May 7, 2013

9:00 A.M.

**WALWORTH COUNTY BOARD OF COMMISSIONERS**

**MINUTES OF PROCEEDINGS**

The Walworth County Board of Commissioners met in regular session on May 7, 2013 at 9:00 a.m. at the County Courthouse. Members present were: Denis Arbach, Richard Godkin, Duane Martin, Donald Leff, and Phylliss Pudwill. Also present were Auditor Rebecca Krein, State’s Attorney James 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.

Arbach moved and Leff seconded that the minutes of the meeting of April 16, 2013 be approved. Voting aye: 5; nay: 0. The motion was adopted.

Martin moved and Godkin seconded that the minutes of the 2013 County and Consolidated Boards of Equalization minutes be approved. Voting aye: 5; nay: 0.

**CLAIMS APPROVED:**

Martin questioned claims for the Landfill and if they should be approved prior to some larger purchases being made.

At the current time the policy does not state all items need to be approved before the purchase is made. Martin asked Landfill Supervisor Badten about the purchases made for a bird banger and screamer siren. Badten explained that the control of seagull population is required by the SDDENR; therefore he purchased the items to maintain the population. Godkin moved and Martin seconded that the following claims be paid. Voting aye: 5; nay: 0. The motion was adopted.

**COMMISSIONERS:** Denis Arbach – mileage expense, $63.27; Duane Martin – mileage expense, $46.62; Don Leff – mileage expense, $46.62; Lincoln National Life Ins – life insurance, $15.25; Marco Inc. – maintenance contract, $26.02; Mobridge Tribune – official proceedings, $349.75; Richard Godkin – mileage expense, $31.08; Selby Record – official proceedings, $356.08; Venture Comm. – phone service, $42.03.

**ELECTIONS:** Venture Comm. – phone service, $8.20

**COURTS:** Kristi A Brandt – transcripts, $219.60

**AUDITORS:** Cardmember Service - Uniden phone, warranty & shipping , $140.43; Cardmember Service – Krein lodging, $62.00; Lincoln National Life Ins – life insurance, $13.26; Marco Inc. – maintenance contract, $8.95; Midcontinent Comm. – internet service, $13.12; Venture Comm. – phone & fax service, $73.17;

**TREASURER:** Lincoln National Life Ins – life insurance, $13.26; Marco Inc. – maintenance contract, $12.24; Midcontinent Comm. – internet service, $13.12; Mobridge Tribune – publishing, $216.30; Selby Record – publishing, $42.00; Venture Comm. Co-op – phone & fax service, $67.63;

**STATES ATTORNEY:** A&B Business Inc. – maintenance contract, $337.80, toner cartridge, office supplies, $166.49; Lincoln National Life Ins – life insurance, $13.26; Marco Inc. – maintenance contract, $2.31; Midcontinent Comm. – internet service, $13.12; Mobridge Regional Hospital – blood alcohol draws, $1809.00; Andrea L Sandmeier – blood alcohol draw, $60.00; SD Department of Revenue – blood alcohol testing, complete drug screen, $279.00; Venture Comm. – phone & fax service, $115.21

**COURT APPOINTED ATTORNEY:** Vickie S Broz Krause – court appointed attorney, $2557.60; Christopher R Jansen – court appointed attorney, $42.00; Mark K Kroontje – court appointed attorney, $367.70; SDACC – catastrophic legal expense, $1014.50

**ABUSED CHILD DEFENSE:** Dakota Plains Legal Service, $189.00

**COURTHOUSE:** Cardmember Services – paper towels, $31.50; City of Selby – water & sewer service, $120.79; Ken’s Western Lumber – supplies, $6.99; Lincoln National Life Ins – life insurance, $6.63; M.D.U. – natural gas, $738.61; M.D.U. – electricity, $516.13; Quill Corporation – cleaning supplies, $6.76; Reuer Sanitation – garbage service, $95.00; Schmidt Construction – repairs & maintenance, $136.90; Servall Uniform & Linen Supply – mats & mops, $34.74; Kurt A Wolf – lawn care contract, $725.00

**DOE:** Cam Wal Electric Coop. – wiring services, 957.83; Cardmember Services – Kahl lodging, $82.00; Deborah Kahl – meals & mileage, $94.20; Lincoln National Life Ins – life insurance, $6.63; Marco Inc. – maintenance contract - $11.62; Midcontinent Comm. – internet service, $13.12; Quill Corporation – toner cartridge, flash drives $80.47; SDAAO – Kahl registration, $100.00; Selby Record – job advertisement, $12.00; Shorty’s One Stop – gasoline $46.83; Venture Comm. – phone & fax service, $25.44

**REGISTER OF DEEDS:** Cardmember Services – Eisemann lodging, $62.00; Hal Systems – software maintenance, $292.00; Larry’s Lock & Key – lock repair, $35.00; Lincoln National Life Ins – life insurance, $13.26; Marco Inc. – maintenance contract, $5.23; Midcontinent Comm. – internet service, $13.13; Venture Comm. – phone & fax service, $47.02

**VET SERVICE OFFICER:** West River Telecommunications – phone service, $32.83

**PREDATORY ANIMAL:** South Dakota Department of Revenue – predatory animal control, $1103.72

**SHERIFF:** A&B Business Inc. – office supplies, $66.40; Cardmember Services – gasoline, cell phone service, $193.28; Connecting Point – computer repair, $200.00; Dare/SRO – registration Boll, $30.00; Ronald R Gienger – oil change, $30.95; Lincoln National Life Ins – life insurance, $17.57; Midcontinent Comm., $13.13; Selby Auto Sales & Service – oil change, shocks, lube, battery, $463.55; Selby Oil – oil change, $44.70; The Radar Shop – recertify radar units, $117.00; Venture Comm. – phone & fax service, $110.18; Western Comm. Inc. – radio maintenance, $21.60

**JAIL:** A&B Business Inc. – office supplies, $54.97; Cardmember Services supplies, $416.19; City of Selby – water & sewer service, $178.38; Electronic Security Equipment – camera & installation, $545.00; Hettinger Candy – soap, $65.99; Lincare – supplies, $109.78; Lincoln National Life Ins – life insurance, $48.40; Lind’s Hardware- supplies, $69.46; Merkel’s Foods – supplies, $2655.70; Mobridge Gas Company – electric range, $539.00; Mobridge Medical Clinic – medical care, $39.86; M.D.U. – natural gas, $178.76; M.D.U. – electricity, $552.04; Servall Uniform & Linen Supply – mats & mops, $28.71; Stoick’s Food Center – groceries, $49.61; Venture Comm. – phone & fax service, $202.42

**EMERGENCY & DISASTER:** Venture Comm. - radio service, $30.10; West River Telecommunications – phone & internet service, $77.46

**SUPPORT OF POOR:** Marco Inc. – maintenance contract, $2.38; Venture Comm. – phone service, $21.37

**MENTALLY ILL:** Pollard & Larson LLP – services, $174.00; Deanna N Shepherd – hearing, $27.50; South Dakota Department of Revenue – services, $600.00

**DEVELOPMENTALLY DISABLED:** South Dakota Department of Revenue – services, $120.00

**MENTAL ILLNESS BOARD:** Von Wald Law Offices – legal services, $47.06

**PARKS:** Cam Wal Electric Coop. – electricity, $29.33

**EXTENSION:** Patti Baumann – mileage, $11.10; Lincoln National Life Ins – life insurance, $6.63; Marco Inc. – maintenance contract, $3.90; Midcontinent Comm. – internet service, $13.13; Stoick’s Food Center – supplies, $16.57; Venture Comm. – phone service, $45.97

**WEED CONTROL:**  Gempler’s – dual valve, hitch, supplies, $561.00; Jon D Duenwald – oil change, $160.73; Lincoln National Life Ins – life insurance, $4.31; Midcontinent Comm. – internet service, $13.13; Mobridge Tribune – publishing, $39.89; Selby Record – publishing, $48.19; Western Comm. – radio maintenance, $8.80;

**PLANNING & ZONING:** Venture Comm. – phone service, $0.09;

**RD & BR:** Bierschbach Equipment & Supply – supplies, $1064.12; Cam Wal Electric Coop. – electricity Hoven shop, $62.30; Cardmember Services – gasoline, $237.76; Central Diesel Sales Inc. – supplies, $45.76; City of Java – water service, $18.00; City of Mobridge – water & sewer service, $55.33; City of Selby – water & sewer service, $62.72; Farnams Genuine Parts – supplies, $46.47; Penny Goetz – meals, $116.00; Great Western Tire Inc. – tire, supplies, fuel charge, $154.41; GTC Auto Parts – parts, $7.99; Hoven Coop Service Company – fuel, $1414.49, gasoline, $148.82; Hoven Repair & Body Shop – supplies, $143.65; John Deere Financial – parts, $510.11; Ken’s Western Lumber – supplies, $53.50; Lincoln National Life Ins – life insurance, $59.67; Lucky’s Gas & More – 385.7 gal fuel @ $3.56, $1373.09; Marco Inc. – maintenance contract, $0.70; M.D.U. – electricity state shop, electricity Mobridge shop, electricity Selby shop, $429.44; Morris Inc. – UPM cold patch 2012, $2030.08; North Central Farmers Elevator – 5000 gal fuel @ $3.180, gasoline, $111.40 fuel, $1451.83; North Central Rental & Leasing – motor grader, $254540.00; Quill Corporation – ink cartridges, $258.25; Reuer Sanitation – garbage service, $35.00; Selby Auto Sales & Service – parts, $122.22; Selby Oil Company – tire repairs, $17.50; Servall Uniform & Linen Supply – towels & mats, $35.49; Shorty’s One Stop – gasoline, $812.14; Titan Access Account - parts $83.40; Valley Telecommunications. – cell phone service, $39.99; Venture Comm. – phone & fax service, internet service, phone service Java shop, $232.27; West River Telecommunications – Mobridge shop phone, $30.79; Western Comm. – radio maintenance, $135.90;

**SOLID WASTE:** Cam Wal Electric Coop. – electricity, $244.00; Dady Drug – supplies, $58.55; Farnams Genuine Parts – cleaner, $23.88; Goldsmith Heck Engineers Inc. – engineering services, $3400.00; Homestead Building Supplies – supplies, $74.99; Hometown TV & Appliance – refrigerator, $379.99; Lincoln National Life Ins – life insurance, $26.52; Lind’s Hardware – supplies, $186.39; Lucky’s Gas & More – fuel, $83.01; Marco Inc. – maintenance contract, $0.62; Mobridge Tribune – publishing, $235.05; North Central Farmers Elevator – 650 gal fuel @$3.2507, $2112.96, 1609 gal fuel @ $3.2942, $5300.37; Quill Corporation – supplies, $174.64; Reed Joseph International Co – freight, 6MM blanks, screamer siren, bird banger, $546.00; Running’s Supply Inc. – supplies, $520.06; South Dakota Department of Environment – solid waste surcharge, $1063.00; Selby Record – publishing, $53.98; Servall Uniform & Linen Supply – mats, $32.63; Shorty’s One Stop – gasoline, $241.75; Tri State Water – fuel charge, water & cups, $25.17; Valley Telecommunications. – internet service, phone & fax service, $80.49; WEB Water Development – water service, $33.54; Western Comm. – radio maintenance, $9.30;

**STATE ACCOUNT FUND:** South Dakota Department of Revenue – ROD & Vital Records fees, $880.00, motor vehicle fees, $78552.89

**5 COUNTY TV DISTRICT FUND:** Cam Wal Electric Coop. – electricity, $865.13; FEM Electric Assoc – electricity Roscoe, $72.50; Sid Haux – cell phone expense, mileage expense, $177.54; Internal Revenue Service – 2011 1st Quarter Taxes Due - $371.06; Marco Inc. – maintenance contract, $1.85;

**REGIONAL 911 FUND:** Centurylink – access charges, $1282.19; Golden West – backup battery, $5000.00; Marco Inc. – maintenance contract, $0.04; Priority Dispatch – annual maintenance agreement, $39.00; Valley Telecommunications. – database updates, access charges, $860.16; Venture Comm. – database updates, access charges, $424.09; Western Comm. – licensing assistance, FCC license fee, $200.00;

**WEST PAYMENT CENTER:** information charges, $1921.50;

**SDACO M & P FUND:** M & P Remittance, $156.00;

**AUDITOR’S REPORT OF ACCOUNT WITH THE TREASURER AS OF MARCH 31, 2013:**

NSF $ 162.12

Cash $ 1896.33

Checks in office $ 174,791.91

Certificates of deposit $ 2,250,000.00

Savings/interest accounts $ 4,511,188.46

Landfill post closure $ 360,712.13

Landfill closure $ 264,493.20

FIT $ 4,435.31

$ 7,567,679.46

**POSSIBLE JAIL RENOVATION:**

Sheriff Mohr and Deputy Sheriff Boll met with the board concerning issues with the potential jail renovation project with David from the Brennan Group on a conference call. The Brennan Group does not think we need a new jail at this time and feels that staffing would go up to 32 full time employees. An advantage to a new jail at this time is that it would make Walworth County a leader in this area with 7 or 8 counties around us using it and in essence paying for the jail. Martin questioned whether we should still go ahead with the feasibility study, whether there was a possibility that the state of South Dakota will be requiring more jail facilities and feels that we need to provide more rehabilitation. Martin moved and Arbach seconded a motion to direct the State’s Attorney to end the relationship with the Brennan Group. Voting aye: 5; nay: 0. The motion was adopted.

**MONTHLY SHERIFF’S REPORT & JAIL ISSUES:**

Sheriff Mohr presented the board with the monthly departmental report for their review. Sheriff Mohr also requested to hire part-time jailer Brandon Carlson as a full-time jailer at the starting wage of $12.77 per hour with a six month probation period. Arbach moved and Martin seconded to approve the hiring. Voting aye: 5; nay: 0. The motion was adopted. Sheriff Mohr reported that Kari Beaman has successfully completed her probationary period and has requested that she be awarded a $0.50 per hour raise. Martin moved and Godkin seconded to give Kari Beaman a $0.50 per hour raise. Voting aye: 5; nay: 0. The motion was adopted. Sheriff Mohr requested that a non-working electric range be declared surplus property so that it can be destroyed. Martin moved and Leff seconded to declare the non-working range as surplus so that it can be destroyed. Voting aye: 5; nay 0. The motion was adopted.

**BID OPENING:**

At 10:00 a.m. bids were opened for Landfill Cell Closure. The first bid was from Morris for $190,184.50. The second bid was from Jensen Rock & Sand for $138,448.50. Leff moved and Godkin seconded to accept the bid for the Landfill Cell Closure from Jensen Rock & Sand in the amount of $138,448.50. Voting aye: 5; nay: 0. The motion was adopted.

**HIGHWAY AND LANDFILL ISSUES:**

Landfill Supervisor Badten reported that the Landfill Conference Banquet will be held on May 23, 2013.

Supervisor Badten also advised the Commission that there is a possible tipping fee increase scheduled for January 2014. Leff moved and Godkin seconded to authorize publication for bid notice to be opened on May 21, 2013 at 10:00 a.m. for the culvert replacement on County Road 236. Voting aye: 5; nay: 0. The motion was adopted.

**2008 140M MOTOR GRADER:**

Leff moved and Arbach seconded to surplus and sell by sealed bids the 2008 140M Motor Grader. Voting aye: 5; nay: 0. The motion was adopted. Arbach moved and Godkin seconded to authorize publication for bid notice to be opened on May 21, 2013 at 10:15 a.m. for sale of the 2008 140 M Motor Grader. Voting aye: 5; nay: 0. The motion was adopted.

**RESOLUTION WC 2013-08**

**HIGHWAY WEIGHT REQUIREMENTS SEASON EXTENSION**

WHEREAS South Dakota Codified Law 32-22-24 prescribes that the load limits applicable on highways within this state are reduced during a season beginning February fifteenth and ending April thirtieth unless extended by the county commissioners by resolution or ordinance as outlined in the same statute. It appears that the county highway department is requesting an extension of this season pursuant to SDCL 32-22-24 to May 31,2013.

NOW THEREFORE it is resolved by the Walworth County Board of County Commissioners that the season for reduced weight limits described in SDCL 32-22-24 be hereby extended until May 31,2013; pursuant to SDCL 32-22-24.

Dated this 7th day of May, 2013 at Selby, South Dakota.

Phylliss Pudwill, Walworth County Commission

Chairperson

ATTEST:

Rebecca Krein

Walworth County Auditor

(SEAL)

Leff moved and Martin seconded to extend the resolution for weight limits on County Roads. Voting aye: 5; nay: 0. The motion was adopted.

Superintendent Goetz requested some guidance from the Board on what their wishes are for the park at Lake Molstad. The board would like the walkway closed permanently and the entire park to be closed temporarily. They definitely want No Trespassing Signs for the area.

Supervisor Badten informed the board that they have been doing a lot of fencing at the Landfill and they will soon be seeing bills for that work.

**COLLECTION AGENCY – ROSE BENSON**

Rose Benson from Credit Collections approached the board with a proposal that the county contract with Credit Collections regarding funds owed to the county from various accounts. She explained that because they are a large company they have the ability to find people easily and the ability to garnish wages should that be necessary. She said the company keeps 30% of the collections and they have no restrictions on the number or dollar amount of collections that they will accept. The county would receive a check on approximately the 15th of each month for monies collected in the prior month. The decision whether to hire them was tabled until the next meeting.

**TAX DEED PROPERTY:**

States Attorney Jamie Hare reported that the tenant in a property owned by the County is no longer at the residence and the property has been secured. He reports that one house on the property is in fair condition and the other house is in badly worn condition. The city of Mobridge would like to get 1 house torn down and the other house declared surplus. The City has arrived at a figure of $2000.00 to demolish the house and they will rent the equipment to do so if the County will haul out the debris. They would like to do the work with the County and City each paying half of the cost. The Commissioners indicated that they are willing to work with the city.

**NEW SCHOOL:**

Darrell McFarland, Selby Area School District Superintendent met with the board to request approval and general permit for a rubble site on land owned by Tom Fiedler for them to haul the rubble generated from tearing down the old school.

**RESOLUTION WC 2013-09**

**SELBY AREA SCHOOL DISTRICT DEBRIS SITE**

WHEREAS, Selby Area School District 62-5 desires to establish a Construction and demolition debris facility for the purpose of solid waste management; and

WHEREAS, the siting of this proposed facility is not in conflict with any established zoning laws or ordinances; and

WHEREAS, the Selby Area School District has filed a solid waste application with the South Dakota Department of Environment and Natural Resources (DENR); and

WHEREAS, DENR has reviewed that application to determine that the facility can be operated within the South Dakota laws and regulations; and

WHEREAS, DENR has recommended the approval of the permit with conditions adequate to safeguard the environment; and

WHEREAS, the Board of Minerals and Environment will review, modify, approve or deny the permit if the tentative recommendations and/or conditions of the permit are contested by any interested party; and

WHEREAS, the County Commission of Walworth County is required by South Dakota law SDCL 34A-6-103 to approve of a solid waste facility prior to the issuance of a solid waste permit;

IT IS THEREFORE RESOLVED that the County Commission of Walworth County hereby approves construction and operation of the proposed facility to be operated under the terms of a solid waste permit to be issued by the Board of Minerals and Environment.

APPROVED this 7th day of May, 2013 by the Walworth County Commission in regular session at Selby, South Dakota.

Signed Rebecca Krein

County Clerk

Leff moved and Arbach seconded to approve Resolution 2013-09 to allow the rubble site on land owned by Tom Fiedler. Voting aye: 5; nay: 0. The motion was adopted.

**EMERGENCY MANAGEMENT:**

Emergency Manager Adam Fiedler requested that the burn ban be reinstated. Martin moved and Godkin seconded a motion to reinstate the burn ban. Voting aye: 5; nay: 0. The motion was adopted.

The LEOP plan was discussed and the Commission requested that copies of the LEOP agreement be mailed out to them. Fiedler reported that the office location situation in Mobridge has been worked out and seems to be working well for the time being. Emergency Manager Fiedler and Chief Deputy Sheriff Josh Boll informed the commissioners that they did not receive any funds from the grant application they filed for 2011 leftover grant dollars.

**APPLICATION FOR ASSISTANCE:**

Leff moved and Godkin seconded to approve the application for burial assistance concerning Case #13I, due the fact that the individual was a county resident and qualifies under the guidelines established for eligibility. Voting aye: 5; nay: 0. The motion was adopted.

**EXECUTIVE SESSION:**

Arbach moved and Godkin seconded to enter into executive session at 11:21 am for the purpose of discussing a personnel issue as per SDCL 10-3-14. Voting aye: 5; nay: 0. The motion was adopted.

Chairperson Pudwill declared the executive session ended and the board reconvened in regular session at 12:01 pm.

**TRAVEL LOGS:**

There was discussion for the need of travel logs to be kept in every county vehicle. Superintendent Goetz felt that there should be a change in policy before that requirement can be enforced. Martin moved and Godkin seconded to require travel logs in any road-driven vehicle as specified by the Commission. Voting aye: 2; nay: 3. The motion failed.

**SECTION LINE CLOSURE:**

Discussion was held concerning the closing of a section line northeast of Mobridge on 123rd street. States Attorney Hare will investigate the legalities and further discussion was tabled until Hare had more information available.

**WEED SPRAYING:**

Leff moved and Godkin seconded to allow the chairperson to sign an agreement with the SDDOT for weed spraying services. The agreement is on file in the County Auditor office. Voting aye: 5; nay: 0. The motion was adopted.

**GRAVEL CONTRACT:**

Ray Lewis, representing a property owner in Glenham stated that he disagrees with the contract the property owner has with the county for mining and crushing gravel on the property. Mr. Lewis no longer feels that the compensation is adequate. States Attorney Hare suggested that Mr. Lewis have his attorney contact States Attorney Hare representing the county, for further discussion.

**DIRECTOR OF EQUALIZATION:**

Arbach moved and Leff seconded a motion to allow Director of Equalization Deb Kahl to order the necessary computer equipment for the addition of 2 employees in the office. Voting aye: 5; nay: 0. The motion was adopted.

Kahl advised the Commission that applications for the openings in her office will close on May 9, 2013 and she will be finalizing hiring early next week. The successful applicants will then be presented to the Commission for approval.

**ADJOURNMENT:**

Godkin moved and Leff seconded that the Board of County Commissioners adjourn until the hour of 9:00 a.m. on Tuesday, May 21, 2013. Voting aye: 5; Nay: 0. The motion was adopted.

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

**PHYLLISS PUDWILL, CHAIRPERSON**

**ATTEST:**

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

**REBECCA KREIN, AUDITOR**

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