December 2, 2014

**WALWORTH COUNTY BOARD OF COMMISSIONERS**

**MINUTES OF PROCEEDINGS**

The Walworth County Board of Commissioners met in scheduled session on December 2, 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.

Siemon moved and Pudwill seconded that the minutes of the meeting of November 18, 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, registration, $126.74; City of Mobridge – water service 306 2nd Ave W, $10.50; Richard Godkin – mileage expense, $31.08; Marco Inc – maintenance contract, $5.02; Duane Martin – mileage expense, $31.08; Mobridge Tribune – lawn care/snow removal bids, official proceedings, $318.02; Quill Corporation – name plate, $26.99; Selby Record – notice of hearing, official proceedings, $256.39; David Siemon – mileage expense, $31.08;

**ELECTIONS:** Marco Inc – maintenance contract, $16.59; Selby Record – paper, $12.25

**COURTS:** Kristi A Brandt – transcripts, $180.20;

**AUDITOR:** Best Western Ramkota Hotel **–** lodging, $97.99; Marco Inc – maintenance contract, $6.04; Midcontinent Communications – internet service, $13.13; Quill Corporation – supplies, $14.97;

**TREASURER:** Marco Inc – maintenance contract, $4.08; Midcontinent Communications – internet service, $13.13;

**STATES ATTORNEY:** Connecting Point – computer, software, $1475.00; Gilmer County Sheriff’s Dept – service of process, $50.00; Marco Inc – maintenance contract, $71.75; Midcontinent Communications – internet service, $13.13;

**COURT APPOINTED ATTORNEY:**

**ABUSED CHILD DEFENSE:** Dakota Plains Legal Services **-** court appointed attorney fees, $543.75; Von Wald Law Offices – court appointed attorney fees, $2003.49;

**COURTHOUSE:** Montana Dakota Utilities – electricity, natural gas, $1080.73; Reuer Sanitation Inc – garbage service, $95.00; Kurt A Wolf – snow removal contract, $775.00;

**DIRECTOR OF EQUALIZATION:** Marco Inc – maintenance contract, $7.07; Midcontinent Communications – internet service, $13.13; Shorty’s One Stop – gasoline, $62.20;

**REGISTER OF DEEDS:** Marco Inc – maintenance contract, $5.69; Midcontinent Communications – internet service, $13.12; Reliable Office Supplies – toner, supplies, $125.44;

**VET SERVICE OFFICE:** West River Telecommunications – phone service, $33.07;

**SHERIFF:** AT & T Mobility – cell phone service, $197.60; Connecting Point – software, labor, parts, travel, $1160.00; Droog’s Auction Service – auction flyers, $25.00; Marco Inc – maintenance contract, $.18; Midcontinent Communications – internet service, $13.12; Quill Corporation – envelopes, $84.96; Shorty’s One Stop – pizza, $27.54; Slater Oil & LP Gas – gasoline 475 gals @2.892, $1373.70; Western Communications Inc – radio maintenance, $21.60;

**JAIL:** Jordan Anderson – meal expense, $47.00; Kari Beaman – meal expense, supplies, $79.98; Family Dollar – supplies, groceries, cleaning products, $133.40; Ken’s Western Lumber – supplies, $76.15; Merkel’s Foods – supplies, OTC medications, groceries, cleaning products, paper products, $1211.10; Mobridge Medical Clinic – medical care, $137.18; Montana Dakota Utilities – electricity, natural gas, $685.61; Rieker Electric – repair dryer, $160.00; Servall Uniform & Linen – mops, rugs, $21.99; Stoick’s Food Center – supplies, groceries, $62.55;

**EMERGENCY & DISASTER:** AT&T Mobility – cell phone service, $33.92; Midcontinent Communications – internet service, $6.56; Quill Corporation – name plate, $13.50;

**SUPPORT OF POOR:**

**MENTAL ILLNESS BOARD:**

**EXTENSION:** A&B Business Inc – calendar, $22.95; Jenna Malsom – mileage expense, meal expense, lodging, $186.33; Midcontinent Communications – internet service, $13.12;

**WEED CONTROL:** AT&T Mobility – cell phone service, $33.91; Marco Inc – maintenance contract, $1.23; Midcontinent Communications – internet service, $6.56; Quill Corporation – name plate, $13.49; Shannon Thompson – registration, $15.00; Western Communications Inc – radio maintenance, $8.80;

**RD & BR:** Butler Machinery Co – supplies, $1074.52; Central Diesel Sales Inc – supplies, $536.87; City of Java – water service @ Java shop, $18.00; City of Mobridge – water & sewer @ Mobridge shop, $42.35; Great Western Tire Inc – supplies, $1877.20; GTC Auto Parts – supplies, $17.20; John Deere Financial – supplies, $331.86; Ken’s Western Lumber – supplies, $5.99; Lucky’s Gas & More – fuel 3000 gals @3.53, $10590.00; Marco Inc – maintenance contract, $.09; Mobridge Tribune – snow removal, $127.20; Montana Dakota Utilities – Selby shop, state shop, Mobridge shop, $216.35; North Central Farmers Elevator – gasoline, fuel, $3535.67; Quill Corporation – supplies, $243.18; Reuer Sanitation Inc – garbage service, $35.00; SD Department of

Transportation – bridge inspection, $891.75; Selby Auto Sales & Service – supplies, $257.00; Selby Oil Company – repair tire, $12.00; Selby Record – snow removal, $12.00; Shorty’s One Stop – gasoline, $651.11; Valley Telecommunications – cell phone service, $39.99; Western Communications Inc – radio maintenance, $135.90;

**COMMUNICATION CENTER:** City of Mobridge – 911 fees, $53869.96;

**SOLID WASTE:** Americinn – lodging, $110.40; Farnams Genuine Parts – supplies, $214.28; Lucky’s Gas & More – gasoline, $281.54; Marco Inc – maintenance contract, $.42; Real Tuff Inc – supplies, $137.85; Runnings Supply Inc – supplies, drill bit, valve for barrel, $144.23; SD Dept of Environment – solid waste surcharge, $971.00; Servall Uniform & Linen – mats, $35.56; Sheehan Mack Sales & Equipment – engine oil, filters, $1081.72; Shorty’s One Stop – gasoline, $150.91; Standing Rock Sanitation – waste tire shredding, $8750.00; Tri State Water – water service, $18.10; Valley Telecommunications – internet service, phone service, $89.62; Web Water Development, water service, $46.83; Western Communications Inc – radio maintenance, $9.30;

**5 COUNTY TV DISTRICT FUND:** Fem Electric Assoc. – electricity, $82.67; Marco Inc – maintenance contract, $.74;

**SDACO M&P FUND:** M&P remittance, $158.00

As required by SDCL 6-1-10, the November payroll paid by department was as follows: Commissioners - $6,359.40; Auditor - $7,976.05; Treasurer - $8,993.93; States Attorney - $12,182.32; Courthouse - $1,694.34; Director of Equalization - $10,574.34; Register of Deeds - $8,181.33; Veterans Service Officer - $1,172.89; Sheriff - $15,336.31; Jail - $40,123.42; Emergency & Disaster - $2,674.39; Poor - $437.31; Extension - $1,525.99; Weed & Pest - $1,727.27; Road & Bridge - $42,688.99; Solid Waste - $16,595.94; 5 County TV Translator District - $1,033.44.

**EMERGENCY MANAGEMENT:**

Shannon Thompson met with the board regarding completion of her probation period. Pudwill stated that she has done a good job. As discussed upon hiring Godkin moved and Siemon seconded to raise her annual salary to 35,000.00. Voting Aye: 5; Nay: 0. The motion was adopted.

At the re quest of Thompson due to regulations Martin moved and Pudwill seconded to allow Chairperson Arbach to sign a no change form regarding the designated emergency shelters. Thompson hopes to implement more shelters in the future as at this time there is only Sherr-Howe Arena. Voting Aye: 5; Nay: 0. The motion was adopted.

**NECOG:**

Eric Senger from NECOG and David Skaggs from DOT met with the board to explain a program that is currently available to all counties for site analysis studies to determine where land is available for dairy farms or agriculture business development sites. There are many regulations that have to be met to be approved including a 40 acre minimum. The sites will not be made public and the landowners will be advised they have a location that qualifies and if they have an interest in selling if a company would like to place something in this area they will be put on a list to be contacted. If they have no interest they will not be contacted again. The resolution to approve this study will be considered at the next meeting.

Pudwill moved and Martin seconded to approve the joint cooperative agreement with NECOG for 2015. Voting Aye: 5; Nay: 0. The motion was adopted.

**LANDFILL:**

 Siemon moved and Martin seconded to declare a Delta Drill Press, Dewalt Metal Chop Saw, CPS Refrigerant Scale and Brother Printer surplus to be destroyed as the items no longer function properly. Voting Aye: 5; Nay: 0. The motion was adopted.

Martin moved and Godkin seconded to open a money market account for the cell closure funds required by SDDENR. At this time these funds are in cd’s and the DENR is not a signer on them. As a requirement the money market account will allow for them to be added to the account as required by law. Voting Aye: 5; Nay: 0. The motion was adopted.

Siemon moved and Godkin seconded to adopt resolution 2014-16 financial assurance mechanism for Walworth County Landfill. Voting Aye: 5; Nay: 0. The motion was adopted.

RESOLUTION 2014-16

FINANCIAL ASSURANCE MECHANISM FOR WALWORTH COUNTY LANDFILL

 IT IS HEREBY AGREED between the State of South Dakota Department of Environment and Natural Resources, hereinafter referred to as DENR, and Walworth County, South Dakota, as follows:

 WHEREAS, Walworth County operates the Walworth County Landfill, a regional solid waste disposal facility, as an enterprise fund in compliance with all Federal Subtitle D regulations and State of South Dakota laws and rules; and

 WHEREAS, EPA 40 CFR Part 258 and the Administrative Rules of South Dakota (ARSD) 74:27:16 establish financial assurance requirements and mechanisms for local government owners and operators of municipal solid waste landfill facilities; and

 WHEREAS; ARSD 74:27:16:05 states the owner or operator may choose one or more of the following mechanisms to satisfy the provisions of the aforementioned chapter:

1. Trust fund;
2. Security Bond guaranteeing payment or performance;
3. Letter of credit;
4. Insurance; or
5. Cash; and

WHEREAS; it is in the best interest of the residents of Walworth County to choose cash (mechanism #5) as the means to satisfy the provisions of 40 CFR Part 258, ARSD 74:27:16 and South Dakota Codified Laws (SDCL) 34A-6-1.11 and 34A-6-1.12.

NOW, THEREFORE, it is mutually agreed as follows:

Walworth County shall deposit funds in a money market account at BankWest, Selby, SD, in an amount sufficient to assure performance of the obligations imposed by SDCL 34A-6 inclusive; and

Walworth County shall increase the funds in said account annually by the amount equal to the increased liability recognized each year hereafter; and

Walworth County shall only make withdrawals from the account after receiving written permission from the Secretary of the DENR, or the Secretary’s designee; and

DENR shall have access to the account at any time necessary to carry out its obligation if Walworth County fails in any part of its obligation, under SDCL 34A-6 and upon notification to Walworth County; and

Said account shall be specific to the Walworth County Landfill.

This agreement is binding upon the signatures hereto not as individuals but solely in the capacities as officials of their respective organizations and acknowledges proper action of Walworth County and DENR to enter into the same.

Pudwill moved and Martin seconded to adopt resolution 2014-17 allowing access to landfill financial assurance funds to the South Dakota Department of Environment and Natural Resources. Voting Aye: 5; Nay: 0. The motion was adopted.

RESOLUTION 2014-17

RESOLUTION ALLOWING ACCESS TO LANDFILL FINANCIAL ASSURANCE FUNDS

 IT IS HEREBY AGREED between the State of South Dakota Department of Environment and Natural Resources and Walworth County, South Dakota:

 WHEREAS; Walworth County operates the Walworth County Landfill and intends to deposit funds associated with its financial assurance mechanism in a money market account through BankWest, Selby, SD; and

 WHEREAS; Walworth County is obligated, under State and Federal law, to allow the South Dakota Department of Environment and Natural Resources access to the aforementioned financial assurance funds should Walworth County default on its obligations.

 NOW, THEREFORE, it is mutually agreed that the money market account being used to fulfill the Walworth County Landfill’s financial assurance obligation shall hereinafter have both Walworth County and the South Dakota Department of Environment and Natural Resources as named parties on the account; both parties having access to the account upon prior written notice.

 This agreement is binding upon the signatories hereto, not as individuals but solely in their capacities as officials of their respective organizations.

**HIGHWAY ISSUES:**

Christine Goldsmith was in attendance regarding a bill Superintendent Goetz received for sanding on County road 314. The bill stated that Goetz requested the sanding and she stated she did not. Goldsmith requested that the board give her a couple weeks to put an agreement together on ways the county and city can handle these issues without any negative interaction.

Siemon moved and Godkin seconded to approve purchasing a Motor Grader in 2015 off of a Beadle County bid of $279,799.00 which will be a 7 year 7500 hour contract. Voting Aye: 5; Nay: 0. The motion was adopted.

**SHERIFF & JAIL ISSUES:**

**EXECUTIVE SESSION:**

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

matter at 10:28 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 10:31 p.m.

Deputy Sheriff Strickland requested pursuing quotes for mold removal and painting in the jail cells. Martin stated that bleach will kill mold that is visible and that they need to get a plan together of repairs that need to be completed after reviewing their budget for next year.

Martin complimented Strickland on the changes at the jail and said things seem to be a more professional setting and the booking process is much better.

**TEMPORARY PART-TIME EMPLOYEE:**

Martin moved and Godkin seconded to approve the wage of Ashia Chase at $12.00 per hour to assist as needed in the Auditor’s office. Voting Aye: 5; Nay: 0. The motion was adopted.

**PARTIAL PAYMENTS:**

Godkin moved and Martin seconded to allow partial payments of $200.00 per month for 523 6th Ave E, Mobridge. Voting Aye: 5; Nay: 0. The motion was adopted.

**ALCOHOLIC BEVERAGE LICENSES:**

Godkin moved and Pudwill seconded to approve the liquor license renewal application for Mudline Adventures, DBA New Evarts Resort. Voting Aye: 5; Nay: 0. The motion was adopted.

 Siemon moved and Godkin seconded to approve the liquor license renewal application for Mobridge Country Club. Voting Aye: 5; Nay: 0. The motion was adopted.

 Martin moved and Godkin seconded to approve the liquor license renewal application for Campground Lounge Voting Aye: 5; Nay: 0. The motion was adopted.

**OLD BUSINESS:**

Regarding the jail meeting, Dean Marske called and stated he was going to the other counties presenting the plan to their boards to see what kind of response he will get.

**ADJOURNMENT:**

Godkin moved and Martin seconded that the Board of County Commissioners adjourn until the hour of 9:00 a.m. December 16, 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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