CLARK COUNTY COMMISSIONERS PROCEEDINGS

October 20, 2020

The Clark County Commissioners met in regular session on Tuesday, October 20, 2020 in the Commissioner room of the Clark County Courthouse. Chairman Sass called the meeting to order at 8:00 a.m. with the following Commissioners present via teleconference: Francis Hass, Wallace Knock and Robert Bjerke, and Chris Sass. Present at the Courthouse: Richard Reints. Also present Auditor Tarbox.

**AGENDA:** Motion by Bjerke, second by Knock to approve the October 20, 2020 agenda as presented. Voting aye: Bjerke, Knock, Reints, Hass and Sass. Motion carried.

**MINUTES**: Motion by Hass, second by Reints to approve the minutes from the regular meeting held October 6, 2020. Voting aye: Knock, Reints, Bjerke Hass and Sass. Motion carried.

**COMMUNITY COMMENTS**: No one appeared.

**HIGHWAY**: HS Eggleston met with the board via teleconference to discuss road conditions and road work being done. He informed the board they are done hauling field rock and mowing. He also informed the board that Richland Township had requested assistance replacing a bridge on a township road. He informed the board that the County pays Engineering fees and culverts, the township is responsible for the costs to be placed.

**AUTO SUPPLEMENT**: Motion by Knock, second by Hass to approve Auto Supplement from BIG grant dollars in the amount of $34,339.66. Voting aye: Hass, Knock, Reints, Bjerke and Sass. Motion carried.

**HIGHWAY**: Motion by Hass, second by Bjerke to approve and allow Chairman to sign an option to purchase material between Clark County and Larson Acres, LLC. The term of this option will be from January 1, 2021 to December 31, 2022. Voting aye: Hass, Knock, Bjerke, Reints and Sass. Motion carried.

**HIGHWAY**: Motion by Knock, second by Reints to approve and allow Chairman to sign reimbursement agreement between Riverview and Clark County. This agreement will cover the Engineering costs of Clark Engineering in regards to County Road 17 improvements. Voting aye: Hass, Reints, Bjerke, Knock and Sass. Motion carried.

**WEED**: Brian Jenkins met with the board to discuss repairing or replacing the weed building within the next two to three years. He informed the board that the current building is inadequate to house chemicals, and machinery. He discussed what would be needed to properly store and handle chemicals, equipment and how it would benefit the efficiency of weed staff. The board will look at budget remaining at the end of the year and determine if budget can be established to consider the request.

**BOARD OF ADJUSTMENT**: Motion by Bjerke, second by Reints to recess as County Commission and Convene as Board of Adjustment. Voting aye: Hass, Bjerke, Knock, Reints and Sass. Motion carried.

Commissioner Sass called the meeting of the Board of Adjustment to order and pointed out that the meeting is being conducted by teleconference. Persons attending via teleconference: Brady Janzen, Toby Morris, Paul Letsche with East River Electric, SA Fjelland, HS Eggleston, Terry Schlagel, Jarvis Reidburn and Luke Muller from First District, who serves as Parliamentarian as well as staff support. No items to be added to the agenda by Board members or staff. No persons requesting to schedule time on the Board of Adjustment agenda. Luke asked Board members if there were any conflicts or Ex parte Communications that would make them unable to participate in the hearings. There were none.

**APPROVE AGENDA**: Motion by Knock, second by Reints to approve the Board of Adjustment Agenda. Voting aye; Hass, Bjerke, Knock, Reints and Sass. Motion carried.

**CONDITIONAL USE**: Motion by Bjerke, second by Hass to approve Conditional use permit request of East River Electric on property owned by Riverview Dairy, LLP for public utility structures. This structure will be located on Tract 1 of Foster Creek Addition in the Northwest Quarter of Section 3, Township 115, North, Range 59 West of the 5th P.M., Clark County, South Dakota. (Fordham Township). Luke Muller explained the Conditional use. Paul Letsche spoke on behalf of East River Electric and informed the board that they will comply with all requests. Commissioner Sass opened the meeting up for further public testimony. No one else spoke. Public hearing was closed and Board questions were addressed. Staff presented the findings of fact, and restated the motion: The motion is to request to allow public utility structures and accessory uses subject to the requirements of the ordinance and conditions recommended. Voting aye: Hass, Bjerke, Knock, Reints and Sass. Motion carried. There was no further business for the Board of Adjustment.

**ADJOURN**: Motion by Reints, second by Bjerke to adjourn as Board of Adjustment and reconvene as Board of County Commissioners. Voting aye; Hass, Bjerke, Knock, Reints and Sass. Motion carried.

**HEALTH INSURANCE:** The board discussed the options available for 2021 for Health care for Clark County employees. Commissioner Bjerke discussed another Health Plan carrier that may be an option for Clark County. Auditor Tarbox will check with this company and report back to the board at the next meeting. There was also discussion about the plans that are currently available and the costs and changes to those. No action taken.

**DISCRETIONARY FORMULA CHANGE**: Motion by Reints, second by Bjerke to approve Discretionary Formula Request for Northwestern Energy. This will lower the valuation of utilities in Eden township in the amount of $9314.00. Voting aye: Hass, Reints, Bjerke, Knock and Sass. Motion carried.

**RESOLUTION 33-20**: Motion by Bjerke, second by Reints to approve Plat for Tract 1 of Foster Creek Addition. Voting aye: Hass, Reints, Knock, Bjerke and Sass. Motion carried.

**RESOLUTION 33-20**

“BE IT RESOLVED by the Board of County Commissioners of Clark County, South Dakota, that the plat entitled: **“TRACT 1 OF FOSTER CREEK ADDITION” in Gov’t Lot 4 of the Northwest Quarter of Section 3, Township 115 North, Range 59 West of the 5th Principal Meridian, 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, that 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 20th day of October, 2020.

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

Chairman, Board of County Commissioners

Clark County, South Dakota

ATTEST:

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

Clark County, South Dakota

**CONVENE**: Motion by Bjerke, second by Knock to convene as Planning and Zoning board. Voting aye: Hass, Bjerke, Knock, Reints and Sass. Motion carried.

**RESOLUTION 34-20:** Motion by Knock, second by Sass to approve Resolution 34-20 which allows Clark County Planning and Zoning Board to approve TIF District #2 and recommend passage to Clark County Board of County Commissioners. Voting aye; Hass, Bjerke, Knock, Reints and Sass. Motion carried.

**EXTRACT OF MINUTES OF MEETING OF THE PLANNING COMMISSION OF CLARK COUNTY, SOUTH DAKOTA**

Pursuant to due call and notice thereof, a meeting of the Planning Commission of Clark County, South Dakota, was duly held in the County Courthouse on the 20th Day of October, 2020 at 9:00 a.m.

The following members were present: Reints, Bjerke, Hass, Knock and Sass.

The following members were absent: None.

The matter of the creation of Tax Incremental District Number Two, Clark County, was presented to the Planning Commission. After discussion of the same and after public comment on the proposed tax incremental district, member Knock moved that the following resolution be passed:

RESOLUTION 34-20

**RESOLUTION DECLARING BOUNDARIES AND RECOMMENDING**

**CREATION OF TAX INCREMENTAL DISTRICT NUMBER TWO,**

**CLARK COUNTY**

WHEREAS, the Planning Commission of Clark County, South Dakota, published a Notice of Hearing at which interested parties were afforded a reasonable opportunity to express their views on the proposed creation of Tax Incremental District Number Two, Clark County, on real property consisting of the following parcels:

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

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

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, a copy of the Notice was sent prior to publication by first-class mail to the Chief Executive Officers and the School Board of the following taxing entities:

|  |  |
| --- | --- |
| Chairperson  Clark County Commission  Clark Courthouse PO Box 294  Clark, SD 57225  Clark School District  Attn: Superintendent  220 North Clinton Street  Clark, SD 57225 | |
| Fordham Township  Linda Helkenn  41212 181st Street, Raymond, SD 57258  Logan Township  Dawn Foiles  41609 175th Street, Raymond, SD 57258  Richland Township  Richard Glanzer  41312 188th Street, Carpenter, SD 57322 | |
|  | |

WHEREAS, a hearing was held on May 19th and August 18th, 2020, as provided in such Notice, and all interested parties were allowed a reasonable opportunity to be heard on the proposed creation of Tax Incremental District Number Two, Clark County.

THEREFORE, BE IT RESOLVED by the Planning Commission of Clark County, South Dakota:

1. Authority and declaration of necessity. Pursuant to SDCL §§ 11-9-4 & 11-9-13, the Planning Commission hereby declares the necessity to form a tax incremental district in Clark County.
2. Findings. The Planning Commission finds that there is statutory authority to refer said district to the Clark County Commission for their consideration and that all notice requirements have been met and all findings required by statute are hereby made.
   * 1. The South Dakota Department of Revenue has reviewed the TIF Plan and classified the Tax Increment District Two of Clark County to be Economic Development
     2. Not less than twenty-five percent, by area, of the real property within the district is a blighted area as defined under SDCL 11-9-11.
     3. At least fifty percent of the real property within the district will stimulate and develop the general economic welfare and prosperity of the state through the promotion and advancement of either industrial, commercial, manufacturing, agricultural, or natural resources development
3. Boundaries of District. The Planning Commission has determined the boundaries of the district are as follows:

* 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
* 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

1. Project Plan. The Planning Commission has reviewed and recommends the Project Plan to the Clark County Commissioners
2. Recommendation of District The Planning Commission hereby recommends to the County Commission that Tax Incremental District Number Two, Clark County be created and hereby submits its recommendation to the County Commission for consideration.

Passed this 20th day of October, 2020.

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

|  |  |  |
| --- | --- | --- |
| ATTEST: |  |  |
|  |  |  |
| Christine Tarbox |  |  |
| Auditor |  |  |

The motion for the adoption of the foregoing resolution was duly seconded by Sass, and upon vote being taken thereon the following voted YEA: Bjerke, Knock, Reints, Hass and Sass.

those voting NAY: None.

those abstaining: None.

Whereupon said resolution was declared duly passed and adopted.

Christine Tarbox\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

County Auditor

STATE OF SOUTH DAKOTA )

:SS

COUNTY OF CLARK )

I, the undersigned, being the duly qualified and acting Secretary of the Planning Commission, do hereby certify that the attached and foregoing is a full, true and complete transcript of the minutes of a meeting of the Planning Commission of Clark County, held on October 20th, 2020 insofar as the original minutes relating to a hearing for the creation of a tax incremental district.

WITNESS my hand this 20th day of October, 2020.

Christine Tarbox\_\_\_\_\_\_\_\_\_\_\_\_\_

Clark County Auditor

**ADJOURN**: Motion by Hass, second by Knock to adjourn from Planning and Zoning and reconvene as Board of County Commissioners. Voting aye: Bjerke, Reints, Knock, Hass and Sass. Motion carried.

**Resolution 35-20**: Motion by Knock, second by Hass to approve Resolution 35-20 a Resolution to provide for the creation of Tax Increment District Number 2. Voting aye: Hass, Knock, Bjerke and Sass. Nay: Reints. Motion carried.

**RESOLUTION NO. 35-20**

**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 Board of Commissioners, South Dakota (the “County”), have 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 BOARD OF 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 Board of 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
* 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 20th, day of October, 2020.

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

ATTEST: CLARK COUNTY

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

Christine Tarbox Chris Sass

Auditor Chairman

**SURPLUS ANALYSIS**: According to SDCL 7-12-18-1, the total unassigned fund balance of the General Fund for Clark County as of September 30, 2020 is $1,268,853.52 which is 20% of the 2020 budget.

**LOST CHECK**: Motion by Reints, second by Knock to approve and allow Auditor to reissue check for Department of Social Services in the amount of $349.69 which was lost in the mail. Voting aye: Bjerke, Hass, Knock, Reints and Sass. Motion carried.

**LOST CHECK**: Motion by Bjerke, second by Hass to approve and allow Auditor to reissue check for Randy Froke in the amount of $49.91 which was lost in the mail. Voting aye: Bjerke, Hass, Knock, Reints and Sass. Motion carried.

**ADMINISTRATIVE LEAVE**: Auditor Tarbox informed the board that Governor Noem has declared Friday, November 27, 2020 and December 24, 2020 as administrative leave. Courthouse will also be closed those days.

**COVID GRANT**: Motion by Knock, second by Reints to allow Auditor Tarbox to apply for The Center for Tech and Civic Life Covid 19 Response Grant which will be used to pay additional wages to the poll workers and the polling place rent. Voting aye: Hass, Bjerke, Knock, Reints, and Sass. Motion carried.

**REPORTS:**  Motion by Reints, second by Bjerke to approve the following reports. Voting aye: Hass, Bjerke, Reints, Knock and Sass. Motion carried.

AUDITOR’S MONTHLY SETTLEMENT WITH THE TREASURER  
 Cash on hand…………………………………………..… 21,985.08

Money Market…..……………………………………...… 2,812,881.95 CD’s…………..…………………………………………… 800,000.00  
Checking Account....…….…………………………………. 254,668.70 TOTAL:……………..……………… …..…………………3,889,535.73

These funds include all funds administered by the county including: General Fund $2,547,527.52, Road & Bridge: $864,852.76, 911 Service Fund: 77,700.75, E/D: 10,943.27, Domestic Abuse: 475.00, 24/7 – 15,054.75, ROD Mod/Pres: $11,496.66, TIF: 9,883.63. **Trust & Agency Funds $305,102.86 which are funds returned to schools, towns, townships and special districts.** TOTAL: $3,843,037.20.

**ROD Fees**: September recording fees 2625.00, Transfer fees: 696.00, Births: 55.00, Deaths: 170.00, marriages: 30.00, Copy money: 79.25, Misc. 86.00. TOTAL: 3,741.25.

**Ambulance**: 8474.95, **Sheriff**: Mileage 121.00, Civil fees $700.00, Pistol permits $33.00.

**CLAIMS**: Motion by Knock, second by Reints to approve the following claims and allow the auditor to issue payment. All voting aye. Motion carried. COMMISSIONERS: Clark County Courier – proceedings 495.10, Clark Community Oil – fuel 40.17, ELECTIONS: Cardmember Services -stamps 480.00, Clark Co Courier- precinct changes/voter registration 199.21, Election Systems and Software – ballots 1917.50, McLeods -election mailings 260.00, Office Peeps-supplies 257.26, AUDITOR: Office Peeps-ink stamp pad 168.77, PMB-0112 user fees -64.75, PUBLIC BUILDINGS: Cardmember Service- tv for basement 363.14, City of Clark – water 141.85, Clark Community Oil-gas 20.88, Cole Paper- dispenser 109.79, Northwestern Energy- utilities 822.15, Oscar’s Machine Shop-supplies 78.86., DIRECTOR OF EQUALIZATION: Office Peeps-supplies 9.00, REGISTER OF DEEDS: Toshiba Financial Services -copy machine rent 98.89, SHERIFF: Office Peeps-business cards/battery 185.62, AIRPORT: Northwestern Energy-utilities 115.37, AMBULANCE: AAA Collections – collection fee 261.50, Bound Tree Medical – supplies 469.97, Cardmember Service – supplies 135.00, City of Clark -water 63.75, Clark Community Oil – fuel 221.91, Randy Froke- reissue lost check 49.91, Lewis Family Drug-supplies 575.00, Northwestern Energy-utilities 253.18, Reemployment Assistance Division-3rd qtr unemployment 32.21, MENTAL ILLNESS BOARD: Lincoln County Treasurer-papers served/mileage 75.00, SD Human Service Center – involuntary services 817.03, EXTENSION: City of Clark -water 68.95, Office Peeps- copier rent 270.47, US Postmaster -5 rolls stamps – 275.00, WEED: City of Clark -water 53.35, Clark Community Oil-gas/propane 2565.65, Northwestern Energy- utilities 87.21, Reemployment Assistance Division- 3rd qtr unemployment 48.30, Sturdevants Auto Parts-supplies 273.03, ROAD & BRIDGE: Agwrx Coop-fuel 10,122.30, Ameripride Services-towels 125.36, Cardmember Service -tools 80.99, Cardmember Service – phone supplies 58.61, City of Clark-water 63.75, Clark Co Courier- 5 Year R&B plan 14.87, Clark Community Oil - propane 544.44, Clark Community Oil – fuel 2739.40, Department of Social Services- replace lost check 349.69, DSR Inc-outside repair 1806.98, Inland Truck Parts & Service – parts 611.80, Dennis Johnson – contract hauling – 4459.00, Jim Johnson Trucking – contract hauling 3895.50, Lucas Johnson Trucking-contract hauling 3944.50, Northern Con Agg- pea rock 6882.65, Northern Safety Co-supplies 73.89, Northwestern Energy -utilities 1067.50, Oscar’s Machine Shop- parts 855.19, Reemployment Assistance – 3rd qtr unemployment – 80.50, Sturdevants Auto Parts- outside repair 4082.18, Sturdevants Auto Parts -filters 580.77, Sturdevants Auto Parts-parts 2141.13. TOTAL: 57,005.73.

**PAYROLL**: AUDITOR: 5282.38, TREASURER 4988.70, STATES ATTORNEY: 4,853.97, COURTHOUSE: 2613.45, DIRECTOR OF EQUALIZATION: 4834.53, REGISTER OF DEEDS: 3,041.84, VETERAN SERVICE OFFICE: 363.81, SHERIFF: 8679.34, NURSE: 1985.33, AMBULANCE: 12,356.21, EXTENSION: 1546.23, WEED: 3514.11, ROAD & BRIDGE: 51,235.20, EMERGENCY & DISASTER: 889.87. TOTAL: 106,184.97.

**ADJOURN**:  Motion by Bjerke, second by Hass to adjourn at 10:32 a.m. until next regular meeting Thursday, November 5, 2020 at 8:00 a.m. All voting aye. Motion carried.

ATTEST:

(SEAL)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_                              
Christine Tarbox Chris Sass, Chairman

Clark County Auditor Clark County Board of Commissioners

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