February 5, 2013

9:00 A.M.

**WALWORTH COUNTY BOARD OF COMMISSIONERS**

**MINUTES OF PROCEEDINGS**

The Walworth County Board of Commissioners met in regular session at 9:00 a.m. on February 5, 2013 at the county courthouse. Members present were: Denis Arbach, Richard Godkin, Duane Martin, Donald Leff, and Phylliss Pudwill. Also present were Auditor Rebecca Krein, State’s Attorney James Hare, and Sandy Bond; news reporter for the Mobridge Tribune.

Chairperson Pudwill called the meeting to order.

The Pledge of Allegiance was recited by those in attendance.

Arbach moved and Leff seconded that the minutes of meeting of January 22, 2013 be approved. Voting aye: 5; nay: 0. The motion was adopted.

**STATEMENT OF FEES COLLECTED DURING THE MONTH OF JANUARY 2013:**

Register of Deeds $ 6070.25

**AUDITOR’S REPORT OF ACCOUNT WITH THE TREASURER AS OF JANUARY 31, 2013:**

NSF $ 162.12

Cash $ 1,022.91

Checks in office $ 13,219.26

Certificates of deposit $ 2,250,000.00

Savings/interest accounts $ 2,722,178.05

Landfill post closure $ 360,332.61

Landfill closure $ 264,358.71

FIT $ 4,434.99

$ 5,615,708.65

**CLAIMS APPROVED:**

Leff moved and Godkin seconded that the following claims be paid. Voting aye: 5; nay: 0. The motion was adopted.

**COMMISSIONERS:** SDML Workers Compensation-workers comp, $138.17; Selby Record-publishing, $567.81; Marco Inc.-maintenance contract, $2.73; Quill Corporation-name plates, $44.28

**AUDITORS:** SDML Workers Compensation-workers comp, $145.41; Marco Inc.-maintenance contract, $3.20; A & B Business Inc.-flat band dater, $49.65; Cardmember Service-office supplies, $207.27; Quill Corporation-paper, $49.06; Rebecca Krein-mileage expense, $166.50; SDACO-registration: Krein, $100.00; Midcontinent Communications-internet service, $13.13

**TREASURES:** SDML Workers Compensation-workers comp, $183.69; Quill Corporation-highlighters, $20.91; Reliable Office Supplies-keyboard, $11.73; Midcontinent Communications-internet service, $13.13;

**STATES ATTORNEY:** SDML Workers Compensation-workers comp, $218.00; Burleigh Co Sheriff’s Office-services & fees, $35.00; SD Department of Revenue-complete drug screens, $156.00; SD Department of Revenue-blood alcohol testing, $245.00; Midcontinent Communications-internet service, $13.13; Venture Communications Coop-phone & fax service, $102.30

**COURT APPT ATTY**: Vickie S Broz Krause-services & fees, $1,326.40; William D Gerdes-services & fees, $2,753.40;

**COURTHOUSE**: Selby Record-notice to bidders, $27.97; Duckwall-Alco Stores Inc.-cleaning supplies, $24.58; Duckwall-Alco Stores Inc.-quick broom, $29.99; Payless Foods-janitorial supplies, $7.78; Running’s Supply Inc.-supplies, $56.10; City of Selby-water & sewer service, $86.58; MDU-natural gas, $1,325.31; MDU-electricity, $562.30; Reuer Sanitation Inc.-garbage service, $95.00

**DOE:** SDML Workers Compensation-workers comp, $1,112.49; IAAO-membership dues: Kahl, $175.00; SDAAO-2013 membership dues: Kahl, $55.00; Shorty’s One Stop-gasoline, $57.62; Midcontinent Communications-internet service, $13.13

**REGISTER OF DEEDS:** SDML Workers Compensation-workers comp, $154.33; Hal Systems Corporation-software maintenance, $292.00; Cardmember Service-carrier strips, $102.24; Midcontinent Communications-internet service, $13.12

**VETERANS SERVICE:** SDML Workers Compensation-workers comp, $29.54; Reliable Office Supplies-supplies, $67.70

**SHERIFF:** SDML Workers Compensation-workers comp, $2,458.65; Pennington County-transport, $1,261.54; Grand Central-oil change, $32.00; Selby Auto Sales & Service-oil change, $99.77; Selby Oil Company-tire mount & balance, $30.00; Western Communications Inc.-radio maintenance, $21.60; A & B Business-office supplies, $170.71; Graham Tire-2 tires, $158.60; Grand Central-gasoline, $20.01; Ken’s Western Lumber-padlocks, $9.50; Selby Auto Sales & Service-battery, $164.40; Valley Motors-wiper blades, $24.99; Earleen Irigoyen-meal expense, $35.00; AT & T Mobility-cell phone service, $104.59; Midcontinent Communications-internet service, $13.12; State Radio Communications-datamax software & teletype service, $2,500.00

**JAIL:** SDML Workers Compensation-workers comp, $5,759.65; Mobridge Medical Clinic-medical care, $158.10;Merkel’s Foods-supplies, $31.27;Vilas Health & Variety-personal care items, $10.12; Dady Drug-otc medications, $6.09; Merkel’s Foods-otc medications, $3.75; Merkel’s Foods-groceries, $577.69; Merkel’s Foods-cleaning products, $76.46; Merkel’s Foods-paper products, $8.98; Family Pharmacy-prisoner prescriptions, $33.93; Brian Rawstern-meal expense, $35.00; MDU-natural gas, $379.85; MDU-electricity, $452.93

**EMERGENCY & DISASTER:** SDML Workers Compensation-workers comp, $15.64

**POOR:** SDML Workers Compensation-workers comp, $28.75; Ripley Funeral Home DBA-funeral expense, $2,726.00

**OTHER HEALTH:** Roger Walker-mileage expense, $70.30

**PARKS:** Cam Wal Electric Cooperative-electricity, $40.00

**EXTENSION:** SDML Workers Compensation-workers comp, $26.04; Midcontinent Communications-internet service, $13.12; Venture Communications Coop-phone service, $48.65

**WEED CONTROL:** SDML Workers Compensation-workers comp, $604.62; Western Communications Inc.-radio maintenance, $8.80; Roger Walker-mileage expense, $62.90; Midcontinent Communications-internet service, $13.12

**PLANNING & ZONING:** SDML Workers Compensation-workers comp, $6.23; Roger Walker-mileage expense, $16.28

**GENERAL FUND:** Homes Are Possible-property tax refund, $31.24

**RD & BR:** SDML Workers Compensation-workers comp, $13,433.18; Selby Oil Co-tire repair, $12.00; T-N-T Gas-tire repair, $209.40; Western Communications Inc.-radio maintenance, $135.90; Boyer Trucks-parts, $65.29; Butler Machinery Co-parts, $3,323.95; Central Diesel Sales Inc.-parts, $405.36; Dakota Fluid Power Inc.-parts, $833.34; Great Western Tire Inc.-tires, $239.26; GTC Auto Parts-impact wrench & air fresheners, $586.98; Marty Hook-CDL renewal, $5.00; John Deere Financial-parts, $1.21; Ken’s Western Lumber-supplies, $21.47; North Central Farmers Elevator Gasoline-gasoline & fuel, $839.56; Peterson Enterprise Inc.-supplies, $125.00; Running’s Supply Inc.-supplies, $30.98; Selby Auto Sales & Service-T-144, T-143, L-104 & shop supplies, $109.92; Selby Record-envelopes, $60.12; Sheehan Mack Sales & Equipment-parts, $121.34; Shorty’s One Stop-gasoline, $582.29; Stoick’s Food Center-baggies, $5.78; Walworth County Treasurer- Trail King Trailer: plates, $14.00; Cam Wal Electric Cooperative-electricity @ Hoven shop, $68.08; City of Mobridge-water & sewer service, $40.28; City of Selby-water & sewer service, $8.34; MDU-electricity: Selby, State & Mobridge shops, $485.35; Reuer Sanitation Inc.-garbage service, $35.00; Slater Oil & LP Gas-heating fuel @ Java & Mobridge shops, $2286.55; Valley Telecommunications-cell phone service, $39.99; Venture Communications Coop-phone service, internet service, & fax service, $252.71; West River Telecommunications-phone service, $31.41

**EMERGENCY & DISASTER:** Western Communications Inc.-program radios, $992.04

**SOLID WASTE:** SDML Workers Compensation-workers comp, $6,755.61; SD Dept. of Environment-solid waste surcharge, $909.00; Western Communications-radio maintenance, $9.30; Anderson’s Footwear-boot insoles, $20.99; Farnams Genuine Parts-parts & supplies, $265.78; Goldstar Products-supplies, $2,396.08; Homestead Building Supplies-trim, $64.99; Lind’s Hardware-painting supplies, $197.05; Lucky’s Gas & More-gasoline, $90.29; North Central Farmers Elevator-1492.8 gals fuel @ $3.5293, $5,268.54; Premier Equipment-foam cleaner, $75.00; Quill Corporation-cork board, $210.18; Running’s Supply Inc.-shop & office supplies, $206.74; Tri State Water Inc.-bottle of water, $8.60; SDAEP-Hazwoper-membership dues & registration fee: Badten, $115.00; Cam Wal Electric Cooperative-electricity, $376.22; Mobridge Gas Co-515 gals propane @ $1.138, $5,86.07; Valley Telecommunications-internet, phone & fax service, $81.83; Web Water-water service, $29.58;

**PARTIAL PYMTS FUND:** Walworth County Treasure-partial payments, $63.20

**5 CO TV DIST FUND:** Cam Wal Electric Cooperative-electricity @ Java #2 & #1, $1,001.33;Delmar Metzger-mileage expense, $383.32; Delmar Schock-mileage expense, $301.92; FEM Electric Assoc-electricity, $80.10; Sid Haux-cell phone service & part, $37.20; Sid Haux-mileage expense, $331.89; David Huffman-land rental & rental income, $1,440.00; Nathan Huffman-land rental & rental income, $1,440.00;Lawrence Goehring-mileage expense, $177.60; Royce Hackl-mileage expense, $344.10;Sioux Falls Tower-relocate antenna, $4,285.00

**REGIONAL E911 FUND:** Valley Telecommunications-database updates & access charges, $2,567.48; West River Telecommunications- access charges, $5,786.76; West River Telecommunications-internet service, $95.58;Western Communications Inc.-narrow banding, $3,401.28; Western Communications Inc.-remote, $510.00

**WEST PAYMENT CENTER:** West Payment Center-information charges, $1,830.00

**SCHOOL DIST FUND:** Homes Are Possible-property tax refund, $4,452.36

**CITIES & TOWNS FUND:** Homes Are Possible-property tax refund, $2,152.40

**SCH DST BOND REDEMPTION:** Homes Are Possible-property tax refund, $1,340.22

**TREASURER’S MONTHLY REPORT:**

The monthly financial report was provided to the board for their review.

**DELINQUENT TAXES:**

Martin moved and Godkin seconded to authorize Treasurer Hanson to continue tax deed proceedings on record #4985 due to non-payment of taxes. Voting aye: 4; nay: 1. The motion was adopted.

**MONTHLY SHERIFF”S REPORT & JAIL ISSUES:**

Sheriff Duane Mohr and Chief Deputy Joshua Boll were in attendance to present the board with

the monthly departmental report for their review.

**JAIL CONTRACTS:**

Arbach moved and Martin seconded to authorize the chairperson to sign a jail rental agreement

with McIntosh County, North Dakota. Voting aye: 5, nay: 0. The motion was adopted.

**RESIGNATIONS:**

Godkin moved and Leff seconded to accept the resignation of part-time certified jailor Theresa Shillingstad. Voting aye: 5; nay: 0. The motion was adopted.

Godkin moved and Martin seconded to accept the resignation of part-time certified jailor Amber Tennant. Voting aye: 5, nay: 0. The motion was adopted.

**FINGERPRINTING FEES:**

Leff moved and Godkin seconded to raise the fees for fingerprinting services from $7.00 to $9.43

plus tax at the request of Sheriff Mohr. Voting aye: 5, nay: 0. The motion was adopted.

**EXECUTIVE SESSION:**

Martin moved and Arbach seconded to enter into executive session at 9:26 a.m. for the purpose of

discussing a personnel issue as per SDCL 1-25-2(1). Voting aye: 5, nay: 0. The motion was

adopted.

Chairperson Pudwill declared the executive session ended and the board reconvened in regular

session at 9:28 a.m.

**POSSIBLE JAIL RENOVATION:**Sheriff Mohr updated the board on the possible jail renovation project. There have been two companies submit drawings of ideas for the renovation. The annual jail visit is planned for next meeting and one of the representatives conducting the survey will be in attendance to answer questions or concerns from the board.

**ANNUAL LEASING FOR REAL ESTATE BELONGING TO THE COUNTY:**

The public auction to be held for real estate belonging to the county as per the published notice began at 9:35 a.m.

Persons in attendance for the bidding process were Brian Brockel, John Keller, Ben Lamont, Harley Moser, and Rory Thorstenson. Listed below are the tracts offered, the lessee, and the high bid received.

Tract 1: The real estate described as containing 80 acres, more or less, situated and being in the West Half of the Northeast Quarter (W2NE4) of Section Eight (8), in Township One Hundred Twenty-four (124), Range Seventy-six (76), Walworth County, South Dakota

Lessee – Harley Moser High bid: $1,500.00

Tract 2: The real estate described as containing 111.3 acres, more or less, situated and being in the Southeast Quarter (SE4) of Section Five (5), in Township One Hundred Twenty-four (124), Range Seventy-six (76), Walworth County, South Dakota

Lessee – Brian Brockel High bid: $6,000.00

Tract 3: The real estate described as containing 37 acres, more or less, situated and being in the Southeast Quarter (SE4) of Section Five (5), in Township One Hundred Twenty-four (124), Range Seventy-six (76), Walworth County, South Dakota

Lessee – Brian Brockel High bid: $800.00

Tract 4: The real estate so leased is described as containing 30 acres, more or less, situated and

being in Tract 1 of the Northeast Quarter (NE¼) of Section Thirty-six (36), in Township

One Hundred Twenty-four (124) North, Range Seventy-nine (79) West, 5th P.M.,

Walworth County, South Dakota and also containing 9.5 acres, more or less, situated and

being in the West 318 feet of the Northwest Quarter of the Southwest Quarter

(NW¼SW¼) of Section Thirty-six (36) in Township One Hundred Twenty-four (124)

North, Range Seventy-nine (79) West, 5th P.M., Walworth County, South Dakota and

also containing 7.5 acres, more or less, situated and being Northeast of the old ingress

and egress landfill road in the North Half of the Southeast Quarter (N½SE¼) of Section

Thirty-six (36) in Township One Hundred Twenty-four (124) North, Range Seventy-nine

(79) West, 5th P.M., Walworth County, South Dakota

Lessee – Ben Lamont High bid: $700.00

Tract 5: The real estate described as containing 73.2 acres, more or less, situated and being in the East Half of the Northeast Quarter (E2NE4) of Section Eight (8), in Township One Hundred Twenty-four (124), Range Seventy-six (76), Walworth County, South Dakota

Lessee – Carl Moser High bid: $5,200.00

**LOT 1 SE1/4 13-124-80**

Rick Cain was in attendance to request the county sign over the part of Lot 1 that Lot 3 overlaps to

Beadle Chevrolet since it is unclear who actually owns it and to save any title transferring issues. Martin moved and Arbach seconded to have the Chairperson sign a deed to relinquish any interest the county may have in that part of the land. Voting aye:5, nay: 0. The motion was adopted. State’s Attorney Hare suggested that the County have the rest of Lot 1 surveyed and re-platted before taking any action on selling the lot. The board advised him to arrange for this to be done.

**RESOLUTIONS AND ORDINANCES:**

**RESOLUTION 2013-05**

Be it resolved by the Walworth County Board of Commissioners that the Plat of Tract 2 Cheskey Addition to Walworth County located in the E2SE4 16-122-76. Voting aye: 5; nay: 0. The motion was adopted.

Moved by Martin and seconded by Godkin to sign a Resolution for the Mobridge-Pollock School Bond to proceed with refinancing. Voting aye: 5; nay: 0. The motion was adopted.

**ZONING:**

Discussion was held with Zoning Administrator Walker considering fees currently charged for plats and payment to Zoning Board members for attending meetings. Currently Zoning Board members are paid $15 per meeting. This makes it difficult to find people to serve on these boards because they have to interrupt their normal work schedule to attend. Moved by Martin to increase Zoning Board and Weed Board members pay to $25.00 per meeting. The motion died for lack of a second. Moved by Martin, seconded by Godkin to raise the board members pay for Zoning and Weeds to $50 per meeting and to raise the fee for a plat from $20 to $250. Voting aye: 5; nay: 0.

The motion was adopted.

**LAKE MOLSTAD:**

Commissioner Martin has been in contact with School and Public Lands concerning Lake Molstad. School and Public Lands thinks we could retain easements for access and close the park. Mike Corneliuson from School and Public Lands as well as South Dakota Game Fish and Parks will be contacted to see if they could attend the next commission meeting.

**COUNTY HIGHWAY AND LANDFILL ISSUES:**

Use of County vehicles for commuting purposes was discussed. There should be a written policy concerning liability for vehicles used for commuting and the insurance policy should be updated to cover such use.

Landfill Supervisor Badten brought up issues concerning a 1997 Pay loader which is in need of new tires. New tires would cost approximately $15,000.00 and Badten thought it might be time to purchase a new one instead. The board instructed him to get more information and pricing and revisit the issue at a later date.

Moved by Leff and seconded by Arbach to sign the FASTP Resolution and to approve the use of the Funds. Voting aye: 5; nay: 0. The motion was adopted.

Moved by Leff, seconded by Godkin to approve using the Beadle County bid from True North for purchases. Voting aye: 5; nay: 0. The motion was adopted.

Moved by Leff, seconded by Arbach to sign an agreement with the State of South Dakota for the striping and continuing maintenance of county roads. Voting aye: 5; nay: 0. The motion was adopted.

Superintendent Goetz informed the board the load limits could go into effect by February 15,

depending on the weather.

The contract sent to Lavonne Hettich has not yet been returned.

**FEES FOR PUBLIC INFORMATION TRANSFERS:**

A discussion was held with Director of Equalization Kahl concerning the transfer of electronic data to various entities. There have been many requests and we need to have a policy regarding the charge and other various terms for this type of data transfer. Kahl will check with other county offices and have a discussion at the annual assessor’s conference to gather more information for the commission to consider.

**PARCEL # 5218:**

The resident of this property had been unable to keep up the payments as per previous agreement with the county because of medical reasons. She paid $900 last week but Treasurer Hanson had finished up the paperwork as per Commission decision the previous meeting. She has 60 days to pay in full or must have other direction from the Commission by March 25th. This issue was tabled until March 19th.

**PARCELS #5253 & #5254:**

The county has owned these properties since 09/27/2012. Eviction proceeding had been discussed in October 2012, but the tenant never did leave the premises. Because this property is a liability to the county and could be considered a nuisance property, Treasurer Hanson and Sheriff Mohr were advised to proceed with the eviction process. City of Mobridge Councilman Gene Cox met with the board stating that the City of Mobridge would like the County to not put the property up for sale because it is in such a poor state, to avoid someone purchasing it and not fixing it up.

**DIRECTOR OF EQUALIZATION:**

The commission had a discussion with Director of Equalization concerning staffing, workload, equalization concerns and other issues concerning the office. No decisions were made at this time and it will continue to be a topic of discussion until we reach some resolution.

**ZONING BOARD:**

It was decided that Commissioner Godkin will be the only Commissioner on the Zoning Board. At a previous meeting Pudwill appointed Martin as well; however there is no need to have 2 Commissioners from the same area on the board.

**ADJOURNMENT:**

Arbach moved and Godkin seconded that the Board of County Commissioners adjourn until the hour of 9:00 a.m. on Tuesday, February 19, 2013. Voting aye: 5; nay: 0. The motion was adopted.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**PHYLLISS PUDWILL, CHAIRPERSON**

**ATTEST:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**REBECCA KREIN, AUDITOR**

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