CLARK COUNTY COMMISSIONER PROCEEDINGS  
   June 4, 2020

The Clark County Commissioners met in regular session on Thursday June 4, 2020 at 8:00 a.m. in the commissioner room of the Clark County Courthouse. Commissioner Sass called the meeting to order at 8:00 a.m. Commissioners present via teleconference: Chris Sass, Francis Hass, Robert Bjerke and Wallace Knock. Present at the Courthouse Richard Reints, also present Auditor Tarbox.

**AGENDA**: Motion by Knock, second by Hass to approve agenda for June 4, 2020. Voting aye: Hass, Bjerke, Knock, Reints and Sass. Motion carried.

**MINUTES:**  Motion by Bjerke, second by Reints to approve the minutes of the regular meeting of May 19, 2020. Members voting aye: Reints, Knock, Bjerke, Hass and Sass. Motion carried.

**PUBLIC COMMENT**: No one appeared.

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

**FUEL QUOTES**: The following fuel quotes were presented to the board for June 2020. Diesel #2: Agwrx Cooperative, 1.259, Clark Community Oil- 1.22, Gas E-10 – Agwrx Cooperative – No bid. Clark Community Oil: 1.70. The County accepted the low bid and all bids are on file in the Auditor's office.

**TRANSPORT FUEL QUOTES:** The following fuel quotes were presented to the board for Transport load for June 2020. Diesel #2: Agwrx Cooperative – 1.139, Community Oil -1.15. The County accepted the low bid and all bids are on file in the Auditor’s office.

**HIGHWAY**: Motion by Reints, second by Knock to transfer 2011 Dodge Ram 1500 pickup from courthouse inventory to the highway department and move a 2009 Dodge Durango from highway department to courthouse inventory. Voting aye; Reints, Knock, Bjerke, Hass and Sass. Motion carried.

**TIF DISCUSSION**: Toby Morris present via zoom discussed the Tax Increment District highlights, he discussed the purpose and economic impact, legal description taxable value and relation to TIF, classification of the TIF and financial projections on repayment. Board questions were addressed. Also present via zoom Terry Schlagel, Alex Hohertz and Brady Janzen. No action needed.

**PUBLIC HEARING**: At 9:00 a.m. SA Fjelland open public hearing regarding the petition to vacate the extended portion of County Road 55. Others present via zoom: Terry Schlagel, Dave Adam, Darci Adam, Shad Stevens, Rod Christman, Marshall Lovrien, Atty, Loren Olson, Richard Anderson, George Boos, Atty and Doug Paulson. Public hearing was opened. Marshall Lovrien representing Richard Anderson discussed the reasons for the petition to vacate, he also discussed an easement that has been prepared. George Boos representing Doug Paulson discussed why the petition should be dismissed. Darci Adam, Shad Stevens, Rod Christman, and Doug Paulson made additional comments. Marshall Lovrien commented that they would be willing to sit down and discuss a mutual solution, George Boos stated they are not interested in further negotiations and that his client feels this is a county road and should be treated like a county road. The public hearing was closed.SA Fjelland called three times for a motion to approve the petition to vacate the road. Petition fails for lack of motion to approve.

**ORDINANCE 5-20**: Chairman Sass performed the second reading of Ordinance 5-20, an Ordinance entitled, an 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 Hass, second by Bjerke to approve Ordinance 5-20. Voting aye: Hass, Bjerke, Knock, Reints and Sass. Motion carried.

**ORDINANCE 5-20,**

**AN ORDINANCE ENTITLED, AN 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.**

**BE IT ORDAINED** by the Clark County, South Dakota that Article V “Definitions” be amended by including the following definitions:

**Accessory Agricultural Housing. Any dwelling, pursuant to Chapter 4.24 occupied by employees of a Concentrated Animal Feeding Operation which has been issued a Conditional Use permit by Clark County**

**Shared Dwelling. One room, or rooms, connected together, constituting a shared, housekeeping establishment for Accessory Agricultural Housing that may provide living accommodations for more than three (3) unrelated individuals and contain shared cooking, bathing, sleeping and/or common living areas.**

**Section of Land. A division or parcel of land, delineated by the United States Public Land Survey, comprising of approximately one square mile or 640 acres.**

**BE IT ORDAINED** by the Clark County, South Dakota that Chapter 5.25 be amended to include the following new section:

**Section 4.24.06: Accessory Agricultural Housing**

1. **Accessory Agricultural Housing is a permitted accessory use to Class A Concentrated Animal Feeding Operations.**
2. **Accessory Agricultural Housing must be approved by the Board of Adjustment.** 
   1. **Any Class A Concentrated Animal Feeding Operation, permitted after July 1st, 2020 is required to submit a request for accessory agricultural housing at the time of the initial Concentrated Animal Feeding Operation application.**
   2. **Any Class A Concentrated Animal Feeding Operation, permitted before July 1st, 2020 may submit a request for Accessory Agricultural Housing if such request is made prior to July 1st, 2021.**
3. **Accessory Agricultural Housing shall be located within the same section of land as the permitted Class A Concentrated Animal Feeding Operation, provided the property is owned by the permit-holder.**
4. **Minimum lot area shall consist of at least two (2) acres per accessory agricultural housing dwelling, including the residence of the agricultural employer if on the same lot.**
5. **Accessory agricultural housing shall be in accordance with the following table:**

|  |  |  |
| --- | --- | --- |
| **Number of Animal Units** | **Maximum Number of Dwellings** | **Maximum number of persons in Accessory Agricultural Housing** |
| **2,000 to 5,999 AU’s** | **1** | **18** |
| **6,000 to 8,999 AU’s** | **2** | **27** |
| **9,000 to 12,999 AU’s** | **3** | **39** |
| **Over 13,000 AU’s** | **4** | **48** |

1. **Prior to occupying the accessory agricultural housing dwelling/shared dwelling, the applicant shall provide documentation of compliance with the most recently adopted version of the International Building Code in accordance with SDCL-11-10-6 for any dwelling structure with two (2) or more dwelling units.**
2. **Prior to occupying the accessory agricultural housing dwelling/shared dwelling, the applicant shall provide documentation of compliance with any South Dakota Administrative Rules 74:53.**
3. **The dwelling/shared dwelling shall be removed or renovated into a single-family dwelling in the event the permit for the concentrated animal feeding operation becomes void.**
4. **In the event the accessory agricultural housing dwelling/shared dwelling remains unoccupied for a period of one (1) year; or is not used in conformance with this Chapter, the accessory agricultural housing dwelling/shared dwelling shall be removed or with permission of the Board of Adjustment may be used for any use accessory to the Concentrated Animal Feeding Operation.**

Passed and adopted this 4th day of June, 2020.

/s/ Chris Sass\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chairperson

/s/ Christine Tarbox\_\_\_\_\_\_\_\_\_\_\_

Auditor

Public Hearing Notice Publication May 6, 2020

Planning Commission Public Hearing and Recommendation: May 19, 2020

County Commission Public Hearing and First Reading: May 19, 2020

County Commission Second Reading and Approval: June 4, 2020

Publication: June 10, 2020\_\_\_\_\_

Effective: June 20, 2020\_\_\_\_\_

**AIRPORT**: Brooke Edgar with Helms and Associates met with the board via zoom with an update of the airport runway project that will be done in 2020 or 2021. She informed the board because of additional funds through the CARES program funding could potentially be 100% of the project. Estimated project cost is $2.1 million. She also informed the board we will likely have to use our 2021 entitlements for this project so the county may have to front end those expenses and be reimbursed next year when entitlements are available. Motion by Hass, second by Knock to approve and allow Chairman to sign the project plans and specifications for construction plans for Runway 13/31 reconstruction for Clark County airport, A.I.P. E 3-46-0009-013-2020. Voting aye: Knock, Hass, Reints, Bjerke and Sass. Motion carried.

**RESOLUTION 15-20**: Motion by Reints, second by Knock to approve compromise of poor lien for county resident. Voting aye: Hass, Bjerke, Knock, Reints and Sass. Motion carried.

RESOLUTION COMPROMISING POOR LIENS 15-20

Commissioner Reints introduced and moved the adoption of the following RESOLUTION.

BE IT RESOLVED by the Board of County Commissioners of Clark

County, South Dakota, that the following described real estate to wit, the South Four

Hundred feet (S.400’) of the East One Thousand Two Hundred Eighty-Seven Feet (E.1,287’)

of the East Half of the West Half (E1/2W1/2) of Section Twenty-Five (25), Township One

Hundred Sixteen (116) North, Range Fifty-Seven (57) West of the 5th P.M., Clark County,

South Dakota, be released

From the County Poor Liens filed against a county resident (name withheld pursuant to

SDCL 28-13-42) in the principal amount of $11,825.21 upon the payment of the sum

of $5912.61, deposited in cash with the County Treasurer of Clark County, South Dakota; but as to any other property of such county resident said poor liens shall remain in full force and effect.

BE IT FURTHER RESOLVED that said compromise and full release of lien

is made for the best interest of the County and it hereby is authorized that upon

said payment being made the liens set out in the application be released against the South

Four Hundred feet (S.400’) of the East One Thousand Two Hundred Eighty-Seven Feet

(E.1,287’) of the East Half of the West Half (E1/2W1/2) of Section Twenty-Five (25),

Township One Hundred Sixteen (116) North, Range Fifty-Seven (57) West of the 5th P.M.,

Clark County, South Dakota. Commissioner Knock seconded the adoption of the Resolution.

Commissioners voting aye: Knock, Hass, Reints, Bjerke and Sass.

Commissioners voting nay: None.

Resolution adopted.

Dated this 4th day of June, 2020, at Clark, South Dakota.

ATTEST (SEAL)

/s/ Christine Tarbox\_\_\_\_\_\_\_\_\_\_ /s/ Chris Sass\_\_\_\_\_\_\_\_\_\_\_\_

County Auditor Chairman, Board of Clark

County Commissioners

**COURTHOUSE STATUS**: The Courthouse will remain closed at this time circumstances will be evaluated at the next board meeting on June 16, 2020.

**TAX DEED PROPERTY**: Treasurer Mahlen informed the board there is one tax deed property for 2020. The sixty day time frame has passed and the property will be transferred to the county.

**REPLACE LOST CHECK:** Motion by Knock, second by Reints to replace lost check for Steve Owen in the amount of 2213.90 which was lost in the mail. Voting aye: Knock, Hass, Reints, Bjerke and Sass. Motion carried.

**MEMORIAL**: Auditor Tarbox informed the board that memorials in memory of Peter Maffei have been received in the amount of $1970.00. Funds will be available to purchase items needed for the ambulance at Clark Station II, Willow Lake. No action needed.

**SET HEARING**: Motion by Reints, second by Bjerke to set a hearing date for Northwestern Energy regarding renewal application for power lines. Hearing set for July 7, 2020 at 10:00 a.m. Voting aye: Knock, Hass, Reints, Bjerke and Sass. Motion carried.

**RESOLUTION 17-20**: Motion by Knock, second by Reints to approve Resolution 17-20 which approves the sale tax rebate from the Office of Economic Development for Washington Feeders North. Voting aye: Knock, Hass, Reints, Bjerke and Sass. Motion carried.

**RESOLUTION # 17-20**

**WHEREAS**, Washington Feeders, LLC North has been approved for a South Dakota Jobs Grant pursuant to SDCL § 1-16G-48(5), et. seq. and ARSD Chapter 68:02:10 for construction of a Concentrated Animal Feeding Operation on April 7, 2020; and

**WHEREAS**, the Clark County Planning & Zoning Commission recommended approval of a Conditional Use Permit to operate a 720-animal unit Class C Concentrated Animal Feeding Operation in the Agriculture District on April 7, 2020. The property is legally described as the SE 1/4 of the Northwest ¼ of Section 5, Township 113 N, Range 56W Washington Township in Clark County, South Dakota: and

**WHEREAS**, the Clark County Board of Adjustment approved the Conditional Use Permit for the Concentrated Animal Feeding Operation on April 7, 2020; and

**WHEREAS**, assignment of payment is required to be signed by Clark County, South Dakota.

**Now, Therefore, be it resolved**, that the Clark County Commission authorizes the County Auditor, Christine Tarbox to sign assignment of payment for South Dakota Jobs Program Grant Agreement No: SD Jobs 20-02.

Dated this 4th day of June, 2020 at Clark, SD.

/s/ Chris Sass\_\_\_\_\_\_\_\_\_\_\_

Chris Sass, Chairman

ATTEST:

/s/ Christine Tarbox

Christine Tarbox, Auditor

**RESOLUTION 18-20**: Motion by Bjerke second by Reints to approve Resolution 18-20 which approves the sales tax rebate from the Office of Economic Development for Washington Feeders South. Voting aye: Knock, Hass, Reints, Bjerke and Sass. Motion carried.

**RESOLUTION # 18-20**

**WHEREAS**, Washington Feeders, LLC South has been approved for a South Dakota Jobs Grant pursuant to SDCL § 1-16G-48(5), et. seq. and ARSD Chapter 68:02:10 for construction of a Concentrated Animal Feeding Operation on April 21, 2020; and

**WHEREAS**, the Clark County Planning & Zoning Commission recommended approval of a Conditional Use Permit to operate a 720-animal unit Class C Concentrated Animal Feeding Operation in the Agriculture District on April 21, 2020. The property is legally described as the SW 1/4 of the Southeast ¼ of Section 17, Township 113 N, Range 56W Washington Township in Clark County, South Dakota: and

**WHEREAS**, the Clark County Board of Adjustment approved the Conditional Use Permit for the Concentrated Animal Feeding Operation on April 21, 2020; and

**WHEREAS**, assignment of payment is required to be signed by Clark County, South Dakota.

**Now, Therefore, be it resolved**, that the Clark County Commission authorizes the County Auditor, Christine Tarbox to sign assignment of payment for South Dakota Jobs Program Grant Agreement No: SD Jobs 20-03.

Dated this 4th day of June, 2020 at Clark, SD.

/s/ Chris Sass-\_\_\_\_\_\_\_\_\_\_\_\_\_

Chris Sass, Chairman

ATTEST:

/s/ Christine Tarbox

Christine Tarbox, Auditor

**GRANT AGREEMENT**: Motion by Reints, second by Bjerke to approve and allow Chairman to sign the South Dakota Jobs Program Assignment of payment for Grant Agreement SDJP 20-02 for Washington Feeders, LLC, (North). Voting aye: Knock, Hass, Reints, Bjerke and Sass. Motion carried.

**GRANT AGREEMENT**: Motion by Knock, second by Hass to approve and allow Chairman to sign The South Dakota Jobs Program Assignment of payment for Grant Agreement SDJP 20-03 for Washington Feeders, LLC (South). Voting aye: Knock, Hass, Reints, Bjerke and Sass. Motion carried.

**CANVASS:** The Board canvassed and approved the results of the 2020 Clark County Primary Election.

**CLAIMS**: Motion by Knock, second by Bjerke to approve the following claims and allow the auditor to issue payments for same. All voting aye. Motion carried. GENERAL FUND: Clotilde Tarbox – refund 11.65, COMMISSIONERS: Erin Brush – gas for van/ 26.94, Clark Co Courier – proceedings-722.48, Clark County Treasurer – title/transfer fee 15.00, ELECTIONS: Clark Co Courier- primary/voter/ballots 728.74, Election System & Software – ballots 1318.67, Election Workers – 1023.00, Office Peeps-moisteners 9.38, AUDITOR: Dekker Hardware-supplies 27.98, ITC-service 130.29, McLeods-laser checks 393.94, Office Peeps-toner 115.00, US Postmaster – box rent 37.50, TREASURER -ITC-service 53.59, US Postmaster-box rent 75.00, STATES ATTORNEY: ITC-service 51.57, US Postmaster- box rent 50.00, COURT SYSTEM: SDACC- 2nd qrt catastrophic legal 3168.00, Sutton Law Offices- court appointed atty 326.00, Culligan – water 79.50, Dekker Hardware- supplies 137.08, ITC-service 81.09, Star Laundry – laundry 40.58, DIRECTOR OF EQUALIZATION: ITC-service 66.74, Office Peeps-toner 415.00, US Postmaster – 75.00, REGISTER OF DEEDS: ITC-service 88.67, US Postmaster -box rent 37.50, VETERANS OFFICER: ITC-service 46.14, SHERIFF: AT&T Mobility- monthly charges 296.12, ITC-service 192.55, Mack’s – mount/balance tires 60.00, Two Way Solutions -radio repair 45.00, US Postmaster – box rent 50.00, AIRPORT: Clark Co Courier- airport bids 139.55, Clark Rural Water System-water 35.00, AMBULANCE: AAA Collections – collections 53.03, AT&T Mobility-monthly charges 215.53, Justin Bowers - ins deductible 2250.00, Colonial Research Chem Corp-supplies 255.28, Creative Printing-transport forms 51.27, Dekker Hardware – supplies 65.45, ITC-service 182.45, Matheson Tri-Gas Inc-rental invoice 110.39, Star Laundry – laundry 11.78, Two Way Solutions-rapid rate charger 64.99, US Bank Voyager Fleet-fuel 32.67, EXTENSION: ITC- service 95.90, Office Peeps-toner 79.12, Star Laundry & Dry Cleaners -laundry 25.20, US Postmaster – box rent 37.50, WEED: Blue tarp Financial-1 yr renewable 39.99, Dekker Hardware – supplies 104.64, ITC-service 96.07, Matheson Tri-Gas-rental invoice 32.58, Sturdevants – supplies 332.35, Westside Implement – supplies 60.75, PLANNING & ZONING: Clark Co Courier-variance-41.42, ROAD & BRIDGE: Agwrx Coop-trans fluid 486.75, Asphalt Paving-hot mix 25,329.85, AT&T Mobility-service 48.44, Boyer Ford Trucks-parts 207.20, Clark Co Treasurer – title/registration 21.20, Clark Engineering -bridge work/replacement 47,788.22, Dakota Fluid Power-parts 256.50, Dash Medical Gloves-gloves 71.90, Dekker Hardware-supplies 199.60, Forest Excavating-culvert install 1400.00, ITC-service 139.56, Lehtola Builders-bridge replacement 98,310.07, Macksteel Warehouse-parts 504.97, Matheson Tri Gas-welding supplies 323.73, North American Truck-parts 217.10, Northwestern Energy-utilities 33.91, Office Peeps-supplies 151.59, Oscar’s Machine Shop-parts 579.24, Pro Line Inc -parts 177.00, RDO Equipment -outside repair 2751.38, RDO Equipment – parts 1317.08, Runnings Farm & Fleet-supplies 171.92, Safety Service -parts 638.00, Sioux Rural Water -water 42.00, Sturdevants Auto Parts-filters 18.79, Sturdevants Auto Parts-supplies 1716.84, Transource -parts 116.00, US Postmaster – box rent 37.50, WW Tire Service – tires- 145.69, Westside Implement -outside repair 23.75, Westside Implement -parts 745.66, 911 SERVICE: Centurylink – fees 101.26, City of Watertown-EM Surcharge 3101.08, TIC-service 145.23, CIVIL DEFENSE: AT&T Mobility-monthly charges 45.09, ITC-service 51.94, US Postmaster -box rent 50.00, US Bank Voyager -fuel 44.08, PRISONER CARE: Byron Nogelmeier – state 24/7 fees 2454.00, Steve Owen – lost check 2213.90, M&P RELIEF FLOW: SDACO-2.00 fee 178.00. TOTAL: 206,764.63.

**PAYROLL**: COMMISSIONERS: 8183.15, AUDITOR: 3789.77, TREASURER: 3601.67, STATES ATTORNEY: 3398.89, COURTHOUSE: 2029.08, DIRECTOR OF EQUALIZATION: 4969.19, REGISTER OF DEEDS: 3186.59, VETERANS OFFICER: 363.81, SHERIFF: 6977.27, POOR: 452.04, NURSE: 2052.83, AMBULANCE: 11,899.98, EXTENSION: 942.80, WEED: 3,407.38, PLANNING & ZONING: 303.22, ROAD & BRIDGE: 43,771.16, EMERGENCY & DISASTER: 1,231.20. TOTAL: 100,560.03.

**ADJOURN**:  Motion by Hass, second by Knock to adjourn at 11:05 a.m. until next regular meeting Tuesday, June 16, 2020 at 8:00 a.m. Members present 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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