CLARK COUNTY COMMISSIONER PROCEEDINGS

May 16, 2023

The Clark County Commissioners met in regular session on Tuesday, May 16, 2023 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, Francis Hass, Terry Schlagel, Sara Gjerde and Wallace Knock. Auditor Tarbox also present.

**COMMUNITY COMMENTS**: No one appeared.

**AGENDA:** Motion by Sass second by Schlagel to approve the May 16, 2023 agenda. All voting aye. Motion carried.

**MINUTES**: Motion by Hass, second by Sass to approve the minutes of the regular meeting of May 2, 2023. All voting aye. Motion carried.

**HIGHWAY**: Motion by Sass, second by Gjerde to approve and allow Chairman to sign the State of South Dakota Joint Powers Agreement to provide for stripping of County Roads within Clark County in 2023. All voting aye. Motion carried.

**HIGHWAY:** HS Eggleston met with the board to update them on road conditions and work being done. He informed them that load limits have been lifted.

**HIGHWAY**: Motion by Sass, second by Hass to allow HS Eggleston to order a 2023 John Deere 772G motor grader, V-plow, wing and front hitch to be delivered and paid for in 2024 subject to budget approval. Total contract purchase price is $475,686.09. All voting aye. Motion carried.

**HIGHWAY**: Motion by Gjerde, second by Schlagel to approve purchase of a V-plow in 2023. Cost of this equipment will be $13,541.29. All voting aye. Motion carried.

**WEED**: Motion by Hass, second by Schlagel to declare a 2002 International truck, VIN #1HTSCABM52H521504, weed department truck as surplus and allow WS Jenkins to list on Purple Wave Auction site. All voting aye. Motion carried.

**BOARD OF ADJUSTMENT**: Motion by Gjerde, second by Sass 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. Luke Muller present at the Courthouse. Items to be added to the Agenda by the Board members include questions regarding a previous application and questions about adding docks in an ag district. Chairman Knock extended an invitation for citizens to schedule time on the Board of Adjustment agenda for an item not listed under the Board of Adjustment portion. There were none. Chairman Knock asked Board members if there were any Ex parte Communications or potential 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 Gjerde to approve the Board of Adjustment Agenda. All voting aye. Motion carried.

The next agenda item includes a request by East River Electric for conditional use and a variance on land that they own and land owned by Earl Foster to operate an essential public service with certain accessory structures less than 100’ from the right of Way. Chairman Knock called for a motion to approve conditional use. Motion by Schlagel, second by Sass to approve the Conditional Use. Luke Muller with First District gave a report of the conditional use request, including location in Mt Pleasant Township. He informed the board East River will construct a 40’ tall telecommunications tower for transmitting operational information from the line/substation to better monitor condition of existing utility structures. This tower will be exclusively for East River’s private purposes and will not be used as a commercial cell tower. He also discussed setbacks for the project. Chairman Knock opened the public hearing for East River’s application. Jerae Wire and Russ Claussen from East River Electric present. Jerae Wire explained the upgrade will move the lines to run along 171st St and there will be a three-way switch to isolate power. Russ Claussen also discussed the project. Chairman Knock opened the hearing to public testimony. No further testimony and the public hearing was closed. Board questions were addressed. Motion by Gjerde, second by Sass to include only the ground that the transmission lines occupy and the 300’ x 300’ lot where the tower will be located for the conditional use location. All voting aye. Motion carried. Luke asked the questions for the findings of fact relating to the conditional use. Luke restated the motion: The motion is to approve the conditional use permit to operate an essential public service (substation) on the property owned by East River, with accessory uses on their property and Mr. Foster’s property with the amendment that conditional use covers the area that the transmission lines occupy and the lot where the tower is located. Voting aye: Sass, Hass, Gjerde, Schlagel and Knock. Motion carried.

Motion by Schlagel, second by Gjerde to approve the front yard variance to allow replacement of the existing substation at its present location. There was no additional discussion relating to the front yard setbacks. Luke asked the questions for the findings of fact relating to this part of the front yard variance. Luke restated the motion: The motion is to approve a portion of the front yard variance to allow re-construction to occur 70’ from the 428th Ave Right-of-way. Voting aye: Sass, Hass, Gjerde, Schlagel and Knock. Motion carried.

Motion by Sass, second by Schlagel to approve the front yard variance to allow the proposed transmission tower to be placed at or near the right of way line. There was no further board discussion. Luke asked the questions for the findings of fact relating to this portion of the front yard variance and restated the motion: The motion is to approve a portion of the front yard variance to allow a transmission tower to be placed at or near the right-of-way lines of 428th Ave and 171st Street. Voting aye: Sass, Hass, Gjerde, Schlagel and Knock. Motion carried.

**AGENDA ITEM**: The board discussed the zoning status of property on the east side of Clark. Luke will develop plans for the rezoning and present at the June meeting.

**AGENDA ITEM**: The board also discussed use of private docks on lakes within the County. Luke will bring options to the board at the June meeting.

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

**COURTHOUSE REPAIRS**: Clerk of Courts Aguayo met with the board requesting carpet in the Judge’s chambers in addition to the law library and juror room. Also present Custodian Marx. COC Aguayo presented quotes from Larry’s Lumber. Cost for the Judge’s chambers would be $1095.02, the entire project cost is $4659.25. Will check cost from the current ongoing project and check with the Historical Department to make sure changes can be made and report back to the board on June 6, 2023.

**TAX DEEDS**: This process has been finished. No action required.

**ANIMAL POLICY**: The board discussed concerns of animals in the Courthouse building. SA Fjelland will be consulted and a policy created. Will readdress at June 6, 2023 meeting.

**RESOLUTION 16-23**: Motion by Schlagel, second by Gjerde to approve Resolution 16-23 which is a disaster declaration due to flooding April 17, 2023 thru May 5, 2023. This disaster declaration was at the request of Emergency Manager Lewis. All voting aye. Motion carried. EM Lewis also informed the board that the two grants for Willow Lake repeater and Clark repeater have been approved and the Willow Lake repeater has been repaired and currently working well.

**RESOLUTION FOR DECLARATION OF**

**EMERGENCY/DISASTER**

**RESOLUTION 16-23**

**WHEREAS,** Clark County South Dakota, has sustained damage due to spring flooding beginning April 7, 2023 and continued into May 5, 2023; and,

WHEREAS, Clark County has committed all available resources and taken all possible actions within the jurisdictional boundaries to combat and to alleviate the emergency/disaster and local resources are not adequate to cope with the situation.

WHEREAS, Clark County recognizes that all municipal, tribal and rural electric cooperatives, utility companies, farmers and ranchers have taken all possible actions within the jurisdictional boundaries to combat and to alleviate the emergency/disaster.

NOW, THEREFORE, BE IT RESOLVED that the Clark County Board of County Commissioners for, and on behalf of the citizens of Clark County, request the Governor of the State of South Dakota to petition the President of the United States to declare, Clark County, South Dakota an emergency/disaster area.

Dated this 16th day of May, 2023.

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

 Wallace Knock, Chairman

ATTEST: Clark County Commission

SEAL: /s/ Christine Tarbox \_\_\_\_\_\_\_\_\_

 Christine Tarbox, County Auditor

**AMBULANCE**: Motion by Schlagel, second by Sass to allow ambulance accounts in the amount of $9712.08, to be referred for collections or place a lien against individuals. All voting aye. Motion carried.

**RESOLUTION 17-23**: Motion by Sass, second by Hass to approve Resolution 17-23 – Schmidt Family Cemetery Plat. All voting aye. Motion carried.

RESOLUTION 17-23

BE IT RESOLVED by the Board of County Commissioners of Clark County, South Dakota, that the plat entitled: **SCHMIDT FAMILY CEMETERY IN THE COUNTY OF CLARK, SOUTH DAKOTA, Located in the Southeast Quarter (SE ¼) of Section 11, T113N, R58W 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, the 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 16th day of May 2023.

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

 Chairman, Board of County Commissioners

Clark County, South Dakota

ATTEST:

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

County Auditor

Clark County, South Dakota

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

 AUDITOR’S MONTHLY SETTLEMENT WITH THE TREASURER
 Cash on hand…………………….., ………………..… 1,752,069.00

Money Market…………………………..………………… 5,338,462.37

CD’s…………..…………………………………………… 800,000.00
Checking Account....…….……………………………… 3,498,907.98 TOTAL:……………..……………… …..……………… 11,389,439.35

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

$5,248,884.37, Restricted Cash General fund: 1,302,278.00, Road & Bridge: $926,203.11,

911 Service Fund: 67,403.13, ED: **-**9575.10, Domestic Abuse: 115.00, 24/7 –19,113.44, ROD Mod/Pres: $8,246.93, Rural Access Infrastructure fund: 218,174.41. County TIF: 262,535.10. **Trust & Agency Funds $3,346,060.96 which are funds returned to schools, towns, townships and special districts.** TOTAL: $11,389,439.35.

**ROD Fees**: March recording fees 1545.00, Transfer fees: 396.00, Births: 30.00, Deaths: 20.00, Marriages – 15.00, Copy money: 67.00, Misc, 241.00. TOTAL: 2314.00.

**Ambulance**: 10,076.13, **Sheriff**: Mileage 8.26 Civil fees $168.85.

**CLAIMS**: Motion by Sass, second by Gjerde to approve the following claims and allow the Auditor to issue payment. All voting aye. Motion carried. GENERAL FUND: Watertown Fire Department -60% of run 588.13, COMMISSIONERS: Clubhouse Hotel -lodging 196.66, Creative Rewards-supplies 133.13, SDPAA-coverage -1683.36, US Bank Voyager Fleet Systems-gas 40.91, WW Tire Service – flat repair 30.00, AUDITOR: Connecting Point – trend micro/179.50, ITC-service 130.75, Office Peeps- user fees/access fees 113.30, PMB-0112 – user fees – 99.25, SDPAA – coverage 1207.13, Wageworks-cobra costs 12.90, TREASURER: Cardmember Service-stamps 211.20, ITC-service 47.36, SDPAA-coverage 1091.68, STATES ATTORNEY: Dept of Health – blood draw-40.00, ITC-service 51.64, SDPAA- coverage 999.48, State Bar of South Dakota-Dakota disc annual 500.00, Thomson Reuters-West Publishing – on line software subscription 427.46, COURT: Austin Strait, Benson & Thole - court appt atty 527.20, PUBLIC BUILDINGS: City of Clark -water 112.57, Cook’s Wastepaper – garbage fees 40.75, ITC-service 78.98, Northwestern Energy – utilities 1591.85, SDPAA-coverage 11867.07, Star Laundry - rugs 49.96, DIRECTOR OF EQUALIZATION: First District Association of Local Govern-complete GIS Data -7000.00, ITC-service 68.19, SDPAA-coverage 1338.44, REGISTER OF DEEDS: ITC-service -91.94, SDPAA-coverage 811.69, VETERANS OFFICE: ITC-service 51.24, SDPAA-coverage 102.56, SHERIFF: Clark Community Oil – fuel 857.13, ITC-service 191.59, Office Peeps – toner 99.41, SDPAA-coverage 7172.00, The Lodge at Deadwood -lodging 240.00, US Bank Voyager Fleet-gas 783.57, PRISONER CARE: Codington Co Auditor- prisoner care – 3040.00, Day County Sheriff- prisoner care 2550.00, AIRPORT: Clark Rural Water – water 35.00, Northwestern Energy -utilities 170.41, SDPAA-coverage 2788.14, NURSE: SDPAA-coverage 480.41, AMBULANCE: AAA collection – collection fees 27.30, Cardmember Service – air conditioner 154.00, City of Clark -water 84.07, Clark Community Oil – fuel 180.40, GovConnection – ambulance GIS system 5118.90, ITC-service 193.96, Ken’s Fairway – plates/silverware – 58.16, Northwestern Energy- utilities 477.47, Sanford Health – supplies 518.48, SDPAA-coverage 9106.96, Star Laundry -laundry 15.98, US Bank Voyager – gas 207.49, SOC SERV FOR AGED: Inter Lakes Comm Action – comm service/April 1603.42, EXTENSION: Cardmember Service-4-H Social media training 5.00, ITC-service 129.94, Office Peeps – copy machine rent/paper- 247.20, SDPAA -coverage 415.25, Star Laundry - rugs 30.40, WEED: Big State Industrial supply – gloves 336.10, City of Clark -utilities 66.97, Cook’s Wastepaper – 54.75, ITC-service 108.96, Brian Jenkins – scale use/battery 253.78, Ken’s Fairway -supplies 17.49, Menards -supplies 46.98, Northwestern Energy – utilities 284.36, Runnings Farm & Fleet – chop saw/blades/adaptor 239.47, SD Federal Property – 2008 Stakebed truck 18,520.00, SDPAA – coverage 5285.73, Corner Diner – rolls for weed meeting 52.00, WW Tire Service-parts 782.84, Westside Implement – supplies 76.72, ROAD & BRIDGE: Avera Queen of Peace-drug testing 158.00, City of Clark-water 66.97, Cook’s Wastepaper – garbage 54.75, Creative Printing – time cards 481.12, House of Glass – freight 9.44, IMEG Consultants – Co Road 17 North reconstruction 19,500.00, Interstate Batteries-batteries 380.85, ITC -service 124.68, JB’s Repair – outside repair 3492.50, Light & Siren – parts 602.00, Menards -supplies 93.96, North American Truck & Trailer -parts 590.46, Northwestern Energy – utilities 1186.48, SD Assn of Co Commissioners – registration 100.00, SDPAA – coverage 40,148.61, Spencer Quarries – gravel 3309.56, Star Laundry & Dry Cleaners – towels 57.26, WW Tire Service -tires 14.70, Westside Implement – parts 89.38, Wheelco-parts – 192.40, 911 SERVICE: City of Watertown – 911 surcharge 3244.85, ITC-service 145.23, CIVIL DEFENSE: ITC-Service – 49.94, SDPAA-coverage 863.89, US Bank Voyager Fleet -gas 118.82, REGISTER OF DEEDS: Microfilm Imaging Systems -software/scanner rent – 1900.00, TOTAL: 171,595.32.

**PAYROLL**: AUDITOR: 5564.44, TREASURER 4,518.08, STATES ATTORNEY: 4648.61, COURTHOUSE: 2850.27, DIRECTOR OF EQUALIZATION: 5591.57, REGISTER OF DEEDS: 3557.74, VETERAN SERVICE OFFICE: 409.14, SHERIFF: 9283.39, NURSE: 1063.27, AMBULANCE: 12,092.12, EXTENSION: 1282.26, WEED-4,038.54, ROAD & BRIDGE: 40,024.41, EMERGENCY & DISASTER: 1031.72. TOTAL: 96,555.56.

**ADJOURN**:  Motion by Schlagel, second by Sass to adjourn at 12:01 p.m. until next regular meeting Tuesday, June 6, 2023. All voting aye. Motion carried.

ATTEST:

(SEAL)

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Christine Tarbox Wallace Knock, Chairman

Clark County Auditor Clark County Board of Commissioners

Published once at the total approximate cost of $\_\_\_\_\_\_\_\_\_\_\_\_.