October 20th, 2020

9:00 A.M.

**WALWORTH COUNTY BOARD OF COMMISSIONERS**

**MINUTES OF PROCEEDINGS**

The Walworth County Board of Commissioners met in scheduled session on October 20th, 2020 at 9:00 a.m. at the County Courthouse. Members present were: Scott Schilling, Kevin Holgard, Marion Schlomer, Jim Houck, and Davis Martin. Also present were Auditor Rebecca Krein and State’s Attorney Jamie Hare.

The Pledge of Allegiance was recited by those in attendance.

**WALWORTH COUNTY PLANNING AND ZONING BOARD:**

Holgard moved and Schlomer seconded to adjourn as Walworth County Planning and Zoning Board. Roll call vote as follows: Houck - Aye; Martin - Aye; Holgard - Aye; Schlomer - Aye; Schilling - Aye.The motion was adopted.

**WALWORTH COUNTY BOARD OF ZONING ADJUSTMENT**

A public hearing was held on a variance request regarding setbacks of shelter belts. It was determined by the board that a variance was not needed at that particular location.

Holgard moved and Schlomer seconded to adjourn as the Zoning Board of Adjustment. Roll call vote as follows: Houck - Aye; Martin - Aye; Holgard - Aye; Schlomer - Aye; Schilling - Aye.The motion was adopted.

Chairperson Schilling called the County Commission meeting to order.

**AGENDA:**

Houck moved and Martin seconded to approve the meeting agenda with the addition of discussion regarding the burn ban and the county owned Java properties. Roll call vote as follows: Houck - Aye; Martin - Aye; Holgard - Aye; Schlomer - Aye; Schilling - Aye.The motion was adopted.

**MINUTES:**

Houck moved and Holgard seconded to approve the minutes of October 2nd, 2020. Roll call vote as follows: Houck - Aye; Martin - Aye; Holgard - Aye; Schlomer - Aye; Schilling - Aye.The motion was adopted.

Houck moved and Holgard seconded to approve the minutes of October 6th, 2020. Roll call vote as follows: Houck - Aye; Martin - Aye; Holgard - Aye; Schlomer - Aye; Schilling - Aye.The motion was adopted.

Holgard moved and Houck seconded to approve the minutes of October 15th, 2020. Roll call vote as follows: Houck - Aye; Martin - Aye; Holgard - Aye; Schlomer - Aye; Schilling - Aye.The motion was adopted.

**CLAIMS APPROVED:**

Holgard moved and Schlomer seconded to approve the following claims be paid. Roll call vote as follows: Houck - Aye; Martin - Aye; Holgard - Aye; Schlomer - Aye; Schilling - Aye.The motion was adopted.

**COMMISSIONERS: Marco, Inc – Copier Usage Contract, $21.65; Principal Life Insurance Co – Premium, $84.33; Selby Record – Publishing, $440.11; Venture Communications – Fax Service, $47.00; WBCBS – Premium, $5559.20**

**ELECTIONS: Election Systems & Software – Hardware Maintenance, $1592.50; Quill Corporation – COVID Supplies, $77.96**

**COURTS: LexisNexis – Monthly Subscription, $614.00; West Payment Center – Library Supplements, $21.36**

**AUDITOR: Connecting Point – Antivirus/Installation, $73.00; Marco, Inc – Copier Usage Contract, $21.65; Principal Life Insurance – Premium, $173.52; Quill Corporation – Supplies, $77.92; Venture Communications – Telephone Service, $62.38; WBCBS – Premium, $3899.68**

**TREASURERS: Connecting Point – Antivirus/Installation, $115.74; Marco, Inc – Copier Usage Contract, $21.65; Principal Life Insurance Co – Premium, $89.77; Venture Communications – Telephone Service, $68.44; WBCBS – Premium, $2779.60**

**STATES ATTORNEY: Connecting Point – Antivirus/Installation; $51.63; Principal Life Insurance - Premium, $52.85; SD Public Health Laboratory – Services, $520.00; Venture Communications – Telephone Service, $126.67; WBCBS – Premium, $2779.60**

**COURT APPT ATTY: Cogley Law Office – Services & Fees, $2294.83; Dakota Plains Legal Services – Services & Fees $2383.50; Mark K Kroontje – Services & Fees, $1621.83**

**ABUSED CHILD DEFENSE: Kristi A Brandt – Transcripts, $182.20; Von Wald Law Office – Services & Fees, $679.01**

**COURTHOUSE: Connecting Point – Services/Supplies, $4141.20; Heartland Waste Management – Garbage Service, $135.00; Kens Western Lumber – Supplies, $1.00; Pfitzer Pest Control – Services, $575.93; Quill Corporation – Supplies, $30.90; Web Water Bottling Co – Bottled Water Rental, $79.50**

**DOE: Connecting Point – Antivirus/Installation, $73.00; Marco, Inc – Copier Usage Contract - $21.65; Principal Life Insurance – Premium, $47.70; Quality Quick Print – Supplies, $22.61; Venture Communications – Telephone Service, $57.19; WBCBS – Premiums, $2411.55**

**ROD: Connecting Point – Antivirus/Installation, $94.37; Marco, Inc – Copier Usage Contract, $21.64; Principal Life Insurance Co – Premium, $86.68; Venture Communications – Telephone Service, $51.51; WBCBS – Premium, $1446.93**

**VET SERVICE OFFICER: Ramkota Hotel & Conference – Travel, $234.90**

**SHERIFF: Avera Occupational Medicine – Services, $217.95; Blue 360 Media – Supplies, $89.75; Connecting Point -Services, $1313.80; Principal Life Insurance Co – Premium, $93.51; Venture Communications – Telephone Service, $377.13; WBCBS – Premium, $2893.86**

**JAIL: Cash-Wa Distributing – Groceries, $1228.49; Connecting Point – Antivirus/Installation, $167.36; Hughes County Finance Office – Sept Jail Housing, $590.00; Kens Western Lumber – Supplies, $27.98; Marco Inc – Copier Usage Contract, $21.64; Principal Life Insurance Co – Premium, $376.12; Venture Communications – Telephone Service, $224.13; WBCBS – Premium, $8567.32**

**EMERGENCY & DISASTER: Connecting Point – Antivirus/Installation, $73.00**

**SUPPORT OF POOR: Venture Communications – Telephone Service, $32.29**

**MENTALLY ILL: The Support Circle – Services, $325.00; Yankton County Treasurer – Services, $146.75**

**DEV DISABLED: Dakotabilities – 4th Qtr. 2020 Fees, $180.00; SD Dept of Revenue – Services, $60.00**

**EXTENSION: Connecting Point – Antivirus/Installation, $51.63; Principal Life Insurance Co – Premium, $71.46; Venture Communications – Telephone Service, $24.96; WBCBS - $2779.60**

**RD & BR: Diamond Mowers – Parts, $90.48; Heartland Waste Management – Garbage Service, $50.00; Houck Ranches – Supplies, $507.92; Hoven Coop Service – Gas/Diesel, $895.63; Kens Western Lumber – Supplies, $6.99; MDU – Utilities, $24.89; Newman Traffic Signs – Supplies, $1224.49; Praxair Distribution – Supplies, $148.00; Principal Life Insurance Co – Premium, $204.61; Rees Communications – Radio Installation, $397.50; Schilling Farms – Rental, $175.00; Venture Communications – Telephone Service, $276.79; WBCBS – Premium, $10,382.30**

**SOLID WASTE: Butler Machinery – Parts, $647.68; CamWal Electric - Electricity Usage, $178.97; Geotek Engineering – Services, $5050.00; Heartland Waste Management – Re-cycle Ctr Garbage Serv, $60.00; Principal Life Insurance Co – Premium, $107.53; SD Dept of Environment – Solid Waste Surcharge - $1038.00; Servall Uniform & Linen – Rentals, $59.06; Valley Telcommunications – Phone/Internet Services, $37.94; Web Water Development – Water Services, $44.71; Web Water Bottling Co – Bottled Water Rental, $12.50; WBCBS – Premium, $3588.76; Wenck Associates – Services, $940.00; Selby Record - Publishing, $120.00**

**STATE ACCOUNT FUND: SD Dept of Revenue – ROD/MV Fees, $131,704.99**

**SCHOOL DIST FUND: Cortrust Bank – September 2020 Apportionment, $5827.51; Hoven School District – September, 2020 Apportionment, $5898.07; Dacotah Bank – September 2020 Apportionment, $34,838.20; Bank West – September 2020 Apportionment, $57,266.29**

**CITIES 7 TOWNS FUND: City of Mobridge – September 2020 Apportionment, $23,895.90; Bank West – September 2020 Apportionment, $4712.83; Dacotah Bank – September 2020 Apportionment, $548.76; Bank of Hoven – September 2020 Apportionment, $215.11**

**JAVA FIRE DIST FUND: Bank West – September 2020 Apportionment, $58.96**

**BOWDLE FIRE DIST FUND: Bowdle Rural Fire district – September 2020 Apportionment, $125.16**

As required by SDCL 6-1-10, the complete August payroll paid by department was as follows: Commissioners - $9,413.60; Auditor - $13,127.48; Treasurer - $10,519.82; States Attorney - $15,250.12; Court House - $1,450.17; Director of Equalization – $10,674.92; Register of Deeds - $6,944.11; Veterans Service Officer - $1,261.07; Sheriff - $23,043.83; Jail – $62,748.40; Coroner - $161.47; Poor - $958.46; Extension - $5,249.83; Weed & Pest - $169.83; Zoning - $263.28; Road & Bridge - $53,797.69; Solid Waste - $17,68.87

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

**WALWORTH COUNTY**

**September-20**

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

**CASH TOTAL $828.10**

**CHECKS TOTAL $55,422.16**

**CASH ITEMS**

**NSF CHECKS $79.80**

**TOTAL CASH ON HAND $56,330.06**

**SAVINGS ACCOUNT BALANCES**

**BANKWEST MONEY MARKET SAVINGS $2,299,942.93**

**BANKWEST LANDFILL MONEY MARKET $1,020,706.06**

**CERTIFICATES OF DEPOSIT**

**INVESTMENTS--CERTIFICATES OF DEPOSIT $2,000,000.00**

**GRAND TOTAL CASH AND BALANCES $5,376,979.05**

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

**GENERAL FUND $1,942,556.25**

**SPECIAL REVENUE FUNDS:**

**ROAD AND BRIDGE FUND $1,036,152.39**

**911 SERVICE FUND $19,693.72**

**FIRE PROTECTION FUND $22,340.45**

**EMERGENCY AND DISASTER FUND $22,340.45**

**DOMESTIC ABUSE FUND $203.50**

**MODERNIZATION & PRESERVATION RELIEF FUND $58,832.07**

**DARE PROGRAM FUND $307.25**

**ENTERPRISE FUNDS:**

**SOLID WASTE (LANDFILL) FUND $1,582,133.98**

**TRUST AND AGENCY FUNDS $723,588.55**

**GRAND TOTAL GENERAL LEDGER CASH AND INVESTMENTS $5,429,079.64**

**TREASURERS OFFICE:**

Holgard moved and Schlomer seconded to approve the monthly treasurers report. Roll call vote as follows: Houck - Aye; Martin - Aye; Holgard - Aye; Schlomer - Aye; Schilling - Aye.The motion was adopted.

The board approved extra hours for the part-time employee as needed.

**HIGHWAY:**

There will be a special meeting on October 22nd at 9:00 A.M. for the grader bid opening.

Houck moved and Schlomer moved to authorize Byre to sign the 2021 D-Ware software contract. Roll call vote as follows: Houck - Aye; Martin - Aye; Holgard - Aye; Schlomer - Aye; Schilling - Aye.The motion was adopted.

Holgard moved and Schlomer seconded to eliminate the Highway Foreman position effective October 24th, 2020. Roll call vote as follows: Houck - Nay; Martin - Aye; Holgard - Aye; Schlomer - Aye; Schilling - Aye.The motion was adopted.

Holgard moved and Schlomer seconded to reassign Marty Hook to Equipment operator effective 10-24-20 at the wage of $19.16 per hour. Roll call vote as follows: Houck - Aye; Martin - Aye; Holgard - Aye; Schlomer - Aye; Schilling - Aye.The motion was adopted.

**BURN BAN:**

Houck moved and Holgard seconded to remove the burn ban effective immediately. Roll call vote as follows: Houck - Aye; Martin - Aye; Holgard - Aye; Schlomer - Aye; Schilling - Aye.The motion was adopted.

**JAVA PROPERTIES:**

Houck moved and Schlomer seconded to set the amount to $60.00 per trip for mowing the county owned properties in Java. Roll call vote as follows: Houck - Aye; Martin - Aye; Holgard - Aye; Schlomer - Aye; Schilling - Aye.The motion was adopted.

**LANDFILL:**

Holgard moved and Houck seconded to approve the proposal from Wenck Engineering to complete the 2020 annual waste survey and the final survey for the stormwater and slope failure project. Roll call vote as follows: Houck - Aye; Martin - Aye; Holgard - Aye; Schlomer - Aye; Schilling - Aye. The motion was adopted.

**JAIL & SHERIFF:**

Houck moved to retain Leap Chear with EAPC to work further with a jail project. Motion died for lack of a second.

Houck moved to retain Brad Hompe as a consultant to work further with a jail project at $100 per hour plus travel and per-diem. Motion died for lack of a second.

Houck moved and Schlomer seconded to enter into executive session at 11:03 a.m. per SDCL 1-25-2(3) regarding a legal matter. Roll call vote as follows: Houck - Aye; Martin - Aye; Holgard - Aye; Schlomer - Aye; Schilling - Aye.The motion was adopted. Schilling declared the executive session ended at 11:18 a.m. No action was taken.

Discussion was held on transport employees and wages. Houck moved and Holgard seconded to continue the employee status of non-transport employees until November 2, 2020 so they may retain health insurance until the end of November. Roll call vote as follows: Houck - Aye; Martin - Aye; Holgard - Aye; Schlomer - Aye; Schilling - Aye.The motion was adopted.

Houck moved and Martin seconded to approve the wage change to $16.58 per hour for Kyle Brown as Correction officer. Roll call vote as follows: Houck - Aye; Martin - Aye; Holgard - Aye; Schlomer - Aye; Schilling - Aye.The motion was adopted.

Holgard moved and Schlomer seconded to appoint Boll, Holgard and Perman to the Jail board. Houck moved to amend the motion to have change it to Holgard, Boll and Jungwirth Martin seconded. Roll call vote as follows: Houck - Aye; Martin - Aye; Holgard - Nay; Schlomer - Nay; Schilling - Nay. The amended motion failed. Voting on the original motion as follows: Houck - Nay; Martin - Nay; Holgard - Nay; Schlomer - Nay; Schilling - Nay. The motion was adopted.

**OLD BUSINESS:**

RESOLUTION NO.2020-12

Resolution No. 2020-12, granting WEB Water Development Association, Inc., a South Dakota nonprofit corporation, a county-wide authorization for the purpose of the continued repair, and maintenance of pipelines and related appurtenances and the construction and maintenance of new pipelines and related appurtenances for the Walworth county portion of the WEB Water Development Association water system.

This Resolution was adopted according to SDCL Ch. 31-26 and in particular SDCL 31-26-24 and 31-26-25 by the Walworth County Board of County Commissioners at a regular meeting which was held in the Commissioner’s room in the Walworth County Courthouse in Selby, South Dakota, on October 20, 2020. Due Notice of said hearing was given by mail in strict compliance with the requirements of law. All Commissioners were present. After discussion, the following resolution was numbered 2020-12 and upon motion duly made, seconded, and carried was unanimously adopted:

BE IT RESOLVED that the WEB Water Development Association, Inc. is allowed and permitted to run underground pipelines and appurtenances for transmitting water and all purposes for which said corporation was formed along any and all rights-of-way between all sections in Walworth County, South Dakota, so long as said transmission and distribution pipe is buried so as not to interfere with the building of any roads or causing any liability to the County.

BE IT FURTHER RESOLVED that where the pipeline is installed in the public right-of-way, such right-of-way must be restored to as near its original condition as is practical with normal construction methods.

BE IT FURTHER RESOLVED that the installation of such pipelines and appurtenances in the public right-of-way will conform to plans and specifications to be submitted to the County, prior to construction, for review and comment, and must include the following conditions:

1. Notice Prior to Starting-Work: Before starting construction work, the County Road Superintendent or other designated employee of the County will be notified at least 48 hours in advance of the time work is to begin.

2. Minimum Interference with Traffic: All work will be planned and carried out so as to minimize inconvenience to the traveling public.

3. Storage of Material: No material may be stored within eight feet from the edge of pavement or traveled way or within the shoulder line unless otherwise approved by the County Superintendent.

4. Clean Up Right-of-Way: Upon completion of work, litter will be removed and the right-of-way and it will be left in as presentable a condition as before work started.

5. Care of Drainage: If the contemplated work interferes with established drainage, provisions will be incorporated in the project during construction to maintain normal drainage.

6. Location Plans: Upon completion of the work a copy of the record drawings will be furnished to the County for their records and use.

7. Maintenance: The pipelines and appurtenances placed in the County right-of-way will be maintained and reasonable care exercised in inspecting and repairing any portion of the right-of-way which occurs as a result of the operation and maintenance of the pipelines and appurtenances.

8. Paved and FAS (Future Paves) Roadways: Pipelines installed perpendicular to asphalt or concrete paved roadways will be installed in casings or otherwise placed underneath the pavement without disturbing same. Pipelines installed longitudinally in a right-of-way will be by an open cut. Minimum of one-half of paved surfacing will be left clear and open to traffic at all times. All lanes will remain clear and open during the hours of darkness.

9. Graveled and Other Roadways: Pipelines installed transversely or longitudinally in a graveled or other road right-of-way will be by an open cut method. Roadways may be closed during construction for crossing provided a detour signing is maintained. All lanes will remain clear and open during the hours of darkness. Pipelines installed longitudinally in a right-of-way will be by an open cut.

10. Depth of Pipelines: Pipelines will be placed to a depth of cover consistent with design standards for water pipelines for the area. Where additional pipeline cover is necessary to accommodate future roadways, vertical and horizontal roadway designed clearances, the County will so advise WEB Water at the time of County review of the need for change in pipeline cover.

Adopted this 20th Day of Ocotber, 2020.

Adopted this \_\_\_\_\_ Day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2020.

\_\_\_\_\_\_\_\_\_\_\_\_ County Commission

By:

Its:

ATTEST:

By:

Its:

**ADJOURNMENT:**

Houck moved and Schlomer seconded that the Board of County Commissioners adjourn until the hour of 9:00 a.m. October 22nd, 2020. Roll call vote as follows: Houck - Aye; Martin - Aye; Holgard - Aye; Schlomer - Aye; Schilling - Aye.The motion was adopted.

**Full proceedings of this and all meetings of the Walworth County Board of Commissioners can be viewed from Walworth County’s official YouTube page—go to** [**www.walworthco.org**](http://www.walworthco.org)**, click on the “Quick Links” tab and follow the YouTube link to access commission meeting videos.**

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**SCOTT SCHILLING, CHAIRPERSON**

**ATTEST:**

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**REBECCA KREIN, AUDITOR**

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