January 7, 2014

9:00 A.M.

**WALWORTH COUNTY BOARD OF COMMISSIONERS**

**MINUTES OF PROCEEDINGS**

The Walworth County Board of Commissioners met in scheduled session on January 7, 2014 at 9:00 a.m. at the County Courthouse. Members present were: Denis Arbach, Richard Godkin, Duane Martin, Don Leff and Phylliss Pudwill. 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.

Leff moved and Arbach seconded that the minutes of the meeting of December 31, 2013 be approved. Voting Aye: 5; Nay: 0. The motion was adopted.

**MONTHLY TREASURER’S REPORT:**

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

**WALWORTH COUNTY, SOUTH DAKOTA**

**DECEMBER 31, 2013**

NSF CHECKS $ 162.12

BANKWEST SAVINGS $3,068,444.40

WELLS FARGO SAVINGS $ 0.00

GREAT WESTERN BANK $ 33,344.51

CASH IN OFFICE $ 686.58

CHECKS IN OFFICE $ 5,253.37

INVESTMENTS – CERT. OF DEPOSIT $2,250,000.00

LANDFILL POST CLOSURE $ 360,712.13

LANDFILL CELL CLOSURE $ 264,493.20

SOUTH DAKOTA FIT $ 4,436.08

CONSTRUCTION BOND $ 0.00

CLERK OF COURTS TRUST $ 0.00

TOTAL $5,987,532.39

**OLD BUSINESS:**

The Commissioners revisited obtaining a computer for the Veteran’s Services Officer. Auditor Krein stated that there is enough funds in the 2014 budget to purchase a laptop and she will contact Veteran’s Services Officer Leo Rookey, Jr. to determine the laptop that will work best for his office.

**ADJOURNMENT OF 2013 BUSINESS**

**COUNTY COMMISSIONER CHAIR PERSON & VICE CHAIRPERSON FOR 2014:**

Leff moved and Martin seconded to nominate Denis Arbach for the position of Walworth County Commissioner Chairperson for the year 2014, to cease nominations and to cast a unanimous ballot for Arbach. Voting Aye: 5; Nay: 0. The motion was adopted.

Godkin moved and Martin seconded to nominate Don Leff for the position of Walworth County Commissioner Vice-Chairperson for the year 2014, to cease nominations and to cast a unanimous ballot for Leff. Voting Aye: 5; Nay: 0. The motion was adopted.

**DESIGNATION OF OFFICIAL NEWSPAPERS:**

Leff moved and Godkin seconded to designate the Mobridge Tribune and the Selby Record/Continuing the Java Herald as Walworth County’s official newspapers for 2014. Voting Aye: 5; Nay: 0. The motion was adopted.

**BOARD APPOINTMENTS AS PER CHAIRMAN ARBACH:**

**LEFF:** Community Health Council, Landfill, North Central Regional E911, Highway

**PUDWILL:** Jail, Extension, Investment & Finance, Television Translator District

**GODKIN:** Rural Zoning, Purchasing, Courthouse Maintenance, War Hawk Emergency Management District **ARBACH:** Highway, Weeds, North Central RC & D, Northeast Council of Governments

**MARTIN:** Ambulance, Insurance, Landfill

**NORTH CENTRAL REGIONAL E911:** Don Leff and Curt Rawstern

**EMERGENCY DISASTER COORDINATOR:** Penny Goetz

**VETERANS’ SERVICES OFFICER:** Leo Rookey, Jr.

**WAR HAWK EMERGENCY MANANGEMENT COORDINATOR:** Ted Schweitzer

**FAMILY ASSISTANCE COORDINATOR:** Patti Baumann

**PURCHASING:** Rebecca Krein, Greg Pudwill, and Richard Godkin

**INSURANCE:** Rebecca Krein and Duane Martin

**RURAL ZONING BOARD:** Harley Brockel, Duane Karst, Harley Overseth, Stanley Weiss, and Richard Godkin

**EXTENSION BOARD:** Todd Biel, Garnet Perman, Phylliss Pudwill, and Cindy Zabel

**NORTHEASTERN MENTAL HEALTH:** Gwenn Ackerman

**BOARD OF ZONING ADJUSTMENTS:** Duane Martin, Don Leff and Richard Godkin; alternates: Phylliss Pudwill and Denis Arbach

**PERSONNEL POLICY:** Denis Arbach, Richard Godkin, Duane Martin, Don Leff, Phylliss Pudwill,

Sue Eisemann, Penny Goetz and Josh Boll

**“504” TASK & A.D.A:** Commissioner Denis Arbach, Auditor Rebecca Krein, Non-elected employee Deborah Kahl, Veterans’ Services Officer Leo Rookey, County Handicapped Representative At-Large: vacant,

**BUILDING MAINTENANCE:** Richard Godkin, Don Leff and Highway Superintendent Penny Goetz

**4-H COMPLEX POLICY COMMITTEE:** Commissioner Phylliss Pudwill, Auditor Rebecca Krein, and Highway Superintendent Penny Goetz

**MEDICAL EQUIPMENT COMMITTEE:** Walworth County Representative Brenda Detoy, Selby Legion Auxiliary Representative Mary Lou Bucklin, Java Legion Auxiliary Representative Lois Wolf and Selby Lioness Representative Florence Karst

**WEED BOARD:** Commissioner Denis Arbach, Joe Arbach, Tom Fiedler, Ernie Mertz, Ralph Rabenberg, Bill Rosin, and Gene Zabel

**COMMISSIONERS SALARY:**

Pursuant to SDCL 7-7-5, Pudwill moved and Leff seconded to set the salary of the commissioners for the 2014 fiscal year at $9749.25 keeping salaries as they were decided at the adoption of the 2014 budget. Voting Aye: 5; Nay: 0. The motion was adopted.

**2014 SALARY SCHEDULE:**

Leff moved and Pudwill seconded to set the 2014 salary schedule as follows and to authorize said publication as per SDCL 6-1-10. The rate of pay for each county employee will reflect a three percent increase from their 2013 rate. All full time employees, with the exception of elected officials, shall also receive an additional $1.00 for each completed year of employment as longevity pay each pay period. Voting Aye: 5; Nay: 0. The motion was adopted.

**Commissioners:** Denis Arbach, $9749.25; Richard Godkin, $9749.25; Don Leff, $9749.25; Duane Martin, $9749.25; Phylliss Pudwill, $9749.25;

**Auditor’s Office:** Deputy Auditor Patti Baumann, $13.84 per hour; Auditor Rebecca Krein, $41315.65;

**Treasurer’s Office:** Deputy Treasurer Patricia Berens, $13.84 per hour; On-Call Deputy Treasurer Leah Holder, $12.88 per hour; Treasurer Greg Pudwill, $39501.77;

**Sheriff’s Department:** Deputy Sheriff Joshua Boll, $37957.00; Deputy Sheriff Shawn Fox, $17.48 per hour; On-Call Sheriff Secretary Cristy Holder, $10.08 per hour; Sheriff Duane Mohr, $47825.03; Certified Correctional Officer Earleen Irigoyen, $14.47 per hour; Certified Correctional Officer Saundra Mitzel, $14.21 per hour; Certified Correctional Officer Joshua Nelson, $14.21 per hour; Certified Correctional Officer Brian Rawstern, $14.71 per hour; Uncertified Correctional Officer Kari Beaman, $13.71 per hour; Certified Correctional Officer Lillan Timmons, $14.21 per hour; Uncertified Correctional Officer Daniel Hardison, $12.71 per hour; Uncertified Correctional Officer Aaron Vogel, $13.71 per hour; Part-time Certified Correctional Officer Elijah Schewe, $12.51 per hour; Part-time On-Call Certified Correctional Officer Collin Smith, $12.51 per hour; Part-time On-call Uncertified Correctional Officer Jacquelyn Rawstern, $12.01 per hour; Part-time On-Call Correctional Officer Cheryl McGovern-Tulp, $12.01 per hour; Part-Time On-Call Uncertified Correctional Officer Bruce Witt, $11.51 per hour;

**Extension Office:** Extension Secretary Brenda DeToy, $13.84 per hour;

**Register of Deeds:** Register of Deeds Susan Eisemann, $39501.77; Deputy Register of Deed Glenda Wientjes, $13.84 per hour;

**State’s Attorney’s Office:** States Attorney James Hare, $70713.99; States Attorney Secretary Kathy Walker, $15.43 per hour;

**Director of Equalization Office:** Deputy Director of Equalization Michelle Hesselberg, $13.84; Deputy Director of Equalization Jill Hoogeveen, $13.84 per hour; Director of Equalization Deborah Kahl, $18.39 per hour; Roger Walker, $18.39 per hour

**Janitor:** Leah Holder, $12.88 per hour

**Emergency Manager:** Emergency Manager Adam Fiedler, $16.48 per hour;

**Veteran’s Service Officer:** Veteran’s Service Officer Leo Rookey, $13074.66;

**Weed Supervisor:** Weed Supervisor Roger Walker, $18.39 per hour

**Zoning:** Zoning Officer Roger Walker, $18.39 per hour;

**Road and Bridge Department:** Highway worker James Ackerman, $16.72 per hour; Highway Worker Ronald Berens, $15.70 per hour; Highway worker Allen Frost, $16.72 per hour; Highway Superintendent/Business Manager Penny Goetz, $45765.06; Mechanic Dwight Helm, $18.86 per hour; Road Foreman Marty Hook, $21.95 per hour; Highway Worker Ladean Moak, $17.05 per hour; Highway Worker Leslie Noess, $16.72 per hour; Highway Worker Jason Walker, $15.70 per hour; Seasonal Highway Worker Gerald Fiedler, $11.43 per hour; Fulltime/Part-time Highway Worker Gerald Kosters, $13.63 per hour;

**Landfill Department:** Landfill Supervisor Ryan Badten, $51500.00; Landfill worker Paul Davis, $14.28 per hour; Landfill Worker Mark Landis, $14.28 per hour; Landfill Worker David Weleba, $15.92 per hour; On-Call Landfill Worker James Goetz, $9.71 per hour;

**Prisoner/Mental Care Transport:** Certified Officer – current wage

**Part-Time On-Call Clerical:** $10.08 per hour

**Miscellaneous Board Members:** $50.00 per meeting;

**Coroner/Deputy Coroners:** Eric Schley, Kenneth Ripley, Daniel Snyder, Richard Maier, $75.00 fee per call plus expenses at actual cost

**ELECTION OFFICIAL FEES:**

Leff moved and Godkin seconded to adopt Resolution WC 2014 -01.

**RESOLUTION WC 2014-01**

**RESOLUTION TO ESTABLISH ELECTION OFFICIALS FEES**

WHEREAS, it may be necessary to appoint election officials in 2014, and

WHEREAS, pursuant to SDCL 12-15-11, the fee paid to election officials shall be established annually by the board of county commissioners at its first regular meeting of the year;

NOW THEREFORE, BE IT RESOLVED, by the Walworth County Board of Commissioners that for the year 2014, election officials shall be paid as follows:

Precinct Superintendent $10.00 per hour

Precinct Deputy $10.00 per hour

Counting Board Officials $10.00 per hour

Election school attendance $15.00 per occurrence

WALWORTH COUNTY, SOUTH DAKOTA

Denis Arbach

Walworth County Commissioner Chairperson

ATTEST:

(SEAL)

Rebecca Krein

Walworth County Auditor

Voting Aye: 5; Nay: 0. Dated and adopted this 7th day of January, 2014 by a vote of the Board of Commissioners

**FUNERAL DIRECTOR FEES:**

Leff moved and Martin seconded to adopt Resolution WC2014-02

**RESOLUTION WC 2014-02**

**RESOLUTION ESTABLISHING FEES ALLOWED BY FUNERAL DIRECTOR**

WHEREAS, it may be necessary to conduct a county burial as per SDCL 28-17 in 2014; and

WHEREAS, pursuant to SDCL 28-17-4, the county shall allow the funeral director for merchandise and such services rendered, a sum to be established by resolution of the board of county commissioners in such county at their organizational meeting;

NOW THEREFORE, BE IT RESOLVED, by the Walworth County Board of Commissioners that for the year 2014, the funeral director shall be allowed the following:

Maximum dollar amount for merchandise & services rendered for county burial: $2,000

Outside Container: at cost when required and applicable invoice is provided

WALWORTH COUNTY, SOUTH DAKOTA

Denis Arbach

Walworth County Commissioner Chairperson

ATTEST:

(SEAL)

Rebecca Krein

Walworth County Auditor

Voting Aye: 5; Nay: 0. Dated and adopted this 7th day of January, 2014 by a vote of the Board of Commissioners.

**ELECTED OFFICIALS SALARIES:**

Leff moved and Godkin seconded to adopt Resolution WC2014-03

**RESOLUTION WC 2014-03**

**RESOLUTION TO ESTABLISH SALARIES OF ELECTED OFFICIALS**

WHEREAS, Walworth County has established the following elected positions: county treasurer, county auditor, county register of deeds, county state’s attorney, and county sheriff; and

WHEREAS, pursuant to SDCL 7-7-9.1, SDCL 7-7-12, and SDCL 7-12-15, respectively; the board of county commissioners shall establish, by resolution, the salaries payable to said elected officials,

NOW THEREFORE, BE IT RESOLVED, by the Walworth County Board of Commissioners that for the year 2014, the salaries payable shall be as follows:

County Treasurer: $39501.77

County Auditor: $41315.65

County Register of Deeds: $39501.77

County State’s Attorney: $70713.99

County Sheriff: $47825.03

County Coroner $75.00 per call

WALWORTH COUNTY, SOUTH DAKOTA

Denis Arbach

Walworth County Commissioner Chairperson

ATTEST:

(SEAL)

Rebecca Krein

Walworth County Auditor

Voting Aye: 5; Nay: 0. Dated and adopted this 7th day of January, 2014 by a vote of the Board of Commissioners.

**CLAIMS APPROVED:**

Leff moved and Martin seconded that the following claims be paid. Voting Aye: 5; Nay: 0. The motion was adopted.

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

**COMMISSIONERS:** Cardmember Services – binders, $7.28; City of Mobridge – water service at 324 5th Ave W, $10.50; Mobridge Tribune – help wanted ad, Financial Statements, Official Proceedings, $483.27; SDML Workers Compensation Fund – insurance premium, $171.00; SDPAA – insurance premiums, $5294.57; Selby Record – annual subscription, $27.00;

**ELECTIONS:** Cardmember Service – supplies, $4.76; SDPAA – insurance premium, $160.00;

**AUDITOR:** Cardmember Service – services & fees, postage service charges, $31.36; SDACO – membership dues, $301.89; SDML Workers Compensation Fund – insurance premium, $186.22;

**TREASURER:** Cardmember Service – postage service charges, supplies, $349.05; Mobridge Tribune – delinquent tax list, $137.60; Quill Corporation – envelopes, copy paper, monthly planners, $249.90; SDACO – membership dues, $301.89; SDML Workers Compensation Fund – insurance premium, $235.25;

**STATES ATTORNEY:** Cardmember Service – postage service charges, postage scale, $56.25; SDSAA – per capita dues, annual membership dues, $753.00; SDML Workers Compensation Fund, $256.35;

**COURT APPOINTED ATTORNEY:** Vickie S Broz Krause, $676.00;

**ABUSED CHILD DEFENSE:** Vickie Brosz Krause, $348.60;

**COURTHOUSE:** Cardmember Service – supplies, $56.14; City of Selby – water & sewer service, $76.57; SDML Workers Compensation Fund – insurance premium, $910.00; SDPAA – insurance premium, $13362.08;

**DOE:** Cardmember Service, postage service charges, registration Kahl, $159.25; SDML Workers Compensation Fund – insurance premium, $1225.33;

**REGISTER OF DEEDS:** SDACO – membership dues, $301.88; SDML Workers Compensation Fund, $197.63;

**VETERANS SERVICE OFFICER:** SDML Workers Compensation Fund – insurance premium, $37.83;

**SHERIFF:** AT&T Mobility – cell phone service, $118.27; Cardmember Service – postage service charges, supplies, $37.50; SDML Workers Compensation Fund – insurance premium, $1703.81; SDPAA – insurance premiums, $1837.00;

**JAIL:** Cardmember Service – groceries, $80.20; City of Selby – water & sewer service, $116.83; Mobridge Regional Hospital – medical care, $176.69; Reliance Telephone – inmate phone cards, $5000.00; SDM: Workers Compensation Fund – insurance premium, $7317.45; SDPAA – insurance premium, $7958.00;

**EMERGENCY & DISASTER:** SDML Workers Compensation Fund – insurance premium, $20.00;

**SUPPORT OF POOR:** Cardmember Service – postage service charges, $6.24; SDML Workers Compensation Fund – insurance premium, $36.82;

**OTHER HEALTH ASST:** Cardmember Service – registration walker, $50.00;

**EXTENSION:** Cardmember Services – postage service charges, $6.25; SDML Workers Compensation Fund – insurance premium, $33.33; SDPAA – insurance premiums, $262.00

**WEED CONTROL:**  Cardmember Service – registration Walker, $50.00; SDML Workers Compensation Fund – insurance premium, $676.00; SDPAA – insurance premiums, $750.00;

**PLANNING & ZONING:** SDML Workers Compensation Fund – insurance premium, $7.98;

**RD & BR:** Cam Wal Electric Cooperative – electricity Hoven shop, $60.53; City of Mobridge – water & sewer service, $41.31; City of Selby – water & sewer service, $66.28; D-Ware Inc – software support, $1550.00; Morris Inc – culvert replacement Rd 236, $87701.68; North Central Farmers Elevator – fuel, gasoline, $1014.51; SDML Workers Compensation Fund – insurance premium, $14730.00; SDPAA – insurance premiums, $15468.68; Valley Telecommunications – cell phone service, $39.99; West River Telecommunications – phone service @ Mobridge shop, $31.43;

**SOLID WASTE:** Cam Wal Electric Cooperative – electricity, $208.91; Lucky’s Gas & More – gasoline, $68.30; Quenzer Electric Inc. – exterior power repair, $271.32; SDML Workers Compensation Fund – insurance premium, $7414.00; SDPAA – insurance premium, $4779.00; Tri State Water – bottled water, $8.60; Valley Telecommunications – internet service, phone & fax service, $87.49;

**5 COUNTY TELEVISION DISTRICT FUND:** Cam Wal Electric Cooperative – Java #1, Java #2, $888.03; FEM Electric Assoc – electricity, $95.93; Marin Biel Insurance Inc – insurance premiums, $18896.00;

**REGIONAL E911 FUND:** Valley Telecommunications – data base updates, access charges, $870.16;

As required by SDCL 6-1-10, the December payroll paid by department was as follows: Commissioners - $6,232.05; Auditor - $8,540.25; Treasurer - $10,186.21; States Attorney - $14,159.74; Courthouse - $1,538.12; Director of Equalization - $17,209.10; Register of Deeds - $8,932.71; Veterans Service Officer - $1,138.75; Sheriff - $15,068.64; Jail - $39,017.79; Emergency & Disaster - $1,756.86; Poor - $393.49; Other Health - $70.63; Extension - $1,066.27; Weed & Pest - $812.57; Zoning - $1,751.88; Road & Bridge - $47,803.12; Solid Waste - $19,878.22; 5 County TV Translator District - $1,033.44.

**DELINQUENT TAXES:**

Martin moved and Pudwill seconded to accept the tax payment schedule proposed by Jennifer Coleman for record #4768. Voting Aye: 5; Nay: 0. The motion was adopted. States Attorney Hare will send applicable paperwork to Ms. Coleman including the application for a tax freeze that the resident may qualify for.

**CORRESPONDENCE:**

The Board discussed a letter they had received from Verne Thorstenson. States Attorney Hare and Auditor Rebecca Krein will both be responding to this letter.

**DELINQUENT MOBILE HOME LIST:**

Treasurer Greg Pudwill presented the Board a list of registered mobile homes that have delinquent taxes for 2013. Pudwill will be giving this list to the Sheriff’s Department and they will be issued distress warrants.

**SHERIFF’S MONTHLY REPORT:**

Leff moved and Pudwill seconded to accept the resignation of Correctional Officer Cindy Strong Heart.

Pudwill moved and Leff seconded to hire Bruce Witt as of January 2, 2014 at $11.51 per hour with a 6 month probation period. Voting Aye: 5; Nay: 0. The motion was adopted.

Commissioner Martin told Sheriff Mohr he was still having trouble reconciling the collected prisoner’s numbers on his monthly report. Mohr informed him that the amounts should be corrected once December is reconciled in the Treasurer’s office.

**FIRE HAZARD:**

Selby Fire Chief Curt Rawstern came to the meeting to make the board aware of the fire hazards at the jail. He stated that the Selby Fire Department is putting the Commissioners on notice that they will not be held liable for any problems concerning usability and accessibility of the fire escapes. He also reported that he felt the Courthouse itself is also a fire escape risk and that something needs to be done to correct these issues.

**LANDFILL ISSUES:**

Jensen Rock & Sand, Randy Fudge and Lane Goldsmith met with the board to discuss liquidated damages retained by the County for the Phase IV cell construction project at the Landfill. The county had proposed withholding $6500.00 from Jensen’s final payment due to the project not meeting the substantial completion requirement of 85% completion by August 30th, 2013 as stated in the project contract. Kenny Jensen stated that weather and surveying were some of the reasons for the delay and that the subcontractor worked 4 days that the county was not charged for. Goldsmith stated that he didn’t believe any surveying mistakes had been made that would affect the project to that extent and there must have been a misunderstanding. Leff moved and Pudwill seconded to reduce liquidated damages retained by the county by one-half to $3250.00. Voting Aye: 5; Nay: 0. The motion was adopted.

Landfill Supervisor Badten says that the bid specs for a Wheel Loader have been updated and the bids will be opened on January 21, 2014. Toby Royer from Sheehan Mack brought a list of other Landfills across the state that have Volvo machines. He also addressed fire concerns. David Sangster from Butler went over the letter from Sheehan Mack to the County and also gave a list of other entities to contact regarding both machines.

**COUNTY ANNUAL REAL ESTATE LEASING:**

Leff moved and Pudwill seconded to authorize Auditor Krein to publish the Notice of Annual Leasing for Real Estate Belonging to the County. Voting Aye: 5; Nay: 0. The motion was adopted.

**GRIEVANCE PAY:**

Several Correctional Officers met with the Commissioners regarding the Grievance Pay received by Correctional Officer Joshua Nelson concerning a suspension. They felt that since they have all been suspended for a week without pay the board should reinstate the pay. Commissioner Martin stated that this last situation was different and the board should have stood behind the Sheriff in his decision to suspend the jailer without pay and should not have reinstated the employees pay. States Attorney Hare stated that policies need to be updated in order to enforce them and to avoid situations like these. Godkin moved to authorize the back pay to the 4 individuals that were in attendance. The motion failed due to a lack of a second. Leff moved and Pudwill seconded to table this issue until the next meeting. Voting Aye: 4; Nay: 1. The motion was adopted.

**JAIL EXPANSION:**

Dean Marske & Toby Morris met with the Commissioners to present a reduced size jail plan of 35 beds that Sheriff Mohr was also pleased with. Discussion ensued about the feasibility of putting this issue to a vote of the people. It was suggested by Morris that we should form a committee consisting of taxpayers and county employees to further explore the issue. It was felt that we are not ready to go to a vote at this time with so many unknown answers, and that we should consider waiting until at least the November 2014 election.

**ADJOURNMENT:**

Leff moved and Pudwill seconded that the Board of County Commissioners adjourn until the hour of 9:00 am January 21, 2014. Voting Aye: 5; Nay: 0.

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**DENIS ARBACH, CHAIRPERSON**

**ATTEST:**

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

**REBECCA KREIN, AUDITOR**

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