April 7, 2015

9:00 A.M.

**WALWORTH COUNTY BOARD OF COMMISSIONERS**

**MINUTES OF PROCEEDINGS**

The Walworth County Board of Commissioners met in scheduled session on April 7, 2015 at 9:00 a.m. at the County Courthouse. Members present were: David Siemon, Duane Martin and Scott Schilling. Also present was Auditor Rebecca Krein and State’s Attorney James Hare.

Vice-Chairperson Godkin called the meeting to order via telephone.

The Pledge of Allegiance was recited by those in attendance.

Martin moved and Schilling seconded that the minutes of the meeting of March 10, 2015 be approved. Voting Aye: 4; Nay: 0. The motion was adopted.

**CLAIMS APPROVED:**

Schilling moved and Martin seconded to deny payment on the bill from Selby Record for the cracker barrel session. Voting Aye: Martin, Godkin, and Schilling; Voting Nay: Siemon. The motion was adopted.

Schilling moved and Siemon seconded that the following claims be paid. Voting Aye: 4; Nay: 0. The motion was adopted.

**GENERAL FUND**: Akaska Fire Dept – fire premium refund, $1,625.13; Bowdle Rural Fire District – fire premium refund, $812.56; Glenham Fire Dept – fire premium refund, $1,173.70; Hoven Fire Dept – fire premium refund, $902.85; Java Fire District – fire premium refund, $1,715.41; Mobridge Fire Dept – fire premium refund, $8,577.06; Selby Fire Dept – fire premium refund, $3,250.25;

**COMMISSIONERS:** Denis Arbach – mileage & meal expense, $101.73; Best Western Ramkota Hotel – lodging, $854.91; City of Mobridge – water service 306 2nd Ave W, $10.50; Richard Godkin – mileage & meal expense, $129.46; Hoven Media Inc – right of way notice, Commissioner District 1, $28.93; Duane Martin – mileage & meal expense, $129.46; Mobridge Tribune – official proceedings, right of way notice, Commissioner District 1, $224.59; Quill Corporation – paper, $7.85; Reliable Office Supplies – paper, $58.56; Scott Schilling – mileage & meal expense, $99.86; Selby Record – official proceedings, Commissioner District 1, $118.11; David Siemon – mileage expense, $15.54;

**ELECTIONS:** Cardmember Service – USB adapter, $33.98;

**COURTS:** West Payment Center – information charges, $2118.46;

**AUDITOR:** Best Western Ramkota Hotel – lodging, $189.98; Cardmember Service – postage service charge, postage, supplies $420.80; Rebecca Krein – mileage & meal expense, $77.86; Midcontinent Communications – internet service, $13.13; Quill Corporation – paper, $5.24; SDACO – registration, $175.00;

**TREASURER:** Best Western Ramkota Hotel – lodging, $94.99; Cardmember Service – postage service charge, postage, supplies, $245.51; Midcontinent Communications – internet service, $13.13; Quill Corporation – paper, toner, $177.64; SDACO – registration, $175.00;

**STATES ATTORNEY:** A&B Business Inc – supplies, $9.00; Kristi A Brandt – transcripts, $1,098.40; Cardmember Service – postage service charge, postage, supplies, $317.90; Midcontinent Communications – internet service, $13.13; Keisha Yellow Horse – subpoena, mileage expense, $35.54;

**COURT APPOINTED ATTORNEY:** Vaughn Beck –court appointed attorney fees,$2,370.70;Vickie S Broz Krause – court appointed attorney fees, $1,350.00; Dakota Plains Legal Services – court appointed attorney fees, $855.75; William D Gerdes – court appointed attorney fees, $770.90; Mark K Kroontje – court appointed attorney fees, $1,759.33; SDACC – catastrophic legal expense, $1,125.09;

**ABUSED CHILD DEFENSE:** Vickie S Broz Krause – court appointed attorney fees, $2,574.40;Dakota Plains Legal Services – court appointed attorney fees, $3,928.50; Mark K Kroontje – court appointed attorney fees, $1,229.45; Von Wald Law Offices – court appointed attorney fees, $7,987.84;

**COURTHOUSE:** Allegiant Emergency Services – annual fire inspection, fire extinguishers, service call, $459.00; Cardmember Service – supplies, tv/dvd, $480.58; City of Selby – water, sewer service, $76.17; Cummins Central Power LLC – maintenance contract, $141.38; Kens Western Lumber – supplies, $213.45; Pfitzer Pest Control LLC – pest control services, $180.50; Reuer Sanitation Inc – garbage service, $95.00; Everett Russell – repairs, $25.00; Servall Uniform & Linen – mats, mops, $41.44; Kurt A Wolf – lawn care contract, $775.00;

**DIRECTOR OF EQUALIZATION:** Cardmember Service – postage service charge, postage, supplies, $1,184.53; Midcontinent Communications – internet service, $13.13; Quill Corporation – paper, $59.70; Selby Auto – repairs, $64.90; Shorty’s One Stop – gasoline, $23.90;

**REGISTER OF DEEDS:** Cardmember Service – postage service charge, $6.25; Midcontinent Communications – internet service, $13.12; Quill Corporation – paper, $3.08;

**VET SERVICE OFFICE:** Quill Corporation – toner, $82.98;

**SHERIFF:** Allegiant Emergency Services – annual fire inspection, repairs, service call, $100.50; AT & T Mobility – cell phone service, $202.16; Cardmember Service – postage service charge, postage, gasoline, $212.15; Gas N Goodies – gasoline, $32.42; Midcontinent Communications – internet service, $13.12; Pheasantland Industries – supplies, $98.09; Selby Oil Company – oil change, $53.50; Selby Record – help wanted ad, $12.00;

**JAIL:** A&B Business Inc – supplies, $33.65; Allegiant Emergency Services – annual fire inspection, fire extinguisher, service call, $219.00; City of Selby – water, sewer service, $97.92; Cummins Central Power LLC – maintenance contract, $106.64; Family Dollar – supplies, OTC medications, groceries, cleaning products, $52.60; Family Pharmacy Inc – prisoner prescriptions, $17.09; Kens Western Lumber – supplies, $5.99; Merkel’s Foods – supplies, groceries, cleaning supplies, paper products, $498.74; Mobridge Climate Control – repair fan motor, $705.43; Mobridge Medical Clinic – medical care, $135.89; Montana Dakota Utilities – electricity, natural gas, $667.51; Pfitzer Pest Control LLC – pest control services, $166.25; Phoenix Supply – prisoner clothing, $147.41; Reliable Office Supplies – paper, $87.87; Servall Uniform & Linen – mops, mats, $40.72; Stoick’s Food Center – groceries, $106.49; Western Communications Inc – radio maintenance, $21.60;

**EMERGENCY & DISASTER:** AT&T Mobility – cell phone service, $33.89; Midcontinent Communications – internet service, $6.56;

**SUPPORT OF POOR:** Cardmember Service – postage service charge, $6.24;

**MENTAL ILLNESS BOARD:** Lucy Lewno – mental illness hearing, $102.25; Cathy Rehfuss – mental illness hearing, $6.00; Karen A Swanda – mental illness hearing, $6.00; Taliaferro Law Firm PC – mental illness cases, $657.00;

**HISTORICAL MUSEUM:**

**SENIOR CITIZENS:** Area IV Senior Nutrition – grant to other entity, $2,000.00;

**EXTENSION:** Cardmember Service – postage service charge, $6.25; Country Woman – subscription, $14.98; Midcontinent Communications – internet service, $13.12; SDSU Extension – mileage expense, $67.71; State 4-H Office-Bands – poultry bands, $17.00;

**WEED CONTROL:** AT&T Mobility – cell phone service, $33.89; Cardmember Service – screen protector, $6.99; Midcontinent Communications – internet service, $6.56; Quill Corporation – paper, $1.00; Western Communications Inc – radio service, $8.80;

**RD & BR:** Bierschbach Equipment & Supply – starter switch, $126.45;Butler Machinery Co – supplies, $105.48; Cardmember Service – postage, safety jacket, registration, supplies, $270.57; Cedar Shores Resort – lodging, $169.90; Central Diesel Sales Inc – parts, $13.78; City of Java – water service @ Java shop, $18.00; City of Mobridge – water, sewer @ Mobridge shop, $48.34; City of Selby – water, sewer, $70.14; Dakota Oil – supplies, $310.22; Fastenal Co – safety vests, $68.73; Fasteners – parts, $59.13; Frontier Precision Inc – supplies, $25.00; Penny Goetz – mileage & meal expense, $191.56; Great Western Tire Inc – tires, $425.00; Jensen Rock & Sand Inc – cold mix, $365.70; Kens Western Lumber – supplies, $7.50; Matheson Tri-Gas DBA Evergreen – welding supplies, $186.21; Montana-Dakota Utilities – Selby shop, state shop, Mobridge shop, $315.16; North Central Farmers Elevator – fuel, gasoline, supplies, $7548; HSBC Business Solutions – hand pump system, $139.48; OK Automotive WD – hoist inspection, $150.00; Pheasantland Industries – safety clothing, $1,055.96; Praxair Distribution Inc – welding supplies, $44.02; Quill Corporation – paper, $.19; Reuer Sanitation Inc – garbage service, $35.00; Runnings Supply Inc. – supplies, $116.47; Selby Auto Sales & Service – supplies, $466.25; Selby Oil Company – supplies, $37.00; Servall Uniform & Linen – mats, towels, $40.10; Shorty’s One Stop – gasoline, $65.59; Valley Telecommunications – cell phone service, $39.99; West River Telecommunications – phone service @ Mobridge shop, $32.09; Western Communications Inc – radio maintenance, install radio, $526.90;

**COMMUNICATION CENTER:**

**SOLID WASTE:** Best Western Ramkota Hotel – lodging, $99.99;Cam Wal Electric Cooperative – electricity, $201.66;Cardmember Service – postage, $16.07;Central Diesel Sales Inc – supplies, $141.10;Farnams Genuine Parts – supplies, $52.86; Geotek Engineering – annual groundwater report, $2,132.50; Lucky’s Gas & More – gasoline, $84.62; Mobridge Gas Company – propane, $40.00; Mobridge Hardware – supplies, $39.96; Mobridge Tribune – landfill summer hours, $98.40; North Central Farmers Elevator – fuel: 1380 gal @ 1.9132, $2,640.22; Quill Corporation – paper, $.17; RI-TEC – degreaser, $344.00; Runnings Supply Inc – supplies, $41.33; SD Dept of Environment – solid waste surcharge, $933.00; SD Federal Property Agency – motor grader, supplies, $12,751.00; SDSWMA – registration, $260.00; Servall Uniform & Linen – mats, $35.56; Shorty’s One Stop – gasoline, $473.76; Tri State Water – bottled water, $48.50; Valley Telcommunications – phone, internet service, $98.16; Web Water Development - water service, $41.63; Western Communications Inc – radio maintenance, $9.30;

**5 COUNTY TV DISTRICT FUND:** Cam Wal Electric Cooperative – electricity, $1,070.98; Fem Electric Assoc. – electricity, $77.98; Sid Haux – cell phone, mileage expense, $212.81; Quill Corporation – paper, $.81; Zuber Refrigeration – repairs, $225.97;

**SDACO M&P FUND:** M&P remittance, $126.00

As required by SDCL 6-1-10, the March payroll paid by department was as follows: Commissioners - $5,280.16; Auditor - $8,518.95; Treasurer - $10,927.94; States Attorney - $13,985.87; Courthouse - $1,104.18; Director of Equalization - $11,890.77; Register of Deeds - $8,922.77; Veterans Service Officer - $1,208.09; Sheriff - $16,089.31; Jail - $42,683.49; Coroner - $83.97; EMG & Disaster - $4,855.23; Poor - $601.21; Extension - $1,313.81; Road & Bridge - $45,011.77; Solid Waste - $17,794.59; 5 County TV Translator District - $1,033.44.

**ELECTION OF CHAIRPERSON:**

 Godkin stated that he did not want the Chairperson position and would like to step down from being Vice- chairperson as well. Martin moved and Schilling seconded to approve the request. Voting Aye: 4; Nay: 0. The motion was adopted.

 Godkin nominated Schilling to fill the open Chairperson position, Martin seconded. Voting Aye: 4; Nay 0. The motion was adopted.

 Schilling moved and Siemon seconded to nominate Martin for Vice-Chairperson. Voting Aye: 4; Nay: 0. The motion was adopted.

 Godkin left the meeting at 9:10 a.m.

**COUNTY ASSISTANT UPDATE:**

 Badten informed the board that he spoke with the South Dakota Department of Environment and Natural Resources regarding disposing of the county owned building in the Java rubble site. They informed him that they believe there is a space concern and would not issue a permit for the request. He will research the possibility of them requesting to expand their rubble site and will report back.

Badten also met with Eric Senger from North East Council of Governments and started the process of redoing the County’s zoning ordinance. He stated that this process could take six months. He also stated that the City of Mobridge does not want to use the new building permit applications that he created.

Badten is still in the process of obtaining quotes for the repairs needed at the jail.

**LANDFILL ISSUES:**

Clean up days for Walworth County will be May 18th-23rd.

**WEED & PEST**

Krein submitted a request from Weed & Pest supervisor Shannon Thompson to purchase a sprayer from Warne Chemical & Equipment Co. for the pickup at a cost of $11,975.00. Martin moved to approve the request and to include the 2 options listed on the quote for an additional $2,200.00 as those options would be very beneficial. Siemon seconded the motion. Voting Aye: 3; Nay: 0. The motion was adopted.

**COUNTY OWNED PROPERTY:**

Siemon moved and Martin seconded to transfer record 6255 to the Mobridge Economic Development. Voting Aye: 3; Nay: 0. The motion was adopted.

**RESOLUTION 2015-04:**

**WALWORTH COUNTY RESOLUTION NO. 2015-04**

**WHEREAS,** Walworth County and the City of Mobridge have joint needs pertaining to the maintenance of roads adjacent to the City of Mobridge and have joint needs to abate nuisance properties and both entities desire to enter into an agreement identifying the duties and roles each entity will perform with respect to these activities.

 **NOW THEREFORE**, be it RESOLVED,

 That Walworth County does hereby approve and adopt the following MEMORANDUM OF AGREEMENT:

Memorandum of Agreement

Walworth County and the City of Mobridge

**Streets and Roadways:** Both Walworth County and City of Mobridge agree to common goals related to safe roadways and efficient maintenance operations:

Regarding the following streets, Walworth County shall be responsible for the repair, maintenance, and mowing of roadside; the City of Mobridge shall be responsible for the plowing of snow and sanding of icy roadways when necessary.

1. County Road 314. The portion from County Road 214, north until merging into City of Mobridge 20th Street, then west to 10th Ave. W.
2. Walworth County 20th Street. The portion from Highway 12, west to the railroad tracks.
3. 3rd Avenue West. The portion from 15th St. N., north to County Road 314. (also known as 20th St.)
4. Water Plant Access Road (a portion of 10th Ave. W.). The portion from County Road 314, north to the Mobridge City Water Plant.
5. North Main. The portion from 16th St. N., north to County Road 314. (also known as 20th St.)
6. 12th Street East. The portion from 5th Ave. E., east to County Road 314. (also known as airport road)
7. County Road 214 (Lakefront Drive). The portion from 4th Ave E., east to County Road 314. (also known as Revheim Road)
8. 2nd Street East. The portion from 12th Ave. E., east to County Road 314. (also known as Revheim Road)
9. 17th Ave E. The portion of from Grand Crossing, south to 2nd St E.
10. 13th Avenue East. The portion from 2nd St E. north to Grand Crossing.

**Nuisance properties within Mobridge City limits:**  Walworth County and the City of Mobridge agree they have common goals related to developing long term solutions to clean up and abate nuisance properties located in the City of Mobridge.

Regarding nuisance abatement, Walworth County will provide equipment and staff to assist with demolition and cleanup of nuisance properties with advance notice of the project from the City of Mobridge. Walworth County will also waive landfill fees related to nuisance property rubbish and consider waiver of other municipal disposal fees on a case by case basis.

Regarding nuisance abatement, the City of Mobridge will mow undesirable vegetation from Walworth County properties as needed and provide equipment and staff to assist with demolition and cleanup of nuisance properties with advance notice of the project.

 Dated this \_\_\_\_\_\_\_\_ day of April, 2015

**SURPLUS PROPERTY:**

Siemon moved and Martin seconded to declare 11 tires surplus to be destroyed. Voting Aye: 3; Nay: 0. The motion was adopted.

**GRAVEL CRUSHING:**

Goetz stated that she is currently speaking with a landowner regarding gravel crushing on their property. Currently the County pays 1.00 per yard for gravel. This landowner wants 1.40 per ton. The board advised her to see if she can negotiate a reasonable price with the owner.

**ROAD OIL:**

Siemon moved and Martin seconded to allow Goetz to purchase road oil off of the McPherson County bid. Voting Aye: 3, Nay: 0. The motion was adopted.

**GAME FISH AND PARKS:**

Siemon moved and Martin seconded to approve signing the two year agreement with Game Fish and Parks to blade and maintain roads leading to state parks for $4,000.00 per year. Voting Aye: 3, Nay: 0. The motion was adopted.

**BID OPENING:**

The bid opening was held for the 2009 Cat Motor Grader. First bid was from Butler Machinery for $127,550.00. The second bid was from Cat Auction Services for $118,125.00. At the request of Goetz Martin moved and Siemon seconded to reject both bids and rebid at a later date. Voting Aye: 3, Nay: 0. The motion was adopted.

**FOG SEALING:**

Goetz informed the board that she checked into prices for fog sealing roads. She stated that it will cost about $3,000.00 per mile and could extend the life 1-2 addition years. Martin thinks we should do it. Goetz will discuss it with Siemon and they will report back to the board.

**ASPHALT TO GRAVEL:**

Goetz reported to the board that she checked pricing of turning asphalt roads back to gravel. She stated that it would cost anywhere from $50,000.00 to $122,000.00 per mile. Currently the cost of chip sealing is $18,000.00 per mile. The board advised her to continue chip sealing.

**STP FUNDS:**

 Goetz stated that the Department of Transportation will no longer provide funds for road projects. Each county will get a check once a year. At the request of Goetz, Siemon moved and Martin seconded to authorize setting up a new account within the road and bridge fund specifically for these funds.

Discussion was held on county roads 233 that runs through Glenham and 319 south of Selby motel. Glenham has significant breakup and needs repairs. And 319 is in such bad shape it should not be used. Goetz will speak with the City of Selby to see if they are going to help with the cost of repairs to county road 319 since it has not been determined who owns the road for sure.

**MOLD ISSUE:**

 Gary Snow and Associates met with the board to update them on the findings of the mold examination. They stated that at this time there are no active mold colonies. They suggested that we have it rechecked in June when the weather changes. They also suggested some repairs be done to both the courthouse and jail buildings to avoid feeding the problem.

**PARTIAL PAYMENTS:**

 Martin moved to allow payments of $150.00 per month, Siemon stated the motion needed to be amended to include the starting date of May 1, 2015. Motion by Siemon seconded by Martin to amend the motion. Voting Aye: 3, Nay: 0. Motion by Siemon seconded by Martin to allow partial payments for record #5762 of $150.00 per month effective May 1, 2015. Voting Aye: 3, Nay: 0. The motion was adopted.

**EXECUTIVE SESSION:**

Siemon moved and Martin seconded to enter into executive session per SDCL 1-25-2(2) at 11:37 a.m. The chairperson declared the executive session ended at 1:00 p.m. No action was taken.

**SURPLUS PROPERTY:**

 Martin moved and Siemon seconded to declare numerous items surplus to be destroyed or sold. The list is on file at the auditor’s office. Voting Aye: 3; Nay: 0. The motion was adopted.

**WAGE INCREASES:**

Siemon moved and Martin seconded to approve the wage of $13.71 per hour for Josh Moss as full time correction officer.

 Siemon moved and Martin seconded to approve a wage increase for Kylee Franklin to $16.48 per hour for a promotion to chief jailer.

**LEGISLATIVE AUDIT:**

Treasurer Nyla Moak met with the board to request approval to make an adjustment in her book to match what the bank showed December 31, 2014 as suggested by legislative audit. The board informed her to do what they suggested. She also informed the board that she will need to reconcile bank accounts which may take quite some time.

**ABATEMENT:**

Godkin moved and Siemon seconded to approve an abatement of $171.12 and refund of $78.78 for Michael Knust for a mobile home that was double assessed. Voting Aye: 5; Nay: 0. The motion was adopted.

**NEW CONSTRUCTION TAX:**

Martin stated that currently Walworth County gives agriculture and commercial buildings discretionary where they only pay 20% the first year 40% the second year and so on of the total value of the building. He stated that some counties do this on residential properties also. Director of Equalization Kahl will research this option further and report back.

**EQUALIZATION DATES:**

The dates for Equalization have been set for April 22, 23, and 24th starting at 8:30 a.m.

**ADJOURNMENT:**

 Siemon moved and Martin seconded that the Board of County Commissioners adjourn until the hour of 9:00 a.m. April 21, 2015. Voting Aye: 3; Nay: 0.

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

**SCOTT SCHILLING, CHAIRPERSON**

**ATTEST:**

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

**REBECCA KREIN, AUDITOR**

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