CLARK COUNTY COMMISSIONER PROCEEDINGS

November 15, 2022

The Clark County Commissioners met in regular session on Tuesday, November 15, 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, Richard Reints and Wallace Knock. Also present Auditor Tarbox.

**COMMUNITY COMMENTS**: No one appeared.

**AGENDA:** Motion by Schlagel, second by Hass to approve the November 15, 2022 agenda. All voting aye. Motion carried.

**MINUTES**: Motion by Sass, second by Reints to approve the minutes of November 10, 2022 regular meeting. All voting aye. Motion carried.

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

**HIGHWAY:** Motion by Reints, second by Sass to approve HS Eggleston recommendations and award the small structure grants. Washington Township will receive $9312.00 for engineering studies and Garfield Township will receive $17.056.00 for engineering studies. All voting aye. Motion carried.

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

 AUDITOR’S MONTHLY SETTLEMENT WITH THE TREASURER
 Cash on hand…………………….., ………………..… 534,146.25

Money Market…………………………..………………… 5,820,964.06

CD’s…………..…………………………………………… 800,000.00
Checking Account....…….……………………………… 2,607,514.88 TOTAL:……………..……………… …..……………… 9,762,625.19

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

$6,063,845.46, Road & Bridge: $693,208.15, 911 Service Fund: 68,868.51, ED: 11,015.66, Domestic Abuse: 600.00, 24/7 –18,271.44, ROD Mod/Pres: $12,782.93, American Rescue Plan Funds: 221,863.45, Rural Access Infrastructure fund: 218,174.41. County TIF: 13,667.82, **Trust & Agency Funds $2,440,327.36 which are funds returned to schools, towns, townships and special districts.** TOTAL: $9,762,625.19.

**ROD Fees**: August recording fees 1990.00, Transfer fees: 5723.00, Births: 40.00, Deaths: 140.00, Marriages – 15.00, Copy money: 67.00, Misc. 226.00. TOTAL: 8201.00

**Ambulance**: 17,664.19, **Sheriff**: Mileage 85.90 Civil fees $300.00.

**CLAIMS**: Motion by Sass, second by Schlagel to approve the following claims and allow the auditor to issue payment. All voting aye. Motion carried. GENERAL: AAA Collections -collection 439.00, Medical Services- overpayment – 567.24, Noridian Healthcare – overpayment 662.23, Wellmark – overpayment 167.23, ELECTIONS: Cardmember service-cookies-election school 32.23, AUDITOR: Office Peeps-date stamp 121.58-Thomson Reuters-law books 132.90, PUBLIC BUILDINGS: Clark Ace Hardware – supplies 84.50, REGISTER OF DEEDS: US Postmaster – postage 340.00, VETERANS OFFICER: Tyler- invoice license agreement 449.00, SHERIFF: Clark Ace -supplies 5.99, PRISONER CARE: Prairie Lakes Healthcare – prisoner medical care 2529.62, AIRPORT: Northwester Energy-utilities 69.33, AMBULANCE: Cardmember Service – refrigerator 729.00, EXTENSION: Office Peeps-copier 59.48, Quill Corp- headset/mouse -36.98, SDAE$-HP-2023 dues-20.00, US Postmaster – postage 508.00, WEED: Clark Ace-supplies 5019.31, Office Peeps- envelopes 47.79, ROAD & BRIDGE: Cardmember Service -tools 516.98, Clark Ace-supplies 389.55, Midway Service – diesel #1-24,606.80. TOTAL: 37,534.74.

**PAYROLL**: AUDITOR: 5667.93, TREASURER 5,129.59, STATES ATTORNEY: 5216.69, COURTHOUSE: 2752.26, DIRECTOR OF EQUALIZATION: 5402.89, REGISTER OF DEEDS: 3537.87, VETERAN SERVICE OFFICE: 389.65, SHERIFF: 8324.83, NURSE: 1052.62, AMBULANCE: 15,069.70, EXTENSION: 1156.45, WEED: 2562.58, ROAD & BRIDGE: 42,512.06, EMERGENCY & DISASTER: 1121.14. TOTAL: 99,906.26.

**RESOLUTION 25-22:** Motion by Schlagel, second by Hass to approve the Caster Plat. All voting aye. Motion carried.

**RESOLUTION 25-22**

“BE IT RESOLVED by the Board of County Commissioners of Clark County, South Dakota, that the plat entitled**: “CASTER ADDITION IN THE COUNTY OF CLARK, SOTUHD AKOTA, Located in the Northeast Quarter (NE ¼) of Section 9, T116N, R57W 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 15th day of November, 2022.

/s/ Wallace Knock\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chairman, Board of County Commissioners

Clark County, South Dakota

ATTEST:

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

Clark County, South Dakota

**SDSU**: Motion by Hass, second by Reints to approve and allow Chairman to sign the Memorandum of Understanding between SDSU Extension and Clark County, South Dakota for 2023. Clark County cost for 2023 will be $10,884.79. All voting aye. Motion carried.

**ABATEMENT 2-22**: Motion by Schlagel second by Hass to approve Abatement 2-22 in the amount of $44.44 on parcel # 8162 for mobile home removed from the County and shortfall of taxes prepaid. All voting aye. Motion carried.

**PREDISASTER MITIGATION CONTRACT**: Motion by Reints, second by Sass to approve and allow Chairman to sign the letter of Agreement between First District and Clark County for their assistance on the Pre-disaster Mitigation Plan. All voting aye. Motion carried.

**BURN BAN**: Motion by Schlagel, second by Sass to remove the Burn ban for Clark County effective immediately. All voting aye. Motion carried.

**BOARD OF ADJUSTMENT**: Motion by Sass, 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. Chairman Knock asked if Board members or staff had any items to add to the 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.

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

The next agenda item includes requests for conditional use permit by Old Apostolic Lutheran Church to construct a church and operate a cemetery on a portion of Doug Wendling’s property which is defined as Northwest quarter of Section 10, Township 113 North, Range 56 West (Washington Township). Luke Muller with First District gave a report of the conditional use request discussing location, size, approach for entrance and cemetery location. Commissioner Knock opened the public hearing on the church’s application. Andrew Kangas spoke representing the church. He informed the board they are working with the Department of Transportation to place approach and possible turning lanes on the highway. Grant McDaniels also spoke in favor of the conditional use. Marshall Edelman had submitted written comments, those were ready by Luke. There was no other public testimony and the public hearing was closed. Board discussion continued. Luke reviewed the right to farm easement and they will be required to sign that agreement. Luke restated the motion, the motion is to approve the conditional use permit to operate a church with cemetery on the portion of this property referenced at this meeting; and subject to the conditions as read by staff at the meeting. Voting aye: Sass, Hass, Reints, Schlagel and Knock. Motion carried.

**ADJOURN**: Motion by Schlagel, second by Hass to adjourn the Board of Adjustment and convene jointly as the Planning Commission and County Commission. All voting aye. Motion carried.

Commissioner Knock called the Joint Planning Commission and County Commission portion of this meeting to order. He also noted for the public the County Commission serves as the Planning Commission as well.

**AGENDA ITEM**: The next agenda item is a public hearing on proposed Ordinance 2-22, an amendment to allow certain ag oriented businesses as a conditional use in the Ag District. Motion by Schlagel, a member acting as the Planning Commission, second by Reints to recommend approval of Ordinance 02-22 to the Clark County Board of County Commissioners. Luke gave report on the proposed Ordinance.

Sass absent.

Commissioner Knock then opened the public hearing on this item. There was no public present to address the board, Commissioner Knock closed the public hearing. The board discussed the Ordinance as it is written and potential changes. Luke restated the motion. The motion is to recommend approval of the ordinance defining and listing Ag Sales and service as a conditional use in the Ag District. Voting aye: Hass, Reints, Schlagel and Knock. Motion carried.

Upon recommendation from the planning commission Luke performed the First Reading of Ordinance 2-22 by title.

Luke Muller: This is the First Reading of ORDINANCE 02-22, AN ORDINANCE ENTITLED, AN ORDINANCE TO AMEND ARTICLE V [DEFINITIONS] AND SECTION 2.04.04 CONDITIONAL USES [AGRICULTURAL DISTRICT] OF THE ZONING ORDINANCE OF CLARK COUNTY ADOPTED BY ORDINANCE 01-14, AS AMENDED. The second reading and vote will be held at the next meeting December 6, 2022.

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

**ADJOURN**:  Motion by Hass, second by Schlagel to adjourn at 11:24 a.m. until next regular meeting Tuesday, December 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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