April 21, 2015

**WALWORTH COUNTY BOARD OF COMMISSIONERS**

**MINUTES OF PROCEEDINGS**

The Walworth County Board of Commissioners met in scheduled session on April 21, 2015 at 9:00 a.m. at the County Courthouse. Members present were: Scott Schilling, Duane Martin, Jim Houck and Richard Godkin via telephone. Also present was Auditor Rebecca Krein.

Chairperson Schilling called the meeting to order.

The Pledge of Allegiance was recited by those in attendance.

Martin moved and Godkin seconded that the minutes of the meeting of April 7, 2015 be approved. Voting Aye: 3; Nay: 0. The motion was adopted.

Godkin moved and Martin seconded that the minutes of the meeting of April 14, 2015 be approved. Voting Aye: 3; Nay: 0. The motion was adopted.

**CLAIMS APPROVED:**

Martin moved and Godkin seconded that the following claims be paid. Voting Aye: 3; Nay: 0. The motion was adopted. Godkin left the meeting.

**COMMISSIONERS:** Lincoln National Life Ins – life insurance, $23.52; Venture Communications Coop – phone service, $45.32;

**COURTS:** West Payment Center – information charges, $2,118.46;

**AUDITOR:** American Stamp & Marking Inc – supplies, $17.11;Lincoln National Life Ins – life insurance, $14.26; Quill Corporation – toner, supplies, $231.78; Venture Communications Coop – phone, fax service, $61.35;

**TREASURER:** Lincoln National Life Ins – life insurance, $14.26; Nyla Moak – mileage, meal expense, $73.24; Venture Communications Coop – phone, fax service, $102.96;

**STATES ATTORNEY:** A&B Business Inc – supplies, $26.25; Lincoln National Life Ins – life insurance, $14.26; Mobridge Regional Hospital – blood alcohol draws, $195.00; SD Department of Revenue – ethyl alcohol, $210.00; Venture Communications Coop – phone service, $128.99;

**COURTHOUSE:** Cummins Central Power LLC – replace heater hoses, $118.67; Lincoln National Life Ins – life insurance, $7.13;

**DIRECTOR OF EQUALIZATION:** Lincoln National Life Ins – life insurance, $21.39; Reliable Office Supplies – paper, $109.44; Venture Communications Coop – phone, fax service, $54.76;

**REGISTER OF DEEDS:** Lincoln National Life Ins – life insurance, $14.26; Venture Communications Coop – phone, fax service, $60.53;

**VET SERVICE OFFICER:** West River Telecommunications – phone service, $40.01;

**SHERIFF:** A&B Business Inc – supplies, $33.98; ESEIND Inc – security system, installation, $275.40; Lincoln National Life Ins – life insurance, $21.39; LSQ Funding Croup LC – Omnixx Force Software fee, $744.00; Neve’s Uniforms Inc – flashlight holder, $18.27; Quill Corporation – receipt books, $54.95; Slater Oil & LP Gas – gasoline, $2,119.00; Venture Communications Coop – phone, fax service, $122.39;

**JAIL:** Cummins Central Power LLC – replace heater hoses, $89.52; Lincoln National Life Ins – life insurance, $59.89; Mobridge Medical Clinic – medical care, $65.50; Mobridge Tribune – help wanted ad, $56.40; Quill Corporation – ladder, vacuum, receipt books, supplies, $251.12; Venture Communications Coop – phone, fax, internet service, $203.45;

**EMERGENCY & DISASTER:** Lincoln National Life Ins – life insurance, $3.57; Shannon Thompson – mileage expense, $94.72; Venture Communications Coop – radio service, $30.10;

**SUPPORT OF POOR:** Venture Communications Coop – phone, fax service, $27.78;

**MENTALLY ILL:** Lewis & Clark Behavioral – services & fees, $160.00; SD Department of Revenue – services, $1200.00;

**DEVELOPMENTALLY DISABLED:** SD Department of Revenue – services, $60.00;

**MENTAL ILLNESS BOARD:** Blackburn & Stevens Prof LLC – mental illness hearing, $202.13; Dean Schaefer Court Reporting – court reporting, $12.00; Yankton County Treasurer – hearing, $86.75;

**EXTENSION:** Lincoln National Life Ins – life insurance, $7.13; Venture Communications Coop – phone service, $35.25;

**WEED CONTROL:** Lincoln National Life Ins – life insurance, $3.56;

**RD & BR:** Cam Wal Electric Cooperative – electricity @ Hoven Shop, $59.58; D-Ware Inc – registration, $100.00; Hoven Coop Service Company – fuel & gasoline, $932.80; John Deere Financial – supplies, $1.14; Lincoln National Life Ins – life insurance, $64.17; Montana-Dakota Utilities – electricity @ Java Shop, $23.50; Venture Communications Coop – phone @ Java Shop, internet, phone, fax service, $266.07;

**SOLID WASTE:** Lincoln National Life Ins – life insurance, $28.52;

**STATE ACCOUNT FUND:** SD Department of Revenue – Motor Vehicle, ROD & Vital Record fees, $208,654.96;

**PARTIAL PYMTS FUND:** Walworth County Treasurer – partial payments, $1,626.67;

**NORTHLAND TRUST SERVICES INC:**  Interest Payment, $150,317.50;

**SCHOOL DIST FUND:** Cortrust Bank – March 2015 apportionment - $34,733.63; Hoven School District – March 2015 apportionment, $15,955.65; Dacotah Bank – March 2015 apportionment, $148,675.01; Bank West – March 2015 apportionment, $102,424.80;

**CITIES AND TOWNS FUND:** City of Mobridge – March 2015 apportionment, $72,769.60; Bank West – March 2015 apportionment, $22,727.36; Dacotah Bank – March 2015 apportionment, $1,499.20; Bank of Hoven – March 2015 apportionment, 350.57;

**SALES/EXCISE TAX FUND:** SD State Treasurer – city sales tax, state sales tax, $77.72;

**5 COUNTIES TV DISTRICT FUND:** Sioux Falls Tower – repair lights, antenna, amp, $8,532.31;

**JAVA FIRE DIST FUND:** Bank West – March 2015 apportionment, $450.10;

**BOWDLE FIRE DIST FUND:** Cortrust – March 2015 apportionment, $844.55;

**COMMISSION DISTRICT 1:**

Deputy Clerk of Courts Ackerman did the swearing in of James Houck to Commission District 1.

**COUNTY ASSISTANT UPDATE:**

Badten informed the board that there is a juvenile justice reform reimbursement that will provide us $200.00 per day for juvenile boarding. He stated that this can go back 3 years and will provide the documents needed for reimbursement.

Badten stated he attended a jail software demonstration and he thinks it would be a good program but could cost up to $50,000.00 to get the program started up.

**LANDFILL ISSUES:**

Badten presented the monthly report for the board to review. Discussion was held regarding Standing Rock

Sanitation not being paid up. Badten will stay in contact with them to encourage payment.

Martin moved and Houck seconded to advertise for a landfill summer employee at $10.00/hr. Voting Aye: 3; Nay: 0. The motion was adopted.

Martin moved and Houck seconded to approve overtime hours for three full time employees during county clean up week. Voting Aye: 3; Nay: 0. The motion was adopted.

Badten stated that he would like to purchase a Liter Vac machine to vacuum liter off fences. He has found

one for $4500, $5500 after shipping. Martin moved and Houck seconded to approve the purchase of vac machine up to $6000 if Badten has the money in his budget. Voting Aye: 3; Nay: 0. The motion was adopted.

**TAX DEED PROPERTIES:**

The Board was provided a list of properties that are delinquent and they wondered if we want to take

properties that will cost us money. The board will go through the list and see if they want them. Houck stated that he does not think it is wise to pick and choose which properties to take and Schilling agreed. Martin stated that when we take properties we take on liability. They will speak with the cities and discuss the matter at a later date.

**PARTIAL PAYMENTS:**

Motion by Martin seconded by Houck to allow partial payments for record #5164 of $150.00 per month

effective May 8, 2015. Voting Aye: 3; Nay: 0. The motion was adopted.

**EXCUTIVE SESSION:**

Martin moved and Houck seconded to enter into executive session per SDCL 1-25-2(2) at 10:18 a.m. The

Chairperson declared the executive session ended at 11:33 a.m.

**HIGHWAY ISSUES:**

Robin Lee from Cat Auction Iron Planet spoke to the board about the surplus motor grader and selling it online. They would do all the work and put a warranty on machines at no cost to the county. They keep 7% commission when sold. Houck moved and Martin seconded to list the motor grader on the auction. Voting Aye: 3; Nay: 0. The motion was adopted.

**SDSU 4-H CONFERENCE CALL:**

Discussion was held on the 4-H County agreement. Edmunds and McPherson have decided to hire their own

Advisors so that leaves Campbell and Walworth County. Tami Schanzenbach met with Campbell County

and they are waiting to see what Walworth does. The question “If we combine will we get any support

from SDSU?” Peter stated that SDSU will give 47% of the salary - $4445.00. The youth advisor must

have a 4 year degree. Other options are: secretary position does not require a 4 year degree and not under

SDSU. Brenda DeToy stated that Campbell County would like to go in with Walworth County. Will work

on this over the next couple weeks and bring it back to the board at the next meeting.

**HIGHWAY ISSUES CONTINUED:**

Goetz presented the monthly report for the board to review.

Discussion was held on a resolution to increase the wheel tax to $5.00 per wheel up to 12 wheels. The problems with the roads are apparent to everyone. This issue will be addressed at the next meeting.

Gravel crushing at the Houck pit was discussed. SDCL 6-1-1 was brought up and this will be checked out

to make sure that this is possible since Houck is now a Commissioner.

Goetz stated that she is working with the City, State, & NPC on fixing County road 319. Northern Plains Coop will be paying a 1/3 of the cost.

Discussion was held on the highway department using a time clock. Schilling does not agree that they don’t

need to clock in and out. The board decided to have all employees clock in and out.

**EMERGENCY MANAGEMENT/WEED & PEST:**

Martin moved and Houck seconded to allow Chairperson Schilling to sign a grant form for the Weed Board.

Voting Aye: 3; Nay: 0. The motion was adopted.

Thompson has been looking into getting another generator to run the courthouse since it is the Emergency Operations Center if there was a disaster. She stated that there is a mitigation grant that would pay 75% of the cost or Homeland Security grants that would pay the entire cost. She will try for both.

Discussion was held on the Glenham fire and who should have been the incident commander. The Glenham fire chief should have been the incident commander as it is not something Emergency Managers should be doing.

Martin moved and Houck seconded to adopt resolution 2015-09 declaring a fire danger emergency and

prohibiting open burning within the county. Voting Aye: 3; Nay: 0. The motion was adopted.

**RESOLUTION WC 2015-09**

**A RESOLUTION BY THE WALWORTH COUNTY BOARD OF COMMISSIONERS DECLARING A FIRE DANGER EMERGENCY AND PROHIBITING OPEN BURNING WITHIN THE COUNTY**

BE IT RESOLVED BY WALWORTH COUNTY, that weather or other conditions exist which make the open burning of any substance unduly hazardous and a danger to public safety, and because of such conditions the Walworth County Board of Commissioners by resolution declares a “Fire Danger Emergency”; and

BE IT FURTHER RESOLVED, that Walworth County has consulted with local and state fire officials and other public safety individuals with regard to the severity of this issue; and

BE IT FURTHER RESOLVED, that because a “Fire Danger Emergency” is declared, all open burning of any substance and the use of all fireworks, except for fire department approved private or public displays complete with fire suppression standby service shall be prohibited within any or all of the unincorporated area of Walworth County until such time as this resolution declaring the “Fire Danger Emergency” shall be rescinded by appropriate action of the Walworth County Board of Commissioners; and

BE IT FURTHER RESOLVED, that any person who shall create, commit, maintain or permit to be created, committed or maintained an open burning in violation of this resolution declaring a “Fire Danger Emergency” shall be deemed to have committed a public nuisance in violation and subject to all criminal and civil penalties provided for therein. 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; and

BE IT FURTHER RESOLVED, for the purpose of this resolution the definition of “open burning” shall be the intentional burning of any substance whether natural or manmade, or the intentional casting off of any burning substance, whether natural or manmade, except the burning of such substance, in a container sufficient so as to prohibit the escape of any of the burning substance, or any sparks, flames or hot ashes from the container. The escape of any such burning substance or the escape of any sparks, flames or hot ashes from any such container shall be deemed prima facie evidence that the container was insufficient so as to meet the exception from the definition of any open burning set forth herein. The maintaining of a fire in any interior fireplace, stove or furnace; or exterior charcoal grill at private residences and permanent fire pits or fire grates located on supervised developed picnic grounds and campgrounds are specifically excluded from the definition of open burning as contemplated by this resolution.

THIS RESOLUTION is declared to be necessary for the immediate preservation of the public safety in accordance with the provision of SDCL 7-18A-8.

Dated at Selby, SD this 21st day of April, 2015 by a vote of the Board of Commissioners

**COURTHOUSE REPAIRS:**

Holder discussed proposals from Johnson Controls for air conditioning units for the third floor. $16,000 for 3 separate units, central air would be $9,000.

Discussed replacing the water intake pipes. She received a quote from Tall Guy of $2500-3000. Schilling suggested we look into other options before using copper pipe.

**ABATEMENTS:**

Martin moved and Houck seconded to approve an abatement for record #277 in the amount of $1179.68 for a duplicate assessment. Voting Aye: 3; Nay: 0. The motion was adopted.

Houck moved and Martin seconded to approve an abatement for record #8471 in the amount of $339.76 the value should have been removed due to a plat. Voting Aye: 3; Nay: 0. The motion was adopted.

Martin moved and Houck seconded to approve an abatement for record #4961 in the amount of $1440.32 for assessment of complete house that was not livable. Voting Aye: 3; Nay: 0. The motion was adopted.

Martin moved and Houck seconded to approve an abatement for record #5952 in the amount of $2092.32 for a data entry error. Voting Aye: 3; Nay: 0. The motion was adopted.

Martin moved and Houck seconded to approve an abatement for record #5758 in the amount of $488.16 for an adjustment that was not carried through. Voting Aye: 3; Nay: 0. The motion was adopted.

Martin moved and Houck seconded to approve an abatement for record #5404 in the amount of $496.94 for an adjustment that was not carried through. Voting Aye: 3; Nay: 0. The motion was adopted.

Houck moved and Martin seconded to approve an abatement for record #5128 in the amount of $561.56 for an exemption. Voting Aye: 3; Nay: 0. The motion was adopted.

**OLD BUSINESS:**

$4000 per year was saved from the Law Library because John Von Wald had contacted them.

**ADJOURNMENT:**

Houckmoved and Martin seconded that the Board of County Commissioners adjourn until the hour of 9:00

a.m. May 5, 2015. Voting Aye: 3; Nay: 0. The motion was adopted.

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**SCOTT SCHILLING, CHAIRPERSON**

**ATTEST:**

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**REBECCA KREIN, AUDITOR**

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