CLARK COUNTY COMMISSIONERS PROCEEDINGS

November 17, 2020

The Clark County Commissioners met in regular session on Tuesday, November 17, 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 Knock, second by Hass to approve the November 17, 2020 agenda as presented. Voting aye: Bjerke, Knock, Reints, Hass and Sass. Motion carried.

**MINUTES**: Motion by Bjerke, second by Reints to approve the minutes from the regular meeting held November 5, 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.

**RESOLUTION 36-20**: Motion by Bjerke, second by Reints to approve Resolution 36-20 establishing restricted truck traffic on County Road #63 in Clark County, South Dakota. Voting aye: Hass, Bjerke, Reints, Knock and Sass. Motion carried.

**R E S O L U T I O N #36-20**

A RESOLUTION ESTABLISHING RESTRICTED TRUCK TRAFFIC ON COUNTY ROAD

63, IN CLARK COUNTY, SOUTH DAKOTA.

WHEREAS, the County of Clark, South Dakota, is responsible for the maintenance of

certain highways under its jurisdiction; and,

WHEREAS it appears that certain of said highways, by reason of deterioration, rain, snow,

or other climatic conditions will be seriously damaged or destroyed unless restrictions are placed

upon said highways;

NOW, THEREFORE, BE IT RESOLVED that pursuant to SDCL 32-14-6 and any laws

amendatory thereto, County Road 63, beginning at the northern border of the Clark County Airport

and extending north to its intersection with County Road 30, is established as a no through truck

zone for trucks over 10,000 pounds Gross Vehicle Weight.

IT IS FURTHER RESOLVED that there shall be erected and maintained signs designating

the provisions of this Resolution as provided by state law, and that this Resolution shall not be

effective until or unless such signs are erected and maintained.

IT IS FURTHER RESOLVED that violations of said ordinance shall be subject to all

penalties allowed by state law, including SDCL 7-18A-2.

Dated at Clark, Clark County, South Dakota, this 17th day of November, 2020.

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

Chairman, Board of County Commissioners

Clark County, South Dakota.

ATTEST:

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

County Auditor

Clark County, South Dakota.

**BOARD OF ADJUSTMENT**: Motion by Bjerke, second by Hass 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. Present 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.

**VARIANCE**: Motion by Hass, second by Bjerke to approve Variance request of Ryan Helkenn which will allow him to temporarily use a manufactured home that is more than 15 years old. Mr. Helkenn is also asking for a variance that will allow him to temporarily place the manufactured home less than the required front yard setback from the right of way. The first item to be discussed will be the age of the manufactured home. Luke gave report on the circumstances of both variance requests. He informed the board the age of the manufactured home, the location, reasons for the home and the time line of the structure. The property described as Southwest quarter of Section 13, Township 116, North, Range 59 West of the 5th P.M., Clark County, South Dakota. Commissioner Sass opened the public hearing. Mr. Helkenn was not available for comment. Hearing was opened for further public testimony. There was none and the public hearing was closed and Board questions were addressed. Staff presented the findings of fact relating to the age of the manufactured home, and restated the motion: The motion is to approve a variance to allow Ryan Helkenn to temporarily use a manufactured home which is greater than 15 years old if provided he agrees to remove the manufactured home within one year of occupying the proposed (Future) new house, and he submits consent of Dale Helkenn, Jacqueline Steensma Trust, Thomas E Patsey Co-Trustee provided prior to December 31, 2020. There was not further discussion. Voting aye: Hass, Bjerke, Knock, Reints and Sass. Motion carried.

**VARIANCE**: Motion by Hass, second by Reints to approve Variance for Ryan Helkenn to allow trailer house to be 50’ from the right of way. Staff report and public hearing discussion was included in the first hearing. There was no additional board discussion. Luke read the findings for the variance. Voting aye: Hass, Bjerke, Reints, Knock and Sass. Motion carried.

**CONDITIONAL USE**: Agropur land spreading conditional use permit. Motion by Bjerke, second by Knock to approve conditional use permit for Agropur. Applicant is requesting to use sites governed by the South Dakota Department of Environment and Natural Resources permits for solid waste. Agropur is requesting to land apply process water in accordance with (SD DENR) general permit upon eleven properties situated in Collins, Lake, and Washington Townships. Luke gave report for this request including spreading of the materials upon described properties, documentation from the SDDENR and minimum manure application setbacks. Commissioner Sass opened the public hearing. Emily James and Tim Czmowski representing Agropur explained the process and time frame when and where the waste would be spread. Rob Schmidt and Ted Winkel also spoke regarding this request. Commissioner Sass opened the hearing for public testimony. No further testimony and public hearing was closed. Board questions were answered. Motion by Bjerke to postpone action until next meeting to obtain more information about the process and potential road damage. Second by Reints to delay action. Voting aye: Reints, Knock, Bjerke and Sass. Voting nay: Hass. Motion carried. This will be taken up again at the next Board of Adjustment meeting December 15, 2020.

**CONDITIONAL USE**: Riverview LLC, to operate a Class A Concentrated Animal Feeding Operation. Motion by Knock, second by Hass to approve the Conditional Use. This conditional use application by Riverview LLP on properties owned by Mayfield Hutterian Brethren, Inc and Connie Bratland on behalf of Delwin Bratland described as: the North Half of the Northwest Quarter of Section 16, Township 113 North, Range 56 West of the 5th P.M., Clark County, South Dakota and the South Half of the Northwest Quarter and the North Half of the Southwest Quarter of Section 16, Township 113 North, Range 56 West of the 5th P.M., Clark County, South Dakota. The applicant is requesting to conditional use permit, Class A Concentrated Animal Feeding Operation with accessory agricultural housing. This applicant is requesting a Conditional Use permit to permit up to 17,875 animal units (12,500 mature dairy cows.) Luke explained the project location and details of the project. Chairman Sass opened the public hearing. Luke asked any one who planned on speaking to state their name prior to speaking. Brady Janzen presented a slide show regarding the project. The hearing was opened for further public testimony. The following persons spoke as proponent of the project: Clinton Efraimson, Brandon Efraimson, Jeff Halme, Darin Williamson, Carter Johnson, Jon Anderson, Tony Olson, Joe Homola, Tim Czmowski, Doug Hervi, Marshall Edelman, Carolyn Edelman, Drew Edelman, Wynn Noem, Cory Tellinghuisen, Jack Schmidt. Peggy Nelson spoke with concerns about drainage and backup of water. Others who spoke during the hearing were Terry Schlagel, Mark McHenry, Leonard Koppman, and Devin Koistinen. Steven Westerbuhr with Riverview, LLC addressed the drainage issue. Tom Walsh, Lyle Grim and Damon Knoblock all with Riverview also spoke regarding this conditional use. Following testimony the public hearing was closed. Questions that were raised during the hearing and board questions were addressed. Luke asked the questions for findings of fact. Chairman Sass asked Luke to restate the motion: The motion is to approve the conditional use permit to allow up to 12,500 mature dairy cattle (17,875 animal units) subject to the conditions as read by staff. Voting aye: Hass, Knock, Bjerke, Reints and Sass. Motion carried.

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

**SHERIFF CONTRACT**: Motion by Reints, second by Knock to approve software licensing contract between Watertown Police Department and Clark County. Fee for the software licensing is $500.00. Voting aye: Hass, Bjerke, Reints, Knock and Sass. Motion carried.

**REPORTS:**  Motion by Hass, second by Knock 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…………………………………………..… 6,027.44

Money Market…..……………………………………...… 4,363,440.08 CD’s…………..…………………………………………… 800,000.00  
Checking Account....…….…………………………………. 599,617.31 TOTAL:……………..……………… …..…………………5,769,084.83

These funds include all funds administered by the county including: General Fund $2,978,823.00, Road & Bridge: $1,104,292.68, 911 Service Fund: 74,449.71, E/D: 8,621.85, Domestic Abuse: 475.00, 24/7 – 15,679.75, ROD Mod/Pres: $11,256.66, TIF: 9,883.63. **Trust & Agency Funds $1,565,602.55 which are funds returned to schools, towns, townships and special districts.** TOTAL: $5,769,084.83.

**ROD Fees**: September recording fees 2025.00, Transfer fees: 540.00, Births: 30.00, Deaths: 70.00, marriages: .00, Copy money: 67.00, Misc. 195.00. TOTAL: 2,927.00.

**Ambulance**: 14,482.59, **Sheriff**: Mileage 147.00, Civil fees $780.00, Pistol permits $3.00.

**CLAIMS**: Motion by Reints, second by Bjerke to approve the following claims and allow the auditor to issue payment. Voting aye: Hass, Knock, Bjerke, Reints and Sass. Motion carried. COMMISSIONERS: Connecting Point – antivirus renewal 106.75, ELECTIONS: Cardmember service -Lysol 59.43, Ken’s Fairway – supplies 17.88, AUDITOR: Connecting Point – antivirus renewal 42.70, Office Peeps-supplies 115.80, Service Master of Watertown – covid sanitation 2425.00, Chris Tarbox- reimburse deductible 4500.00, TREASURER: Connecting Point- antivirus renewal 106.75, STATES ATTORNEY: Prairie Lakes Healthcare-blood draw – 85.00, PUBLIC BUILDINGS: City of Clark -water 77.65, Cook’s Wastepaper-garbage 34.75 Culligan – water 8.75, Moeller Sheet Metal – air cleaning unit 2295.00, Northwestern Energy-utilities 986.90, Schumacher Elevator Co-elevator maintenance 3005.45, DIRECTOR OF EQUALIZATION: Connecting Point – antivirus renewal 64.05, REGISTER OF DEEDS: Connecting Point – antivirus renewal 21.35, Toshiba Financial Services-cop machine rent 126.75, SHERIFF: Connecting Point- antivirus renewal 170.80, Office Peeps- paper/ink cartridges 100.83, Tony’s Collision Center-snow tires for Durango 600.00, Watertown Police Dept-Zuercher contract 500.00, PRISONER CARE: Codington CO Auditor- prisoner care – 510.00, AIRPORT: Northwestern Energy – utilities 123.80, AMBULANCE: Bound Tree Medical-supplies 291.55, Cardmember Service- sprayers 223.63, City of Clark – water 72.45, Connecting Point- antivirus renewal 64.05, Heiman-annual fire ext inspection 36.00, Ken’s Fairway- supplies 33.60, Lake Grocery-supplies 8.38, Northwestern Energy – utilities 311.54, Watertown Wholesale – sanitizer 306.35, SOC SERV FOR AGED: Inter-Lakes Comm Action-support Comm serv/Nov 1469.33, MENTAL ILLNESS BOARD: Lincoln County Treasurer – in voluntary mental expense – 286.00, SD Human Service- involuntary service 611.63, EXTENSION: Office Peeps- copier rent 43.84, SDSU-Dept of Animal Science -2021 IRM Redbooks 37.50, WEED: City of Clark – water 62.05, Connecting Point – antivirus renewal 21.35, Northwestern Energy-utilities 186.21, ROAD & BRIDGE: Ameripride Services – towels 126.25, Asphalt Paving & Materials – hot mix 1615.23, Boyer Ford Trucks-parts 214.08, Central Salt, LLC- road salt 1772.96, City of Clark – water 72.45, Clark Engineering Corp-bridge work – 9622.52, Connecting Point- antivirus renewal 42.70, Cook’s Wastepaper -garbage 92.50, Equipment Blades-cutting edges 13,147.20, Fastenal Company – parts 29.42, I-State Truck Center – parts 197.86, Inland Truck Parts & Service-parts 398.73, Dennis Johnson – contract hauling 4118.00, Jim Johnson – contract hauling 2744.00, Lucas Johnson Trucking-contract hauling – 3773.00, North American Truck-parts 244.71, Northern Con Agg-pea rock 12,322.39, Northern Safety-marking paint 115.92, Northwestern Energy- utilities 1208.89, Oscar’s Machine Shop -parts – 418.82, , RDO Equipment – outside repair/parts 5203.89, Sioux Rural Water-water 48.00, Sturdevants Auto Parts-outside repair 1019.65, Sturdevants-filters 308.44, Sturdevants-parts 2373.98, Transource -parts 893.74, TrueNorth – culverts 2224.08, Wheelco-parts 775.14, PRISONER CARE: A-1 Computer Solutions – upgrade computer 279.99. TOTAL: 85,553.39.

**PAYROLL**: AUDITOR: 5506.92, TREASURER 4988.69, STATES ATTORNEY: 4,853.97, COURTHOUSE: 2583.41, DIRECTOR OF EQUALIZATION: 4834.54, REGISTER OF DEEDS: 3,118.40, VETERAN SERVICE OFFICE: 363.81, SHERIFF: 8693.53, NURSE: 1985.32, AMBULANCE: 12,518.72, EXTENSION: 1546.23, WEED: 220.88, ROAD & BRIDGE: 44,463.77, EMERGENCY & DISASTER: 1125.14. TOTAL: 96,803.33.

**ADJOURN**:  Motion by Bjerke, second by Hass to adjourn at 12:37 p.m. until next regular meeting Tuesday, December 1, 2020 at 8:00 a.m. Voting aye: Reints, Hass, Bjerke, Knock 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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