February 18, 2014

9:00 A.M.

**WALWORTH COUNTY BOARD OF COMMISSIONERS**

**MINUTES OF PROCEEDINGS**

The Walworth County Board of Commissioners met in scheduled session on February 18, 2014 at 9:00 a.m. at the County Courthouse. Members present were: Denis Arbach, Richard Godkin, Duane Martin, Don Leff and Phylliss Pudwill. Also present were Auditor Rebecca Krein and States Attorney Jamie Hare.

Chairperson Arbach called the meeting to order.

The Pledge of Allegiance was recited by those in attendance.

Godkin moved and Leff seconded that the minutes of the meeting of February 4, 2014 be approved. Voting Aye: 5; Nay: 0. The motion was adopted.

**CLAIMS APPROVED:**

Leff moved and Pudwill seconded that the following claims be paid. Voting Aye: 5; Nay: 0. The motion was adopted.

**GENERAL FUND:** Cardmember Service – postage, $450.00;

**COMMISSIONERS:** SDACC – registration Martin & Pudwill, $200.00; Venture Communications Coop – phone service, $44.04;

**COURTS:** Lind’s Hardware – 5 gal humidifier, $74.99;

**AUDITOR:** Cardmember Service – postage service charges, $6.25; Internal Revenue Service – payment, $661.72; Venture Communications Coop – phone & fax service, $87.51;

**TREASURER:** A&B Business Inc – calculator, toner, envelopes, $555.41; Cardmember Service – postage service charges, stamps, $2306.25; Kelli Mowrer – 26.25 hrs. @$25.00 per hour, 400 miles @ $0.37 per mile, $804.25; Venture Communications Coop – phone & fax service, $81.65;

**STATES ATTORNEY:** Cardmember Service – transcript, postage service charges, $23.50; Mobridge Regional Hospital – blood alcohol draw, $130.00; Venture Communications Coop – phone service, $137.00;

**COURTHOUSE:** Cardmember Service – bath tissue, paper towels, $56.14; Randy Carlson – sewer repairs, $440.00; Ken’s Western Lumber – supplies, $8.18;

**DOE:** Cardmember Service – postage service charges, registration USPAP Kahl, Lodging Kahl & Hesselberg, $320.10; Connecting Point – laser jet 400 printer, $645.00; Stoick’s Food Center – batteries, $5.05; Venture Communications Coop – phone service, $51.39;

**REGISTER OF DEEDS:** Cardmember Service – postage service charges, $6.25; Venture Communications Coop – phone & fax service, $54.35;

**VETERANS SERVICE OFFICER:** West River Telecommunications – phone service, $45.29;

**SHERIFF:** Cardmember Service – postage service charges, gasoline, $49.93; Pennington County – transport, $297.00; SD Department of Revenue – license plate & title fee, $17.00; Selby Auto Sales & Service – oil change Crown Vic, $42.80; Valley Motors – install battery, $8.00; Venture Communication Coop – phone & fax service, $119.31;

**JAIL:** Cardmember Service – groceries, $76.80; Tami Hogie – instructor fee & mileage expense, $368.00; Lewis Drug Store – prescription, $20.93; McClellan & Swanson – dental care, $78.94; Venture Communications – phone & fax service, internet service, $208.41;

**EMERGENCY & DISASTER:** Venture Communications Coop – radio service, $30.10;

**SUPPORT OF POOR –** Cardmember Service – postage service charges, $6.24; SDACC – registration Hare & DeToy, $100.00; Venture Communications Coop – phone & fax service, $24.34;

**MENTALLY ILL:** Lincoln County Treasurer – mental illness hearing, $18.00; SD Department of Revenue – service, $60.00;

**EXTENSION:** Cardmember Service – postage service charges, $6.25; SDSU Extension – salary support contract, $4314.00; Venture Communications Coop – phone service, $35.17;

**WEED CONTROL:**  Quill Corporation – HP 8600 plus Printer, $149.99;

**RD & BR:** Hoven Coop Service Company – fuel, gasoline, 290 gals propane @$1.98, $1183.88; Ken’s Western Lumber – supplies, $20.98; Midway Parts Inc – belt T-7, $64.89; Montana Dakota Utilities – electricity @ Java Shop, $25.14; Praxair Distribution Inc – supplies, $70.43; SDACHS – SDACHS/NACE dues, registration P & J Goetz$325.00; Venture Communications Coop – phone & fax service, internet service, phone service @ Java, $258.62; West River Telecommunications – phone service @ Mobridge shop, $31.43;

**DOMESTIC ABUSE:** Bridges Against Domestic Violence – grant as per SDCL 25-10-6, $1010;

**SOLID WASTE:** Anderson’s Footwear – safety boots Weleba, $264.99; Can Wal Electric Cooperative – electricity, $228.67; Lucky’s Gas & More – gasoline, $88.49; Mobridge Gas Company – propane forklift, $34.40; Quill Corporation – toner, drum, binders, supplies, $669.43; Valley Telecommunications – phone & fax service, internet service, $92.59;

**STATE ACCOUNT FUND:** SD Department of Revenue – motor vehicle fees, $92955.04; SD Department of Revenue – ROD & Vital Record fees, $360.00;

**SCHOOL DISTRICT FUND:** Cortrust Bank – January 2014 apportionment, $5824.42; Hoven School District – January 2014 apportionment, $4250.95; Dacotah Bank – January 2014 apportionment, $54350.93; BankWest – January 2014 apportionment, $43510.85;

**CITIES & TOWNS FUND:** City of Mobridge – January 2014 apportionment, $22900.20; BankWest – January 2014 apportionment, $16847.08; Dacotah Bank – January 2014 apportionment, $1447.46; Bank of Hoven – January 2014 apportionment, $222.13;

**ADVANCE TAX FUND:** Walworth County Treasurer - $314.88;

**SALES/EXCISE TAX FUND:** SD State Treasurer – state sales tax, $1183.76; SD State Treasurer – city sales tax, $7.80;

**JAVA FIRE DISTRICT FUND:** January 2014 apportionment, $22.14;

**WEST PAYMENT CENTER:** information charges, $2047.73;

**SDACO M&P FUND:** M&P remittance December, $142.00;

**R.O.D. RECORDS:**

BankWest is in the process of remodeling and has requested that Register of Deeds Records that have been stored in their building be moved to another building during the remodel. Pudwill moved and Leff seconded to send them a letter relieving them of any liability for damages to said records. Voting Aye: 5; Nay: 0. The motion was adopted.

**DESIGNATE PRECINCTS & POLLING PLACES:**

Martin moved and Godkin seconded to adopt Resolution WC2014-04 to Designate Precincts & Polling Places for Walworth County. Voting Aye: 5; Nay: 0. The motion was adopted.

**RESOLUTION WC 2014-04**

**RESOLUTION TO DESIGNATE ELECTION PRECINCTS AND POLLING PLACES FOR WALWORTH COUNTY**

**WHEREAS,** as per SDCL 12-14-1, the board of county commissioners shall by resolution provide for election precincts throughout its county and shall designate polling places within such precincts; and

**WHEREAS**, the board shall establish new election precincts if required by the provisions of this chapter and may by resolution change the boundaries of election precincts already established;

**NOW THEREFORE, BE IT RESOLVED,** that the precinct boundaries be changed to the following:

**PRECINT 1** shall be comprised of

Sections 1-36, Township 121 N, Range 76W;

Sections 1-36, Township 121 N, Range 77 W;

Sections 1-29 and 33-36, Township 121 N, Range 78W;

Sections 1-36, Township 122 N, Range 76 W;

Sections 1-36, Township 122 N, Range 77W;

Sections 1-5, 9-16, 21-28, and 32-36, Township 122 N, Range 78 W; and

All that territory within the corporate limits of the Town of Akaska and the Town of Lowry

The designated polling place for this precinct shall be the Akaska Community Center

**PRECINCT 2,** shall be comprised of

Sections 1-36, Township 123 N, Range 74 W;

Sections 1-36, Township 123 N, Range 75 W;

Sections 1-3, 10-15, 22-27, and 34-36, Township 123 N, Range 76 W;

Sections 1-36, Township 124 N, Range 74 W;

Sections 1-36, Township 124 N, Range 75 W;

Sections 1-3, 10-15, 22-27, and 34-36, Township 124 N, Range 76 W; and

All that territory within the corporate limits of the Town of Java

The designated polling place for this precinct shall be the Java Community Center.

**PRECINCT** **3** shall be comprise of

Sections 4-9, 16-21, and 28-33, Township 123 N, Range 76 W;

Sections 1-36, Township 123 N, Range 77 W;

Sections 4-9, 16-21, and 28-33, Township 124 N, Range 76 W;

Sections 1-36, Township 124 N, Range 77 W; and

All that territory within the corporate limits of the City of Selby

The designated polling place for this precinct shall be the Selby Senior Citizens Center.

**PRECINT 4** shall be comprise of

Sections 1-30 and 32-26, Township 123 N, Range 78 W;

Sections 1-2, Township 123 N, Range 79 W;

Sections 1-12 and 31-36, Township 124 N, Range 78 W;

Sections 1-12, 17-18, all of the unincorporated area of Section 19 excluding the Replat of Tract 3 of the subdivision of the NW4 and all of the unincorporated area of Section 20 lying south and east of the center line of 127th Street commencing at the center line of SD Highway 1804, thence south to city limits boundary to the center line of 12th Street E, thence east to the center line of Airport Road, thence following Airport Road in a northwesterly direction to the center line of 127th Street, thence west to the point of beginning, all of the unincorporated area of Section 29 lying south of 2nd Street East, all of the unincorporated area of Section 30, and Sections 32-36, Township 124 N, Range 79 W;

Section 12, and all of the unincorporated area of Section 13 and 24, Township 124 N, Range 80 W

The designated polling place for this precinct shall be Scherr-Howe Arena.

**PRECINCT 5** shall be comprised of

Sections 13-16, and all of the unincorporated area in Section 20 lying south and east of the center line of the 127th Street commencing at the center line of 287th Avenue, thence west to the center line of Airport Road, thence following Airport Road southeast to the center line of 12th Street East, thence west to the center line of 12th Avenue East, thence following the city limits boundary to the center line of 10th Street East, Sections 21-28, and all of the unincorporated area in Section 29 lying north of 2nd Street East, Township 124 N, Range 79 W; and

All that territory within the corporate limits of the City of Mobridge lying south and east of the center line of 5th Avenue E commencing to the north city limits, thence south to the center line of 10th Street East, thence west to the center line of 1st Avenue E, thence south to the center line of 2nd Street East, thence east to the city limits

The designated polling place for this precinct shall be Scherr-Howe Arena.

**PRECINCT 6** shall be comprised of

All that territory within the corporate limits of the City of Mobridge commencing at a point of the intersection of 1st Avenue East and 9th Street East, thence west to the center line 3rd Avenue West, thence north to the center line of 11th Street West, thence west to the center line of 10th Avenue West, thence south to the center line of 10th Street West, thence west to the center line of US Highway 12, thence north to the center line of 12th Street West, thence west to city limits, thence following the center line of Eklo Road southeasterly to the center line of Viaduct Road, thence northeast to the center line of West Grand Crossing Boulevard/US Highway 12, thence east to the center line of 7th Avenue West, thence south to the center line of Railroad Street West, thence southeast to the center line of 3rd Street West, thence east to the center line of 2nd Avenue West, thence north to the center line of 4th Street West, thence east to the center line of 1st Avenue E, thence north to the point of beginning

The designated polling place for this precinct shall be Scherr-Howe Arena.

**PRECINCT 7** shall be comprise of

All of the unincorporated area in the Replat of Tract 3 of the subdivision of the NW4, Section 19, Township 124 N, Range 79 W; and

All that territory within the corporate limits of the City of Mobridge lying north of the center line of 19th Street E commencing at the center line of 5th Avenue East, thence west to the center line of 1st Avenue East, thence south to the center line of 9th Street East, thence west to the center line of 3rd Avenue West, thence north to the center line of 11th Street West, thence west to the center line of 10th Avenue West, thence south to the center line of 10th Street West, thence west to the center line of US Highway 12, thence north to the center line of 12th Street West, thence west to the city limits, and all that territory within the corporate limits and lying west of the center line of 5th Avenue East commencing at 10th Street East, thence north to the city limits

The designated polling place for this precinct shall be Scherr-Howe Arena.

**PRECINCT 8** shall be comprise of

Sections 1-36, Township 121 N, Range 74 W;

Sections 1-36, Township 121 N, Range 75 W;

Sections 1-36, Township 122 N, Range 74 W;

Sections 1-36, Township 122 N, Range 75 W;

The polling place for this precinct shall be the Hoven Airport.

**PRECINCT 9** shall be comprised of

Sections 13-30, Township 124 N, Range 78 W;

All that territory within the corporate limits of the Town of Glenham

The designated polling place for this precinct shall be Glenham Fire Hall.

**BE IT FURTHER RESOLVED,** that such precincts shall encompass the boundaries and geographic areas as set forth according to the maps thereof on file in the office of the auditor. Any discrepancies shall be resolved by reference to the maps rather than the physical descriptions set forth herein.

Dated this 18th day of February, 2014 at Selby, South Dakota.

Denis Arbach, Walworth County Commissioner

Chairperson

ATTEST:

Rebecca Krein

Walworth County Auditor

**MARCH MEETING DATES**

The board changed the March meeting dates to be March 13th and March 27th, 2014 due to conflicting schedules.

**LIQUOR LICENSE APPLICATION:**

A hearing was held on a license transfer application to transfer the liquor license held by Kevin Holgard, Hogies DBA The Shed RL-6185 located on the NE4 2-122-78 to Gerald J Thompson DBA Campfire Lounge located on Tract 7 Neumeyer’s Addition in SE4SW4 17-124-79. Martin moved to talk to the city concerning the intent to sell alcohol at this location. The motion died for lack of a second. Pudwill moved and Leff seconded to approve the transfer. Voting Aye: 4; Nay: 1. The motion was adopted.

**TAX REFUND:**

Godkin moved and Pudwill seconded to approve a refund to Gary Fliehs for taxes erroneously charged to him for a parcel he did not own and the legal assessment date. Voting Aye: 5; Nay: 0. The motion was approved.

**EXECUTIVE SESSION:**

Martin moved and Pudwill seconded to enter into executive session at 9:30 a.m. for the purpose of discussing a personnel issue as per SDCL 1-25-2(2). Voting aye: 5, nay: 0. The motion was

adopted.

Chairman Arbach declared the executive session ended and the board reconvened in regular

session at 9:45 a.m.

**WEED BOARD:**

Roger Walker, County Weed and Pest Supervisor, reports that Tom Fiedler’s position on the weed board has been turned over to Kirk Miller. He also reports that he has a printer that needs to be declared as surplus property.

**OVERWEIGHT LIMITS:**

Pudwill moved and Leff seconded to sign the resolution to set overweight limits on County roads. Voting Aye: 5; Nay: 0. The motion was adopted.

**RESOLUTION WC 2014-5**

**RESOLUTION TO SET OVERWEIGHT LIMITS**

**WHEREAS,** the ultimate responsibility for the county roads in Walworth County rests with the Walworth County Commission; and

**WHEREAS**, the Walworth County Commission has appointed the highway superintendent as the proper highway authority, responsible for the care and maintenance of all Walworth County roads; and

**WHEREAS,** to preserve the roads in Walworth County during the spring season, weight restrictions and/or reduced speeds must be imposed; and

**WHEREAS,** it would be beneficial to Walworth County to seek and obtain the assistance of the South Dakota Highway Patrol in enforcing load restrictions on all Walworth County Roads;

**NOW, THEREFORE, BE IT RESOLVED,** that the Walworth County Board of Commissioners, hereby, authorizes the Walworth County Highway Superintendent to impose, consistent with the recommendations of the South Dakota Department of Transportation and the South Dakota Highway Patrol , weight restrictions for overall vehicle weight and/or weight restrictions per axle during all seasons of the year, and to also include the reduced weight limits due to thawing and excessive moisture during the spring season. In so resolving, the commission directs the highway superintendent to post notice of weight restrictions as required by law.

**BE IT FURTHER RESOLVED,** that the Walworth County Board of Commissions requests assistance from the South Dakota Highway Patrol in the enforcement of weight restrictions in Walworth County and authorizes the Walworth County Highway Superintendent to work in conjunction with the South Dakota Highway Patrol to reduce damage to the roads in Walworth county due to overweight vehicles.

Dated this 18th day of February, 2014 at Selby, South Dakota.

Denis Arbach

Walworth County Commission Chairperson

ATTEST:

Rebecca Krein

Walworth County Auditor

**HIGHWAY AND LANDFILL ISSUES:**

Highway Superintendent Goetz informed the board that there are 16 bridges that will need to be inspected this summer. Leff moved and Pudwill seconded to use Clark Engineering for the inspections this year. Voting Aye: 5; Nay: 0. The motion was adopted.

**BRIDGE REINSPECTION**

**PROGRAM RESOLUTION**

**FOR USE WITH SDDOT RETAINER CONTRACTS**

**WHEREAS,**  Title 23, Section 151, *United States Code* and Title 23, Part 650, Subpart C, *Code of Federal Regulations*, requires of all bridges and re-inspection at intervals not to exceed two years with the exception of reinforced concrete box culverts that meet specific criteria. These culverts are re-inspected at intervals not to exceed four years.

**THERERFORE**, Walworth County is desirous of participating in the Bridge Inspection Program using Bridge Replacement funds.

The County requests SDDOT to hire Clark Engineering Corp (Consulting Engineers) for the inspection work. SDDOT will secure federal approvals, make payments to the Consulting Engineer for inspection services rendered, and bill the County for 20% of the cost. The County will be responsible for the required 20% matching funds.

Dated this 18 day of February, 2014, at Selby, South Dakota.

Board of County Commissioners

Of Walworth County

ATTEST:

Rebecca Krein Denis Arbach

County Auditor Chairman of the Board

Commissioner Martin had questions on the 2013 annual report concerning the $1.5 million highway budget. He also requested that the highway department provide a better accountability of road reports to the Commissioners. He requested that instead of the total dollars spent on each county road as reported every year that a more detailed report of each road in the county be provided to the commissioners.

Landfill Supervisor Badten submitted his new monthly report to the board and explained what each page reflects about the running of the Landfill.

**JAIL ISSUES:**

Sheriff Mohr provided an updated policy manual to the Commissioners for their review.

Leff moved and Pudwill seconded to approve hiring Cheryl Mcgovern-Tulp as a full time jailer with a 6 month probation effective February 23rd, 2014. Voting Aye: 5; Nay: 0. The motion was adopted.

The ongoing employee grievance was discussed. States Attorney Hare suggested that we don’t change past decisions as proper appeal process was not followed by others. It was stated that the policy manual update will be completed within the next two months. He reiterated that situations need to be addressed with Supervisors or Department Heads and not the Board of Commissioners. Pudwill moved and Martin seconded to deny the most recent grievance requests as the employees had not exercised their right to appeal in a timely manner. Voting Aye: 5; Nay: 0. The motion was adopted.

**EXECUTIVE SESSION:**

Godkin moved and Pudwill seconded to enter into executive session at 10:41 a.m. for the purpose of discussing a legal issue as per SDCL 1-25-2(3). Voting Aye: 5, nay: 0. The motion was

adopted.

Chairman Arbach declared the executive session ended and the board reconvened in regular

session at 10:45 a.m.

**JAIL RENOVATIONS:**

Dean Marske from HKG Architects met with the board to discuss jail renovation plans. It will cost $35000 for plans and public meetings handled by the architects. Commissioner Martin still believes that we need to look more into rehab than incarceration. The Commission was informed that they would need to hold public informational meetings to move this issue toward a vote of the people. Commissioner Martin stated that he would like to go on the record stating that he will be working hard to defeat the jail expansion. States Attorney Hare will look over the contract with HKG Architects and the matter will be addressed again at a later date.

**COMMISSIONER RESIGNATION:**

Pudwill moved and Godkin seconded to accept the resignation of Don Leff as County Commissioner effective March 31, 2014 and to thank him for his 12 years of service. Voting Aye: 5; Nay: 0. The motion was adopted. Auditor Krein will advertise for candidates to fulfill the remaining term.

**OLD BUSINESS:**

Krein informed the board that after doing research on the computer that was going to be given to the Veterans Service Officer, it was decided the better choice was to purchase a new one. The cost was $414.43 and he has received it.

**NEW BUSINESS:**

Krein told the board that she is looking into updating the time clocks used in the courthouse and at the jail. The current ones are outdated and the newer time clocks will transmit everything to her computer which will prevent errors and save time on payroll. The new time clocks will prevent anyone from clocking in for another employee due to the fact that it reads each employees fingerprint. The cost for each time clock will be approximately $300.00, the board advised Krein to go ahead with the purchase when she finds the time clocks that would be most beneficial.

**ADJOURNMENT:**

Leff moved and Martin seconded a motion that the Board of County Commissioners adjourn until the hour of 9:00 am March 13, 2014. Voting Aye: 5; Nay: 0. The motion was adopted.

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

**DENIS ARBACH, CHAIRPERSON**

**ATTEST:**

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

**REBECCA KREIN, AUDITOR**

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