CLARK COUNTY COMMISSIONERS PROCEEDINGS

December 17, 2019

The Clark County Commissioners met in regular session on Tuesday, December 17, 2019 in the Commissioners’ meeting room of the Clark County Courthouse. Chairman Bjerke called the meeting to order at 8:00 a.m. with the following Commissioners present: Robert Bjerke, Wallace Knock, Francis Hass, Richard Reints and Chris Sass. Also present Auditor Tarbox.

**AGENDA:** Motion by Knock, second by Sass to approve the December 17, 2019 agenda as presented. All voting aye. Motion carried.

**MINUTES**: Motion by Hass, second by Reints to approve the minutes from the regular meeting of December 3, 2019. All voting aye. Motion carried.

**COMMUNITY COMMENTS**: No one appeared.

**HIGHWAY**: HS Eggleston met with the board to discuss road conditions and road work being done.

**HIGHWAY**: Motion by Hass, second by Sass to allow HS Eggleston to call for bids for Bridge project #13-010-225. Bids will be due by January 15th with project to be completed summer of 2020. All voting ayes. Motion carried.

**RESOLUTION 23-19** – Motion by Hass, second by Reints to approve and allow Chairman to sign Resolution 23-19 authorizing submission of the Bridge Improvement Grant Program for Bridge #13-023-230. All voting aye. Motion carried.

RESOLUTION 23-19

WHEREAS, Clark County wishes to submit an application for consideration of award for the Bridge Improvement Grant Program:

STRUCTURE NUMBER AND LOCATION:

Structure #13-050-212, located 417th Ave, 4.2S & 3.0E Raymond

Over Creek.

And Whereas, Clark County certifies that the project is listed in the county’s Five Year County Highway and Bridge Improvement Plan\*;

And WHEREAS, Clark County agrees to pay the 20% match on the Bridge Improvement Grant funds;

And WHEREAS, Clark County hereby authorizes the Bridge Improvement Grant application and any required funding commitments.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is requested to accept the attached Bridge Improvement Grant application.

Vote of Commissioners: Yes: 5 No\_\_\_\_\_0\_\_\_\_

Dated at Clark, SD this 17th day of December, 2019.

ATTEST:

/s/ Christine Tarbox /s/ Robert Bjerke\_\_\_

County Auditor Chairman, Board of Commissioners

**RESOLUTION 24-19**: Motion by Sass, second by Knock to approve and allow Chairman to sign Resolution 24-19 authorizing submission of the Bridge Improvement Grant Program for Bridge project #13-050-212. All voting aye. Motion carried.

RESOLUTION 24-19

WHEREAS, Clark County wishes to submit an application for consideration of award for the Bridge Improvement Grant Program:

STRUCTURE NUMBER AND LOCATION:

Structure #13-023-230, located 177th Street 6.0S & 0.3E of Raymond

SD over Foster Creek.

And Whereas, Clark County certifies that the project is listed in the county’s Five Year County Highway and Bridge Improvement Plan\*;

And WHEREAS, Clark County agrees to pay the 20% match on the Bridge Improvement Grant funds;

And WHEREAS, Clark County hereby authorizes the Bridge Improvement Grant application and any required funding commitments.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is requested to accept the attached Bridge Improvement Grant application.

Vote of Commissioners: Yes: 5 No\_\_\_\_\_0\_\_\_\_

Dated at Clark, SD this 17th day of December, 2019.

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/s/ Christine Tarbox /s/ Robert Bjerke\_\_\_

County Auditor Chairman, Board of Commissioners

**BOARD OF ADJUSTMENT**: Motion by Reints, second by Sass to recess as County Commission and Convene as Board of Adjustment. All voting aye. Motion carried.

**ADDING ITEMS**: No items to be added to the Agenda by board members or staff and no additional items to discuss at end of the meeting. Citizens were scheduled time on the Board of Adjustment agenda, no additional items were added. Board members were given opportunity to discuss any conflicts of interest or ex parte communications. None reported.

**APPROVE BOARD OF ADJUSTMENT AGENDA**: Motion by Knock, second by Reints to approve the Board of Adjustment agenda. All voting aye. Motion carried.

**VARIANCE 5-19:**  Motion by Sass, second by Hass to approve Variance 5-19 for Burton Raymer. This Variance if approved will allow applicant to place structure closer than setback. Public hearing was opened. Mr. Raymer explained his request. Board questions were answered. No one else present to speak. Public hearing was closed. Motion by Sass, second by Knock to postpone to June 2020 meeting to give Mr. Raymer time to contact the city of Bradley to consider annexing his property. If the property has or will be annexed prior to June 1, 2020 the application will be considered withdrawn. If it has not been the Board will publish a notice and act on the variance. All voting aye. Motion carried.

**CONDITIONAL USE**: Motion by Knock, second by Sass to approve Conditional Use which if approved will allow Riverview LLP, on land owned by United Feeders LLP, to operate a Class A Concentrated Animal Feeding Operation. Public hearing was opened. The applicant presented a slide presentation that included location of the project, building size and placement, holding ponds and animals units. Brady Jansen, Steve Westerbuhl, Jim Nieland, Adam Zeltwager, Sonny Nickeson, Gary Glanzer, Jeff Engert, Nateleno Glock, Alex Hoherlz, Ismael Cruz, Dan Banick, Gary Wipf, Tom Walsh, and Mike Crinson spoke in support of the project. Terry Schlagel spoke with concerns regarding increased truck traffic and potential road damage. Public hearing was closed. Board questions were addressed. Findings of fact were read by staff. Motion by Knock, second by Reints to amend and add condition that will not allow them to pump anything thru the irrigation system but clean surface water. All voting aye. Motion carried. Motion by Reints to delay action until January meeting. Motion failed for lack of second. Commissioner Reints recused himself from the vote. Roll call vote to approve proposed CAFO: Aye: Knock, Hass, Sass and Bjerke. Motion carried.

**ADJOURN BOARD OF ADJUSTMENT:** Motion by Sass, second by Knock to adjourn as board of adjustment and convene as County Commission and Planning Commission. All voting aye. Motion carried.

**ORDINANCE 03-19**: Public Hearing for proposed Ordinance 03-19. This Ordinance rezone’s property owned by Joel Huber, Christopher Bokinski, Ryan Claus sen and Marvin Boss from Commercial/Industrial to Agricultural. Motion by Knock, second by Reints to recommend approval of Ordinance 3-19 to the Clark County Board of County Commissioners. Staff summarized the request. No proponent or opponent testimony presented. Public hearing was closed. Board questions were discussed. Voting aye: Knock, Hass, Reints, Sass and Bjerke. Motion carried. First reading of Ordinance 03-19, an Ordinance entitled, an ordinance amending Section 1.03.01, (the official zoning map) adopted by Ordinance 01-14, as amended, of the Clark County Zoning Ordinance.

**ADJOURN**: Motion by Reints, second by Hass to adjourn as Planning Commission and continue County Commission agenda. All voting aye. Motion carried.

**VETERAN SERVICE OFFICER:** Discussion was held regarding Veteran Service office. No action taken.

**COMMUNICATIONS**: Motion by Sass, second by Knock to approve County paying $11,950.00 to finance the new emergency communications system that will enhance communication between emergency personnel within the County. One half of the cost will be recouped from the 8 EMS entities in the county that will be using the system, to include, Vienna Fire Department, Willow Lake Fire Department, Raymond Fire Department, Bradley Fire Department, Clark Ambulance, Clark Sheriff, City of Clark Police Department and Clark Fire Department. The cost from each entity that will be reimbursed to the County is $747.00, The County will cover the cost of the Tango Tango features only. County will not be responsible costs to replace or repair cell phones owned by entities outside of the County. Jeremy Wellnitz was available to answer questions regarding the system. All voting aye. Motion carried.

**EMERGENCY MANAGER**: Motion by Sass, second by Reints to allow advertising for an Emergency Manager Director. Ad will be placed in the Clark County Courier. All voting aye. Motion carried.

**AUTO SUPPLEMENT**: Motion by Reints, second by Knock to approve auto supplement from to account 226-0-331.02 to 226-222-422.10 from unanticipated federal grant funds in the amount of $13,102.50. Funds are for reimbursement of the Prehazard Mitigation plan. All voting aye. Motion carried.

**LIQUOR LICENSE**: Motion by Sass, second by Hass to approve liquor license for Oak Tree Retreat and Resort Inc, applicant Jeremy Van Der Vegt. Cost of the license is $900.00. This application will be active from January 1, 2020 to December 31, 2020. All voting aye. Motion carried

**VICTIM WITNESS COORDINATOR**: Motion by Knock, second by Sass to approve and allow Chairman to sign the Intergovernmental agreement for creation of a victim witness coordinator. Cost to Clark County for year 2020 will be $5500.00. All voting aye. Motion carried.

**PUBLIC DEFENDER**: Motion by Reints, second by Sass to approve and allow Chairman to sign the Public Defender contract between Bratland Law and Clark County. The contract will be effective from January 1, 2020 to December 31, 2020. All voting aye. Motion carried.

**SDSU – 4-H EDUCATOR**: Motion by Knock, second by Reints to approve and allow Chairman to sign the Memorandum of Understanding between Clark County and SDSU Extension. Clark County will pay to South Dakota State University for partial salary support of the 4-H Advisor position. For calendar year 2020 Clark County will pay $10,310.00. All voting aye. Motion carried.

**SDPAA**: Motion by Hass, second by Knock to approve and allow Chairman to sign the Intergovernmental contract between South Dakota Public Assurance Alliance and Clark County. The contract will cover calendar year 2020. All voting aye. Motion carried.

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

AUDITOR’S MONTHLY SETTLEMENT WITH THE TREASURER  
 Cash on hand…………………………………………..… 108,232.77

Money Market…..……………………………………...… 3,806,871.58 CD’s…………..…………………………………………… 800,000.00  
Checking Account....…….…………………………………. 345,286.21 TOTAL:……………..…………………..………………… 5,060,390.56

These funds include all funds administered by the county including: General Fund $3,629,519.42, Road & Bridge: $829,513.85, 911 Service Fund: $81,049.76, E/D: 6,715.34, Domestic Abuse: 535.00, 24/7 – 13,387.25, ROD Mod/Pres: $7421.59, TIF: 10,825.40. **Trust & Agency Funds $481,422.95 which are funds returned to schools, towns, townships and special districts.** TOTAL: $5,060,390.56.

**ROD Fees**: November recording fees 1745.00, Transfer fees: 1695.00, Births: 30.00, Deaths: 105.00, marriages: 15.00, Copy money: 67.00, Misc. 274.00. TOTAL: 3931.00.

**Ambulance**: 10,184.26, **Sheriff**: Mileage 185.00, Civil fees $770.00, Pistol permits $3.00.

**CLAIMS**: Motion by Sass, second by Knock to approve the following claims and allow the auditor to issue payments for same. All voting aye. Motion carried. GENERAL FUND: State of SD Treasurer-overpayment from state - 18.04, JUDICIAL SYSTEM: Corner Diner – food for jurors-122.62, Ken’s Fairway – supplies 33.23, AUDITOR: Office Peeps- W-2/ 1099/envelopes 389.53, PMB-0112 access fees 53.00, Thomson Reuters-West Publishing -SD Codified law updates 69.62, TREASURER: Connecting Point- NP Pro desk set up/supplies 1771.20, STATES ATTORNEY: Prairie Lakes Healthcare -blood draw 170.00, SD Dept of Revenue-blood draw 220.00, Thomson Reuters-West Publishing – online library 879.95, PUBLIC BUILDLINGS: City of Clark – water 79.35, Cook’s Wastepaper-garbage 33.25, North Western Energy-utilities 1292.56, Star Laundry & Dry Cleaners – laundry- 40.58, Sturdevants Auto Parts-air filter 25.51, DIRECTOR OF EQUALIZATION: Vanguard Appraisal-reappraisal 40,630.00, REGISTER OF DEEDS: McLeods-envelopes 96.18, Toshiba Financial Services-copy machine rent 93.23, SHERIFF: AT&T Mobility – service 296.60, Best Western Plus Ramkota – lodging 150.00, Clark County Treasurer – postage 123.74, Clark Community Oil Co – fuel 694.64, Light & Siren – equipment 2723.04, Mack’s -tires 660.00, Office Peeps- 3 office chairs 1119.00, Sturdevants Auto Parts – 23.66, PRISONER CARE: Codington CO Auditor – prisoner care 5870.00, Hughes Co Finance Office-jail bill 480.00, AIRPORT: Northwestern Energy-utilities 291.74, AMBULANCE: AT&T Mobility – service 171.79, Bound Tree Medical- supplies 694.66, Justin Bowers – ins deductible 3600.00, City of Clark -water 68.95, Clark Co Treasurer – postage -89.50, Clark Community Oil- gas 393.48, Ken’s Fairway- supplies 28.23, Robert Koistinen – renewal fee 25.00, Lewis Family Drug – supplies 300.00, Northwestern Energy- utilities 343.12, Star Laundry – laundry 11.78, SOC SERV FOR AGED: Inter-Lakes Comm Action – support comm serv/December 1427.50, EXTENSION: Cardmember service – laptop 696.91, Office Peeps – copier rent -70.20, Star Laundry – rugs 25.20, WEED: SD Federal Property – boots/wrench/forklift – 2860.00, Weed & Pest Conference-registration 360.00, ROAD & BRIDGE: Randy Brownlee-gravel crushing 333,515.58, City of Clark -water 111.90, Clark Community Oil-fuel 20,822.49, Clark County Register of Deeds- ROW agreements 60.00, Clark Rural Water - chisel plow/royalties 201.00, Cook’s Wastepaper-garbage 88.50, Forest Excavating – culvert repair 875.00, Menards-supplies 593.89, Northwestern Energy-utilities 1605.54, Oscar’s Machine Shop- parts/supplies 332.11, SD Dept of Transportation-paint striping 1162.69, SD Dept of Transportation – pavement markings 24, 027.69, Sturdevants Auto Parts/filters/supplies 3930.52, Westside Implement – parts 259.17, 911 SERVICE FUND: Centurylink-fees 273.67, Environmental Systems Research – ARC GIS maintenance -800.00, CIVIL DEFENSE: A-1 Computer Solutions – new hard drive update windows 429.96, Cardmember Service-battery replace for cell phone 74.54, REGISTER OF DEEDS: Microfilm Imaging Systems-software/scanner rent-240.00, DEBT SERVICE: Dacotah Bank -TIF Principal/interest $11,005.94. TOTAL: 470,026.78.

**PAYROLL**: AUDITOR: 6102.65, TREASURER 4820.31, STATES ATTORNEY: 4,768.45, COURTHOUSE: 2525.00, DIRECTOR OF EQUALIZATION: 4669.87, REGISTER OF DEEDS: 3,225.74, VETERAN SERVICE OFFICE: 346.49, SHERIFF: 9068.75, NURSE: 1927.71, AMBULANCE: 11,247.41, EXTENSION: 1,288.12, WEED: 429.36, PLANNING & ZONING: 288.94, ROAD & BRIDGE: 45,276.12, EMERGENCY & DISASTER: 357.93. TOTAL: 96,342.85.

**ADJOURN**:  Motion by Hass, second by Sass to adjourn at 12:20 p.m. until next regular meeting Tuesday, December 30, 2019 at 8:00 a.m. All voting aye. Motion carried.

 ATTEST:

(SEAL)

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Christine Tarbox Robert Bjerke, Chairman

Clark County Auditor Clark County Board of Commissioners

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