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Solid Waste Director, met with the Board to present the landfill permit renewal forms. Powell moved, seconded by Kephart and carried to authorize the Chairman to sign the permit paperwork.

The Register of Deeds Monthly Activity Report was accepted and placed on file, as was the following Auditor's Account with the County Treasurer Report.

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

To the Honorable Board of County Commissioners of Clay County items in the hands of the County Treasurer as of October

31, 2014. I hereby submit the following report of my examination of the

cash: Total amount of deposits in 8,688,102.92 banks

Amount of actual cash

Total amount of checks and drafts

Possession not exceeding three 761,791.58 Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three

days: 2,486.66

Checks returned and not deposited Cash Items Investments 1,000.00

Cash Variation 0.00 9,455,005.93

Dated this 3rd day of November 2014.

Carri R. Crum, County Auditor

The Board discussed the current to change from monthly payroll to

pay period schedule and whether every two weeks. The matter was

Unapproved Minutes

Council Special Session November 6, 2014 Thursday - 5:00 p.m.

large conference room.

Legal and Public 2010 Notices

tabled in order to survey the em-

The holidays were discussed. Powell moved, seconded by Kephart and carried to observe the day after Thanksgiving and the day after Christmas, in keeping with what the Governor has

granted to State employees.

as canvassed.

At 9:15 a.m., the Board convened as the Canvassing Board and conducted a canvass of the official returns for the November 4, 2014 Primary/Municipal Election. Powell moved, seconded by Packard and carried to approve the figures

At 9:50 a.m., Powell moved, seconded by Mockler and carried to enter Executive Session for personnel and economic development

At 10:17 a.m., Powell moved, seconded by Mockler and carried to cease Executive Session.

At 10:18 a.m., Kephart moved, seconded by Mockler and carried to adjourn and reconvene Tuesday, November 18, 2014 at 9:00

Raymond Passick, Chairman ATTEST:

Board of County Commissioners

Carri R. Crum, County Auditor Published once at the approximate cost of \$42.89. Published: Nov. 14, 2014

October 28, 2014

The Board of County Commissioners met in regular session Tuesday, October 28, 2014 at 9:00 a.m. Members present: Mockler, Packard, Powell, Kephart, and

Kephart moved, seconded by

Legal and Public 2010 **Notices**

sion regarding the Loop Road. Minutes of the October 14, 2014 meeting were approved with a

motion by Powell, seconded by

Mockler and carried.

successful.

the agenda with the Wheel Tax

discussion being moved to 10:15

a.m. and the addition of discus-

Munger, Community Health/WIC Nurse, met with the Board to give the Quarterly Activity Report. The flu season began in September, and office has already given 825 adult doses of flu vaccine. The number of active WIC clients is down 13% from the same quarter last year. The office is seeing 8 pregnant women each month for the Baby Care program, which is up slightly. Munger reported that the full scale Point of Dispensing exercise was

At 9:15 a.m., a Public Hearing was held for the First Reading of Ordinance #2014-02, An Oridinance Amending Ordinance #00-01, An Ordinance Authorizing the Clay County Board of Commissioners to Declare a Fire Danger Emergency and to Prohibit Open Burning Within the County. No written correspondence was received and no one appeared in opposition.

At 9:28 a.m., Mockler moved, seconded by Kephart and carried to adjourn and convene as Ditch

At 9:30 a.m., the time and place set for bid opening for the Lateral 50 Cleanout Project, the one bid received was opened and read aloud. Packard moved, seconded by Powell and carried to approve the bid from Pollman Excavation for \$4,390.

Powell moved, seconded by Kephart and carried to authorize payment of an invoice from Johnson Engineering for Clay Creek Ditch Cleanout Project Phase 2.

At 9:31 a.m., Powell moved, seconded by Kephart and carried to Packard and carried to approve adjourn and reconvene as Board Legal and Public **Notices**

of County Commissioners.

Cynthia Aden, Zoning Administrator, met with the Board to present plat of Tract 1, Millette Addition in the NE1/4 of the NW1/4 of Section 22, T92N, R51W of the 5th P.M., Clay County, South Dakota; Nancy A. Edelman and Richard J. Millette, owners. Powell moved, seconded by Mockler and carried to approve the plat.

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 1, Millette Addition in the NE1/4 of the NW1/4 of Section 22, T92N, R51W of the 5th P.M., Clay County, South Dakota; Nancy A. Edelman and Richard J. Millette,

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.

Raymond Passick, Chairman **Board of County Commission-**

kota do hereby certify that the within and foregoing is a true

I. Carri R. Crum, County Auditor of Clay County, South Da-

The special session of the City Council, City of Vermillion, South Dakota was held on Thursday, November 6, 2014 at 5:00 p.m. at the City Hall

1. Roll Call

Present: Erickson, Clarene Meins, Holly Meins, Price, Mayor Powell

Absent: Collier-Wise, Holland, Ward, Willson

2. Adoption of Agenda

Alderman Clarene Meins moved approval of the agenda. Alderman Price seconded the motion. Motion carried 5 to 0. Mayor Powell declared the motion adopted.

3. New Business

A. Canvass of November 4, 2014 Municipal General Obligation Bond Election Results

Mike Carlson, Finance Officer, stated that the duties of the Canvassing Board are to open the returns from each precinct, which are found in the poll book, determine that the returns are genuine and not forged, tabulate the returns from the precincts, declare the results and make an abstract of the results that is to be signed. Mike reported that the County Commission has canvassed the results for the general election so the poll book envelopes have been opened but were again sealed. Mike noted that there were two provisional ballots in the City wards and that the County Auditor has determined that one of the provisional ballots should be counted. The tabulation board results for each precinct were handed out to compare with the totals from the poll book along with a worksheet summarizing the results from each precinct and the provisional ballot. The Mayor and City Council examined the poll books along with election results for each ward. Discussion followed.

Alderman Holly Meins moved approval of the official election results from the November 4, 2014 Municipal General Obligation Bond election as follows:

CITY OF VERMILLION OFFICIAL CANVASS SHEET

MUNICIPAL BOND ELECTION - NOVEMBER 4, 2014

Shall the City of Vermillion, South Dakota, issue its general obligation bonds in an aggregate principal amount not to exceed \$3,100,000, for the purpose of financing the acquisition and construction of Prentis Park Improvements to consist of a new swimming pool to replace the existing pool, parking lot, basketball courts and related improvements?

	Central Wend 1	Control Ward 2	Southeast Ward 1	Southeast Ward 2	Northeast Ward 1	Northeast Word 2	Profitional Ballot	Northwest Word 1	Northwest Werd 2	Intel
Yes - A vote "Yes"	229	94	458	337		61	1	226	194	1,749
b in fistor of										
brong the bonds.										
No - A vote "No"	50	26	127	91	45	21	0	137	79	576
is egainst the										
brong of bonds.										

STATE OF SOUTH DAKOTA) COUNTY OF CLAY)

We, the undersigned, appointed as the Board of Canvassers because of our position on the governing body in the jurisdiction of the City of Vermillion for the municipal election held on the 4th day of November, 2014, hereby certify that the foregoing is a true abstract of the votes cast in the City of Vermillion at the election as shown by the returns certified to the person in charge of the election.

The Council members signed the election results and Alderman Erickson seconded the motion. Motion carried 5 to 0. Mayor Powell declared the motion adopted.

4. Adjourn

Alderman Price moved to adjourn the Council special session at 5:12 p.m. Alderman Erickson seconded the motion. Motion carried 5 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 6th day of November, 2014.

John E. (Jack) Powell, Mayor

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

ATTEST:

Michael D. Carlson, Finance Officer

Published once at the approximate cost of \$220.32.

2010 Legal and Public 2010 **Notices**

October 28, 2014.

Carri R. Crum County Auditor, Clay County, The Board discussed wheel tax

and the need for Saginaw Ave./Loop Road repairs. Powell began by stating that the Commissioners are in agreement that the road needs to be rebuilt. The cost estimate for that road is \$729,900. If things go well for the 2014 budget, the County could have approximately \$300,000 unspent from the Road & Bridge Fund. Polley stated the Highway Department patches holes in the road about every other week. After the initial opening of the topic for discussion, the Board decided to move the meeting to the basement meeting room due to the large number of citizens in attendance.

Packard resumed the discussion by stating that the wheel tax has been voted down twice in the past. At this point in time, the state says since the county does not impose a wheel tax Clay County is not paying its fair share, and this may have affect future assistance from the state. The wheel tax has the potential to raise up to an approximated \$350,000. In one year it could provide the county with the funds to fix that 1 _ mile stretch of Saginaw Ave.

Rod Polley, Highway Superintendent, reviewed for everyone in attendance that previously the county had discussed a loan program, which Saginaw Ave. would not be eligible for because it's not currently on the STIP Funds list. If it were added to the list today, the waiting list is already at the year 2032. Polley said the county could rob Peter to pay Paul and quit chip sealing and asphalting other roads in order to reconstruct Saginaw Ave. He said Saginaw is one of the higher priority roads due to condition and traffic count.

Powell went on to say that the Governor has a committee of Senators who are traveling the state for public meetings. He and Mockler attended a meeting regarding road and bridge funding. Senator Vehle said at the meeting that Clay County has no reason to complain because the county has not paid its fair share for the past 10 years since it has not enacted a wheel tax. Mockler said, "We were hoping the state legislature would do something to help us along." However, it is implied that counties without a wheel tax will not receive future funding from the state. Passick said the income the county currently has is enough for maintenance, but there is no money for replacing badly dam-

Powell said the county has closed 7 bridges in the past 10 years. Polley clarified that a bridge is 20 feet long, or longer, by state definition. The county has over 80 inspected bridges. There are another 120 small structures, of which 14 are under a 50% rating for quality, and there are still others in need of

The 2015 budget was discussed. Carri Crum, County Auditor, discussed that of the roughly \$9 million budget, about \$3 million is the Highway Department. Polley said that about \$1.8 million of that is dedicated to roads.

Passick explained that the wheel tax is a maximum of \$4 per wheel and a maximum of 4 wheels on licensed vehicles. Mockler said the wheel tax money stays within the county and 100% for roads and bridges. Passick said the county used to receive a lot more funding from the state, and around 2008 it was reduced. If the state enacts some other types of taxes, Clay County may not get that funding if there is no wheel tax.

Dennis Navrat stated that he is in favor of a wheel tax or similar user tax. He has a vested interest in the road condition regarding the effect of wear and tear on vehicles, property values in the Ponderosa area, and safety of the roads. He encouraged the Board to enact a wheel tax. Terry Brady stated he was at the Ponderosa when the road was bad before. Windshields, ball joints, etc, are more expensive than \$4 per wheel, when he would lose a windshield at least once a year. He stated he talked to someone over the weekend who considered buying property in the Ponderosa area, but they had heard the road would be turned back to gravel. They said it would affect their decision to purchase property there. The Commissioners made it clear they do not want or intend to turn the road back to gravel. Mockler said patching is not working, and they cannot leave potholes. It is an unacceptable alternative turn the road to gravel.

Passick stated that everyone in attendance has a vested interest in the condition of Saginaw Ave., but if the wheel tax goes to vote, it will be the entire county voting,

Legal and Public

copy of the Resolution passed on even Vermillion. The Commissioners cannot campaign, but they can educate the public. Jerilyn Preston said that in order to get through to the public, those people in support of a wheel tax need to write editorials to the newspapers. Teddi Gertsma, State's Attorney, clarified that the enactment of a wheel tax does not guarantee the repair of Saginaw Ave. If a wheel tax were to be enacted, the Commissioners and Highway Superintendent would have to determine which road or bridge project was of highest priority at the time the funding was available. Packard added that the County has developed a 5 year plan of road improvement to set priority of worst first so that if there is money then there is a plan. She stated that Polley has worked very hard to identify and develop the plan. Navrat inquired how the traffic on Saginaw Ave. compares to other roads on the 5 year plan. Polley said the traffic count averages over 600 daily. A couple of others are in the 400-470 range.

> K. Ramakrishnan stated he has lived in the Ponderosa area for a long time, and there is a huge difference between when the road was gravel and now. It is a high use road with over 30 years of tax dollars coming out of that development. If for some reason the road goes back to gravel, it will have a significant effect on value and willingness of people to buy property in the Ponderosa.

> Robert Larson said that in his experience, dollar for dollar it costs as much to maintain gravel as to asphalt and chip seal. If the county loses money from the state, it is in trouble. The county cannot keep putting band-aids on the road because the gumbo will keep coming up. Polley said Clark Engineering has done a study, and it is cheaper to do the whole stretch while the contractor is there than to do bad patches here

Robert Cook asked whether any wheel tax money would be for townships. Passick said apparently it is possible because Union County is doing that, but that is up to the county. Cook then asked what percent of roads are township roads. Polley said Clay County roads are about 60% county to 40% township. Cook asked what traffic count justifies a hard surface. Polley replied that it would be about 200 per day.

Larson asked if there could be a weight tax. Trucks are doing the most damage. The Highway Department just patched Saginaw Ave. a couple weeks ago, and it is broken up now that the beans are out of the fields. There was a brief discussion regarding road tax and tonnage tax for trucks. Brady said lots of farm trucks are doing no damage at all if the road is done right. He thinks if the road was constructed properly there would

Passick again stated that the goal of the Commissioners is to be in a position to obtain Clay County's fair share if extra state taxes are enacted. Kenneth Orr said he is not against a road tax, but he does not like how it is collected. He owns 5 vehicles that are in storage and would have to pay a wheel tax on them. He asked if a little Volkswagon is doing as much damage to a road as a big tractor. Packard said Clay County has numerous vehicles registered here by people who live in other states and even Mexico, and those vehicles may never see Clay County

Cook asked how much the 2008 funding cuts were that the Commissioners had referred to. Polley said there used to be 3 programs where the state would pay 90%, and the county would pay 10%. Now there are none. The state used to pay 60% of striping costs, and now they pay 10%. Cook said that all of us send money to Pierre, and he doesn't like them telling him he can't have his tax money back here in Clay County. Powell said when the stimulus money was available Clay County had \$4 million in shovel-ready projects, and the state allocated \$18,000. Then they took back the \$18,000 shortly after.

Mockler asked if the county could hypothetically start work on Saginaw Ave., would it have to be gravel for a year before putting a hard surface on it? Polley said it would have to be gravel for one winter. Navrat asked if there would be a difference if crushed concrete was used as a base vs. gravel. Polley said it would still have to sit for a year before adding a hard surface.

Mark Christensen asked if the \$729,900 was an engineer's estimate or a construction bid. Polley clarified that it was an engineer's estimate, in today's dollars, which changes from year to year.

Ramakrishnan suggested that loop construction be done in sections so that people could have a choice of which way to approach the Ponderosa.