CLARK COUNTY COMMISSIONERS PROCEEDINGS

June 16, 2020

The Clark County Commissioners met in regular session on Tuesday, June 16, 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 Knock, second by Reints approve the June 16, 2020 agenda as presented. Voting aye: Hass, Bjerke, Knock, Reints, Sass. Motion carried.

**MINUTES**: Motion by Bjerke, second by Reints to approve the minutes from the regular meeting of June 4, 2020. Voting aye: Knock, Hass, Reints, Bjerke and Sass. Motion carried. Motion by Reints, second by Bjerke to correct minutes of May 19, 2020, change in Resolution 17-20 change date of meeting in paragraph from June 16, 2020 to May 19, 2020. Voting aye: Knock, Hass, Reints, Bjerke and Sass. 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 informed the board the bridge on County road has been completed.

AIRPORT: Motion by Reints, second by Bjerke to enter into executive session at 8:42 a.m. to discuss contractual according to SDCL . Voting aye; Hass, Knock, Reints, Bjerke and Sass. Motion approved. Also present Brooke Edgar and Corey Helms from Helms Engineering and SA Fjelland.

Chairman declared out at 9:10 a.m.

AIRPORT: Motion by Knock, second by Hass to reject all bids for the airport runway project. Voting aye: Hass, Bjerke, Knock, Reints and Sass. Motion carried.

AIRPORT: Motion by Bjerke, second by Reints to rebid the airport runway project. Voting aye: Reints, Knock, Bjerke, Hass and Sass. Motion approved.

**TIF: Toby Morris met with the board to inform them of the timeline for the TIF. Hearing will be held on July 7th, 2020 along with the TIF plan.**

 **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.

HIGHWAY: Karrie Johnson and Michael Gutenkaut from Clark Engineering met with the board to discuss road conditions and flooding around Antelope Lake affecting County Road 46 and County road 7.

RESOLUTION 20-20: Motion by Bjerke, second by Knock to approve Resolution 20-20 which establishes Discretionary formula for Clark County. Voting aye: Hass, Knock, Reints, Bjerke and Sass. Motion approved.

**County Resolution No. 20-20**

**Discretionary Formula SDCL 10-6-35.2**

WHEREAS, the County of Clark County, State of South Dakota has deemed it in the best interest of the County to adopt a Resolution implementing a Discretionary Formula for the reduced taxation of new structures and additions and partially constructed structures pursuant to SDCL 10-6-35.2.

 NOW, THEREFORE, BE IT RESOLVED, that the following properties shall be, and hereby are, specifically classified for the purpose of taxation pursuant to SDCL § 10-6-35.2:

     Any new industrial or commercial structure, or any addition, renovation, or reconstruction to an existing structure, located within a designated urban renewal area as defined in SDCL § [11-8-4](https://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=11-8-4), if the new structure, addition, renovation, or reconstruction has a full and true value of thirty thousand dollars or more (SDCL § 10-6-35.2(1));

 FURTHER RESOLVED, that any structure classified pursuant to this Resolution shall, following construction, initially be valued for taxation purposes in the usual manner, and that value shall be referred to in this Resolution as the “Pre-Adjustment Value”; and be it

 FURTHER RESOLVED, that the assessed value to be used for tax purposes of any structure classified pursuant to this Resolution shall, following construction, be calculated as follows:

1. For the first tax year following construction, 20% of the Pre-Adjustment Value;
2. For the second tax year the following construction, 40% of the Pre-Adjustment Value;
3. For the third tax year following construction, 60% of the Pre-Adjustment Value;
4. For the fourth tax year following construction, 80% of the Pre-Adjustment Value;
5. For the fifth tax year following construction, 100% of the Pre-Adjustment Value;

and be it

 FURTHER RESOLVED, that the Board of County Commissioners may, if requested by the owner of any of the above described property, not apply the above formula, in which case the full assessment shall be made without application of the formula. In waiving this formula for the structure of one owner, the Board of County Commissioners is not prohibited from applying the formula for subsequent new structures by that owner; and be it

 FURTHER RESOLVED, that for purpose of this Resolution, the assessed valuation during any of the five years may not be less than the assessed valuation of the property year preceding the first year of the tax years following construction; and be it

 FURTHER RESOLVED, that any structure that is partially constructed on the assessment date may be valued for tax purposes pursuant to this Resolution and the valuation may not be less than the assessed valuation of the property in the year preceding the beginning of construction; and be it

 FUTHER RESOLVED, that following the five-year period under this section, the property shall be assessed at the same percentage as is all other property for tax purposes.

 Approved this 16th day of June, 2020

 Clark County Commission

 By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Chris Sass, Chairman

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Christine Tarbox

County Auditor

**TAX DEED PROPERTY:** Motion by Reints, second by Bjerke to approve the deed to Clark County for tax deed property\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Voting aye; Hass, Bjerke, Reints, Knock and Sass. Motion carried. Chairman Sass appointed Reints, Knock and Hass to appraise the property. Value set at $115.00. Motion by Reints second by Hass to set value at $115.00 and allow \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

COURTHOUSE: The Courthouse will remain closed due to COVID 19, situation will be evaluated again at the July 7, 2020 meeting.

REQUEST: Motion by Hass, second by Reints to deny request for county resident from DakotAbilities from Sioux Falls. Voting aye; Hass, Knock, Reints, Bjerke and Sass. Motion carried.

AIRPORT: Motion by Hass, second by Knock to approve and allow Chairman to sign the State Fianncial Assistance agreement for Project no 3-46-0009-2020 (Cares Act) for Clark County Airport. This grant is $30,000 to use for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Voting aye: Hass, Bjerke, Knock, Reints and Sass. Motion carried.

POLLING PLACES: Auditor Tarbox discussed the combining Precinct 5 and Precinct 6 in to one precinct, both precincts are located at the Clark County Courthouse

**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.

**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…………………………………………..… 30,331.76

Money Market…..……………………………………...… 4,111,154.93 CD’s…………..…………………………………………… 800,000.00
Checking Account....…….…………………………………. 351,407.09 TOTAL:……………..……………… …..…………………5,292,893.78

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 2125.00, Transfer fees: 2043.00, Births: 10.00, Deaths: 55.00, marriages: 0, Copy money: 67.00, Misc. 421.00. TOTAL: 4721.00.

**Ambulance**: 11,335.16, **Sheriff**: Mileage 160.00, Civil fees $395.00, Pistol permits $59.00.

**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: Chris Tarbox – computer 233.24, AUDITOR: Office Peeps-paper 39.90, PM-0112 – access fees 50.00, TREASURER: American Stamp and Marketing Products-floor signs 142.10, MCLeods- receipt books 431.07, Office Peeps- drum/supplies/paper 233.55, STATES ATTORNEY: Thomson Reuters=West Publishing -online library 879.95, PUBLIC BUILDLINGS: City of Clark -water 74.15, Cook’s Wastepaper -garbage 33.25, Dakota Data Shred-shredder 62.30, JCL Solutions-Janitors Closet supplies 215.32, Northwestern Energy-utilities 796.67, Tony’s Electric- replace ballast/- 378.58, DIRECTOR OF EQUALIZATION: Office Peeps-replace hinge 151.13, REGISTER OF DEEDS: Toshiba Financial Services-copy machine rent 94.24, SHERIFF: Clark Community Oil-fuel 393.76, AIRPORT: Northwestern Energy-utilities 100.81, AMBULANCE: Bound Tree Medical-supplies 980.08, Cardmember Services-supplies 28.06, City of Clark – water 68.95, Clark Comm Oil-fuel – 127.81, Ken’s Fairway-supplies 44.29, Lewis Family Drug LLC-supplies 135.00, Northwestern Energy-utilities 263.68, SDBMOE- annual advance life support license 25.00, SOC SERV FOR AGED: Inter Lakes Comm Action-support comm serv/June 1469.33, EXTENSION: Office Peeps-copier rent 48.18, WEED: C&R Supply-supplies 1089.02, City of Clark -water 94.95, Cook’s Wastepaper-garbage 44.25, Northwestern Energy-utilities 79.84, Nutrien Ag Solutions-platoon 180.80, ROAD & BRIDGE: Ameripride Services-towels 129.28, Asphalt Paving & Material -hot mix 20,462.20, Avera Queen of Peace-drug testing 0.14, Brock White-mastic 29,106.00, Cardmember Service-parts 12.50, City of Clark-water 1010.65, Clark Community Oil- propane 283.36, Clark Community Oil – fuel 3304.06, Cook’s Wastepaper -garbage 44.25, Dakota Fluid Power-parts 256.50, Diesel Machinery-parts 276.98, Foerster Testing Limited, pick up cylinders 3105.00, Lehtola Builders-bridge replacement 64,606.08, Midwest Truck Parts-parts 66.30, Northwestern Energy-utilities 875.53, Office Peeps-supplies 3.62, REGISTER OF DEEDS: Microfilm Imaging Systems-software/scanner rent/ 240.00. TOTAL: 131,943.88.

**PAYROLL**: AUDITOR: 5740.75, TREASURER 4954.18, STATES ATTORNEY: 4,372.15, COURTHOUSE: 2608.45, DIRECTOR OF EQUALIZATION: 4771.19, REGISTER OF DEEDS: 3,271.48, VETERAN SERVICE OFFICE: 363.82, SHERIFF: 8690.39, NURSE: 1985.33, AMBULANCE: 12,162.67, EXTENSION: 1,325.35, WEED: 5164.28, ROAD & BRIDGE: 48,677.34, EMERGENCY & DISASTER: 915.94. TOTAL: 105,003.32.

**ADJOURN**:  Motion by , second by to adjourn at a.m. until next regular meeting Tuesday, July 7, 2020 at 8:00 a.m. All voting aye. Motion carried.

 ATTEST:

(SEAL)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
Christine Tarbox Chris Sass, Chairman

Clark County Auditor Clark County Board of Commissioners

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