CLARK COUNTY COMMISSIONERS PROCEEDINGS

March 27, 2017

The Clark County Commissioners met in regular session on Monday, March 27, 2017 in the Commissioners’ meeting room of the Clark County Courthouse. Chairperson Wicks called the meeting to order at 8:00 a.m. with the following Commissioners present: Bjerke, Hass, Reints, Sass and Wicks. Also present Auditor Tarbox.

**MINUTES**: Motion by Sass, second by Bjerke to approve the minutes from the regular meeting of March 7, 2017. All voting aye. Motion carried.

**HIGHWAY:** HS Eggleston met with the board to discuss road conditions and road work being done. He also informed the board that Schuneman Equipment will be delivering three rental tractors for the County.

**NEW HIRE**: Motion by Hass, second by Reints to accept recommendation of HS Eggleston to hire Eric Brush. He will be paid $16.00 per hour during the six month probation period after that will go to current wage. All voting aye. Motion carried.

**TRANSPORT FUEL QUOTE**: The following fuel quotes were presented to the board for transport fuel quote to the Clark Shop. Diesel #2: Clark County Farmers Elevator, 1.66.2 Clark Community Oil – 1.68.7, GAS E-10: Clark County Farmers Elevator: no bid. Clark Community Oil-1.89.2. All bids are noted and on file in the Auditor's office.

**CONTRACTED TRANSPORT FUEL QUOTES**: The following fuel quotes were presented to the board for contracted transport fuel bids: Diesel #2: Clark Community Oil: August 1.80.7, October 1.83, and November 1.81. Clark County Farmers Elevator: August: 1.77.9, October 1.81.8, November 1.79.9. All bids are noted on file in the Auditor’s office.

**HIGHWAY**: Motion by Hass, second by Bjerke to allow HS Eggleston to order a rock grizzly from Oscar’s Machine shop. All voting aye. Motion carried.

**WEDDING RECEPTION**: Travis Hoogheem unable to attend.

**COURTHOUSE/ELEVATOR:** Custodian Elsen met with the board to discuss quotes that he has received for repairs to the front sidewalk and other cosmetic repairs that need to be done on third floor. He also updated the commissioners on the status of the elevator. No action taken.

**AMBULANCE**: AA Administrator updated the board on ambulance status the number of runs and that he is working with representatives for better pricing for ambulance supplies.

**WELFARE**: WD Tarbox presented notifications of hospitalization.

**AMBULANCE**: Motion by Sass, second by Reints to allow three ambulance accounts totaling $2838.90 to be referred to collections and 1 account in the amount of $1099.59 to be written off. All voting aye. Motion carried.

**OPERATING TRANSFER**: Motion by Bjerke, second by Sass to do an operating transfer from County General to Emergency Management in the amount of $15,000. All voting aye. Motion carried.

**MEETING DATE CHANGES**: Motion by Hass, second by Sass to change meeting dates of July 4, 2017 to July 11, 2017, this change being made to accommodate the 4th of July holiday and September 18, 2017 move to September 25, 2017, this change to accommodate fall convention for officials. All voting aye. Motion carried.

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

**PLAT**: Motion by Bjerke, second by Sass to approve Resolution 9-17, plat of Gruenwald First Addition. All voting aye. Motion carried.

**RESOLUTION 9-17**

BE IT RESOLVED by the Board of County Commissioners of Clark County, South Dakota, that the plat entitled: “**Gruenwald First Addition located in the Northwest Quarter of Section 10, Township 116 North, Range 56 West of the 5th P.M. in the County of Clark, South Dakota,”** which has been submitted for examination pursuant to law, and it appearing that all taxes and special assessments have been paid and that such plat and the survey thereof have been made and executed according to law, the plat is hereby approved, and the County Auditor is hereby authorized and directed to endorse on such plat a copy of this Resolution and certify the same.

Dated this 27th day of March, 2017.

/s/ Violet Wicks\_\_\_\_\_\_\_

Chairperson, Board of County Commissioners

Clark County, South Dakota

ATTEST:

/s/ Christine Tarbox \_\_\_\_  
County Auditor

Clark County, South Dakota

**HEARING**: At 9:00 a.m. time specified hearing was held for Variance 1-17 for Travis Peterson. Travis Peterson appeared. Motion by Bjerke, second by Sass to approve Variance 1-17 which will allow applicant to use E ½ 15-119-58 to plant trees closer than setback. All voting aye. Motion carried.

**SET HEARING**: Motion by Reints, second by Hass for Variance 2-17. This Variance if approved will allow applicants Dave and Dawn Spieker to use NE ¼ 23-113-58 to build an addition to the house closer than setback. Hearing set for April 18, 2017 at 9:00 a.m. All voting aye. Motion carried.

**SET HEARING**: Motion by Hass, second by Wicks for Variance 3-17. This Variance if approved will allow applicant SD Wheat Growers to use SE ¼ 33-114-59 and NE Corner of Village of Carpenter to replace an old building with a new one. Hearing set for 9:10 a.m. April 18, 2017. All voting aye. Motion carried.

**CU 1:** Motion to approve Conditional Use Permit CU1-17 was postponed from March 7 meeting of the Board of Adjustment to March 27, at 9:15 a.m.

Discussion and debate on the motion was held.

Motion by Hass, second by Sass, to amend the motion by increasing the setback distance from existing off-site, non-participating residences to one mile, measured from the wall line of the neighboring principal building to base of the WES tower, unless otherwise negotiated pursuant to the zoning ordinance.

Motion by Reints to amend the motion to amend by increasing the setback distance from existing off-site, non-participating residences to 2/3 mile, measured from the wall line of the neighboring principal building to base of the WES tower, unless otherwise negotiated pursuant to the zoning ordinance. Motion failed for lack of a second.

Motion by Bjerke, second by Reints, to amend the motion to amend by increasing the setback distance from existing off-site, non-participating residences to 3/4 mile, measured from the wall line of the neighboring principal building to base of the WES tower, unless otherwise negotiated pursuant to the zoning ordinance. Voting aye: Reints, Hass, Bjerke and Wicks. Voting nay: Sass.

After approval of the motion to amend, the following motion was on the table: Motion to Approve Conditional Use Permit #CU1-17 by Crocker Wind Farm, LLC, for the construction of a Wind Energy System, subject to the following condition: the setback distance from existing off-site, non-participating residences shall be 3/4 mile measured from the wall line of the neighboring principal building to base of the WES tower, unless otherwise negotiated pursuant to the zoning ordinance.

Motion by Bjerke, second by Reints to further amend the motion by addition of the following additional conditions upon CU1-17:

The construction and operation of the WES shall be done in a manner so as to not interfere with the maintenance and operation of other utility and telecommunication lines, specifically incorporating the terms and conditions contained in a Resolution proposed by Interstate Telecommunications Cooperative which resolution is a part of the file in this matter.

The applicant shall make a good faith effort to employ an Aircraft Detection Lighting System designed to turn blinking lights atop wind turbines on or off, based on the presence or absence of aircraft in the vicinity of the WES and shall, as soon as practicable, commission a study to determine the feasibility of such a system, including pros, cons, and estimated costs, with the study being presented to the Board of Adjustment.

The applicant is required to meet or exceed all standards and regulations of the Federal Aviation Administration, the State of South Dakota, and any other agency of the federal or state government with the authority to regulate Wind Energy Systems.

The applicant shall make all reasonable efforts to protect county and township roads and shall enter into road haul agreements with Clark County and all affected townships. The applicant shall employ an on-site contact to deal with any county or township road issues or complaints during construction of the WES.

The applicant shall, at a minimum, meet all standards dictated in the zoning ordinance or proposed in its application if more stringent than the zoning ordinance, including but not limited to the following categories: Mitigation Measures; Roads, Setbacks, Electromagnetic Interference; Lighting; Turbine Spacing; Footprint Minimization; Collector Lines; Feeder Lines; Decommissioning; Abandoned Turbines; Height from Ground Surface; Tower Design; Noise; Permit Expiration Limitation of three years; and any other conditions the Board of Adjustment deems necessary.

The applicant shall provide an updated project map showing accurate project area boundaries, the movement of towers 56 and 58, and ¾ mile setback from non-participating residences.

The setback shall be at least one mile from cemeteries.

The approval of this conditional use permit is subject to and shall become final only upon the Board of Adjustment’s approval of written findings mandated by the zoning ordinance which findings will be presented for approval at the next scheduled meeting of the Board of Adjustment.

Voting aye: Reints, Sass, Hass, Bjerke, Wicks. Motion carried.

After approval of the motion to amend, the following motion was on the table: Motion to Approve Conditional Use Permit #CU1-17 by Crocker Wind Farm, LLC, for the construction of a Wind Energy System, subject to the following conditions:

The setback distance from existing off-site, non-participating residences shall be 3/4 mile measured from the wall line of the neighboring principal building to base of the WES tower, unless otherwise negotiated pursuant to the zoning ordinance.

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The applicant shall provide an updated project map showing accurate project area boundaries, the movement of towers 56 and 58, and ¾ mile setback from non-participating residences.

The setback shall be at least one mile from cemeteries.

The approval of this conditional use permit is subject to and shall become final only upon the Board of Adjustment’s approval of written findings mandated by the zoning ordinance which findings will be presented for approval at the next scheduled meeting of the Board of Adjustment. Voting aye: Reints, Hass, Bjerke, Wicks. Voting nay: Sass. Motion carried.

Motion by Bjerke, second by Reints to approve CU2-17 which will allow the applicant Crocker Wind Farm LLC to use sections 3, 10,15,16,19 22, and 30 in 119-58 to construct a transmission line. Voting aye: Reints, Hass, Bjerke and Wicks. Voting nay: Sass. Motion carried.

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

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

AUDITOR’S MONTHLY SETTLEMENT WITH THE TREASURER  
Cash on hand…………………………………………..…  15,068.41

Money Market…..…………………………………… .… 2,570,905.18

CD’s…………..…………………………………………… 800,000.00  
Checking Account....…….…………………………………. 362,824.89  
   TOTAL:………………………………………………… 3,748,798.48

These funds include all funds administered by the county including: General Fund $2,924,998.91 Road & Bridge: $386,983.01, 911 Service Fund: $101,829.51, E/D: $214.46, Domestic Abuse: 55.00, 24/7- $8242.46, ROD Mod/Pres: $7,214.90, **Trust & Agency Funds $319,260.23, which are funds returned to schools, towns, townships and special districts.** TOTAL: $3,748,798.48.

ROD Fees: January recording fees: 2131.00, Transfer fees: 3166.50, Births: 65.00, Deaths: 180.00, Marriages: 45.00, Copy money: 138.25, Misc 89.00. TOTAL: 5814.75.

Ambulance: 12,601.12, Sheriff: Mileage 150.50, Civil fees $510.00, Pistol permits $83.00.

**CLAIMS**: Motion by Sass, second by Hass, to approve the following claims and allow the auditor to issue payments for same. All voting aye. Motion carried. GENERAL FUND: Advanced Asset Alliance –collection fees 17.65, Watertown Fire Dept 60% of run 488.83, COMMISSIONERS: Hamlin Co Auditor-registration fees 44.00, AUDITOR: AT&T Mobility-service 90.65, Office Peeps- supplies – 303.20, PMB 0112 –email fee 37.00, TREASURER: Creative Printing-fold tax forms/ 43.96, Hamlin Co Auditor-registration fees 11.00, STATES ATTORNEY: Thomson Reuters-West Publishing –online library 781.73, COURT SYSTEM: Bratland Law-Court app atty 10,210.35, PUBLIC BULDINGS: Cole Paper-supplies 197.30, D’s Bobcat Service-snow removal 150.00, JCL Solutions-supplies 83.30, REGISTER OF DEEDS: Creative Printing-blank sheets 172.10, Hamlin Co Auditor – registration fees 11.00, Quill Corporation-toner for printer 148.99, SHERIFF OFFICE: Avera-Desmet Memorial Hospital –lab fees 201.28, Office Peeps-envelopes/ink cartridges 63.38, PRISONER CARE: Codington Co Auditor-prisoner care 2250.00, Coteau Des Prairies Clinic-pt fees 118.00, AIRPORT: Efraimson Electric-replace lights/rewire/supplies 3742.56, Potomac Aviation Technology-monitoring fees 250.00, NURSE: Office Peeps-supplies 182.90, AMBULANCE: Advanced Asset Alliance-collection fees 233.50, AT&T Mobility-service 151.20, Bound Tree-supplies 151.76, Cardmember Service-washer/dryer 673.05, Clark Community Pharmacy-supplies 145.00, Gruenwald Electric-install circuit for dryer 296.80, Woodring Plumbing-supplies 221.43, MENTAL ILLNESS BOARD: Compass Counseling –psychosexual assessment 1800.00, EXTENSION: Cardmember Service—supplies 199.47, Office Peeps-paper 50.73, WEED: Assn of SD County Weed and Pest/dues 150.00, Assn of SD County Weed and Pest-supplies 304.00, ROAD & BRIDGE: 212 Truck & Trailer-parts 8258.02, Ameripride Services-towels 114.44, Avera Queen of Peace-drug testing 76.08, Brian’s Glass & Door-parts 542.00, Butler Machinery-parts -92.43, Cardmember Service-IPAD Supplies 17.98, Creative Printing-time cards 211.93, Equipment Blades-parts 1604.64, Fast Measure- KTP Enterprises-batteries 56.50, Hamlin Co Auditor-registration fee 11.00, Loretta Larson Revocable Trust-pit run 1729.14, James Lewandowski-mileage 20.16, Northwestern Energy- utilities 1860.59, Office Peeps-supplies 29.82, Pheasantland Industries-clothing 90.69, Sanford Health Network-new hire exam-35.00, Jay Waldow-insurance deductible-3000.00, Ted Warkenthien-pit run 8816.43, 911 SERVICE FUND: Centurylink-fees 273.67, City of Watertown-911 Emergency surcharge -3406.82, CIVIL DEFENSE: AT&T Mobility service 107.17, Brite – 2 MDT’s 9440.00. TOTAL: 63,770.63.

**PAYROLL**: AUDITOR: 4610.27, TREASURER: 4331.81, STATES ATTORNEY: 3843.70, COURTHOUSE: 2276.03, DIRECTOR OF EQUALIZATION: 4207.22, REGISTER OF DEEDS: 3068.71, VETERAN SERVICE OFFICE:  336.40, SHERIFF: 7573.20, NURSE: 1694.62, AMBULANCE: 9975.87, EXTENSION: 1139.37, WEED: 406.12, ROAD & BRIDGE: 35,016.30, TOTAL: 78,479.62.

**ADJOURN**:  Motion by Sass, second by Hass to adjourn at 12:20 p.m. until next regular meeting Tuesday, April 4, 2017 at 8:00 a.m. All voting aye. Motion carried.

 ATTEST:       
(SEAL)

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Christine Tarbox  Violet Wicks, Chairperson

Clark County Auditor Clark County Board of Commissioners