December 11, 2018

9:00 A.M.

**WALWORTH COUNTY BOARD OF COMMISSIONERS**

**MINUTES OF PROCEEDINGS**

The Walworth County Board of Commissioners met in scheduled session on December 11th, 2018 at 9:00 a.m. at the County Courthouse. Members present were: Jim Houck, Kevin Holgard, Marion Schlomer, Davis Martin and Scott Schilling. Also present was Auditor Rebecca Krein.

The Pledge of Allegiance was recited by those in attendance.

**WALWORTH COUNTY PLANNING AND ZONING BOARD:**

Houck moved and Martin seconded to approve Plat of Tract 1B, Spiry Addition to Walworth County located in the NE4 STR 26-124-79. Voting Aye: 5; Nay: 0. The motion was adopted.

Holgard moved and Schlomer seconded to adjourn as Walworth County Planning and Zoning Board. Voting Aye: 5; Nay: 0. The motion was adopted.

**WALWORTH COUNTY BOARD OF ZONING ADJUSTMENT**

There was no old or new business to report. Holgard moved Martin seconded to adjourn as Walworth County Board of Zoning Adjustment. Voting Aye: 5; Nay: 0. The motion was adopted.

Chairperson Schilling called the County Commission meeting to order.

**MINUTES:**

Holgard moved and Schlomer seconded the minutes of the meeting of November 20th, 2018 be approved. Voting Aye: 5; Nay: 0. The motion was adopted.

Houck moved and Martin seconded the minutes of the meeting of October 31st, 2018 be approved. Voting Aye: 5; Nay: 0. The motion was adopted.

**CLAIMS APPROVED:**

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

**COMMISSIONERS:** City of Mobridge – Water Service, $10.50; Mobridge Tribune – Official Minutes, $294.94; Selby Record – Official Minutes, $242.02; Quill – Supplies, $41.27; Marco – Copier Usage, $67.82

**ELECTIONS:** General & Primary Elections - Akaska Dev Corp – $50.00; City of Hoven – $50.00; City of Mobridge – $200.00; Glenham Fire Dept. – $50.00; Java Comm Club – $50.00; Selby Senior Center, $150.00; Dakota Radio – Workers Ad, $100.00; Marco – Copier Usage, $42.60; Selby Record – Publishing, $452.44; Donna Sherwood – Election Wages, $26.00

**AUDITOR**: Cardmember – Postage & Rental, $90.70; Marco – Copier usage, $13.97; Midco – Internet Service, $14.38; Quill – Supplies, $120.25; SDACO – 2019 Dues, $126.88

**TREASURER:** Cardmember – Postage & Rental, $100.15; Connecting Point – Printer, $3,365.00; Lar-Jo’s – Supplies, $1,021.44; Marco – Copier Usage, $23.35; Midco – Internet Service, $4.38; SDACO- 2019 Dues, $126.89

**STATES ATTORNEY:** Kristi Brandt – Transcripts, $102.00; Cardmember – Postage & Rental, $70.71; Thomas Cogley – Services & Fees, $1,462.49; Amanda Iron Wing – Subpoena & Mileage, $7.64; Pamela Mata – Subpoena & Mileage, $57.64;Midco – Internet Service, $14.38; Mobridge Regional Hospital – Blood Draws, $483.00; Mobridge Tribune – Hearing Notice, $17.58; Paul Bachard – 2019 Dues, $753.00; Selby Record- Legal Notice, $15.00

**COURT APPT ATTY:** Dakota Plains Legal – Services, $425.50; Haar Law Firm – Services, $879.55; Kroontje Law – Services, $3,048.39

**ABUSED CHILD DEFENSE:** Kristi Brandt – Transcripts, $22.00; Dakota Plains Legal – Services, $247.00; Von Wald Law Office – Services, $2,038.43

**COURTHOUSE:** City of Selby – Water Service, $97.60; GTC Auto Parts – Blower, $249.95; Heartland Waste Management – Garbage Service, $105.00; Ken’s Western Lumber – Supplies, $28.18; MDU – Electricity & Gas $1,191.71; Quill – Supplies, $18.38; Servall – Rentals, $137.43; WEB Water Bottling – Rental, $48.25

Dakota Glass – Replace Windshield Crown Vic - $323.00; Marco – Copier Usage, $.15; Midco – Internet Service, $14.37; Selby Auto Sales & Services – Oil Change Crown Vic $64.55; Western Comm – Radio Maintenance, $93.60; Western Rancher – Alterations, $12.00

**JAIL:** AT&T – Cell Phone Service, $123.88; Automatic Building Controls – Annual Fire Alarm Inspection, $825.00; Supplies, $1,818.94; Cardmember – Range, $1,119.00 - Radio Battery, $46.54 – Meds, $47.50 – Cleaning Supplies, $159.95 – Groceries, $2,309.59; City of Selby – Water & Sewer Service, $295.56; CNA Surety – Notary Bond Renewal, $16.25; Dakota Electronics – Radio, $4.50; Family Pharmacy – Supplies & Meds, $236.36; Galls Inc – Uniform Pants, $94.50; IDEMIA – Finger Print System, $6,118.00; Johnson Controls – Furnace Repairs, $255.20; Mark Kaiser – Groceries, $4.19; Marco - Copier Usage, $11.57; Merkel’s Foods – Groceries $685.18; MDU – Electricity, $924.99; Quenzer Electric – Generator Installment, $4,500.00; The Support Circle – Services & Fees, $225.00

**EMERGENCY & DISASTER:** AT&T – Cell Phone Service, $47.61; Hase Plumbing – Generator, $121.84; Midco – Internet Service, $14.37 Mobridge Pollock School – POD Supplies, $1,390.34; Quenzer Electric – Generator Installment, $9,350.00; Quill – Supplies, $29.99; Selby Area School – POD Expenses, $67.62Amanda Silbernagel – Mileage, $32.09

**SUPPORT OF POOR:** Cardmember – Postage & Rental, $12.62; SD Dept. of Revenue – Services & Fees, $1,191.90

**MENTALLY ILL:** Lacroix Law Office – Services, $254.53 Lincoln County Treasurer – Services, $160.50; Yankton County Treasurer – Services, $50.00

**DEV DISABLED:** SD Dept. of Revenue – Services & Fees, $60.00

**MENTAL ILLNESS BOARD:** Brevik Law Office – Services, $204.45; Garrett Horn – Services, $211.80; Mark Katterhagen – Services, $42.00; Lewis & Clark Behavioral – Services, $330.00; Lucy Lewno – Services, $372.94; Darcy Lockwood – Services, $42.00; Yankton County Treasurer – Services, $398.25

**EXTENSION:** Cardmember – Postage & Rental, $46.67; Marco – Copier Usage, $.10; Midco – Internet Service, $14.37

**WEED CONTROL:** Assn of SD County Weed & Pest – Annual Dues, $150.00; Marco – Copier Usage, $1.80; Selby Auto Sale & Service – Supplies, $39.80; Valley Comm – Cell Phone Service, $35.00; western Comm – Radio Maintenance, $8.80

**SOLID WASTE:** Agtegra Coop - Diesel, $1,215.35; Cam Wal – Electricity Service, Nov Elec Service, $261.44; Cardmember – SDSWMA Membership Dues, $400.00 – Postage, $22.34; Central Diesel Sales – Supplies, $51.54; Farnams Genuine Parts – Supplies, $31.29; GTC Auto Parts – Supplies, $155.70; Lucky’s Gas & More – Gasoline, $133.27; Marco – Copier Usage, $2.18; Mobridge Gas Co – Propane, $18.75; Mobridge Hardware – Supplies, $46.67; MDU – Nov Electric & Gas Service, $216.38; N & W Auto – Replace Glass, $857.65; Quill – Supplies, $159.67; Runnings Supply – Supplies, $86.46; SDPAA – Rental Truck Ins, $144.87; Selby Record – Receipt Books, $121.28; Servall – Rentals, $43.36; Shorty’s One Stop – Gasoline, $82.52; Slater Oil & Gas – Propane, $141.46; Trans Source Truck & Equipment – Truck Rental, $4,833.00; Valley Telecomm – Phone & Internet Service, $110.74; WEB Water Dev – Water Service, $41.11; WEB water Bottling, $31.25; Western Comm – Radio Maintenance, $9.30

**DOE:** Cardmember – Postage & Rental, $55.66; Connecting Point – Repairs, $100.00; Midco – Internet Service, $14.38; Selby Oil Co – Maintenance Impala, $45.50

**ROD:** Cardmember - Postage & Rental, $18.87; Connecting Point – Repairs, $145.00; Marco – Copier Usage, $6.08;Midco – Internet Service, $14.37; SDACO – 2019 Dues, $126.89; Venture Comm – Phone Service, $59.50

**RD & BR:** Agtegra Co Op – Fuel, $1,267.38;Avera Occupational Med – Services, $67.00; B&B Contracting Inc – Sitka Rd Culvert Replacement, $93,519.40; Butler Machinery – Supplies, $32.90; Cam Wal – Electricity Service, $58.52; Cardmember – Postage, $11.03; City of Java – Water & Sewer, $18.00; City of Mobridge – Water & Sewer, $48.31; City of Selby – Water & Sewer, $63.92; Clark Engineering – Sitka Rd Project, $9,088.01 – Flood Repairs, $3,007.08; D-Ware Inc – Software Maintenance, $2,500.00; Diamond Mowers – Supplies, $318.54; Heartland Waste – garbage Service, $50.00; Lavon Hettich- Gravel. $40,727.40; Hoven Co Op Service – Fuel, $1,542.77Ken’s Western Lumber – Supplies, $143.66; Marco – Copier Usage, $.63; Matheson Tri-Gas – Rentals, 30.35; Mobridge Tribune – Job Ad, $49.28; MDU – Electricity Service, Mob Shop $29.57 – State Shop, $25.42 – Selby Shop, $290.57 Java Shop, $29.38; N&W Auto – Windshield Replacement, $462.69; Quill – Supplies, $201.95; RP&H Inc – Flood Repairs, $124,740.00; Schlachter Lumber Inc – Supplies, $29.99; DAHS – 2019 Dues, $275.00; Selby Oil Co – Maintenance & Supplies, $1,840.57; Selby Record – Job Ad, $16.00; Servall – Rentals, $15.05; Sharpe Enterprises – Project Rd, $114,909.30; Shorty’s One Stop – Gasoline, $568.13;Valley Telecomm – Cell Phone Service, $35.00; WRT – Phone Service, $37.16 – radio Maintenance, $135.90; WM D Scepaniak Inc – Gravel, $101,600.00

**PLANNING & ZONING:** Mobridge Tribune – Ordinances, $506.00

**COMMUNICATION CENTER:** City of Mobridge - 911 Surcharge, $18,892.77

**DMOESTIC ABUSE:** Bridges Against Domestic – Grant to Entity, $50.00

**FIRE PROTECTION:** Akaska Fire Dept. – 2 fires, $100.00 – Grant to other Entity, $2,400.00; Glenham Fire Dept. – 10 Fires, $500.00- Grant to other Entity, $2,400.00; Hoven Fire Dept. – Grant to other Entity, $2,400.00; Mobridge Fire Dept. - 31 Fires, $1,550.00 – Grant to other Entity, $2,400.00; Selby Fire Dept. – 5 Fire, $250.00 – Grant to other Entity, $2,400.00

**STATE ACCOUNT FUND:**  SD Department of Revenue - ROD Vital Fees, $190.00; MV Fees, $91,066.98

**SALES EXCISE TAX FUND:** SD State Treasurer – City Sales Tax, $5.28; State Sales Tax, $72.38

**5 CO TV DIST FUND:** Cam Wal – Java 1, $57.08; Java 2, $619.03; Sid Haux – Mileage, $239.40 – Cell Phone Expense, $32.07

**SDACO M&P FUND:** M&P FUND, $214.00

**SD ASSOCIATION OF COUNTY –** M&P $124.00

**MIDLAND ATLAS:** Farm & Home Publishers- Plat Books, $156.00

**AUDITOR'S MONTHLY SETTLEMENT WITH THE TREASURER**

**WALWORTH COUNTY**

**OCTOBER-18**

**CASH ON HAND IN TREASURER'S OFFICE:**

**CASH TOTAL $1,717.17**

**CHECKS TOTAL $440,353.79**

**CASH ITEMS**

**NSF CHECKS**

**TOTAL CASH ON HAND $442,070.96**

**SAVINGS ACCOUNT BALANCES**

**BANKWEST MONEY MARKET SAVINGS $4,771,005.73**

**BANKWEST LANDFILL MONEY MARKET $959,296.84**

**CERTIFICATES OF DEPOSIT**

**INVESTMENTS--CERTIFICATES OF DEPOSIT $2,250,000.00**

**GRAND TOTAL CASH AND BALANCES $8,422,373.53**

**GENERAL LEDGER CASH AND INVESTEMENT BALANCES BY FUNDS**

**GENERAL FUND $2,998,894.08**

**SPECIAL REVENUE FUNDS:**

**ROAD AND BRIDGE FUND $1,352,172.22**

**911 SERVICE FUND $25,507.81**

**FIRE PROTECTION FUND $17,277.30**

**EMERGENCY AND DISASTER FUND $4,215.49**

**DOMESTIC ABUSE FUND $30.00**

**MODERNIZATION & PRESERVATION RELIEF FUND $44,793.17**

**DARE PROGRAM FUND $219.45**

**ENTERPRISE FUNDS:**

**SOLID WASTE (LANDFILL) FUND $1,385,754.18**

**TRUST AND AGENCY FUNDS $2,517,235.12**

**GRAND TOTAL GENERAL LEDGER CASH AND INVESTMENTS $8,346,098.82**

**Payroll Posting Error $ 74,492.85**

**Total $8,420,591.67**

**AUDITOR'S MONTHLY SETTLEMENT WITH THE TREASURER**

**WALWORTH COUNTY**

**NOVEMBER-18**

**CASH ON HAND IN TREASURER'S OFFICE:**

**CASH TOTAL $2,759.29**

**CHECKS TOTAL $24,908.86**

**CASH ITEMS**

**NSF CHECKS**

**TOTAL CASH ON HAND $27,668.15**

**SAVINGS ACCOUNT BALANCES**

**BANKWEST MONEY MARKET SAVINGS $3,283,302.86**

**BANKWEST LANDFILL MONEY MARKET $960,111.59**

**CERTIFICATES OF DEPOSIT**

**INVESTMENTS--CERTIFICATES OF DEPOSIT $2,250,000.00**

**GRAND TOTAL CASH AND BALANCES $6,521,082.60**

**GENERAL LEDGER CASH AND INVESTEMENT BALANCES BY FUNDS**

**GENERAL FUND $2,944,964.72**

**SPECIAL REVENUE FUNDS:**

**ROAD AND BRIDGE FUND $1,388,983.81**

**911 SERVICE FUND $25,507.81**

**FIRE PROTECTION FUND $17,540.74**

**EMERGENCY AND DISASTER FUND $4,215.49**

**DOMESTIC ABUSE FUND $50.00**

**MODERNIZATION & PRESERVATION RELIEF FUND $45,114.17**

**DARE PROGRAM FUND $219.45**

**ENTERPRISE FUNDS:**

**SOLID WASTE (LANDFILL) FUND $1,378,648.10**

**TRUST AND AGENCY FUNDS $714,056.45**

**GRAND TOTAL GENERAL LEDGER CASH AND INVESTMENTS $6,519,300.74**

**TREASURER’S OFFICE:**

Houck moved and Martin seconded to approve the monthly Treasurer’s Report. Voting Aye: 5; Nay: 0. The motion was adopted.

Moak informed the board that she took record #5898, 114 3rd Ave E, Mobridge for tax deed.

**NECOG:**

Martin moved and Schlomer seconded to sign the agreement with NECOG for 2019. Voting Aye: 5; Nay: 0. The motion was adopted.

**AUTOMATIC SUPPLEMENT:**

Schlomer moved and Holgard seconded to approve an automatic supplement in the amount of $1,586.87 for grant funds received for ballot cost reimbursement. Voting Aye: 5; Nay: 0. The motion was adopted.

**ALCOHOLIC BEVERAGE RENEWALS:**

Holgard moved and Schlomer seconded to approve the alcoholic beverage license renewal for Campground Lounge. Voting Aye: 5; Nay: 0. The motion was adopted.

Holgard moved and Schlomer seconded to approve the alcoholic beverage license renewal for Mudline Adventures DBA New Evarts Resort. Voting Aye: 5; Nay: 0. The motion was adopted.

**DECEMBER MEETING DATE:**

The next Commission Meeting will be held December 27th at 9:00 A.M.

**HOLIDAY CLOSINGS:**

Schlomer moved and Martin seconded to follow the state and close county offices on December 24th & 25th and December 31st & January 1st. Voting Aye: 5; Nay: 0. The motion was adopted.

**INDIGENT FUNERAL REQUEST:**

Holgard moved and Houck seconded to deny the funeral request for F2018A3. Voting Aye: 5; Nay: 0. The motion was adopted.

DeToy informed the board that she will have a poor relief update for the next meeting.

**ABATEMENTS:**

Houck moved and Martin seconded to approve an abatement for record 8724 for taxes 2017 pay 2018. Voting Aye: 5; Nay: 0. The motion was adopted.

Houck moved and Martin seconded to approve an abatement for record 8724 for taxes 2018 pay 2019. Voting Aye: 5; Nay: 0. The motion was adopted.

Houck moved and Martin seconded to approve an abatement for record 8803 for taxes 2016 pay 2017. Voting Aye: 5; Nay: 0. The motion was adopted.

Holgard moved and Schlomer seconded to approve an abatement for record 5253 for taxes 2016 pay 2017. Voting Aye: 5; Nay: 0. The motion was adopted.

Houck moved and Martin seconded to approve an abatement for record 7038 for taxes 2016 pay 2017. Voting Aye: 5; Nay: 0. The motion was adopted.

**ROAD & BRIDGE:**

Schlomer moved and Holgard seconded to accept the resignation of Penny Goetz affective November 30th, 2018. Voting Aye: 4; Nay: 1. The motion was adopted.

The commissioners received a copy of the annual bridge inspection report from Clark Engineering. The report stated that Walworth County bridges are in good condition structurally with only deck repairs anticipated in the next few years.

**BREAK:**

The board took a break at 9:36 a.m. and resumed at 10:07 a.m.

Discussion was held about the culvert replacement project on Sitka Road and an associated pay request. The commissioners expressed concern that the earthwork around the new culvert inlet may lead to erosion issues in the future if not corrected. Project engineer Mike Gutenkauf with Clark Engineering will discuss possible solutions with the contractor, B&B Contracting, Inc and report back to the commissioners. Also discussed was a change order of $4096.04 requested by the contractor due to site preparation work in excess of what was dictated by the contract. Gutenkauf recommended payment of a pay request in the amount of $93,519.41 as work on the project was substantially complete with only asphalt repair, grading, and seeding remaining to be completed in the spring; sufficient retainage remains on the contract to ensure project completion at that time. The project contract is for $119,020.45 and this is the first pay request from the contractor. The pay request was subsequently approved as part of the claims approval process; no action was taken on the change order request.

Commissioner Schilling reported that bridge repairs from damages incurred during the May flood event are nearing completion with only minor cleanup work left to do. Project engineer Gutenkauf agreed and noted only a couple of items needing to be addressed. Gutenkauf recommended payment of a pay request from the contractor, RP&H, Inc., in the amount of $124,740.00; the project contract is for $218,262.00 and this is the first pay request from the contractor. The pay request was subsequently approved as part of the claims approval process.

Pay requests in the amount of $114,909.30 and $69,178.40 and change orders in the amount of $15,013.50 and $2,767.00 were received from Sharpe Enterprises, contractor for the County Road 319 project. Commissioners were hesitant to approve any pay request or change order as many questions remain about construction workmanship and the responsibility of involved parties for certain expenses. Specifically, discussion was held about the pooling of water over a section of gutter and road causing an ice hazard, justification for change order line-items, and who is responsible for expenses related to the addition of curb and gutter and culverts to the project. Also discussed were liquidated damages in the amount of $19,500.00 that the County may be entitled to due to the contractor not completing the project as outlined in the contract. Project engineer Gutenkauf will discuss these concerns with the contractor and report back the commissioners. After much discourse, it was decided to add the pay request of $114,909.30 to the claims list for approval. The commissioners took no action on the change orders or the pay request of $69,178.40; these will be held as retainage until the project is completed to the satisfaction of the commissioners. The original contract is for $324,430.00 with $158,122.80 having been paid previously.

**ADJOURNMENT:**

Schlomer moved and Houck seconded that the Board of County Commissioners adjourn until the hour of 9:00 am Dec 27th, 2018. Voting Aye: 5; Nay: 0. The motion was adopted.

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**SCOTT SCHILLING, CHAIRPERSON**

**ATTEST:**

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

**REBECCA KREIN, AUDITOR**

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