

February 7, 2017
9:00 A.M.

**WALWORTH COUNTY BOARD OF COMMISSIONERS
MINUTES OF PROCEEDINGS**

The Walworth County Board of Commissioners met in scheduled session on February 7, 2017 at 9:00 a.m. at the County Courthouse. Members present were: Jim Houck, Kevin Holgard, Melissa Miller, Scott Schilling and David Siemon. Also present were Auditor Rebecca Krein and States Attorney Jamie Hare.

Chairperson Siemon called the meeting to order.

The Pledge of Allegiance was recited by those in attendance.

Houck moved and Schilling seconded that the minutes of the meeting of January 17, 2017 be approved. Voting Aye: 5; Nay: 0. The motion was adopted.

CLAIMS APPROVED:

After numerous questions to the Sheriff's Office Holgard moved and Miller seconded that the following claims be paid. Voting Aye: 4; Nay: 1. The motion was adopted.

COMMISSIONERS: Bank West- stop check fee, \$30.00; City of Mobridge- water service, \$10.50; Marco- copier usage contract, \$2.87; Mobridge Tribune- publishing, \$686.97; Montana-Dakota Utilities- electricity, \$16.28; Rausch Fencing- fence removal, \$2,427.60; SDPAA- insurance premiums, \$6,030.73; Selby Record- subscription renewal, publishing, \$406.85; Venture Communications- phone service, \$45.24

ELECTIONS: SDPAA- insurance premiums, \$82.38

AUDITOR: Aflac- resubmit refunded premium, \$201.98; Cardmember- postage, supplies, \$906.57; Connecting Point- offsite backup, \$8.75; Marco- copier usage contract, \$28.20; Midcontinent Communications- internet service, \$13.13; South Dakota State Treasurer- payment due, \$10.01; SDACO- 2017 membership dues, \$301.89; Venture Communications- phone/fax service, \$50.82

TREASURER: Aflac- resubmit refunded premium, \$145.13; Cardmember- postage, \$1,823.57; Connecting Point- offsite backup, \$8.75; Marco- copier usage contract, \$1.32; Midcontinent Communications- internet service, \$13.12; Quill- supplies, printer, \$337.17; SDACO- 2017 membership dues, \$301.89; Venture Communication- phone/fax service, \$81.16

STATES ATTORNEY: Aflac- resubmit refunded premium, \$108.64; Bormann Law Office- services, \$381.60; Cardmember- postage, \$113.14; Michelle Gaikowski- services, \$340.00; Lutheran Social Services- medical testing, \$1,202.50; Midcontinent Communications- internet service, \$13.13; Mobridge Regional Hospital- BA testing, \$276.00; Mobridge Tribune- publishing, \$84.88; SD Department of Revenue- BA testing, \$245.00; Teton Times- publishing, \$37.83; Venture Communications- phone service, \$120.19; Walworth County- registration fee deed, \$60.00; West Payment Center- library plan charges, \$16.91

COURTHOUSE: Aflac- resubmit refunded premium, \$16.31; Cardmember- supplies, paper shredder, \$1,878.33; City of Selby- water & sewer service, \$71.73; Heartland Waste- garbage service, \$105.00; Kens Western Lumber- supplies, \$20.48; Marco- copier usage contract, \$0.02; Montana- Dakota Utilities, \$3,159.94; Runnings- supplies, \$9.49; SDPAA- insurance premiums, \$14,545.71; Servall- mat & mop rental, \$45.88

DOE: Aflac- resubmit refunded premium, \$159.53; Cardmember- postage, \$67.14; Connecting Point- offsite backup, laptop, accessories, \$2,043.80; Marco- copier usage contract, \$5.44; Midcontinent Communications- internet, \$13.13; SDPAA- insurance premiums, \$293.16; Venture Communications- phone service, \$52.36

REGISTER OF DEEDS: Cardmember- postage, \$77.30; Connecting Point- offsite backup, \$8.75; Marco- copier usage contract, \$4.38; Midcontinent Communications- internet service, \$13.13; Mobridge Tribune- publishing, \$207.00; Quill- supplies, \$192.99; SDACO- 2017 membership dues, \$301.88; Selby Record- publishing, \$12.00; Venture Communications- phone service, \$53.08

VET SERVICE OFFICER: Data spec Inc. - program yearly fee, \$399.00

SHERIFF: A&B Business- toner, \$77.99; Aflac- resubmit refunded premium, \$59.68; AT&T Mobility- phone upgrade, \$42.67; Cardmember- postage, supplies, \$209.29; Connecting Point- computer maintenance, \$40.00; Graham Tire Aberdeen- tires, rims, \$1,405.90; Marco- copier usage contract, \$1.49; Midcontinent Communications-

internet service, \$13.12; Rees Communication- speaker/mic, \$80.50; SD Federal Property Agency- 2013 Ford Taurus, \$11,800; 2013 Ford Taurus, \$13,100; SDPAA- insurance premiums, \$1,190.59; SD Sheriff's Association- 2017 SD sheriffs assoc dues, \$513.14; Selby Auto- oil change, \$88.55; Selby Oil- services, \$119.50; Slater Oil & LP Gas- 1000 gals @\$2.11/gal, \$2,110.00; Taser International- supplies, \$707.87; Valley Motors- services, \$446.79; Venture Communications- phone/fax service, \$112.32; Western Communications- monthly maintenance, \$21.60

JAIL: Aflac- resubmit refunded premium, \$211.30; Avera Medical Group Selby- employee medical care, \$324.00; Cardmember- supplies, \$867.17; Cash-WA Distributing- groceries, \$191.15; City of Selby- water & sewer service, \$272.10; Dady Drug- supplies, \$26.96; Johnson Controls- repairs & maintenance \$2,509.74; Larry's Lock & Key- services, \$666.00; Les's Standard- furnace repair, \$1,176.83; Merckels- groceries, \$4,226.43; Mobridge Manufacturing- service call, \$150.00; Mobridge Regional Hospital- services, \$746.77; Montana- Dakota Utilities- gas/electricity, \$1,210.40; Payless- groceries, \$60.00; Phoenix Supply- supplies, \$620.10; Quill- supplies, \$150.35; R&K Mechanical- bathroom, plumbing repairs, \$9,638.68; Reditest Screening Devices- fentanyl panel, \$36.50; Rieker Electric- dishwasher repair, \$76.50; Runnings- supplies, \$164.95; SD Dept. of Public Safety- datamaxx charge, teletype service charge, \$2,590.00; SDPAA- insurance premium, \$13,778.52; Servall- mat & mop rental, \$30.47; Stoicks- supplies, \$171.38; Venture Communications- phone/fax service, \$226.20

EMERGENCY & DISASTER: Midcontinent Communications- internet service, \$13.12; Shannon Thompson- lodging B Cadotte/winter storm, \$55.00; Venture Communications- phone service, \$30.10

SUPPORT OF POOR: Aflac- resubmit refunded premium, \$16.48; Cardmember- postage service charge, \$6.24; Family Pharmacy- medication, supplies, \$326.59; Venture Communications- phone service, \$38.63

ECONOMIC ASSISTANCE: NESDCAP- 2017 allocation, \$2,500.00

EXTENSION: Aflac- resubmit refunded premium, \$52.84; Cardmember- postage service charge, \$6.25; Midcontinent Communications- internet service, \$6.56; Quill- supplies, \$61.78; SDPAA- insurance premiums, \$263.24; State 4-H Office Bands- supplies, \$240.25; Stoicks- supplies, \$2.09; Venture Communications- phone service, \$30.09

WEED CONTROL: Marco- copier usage contract, \$1.18; Midcontinent Communications- internet service, \$6.56; SDPAA- insurance premiums, \$490.59; Western Communications- monthly maintenance, \$8.80

PLANNING & ZONING: Aflac- resubmit insurance premiums, \$2.95

RD & BR: Aflac- resubmit refunded premium, \$400.96; Butler Machinery-supplies, \$3,507.59; Cam Wal- electricity @ Hoven shop, \$66.96; Cardmember- supplies, \$470.83; Central Diesel Sales- supplies/parts, \$96.14; City of Java- water service, \$18.00; City of Mobridge- water service, \$50.74; City of Selby- water & sewer service, \$64.35; Farnams Genuine Parts- supplies, \$69.75; Heartland Waste- garbage service, \$50.00; Hoven Coop- gas, fuel, \$2,726.61; John Deere Financial- supplies, \$529.52; Kens Western Lumber- supplies, \$13.99; Marco- copier usage contract, \$0.46; Montana- Dakota Utilities- electricity, \$596.37; North Central Farmers Elevator- gas/fuel, \$8,419.93; Northern Plains Cooperative- supplies, \$47.60; Quill- supplies, \$210.83; Rees Communications- install radio, \$456.00; Runnings- supplies, \$34.98; SD Dept. Transportation- 2016 striping, \$10,835.85; SDACHS- registration: Goetz, registration: spouse, yearly dues, \$475.00; SDPAA- insurance premiums, \$16,279.36; Selby Auto- supplies, \$94.81; Selby Record- paper, \$1.40; Servall- mop & mat rental, \$44.50; Shorty's One Stop- gas, \$449.60; Slater Oil & LP Gas- propane, heating fuel, \$2,803.80; Valley Telecommunications- cellphone service, \$39.99; Venture Communications- phone/fax/internet service, \$271.47; West River Telecommunications- phone service @ Mobridge shop, \$36.25; Western Communications- monthly maintenance, \$135.90

SHERIFF: Creative Product Sourcing- D.A.R.E Supplies, \$548.98

SOLID WASTE: Aflac- resubmit refunded premium, \$82.66; Cardmember- postage, \$28.54; Marco- copier usage contract, \$0.41; Mobridge Gas Company- gas, \$18.75; SD Dept. of Environment- solid waste surcharge, \$1,023.00; SDPAA- insurance premiums, \$6,874.30; Servall- mop & mat rental, \$39.32; Sheehan Mack Sales- services, \$924.19; Shorty's One Stop- gas, \$124.27; Slater Oil & LP Gas- 450 gal @ 1.17gal, \$526.50; Western Communications- monthly maintenance, \$9.30

ADVANCED TAX FUND: Walworth County Treasurer- advance tax payments, \$85,134.88;

PARTIAL PAYMENTS FUND: Walworth County Treasurer- partial payments, \$3,542.44

5 CO TV DIST FUND: Cam Wal- electricity Java 1 & java 2, \$1,411.00; FEM Electric- electricity, \$99.74

M&P FUND: SDACO M & P Fund- M & P Remittance, \$90.00

As required by SDCL 6-1-10, the January payroll paid by department was as follows: Commissioners - \$4,572.62; Auditor - \$5,091.97; Treasurer - \$5,210.79; States Attorney - \$6,248.38; Court House - \$498.27; Director of Equalization - \$6,198.63; Register of Deeds - \$4,441.29; Veterans Service Officer - \$594.23; Sheriff - \$8,182.71;

Jail - \$23,142.27; Emergency & Disaster - \$1,078.68; Poor - \$209.11; Extension - \$1,093.44; Weed & Pest - \$1,067.03; Zoning – \$88.30; Road & Bridge - \$22,270.06; Solid Waste - \$9,579.79; 5 County TV Translator District - \$476.98.

TREASURERS REPORT:

Schilling moved and Holgard seconded to approve the Treasurer’s monthly report for December. Voting Aye: 5; Nay: 0. The motion was adopted.

PARTIAL PAYMENTS:

Miller moved and Shilling seconded to approve partial payments for record #6230 of \$100 per month which will be revisited in 6 months. Voting Aye: 5; Nay: 0. The motion was adopted.

COUNTY OWNED LEASE LAND:

Houck moved and Schilling seconded to change the lease to a three year term to be paid annually. Voting Aye: 5; Nay: 0. The motion was adopted.

Harley Moser requested the board allow him extra time to remove his property from the parcel he had leased the previous year. Miller moved and Houck seconded to allow the 30 days. Holgard moved and Houck seconded to amend the motion to include for this term only. Voting Aye: 4; Nay: 1. The motion was adopted.

The public auction to be held for real estate belonging to the county as per the published notice began at 9:30 a.m.

Tract 1: The real estate described as containing 111.3 acres, more or less, situated and being in the Southeast Quarter (SE4) of Section Five (5), in Township One Hundred Twenty-four (124), Range Seventy-six (76), Walworth County, South Dakota
Lessee – Brian Brockel High bid: \$3,000.00

Tract 2: The real estate described as containing 37 acres, more or less, situated and being in the Southeast Quarter (SE4) of Section Five (5), in Township One Hundred Twenty-four (124), Range Seventy-six (76), Walworth County, South Dakota
Lessee – Rory Thorstenson High bid: \$410.00

Tract 3: The real estate so leased is described as containing 30 acres, more or less, situated and being in Tract 1 of the Northeast Quarter (NE¼) of Section Thirty-six (36), in Township One Hundred Twenty-four (124) North, Range Seventy-nine (79) West, 5th P.M., Walworth County, South Dakota and also containing 9.5 acres, more or less, situated and being in the West 318 feet of the Northwest Quarter of the Southwest Quarter (NW¼SW¼) of Section Thirty-six (36) in Township One Hundred Twenty-four (124) North, Range Seventy-nine (79) West, 5th P.M., Walworth County, South Dakota and also containing 7.5 acres, more or less, situated and being Northeast of the old ingress and egress landfill road in the North Half of the Southeast Quarter (N½SE¼) of Section Thirty-six (36) in Township One Hundred Twenty-four (124) North, Range Seventy-nine (79) West, 5th P.M., Walworth County, South Dakota
Lessee – John Keller High bid: \$200.00

Tract 4: The real estate described as containing 73.2 acres, more or less, situated and being in the East Half of the Northeast Quarter (E2NE4) of Section Eight (8), in Township One Hundred Twenty-four (124), Range Seventy-six (76), Walworth County, South Dakota
Lessee – Collin Brockel High bid: \$2,550.00

Tract 5: The real estate described as containing 80 acres, more or less, situated and being in the West Half of the Northeast Quarter (W2NE4) of Section Eight (8), in Township

One Hundred Twenty-four (124), Range Seventy-six (76), Walworth County, South
Dakota

Lessee – Collin Brockel

High bid: \$1,150.00

WESTSIDE MEATS:

Carla Lang, owner of Westside Meats, attended the meeting to request that taxes payable in 2017 for the structures on her two business locations in Mobridge be prorated or abated entirely due to fire destroying the structures in January and May of 2016 respectively. Holgard moved and Houck seconded to abate taxes entirely for the structure located on Grand Crossing and prorate the taxes on the Riverfront Drive structure through May of 2016. All taxes on the lots for both of the properties will remain payable. Voting Aye: 5; Nay: 0. The motion was adopted.

JAIL BUILDING:

Dean Marske with HKG Architects and Matt Beaner with Kyburz-Carlson Construction were in attendance to present preliminary plans for a proposed new Walworth County Jail facility and discuss the steps necessary to move the project forward. Mr. Marske presented a contract to retain the services of HKG Architects through the creation of plans and the public information process relating to a possible bond referendum; the cost of those services would be \$7000. The contract will be considered at the February 21st meeting. Mr. Beaner discussed the construction management process which is an option the Commissioners may consider should a bond referendum pass. A construction manager would work on the County's behalf and take some of the day-to-day decision making out of the hands of the Commissioners. More information relating to the construction management process and the bond process will also be presented at the February 21st meeting.

ZONING:

Houck informed the board that currently the county does not have a setback restriction from farming next to a county road. Goetz will research what the state does and address it at the next zoning meeting.

RESOLUTION 2017-04:

Schilling moved and Houck seconded to adopt Resolution 2017-04 Voting Aye: 5; Nay: 0. The motion was adopted.

RESOLUTION GIVING APPROVAL TO CONSTRUCT A NEW CELL FOR USE AT THE WALWORTH COUNTY LANDFILL; GIVING APPROVAL TO THE RECEIPT OF A LOAN FROM THE SD BOARD OF WATER AND NATURAL RESOURCES FOR THE CONSTRUCTION OF AN ADDITIONAL CELL; APPROVING THE FORM OF THE LOAN AGREEMENT AND THE REVENUE BOND AND PLEDGING REVENUES FROM THE LANDFILL TO REPAY SAID LOAN; AND CREATING SPECIAL FUNDS AND ACCOUNTS FOR THE ADMINISTRATION OF FUNDS FOR REPAYMENT OF THE LOAN.

WHEREAS, one of the purposes of SDCL Chapter 7-33 (the "Act") as found and determined by the Legislature is to provide the authority for counties to enter into financing agreements for the acquisition, maintenance, operation, extension or improvement of any system or part of any system of solid waste management facilities; and

WHEREAS, the County of Walworth (the "COUNTY") currently operates the Walworth County Landfill, a solid waste management facility (the "System"), for the collection, treatment and disposal of garbage and other domestic, commercial and industrial wastes; and the COUNTY has determined that the construction of an additional cell is necessary for the continued operation of its solid waste management facility; and

WHEREAS, the COUNTY has applied to the South Dakota Board of Water and Natural Resources (the "Board") for financial assistance under the Solid Waste Management Program (the "Program") pursuant to SDCL 46A-1-83, whereby the Board may grant or loan funds from the water and environment fund created pursuant to SDCL 46A-1-60; and

WHEREAS, the Board awarded the COUNTY a \$250,000 Solid Waste Management Program grant and a \$462,000 Solid Waste Management loan on January 5, 2017; and

WHEREAS, the COUNTY has determined to accept the Solid Waste Management Program Loan; and to issue revenue bonds to finance the construction of the additional cell.

NOW THEREFORE BE IT RESOLVED by the COUNTY as follows:

1. Declaration of Necessity and Determination of Facilities Financed. The COUNTY hereby determines it is necessary to construct an additional cell as described in Exhibit A hereto (the "Project"). The COUNTY hereby expressly finds that if the Project is not undertaken, the System will pose a health hazard to the COUNTY and its inhabitants, and will make the COUNTY unable to comply with state and federal law. Because of the functional interdependence of the various portions of the System, the fact that the System may not lawfully operate unless it complies with state and federal laws, including SDCL Chapter 7-33, the COUNTY hereby determines that the Project will substantially benefit the entire System and all of its users within the meaning of SDCL 9-40-15 and SDCL 9-40-17.

2. Approval of Financing. The COUNTY hereby determines to finance \$462,000 of the costs of the Project through a Solid Waste Management Program Loan from the Board through the issuance of revenue bonds (the "Revenue Bond").

3. Approval of Loan Agreement. The execution and delivery of the Revenue Obligation Loan Agreement (the "Loan Agreement") between the COUNTY as Borrower, and the South Dakota Board of Water and Natural Resources (the "Board"), is hereby in all respects authorized, approved and confirmed, and the Chairman of the County Commission and County Auditor are hereby authorized and directed to execute and deliver the Loan Agreement in the form and content attached hereto, with such changes as the Walworth County States Attorney deems appropriate and approves, for and on behalf of the County. The Chairman of the County Commission and County Auditor are hereby further authorized and directed to implement and perform the covenants and obligations of the COUNTY set forth in or required by the Loan Agreement. The Loan Agreement herein referred to and made a part of this Resolution are on file in the office of the Walworth County Auditor, and is available for inspection by any interested party.

4. Approval of Revenue Bonds. The issuance of the Revenue Bond in aggregate principal amount not to exceed \$462,000 as determined according to the Loan Agreement in the form and content set forth in Appendix B attached to the form of Loan Agreement shall be and the same is, in all respects, hereby authorized, approved, and confirmed and the Chairman of the County Commission and County Auditor and other appropriate officials shall be and are hereby authorized and directed to execute and seal the Revenue Bond and deliver the Revenue Bond to the Board, for and on behalf of the COUNTY, upon receipt of the purchase price, and to use the proceeds thereof in the manner set forth in the Loan Agreement. The Chairman of the County Commission and County Auditor are hereby authorized to approve the final terms of the Revenue Bond and their execution and delivery thereof shall evidence that approval. The Revenue Bond shall be issued under the authority of SDCL Chapter 9-40 and SDCL Chapter 6-8B, and the provisions of the Act are hereby expressly incorporated herein as provided in SDCL 9-40-19.

5. Paying Agent/Registrar. The Revenue Bond shall be payable at the office of the Board of Water and Natural Resources. The Walworth County Auditor is hereby designated as paying agent and registrar.

6. Project Fund Accounts. For the purpose of application and proper allocation of the income of the System and to secure the payment of principal of and interest on the Revenue Bond, the following mandatory segregation accounts shall be used solely for the following respective purposes until payment in full of the principal of and interest on the Revenue Bond:

(a) Project Revenue Account. There shall be deposited in the Project Revenue Account as received the net revenues from the Walworth County Landfill. Moneys from the Project Revenue Account shall be transferred periodically into separate accounts as provided below.

(b) Operation and Maintenance Account. There shall be established the General Operation and Maintenance Account. Out of the remaining revenues of the Project Revenue Account after application described in (c) and (d) below, there shall be set aside each month into the General Operation and Maintenance Account, a sum sufficient to provide for the payment of the next month's current expenses of administration and operation of the remainder of the System and such current expenses for the maintenance thereof as may be necessary to preserve the remainder of such System in good repair and working order. The term current expenses shall be construed to include all reasonable and necessary costs of operating, repairing, maintaining and insuring the System, including without limitation salaries, supplies and rent, but shall exclude General Depreciation Account and Project Debt Service Account.

(c) Project Debt Service Account. Out of the revenues in the Project Revenue Account, there shall be set aside no later than the 25th day of each month into the account designated Project Debt Service Account, a sum sufficient to provide for the payment as the same become due of the next maturing principal and interest on, the Revenue Bond and any reserve determined by the County Commission to be necessary. The amount set aside monthly shall be not

less than one-sixth of the total principal, interest, and other amounts payable on the following payment date, and if there shall be any deficiency in the amount previously set aside, then the amount of such deficiency shall be added to the current requirement.

(d) Depreciation Account. There shall be established a General Depreciation Account. Out of the revenues of the Project Revenue Account there shall be set aside each month into the General Depreciation Account an amount determined by the County Commission to be a proper and adequate amount for repair and depreciation of the Project.

(e) Project Surplus Account. There shall be established the Project Surplus Account. Revenues remaining in the Project Revenue Account at the end of any fiscal year after all periodic transfers have been made therefrom as above required, shall be deemed to be surplus and shall be credited to the General Surplus Account. If at any time there shall exist any default in making any periodic transfer to the Project Debt Service Account, the County Commission shall authorize the County Auditor to rectify such default so far as possible by the transfer of money from the Project Surplus Account. If any such default shall exist as to more than one account at any time, then such transfer shall be made in the order such accounts are listed above.

When not required to restore a current deficiency in the Project Debt Service Account, moneys in the Project Surplus Account from time to time may be used for any of the following purposes and not otherwise:

i. To redeem and prepay the Revenue Bond when and as such Revenue Bond payments become prepayable according to its terms;

ii. To pay for repairs of or for the construction and installation of improvements, equipment or additions to or at the Landfill; and, if the balances in the Project Debt Service Account and the Depreciation Account are sufficient to meet all payments required or reasonably anticipated to be made there from prior to the end of the then current fiscal year, then:

iii. To be held as a reserve for redemption and prepayment of the loan which are not then but will later be prepayable according to their terms; or

iv. To be used for any other authorized purpose designated by the county Commission.

No moneys shall at any time be transferred from the Project Surplus Account or any other account to any other account of the County, nor shall such moneys at any time be loaned to other county funds or invested in warrants, special improvements bonds or other obligations payable from other funds, except as allowed by this Section.

The County Auditor shall set up bookkeeping accounts in accordance with South Dakota Legislative Audit guidelines for the segregation of the landfill revenue.

7. Pledge of Revenues. The Revenue Bond, together with the interest thereon, shall not constitute a charge against the COUNTY's general credit or taxing power, but shall be a limited obligation of the COUNTY payable solely out of the System Debt Service Account, which payments, revenues and receipts are hereby and in the Loan Agreement pledged and assigned for the equal and ratable payments of the Revenue Bond and shall be used for no other purpose than to pay the principal of and interest on the Revenue Bond, except as may be otherwise expressly authorized in the Loan Agreement (including the purpose of securing Additional Bonds issued as permitted by the terms thereof). The COUNTY covenants and agrees to charge rates for all services from the System or establish special charges or surcharges which will be sufficient to provide for the payments upon the Revenue Bond issued hereunder as and when the same become due, and as may be necessary to provide for the operation and maintenance and repairs of the System, and depreciation, and the Rate Ordinance shall be revised from time to time so as to produce these amounts. The COUNTY hereby reserves the right to determine on a periodic basis the appropriate allocation of operation and maintenance expenses, depreciation, repair and reserves associated with the facilities financed with the Revenue Bond, provided that such determination of allocable operation and maintenance expenses shall in no event abrogate, abridge or otherwise contravene the covenant of the COUNTY set forth in this Section 7 or any other covenant or agreement in the Loan Agreement.

8. Additional Bonds. As permitted by SDCL 9-40-8 and SDCL 9-40-9, additional Bonds payable from revenues and income of the System may be issued, as permitted in the Loan Agreement and no provision of this Resolution shall have the effect of restricting the issuance of, or impairing the lien of, such additional parity bonds with respect to the net revenues or income from the extensions, additions or improvements. The COUNTY shall have the right to issue additional bonds secured by a lien subordinate to the lien from the Revenue Bond pursuant to the Loan Agreement.

9. General Covenants.

(a) The County of Walworth hereby covenants and agrees with the Board and other owners of the Revenue Bond that it will punctually perform all duties with reference to the Project, the System and the Revenue Bond required by the constitution and laws of the State of South Dakota and by this Resolution

(b) The County of Walworth agrees and covenants that it will promptly construct the landfill cell financed by Loan.

(c) The County of Walworth covenants and agrees that pursuant to SDCL 9-40-28 and SDCL 9-40-29, the lawful holders of the Revenue Bond shall have a lien upon the Walworth County Landfill and the extensions, additions, improvements and equipment thereof acquired pursuant to Loan, until the payment in full of the principal, interest on the Revenue Bond and the County of Walworth agrees not to sell or otherwise dispose of the Landfill or any substantial part thereof, except as provided in the Loan Agreement and shall not establish, authorize or grant a franchise for the operation of any other utility supplying like products or services in competition therewith, or permit any person, firm or corporation to compete with it in the collection and treatment of waste for municipal, industrial, and domestic purposes within Walworth County.

(d) The County of Walworth covenants and agrees with the Board and other owners of the Revenue Bond that it will maintain the Walworth County Landfill in good condition and operate the same in an efficient manner and at a reasonable cost, so long as any portion of the Revenue Bond remains outstanding; that it will maintain insurance on the Landfill for the benefit of the holders of the Revenue Bond in an amount which usually would be carried by private companies in a similar type of business; that it will prepare, keep and file records, statements and accounts as provided for in this Resolution and the Loan Agreement. The Revenue Bond shall refer expressly to this Resolution and the Act and shall state that it is subject to all provisions and limitations thereof pursuant to SDCL 9-40-19.

(e) The County Auditor shall cause all moneys pertaining to the Accounts to be deposited as received with one or more banks which are duly qualified public depositories under the provisions of SDCL Ch. 4-6A, in a deposit account or accounts, which shall be maintained separate and apart from all other accounts of the County so long as any part of the Revenue Bond or the interest thereon shall remain unpaid. Any of such moneys not necessary for immediate use may be deposited with such depository banks in savings or time deposits. No money shall at any time be withdrawn from such deposit accounts except for the purposes of the Accounts as authorized in this Resolution. Income received from the deposit or investment of moneys shall be credited to the Account from whose moneys the deposit was made or the investment was purchased, and handled and accounted for in the same manner as other moneys therein.

(f) In the event of mismanagement of the System, a default in the payment of the principal or interest of the Revenue Bond, or in any other condition thereof materially affecting the lawful holder of the Revenue Bond, or if the revenues of the Project or System are dissipated, wasted or diverted from their proper application as set forth in the Loan Agreement, Revenue Bond, or herein, the COUNTY hereby consents to the appointment of a receiver pursuant to SDCL 9-40-33, and agrees that the receiver will have the powers set forth therein, and in SDCL 9-40-34 and SDCL 9-40-35 to operate and administer the System, and charge and collect rates as described therein.

10. Issuance without Election. The COUNTY hereby determines that because the Revenue Bond is issued in connection with a financing agreement described in SDCL 46A-1-49, pursuant to SDCL 9-40-15 no election is required to issue the Revenue Bond.

11. Severability. If any section, paragraph, clause or provision of this Resolution, the Loan Agreement, the Revenue Bond, or any other Loan Document shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Resolution or said Loan Agreement, Revenue Bond, or any other Loan Document.

12. Authorization of County Officials. The Chairman of the County Commission and County Auditor, Walworth County States Attorney and County Officials shall be and they are hereby authorized to execute and deliver for and on behalf of the County any and all other certificates, documents or other papers and to perform such other acts as they may deem necessary or appropriate in order to implement and carry out the actions authorized herein.

13. Definitions. All terms used in this Resolution which are not defined herein shall have the meanings assigned to them in the Loan Agreement unless the context clearly otherwise requires.

14. Effective Date. This Resolution shall take effect on the 20th day following its publication, unless suspended by a referendum.

Adopted at Selby, Walworth County South Dakota, this 7th day of February, 2017.

FUNDING AGREEMENT:

Holgard moved and Houck seconded to authorize Chairman Siemon to sign the letter of agreement for grant funding from South Dakota Department of Environment and Natural Resources. Voting Aye: 5; Nay: 0. The motion was adopted.

JAIL REPORTS:

Holgard had questions on the jail monthly reports which Jungwirth stated he would look into and get him the answers.

JAIL AGREEMENTS:

Schilling moved and Houck seconded to approve the jail agreement with Campbell County for prisoner boarding in 2017. Voting Aye: 5; Nay: 0. The motion was adopted.

Miller moved and Houck seconded to approve the jail agreement with Hyde County for prisoner boarding in 2017. Voting Aye: 5; Nay: 0. The motion was adopted.

Houck moved and Schilling seconded to approve the jail agreement with McIntosh County, ND for prisoner boarding in 2017. Voting Aye: 5; Nay: 0. The motion was adopted.

Houck moved and Miller seconded to approve the jail agreement with Potter County for prisoner boarding in 2017. Voting Aye: 5; Nay: 0. The motion was adopted.

Schilling moved and Houck seconded to approve the jail agreement with Sully County for prisoner boarding in 2017. Voting Aye: 5; Nay: 0. The motion was adopted.

Schilling moved and Houck seconded to approve the jail agreement with Corson County for prisoner boarding in 2017. Voting Aye: 5; Nay: 0. The motion was adopted.

Miller moved and Houck seconded to approve the jail agreement with Hand County for prisoner boarding in 2017. Voting Aye: 5; Nay: 0. The motion was adopted.

Schilling moved and Houck seconded to approve the jail agreement with Edmunds County for prisoner boarding in 2017. Voting Aye: 5; Nay: 0. The motion was adopted.

Houck moved and Miller seconded to approve the jail agreement with Faulk County for prisoner boarding in 2017. Voting Aye: 5; Nay: 0. The motion was adopted.

Houck moved and Holgard seconded to approve the jail agreement with McPherson County for prisoner boarding in 2017. Voting Aye: 5; Nay: 0. The motion was adopted.

Miller moved and Houck seconded to approve the jail agreement with Stanley County for prisoner boarding in 2017. Voting Aye: 5; Nay: 0. The motion was adopted.

Schilling moved and Holgard seconded to approve the jail agreement with Logan County, ND for prisoner boarding in 2017. Voting Aye: 5; Nay: 0. The motion was adopted.

PART-TIME EMPLOYEE:

Houck moved and Miller seconded to approve the wage of Jessica Kurtz as part-time control room operator at \$12.00 per hour. Voting Aye: 3; Nay: 2. The motion was adopted.

EMERGENCY MANAGEMENT:

Holgard moved and Schilling seconded to sign a letter of commitment to participate in the Warhawk District Multi-Jurisdictional Hazard Mitigation Plan Update. Voting Aye: 5; Nay: 0. The motion was adopted.

ABATEMENTS:

Schilling moved and Miller seconded to approve an abatement for record #5466 of \$493.44 as the property should have had an assessment freeze. Voting Aye: 5; Nay: 0. The motion was adopted.

Holgard moved and Houck seconded to approve an abatement for record #7112 of \$2330.60. This property should have been exempt from taxes. Voting Aye: 5; Nay: 0. The motion was adopted.

Houck moved and Holgard seconded to approve an abatement for record #4536 of \$81.58 due to an incorrect assessment freeze amount. Voting Aye: 5; Nay: 0. The motion was adopted.

TREASURER’S OFFICE:

Holgard moved and Schilling seconded to approve the Monthly Treasurer’s Report. Voting Aye: 5; Nay: 0. The motion was adopted.

Moak provided the board with an updated list of properties she will be taking for tax deed this year. She will also be advertising the list to give the owners a chance to pay the taxes before starting the proceedings. The board will not be taking the following properties with treasurer’s trusts or barred by statute:

- 2007-67 ZANE SCHULZ #6159 Treasurer Trust
- 2010-37 GORDON HOISINGTON #5762 Treasurer Trust
- 2010-39 EARLEEN IRIGOYEN #7920 Treasurer Trust
- 2010-50 PHILIP LINDSKOV #5080 Treasurer Trust
- 2011-40 PHILIP LINDSKOV #5072 Treasurer Trust
- 2011-41 PHILIP LINDSKOV #5073 Treasurer Trust
- 2011-42 PHILIP LINDSKOV #5075 Treasurer Trust
- 2011-44 PHILIP LINDSKOV #6212 Treasurer Trust
- 2011-75 DONNIE SWIFT #5245 Treasurer Trust
- 2012-82 PHILIP LINDSKOV #5074 Treasurer Trust
- 2012-117 JAMES TOLLY #4783 Treasurer Trust
- 2012-121 JAMES TOLLY #4787 Treasurer Trust
- 2012-124 JAMES TOLLY #4790 Treasurer Trust
- 2012-125 JAMES TOLLY #4791 Treasurer Trust

- 2000-8 JOHN TISDALL #5852 Statute
- 2007-38 LILA MARTEL #4985 Statute
- 2008-81 WILLIAM SCHLEPP #5023 Statute

PAYROLL:

The employees that were not considered when the board changed payroll to every two weeks stated they will be ok if it stays every two weeks but do not want it to change again.

PERSONELL POLICY:

Houck moved and Miller seconded to approve the changes to the personnel policy to reflect the payroll changes that were made. Voting Aye: 5; Nay: 0. The motion was adopted.

LEAVE BENEFITS:

Kahl and Eisemann again requested that their employees receive leave time for the 6 months they were on probation. The board had approved the request previously then rescinded the motion due to not knowing where to start and stop when it came to who would receive the reimbursement. Schilling moved and Holgard seconded to deny the request. Voting Aye: 2; Nay: 3. The motion failed.

CULVERT ISSUE:

The culvert discussion was tabled until the next meeting.

OLD BUSINESS:

The board received correspondence from Christopher Jung regarding the fence issue. Schilling moved and Holgard seconded to table discussion until State’s Attorney Hare is present or the County hire’s an attorney to advise them on the issue. Voting Aye: 5; Nay: 0. The motion was adopted.

The board approved Kahl advertising the appeal process for Equalization.

Schilling requested the board receive a list of building permits monthly.

NEW BUSINESS:

Krein informed the board that Deputy Auditor Katie Gregg requested to move to part-time, therefore Deputy Auditor Aubriauna Diaz would be taking the full-time position in her office. She also informed the board that the error on the Mobridge-Pollock School tax bills has been corrected in the system and letters will start being mailed out this week to those affected.

ADJOURNMENT:

Houck moved and Schilling seconded that the Board of County Commissioners adjourn until the hour of 9:00 am February 21, 2017. Voting Aye: 5; Nay: 0.

DAVID SIEMON, CHAIRPERSON

ATTEST:

REBECCA KREIN, AUDITOR

Published once at the total approximate cost of \$ _____