CLARK COUNTY COMMISSIONER PROCEEDINGS

April 21, 2015

The Clark County Commissioners met in regular session on April 21, 2015, in the Commissioners’ meeting room of the Clark County Courthouse. Chairman Reints called the meeting to order at 8:00 a.m. with the following Commissioners present: Bjerke, Hass, Wicks and Loomis. Also present Auditor Tarbox. 

**MINUTES**: Motion by Loomis, second by Bjerke to approve the minutes from the regular meeting of April 7, 2015, April 14, 2015 special meeting and April 14, 2015 equalization meeting. All members voting aye. Motion carried.

**HIGHWAY**: HS Eggleston updated the board on road conditions and road work being done. He discussed the Oaktree Road Haul agreement and that we still have not received funds that will be used to repair the roads. Further discussion was held regarding Senate Bill 1 and additional funding that is available.

**HIGHWAY**: Motion by Hass, second by Bjerke accept Resolution 14-15 and implement additional wheel tax levy. All voting aye. Motion carried.

**RESOLUTION TO INCREASE THE WHEEL TAX**

**RESOLUTION 14-15**

WHEREAS, Clark County has passed Ordinance 01-2011 that allowed Clark County to impose and administrate a wheel tax; and

WHEREAS, Clark County, pursuant to the authority granted in SDCL 32-5A-1, has imposed a wheel tax for all motor vehicles defined by SDCL 32-3-1 eligible for license registration or renewal for April 1, 2011 and all subsequent months: and

WHEREAS, Clark County has the ability to raise the wheel tax per Senate Bill 1, 10-12-13 effective July 1, 2015,

THEREFORE, BE IT RESOLVED, by the Clark County Board of Commissioners, that a levy of five dollars ($5.00) per wheel is hereby established, with a limit of sixty dollars ($60.00) per vehicle, and that the revenue generated from the County wheel tax shall be distributed as follows: three percent (3%) to Cities, seven percent (7%) to Townships, and the remaining ninety percent (90%) to be deposited in the Highway and Bridge Fund and used only for highway and bridge maintenance and construction.   
  
Dated this 21st day of April, 2015.

/s/ Richard Reints

Richard Reints, Chairman

Clark County Commissioners

ATTEST:

/s/ Christine Tarbox

Christine Tarbox, Clark County Auditor

**ROAD BORE**: Scott Campbell, Roy Gjerde and Bruce Nelson met with the board to discuss allowing road bores in Clark County. Also present SA Fjelland. The Board discussed the stipulations for the application. SA Fjelland will present the completed application to the board at the May 5, 2015 meeting.

**PIPELINE**: Georgia Parment representing Keystone XL Project met with the board to ask Clark County to supply a letter of support for the project in Western South Dakota. She explained which counties in South Dakota this project will affect and the projected financial impact. She explained that they have to go through the recertification process and a hearing has been scheduled in Pierre starting May 5, 2015. No action taken.

**BOARD OF ADJUSTMENT**: Motion by Bjerke, second by Loomis to enter into Board of Adjustment. All voting aye. Motion carried.

**HEARING**: At 10:00 a.m. the time specified hearing was held for Variance 4-15. No one appeared. Motion by Wicks, second by Bjerke to approve Variance 4-15 which will allow Ferg Nelson to use NW ¼ 19-113-58 to place a shelterbelt closer to the road than Clark County Zoning permits. All voting aye. Motion carried.

**HEARING**: At 10:05 a.m. the time specified hearing was held for Variance 2-15. John Grosz, Sr, John Grosz, Jr, Annette Helkenn, Nick Dalton, Lowell Dalton, Lee Fuller, Darrel Seefeldt, Kenneth Clausen, David Waldner, Joe Waldner, Randy Waldner, Larry McHenry, Randy Grosz, Jeff Nelson, Duwayne Dekker and Bill Fuller appeared. Also present DOE Reidburn. Motion by Loomis, second by Bjerke, to approve Variance 2-15 which will allow Silver Lake Hutterian Brethren to use SE ¼ 7-116-56 to build turkey barns closer than the CAFO right of way. Voting aye – Bjerke, Hass, Wicks, Loomis and Reints. Motion carried.

**HEARING**: At 10:20 a.m. the time specified hearing was held for Conditional Use 5-15. John Grosz, Sr, John Grosz Jr, Annette Helkenn, Nick Dalton, Lowell Dalton, Lee Fuller, Darrel Seefeldt, Kenneth Clausen, David Waldner, Joe Waldner, Randy Waldner, Larry McHenry, Randy Grosz, Jeff Nelson, Duwayne Dekker and Bill Fuller appeared. Also present DOE Reidburn. This Conditional use if approved will allow Silver Lake Hutterian Brethren to use the SE Corner of the SE ¼ 7-116-56 to build three finisher turkey barns and one starter turkey barn and utility building for all four barns. The commissioners heard the concerns of the parties that were in attendance. Motion by Wicks, second by Loomis to delay the issue until May 5, 2015 meeting. All voting aye. Motion carried.

**SET HEARING**: Motion by Loomis, second by Bjerke to set hearing for Ordinance 2-15. The rezoning if approved will amend the classification of approximately two acres in NW ¼ 14-116-57 to Commercial-Industrial from Agricultural. Request is for Marty Beving. Hearing set for 9:10 a.m. on Tuesday, May 5, 2015. All voting aye. Motion carried.

**SET HEARING:** Motion by Bjerke, second by Loomis to set hearing for Variance 5-15. This Variance if approved will allow Martin Beving to use NW ¼ 14-116-57 to place a building closer to the right of way than Clark County Zoning permits. Hearing set for 9:00 a.m., May 5, 2015. All voting aye. Motion carried.

**SET HEARING**: Motion by Loomis, second by Bjerke to set hearing for Ordinance 2-15, Rezoning. The rezoning if approved will amend the classification of approximately two acres in NW ¼ 14-116-57 to Commercial-Industrial from Agricultural. Request is for Marty Beving. Hearing set for 9:10 a.m. on Tuesday, May 5, 2015. All voting aye. Motion carried.

**SET HEARING**: Motion by Loomis, second by Hass to set hearing for Conditional Use 2-15. This Conditional use if approved will allow Martin Beving to use NW ¼ 14-116-57 to operate and maintain a bait shop. Hearing set for May 19, 2015 at 9:05 a.m. All voting aye. Motion carried.

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

**AIRPORT**: Airport manager Hansen met with the board to update them on the dedication he is planning for the airport later this year. He also informed the board that there are other potential hangars to be built in the future.

**AIRPORT**: Motion by Hass, second by Loomis to allow Airport Manager to purchase a Bush Hog zero turn mower and County to provide no more than $3200.00 towards purchase price. He will use fuel tax credit funds and donations for the cost difference. This lawn mower will be for airport use only and will be housed in the SRE building at the airport. All voting aye. Motion carried.

**WELFARE**: WD Tarbox presented notifications of hospitalization. Discussion was held regarding a outstanding poor relief claim.

**EMERGENCY MANAGEMENT**: Motion by Wicks, second by Loomis to approve second quarter activity report and allow Chairman to sign. All voting aye. Motion carried.

**AMBULANCE**: Motion by Wicks, second by Bjerke to allow ambulance seven (7) accounts totaling 6947.14 to be referred to the collection agency and also allow two (2) accounts totaling 1305.05 to be written off from accounts receivable. All voting aye. Motion carried.

**TAX DEED PROPERTY**: Treasurer Mahlen met with the board to present properties up for tax deed sale as listed below. Motion by Wicks, second by Loomis to approve Resolution 15-15 to declare the following properties as surplus and appoint appraisers. All voting aye. Motion carried.

RESOLUTION DETERMING PROPERTY TO BE SURPLUS

PROPERTY AND APPOINTING APPRAISERS  
Resolution 15-15

WHEREAS, the County of Clark in the State of South Dakota is the owner of certain real property described below, and:

WHEREAS, the Board of Commissioners in and for said County has determined that the real property described is not necessary, useful or suitable for public purposes.

NOW, THEREFORE, IT IS HERBY RESOLVED by the Board of Commissioners of Clark County, South Dakota, in regular session this 21st day of April, 2015 at the Courthouse in the City of Clark, County of Clark, State of South Dakota, that the following described real property, to-wit:

Lot Seventeen (17) and Lot Eighteen (18) in Block Two (2), of the Original Plat of the Town of Bradley, Clark County, South Dakota.

Lot One (1) and Two (2) Block One (1) George W Nafus Addition to the Town of Vienna, Clark County, South Dakota

Lots Three (3), Block One (1) George W Nafus Addition to the Town of Vienna, Clark County, South Dakota.

Lots Eight (8) Block One (1) Hove’s Second Addition to the Town of Vienna, Clark County, South Dakota

Lots Ten (10) and West Forty-One (41’) feet of Lot Eleven (11), Block Two (2), Less East Eleven Inches (11”), Hove’s Second Addition to the Town of Vienna, Clark County, South Dakota.

East Nine Feet (9’) of Lot Eleven (11) & All of Lot Twelve (12) Block Two (2) Hove’s Second Addition to the Town of Vienna, Clark County, South Dakota.

Abandoned RR Right of Way in SW ¼ 24-119-58.

50’ (Feet) by 150’ (Feet) in NW ¼ 28-117-59, Clark County, South Dakota.

Be, and hereby is declared surplus property, pursuant to SDCL 6-13-1.

IT IS FURTHER RESOLVED that, pursuant to SDCL 6-13-2, the following named individuals, being three real property owners of Clark County, South Dakota to wit: Violet Wicks, Robert Bjerke, and Francis Hass be appointed and directed to appraise the value of the described real property and file a report of their appraisal with the Clark County Auditor.

Dated this 21st day of April, 2015.

/s/ Christine Tarbox

County Auditor

Clark County, South Dakota

**DIRECTOR OF EQUALIZATION**: DOE Reidburn met with the board requesting stipend for personal cell phone use. Commissioners recommended that he take the cell phone from the Courthouse when he needs to be out of the office during business hours.

**CLAIMS**: Motion by Loomis, second by Wicks to approve the following claims and allow auditor to issue payments for same. Motion carried. All voting aye. COMMISSIONERS: SDPAA-coverage 4423.24, Elections – SDPAA-coverage 153.00 AUDITOR: Office peeps-ink cartridges 62.72, SDPAA-coverage 1688.76, TREASURER: A&B Business –supplies 66.80, SDPAA- -coverage 1692.76, STATES ATTORNEY: Prairie Lakes Healthcare-blood draw 85.00, SDPAA-coverage 911.18, West Payment Center-online library-710.19, COURT: Bratland Law-court appointed 549.00, PUBLIC BUILDINGS: Atco International –supplies 140.00, City of Clark-water/sewer 57.00, Northwestern Energy-utilities 973.32, SDPAA-coverage 5308.27, DIRECTOR OF EQUALIZATION: SDPAA-coverage 1212.58, REGISTER OF DEEDS: Andrea Helkenn-office supplies 24.70, Office Peeps-self inking stamp-15.40, SDPAA-coverage 1401.37, SHERIFF: McLeods-traffic tickets 40.95, SDPAA-coverage 4772.36, Wex Bank-march fuel 106.59, AIRPORT: Northwestern Energy-utilities 51.33, Potomac Aviation Technology-monitoring fees 250.00, SDPAA-coverage 625.00, NURSE: SD Dept of Rev-2nd qrt nurse 1287.50, SDPAA-coverage 612.00, AMBULANCE: Brian’s Glass & Door- amb windshield replaced 240.00 Cardmember Service-registration/ trauma symposium 60.00, City of Clark –water/sewer 52.50, GBS-ins claim forms-51.70, Northwestern Energy-utilities 334.52, SDPAA-coverage 8167.72, Unemployment Ins- 369.94, MENTAL HEALTH CENTER: Human Service Agency-agency/serenity hills 3114.26, MENTAL ILLNESS BOARD: Dean Schaefer Court reporting-court reporting service 12.00, Gary Mikelson-crt apt /mental illness, 214.96 Yankton Co Sheriff’s office-sheriffs fees/serve papers 25.00, EXTENSION: Kimberly McGraw-travel/meals 110.36, SDPAA-coverage 484.06, Toshiba Financial Services-copy machine rent-360.89, WEED: City of Clark-water/sewer 39.00, Division of Agricultural-registration fee 50.00, Heather’s Bistro –weed supper/meeting 125.94, Northwestern Energy-utilities 393.08, SDPAA-coverage 4221.36, Unemployment-unemployment ins 554.92, ROAD & BRIDGE: Brian’s Glass & Door-windshields 4630.00, City of Clark-water/sewer 61.50, Clark Engineering-consultant work 2446.96, GCR Tire Centers-tires 2122.40, I State Truck Center-parts/freight 67.34, Matt Kadinger mileage 16.28, Light & Siren-lights/parts 1205.58, Northwestern Energy-utilities 777.29, SDPAA –coverage 29066.00, Unemployment Ins Div-unemployment ins 924.87, 911 SERVICE FUND: Centurylink-march fees 195.49, CIVIL DEFENSE: Danko Emergency Equipment-thermal camera 9350.00, Michael Gravning-storm spotter – 27.11, SDPAA-coverage 336.00, DOMESTIC ABUSE FUND: Women’s Resource Center-appropriation fees 297.00. TOTAL: 97727.05.

**PAYROLL**: AUDITOR: 4588.35, TREASURER: 4165.43, STATES ATTORNEY:  
3542.65, COURTHOUSE: 2484.09, DIRECTOR OF EQUALIZATION: 3415.53, REGISTER OF DEEDS: 2428.18, VETERAN SERVICE OFFICE:  336.40, SHERIFF: 6136.78, NURSE: 1705.15, AMBULANCE: 5161.42, EXTENSION: 957.69, WEED: 3914.68 ROAD & BRIDGE: 35181.96, EMERGENCY MANAGEMENT: 1144.93. TOTAL: 75,163.24.

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

AUDITOR’S MONTHLY SETTLEMENT WITH THE TREASURE  
Cash on hand…………………………………………..…  72,828.12   
Money Market…..…………………………………… .… 1,718,334.73  
CD’s…………..…………………………………………… 800,000.00  
Checking Account....…….………………………………….. 454,307.96   
   TOTAL:………………………………………………… 3,045,470.81  
   
These funds include all funds administered by the county including: General Fund 2,102,401.79, Road & Bridge: 224,853.65, 911 Service Fund: 112,254.90 E/D: 508.86, Domestic Abuse: 330.00, 24/7: 10,630.16, ROD Mod/Pres: 15,864.58, Clark County TIF 3029.24, **Trust & Agency Funds 575,597.63, which are funds returned to schools, towns, townships and special districts.** TOTAL: 3,045,470.81.

ROD Fees: Recording fees: 2050.00, Transfer fees: 544.50, Births: 30.00, Deaths: 60.00, Marriages: 30.00, Copy money: 87.15, Misc 68.00. TOTAL: 2869.65.

Ambulance: $18,902.30, Sheriff: Mileage 168.13, Civil fees $465.00, Pistol permits $51.00.

**DOE**: DOE Reidburn met with the board requesting a stipend for personal cell phone use. No action taken.

**EXECUTIVE SESSION:** Motion by Bjerke, second by Hass to enter into executive session at 1:00 p.m. for personnel issues. All ayes. Motion carried. Chairman declared out at 2:30 p.m.

**ADJOURN**:  Motion by Hass, second by Wicks to adjourn at 2:40 p.m. until next regular meeting Tuesday, May 5, 2015 at 8:00 a.m. All voting aye. Motion carried.   
   
ATTEST:       
(SEAL)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_                              
Christine Tarbox  Richard Reints, Chairman

Clark County Auditor Clark County Board of Commissioners