July 7, 2015

**WALWORTH COUNTY BOARD OF COMMISSIONERS**

**MINUTES OF PROCEEDINGS**

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

Chairperson Schilling 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 June 23, 2015 be approved. Voting Aye: 3; Nay: 0. The motion was adopted.

Martin moved and Siemon seconded that the minutes of the meeting of June 30, 2015 be approved. Voting Aye: 3; Nay: 0. The motion was adopted.

**CLAIMS APPROVED:**

Martin moved and Siemon seconded that the following claims be paid. Voting Aye: 3; Nay: 0. The motion was adopted.

**COMMISSIONERS:** City of Mobridge – water service @ 306 2nd Ave W, $10.50; Jim Houck – mileage expense, $42.18; Duane Martin – mileage expense, $46.62; Mobridge Tribune – official proceedings, Commissioner District 2 ad, beverage license hearing, TV official proceedings, $192.27; Selby Record – official proceedings, Commission District 2 ad, TV official proceedings, $340.29; Dave Siemon – mileage expense, $120.62;

**COURTS:**

**COURT APPOINTED ATTORNEY:** Laurie M Bauer – court appointed attorney fees, $541.00; Vaughn P Beck – court appointed attorney fees, $1,946.50; Kristi A Brandt – transcripts, $74.80; Dakota Plains Legal Services – court appointed attorney fees, $67.50; William D Gerdes – court appointed attorney fees, $11951.25; Mark K Kroontje – court appointed attorney fees, $3,128.92;

**ABUSED CHILD DEFENSE:** Laurie M Bauer – court appointed attorney fees, $558.76; Kristi A Brandt – transcripts, $2.00; Mark K Kroontje – court appointed attorney fees, $353.75; Von Wald Law Offices LLC – court appointed attorney fees, $946.00;

**AUDITOR:** Cardmember Service – postage service charges, $6.25; Connecting Point – support contract, travel,

printer repair, $3,956.00; Midcontinent Communications – internet service, $13.12; Quill Corporation – fax toner, $67.45;

**TREASURER:** Cardmember Service – postage, postage service charges, $157.00; Connecting Point – support contract, $2411.00; Midcontinent Communications – internet service, $13.12; Quill Corporation – adding machine paper, toner, ribbon, $115.79;

**STATES ATTORNEY:** Kristi A Brandt – transcripts, $144.80; Cardmember Service – postage service charges, postage, $121.07; Juan M Gonzalez – translation of legal documents, $114.60; Midcontinent Communications – internet service, $13.12; Quill Corporation – toner, $31.00; Selby Motel – witness lodging, $87.69; Thomson Reuters – court rules subscription, $139.00;

**COURTHOUSE:** Cardmember Service – bath tissue, paper towels, wipes, spray bottles, supplies, $103.22; Randy Carlson – tree removal service, $1,825.00; City of Selby – water, sewer service, $85.84; Hase Plumbing Heating & Air – filter, $5.90; Kens Western Lumber – glass, window repair, supplies, $117.00; Montana-Dakota Utilities – electricity, natural gas, $627.67; Quill Corporation – bath tissue, $113.79; Reuer Sanitation Inc – garbage service, $95.00; Runnings Supply Inc – supplies, $16.57; Servall Uniform & Linen – mats, mops, $40.33; Kurt A Wolf – lawn care, $775.00;

**DIRECTOR OF EQUALIZATION:** Cardmember Service – postage, postage service charges, $83.77; Connecting Point – support contract, travel, $3,321.00: Midcontinent Communications – internet service, $13.12; Shorty’s One Stop – gasoline, $49.40; Vanguard Appraisals – software, $5,024.00;

**REGISTER OF DEEDS:** Cardmember Service – postage, postage service charges, $76.21; Connecting Point – support contract, $250.00; Midcontinent Communications – internet service, $13.13;

**VET SERVICE OFFICER:**

**SHERIFF:** AT&T Mobility – cell phone service, $208.84; Pat Berens – pizza for 911 call, $141.85; Cardmember Service – postage service charges, gasoline, $39.64; Central Diesel Sales Inc – supplies, $9.21; Connecting Point – virus clean up, $160.00; Midcontinent Communications – internet service, $13.13; Mobridge Tribune – business cards, $87.50; Quill Corporation – folders, paper, supplies, $135.68; Selby Auto Sales & Service – jumper cables, $40.00; Selby Oil Company – balance tires, oil change, $193.20; Shorty’s One Stop – gasoline, $81.15; Slater Oil & LP Gas – 1000 gals @$2.47, $2,470.00; Western Communications Inc – radio service, $21.60;

**JAIL:** Kari Beaman – cleaning products, supplies, $71.50; Cardmember Service – groceries, $55.62; City of Selby – water, sewer service, $130.52; Family Dollar – personal care items, groceries, cleaning products, $89.00; Kylie Franklin – meal expense, $52.00; Jeremy Johnson – meal expense, $52.00; JPATS/USMS – transport, $2,181.00; Merkel’s Foods – supplies, groceries, otc medications, $894.62; Montana-Dakota Utilities – electricity, natural gas, $587.90; Payless Foods – groceries, $682.47; Servall Uniform & Linen – mats & mops, $65.04; Stoicks Food Center – groceries, $63.52;

**EMERGENCY & DISASTER:** AT&T Mobility – cell phone service, $33.93; Midcontinent Communications – internet service, $6.56; Western Communications Inc – repair siren, $213.00;

**SUPPORT OF POOR:** Cardmember Service – postage service charges, $6.24; Quill Corporation – toner, $30.99;

**MENTALLY ILL:**

**DEVELOPMENTALLY DISABLED:**

**MENTAL ILLNESS BOARD:** Denise Cody – hearing, $6.00; Lucy Lewno – hearing, $102.25; Karen A Swanda – hearing, $6.00; Taliaferro Law Firm – mental illness cases, $360.00;

**OTHER HEALTH ASST:** Selby Auto Sales & Service – mosquito machine repair, $126.35; Van Diest Supply Company – mosquito chemical, $1,343.00;

**EXTENSION:** A&B Business Inc – 4-H supplies, $9.59; Cardmember Service – postage service charges, $6.25; Brenda Detoy – mileage expense, $13.32; Midcontinent Communications – internet service, $13.13; Quill Corporation – toner, $31.00;

**WEED CONTROL:** AT&T Mobility **–** cell phone service, $33.93; Midcontinent Communications – internet service, $6.57; Selby Record – notice to bidders, $55.97; Shorty’s One Stop – gasoline, $191.14; Western Communications Inc – radio service, $8.80;

**PLANNING & ZONING:** Mobridge Tribune – official proceedings, $80.27; Selby Record – official proceedings, $81.63;

**RD & BR:** Butler Machinery Co **–** filters, $190.98; Cam Wal Electric Cooperative – electricity @ Hoven shop, $48.73; Cardmember Service – postage, time clock, $554.39; City of Java – water service @ Java Shop, $18.00; City of Mobridge – water, sewer service, $48.41; City of Selby – water, sewer service, $65.17; Dakota Fluid Power Inc – repair pump, $3,365.14; Eddie’s Truck Center – parts, $78.43; Farnams Genuine Parts – parts, $158.10; GTC Auto Parts – chain, supplies, $113.39; Hoven Coop Service Company – fuel, gasoline, $714.30; Jensen Rock & Sand Inc – repair road 314, cold mix, pearock, $8,915.94; John Deere Financial – hydraulic cyclinder, hy-guard, freight, $1,020.51; Ken’s Western Lumber – supplies, $6.40; Logan Electric Construction – Doosan Excavator use, $1,758.17; Loiseau Construction – 284.2 ton rock, 924 ton gravel, 6,538.00; Mobridge Tribune – mining operation, gravel crushing bids, $52.14; Montana-Dakota Utilities – electricity @ State Shop, Selby Shop, Mobridge Shop, $158.00; North Central Farmers Elevator – fuel, $1,055.93; Reuer Sanitation – garbage service, $35.00; Runnings Supply Inc – supplies, $52.39; Selby Auto Sales & Service – battery, floor dry, supplies $117.08.; Selby Record – notice of bidders, notice of intent, $55.62; Shorty’s One Stop – gasoline, $1,009.41; Slater Oil & LP Gas – 2979 gals fuel @$1.979, $5,895.44; Team Lab – glass cleaner, super dry graphite, shipping, $243.00; Valley Telecommunications – cell phone service, $39.99; West River Telecommunications – phone service @ Mobridge Shop, $32.65; Western Communications Inc – radio service, $135.90;

**SOLID WASTE:** Cardmember Service – postage, time clock, $580.56;Farnams Genuine Parts – grease, shop light, supplies, $201.99; North Central Farmers Elevator – 1154 gals fuel @ $2.0344, $2,347.70; Runnings Supply Inc – supplies, $10.99; SD Dept of Environment – solid waste surcharge, $1,413.00; Servall Uniform & Linen – mats, $36.36; Sheehan Mack Sales & Equipment – repair L-1000, $2,367.36; Shorty’s One Stop – gasoline, $48.60; Tri State Water – water rental, $31.40; Web Water Development – water service, $35.45; Western Communications – radio service, $9.30;

**PARTIAL PYMTS FUND:** Walworth County Treasurer – partial payments, $3,809.57;

**5 COUNTIES TV DISTRICT FUND:** Cam Wal Electric Cooperative – electricity @ Java 1 & 2, $1,027.94; FEM Electric Assoc – electricity, $71.05; Sid Haux – mileage expense, cell phone service, $177.68;

**SDACO:** M & P Remittance, $186.00;

As required by SDCL 6-1-10, the June payroll paid by department was as follows: Commissioners - $5,820.35; Auditor - $8,586.77; Treasurer - $9,093.86; States Attorney - $12,383.78; Courthouse - $2,599.57; Director of Equalization - $11,886.08; Register of Deeds - $8,926.16; Veterans Service Officer - $1,208.09; Sheriff - $16,435.30; Jail - $41,310.88; Coroner - $251.91; EMG & Disaster - $2,361.79; Poor - $572.58; Extension - $2,324.01; Weed & Pest - $2,496.84; Road & Bridge - $49,414.59; Solid Waste - $18,871.69; 5 County TV Translator District - $1,033.44.

**COMMISSION DISTRICT 2:**

 Kevin Holgard was sworn in as County Commissioner in district 2.

**COUNTY ASSISTANT:**

Ryan Badten informed the board that he attended the Town of Java board meeting. He stated he suggested to them that they increase their rubble site.

Randy Carlson is requesting the county build a road to his business. There is an approach at the location. Discussion was held on who put the approach there and whether the land has been surveyed. This will be brought up at a future meeting.

**LANDFILL ISSUES:**

Landfill Supervisor Badten requested that Chairman Schilling sign an agreement with Wenck Associates to prepare a National Pollutant Discharge Elimination System (NPDES) permit application. This permit would allow the Landfill to discharge from its leachate pond provided that analytical testing proves contaminant levels are below State and Federal thresholds. The cost for Wenck Associates services would be $6100.00. Holgard moved and Martin seconded to allow Chairman Schilling to sign the agreement. Voting Aye: 4; Nay: 0. The motion was adopted.

**JAIL DISCUSSION:**

Ryan Badten and Tom Strickland submitted a repairs list to the board that they feel are the most important at this time. Discussion was also held on the security camera system needed at the jail. The board advised Badten to proceed with the security camera system and outlets first. Badten will request bids for the security camera system.

**HIGHWAY ISSUES:**

 Highway Superintendent Goetz updated the board on the road projects that are being completed.

 County road 319 is complete and the cost was split 3 ways at $3814.18 to each entity.

 County road 314: Jensen Rock and Sand filled the dip and a liner needs to be put in the culvert which will happen sometime in August.

 County road 325: Pea rock will be used due to some weather and breakdown related issues.

 County road 240: Loiseau will be grinding up about ¾ of a mile where the asphalt is broken up for $6500. They also hauled the gravel for $3696. This will be left gravel for a year to allow it to go through the freeze thaw cycle.

 County road 233: Jensen Rock & Sand ran into problems while working on this road with mud pockets, therefore there may be additional costs associated with repairing the road from what was quoted.

**TREASURER OFFICE:**

 Treasurer Moak informed the board that one of the tax deed properties paid up their taxes.

**RESOLUTION 2015-15:**

Martin moved and Siemon seconded to adopt Resolution 2015-15 Implementation of County Sales Tax. Voting Aye: 4; Nay: 0. The motion was adopted.

WALWORTH COUNTY, SOUTH DAKOTA

 RESOLUTION 2015 – 15

 IMPLEMENTATION OF A COUNTY SALES TAX

WHEREAS, South Dakota counties are limited as to the amount they are allowed to levy in real estate property tax revenue as per SDCL 10-13-35; and

WHEREAS, the amount of real estate property tax revenue allowed to be levied is contingent upon the annual CPI percentage and the percentage of growth in each county; and

WHEREAS, these percentage figures fluctuate each year leaving counties with the uncertainty of what their taxing ability will be from year to year ; and

WHEREAS, South Dakota counties were allowed the option to increase the amount they can levy in real estate property tax revenue through the opt-out process allowed in SDCL 10-13-36; and

WHEREAS, there are, as per information obtained from the South Dakota Department of Revenue, twenty-three counties which have opt-outs in place and seventeen counties which have attempted to pass opt-out resolutions but those attempts were defeated by a vote of the people; and

WHEREAS, these statistics show that the tax limitation imposed by SDCL 10-13-35 and the opt-out process allowed in SDCL 10-13-36 are restricting the ability of counties to obtain sufficient revenues through real estate property taxation to support their annual operations; and

WHEREAS, there are some South Dakota counties in situations where a large percentage of their land area is non-taxable land and they do not receive real estate property tax revenue from nor federal funding for these lands thereby causing further financial distress upon these counties;

NOW THEREFORE BE IT RESOLVED that the Board of Walworth County Commissioners hereby supports the presenting of legislation to the 2015 South Dakota Legislature to extend the authority to counties to implement a county sales tax similar to that authority allowed to municipalities in SDCL 10-52 and 10-52A to generate additional revenue for counties.

Resolution adopted this 7th day of July, 2015.

**EXCUTIVE SESSION:**

 Martin moved and Holgard seconded to enter into executive session per SDCL 1-25-2(2) at 10:50 a.m. The

 Chairperson declared the executive session ended at 11:30 a.m.

 Commissioner Siemon left the meeting at 11:05 a.m.

**BUDGET MEETING:**

 The first budget meeting was set for after the July 21st commission meeting.

**PAYROLL:**

 Auditor Krein contacted the Department of Labor at the request of Commissioner Siemon and the way overtime is being calculated is correct. The only issue noted is that the way it is done is hard for some people to understand.

**ADJOURNMENT:**

Holgard moved and Martin seconded that the Board of County Commissioners adjourn until the hour of 9:00 a.m. July 21, 2015. Voting Aye: 3; Nay: 0. The motion was adopted.

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**SCOTT SCHILLING, CHAIRPERSON**

**ATTEST:**

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

**REBECCA KREIN, AUDITOR**

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