creek Ditch) Software Services, Inc. \$1,120.00; (Supplies & Materials) A & B Business \$350.65; A-Ox Welding Supply Co \$163.74; Appera \$52.64; Bierschbach Equip & Supply \$127.00; Bob Barker Co Inc. \$210.81; Brunick Service, Inc. \$1,930.00; Butler Machinery Co. \$733.81; Campbell Supply So. \$219.49; Concrete Materials \$611.42; D-P Tools, Inc. \$265.10; Davis Pharmacy \$523.04; First Bank & Trust Visa \$150.30; Hollenbeck, Lauren \$72.36; Jebro Inc. \$372,802.82; Lyle Signs, Inc. \$78.22; McLeod's Printing \$29.00; Midwest Bldg. Maint. \$42.00; Neve's Uniforms & Equipment \$54.99; Orr Farm Supply \$106.89; ProChem Dynamics \$177.38; Quill Corporation \$107.46; Riverside Hydraulics \$288.63; SD Dept of Trans \$2,656.37; Smithco Mfg., Inc. \$672.04; Stewart Oil & Tire \$4,476.26; Sturdevant's Auto Part \$293.39; Taser International \$68.81; Torco Remfg. \$267.00; Truenorth Steel \$11,730.00; True Value \$11.00; Vermillion Ace Hardware \$45.94; One Office Solutions \$174.23 and Zee Medical Service Co. \$68.40; (Travel and Conference) Best Western Plus \$1,069.89; First Bank & Trust Visa \$304.80; Howe, Andy \$55.00 and Husby, Tiffany \$95.76; (Inmate Travel) Brunick Service, Inc. \$176.50; (Utilities) City of Vermillion \$60.02; Clay Rural Water System \$53.40; Clay Union Electric Co. \$449.10; Hartelco \$79.95; MidAmerican Energy \$163.85; Midco. Business \$270.00; Vermillion Garbage Svc \$60.00 and Wakonda Town \$57.35; (Payment) Brunick Service, Inc. \$1,448.86; Cherry St Grille \$1,733.49; Clay Co Arg Fair Assoc. \$4,425.00; Clay Co Conservation \$8,750.00; Dakota PC Warehouse \$49.99; Dakota Senior Meals \$1,393.00; Dept. of Revenue \$1,545.00; First Bank & Trust Visa \$8.96; Lewis & Clark Behavior \$4,835.25; National Music Museum \$1,250.00; The Roadhouse \$1,578.55; Vermillion Food Pantry \$1,875.00; Vermillion Ford \$179.45; Vermillion Public Library \$1,000.00; Vermillion Senior Center \$3,750.00; Wakonda Public Library \$625.00; Wakonda Senior Center \$625.00 and WH Over Museum \$1,875.00; (JDC/Special Eqp.) Neve's Uniforms & Equipment \$1,336.07 and SD Assn of Co Officials \$2,461.48; (Books) Sanitation Product \$73,824.00; (Furniture & Minor Equipment) A & B Business \$223.32; Century Business Products \$64.72; Microfilm Imaging Systems \$150.00. October 25, 2016 Bills & Payroll: Commissioners \$7,874.50, Election \$702.08 Auditor's Office \$9,049.67, Treasurer's Office \$15,229.43, States Attorney's Office \$14,295.67, Courthouse \$2,632.42, DOE's Office \$9,892.25, ROD's Office \$6,680.42, Veteran's Office \$1,663.33,

Sheriff's Office \$32,639.25, County Jail \$27,130.33, 24/7 Sobriety Project 1,364.31, LEPC \$385.25, Emerg. Mgmt. Office \$3,467.00, Highway Department \$35,340.57, WIC 2,354.25, County Nurse \$1,245.12, Extension Office \$2,847.58, Weed Department \$2,482.85, and Zoning Office \$2,188.75; (Payroll Withholdings) Aflac \$1,055.00; Clay Co Treasurer \$42,767.71; Colonial Life \$359.97; Conseco/Washington \$24.45; Dearborn National \$211.89; New York Life Insurance \$244.02; Optilegra Inc. \$17.92; SD Retirement System \$20,169.06; SD Supplement Retirement \$1,560.00; SDRS Roth Plan \$450.00; United Way of Vermillion \$238.00; Vermillion Federal Credit Union \$1,666.00 and Wellmark Blue Cross \$36,519.71; (Due to Other Governments) SD Assn of Co. Officials \$318.00; Thomas Reuters West \$97.13 and Reliance Telephone \$600.00; (Professional Services and Fees) Volin Rural Fire Assoc. \$13.34; Alertsense, Inc. \$218.75; Johnson Engineering Co. \$12,712.67; McCulloh, James E \$478.40; Netsys Plus, Inc. \$50.00; Paul's Plumbing Inc. \$291.54; Pharmchem, Inc. \$475.00; Precision Reporting LT \$86.00; SD Dept of Health Lab \$105.00; Yankton Co. Sheriff \$200.00 and Yankton Co. Treasurer \$348.75; (Other Professional Services) Reeves, Megan \$775.80; Brevik Law Office LLC \$201.93; Ekeren, Marv \$15.00; Fox & Youngberg P.C. \$191.32; Katterhagen, Mark \$30.00; Lewno, Lucille M \$300.92 and Peterson, Stuart, Rump \$5,978.55; (Law Office) Swanda, Karen \$15.00; (Publishing) Star Publishing \$320.00; (Repairs and Maintenance) Garden & Design \$62.38; Johnson Feed Inc. \$41.00 and Sioux Falls 2-Way \$187.50; (Data Processing/Clay Creek) Bureau of Administration \$27.00; Mastel, Bruce \$35.00; (Supplies and Materials) AlertSense, Inc. \$248.75; American Stamp & Marking \$42.99; Boyer Trucks SF Inc. \$26.14; Brock White Company \$24,916.36; Campbell Supply Co. \$110.59; Cornhuskers International \$232.20; DS Solutions, Inc. \$175.00; FedEx \$62.52; JCL Solutions \$559.38; John Deere Financial \$245.69; Johnson Feed, Inc. \$17.69; L.G. Everist, Inc. \$746.58; Lawson Products, Inc. \$432.64; McLeod's Printing \$666.50; Quill Corporation \$224.92; Sioux City Foundry Co. \$248.51; Sioux Falls 2-Way \$275.93; Sturdevant's Auto Parts \$376.31; UPS \$44.31; Verizon Wireless \$13.24; Vermillion Ace Hardware \$175.73; Wheelco Brake and Supply \$877.57 and Yankton Janitorial Supply \$877.57; (Copier Supplies) Quill Corporation \$74.98; (Travel and Conference) First Bank & Trust Visa \$238.00; SD Public Assurance Alliance \$130.00 and Vermillion Federal Credit \$198.04; (Inmate Travel) Pennington County Jail \$101.40;(Utilities) Brunick Service, Inc. \$64.00; Bureau of Administration \$56.27; CenturyLink \$455.47; City of Vermillion \$2,181.58; Stewart, Layne \$180.00; Verizon Wireless \$89.39 and Verizon Wireless \$280.07; (Payment) Brunick Service, Inc. \$65.00; Domestic Violence \$660.00; Henderson's Exhaust Pl. \$100.00; Hy-Vee, Inc. \$677.40; Jensen Auto Body Inc. \$195.00; Quality Motors \$38.68; Sioux Falls 2-Way \$310.99; USD Creative Services \$254.50; Vermillion Federal Credit \$65.50; Walmart Community/Gecr \$213.81 and Martens, Amy \$20.00; (JDC/Special Eqp.) Lutheran Social Services \$5,565.60 and SD Public Assurance Alliance \$65.00; (Books) Thomson Reuters West \$272.50; (Furniture and Minor Equipment) Counsel \$7.81.

At 11:29 a.m., Packard moved, seconded by Powell and carried to adjourn and reconvene Tuesday, November 1, 2016 at 9:00 a.m.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

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November 1, 2016

The Board of County Commissioners met in regular session Tuesday, November 1, 2016 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Raymond Passick.

Powell moved, seconded by Manning and carried to approve the agenda, moving Layne Stewart, Emergency Management Director, to 9:20 a.m. on the agenda for the Homeland Security Grant.

Minutes of the October 25, 2016 meeting were approved with a motion by Manning, seconded by Passick and carried.

Rod Polley, Highway Superintendent, met with the Board to discuss highway matters. Powell moved, seconded by Packard and carried to approve the low bids of \$.92/gallon for propane from Long's Propane and \$2.10/gallon for ethanol blend fuel from Brunick's Service.

Polley discussed with the Commissioners the State Infrastructure Bank (SIB) Loan Program, which is a road and bridge program consisting of a 0% interest rate loan for a 7-year term. The Board discussed roads needing work and saving money for repairs vs. using a SIB loan.

Passick moved, seconded by Manning and carried to declare surplus and authorize the sale by Girard Auction of the following items: 2005 IHC tandem axle dump truck, 1985 Chevy single axle dump truck, 1995 Ford F350 4X4 with service box, seven 11/22.5R (used) drive tires, nine 315/80/22.5R (used) steer tires, four 23.5/R25 (used) loader tires, one 500 gallon propane tank (used), one 36" x 84" (used) walk-thru door, one 14' x 12' steel garage door with rails & rollers, one 12' x 14' wooden garage door with rails & rollers, one fuel pump model #700 Fillrite with hose & nozzle (used), large pipe threader with vise & stand, one large floor mounted 3 phase grinder W7F Machine Work Inc., and one Onan Corp. 2cyl gas engine model #P218G-1/10876G.

Matt Callahan, Vermillion Fire/EMS Deputy Chief, met with the Board to discuss ambulance replacement. Powell moved, seconded by Packard and carried to authorize the purchase of a used ambulance from Arrow Manufacturing for \$19,000, contingent upon the City of Vermillion's approval.

Layne Stewart, Emergency Management Director, met with the Board to discuss the potential for a Homeland Security Grant for \$100,000-200,000, with the County spending the money and then submitting for reimbursement. Manning moved, seconded by Packard and carried to authorize Stewart to pursue obtaining the grant.

At 9:30 a.m., a public bid opening was held for a Sheriff's patrol vehicle. Bids were opened and read aloud. Jerry's Chevrolet bid \$30,118 base with additional option of a receiver hitch for \$375, for a total of \$30,493. Vermillion Ford submitted a bid in the amount of \$31,250. Sheriff Andy Howe reported he spoke with Vermillion Ford, and they could not bid all the requirements of the specifications. Powell moved, seconded by Manning and carried to accept low bid of \$30,493 from Jerry's Chevrolet, with the addition of blue tooth technology.

At 9:35 a.m., Packard moved, seconded by Powell and carried to adjourn and convene as Clay County Ditch Board.

Powell moved, seconded by Packard and carried to approve an invoice from Johnson Engineering for \$10,800 for the Clay Creek Ditch Cleanout Project Phase 3.

Powell moved, seconded by Packard and carried to accept the low bid (base bid plus alternates A, B, and C) of \$71,340.66 from Jerke and Sons Construction for Clay Creek Ditch Cleanout Project Phase 3.

Powell commented that by using the engineering and updated technology, the process of cleaning Clay Creek Ditch has been more efficient and cost effective.

At 9:41 a.m., Manning moved, seconded by Powell and carried to adjourn and reconvene as Board of Clay County Commissioners.

Cynthia Aden, Welfare Director, met with the Board to present Welfare Case #C16-18. Powell moved, seconded by Passick and carried to authorize payment of the claim as the individual met welfare guidelines.

The Board discussed a plat for a development in the county that included a cul-de-sac. It was decided the State's Attorney and Zoning Administrator should look into the matter.

The Board discussed the proposed zoning regulation changes with Cynthia Aden, Zoning Administrator. Aden said a definition of impermeable was added, and it was decided that the Dept. of Environment and Natural Resources definition should be used. The animal number table starts at one now, instead of zero. The municipality setback under the small category was changed. In the Natural Resource Conservation District, Aden removed all Animal Feeding Operation/Concentrated Animal Feeding Operation references that had been added. Aden discussed prohibited use and conditional use permit changes. Manning moved, seconded by Powell and carried to set November 22, 2016 at 7:00 p.m. as the date for the public hearing and first reading for the proposed ordinance changes.

At 10:09 a.m., Manning moved, seconded by Packard and carried to enter an Executive Session for personnel matters under SDCL 1-25-2.

At 10:32 a.m., Passick moved, seconded by Powell and carried to exit the Executive Session. No further action was taken.

At 10:33 a.m., Manning moved, seconded by Powell and carried to adjourn and reconvene Thursday, November 10, 2016 at 9:00 a.m.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

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November 10, 2016

The Board of County Commissioners met in regular session Thursday, November 10, 2016 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Raymond Passick.

Packard moved, seconded by Powell and carried to approve the agenda, adding Executive Session for personnel matters and also the approval of vouchers to be paid.

Minutes of the November 1, 2016 meeting were approved with a motion by Manning, seconded by Passick and carried.

Rod Polley, Highway Superintendent, met with the Board to discuss highway matters. Polley reported that the state representative for the State Infrastructure Bank (SIB) loan program will be at the November 29, 2016 meeting.

Polley presented prices and amenities included for two different skid loader models. Powell moved, seconded by Packard and carried to authorize Polley to negotiate and purchase a new skid loader.

Powell moved, seconded by Passick and carried to approve the 2-day malt beverage license for Westlund/Peterson Post #44 on November 14 & 15, 2016.

Passick moved, seconded by Manning and carried to approve the annual Package and Retail Liquor licenses for Whimp's Place and Toby's Lounge.

Packard moved, seconded by Powell and carried to approve travel for Layne Stewart, Jeff Anders, and Larry McPherson to the annual Safety Benefits Conference November 9-10, 2016.

Powell moved, seconded by Packard and carried to approve travel for Layne Stewart to Pierre on December 7-9, 2016 for training.

The Sheriff's Monthly Activity Reports and the following Auditor's Account with the County Treasurer Report for the month of October 2016 was accepted and placed on file.

#### AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

To the Board of County Commissioners of Clay County, items in the hands of the County Treasurer as of October 31, 2016. I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks	9,972,902.30
Amount of actual cash	2,902.93
Total amount of checks and drafts in Treasurer's possession not exceeding three days:	678,312.51
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:	2,124.78
Checks returned and not deposited	
Cash Items	
Investments	1,000.00

Cash Variation

97.22

Total

10,657,339.74

Dated this 1st day of  
November 2016.

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Carri R. Crum, County Auditor

Packard moved, seconded by Manning and carried to approve the following claims for payment. November Bills: (Due to Other Governments) SD Assn of Co Officials \$362.00; State of SD Game Fish \$541.86 and Reliance Telephone \$500.00; (Professional Services and Fees) Abild, Lillian \$155.00; AGM Hospitalists Yankton \$1,399.67; Beringer, Bryan \$60.00; Beringer, Jessica \$258.75; Birkeland, Kathryn \$180.00; Bogenpohl, Greg \$175.00; Bottolfson, Darlene \$175.00; Bremer, Ruth \$163.00; Broadcaster Press \$207.00; Bylander, Ruth \$205.00; Cardiovascular \$16.17; Carlson, Michael \$35.00; Counsel \$ .18; Devany, F Arlene \$188.40; Downey, Joan \$193.67; Eidem, Michelle \$35.00; First Bank and Trust Visa \$89.99; Gapp, Debra \$2,040.00; Halvorson, Roma \$217.80; Hansen, Carol \$211.92; Hensley, Gloria \$205.00; Hodgen, Doris \$175.00; Hofman, Pam \$175.00; Hofman, Ray \$90.00; Johnson, Kaili \$150.00; Johnson, Lisa \$205.00; Katterhagen, Mark \$37.50; Klunder, Nicole \$251.64; Larson, Erma \$205.00; Lewis & Clark Behavior \$480.00; Lewno, Lucille M \$217.96; Losacker, Nancy \$200.00; Madsen, Mary K \$231.84; Manning, Linda \$35.00; Martinson, Marsha \$175.00; Mockler, Sandy \$175.00; Moore, Michele \$200.00; Nelsen, Peggy \$246.96; Netsys Plus, Inc. \$468.00; Orr, Beverly \$175.00; Osborne, Kent \$205.00; Peterson, Angie \$175; Peterson, Ina \$205.00; Peterson, John \$202.68; Pharmchem, Inc. \$350.00; Physicians Laboratory \$281.61; Pravecek, Ethelyn (Wes) \$205.00; Rasmussen, Frances \$175.00; Sacred Heart Hospital \$12,592.35; Sample, Ranah \$247.80; Sanford Health Clinic \$1,028.56; Sanford Health Vermillion \$125.00; Satellite Tracking \$74.75; Schafer, Donna \$150.00; SD Dept of Health Lab \$975.00; Sorensen, Mary \$175.00; Sorensen, Thomas \$175.00; Stewart, Layne \$60.00; Swanda, Karen \$37.50; The Equalizer \$116.00; Vermillion Federal Credit Union \$14.31; Whipple, Dennis \$175.00; Wilson Florist \$35.00; Wilson, James P \$180.00; Yankton Anesthesiology \$289.62; Yankton Co Sheriff \$50.00; Yankton Medical Clinic \$3,987.17; Zimmer, Joyce A \$180.00; Sommervold, Donna \$175.00; Mehlhaf, Jeanne \$175.00; Szymonski, Deann \$221.96 and Howe, Sherry \$35.00; (Mental Health) SD Achieve \$180.00; Sisd Activity Center \$360.00 and Dept of Revenue \$1,805.14; (Publishing) Broadcaster Press \$2,070.72; (Repairs and Maintenance) Aden, John \$100.00; Brunick Service, Inc. \$38.50; Century Business Products \$26.92; Hartelco \$10.00; Kone, Inc. \$665.07; Nelsen Electric LLC \$208.00; Netsys Plus, Inc. \$90.50; Presto-X Company LLC \$70.91 and Tri State Insulation \$4,208.34; (Data Processing/Clay Creek Ditch) Esri \$400.00; Johnson Engineering Co. \$10,800.00; Microfilm Imaging Sys \$909.65 and Software Services, Inc. \$980.00; (Supplies and Materials) A & B Business \$181.88; A-OX Welding Supply Co \$158.65; Ace Hardware \$26.98; Appera \$52.64; Beringer, Jessica \$10.52; Bob Barker Co. Inc. \$325.04; Brunick Service, Inc. \$1,984.92; Campbell Supply Co. \$251.72; Cornhusker International \$310.51; Davis Pharmacy \$507.91; Election Systems \$2,220.21; Fast Auto Glass, Inc. \$1,180.00; First Bank & Trust Visa \$557.95; Herren-Schempp \$64.00; Hollenbeck, Lauren \$2.63; I-State Truck Center \$72.10; JCL Solutions \$336.79; John Deere Financial \$286.54; Johnson Feed, Inc. \$51.92; Lund Truck Parts \$640.00; McLeod's Printing & Supply \$391.35; Mills & Miller, Inc. \$2,977.44; Nelsen Electric LLC \$151.53; Office Elements \$33.05; Orr Farm Supply \$7.50; Pressing Matters \$189.00; Quill

Corporation \$728.90; SD Dept of Trans \$6,890.07; Sturdevant's Auto Parts \$316.24; Sytles, David \$42.54; Vermillion Ace Hardware \$62.97; Vermillion Federal Credit \$20.68 and One Office Solutions \$323.11; (Travel and Conference) Best Western Plus \$109.99; Brunick Service, Inc. \$27.50; First Bank & Trust Visa \$187.10; Ganschow, Dennis \$25.00; Polley, Rodney \$104.00; SDAE4HE \$32.00; Stewart, Layne \$64.76 and Vermillion Federal Credit \$297.06; (Inmate Travel) Brunick Service Inc. \$246.96; (Utilities) Brunick Service Inc. \$92.00; Clay Rural Water System \$53.40; Clay Union Electric Co. \$463.80; Hartelco \$79.95; Longs Propane \$1,039.60; MidAmerican Energy \$292.02; Midco Business \$270.00; Vermillion Garbage Svc \$216.00 and Wakonda Town \$62.65; (Payment) American Tire Distribution \$1,305.00; Bob's Sinclair Service \$139.95; Brunick Service, Inc. \$1,565.28; Dakota Embalming \$180.00; First Bank & Trust Visa \$76.27; Freeman, Grace \$800.00; Johnson Feed, Inc. \$49.31; Layne's World, Inc. \$54.17; Subway \$202.00; The Roadhouse \$3,874.50; Vermillion Ace Hardware \$199.64; Vermillion Federal Credit \$71.05 and Durham, Paige \$20.00; (Books) Thomson Reuters – West \$97.13; A & B Business \$220.91; Century Business Products \$61.61; (Furniture and Minor Equipment) Microfilm Imaging System \$120.00; (Machinery and Automotive Equipment) Arrow Mfg. Inc. \$19,000.00; (Automotive) Brunick Service, Inc. \$55.25.

At 9:18 a.m., Manning moved, seconded by Passick and carried to enter an Executive Session for personnel matters under SDCL 1-25-2.

At 9:37 a.m., Passick moved, seconded by Powell and carried to exit the Executive Session. No further action was taken.

At 9:37 a.m., the Board convened as the Canvassing Board and conducted a canvass of the official returns for the November 8, 2016 General Election. Manning moved, seconded by Passick and carried to approve the election results as canvassed.

At 9:25 a.m., Powell moved, seconded by Packard and carried to adjourn and convene as Clay County Ditch Board.

Bob Emmick met with the Board to request cleaning on Lateral 2A/B and culvert work on Lateral 1A/B near Madsen's property. Powell moved, seconded by Packard and carried to authorize the Chairman to negotiate and hire Pollman Excavation to complete the work on Laterals 1A/B and 2A/B if the work is under the limit required for bids.

Emmick also said he observed Pollman Excavation using the laser equipment to measure elevation, and he feels it is the correct way to handle ditch cleaning.

Polley said he received estimates for cleaning sluffs near Brook Bye's property. Powell moved, seconded by Passick and carried to authorize the hiring of Pollman Excavation to complete the work.

At 10:04 a.m., Passick moved, seconded by Packard and carried to adjourn and reconvene as Board of Clay County Commissioners.

Patrick Andrews, SE Council of Governments, and Cynthia Aden, Zoning Administrator, met with the Board to discuss the definition of impermeable to be included in the proposed zoning regulation changes.

At 10:33 a.m., Powell moved, seconded by Passick and carried to adjourn and reconvene Tuesday, November 29, 2016 at 9:00 a.m.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

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November 22, 2016

The Board of Clay County Commissioners met in a special session at 7:00 p.m. on November 22, 2016 for a public hearing and first reading regarding Ordinance #2016-03, an amendment to the 2013 Revised Zoning Ordinance for Clay County. Specifically, the Board of County Commissioners discussed the potential for adoption of amendments to Section 2.02, Definitions; Section 3.07, Concentrated Animal Feeding Operations (CAFO); Section 4.05.01, NRC: Natural Resource Conservation District; Section 4.05.02, A-1: Agricultural District; and 4.0508, APO: Aquifer Protection Overlay District, which were recommended by the Clay County Planning Commission and amended by the Board of Clay County Commissioners. Members present were Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Raymond Passick. Others present: Auditor Carri Crum and Patrick Andrews from SE Council of Governments.

Andrews gave a PowerPoint presentation regarding the proposed changes to the zoning ordinance. Cindy Kirkeby asked for clarification between Small A and Small B. Andrews clarified that the current proposal does not distinguish between A and B. It is just one Small category. A typo was pointed out in the draft and noted that it would be changed.

Richard Hammond asked if there should be a time limit for filing of permits with the County. Powell suggested a 30-60 day timeline. Packard and Passick discussed that the Conditional Use Permit requirement is conditional upon the permit being filed with the County. Hammond also asked if the Feedlot Compliance Certificate is the approval the County is looking for from the State in Chapter 3.07(3). Mockler said the General Water Permit and the Manure Management Plan are the needed documents. Packard asked Hammond if it would be his recommendation that the County require it. Mockler mentioned that the State DENR official never discussed the Feedlot Compliance Certificate. Hammond suggested adding language to define what the County considers approval from the State. Hammond and the board members discussed the process and timeline for obtaining a Conditional Use Permit.

Glen Pulse asked the Board how the process works for purchasing a currently operating CAFO. The Board discussed the need for a Conditional Use Permit and discussed the language in the proposal regarding a new owner.

Barbara Yelverton asked for clarification regarding increasing the size of an operation. The Board clarified that the operator does need to go through the permit process in that situation.

Sharon Gray asked about how the Board is able to deny a 5,600 animal operation. Mockler pointed out that the ordinance is not based upon emotion. Things such as setbacks and the Manure Management Plan help determine whether an operation can be as large as 5,600.

Cindy Kirkeby asked why the Small A and Small B categories were just changed to Small. Mockler said currently the County has no control over Small B if an operator is releasing manure irresponsibly. Under the proposed ordinance the County is able to make the operator get a Conditional Use Permit. Kirkeby said she thinks everyone except the very, very small operators should have to get a Conditional Use Permit.

Barbara Yelverton asked if an operator was over a shallow aquifer, who will monitor it? Would it be a neighbor who would monitor it? Mockler said currently in the ordinance the Smalls are allowed. Barbara Yelverton proposed a scenario where a formal complaint was filed, would the County enforce it? Mockler said the State would step in to investigate the complaint on site. Powell asked Mockler and Manning if anyone from the state comes to count their livestock. Mockler said no, but he has never increased his number either.

Charles Yelverton asked why the number of dairy is over 5 times the number of other species. Mockler said it was the number the Board agreed on based on economics. Powell said he was looking for something like a happy medium between the people who wanted to see a lower number and the people who wanted to see a higher number.

Pulse said Clay County is a unique area and set of population, and he feels like a lesser number would be a lot more acceptable to the area. Charles Yelverton asked if the County Site Analysis study found any areas in Clay County. Powell said there were two good sites, but there may be more based on what he has observed for three-phase power, hard surface roads, etc. However, with the environment in mind the Board considered things like impermeability of the soil over aquifers. Pulse said he saw a dairy very well run that started at 900 cows, but it affected property values in the area, including him personally. He feels the State plan does not always run properly.

Kirkeby asked if there was any studies regarding the percent of objection to animal numbers. Packard said the numbers suggested that nationwide the optimal number was 4,500 head. There is a level at which it is more difficult to keep a good operation and to keep everyone happy. Gray said she is concerned about water quality, but her concern is air quality and smell. She used an operation on the way to Sioux Falls as an example. Manning compared it to the operation that the Commissioners toured and suggested she drive by it to compare for herself the lack of odor. Mockler said the type of operation she discussed is not prevented in the current ordinance. Charles Yelverton asked if the Dakota Plains Dairy is the operation the Commissioners toured, and asked if it was a locally owned operation. The Board discussed that it is a family operation but not a local family. Powell discussed the process for antibiotic usage and quarantine at that dairy as it was a previous concern heard at the Board's public hearings. Charles Yelverton asked what dairy prices are because he has heard overproduction has been an issue and also said there is no need for such a high number in Clay County when the site analysis has indicated two potential good locations. Powell pointed out that the county is not currently inundated with dairy operation requests and said all the County is doing is making the option available to farmers who can prove themselves. Powell said he thinks the regulations for CAFOs regarding what happens with runoff is a far better thing than no regulations for manure runoff.

Dean Spader asked why the Secretaries of Ag of ND and SD are encouraging more animals spread out on the land when Clay County appears to be doing the opposite. Mockler said the Secretaries of Ag want animals on more farms and do not care whether they are grazed or concentrated operations.

Kirkeby discussed setbacks in the current proposed draft. Mockler said the setbacks were 200 ft and 300 ft due to the manure management application setback being 200 ft and 300 ft. Hammond also clarified that a location 300 ft from a lake and 200 ft from a river or stream would already be over an aquifer. Gray said even if 500 ft precluded the County from siting a place, then the County should not reduce to 200 or 300 ft. She thinks there is nothing wrong with being more restrictive than the State. Passick said the Board must balance ordinances with the Comprehensive Plan, which says agriculture is the primary industry, and the County should promote it. It does not mean that the County should do things at the expense of the environment, but the County should give an operator a chance to prove itself able to comply. It would not be different than a tire plant, for example, because every industry has some kind of effect.

Kirkeby discussed the definition of Agriculture and said CAFOs are more like an industry. She said she does not consider a CAFO agriculture. She considers them a business. Mockler pointed out that every farm is a business of some sort. Andrews said there was conflict in previous hearings about the definition of Agriculture District. Mockler said the Board went back to the 2005 definition because no one could tell them where the 2013 definition came from. Kirkeby said the 2013 ordinance improved upon the 2005 ordinance in certain respects.

Hammond suggested it might be beneficial under the manure application tables to strike "shallow" from "private shallow wells." He also asked about requirements for insurance professionals at the State level such as bonds or surety. Mockler said there is a state fund for environmental cleanup in the event of an issue as well as any private insurance.

Discussion took place regarding employment, wages, and benefits at the Dakota Plains Dairy. Tours were discussed, and Andrews suggested Ag United as a resource for potentially obtaining a tour. Hammond said Plymouth County Dairy in Iowa conducts tours often on Saturdays.

Pulse thanked the Board for having another public hearing. He also asked the Board to keep in mind when they vote on the ordinance that operations do have an impact on more than just that land, such as neighbors, property values, etc.

Powell pointed out that manure is so valuable that operators would be losing money by applying too much manure to the land. Spader said too few animals are as bad as too many.

Powell moved, seconded by Manning and carried to set the public hearing for the second reading as December 13, 2016 at 7:00 and to adjourn.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

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November 29, 2016

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

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

Minutes of the November 10, 2016 meeting and the November 22, 2016 public hearing were approved with a motion by Manning, seconded by Powell and carried.

Teddi Gertsma, State's Attorney, met with the Board to discuss a public records request. Gertsma informed the Board that she would be answering a request for electronic records.

Jill Munger, Community Health/WIC Nurse, appeared during Visitors to be Heard to share with the Board that she has accepted a new position with the State of South Dakota.

Rod Polley, Highway Superintendent, met with the Board to discuss highway matters. Powell moved, seconded by Packard and carried to accept low bid of \$1.503/gallon for 7500 gallons of #2 diesel.

Powell moved, seconded by Manning and carried to authorize the Chairman to sign an Application for Entrance from a Clay County Highway presented on behalf of Tyler DeWitt for a residence 900 ft. north of 313 St. on Bluff Rd. at the landowner's expense.

Polley reported that the Highway Department is currently blading gravel roads to improve conditions before the hard freeze.

Powell complimented Polley on how neat and orderly the Highway Shop was and how well maintained the equipment was when the Clay County Safety Board recently inspected the shop. Powell did discuss the need for additional lighting around exterior areas of the shop.

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

Passick moved, seconded by Packard and carried to authorize payment of an invoice to the Clay County Weed Department in the amount of \$48.25 for spraying on the Yankton Clay Ditch.

Manning reported that Pollman Excavation completed cleaning of the Prairie Center Ditch.

Polley reported that Pollman Excavation is nearly finished with work near Brook Bye's property.

At 9:21 a.m., Packard moved, seconded by Powell and carried to adjourn and reconvene as Board of Clay County Commissioners.

Dennis Ganschow, Weed Supervisor, met with the Board to discuss the purchase of a boat. He reported that the used boat from the National Park Service will not be an option for the department. Ganschow presented several price quotes for boats. Powell moved, seconded by Packard and carried to authorize Ganschow to order a 2017 Excel 2072VSCG from Mart Auto Body Marine LLC in the amount of \$19,176.00 before trade in with the understanding that the Board would complete a Contingency Transfer or a Budget Supplement in 2017 if necessary to cover the expense of the boat. Ganschow also offered that the Sheriff's Office personnel be trained in the operation of the boat in case of any usage needs.

Ganschow reported that he applied for a grant in the amount of \$33,000 for a joint Purple Loosestrife control project with neighboring counties. He stated that he was also asked to oversee the Purple Loosestrife Project, and he accepted it with the understanding that he would receive assistance from the Yankton County personnel.

Philip Terwilliger, Deputy State's Attorney, met with the Board to present the 2017 Alcohol Committal Contract. Packard moved, seconded by Powell and carried to authorize the Chairman to sign the contract.

Andy Howe, Sheriff, met with the Board to present the Juvenile Detention Center Contract for 2017. Passick moved, seconded by Manning and carried to authorize the Chairman to sign the contract.

Layne Stewart, Emergency Management Director, met with the Board to discuss the nuances of his job description in relation to the salary reimbursement grant. He suggested formally changing the Emergency Management Director position to full-time and adding the remainder of his duties to his job description as Emergency Management Director. It was the consensus of the Board to make the changes as of January 1, 2017.

Stewart also reported that the Fair Board will be requesting the removal of the POD Trailer and generator from the storage building. It was the consensus of the Board that the trailer and generator remain stored in the same County-owned building.

Powell moved, seconded by Packard and carried to approve the following claims for payment. November: Commissioners \$7,874.50, Elections \$537.63; Auditor's Office \$9,049.67, Treasurer's Office \$15,229.43, States Attorney's Office \$14,295.67, Courthouse \$2,632.42, DOE's Office \$9,892.25, ROD's Office \$6,628.67, Veteran's Office \$1,663.33, Sheriff's Office \$39,375.08, County Jail \$18,076.18, 24/7 Sobriety Project 1,562.36, LEPC \$385.25, Emerg. Mgmt. Office \$3,467.00, Highway Department \$41,162.19, WIC 2,093.55; Extension Office \$2,847.58, Weed Department \$2,141.48, and Zoning Office \$2,188.75; (Due to Other Government) State of SD Game Fish \$148.00; (Payroll Withholdings) Aflac \$1,055.00; Clay Co Treasurer \$43,156.88; Colonial Life \$359.97; Conseco/Washington \$24.45; Dearborn National \$203.49; New York Life Insurance \$244.02; Optilegra Inc. \$17.92; Performant Recovery \$318.00; SD Retirement System \$ 20,041.59; SD Supplement Retirement \$1,535; SDRS Roth Plan \$450.00; United Way of Vermillion \$238.00; Vermillion Federal Credit Union \$1,666.00 and Wellmark Blue Cross \$37,149.47; (Professional Services and Fees) City of Vermillion \$8,750.00; Counsel \$.97; FedEx \$303.00; Houska, DDS, Randy \$226.00; Netsys Plus, Inc.

\$1,370.25; Pepito, Brian S. M.D. \$235.07; Sanford Health Ocp. \$27.75; SD Dept of Health Lab \$35.00; Timekeeping Systems \$295.00; Vermillion Area Arts Council \$300.00 and Yankton Medical Clinic \$334.90; (Law Office) Fox & Youngberg, P.C. \$191.32; KCH Law \$298.71; Kogel, Linda L \$765.07; Peterson Stuart Rumpca \$5,978.55 and Yankton Co Treasurer \$534.00; (Repairs and Maintenance) Buhls Drycleaners \$24.00; Bulter Machinery Co. \$1,341.60; Century Business Products \$25.00; Johnson Controls, Inc. \$1,704.16; Muenster, Ted \$248.72; Paul's Plumbing, Inc. \$71.43; Presto-X Company LLC \$70.91; Stone, Jim \$33.30 and Straub, Holly \$67.99; (Data Processing/Clay Creek Ditch) Mastel, Bruce \$35.00; Clay Co Weed Dept. \$48.25; (Supplies & Materials) Ace Hardware \$44.99; American Stamp & Marking \$296.75; Brock White Company \$4,500.00; Buhls Drycleaners \$99.99; Butler Machinery Co. \$305.61; Campbell Supply Co. \$423.32; Concrete Materials \$721.98; Election Systems \$2,117.14; FedEx \$42.27; FRancotyp-Postalia Inc. \$129.00; General Services Admin \$500.00; Hy-Vee Inc. \$107.68; JCL Solutions \$211.70; Jerry's Chevrolet \$321.28; Johnson Fees Inc. \$129.38; Lawson Products, Inc. \$198.57; Layne's World, Inc. \$37.85; McLeod's Printing \$229.98; Neve's Uniforms & Equipment \$8.86; Pharmchem, Ic. \$608.00; Pressing Matters \$58.00; Print Source \$191.00; Prochem Dynamics \$75.07; Redwood Toxicology Lab \$114.03; Sanitation Product \$222.00; SD Dept. of Trans \$1,041.99; Seachange \$350.00; Sturdevant's Auto Part \$273.51; Titan Machinery \$143.64; Walmart Community/Gecr \$74.11; One Office Solution \$342.33 and Wheelco Brake and Supply \$484.12; (Travel and Conference) Anders, Jeffrey \$30.00; McPherson, Larry \$247.96; SDSU Extension Service \$156.70; Stewart, Layne \$253.12 and Tri-State Ema \$20.00; (Utilities) CenturyLink \$439.80; City of Vermillion \$1,955.72; Verizon Wireless \$102.63; Verizon Wireless \$280.07 and Vermillion Garbage svc \$156.00; (Payment) Ace Hardware \$7.90; Brunick Service, Inc. \$113.95; Bunyans Bar & Grill \$210.00; Hansen, Bob \$350.00; Hy-Vee Inc. \$687.69; Mobile Electronic Svc \$185.00; Sioux Falls 2-Way \$200.00; Two Ten Twenty Pizza \$192.49; Ultimate Automotive \$1,982.20; Viborg Repair & Towing \$150.00; Walmart Community/Gecr \$146.26; Ehlers, Jamie \$50.00; Heine, Todd \$55.04; Knedler, Beth \$58.40; Prusa, Karen \$60.92; Sevening, Diane \$50.00; Shumaker, Sandra \$50.00; Wiedrich, Nancy \$70.16; Zuercher, Nancy \$50.00; Hernandez, Kelly \$20.00; Durham, Paige \$20.00 and Hayes, Helen R \$20.00; (JDC/Special Eq.) Luthern Social Services \$3,524.88; (Books) Thomson Reuters – West \$369.63; (Furniture and Minor Equipment) A & B Business \$152.12 and Microfilm Imaging System \$30.00; (Principal) Kinetic Leasing \$2,447.25; (Interest) Kinetic Leasing \$85.957.67.

The Board discussed with Teddi Gertsma, State's Attorney, the issue with a platted cul-de-sac which has not been installed. Gertsma discussed with the Board the specifics of a letter to be sent to the individual who originally platted the area in question.

Gertsma and Andy Howe, Sheriff, met with the Board to discuss additional costs to the County and additional personnel staffing needs associated with compliance with provisions of Marsy's Law. Stewart said the Dept. of Environment and Natural Resources is also examining the requirements of Marsy's Law in relation to Emergency Management matters.

Passick moved, seconded by Powell and carried to authorize the Chairman to sign the 2017 renewal contract with The Village Business Institute for the Employee Assistance Program.

Powell moved, seconded by Packard and carried to authorize the Chairman to sign the Application for Abatement and Refund of Property Taxes from David and Russell Samuel Heikes for a portion of property that is exempt from the tax in question.

Cynthia Aden, Zoning Administrator, met with the Board regarding the rezoning of rural subdivisions to rural residential. Aden suggested notification of landowners and an informational meeting with landowners before any formal action.

The Board discussed small changes to the proposed zoning regulations for Concentrated Animal Feeding Operations presented at public hearing on November 22, 2016. It was the opinion of the State's Attorney that the Board can proceed with the Second Reading of the ordinance as the changes were miniscule. The Board talked about the process for Conditional Use Permits with the Planning & Zoning Commission. They also discussed sending the proposed ordinance back to SE Council of Governments for further inspection before proceeding to the Second Reading. Powell moved to reconsider the motion he made at the public hearing on November 22, 2016 for setting a date for the Second Reading. Passick seconded the motion. All voted Aye; motion passed. Powell moved, seconded by Passick to send the proposed ordinance to SECOG for close inspection regarding typos before proceeding to a Second Reading. Powell excused himself from the meeting at 11:45 a.m. It was also discussed that it could be an administrative policy to notify the County Commission of Conditional Use Permits. All voted Aye; motion passed.

At 12:05 p.m., Manning moved, seconded by Passick and carried to enter an Executive Session for personnel matters under SDCL 1-25-2.

At 12:25 p.m., Packard moved, seconded by Manning and carried to exit the Executive Session. No further action was taken.

At 12:25 p.m., Passick moved, seconded by Manning and carried to adjourn and reconvene Tuesday, December 6, 2016 at 9:00 a.m.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:   
Carri R. Crum, County Auditor

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December 6, 2016

The Board of County Commissioners met in regular session Tuesday, December 6, 2016 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Raymond Passick.

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

Minutes of the November 29, 2016 meeting were approved with a motion by Passick, seconded by Packard and carried.

Teddi Gertsma, State's Attorney, appeared during Visitors to be Heard to give an update regarding the cul-de-sac issue discussed at the previous meeting. She reported that she spoke with the developer, and he will be writing a letter to the Commissioners to explain his side of the issue.

Andy Howe, Sheriff, met with the Board regarding jail meal bid specifications. It was decided that the Auditor would place the matter on the next week's agenda.

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

Total amount of deposits in banks	7,155,987.33
Amount of actual cash	2,857.12
Total amount of checks and drafts in Treasurer's possession not exceeding three days:	40,264.41
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:	2,124.78
Checks returned and not deposited	
Cash Items	
Investments	1,000.00
Cash Variation	97.22
Total	7,202,330.86

Dated this 1st day of  
December 2016.

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Carri R. Crum, County Auditor

Packard moved, seconded by Passick and carried to pass and adopt the following Resolution #2016-15 for Fund Transfer.

**RESOLUTION # 2016-15  
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 \$761,192 to Highway Fund (20100) and \$22,384 to Emergency Mgmt. Fund (22600) as levied for in the 2016 Budget.

Motion by Commissioner Packard seconded by Commissioner Passick.

Vote of the Board:

Packard Aye, Manning Aye, Passick Aye, Powell Aye, Mockler Aye. Motion carried.

Dated this 6<sup>th</sup> day of December, 2016

Board of County Commissioners  
Clay County, South Dakota

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Travis Mockler, Chairman

ATTEST:

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Carri R. Crum, County Auditor

Packard moved, seconded by Powell and carried to pass and adopt the following Resolution #2016-16 for Contingency Transfer.

**RESOLUTION # 2016-16  
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):

\$500 to Tourism (10100X4290721)

\$485 to Coroner – Post Mortem (10100X4290213)

Motion by Commissioner Packard, seconded by Commissioner Powell.

Vote of the Board: Packard Aye, Manning Aye, Passick Aye, Powell Aye, Mockler Aye. Motion carried.

Dated this 6<sup>th</sup> day of December, 2016.

Board of County Commissioners  
Clay County, South Dakota

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Travis Mockler, Chairman

ATTEST:

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Carri R. Crum, County Auditor

The Board discussed the issuance of building permits. Powell reported on a misunderstanding regarding the request for a building permit for a storage building in the County. The consensus of the Board was that the Chairman would call the Zoning Administrator and discuss the matter, as she is out of the office on leave, and the Auditor would place the matter on the next week's agenda.

Jane Olson, Register of Deeds, met with the Board regarding office staffing. The Board offered a part time position to assist the office. Olson said it may take longer to train someone than to

bring the office back to regular staffing. Packard felt it would be beneficial to have another person to assist in absences. Packard asked Gertsma if the State's Attorney's Office may need additional staffing regarding Marsy's Law. Gertsma discussed that until guidance is received from the state it would not be possible to predict that. Passick suggested hiring a part time person who could work in the Register of Deeds Office and be trained to float and help in other offices as necessary. It was decided that the Chairman would speak with department heads about the matter.

At 9:45 a.m., Manning moved, seconded by Passick and carried to adjourn and reconvene Tuesday, December 13, 2016 at 9:00 a.m.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:   
Carri R. Crum, County Auditor

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December 13, 2016

The Board of County Commissioners met in regular session Tuesday, December 13, 2016 at 9:00 a.m. Members present: Travis Mockler, Phyllis Packard, Leo Powell, Micheal Manning, and Raymond Passick.

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

Minutes of the December 6, 2016 meeting were approved with a motion by Manning, seconded by Passick and carried.

Auditor Carri Crum met with the Board during Visitors to be Heard to report that the county will save \$26,878, which amounts to a 44% discount on the 2017 SDML Worker's Compensation Fund bill due to the county's size within the pool, low claims, submitting renewal paperwork on time, and having an employee safety program.

Rod Polley, Highway Superintendent, met with the Board to discuss highway matters. Polley reported on the sale of surplus items at Girard's Auction.

Polley reported on estimated costs for bridge construction and the reconstruction of County Highway B4 from Meckling north 4.5 miles to Bluff Rd. and discussed the use of the State Infrastructure Bank Program if the Board chooses to.

Andy Howe, Sheriff, met with the Board to present the bid specifications for the 2017 jail meals. Powell moved, seconded by Packard and carried to approve specifications and set the bid opening for 9:30 a.m. on January 3, 2016.

Howe reported personnel changes. New Hires: Andrew Mendoza as a full-time jailer at \$13.64/hour, Samantha Nelson as a half-time secretary in the Sheriff's Office at \$13.23, and Lisa Wood transferred to County Health Nurse's Office as full-time secretary at \$12.60/hour. Other recent personnel changes: Anthony Pick was hired in the Highway and Weed Departments at \$13.97/hour and Ricardo Rodriguez went from part-time jailer to full-time jailer.

Powell moved, seconded by Packard and carried to approve the following claims for payment. December Bills: (Due to Other Governments) Dept of Revenue \$176,357.18; Heikes, David \$1,401.73; Heikes, Russell Samuel \$1,401.73; SD Assn of Co Officials \$258.00; Thomson Reuters – West \$464.88 and Reliance Telephone \$500.00; (Professional Services and Fees) Century Business Products \$50.00; City of Vermillion \$24.00; Cody, Denise \$15.00; katterhagen, Mark \$30.00; Lewis & Clark Behavior \$160.00; Lincoln County Treasurer \$107.39; Mail Finance \$89.46; Netsys Plus, Inc. \$480.00; Pharmchem, Inc. \$475.00; Presto-X Company LLC \$70.91; Sanford Health Occupation \$27.75; Satellite Tracking \$305.50; SD Dept of Health Lab \$345.00; Swanda, Karen \$15.00; The Equalizer \$29.00; US Postal Service \$1,000.00; Vermillion Federal Credit \$56.12; Walker Construction \$308.85 and Yankton Co Sheriff \$100.00; (Other Professional Services) Reeves, Megan \$209.70; (Law Office) Kogel, Linda L \$3,352.46; Lewno, Lucille M \$299.42; Mcculloch, James E \$682.20; Thompson, Craig K \$1,253.82 and Yankton co Treasurer \$116.25; (Mental Health) SD Achieve \$180.00; SESD

Activity Cntr. \$360.00 and Dept of Revenue \$836.39; (Publishing) Broadcaster Press \$2,258.22 and The Equalizer \$74.00; (Repairs and Maintenance) Buhls Drycleaners \$24.00; First Bank and Trust Visa \$179.62; Hansen Locksmithing \$240.00; Hartelco \$10.00; Mail Finance \$447.28; Paul's Plumbing, Inc. \$229.50; Steel Tank Institute \$10.00 and Turner Plumbing Inc. \$175.37; (Data Processing) Mastel, Bruce \$35.00; Microfilm Imaging System \$466.00 and Software Services, Inc. \$1,060.00; (Supplies and Materials) A & B Business \$398.78; A-Ox Welding Supply Co \$457.69; Air-Vac Systems, Inc. \$1,179.83; Allied Oil & Supply \$3,217.52; Appera \$57.32; Braco Municipal Products \$372.39; Bob Barker Co Inc. \$169.95; Buhls Drycleaners \$165.00; Butler Machinery Co \$48.00; Campbell Supply Co \$207.17; Claritus \$391.69; Cummin Central Power \$2,107.94; D-P Tools, Inc. \$91.75; Davis Pharmacy \$500.60; Fast Auto Glass, Inc. \$358.00; FedEx \$25.99; First Bank & Trust Visa \$745.91; Hillyard \$62.89; Jerry's Service \$11,272.50; Johnson Feed, Inc. \$258.76; L.G. Everist, Inc. \$336.57; Lawson Products, Inc. \$505.80; Mail Finance \$89.45; McLeod's Printing & Supply \$249.70; Neve's Uniform & Equipment \$371.69; Office Elements \$76.64; Orr Farm Supply \$42.66; Plain Talk \$52.00; Pressing Matters \$24.00; R&T Repair \$100.00; Riverside Hydraulics \$363.30; Sioux City Foundry Co. \$104.37; Sturdevant's Auto Parts \$175.97; Tiger Corporation \$3,500.00; Titan Corporation \$3,500.00; Titan Machinery \$899.36; Truenorth Steel \$23,557.79; US Postal Service-Hasl \$17,888.62; Vermillion Ace Hardware \$360.77 and One Office Solution \$375.32; (Travel and Conference) First Bank & Trust Visa \$250.98; Powell, Leo \$50.40 and SDSU Extension Service \$240.08; (Utilities) Bureau of Administration \$70.27; Campbell Supply Co. \$43.20; Centurylink \$439.80; Clay Union Electric Co. \$509.45; Ganschow, Dennis \$300.00; Hartelco \$79.95; McPherson, Larry \$150.00; MidAmerican Energy \$723.14; Midco Business \$270.00; Vermillion Garbage Svc \$60.00 and Wakonda Town \$66.90; (Payment) Brunick Service, Inc. \$119.95; Johnson Feed, Inc. \$24.98; Mobile Electronic Svc \$1,291.38; The Roadhouse \$4,025.80; Vermillion Federal Credit \$53.60; Ehlers, Jamie \$50.00; Emmick, Brian \$60.08; Knedler, Beth \$58.40; Prusa, Karen \$60.92; Sevensing, Diane \$50.00; Shumaker, Sandra \$50.00; Wiedrich, Nancy \$70.16; Zuercher, Nancy \$50.00; (JDC/Special Eqp.) Dakota PC Warehouse \$41.98; Minnehaha County JDC \$400.00; Neve's Uniforms & Equipment \$637.57 and Vermillion Now! \$15,000.00; (Furniture and Minor Equipment) Microfilm Imaging System \$120.00.

Mockler reported on the building permit issue that the Board discussed at the previous meeting. Cynthia Aden, Zoning Administrator, would like to speak with the individuals requesting the permit, so it was decided to wait until Aden has returned from leave.

Passick moved, seconded by Manning and carried to authorize the Chairman to sign the renewal contract with the SD Dept. of Health for Provision of Community Health Services in 2017.

The Board discussed the proposed zoning ordinance. It was State's Attorney Teddi Gertsma's opinion that changes were not material, that the Commissioners do not need to start over, but suggested that the Board start over with a First Reading as the topic has been popular with the public. The consensus of the Board was to wait until Aden could be present to set a First Reading.

The Board reviewed a letter received regarding the cul-de-sac issue discussed at the previous meeting. It was the consensus of the Board that the issue be tabled until the Zoning Administrator has had time to review it.

At 9:48 a.m., Manning moved, seconded by Passick and carried to adjourn and reconvene Tuesday, December 27, 2016 at 9:00 a.m.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST: 

Carri R. Crum, County Auditor

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December 27, 2016

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

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

Minutes of the December 13, 2016 meeting were approved with a motion by Manning, seconded by Passick and carried.

Mockler spoke during Visitors to be Heard and expressed thanks to Raymond Passick for his service as County Commissioner and to Teddi Gertsma for her service as State's Attorney.

Manning moved, seconded by Packard and carried to accept bid of \$1.70/gallon from Jerry's Service for #2 diesel. Packard moved, seconded by Manning and carried to accept low bid of \$1.88/gallon for ethanol blend from Country Pride.

At 9:06 a.m., Packard moved, seconded by Manning and carried to adjourn and convene as Clay County Ditch Board.

Mockler reported that the Clay Creek Ditch Cleanout Project Phase 3 has been completed, and Johnson Engineering should inspect the end result. The Board discussed that the entire ditch has now been cleaned. Powell moved, seconded by Packard and carried to authorize Johnson Engineering to inspect the work.

At 9:12 a.m., Manning moved, seconded by Packard and carried to adjourn and reconvene as Board of Clay County Commissioners.

The Sheriff's and Register of Deeds Monthly Activity Reports were accepted and placed on file.

Powell moved, seconded by Passick and carried to authorize the Chairman to sign the SLA grant addendum.

Passick moved, seconded by Manning and carried to approve the 2017 payroll.

Powell moved, seconded by Packard to pass and adopt the following Resolution #2016-17 for Contingency Transfer. All voting aye, motion passed.

**RESOLUTION # 2016-17**  
**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):

\$1500 to Court Appointed Attorney (10100X4222153)  
\$2200 to Court Appointed Attorney – A&N Child (10100X4222154)  
\$6500 to Sheriff – Wages (10100X4110211)

\$4500 to Jail – Wages (10100X4110212)  
\$475 to Community Health Nurse – Wages (10100X4110421)  
\$455 to WIC – Wages (10100X4110426)

Motion by Commissioner Powell, seconded by Commissioner Packard.

Vote of the Board: Packard Aye, Manning Aye, Passick Aye, Powell Aye, Mockler Aye. Motion carried.

Dated this 27<sup>th</sup> day of December, 2016.

Board of County Commissioners  
Clay County, South Dakota

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Travis Mockler, Chairman

ATTEST:

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Carri R. Crum, County Auditor

At 9:21 a.m., Powell moved, seconded by Manning and carried to adjourn and convene as Clay County Ditch Board.

Packard moved, seconded by Manning and carried to approve an invoice from Pollman Excavation for work done on the Prairie Center Ditch.

Manning moved, seconded by Powell and carried to set the annual ditch meeting date as February 14, 2017 at 1:00 (with noon lunch) at Toby's Lounge in Meckling.

At 9:23 a.m., Packard moved, seconded by Passick and carried to adjourn and reconvene as Board of Clay County Commissioners.

Powell moved, seconded by Packard and carried to approve the following claims for payment. December: Commissioners \$7,874.50, Auditor's Office \$9,049.67, Treasurer's Office \$15,229.43, States Attorney's Office \$14,295.67, Courthouse \$2,632.42, DOE's Office \$9,892.25, ROD's Office \$6,805.77, Veteran's Office \$1,663.33, Sheriff's Office \$37,633.32, County Jail \$19,395.57, 24/7 Sobriety Project \$1,459.87, LEPC \$385.25, Emerg. Mgmt. Office \$3,467.00, Highway Department \$44,068.49, Nurse \$2,668.43; \$WIC 1,369.64; Extension Office \$2,847.58, Weed Department \$2,057.27, and Zoning Office \$2,317.31; (Due to Other Government) State of SD Game Fish \$33.00 and Reliance Telephone \$500.00; (Payroll Withholdings) Aflac \$1,055.00; Clay Co Treasurer \$44,472.09; Colonial Life \$359.97; Conseco/Washington \$24.45; Dearborn National \$331.20; New York Life Insurance \$244.02; Optilegra Inc. \$17.92; Performant Recovery \$347.82; SD Retirement System \$ 20,864.74; SD Supplement Retirement \$1,535.00; SDRS Roth Plan \$450.00; United Way of Vermillion \$238.00; Vermillion Federal Credit Union \$1,666.00 and Wellmark Blue Cross \$38,178.42; (Professional Services and Fess) Billings, John P \$3,330.00; Counsel \$4.02; Ekeren, Marv \$37.50; Johnson Engineering Co \$1,890.00; Katterhagen, Mark \$37.50; Lewno, Lucille M \$263.46; Lincoln County Treasurer \$286.50; Netsys Plus, Inc. \$50.00; SD Dept of Health Lab \$35.00; Tigert Art Gallery \$200.00; US Postal Service-Hasler \$250.00; Vermillion Area Chamber \$2,000.00 and Yankton Medical Clinic \$43.63; (Law Office) Brevik Law Office LLC \$272.13; Fox & Youngberg P. C. \$382.64; KCH Law \$143.18 and Peterson Stuart Rumpca \$5,978.55; (Publishing) Broadcaster Press \$11.93; (Repairs and Maintenance) Brunick Service,

Inc. \$20.00; Microfilm Imaging System \$30.00; Office Systems Company \$223.00; Pollman Excavation \$6,991.54; Presto-X Company LLC \$70.91; Sturdevants's Auto part \$32.96; (Date Processing/Clay Creek) Bureau of Administration \$27.00; Netsys Plus, Inc. \$42.50 and Pollman Excavation \$2,551.03; (Supplies & Materials) A & B Business \$33.95; Allied Oil & Supply \$4,640.61; Bierschbach Equip & Supply \$107.50; Brunick Service, Inc. \$36.00; Butler Machinery Co. \$448.19; Campbell Supply Co. \$469.76; Cornhusker International \$252.74; Country Pride Coop \$1,213.37; D-Ware Inc. \$6,500.00; Dakota Riggers & Tool \$46.00; FedEx \$73.54; Herren-Schempp \$69.74; High-Tech \$170.95; I-State Truck Center \$845.88; Jerry's Service \$2,337.50; McLeod's Printing & Supply \$434.85; O'Reilly Auto Parts \$8.99; Pollman Excavation \$142.70; Pressing Matters \$63.00; Print Source \$2.22; Quill Corporation \$157.93; Sanford USD Medical Clinic \$28.22; SD Dept of Trans. \$95.23; Sigh-Up Ltd. \$21.50; Sooland Bobcat \$404.00; Sturdevant's Auto Part \$191.82; Taser International \$10.00; Truenorth Steel \$6,402.00; Verizon Wireless \$13.24; Vermillion Ace Hardware \$35.98; Walmart Community/Geer \$70.79; One Office Solution \$599.19 and Wheelco Brake and Supply \$222.00; (Travel and Conferences) Hunhoff, Brian \$45.36; Mockler, Travis \$482.16; Packard, Phyllis \$305.36; Passick, Raymond \$108.78; SDSU Extension Service \$40.14; Stewart, Layne \$50.00; and Wood, Lisa \$468.96; (Inmate Travel) Country Pride Coop \$310.00; (Utilities) Brunick Service, Inc. \$28.00; City of Vermillion \$1,986.42; Clay Rural Water System \$43.20; SD Dept of Trans. \$42,487.98; Verizon Wireless \$8939; Verizon Wireless \$280.07 and Vermillion Garbage svc \$156.00; (Payment) American Tire Distribution \$1,305.00; Country Pride Coop \$1,473.16; Crop Production Service \$5,880.40; Hy-Vee, Inc. \$491.05; Layne's World, Inc. \$313.77; Sioux Falls 2 Way \$449.49; The Soap Guys \$24.00; Van Diest Supply Company \$3,110.40 and Vandyke, Lindsey \$20.00; (Books) Sooland Bobcat \$34,396.00 and Thomson Reuters – West \$95.25; (Payment) Dakota PC Warehouse \$39.99 and First Bank & Trust Visa \$254.41.

The Board discussed the cul-de-sac in Gunderson's development and the zoning regulations. Teddi Gertsma, State's Attorney, reported to the Board that Cynthia Aden, Zoning Administrator, had been very busy since returning from leave on a part-time basis, and they had not discussed the matters. The Board agreed to put the matters on a future agenda.

The Board discussed Register of Deeds Office staffing. No action was taken.

At 9:34 a.m., Manning moved, seconded by Passick and carried to enter an Executive Session for personnel matters per SDCL 1-25-2.

At 9:35 a.m., Manning moved, seconded by Passick and carried to exit the Executive session.

Appreciation plaques were presented to Raymond Passick and Teddi Gertsma in honor of their retirements.

At 9:42 a.m., Packard moved, seconded by Manning and carried to enter an Executive Session for personnel matters per SDCL 1-25-2.

At 9:58 a.m., Powell moved, seconded by Packard and carried to exit the Executive Session. No action was taken.

At 9:59 a.m., Passick moved, seconded by Packard and carried to adjourn and reconvene Tuesday, January 3, 2017 at 9:00 a.m.



Travis Mockler, Chairman  
Board of County Commissioners

ATTEST:   
Carri R. Crum, County Auditor

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