CLARK COUNTY COMMISSIONER PROCEEDINGS

September 19, 2022

The Clark County Commissioners met in regular session on Monday, September 19, 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, Chris Sass, Terry Schlagel and Wallace Knock. Also present Auditor Tarbox.

**COMMUNITY COMMENTS**: No one appeared.

**AGENDA:** Motion by Sass, second by Hass to approve the September 19, 2022 agenda. All voting aye. Motion carried.

**MINUTES**: Motion by Schlagel, second by Sass to approve the minutes of August 16, 2022 regular meeting. All voting aye. Motion carried.

**EXECUTIVE SESSION:** Motion by Hass, second by Schlagel to enter into executive session at 8:03 a.m. according to SDCL 1-25-2 (1) to discuss personnel issue. All voting aye. Motion carried. Chairman declared out of executive session at 8:32 a.m.

**HIGHWAY**: Motion by Schlagel, second by Sass to accept resignation of Chance Burke effective September 30, 2022. All voting aye. Motion carried.

**HIGHWAY**: Motion by Sass, second by Hass to appoint Dennis Herman as Highway Assistant, Grade I, effective October 3, 2022. All voting aye. Motion carried.

**HIGHWAY**: Motion by Hass, second by Schlagel to allow HS Eggleston to advertise for a truck driver. All voting aye. Motion carried.

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

Reints present.

**TRANSPORT LOAD FUEL QUOTES**: The following fuel quotes were presented to the board for transport fuel load. Bid was received September 13, 2022. Diesel #2: Agwrx – No bid. Clark Community Oil – 4.01, Vollan Oil – 3.833, Farstad Oil-3.789. All bids were reviewed and are on file in the Auditor’s office.

**RESOLUTION 19-22**: Motion by Hass, second by Sass to approve the Five Year Road and Bridge Plan for 2023. The plan is complete and on file in the Auditor’s office for public inspection. All voting aye. Motion carried.

RESOLUTION 19-22

A RESOLUTION ADOPTING THE CLARK COUNTY FIVE-YEAR HIGHWAY AND

BRIDGE IMPROVEMENT PLAN

WHEREAS, the South Dakota Department of Transportation Local Bridge and Improvement Grant Fund requires that in order to be eligible to apply for Bridge Improvement Grant funds, Counties are required to develop a five-year Highway and Bridge Improvement Plan, hereinafter referred to as Plan;

And, WHEREAS, Clark County has utilized the South Dakota Department of Transportation, County Staff, the First District Association of Local Governments, Townships, and the general public in developing the various components of the Plan; and

WHEREAS, the Plan includes maps and lists identifying an inventory of highways and bridges, project needs, and revenue sources; and

WHEREAS, Clark County held a public meeting on September 6, 2022 to solicit input into the Plan, and the citizens who attended expressed an interest in the Plan; and

WHEREAS, the County will be able to use the Plan as a tool to budget for transportation enhancements and better coordinate transportation issues with other entities;

NOW, THEREFORE, BE IT RESOLVED BY THE CLARK COUNTY BOARD OF COUNTY COMMISSIONERS THAT THE CLARK COUNTY FIVE-YEAR HIGHWAY AND BRIDGE IMPROVEMENT PLAN IS HEREBY ADOPTED AND IS RECOGNIZED AS THE HIGHWAY AND BRIDGE IMPROVEMENT PLAN FOR CLARKCOUNTY.

Dated at Clark, South Dakota this 19th day of September 2022.

ATTEST:\_

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

County Auditor County Commissioner Chair

**HIGHWAY**: Calvin Poppen met with the board to discuss conditional use permits and setbacks. He questioned why a house has to be 150’ from the road and why he has to sign the right to farm. He also had concerns about the dust on the road and what actions the county is going to take to control the dust. The board explained the setbacks are to help with less dust to the structures and the right to farm document indicates he understands there will be dust living along a gravel road and the county does not take measures to control the dust. The County does however allow the individual to apply dust control on the road with a completed and approved permit. This is done at the individuals own expense. He further explained to the board that he has an elderly parent living at the resident with medical conditions that are complicated by the dust and felt as he was a tax payer the County should be responsible for the dust control. He also discussed truck and other traffic on the road and feels that the number of vehicles warrants a traffic count done on the road. No action taken.

**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 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 requested to schedule time on the Board of Adjustment agenda. There were none. Chairman Knock asked if Board members or staff had any items to add to the agenda. Chairman Knock requested time to discuss solar farms and Luke Muller requested time to discuss DOT proposed Zoning for airports. 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 pointed out that the noticed public hearing for the items on the agenda today was held at last month’s meeting and requested the board proceed.

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

The next agenda item includes requests which were postponed from last meeting. The request will extend the conditional use permit for Westside Implement to more property and allow variance for Westside Implement to build a new building on that property but 60’ from the Highway 212 right-of-way. Property description is Gaikowski Addition located in the Northeast Quarter of Section 11, Township 116 North, Range 58 West of the 5th P.M. Clark County, South Dakota; and the East 300 feet of the North 525 Feet of the Northwest Quarter of Section 11, Township 116, North, Range 58 West of the 5th P.M. Clark County, South Dakota. Motion by Schlagel, second by Hass to approve the Conditional Use permit. Luke discussed the conditional use and variance for the Gaikowski Addition. There was no further board discussion. Luke asked the questions for the findings of fact relating to the conditional use and restated the motion. The motion is to approve the conditional use permit to operate an implement sales and service business of the legal descriptions in the application subject to the original conditions by the board when initially permitted. Voting aye: Sass, Hass, Reints, Schlagel and Knock. All voting aye. Motion carried.

**VARIANCE**: Motion by Schlagel, second by Reints to approve the front yard variance. No additional discussion was necessary relating to the front yard setbacks. Luke asked the questions for findings of fact relating to the front yard variance. He then restated the motion: The motion is to approve the front yard variance to allow construction to occur 60’ from the highway 212 right of way. Voting aye: Sass, Hass, Reints, Schlagel and Knock. Motion carried.

**OPEN**: Luke informed the board that the SDDOT Aeronautics Division is teaching counties about zoning at airports. He said in the future we may have to adopt runway protection zones and other items as determined by the SDDOT.

**OPEN**: Chairman Knock questioned Clark County’s readiness for solar farms. He questioned if we had anything in our planning and zoning book. Luke informed the board he would get information to the board for review regarding the matter. No action taken.

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

**NEW HIRE**: Motion by Hass, second by Sass to approve new hire Jocelyn Hurlbert as nurse/extension secretary as per request of Extension Educator McGraw and Nurse Linneman. There will be a six month probation period and starting salary will be $16.77. She will be full time with full benefits. All voting aye. Motion carried.

**RESOLUTION 20-22: APPROVE FINAL BUDGET**: Motion by Sass, second by Reints to approve the 2023 Final budget with the following changes. Taxes for general fund changed to $3,169,454, General fund cash applied changed to $1,500,891. Road and Bridge taxes changed to $1,011,883, cash applied changed to $1,023,751. All voting aye. Motion carried.

RESOLUTION 20-22

ADOPTION OF ANNUAL BUDGET FOR 2023

Clark County, South Dakota

Whereas, (7-21-5- thru 13,) SDCL provides that the Board of County Commissioners shall each year prepare a Provisional Budget of all contemplated expenditures and revenues of the County and all its institutions and agencies for such fiscal year and,

Whereas the Board of County Commissioners did prepare a Provisional Budget and cause same to be published by law, and

Whereas, due and legal notice has been given to the meeting of the Board of County Commissioners for the consideration of such Provisional Budget and all changes, elimination’s and additions have been made thereto.

NOW THEREFORE BE IT RESOLVED: That such provisional budget as amended and all its purposes, schedules, appropriations, amounts, estimates and all matters therein set forth, SHALL BE APPROVED AND ADOPTED AS THE ANNUAL BUDGET OF THE APPROPRIATION AND EXPENDITURES FOR Clark County, South Dakota and all its institutions and agencies for calendar year beginning January 1, 2023 and ending December 31, 2023 and the same is hereby approved and adopted by the Board of County Commissioners of Clark County, South Dakota, this 19th day of September, 2022.

The Annual Budget so adopted is available for public inspection during normal business hours at the office of the county auditor, Clark County, South Dakota. The accompanying taxes are levied by Clark County for the year January 1, 2023 through December 31, 2023.

County Levy General Fund 2.241, County levy for Road and Bridge fund .715 for a total levy for 2023: 2.956.

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| Date: \_\_September 19, 2022\_ | |  |  |  |  |
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| BOARD OF COUNTY COMMISSIONERS OF | | | |  |  |
|  | Clark County, South Dakota | | | | |
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| /a/ Wallace Knock\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Chairman | | | |  |  |
| /s/ Terry Schlagel \_\_\_\_\_\_\_\_\_\_\_ | |  |  |  |  |
| Commissioner | | | |  |  |
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| /s/ Richard Reints\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Commissioner | | | |  |  |
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| /s/ Francis Hass\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Commissioner | | | |  |  |
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| /s/ Chris Sass\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Commissioner | | | |  |  |
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| ATTEST  /s/ Christine Tarbox\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Christine Tarbox, County Auditor | | | |  |  |

**LOST CHECK**: Motion by Schlagel, second Sass to replace check for Colby Streich that was lost in the mail. All voting aye. Motion carried.

**TAX DEED**: ROD Helkenn presented tax deed from Garden City property for Chairman signature.

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

AUDITOR’S MONTHLY SETTLEMENT WITH THE TREASURER  
 Cash on hand…………………….., ………………..… 17,125.69

Money Market…………………………..………………… 5,118,712.84

CD’s…………..…………………………………………… 800,000.00  
Checking Account....…….……………………………… 502,038.74 TOTAL:……………..……………… …..……………… 6,437,877.27

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

$5,293,377.26, Road & Bridge: $344,043.46, 911 Service Fund: 69,133.38, ED: ------------29,270.90, Domestic Abuse: 545.00, 24/7 –18,527.44, ROD Mod/Pres: $12,722.93, American Rescue Plan Funds: 221,863.45, Rural Access Infrastructure fund: 218,174.41. County TIF: 11,652.89, **Trust & Agency Funds $277,057.92 which are funds returned to schools, towns, townships and special districts.** TOTAL: $6,437,877.27.

**ROD Fees**: August recording fees 2535.00, Transfer fees: 2421.50, Births: 30.00, Deaths: 100.00, Marriages – 30.00, Copy money: 67.00, Misc. 291.00. TOTAL: 5474.50.

**Ambulance**: 21,837.67, **Sheriff**: Mileage 112.00, Civil fees $295.00.

**CLAIMS**: Motion by Sass, second by Reints to approve the following claims and allow the auditor to issue payment. All voting aye. Motion carried. GENERAL: Kevin Schiele-refund 25.00, COMMISSIONERS. Clark County Courier- proceedings/budget/surplus property 861.33, US Bank Voyager – fuel 455.25, ELECTIONS: Election System & Software – activation cards 1434.02, JUDICIAL SYSTEM: Certified Languages International-interpreter -18.15, Colby Streich – replace check/juror fees 10.84, AUDITOR: Connecting Point – trend micro backup 172.00, ITC-service 55.77, McLeods-ballot boxes 1,100.00, Office Peeps-service calculator/service/supplies – 111.07, Wageworks-cobra direct bill – 12.90, TREASURER: ITC-service 47.46, McCleod’s-tax notice envelopes -97.96, STATES ATTORNEY: ITC-service 53.08, SD Dept of Revenue -blood draw 125.00, Thomson Reuters-West Publishing -online/software subscription 427.46, PUBLIC BUILDINGS: Cardmember Service-weed trimmer 130.97, City of Clark – water 82.85, Clark Ace Hardware – supplies 176.66, Cole Paper – supplies 97.46, Cook’s Wastepaper – garbage 37.00, Dakota Data Shred-shredder fees – 67.05, ITC-service 79.96, Northwestern Energy – utilities 1268.29, Star Laundry’s -rugs 71.82, Tony’s Electric-ballast/bulbs 184.37, DIRECTOR OF EQUALIZATION: ITC-service – 126.94, REGISTER OF DEEDS: ITC-service – 90.01, VETERAN SERVICE OFFICER: ITC-service 61.49, SHERIFF: Clark Co Courier- ad 196.88, Clark Community Oil – gas 1030.92, ITC -service 196.26, Secretary of State – notary public 30.00, US Bank Voyager – -202.14, Codington Co Auditor – prisoner care 5560.00, Prairie Lakes Healthcare-jail patient care 447.44, AIRPORT: Clark Rural Water – water 35.00, Northwestern Energy – utilities 161.31, AMBULANCE: AAA Collections – 6.25, Bound Tree – supplies 547.31, Justin Bowers – ins deductible 4500.00, Cardmember Services – license fee 869.96, City of Clark -water 77.65, Clark Ace Hardware –supplies 63.97, Clark Community Oil – gas 569.17, ITC-service 197.20, Ken’s Fairway – supplies 135.11, Northwestern Energy- utilities – 382.57, Star Laundry & Dry Cleaners – laundry 15.36, Sturdevants – Willow Lake Repeater 501.95, US Bank Voyager Fleet-fuel 102.16, SOC SERV FOR AGED: Inter-Lakes Comm Action – support serv worker/September 1508.00, EXTENSION: City of Clark – water 195.55, ITC-service 205.81, Kim McGraw – supplies/meals/rent- 354.60, Office Peeps – supplies 122.71, Star Laundry – rugs 43.86, WEED: City of Clark – water 72.45, Clark Ace Hardware-supplies 149.90, Clark Co Courier ad 27.80, Cook’s Wastepaper-garbage 49.54, ITC-service 107.75, Northwestern Energy-utilities 114.46, PLANNING & ZONING: Clark Co Courier – variance, CU, hearing 141.36, ROAD & BRIDGE: Aramark – towels 270.92, Brock White -parts 733.47, Cardmember Services roller wheels/supplies 1482.96, City of Clark -water 72.45, Clark Ace Hardware-supplies 294.04, Clark Co Courier – mechanic ad – 231.17 Cook’s wastepaper-garbage 49.53, Dakota Fluid Power – parts 1276.81, Equipment Blades – cutting edges 15,710.40, ITC-service 119.53, Little Falls Machine-parts 675.44, Northwestern Energy-utilities- 1130.18, Oscar’s Machine Shop-parts 98.78, Safety Benefits – registration 150.00, SD Local Transportation -registration125.00, Sturdevants Auto Parts/filters/parts 1866.40, Transource-parts -1985.55, Truenorth Steel – culver/ Fordham Township 53,399.28, Westside Implement – parts 292.85, 911 SERVICE: City of Watertown – 911 EM Surcharge 3049.68, ITC-service 145.23, CIVIL DEFENSE: Clark Ace Hardware – supplies 8.99, ITC-service 50.43, US Bank Voyager – fuel 11.87, REGISTER OF DEEDS: Microfilm Imaging – software/scanner rent 250.00. TOTAL: 109,481.24.

**PAYROLL**: AUDITOR: 5666.45, TREASURER 5,129.59, STATES ATTORNEY: 5332.00, COURTHOUSE: 2752.28, DIRECTOR OF EQUALIZATION: 5402.89, REGISTER OF DEEDS: 3756.31, VETERAN SERVICE OFFICE: 389.65, SHERIFF: 8324.81, CORONER: 172.94, NURSE: 188.39, AMBULANCE: 16,679.13, EXTENSION: 1930.05, WEED: 3428.14, ROAD & BRIDGE: 42,673.71, EMERGENCY & DISASTER: 1086.47. TOTAL: 102,912.81.

**ADJOURN**:  Motion by Schlagel, second by Reints to adjourn at 11:40 a.m. until next regular meeting Tuesday, October 4, 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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