CLARK COUNTY COMMISSIONER PROCEEDINGS

December 19, 2023

The Clark County Commissioners met in regular session on Tuesday, December 19, 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.

**COMMUNITY COMMENTS**: No one appeared.

**AGENDA:** Motion by Schlagel, second by Sass to approve the December 19, 2023 agenda. All voting aye. Motion carried.

**MINUTES**: Motion by Hass, second by Gjerde to approve the minutes of the regular meeting of December 5, 2023. All voting aye. Motion carried.

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

**TRANSPORT FUEL QUOTES**: The following transport fuel quotes for Clark County were presented. Diesel #2-70/30: Agwrx No bid. Clark Community Oil – $2.82, Vollan Oil – $2.671, Farstad Oil – $2.711. The County accepted the low bid and all bids are on file at the Clark County Courthouse.

**FUEL QUOTES**: The following fuel quotes for Clark County were presented. Diesel #1: Agwrx-$3.36, Clark Community Oil- $3.43, Vollan Oil- $3.26, Farstad Oil – No bid. Diesel #2-80/20: Agwrx - $2.90, Clark Community Oil – 3.07, Vollan Oil - $3.09. The County accepted the low bid of Agwrx for Diesel #2 and Vollan Oil for Diesel #1. Vollan Oil withdrew bid for Diesel #1 so next low bid of Agwrx was accepted. All bids are on file at the Clark County Courthouse.

**EXECUTIVE SESSION**: Motion by Schlagel, second by Gjerde to move into executive session at 8:36 a.m. as per SDCL 1-25-2 (1) to discuss personnel issue. Also present SA Fjelland and Auditor Tarbox. Chairman declared out of executive at 9:13 a.m.

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

Chairman Knock 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 via Zoom.

The next item on the Agenda is items to be added by the Board members or staff. There being none the meeting continued. Chairman Knock 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 Sass to approve the Board of Adjustment Agenda. All voting aye. Motion carried.

The next agenda item includes a request by Marcus Baer for a conditional use to operate an extended home occupation. Motion by Sass, second by Schlagel to approve this with the conditions recommended by staff to bring the item before the board. Luke gave report indicating Mr. Bear is requesting a conditional use for the East 581 Feet of the West 2,035 Feet of the North 890 Feet of the Northwest Quarter of Section 25, Township 119 North, Range 57 West of the 5th P.M. (Cottonwood Township), Clark County, South Dakota. He is proposing to sell materials used for fencing and similar ag supplies. Chairman Knock then opened the public hearing on this application. Marcus Bear spoke verifying his proposed use. There were no public comments and the public hearing was closed. There were no questions from the board or conditions. Luke restated the motion: The motion is to approve the conditional use permit to operate a fence and other ag equipment sales business as an extended home occupation subject to the conditions read by staff. There was no further board discussion. Voting aye: Sass, Hass, Gjerde, Schlagel and Knock. Motion carried.

Motion by Gjerde, second by Sass to approve a request by Horvath Towers for a conditional use to construct a new telecommunications tower on property owned by Garry Hanson. This tower will be located on the West 660 feet of the Northwest Quarter of Section 30, Township 115 North, Range 57 West of the 5th P.M., (Merton Township) Clark County, South Dakota. Also present at the hearing were Woody Kroh, Garrett Meier, Dennis Johnson, Marsha Gloe, Harley Gloe, Dave Dohman, Lucas Johnson, LeAnn Johnson and Jim Johnson. Luke gave report regarding the request including location, purpose, and that the tower will be 300’ tall with guyed wires along 424th Ave. Chairman Knock opened the public hearing. Woody Kroh spoke on behalf of Horvath indicating that the company has the land lease, it will be a Verizon tower and the plan meets the requirements of the Zoning Ordinance. He also stated that these projects are closely followed the FCC and have safety standards. Chairman Knock them opened to further public testimony. Jim Johnson asked why the proposed site for the tower was located in a densely populated area. Marcia Gloe spoke with concerns about her health status, Harley Gloe also expressed the same concerns. Dave Dohman, Dennis Johnson, Garret Meier, Lucas Johnson, LeeAnn Johnson also spoke with concerns about location, dead spots by the tower and how it may affect property values. The public attending had concerns with possible health issues from the towers being close to homes. Mr. Kroh stated he had presented a letter five weeks ago that addressed the issue. The board members had not seen the communication. Chairman Knock closed the public hearing. Board members discussed other issues regarding the request, including lighting issues and the set back. The board did question Mr. Kroh if there was a possibility to move the tower further away from the resident’s homes. He confirmed he would speak to the Company and report back. Motion by Sass, second by Schlagel to postpone the decision until the February 20, 2024 meeting. Voting aye: Sass, Gjerde, Schlagel and Knock. Voting nay: Hass. Motion carried.

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

**4-H PROGRAM:** Oakley Perry from South Dakota State University was present to discuss the Memorandum of Understanding between SDSU and Clark County and also the 4-H program.

**EXECUTIVE SESSION**: Motion by Sass, second by Schlagel to move into executive session at 10:55 a.m. according to SDCL 1-25-2 (1) to discuss personnel issues. Also present Oakley Perry and SA Fjelland. Chairman declared out at 11:41 a.m.

**HIGHWAY**: Adam Polley with IMEG Engineering presented the bridge inspection report for Clark County. He informed the board that 100% of the 18 bridges within Clark County are in “Good condition” rating with an average sufficiency rating of 91.9.

**TAX DEEDS**: ROD Helkenn presented 2023 tax deed certificates for Chairman signature.

**HIGHWAY**: Motion by Hass, second by Sass to approve and allow Chairman to sign a perpetual voluntary right-of-way agreement between Clark County and Wayne Schlagel for .02 acres in the NE ¼ 28-116-59 and a temporary easement of .45 acres in the NE ¼ 28-116-59 for County Road #17. All voting aye. Motion carried.

**HIGHWAY**: Motion by Schlagel, second by Knock to approve and allow Chairman to sign a perpetual voluntary right-of-way agreement between Clark County and Tim Walter for 0.02 acres in the NW ¼ 27-116-59 and a temporary easement of 0.53 acres in the NW ¼ 27-116-59. All voting aye. Motion carried.

**VETERAN OFFICE:** Motion by Gjerde, second by Hass to allow Veteran Service officer to declare an HP Probook 650 computer (Serial no: SCG5375HLV), a docking station and a HP monitor 19” screen as surplus. All voting aye. Motion carried.

**RESOLUTION 27-23**: Motion by Sass, second by Schlagel to approve the East Park Addition Plat. All voting aye. Motion carried.

**RESOLUTION 27-23**

“BE IT RESOLVED by the Board of County Commissioners of Clark County, South Dakota, that the plat entitled**: “East Park Addition, located in the Southeast Quarter of (SE¼) of Section 6, Township 116 North, and 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 19th day of December, 2023.

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

Chairman, Board of County Commissioners

Clark County, South Dakota

ATTEST:

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

Clark County, South Dakota

**AMBULANCE**: Motion by Sass, second by Hass to allow accounts in the amount of $1,086.93 be written off and accounts in the amount of $11,483.73 be placed in collection status and a lien applied against the persons. All voting aye. Motion carried.

**CLAIMS**: Motion by Hass, second by Sass to approve the following claims and allow the Auditor to issue payment. All voting aye. Motion carried. COMMISSIONER: Wallace Knock – insurance deductible reimbursement – 2250.00, SDACC – SDACO Dues/ Naco Dues 1526.00, US Bank Voyager Fleet System – 241.70, AUDITOR: Connecting Point – Trend Micro/offsite backup – 179.50, Office Peeps – binders 447.69, PMB-0112 – user fees 99.25, Wageworks – cobra costs 12.90, TREASURER: Clark County Treasurer – postage – 7.60, Office Peeps – cartridge- 87.50, STATES ATTORNEY: Department of Health – blood draw-225.00, Prairie Lakes Hospital – blood draw – 170.00, Redstone Law Firm – 2024 member ship dues 780.11, COURT: Bratland Law – crt appt atty – 2386.10, Socia Law – court appt atty 278.20, PUBLIC BUILDINGS: City of Clark -water 234.97, Cole Paper -supplies 93.10, Cook’s Wastepaper – garbage 43.75, Northwestern Energy -utilities 1823.52, Star Laundry – rugs 49.96, DIRECTOR OF EQUALIZATION: Office Peeps-supplies-28.65, VETERAN SERVICE OFFICER: Connecting Point – computer/setup -2240.60, SHERIFF: Cardmember Service-hard drive 76.08, Clark County Treasurer – postage – 82.00, Clark Community Oil - fuel 1390.45, Detechtacam Supplies - supplies 304.11, Tad Heaton – supplies 41.40, US Bank Voyager – fuel 105.98, PRISONER CARE: Codington Co Auditor-prisoner care – 1770.00, AIRPORT: Northwestern Energy – utilities—291.55, AMBULANCE: 212 Truck & Trailer Repairs 3914.20, Bound Tree Medical-supplies -929.95, Cardmember Services – advertising – 605.34, City of Clark – water 78.37, Clark Community Oil – fuel 516.24, JB’s Repair – check sirens 153.50, Ken’s Fairway – supplies -70.37, Lewis Family Drug – supplies 19.94, Northwestern Energy – utilities -514.80, Star Laundry – rugs 30.33, US Bank Voyager Fleet System – fuel 185.89, SOC SERV FOR AGED: Inter Lakes Comm Action – comm service worker/ November 1603.42, MENTAL HEALTH CENTER: AMG Pyschiatry SF-services 168.24. EXTENSION: Kens Fairway -supplies 21.38, Office Peeps – paper -15.83, Star Laundry – rugs 30.40, ROAD & BRIDGE: City of Bradley – senate bill receipt – 454.10, City of Clark – Senate bill receipts 12,766.42, City of Garden City – senate bill receipt 1239.51, City of Naples -senate bill receipt – 75.53, City of Raymond – senate bill receipt 287.22, City of Vienna – senate bill receipt 421.45, City of Willow Lake – Senate bill receipts – 2515.02, Banner Associates -engineering costs-13,192.50, Boss Construction – shop repairs 688.50, City of Clark – water – 133.94, Clark Rural Water System – gravel royalties 907.60, Cook’s Wastepaper -garbage – 114.75, I-State Truck System – parts 124.31, JB’s Repair – complete strut assembly 1248.05, Menards – janitorial supplies 116.68, Midway Service/Vollan Oil – fuel 24,039.00, Northwestern Energy-utilities- 1517.95, Plastic Works -supplies 1952.00, Running Supply-towels 284.93, 911 SERVICE: City of Watertown – 911 Emergency surcharge 3133.61, CIVIL DEFENSE: Codington Co Search and Rescue 2024 fees -1500.00, US Bank Voyager Fleet Systems-fuel 96.11, DOMESTIC ABUSE FUND: Women’s Resource Center – domestic abuse fees 382.50, TOTAL: 93,317.55.

**PAYROLL**: AUDITOR: 6440.16, TREASURER 5285.65, STATES ATTORNEY: 4772.14, COURTHOUSE: 2850.27, DIRECTOR OF EQUALIZATION: 5588.99, REGISTER OF DEEDS: 3729.82, VETERAN SERVICE OFFICE: 409.13, SHERIFF: 9890.35, AMBULANCE: 15,090.71, WEED: 30.00, ROAD & BRIDGE: 43,669.15, EMERGENCY & DISASTER: 1068.12. TOTAL: 98,824.49.

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

AUDITOR’S MONTHLY SETTLEMENT WITH THE TREASURER  
Cash on hand……….………………….., ……………….. 1,361,727.31

Money Market…………………………..………………… 5,768,162.23

CD’s…………..…………………………………………… 800,000.00  
Checking Account…………….………………………… 586,501.95 TOTAL:……………..……………… …..……………… 8,516,391.49

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

$4,846,818.08, Restricted Cash General fund: 1,302,278.00, Road & Bridge: $1,072,396.18,

911 Service Fund: 66,6743.38, ED:6,304.02, Domestic Abuse: 425.00, 24/7 -- $19,443.94, ROD Mod/Pres: $9,724.55, Rural Access Infrastructure fund: 332,348.47. County TIF: 268,818.12, **Trust & Agency Funds $591,191.75 which are funds returned to schools, towns, townships and special districts.** TOTAL: $8,516,391.49.

**ROD Fees**: November recording fees 1620.00, Transfer fees: 2595.50, Births: 45.00, Deaths: 90.00, Marriages – 15.00, Copy money: 67.00, Misc, 310.00. TOTAL: 4,742.50.

**Ambulance**: 15,681.46, **Sheriff**: Mileage- $0, Civil fees $50.00.

**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 Schlagel, second by Hass to adjourn at 12:17 p.m. until next regular meeting Thursday, December 28, 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

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