CLARK COUNTY COMMISSIONERS PROCEEDINGS

September 24, 2019

The Clark County Commissioners met in regular session on Tuesday, September 24, 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 Hass to approve the September 24, 2019 agenda as presented. All voting aye. Motion carried.

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

**CORRECTION TO MINUTES**: Motion by Reints, second by Knock to make correction to August 20, 2019 minutes which listed wage for Roger Collins at $15.35, correct amount is $15.05. All voting aye. Motion carried.

**COMMUNITY COMMENTS**: No one appeared.

**RESOLUTION 19-19**: Motion by Sass, second by Hass to approve the Clark County Road and Bridge Five year Improvement Plan. There were no changes made to the plan and plan was approved as presented. All members voting aye. Motion carried.

RESOLUTION 19-19

A RESOLUTION ADOPTING THE CLARK COUNTY FIVE-YEAR HIGHWAY AND

BRIDGE IMPROVEMENT PLAN

WHEREAS, the South Dakota Department of Transportation Local Bridge and Improvement Grant Fund requires that in order to be eligible to apply for Bridge Improvement Grant funds, Counties are required to develop a five-year Highway and Bridge Improvement Plan, hereinafter referred to as Plan; and

WHEREAS, Clark County has utilized the South Dakota Department of Transportation, County Staff, the First District Association of  Local Governments, Townships,  and the general public in developing the various components of the Plan; and

WHEREAS, the Plan includes maps and lists identifying an inventory of highways and bridges, project needs, and revenue sources; and

WHEREAS, Clark County held a public meeting on September 3, 2019 to solicit input into the Plan, and the citizens who attended expressed an interest in the Plan; and

WHEREAS, the County will be able to use the Plan as a tool to budget for transportation enhancements and better coordinate transportation issues with other entities;

NOW, THEREFORE, BE IT RESOLVED BY THE CLARK COUNTY BOARD OF COUNTY COMMISSIONERS THAT THE CLARK COUNTY FIVE-YEAR HIGHWAY AND BRIDGE IMPROVEMENT PLAN IS HEREBY ADOPTED AND IS RECOGNIZED AS THE HIGHWAY AND BRIDGE IMPROVEMENT PLAN FOR CLARK COUNTY.

Dated at Clark, South Dakota this 24th, day of September, 2019.

ATTEST:

/s/ Christine Tarbox /s/ Robert Bjerke

County Auditor County Commissioner Chairperson

Clark County Clark County

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

**LONGEVIETY PAY**: Motion by Hass, second by Reints to increase longevity pay from $15 per month to $20.00 per month for first five continuous years of service and $20.00 per month for each 5 continuous years of service thereafter. All voting aye. Motion carried. Motion by Sass, second by Knock to amend motion to increase longevity pay from $20.00 per month to $25.00 per month for first five continuous years of service and $25.00 for each 5 continuous years of service thereafter. Voting aye: Knock, Hass, Sass Bjerke, Voting nay: Reints. Motion carried.

**CROCKER WIND FARM**: Ricky Parker, Chris Thomas, Mike Binder, James Simmons, Steve VanderBeek representing the Crocker Wind Farm met with the board to update on the progress of the Crocker Wind Farm. He presented information of number of towers that are complete and time frame to have the project complete and functional.

**Clark County Planning Commission/Board of Adjustment**

**September 24, 2019**

**Board of Adjustment Minutes**

Motion by Hass, second by Knock to recess as the County Commission and Convene as the Board of Adjustment. All voting aye. Motion carried.

Items to be added to the agenda by the Board members or staff: None.

Invitation for citizens to schedule time on the Board of Adjustment agenda for an item during the open. 5- minute maximum time allotted. None.

Disclosure of Conflicts/Ex Parte Communication: Commissioner Knock explained that applicant is his nephew but he has no financial interest or gain from this conditional use.

Approval of Board of Adjustment Agenda

Motion by Sass, second by Reints to approve the Board of Adjustment Agenda. All in favor. Voting nay: none. Motion carried. Agenda approved.

**Adoption of By-Laws** The Board has Contracted First District Association of Local Governments to assist in reviewing requests for Conditional Use Permits and Variances, and to assist in running the meetings, including to serve as parliamentarian when present. The first recommendation was to adopt by-laws. Motion by Knock, second by Sass to approve the by-laws. All voting aye. Motion carried.

**Lamont Finisher Barn**

HEARING: At 9:30 a.m. the time specified hearing was held for request of conditional use permit by Taylon LaMont on land owned by Douglas LaMont Living Trust to operate a Class C Concentrated Animal Feeding Operation on 31-114-58. Motion by Sass, second by Reints to approve Conditional Use 8-19.

Luke Muller, Staff, presented the staff report. Muller presented the expectations of the conditional use and stated that the CUP has met all requirements. Bjerke opened the public hearing to proponent testimony by stating 3 minutes would be given to anyone who had signed up on the list to address the board. Muller called the names of individuals identifying themselves as project proponent: Roger Scheibe from Minnehaha County stated his interest is because of rural revitalization and creating livelihood for the next generation. Jack Schmidt, Marshall Edleman and Drew Edleman also provided support for the Lamont family and the proposed project. No opponent listed. No additional comments from the applicant. No questions from the board or public. Muller read the finding of facts and conditions. Voting aye: Knock, Hass, Reints, Sass and Bjerke. Motion carried.

Open: None.

**Matters for Board Discussion/Staff Report: None.**

There were no additional matters for Board discussion. Motion by Reints, second by Knock to adjourn from Board of Adjustment and convene as County Commission and Planning Commission. All voting aye. Motion carried.

The Joint Meeting of the Clark County Planning Commission and County Commission is called to order.

**Public Hearing Ordinance 01-19**

The next item is public hearing on proposed ordinance 01-19. This is an amendment to the County’s Zoning Ordinance relating to Concentrated Animal Feeding Operations. Motion by Knock second by Sass acting as the Planning Commission recommend approval of Ordinance 01-19 to the Clark County Board of County Commissioners. Muller summarized the proposed changes. Public hearing was opened. Proponent testimony. Roger Scheibe supports the changes as it will help produce more jobs in Clark County. Jack Schmidt, Marshall Edleman. Drew Edleman, Jarod Knock and Blair Arne all spoke in favor of the ordinance proposed changes. No opponents. Chairman called for any additional speakers. There were none and public hearing was closed. Board discussion was held and board questions were answered. The motion is to recommend approval without amendments of Ordinance 01-19 to the Clark County Board of County Commissioners. No further discussion. Voting aye: Knock, Hass, Reints, Sass and Bjerke. Motion carried.

Following recommendation from the planning commission Muller performed the First Reading of Ordinance 01-19. This is the First Reading ofORDINANCE 01-19 AN ORDINANCE AMENDING ORDINANCE 01-14, AN ORDINANCE AMENDING ORDINANCE 03-03, ESTABLISHING ZONING REGULATIONS FOR CLARK COUNTY SOUTH DAKOTA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 11-2 1967 SDCL, AND AMENDMENTS THEREOF, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH.

**Public Hearing Ordinance 02-19**

HEARING: Ordinance 02-19: Public hearing on proposed ordinance 02-19. This is an amendment to the County’s Zoning Ordinance relating to Wind Energy Systems. Motion by Sass, second by Hass acting as the Planning Commission recommend approval of Ordinance 02-19 to the Clark County Board of County Commissioners. Muller read and summarized the proposed changes and opened the public hearing. Testimony was heard. Shad Stevens discussed the lighting and changes he would like to see. Jean Stevens addressed the DBA ratings. Dave Adam discussed decommission of the wind farm. Opponents: Jody Obermeier felt the ¾ mile setback was too far and that a better compromise was needed. Ted Obermeier expressed concerns about individuals that were not able to obtain a wind tower because of the increased set back. Jay Hesse representative from Geronimo also expressed concerns about the ¾ mile setback and concerns that it may preclude any future wind farms in Clark County. Doug Paulson and Joe Janssen also expressed concerns. Mike Binder from Geronimo also discussed setbacks. No additional comments. The public hearing was closed and the matter was brought before the Commission for discussion. Board members acting as planning commissioner comments were made and questions were answered. Motion to amend the original motion by Reints, second by Knock to decrease setback to 2000’ and maintain a 45 decibel for non-participating dwellings. Discussion was held. Voting aye: Reints, Knock. Voting nay: Hass, Sass and Bjerke. Motion failed. Motion is to recommend approval without amendments of Ordinance 2-10 to the Clark County Board of County Commissioners. Voting aye: Sass, Hass, Bjerke. Voting nay: Reints and Knock. Motion carried.

Upon recommendation from the planning commission Muller performed the First Reading of Ordinance 2-19. This is the First Reading ofORDINANCE 02-19 AN ORDINANCE AMENDING ORDINANCE 01-14, AN ORDINANCE AMENDING ORDINANCE 03-03, ESTABLISHING ZONING REGULATIONS FOR CLARK COUNTY SOUTH DAKOTA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 11-2 1967 SDCL, AND AMENDMENTS THEREOF, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH.

**ADJOURN**: Motion by Hass second by Knock to adjourn as Planning Commission and return to County Commission. All voting aye. Motion carried.

**CORONER**: Louann Streff, Coroner met with the board to request an increase in salary for coroner calls and blood draws. Motion by Hass, second by Reints to increase salary for blood draws to $100.00 per draw. All voting aye. Motion carried. No action taken on coroner increase at this time.

**RESOLUTION 20-19: FINAL BUDGET**: Motion by Knock, second by Reints to approve 2020 final budget for Clark County with the following changes: Auditor: 101-141-411.10 $2550.00, Treasurer: 101-142-411.10 $2400.00, States Attorney: 101-151-411.10 $375.00, Courthouse: 101-161-411.10, $900.00, DOE: 101-162-411.10 – 600.00, ROD: 101-163-411.10 $475.00, Sheriff – 101-211-411.10 $2400.00, Nurse – 101-421-411.10 – 300.00, Ambulance- 101-424-411.10 $325.00, EXTENSION: 101-611-411.10 $100.00, Highway- 201-311-411.10 $6775.00, Cash Applied General fund 101-0-276.01 $1,395,714, Current Taxes: $2,926,655.00, R&B Fund cash applied 201-0-276.01 – $215,752, Road and Bridge current taxes- 201-0-311 $934,876.00, 5% R&B $224,196.00 and 5% General Fund $259,512.00. All voting aye. Motion carried.

RESOLUTION 20-19

ADOPTION OF ANNUAL BUDGET FOR 2020

Clark County, South Dakota

Whereas, (7-21-5- thru 13,) SDCL provides that the Board of County Commissioners shall each year prepare a Final Budget of all contemplated expenditures and revenues of the County and all its institutions and agencies for such fiscal year and,

Whereas the Board of County Commissioners did prepare a Provisional Budget and cause same to be published by law, and

Whereas, due and legal notice has been given to the meeting of the Board of County Commissioners for the consideration of such Provisional Budget and all changes, elimination’s and additions have been made thereto.

NOW THEREFORE BE IT RESOLVED: That such provisional budget as amended and all its purposes, schedules, appropriations, amounts, estimates and all matters therein set forth, SHALL BE APPROVED AND ADOPTED AS THE ANNUAL BUDGET OF THE APPROPRIATION AND EXPENDITURES FOR 2020 Clark County, South Dakota and all its institutions and agencies for calendar year beginning January 1, 2020 and ending December 31, 2020 and the same is hereby approved and adopted by the Board of County Commissioners of Clark County, South Dakota, this 24th day of September, 2019.

The Annual Budget so adopted is available for public inspection during normal business hours at the office of the County Auditor, Clark County, South Dakota. The accompanying taxes are levied by Clark County for the year January 1, 2020 through December 31, 2020.

County Levy General Fund 2.352, County levy for Road and Bridge fund .751 for a total levy for 2020: 3.103.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Date: September 24, 2019 |  |  |  |  |
|  |  |  |  |  |
| BOARD OF COUNTY COMMISSIONERS OF  |  |  |
|  | Clark County, South Dakota |
|  |  |  |  |  |
| /s/ Robert Bjerke\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Chairman |  |  |
| /s/Wallace Knock\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |  |  |  |
| Commissioner |  |  |
|  |  |  |  |  |
| /s/ Francis Hass\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Commissioner |  |  |
|  |  |  |  |  |
| /s/ Richard Reints\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Commissioner |  |  |
|  |  |  |  |  |
| /s/ Chris Sass\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Commissioner |  |  |
|  |  |  |  |  |
| ATTEST/s/ Christine Tarbox\_\_\_\_\_\_\_\_\_\_\_\_ County Auditor |  |  |

**WEED**: WS Lynch met with the board to declare a 1998 Chevy Pickup surplus as it no longer serves the purpose for which it was purchased. Motion by Knock, second by Sass to declare surplus 1998 Chevy Pickup serial no: 0720. All voting aye. Motion carried.

**WEED**: Discussion was held regarding weed supervisor for 2020. No action taken. Lynch also discussed the need to replace the pickup that has been declared surplus. He will wait until the 2020 state bids are released.

**RIGHT OF WAY**: Doug Paulson met with the board to discuss issues on County Road #55. He is requesting that a cattle guard that crosses the road be removed, and fences and a drop box in the right of way be removed. No action taken.

**NURSE**: CHN Linneman met with the board to deliver her bi-annual report. She discussed client base, the WIC program, baby care and flu injections and clinics. She also informed the board she will be doing school assessments, eye exams and education through Willow Lake and Clark school systems.

**NURSE**: CHN Linneman requested a water cooler system for first floor. Motion by Sass, second by Reints to approve the request. All voting aye. Motion carried.

**DIRECT DEPOSIT**: Treasurer Mahlen met with the board requesting permission to do payroll via a direct deposit transaction. Discussion was held regarding the costs, timeline and mandatory status for all employees. Motion by Reints, second by Sass to approve the request. All voting aye. Motion carried.

**SHERIFF**: Sheriff McGraw met with the board regarding car video cameras. He informed the board that Watertown Police Department has purchased new cameras and Clark has received 4 of the camera that will be used as Clark replacement cameras. No action required.

**EXECUTIVE SESSION**: Motion by Reints, second by Knock to enter into executive session at 1:37 p.m. to discuss personnel issues. Also present Robert McGraw and Bruce Brekke. All voting aye. Motion carried. Chairman declared out of executive session at 2:03 p.m.

**MEAL REIMBURSEMENT**: DOE Reidburn met with the board to discuss reimbursement for meals per diem rather than receipts. No action taken.

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

 AUDITOR’S MONTHLY SETTLEMENT WITH THE TREASURER
 Cash on hand…………………………………………..… 21,213.43

Money Market…..……………………………………...… 3,477,941.66 CD’s…………..…………………………………………… 800,000.00
Checking Account....…….…………………………………. 108,850.94 TOTAL:……………..…………………..………………… 4,408,006.03

These funds include all funds administered by the county including: General Fund $2,878,502.59, Road & Bridge: $1,227,022.18, 911 Service Fund: $82,402.71, E/D:

12,203.90, Domestic Abuse: 410.00, 24/7 – 12,624.46, ROD Mod/Pres: $11,618.24, TIF: 5412.70. **Trust & Agency Funds $177,809.25 which are funds returned to schools, towns, townships and special districts.** TOTAL: $4,408,006.03.

**ROD Fees**: August recording fees 2055.00, Transfer fees: 689.00, Births: 85.00, Deaths: 125.00, marriages: 60.00, Copy money: 67.00, Misc 143.00. TOTAL: 3224.00.

**Ambulance**: 13,441.27, **Sheriff**: Mileage 153.00, Civil fees $720.00, Pistol permits $6.00.

**CLAIMS**: Motion by Knock, second by Sass to approve the following claims and allow the auditor to issue payments for same. All voting aye. Motion carried. JUDICIAL SYSTEM: Corner Diner- rolls/cookies for court 46.98, Ken’s Fairway – supplies 52.75, AUDITOR: Cardmember Services-stamped envelopes 1312.40, Connecting Point – antivirus renewal 96.80, PMB-0112 – access fees-34.00, TREASURER: Connecting Point – antivirus renewal 121.00, STATES ATTORNEY: Chad Fjelland – cert copy of deed 11.00, NDAA Ins Services-premium 1363.00, Prairie Lakes Healthcare – blood draw 85.00, Thomson Reuters-West Publishing – online library 879.95, COURT SYSTEM: Bratland Law – court appointed attorney 1320.50, Sutton Law Offices-court appointed attorney 2081.15, PUBLIC BUILDINGS: City of Clark – water 98.95, Clark Community Oil – fuel 27.75, Cole Paper-supplies 95.92, Cook’s Wastepaper-garbage 32.25, Dekker Hardware –supplies 153.37, Mid-American Research Chemical – supplies 283.97, Northwestern Energy- utilities 1094.50, Star Laundry & Dry Cleaners – laundry 40.58, DIRECTOR OF EQUALIZATION: Connecting Point – antivirus renewal – 72.60, Ramkota Hotel – Pierre –lodging – 475.00, Jarvis Reidburn – meals 268.38, The Lodge at Deadwood –lodging 279.00, VanGuard Appraisals-yearly subscription/reappraisal fees 36,376.80, REGISTER OF DEEDS: Connecting Point – antivirus renewal 24.20, Office Peeps- supplies 18.57, Toshiba Financial Services – copy machine rent 93.23, VETERANS OFFICER: Connecting Point – antivirus renewal 24.20, PREDATORY ANIMAL: SD Dept of Revenue- animal damage control 2599.84, SHERIFF: Clark Community Oil – fuel 762.34, Connecting Point – antivirus renewal 121.00, Dekker Hardware –supplies 4.99, JB’s Repair – battery replaced 193.00, SD Dept of Public Safety –teletype service 2730.00, PRISONER CARE: Codington Co Auditor – prisoner care 8,085.00, AIRPORT: Northwestern Energy- utilities 170.40, AMBULANCE: Bound Tree Medical – supplies 318.79, City of Clark – water 72.95, Clark Community Oil – fuel 328.14, Connecting Point – antivirus renewal – 72.60, Dekker Hardware- supplies – 33.98, Ken’s Fairway – supplies 50.19, Lewis Family Drug- supplies 300.00, Matheson Tri-Gas – rental 23.56, Northwestern Energy- utilities 264.53, ServiceMaster of Watertown – commercial carpets 113.40, Star Laundry – laundry 11.78, Two Way Solutions – battery 85.00, SOC SER FOR AGED: InterLakes Comm Action – support comm serv/ September 1427.50, EXTENSION: City of Clark –water 192.75, Dekker Hardware – adhesive craft 5.99, Office Peeps- copier 181.78, Star Laundry – laundry 25.20, WEED: Blue Tarp Financial-battery 149.99, City of Clark – water 78.15, Connecting Point – antivirus renewal – 24.20, Cook’s Wastepaper & Recycling-garbage 42.87, Dekker Hardware – supplies 92.20, Matheson Tri-Gas –rental 21.08, Motorcycle –warn winch contractor-308.95, Northwestern Energy-utilities 83.76, Oscar’s Machine Shop- supplies – 46.18, Sturdevants Auto Parts – supplies 1023.67, US Postmaster –stamps 110.00, Van Diest Supply Co- evoluer 2160.00, Westside Implement - supplies 129.91, ROAD & BRIDGE: Ameripride Services-towels 140.72, Avera Queen of Peace-drug testing 80.14, Boyer Truck – parts 390.72, City of Clark – water 67.75, Clark Community Oil –propane/diesel – 3558.56, Clark Engineering Corp-bridge work 26,205.86,Clausen Construction – 415th Structure Replacement 20,919.57, Connecting Point –antivirus renewal 48.40, Cook’s Wastepaper-garbage 42.88, Dekker Hardware – supplies 283.74, Detco – supplies 1727.57, Flint Hills Resources-MC-3000 166,904.49, Matheson Tri-Gas-welding supplies 524.11, Midwest Truck Parts-parts 12,001.73, North American Truck & Trailer –parts 89.81, Northern Con-Agg – pea rock/gravel 13,032.52,

Northwestern Energy-utilities 1416.28, Office Peeps – supplies 31.44, Oscar’s Machine Shop-supplies 530.07, RDO Equipment – outside repair/parts 11,482.26, Runnings Farm & Fleet-supplies 419.95, Sioux Rural Water –water 42.00, Sturdevants Auto Parts – filters 370.42, Sturdevants Auto Parts-parts/supplies 3331.72, Truenorth Steel-culverts 20,982.78, Westside Implement – parts 26.82, 911 SERVICE FUND: Centurylink – fees 273.67, CIVIL DEFENSE: Cardmember Service – conference/assn dues 110.00, First District Assn of Local – full payment/pre-disaster mitigation 13,102.50, Michael Gravning – overnight meals 73.33, SD Federal Property – supplies 27.00, REGISTER OF DEEDS: Microfilm Imaging System –software/scanner rent 240.00. TOTAL: 367,788.38.

**PAYROLL**: AUDITOR: 5288.70, TREASURER 4820.31, STATES ATTORNEY: 5001.60, COURTHOUSE: 2485.83, DIRECTOR OF EQUALIZATION: 4666.15, REGISTER OF DEEDS: 3395.87, VETERAN SERVICE OFFICE: 346.50, SHERIFF: 7970.16, NURSE: 1927.71, AMBULANCE: 12,143.50, EXTENSION: 2056.28, WEED: 4529.65, ROAD & BRIDGE: 43,779.52, EMERGENCY & DISASTER: 397.35. TOTAL: 98,809.13.

**ADJOURN**:  Motion by Hass, second by Reints to adjourn at 2:17 p.m. until next regular meeting Tuesday, October 1, 2019 at 8:00 a.m. All voting aye. Motion carried.

 ATTEST:

 (SEAL)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
Christine Tarbox Robert Bjerke, Chairman

Clark County Auditor Clark County Board of Commissioners

Published once at the total approximate cost of $\_\_\_\_\_\_\_\_\_\_\_\_.