September 23, 2014

**WALWORTH COUNTY BOARD OF COMMISSIONERS**

**MINUTES OF PROCEEDINGS**

The Walworth County Board of Commissioners met in scheduled session on September 23, 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.

Godkin moved and Pudwill seconded that the minutes of the meeting of September 2, 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.

**GENERAL FUND:** Larry Fliehs – Tax refund, $212.04

**COMMISSIONERS:** Best Western Ramkota Hotel – lodging, $494.95; Cardmember Service – postage, $66.53; Lincoln National Life Ins – life insurance, $14.26; Marco – maintenance contract, $7.59; Venture Communications Coop – phone service, $45.12;

**ELECTIONS:** Cardmember Service – postage, $5.10; Marco – maintenance contract, $.02; Vilas Health & Variety – poster boards, $22.88

**COURTS:** Stoicks Food Center – jury supplies, $24.84;

**AUDITOR:** Cardmember Service – time clock/rentals, $555.25; Rebecca Krein – travel expense, $99.49; Lincoln National Life Ins – life insurance, $13.26; Marco – maintenance contract, $5.38; McLeod’s – laser checks, $398.80; Quill Corporation – supplies, $223.32; Venture Communications Coop – fax & phone service, $77.49;

**TREASURER:** Cardmember Service – rentals/postage, $77.15; Leah Holder – travel expense, $65.86; Lincoln National Life Ins – life insurance, $13.26; Marco – maintenance contract, $4.33; Gregory Pudwill – travel expense, $51.00; Quill Corporation – paper, $89.70; Venture Communications Coop – fax & phone service, $69.85;

**STATES ATTORNEY:** Bowdle Healthcare Center – services, $165.00; Cardmember Service – rentals/postage, $182.57; Connecting Point – Computer, $483.33; Lincoln National Life Ins – life insurance, $13.26; Mobridge Regional Hospitals – blood alcohol draws, $260.00; Northeastern Mental Health – services, $90.00; SD Continuing Legal Education – supplies, $550.00; SD Department of Revenue – ethyl alcohol, blood alcohol testing, $385.00; Debra Tiger – services, $41.46; Venture Communications Coop – fax & phone service, $126.41; Wamni Tree Top – services, $41.46; West Payment Center – supplies, $111.00;

**COURT APPOINTED ATTORNEY:** Vickie Broz Krause – services, $4500.00;

**COURTHOUSE:** Cam Wal Electric Cooperative - repairs, $504.22; Cardmember Service – supplies, $49.08; Lincoln National Life Ins – life insurance, $6.63; Servall Uniform & Linens – rentals, $39.87;

**DIRECTOR OF EQUALIZATION:** Best Western Ramkota Hotel – lodging, $765.00; Cardmember Service – rentals/postage, $24.01, Jill Hoogeveen – travel expense, $ 221.12; Deborah Kahl – travel expense, $142.00; Lincoln National Life Ins – life insurance, $17.57; Marco – maintenance contract, $3.93; Venture Communications Coop – fax & phone service, $51.10;

**REGISTER OF DEEDS:** Cardmember Service – rentals/ postage, $53.67; Lincoln National Life Ins – life insurance, $13.26; Marco – maintenance contract, $6.98; Venture Communications Coop – fax & phone service, $57.31;

**VET SERVICE OFFICER:** West River Telecommunications – phone service, $36.43;

**SHERIFF:** A&B Business Inc – supplies, $135.98; Cardmember Service – rentals/supplies, $245.06; Connecting Point – repairs, $80.00; Country Junction – services, $168.00; Gas & Goodies – gasoline, $82.41; John Stefanich – repairs, $272.00; JP Lumber – supplies, $95.00; Marco – maintenance contract, $.11; SD Sheriffs Association – registration, $150.00, Selby Oil – repairs, $29.08; Slater Oil Co – 495 gals ethanol @ $3.139, $1553.81; Valley Motors – supplies, $142.95; Venture Communications Coop – phone & fax service, $124.63;

**JAIL:** Alco Pro – shipping charge, $16.00; Alco Stores Inc – supplies, $68.04; Avera Medical Group – services, $24.58; Bob Barker Company Inc – freight/mattresses, $1702.00; Cam Wal Electric – repairs, $591.38; Cardmember Service – supplies/time clock, $1069.00; Charm-Tex Inc – supplies, $197.88; Dakota Doors – replace garage door, $2805.08; Family Pharmacy – supplies, $15.84; Garrets Tinting – maintenance, $1991.44; Jensen Rock & Sand – supplies, $2.72; Kens Western Lumber – supplies, $63.00; Les’s Standard – repairs, $260.19; Lincoln National Life Ins – life insurance, $29.84; Lind’s Hardware – supplies, $202.94; Marco – maintenance contract, $.02; McClellan Swanson Dental – dental care, $51.00; Merkel’s Foods – supplies, $887.87; Milliken Electric – repairs, $478.89; Mobridge Regional Hospital – medical care, $757.08; Neve’s Uniform – shirts, $100.53; North Star Energy – repairs, $108.08; Reditest Screening Devices – supplies, $49.50; Servall Uniform & Linens – rentals, $17.14; Venture Communications Coop – internet, phone & fax, $234.70; Vilas Health & Variety – prescription, $891.22; Western Detention Products – supplies, $229.44;

**EMERGENCY & DISASTER:** Best Western Ramkota Hotel – lodging, $340.00; City of Selby – registration & lodging: Knecht, $376.18; Don Knecht – travel expense, $99.00; Rebecca Krein – travel expense, $61.00; Lincoln National Life Ins – life insurance, $3.32; Shannon Thompson – travel expense, $251.92; Venture Communications Coop - $30.10; Western Communications – radio charger, $62.46;

**SUPPORT OF POOR:** Cardmember Service – rentals/postage, $7.21; Connecting Point – computer, $483.33; Venture Communications Coop – phone service, $25.35;

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

**EXTENSION:** Cardmember Service – rentals/postage, $20.61; Connecting Point – computer, $483.34; Edmunds County – travel expense, $134.23; IGrow – books, $60.00; Lincoln National Life Ins – life insurance, $6.63; Jenna Malsom – travel expense, $99.60; Venture Communications Coop – phone service, $32.24;

**WEED CONTROL:** Cardmember Service – postage, $.96; Lincoln National Life Insurance – life insurance, $3.31; Marco – maintenance contract, $.17; Mid Dakota Vegetation – spraying contract, $14798.31;

**RD & BR:** Cam Wal Electric Cooperative – electricity @ Hoven shop, $45.89; Cardmember Service – postage, $12.48; Penny Goetz – travel expense, $86.95; Hoven Coop Service Company – gasoline, fuel, $1829.51; Lincoln National Life Ins – life insurance, $72.93; Marco – maintenance contract, $.08; Montana Dakota Utilities, electricity @ Java shop, $17.93; Morris Inc – Culvert Repair, $7259.35; Praxair Dist. – supplies, $38.86; Venture Communications Coop – phone service @ Java shop, internet, phone & fax service, $258.73; Western Communications – phone service, $31.96;

**FIRE PROTECTION FUND:** Larry Fliehs – tax refund, $1.10

**SOLID WASTE:** Cam Wal Electric Cooperative – electricity, $181.62; Cardmember Service – supplies/postage, $121.21; Goldstar Products – Deicing Compound/shipping, $1706.00; Jensen Rock & Sand – supplies, $2813.00; Lincoln National Life Ins – life insurance, $13.26; Marco – maintenance contract, $.34; Quill Corporation – supplies, $513.33; Sheehan Mack Sales – supplies, $143.36; Tri State Water – water service, $25.70;

**STATE ACCOUNT FUND:** SD Department of Revenue – ROD & Vital Record fees, $570.00; SD Department of Revenue – motor vehicle fees, $85,412.84;

**SCHOOL DIST FUND:** Cortrust Bank – August 2014 apportionment - $55.45; Larry Fliehs – tax refund, $467.45; Hoven School District – August 2014 apportionment, $18.48; Dacotah Bank – August 2014 apportionment, $13031.75; Bank West – August 2014 apportionment, $2945.32;

**CITIES AND TOWNS FUND:** City of Mobridge – August 2014 apportionment, $9877.82; Bank West – August 2014 apportionment, $3459.62; Dacotah Bank – August 2014 apportionment, $502.31; Bank of Hoven – August 2014 apportionment, $269.16;

**SALES/EXCISE TAX FUND:** SD State Treasurer – city sales tax, state sales tax, $372.00;

**5 COUNTIES TV DISTRICT FUND:** Cam Wal Electric Cooperative – electricity Java #2 & Java # 1, $945.97; Marco – maintenance contract, $1.33;

**JAVA FIRE DIST FUND:** Bank West – August 2014 apportionment, $8.07;

**EMERGENCY MANAGEMENT:**

Emergency Manager Shannon Thompson met with the board to submit for approval the Local Emergency Operations Plan. The plan explains details of what steps to follow in the case of an Emergency Disaster or Terrorism. Pudwill moved and Siemon seconded to approve the plan. Voting Aye: 5; Nay: 0. The motion was adopted.

**LANDFILL ISSUES:**

Landfill Supervisor Ryan Badten met with the board along with representatives from Wenck Associates to discuss the Stage 1, Phase 2 landfill expansion. Badten would like to hire Wenck Associates to perform the required testing to begin the expansion. Martin wanted to speak with other landfills that have done the same type of expansion before the board agreed to sign the contract with Wenck Associates for $16,000.00. The equipment the landfill currently has would be sufficient daily operations if the cell was 50’ deep as planned. Badten would like the testing to get started as soon as possible so he will have results to be able to apply for grants to help defray the cost. The matter was tabled until next meeting.

Discussion was held on a hauler to the landfill being delinquent on payments. State’s Attorney Hare will send a letter if payment is not made by the September 27th, which is the next billing cycle.

Siemon moved and Martin seconded to declare the 1997 Caterpillar 950F Loader surplus to be sold by sealed bids on October 21st, 2014 at 10:00 a.m. Godkin, Penny Goetz, and Marty Hook were appointed as real property owners to appraise the loader. Voting Aye: 5; Nay: 0. The motion was adopted.

Martin moved and Siemon seconded to approve resolution WC2014-14 since there are no current contracts for scrap at this time. Voting Aye: 5; Nay: 0. The motion was adopted.

A RESOLUTION DECLARING A POLICY AND REQUIREMENTS FOR THE PURCHASE, SALE, OR TRANSFER OF SOLID WASTE BY-PRODUCTS, RECYCLABLE MATERIAL, OR SCRAP BY THE WALWORTH COUNTY LANDFILL

WHEREAS, Walworth County operates a sanitary landfill; and

WHEREAS the landfill receives recyclable materials and scrap on a daily basis; and

WHEREAS the landfill generates recyclable byproducts of solid waste, as well as compost and yard wastes of economic value; and

WHEREAS the South Dakota Legislature has authorized counties to set policies and requirements for the purchase, sale, or transfer of solid waste by-products, recyclable materials, or scrap by permitted facilities in accordance with SDCL 34A-6-63.1; and

WHEREAS the Walworth County Board of Commissioners finds it in the best interest of Walworth County to set policies and requirements for the purchase, sale, or transfer of solid waste by-products, recyclable materials, or scrap generated or collected by the Walworth County Landfill.

THEREFORE, BE IT RESOLVED by the Walworth County Board of Commissioners that it shall be the policy of Walworth County to dispose of recyclable materials, including but not limited to paper, plastics, and metals collected or generated by the landfill, on a case-by-case basis to whichever entity offers the proposal most advantageous to Walworth County; and

BE IT FURTHER RESOLVED that it shall be the policy of Walworth County to accept wood chips and yard waste, including grass and leaves, at no charge—as is current practice, from the public at-large; and

BE IT FURTHER RESOLVED that it shall be the policy of Walworth County to sell, when available, yard waste compost and wood chips to the public at-large at the following rates;

Yard waste compost and wood chips: $3.00 per ton

Dated this 23rd day of September in the year 2014

**ANNUAL BUDGET:**

**RESOLUTION WC 2014-15**

**ADOPTION OF ANNUAL BUDGET FOR WALWORTH COUNTY, SOUTH DAKOTA**

**For The Year January 1, 2015 to December 31, 2015**

ADOPTION OF ANNUAL BUDGET FOR Walworth County, South Dakota

Whereas, (7-21-5 thru 13), SDCL provides that the Board of County Commissioners shall each year prepare a Provisional Budget of all contemplated expenditures and revenues of the County and all its institutions and agencies for such fiscal year and,

Whereas, the Board of County Commissioners did prepare a Provision Budget and cause same to be published by law, and,

Whereas, due and legal notice has been given to the meeting of the Board of County Commissioners for the consideration of such Provisional Budget and all changes, eliminations and additions have been made thereto.

NOW, THEREFORE BE IT RESOLVED, that such provisional budget as amended and all its purposes, schedules, appropriations, amounts, estimates and all matters therein set forth, SHALL BE APPROVED AND ADOPTED AS THE ANNUAL BUDGET OF THE APPROPRIATION AND EXPENDITURES FOR Walworth County, South Dakota and all its institutions and agencies for the calendar year beginning January 1, 2015 and ending December 31, 2015 and the same is hereby approved and adopted by the Board of County Commissioners of Walworth County, South Dakota, this 23rd  day of September, 2014. The Annual Budget so adopted is available for public inspection during normal business hours at the office of the County Auditor, Walworth County, South Dakota. The accompanying taxes are levied by Walworth County for the year January 1, 2014 through December 31, 2014.

BOARD OF COUNTY COMMISSIONERS OF Walworth County, South Dakota

Denis Arbach, Chairperson

Phylliss Pudwill, Commissioner

David Siemon, Commissioner

Duane Martin, Commissioner

Richard Godkin, Commissioner

ATTEST: Rebecca Krein, County Auditor

COUNTY TAX LEVIES: \*General $1,957,651, $3.380/1,000; Snow $24,751, $.043/1,000; Highway & Bridge Reserve $17,199, $.029/1,000; Fire Protection $5,325, $.017/1,000. These levies are not yet approved by the Department of Revenue.

**HIGHWAY ISSUES:**

Corky Jackson met with the board requesting to attach to a county culvert to divert water off of his land. He stated that the culvert was placed in a poor spot and dumps water onto his property causing flooding. The county has no issues if he wants to attach to our culvert as long as he installs a clean out that can be accessed. Jackson does not know why he would be responsible for the cost. Martin stated that it is not the county’s responsibility and that it is the natural slope of water. The board agreed to allow him to connect a culvert to the county’s at his cost.

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

matter at 10:37 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 10:56 a.m.

Chairperson Arbach signed an easement for Game Fish and Parks approved at the August 29th meeting.

Pudwill moved and Martin seconded to allow Chairperson Arbach to sign an easement with WEB Water. Voting Aye: 5; Nay: 0. The motion was adopted.

**SHERIFF & JAIL ISSUES:**

Martin wanted to address the issue with HKG Architects regarding the billing we received and wondered if the contract was fulfilled. Hare will contact HKG and request an itemized billing to explain what the 262 hours were for and the matter was tabled until a later date.

Jail contracts were discussed and Martin suggested raising the daily fee to $80.00 for other counties, Hare stated that he spoke with Sheriff Boll about the fee and a possible reservation fee. Martin wants Hare to write a letter to the counties informing them that we are raising the fee effective January 1, 2015 and that we are looking into inputting an annual reservation fee to help offset the cost of running the jail. If there is a lack of participation from other counties we may start only housing our own prisoners. Martin moved and Godkin seconded to have the State’s Attorney write the letter. Pudwill thought that this should be done when the Sheriff is present. Voting Aye: 4; Nay: 1. The motion was adopted.

**BANK SIGNATURE CARD:**

Godkin moved and Martin seconded to update the checking account bank signature card at Bankwest to remove previous employees Pat Berens and Glenda Wientjes, and to add Stephanie Bennis and Mica Mortenson. Voting Aye: 5; Nay: 0. The motion was adopted.

**TAX DEED PROPERTIES:**

State’s Attorney Hare informed the board that the property at 324 5th Ave W in Mobridge that was sold previously then not paid for was paid in full. Martin moved and Godkin seconded to rescind the previous motion made on July 1st, 2014 to resell the property. Voting Aye: 5; Nay: 0. The motion was adopted.

Pudwill moved and Siemon seconded to allow chairperson Arbach to sign the deed. Voting Aye: 5; Nay: 0. The motion was adopted.

Godkin moved and Martin seconded to allow chairperson Arbach to sign the deed for the tax deed property Lots 5 and 6, Block 11, Java Milwaukee’s 1st Addn. to Thomas R Schnaible who purchased it at the auction for $2200.00. Voting Aye: 5; Nay: 0. The motion was adopted.

Godkin moved and Pudwill seconded to authorize publication and sale of tax deed property 316 5th Ave E, Mobridge. The board appointed Martin, Siemon and Godkin to appraise the property to set a value. Voting Aye: 5; Nay: 0. The motion was adopted

**PARTIAL PAYMENTS:**

Martin moved and Siemon seconded to allow partial payments to be made on record #5770 of $150.00 per month until the taxes are caught up. Voting Aye: 5; Nay: 0. The motion was adopted

**INFORMATION REQUESTS:**

The Director of Equalization office has received requests from at least two different companies for extensive record information to be electronically transmitted. These requests have been routinely forwarded to States Attorney Hare. Commissioner Martin thinks it would be to the county’s advantage to send this information. Director of Equalization Deb Kahl says that she has them on a list, and will try to get some information to them as time permits. Many counties have discussed these requests at various meetings and the charges are all over the board, from free to several thousand dollars. Kahl stated that the Commission made a motion several years ago, before we started receiving these requests, that the charge be $5 per parcel for electronically transferred data. Kahl believes that there should be a substantial charge and that county residents should be notified when one of these requests are filled as she believes that these companies are selling this data. Commissioner Godkin stated that he agrees that it would be advantageous to the county to send the requested information. Kahl said she realizes that the information being requested is public information and anyone can come into the office and view it, but she also believes that property owners should be able to request and see who is looking at their information and when they send out information or give information out over the phone a note is made on that parcel so that becomes part of the public record. Kahl stated that the Department of Revenue has said that they will most likely be addressing this situation during the 2015 legislative session because it is becoming a major issue throughout the state. Commissioner Martin suggests that we comply and recover our costs as needed. Kahl will investigate some cost information but believes at this time the charge will be $5 per parcel for electronically transmitted information as per previous Commission motion. This subject was tabled until October 7, 2014.

**JAVA MAIN STREET PROPERTY:**

Hare informed the board that he has been in contact with the property owner next to the main street building in Java. She stated that she has someone that is going to salvage what they can and tear down her building. Hare does not know if this person would be capable of taking them both down, however the county needs to do something soon with the building. Hare will contact Java fire department to see if burning it would be an option.

**ADJOURNMENT:**

Godkin moved and Siemon seconded that the Board of County Commissioners adjourn until the hour of 9:00 a.m. October 7, 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 $\_\_\_\_\_\_\_\_\_\_\_\_