CLARK COUNTY COMMISSIONER PROCEEDINGS
   September 1, 2020

The Clark County Commissioners met in regular session on Tuesday, September 1, 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: Francis Hass, Robert Bjerke and Wallace Knock. Present at the Courthouse Chris Sass and Richard Reints, also present Auditor Tarbox.

**AGENDA**: Motion by Reints, second by Knock to approve agenda for September 1, 2020. Voting aye: Hass, Bjerke, Knock, Reints and Sass. Motion carried.

**MINUTES:**  Motion by Reints, second by Bjerke to approve the minutes of the regular meeting of August 18, 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 September 2020. Diesel #2: Agwrx Cooperative, 1.50, Clark Community Oil- 1.46, 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.

**PERMIT**: Motion by Bjerke, second by Hass to approve a manure utility permit for Riverview LLP, this permit will allow them to place underground manure pipeline on County Road 33, 0.4 miles west of 416th Ave. This project will be completed between October 16, 2020 and December 1, 2020.

Voting aye: Hass, Bjerke, Reints, Knock and Sass. Motion carried.

**PERMIT**: Motion by Knock, second by Bjerke to approve a manure utility permit for Riverview LLP. This permit will allow them to place underground manure pipeline on County Road 17, 0.5 miles South of County Road 33. This project will be completed between October 16, 2020 and December 1, 2020. Voting aye: Knock, Bjerke, Hass, Reints and Sass. Motion carried.0

**PERMIT:** Motion by Knock, second by Reints to approve water permit for Art Fryslie. This permit will allow a Sioux Rural water pasture hookup under 435th Ave. This project is planned to be completed in 2020. Voting aye: Knock, Bjerke, Hass, Reints and Sass. Motion carried.

**PROVISIONAL BUDGET**: At 9:00 a.m. the time specified hearing was held for the Clark County 2021 Provisional Budget. No one appeared. Motion by Knock, second by Reints to approve the 2021 Provisional budget as published. Voting aye: Knock, Reints, Bjerke, Hass and Sass. Motion carried.

**EMERGENCY MANAGEMENT**: Motion by Hass, second by Knock to approve and sign the State of South Dakota Department of Public Health Office of Emergency Management 2021 Local Emergency Management Performance Grant. Voting aye: Knock, Hass, Reints, Bjerke and Sass. Motion carried.

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

**RESOLUTION 29-20**: Motion by Bjerke second by Hass to approve the Buffalo Ridge Addition Plat. Voting aye: Hass, Knock, Bjerke, Reints and Sass. Motion carried.

**RESOLUTION 29-20**

BE IT RESOLVED by the Board of County Commissioners of Clark County, South Dakota, that the plat entitled: **“Buffalo Ridge Addition located in the Northeast Quarter of Section 15, Township 116 North, Range 57 West of the 5th P.M., Clark County, 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 1st day of September, 2020.

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

Chairman, Board of County Commissioners

Clark County, South Dakota

ATTEST: (SEAL)

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

County Auditor

Clark County, South Dakota

**RESOLUTION 30-20:** Motion by Knock, second by Hass to approve recommendation from the Planning Commission to approve Resolution 30-20, a Resolution to provide for the creation of Tax Increment District Number 2. Discussion was held regarding the two Plans for the proposed TIF, available funding and additional funding options and also the Developers Plan. Voting aye: Hass, Bjerke, Knock and Sass. Voting nay: Reints. Motion carried.

**RESOLUTION NO. 30-20**

**A RESOLUTION TO PROVIDE FOR THE CREATION OF**

**TAX INCREMENT DISTRICT NUMBER TWO**

 **WHEREAS,** the Planning Commission of Clark County has held a public hearing on May 19th and August 18th, 2020 and adopted and recommended the district boundaries for Tax Increment District Number Two, Clark County, South Dakota and;

**WHEREAS**, such Notice was published in the official newspapers in Clark County, not less than ten (10) nor more than thirty (30) days from the date of the hearing; and

 **WHEREAS,** such notice was sent to the taxing districts

 **WHEREAS,** the Clark County Commissioners, South Dakota (the “County”), has the powers, pursuant to SDCL 11-9-2, to create Tax Increment District Number Two, Clark County, South Dakota, and to define its boundaries.

 **NOW, THEREFORE, BE IT RESOLVED BY THE CLARK COUNTY COMMISSIONERS, SOUTH DAKOTA:**

That pursuant to SDCL Chapter 11-9, the County Commission hereby declares the following:

1. Authority and Declaration of Necessity. The County of Clark, South Dakota, declares the necessity for the creation of Tax Increment District Number Two, Clark County, (hereinafter sometimes referred to as the “District”), pursuant to SDCL Chapter 11-9. Further, the County finds that the proposed improvements of the area within the District are likely to enhance significantly the value of substantially all of the other real property in the District and is necessary for economic development within the County for the construction and expansion of Riverview, LLP – Clark Dairy.
2. Findings. The Clark County Commission makes the following findings with regard to economic development:
3. More than 50% of the property in the District by area will stimulate and develop the general economic welfare and prosperity of the County
4. Improvements to the District will significantly and substantially enhance the value of all property within the District;
5. Development of the District will create an opportunity for a future development and employment once the improvements have been made.

3. Findings of Maximum Percentage of Tax Increment Districts. The aggregate assessed value of the taxable property in the District, plus all other tax increment districts, does not exceed ten percent (10%) of the total assessed valuation of the County

4. Creation of District. There is hereby created, pursuant to SDCL Chapter 11-9, Tax Increment District Number Two, Clark County, South Dakota. The District is hereby created on the day this resolution becomes effective which shall be twenty (20) days after publication of this resolution.

5. Designation of District Boundaries. The District shall be located with the northern, southern, western and eastern boundaries of the following described real property:

* NW ¼ 3-115-59 Parcel ID 1813
* NE ¼ 3-115-59 Parcel ID 1812
* SE ¼ 3-115-59 Parcel ID 1815
* SW ¼ 3-115-59 Parcel ID 1814
* West ½ of Section 34 T115N, R59W
* That portion of 178th street and right of ways from NE ¼ 3-115-59 Parcel ID 1812 and NW ¼ 3-115-59 Parcel ID 1813 to 415th Avenue
* 415th Avenue to US Hwy 212 and right of ways
* 415th Avenue South to Hwy 28 and right of ways

6. Creation of Tax Increment Fund. There is hereby created, pursuant to SDCL 11-9-31, a Tax Increment District Number Two Fund, which shall be a segregated asset account. All tax increments collected pursuant to Tax Increment District Number Two shall be deposited into the Tax Increment District Number Two Fund. All funds in the Tax Increment District Number Two Fund shall be used solely for those purposes expressly stated and reasonably inferred in SDCL Chapter 11-9 and per the Developer’s Agreement between the Developer and Clark County

Dated this 1st, day of September, 2020.

The above and foregoing Resolution was moved for adoption by Commissioner Knock, seconded by Commissioner Hass, and upon voice vote motion carried, whereupon the Chairperson declared the Resolution to be duly passed and adopted. Voting aye: Hass, Knock, Bjerke and Sass. Voting nay: Reints. Motion carried.

ATTEST: CLARK COUNTY

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

Auditor Chairman

**RESOLUTION 31-20:** Motion by Reints, second by Knock to approve Resolution 31-20 which will change some polling places with in Clark County for the 2020 General Election. Voting aye: Hass, Knock, Bjerke Reints and Sass. Motion carried.

RESOLUTION 31-20

**WHEREAS**, the Board of County Commissioners deem it necessary to change the voting precincts for the November 3, 2020 General election due to the COVID-19 pandemic,

**WHEREAS**, the Board of County Commissioners of Clark County, South Dakota, deems it in the best interests of the public and of Clark County, South Dakota, to change the election precincts established, to provide polling places, pursuant to the authority granted to the Board of County Commissioners by SDCL 12-14-1;

**NOW THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Clark County, South Dakota, that the election precincts for the **November 3, 2020 General Election,** will be combined to form twelve precincts as follows:

#1: Blaine Township, Cottonwood Township, Spring Valley Township, Warren Township, Town of Bradley, Community Center, Bradley SD,

#2: Ash Township, Woodland Township, Garfield Township, Elrod Township, Ullyot Building, Clark City Hall, Clark SD,

#3: Raymond Township, Logan Township, Raymond Town, Fordham Township, Raymond Fire Hall, Raymond, Sd

#4: Thorp Township, Maydell Township, Eden Township, Town of Garden City, Garden City United Methodist Church, Garden City, SD.

#5&6: Mt Pleasant Township, Day Township, Darlington Township, Foxton Township, Merton Township, Town of Naples, Ullyot Building, Clark City Hall, Clark SD.

#7: Lake Township, Washington Township, Collins Township, Grace Lutheran Church, Willow Lake, SD.

#8: Town of Willow Lake, Willow Lake Community Center, Willow Lake, SD.

#9: Town of Vienna, Pleasant Township, -Vienna Town Hall, Vienna, SD.

#10: Rosedale Township, Richland Township, Hague Township, Carpenter Community Center, Carpenter, SD,

#11: City of Clark Ward I, Clark American Legion, Clark, SD.

#12: City of Clark Ward II, Clark American Legion, Clark SD.

#13: City of Clark Ward III, Lincoln Township at the Clark American Legion, Clark SD.

The precincts and polling place shall be the for the November 3, 2020 General election.

Those members voting aye: Knock, Bjerke, Reints, Hass and Sass.

Those members voting nay: None.

Dated this 1st day of September, 2020.

ATTEST (SEAL)

/s/ Christine Tarbox /s/ Chris Sass, Chairman

Clark County Auditor Board of Clark County Commission

**RESCIND**: Motion by Knock, second by Hass to rescind Resolution 20-20 which approved a discretionary formula for Clark County. Voting aye: Hass, Knock, Bjerke, Reints, and Sass. Motion carried.

**RESOLUTION 32-20**: Motion by Bjerke, second by Knock to approve Resolution 32-20 which approves Clark County Discretionary formula. Voting aye: Knock, Bjerke, Hass, Reints and Sass. Motion carried.

**Clark County Resolution No. 32-20**

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

WHEREAS, the County of Clark, 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:

\_x\_    Any new industrial structure, including a power generation facility, or an addition to an existing structure, if the new structure or addition has a full and true value of thirty thousand dollars or more (SDCL § 10-6-35.2(2));

\_x\_    Any new commercial structure, or any addition to an existing structure, except a commercial residential structure as described in SDCL § 10-6-35.2(5), if the new structure or addition has a full and true value of thirty thousand dollars or more (SDCL § 10-6-35.2(4));

 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 1st day of September, 2020

 Clark County Commission

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

 Chris Sass, Chairman

ATTEST: (SEAL)

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

Christine Tarbox County Auditor

**MEETING DATE**: Motion by Reints, second by Bjerke to change meeting date of November 3, 2020 to November 5, 2020 to accommodate the General Election. Voting aye: Hass, Knock, Bjerke, Reints and Sass. Motion carried.

**CLAIMS**: Motion by Reints, second by Sass to approve the following claims and allow Auditor to issue payment for same. Voting aye: Hass, Reints, Bjerke, Knock and Sass. GENERAL FUND: Watertown Fire Dept- 60% of run- 461.10, COMMISSIONERS: Clark Co Courier-proceeds/TIF/budget 622.65, Tony’s Collision Center- tires/2009 Dodge Durango 336.80, AUDITOR: Connection Point- check server backups 138.00, Office Peeps- folders 142.57, TREASURER: Office Peeps- calendar/toner/ribbons 130.53, PUBLIC BUILDINGS: Atco International-supplies 250.00, Mid=American Research Chemical-supplies 384.62, DIRECTOR OF EQUALIZATION: Office Peeps- calendar/appt book 67.48, VETERANS OFFICE: Darin Lewis-mileage/meals for training 76.00, SHERIFF: AT&T Mobility -service 366.01, Clark Co Courier- stop warning/school buses 196.88, Office Peeps-post it note pad 36.27, AIRPORT: Clark Rural Water System-water 35.00, NURSE: Dollar General-supplies 10.92, Office Peeps- sanitizer wipes 46.50, AMBULANCE: AAA Collections-collections 25.00, AT&T Mobility- service 223.57, Premier Specialty Vehicles-install stryker power load system 1235.39, MENTAL ILLNESS BOARD: Mark Katterhagen-professional services 15.00, Lucille Lewno-professional services 166.50, Darcy Lockwood-professional Services 15.00, Yankton County Treasurer-mental illness hearing 122.50, EXTENSION: National Assn of Extension 4-H: training 200.00, National Assn of Extension 4-H -training 100.00, Office Peeps-calendar/planner 38.76, WEED: Clark Builder Center & Ranch -supplies 37.89, ROAD & BRIDGE: AT&T Mobility – service 49.44, Clark Engineering Corp-CR 17 haul road -5000.00, Creative Printing – time cards 510.73, Dakota Fluid Power-parts 267.85, Dennis Johnson-contract hauling-7644.00, Jim Johnson Trucking-contract hauling – 7423.50, Lucas Johnson – contract hauling 7497.00, Northwestern Energy-utilities 57.07, Oscar’s Machine Shop-196.13, Sioux Equipment -parts 2000.40, Sioux Rural Water System-water 48.00, Jay Waldow-ins deductible 4500.00, CIVIL DEFENSE: AT&T Mobility -service 45.66, M&P RELIEF FLOW THRU: SDACO- $2.00 fee 316.00. TOTAL: 41,036.72.

**PAYROLL**: COMMISSIONERS: 8125.18, AUDITOR: 3780.27, TREASURER: 3601.68, STATES ATTORNEY: 2848.83, COURTHOUSE: 2089.14 DIRECTOR OF EQUALIZATION: 4969.20, REGISTER OF DEEDS: 3033.51, VETERANS OFFICER: 363.81, SHERIFF: 6,589.36, POOR: 450.08, NURSE: 2052.83, AMBULANCE: 13,064.15, EXTENSION: 1,201.76, WEED: 4,515.62, PLANNING & ZONING: 303.22, ROAD & BRIDGE: 45,518.76, EMERGENCY & DISASTER: 1477.15. TOTAL: 103,984.55.

**ADJOURN**:  Motion by Knock, second by Reints to adjourn at 10:10 a.m. until next regular meeting Thursday, September 17, 2020 at 8:00 a.m. Voting aye: Knock, Bjerke, Reints, Hass and Sass. 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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