CLARK COUNTY COMMISSIONER PROCEEDINGS  
   January 3, 2023   
      
 Auditor Tarbox called the regular meeting to order on January 3, 2023 at 8:00 a.m. in the Commissioners’ meeting room of the Clark County Courthouse. Commissioners present: Wallace Knock, Chris Sass, Francis Hass, Sara Gjerde and Terry Schlagel. Also present Auditor Tarbox.

**OATHS**: The oath of office was taken by elected officials from the 2022 election.

**ORGANIZATION OF THE BOARD**: Auditor Tarbox called for nominations for Chairman of the Clark County Board of Commissioners for the year 2023. Commissioner Sass nominated Commissioner Knock as Chairman, Commissioner Hass second. Commissioner Schlagel made motion nominations cease second by Gjerde. Voting aye: Gjerde, Schlagel, Knock, Hass and Sass. Motion carried. Auditor Tarbox called for nominations for Vice Chairman. Commissioner Schlagel nominated Commissioner Sass, second by Gjerde. Commissioner Hass made motion nominations cease, second by Commissioner Sass. Voting aye: Knock, Gjerde, Schlagel, Hass and Sass. Motion carried.  
                                  
**APPOINTMENTS**: Chairman made the following appointments for the year 2023. Mental Health: Gjerde, Extension: Sass and Schlagel, Weed & Pest: Knock, Airport: Schlagel, Gjerde and Hass, I-Cap: Hass, First District: Gjerde, Glacial Lakes: Schlagel, Legislative Contact: Knock and Gjerde.

**COMMUNITY COMMENTS**: None.

**AGENDA**: Motion by Schlagel, second by Gjerde to approve agenda for January 3, 2023. All voting aye. Motion carried.

**MINUTES:**  Motion by Hass, second by Sass to approve the minutes of the regular meeting December 28, 2022. All voting aye. Motion carried.

**HIGHWAY:** Motion by Sass, second by Hass to appoint Highway Superintendent Eggleston according to SDCL 31-11-1, for a period of two years ending December 31, 2024. Voting aye: Sass, Hass, Gjerde, Schlagel and Knock. Motion carried.

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

**FUEL QUOTES**: There were none.

**HIGHWAY:** Motion by Schlagel, second by Gjerde to allow HS Eggleston to receive bids for **“Cutback Asphalt, Emulsion Asphalt, Hot & Cold Mix, Plant Mix, Crack Sealant – Boxless, Mastic Sealant- Boxless, Pea Rock, Contracted Construction Equipment, Paver Laid Asphalt and Gravel Crushing.”** for any job site in Clark County for the Highway Department. Clark County guarantees no maximum or minimum quantities. Bids must be filed at the Clark County Auditor’s office, PO Box 294, 200 N Commercial St, Clark, SD 57225 on or before 10:00 a.m. CST, on February 1, 2023. The Auditor and Highway Superintendent will open the bids and read them aloud on February 1, 2023 at 10:05 a.m. The bids will be considered by the Board of Commissioners on February 7, 2023 at 8:00 a.m. All bids must be submitted on the county issue bid forms. Envelopes or containers containing bids must be clearly marked:  **Cutback Asphalt, Emulsion Asphalt, Hot & Cold mix, Plant Mix, Crack Sealant – Boxless, Mastic Sealant – Boxless, Pea Rock, Contracted Construction Equipment, Paver Laid Asphalt and Gravel Crushing**.

Specifications may be obtained from the Clark County Highway Department at Clark, South Dakota upon request.

The board reserves the right to reject any or all bids and to waive defects or informalities deemed in the best interest of Clark County to do so.

By order of te Clark County Commissioners of Clark, South Dakota.

AND - Notice is hereby given that the Board of County Commissioners of Clark County, Clark, South Dakota will receive sealed bids until 10:00 a.m. on the 1st of February, 2023 at the office of the County Auditor in the Courthouse for: **PAVER PATCHING**. Bidder will supply and place hot mix on sites in Clark County. Patches will be an average of (one) 1 inch deep on a 26 foot road top. There will be approximately 5,000 ton of material used. Patches will range in length from 150 feet to 15,000 feet. Clark County reserves the right to increase the tonnage of material within 30 days after bid letting. Specifications will be payment per ton in place with all necessary work including tack oil. Traffic control (signs, flag men etc.) to be contractor’s responsibility. Patches will be placed no later than August 1, 2023.

**HOT MIX**: Class D Type II with 20% RAP and PG 58-28 oil.

**Clark County requires ALL contractors carry full insurance which includes Liability and Workman’s Comp, and furnish Clark County a current Certificate of Insurance**, to be included with bid when submitted. Bid must be submitted on this Paver Laid Asphalt bid notice. **Bids not meeting these requirements will be rejected**.

The board reserves the right to reject any or all bids and to waive any defects therein, and to buy in the best interest of the County. Bids shall be sealed and labeled as to contents and delivered to the County Auditor prior to the time of the letting.

By order of the Clark County Commissioners of Clark, South Dakota. All voting aye. Motion carried.

**RESOLUTION 7-23**: Motion by Sass, second by Schlagel to approve Resolution 7-23 which establishes load limits for 2023. Voting aye: Hass, Gjerde, Knock, Schlagel and Sass. Motion carried.

**RESOLUTION 7-23**

**LOAD LIMIT**

Commissioner Sass moved for the adoption of the following resolution, second by Commissioner Schlagel. Voting aye: Hass, Sass, Schlagel, Gjerde and Knock. Voting nay: None.

WHEREAS the County of Clark, South Dakota, is responsible for the maintenance of certain highways under its jurisdiction,

WHEREAS it appears that said highways, by reason of deterioration, rain, snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or restrictions as to the weight of vehicles are imposed, and

WHEREAS the County of Clark lacks the scale equipment with which to enforce road weight limits

NOW, THEREFORE, pursuant to SDCL 32-14-16, and any laws amendatory thereto, be it resolved that the load limit on Clark County roads with the County of Clark, South Dakota, shall be seven ton per axle for a full 75 day period from or after March 01, 2023.

IT IS FURTHER RESOLVED that there shall be erected and maintained signs designating the provisions of this Resolution as provided by State Law and that this Resolution shall not be effective until or unless such signs are erected and maintained.

IT IS FURTHER RESOLVED that the County of Clark shall request the South Dakota Highway Patrol Motor Carrier Enforcement Officer to enter the County of Clark with scales adequate to weigh motor vehicles to ensure compliance with State Laws pertaining to vehicle weight, and with the weight laws established by this Resolution.

NOW, THEREFORE, BE IT RESOLVED that all asphalt roads will be posted at 7 ton per axles and 45 mph for trucks. Trucks 45 mph year around on all asphalt roads. Gravel will be posted as needed. Paved County Roads within the County of Clark, South Dakota, shall be 45 Miles Per Hour from January 1, to December 31 of each year, commencing with the year 2023. Refer to Resolution 98-23. Clark County request the South Dakota Highway Patrol Motor Carrier Enforcement Officer to enter the County of Clark to enforce the speed limit on all Clark County Roads.  
  
 IT IS FURTHER RESOLVED that this Resolution be effective each and every year hereafter unless repealed or modified by duly enacted Resolution.

Dated at Clark, South Dakota, this 3rd day of January 2023.

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

Chairman, Board of County

Commissioners of Clark County

ATTEST:

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

**RESOLUTION 1-23**

**Designation of Official Newspaper**

It was moved by Commissioner Gjerde, seconded by Commissioner Sass, that the Clark County Courier, being the only legal newspaper within the County as defined in Chapter 7-18, Sec 3 SDCL of 1967, be designated as the official Clark County Newspaper for publishing all matters pertaining to government of Clark County for or during 2023.

Commissioners voting aye: Sass, Hass, Gjerde, Schlagel and Knock. Commissioners voting nay: None. Motion carried.

Dated at Clark, South Dakota this 3rd day of January, 2023.

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

County Auditor Chairman, Board of Clark County

Commissioners

**RESOLUTION 2-23**

**DESIGNATION OF BANK DEPOSITORIES**

It was moved by Commissioner Schlagel, seconded by Commissioner Hass, that Dacotah Bank of Clark, Clark Branch within the County be designated as the official Clark County Bank Depository during 2023. Commissioners voting aye: Sass, Hass, Gjerde, Schlagel and Knock. Commissioners voting nay: None.

Dated at Clark, South Dakota this 3rd day of January, 2023.

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

County Auditor Chairman, Clark County Board

Of Commissioners

**RESOLUTION 03-23**

A RESOLUTION SETTING FORTH POLICY, PROCEDURES AND PAYMENT RELATED TO INDIGENT BURIAL WITHIN CLARK COUNTY, SOUTH DAKOTA.

WHEREAS, SDCL 28-17-4 provides that Board of County Commissioners shall adopt a Resolution establishing a sum to be paid by the County for County burial of its indigent residents: and,

WHEREAS, The Board of County Commissioners has consulted with interested parties;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Clark County,

South Dakota, for the 2023 calendar year, that the policy and payment schedule, which is on file in the Auditors office as Appendix A be adopted with respect to indigent burial within Clark County, South Dakota.

The foregoing resolution was moved for adoption by Commissioner Schlagel, seconded by Commissioner Gjerde.

Upon roll call the following commissioners voted aye: Sass, Hass, Gjerde, Schlagel and Knock.

Commissioners voting nay: None.

Whereupon the chairman of the Clark County Board of Commissioners declared the resolution to be duly passed and adopted.

Dated at Clark, Clark County, South Dakota, this 3rd day of January, 2023.

/s/ Wallace Knock\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
 Chairman, Clark County Board of Commissioners

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

County Auditor

**RESOLUTION 4-23**

**Set Salary for Election Officials**

Moved by Commissioner Hass, and seconded by Commissioner Sass, that the following resolution be adopted.

Members voting yes: Sass, Hass, Gjerde, Schlagel and Knock.  
Members voting against: None.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Clark County, South Dakota, that the fee to be established pursuant to SDCL 12-15-11 for  
compensation of election superintendents and deputies shall be computed at the rate of $160.00 per day for hours worked Election Day and $20.00 to attend training session. The superintendents and judges shall be paid for each hour they are required to be present to perform their respective duties as specified by law. The person delivering the poll books and ballot boxes to the proper authority at the county seat shall receive the county rate for mileage as established pursuant to Sec. 7-7-24 SDCL, for miles necessarily traveled in going to and returning from making the delivery. The polling place shall receive $50.00 per election for use of the facility.

Dated: January 3, 2023

ATTEST:   
     
/s/ Christine Tarbox\_\_\_\_\_\_\_\_\_\_                               /s/ Wallace Knock\_\_\_\_\_\_\_\_  
County Auditor                                                 Chairperson, Clark County  
 Board of Commissioners

**RESOLUTION 5-23**

Commissioner Sass, moved for the adoption of the following resolution, second by Commissioner Schlagel. Voting aye: Sass, Hass, Gjerde, Schlagel and Knock. Voting nay: None.

WHEREAS, the Board of Clark County Commissioners deem it necessary to set fees;

NOW, THEREFORE, BE IT RESOLVED by the Clark County Commissioners at a regular meeting held January 3, 2023, the following fees shall be charged.

Copy - $.25 per page.

Fax charge - $2.00 for the first two (2) pages incoming and outgoing and $.50 each additional page.

Highway maps - $2.00.

Voter registration list – as per Secretary of State Office fee schedule

Voting precinct maps - $2.00.

Commissioner District map - $2.00.

Building permits – $50.00 plus $1.00/thousand of valuation of the project, fee

Doubles if late.

Variance $400.00 -fee doubles if late.

Conditional Use Permit applications - $200.00 – fee doubles if late.

Rezoning -$200.00 – fee doubles if late.

Overweight and Over width permits - $200.00 yearly or $100.00 one time- fee doubles if permit not acquired prior.

Ambulance to attend Henry FB game -$150.00.

Director of Equalization –fee for parcel data - $5000.00

Director of Equalization – Obtaining GIS Information $5000.00

Director of Equalization – Web hosting information $350.00

Register of Deed-fee per email of documents $2.00

Boring under county roads for purpose of tiling fee- $200.00

ROD Fees for monthly reports to Clark Abstract $67.00 for copies of pages and

$8.00 per printing of the report.

ROD Fees: Reports to financial institutions: Financial Statement and Lien

Report $2.00, Mortgage fee $4.00, Deed fee $4.00.

Weed – Chemical rate and labor schedule-on file in Auditor’s office

Ambulance CPR training - $50.00 per person

Liquor/malt beverage fee -$100.00 per day

Furness Funeral Home- $150.00 for removal of body, $95.00 for body bag, Prep room

Use for blood draw $100.00, Mileage for autopsy $2.50/mile door to door. Cooler $50.00

-per day.

Dated at Clark County, South Dakota this 3rd day of January, 2023.

ATTEST (SEAL)

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

County Auditor Chairman, Clark County

Board of Commissioners

**RESOLUTION 6-23:** Motion by Gjerde, second by Sass to approve Resolution 6-23 which appoints members of the Clark County Housing and Redevelopment Commission. All voting aye. Motion carried.

RESOLUTION 6-23

CHAIRMAN’S CERTIFICATE OF APPOINTMENT OF COMMISSIONERS OF THE CLARK COUNTY HOUSING AND REDEVELOPMENT COMMISSION

Pursuant to South Dakota Codified Law 11-7-12 and by virtue of my office as Chairman, I hereby appoint five (5) persons hereinafter named to serve as Commissioners of the Clark County Housing and Redevelopment Commission and to serve for the number of years appearing after their names, respectively from the date of this certificate.

Bonnie Graves- one year

Francis Hass – two years

Char Peterson - three years

Basil Englert - four years

Terry Schlagel – five years

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SIGNED MY NAME AS Chairman of the Clark County Board of Commissioners, Clark, South Dakota this 3rd day of January, 2023.

Motion by Gjerde, second by Sass to approve Chairman’s appointments.

Voting aye: Sass, Hass, Gjerde, Schlagel and Knock. Voting nay: None. Motion carried.

Dated: January 3, 2023.

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

Chairman, Clark County Commissioners

ATTEST:

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

Clark County Auditor

**TREASURER:** Treasurer Mahlen met with the board to update them on delinquent taxes. She also informed the board that she will be retiring effective May 31, 2023. Motion by Schlagel, second by Gjerde to accept her retirement notice. All voting aye. Motion carried.

**TANGO TANGO**: Police Chief Wellnitz met with the board to discuss Tango Tango service and the cost. The board asked him to check on the number of users prior to remitting payment. He will report back to the board when information is obtained.

**COURTHOUSE**: The contractor was not available prior to the meeting.

**SHERIFF SALARY**: Motion by Sass, second by Hass to set newly elected Sheriff Heaton salary at current salary of $64,076.24 effective January 2, 2023. Voting aye; Sass, Hass, Gjerde, Knock. Voting nay: Schlagel. Motion carried.

**CLAIMS**: Motion by Hass, second by Gjerde to approve the following claims and allow the auditor to issue payments for same. All voting aye. Motion carried. COMMISSIONERS: Clark Co Courier – open house ad-212.50, SDML Workers Comp fund – wc ins 90.00, AUDITOR: SDML Workers Com-wc ins – 206.00, TREASURER: Clark Co Courier- delinquent tax notice 147.69, SDML Workers Comp – wc ins 190.00, STATES ATTORNEY: SDML Workers Comp – wc ins 230.00, LAW LIBRARY: Beadle County Auditor-victim witness reimbursement 2200.00, PUBLIC BUILDINGS: Culligan – water 100.25, SDML Workers Comp – wc ins 1337.00, DIRECTOR OF EQUALIZATION: First District Assn of Local Govn – GIS Webhosting/parcel database 7000.00, SDML Work Comp – wc ins – 997.00, REGISTER OF DEEDS: Great American Financial Service -copy machine fees 186.44, SDML Workers Comp – wc ins 140.00, VETERANS OFFICER – SDML Workers Com – wc ins 20.00, SHERIFF: A&T Mobility - -service 256.50, Clark Co Courier – deputy ad 150.00, SDML Workers Comp – wc ins 3201.00, CORONER: SDML Workers Comp – wc ins 3.00, AIRPORT: Helms & Associates – final engineering – 14,989.15, POOR: SDML Workers Comp-wc ins 11.00, NURSE: SDML Workers Comp – wc ins 62.00, AMBULANCE: AT&T Mobility – service 223.98, Clark Co Courier -EMT class ad – 168.75, SDML Workers Comp – wc ins 10,156.00, EXTENSION: SDML Workers Comp – wc ins 45.00, WEED: SDML Workers Comp -wc ins 2255.00, PLANNING & ZONING: Clark Co Courier – variance/CU 31.25, ROAD & BRIDGE: AT&T Mobility – service 53.45, Clark Co Courier – mechanic ad 146.60, Fastenal Company-supplies 40.25, Northwestern Energy- utilities 172.09, SDML Workers Comp – wc ins 34,638.00, CIVIL DEFENSE: AT&T Mobility -service 45.28, SDML Workers Comp – wc ins 54.00, M&P RELIEF FUND: SDACO - $2.00 fee- 102.00. TOTAL: 79,861.18.

**PAYROLL**: COMMISSIONERS: 6738.70, AUDITOR: 5213.60, TREASURER: 4614.57, STATES ATTORNEY: 3238.65, PUBLIC BUILDINGS: 2127.53, DIRECTOR OF EQUALIZATION: 4955.48, REGISTER OF DEEDS: 3697.40, VETERANS OFFICER: 409.13, SHERIFF: 8839.92, POOR: 507.33 NURSE: 701.04, AMBULANCE: 14970.00, EXTENSION: 845.41, WEED: 102.78, PLANNING & ZONING: 341.74, ROAD & BRIDGE: 54,896.29, EMERGENCY & DISASTER: 1071.35. TOTAL: 113,270.92.

**ADJOURN**:  Motion by Schlagel, second by Gjerde to adjourn at 11:30 a.m. until next regular meeting Tuesday, January 17, 2023 at 8:00 a.m. 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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