CLARK COUNTY COMMISSIONER PROCEEDINGS

August 16, 2022

The Clark County Commissioners met in regular session on Tuesday, August 16, 2022 in the Commissioner Room of the Clark County Courthouse. Chairman Knock called the meeting to order at 8:00 a.m. with the following Commissioners present at the Courthouse: Francis Hass, Richard Reints, Chris Sass, Terry Schlagel and Wallace Knock. Also present Auditor Tarbox.

**COMMUNITY COMMENTS**: No one appeared.

**AGENDA:** Motion by Schlagel, second by Sass to approve the August 16, 2022 agenda with addition of accepting Josie Michalski’s resignation from Extension secretary, weed secretary and nurse secretary and allow to advertise for the position. All voting aye. Motion carried.

**MINUTES**: Motion by Reints, second by Hass to approve the minutes of July 16, 2022 regular meeting. All voting aye. Motion carried.

**HIGHWAY:** HS Eggleston met with the board to discuss road conditions and work being done. He informed the board they were sweeping roads and painting should be completed in October. He briefly discussed the traffic report done on County Road #41, leading to Black Claw.

**UTILITY PERMIT**: Motion by Hass, second by Sass to approve and allow Chairman to sign utility permit for Valley Telecommunication to install buried fiber optic cable on county roads in Richland and Rosedale Townships. All voting aye. Motion carried.

**SET HEARING**: Motion by Reints, second by Hass to set hearing for Clark County Road and Bridge Five Year Plan. Hearing set for September 6, 2022 at 8:00 a.m. All voting aye. Motion carried.

**COUNTY RD 17**: Adam Polley with IMEG Engineering met with the board to discuss County Road 17. He presented new cost estimates. He estimates that the base bid has gone up by $900,000 with increased costs of trucking, labor, asphalt and oil.

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

Commissioner Knock called the meeting of the Board of Adjustment to order and pointed out that the meeting is being conducted by teleconference and that Luke Muller from First District, will be serving as staff and parliamentarian support. No other persons requesting to schedule time on the Board of Adjustment agenda. Chairman Knock asked Board members if there were any conflicts or Ex-parte Communications or Conflicts of Interest that the rest of the board needs to be aware of, there were none and the board proceeded.

Luke Muller with First District informed the board that Westside Implement has applied for a Variance, Conditional Use application and rezoning. We will be holding public hearing for all three items together. Luke informed the board that the applications for variance and conditional use are still on the agenda, but since the rezoning is not complete, the board will take a motion to postpone the Variance and Conditional use, but conduct the hearing and vote on the Variance and Conditional Use next month.

**APPROVE AGENDA**: Motion by Hass, second by Reints to approve the Board of Adjustment Agenda. All voting aye. Motion carried.

**VARIANCE**: The next agenda item includes request for variance from the minimum shelterbelt setbacks for Kurt Jouppe to place a shelterbelt 30’ south of 185th Street and 20’ west of 435th Ave. Motion by Reints, second by Sass to approve the Variance. Kurt Jouppe present. Luke Muller informed the board of the location and status of the project. Chairman Knock opened the public hearing. Kurt Jouppe spoke on his own behalf and informed the board that he had planted new trees to replace an existing shelterbelt that he had removed. There was no other public testimony and the public hearing was closed. Board questions were answered. Luke read the findings of fact and restated the motion. The motion is to allow the applicant to plant a shelterbelt 30’ south of 185th Street right-of-way and a shelterbelt 20’ west of the 435th Avenue right-0f-way. Voting aye: Sass, Hass, Reints and Schlagel. Voting nay: Knock. Motion carried.

**VARIANCE**: The next agenda item is a request for variance from the minimum shelterbelt setbacks for South Dakota Game Fish and Parts to place a shelterbelt 50’ south of 186th Street. Motion by Sass, second by Hass to approve the Variance. No one appeared. Luke explained the Variance location and nature of the request. Chairman Knock opened the public hearing. There was no public comment. Chairman Knock closed the public hearing. Board questions were answered. Luke read the findings of fact and restated the motion: Motion is to allow the applicant to plant a shelterbelt 50’ south of 186th Street right-of-way. Voting aye: Sass, Hass, Reints, Knock and Schlagel. Motion carried.

**VARIANCE:** The next request is for a variance from the minimum shelterbelt setbacks for South Dakota Game Fish and Parts. They are requesting to place a shelterbelt 17’ south of 179th Street. Motion by Hass, second by Sass to approve the Variance. Luke gave report on this request. Chairman Knock opened the public hearing. No one present. There was no public input and Chairman Knock closed the public hearing. Board questions were addressed. Luke asked the questions for findings of fact and restated the motion. The motion is to allow the applicant to plant a shelterbelt 17’ south of 179th street right-of-way, with the stipulation that they have Lyman Hanson’s approval. Voting aye: Sass, Hass, Reints, Schlagel and Knock. Motion carried.

**VARIANCE-CONDITIONAL USE PERMIT-**The next agenda item includes request to extend the conditional use permit for Westside Implement to more property and a Variance for Westside Implement to build a new building on that property 60’ from the Highway 212 right-of-way. We will take a motion to POSTPONE the vote on these items until next month’s Board of Adjustment meeting. Motion by Reints, second by Schlagel to postpone the vote. Luke explained the request for Westside’s application. Chairman Knock opened the public hearing to take testimony on both the conditional use permit and the variance to build less than 100 feet from the right-of-way. Kyle Gaikowski spoke in reference to the project, location and use of the building. Chairman Knock opened the public hearing for further comments. There was no further comment and Chairman Knock closed the public hearing. Luke read the questions for finding of fact relating to both the variance and conditional use. There was no further board discussion and vote to postpone until next month’s meeting was taken. Voting aye: Sass, Hass, Reints, Schlagel and Knock. All voting to postpone until next month. Motion carried.

Motion by Reints, second by Schlagel to adjourn the Board of Adjustment and convene jointly as the Planning and Commission and County Commission. Voting aye: Hass, Sass, Reints, Schlagel and Knock. Motion carried.

Chairman Knock called the Joint Planning Commission and County Commission portion of the meeting to order. He noted for benefit of the public that the County Commission serves as the Planning Commission as well.

The next agenda item is a public hearing on proposed Ordinance 01-22. This is amendment to rezone property owned by James Benson from Agricultural to Commercial/Industrial. Motion by Schlagel, second by Sass to recommend approval of Ordinance 01-22 to the Clark County Board of County Commissioners. Luke gave report on Ordinance 01-22 regarding rezoning the property. Chairman Knock opened the public hearing. No additional comments were made and Chairman Knock closed the public hearing. Motion by Hass second by Sass to amend the property change from 575’ to N 600’. All voting aye. Motion carried. Board questions were answered. Luke restated the motion. The motion is to recommend approval of the now amended ordinance amending the zoning map by rezoning the applicant’s property from Ag to Commercial/Industrial. Voting aye: Sass, Hass, Reints, Schlagel and Knock. Motion carried.

Now that we have a recommendation from the planning commission Luke performed the First Reading of Ordinance 01-22 by title.

 This is the first Reading of Ordinance 01-22, AN ORDINANCE ENTITLED, AN ORDINANCE AMENDING SECTION 1.03.01 (THE OFFICIAL ZONING MAP), ADOPTED BY ORDINANCE 01-14, AS AMENDED, OF THE CLARK COUNTY ZONING ORDINANCE.

Second reading and voting on the Ordinance will take place at the next meeting, September 19, 2022.

**ADJOURN**: Motion by Schlagel, second by Reints to adjourn the Planning Commission so we can continue County Commission agenda. All voting aye. Motion carried.

**SUMMIT CARBON SOLUTIONS**: Paul Phillips representing Summit Carbon Solutions met with the board. He discussed the proposed route, the potential investment in Clark County and construction timeline. The board asked questions regarding the actual tax benefit and safety issues with the pipeline. No action needed.

**RESOLUTION 18-22**: Motion by Sass, second by Reints to deed Garden City property to Clark County as tax deed property and allow Chairman to appoint appraisers. All voting aye. Motion carried

 RESOLUTION DETERMING PROPERTY TO BE SURPLUS PROPERTY

 AND APPOINTING APPRAISERS

 Resolution 18-22

WHEREAS, the County of Clark in the State of South Dakota the owner of certain real property described below, and

WHEREAS, the Board of Commissioners in and for said County has determined that the real property described is not necessary, useful or suitable for public purposes.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Commissioners of Clark County, South Dakota, in regular session this 16th, day of August, 2022 at the Courthouse in the City of Clark, County of Clark, State of South Dakota, that the following described real property, to-wit:

 Lot Seven (7) Co Auditor’s Plat, in the East ½ of Section 8 Township 117-56 in the Town of Garden City, Clark County, South Dakota.

be, and hereby is declared surplus property, pursuant to SDCL 6-13-1.

IT IS FURTHER RESOLVED that, pursuant to SDCL 6-13-2, the following named individuals, being three real property owners of Clark County, South Dakota to-wit: Reints, Hass and Schlagel be appointed and directed to appraise the value of the described real property and file a report of their appraisal with the Clark County Auditor.

Dated this 22nd day of August 2022.

/s/ Wallace Knock\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ /s/ Christine Tarbox\_\_\_\_\_\_\_

Wallace Knock, Chairman Christine Tarbox, Auditor

Clark County Board of Commissioners Clark County

**TAX DEED PROPERTY:** Motion by Reints, second by Sass to set hearing for tax deed property sale at 8:30 a.m. September 6, 2022. All voting aye. Motion carried.

**LIQUOR LICENSE**: Motion by Schlagel, second by Sass to approve the hunting preserve liquor license renewal for CT Wildlife. This license runs from September 1, 2022 through March 31, 2023. All voting aye. Motion carried.

**PROVISIONAL BUDGET**: Motion by Sass, second by Schlagel to set hearing for the 2023 Provisional budget hearing and allow publication. Hearing set for Tuesday, September 6, 2022 at 9:15 a.m. All voting aye. Motion carried.

**DEED**: Motion by Schlagel, second by Sass to approve and allow Chairman to sign deed by County for the Vienna property sold at tax deed sale. All voting aye. Motion carried.

**LEMP:**  Motion by Schlagel, second by Reints to approve and allow Chairman to sign the 2023 Local Emergency Management Performance Grant. All voting aye. Motion carried.

**CHANGE MEETING DATE:**  Motion by Sass, second by Hass to change the meeting date from September 20, 2022 to September 19, 2022. This change is made to accommodate Government days for area high school seniors. All voting aye. Motion carried.

**STATE AUDITOR:** Brandi Pitts, State Auditor met with the board to provide her opening conference. She told the board that she is auditing the years 2020 and 2021.

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

 AUDITOR’S MONTHLY SETTLEMENT WITH THE TREASURER
 Cash on hand…………………….., ………………..… 21,444.86

Money Market…………………………..………………… 6,717,802.80

CD’s…………..…………………………………………… 800,000.00
Checking Account....…….……………………………… 761,074.27 TOTAL:……………..……………… …..……………… 8,300,321.93

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

$5,367,395.21, Road & Bridge: $1,974,812.36, 911 Service Fund: 69,270.64, ED: 9521.83, Domestic Abuse: 335.00, 24/7 –18,107.44, ROD Mod/Pres: $7129.92, American Rescue Plan Funds: 221,863.45, Rural Access Infrastructure fund: 218,174.41. County TIF: 21,684.18, **Trust & Agency Funds $392,027.49 which are funds returned to schools, towns, townships and special districts.** TOTAL: $8,300,321.93.

**ROD Fees**: July recording fees 2115.00, Transfer fees: 2958.00, Births: 0, Deaths: 180.00, Marriages – 30.00, Copy money: 67.00, Misc. 238.00. TOTAL: 5588.00.

**Ambulance**: 14,643.00, **Sheriff**: Mileage 149.00, Civil fees $495.00.

**CLAIMS**: Motion by Hass, second by Sass to approve the following claims and allow the auditor to issue payment. All voting aye. Motion carried. COMMISSIONERS. SDACC – convention registration -195.00, AUDITOR: Connecting Point – trend micro backup 172.00, Office Peeps-calculator ribbon/paper 114.64, Wageworks-cobra direct bill – 12.90, TREASURER: Connecting Point – support contract – 2475.00, Office Peeps – calendars/planner 75.27, Office Peeps-paper 109.20, STATES ATTORNEY: Chad Fjelland – flash drives 25.56, Prairie Lakes Healthcare – blood draw – 85.00, SD Dept of Revenue – blood draw 40.00, Thomson Reuters-West Publishing -online/software subscription 427.46, PUBLIC BUILDINGS: City of Clark – water 62.05, Clark Ace Hardware – supplies 84.55, Clark Community Oil – gas 17.52, Cole Papers-liners 95.90, Cook’s Wastepaper – garbage 37.00, Northwestern Energy – utilities 1599.86, Star Laundry’s -laundry 47.88, Sturdevants Auto Parts-supplies 5.39, DIRECTOR OF EQUALIZATION: 2022 NCRAAO Conference -registration fee 325.00, REGISTER OF DEEDS: Office Peeps -labels 67.66, SHERIFF: Clark Community Oil – gas 1642.29, Dakota Electronics – 3 radio batteries – 259.00, Dick’s Garage-tire repair 20.90, Mack’s – oil change/tires -873.95, South Dakota Sheriff’s Assn – law enforcement training 230.00, PRISONER CARE: Codington Co Auditor- prisoner care 2710.00, AIRPORT: Northwestern Energy – utilities 158.23, AMBULANCE: Bound Tree Medical -supplies 307.93, City of Clark -water 72.45, Clark Ace Hardware supplies 84.35, Clark Community Oil – gas 939.76, Ken’s Fairway -supplies 50.06, Lewis Family Drug – supplies 23.28, Northwestern Energy- utilities – 388.18, Star Laundry & Dry Cleaners – laundry 15.36, SOC SERV FOR AGED: Inter-Lakes Comm Action – support serv worker/August 1508.00, EXTENSION: Tracy Aguayo-2 wheel cart 45.78, City of Clark – water 326.25, SDSU Printing Services-envelopes- 331.81, Star Laundry – rugs 29.24, WEED: City of Clark – water 72.45, Cook’s Wastepaper-garbage 49.53, Ken’s Fairway – supplies 7.19, Northwestern Energy-utilities 128.45, ROAD & BRIDGE: Agwrx Coop-grease 236.00, Aramark – towels 168.61, Avera Queen of Peace – drug testing 249.00, Boyer Ford Trucks -parts 28.25, Butler Machinery-parts 963.89, City of Clark -water 62.05, Clark Ace Hardware-supplies 413.37, Cook’s wastepaper-garbage 49.54, Jebro -road oil-498,755.33, Lyle Signs-signs 292.99, Northern Con Agg -pea rock 1260.69, Northwestern Energy-utilities- 1005.53, Oscar’s Machine Shop-parts 64.46, Sturdevants Auto Parts- filters 183.81, Sturdevants Auto Parts-supplies- 2477.59, Transource-parts 958.79, Truenorth Steel-fuel tank/ Vienna 4319.76, Westside Implement -parts 9.67, 911 SERVICE: City of Watertown -911 surcharge 3078.82, CIVIL DEFENSE: Mack’s-tires 800.00, Sturdevants Auto Parts – supplies 11.75, REGISTER OF DEEDS: Microfilm Imaging Systems-software/scanner rent 250.00. TOTAL: 531,989.18.

**PAYROLL**: AUDITOR: 5666.45, TREASURER 5,129.60, STATES ATTORNEY: 5216.70, COURTHOUSE: 2752.28, DIRECTOR OF EQUALIZATION: 5402.89, REGISTER OF DEEDS: 3428.63, VETERAN SERVICE OFFICE: 389.64, SHERIFF: 8324.82, NURSE: 1023.27, AMBULANCE: 15,533.42, EXTENSION: 1767.80, WEED: 2028.30, ROAD & BRIDGE: 48,885.16, EMERGENCY & DISASTER: 994.02. TOTAL: 106,542.98.

RESIGNATION: Motion by Schlagel, second by Sass to accept resignation of Josie Michalski as extension/weed/nurse secretary and allow to advertise for the position. All voting aye. Motion carried.

**ADJOURN**:  Motion by Schlagel, second by Hass to adjourn at 12:29 p.m. until next regular meeting Tuesday, September 6, 2022. All voting aye. Motion carried.

ATTEST:

(SEAL)

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Christine Tarbox Wallace Knock, Chairman

Clark County Auditor Clark County Board of Commissioners

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