

Clark County Commissioners approve Resolution 11-26 approving NorthWestern Energy gas franchise

CLARK COUNTY
COMMISSIONER PROCEEDINGS
APRIL 21, 2026
APPROVED

The Clark County Commissioners met in regular session on Tuesday, April 21, 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: Sara Gjerde, Chris Sass, Francis Hass, David Spieker and Terry Schlagel. Also present Auditor Tarbox.

COMMUNITY COMMENTS: None.
AGENDA: Motion by Sass, second by Spieker to approve the April 21, 2026 agenda. All voting aye. Motion carried.

MINUTES: Motion by Hass, second by Schlagel to approve the minutes of April 7, 2026 and Board of Equalization minutes dated April 14, 2026. All members voting aye. Motion carried.

FUEL QUOTES: The following fuel quotes were presented. Diesel #2: Agwrx - No bid; Clark Community Oil - 3.90; Vollan Oil - \$3.764; Farstad Oil - \$3.8353; Stern Oil - \$3.7636; Sioux Valley Coop - \$3.735. The County accepted the low bid and all bids are on file in the Auditor's office.

HEARING: At 8:15 a.m. Hearing was held for Clark County Riders for temporary liquor and temporary malt beverage license for event at the Fairgrounds, May 28, 2026 through May 31, 2026. No one appeared. Motion by Schlagel, second by Spieker to approve the temporary licenses. All voting aye. Motion carried

ZONING: Luke Muller with First District met with the board to discuss set back on side yard and front yard. The board discussed options to change set backs, conditional use permits and variances. He also noted that there may be requirements for entities that have control of airports to establish zoning guidelines. Luke will present suggestions at a later date.

FEES: Luke also discussed increasing fees for Conditional Use permits since SB 237 increased the mailing requirements. No action taken.

AIRPORT: Brooke Edgar with Helms and Associates met with the board to present bids for the Automated Weather Operating System (AWOS) at the Airport. Bids received: Eframson Electric, Bryant S.D.: \$229,424.50; Muth Electric, Mitchell, S.D.: \$262,223.65; KOBO Utility Construction Corp, Sandwich, Mass.: \$592,926.45. Motion by Schlagel, second by Hass to approve tentative award for AIR Project #3-46-0009-019-

2026 Automated Weather Observing System (AWOS III-P), Base Bid is to Eframson Electric, Inc., Bryant, S.D., in the amount of \$229,424.50 contingent upon receipt of an FFA Grant Offer. All voting aye. Motion carried.

AIRPORT: Motion by Spieker, second by Hass to authorize the Commissioner Chairman to sign the FAA Grant application, FAA Grant Offer (which will be electronically signed) and all necessary paperwork for the Construction Contract documents throughout the project. All voting aye. Motion carried.

AIRPORT: Brooke Edgar discussed the Capital Improvement Plan for the Airport for the future of the airport. She discussed future improvements suggested for the Airport, costs and timeframe of the projects. She also discussed funding of the projects.

MEETING DATE: Motion by Schlagel, second by Sass to change meeting date from June 2 to June 4 to accommodate the Primary Election. All voting aye. Motion carried.

REPLACE CHECK: Motion by Sass, second by Spieker to approve replacing check for Tony Vandersnick, in the amount of \$19.78, that was lost in the mail. All voting aye. Motion carried.

RESOLUTION 11-26: Motion by Spieker, second by Sass to approve Resolution 11-26 which approves Northwestern Energy Gas Franchise. This will be in effect for twenty years. All voting aye. Motion carried.

RESOLUTION 11-26

I

WHEREAS, **NorthWestern Energy Public Service Cooperation, a South Dakota corporation, d/b/a NorthWestern Energy (NorthWestern)**, has filed an application with the Clark County Board of Commissioners pursuant to SDCL Section 7-8-23 on March 16, 2026 seeking the right to construct, lay, maintain and operate natural gas pipelines and mains along the county highways located in Clark County, South Dakota.

II

WHEREAS, the Clark County Board of Commissioners has the jurisdiction and authority to grant application of **NorthWestern** as set forth in paragraph I above, subject to such conditions as it may desire to impose.

THEREFORE, BE IT RESOLVE by the Clark County Board of Commissioner as follows:

1. That the application of **NorthWestern** dated March 16, 2026, for permission to construct, lay, maintain and operate natural gas pipelines

and mains on and along Clark County Roads is granted subject to the conditions set forth herein.

2. That this grant is for a period of twenty (20) years from and after April 21, 2026 or as may be extended by the Clark County Board of Commissioners in writing at a subsequent date.

3. That as consideration for this grant, **NorthWestern** agrees to indemnify and hold harmless Clark County, its officers and employees from any and all liability, damages, claims, demands or otherwise, whether the same is based on contract or otherwise in law or in equity associated with the design, construction installation, laying, operating, inspecting, repairing, maintaining, replacing and removing of pipes, mains, valves and all other devices used in connection with the operation of its natural gas pipeline located pursuant to this grant, except such liability, damages, claims or demands which arise as a result of the negligence of the county, its officers, employees or agents.

4. That as additional consideration for this grant, **NorthWestern** agrees to restore, at it's expense, the affected areas in as good condition as before said work was commenced and replace any structures affected, i.e. culverts and signs; and if the county should be rebuilt or construction and maintenance of the county road requires the removal or relocation of the pipeline, it shall be solely at the expense of **NorthWestern**.

5. That the rights and conditions by this grant shall be binding upon the successors and assigns of **NorthWestern**.

6. The grant shall further be subject to all rules and regulations as are prescribed by the State of South Dakota relating to the construction, operation and maintenance of gas pipelines and mains.

7. That this grant shall not be effective until execution of the acceptance of the conditions set forth below by **NorthWestern**.

Dated this 21st day of April, 2026.

CLARK COUNTY BOARD OF COMMISSIONERS

/s/ Sara Gjerde
Chairman, Board of County Commissioners

ATTEST:
/s/ Christine Tarbox
Christine Tarbox, Auditor

The foregoing resolution was made by Commissioner Spieker and seconded by Commissioner Sass, and upon a

vote being taken thereon:

The following voted aye: Sass, Hass, Spieker, Schlagel and Gjerde.

The following voted nay: None.

Whereupon the Chairman declared the resolution adopted.

EMERGENCY MANAGER: Motion by Sass, second by Spieker to approve a new computer for Emergency Manager. Cost of equipment will be \$1,787.46 and will be purchased from Connecting Point-Two Trees Company. All voting aye. Motion carried.

EMPLOYEE HANDBOOK: Motion by Sass, second by Spieker to approve Sections 8 through 16 of the employee Handbook. Revision will be made, final document will be approved when completed. All voting aye. Motion carried.

BORING PERMIT: Motion by Sass, second by Spieker to approve a boring permit for Steve Wendling for drain tile. This boring will be in SW Section 17-113-56 on 193rd St. All voting aye. Motion carried.

AED MACHINES: Auditor Tarbox informed the board that the current AED machines in the Courthouse are outdated. The cost of new ones is \$1,525.00 per machine, but the outdated machines can be sent to Stryker for a \$400.00 reimbursement for each machine returned. The board requested that we check with Ambulance Administrator (AA) Hohm and ask her to check for pricing and funds available to cover cost. Will discuss at next meeting.

CLAIMS: Motion by Sass, second by Spieker to approve the following claims, denying sales tax on Sharp Automotive bill and allow Auditor to issue payment. All voting aye. Motion carried. ELECTIONS: Cardmember Service, label sticker paper, 34.55; McLeod's, primary election mailings, 934.29; AUDITOR: Burnham & Flower Agency, cobra admit fees 99.90; ITC, service, 584.95; Two Trees, extended warranty/server 1,411.16; TREASURER: Cardmember Service, cartridges 146.96; ITC, service, 100.50; Office Peeps, paper rolls, 4.10; SDACO, spring workshop registration, 200.00; STATES ATTORNEY: Department of Health, blood draw, 150.00; Thomson Reuters, West Publishing, online software 552.29; COURT SYSTEM: SDACC, second qtr assessment, 3,328.00; Socia Law, crt appt atty, 1,663.32; PUBLIC BUILDING: City of Clark, water, 323.50; Cook's Wastepaper, garbage 53.73; ITC, service, 41.21; JCL Solutions, supplies 126.64; Northwestern Energy, utilities, 1,816.68; DIRECTOR OF EQUALIZATION: ITC, service, 62.85;

Office Peeps, pens 43.44; REGISTER OF DEEDS: ITC, service, 34.75; Office Peeps, stamp, 257.01; VETERANS OFFICER: ITC, service, 35.00; PREDATORY ANIMAL: S.D. Dept. of Game Fish and Parks, animal damage control, 1,673.68; SHERIFF: Axon Enterprise, body camera bundle, 4,658.60; Clark Community Oil, fuel, 1,223.45; ITC, service 115.67; PRISONER CARE: Codington County Auditor, prisoner care, 8,341.94; AIRPORT: Northwestern Energy, utilities, 302.23; AMBULANCE: 212 Truck and Repairs; LLC, replace hose, 337.36; Bound Tree Medial, supplies, 331.52; Cardmember Services, supplies 94.99; CentralSquare Technologies, mobile PS Pro 894.06; City of Clark, water, 89.30; Clark Community Oil, fuel, 575.50; Joe Denison, education, 100.00; Heiman Inc., check fire extinguishers 54.00; ITC, service 105.05; McKesson Medical Supplies, supplies, 281.16; Northwestern Energy, utilities, 554.73; S.D. Dept. of Health, renewal fee, 12.00; SDEMS District 1, rent airway mannequins for training 50.00; Stryker Sales, power lift chair, 15,952.19; Two Way Solutions., repair VHF Kenwood, 330.96; SOCIAL SERVICES FOR AGED: Inter-Lakes Community Action, comm service/ Feb, 2,222.00; MENTAL ILLNESS CENTER: Human Services Agency, second qrt appropriations, 3,771.50; EXTENSION: ITC, service, 51.10; Ken's Fairway, supplies 18.36; Shop 4-H National, 4-H Discovery box 7.38; WEED: City of Clark, water 77.10; Cook's wastepaper & Recycling, 70.93; ITC, service 103.90; Brian Jenkins, ink/computer printer 149.95; Northwestern Energy, utilities 298.48; Tony VanderSnick, replace lost check 19.78; ROAD & BRIDGE: Banner Associates, engineer fees CR 47/CR 61, 1,653.20; Cardmember Services, tool/tool repair, 344.73; Cardmember Services, fuel 89.29; City of Clark, water 95.40; Clark Building Center, supplies 20.79; Clark Community Oil, propane, 12.60; Cook's Wastepaper, garbage, 70.93; Crafc0 Inc., mastic one, 24,667.50; Dakota Electronics, radio repair, 117.40; ITC, service, 90.40; Lyle Signs, posts/markers 1071.00; MackSteel Warehouse, parts 642.77; Northwestern Energy, utilities 1,679.14; Pro Line, repair 613.51; RD Offutt Company filters/parts, 2,618.00; Sharp Automotive, repair 156.00; Westside Implement, parts 109.75; 911 SERVICE: ITC, service, 145.23; City of Watertown, 911 Surcharge, 4,807.33; CIVIL DEFENSE: ITC, service 27.64. TOTAL: \$93,906.31.

PAYROLL: AUDITOR: 6,330.17; TREASURER: 6,002.06; STATES

ATTORNEY: 5,193.92; COURTHOUSE: 3,222.90; DIRECTOR OF EQUALIZATION: 8,460.59; REGISTER OF DEEDS: 4,053.99; VETERAN SERVICE OFFICE: 442.70; SHERIFF: 10,415.63; AMBULANCE: 8,542.69; WEED: 4,813.19; ROAD & BRIDGE: 46,672.71; EMERGENCY & DISASTER: 1,428.56; TOTAL: \$105,579.11.

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

AUDITOR'S MONTHLY SETTLEMENT WITH THE TREASURER

Cash on hand.....61,090.65
Money Market.....7,831,039.31
CD's.....800,000.00
Checking Account.....108,504.92
Securities.....3,029,995.32
TOTAL:.....11,830,630.20

These funds include all funds administered by the county including: General Fund \$6,347,529.99, Road & Bridge: \$1,139,344.44, 911 Service Fund: 63,280.87, ED: \$-1024.13, Domestic Abuse: 55.00, 24/7 -- \$17,762.81, ROD Mod/Pres: 11,447.86, Opioid Settlement: 15,691.44, Rural Access Infrastructure fund: \$101,417.74. County TIF: 3,086,530.96, **Trust & Agency Funds, which are funds returned to schools, towns, townships and special districts – 1,048,593.22.** TOTAL: 11,830,630.20.

ROD Fees: March recording fees 2,005.00; Transfer fees: 2,336.00; Births: 15.00; Deaths - 95.00; Marriages - 30.00; Copy money: 67.00; Misc. - 177.00; TOTAL: 4,725.00. Sheriff fees: March 2026 - Mileage - \$20.06; Fees - \$350.00.

ADJOURN: Motion by Schlagel, second by Spieker to adjourn at 11:42 a.m. Next regular meeting Tuesday, May 5, 2026 at 8:00 a.m. All voting aye. Motion carried.

Sara Gjerde, Chairman
Clark County
Board of Commissioners

ATTEST:
(SEAL)

Christine Tarbox,
Clark County Auditor

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