October 8, 2103

9:00 A.M.

**WALWORTH COUNTY BOARD OF COMMISSIONERS**

**MINUTES OF PROCEEDINGS**

The Walworth County Board of Commissioners met in scheduled session on October 8, 2013 at 9:00 a.m. at the County Courthouse. Members present were: Denis Arbach, Duane Martin, Don Leff and Phylliss Pudwill. Absent was Richard Godkin. Also present were Auditor Rebecca Krein, States Attorney Jamie 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.

Arbach moved and Martin seconded that the minutes of the meeting of September 24, 2013 be approved. Voting Aye: 4; Nay: 0. The motion was adopted.

**CLAIMS APPROVED:**

Martin moved and Arbach seconded that the following claims be paid. Voting Aye: 4; Nay: 0. The motion was adopted.

**GENERAL FUND:** Cardmember Service – postage, $450.00

**COMMISSIONERS:** Holiday Inn – lodging P Pudwill, lodging Duane Martin, lodging D Leff, lodging D Arbach, $782.91; Mobridge Tribune – insurance quotes, official proceedings, $291.25; NACO – membership dues, $450.00; Denis Arbach – meal expense, mileage expense, $353.43; Don Leff – meal expense, mileage expense - $240.58; Duane Martin – mileage expense, meal expense, lodging convention, $341.82; Phylliss Pudwill – meal expense, mileage expense, $224.30; Richard Godkin – mileage expense, $31.08; Selby Record – legal insurance quote, official proceedings, $146.58; Venture Communications – fax service, $93.89;

**COURTS:** Kristi Brandt – transcripts, $57.00;

**AUDITORS:** Cardmember Service – postage service charge, $6.25; Holiday Inn – lodging R Krein, $260.97; Quill Corporation – supplies, $13.25; Rebecca Krein – meal expense, mileage expense, $224.30; Venture Communications Coop – fax & phone service, $95.10;

**TREASURER:** Cardmember Service – postage service charge, $6.25; Holiday Inn- lodging G Pudwill, $260.97; Greg Pudwill – meal expense, mileage expense, $253.00; Venture Communications – fax & phone service, $95.66;

**STATES ATTORNEY:** Cardmember Service – postage service charge, postage, $16.60; Mobridge Tribune – termination hearing, $52.61; SD Continuing Legal Education – additional discs, Fastcase annual subscription, $550.00; The Teton Times – notice of summons, $20.80; Venture Communications Coop – phone service, $123.40;

**COURT APPOINTED ATTORNEY:** Laurie M Bauer, $84.00; Vickie S Broz Krause - $218.40; Dakota Plains Legal Service, $672.00; William D Gerdes, $405.00; Christopher Jansen, $1092.00;

**ABUSED CHILD DEFENSE:** Dakota Plains Legal Service, $483.00; Von Wald Law Offices, $1639.99;

**COURTHOUSE:** Cardmember Service – paper towels, $31.50; City of Selby – water & sewer service, $128.81; Menards – supplies, $7.55; Montana Dakota Utilities – electricity, natural gas, $718.96; Quill Corporation – cleaning products, bathroom tissue, $130.72; Reuer Sanitation – garbage service, $95.00; Kurt A Wolf – lawn care, $725.00;

**DOE:** Cardmember Service – postage service charge, $6.25; Quill Corporation – toner $563.97; Shorty’s One Stop – gasoline, $48.35; Venture Communications Coop – phone service, $52.10;

**REGISTER OF DEEDS:** Cardmember Service – postage service charge, $6.25; Holiday Inn – lodging Eisemann, $260.97; Bankwest – safe deposit box rent - $75.00; Sue Eisemann – meal expense, $38.00; Venture Communications – phone & fax service, $49.32;

**VETERANS SERVICE OFFICER:** West River Telecommunications – phone service, $38.21;

**SHERIFF:** Cardmember Service – postage service charge, supplies, $8.08; Matthew Bender & Co Inc. – SD Crim & Traffic Law Manual - $58.24; Pennington County – transport, $133.80; AT&T Mobility – cell phone service, $120.62; Joshua Boll – meal expense, $78.00; Connecting Point – internet problems, $200.00; Fed Ex – shipping, $11.47; Venture Communication – phone & fax service, $130.41; Western Communications Inc. – radio maintenance, $21.60;

**JAIL:** Cardmember Service – groceries, $59.50; Mobridge Medical Clinic – medical care, $43.61; City of Selby – water & sewer service, $135.89; Family Pharmacy Inc. – prescription, $21.67; Karl’s TV & Appliance – service charge refrigerator, $14.37; Lind’s Hardware – can openers, $27.38; Merkel’s Foods – supplies, personal care items, groceries, cleaning products, paper products, $1165.50; Montana Dakota Utilities – electricity, natural gas, $1050.51; Servall Uniform & Linen Supply – mop & rug rental, $37.63; Shorty’s One Stop – groceries, $4.99; Stoicks Food Center – groceries, $268.98; Venture Communications Coop – internet, phone & fax service, $220.89;

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

**SUPPORT OF POOR:** Cardmember Service – postage service charge, $6.24; Venture Communications – phone service, $24.83;

**EXTENSION:** Cardmember Service – postage service charge, $6.25; Jenna Malsom – supplies, State Fair parking & entry fee, mileage expense, $115.87; Venture Communications Inc. – phone service, $26.36;

**WEED CONTROL:**  Shorty’s One Stop – gasoline, $485.67; Western Communications Inc. – radio maintenance, $8.80;

**RD & BR:** Cardmember Service – gasoline, $64.81; Butler Machinery Co – repair, supplies, filter, $1694.59; City of Java – water service, $18.00; City of Mobridge – water & sewer service, $43.44; City of Selby – water & sewer service, $76.42; Dakota Oil – supplies, $494.40; GTC Auto Parts – supplies, $52.99; John Deere Financial – supplies, $19.95; Lucky’s Gas & More – fuel 6500 gal @3.139, $20403.50; Montana Dakota Utilities – electricity state shop, electricity Mobridge shop, electricity Selby shop, $349.52; North Central Farmers Elevator – fuel 6000 gas $3.37, fuel, gasoline, $21681.23; Newman Traffic Signs – traffic signs, $1727.59; North Central Rental & Leasing – return freight packer, $353.92; Quill Corporation – supplies, toner, $227.16; Reuer Sanitation – garbage service, $35.00; Running’s Supply Inc. – supplies, $33.65; Selby Auto Sales & Service – supplies, battery BC1, $212.68; Shorty’s One Stop – gasoline, $894.58; Stoicks Food Center – supplies, $19.98; Venture Communications Coop – phone service Java, internet service, phone & fax service, $251.77; Western Communications Inc. – radio maintenance, $135.90;

**COMMUNICATION CENTER:** Walworth County Treasurer – 911 surcharge, $7880.25;

**SOLID WASTE:** Cardmember Service – supplies, lodging D Weleba, lodging R Badten, $405.26; American Technical Services – permeability tests, $1550.00; Butler Machinery Co – elements, filters, $913.06; Farnams Genuine Parts – supplies, battery L-700 - $339.94; Lucky’s Gas & More – gasoline, $120.26; North Central Farmers Elevator – fuel 700 gal @3.3706, $2359.42; Quill Corporation – supplies, toner, $207.96; Running’s Supply Inc. – supplies, discharge hose, utility fabric, $731.42; SD Dept. of Environment – solid waste surcharge, $1237.00; Shorty’s One Stop – gasoline, $102.97; Web Water Development – water service, $54.89; Western Communications Inc. – radio maintenance, $9.30; **STATE ACCOUNT FUND:** SD Department of Revenue – ROD & vital records, $1060.00; SD Department of Revenue – motor vehicle fees, $74463.06;

**PARTIAL PAYMENTS FUND:** Walworth County Treasurer – partial payments, $5124.94;

**5 COUNTY TELEVISION DISTRICT FUND:** CAM WAL Electric Cooperative – electricity Java 2, electricity Java 1, $946.21; FEM Electric Assoc – electricity, $74.92; Sid Haux – cell phone service, $21.40; mileage expense, $282.95;

**REGIONAL E911 FUND:** AT & T – access charges, $151.36; West River Telecommunications – internet supplies, phone service, access charges$183.12; Chris Supply Co Inc. – supplies, $389.48; Craig J Imberi DBA – Norton 2013 program, $329.99; Radisson Hotel Bismarck – lodging M Carlson, lodging T Fischer, lodging B Johnson, lodging Jungwirth, $1294.92; Venture Communications Coop – database updates, access charges, 2 headsets & 10 earpieces, $721.53;

**WEST PAYMENT CENTER:** information charges - $1921.50;

**SDACO M & P FUND:** M & P remittance, $174.00

As required by SDCL 6-1-10, the September payroll paid by department was as follows: Commissioners - $6,232.05; Auditor - $8,389.75; Treasurer - $9,957.41; States Attorney - $12,585.70; Courthouse - $2,026.38; Director of Equalization - $12,824.31; Register of Deeds - $8,688.32; Veterans Service Officer - $1,138.74; Sheriff - $14,813.98; Jail - $35,583.71; Emergency & Disaster - $1,929.08; Poor - $774.72; Extension - $1,629.12; Weed & Pest - $4,677.34; Zoning - $118.98; Road & Bridge - $47,555.29; Solid Waste - $19,242.40; 5 County TV Translator District - $1,033.44.

**MONTHLY TREASURER’S REPORT:**

**TREASURER’S MONTHLY FINANCIAL REPORT TO COUNTY COMMISSIONERS**

**WALWORTH COUNTY, SOUTH DAKOTA**

**AUGUST 31, 2013**

NSF CHECKS $162.12

BANKWEST SAVINGS $3,631,910.90

WELLS FARGO SAVINGS $0.00

GREAT WESTERN BANK $33,343.39

CASH IN OFFICE $1,737.58

CHECKS IN OFFICE $16,641.58

INVESTMENTS – CERT OF DEPOSIT $2,250,000.00

LANDFILL POST CLOSURE $360,712.13

LANDFILL CELL CLOSURE $264,493.20

SOUTH DAKOTA FIT $4,435.75

CONSTRUCTION BOND SAVINGS $0.00

CLERKS OF COURTS TRUST $0.00

TOTAL $6,563,436.65

**SEPTEMBER 30, 2013**

NSF CHECKS $162.12

BANKWEST SAVINGS $3,225,949.13

WELLS FARGO SAVINGS $0.00

GREAT WESTERN BANK $33,343.39

CASH IN OFFICE $1,596.20

CHECKS IN OFFICE $83,909.97

INVESTMENTS – CERT OF DEPOSIT $2,250,000.00

LANDFILL POST CLOSURE $360,712.13

LANDFILL CELL CLOSURE $264,493.20

SOUTH DAKOTA FIT $4,435.75

CONSTRUCTION BOND SAVINGS $0.00

CLERKS OF COURTS TRUST $0.00

TOTAL $6,224,601.89

**EXECUTIVE SESSION:**

Arbach moved and Leff seconded to enter into executive session per request of Auditor Rebecca Krein at 9:16 a.m. for the purpose of discussing a personnel issue as per SDCL 1-25-2 (1). Voting Aye: 4; Nay: 0. The motion was adopted.

Chairperson Pudwill declared the executive session ended and the board reconvened in regular session at 9:29 a.m.

**EMERGENCY MANAGEMENT:**

Emergency Manager Adam Fiedler informed the board that Walworth County was awarded a grant for $19,460.00 for a weather warning siren to be installed at New Evarts Resort.

Fiedler requested that the burn ban be lifted. Arbach moved and Leff seconded to temporarily lift resolution WC2013-06. Voting Aye: 4; Nay: 0. The motion was adopted.

Fiedler also stated that the fire chiefs would like to enforce the burn ban more when it is active and make sure that residents that do not abide by the ban be prosecuted. The resolution currently states: Any person that maintains, commits or fails to abate a public nuisance as required under the provisions of this resolution shall be subject to a maximum penalty of thirty (30) days in jail, a $500 fine, or both. Each and every day that the violation continues may constitute a separate offense. The costs for suppressing any fire, including response fees, mutual aid assistance from other agencies or fire departments, reimbursement to governments for suppression efforts and compensation to the firefighters for time lost from their employment, are borne directly by the individual or individuals responsible for setting the fire. Fiedler will get all the fire chiefs together to discuss options for further enforcement of the burn ban.

**COUNTY LEASE LAND:**

Discussion was held on possibly selling the land that the county owns and leases out yearly. Auditor Krein pointed out that this could make our surplus cash larger and at this time we do not need the funds.

**RESOLUTIONS & ORDINANCES:**

**RESOLUTION WC2013-14**

Be it resolved by the Walworth County Board of Commissioners that the Plat of Tract 3 Cheskey Addition to Walworth County in the E2SE4 Section 6, T 122N, R 76W be approved. Voting Aye: 4; Nay: 0. The motion was adopted.

**RESOLUTION WC2013-15**

Be it resolved by the Walworth County Board of Commissioners that the Plat of Tract 1 Vogele Addition to Walworth County in the E2SW4 Section 11, T 121N, R 75W be approved. Voting Aye: 4; Nay: 0. The motion was adopted.

**DENIED ASSISTANCE CLAIMS:**

Leff moved and Martin seconded to sign the notice of appeal from Robert Nelson, Attorney for Avera St. Luke’s for claims that the county denied paying due to lacking qualifications for county assistance.

**LAWN CARE CONTRACT:**

Leff moved and Arbach seconded to authorize Auditor Krein to publish the 2014 Lawn Care Contract bid request. Voting Aye: 4; Nay: 0. The motion was adopted.

**RDO EQUIPMENT:**

Jeree Meyers met with the board to inform them that RDO Equipment does have equipment available for the county to purchase, and John Deere does not only handle agriculture.

**HIGHWAY & LANDFILL ISSUES:**

Goetz reported that crushing has been completed at both pits with 73,000 ton being crushed.

Culvert work is being completed at 2 separate locations. She plans on completing 2 more culvert projects yet this fall.

Goetz is going to speak with some contractors about quotes to fix the dip on the sale barn road.

**MONTHLY SHERIFF’S REPORT:**

Sheriff Mohr provided his monthly report to the board.

Arbach moved and Leff seconded to hire Cheryl McGovern-Tulp as a certified part time jailer at $11.65 per hour. She will have a 6 month probationary period. Voting Aye: 4; Nay: 0. The motion was adopted.

Sheriff Mohr reported that the U.S. Marshalls are not using Walworth County to hold prisoners at this time due to poor jail conditions.

Sheriff Mohr informed the board that the upstairs heating system in the jail is not working.

Jailers have requested that they receive overtime pay instead of compensatory time. No action was taken at this time.

Sheriff Mohr stated that Blackburn Basements Co. thinks there should be pillars put in. They feel that mud jacking would not work. The quote for putting pillars in was $35,100. Commissioner Martin does not think it’s necessary. He stated that the moisture problems originate from 50’ out from the jail. The entire yard slopes toward the jail up to 6”. Martin had made arrangements to have work done for under $2000. Commissioner Arbach does not feel that this is a job for the County Highway Department and feels the equipment that the Highway department has is too large for this project. Martin still wants the Highway Department to do the work, reporting that Goldsmith and Heck would do the flagging so the work could be completed properly. Martin moved and Arbach seconded that Goldsmith and Heck go ahead and do the planning and flagging and that the backfill project proceed with assistance from the County Highway Department, allowing for the rental of a Bobcat when needed. Voting Aye: 3; Nay: 1. The motion was adopted.

Sheriff Mohr reported that the old jail won’t last much longer. Leff moved and Arbach seconded to begin working with Toby Morris & HKG Architects to look at financing and building a new 54 bed detention center. Commissioner Martin stated that he believes we need a rehabilitation center more than a detention center. Commissioner Leff called for a vote. Voting Aye: 4; Nay: 0. The motion was adopted.

**EXECUTIVE SESSION:**

Arbach moved and Pudwill seconded to enter into executive session at 10:54 a.m. for the purpose of discussing a personnel issue as per SDCL 1-25-2(1). Voting Aye: 4; Nay: 0. The motion was adopted.

Chairperson Pudwill declared the executive session ended and the board reconvened in regular session at 11:00 a.m.

Deputy Boll reported that the Brennan Group has contacted him about their bill. They stated that they had sent a bill to the county and it was sent back. The County did not receive a bill. Discussion was held and a decision was made upon advice of States Attorney Hare that the county will wait to hear from the Brennan Group themselves and a decision would be made at that time.

**NEW BUSINESS:**

Benjamin Stoick requested information concerning what properties qualified for the discretionary assessment formula resulting in a five year lowered assessment plan for new commercial type properties. He was informed that the assessor will research the question.

Commissioner Leff will check on the status of the Veterans Service Officer computer.

**ADJOURNMENT:**

Arbach moved and Leff seconded a motion that the Board of County Commissioners adjourn until the hour of 9:00 a.m. on Tuesday, October 22, 2013. Voting Aye: 4; Nay: 0. The motion was adopted.

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**PHYLLISS PUDWILL, CHAIRPERSON**

**ATTEST:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**REBECCA KREIN, AUDITOR**

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