

Clark County Commissioners approve variance, conditional use permit at March 3 meeting

CLARK COUNTY
COMMISSIONER PROCEEDINGS
MARCH 3, 2026
APPROVED

The Clark County Commissioners met in regular session on Tuesday, March 3, 2026 in the Commissioner Room of the Clark County Courthouse. Chairman Gjerde called the meeting to order at 8:00 a.m. with the following Commissioners present at the Courthouse: Chris Sass, Francis Hass, David Spieker, Terry Schlagel and Sara Gjerde. Also present Auditor Tarbox.

COMMUNITY COMMENTS: None.

AGENDA: Motion by Hass, second by Spieker to approve the March 3, 2026 agenda. All voting aye. Motion carried.

MINUTES: Motion by Sass, second by Schlagel to approve the minutes of the February 17, 2026 meeting. All voting aye. Motion carried.

HIGHWAY: Motion by Schlagel, second by Spieker to review bids for Clark County Microsurfacing projects for 2026 and accept bid of Ashtech Corp, St. Cloud, Minnesota with a bid of \$619,401.45. All voting aye. Motion carried. All bids are on file in the Auditor's office.

Bids: Ashtech, St. Cloud, Minn. \$619,401.45;

Asphalt Surfacing Company, Sioux Falls, S.D. \$676,051.48;

BMC Enterprises, Inc., St. Louis, Mo. \$789,784.62;

HIGHWAY: Motion by Spieker, second by Sass to approve Beadle County bid for culverts from TrueNorth Steel for 2026. All voting aye. Motion carried. All bids are on file in the Auditor's office.

HIGHWAY: Highway Superintendent (HS) Eggleston informed the board that the Kubota tractor has been delivered. He said that the County will be able to rent tractors this year at cost of \$10,000.00 per tractor but next year will have to purchase tractors, as renting will not be an option. No action needed.

AMBULANCE: Motion by Schlagel, second by Sass to purchase a service agreement for the Stryker ambulance cots. Ambulance Administrator (AA) Hohm informed the board of repairs needed and costs of repairs to the cots. She also presented information regarding a contract agreement to cover costs of the repairs. Cost of the contract is \$7,421.40 for one year; the contract will cover the repairs that are currently needed. All voting aye. Motion carried.

AMBULANCE: AA Hohm also informed the board that Senate Bill 211 failed which had to do with ambulance reimbursement. She updated the board on grants and donations that have been received for chairlift device for Willow Lake. She has received \$5,000 from the Willow Lake Foundation, \$5,000 from an anonymous donor, \$600 from Codington Clark Foundation and has applied to Farm Credit Services. No action needed.

EXECUTIVE SESSION: Motion by Schlagel, second by Spieker to enter into executive session as per SDCL 1-25-2 (1) for personnel issues at 8:24 a.m. All voting aye. Motion carried.

Chairman declared out at 8:29 a.m. **DACOTAH BANK:** Susan Fjelland, Denise LaFortune and Ravonne Lukonen met with the board to present Dacotah Works Group, a program that offers benefits to the organization and employees. They explained the benefits available. They will get information to the Auditor's office, and it will then be furnished to eligible employees.

BOARD OF ADJUSTMENT: Motion by Schlagel, second by Spieker to recess as the County Commission and convene as the Board of Adjustment. All voting aye. Motion carried. Chairman Gjerde called the Clark County Board of Adjustment meeting to order and stated that the board is meeting via teleconference and Luke Muller will be serving as staff and parliamentarian support.

The next item on the agenda is items to be added to the Agenda by the Board members or staff. Luke Muller informed the board he would have an update on the Legislative Session at the end of the meeting. The board then proceeded.

Next is 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 and the meeting continued.

Chairman Gjerde asked if any board members had 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 Sass second by Hass to approve the Board of Adjustment Agenda. All voting aye. Motion carried.

The first item of new business is a request for a variance to allow construction 25' from the north and side

property lines for Nathan Nickeson-board will be acting on these variances as one. Motion by Spieker, second by Sass to approve the variances and act on them as one. Also present Robert Benson and Nate Nickeson. Luke gave report regarding the Variances for Nathan Nickeson. The property is located in Benson's Countryside Second Addition located in the SW ¼ of Section 31, Township 117 N, Range 57 West of the 5th P.M. (Mount Pleasant Township), Clark County. Mr. Nickeson is requesting variance as listed above and has submitted a letter, covenant of consent, from the affected adjoining landowner for the proposed location.

Chairman Gjerde opened the public hearing on the application. Bob Benson spoke and informed the board that he does not oppose the location of the home. Nate Nickeson also spoke regarding placement of the home. There was no further testimony, and the public hearing was closed.

Commissioner Gjerde commented the home could be placed on the lot in a way that would not require a variance. No further discussion, and Luke read the findings of fact relating to the variances. Chairman Gjerde asked that Luke read the motion again: The motion is to approve the Variances allowing a setback of 25' from the north and 25' from the south as requested by the property owner. No further board discussion. Voting aye: Sass, Hass, Spieker and Schlagel. Voting nay: Gjerde. Motion carried.

The next item of new business is a request by Bruley Farms, LLC for a conditional use permit to expand to a Class A Concentrated Animal Feeding Operation. Also present Rick Bruley, Newt Bruley and Abby Hein at the Courthouse and Lowell Bowne and Carla Heuer with First District via zoom. Motion by Hass, second by Spieker to approve this request with any conditions recommended by staff.

Luke gave report regarding the request. Location is South ½ of Section 29, Township 114 North, Range 58 west of the 5th P.M. (Hague Township) Clark County, S.D. Applicant seeks to expand existing permitted operation to allow up to 4,155 feeder cattle. This will be on current site and an open lot system. He discussed manure management, construction and storage pond. The site may only be stocked in accordance with the applicable State General Permit. He also discussed general requirements, road haul agreements and violations/penalties.

Chairman Gjerde opened the public hearing on the application. Rick Bruley and Newt Bruley spoke on their own behalf regarding site, fly control, manure management and plans for expansion.

The public hearing was then opened for further public testimony. Abby Hein, site planner for the project, discussed general layout, location of holding ponds and distance from nearest residence. There was no further testimony and the public hearing was closed.

Board discussed road haul agreements and placement of trees. Luke read the questions for the findings of facts relating to the conditional use permit. Spieker and Hass consented to the friendly amendment by Gjerde to require trees running north and south to the west side of the feedlot to be maintained and replaced if needed.

Luke then restated the motion: The motion is to approve the Conditional Use Permit request for an expansion of the CAFO to a 4,155 animal units (feeder cattle) subject to the conditions as recommended. No further board discussion. Voting aye: Sass, Hass, Spieker, Schlagel and Gjerde. Motion carried.

UPDATES: Luke introduced Carla Heuer with First District who will be working with Planning and Zoning. He also updated the board on bills in Legislation at this time. He discussed Senate Bill 237 which deals with counties and municipalities having to provide written notice when conditional use applications are filed. Information purposes only.

ADJOURN: Motion by Schlagel, second by Spieker to adjourn the Board of Adjustment and reconvene as the County Commission. Voting aye: Sass, Hass, Spieker, Schlagel and Gjerde. Motion carried.

ANNUAL REPORT: Motion by Sass, seconded by Spieker to acknowledge 2025 annual report and allow publication. All voting aye. Motion carried. The annual report is on file in the Auditor's office.

AMBULANCE FEES: Information requested had not been received item moved to March 17, 2026 agenda.

AIRPORT: Motion by Hass, second by Spieker to authorize advertising for the AWOS project at the Clark County Airport sited for 2026. All voting aye. Motion carried.

CLAIMS: Motion by Schlagel, second by Spieker to approve the following claims and allow Auditor to issue payment. All voting aye. Motion carried. COMMISSIONERS:

Clark County Courier, proceedings, 306.33; ELECTIONS: Office Peeps, labels 7.50; AUDITOR: Clark County Treasurer, postage 19.25; Two Trees Technologies, repairs, 240.00; TREASURER: Clark County Treasurer, postage, 18.60; STATES ATTORNEY: Thomson Reuters-West Publishing, online/software subscription, 552.29; COURT SYSTEM: SDACC, first quarter assessment, 3,328.00; PUBLIC BUILDINGS: C&R Fire extinguisher annual inspection, 86.20; Clark Ace Hardware, supplies, 69.16; Cole Paper, supplies, 317.82; Culligan, water, 125.00; DIRECTOR OF EQUALIZATION: Office Peeps, cartridges, 316.25; SDAAO-2026 Membership dues, 75.00; REGISTER OF DEEDS: Great America Financial Services, copy machine rent, 122.23; VETERANS OFFICE: Tyler Technologies, Vetraspac State Solution Renewal, 475.94; SHERIFF: A&B Business, contract base charge, 53.78; AT&T Mobility, service, 261.62; C&R Fire Suppression, fire extinguisher annual inspection, 7.90; Clark County Treasurer, postage, 24.10; U.S. Bank Voyager Fleet Systems, fuel, 42.23; WW Tire Service, change oil, 118.44; AIRPORT: Clark Rural Water, water 35.00; Helms and Associates, airport fuel system & AWOS, 4,293.08; AMBULANCE: AT&T Mobility, service, 173.63; Bound Tree Medical LLC, supplies, 1,141.10; Clark Ace Hardware, supplies, 6.59; Colleen Hohm, mileage to Leadership conference, 95.76; Lewis Drug, immunization, 266.01; McKessan Medical, supplies 162.62; U.S. Bank Voyager, fuel, 68.57; EXHIBITION BUILDING: Clark 4-H Program, 4-H Leaders donation, 6,000.00; EXTENSION: Forest Excavating, repair water line/fairgrounds, 820.90; Great America Financial Services, copy machine rent, 160.91; Kimberly McGraw, mileage/Pierre, 4-H Capitol Day, 100.17; Clark County Conservation District, 2026 appropriation, 14,500.00; WEED: C&R Suppression, fire extinguisher annual inspection 498.60; Clark County Courier, chemical bids, 22.46; County Wide Directory, plat book, 30.00; Brian Jenkins, mileage/annual weed meeting, 217.35; PLANNING & ZONING: Clark County Courier, P&Z notices, 55.98; ROAD & BRIDGE: AFLAC Dental, three-month cobra coverage, 106.20; C&R Fire Suppression, fire extinguisher annual inspection, 1,666.35; Clark Ace Hardware, supplies, 404.84; Clark County Courier, help wanted ads, 270.21; Clark County Treasurer,

postage 5.97; CRAFCO Inc., crack sealant, 26,685.75; Eastside Implement, 2026 Kabota Tractor 120,500.00; IMEG Consultant, engineer fees, CR 46, 7,500.00; Lyle Signs, signage, 205.66; Mac's Hardware, supplies, 140.83; Matheson Tri Gas, Inc., supplies, 87.70; Menards, supplies/repairs, 775.69; Northwestern Energy utilities, 715.24; Optilegra, vision ins. Cobra, 31.50; R. D. Offutt Company, repairs 3,382.35; R.D. Offutt Company, bulk oil and Def, 4,273.93; Sioux Rural Water, water 59.50; Transwest, Sioux Falls, parts, 677.75; Two Trees Technologies, backup software, 70.00; Two Trees Technologies, HP Elitebook notebook, 1,645.64; 911 SERVICE: City of Watertown, 911 Emer surcharge, 5,218.80; CIVIL DEFENSE: AT&T Mobility, service 46.52; U.S. Bank Voyager Fleet systems, fuel, 52.17; REGISTER OF DEEDS: Microfilmer Imaging Systems, software/scanner rent, 314.25; M&P Relief Flow Thru-SDACO, \$2.00 fee, 124.00. TOTAL: 210,177.22.

PAYROLL: COMMISSIONERS: 9,199.36; AUDITOR: 4,542.86; TREASURER 5,896.90; STATES ATTORNEY: 4,292.99; COURTHOUSE: 2,258.57; DIRECTOR OF EQUALIZATION: 5,320.99; REGISTER OF DEEDS: 4,023.24; VETERAN SERVICE OFFICE: 442.70; SHERIFF: 9,485.90; POOR: 551.85; AMBULANCE: 15,736.83; WEED: 3,189.14; PLANNING & ZONING: 401.59; ROAD & BRIDGE: 41,153.48; EMERGENCY & DISASTER: 1,186.35. TOTAL: 107,682.75.

ADJOURN: Chairman Gjerde declared adjourned at 10:48 a.m. Next regular meeting Tuesday, March 17, 2026 at 8:00 a.m.

Sara Gjerde, Chairman
Clark County
Board of Commissioners

ATTEST:
(SEAL)

Christine Tarbox,
Clark County Auditor

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