CLARK COUNTY COMMISSIONER PROCEEDINGS

July 27, 2021

The Clark County Commissioners met in regular session on Tuesday, July 27, 2021 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 at the Courthouse: Francis Hass, Richard Reints, Wallace Knock, Terry Schlagel and Chris Sass. Also present Auditor Tarbox.

**COMMUNITY COMMENTS**: No one appeared.

**AGENDA:** Motion by Reints, second by Hass to approve the July 27, 2021 agenda. All voting aye. Motion carried.

**MINUTES**: Motion by Knock, second by Schlagel to approve the minutes from the regular meeting held July 6, 2021. All voting aye. Motion carried.

**HIGHWAY**: HS Eggleston met with the board via teleconference to discuss road conditions and road work being done.

**HIGHWAY**: Motion by Schlagel second by Reints to approve purchase of a 2005 Sterling truck, 2008 Monroe plow, 2012 Monroe sander, 2005 10’ wing, 2 005 Henke Plow and 2005 Falls under body blade from South Dakota Property Management. Purchase price is $33,000.00. All voting aye. Motion carried.

**HIGHWAY**: HS Eggleston discussed bridge replacement in Fordham Township. He informed the board that County’s protocol for bridges under 20 feet, County pays the engineering costs and cost of the culvert and the Township pays cost of installation. HS Eggleston will contact Fordham Township.

**WEED**: WS Jenkins met with the board to declare surplus, two ATV’s, a 2004 Polaris Sportsman ATV and a 2008 Polaris Sportsman ATV. Motion by Reints, second by Knock to declare the two ATV’s as surplus. The two units will be sold at public auction in front of the Courthouse on August 17, 2021 at 8:30 a.m. All voting aye. Motion carried.

**WEDDING RECEPTION**: Motion by Schlagel, second by Sass to allow Victoria Moyer and Tate Schaack to use the fairgrounds on August 21, 2021 for a wedding reception. They stated they will be providing the alcohol for the event so no liquor license is required. The agreement and insurance coverage required has been explained to the requesting individuals and will be supplied prior to the event. All voting aye. Motion carried.

**BOARD OF ADJUSTMENT**: Motion by Hass, second by Schlagel to recess as County Commission and Convene as Board of Adjustment. All voting aye. 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. There are 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. Chairman Sass 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 Hass to approve the Board of Adjustment Agenda. All voting aye. Motion carried.

**CONDITIONAL USE**: The next agenda item is a request for Conditional Use permit by Windy Ridge Hutterian Bretheran, Inc. (a business entity of Hillcrest Hutterian Brethren, Inc.) on property described as: The North Half of the Southeast Quarter and the West Half of the South Half of the Southeast Quarter of Section 5, Township 118 North, Range 56 West of the 5th P.M., Clark County, South Dakota (Maydell Township). The application is requesting a Conditional Use permit to construct a Class A CAFO with up to 2880 AU (9660 Finisher Swine 55 to 300 lbs). Present in the Commissioner room were Mike Waldner, Jacob Waldner, John Waldner representing Windy Ridge Hutterian Bretheran, Bryan Friedrichsen from Dakota Environmental, Norm Alexander, Kelvin Poppen, Jeff Gross, Mitchell Koehn, Atty, P&Z Officer Reidburn and SA Fjelland. Motion by Knock, second by Reints to approve the Conditional Use permit. Staff report was given by Luke Muller regarding the request. Chairman Sass opened the public hearing. Bryan Friedrichsen from Dakota Environmental spoke on behalf of Windy Ridge regarding the request. Mitchell Koehn also spoke expressing concerns about who oversees the project and odors. Norman Alexander also expressed concerns about odor and ground water, Kelvin Poppen spoke with concerns about shallow wells and the roads. Discussion was also held regarding spreading of the manure, timing and process. There was further public testimony and the public hearing was closed and board questions were answered. Luke read the findings of fact relating to the request.

Motion by Knock, second by Reints to make an amendment to the motion to state the Haul road agreements with Clark County and applicable township road authorities shall be provided for the use of 432nd Ave from SD HWY 20, to 167th Street then west two (2) miles, to 430th Avenue then south one (1) mile, to 168th Street and west two and a half miles (2.5) miles to the existing Hillcrest Colony site as the primary haul route. Secondary haul road shall include 160th Street, two miles east to SD HWY 25. Unless otherwise agreed to between the applicable road authorities and the applicant. Voting aye on the amendment: Knock, Hass, Reints, Schlagel and Sass.

Motion by Knock, second by Schlagel to amend the original motion to include, the grantor shall plant trees in accordance with a tree plan prepared by the applicant with assistance by the Clark County Conservation District and to be approved by the Zoning Officer. All shelterbelts planned as a part of the screening shall meet minimum requirements of the zoning ordinance unless otherwise agreed to by the affected landowner/road authority and be maintained in a living condition. Voting aye to second amendment to the motion: Knock, Hass, Reints, Schlagel and Sass. Motion passed. Luke restated the motion: The motion is to grant Windy Ridge Hutterian Brethren, a business entity of Hillcrest Hutterian Brethren a conditional use permit to operate a Class A CAFO with up to 2880 AU (9660 Finisher Swine 55 to 300 lbs) at this site, subject to the conditions as amended. Voting aye: Knock, Hass, Reints and Sass. Voting nay: Schlagel. Motion carried.

There was no other business for the open and no other business before the Board.

**ADJOURN**: Motion by Hass, second by Schlagel to adjourn as Board of Adjustment and continue as Board of County Commissioners. All voting aye. Motion carried.

**TOBY:** Toby Morris updated the board on County Road 17 (Carpenter road) funding. Including the application to the DOT.

**EXECUTIVE SESSION**: Motion by Hass, second by Reints to enter into executive session at 11:46 a.m. as per SDCL 1-25-2 to discuss personnel issue. All voting aye. Motion carried. Chairman declared out of executive session at 12:32 p.m.

Hass absent.

**COURTHOUSE REPAIRS:** Custodian Marx met with the board to discuss repairs to the Courthouse front steps and sidewalk. The State Historical have been contacted and they have approved the project as the proposed replacement of the front steps and sidewalk will not encroach upon, damage, or destroy historic properties listed in the National or State Registers of Historic places. Discussion was held regarding putting together specs to bid the project. Custodian Marx will check into it.

**VETERAN SERVICE OFFICER**: VSO Lewis met with the board to update them on the Veteran Service Office. He reviewed services that are available within the Veteran Service Office.

**DAKOTABILITIES REQUEST**: Motion by Reints, second by Knock to deny the request from Dakotabilities for County resident. All members voting aye. Motion carried.

**AIRPORT**: Auditor Tarbox informed the board of an additional grant that is available through the American Rescue Act Plan for the airport for COVID related expenses. The grant will be up to $32,000.00 and can be spent over four years. Motion by Knock, second by Sass to approve applying for the grant. All voting aye. Motion carried.

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

**AUDITOR OFFICE**: Motion by Reints, second by Schlagel to allow Auditor office to close October 20 and 21st, 2021 to allow staff to attend election training. All voting aye. Motion carried.

**AIRPORT**: Written report was received from Mark McHenry regarding hay crop harvested from the Clark County Airport grassland. No action needed.

**2022 BUDGET**: The board spent time discussion the 2022 budget.

**REPORTS:**  Motion by Knock, second by Sass to approve the following reports. All voting aye. Motion carried.

 AUDITOR’S MONTHLY SETTLEMENT WITH THE TREASURER
 Cash on hand…………………………………………..… 12,090.92

Money Market… ………………………………………….5,014,953.72

CD’s…………..…………………………………………… 800,000.00
Checking Account....…….…………………………………. 910,010.45 TOTAL:……………..……………… …..…………………6,737,055.09

These funds include all funds administered by the county including: General Fund

$3,993,699.99, Road & Bridge: $1,827,000.18, 911 Service Fund: 71,918.94, ED:12,617.35, Domestic Abuse: 420.00, 24/7 – 16,611.44, ROD Mod/Pres: $6,822.98, American Rescue Plan Funds: 362,837.00, **Trust & Agency Funds $445,127.21 which are funds returned to schools, towns, townships and special districts.** TOTAL: $6,737,055.09.

**ROD Fees**: May recording fees 2450.00, Transfer fees: 2457.50, Births: 25.00, Deaths: 75.00, marriages: 30.00, Copy money: 67.00, Misc. 193.00. TOTAL: 5297.50.

**Ambulance**: 13,690.07, **Sheriff**: Mileage 56.00 Civil fees $300.00, Pistol permits $21.00.

**CLAIMS**: Motion by Schlagel, second by Reints to approve the following claims and allow the auditor to issue payment. All voting aye. Motion carried. GENERAL FUND: Watertown Fire Department – 60 % of run 232.50, COMMISSIONERS: Clark Co Courier- proceedings-462.11, United States Geological Survey-joint funding agreement 4750.00, AUDITOR: Connecting Point – backup replacement 20.00, Dollar General- binders 20.24, Office Peeps- paper/ink cartridge - 242.53, PMB-0112 – user fees 73.25, Chris Tarbox – ins reimbursement 2250.00, Thomson Reuters-codified laws 278.21, TREASURER: Office Peeps – cartridge/supplies 212.86, STATES ATTORNEY: Clark Co Courier- summons – 70.09, SD Department of Revenue-blood draw 40.00, Thomson Reuters-West Publishing-online software subscription 1521.58, COURT: Austin, Hinderaker, Hopper-court appt atty 1995.42, Bratland Law – court appt atty -524.70, Summon Law Offices -court appt atty 196.50, PUBLIC BUILDINGS: Cardmember Service -parts for bathroom 37.34, City of Clark -water 72.45, Cook’s Wastepaper-garbage 35.00, Culligan -water 64.00, Moeller Sheet Metal – check a/c unit/flow switch – 598.83, Northwestern Energy – 1606.48, Star Laundry – rugs 40.90, DIRECTOR OF EQUALIZATION: Office Peeps- cartridge 145.00, REGISTER OF DEEDS: Office Peeps- holder 29.49, Toshiba Financial Services – copy machine rent 95.32, SHERIFF: A&B Business-repairs/copy machine 32.50, AT&T Mobility – service 257.16, Batteries Unlimited – batteries 115.00, Cardmember Service-barrier tape 57.42, Clark Community Oil – gas 814.19, Oscar’s Machine Shop-weld alum light 45.00, SD Dept of Public Safety – teletype -2730.00, Tony’s Collision Center- repairs to 2020 Durango 3163.20, PRISONER CARE: Codington Co Auditor – prisoner care 4492.83, AIRPORT: Efraimson Electric – light bulbs 362.00, Northwestern Energy-utilities 69.74, AMBULANCE: AAA Collections – collections 12.94, AT&T Mobility – service 177.96, Bound Tree – supplies 750.80, City of Clark – water 72.45, Clark Co Courier- EMT ad – 53.10, Clark Community Oil – gas 330.48, CLIA Laboratory Program – certification fee 180.00, Ken’s Fairway-supplies 44.08, Lake Grocery- supplies 10.88, Lewis Family Drug – supplies - 555.00, Northwestern Energy – utilities – 347.61, Premier Specialty Vehicles – supplies 46.38, Reemployment Assistance Division-2nd qrt unemployment 106.67, Star Laundry – rugs 23.70, SOC SERV FOR AGED: Inter-Lakes Comm Action – support comm serv/ July – 1488.00, MENTAL HEALTH CENTER: Human Service Agency – 3rd qrt appropriations 3287.00, EXTENSION: Ken’s -supplies 3.14, Office Peeps – copier 287.83, Star Laundry – rugs 25.38, State 4-H Office-1/2 of expenses for fair – 27.50, WEED: City of Clark – water 145.35, Clark Community Oil – fuel- 2094.70, Cook’s Wastepaper-garbage 46.37, Ken’s Fairway – supplies 7.76, Northwestern Energy – utilities – 138.86, Nutien Ag Solutions – Tordon 7120.80, Reemployment Assistance-2nd qrt unemployment 160.00, VanDiest Supply Co-herbicides 5514.60, WW Tire Service – replace 2 rear tires – 849.90, PLANNING & ZONING: Clark Co Courier- adv-CU – 92.04, First District Assn of Local Gov – tech services 2587.50, ROAD & BRIDGE: Ameripride Services – towels 138.36, Asphalt Paving & Materials – paver patch/road oil – 516,053.90, AT&T Mobility – service 53.54, Avera Occupational Medicine -drug testing – 66.00, Boyer Ford Trucks – parts 32.69, Butler Machinery -parts 1736.28, City of Clark – water 67.25, Clark Co Courier- bids 15.93, Clark Community Oil – fuel – 5590.14, Cook’s Wastepaper – garbage – 46.38, Farstad Oil – fuel – 20,782.07, Flint Hills Resources – road oil 150,489.07, I-State Truck Center -parts 668.65, IMEG – reconstruction CR 17 & 38 -20,250.00, Northern Con-Agg- pea rock -17,733.12, Northern Safety – supplies 176.77, Northwestern Energy – utilities 1116.29, Oscar’s Machine Shop-parts 392.70, Reemployment Assistance-2nd qrt unemployment – 266.67, SD Federal Property-supplies/tools 116.00, SD Property Management – truck & accessories – 33,000.00, Sturdevant’s Auto Parts-supplies/filters 2635.43, Westside Implement – parts 1123.66, 911 SERVICE: City of Watertown – 911 surcharge 3011.33, CIVIL DEFENSE: AT&T Mobility -service 45.38, Sturdevant’s – battery 83.99, REGISTER OF DEEDS: Microfilm Imaging Systems-software/scanner rent 240.00. TOTAL: 830,274.76.

**PAYROLL**: AUDITOR: 5493.64 TREASURER 4951.49, STATES ATTORNEY: 5074.48, COURTHOUSE: 2978.78, DIRECTOR OF EQUALIZATION: 5224.05, REGISTER OF DEEDS: 3340.91, VETERAN SERVICE OFFICE: 371.11, SHERIFF: 9107.58, NURSE: 2072.35, AMBULANCE: 17,262.30, EXTENSION: 978.14, WEED: 4200.00, ROAD & BRIDGE: 46,875.25, EMERGENCY & DISASTER: 1090.26. TOTAL: 109,020.34.

**ADJOURN**:  Motion by Reints, second by Schlagel to adjourn at 1:41 p.m. until next regular meeting Tuesday, August 3, 2021 at 8:00 a.m. All 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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