November 5th, 2020

9:00 A.M.

**WALWORTH COUNTY BOARD OF COMMISSIONERS**

**MINUTES OF PROCEEDINGS**

The Walworth County Board of Commissioners met in scheduled session on November 5th, 2020 at 9:00 a.m. at the County Courthouse. Members present were: Scott Schilling, Kevin Holgard, Davis Martin, Marion Schlomer, and Jim Houck. Also present were Auditor Rebecca Krein & 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. Voting Aye: 5; Nay: 0. The motion was adopted.

**WALWORTH COUNTY BOARD OF ZONING ADJUSTMENT**

Holgard moved and Martin seconded to adjourn as the Zoning Board of Adjustment. Voting Aye: 5; Nay: 0. 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 the settlement on the class

action lawsuit. Voting Aye: 5; Nay: 0. The motion was adopted.

**CLASS ACTION LAWSUIT:**

Houck moved and Holgard seconded to sign the agreement for the class action lawsuit and pay the attorney a fee of $91,000. Voting Aye: 5; Nay: 0. The motion was adopted.

**MINUTES:**

Houck moved and Martin seconded to approve the minutes of October 20th, 2020. Voting Aye: 5; Nay: 0. The motion was adopted.

Schlomer moved and Martin seconded to approve the minutes of October 22nd, 2020. Voting Aye: 5; Nay: 0. The motion was adopted.

Houck moved and Martin seconded to approve the minutes of October 29, 2020. Voting Aye: 5; Nay: 0. The motion was adopted.

**CLAIMS APPROVED:**

Houck moved and Martin seconded to approve the following claims be paid with a change to the claim to Chicago Motors to be paid out of the Sheriff budget instead of Jail. Voting Aye: 3; Nay: 2. The motion was adopted.

COMMISSIONERS: City of Mobridge – Utilities @ 306 2nd Ave W, $10.50; Claims Associates – Deductible, $4000.00; Kevin Holgard – Commissioner Mileage, $151.20; Jim Houck – Commissioner Milage, $95.76; Davis Martin – Commissioner Mileage, $105.84; Marion Schlomer – Commissioner Mileage, $127.68

ELECTIONS: DS Solutions – Test Ballots, $175.00; Election Systems & Software – Activation Cards, $175.50; McLeods Printing & Office – Precinct Supply Boxes, $358.18; Shorty’s One Stop – Election Supplies, $107.25

COURTS: Lexis Nexis – Monthly Library Subscription, $614.00; West Payment Center – Library Supplements, $21.36

AUDITORS: Connecting Point – Backup Service, $20.00; Midcontinent Communications – Internet Service, $22.57; Quill Corporation – Q+ Renewal, $19.99

TREASURES: Midcontinent Communications – Internet Service, $22.58

STATES ATTORNEY: Midcontinent Communications – Internet Service, $22.57; Mobridge Regional Hospital - Services, $360.00; Runnings Supply – Supplies, $17.48; State Bar of SD – Bar Dues, $490.00

COURT APPT ATTY: DPLS – Services & Fees, $3515.00; Mark K Kroontje - Services & Fees, $653.74

ABUSED CHILD DEFENSE: Von Wald Law Office – Services & Fees, $169.75

COURTHOUSE: City of Selby – Water Usage, $164.17; Cole Papers – Supplies, $273.38; Kens Western Lumber – Supplies, $144.70; MDU – Electricity Usage, $704.05; Louis Schmidt – Reimbursement/Supplies, $55.63; Web Water Bottling Company – Bottled Water Rental, $18.75

DOE: Midcontinent Communications – Internet Service, $22.57; Selby Oil Company – Tire Repair, $15.00; Shorty’s One Stop – Gas, $22.16

ROD: HAL Systems – Quarterly Maintenance, $584.00; Midcontinent Communications – Internet Service, $22.57; Quill Corp. – Q+ renewal, $49.99

PREDITORY ANIMAL: SD Dept of GFP – Nov 2020 Apportion, $1025.12

SHERIFF: AT&T Mobility, Cell/Tablet Service, $248.87; Connecting Point – Supplies/Monthly Storage, $208.00; Dakota Glass & Alignment – Vehicle Oil Change, $62.64; Dooley Defense LLC – Supplies, $500.00; Galls, LLC – Boots, $435.35; Midcontinent Communications – Internet Service, $22.57; SD Sheriff’s Assn. – Annual Dues, $663.14; Selby Auto Sales – Vehicle Maintenance, $721.25; Selby Oil Company – Vehicle Maintenance, $62.00; Walworth County Reg of Dees – Fees, $30.00; Western Communications – Radio Maintenance, $21.60

JAIL: AT&T Mobility – Cell Phone Service, $47.87; Chicago Motors, Inc- 2012 Chevy Tahoe SUV, $22,150.00; City of Selby – Water/Sewer, $104.50; Connecting Point – Supplies, $380.00; Dady Drug – Supplies, $19.39; Faulkton Drug – RX Supplies, $73.80; Gavin Pfeifer – Reimbursement/Transport expenses, $13.43; Hase Plumbing Heating & Air – Maintenance, $81.63; Mobridge Regional Hospital – Services, $4405.54; MDU – Electricity, $620.07

MENTALLY ILL: Lincoln County Treasurer – Services, $1142.20

EXTENSION: Dept of Animal Services – 2021 IRM Redbooks, $31.25; Midcontinent Communications – Internet Services, $22.57

WEED CONTROL: Shorty’s One Stop – Gas, $45.42; Western Communications – Radio Maintenance, $8.80

HIGHWAY: 3D Specialists, Inc – Supplies, $1944.50; Agtegra Cooperative – Gas/Diesel, $11,421.85; Avera Occupational Medicine – Services, $68.55; Butler Machinery – Supplies/Parts, $3130.29; Central Diesel Sales – Supplies, $64.05; City of Java – Water @ Java Shop, $18.00; City of Mobridge – Water @ Mobridge Shop, $49.33; City of Selby – Water @ Selby Shop, $68.46; Farnams Genuine Parts – Shop Supplies, $102.84; Floyd’s Truck Center – Supplies, $296.40; Great Western Tire – Tires, $698.94; K & K Auto Parts – Door Mirror - $85.00; Kens Western Lumber – Shop Supplies, $21.79; Allen Lawrence – Pit run, $25.20; Matheson Tri-Gas – Rental, $36.58; Mobridge Regional Hospital, Services, $42.00; MDU – Electricity, $220.36; N&W Auto – Glass Replacement, $220.00; Newman Traffic Signs – Signing Material, $339.47; Quill Corporation – Off Supplies, $155.66; Runnings Supply – Supplies, $68.59; SD Dept of Transportation – Bridge Inspection, $1768.49; Selby Auto Sales – Supplies, $217.79; Selby Oil Co – Tire Repairs, $13.00; Shorty’s One Stop – Gas, $448.78; Western Communications – Radio Maintenance, $135.90

EMERGENCY & DISASTER: AT&T Mobility – Cell Service, $47.60;

SOLID WASTE: Agtegra Coop – Diesel, $1315.64; Farnams Genuine parts – Supplies, $24.99; Lucky’s Gas & More – Gas, $78.38; MDU – Re-cycle Ctr Electricity, $71.54; Runnings Supply – Supplies, $490.86; Shorty’s One Stop – Gas, $11.95; Western Communications, Inc – Radio Maintenance, $9.30

SDACO – M & P Remittance, $186.00

**EXECUTIVE SESSION:**

Holgard moved and Houck seconded to enter into executive session at 9:23 a.m. per sdcl 1-25-2(1) regarding a personnel matter. Voting Aye: 5; Nay: 0. The motion was adopted.

Chairperson Schilling declared the executive session ended at 9:54 a.m.

**4-H DISCUSSION:**

Holgard moved and Schlomer seconded to authorize Rossow to advertise for a part-time employee to work 10 hours per week. Voting Aye: 5; Nay: 0. The motion was adopted.

**POOR RELEIF:**

Martin moved and Houck seconded to allow Detoy to go over the hours allocated in Poor Relief to complete the Medicare Part D enrollments needed. Voting Aye: 5; Nay: 0. The motion was adopted.

**ABATEMENT:**

Houck moved and Martin seconded to approve a refund for record 2442 in the amount of $173.50 for an error in classification. Voting Aye: 5; Nay: 0. The motion was adopted.

**SURPLUS:**

Houck moved and Martin seconded to declare 2 computers surplus from the States Attorneys office to be destroyed. Voting Aye: 5; Nay: 0. The motion was adopted.

**HEALTH INSURANCE:**

Houck moved and Holgard seconded to authorize Krein to sign the Wellmark insurance renewal. Voting Aye: 5; Nay: 0. The motion was adopted.

**ALCOHOLIC BEVERAGE RENEWAL:**

Martin moved and Houck seconded to approve the alcoholic beverage renewal for Mobridge Country Club. Voting Aye: 5; Nay: 0. The motion was adopted.

**HIGHWAY DEPARTMENT:**

Holgard moved and Houck seconded to authorize the chair to sign the pavement striping agreement with SDDOT for 2020. Voting Aye: 5; Nay: 0. The motion was adopted.

Schlomer moved and Holgard seconded to approve the cost proposal from KLJ Engineering for a survey of the area involved with D3WM. Voting Aye: 4; Nay: 1. The motion was adopted.

Houck moved and Martin seconded to approve a utility easement with the Java Fire District to permanently place sewer line in county right of way. Voting Aye: 5; Nay: 0. The motion was adopted.

Schlomer moved and Holgard seconded to surplus tires for disposal or exchange. Voting Aye: 5; Nay: 0. The motion was adopted.

Discussion was held on Marty Hook’s resignation. The board agreed to pay him his Foreman rate of pay for the days he worked following the resignation date.

**JAIL:**

The board advised Boll to disperse the remaining food at the jail to the senior citizens centers and nursing home if possible and if they could not take it give it to the thrift store.

Boll presented a plaque to Jungwirth for five years of service.

Boll stated that Steve Campbell from Risk Management was ok with the way they were handling the training and processes of transporting inmates. He referred them to the State’s Attorney for an opinion on the responsibility of who is required to transport arrestees once in custody. His response is as follows:

Date: November 3, 2020

To: Whom it may concern.

From: Walworth County State’s Attorney James I. Hare.

RE: Transportation of Walworth County Inmates to a contracted jail for inmate housing.

This memorandum is at the request of Walworth County Sheriff Josh Boll and concerns the issue of whom is required to transport arrestees once in the custody of law enforcement. Other than a South Dakota Attorney General’s opinion from 1987, there is no statutory authority or judicial determination that specifically addresses the issue of whom is require to transport an arrested individual to the designated detention facility.

The South Dakota Attorney General’s opinion dated 28 August, 1987, is merely that: an opinion. It is an educated guess made by a representative of the South Dakota Attorney General’s office. An educated guess is not law, nor is it binding, it is merely a guide that may be followed. Therefore, I do not believe there is any issue with the transportation of arrestees by the Walworth County Sheriff’s office for other arresting agencies in Walworth County.

Discussion was held on holding facility and providing meals to the inmates when they attend court. No action was taken at this time.

Holgard moved to update resolution 2020-04 to remove correction officers and add transport officers. The motion died for a lack of a second. The resolution will be updated and read at the next meeting before approval.

Holgard moved and Schlomer seconded to eliminate the Jail Administrator position. Voting Aye: 5; Nay: 0. The motion was adopted.

Holgard moved and Martin seconded to change the members of the jail board from Perman to Schlomer. Voting Aye: 5; Nay: 0. The motion was adopted.

Holgard stated the next jail board meeting is going to be held the 12th.

**2020 GENERAL ELECTION CANVASS:**

Houck moved and Martin seconded to approve the Canvass of the 2020 General election. Voting Aye: 5; Nay: 0. The motion was adopted.

**OLD BUSINESS:**

Krein had the website updated to a secure site.

**ADJOURNMENT:**

Holgard moved and Martin seconded that the Board of County Commissioners adjourn until the hour of 9:00 a.m. November 17th, 2020. Voting Aye: 5; Nay: 0. 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**

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