CLARK COUNTY COMMISSIONER PROCEEDINGS

October 19, 2021

The Clark County Commissioners met in regular session on Tuesday, October 19, 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 Hass, second by Reints to approve the October 19, 2021 agenda. All voting aye. Motion carried.

**MINUTES**: Motion by Schlagel, second by Knock to approve the minutes from the regular meeting held October 5, 2021. All voting aye. Motion carried.

**HIGHWAY**: HS Eggleston met with the board via teleconference to discuss road conditions and road work being done. He informed the board the John Deere tractors have been returned as the mowing is done and Brownlee will be crushing gravel.

**HIGHWAY**: Motion by Reints, second by Knock to approve purchase of a new blade for 2022 to be delivered in the spring of 2022. This will be purchased from RDO from the Minnesota State bid. Purchase price is $324,038. All voting aye. Motion carried.

**HIGHWAY:** Motion by Hass, second by Schlagel to allow HS Eggleston to call for bids for Bridge #13-050-212. Bids will be accepted until 10:00 a.m. on Wednesday, November 17, 2021. Bids will be presented to the board on December 7, 2021. All voting aye. Motion carried.

**PLANNING**: Marty Mack and Richard Anderson met with the board to discuss the status of the addition of Lake Park District to the Planning and Zoning for Clark County. The board discussed the issue and appointed Chris Sass and Wallace Knock as the representatives from the board to go through the proposed Lake Part District planning and zoning. They will then report back to the full board.

**BOARD OF ADJUSTMENT**: Motion by Schlagel, second by Reints 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 Schlagel 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 East River Electric Power Coop to operate an electrical substation on property described as: Tract 1 Cherry Lake Substation Addition in the Northwest Quarter of Section 9, Township 113 North, Range 56 West of the 5th P.M., Clark County, South Dakota (Washington Township). Motion by Reints, second by Hass to open discussion on this item. Commissioner Sass opened the public hearing and Paul Letsche representing East River Electric spoke explaining the need for the substation and the location. There was no further public testimony and the public hearing was closed. Board questions were answered. Luke read the questions for the findings of fact. Luke restated the motion: The motion is to grant East River Electric Power Coop, Inc a conditional use permit to operate a public utility and public service structure, subject to the conditions read. Voting aye: Knock, Hass, Reints, Schlagel and Sass. Motion carried.

The next agenda item is a request for a conditional use permit by Tri-R, LLC to operate a Class A CAFO on property owned by Gayle Wookey described as: The Northeast Quarter of the Northeast Quarter Section 33, Township 119, Range 56 West of the 5th P.M., Clark County, South Dakota (Blaine Township). Motion by Knock, second by Hass to approve the Conditional use and open discussion on this item. Luke presented information related to this CAFO request. His report included the applicant seeks to construct a Class A CAFO with up to 4,733 AU (up to: 8496 breeding, gestation, and farrowing swine; and 2,136 heard of finishing swine (55 to 300lbs); and 992 nursery swine. He discussed the specifics of the request, size and number of buildings, location of the facility, and the primary haul route. He also discussed the comprehensive land use plan, nutrient management plan, manure management plan, management plan for and water usage plan. Chairman Sass opened the public meeting. Present at the hearing in the Commissioner Room: Gary Lenzen, Bill Jaworski, David Kays, Rod Foster, Kevin Neal, Jarvis Reidburn, Lee Wasland was attending via zoom. Nick Fitzgerald, Brad Woerner and Marty Rost representing Pipestone Hog Farms were also present in person. Nick Fitzgerald with Pipestone provided a handout and spent time explaining location, the road haul agreement, number and size of buildings, number of animal units, setbacks and nutrient plan. Jarvis Reidburn also spoke briefly regarding the proposed project. Gary Lenzen spoke with concerns about number of animals, runoff to adjacent properties and water usage. Bill Jarwaski also expressed concerns about water usage and runoff. He also questioned if the EPA was involved in the process. Kevin Neal spoke informing the board he supported the project and felt any new revenue to the township and county is positive. David Kays spoke with concerns about odor and questioned how the manure would be applied. Rod Foster question who would manage the barn and who the investors would be, if the feed would be purchased locally and was concerned about water usage. Marty Rost answered questions about manure management and the process of applying the manure, he also discussed timing of the placement of the manure. Brad Woerner discussed the questions about manure runoff and discussion was held how to minimize runoff. Woerner also discussed day to day odor control. Questions from the public hearing were addressed and the public hearing was closed. Board questions were answered. Motion by Hass, second by Reints to request the proposed CAFO staff meet with the Clark County soil conservation and considered necessary tree planting. All voting aye. Motion carried. Motion by Schlagel, second by Reints that Applicant will submit documentation that stormwater discharge from the site, after final construction will not exceed stormwater discharge from the site in a pre-construction condition for a 25-year rainfall event. All voting aye. Motion carried. Luke restated the motion: The motion is to grant Tri-R LLC a conditional use permit to operate a 4,733 AU (up to: 8,496 breeding, gestation, and farrowing swine; and 2,136 head of finishing swine (55 to 300 lbs); and 992 nursery swine at this site, subject to the conditions read as amended. Voting aye: Knock, Hass and Sass. Voting nay: Reints and Schlagel. Motion carried.

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

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

**COUNTY ROAD #17**: Toby Morris met with the board to discuss the preapplication for the DOT loan. He also discussed and presented information for the time frame and projected revenues for debt repayment. Motion by Knock, second by Hass to authorize Toby to fill out application and present to the board. Voting aye: Knock, Hass, Schlagel and Sass. Voting nay: Reints. Motion pass.

**GOVERNMENT DAYS**: Motion by Hass, second by Reints to change the November 16, meeting date to November 15, to accommodate High School government days. All voting aye. Motion carried.

**LEMP:** Motion by Knock, second by Schlagel to approve and allow Chairman to sign the 4th quarter 2021 Local Emergency Management Performance Grant. All voting aye. Motion carried.

**CUSTODIAN**: Custodian Marx met with the board to present quotes for lawn garden/snow blower equipment. Quotes were reviewed and discussed. No action taken.

**WAGE INCREASE:** The board discussed potential increase in salary for calendar year 2022. No action taken.

**AIRPORT**: Motion by Hass, second by Schlagel to approve and allow Chairman to sign the Airport Grant pre-application checklist for 2022. All voting aye. Motion carried.

**RESCUE ACT PLAN:** Motion by Knock, second by Sass to approve a $2,000 fee payable to the SDACO to be applied to consulting services with Eide Bailey for correct disbursement of the American Rescue Act Plan funds. All voting aye. Motion carried.

**RESOLUTION 22-21**: Motion by Hass, second by Reints to approve Resolution 22-21. Plat for Cherry Lake Addition. All voting aye. Motion carried.

**RESOLUTION 22-21**

“BE IT RESOLVED by the Board of County Commissioners of Clark County, South Dakota, that the plat entitled**: TRACT 1 OF CHERRY LAKE ADDITION” in part of the Northwest quarter of the Northwest quarter of Section 9, Township 113 North, Range 56 West of the 5th Principal Median, 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 19th day of October, 2021.

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

Chairman, Board of County Commissioners

Clark County, South Dakota

ATTEST:

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

Clark County, South Dakota

**RESOLUTION 23-21**: Motion by Schlagel, second by Reints to approve Resolution 23-21, approving Warkenthien Feedyard addition Plat. All voting aye. Motion carried.

**RESOLUTION 23-21**

“BE IT RESOLVED by the Board of County Commissioners of Clark County, South Dakota, that the plat entitled**: “WARKENTHIEN FEEDYARD ADDITION IN THE COUNTY OF CLARK, SOUTH DAKOTA, Located in the East Half (E1/2) of Section 24, T116N, R58W of the 5th P.M. Clark County, South Dakota**, **Subject to Public Road Right of Way**”, 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 19th day of October, 2021.

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

Chairman, Board of County Commissioners

Clark County, South Dakota

ATTEST:

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

Clark County, South Dakota

**RESOLUTION 24-21**: Motion by Reints, second by Knock to approve Resolution 24-21 Plat – Schulz Addition. All voting aye. Motion carried.

**RESOLUTION 24-21**

“BE IT RESOLVED by the Board of County Commissioners of Clark County, South Dakota, that the plat entitled**: “Schulz Addition located in the Southwest Quarter of Section 17, Township 119 North, Range 59 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, 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 19th day of October, 2021.

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

Chairman, Board of County Commissioners

Clark County, South Dakota

ATTEST:

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

Clark County, South Dakota

**SET MEETING DATE**: Motion by Schlagel, second by Knock to set December 29, 2021 as the last meeting for 2021. All voting aye. Motion carried.

**BACKUP**: Motion by Schlagel, second by Sass to approve Off site backup and basic setup fee and continue Trend Micro antivirus coverage with Connecting Point in Watertown, South Dakota. There will be a one time set up fee of $199.00 for Ultra to implement the cloud backup and then a monthly fee of $116.00 per month. Cost for the antivirus will be $60.00 per month with a one time set up fee of $85.00. All voting aye. Motion carried.

**AFLAC**: Motion by Knock, second by Reints to allow AFLAC staff to meet with county employees. Meeting times will be arranged. All voting aye. Motion carried.

**SET HEARING**: Motion by Reints, second by Sass to set hearing for Web Water Development Association application for Authority to construct or lay rural water pipeline. Hearing set for November 15, 2021 at 8:30 a.m. All voting aye. Motion carried.

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

AUDITOR’S MONTHLY SETTLEMENT WITH THE TREASURER  
 Cash on hand…………………………………………..… 9,073.66

Money Market…………………………..………………….4,215,337.04

CD’s…………..…………………………………………… 800,000.00  
Checking Account....…….…………………………………. 332,728.00 TOTAL:……………..……………… …..…………………5,357,138.70

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

$3,696,168.73, Road & Bridge: $873,072.91, 911 Service Fund: 71,633.35, ED:7,218.55, Domestic Abuse: 680.00, 24/7 – 16,181.44, ROD Mod/Pres: $13,231.41, American Rescue Plan Funds: 362,837.00, Rural Access Infrastructure fund: 57,878.26. **Trust & Agency Funds $258,237.05 which are funds returned to schools, towns, townships and special districts.** TOTAL: $5,357,138.70.

**ROD Fees**: August recording fees 2755.00, Transfer fees: 3218.00, Births: 25.00, Deaths: 20.00, Copy money: 67.00, Misc. 198.00. TOTAL: 6283.00.

**Ambulance**: 7,442.42, **Sheriff**: Mileage 114.00 Civil fees $200.00, Pistol permits $56.00.

**CLAIMS**: Motion by Reints, second by Hass to approve the following claims and allow the auditor to issue payment. All voting aye. Motion carried. AUDITOR: Connecting Point – printer issues 55.00, Office Peeps- toner 117.30, TREASURER: Office Peeps – printer/supplies 657.45, STATES ATTORNEY: Thomson Reuters-West Publishing – online subscription 415.01, PUBLIC BUILDLINGS: City of Clark – water – 82.85, Clark Ace Hardware – supplies 29.78, Cook’s Wastepaper -garbage 34.75, Moeller Sheet Metal-drain a/c unit 479.40, Northwestern Energy – utilities 1036.77, Star Laundry -rugs 61.35, REGISTER OF DEEDS: Toshiba Financial Services-copy machine rent 96.20, SHERIFF: Cardmember Service – ammunition 348.00, Clark Ace Hardware supplies 9.99, Clark Community Oil - gas 618.39, NDSDA-fall conference 100.00, Pheasantland Industries – decals/patrol car 77.93, PRISONER CARE: Codington Co Auditor -prisoner care –98.22, AIRPORT: Halme Inc – runway 12/31/reconstruction 53,283.98, Northwestern Energy – utilities 82.59, AMBULANCE: AAA Collections – collection fee 118.75, Bound Tree Medical – supplies 860.63, City of Clark – water 72.45, Clark Ace – supplies 23.94, Clark Community Oil – gas 346.35., Ken’s Fairway – supplies 75.76, Northwestern Energy – utilities 352.43, Star Laundry – laundry 11.85, SOC SERV FOR AGED: Inter-Lakes Comm Action – support Comm serv/Oct – 1488.00, EXTENSION: City of Clark -water 82.85, Office Peeps – supplies 197.29, Star Laundry – rugs 38.07, WEED: Cardmember Service – new blade 448.30, City of Clark – water 93.25, Clark Ace Hardware -supplies 159.59, Clark Community Oil – propane 31.50, Cook’s Wastepaper-garbage 46.50, Ken’s Fairway – supplies 9.26, Northwestern Energy – utilities 122.60, Nutrien Ag Solution – herbicides 5755.20, PLANNING & ZONING: First District Assn of Local GOvn, - admin/tech service 832.50, ROAD & BRIDGE: Brock White – transfer oil 882.00, Randy Brownlee – gravel crushing 10,678.08, City of Clark – water 67.25, Clark Ace Hardware -supplies 212.61, Cook’s Wastepaper-garbage 46.50, Diamond Mowers – parts 1729.97, Farstad Oil – fuel 24,010.01, IMEG – engineering costs – 28,500.00, Northern Con Agg-pea rock – 909.72, Northwestern Energy – utilities 970.37, Office Peeps – supplies 128.26, Running Supply – transfer pump 499.99, 911 SERVICE: City of Watertown – 911 surcharge 2988.87, CIVIL DEFENSE: Office Peeps supplies 10.87, Two Way Solutions -radio repair 1299.99, REGISTER OF DEEDS: Microfilm Imaging – software/scanner rent 250.00. TOTAL: 142,036.53.

**PAYROLL**: AUDITOR: 5493.63, TREASURER 4951.50, STATES ATTORNEY: 5074.49, COURTHOUSE: 2606.80, DIRECTOR OF EQUALIZATION: 5224.06, REGISTER OF DEEDS: 3280.22, VETERAN SERVICE OFFICE: 371.11, SHERIFF: 8452.23, NURSE: 2072.35, AMBULANCE: 15,054.94, EXTENSION: 1450.50, WEED: 4799.68, ROAD & BRIDGE: 45,590.21, EMERGENCY & DISASTER: 1035.19. TOTAL: 105,456.91.

**EXECUTIVE SESSION**: Motion by Reints, second by Schlagel to enter into executive session at 1:33 p.m. as per SDCL 1-25-2 consulting with legal counsel. All voting aye Motion carried. Chairman declared out of executive session at 1:37 p.m.

**MOTION**: Motion by Hass, second by Reints upon recommendation of States Attorney Fjelland to settle past Avera Health indigent medical claims in the amount of $19,000.00. All voting aye. Motion carried.

**ADJOURN**:  Motion by Hass, second by Sass to adjourn at 1:38 p.m. until next regular meeting Tuesday, November 2, 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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