March 27, 2014

9:00 A.M.

**WALWORTH COUNTY BOARD OF COMMISSIONERS**

**MINUTES OF PROCEEDINGS**

The Walworth County Board of Commissioners met in scheduled session on March 27, 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, and Katie Zerr from the Mobridge Tribune.

Chairperson Arbach called the meeting to order.

The Pledge of Allegiance was recited by those in attendance.

Leff moved and Martin seconded that the minutes of the meeting of March 13, 2014 be approved. Voting Aye: 5; Nay: 0. The motion was adopted.

Pudwill moved and Leff seconded that the minutes of the meeting of March 14, 2013 be approved. Voting Aye: 5; Nay: 0. The motion was adopted.

**CLAIMS APPROVED:**

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

**COMMISSIONERS:** Lincoln National Life Ins – life insurance, $14.26; Marco Inc – maintenance contract, $7.03; Venture Communications Coop – phone service, $44.04;

**ELECTIONS:** Marco Inc – maintenance contract, $0.04;

**COURTS:** Marco Inc – maintenance contract, $0.60;

**AUDITOR:** Lincoln National Life Ins – life insurance, $13.26; Marco Inc – maintenance contract, $6.54; Midcontinent Communications – internet service, $18.13; Venture Communications Coop – phone & fax service, $76.02;

**TREASURER:** Lincoln National Life Ins – life insurance, $13.26; Marco Inc – maintenance contract, $6.23; Midcontinent Communications – internet service, $13.13; Venture Communications Coop – fax & phone service, $77.74; ;

**STATES ATTORNEY:** Lincoln National Life Ins – life insurance, $13.26; Marco Inc – maintenance contract, $5.41; Midcontinent Communications – internet service, $13.13; Andrea L Sandmeier – blood alcohol draw, $60.00; The Teton Times – legal notice, $36.80; Venture Communications Coop – fax & phone service, 130.41; Stormy White Bull – mileage expense & subpoena, $35.54;

**COURTHOUSE:** Allegiant Emergence Services – verification collar, ansul valve stem, six year maintenance, service call, annual fire protection, $129.20; Lincoln National Life Ins – life insurance, $6.63; Stoick’s Food Center – batteries, $9.98;

**DOE:** Lincoln National Life Ins – life insurance, $19.89; Marco Inc – maintenance contract, $79.36; Midcontinent Communications – internet service, $13.13; NCRAAO/SDAAO Conference – registration Hoogeveen & Kahl, $560.00; Venture Communications – fax & phone service, $50.56;

**REGISTER OF DEEDS:** Lincoln National Life Ins – life insurance, $13.26; Marco Inc – maintenance contract, $2.42; Midcontinent Communications – internet service, $13.12; Venture Communications – fax & phone service, $51.27; Hal Systems Corp – systems support, $620.00;

**VETERANS SERVICE OFFICER:** Leo Rookey Jr – postage, $33.71;

**SHERIFF:** Lincoln National Life Ins – life insurance, $15.91; Marco Inc – maintenance contract, $2.98; Midcontinent Communications – internet service, $13.12; Pennington County – transport, $297.00; Slater Oil & LP Gas – gasoline 541 gal @ $3.31, $1790.71; Venture Communications Coop – phone & fax service, $107.85;

**JAIL:** Lincoln National Life Ins – life insurance, $48.40; Venture Communications Coop – fax, phone & internet service, $199.89;

**CORONER:** Regional Health DBA – morgue use, $406.00;

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

**SUPPORT OF POOR –** Marco Inc – maintenance contract, $2.42; Venture Communications Coop – fax & phone service, $24.05;

**EXTENSION:** Lincoln National Life Ins – life insurance, $6.63; Marco Inc – maintenance contract, $11.74; Midcontinent Communications – internet service, $13.12; Venture Communications Inc – phone service, $28.80;

**WEED CONTROL:**  Lincoln National Life Ins – life insurance, $4.31; Midcontinent Communications – internet service, $13.12;

**RD & BR:** Lincoln National Life Ins – life insurance, $59.67; Marco Inc – maintenance contract, $0.07;

**FIRE PROTECTION:** Akaska Fire Department – grant, 3 fires @$50.00, $650.00; Glenham Fire Department – grant, 9 fires @ $50, $950.00; Hoven Fire Department – grant, 1 fire @ $50, $300.00; Mobridge Fire Department – grant, 8 fires @ $50, $900.00; Selby Fire Department – grant, 2 fires @$50, $600.00;

**SOLID WASTE:** Americinn – lodging Badten, $156.00; Ryan Badten – meal expense, $51.00; Goldstar Products – freight charges, wasp spray, $641.40; Great Western Tire Inc – 2 tires recycle trailer, $302.00; Lincoln National Life Ins – life insurance, $26.52; Marco Inc – maintenance contract, $0.15; SDAEP – 2014 membership renewal, Hazmat refresher course, $115.00; Slater Oil & LP Gas – heating fuel 420 gas @ $1.62 - $680.40; Trux Route Management – annual maintenance & update, $1260.00;

**ADVANCE TAX FUND:** Walworth County Treasurer – advance taxes, $2092.15;

**5 COUNTY TV DISTRICT FUND:** FEM Electricity Assoc – electricity, $81.25; Marco Inc – maintenance contract, $1.44; B S St Clair – preparing & filing of STA form, $100.00;

**TREASURER:**

Deputy Treasurer Pat Berens tendered her resignation. Godkin moved to accept the resignation. Motion failed due to lack of a second. Discussion following revealed that Berens was no longer satisfied with her position and had found employment elsewhere. Leff moved and Godkin seconded a motion to accept the resignation of Pat Berens. Voting Aye: 5; Nay: 0. The motion was adopted.

NSF checks were discussed. It was discovered that a NSF check received in 2011 was beyond the time frame for prosecution. All NSF checks going forward will be turned over to the States Attorney immediately.

Martin moved and Godkin seconded to hire 2 new full time employees and to give authorization to Treasurer Pudwill to advertise for these job openings. Voting Aye: 5; Nay: 0. The motion was adopted.

**EQUALIZATION:**

The dates of April 16 and April 23, 2014 have been set for the County and Consolidated Board of Equalization.

**DIRECTOR OF EQUALIZATION:**

Further discussion was held on the topics that had been discussed at the previous meeting regarding the Director of Equalization Office. Commissioner Martin stated that at the time of the last discussion he was not aware that Weed & Pest/Deputy Assessor/Planning & Zoning Officer Roger Walker was going to retire. He stated that after 6 months the office is making progress but suggests that it not be delayed for another year. Director Kahl stated that Mobridge has an active market. She referred to 2 South Dakota Codified Laws that reiterated some of the legislative constraints that the office has worked under for a number of years. Commissioner Martin said that he has visited other offices and is well aware of what happens in these offices and what the office should look like. He feels that the office needs to hire another full time employee. Commissioner Martin would like to outsource residential properties in Mobridge and Selby using a “drive-by” appraisal method. The cost for this would be approximately $102000. He estimates that this would be approximately $80000 over the current budget and that the money could be obtained from a Landfill surplus account. Kahl stated that if we were to outsource she would rather outsource elevators, farms with large grain handling systems and other unique commercial properties to Vanguard Appraisals, who have experts in appraising these types of properties, and have access to the entire region to support their cost estimates. Martin moved and Pudwill seconded a motion to advertise for a full time position in the Director of Equalization Office. Voting Aye: 5; Nay: 0. The motion was adopted. Martin moved and Godkin seconded to approve overtime pay as needed for the remainder of 2014 for the current employees in the Director of Equalization Office. Voting Aye: 3; Nay: 2. The motion was adopted. Outsourcing appraisals was again discussed and Martin stated that he thought that Anita Harrison of Mobridge would be a logical choice for this job. Martin moved that the county outsource the drive by appraisal of approximately 2500 residential properties at a cost of approximately $80000 to $90000. The motion died for lack of a second.

**EXECUTIVE SESSION:**

Leff moved and Pudwill seconded to enter into executive session at 10:00 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 10:03 a.m.

**COMMISSION DISTRICT #5:**

The candidates for appointment to Commission District 5 now held by Don Leff introduced themselves.

After a paper ballot vote was taken Pudwill moved and Martin seconded to appoint David Siemon. Voting Aye: 5; Nay: 0. The motion was adopted.

**HIGHWAY & LANDFILL ISSUES:**

Highway Superintendent Goetz reported to the board that last fall we had a contract to crush gravel at the Gloria Keller pit. Ray Lewis has contacted Superintendent Goetz and told her that the county would not be allowed to crush gravel at that site. Attorney Gellhaus has sent a letter stating that his clients are not going to honor the agreement. States Attorney Hare stated that we do have an agreement which both the Highway Superintendent and the County Commission would like to keep.

Leff moved and Godkin seconded to advertise a bid letting for gravel crushing for April 22, 2014 at 10:15 am. Voting Aye: 5; Nay: 0. The motion was adopted.

Leff moved and Godkin seconded to allow Goetz to purchase off the Edmunds County bid for road oil. Voting Aye: 5; Nay: 0. The motion was adopted.

Landfill Superintendent Badten stated that the City of Mobridge has requested that a disposal fee of $4028.94 from the city be waived. He states that the County has already refused to waive that fee for the town of Glenham and feels that we need to keep things fair. The Board regretfully declined the request.

**WEED & PEST ISSUES:**

The Commissioners discussed the possibility of appointing Emergency Management Director Adam Fiedler as the Weed and Pest Supervisor. Martin stated that he spoke with Fiedler and he stated that he felt he would be able to handle both positions. Martin moved and Godkin seconded to offer Adam Fiedler the position of Weed and Pest Supervisor. Voting Aye: 5; Nay: 0. The motion was adopted.

**SHERIFF& JAIL ISSUES:**

Pudwill moved and Leff seconded to accept the resignation of full time jailer Daniel Hardison effective April 7. Voting Aye: 5; Nay: 0. The motion was adopted.

Leff moved and Pudwill seconded to sign a contract with HKG in the amount of $35000 for their assistance in bringing information about the jail renovation to the public. Voting Aye: 4; Nay: 1. The motion was adopted.

Leff moved and Pudwill seconded to declare the 2003 Impala to be sold by sealed bids. Voting Aye: 4; Nay: 0. The motion was adopted.

**BREAK:**

At this time the Commission took a brief break and Commissioner Godkin excused himself from the remainder of the meeting

**OLD BUSINESS:**

It was reported to the Commission that the auditor from Legislative Audit has not completed the audit as of this date. He had to go to Brown County for a few days and will be back. It was reported that the Treasurer’s audit was almost complete and there may be an adjustment to the cash amount, but that the adjustment was not material and he may still find the amount as he continues with the audit

**NEW BUSINESS:**

Discussion was held concerning the manner in which some employees are being treated by Commissioner Martin. It was stated that a person in his position should not be treating employees as he has been. Commissioner Martin stated that he believes that everyone needs to be held accountable. Commissioner Leff stated that a number of Department Heads feel threatened by the manner in which they have been treated.

**ADJOURNMENT:**

Pudwill moved and Martin seconded that the Board of County Commissioners adjourn until the hour of 9:00 a.m. April 8, 2014. Voting Aye: 4; Nay: 0. The motion was adopted.

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**DENIS ARBACH, CHAIRPERSON**

**ATTEST:**

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**REBECCA KREIN, AUDITOR**

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