

Clark County Commissioners deny variance requests, approve ordinance 2-26, amended ordinance 3-26, 1-26

Clark County July 7, 2026 commissioner proceedings:

CLARK COUNTY
COMMISSIONER PROCEEDINGS
JULY 7, 2026
APPROVED

The Clark County Commissioners met in regular session on Tuesday, July 7, 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 Sass, second by Hass to approve the July 7, 2026 agenda. All voting aye. Motion carried.

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

MINUTES: Motion by Sass, second by Spieker to approve minutes of the July 2, 2026 special meeting. All voting aye. Motion carried.

HIGHWAY: Highway Superintendent (HS) Eggleston informed the board that the County has received \$79,534.00 to the Rural Infrastructure Fund. These funds are to be assigned to townships that apply for repairs to culverts and bridges. Applications will be accepted in 2027 for the funds.

HIGHWAY: At 8:30 a.m., the board auctioned off the 1994 John Deere 744GH FE loader. Purchase price was \$31,000.00.

BOARD OF ADJUSTMENT: Motion by Spieker, second by Hass 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. Chairman announced for the record we are meeting via teleconference and Luke Muller will be serving as staff and parliamentarian support. The next item on the agenda: “items to be added to the Agenda by the Board members or staff”. There were none, and the meeting continued. Next item: 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 have 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.

Motion by Schlagel, second by Spieker to approve the Board of Adjustment agenda. All voting aye. Motion carried.

Chairman Gjerde announced the first item of new business: a request by Kurt and Sarah Jouppe for a variance to build a home addition 63 feet from the right of way. Motion by Spieker second by Sass to approve the variance.

Luke then gave his report and explained that the request by Kurt and Sarah Jouppe is to use the North 785 feet of the East 453 feet of the Northeast Quarter of Section 11, Township 114 North, Range 56 West of the 5th P.M., Clark County, S.D. They are requesting a 37-foot variance from the 435th Avenue Right of way to build a home addition 96 feet from the center of the road. They are requesting to construct a diagonal 40 x 40 home addition closer to 435th Avenue. Luke also discussed the comprehensive land use plan regarding this request.

Chairman Gjerde opened the public hearing on this application and asked for comments for anyone representing the applicant. Mr. Jouppe spoke on behalf of his request. Chairman Gjerde then opened the hearing up for further public testimony. There was no further testimony, and public hearing was closed.

Board questions were answered. Luke read the questions for findings of fact relating to the variance and informed the board the property is not within city limits. Luke then restated the motion. The motion is to approve the Variance to allow for a 37' variance to place an addition 63' from the 435th Avenue right of way line (96' from the center of the road)

in this location. Voting nay: Sass, Hass, Spieker, Schlagel and Gjerde. Motion failed.

Second request is from Aaron Christianson for a variance to build a home addition, 74 feet from the right of way. Motion by Sass, second by Schlagel to approve the request.

Luke gave report regarding this request. Mr. Christianson is looking to build a home in Lot 3 in the Plat of Colonel's Landing in the Northwest Quarter of Section 13, Township 118 North, Range 58 West of the 5th P.M., Clark County, S.D. Mr. Christianson is requesting a 26-foot variance from the 423rd Avenue Right-of-Way. Luke reported on the specifics of the property and request and also discussed the ordinance and comprehensive land use plan regarding the request.

Chairman Gjerde opened the public hearing on this application. Mr. Christianson informed the board he had purchased his building permit, had the property surveyed and understood he was clear to build. He informed the board that he has \$90,000 invested in the property so far and asked the board to consider the circumstances. Marty Mack spoke on behalf of the home owner.

Levi DeRuyter, who is building the home, also discussed the right of way and road placement also requesting that the variance be approved.

Chairman Gjerde asked for opponents. Doug Paulson spoke to inform the board he strongly opposed this variance, as it does not meet the right of way setbacks. Luke read additional comments from Jeff Kalo also opposing this variance. There were no further comments, and the public hearing was closed.

Board questions were addressed. Luke read the findings of fact relating to the Variance permit. Luke restated the motion: The motion is to approve the Variance to allow for a 26' variance to place a new home 74' from the 423rd Avenue right of way line in this location. Voting nay: Sass, Hass, Spieker, Schlagel and Gjerde. Motion failed.

ADJOURN: Motion by Schlagel, second by Hass to adjourn the Board of Adjustment and convene jointly as the Planning Commission and County Commission. All voting aye. Motion carried.

Chairman Gjerde called the Joint Planning Commission and County Commission portion of the meeting to order. She noted that the County Commission serves as the Planning Commission as well.

Next agenda item is a public hearing on proposed ordinance 01-26. This is an amendment to allow decreases to setbacks in certain instances by Conditional Use instead of variance. Motion by Spieker, second by Gjerde to recommend approval of Ordinance 1-26 to the Clark County Board of County Commissioners.

Ordinance 1-26: Is an Ordinance to amend Chapter 2.04 agricultural district and Chapter 2.05 Commercial/Industrial district of the zoning Ordinance of Clark County. This Ordinance is an amendment to allow decrease to setbacks in certain instances by Conditional Use. Luke gave report on the setbacks for each district type. Motion by Schlagel, second by Spieker to table this discussion and move to act on as last item in joint meeting. All voting aye. Motion carried.

The next agenda item is a public hearing on proposed ordinance 02-26. This is an amendment to increase the minimum lot area and to establish a maximum residential density. Motion by Sass acting as a member of the Planning Commission, second by Spieker to recommend Ordinance 2-26 to the Clark County Board of County Commissioners.

Luke gave report on Ordinance 2-26 and explained that this ordinance will deal with all residential lots, front yard setbacks, minimum width of lots, side yard, rear yard, maximum lot coverage, access, height regulations and maximum residential density. There are also provisions for number of homes on the same legal description and who can occupy the residences. Chairman Gjerde opened the public hearing on this Ordinance and invited

the public to speak. Mitch Peterson discussed dwelling and residence and the concept of, feels it needs clearer definition. Also discussed definition of family dwelling.

Doug Paulson informed the board he has a piece of property that he wants to plat and make additional lots to sell.

Steve Wendling questioned “Why” the board is adding residential restrictions as we have had a deficit in population in Clark County. He also stated it's very hard to get land to build in the County.

Garrett Meier spoke in favor of the setback rules and also expressed interest in a subdivision Ordinance.

Motion by Spieker, second by Sass to amend wording from residence to single family dwelling, anywhere within the document.

Proposed Section 2.04.05.9 (Add highlighted text; remove strike-through highlighted text)

9. Maximum Residential Density

Not more than two (2) single family dwellings residences may be constructed in one United States Public Land Survey (USPLS) Quarter Section unless Maximum Residential Density Bonus A or B is granted by Conditional Use Permit: Residential Density Bonus A:

The Board of Adjustment may by Conditional Use allow up to four (4) single family dwellings residences in a single USPLS Quarter Section provided at least two (2) of the single family dwellings residences contain lots of thirty-five (35) acres or more.

All voting aye. Motion carried.

Motion by Spieker, second by Sass to amend to add #5 to “Residential Density Bonus B” that the primary source of income of 1 family income must be derived from the farm. Substitute Motion by Sass, second by Schlagel to strike Residential Bonus B portion and references.

Proposed Additions to Conditional Uses in 2.04.04.4 (Remove strike-through highlighted text)

41. Residential Density Bonus A. See 2.04.05.9.C.

42. Residential Density Bonus B. See 2.04.05.9.C.

Proposed Section 2.04.05.9 (Remove strikethrough highlighted text)

Residential Density Bonus A:

The Board of Adjustment may by Conditional Use allow up to four (4) single family dwelling in a single USPLS Quarter Section provided at least two (2) of the single family dwelling contain lots of thirty-five (35) acres or more.

Residential Density Bonus B:

The Board of Adjustment may, by conditional use, allow a permit for a Type B manufactured home is requested on an existing farmstead already containing a single family dwelling, provided:

1. The dwelling is located on the same legal description as an owner occupied site which is used as a base of farming operations (existing farmstead);

2. The maximum number of dwelling units within the existing farmstead lot will not exceed two (2);

3. The dwelling is occupied by employees or relatives of the farm owner;

4. The additional manufactured home shall be removed in the event the structure is no longer operated by an employee of the farm or relative of the farm owner.

All voting aye. Motion carried (original amendment to add primary source of income from farming dies).

There was no further testimony, and the public hearing was closed. No further board discussion and Luke restated the motion. The motion is to recommend approval acting as the Planning Commission of Ordinance 2-26, with amendments, increasing the minimum lot area and establishing a maximum residential density in the Ag District. Voting aye: Sass, Hass, Spieker, Schlagel and Gjerde. Motion carried.

Luke then performed the first reading of Ordinance 2-26. This is the First Reading of ORDINANCE #02-26, an ordinance entitled, an ordi-

nance amending section 2.04.04 conditional uses (Agricultural District) and Section 2.04.05 area regulations [Agricultural District] of the Zoning Ordinance of Clark County adopted by Ordinance 01-14, as amended. Second reading will be held on July 21, 2026.

ORDINANCE 3-26: The next order of business is Proposed Ordinance 03-26. This is the establishment of a subdivision ordinance. Motion by Sass, second by Hass to approve Ordinance 3-26. Luke gave report on this proposed Ordinance. He informed the board these regulations are adopted to provide for the harmonious development of the Clark County and its environs; for the coordination of streets within subdivisions with other existing or planned streets or with other features of the comprehensive plan; for adequate open spaces for traffic, recreation, light and air; and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, and convenience through the provision for an adequate scale of street, sanitary, water, utility and other improvements as land is subdivided. Chairman Gjerde opened the public hearing on this there was no public input and the public hearing was closed. Board discussion included points of the proposed Ordinance.

Motion by Sass, second by Spieker to amend Ordinance 03-26 (309.1, Private Streets, Reserve Strips and Alleys.) Unless otherwise approved by the Board, all streets shall be within one (1) foot of being centered in the right-of-way. Prior to dedication of any right-of-way, and at the expense of the developer, the road authority may require a survey to demonstrate that the street is centered in the right-of-way. All voting aye. Motion carried.

Luke restated the motion: The motion is to recommend approval of the subdivision Ordinance 03-26 with amendments. Voting aye: Sass, Hass, Spieker, Schlagel and Gjerde. Motion carried.

Luke performed the first reading of the Ordinance 3-26. This is the first reading of Ordinance #03-26, an ordinance establishing subdivision regulations and repealing all other ordinances in conflict therewith. Second reading will be held on July 21, 2026.

ORDINANCE 01-26 – Motion by Spieker, second by Hass to remove the tabled motion and continue discussion on Ordinance 01-26. All voting aye. Motion carried.

This Ordinance is an amendment to allow decreased to setbacks in certain instances by Conditional Use instead of a variance. Motion by Spieker acting as the Planning Commission to recommend approval of Ordinance 01-26 to the Clark County Board of County Commissioners, second by Gjerde.

Luke gave report explaining that this ordinance will amend and decrease front yard, side yard and rear yard setbacks within agricultural districts. Chairman Gjerde then opened the public hearing on this Ordinance. There was no public input and the public hearing was closed.

Board discussion continued with discussion between the strengths of the conditional use approach compared to the variance requests. Motion by Sass, second by Schlagel to amend the setback distances as follows with highlighted text in “strikethrough font” being removed and other highlighted text being added; with appropriate corresponding changes in Section 2.04.05.

38. Decrease of Front Yard Setback by up to fifty twenty (2050) feet. See Section 2.04.05.2.a.

39. Decrease of Side Yard Setback by up to ten twenty-five (1025) feet. See Section 2.04.05.4.a.

40. Decrease of Rear Yard Setback by up to ten twenty-five (1025). See Section 2.04.05.5.a.

All voting aye. Motion carried.

Motion by Schlagel, second by Spieker to amend the motion to eliminate comm/ind district portion of Ordinance 1-26. All voting aye. Motion carried. Luke restated the motion: The motion is to recommend approval of the ordinance allowing decrease of required yards by conditional use

with proposed amendments. Voting aye: Sass, Hass, Spieker, Schlagel and Gjerde. Motion passed. Now that there is a recommendation from the Planning commission, Luke performed the first reading of Ordinance 01-26 by title.

This is the First Reading of Ordinance #01-26. An ORDINANCE ENTITLED, AN ORDINANCE TO AMEND CHAPTER 2:04 AGRICULTURAL DISTRICT AND CHAPTER 2.05 COMMERCIAL/ INDUSTRIAL DISTRICT OF THE ZONING ORDINANCE OF CLARK COUNTY ADOPTED BY ORDINANCE 01-14, AS AMENDED.

DISCUSSION ITEM: Luke brought up potential changes to the Commercial and Industrial districts within the County. He defined the areas within the county that are defined as Commercial. He discussed non-ag industry going on in Ag districts. The goal is to have industry in industrial zoned areas. Further discussion on this topic will take place at the August 18, 2026 meeting.

ADJOURN: Motion by Spieker, second by Hass to adjourn from Planning Commission so we can continue our County Commission agenda. All voting aye. Motion carried.

COUNTY ROAD #55: The board discussed County Road #55 which is located in Woodland Township. No action taken.

AIRPORT: Motion by Schlagel, second by Sass to approve and allow Chairman to sign State Financial Assistance Agreement Project #3-46-0019-16-2026 for the Design and Construction of the AWOS System at the Clark County Airport. All voting aye. Motion carried.

LOST CHECK: Motion by Spieker, second by Schlagel to replace check for Cynthia Warkenthien which was lost in the mail. All voting aye. Motion carried.

TOWNSHIP BONDS: Motion by Hass, second by Sass to approve Township Bonds for 2026 for Clark County Townships. All voting aye. Motion carried.

EMERGENCY MANAGEMENT: Motion by Schlagel, second by Spieker to approve Emergency Manager (EM) Lewis third quarter single signature report. 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, 246.78; U.S. BANK Voyager Fleet, fuel, 256.44; ELECTIONS: Clark County Courier, notices/runoff election, 59.07; Election Systems and Software, ballots, 1,124.74; McLeods, ballot boxes-1125.00; Cindy Warkenthien, replace lost check, 257.00; AUDITOR: Clark County Auditor, postage, 12.90; ITC, service, 149.80; Office Peeps, cartridge, 269.84; PMB-0112, user/access fees, 188.50; Thomason Reuters, West Publishing, S.D. Codified law updates, 374.70; Two Trees Technologies, off site backup/managed care services, 767.00; Two Trees, Meraki/one year/repairs, 511.00; TREASURER: Clark County Treasurer, postage, 12.90; ITC, service, 99.55; Office Peeps, paper, 54.80; STATES ATTORNEY: Department of Health, blood draw, 50.00; Thomson Reuters, West Publishing, 1,413.40; PUBLIC BUILDINGS: City of Clark, water, 369.10; Clark Ace Hardware, supplies, 381.32; Culligan, water, 114.25; ITC, service 41.43; Star Laundry, 74.36; DIRECTOR OF EQUALIZATION: ITC, service, 55.50; Thomson Reuters, West Publishing, law books, 66.50; REGISTER OF DEEDS: Great America Financial Services, copy machine rent, 118.49; ITC, service, 31.30; VETERANS OFFICER: ITC, service, 29.45; SHERIFF: A&B Business Inc., contract base, 53.78; AT&T Mobility, service, 261.56; Clark County Treasurer, postage, 93.44; ITC, service, 123.00; U.S. Bank Voyager Fleet systems, fuel, 82.29; WW Tire Service, tires, 964.00; PRISONER CARE: Prairie Lakes Hospital, services, 139.10; AIRPORT: Clark County Airport, fuel for airport mower, 21.48; Clark Rural Water, water 35.00; Eframson Electric, replace/repair

bulbs and lights, 3,538.54; Helms and Associates, airport AWOS, 3,224.88; AMBULANCE: AT&T Mobility, service, 173.61; City of Clark, water 95.40; Clark County Courier, help wanted, 51.40; Clark County Treasurer, postage 56.63; ITC, service, 105.00; PCC, ambulance billing, 1,179.52; Reemployment Assistance Division, unemployment 64.14; Taylor Sattler, EMT Pharmacology cards, 44.06; U.S. Bank Voyager, fuel, 304.93; SOC SERV FOR AGED: Inter-Lakes Comm Action, comm service/July, 2,222.00; MENTAL HEALTH CENTER: Human Service Agency, agency/Serenity Hills 3,771.50; HISTORICAL MUSEUM: Clark County Historical Society, yearly appropriation, 500.00; MEMORIAL DAY EXPENSE: Bradley American Legion, decorate graves, 165.07; Clark American Legion, decorate graves, 472.88; Raymond American Legion, decorate graves, 50.24; Thompson Madsen Post #153, decorate graves, 59.02; Willow Lake American Legion, decorate graves, 252.79; EXTENSION: City of Clark, water 467.90; Great America Financial Services, copy machine rent, 189.55; ITC, service 52.10; Star Laundry, rugs, 50.44; WEED: City of Clark, water 101.50; Clark Ace Hardware, supplies, 189.00; ITC, service, 98.20; Reemployment Assistance Division, unemployment, 96.21; PLANNING & ZONING: Clark County Courier, CU/Variance, 334.31; ROAD & BRIDGE: 212 Truck & Trailer Repair, repairs, 551.94; AFLAC, cobra premium, 35.40; Auto Value, Clark, supplies/repair/filters, 1,550.31; Banner Associates, engineer CR 47, 46, & 61, 5,537.69; Andrew Carpenter, reimbursement, 157.00; City of Clark, water 89.30; Clark Ace Hardware, supplies, 119.96; Clark County Courier, help wanted ads, 314.60; Cole's Petroleum, fuel, 7,173.75; Dakota Fluid Power, repairs/parts, 217.32; Diamond Mowers, parts 68.12; Eastside Implement, parts, 1,190.55; Equipment Blades, blades/cutting edges, 18,496.88; ITC, service, 88.85; Nippon Sanso Mathieson, supplies 158.62; Northwestern Energy, utilities, 55.12; Office Peeps, supplies, 15.65; Optilegra, Cobra premium, 10.50; Oscar's Machine Shop, parts, 41.02; RDO Equipment, repairs/filters, 6378.61; Reemployment Assistance Division, unemployment, 160.35; Sioux Rural Water, water, 59.50; Star Laundry, laundry, 52.85; Westside Implement, parts, 1,259.64; 911 SERVICE: ITC, service, 145.23; CIVIL DEFENSE: AT&T Mobility, service 46.50; ITC, services, 27.59; REGISTER OF DEEDS: Microfilm Imaging Systems, software/scanner rent, 314.25; M&P Relief Flow Thru, SDACO, \$2.00 fee, 120.00. TOTAL: 72,376.69.

PAYROLL: COMMISSIONERS: 9,204.20; AUDITOR: 4,542.86; TREASURER: 5,236.36; STATES ATTORNEY: 4,297.35; COURTHOUSE 2,258.57; DIRECTOR OF EQUALIZATION: 5,320.99; REGISTER OF DEEDS: 4,117.80; VETERAN SERVICE OFFICE: 442.70; SHERIFF: 10,063.85; AMBULANCE: 27,555.44; EXTENSION: 1,435.52; WEED: 3,108.15; PLANNING & ZONING: 401.59; ROAD & BRIDGE: 42,465.87; EMERGENCY & DISASTER: 1,873.65. TOTAL: 122,876.75.

ADJOURN: Motion by Sass, second by Spieker to adjourn at 2:28 p.m. Next regular meeting Tuesday, July 21, 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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