May 6, 2014

**WALWORTH COUNTY BOARD OF COMMISSIONERS**

**MINUTES OF PROCEEDINGS**

The Walworth County Board of Commissioners met in scheduled session on May 6, 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.

Siemon moved and Martin seconded that the minutes of the meeting of April 22, 2014 be approved. Voting Aye: 5; Nay: 0. The motion was adopted.

**CLAIMS APPROVED:**

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

**COMMISSIONERS:** Denis Arbach – mileage expense, $105.45; Cardmember Service – postage, $450.00; City of Mobridge – water service 324 5th Ave W, $10.50; Richard Godkin – mileage expense, $31.08; Lind’s Hardware – coffee thermos, $26.99; Marco Inc – maintenance contract, $92.27; Duane Martin – mileage expense, $77.70; Mobridge Tribune – TV proceedings, Tax Deed Sale, Special Meeting, Official Proceedings, $577.77; Quill Corporation – commissioner name plate, $11.11; Selby Record – official proceedings, $265.62; David Siemon – mileage expense, $77.70; Stoick’s Food Center – supplies, $7.53;

**ELECTIONS:** DS Solutions Inc – test deck voting machines, $175.00; Elections Systems & Software – shipping charge, election ballots, $1187.20; Marco Inc – maintenance contract, $0.97; Mobridge Tribune – election workers, $25.50;

**COURTS:** Kristi A Brandt – transcripts, $242.80; Cardmember Services – 4 rolls of stamps, $196.00; Sara Zahn – transcripts, $155.40;

**AUDITOR:** A&B Business Inc – binders, $22.74; Cardmember Service – postage service charge, postage, $17.45; Marco Inc – maintenance contract, $15.29; Midcontinent Communications – internet service, $13.12; **TREAURER:** A&B Business Inc – supplies, toner, $$99.28; Cardmember Service – postage, $6.25; Marco Inc – maintenance contract, $13.69; Midcontinent Communications – internet service, $13.12; Mobridge Tribune deputy treasurer position, $51.00; Selby Record – taxes due notice, deputy treasurer position, $54.00;

**STATES ATTORNEY:** Cardmember Service – postage service charge, $6.25; Marco Inc – maintenance contract, $0.02; Midcontinent Communications – internet service, $13.12; Redwood Toxicology Laboratory – handling charges drug testing, $88.68; SD Department of Revenue – blood toxicology screen, $235.00;

**COURT APPOINTED ATTORNEY:** Vickie Brosz Krause, $3362.20; Dakota Plains Legal Service, $239.25; Christopher Jansen, $532.50; Mark K Kroontje, $722.14;

**COURTHOUSE:** Cardmember Service – paper towels, $31.50; City of Selby – water & sewer service, $92.64; Cummins Central Power LLC – battery/labor, yearly maintenance, $291.42; Kens Western Lumber – light bulbs, $18.00; Menards – supplies, $17.94; Montana Dakota Utilities – electricity, natural gas, $1355.69; Reuer Sanitation – garbage service, $95.00; Kurt A Wolf – lawn care, $775.00;

**DIRECTOR OF EQUALIZATION:** Cardmember Service – postage service charge, $6.25; Kens Western Lumber – cabinet drawer, $40.00; Marco Inc – maintenance contract, $8.65; Midcontinent Communications – internet service, $13.12; Mobridge Tribune – deputy DOE position, $25.50; Selby Record – deputy DOE position - $9.00;

**REGISTER OF DEEDS:** Cardmember Service – postage service charge, $6.25; Hal Systems Corporation – software maintenance, $292.00; Lar-Jo’s – envelopes, $133.80; Marco Inc – maintenance contract, $3.74; Midcontinent Communications – internet service, $13.13;

**SHERIFF:** AT&T Mobility – 2 laptops, cell phone service, $201.39; Cardmember Service – postage service charges, gasoline, $101.25; Communications Center Inc – repair radio 2012 Impala, $309.80; Craig J Imberi Data – check memory on laptop, $40.00; John Stefanich DBA – repair Crown Vic, $445.00; Light & Siren – light bar 2012 Impala, $2040.00; Midcontinent Communications – internet service, $13.13; The Radar Shop – turning forks, recertify radar units, $157.00; Western Communications Inc – radio service, $21.60;

**JAIL:** Alco Stores Inc – supplies, groceries, cleaning supplies, $66.53; Building Sprinkler Inc – fire sprinkling inspection, $541.27; Cardmember Service – groceries, $94.60; City of Selby – water & sewer service, $129.06; Cummins Central Power LLC – battery/labor, yearly maintenance - $219.85; Dash – gloves, $174.50; Family Pharmacy Inc – OTC medications, prescriptions, $94.17; Kens Western Lumber – supplies, $3.99; Lind’s Hardware – supplies, light bulbs, $61.90; Merkel’s Foods – supplies, prisoner personal care, groceries, cleaning products, paper products, $1768.81; Mobridge Regional Hospital – medical care, $16.77; Montana Dakota Utilities – natural gas, electricity, $758.72; Naumann Tiling – repair garage door, $223.09; Servall Uniform & Linen – mops & rugs, $39.13; Shorty’s One Stop – paper products, $10.76; Stoicks Food Center – supplies, OTC medications, $14.99; Woodman Refrigeration Inc – repair exhaust fan, $445.68;

**CORONER:** Christopher Robert Moser DBA – transport service, $960.00;

**SUPPORT OF POOR:** Cardmember Service – postage service charge, $6.24; Selby Development Inc – lodging, $5.00;

**EXTENSION:** Cardmember Service – postage service charge, $6.25; Marco Inc – maintenance contract, $0.76; Midcontinent Communications – internet service, $13.13;

**WEED CONTROL:** Marco Inc – maintenance contract, $0.38; Midcontinent Communications – internet service, $13.13; Mobridge Tribune – weed & pest position, noxious weeds, $115.07; Selby Records – noxious weeds notice, weed & pest position, $75.19; Western Communications Inc – radio service, $8.80;

**RD & BR:** Butler Machinery Co – repair dozer labor & parts, $3688.65; City of Java – water & sewer Java shop, $18.00; City of Mobridge – water & sewer Mobridge Shop, $42.54; City of Selby – water & sewer service, $61.86; Farnums Genuine Parts – supplies, $47.76; Fastenal Company – shop supplies, $403.49; Hase Plumbing Heating & Air – supplies, $4.85; Houck Ranches – pit run 681 yards @$2.00, $1362.00; Craig J Imberi Data – Lenovo computer, $679.99; John Deere Financial – supplies TR 103, $85.79; Lindskov Equipment – hydraulic pump, $651.65; Marco Inc – maintenance contract, $0.10; Mobridge Tribune – motor grader bids, accepting crushed gravel, $59.58; Montana Dakota Utilities – electricity state shop, electricity Selby shop, electricity Mobridge shop, $373.02; North Central Farmers Elevator – fuel 6000 Gals @$3.34, fuel, gasoline, $20778.15; Quill Corporation – supplies, Vtech phone, $96.94; Reuer Sanitation – garbage service, $35.00; Runnings Supply Inc – supplies, $28.02; Selby Auto Sales & Service, supplies, $161.27; Selby Record – gravel crushing notice, motor grader notice, $77.06; Servall Uniform & Linen – towels & mats, $34.50; Shorty’s One Stop – gasoline, $808.18; Slater Oil & LP Gas – propane 640 gals @$1.43, 570 gals @$1.43, $1744.60; SD Public Assurance – add motorgrader, $723.00; Stern Oil Co Inc – oil, $2558.44; True North Steel – culvert Co Rd 236C, $20055.69; Valley Telecommunications – cell phone service, $39.99; Western Communications Inc – radio service, $135.90;

**COMMUNICATION CENTER:** North Central Regional 911 – PSAP funds, $195932.78;

**SOLID WASTE:** Farnums Genuine Parts – air hose, tire sealant, supplies, $168.03; Homestead Building Supplies, $37.88; Marco Inc – maintenance contract, $0.15; Menards – retractable light, 5” vise, 3 hammers, socket set, supplies, $216.87; Mobridge Tribune – clean-up days, recycling ad, landfill position, summer hours, $1417.60; North Central Farmers Elevator – fuel 1070 gas @ $3.3539, 405 gal @ $3.2826, $5065.84; Quill Corporation – wireless keyboard/mouse, toner drum, signs, supplies, $372.49; Runnings Supply Inc – garden hoses, spray paint, safety glasses, supplies, $321.32; SD Department of Environment – tonnage fee, $1076.00; Selby Record – recycling ad, summer hours, seasonal part time worker, $192.00; Servall Uniform & Linen – mats, $34.18; Shorty’s One Stop – gasoline, $388.56; Swanston Equipment – freight charges, parts CC-1, backing strip CC-1Lid seal CC-1, bag cutter CC-1, hatch lid CC-1, hatch liner CC-1, discharge boom CC-1, throttle cable CC-1, $2964.36; Tri State Water – water rental, $33.30; Valley Telecommunications – internet service, phone service, $85.54; Web Water Development – water service, $41.47; Western Communications Inc – radio service, $9.30;

**5 COUNTY TV DISTRICT FUND:** FEM Electric Assoc – electricity, $80.43; Marco Inc – maintenance contract, $3.61;

**REGIONAL E911 FUND:** North Central 911 – 911 payment, $47170.62;

**SDACI M&P FUND:** M&P remittance, $112

**EAGLE SCOUT PROJECT:**

Alec Kulm of Selby explained to the Commission that he would like to do a documentary on the history of Walworth County to assist in obtaining Eagle Scout status. He requested that Walworth County provide him with a television to be kept at the courthouse so that the documentary could run and be seen by the public. Commissioner Martin questioned if this could cause other requests like this and said he did not see how it benefits the county. Pudwill moved Siemon seconded to purchase a television for $300 or less for the purpose of allowing the public to view the Eagle Scout documentary produced by Alec Kulm. Voting Aye: 4; Nay: 1. A roll call vote was requested at this time and there was discussion on the timing of calling the roll call vote according to Roberts Rules of Order. The motion was adopted.

**WEED & PEST/EMERGENCY MANAGER POSITION:**

The board met with Shannon Thompson for the Weed & Pest Supervisor/Emergency Manager position. Pudwill moved and Godkin seconded to hire Thompson for the position at a starting salary of $33000.00. After a satisfactory 6 month probation period the salary will be raised to $35000.00. Voting Aye: 5; Nay: 0. The motion was adopted.

**DIRECTOR OF EQUALIZATION:**

Director of Equalization requested that the hiring of Donna McGee for the open position in her office be approved. Commissioner Martin thinks that after the recent equalization proceedings we should give some more thought to this. He does not feel that 2 people need to go and look at properties. Commissioner Pudwill said that we have already been through this subject and stated that she did not feel we should get off the task at hand. Commissioner Martin continued, saying that we are so far from current in that office. Arbach questioned Director Kahl as to why 2 people need to go. Kahl said it was for safety, to protect the county from any possibility of liability, and stated that it is more efficient, especially when measurements are required. Pudwill moved and Godkin seconded a motion to approve the hiring of whoever the Director of Equalization feels is qualified for the position. Voting Aye: 5; Nay: 0. The motion was adopted

**ADMISSION OF SERVICE:**

Godkin moved and Siemon seconded to authorize the Chairman to sign and Admission of Service from Robert Nelson/Avera St Luke’s. Voting Aye: 5; Nay: 0. The motion was adopted.

**REGISTER OF DEEDS:**

Register of Deeds Sue Eisemann informed the board that Deputy Register of Deeds Glenda Wientjes will be retiring May 24, 2014. Eisemann requested the approval of the Commission for hiring a full time Deputy Register of Deeds. Siemon moved and Martin seconded to authorize Register of Deed Sue Eisemann to advertise to fill the full time position of Deputy Register of Deeds. Voting Aye: 5; Nay: 0. The motion was adopted.

**SCHOLARSHIP:**

Highway Superintendent Penny Goetz presented a $1500.00 scholarship to Jasmine Frost from SDACHS.

The agenda item concerning the North Central 4-H Camp scheduled to be discussed was postponed at the request of the Extension Office.

**SHERIFF AND JAIL ISSUES:**

Pudwill moved and Siemon seconded to approve supplementing the Sheriff’s budget in the amount of $3040.00 for a grant received from the Attorney General’s office for light bars. Voting Aye: 5; Nay: 0. The motion was adopted.

Sheriff Mohr requested that the Commission appoint Chief Deputy Josh Boll to fill the remainder of his term of office ending in June. Commissioner Arbach stated that he felt that would be unethical with the upcoming election and that the board would not consider that appointment.

**HIGHWAY AND LANDFILL ISSUES:**

Jim Shillingstad met with the board to request getting his road bladed. Highway Superintendent Goetz informed the board and Mr. Shillingstad that she should be able to get to it next week. Jim Peterson was also in attendance about a culvert needs to be replaced. Goetz stated that they will hopefully depending on weather start that project in the next couple of weeks.

**EXECUTIVE SESSION:**

Godkin moved and Pudwill seconded to enter into executive session at 10:16 a.m. for the purpose of discussing a personnel issue as per SDCL 1-25-2(2). Voting Aye: 5; Nay: 0. The motion was

adopted.

Chairman Arbach declared the executive session ended and the board reconvened in regular

session at 10:34 a.m.

Siemon moved and Martin seconded to give Highway Department worker L. Moak the option to resign or retire by 5:30 pm on Thursday May 8, 2013 or he will be terminated. Voting Aye: 5; Nay: 0. The motion was adopted.

The culvert on County Road 236 was discussed. Goetz has spoken to the project head and they are planning to haul gravel this afternoon and the road should be opened by May 7, 2014.

Superintendent Geotz discussed some option concerning the Tax Deed property owned by the County on Main Street in Java. She has pursued many options including an estimate from Jensen Rock and Sand for $20000. Volske suggested pushing the building into the basement and burn it. Jerome Lee from Java gave permission to get fill dirt from the City of Java site. At a cost of approximately $200 an hour, Volske estimates that it will cost $8000 to $10000 for him to demolish the building. Commissioner Martin feels that this will be an ongoing problem. He believes that there are at least 6 other properties on Main Street that are equally as bad. Landfill Supervisor Badten thinks we should look into the situation further concerning the possibilities of asbestos. The subject was tabled until May 20, 2014.

Godkin moved and Pudwill seconded to approve the signing of an easement with West River Telephone. Voting Aye: 5; Nay: 0. The motion was adopted.

Siemon moved and Godkin seconded to approve advertising for a full time Highway employee. Voting Aye: 5; Nay: 0. The motion was adopted.

Martin moved and Pudwill seconded to sign an agreement with Geotek Engineering for $8785.00 for ground water monitoring. Voting Aye: 5; Nay: 0. the motion was adopted.

Kent Mauck from Heartland Waste was in to discuss recycling with the Commissioners. He stated that if it cannot be made to pay for itself then the burden again falls back on the taxpayers. He does not believe we have a large enough population to make recycling effective in Walworth County. He does not want to see the fees for hauling garbage have to raise because of recycling. He would like to see it happen but does not believe it is feasible. He questioned if we wanted more business or needed more volume. Supervisor Badten will be holding a public forum on Thursday, May 15, 2014 at 6:30 p.m. at the Pizza Ranch in Mobridge to receive input from the community.

Badten reported that he is waiting for a report on the bulldozer to see if the transmission is shot. Badten requested that he be able to put guards on the compactor at a cost of $25000. Commissioner Martin encouraged Badten to look into that further. Badten also told the board that he believes tipping fees should be raised next year.

**ELECTION PRECINTS & POLLING PLACES:**

Martin moved and Siemon seconded to adopt Resolution 2014-10 to designate Election Precincts and Polling places for Walworth County. Voting Aye: 5; Nay: 0. The motion was adopted.

**RESOLUTION WC 2014-10**

**RESOLUTION TO DESIGNATE ELECTION PRECINCTS AND POLLING PLACES FOR WALWORTH COUNTY**

**WHEREAS,** as per SDCL 12-14-1, the board of county commissioners shall by resolution provide for election precincts throughout its county and shall designate polling places within such precincts; and

**WHEREAS,** the board shall establish new election precincts if required by the provisions of this chapter and may by resolution change the boundaries of election precincts already established;

**NOW THEREFORE, BE IT RESOLVED,** that the precinct boundaries be changed to the following:

**PRECINCT 1** shall be comprised of

Sections 1-36, Township 121 N, Range 76 W;

Sections 1-36, Township 121 N, Range 77 W;

Sections 1-29 and 33-36, Township 121 N, Range 78 W;

Sections 1-36, Township 122 N, Range 76 W;

Sections 1-36, Township 122 N, Range 77 W,

Sections 1-5, 9-16, 21-28, and 32-36, Township 122 N, Range 78 W; and

All that territory within the corporate limits of the Town of Akaska and the Town of Lowry

The designated polling place for this precinct shall be the Akaska Community Center.

**PRECINCT 2** shall be comprised of

Sections 1-36, Township 123 N, Range 74 W;

Sections 1-36, Township 123 N, Range 75 W;

Sections 1-3, 10-15, 22-27, and 34-36, Township 123 N, Range 76 W;

Sections 1-36, Township 124 N, Range 74 W;

Sections 1-36, Township 124 N, Range 75 W;

Sections 1-3, 10-15, 22-27, and 34-36, Township 124 N, Range 76 W; and

All that territory within the corporate limits of the Town of Java

The designated polling place for this precinct shall be the Java Community Center.

**PRECINCT 3** shall be comprised of

Sections 4-9, 16-21, and 28-33, Township 123 N, Range 76 W;

Sections 1-36, Township 123 N, Range 77 W;

Sections 4-9, 16-21, and 28-33, Township 124 N, Range 76 W;

Sections 1-36, Township 124 N, Range 77 W; and

All that territory within the corporate limits of the City of Selby

The designated polling place for this precinct shall be the Selby Senior Citizens Center.

**PRECINCT 4** shall be comprised of

Sections 1-30 and 32-36, Township 123 N, Range 78 W;

Sections 1-2, Township 123 N, Range 79 W;

Sections 31-36, Township 124 N, Range 78 W;

All of the unincorporated area of Section 29 lying south of 2nd Street East, all of the unincorporated area of Section 30, and Sections 32-36, Township 124 N, Range 79 W;

Section 12, and all of the unincorporated area of Section 13 and 24, Township 124 N, Range 80 W

The designated polling place for this precinct shall be Scherr-Howe Arena.

**PRECINCT 5** shall be comprised of

Sections 13-16, and all of the unincorporated area in Section 20 lying south and east of the center line of 127th Street commencing at the center line of 287th Avenue, thence west to the center line of Airport Road, thence following Airport Road southeast to the center line of 12th Street East, thence west to the center line of 12th Avenue East, thence following the city limits boundary to the center line of 10th Street East, Sections 21-28, and all of the unincorporated area in Section 29 lying north of 2nd Street East, Township 124 N, Range 79 W; and

All that territory within the corporate limits of the City of Mobridge lying south and east of the center line of 5th Avenue E commencing at the north city limits, thence south to the center line of 10th Street East, thence west to the center line of 1st Avenue E, thence south to the center line of 2nd Street East, thence east to the city limits

The designated polling place for this precinct shall be Scherr-Howe Arena.

**PRECINCT 6** shall be comprised of

All that territory within the corporate limits of the City of Mobridge commencing at a point of the intersection of 1st Avenue East and 9th Street East, thence west to the center line 3rd Avenue West, thence north to the center line of 11th Street West, thence west to the center line of 10th Avenue West, thence south to the center line of 10th Street West, thence west to the center line of US Highway 12, thence north to the center line of 12th Street West, thence west to city limits, thence following the center line of Ecklo Road southeasterly to the center line of Viaduct Road, thence northeast to the center line of West Grand Crossing Boulevard/US Highway 12, thence east to the center line of 7th Avenue West, thence south to the center line of Railroad Street West, thence southeast to the center line of 3rd Street West, thence east to the center line of 2nd Avenue West, thence north to the center line of 4th Street West, thence east to the center line of 1st Avenue E, thence north to the point of beginning

The designated polling place for this precinct shall be Scherr-Howe Arena.

**PRECINCT 7** shall be comprised of

All of the unincorporated area in the Replat of Tract 3 of the subdivision of the NW¼, Section 19, Township 124 N, Range 79 W; and

All that territory within the corporate limits of the City of Mobridge lying north of the center line of 10th Street E commencing at the center line of 5th Avenue East, thence west to the center line of 1st Avenue East, thence south to the center line of 9th Street East, thence west to the center line of 3rd Avenue West, thence north to the center line of 11th Street West, thence west to the center line of 10th Avenue West, thence south to the center line of 10th Street West, thence west to the center line of US Highway 12, thence north to the center line of 12th Street West, thence west to the city limits, and all that territory within the corporate limits and lying west of the center line of 5th Avenue East commencing at 10th Street East, thence north to the city limits

The designated polling place for this precinct shall be Scherr-Howe Arena.

**PRECINCT 8** shall be comprised of

Sections 1-36, Township 121 N, Range 74 W;

Sections 1-36, Township 121 N, Range 75 W;

Sections 1-36, Township 122 N, Range 74 W;

Sections 1-36, Township 122 N, Range 75 W;

The designated polling place for this precinct shall be the Hoven Airport

**PRECINCT 9** shall be comprised of

Sections 13-30, Township 124 N, Range 78 W;

All that territory within the corporate limits of the Town of Glenham

The designated polling place for this precinct shall be Glenham Fire Hall

**PRECINCT 10** shall be comprised of

Sections 1-12, Township 124 N, Range 78 W;

Sections 1-12, 17-18, all of the unincorporated area of Section 19 excluding the Replat of Tract 3 of the subdivision of the NW¼, and all of the unincorporated area of Section 20 lying south and east of the center line of 127th Street commencing at the center line of SD Highway 1804, thence south to city limits boundary to the center line of 12th Street E, thence east to the center line of Airport Road, thence following Airport Road in a northwesterly direction to the center line of 127th Street, thence west to the point of beginning.

The designated polling place for this precinct shall be Scherr-Howe Arena.

**BE IT FURTHER RESOLVED**, that such precincts shall encompass the boundaries and geographic areas as set forth according to the maps thereof on file in the office of the auditor. Any discrepancies shall be resolved by reference to the maps rather than the physical descriptions set forth herein.

Dated this 6th day of May, 2014 at Selby, South Dakota

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Denis Arbach, Walworth County Commissioner

Chairperson

ATTEST:

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Rebecca Krein

Walworth County Auditor

(SEAL)

**AUDITOR OFFICE PART TIME EMPLOYEE:**

Godkin moved and Pudwill seconded approval for Auditor Krein to hire a part time employee for 2-3 months during and after the election process at a wage of $10.00 per hour. Voting Aye: 5; Nay: 0. The motion was adopted.

**ADJOURNMENT:**

Pudwill moved and Martin seconded that the Board of County Commissioners adjourn until the hour of 9:00 a.m. May 20, 2014. Voting Aye: 5; Nay: 0. The motion was adopted.

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**DENIS ARBACH, CHAIRPERSON**

**ATTEST:**

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

**REBECCA KREIN, AUDITOR**

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