CLARK COUNTY COMMISSIONER PROCEEDINGS

October 17, 2023

The Clark County Commissioners met in regular session on Tuesday, October 17, 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, Sara Gjerde, Terry Schlagel and Wallace Knock. Auditor Tarbox also present. Vice Chairman Sass chaired the meeting.

**COMMUNITY COMMENTS**: No one appeared.

**AGENDA:** Request to add to the agenda, approve Resolution 25-23-East Park Addition Plat**.** Motion by Sass, second by Schlagel to approve the October 17, 2023 agenda with addition of Approve Resolution 25-23. All voting aye. Motion carried.

**MINUTES**: Motion by Hass, second by Sass to approve the minutes of the regular meeting of October 3, 2023. All voting aye. Motion carried.

**HIGHWAY UPDATE**: Chairman Knock gave an update on County roads 17 and 38. He informed the board they would be calling for bids in December for County Road 17 (Carpenter road), bids will be opened in January. He also discussed County Road 38, this project will be bid by County specs and bids will be managed by the County with Riverview Dairy covering the costs.

**INSURANCE**: Jody Peterson with Wishard Insurance met with the board and provided information regarding the County benefit package including health insurance. No action taken.

**BOARD OF ADJUSTMENT**: Motion by Knock, second by Schlagel to recess as County Commission and Convene as Board of Adjustment. All voting aye. Motion carried.

Vice Chairman Sass called the Clark County Board of Adjustment to order and noted that Luke Muller from First District Association will be serving as staff and parliamentarian support. He is in attendance at the Courthouse.

The next item on the Agenda is items to be added by the Board members or staff. There being none the meeting continued. Vice Chairman Sass extended an invitation for citizens to schedule time on the Board of Adjustment portion. No one appeared. Board members were asked if there were any Ex parte Communications or potential Conflicts of Interest that the rest of the Board or public may want to be aware of. There were none and the board proceeded.

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

The next agenda item includes a request by Collins Colony for a conditional use to construct a new 3,900 animal unit to operate a Class A CAFO. This barn will be located on the East half of the Southwest Quarter of Section 31, Township 113 North, Range 57 West of the 5th P.M., Clark County, South Dakota (Collins Township). Motion by Knock second by Sass to approve the request. Also present at the hearing Steve Birkholtz, Dale Waldner, Joey Wipf and Ryan Russell and Brian Friedrichsen with Dakota Environmental. Luke gave report regarding the request including location, animal units, land use plan and manure management. Vice Chairman Sass opened the public hearing. Brian Friedrichsen with Dakota Environmental informed the board, the building will be built in two phases and that the road to the facility will be a private road on land the requesting party owns. Steve Birkholtz asked if soil borings have been done, he has concerns about contamination of nearby water sources. He asked if additional soil borings on the north side could be done and adding a monitoring well to the north side as well. Collins colony agreed to the request of a monitoring well and trees on the North and West sides. Motion by Hass, second by Schlagel to amend motion to include a monitoring well and add trees to the North side and West side as close to standard as possible. All voting aye. Motion carried. There were no other comments from the public and the public hearing was closed. Board discussion was finished and Luke read the findings of fact. Luke then restated the motion: The motion is to approve the conditional use permit to operate a Class A CAFO subject to conditions as read by staff including a monitoring well on the North side of the building, and trees on the North and West side. Voting aye: Sass, Hass, Gjerde, Schlagel, Knock. Motion carried.

The next agenda item includes a request by Jamie Williamson for a conditional use to operate a gravel pit on property owned by Aaron Hemmingson. This gravel pit is located on Northeast Quarter of Section 12, Township 117 North, Range 58 West of the 5th P.M. (Garfield Township), Clark County, South Dakota. Also present at the hearing: Gale Paulson, Aaron Hemmingson, Jamie Williamson. Motion by Gjerde, second by Schlagel to approve the conditional use permit request. Luke Muller gave report including location, specific uses and land use plan regarding this request. Vice Chairman Sass opened the public hearing on this application. Jamie Williamson spoke in reference to the request. He informed the board they will be hauling east to the County oil road. Vice Chairman Sass then opened to further public testimony. Gale Paulson had questions regarding storm drainage and inquired if there would be storage tanks. There was no further testimony and the public hearing was closed. Motion by Knock, second by Gjerde to remove bullet a: under General Requirements, “ There will be no storage of oil or oil by-products on site. This is to include fueling sites.” All voting aye. Motion approved. Luke presented 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 a Gravel Pit with rock crusher subject to the conditions read by staff with amendment of removing bullet point a. under General Requirements. Motion by Schlagel, second by Knock to approve as amended. Voting aye: Sass, Hass, Gjerde, Schlagel and Knock. Motion carried.   
  
Next agenda item includes a request by Midcontinent Communications for a conditional use to permit its existing telecommunications tower on property owned by the Julia Mass Life Estate. Property description: The East 502 Feet of the South 580 Feet of the Southeast Quarter of Section 13, Township 119 North, Range 59 West of the 5th p.m. (Warren Township), Clark County, South Dakota. Motion by Hass, second by Knock to approve the Conditional Use request. Luke gave report regarding the request, the specifics of the request, and the Land Use plan. Commissioner Sass opened the public hearing on this application. Rick Kroll representing Midco, available via zoom, spoke briefly about the request and informed the board he was available for questions. There was no other public testimony and the public hearing was closed. There was no further board discussion. Luke read 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 a telecommunications tower subject to the requirements in ordinance on the present legal description. Those voting aye: Sass, Hass, Gjerde, Schlagel and Knock. Motion carried.

Next agenda item is a request by BSC Dog Grooming for a conditional use to operate a dog grooming business. Also present: Erin Scheller Brush, Berndt Scheller and Gayle Scheller. Property Description: Fairfield Products, Inc. Outlot in the Southeast Quarter of Section 6, Township 116 North, Range 57 West of the 5th P.M. (Day Township), excepting an easement over and across the South Sixty (S. 60’) Feet and the East Sixty (E60’) Feet of said Fairfield Products, Inc, Outlot, for the purpose of ingress and egress to the property platted and described as Builders Outlot being in accordance with the recorded plat; and other applicable portions of Tract Lots 1-8 the Southeast Quarter of Section 6, Township 116 North, Range 57 West of the 5th P.M. (Day Township). Motion by Schlagel, second by Sass to approve the dog grooming business with the conditions recommended by staff. Luke provided information regarding the location and land use plan regarding this request. Vice Chairman Sass opened the public hearing. Erin Scheller Brush informed the board her business will be located in the building that used to be the “scale house”, and that she plans to run a dog grooming business. There was no further public testimony and the public hearing was closed. The board questions were answered including discussion regarding hours of operation. Luke read the question 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 a dog grooming business subject to the conditions read by staff. No further board discussion. Voting aye: Sass, Hass, Gjerde, Schlagel and Knock. All voting aye. Motion carried.

**ADJOURN**: Motion by Knock, second by Hass to adjourn as Board of Adjustment and reconvene as County Commission. All voting aye. Motion carried.

**HEALTH INSURANCE**: Dan Johnson and Roger Risty from Risty Benefits presented information regarding health insurance for Clark County. They also discussed other benefits they offer. No action taken.

**COUNTY ROAD #55**: Doug Paulson met with the board asking if roads that are under water are vacated. He also had concerns about wooden posts in the right of way along County Road #55. No action taken.

**EMPLOYEE CHANGE**: Motion by Gjerde, second by Schlagel to change current policy to employees must work a minimum of 30 hours to qualify for benefits. This change will be effective October 18, 2023. All voting aye. Motion carried.

**EXTENSION SECRETARY**: Extension Secretary position will be available at Clark County. It will be a 20 hour per week position with no benefits. The County will advertise for this position.

**MEALS**: Current policy for meal reimbursement when employees travel for County business is receipt must be presented. DOE Reidburn had asked for a policy change that a straight daily fee be paid. Board discussion, the current policy will remain in effect.

**SHERIFF**: Sheriff Heaton met with the board to request retiring the 2014 Durango from the Sheriff Department. Highway department has expressed interest in the vehicle. This item will be addressed at the November 7, 2023 meeting.

**SHERIFF**: Motion by Sass, second by Knock to approve new hire Cole Dummermuth to the Sheriff Department. His start date will be October 18, 2023, salary will be $43,500 with an increase of $1080.00 after six months. All voting aye. Motion carried.

**ADMINISTRATIVE LEAVE:** Auditor Tarbox informed the board that Governor Noem has declared November 24, 2023 and December 26, 2023 as Administrative Leave.

**AMBULANCE**: Motion by Sass, second by Gjerde to approve David Winnett as EVOC driver for Clark County Station I. All voting aye. Motion carried.

**FLOOD PLANE ORDINANCE**: Deferred to November 7, 2023 meeting.

**NOTIFICATION**: WD Tarbox presented notification of hospitalization.

**SET MEETING DATE:** Motion by Schlagel, second by Sass to set the last meeting date for 2023 on Thursday, December 28, 2023 at 8:00 a.m. All voting aye. Motion carried.

**EMERGENCY MANAGER**: Motion by Hass, second by Schlagel to approve and allow Chairman to sign the 4th quarter single Signature report for 2023 Emergency Management Performance Grant. All voting aye. Motion carried.

**EMERGENCY MANAGER**: EM Lewis discussed the 511 program and an additional program the State Office of Emergency Management is implementing. It will enable County staff to indicate road closures within the County. EM Lewis will be the administrator. The board approved the request, EM Lewis will complete the application process.

**RESOLUTION 24-23**: Motion by Schlagel, second by Gjerde to approve the Ortberg Plat – Third Addition. All voting aye. Motion carried.

**RESOLUTION 24-23**

“BE IT RESOLVED by the Board of County Commissioners of Clark County, South Dakota, that the plat entitled**: “Ortberg Third Located in Government Lot 3 of Section 6, Township 117 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 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 17th day of October, 2023.

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

Chairman, Board of County Commissioners

Clark County, South Dakota

ATTEST:

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

Clark County, South Dakota

**RESOLUTION 25-23**: Motion by Gjerde, second by Sass to approve Resolution 25-23 East Park Addition Plat. All voting aye. Motion carried.

**RESOLUTION 25-23**

“BE IT RESOLVED by the Board of County Commissioners of Clark County, South Dakota, that the plat entitled**: “East Park Addition located in Southeast Quarter of Section 6, Township 116 North, Range 57 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 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 17th day of October, 2023.

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

Chairman, Board of County Commissioners

Clark County, South Dakota

ATTEST:

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

Clark County, South Dakota

**EXECUTIVE ORDER**: Motion by Schlagel and second by Hass to approve and allow Chairman to sign Acknowledgement and Certification required by Executive Order in relation to the loan approved from the State for County Road #17. All voting aye. Motion carried.

**SDACC REQUEST:** A request was received from South Dakota Association of County Commissioners for $1000.00 for National Center for Public Lands Counties (The Center) request. Funds will be submitted to NACO for establishing the National Center. No action taken.

**CLAIMS**: Motion by Sass, second by Gjerde to approve the following claims and allow the Auditor to issue payment. All voting aye. Motion carried. ELECTIONS: Office Peeps- dymo labels 219.94, AUDITOR: Clark County Treasurer – postage 9.55, Connecting Point – trend micro backup -179.50, Wageworks – cobra costs -12.90, TREASURER: Clark County Treasurer – postage – 107.85, Office Peeps – supplies 148.49, Quill Corporation – envelopes 75.99, STATES ATTORNEY: Department of Health – blood draw-280.00, SD CLE INC – fast case annual subscription – 500.00, Thomson Reuters-West Publishing – online/software subscription – 440.28, COURT SYSTEM: Austin, Strait, Benson and Thole-court appt atty- 96.30, SDACC – 3rd/4th qtr catastrophic legal expense 1174.00, PUBLIC BUILDINGS: City of Clark -water 101.17, Cook’s Wastepaper – garbage 40.75, Dakota Data Shred – shredder fees 83.10, Northwestern Energy -utilities 1035.81, Star Laundry – rugs 49.96, DIRECTOR OF EQUALIZATION: Office Peeps-supplies 174.64, Jarvis Reidburn – meals/mileage 93.60, SHERIFF: Clark County Treasurer – title fee/postage – 31.65, Clark Community Oil - fuel 998.98, Dash Medical Gloves-supplies 108.21, Karl Chevrolet – upfit for Tahoe – 18,559.33, Karl Chevrolet – 2023 Tahoe 41,332.00, PRISONER CARE: Codington Co Auditor-prisoner care – 5510.00, AIRPORT: Northwestern Energy – utilities—207.96, NURSE: Cardmember Services – supplies 178.63, AMBULANCE: Bound Tree Medical-supplies -233.87, Cardmember Services – supplies 7.41, City of Clark – water 84.07, Clark Community Oil – fuel 588.80, CLIA Laboratory Program – rebill cert fee 180.00, Ken’s Fairway – supplies -96.26, Northwestern Energy – utilities -287.31, Office Peeps – clipboard – 99.09, Sanford Health -supplies 52.34, Star Laundry – rugs 34.39, SOC SERV FOR AGED: Inter Lakes Comm Action – comm service worker/ October 1603.42, MENTAL HEALTH CENTER: Human Service Agency – 4th qtr appropriations – 3451.25, EXTENSION: City of Clark – water 84.07, Office Peeps – Copier -64.35, Star Laundry – rugs 30.40, Western Print Group – envelopes 187.46, WEED: City of Clark – water 66.97, Cook’s Wastepaper -garbage 54.75, Brian Jenkins -printer cartridge – 57.33, Northwestern Energy-utilities 116.78, Nutrien Ag Solutions – herbicides 2680.00, SD Federal Property -supplies 36.75, Van Diest Supply Company -Tordon 8,982.00, PLANNING & ZONING: First District Assn-July/Aug/Sept admin- 1743.78, ROAD & BRIDGE: Banner Associates -engineering costs-730.50, City of Clark – water – 66.97, Clark Community Oil -fuel- 9919.79, Cook’s Wastepaper-garbage 54.75, Northwestern Energy-utilities- 870.15, RC First Ais-first aid – 45.50, Safety Benefits-registration – 150.00, Transource -parts—2440.75, Westside Implement – parts -721.37, Wheelco – parts -481.55, 911 SERVICE – City of Watertown – 911 surcharge- 3172.02, CIVIL DEFENSE: Macks -tires-380.00. TOTAL: 111,606.79.

**PAYROLL**: AUDITOR: 5564.44, TREASURER 5242.08, STATES ATTORNEY: 4648.60, COURTHOUSE: 2850.27, DIRECTOR OF EQUALIZATION: 5591.56, REGISTER OF DEEDS: 3557.72, VETERAN SERVICE OFFICE: 409.13, SHERIFF: 9283.37, NURSE: 1063.26, AMBULANCE: 11,482.06, EXTENSION: 1157.10, WEED: 3723.97, ROAD & BRIDGE: 43,151.48, EMERGENCY & DISASTER: 1068.13. TOTAL: 98,793.17.

**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……….………………….., ……………….. 1,303,188.00

Money Market…………………………..………………… 4,358,995.55

CD’s…………..…………………………………………… 800,000.00  
Checking Account…………….………………………… 739,573.00 TOTAL:……………..……………… …..……………… 7,201,756.55

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

$3,877,597.77, Restricted Cash General fund: 1,302,278.00, Road & Bridge: $864,796.33,

911 Service Fund: 66,851.58, ED:5552.27, Domestic Abuse: 365.00, 24/7 –$19,443.94, ROD Mod/Pres: $9,768.55, Rural Access Infrastructure fund: 344,748.47. County TIF: 264,207.56, **Trust & Agency Funds $446,147.08 which are funds returned to schools, towns, townships and special districts.** TOTAL: $7,201,756.55.

**ROD Fees**: September recording fees 1545.00, Transfer fees: 2702.50, Births: 25.00, Deaths: 10.00, Marriages – 0, Copy money: 67.00, Misc, 332.00. TOTAL: 4,681.50.

**Ambulance**: 18,087.76, **Sheriff**: Mileage- $43.66, Civil fees $600.00.

**PAYROLL**: AUDITOR: 5564.44, TREASURER 5242.07, STATES ATTORNEY: 5559.08, COURTHOUSE: 2850.27, DIRECTOR OF EQUALIZATION: 5591.57, REGISTER OF DEEDS: 3557.74, VETERAN SERVICE OFFICE: 409.13, SHERIFF: 6626.03, AMBULANCE: 11,475.00, WEED: 3751.74, ROAD & BRIDGE: 40,518.53, EMERGENCY & DISASTER: 1395.84. TOTAL: 92,541.44.

**ADJOURN**:  Motion by Hass, second by Schlagel to adjourn at 2:30 p.m. until next regular meeting Tuesday, November 7, 2023 at 8:00 a.m. All voting aye. Motion carried.

ATTEST:

(SEAL)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_                              
Christine Tarbox Wallace Knock, Chairman

Clark County Auditor Clark County Board of Commissioners

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