July 1, 2014

**WALWORTH COUNTY BOARD OF COMMISSIONERS**

**MINUTES OF PROCEEDINGS**

The Walworth County Board of Commissioners met in scheduled session on July 1, 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.

Martin moved and Siemon seconded that the minutes of the meeting of June 17, 2014 be approved. Voting Aye: 5; Nay: 0. The motion was adopted.

Pudwill moved and Martin seconded that the minutes of the meeting of June 24, 2014 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:** Denis Arbach – mileage expense, $120.25; Richard Godkin – mileage expense, $31.08; Lincoln National Life Insurance – life insurance, $14.26; Marco Inc. – maintenance contract, $4.64; Duane Martin – mileage expense, $31.08; Selby Record – vacate street, beverage license, & official proceedings, $424.71; David Siemon – mileage expense, $46.62

**ELECTIONS:** Marco Inc – maintenance contract, $54.17

**COURTS:** Kristi A Brandt – services & fees, $227.60

**AUDITOR:** Lincoln National Life Insurance – life insurance, $13.26; Marco Inc – maintenance contract, $11.81; Midcontinent Communications – internet service, $13.12

**TREASURER:** A&B Business Inc – paper, $9.00; Lincoln National Life Insurance – life insurance, $13.26; Marco Inc – maintenance contract, $5.84; Midcontinent Communications – internet service, $13.12

**STATES ATTORNEY:** Connecting Point – networking, $172.50; Dakota Bank – subpoena: document retrieval, $19.00; Lincoln National Life Insurance – life insurance, $13.26; Midcontinent Communications – internet service, $13.12; Mobridge Regional Hospital – blood alcohol draw, $195.00; Mobridge Tribune – legal notices, $41.71; SD Department of Revenue – blood alcohol screen, $35.00; Venture Communications Coop – phone service, $121.26

**COURT APPOINTED ATTORNEY:** Laurie M. Bauer – services & fees, $322.75;Vaughn P. Beck – services & fees, $130.50; Vickie S. Broz Krause – services & fees, $2,532.10; Dakota Plains Legal Services – services & fees, $217.50; Christopher R. Jansen – services & fees, $1,804.50; Mark K. Kroontje – services & fees, $565.12

**ABUSED CHILD DEFENSE:** Dakota Plains Legal Services – services & fees, $587.25;Von Wald Law Offices – services & fees, $2.916.99

**COURTHOUSE:** Johnson Controls Inc – repair: air conditioner of judges & extension, $5773.30; Kens Western Lumber – wood for flowerbed, $16.60; Lincoln National Life Insurance – life insurance, $6.63; Montana-Dakota Utilities – natural gas & electricity, $777.59; Quill Corporation – glass cleaner, $22.97; 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 – elite 800 computer, office 2013 software, & registrations of Kahl & Hoogeveen, $1,090.00; Jill Hoogeveen – meal & mileage expenses, $100.12; Deborah Kahl – meal expense, $35.00; Lincoln National Life Insurance – life insurance, $21.88; Marco Inc – maintenance contract, $7.04; Midcontinent Communications – internet service, $13.12; SDAAO – tuition for Kahl & Hoogeveen, $600.00; Selby Oil Company – oil change and tire rotation, $54.05; Shorty’s One Stop – gasoline, $32.94; Vanguard Appraisals Inc – software, $5,024.00; Venture Communications Coop – phone service, $51.22

**REGISTER OF DEEDS:** American Stamp & Marking Product – seal impression inker, $58.97; Lincoln National Life Insurance – life insurance, $13.26; Marco Inc – maintenance contract, $2.94; Midcontinent Communications – internet service, $13.13; Venture Communications Coop – phone service, $56.06

**VET SERVICE OFFICER:** NONE

**SHERIFF:** AT&T Mobility – cell phone service, $189.48; Connecting Point – cleanup computer, networking, desktop switch, networking, & endpoint protection, $1,281.00; Fedex – shipping fees, $11.47; Tami Hogie Lorenzen – mileage expense & instructor fee, $203.00; Lincoln National Life Insurance – life insurance, $15.91; Midcontinent Communications – internet service, $13.13; Ron’s Repair – oil change, $36.95; Selby Oil Company – oil change, $35.60; Slater Oil & LP Gas – gasoline: 539 gal @ 3.369, $1,815.89; Venture Communications Coop – phone & fax service, $109.95; Western Communications Inc – radio service, $21.60

**JAIL:** Alco Stores Inc – bath towels, $46.93; Alcopro – PBT mouthpiece, $115.00; Avera Medical Group – medical care: 63001316, $87.42; Dash – latex gloves, $139.60; Lincoln National Life Insurance – life insurance, $61.66; Merkel’s Foods – supplies, personal care items, OTC medications, groceries, cleaning products, & paper products, $1,117.82; Montana-Dakota Utilities – natural gas & electricity, $678.21; Reliance Telephone Systems – repair: telephone/rewire jack & telephone hand set, $575.00; Selby Ambulance Service Inc – medical care: 63001361, $224.43; Servall Uniform & Linen – mops & rugs, $39.36; Shorty’s One Stop – groceries, $7.17; Venture Communications Coop – internet, phone, & fax services, $182.09; Vilas Health & Variety – RX: 63001363 & 63001121, $195.64

**CORONER:** Stout Enterprises LLC DBA – transport service, $750.00

**EMERGENCY & DISASTER:** AT&T Mobility – cell phone service, $33.59; Communications Center Inc – install radio, $231.30; Lincoln National Life Insurance – life insurance, $6.63; Shannon Thompson – mileage expense, $121.36

**SUPPORT OF POOR:** NONE

**EXTENSION:** Lincoln National Life Insurance – life insurance, $6.63; Jenna Malsom –mileage expense, $80.66; Marco Inc – maintenance contract, $5.94; Midcontinent Communications – internet service, $13.13; Montana-Dakota Utilities – electricity @ livestock barn, $25.72; Stoicks Food Center – supplies for achievement days, $24.60

**WEED CONTROL:** AT&T Mobility – cell phone service, $33.60; Lincoln National Life Insurance – life insurance, $6.63; Marco Inc – maintenance contract, $1.70; Midcontinent Communications – internet service, $13.13; Shorty’s One Stop – gasoline, $462.62; Van Diest Supply Company – herbicides & flushing solution, $8,152.50; Warne Chemical & Equipment Co – shipping & solenoid valves, $365.50; Western Communications Inc – radio service, $8.80

**PLANNING & ZONING:** Selby Record – zoning meeting, $9.50

**INDUSTRIAL DEVELOPMENT:** City of Mobridge – grant to other entity, $10,000.00

**RD & BR:** Butler Machinery Co – supplies, $17.15; City of Java – water service, $18.00; Farnams Genuine Parts – supplies & towels, $156.03; Fire Safety First – annual inspection @ Hoven shop, $32.00; GTC Auto Parts – freight, labor, kit, hammer, & plate, $285.36; Lacal Equipment Inc – skid shoes: mower, $1,048.96; Lincoln National Life Insurance – life insurance, $46.41; Marco Inc – maintenance contract, $0.17; Montana-Dakota Utilities – electricity @ Mobridge shop, Selby shop, & State shop, $226.05; Morris Inc – culvert: CO RD 236C, $101,190.23; North Central Farmers Elevator – fuel & gasoline, $1,820.21; North Star Energy LLC – propane: patching, $183.00; Quill Corporation – supplies & ink cartridges, $175.41; Reuer Sanitation Inc – garbage service, $35.00; Runnings Supply Inc – supplies, fuel pump, & utility trailer, $1,493.12; Selby Auto Sales & Service – battery: T-111, tensor/belt, & bulb, $204.00; Selby Oil Company – tire repair & tube: portable sign, $19.50; Selby Record – help wanted ad, $24.00; Servall Uniform & Linen – towels & mats, $42.40; Shorty’s One Stop – gasoline, $1,296.90; Team Lab – graphite, $109.50; Western Communications Inc – radio service, $135.90

**SOLID WASTE:** Butler Machinery Co – starter: #63 & core charge, $912.48; Diamond Vogel – painting supplies & paint, $287.24; Fire Safety First – recharge & chemical, fire extinguisher bracket, & fire extinguisher, $122.55; Lincoln National Life Insurance – life insurance, $26.52; Lind’s Hardware – supplies, angle grinder, & painting supplies, $119.56; Marco Inc – maintenance contract, $0.65; Menards – cleaning supplies & sandblast bags, $163.10; North Central Farmers Elevator – fuel: 600 gal @ 3.41, $2,046.00; Runnings Supply Inc – supplies, painting supplies, & grinder brush, $62.75; Selby Record – help wanted ad, $18.00; Shorty’s One Stop – gasoline, $188.52; Tri State Water – water service, $16.20; Web Water Development – water service, $60.37; Western Communications Inc – radio service, $9.30

**PARTIAL PYMTS FUND:** NONE

**5 COUNTY TV DISTRICT FUND:** Fem Electric Assoc. – electricity, $77.98; Sid Haux – labor: 10 hrs. @ 20.00, cell phone service, & mileage expense, $419.41; Marco Inc – maintenance contract, $1.26; Matt Keller Construction LLC – pick up & transport building, $183.60; Sioux Falls Tower – repairs: antenna @ Java site, $4,251.25; Kurt A. Wolf – mowing services: 2 times, $60.00

**SDACO M&P FUND:** NONE

As required by SDCL 6-1-10, the June payroll paid by department was as follows: Commissioners - $6,385.29; Auditor - $10,232.85; Treasurer - $10,610.44; States Attorney - $12,515.70; Courthouse - $2,147.60; Director of Equalization - $12,640.90; Register of Deeds - $5,800.57; Veterans Service Officer - $1,172.90; Sheriff - $18,238.32; Jail - $41,182.01; Coroner - $80.74; Emergency & Disaster - $1,143.09; Poor - $271.44; Extension - $2,057.66; Weed & Pest - $3,258.58; Road & Bridge - $45,076.00; Solid Waste - $19,612.14; 5 County TV Translator District - $1,033.44.

**PUBLIC FORUM & VISITORS:**

Randall Stotz and Jerry Heupel were in attendance from the South Riverview Road District regarding the problems with the District minutes referring to Auditor Krein and Brenda DeToy. They asked the Commissioners why they got involved with the matter. They stated that DeToy did not make the comments in the minutes and that it was just a discussion held at their meeting that they wanted the rest of the District to know about. The letter from Krein’s Attorney stated that according to SDCL 31-12A-23. A road district’s board of trustees has the obligation to provide the county auditor with information concerning “the amount of any charges, and interest and penalties on the charges, for road district service rendered or made available to any land within part of the district…” All of the references made by DeToy are defamatory and incorrect. Stotz assured the board that DeToy did not state the items that the original minutes stated and they would like to see her suspension without pay reversed as the minutes have been revised to remove any of the discussion involving Krein. Krein informed Stotz that had she been on the ballot for the election this incorrect information mailed out could have had a negative impact on her campaign in the election. Stotz stated that they would like to apologize to Krein and DeToy for the incorrect information in the original minutes and move on from the situation.

**TEMPORARY LIQUOR LICENSE:**

Residents of Schirber Drive were in attendance requesting a temporary liquor license for the 9th of August at the Roger Thorstenson residence for a wedding reception. Thorstenson provided a signed document from 10 residents surrounding the property stating they had no problem with the license. Gary Fliehs provided the board with a copy of the covenants for property on Schirber Drive. There were also questions including security and whether this is a retail venture. Sheriff Boll stated they have had no issues on Schirber Drive. Fliehs brought up the ongoing problem with location of rights of way and road. Boll stated that he stated there have been no criminal issues, and that the survey questions were a civil matter. Godkin moved to approve the license for August 9, 2014. Motion died for lack of a second.

**ROAD VACATION:**

Resolution #14-11 was presented to the Commission regarding a petition to vacate a road just outside city limits east of Mobridge in an area behind businesses located along Highway 12. A copy of this resolution is available at the office of the Walworth County Auditor. Godkin moved and Pudwill seconded to approve the Resolution. Voting Aye: 5; Nay: 0. The motion was adopted.

**SHERIFF & JAIL ISSUES:**

Marske & Morris met with the commission for discussion about jail renovation, remodel and addition. A great deal of discussion was held on financing options. Morris recommends an opt out to give the county a greater amount of control. He would also like a resolution about how many beds would be added. This jail facility would be run as a business. Commissioner Martin stated that the voters will decide on this issue in November. There will possibly be public informational meetings in August, September and October.

Godkin moved and Pudwill seconded to approve the resignation of a jailer effective on July 5, 2014. Voting Aye: 5; Nay: 0. The motion was adopted.

**EXECUTIVE SESSION:**

Pudwill moved and Godkin seconded to enter into executive session per SDCL 1-25-2(2) regarding a personnel

matter at 11:14 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 11:22 a.m.

Martin moved and Godkin seconded to pay overtime to Class B jailers rather than having them accrue comp time starting July 27th, 2014. The compensatory time already accrued will not be paid out. Voting Aye: 5; Nay: 0. The motion was adopted.

Sheriff Boll reported that the dirt work has not yet been completed at the jail.

**EXECUTIVE SESSION:**

Siemon moved and Godkin seconded to enter into executive session per SDCL 1-25-2(2) regarding a personnel

matter at 11:38 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 11:46.

**SHERIFF & DEPUTY SALARY:**

Godkin moved and Martin seconded to set the pay for Sheriff Boll at $47825.03.

Siemon moved and Godkin seconded to set the salary for the chief deputy at $41600 per the request of Sheriff Boll. Martin moved and Godkin seconded to amend the motion to set the salary from $37000 to $41600 based upon qualifications. Siemon moved and Martin seconded to approve the motion as amended. Voting Aye: 5; Nay: 0. The motion was amended.

**EXECUTIVE SESSION:**

Godkin moved and Martin seconded to enter into executive session per SDCL 1-25-2(2) regarding a personnel matter at 11:59 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 12:00 noon.

**HIGHWAY AND LANDFILL ISSUES:**

Godkin moved and Pudwill seconded to approve the hiring of Darin Van Well as a full time employee of the County Highway Department with a starting wage of $16.22 with a $.50 upon successful completion of a 6 month probationary period. Voting Aye: 5; Nay: 0. The motion was adopted

David Weleba contacted Goetz regarding a culvert near his home that he stated failed during the recent heavy rains. It was decided that there was not a problem with the culvert itself, such as being plugged. It was just too much rain too fast.

**INDIGENT FUNERAL:**

Pudwill moved and Godkin seconded to pay the funeral expenses for indigent claim 14-1. Voting Aye: 4; Nay: 1. The motion was adopted.

**OLD BUSINESS:**

Martin moved and Godkin seconded to resell a tax deed property that has not been paid for. Voting Aye: 5; Nay: 0. The motion was adopted.

Commissioner Siemon reports that he has been in contact with Ted Dickey from NEGOG for grant funds that may be available for acquiring weed spraying equipment.

**SUSPENSION:**

Martin moved and Siemon seconded to reinstate pay for suspended employee, Brenda DeToy, for the week she was suspended and to offer an apology from the Commission for acting in haste. Arbach stated he just wanted the matter to come to an end. A roll call vote was called for. Voting Aye: Martin, Arbach and Siemon. Voting Nay: Pudwill and Godkin. The motion was adopted.

**ADJOURNMENT:**

Siemon moved and Martin seconded that the Board of County Commissioners adjourn until the hour of 9:00 a.m. July 15, 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**

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