**CLARK COUNTY COMMISSIONER PROCEEDINGS:**

**October 15, 2013**

The Clark County Commissioners met in regular session on October 15, 2013, in the Commissioners’ meeting room of the Clark County Courthouse. Chairman Hass called the meeting to order at 8:00 a.m. with the following Commissioners present: Bjerke, Reints, Wicks and Loomis. Also present Auditor Tarbox.  

**MINUTES**:  Motion by Bjerke, second by Loomis, to approve the minutes from the regular meeting on October 1, 2013. All members voting aye. Motion carried.

**COMPROMISE LIEN**: Motion by Wicks, second by Bjerke to accept the compromise offered by Brent Forest on Real Estate Parcel #5600 and #5597 in the amount of $2500. Total lien is $5447.48. Motion by Reints, second by Bjerke to table the motion. All voting aye. Motion carried.

**HIGHWAY**: HS Eggleston updated the board on road work being done and road conditions.  
He also informed the board of the age, hours and warranty of motorgraders. Discussion was held regarding four day weeks and five day weeks for highway employees. No action taken.

**HIGHWAY**: Motion by Wicks, second by Loomis to allow highway personnel to plow snow in the town of Naples as per the request of Naples town council. All voting aye. Motion carried.

**HIGHWAY**: Motion by Reints, second by Bjerke to discontinue selling culverts to townships. The townships will be able to purchase the culverts directly from Truenorth Steel at county price and pick them up in Huron. All voting aye. Motion carried.

**HEALTH INSURANCE:** Todd Freimark with Freimark and Associates met with the board to inform them Clark County group will have a 4% increase in premium for 2014 premiums. He also discussed some of the changes that will become effective with the federal changes. He informed the board that Dakotacare will be paying the fees and taxes that are being imposed by the Federal Government this year.

**SHERIFF:** Motion by Loomis, second by Wicks to allow Sheriff McGraw to order and purchase a new vehicle that will be available in early 2014. This purchase has been approved in the 2014 budget. After reviewing the State bid for several vehicles, the board authorized McGraw to purchase a 2014 Ford Interceptor Utility from Lamb Motors in Onida, SD. Base price is $26,076.00, optional ad ons consist of spot light $415, and remote keyless fobs $275.00, Total price will be $26766. All members voting aye. Motion carried.

**GRANT**: Motion by Reints, second by Bjerke to allow Sheriff McGraw and E/M Gravning to apply for an 80/20 grant to purchase a radar system. Total price will be $2000.00. All voting aye. Motion carried.

**COMPROMISE:** Motion was brought back to the table regarding the compromise of the poor lien. The commissioners accepted the total of $2500 to compromise poor lien as per previous motion. All members voting aye. Motion carried.

**RESOLUTION COMPROMISING POOR LIEN**

**Resolution 25-13**

Commissioner Wicks introduced and moved the adoption of the following RESOLUTION.

BE IT RESOLVED by the Board of County Commissioners of Clark County, South Dakota, that the following described real estate to wit,

Be released from the poor liens filed against a county resident (name withheld pursuant to SDCO 28-13-42) in the principal amount of $5447.48 upon the payment of the sum of $2500.00 deposited in cash with the County Treasurer of Clark County, South Dakota; but as to any other property of such county resident said poor liens shall remain in full force and effect.

BE IT FURTHER RESOLVED that said compromise and full release of lien is made for the best interest of the County and it hereby is and it hereby is authorized that upon said payment being made the liens set out in the application be released against:

Commissioner Bjerke seconded the adoption of the Resolution. Voting aye: Bjerke, Reints, Wicks, Loomis and Hass. All voting aye. Motion carried.

Nay: None.

Resolution adopted.

Dated this 15th day of October, 2013 at Clark, South Dakota.

ATTEST: (SEAL)

/s/ Christine Tarbox\_\_\_\_\_ /s/ Francis Hass, Chairman\_\_\_\_\_\_\_

Clark County Auditor Chairman, Clark Co Commissioners

**BOARD OF ADJUSTMENT**:  Motion by Bjerke, second by Loomis, to move into Board of Adjustment. All members voting aye. Motion carried.  
    
**SET HEARINGS:**  Motion by Wicks, second by Reints to schedule a public hearing for conditional use 14-13 for Oak Tree Energy LLC. This request if granted would permit applicant to use portions of sections 11, 13, 14, 24, 25, & 36 in 117-58 and sections 17, 18 & 19 in 117-57 to construct a wind farm of 13 towers in Clark County. Also Public hearing set for Variance 14-13, by Oak Tree Energy LLC, this request, if granted, would permit applicant to use NE ¼ 11-117-58 owned by Robert Nordhus to decrease setback of wind tower from road right of way. Variance 15-13 for Oak Tree Energy LLC this request, if granted would permit applicant to use SE ¼ 14-117-58, owned by Leonard Makens, to decrease setback of wind tower from property line. Variance 16-13 by Oak Tree Energy LLC, this request if granted, would permit the applicant to use NE ¼ 13-117-58 owned by Robert Nordhus, to decrease setback of wind tower from road right of way. Variance 17-13 by Oak Tree Energy LLC, this request if granted, would permit the applicant to use NE ¼ 25-117-58 owned by Makens Oak Tree to decrease setback of wind tower from property line and road right of way. Variance 18-13 by Oak Tree Energy LLC, this request if granted would permit the applicant to use NE ¼ 24-117-58 owned by Leonard Makens to decrease setback of wind tower from road right of way. Variance 19-13 by Oak Tree Energy LLC, this request if granted would permit the applicant to use NW ¼ 19-117-57 owned by Makens Oak Tree, to decrease setback of wind tower from road right of way. Variance 20-13 by Oak Tree Energy LLC, this request if granted would permit the applicant to use NE ¼ 19-117-57 owned by Makens Oak Tree to decrease setback of wind tower from road right of way. Variance 21-13 by Oak Tree Energy LLC, this request if granted would permit applicant to use SE ¼ 18-117-57 owned by Makens Oak Tree to decrease setback of wind tower from road right of way., Variance 22-13 by Oak Tree Energy LLC this request if granted would permit applicant to use most northeasterly 1 square mile in NE ¼ 36-117-58 owned by Oak Tree Energy LLC to decrease setback for wind tower substation from road right of way. Variance 23-13by Oak Tree Energy LLC this request if granted would permit applicant to use SE ¼ 14-117-58 owned by Leonard Makens to decrease setback for wind tower substation from road right of way to 644’ west of 423rd Ave. Hearing set for 1:00 p.m. on November 5, 2013. All members voting aye. Motion carried.

**CONDITIONAL USE 13-13**: Motion by Wicks, second by Loomis to approve Conditional Use 13-13 which will allow Velocitel to use the property, less than 5.97 acres SE ¼ 34-114-59 owned by Chad Waldner, to construct a 400’ guyed tower. Voting aye Bjerke, Wicks, Loomis and Hass. Voting nay: Reints. Motion carried.

**VARIANCE 13-13**: Motion by Bjerke, second by Wicks to approve Variance 13-13 that will permit Velocitel Inc to use the following property, less than 5.97 acres in the SE ¼ 34-114-59 owned by Chad Waldner, zoning setback from twice the height of the tower (800’) to the tower height of 400’. Voting aye: Bjerke, Reints, Wicks, Hass. Voting nay: Loomis. Motion carried.

**ADJOURN:**  Motion by Loomis, second by Bjerke, to adjourn from Board of Adjustment and return to Board of County Commissioners. All voting aye. Motion carried.

**SAGE REQUEST**: DOE Paulson informed the board that the information has been sent to the “Sage Company and the fee has been processed. No action needed.

**WELFARE**:  WD Brandlee presented notifications of hospitalization and credit bureau report.

**SD Housing**: Motion by Reints, second by Wicks to sign notice and admission of service from the South Dakota Housing Development Authority. All members voting aye. Motion carried.

**AIRPORT HAY CROP**: Written notification was received from Mark and Larry McHenry informing the board that 229 bales were removed from the airport the 2013 season.

**TRAVEL REQUEST**: Travel request for VSO Brekke was approved. He will attend the VA Fall mini conference in Brookings on October 24, 2013.

**JUNK**: Motion by Wicks, second by Loomis to junk Compaq monitor Serial no: CNQ4510LWY from the auditor’s office as it no longer functions. All ayes. Motion carried.

**PLAT**: Plat was not presented. No action needed.

**REPORTS**: Motion by Bjerke, second by Reints, to approve the following reports. All voting aye. Motion carried.

AUDITOR’S MONTHLY SETTLEMENT WITH THE TREASURER:  
   
 Cash on hand……………………………………………  70,685.42  
 Money Market…………………………………………1,871,887.49          
 CD’s…………..………………………………………….800,000.00  
 Checking Account...…….………………………………..100,880.11  
        TOTAL:                                                                 $2,843,453.02  
      
These funds include all funds administered by the county including: General Fund 1,726,763.82. Road & Bridge: 836,024.48, 911 Service Fund: 97359.46, E/D: -2363.45, Domestic Abuse: 342.50, 24/7: 7065.16, ROD Mod/Pres: $10,258.42, TIF:#1: 5531.51, Trust & Agency Funds , which are funds returned to schools, towns, townships and special districts, 162,471.12. TOTAL: 2,843,453.02

ROD Fees: Recording fees: 1820.00, Transfer fees: 326.00, Births: 25.00, Deaths: 40.00, Marriages: 60.00, Copy money: 48.00, Misc: 167.00. TOTAL: 2486.00.   
Ambulance: $9938.01, Sheriff: Mileage 87.29, Civil fees $325.00, Pistol permits $33.00.

**CLAIMS**:  Motion by Wicks, second by Loomis, to approve the following claims and allow the auditor to authorize payment for same. Voting aye Bjerke, Reints, Wicks, Loomis, Hass.  Motion carried. COMMISSIONERS: Holiday Inn-lodging/convention-956.89, NACO-membership dues 450.00, Voyager Fleet-fuel 168.40, WW Tire-Clark-lube/oil/filter 34.90, AUDITOR: ITC-service 32.70, TREASURER: Holiday Inn – lodging/convention 260.97, A&B Business-toner 93.99, ITC-service 37.22, McLeods –tax notices 140.04, STATES ATTORNEY: Chad Fjelland-mileage 23.68, ITC-service 59.18, Prairie Lakes-blood draw-170.00, COURT: SDACC-quarterly assessment 1099.37, PUBLIC BUILDINGS: City of Clark-water-193.75, Clark Community Oil-gas 64.53, Cook’s Wastepaper & Recycling-garbage service 25.00, Dekker Hardware-supplies 197.03, ITC-service 30.84, Northwestern Energy-utilities 1920.04, Probuild-Watertown-classic post 9.99, Star Laundry & Dry Cleaners-rugs 48.12, Verdon Roofing-service call/repair drain 178.50, DIRECTOR OF EQUALIZATION: Dekker Hardware-batteries 5.49, ITC-service 83.76, McLeods –supplies 67.54, REGISTER OF DEEDS: A&B Business-post it notes 7.99, ITC-service 33.47, Moritz Publishing-ledger sheets 235.70, VETERANS OFFICER: ITC-service 32.53, SHERIFF: Cardmember Service-radio repair 20.00, Cardmember Service-lodging 226.62, Dekker Hardware-supplies 5.99, ITC-service 189.40, Macks-supplies 56.95, McLeods-warning ticket books 137.29, PRISONER CARE: Codington Co Auditor-prisoner care 4705.00, AIRPORT: Northwestern Energy-utilities 119.71, POOR: Credit Bureau of Watertown-collection fees 33.33, ITC-service .34, AMBULANCE: A-Ox Welding Supply-oxygen/cylinder rent-96.26, City of Clark-water 47.50, Clark Community –oil-gas 372.49, Colonial Research Chemical Corp-6 gallons crystal 171.04, Dekker Hardware-glass cleaner/car wash 10.78, ITC-service 107.63, North Western Energy-utilities 187.60, Unemployment Ins-3rd qtr unemployment-96.70, Voyager Fleet Systems-fuel 62.17, SOC SERV FOR AGED: Inter-Lakes Comm Action-October comm. Service/support Used 2 B New-1791.85, MENTAL & HANDICAPPED: SD Dept of Revenue-patient care 60.00, MENTAL HEALTH CENTER: Human Service Agency-4th qtr appropriations-3114.26, EXTENSION: Dekker Hardware-tote/keys 8.27, ITC-service 97.54, Star Laundry-rugs 27.58, WEED: Blue Tarp Financial-weed supplies 39.99, Cardmember Service –lodging 56.75, City of Clark-water 115.50, Dekker Hardware-supplies 155.19, ITC-service 90.51, Oscar’s Machine Shop-supplies 140.91, Sturdevants Auto Parts-supplies 374.83, Unemployment Ins- 3rd qtr unemployment-145.04, Westside Implement-supplies 3081.83, ROAD & BRIDGE: Ameripride-towels 66.99, Larry Brannan-mileage 8.14, Cardmember Service- supplies 794.38, City of Clark-water 47.50, City of Garden City-water 90.00, Clark Community Oil-diesel/gas 10991.63, Clark Engineering-culvert work 500.00, Cook’s Wastepaper –garbage service 67.75, Dekker Hardware-supplies 220.48, Diamond Mowers-hitch/freight 9850.00, DVL Fire & Safety-fire extinguisher repairs 156.88, Glacial Lakes Radiator-repairs-117.50, ITC-service-144.77, Matt Kadinger-mileage 16.28, James Lewandowski-mileage 17.76, Matheson Tri-Gas-welding supplies 21.30, Office Peeps-office supplies 56.43, Oscar’s Machine Shop-parts 233.80, ProBuild-Watertown-shop supplies 37.95, RDO Equipment-parts 421.63, SD Dept of Trans-meals-18.00, Schuneman Equipment-filter 39.40, Sturdevants –supplies 1347.07, Titan Machinery-freight/parts-4681.60, Unemployment Ins- 3rd qtr unemployment 241.74, WW Tire-parts 39.90, Wegman Oil- diesel 1793.45, Westside Implement-parts 317.86, 911 SERVICE FUND: City of Huron-70% 911 fees 2539.06, Milbank Communications-repair radio-516.00, CIVIL DEFENSE: Dennis Anderson-final billing/mitigation plan-5259.36, Michael Gravning-meals 29.67, Voyager Fleet-fuel 156.12. TOTAL: 63,448.87.

**PAYROLL**: AUDITOR: 4641.05, TREASURER: 4185.09, STATES ATTORNEY: 3586.54, COURTHOUSE: 2532.00, DIRECTOR OF EQUALIZATION: 4219.50, REGISTER OF DEEDS: 2222.28, VETERAN SERVICE OFFICE: 336.41, SHERIFF:  6385.49, NURSE: 1349.57, AMBULANCE: 4887.22, EXTENSION:  1,322.17, WEED: 5144.52, ROAD & BRIDGE: 34234.50, EM: 1145.19, TOTAL: 76,191.53. OVERTIME: WEED: Paul Orris 22.25.

**ADJOURN**: Motion by Wicks, second by Loomis to adjourn as Board of Commissioners until next regular meeting Tuesday, November 5, 2013, at 8:00 a.m. All voting aye. Motion carried.  
    
 ATTEST:

 (SEAL)                                
    
    
    
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  Christine Tarbox                                                                   Francis Hass, Chairman  
  Clark County Auditor                                                           Clark County Commissioners  
    
    
                                                                                                                                                                                                                                                
                  
   
   
 