March 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 March 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.

Leff moved and Godkin seconded that the minutes of the meeting of February 19, 2013 be approved. Voting aye: 5; nay: 0. The motion was adopted.

**CLAIMS APPROVED:**

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

**COMMISSIONERS:** Dennis Arbach – mileage expense, $42.18; Cardmember Services – cups, $.97; Cardmember Services – creamer, $5.70; Cardmember Services – sweetener, $11.96; Duane Martin – mileage expense, $31.08; Don Leff – mileage expense, $31.08; Marco Inc. – copier usage contract, $10.22; Mobridge Tribune – publication notice of audit, $42.57; Mobridge Tribune – publication official proceedings, $359.59; Quill Corporation – copy paper, $4.89; Godkin, Richard – mileage expense, $31.08; Selby Record – publication official proceedings, $361.19; Selby Record – publication notice of audit, $49.75; Venture Communications – phone service, $43.84; Venture Communications – fax service, $4.57

**ELECTIONS:** Cardmember Services – copy paper, $48.67

**COURTS:** Kristi Brandt – transcripts, $61.20

**AUDITORS:** Marco Inc. – copier usage contract, $39.18; Midcontinent Communications – internet service, $13.12; Quill Corporation – office supplies, $25.94; Quill Corporation – ink cartridges, $156.78; Quill Corporation – copy paper, $18.74; Venture Communications – phone service, $80.15; Venture Communications – fax service, $3.05

**TREASURER:** Marco Inc. – copier usage contract, $12.99; Midcontinent Communications – internet service, $13.12; Quill Corporation – copy paper, $6.21; Venture Communications – phone service, $58.45; Venture Communications – fax service, $2.54;

**STATES ATTORNEY:** A&B Business Inc. – office supplies, $47.36; Mark K Kroontje – attorney fees, $643.00; Marco Inc. – copier usage contract, $2.53; Midcontinent Corporation – internet service, $13.12; Quill Corporation – copy paper, $1.21

**COURT APPOINTED ATTORNEY:** Laurie Bauer , $219.00; Vaughn P Beck, $1991.25; Vickie S Broz Krause, $4131.60; William D Gerdes, $5000.57; Mark K Kroontje, $162.60; SDACC – CLERP Quarterly Assessment, $1014.50

**ABUSED CHILD DEFENSE:** Mark K Kroontje, $347.10;

**COURT HOUSE**: City of Selby – water and sewer service, $151.58; Ken’s Western Lumber – replace glass, $23.39; Montana Dakota Utilities – electricity, $513.98; Montana Dakota Utilities – natural gas, $1094.24; Quill Corporation – cleaning supplies, $28.79; Quill Corporation – paper towels, $19.88; Reuer Sanitation Inc. – garbage service, $95.00; Kurt A Wolf – snow removal contract, $725.00

**DOE:** Fred Pryor Seminars – registration Kahl, $128.00; Marco Inc. – copier usage contract, $27.98; Midcontinent Communications – internet service, $13.12; Quill Corporation – copy paper, $13.38; Selby Record – envelopes, $120.10; Shorty’s One Stop – gasoline, $66.43; Venture Communications – fax service, $1.57; Venture Communications – phone service, $22.09

**REGISTER OF DEEDS:** Marco Inc. – copier usage contract, $2.85; Midcontinent Communications – internet service, $13.13; PMB 0122 Executive MGMT Finance – e-mail charge 1/13 – 12/13, $60.00; Quill Corporation – copy paper, $1.36; Venture Communications – phone service, $49.45

**SHERIFF:** AT&T Mobility – cell phone service, $185.41; Ronald R Gienger – oil change, 2008 Impala, $30.95; Ken’s Western Lumber – keys, $4.00; Marco Inc. – copier usage contract, $.30; Midcontinent Communications – internet service, $13.13; Duane Mohr – ink cartridges, $45.70; National Sheriff’s Assoc – membership dues Mohr, $50.00; Pennington County – transport, $133.80; Quill Corporation – copy paper, $.90; Selby Auto Sales & Service – headlight & labor, $17.90; Slater Oil & LP Gas – 538 gallons Ethanol @ $3.199, $1721.06; Venture Communications – phone & fax service, $113.49; Western Communications – radio maintenance, $21.60; Western Communications – parts & labor - $574.06; Creative Product Sourcing Inc. – supplies, $255.15

**JAIL:** Avera Medical Group Selby – medical care, $28.51; City of Selby – sewer & water, $61.64; Dady Drug – OTC medications, $17.89; Family Pharmacy – 2 pack Epi-pen on hand @ jail, $250.00; Family Pharmacy – prescription, $70.97; Lind’s Hardware – speaker wire, $10.99; Merkel’s Foods – supplies, $36.37; Merkel’s Foods – OTC medications, $6.44; Merkel’s Foods – groceries, $976.53; Merkel’s Foods – cleaning supplies, $87.17; Merkel’s Foods – paper products, $79.80; Mobridge Candy Co – personal care items, $65.99; Mobridge Medical Clinic – medical care, $244.68; Duane Mohr – supplies, $35.80; Montana Dakota Utilities – electricity, $461.21; Montana Dakota Utilities – natural gas, $271.09; Servall Uniform & Linen Supply – rug & mop rentals, $96.16; Stoick’s Food Center – groceries, $8.36; Venture Communications – phone & fax service, $109.62; Venture Communications – internet service, $85.95; Vilas Health & Variety – OTC medications, $10.28; Vilas Health & Variety – prescriptions, $247.16;

**EMERGENCY & DISASTER:** Venture Communications – radio services, $30.10

**SUPPORT OF POOR:** SDACC – CCPR Fund Annual Assessment, $1110.00; Venture Communications – phone service, $21.04

**MENTALLY ILL:** SD Department of Revenue – services, $1310.28

**DEVELOPMENTALLY DISABLED:** SD Department of Revenue – services, $60.00

**MENTAL ILLNESS BOARD:** Yankton County Treasurer – services & fees, $106.25

**PARKS:** Cam Wal Electric Cooperative – utilities, $40.00

**EXTENSION:** Patti Baumann – phone/answering machine, $24.88; Marco Inc. – copier usage contract, $1.89; Midcontinent Communications – internet service, $13.13; Quill Corporation – copy paper, $.44; Venture Communications – phone service, $48.53;

**WEED CONTROL:**  Crossroads Hotel & Huron Event – lodging Walker, $224.97; Crossroads Hotel & Huron Event – lodging Rabenberg, $149.88; Midcontinent Communications – internet service, $13.13; Ralph Rabenberg – mileage expense, $148.74; Ralph Rabenberg – meals, $33.00; Roger Walker – meals, $59.00; Roger Walker – mileage expense, $136.90; Western Communications – radio maintenance, $8.80

**PLANNING & ZONING:** Marco Inc. – copier usage contract - $4.42; Quill Corporation – copy paper, $2.12; Toby Brown SDPA Secretary/Treasurer – subscription, $30.00; Toby Brown SDPA Secretary/Treasurer – annual dues, $25.00

**RD & BR:** 3D Specialties – shipping charges, $12.89; 3D Specialties – parts, $235.38; Butler Machinery Co – parts, $118.95; Butler Machinery Co – supplies, $361.60; Butler Machinery – supplies, $15.82; Cardmember Service – gasoline, $94.60; City of Mobridge – water & sewer service, $38.31; City of Selby – water & sewer service - $51.13; Crossroads Hotel & Huron Event – lodging Marty Hook, $100.00; Crossroads Hotel & Huron Event – lodging Penny Goetz, $100.00; Crossroads Hotel & Huron Event – lodging LaDean Moak, $100.00; Evergreen Supply Inc. – supplies, $54.30; Fastenal Company – supplies, $42.12; Great Western Tire Inc. – fuel charge, $2.00; Great Western Tire Inc. – tires, $266.82; GTC Auto Parts – circuit breaker, $9.19; Hase Plumbing, Heating & Air – repairs, $227.55; Hase Plumbing, Heating & Air – parts, $166.25; Hoven Repair & Body Shop – parts & supplies, $149.43; Marco Inc. – copier usage contract $.91; Mobridge Tribune – publication of notice to mine, $10.61; Mobridge Tribune – publication notice to continue mining, $38.74; Montana Dakota Utilities – electricity @ Mobridge Shop, $36.63; North Central Farmers Elevator – fuel, $945.12; North Central Farmers Elevator – gasoline, $112.30; North Central Farmers Elevator – parts, $5.00; Overhead Door Company of Brown – excise tax, $6.63; Overhead Door Company of Brown – repairs on door, $325.00; Praxair Distribution Inc. – supplies, $251.35; Quill Corporation – ink cartridges, $72.87; Quill Corporation – copy paper, $.14; Reuer Sanitation – garbage service, $35.00; Running’s Supply – parts & tools, $164.89; Selby Auto Sales & Service – parts, $185.84; Selby Oil Company – battery, $39.95; Selby Record – publication notice to mine gravel, $12.09; Selby Record – publish notice to continue operation, $46.64; Shorty’s One Stop – gasoline, $751.06; Slater Oil & LP Gas – heating fuel 1000 gallons @$3.43, $3430.00; Slater Oil & LP Gas – propane 770 gallons @ $1.139, $877.03; Slater Oil & LP Gas – propane 410 gallons @$1.139, $466.99; Stoick’s Food Center – supplies, $6.96; Venture Communications – phone & fax service, $145.09; Venture Communications – phone service @ Java shop, $42.09; Venture Communications – internet service, $60.95; Western Communications – radio maintenance, $135.90;

**FIRE PROTECTION FUND:** Akaska Fire Department – 5 fires @$50.00, $250.00; Akaska Fire Department – grant to other entity, $500.00; Glenham Fire Department – 15 fires @$50.00, $750.00; Glenham Fire Dept. – grant to other entity, $500.00; Hoven Fire Department – grant to other entity, $250.00; Hoven Fire Department, 3 fires @$50.00 - $150.00; Lowry Fire Department – 1 fire @ $50.00, $50.00; Lowry Fire Department – grant to other entity, $500.00; Mobridge Fire Department – 7 fires @ $50.00, $350.00; Mobridge Fire Department – grants to other entity, $500; Selby Fire Department – 12 fires $50.00, $600.00; Selby Fire Department – grant to other entity, $500.00

**SOLID WASTE:** Bestway Traffic Marking – scissors lift rental - $840.00; Farnams Genuine Parts – sander & disc, &78.61; Farnams Genuine Parts – oil & filter, $35.83; Goldsmith Heck Engineers Inc. – preliminary plans – phase 4, $10120.00; Goldsmith Heck Engineers Inc. – 2012 Landfill Survey, $1084.00; Homestead Building Supplies – parts for door, $50.25; Lind’s Hardware – rollers & sanding discs, $16.58; Lind’s Hardware – ballast, $34.99; Lind’s Hardware – painting supplies, $12.26; Lind’s Hardware – ballasts, $53.98; North Central Farmers Elevator – 1105.1 gallons #1 fuel @$3.7274, $4119.15; Premier Equipment – foam cleaner, $75.00; Quill Corporation – ink cartridges, $56.11; Quill Corporation – office supplies, $157.42; Quill Corporation – office chair, $249.99; Running’s Supply Inc. – supplies, $185.91; SD Department of Environment – solid waste surcharge, $853.00; SDSWMA – registration M Landis, $60.00; SDSWMA – registration P Davis, $60.00; SDSWMA – registration R Badten, $100.00; Servall Uniform & Linen Supply – rug rental, $62.23; Shorty’s One Stop – gasoline, $93.95; Slater Oil & LP Gas – propane 440 gallons @ $1.139, $501.16; SWANA – dues R Badten, $234.00; Web Water – water service, $32.63; Western Communications – radio maintenance, $9.30;

**STATE ACCOUNT FUND:** SD Department of Revenue– ROD & Vital Records Fees, $860.00; SD Department of Revenue – Motor Vehicle Fees, $79691.42;

**PARTIAL PAYMENTS FUND:** Michael Andrews – refund, $47.23; Tim Kindle – refund, $46.71; Walworth County Treasurers – treasurer trust, $1753.86;

**VETERANS SERVICE:** West River Telecommunications – phone service, $31.77

**5 COUNTY TV DISTRICT FUND:** Sid Haux – cell phone service, $21.40; Sid Haux – postage, $27.11; Sid Haux – mileage expense, $191.29; Marco Inc. – copier usage contract, $.84; Quill Corporation – copy paper, $.41;

**REGIONAL 911 FUND:** AT&T – access charges, $139.97; Century Link – access charges, $1273.07; City of Mobridge – dispatch contract, $132750.00; Language Line Services – interpretation services, $90.00; Marco Inc. – copier usage contract, $12.56; Northside Flowers Inc. – flower arrangement, $48.67; Quill Corporation – copy paper, $6.00; Venture Communications Co-op – database updates, $50.00; Venture Communications Co-op – access charges, $374.09; West River Telecommunications – access charges, $112.00; West River Telecommunications – phone service, $116.93; West River Telecommunications – internet service, $106.03; Western Communications – speaker mics, portable UHF 32C, $1525.50; Western Communications – in shop radio programming, $1800.00; Western Communications – repairs & maintenance, $412.52;

**WEST PAYMENT CENTER:** West Information Charges - $1921.50;

**SDACO M & P FUND:** SDACO M & P Fund - M&P Fund, $202.00

As required by SDCL 6-1-10, the February payroll paid by department was as follows: Commissioners - $6117.33; Auditor - $8022.06; Treasurer - $8199.51; States Attorney - $11076.45; Courthouse - $2028.15; Director of Equalization - $6104.48; Register of Deeds - $7445.68; Veterans Service Officer - $1138.74; Sheriff - $13674.22; Jail - $29530.23; Emergency & Disaster - $1429.60; Poor - $330.20; Other Health - $12.32; Extension - $2212.87; Weed & Pest - $1356.16; Zoning - $97.80; Road & Bridge - $35577.72; Solid Waste - $17584.49; 5 County TV Translator District - $1001.14.

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

Register of Deeds $ 5678.50

**TREASURER HANSON:**

Treasurer Hanson reported that Ms. Williams is caught up on her payments as of March 5, 2013.

As a follow up on Mobridge Tax Deed properties, States Attorney Hare reported that the county is working with one resident and allowing him time to find a place to live. He also reported that the eviction process for Record #4985 is moving forward.

**AUDITOR’S REPORT OF ACCOUNT WITH THE TREASURER AS OF FEBRUARY 28, 2013:**

NSF $ 162.12

Cash $ 944.90

Checks in office $ 14,423.52

Certificates of deposit $ 2,250,000.00

Savings/interest accounts $ 3,087,133.47

Landfill post closure $ 360,712.13

Landfill closure $ 264,493.20

FIT $ 4,435.10

$ 5,982,304.44

**EXECUTIVE SESSION:**

Leff moved and Godkin seconded to enter into executive session at 9:20 am 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.

**RESIGNATION ACCEPTED:**

Leff moved and Godkin seconded to accept the resignation of Treasurer Charles Hanson. Voting

aye: 5; nay: 0. The motion was adopted.

Arbach moved and Martin seconded to advertise for the position of Walworth County Treasurer.

Voting aye: 5; nay: 0. The motion was adopted.

**DIRECT DEPOSIT:**

Auditor Krein informed the board that most employees would like to switch to direct deposit and she has started researching the option. Krein said that it would cost $15.00 per month regardless of paying 1 or 2 times a month. No decision was made at this time; the issue will be brought up at a future date.

**COUNTY HIGHWAY AND LANDFILL:**

Superintendent Goetz reports that we will be doing bid openings on April 2, 2013 at 10:15 a.m. & 10:30 a.m. for gravel crushing.

Goldsmith & Heck will be utilized for engineering on a project for an over-sized culvert that needs to be replaced south of Akaska. Superintendent Goetz will be using STP Funds of approximately $144,000.00 to cover the cost of this project.

Superintendent Goetz reported that she has a verbal agreement to purchase road oil from the McPherson County bid at $470.36 per ton.

Martin moved and Leff seconded to adopt a Resolution to set Overweight Limits. Voting aye: 5; nay: 0. The motion was adopted

**RESOLUTION WC 2013-05**

**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 all seasons of the year, weight restrictions must be imposed and enforced; 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, authorize 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 directly 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 authorized 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 5th day of March, 2013 at Selby, South Dakota

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Phylliss Pudwill, Walworth County Commissioner

Chairperson

ATTEST:

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Rebecca Krein

Walworth County Auditor

(SEAL)

Superintendent Badten suggested that we surplus a 40’ X 40’ steel building that is in the way at the landfill and needs to be moved by the middle of April. Martin thought we should look into possible uses for the building instead of trying to sell or destroy it. Martin moved that the county keep the building for county use. After further discussion the motion was withdrawn. Superintendent Badten will look into a possible use for the building and see if there is a different location at the landfill to place it. It will be discussed at the next meeting.

**MONTHLY SHERIFF’S REPORT AND JAIL ISSUES:**

Moved by Godkin, seconded by Arbach to hire Brandon Carlson as an uncertified part-time jailer at $11.14 per hour with a six month probation period. Voting Aye: 5; Nay: 0. Motion was adopted.

Leff moved and Godkin seconded to accept the Jail Agreement with Perkins County, South Dakota. Voting aye: 5; nay: 0. The motion was adopted.

Martin suggested that States Attorney Hare write a letter to the Brennan Group in regards to the feasibility study on the jail. The company did not fulfill the request as expected for the $20,000.00 fee paid to them.

**OLD BUSINESS:**

Discussion was held about possibly selling some of the land that the county leases on an annual basis. The matter will be brought up at a later date.

States Attorney Hare attended a City Council meeting in Mobridge. There has been talk of forming a committee consisting of some Mobridge City Council members and some County Commission members to deal with nuisance properties in the City of Mobridge.

Discussion was held and a letter submitted by previous owners of county owned property Lot 1 in Section 13, Township 124, Range 80. The previous owners claimed that when they deeded the property to the county it was a mistake and requested the county deed it back to them. No decisions were made at this time.

The board decided to remove all the picnic tables from Lake Molstad and have the highway department block off access to the park. Upon the completion of that the Auditor will disconnect the electricity.

**ADJOURNMENT:**

Leff moved and Godkin seconded that the Board of County Commissioners adjourn until the hour of 9:00 a.m. on Tuesday, March 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 $\_\_\_\_\_\_\_\_\_\_\_\_