March 10, 2015

9:00 A.M.

**WALWORTH COUNTY BOARD OF COMMISSIONERS**

**MINUTES OF PROCEEDINGS**

The Walworth County Board of Commissioners met in scheduled session on March 10, 2015 at 9:00 a.m. at the County Courthouse. Members present were: Denis Arbach, David Siemon, Richard Godkin, Duane Martin and Scott Schilling. Also present was Auditor Rebecca Krein and State’s Attorney James Hare.

Chairperson Arbach called the meeting to order.

The Pledge of Allegiance was recited by those in attendance.

Siemon moved and Godkin seconded that the minutes of the meeting of February 17, 2015 be approved. Voting Aye: 5; Nay: 0. The motion was adopted.

**CLAIMS APPROVED:**

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

**COMMISSIONERS:** Denis Arbach – mileage expense, $42.18; City of Mobridge – water service 306 2nd Ave W, $10.50; Richard Godkin – mileage expense, $31.08; Lincoln National Life Ins – life insurance, $30.65; Marco Inc – maintenance contract, $11.83; Duane Martin – mileage expense, $46.62; Mobridge Tribune – official proceedings, franchise petition hearing, real estate leasing, notice of audit, $914.72; SDACC – workshop registration, $400.00; Selby Record – official proceedings, $308.47; David Siemon – mileage expense, $105.08; Venture Communications Coop – phone service, $45.25;

**ELECTIONS:** State Property Management – I pad, $234.00;

**COURTS:** Kristi A Brandt – transcripts, $306.40; Cardmember Service – stamps, $245.00; West Payment Center – information charges, $2118.46;

**AUDITOR:** Cardmember Service – postage service charge, postage, $64.29; Connecting Point – networking updates, $172.50; Lincoln National Life Ins – life insurance, $14.26; Marco Inc – maintenance contract, $8.32; Midcontinent Communications – internet service, $13.12; Venture Communications Coop – phone, fax service, $73.55;

**TREASURER:** Cardmember Service – postage service charge, toner, envelopes, postage, $1,244.55; Connecting Point – computer, monitor, software, $1165.00; Lincoln National Life Ins – life insurance, $21.39; Marco Inc – maintenance contract, $18.29; Midcontinent Communications – internet service, $13.12; Reliable Office Supplies – paper, $120.02; Venture Communications – phone, fax service, $80.16;

**STATES ATTORNEY:** A&B Business Inc – chair mats, $123.94; Tashauna Appell – subpoena, mileage expense, $71.08; Benson County Farmers Press – legal notice, $40.50; Cardmember Service – postage service charge, postage, $331.84; Connecting Point – server, software, $1050.00; Lacy Roemich – subpoena, mileage expense, $71.08; Lincoln National Life Ins – life insurance, $14.26; Marco Inc – maintenance contract, $12.73; Midcontinent Communications – internet service, $13.12; Mobridge Regional Hospital – blood alcohol draws, screens, $604.00; SD Department of Revenue – ethyl alcohol, tox screens, $310.00; David A Valandra – qualified expert witness, mileage expense, $5449.56; Venture Communications Coop – phone service, $133.16; ;

**COURT APPOINTED ATTORNEY:** Vickie S Broz Krause – court appointed attorney fees, $4180.50; Dakota Plains Legal Services – court appointed attorney fees, $1,826.25; Mark K Kroontje – court appointed attorney fees, $1249.30; SDACC – catastrophic legal expense, $840.00;

**ABUSED CHILD DEFENSE:** Dakota Plains Legal Services – court appointed attorney fees, $935.25; Mark K Kroontje – court appointed attorney fees, $1672.40; Von Wald Law Offices – court appointed attorney fees, $2527.66;

**COURTHOUSE:** Cardmember Service – supplies, $48.57; City of Selby – water, sewer service, $82.94; Eagle Eye Security System – time clock wiring, $486.45; Hase Plumbing Heating & Air – repair water leak, $77.84; Kens Western Lumber – supplies, $61.45; Lincoln National Life Ins – life insurance, $7.13; Mobridge Hardware – supplies, $19.06; Montana Dakota Utilities – electricity, natural gas, $1421.00; Reuer Sanitation Inc – garbage service, $95.00; Servall Uniform & Linen – mats, mops, $39.42; Kurt A Wolf – snow removal contract, $775.00;

**DIRECTOR OF EQUALIZATION:** Cardmember Service – postage service charge, postage, $401.24; Dakota Radio – radio ad, $35.00; Lincoln National Life Ins – life insurance, $26.02; Marco Inc – maintenance contract, $56.79; Midcontinent Communications – internet service, $13.12; Selby Oil Company – tires, $420.00; Selby Record – envelopes, $223.40; Vanguard Appraisals Inc – license, software, $650.00; Venture Communications Coop – phone service, $51.01;

**REGISTER OF DEEDS:** Cardmember Service – postage service charge, postage, $56.25; Lincoln National Life Ins – life insurance, $14.26; Marco Inc – maintenance contract, $7.48; Midcontinent Communications – internet service, $13.13; Quill Corporation – paper, $45.89; Venture Communications Coop – phone, fax service, $62.17;

**VET SERVICE OFFICE:**

**SHERIFF:** AT & T Mobility – cell phone service, $200.27; Cardmember Service – postage service charge, postage, gasoline, $295.73; Grand Central – tire repair, $20.00; John Stefanich DBA – install decals, $150.00; Lincoln National Life Ins – life insurance, $21.39; Midcontinent Communications – internet service, $13.13; Selby Record – help wanted ad, $12.00; Ultramax – ammunition, $333.00; Valley Motors – repair chips, $50.00; Venture Communications Coop – phone, fax service, $125.21; Western Communications Inc – radio maintenance, $21.60;

**JAIL:** Avera Medical Group – medical care, $18.50; Bob Barker Company Inc – drug testing cups, $122.46; City of Selby – water, sewer service, $108.93; Family Dollar – supplies, groceries, cleaning products, $47.50; Family Pharmacy Inc – prisoner prescriptions, $107.41; Hase Plumbing Heating & Air – repair furnace, $181.72; Lincoln National Life Ins – life insurance, $67.02; Marco Inc – maintenance contract, $.21; Merkel’s Foods – groceries, cleaning supplies, paper products, $126.10; Mobridge Medical Clinic – medical care, $618.44; Mobridge Regional Hospital – medical care, $2484.00; Montana Dakota Utilities – electricity, natural gas, $670.57; National Sheriff’s Association – training programs, $391.13; Payless Foods – groceries, cleaning supplies, $199.47; Phoenix Supply – gloves, $148.00; Servall Uniform & Linen – mops, mats, $40.72; Stoick’s Food Center – groceries, $58.97; Venture Communications Coop – phone, fax, internet service, $208.60;

**EMERGENCY & DISASTER:** AT&T Mobility – cell phone service, $33.89; Lincoln National Life Ins – life insurance, $3.57; Midcontinent Communications – internet service, $6.56; Venture Communications Coop – radio service, $30.10;

**SUPPORT OF POOR:** Avera St Lukes – medical care, $81,635.03; Cardmember Service – postage service charge, postage, $7.62; Venture Communications Coop – phone, fax service, $26.58;

**AMBULANCE:** Selby Ambulance Service Inc – grant to other entity, $14,275.00;

**MENTAL ILLNESS BOARD:** Lincoln County Treasurer - hearing, $9.00;

**HISTORICAL MUSEUM:**

**EXTENSION:** Cardmember Service – postage service charge, postage, $46.83; Lincoln National Life Ins – life insurance, $7.13; Midcontinent Communications – internet service, $13.13; Quill Corporation – supplies, $96.18; Venture Communications Coop – phone service, $27.46;

**WEED CONTROL:** Assn of SD County Weed & Pest –annual dues, $150.00;AT&T Mobility – cell phone service, $33.89; Best Western Ramkota Hotel – lodging, $510; Rebecca Krein – meal, mileage expense, $226.88; Lincoln National Life Ins – life insurance, $3.56; Marco Inc – maintenance contract, $3.09; Midcontinent Communications – internet service, $6.57; State Property Management – ipad, $144.00; Shannon Thompson – meal expense, $33.00; Western Communications Inc – radio service, $8.80;

**RD & BR:** Avera Queen of Peace – drug testing, $116.80;Butler Machinery Co – cutting edges, supplies, $3106.53; Butler Machinery Co – motor grader, snow wing, $300,323.26; Cam Wal Electric Cooperative – electricity @ Hoven shop, $70.79; Cardmember Service – postage, $17.45; Central Diesel Sales Inc – parts, $475.18; City of Java – water service @ Java shop, $18.00; City of Mobridge – water, sewer @ Mobridge shop, $48.31; City of Selby – water, sewer, $65.81; Crady’s Radiator Shop – repair radiator, $545.00; Dakota Fluid Power Inc – repair cylinder, $379.34; Farnams Genuine Parts – supplies, $265.45; Fasteners – parts, $490.58; GTC Auto Parts – supplies, $32.19; Hanten’s Repair – repair alternator, $109.89; Hoven Coop Service Company – fuel, gasoline, $319.75; Interstate Battery System – batteries, $16.99; K & K Auto Parts Inc – supplies, $28.00; Lincoln National Life Ins – life insurance, $64.17; Marco Inc – maintenance contract, $.13; Montana-Dakota Utilities – Selby shop, state shop, Mobridge shop, $319.62; North Central Farmers Elevator – gasoline, $57.75; Northern Truck Equipment Corp – supplies, $164.87; Praxair Distribution Inc – welding supplies, $78.73; Quill Corporation – chairs, office supplies, $314.05; Reuer Sanitation Inc – garbage service, $35.00; Runnings Supply Inc. – supplies, $30.66; SDPAA – motor grader premium, $833.00; Selby Auto Sales & Service – filters, radiator, supplies, $1658.29; Selby Oil Company – supplies, $37.00; Servall Uniform & Linen – mats, towels, $40.20; Shorty’s One Stop – gasoline, $467.98; Slater Oil & LP Gas – heating fuel, $663.00; State Property Management – ipad, $144.00; Stoicks Food Center – supplies, $4.98; Thorstenson Trucking – drug testing, $35.00; Valley Telecommunications – cell phone service, $39.99; Venture Communications Coop – phone, fax, internet service, $275.37; West River Telecommunications – phone service @ Mobridge shop, $32.04; Western Communications Inc – radio maintenance, $135.90;

**COMMUNICATION CENTER:**

**SOLID WASTE:** Cam Wal Electric Cooperative – electricity, $340.04;Cardmember Service – postage, $19.11;Eisemann Building Products – boards for planking, supplies, $652.60; Farnams Genuine Parts – supplies, $140.50; Lincoln National Life Ins – life insurance, $28.52; Lucky’s Gas & More – gasoline, $67.27; Marco Inc – maintenance contract, $.10; Mobridge Gas Company – propane, $30.00; North Central Farmers Elevator – fuel: 936 gal @ 2.1753, $2036.52; North Central Steel Systems – repair shop door, $66.33; Quill Corporation – drum, toner, office supplies, $331.87; Runnings Supply Inc – welder, fuel hose, battery charger, welding cord, supplies, $2196.02; SD Dept of Environment – solid waste surcharge, $848.00; SDAEP – membership renewal, $40.00; Servall Uniform & Linen – mats, $35.56; Sheehan Mack Sales & Equipment – wiper assembly, $595.72; Shorty’s One Stop – gasoline, $54.36; Slater Oil & LP Gas – propane: 460 gal @ .759, $349.14; Trux Inc – software fee, $1260.00; Valley Telcommunications – phone, internet service, $98.48; Web Water Development - water service, $37.73; Western Communications Inc – radio maintenance, $9.30;

**5 COUNTY TV DISTRICT FUND:** Cam Wal Electric Cooperative – electricity, $1162.99; Fem Electric Assoc. – electricity, $82.88; Sid Haux – cell phone, mileage expense, $177.66; Marco Inc – maintenance contract, $1.34;

**SDACO M&P FUND:** M&P remittance, $100.00

As required by SDCL 6-1-10, the February payroll paid by department was as follows: Commissioners - $6,734.16; Auditor - $10,064.05; Treasurer - $10,979.07; States Attorney - $14,106.32; Courthouse - $2,093.36; Director of Equalization - $13,177.18; Register of Deeds - $9,311.72; Veterans Service Officer - $1,208.10; Sheriff - $16,507.74; Jail - $46,347.48; Poor - $636.04; Extension - $1,340.64; Weed & Pest - $4,855.23; Road & Bridge - $47,554.67; Solid Waste - $19,264.69; 5 County TV Translator District - $1,033.44.

**COUNTY ASSISTANT UPDATE:**

 Badten informed the board that he attended the Java town board meeting. He requested to dispose of the

 county owned building on Main Street in the Java rubble site. They agreed as long as we obtain a state permit and there is enough space to hold it. Badten will do some more research and attend the next town board meeting.

 Badten informed the board of a change in the personnel policy. He stated that it should be added to prohibit non-employees on county property after business hours and hourly employees that are not clocked in. There was some discussion regarding excluding the highway department. He will make adjustments and bring the matter up at a later date.

**EXECUTIVE SESSION:**

Martin moved and Schilling seconded to enter into executive session per SDCL 1-25-2(2) at 9:30 a.m. The chairperson declared the executive session ended at 9:31 a.m. No action was taken.

**LANDFILL ISSUES:**

Badten requested the approval to purchase a Series One Champion Motor Grader from South Dakota Federal Surplus for $12,600.00. The board approved it upon his inspection of the equipment.

**HIGHWAY DEPARTMENT:**

Schilling moved and Godkin seconded to declare the 2009 140M Cat Motor Grader surplus to be sold by sealed bids on April 7th, 2015 at 10:00 a.m. Voting Aye: 5; Nay: 0. The motion was adopted.

**RESOLUTION 2015-04:**

Discussion was held on resolution 2015-04 Memorandum of Agreement with the City of Mobridge. Due to unclear terms the adoption was tabled until State’s Attorney Hare can clarify some information with the City.

**RIGHT OF WAYS:**

Godkin moved and Siemon seconded to authorize publishing a memo regarding planting in right of ways. Voting Aye: 5; Nay: 0. The motion was adopted.

**EXECUTIVE SESSION:**

Godkin moved and Schilling seconded to enter into executive session per SDCL 1-25-2(2) at 10:17 a.m. The chairperson declared the executive session ended at 10:33 a.m. No action was taken.

**POOR RELEIF:**

State’s Attorney/Welfare Director James Hare updated the board on poor relief in the county.

**COURTHOUSE REPAIRS:**

 Siemon moved and Godkin seconded to authorize Chairperson Arbach to sign the annual agreement with Johnson Controls for heating and cooling services. Voting Aye: 5; Nay: 0. The motion was adopted.

 Custodian Leah Holder met with the board to inform them of some repairs that are desperately needed. She stated that the water pipe that comes into the courthouse had cracked and caused some flooding in the basement. She has contacted some contractors to see about getting it replaced. She also stated that there are numerous leaks in the roof of the building. She stated that Gary Snow and Associates will be able to advise her on those areas and where the leaking is originating from when they come to do the mold inspection. Holder suggested that the board consider replacing the old sewer lines. The sewer line backed up 4 times last year and since new carpeting was installed we should be proactive about the issue of the old pipes so that the carpet does not get ruined. The board advised her to have a contractor run a camera into the line to determine if it’s the old piping or possibly a different issue causing the problem.

**COUNTY OWNED PROPERTY:**

State’s Attorney Hare requested that Chairperson Arbach sign the deed for the property located at 205 2nd St E to the Mobridge Economic Development per the prior agreement. Martin moved and Siemon seconded. Voting Aye: 5; Nay: 0. The motion was adopted.

 Hare also updated the board on 2 other parcels that he is working on that the county currently owns.

**SURPLUS PROPERTY:**

 Martin moved and Schilling seconded to declare 2 printers and 2 computers surplus from his office. He stated that the printers can be sold and the computers if the hard drives can be removed. Voting Aye: 5; Nay: 0. The motion was adopted.

**MEETING TIMES:**

 Martin suggested that the board consider changing the Commission meeting times to the evenings. He stated that he believes this would gain more interest in County Government. Schilling agreed with the request and just wants the board to think about the idea.

**DIRECTOR OF EQUALIZATION:**

The board met with Director of Equalization Kahl regarding the recent assessment notices mailed. Martin stated he is receiving numerous calls and asked what to tell them. Kahl told him to tell them that we are trying to get to market value and equalized. In the last 2 years we have realized we were understaffed and hired more help, upgraded the software, and allowed overtime to address the issue. It took twenty years to end up in this situation and will take time to fix it. Kahl stated the closer you get to market value people appeal, if assessments are all too low people don’t care.

**ABATEMENT:**

Godkin moved and Siemon seconded to approve an abatement of $171.12 and refund of $78.78 for Michael Knust for a mobile home that was double assessed. Voting Aye: 5; Nay: 0. The motion was adopted.

**WAGE INCREASES:**

Siemon moved and Godkin seconded to approve a wage increase of $0.50 for Travis Bentz for completion of Law Enforcement Academy Certification effective February 28th. Voting Aye: 5; Nay: 0. The motion was adopted.

Godkin moved and Schilling seconded to approve a wage increase of $0.50 for Josh Nelson for additional training effective February 28th. Voting Aye: 5; Nay: 0. The motion was adopted.

Schilling moved and Siemon seconded to approve hiring Ron Ducheneaux as a part-time correction officer at a wage of $13.21 per hour effective February 28th. Voting Aye: 5; Nay: 0. The motion was adopted.

**MOLD ISSUES:**

Discussion was held on the mold issue in the courthouse and jail buildings. Siemon contacted Gary Snow and Associates to have them come and assess the problem. Martin told him this needs to come before the board first, so Siemon cancelled the appointment. Martin stated that according to the Environmental Protection Agency there are lots of things you can do to remove the mold for example soap or bleach. Judge Scott Myren was present and informed the board that after he spends time in the courthouse he is sick for the rest of the day or longer. Also submitted to the board was a letter from an attorney stating that he is affected by the mold. There are others that have been affected as well. Arbach stated he thinks we need an inspection to find out exactly how severe the problem is and suggestions on fixing the problem. Siemon moved and Arbach seconded to hire Gary Snow and Associates to complete an inspection. Auditor Krein contacted them and set it up for March 24th, therefore they can meet with the board at the same time to inform them of their findings and recommendations for eliminating the problem. Voting Aye: 5; Nay: 0. The motion was adopted.

**REGIONAL JAIL DISCUSSION:**

Discussion was held on the regional jail decision. Martin stated you can design any jail you want and it will be difficult to sell to the voters until we spend time finding out what the repairs would cost for the jail we have. Badten is in the process of acquiring quotes for the items that need repairs and thinks we need to look closer at a remodel. Previous Sheriff Duane Mohr addressed the board and stated that there are problems with a remodel. He pointed out that in one cell there is a 10” drop in the floor from one side of the room to the other. He believes you could figure on a 2.5 million dollar remodel and still have an old building. Schilling stated there are a lot of problems and does not believe this county can afford a new jail. Why should one county take all the responsibility? If you ask other counties for 10 years and don’t want it, we shouldn’t do it. Sioux County ND Sheriff stated that they have nowhere else to go with their prisoners so if it is a 10 year contract they would be okay with it. Siemon stated that we have to figure out if we are going into the jail business. If we can’t show the people that we can make money we shouldn’t do it. Arbach does not think that we should put money into an old building. There are too many issues and he is willing to take the chance on the regional facility. Godkin stated he does not think we should put half the cost of a new jail into an old one. He thinks it’s worth the gamble. Auditor Krein was asked what she thought. She stated that in her opinion without a contracted guarantee from the US Marshals stating they will bring enough inmates to generate the purposed $474,000.00 revenue per year just from them we cannot afford it. Two years without their revenue and the county could be in a bad position financially. We cannot take that chance. The laws change way to often on incarceration to take that big of a risk. The proposal basically states that with the payment and adding in the annual expenses the jail alone would cost approximately 1 million dollars per year. If we do not have all the counties on board for longer than three years and the US Marshals revenue where will we get the money? Discussion was held on the opinion that the courthouse could use just as many repairs as the jail, if we put all the money in the jail what will we be able to do about the courthouse? Hare stated that at this time the goal with the programs being implemented is to reduce incarceration days. Schilling moved and Martin seconded to table the decision for 2 months so that we can find out how much a repair job would be for the existing jail to give the taxpayers more information instead of just a new regional jail. A roll call vote was requested with Godkin: Aye; Siemon: Nay; Arbach: Aye; Schilling: Aye; and Martin: Aye. The motion was adopted.

**EMERGENCY MANAGER/WEED SUPERVISOR:**

Shannon Thompson met with the board to inform them that there will be a weather spotter class sometime in April. She also provided them with a quote she received from Warne Chemical on a new pickup sprayer. She stated she is still waiting on another quote and will meet with them when she obtains it.

**ADJOURNMENT:**

 Siemon moved and Schilling seconded that the Board of County Commissioners adjourn until the hour of 9:00 a.m. March 24, 2015. Voting Aye: 5; Nay: 0.

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**DENIS ARBACH, CHAIRPERSON**

**ATTEST:**

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**REBECCA KREIN, AUDITOR**

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