CLARK COUNTY COMMISSIONER PROCEEDINGS

December 20, 2022

The Clark County Commissioners met in regular session on Tuesday, December 20, 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: Chris Sass, Terry Schlagel, Richard Reints and Wallace Knock. Attending via zoom: Francis Hass. Also present Auditor Tarbox.

**COMMUNITY COMMENTS**: No one appeared.

**AGENDA:** Motion by Hass, second by Schlagel to amend the agenda to add Fisher Plat -Resolution 28-22 and notice of Resolution 27-22 by changing the Plat name from G.A.L.C. to O.A.L.C and approve the December 20, 2022 agenda as amended. All voting aye. Motion carried.

**MINUTES**: Motion by Sass, second by Reints to approve the minutes of December 6, 2022 regular meeting. All voting aye. Motion carried.

**HIGHWAY:** HS Eggleston met with the board to discuss road conditions and road work being done. He also discussed that he received preliminary reports from the engineer and the study on County Road 17 is progressing. Additional reports will be available soon.

**HIGHWAY**: Motion by Sass, second by Schlagel to approve purchase of a new truck using the Spink County bid. Purchase price will be $148,500.00 with an expected arrival of 4th quarter 2023. Voting aye: Sass, Hass, Reints, Schlagel and Knock. Motion carried.

**TRANSPORT FUEL QUOTES:** The following fuel quotes were presented. Bidding for Diesel #2 70/30 blend. Agwrx – no bid. Clark Community Oil – No bid. Vollan Oil $3.95 and Farstad Oil – No bid. The County accepted the low bid and all bids are on file in the Auditor’s office.

**HIGHWAY**: The board discussed fees and changes that may be necessary for overweight and over width permits. No action taken.

Hass absent.

**FIRST DISTRICT:** Motion by Sass, second by Reints to approve and allow Chairman to sign the Letter of Agreement between First District Association of Local Government and Clark County. This is to provide administrative and technical assistance services to Clark County Planning Commission and Board of Adjustment and County Commission in zoning and subdivision ordinance administration. This agreement will not exceed $10,600 and is for calendar year 2023. All voting aye. Motion carried.

**FIRST DISTRICT**: Motion by Sass, second by Knock to approve and allow Chairman to sign Letter of Agreement between First District Association of Local Governments and Clark County. This agreement shall be for calendar year 2023 and allows the District to perform work activities for County Director of Equalization parcel update needs, cost of this agreement will be $2000/year. Also included in this motion is to approve letter of agreement between First District and Clark County to perform work activities for County GIS Website hosting, cost of this agreement will be $5000.00 per year. All voting aye. Motion carried.

**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. There were no items to be added to the Agenda by the Board members or staff. No other citizens 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 Sass, second by Reints to approve the Board of Adjustment Agenda. All voting aye. Motion carried.

The next agenda item includes requests by Northern Natural Gas for conditional use and variances to continue operating a gas regulator station with structures less than 100’ from the 417th Ave ROW and less than 50’ from internal property lines. This request will be located in the Northwest Quarter of the Southwest Quarter of Section 1, Township 115 North, Range 59 West of the 5th P.M. (Fordham Township), Clark County, South Dakota. Motion by Schlagel, second by Sass to approve the requests. Luke Muller with First District gave a report of the conditional use request discussing location, setback requests and improvements that will be made. Commissioner Knock opened the public hearing on Northern Natural Gas’ application for conditional use permit and the variances. Caley Hanigan with Northern Natural Gas made a few comments and informed the board he was available for questions. There was no further testimony so Chairman closed the public hearing. Board discussion continued. Luke read the findings of fact relating to the conditional use. Luke restated the motion: the motion is to approve the conditional use permit to operate a gas regulator station at present location. Voting aye: Sass, Reints, Schlagel and Knock. Motion carried.

**VARIANCE**: Motion by Reints, second by Sass to make motion to approve the FRONT YARD VARIANCE. There was no further discussion regarding the front yard setbacks. Luke stated the questions for findings of fact relating to the front yard variance. Luke restated the motion: The motion is to approve the front yard variance to allow construction to occur 60’ from the 417th Ave Right-of-way. Voting aye: Sass, Reints, Schlagel, Knock. Motion passes.

**VARIANCE**: Motion by Schlagel, second by Reints to approve the SIDE YARD VARIANCE. There was no additional discussion regarding the Variance, Luke read the questions for findings of fact relating to the side yard setbacks and restated the motion, which is to approve the side yard variances to allow replacement and construction to occur 9’ from the north and south property lines. Voting aye: Sass, Reints, Schlagel, Knock. Motion passes.

**VARIANCE**: Motion by Reints, second by Sass to approve the REAR YARD VARIANCE. There was no further discussion related to the rear yard setbacks. Luke read the questions for the findings of fact and restated the motion. The motion is to approve the rear yard variance to allow replacement and construction to occur 28’ from the east property line. Voting aye: Sass, Reints, Schlagel and Knock. Motion passes. There were no open matters for board.

**ADJOURN**: Motion by Schlagel, second by Sass to adjourn the Board of Adjustment and continue our County Commission agenda. All voting aye. Motion carried.

**DISCUSSION**: Lee Kopriva, Clark County resident met with the board with concerns about the Hutterite Colonies within the county. He feels they need to be told that they will be allowed to keep what they have but there will be no more branching off, he feels it is a cancer to the young farmers in our county. He also expressed concerns about dairies and CAFO’s within the county in regards to how many is enough. The board listened to his concerns. Mr. Kopriva thanked the board for the time and feels the concerns should definitely be addressed. Todd Kays from First District was also added to the discussion via zoom. No action needed.

**COURTHOUSE UPDATE**: Custodian Marx met with the board to update them on repairs needed for the Courthouse 3rd Floor. He has been in contact with the Historical Society and informed the board of their recommendations. He also informed them he has a contractor that will be coming next week to look at what needs to be done. No action needed.

**RESIGNATION**: Motion by Sass, second by Knock to accept resignation of Justin Bowers, EMT, effective December 27, 2022, and advertise for the position. All voting aye. Motion carried.

**RESOLUTION 27-22**: Motion by Reints, second by Sass to approve the OALC plat. All voting aye. Motion carried.

RESOLUTION 27-22

It was moved by Reints seconded by Sass, motion carried, the “PLAT OF LOT 1 OF O.A.L.C. ADDITION IN THE NW ¼ OF SECTION 10, 113N, R56W of the 5th P.M., CLARK COUNTY, SOUTH DAKOTA”, as described above and hereon the approved an accepted and the Chairman is hereby instructed to endorse on such plat.

Dated this 20th day of December 2022.

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

Chairman, Board of County Commissioners

Clark County, South Dakota

ATTEST:

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

Clark County, South Dakota

**RESOLUTION 28-22**: Motion by Schlagel, second by Reints to approve the Smith Plat. All voting aye. Motion carried.

 RESOLUTION 28-22

“BE IT RESOLVED by the Board of County Commissioners of Clark County, South Dakota, that the plat entitled: “**Smith Addition Located in the Northeast Quarter of the Southeast Quarter of Section 35, Township 115 North, Range 58 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 execute according to law, that plat is hereby approved, and the County Auditor is hereby authorized and directed to endorse on such plan a copy of this Resolution and certify the same.

Dated this 6th Day of December 2022

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

Chairman, Board of County Commissioners

Clark County, South Dakota

/s/ Christine Tarbox\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

County Auditor

Clark County, South Dakota

**CORRECT MINUTES**: Motion by Reints, second by Sass to approve correcting minutes of November 15, 2022 in the motion of approving small structure grants. The motion should have read Washington Township will receive $17,056.00 and Garfield Township will receive $9312.00. All voting aye. Motion carried.

**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…………………….., ………………..… 24,840.79

Money Market…………………………..………………… 4,623,018.87

CD’s…………..…………………………………………… 800,000.00
Checking Account....…….……………………………… 2,687,281.94 TOTAL:……………..……………… …..……………… 8,135,141,60

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

$5,299,607.01, Road & Bridge: $1,750,080.70, 911 Service Fund: 68,742.61, ED: 8219.02, Domestic Abuse: 630.00, 24/7 –18,327.44, ROD Mod/Pres: $12,781.93, Rural Access Infrastructure fund: 218,174.41. County TIF: 13,667.82, **Trust & Agency Funds $744,910.66 which are funds returned to schools, towns, townships and special districts.** TOTAL: $8,135,141.60.

**ROD Fees**: August recording fees 2045.00, Transfer fees: 4087.50, Births: 40.00, Deaths: 85.00, Marriages – 60.00, Copy money: 67.00, Misc, 110.00. TOTAL: 6494.50

**Ambulance**: 9900.93, **Sheriff**: Mileage 19.50 Civil fees $169.50.

**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 FUND: Frederick Gregerson -refund – 330.28, Noridian Healthcare -refund 386.96, COMMISSIONERS: Cardmember Service -gift 141.39, Creative Rewards & Specialties – 159.75, ELECTIONS: Cardmember Service-stickers/privacy screen 709.24, Clark County Treasurer – postage 12.35, Election Systems & Software – layout fee 413.40, Judicial System – interpreter-13.20, AUDITOR: Clark Co Treasurer- postage 62.28, Office Peeps-W-2, 1099-380.84, Wageworks-cobra costs 12.90, TREASURER: Clark Co Treasurer – postage 33.40, STATES ATTORNEY: Thomson Reuters-West Publishing-online software 427.46, PUBLIC BUILDINGS: City of Clark -water 105.15, Cook’s Wastepaper -garbage 41.25, Mid-American Research-steam boiler water treatment 596.40, Northwestern Energy- utilities 2428.14, Werdel Construction – repair front steps 10,600.00., REGISTER OF DEEDS: Creative Printing – blank sheets 231.81, VETERANS OFFICER: Clark Co Treasurer – postage 12.00, PREDATORY ANIMAL: Elrod Township – gophers 48.00, SHERIFF: Clark Co Treasurer – postage 132.95, Office Peeps-supplies 140.63, South Dakota Sheriff’s Ass-2023 Assn dues 615.11, PRISONER CARE: Codington Co Auditor-prisoner care 4455.00, AIRPORT: Clark Co Treasurer-postage 10.00, Northwestern Energy-utilities 245.69, NURSE: Clark Co Treasurer -postage 7.85, AMBULANCE: Bound Tree Medical-supplies 1307.67, City of Clark -water 72.45, Northwestern Energy- utilities 527.14, WW Tire Service -used truck tire 127.49, EXTENSION: Cardmember Service-cricut maker 310.97, Office Peeps-planner/copy machine rent 96.15, WEED: Sturdevants – supplies 230.96, ROAD & BRIDGE: City of Bradley-senate bill 1 payout 350.90, City of Clark -senate bill 1 payout-9633.92, City of Garden City – senate bill 1 payout 829.37, City of Naples – senate bill 1-61.22, City of Raymond – Senate bill 1 – 226.18, City of Vienna-senate bill 1 350.17, City of Willow Lake -senate bill 1 1906.99, American Engineering Testing – engineering costs -27,852.55, Capital One Trade Credit-macs-supplies 160.83, Cardmember Service-batteries/ink cartridges 102.65, City of Clark – water 113.70, Cook’s wastepaper-garbage 109.00, Equipment Blades-cutting edges 15,710.40, Kibble Equipment – damage claim 5618.55, Light and Siren-parts 429.32, Lyle Signs-flag mesh 1160.68, Midway Service/Vollan Oil-fuel-35,550.00, Northwestern Energy-utilities 1954.29, SD DANR-Fiscal office 2023 Stormwater permits 400.00, Sturdevants Auto Value-filters/parts – 3840.66, 911 SERVICE: City of Watertown -911 ER surcharge 3121.54, CIVIL DEFENSE: Cardmember Service-hazmat boots 1923.02. TOTAL: 136,832.20.

**PAYROLL**: AUDITOR: 5354.55, TREASURER 5,129.58, STATES ATTORNEY: 4498.58, COURTHOUSE: 2752.27, DIRECTOR OF EQUALIZATION: 5402.89, REGISTER OF DEEDS: 3474.15, VETERAN SERVICE OFFICE: 389.66, SHERIFF: 8324.80, NURSE: 817.40, AMBULANCE: 15,442.52, EXTENSION: 1411.77, WEED-30.00, ROAD & BRIDGE: 44,784.12, EMERGENCY & DISASTER: 1086.47. TOTAL: 98,898.76.

**EXECUTIVE SESSION**: Motion by Schlagel, second by Reints to enter into executive session according to SDCL1-25-2 (3) to discuss contract. All voting aye. Chairman declared out at 11:20 a.m.

**MEETING TIME CHANGE**: Motion by Sass, second by Reints to change start time of the final meeting of 2022 on December 28, 2022 to 11:00 a.m. rather than 8:00 a.m. All voting aye. Motion carried.

**ADJOURN**:  Motion by Sass, 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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