June 6, 2014

**WALWORTH COUNTY BOARD OF COMMISSIONERS**

**MINUTES OF PROCEEDINGS**

The Walworth County Board of Commissioners met in scheduled session on June 6, 2014 at 9:00 a.m. at the County Courthouse. Members present were: Denis Arbach, Richard Godkin, Duane Martin, Phylliss Pudwill and David Siemon. 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.

Pudwill moved and Godkin seconded that the minutes of the meeting of May 20, 2014 be approved. Voting Aye: 5; Nay: 0. The motion was adopted.

**CLAIMS APPROVED:**

Godkin 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, $21.00; City of Mobridge – water service 324 5th Ave W, $10.50; Gary Snow & Associates – asbestos inspection – Java, $514.80; Richard Godkin – mileage expense, $31.08; Marco Inc – maintenance contract, $51.78; Duane Martin – mileage expense, $31.08; Mobridge Tribune – equalization proceedings, official proceedings, & subscription, $619.61; Quill Corporation – paper & supplies, $28.60; Selby Record – maintenance on private roads, equalization proceedings, official proceedings, & TV official proceedings, $909.57; David Siemon – mileage expense, $31.08

**ELECTIONS:** Janine Arbach – election school, precinct superintendent, & mileage expense, $194.40; Marjorie Arbach – precinct deputy & mileage expense, $137.22; Patti Baumann – mileage expense, $31.08; Laurel Berens – election school, precinct deputy, & mileage expense, $163.50; Arlys Brown – election school & precinct superintendent, $152.50; Joline Buechler – election school, precinct superintendent, & mileage expense, $161.84; Diane Droog – precinct deputy, $130.00; Election Systems & Software – election services, coding & audio services, & layout services, $1,567.61; Jacquelyn Fiedler – precinct deputy, $125.00; Dennis L. Fonkert – election school, precinct superintendent, & mileage expense, $160.54; Mary Gonzales – election school, precinct deputy, & mileage expense, $153.88; Dorothy Hettich – tabulating board, $30.00; Tanny Huffman – tabulating board, $30.00; Lou Ann Ingle – precinct deputy, $140.00; Jane E. Sorensen – election school & precinct deputy, $145.00; Lorraine Kightlinger – resolution board, $30.00; Marilyn Kormendy – tabulating board, $30.00; Rebecca Krein – mileage expense, $85.10; Betty Lawrence – election school, precinct superintendent, & mileage expense, $159.80; Audrey Lesmeister – election school & precinct deputy, $145.00; Lind’s Hardware – supplies, $9.63; Gail Lindskov – precinct deputy, $125.00; Lois S. Olson – election school, precinct superintendent, & mileage expense, $161.65; Jane Looyenga – election school & precinct deputy, $145.00; Marco Inc – maintenance contract, $14.09; Boyd Miller – election school, precinct superintendent, & mileage expense, $177.20; Mobridge Tribune – voter instructions, voter registration deadline, polling places, equipment tested, & sample ballots, $597.99; Quill Corporation – index system, binders, & paper, $61.31; Marlys Rau – precinct deputy & mileage expense, $135.36; Elsie Rueb – election school & precinct deputy, $152.50; Marilyn Schlekeway – election school, precinct deputy, & mileage expense, $159.80; Devonne N. Schuh – election school & precinct superintendent, $140.00; Selby Record – election workers, deadline: voter registration, notice of election, voting rights, testing tabulation equipment, & sample ballots, $240.64; Donna Sherwood – election school & precinct deputy; $ 145.00; Shirley Masteller – election school, precinct deputy, & mileage expense, $ 169.98; Shirley Olson – election school, precinct deputy, & mileage expense, $159.90; Leonora Ann Simon – precinct deputy & mileage expense, $ 129.07; Stoicks Food Center – supplies, $8.16; Tiffany Holder – mileage expense, $15.54; Rebecca Walth – tabulating board, $30.00; Jeanette Weiland – election school, precinct superintendent, & mileage expense, $162.76; Jerry Weischedel – election school, precinct superintendent, & mileage expense, $ 159.80; Doris Weiszhaar – election school, precinct deputy, & mileage expense, $ 160.54; Elsie Wohl – election school, precinct deputy, & mileage expense, $154.80; Lois Wolf – election school, precinct deputy, & mileage expense, $155.92

**COURTS:** Kristi A Brandt – services & fees, $ 182.60

**AUDITOR:** Connecting Point – endpoint protection (2), $56.00; Dakota Radio Group – job line, $20.83; Marco Inc – maintenance contract, $6.66; Midcontinent Communications – internet service, $13.13; Quill Corporation – paper, hanging files, toner, & USB drive, $220.20

**TREASURER:** A&B Business Inc – supplies, $54.59; Connecting Point – endpoint protection (3), $84.00; Dakota Radio Group – job line, $20.83, Marco Inc – maintenance contract, $4.14; Midcontinent Communications – internet service, $13.13; Mobridge Tribune – 1st half taxes due, $258.22; Quill Corporation – paper, $1.17

**STATES ATTORNEY:** A&B Business Inc – maintenance contract, $408.74, Connecting Point – endpoint protection (2), $56.00; Marco Inc – maintenance contract, $2.23; Midcontinent Communications – internet service, $13.13, Mobridge Regional Hospital – blood alcohol draw, $325.00; Quill Corporation – ink cartridge, $84.99; SD Department of Revenue – blood toxicology screen, $235.00; Stoicks Food Center – batteries, $10.14

**COURT APPOINTED ATTORNEY:** Vickie S. Broz Krause – services & fees, $456.10; Dakota Plains Legal Services – services & fees, $369.75; Christopher R. Jansen – services & fees, $1,492.25

**ABUSED CHILD DEFENSE:** Von Wald Law Offices – services & fees, $1,125.69

**COURTHOUSE:** Cam Wal Electric Cooperative – ballast repair: 2-F96, $50.20; City of Selby – water & sewer service, $85.78; Kens Western Lumber – power strip, bulbs, & supplies, $129.19; Menards – entry knob, $13.87; Montana-Dakota Utilities – natural gas & electricity, $1,045.78; Quill Corporation – bath tissue & supplies, $56.36; Reuer Sanitation Inc – garbage service, $95.00; Servall Uniform & Linen – mops & mats, $35.97; Kurt A. Wolf – lawn care, $775.00

**DIRECTOR OF EQUALIZATION:** Connecting Point – endpoint protection: (3), $84.00; Lucky’s Gas & More – gasoline, $25.02; Marco Inc – maintenance contract, $11.99; Midcontinent Communications – internet service, $13.13; Quill Corporation – paper, $87.11

**REGISTER OF DEEDS:** Connecting Point – endpoint protections: (3), $84.00; Dakota Radio Group – job line, $20.83; Marco Inc – maintenance contract, $6.32; Midcontinent Communications – internet service, $13.12; Mobridge Tribune – deputy position ad, $190.80; Quill Corporation – paper, $1.64; Selby Record – Help Wanted Ad, $24.00

**VET SERVICE OFFICER:** Quill Corporation – toner, $52.10

**SHERIFF:** AT&T Mobility – laptop internet & cell phone service, $195.21; Communications Center Inc – install computer: IMPALA & CROWN VIC, $387.50; Midcontinent Communications – internet service, $13.12; PSECO – replace transmitter battery, $45.00; Runnings Supply Inc – spray paint, $15.57; Selby Auto Sales & Service – oil change: CROWN VIC, $42.80; Western Communications Inc – radio service, $21.60

**JAIL:** Alco Stores Inc – groceries & cleaning supplies, $142.28; City of Selby – water & sewer service, $136.13; Connecting Point – endpoint protection: (1), $28.00; Dakota Radio Group – job line, $20.84; Family Pharmacy Inc – glucose & RX: 63001236, $33.98; Imberi Appliance Service – repair: washer, dryer, & dishwasher, $125.00; Lind’s Hardware – supplies & light bulbs, $25.96; Merkel’s Foods – supplies, personal care items, groceries, cleaning products, & paper products, $1,490.37; Mobridge Gas Company – whirlpool dishwasher, $596.00; Montana-Dakota Utilities – electricity & natural gas, $678.57; Josh Nelson – uniform pants, $43.94; Servall Uniform & Linen – mops & rugs, $43.19; Stoicks Food Center – groceries & cleaning products, $13.03; Vilas Health & Variety – RX:63001351 & RX:63001248, $41.53

**EMERGENCY & DISASTER:** AT&T Mobility – cell phone service, $10.18

**SUPPORT OF POOR:** Avera Health Service – insurance premium: 14-A, $191.38; Marco Inc – maintenance contract, $0.04; Quill Corporation – ink cartridge, paper, & prongs, $121.77; Shorty’s One Stop – gasoline: 63001339, $5.00

**EXTENSION:** Jenna Malsom –May mileage expense, $115.44; Marco Inc – maintenance contract, $1.77; Midcontinent Communications – internet service, $13.12; Quill Corporation – paper & ink cartridge, $117.76

**WEED CONTROL:** AT&T Mobility – cell phone service, $10.94; Connecting Point – endpoint protection: (1); $28.00; Gempler’s – safety clothes, bibs, & jacket, $127.65; Marco Inc – maintenance contract, $0.08; Midcontinent Communications – internet service, $13.12; Mobridge Tribune – position opening, $101.76; Quill Corporation – wireless mouse, $28.20; Runnings Supply Inc – supplies & hand sprayer, $36.87; Selby Record – help wanted ad, $12.00; Shorty’s One Stop – gasoline, $80.56; Western Communications Inc – radio service, $8.80

**RD & BR:** Cam Wal Cooperative – electricity at Hoven shop, $51.56; Central Diesel Sales Inc – supplies: T-6 & T-7, $230.44; City of Java – water & sewer at Java shop, $18.00; City of Mobridge – water & sewer at Mobridge shop, $42.37; City of Selby – water & sewer service, $69.71; Dakota Radio Group – job line; $20.83; Fire Safety First – annual inspection & recharges, $191.75; Jensen Rock & Sand Inc – cold mix: 28.35T @ 125T, $3,543.75; John Deere Financial – oil, $347.70; K & K Auto Parts Inc – supplies: T-134, $22.00; Ken’s Western Lumber – supplies, $2.00; Lucky’s Gas & More – gasoline, $33.24; Marco Inc – maintenance contract, $0.21; Mobridge Tribune – equipment operator ad & private roads hearing, $216.61; Montana-Dakota Utilities – electricity at Mobridge, Selby, & state shops, $272.01; North Central Farmers Elevator – fuel, $1,296.18; North Star Energy LLC – propane, $63.00; Reuer Sanitation Inc – garbage service, $35.00; Runnings Supply Inc – paint, $10.98; Selby Auto Sales & Service – supplies, battery: T-134, hydraulic ends, choke cable, floor dry, filters, & belt: TR-130, $325.20; Selby Record – help wanted ad & notice of intent to mine, $50.66; Servall Uniform & Linen – towels & mats, $41.96; Shorty’s One Stop – gasoline, $1,087.55; Stoicks Food Center – bath tissue, $22.17; Team Lab – shipping & road patch, $843.50; Thompson’s Trucks & Autos LLC – wheel alignment: T-130; $55.00; Valley Telecommunications – cell phone service, $39.99; Walworth County Treasurer – mailing fee: TR:104, license fee: TR:104, & title fee: TR-104, $14.00; West River Telecommunications – phone service at Mobridge shop, $31.45; Western Communications Inc – radio service; $135.90

**SOLID WASTE:** Blue Tarp Financial – freight, drum racks, nozzles, trash pump, & plasma cutters, $2,011.01; Butler Machinery Co – supplies, precleaner, filters, wiper blades, couplings, & hose & seal, $1,878.26; Cam Wal Electric Cooperative – electricity, $172.22; Dakota Radio Group – clean up days & job line, $220.84; Farmans Genuine Parts – oxygen cylinder refill & shop towels, $99.24; Fire Safety First – annual inspection & recharges, $45.00; Lind’s Hardware – PVC pipe fittings, $22.45; Marco Inc – maintenance contract, $0.44; Matheson Tri-Gas Inc – welding wire, $66.47; Mobridge Tribune – clean up days, job opening, & equipment operator, $715.50; North Central Farmers Elevator – fuel: 760.6 GAL @ 3.2541, $2,475.07; Quill Corporation – paper, $0.24; Real Tuff Inc – ¼ plate steel, $416.00; Runnings Supply Inc – supplies, pipe fittings, suction hose, & tire sealant, $263.36; SD Dept. of Environment – tonnage fee, $1,867.00; Selby Record – clean up days, recycling ad, & help wanted ad, $159.00; Servall Uniform & Linen – mats, $38.06; Sheehan Mack Sales & Equipment – Volvo loader, $245,875.00; Shorty’s One Stop – gasoline, $102.33; Valley Telecommunications – phone & internet services, $83.51; Western Communications Inc – radio service; $9.30

**PARTIAL PYMTS FUND:** Tannekia Williams – partial payment: T Williams, $2,705.55

**5 COUNTY TV DISTRICT FUND:** Cam Wal Electric Cooperative – electricity @ Java #1 & #2, $898.27; Fem Electric Assoc. – electricity, $73.49; Sid Haux – Roscoe Tower: AT&T, Java 1: move antenna, cell phone service, & mileage expense, $582.66; Haux TV Inc – weather connectors, cable ties, & copper cable, $227.40

**SDACO M&P FUND:** M&P remittance, $134.00

As required by SDCL 6-1-10, the May payroll paid by department was as follows: Commissioners - $6,359.40; Auditor - $8,129.94; Treasurer - $7,388.72; States Attorney - $11,818.41; Courthouse - $115.97; Director of Equalization - $9,271.61; Register of Deeds - $10,146.10; Veterans Service Officer - $1,182.59; Sheriff - $14,136.98; Jail - $32,186.70; Emergency & Disaster - $1,454.02; Poor - $150.70; Extension - $2,183.93; Weed & Pest - $2,390.21; Road & Bridge - $45,276.00; Solid Waste - $16,054.22; 5 County TV Translator District - $1,033.44.

**EXECUTIVE SESSION:**

Siemon moved and Martin seconded to enter into executive session per SDCL 1-25-2(2) regarding a personnel matter at 9:03 a.m. Voting Aye: 5; Nay: 0. The motion was adopted. Chairperson Arbach declared the executive session ended and the board reconvened in regular session at 9:34 a.m.

**WEED & PEST SUPERVISOR/EMERGENCY MANAGER:**

Weed & Pest Supervisor/Emergency Manager Shannon Thompson met with the board to discuss problems she is having with the spraying equipment. The equipment is old and not working properly. She mentioned to the board that it might be more sufficient to purchase a side by side from Federal Surplus. The board questioned whether an ATV and a pickup were both necessary. Thompson will do some more checking into options available and meet with the board at a later date.

**EXTENSION OFFICE:**

4-H advisor Jenna Malsom met with the board regarding Brenda DeToy’s hours in her office. She stated DeToy was putting a large amount of hours in for the State’s Attorney’s office and would like to see 50% of her time be used for Extension. They have more enrolled in 4-H at this time which requires more hours. She will also be needing a new computer for the office and the board agreed that the cost could be split between Extension, Poor and State’s Attorney budgets since she works for all three.

**ALCOHOLIC BEVERAGE LICENSE RENEWALS:**

Martin moved and Pudwill seconded to approve the Uniform Alcoholic Beverage License Renewal Applications for Mudline Adventures LLC and Bridge City Marina and Resort Inc. Voting Aye: 5; Nay: 0. The motion was adopted.

**TEMPORARY LIQUOR LICENSE:**

Thomas Keller wrote a letter to the board requesting a temporary liquor license for the night of August

9th, 2014 for a wedding reception to be held at Schirber’s 2nd Addition Lot 3 in 13-124-80. Martin questioned why the county would want to get involved in this and after some discussion Godkin moved and Siemon seconded to authorize publishing the notice of hearing for the license request. Voting Aye: 4; Nay: 1. The motion was adopted.

**TAX DEED PROPERTIES:**

Martin moved and Siemon seconded to allow Chairperson Arbach to sign the deeds for the tax properties that were sold April 29th, 2014. Voting Aye: 5; Nay: 0. The motion was adopted.

**SHERIFF AND JAIL ISSUES:**

Sheriff Mohr presented his monthly reports to the board.

Mohr requested that the old dishwasher at the jail that does not work any longer and would cost just as much to fix as purchasing a new one be declared surplus to be destroyed. Siemon moved and Godkin seconded to allow the request and have the dishwasher hauled to the landfill. Voting Aye: 5; Nay: 0. The motion was adopted.

Sheriff Mohr presented a letter of retirement from full-time Jailer Saundra Mitzel. Siemon moved and Martin seconded to accept the letter of retirement. Voting Aye: 5; Nay: 0. The motion was adopted.

Sheriff Mohr requested that the Commission appoint Chief Deputy Josh Boll to fill the remainder of his term of office ending in June since he was the successful candidate in the Primary Election. Godkin moved and Siemon seconded to appoint Boll and pay him the minimum pay according to statute. Voting Aye: 5; Nay: 0. The motion was adopted.

**R.A.C. APPOINTMENT:**

Pudwill moved and Godkin seconded to appoint Kayley Cartmill to the Regional Aging Council board as a representative from Walworth County. Voting Aye: 5; Nay: 0. The motion was adopted. Pudwill also stated that at this time the R.A.C. board is currently trying to get transportation to take elderly and disabled to medical appointments as needed.

**ABATEMENTS:**

Pudwill moved and Martin seconded to approve an abatement for record 2397 in the amount of $807.84 for owner occupied status filed after the deadline. Voting Aye: 5; Nay: 0. The motion was adopted.

Siemon moved and Godkin seconded to approve an abatement for record 5822 in the amount of $2499.64 due to a computer error in figuring the assessment. Voting Aye: 5; Nay: 0. The motion was adopted.

**GOOD SAMARITAN CENTER:**

Kayley Mitleider and Paula Holzer met with the board to request $5000.00 to help with the cost of turning the assisted living portion of the nursing home into a rehabilitation facility. Martin stated that this corporation is very successful and does not see how we can use taxpayer dollars to donate to a private owned facility. Pudwill suggested to write a written request and this issue could be addressed at budget time.

**LANDFILL ISSUES:**

Landfill Supervisor Ryan Badten met with the board and provided them his county clean up day’s results. The cost was down from previous years since K&K Auto now accepts appliances.

Badten also presented the purposed tipping fee schedule for 2015. The schedule includes an increase of $2.00 per ton. Martin moved and Siemon seconded to approve the increase effective January 1st 2015. Voting Aye: 5; Nay: 0. The motion was adopted.

Badten requested that the Landfill be closed on July 5th for the holiday weekend. Siemon moved and Pudwill seconded that the Landfill be closed July 5th, 2014. Voting Aye: 5; Nay: 0. The motion was adopted.

Badten requested that the board approve hiring Bryce Hepper as a part-time temporary employee at the Landfill for the summer at a wage of $9.00 per hour with a start date of June 9th, 2014. Godkin moved and Martin seconded to approve the hiring. Voting Aye: 5; Nay: 0. The motion was adopted.

Badten informed the board that some repairs will be needed to the Landfill’s scraper and the cost might be as high as $15,000.00.

**COURTHOUSE MAINTENANCE:**

Martin informed the board that he spoke with Johnson Controls regarding the air conditioning units in each office. One of the offices needed a new compressor which the cost would be 2200.00. Johnson Controls stated that the units are outdated and would be hard to get parts for them. The cost of a new unit is 5500.00. The board feels we should start replacing the units as needed. Martin moved and Siemon seconded to allow Auditor Krein

to sign purchase agreements for these situations as they arise. Voting Aye: 5; Nay: 0. The motion was adopted.

**ZONING:**

Director of Equalization Kahl informed the board that we have a plat that needs to be approved by the Zoning board. At this time we do not currently have a zoning administrator. The board suggested she contact Harley Overseth to arrange a meeting for June 16th at 9:00 a.m.

**CANVAS OF PRIMARY ELECTION:** Pudwill moved and Siemon seconded to certify the votes from the Primary Election to the Secretary of State’s office. Voting Aye: 5; Nay: 0. The motion was adopted.

**RIVERVIEW ROAD:**

Members of the South Riverview Road District and several residents from North Riverview road were in attendance asking for a response to the request made at the May 20th meeting for maintenance on the North and South Riverview roads. Highway Superintendent Goetz stated that these roads are not on the county system and that the county cannot take business away from private entities. The District brought up the petition for complete road with individual private driveways and South Riverview is a Road District. Martin stated that these roads are no different than Shirber Drive or Spring Lake developments and the county does not maintain them either. Paul Jordre stated that his part of the road used to be maintained by the county and questioned when the county gave up the road. There was some discussion on annexing the road. State’s Attorney Hare will look into the situation further and get back to the District.

**TAX DEED PROPERTY:**

State’s Attorney Hare met with the Mobridge City Council and discussed the tax deed property at 306 2nd Ave W, in Mobridge. The property is not salvageable and the City agreed to tear down the property and split the costs with the County. Siemon moved and Pudwill seconded to go ahead with the project. Voting Aye: 5; Nay: 0. The motion was adopted.

**COUNTY OWNED PARK:**

State’s Attorney Hare also informed the Commissioners that we own part of a park located in the City of Mobridge that was taken for tax deed years ago. The park is located in Lots 7, 8 & 9 Draeger’s Addition to Mobridge. Martin moved and Siemon seconded to deed the property to the City of Mobridge so the county will not be liable for anything on the property. Voting Aye: 5; Nay: 0. The motion was adopted.

**NOTICE TO VACATE ROAD:**

The board received petitions signed by the taxpayers that own the property on Spiry Street, located in the S1/2 SW1/4, 21-124-79 to vacate the street. Martin moved and Pudwill seconded to authorize publishing the notice of hearing to vacate the street. Voting Aye: 5; Nay: 0. The motion was adopted.

**PARTIAL PAYMENTS:**

Tannekia Williams met with the board to discuss getting a refund of monies that she had in the partial payment fund in the treasurer’s office. She was working on buying the house with a contract for deed and the deal fell through. Since the property was not in her name and the money was not receipted in Martin moved and Godkin seconded to allow the refund and to include the payment in the claims presented to be paid today. Voting Aye: 5; Nay: 0. The motion was adopted.

**SUSPENSION:**

Godkin moved and Siemon seconded to suspend Brenda DeToy for one week without pay for misinformation she stated at a district meeting that was defamatory and incorrect about the Auditor’s office. Also for looking through files when the Auditor was away at meetings. And along with the suspension he stated that she owes the office an apology. Martin stated that he feels strongly that this is an overreach for the Commission to try and control conversation outside of the work environment, Pudwill disagreed. Voting Aye: 4; Nay: 1. The motion was adopted.

**ADJOURNMENT:**

Pudwill moved and Martin seconded that the Board of County Commissioners adjourn until the hour of 9:00 a.m. June 17, 2014. Voting Aye: 5; Nay: 0. The motion was adopted.

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**DENIS ARBACH, CHAIRPERSON**

**ATTEST:**

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**REBECCA KREIN, AUDITOR**

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