CLARK COUNTY COMMISSIONERS PROCEEDINGS

January 19, 2021

The Clark County Commissioners met in regular session on Tuesday, January 19, 2021 in the basement 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. Present at the Courthouse: Chris Sass, Richard Reints and Terry Schlagel. Also present Auditor Tarbox.

**AGENDA:** Motion by Reints, second by Knock to approve the January 19, 2021 agenda as presented. Voting aye: Hass, Reints, Knock, Schlagel and Sass. Motion carried.

**MINUTES**: Motion by Hass, second by Schlagel to approve the minutes from the regular meeting held January 5, 2021. Voting aye: Hass, Reints, Knock, Schlagel 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 discussed additional options available for the new truck.

**STATE AUDITOR**: State Auditor Brandi Pitts introduced herself to the board and presented her entrance conference.

**GRANTS**: Kristin Vandersnick with Choose Clark County met with the board to discuss applying for grants. The funds from these grants will be used towards the proposed community building at the 4-H grounds. She discussed two different grants that are available. One through Wellmark Foundation “Large Matching Grant” which is a 100% matched grant and a USDA Rural Development Community Facilities grant. Motion by Schlagel, second by Reints to allow applying for both grants. Voting aye: Hass, Knock, Reints, Schlagel and Sass. Motion carried.

**BOARD OF ADJUSTMENT**: Motion by Knock, second by Reints to recess as County Commission and Convene as Board of Adjustment. Voting aye: Hass, Knock, Reints, Schalgel 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 Reints, second by Schlagel to approve the Board of Adjustment Agenda. Voting aye; Hass, Knock, Reints, Schlagel and Sass. Motion carried.

**VARIANCE**: Item on agenda is Variance request by Ken Luvaas which would allow a used trailer house older than allowed by ordinance to be placed on property described as Southeast Quarter of Section 5, Township 118 North, Range 57 West of the 5th P.M, Clark County, South Dakota. Motion by Knock, second by Hass to approve Variance. Staff report was given by Luke Muller regarding the request. Chairman Sass opened the public hearing. No one appeared. The public hearing was closed and board questions were answered. Luke covered the questions for finding of fact and restated the motion: The motion is to approve a variance to allow Ken Luvaas to move in a manufactured home which is greater than 15 years old subject to the conditions that land owner has signed consent forms from 100% of adjourning land owners. Voting aye: Reints, Schlagel, Knock, Hass and Sass. Motion carried.

**VARIANCE**: The next agenda item is a request for 63’ front yard setback variance requested by Alan Yexley and Susan Yexley Jennen on property located in the Northwest Quarter of Section 24, Township 119 North, Range 57 West of the 5th P.M, Clark County, South Dakota. The applicant requests to construct an addition to an existing nonconforming structure less than one hundred (100)’) feet from the 429th Avenue right of way. Motion by Schlagel, second by Hass to bring this matter before the board. Luke Muller addressed the board with details of the request. Chairman Sass opened the public hearing. Alan Yexley and Susan Yexley Jennen both spoke on their behalf describing the addition and the circumstances of the variance. There was no further public testimony and Chairman Sass closed the public hearing. Board questions were answered. Luke read the questions for findings of fact. Luke restated the motion. The motion is to approve the variance to allow the applicant to construct an addition with 63’ front yard variance nearest point 37’ from the right of way line. Voting aye: Hass, Knock, Reints, Schlagel and Sass. Motion carried.

There was no other business for the open and no other business before the Board.   
  
**ADJOURN**: Motion by Reints, second by Knock to adjourn as Board of Adjustment and reconvene as Board of County Commissioners. Voting aye; Hass, Knock, Reints, Schlagel and Sass. Motion carried.

**DRY LAKE**: Emergency Manager Lewis met with the board to discuss funding sources to assist in covering cost of the USGS on the Dry Lake issue. Greg Delzer, Joshua Valder, and Ryan Thompson with USGS led further discussion about the stages of the proposed study of Dry Lake. The study will be done in two phases and they explained what will be done in each phase and how the information will be used and available. Thomas Lamb also spoke. Motion by Knock, second by Hass to approve going forward with task I of the study of lakes in Clark County at a cost of $19,000.00. Voting aye: Hass, Knock, Reints, Schlagel and Sass. Motion carried.

**COURTHOUSE CLOSURE**: The board has decided to open the Courthouse effective February 1, 2021. We will continue to practice the current COVID guidelines including wearing masks, six foot social distancing and hand sanitizing. The situation will be evaluated if circumstances change.

**REPLACE CHECK**: Motion by Reints, second by Schlagel to replace treasurer check in the amount of $96,363.12 to the South Dakota State Treasurer office which was lost in the mail. Voting aye: Hass, Reints, Knock, Schlagel and Sass. Motion carried.

**SHERIFF**: Sheriff McGraw met with the board to discuss wages for Deputy Tad Heaton. Motion by Knock, second by Schlagel to increase Deputy Tad Heaton wages to 3543.07 per month. This will be effective with the February 5, 2021 payroll. Voting aye; Hass, Reints, Knock, Schlagel and Sass. Motion carried. Sheriff McGraw also discussed courthouse security.

**RESOLUTION 9-21**: Motion by Knock, second by Reints to approve Resolution 9-21 which will approve construction and operation of a proposed solid waste facility for Agropur. Voting aye; Hass, Reints, Knock, Schlagel and Sass. Motion carried.

**Resolution No**. 9-21

**Clark** **County Commission**

Motion by Knock, second by Reints to approve Resolution 9-21. Voting aye: Hass, Reints, Knock, Schlagel and Sass. Motion carried.

**WHEREAS**, Agropur, Inc desires to utilize certain real property for the disposition of waste products facility for the purpose of solid waste management; and

**WHEREAS**, In accordance with Chapter 11-2 1967 SDCL, and Amendments thereof, Clark County has adopted Ordinance 01-14, an Ordinance amending Ordinance 03-03, an Ordinance establishing zoning regulations for Clark County South Dakota, and providing for the administration, enforcement, and amendment thereof, and for the repeal of all ordinances in conflict herewith for the purposes of regulating land uses such as waste management sites; and

**WHEREAS**, Clark County Ordinance 01-14, as amended, establishes certain solid waste management sites as Conditional Uses; and

**WHEREAS**, Clark County Ordinance 01-14, as amended, identifies the Board of Adjustment as the approving authority for all conditional uses; and

**WHEREAS**, On December 15, 2020, in accordance with Chapter 11-2 1967 SDCL, as amended, and Clark County Ordinance 01-14, as amended, the Clark County Board of Adjustment authorized Agropur, Inc to utilize certain real property for the disposition of waste products facility for the purpose of solid waste management; and

**WHEREAS**, the action on December 15, 2020 by the Clark County Board of Adjustment demonstrates the siting of this proposed facility is not in conflict with any established zoning laws or ordinances; and

**WHEREAS**, Agropur, Inc. has (or will) file(d) a solid waste application with the South Dakota Department of Environment and Natural Resources (DENR); and

**WHEREAS**, DENR has (or will) review(d) that application to determine that the facility can be operated within the South Dakota laws and regulations; and

**WHEREAS**, DENR has (or will or may) recommended the approval of the permit with conditions adequate to safeguard the environment; and

**WHEREAS**, the Board of Minerals and Environment will review, modify, approve, or deny the permit if the tentative recommendations and/or conditions of the permit are contested by any interested party; and

**WHEREAS**, though redundant in the regulation of land use, the County Commission of Clark County is required by South Dakota law SDCL 34A-6-103 to approve of a solid waste facility prior to the issuance of a solid waste permit;

**IT IS THEREFORE RESOLVED** that the County Commission of Clark County hereby approves construction and operation of the proposed facility to be operated under the terms of a solid waste permit to be issued by the Board of Minerals and Environment, solely and exclusively due to the requirements of South Dakota law SDCL 34A-6-103.

**BE IT FURTHER RESOLVED** that the approval of this resolution should in no way be seen to supersede, abrogate, or otherwise interfere with the issuance of the Conditional Use to Agropur, Inc. for the above authorized use in accordance with in accordance with Chapter 11-2 1967 SDCL, as amended, and Clark County Ordinance 01-14, as amended.

**APPROVED** this 19th day of January, 2021 by the Clark County Commission in regular session at Clark County, South Dakota.

Signed /s/ Christine Tarbox

County Auditor

**EXTENSION MOU**: Motion by Knock, second by Reints to approve and allow Chairman to sign the Memorandum of Understanding between Clark County and SDSU Extension. Clark County will pay $10,310 to SDSU for calendar year January 1, 2021 to December 31, 2021. Voting aye: Hass, Knock, Reints, Schlagel and Sass. Motion carried.

**GOVERNMENT DAYS**: The board discussed allowing government days for 2021. The board supports the event with the COVID Protocol being followed.

**DOE**: Year end reports were submitted by the DOE Reidburn which detailed the revenue generated by the Director of Equalization office for calendar year 2020.

**ABATEMENT 1**: Motion by Reints, second by Knock to approve abatement one. This abatement is due to error in elderly freeze valuation. This change will lower the taxes on this parcel by $246.37. Voting aye; Hass, Reints, Knock, Schlagel and Sass. Motion carried.

**ABATEMENT 2**: Motion by Reints, second by Schlagel to approve abatement two. This abatement is due to error in elderly freeze valuation. This change will lower the taxes on this parcel by $458.55, Voting aye: Hass, Reints, Knock, Schlagel and Sass. Motion carried.

**ABATEMENT 3**: Motion by Knock, second by Hass to approve abatement three. This abatement is due to error in elderly freeze valuation. This change will lower the taxes on this parcel by $348.37, Voting aye; Hass, Reints, Knock, Schlagel and Sass. Motion carried.

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

AUDITOR’S MONTHLY SETTLEMENT WITH THE TREASURER  
 Cash on hand…………………………………………..… 27,882.74

Money Market… ………………………………………….3,563,815.95

CD’s…………..…………………………………………… 800,000.00  
Checking Account....…….…………………………………. 303,302.46 TOTAL:……………..……………… …..…………………4,695,001.15

These funds include all funds administered by the county including: General Fund $2,645,837.48, Road & Bridge: $1,563,512.72, 911 Service Fund: 73,430.47, E/D: 5,155.57, Domestic Abuse: 125.00, 24/7 – 15,953.76, ROD Mod/Pres: $7,646.81, TIF FUNDS: 1,911.97. **Trust & Agency Funds $381,427.37 which are funds returned to schools, towns, townships and special districts.** TOTAL: $4,695,001.15.

**ROD Fees**: December recording fees 2675.00, Transfer fees: 3620.00, Births: 15.00, Deaths: 125.00, marriages: 30.00, Copy money: 82.00, Misc. 320.00. TOTAL: 6867.00.

**Ambulance**: 12,176.65, **Sheriff**: Mileage 76.00, Civil fees $360.00, Pistol permits $124.00.

**CLAIMS**: Motion by Knock, second by Reints to approve the following claims and allow the auditor to issue payment. Voting aye: Hass, Knock, Reints, Schlagel and Sass. Motion carried. COMMISSIONERS: Clark Community Oil –gas-Durango – 31.19, WW Tire Service -wiper blade 39.90, AUDITOR: Office Peeps-mouse 55.48, TREASURER: Cardmember Service – stamps 1631.50, McLeods- tax notice envelopes 469.37, Office Peeps-stamp 17.99, STATES ATTORNEY: Lisa Clausen-reimburse ins deductible – 2250.00, SD Dept of Rev- blood draw -40.00, Thomson Reuters-West Publishing -online library – 897.55, COURT: Bratland Law-court appointed 1749.80, PUBLIC BUILDINGS: City of Clark – water 72.45, Cook’s Wastepaper & Recycling- garbage 35.25, Moeller Sheet Metal – air filter units 4590.00, Northwestern Energy- utilities 1457.64, Star Laundry -rugs 40.58, REGISTER OF DEEDS: Office Peeps – wall calendar refill 21.70, Toshiba Financial Services – copy machine rent 94.24, SHERIFF: Cardmember Service- 2 sets stinger spike system 1141.62, Clark Community Oil – gas 566.67, JB’s Repair- battery-2019 ford – 129.00, PRISONER CARE: Codington County auditor – prisoner care 1530.00, AIRPORT: Clark Community Oil – fuel 111.58, Northwestern Energy -utilities 246.31, AIRPORT: Clark Community Oil – fuel 111.58, Northwestern Energy-utilities 246.31, AMBULANCE: Bound Tree Medical LLC-supplies 535.50, City of Clark -water 67.25, Clark Community Oil – gas 246.31, JB’s Repair- change oil/replace filters 518.40, Lewis Family Drug-glucose strips 25.00, Northwestern Energy- utilities 410.27, Reemployment Assistance Division-4th qtr unemployment 22.73, Star Laundry – laundry – 11.78, SOC SERV FOR AGED: Inter-Lakes Comm Action – support serv worker January-1488.00, Human Service Agency – support nutrition program 2021 -1800.00, MENTAL HEALTH CENTER: Human Service Agency-1st qrt appropriations 3984.00, MENTAL ILLNESS BOARD: Dean Schaeffer Court Reporting – report services/mental illness 30.00, Kennedy Pier Loftus & Reynolds – mental health services 339.50, South Dakota Human Services – involuntary service 611.63, CULTURE & RECREATION: Glacial Lakes and Prairies – 2021 Co Membership contribution 425.00, EXTENSION: Office Peeps-monitor/copier supplies - 200.91, Star Laundry -rugs 25.20, WEED: Cardmember Services – registration-renewals 213.00, Clark Community Oil – LP Tank rent 35.00, Reemployment Assistance Division – 4th qrt unemployment – 34.13, SD Association of CO Weed – 2021 dues 50.00, ROAD & BRIDGE: 3D Specialties – 420th signs 201.81, Avera Queen of Peace – drug testing 63.55, City of Clark – water 124.10, Clark Community Oil – fuel 2701.12, Cook’s Wastepaper & Recycling – garbage – 92.50, Equipment Blades – cutting edges 13147.20, North Western Energy-utilities 1928.28, Office Peeps- supplies 39.90, Oscar’s Machine Shop-parts 202.18, Pheasantland Ind-clothing 2121.98, Pro-Line -filter 38.77, Reemployment Assistance-4th qrt unemployment 56.86, Runnings Farm & Fleet - tools 548.18, Sturdevants Auto Parts- filters 174.99, Sturdevants – supplies 3136.68, Sturdevants -shop supplies 16.69, REGISTER OF DEEDS: Microfilm Imaging Systems – scanner rent/software 240.00, SALES TAX FUND: SD Dept of Rev – 2020 sales tax 1.73. TOTAL: 53,129.95.

**PAYROLL**: AUDITOR: 5493.25 TREASURER 5520.94, STATES ATTORNEY: 5074.10, COURTHOUSE: 2638.40, DIRECTOR OF EQUALIZATION: 4997.99, REGISTER OF DEEDS: 3306.05, VETERAN SERVICE OFFICE: 371.11, SHERIFF: 8985.20, NURSE: 2072.15, AMBULANCE: 15,783.51, EXTENSION: 1406.16, WEED: 498.68, ROAD & BRIDGE: 50,657.61, EMERGENCY & DISASTER: 1068.24. TOTAL: 107,873.39.

**ADJOURN**:  Motion by Schlagel, second by Reints to adjourn at 11:55 a.m. until next regular meeting Tuesday, February 2, 2021 at 8:00 a.m. Voting aye: Reints, Hass, Knock, Schlagel 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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