CLARK COUNTY COMMISSIONERS PROCEEDINGS

May 19, 2020

The Clark County Commissioners met in regular session on Tuesday, May 19, 2020 in the Commissioner room of the Clark County Courthouse. Chairman Sass called the meeting to order at 8:00 a.m. with the following Commissioners present via teleconference: Chris Sass, Wallace Knock, Francis Hass, and Robert Bjerke. Richard Reints present at the courthouse. Also present Auditor Tarbox.

**AGENDA:** Motion by Bjerke, second by Knock to approve the May 19, 2020 agenda as presented. All voting aye. Motion carried.

**MINUTES**: Motion by Hass, second by Reints to approve the minutes from the regular meeting of May 5, 2020 and special meetings dates of May 11, 2020, May 12, 2020 and May 15, 2020. All voting aye. Motion carried.

**COMMUNITY COMMENTS**: No one appeared.

**HIGHWAY**: HS Eggleston met with the board via teleconference to discuss road conditions and road work being done. He also informed the board that he had been contacted by Agtegra in Carpenter with concerns of business being lost because of the condition of county road 17.

**HIGHWAY:** Motion by Knock, second by Reints to approve purchase of a side dump trailer from Transource as requested by HS Eggleston. Purchase price is $33,000.00. Voting aye: Knock, Hass, Reints, Bjerke and Sass. Motion carried.  
  
**AUTO SUPPLEMENT**: Motion by Bjerke, second by Knock to approve auto supplement in the amount of $9750.00. Funds from 201-0-369 to 201-311-422. These funds were received from Riverview to cover cost of Clark Engineering. Voting aye: Knock, Hass, Bjerke, Reints and Sass. Motion carried.

**CONVENE**: Motion by Knock, second by Bjerke to convene jointly as Planning Commission and County Commission. Voting aye: Hass, Bjerke, Knock, Reints and Sass. Motion carried.

Chairman Sass called the meeting of the Clark County Planning Commission and County Commission to order. Meeting held via teleconference. Persons attending via teleconference: Terry Schlagel, Benjamin Hernandez with Riverview Dairy, SA Fjelland, Toby Morris, Wayne Schlagel, Todd Kays and Luke Muller with First District, Carter Johnson, Brady Janzen with Riverview Dairy, Louann Warren from Clark School and Adam Polley with Clark Engineering. Also present in person: Bill Krikac from the Clark County Courier. The first agenda item is public hearing on proposed Ordinance 05-20. Motion by Knock, second by Bjerke acting as Planning Commission to recommend approval of Ordinance 05-20 to the Clark County Board of County Commissioners. Luke Muller with First District gave a report regarding proposed Ordinance 5-20. Chairman Sass opened the public hearing. Wayne Schlagel addressed the board with questions and comments. No other testimony. Chairman Sass closed the public hearing. Board questions were answered. Staff restated the motion: The motion is to recommend approval without amendments of Ordinance 05-20 to the Clark County Board of County Commissioners. Voting aye: Reints, Knock, Bjerke, Hass and Sass. Voting nay: none. Motion carried. With recommendation from the Planning Commissioner Luke Muller proceeded with first reading of Ordinance 05-20. An Ordinance entitled, and Ordinance to amend Article V (Definitions) and Chapter 4.24 (Concentrated Animal Feeding Operations) of the zoning Ordinance of Clark County adopted by Ordinance 01-14, as amended.

Motion by Bjerke, second by Reints to recess the Planning Commission and County Commission to convene as Board of Adjustment. Voting aye; Hass, Bjerke, Knock, Reints and Sass. Motion approved. We are now acting as the Board of Adjustment.

No items to be added to the agenda by Board members or staff, staff informed board he has an update on the Burton Raymer request from December that will be addressed at the end of the meeting, portion added to the agenda. Chairman invited citizens to schedule a time on the Board of Adjustment agenda for an item during the open. No additional items. Board members have no conflicts of interest or Ex parte Communications that would make them unable to participate in the hearing or give the applicant a fair hearing.

Motion by Knock, second by Reints to approve the Board of Adjustment and Planning Commission agenda. Voting aye: Reints, Knock, Bjerke, Hass and Sass. Motion approved. Agenda approved.

**VARIANCE**: Motion by Reints, second by Bjerke to approve the Variance by Sheldon Homola which if approved will allow the applicant to use the South 862.6’ of the East 114’ of the Southwest ¼ and the South 862.6’ of the West 391’ of the Southeast ¼ of Section 16, Township113N Range 57W (Collins Township) in Clark County, SD to construct an addition to an existing structure less than one hundred (100’) feet from the 193rd street right-of-way. Luke Muller gave report and explained Mr. Homolas request. The public hearing was opened for further public testimony. No one appeared, and public hearing was closed. There were no questions or comments from the board. Luke presented the questions for findings of fact. Luke restated- The motion is to approve a variance to allow Sheldon Homola to have a setback of 92’ from the 193rd Street right-of-way. Voting aye: Hass, Knock, Reints, Bjerke and Sass. Motion approved.   
  
There being no further business for the open, Luke informed the board that the Town of Bradley did not feel it necessary to annex Burton Raymer property into the town boundaries, they also did not object with structure where it is located. He will continue the matter during the regular June meeting.

**ADJOURN**: Motion by Hass, second by Reints to adjourn the Board of Adjustment and reconvene as County Commission. Voting aye: Hass, Bjerke, Knock, Reints and Sass. Motion carried.

Motion by Bjerke second by Knock to recess as County Commission and convene as Planning Commission. Voting aye; Reints. Knock, Bjerke, Hass and Sass. Motion approved.

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**PUBLIC HEARING:** -**RESOLUTION 14-20**: Public hearing of The Clark County Planning Commission on the creation of Tax Increment District number two. The purpose of the hearing is to set the boundaries. SA Fjelland, Todd Kays with First District, Toby Morris with Dougherty, Brady Janzen and Benjamin Hernandez with Riverview Dairy, Luanne Warren- Clark School, Wayne Schlagel, Terry Schlagel, appeared via teleconference. Toby Morris discussed the purpose and funding of the TIF. Brady Janzen spoke as a proponent for the project. Wayne Schlagel and Terry Schlagel asked questions regarding the proposed TIF and the questions were answered. No other public comment, public hearing was closed and board questions were addressed**.** Pursuant to due call and notice thereof, a meeting of the Planning Commission of Clark County, South Dakota, was duly held in the County Courthouse on the 19th day of May, 2020 at 10:00 a.m.

The following members were present: Knock, Hass, Reints, Bjerke, Sass.

The following members were absent: None.

The matter of the creation of Tax Incremental District Number Two, Clark County, was presented to the Planning Commission. After discussion of the same and after public comment on the proposed tax incremental district, member Bjerke, moved that the following resolution be passed:

**RESOLUTION DECLARING BOUNDARIES AND RECOMMENDING**

**CREATION OF TAX INCREMENTAL DISTRICT NUMBER TWO,**

**CLARK COUNTY**

WHEREAS, the Planning Commission of Clark County, South Dakota, published a Notice of Hearing at which interested parties were afforded a reasonable opportunity to express their views on the proposed creation of Tax Incremental District Number Two, Clark County, on real property consisting of the following parcels:

NW ¼ 3-115-59 Parcel ID 1813

NE ¼ 3-115-59 Parcel ID 1812

SE ¼ 3-115-59 Parcel ID 1815

SW ¼ 3-115-59 Parcel ID 1814

That portion of 178th street and right of ways from NE ¼ 3-115-59 Parcel ID 1812 and NW ¼ 3-115-59 Parcel ID 1813 to 415th Avenue

415th Avenue to US Hwy 212 and right of ways

WHEREAS, such Notice was published in the official newspapers in Clark County, not less than ten (10) nor more than thirty (30) days from the date of the hearing; and

WHEREAS, a copy of the Notice was sent prior to publication by first-class mail to the Chief Executive Officers and the School Board of the following taxing entities:

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| --- | --- |
| Chairperson  Clark County Commission  Clark Courthouse PO Box 294  Clark, SD 57225  Clark School District  Attn: Superintendent  220 North Clinton Street  Clark, SD 57225 | |
| Fordham Township  Linda Helken  41212 181st Street, Raymond, SD 57258  Logan Township  Dawn Foiles  41609 175th Street, Raymond, SD 57258 | |
|  | |

WHEREAS, a hearing was held on June 16th, 2020, as provided in such Notice, and all interested parties were allowed a reasonable opportunity to be heard on the proposed creation of Tax Incremental District Number Two, Clark County.

THEREFORE, BE IT RESOLVED by the Planning Commission of Clark County, South Dakota:

1. Authority and declaration of necessity. Pursuant to SDCL §§ 11-9-4 & 11-9-13, the Planning Commission hereby declares the necessity to form a tax incremental district in Clark County.
2. Findings. The Planning Commission finds that there is statutory authority to refer said district to the Clark County Commission for their consideration and that all notice requirements have been met and all findings required by statute are hereby made.
3. Boundaries of District. The Planning Commission has determined the boundaries of the district are as follows:
   * NW ¼ 3-115-59 Parcel ID 1813
   * NE ¼ 3-115-59 Parcel ID 1812
   * SE ¼ 3-115-59 Parcel ID 1815
   * SW ¼ 3-115-59 Parcel ID 1814
   * That portion of 178th street and right of ways from NE ¼ 3-115-59 Parcel ID 1812 and NW ¼ 3-115-59 Parcel ID 1813 to 415th Avenue
   * 415th Avenue to US Hwy 212 and right of ways
4. Project Plan. The Planning Commission will review and adopt a project plan at a later date.
5. Recommendation of District The Planning Commission hereby recommends to the County Commission that Tax Incremental District Number Two, Clark County be created and hereby submits its recommendation to the County Commission for consideration.

Passed this 19th day of May, 2020.

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|  |  | /s/ Chris Sass |
|  |  | Chairman |
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| ATTEST: |  |  |
|  |  |  |
| /s/ Christine Tarbox |  |  |
| County Auditor |  |  |

The motion for the adoption of the foregoing resolution was duly seconded by Knock, and upon vote being taken thereon the following voted YEA: Knock, Bjerke, Hass and Sass, those voting NAY: Reints, those abstaining: None.

Whereupon said resolution was declared duly passed and adopted.

/s/ Christine Tarbox

County Auditor

STATE OF SOUTH DAKOTA )

:SS

COUNTY OF CLARK )

I, the undersigned, being the duly qualified and acting Secretary of the Planning Commission, do hereby certify that the attached and foregoing is a full, true and complete transcript of the minutes of a meeting of the Planning Commission of Clark County, held on May 19th, 2020 insofar as the original minutes relating to a hearing for the creation of a tax incremental district.

WITNESS my hand this 19th day of May, 2020.

/s/ Christine Tarbox County Auditor

**CCR:** Chad Smidt was present via teleconference to discuss the Clark County Rider event scheduled for June 12- 13, 2020. He discussed with the board that they have been educating themselves on the CDC guidelines and that they plan to follow the guidelines as closely as possible. He also informed them of the precautions that they will be taking and how other changes they have made amidst the COVID-19 pandemic. Board members gave permission to the CCR to go forward with the event unless circumstances change drastically in the next two weeks.

**4-H**: 4-H Advisor McGraw met with the board in regards to the use of the fairgrounds for activities for summer 2020. She informed the board that the SD 4-H Program is currently in a Level A status which will remain until SDSU allows counties to move through the levels. 4-H advisors have received a guide that will be used to plan and modify events through out the summer with a possibility that some events will not happen at all and the rest may be a modified version of the event. She will inform the board if levels change.

**MALT BEVERAGE LICENSE**: Motion by Bjerke, second by Hass to approve retail (on-off sale) Malt Beverage and SD Farm Wine license for Black Claw Bait and Tackle. Marty Beving, Valorie Flatten and Christy Huisenga owners. This license is available from July 1, 2020 to June 30, 2021. Voting aye; Knock, Hass, Reints, Bjerke and Sass. Motion carried.

**MALT BEVERAGE LICENSE**: Motion by Reints, second by Knock to approve retail (on-off sale) malt beverage and SD Farm wine license for Keller Kountry Korner. Neal and Deb Keller owners. This license is available from July 1, 2020 to June 30, 2021. Voting aye: Knock, Hass, Reints, Bjerke and Sass. Motion carried.

**MALT BEVERAGE LICENSE:** Motion by Hass, second by Knock to approve retail (on-off sale) malt beverage and SD Farm wine license for Carpenter Country Store, Fawn Lamb owner. This license is good from July 1, 2020 to June 30, 2021. Voting aye: Knock, Hass, Reints, Bjerke and Sass. Motion carried.

**MALT BEVERAGE LICENSE**: Motion by Bjerke, second by Reints to approve retail (on-off sale) malt beverage and SD Farm wine license for Crocker Hills Bar and Grill, Bryce and Melissa Lehna owners. This license is available from July 1, 2020 to June 30, 2021. Voting aye: Knock, Hass, Reints, Bjerke and Sass. Motion carried.

**SURPLUS**: Motion by Hass, second by Reints to allow Sheriff McGraw to declare surplus a 2009 Dodge Durango and to transfer the vehicle to the highway department. Voting aye: Knock, Hass, Reints, Bjerke and Sass. Motion carried.

**SHERIFF:** Motion by Reints, second by Bjerke to allow Sheriff McGraw to place a flag disposal box on the front step of the courthouse. Voting aye; Reints, Knock, Bjerke, Hass and Sass. Motion approved.

**JUNK**: Motion by Bjerke, second by Knock to approve request of Treasurer Mahlen to junk two computer towers from the treasurer office, SN: 2UA2010GS6 and SN: MXL2102JFZ. Voting aye; Knock, Hass, Reints, Bjerke and Sass. Motion carried.

**COMMUNICATIONS GRANT**: This grant is not available to Clark County. No action needed.

**EQUIPMENT**: DOE Reidburn not available.

**REPLACE LOST CHECKS**: Motion by Reints, second by Bjerke to allow Auditor to replace checks lost in the mail for Greg Buechler. Voting aye: Knock, Hass, Reints, Bjerke and Sass. Motion carried.

**REPLACE LOST CHECK**: Motion by Knock, second by Hass to allow Auditor to replace check lost in the mail for Lewis Peterson. Voting aye; Knock, Hass, Reints, Bjerke and Sass. Motion carried.  
  
**REPLACE LOST CHECK**: Motion by Hass, second by Reints to allow Auditor to replace check lost in the mail for James Weaver. Voting aye; Knock, Hass, Reints, Bjerke and Sass. Motion carried.

**TOWNSHIP BONDS**: Motion by Hass, second by Knock to approve 2020 township bonds. Clerk bonds received: Blaine, Cottonwood, Spring Valley, Ash, Woodland, Thorp, Maydell, Eden, Mt Pleasant, Garfield, Raymond, Logan, Lincoln, Elrod, Foxton, Merton, Darlington, Fordham, Richland, Hague, Lake, Pleasant, Washington, Collins and Rosedale. Treasurer bond: Blaine, Spring Valley, Ash, Woodland, Thorp, Maydell, Eden, Mt Pleasant, Garfield, Raymond, Logan, Lincoln, Elrod, Foxton, Merton, Darlington, Fordham, Richland, Hague, Lake, Pleasant, Washington, Collins and Rosedale. Voting aye: Knock, Hass, Reints, Bjerke and Sass. Motion carried.

**REPORTS:**  Motion by Reints, second by Knock to approve the following reports. Voting aye: Hass, Bjerke, Reints, Knock and Sass. Motion carried.

AUDITOR’S MONTHLY SETTLEMENT WITH THE TREASURER  
 Cash on hand…………………………………………..… 710,541.66

Money Market…..……………………………………...… 5,010,385.54 CD’s…………..…………………………………………… 800,000.00  
Checking Account....…….…………………………………. 697,420.61 TOTAL:……………..……………… …..…………………7,218,347.81

These funds include all funds administered by the county including: General Fund $3,677,451.60, Road & Bridge: $918,421.34, 911 Service Fund: 75,469.98, E/D: 10,450.61, Domestic Abuse: 140.00, 24/7 – 16,313.25, ROD Mod/Pres: $6,223.46, TIF: 7510.26. **Trust & Agency Funds $2,506,367.31 which are funds returned to schools, towns, townships and special districts.** TOTAL: $7,218,347.81.

**ROD Fees**: April recording fees 2575.00, Transfer fees: 4250.00, Births: 15.00, Deaths: 120.00, marriages: 0, Copy money: 67.00, Misc. 174.00. TOTAL: 7201.00.

**Ambulance**: 13,738.13, **Sheriff**: Mileage 56.00, Civil fees $515.00, Pistol permits $0.

**CLAIMS**: Motion by Bjerke, second by Hass to approve the following claims and allow the auditor to issue payment. All voting aye. Motion carried. COMMISSIONERS: Cardmember Services – TV for commissioner room – 1029.64, Clark Co Courier – proceedings – 349.82, SDACC-website fee 150.00, SDPAA – liability ins – 2362.47, ELECTIONS: Cardmember Services – supplies 1799.25, Clark Co Courier- voter registration 24.21, McLeods -pens/ballot sleeves 864.56, Office Peeps- label printer/labels 263.88, JUDICIAL SYSTEM: Greg Buechler -juror fees 10.84, AUDITOR: Office Peeps-note pads 7.10, PMB -0112-access fees 55.00, SDPAA-liability ins 1673.62, TREASURER: Clark Co Courier-taxes due 206.25, Connecting Point- computer/services 2896.20, SDPAA-liability Ins 1363.55, STATES ATTORNEY: SDPAA- liability ins 1369.94, Thomson Reuters-West Publishing 879.95, PUBLIC BUILDINGS: City of Clark -water 84.55, Cook’s Wastepaper-garbage 33.25, Mid-American Research Chemical-supplies 194.00, Northwestern Energy -utilities 775.24, SDPAA-liability iins-9486.07, DIRECTOR OF EQUALIZATION: SDPAA-liability ins 4005.88, VanGuard Appraisals-commercial appraisal services 3825.00, REGISTER OF DEEDS: Creative Printing – paper for red books-206.44, SDPAA-liability ins 1008.87, Toshiba Financial Services-copy machine rent 116.22, VETERAN OFFICE: SDPAA-liability ins 118.08, PREDATORY ANIMAL: SD Dept of Revenue – animal damage control 2276.80, SHERIFF: Auto Pros-install equipment on 2020 Dodge 1681.90, Cardmember Service-radio mic holder 113.30, Clark Community Oil- gas 407.24, Mack’s-oil change 54.95, McLeods-warning tickets 147.33, SDPAA-liability ins – 6658.24, Sturdevants Auto Parts – supplies 1216.56, AIRPORT: Northwestern Energy – utilities 142.84, SDPAA- liability ins 2378.05, NURSE: SDPAA-liability ins – 626.71, AMBULANCE: A-Ox Welding Supply – oxygen-21.72, Bound Tree Medical-supplies 499.85, Cardmember Services-supplies 12.00, City of Clark -water 63.75, Clark Community Oil – gas 104.51, Ken’s Fairway- supplies 22.70, Lewis Family Drug-supplies 600.00, Matheson TriGas-rental 107.15, Northwestern Energy-utilities 322.12, SDPAA-liability insurance – 8345.85, Star Laundry – laundry 11.78, US Bank Voyager Fleet-fuel 74.43, SOC SERV FOR AGED: Inter-Lakes Comm Action-support comm serv/May 1469.33, MENTAL ILLNESS BOARD: Lincoln County Treasurer – involuntary expenses 472.10, EXTENSION: Office Peeps-copier rent 12.33, SDPAA-liability ins. 557.76, US Postmaster – stamps 220.00, WEED: City of Clark – water 53.35, Clark Community Oil – propane 32.40, Cook’s Wastepaper & Recycling – garage 44.25, Ken’s Fairway-supplies 7.18, Northwestern Energy-utilities 159.03, SDPAA-liability Ins 5607.44, Sturdevants Auto Parts – supplies 157.15, PLANNING & ZONING: Clark Co Courier- CU Edelman – 15.58, ROAD & BRIDGE: 212 Truck & Trailer Repairs – parts 183.91, City of Clark – water 68.95, Clark Community Oil – supplies 921.21, Clark Community Oil – fuel 1699.93, Cook’s Wastepaper – garbage 44.25, DSR Inc-filters 124.79, Lehtola Builders – bridge replacement payment 93,188.44, Northern Safety Co -first aid 195.25, Northwestern Energy-utilities 1233.84, Prostrollo-supplies 956.76, SDPAA – liability ins -35,051.52, Sturdevants Auto Parts-filters 615.94, Sturdevants Auto Parts-supplies 2688.09, TranSource-side dump trailer – 33,000.00, 911 SERVICE FUND: Centurylink-fees 284.93, City of Watertown – 911 ER Surcharge 2995.76, CIVIL DEFENSE: Clark Co Courier- help wanted 41.60, JB’s Repair – repairs/supplies 1997/ Expedition 140.50, SDPAA- liability ins 538.34, US Bank Voyager Fleet Systems-fuel 44.17, CITYS & TOWNS: Greg Buechler – overpayment 12.65, Lewis Peterson-replace check 2.35, James Weaver- lost check 2.87. TOTAL: 242,803,61.

**PAYROLL**: AUDITOR: 5278.56, TREASURER 4988.68, STATES ATTORNEY: 4,200.46, COURTHOUSE: 2633.47, DIRECTOR OF EQUALIZATION: 4834.53, REGISTER OF DEEDS: 3,348.02, VETERAN SERVICE OFFICE: 363.82, SHERIFF: 8676.29, NURSE: 1985.33, AMBULANCE: 11,515.53, EXTENSION: 1,325.34, WEED: 843.80, ROAD & BRIDGE: 49,441.72, EMERGENCY & DISASTER: 877.90. TOTAL: 100,313.45.

**ADJOURN**:  Motion by Knock, second by Reints to adjourn at 11:14 a.m. until next regular meeting Thursday, June 4, 2020 at 8:00 a.m. All voting aye. Motion carried.

ATTEST:

(SEAL)

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Christine Tarbox Chris Sass, Chairman

Clark County Auditor Clark County Board of Commissioners

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