September 24, 2013

9:00 A.M.

**WALWORTH COUNTY BOARD OF COMMISSIONERS**

**MINUTES OF PROCEEDINGS**

The Walworth County Board of Commissioners met in regular session on September 24, 2013 at 9:00 a.m. at the County Courthouse. Members present were: Denis Arbach, Richard Godkin, Duane Martin, Don Leff and Phylliss Pudwill. Also present were Auditor Rebecca Krein, States 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.

Leff moved and Godkin seconded that the minutes of the meeting of September 3, 2013 be approved. Voting Aye: 5; Nay: 0. The motion was adopted.

**STATEMENT OF FEES COLLECTED DURING THE MONTH OF AUGUST 2013.**

Register of Deeds $ 7,025.00

Treasurers Monthly Report was not ready at the time of the meeting.

**FUEL QUOTES:**

The following fuel quotes were received and the low quote approved by the board for the delivery

of approximately 6000 gallons of #2 diesel fuel to the Walworth County Highway Shop in Selby.

NC Farmers $3.37 gal

Lucky’s Gas & More $3.39 gal

Slater Oil No Quote

**CLAIMS APPROVED:**

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

**COMMISSIONERS:** City of Mobridge – water service, $10.50; Heartland Waste Management Inc – demolition 610 1st St E Mobridge, $3120.00; Ken’s Western Lumber – repair house in Java, $184.39; Lincoln National Life Ins – life insurance, $14.26; Marco Inc – maintenance contract, $7.03; Mobridge Tribune – official proceedings, affidavit of publication, notice of public hearing, official proceedings: TV, $26.65; Wink’s Construction – repair house in Java, $200.00;

**COURTS:** Kristi Brandt – transcripts, $10.20;

**AUDITORS:** Fred Pryor Seminars – registration P. Baumann, $79.00; Lincoln National Life Ins – life insurance, $13.26; Marco Inc – maintenance contract, $7.34; Midcontinent Communications – internet service, $13.13;

**TREASURER:** Lincoln National Life Ins – life insurance, $13.26; Marco Inc. – maintenance contract, $5.79; Midcontinent Communications – internet service, $13.13;

**STATES ATTORNEY:** Jennifer Breaw – mileage expense, subpoena, $44.42; Connecting Point – restored deleted files, $80.00; Marco Inc – maintenance contract, $34.78; Darlene J Medicine Crow – mileage expense, QEW fees, $387.64; Midcontinent Communications – internet service, $13.13; Mobridge Regional Hospital – blood alcohol draws, $455.00; Mobridge Tribune – legal summons, $29.61; SD Department of Revenue – blood alcohol testing, complete drug screen, $611.00;

**COURTHOUSE:** Ken’s Western Lumber – supplies, $4.29; Lincoln National Life Ins – life insurance, $6.63; Servall Uniform & Linen – mats & mops, $48.13;

**DOE:** Best Western Ramkota Hotel – lodging M Hesselberg, $385.00; Best Western Ramkota Hotel – lodging D Kahl, $385.00; Deborah Kahl – meal expense, mileage expense, $189.20; Lincoln National Life Ins – life insurance, $19.89; Michelle Hesselberg – meal expense, $130.00; Midcontinent Communications – internet service, $13.13;

**REGISTER OF DEEDS:** Active Data Systems Inc – shipping, microfilm, $112.25; Lincoln National Life Ins – life insurance, $13.26; Marco Inc – maintenance contract, $9.78; Midcontinent Communications – internet service, $13.12

**VETERANS SERVICE OFFICER:** Best Western Ramkota Hotel – lodging Rookey, $100.00; West River Telecommunications – phone service, $32.23;

**SHERIFF:** A & B Business Inc – envelopes, $25.41; Connecting Point – anti-malware, $24.95; Graham Tire – tires 08 Impala, $179.00; Lincoln National Life Ins – life insurance, $179.00; Marco Inc – maintenance contract, $0.02; Midcontinent Communications – internet service, $13.12; Pennington County – transport, $239.10; Ron’s Repair – balance tires, $46.00; Selby Auto Sales & Service – oil change Crown Vic - $55.30; Shorty’s One Stop – gasoline, $50.75; Selby Oil – 2012 Impala oil change, balance tires – Crown Victoria, $65.90; Slater Oil & Gas – 512 gallons Ethanol @$3.41, $1745.92; Western Communications Inc – radio maintenance, $21.60;

**JAIL:** A&B Business Inc – envelopes, toner, $110.94; Dash – gloves, $69.80; Karl’s – refrigerator, $1149.96; Lincoln National Life Ins – life insurance - $21.88; Mobridge Medical Clinic – medical care, $226.00; Mobridge Regional Hospital – medical care, $44.03; That Tall Guy Plumbing Inc – repair toilets & shower, $3916.09;

**CORONER:** Clinical Laboratory – handling charge, NMS, vitreous chemistries, autopsy, $1972.00;

**EMERGENCY & DISASTER:** West River Telecommunications – internet service, phone service, $79.68;

**SUPPORT OF POOR:** Marco Inc – maintenance contract, $0.55; Quill Corporation – supplies, $39.28;

**MENTALLY ILL:** SD Department of Revenue – services, $611.63;

**DEVELOPMENTALLY DISABLED:** SD Department of Revenue – services, $60.00;

**EXTENSION:** Edmunds County Auditor – lodging J Malsom - $147.00; Lincoln National Life Ins – life insurance, $6.63; Marco Inc. – maintenance contract $3.33; Midcontinent Communications – internet service, $13.12;

**WEED CONTROL:**  Jon R Duenwald DBA – oil change T-110, $52.08; Lincoln National Life Ins – life insurance - $4.31; Midcontinent Communications – internet service, $13.12

**RD & BR:** Avera Queen of Peace – employee alcohol test, $37.00; Cam Wal Electric Cooperative – electricity Hoven Shop, $42.71; City of Mobridge – water & sewer service, $41.43; Penny Goetz – meal expense, $55.00; Holiday Inn – lodging P Goetz - $260.97; Hoven Coop Service Company – gasoline, fuel, heating fuel Hoven shop, $2289.86; Lincoln National Life Ins – life insurance, $59.67; Marco Inc – maintenance contract, $0.18; Montana Dakota Utilities, electricity Java shop - $17.00; North Central Farmers Elevator – fuel, $1060.95; Northern Plain – spray pit, $343.60; Praxair Distribution Inc – welding supplies, $46.79; Selby Auto Sales & Service, parts - $24.85; Valley Telecommunications – cell phone service, $39.99; West River Telecommunications – phone service, $31.33;

**FIRE PROTECTION:** Akaska Fire Department – fire protection other, $1200.00; Glenham Fire Department – fire protection other, $1200.00; Hoven Fire Department – fire protection other, $1200.00; Mobridge Fire Department – fire protection other, $1200.00; Selby Fire Department – fire protection other, $1200.00;

**SOLID WASTE:** 3D Specialties Inc – sign base spade, shipping, parts, Telespar (70), $3041.40; Cam Wal Electric Cooperative, $168.47; Lincoln National Life Ins – life insurance, $26.52; Lucky’s Gas & More – gasoline, $108.42; Marco Inc – maintenance contract, $0.04; North Central Farmers Elevator – fuel 703.6 gal @ $3.391, $2385.91; SDSWMA – registration D Weleba, $200.00; Tri State Water – water rental, $48.50; Valley Telecommunication – internet service, phone & fax service, $85.23;

**STATE ACCOUNT FUND:** SD Department of Revenue – ROD & vital records, $1060.00; SD Department of Revenue – motor vehicle fees, $74463.06;

**SALE/EXCISE TAX FUND:** South Dakota State Treasurer – city sales tax, state sales tax, $227.16;

**5 COUNTY TELEVISION DISTRICT FUND:** Cam Wal Electric Cooperative – electricity – Java 2, Java 1, $862.96; Lind’s Hardware – supplies, $8.98; Marco Inc – maintenance contract, $1.39; Sioux Falls Tower – repairs Java tower, $7031.25;

**REGIONAL E911 FUND:** AT&T – access charges, $163.96; CenturyLink – access charges, $1277.90; Language Line Services – interpretation services, $90.00; Lind’s Hardware – supplies, $53.41; Valley Telecommunications – Data Base Updates, access charges, $925.16; West River Telecommunications – internet service, access charges, $2104.74; Western Communications Inc – two 19” monitors, $1360.00

**SDACO M & P FUND:** M & P remittance, $218.00;

As required by SDCL 6-1-10, the August payroll paid by department was as follows: Commissioners - $6,075.84; Auditor - $7,750.66; Treasurer - $8,086.28; States Attorney - $11,550.32; Courthouse - $2,174.45; Director of Equalization - $10,646.59; Register of Deeds - $7,921.18; Veterans Service Officer - $1,138.75; Sheriff - $13,651.89; Jail - $26,985.26; Emergency & Disaster - $1,343.48; Poor - $324.58; Extension - $1,627.70; Weed & Pest - $3,281.54; Road & Bridge - $39,830.26; Solid Waste - $16,537.70; 5 County TV Translator District - $1,033.44.

**PUBLIC FORUM & VISITORS:**

Noreen Ritter met with the Commission regarding a property that has delinquent taxes. The Commission agreed to payments of $500 a month which would take her 2 years to get the taxes current.

**EMPLOYMENT WORKS:**

Sylvia Karst met with the board to explain the Employment Works program. Walworth County will be getting an employee to assist the janitor. There is no liability to the county and the salary will be paid at minimum wage through the program from the State of South Dakota. Employment Works is a training program for persons 55 and older that fall within program guidelines. Employment must be with a non-profit organization and the program is designed to help elderly persons remain independent. The employee will be allowed to work 21 hours per week.

**MONTHLY DEPARTMENT HEAD MEETING:**

Deb Kahl, Director of Equalization reported that her office has started working 10 hour days and feels that it is working well at this time. The Director of Equalization office is now open from Noon to 1:00 p.m. as the employees are staggering their lunch breaks. The Treasurer’s office and the Register of Deeds office have not started working 10 hours at this time and do not know when and if they are going to. The Deputy in the Auditor’s office started working 10 hour days this week, however some weeks it will not work due to meeting deadlines. Highway Superintendent Goetz and Landfill Superintendent Badten reported that their hours will be remaining the same as they have been for a number of years.

**RESOLUTION WC 2013-12**

**ADOPTION OF ANNUAL BUDGET FOR WALWORTH COUNTY, SOUTH DAKOTA**

**For The Year January 1, 2014 to December 31, 2014**

ADOPTION OF ANNUAL BUDGET FOR Walworth County, South Dakota

Whereas, (7-21-5 thru 13), SDCL provides that the Board of County Commissioners shall each year prepare a Provisional Budget of all contemplated expenditures and revenues of the County and all its institutions and agencies for such fiscal year and,

Whereas, the Board of County Commissioners did prepare a Provision Budget and cause same to be published by law, and,

Whereas, due and legal notice has been given to the meeting of the Board of County Commissioners for the consideration of such Provisional Budget and all changes, eliminations and additions have been made thereto.

NOW, THEREFORE BE IT RESOLVED, that such provisional budget as amended and all its purposes, schedules, appropriations, amounts, estimates and all matters therein set forth, SHALL BE APPROVED AND ADOPTED AS THE ANNUAL BUDGET OF THE APPROPRIATION AND EXPENDITURES FOR Walworth County, South Dakota and all its institutions and agencies for the calendar year beginning January 1, 2014 and ending December 31, 2014 and the same is hereby approved and adopted by the Board of County Commissioners of Walworth County, South Dakota, this 24th day of September, 2013. The Annual Budget so adopted is available for public inspection during normal business hours at the office of the County Auditor, Walworth County, South Dakota. The accompanying taxes are levied by Walworth County for the year January 1, 2014 through December 31, 2014.

BOARD OF COUNTY COMMISSIONERS OF Walworth County, South Dakota

Phylliss Pudwill, Chairperson

Denis Arbach, Commissioner

Donald Leff, Commissioner

Duane Martin, Commissioner

Richard Godkin, Commissioner

ATTEST: Rebecca Krein, County Auditor

COUNTY TAX LEVIES: \*General $1,903,636, $4.108/1,000; Snow $23,661, $.051/1,000; Highway & Bridge Reserve $17,134, $.037/1,000; Fire Protection $5,175, $.021/1,000.

**BUILDING PERMITS:**

States Attorney Hare expressed concern over the way building permits are being issued. He stated that as far as he can tell there have only been approximately 18 permits issued over the last 18 months. He states that the building permit process must be administered properly in order to help equalize property values. He says that Walworth County ordinances state that property owners must have a building permit and he believes it is time to diligently enforce the procedure. The Commission wants and article put in the paper concerning building permits for county residents. States Attorney Hare will write up a letter/notice to be printed in the official newspapers.

**TAX DEED PROPERTIES:**

States Attorney Hare requested that the Commission take some action on a property in Glenham owned by Randy Murray. Legal records show that this property is owned by the county and Mr. Murray has occupied the property for the last 2 years while it has been owned by the County. Martin moved and Leff seconded a motion that the resident be evicted from the property if he has not satisfied his tax requirement with the County. Voting Aye: 5; Nay: 0. The motion was adopted.

Leff moved and Martin seconded to declare surplus and sell the While property and the property at 619 1st St E by sealed bids. There will be a $5000 bond required on the While property until all ownership requirements are met. Voting Aye: 5; Nay: 0. The motion was adopted.

**INSURANCE:**

County Auditor Rebecca Krein reports that a number of insurance companies contacted her with concerns about being able to obtain all the information that they would need to give the Commission reliable quotes by today’s meeting. Krein requested that the commission allow the insurance companies to meet with them at their first meeting in December with their proposals, and thus allowing the Commission to make a decision on their second December meeting. This request was approved.

**EMPLOYEE RECOGNITION:**

The board presented County Highway employee Allen Frost with a certificate thanking him for 35 years of dedicated employment with Walworth County.

**HIGHWAY AND LANDFILL ISSUES:**

Highway Superintendent Goetz reports that the city of Mobridge issued a permit for a home to be built on 3rd Avenue West and the home is higher than the road. Goetz will inform the property owner that a culvert meeting County specs will need to be installed.

Leff moved and Martin seconded to accept a bid from Randy Carlson to install spray foam insulation on the County Highway Shop in Mobridge for $5835. Voting Aye: 5; Nay: 0. The motion was adopted. Martin would also like to see the windows boarded up and a door sealed.

Superintendent Goetz reported that work is nearly done at the Hettich pit and that the crew will be moving to the Haux pit on Thursday. She presented the Commission with a Public Contract for Services issued to Brownlee Construction for crushing at the Haux pit signed by the Highway Superintendent and the owners of Brownlee Construction that is a buy off of the Hettich pit crushing bid.

**RESOLUTION WC 2013-13**

**RESOLUTION TO MODIFY SPEED LIMIT ON COUNTY ROAD 314**

WHEREAS, County Road 314 is within the jurisdiction of Walworth County and the Walworth County Commission has the authority to set and modify speed limits for County roads,

WHEREAS, County Road 314, also known as Airport Road and 20th Street to 10th Ave W., is being used as an over width detour during Highway 12 and Highway 1804 construction within the City of Mobridge,

WHEREAS, the speed limit is currently 45 miles per hour on County Road 314 from Grand Crossing to 10th Ave West.

WHEREAS, the Walworth County Commission desires to change the speed limit from 45 to 35 miles per hour during the construction period.

NOW, THEREFORE, BE IT RESOLVED, that the speed limit on Walworth County Road 314 shall be 35 miles per hour from Grand Crossing to 10th Ave West. This speed reduction shall be effective immediately and will remain in effect until construction is completed during 2014. At completion of the construction, the speed limit shall return to 45 miles per hour.

Dated this 24th day of September, 2013 at Selby, South Dakota

WALWORTH COUNTY, SOUTH DAKOTA

Phylliss Pudwill, Walworth County Commission Chairman

ATTEST

Rebecca Krein, Walworth County Auditor

Leff moved and Godkin seconded to amend the resolution to read County Road 314 also known as Airport Road and 20th Street to 10th Ave West. Voting Aye: 5; Nay: 0. The motion was adopted.

Leff moved and Martin seconded to approve the amended resolution. Voting Aye: 5; Nay: 0. The motion was adopted.

Landfill Superintendent Badten suggested that the tipping fee increase could be postponed and the motion rescinded until next year. Heartland Waste appreciates the notice that the tipping fee would raise before it going into effect. Leff moved and Martin seconded to rescind the motion to increase the landfill tipping fee. Voting Aye: 5; Nay: 0. The motion was adopted.

Badten gave an update on the cell construction and stated it should be complete within 2-3 weeks.

Badten reported that the wheel loader proposal from Butler was high. He will write up bid specs and plans on being able to open bids in November.

Badten also informed the board that they have started recycling metals. The Landfill sold aluminum to K&K Auto and the funds are receipted in the Treasurer’s Office.

Badten presented recommended modifications to Landfill Accounting Practices to the Commission. Commissioner Pudwill commented that she does not see the need for a change. Martin moved and Arbach seconded a motion to move the Landfill bookkeeping practices in-house as of January 1st, 2014. Voting Aye: 3; Nay: 2: The motion was adopted.

**OCTOBER MEETING DATES:**

Leff moved and Godkin seconded a motion to change the October meeting dates to October 8th and October 22nd, 2013. Voting Aye: 5; Nay: 0. The motion was adopted.

**RELEASE OF PUBLIC INFORMATION:**

States Attorney Hare reported that he has received a letter from an attorney representing Sage Information Services that requires a response by September 27, 2013 as to whether we will provide them with all the information from the Director of Equalization’s office. States Attorney Hare will send a response stating that they will be put on the list of those requesting information.

Commissioner Pudwill left the meeting at 11:00 a.m., turning the Chair over to Vice Chairman, Denis Arbach.

**SHERIFF AND JAIL ISSUES**

Sheriff Mohr reports that he will meet with Blackburn Basement Repair on October 3, 2013 to see what it will cost to lift the jail addition for repairs. He will then meet with the Commission on October 8, 2013 to report his findings.

Martin moved and Godkin seconded to have the jail landscaping and backfill completed for the $1600.00 that he was already quoted for the repairs. Voting Aye: 3; Nay: 1. The motion was adopted.

**EXECUTIVE SESSION**

Leff moved and Martin seconded to enter into executive session at 11:15 a.m. for the purpose of discussing a legal issue as per SDCL 1-25-2(3). Voting aye: 4; Nay: 0. The motion was adopted.

Vice Chairman Arbach declared the executive session ended and the board reconvened in regular session at 11:20 a.m.

**ROOF REPAIR**

Commissioner Martin requested to hire Wayne Schmidt or Randy Carlson to make repairs to the roof. Auditor Krein requested to have proof of liability insurance from the contractor chosen before any work begins.

**EXTENSION**

The Commission approved Brenda DeToy to attend the Shine Program training which assists the public with Prescription Part D enrollment.

**OLD BUSINESS**

Auditor Krein informed the board that she will be taking her Deputy, Patti Baumann, to election school due to the fact that she is new and the Secretary of State’s Office activated an entire new software system for the upcoming elections in 2014.

States Attorney Hare issued the following report on some welfare cases under consideration in his position as Welfare Director. Case 10A – the county was unable to make an eligibility determination. It was turned over to a collection agency. Monies saved - $7310.84. Case 10B – denied SDCL 28-13-1.3(1) Third party resources available. Monies saved - $21,000.00. Case 12Z – denied – SDCL 28-13-1.3(1), Third party resources available. Monies saved - $23,000.00. Case 13C – denied – SDCL 28-13-1.3(1) Third party resources available. Dates 12-2-2010, 01-14-2012, 01/26/2012, and 01/31/2012 through 2/14/2012. Monies saved - $134,903.07. Also on another case the county was unable to make an eligibility determination. The party is deceased. 01/19/2013. Monies saved - $12,394.04.

**NEW BUSINESS**

Commissioner Leff reported that Walworth County has 4 historical marker signs that he feels need to be repainted and would like some input from the board on ways to complete the project.

**ADJOURNMENT:**

Leff moved and Martin seconded that the Board of County Commissioners adjourn until the hour of 9:00 a.m. on Tuesday, October 8, 2013. Voting Aye: 4; Nay: 0. The motion was adopted.

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**PHYLLISS PUDWILL, CHAIRPERSON**

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**DENIS ARBACH, VICE CHAIRMAN**

**ATTEST:**

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

**REBECCA KREIN, AUDITOR**

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