

January 2, 2024

The Board of County Commissioners met in regular session Tuesday, January 2, 2024 at 9:00 a.m. at the Vermillion City Hall, 25 Center St., Vermillion, SD. Members present: Travis Mockler, Geoffrey Gray-Lobe, Elizabeth Smith, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Gray-Lobe moved, seconded by Mockler and unanimously carried to approve the agenda.

The meeting adjourned and reconvened to reorganize for the ensuing year with a motion by Gray-Lobe, seconded by Mockler and unanimously carried.

County Auditor Carri Crum called the meeting to order. The Auditor called for nominations for Chairperson. Gray-Lobe nominated E. Smith for Chairperson. Thiesse nominated Mockler for Chairperson. Paper ballots were cast, and Crum tallied the votes. E. Smith had three votes, and Mockler had two votes. E. Smith was declared Chairperson.

With Chairperson E. Smith presiding, the following proceedings were held.

The Chairperson called for nominations for Vice Chairperson. Hammond moved, seconded by Gray-Lobe and unanimously carried to nominate Mockler as Vice Chairperson.

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

The Board discussed appointments for the year. Mockler moved, seconded by Hammond and unanimously carried to remove the Southeast Regional Detention Authority Steering Committee from the appointment list as the committee has been dissolved. Gray-Lobe moved to reappoint all positions as listed except that Gray-Lobe be appointed to the VCDC ex-officio position and the Vermillion NOW Advisory Council position, and the motion was seconded by Hammond. Under discussion, Mockler said he has been appointed to subcommittees for those two positions, and it will upset things currently in progress. Vote of the Board: 3 Ayes, 2 Nays; motion passed. Appointments covered by the motion are as follows:

- Rod Polley as Highway Superintendent for a 2-year term expiring 1/5/2026.
- Layne Stewart as Emergency Management Director for a one-year term expiring 1/6/2025.
- Mockler to Fair Board.
- E. Smith as member of the Executive Board of SECOG.
- Gray-Lobe to Board of Directors of the Clay County Youth Trust Fund and the Youth Service Council.
- Hammond to the Planning & Zoning Commission.
- Bruce Plate to the Public Safety Board for a three-year term expiring 12/31/2026.
- Hammond and Highway Superintendent Rod Polley to the Vermillion Basin Advisory Board.

- Hammond to the Joint Powers Solid Waste & Recycling Advisory Board.
- Gray-Lobe to the VCDC Board.
- Gray-Lobe to the Vermillion Now Advisory Council.
- Gray-Lobe to the Clay County Park Board.
- E. Smith and Mockler to the ICAP Committee.
- Thiesse to the Point of Dispensing Committee and the Local Emergency Planning Committee.
- Hammond to the UAS (Drone) Committee.
- Thiesse to the County's Employee Safety Program Board.

There was discussion regarding legal newspaper designation. Crum said the communication has been very good over the past year, and there have been no issues with The New Era. Gray-Lobe moved, seconded by Hammond and unanimously carried to designate the Vermillion Plain Talk and The New Era as the official legal newspapers for the County, with the Vermillion Plain Talk being the legal newspaper for the Joint Jurisdiction Zoning Area as The New Era does not serve that area.

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

Gray-Lobe moved, seconded by Hammond and unanimously 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 Voyage Federal Credit Union as the official depositories.

Pursuant to SDCL 28-17-4, regarding county burials, the funeral director in charge shall furnish casket and outside container or cremation services and conduct the funeral services in customary manner, and the County shall allow the funeral director for merchandise and such services rendered a sum determined by the County which includes vault and opening and closing of the grave. Hammond moved, seconded by Gray-Lobe and unanimously carried to set the sum at \$1,900 for services as required by SDCL 28-17-4.

Hammond moved, seconded by Gray-Lobe and unanimously 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 \$.51 per mile, and if the State raises mileage during the year the County will follow suit; rates for in-state meals set at \$40.00 per day (breakfast \$6.00, lunch \$14.00, evening \$20.00) and out-of-state meals set at \$56.00 per day (breakfast \$10.00, lunch \$18.00, evening \$28.00), and if the State raises meal per diem during the year the County will follow suit.

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

Hammond moved, seconded by Gray-Lobe and unanimously carried to approve the building permit fee at \$75, the 911 signage fee at \$75 for new signs or replacement signs with a pole, the 911 signage fee at \$25 for replacement signs without a pole, and zoning appeals at \$100.

Hammond moved, seconded by Thiesse and unanimously carried to approve fees for boarding prisoners for other counties at \$80 per day, or per contract, fees for housing work release prisoners at \$20 per day, and daily boarding rate at \$15 per day, adult electronic GPS monitoring at \$20 per day, juvenile electronic GPS monitoring at \$10 per day, applicant fingerprinting at \$20 per 2 cards, mug shots at \$8, UA test \$10, accident reports at \$2 per page, other reports or printing e-mailed civil process to serve at \$2 per page, production of video \$10 per CD/DVD or email/cloud share in addition to \$10 per hour for review and redaction if necessary, contract law enforcement fee for Irene to be based on contract and currently \$61,658.15, contract law enforcement fee for Wakonda to be based on contract and currently \$18,497.48, and custodial contract for the Safety Center currently at \$10,000 from 2022 but recommended to be raised to \$13,000 for 2024.

Gray-Lobe moved, seconded by Hammond and unanimously carried to hold Commissioner meetings the first, second and last Tuesday of the month.

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

Mockler moved, seconded by Hammond an unanimously carried to approve worker's compensation insurance coverage for all election workers as listed on file in the Auditor's Office and Sheriff's Reserve Deputies as listed on file in the Sheriff's Office.

Gray-Lobe moved, seconded by Hammond and unanimously carried to authorize the use of Sourcewell as a potential vendor source for the county.

Hammond moved, seconded by Gray-Lobe to pass and adopt the following Resolution #2024-01 for Establishment of Election Precincts/Polling Places for 2024. Roll call vote: Hammond Aye, Thiesse Aye, Smith Aye, Gray-Lobe Aye, Mockler Aye.

RESOLUTION #2024-01
Establishment of Election Precincts/Polling Places for 2024

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

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

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

Commissioner Hammond moved the adoption of the foregoing resolution. Motion seconded by Commissioner Gray-Lobe.

Vote of Commission: Mockler Aye, Gray-Lobe Aye, Smith Aye, Thiesse Aye, Hammond Aye.

Upon which voting the resolution was declared passed and adopted.

Dated at Vermillion, South Dakota this 2nd day of January, 2024.

Board of County Commissioners
Clay County, South Dakota

ATTEST:

Carri R. Crum, County Auditor

Gray-Lobe moved, seconded by Hammond to pass and adopt the following Resolution #2024-02 for Establishment of Precinct Election Officials Fees for 2024. Roll call vote: Hammond Aye, Thiesse Aye, Smith Aye, Gray-Lobe Aye, Mockler Aye.

RESOLUTION #2024-02
Precinct Election Officials Fees for 2024

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 \$225.00, and election superintendent at \$250.00, 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: \$30.00 compensation for election officials plus \$.51/mile, or the established county rate, roundtrip for those residing outside of city limits.

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 \$.51/mile, or the established 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).

BE IT FURTHER RESOLVED that the judges, clerks, Resolution Board, Counting Board, and any other personnel deemed necessary by the County Auditor for receiving ballot boxes, supplies, and for tabulating ballots be allowed \$75 plus \$.51/mile, or the established county rate, for travel to the ballot tabulation location for those residing outside of city limits.

BE IT FURTHER RESOLVED that the persons setting up equipment at polling places be allowed \$75 for setting up equipment and/or \$75 for taking down equipment.

Commissioner Gray-Lobe moved the adoption of the foregoing resolution. Motion seconded by Commissioner Hammond.

Vote of Commission: Mockler Aye, Gray-Lobe Aye, Smith Aye, Thiesse Aye, Hammond Aye.

Upon which voting the resolution was declared passed and adopted.

Dated at Vermillion, South Dakota this 2nd day of January, 2024.

Board of County Commissioners
Clay County, South Dakota

ATTEST:

Carri R. Crum, County Auditor

Highway Superintendent Rod Polley discussed 313 St. & 456 Ave. Southeast Farmers Elevator Coop. is building a new grain storage facility. Polley said he is working with SE Council of Governments (SECOG) to apply for a grant for improvement of 313 St. He said he is not concerned about 456 Ave. because that was improved when the ethanol plant was going to build there. They are looking at 4 million bushels for the facility. The grant is a maximum of \$600,000. Polley said he is concerned about gravel holding up to the traffic. They plan to take grain at the facility in the fall. Gray-Lobe pointed out that the representatives from the Southeast Farmers Elevator Coop. said at the last meeting they would assist with infrastructure costs. Polley said he will have Ulteig Engineering look at the plans from the ethanol plant to make sure the road plans are still acceptable. Mockler said the road has to be concrete because the County cannot post load limits on that road. Hammond said we should be fishing for any grants we can get. Polley said the biggest problem will probably be the railroad. He said construction will start before he can do anything with the road. E. Smith asked who should talk to them about paying a portion of the cost. Hammond said they should be on the same page before a zoning change is approved. Polley discussed right-of-way matters. Mockler wondered if the County can do a TIF to pay for the road, and Polley said he will ask SECOG.

Facilities Manager Scott Hanson gave an update on the courthouse mechanical/electrical/HVAC project. He is hopeful that County Commission meetings can be moved back to the courthouse by the end of the month. E. Smith discussed the potential for having someone help with items stored in the attic. It was discussed that most of it is confidential files from the State's Attorney's Office. Treasurer Rhonda Howe said the items from her office may be able to be discarded. State's Attorney Michael Smith said he will have to go through the boxes himself. He also discussed that stack week for court is coming in February, and Hanson should discuss that with the courts. Hanson also discussed the court security project. He said L&L Builders is interested as they are already on site. He also talked about bid requirements and advertisements. E. Smith and Hammond said the County does have to bid the project, but L&L Builders could bid, and there is some redundancy with the current project that may allow for some cost savings. Hanson said there is an opportunity to make the 3rd floor restroom ADA compliant at an additional cost.

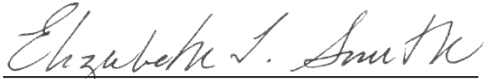
Gray-Lobe moved, seconded by Mockler and unanimously carried to authorize Chairwoman Smith and Emergency Management Director Layne Stewart to sign the POD Grant Agreement.

There was discussion regarding the Community Health Nurse program with the SD Dept. of Health. E. Smith, Thiesse, and Crum attended a meeting with the State officials last week. Thiesse said the clerical staff, Lisa Wood, is comfortable with the most recent proposal for her to take on the WIC Public Health Assistant (WPHA) position. The contract should be issued by the end of the week. The WIC officials do not know what is happening on the Community Health side of the program. E. Smith said the Board should revisit Wood's salary, and they should have Alternative HR+ review it.

Under the building project discussion, Mockler said Beckenhauer Construction will need to be first on the agenda next week as they will be presenting the final contract for the Guaranteed Maximum Price (GMP). Bids have been under budget thus far, and they want to revisit the project alternates. Also, footings are started on the building.

Under Joint Jurisdiction Zoning Area (JJZA) discussion, Hammond reported that SECOG is leading the way for the comprehensive plan verbiage, and the map is pretty well set.

At 10:44 a.m., Gray-Lobe moved, seconded by Mockler and unanimously carried to adjourn and reconvene Tuesday, January 9, 2023 at 9:00 a.m.


Elizabeth T. Smith, Chairwoman
Board of County Commissioners

ATTEST:


Carri R. Crum, County Auditor

January 9, 2024

The Board of County Commissioners met in regular session Tuesday, January 9, 2024 at 9:00 a.m. at the Vermillion City Hall, 25 Center St., Vermillion, SD. Members present: Travis Mockler (via Zoom), Geoffrey Gray-Lobe, Elizabeth Smith, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

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

Hammond moved, seconded by Gray-Lobe and unanimously carried to approve the minutes of the December 28, 2023 and January 2, 2024 meetings.

Dick Strassburg, TEGRA Group, and Bill Barritt, Beckenhauer Construction, met with the Board to present the Final Guaranteed Maximum Price (GMP) Amendment for the jail and law enforcement center project. Strassburg discussed the preliminary budget, schematic design, the project has been sent to 720 contractors for development of the pricing, and now sealed bids have been opened. It is time to deliver the GMP. The project is well within budget. Barritt said the market is better now, and the project was bid at a good time, so they got great responses. Strassburg said this is the first project in the last three years that has been in budget for his firm. The GMP is \$33,595,400, and he is asking for approval as Beckenhauer Construction guarantees it will not exceed that total. He said it is fun for him to deliver these kinds of results to clients. Because the project is within budget, they have been able to look at alternates such as skylight improvements. Sheriff Andy Howe said it is important to note that they have made many cuts, such as narrowing hallways, lowering ceilings and roofs, etc. to reduce the overall cost. Mockler said the \$33,595,400 does not include architecture fees, land costs, etc., so although it will be under budget, the project will still be close to the projected \$42.8 million. Barritt also discussed the access road for deliveries. Gray-Lobe moved, seconded by Hammond and unanimously carried to approve the Final Guaranteed Maximum Price Amendment and authorize signatures on the document.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. He presented a resolution for weight limit enforcement and noted that it does not include the road from Highway 19 to the landfill as that was the agreement when the landfill was built. Gray-Lobe moved, seconded by Thiesse and unanimously carried to pass and adopt the following Resolution #2024-03 for Clay County Weight Limit Enforcement and to authorize the Chairwoman to sign a letter requesting the Highway Patrol to assist with enforcement.

RESOLUTION #2024-03
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. All gravel roads shall be posted at seven (7) ton per axle, or as posted. Also, all roads hard surface and gravel will be posted "NOT to EXCEED 80,000 LBS."

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 9th day of January 2024 at Vermillion, S.D.

ATTEST:

Carri R. Crum
Clay County Auditor

Elizabeth T. Smith
Chairwoman, Clay County Commission

Polley discussed a joint road striping project between neighboring counties. He said Assistant Highway Superintendent Larry McPherson has been working on it. The State has been getting the striping done very late, so the Counties are combining to bid a project themselves. Clay County's share is only 20 miles. E. Smith said we probably need a written agreement. It was discussed that Minnehaha County will likely just send invoices for the project. Gray-Lobe and Polley discussed that the price per mile of \$7,000 and the differences in paint types.

Polley discussed Resolution #2024-04 for SD DOT Agri Business Access Grant Application, for which he has been working with SECOG. The matter was tabled.

Polley said he has been talking to SE Farmers Elevator Cooperative, Zoning Administrator Drew Gunderson, and SECOG. They are discussing whether they can have one entrance to the grain facility. If they compromise, it will be less cost. Engineers need to look at the site, and Polley said right-of-way is also a factor.

Polley discussed a structure at Frog Creek and Norwegian Gulch 1 ½ mi. south of 302 St. Engineers inspected it last fall, and 65-70% of the bottom of the culvert is gone. Polley spoke to Ulteig Engineering, and Union County had a similar project that they were able to fix using mudjacking. They are looking at a longer culvert. It would be about \$150,000 for the culvert. It would buy some time before having to disturb the road. Polley said he did not budget for it, but it has to be done. He may have to cut to some chip sealing this year to cover the cost. Polley and Thiesse discussed the method for the repair. Polley said we did this on West Main St. about 10 years ago. The culvert was installed in 1963. It

is a big project, but it is necessary. Other hard-to-get-to structures were inspected, and this was the only one needing immediate repairs.

Polley discussed his machinery budget. He said the courthouse should have its own skid loader for snow removal. The one he loaned to the courthouse broke down.

Gray-Lobe moved, seconded by Thiesse and unanimously carried to approve the following claims for payment.

(DUE TO OTHER GOVERNMENT)

BERESFORD SCHL DIST 61-2	\$5,301.90
BETHEL TOWNSHIP	\$1,499.93
CENTERVILLE SCH DIST 60-	\$150.52
CITY OF VERMILLION	\$13,465.20
CLAY CO TREASURER	\$10,676.00
FAIRVIEW TOWNSHIP	\$1,477.56
GARFIELD TOWNSHIP	\$1,847.76
GAYVILLE/VOLIN SCHL DIST	\$27.19
GLENWOOD TOWNSHIP	\$2,437.41
IRENE CITY	\$137.04
IRENE/WAKONDA SCHL 13-3	\$3,493.90
MECKLING TOWNSHIP	\$1,944.70
NORWAY TOWNSHIP	\$1,028.76
PLEASANT VALLEY TWP.	\$1,973.33
PRAIRIE CENTER TWP.	\$1,256.09
RIVERSIDE TOWNSHIP	\$1,700.81
SD DEPT OF REV ANDERSON	\$298,287.91
SPIRIT MOUND TOWNSHIP	\$2,128.95
STAR TOWNSHIP	\$1,866.81
VERMILLION BASIN WATER	\$88.76
VERMILLION SCHL DIST 13-	\$31,392.20
VERMILLION TOWNSHIP	\$401.86
VIBORG/HURLEY SCHL 60-6	\$37.87
WAKONDA TOWN	\$2,049.61

(FIRE)

BERESFORD RURAL FIRE	\$43.24
CENTERVILLE RURAL FIRE	\$31.10
GAYVILLE RURAL FIRE ASSO	\$26.57
IRENE RURAL FIRE ASSOC	\$6.59
VERM. RURAL FIRE ASSOC.	\$194.37
VOLIN RURAL FIRE ASSOC.	\$6.75
WAKONDA RURAL FIRE	\$63.07

(PROFESSIONAL SERVICES AND FEES)

ALTERNATIVE HR, LLC	\$1,548.05
BUREAU OF ADMIN PMB0112	\$10.56
FEDEX	\$31.41
GEO TEK ENGINEERING &	\$7,558.00
JLG ARCHITECTS	\$65,472.00
KATTERHAGEN, MARK	\$21.00
LARSON, VAL	\$21.00
LEWNO, LUCILLE M	\$370.63
LINCOLN COUNTY AUDITOR	\$987.33
SATELLITE TRACKING OF	\$48.75
SD ASSN. OF CO. OFFICIAL	\$1,611.35

SDACC OFFICE	\$3,195.00
TEGRA GROUP INC	\$21,400.00
UNION CO CLERK OF COURTS	\$10.00
VERMILLION/CLAY EMS	\$784.00
YANKTON CO SHERIFF	\$50.00
YANKTON MEDICAL CLINIC P	\$105.82
(OTHER PROFESSIONAL SERVICE)	
MINNEHAHA COUNTY JAIL	\$16,771.70
SD ATTORNEY GENERAL	\$35.00
(LAW OFFICE)	
PETERSON, STUART, KLENTZ	\$10,905.17
(REPAIRS AND MAINTENANCE)	
BUHLS DRYCLEANERS &	\$151.63
JOHNSON FEED, INC.	\$75.53
PRESTO-X COMPANY LLC	\$182.40
THE LUMBERYARD LLC	\$37.74
(DATA PROCESSING/CLAY CREEK/INF)	
MICROFILM IMAGING SYSTEM	\$855.00
SOFTWARE SERVICES, INC.	\$1,575.00
TRIMIN SYSTEMS INC.	\$14,025.00
(SUPPLIES & MATERIALS)	
A & B BUSINESS	\$197.13
A-OX WELDING SUPPLY CO	\$142.35
BLUE TARP FINANCIAL, INC	\$87.96
BRUNICK SERVICE, INC.	\$89.28
BUTLER MACHINERY CO.	\$198.06
CHS INC.	\$2,219.99
CINTAS	\$31.40
D-WARE INC.	\$5,620.00
I-STATE TRUCK CENTER	\$400.47
JOHNSON FEED, INC.	\$6.04
M & M FARM SUPPLY	\$5.00
MINNEHAHA COUNTY JAIL	\$103.17
O'REILLY AUTO PARTS	\$14.32
ONE OFFICE SOLUTION	\$374.00
PRESSING MATTERS	\$129.00
RUNNINGS SUPPLY INC H&W	\$292.02
SD ASSN OF WEED & PEST	\$75.00
SDACHS	\$350.00
VERMILLION ACE HARDWARE	\$33.01
WEED & PEST CONFERENCE	\$200.00
(TRAVEL AND CONFERENCE)	
WEED & PEST CONFERENCE	\$350.00
(INMATE TRAVEL)	
CENEX FLEET FUELING	\$367.17

(UTILITIES)		CENEX FLEET FUELING	\$2,329.59
CENTURYLINK	\$149.99	DOMESTIC VIOLENCE	\$321.50
CLAY RURAL WATER SYSTEM	\$105.30	QUALITY MOTORS	\$327.79
CLAY UNION ELECTRIC CORP	\$651.06	VERMILLION ACE HARDWARE	\$85.84
MIDAMERICAN ENERGY C H	\$1,186.27	VERMILLION AREA CHAMBER	\$500.00
VERMILLION GARBAGE SVC.	\$236.00	(BUILDINGS AND STRUCTURES)	
(PAYMENT)		L & L BUILDERS	\$209,296.00

Thiesse moved, seconded by Gray-Lobe and unanimously carried to approve the Energy Efficiency Community Block Grant Application and authorize the Chairwoman to sign it.

Auditor Carri Crum said Bill Kennedy recently passed away, and the family is asking that memorials be directed to the Clay County Park Association to be used for the rodeo grounds. The County's practice for funerals of people who have worked for, or volunteered their time for, County organizations and departments is to send flowers. Given that Bill Kennedy dedicated so much of his life to Clay County Park, specifically to the rodeo grounds, Crum said she felt it would be more appropriate to give the funds that would have been used to pay for flowers to the rodeo grounds. The Commission agreed that it would be an appropriate way to honor Kennedy's years of service.

As an informational recognition item, Polley reported to the Board that Highway Department employee Kase King was awarded Firefighter of the Year and is also taking EMT classes.

At 10:46 a.m., Gray-Lobe moved, seconded by Thiesse and unanimously carried to enter an Executive Session for personnel and legal/contractual matters per SDCL 1-25-2.

At 11:59 a.m., Gray-Lobe moved, seconded by Hammond and unanimously carried to exit the Executive Session.

The Court Appointed Attorney Conflict Contract discussion item was tabled until the next meeting.

At 12:01 p.m., Thiesse moved, seconded by Gray-Lobe and unanimously carried to adjourn and reconvene Tuesday, January 30, 2024 at 9:00 a.m.

ATTEST:

Carri R. Crum
Carri R. Crum, County Auditor

Elizabeth T. Smith
Elizabeth T. Smith, Chairwoman
Board of County Commissioners

January 30, 2024

The Board of County Commissioners met in regular session Tuesday, January 30, 2024 at 9:00 a.m. at the Vermillion City Hall, 25 Center St., Vermillion, SD. Members present: Travis Mockler, Geoffrey Gray-Lobe, Elizabeth Smith, David Thiesse (via Zoom), and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Hammond moved, seconded by Mockler and unanimously carried to approve the agenda with the addition of Resolution #2024-04 SD DOT Agri Business Access Grant Application.

Hammond moved, seconded by Gray-Lobe and unanimously carried to approve the minutes of the January 9, 2024 meeting.

Rachel Gackle from Marsh McClennan Agency met with the Board to discuss the 2024 insurance benefits renewal. She reported that Clay County is better than the current trend. Mockler moved, seconded by Gray-Lobe and unanimously carried to approve renewal of the current plans.

Hammond moved, seconded by Gray-Lobe to accept the low bid of \$2.85/gallon from Jerry's Service for #1 & #2 blend diesel fuel. Under discussion, Mockler asked Highway Superintendent Rod Polley if they use P40 fuel. Polley said they stopped putting it in the tanks at the Wakonda Highway Shop because the tanks are above ground, and it will not come out of the hoses in the cold weather. Motion unanimously carried.

Gray-Lobe moved, seconded by Hammond and unanimously carried to accept the low bid of \$1.49/gallon from Butch's Propane for propane at the Wakonda and Vermillion Highway Shops.

It was decided that the annual highway materials bid opening will be February 27, 2024 at 9:30 a.m.

The Board considered three Right-of-Way Occupancy Applications from Jefferson Telephone Company. Polley discussed fees for the project. Gray-Lobe said when the fees were considered, it was for the man hours to inspect each bore. Mockler agreed that they inspect each location where the applicant bores under the road, so the fee would apply to each bore. The application fee is also separate from the fee for each bore. E. Smith said the idea is to cover the County's cost so that the taxpayers are not subsidizing private companies. Hammond asked if there is a way for them to leave it open for inspections. Mockler said he wishes they were not here at this point, but unfortunately they are. Gray-Lobe moved, seconded by Mockler and unanimously carried to table the applications until the next meeting.

Hammond moved, seconded by Mockler and unanimously carried to declare surplus old iron cutting edges, aluminum signs, and bridge planks.

Polley gave a report on costs of the January snowstorms. The first storm cost the County \$51,500, and the subsequent storms were another \$230,700, for a January total cost of \$282,200. Hammond said he saw some things on the internet where people said Union County's roads were better than Clay

County's, so he drove a lot of miles around both counties to compare. He said Clay County's roads were better. E. Smith said she was really proud of the incredible job our Highway Department did. Polley said he planned with neighboring counties and stayed in touch with the radio station during the storms.

Polley also discussed problems with the snow machine. To replace it with an equivalent machine is \$300,000. The current machine is a 1972 model, and it is difficult to find parts for it. Hammond said he saw some new ones at the road conference, and they are impressive. Mockler discussed bidding and specifications with Polley. Polley has another machine in mind, and it was discussed that bids could be opened February 27th.

The Board considered Resolution #2024-04 for SD DOT Agri Business Access Grant Application.

CLAY COUNTY

RESOLUTION #2024-04 SD DOT Agri Business Access Grant Application

WHEREAS, Clay County desires assistance from the S.D. Department of Transportation Agri Business Access Grant Program for the purpose of 313 St.; and

WHEREAS, the Clay County Commission hereby commits to the continued maintenance of the road; and

WHEREAS, the Clay County Commission commits to the engineering costs and the local match for the project; and

WHEREAS, the Clay County Commission acknowledges its responsibility to secure rights-of-way or easements for construction;

NOW, THEREFORE, BE IT RESOLVED that the Clay County Commission hereby authorizes the filing of a grant application, including all understandings and assurances contained therein, for the Agri Business Access Grant, and hereby authorizes the Highway Superintendent to act in connection with the application and to provide such additional information as may be required.

Adopted this 30th day of January, 2024.

Elizabeth T. Smith, Chairwoman

ATTEST:

Carri Crum, Auditor

Polley said he and Assistant Highway Superintendent Larry McPherson are meeting with the engineers today after the Commission meeting. He had a phone meeting with Zoning Administrator Drew Gunderson and the SE Farmers Elevator Coop. representatives, and it did not go well. Any future meetings will be in front of the Commission. Hammond said he brought up the need for a concrete road as there is no current plan for using the railroad. Engineering is really critical for this, and test holes should be densely spaced for this location. Polley said he will have SE Farmers Elevator Coop. come in for a meeting after with the Commission after the County's engineers have inspected the site. Mockler moved, seconded by Hammond and unanimously carried to pass and adopt Resolution #2024-04 for SD DOT Agri Business Access Grant Application.

Weed Supervisor Dennis Ganschow presented a letter to the Board announcing his retirement. The Board congratulated him.

At 10:13 a.m., Hammond moved, seconded by Gray-Lobe and unanimously carried to adjourn and convene as Clay County Ditch Board with Ditch Board Chairman Mockler presiding.

Hammond moved, seconded by E. Smith and unanimously carried to approve invoices from Ulteig Engineering in the amounts of \$2,387.63 and \$657.45 for the Clay Creek Ditch.

The annual joint meeting date was set for March 5, 2024 at 1:00 at the 4-H Building.

Polley discussed the FEMA reimbursement progress. He also reported on repairs to the lateral near Bernard Schelling's property. Mockler said another culvert will be repaired where a combine damaged it on the Yankton-Clay Ditch.

At 10:20 a.m., Hammond moved, seconded by Gray-Lobe and unanimously carried to adjourn and reconvene as Board of Clay County Commissioners with Chairwoman E. Smith presiding.

Hammond moved, seconded by Mockler and unanimously carried to approve the following claims for payment.

(PAYROLL)		DIV OF CHILD SUPPORT IA	\$264.00
COMMISSIONER'S	\$9,247.39	DIV OF CHILD SUPPORT SD	\$1,367.00
AUDITOR'S OFFICE	\$14,583.19	NEW YORK LIFE C/O M&T BN	\$298.57
TREASURER'S OFFICE	\$25,105.69	SD RETIREMENT SYSTEM	\$37,289.92
STATE ATTORNEY'S OFFICE	\$32,244.48	SD SUPPLEMENT RETIREMENT	\$6,678.18
COURTHOUSE		SDRS ROTH 457(B) PLAN	\$625.00
\$14,093.69		SDRS SPECIAL PAY PLAN	\$4,441.66
DIRECTOR OF EQUALIZATION		TASC PVR	\$2,181.62
\$13,133.03		THE STANDARD - DENTAL	\$1,405.48
REGISTER OF DEEDS	\$10,212.47	THE STANDARD - LIFE INS.	\$416.34
VETERAN'S OFFICE	\$1,950.59	THE STANDARD - SH TRM DI	\$1,094.47
24/7 PROGRAM	\$1,337.60	THE STANDARD - VISION	\$354.04
		UNITED WAY OF VERMILLION	\$215.00
SHERIFF'S OFFICE	\$59,565.02	VOYAGE FEDERAL CREDIT	\$750.00
COUNTY JAIL	\$44,520.29	WELLMARK BLUE CROSS	\$59,731.35
EMERGENCY MGMT	\$5,727.57	(WORKER'S COMPENSATION)	
HIGHWAY	\$64,475.02	SDML WORKERS' COMP FUND	\$51,064.00
COMMUNITY HEALTH NURSE/WIC	\$3,715.85	(OTHER INSURANCE)	
EXTENSION OFFICE	\$3,590.94	SD PUBLIC ASSURANCE ALL.	\$130,016.75
WEED	\$893.01	(PROFESSIONAL SERVICES AND FEES)	
PLANNING & ZONING	\$3,985.86	AARMS	\$2,310.00
(DUE TO OTHER GOVERNMENT)		AMG BEHAVIORAL HEALTH	\$22.95
SDACO - M&P FUND PAYMENT	\$264.00	AMG PSYCHIATRY SF	\$168.27
(PAYROLL WITHHOLDING)		AVERA MCKENNAN	\$5,278.54
SD DEPT OF REVENUE	\$21.92	BECKENHAUER	\$679,651.60
(PAYROLL WITHHOLDING)		BETHEL TOWNSHIP	\$19,983.35
AAA COLLECTIONS	\$782.54	CITY OF VERMILLION	\$6,974.48
AFLAC	\$961.76	CLAY CO. PARK ASSOCIATIO	\$125.00
CLAY CO FIT FICA	\$68,532.84	CLAY COUNTY ABSTRACT	\$127.44
COLONIAL LIFE	\$297.05	ERICKSON SOLUTIONS GROUP	\$919.70
CONSECO/WASHINGTON	\$24.45	GAPP, DEBRA	\$900.00

GEO TEK ENGINEERING &	\$694.70
HOV SERVICES INC.	\$879.92
INTERSTATE POWER SYS INC	\$760.00
LEWIS & CLARK BEHAVIORAL	\$426.00
LINCOLN COUNTY AUDITOR	\$758.81
LINDAHL, JOSETTE MD/PHD	\$1,500.00
MATTER LAW OFFICE LLC	\$374.50
MID-STATES ORG. CRIME	\$100.00
PHARMCHEM, INC.	\$674.50
QUALIFIED PRESORT SVC IN	\$9,094.96
SANFORD HEALTH CLINIC	\$3,207.02
SANFORD HEALTH OCCMED	\$162.00
SCHILDHAUER, T. LEMBCKE	\$1,152.00
SD DEPT OF HEALTH LAB	\$940.00
SD DEPT OF LABOR & REG	\$66.51
SD EMG. MGMT. ASSOCIATIO	\$30.00
SD STATES ATTY ASSOC.	\$1,114.01
SDAAO	\$225.00
SDAE4-HP DAVISON COUNTY	\$120.00
STAR TOWNSHIP	\$46,386.35
TRI-STATE EMA	\$20.00
ULTEIG	\$9,212.51
WOODBURY CO. SHERIFF	\$38.00
YANKTON CO TREASURER	\$237.90
(OTHER PROFESSIONAL SERVICE)	
CITY OF VERMILLION	\$226,567.18
SCHAEFER, DEAN	\$54.00
SONGSTAD, MELINDA	\$347.90
UNION CO CLERK OF COURTS	\$14.50
UNION CO. SHERIFF	\$6,000.00
YANKTON CO SHERIFF	\$2,040.00
(LAW OFFICE)	
DEN HERDER LAW OFFICE	\$172.36
TERWILLIGER, PHILIP	\$700.00
(MENTAL HEALTH)	
SD DEPT OF REV ANDERSON	\$600.00
(PUBLISHING)	
BROADCASTER PRESS	\$226.56
(REPAIRS AND MAINTENANCE)	
CANON	\$363.32
CENTURY BUSINESS PRODUCT	\$37.50
PRESSING MATTERS	\$25.00
PRESTO-X COMPANY LLC	\$269.23
PROCHEM DYNAMICS	\$36.78
SD PUBLIC ASSURANCE ALL.	\$149.02
VERMILLION ACE HARDWARE	\$484.82
(DATA PROCESSING/CLAY CREEK/INF)	
AUMENTUM TECHNOLOGIES	\$2,384.20
MICROFILM IMAGING SYSTEM	\$90.00
ULTEIG	\$3,525.08
(SUPPLIES & MATERIALS)	
BLACKSTRAP INC	\$3,577.14
BRUNICK SERVICE, INC.	\$197.00
BUTLER MACHINERY CO.	\$1,822.69
CHS INC.	\$660.00
CINTAS	\$186.94

CLAY UNION ELECTRIC CORP	\$750.00
DMC WEAR PARTS LLC	\$5,129.18
I-STATE TRUCK CENTER	\$1,906.53
INTERSTATE POWER SYS INC	\$98.01
L.G.EVERIST, INC	\$313.37
LAWSON PRODUCTS, INC.	\$235.37
LAYNE'S WORLD, INC.	\$264.98
LEWIS DRUG, INC.	\$1,202.85
M & M FARM SUPPLY	\$186.44
MCLEOD'S PRINTING & SUPP	\$463.29
MICROFILM IMAGING SYSTEM	\$30.00
MILLS & MILLER, INC DIS	\$2,244.00
MOORE WELDING & MFG	\$230.99
NOTHERN TRUCK	\$132.05
O'REILLY AUTO PARTS	\$59.35
PLAIN TALK/BROADCASTER	\$52.00
PRESSING MATTERS	\$383.00
PROCHEM DYNAMICS	\$1,440.15
QUALIFIED PRESORT SVC IN	\$424.28
QUILL LLC TRS	\$240.52
RIVERSIDE HYDRAULICS AND	\$4.36
RUNNINGS SUPPLY INC H&W	\$159.15
STURDEVANT'S AUTO HWY	\$305.60
TWO WAY RADIO SOLUTIONS	\$349.99
UNION CO. SHERIFF	\$192.55
VERMILLION ACE HARDWARE	\$35.98
WHEELCO BRAKE AND SUPPLY	\$1,321.11
(COPIER SUPPLIES)	
RELIANCE TELEPHONE	\$500.00
(UTILITIES)	
BUREAU OF ADMINISTRATION	\$256.29
CENTURYLINK	\$473.86
CITY OF VERMILLION	\$1,864.71
MIDAMERICAN ENERGY EXT	\$38.88
MIDAMERICAN ENERGY S C	\$25.80
MIDCO BUSINESS EXT.	\$75.39
VERIZON WIRELESS HWY TRS	\$98.53
VERIZON WIRELESS SHERIFF	\$402.02
(PAYMENT)	
AMER, TRISTAN	\$20.00
AMMON, JODI	\$22.24
BANASIAK, JOHN	\$10.00
BERESFORD PUBLIC LIBRARY	\$1,500.00
BREMER, PAUL A	\$57.14
BRYANT, DARREN	\$29.38
BYLANDER, RUTH	\$50.00
CLAY CO AGR FAIR ASSOC	\$2,062.50
CULVER, KIMBERLY	\$10.00
CUSICK, SAMANTHA	\$17.14
DAKOTA SENIOR MEALS	\$1,448.25
DIMOCK, LAURA	\$10.00
EBSER, PAUL	\$10.00
EMME, GABRIELLA	\$10.00
FADER, AARON	\$10.00
FALLAN, JULIE	\$50.00
GORDON-BLAND, DEBORAH	\$10.00

GREGER, CANDIDA	\$20.00	SALVATION ARMY	\$1,300.00
GUNHAMMER, TIA	\$20.00	SCHOENFELDER, ASHLIN	\$10.00
HAHN, SANDRA	\$70.40	SE COUNCIL OF GOVTS.	\$13,072.00
HALVERSON, ERNEST	\$53.06	SOMMERVOLD, GRANT	\$15.10
HOUGH, RYAN	\$10.00	STONER, MARSHALL	\$10.00
HY-VEE, INC. JAIL ACCT	\$416.82	SWANSON, MARY	\$10.00
JIANG, NAN	\$10.00	THE SOAP GUYS	\$115.20
JOHNSON, MARISA	\$20.00	VERMILLION PUBLIC LIBRAR	\$500.00
JORGENSEN, MATTHEW	\$50.00	VOGEL, ERIN	\$50.00
KAMMER, SEAN	\$10.00	WAKONDA PUBLIC LIBRARY	\$1,250.00
LERFALD, CHAD	\$10.00	(JDC/SPECIAL EQP.)	
LEWIS & CLARK BEHAVIORAL	\$6,310.00	AXON ENTERPRISE INC.	\$7,071.84
MADSEN, CYNTHIA	\$10.00	(BUILDINGS AND STRUCTURES)	
NELSON, ANNA	\$25.30	JLG ARCHITECTS	\$1,196.60
OSTREM, TIMOTHY	\$32.44	(FURNITURE AND MINOR EQUIPMENT)	
PECKHAM, KATHLEEN	\$10.00	CANON	\$84.79
PIZZA RANCH 14762	\$1,602.00	MICROFILM IMAGING SYSTEM	\$215.00
PRAMANN, ZACHARY	\$72.44	(AUTOMOTIVE)	
ROBERTSON, JONATHAN	\$10.00	QUALITY MOTORS	\$400.67
ROCS TRANSIT	\$468.75		

Payroll for 2024 (per month unless otherwise indicated): Cynthia Aden 25.00/meeting, Victor Allen 4303.28, Jeffrey Anders 6301.19, Tarles Antoine 3622.04, Aaron Armstrong 5594.47, Marcie Armstrong 3904.79, Amber Benway 20.90/hour, Jessica Beringer 4036.04, Brian Bertrand 19.88/hour, Kristina Brinkmann 3904.79, Melissa Brown 3281.33, Kyle Calvert 3532.23, Cynthia Carrington 23.96/hour, Kaleb Christopherson 5121.10, Ryan Church 4082.48, Erin Cook 3711.35, Carri Crum 6307.68, Danielle Davis 3522.14, Corey Doherty 22.53/hour, Caitlyn Dommer 7029.73, Timothy Dooley 25.07/hour, Joan Downey 4153.00, Dennis Ganschow 34.61/hour, Marty Gilbertson 25.00/meeting, Geoffrey Gray-Lobe 1822.92, Sarah Gregg 3609.47, Drew Gunderson 5798.70, Richard Hammond 1822.92, Kevin Scott Hanson 5025.71, Samantha Hargrave 7604.89, Brent Hays 27.17/hour, Victoria Hesse 4184.36, Andy Howe 8260.26, Rhonda Howe 6307.68, Kyle Huber 4508.19, Joseph Hubert 25.00/meeting, Tiffany Husby 5868.76, Raven Jensen 3590.94, Kase King 18.93/hour, Nicole Klunder 4239.47, Shannon Kymala 5121.10, Timothy Larson 31.34/hour, Jenna Lucas 50.00/call, Larry McPherson 36.87/hour, Sarah Miller 4592.54, Travis Mockler 1822.92, Grant Namminga 22.48/hour, Lennea Olson 4949.57, Matthew Olson 20.90/hour, Andrew Paulsen 5723.58, Paul Pederson 6457.07, Ina Peterson 36.05/hour, Julie Plaatje 4484.87, Rodney Polley 7105.15, Robert Proefrock 22.53/hour, Preston Rhodes 4640.87, William Schaeffbauer, III 31.79/hour, Tyler Schuck 4484.87, Brianna Severson 3522.14, Tom Simmons 25.00/meeting, Elizabeth Smith 1955.71, Michael Smith 7993.44, Layne Stewart 5727.57, David Styles 5327.87, Laura Sundet 4459.01, Ashley Surber 50.00/call, Rhonda Taggart 4239.47, Lisa Terwilliger 6307.68, David Thiesse 1822.92, Patti Waage 50.00/call, Linda Weber 5432.06, Lisa Wood 3715.85, Stacey Wuestewald 50.00/call.

Gray-Lobe discussed the possibility of septic system permitting. He said this was brought to him over the summer by a constituent who was concerned that the neighboring property does not have enough space for a proper septic system. When Gray-Lobe contacted the State, they said they had not issued a permit in Clay County since 2019. He discussed DANR regulations and talked about other counties' permits, specifically Meade County. He said, according to administrative rules, he does not think he is asking for anything that a certified septic installer would not already be doing. It would be creating documentation. He wanted to open the discussion. Hammond said this needs to go in front of the Planning & Zoning Commission first. He has suggested a spot on the building permit for this, so it is

already under consideration, but doing what Gray-Lobe suggests would add a couple thousand dollars to the things. He discussed differences in the landscape in Meade County that warrants their processes. If Clay County requires a licensed installer on the building permit, that is what is really needed. Gray-Lobe asked if we could require licensed installers to keep records. Mockler said we just be increasing costs. He said if we had a problem we would already know it. Hammond said there are only a few areas in the County where it would be a problem. Smith said she is a volunteer water tester for DANR, and there are areas where e.coli goes up by August. Mockler asks what happens if someone needs to replace their septic system, and they cannot comply with the new regulations. Hammond said they would need holding tanks. He said the problems are complaint-driven unless the County has an employee who just goes around to inspect these things, and the County cannot afford that. The other thing they can do is require a licensed installer on the building permit, but it needs to go through the Planning & Zoning Commission. The Board discussed using licensed installers vs. someone doing the installation themselves and following regulations. E. Smith said she likes the building permit idea and asked if the installers can do site plans. Hammond discussed it and said those are useful so you know for future remodeling, etc. where things are located. E. Smith suggested asking for a site plan as it would create a permanent record filed in a public place (i.e. the Zoning Office). Thiesse said they need more research and discussion at the Planning & Zoning Commission level.

Hammond moved, seconded by Gray-Lobe and unanimously carried to authorize the Chairwoman to sign the Energy Efficiency Community Block Grant award documents.

Regarding a strip of land along Baylor that is to be conveyed to the City of Vermillion, State's Attorney Michael Smith said Attorney Craig Thompson is working on it.

M. Smith said he spoke with the State Engineer's Office regarding the court security project, and he is comfortable with the idea of having bid specifications ready for next week's meeting.

Auditor Carri Crum asked Facilities Manager Scott Hanson if the County Commission meetings can be moved back to the courthouse, and he said not yet. The room is still being heavily occupied by the contractors on the mechanical/electrical/HVAC project.

At 10:57 a.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to enter an Executive Session for legal/contractual matters per SDCL 1-25-2.

At 11:39 a.m., Hammond moved, seconded by Gray-Lobe and unanimously carried to exit the Executive Session.

Gray-Lobe moved, seconded by Hammond and unanimously carried to approve and authorize the Chairwoman to sign the 2024 Court Appointed Attorney Conflict Contract with amendments made by the Board.

Hammond moved, seconded by Gray-Lobe to approve delivery of a written notice to Philip A. Terwilliger, Attorney at Law, of cancellation of the Alcohol Committal Contract, realizing that the written contract expired December 31, 2022, although both parties have continue to operate as if it were in effect, and the Board intends to cancel the contract effective February 29, 2024. Under discussion, E. Smith said she would like it on the record that the contract is simply not used sufficiently enough to

justify keeping it in effect. Vote of the Board: Mockler Nay, Gray-Lobe Aye, Hammond Aye, Smith Aye, Thiesse Aye.

The following Auditor's Account with the County Treasurer report, Sheriff's Office monthly reports, and Library Board report were accepted and placed on file.

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

To the Honorable Board of County Commissioners of Clay County
items in the hands of the County Treasurer as of January 2, 2024.

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

Total amount of deposits in banks		7,362,718.36	
Amount of actual cash		2,304.26	
Total amount of checks and drafts in Treasurer's			
Possession not exceeding three days		53,018.18	
Itemized list of all items, checks and drafts which have			
been in the Treasurer's possession over three days:			296.23
Checks returned and not deposited			
Cash Items	700.00		
Investments	1,154,151.38		
Cash Variation	0.00		

Total

Dated this 2nd day of January, 2024.

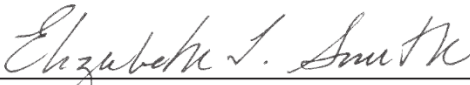
8,573,188.41

Carri R. Crum, County Auditor

At 11:45 a.m., Gray-Lobe moved, seconded by Mockler and unanimously carried to adjourn and reconvene Tuesday, February 6, 2024 at 9:00 a.m.

ATTEST:

Carri R. Crum, County Auditor



Elizabeth T. Smith, Chairwoman
Board of County Commissioners

February 6, 2024

The Board of County Commissioners met in regular session Tuesday, February 6, 2024 at 9:00 a.m. at the Vermillion City Hall, 25 Center St., Vermillion, SD. Members present: Travis Mockler, Geoffrey Gray-Lobe, Elizabeth Smith, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Gray-Lobe moved, seconded by Thiesse and unanimously carried to approve the agenda with the addition of the RAISE Grant application.

Thiesse moved, seconded by Gray-Lobe and unanimously carried to approve the minutes of the January 30, 2024 meeting.

Jacob Connelly with Lieber Construction appeared under Visitors to be Heard to discuss the pay application process for the jail and law enforcement center project.

Emergency Management Director Layne Stewart appeared under Visitors to be Heard to report that the Ponderosa neighborhood is looking into doing rip rap as they are in danger of losing their road to the river. They do not qualify for assistance, so they plan to ask the County to apply for funding on their behalf. If they do request it, Stewart plans to invite SECOG and the Pierre Office of Emergency Management so that we have immediate answers. Mockler said the Township would qualify, but it was discussed that it says it is a private drive. Hammond said this is not an actual disaster. He asked if permission is needed to rip rap as it is a National Park. Stewart said it would be the Army Corps of Engineers.

Polley said Jefferson Telephone Company will need to resubmit their Right-of-Way Occupancy Applications.

The Board reviewed the format of the Right-of-Way Application for the fee structure. It is \$125 for every permit and \$125 for every bore under the road. Smith said her concern is that we are not paying private companies to do their work, that it is fair to taxpayers because we have a County person present to inspect the borings. Mockler said they cannot fill the hole before the Highway Department inspects it. Polley said he wants to make sure it gets done right. Mockler discussed summer highway hours as they apply to normal business hours. State's Attorney M. Smith said he likes the proposed language in the new draft better than in the old application. Hammond suggested some ways to change the formatting to fit the application language onto two pages. Mockler asked Polley if they should be notifying him when the project is done as well, and Polley said it would be good to have a completion notification. It was discussed that State's Attorney Michael Smith and Auditor Carri Crum will work with Polley for a final draft for next week's meeting. Polley clarified that this does not include any Township roads as he will not approve anything on a Township road.

Polley said weight limits are in place this morning because the roads are weeping like crazy. M. Smith said it may be outside of standard, but the resolution was passed already and this winter is outside of standard. Polley said we are the first County this year. Mockler said he has been getting phone calls

asking when the limits would be in place, so people knew it was coming. Hammond said we have to protect the roads.

At 9:43 a.m., Gray-Lobe moved, seconded by Hammond and unanimously carried to adjourn and convene as Clay County Ditch Board with Ditch Board Chairman Mockler presiding.

Polley said he received a quote of \$5,290 from Wieman Construction for tree removal on Lateral 50. Crum confirmed that there is \$16,866 in the Lateral 50 fund. Smith moved, seconded by Gray-Lobe and unanimously carried to authorize Polley to proceed with the \$5,290 quote.

At 9:49 a.m., Gray-Lobe moved, seconded by E. Smith and unanimously carried to adjourn and reconvene as Board of Clay County Commissioners with Chairwoman E. Smith presiding.

Stewart presented the SLA Quarterly Activity Report. Mockler moved, seconded by Gray-Lobe and unanimously carried to approve and authorize the Chairwoman to sign the SLA Quarterly Activity Report.

Facilities Manager Scott Hanson said the courthouse mechanical/electrical/HVAC project is proceeding. Electrical, sprinkler system, fire alarm system, and ceiling contractors are continuing to work. Next week is a quiet week because there is a jury trial. The sprinkler contractor is drilling holes this week so that the noisy work is done before the trial. The week of February 19th, the plan is to work in the State's Attorney's Office. Thousands of feet of technology cable was installed over the weekend. The week of March 4th, they would like to start work in the large courtroom. It may take three weeks. He is hopeful that the Commission Room will be available for use by the courts during that timeframe. M. Smith said he is preparing a notice of potential damages for any late completion as the contractual deadline for issuing such notice is approaching.

Hanson has been working on the court security renovation project bid specifications. He has been speaking with Dick Strassburg from TEGRA Group. It is Strassburg's opinion that a Construction Manager At-Risk (CMAR) would be beneficial to the County for this project. Hanson presented a proposal for TEGRA Group's fee of \$5,000 for assisting with selection of a CMAR for this project. He said this would be money well spent, and it takes some pressure off of him as he has not done this before. M. Smith said he spoke to the State Engineer's Office regarding this process. Hanson said his hope is that we would be able to extend the time that the courtroom is closed and continue with this project with no gap in between. M. Smith said it makes a lot of sense, and the conversation with Strassburg was very informative. The statutory requirements of doing this without a CMAR are burdensome and complicated, and he is concerned that he would struggle with time to advise the County on the project. E. Smith asked if we can just hire a CMAR. M. Smith said we can. E. Smith said as long as we can do it, it's a no-brainer. Hanson said Strassburg is a great resource, and he will keep us from pitfalls. M. Smith said he read through the grant documents, and he does not see any hiccups. It will, however, be nice to have a second set of eyes. Mockler said when the State looks at it, everything will be in order. Gray-Lobe moved, seconded by Mockler and unanimously carried to approve and authorize the Chairwoman to sign the proposal from TEGRA Group for \$5,000.

The Board discussed the following Resolution #2024-05 for RAISE Grant Application. This is strictly for planning. Gray-Lobe said this the same pool of money we applied for last year and did not get

approved for. It is \$255,000 and is similar to the FLAP Grant. There is no match required, and the planning is for feasibility, cost-benefit, and community engagement. Gray-Lobe moved, seconded by Hammond to pass and adopt the resolution.

RESOLUTION NO. 2024-05

A RESOLUTION AUTHORIZING THE CHAIRPERSON TO SIGN AN APPLICATION AND THE SOUTH EASTERN COUNCIL OF GOVERNMENTS TO SUBMIT AN APPLICATION FOR A GRANT FUNDING OPPORTUNITY FROM THE US DEPARTMENT OF TRANSPORTATION ENTITLED “FY 2024 NATIONAL INFRASTRUCTURE INVESTMENTS” FOR PLANNING FOR TRAIL CONNECTIVITY WITHIN AND BETWEEN CLAY AND YANKTON COUNTIES, SD.

WHEREAS, recreational trails offer opportunities for residents and visitors to engage in activities such as walking, biking, hiking, and other forms of outdoor recreation and exercise that address public health concerns such as obesity and mental health; and

WHEREAS, according to the Bureau of Economic Analysis the outdoor recreation economy accounted for \$454 billion of the nation’s gross domestic product; and

WHEREAS, according to the National Park Service, the Missouri National Recreational River supported \$6.9 million in local spending and 90 local jobs for a total benefit of \$8.5 million; and

WHEREAS, the 2015 Yankton County and 2023 Clay County Master Transportation Plans have identified connecting communities, trail segments, and recreation areas via pedestrian-oriented trails as an action to pursue; and

WHEREAS, outstanding natural, cultural, and recreational features enhance the quality of life for residents and create a sense of belonging and identity; and

WHEREAS, there are a number of these outstanding natural, cultural, and recreational features in or in proximity to Clay and Yankton Counties, SD including but not limited to: Missouri National Recreational River, Spirit Mound, Green Island, Goat Island, Bow Creek Recreation Area, Mulberry Bend Overlook, Clay County Park, Riverside Park, Gavins Point Recreation Area, White Crane Recreation Area, and Myron Grove that would further benefit residents and visitors of Clay and Yankton County if connected via a network of pedestrian-oriented trails; and

WHEREAS, the US Department of Transportation is offering grants that could assist Clay and Yankton Counties with feasibility studies, cost-benefit analyses, preliminary environmental reviews, and community engagement that Clay County has prepared an application for

NOW, THEREFORE BE IT RESOLVED, by the Clay County Board of Commissioners that the Chairperson is hereby authorized to sign an application and Southeast Council of Government is hereby authorized to submit the application for a grant funding opportunity from the US Department of Transportation entitled “FY 2024 National Infrastructure Investments” for planning for trail connectivity within and between Clay and Yankton counties, SD.

Approved this 6th day of February 2024.

Signed:

Attest:

Elizabeth Smith, Chairperson

Carri Crum, County Auditor

Under discussion, Mockler clarified that it is implementation of a study. E. Smith said it would be to hire someone to conduct the study. She said it includes that we will not take land from anyone who is not willingly participating. Gray-Lobe said we are exclusively stating that community input is critical. E. Smith said it is about determining where we would get the most bang for our buck. Thiesse asked if different routes will be searched out. E. Smith said the grant pays for and is aimed at connecting recreational resources to communities, so there are only certain things that would be connected, such as Spirit Mount to Vermillion, and those are listed in the grant. The engineer’s job would be to see how feasible it would be. Thiesse asked what guidelines they have to follow. He is trying to nail down a route. Gray-Lobe said it is basically a 10-mile corridor along the river and a 10-mile circle around Spirit Mound. E. Smith said it says a trail would avoid floodplain areas because the river wanders constantly. Thiesse asked if the grant money is allowed to be used for public meetings and sending out notices. Hammond said it is one of the primary goals. Mockler said part of this is going to be in Yankton County, so he asked how we spend money in another county as we do not have authority in Yankton County.

Gray-Lobe said Yankton County would have to formally adopt the resolution in support. One county had to be designated the lead for the grant, so that would be Clay County. E. Smith said Yankton County Commissioners were enthusiastic about this. Gray-Lobe discussed with Thiesse other areas that may be included, and they talked about the bicycle lane on Highway 19. E. Smith said that is a little scary on a bicycle, and people do not take that route due to concerns for personal safety. She said an engineer could study other ways to make that safer. Gray-Lobe said there is a cost-benefit factor, too. E. Smith discussed the potential for something near Timber Rd. M. Smith shared concerns about this topic being placed on the agenda well in advance as it is a popular topic. Thiesse moved, seconded by Mockler and unanimously carried to table the resolution until the next meeting.

At 10:30 a.m., Mockler moved, seconded by Thiesse and unanimously carried to enter an Executive Session for legal/contractual matters per SDCL 1-25-2.

At 10:46 a.m., Hammond moved, seconded by Mockler and unanimously carried to exit the Executive Session.

At 10:47 a.m., Hammond moved, seconded by Thiesse and unanimously carried to adjourn and reconvene Tuesday, February 13, 2024 at 9:00 a.m.

ATTEST:

Carri R. Crum
Carri R. Crum, County Auditor

Elizabeth T. Smith
Elizabeth T. Smith, Chairwoman
Board of County Commissioners

February 13, 2024

The Board of County Commissioners met in regular session Tuesday, February 13, 2024 at 9:00 a.m. at the Vermillion Public Library, 18 Church St., Vermillion, SD. Members present: Travis Mockler, Geoffrey Gray-Lobe, Elizabeth Smith, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items. Regarding the solar ordinance hearing, Hammond said he has been on the Spirit Mound Trust for decades. Smith disclosed she has been a member of the Spirit Mound Trust for many years and has no financial interest. Gray-Lobe has been a member of the Spirit Mound Trust and has been employed by SD Game, Fish, & Parks (GF&P) last year. Thiesse said today is not dealing with any applications, but they have anticipated an application, and it would involve a plan that is adjacent to his land. He said he does not know if that is a conflict or not. Hammond said this has a lower bar for conflict of interest declarations, but if an application occurs, there would be a higher bar.

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

Hammond moved, seconded by Thiesse and unanimously carried to approve the minutes of the February 6, 2024 meeting.

4-H Educator Lauren Hollenbeck presented the Quarterly 4-H Activity Report.

Highway Superintendent Rod Polley met with the Board to discuss bridge inspections.

Hammond moved, seconded by Mockler and unanimously carried to pass and adopt Resolution #2024-06 for Bridge Reinspection Program.

**RESOLUTION #2024-06
BRIDGE REINSPECTION
PROGRAM RESOLUTION
FOR USE WITH SDDOT RETAINER CONTRACTS**

WHEREAS, 23 CFR 650 Subpart C, 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.

The County requests SDDOT to hire Ulteig (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 13th day of February, 2024, at Vermillion, South Dakota.
(city)

Board of County Commissioners
of Clay County

ATTEST:

County Auditor

Chairwoman of the Board

The Board considered a final draft of changes to the Right-of-Way Application form. It was decided that this is an administrative action, and it does not require a vote of the Board.

Polley reported that Ulteig Engineering has been inspecting the site by the alfalfa mill for the proposed grain facility.

Sheriff Andy Howe presented contracts for the Minnehaha County Juvenile Detention Center (JDC) and Union County Jail boarding rates. Hammond moved, seconded by Thiesse to approve both contracts and authorize the Chairwoman to sign them. Under discussion, Hammond noted that the only change to the JDC contract was the rate. Gray-Lobe said he was surprised to see some of the conditions that JDC could reject a person, and so it seemed the higher rate would be a last resort. Howe said they are a professional facility, and so they can deal with problem individuals. He said there is also that problem with adult inmates on occasion as well. All voted aye; motion unanimously passed.

Mockler moved, seconded by Gray-Lobe and unanimously carried to approve the following claims for payment.

(DUE TO OTHER GOVERNMENT)		GAYVILLE RURAL FIRE ASSO	\$1,002.45
BERESFORD SCHL DIST 61-2	\$28,720.46	IRENE RURAL FIRE ASSOC	\$248.78
BETHEL TOWNSHIP	\$9,713.86	VERM. RURAL FIRE ASSOC.	\$7,099.05
CENTERVILLE SCH DIST 60-	\$35,077.95	VOLIN RURAL FIRE ASSOC.	\$245.82
CITY OF VERMILLION	\$149,688.18	WAKONDA RURAL FIRE	\$2,379.72
CLAY CO TREASURER	\$8,946.26	(PROFESSIONAL SERVICES AND FEES)	
FAIRVIEW TOWNSHIP	\$14,989.29	ALLBRIGHT CLEANING	\$764.64
GARFIELD TOWNSHIP	\$14,355.01	ALTERNATIVE HR, LLC	\$2,600.50
GAYVILLE/VOLIN SCHL DIST	\$6,577.51	BECKENHAUER	\$336,751.62
GLENWOOD TOWNSHIP	\$8,279.35	BILLINGS, JOHN P	\$5,394.00
IRENE CITY	\$1,951.74	BUHLS DRYCLEANERS &	\$168.70
IRENE/WAKONDA SCHL 13-3	\$115,940.12	C-CLEANING SERVICES	\$1,196.40
MECKLING TOWNSHIP	\$9,791.36	CANON	\$25.00
NORWAY TOWNSHIP	\$5,998.69	CITY OF VERMILLION	\$1,929.40
PLEASANT VALLEY TWP.	\$12,575.78	GARFIELD TOWNSHIP	\$23,400.00
PRAIRIE CENTER TWP.	\$7,680.17	ILCHUK ENTERPRISES LLC	\$240.00
RIVERSIDE TOWNSHIP	\$10,977.51	JLG ARCHITECTS	\$20,460.00
SD DEPT OF REV ANDERSON	\$342,044.16	KONE, INC.	\$893.22
SDACO - M&P FUND PAYMENT	\$230.00	LEISURE LAWNS, LLC	\$1,141.26
SEILERS SECOND ROAD DIST	\$58.45	PHARMCHEM, INC.	\$317.55
SPIRIT MOUND TOWNSHIP	\$11,297.93	QUALIFIED PRESORT SVC IN	\$1,217.28
STAR TOWNSHIP	\$12,713.08	SD DEPT OF HEALTH LAB	\$1,725.00
TLC WATER PROJECT DIST.	\$12,623.97	TEGRA GROUP INC	\$21,602.01
VERMILLION BASIN WATER	\$2,130.11	TRITECH SOFTWARE SYSTEMS	\$2,757.08
VERMILLION SCHL DIST 13-	\$392,170.15	(OTHER PROFESSIONAL SERVICE)	
VERMILLION TOWNSHIP	\$5,568.06	MINNEHAHA COUNTY JAIL	\$10,190.40
VIBORG/HURLEY SCHL 60-6	\$84.08	SD ATTORNEY GENERAL	\$150.00
WAKONDA TOWN	\$5,884.02	UNION CO. SHERIFF	\$19,520.00
(FIRE)		YANKTON CO SHERIFF	\$595.00
BERESFORD RURAL FIRE	\$1,631.58	(LAW OFFICE)	
CENTERVILLE RURAL FIRE	\$1,173.31	PETERSON, STUART, KLENTZ	\$12,034.67

(MENTAL HEALTH)
 AVERA MCKENNAN \$7,585.39
 SD DEPT OF REV ANDERSON \$600.00
 (PUBLISHING)
 PLAIN TALK/BROADCASTER \$92.00
 (REPAIRS AND MAINTENANCE)
 BRUNICK SERVICE, INC. \$70.00
 FIRST DAKOTA CREDIT CARD \$1,194.00
 GARY'S REPAIR & WRECKER \$3,952.00
 LOFFLER COMPANIES \$484.00
 WALKER CONSTRUCTION \$1,215.00
 (DATA PROCESSING/IT)
 FIRST DAKOTA CREDIT CARD \$8,800.00
 MICROFILM IMAGING SYSTEM \$945.00
 (SUPPLIES & MATERIALS)
 A & B BUSINESS \$206.38
 A-OX WELDING SUPPLY CO \$146.83
 BOB BARKER CO INC \$111.62
 BOMGAARS \$48.66
 BRUNICK SERVICE, INC. \$371.09
 BUTLER MACHINERY CO. \$421.76
 DAKOTA LOCK & KEY \$75.00
 DAKOTA RIGGERS & TOOL IN \$2,800.00
 FAIR MANUFACTURING INC \$792.00
 FIRST DAKOTA CREDIT CARD \$592.32
 JACK'S UNIFORMS & EQUIP. \$313.59
 JERRY'S SERVICE \$5,985.00
 MICROFILM IMAGING SYSTEM \$30.00
 MILLS & MILLER, INC DIS \$2,382.60
 MINNEHAHA COUNTY JAIL \$17.79
 NORTHERN SAFETY CO., INC \$178.91
 O'REILLY AUTO PARTS \$936.94
 ONE OFFICE SOLUTION \$260.25
 PROCHEM DYNAMICS \$203.99
 QUALIFIED PRESORT SVC IN \$447.78
 RDO EXCH 80-5800 \$363.19
 RUNNINGS SUPPLY INC CH \$49.48
 RUNNINGS SUPPLY INC EXT \$19.11
 S & S EQUIPMENT INC. \$220.00
 STURDEVANT'S AUTO HWY \$3,589.28
 SYDS EASTSIDE AUTO \$115.00
 TRUCK-TRAILER SALES&SRVC \$210.00
 TRUENORTH STEEL \$11,200.00
 UNION CO. SHERIFF \$372.40
 VERMILLION ACE HARDWARE \$170.67
 VOYAGE FEDERAL CREDIT \$13.96

YANKTON TRANSMISSION \$1,850.00
 (TRAVEL AND CONFERENCE)
 FIRST DAKOTA CREDIT CARD \$485.70
 SD ASSN. OF CO. OFFICIAL \$600.00
 STYLES, DAVID \$46.00
 (INMATE TRAVEL)
 CENEX FLEET FUELING \$274.76
 (UTILITIES)
 BUTCH'S PROPANE \$819.50
 CENTURYLINK \$563.94
 CITY OF VERMILLION \$209.95
 CLAY RURAL WATER SYSTEM \$100.00
 CLAY UNION ELECTRIC CORP \$765.26
 FIRST DAKOTA CREDIT CARD \$955.83
 FISCHER'S DISPOSAL L.L.C \$65.00
 M & M FARM SUPPLY \$3.09
 MIDAMERICAN ENERGY C H \$1,627.69
 MIDAMERICAN ENERGY EXT \$80.46
 MIDCO BUSINESS EXT. \$85.39
 VERMILLION GARBAGE SVC. \$236.00
 WAKONDA TOWN \$75.40
 (AUTOMOTIVE)
 BLAINE'S BODY SHOP \$3,664.60
 BRUNICK SERVICE, INC. \$360.00
 CENEX FLEET FUELING \$2,016.68
 CLAY CO TREASURER \$74.90
 VERMILLION FORD \$454.33
 (MISC. PAYMENT)
 DOMESTIC VIOLENCE \$148.00
 DOTY, KIM \$37.50
 SANFORD HEALTH CLINIC \$2,100.00
 (JURY)
 JUROR PAY \$680.18
 (WEED CONTROL)
 CHARLES MIX CTY WEED DEP \$992.32
 YANKTON CO WEED DEPT \$1,899.25
 (BUILDINGS AND STRUCTURES)
 JCL SOLUTIONS \$1,346.18
 L & L BUILDERS \$392,097.00
 (BOOKS)
 FIRST DAKOTA CREDIT CARD \$1,870.27
 (FURNITURE AND MINOR EQUIPMENT)
 CANON \$164.00
 COYOTE ENTERPRISE LLC \$238.00
 LOFFLER COMPANIES \$473.67
 MICROFILM IMAGING SYSTEM \$215.00

A Public Hearing and First Reading was held for AN ORDINANCE OF CLAY COUNTY, SOUTH DAKOTA, AMENDING ORDINANCE NO. 2013-04, BEING THE 2013 REVISED ZONING ORDINANCE FOR CLAY COUNTY BY ADDING CHAPTER 3.16, GENERAL DISTRICT REGULATIONS, UTILITY-SCALE SOLAR ENERGY CONVERSION SYSTEMS

(USES); AND AMENDING CHAPTER 4.05.01, DISTRICTS AND BOUNDARIES, DISTRICT REGULATIONS ESTABLISHED, NRC: NATURAL RESOURCE CONSERVATION; CHAPTER 4.05.02, DISTRICTS AND BOUNDARIES, DISTRICT REGULATIONS ESTABLISHED, A-1: AGRICULTURAL DISTRICT; CHAPTER 4.05.03, DISTRICTS AND BOUNDARIES, DISTRICT REGULATIONS ESTABLISHED, RR: RURAL RESIDENTIAL DISTRICT; CHAPTER 4.05.04, DISTRICTS AND BOUNDARIES, DISTRICT REGULATIONS ESTABLISHED, C-1: COMMERCIAL DISTRICT; CHAPTER 4.05.05, DISTRICTS AND BOUNDARIES, DISTRICT REGULATIONS ESTABLISHED, I-1: LIGHT INDUSTRIAL DISTRICT; CHAPTER 4.05.06, DISTRICTS AND BOUNDARIES, DISTRICT REGULATIONS ESTABLISHED, I-2: GENERAL INDUSTRIAL DISTRICT; AND CHAPTER 2.02, DEFINITIONS, DEFINITIONS. Smith said this would allow large solar farms in the County. Zoning Administrator Drew Gunderson said after the Planning & Zoning (P&Z) Commission dealt with the ordinance, he heard there is a bill out of McCook County in legislature that would potentially require these to be zoned Commercial. It would make a mess in the State if this would pass. Director of Equalization Lennea Olson said they field a lot of questions regarding taxation and assessment. Her office does not do zoning or collection of taxes. She handles assessment and classification of real property including land and improvement. This involves real values or productivity, which only applies to Agricultural (Ag) land. The land's principal use must be devoted to an Ag pursuit, and she cited those uses as defined by SDCL 10-6-112. She provided copies of the Department of Revenue flow chart. All other properties, including Commercial, Residential, and Ag buildings are valued on a fair market value system. Mill levies are the same across the board except the school general fund levy. Zoning of the property will not affect the assessment as it is clearly defined by law what her office can and cannot do regarding assessment. Gray-Lobe asked if this has been resolved recently. He said it seemed that classification was up to the counties. Olson said the last time the law was modified was 2021 when timber was added, but assessment has been pretty clear under the laws. Gray-Lobe said he spoke to someone from the Department of Revenue last September. Olson said the solar could coincide, but they would need at least \$2,500 in agricultural pursuit income per year to qualify for Ag land. Gray-Lobe discussed soil type as it relates to farming vs. solar usage. Olson said they would verify that every year. Hammond asked for a bill number for the legislation, and Gunderson said he doesn't have one yet, but it is doubtful it will pass. If the Board feels that Commercial zoning is important, there is a workaround, and it would take another 3-4 months. Smith said there are a lot of proposed laws that never make it out of committee. She said after this hearing, the Commissioners will vote whether to send this on to a Second Reading. Thiesse asked about a setback from Spirit Mound and referenced a letter from the State. Gray-Lobe said it seemed to refer to a historic location, and it could fall under a State agency. Gunderson said setbacks can change as they are not set in stone.

Evelyn Schlenker, Clay County Historic Preservation Commission (CCHPC), spoke on behalf of the CCHPC and said what Gray-Lobe refers to is the 11.1 Review. They have done this with the National Music Museum addition plans in the past. They do have the power to review anything that impacts a site on the National Register. Spirit Mound was placed on the National Register in 1974. The nomination was written by Lloyd Moses. In 2001, there was a push to restore the land that Spirit Mound sits on as it might have been to Lewis & Clark's view. There was funding from many organizations, and eventually GF&P took over the land, and it is under the Missouri Recreational area. When Lewis & Clark wrote about it in their journal, they described the view they saw. The significance of Spirit Mound is historic, cultural, ecological, and geological. It is

important for tourism as well. About 25,000 people visit it as well as other areas of Clay County. The CCHPC agrees with the setback limits suggested by the National Park Service (NPS) and Spirit Mound Trust.

Meghann Jarchow submitted paper copies of a letter from Spirit Mound Trust. She spoke from her position as President of the Board of Directors. She asked the P&Z Commission for a 2-mile setback and said 125 feet is insufficient. It is the only state park in Clay County, is listed on the National Register, and is a spur of the Lewis & Clark Trail. Spirit Mound is used in tourism marketing. Regarding commercial development, they are not opposed to solar energy, but their interest lies in reasonably protecting the setting and view scape of Spirit Mound. Had this been in place prior to the offering of leases, the issue might not have been divisive. The Trust would like to modify their request to the National Park Service's request of a 1-mile setback as a compromise.

Richard Nissen said he is in the bottom part of the watershed where the solar panels will be. He is quite concerned about the drainage. He has 4 dams built in 2009 that were designed by the Natural Resource Conservation Service (NRCS) to handle the water. The anchors for the solar panels could break the tile lines, causing the water to come up instead of underground, causing washout of roads, etc. There are 600 acres of land that are protected by those dams, and protections for those should be included.

Todd Christensen said he has land that would possibly become a solar farm. He submitted letters in support of the solar ordinance as it is written from landowners that couldn't be present. It would allow for reasonable development.

Bill Ranney said he lives close to Spirit Mound and objects to 125 ft. setback to residences. It seems incredibly small. No one in Vermillion would have an industrial development outside their back door. He suggested a 500 ft. setback. He discussed variances. He said this discussion is common across the country for rural and suburban residences. They are trying to maintain a rural feeling, and the same argument is occurring. He is a retired archaeologist, so he supports the 1-mile setback from Spirit Mound, and he knows the solar farm will require a review and Native American consultation. In order to keep things moving forward smoothly, the 1-mile setback can prevent problems in the future. He would suggest that any development within a mile will create an adverse effect, such as light pollution. The area is used by the astronomy club, for example.

Danny Johnson said he is just north of this area, and his concern is drainage. It was called cabbage flats in the past. They made a lot of improvements to drainage and there is a lot of clay tile underground. It would be terrible to break that up and backup thousands of acres with water. He has a dam on his farm to catch runoff, and he tries to maintain things as best as he can so the water doesn't cause problems. If they drill holes for a solar farm, they will hit the tiles. There is no way to miss it. There are no maps to know where the tile is, but yet it keeps working, so it needs to be maintained.

Carson Merkwon said he likes solar, but he works on industrial projects around the country and a lot of them stop working after 10 years, or companies go bankrupt. If that happens, will we be

left with a big solar graveyard? We could be left with an environmental problem. E. Smith said there is a section regarding decommissioning that requires a bond.

Harry Freeman reiterated concerns for light pollution. He asked if there is an understanding regarding how much light is required for a project like this. E. Smith said there is not a light pollution ordinance now. Freeman said, in order to have a vision of the night sky, this is important. He also has concerns about native species and animals that could be disrupted by changes to normal light cycles.

Dave Hertz said he is a mile from Spirit Mound and is in favor of the 1-mile setback for the views. He also discussed anti-glare for solar panels and the planting of trees to create a buffer because 30-foot tall trees would block the view of the panels.

Todd Heine said he loves solar energy, and it is a good way of getting more energy to the area. There are several solar farms in Minnesota. There is a less rainfall due to refraction. He said he is asking for information regarding this phenomenon. Texas and other arid areas have less rainfall, so there is no data. He would like to see information regarding rainfall depletion in such areas like Minnesota.

Dwayne Johnson said drainage is a big issue in his area. They have clay tiles, but they also have above ground ditches installed in 1967. Some of the areas proposed will hold water and back it up onto his ground if the elevation is changed due to this project. If his family's acreages are surrounded by solar farms, what will it do to the value of their properties? It will create a hardship for people in areas where the solar farms are developed. The setbacks need to be larger around residences, not just Spirit Mound.

Carl Leikvold asked if any part of the ordinance requires control of noxious weeds. He doubts mechanical weed control could be done on the solar farm. Surrounding landowners work hard to control noxious weeds. Gray-Lobe and Gunderson said there is already language elsewhere that would address that. Mockler said the Weed Supervisor would contact the landowner as they are still responsible. Hammond said they discussed it quite a bit during the P&Z Commission stage as well as vegetation surrounding solar panels. During a Conditional Use Permit (CUP) process, it is likely they would state the sort of plans for that.

E. Smith called for any other speakers and then closed the public hearing. She opened it to discussion from Commissioners.

Gray-Lobe moved, seconded by Hammond to advance the ordinance to the Second Reading. Under discussion, Thiesse asked if there is a conflict of interest for him. State's Attorney Michael Smith said he doesn't believe so at this time. He said this has come up in case law, and it is up to Thiesse as there are no proprietary interests in this land. E. Smith added that there is a big difference between what they are doing today and a CUP, which would constitute a conflict of interest. Mockler said we are just speaking about a general ordinance for the county. Thiesse said this has turned into a specific site, so he wanted to clarify.

Gray-Lobe discussed minor corrections to typos. Regarding the section on reducing glare, he asked if it should be clarified at whose expense it would be. It was suggested it should be the

system owner's cost. Gray-Lobe discussed engineering costs related to glare studies and asked if there should be a cap on it to once a year. Gray-Lobe referred to noise in relation to existing occupied buildings and suggested it should be applied outside of setbacks so that a person could not experience noise on top of Spirit Mound. Hammond said it could end up with a person who just doesn't like the solar farm and just complains. Mockler said if it ends up in court, it wouldn't hold water without having a residence. Hammond said the risk would be small on top of Spirit Mound. Gunderson said what he has been told is that the panels themselves do not make noise, but the transformers can create a humming noise. Regarding glare study costs, E. Smith said they can mimic the language from the noise section. Hammond referred to a section that lists the Board of Adjustment and said that action should be an action of the Zoning Administrator. Regarding the decommissioning plan, Gray-Lobe said it seems there might be some words missing as the grammar seems to need changes. Hammond suggested some changes. Gray-Lobe said he hopes these facilities will be co-sited with projects that could establish perennial grasses. He has concerns that it would eventually have to be restored to row crops and suggested changes in the requirements so that a person could maintain restored prairie. E. Smith said she had concerns that they would not know what the quality of the soil was before development. Hammond said the use afterwards would be up to the landowner, so he doesn't think they should be imposing requirements on the landowner. Hammond said in the CUP they can require the landowner to state what their plans are for restoring the land after decommissioning. Unless they sterilize the soil, it should be in better shape than before. Hammond suggested a few more minor language changes.

Hammond, Mockler, and Gunderson discussed topography related to drainage. Thiesse said it is not just this site as there are a number of places in the County that have drainage issues. He thinks we should have a drainage section in the ordinance. What happens if they do destroy tile? Who will be responsible for that? H. Freeman asked if it will be in the building permit. Thiesse said it is in the CUP, but it should be in the ordinance as well. Hammond said he is thinking that leaving those things to the CUP stage makes more sense because it's more site-specific and more likely to get them where they want to be. Mockler said they could put it in the ordinance that they have to maintain surface and subsurface drainage then it is there in case no one mentions it in the CUP so that it is protected to begin with. Gunderson said the problem he has with it is that, how will they know right away? Mockler said they will not know right away, but they will eventually, and at least it gets fixed. Hammond said there should be a reporting requirement then. It should be easy if a piece of tile comes up in the trencher.

The question was posed whether this energy stays local. E. Smith said the Federal Energy Resource Commission would regulate where the energy goes as every energy provider has to apply to connect to the grid. There is no local control.

Regarding drainage, Gunderson said they need to be careful what they are dragging the County into. Mockler discussed a notification process. Gunderson said he will take that back to the P&Z Commission.

Gray-Lobe discussed utility scale vs. building-mounted solar. There is nothing in between in the ordinance. He wondered, why not have a capacity threshold? Gunderson said he tried to keep it

focused on the utility-scale operation. He gets building permit questions all the time regarding building-mounted solar. He sees the in-between solar as a future issue to address.

The Board reviewed setbacks as defined in the ordinance. It was discussed that the State's Attorney should review the definition of setback. Hertz said it could be addressed in the CUP. Hammond said it's appropriate to define it in the ordinance. Mockler said if they expand it, they have to get another CUP. He just wants to keep it uniform throughout the whole ordinance, not section-by-section. Gray-Lobe said he doesn't want to discourage solar development as it has the potential to be very beneficial for the county. What is the number that makes a company say Clay County is too much of a hassle, so they will move elsewhere? Hammond said there was some discussion on parks in general, and it was switched to Spirit Mound, partly to avoid other issues along the river. Hammond said he would be most comfortable changing it from Spirit Mound back to public parks as there should be some protections along the river. E. Smith suggested adding national historic sites. Hammond said the reasoning behind not using public parks was that we would disallow a lot of landowners along the river from putting up solar that could be a taking of property rights. That was one of the reasons it was limited to Spirit Mound. It seems to him a reasonable number would be ½ mile to 1 mile. It would take them out of a lot of federal or state hoops if they set it at 1 mile. Hammond said it seems to some folks that a 1-mile setback would be acceptable. Hertz asked if the proposal is within a mile. Mockler said they have no idea, and Gunderson said there is no application at this point. E. Smith said she likes the idea of a 1-mile setback. She read the view study by the NPS, and it seems to her that regarding the significance of the historic sites, a mile is not prohibitive and would not discourage anyone. Mockler said he thinks a mile is too far as it takes a lot of land from people. There is a gravel pit across the road and a hog farm nearby. He doesn't see how a solar farm would detract from Spirit Mound. Thiesse said he likes a mile, but he agrees with Mockler as well. He can see Spirit Mound from his recliner. He likes the mile, but he also questioned whether public access hunting ground should be addressed. H. Freeman asked if they could have some setback flexibility in a CUP process. Mockler said yes, it could be moved. Hammond said the view scape is a large part of what makes Spirit Mound special. Thiesse discussed that if a CUP application included a closer setback, it would make it subject to a historic review. E. Smith discussed screening requirements in the ordinance, and Gunderson said it addresses vegetation. E. Smith said she has received calls regarding light pollution concerns and said a 1-mile setback will help that. Gunderson said he received an email that lighting is minimal for security purposes and is downcast. E. Smith said downcast lighting makes a big difference, and she suggested making it a general requirement. Hammond said that would be appropriate in a CUP stage.

Gray-Lobe asked if the Board is comfortable with a 125 ft. setback from residences. Hammond said the P&Z Commission talked about that. He brought up in discussion there that in a couple counties up north, that was the primary issue for denial of a CUP to a solar farm as it would be close to a residential development on a lake as well as rural residences. Thiesse asked, as a property owner, is it possible for him to ask during the CUP process that the setback be extended?

Gray-Lobe and Gunderson discussed the definition and subcategories of “recreation area” in the ordinance as it applies to public parks and setbacks. E. Smith discussed with Gray-Lobe and Hammond the setbacks to the river.

Gray-Lobe and Hammond rescinded the previous motion. Hammond moved to send the revised ordinance proposal back to the P&Z Commission, seconded by Gray-Lobe and unanimously carried. E. Smith thanked the public and said they will have a better ordinance due to the input received.

The Board considered the RAISE Grant Application Resolution. E. Smith said they have revised the grant application to state there will be no involuntary taking of land. Gray-Lobe read the grant application section that said the County commits to not using involuntary means of obtaining land. He said there is other language in other areas as well regarding local landowner education about voluntary easements and that prime agricultural land is least desirable. He also discussed hunting land, trespassers on land, and getting input from stakeholders. E. Smith said she did a series of 10 focus groups in the area, each of which focused on a particular group of people (i.e. seniors, families, etc.), and every group cited access to the river for picnicking, hiking, and recreation, even within the disabled community. The grant application also says a route immediately adjacent to the river is not going to work due to washouts, etc. Gray-Lobe also said the 500-year floodplain and areas subject to erosion are addressed. Hammond moved, seconded by Gray-Lobe to pass and adopt the following Resolution #2024-05.

RESOLUTION NO. 2024-05

A RESOLUTION AUTHORIZING THE CHAIRPERSON TO SIGN AN APPLICATION AND THE SOUTH EASTERN COUNCIL OF GOVERNMENTS TO SUBMIT AN APPLICATION FOR A GRANT FUNDING OPPORTUNITY FROM THE US DEPARTMENT OF TRANSPORTATION ENTITLED “FY 2024 NATIONAL INFRASTRUCTURE INVESTMENTS” FOR PLANNING FOR TRAIL CONNECTIVITY WITHIN AND BETWEEN CLAY AND YANKTON COUNTIES, SD.

WHEREAS, recreational trails offer opportunities for residents and visitors to engage in activities such as walking, biking, hiking, and other forms of outdoor recreation and exercise that address public health concerns such as obesity and mental health; and

WHEREAS, according to the Bureau of Economic Analysis the outdoor recreation economy accounted for \$454 billion of the nation’s gross domestic product; and

WHEREAS, according to the National Park Service, the Missouri National Recreational River supported \$6.9 million in local spending and 90 local jobs for a total benefit of \$8.5 million; and

WHEREAS, the 2015 Yankton County and 2023 Clay County Master Transportation Plans have identified connecting communities, trail segments, and recreation areas via pedestrian-oriented trails as an action to pursue; and

WHEREAS, outstanding natural, cultural, and recreational features enhance the quality of life for residents and create a sense of belonging and identity; and

WHEREAS, there are a number of these outstanding natural, cultural, and recreational features in or in proximity to Clay and Yankton Counties, SD including but not limited to: Missouri National Recreational River, Spirit Mound, Green Island, Goat Island, Bow Creek Recreation Area, Mulberry Bend Overlook, Clay County Park, Riverside

Park, Gavins Point Recreation Area, White Crane Recreation Area, and Myron Grove that would further benefit residents and visitors of Clay and Yankton County if connected via a network of pedestrian-oriented trails; and

WHEREAS, the US Department of Transportation is offering grants that could assist Clay and Yankton Counties with feasibility studies, cost-benefit analyses, preliminary environmental reviews, and community engagement that Clay County has prepared an application for

NOW, THEREFORE BE IT RESOLVED, by the Clay County Board of Commissioners that the Chairperson is hereby authorized to sign an application and Southeast Council of Government is hereby authorized to submit the application for a grant funding opportunity from the US Department of Transportation entitled “FY 2024 National Infrastructure Investments” for planning for trail connectivity within and between Clay and Yankton counties, SD. Approved this 6th day of February 2024.

Signed:

Attest:

Elizabeth Smith, Chairperson

Carri Crum, County Auditor

Under discussion and public comment, Hertz asked if the \$250,000 grant is just to study the feasibility. The answer was yes. He asked if it is a separate grant to fund the trails. Gray-Lobe said he would expect that to be funded by a grant as the County would not have the funds. Hertz referred to the green line next to the river on the map and said removal of the line would be best. Gray-Lobe said that line has been removed on the current application. Thiesse said the actual building of a trail is not this resolution. It’s just for a study for the feasibility of a trail. Glen Gilbertson asked if the federal grant would be 100% federal dollars. Gray-Lobe said it does not require County money. Gilbertson suggested the project would be multi-million dollars. Gray-Lobe said it would be and would also be a multi-decade project. He discussed the process for planning and constructing such a trail. Gilbertson said he is against this. It is not a “need” item. Using a grant for a “want” item is an irresponsible use of taxpayer money and cited the federal debt. He said it would be nice to fix Timber Rd., but he doesn’t see this as a means to an end. He also thinks this would create more of a safety concern for bicycles. He also said it’s more maintenance cost for the County.

Becky Aga said she and her husband own a substantial amount of ground along the river and Timber Rd. She said they attended a meeting in December, and Gray-Lobe said he would call her, but she did not receive a call. Gray-Lobe said he took it to mean if we got the grant, he would notify her of any meeting. She said she took it to mean she would receive a call about today’s meeting. Aga said she doesn’t want to hear from a consultant. She wants to hear from the Commissioners. Thiesse said he has spoken to a number of people. Aga said she was under the impression this was a \$250,000 grant, and it is a \$255,000 grant. The comment was it is free money, but there is no such thing as free money. Her federal tax dollars go into that free money. It is frivolous. She compared this to the solar project and asked what about the view of a bike path? Will they disturb natural areas for a bike path? Her ancestors saw the opportunity to farm and spend their lives caretaking the ground. That’s what her family, as farmers, do every day. It seems like there are different views for different projects. What someone else wants is not

necessarily what she wants. They have to come to an agreement. The Board needs to talk to people individually who could be affected. She urged voting against this.

Lars Aga said there was a letter sent out by the Sierra Club. He read the letter aloud calling attention to a section referring to a “false Republican insistence.” He said the meeting is opened with the Pledge of Allegiance, which is a message of unity. Nobody should be pointed out to be the bad guy. Instead of driving a wedge, extend a hand and say hi to someone.

H. Freeman asked about the federal dollars for this project and asked why we think we fit that intention. He said the overwhelming consensus seems to question whether we need this as a county. He guesses that would be part of the feasibility study. Gray-Lobe said they applied last year. It’s highly competitive, and they didn’t get it last year. It’s a pool of money that has been allocated and will be spent somewhere. His taxpayer dollars have paid for someone else’s project. This is a way to ensure the process of getting public input is handled robustly. It’s important for every voice to be heard. As for the economic impact, they want to know if there would be an economic benefit to the area. The NPS has quantified the benefit of the Missouri National Recreational River (MNR). He sees Yankton County getting most of that tourism money. Their recreation opportunities are more robust, and their restaurants, for example, are getting the benefit of that. People will want to live here and have a great quality of life.

Hertz asked if they are working with the VCDC. Gray-Lobe said the VCDC provided a letter of support for this.

H. Freeman said the funds could also be used to improve existing trails and discussed veterans with disabilities and providing boardwalk access to trails that already exist. Gray-Lobe said there is a section regarding disability access and sloping of trails for wheelchair access. It could address the question, if a person went to Clay County Park, could they access a trail with their wheelchair?

Barb Yelverton said she is a cyclist who rides Timber Rd. and Meckling Rd. a lot. There are many times she does not feel safe. This is a piece of it. She asked if it will be concrete or limestone. Gray-Lobe said none of that is specified, and answers will be part of the study. Yelverton said rumble bars are not good for cyclists. She said let’s share the beautiful views from our roads. We can all work together. The land along the Mickelson Trail is a boon for land sellers along the trail. Most people who walk or ride will not leave trash, not everyone, but most people will be respectful. People want to have access to safe places to recreate. If we don’t do this, then let’s at least put a shoulder on Timber Rd. to make it safe. E. Smith said property values increased 2, 4, and 5% in a study she read.

Merkwan said he got involved when the Board applied for the Federal Land Access Program (FLAP) Grant. Gray-Lobe said from the FLAP grant they attempted to address concerns they heard from Merkwan and others. Merkwan asked if they are excited about an Appalachian Trail or an Ice Age Trail. He discussed the trail from Tabor to Platte. He asked if it becomes a sales pitch for landowners. He raised concerns about public notification and said the only reason he knew about the FLAP grant is because it was brought up by City Council. He and E. Smith discussed her views on the grant. She said many trails are maintained by associations like the

Appalachian and Ice Age Trail. For example, Clay County Park is maintained by an association of volunteers. Merkwan said we would have to build it for someone to maintain. \$250,000 for just a study implies a pie-in-the-sky dream. It implies planning of a 60-mile trail or something similar. He said there is a lot of right-of-way to be claimed. Merkwan said that is a concern for people who own property. He is tired of having to read grants every few months. Can we just do one grant a year? Why do we have to do this constantly? It's a lot.

Calvin Hanson of the Norway Township Board said he is here to discuss the many miles going through Norway Township. It will really affect them. He has dealt with the NPS and the Federal Dept. of Transportation (FDOT), and he said, "Good luck!" He asked if the FDOT would be involved. Gray-Lobe said it would be a local consultant. Hanson said they will have to be FDOT approved. He said we need to fix the roads we have without adding on. Who will maintain this when it is done? Can we rely on federal funds? They are opening a big can of worms on this project. If the county is going to chip in, people will say it has to go to maintaining the roads we have.

Todd Heine said we can have as many studies as we want, but it's about the people living in the community that give the response. They have the most information to give. He drives by Cotton Park 3 times a day. He is lucky to see one or two people in a week walking the trail. What is the demand? Will there be a flood of people using this? There are so many bikes in the landfill because there are not many cyclists anymore. Why would people walk in the agricultural sector of the county? He discussed the speed limit on Highway 19 and Timber Rd. and talked about safety regarding semi tire blowouts near pedestrians. He said you can feel safer in town at 25-35 mph. He doesn't know why we have to have a grant and waste money to do this. It's bureaucracy and a waste of money. What about insurance? Who is responsible for access to the trail? He guarantees a muddy tractor will cross the trail, and who sweeps the trail off to keep bicyclists safe? The landowner will get sued. He discussed visibility and safety for pedestrians and bicyclists in the dark. He said you have Clay County Park and the highlines. Put some construction in there. There is no way for a bike path to be in an agricultural community and be able to use those roads safely. Gray-Lobe said he uses Cotton Park trail regularly, and it's rare for him not to encounter someone.

R. Aga said she drives Timber Rd. & Meckling Rd. every day. She encounters bike riders and moves over if it's possible, but she knows there are people who don't. Not everybody rides single file. Sometimes bike events take the whole road. Farm equipment is not going to get smaller. Bicyclists and motorists are not respectful of farm equipment. Who is liable? It's not the County's insurance that goes up, it's hers.

Grace Freeman said she appreciates the County going for federal funds to bring something far-reaching and far-seeing into the future for her county. This is an investment in the people of Clay and Yankton Counties.

Hertz said he is a bike rider. He also hauls big equipment. He hauls over-width equipment on Highway 19, and encounters bicyclists. The state should clean the shoulders. He also rides on

gravel roads for safety and barely runs into anyone. He would be in favor of having people ride on the gravel roads.

Gary Merkwan from Yankton County said the first proposal with the green line would have gone right by his house. He asked what the bike trail would connect. An ice cream shop? A bar? A campground? There is nothing it will connect so that people will actually use the trail. There is nothing but the river, and it changes every day. There are access points like the Highlines. This just makes access for 4-wheelers to steal and vandalize things.

Yelverton said there are always people using the Cotton Park trail. What she is hearing is a lack of safety. People need to share the road. Avid cyclists want to get out on their road bikes. She has a mirror on her helmet and blinking lights and is always watching for traffic. She has ridden all over the world on a bike. Bikes and traffic can be together. A lot of people want to be outside to recreate, and they need to share.

Mockler said there were Townships who called the SD Association of Towns & Townships, and their Association advised them to pass a resolution to not allow this because it would be allowable on their township roads.

Hammond said he has been a part of a lot of grant requests for federal money used in South Dakota. In the mid-90's when the bridge to Nebraska was being proposed, a person asked him what he thought of the study for the bridge. He said it depended on which hat he was wearing. When he was wearing his local hat, he was all for it as a business owner. As a state citizen, he was kind of for it. As a federal taxpayer, he was completely against it. He compared using the money here vs. Miami or Boston. Gray-Lobe said he has a sheet for contact information to call or email if the grant is approved and encouraged people to sign up. All the input is valid. Mockler said we will have a public meeting whether they get the grant or not. One way or another, we are going to get to the end of this. H. Freeman asked if it has to be a bike trail. Could it just be used for recreation? Is there room for flexibility?

Vote of the Board: Mockler Nay, Gray-Lobe Aye, Hammond Aye, Smith Aye, Thiesse Nay; motion passed.

The Board considered the WIC Contract with the SD Dept. of Health. Thiesse said he spoke to Lisa Wood, and she is comfortable with the contract. It is only until the end of May, so we will need to go through this again shortly. M. Smith said he reviewed it and doesn't see anything egregious. Thiesse said Wood does have a meeting with the state today to find out more of her job duties. E. Smith said they did furnish a job description. Mockler moved, seconded by Gray-Lobe and unanimously carried to approve and authorize the Chairwoman to sign the contract.

Facilities Manager Scott Hanson reported on the courthouse mechanical/electrical/HVAC project. They are working on the 2nd floor and are starting to install the copper sprinkler piping in the halls. They are also working in the State's Attorney's office. Electricians have installed a large electrical panel in the north stairwell. Contractors are working on the sprinkler plan for the large courtroom. The ceiling can come down and sprinklers can be run above. They are waiting

for approval from the architects. The Commissioner room is done, but they are anticipating holding court down there, so it is not available for Commission meetings.

At 12:06 p.m., Mockler moved, seconded by Thiesse and unanimously carried to enter an Executive Session for personnel matters per SDCL 1-25-2.

At 12:22 p.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to exit the Executive Session.

At 12:22 p.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to adjourn and reconvene Tuesday, February 27, 2024 at 9:00 a.m.

ATTEST:

Carri R. Crum
Carri R. Crum, County Auditor

Elizabeth T. Smith
Elizabeth T. Smith, Chairwoman
Board of County Commissioners

February 27, 2024

The Board of County Commissioners met in regular session Tuesday, February 27, 2024 at 9:00 a.m. at the City of Vermillion City Hall, 25 Center St., Vermillion, SD. Members present: Travis Mockler, Geoffrey Gray-Lobe, Elizabeth Smith, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Hammond moved, seconded by Thiesse and unanimously carried to approve the agenda with the addition of Boys & Girls Club discussion and moving the Ditch Board items to the end of the agenda with an Executive Session added under Ditch Board for legal/contractual matters.

Thiesse moved, seconded by Gray-Lobe and unanimously carried to approve the minutes of the February 13, 2024 meeting.

Welfare Director Drew Gunderson met with the Board to present Welfare Case #CW24-003 for a county funeral. Hammond moved, seconded by Thiesse and unanimously carried to authorize payment of the county funeral as the individual met current welfare guidelines.

Gray-Lobe moved, seconded by Hammond and unanimously carried to approve the following claims for payment.

(PAYROLL)		SD RETIREMENT SYSTEM	\$34,824.86
COMMISSIONER'S	\$9,247.39	SD SUPPLEMENT RETIREMENT	\$7,978.18
AUDITOR'S OFFICE	\$14,714.44	SDRS ROTH 457(B) PLAN	\$625.00
TREASURER'S OFFICE	\$25,105.69	TASC PVR	\$2,181.62
STATE ATTORNEY'S OFFICE	\$32,244.48	THE STANDARD - DENTAL	\$1,409.40
COURTHOUSE	\$5,025.71	THE STANDARD - LIFE INS.	\$420.62
DIRECTOR OF EQUALIZATION	\$13,105.99	THE STANDARD - SH TRM DI	\$1,115.96
REGISTER OF DEEDS	\$10,212.47	THE STANDARD - VISION	\$354.04
VETERAN'S OFFICE	\$1,950.59	UNITED WAY OF VERMILLION	\$215.00
24/7 PROGRAM	\$2,173.60	VOYAGE FEDERAL CREDIT	\$750.00
SHERIFF'S OFFICE	\$57,277.57	WELLMARK BLUE CROSS	\$62,069.28
COUNTY JAIL	\$39,481.07	(CURRENT PROPERTY TAXES)	
EMERGENCY MGMT	\$5,727.57	CLAY CO TREASURER	\$397.05
HIGHWAY	\$53,822.62	(PROFESSIONAL SERVICES AND FEES)	
COMMUNITY HEALTH NURSE/WIC	\$3,715.85	ALLBRIGHT CLEANING	\$1,529.28
EXTENSION OFFICE	\$3,590.94	AVERA MCKENNAN	\$517.80
WEED	\$3,931.99	C-CLEANING SERVICES	\$2,094.55
PLANNING & ZONING	\$3,960.86	CITY OF VERMILLION	\$498.88
(DUE TO OTHER GOVERNMENT)		ERICKSON SOLUTIONS GROUP	\$884.70
CLAY CO TREASURER	\$1,176.85	FEDEX	\$47.01
(PAYROLL WITHHOLDING)		OLSON'S PEST TECHNICIANS	\$80.00
AFLAC	\$961.76	PIZZA RANCH 14762	\$1,410.00
CLAY CO FIT FICA	\$63,050.62	PRESTO-X COMPANY LLC	\$189.90
COLONIAL LIFE	\$297.05	QUALIFIED PRESORT SVC IN	\$298.45
CONSECO/WASHINGTON	\$24.45	SANFORD HEALTH CLINIC	\$128.31
DIV OF CHILD SUPPORT IA	\$264.00	SATELLITE TRACKING OF	\$175.00
DIV OF CHILD SUPPORT SD	\$1,367.00	SD DEPT OF HEALTH LAB	\$125.00
NEW YORK LIFE C/O M&T BN	\$298.57	SDSU EXTENSION SERVICE	\$11,200.00

SULLIVAN, GAGE QMHP	\$595.00	O'REILLY AUTO PARTS	\$79.96
ULTEIG	\$8,118.75	ONE OFFICE SOLUTION	\$34.80
YANKTON COUNTY EMS	\$1,125.60	PHARMCHEM, INC.	\$1,282.34
YANKTON MEDICAL CLINIC P	\$93.87	PRESSING MATTERS	\$337.00
(OTHER PROFESSIONAL SERVICE)		PROCHEM DYNAMICS	\$217.83
CHARLES MIX COUNTY	\$180.00	QUALIFIED PRESORT SVC IN	\$2,809.35
CITY OF WINNER	\$2,268.00	RUNNINGS SUPPLY INC CH	\$38.78
SCHILDHAUER, T. LEMBCKE	\$978.00	RUNNINGS SUPPLY INC H&W	\$39.56
UNION CO. SHERIFF	\$16,000.00	TWO WAY RADIO SOLUTIONS	\$658.94
(LAW OFFICE)		UNION CO. SHERIFF	\$208.30
AMG PSYCHIATRY SF	\$168.24	VERMILLION ACE HARDWARE	\$243.92
KOLETZKY LAW OFFICE, PRO	\$196.60	(TRAVEL AND CONFERENCE)	
(PUBLISHING)		DOHERTY, COREY	\$114.00
BROADCASTER PRESS	\$354.08	GANSCHOW, DENNIS	\$531.70
NEW CENTURY PRESS ACCTHW	\$74.25	LINCOLN CO 4-H/EXTENSION	\$65.00
(REPAIRS AND MAINTENANCE)		SDSU EXTENSION	\$166.05
CENTURY BUSINESS PRODUCT	\$37.50	VOYAGE FEDERAL CREDIT	\$115.00
CHARLIE'S BUS SERVICE IN	\$504.00	(INMATE TRAVEL)	
ERICKSON SOLUTIONS GROUP	\$540.00	PENNINGTON COUNTY JAIL	\$270.59
FAST AUTO GLASS, INC.	\$120.00	(UTILITIES)	
GEHM, REBECCA	\$540.00	BUREAU OF ADMINISTRATION	\$73.41
LOFFLER COMPANIES	\$257.64	BUTCH'S PROPANE	\$2,085.85
PRESTO-X COMPANY LLC	\$79.33	CENTURYLINK LUMEN	\$5.92
VERMILLION ACE HARDWARE	\$99.94	CITY OF VERMILLION	\$1,246.05
(DATA PROCESSING/CLAY CREEK/INF)		T-MOBILE	\$3.36
DOTY, KIM	\$37.50	VERIZON WIRELESS HWY TRS	\$98.53
SOFTWARE SERVICES, INC.	\$825.00	VERIZON WIRELESS SHERIFF	\$402.02
TRANSCENDENT TECHNOLOGIES	21,300.00	(PAYMENT)	
(SUPPLIES & MATERIALS)		BRUNICK SERVICE, INC.	\$135.00
BLACKSTRAP INC	\$1,816.29	HY-VEE, INC. JAIL ACCT	\$409.84
BRUNICK SERVICE, INC.	\$192.00	JANDREAU, MAELYN	\$20.00
BUTLER MACHINERY CO.	\$152.14	PAULSON, ALICIA	\$70.85
CORTRUST BANK	\$4.00	PIZZA RANCH 14762	\$2,243.00
D-P TOOLS, INC.	\$106.37	TIETZ, DIANA	\$20.00
DIAMOND MOWERS INC	\$108.69	(TRAVEL AND CONFERENCE)	
DMC WEAR PARTS LLC	\$7,517.97	VOYAGE FEDERAL CREDIT	\$279.00
FAST AUTO GLASS, INC.	\$38.00	(BUILDINGS AND STRUCTURES)	
FIRST DAKOTA CREDIT CARD	\$75.21	JLG ARCHITECTS	\$1,346.18
GRAHAM TIRE S.F. NORTH	\$2,180.48	MIDWEST ALARM CO., INC.	\$288.75
HY-VEE, INC. COURTHOUSE	\$55.46	(FURNITURE AND MINOR EQUIPMENT)	
HY-VEE, INC. EXTENSION	\$19.96	BOB BARKER CO INC	\$215.20
I-STATE TRUCK CENTER	\$67.55	CANON	\$260.00
LEWIS DRUG, INC.	\$911.62	LOFFLER COMPANIES	\$423.88
NEBRASKA SALT & GRAIN CO	\$4,910.93		

The Board considered writing a letter of support for a Childcare Study Grant that the Vermillion Chamber & Development Company (VCDC) is applying for. E. Smith said childcare is a critical need for workforce and economic development in the region. She volunteered to draft a letter of support for the grant application. Gray-Lobe moved, seconded by Mockler and unanimously carried to authorize the Chairwoman to write and send a letter of support.

Hammond moved, seconded by Gray-Lobe and unanimously carried to pass and adopt the following Resolution #2024-09 for Auditor/Treasurer Outstanding Checks Cancellation.

RESOLUTION #2024-09
Auditor/Treasurer Outstanding Checks Cancellation

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

NOW THEREFORE BE IT RESOLVED, that the Board of Clay County Commissioners hereby authorize the cancellation of checks and warrants of record, in the Clay County Treasurer's Office that have not been presented for payment within the one (1) year of the date of the said checks or warrants, for \$332.56 in Treasurer's Checks and that the Auditor and Treasurer Office's shall make note of such cancellation in the Warrant and Check Register, respectfully. (List on File in the Auditor's Office)

Dated this 27th day of February, 2024, at Vermillion, South Dakota.

Commissioner Hammond moved for the adoption of the foregoing resolution, motion seconded by Commissioner Gray-Lobe.

Vote of Commission: Ayes 5 Nays 0.

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

Board of County Commissioners
Clay County, South Dakota

Attest:

Elizabeth Smith, Chairman

Carri R. Crum, County Auditor

Mockler reported that the walls for the new jail and law enforcement center should start going up on March 11th.

Hammond said they had a meeting a little over a week ago for the Joint Jurisdiction Zoning Area committee to work out a few details, but there is nothing new to report.

The Sheriff's Office and Vermillion Public Library monthly reports and the following Auditor's Account with the County Treasurer Report were accepted and placed on file.

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

To the Honorable Board of County Commissioners of Clay County
items in the hands of the County Treasurer as of February 1, 2024.
I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks	7,032,794.97
Amount of actual cash	1,819.50
Total amount of checks and drafts in Treasurer's Possession not exceeding three days	24,288.02

Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:	390.83
Checks returned and not deposited	
Cash Items	700.00
Investments	1,154,151.38
Cash Variation	0.00
Total	
Dated this 1st day of February, 2024.	8,214,144.70

Carri R. Crum, County Auditor

Recent payroll changes to be reported in the minutes are: Rozmus Baylor (Part-Time Jailer) hired effective 2/29/24 at \$20.90/hour.

Under Boys & Girls Club discussion, Mockler said he got a couple phone calls from people wondering why the County Commission decided not to support the Boys & Girls Club funding application. E. Smith said the request was for Sophie Johnson from SE Council of Governments to create an application. Johnson was uncomfortable doing that because City of Vermillion had an application in process for housing infrastructure funds for the Jolley School site, and the likelihood of two applications being approved was close to zero. E. Smith called a few others, and the majority wanted to wait until April. The decision was not to not do it, but to wait. Mockler and Thiesse said it should have been on a County Commission agenda. There was discussion regarding the timelines for the meeting and when the subject came up. E. Smith said she should have called two more people, but she didn't. Mockler and Thiesse said it should have been in a public meeting. E. Smith said she is sorry if they feel left out, but this was, in her view, a judgement call whether to put all hands on deck. The City would have been upset. She said we have far better chances to get both projects approved by waiting until October. Thiesse said they are a commission of five rather than a commission of three. Mockler asked if this kind of thing has happened before because he and Thiesse are being dismissed. E. Smith said she acknowledges the problem. Hammond said it should have been brought up in a meeting, even during Visitors to be Heard, to say there was not enough time or information. He did not know who E. Smith had talked to, but had he thought about it more he would have suggested it be a short topic on a County Commission agenda. Mockler said he doesn't like being blindsided by the public asking why the County Commission denied something when they didn't even discuss it.

A public bid opening was held for a HITCHDOC snow blower for the Highway Department. One bid was received from Butler, and it was opened and read aloud. The bid was for \$77,488.54. Highway Superintendent Rod Polley and Assistant Highway Superintendent Larry McPherson reviewed the bid to ensure it met specifications. Hammond moved, seconded by Mockler and unanimously carried to accept the bid from Butler for \$77,488.54.

A public bid opening was held for highway materials for the year. Bids were opened and read aloud. Barkley Asphalt's bid was received past the 9:00 a.m. deadline and was not opened. It was

decided that due to the number and complexity of bids, Polley and McPherson will review them to ensure they meet specifications and return at the next meeting for bids to be awarded.

Zoning Administrator Drew Gunderson met with the Board to discuss the rezoning of Lots 1 and 2 in Marquardt First Addition, in the SE1/4 Quarter of Section 22, Township 93 North, Range 53 West of the 5th P.M., Ralph J. Marquardt, President of Barnes Hay & Feed Co., Owner.

Gunderson said they are waiting on a report from the engineer. SE Farmers' Elevator Cooperative is ok with this, so his recommendation is to table the matter until the end of March so that they can have the engineer's report. There is, however, an initial site plan. Polley said the reason the engineer is not finished is because the bore truck weighs too much for the seasonal weight limits, so it cannot be on the roads. Merle Lyons, General Manager for SE Farmers' Elevator Coop., presented a site plan. He said they are trying to utilize the property appropriately for the future for what could be on the site. They had a customer meeting on February 22nd and had 49 farmers show up. He has been in the business 44 years, and it is the best meeting turnout he has ever had. The piece they have laid out shows two areas already zoned industrial. There is a piece that is not currently zoned industrial. He discussed the bushel capacities for corn and soybeans. In the middle of the pile locations for those is the dumping area, and they are planning drive-over conveyors. For this site, traffic would come in from 456 Ave. on 313 St. They will turn onto the road that is already built. The scale house would have a 120' scale. Lyons discussed safety concerns with having trucks exit onto Highway 50. The route they believe is safe is to exit on 313 St. to Highway 50. He discussed setting the site up so they can expand if necessary to handle more bushels. They are positioning the site for future upright storage. Attorney Mike McGill said this is the only site for this use that would lower the impact on county and township roads, approximately 1800' of traffic on 313 St., and 456 Ave. was already upgraded in the past. The impact to 313 St. is the major issue. Mockler said the area crossing the railroad tracks on 456 Ave. would need to be fixed. Polley said the engineer has an idea for that, but the railroad may have something to say about that as well. Polley said when the engineer's report comes in, he can discuss the budget. Thiesse asked, when they are at peak unloading, how many trucks will that be? Lyons said at the maximum, if corn & beans are coming in at the same time, they would have the site set up for 40,000 bushels per hour, and that is unlikely. Corn by itself is 20,000 bushels. Normally, they will not have trucks stacked up. The site would have approximately a 4-million-bushel capacity. An average of 1,000 bushels would be 4,000 trucks. Thiesse said his concern would be trucks backed up on Highway 50. A train moving through could be a problem. Lyons said the State told them they would have to do traffic counts to determine whether it needs a turning lane. Mockler said trucks would use other roads instead. Polley asked if they have a reference point of where they think people might go to this facility vs. Centerville. Lyons said no, they have customers who will continue to support a certain site despite distance. Mockler said trucks could be lined up in Centerville, and it would be faster for a farmer to drive to Meckling than to wait in Centerville. Lyons said the goal would have been to have this facility going by fall, but the way things are moving, it will probably not happen. In the communities they operate in, they donated \$20,000 to food pantries and fire departments last year. Mockler asked Polley when they will be able to get the bore truck on the roads. Polley said they will plan to get the load limits off next week. It will only take a day to do the boring. Mockler asked how deep they will go. Polley said he thinks 8 feet, and a couple may be left open to monitor for

water. Hammond asked if 8 feet is enough. Polley said he was going by the engineer's opinion. Hammond said it wouldn't hurt to go to 20 feet on that site, but the normal samples would be 18 feet. He was speaking from his experience with a project on a road he worked prior where he was unhappy with long-term results. He also doesn't want it to end up like the downtown elevator in Elk Point where it tilted 11.7 feet top to bottom. Lyons said that stuff on this site is all coming down. Hammond said it would be better to spend a little more money up front than to end up with issues later. Hammond moved, seconded by Gray-Lobe and unanimously carried to table the rezoning until the last meeting in March.

At 10:15 a.m., Thiesse moved, seconded by Mockler and unanimously carried to enter an Executive Session for personnel matters per SDCL 1-25-2.

At 10:27 a.m., Gray-Lobe moved, seconded by Mockler and unanimously carried to exit the Executive Session.

At 10:27 a.m., Gray-Lobe moved, seconded by Hammond and unanimously carried to adjourn and convene as Clay County Ditch Board with Ditch Board Chairman Mockler presiding.

At 10:28 a.m., Gray-Lobe moved, seconded by E. Smith and unanimously carried to enter an Executive Session for legal/contractual matters per SDCL 1-25-2.

At 10:34 a.m., Gray-Lobe moved, seconded by Hammond and unanimously carried to exit the Executive Session.

Gray-Lobe moved, seconded by E. Smith and unanimously carried to table the Pay Application #4 for Clay Creek Ditch until the next meeting.

Gray-Lobe moved, seconded by E. Smith and unanimously carried to approve an invoice from Ulteig Engineering in the amount of \$2,079.83 for Clay Creek Ditch.

At 10:35 a.m., Hammond moved, seconded by E. Smith and unanimously carried to adjourn and reconvene as Board of Clay County Commissioners with Chairwoman E. Smith presiding.

At 10:35 a.m., Mockler moved, seconded by Thiesse and unanimously carried to adjourn and reconvene Tuesday, March 5, 2024 at 9:00 a.m.

ATTEST:

Carri R. Crum
Carri R. Crum, County Auditor

Elizabeth T. Smith
Elizabeth T. Smith, Chairwoman
Board of County Commissioners

March 5, 2024

The Board of County Commissioners met in regular session Tuesday, March 5, 2024 at 9:00 a.m. at the City of Vermillion City Hall, 25 Center St., Vermillion, SD. Members present: Travis Mockler, Geoffrey Gray-Lobe, Elizabeth Smith, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

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

Thiesse moved, seconded by Gray-Lobe and unanimously carried to approve the minutes of the February 27, 2024 meeting.

Director of Equalization Lennea Olson met with the Board to present two Applications for Abatement due to an error in application of the Influence Factor when assessing the properties. Both properties are completely within the river. Legal descriptions were listed as NW $\frac{1}{4}$ SW $\frac{1}{4}$ 24-92-53 All in the River (abatement of \$212.82) and PT NE $\frac{1}{4}$ SW $\frac{1}{4}$ 24-92-53 All in the River (abatement of \$211.34). Hammond moved, seconded by Gray-Lobe and unanimously carried to approve the Applications for Abatement and authorize the Chairwoman to sign them.

Polley presented his bid award recommendations for the highway materials bids. Smith asked about his asphalt concrete recommendation to award to all bidders according to what is most advantageous to the County. Polley said, depending on the location where they are working, it is faster and more efficient to pick up material from one bidder than another. Hammond moved, seconded by Mockler and unanimously carried to award bids per the Highway Superintendent's recommendations, including the Beadle County TrueNorth Steel bid.

Clay County Highway Department
2024 Material Bid Recommendations

Asphalt Concrete (Hot Mix)

	Myrl & Roys	Knife River
G-1	\$78 per ton	
G-2	\$83 per ton	\$72 per ton (Sioux Falls)
D-2		\$88 per ton (Yankton)

Recommend awarding to all bidders, whichever is most advantageous to Clay County.

Road Sealant

	Mid States	White Cap
Roadsaver 221	\$0.67 per lb.	\$0.67 per lb.
Mastic One	\$0.60 per lb.	\$0.60 per lb.

Recommend awarding to all bidders for availability of product.

Flex-O-Mat

	White Cap	True-North Steel
	\$4.45 per sq. ft.	\$4.65 per sq.ft.

Recommend awarding to White Cap (low bidder).

Carbide Insert Blades 4 ft.

Equipment Blades, Inc.	Wear Parts & Equipment Co., Inc.
------------------------	----------------------------------

\$272.00 each \$265.00 each
 Recommend awarding to all bidders for availability and accessibility of product.

Plow and Grader Blades

Equipment Blades, Inc.
 8' Grader Blades \$182.00 each
 12' Plow Blades \$341.00 each
 Recommend awarding to Equipment Blades, Inc. (only bidder).

R.C.P (reinforced concrete pipe)

		Oldcastle Infrastructure		
Round	30"	\$72.40 per ft.	Apron	30" \$770.59 each
	48"	\$162.72 per ft.		48" \$1,994.12 each
	72"	\$377.68 per ft.		72" \$3,243.75 each
Arch	36"	\$141.18 per ft.	Apron	36" \$1,474.40 each
	60"	\$333.23 per ft.		60" \$3,120.40 each

Recommend awarding to Oldcastle Infrastructure (only bidder).

Pre-Cast Concrete Box Culvert

		Rinker	
7' X 7' X 6' single barrel		\$793.00 per ft.	7' X 7' end section \$9,770.00 each
10' X 10' X 6' single barrel		\$1,121.00 per ft.	10' X 10' end section \$18,536.00 each
8' X 8' X 6' double barrel		\$1,514.00 per ft.	8' X 8' end section \$22,566.00 each

Recommend awarding to Oldcastle Infrastructure (only bidder).

Corrugated Metal Pipe

			Bands	
Round	18" 16 ga.	\$24.75 per ft.	18" X 12" wide	\$49.50 each
	24" 16 ga.	\$31.35 per ft.	24" X 24" wide	\$94.05 each
	48" 14 ga.	\$79.20 per ft.	48" X 24" wide	\$188.10 each
Arched	24" = 28" X 20" 16 ga.	\$36.10 per ft.	12" wide	\$72.20 each
	54" = 64" X 43" 12 ga.	\$138.70 per ft.	24" wide	\$250.80 each

Steel Bridge 32' X 60' \$77.92 sq. ft. Total \$149,600
 Recommend accepting Beadle County Bid Packet for Corrugated Metal Pipe and Pre-Engineered Modular Steel Bridges.

The Board considered Right-of-Way Applications from Right-of-Way Applications from Oak Hills Consulting/Jefferson Telephone Co./Long Lines on County Roads A-4 (Burbank), H-4 (north out of Burbank), and Loop Rd. Mockler moved, seconded by Hammond and unanimously carried to approve the applications and authorize the Chairwoman to sign them.

Polley reported the weight limits have been removed.

The Board considered the following Resolution #2024-09 for Plat of Lots 1 Through 18 and Lots 12A Through 18A Discovery Landing in Section 16 and in Section 22, Both in 92N, R52W of the 5th P.M. Clay County, South Dakota; Russell Olson, Darcy Olson, and Mary Heine AKA Mary Leary, Trustee of the Daniel Heine Living Trust, owners. Hammond moved, seconded by Thiesse to pass and adopt Resolution #2024-09.

RESOLUTION #2024-09
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 1 Through 18 and Lots 12A Through 18A Discovery Landing in Section 16 and in Section 22, Both in 92N, R52W of the 5th P.M. Clay County, South Dakota; Russell Olson, Darcy Olson, and Mary Heine AKA Mary Leary, Trustee of the Daniel Heine Living Trust, 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.

Elizabeth Smith
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 March 5, 2024.

Carri R. Crum
County Auditor, Clay County, SD

Under discussion, Hammond said the materials were submitted to the Planning & Zoning (P&Z) Commission. The owners and others involved in the process have completed checklist items. He sees no reason not to approve the plat. Gray-Lobe said he expected more information on this. He is wondering if the Conditional Use Permit (CUP) is still in process and asked if work has commenced on the property. Sarah Taggart, representative of the owner(s), said the survey has been done but no other work. State's Attorney Michael Smith said he has no reason to doubt the Zoning Administrator's work. Gray-Lobe was confused by sections and some may have to do with government accretion lots. Section 16 appears to be Section 21 on plat maps. He wants to make sure the legal description is correct. He also referenced section line highways. Mockler said it was explained in the CUP process. Hammond said there was a lot of discussion. Gray-Lobe said he doesn't know how state law applies. The section line appears to run through the plat, and he guesses it's not really there. He referred to Beacon and said probably there is not a line. Mockler said Section 28 does not exist, and the legal description is correct. The parcel report in Beacon is correct. Hammond said Section 21 is directly below Section 16. The part down below, he worked out between Beacon and the US Geological Survey topographic maps. Section 16 is along Timber Rd., so a person would have to find survey markers to determine the line between Sections 16 & 22. The surveyor used those marks, and in Hammond's opinion, that rules. Gray-Lobe referred to statute and said he thought they needed to adjust the naming of the plat to comply. Hammond said they would just need to ask for a change to the plat title to add the

quarter section. Gray-Lobe asked to make sure the surveyor knows where the section lines are so if there is a section line highway it is understood where it is in relation. Hammond said that has been found. The surveyor found the pins that were pre-existing to this job. That was done properly. If there are any errors, it would only be the title. That would require the surveyor to modify the legal description. Taggart said it has been looked over by a bunch of people who found it accurate. Gray-Lobe said this process is designed to catch things early. Hammond said these things can happen. M. Smith said county ordinance is not binding on state law. Statute 11-3-7 is as Gray-Lobe stated, but ultimately it is a question for the Register of Deeds whether they would accept the plat for filing. Hammond said it is to Taggart's benefit to fix this now than to have issues with selling each of the 18 lots later. Gray-Lobe advised Taggart to have an attorney take a look at SDCL 11-3-7 and ask the surveyor to make sure the section line does not run through any of the buildable lots. Hammond said a section line issue does not apply here as he has witnessed structures built across section lines many times. Gray-Lobe said there is guidance about naming, and it looks like the road should be named "Trail." There is also guidance regarding not approving dead end roads. Hammond and Mockler discussed the difference between public and private roads. Taggart said this is a private road. E. Smith asked M. Smith what the Board's responsibility is regarding seeing covenants for the property. Hammond said it is the kind of thing that one would expect to find in HOA covenants. Taggart said she is working on those. E. Smith again referred to the prohibition on approving dead end roads that should be clarified as private. Mockler said the private road was discussed as part of the CUP.

Harry Freeman was present and referred to the Natural Resources Conservation (NRC) riparian zone. He said it seems prudent to make it a condition that the homeowners don't disurb natural environments and habitat. Mockler said the CUP has already been granted, so they cannot go back and add conditions to it. Freeman asked if there is recourse for homeowners. Hammond said the only place drainage would be impacted is where the abandoned river channel crosses the road, and there is already a low spot with a culvert. Drainage is a moot issue. Freeman asked about damage to the riparian zone from rip rap for bank stabilization. Gray-Lobe asked about plans to comply with that section of the ordinance. Taggart said none of it was required in the CUP, but covenants will address keeping as many trees as possible. People will stabilize their banks, but they will have to comply with requirements. Gray-Lobe said there are different ways to stabilize banks. Mockler discussed that beauty is seen differently depending upon whose eye you are looking through. Gray-Lobe referenced the ordinance and comprehensive plan. Freeman said this is still a CUP within the NRC. Mockler said today's proceeding is not a CUP or a zoning hearing. Gray-Lobe read from the ordinance and said that is the metric they have to use. Formalizing this makes it easier for him to vote to approve the plat. Taggart said everyone will have to get a building permit and comply with the ordinance. Hammond said the CUP was the place for that, and his trust is that people who will build there will be doing so because they want to live in a natural environment. Rip rap is beyond the County's control. That is under the control of the Army Corps. Of Engineers and the Missouri National Recreational River (MNRRL). The river will take land. Farmers hoped it wouldn't happen, but sometimes they would lose an entire field. West of Clay County Park there is a severe erosion problem, and it is almost not savable. Rip rap will not work. Freeman said the taxpayers will be paying for the rip rap like they did in

Dakota Dunes. Hammond said Dakota Dunes is a different situation as it is not in the MNRR. He discussed the Ponderosa area, and E. Smith agreed that the Ponderosa is on its own for rip rap. Jerry Wilson said this process has been flawed from the start. He is bothered by the transfer of building eligibility. The reason it was added to the ordinance was to prevent large subdivisions. That has been misapplied. The CUP was approved 2-3 and pushed through by the State's Attorney, when it should have required a majority vote. The CUP was granted without conditions. That's an atrocity. He discussed the NRC district and said they are ignoring it. He asked the Board not to proceed further without applying conditions to the CUP. Mockler again said today's proceedings are not a CUP hearing. It is a plat approval process. Wilson talked about setbacks and variances. He wants zero variances to the 125' setback from the river. He asked about docks and whether there will be 18 of them. He said it would destroy the view. Lighting should be limited as well as structure height. He has concerns about septic tanks. Mockler said they cannot put conditions on a plat. E. Smith said 11-3-81 requires counties to protect waterways from sewage. She asked Taggart to address it in covenants. Taggart said septic systems will have to comply with regulations. Hammond said building permit applications address that now. It's possible, due to the location, that percolations tests would show that holding tanks are required. He has seen that in other places, and the septic system installers have to do testing to determine it. Wilson discussed the recreation trail grant application and said the HOA should grant access for a trail. Suzanne Skyrn talked about the first lot. The Board said it is not part of this plat. Skyrn said there was no preliminary plan as part of the subdivision. She said the P&Z Commission should have discussed compatibility with neighboring property. Hammond said the preliminary plan was given to the P&Z Commission. He thought this should be just 12 lots, but he knows under the ordinances that 12 lots on a stretch of land this long is legal. He said all lots may not even end up being built upon because a few are not as desirable. He said they decide as a group, and this hearing involves only the plat. The preliminary plan is how the lots will be subdivided and how the road will be laid out. Skyrn asked if it includes a dock, and the answer was that it does not. Gray-Lobe discussed the process and said no agenda listed a preliminary plan. However, it is in the meeting packet, even though it may not have been clear to the public. The Board's signature on the plat signifies that it complies.

E. Smith thanked everyone for a full discussion. Taggart clarified that she just needs to have the title changed to reflect the quarter and change the name of the road to be a "Trail." Gray-Lobe asked for covenants, and Mockler said they are not required for a plat. Taggart said it will all be legal. E. Smith said she would love to see anything to support that the NRC will be honored. Gray-Lobe said, aside from the NRC, what he sees complies with a rural residential district. He encouraged Taggart to go beyond the requirements. Mockler said the property already has a CUP. Even if someone doesn't like it, Taggart still has to be treated the same as everyone else. Thiesse said Gray-Lobe just publicly stated he is requiring more of her than of anyone else. Mockler said this Board did not grant a CUP; they denied an appeal of the P&Z Commission's granting of a CUP. E. Smith said she wants to keep the conversation focused on the plat. They are working toward a place where it could be approved. Taggart said she expects to be treated like every other plat that is presented. If she brings the covenants, they will be picked apart, and she is not required to do so. She wants to be treated fairly. E. Smith said they are working to make this

possible. Freeman asked if the NRC just does not matter. E. Smith said that is a central question. Mockler said, when it comes to plat, that does not matter. Gray-Lobe said the subdivision ordinance says when they sign the plat, they are saying it complies with the zoning ordinance. He said when he was at Clay County Park, he looked at the landscape and did not see anything offensive with the structures that are already there. Taggart thanked him for that and said they are trying to keep things beautiful. They want to keep as many trees as possible. She clarified that if she brings back a plat that lists the quarter and renames the road, will it be acceptable? M. Smith and Hammond discussed whether this should go back to the P&Z Commission, and Mockler said in the past it was handled by this Board. M. Smith discussed criteria in 4.01a. Mockler said those criteria would have been met by this point. Hammond said the P&Z Commission checked all the requirement boxes. M. Smith said if the criteria are met, they can approve, deny, or approve with conditions.

Hammond amended his original motion to pass and adopt Resolution #2024-09 for Plat of Lots 1 Through 18 and Lots 12A Through 18A Discovery Landing in Section 16 and in Section 22, Both in 92N, R52W of the 5th P.M. Clay County, South Dakota; Russell Olson, Darcy Olson, and Mary Heine AKA Mary Leary, Trustee of the Daniel Heine Living Trust, owners, with the final amendments being a change to the title to include the quarter section and to change the name of the road to a "Trail." Mockler seconded the amended motion. Vote of the Board: Mockler Aye, Gray-Lobe Nay, Hammond Aye, Smith Nay, Thiesse Aye. Motion passed. Gray-Lobe said he voted nay because he is not convinced it complies.

At 10:59 a.m., Hammond moved, seconded by Mockler and unanimously carried to adjourn and convene as Clay County Ditch Board with Ditch Board Chairman Mockler presiding.

At 11:00 a.m., Hammond moved, seconded by E. Smith and unanimously carried to enter an Executive Session for legal/contractual matters per SDCL 1-25-2.

At 11:13 a.m., Hammond moved, seconded by Gray-Lobe and unanimously carried to exit the Executive Session.

E. Smith moved, seconded by Thiesse and unanimously carried to approve the Pay Application #4 for Clay Creek Ditch with payment to be made to Two Rivers Contracting via Northern Escrow, Inc. and Prime Bank in the amount of \$40,654.48.

At 11:14 a.m., E. Smith moved, seconded by Gray-Lobe and unanimously carried to adjourn and reconvene as Board of Clay County Commissioners with Chairwoman E. Smith presiding.

Hammond moved, seconded by Thiesse and unanimously carried to approve the following claims for payment: (Cap. Projects) Beckenhauer Construction \$752,061.96, GeoTek Engineering \$12,666.00, TEGRA Group \$21,400.00; (Court Appointed Attorney) Frieberg, Nelson & Ask \$9,965.25, Philip Terwilliger \$9,965.25; (Courthouse Improvements) L&L Builders \$203,236.00; (Ditch Board – Clay Creek Ditch) Ulteig Engineering \$2,079.83.

Regarding the Court Security Project, M. Smith said there are two options: Construction Manager At-Risk (CMAR) or Design-Build. Dick Strassburg from TEGRA Group will have a

spot on the next agenda to discuss it. Contractors for CMAR want blueprints to be drawn up. The County may be able to hire an engineer for this. The other option is Design-Build. James Wiederrich with Woods Fuller would be a good attorney to handle this if the County chooses Design-Build. Hopefully, the Board will have enough information to make a decision next week.

Mockler reported that the walls for the new jail and law enforcement center are a week behind schedule due to a crane delay. The optimistic timeline is that personnel may be able to move into the building next June.

Hammond reported that there is a Joint Jurisdiction Zoning Area committee meeting for Thursday night.

At 11:24 a.m., Mockler moved, seconded by Hammond and unanimously carried to adjourn and reconvene Tuesday, March 12, 2024 at 9:00 a.m.

ATTEST:

Carri R. Crum
Carri R. Crum, County Auditor

Elizabeth T. Smith
Elizabeth T. Smith, Chairwoman
Board of County Commissioners

March 12, 2024

The Board of County Commissioners met in regular session Tuesday, March 12, 2024 at 9:00 a.m. at the City of Vermillion City Hall, 25 Center St., Vermillion, SD. Members present: Travis Mockler, Geoffrey Gray-Lobe, Elizabeth Smith, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

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

Hammond moved, seconded by Gray-Lobe and unanimously carried to approve the minutes of the March 5, 2024 meeting with the correction that E. Smith voted Nay on Resolution #2024-09.

Deputy State's Attorney Samantha Hargrave presented the annual Stop Domestic Violence Grant Application for \$36,406.64. Mockler moved, seconded by Gray-Lobe and unanimously carried to authorize submission of the grant application with the necessary signatures.

Dick Strassburg, TEGRA Group, met with the Board to discuss the Court Security Project. He said they looked at Construction Manager At-Risk and Design-Build options. This is a challenging project. There was a quote for \$9,400 for plans and \$9,400 for mechanical and electrical. He wants to consult with Jim Wiederrich with Woods Fuller to see what the County can legally do. It should only require a couple hours. State's Attorney Michael Smith said the statutes leave questions, and Wiederrich is the expert on this type of law. The \$15,000 retainer concerns him, but it should only take a couple of hours. Strassburg said they don't want to spend much on fees. His recommendation is to approve the retainer letter from Woods Fuller so he and M. Smith can meet with Wiederrich. Hammond moved, seconded by Mockler and unanimously carried to approve the retainer letter and authorize the Chairwoman to sign it.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. He presented a quote for additional boring costs for testing on 313 St. & 456 Ave. They will start the boring today. The application deadline for the grant for road improvements is April 15th. SE Council of Governments is waiting for that report to move forward with the grant application. Hammond said the train rollover west of there and his experience with a well boring about 800 feet northwest of the road found that the area was an old oxbow lake. He also just had borings at the Masaba property that were surprising. He said he does not think lab tests will be very expensive. The number of blows to drive the sampling tubes will determine the work needing to be done above. E. Smith said the difference in cost is about \$2,800, and no amendments are needed on the part of the Board.

Polley reported that the summer 10-hour days start March 25th.

Polley also reported that the rural electric cooperative contacted him about right-of-way in Wakonda as the County owns a lot that is involved with a project they are doing.

Polley asked Gray-Lobe to meet with him at Clay County Park regarding a tree issue. He also said he needed to replace a post at the park's entrance. There was a gray box attached to it with a mechanism inside that is potentially related to GPS locating. The lock on the box was ruined in the process of replacing the post. He would like to find out who to contact to give them a key to the new lock.

At 9:21 a.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to adjourn and convene as Clay County Ditch Board with Ditch Board Chairman Mockler presiding.

Polley said on Lateral 2A, he and McPherson inspected a slide area near a County bridge. It would be best for the County to repair it. They can pack some clay in as a temporary fix, or cut it back about 400 feet and rip rap it. Mockler said it would be better to fix it permanently. Polley said it will need a long reach excavator.

Polley brought up a drainage map, and it was decided the Board will hang it in the Commissioner Room when the renovations are completed. Polley said when this year's bridge inspections are done, he will have a new map with the structures on it. E. Smith said it would be nice to have a dedicated meeting room. Hammond said many courthouses have a small meeting room outside of the Commission Room. Discussion also included scheduling a tour of roads.

The Board considered an invoice from Wieman Construction for Lateral 50B for \$5,290.00. Polley said the work looks very good. Gray-Lobe moved, seconded by Hammond and unanimously carried to approve payment of the invoice.

The Board revisited payment of Pay Application #4 for Clay Creek Ditch from the last meeting. Hammond moved, seconded by Gray-Lobe and unanimously carried to approve the check to be made out to Two Rivers Contracting via Northern Escrow, Inc. in the amount of \$40,654.48.

At 9:34 a.m., Gray-Lobe moved, seconded by Hammond and unanimously carried to adjourn and reconvene as Board of Clay County Commissioners with Chairwoman E. Smith presiding.

The Board reviewed a change order for the courthouse mechanical/electrical/HVAC renovation project in the amount of \$23,501 for additional strobes required by the Fire Marshall. Hammond moved, seconded by Mockler and unanimously carried to approve the change order and authorize the Chairwoman to sign it.

Treasurer Rhonda Howe presented an Application for Abatement for uncollectable mobile homes. She explained that the new software pricked up old uncollectable mobile homes during the software conversion, and the process for removing them from the system is an abatement. The mobile homes do not exist anymore, so there is nothing to levy against. Hammond moved, seconded by Gray-Lobe and unanimously carried to approve the Application for Abatement and authorize the Chairwoman to sign it.

Hammond moved, seconded by Mockler and unanimously carried to approve the following claims for payment.

(DUE TO OTHER GOVERNMENT)	BETHEL TOWNSHIP	\$5,630.61
BERESFORD SCHL DIST 61-2 \$29,319.68	CENTERVILLE SCH DIST 60-	\$10,229.19

CITY OF VERMILLION	\$107,992.92
CLAY CO TREASURER	\$3,529.00
FAIRVIEW TOWNSHIP	\$6,226.70
GARFIELD TOWNSHIP	\$9,761.57
GAYVILLE/VOLIN SCHL DIST	\$14,337.32
GLENWOOD TOWNSHIP	\$6,187.93
IRENE CITY	\$844.78
IRENE/WAKONDA SCHL 13-3	\$53,361.75
MECKLING TOWNSHIP	\$7,591.19
NORWAY TOWNSHIP	\$4,222.39
PLEASANT VALLEY TWP.	\$5,282.94
PRAIRIE CENTER TWP.	\$5,285.48
RIVERSIDE TOWNSHIP	\$4,659.32
SD DEPT OF REV ANDERSON	\$400,095.96
SPIRIT MOUND TOWNSHIP	\$6,417.12
STAR TOWNSHIP	\$8,671.42
TLC WATER PROJECT DIST.	\$1,923.82
VERMILLION BASIN WATER	\$1,337.55
VERMILLION SCHL DIST 13-	\$289,747.27
VERMILLION TOWNSHIP	\$5,277.47
VIBORG/HURLEY SCHL 60-6	\$58.35
WAKONDA TOWN	\$3,073.35
(FIRE)	
BERESFORD RURAL FIRE	\$1,057.75
CENTERVILLE RURAL FIRE	\$760.66
GAYVILLE RURAL FIRE ASSO	\$649.89
IRENE RURAL FIRE ASSOC	\$161.29
VERM. RURAL FIRE ASSOC.	\$4,600.46
VOLIN RURAL FIRE ASSOC.	\$159.37
WAKONDA RURAL FIRE	\$1,542.77
(INSURANCE DEDUCTIBLE REIMBURSE)	
HARGRAVE, SAMANTHA	\$500.00
(PROFESSIONAL SERVICES AND FEES)	
ALTERNATIVE HR, LLC	\$1,339.00
AVERA MCKENNAN	\$309.49
AVERA MCKENNAN HOSPITAL	\$1,580.00
BECKENHAUER	\$752,061.96
BUHLS DRYCLEANERS &	\$93.71
C-CLEANING SERVICES	\$529.45
CERTIFIED LANGUAGES INTL	\$84.15
DAKOTA EMBALMING	\$333.50
FIRST DAKOTA CREDIT CARD	\$148.65
GEO TEK ENGINEERING &	\$12,666.00
JACKSON, JENNIFER	\$40.00
PETAL PUSHER	\$55.91
TEGRA GROUP INC	\$21,400.00
(OTHER PROFESSIONAL SERVICE)	
CITY OF WINNER	\$2,349.00
SD ATTORNEY GENERAL	\$301.00
(LAW OFFICE)	
FRIEBERG, NELSON & ASK	\$19,930.50
PETERSON, STUART, KLENTZ	\$12,583.75

TERWILLIGER, PHILIP	\$19,930.50
(PUBLISHING)	
BROADCASTER PRESS	\$33.67
NEW CENTURY PRESS ACCTHW	\$148.50
(RENTALS)	
PICTOMETRY INTERNATIONAL	\$21,787.34
(REPAIRS AND MAINTENANC)	
AUTOMATIC BLDG. CONTROLS	\$52.60
CENTURY BUSINESS PRODUCT	\$41.25
CMOORE PIT SERVICE	\$587.91
FIRST DAKOTA CREDIT CARD	\$1,204.72
GRAHAM TIRE YANKTON	\$340.00
(DATA PROCESSING/CLAY CREEK/INF)	
FIRST DAKOTA CREDIT CARD	\$2,761.75
TWO RIVERS CONTRACT. VIA	\$40,654.48
ULTEIG	\$4,159.66
(LATERALS 50A & 50B EXPENSE)	
WIEMAN CONSTRUCTION LLC	\$5,290.00
(SUPPLIES & MATERIALS)	
A & B BUSINESS	\$197.13
A-OX WELDING SUPPLY CO	\$151.17
BLACKSTRAP INC	\$1,840.34
BRUNICK SERVICE, INC.	\$160.00
CINTAS	\$379.07
DRIVELINE SERVICE INC	\$1,496.20
FIRST DAKOTA CREDIT CARD	\$589.87
GRAHAM TIRE YANKTON	\$71.10
KOLETZKY IMPLEMENT INC.	\$288.08
LAWSON PRODUCTS, INC.	\$1,079.70
NATIONWIDE MUTUAL	\$50.00
O'REILLY AUTO PARTS	\$13.98
RUNNINGS SUPPLY INC H&W	\$279.99
S & S EQUIPMENT INC.	\$780.00
SD DEPT OF TRANS	\$58.49
STURDEVANT'S AUTO HWY	\$89.99
STYLES, DAVID	\$49.18
VERMILLION ACE HARDWARE	\$223.68
VERMILLION GARBAGE SVC.	\$60.00
WAKONDA TOWN	\$76.15
WARNE CHEMICAL & EQUIP	\$232.80
(TRAVEL AND CONFERENCE)	
DOHERTY, COREY	\$20.00
FIRST DAKOTA CREDIT CARD	\$201.76
HOLIDAY INN-SPEARFISH	\$551.94
(INMATE TRAVEL)	
CENEX FLEET FUELING	\$348.18
PAULSEN, ANDREW	\$110.00
PEDERSON, PAUL	\$110.00
(UTILITIES)	
BUREAU OF ADMINISTRATION	\$112.34
CENTURYLINK HWY	\$608.01
CITY OF VERMILLION	\$651.89

CLAY RURAL WATER SYSTEM	\$110.60
CLAY UNION ELECTRIC CORP	\$720.18
FIRST DAKOTA CREDIT CARD	\$1,108.22
MIDAMERICAN ENERGY C H	\$1,030.42
(PAYMENT)	
BRUNICK SERVICE, INC.	\$158.00
CENEX FLEET FUELING	\$2,241.92
DOMESTIC VIOLENCE	\$160.00
FALLAN, JULIE	\$50.00
HAHN, SANDRA	\$70.40
HALVERSON, ERNEST	\$53.06
JORGENSEN, MATTHEW	\$50.00
KAMMER, SARAH	\$50.00
MURRA, DAWN	\$50.00
PAULSON, ALICIA	\$3,000.00
PRAMANN, ZACHARY	\$72.44

PROVANCIAL, SAMANTHA	\$20.00
VERMILLION FORD	\$30.00
VOGEL, ERIN	\$50.00
(JDC/SPECIAL EQP.)	
AXON ENTERPRISE INC.	\$495.00
(BUILDINGS AND STRUCTURES)	
C-CLEANING SERVICES	\$100.70
JLG ARCHITECTS	\$1,047.03
L & L BUILDERS	\$406,472.00
(BOOKS)	
BUTLER MACHINERY CO.	\$77,488.54
FIRST DAKOTA CREDIT CARD	\$160.37
(FURNITURE AND MINOR EQUIPMENT)	
FIRST DAKOTA CREDIT CARD	\$688.00
PHEASANTLAND INDUSTRIES	\$960.00

M. Smith reported to the Board that as a requirement of the liquidated damages provision in the courthouse mechanical/electrical/HVAC project contract, the County has to provide notice to L&L Builders of the intent to collect liquidated damages in case substantial completion is not met by the deadline. He considers this not an aggressive warning, but rather the County's obligation and responsibility with our own funds. Gray-Lobe moved, seconded by Mockler and unanimously carried to authorize the Chairwoman to sign the letter prepared by the State's Attorney. It was discussed that Facilities Manager Scott Hanson should deliver the letter with the message that this is not to be intended as an aggressive act, but just a contractual obligation.

Mockler reported, on the jail and law enforcement center building project, that the City is building both streets this year. Hammond said he thinks the crane may have showed up for the walls. Thiesse said block work is happening. Mockler said the block work is the section that will separate the law enforcement center from the jail.

Hanson said the courthouse mechanical/electrical/HVAC project is on schedule. E. Smith asked when the Commissioners might be able to move meetings back to the courthouse. Hanson said it may be possible by the next meeting as the courtroom section went faster than expected. Hammond asked if it will interface with the court security project, and Hanson said it will.

At 9:48 a.m., Hammond moved, seconded by Mockler and unanimously carried to adjourn and reconvene Tuesday, March 26, 2024 at 9:00 a.m.

ATTEST:

Carri R. Crum
Carri R. Crum, County Auditor

Elizabeth T. Smith
Elizabeth T. Smith, Chairwoman
Board of County Commissioners

March 26, 2024

The Board of County Commissioners met in regular session Tuesday, March 26, 2024 at 9:00 a.m. at the Clay County Courthouse, 211 W. Main St., Vermillion, SD. Members present: Travis Mockler, Geoffrey Gray-Lobe, Elizabeth Smith, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items. Mockler said he is unsure if it constitutes a conflict of interest, but he is a member of the SE Farmers' Elevator Coop.

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

Hammond moved, seconded by Thiesse and unanimously carried to approve the minutes of the March 12, 2024 meeting.

A public hearing and First Reading was held for Ordinance #2024-01, a request to re-zone land located at 45568 313 St., Meckling, SD 57069 and Legally Described as Lot 1 Marquardt First Addition in SE ¼ of Section 22, Township 93, Range 53, Meckling Township from C-1: Commercial to I-2: Industrial for an Agribusiness (Grain Storage). Highway Superintendent Rod Polley said the engineers have an idea of what can be done without purchasing additional right-of-way, but he is waiting for a report. Hammond moved, seconded by Mockler advance Ordinance #2024-01 to the Second Reading pending report from engineers. Under discussion, Polley said this report should not hold up the process. Hammond said they are moving ahead normally with the understanding the tests come out fine. Mockler said worst-case scenario, the County will have to rebuild the road. Polley said he doesn't want to be the one holding things up. Hammond said the County would have to modify the plans in place now if it ends up with soil that would cause issues. Mockler said they would want to build the road right so it doesn't fall apart. All voted aye; motion passed.

Savannah Wise, Executive Director of the Vermillion Boys & Girls Club, Annie Brokenleg, SD Juvenile Diversion Coordinator, and Andy Schulz, local Boys & Girls Club Advisory Council, met with the Board to discuss a grant opportunity to expand the Juvenile Diversion and Intervention (JDAI) Program in Clay County. Wise said they currently run the Teen Court program in partnership with the State's Attorney. It has been very successful. They hired a Vermillion Teen Court Coordinator that is in the schools every day. There are 18 active cases right now. The coordinator meets with school principals and counselors weekly. Wise discussed that the program currently involves a process of exploring the reasons for truancy, providing mental health services, and then Lewis & Clark Behavioral Health Services recommends therapies that have to be followed through. Tutoring is available for students struggling with grades. They meet biweekly to review active cases. State's Attorney Michael Smith said Deputy State's Attorney Caitlyn Dommer meets with them, and he feels confident this is a good program and a good opportunity. M. Smith said, in 2022, they had 11 successful diversions and 2 unsuccessful diversion cases. Hughes County was part of the grant and had 23 successful diversions, Codington County had 170, Yankton County had 20, and Brookings County had 51. The grant will provide more opportunities than just Teen Court. He has hope there are more kids that can be reached through the grant. Senate Bill 47 was passed and signed by the Governor.

The County was reimbursed \$250/successful completion in the past, and it increases to \$750 through SB47. The incentive-based structure is intentional and a positive thing for counties. E. Smith said diversion programs work, and what counties save in the short run is insignificant compared to what they save in the long run. What Teen Court has done is astonishing. Wise said currently they only reach the first-time offenders, so when they get the same names, they don't have the resources to continue. There is a lot of potential for growth. Brokenleg said the funding to increase diversion from SB47 is in the state budget. In 2016, there was an initial diversion incentive fund created, the original \$250/successful completion. Diversion works, and the numbers in South Dakota show it has been working well. This is a way to help counties expand programs. The dollars will not decrease, but she hopes to continue to see an increase. It is a good way to keep kids out of the system, hopefully long-term. The grant would come from the SD Dept. of Corrections. Clay County would not be the first county to receive the grant. Brown, Davison, Codington, Yankton, Hughes, Bennett, and Lincoln are current examples. It is a 3-year grant opportunity. At the end of the 3 years, the County and Boys & Girls Club would have to look at how to continue. All counties that have been through the grant have chosen to fund it at the end of the 3 years. Today, she is asking the County for the blessing for the Boys & Girls Club to apply and oversee everything at no cost to the County for the first 3 years. E. Smith said the request is to sign a memorandum of understanding and send a delegate from the County. Mockler asked who the partners are. E. Smith said it would be Clay and Union County and school superintendents. Wise said it would include all schools in the two counties. M. Smith said he thinks that would be appropriate. He discussed Irene-Wakonda School being located in Turner County but with Clay County residents attending. Hammond said each school district is an individual governmental unit. It sounds like this is an early draft, and perhaps those things would be cleared up. Brokenleg said this is a draft, and it would be updated to include the specific schools. Lincoln County covers a lot of school districts in the area, for example. Mockler said they can only affect the students who live in Clay County. Hammond said this is for Clay County and the students from Clay County. He understands since the Boys & Girls Club is in Vermillion, it would be heavy in the Vermillion School District, and it would be up to the Sheriff's Office and State's Attorney to make sure the outlying school districts are well served. He asked how the Boys & Girls Club would make sure there is hands-on contact. He assumes the school district would be involved. Wise said that is why it's so crucial the school is on board because the Boys & Girls Club personnel are traveling and meeting with them once a week. Hammond said he is all in, although there are just a few details to be inclusive enough to serve all of the students, but there is hand shaking with other counties. Hammond moved, seconded by Thiesse to approve the memorandum of understanding and authorize the Chairwoman to sign it, with the proviso that it would serve all Clay County juveniles that are eligible. All voted aye; motion passed. Schulz said they are thankful for the support, and he hopes to meet with the Commission more frequently. The Boys & Girls Club started over 20 years ago and has built a strong organization. They rely heavily on partnerships. They are still early on in Vermillion, and they are working toward the traditional program of serving kids who maybe can't afford the \$125/month. If there is anything they can do to help show what they do, they are happy to do that. If the Commissioners want to tour, they can see firsthand what the program looks like. He is proud of what Wise is doing in Vermillion. Hammond said he is all-in for the club, and his granddaughter participates and is

very involved. She is proud of the awards she has earned from the club. M. Smith said this is all going to happen pretty quickly and will be implemented this summer if approved.

Polley discussed the Tour of Roads. The date was set for April 17, 2024 at 1:00 p.m. Hammond said they may want to talk about the effect of the new state law on determining where county road responsibilities start and end. Polley said he will have that on the agenda for the next meeting. He said Clay County might have a couple that fit into that. Hammond discussed the terms of the legislation.

Polley updated the Board that the Highway Secretary will be retiring, so he will be hiring for that position. Corey Doherty is the Weed Supervisor as Dennis Ganschow retired. He also hired a new person but is still short by one position.

At 9:40 a.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to adjourn and convene as Clay County Ditch Board with Ditch Board Chairman Mockler presiding.

Hammond moved, seconded by Thiesse and unanimously carried to approve an invoice from Ulteig Engineering in the amount of \$2,201.15 for work on Clay Creek Ditch.

Mockler said there is a culvert on the Yankton-Clay Ditch ¼-mile east of the county line. It is 8x20' now, and 18' will need to be added, with a band, because that's what the manufacturer had on hand. Hammond said that will take care of bank stability. Mockler said they crossed it last fall with a combine, and the combine fell off the side. Wieman Construction gave an estimate for \$6,750 installation labor. The culvert was around \$6,500. Polley said they have the culvert on hand, and the band is getting made this week. It will be delivered. Mockler said with the moisture we have had, it will not get done as quickly now. Hammond moved, seconded by E. Smith and unanimously carried to approve the project.

At 9:43 a.m., Gray-Lobe moved, seconded by Hammond and unanimously carried to adjourn and reconvene as Board of Clay County Commissioners with Chairwoman E. Smith presiding.

Polley asked if the County allowed a sump that dumps into the ditch near Aus Station. Mockler said they are supposed to have a permit if it dumps directly into the ditch. Polley said he does not remember this one. Mockler asked if it pumps directly into the ditch. Polley said the PVC pipe comes out with a downspout just like the one north of the rural electric building. It's out of the right-of-way, but it does drain into the ditch. Mockler said that's a gray area because it does not dump directly into the ditch. Mockler said the owner of the one on Highway 19 got permission from the State. Polley said he has no idea how long this one has been there. Gray-Lobe and Mockler discussed the one on Highway 19. Polley suggested they drive by it on the Tour of Roads.

Facilities Manager Scott Hanson met with the Board. The courthouse elevator doesn't have a phone any longer. The phone company will not maintain an analog line. The elevator company has a system that is \$1,400-1,900 to purchase and a \$35/mo. maintenance fee thereafter. It is required by code to have a phone in the elevator. The County currently pays \$893/quarter for maintenance, so it would go up to around \$1,000/quarter. Sheriff Andy Howe said the monthly charge would be a wash because of the analog phone service that would no longer be required.

The Board also considered a change order for the courthouse mechanical/electrical/HVAC project. Mockler moved, seconded by Gray-Lobe and unanimously carried to approve the change order from JLG Architects and L&L Builders for \$11,716 and authorized the Chairwoman to sign it. Mockler moved, seconded by Gray-Lobe and unanimously carried to approve the quote for the new elevator phone system and authorize the Chairwoman to sign the acceptance documents.

Hanson reported he is back to full staff now as he has hired John D. Walker full-time and Heather Hillrichs part-time for the Safety Center.

Hammond said the Historical Society would like to give the County a grant of \$2,000 to help support improvement to the 3rd story court area. Hanson had an idea presented to him by a past contractor, Ryan O'Connor, and it would involve preserving old woodwork that could become a display area for historic photos and items. Hammond said it would enhance the historical nature of the building, and he also thought it could include the photo of the current Supreme Court Justice from Clay County. He asked M. Smith and Howe for their thoughts. It could also include a contest of school-aged kids to see who from Clay County history should be honored in the display. Mockler clarified that it could be designed for the area to be changed out periodically. Hammond said yes, it could be used for photos or documents that are historically significant to Clay County. He has seen a number of ideas in his tours of other courthouses in the state. Mockler asked if it should be encased in glass so no one messes with it. Hammond said it could. It could be a bit of an enhancement in the hallway. Mockler said this idea is cheaper than if the County had to match the marble in the hallway during the planned court security renovation.

Hanson discussed the light fixture on the main floor. He said we have a surplus of lights in the attic, and he would propose we have one refurbished and installed. It would look nicer than what is there. He has reached out to O'Dell Electric, and they said they can complete the project. He has money in his budget to cover it.

Thiesse asked M. Smith, returning to the Boys & Girls Club topic, if a person has to be a member to receive services. M. Smith said it is the after school program that is fee-based, not the diversion program. The diversion program will be available to those students who meet the criteria. This would include things other than Teen Court. Gray-Lobe clarified this would include crimes more severe than Teen Court. M. Smith said yes, it could include kids who have attempted Teen Court in the past. He said Teen Court has to operate within specific standards, and they cannot deviate from that. This grant would offer other opportunities.

M. Smith discussed a warranty deed for transfer of property near the jail site from the County to the City. There are 3 sections of this strip of land that run parallel to Baylor St. The County has clear title to this particular section. It would be deeding this portion to the City to allow them to run utilities and planning. The County is still working on the other two sections. Mockler said this is the section that has curb & gutter already. Gray-Lobe moved, seconded by Mockler and unanimously carried to approve deeding of the property to the City of Vermillion and authorized the Chairwoman to sign the deed. Under discussion, Hammond clarified there are no issues with transferring title with no consideration, such as \$1, for example. M. Smith said this is the way it has been done in the past with government entities. All voted aye; motion passed. M. Smith said

the Certificate of Value has to be filled out by City. It is exempt from transfer tax, but there is still a \$30 filing fee. He doesn't remember who will pay that. It was the consensus of the Board that the County will pay the \$30, and Thiesse said he thinks it was part of the land agreement. Thiesse said normally the seller pays it, or it can be split 50/50, but it is all negotiable in Real Estate transactions.

M. Smith updated the Board on the courthouse court security project. He said he hoped to have a proposal today from TEGRA Group. He and Dick Strassburg of TEGRA Group met with Attorney Jim Wiedderich of Woods Fuller. They are trying to combine design-build and Construction Manager At-Risk, and Wiedderich has been working on that for the County. He hopes to have it by next Tuesday. Mockler said they should look into using the same type of project for remodeling the current Safety Center when the new jail is finished. Hopefully they could use the same architect. M. Smith said he brought it up. The work Wiedderich is doing now will help with the work the County does in that building.

Howe said the communication tower was taken out of the original building permit for the jail and law enforcement center site because they didn't want to hold up the process. It will be built under the FF&E process that TEGRA Group manages. He reached out to contractors ANCO, Ehresmann Engineering, and Vantek Communications. Vantek never delivered a proposal. He believes ANCO was the better proposal of the two he received. It was \$174,070.11, and he likes the scope of what they provide. Ehresmann would not install antennas, and neither would Sioux Falls 2-Way Radio. ANCO would do that and the FCC and FAA study, which Ehresmann does not do. He thinks the two quotes would be even once we start to pay a third party to do some of those other items. He has worked with the City Engineer on things such as a fall radius. The solution was to move the tower closer to the building. Once he gets Commission approval, then he puts the tower contractor together with Beckenhauer Construction. Thiesse asked if tower placement affects insurance. Howe said he is unsure. They did discuss climb shields so people cannot climb it to get onto the roof. Hammond and Mockler said there should be a fence anyway. Howe said the intended area is near the inmate garage in an inside corner. It would not be a security problem. Mockler asked who has to submit the building permit and variance. Howe said he thinks it would be the County for the variance and the contractor for the building permit, but he will work that out. He said the communications equipment is exempt from bidding under state law. Mockler said the County should do the building permit. Mockler moved, seconded by Thiesse and unanimously carried to approve the quote from ANCO. It was clarified it was in the FF&E budget, so this is not additional expense.

Hammond moved, seconded by Gray-Lobe and unanimously carried to approve the following claims for payment.

(PAYROLL)		REGISTER OF DEEDS	\$10,212.47
COMMISSIONER'S	\$9,247.39	VETERAN'S OFFICE	\$1,950.59
AUDITOR'S OFFICE	\$14,714.44	24/7 PROGRAM	\$1,839.20
TREASURER'S OFFICE	\$25,105.69	SHERIFF'S OFFICE	\$60,172.69
STATE ATTORNEY'S OFFICE	\$32,244.48	COUNTY JAIL	\$41,009.99
COURTHOUSE	\$5,025.71	EMERGENCY MGMT	\$5,741.57
DIRECTOR OF EQUALIZATION	\$13,396.58	HIGHWAY	\$56,508.35

COMMUNITY HEALTH NURSE/WIC	\$4,090.55
EXTENSION OFFICE	\$3,590.94
WEED	\$11,750.14
PLANNING & ZONING	\$3,848.11
(PAYROLL WITHHOLDING)	
AFLAC	\$874.27
CLAY CO FIT FICA	\$64,584.85
COLONIAL LIFE	\$270.54
CONSECO/WASHINGTON	\$24.45
DIV OF CHILD SUPPORT IA	\$264.00
DIV OF CHILD SUPPORT SD	\$1,367.00
NEW YORK LIFE C/O M&T BN	\$258.57
SD RETIREMENT SYSTEM	\$35,607.96
SD SUPPLEMENT RETIREMENT	\$7,978.18
SDRS ROTH 457(B) PLAN	\$625.00
SDRS SPECIAL PAY PLAN	\$9,548.22
TASC PVR	\$2,181.62
THE STANDARD - DENTAL	\$1,494.24
THE STANDARD - LIFE INS.	\$488.87
THE STANDARD - SH TRM DI	\$2,134.38
THE STANDARD - VISION	\$369.36
UNITED WAY OF VERMILLION	\$215.00
VOYAGE FEDERAL CREDIT	\$750.00
(INSURANCE DEDUCTIBLE REIMBURSE)	
GANSCHOW, DENNIS	\$500.00
(PROFESSIONAL SERVICES AND FEES)	
ALLBRIGHT CLEANING	\$764.64
BUHLS DRYCLEANERS &	\$19.20
C-CLEANING SERVICES	\$855.75
CLAY COUNTY	\$30.00
ERICKSON SOLUTIONS GROUP	\$919.70
FEDEX	\$49.73
GOVT. EXEC. MEDIA GROUP	\$1,995.00
JLG ARCHITECTS	\$27,280.00
KATTERHAGEN, MARK	\$6.00
LARSON, VAL	\$6.00
LEWNO, LUCILLE M	\$112.25
MINNEHAHA CO. AUDITOR	\$85.60
MINNEHAHA COUNTY JDC	\$29,342.72
NATIONAL SHERIFF'S ASSOC	\$250.00
OPSAHL-KOSTEL	\$1,900.00
PHARMCHEM, INC.	\$443.40
SANFORD HEALTH CLINIC	\$13,270.73
SD DEPT OF HEALTH LAB	\$1,995.00
SDRS SPECIAL PAY PLAN	\$90.00
SECURITY SHREDDING SVC.	\$45.00
ULTEIG	\$1,668.75
(OTHER PROFESSIONAL SERVICE)	
MINNEHAHA COUNTY JAIL	\$5,600.00
(MENTAL HEALTH)	
LEWIS & CLARK BEHAVIORAL	\$213.00
(PUBLISHING)	

BROADCASTER PRESS	\$396.94
NEW CENTURY PRESS ACCTHW	\$94.41
PLAIN TALK/BROADCASTER	\$513.18
(REPAIRS AND MAINTENANCE)	
AM GARAGE DOORS LLC	\$1,830.00
DAKOTA LOCK & KEY	\$85.00
DAN'S DRAIN AND	\$337.50
HEIMAN INC.	\$1,299.00
LOFFLER COMPANIES	\$383.45
MIDWEST READY MIX	\$125.00
TWO WAY RADIO SOLUTIONS	\$519.75
(DATA PROCESSING/CLAY CREEK/INF)	
ELECTION SYSTEMS AND	\$805.00
MICROFILM IMAGING SYSTEM	\$945.00
SOFTWARE SERVICES, INC.	\$1,825.00
TWO RIVERS CONTRACT. VIA	\$40,654.48
(SUPPLIES & MATERIALS)	
AM GARAGE DOORS LLC	\$12,134.54
CINTAS	\$84.58
COYOTE ENTERPRISE LLC	\$180.52
HD SUPPLY LTD	\$130.28
JACK'S UNIFORMS & EQUIP.	\$106.39
MINNEHAHA COUNTY JAIL	\$10.28
NORTHERN SAFETY CO., INC	\$362.40
O'REILLY AUTO PARTS	\$30.70
PROCHEM DYNAMICS	\$825.68
QUILL LLC ROD	\$56.48
QUILL LLC TRS	\$211.72
RUNNINGS SUPPLY INC CH	\$40.16
RUNNINGS SUPPLY INC H&W	\$19.99
THE LUMBERYARD LLC	\$26.00
THE TROPHY PLACE	\$50.00
TITAN MACHINERY	\$194.10
TRUCK-TRAILER SALES&SRVC	\$81.75
TWO WAY RADIO SOLUTIONS	\$1,177.56
VERMILLION ACE HARDWARE	\$323.48
(TRAVEL AND CONFERENCE)	
HARGRAVE, SAMANTHA	\$79.28
POLLEY, RODNEY	\$168.00
(UTILITIES)	
BUREAU OF ADMINISTRATION	\$63.00
CITY OF VERMILLION	\$717.80
FISCHER'S DISPOSAL L.L.C	\$65.00
MIDCO BUSINESS EXT.	\$75.39
VERIZON WIRELESS HWY TRS	\$98.53
(PAYMENT)	
BRUNICK SERVICE, INC.	\$90.00
GRAHAM TIRE S.F. NORTH	\$588.32
HY-VEE, INC. JAIL ACCT	\$385.03
PIZZA RANCH 14762	\$1,724.00
QUALITY MOTORS	\$88.17
SANFORD HEALTH CLINIC	\$2,569.00

VAN DIEST SUPPLY COMPANY	\$8,410.00	(FURNITURE AND MINOR EQUIPMENT)	
(BUILDINGS AND STRUCTURES)		CANON	\$209.15
C-CLEANING SERVICES	\$1,880.10	MICROFILM IMAGING SYSTEM	\$215.00

The Board considered a contract for Community Health Nurse services from the SD Dept. of Health. E. Smith said the County would pay \$6,696 for 2024. The big difference is there are no guaranteed hours. It is an as-needed basis. It would be about \$129/week, which doesn't seem excessive for the availability of nursing appointments. She is disappointed we have lost services over a period of decades, and this is one more chip. However, it is what we have. The County could contract with Sanford, but it would work out to be a lot more expensive. Thiesse moved to approve the contract and authorize the Chairwoman to sign it, and when the County is in better financial sorts, if it continues to deteriorate, the Board will look at other options. The motion was seconded by Gray-Lobe. Under discussion, E. Smith said we have a persistent poverty rate, and this is an available service for county residents, so they should look at it when the County is in a better financial position. Emergency Management Director Layne Stewart asked if they are not necessarily going to be here every week. He heard one nurse would handle multiple counties and would spend one day a week in each county. E. Smith said she has been told they will try to spend one day in Clay County, but if there are no appointments made, they will not come. Stewart said he has been having discussions with the Dept. of Health regarding Point of Dispensing (POD) because they are not supporting certain things, and the County may have to financially support POD at some point because they don't have anyone to operate outreach. Hammond said services provided by appointment only is different than one day a week to have someone here for walk-ins. They do not have a way of alerting the public that they would be here on a certain day if needed, and a lot of the clientele might not plan ahead very well. He discussed services listed and said unless it is well advertised, people would not realize they are offered services. His guess is that services will be grossly underutilized because people that would need it do not necessarily know how or when to obtain it or what types of services are provided, so it looks like the whole program is set up to fail. The Board agreed. Thiesse said it is terrible, but they don't have another option. Hammond said the agreement, as written, is self-defeating. They can't even alert constituents that it is available without a designated day. E. Smith said the only thing they have is the WIC staff that can alert WIC clients, but there are more people eligible than just WIC clients. Thiesse said the best thing the County can do is advertise. They discussed using social media and the Community Connections Center. Gray-Lobe said the more they can succeed in advertising, the more able they are to make a case that the State would not be meeting the need. Thiesse suggested providing the information to the school nurse. E. Smith said we have a resident who was the 5-day a week nurse and others that were 3 days a week, and now it's 1 day but only if necessary, so it is disappointing. Hammond said this is another pay me now or pay me later issue. Having early and effective preventative healthcare is so important and saves the community a lot of money as those clients are part of the community. All voted aye; motion passed.

At 10:49 a.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to enter an Executive Session for legal and personnel matters per SDCL 1-25-2.

At 11:10 a.m., Hammond moved, seconded by Mockler and unanimously carried to exit the Executive Session.

Recent payroll changes to be reported in the minutes are as follows: Rozmus Baylor (part-time Jailer) hired effective 2/29/24 at \$20.90/hour, Corey Doherty (Weed Supervisor) promoted effective 3/23/24 at \$26.66/hour, John Pittman (Highway Maintenance) effective 4/1/24 at \$20.90/hour.

The Sheriff's Office and Vermillion Public Library Board monthly reports and the following Auditor's Account with the County Treasurer Report were accepted and placed on file.

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

To the Honorable Board of County Commissioners of Clay County
items in the hands of the County Treasurer as of March 1, 2024.
I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks	5,910,126.92
Amount of actual cash	1,821.12
Total amount of checks and drafts in Treasurer's Possession not exceeding three days	52,867.19
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:	296.23
Checks returned and not deposited	
Cash Items	700.00
Investments	1,154,151.38
Cash Variation	0.00
Total	
Dated this 1st day of March, 2024.	7,119,962.84

Carri R. Crum, County Auditor

At 11:10 a.m., Hammond moved, seconded by Mockler and unanimously carried to adjourn and reconvene Tuesday, April 2, 2024 at 9:00 a.m.

ATTEST:

Carri R. Crum
Carri R. Crum, County Auditor

Elizabeth T. Smith
Elizabeth T. Smith, Chairwoman
Board of County Commissioners

April 2, 2024

The Board of County Commissioners met in regular session Tuesday, April 2, 2024 at 9:00 a.m. at the Clay County Courthouse, 211 W. Main St., Vermillion, SD. Members present: Travis Mockler, Geoffrey Gray-Lobe, Elizabeth Smith, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Gray-Lobe moved, seconded by Mockler and unanimously carried to approve the agenda.

Hammond moved, seconded by Gray-Lobe and unanimously carried to approve the minutes of the March 26, 2024 meeting.

Gray-Lobe reported under Visitors to be Heard that he signed up to be an eclipse ambassador, and he would like to inform the public that there are about 500 pairs of eclipse viewing glasses at the public library. This will be the best chance to view an eclipse in the next 20 years. He will also be speaking at the public library from 6:00-7:00 about the eclipse.

State's Attorney Michael Smith met with the Board to report on the courthouse court security project. He said there was not a lot of movement, and he hopes to have it on the agenda for next week. He and Dick Strassburg from TEGRA Group have the information they were waiting for from Jim Wiederrich of Woods Fuller, and they will be reviewing it. The best option may be design-build, but Strassburg will offer an expert opinion once he has reviewed the information. Taking the extra time for this will be beneficial to the County on this project and future projects.

Zoning Administrator Drew Gunderson, Highway Superintendent Rod Polley, Adam Schoenherr with Ulteig Engineering, and Sophie Johnson with SE Council of Governments met with the Board to discuss the SE Farmers' Elevator Coop. grain storage facility to be built on 313 St. Schoenherr spoke about test bores on the roads. Schoenherr recommended concrete on at least 8" of base. There is an option for fabric to give extra stability. They were not able to update the cost estimate, but they are looking at about a million dollars. Mockler asked if it will include widening. Schoenherr said it will. They will have to apply for a permit to occupy the right-of-way with the SD Dept. of Transportation. Polley said that will help with the railroad crossing issue. Gray-Lobe thought he heard an estimate of 4,000 loaded trucks, but the paperwork says 2,000. Polley said he noticed that error as well. Mockler asked if they can build the road to asphalt. Is there a way to get thick enough asphalt? The County can maintain asphalt, but we do not have equipment to maintain concrete. Schoenherr said that is a discussion they can have. Mockler said it would be a long time until we would have to patch concrete. Polley said even though we do not have the equipment to maintain it, concrete is the best option. Gunderson asked how long it will take to construct the road. Schoenherr said it could be done next summer and be bid in conjunction with a Union County project. He is hoping to speed up the grant process. E. Smith asked Johnson how long it will take to get the grant together. Johnson said the grant amount maximum is \$600,000, and it is an 80/20 grant. All she needs is a cost estimate and a couple signatures for the application. The deadline is April 15th. Gunderson asked what the total project cost is for the grant application. Johnson said she put \$5 million in the grant application.

Merle Lyons with SE Farmers' Elevator Coop. said that would be easily met. E. Smith asked if she should put "in excess of \$5 million," and Lyons said yes. Mockler asked Johnson if she needs the soil study, and she said it would help to determine the cost estimate, which is what she is waiting for. Johnson said she needs a letter of commitment from SE Farmers' Elevator Coop. She will send out a template. Schoenherr said they will have the cost estimate this week. Attorney Mike McGill asked if there is a cost variance on the asphalt. Schoenherr said they can do a comparison. Lyons asked if it is summer of 2025 for construction. Polley said that is his hope. Hammond said if we do asphalt, we would end up needing a geomembrane and extra compaction in the subgrade, so he guesses it would be close to a wash with the cost of concrete. Lyons said 2025 works for him. If they can have the facility up and going by harvest of 2025, by August 31st, that would be good. Schoenherr said the good thing is there are two access points. E. Smith said Polley would like to do it as soon as possible.

A Second Reading was held for Ordinance #2024-01, an Ordinance Amending Ordinance #2013-04 (Updated with Amendments through #2017-01) by Rezoning Certain Property. This is a request to re-zone land located at 45568 313 St., Meckling, SD 57069 and Legally Described as Lot 1 Marquardt First Addition in SE ¼ of Section 22, Township 93, Range 53, Meckling Township from C-1: Commercial to I-2: Industrial for an Agribusiness (Grain Storage). No one appeared in opposition, and no written correspondence was received. Gray-Lobe moved, seconded by Mockler to pass and adopt Ordinance #2024-01. Vote of the Board: Mockler Aye, Gray-Lobe Aye, E. Smith Aye, Thiesse, Aye, Hammond Aye. Motion unanimously passed.

Mockler moved, seconded by Gray-Lobe and unanimously carried to accept the low bid of \$3.17/gallon from Jerry's Service for gasoline. Polley said he has been getting calls asking why the County is buying from out of state vendors. We use the cheapest vendor we can get. He asked the Board if he should take Jerry's Service off the list. Mockler said no because they are not always the low bid. Hammond said over a year's time, the difference can amount to a lot of money saved by the County.

Gray-Lobe moved, seconded by Mockler and unanimously carried to accept the low bid of \$3.62/gallon from Jerry's Service for diesel fuel.

Polley asked the Board if there is any problem using E-15 fuel now that it is available. The Highway Department only has one vehicle that might be too old for it. Hammond discussed price differential, and Gray-Lobe said there is a little difference in energy content. Thiesse questioned miles-per-gallon difference as well. Hammond said the difference between E-10 and E-85 is considerable. He said E-15 probably would not be much different than E-10. Gray-Lobe wondered if they should put a formula on that. E. Smith said the EPA probably has that information. Mockler said they will be moving away from E-10 in the future.

The Board reviewed Bridge Improvement Grant paperwork for structure #14-103-090. Polley said the County needs to accept the 20% cost share. He said this is the deck for the bridge off of Highway 19 that they just fixed the scour hole under. The grant is for \$684,000, and that is 80% of the cost. Mockler moved, seconded by Hammond and unanimously carried to approve the grant application and authorize the Chairwoman to sign any necessary paperwork.

Gray-Lobe moved, seconded by Hammond and unanimously carried to approve a Right-of-Way Application from Clay-Union Electric on 302 St. in Section 33, Township 95N, Range 53W and authorize the Chairwoman to sign it.

The Board considered a Right-of-Way Application from Brett Petersen - PBP Farms on 302 St. in Section 26, Township 95N, Range 53W. Polley said they already completed the work without a permit. They used 12" pipe, and they will dig it up on each end and put a 10" pipe through the 12" pipe. He will keep track of them, and he recommends approval. Mockler said the contractor and owner had a miscommunication. Each party thought the other had obtained the permit. He said he was up front with them that they would have to take it out. We don't have a fine, so we need to make them correct it. Hammond said the owner is a pretty straight-shooter. Gray-Lobe moved, seconded by Mockler and unanimously carried to approve the application and authorize the Chairwoman to sign it.

The Board considered a Right-of-Way Application from Jefferson Telephone Company on Highway A4 (Burbank Rd.). Polley said this is an extension of what the Board approved a few weeks ago. There is one bore, and they submitted a check with the application. Hammond said this gets them all the way to the city limits. Mockler moved, seconded by Gray-Lobe and unanimously carried to approve the application and authorize the Chairwoman to sign it.

Polley discussed House Bill 1229 with the Board. He said it looks like we have a couple of highways that could be in question. Hammond said he didn't get a chance to listen to the legislation to see what the intent is behind it. M. Smith said his understanding is there is going to be some changes to land touching municipalities. It will go into effect in July, and there is language regarding resolution of any disputes. It seems likely that we need to pay attention to how this law will be implemented and how we need to change ownership of any roads that fit. Hammond said in case of a disagreement, it is determined by the Secretary of Transportation. E. Smith said it would be our advantage to get it there sooner rather than later as the Secretary will likely be very busy. M. Smith said he would not be surprised if conversations happen over the next couple of months. E. Smith discussed having the County's associations help with this. Hammond said a request for an Attorney General's Opinion is probably not a bad idea. M. Smith it would be interesting to review the intent of the legislature. The folks making the law are on the same page with what they want. E. Smith said they are intending to do their best to help counties financially. Hammond said he thinks it's an ongoing set of unresolved questions, and it's time to clear it up. It also refers to townships, and it could be that roads in some places would be reverted from counties to townships. E. Smith suggested Polley look at the potentially affected roads in Clay County. Polley discussed 302 St. through Wakonda. He discussed Burbank and Meckling with M. Smith and whether that would become a township responsibility. He said he is still working on a portion of Princeton St. to get that transferred. Hammond said he thinks the strength of the bill is that it helps clarify who owns the road. He discussed 302 St. in Wakonda and said Wakonda may end up owning it, but it probably makes sense for the County to maintain it, although they should have some cost share. Polley said it is a federal FAS road, so he doesn't know if that changes anything. Mockler and Polley discussed Irene as well.

At 9:45 a.m., Gray-Lobe moved, seconded by Mockler and unanimously carried to adjourn and convene as Clay County Ditch Board with Ditch Board Chairman Mockler presiding.

Mockler discussed an email from Two Rivers Contracting. Brad Stangohr with Ulteig Engineering said the contractor ran out of money before he could finish the few days of work that is left. He said the next payment application is for work that is done. He made two versions for consideration. One version has some liquidated damages, and the other has no liquidated damages. He computed the damages per the book and used administrative costs spent on engineering since December. He would like a decision on moving forward how the Board wants to handle liquidated damages. We are getting close to being done, so they should decide that now. We were fortunate that we had a winter where they could do the work. Stangohr and Schoenherr discussed retainage, and Stangohr said he held 10% back. He said there is \$18,147 retained. E. Smith asked who the County pays the bill to. M. Smith said it is good to pay as we have been, to Northern Escrow, Inc. Mockler said the contractor is getting the work done. E. Smith moved to pay Northern Escrow, Inc. \$41,593.57, seconded by Gray-Lobe. Under discussion, Gray-Lobe said the letter seemed open-ended that they are on pause. Mockler said we are only paying him for the work he has done, so if he left we have money held back to finish the work. Gray-Lobe and Mockler said they hope we don't get to that point. Stangohr said he is well into the last mile, with maybe 2 days' worth left. They are almost done, very, very close to finished. The contractor is working out a deal to get this done. Hammond said normally if it was his own project and his own money, he would waive the damages. With the public's money, he is more reluctant, but the contractor has been acting in good faith. If we can get the job done, he agrees on waiving damages, or cutting them in half or quarter would be another solution. They are moving in the right direction giving the guy the benefit of the doubt. Stangohr said liquidated damages are difficult. In future ditch projects, they should slice them into 1-mile segments. Mockler said they did give him 2 years. Stangohr said that is in our favor. Hammond said it sounds like we didn't have any real extra costs in this case, or if there are, they are very minimal. All voted aye; motion unanimously passed.

Polley said they discussed Lateral 50 from Yankton-Clay Ditch up to Cottonwood. He does not remember if there was money, but there are getting to be quite a few trees. Mockler said we have to do the culvert first. Auditor Carri Crum said there is a little over \$17,000 in the fund. Mockler said that is about the cost of the culvert. Hammond said they left the levy alone at the annual meeting.

At 10:05 a.m., Gray-Lobe moved, seconded by Hammond and unanimously carried to adjourn and reconvene as Board of Clay County Commissioners with Chairwoman E. Smith presiding.

Sheriff Andy Howe met with the Board regarding surplus radios. There are 8 mobile radios and 11 portables, and they are not upgradable anymore. They can be deprogrammed and recycled through Sioux Falls Two-Way Radio Service, so Howe requested permission to do so. Gray-Lobe moved, seconded by Mockler and unanimously carried to declare the radios surplus and authorize Howe to recycle them through Sioux Falls Two-Way Radio Service.

Director of Equalization Lennea Olson met with the Board for her annual review. She reported they had a sales audit with the State. Prior, the ratio was 72% of market, and after reviewing they got up to 76%. Counties are supposed to be at 85% bare minimum per the State. After reappraisal, Clay County is at 91%. That is the level of assessment. The quality of assessment Coefficient of Dispersion has to be less than 25. The County was at 19 the last couple of years, and they got that down to 15.5. It is a good indication that they are getting to a better quality of assessment. Gray-Lobe said that is a real benefit across the county for people. Thiesse said that is quite an accomplishment as volatile as the market has been the past few years. Olson said, not only are they dealing with a volatile market, they are having less sales. They had 176 sales as compared to 249 the previous year. Gray-Lobe asked if we are getting back to a normal trend. Olson said that is tricky. Mockler said when we started the jail discussion in 2019, we were just at a billion dollars in value, and now we are at 1.7 billion dollars. Gray-Lobe and Olson discussed reappraisal value vs. growth value. Homes went up an average of 18% due to the market. Olson said she would love for the mill levy to go down due to the increase in value, but when budgeting entities ask for more money, that levy increases. She also spoke about Ag land classes. They have been working on changing from actual use to true productivity. Class 1, 2, & 3 soils are now listed as crop and class 5, 6, 7, & 8 soils are listed as pasture. Next spring there will be a new flyover for EagleView, so she will have new imagery for the change finder. Gray-Lobe and Olson discussed Ag buildings. Non-Ag, rural land, went up 15% as did urban land. Ag buildings went up 3%. Those were closer to market value, so they did not require as much of an adjustment. Olson reported Beacon subscriptions were down by 4. Site visits were down as well. This is partly due to lesser sales. She said she is looking at hosting another Pictometry training this fall because the last one was very successful. She discussed appeals coming in for County and Consolidated Equalization Boards. Olson asked that the Board read the Dept. of Revenue appeal guides prior to Equalization Boards. She talked about filling the vacant position in her office. Ina Peterson will be helping in the meantime. Olson reviewed her fee schedule and said she would like to add monthly and quarterly Beacon subscriptions. She would increase the shape file fees as well. GL moved, seconded by Thiesse and unanimously carried to set fees as follows.

Property Record Cards:

Hard Copy	\$1.00/page
Scan Sent Electronically	\$2.00/page

Reports:

Hard Copy or PDF	\$200/Individual Townships
Hard Copy or PDF	\$200/Wakonda City
Hard Copy or PDF	\$200/Irene City
Hard Copy or PDF	\$400/Vermillion City
Hard Copy or PDF	\$600/County

GIS:

Shape File (Individual Layer)	\$125/layer
Shape File (Main Format)	\$400 (parcel outline, owner, mailing address, legal)

Beacon:

Yearly Subscription	\$300
Quarterly Subscription	\$100
Monthly Subscription	\$40
One-Time Setup Fee	\$25

Hammond moved, seconded by Mockler and unanimously carried to approve the following claims for payment.

(DUE TO OTHER GOVERNMENT)		(SUPPLIES & MATERIALS)	
SDACO - M&P FUND PAYMENT	\$234.00	FIRST DAKOTA CREDIT CARD	\$1,071.24
(PROFESSIONAL SERVICES AND FEES)		UNION CO. SHERIFF	\$472.05
FIRST DAKOTA CREDIT CARD	\$139.27	VERMILLION ACE HARDWARE	\$258.90
SATELLITE TRACKING OF	\$234.00	(TRAVEL AND CONFERENCE)	
SDRS SPECIAL PAY PLAN	\$45.00	FIRST DAKOTA CREDIT CARD	\$1,010.52
WOODS, FULLER, SHULTZ &	\$3,300.34	(UTILITIES)	
YANKTON CO SHERIFF	\$50.00	FIRST DAKOTA CREDIT CARD	\$1,113.22
(OTHER PROFESSIONAL SERVICE)		T-MOBILE	\$30.80
SCHILDHAUER, T. LEMBCKE	\$912.00	VERIZON WIRELESS SHERIFF	\$402.02
UNION CO. SHERIFF	\$17,520.00	VERMILLION GARBAGE SVC.	\$176.00
(REPAIRS AND MAINTENANCE)		(PAYMENT)	
BIERSCHBACH EQUIP & SUPP	\$2,000.00	THE SOAP GUYS	\$112.80
FIRST DAKOTA CREDIT CARD	\$318.00	(BUILDINGS AND STRUCTURES)	
TURNER PLUMBING INC	\$8,468.26	L & L BUILDERS	\$278,532.00
VERMILLION ACE HARDWARE	\$168.95	(BOOKS)	
(DATA PROCESSING/CLAY CREEK/INF)		FIRST DAKOTA CREDIT CARD	\$676.88
FIRST DAKOTA CREDIT CARD	\$5,531.25	(FURNITURE AND MINOR EQUIPMENT)	
ULTEIG	\$2,201.15	FIRST DAKOTA CREDIT CARD	\$192.98
(YANKTON CLAY EXPENSE)		LOFFLER COMPANIES	\$2,981.25
FIRST DAKOTA CREDIT CARD	\$39.80		

The Board reviewed a quote of \$8,784.44 for hardware from Erickson Solutions Group. Crum said this was for equipment that could not be included in the L&L Builders bid for the courthouse mechanical/electrical/HVAC project. It will get the County caught up with purchases needed to upgrade and secure the County's information technology infrastructure. Mockler moved, seconded by Thiesse and unanimously carried to approve the quote and authorize the purchase.

Mockler gave a brief update on the jail and law enforcement center building project. Walls are still being constructed, although there was a brief pause in progress.

At 10:30 a.m., Hammond moved, seconded by Mockler and unanimously carried to enter an Executive Session for personnel matters per SDCL 1-25-2.

At 11:23 a.m., Hammond moved, seconded by Mockler and unanimously carried to exit the Executive Session.

At 11:23 a.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to adjourn and reconvene Tuesday, April 2, 2024 at 9:00 a.m.

ATTEST:

Carri R. Crum
Carri R. Crum, County Auditor

Elizabeth T. Smith
Elizabeth T. Smith, Chairwoman
Board of County Commissioners

April 9, 2024

The Board of County Commissioners met in regular session Tuesday, April 9, 2024 at 9:00 a.m. at the Clay County Courthouse, 211 W. Main St., Vermillion, SD. Members present: Travis Mockler, Geoffrey Gray-Lobe, Elizabeth Smith, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Mockler moved, seconded by Gray-Lobe and unanimously carried to approve the agenda with the addition of a change order for the courthouse mechanical/electrical/HVAC project.

Mockler moved, seconded by Thiesse and unanimously carried to approve the minutes of the April 2, 2024 meeting.

Ryan Thompson of Santel Communications and Mark Wilson, Santel's Network Operations Mgr. met with the Board. They said the Connect SD program is a broadband enhancement program for rural areas deemed unserved or underserved. The Governor's Office of Economic Development administers the program. Santel's application was granted in December. Between Clay and Yankton counties it will be about a \$14 million project. Wilson said he oversees these construction projects, working with local entities, contractors, engineers, etc. They have routes planned. The next piece is the permitting process. After that, they start working with homeowners and businesses to determine who will be involved in the properties and getting permission to enter the properties. Then they will start locating, obtaining customers, and construction. The final construction portion is to connect fiber optics together. The remainder of this year and all of next year is the timeline for the project. They displayed a map showing the area of the project. Mockler asked, on the map where there is a Clay County area left out, why is that? Thompson said another carrier is working the project. Certain areas were not eligible through the State for the program. Thiesse said he is at the top of the blue area, and he received a call. It is a struggle out in the country to get internet.

At 9:12 a.m., Richard Hammond joined via zoom.

Wilson said the goal is to have some connections live by the end of the year. They will start from the south and work north. Thompson said they will be starting to contact property owners soon. The government funding is the only reason they are able to do this. Mockler asked, where Bluepeak is supposed to be at in the northern part, are they supposed to be there? He has not been able to get it. He wondered if Santel will be able to cover his area as Bluepeak has not done anything in his area. Thompson said probably not, but he will try to get some information. Part of this is sharing that if we work together we can get some nice things done. He also displayed a map of South Dakota that showed coverage areas. He conveyed that the smaller companies are also run by boards, member constituents, and this project made sense to their board members as they had the same service coverage challenges. E. Smith said they are delighted to have them as it is a challenge in rural places.

Highway Superintendent Rod Polley met with the Board via Zoom, and Assistant Highway Superintendent Larry McPherson was present to discuss highway matters. They presented a

contract for road striping. McPherson said it is 20 miles for \$19,842, and they recommend approval. Mockler clarified there is no cost-sharing for this. McPherson said 18 counties got together for cost-sharing instead of using the state program. Mockler moved, seconded by Thiesse and unanimously carried to approve the contract and authorize the Chairwoman to sign it.

The Board considered a Right-of-Way Application from Clay Rural Water on County Road H1, Section 15, T95, R51. McPherson said they recommend approval. E. Smith asked about the lines, and Mockler said it is a 2-inch line. Mockler moved, seconded by Gray-Lobe and unanimously carried to approve the application and authorize the Chairwoman to sign it.

McPherson reported on the 2024 chip sealing project and said they have 32 miles to be done. The engineer's estimate was \$1.2 million, but he thinks they can remove a road from the project. Ulteig Engineering will send a final estimate and then release it for bids. It could come in less when bids are received. Polley said he has \$1.3 million budgeted for chip sealing or micro-surfacing, but they are just doing chip sealing this year. They will know more about how much they can do after it is bid.

Polley reported that Bluepeak contacted him last week with a bunch of maps. They have six contractors that will be doing broadband work in the county this year or next.

At 9:23 a.m., Gray-Lobe moved, seconded by Mockler and unanimously carried to adjourn and convene as Clay County Ditch Board with Ditch Board Chairman Mockler presiding.

The Board considered a bill from TrueNorth Steel for \$4,541.85 for the Yankton-Clay Ditch. Thiesse moved, seconded by Gray-Lobe and unanimously carried to approve the invoice for payment.

Mockler asked Polley if we got the culvert for the other lateral, and Polley said they have it, so he just needs to know which driveway.

At 9:24 a.m., Gray-Lobe moved, seconded by Thiesse and unanimously carried to adjourn and reconvene as Board of Clay County Commissioners with Chairwoman E. Smith presiding.

Mockler moved, seconded by Thiesse and unanimously carried to approve the following claims for payment.

(DUE TO OTHER GOVERNMENT)		MECKLING TOWNSHIP	\$11,548.39
BERESFORD SCHL DIST 61-2	\$46,246.32	NORWAY TOWNSHIP	\$5,287.18
BETHEL TOWNSHIP	\$7,022.70	PLEASANT VALLEY TWP.	\$6,882.29
CENTERVILLE SCH DIST 60-	\$21,015.77	PRAIRIE CENTER TWP.	\$7,062.23
CITY OF VERMILLION	\$130,593.20	RIVERSIDE TOWNSHIP	\$7,731.90
CLAY CO TREASURER	\$2,007.00	SDACO - M&P FUND PAYMENT	\$468.00
FAIRVIEW TOWNSHIP	\$18,296.45	SEILERS SECOND ROAD DIST	\$14.72
GARFIELD TOWNSHIP	\$13,041.96	SPIRIT MOUND TOWNSHIP	\$10,019.86
GAYVILLE/VOLIN SCHL DIST	\$18,677.37	STAR TOWNSHIP	\$8,989.75
GLENWOOD TOWNSHIP	\$8,425.27	TLC WATER PROJECT DIST.	\$11,866.04
IRENE CITY	\$2,337.18	VERMILLION BASIN WATER	\$2,293.72
IRENE/WAKONDA SCHL 13-3	\$103,358.48	VERMILLION SCHL DIST 13-	\$447,007.36

VERMILLION TOWNSHIP	\$9,645.72
VIBORG/HURLEY SCHL 60-6	\$80.97
WAKONDA TOWN	\$12,649.60
(PAYROLL WITHHOLDING)	
SDRS SPECIAL PAY PLAN	\$19,096.44
(FIRE)	
BERESFORD RURAL FIRE	\$2,043.50
CENTERVILLE RURAL FIRE	\$1,469.53
GAYVILLE RURAL FIRE ASSO	\$1,255.54
IRENE RURAL FIRE ASSOC	\$311.58
VERM. RURAL FIRE ASSOC.	\$8,891.28
VOLIN RURAL FIRE ASSOC.	\$307.87
WAKONDA RURAL FIRE	\$2,980.51
(PROFESSIONAL SERVICES AND FEES)	
ALLBRIGHT CLEANING	\$764.64
ALTERNATIVE HR, LLC	\$1,777.82
AVERA MCKENNAN HOSPITAL	\$7,652.05
BECKENHAUER	\$1,503,803.24
BUHLS DRYCLEANERS &	\$38.43
BUREAU OF ADMIN PMB0112	\$12.00
C-CLEANING SERVICES	\$195.65
CITY OF VERMILLION	\$319.04
ELK POINT AMBULANCE	\$1,011.00
FIRST DAKOTA CREDIT CARD	\$278.54
FOX LAW FIRM, PLLC	\$172.14
GEO TEK ENGINEERING &	\$18,049.00
HEIMAN INC.	\$738.00
KAUFFMAN, DAVID	\$3,584.75
LARSON, VAL	\$18.00
LINCOLN COUNTY AUDITOR	\$1,737.15
MINNEHAHA COUNTY JDC	\$14,212.88
PHARMCHEM, INC.	\$191.70
PRESTO-X COMPANY LLC	\$189.90
QUALIFIED PRESORT SVC IN	\$5,835.54
SANFORD HEALTH PATHOLOGY	\$274.00
SATELLITE TRACKING OF	\$770.25
SD DEPT OF HEALTH LAB	\$2,750.00
SDRS SPECIAL PAY PLAN	\$90.00
TEGRA GROUP INC	\$21,400.00
ULTEIG	\$14,501.00
WOODS, FULLER, SHULTZ &	\$6,600.68
YANKTON CO SHERIFF	\$150.00
YANKTON MEDICAL CLINIC P	\$88.05
(OTHER PROFESSIONAL SERVICE)	
CITY OF VERMILLION	\$88,288.10
MINNEHAHA COUNTY JAIL	\$6,944.00
SCHAEFER, DEAN	\$48.00
SCHILDHAUER, T. LEMBCKE	\$1,824.00
SD ATTORNEY GENERAL	\$312.00
UNION CO. SHERIFF	\$56,320.00
(LAW OFFICE)	
FRIEBERG, NELSON & ASK	\$3,321.75

KENNEDY, PIER LOFTUS &	\$149.50
PETERSON, STUART, KLENTZ	\$10,905.17
TERWILLIGER, PHILIP	\$3,321.75
(PUBLISHING)	
NEW CENTURY PRESS ACCTAU	\$528.19
NEW CENTURY PRESS ACCTHW	\$17.91
(REPAIRS AND MAINTENANCE)	
BIERSCHBACH EQUIP & SUPP	\$4,000.00
BRUNICK SERVICE, INC.	\$130.00
BUHLS DRYCLEANERS &	\$62.29
CHARLIE'S BUS SERVICE IN	\$257.00
CRESCENT ELECTRIC	\$194.96
FIRST DAKOTA CREDIT CARD	\$636.00
GRAHAM TIRE YANKTON	\$340.00
LOFFLER COMPANIES	\$666.58
MIDWEST PETROLEUM EQUIP.	\$500.31
NATURESCAPING DESIGN LLC	\$550.00
PRESTO-X COMPANY LLC	\$79.33
PROCHEM DYNAMICS	\$95.23
RUNNINGS SUPPLY INC CH	\$119.98
THE LUMBERYARD LLC	\$42.91
TURNER PLUMBING INC	\$16,936.52
VERMILLION ACE HARDWARE	\$412.10
VERMILLION AREA CHAMBER	\$200.00
YANKTON TRANSMISSION	\$675.00
(DATA PROCESSING/CLAY CREEK/INF)	
DOTY, KIM	\$37.50
FIRST DAKOTA CREDIT CARD	\$11,062.50
MICROFILM IMAGING SYSTEM	\$945.00
TWO RIVERS CONTRACT. VIA	\$83,187.14
ULTEIG	\$4,402.30
(YANKTON CLAY EXPENSE)	
FIRST DAKOTA CREDIT CARD	\$79.60
TRUENORTH STEEL	\$4,541.85
(SUPPLIES & MATERIALS)	
A-OX WELDING SUPPLY CO	\$141.93
BARCO MUNICIPAL PRODUCTS	\$45.11
BRUNICK SERVICE, INC.	\$430.39
BUTLER MACHINERY CO.	\$63.72
CINTAS	\$151.93
DAVIS PHARMACY	\$2,139.70
FIRST DAKOTA CREDIT CARD	\$2,142.48
GRAHAM TIRE S.F. NORTH	\$1,384.00
GRAHAM TIRE YANKTON	\$57.10
HY-VEE, INC. EXTENSION	\$40.97
JERRY'S SERVICE	\$22,331.80
LAWSON PRODUCTS, INC.	\$123.49
MCLEOD'S PRINTING & SUPP	\$529.78
MICROFILM IMAGING SYSTEM	\$30.00
MIDWEST PETROLEUM EQUIP.	\$240.00
O'REILLY AUTO PARTS	\$346.37
PROCHEM DYNAMICS	\$1,364.90

QUALIFIED PRESORT SVC IN	\$3,852.36
REDWOOD TOXICOLOGY LAB.	\$124.61
RUNNINGS SUPPLY INC H&W	\$30.98
SD DEPT OF LABOR & REG	\$50.00
UNION CO. SHERIFF	\$2,228.40
VERMILLION ACE HARDWARE	\$943.00
VOYAGE FEDERAL CREDIT	\$130.93
YANKTON TRANSMISSION	\$125.00
(TRAVEL AND CONFERENCE)	
FIRST DAKOTA CREDIT CARD	\$2,021.04
HOLLENBECK, LAUREN	\$168.67
(INMATE TRAVEL)	
CENEX FLEET FUELING	\$332.57
VOYAGE FEDERAL CREDIT	\$222.87
(UTILITIES)	
CENTURYLINK	\$451.27
CENTURYLINK HWY	\$149.99
CENTURYLINK LUMEN	\$18.21
CITY OF VERMILLION	\$231.20
CLAY RURAL WATER SYSTEM	\$110.60
CLAY UNION ELECTRIC CORP	\$713.73
FIRST DAKOTA CREDIT CARD	\$2,226.44
FISCHER'S DISPOSAL L.L.C	\$130.00
MIDAMERICAN ENERGY C H	\$698.66
MIDAMERICAN ENERGY EXT	\$25.98
MIDCO BUSINESS EXT.	\$160.78
T-MOBILE	\$61.60
VERIZON WIRELESS SHERIFF	\$804.04

VERMILLION GARBAGE SVC.	\$588.00
WAKONDA TOWN	\$80.40
(PAYMENT)	
JURY/WITNESS PAYMENTS	\$553.04
(ALLOCATIONS/DISTRIBUTIONS)	
CLAY CO AGR FAIR ASSOC	\$2,062.50
DAKOTA SENIOR MEALS	\$1,448.25
DOMESTIC VIOLENCE	\$220.00
LEWIS & CLARK BEHAVIORAL	\$6,310.00
ROCS TRANSIT	\$468.75
VERMILLION PUBLIC LIBRAR	\$500.00
(BUILDINGS AND STRUCTURES)	
L & L BUILDERS	\$557,064.00
(BOOKS)	
FIRST DAKOTA CREDIT CARD	\$1,353.76
(FURNITURE AND MINOR EQUIPMENT)	
CITY OF VERMILLION	\$0.00
FIRST DAKOTA CREDIT CARD	\$385.96
LOFFLER COMPANIES	\$5,962.50
MICROFILM IMAGING SYSTEM	\$155.00
PROCHEM DYNAMICS	\$524.02
(AUTOMOTIVE)	
BRUNICK SERVICE, INC.	\$156.00
CENEX FLEET FUELING	\$2,260.80
JERRY'S SERVICE	\$232.86
THE SOAP GUYS	\$225.60
VOYAGE FEDERAL CREDIT	\$52.36

Mockler moved, seconded by Gray-Lobe and unanimously carried to authorize the Chairwoman to sign the U.S. Postal Service NCOA Link Mail Processing Equipment Processing Acknowledgment Form for Qualified Presort Service.

The Board considered a change order from L&L Builders for \$3,562 for the courthouse mechanical/electrical/HVAC project regarding removal of the exhaust stack for the old boiler. Mockler moved, seconded by Gray-Lobe and unanimously carried to approve the change order and authorize the Chairwoman to sign it.

Mockler updated the Board that the jail and law enforcement center project was slowed down a bit due to the heavy rain.

At 9:28 a.m., Gray-Lobe moved, seconded by Mockler and unanimously carried to adjourn and reconvene Tuesday, April 30, 2024 at 9:00 a.m.

ATTEST:

Carri R. Crum
Carri R. Crum, County Auditor

Elizabeth T. Smith
Elizabeth T. Smith, Chairwoman
Board of County Commissioners

**2024 Board of Equalization
Consolidated Board
Clay County**

Chairwoman Elizabeth Smith called the Consolidated Board of Equalization to order at 1:00 p.m., Tuesday, April 9, 2024. Members present: Travis Mockler, Elizabeth Smith, Geoffrey Gray-Lobe, Davis Thiesse, Richard Holland, Steve Ward, Brian Humphrey and Jacob Skelton. Also present: County Auditor Carri Crum, Director of Equalization Lennea Olson, and Deputy Appraiser Melissa Brown. Oaths of Office were given.

Appeal #2024-01 – Custis, Tyler & Megan (15715-00700-030-00) The Director's recommendation was to set the total value at \$371,347. Ward moved, seconded by Mockler and unanimously carried to affirm the Director's value.

Appeal #2024-02 – Kerkman, Gregory (15260-01100-120-00) The Director's recommendation was to set the total value at \$409,133. Thiesse moved, seconded by Gray-Lobe and unanimously carried to affirm the Director's value.

Appeal #2024-03 – Marketplace Vermillion, LLC (15415-00200-080-00) The Director's recommendation was to set the total value at \$1,030,181 due to change of commercial occupancy to neighborhood shopping center shell, to reflect remodel needs in tenant spaces, and recent sale price. Mockler moved, seconded by Thiesse and unanimously carried to accept the Director's recommended value.

Appeal #2024-04 – O'Reilly Auto Enterprises, LLC (15295-00600-050-01) The Director's recommendation was to set the total value at \$552,704 due to change of commercial occupancy to general retail and storage warehouse to reflect use of building, and to reflect no storage garage as implied by automotive center. Gray-Lobe moved, seconded by Mockler and unanimously carried to accept the Director's recommended value.

The following Director's recommendations were considered:

Appeal #2024-05 – Ballard, Noelle (15999-00200-000-12) The Director's recommendation was to set the total value at \$0 due to the mobile home having been destroyed. Gray-Lobe moved, seconded by Ward and unanimously carried to accept the Director's recommended value.

Appeal #2024-06 – Olson, Eric (15800-00100-090-00) The Director's recommendation was to set the total value at \$264,170 due to correcting foundation square footage, changing condition to reflect needed/ongoing improvements, adding wet bar and basement utility sink, adding yard shed, and correcting garage square footage and year built. Gray-Lobe moved, seconded by Holland and unanimously carried to accept the Director's recommended value.

Appeal #2024-07 – Bentz, David & Dawn (15620-00400-180-00) The Director's recommendation was to set the total value at \$302,751 due to correcting sketch to reflect proper above/below grade square footage and attached garage size, quality and condition to reflect accurate property information, basement finish type, and exterior covering. Mockler moved, seconded by Ward and unanimously carried to accept the Director's recommended value.

Appeal #2024-08 – Maloney, Michelle and Murley, Kevin M (15720-03300-180-00) The Director's recommendation was to set the total value at \$104,674 due to changing effective age

and condition to reflect proper remodel year and updating finished square footage. Mockler moved, seconded by Thiesse and unanimously carried to accept the Director's recommended value.

Appeal #2024-09 – Barkl, Michael (15015-00200-010-00) The Director's recommendation was to set the total value at \$318,813 due to changing square footage to be accurate on upper level of home, updating bathroom fixture count, quality, and framing to accurately reflect log home construction. Mockler moved, seconded by Gray-Lobe and unanimously carried to accept the Director's recommended value.

The Consolidated Board adjourned at 1:54 p.m. with a motion by Mockler, seconded by Humphrey and unanimously carried.

Dated this 9th day of April, 2024.

**2024 Board of Equalization
County Board
Clay County**

Chairman Elizabeth Smith called The County Board of Equalization to order at 1:54 p.m., Tuesday, April 9, 2024. Members present: Travis Mockler, Elizabeth Smith, and David Thiesse. Also present: County Auditor Carri Crum, Director of Equalization Lennea Olson, and Deputy Appraiser Melissa Brown. Oaths of Office were given.

The following Director of Equalization Appeals from the Local Board were heard for consideration:

Appeal #2024-10 – Hessman, Phillip (03000-09553-352-00) The Director's recommendation was to set the total value at \$76,102. Mockler moved, seconded by Thiesse and unanimously carried to affirm the Director's value.

Appeal #2024-11 – Lovejoy, Michael 2022 Rev. Trust (05000-09452-102-03) The Director's recommendation was to set the total value at \$171,005 before the Agricultural Building exemption. Thiesse moved, seconded by Mockler and unanimously carried to affirm the Director's value.

Appeal #2024-12 – Lovejoy, Kodie (05000-09452-102-05) The Director's recommendation was to set the total value at \$27,445. Mockler moved, seconded by Thiesse and unanimously carried to affirm the Director's value.

Appeal #2024-13 – Booth, Joseph & Rudd, Pamela (13750-00100-050-00) The owner wished to be present and was unable to attend, so the matter was tabled until April 17, 2024 at 1:00 p.m.

The following Appeals were heard for consideration:

Appeal #2024-14 – Lohman, Jeffrey (02000-09522-133-06, 11) The Director's recommendation was to set the total value at \$142,054. Thiesse moved, seconded by Mockler and unanimously carried to affirm the Director's value.

Appeal #2024-15 – Halverson, Todd & Tracey (11000-09252-162-08) The Director's recommendation was to set the total value at \$427,040. Mockler moved, seconded by Thiesse and unanimously carried to affirm the Director's value.

The following Recommendations were heard for consideration:

Appeal #2024-16 – Schulte, Daniel & Molly (04000-09453-353-06) The Director's recommendation was to set the total value at \$221,699 due to discovering that the rural additional acres had been entered as rural first acres and correcting to be in line with other non-agricultural rural properties in the county. Thiesse moved, seconded by Mockler and unanimously carried to accept the Director's recommended value.

Appeal #2024-17 – Henriksen Rev. Trust (02000-09552-292-00) The Director's recommendation was to set the total value at \$168,672 due to location of crop soils (EdA & EdB)

it is not reasonable to use them for the harvesting of crops (SDCL 10-6-131). Mockler moved, seconded by Thiesse and unanimously carried to accept the Director's recommended value.

Appeal #2024-18 – Jensen, Ernest & Marlys (10000-09253-073-00) The Director's recommendation was to set the total value at \$5,487 due to the river changing, more of the parcel remains under water than sand and reallocated adjustments to reflect current conditions of parcel. Mockler moved, seconded by Thiesse and unanimously carried to accept the Director's recommended value.

Mockler moved, seconded by Thiesse and unanimously carried to instruct the Director of Equalization to make adjustment for Freeze on Assessment of Dwellings of Disabled and Senior Citizen per SDCL 10-6A.

Mockler moved, seconded by Thiesse and unanimously carried to instruct the Director of Equalization to make adjustment for Veterans Exemption per SDCL 10-4-40 & 10-4-41 and add the property that qualified due to receiving dependency and indemnity compensation.

Mockler moved, seconded by Thiesse and unanimously carried to accept the addition of Owner Occupied status for 2024 for the following parcels.

ADDITIONS			
PARCEL NUMBER	NAME	ADDRESS	CITY
06000-09451-084-03	O'CONNELL, NICHOLAS	30485 466 AVE	BERESFORD
06000-09451-321-06	JENSEN LIVING TRUST	30835 466 AVE	VERMILLION
06000-09451-362-00	WOOD, KELLY & JERRET	30834 469 AVE	BURBANK
08100-09352-273-09	KLEINHESSELINK, JOSHUA & ANNE	31362 HILLCREST PL	VERMILLION
09000-09353-253-06	DULLERUD, WAYNE ETAL	45730 314 ST	MECKLING
10999-09252-192-03	HUBER, LEO	31828 458 AVE	VERMILLION
11000-03204-141-06	DROWSER, BLAISE & AJA	2018 DAKOTA ST	VERMILLION
11000-03204-144-03	SORENSEN, TIMOTHY A & AMY K	2808 SORENSEN AVE	VERMILLION
14000-01600-030-03	VAN BEEK, JOHN	303 OHIO ST	WAKONDA
15050-06300-100-00	FERNANDES, YOHAAN & MINDY	27 N YALE ST	VERMILLION
15340-00300-020-00	MARTINSON, ERIC & SCOTT	103 W DUKE ST	VERMILLION
15370-00200-080-00	HOLOCH, HAROLD	509 W CLARK ST	VERMILLION
15720-05400-100-00	MARSHALL, GLEN & CHELSEA	302 FRANKLIN ST	VERMILLION
15999-00900-000-25	LININGER, NASH OR MICHELLE L	447 N PLUM ST #25	VERMILLION
15999-01000-000-75	GRIMMETT, RONALD	833 E DUKE ST #75	VERMILLION
15999-01100-000-41	VOGEL, SCOT ALAN	911 E DUKE ST #41	VERMILLION
15999-01500-009-18	WHITEHEAD, PATRICK	918 KATHERINE ST	VERMILLION
15999-01600-007-13	MUECKE, ELDON R	713 TOM ST	VERMILLION
15999-01900-010-15	LEONE, CHRISTOPHER & TERESA	1015 KIM LANE	VERMILLION
REMOVALS			
11000-09252-240-21	SORENSEN, TIMOTHY A & AMY K	914 S DAKOTA ST	VERMILLION

The Tax Exempt Applications List for 2024 was presented. Mockler moved, seconded by Thiesse and unanimously carried to approve additions to the list.

Thiesse moved, seconded Mockler and unanimously carried to approve the existing Tax Exempt list as published in county legal newspapers. The list is on file in the Auditor's Office.

The County Board recessed and scheduled to reconvene April 17, 2024 at 1:00 p.m. with a motion by Mockler, seconded by Thiesse and unanimously carried.

Dated this 9th day of April, 2024.

**2024 Board of Equalization
County Board
Clay County**

Chairman Elizabeth Smith called The County Board of Equalization to order at 1:00 p.m., Wednesday, April 17, 2024. Members present: Travis Mockler, Elizabeth Smith, Geoffrey Gray-Lobe, Richard Hammond, and David Thiesse. Also present: Chief Deputy Auditor Nicole Klunder, Director of Equalization Lennea Olson, and Deputy Appraiser Melissa Brown. Oaths of Office were given.

Thiesse moved, seconded by Mockler and unanimously carried to approve the agenda items.

The following Director of Equalization Appeal from the Local Board was heard for consideration:

Appeal #2024-13 – Booth, Joseph & Rudd, Pamela (13750-00100-050-00) Booth and the Director each spoke to the Board. The Director's recommendation was to set the total value at \$290,720. Hammond moved, seconded by Thiesse and unanimously carried to affirm the Director's value.

The Director spoke about two Owner-Occupied Status Applications that were made after assessment notices were mailed but prior to the deadline. Mockler moved, seconded by Thiesse and unanimously carried to accept the applications.

ADDITIONS			
PARCEL NUMBER	NAME	ADDRESS	CITY
15600-00100-150-00	SIMMONS THOMAS E & GAIKLIN QUAH	1035 VALLEY VIEW	VERMILLION
15999-01600-010-27	SPELLMAN ERIN	1027 TOM ST	VERMILLION

At 1:20 p.m., Gray-Lobe moved, seconded by Mockler and unanimously carried to adjourn for the year.

April 30, 2024

The Board of County Commissioners met in regular session Tuesday, April 30, 2024 at 9:00 a.m. at the Clay County Courthouse, 211 W. Main St., Vermillion, SD. Members present: Travis Mockler, Geoffrey Gray-Lobe, Elizabeth Smith, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Gray-Lobe moved, seconded by Mockler and unanimously carried to approve the agenda.

Hammond moved, seconded by Mockler and unanimously carried to approve the minutes of the April 9, 2024 meeting.

Dick Strassburg gave an update on the court security project. He discussed that the goal is to get very competitive bids. He said Attorney Jim Wiederrich gave some good guidance on the process. He suggested pushing the project until fall/winter so that the same contractor can do the remodel of the old safety center when the law enforcement moves to the new building. He thinks the County will get better pricing and more interest if the projects are combined. It's hard to get people interested in a smaller project that is messy. Mockler said it makes sense to him. E. Smith said the Board members are all nodding their heads yes. Strassburg said competing with summer jobs is something we want to get past. When the ground is frozen and they cannot work outside as easily, it is a better time. This would set the County up better for the future. The contingency is going very well on the jail project at this time. If it keeps going well, there will be contingency dollars left on that project that could be applied to this. Hammond said, having been a small contractor doing all outside work, he would usually start in the mid-to-late fall looking for projects to do to fill in smaller spots. He is on board. Strassburg said he will prepare the RFP so it is ready to go when the time comes.

Facilities Manager Scott Hanson met with the Board to discuss building matters. The courthouse mechanical/electrical/HVAC project wraps up today. All trades are off-site as of this morning, and the dumpster will be removed. There are a few things to do when the weather gets warmer to adjust the AC in the courtroom. There is a controller valve in the boiler room that needs to be replaced, and the part is on the way. Items that were moved to the City Hall basement need to be moved back.

Hanson said the elevator will need work in the near future. He was told it was installed in the 1960's. It was recently about \$600,000 for a new elevator in Hand County. A refurbishment of controls, hydraulics, etc. will be about \$150,000 and 4 weeks of work. There are other incidentals that may be needed as well. Mockler asked if it includes relining the inside. Hanson said that is an extra \$8,000-15,000. Auditor Carri Crum said the shaft was re-lined several years ago. E. Smith asked if there is any money left from the courthouse project. Hanson said he does not know yet. Thiesse asked about court proceedings if the elevator is down for 4 weeks. Mockler said they would have to hold court in Union County. Thiesse asked if it was a big emergency. Hanson said it is not an emergency situation yet. Thiesse wondered if it can wait until some of the offices are moved after the new jail is finished. Mockler said it should be done

at the same time as the court security project because if they cannot have court here, it might as well be done at the same time. They discussed the timeline of the projects. Hammond said the most probable scheduling of the court security work might be February. If we were to bid this out a month or two from now, he asked, would that be reasonable? Hanson said he thinks so. Mockler said we can bid out the elevator and say they cannot start until December 1st. Gray-Lobe said it seemed like a substantial list of things that were not included, so he asked, would an extra \$10,000 cover it? Hanson said he thinks we are grandfathered in on some things. Hammond said if it goes out to bid, the company may sharpen its pencil a bit more than the quote. Hanson said he can write a request for proposal and bring it back to the Board.

Hanson discussed the courthouse sewer lines. There are 110 feet of cast iron line remaining. Eventually it will scale or collapse. He is trying to be proactive and reached out to a company that lines pipes. The process is 4-5 days of work. They may need to isolate water usage on the floors as they proceed but would not need to shut off the water. They are able to line the inside of the pipes. His fear is that if the lines collapse, some of the lines are pretty far under the concrete. In the Director of Equalization Office, the northeast corner had a 4-inch line from the old Sheriff's Office for a toilet, and when he gutted it out of there, it was full of scale. We are sitting on a time bomb. Thiesse asked, when they used the camera on it, did they feel it was still stable enough to do their process? Hanson said yes. They didn't see any collapsing or clogging at this point. Thiesse asked how long it would extend the life. Hanson said he will ask that. E. Smith said this is an increasingly common problem because the lines in this area were put in about the same time. She asked if we need to bid this out. Crum said it is not expensive enough to have to bid it. Hanson said he can get quotes. E. Smith said it might be worth getting a couple more quotes. Hanson said it was \$15,000 to do lines at SESDAC when he was there 18 years ago. The Board discussed price per foot. Hanson said he can reach out to some other companies. He said he could wait until the 2025 budget. E. Smith said when the problem comes, it's a disaster. Hammond asked if they are mainly buried pipes and said he is interested in the process and lifespan. What is the typical mode of failure? Could the liner collapse or perforate? How much more trouble would we be in at that point? Do they warranty it?

Zoning Administrator Drew Gunderson met with the Board to present two plats. Mockler moved, seconded by Thiesse and unanimously carried to pass and adopt the following Resolution #2024-12 for Plat of Lots 1 and 2 of James Olson Addition in the NW1/4 and the SW1/4 of Section 9, Township 93 North, Range 51 West of the 5th P.M. Clay County, South Dakota; James E. Olson, owner. Under discussion, E. Smith said her only concern was that it looked like wetlands. Gunderson said for platting it is not a problem, but for building it would be.

RESOLUTION #2024-12
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 1 and 2 of James Olson Addition in the NW1/4 and the SW1/4 of Section 9, Township 93 North, Range 51 West of the 5th P.M. Clay County, South Dakota; James E. Olson, 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.

Elizabeth Smith
Board of County Commissioners

I, Carri R. Crum, County Auditor of Clay County, South Dakota do hereby certify that the within and foregoing is a true copy of the Resolution passed on April 30, 2024.

Carri R. Crum
County Auditor, Clay County, SD

Mockler moved, seconded by Gray-Lobe and unanimously carried to pass and adopt the following Resolution #2024-11 for Plat of Lot 1 of Judith Robinson Addition in the NE 1/4 of Section 8, Township 93 North, Range 51 West of the 5th P.M. Clay County, South Dakota; James E. Olson, owner.

RESOLUTION #2024-11
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 Lot 1 of Judith Robinson Addition in the NE 1/4 of Section 8, Township 93 North, Range 51 West of the 5th P.M. Clay County, South Dakota; James E. Olson, 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.

Elizabeth Smith
Board of County Commissioners

I, Carri R. Crum, County Auditor of Clay County, South Dakota do hereby certify that the within and foregoing is a true copy of the Resolution passed on April 30, 2024.

Carri R. Crum
County Auditor, Clay County, SD

Welfare Director Drew Gunderson presented Welfare Case #CW24-008 for a county funeral. Gray-Lobe moved, seconded by Hammond and unanimously carried to approve the case as the individual met current welfare guidelines. Mockler asked if the County gets what minimal funds are left. Gunderson said we try, but there was only \$10-15 left.

A public hearing was held for a supplement to the 2024 budget. Mockler moved, seconded by Gray-Lobe to pass and adopt the following Resolution #2024-10 for Supplement of County Budget and unassign \$69,590 that was assigned in the general fund for 911 equipment purchase. Vote of the Board: Thiesse Aye, Gray-Lobe Aye, Smith Aye, Hammond Aye, Mockler Aye.

Resolution #2024-10
Supplement of County Budget

WHEREAS the County budget does not have adequate budget authority in 2024;

WHEREAS, the Board of County Commissioners have agreed to hold a public hearing on April 30, 2024 at 9:40 a.m. to supplement the 2024 Annual County Budget for equipment budgeted in 2023 by the County, purchases made in 2023 by the City of Vermillion, and invoice received in 2024 by the County from the City of Vermillion regarding the shared 911 equipment expenses, and 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 2024 Annual Budget:

- E-911 – 50% Reimbursement to City (10100X4221225) - \$141,000

Dated the 30th day of April, 2024.

Commissioner Mockler moved the adoption of the foregoing Resolution; Motion seconded by Commissioner Gray-Lobe.

Vote of the Commission: Thiesse Aye, Gray-Lobe Aye, Smith Aye, Hammond Aye, Mockler Aye.

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

ATTEST:

Carri R. Crum, County Auditor

Elizabeth T. Smith
Board of County Commissioners
Clay County, South Dakota

Emergency Management Director Layne Stewart met with the Board to present the SLA Quarterly Activity Report. Gray-Lobe moved, seconded by Thiesse and unanimously carried to approve the report and authorize the Chairwoman to sign it.

Stewart presented a list of items from his office that are obsolete or no longer functioning. Gray-Lobe moved, seconded by Mockler and unanimously carried to declare surplus a Canon ZR300

mini camcorder purchased in 2005, a Motorola XTS2500 radio that is obsolete, and 4 Delorme PN 40 GPS units purchased in 2010 and authorize the disposal of the items.

Treasurer Rhonda Howe presented a copier lease contract from Loffler. Gray-Lobe clarified that there is a lease and a maintenance contract, but he did not see a price for the maintenance contract. Howe said it is all wrapped into one monthly payment of \$280. Mockler clarified that the current copier is leased, and Howe said yes. Thiesse moved, seconded by Gray-Lobe and unanimously carried to approve the lease and maintenance agreements and authorize the Chairwoman to sign them.

At 9:49 a.m., Mockler moved, seconded by and unanimously carried to adjourn and convene as Clay County Ditch Board with Chairman Mockler presiding.

Thiesse moved, seconded by Gray-Lobe and unanimously carried to approve an invoice for \$1,724.66 from Ulteig Engineering for Clay Creek Ditch.

At 9:49 a.m., Gray-Lobe moved, seconded by Thiesse and unanimously carried to adjourn and reconvene as Board of Clay County Commissioners with Chairwoman E. Smith presiding.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. He talked about items from the April 17th tour of roads. He is getting two spots on University Road located now for digging. The area near Rodney Knutson's is wet, so it will be a while before they can do that. Regarding the two pumps on University Road, he asked if there is anything we can do. The one to the east looked like it was putting water on the other landowner. Gray-Lobe agreed. Polley discussed drain tiling to the river and also some cleanout near the old St. Peters Church, but the culvert nearby that collapsed is on a township road. Mockler said it doesn't do any good to fix the culvert if they don't clean the ditch out because there was nowhere for the water to go on the outlet side. Hammond said, going back to the pumps, the concern with them is that they don't erode a hole in our ditch, and it didn't look like that was happening. Mockler said they are Nick Merrigan's. Gray-Lobe asked when those were installed. Mockler said 4-5 years ago, but it has been too dry for them to run.

The Board considered a Driveway Application from East River Electric on 313 St. They want to widen the driveway and culvert. Polley said it is an 18" pipe. Hammond said he has used that driveway, and it would be good to widen it. Thiesse moved, seconded by Hammond and unanimously carried to approve the application and authorize the Chairwoman to sign it.

Polley presented a pavement marking contract from the SD Department of Transportation (SDDOT). He said the Board did approve a pavement marking contract a couple weeks ago with other counties, and this SDDOT contract is a long-term contract in case the current project doesn't work out. It is a 15-year contract so that we don't lose out on a chance to cost-share with the state in the future. Hammond moved, seconded by Thiesse and unanimously carried to approve the contract and authorize the Chairwoman to sign it.

Polley presented a letter of support from Southeast Farmers Elevator Coop for the Agri-Business Grant Application. He questioned whether we will need to go through the process again next year instead of getting the grant this year since they are not building until next year. He doesn't see

why they cannot start building. M. Smith said it would be a good question for SECOG. Mockler asked why we cannot get the grant for April construction. Crum said the grant application has already been submitted. Gray-Lobe said he thought the Coop said they had already begun work as they have been moving dirt around. Mockler said the former owner is taking things down that he still wanted. It will be later this summer as they are doing work on the Elk Point facility, so he thinks by this fall they will. Polley said he doesn't want to hold up the project. Mockler said it was discussed that we would just need to coordinate their work with us pouring the road. Mockler and Polley discussed the deadline for the grant. Polley said we should hear by June if we are approved, and Mockler said they have to know June would be too late for construction this year.

Mockler moved, seconded by Gray-Lobe and unanimously carried to approve the following claims for payment.

(PAYROLL)	WELLMARK BLUE CROSS 63,603.67
COMMISSIONER'S 9,247.39	(PROFESSIONAL SVC./FEES)
AUDITOR'S OFFICE 14,714.44	C-CLEANING SERVICES 214.20
TREASURER'S OFFICE 25,105.69	ELK POINT AMBULANCE 880.00
STATE'S ATTORNEY'S 37,337.14	ERICKSON SOLUTIONS GRO 3,290.70
COURTHOUSE 11,631.64	FEDEX 27.58
DIRECTOR OF EQUALIZATION 9,348.45	FOX LAW FIRM, PLLC 172.14
REGISTER OF DEEDS 10,212.47	HEIMAN INC. 324.00
VETERAN'S OFFICE 1,950.59	HOUSKA, DDS, RANDY 920.00
24/7 SOBRIETY PROJECT 1,886.23	JLG ARCHITECTS 27,280.00
SHERIFF'S OFFICE 58,256.64	KATTERHAGEN, MARK 18.00
JAIL 40,800.30	LARSON, VAL 18.00
EMERGENCY MANAGEMENT 5,727.57	LEWIS & CLARK BEHAVIOR 213.00
HIGHWAY DEPARTMENT 56,852.31	MARSHALL INDEPENDENT 157.03
COMMUNITY HEALTH 4,974.11	PRESTO-X COMPANY LLC 189.90
EXTENSION OFFICE 3,590.94	QUALIFIED PRESORT SVC 6,303.73
WEED CONTROL 516.36	SCHAEFFER, BILL 18.00
PLANNING & ZONING 3,848.11	SECRETARY OF STATE 30.00
(PAYROLL WITHHOLDINGS)	SECURITY SHREDDING SVC 40.00
AFLAC 874.27	VERMILLION AREA CHAMBE 75.00
COLONIAL LIFE 270.54	VERMILLION SANFORD CLI 467.72
CONSECO/WASHINGTON 24.45	YANKTON CO SHERIFF 50.00
DIV OF CHILD SUPPORT IA 220.00	OLSON, MOLLY L 46.50
DIV OF CHILD SUPPORT SD 1,367.00	(COURT REPORTER)
FEDERAL TAX PAYMENT 65,774.23	SCHILDHAUER, T. LEMBCK 816.00
NEW YORK LIFE C/O M&T 258.57	(PUBLISHING)
SD RETIREMENT SYSTEM 35,178.20	PLAIN TALK/BROADCASTER 42.30
SD SUPPLEMENT RETIREME 8,078.18	(REPAIRS/MAINTENANCE)
SDRS ROTH 457(B) PLAN 625.00	BOONE BROTHERS ROOFING 4,735.27
TASC 2,181.62	BUTLER MACHINERY CO. 680.00
THE STANDARD - DENTAL 1,601.52	CENTURY BUSINESS PRODU 41.25
THE STANDARD - VISION 410.80	HANDER INC 995.46
THE STANDARD - SH TRM 1,497.17	JOHNSEN HEATING & COOL 1,336.60
THE STANDARD - LIFE IN 416.11	MIDWEST PETROLEUM EQUI 790.25
UNITED WAY OF VERMILLI 215.00	PRESTO-X COMPANY LLC 79.33
VOYAGE FEDERAL CREDIT 750.00	TRI STATE INSULATION 1,020.20

VERMILLION ACE HARDWAR 37.73
 (DATA PROCESSING)
 SOFTWARE SERVICES, INC 925.00
 (SUPPLIES/MATERIALS)
 A & B BUSINESS 206.13
 BARCO MUNICIPAL PRODUC 502.29
 BUTCH'S PROPANE 31.29
 BUTLER MACHINERY CO. 573.95
 COYOTE ENTERPRISE LLC 84.99
 ES&S 1,193.44
 GRAHEK TECHNOLOGY 75.00
 HANSEN LOCKSMITHING IN 80.00
 INTAB, INC. 145.83
 KNIFE RIVER SOUTH DAKO 2,257.45
 MCLEOD'S PRINTING 245.97
 MIDWEST PETROLEUM EQUI 318.95
 O'REILLY AUTO PARTS 211.66
 PROCHEM DYNAMICS 1,471.19
 QUALIFIED PRESORT SVC 602.99
 RUNNINGS SUPPLY INC 108.24
 SD DEPT OF TRANS 3,566.65
 SD SHERIFF'S ASSN 45.15
 SIRCHIE ACQUISITION 160.65
 VERMILLION ACE HARDWAR 149.07
 VOYAGE FEDERAL CREDIT 92.78
 (TRAVEL/CONFERENCE)
 BROWN, MELISSA 100.00
 GUNDERSON, DREW 274.89
 KYMALA, SHANNON 532.60
 SD ASSN. OF CO. OFFICIALS 100.00

SDAAO TREASURER 470.00
 (UTILITIES)
 BUREAU OF ADMINISTRATI 23.31
 CENTURYLINK LUMEN 15.76
 CITY OF VERMILLION 3,554.51
 VERIZON WIRELESS SHERI 402.00
 (CAR EXPENSE)
 BRUNICK SERVICE, INC. 100.00
 GRAHAM TIRE S.F. NORTH 931.12
 VERMILLION FORD 908.59
 (JAIL MEALS)
 HY-VEE, INC. 427.04
 (CORONER POST MORTEM)
 SANFORD HEALTH CLINIC 1,324.00
 (JURY/WITNESS FEES)
 TOTAL 20.00
 (SPECIAL EQUIPMENT)
 MOTOROLA SOLUTIONS INC 130.00
 (OTHER GOVT. PAYMENTS)
 SDACC OFFICE 1,018.00
 SD DEPT OF REVENUE 455,748.25
 SD DEPT OF HEALTH 3,348.00
 (BUILDINGS & STRUCTURES)
 JLG ARCHITECTS 1,196.60
 L & L BUILDERS 230,935.00
 (FURNITURE/MINOR EQUIP.)
 CANON 313.36
 LOFFLER COMPANIES 360.80
 MICROFILM IMAGING SYST 120.00
 VERMILLION ACE HARDWARE 839.97

Gray-Lobe updated the Board regarding Clay County Park that when the farm ground was bid and leased, the new tenant recognized that there were 5 acres that are a parking lot and trail. The park board agreed to refund \$1,500 to him.

Mockler and Thiesse said the walls have been going up at the jail, but the rain has slowed things down.

Hammond said the Joint Jurisdiction Zoning Area (JJZA) committee met and they made a few minor changes to projected land use. They are getting close to bringing something to the City and County Planning Commissions. They will be planning a couple of public meetings for changes to the comprehensive JJZA plan. There will be a special effort to make sure JJZA property owners will have an extra notice as well as normal notices.

At 10:11 a.m., Gray-Lobe moved, seconded by Mockler and unanimously carried to enter an Executive Session for personnel and legal matters per SDCL 1-25-2.

At 10:36 a.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to exit the Executive Session.

The following Auditor's Account with the County Treasurer report, Sheriff's Office monthly reports, and Library Board report were accepted and placed on file.

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

To the Honorable Board of County Commissioners of Clay County
items in the hands of the County Treasurer as of April 1, 2024.

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

Total amount of deposits in banks		6,261,350.08
Amount of actual cash	3,417.38	
Total amount of checks and drafts in Treasurer's Possession not exceeding three days		86,119.92
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:		296.23
Checks returned and not deposited		
Cash Items	700.00	
Investments	1,154,151.38	
Cash Variation	0.00	

Total

Dated this 1st day of April, 2024.

7,506,034.99

Carri R. Crum, County Auditor

At 10:37 a.m., Mockler moved, seconded by Hammond and unanimously carried to adjourn and reconvene at 9:00 a.m. on Tuesday, May 7, 2024.

ATTEST:

Carri R. Crum
Carri R. Crum, County Auditor

Elizabeth T. Smith
Elizabeth T. Smith, Chairwoman
Board of County Commissioners

May 7, 2024

The Board of County Commissioners met in regular session Tuesday, May 7, 2024 at 9:00 a.m. at the Clay County Courthouse, 211 W. Main St., Vermillion, SD. Members present: Travis Mockler, Geoffrey Gray-Lobe, Elizabeth Smith, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Hammond moved, seconded by Gray-Lobe and unanimously carried to approve the agenda with the addition of the published bid opening for the 2024 Chip Sealing Project.

Mockler moved, seconded by Thiesse and unanimously carried to approve the minutes of the April 30, 2024 meeting.

Emergency Management Director Layne Stewart appeared during Visitors to be Heard. He just received a request from the National Guard for one of the County's drone pilots to fly the drone during an exercise in Minnehaha County in September. Thiesse asked if it is training for our pilot. Stewart said yes, and we did the same kind of thing last fall at Newton Hills. Hammond said he is on the drone committee and does not see a reason why it should not work.

Weed Supervisor Corey Doherty presented the annual weed spraying contract with the SD Dept. of Transportation. Mockler moved, seconded by Thiesse and unanimously carried to approve the contract and authorize the Chairwoman to sign it.

Highway Superintendent Rod Polley gave an update on the Agri-Business Grant application. The money doesn't have to be spent this year. The grant is under review, and he does not know how long it takes. There were questions for the Southeast Farmers Elevator Coop, and the last he heard they didn't need any more information, so the questions were answered. The railroad wants the County to eliminate the entrance where 313 St. comes out on Highway 50. He doesn't think that is a good idea. He asked the Board to think about it before it is placed on a future agenda. Brad Stangohr from Ulteig Engineering was present, and he knows the County is not interested in eliminating the entrance. Mockler mentioned making the corner(s) wide enough as they will be pulling doubles. Polley said the Vermillion Chamber & Development Company (VCDC) contacted him wondering if there is anything he can do. They spoke to the state legislators from our district about getting a turning lane, if necessary, on Highway 50.

Gray-Lobe moved, seconded by Mockler and unanimously carried to approve a Right-of-Way Application from Midco on 318 St., Section 16, T92N, R51W.

Mockler moved, seconded by Thiesse and unanimously carried to approve the following claims for payment: First Dakota Credit Card \$5,933.69, Sturdevant's Auto \$126.84, Ulteig \$24,595.50, Verizon Wireless \$98.49, Woods Fuller \$4,517.75.

Mockler moved, seconded by Gray-Lobe and unanimously carried to declare surplus 8 X2 model Tasers and authorize the transfer of them to the Vermillion Police Department.

At 9:15 a.m., a public bid opening was held for the 2024 Chip Sealing Project. Bids were opened and read aloud. ASTECH bid \$1,199,544.64 and included a bond as required. The Road Guy bid \$1,501,844.70 and included a bond as required. Stangoehr will review the bids to ensure they meet specifications and return at the next meeting for the bid award. Polley said he budgeted \$1,560,000 for the project.

Gray-Lobe updated the Board regarding Clay County Park that the farmland renter provided a chemical plan which was amenable to the native prairie grasses and other vegetation in the area.

E. Smith said she was contacted by Senator Rounds' field representative for a meeting. They had a good discussion about the County's needs, and they offered to write any letters of support that might be helpful for obtaining federal grants.

At 9:22 a.m., Hammond moved, seconded by Gray-Lobe and unanimously carried to adjourn and reconvene at 9:00 a.m. on Tuesday, May 14, 2024.

ATTEST:

Carri R. Crum
Carri R. Crum, County Auditor

Elizabeth T. Smith
Elizabeth T. Smith, Chairwoman
Board of County Commissioners

May 14, 2024

The Board of County Commissioners met in regular session Tuesday, May 14, 2024 at 9:00 a.m. at the Clay County Courthouse, 211 W. Main St., Vermillion, SD. Members present: Travis Mockler, Geoffrey Gray-Lobe, Elizabeth Smith, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Mockler moved, seconded by Thiesse and unanimously carried to approve the agenda.

Thiesse moved, seconded by Mockler and unanimously carried to approve the minutes of the May 7, 2024 meeting.

At 9:02 a.m., Mockler moved, seconded by Hammond and unanimously carried to adjourn and convene as Clay County Ditch Board with Ditch Board Chairman Mockler presiding.

The Board considered a Final Pay Application and Change Order from Two Rivers Contracting for the Clay Creek Ditch Project. Hammond moved, seconded by Gray-Lobe to approve the Pay Application for \$83,704.51 and Change Order for \$450.00 and authorize the Chairman to sign them. Hammond pointed out the \$450.00 was for liquidated damages. He said it is probably appropriate to set a precedent for such items. Adam Schoenherr from Ulteig Engineering said it covers the final day for preparation of the Pay Application and Change Order. Mockler asked if the seeding is done, and Schoenherr said it is all done.

At 9:04 a.m., Gray-Lobe moved, seconded by E. Smith and unanimously carried to adjourn and reconvene as Board of Clay County Commissioners with Chairwoman E. Smith presiding.

Highway Superintendent Rod Polley and Schoenherr presented tabulation documents for the bid award for the 2024 Chip Sealing Project. Polley said the numbers came out correct. ASTECH is a little under the engineer's estimate. Hammond moved, seconded by Gray-Lobe and unanimously carried to award the project to ASTECH for \$1,199,554.64. There was discussion regarding the amount of the contract and an error in the documents, so it was clarified that the award is for the amount of the bid, \$1,199,554.64, and the documents will be corrected.

Polley said they are starting construction on the bridge on 306 St. It will be reduced to one lane today. The deck rehab should start today and run through July. Mockler asked how wide it will be. Polley said it will be a 12' width restriction. He said it will be a pretty intensive process.

Facilities Manager Scott Hanson presented a bid notice for the elevator modernization project. It has been approved by the State's Attorney, so it is ready to be advertised. There was potential to roll it into the court security project, but there may be hiccups with that if the County expects demolition to take place on 3rd floor with no elevator. He discussed options for that. He is unsure of lead times for parts for the elevator as well. The project manager for L&L Builders looked at the court security project, and he thinks it would be a 3-4 month project, so if that is the case, the 3rd floor could potentially be out of commission for almost half of a year. He will be speaking to the judge about it. Mockler said it sounds like the elevator needs to be done first. Hanson said, luckily, nothing serious has happened to the elevator yet. He asked the commissioners for their

thoughts to the best approach. E. Smith said she worries about the age of the elevator equipment, and that is a big liability in several ways. Hammond said it would be a rare occurrence that anything would go bad to cause it to go down for months. Mockler said he hates to spend more money on the old elevator because if it breaks, we are going to have to fix it, and eventually we will be doing that anyway. Mockler and Hammond said it is probably wise to do the elevator project first. E. Smith clarified that we will not have an issue with the court security project grant, and Hanson said there is no timeline for it. E. Smith wanted to make sure the County does not lose the grant money. Hanson discussed the completion date of January 2025, and he said when we start getting bids we will know if the timeframe is too short. There was discussion regarding acceptance of the lowest responsible bid. Hammond said it is kind of important to a contractor to fit it into his schedule. He might bid more if it will be hard to fit the project into his schedule. He asked if there is any reason it can't be moved to March 1, 2025. It was decided to change the completion date to March 1, 2025. Mockler moved to set bid opening for June 6, 2024 at 9:30 a.m., seconded by Gray-Lobe and unanimously carried.

Final documents were reviewed for the courthouse mechanical/electrical/HVAC project. Hanson said the punch list is done except some controls that cannot be set until the outside temperature and humidity reaches a certain point. They are recommending a filtration system for the boiler to pull some of the iron out of the water. He has been working on that. It will pull debris from the pipes. E. Smith clarified it constitutes substantial completion, and Scott said yes. The electrical contractor needs to pull old cabling out of the building. Erickson Solutions Group got rid of a lot of it in the offices as they have hooked things up to the new cables. He feels that the County might be better off asking for a refund on that part of the project cost. Gray-Lobe asked for an approximate expense because it is pretty nice to clean it out for the future. Thiesse said it could add expense if they are pulling stuff that shouldn't be pulled. Hammond asked if the new stuff is in raceways, and Scott said yes, except some state office cabling. He said it is always good practice to get rid of old wiring that runs parallel because you end up inducing currents. One that is disconnected on both ends should not be an issue, but it is good practice. He suggested asking Erickson Solutions Group if we should get rid of it. Mockler moved, seconded by Thiesse and unanimously carried to approve the final project documents and authorize the Chairwoman to sign them. Gray-Lobe reviewed the punch list and asked Hanson if they are done. Hanson said there was another walk through after that, and the punch list is done. The Board reviewed two change orders for the project in the amount of \$4,227.00 for soffit and a credit of \$2,000.00 to the County. Hanson showed a picture regarding proposed soffit around the sprinkler pipes in the Auditor's Office and Court Services Office. Mockler moved, seconded by Thiesse and unanimously carried to approve both change orders and authorize the Chairwoman to sign them.

Mockler moved, seconded by Gray-Lobe and unanimously carried to approve the following claims for payment.

(DUE TO OTHER GOVERNMENT)	CLAY CO TREASURER	\$7,338.00
BERESFORD SCHL DIST 61-2	FAIRVIEW TOWNSHIP	\$60,795.63
\$319,247.87	GARFIELD TOWNSHIP	\$57,400.06
BETHEL TOWNSHIP	GAYVILLE/VOLIN SCHL DIST	\$60,707.92
\$46,579.27	GLENWOOD TOWNSHIP	\$28,609.72
CENTERVILLE SCH DIST 60-		
\$145,158.66		
CITY OF VERMILLION		
\$1,617,843.02		

IRENE CITY	\$25,956.90
IRENE/WAKONDA SCHL 13-3	\$677,920.66
MECKLING TOWNSHIP	\$20,691.43
NORWAY TOWNSHIP	\$29,446.87
PLEASANT VALLEY TWP.	\$23,218.10
PRAIRIE CENTER TWP.	\$23,446.42
RIVERSIDE TOWNSHIP	\$29,354.57
SD DEPT OF REV ANDERSON	\$383,960.68
SEILERS SECOND ROAD DIST	\$3,522.72
SPIRIT MOUND TOWNSHIP	\$39,652.16
STAR TOWNSHIP	\$36,861.20
TLC WATER PROJECT DIST.	\$38,382.84
VERMILLION BASIN WATER	\$16,328.20
VERMILLION SCHL DIST 13-	\$3,868,652.80
VERMILLION TOWNSHIP	\$30,993.76
VIBORG/HURLEY SCHL 60-6	\$1,975.31
WAKONDA TOWN	\$49,826.79
(FIRE)	
BERESFORD RURAL FIRE	\$10,823.47
CENTERVILLE RURAL FIRE	\$7,783.46
GAYVILLE RURAL FIRE ASSO	\$6,650.03
IRENE RURAL FIRE ASSOC	\$1,650.33
VERM. RURAL FIRE ASSOC.	\$47,093.17
VOLIN RURAL FIRE ASSOC.	\$1,630.70
WAKONDA RURAL FIRE	\$15,786.45
(PROFESSIONAL SERVICES AND FEES)	
ALTERNATIVE HR, LLC	\$1,898.75
BUHLS DRYCLEANERS &	\$101.20
CITY OF VERMILLION	\$84.00
FIRST DAKOTA CREDIT CARD	\$335.70
FOX LAW FIRM, PLLC	\$312.89
GAPP, DEBRA	\$6,015.00
GEO TEK ENGINEERING &	\$7,900.00
HERITAGE FUNERAL HOME IN	\$1,900.00
KATTERHAGEN, MARK	\$21.00
LARSON, VAL	\$21.00
LEWIS & CLARK BEHAVIORAL	\$426.00
LINCOLN COUNTY AUDITOR	\$373.50
PHARMCHEM, INC.	\$479.25
TEGRA GROUP INC	\$22,612.81
ULTEIG	\$24,595.50
WOODS, FULLER, SHULTZ &	\$4,517.75
YANKTON CO SHERIFF	\$50.00
YANKTON CO TREASURER	\$267.00
(OTHER PROFESSIONAL SERVICE)	
MINNEHAHA COUNTY JAIL	\$11,088.00
UNION CO. SHERIFF	\$21,280.00
(LAW OFFICE)	
FRIEBERG, NELSON & ASK	\$3,321.75
PETERSON, STUART, KLENTZ	\$10,905.17
TERWILLIGER, PHILIP	\$3,321.75
(PUBLISHING)	

BROADCASTER PRESS	\$1,148.71
NEW CENTURY PRESS ACCTAU	\$637.84
(REPAIRS AND MAINTENANCE)	
AM GARAGE DOORS LLC	\$1,615.00
CENTURY BUSINESS PRODUCT	\$41.25
FIRST DAKOTA CREDIT CARD	\$304.00
GEHM, REBECCA	\$1,600.00
INTERSTATE POWER SYS INC	\$276.06
LOFFLER COMPANIES	\$389.69
NELSEN ELECTRIC LLC	\$525.00
YANKTON WINNELSON CO.	\$73.78
(DATA PROCESSING/CLAY CREEK/INF)	
FIRST DAKOTA CREDIT CARD	\$3,720.75
MICROFILM IMAGING SYSTEM	\$945.00
TWO RIVERS CONTRACT. VIA	\$83,704.51
(SUPPLIES & MATERIALS)	
A & B BUSINESS	\$197.13
A-OX WELDING SUPPLY CO	\$151.17
AM GARAGE DOORS LLC	\$124.10
BOB BARKER CO INC	\$427.00
BROCK WHITE CAP L. P.	\$2,268.00
BRUNICK SERVICE, INC.	\$40.44
BUTLER MACHINERY CO.	\$276.13
CORTRUST BANK	\$4.00
COYOTE ENTERPRISE LLC	\$199.96
D-P TOOLS, INC.	\$95.73
ELECTION SYSTEMS AND	\$5,624.26
FIRST DAKOTA CREDIT CARD	\$408.93
FLAGS UNLIMITED	\$155.00
I-STATE TRUCK CENTER	\$721.34
INTERSTATE POWER SYS INC	\$37.07
MART AUTO BODY & MARINE	\$13.98
MCLEOD'S PRINTING & SUPP	\$1,600.00
MICROFILM IMAGING SYSTEM	\$30.00
MINNEHAHA COUNTY JAIL	\$128.39
NELSEN ELECTRIC LLC	\$177.05
O'CONNOR COMPANY	\$552.02
O'REILLY AUTO PARTS	\$141.86
ONE OFFICE SOLUTION	\$167.46
PLASTIC WORKS	\$3,450.00
PRESSING MATTERS	\$137.00
RDO EXCH 80-5800	\$932.31
RUNNINGS SUPPLY INC H&W	\$193.57
STURDEVANT'S AUTO HWY	\$126.84
UNION CO. SHERIFF	\$671.55
VERMILLION ACE HARDWARE	\$163.97
(TRAVEL AND CONFERENCE)	
DOMMER, CAITLYN	\$581.94
SD DEPT OF PUBLIC SAFETY	\$351.14
THE LODGE AT DEADWOOD	\$1,170.42
(INMATE TRAVEL)	
CENEX FLEET FUELING	\$418.05

PENNINGTON COUNTY JAIL (UTILITIES)	\$244.85	CENEX FLEET FUELING	\$2,387.80
BUREAU OF ADMINISTRATION	\$63.00	DEROOS, JENNIFER	\$41.82
CENTURYLINK HWY	\$149.99	DOMESTIC VIOLENCE	\$195.00
CLAY RURAL WATER SYSTEM	\$110.60	FIRST DAKOTA CREDIT CARD	\$50.76
CLAY UNION ELECTRIC CORP	\$663.92	NUTRIEN AG SOLUTIONS	\$3,471.60
FIRST DAKOTA CREDIT CARD	\$1,113.55	RETTIG, NANCY	\$20.00
MIDAMERICAN ENERGY C H	\$392.83	(BUILDINGS AND STRUCTURES)	
VERIZON WIRELESS HWY TRS	\$98.49	JCL SOLUTIONS	\$299.13
WAKONDA TOWN	\$93.15	(FURNITURE AND MINOR EQUIPMENT)	
(PAYMENT)		MICROFILM IMAGING SYSTEM	\$215.00
BROADWAY CHRYSLER	\$76.36	(AUTOMOTIVE)	
BRUNICK SERVICE, INC.	\$175.00	BRUNICK SERVICE, INC.	\$16.60

Auditor Carri Crum discussed the 2025 budget and payroll. She explained that department heads are looking for guidance on what to budget for payroll increases for 2025. Her department's pay is low as compared to other counties in the district and other counties of similar population. The Board discussed the study done by the summer intern last year that showed the County's wages in comparison to other counties in South Dakota and neighboring states. Gray-Lobe is interested in considering differential raises so that the offices that are behind are no longer behind. Hammond said it would probably involve moving positions between spots on the pay matrix. E. Smith said we might be talking about changing base salaries. Mockler suggested figuring a 3% cost-of-living adjustment to start with as a place to start budgeting. E. Smith said it makes sense to make salary adjustments to keep from losing staff to other counties. Crum and E. Smith discussed wages in relation to inflation, other counties, and the market. E. Smith said, currently, a Deputy Director of Equalization could work at Walmart for \$2/hour more. Hammond said most people wouldn't choose the Walmart job, and Thiesse said it's about shift differences and hours.

Mockler gave an update on the jail project. They are considering space saver shelving, which is an increase of \$80,000.00. Sheriff Andy Howe said in the short-term static shelving would serve them. Changing it later will be a large project, very disruptive, and more expensive. A change in storage requirements could affect storage needs. Doing this now would be far preferential than doing it in the future. Vermillion Police Chief Crystal Brady has been talking about it to the City Manager, as well, and he agrees it makes sense to explore the cost now. Mockler said this is on the "wants" list vs. the "needs" list. This is the one thing that would be tough to add. Thiesse said he did the evidence management for the police department, and it would be wonderful to have this kind of system. He is in favor of doing it now. Gray-Lobe said if there isn't anything else on the list, then this seems like a sensible decision. Hammond and E. Smith agreed. Mockler said they should have a more solid number soon as \$80,000.00 is a ballpark figure.

At 9:54 a.m., Mockler moved, seconded by Thiesse and unanimously carried to enter an Executive Session for personnel matters per SDCL 1-25-2.

At 10:11 a.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to exit the Executive Session.

Thiesse moved, seconded by Mockler and unanimously carried to add \$6/hour to Lisa Wood's salary for premium pay for additional duties being performed beyond what is required and to make it retroactive to May 1, 2024. It was clarified that it doesn't change the wage for the position, but it reflects additional duties she is doing that are not to be expected of another individual taking the position in the future.

At 10:12 a.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to adjourn and reconvene at 9:00 a.m. on Tuesday, May 28, 2024.

ATTEST:

Carri R. Crum
Carri R. Crum, County Auditor

Elizabeth T. Smith
Elizabeth T. Smith, Chairwoman
Board of County Commissioners

May 28, 2024

The Board of County Commissioners met in regular session Tuesday, May 28, 2024 at 9:00 a.m. at the Clay County Courthouse, 211 W. Main St., Vermillion, SD. Members present: Travis Mockler, Geoffrey Gray-Lobe, Elizabeth Smith, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Hammond moved, seconded by Mockler and unanimously carried to approve the agenda with the addition of July 5, 2024 administrative leave discussion.

Hammond moved, seconded by Gray-Lobe and unanimously carried to approve the minutes of the May 14, 2024 meeting.

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

The Board reviewed two plat requests. Hammond said he asked about the unusual shapes in the Planning & Zoning Commission meeting, and there are logical reasons for that. One follows an abandoned rail line, and the other follows the contour of the creek. Gunderson said they are both pasture ground. Hammond moved, seconded by Thiesse to pass and adopt the following Resolution #2024-07 and #2024-13. Gray-Lobe said he does not have concerns, but he was wondering about information such as the subdivision ordinance, rights-of-way, and flood maps that he did not see. He wondered if the Planning & Zoning Commission saw those. Hammond said yes, they saw those. Gunderson said those were in the map packets for the Planning & Zoning Commission, and they are for when there are more than 3 lots in a subdivision. He explained the 3 tiers of plats. These are tier 2 plats, so they are not the full subdivision plats. They do not apply in this case. Mockler said the railroad easement will be gone. Hammond said it is a line that has been abandoned for 50 years or more. E. Smith said if they are abandoned, they go to abutting property owners. Thiesse clarified that the creek itself is not the boundary line, and Gunderson said the line follows the creek, but the creek is not the line. All voted aye; motion passed.

RESOLUTION #2024-07
RESOLUTION OF COUNTY COMMISSIONERS

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

Plat of Tract A, Peterson Addition, in the E1/2 of Section 31, T95N, R53W of the 5th P.M., Clay County, South Dakota, Mark R. Peterson and Sharlotte I. Peterson, 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.

Elizabeth Smith
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 May 28, 2024.

Carri R. Crum
County Auditor, Clay County, SD

RESOLUTION #2024-13
RESOLUTION OF COUNTY COMMISSIONERS

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

Plat of Tract B, Peterson Addition, in the NE1/4 of Section 6, T94N, R53W of the 5th P.M., Clay County, South Dakota, Mark R. Peterson and Sharlotte I. Peterson, 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.

Elizabeth Smith
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 May 28, 2024.

Carri R. Crum
County Auditor, Clay County, SD

Facilities Manager Scott Hanson presented a change order for the courthouse mechanical/electrical/HVAC project. It is a credit of \$5,500.00 if the Board chooses not to pull the old IT cables. Erickson Solutions Group (ESG) can work with the contractor to pull old IT cables, if that is what the Board wishes. Gray-Lobe asked if ESG had any concerns with leaving old lines. Hanson said there were no concerns. Hammond said if there is no real concern with leaving it there, they can leave it and save the money. Hanson said the offices cleaned up nicely with old cables removed. Hammond and Hanson discussed that there were no old raceways to remove. It was discussed that as long as it is not an operational or aesthetic issue, they would not want to spend the money. Gray-Lobe moved, seconded by Mockler and unanimously carried to

approve the change order from L&L Builders for a credit of \$5,500.00 and authorize the Chairwoman to sign it.

Highway Superintendent Rod Polley met with the Board regarding a lack of permits from Clay Rural Water. They did five borings Thursday, and only one had a permit, which was a year old. It was west of University Rd. on 304 St. The other four had no permits. He tried to contact Clay Rural Water and Brosz Engineering and did not get a response as yet. The borings are encased. They would owe \$1,250. The contractor had no clue and said he thought it was all supposed to be taken care of. The contractor did call the Highway Department to inspect the borings. E. Smith asked if this is the first time this has happened. Polley said the previous issue was that they had not been encasing their borings. He said he will have a conversation with Clay Rural Water. E. Smith said it would be useful to know what penalties are for borings without a permit, and the State's Attorney is looking into the matter. Hammond said he does not think they put a penalty in place. He thinks Polley should visit with Clay Rural Water and tell the Board what the outcome is, and the next step, in his mind, would be to send a letter to the chairman of their board to inform them of the issue and ask him to come to a Commission meeting. E. Smith and Gray-Lobe agreed. Mockler said they will say the engineer should be handling this, and they have had a lot of problems with this project. E. Smith and Polley discussed that Clay Rural Water is ultimately responsible.

The bridge on the Vermillion River is done on the eastbound lane. They will start on the westbound lane tomorrow. They will have to close it for 3 hours due to space issues. Hopefully the project will be done the beginning of next week except the piling because the water is too high right now. There is another by Erlan Olson's that will have an epoxy chip seal, and that project should be quick. Next year's project is east of Highway 19 on 306 St. They are applying for a couple more for 2026. Thiesse asked if he has looked at the bridge on 308 St. He got a call over the weekend with concerns about dumping concrete in the creek, and it is slowing it down. Polley said when that is done, it will be over 20' and will be the County's structure again. He has concerns that it will be a box culvert, not a bridge, but no one has been in contact with him.

Polley asked if there is anything we can do on private property to fix a problem with the county road. He had to put up "water over the road" signs over the weekend. Two-and-a-half miles north of Hub City has been a problem. Once it gets to the fence, it is silted in, and it needs to be cleaned halfway to the County structure. It's backfilled from University Rd. to about 1000' feet into the field. Mockler said part of it is CRP, and that could be a problem. Polley said he doesn't want to get into the habit of spending money on private property, but it is hindering the County. Deputy State's Attorney Caitlyn Dommer said her instinct says we cannot do that, but she would have to research it. Mockler said it would not change anything, but it would keep the water off the road. When it crosses the road, it is moving as fast as it can. Polley said there is a smaller structure on 304 St. that he is looking at replacing. Mockler said it goes into the river between Ron Huot's property and his own. He and Polley discussed the path of the water. Mockler said it is pretty channeled. Polley said in this area it is about 2 feet higher than the bottom of the box culvert.

Thiesse said he got another call about the county line road that it needs to be bladed again. Polley said he is blading today.

Hammond moved, seconded by Mockler and unanimously carried to approve the following claims for payment.

(PAYROLL)		BECKENHAUER	\$1,797,090.85
COMMISSIONER'S	\$9,247.39	CNA SURETY DIRECT BILL	\$50.00
AUDITOR'S OFFICE	\$14,714.44	ERICKSON SOLUTIONS GROUP	\$884.70
TREASURER'S OFFICE	\$25,105.69	GEO TEK ENGINEERING &	\$9,849.00
STATE ATTORNEY'S OFFICE	\$31,147.82	JLG ARCHITECTS	\$34,342.98
COURTHOUSE	\$11,577.36	KONE, INC.	\$946.38
DIRECTOR OF EQUALIZATION	\$13,287.52	MAINTAINX INC.	\$1,170.00
REGISTER OF DEEDS	\$10,212.47	ONE OFFICE SOLUTION	\$44.85
VETERAN'S OFFICE	\$1,950.59	QUALIFIED PRESORT SVC IN	\$6,357.31
24/7 PROGRAM	\$2,326.68	SANFORD HEALTH CLINIC	\$325.34
SHERIFF'S OFFICE	\$59,790.09	SANFORD HEALTH OCCMED	\$153.00
COUNTY JAIL	\$41,585.19	SATELLITE TRACKING OF	\$188.50
EMERGENCY MGMT	\$5,741.57	SECRETARY OF STATE	\$30.00
HIGHWAY	\$56,904.56	SECURITY SHREDDING SVC.	\$40.00
COMMUNITY HEALTH NURSE/WIC	\$4,977.41	STEWART, LAYNE	\$21.23
EXTENSION OFFICE	\$3,590.94	TIGERT ART GALLERY	\$180.00
WEED	\$7,455.83	TRITECH SOFTWARE SYSTEMS	\$19,926.70
PLANNING & ZONING	\$3,985.87	YANKTON CO SHERIFF	\$50.00
(DUE TO OTHER GOVERNMENT)		(OTHER PROFESSIONAL SERVICE)	
SDACO - M&P FUND PAYMENT	\$328.00	SCHILDHAUER, T. LEMBCKE	\$798.00
(CLEARING FUND - MISC.)		SD ATTORNEY GENERAL	\$322.00
SD DEPT OF REVENUE	\$867.50	(PUBLISHING)	
(PAYROLL WITHHOLDING)		NEW CENTURY PRESS ACCTAU	\$2,115.26
AFLAC	\$874.27	YANKTON PRESS & DAKOTAN	\$270.56
CLAY CO FIT FICA	\$66,587.27	(REPAIRS AND MAINTENANCE)	
COLONIAL LIFE	\$270.54	BENTSON PEST MANAGEMENT	\$200.00
CONSECO/WASHINGTON	\$24.45	CHRISTENSEN RADIATOR	\$93.75
DIV OF CHILD SUPPORT IA	\$220.00	QUALITY MOTORS	\$74.70
DIV OF CHILD SUPPORT SD	\$1,367.00	RUNNINGS SUPPLY INC CH	\$8.09
NEW YORK LIFE C/O M&T BN	\$258.57	VERMILLION ACE HARDWARE	\$192.50
SD RETIREMENT SYSTEM	\$35,123.54	WEINREICH PLASTING &	\$1,200.00
SD SUPPLEMENT RETIREMENT	\$7,928.18	(DATA PROCESSING/CLAY CREEK/INF)	
SDRS ROTH 457(B) PLAN	\$625.00	DOTY, KIM	\$37.50
TASC PVR	\$1,914.96	SOFTWARE SERVICES, INC.	\$1,000.00
THE STANDARD - DENTAL	\$1,644.36	TRANSCENDENT TECHNOLOGIES	\$1,167.00
THE STANDARD - LIFE INS.	\$416.11	(SUPPLIES & MATERIALS)	
THE STANDARD - SH TRM DI	\$1,514.38	BARCO MUNICIPAL PRODUCTS	\$61.06
THE STANDARD - VISION	\$421.84	CHRISTENSEN RADIATOR	\$1.25
UNITED WAY OF VERMILLION	\$215.00	CINTAS	\$38.56
VOYAGE FEDERAL CREDIT	\$750.00	CORTRUST BANK	\$12.50
WELLMARK BLUE CROSS	\$62,975.80	COYOTE ENTERPRISE LLC	\$99.98
(INSURANCE DEDUCTIBLE REIMBURSE)		INTELLECTUAL TECH INC.	\$394.47
KING, KASE	\$500.00	JOHN DEERE FINANCIAL	\$174.81
(OTHER INSURANCE)		LEWIS DRUG, INC.	\$340.72
JENSEN INSURANCE	\$511.00	MCLEOD'S PRINTING & SUPP	\$285.11
(PROFESSIONAL SERVICES AND FEES)		MINNEHAHA COUNTY JDC	\$128.03

NORTHERN SAFETY CO., INC	\$178.91	BUREAU OF ADMINISTRATION	\$21.60
O'CONNOR COMPANY	\$86.80	T-MOBILE	\$81.62
O'REILLY AUTO PARTS	\$207.36	VERIZON WIRELESS HWY TRS	\$98.49
PRESSING MATTERS	\$52.00	VERMILLION GARBAGE SVC.	\$236.00
PROCHEM DYNAMICS	\$70.84	(PAYMENT)	
QUALIFIED PRESORT SVC IN	\$579.86	BOB'S SINCLAIR SERVICE	\$52.00
RUNNINGS SUPPLY INC CH	\$312.57	BRUNICK SERVICE, INC.	\$100.00
RUNNINGS SUPPLY INC H&W	\$142.83	HY-VEE, INC. JAIL ACCT	\$430.09
TYLER TECHNOLOGIES	\$449.00	THE SOAP GUYS	\$76.80
VERMILLION ACE HARDWARE	\$378.86	VERMILLION FORD	\$58.41
(TRAVEL AND CONFERENCE)		(JDC/SPECIAL EQP.)	
BEST WESTERN RAMKOTA INN	\$810.00	MINNEHAHA COUNTY JDC	\$916.96
BROWN, MELISSA	\$127.54	RUNNINGS SUPPLY INC SHRF	\$259.96
CHURCH, RYAN	\$46.00	(JDC/SPECIAL EQP.)	
HOWE, RHONDA	\$60.00	NATIONAL INSTITUTE FOR	\$375.00
KLUNDER, NICOLE	\$72.00	(BUILDINGS AND STRUCTURES)	
OLSON, LENNEA	\$100.00	GRIFFIN, DOUGLAS E	\$6,700.00
SDSU EXTENSION	\$9.72	JLG ARCHITECTS	\$299.13
SMITH, MICHAEL	\$126.00	(FURNITURE AND MINOR EQUIPMENT)	
STEINLEY REAL ESTATE	\$350.00	CANON	\$302.15
STEWART, LAYNE	\$180.70	LOFFLER COMPANIES	\$501.64
STYLES, DAVID	\$228.58	(BOND INTEREST)	
TERWILLIGER, LISA	\$72.00	US BANK	\$996,618.75
(UTILITIES)			

The Board considered whether to grant administrative leave on July 5th since July 4th falls on a Thursday, and the Governor has granted administrative leave to State employees on July 5th. Mockler said he is going to be a grouch on this matter. When asked how it affects County employee work schedules when the State offices are closed, Dommer said when the State is closed, they cannot file or contact the State offices, but they can find work to do. Mockler moved to leave the schedule as it is, and Hammond seconded the motion. All voted aye; motion passed.

Mockler moved, seconded by Gray-Lobe to move the next meeting to Thursday, June 6, 2024. Under discussion, Hammond said he will be in North Dakota and will not be able to attend. All voted aye; motion passed.

Under Clay County Park updates, Gray-Lobe said they will be having a naming ceremony for the rodeo grounds. It will be the Bill Kennedy Memorial Arena.

The following Auditor's Account with the County Treasurer report, Sheriff's Office monthly reports, and Library Board report were accepted and placed on file.

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

To the Honorable Board of County Commissioners of Clay County
items in the hands of the County Treasurer as of May 1, 2024.

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

Total amount of deposits in banks	14,898,726.74
Amount of actual cash	5,032.20
Total amount of checks and drafts in Treasurer's Possession not exceeding three days	86,119.92
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:	1,516.38
Checks returned and not deposited	
Cash Items	700.00
Investments	1,154,151.38
Cash Variation	0.00

Total

Dated this 1st day of May, 2024.

16,146,246.62


Carri R. Crum, County Auditor

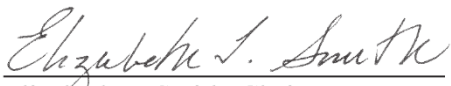
At 9:50 a.m., Gray-Lobe moved, seconded by Thiesse and unanimously carried to enter an Executive Session for legal matters per SDCL 1-25-2.

At 10:07 a.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to exit the Executive Session.

At 10:08 a.m., Mockler moved, seconded by Thiesse and unanimously carried to adjourn and reconvene at 9:00 a.m. Thursday, June 6, 2024.

ATTEST:


Carri R. Crum, County Auditor


Elizabeth T. Smith, Chairwoman
Board of County Commissioners

June 6, 2024

The Board of County Commissioners met in regular session Thursday, June 6, 2024 at 9:00 a.m. at the Clay County Courthouse, 211 W. Main St., Vermillion, SD. Members present: Travis Mockler, Geoffrey Gray-Lobe, Elizabeth Smith, David Thiesse, and Richard Hammond (present via Zoom).

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Mockler moved, seconded by Gray-Lobe and unanimously carried to approve the agenda.

Gray-Lobe moved, seconded by Mockler and unanimously carried to approve the minutes of the May 28, 2024 meeting.

Pat Flanigan appeared during Visitors to be Heard. As a volunteer with the Salvation Army, she spoke about housing. As a community, various groups have engaged in discussions regarding a housing shortage in Vermillion. The Salvation Army and the Community Connections Center have seen an increase in evictions. The poverty rate has risen to over 26% in Vermillion. The majority of Vermillion citizens are renters, and of those, 56.7% of renters are housing burdened. There is a hidden crisis. Resources are scarce as funds are limited. Flanigan said we urgently need our community and government to step up and prioritize affordable housing and support those on margins and develop sustainability solutions. E. Smith thanked Flanigan. Thiesse added that the Vermillion Housing Authority funding is frozen, and he does not anticipate any additional funding this year. The costs are going up, and monthly costs increased by \$25,000 between May and June. Flanigan said the Salvation Army does not currently have funds. Thiesse said it is a nationwide problem, and for example, Iowa City has 10,000 people on a waiting list. This is just the start, he said, and it is only going to get worse. Thiesse said quite a few rents increased \$200-300/month for people that Vermillion Housing Authority assists. He said the cost was about \$100,000/month into the community prior to the \$25,000 increase.

Tim Schreiner appeared on behalf of the Clay County Historical Preservation Commission during Visitors to be Heard. They are required to prepare an annual report for the state office, and he presented a copy of the report to the Commission. E. Smith thanked him for chairing the commission.

The Board convened as the Canvassing Board and conducted a canvass of the returns for the June 4, 2024 Primary/Municipal/School Board Election. Gray-Lobe moved, seconded by Thiesse and unanimously carried to approve the figures as canvassed. County Auditor Carri Crum conducted a random drawing for the Post-Election Audit by placing papers with the precinct names on them in a bowl and having Chairwoman Smith draw from the bowl. The Central Ward (C) Precinct was drawn. As per statute, one statewide contest must be audited, and the only statewide contest was the Democratic Presidential Candidate, so that is automatically required to be audited. Statute requires the drawing of a second contest to be audited. Again, papers with the ballot contests on them were placed in a bowl, mixed up, and Chairwoman Smith drew a paper from the bowl. The race chosen was the District 17 State Senator race. Crum announced that the

Post-Election Audit will be conducted June 24, 2024 at 9:00 a.m. in the Commission Room and encouraged the public to attend.

A public bid opening was held for the Elevator Modernization/Upgrade Project. Bids were opened and read aloud. KONE bid \$128,743, and a bid bond was included. Schumacher bid three prices: pricing per specifications \$120,394, pricing per specifications with alternate \$144,084, and pricing complete with building related work \$247,325. Facilities Manager Scott Hanson said he had some concerns, and Schumacher was able to relieve those concerns. Todd Peterson from Schumacher was available to answer any questions regarding his company's bids. Peterson said South Dakota does not have a code authority, so the building related items in the bid are things that they have to recommend. Mockler asked where they would go with the stuff that is run through the elevator shaft such as the sewer lines. Peterson said that is some gray area in South Dakota. They can box out the sewer line in the corner or have the county sign a waiver. The machine room is an important factor to keep that separate. They propose building a new climate-controlled machine room. The cab upgrade is included in the third option as well. He discussed some safety baffles. Mockler asked if that is the way KONE bid it. Hanson said KONE bid it per specifications only. They chose not to bid the cab. He understands that the third option on Schumacher's bid gives us the option of signing a waiver. Mockler asked how much liability we are waiving. Peterson said if something happens related to not upgrading to code, it washes Schumacher's hands. Hanson said we are not the only old building in South Dakota, and codes have evolved since 1965. Peterson said Davison County has cables in their elevator shaft, and there was no way to box them out. Hand County had a similar sewer line and chose to box it out. Peterson discussed the sewer lines with the Board and Hanson. Thiesse asked about the age of the sewer pipe, and Hanson said it could be lined, and it should last for life once lined. Mockler asked if access is permanently lost to that sewer pipe. Peterson said no, it is sheetrocked and fire taped, so in an emergency it could be accessed. Thiesse asked, of the 3 options, what is the timeframe we would not have an elevator. Peterson said a rule of thumb would be 5 weeks for each option. Peterson said we are in a prime position to dictate when the work happens because the elevator is still functioning. Mockler asked if we do not box in the sewer line, how do we add the baffle as the bid was one lump sum. Peterson discussed itemizing the costs according to items that might be waived. The Board asked Hanson to review the bids for specifications prior to the next meeting and asked Peterson for the itemized costs.

A First Reading and Public Hearing was held for a proposed Amendment of the 2013 Revised Zoning Ordinance for Clay County, specifically, the adoption of an amendment to add Chapter 3.16, General District Regulations, Utility-Scale Solar Energy Conversion Systems (Uses); and amending Chapter 4.05.01, Districts And Boundaries, District Regulations Established, NRC: Natural Resource Conservation; Chapter 4.05.02, Districts And Boundaries, District Regulations Established, A-1: Agricultural District; Chapter 4.05.03, Districts And Boundaries, District Regulations Established, Rr: Rural Residential District; Chapter 4.05.04, Districts And Boundaries, District Regulations Established, C-1: Commercial District; Chapter 4.05.05, Districts And Boundaries, District Regulations Established, I-1: Light Industrial District; Chapter 4.05.06, Districts And Boundaries, District Regulations Established, I-2: General Industrial District; and Chapter 2.02, Definitions, Definitions. Zoning Administrator Drew Gunderson and

Planning & Zoning Commission Chairwoman Cynthia Aden were present for the hearing. They discussed that the major changes to the proposed ordinance were in setbacks and downlighting requirements. Chairwoman E. Smith opened the floor to public comment, with a limit of 5 minutes of speaking time per person.

Aden said the sticking point is one setback, the distance to Spirit Mound. They increased setbacks from residences and lighting requirements. Aden said, personally, she does not think the setback should be more than ¼ mile, and she actually thinks it should be 124 feet. It is too oppressive to landowners around there and would prevent them from developing their land. She was raised here and can see Spirit Mound from her house. She acknowledged it is cool, but the view is just farm fields, Highway 19, the landfill, and a gravel pit. This is an opportunity for renewable energy and economic development. There was a lawsuit that determined that small groups of people cannot own the view, and that could come back to us.

Bob Burbach said he is opposed to solar panels. He lives in the country for the beauty of the land. He has concerns about what happens when solar becomes obsolete. Will the panels be there forever? What will happen to land and water? The panels will reduce evaporation. What will it do to his health? Why take good farm ground out of use? Who will pay for the reduced value of his land? He says there is not enough reason. Why ship money to out of state investors? He questioned notification and said he didn't get notice. Mockler said this is just an ordinance, and there is no proposed solar farm at this time. Smith said this is to regulate some of the things he is concerned about. It does contain a decommissioning requirement and soil restoration at the end of the life of a solar farm. It regulates the possibility of something in the future. If we don't have regulations, and a solar farm comes in, we have nothing. We would have this ordinance in place to protect us in the event a solar farm does come into the county. The point of it is protection.

Richard Nissen said nobody has been contacted. E. Smith said this is not a proposal for a solar farm. It is just regulations. Thiesse asked Gunderson if there are any applications for a solar farm. Gunderson said there are not. Mockler said this is a countywide ordinance. Nissen said if it goes where he had heard it will, drainage is a big problem, and this area is saturated. They had ½ inch of rain, and water went over the road in 5 places. Gray-Lobe asked if Nissen has looked at the current draft to see what it says about drainage, and Nissen said he has not had a chance to. E. Smith read from the portion of the ordinance that was added to address drainage. Mockler said if they disturb it, they have to fix it. E. Smith and Gray-Lobe thanked Nissen for voicing his concerns and said because of his concerns, at the last meeting drainage got added.

Gary Scott said he is also concerned about drainage. He cited Section J in the ordinance and read from it. It doesn't give him a lot of faith that anything is going to be done. There are levies and drainage ponds available, and if something happens, he thinks they should use Section J to limit drainage that comes off of it. He cited toxic drainage. Gray-Lobe said the important thing is that it is not a permitted use, but it is a conditional use, so there will be public input for people to ask for such things as drainage issues.

Nancy Olson, representative for the Erlan Olson Trust, said the drainage is far in advance. Right now, they are trying to get appropriate setbacks, and maybe a solar farm will come, but we don't know that will happen. People are getting worried before it even happens. If setbacks are approved, then the solar farms will decide. The area they want is near the power grid. If they cannot locate near the grid, they will not come.

Pat Gross, Spirit Mound Board of Trustees member, said they don't oppose renewable energy. They have a significant cultural and natural resource that people visit. They and the National Park Service have offered input and urged the board to consider their letter as part of the hearing. He discussed landowner rights. He worked for Congressman Tim Johnson, and he saw the work that was put into protections for Spirit Mound. The trust members clearly understand landowner rights. The concept of the rights of the public need to be considered. The public had a vested interest in Spirit Mound. It deserves more protection than a ¼ mile setback. They thought a compromise of 1 mile had been reached in February. There was considerable support for 1 mile. It represents an opportunity for the Commission to meet responsibilities to both landowners and the public.

Mary McGuirk, owner of farmland near Spirit Mound, said they have been interested in renewable energy for years. She cited work in 1980 for an earth sheltered home. For many years, they were able to heat with woodburning stoves and solar for passive energy. In December 2021, they installed 25 panels and batteries in their home. In May 2023, they were 99% self-powered. They have been very pleased with the results of the panels. No noise generates from them. They would think their participation would help efforts toward energy conservation.

Bill Ranney said he lives within 1 mile of Spirit Mound. He spoke in support of the 1-mile setback. He realizes there are already disturbances in the area to the viewshed, but it is still the flat landscape that Lewis & Clark witnessed from the top of the mound. A solar farm is an incremental encroachment. Eventually, there would be a strong adverse effect to the view. He went up Spirit Mound during the northern lights, and there were a huge amount of people there due to minimal light pollution. The facility in New Underwood is a major development that does affect what you see at night. Since he also lives near there, he is happy that the Planning & Zoning Commission increased setbacks to residences. He would still like to see more, such as 300-500 feet. He said 125 feet is a pretty small amount, the width of a county road. Gray-Lobe asked if downcast lighting alleviates some of his concerns and Ranney said yes.

Glen Christensen said he grew up on a farm within view of Spirit Mound. He wanted to voice his support for the ¼ mile setback and agreed that 125 feet would be more appropriate. Economic development and precedent for future regulations are reasons for that. He has read the letter from Spirit Mound Trust. He loves Spirit Mound and has walked it probably 100 times. He just happens to disagree. Their setback may cover 12,000 acres, and the idea of a viewshed is a subjective concept. One man's view of an eyesore is another's view of an economic development opportunity. If this alternative energy development were to come, the Trust said they support it, but their actions say otherwise. Solar panels sit there and absorb the sun, but under them could be natural grasses. He can only imagine what else could be developed that is not as environmentally friendly. He discussed the subjectivity of viewsheds and how it may open the Commission to

lawsuits over property rights. Energy development comes with additional tax revenue to a tax-strapped county. It sounds like there is a need for affordable housing and that's the kind of thing those tax dollars could help. He loves Spirit Mound, and his family's land is in CRP for sustainable reasons. He had to leave when he was 18 due to lack of economic opportunity. Lewis & Clark were here for economic development, and giving opportunity for economic development would honor their legacy.

Mark Whetmore said the trust is a volunteer organization. He said the previous suggestion of acres was off by about 50%. A 1-mile setback has no impact on economic development of any kind. We have had at least 3 companies show interest in solar development. One met with the National Park Service, and the land they bought options on were all over 2 miles away from Spirit Mound. The deal fell through due to access to materials. The issue of not talking about a specific project is true, but one company did come to town and had meetings with people, and they had optioned land across from Spirit Mound. A specific project is still viable. He has 80 acres across Highway 19 from Spirit Mound and was approached a year ago by a company, and he told them they couldn't have his land as it was too close to Spirit Mound. Their map showed across from Spirit Mound and extended to the southeast over a mile. The 1-mile setback is not going to affect the likelihood of a solar project from coming here.

Tim Schreiner spoke on behalf of the Clay County Historic Preservation Commission (CCHPC). He discussed the purpose of the Commission as defined when it was created by the County. He said we all know the historical significance of Spirit Mound. It is arguably the most historically significant piece of property within the county. Most sites from the Lewis & Clark expedition have been washed away. This is the one spot the journals specifically say they stood on the cited date. The journal entry talks about the landscape you can see for miles. In recent decades, there has been a lot of work to restore Spirit Mound. When he went to college, Spirit Mound was a feedlot, and now it is a beautiful place. The 320-acre property is listed in the National Register of Historic Places. It is established as a state park. The National Park Service has added small interpretive displays for the thousands of visitors. The trail from the parking lot to the summit has been designated as a National Historical Trail. The CCHPC asked the board to consider the boundaries and the damages that could encroach on Spirit Mound. The Game, Fish & Parks website says Spirit Mound provides visitors a view similar to what Lewis & Clark saw. The CCHPC believes that distant development might be inevitable, but a solar farm within 125 feet would be too small a setback. They encouraged a 1 mile distance.

E. Smith closed the public hearing and moved on to Commission discussion. Gray-Lobe said he wants to say that the Planning & Zoning Commission did a great job of addressing concerns, as did the public. Aden said they had a few people at their last meeting as well. Gray-Lobe said lighting and drainage will be helpful when a Conditional Use Permit (CUP) application arises. Thiesse said he struggled a lot with this. He said he believes he owns Christensen's homestead, and he can see Spirit Mound from his recliner. However, he said he cannot bring his personal view here. He agrees with the Planning & Zoning Commission. If that's what they determine, that's what it is. He is concerned about drainage, and cited the verbiage in the proposed ordinance. Drainage has to be maintained. This is a broad ordinance, and finer details will come

during a CUP. Here, we just need a starting point. He has struggled with setbacks as he lives in the area, but he is a strong advocate that this is your land, and you can choose what you want to do with it. What if someone wants to build a grain storage facility? Lewis & Clark didn't see one of those either. He trusts the Planning & Zoning Commission's judgement and he will support them on that. He is happy with the drainage wording at this point, and finer details will come with the CUP. Gray-Lobe said his initial take on the request for 2 miles is it was too much. He thinks there is great value to the mound itself and the views because 25,000 people do visit each year. He sees extra protection in these setbacks. It is more than 4-times any other setback listed in the ordinance. That is additional protection, more than anything else is getting. There is only CUP in agricultural zoning, so there is a pretty big buffer along the river, so those are two different things happening. He showed the zoning map. The majority is in agricultural use or Natural Resource Conservation. He has been thinking that something like 1/2 – 1 mile seems appropriate. With the right CUP process, zero setback could be appropriate, but that is relying on a future board. A solar farm with grassland immediately adjacent to the mound would enhance habitat. What we are providing now is a simple regulation that provides guardrails for the Planning & Zoning Commission during a CUP. If there were a CUP next to the mound, there are more things we would want to ask to make it appropriate. He thinks the primary concern is that he would like to see solar development as that is good for landowners, tax base, jobs, and the environment. His concern about setting a setback too large is that it would discourage development. He would be comfortable with 1 mile, but 1/4 mile is too small in his opinion. Thiesse asked, if a company does appear, how do our requirements apply if the solar company sells in the future? Mockler, Gunderson and Aden said they have to abide by our regulations because they are there regardless of ownership. The CUP goes with the land. Mockler said he will keep his personal opinion to himself, but he has no comments. E. Smith said she would like to set up a regulation that everyone would have to abide by. She thinks Spirit Mound is a beloved public space that people deeply care about, and she thinks the 1 mile setback they got to last time in the spirit of compromise sounds about right to her. When 25,000 people use the park each year, and with its historic significance, and the Native Americans' view of it as a sacred space, she is inclined to stay with 1 mile. It seems reasonable and would serve the greater good as opposed to the more narrow good. The action required today is to move it onto a second reading. There was discussion regarding the required time between a first and second reading. Gray-Lobe asked State's Attorney Michael Smith about minor changes as related to the specific setback. M. Smith said he would have to do more research, but his gut would say it is more than a small change, so the process would need to start over with a First Reading again. Gray-Lobe moved to change the setback to 3/4-mile setback from Spirit Mound and to set a first reading at the next meeting possible. The motion died for lack of a second. Mockler moved, seconded by Thiesse to advance the proposed ordinance to the Second Reading as it is. Vote of the Board: Mockler Aye, Gray-Lobe Aye, E. Smith Nay, Thiesse Aye, Hammond Aye. Motion passed.

Gunderson discussed an incoming building permit with over \$100,000 fee. He asked if the Board wants to collect it all at once. The Board said yes.

Highway Superintendent Rod Polley met with the Board to present Right-of-Way Applications. He discussed a permit from Clay Rural Water; he found that they had permits for four borings,

but the fifth one needed a permit. The other four were done on the old permits last year. The fifth one is encased. He recommended approval even though it was done before the permit. They are done with the project, which was located on 304 St. Gray-Lobe moved, seconded by Mockler and unanimously carried to approve the application and authorize the Chairwoman to sign it.

Polley presented Right-of-Way Applications from Bluepeak on 306 St. and Bluff Rd. He said they split it up into 3 projects. Everything looks fine to him, and he recommends approval. Gray-Lobe moved, seconded by Thiesse and unanimously carried to approve the applications and authorize the Chairwoman to sign them. Polley said this goes right down the middle of the county, and this is one of the smaller ones we will see in the future. There are 5-6 companies getting ready to work in the county. E. Smith said this is due to South Dakota Connect grants given to the companies for them to expand services. Mockler and Polley discussed that the check was a lump sum of all boring inspection fees. Polley made them split it into 3 projects as it was easier to keep track. The next project he has coming is split into two projects. Mockler asked if we should refund them for the extra application fees as we required it to be split into additional projects. Polley said he has been requiring it, and no one has had a problem with it. He is keeping it the same for everyone. All voted aye; motion passed.

Regarding the bridge on 306 St., if we don't get any more rain, it should be done Monday. The road closure will happen Friday for 3 hours. They will pave Monday. Then that project will be done. The other one on University Rd. begins Monday, but signs are going up tomorrow because the company cannot be there Monday to put them up. That will be about a week as long as the weather holds, unless they find more work to be done on the deck. Thiesse asked if the log jam on 312 St. was dug out, and Polley said yes. There are still a couple under the bridge, but they have to wait until the water goes down.

Thiesse moved, seconded by Gray-Lobe and unanimously carried to approve the following claims for payment.

(Election Pay)
Jennifer Ashley 255.00
Laiken Barta 113.00
Jessica Beringer 234.39
Ruth Bremer 300.10
Ruth Bylander 255.00
Michael Carlson 75.00
Kelton Crum 75.00
Reyana Crum 122.00
Rejeana Ebert 282.54
Matthew Fairholm 255.00
Doris Hodgen 285.66
Pam Hofman 150.00
Ray Hofman 150.00
Lisa Johnson 285.51
Maxine Johnson 259.03
Curtis Jopling 255.00
Susan Jopling 225.00
Nicole Klunder 587.06

Kevin Kocer 75.00
Tamara Madsen 277.49
Linda Manning 256.07
Michele Moore 286.33
Peggy Nelsen 281.27
John Peterson 330.49
Wess Pravecsek 285.87
Katie Redden 75.00
Mary Sorensen 255.00
Thomas Sorensen 255.77
Steven Waller 255.71
James Wilson 255.00
Jeanne Mehlhaf 285.92
DeAnn Szymonski 323.00
Shannon Fairholm 285.00
Arthur Mabry 260.71
Patricia Skorey-Solberg 255.00
Nicholas Oyen 292.94
Kevin O'Kelley 255.71

(Jail/LEC Building Project)
Beckenhauer Construction 702,764.48
(Trial Costs)

Clay County Clerk of Courts 3,627.30
(Credit Card Purchase)
First Bank & Trust Visa 11,076.38

Thiesse asked Gray-Lobe if there is any progress on the trail grant. Gray-Lobe said there have been good questions, but no public meetings are scheduled yet.

At 11:12 a.m., Thiesse moved, seconded by Mockler and unanimously carried to enter an Executive Session for personnel matters per SDCL 1-25-2.

At 11:54 a.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to exit the Executive Session.

At 11:54 a.m., Gray-Lobe moved, seconded by Thiesse and unanimously carried to adjourn and reconvene at 9:00 a.m. Tuesday, June 11, 2024.

ATTEST:

Carri R. Crum
Carri R. Crum, County Auditor

Elizabeth T. Smith
Elizabeth T. Smith, Chairwoman
Board of County Commissioners

June 11, 2024

The Board of County Commissioners met in regular session Tuesday, June 11, 2024 at 9:00 a.m. at the Clay County Courthouse, 211 W. Main St., Vermillion, SD. Members present: Travis Mockler, Geoffrey Gray-Lobe, Elizabeth Smith, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Thiesse moved, seconded by Gray-Lobe and unanimously carried to approve the agenda with the removal of the Highway Superintendent Rod Polley.

Mockler moved, seconded by Gray-Lobe and unanimously carried to approve the minutes of the June 6, 2024 meeting with the amendment that E. Smith voted no on the solar zoning ordinance.

A Public Hearing and First Reading was held for a proposed Amendment to the 2013 Revised Zoning Ordinance for Clay County, a request to rezone land located at 30913 SD Highway 19, Vermillion, SD 57069 from A-1: Agricultural to C-1: Commercial for a Retail Trade or Service (Well Drilling Business). The legal description of the property is Lot 1 of Christensen Tract 1 in the Northwest ¼ of Section 2, Township 93 North, Range 52 West of the 5th P.M., Clay County, SD. Zoning Administrator Drew Gunderson said he has been trying to clean up zoning along Highway 50 and Highway 19. It is currently agri-business, and Gray-Lobe and Gunderson discussed that classification. Gunderson said it would be better classified as commercial. Hammond said he considers it a general business rather than strictly agri-business. That building is a contract shop as well. Gray-Lobe said it sounds like a retail trade. Gray-Lobe moved, seconded by Hammond to advance the proposed ordinance amendment to a Second Reading on June 25, 2024. Under discussion, Mockler asked if this raises the landowner's property taxes. Gunderson and Auditor Carri Crum said zoning does not affect property taxes. All voted aye; motion passed.

At 9:07 a.m., Gray-Lobe moved, seconded by Mockler and unanimously carried to adjourn and convene as Clay County Ditch Board with Ditch Board Chairman Mockler presiding.

E. Smith moved, seconded by Thiesse and unanimously carried to approve an invoice from Ulteig Engineering in the amount of \$1819.82 for Clay Creek Ditch.

Thiesse moved, seconded by E. Smith and unanimously carried to approve an invoice from City of Vermillion in the amount of \$45.30 for hauling cornstalks from a plugged culvert on the Yankton-Clay Ditch to the landfill.

At 9:08 a.m., Gray-Lobe moved, seconded by Hammond and unanimously carried to adjourn and reconvene as Board of Clay County Commissioners with Chairwoman E. Smith presiding.

Thiesse moved, seconded by Hammond and unanimously carried to approve the following claims for payment.

(PROFESSIONAL SERVICES/FEES)
ALTERNATIVE HR, LLC 2,062.91
AUTOMATIC BLDG. CONTROLS 251.00

AVERA MCKENNAN HOSPITAL 1,660.00
BROADCASTER PRESS 26.88
BUHLS DRYCLEANERS 108.05

CITY OF VERMILLION 437.13
 FEDEX 36.57
 GARFIELD TOWNSHIP 138,157.38
 LEWIS & CLARK BEHAVIOR 213.00
 LINCOLN COUNTY AUDITOR 2,235.03
 MOTOROLA SOLUTIONS INC 3,120.00
 PHARMCHEM, INC. 575.10
 PRESSING MATTERS 33.00
 PRESTO-X COMPANY LLC 189.90
 QUALIFIED PRESORT SVC 2,633.54
 QUILL LLC AUD 69.99
 SANFORD HEALTH OCCMED 129.00
 SATELLITE TRACKING OF 175.50
 SD SHERIFF'S ASSN 880.00
 SECRETARY OF STATE 60.00
 STATE FARM INSURANCE 100.00
 STATE FARM INSURANCE 50.00
 TRANSCENDENT TECHNOLOG 1,167.00
 ULTEIG 32,681.51
 VILLAGE FAMILY SVC CENTER 1,650.00
 YANKTON CO TREASURER 301.50
 YANKTON MEDICAL CLINIC 239.27
 MINNEHAHA COUNTY JAIL 10,192.00
 SD ATTORNEY GENERAL 589.00
 (LAW OFFICE)
 FRIEBERG, NELSON & ASK 3,321.75
 PETERSON, STUART, KLENTZ 10,905.17
 TERWILLIGER, PHILIP 3,321.75
 YOUNGBERG LAW LLC 230.00
 (REPAIRS AND MAINTENANCE)
 AM GARAGE DOORS LLC 100.00
 DOCKENDORF EQUIPMENT I 450.00
 PRESSING MATTERS 1,166.00
 PRESTO-X COMPANY LLC 79.33
 RIVERSIDE HYDRAULICS 800.00
 SECURITY SHREDDING SVC 40.00
 VERMILLION ACE HARDWARE 16.35
 WH OVER MUSEUM 800.00
 (DATA PROCESSING)
 BUREAU OF ADMINISTRATION 63.00
 MICROFILM IMAGING SYSTEMS 945.00
 (CLEANING SERVICE)
 DOTY, KIM 75.00
 (DITCH EXPENSE)
 ULTEIG 1,819.82
 CITY OF VERMILLION 45.30
 (SUPPLIES & MATERIALS)
 A & B BUSINESS 197.13
 A-OX WELDING SUPPLY CO 146.55
 AM GARAGE DOORS LLC 21.38
 BARCO MUNICIPAL PRODUC 5,271.95
 BROCK WHITE CAP L. P. 30,954.00

BRUNICK SERVICE, INC. 942.32
 DANISH GIRL MARKETING 51.73
 DOCKENDORF EQUIPMENT I 702.93
 ELECTION SYSTEMS AND 187.69
 HY-VEE, INC. EXTENSION 29.02
 I-STATE TRUCK CENTER 210.00
 INTAB, INC. 52.21
 MICROFILM IMAGING SYST 30.00
 O'CONNOR COMPANY 190.55
 O'REILLY AUTO PARTS 40.98
 PRESSING MATTERS 177.00
 QUALIFIED PRESORT SVC 298.13
 QUILL LLC TRS 123.56
 R&T REPAIR 380.00
 RIVERSIDE HYDRAULICS A 519.78
 RUNNINGS SUPPLY INC H& 177.01
 SDSU EXTENSION 28.35
 SIOUX FALLS 2-WAY 160.99
 ULTEIG 4,719.25
 VERMILLION ACE HARDWARE 1,120.38
 ONE OFFICE SOLUTION 9.49
 CENEX FLEET FUELING 330.00
 (UTILITIES)
 AT&T MOBILITY 29.74
 CENTURYLINK HWY 149.99
 CITY OF VERMILLION 2,585.19
 CLAY RURAL WATER SYSTE 137.10
 CLAY UNION ELECTRIC CO 705.15
 FISCHER'S DISPOSAL L.L 65.00
 MIDAMERICAN ENERGY C H 237.78
 MIDAMERICAN ENERGY EXT 33.34
 MIDCO BUSINESS EXT. 75.39
 VERMILLION GARBAGE SVC 60.00
 VERMILLION GARBAGE SVC 176.00
 WAKONDA TOWN 80.40
 (AUTOMOBILE EXPENSE)
 BOB'S SINCLAIR SERVICE 64.37
 BRUNICK SERVICE, INC. 254.00
 CENEX FLEET FUELING 2,538.50
 GRAHAM TIRE S.F. NORTH 876.00
 STURDEVANT'S AUTO 35.98
 VERMILLION FORD 492.21
 (JURY/WITNESS FEES)
 JURY FEES 553.04
 WITNESS FEES 20.00
 (ANIMAL DAMAGE CONTROL FUND)
 SD DEPT OF REVENUE 630.39
 (FURNITURE/MINOR EQUIPMENT)
 CANON FINANCIAL 96.00
 LOFFLER COMPANIES 69.36
 MICROFILM IMAGING SYSTEMS 335.00

The Board considered a resolution for longevity pay for employees with over 20 years of service. Gray-Lobe moved, seconded by Thiesse to pass and adopt the resolution. Under discussion, Mockler said he hoped to table it. Department heads would like to look at the entire pay scale instead. Last week he was for it but wants to look at the budget before approving it. Therefore, Mockler moved to table the resolution pending further discussion, seconded by Gray-Lobe. Under discussion, Hammond said regarding the original resolution, he wondered if this was the best way to address it. It may be better to address the matrix itself. Mockler said the department heads would like to do that. All voted aye; motion passed.

Mockler moved, seconded by Hammond and unanimously carried to reschedule the July 9, 2024 meeting until July 16, 2024.

At 9:15 a.m., Thiesse moved, seconded by Mockler and unanimously carried to enter an Executive Session for contractual matters per SDCL 1-25-2.

At 10:09 a.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to exit the Executive Session.

At 10:10 a.m., Mockler moved, seconded by Hammond and unanimously carried to adjourn and reconvene at 9:00 a.m. Tuesday, June 25, 2024.

ATTEST:

Carri R. Crum
Carri R. Crum, County Auditor

Elizabeth T. Smith
Elizabeth T. Smith, Chairwoman
Board of County Commissioners

June 25, 2024

The Board of County Commissioners met in regular session Tuesday, June 25, 2024 at 9:00 a.m. at the Clay County Courthouse, 211 W. Main St., Vermillion, SD. Members present: Travis Mockler, Geoffrey Gray-Lobe, Elizabeth Smith, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Mockler moved, seconded by Gray-Lobe and unanimously carried to approve the agenda.

Thiesse moved, seconded by Gray-Lobe and unanimously carried to approve the minutes of the June 11, 2024 meeting.

Director of Equalization Lennea Olson appeared under Visitors to be Heard to introduce her new employee, Christopher Ridley.

Katherine Heine met with the Board on behalf of the Clay County Fair Board to discuss potential relocation of the fairgrounds. The steering committee has started a relocation study, and they would like to know if the Commission will support their decision either to stay in the current location or start the relocation process, and can they presume that 20-40 acres on the rodeo grounds is a viable option. Gray-Lobe said their discussions have been very productive, and in general he is excited to hear which direction they choose. Support means different things in different contexts. If it's a dollar amount, that could mean something different. The park board has had discussions regarding the fairgrounds and a partnership between the fair and the rodeo. He has not heard any pushback from park board members. Hammond said it is an interesting proposal, and we do own that land. The value of the land would be a big part of the County's contribution to this thing, but money is the big issue, of course. Mockler asked if this is the site they have decided on. Heine said they have not made that decision yet. Gray-Lobe encouraged her to come to a park board meeting. Thiesse said he needs a plan. He will support a plan that is viable, and he is all for doing what we can. He supports improving the fairgrounds, wherever that might be. Hammond agreed that it is in need of improvements. Heine said they have a presentation that condenses research, and she will pass that along. E. Smith said it's time, and the ICAP committee has been talking about the need for a space for more activities. She thanked the group for the work they have done.

Zoning Administrator Drew Gunderson presented a plat on behalf of Adam Skogsberg. He said they are just dividing the land. Adam Skogsberg said they are splitting the land between himself and his cousin. He spoke about Tract 4, that it was in relation to a fence that had been moved. Gray-Lobe, Hammond, and Gunderson spoke about the plat process. Hammond moved, seconded by Gray-Lobe and unanimously carried to pass and adopt the following Resolution #2024-14 for plat of Tracts 1, 2, 3, and 4, Skogsberg Addition, in the E1/2 of the NE1/4 and in the SE1/4 of Section 24, Township 92 North, Range 51 West of the 5th P.M., Clay County, South Dakota, Adam W. Skogsberg and Cristeen M. Skogsberg, Greg Lair and Lindsey Lair, owners.

RESOLUTION #2024-14
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 Tracts 1, 2, 3, and 4, Skogsberg Addition, in the E1/2 of the NE1/4 and in the SE1/4 of Section 24, Township 92 North, Range 51 West of the 5th P.M., Clay County, South Dakota, Adam W. Skogsberg and Cristeen M. Skogsberg, Greg Lair and Lindsey Lair, 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.

Elizabeth Smith
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 June 25, 2024.

Carri R. Crum
County Auditor, Clay County, SD

Mockler moved, seconded by Gray-Lobe and unanimously carried to approve the following claims for payment.

PAYROLL DEDUCTIONS

AFLAC 2,622.81
COLONIAL LIFE 270.54
CONSECO/WASHINGTON 24.45
DIV OF CHILD SUPPORT I 220.00
DIV OF CHILD SUPPORT S 411.00
NEW YORK LIFE C/O M&T 258.57
SD RETIREMENT SYSTEM 34,581.16
SD SUPPLEMENT RETIREME 7,918.18
SDRS ROTH 457(B) PLAN 610.00
SDRS SPECIAL PAY PLAN 6,988.57
THE STANDARD - DENTAL 1,687.20
THE STANDARD - VISION 432.88
THE STANDARD - SH TRM 1,527.73
THE STANDARD - LIFE IN 417.61
UNITED WAY OF VERMILLI 215.00
VOYAGE FEDERAL CREDIT 750.00
INSURANCE DEDUCTIBLE REIMBURSEMENT
CRUM, CARRI 500.00

PROFESSIONAL SVC/FEEES

CINTAS 95.36
CITY OF VERMILLION 215.40
CLAY COUNTY ABSTRACT 127.44
ERICKSON SOLUTIONS GRO 1,149.20
FLEX SYSTEM (TASC) 1,177.65
KEVIN O'DELL ELECTRIC 433.06
NATIONAL EMERGENCY 250.00
O'LEARY, KATIE 283.33
PETERSON, INA 44.92
PRESTO-X COMPANY LLC 189.90
QUALIFIED PRESORT SVC 1,752.37
SD NETWORK AGAINST FAM 200.00
SIPPEL, EVAN 299.52
TERWILLIGER, PHILIP 45.03
ULTEIG 16,655.49
WHIPPLE, DENNIS 46.76
OYEN, KARI 60.63
UNION CO. SHERIFF 22,960.00

HANSMAN, RALEIGH 10,585.12
 HOFFMAN, JODI 5,000.00
 PETERSON, STUART, KLEN 791.91
REPAIRS/MAINTENANCE
 CENTURY BUSINESS PROD. 41.25
 CINTAS 143.22
 FLEX SYSTEM (TASC) 21.03
 HARDING GLASS 208.66
 JOHNSON HEATING & COOL 1,428.76
 PRESSING MATTERS 5,391.00
 QUALITY MOTORS 321.90
 SD DEPT OF PUBLIC SAFE 160.00
 USD UNIVERSITY LIBRARY 112.50
 SOFTWARE SERVICES, INC 825.00
SUPPLIES/MATERIALS
 BARCO MUNICIPAL PROD. 80.41
 BROCK WHITE CAP L. P. 2915.97
 BUTLER MACHINERY CO. 131.80
 D-P TOOLS, INC. 34.58
 ELECTION SYSTEMS AND 81.85
 GRAHAM TIRE S.F. NORTH 4,977.80
 I-STATE TRUCK CENTER 1,298.42
 JERRY'S SERVICE 4,102.06
 LEWIS DRUG, INC. 207.81
 O'REILLY AUTO PARTS 127.84
 PROCHEM DYNAMICS 1,051.40
 QUALIFIED PRESORT SVC 365.23
 RUNNINGS SUPPLY INC H& 244.39
 TWO WAY RADIO SOLUTION 176.98
 UNION CO. SHERIFF 388.90
 VERIZON WIRELESS HWY 101.14

ONE OFFICE SOLUTION 11.49
 LOFFLER COMPANIES 527.63
TRAVEL/CONFERENCE
 SDAAO 1,300.00
 PENNINGTON COUNTY JAIL 144.22
UTILITIES
 BUREAU OF ADMINISTRATI 13.38
 CITY OF VERMILLION 1,607.21
 LAWSON PRODUCTS, INC. 61.67
 STEWART, LAYNE 180.00
 T-MOBILE 35.00
INMATE MEALS
 HY-VEE, INC. JAIL ACCT 423.39
 PIZZA RANCH 14762 3,761.25
PAYMENTS TO STATE
 SD DEPT OF HEALTH 1,674.00
ALLOCATIONS
 BOYS & GIRLS CLUB, INC 7,000.00
 VERMILLION FOOD PANTRY 5,000.00
JURY/WITNESS FEES 550.90
JUVENILE CARE
 MINNEHAHA COUNTY JDC 916.96
MEMBERSHIP DUES
 SDACC OFFICE 1,018.00
BUILDING IMPROVEMENTS
 TWO MEN AND A TRUCK LLC 3,260.30
FURNITURE/MINOR EQUIP.
 CANON 398.15
AUTOMOTIVE EXPENSE
 BRUNICK SERVICE, INC. 60.00
 JERRY'S SERVICE 188.68

A Second Reading was held for proposed Ordinance #2024-03, an Ordinance Amending the 2013 Revised Zoning Ordinance for Clay County, specifically the adoption of an amendment to add Chapter 3.16, General District Regulations, Utility-Scale Solar Energy Conversion Systems (Uses); and amending Chapter 4.05.01, Districts And Boundaries, District Regulations Established, NRC: Natural Resource Conservation; Chapter 4.05.02, Districts And Boundaries, District Regulations Established, A-1: Agricultural District; Chapter 4.05.03, Districts And Boundaries, District Regulations Established, Rr: Rural Residential District; Chapter 4.05.04, Districts And Boundaries, District Regulations Established, C-1: Commercial District; Chapter 4.05.05, Districts And Boundaries, District Regulations Established, I-1: Light Industrial District; Chapter 4.05.06, Districts And Boundaries, District Regulations Established, I-2: General Industrial District; and Chapter 2.02, Definitions, Definitions. Gunderson said he made two small grammar changes but had no other comments. Gray-Lobe said the property line setbacks were not how he would have understood it and read from the proposed ordinance. Gunderson explained that they may need to plat off part of a property. Hammond discussed an addition in the notes, "measured from the property line to the use's structure." The structures and uses have to be 50 feet inside of their property line. Mockler said this is different than how they look at Concentrated Animal Feeding Operations (CAFO). Gunderson explained the specifics to Mockler and Gray-Lobe. Hammond discussed his interpretation. Mockler said everything has to

be 50 feet off the property line. Setbacks for dwellings are from the facility. State's Attorney Michael Smith said it could be interpreted two ways, which is somewhat concerning, but he feels better about it in relation to the CAFO ordinance. Mockler said this is the same language as the CAFO ordinance. Hammond and Mockler discussed the language. E. Smith said she is concerned about the ¼-mile setback. When they first discussed it, they had all talked about a mile from Spirit Mound. She would still like to see that, largely because of the significance of Spirit Mound. Hammond said he has done a little traveling looking at solar farms, and they are different than a grain bin or feedlot. They are stark black and more visible. He drove over to New Underwood's solar farm, and your eye goes right to it. Spirit Mound represents the trip of Lewis & Clark, who were commissioned by Thomas Jefferson. He discussed the Louisiana Purchase's history. Spirit Mound is one spot that we know the army expedition stood. We wouldn't have the system we have of laying out land. Everything builds on the next piece, and the expedition was the first step of us being here as the United States of American rather than the colonies crowded on the east coast. He has looked at other solar farms. He apologized for being gone for the other reading. He is troubled by the ¼-mile setback. There is a lot of gray area. He would like to see ½-mile setback. Thiesse said the expedition risked their lives to make the nation a better place, and they didn't stand there thinking, "Let's be a stalemate." He will be looking at the solar panels from his recliner. A mile would put them out of his view, but he is in favor of property rights. He believes Lewis & Clark would promote progression. His concern is that a property owner can do with his property what he wants as long as it's within the County's guidelines. Mockler said he is ok with ¼-mile, but he would like to see 250' because of the judge's decision regarding the lawsuit they were just in. He discussed ownership and management of Spirit Mound with Gray-Lobe and Hammond. Mockler said the website was confusing. Gray-Lobe said he has fielded quite a few phone calls from people both before and against this ordinance. The part to clarify is that this is not a permanent use. It is putting this in the Conditional Use Permit (CUP) process. This is just rules for everybody. If a particular project wishes to site ½-mile from Spirit Mound, in that instance, this would be the sort of site where you would strongly consider the neighboring land use and ask for additional conditions, such as a grove of trees, prairie grass under it, etc. As it's written, he sees a mechanism that would be utilized by a responsible Planning & Zoning Commission. Hammond agreed, and he has been thinking that CUP would give a chance for a second shot at something. He also knows if there were trees, they would have to be pretty tall if the distance were ¼-mile. A half-mile would change it for more landowners. Gray-Lobe discussed setback distances. Mockler moved, seconded by Thiesse to pass and adopt the ordinance. E. Smith discussed applications and the decommissioning requirements. In talking to the American Farmland Trust, their suggestion was that it is problematic. She suggested the application include a soil study to guide restoration. Hammond said that is what they are saying. E. Smith said they need to document that. Hammond said that is part of the CUP. If they are good stewards and plant the right kind of vegetation, they could have better soil when it's decommissioned than when they started. There is a solar farm in Indiana where the operators spread sand under them, and the sand has been blown all over the neighboring properties. They have sandstorms. That is one of the reasons why we mention vegetation. Gray-Lobe said they had a long, well-attended meeting where they were considering an earlier draft of this, and part of it was that it align with an existing mile boundary where someone would have to do a viewshed study. He asked for clarification that it could be a protection that people could rely on. E. Smith said it rings a bell, and Hammond said he remembers that. He thinks they would have

to deal with the national authorities at that point, so that would argue more for leaving it as it is. Gray-Lobe said he was trying to weigh factors.

E. Smith allowed public comment. Suzanne Skyrn said she agrees with at least $\frac{3}{4}$ -mile setback as it is one of the few tourist attractions we have in Vermillion. If they go up the mound and see solar panels, she can imagine them wondering what we were thinking.

Patricia Dimond said she has concerns about the climate alteration that a solar farm would cause. They generate a lot of heat. It will put heat back into the atmosphere. The land in Pleasant Valley is flat. Who cleans up glass shards after a tornado or a derecho happens to run through the solar farm. She is concerned about the panels changing the atmosphere in an already somewhat unstable landscape. Hammond said he had some early concerns when a solar developer spoke to them. He did some research afterwards. Where they cover huge amounts of land, you can end up with some small-scale heating over the farm itself, but for the most part, as he checked into existing farms, there were not anywhere that was a big issue except in the desert southwest. In our climate, it probably wouldn't be much of an issue. He has thought about the physics. As for glass shattering during a storm, that is one reason why they would have to have a large bonding to cover any decommissioning or repair after an event like that. He thinks the benefits of having a solar farm here would outweigh on all scales the risks.

Michelle Johnson spoke about having something like that in her backyard. She said the next generation would not want to look at it or have glass everywhere after a storm. Solar panels out west are on barren land without family farms nearby. We need to keep our family farms. This whole thing is causing a lot of re-thinking. Gray-Lobe said the lease prices are quite high. For some landowners, this may be the thing that allows them to keep their land. There are ways for this to be an income stream for a family farm that could make the difference between them keeping a family farm or not. E. Smith said this is not an argument, but she welcome to speak at the podium. Gray-Lobe said they are trying to balance property rights and lifestyles. He thanked her for her concerns. Hammond and Mockler said they are creating rules, where right now a solar farm cannot build. This at least gives a framework of rules. Gray-Lobe said these are minimal standards and in the CUP process, so it is not a permanent use. It would allow the Planning & Zoning Commission to consider neighboring landowners' concerns. E. Smith said she is comfortable with the bond requirements. She would still like to see something that out front required the company to test soil so that we have a standard in place, but the bond is critical. Dimond asked what happens if the company goes bankrupt. Mockler said the CUP goes with the land, not the owner. E. Smith said the new owner would have to have a bond before using the land. Thiesse said the companies do their own soil testing. Hammond said we can help protect that part of the company from abuse, and Mockler said we can require vegetation and sand. Thiesse said he lives out there, too, but he doesn't want to take away property rights. A derecho could cause metal from a machine shed to fly all over as well. He has to respect his neighbors and their property rights. Dimond asked if they would be able to request a climatologist to assess the township. The Board said they do not have that opportunity, but E. Smith said there are studies show that with the new systems the heat impact is not what it used to be and is acceptable to neighbors with appropriate setbacks. Hammond said that is what quieted some of his concerns. Dimond said we have the river, the bluffs, the valley, and the winds come down through the valley. Thiesse said there is no company applying to come in right now. We are trying to make

rules for the what-ifs. If one does apply, there is a CUP process where people would come in and voice their concerns. These are ground rules to follow. There is no application for a solar farm.

Daryl Henriksen said he respects the rights of people who want to put these in, but neighboring landowners have rights, too. He would like to see a windbreak around the whole thing so they don't have to look at it. Mockler said that would be addressed in a CUP. The process was reviewed. Henriksen asked about the taxation of these. Gray-Lobe said the land would be taxed as Agricultural use, but there is a second separate income stream administered by the State of SD. Gray-Lobe said it is an additional income stream for the County. Henriksen said he has property rights, too.

Kathleen Kavanaugh said her concern is the distance of the setback. She said it seems like it has gone from a mile to ¼-mile. She grew up here and moved back from Denver, had solar, and she loved it. She looked into solar but was told South Dakota doesn't support it. She wishes she could have it, but she doesn't support it within ¼-mile. Spirit Mound is an important part of tourism. She respects property rights. We wouldn't have national parks if we didn't say at some point the public interest outweighs property owners. She would like to see at least ½-mile setback.

Dimond asked what a CUP is, and E. Smith explained the process, including public input. Dimond asked if this process can be a bit more public. Gray-Lobe discussed updating the website, but said the place to look is the County Zoning tab. He discussed the CUP and permitted use process. These things are also published in the newspaper. The third Monday of every month is the Planning & Zoning Commission meeting. Gunderson said notice would be given to adjoining property owners. E. Smith said this ordinance frames what the companies have to produce in their application, but then the CUP outlines the conditions under which they can build. Hammond said those conditions are specified at that time. He thanked the people in attendance for being present as sometimes meetings are too sparsely attended. Dimond asked if there is a place that they could get on an email list. E. Smith said we do not have anything like that. We don't have the staff because we don't have the funds.

Mockler said he hopes we can pass this. He would hate to take more property rights from someone. If we change the setback, we will take away double what we take away now. A vote of the Board on the motion: 5 ayes, 0 nays; motion passed.

A Second Reading was held for proposed Ordinance #2024-02, an Ordinance Amending the 2013 Revised Zoning Ordinance for Clay County, a request to rezone land located at 30913 SD Highway 19, Vermillion, SD 57069 from A-1: Agricultural to C-1: Commercial for a Retail Trade or Service (Well Drilling Business). The legal description of the property is Lot 1 of Christensen Tract 1 in the Northwest ¼ of Section 2, Township 93 North, Range 52 West of the 5th P.M., Clay County, SD. Mockler moved, seconded by Gray-Lobe and unanimously carried to pass and adopt Ordinance #2024-02. A vote of the Board on the motion: 5 ayes, 0 nays; motion passed.

Highway Superintendent Rod Polley met with the Board to present Right-of-Way Applications from Vantage Point (SD Alliance Communications). Gray-Lobe moved, seconded by Mockler and unanimously carried to approve the applications and authorize the Chairwoman to sign them.

Polley discussed with the Board the cost of repair or replacement of the Norwegian Gulch culvert under Frog Creek Rd. He received a contractor estimate to dig up the culvert. It is about 40' under the road, and it is a 12' culvert. Lining it would cost \$358,696 plus installation and concrete. He has been unable to get a cost on flowable concrete. It would be close to \$500,000 just to line it. Hollaway Construction said, including the \$110,000 culvert, he could keep the cost under \$400,000. It will be cheaper to dig it up, but it will be a substantial road closure on one of our main roads from north to south. He hasn't done any traffic studies. He asked for thoughts from the Board and discussed the process. He said he has money in the budget, but it cannot happen this year due to lead time of the culvert. No one around here has installed such a liner, so he does not have a contractor who can supply a better estimate. Thiesse asked if the flowable fill will hold up. Polley said yes as it is capped off at both ends. We have it on the Volin Rd. and 302 St. It would be downsizing the culvert, but it is smooth, so it will take more water than the current culvert. There is undermining in 3 spots on the current culvert. Mockler said if we are going to dig it out, we have to get the pipe ordered. Polley said Ulteig Engineering has been involved. Mockler said the lining process would have to happen when it is dry. Polley said there is always some water running through it. They would have to build a pit and pump the water around it. Hammond and Polley discussed the liner material. Polley said they fix the undermining first before lining the culvert like we did on the W. Main St. bridge. If we choose to excavate it, we would use galvanized pipe. Mockler asked if it would be cheaper to put 3 smaller culverts in. Polley said it would be more excavation work. Gray-Lobe asked if it is a similar lifespan for both solutions, and Polley said yes.

Polley updated that roads along the river are closed. He said 4 gravel roads are under water. The road north of Nutrien has damage, but nothing like 2019. All the crossings from Highway 19 to 457 Ave. are closed. The bridge we are working on University Rd. is under water. He discussed removal of log jams in the county.

Mockler discussed any potential assistance to Union County. Polley said he already told Union County and Yankton County that we will help as long as we are available. Emergency Management Director Layne Stewart discussed the FEMA reimbursement process and said they are still fighting the 2019 payments, so it would be our bill up front. Stewart said Mount's and Walker's have issues, but the Ponderosa is fine. Polley and Stewart discussed flows from Gavin's Point Dam. They are cutting water out of the turbines and sending it over the spillway so they can create more space. Any rise on the Missouri River is from the James River and the Vermillion River. Gray-Lobe and Stewart discussed the gauges. The Davis and Hurley area water is dropping.

Gray-Lobe said the Clay County Park Board requested gravel for the property, and the thought was that as long as the County did not pay for it, it would be ok. Polley said it would be about 10 loads of gravel, and just the cost of the gravel is a little over \$1,200. Right now they are busy with flooding, but they could help with a truck. They do not know how they could spread it. It

was the consensus of the Board that it is acceptable and can be formally approved at a later meeting.

Facilities Manager Scott Hanson met with the Board to discuss the Elevator Modernization Project bids. He reviewed the bids per the original specifications. Schumacher was the low bid. There were alternates to their bid. Hanson discussed options for those alternates. If we do the project today, it would be \$234,010. Gray-Lobe clarified that the KONE bid left out building improvements. Hammond asked about the risk of a fire originating from the elevator. Hanson said there is a smoke alarm at each level of the shaft, but there is no sprinkler in the shaft. E. Smith said it is one of those projects that needs to get done. Hanson said KONE has been our service provider, but he feels like they did not really step up to the plate. Auditor Carri Crum discussed funds available. M. Smith talked about the closure of the elevator as it relates to the court schedule. He encouraged Hanson to contact the judges about the schedule. Mockler moved, seconded by Gray-Lobe and unanimously carried to approve the bid from Schumacher for \$234,010.

The Board considered a Change Order #002 for the courthouse mechanical/electrical/HVAC project. Gray-Lobe moved, seconded by Hammond and unanimously carried to approve the Change Order and authorize the Chairwoman to sign it.

Crum presented the results of the Post Election Audit for the June 4, 2024 Primary Election. The Democratic U.S. Presidential candidate race and the Republican SD District 17 Senate candidate races in Central Ward (C) Precinct were audited by a bipartisan five person board. After manually counting the races, the results of both races perfectly matched the election night tabulator count and County Canvass.

Director of Equalization Lennea Olson met with the Board to present the Eagleview contract amendment for an updated Pictometry flyover that is used in the Beacon program. We update the flyover every 3 years. There is a more user-friendly cloud module forthcoming, and it also costs less. This is for the flyover and a 6-year agreement for the cloud. It also includes free or discounted flyovers for natural disaster situations. The annual cost is down from 3 years ago. There would be no cost change until 2029 or later. Stewart said he uses the phone app all the time. A disaster flyover would be useful for mitigation purposes and disaster repairs. Gray-Lobe moved, seconded by Mockler and unanimously carried to approve the contract and authorize the Chairwoman to sign it.

Stewart met with the Board to discuss flooding in the county. This is the first step for obtaining any possible damage reimbursements. We should have no problem meeting thresholds. The thresholds for a county is per capita and comes out to around \$65-68,000. Hammond said the sewer line for the City of Vermillion will be a couple million. Gray-Lobe moved, seconded by Thiesse and unanimously carried to pass and adopt the following Resolution #2024-16 for Declaration of Disaster.

RESOLUTION #2024-16
DECLARATION OF DISASTER

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

WHEREAS, the immediate and continuing impact of the rains from June 2024 storms, caused pooling of water and flooding that damaged roads, culverts, bridges, and other public infrastructure, throughout Clay County.

NOW, THEREFORE, BE IT RESOLVED by the Clay County Board of Commissioners at their regular meeting held June 25, 2024, the Clay County Board of Commissioners is hereby requesting that the Governor declare a disaster to exist in the County of Clay, South Dakota.

Dated this 25th day of June, 2024.

Elizabeth T. Smith, Chairwoman
Clay County Commission

ATTEST:

Carri R. Crum, Clay County Auditor

State's Attorney Michael Smith presented the Board with a report on the 2023 Office Statistics. His summer intern compiled the data, and he is comfortable it is accurate. There was a substantial jump from 2007-2016, and since 2020 we have been reviewing 800-825 cases per year where it was previously around 600. We are down about 100 cases, but law enforcement has not been at full capacity in that timeframe. Gray-Lobe said if you take out 2016-2020 there is a pretty level graph. M. Smith said there was a difference in leadership at the University Police Department, and there is more capacity now to handle smaller violations internally. He thinks the caseload is affected by the shortage in law enforcement. Once they get into a better position, the numbers will go back up to around 900-1,000 cases per year. The majority of cases are Class 1 Misdemeanor cases. That has always been our high mark. The more telling information as it relates to juvenile cases, is the trend from 2016 as related to Teen Court and diversion. He discussed that the increase in abuse and neglect cases has been huge. They take 18 months and a lot of work from all attorneys to resolve. He discussed the specifics of the statistics with the Board. He said the support from the Board for juvenile justice diversion programming was a very positive change. He discussed Class 2 Misdemeanor cases as well. There were more drug cases in 2023 than 2022. Hammond asked where truancy fits in, and M. Smith said that would fall under the juvenile section as a type of case. Hammond said he read that the Vermillion Schools are working hard to identify those who are not coming to school, and it may be a relic of COVID homeschooling and are not being properly educated at home. M. Smith said that has been a battle for schools that eventually finds its way into his office. The schools do a really good job of tracking absences and why they are happening. Thiesse said South Dakota needs to do better with tracking homeschooling.

Crum discussed property insurance with the Board. After a review of the facilities by the insurance company, the SD Public Assurance Alliance, it was recommended that the County's facility values be amended for coverage purposes. Hammond moved, seconded by Mockler and unanimously carried to accept the recommendations and adjust the insurance policies accordingly.

The Board considered an Application for Abatement from Pulse of Life Church for \$5,536.02 as the church has purchased and is occupying the property. Olson discussed the Application for Property Tax Exemption that was previously approved. They qualify for either religious exemption or 501(c)(3) benevolent status. She discussed SD codified law 10-4-19.1, 10-4-19.2 and 10-18 relating to the matter. M. Smith advised the Board on statutes. Hammond said it looks like they are applying as a charge, not as the 501(c)(3). Olson discussed that there was some confusion regarding the church's federal tax status, so she is recognizing the daycare. M. Smith said what is in front of them today is correct. Mockler suggested they may want to table the matter for further review to determine their eligibility for the abatement. Olson said her office's determination is that they would be tax exempt as of October 16, 2023. Thiesse moved, seconded by Gray-Lobe and unanimously carried to table the application.

The Board considered a contract amendment with the SD Department of Health to allow for reimbursement of training expenses. The Board discussed the dates covered under the contract. Mockler moved, seconded by Hammond and unanimously carried to approve the contract amendment and authorize the Chairwoman to sign it.

On behalf of the department heads, Crum presented a potential change in language to the Employee Handbook regarding holidays and administrative leave. Mockler said the Governor is handing out holiday time like it's an election year. Crum said most counties do follow the Governor, although we certainly do not have to. Hammond and E. Smith discussed the holiday schedule for the library. Hammond moved, seconded by Gray-Lobe and unanimously carried to amend the Employee Handbook according to the proposal, effective January 1, 2025.

On behalf of the department heads, Crum presented a proposal for changes to the County's pay matrix proposed to be effective January 1, 2025. Crum and Sheriff Andy Howe discussed how department heads arrived at the current proposal. Gray-Lobe moved, seconded by Thiesse and unanimously carried to approve the pay matrix as proposed, effective January 1, 2025. Crum thanked the Board for helping department heads to retain the great employees that the County has. E. Smith said one of the things she was most surprised at when she came onto the Commission was how well everyone worked. Thiesse said employees with experience, for example obtaining grant money, saves the County money in the long run.

Crum discussed the 2025 budget with the Board and said that a Resolution for Opt Out would need to be passed by July 15th. The Board discussed the ongoing inmate boarding and transportation costs, the occupation timeframe for the new jail, and unanticipated costs.

Gray-Lobe reported on a presentation from District Meeting regarding online permits. A presentation was given by District III Planning District at the Southeast District Officials' Meeting. The system is convenient for contractors and zoning officials. He said he thinks the Zoning Administrator would have no problem handling such a system. It incorporates zoning regulations such as setbacks, Pictometry, etc. He said the software would be free. Hammond said he read about it a few months ago. It looks good, and if it works out well after a year or so, he would be interested. Gray-Lobe said maybe we should consider having the Yankton County Zoning Administrator give a demonstration.

Gray-Lobe said the playground at Clay County Park is in need of an upgrade. The park board is beginning the process of looking for grants and costs for an upgrade.

Mockler reported there is a Topping Up ceremony for the new jail and law enforcement center tomorrow. There is no date for the schedule for completion of the building.

Hammond said there is a Joint Jurisdiction Zoning Area committee meeting Thursday, so he will likely have an update at the next meeting.

The Sheriff's Office and Vermillion Public Library Board monthly reports as well as the following Auditor's Account with the County Treasurer report were accepted and placed on file.

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

To the Honorable Board of County Commissioners of Clay County
items in the hands of the County Treasurer as of June 3, 2024.
I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks	9,281,552.01
Amount of actual cash	2,625.63
Total amount of checks and drafts in Treasurer's Possession not exceeding three days	86,119.92
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:	7,275.05
Checks returned and not deposited	
Cash Items	700.00
Investments	1,154,151.38
Cash Variation	0.00
Total	
Dated this 3rd day of June, 2024.	10,532,423.99

Carri R. Crum, County Auditor

Recent payroll changes to be reported in the minutes are as follows: Tristan Gray (Summer Highway/Weed) \$20.00/hour retained employee from prior years, Katie O'Leary (Deputy State's Attorney) \$6,710.19/month effective 5/6/24, Jaden Pearson (Summer Highway/Weed) \$16.50/hour effective 5/13/24, Christopher Ridley (Deputy Director of Equalization) \$3,201.94/month effective 4/29/24, Michaela Robinson (Highway Bookkeeper) \$3,434.82/month effective 6/10/24, John D. Walker (Courthouse Facilities) \$3,813.33/month effective 3/20/24, and Michael Wingate (Summer Highway/Weed) \$16.50/hour effective 5/14/24.

At 12:57 p.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to enter an Executive Session for personnel and legal/contractual matters per SDCL 1-25-2.

At 1:22 p.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to exit the Executive Session.

At 1:23 p.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to adjourn and reconvene at 9:00 a.m. Tuesday, July 2, 2024.

ATTEST:

Carri R. Crum
Carri R. Crum, County Auditor

Elizabeth T. Smith
Elizabeth T. Smith, Chairwoman
Board of County Commissioners

June 26, 2024

The Board of County Commissioners met in a special emergency session Wednesday, June 26, 2024 at 6:00 p.m. at the Clay County Courthouse, 211 W. Main St., Vermillion, SD. Members present: Travis Mockler, Geoffrey Gray-Lobe, Elizabeth Smith, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Mockler moved, seconded by Gray-Lobe and unanimously carried to approve the agenda.

Emergency Management Director Layne Stewart gave a situation briefing in reference to the mouth of the Vermillion River. He received multiple phone calls about the Saginaw Ave. and Missouri St. areas. The drone pilots flew the drone over the area this afternoon. Stewart presented Pictometry images from March 2024 and video from the afternoon drone flight. Those in attendance discussed that almost 300 feet of land has been lost to the river in less than a week. The concern was that the road would become impassible for residents in the area. Mockler said, at the rate it is going, it should reach Saginaw Ave. by 3:00 a.m. Hammond compared it to putting a pressure washer against the bank, and it will erode it away. Thiesse and Hammond said it is not possible to haul rock in fast enough. Thiesse said if there was anything that could be done to stop the river, they would be doing it. Right now, we do not know what the river will do, and the Commission's main concern is that everyone can evacuate safely. Residents of the area said the area changes minute by minute. Sue Galvin said she lived through the flood in Dakota Dunes in 2011. Her understanding is that the County has to ask the State for help. Mockler said they wouldn't do anything to help in 2011. Stewart said the biggest difference in Dakota Dunes is they have government function. Dakota Dunes is not just individuals owning property along the river. That is why the residents of the Ponderosa did not get any help in 2011. It is against the law for the County to help individuals. The Highway Department cannot just start dumping rock. William Paulsen asked how far this will go. Mockler said they cannot stop it at Saginaw Ave. if they wanted to. Residents asked why the Commission cannot redirect the river. Thiesse said a backhoe cannot stop the power of the river. Hammond said 50 backhoes could not do it. It is not humanly possible to stop it even from taking Saginaw Ave. They can help with public property, not private property, but it is not humanly possible to save Saginaw Ave. At this point, the river cannot be stopped. Mitigation is possible after the flood. Perhaps something can be done for the future. We are stuck with the hand we have been dealt by nature. Paulsen said Marty Gilbertson took care of the point. How far are they willing to let it go? Thiesse said there is no "letting it go" at this point. It is nature. We cannot predict nature. Paulsen said everyone there has invested. What is the Commission telling them to do? Thiesse said it is their decision. Rob Cook said they are dumping concrete and it is helping. He asked if they are to continue that. Thiesse said if it is helping, that is up to them.

Stewart said his biggest concern is life saving. If the residents are concerned, he believes they should exit. Get their most valuable stuff and take it somewhere else. He communicates with State Emergency Management every day. He does not talk to the legislators as they do not have the authority to direct employees. That has to come from departments. The State cannot help

individuals independently of a government function. That is why they were allowed to go into the Dakota Dunes and not the Ponderosa in 2011. What the County can do is come in after the fact for public assistance programs to fix roads, culverts, etc. He posted a link on his website for individual assistance. Once the data is compiled, FEMA will decide if they can provide individual assistance to Clay County. It takes a significant amount of homes to qualify, and FEMA will not tell us what that number is. It doesn't include farmland or secondary homes. Stewart said it is not him choosing.

Residents asked, if it makes an island, will the County build a bridge to access it? E. Smith said this happens across the country, and she has been through a devastating flood that damaged her home. The county has declared a disaster, and the Governor has taken the first step. There is nothing we can do to save individual homes. We are not permitted to interfere. However, once we have done a damage assessment, Stewart's job kicks in to work with the State, and there would have to be a Presidential Disaster Declaration. Stewart said that would not happen until August 1st. E. Smith said they are living with a lot of uncertainty right now, but the most important thing they can do is assess their way out. Do not go to sleep tonight without knowing they will have a path out in the morning. She is first concerned about loss of life. At this point it is impossible to know what the river will do, but we do know what happens afterward.

Paulsen asked, what is the next step after it takes out houses? Stewart said the County will evaluate the damage. It would be determined at that point whether a bridge would be feasible due to soil testing and compaction, etc. It might be more of a Highway Department question as he has never been asked this before. They asked, if they save it and it blows out down the road, what has the County done in the past in that situation. Stewart said, to his knowledge, the County has never had that happen. Marty Gilbertson said the reality is that if we don't have enough damage after the fact, FEMA will not fix anything anyway. Farmland is not a dollar value. Stewart said that is a FEMA decision, and the County has no say in that decision. It was asked, if it cuts through, and there are 20 houses down there but none were destroyed, those houses are not worth anything if they are not accessible. E. Smith said the word everyone keeps using is "if," and we don't know yet. The boat we are in is uncertainty, and there is no way out right now.

Paulsen asked, if this calms down right now, what do we do afterwards. What will they say to the farmers? E. Smith said that is the mitigation question. We don't know what kinds of mitigation is available to us until after we see what the damage looks like. Thiesse and Stewart said it is private property, so it will not change the County's ability to help. If individuals can handle the job, do they get paid for it? The Commission said FEMA and the County cannot pay for it. Stewart said they will have to create a district, and they can request the County to sponsor them in a mitigation grant application. It is a competitive grant, and it is not 100%. There is a cost-benefit analysis, so they will have to show that if they are spending \$1 million, for example, it will save \$1 million. E. Smith said it is a quasi-governmental corporation. They would need a lawyer, a board of directors, and it is similar to the downtown Vermillion business improvement district. That is the only avenue for public money. Thiesse said that has to be in place before they can apply for grants. Stewart said after 2011, several places inquired about the same thing. The only entity that did anything was Heine's addition across from the bypass.

Paulsen said they have rural water, electrical, etc. from the County. Stewart said those things do not come from the County. Why are they not like Heine's addition? Stewart said they would have to go through the process like Heine's addition did. State's Attorney Michael Smith said they would need an attorney to make sure they meet statutes. Mockler said, where they need to get to tonight, is don't go to sleep there tonight. Do not be there in the dark, asleep. Thiesse said if Saginaw Ave. goes out, they will not know until it collapses because it will be undercut. E. Smtih said rivers do what they want to do, and all we can do, as a community, is deal with the aftermath. The whole reason we have a downtown Vermillion is because the Missouri River flooded in the 1800's and destroyed everything below the bluff. Cook said they should dump rock in the ditch. The Commission said that will not stop it. Mockler said he lives 14 miles north on the river, and there is a lot of water to come yet. E. Smith said it will continue, and rain is forecast in the next couple of days, so it could conceivably get worse. Move the things that matter most before it happens. They asked for the Governor to talk to the Corps of Engineers to open the dam back up. Mockler said the Big Sioux is a lot worse than what they are dealing with.

Stewart said he goes to meetings with the Corps of Engineers, and even if they would listen to it, it would be days before they would make a decision. He will ask the question, though. The problem is that it helps them but makes it worse for those downstream. Stewart said he is more concerned about life safety at this point. Please get the most important documents out, and legally the County cannot tell them to leave, but he suggests they find somewhere else to stay for a few days. He will ask about the spillway for the dam, the potential for a bridge afterwards, and he will speak to the State tomorrow. Thiesse moved, seconded by Gray-Lobe and unanimously carried to close Saginaw Ave. and recommend voluntary evacuation. Notification of residents was discussed by Sheriff Howe. Thiesse said deputies need to notify the residents.

At 7:01 p.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to adjourn and reconvene in regular session at 9:00 a.m. on July 2, 2024.

ATTEST:

Carri R. Crum
Carri R. Crum, County Auditor

Elizabeth T. Smith
Elizabeth T. Smith, Chairwoman
Board of County Commissioners

July 2, 2024

The Board of County Commissioners met in regular session Tuesday, July 2, 2024, at 9:00 a.m. at the Clay County Courthouse, 211 W. Main St., Vermillion, SD. Members present: Travis Mockler, Geoffrey Gray-Lobe (via Zoom), Elizabeth Smith, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Mockler moved, seconded by Thiesse and unanimously carried to approve the agenda.

Thiesse moved, seconded by Hammond and unanimously carried to approve the minutes of the June 25, 2024 meeting.

Director of Equalization Lenna Olson came to the Board with the Abatement Application from Pulse of Life Church. The Board had many questions for Olson and State's Attorney Micheal Smith. Hammond wanted to know which taxes do they want to except from, the daycare portion or the church portion or both? Olson let them know they were approved exempt status. They spoke of other facilities in Clay County, like Trinity Lutheran Church and St. Agnes Church. Pulse of Life Church is asking for an abatement of the 2nd half of their taxes. They already paid for the second half. M. Smith asked for an Executive Session. E. Smith made a recommendation to table the Pulse of Life application discussion to the end of the meeting. Mockler moved, seconded by Hammond and unanimously carried to table the Pulse of Life Church's Abatement Application to the end of the meeting, after Executive Session.

Highway Superintendent Rod Polley had flood updates for the Board. Polley went through different roads that were affected by flooding. Wakonda Oil Road is open now and has minimal damage. It has three potholes, and asphalt needs to be fixed. Lots of trees need to be cleaned out. Volin road will be opened tomorrow, but it has lots of trees with debris with asphalt damage. He mentioned with all the flood damage there are lots of trees down and debris that needs to be cleaned up due to the flooding. 309th street is still closed. 300th street is still closed. It has lots of gravel that needs to be cleaned up and the road has been damaged. University-312th-311th-313th street is the biggest concern for them. The bridge was at least three feet underneath the water. Engineers need to come and look at the bridge to make sure it's safe for travelers. The bridge is on the emergency inspection list. FEMA will pay for the inspection. However, all the bridges in the county will be inspected, due to normal upkeep. The river is going down, too. Overall, lots of trees and debris need to be cleaned up due to flood damages with asphalt damages. For example, 315th (bridge) has lots of debris. He just moved to the 313th barricades. FEMA will be paying for most of the cleanup, but road damage is not covered. However, he will submit paperwork to see if the state would pay for it. Polley discussed the flex mat work that they did previously is working well where they put it. You can mow over it but can't burn it. On Saginaw Avenue, the channel is getting close to the road. Due to it being private property, what are the protocols to fix it? M. Smith will investigate it and report back on his findings.

The board discussed an Opt-Out Resolution because the deadline for this is July 15, 2024. E. Smith said the size of the of cash in reserve is we have 16.35% with no opt out. Mockler recommended they not opt out. It's based on the 2025 budget. Gray-Lobe agreed with Mockler. He recommends we do the similar givings as last year, too, with no opt out. Thiesse agrees with no opt out as well to help give taxpayers a break. The Board agreed that the biggest concern is the public defender budget but agreed that Sheriff Andy Howe did well with his budget, so it shouldn't be a huge concern. E. Smith has a concern that it's better to borrow money from us, than another place, and asked if there is any motion. Mockler moved, seconded by Thiesse and unanimously carried to do without an opt-out.

The Board discussed the Boys and Girls Club Grant support request. E. Smith mentioned there was no other information with this request and was asking if any other board members received any verbal information about this grant. They want Andy Schultz to come on the July 16th meeting and will table this discussion until the next meeting.

Thiesse moved, seconded by Mockler and unanimously carried to approve the following claims for payment: FIT/FICA Payroll Tax \$101.44, First Bank & Trust Visa \$24,089.53, and Wellmark \$3,557.72

At 9:59 a.m., Mockler moved, seconded by Thiesse and unanimously carried to enter an Executive Session for legal matters per SDCL 1-25-2.

Gray-Lobe left the meeting at 10:19 a.m. due to other commitments.

At 11:24 a.m. Hammond moved, seconded by Mockler and unanimously carried to exit the Executive Session.

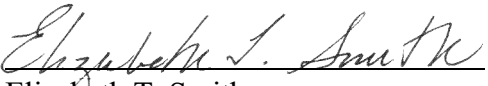
Mockler moved, seconded by Hammond and unanimously carried to approve an abatement in the amount of \$1845.34 for the November and December 2023 taxes for the Pulse of Life Church, parcel #15035-00100-010-00.

At 11:25 a.m., Mockler moved, seconded by Thiesse and unanimously carried to adjourn and reconvene July 16, 2024 at 9:00 a.m.

ATTEST:



Nicole Klunder, Chief Deputy County Auditor


Elizabeth T. Smith
Board of County Commissioners

July 16, 2024

The Board of County Commissioners met in regular session Tuesday, July 16, 2024, at 9:00 a.m. at the Clay County Courthouse, 211 W. Main St., Vermillion, SD. Members present: Travis Mockler, Geoffrey Gray-Lobe, Elizabeth Smith, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Thiesse moved, seconded by Mockler and unanimously carried to approve the agenda.

Hammond moved, seconded by Mockler and unanimously carried to approve the minutes of the July 2, 2024 meeting.

Sophie Johnson from SE Council of Governments (SECOG) and Emergency Management Director Layne Stewart met with the Board to discuss the Pre-Disaster Mitigation Plan update. Johnson said they have been working this for some time now, and they had 5 public meetings to gather input from communities in Clay County. They submitted the plan to the SD Office of Emergency Management and to FEMA. Gray-Lobe moved, seconded by Thiesse and unanimously carried to pass and adopt the following Resolution #2024-17 for Support for and Adoption of the 2024 Pre-Disaster Mitigation Plan for Clay County, South Dakota.

RESOLUTION #2024-17

SUPPORT FOR AND ADOPTION OF THE 2024 PRE-DIASTER MITIGATION PLAN FOR CLAY COUNTY, SOUTH DAKOTA

WHEREAS, the Clay County Commission supports the contents of the *2024 Pre-Disaster Mitigation Plan for Clay County, South Dakota*; and

WHEREAS, the *2024 Pre-Disaster Mitigation Plan for Clay County, South Dakota*, will be utilized as a guide for planning related to the Federal Emergency Management Agency's (FEMA) Hazard Mitigation and other purposes as deemed appropriate by the Clay County Commission.

BE IT FURTHER RESOLVED that the Clay County Commission hereby adopts, supports, and will facilitate the implementation of the *2024 Pre-Disaster Mitigation Plan for Clay County, South Dakota*.

Vote of Commission: Mockler Aye, Gray-Lobe Aye, Smith Aye, Thiesse Aye, Hammond Aye.

Dated at Vermillion, South Dakota the 16th day of July, 2024.

Board of County Commissioners
Clay County, South Dakota

ATTEST:

Carri R. Crum, County Auditor

Assistant Highway Superintendent Larry McPherson and Brad Stangohr from Ulteig Engineering met with the Board. Stangohr said there are 2 column repairs to be finished on the low slump overlay project. The bridge deck repairs are done. The Board considered a Change Order that adds a column repair and changes the completion date. The Payment Application would pay the

contractor, PCiRoads, for work done. Gray-Lobe asked about the contract price. He and Stangohr determined that there was a typo on the Change Order. Hammond moved, seconded by Mockler and unanimously carried to approve the Payment Application in the amount of \$441,452.83 and authorize the Chairwoman to sign it. Gray-Lobe moved, seconded by Hammond and unanimously carried to table the Change Order until the next meeting to give Stangohr time to correct the typo on the document.

Stangohr presented a construction contract from ASTECH for the 2024 Chip Seal project. Thiesse moved, seconded by Gray-Lobe and unanimously carried to approve the contract and authorize the Chairwoman to sign it.

Gray-Lobe moved, seconded by Mockler and unanimously carried to approve a draft letter requesting a turning lane be built on Highway 50 to ease traffic at the site of the grain storage facility to be constructed by Southeast Farmers Elevator Cooperative and to authorize the Chairwoman to sign the letter on behalf of the Board.

Zoning Administrator Drew Gunderson met with the Board to discuss whether there should be permits for special events. He found the state statutes regarding special events and liquor licenses. He has concerns about parking and access for emergency vehicles. Gray-Lobe said the laws seem to be written for one-time events. Gunderson said an ongoing event venue would be part of the zoning regulations. Thiesse said a permit would set parameters. Gunderson said they could also do a blanket prohibition. E. Smith said she is a little concerned about smaller events, such as things held at Clay County Park. Gunderson and Gray-Lobe discussed a 1,000-person threshold and a fee amount. Hammond said there are hundreds, if not over a thousand people who attend the events at Dalesburg each year. He also discussed the Burbank School events. Thiesse asked if the County can exempt non-profit or religious organizations. Gunderson said this is a work in progress. E. Smith said she does not want a fee so high it would discourage people from hosting such events. She talked about the kayak event at Clay County Park. Thiesse said there needs to be a resolution of some sort. Gray-Lobe said they just need to think it through. Current fees are structured around offsetting staff and other County costs to make sure they are covered. Auditor Carri Crum said there is a 3-day malt beverage license fee of \$10 currently. Stewart said there are a lot of more private events such as a Native American celebration that is held each year, and they do file emergency response plans with his office. This particular proposed situation would cause chaos with people parking on the roads. It would be good to have a permit in place. There was discussion regarding attendance levels. Thiesse said locations and property type are concerns, and it does depend on the location whether there would be adequate parking. Stewart said a for-profit situation would be the concern. Cornstock in Wakonda used to have emergency response plans as well. E. Smith asked about funerals. Thiesse said that would fall under the religious provision. Mockler said the permit can go along with an alcohol permit as overconsumption is usually what causes problems to necessitate emergency response. Auctions line streets, but there are not usually issues. The Board decided it is worth looking into. Gray-Lobe asked Johnson for SECOG's assistance. State's Attorney Michael Smith said Hanson County's permit is a good starting point. Other counties probably address this through ordinances. Hammond said they could charge a small amount for the event and a large amount for a liquor license. M. Smith said there is probably good precedent out there.

M. Smith discussed the Westlaw contract renewal for his office. He reviewed pricing and said there was previously a 3-year contract in place. He discussed the development of Artificial Intelligence (AI) and the inclusion of its availability in other plan options. He recommended the Commission sign a 2-year contract. Gray-Lobe said AI is moving fast, and 12 months might be appropriate. M. Smith said Chat GPT is even being used already in the legal world. Gray-Lobe said it might be a minimal amount to pay to free up staff time or to reduce the need for more staff. Mockler asked if we can upgrade early on a 3-year contract. M. Smith said that might be possible, and he will check on that. Gray-Lobe moved, seconded by Thiesse and unanimously carried to table the contract until the next meeting.

Gray-Lobe reported to the Board that the County was approved for the Federal Land Access Program (FLAP) grant. They wanted a narrower scope in order to approve the County, so parameters were cut down to the 2 existing river access points, the corridor from Vermillion to Clay County Park, and the potential for a new access point on the county line between Clay and Yankton Counties. They are all in existing public right-of-ways, so it is removing any possibility of acquiring any new public right-of-ways. The Federal Highway Administration wants to know if the County is ok with this being overdue. Gray-Lobe said the scope changes were submitted prior to the deadline. Mockler said that for 2 of the access points, we have to work with 3 townships. Gray-Lobe said we would also have to work with the state. Betty said she likes the targeted approach and the revision responds to the public comments that were received. It will increase recreation opportunities for families.

Hammond moved, seconded by Mockler and unanimously carried to approve the following claims for payment.

(DUE TO OTHER GOVERNMENT)	QUALIFIED PRESORT SVC 2,856.10
CLAY CO TREASURER 3,010.00	SATELLITE TRACKING OF PEOPLE 78.00
SDACC OFFICE 1,018.00	SCHAEFFER, BILL 15.00
SDACO - M&P FUND 230.00	SD ASSN. OF CO. OFFICIALS 100.00
SD DEPARTMENT OF REVENUE 359,091.19	SD DEPT OF HEALTH LAB 780.00
(HUMAN RESOURCES)	SDRS SPECIAL PAY PLAN 45.00
ALTERNATIVE HR, LLC 1,593.91	STATE OF SD RECORDS MGMT 12.00
(JAIL/LEC PROJECT)	SULLIVAN, GAGE QMHP 850.00
BECKENHAUER CONST. 2,084,342.54	YANKTON CO SHERIFF 100.00
GEO TEK ENGINEERING 1,961.00	(OTHER PROFESSIONAL SVC/FEES)
JLG ARCHITECTS 27,280.00	CHARLES MIX COUNTY 90.00
US BANK 600.00	CITY OF VERMILLION 103,165.11
(PROFESSIONAL SERVICES/FEES)	MINNEHAHA COUNTY JAIL 3,248.00
BUHLS DRYCLEANERS 154.16	SCHAEFER, DEAN 144.00
CERTIFIED LANGUAGES IN 41.25	SCHILDHAUER, T. LEMBCK 1,419.00
CITY OF VERMILLION 48.00	SD ATTORNEY GENERAL 887.00
JURY/WITNESS FEES 718.50	(INMATE BOARDING)
KATTERHAGEN, MARK 33.00	UNION CO. SHERIFF 21,360.00
LARSON, VAL 18.00	YANKTON CO SHERIFF 5,270.00
LEWIS & CLARK BEHAVIOR 213.00	(LAW OFFICE)
LEWNO, LUCILLE M 319.28	FRIEBERG, NELSON & ASK 3,321.75
LINCOLN COUNTY AUDITOR 528.34	PETERSON, STUART, KLEN 10,905.17
OLSON'S PEST TECHNICIANS 280.00	TERWILLIGER, PHILIP 3,321.75
PHARMCHEM, INC. 383.40	(PUBLISHING)

BROADCASTER PRESS 3,541.42
 NEW CENTURY PRESS ACCT 68.57
 NEW CENTURY PRESS ACCT 1,264.19
 (REPAIRS/MAINTENANCE)
 BRUNICK SERVICE, INC. 65.00
 MART AUTO BODY & MARIN 150.00
 NELSON REPAIRS 3,675.00
 PRESTO-X COMPANY LLC 79.33
 RUNNINGS SUPPLY INC CH 44.99
 VERMILLION ACE HARDWAR 32.99
 DOTY, KIM 37.50
 (DATA PROCESSING)
 MICROFILM IMAGING SYST 90.00
 SOFTWARE SERVICES, INC 700.00
 (SUPPLIES/MATERIALS)
 BRUNICK SERVICE, INC. 178.90
 BUTLER MACHINERY CO. 1,043.18
 DIAMOND MOWERS INC 514.28
 HY-VEE, INC. EXTENSION 384.73
 I-STATE TRUCK CENTER 93.00
 MART AUTO BODY & MARIN 201.84
 MICROFILM IMAGING SYST 30.00
 MINNEHAHA COUNTY JAIL 1.74
 NELSON REPAIRS 4,007.27
 O'REILLY AUTO PARTS 32.66
 PCIROADS, LLC 441,452.83
 QUALIFIED PRESORT SVC 290.75
 QUILL LLC TRS 153.99
 RUNNINGS SUPPLY INC 142.42
 STEWART, LAYNE 168.86
 THE TROPHY PLACE 50.00
 UNION CO. SHERIFF 579.73
 VERMILLION ACE HARDWAR 137.96
 ONE OFFICE SOLUTION 302.44
 YANKTON REXALL DRUG 32.96
 (TRAVEL/CONFERENCE)
 BROWN, MELISSA 100.00
 BRUNICK SERVICE, INC. 23.00
 SAFE HARBOR FOUNDATION 450.00
 SDACC OFFICE 600.00
 VOYAGE FEDERAL CREDIT 1,047.48
 CENEX FLEET FUELING 472.70
 (UTILITIES)
 ALLEN, VICTOR 120.00

ANDERS, JEFFREY 180.00
 ARMSTRONG, AARON 180.00
 AT&T MOBILITY 55.85
 BUREAU OF ADMINISTRATI 77.69
 CENTURYLINK HWY 149.99
 CHRISTOPHERSON, KALEB 180.00
 CITY OF VERMILLION 815.37
 FISCHER'S DISPOSAL L.L 65.00
 HOWE, ANDY 180.00
 HUBER, KYLE 180.00
 HUSBY, TIFFANY 180.00
 KYMALA, SHANNON 180.00
 LOFFLER COMPANIES 255.66
 LOREN FISCHER DISPOSAL 151.18
 MCPHERSON, LARRY 150.00
 MIDAMERICAN ENERGY C H 78.73
 MIDCO BUSINESS EXT. 75.39
 PAULSEN, ANDREW 180.00
 PEDERSON, PAUL 180.00
 VERMILLION GARBAGE SVC 176.00
 WAKONDA TOWN 88.90
 (AUTOMOTIVE EXPENSES)
 BRUNICK SERVICE, INC. 225.00
 CENEX FLEET FUELING 2,263.61
 STEWART, LAYNE 147.90
 VERMILLION FORD 570.88
 (ALLOCATIONS)
 CLAY CO AGR FAIR ASSOC 2,062.50
 DAKOTA SENIOR MEALS 1,448.25
 LEWIS & CLARK BEHAVIOR 6,310.00
 ROCS TRANSIT 468.75
 VERMILLION PUBLIC LIBRARY 500.00
 (JUVENILE DETENTION)
 MINNEHAHA COUNTY JDC 14,622.00
 (WEED CHEMICALS)
 NUTRIEN AG SOLUTIONS 5,949.50
 (BUILDING IMPROVMENTS)
 L & L BUILDERS 35,407.00
 SCHUMACHER ELEVATOR CO 58,502.50
 (BOOKS)
 THOMSON REUTERS - WEST 306.89
 (FURNITURE/MINOR EQUIPMENT)
 CANON FINANCIAL SERVICE 280.00
 MICROFILM IMAGING SYSTEMS 215.00

At 9:51 a.m., Thiesse moved, seconded by Gray-Lobe and unanimously carried to enter an Executive Session for legal/contractual matters per SDCL 1-25-2.

At 10:40 a.m., Mockler moved, seconded by Thiesse and unanimously carried to exit the Executive Session.

Mockler moved, seconded by Gray-Lobe and unanimously carried to table consideration of the WIC contract amendment until the next meeting.

At 10:41 a.m., Gray-Lobe moved, seconded by Mockler and unanimously carried to adjourn and reconvene July 30, 2024 at 9:00 a.m.

ATTEST:

Carri R. Crum
Carri R. Crum, County Auditor

Elizabeth T. Smith
Elizabeth T. Smith, Chairwoman
Board of County Commissioners

July 30, 2024

The Board of County Commissioners met in regular session Tuesday, July 30, 2024, at 9:00 a.m. at the Clay County Courthouse, 211 W. Main St., Vermillion, SD. Members present: Travis Mockler, Geoffrey Gray-Lobe, Elizabeth Smith, David Thiesse (via Zoom), and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Gray-Lobe moved, seconded by Mockler and unanimously carried to approve the agenda.

Hammond moved, seconded by Gray-Lobe and unanimously carried to approve the minutes of the July 16, 2024 meeting.

Jim Peterson, Vermillion Chamber & Development Company, presented a report on the Vermillion NOW! 3 campaign goals and progress.

Ryan Anderson, 911 Communications Director, met with the Board for his 2025 budget request.

Dr. Stanage, Lewis & Clark Behavioral Health Services, met with the Board for his 2025 budget request. He also gave a presentation regarding The CORE Center, the new crisis care center.

State's Attorney Michael Smith met with the Board regarding the Westlaw contract renewal as tabled from the previous meeting. He said he can expand a multi-year contract to a more comprehensive plan if he finds that Artificial Intelligence features will be useful to his office. Mockler moved, seconded by Gray-Lobe and unanimously carried to approve a 3-year contract and authorize the Chairwoman to sign it.

M. Smith also met with the Board for his 2025 budget request.

Andy Schulz and Becky Jennings, Boys & Girls Club, met with the Board to discuss the organization's Community Block Grant application. Schulz requested written support. He said the goal is to provide a traditional model, but building renovations are needed. The grant would cover a large portion of the cost. Gray-Lobe asked how many children they serve. Jennings said the current count is about 170 children total, but 80-85 per day. They would like to expand to serve 300-400 children preschool through high school. Schulz said they have collaborated with area daycares for grant money. Hammond asked how many of the 300-400 children will be at the former Austin School building. Jennings said that location will serve most of them. They do have tutoring at the middle and high schools. Gray-Lobe and E. Smith voiced support.

Gordon Andersen, Assistant Highway Superintendent Larry McPherson, and Highway Superintendent Rod Polley met with the Board to discuss Andersen's request to have the ditch on the east side of University Rd. between 300 St. & 301 St. cleaned. He asked to replace a culvert that he said is creating a dam and offered to offset the cost by doing the work, under the supervision of the Highway Department. Polley said they have done similar projects in the past.

Andersen mentioned widening the current driveway in the process. McPherson said it has an 18" culvert. Hammond asked if the culvert is almost completely plugged, and McPherson said it is. There was discussion regarding cleaning of the ditch, and Mockler said they cannot upsize the culvert. Polley said in past projects, it was done at the landowner's expense, and a permit was needed to widen the driveway. The County has never put a culvert in at no cost to the landowner. Widening the driveway would also involve extending the culvert. It was said that they want to extend it to a 60' driveway. Mockler said if the County does it the way it has been done in the past, it is the landowner's expense. Andersen said he does not believe it is the landowner's responsibility, but he knows the County doesn't have money right now. There was discussion that the landowner for the dairy operation needs to be notified. Andersen asked for the Highway Superintendent's guidance. Polley said he will look downstream as well. Mockler discussed talking to those landowners. Andersen thanked the Commissioners for being willing to serve as it is a difficult job

At 10:10 a.m., Mockler moved, seconded by Hammond and unanimously carried to adjourn and convene as Clay County Ditch Board with Ditch Board Chairman Mockler presiding.

The Board considered a bill for a culvert to be paid to the Clay County Highway Department. Polley asked to table the matter until he can further review the bill. Gray-Lobe moved, seconded by Hammond and unanimously carried to table consideration of the bill until a future meeting.

There was a brief discussion regarding other culverts that need to be billed out.

At 10:13 a.m., Gray-Lobe moved, seconded by Smith and unanimously carried to adjourn and reconvene as Board of Clay County Commissioners with Chairwoman E. Smith presiding.

Polley said the change order to be considered at the next meeting for the low slump overlay will have the same dollar amount, but the change order is for specific work that was done. The University Rd. bridge epoxy chip seal is done. His concern now is the Dakota St. bridge and the Dawson Rd. bridge. There will need to be a large channel cleaning and bank stabilization project for them, and some tree removal will be necessary. Emergency Management Director Layne Stewart said the County wasn't on the public assistance list for FEMA, but this could be a 404 item, so FEMA may be able to help. It may be a Presidential Disaster, and he should hear something about that by next week. Polley said none of this was included in his totals. There has never been this much damage to those bridges in past flood events. There were no critical findings in the bridge inspections, though, so they can stay open. Clean up work has put his department behind on other road projects. Stewart said there is a possibility for 75% cost reimbursement.

Stewart presented the Board with the SLA Quarterly Activity Report. Mockler moved, seconded by Gray-Lobe and unanimously carried to approve the report and authorize the Chairwoman to sign it.

Stewart also met with the Board for his 2025 budget request.

Sheriff Andy Howe met with the Board for his 2025 budget requests.

Treasurer Rhonda Howe met with the Board for her 2025 budget request.

Director of Equalization Lennea Olson met with the Board for her 2025 budget request.

Olson also reported to the Board that Melissa Brown received her Assessor Appraiser certification from the State.

Zoning Administrator Drew Gunderson presented a plat. Hammond said Corey Moore is purchasing the property for storage for his port-a-potty business. Mockler moved, seconded by Hammond and unanimously carried to pass and adopt the following Resolution #2024-15 for Plat of Lynch Tract 2A, in the E1/2 of the SW1/4 of Section 13, Township 92 North, Range 51 West of the 5th P.M., Clay County, South Dakota, Michael D. Lynch and Kathleen M. Lynch, Trustees of the Michael and Kathleen Lynch Revocable Trust, owners.

RESOLUTION #2024-15
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 Lynch Tract 2A, in the E1/2 of the SW1/4 of Section 13, Township 92 North, Range 51 West of the 5th P.M., Clay County, South Dakota, Michael D. Lynch and Kathleen M. Lynch, Trustees of the Michael and Kathleen Lynch Revocable Trust, 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.

Elizabeth Smith
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 30, 2024.

Carri R. Crum
County Auditor, Clay County, SD

Gunderson discussed progress on the development of a special event permit. He has reviewed some from other counties and developed criteria for events over 4 hours, over 500 people, and time and duration of events. Gray-Lobe asked about the fee. Gunderson said he suggested \$5,000, but he is open to suggestions. Gray-Lobe asked about how much time Gunderson would spend and said risk of needing emergency response should be considered. E. Smith said the

presence of alcohol should be part of the criteria as it increases the risk of needing emergency response. Mockler said they should have an exemption for non-profits. M. Smith discussed an education exemption. Stewart suggested language for events where alcohol is “allowed” rather than “served” as people bringing their own alcohol could be as much of an issue as alcohol being served. Mockler said a parking plan will need to be required. Gray-Lobe suggested an ordinance requiring the permit, and if one is not obtained a fine is imposed. Mockler said the Commission should sign permits, just like other permits such as Fireworks Display Permits.

Hammond moved, seconded by Mockler and unanimously carried to approve the following claims for payment.

(DUE TO OTHER GOVT)	SD SUPPLEMENTAL RETIREMENT 8,093.18
SD DEPT OF REVENUE 1,859.26	SDRS ROTH 457(B) PLAN 585.00
VERM. RURAL FIRE ASSOC 2.66	TASC FLEX PLAN 1,723.30
BERESFORD RURAL FIRE 3,693.11	THE STANDARD DENTAL 1,451.40
CENTERVILLE RURAL FIRE 2,601.91	THE STANDARD VISION 451.84
GAYVILLE RURAL FIRE AS 2,286.73	THE STANDARD SHORT TERM DIS 1,579.58
IRENE RURAL FIRE ASSOC 1,247.51	THE STANDARD LIFE 432.59
VERM. RURAL FIRE ASSOC 68,157.45	UNITED WAY 205.00
VOLIN RURAL FIRE ASSOC 583.59	VOYAGE FEDERAL CREDIT UNION 750.00
WAKONDA RURAL FIRE 6,626.81	WELLMARK BLUE CROSS 63,399.39
(PROF. SVC./FEES)	(PAYROLL)
AVERA MCKENNAN HOSPITA 3,160.00	COMMISSIONERS 9,247.39
AVI SYSTEMS, INC. 369.86	AUDITOR 10,547.15
CERTIFIED LANGUAGES IN 47.85	TREASURER 25,429.85
CINTAS 7.16	STATE’S ATTORNEY 31,539.98
CITY OF VERMILLION 259.56	FACILITIES 8,839.04
ERICKSON SOLUTIONS GRO 882.20	DIR. OF EQUALIZATION 11,596.92
GEO TEK ENGINEERING & 2,812.50	REG. OF DEEDS 10,212.47
PRESTO-X COMPANY LLC 189.90	VETERANS 1,950.59
PRICE, THOMAS L. 350.00	24/7 SOBRIETY PROJECT 2,124.94
QUALIFIED PRESORT SVC 2,807.19	SHERIFF’S OFFICE 56,579.70
TEGRA GROUP INC 22,406.60	JAIL 44,170.80
ULTEIG 22,125.24	EMERGENCY MGMT 5,727.57
YANKTON CO TREASURER 255.50	HIGHWAY 63,919.44
PETERSON, STUART & KLENTZ 11,807.79	NURSE/WIC 5,049.17
YANKTON MEDICAL CLINIC 132.73	EXTENSION 3,590.94
SCHILDHAUER, T. LEMBCK 1,128.00	WEED 9,937.35
UNION CO. SHERIFF 1,040.00	ZONING 3,989.49
BLACKBURN & STEVENS, 207.68	(INSURANCE)
(MISC.)	SD PUBLIC ASSURANCE AL 7,313.33
FIRST DAKOTA CREDIT CARD 11,127.92	(PUBLISHING)
(PAYROLL DEDUCTIONS/BENEFITS)	BROADCASTER PRESS 26.40
AFLAC 874.27	NEW CENTURY PRESS ACCT 542.32
FIT/FICA TAX PAYMENT 67,979.63	(REPAIRS/MAINTENANCE)
COLONIAL LIFE 270.54	CENTURY BUSINESS PRODU 41.25
CONSECO/WASHINGTON NATIONAL 24.45	GRAHAM TIRE YANKTON 453.95
DIV OF CHILD SUPPORT IA 220.00	KALINS INDOOR COMFORT 645.51
DIV OF CHILD SUPPORT SD 411.00	O'REILLY AUTO PARTS 212.40
NEW YORK LIFE 258.57	PRESTO-X COMPANY LLC 87.26
SD RETIREMENT SYSTEM 35,997.80	STURDEVANT'S AUTO HWY 307.92

VERMILLION ACE HARDWAR 29.99
DOTY, KIM 37.50
(HISTORIC PRESERVATION)
CLAY CO HISTORICAL SOC 500.00
PRESSING MATTERS 3,390.00
(SUPPLIES/MATERIALS)
A & B BUSINESS 197.13
A-OX WELDING SUPPLY CO 151.17
BOB BARKER CO INC 89.21
BROCK WHITE CAP L. P. 118.86
BRUNICK SERVICE, INC. 173.79
C & B OPERATIONS LLC 268.48
CORTRUST BANK 4.00
COYOTE ENTERPRISE LLC 74.99
D-P TOOLS, INC. 374.95
DELL RAPIDS CUSTOM 157.29
EASTWAY AUTO SERVICE I 121.38
GRAHAM TIRE S.F. NORTH 224.00
GRAHAM TIRE YANKTON 55.60
HY-VEE, INC. JAIL ACCT 508.88
I-STATE TRUCK CENTER 691.76
LAWSON PRODUCTS, INC. 38.77
LAYNE'S WORLD, INC. 517.98
LEWIS DRUG, INC. 337.65
NAPA AUTO SUPPLIES 409.17
O'CONNOR COMPANY 522.67
O'REILLY AUTO PARTS 13.84
PHARMCHEM, INC. 1,151.34
PRESSING MATTERS 280.50
PROCHEM DYNAMICS 1,007.49
QUALIFIED PRESORT SVC 209.22
QUILL LLC ROD 235.16
QUILL LLC TRS 198.56
RIVERSIDE HYDRAULICS A 280.00
RUNNINGS SUPPLY INC 132.92
RUNNINGS SUPPLY INC CH 108.73
SANFORD HEALTH CLINIC 123.14
THE LUMBERYARD LLC 96.00
VERMILLION ACE HARDWAR 201.88
VERMILLION ACE HARDWAR 52.95
VERMILLION ACE HARDWAR 6.99
VERMILLION ACE HARDWAR 119.91
VOYAGE FEDERAL CREDIT 30.57
ONE OFFICE SOLUTION 439.97
(TRAVEL AND CONFERENCE)
ARROWWOOD RESORT & 130.52
KATIE O'LEARY 85.76
(UTILITIES)
BUREAU OF ADMINISTRATION 14.69
CITY OF VERMILLION 2,968.27
CLAY RURAL WATER SYSTE 142.40
CLAY UNION ELECTRIC CO 685.29
MIDAMERICAN ENERGY EXT 9.83

T-MOBILE 16.21
VERIZON WIRELESS HWY 94.29
VERM./CLAY CO. LANDFIL 1,651.50
VERMILLION GARBAGE SVC 60.00
(AUTOMOTIVE/MACHINERY)
BRUNICK SERVICE, INC. 110.00
THE SOAP GUYS 105.60
VERMILLION FORD 2,471.22
WEGNER AUTO CO, INC 41,228.00
(WEED CHEMICALS)
NUTRIEN AG SOLUTIONS 2,139.70
RUNNINGS SUPPLY INC 49.98
(JURY/WITNESS FEES) 459.30
(CORONER POST-MORTEM)
SANFORD HEALTH CLINIC 2,450.00
(JUVENILE DETENTION)
MINNEHAHA COUNTY JDC 916.96
(SPECIAL EQUIPMENT)
MOTOROLA SOLUTIONS INC 15.00
(FURNITURE/MINOR EQUIPMENT)
CANON FINANCIAL 260.00

Mockler moved, seconded by Gray-Lobe and unanimously carried to adopt the 2025 Provisional Budget and publish it as adopted for public hearing.

Gray-Lobe reported that the rodeo grounds lost a lot of sand with the heavy rains. The Highway Department provided new sand, and the Park Board is paying for it.

E. Smith asked that “Other Commissioner Reports” be added to the bottom of all future agendas.

The Sheriff’s Office and Vermillion Public Library Board monthly reports as well as the following Auditor’s Account with the County Treasurer report were accepted and placed on file.

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

To the Honorable Board of County Commissioners of Clay
County
items in the hands of the County Treasurer as of July 1, 2024.
I hereby submit the following report of my examination of the
cash:

Total amount of deposits in banks	8,506,822.63
Amount of actual cash	2,329.68
Total amount of checks and drafts in Treasurer's Possession not exceeding three days	86,119.92
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:	7,275.05
Checks returned and not deposited	
Cash Items	700.00
Investments	1,154,151.38
Cash Variation	0.00
Total	
Dated this 1st day of July, 2024.	9,757,398.66

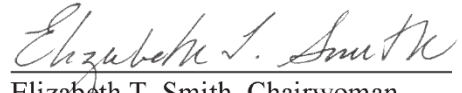
Carri R. Crum, County Auditor

At 11:01 a.m., Gray-Lobe moved, seconded by Mockler and unanimously carried to enter an Executive Session for legal/contractual and employee negotiation matters per SDCL 1-25-2.

At 11:22 a.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to exit the Executive Session.

Hammond moved, seconded by Mockler and unanimously carried to approve the WIC contract with the SD Dept. of Health and authorize the Chairwoman to sign it.

At 11:23 a.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to adjourn and reconvene Tuesday, August 6, 2024 at 9:00 a.m.


Elizabeth T. Smith, Chairwoman
Board of County Commissioners

ATTEST: 
Carri R. Crum, County Auditor

August 6, 2024

The Board of Clay County Commissioners met in regular session Tuesday, August 6, 2024 at 9:00 a.m. at the Clay County Courthouse, 211 W. Main St., Vermillion, SD. Members present: Elizabeth T. Smith, Geoffrey Gray-Lobe, David Thiesse, and Richard Hammond; Travis Mockler was absent.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Hammond moved, seconded by Thiesse and unanimously carried to approve the agenda with the addition of FLAP Grant Discussion and AgriBusiness Grant Discussion.

Hammond moved, seconded by Thiesse and unanimously carried to approve the minutes of the July 30, 2024 meeting.

Register of Deeds Lisa Terwilliger met with the Board for her 2025 budget request.

Auditor Carri Crum met with the Board for her 2025 budget requests.

Crum presented quotes for two software programs for her office. The current County software system is being discontinued, and she needs replacement payroll and accounting software. She explained she has explored several options and recommends the County purchase/subscribe to Paylocity for payroll and Central Square Asyst365 for accounting. The current software provider also has given approval, so the systems will convert smoothly, and State's Attorney Michael Smith has reviewed both proposals and is comfortable with them. Thiesse discussed features of the Paylocity software and said from his prior experience, giving employees access via an app to their pay stubs and W-2s as well as leave requests is a huge benefit and will be a time saver for the Auditor's Office. Thiesse moved, seconded by Gray-Lobe and unanimously carried to authorize the purchase/subscription to Paylocity and Central Square software systems and authorize the Chairwoman to sign the necessary documents.

Gray-Lobe discussed the FLAP Grant and said we can expect the contract between the County and the SD Department of Transportation (SDDOT) soon, hopefully by the next meeting. He attended a meeting regarding the AgriBusiness Grant, and the SDDOT discussed the design and safety of the roads surrounding the proposed grain facility owned by the Southeast Farmers Elevator Coop. All parties would like a turning lane from Highway 50, and the SDDOT would like to leave 313 St. open. The matter will be referred to the County's engineers for a cost estimate. He was surprised to hear that the SDDOT expects some local funding, and they discussed a model where 1/3 is paid by the State, 1/3 is paid by the County, and 1/3 is paid by the developer. The county road improvements could be up to \$1.7 million. Hammond and Smith commented on the cost share.

Hammond said he noticed crossing improvement supplies by the Saginaw Avenue railroad crossing. That was one that the railroad wanted the County to pay. Gray-Lobe discussed the railroad crossing near the proposed grain facility and said there is a grant that can be applied for to improve that. Hammond discussed railroad bridges near Vermillion and Sioux City and said he

hopes there are no rail service interruptions for this area. He discussed previous railroad projects in the Vermillion area and said sheet piling near Goodmans' property is exposed. He thinks the County may also need to do some sheet piling repairs on some of our bridges. Rip rap may not be sufficient in the future. Thiesse asked about the Tabernacle bridge and said he noticed it is still closed. The consensus of those present was that there are some bridges still being inspected, but they could not remember which ones. That may be one of them. Also, some had problems but were not critical findings, so they were able to stay open. Pat Flanigan was present and said some of the Saginaw Avenue railroad crossing supplies have been there since the Dakota Street work was done.

Hammond reported that the Joint Jurisdiction Zoning Area (JJZA) committee is having a public meeting for comment on the first draft of the JJZA Comprehensive Plan update. The meeting is at 6:30 p.m. tonight. SE Council of Governments will present, and there will be new maps as well as posters for viewing. This is the first look for the public. E. Smith said she is excited to see it. She asked if there is any movement on the County's Comprehensive Plan update. Hammond said the JJZA plan has been the focus as well as the solar ordinance, so the County's plan will be an upcoming project.

E. Smith said the ICAP Committee is working on affordable housing and relocation of the fairgrounds. The City would like to use the current fairgrounds for housing construction. Hammond said several of the fairgrounds buildings are at the end of their useful life and would not survive a move. The Vermillion Public Transit has to move their buses out every year for the fair. He has been donating space in his personal building for several years so the transit system can comply with federal regulations that require them to keep the buses stored indoors. E. Smith said some of the fairgrounds buildings are held up by termites holding hands.

It was reported that the Vermillion Chamber and Development Company is working on the next capital campaign.

Gray-Lobe discussed an online permitting system developed by District III and used by Yankton County. He said District III and Yankton County's Zoning Administrator are willing to come give a demonstration to the Board. In speaking with Zoning Administrator Drew Gunderson, Gray-Lobe found that Gunderson does not think we need the system, and Gray-Lobe said he does not want to do anything that would be inefficient for our current system. E. Smith asked if it would make things easier for citizens. Gray-Lobe said it potentially could, but Gunderson has the experience. He asked for the Commissioners' thoughts. Thiesse said education is good, so a demonstration would be fine. Hammond said a lot what is offered is either parallel or identical to things Gunderson already has in place, but we can have a demonstration.

Hammond said he is doing his last "Ask Your Commissioner" OLLI class. He asked for participation and approval from the rest of the Commissioners. Also, he is doing an OLLI class about where our drinking water comes from and invited people to attend.

At 9:50 a.m., Hammond moved, seconded by Thiesse and unanimously carried to adjourn and reconvene at 9:00 a.m. Tuesday, August 13, 2024.

ATTEST:

Carri R. Crum
Carri R. Crum, County Auditor

Elizabeth T. Smith
Elizabeth T. Smith, Chairwoman
Board of County Commissioners

August 13, 2024

The Board of Clay County Commissioners met in regular session Tuesday, August 13, 2024 at 9:00 a.m. at the Clay County Courthouse, 211 W. Main St., Vermillion, SD. Members present: Elizabeth T. Smith, Travis Mockler, Geoffrey Gray-Lobe, and Richard Hammond; David Thiesse was absent.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

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

Hammond moved, seconded by Gray-Lobe and unanimously carried to approve the minutes of the August 6, 2024 meeting.

State's Attorney Michael Smith introduced Rob Marlow, Boys & Girls Club Youth Diversion Coordinator. Marlow said he is taking over the Teen Court program and will be expanding into Juvenile Diversion Alternatives Initiative (JDAI) and case management. He discussed diversion alternatives for youth in the program. Hammond said it sounds like the movement is in the right direction. M. Smith will be taking Deputy State's Attorney Caitlyn Dommer to Northern Hills and Codington County to see how things work in their programs. Gray-Lobe asked about the span of the program. Marlow said Teen Court is the first step, and case management would be for repeat offenders. E. Smith said it is a step in the right direction for the county, the kids, and the community as a whole.

Highway Superintendent Rod Polley met with the Board to discuss a bill from the State for a bridge that had been on the State removal list. Nothing was being done, so the Highway Department removed the bridge. This bill is for the studies the State had done prior to the removal in the amount of \$10,212.33. Mockler moved, seconded by Hammond and unanimously carried to authorize the payment.

Polley said the structure north of the landfill and West of the Bluff on 314 St. is coming up for removal. There are no utilities present, but trees will be removed from the right-of-way. He will send a letter to the landowners. Mockler asked for written confirmation from Clay Rural Water System. Mockler moved, seconded by Gray-Lobe and unanimously carried to authorize the Chairwoman to sign the Right-of-Way, Utility, and Encroachment Certificates.

Polley said he met with inspectors on Dakota St. and Dawson Rd. bridge conditions. Ulteig Engineering is working on a plan. The Emergency Relief Program representatives are coming to look at the bridges on 302 St., 306 St., Dakota St., and Dawson Rd. on August 20th. They will have federal highway officials with them. These bridges have been emergency inspected, so they are safe to be open. The Dakota St. and Dawson Rd. structures have extensive bank stabilization needs. Another event would affect the bridge itself if the repairs are not done. Mockler asked about the Tabernacle bridge. Polley said that one will be at the County's expense, and he has hired Scott Persing. They are building an access to get out into the river to remove the trees, and then they will add rip rap.

Polley met with Adam Schoenherr from Ulteig Engineering. The SD Department of Transportation (SDDOT) wants him to come up with a plan for turning lanes at the site of the SE Farmers Elevator Coop's future grain facility. Schoenherr said the SDDOT will require turning lanes, and if we do not build turning lanes, we will not get the grant. Ulteig will do a cost estimate, and the SDDOT expects a 1/3-1/3-1/3 split between the County, State, and SE Farmers Elevator Coop. They also want a resolution from the Commission before they approve the grant. Mockler said the railroad crossing will be a problem during harvest. Polley said it sounds like the project is up in the air. Mockler said the County will not spend a dime until the SE Farmers Elevator Coop commits, and he told them that. Gray-Lobe said he has not heard them indicate they are comfortable paying 1/3 of the cost. Schoenherr said the timeframe of the grant would be extended due to the developer being delayed as a result of flooding.

Polley discussed the FEMA payout status regarding the 2019 flooding. The County received the funds for Clay Creek Ditch and Lateral 1, and Auditor Carri Crum said they have been applied to the ditch balances. Polley discussed additional reimbursements to the County and the timeline that it took to get the reimbursements.

The Board considered a Change Order for Structure #14-130-146 for bridge deck epoxy chip seal. Brad Stangohr from Ulteig Engineering said the County saved some money as the repairs came in a bit lower. Gray-Lobe moved, seconded by Mockler and unanimously carried to approve and authorize the Chairwoman to sign the change order.

At 9:40 a.m., Hammond moved, seconded by Mockler and unanimously carried to adjourn and convene as Clay County Ditch Board with Ditch Board Chairman Mockler presiding.

The Board considered a culvert bill for Clay Creek Ditch in the amount of \$5,582.95. Gray-Lobe moved, seconded by Hammond and unanimously carried to approve the payment.

Polley said, regarding installation of the culvert on Lateral 50B that Todd Bye requested, he has been waiting a year for the work to be done, and Wieman Construction told him to hire someone else as they are unable to get to it. He has hired another contractor. He discussed another culvert he will be having the same contractor install. Mockler said Jim Petrik has a culvert that needs to be replaced, too.

At 9:44 a.m., Gray-Lobe moved, seconded by Hammond and unanimously carried to adjourn and reconvene as Board of Clay County Commissioners with Chairwoman E. Smith presiding.

Polley said Highway 48 is closed in Union County, so 302 St. east of Highway 19 is being used a lot and is not holding up well. Union County just closed one lane of the 302 St. bridge due to a hole, so he hopes truck traffic will let up as 302 St. and 306 St. are taking a beating. The SDDOT expects their work on Highway 46 to be done at the end of 2025.

Weed Supervisor Corey Doherty met with the Board for his 2025 budget request.

Facilities Manager Scott Hanson met with the Board for his 2025 budget request.

Emergency Management Director Layne Stewart met with the Board for his 2025 budget request.

Stewart also presented the 2025 LEMP Grant agreement. Mockler moved, seconded by Gray-Lobe and unanimously carried to authorize the Chairwoman to sign the agreement.

Stewart provided an update on the flood event. He said the rumor is that President Biden is not going to declare a disaster here because he is mad at South Dakota. It is untrue, and it takes 45 days for a Presidential Disaster Declaration. Clay County will get public assistance, but he does not know if there will be any individual assistance given.

The Beresford FFA was present to give a presentation about eminent domain that they will be doing in the national competition.

Harry Redman, District III Planning, gave a presentation on the online permitting system developed for Yankton County. Gary Vetter from Yankton County discussed the procedures for responding to online permitting applications and the associated fee structures. Gray-Lobe discussed interfacing with FEMA flood plain maps. E. Smith asked what the advantages are to the public, and Vetter said they can do the application on their own time; staff doesn't have to sit with them to fill it out. Gray-Lobe asked about utilization, and Vetter said they had an online system before, but it is easier to use. The permit process is quick. The online system is required. Gray-Lobe asked what the impact has been on staff time. Vetter said it saves them a lot of time, possibly an hour per permit. Redman said they tried to make it as user-friendly as possible. Hammond said for larger counties with a lot of development it could be useful, but you lose the personal touch. He discussed the contentious environment of zoning in Yankton County. Vetter said they still have interaction with the public. Gray-Lobe asked SE Council of Government representatives if is something they could work with Clay County to develop, and they said yes. Gray-Lobe said Zoning Administrator Drew Gunderson would have opinions on how it should be structured.

Hammond moved, seconded by Mockler and unanimously carried to approve the following claims for payment.

(DUE TO OTHER GOVERNMENT)	LEWNO, LUCILLE M 166.73
CLAY CO. TREASURER \$6,922.50	LINCOLN COUNTY AUDITOR 1,738.50
SD DEPT. OF REVENUE \$446,600.32	MICROFILM IMAGING SYST 30.00
(INSURANCE DEDUCTIBLE REIMBURSE)	MIDWEST ALARM CO., INC 119.85
ROBERT PROEFROCK \$500	MINNEHAHA COUNTY JAIL 96.00
(PROFESSIONAL SVC./FEES)	MOTOROLA SOLUTIONS INC 73.39
ALTERNATIVE HR, LLC 2,730.37	PHARMCHEM, INC. 223.65
AVERA MCKENNAN HOSPITAL 1,600.00	QUALIFIED PRESORT SVC 3,695.49
BILLINGS, JOHN P 7,532.50	SANFORD HEALTH OCCMED 59.00
BROADCASTER PRESS 173.22	SATELLITE TRACKING OF 162.50
BUHLS DRYCLEANERS & 119.44	SD DEPT OF HEALTH LAB 1,165.00
CITY OF VERMILLION 180.00	SECURITY SHREDDING SVC 40.00
CORTRUST BANK \$104.78	YANKTON CO TREASURER 156.50
FEDEX 41.99	MINNEHAHA COUNTY JAIL 6,944.00
FIRST DAKOTA CREDIT CARD \$15,848.38	SD ATTORNEY GENERAL 1,221.00
KATTERHAGEN, MARK 15.00	UNION CO. SHERIFF 20,480.00
KONE, INC. 946.38	BLACKBURN & STEVENS, 184.68
LARSON, VAL 15.00	FRIEBERG, NELSON & ASK 3,321.75
LEWIS & CLARK BEHAVIOR 213.00	PETERSON, STUART, KLEN 10,905.17

TERWILLIGER, PHILIP 3,321.75
 (PUBLISHING)
 BROADCASTER PRESS 89.50
 NEW CENTURY PRESS ACCT 281.48
 (REPAIRS/MAINTENANCE)
 HARDING GLASS 107.50
 HAUGER LAWN SERVICE, L 275.00
 JOHNSEN HEATING & COOL 2,349.22
 RDO EXCH 80-5800 606.90
 ROAD KING, INC 14,350.00
 SOFTWARE SERVICES, INC 450.00
 TIGERT ART GALLERY 60.00
 TWO WAY RADIO SOLUTION 174.48
 VERMILLION ACE HARDWAR 73.99
 CLAY CO. HIGHWAY DEPT. 5,582.95
 MICROFILM IMAGING SYST 855.00
 SOFTWARE SERVICES, INC 3,850.00
 (SUPPLIES/MATERIALS)
 A & B BUSINESS 203.13
 A-OX WELDING SUPPLY CO 248.50
 BRUNICK SERVICE, INC. 174.51
 CHS INC. 1,930.50
 DIAMOND MOWERS INC 228.48
 I-STATE TRUCK CENTER 1,370.55
 INTOXIMETERS, INC. 1,000.00
 JOHNSON FEED, INC. 217.15
 KNIFE RIVER SOUTH DAKO 2,449.76
 LAWSON PRODUCTS, INC. 86.99
 MCLEOD'S PRINTING & SU 349.90
 MINNEHAHA COUNTY JAIL 10.92
 O'CONNOR COMPANY 61.08
 O'REILLY AUTO PARTS 39.55
 PRESSING MATTERS 337.00
 PROCHEM DYNAMICS 358.72
 QUALIFIED PRESORT SVC 314.55
 QUILL LLC ROD 92.99
 RDO EXCH 80-5800 1,567.74
 RUNNINGS SUPPLY INC H& 59.96

RUNNINGS SUPPLY INC CH 36.34
 SD DEPT OF TRANS 10,212.33
 SIOUX CITY FOUNDRY CO. 201.00
 UNION CO. SHERIFF 664.33
 VERMILLION ACE HARDWARE 315.87
 (TRAVEL/CONFERENCE)
 PIZZA RANCH 14762 1,105.00
 STEINLEY REAL ESTATE \$100.00
 (INMATE TRANSPORT)
 CENEX FLEET FUELING \$362.90
 (UTILITIES)
 AT&T MOBILITY 56.64
 BUREAU OF ADMINISTRATI 65.00
 CENTURLINK HWY 149.99
 CLAY RURAL WATER SYSTE 115.90
 MIDAMERICAN ENERGY C H 100.37
 VERM./CLAY CO. LANDFIL 518.78
 VERMILLION GARBAGE SVC 60.00
 VERMILLION GARBAGE SVC 176.00
 WAKONDA TOWN 83.90
 (AUTOMOTIVE EXPENSE)
 BOB'S SINCLAIR SERVICE 459.14
 CENEX FLEET FUELING 2,168.77
 GRAHAM TIRE S.F. NORTH 292.00
 JERRY'S SERVICE \$188.68
 QUALITY MOTORS 152.39
 VERMILLION FORD 111.00
 (JURY/WITNESS) SUBPOENA FEE \$61.54
 (JUVENILE DETENTION)
 MINNEHAHA COUNTY JDC \$14,289.54
 (SPECIAL EQUIPMENT)
 RUNNINGS SUPPLY \$54.98
 U.S. ARMOR \$3,074.91
 (FURNITURE/MINOR EQUIPMENT)
 CANON FINANCIAL SERVICE 280.00
 LOFFLER COMPANIES 260.13
 MICROFILM IMAGING SYST 215.00

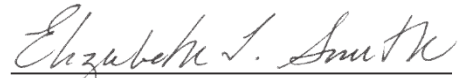
Mockler updated the Board that concrete is being poured at the new jail and law enforcement center.

Hammond said the Joint Jurisdiction Zoning Area committee had a public meeting, and it was sparsely attended. They will be having another. E. Smith said the maps were really well done.

At 11:15 a.m., Gray-Lobe moved, seconded by Mockler and unanimously carried to enter an Executive Session for personnel and contractual matters per SDCL 1-25-2.

At 12:49 p.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to exit the Executive Session.

At 12:49 p.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to adjourn and reconvene at 9:00 a.m. Tuesday, August 27, 2024.



Elizabeth T. Smith, Chairwoman
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

August 27, 2024

The Board of Clay County Commissioners met in regular session Tuesday, August 27, 2024 at 9:00 a.m. at the Clay County Courthouse, 211 W. Main St., Vermillion, SD. Members present: Elizabeth T. Smith, Travis Mockler, Geoffrey Gray-Lobe, and Richard Hammond; David Thiesse was absent.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

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

Hammond moved, seconded by Thiesse and unanimously carried to approve the minutes of the August 13, 2024 meeting.

Emergency Management Director Layne Stewart appeared under Visitors to be Heard to report that he received an email stating that Clay County has been granted eligibility in the SBA loan program. There was no individual FEMA assistance, so this would be an option for flood victims. It is approximately 2.3% for 30 years up to \$500,000.

4-H Educator Lauren Hollenbeck met with the Board for her 2025 budget request.

Glen Pulse met with the Board regarding the previously considered Application for Abatement from Pulse of Life Church. He clarified that the entire operation is non-profit. Gray-Lobe said the partial abatement was due to timing of the transfer from the Pulses to the church. E. Smith said the transfer date was October 16th. Mockler said the property owner change is what triggers the ability to abate the taxes. Hammond asked State's Attorney Michael Smith to confirm. M. Smith said state law is pretty clear on that. Gray-Lobe told Pulse he appreciates the service the service they are offering to the community, but the law does not allow much discretion.

Public Defender Seth Klentz met with the Board regarding renewal of his contract ending December 31, 2025. He said in 2021 he had 112 total felony, juvenile, and abuse & neglect cases. In 2022, that number was 121, and in 2023 it was 139. He expects that when he is able to look back at 2024, it will have increased by 20-30 cases and will reach a total of 170-180 for 2025. He is proposing to handle felonies on with the same exemptions. He would be present one day a week on Wednesdays. He proposed to remove Habeus Corpus cases and appeals from the contract as they are very rare. He did not propose any changes to juvenile and abuse & neglect cases. Mental illness and involuntary committal cases are rare as well. He has handled approximately 4 in the last several years, and so he proposed to remove those from the contract. The proposed contract amount was \$175,000, and they would still need to discuss office space. Mockler said the office space will not be an issue once the new jail & law enforcement center is complete and the current Safety Center is remodeled. Mockler asked if this proposal is a one-year contract, and Klentz said it is at this time. Hammond said that seems reasonable. M. Smith said they can work out the details and bring a final contract before the Board.

Highway Superintendent Rod Polley met with the Board for his 2025 budget request. He also discussed open job postings and descriptions.

Polley presented Right-of-Way applications from Santel Communications. He said they all look good, and he recommends approval. Mockler moved, seconded by Gray-Lobe and unanimously carried to approve the applications. Polley discussed the borings involved and said there are a lot, but they are easier than water borings.

Polley discussed the Clay County Park road. He said it was not built for truck traffic, and there is a “No Thru Trucks” posting. Now there are large loads being hauled due to the new housing development. He asked if the Board needs to address it. Gray-Lobe said he thought there was a prior discussion that the road is adequate. Polley said it was done before his time. Hammond asked if the weight limit should be posted in the spring. He and Mockler discussed concrete trucks, and Polley said he also spoke to Pollman Excavation. The road looks fine at the moment. Polley thinks the “No Thru Trucks” signs should be removed, but he thinks the Commission may need to pass a resolution. He discussed other roads in the county and said maybe all such signs should be removed as the State wants uniformity. M. Smith said he believes a resolution is the appropriate way to handle it, and they can work together to draft one.

Polley said he met with FEMA and federal highway personnel regarding the bridges. Only \$5,000 of damage is required, and Clay County is well over that. This time, they seem to be getting tired of paying to fix the same things every time it floods. They were impressed with the flex-a-mat product. It would be \$164,000 for 306 St. and \$144,000 for 302 St. to install it. If the work can be done before April 5, 2025, the County’s share would be zero. After that date, it would be an 80/20 split with the County paying 20%. The 2 bridges in question can remain open. Dawson bridge is estimated at \$650,000-\$1 million, and it is more for the Dakota St. bridge as that is a bigger washout. Last time repairs like this were done, the bridge had to be closed for a week. Polley said he spoke to Dave Brunick, and he said they can have access on his land to do the repairs. Regarding the flex-a-mat, the Highway Department can install it.

At 9:59 a.m., Mockler moved, seconded by Hammond and unanimously carried to adjourn and convene as Clay County Ditch Board with Ditch Board Chairman Mockler presiding.

Troy Walraven met with the Board to request a longer culvert on Lateral 50A. He said about once a year someone goes into the ditch. Polley said it will need a new culvert. He recommended a round culvert instead of an arched one. Mockler said the culvert by Todd Bye’s property has been done, but the installation bill needs to be paid. Polley discussed others that need to be done, and he has Jason Jatton hired to do the work, including the culvert by Emmick’s property on 311 St. Thiesse moved, seconded by E. Smith and unanimously carried to approve the culvert replacement, providing funds are available. Polley said Lateral 50 is getting full of trees. They can be ground off. Walraven suggested drone spraying, and Polley said the Weed Department has not been happy with drone spraying results. Hammond said the grinder works well.

At 10:07 a.m., Hammond moved, seconded by Gray-Lobe and unanimously carried to adjourn and reconvene as Board of Clay County Commissioners with Chairwoman E. Smith presiding.

Zoning Administrator Drew Gunderson met with the Board for the Public Hearing and First Reading of a Zoning Ordinance Amendment for Mobile/Manufactured Homes. Currently, the age limit is 1976, and Gunderson said it should be updated. Gray-Lobe asked why that date was

chosen, and in his research, he found that the HUD standards were enacted in 1976. He thinks there have been updates to the HUD code. He discussed that moving a 100-year-old house would not have restrictions that a 2000 mobile home would have. He wants to make sure the County is clear on the impact of the property value on people. Gunderson discussed the cost and quantity of trailers vs. houses. Hammond said a house would have a longer useful life. Gray-Lobe discussed the quality of mobile homes prior to the HUD code vs. after. He suggested citing a HUD code revision vs. a specific year. He was concerned with the definition of modular homes vs. manufactured homes vs. mobile homes. Gunderson said modular homes are not usually moved. Hammond discussed aluminum wiring and leaded brass fixtures. He said they can make it so they are not encouraging residents to do something that is not good for the County or the people. Thiesse and Gunderson spoke about the age of recent mobile homes that had been moved. Mockler said the ordinance was originally intended to have a 20 year age limit, and the HUD code in 1976 was a coincidence. Gray-Lobe said he is still concerned about consistency as it could affect property rights. E. Smith said she is interested in the distinction between manufactured vs. mobile because of the new building standards. The ordinance should consider that. She discussed poverty and cities forcing trailer parks out. It was discussed that things like road and septic requirements make it cost prohibitive to locate trailer parks outside of the city. Thiesse said a \$10,000 trailer will require \$40,000 of infrastructure, not including the cost of the land. Gray-Lobe used an example of someone who might want to replace their 1965 trailer with a newer one without the County being prohibitive. Hammond again discussed the useful lifespan. Gray-Lobe asked if quality can be considered in the Conditional Use Permit (CUP) process. Hammond said the County may need to hire a building inspector or have the person hire one. E. Smith and Hammond discussed the meaning of "manufactured home." Gunderson said this is part of a group of other items being considered. Hammond said this is an easily applied standard. He again talked about useful lifespan. Thiesse said he owned a trailer court and the trailers in it. It was a maintenance nightmare, but it was also an affordable rental for people. Gray-Lobe clarified that this would only affect CUPs going forward. Hammond moved, seconded by Mockler to advance the proposed ordinance revision to the Second Reading. Vote of the Board: Mockler Aye, Gray-Lobe Nay, Smith Nay, Thiesse Aye, Hammond Aye. Motion passed. E. Smith said if they can separate out and clarify definitions, she would be supportive of it. Gray-Lobe asked how many mobile homes are moved in the County per year, and Gunderson said the most he has ever had was four in a year.

Gunderson met with the Board for his 2025 budget requests.

Stewart met with the Board regarding Emergency Management trailers that have been parked in the Clover Hall fair building. He said the Fair Board wants rent. He does not know if they realize the money is all taxpayer dollars from the same pool. There is many thousands of dollars of equipment in the trailers, and a generator trailer that has to be plugged in. He is concerned about not having a secure place for them. Hammond and Mockler said it is a County building. Thiesse said there is too much value in the equipment. Hammond said maybe the County should charge the Fair Board the proposed rent. Mockler said the Fair Board does not have the authority to kick out the County trailers. E. Smith asked Mockler to talk to them. Hammond said the trailers will need to be accessible at all times of the year. Stewart agreed and said he had to have the City's

crew clear snow in order to get the mobile command trailer out for a winter incident last year. Mockler said the City owns the land, but the County owns the lease on the buildings.

Hammond moved, seconded by Thiesse and unanimously carried to approve the following claims for payment.

(DUE TO OTHER GOVERNMENT)	FIRST DAKOTA CREDIT CARD \$250.16
SDACO – M&P FUND \$320.00	NEW CENTURY PRESS \$953.76
(PAYROLL DEDUCTIONS)	(REPAIRS/MAINTENANCE)
AFLAC 874.27	CENTURY BUSINESS PRODUCTS \$41.25
CLAY CO. FIT/FICA \$64,115.47	HARDING GLASS \$956.90
COLONIAL LIFE 293.86	LAUREN HOLLENBECK \$239.56
CONSECO/WASHINGTON 24.45	JOHNSON FEED \$205.63
DIV OF CHILD SUPPORT IA 220.00	PRESTO-X COMPANY \$87.26
DIV OF CHILD SUPPORT SD 411.00	RUNNINGS SUPPLY \$26.99
NEW YORK LIFE C/O M&T 258.57	VERMILLION ACE HARDWARE \$32.09
SD RETIREMENT SYSTEM 34,430.94	FIRST DAKOTA CREDIT CARD \$2,769.50
SD SUPPLEMENT RETIREME 8,293.18	(SUPPLIES/MATERIALS)
SDRS ROTH 457(B) PLAN 685.00	BRUNICK SERVICE \$80.00
TASC \$1,723.30	C&B OPERATIONS \$214.04
THE STANDARD - DENTAL 1,624.64	CHS INC \$686.40
THE STANDARD – LIFE \$204.31	DAKOTA ALIGNMENT & FRAME \$517.28
THE STANDARD – SH. TERM. DIS. \$1,550.92	DIAMOND MOWERS \$528.40
THE STANDARD - VISION 432.16	FIRST DAKOTA CREDIT CARD \$1,175.59
UNITED WAY OF VERMILLION 205.00	HY-VEE \$51.64
VOYAGE FEDERAL CREDIT 860.00	I-STATE TRUCK CENTER \$436.05
WELLMARK \$58,882.16	JERRY’S SERVICE \$4,777.24
(PROFESSIONAL SERVICES/FEEES)	JOHN DEERE FINANCIAL \$214.04
BECKENHAUER 1,524,127.25	LEWIS DRUG \$252.53
CINTAS 7.16	MIKE’S AUTO GLASS \$525.00
CITY OF VERMILLION 483.63	O’CONNOR COMPANY \$450.06
ERICKSON SOLUTIONS GRO 882.20	O’REILLY AUTO PARTS \$94.10
FIRST DAKOTA CREDIT CA 21.23	PRESSING MATTERS \$146.00
GEO TEK ENGINEERING & 5,140.50	PROCHEM DYNAMICS \$490.09
JLG ARCHITECTS 27,280.00	QUALIFIED PRESORT \$248.03
KATTERHAGEN, MARK 6.00	QUILL \$36.17
LARSON, VAL 6.00	RIVERSIDE HYDRAULICS \$280.00
LEWNO, LUCILLE M 112.25	RUNNINGS SUPPLY \$113.39
NETZER, RICHELLE N 1,408.00	SECOG \$1,000.00
PRESTO-X COMPANY LLC 189.90	STURDEVAN’TS AUTO \$295.98
PRICE, THOMAS L. 350.00	VERMILLION ACE HARDWARE \$100.30
QUALIFIED PRESORT SVC 3,749.98	ONE OFFICE SOLUTION \$20.00
REDDICK, MICHAEL C 1,408.00	(TRAVEL/CONFERENCE)
REDDICK, TAYLOR R 1,408.00	CLUBHOUSE HOTEL \$235.12
SCHILDHAUER, T. LEMBCK 900.00	STATE 4-H OFFICE \$120.00
TEGRA GROUP INC 21,653.52	(UTILITIES)
ULTEIG 12,154.85	BUREAU OF ADMINISTRATION \$27.93
WOODBURY CO. SHERIFF 10.00	CITY OF VERMILLION \$3,286.03
YANKTON CO SHERIFF 50.00	CLAY UNION ELECTRIC \$700.31
JOHNSON, CHRISTOPHER 23.00	FIRST DAKOTA CREDIT CARD \$1,319.77
(PUBLISHING)	FISCHER’S DISPOSAL \$65.00
BROADCASTER PRESS \$124.26	MIDAMERICAN ENERGY \$19.66

MIDCO BUSINESS \$75.39
T-MOBILE \$30.80
VERIZON WIRELESS \$101.29
VERMILLION/CLAY CO. LANDFILL \$435.33
(JURY/WITNESS FEES) TOTAL \$538.12
(AUTOMOTIVE/MACHINERY)
BRUNICK SERVICE \$67.00
JERRY'S SERVICE \$202.51
(INMATE MEALS)
HY-VEE \$380.54
(GRANTS)
ALICIA PAULSON \$58.93
SECOG \$5,000.00
(SPECIAL EQUIPMENT)
US ARMOR CORP. \$2,567.82
USD POLICE DEPARTMENT \$500.00
(BUILDING IMPROVEMENTS)
L&L BUILDERS \$136,551.00
(BOOKS)
FIRST DAKOTA CREDIT CARD \$39.99
(FURNITURE/MINOR EQUIPMENT)
CANON \$260.00

Mockler moved, seconded by Thiesse and unanimously carried to authorize the Chairwoman to sign the Master Agreement with Central Square for GovAsyst365 software for the Auditor's Office.

Gray-Lobe updated the Board that the prairie restoration project at Clay County Park is going well. He listed many partners and they will be getting a lot of native seeds from locally restored prairie sites. From the picnic area to the river will all be accessible year-round. They will have 93.5 acres left of farm ground, but the lease is bringing in more money than before when they had more farm ground. Mockler discussed the advantages of entering land in the CRP program, and after some discussion, Gray-Lobe said he will bring it up to the Park Board.

Hammond reported that the Joint Jurisdiction Zoning Area committee has had a couple of meetings, one of which was the recent public input meeting with around 40 people in attendance. There is another meeting tonight at 6:30.

The following Auditor's Account with the County Treasurer report, the Sheriff's Office monthly reports, and the Library Board report were accepted and placed on file.

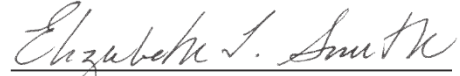
AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

To the Honorable Board of County Commissioners of Clay County
items in the hands of the County Treasurer as of August 1, 2024.
I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks	7,899,091.50
Amount of actual cash	5,554.43
Total amount of checks and drafts in Treasurer's Possession not exceeding three days	86,119.92
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:	7,275.05
Checks returned and not deposited	
Cash Items	700.00
Investments	1,154,151.38
Cash Variation	0.00
Total	
Dated this 1st day of August, 2024.	9,152,892.28

Carri R. Crum, County Auditor

At 10:56 a.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to adjourn and reconvene at 9:00 a.m. Tuesday, September 3, 2024.



Elizabeth T. Smith, Chairwoman
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

September 3, 2024

The Board of Clay County Commissioners met in regular session Tuesday, September 3, 2024 at 9:00 a.m. at the Clay County Courthouse, 211 W. Main St., Vermillion, SD. Members present: Elizabeth T. Smith, Travis Mockler, Geoffrey Gray-Lobe, and Richard Hammond; David Thiesse was absent.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Thiesse moved, seconded by Mockler and unanimously carried to approve the agenda.

Hammond moved, seconded by Thiesse and unanimously carried to approve the minutes of the August 27, 2024 meeting.

A public hearing was held for an application for a One-Day Malt Beverage License for the Burbank Historical School District #10 and Park Association for an event on September 21, 2024. No one appeared in opposition, and no public comments were received. Mockler moved, seconded by Gray-Lobe and unanimously carried to approve the license and authorize the Chairwoman to sign it.

At 9:03 a.m., Gray-Lobe moved, seconded by Mockler and unanimously carried to adjourn and convene as Clay County Ditch Board with Ditch Board Chairman Mockler presiding.

Thiesse moved, seconded by Gray-Lobe and unanimously carried to approve an invoice from Complete Excavation, LLC in the amount of \$1,474.49 for a culvert near Todd Bye's property on Lateral 50A.

At 9:04 a.m., Gray-Lobe moved, seconded by Thiesse and unanimously carried to adjourn and reconvene as Board of Clay County Commissioners with Chairwoman E. Smith presiding.

Facilities Manager Scott Hanson met with the Board to discuss broken surplus furniture. He has 24 wooden chairs that are not useable. He proposed to have 12 of them repaired and to use the other 12 in trade as payment to the person repairing them. Mockler asked what the County will do with them, and Gray-Lobe and Hanson said there are some around the building in the hallways, etc. Gray-Lobe said they just invested a lot in historically accurate repairs to the courthouse, and he suggested consulting the historical society to see if there is any significance to the chairs. Hammond said the ones that are to be recycled are probably not significant. State's Attorney Michael Smith said the surplus property statute allows trade. E. Smith said it sounds like a good idea to her. People use those chairs. Mockler said there are benches as well. Hanson said there are some chairs scattered around the building as well. Hammond proposed leaving the matter to Hanson's judgement. Mockler said when Hanson gets ready to do this, they will declare them surplus. Hanson also discussed antique tables that need to be repaired. Gray-Lobe and Hammond suggested as the current safety center space becomes available to the courthouse, they might be useful. It was decided to keep the tables, and they can be refinished later as space becomes available. Mockler suggested moving the large table into the Commission Room.

Hanson updated the Board on the elevator project. The submittal has been approved, and questions have been answered. The project is moving forward.

Hanson spoke about the Court Security Project, and they discussed timing of the project. He would like to get it done in 2025. The Board said they understood it would be planned for 2025. M. Smith said the last conversation with Dick Strassburg of TEGRA Group was that it should coincide with the remodeling of the current safety center for courthouse use once the new jail and law enforcement center is open.

Hanson said he is still working with the contractor for the new Commission Room area to get the cables run properly so they are hidden.

Gray-Lobe reported that there is now a Bill Kennedy Memorial Arena at Clay County Park. There was a rodeo, and it was well attended. E. Smith said the Kennedy family came from all over the country, and it was really amazing. Hammond said there is going to be a river appreciation event for the kids. Gray-Lobe said it is September 12th, and it is a great way for area children to learn about the ecology and history of the river.

Mockler said everything is on track with the new jail and law enforcement center. Gray-Lobe said he heard a rumor about a sewer line not connecting, and it would cost an extra \$1 million. He said he dispelled the rumor, and it is not true.

Hammond reported that the Joint Jurisdiction Zoning Area (JJZA) committee is adding another public meeting in late September. They had another meeting last week, and they compiled the comments from the last public meeting. There were a few small tweaks to the plan based on public comments. After the next public meeting, there will likely be more tweaks. Then it will go to the planning commissions, City Council, and County Commission for approval.

Gray-Lobe reported that the Vermillion Chamber & Development Company (VCDC) is kicking off a Grow Vermillion campaign. They are having an event at the Old Lumber Company.

At 9:25 a.m., Hammond moved, seconded by Mockler and unanimously carried to enter an Executive Session for personnel and legal matters per SDCL 1-25-2.

At 9:41 a.m., Hammond moved, seconded by Mockler and unanimously carried to exit the Executive Session.

A public hearing was held for the 2025 budget. Auditor Carri Crum reported that she has not received any public comments. No one appeared at the meeting. Crum said any changes to the provisional budget have been reductions in expenditures.

Gray-Lobe asked if anyone else is going to the SD County Convention. He plans to attend.

At 9:46 a.m., Thiesse moved, seconded by Mockler and unanimously carried to adjourn and reconvene at 9:00 a.m. Tuesday, September 10, 2024.

ATTEST:

Carri R. Crum
Carri R. Crum, County Auditor

Elizabeth T. Smith
Elizabeth T. Smith, Chairwoman
Board of County Commissioners

September 10, 2024

The Board of Clay County met in regular session Tuesday, September 10, 2024, at 9:00 a.m. at the Clay County Courthouse, 211 W. Main St., Vermillion, SD. Members present: Elizabeth T. Smith, Travis Mockler, Geoffrey Gray-Lobe, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Gray-Lobe moved, seconded by Thiesse and unanimously carried to approve the agenda.

Thiesse moved, seconded by Mockler and unanimously carried to approve the minutes of the September 3, 2024 meeting.

Mockler moved, seconded by Gray-Lobe and unanimously carried to approve the low bid of \$2.4398/gallon from Jerry's Service for #2 diesel fuel and the low bid of \$3.01/gallon from Jerry's Service for gasoline.

At 9:12 a.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to adjourn and convene as Clay County Ditch Board with Ditch Board Chairman Mockler presiding.

Highway Superintendent Rod Polley noticed that the two invoices that were submitted from Complete Excavation had tax and asked to table them until the September 24, 2024 meeting. Gray-Lobe moved, seconded by E. Smith and unanimously carried to table the two invoices from Complete Excavation until the September 24th meeting.

Polley spoke about Lateral 50 clean-out and the estimate from Dakota Timber Clearing for Lateral 50 tree removal. Thiesse moved, seconded by Hammond and unanimously carried to approve the tree removal work on Lateral 50.

Polley spoke to the Board about Yankton-Clay Ditch. Polley will speak with the drone pilot to see if he could fly his drone and give an estimate on the looks of it to Polley for the next meeting.

At 9:22 a.m., Gray-Lobe moved, seconded by Smith and unanimously carried to adjourn and reconvene as Board of Clay County Commissioners with Chairwoman E. Smith presiding.

State's Attorney Michael Smith met with the board to discuss the 2025 Public Defender contract with Attorney Seth Klentz. Mockler asked if Klentz is willing to finish out the year or if something carries over to the following year. M. Smith reassured the Board that he is confident Klentz will do what he feels is best for his client. This coming November and December, M. Smith and Klentz will have a conversation about how they will finish it out. M. Smith let the Board know that there were a few changes made to the contract and added new contract duties as well. For example, misdemeanor work was excluded. Individuals will be referred to a court appointed attorney. M. Smith is communicating with other local attorneys for a 2025 contract. Hammond was concerned about section 16, if it will affect the County, but M. Smith assured the Board that he doesn't see it as an issue. Mockler moved, seconded by Gray-Lobe and unanimously carried to approve the 2025 Public Defender contract and authorize the Chairwoman to sign it.

Mockler moved, seconded by Hamond to and unanimously carried to approve the following claims for payment.

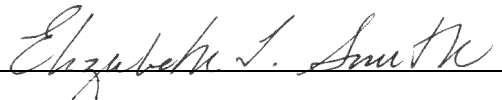
(HUMAN RESOURCES)	KNIFE RIVER SD 2,155.12
ALTERNATIVE HR, LLC 1,570.63	LAWSON PRODUCTS, INC. 25.80
(PROFESSIONAL SERVICES/FEEES)	NELSEN ELECTRIC LLC 2.35
BOONE COUNTY SHERIFF 84.10	O'REILLY AUTO PARTS 49.99
BUHLS DRYCLEANERS & 195.63	PRESSING MATTERS 80.00
CINTAS 17.53	QUALIFIED PRESORT SVC 299.98
CLAY COUNTY 30.00	RUNNINGS SUPPLY INC H& 94.20
FOX LAW FIRM, PLLC 60.00	RUNNINGS SUPPLY INC CH 20.68
KOBER FUNERAL HOME 526.00	UNION CO. SHERIFF 2,100.72
MOTOROLA SOLUTIONS INC 243.75	VERMILLION ACE HARDWAR 69.95
PHARMCHEM, INC. 255.60	VERMILLION ACE HARDWAR 85.96
QUALIFIED PRESORT SVC 2,988.94	VOYAGE FEDERAL CREDIT 82.96
SATELLITE TRACKING OF 16.25	ONE OFFICE SOLUTION 103.71
SD DEPT OF TRANS 1,599.84	YANKTON JANITORIAL SUP 489.00
VOYAGE FEDERAL CREDIT 70.35	BROWN, MELISSA 200.00
YANKTON CO TREASURER 145.00	(TRAVEL AND CONFERENCE)
SD ATTORNEY GENERAL 1,635.00	OLSON, LENNEA 200.00
UNION CO. SHERIFF 20,880.00	CENEX FLEET FUELING 310.80
(PUBLISHING)	SDACC OFFICE 250.00
BROADCASTER PRESS 1,043.52	(UTILITIES)
(REPAIRS/MAINTENANCE)	AT&T MOBILITY 56.64
HARDING GLASS 407.07	CENTURYLINK 149.99
RUNNINGS SUPPLY INC 5.99	CLAY RURAL WATER SYSTEM 110.60
VERMILLION ACE HARDWARE 44.23	NELSEN ELECTRIC LLC 115.00
(DATA PROCESSING)	VERM./CLAY CO. LANDFILL 367.37
MICROFILM IMAGING SYSTEMS 945.00	VERMILLION GARBAGE SVC 176.00
SOFTWARE SERVICES, INC 2,400.00	WAKONDA TOWN 80.40
(CLAY CREEK DITCH)	(MACHINERY/AUTOMOTIVE)
ULTEIG ENGINEERING 1,724.66	BLAINE'S BODY SHOP 202.50
(SUPPLIES/MATERIALS)	CENEX FLEET FUELING 2,234.37
A & B BUSINESS 209.91	QUALITY MOTORS 86.84
A-OX WELDING SUPPLY CO 148.20	VERMILLION FORD 59.32
BRUNICK SERVICE, INC. 226.72	BRUNICK SERVICE, INC. 213.25
BX CIVIL & CONSTRUCTIO 186,660.20	(SPECIAL EQUIPMENT)
CHS INC. 260.00	VOYAGE FEDERAL CREDIT 256.13
FLEETPRIDE 777.87	(FURNITURE/MINOR EQUIPMENT)
INTERSTATE POWER SYS I 313.17	CANON FINANCIAL SERVICES 361.31
JERRY'S SERVICE 17,078.60	MICROFILM IMAGING SYSTEMS 215.00

Gray-Lobe spoke about Clay County Park's bushels of seeds for the prairie restoration project. He said he enjoys working with the USD students. They're hoping to plant 31 ½ acres in the spring.

Mockler spoke about the jail and law enforcement center project. They are hoping by October 1, 2024 to have it completely enclosed and will be working inside. M. Smith and Mockler let the Board know the purchase by the County of the 10-foot parcel of necessary land was completed, and ownership was transferred to the City of Vermillion as agreed upon.

Thiesse reported how informative the event for the Vermillion Chamber & Development Company's Grow Vermillion Campaign was. He learned about Tax Increment Financing Districts.

At 9:40 a.m., Thiesse moved, seconded by Hammond and unanimously carried to adjourn and reconvene at 9:00 a.m. Tuesday September 24, 2024.


Elizabeth T. Smith, Chairwoman
Board of County Commissioners

ATTEST: 
Nicole Klunder, Chief Deputy County Auditor

September 24, 2024

The Board of Clay County met in regular session Tuesday, September 24, 2024, at 9:00 a.m. at the Clay County Courthouse, 211 W. Main St., Vermillion, SD. Members present: Elizabeth T. Smith, Travis Mockler, Geoffrey Gray-Lobe, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

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

Hammond moved, seconded by Mockler and unanimously carried to approve the minutes of the September 10, 2024 meeting.

Dr. Damon Alvey appeared during Visitors to be Heard to thank the Commission for providing a School Resource Officer. The officer not only protects the schools but also interacts with students to form a trustworthy relationship with the students and helps with safety planning for the school district. He also praised the Highway Department for their hard work maintaining the roads for the school buses, especially during winter weather.

Gray-Lobe spoke during Visitors to be Heard to report that he discussed SDCL 11-19-15 regarding Tax Increment Financing District administration fees with Yankton County. They have passed a resolution, and he will pass it along to the Commission for future consideration.

At 9:07 a.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to adjourn and convene as Clay County Ditch Board with Ditch Board Chairman Mockler presiding.

The Board considered the following invoices: Complete Excavation \$1,445.00 for a culvert near Todd Bye's property, Complete Excavation \$2,845.00 for a culvert at the intersection of 312 St. & 453 Ave., Complete Excavation \$1,925.00 for a culvert at the intersection of 311 St. & 453 Ave., Complete Excavation \$1,925.00 for a culvert at the intersection of 310 St., & 453 Ave., and Complete Excavation \$2,520.00 for a culvert at the intersection of 311 St. & 455 Ave. Hammond said the equipment and labor costs look reasonable. Thiesse moved, seconded by Gray-Lobe and unanimously carried to approve the invoices for payment.

The Board considered the following invoices: Clay County Highway Department \$4,672.00 for culverts on Lateral 2A, Clay County Highway Department \$4,436.10 for a culvert on Lateral 50A, and Clay County Highway Department \$2,016.00 for a culvert on Lateral 1B. Hammond moved, seconded by E. Smith and unanimously carried to approve the invoices for payment.

At 9:10 a.m., Hammond moved, seconded by E. Smith and unanimously carried to adjourn and reconvene as Board of Clay County Commissioners with Chairwoman E. Smith presiding.

Welfare Director Drew Gunderson met with the Board to present Welfare Cases #CW24-013 & #CW24-014. Gray-Lobe moved, seconded by Thiesse and unanimously carried to approve Welfare Case #CW24-013 for a county burial as the individual meets current welfare guidelines. Gray-Lobe moved, seconded by Thiesse and unanimously carried to approve Welfare Case #CW24-014 for a county burial as the individual meets current welfare guidelines. Gunderson

reported that funeral assistance is higher than normal this year, but the overall average of welfare cases has been down.

Gray-Lobe moved, seconded by Thiesse and unanimously carried to approve the following claims for payment.

(DUE TO OTHER GOVERNMENT)	QUALIFIED PRESORT SVC 3,091.27
SDACO - M&P FUND PAYMENT 196.00	SANFORD HEALTH CLINIC 2,830.50
SD DEPT OF REVENUE 1,653.79	SD DEPT OF HEALTH LAB 665.00
(PAYROLL)	SMITHER, MATTHEW 1,515.10
COMMISSIONERS 9,247.39	TURNER, ROBERT III 60.00
AUDITOR'S 13,749.10	YANKTON CO SHERIFF 50.00
TREASURER'S 25,429.85	MINNEHAHA COUNTY JAIL 8,064.00
STATE'S ATTORNEY 31,539.98	SCHILDHAUER, T. LEMBCKE 690.00
FACILITIES 10,342.88	YANKTON CO SHERIFF 340.00
DIRECTOR OF EQUALIZATION 10,288.60	THOMPSON, CRAIG K 494.57
REGISTER OF DEEDS 10,212.47	DOTY, KIM 37.50
VETERANS 1,950.59	SD DEPT OF HEALTH 1,674.00
24/7 SOBRIETY PROJECT 2,343.54	SE COUNCIL OF GOVTS. 11,250.00
SHERIFF'S OFFICE 60,746.18	(PUBLISHING)
JAIL 41,960.67	CENTURY BUSINESS PRODUCTS 41.25
EMERGENCY MANAGEMENT 5,741.57	(REPAIRS/MAINTENANCE)
HIGHWAY DEPARTMENT 59,505.78	CRESCENT ELECTRIC 202.72
WIC OFFICE 5,005.87	DENNIS, MICHELLE L. 500.00
EXTENSION OFFICE 3,590.94	ERICKSON SOLUTIONS GROUP 189.00
WEED DEPARTMENT 2,010.36	HARDING GLASS 63.00
ZONING OFFICE 3,848.11	PRESSING MATTERS 1,302.00
(PAYROLL DEDUCTIONS)	STEWART, LAYNE 72.18
DIV OF CHILD SUPPORT IA 220.00	THE LUMBERYARD LLC 3.72
DIV OF CHILD SUPPORT SD 411.00	VERMILLION ACE HARDWAR 115.93
SD RETIREMENT SYSTEM 35,699.10	(DATA PROCESSING)
SD SUPPLEMENT RETIREMENT 8,318.18	CENTRALSQUARE TECH 6,327.92
SDRS ROTH 457(B) PLAN 610.00	MICROFILM IMAGING SYST 855.00
AFLAC 874.27	(DITCH BOARD)
COLONIAL LIFE 293.86	CLAY CO. HIGHWAY DEPT. 11,124.10
CONSECO/WASHINGTON 24.45	COMPLETE EXCAVATION 10,660.00
NEW YORK LIFE 258.57	(SUPPLIES/MATERIALS)
THE STANDARD - DENTAL 1,667.48	BARCO MUNICIPAL PRODUCTS 113.54
THE STANDARD - VISION 443.20	CINTAS 1,190.96
UNITED WAY OF VERMILLION 205.00	CORRECT RX PHARMACY SE 20.92
VOYAGE FEDERAL CREDIT 860.00	CRUM, CARRI R 35.85
(PROFESSIONAL SERVICES/FEES)	D-P TOOLS, INC. 154.93
BUHLS DRYCLEANERS & 72.87	DIAMOND MOWERS INC 690.66
CITY OF VERMILLION 609.30	ELECTION SYSTEMS & SOFTWARE 1,176.39
FIRST DAKOTA CREDIT CARD 125.00	GOVERNMENT FORMS & SUPPLIES 330.00
FOX LAW FIRM, PLLC 222.47	GRAHAM TIRE S.F. NORTH 1,092.00
GAPP, DEBRA 6,750.00	GROSSENBURG IMPLEMENT 177.61
KATTERHAGEN, MARK 18.00	HY-VEE, INC. JAIL ACCT 491.30
LARSON, VAL 18.00	KNIFE RIVER SOUTH DAKO 887.92
LEWIS & CLARK BEHAVIOR 213.00	LAYNE'S WORLD, INC. 20.00
OLSON'S PEST TECHNICIANS 85.00	LEWIS DRUG, INC. 165.08
PERSING, SCOTT VINCENT 15,500.00	LOFFLER COMPANIES 282.12

MCLEOD'S PRINTING & SUPPLY 254.28
 MICROFILM IMAGING SYST 30.00
 MINNEHAHA COUNTY JAIL 140.38
 O'REILLY AUTO PARTS 562.54
 PERSING, SCOTT VINCENT 310.00
 PROCHEM DYNAMICS 242.04
 QUALIFIED PRESORT SVC 361.63
 QUILL LLC 60.17
 RDO EXCH. 80-5800 495.31
 RUNNINGS SUPPLY INC 28.71
 CLARK EQUIPMENT CO. 1,353.61
 TRUENORTH STEEL 1,297.00
 ULMER FARM SERVICE 844.50
 VERMILLION ACE HARDWARE 201.53
 YANKTON JANITORIAL SUPPLY 730.00
 ARROWOOD RESORT & 1,143.20
 CRUM, CARRI R 182.50
 HOLLENBECK, LAUREN 137.00
 HOWE, RHONDA 355.28
 KYMALA, SHANNON 40.00
 PAULSEN, ANDREW 122.00
 SDSU EXTENSION 239.56
 STEWART, LAYNE 214.00

THE LODGE AT DEADWOOD 452.58
 (UTILITIES)
 BUREAU OF ADMINISTRATI 82.83
 CITY OF VERMILLION 2,321.19
 CLAY UNION ELECTRIC CO 674.11
 FISCHER'S DISPOSAL L.L 130.00
 MIDAMERICAN ENERGY EXT 19.66
 MIDCO BUSINESS EXT. 160.78
 T-MOBILE 30.80
 VERIZON WIRELESS 101.32
 (JURY/WITNESS FEES)
 TOTAL JURY/WITNESS 450.00
 (AUTOMOTIVE/MACHINERY)
 BRUNICK SERVICE, INC. 120.00
 GRAHAM TIRE S.F. NORTH 584.00
 QUALITY MOTORS 525.49
 VERMILLION FORD 81.32
 JACK'S UNIFORMS & EQUI 249.65
 (BUILDING IMPROVEMENTS)
 REDLINGER BROS 3,450.00
 (FURNITURE/MINOR EQUIP.)
 CANON FINANCIAL SERVICE 96.00

Zoning Administrator Drew Gunderson met with the Board for the Second Reading of proposed Ordinance #2024-04, an Ordinance of Clay County, South Dakota, Amending Ordinance #2013-04 (Updated with Amendments through #2017-01) being the 2013 Revised Zoning Regulations for Clay County by Amending Section 3.10(C)(1): Mobile Homes/Manufactured Homes. Mockler moved, seconded by Hammond to pass and adopt Ordinance #2024-04. Under discussion, Gray-Lobe said he voiced concerns at the First Reading regarding property rights. He had follow-up conversations with people who have trailers out in the county and the condition of them. They told him maintenance makes a big difference. He tried to think of a mechanism that wouldn't burden the Zoning Office yet offer an opportunity for a property owner. He contacted the City's building inspection office. They agreed they would be willing, if the ordinance was amended, to add inspect the few older mobile homes that might arise each year. He doesn't want to create a rule that would inadvertently harm people. If a person had a 25-year-old trailer in great shape and could prove it to a building inspector, it would prevent harm to people. E. Smith said her concern is this fits into exclusionary zoning for people who don't have enough money to buy a brand new trailer, or who can afford to lease land and have a used trailer but couldn't afford a new one. She is concerned it would prevent people from having a home. She said, in Clay County now, we call an affordable home \$375,000, and even on a middle-class wage, young people can't afford a place to live. The amendment Gray-Lobe is talking about would solve the problem. As it is now, she can't vote for it. She said we have one of the highest poverty rates in the state. We have people on the streets. She would hate to bar people who are barely making it. It's a small number of cases, but it's a big impact on those people. Mockler said Thiesse made the comment at the last meeting that for the demographics we are talking about, this is not even affordable for them. He would have a hard time finding a place where someone is

renting a trailer in the county. It costs a lot to buy land. Shelter belts alone in the county are \$200,000, with no septic, water, and nothing there yet. Gray-Lobe said someone would not probably buy a parcel, but he knows people who are renting a trailer out in the county. If a person has a trailer from the 1960's and wants to replace it but can't afford a new one, yet they could afford a 25-year-old trailer, he could see that happening. Mockler said he sees more downside to that for the one or two that fit in that box. If it's in great shape today, a trailer house falls apart way faster than a regular house. We don't want those falling apart all over the county. Hammond said we don't just have an inspection problem. He said he spoke with someone over the weekend that makes mobile homes. Manufactured homes are built to move once. They are not built to withstand time. They are built to depreciate out. By 20 years, most are depreciated by 50-75% or more. The idea of shutting them out isn't really valid. This keeps it simple so that people who want to buy one know the code. We are encouraging people to balance the purchase price vs. development cost. He spoke about his previous experience with owning trailer homes. It is not an asset like a stick-built house. These will depreciate over time and can become unsafe to live in. Gray-Lobe said his primary concern is those who own a trailer currently but are forced for some reason to move it onto a lot in the county and don't have some place to put it. His concern is if it is in good condition and meets current HUD standards, they could potentially sell it for \$10,000-\$15,000. Hammond said if it can't be moved into the county, they wouldn't be stuck with it. Gray-Lobe said you could have 20 units in a trailer park that closes. Thiesse said other areas have gone to a 10-year age limit. Gunderson said Minnehaha County has done that. Thiesse said McCook Lake is that way. His concern is that if we require an inspection, and someone wants to bring one from Yankton, who would inspect that? Gray-Lobe said then they wouldn't have a recommendation from the City. Thiesse said he has worked for Vermillion Housing Authority for 20 years, he has never had someone rent a trailer in the county. Director of Equalization Lennea Olson said we have 652 mobile homes, and 531 are older than 2004. In the last few years, most of the older ones that have sold, one sold for \$223,000. Of all of them, only 8 have a remodel year newer than 2004. People are not remodeling mobile homes. Mockler said, of the 652, those include the City, right? Olson said yes. She said the oldest ones are from the 1950's and are located on the river. Gray-Lobe said a mobile home is a Conditional Use Permit (CUP) process. He said a person would already have to jump through hoops, so it didn't seem like a huge step to require an inspection. Hammond discussed mobile homes being moved from outside of the county. Gray-Lobe said his primary concern is Clay County residents. Mockler said if we had the City do the inspection, and the City won't travel to do the inspection, we cannot compel another government agency to do the work for us. Gray-Lobe said they could put an "or" in the ordinance. Approving one CUP has no bearing on approving others. Mockler said he highly doubts the City will do the inspections for free. How do you tell one person they cannot have a permit because the City won't inspect it? Thiesse discussed the City acting on the County's behalf, and he doesn't want to see that. Gray-Lobe asked Gunderson if it would be a burden on him. Gunderson said it wouldn't be, but he doesn't have the qualifications. Thiesse said you have to be licensed. Hammond said he is looking out for the people on the lower end of the scale because he has been there. Gray-Lobe discussed the federal regulations from 1976. Hammond discussed the trailer homes he owned and the financial conditions he was in at the time, and he said the risks are not something he would want to put someone else in. This

ordinance puts everyone in a better position of having a mobile home with some useful life left in it. E. Smith said this is a hard one. Thiesse said he feels they are somewhat protecting the lower income people. If you own a mobile home, for someone who struggles to begin with, it's not a good investment to take on the depreciation. Gray-Lobe asked, what about the individual who is renting a 1960 trailer that is unsafe, but the landlord could afford to replace it with a 1990 yet couldn't afford a 2015. Gray-Lobe said it could be a severe impact on some people, but it will likely not affect a lot of people. Thiesse said he appreciates Gray-Lobe's insight. Roll call vote: Hammond Aye, Thiesse Aye, Smith Aye, Gray-Lobe Nay, Mockler Aye. Motion passed.

Sheriff Andy Howe met with the Board to present patrol car bid specifications as advertised. They are the same as in the past, and the Durango and the Explorer both meet specifications. Thiesse moved, seconded by Mockler to approve the specifications. Under discussion, Thiesse asked if the deputies prefer one over the other, and Howe said they prefer the Explorers. The Durangos drive nice and are a good vehicle, but they are a bit smaller. All voted aye; motion passed.

Howe discussed the surplus of a 2016 Explorer that is being replaced by the Durango purchased last year that just arrived. Equipment has been removed. Girard Auction is not doing a consignment sale this fall. He can put it out for bids or list it on Purplewave's auction site. He would not put courthouse employees in it for long distance travel, so he did not recommend the County keep it for a travel vehicle. Mockler moved, seconded by Gray-Lobe and unanimously carried to declare it surplus and authorize Howe to sell it.

Facilities Manager Scott Hanson met with the Board to present a quote of \$7,595 for a roof access ladder for the current Safety Center. It would be in a locked area but would allow for easier access when work and maintenance needs to be done on the roof. Auditor Carri Crum and Hanson agreed that there is money in the budget for it. Hammond moved, seconded by Mockler and unanimously carried to approve the quote and authorize the Chairwoman to sign it.

Gray-Lobe moved, seconded by Hammond and unanimously carried to adopt the 2025 Provisional budget as the Annual budget with changes to be published.

Gray-Lobe moved, seconded by Hammond to approve the 2025 Payroll. E. Smith said she thinks the employees are the County's greatest asset, and she has never worked with a better team. All voted aye; motion passed.

Gray-Lobe reported that the Clay County Park Association got some year-to-date numbers on camping reservations from the SD Game, Fish & Parks, and they have increased again. E. Smith said the park looks great. Gray-Lobe said they are planning tree removal and replanting in the campground area as some of the cottonwoods are shedding branches. It can be a safety hazard for campers, so it needs to be done. He asked that they explain to the community the reason for the tree removal so that people are aware.

Hammond reported that the Joint Jurisdiction Zoning Area (JJZA) committee is moving along. He discussed the proposed Comprehensive Plan and encouraged input from the Commissioners.

Gray-Lobe said he appreciated the public meeting and said the SE Council of Governments did a good job presenting.

Gray-Lobe reported the annual SD County Convention was good. The SD Association of County Commissioners voted unanimously to increase dues as there has not been an increase since 2017. They also unanimously passed a couple of proposed bills for the legislature's consideration. He will forward information to the Commissioners.

The following Auditor's Account with the County Treasurer report, Sheriff's Office monthly reports, and Library Board report were accepted and placed on file.

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

To the Honorable Board of County Commissioners of Clay County
items in the hands of the County Treasurer as of September 3, 2024.
I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks		6,517,326.34
Amount of actual cash	2,561.77	
Total amount of checks and drafts in Treasurer's Possession not exceeding three days		86,119.92
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:		7,299.56
Checks returned and not deposited		
Cash Items	700.00	
Investments	1,151,000.00	
Cash Variation	0.00	
Total		
Dated this 3rd day of September, 2024.		7,765,007.59

Carri R. Crum, County Auditor

At 10:02 a.m., Mockler moved, seconded by Hammond and unanimously carried to enter an Executive Session for legal/contractual matters per SDCL 1-25-2.

At 10:39 a.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to exit the Executive Session.

Mockler reported that there are a couple of County-owned properties in Wakonda that need to be on the agenda for next week.

At 10:40 a.m., Mockler moved, seconded by Thiesse and unanimously carried to adjourn and reconvene at 9:00 a.m. Tuesday, October 1, 2024.

ATTEST:

Carri R. Crum
Carri R. Crum, County Auditor

Elizabeth T. Smith
Elizabeth T. Smith, Chairwoman
Board of County Commissioners

October 1, 2024

The Board of Clay County met in regular session Tuesday, October 1, 2024, at 9:00 a.m. at the Clay County Courthouse, 211 W. Main St., Vermillion, SD. Members present: Elizabeth T. Smith, Travis Mockler, Geoffrey Gray-Lobe, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

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

Hammond moved, seconded by Thiesse and unanimously carried to approve the minutes of the September 24, 2024 meeting.

Director of Equalization Lennea Olson met with the Board under Visitors to be Heard to report that her office is short-staffed, and they have a November 1st state deadline to meet. The office will be closed frequently as they will be out in the County a lot. Citizens should call before coming to her office as it may be closed.

Highway Superintendent Rod Polley met with the Board to present a Driveway Application on 306 St. from Cameron Johnson. Gray-Lobe moved, seconded by Mockler and unanimously carried to approve the application and authorize the Chairwoman to sign it.

Polley gave an update on road and bridge projects. There will be no chip sealing this year as it is too late in the season, and the contractor has not been able to fit it into their schedule. They will honor the contract price for next year. Mockler asked if that is in writing, and Polley said Ulteig Engineering is working on amending the contract. West Main Street will not be milled up until next year as it is also too late in the season for paving. Flooding has put the contractors behind schedule this year. The Dakota St., Dawson Rd., and 306 St. bridges are on the Emergency Relief program. The Federal Highway officials estimated that Dakota St. bridge will cost \$1.7 million, Dawson Rd. bridge will cost \$1 million, and the 306 St. bridge will be \$511,000. In order to fill in the Dakota St. scour hole, it will require a bat review as a protected/endangered species. If the work were to be done before April 1st, it would be 100% reimbursed, and after April 1st it is an 80/20 split. The Highway Department can fill the holes, but the County would be lucky to get the bridges repaired next year. Gray-Lobe commented on the concern about the cost difference with the tight deadline. Polley spoke about the 311 St. & 453 Ave. culvert replacement. He said it had no bottom left, and that is why it caved in. Thiesse asked if the State will fix the shoulder on Highway 19 before it snows. Polley said they are working on it now, and Mockler said most of it is done. Hammond referred back to the Dakota St. bridge discussion and said if there is another flood next spring, there may not be a bridge left to fix. Polley said it is a priority, but it will not be complete by April 1st. They are estimating 300 ft. of rip rap on both sides. The Highway Department does not have the equipment and manpower to do the entire project. Polley discussed his budget. He also said he would prefer not to fix the bridge on 306 St. and is getting an estimate for a new bridge instead.

Polley reported he has extended an offer for the open Administrative Assistant position.

Thiesse moved, seconded by Gray-Lobe and unanimously carried to approve the following claims for payment: BECKENHAUER 1,211,008.94, FIRST DAKOTA CREDIT CARD 3,805.82, JLG ARCHITECTS 34,100.00, LACROIX LAW, PLLC 1,369.66, TEGRA GROUP INC 22,228.53, THOMPSON, CRAIG K 2,091.72.

Regarding the fairgrounds buildings, Mockler said he is not having any luck figuring out who owns them. Nothing is in the minutes, and Olson and State's Attorney Michael Smith said the deeds do not show buildings. They discussed leases. E. Smith said the problem is insurance, and they discussed renters vs. owners insurance. Mockler said it's time to do a reset. M. Smith said they can do a quit-claim deed. Mockler said the Extension Office building is the County's. Auditor Carri Crum said it is on the County's insurance, but it was never placed on the asset listing. Mockler said the building was added onto at some point. Thiesse and Mockler discussed the transit building. The Board talked about gifting the buildings to the Fair Board. E. Smith said they need to establish ownership of the Extension Office building. M. Smith said he will need to do some work on this. E. Smith said she is worried a little bit about liability insurance, and they discussed the roof on the Extension Office building as well.

Mockler reported that the basement garage will need power so that the generator can be parked in there and kept plugged in. The small Point of Dispensing trailer can be parked in there as well. Thiesse asked Sheriff Andy Howe about the space. Emergency Management Director Layne Stewart said move-in day for the fair buildings is in 3 weeks. There was discussion regarding whether the power service would need to be 50 amps or 30 amps. Mockler asked if the Board is agreeable to spending the money. Hammond said it would be good to split the locations of the two POD trailers in case of disaster.

A public bid opening was held for a 2025 patrol vehicle. One bid was late due to a UPS delivery delay. M. Smith said if it was former practice to open it, then he is ok with it. Bids were opened and read aloud. Vermillion Ford bid \$41,900 for an Explorer with \$4,000 for trade-in. Nelson Auto Center bid \$48,919 and \$1,129 for some add-ons with a discount of \$4,600 and trade-in, making the total bid \$42,148 for an Explorer. Lamb Motors has the state bid for a Durango for \$43,026 with no trade-in. Gray-Lobe moved, seconded by Thiesse and unanimously carried to approve the low bid from Vermillion Ford as long as Sheriff Howe reviews the bids to ensure they meet specifications.

Mockler moved, seconded by Thiesse and unanimously carried to approve payment of influenza vaccines for County employees if health insurance does not cover them.

The Board discussed properties in Wakonda. Olson presented a packet of information. She said the property behind The Pit is a 5'x50' piece that was found as unassessed property. It was last owned by a banker in the 1930's. The County does not own it. The owners of The Pit are interested in it, and M. Smith said the County has no interest and no ownership in it. There are known heirs, so it is a matter for the owners of The Pit to settle. Regarding the piece of land between Slant St. and Ohio St., Olson said there has been a conversation between Clay-Union Electric and Polley. Mockler said the County does not need this property, and Hammond said there is no access. Mockler said if the value is low enough, the County can sell it to the

neighboring landowner. M. Smith discussed the provisions of SDCL 6-13-4 and said if the value is \$2,500 or less, the County may sell it at a private sale without notice. Discussion moved to property along Chestnut St. in Vermillion. Olson said there are a lot of odds and ends in that area. The City over Vermillion owns some adjacent land. Stewart said Dave Derouchie died a few years ago, and his assets were given to the Catholic church.

E. Smith said she met some kayakers while at Clay County Park. With no context, and without disclosing to them that she is a County Commissioner, they told her how great the park is.

Hammond reported that the Joint Jurisdiction Zoning Area (JJZA) committee had a meeting at City Hall with about 30-40 people in attendance. There was a lot more interest. There were questions about the maps, specifically comments that the map doesn't have enough landmarks to point out the boundaries. He said the problem is that the overlays are approximate and not exact. SE Council of Governments will work on adding highways and/or rivers. The important thing to note is that there is no change in the boundaries.

There was a brief discussion regarding an upcoming joint meeting about a rezoning off of Highway 19 and an annexation agreement. Hammond said the Planning Commission and the Commission should know what the annexation agreements are prior to voting. Procedures were discussed.

At 10:21 a.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to enter an Executive Session for personnel matters per SDCL 1-25-2.

At 10:54 a.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to exit the Executive Session.

At 10:54 a.m., Mockler moved, seconded by Thiesse and unanimously carried to adjourn and reconvene at 9:00 a.m. Tuesday, October 8, 2024.

ATTEST:

Carri R. Crum
Carri R. Crum, County Auditor

Elizabeth T. Smith
Elizabeth T. Smith, Chairwoman
Board of County Commissioners

October 8, 2024

The Board of Clay County met in regular session Tuesday, October 1, 2024, at 9:00 a.m. at the Clay County Courthouse, 211 W. Main St., Vermillion, SD. Members present: Elizabeth T. Smith, Travis Mockler, Geoffrey Gray-Lobe, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

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

Hammond moved, seconded by Mockler and unanimously carried to approve the minutes of the October 1, 2024 meeting.

Sheriff Andy Howe met with the Board under Visitors to be Heard to update them on the patrol car bids. Vermillion Ford was \$248 lower than Nelson Auto Center, and both met specifications, so he ordered the car from Vermillion Ford.

Highway Superintendent Rod Polley and Brent Hays met with the Board about a gravel purchase. They contacted 3 suppliers, and only 2 had 10,000 tons available. Knife River was \$6. The County has used them before, and it is a better grade of gravel than what Utica had. Wieman does not guarantee availability of 10,000 tons. The Highway Department will load it themselves to save a little money. Polley will be using the money he had budgeted for asphalt for the gravel purchase. Gray-Lobe moved, seconded by Mockler and unanimously carried to approve purchase of the gravel from Knife River.

Polley asked what the rule is about moving political signs in the right-of-way. It's on the white line, and there is no one to get a hold of. Thiesse said if they are in the right-of-way, take them down. Howe said if someone complains, they reach out to the candidate. Polley said it is not a candidate, but it is regarding a ballot question. Hammond said they have to have a disclaimer at the base. Auditor Carri Crum said the ballot question committees file with the State, but she can get the contact information. State's Attorney Michael Smith said it may not even be the property owner, but if it needs to be removed today, Polley can take it down. Mockler said the amendment committee will likely not be in the county. M. Smith said there is a limited window for mowing, so Polley can remove the signs and let them know he has them. Just don't destroy them. Polley said this is the first time he has had them placed on the edge of the asphalt. People don't see them until the last minute in the dark and swerve to miss them. Gray-Lobe said that is a safety hazard. He suggested putting something out on social media reminding people of what is allowed. Mockler said there is a state law that tells them what they can and can't do. E. Smith said the County should give people some kind of notice. Thiesse said it comes down to common sense. Hammond said when they see their signs are missing, they will probably get a hold of the Highway Department. M. Smith said there is a SD Department of Transportation (SDDOT) pamphlet regarding signs in the right-of-way. Mockler suggested in the future we should put something in the paper before signs go up. M. Smith said the SDDOT pamphlet has the statute on it, and he read the pamphlet. Gray-Lobe suggested passing a resolution or ordinance adopting the practices of the SDDOT.

A public hearing and First Reading was held for a proposed ordinance regarding a request to re-zone land located at 46925 SD Highway 50, Burbank, SD 57010 from C-1: Commercial to I-1: Light Industrial for a contractor's shop/storage yard. Zoning Administrator Drew Gunderson reported that he has not received any comments, and the Planning & Zoning Commission recommended approval. Gray-Lobe moved, seconded by Mockler and unanimously carried to advance the proposed ordinance to the second reading. Hammond said he just noticed the tower site across the road and said it must be leased by the city as it was not a separate plat on the maps.

M. Smith spoke about the JJRI information. The 2023 youth diversion program numbers show 24 completions and 60% were successful. Other counties had much higher success rates. He would like to be much higher and efficient. Clay County had 26 referrals and 18 of those were successful this year for the fiscal year ended June 30, 2024. There are a few years of data showing how we have been successful, and now we have a diversion coordinator. The County is receiving a check for \$13,500 for those 18 successful completions. The hope is that with Rob Marlow on board as the coordinator, we will have a higher successful completion rate.

M. Smith, Jody Hernandez, the CEO of Boys & Girls Club of the Northern Hills, and Andy Schultz of the Boys & Girls Club were present to discuss a grant opportunity. M. Smith said he is a great proponent of it. This melds well with what we are already doing with Rob Marlow. He felt it was important to get it in front of the Commission. Schultz said this is another opportunity to offer programming to a broad demographic of all ages and various situations. Grant money will be important to help fund it. Hernandez said this goes in line with Marlow's work, being able to do a more specialized offering to individuals. This is a federal Department of Labor growth & opportunity grant. It is to help youth ages 15-18 to increase conflict resolution skills, prepare them for work, identify career interests, gain work experience, and start them on the path to earning a living wage. Upon graduation, they will have a college readiness plan or workforce readiness plan. They are working with Vermillion School District Superintendent Damon Alvey, USD's Dr. Peterson, and Vermillion Police Chief Crystal Brady. Clay County will be the target area. Criteria are expulsion from school, interaction with juvenile justice system (a broad term), additional risk factors (i.e. juvenile criminal record, alternative high school, discipline, left high school before completion, ADHD, IEP, antisocial or mental health, substance abuse, etc.). It is a \$2 million grant. They will know if they are awarded the grant in February and then will have until August to hammer out details. It is a 2-year grant and can cover 150 youth. 25% can be any youth in the area who want to be part of the workforce readiness program. Hernandez said she doesn't want to cut off the youth and send them off after the program. She wants to use this as a next step for the youth. 35% of funds can be used to pay an employer as a salary reimbursement for that youth. This is round 5 of this grant, so it is pretty sustainable. Once they get the grant, they can put a sustainability plan in place. This allows time to develop the plan. This has an intervention piece built in. They can do assessments and look at barriers keeping the youth from being successful (ie. behavior management, substance abuse, mental health services, etc.). She is asking for a commitment to the program, referrals to the program, and documentation that might be needed. M. Smith said there are a couple other counties in the program, Brookings and Moody. It gives the youth a step up into adulthood. Hammond asked if it would be geared toward

the lower age demographic, not necessarily the 18–24-year-olds. Jody said it would be the 15–18-year-olds. Once they receive the grant, it opens the door to several other grants. Boys & Girls Club on the national level is pushing to serve up to 22 years old because they are finding young adults are struggling to find a work plan. Now that Vermillion has its own home, it opens the floodgates to other opportunities. They are also helping employers build a quality workforce. E. Smith clarified that they are asking the County to be a partner. Hernandez said if they are awarded the money, they will sit down and decide what they need in Clay County. E. Smith asked if they need a formal vote or signature from the County. M. Smith said they need his signature on a letter of support, and there will likely be a Memorandum of Understanding coming in the next few months. Hernandez said it would look great if the commission supports it. E. Smith said they could do a resolution of support. Gray-Lobe said they could put together a resolution about why this is really needed in the County. The following Resolution #2024-18 declaring Support for Boys & Girls Club Grant Application was drafted, and Gray-Lobe moved, seconded by Mockler and unanimously carried to pass and adopt the resolution.

RESOLUTION #2024-18
SUPPORT FOR BOYS & GIRLS CLUB GRANT APPLICATION

WHEREAS, the services provided by the Boys & Girls Club are much needed in Clay County; and

WHEREAS, the poverty rate in Vermillion is 26.2% and the poverty rate in Clay County is 21.2%; and

WHEREAS, the Board of Clay County Commissioners desires a higher rate of positive outcomes for the youth of Clay County; and

WHEREAS, the grant would be beneficial to Clay County by making possible workforce development, better outcomes for the youth of Clay County, and improvements in the poverty challenges faced by many Clay County residents; therefore

BE IT RESOLVED that the Board of Clay County Commissioners hereby supports the Boys & Girls Club's grant application as it would be beneficial to Clay County's citizens and youth.

Vote of Commission: Mockler Aye, Gray-Lobe Aye, Smith Aye, Thiesse Aye, Hammond Aye.

Dated at Vermillion, South Dakota the 8th day of October, 2024.

Board of County Commissioners
Clay County, South Dakota

ATTEST:

Carri R. Crum, County Auditor

Rob Marlow introduced the new Boys & Girls Club Unit Director Rachel Franks. She has been with the Boys & Girls Club for 2 years as Education Director. On September 23rd, they went to tour the Northern Hills Diversion. It has been established since the 1990s. They have a 92% completion rate. He sat in on their Teen Court. They had kids doing opening statements and closing statements. Marlow said we can emulate them and get kids more involved. On September 24th, they went to Pennington County. They talked a lot about truancy. Pennington County's

program is doing a good job of tackling truancy. There are different routes for the youth, alternative school options, etc. There is an online school based in Chester. They also visited Watertown Boys & Girls Club. They sat in on the quarterly JDAI meeting. They learned about the conditional release program, which we will be doing in Clay County. They do a diversion assessment with the youth. Watertown was dealing with a lot of truancy, and they did a mailing to all parents explaining the laws, etc., behind truancy. On September 30th, they toured Minnehaha County Juvenile Detention Center (JDC) and Lutheran Social Services Arise facility. Marlow said JDC was an eye-opener for him and showed him why diversion is important for our kids. If we can prevent our kids from going to JDC, maybe we can prevent them from going deeper into the system. Arise is more of a social and mental health station. It is an unlocked facility. He said he learned a lot. E. Smith asked what the priority program is for him. Marlow said he took a lot of ideas from Northern Hills to revamp Teen Court. There is an intervention class called Third Millennium that covers many topics. He can start meeting with kids at the middle and high schools. It is a good way to make sure they are meeting with him and attending school. They are getting case management approved by Judge Gehring. They are getting the teen program opened up in Vermillion as well. M. Smith said his office joined Marlow on the site visits. They are reviewing their cases for diversion opportunities. The juvenile prosecutor is going to be different from the diversion representative. He will be the diversion representative, and Deputy State's Attorney Caitlyn Dommer will be the juvenile prosecutor. They have some challenges such as mental health and substance abuse resources. Marlow has been great with finding resources to fill a gap when there are no in-person resources in the community. Marlow said they have a partnership with Lewis & Clark Behavioral Health Services (L&C BHS). They do an assessment and recommend services based on that. The youth have to complete the services to complete diversion. There are 6 on the caseload. Marlow said the old library will be the teen area as well as one other room in the former Austin School. It is set up to keep the youth's privacy intact when they come for services. E. Smith and Hammond discussed the costs involved with housing at JDC. Hammond said it could be \$120k/year, so the diversion could help keep those costs down. He said Teen Court and L&C BHS are in the realm of pay me now or pay me a lot more later. M. Smith asked Marlow to share details about conditional release. Marlow said a risk assessment is performed by JDC over the phone or in person. Instead of going to JDC or Arise, as long as there is a guardian at home, the judge can give a conditional release. It is conditional on certain requirements. It is more supervision on Marlow's part than a probation officer, for example. Then there is a hearing with the judge where the judge decides the course of action. This program is in development. M. Smith said there will be training with the law enforcement. It is not going to fit every case. If we only had 2-3 a year, it would still save the County money. It is an opportunity, in the right situation, to avoid placement in a detention center. The program has been successful in the counties that are using it. Marlow will be doing the work to ensure the youth are complying with the requirements. Marlow said the kids stay in the community, and it lessens the risk of reoffending. M. Smith said there are foster parents in the state whose entire role is to take in these kids who don't have a parent or guardian available. It has been very successful. Hammond asked, during the assessment, are the youth aware of how they score? M. Smith said the law enforcement is having the interaction, so he is unsure of the details. Some of it is scored based on past interactions as well. Hammond said he is a believer in

natural consequences, and having them aware of the scoring system can help them be aware of how they got to where they are at and how to avoid it and make better decisions in the future. Hammond asked if contacts are over the phone or text. Marlow said they are in person. He said they are teaching social skills, and in-person conversations are social skills. He also gets a better feeling of the kids' situation in person. E. Smith thanked them for coming.

At 10:10 a.m., Gray-Lobe moved, seconded by Hammond and unanimously carried to adjourn and convene as Clay County Ditch Board with Ditch Board Chairman Mockler presiding

Gray-Lobe moved, seconded by Thiesse and unanimously carried to approve the FEMA subrecipient agreement and authorize the Chairman to sign it.

At 10:11 a.m., Gray-Lobe moved, seconded by Thiesse and unanimously carried to adjourn and reconvene as Board of Clay County Commissioners with Chairwoman E. Smith presiding.

Jim Peterson, Vermillion Chamber and Development Company, appeared to give a presentation on the Grow Vermillion Capital Campaign. He has been reaching out to smaller communities like Centerville and Wakonda. They did a farm tour with Reid Jensen and will be having a harvest fest in November. They are rebranding the capital campaign. They received a grant for tourism and childcare. There is a celebration at Cee Cee's on 10/22. He discussed the tax revenue that is projected after the TIF districts are dissolved and discretionary formulas are complete. They are working to raise awareness for a developer TIF. There was a public kickoff for the campaign. It is a \$1.5 million campaign. The budget for the campaign is \$20,000, and it does not include any outside consulting fees. Previous campaigns were \$200,000 in outside consulting fees. Gray-Lobe said he likes that efficiency. Peterson said housing development is a focus, with growth goals to the east and north. Workforce and talent is another focus, including retaining students from Vermillion area high schools and USD as well as recruiting talent. Community enhancement will focus on supporting improvement in quality of life like transportation, parks, arts, entertainment, and tourism. They would like to grow the labor force, population, housing, and childcare. He asked the County for a donation of \$130,000, with a structure to start in 2026 when the new jail and law enforcement center is complete. Thiesse said the housing payment standards for fair market rent actually went down for the first time in 20 years and said they will run into a problem where people will not qualify, and some of the barriers are City of Vermillion regulations for landlords, so the landlords cannot meet payment standards. Vermillion Housing Authority's standards have always been 110% of the fair market rent. Last year, for a 2 bedroom, they couldn't go over \$1,080. Starting November 1st, it will be \$880, including utilities. Rent has to be \$725-750 to qualify for the program. Peterson said it doesn't make sense when everything is rising. They changed off-street parking requirements, so that has helped with requirements where smaller lots are concerned. Vermillion has some higher standards here than in other communities such as Yankton. It does discourage investors, at times, and taxes are higher. Thiesse said rental properties are a huge business. Peterson said 50% are rentals. Thiesse said we need affordable housing, and Gray-Lobe said not a \$385,000 house. Peterson suggested having a follow-up conversation. He said he understands there will be transition on the Commission, the budget for next year is set, and the new jail and law enforcement center needs to be completed,

but he wanted to make a request. It was decided the matter will be placed on the next agenda for further discussion.

Hammond moved, seconded by Mockler and unanimously carried to approve the following claims for payment.

(DUE TO OTHER GOVERNMENT)	ELECTION SYSTEMS & SOFTWARE 6,710.56
CLAY CO TREASURER 1,397.00	KNIFE RIVER SOUTH DAKOTA 60,699.76
SD DEPT OF REVENUE 408,863.72	L.G. EVERIST, INC 2,476.12
(PROFESSIONAL SERVICES/FEEES)	LAYNE'S WORLD, INC. 10.00
ALTERNATIVE HR, LLC 4,669.87	LIGHT AND SIREN 1,074.00
BUHLS DRYCLEANERS & 90.24	MCLEOD'S PRINTING & SUPPLU 390.44
CANON FINANCIAL SERVICE 164.00	MICROFILM IMAGING SYSTEM 30.00
CINTAS 7.16	O'REILLY AUTO PARTS 181.21
KAUFFMAN, DAVID 3,546.00	PRESSING MATTERS 24.00
GEO TEK ENGINEERING & 14,407.00	PROCHEM DYNAMICS 286.89
HERITAGE FUNERAL HOME 3,800.00	QUALIFIED PRESORT SVC 335.12
LINCOLN COUNTY AUDITOR 2,949.67	RIVERSIDE HYDRAULICS 180.53
MOTOROLA SOLUTIONS INC 414.11	RUNNINGS SUPPLY INC CH 6.98
PENNINGTON COUNTY JAIL 62.22	CLARK EQUIPMENT CO. 220.74
PRESTO-X COMPANY LLC 200.64	SDVSOA 50.00
QUALIFIED PRESORT SVC 2,933.02	TRUENORTH STEEL 89,991.00
SANFORD HEALTH CLINIC 12,895.10	(TRAVEL/CONFERENCE)
SD DEPT OF HEALTH LAB 450.00	VOYAGE FEDERAL CREDIT 14.38
SECURITY SHREDDING SVC 40.00	BRUNICK SERVICE, INC. 39.00
VERM./CLAY CO. LANDFIL 60.00	DOMMER, CAITLYN 373.49
YANKTON CO TREASURER 110.50	QUALITY INN 1,086.00
CITY OF VERMILLION 84,184.16	SMITH, MICHAEL 373.49
(PUBLISHING)	TERWILLIGER, LISA 367.28
BROADCASTER PRESS 322.76	VOYAGE FEDERAL CREDIT 270.00
NEW CENTURY PRESS ACCT 276.52	PENNINGTON COUNTY JAIL 389.07
NEW CENTURY PRESS ACCT 22.96	PUMP N PAK 476.60
NEW CENTURY PRESS ACCT 20.16	(UTILITIES)
PLAIN TALK/BROADCASTER 274.00	AT&T MOBILITY 56.64
(REPAIRS/MAINTENANCE)	VERM./CLAY CO. LANDFILL 101.50
DENNIS, MICHELLE L. 2,000.00	WAKONDA TOWN 88.90
HARDING GLASS 226.53	(AUTOMOTIVE/MACHINERY)
INTEK 225.00	BRUNICK SERVICE, INC. 419.95
LAYNE'S WORLD, INC. 68.69	GRAHAM TIRE S.F. NORTH 319.56
PRESTO-X COMPANY LLC 87.26	PIZZA RANCH 14762 7,593.57
SD DEPT OF TRANSPORTATION 3,252.49	PUMP N PAK 2,019.99
THE LUMBERYARD LLC 82.50	THE SOAP GUYS 67.20
VERMILLION ACE HARDWARE 173.97	VERMILLION FORD 181.46
YANKTON WINNELSON CO. 79.73	(JURY/WITNESS FEES)
(DATA PROCESSING)	TOTAL JURY/WITNESS 68.12
CENTRALSQUARE TECH 5,033.48	(JUVENILE DETENTION)
ESRI INC 1,160.00	MINNEHAHA COUNTY JDC 9,698.64
MICROFILM IMAGING SYSTEM 945.00	(FURNITURE/MINOR EQUIPMENT)
(SUPPLIES/MATERIALS)	CANON FINANCIAL SERVIC 285.31
BRUNICK SERVICE, INC. 256.28	DAKOTA PC WAREHOUSE 3,019.88
CINTAS 205.75	LOFFLER COMPANIES 263.04
CRESCENT ELECTRIC 77.83	MICROFILM IMAGING SYSTEM 215.00

County property discussion was moved to the next agenda as Director of Equalization Lennea Olson was unable to be present.

Hammond reported that the Joint Jurisdiction Zoning Area (JJZA) committee had a joint meeting and will be meeting November 12th to get the Comprehensive Plan ready for both planning commissions.

Hammond discussed his OLLI class titled “Ask Your Commissioner.” E. Smith said it was a good presentation and enthusiastic audience. There was a topic brought up about care of old cemeteries. There was a brief discussion, and Auditor Carri Crum said she seems to remember the Commission 10 years ago left the cemetery committee in the care of the Historic Preservation Commission, but she will read old minutes to confirm it.

At 10:39 a.m., Hammond moved, seconded by Mockler and unanimously carried to adjourn and reconvene at 9:00 a.m. Tuesday, October 29, 2024.

ATTEST:

Carri R. Crum
Carri R. Crum, County Auditor

Elizabeth T. Smith
Elizabeth T. Smith, Chairwoman
Board of County Commissioners

October 29, 2024

The Board of Clay County met in regular session Tuesday, October 29, 2024, at 9:00 a.m. at the Clay County Courthouse, 211 W. Main St., Vermillion, SD. Members present: Travis Mockler, Geoffrey Gray-Lobe, David Thiesse, and Richard Hammond; Elizabeth T. Smith was absent.

Vice-Chairman Mockler called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Thiesse moved, seconded by Gray-Lobe and unanimously carried to approve the agenda.

Gray-Lobe moved, seconded by Hammond and unanimously carried to approve the minutes of the October 8, 2024 meeting.

4-H Educator Lauren Hollenbeck presented the Board with a Quarterly Activity Report.

Assistant Highway Superintendent Larry McPherson and Brent Hays presented a Pay Request and Change Order for \$115,305 for the low slump dense concrete overlay project, which Gray-Lobe noted is about \$6,000 lower than anticipated. Gray-Lobe moved, seconded by Hammond and unanimously carried to approve the Pay Request and Change Order and authorize the Vice-Chairman to sign them.

The Board reviewed SD Department of Transportation Structure Removal Certificates for #14-088-170. Hammond moved, seconded by Thiesse and unanimously carried to approve the certificates and authorize the Vice-Chairman to sign them.

Hays discussed a snow blower purchase and said there is one in stock at Butler Machinery. McPherson confirmed that they can purchase off the bid from February. They discussed the budget with Auditor Carri Crum. Mockler said it is important to obtain the one in stock. Hammond asked for the price, and Hays said it is \$77,488.54. Mockler said it will give them time to get it ready before it snows.

Brad Stangohr from Ulteig Engineering asked for FEMA contact information regarding a bridge they looked at last week. He would like to visit with them about that. Hays said he will send the information.

Sheriff Andy Howe met with the Board to discuss surplus items. They have been storing things they don't need and will need to "clean house" before the move to the next building. He would like to sell the items at online auction along with the surplus patrol car. Some of the items were stolen property that they could not contact owners for years ago. Gray-Lobe moved, seconded by Hammond and unanimously carried to declare stolen items as County property and declare the items surplus to be sold.

Hammond moved, seconded by Gray-Lobe and unanimously carried to approve the following claims for payment.

(PAYROLL)
COMMISSIONERS 7,554.20
ELECTION 524.50

AUDITOR 9,012.08
TREASURER 16,379.45
STATE'S ATTORNEY 22,707.43

FACILITIES 7,730.56
 DIR. OF EQUALIZATION 7,813.95
 REGISTER OF DEEDS 5,716.65
 SHERIFF 42,800.94
 JAIL 35,596.86
 EMERGENCY MGMT. 4,191.21
 HIGHWAY 46,878.81
 WIC 3,012.17
 EXTENSION 2,505.49
 WEED 5,571.06
 ZONING 4,812.20
 (DUE TO OTHER GOVERNMENT)
 SDACO - M&P FUND PAYMENT 206.00
 (PAYROLL)
 SD RETIREMENT SYSTEM 36,936.10
 SD SUPPLEMENT RETIREMENT 8,318.18
 SDRS ROTH 457(B) PLAN 610.00
 SDRS SPECIAL PAY PLAN 6,451.14
 AFLAC 1,013.24
 COLONIAL LIFE 293.86
 CONSECO/WASHINGTON 24.45
 NEW YORK LIFE C/O M&T 258.57
 THE STANDARD - DENTAL 1,624.64
 THE STANDARD - VISION 443.20
 UNITED WAY OF VERMILLI 205.00
 (INSURANCE DEDUCTIBLE REIMBURSE)
 STEWART, LAYNE 500.00
 (PROFESSIONAL SVC./FEES)
 BECKENHAUER 1,876,199.61
 BUHLS DRYCLEANERS 81.32
 CANON FINANCIAL SERVIC 164.00
 CITY OF VERMILLION 789.32
 ERICKSON SOLUTIONS GROUP 635.00
 FIRST DAKOTA CREDIT CA 218.53
 LEWIS & CLARK BEHAVIOR 213.00
 LEWIS DRUG, INC. 180.02
 PHARMCHEM, INC. 319.50
 PRESTO-X COMPANY LLC 200.64
 QUALIFIED PRESORT SVC 1,856.49
 SANFORD HEALTH CLINIC 5,536.35
 SCHILDHAUER, T. LEMBCKE 615.00
 STATE OF SD RECORDS MG 12.96
 STEWART, LAYNE 10.61
 TURNER, ROBERT III 60.00
 ULTEIG 28,847.49
 YANKTON CO SHERIFF 50.00
 CHARLES MIX COUNTY 360.00
 MINNEHAHA COUNTY JAIL 7,952.00
 MINNEHAHA COUNTY JDC 19,256.16
 SANFORD HEALTH CLINIC 1,244.00
 SCHAEFER, DEAN 78.00
 SD ATTORNEY GENERAL 1,381.00

UNION CO. SHERIFF 19,600.00
 YANKTON CO SHERIFF 595.00
 (PUBLISHING)
 FIRST DAKOTA CREDIT CARD 376.64
 NEW CENTURY PRESS ACCT 355.09
 (REPAIRS/MAINTENANCE)
 THE LUMBERYARD 7.88
 CENTURY BUSINESS PRODU 41.25
 DAKOTA TRAFFIC SERVICE 25,519.68
 FIRST DAKOTA CREDIT CA 12.00
 HAUGER LAWN SERVICE, L 55.00
 I-STATE TRUCK CENTER 845.74
 MOORE WELDING & MFG 44.00
 THE LODGE AT DEADWOOD 7.88
 VERMILLION ACE HARDWAR 158.12
 DOTY, KIM 37.50
 FIRST DAKOTA CREDIT CA 3,448.48
 SOFTWARE SERVICES, INC 1,350.00
 (SUPPLIES/MATERIALS)
 A & B BUSINESS 204.42
 A-OX WELDING SUPPLY CO 151.17
 BARCO MUNICIPAL PRODUC 67.20
 BOB BARKER CO INC 402.97
 BROCK WHITE CAP L. P. 263,091.85
 BRUNICK SERVICE, INC. 72.00
 CINTAS 70.05
 CLAY UNION ELECTRIC CO 529.82
 CONTINENTAL RESEARCH C 261.28
 DAKOTA PC WAREHOUSE 354.90
 DAKOTA RIGGERS & TOOL 414.28
 ELECTION SYSTEMS AND 5,437.18
 FIRST DAKOTA CREDIT CA 702.84
 HY-VEE, INC. JAIL ACCT 369.58
 I-STATE TRUCK CENTER 449.73
 INTAB, INC. 78.81
 JACK'S UNIFORMS & EQUI 170.85
 KNIFE RIVER SOUTH DAKO 98,853.04
 LAWSON PRODUCTS, INC. 455.89
 MCLEOD'S PRINTING & SU 150.00
 MINNEHAHA COUNTY JAIL 104.46
 PCIROADS, LLC 115,305.31
 PLAIN TALK/BROADCASTER 52.00
 PROCHEM DYNAMICS 177.82
 QUALIFIED PRESORT SVC 369.21
 QUILL LLC TRS 556.70
 RIVERSIDE HYDRAULICS A 436.03
 RUNNINGS SUPPLY INC H& 788.19
 SDRS SPECIAL PAY PLAN 90.00
 SIRCHIE ACQUISITION 423.85
 THE TROPHY PLACE 50.00
 TRUENORTH STEEL 20,064.00
 UNION CO. SHERIFF 335.70

ONE OFFICE SOLUTION 197.08
(TRAVEL/CONFERENCE)
AVERIN, VICTORIA 68.00
CHURCH, RYAN 48.00
DOMMER, CAITLYN 153.76
FIRST DAKOTA CREDIT CA 2,159.08
HOWE, ANDY 48.00
O'LEARY, KATIE 68.00
PAULSEN, ANDREW 428.00
QUALITY INN 1,086.00
SDACC OFFICE 1,018.00
SDSU EXTENSION 231.26
WEBER, LINDA 85.76
(UTILITIES)
BUREAU OF ADMIN PMB011 65.00
CENTURYLINK HWY 149.99
CITY OF VERMILLION 2,712.98
CLAY RURAL WATER SYSTE 131.80
CLAY UNION ELECTRIC CO 101.49
CMOORE PIT SERVICE 70.80
FIRST DAKOTA CREDIT CARD 1,994.35
MIDAMERICAN ENERGY 27.26
MIDCO BUSINESS EXT. 170.78
T-MOBILE 30.80
VERIZON WIRELESS 94.35
VERMILLION GARBAGE SVC 120.00
VERMILLION GARBAGE SVC 176.00
(MACHINERY/AUTOMOTIVE)
BOB'S SINCLAIR SERVICE 239.66
BRUNICK SERVICE, INC. 300.00
(ALLOCATIONS)
CLAY CO AGR FAIR ASSOC 2,062.50
DAKOTA SENIOR MEALS 1,448.25
LEWIS & CLARK BEHAVIOR 6,310.00
ROCS TRANSIT 468.75
VERMILLION PUBLIC LIBR 500.00
(JURY/WITNESS)
TOTAL JURY/WITNESS 580.30
(TRAINING/SPECIAL EQUIP.)
WOODBURY CO. BOARD OF 518.34
DEFENSIVE EDGE TRAININ 550.00
TWO WAY RADIO SOLUTION 4,030.38
(BUILDING IMPROVEMENTS)
KEVIN O'DELL ELECTRIC 7,012.71
(FURNITURE/MINOR EQUIP.)
FIRST DAKOTA CREDIT CARD 2,091.83
CANON FINANCIAL SERVICE 96.00

It was noted that next week's meeting will be Thursday, November 7th.

Zoning Administrator Drew Gunderson met with the Board for the Second Reading of proposed Ordinance #2024-05, an Ordinance Amending Ordinance #2013-04 (Updated with Amendments Through #2017-010 by rezoning land located at 46925 SD 50 Burbank, SD 57010 from C-1: Commercial to I-1: Light Industrial District for a Contractor's shop/storage yard. Gray-Lobe moved, seconded by Hammond to pass and adopt Ordinance #2024-05. Roll call vote: Mockler Aye, Gray-Lobe Aye, Thiesse Aye, Hammond Aye. Motion passed.

Jim Peterson of the Vermillion Chamber & Development Company (VCDC) returned to discuss the Grow Vermillion Capital Campaign. He gave a brief overview of the presentation from the October 8th meeting. They broke ground on the \$14 million housing project across from ACE Hardware last week. He revisited the pledge request from the October 8th meeting. Gray-Lobe said he appreciated the quantitative feedback on the impact of the previous investments. He thinks the constituents are asking for lower property taxes, and this is one of the times we have to spend money to get money. Growing the tax base is the way to lower the mill levy. The VCDC is in the best position to help make that happen. He thinks \$130,000 is appropriate. Gray-Lobe moved to pledge \$130,000 over 5 years starting in 2026, seconded by Hammond. Mockler said he is not against it but asked if they can do that since it is so far out, and they would be encumbering a future Commission's budget. Hammond said it is a pledge, not a requirement. State's Attorney Michael Smith said 2026 brings another election. He thinks Hammond's distinction might be right. He asked what the ramification is of walking it back next year. Gray-Lobe said they did that before, and it worked, although they got a lot of grief in meetings. M. Smith said as long as it is under the same understanding. They cannot mandate it for the 2026 budget, in his opinion. Hammond said this is a planning motion, not an appropriation motion. M. Smith said his advice would be to amend the motion to include such to limit the liability of future commissioners. Gray-Lobe amended his motion to be an unmandated pledge to plan a donation of \$130,000 over 5 years starting in 2026. Thiesse said he is in favor of it and would hope they could do more in 2026. He is comfortable with a pledge. He agrees we need to spend money to make money in this case. Hammond agreed with the amendment. All voted aye on the amended; motion passed. Thiesse asked if this is an ongoing campaign for the next 4-5 years. Peterson said the goal is to be done in December. Probably in 5-6 years, they will have another campaign. He said they will give progress reports. Gray-Lobe said he has been impressed with the response to this campaign and the informational responses given by the VCDC to questions posed to them.

The Board discussed the Christmas holiday schedule. Mockler asked Howe how it would affect his department if the Commission were to grant December 23 as an additional day of leave. Howe said if they call it a holiday they give holiday pay. If the courthouse is closed, they give the day off on another day and do not pay overtime. Thiesse moved, seconded by Gray-Lobe and unanimously carried to give administrative leave for December 23, 2024.

Vermillion Fire/EMS Chief Matt Callahan and Tony Klunder discussed the ambulance purchase planning. Mockler said when he first started, they were budgeting \$25,000/year for ambulances, and now it's \$65,000. Callahan said the ambulance service has been a partnership between the

City and County since 1971. They were buying one every 15 years. That was fine back then, but things have increased substantially. In 2017, they added full-time paramedic personnel. Since then, the call volume, miles driven, and overall wear on vehicles has increased substantially. The problem they are running into is age and mileage. The next ambulance currently has 150,000 miles, and it is not scheduled to be replaced until 2027. It has recurring maintenance issues. It is costing taxpayers too much money to keep it running. It is a liability for patient transports. The current cost of an ambulance is \$336,000. It cost \$105,000 in 2013, so ambulances have tripled in price in 11 years. Currently, they are 18 months to build. The benefit of purchasing is the ability to remount the box on a new chassis. In 2017, they tried a remount, and they found it is a higher profile, so it is very bouncy in the wind.

Callahan pointed out the Commission sets aside money each year. There are options to address this problem. There is a USDA rural development grant and a low interest loan. The City has the ability to pull more grant funding. A \$50,000 grant would be a significant help. The ambulance manufacturer also offers a loan program. The third option is a lease. It can be done like a private vehicle with a buyout option at the end. He feels like he is coming back every 2-3 years to re-plan the ambulance replacement plan with the Commission. It is stressful. They are down an ambulance right now. He discussed mileage on the vehicles they currently have. He discussed options for intergovernmental agreements for loans and leases.

Callahan said it is becoming frustrating for staff who are transporting critical care patients, and the vehicle says it will be going into a deceleration mode. So far it has not happened, but there is potential. Lead times are not getting any shorter, and prices are not going to come back to where they were. There was discussion regarding interest rates for loans. Hammond said DEF problems are something that an ambulance would certainly experience due to idling. Going forward, are they thinking of choosing gas vehicles? Klunder said the 2017 and 2022 are not having the DEF issues, but a gas chassis is an option. The mechanics would prefer gas. Mockler said the fuel costs would be higher. Callahan said they are not seeing what is happening long-term with the gas vehicles. The 2017 and 2022 can have forced regeneration, whereas the 2013 cannot. The City's mechanics are having a hard time finding someone who knows enough about the Duramax and can pinpoint it. There is also a coolant issue, power steering issues, and brake fluid issues. Hammond said those are age-related issues. Klunder discussed the repair costs and the timeline for the DEF issues. Callahan said they discussed deleting the DEF, and no dealership will work on it. He said if they respond to a wildland deployment, some states will check the vehicles to make sure they have not been deleted. If they have, they send them home. Klunder said they have had 43 instances this year where they needed all 3 ambulances. They have had over 80 instances where they needed 2 ambulances. He discussed interagency agreements. Callahan said a couple times a year, they have needed 4 at a time, so they have added some paramedic equipment to a fire truck in order to have a contingency plan.

Mockler asked if they are hoping to replace it by 2026. Callahan said he doesn't know how long it will last. Hammond said it will last as parts will be readily available for at least 10 years, but the cost of repairs is the big issue. Callahan said the box will last 18 years, but it's the chassis that will be the problem. Thiesse said 150,000 miles on a Duramax is not a lot, and Hammond

discussed durability of the engine. He said he has ran most of his to 300,000 miles and still sees some of them running at 500,000, but they are repairing other components like steering and rubber parts. The maintenance issues get to be a big deal. Thiesse said he understands the reliability issue for an ambulance, especially on interstate transports, and Hammond agreed. Thiesse said it will require more conversation on the part of the Commission. Callahan said he is not looking for an answer today.

Regarding County-owned property in Wakonda, M. Smith said they just need to start the process. Mockler asked if they can do a quit claim on the property by The Pit. M. Smith said they can start the tax deed process now, or the owners of The Pit can go through adverse possession. He discussed the process for that. Mockler asked if the County should start the tax deed process so it can get started. Director of Equalization Lennea Olson said it is already on the rolls since 2024. Olson said the other parcel in Wakonda has an assessed value of \$335. M. Smith reviewed SDCL 6-13-4 and the appraisal process required under 6-13-2. The selection of 3 landowners who could be appointed was discussed. Thiesse said he can ask Hazen Bye or Glynis Erickson. Mockler said he is ok with that as long as they are donating their time. It was discussed that Thiesse could find 3 Realtors to do the appraisal. It was decided that the matter will be placed on the next agenda.

Olson discussed the property in Vermillion. She suggested giving the small parcel below the hill to the City of Vermillion as they own the adjacent properties. Mockler said they can talk to the City to see if they want it. It was the agreement of the Board that they should give that small sliver of land to the City if they want it.

Hammond said there was a Joint Jurisdiction Zoning Area (JJZA) meeting last night for the place on West Main Street in the flood plain. The city and county planning denied the request for many reasons. Future permitted uses could be a problem if it were rezoned Commercial. He said it is currently wetland and swamp land. Thiesse said the owner already posted online that he will bulldoze the trees and have livestock.

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

At 11:50 a.m., Hammond moved, seconded by Thiesse and unanimously carried to exit the Executive Session.

Olson discussed software replacement for her office. The CAMA system that takes full & true values and converts them to taxable values needs to be replaced. Companies are asking for a RFP to give a quote. She asked if it needs to go through the Commission. It was decided she can write what she needs and send it out. She said Tyler Technologies told her about \$130,000, but that is not in writing. Vanguard is used by the other counties that have TTECH like our Auditor & Treasurer. There are areas that need more manual entry, and the cost tables are different. She also checked into Aumentum. It would consolidate a lot of information into one step. That was about \$340,000. She reached out to Ultra, and they are not willing to break out equalization only. Orion was also explored. Catalyst sounds promising, and she has a meeting with Govnet as well. Crum and M. Smith said software falls under professional services, so it doesn't require a bid

process. Hammond and Mockler said an RFP is not binding. Olson said Union County doesn't have a CAMA system yet. It's hard to find something that fits a small county.

The following Auditor's Account with the County Treasurer report, Sheriff's Office monthly reports, and Vermillion Public Library Board report were accepted and placed on file.

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

To the Honorable Board of County Commissioners of Clay County
items in the hands of the County Treasurer as of October 1, 2024.
I hereby submit the following report of my examination of the cash:

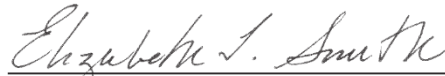
Total amount of deposits in banks	6,618,409.06
Amount of actual cash	4,108.93
Total amount of checks and drafts in Treasurer's Possession not exceeding three days	86,119.92
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:	7,275.05
Checks returned and not deposited	
Cash Items	700.00
Investments	1,151,000.00
Cash Variation	0.00
Total	
Dated this 1st day of October, 2024.	7,867,612.96

Carri R. Crum, County Auditor

At 12:02 p.m., Hammond moved, seconded by Thiesse and unanimously carried to adjourn and reconvene at 9:00 a.m. Thursday, November 7, 2024.

ATTEST:

Carri R. Crum, County Auditor


Elizabeth T. Smith, Chairwoman
Board of County Commissioners

October 29, 2024

The Board of County Commissioners met in a joint meeting with the City of Vermillion City Council Tuesday, October 29, 2024 at 6:00 p.m. for a Public Hearing and First Reading of Ordinance #2024-06.

County members present: Richard Hammond, David Thiesse, and Travis Mockler.

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

City Engineer Jose Dominguez gave a brief presentation on the proposed rezoning.

Mockler discussed the timeline of the pre-annexation agreement and the rezoning. He asked if anyone has seen the pre-annexation agreement yet. Dominguez said it is not done yet. Mockler asked if they know what it looks like. Dominguez discussed items within the agreement, such as the utilities. Mockler said he has a hard time passing something based on an annexation agreement that they have not seen. Dominguez said the pre-annexation agreement is between the City and the developer. He said the only thing they are considering is passage to the Second Reading. There has not been anything that has not been agreeable between Nick Slattery of AMS Construction and the City. The City and Slattery has a meeting this morning, and he thinks they are close. Slattery spoke about the agreement. He discussed fairness to the community and building the community together. He said they have been discussing verbiage so that it is simple to interpret in the future. The agreement is between AMS and the City. Tonight is just the rezoning. Mayor Jon Cole said he would like to see the housing development occur. Alderman Gary Cheeseman asked if they expect the agreement to be done before the Second Reading. Slattery and Dominguez said yes. There was discussion about neighboring property owners' concerns. Hammond said he was there for all the prior discussions between the Planning & Zoning Commissions. He is interested in moving it along to the Second Reading with the understanding they would get to review the pre-annexation agreement. Mockler said this is getting turned into a Conditional Use Permit (CUP) because what if they do not agree? The Council said they would not have a Second Reading without the agreement, but the zoning ordinance does not say you have to have an annexation agreement. His concern is that it would not hold up in court. There was further discussion between Mockler and the City officials regarding the bodies not coming together until the agreement is in place. Thiesse moved, seconded by Hammond and unanimously carried to advance the proposed ordinance to the Second Reading. Hammond moved, seconded by Thiesse and unanimously carried to adjourn the meeting.

Attest:



Clay County Auditor



Travis Mockler, Vice-Chairman

November 7, 2024

The Board of Clay County met in regular session Thursday, November 7, 2024, at 9:00 a.m. at the Clay County Courthouse, 211 W. Main St., Vermillion, SD. Members present: Elizabeth T. Smith, Travis Mockler, Geoffrey Gray-Lobe, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Gray-Lobe moved, seconded by Mockler and unanimously carried to approve the agenda.

Hammond moved, seconded by Mockler and unanimously carried to approve the minutes of the October 29, 2024 meeting.

Highway Superintendent Rod Polley and Brent Hays met with the Board to discuss highway matters. Mockler moved, seconded by Gray-Lobe and unanimously carried to approve a Right-of-Way Application from Clay-Union Electric on 468 Ave. in Section 14, T93N, R51W and authorize the Chairwoman to sign it.

Polley said he met with FEMA and NRCS regarding the Tabernacle bridge on 309 St. west of University Rd. FEMA will help fix the back walls and the sluff on the west side, but they have limits. The sluff is outside of the right-of-way on the southwest side. What FEMA will not cover, NRCS will try to help pay. They require a letter, and Ulteig helped fill out the details. NRCS said everything looks good, and they will be in touch. He said they will not be able to help with the Dakota St. bridge or the Dawson Rd. bridge because they cannot do anything where the federal highway program is involved.

Polley said he hired 3 new people, 2 with CDLs and one without. They opened up the Foreman position in-house with the help of Alternative HR.

Jim Peterson with the Vermillion Chamber & Development Company (VCDC) gave an update on the SE Farmers Elevator Coop. site. He also invited the Commissioners to the first ever Harvest Festival on November 19th at the Old Lumber Company. He said he spoke to the SE Farmers Elevator Coop. last week, and they have explored options, including a TIF. Peterson asked who will be the lead and what role they would like the VCDC to play in this project. Mockler volunteered to be the lead and said they would like to keep the VCDC involved. He introduced Peterson to Brent Hays as he will be the Highway Superintendent when Polley retires. Polley said Adam from Ulteig Engineering will be the lead engineer on the project. Gray-Lobe asked if the preliminary estimates from the SD Dept. of Transportation were sent to Ulteig Engineering. Polley said he did not receive them. Gray-Lobe said he noticed not everyone was included on every email. Peterson said SE Farmers Elevator Coop. has removed structures and will have crushed concrete hauled to the site by the end of the month. They would like to start doing dirt work prior to winter. They have questions regarding the cost of the turn lanes on Highway 50. He said he can help facilitate things with Sophie Johnson from SE Council of Governments (SECOG).

Facilities Manager Scott Hanson presented bid specifications for a Bobcat. He has been looking at equipment for the new jail and law enforcement center. He has looked at the blueprints and determined what the best equipment will be for snow removal. This is a user-friendly piece of equipment with a lot of visibility for the operator. It has a 6-foot snowblower. Sidewalks will be 6 feet, and it will work well for the parking lot as well. There are a snow blade attachment, sand and salt spreader, and pallet forks. There can also be a mower attached to the front. It will be beneficial for the large areas and retention ponds when they are dry. Thiesse asked if it comes with a bucket, and Hanson said yes. He has a quote from Titan for \$96,011.15. The mower alone is \$5,707.00. There was discussion whether the specifications should say, "Bobcat UW56 or equivalent." It was agreed that should be added to the specifications. Mockler moved, seconded by Thiesse and unanimously carried to approve the bid specifications.

Hanson reported that the lining of the sewer lines will begin tomorrow morning.

Emergency Management Director Layne Stewart met with the Board to present the Quarterly Activity Report. Gray-Lobe moved, seconded by Thiesse and unanimously carried to approve the report and authorize the Chairwoman to sign it. Gray-Lobe said he appreciates the level of detail.

Stewart noted that the two Point of Dispensing (POD) trailers and the generator will not fit in the basement garage. The opening is 4 inches too short. If they take out the next row of brick overhead, it will still be too short. Mockler asked if there is room for one POD trailer at the Fairgrounds, and Stewart said he doesn't think so. They discussed access at the highway department. Mockler asked if a storage unit would work in the interim until the garage is finished at the new building. Stewart said he doesn't know if there are any in town big enough. Thiesse asked how long the trailers are. There was discussion about the size of the storage unit. Thiesse said he will inquire about available storage units. They discussed storage containers, and Gray-Lobe said the Park Board is getting one for \$3,500.

The Board considered the annual renewal of the liquor licenses for Whimp's Place and Toby's Lounge. Hammond asked if it has to be published, and Auditor Carri Crum said renewals do not have to be published, just placed on the agenda. She said Sheriff Andy Howe reported he did not have any incidents which would warrant denial of the renewal. Mockler moved, seconded by Gray-Lobe and unanimously carried to authorize renewal of the licenses and the Chairwoman to sign them.

The Board reviewed a Memorandum of Understanding with Lewis & Clark Behavioral Health Services for the County to pass through its Opioid Settlement funds. Gray-Lobe moved, seconded by Mockler and unanimously carried to authorize the Chairwoman to sign the agreement.

The Board convened as the Canvassing Board and conducted a canvass of the returns for the November 5, 2024 General Election. Mockler moved, seconded by Gray-Lobe and unanimously carried to approve the figures as canvassed. Crum facilitated a random drawing for the Post-Election Audit by placing papers with the precinct names on them in a bowl and having Hammond and Thiesse conduct a drawing from the bowl. The Southeast 1 Ward (S1) Precinct was drawn. Again, papers with the contests from the S1 ballot on them were placed in a bowl,

mixed up, and Hammond held the bowl while Thiesse drew a paper from the bowl. The contests chosen were the Supreme Court Justice Retention and the Referred Law 21 ballot question. Unless a recount is held for the County Commission Race, the Post-Election Audit will be conducted November 18, 2024 at 9:00 a.m. in the Commission Room.

There was discussion regarding County-owned properties. Appraisals of the property in Wakonda (N 60' of W 69.5' Outlot B Lot 10) were conducted by Michelle Maloney (\$677), Hazen Bye (\$335), and Glynis Erickson (\$275). E. Smith said it makes sense to offer it to the adjoining property owner. Mockler said they can send a letter offering it to each of the adjoining property owners for bids. Gray-Lobe moved, seconded by Thiesse and unanimously carried to declare the property surplus. State's Attorney Michael Smith will draft a letter to be mailed via certified mail to the adjoining property owners. The Board discussed a small property along Chestnut St. in Vermillion. It was discussed that they would like to transfer it to the City of Vermillion. Statutes were reviewed, and M. Smith suggested getting an appraisal of value like they did with the Wakonda property. Gray-Lobe moved, seconded by Hammond and unanimously carried to declare the property surplus. Gray-Lobe said it is not buildable. Director of Equalization Lennea Olson said it is difficult to determine a value as all other similar properties are exempt. She said there is a reason it became County property.

E. Smith reported that SECOG has signed onto a regional food systems grant that has been paying for a regional agricultural distribution system and mobile market in Sioux Falls. Individuals are receiving things, and the idea is to develop new markets for local foods.

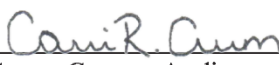
At 10:11 a.m., Hammond moved, seconded by Thiesse and unanimously carried to enter an Executive Session for personnel and legal matters per SDCL 1-25-2.

At 11:14 a.m., Gray-Lobe moved, seconded by Thiesse and unanimously carried to exit the Executive Session.

Mockler recalled the County-owned property topic to call attention to SDCL 6-5-1. M. Smith suggested rescinding the prior motion. Gray-Lobe moved, seconded by Thiesse and unanimously carried to rescind the motion to declare surplus the property on Chestnut St. in Vermillion. It was decided that it would be put on the agenda for the next meeting to transfer the property to the City of Vermillion.

At 11:16 a.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to adjourn and reconvene at 9:00 a.m. Tuesday, November 12, 2024.

ATTEST:


Carri R. Crum, County Auditor


Elizabeth T. Smith, Chairwoman
Board of County Commissioners

November 12, 2024

The Board of Clay County met in regular session Tuesday, November 12, 2024, at 9:00 a.m. at the Clay County Courthouse, 211 W. Main St., Vermillion, SD. Members present: Elizabeth T. Smith, Travis Mockler, Geoffrey Gray-Lobe, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Hammond moved, seconded by Mockler and unanimously carried to approve the agenda with the addition of a culvert on 304 St.

Hammond moved, seconded by Mockler and unanimously carried to approve the minutes of the November 7, 2024 meeting.

Under Visitors to be Heard, Chris Larson from Clay-Union Electric voiced concerns about the pre-annexation agreement between the City of Vermillion and the developer of the Munger Addition. It requires Clay-Union Electric to install the utilities, and then they will be taken away with no way for Clay-Union Electric to recoup the costs. There was a discussion regarding the policies for electrical service installation. Gray-Lobe asked if there is specific language Larson would recommend for the pre-annexation agreement. Larson said he worked with the developer, and it was thrown out. He said they take out a 35-year loan for such projects, and this would leave the rest of the electric cooperative's members to pay for the project. He suggested the utilities stay with Clay-Union Electric unless the City of Vermillion and Clay-Union Electric come to a mutual buyout agreement. Gray-Lobe clarified that the developer covers the cost of the backbone, and if each house was approximately \$6,000 that would be \$120,000-130,000. Hammond said Clay-Union Electric is stuck in because they are required to provide service and under state statute are required to sell the investment at a depreciated cost. Larson discussed the specifics of that. Hammond said chances are it would not be annexed for 25-30 years. Larson said if the City of Vermillion would let Clay-Union Electric serve the area, they would get 6% of the revenue infinitely. Hammond said if it were to be annexed in the next 5-10 years, it may be beneficial for everyone to get rid of checkerboard coverage. Larson said the City also runs on a different voltage. He said Clay-Union Electric is pro-development, but he wants to protect the cooperative's investment.

A public hearing was held for a supplement to the 2024 budget. No one appeared in opposition, and no written correspondence was received. Mockler moved, seconded by Thiesse to pass and adopt the following Resolution #2024-20 for Supplement of County Budget. Roll call vote: Mockler Aye, Gray-Lobe Aye, Smith Aye, Thiesse Aye, Hammond Aye. Motion passed.

RESOLUTION #2024-20
Supplement of County Budget

WHEREAS the County budget does not have adequate budget authority in 2024 for Commissioners Contingency;

WHEREAS, the County previously assigned funding for a mechanical/electrical/HVAC renovation project in the courthouse;

WHEREAS, the final expenses for said project have been incurred;

WHEREAS, the Board of County Commissioners have agreed to hold a public hearing on November 12, 2024 at 9:15 a.m. to supplement the County General budget for unanticipated expenses and 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 2024 Annual Budget and the assigned funds be unassigned in the following amount:

- General Government Building – Improvements budget for \$1,500,607.14

Dated the 12th day of November, 2024.

Commissioner Mockler moved the adoption of the foregoing Resolution; Motion seconded by Commissioner Thiesse.

Vote of the Commission: Thiesse Aye Gray-Lobe Aye Smith Aye Hammond Aye Mockler Aye

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

ATTEST:

Carri R. Crum, County Auditor

Chairwoman
Board of County Commissioners
Clay County, South Dakota

Welfare Director Drew Gunderson met with the Board to present Welfare Case #CW24-020. Hammond moved, seconded by Thiesse and unanimously carried to approve the county funeral as the individual met current welfare guidelines.

Sheriff Andy Howe met with the Board to discuss a contract with the Sioux Falls Humane Society. In the past, they had an agreement. He has asked for some changes to the current draft to clarify that it is just covering the rural areas. Other than that, he feels the contract is appropriate. They are averaging 7 animals a year, and it might cost the County a couple hundred dollars total. State's Attorney Michael Smith said the coverage area is the only thing he might change. Turner County also has a contract, but Howe likes this draft better. Mockler asked if the Sheriff's Office takes the animals to Sioux Falls. Howe said the majority are dropped off by citizens. It would be helpful to have this contract in case of a hoarding situation. Heartland Humane Society was discussed, but they do not have as much capacity. Mockler said he hopes it does not turn into a funding source. They discussed exploring a flat rate contract as well. Mockler moved, seconded by Gray-Lobe and unanimously carried to table the matter until the next meeting.

Mockler moved, seconded by Thiesse and unanimously carried to approve the following claims for payment.

(DUE TO OTHER GOVERNMENT)
CLAY COUNTY TREASURER \$4,768.00

(PROFESSIONAL SVC. /POLL WORKER FEES)
ALTERNATIVE HR, LLC 2,431.08
AVERA MCKENNAN HOSPITA 863.00

BARTA, LAIKEN 380.00
BREMER, RUTH 300.44
BYLANDER, RUTH 258.75
CARLSON, MICHAEL 75.00
CINTAS 53.26
CRUM, KELTON 150.00
CRUM, REYANA 380.00
EBERT, REJEANA 306.72
ERICKSON SOLUTIONS GRO 885.95
FAIRHOLM, MATTHEW 255.00
FEDEX 119.39
GEO TEK ENGINEERING & 79.00
HALL, KACIE 265.16
HODGEN, DORIS 283.82
HOFMAN, PAM 150.00
HOFMAN, RAY 150.00
JOHNSON, KAILI 287.81
JOHNSON, LISA 287.81
JOPLING, SUSAN 225.00
KATTERHAGEN, MARK 18.00
LARSON, VAL 18.00
LEWNO, LUCILLE M 175.21
LINDAHL, JOSETTE MD/PH 750.00
MADSEN, MARY K 288.63
MADSEN, TAMARA 277.98
MANNING, LINDA 105.00
NELSEN, PEGGY 281.87
OLSON, LINDA J 258.28
PETERSON, INA 258.75
PETERSON, JOHN 331.57
PHARMCHEM, INC. 447.30
PRAVECEK, ETHELYN (WES 289.56
QUALIFIED PRESORT SVC 2,172.35
REDDEN, KATIE 75.00
SANFORD HEALTH CLINIC 4,080.47
SATELLITE TRACKING OF 39.00
SCHILDHAUER, T. LEMBCK 660.00
SD DEPT OF HEALTH LAB 720.00
SIPPEL, EVAN 363.15
SORENSEN, MARY 255.00
SORENSEN, THOMAS 289.89
VERM./CLAY CO. LANDFILL 137.50
WALLER, STEVEN 258.82
WHIPPLE, DENNIS 263.58
WILSON, JAMES P 289.56
ZIMMERMAN, JOYCE P 261.16
MEHLHAF, JEANNE 290.03
SZYMONSKI, DEANN 324.13
FAIRHOLM, SHANNON 285.00
MABRY, ARTHUR 262.71
SKOREY-SOLBERG, PATRICIA 260.49
OYEN, NICHOLAS 293.79

OYEN, KARI 293.79
WARREN, LINDA 258.55
MORRISON, PATRICK 257.68
PETERSON, CHRISTINE 261.30
DAHLHOFF, MARIE 259.09
SUSEMIHL, KELLI 258.80
YOUNG, PATRICK 258.15
FREIDEL, JOANNE 258.35
BIES, JARETT 30.00
MINNEHAHA COUNTY JAIL 3,696.00
SD ATTORNEY GENERAL 1,213.00
UNION CO. SHERIFF 11,120.00
PETERSON, STUART, KLENTZ 23,524.80
LOFFLER COMPANIES 274.81
(PUBLISHING)
NEW CENTURY PRESS ACCT 108.00
(REPAIRS AND MAINTENANCE)
GRAHAM TIRE YANKTON 275.00
HAUGER LAWN SERVICE, LLC 55.00
PRESTO-X COMPANY LLC 87.26
PROCHEM DYNAMICS 64.28
VERMILLION ACE HARDWARE 155.94
(DATA PROCESSING)
AUMENTUM TECHNOLOGIES 9,139.00
MICROFILM IMAGING SYST 875.00
SOFTWARE SERVICES, INC 975.00
(SUPPLIES/MATERIALS)
A-OX WELDING SUPPLY CO 159.05
AMERICAN STAMP & MARKING 103.80
BRUNICK SERVICE, INC. 67.97
DAKOTA PC WAREHOUSE 57.99
ELECTION SYSTEMS AND 45.71
GRAHAM TIRE YANKTON 124.97
I-STATE TRUCK CENTER 132.26
JACK'S UNIFORMS & EQUI 79.44
KNIFE RIVER SOUTH DAKO 6,581.52
MAXWELL PRODUCTS 107.59
MCLEOD'S PRINTING & SU 425.90
MICROFILM IMAGING SYST 30.00
MINNEHAHA COUNTY JAIL 31.06
O'REILLY AUTO PARTS 183.99
OLSON'S PEST TECHNICIA 225.00
PROCHEM DYNAMICS 558.92
PROSOURCE SPECIALTIES 241.00
QUALIFIED PRESORT SVC 475.97
QUILL LLC ROD 57.36
RUNNINGS SUPPLY INC H& 82.98
RUNNINGS SUPPLY INC CH 19.99
STURDEVANT'S AUTO HWY 54.30
UNION CO. SHERIFF 238.55
VERMILLION ACE HARDWAR 29.98
ONE OFFICE SOLUTION 54.90

YANKTON REXALL DRUG 29.96
 (TRAVEL/CONFERENCE)
 BRUNICK SERVICE, INC. 18.00
 RAMKOTA HOTEL WATERTOW 457.40
 SMITH, MICHAEL 85.76
 CENEX FLEET FUELING 237.69
 (UTILITIES)
 AT&T MOBILITY 56.67
 BUREAU OF ADMINISTRATI 65.00
 CENTURYLINK HWY 149.99
 CITY OF VERMILLION 734.57
 CLAY RURAL WATER SYSTE 126.50
 CLAY UNION ELECTRIC CO 618.86
 MIDAMERICAN ENERGY C H 151.72
 VERMILLION GARBAGE SVC 60.00
 VERMILLION GARBAGE SVC 176.00

WAKONDA TOWN 79.65
 (MACHINERY/AUTOMOTIVE)
 CENEX FLEET FUELING 2,502.92
 (JUVENILE DETENTION)
 MINNEHAHA COUNTY JDC 3,209.36
 (SPECIAL EQUIPMENT)
 US ARMOR CORPORATION 436.45
 (BUILDING IMPROVEMENTS)
 BOONE BROTHERS ROOFING 427.10
 LAYNE'S WORLD, INC. 168.40
 (FURNITURE/MINOR EQUIPMENT)
 CANON FINANCIAL SERVICE 341.84
 MICROFILM IMAGING SYSTEMS 215.00
 PROCHEM DYNAMICS 3,716.25
 VOYAGE FEDERAL CREDIT 89.98
 BRUNICK SERVICE, INC. 142.90

Mockler moved, seconded by Gray-Lobe and unanimously carried to transfer ownership of a County-owned parcel at 5 W. Chestnut St., Vermillion, to the City of Vermillion. M. Smith will draw up the deed and handle the transfer.

Mockler said he got a call this morning regarding a culvert needing to be replaced on 304 St. He said it is getting to be a bad time of year to delay the replacement and suggested that the Board pre-authorize the work as long as it is done according to policy. Hammond moved, seconded by Gray-Lobe and unanimously carried to approve the work being done according to County policy.

Gray-Lobe moved, seconded by Thiesse and unanimously carried to approve the Chairwoman to sign a letter to neighboring property owners of the County's surplus property in Wakonda regarding its sale.

Gray-Lobe discussed a gravel invoice for Clay County Park that came from the Highway Department. Auditor Carri Crum said she would make sure the payment had been received.

Mockler said the jail and law enforcement center building project is moving along. There is a meeting tomorrow. Interior walls are being constructed.

Hammond said there is a Joint Jurisdiction Zoning Area (JJZA) meeting tonight to review 3 maps.

It was discussed that there is a joint meeting with the City of Vermillion on December 17th at 6:00 p.m.

At 9:46 a.m., Hammond moved, seconded by Mockler and unanimously carried to adjourn and reconvene at 9:00 a.m. Tuesday, November 26, 2024.

ATTEST:

Carri R. Crum
Carri R. Crum, County Auditor

Elizabeth T. Smith
Elizabeth T. Smith, Chairwoman
Board of County Commissioners

November 26, 2024

The Board of Clay County met in regular session Tuesday, November 26, 2024, at 9:00 a.m. at the Clay County Courthouse, 211 W. Main St., Vermillion, SD. Members present: Elizabeth T. Smith, Travis Mockler, Geoffrey Gray-Lobe, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Mockler moved, seconded by Gray-Lobe and unanimously carried to approve the agenda with the addition of renewal of the Davison County Inmate Boarding Contract.

Hammond moved, seconded by Mockler and unanimously carried to approve the minutes of the November 12, 2024 meeting.

Under Visitors to be Heard, Vermillion Mayor Jon Cole voiced concerns about an email that was sent by a County Commissioner regarding election security to heads of law enforcement in the county. He appreciated concerns for public safety, but found some aspects of the email to be unwarranted and overreaching. The officers understand their oaths, and the message casts doubt about their dedication and capability. It seems to convey a lack of confidence in our citizens' ability to handle the election outcome with civility. Our residents have consistently show community value, and he trusts their ability to maintain that in the face of political outcomes. A request for additional preparedness measures went beyond the scope of the Commissioner's duties. Oversight of City and University law enforcement rests with their leadership. He encourages anyone with any concerns to reach out through the appropriate channels to gain an understanding of the high standards to which our local law enforcement officers are held. E. Smith said she is mystified. Gray-Lobe said he sent the email and has no concerns about the substance or tone of the email. He hopes there was no misunderstanding in the confidence he has in the local law enforcement. He encouraged Cole to re-read the email. He did not ask anyone to do anything outside of their duties. He made clear in his email his respect for our local law enforcement and election team. Gray-Lobe said he is pleased with the way the election was conducted and the way that the citizens were united moving forward in acceptance of the results. Thiesse commented that he was in conversations with two local law enforcement officials who had concerns about the email. It asked them to speak with their officers, and that was not appropriate. We do not run their departments. Being former law enforcement, Thiesse said, they do not want to hear those types of directives when you question where their loyalty lies. He said he apologized to the law enforcement officials and assured them it was not the view of the entire Commission. It would have been devastating for the officers to hear that. Gray-Lobe said he has zero concerns about the local officers, but he did have concerns about the potential for misinformation and disinformation being spread broadly in society. Thiesse said it was interpreted as questioning their abilities. Gray-Lobe said the intent of the email was a request for agencies to coordinate and have a plan in place. Hammond said that is what they do every day. They plan for these types of things. Mockler asked, if there was no concerns, why did he write the email? Gray-Lobe said he had deep concerns on a national level about credible threats to stability in our society following the election, and locally it was part of his responsibility to help

ensure safety. Mockler said his other concern is that three Commissioners were left out of the loop and Gray-Lobe signed the email as a Commissioner. Gray-Lobe said he included Thiesse because he is the Commission's representative for such matters. Hammond said he read many of those stories, too, and he had no concerns about Clay County's preparation and response.

Also under Visitors to be Heard, Shane Griesse, Utilities Manager for the City of Vermillion, appeared to discuss service territory transfers and purchases. When an annexation happens, the City has a choice whether they choose to serve the area or not. He cited applicable SD codified laws on the matter. He explained the process and how they look at the costs and agreements. The Public Utilities Commission (PUC) updates territories and maps. If they choose not to serve, the rural electric cooperative pays the 4% lost revenue to the City, not 6% as stated in a recent meeting. They can go about it through mutual agreement. They can swap territories, buy out, or forfeit rights. Both bodies would come to an agreement and then submit it to the PUC. Thiesse asked if the pre-annexation agreement affects any of that. Griesse said he is not involved in that. Smith said the depreciation was a concern for Clay-Union Electric. The concern was that the other cooperative members would have to cover a loss. She asked if that could be remedied by a mutual agreement. Griesse said most of the annexations have been bare ground without much infrastructure. If it is annexed soon after installation, there is not much depreciation. Smith asked, if something is annexed, would it be the City's responsibility to build out infrastructure? Griesse said if a new development comes in, they cover 100% of the cost to the property line. Mockler said the only problem with AMS Construction is there is a parcel between, so they couldn't if they wanted to.

Highway Superintendent Rod Polley and Brent Hays met with the Board to discuss highway matters. The Board considered an agreement for Emergency Relief with the SD Department of Transportation. Gray-Lobe moved, seconded by Mockler to approve the agreement and authorize the Chairwoman to sign it. Under discussion, Gray-Lobe confirmed that the numbers align with the cost share Polley expected. Polley said it is 20% and discussed an April deadline. He said they are going to start next week on some of the repairs. All voted aye; motion passed.

Polley presented fuel quotes. Mockler moved, seconded by Gray-Lobe and unanimously carried to approve the low quote of \$1.29/gallon from TLC/Long's Propane for propane. Mockler moved, seconded by Hammond and unanimously carried to approve the low quote of \$2.34/gallon from Brunick's Service for gasoline.

Polley said he would like to use P40 fuel in the future. They are using 50/50 blend in the above ground tank at the Wakonda shop. He is getting an estimate for a 10,000 gal underground tank. It would help with the cost of fuel, but he has no idea yet how much the tank would cost. There is only one supplier for the P40. If he calls everyone else for #2 diesel, and then the one supplier for P40, it's not apples to apples. He asked if he is allowed to do that. Mockler said P40 and #2 diesel are not the same. He thinks it would have to be bid as P40 or a 50/50 blend. Polley said they currently use an additive, but he has never figured the price of that into the per-gallon price. State's Attorney Michael Smith said if it's a different product, it doesn't fit into the same bid. Hammond and Polley discussed summer vs. winter fuel. M. Smith said he thinks they could bid P40 standalone, and if it proves to not be economical, they could deny it. Mockler said #2 diesel

will be cheaper than P40, so if they are not having trouble with #2 diesel it's fine. Polley discussed the convenience of having a larger underground tank vs. the current above ground tank. Hammond said even #2 diesel can sometimes not be apples to apples. Thiesse asked if they can put the additive in the 1,000 gallon tank. Polley said they did, and it still gelled. They are double wall tanks, but they are not insulated. The tanks get hit by the wind from every direction as well. M. Smith said fuel purchases are not under a bid process. They are under a quote process, so that is different. Polley said Yankton County purchases for the whole year. He prefers getting quotes due to price fluctuation throughout the year.

Polley presented Bid letting documents from the SD Department of Transportation. Polley said one is north of the landfill over Clay Creek, and the other is the bridge that burned. He discussed the removal process for the burned bridge. M. Smith said once the removal is done, that will be a different job. Polley said once the planks are removed, it becomes a state job. This agreement authorizes the state to advertise and bid the project. Thiesse asked if it's possible that the family's homeowner's insurance can cover it. M. Smith said he doesn't know. He asked Polley for a timeframe. Polley said it would be next summer or fall. M. Smith said his issue is that he only has 120 days to resolve it. Mockler moved, seconded by Gray-Lobe and unanimously carried to approve the documents and authorize the Chairwoman to sign them.

Polley informed the Board that the Highway Department transitioned to winter hours, which are Monday-Friday 7:00 a.m.-3:30 p.m.

Emergency Management Director Layne Stewart presented a Point of Dispensing Grant contract with the SD Department of Health. Mockler moved, seconded by Gray-Lobe and unanimously carried to authorize the Chairwoman to sign it.

Stewart said the SDDOT has given counties the ability to update 511 now. Sheriff Andy Howe, Polley, Hays, and Stewart will be meeting to discuss trigger points for certain situations. It goes out to Google maps, Wayze, and other apps so that if the interstate is closed, people are not trying to take County roads. E. Smith said that is actually really good news.

Howe presented an agreement with the Sioux Falls Humane Society that had been tabled from the previous meeting. A section was added to specify unincorporated rural areas. The Humane Society said with the minimal usage, it is not cost effective to the County to consider a flat fee contract because our usage is so minimal. Gray-Lobe moved, seconded by Mockler and unanimously carried to approve the contract and authorize the Chairwoman to sign it.

Howe presented a renewal for the Minnehaha County Jail contract for inmate boarding. Gray-Lobe moved, seconded by Mockler and unanimously carried to approve the contract and authorize the Chairwoman to sign it.

Howe presented a renewal for the Davison County Jail contract for inmate boarding. Gray-Lobe moved, seconded by Mockler and unanimously carried to approve the contract and authorize the Chairwoman to sign it.

It was discussed that approval for the jail meal bid specifications will be on the next agenda.

Zoning Administrator Drew Gunderson met with the Board for the Public Hearing and First Reading of a Proposed Ordinance to Re-zone 45345 311 St Meckling from A-1: Agricultural to C-1: Commercial for a Commercial Recreation Facility. The property is the old hunting lodge, and the Planning & Zoning Commission approved of the change. Property owner Vaney Hariri said he specializes in leadership development training and corporate development. They are converting it to a retreat space that will also be available for rent under certain circumstances. They are applying for a change that was necessary for coding. Gunderson said it doesn't exactly follow what the County wants for commercial, but the facility has been there for 20 years. Gray-Lobe said it seems like a similar usage. Gunderson said none of the adjoining property owners object. Gray-Lobe moved, seconded by Thiesse to advance the proposed ordinance to the Second Reading. Hammond asked for the maximum capacity. Hariri said most of the retreats are around 12, but the capacity is actually 24. All voted aye; motion passed. Auditor Carri Crum said the Second Reading can be at the next meeting.

Welfare Director Drew Gunderson presented Welfare Case #CW24-021 for a county burial. Mockler moved, seconded by Thiesse and unanimously carried to approve the case as the individual met current welfare guidelines.

Treasurer Rhonda Howe met with the Board to report that the State is going to a new motor vehicle licensing program. Rollout is February 17th, which is President's Day. She would like to close February 14th because there will be no motor vehicle services anywhere in the state that day, so they can't do anything in the office. They would be closed February 14th and will come in on the 17th, not open to the public, but in the office to work in the new system. It will give them a chance to be hands-on in the system without customers waiting. She said she has spoken to Crum, and they feel it's best. Hammond said he has already seen 2 articles in 2 newspapers. It will be a training day without customers. R. Howe said the State will have a live call for any questions. M. Smith said when we had the construction project, it was a fluid situation, but in this case, SDCL 7-7-2 states the business hours should be changed by resolution. R. Howe said there are many counties who will do the same thing. Mockler discussed holiday time. M. Smith said he would expect it to trigger time and a half. He thinks the Employee Handbook is pretty clear. Hammond said it sounds like an internal personnel issue. A. Howe said he deals with it daily. He recommends holiday pay as comp time. R. Howe said she has discussed it with Crum. A. Howe said they should stick with the Employee Handbook. Mockler said the only difference is working a day that is normally off. A. Howe said they do that all the time where they take the holiday on a different day. Mockler said they should have a sign on the door now so people will know.

Crum presented the results of the Post-Election Audit for the November 5, 2025 General Election. The Supreme Court Justice Retention and Referred Law 21 ballot questions in Southeast 1 Ward (S1) Precinct were audited by a bipartisan five-person board. After manually counting the contests, the results of both contests perfectly matched the election night tabulator count and County Canvass.

Mockler moved, seconded by Thiesse and unanimously carried to approve the following claims for payment.

(PAYROLL)
 COMMISSIONERS 7,554.20
 ELECTION 399.70
 AUDITOR 9,848.73
 TREASURER 16,774.75
 STATE'S ATTORNEY 17,902.37
 FACILITIES 7,819.05
 DIR. OF EQUALIZATION 9,555.15
 REG. OF DEEDS 5,716.65
 SHERIFF 42,241.73
 JAIL 32,792.43
 EMERGENCY MGMT. 4,191.21
 HIGHWAY 35,702.15
 WIC 3,077.23
 EXTENSION 2,505.49
 WEED 4,791.91
 ZONING 4,648.03
 (DUE TO OTHER GOVERNMENT)
 SD DEPT. OF REVENUE 365,843.51
 SD DEPT. OF REVENUE 630.39
 SDACO M&P FUND PAYMENT 202.00
 (PAYROLL)
 SD RETIREMENT SYSTEM 34,275.36
 SD SUPPLEMENT RETIREME 8,268.18
 SDRS ROTH 457(B) PLAN 635.00
 AFLAC 778.97
 COLONIAL LIFE 293.86
 CONSECO/WASHINGTON 24.45
 NEW YORK LIFE C/O M&T 258.57
 TASC PVR 1,723.30
 THE STANDARD - DENTAL 1,581.80
 THE STANDARD - VISION 432.16
 (INSURANCE DEDUCTIBLE REIMBURSE.)
 HUSBY, TIFFANY 500.00
 STYLES, DAVID 500.00
 (PROFESSIONAL SVC./FEES)
 BECKENHAUER 1,873,312.62
 CANON FINANCIAL SERVIC 164.00
 ERICKSON SOLUTIONS GRO 885.95
 GEO TEK ENGINEERING & 10,722.50
 JLG ARCHITECTS 27,333.26
 KOBER FUNERAL HOME 1,900.00
 KONE, INC. 946.38
 LINCOLN COUNTY AUDITOR 753.34
 MIDWEST ALARM CO., INC 119.85
 OLSON'S PEST TECHNICIA 85.00
 PETERSON, INA 95.22
 PRESTO-X COMPANY LLC 200.64
 QUALIFIED PRESORT SVC 98.16
 SD SHERIFF'S ASSN 949.01
 SIPPEL, EVAN 95.09
 SULLIVAN, GAGE QMHP 680.00

TERWILLIGER, PHILIP 95.36
 THE RESPONSE GROUP INC 2,900.00
 TEGRA GROUP INC 21,647.40
 WHIPPLE, DENNIS 97.77
 WOODBURY CO. SHERIFF 30.00
 YANKTON CO TREASURER 156.50
 BIES, JARETT 106.75
 (PUBLISHING)
 BROADCASTER PRESS 2,016.00
 NEW CENTURY PRESS ACCT 696.50
 PLAIN TALK/BROADCASTER 104.00
 (REPAIR/MAINTENANCE)
 CENTURY BUSINESS PRODUCTS 41.25
 DOCKENDORF EQUIPMENT 180.00
 GRAHAM TIRE YANKTON 760.00
 PRESTO-X COMPANY LLC 87.26
 THE LUMBERYARD LLC 63.54
 TWO WAY RADIO SOLUTION 252.48
 VERMILLION ACE HARDWARE 13.99
 PAYLOCITY 1,019.87
 (SUPPLIES/MATERIALS)
 A & B BUSINESS 229.92
 BRUNICK SERVICE, INC. 11,735.45
 CINTAS 212.44
 DOCKENDORF EQUIPMENT 349.68
 GRAHAM TIRE YANKTON 145.69
 HY-VEE INC. JAIL ACCOUNT 299.81
 I-STATE TRUCK CENTER 550.07
 LEWIS DRUG, INC. 240.52
 LOFFLER COMPANIES 348.46
 MARQUARDT FAMILY LIMIT 51,492.80
 PROCHEM DYNAMICS 160.80
 R&T REPAIR 1,000.00
 ROAD KING, INC 10,505.00
 RUNNINGS SUPPLY INC 44.45
 SANFORD HEALTH CLINIC 86.06
 THE TROPHY PLACE 50.00
 TITAN MACHINERY 341.63
 TRUCK-TRAILER SALES & SVC 185.67
 ULTEIG 35,280.75
 (TRAVEL/CONFERENCE)
 KYMALA, SHANNON 40.00
 HARLOW'S SCHOOL BUS 255.00
 PENNINGTON COUNTY JAIL 144.22
 (UTILITIES)
 BUREAU OF ADMINISTRATION 11.28
 CITY OF VERMILLION 716.06
 MCPHERSON, LARRY 150.00
 T-MOBILE 30.80
 TLC PROPANE 2,110.18
 VERIZON WIRELESS 101.35
 (MACHINERY/AUTOMOTIVE)

THE SOAP GUYS 163.20
TINTING PROS 1,617.00
VERMILLION FORD 59.32
(BUILDING IMPROVEMENTS)
HANDER, INC. 3,179.42
WEINREICH PLASTERING 800.00
(FURNITURE/MINOR EQUIP.)
CANON FINANCIAL SERVICES 96.00
DAKOTA PC WAREHOUSE 389.97
ERICKSON SOLUTIONS GROUP 1,397.00
RUNNINGS SUPPLY 299.99
VERMILLION ACE HARDWARE 21.98

M. Smith prepared a Quit-Claim Deed for the County-owned property legally described as: That Part North of RR Right of Way Lots 14 and 15, Excluding Lot H-1, Block 9, Original Town, City of Vermillion, Clay County, South Dakota. He has been in contact with the Director of Equalization, Register of Deeds, and City Manager John Prescott. They are confident in the language of the deed. Gray-Lobe moved, seconded by Thiesse and unanimously carried to authorize the Chairwoman to sign the deed transferring the property to the City of Vermillion.

Gray-Lobe reported that there will be a Dakota 38+2 Ride in mid-December, in which a group of horseback riders will be staying at the arena at Clay County Park. It is a ride of healing relating to the largest mass hanging in U.S. history.

The following Auditor's Account with the County Treasurer report, Sheriff's Office monthly reports, and Library Board report were accepted and placed on file.

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

To the Honorable Board of County Commissioners of Clay
County
items in the hands of the County Treasurer as of November 1,
2024.
I hereby submit the following report of my examination of the
cash:

Total amount of deposits in banks	15,655,103.33
Amount of actual cash	5,140.14
Total amount of checks and drafts in Treasurer's Possession not exceeding three days	920,717.27
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:	0.00
Checks returned and not deposited	
Cash Items	700.00
Investments	1,151,000.00
Cash Variation	0.00
Total	
Dated this 1st day of November, 2024.	17,732,660.74

Carri R. Crum, County Auditor

At 10:10 a.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to enter an Executive Session for legal matters per SDCL 1-25-2.

At 10:39 a.m., Hammond moved, seconded by Mockler and unanimously carried to exit the Executive Session.

At 10:40 a.m., Hammond moved, seconded by Thiesse and unanimously carried to adjourn and reconvene at 9:00 a.m. Tuesday, December 3, 2024. The Commission then attended a tour of the new jail and law enforcement facility organized and hosted by Beckenhauer Construction, the contractor who maintains control of the building site. No decisions were to be made, and notice was posted as part of the meeting agenda. The purpose was solely for the Commission to tour the progress of the facility's construction.

ATTEST:

Carri R. Crum
Carri R. Crum, County Auditor

Elizabeth T. Smith
Elizabeth T. Smith, Chairwoman
Board of County Commissioners

December 3, 2024

The Board of Clay County met in regular session Tuesday, December 3, 2024, at 9:00 a.m. at the Clay County Courthouse, 211 W. Main St., Vermillion, SD. Members present: Elizabeth T. Smith, Travis Mockler, Geoffrey Gray-Lobe, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Gray-Lobe moved, seconded by Hammond and unanimously carried to approve the agenda.

Mockler moved, seconded by Thiesse and unanimously carried to approve the minutes of the November 26, 2024 meeting.

Matthew White from the SD Department of Legislative Audit met with the Board for an audit opening conference and to present the Audit Engagement Letter. Hammond moved, seconded by Thiesse and unanimously carried to approve the letter and authorize the Chairwoman to sign it.

Sheriff Andy Howe presented jail meal bid specifications. Gray-Lobe moved, seconded by Mockler and unanimously carried to approve the specifications.

Director of Equalization Lennea Olson met with the Board to present software proposals for her office. Aumentum is the current CAMA software provider, and this proposal would be an add-on. It is \$269,000 over 5 years, at \$80,000 the first year. The bulk of the cost is in rewriting the software to meet state reporting requirements. The abstract of values has to be a specific format, as do sales and assessment notices. She would be relying heavily on the help of Software Services, the retiring software provider. Aumentum took off about \$100,000 from their original quote. It would be the least labor intensive for her office. Catalyst gave a good product demonstration. Their software would be a full CAMA conversion and more labor-intensive for her office. They have converted from ProVal in the past, which is the current CAMA software owned by Aumentum. Their quote is \$66,000 with an additional \$10,000 for Marshall & Swift cost tables. Annually, it would be \$32,000. ProVal is about \$9,000 annually. Support has been frustrating the past few years with ProVal. Aumentum didn't include on-site training in their quote. Catalyst is the company the SD Department of Revenue is using. They were able to waive the state-specific fee because they have already built it. We would be the first county in the state to use their CAMA, but they already work with the state. Olson said she did a 5-year and 10-year comparison. At year 10 and beyond it becomes a wash. Thiesse asked, does the \$32,000 include updates, and the other stops updating after the 6 years? Lennea agreed with his interpretation. She said ProVal was state of the art in 2012, but now support is an issue. She likes that Catalyst is secure with the state and is not going away. Mockler asked if this is in the budget for next year. Olson said no, but she should be able to cover half of the implementation cost. Mockler asked if they require payment as soon as we sign, and will the price still be good in January? Olson said the price will be good. She will ask about the payment. E. Smith said it's pretty clear which way Olson is going. Olson said she spoke to 12 companies. It was a long process. She said a contract will be coming in January and a budget supplement request as well.

Zoning Administrator Drew Gunderson met with the Board for the Second Reading of Ordinance #2024-07, a Proposed Ordinance to Re-zone 45345 311 St Meckling from A-1: Agricultural to C-1: Commercial for a Commercial Recreation Facility. Gunderson said he has not received any comments from the public. Gray-Lobe moved, seconded by Hammond to pass an adopt Ordinance #2024-07. Roll call vote: Hammond Aye, Thiesse Aye, Smith Aye, Gray-Lobe Aye, Mockler Aye. Motion passed.

Highway Superintendent Rod Polley met with the Board to discuss highway matters. He presented a Right-of-Way Application from Erlan Olson. Polley said he has his own questions about it. It's on the north side of 312 St. across from the old St. Peters church site. They are putting a lift station in there, which will drain into a county road ditch. He said there is one to the northeast of there. This one is planned for the edge of the property near the CRP ground. Mockler asked if it is discharging into the right-of-way. Polley said yes, it is like the other two nearby. Mockler said Erlan Olson will need a permit for that. Polley asked who at the County has a permit for it. Mockler said when they got out of the drainage permits, that is the part they kept. Hammond said that is part of the overflow for the north ditch, which gets overloaded every couple years. Sometimes the south ditch also takes some water. They may be adding to a pre-existing problem. State's Attorney Michael Smith said Ordinance #94-5 was the permit ordinance and #2013-03 is the repealing ordinance. He read the provisions of the ordinance. Mockler said state law has something regarding right-of-way. M. Smith said he believes there is something on that as well. E. Smith said there is no size listed for the pipe on the application either. Mockler said he doesn't think they understand it because he thinks the 12-15" pipe is the drain tile. M. Smith said SDCL 46A-10A is titled County Drainage. Mockler moved to table this Right-of-Way Application until they have more information, seconded by Gray-Lobe and unanimously carried. Hammond said a thing to clarify is there is no answer to Item 2 either. Thiesse said it also says to attach a sheet showing location. There is a lot of stuff going on at that intersection, so a map would be good. Polley said the other two lift stations in that area never came through his office for a permit. He did not know about them.

A public bid opening was held for a Bobcat UW56 or equivalent. The singular bid received was opened and read aloud. Bobcat bid \$64,464 base price, and a total price with add-ons was \$97,062.11. Facilities Manager Scott Hanson will review the bid to ensure it meets specifications and return at the next meeting for the bid award.

Hammond moved, seconded by Mockler and unanimously carried to approve the following claims for payment.

(CONTRACT)

LEWIS & CLARK BEHAVIOR 21,911.68
(INSURANCE DEDUCTIBLE REIMBURSE)
MCPHERSON, LARRY 500.00
(PROFESSIONAL SVC./FEES)
CERTIFIED LANGUAGES 36.30
CINTAS 22.88
CITY OF VERMILLION 1,091.83
KATTERHAGEN, MARK 21.00
LARSON, VAL 21.00

LEWNO, LUCILLE M 186.71
MAINTAINX INC. 3,658.01
MILLER FUNERAL HOME 1,900.00
MINNEHAHA CO. AUDITOR 898.84
QUALIFIED PRESORT SVC 2,712.69
USPS VERMILLION OFFICE 15.90
YANKTON CO SHERIFF 50.00
(RURAL ACCESS INFRASTRUCTURE GRANT)
GARFIELD TOWNSHIP 36,213.59
(SOFTWARE FEES)

SCHNEIDER GEOSPATIAL 11,028.00
(REPAIRS/MAINTENANCE)
RUNNINGS SUPPLY INC CH 71.24
VERMILLION ACE HARDWARE 52.96
DOTY, KIM 37.50
(DATA PROCESSING)
SCHNEIDER GEOSPATIAL 7,954.00
(SUPPLIES/MATERIALS)
ELECTION SYSTEMS AND 4,830.60
HY-VEE, INC. EXTENSION 201.24
PRESSING MATTERS 64.78
(TRAVEL/CONFERENCE)
ANDERS, JEFFREY 34.00
SDSU EXTENSION 152.17

STEWART, LAYNE 34.00
(UTILITIES)
CITY OF VERMILLION 1,772.50
FISCHER'S DISPOSAL L.L 65.00
MIDAMERICAN ENERGY EXT 11.10
MIDCO BUSINESS 85.39
STEWART, LAYNE 180.00
(POD GRANT SUPPLIES)
PAULSON, ALICIA 53.60
(FURNITURE AND MINOR EQUIPMENT)
CANON FINANCIAL SERVICE 373.17
(MACHINERY/AUTOMOTIVE)
BRUNICK SERVICE, INC. 253.05

The Board considered renewal of the contract with the SD Department of Health for Community Health Nurse services. M. Smith and WIC Public Health Assistant Lisa Wood have reviewed the contract. Gray-Lobe moved, seconded by Thiesse and unanimously carried to approve the contract and authorize the Chairman to sign it.

The Board discussed last week's tour of the new jail and law enforcement center that is under construction. Hammond said it was a good excursion. It is a big building, but it needs to be that size. Gray-Lobe asked if there is outdoor secure space. Mockler said no; there is a day room with large windows overhead, and that is what is required. They discussed the timeframe for which people are usually held in a county jail.

Hammond reported that the next Joint Jurisdiction Zoning Area meeting is in January.

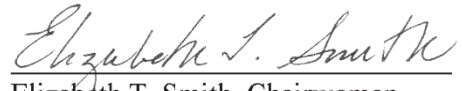
Recent payroll changes to be recorded in the minutes are as follows: Tracy Chamberlain was hired 10/14/24 as the Highway Department Administrative Assistant (\$21.21/hour), Aaron Aakre was hired 11/12/24 as a Highway Maintenance Worker (\$21.29/hour), Walter Avery, Jr. was hired 11/12/24 as a Highway Maintenance Worker (\$21.29/hour), and Andrew Florke was hired 11/21/24 as a Highway Maintenance Worker (\$20.28/hour).

At 9:41 a.m., Hammond moved, seconded by Mockler and unanimously carried to enter an Executive Session for legal/contractual matters per SDCL 1-25-2.

At 9:53 a.m., Hammond moved, seconded by Mockler and unanimously carried to exit the Executive Session.

At 9:53 a.m., Thiesse moved, seconded by Hammond and unanimously carried to adjourn and reconvene at 9:00 a.m. Tuesday, December 10, 2024.

December 3, 2024



Elizabeth T. Smith, Chairwoman
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

December 10, 2024

The Board of Clay County met in regular session Tuesday, December 10, 2024, at 9:00 a.m. at the Clay County Courthouse, 211 W. Main St., Vermillion, SD. Members present: Elizabeth T. Smith, Travis Mockler, Geoffrey Gray-Lobe, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

Hammond moved, seconded by Gray-Lobe and unanimously carried to approve the agenda.

Hammond moved, seconded by Thiesse and unanimously carried to approve the minutes of the December 3, 2024 meeting.

Highway Superintendent Rod Polley and Brent Hays met with the Board to discuss the Rural Access Infrastructure Fund (RAIF) Grant. Polley reported seven Townships applied. He received a couple of phone calls from the Townships that applied and did not get awarded last year. Auditor Carri Crum said there is \$120,776 available. Gray-Lobe said this is the last year unless the legislature re-authorizes it. Polley said all the Townships turned in their 5-year plans. Gray-Lobe said he went back through all the documentation on the SD Association of Towns & Townships website to read the requirements again. He asked for copies of the 5-year plans. E. Smith said there is one application that asks for a 100% share, not an 80/20 split. Polley said he took the 20% off because they have to cover 20%. Gray-Lobe said a lot of people will not get awarded, so he wants to make sure all the “shall” verbiage in the legislation is met. He wants to make sure the right process is followed in case the State comes back to question it. Mockler said the problem with the application is, in the kickoff meetings, they told Counties to come up with their own. Gray-Lobe asked that the State’s Attorney review all of them. State’s Attorney M. Smith said last year he thought SE Council of Governments (SECOG) assisted. Polley said it was the SD Department of Transportation (SDDOT). Polley said he will not prioritize like he was asked to do a couple years ago because everyone was mad at him. Gray-Lobe said, according to the rules, they should look through the financials for each applicant to make sure they cannot afford the project on their own. They are supposed to be looking at how they fit into the 5-year plans as well. There are a lot of factors for the Commission to weigh for the size of the pool of money. Polley said he heard from two of the Townships that were rejected last year to make sure they would not get overlooked this year. Polley said there is a lot to consider, so he wanted to distribute the materials early to give the Board time to review everything. E. Smith asked what they do if someone requests 100%. Mockler said the 20% match is a requirement. E. Smith said Pleasant Valley’s application was really confusing. They proposed to replace a concrete arch bridge but did not explain why. Mockler said it was structural damage. They were denied last year. They were told to resubmit this year. Polley said the Garfield Township project from last year is complete, and the bridge is open now. Thiesse said Garfield has another project; they want a culvert. E. Smith said safety issues may be another consideration as well. They discussed the application from Star Township regarding the rotting pilings, condition of deck planks, whether anyone lives on the road, etc. Polley said pretty much everything in front of the Commission is in pretty rough shape. It used to be his job as Foreman to inspect those small

structures. He may have old pictures. Some applicants put the structure number, and some put the description of where it is. He included a map. Thiesse asked if Glenwood Township has the 20% match, or did they just fill out the application wrong? Polley said he subtracted the 20%, and it is a small wooden structure. Thiesse said the number of county residents affected is 10. He asked if it is farm-to-market or minimum maintenance. Polley said it is minimum maintenance. Gray-Lobe said minimum maintenance is ok, but no maintenance is not. Polley said not all of them have an engineer on staff, so it comes down to him and the Commissioners, unfortunately. He could have them come in to explain if necessary. Hammond pointed out that the new Commissioners will be reviewing this at their second meeting. They should have the materials in advance. It was discussed that anything that is awarded has to be done by January 15th, but they do not have to award anything. Hammond suggested it would be a nice gesture to inform Glenwood Township that they would need to have the 20% match. Mockler said three of them already received money over the last few years. Pleasant Valley has applied for 2 structures, but the number one priority is the concrete structure. M. Smith said he will look at the handbook, and if the Commission has questions to let him know ahead of time.

The Board considered a Driveway Application from Aaron Vanden Bosch (West Edge Farming LLC) on University Rd. Polley said he has not received a payment yet. Mockler moved, seconded by Gray-Lobe and unanimously carried to table the matter.

Polley said he met with Erlan Olson regarding the application from the last meeting. He presented a map, and the matter will be on the December 31st agenda. Polley discussed drainage of the area and said it is a good plan for movement of the water. The lift station will be on his property. Mockler said it will keep a lot of the water from running off the fields into the ditch. It will all be tiled from the Greenfield store south.

Hammond moved, seconded by Gray-Lobe and unanimously carried to approve and authorize the Chairwoman to sign renewal contracts for both Union County Jail inmate boarding and the Minnehaha County Juvenile Detention Center.

A public bid opening was held for jail meals for 2025. One bid was received. It was opened and read aloud. The bid was from Pizza Ranch at \$6 per daily meal, morning and evening and \$1.00 per portion of cereal. Sheriff Andy Howe will review the bid to ensure it meets specifications and the matter will appear on the agenda for the next meeting.

Facilities Manager Scott Hanson met with the Board regarding the Bobcat UW56 bid from the previous meeting's bid opening. He said the bid met specifications. Mockler moved, seconded by Thiesse and unanimously carried to accept the bid from Titan Machinery Bobcat for a total of \$97,062.11.

Hanson reported to the Board regarding a concern with the sewer stack in the elevator shaft. It could not be lined as previously planned. There is no way to access it. There is a way to put a new stack in, but it gets expensive. Hammond asked why it is so expensive, and Hanson said it is because the elevator company has to be involved. It is about \$28,700. Hanson said the pipe looks good on the inside. Mockler said if it looks good, just do not do anything with it. Thiesse and

Hammond agreed. E. Smith said if Schumacher's plumber says it looks like it will last, it's hard to justify replacing it.

Mockler moved, seconded by Thiesse and unanimously carried to approve the following claims for payment.

(PROFESSIONAL SVC./FEES)	FLEETPRIDE 724.32
ALTERNATIVE HR, LLC 3,059.44	I-STATE TRUCK CENTER 580.00
BROADCASTER PRESS 109.76	JACK'S UNIFORMS & EQUIP 500.58
BUHLS DRYCLEANERS & 321.74	KNIFE RIVER SOUTH DAKOTA 1,065.68
CITY OF VERMILLION 108.00	MICROFILM IMAGING SYSTEMS 30.00
ERICKSON SOLUTIONS GROUP 2,934.00	O'REILLY AUTO PARTS 152.46
FEDEX 108.43	PROCHEM DYNAMICS 295.85
JLG ARCHITECTS 27,280.00	QUALIFIED PRESORT SVC 148.01
LINCOLN COUNTY AUDITOR 1,355.33	QUILL LLC 98.43
LINDAHL, JOSETTE MD/PHD 1,500.00	RUNNINGS SUPPLY INC 143.62
PHARMCHEM, INC. 479.25	UNION CO. SHERIFF 197.05
QUALIFIED PRESORT SVC 1,711.99	(TRAVEL/CONFERENCE)
SATELLITE TRACKING OF PEOPLE 52.00	BRUNICK SERVICE, INC. 45.40
SD DEPT OF HEALTH LAB 1,305.00	CENEX FLEET FUELING 313.97
TEGRA GROUP INC 22,456.05	(UTILITIES)
YANKTON CO SHERIFF 50.00	AT&T MOBILITY 56.67
MINNEHAHA COUNTY JAIL 1,680.00	BUREAU OF ADMIN PMB011 16.38
SD ATTORNEY GENERAL 1,135.00	CENTURYLINK HWY 149.99
UNION CO. SHERIFF 5,600.00	CLAY RURAL WATER SYSTEM 110.60
YANKTON CO SHERIFF 3,060.00	MIDAMERICAN ENERGY 169.15
FRIEBERG, NELSON & ASK 6,643.50	VERMILLION GARBAGE SVC 60.00
TERWILLIGER, PHILIP 6,643.50	VERMILLION GARBAGE SVC 176.00
(PUBLISHING)	WAKONDA TOWN 66.90
BROADCASTER PRESS 738.11	CENEX FLEET FUELING 2,411.47
DAKOTA TRAFFIC SERVICE 4,841.93	(INMATE MEALS)
DAN'S DRAIN 301.99	PIZZA RANCH 14762 2,980.00
RUNNINGS SUPPLY INC 4.77	(JURY/WITNESS)
SD DEPT OF TRANS 12,328.87	TOTAL JURY/WITNESS FEES 609.68
(REPAIRS/MAINTENANCE) VERMILLION ACE	(BUILDING IMPROVEMENTS)
HARDWARE 78.94	CRESCENT ELECTRIC 88.87
(DATA PROCESSING)	MIDWEST STRIPING 500.00
MICROFILM IMAGING SYSTEMS 865.00	PRECISION PAINTING 5,077.56
(SUPPLIES/MATERIALS)	(BOOKS)
A-OX WELDING SUPPLY CO 549.84	THOMSON REUTERS - WEST 107.20
BLUE TARP FINANCIAL 289.99	(FURNITURE/MINOR EQUIP.)
BOB BARKER CO INC 190.21	MICROFILM IMAGING SYSTEM 215.00
DMC WEAR PARTS LLC 6,288.00	(AUTOMOTIVE)
EHRESMANN ENGINEERING 360.96	BRUNICK SERVICE, INC. 38.50

The Board considered a SDDOT agreement for the Federal Land Access Program (FLAP) Grant. The grant is for \$250,000. Gray-Lobe said the State has done what they need to do to explain how funds will flow from the federal government to the State to the County. The next step will be to put out a Request for Proposal (RFP). The revised scope of work is attached to the agreement. SECOG will help with the RFP which will be brought to the Commission for

approval. Gray-Lobe moved, seconded by Hammond to authorize the Chairwoman to sign the contract. Mockler asked about sites and referenced 462 Ave. in the deliverables. Gray-Lobe said that is incorrect. It is correct in the maps, but it is incorrect there. It should be 452 Ave. They might need to send it back. He will communicate with the State that they discovered a typo. Mockler said the landowners would like 452 Ave. closed going south. Gray-Lobe said they cannot explore things beyond what is listed in the document. He is concerned about changing the scope of work as that process took a few months. Calvin Hanson was present and said Norway Township does not want to accept any liability whatsoever. They would have to go back to the early 1970's to check because everything going to the river has been closed for liability purposes. Gray-Lobe said they applied for the grant, the State approved it with the requirement that the scope was reduced (i.e. existing right-of-way, no eminent domain, etc.), and the funding was approved for a planning study. The first step would be public input. That would include the Township and individual landowners. They would map out what is feasible and what is not. The end product is what could work and what would not. What could work would be the items that have public support. If it doesn't have public support, it will not work. Gray-Lobe said C. Hanson's concerns about 452 Ave. are precisely the input they are hoping to collect. C. Hanson said they will run into a lot of opposition. Local residents would like to see 454 Ave. redone. Mockler asked, since the County has to front the money, where will the \$250,000 come from? Crum said the Commission will need to budget for that somewhere. E. Smith said it would have to come from fund balance and then be reimbursed. Mockler said he has concerns about that because the fund balance is already low since the County did not opt out and also has a road to build. Gray-Lobe and Hammond rescinded their motion. Gray-Lobe moved, seconded by Hammond to table the contract. Vote of the Board: 4 Ayes; Mockler voted Nay. Motion passed.

Gray-Lobe reported the Dakota horseback ride he discussed at a recent meeting will be this weekend at Clay County Park. There should be a community meal at some point this weekend, although he has not seen any flyers about it. The group commented that Clay County has been welcoming. Hammond said he hopes the weather is better than last time, and he wishes them well.

Mockler said there is a building project meeting tomorrow, and hopefully next week they will have garage doors installed.

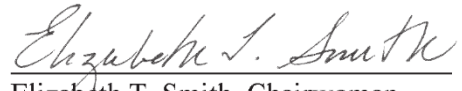
At 10:05 a.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to enter an Executive Session for personnel matters per SDCL 1-25-2.

At 11:06 a.m., Hammond moved, seconded by Mockler and unanimously carried to exit the Executive Session.

Hammond reported he will be attending a Vermillion Chamber & Development Company lunch & learn legislative pre-report today at noon. Gray-Lobe said there is a Rotary Club meeting tomorrow. There was a brief discussion regarding whether the legislature might renew the RAIF funding.

At 11:11 a.m., Gray-Lobe moved, seconded by Mockler and unanimously carried to adjourn and reconvene Tuesday, December 31, 2024 at 9:00 a.m.

December 10, 2024



Elizabeth T. Smith, Chairwoman
Board of County Commissioners

ATTEST:



Carri R. Crum, County Auditor

December 17, 2024

The Board of County Commissioners met in a joint meeting with the City of Vermillion City Council Tuesday, December 17, 2024 at 6:00 p.m. for a Public Hearing and First Reading of a Proposed Ordinance to amend the 2012 Joint Zoning Regulations for Clay County and the City of Vermillion by Amending Chapter 2, Section 2.03(A) Zoning Map, by Removing Lot BP1 in Auditor's Tract No. 3, Lot BP3 in Auditor's Tract No. 4, and Lot BP7 in Auditor's Tract No. 2; all in the SW ¼ of Section 14, Township 92 North, Range 52 West, 5th P.M., Clay County, South Dakota; and BP8 in Auditor's Tract No. 4 in the SE ¼ of Section 14, Township 92 N, Range 52 W, 5th P.M., Clay County, South Dakota, from the A-1 Agricultural District and Moving it into the C: Commercial District.

County members present: Richard Hammond, David Thiesse, Geoffrey Gray-Lobe, and Elizabeth Smith.

Gray-Lobe moved, seconded by Hammond and unanimously carried to approve the agenda.

It was reported that the applicant withdrew his re-zoning request.

At 6:04 p.m., Gray-Lobe moved, seconded by Thiesse and unanimously carried to adjourn.

ATTEST:

Carri R. Crum
Carri R. Crum, County Auditor

Elizabeth T. Smith
Elizabeth T. Smith, Chairwoman
Board of County Commissioners

December 31, 2024

The Board of Clay County met in regular session Tuesday, December 31, 2024, at 9:00 a.m. at the Clay County Courthouse, 211 W. Main St., Vermillion, SD. Members present: Elizabeth T. Smith, Travis Mockler, Geoffrey Gray-Lobe, David Thiesse, and Richard Hammond.

Chairwoman E. Smith called the meeting to order and asked for a declaration of any conflicts of interest regarding agenda items.

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

Hammond moved, seconded by Mockler and unanimously carried to approve the minutes of the December 10, 2024 meeting.

Robin Schiro spoke to the Board under Visitors to be Heard to discuss concerns about the Sheriff's Office, jail, and judicial system.

Highway Superintendent Rod Polley and Brent Hays met with the Board to discuss Right-of-Way Application from Erlan Olson that had been tabled at a recent meeting. The location is to be along 468 Ave. in T93N, R51W. E. Smith questioned the pipe size. Polley said it is an 8" tile going into a 10" casing. Hammond moved, seconded by Gray-Lobe and unanimously carried to approve the application and authorize the Chairwoman to sign it. Mockler pointed out that Olson wrote a check for too much, and Polley should get a replacement check from Olson for the lesser, correct amount.

Polley presented a Driveway Application from Aaron Vanden Bosch (West Edge Farming, LLC) to be located on University Rd. in T95N, R51W. Mockler moved, seconded by Hammond and unanimously carried to approve the application and authorize the Chairwoman to sign it. Polley asked if ditch cleaning requires a second application from Vanden Bosch. Mockler said no, but they need permission.

Polley discussed a proposal from Dockendorf Equipment for new fuel tanks at the Wakonda Highway Shop. He said he was shocked at the cost, and the quote does not include electrical work or installation. Mockler asked if the County can install the tanks, and Polley said they need someone who is certified. There is enough money in his equipment budget, but he would like guidance from the Board whether it is something they want to purchase. Gray-Lobe discussed long-term savings, and Polley said a tanker of fuel is typically 10-15 cents per gallon cheaper. E. Smith discussed EPA regulations for testing, and Polley said they are double wall tanks with a monitoring system. The SD Dept. of Agriculture and Natural Resources randomly inspects test records. They have 3,000 gallon tanks now, but they go through the fuel fast in the winter. Dockendorf is the only provider in the area. Polley said he was not looking for a motion, just for some discussion and guidance.

Gray-Lobe moved, seconded by Hammond and unanimously carried to approve the low bid of \$2.153/gallon for #2 fuel from Jerry's Service. Polley said P40 fuel was 20 cents higher per gallon.

Polley presented a proposal for salting/sanding the Wakonda streets. He said the City Council agreed to the terms. It is a hand-shake agreement where the County will charge for the sand and operator, but not for the truck. Polley said he does not expect to drive to Wakonda to see if they need sand. They have to call to request it. E. Smith suggested getting a signed agreement in place. Thiesse asked about liability if there is no contract. Deputy State's Attorney Caitlyn Dommer said it is always better to have a contract signed by all parties. It was decided the State's Attorney's Office and Polley can work together to draft a contract.

The Board considered a FHWA map approval of the City of Vermillion boundaries. Polley said there were a couple roads on older maps that have been taken off the County's list. There was discussion about Burbank Rd., and Polley said that has no bearing on funding potential. They talked about other boundary roads as well. Gray-Lobe moved, seconded by Hammond and unanimously carried to authorize the Chairwoman to sign approval of the map.

The Rural Access Infrastructure Fund Grant Applications will be considered at the next meeting as it was decided that the new Commissioners should have input on the topic.

Weed Supervisor Corey Doherty met with the Board to discuss the Kubotas that are to be replaced. He got trade-in quotes of \$6,500 for the 2014 and \$9,300 for the 2018. The City of Wakonda would like to buy one. He also has the 2007 Dressen Custom Trailer to be replaced, and he wondered if the courthouse would like it. Facilities Manager Scott Hanson said he would. There was discussion regarding the needed axle and tongue upgrades at approximately \$3,600. Mockler said they should sit down and see if it will work for the courthouse. It was decided that the Kubotas can be put on the agenda to be declared surplus at the next meeting.

At 9:58 a.m., Gray-Lobe moved, seconded by Mockler and unanimously carried to adjourn and convene as Clay County Ditch Board with Ditch Board Chairman Mockler presiding.

E. Smith moved, seconded by Thiesse and unanimously carried to approve payment of an invoice from Pollman Excavation in the amount of \$6,936.24 for removal of a washed out culvert and installation of a flood gate on the Clay Creek Ditch west of 453 Ave.

E. Smith moved, seconded by Thiesse and unanimously carried to approve payment of an invoice from Pollman Excavation in the amount of \$1,982.15 for removal of a log jam from a culvert on the Yankton Clay Ditch on 458 Ave. north of Norway St.

At 10:01 a.m., Thiesse moved, seconded by Hammond and unanimously carried to adjourn and reconvene as Board of Clay County Commissioners with Chairwoman E. Smith presiding.

A public hearing was held regarding supplement of the 2024 budget. No one appeared in opposition, and no written comments were received. Auditor Carri Crum noted that the hearing was published for a much higher supplement amount, but the County ended up not needing the full published amount. Gray-Lobe moved, seconded by Hammond to pass and adopt the following Resolution #2024-22 for Supplement of County Budget. Roll call vote: Thiesse Aye, Gray-Lobe Aye, Smith Aye, Hammond Aye, Mockler Aye.

RESOLUTION #2024-22
Supplement of County Budget

WHEREAS the County budget does not have adequate budget authority in 2024 for Commissioners Contingency;

WHEREAS, the Board of County Commissioners have agreed to hold a public hearing on December 31, 2024 at 9:30 a.m. to supplement the 2024 County budget for unanticipated expenses and 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 2024 Annual Budget and the assigned funds be unassigned in the following amount:

- Court Appointed Attorney (10100X4222153) for \$18,551.00

Dated the 31st day of December, 2024.

Commissioner Gray-Lobe moved the adoption of the foregoing Resolution; Motion seconded by Commissioner Hammond.

Vote of the Commission: Thiesse Aye Gray-Lobe Aye Smith Aye Hammond Aye Mockler Aye

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

ATTEST:

Carri R. Crum, County Auditor

Chairwoman
Board of County Commissioners
Clay County, South Dakota

Sheriff Andy Howe met with the Board regarding the jail meal bid. Pizza Ranch was the only bidder, at \$6/meal. He said bid laws would not have required the County to bid this as it is under \$50,000. He did look at other options, and although Pizza Ranch was higher than anticipated, it is only projected to be for 6 months until the new jail is occupied, at which point options will be revisited. Howe recommended accepting the bid. Mockler moved, seconded by Gray-Lobe and unanimously carried to accept the bid from Pizza Ranch.

The Board considered renewal of the inmate boarding contract with Charles Mix County. Howe said the distance is greater than other jails, but sometimes there is an inmate who gets picked up in Charles Mix County for a 2-day probation violation hold, so he would just have them stay there. Mockler moved, seconded by Hammond and unanimously carried to approve the contract and authorize the Chairwoman to sign it.

Hanson met with the Board to discuss bid specifications for replacing the entrances to the south and east sides of the courthouse. The metal doors are rusting, and the wood frames are rotting. The project does not have to be bid because it is under the bid threshold, but he would like to get competitive pricing. Mockler moved, seconded by Hammond and unanimously carried to

approve the specifications. The Board decided that bids going forward will have a deadline of 5:00 p.m. the day before the bid opening.

Hammond moved, seconded by Thiesse and unanimously carried to approve the following claims for payment.

(DUE TO OTHER GOVERNMENT)	FEDEX 41.19
CLAY CO. TREASURER 8,485.50	FOX LAW FIRM, PLLC 162.47
SD DEPT. OF REVENUE 310,009.16	GAPP, DEBRA 5,940.00
SDACO - M&P FUND PAYME 176.00	GEO TEK ENGINEERING & 9,436.00
(GROSS PAYROLL)	IDEMIA IDENTITY & SEC. 3,199.00
COMMISSIONERS 9,247.39	INTERSTATE POWER SYS. 427.74
AUDITOR 13,886.97	JLG ARCHITECTS 32,106.14
TREASURER 25,429.85	KATTERHAGEN, MARK 27.00
STATE'S ATTORNEY 25,149.32	LARSON, VAL 27.00
FACILITIES 10,355.48	LEWIS & CLARK BEHAVIOR 225.00
DIRECTOR OF EQUALIZATION 11,916.46	LEWNO, LUCILLE M 156.73
REGISTER OF DEEDS 10,212.47	LOFFLER COMPANIES 612.37
SHERIFF 62,215.60	NEW CENTURY PRESS SHER 31.73
JAIL 46,360.19	PRESTO-X COMPANY LLC 200.64
EMERGENCY MANAGEMENT 5,727.57	QUALIFIED PRESORT SVC 1,940.90
HIGHWAY 70,362.93	RUSSEBASSSET CORP. 32,613.35
WIC 5,005.87	SANFORD HEALTH OCCMED 188.00
EXTENSION 8,043.74	SD STATES ATTY ASSOC. 1,114.01
WEED 8,194.10	SECURITY SHREDDING SVC 80.00
VETERANS/PLANNING/ZONING 5,798.70	STATE BAR OF SD 830.00
(PAYROLL WITHHOLDING)	TEGRA GROUP INC 22,238.94
AFLAC 778.97	ULTEIG 31,081.16
COLONIAL LIFE 293.86	YOUNGBERG LAW LLC 253.00
CONSECO/WASH. NATIONAL 24.45	(PUBLISHING)
NEW YORK LIFE 258.57	NEW CENTURY PRESS ACCT 558.85
PAYLOCITY 72,765.37	(REPAIRS/MAINTENANCE)
SD RETIREMENT SYSTEM 36,585.58	BASEPOINT BUILDING AUT 499.00
SD SUPPLEMENT RETIRE. 8,293.18	CENTURY BUSINESS PRODU 41.25
SDRS ROTH 457(b) PLAN 535.00	LARRY'S HEATING & COOL 282.82
SDRS SPECIAL PAY PLAN 5,576.18	PRESSING MATTERS 73.00
TASC (FLEX) 1,7123.30	PRESTO-X COMPANY LLC 87.26
THE STANDARD DENTAL 1,391.20	SCHREINER, TIM 586.19
THE STANDARD LIFE 413.33	STEWART OIL & TIRE 80.00
THE STANDARD SHORT TRM DIS 1,482.08	VERMILLION ACE HARDWARE 102.43
THE STANDARD VISION 475.60	VERMILLION AREA CHAMBER 200.00
UNITED WAY 205.00	VERMILLION ROTARY CLUB 1,500.00
WELLMARK 61,601.88	POLLMAN EXCAVATION, INC 8,918.39
(PROFESSIONAL SERVICES/FEEES)	(DATA PROCESSING)
BECKENHAUER 1,474,644.14	SOFTWARE SERVICES, INC 2,175.00
BUHLS DRYCLEANERS & 108.59	(SUPPLIES/MATERIALS)
CERTIFIED LANGUAGES 13.20	A & B BUSINESS 344.09
CINTAS 7.16	BIERSCHBACH EQUIP. 875.00
CITY OF VERMILLION 5,605.80	BRUNICK SERVICE, INC. 235.00
DENNIS, MICHELLE L. 1,000.00	CHURCH, RYAN 84.95
DEPT OF LEGISLATIVE AU 18,800.00	CINTAS 89.92
ERICKSON SOLUTIONS GROUP 893.95	FLEETPRIDE 1,296.45

GRAHAM TIRE S.F. NORTH 1,067.08
 HY-VEE, INC. JAIL ACCT 365.62
 I-STATE TRUCK CENTER 2,320.00
 INTERSTATE POWER SYS I 503.66
 JACK'S UNIFORMS & EQUIP. 390.04
 JAMAR TECHNOLOGIES 928.00
 JERRY'S SERVICE 18,300.50
 KNIFE RIVER SOUTH DAKO 180,000.00
 LEWIS DRUG, INC. 74.84
 LOFFLER COMPANIES 348.46
 M & M FARM SUPPLY .90
 O'REILLY AUTO PARTS 28.64
 OLSON'S PEST TECHNICIA 125.00
 PLAIN TALK/BROADCASTER 52.00
 POLLMAN EXCAVATION, IN 6,350.24
 PRESSING MATTERS 58.00
 PROCHEM DYNAMICS 1,457.97
 QUALIFIED PRESORT SVC 234.60
 RIVERSIDE HYDRAULICS A 61.34
 SDRS SPECIAL PAY PLAN 45.00
 TITAN MACHINERY 9.35
 UNION CO. SHERIFF 166.37
 VERMILLION ACE HARDWARE 37.98
 VOYAGE FEDERAL CREDIT 44.19
 ONE OFFICE SOLUTION 39.79
 (TRAVEL/CONFERENCE)
 BEST WESTERN RAMKOTA 936.00
 GRAY-LOBE, GEOFFREY 1,664.74
 JENSEN, RAVEN 77.52
 CHRISTOPHERSON, KALEB 42.00

(UTILITIES)
 BUREAU OF ADMINISTRATION 22.93
 CANON FINANCIAL SERVICE 96.00
 CITY OF VERMILLION 2,110.54
 CLAY UNION ELECTRIC CO 574.24
 FISCHER'S DISPOSAL L.L 130.00
 HAYS, BRENT 75.00
 MIDAMERICAN ENERGY EXT 2.01
 T-MOBILE 30.80
 VERIZON WIRELESS 101.35
 VERMILLION GARBAGE SVC 236.00
 WIESELER, JUDY 62.50
 (AUTOMOTIVE/MACHINERY)
 BRUNICK SERVICE, INC. 420.00
 GRAHAM TIRE S.F. NORTH 584.00
 JOHNSON FEED, INC. 237.54
 99 (WEED CONTROL)
 CHARLES MIX CTY WEED 986.07
 YANKTON CO WEED DEPT 2,486.30
 (TRAINING/SPECIAL EQUIPMENT)
 TWO WAY RADIO SOLUTION 143.99
 (BUILDING IMPROVEMENTS)
 BOONE BROTHERS ROOFING 7,595.00
 REDLINGER BROS 2,750.00
 SD LINING SOLUTIONS 12,479.61
 (FURNITURE/MINOR EQUIP.)
 CANON FINANCIAL SERVICE 313.31
 MICROFILM IMAGING SYS. 2,112.00
 (CREDIT CARD)
 FIRST DAKOTA CREDIT CARD 16,341.90

The Board considered a SDDOT agreement for the Federal Land Access Program (FLAP) Grant and an RFP for services. The grant is for \$250,000 with no local match required. There were two places where the contract stated 462 Ave. instead of 452 Ave. Gray-Lobe received confirmation that the County can strike through those areas, correct them, and initial them. Gray-Lobe moved, seconded by Hammond to approve the contract and authorize the Chairwoman to sign it. Under discussion, Mockler asked if it would be for non-motorized access to Myron Grove and Clay County Park. Gray-Lobe said no. It would study ways to support both types of boat access on State property. E. Smith said it is Federal money that would be allocated to improve access to the Missouri National Recreational River. There was discussion regarding reimbursement for costs with the grant funds, and Gray-Lobe said there is a 30-day window for the County to receive reimbursement. Vote of the Board: 3 Ayes; Mockler and Thiesse voted Nay. Motion passed. The Board considered the RFP for services to complete the study. Gray-Lobe said the National Park Service has assisted with writing the RFP. It would be professional work, and public input would be at the core of the study. There is no money for capital improvements, only for planning documents. We do not have County money available for quality-of-life improvements like this, so E. Smith said she is excited about the potential for Myron Grove and Clay County Park. The park has come alive this past summer. There is land available at Myron Grove that could be used

to allow people to spend more time by the river, but nothing can be done without a plan. Gray-Lobe moved, seconded by Hammond to approve the RFP. Vote of the Board: 3 Ayes; Mockler and Thiesse voted Nay. Motion passed.

Mockler moved, seconded by Gray-Lobe to pass and adopt the following Resolution #2024-21 for Automatic Supplement of County Budget. Roll call vote: Thiesse Aye, Gray-Lobe Aye, Smith Aye, Hammond Aye, Mockler Aye.

RESOLUTION #2024-21
Automatic Supplement

WHEREAS, Clay County has been reimbursed \$11,250.00 for Pre-Disaster Mitigation Plan Update; and

WHEREAS the Emergency Management budget does not have adequate funds to allow for the expenditure and;

WHEREAS, the Board of County Commissioners have agreed to supplement the department by an automatic supplement, with grant reimbursement received from the State of South Dakota, 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:

Emergency Management – Grant (22600X4290222) – \$5,891.00

Dated this 31st day of December, 2024.

Commissioner Mockler moved the adoption of the foregoing Resolution. Motion seconded by Commissioner Gray-Lobe.

Vote of the Commission: Hammond Aye, Thiesse Aye, Smith Aye, Gray-Lobe Aye, and Mockler Aye.

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

Attest:

Carri R. Crum, County Auditor

Elizabeth T. Smith, Chairwoman
Board of County Commissioners
Clay County, South Dakota

Hammond moved, seconded by Mockler to pass and adopt the following Resolution #2024-23 for Contingency Transfer. Roll call vote: Thiesse Aye, Gray-Lobe Aye, Smith Aye, Hammond Aye, Mockler Aye.

RESOLUTION # 2024-23
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):

December 31, 2024

\$7,302 to Election – Professional Svc./Fees (10100X4220120)
\$3,824 to Public Defender – Utilities (10100X4280152)
\$6,243 to Court Appointed Attorney (10100X4222153)
\$495 to Court Appointed Attorney A&N (10100X4222154)
\$4,083 to Register of Deeds – Group Insurance (10100X4150163)
\$8,765 to Information Technology (10100X4251171)
\$14,283 to Human Resources (10100X4220172)
\$5,566 to Sheriff – Automobile (10100X4360211)
\$43,288 to Care of Poor – Professional Svc./Fees (10100X4220411)
\$20,814 to WIC – Salaries/Wages (10100X4110426)
\$555 to Domestic Abuse (22900X4290434)
\$3,132 to Mental Illness – Professional Svc./Fees (10100X4220441)
\$750 to Library (10100X4290511)
\$10,626 to Historic Preservation (10100X4250514)
\$274 to Planning/Zoning – Supplies (10100X4260711)

Motion by Commissioner Hammond, seconded by Commissioner Mockler.

Vote of the Board: Mockler Aye, Thiesse Aye, Smith Aye, Gray-Lobe Aye, Hammond Aye.

Dated this 31st day of December, 2024.

ATTEST:

Elizabeth T. Smith
Board of County Commissioners
Clay County, South Dakota

Carri R. Crum, County Auditor

Hammond moved, seconded by Mockler to pass and adopt the following Resolution #2024-24 for Fund Transfer. Roll call vote: Thiesse Aye, Gray-Lobe Aye, Smith Aye, Hammond Aye, Mockler Aye.

RESOLUTION # 2024-24
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 \$1,250,000 to Highway Fund (20100) and \$25,000 to Emergency Management Fund (22600) as levied for in the 2024 Budget.

Motion by Commissioner Hammond, seconded by Commissioner Mockler.

Vote of the Board:

Thiesse Aye, Gray-Lobe Aye, Hammond Aye, Smith Aye, Mockler Aye. Motion carried.

Dated this 31st day of December, 2024.

Elizabeth T. Smith

December 31, 2024

ATTEST:

Board of County Commissioners
Clay County, South Dakota

Carri R. Crum, County Auditor

Hammond reported that there will be a UAS (drone) Committee meeting, and he will attend.

Gray-Lobe reported there will be a meeting and celebration of the Vermillion Chamber & Development Company on January 15th as they are close to reaching the fundraising goal.

The Sheriff's Office monthly reports, Vermillion Public Library Board reports, and the following Auditor's Account with the County Treasurer report were accepted and placed on file.

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

To the Honorable Board of County Commissioners of Clay County, regarding items in the hands of the County Treasurer as of December 2, 2024. I hereby submit the following report of my examination of the cash.

Total amount of deposits in banks:	9,124,382.42
Amount of actual cash:	1,963.02
Amount of checks/drafts in Treasurer's possession not exceeding 3 days:	42,529.89
Itemized list of checks/drafts in Treasurer's possession over 3 days:	
Checks returned and not deposited	0.00
Cash Items	700.00
Investments	1,151,000.00
Cash Variation	0.00
Total	<u>10,320,575.33</u>

Dated this 2nd day of December, 2024.

Carri R. Crum, County Auditor

Recent payroll changes to be reported in the minutes are as follows: Aaron Aakre (Highway Maintenance Worker) started 11/12/24 at \$21.29/hour, Walter Avery, Jr. (Highway Maintenance Worker) started 11/12/24 at \$21.29/hour, Tracy Chamberlain (Highway Administrative Assistant) started 10/14/24 at \$3,676.40/month, and Andrew Florke (Highway Maintenance Worker) started 11/21/24 at \$20.28/hour.

At 10:24 a.m., Gray-Lobe moved, seconded by Hammond and unanimously carried to enter an Executive Session for legal matters per SDCL 1-25-2.

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

December 31, 2024

At 10:35 a.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to enter an Executive Session for personnel matters per SDCL 1-25-2.

At 10:37 a.m., Mockler moved, seconded by Gray-Lobe and unanimously carried to exit the Executive Session.

Crum said she has been unable to schedule the annual Employee Appreciation Dinner at Pizza Ranch's Dakota Event Center and asked for other suggestions. The Board recommended holding it at the Eagles Club and having it catered.

Mockler thanked Hammond and E. Smith for their service as it was their last meeting prior to retirement. Hammond said the county personnel have made it easy to be a Commissioner. Gray-Lobe echoed that sentiment. E. Smith said she would like to express special appreciation to the entire County staff across the board. She said it has been a pleasure to serve.

At 10:42 a.m., Hammond moved, seconded by Mockler and unanimously carried to adjourn and reconvene Tuesday, January 7, 2025 at 9:00 a.m.

ATTEST:

Carri R. Crum
Carri R. Crum, County Auditor

Elizabeth T. Smith
Elizabeth T. Smith, Chairwoman
Board of County Commissioners