April 20, 2021

9:00 A.M.

**WALWORTH COUNTY BOARD OF COMMISSIONERS**

**MINUTES OF PROCEEDINGS**

The Walworth County Board of Commissioners met in special session on April 20, 2021 at 9:00 a.m. at the County Courthouse. Members present were: Jim Houck, Duane Mohr, Rick Cain, and Scott Schilling. Also present were Auditor Eva Cagnones and States Attorney Jamie Hare.

The Pledge of Allegiance was recited by those in attendance.

Vice Chairperson Schilling called the County Commission meeting to order.

**AGENDA:**

Consider motion approve the Agenda as presented. Houck requested to change item #12 from Director of equalization to Town of Akaska. Houck requested to add an extra agenda item: Jeff Jensen Emergency Manager to discuss county grants. Cain requested to add approval of Personnel Handbook updates.

Cain moved and Mohr seconded to approve the meeting agenda. Voting Aye: 4; Nay: 0. The motion was adopted.

**CLAIMS:**

Consider motion to approve the claims as presented. Cain mentioned a discussion he had with Hare that the Claims Association voucher would be covered by the States Attorney office and Hare agreed. Schilling had a question about the claim for tires purchased for the Sheriff’s department from Grant Tires out of Brown County. Mohr answered that he has been purchasing tires from Grant Tires for 16 years due to the state bid. Schilling said that we should support our local businesses which pay taxes into Walworth County.

Mohr moved and Cain seconded to approve the claims. Voting Aye: 4; Nay: 0. The motion was adopted.

COMMSSIONERS: Cardmember – Bentz Funeral Arrangement, $106.45; Claims Associates – Workcomp D.H., $1,204.50; Marco Inc – Copier usage contract/copies, $48.03; McLeods Printing – Voucher Tablets, $146.20; Venture Comm – Fax Service, $47.78

COURTS: Cardmember – 5 rolls of Stamps, $275.00

AUDIYORS: Cardmember – Postage Rental/Stamps & Envelopes, $668.37; Marco – Copier usage contract/copies, $56.22; McLeods – Voucher Tablets, $1.28; SDACO – Spring Workshop/Cagnones & Keller, $370.00; Venture Comm – Telephone Service, $67.34

TREASURERS: Cardmember – Postage Rental/Stamps, $64.46; Marco – Copier usage/copies, $47.48; McLeods – Voucher tablets, $21.50; SDACO – Spring Workshop/Holder, $185.00; Venture Comm – Telephone Service, $69.82

STATES ATTORNEY: Cardmember – Postage Rental/Stamps, $263.75; McLeods - Voucher Tablets, $21.50; Mobridge Regional Hospital – 2 BA Test/Labs, $144.00; SD Public Health Lab – March Charges, $440.00; Venture Comm – Phone/Fax Service, $89.92

COURTS APPT ATTY: H Rough Surface, $1,477.70; Dakota Plains Legal Service – S Walking Elk, J Logg, K Morre, J Gerry, A Fire Cloud, N Bone Club, M Tranmer, $3,065.75; Mark Kroontje Law – C Wyatt, J Moore, $656.31

ABUSED AND NEGLECT DEFENSE; Von Wald Law Offices - $4,380.75

COURTHOUSE: Cole Papers – Cleaning Supplies, $194.00; Hase Plumbing – Supplies, $62.51; Louise Schmidt – Supplies Reimbursement, $42.93; Serval Uniforms – Towels/Rugs, $62.37

DIRECTO OF EQUALIZATION: Cardmember – Postage Rental/Stamps, $48.87; Marco – Copier usage/copies, $47.48; Venture Comm – Telephone Service, $53.24

REGISTER OF DEEDS: Cardmember – Postage Rental/Stamps, $53.55; SDACO – Spring Workshop/Thomason, $185.00; Venture Comm – Telephone Service, $55.06

VET SERVICE OFFICER: West River Telecomm – Telephone Service, $11.31

SHERIFF: Aden Stone – Travel Reimbursement, $406.00; Allied Climate – Dual Remote Control, $132.00; Avera Occupational Medicine – TPA Services, $300.00; Beadle Ford – 2020 Explorer Oil Change, $68.20; Glen Bissett – Travel Reimbursement, $145.00; Black Hills Ammunition – Additional Amo, $329.50; Brandi Steinbach – Travel Reimbursement, $48.00; Cardmember – Postage Rental, $6.25, Plates, $48.00, Car Washes, $76.09; Office supplies & Gas, $1,975.50, Postage, $18.99; Custom Installation – Equipment install 20017 Explorer, $890.00; Dakota Glass – 2006 Van Oil Change & , $131.27; Kendra Dressel – Travel Reimbursement, $225.00; Charles Froehlich – Travel Reimbursement, $374.00; Galls – Uniform Shirts, $111.93; Gene’s Auto, $2006 Van 3rd/4th Row Seats, $1,020.00; 2013 Tahoe 3rd Row Seat, $715.00; Graham Tire Aberdeen – 2012 Tahoe Tires, $435.36; Jacob Schwint – Travel Reimbursement, $15.00; Kens Western Lumber – 8 keys, $8.00; McLeods – Voucher Tablets, $107.50; Mobridge Manufacturing – Inmate holding trailer window screen, $600.00; Paige Pfeiffer – Travel Reimbursement, $403.00; Gavin Pfeiffer – Travel Reimbursement, $99.19;Chelsea Prasek – Travel Reimbursement, $85.00; Ronny Troyer – Travel Reimbursement, $168.00; Louis Schmidt – Supplies Reimbursement, $86.54; Selby Auto – 2020 Ford Explorer oil, $17.70; Uniform Center – Vests/Jackets/Gloves/hats, $6,477.20; Venture Comm – Telephone Service, $345.39; Winer Police Dept – Inmate Transport fees, $746.08

JAIL: Cardmember – Inmate melas, $145.84; Edmunds County – Inmate Holding fees, $145.84; Hughes County Finance - Inmate holding for 271, $21,680.00; Mobridge Regional Hospital- - Jail Medical, $130.00; Monument Health – Jail Medical, $3,000.32; Senior Nutrition Center – Inmate Meals, $82.50; Winner Police Dept – Inmate Holding 183 days, $12,810.00

SUPPORT OF POOR: Lewis & Clark Behavioral – BMI Intake, $184.00; McLeods – Voucher Tablets, $10.75; Venture Comm – Telephone Service, $25.99

MENTALLY ILL: Audra Hill Consulting – Services, $53.49; Lucy Lewno – D Lockwood, M Ketterhagen, $36.00; SD Dept of Revenue – HCS Fees, $600.00

DEV DISABLED: Dakotabilities - 2nd Quarter 2021 Fees, $180.00; SD Dept of Revenue - SDC Fees, $60.00

MENTALLY ILLNESS BOARD: Lucy Lewno – M.H. Hearing, $176.51

EXTENSION: Cardmember – Postage Rental, $6.25; McLeods – Voucher Tablets, $4.30; Venture Com – Telephone Service, $50.77

WEED CONTROL; Marco – Copier usage contract/copies, $47.50; SDDA – Pesticide App License Fee/Austin, $35.00

RD & BR: Cardmember – Gas/Weeds Truck, $41.20, Roll of Stamps, $55.00; Hoven COOP Service – Gas T-16, $168.62; Diesel P-101, $1,389.40; Marco – Copier usage contract/copies, $47.94; McLeods – Voucher Tablets, $107.50; MDU – Electricity Service @ Java Shop, $32.71; Selby Auto - Parts and Supplies, $73.75; Walworth County ROD – Filing Fees/Thorstenson, $60.00; Walworth County Landfill – 6 Tires, $69.00; WRT – Phone Service @ Mob Shop, $38.42

EMERGENCY & DISASTER: Gas N Goodies – Gas, $166.55; Jeff Jensen – Supplies Reimbursement, $40.00; McLeods – Voucher Tablets, $8.60

SOLID WASTE: Cam Wal COOP – Electricity usage, $379.43; Cardmember – Postage Rental, $6.25, Temp License/Truck, $15.00; Graham Tire Aberdeen – 4 Tires, $545.60; GTC Auto Parts – Brake Light, $21.99; Lucky’s Gas n More – Gas, $72.24; Marco – Copier usage contract/copies, $47.57; McLeods – Voucher Tablets, $10.75; Runnings Supply – Impact Wrench, $349.99; SD of Environment – march 2021 Surcharge Fee, $977.55; Servall Uniform – Mops/supplies, $27.26; Valley Telecomm – Telephone/Internet Service, $117.52

STATE ACCOUNT FUND: SD Department or Revenue – ROD Vital Records Fee, $560.00; MV Fees, $194,848.86

SCHOOL DIST FUND: Cortrust Bank – March 2021 Apportionment, $49,837.75; Hoven School Dist - March 2021 Apportionment, $13,128.83; Dacotah Bank - March 2021 Apportionment, $154,581.55; Bank West - March 2021 Apportionment, $132,969.24

CITIES & TOWNS FUND: City if Mobridge - March 2021 Apportionment, $81,858.03; bank West - March 2021 Apportionment, $25,592.08; Dacotah Bank - March 2021 Apportionment, $1,991.11; Bank of Hoven - March 2021 Apportionment, $369.19

SALES/EXCISE TAX FUND: Cardmember – CC Fee for filing Sales Tax, $688.44

JAVA FIRE DIST FUND; Bank West - March 2021 Apportionment, $542.01

BOWDLE FIRE FUND: Cortrust Bank - March 2021 Apportionment, $901.27

**MINUTES:**

Consider motion to approve the commissioner minutes from April 8, 2021. The minutes had an incorrect date at the top of the minutes, Cagnones had it corrected and reprinted the minutes. Schilling moved and Mohr seconded to approve the Claims. Voting Aye: 4; Nay: 0. The motion was adopted.

**PUBLIC FORUM:**

None

**TREASURER:**

Consider motion to approve the Treasurer’s monthly report. Schilling moved and Mohr seconded. Voting Aye: 4; Nay: 0. The motion was approved.

Silbernagel explained some balancing issues from the previous commissioner’s meeting regarding the mention of insinuating possible fraud and the need for a forensic audit. Silbernagel is in favor of an audit, however the Treasurer’s has reconciled with the bank. About $83,000 has been found, it had been moved from the Money Market to the General fund due to miscommunication errors with Auditor’s office, ACH’s, cancelled checks, disbursements in timing of payroll, timing of claims, timing of transmittals and discrepancies in manual entries. At the moment the 2020 difference with the Auditor’s office stands at $25,784.52. Silbernagel has been talking to the Auditor Cagnones and between the two the departments, they will continue to search the Auditor’s manual entries from November and December for the year 2020 for any additional discrepancies. Silbernagel wanted to address the mention of possible fraud without having any discussions with either department first and make it clear in a public forum that is not the case. The funds are being found and we just need a little more time.

**EXECUTIVE SESSION:**

Mohr moved and Schilling seconded to enter into executive session at 9:15 a.m. per SDCL 1-25-2(1) regarding a personnel matter. Voting Aye: 4; Nay: 0. The motion was adopted.

Houck declared the executive session ended at 9:40 a.m.

Consider motion to accept Amanda Silbernagel’s resignation effective May 7, 2021. Houck read out loud, Silbernagel’s resignation letter. Mohr moved and Cain seconded. Voting Aye: 4; Nay; 0. The motion was adopted.

**EXTENSION:**

Shari Rossow discussed the findings in insurance coverage for the 4H playground proposed in the previous commissioner’s meeting.Rossow spoke with Lynn Bren of SDPAA. Rossow was told that basically, anything that happens on the land could be a liability of the County but since 4H is holding the event, the liability falls on 4H. It was recommended to place some signs stating that the County is not responsible for any damages or accidents.

Cain said that Rossow advised him that the 4H does have their own insurance and he has no problem with going forward with the playground. The liability will be covered by 4H. Schilling agreed. Houck asked Rossow if she has received a grant for the playground. Rossow said that she is still waiting for approval, but there are other ways to raise the funds for the playground if the grant is denied.

**TOWN OF AKASKA:**

Deb Kahl; town member, is requesting to free tipping fees for the town’s clean up days in May. She mentioned a motion made by the commissioners las year regarding approval of free tipping fees of no more than 25 tons per year and would like the same approval for this year. They have 5 small dumpster and 1 roll off dumpster for wood; which the town pays for. Schilling asked why there is a “clean up day” and also want the no tipping fees? He is not against the “clean up days” just doesn’t want to keep stretching it out. Schilling is ok with approving the free tipping fees for a week not a year. Kahl again mentioned that it has always been approved for a year. Schilling moved to approve the tipping fees for only a week, there was no second. Motion died. Cain moved to approve free tipping fees for the month of May and Mohr seconded. Voting Aye: 3; Nay: 1. Motion was adopted.

**EMERGENCY MANAGER:**

Jensen discussed the 50/50 funding grants. The grant applied for the Walworth County courthouse doors was not approved because it is not directly affecting the EM office. The 1st grant approved, is for the generator replacement. It will not cost the County anything, the city of Mobridge will complete the project. It will be taken to the firehall which is also their EOC. Consider motion to give the grant to the City of Mobridge for this purpose. Cain moved and Schilling seconded. Voting Aye: 4; Nay: 0. The motion was adopted.

The 2nd grant approved is EOC enhancement. There is not budget for EOC enhancement. The total project is for $8,025.00 in which the grant will cover half. Will be used for upgrading wiring for highest rated internet speed and telephone. A large screen T.V. in the firehall for training and emergency monitoring is needed. Consider motion to approve going forward with this project. Cain moved and Mohr seconded. Voting Aye: 4; Nay: 0. The motion was adopted.

**PERSONNEL:**

Personnel Policy 6.7: Lodging; 6.7.6: added Receipts Required for reimbursement. Also, added to policy 6.7.1 Travel to be approved prior to the travel dates. State effective rates from January 1st will be applied for the remainder of the year. Consider motion to approve new policy changes. Cain moved and Schilling seconded.

Voting Aye: 3; Nay: 2. The motion was adopted.

**SHERIFF:**

Cain spoke on behalf of the Sheriff’s department. He mentioned that they just lost another female transporter. He suggests to begin discussions on proposing a new jail as soon as possible. Due to retention problems, consider raising the standard Transporter hourly wage by $3.00. From $16.18 to $19.16, with a bonus after 3 months. Schilling said he can’t see how we can justify an increase. Cain said that we should offer more than what unemployment is paying. Mohr said that building a new jail will solve the transport problems. Jaime said, we’re going to pay one way or the other; either in wages or law suits. Schilling asked why a male can’t transport females. Hare said that it is more of an Insurance policy. There was discussion on professional inmate transport companies. Some counties in North Dakota use this method. There was discussion on body cameras so that male transporters can safely transport females. Mohr said this would work only for short trips but not long trips when female inmates need to relieve themselves. Hare said we would probably lose our insurance. Cain moved to table the increase in wages until more information is gathered.

**HIGHWAY:**

Gary Byre presented the Monthly Report.

Consider motion to approve joint power with Flint Hills to purchase road oil off of McPherson County bid. Mohr moved and Schilling seconded. Voting, Aye:4 Nay: 0. The motion was adopted.

Byre asked to recognize sealed bids for chip sealing which will be opened on April 29th at 1:00 p.m. in the Commissioners Room.

Consider motion to approve purchase of rock bucket attachment for the skid steer in the amount of $2,750.00. If the Schilling moved and Cain seconded. Voting Aye: 4; Nay: 0. The motion was adopted.

Discussion on duration of weight limits. They have pulled the weight limits on strategic segments. Being asphalt concrete surfaces from Hwy 12, 1 mile south to Indian Creek & a small segment by Emily Stiegelmeier’s. The rest will remain until April 30th.

Discussion on gravel crushing. It was advertised for 55 thousand tons combined on two locations. Half of the volume in Glenham and the other half of the volume just north of Selby. Byre sees going beyond that and asked at the Commissioner’s discretion, to continue at the price of 2.79 in Glenham and 2.49 in Selby.

Discussion on work process on construction work number D1SR road by way of Lake Hiddenwood. It is close to done.

Surplus equipment/property. The auctioneer commission is 8% up to $750.00 ceiling. Need appraisals done by next commissioner meeting so that auctioneer can advertise and get equipment on sale bill.

Duane asked to have the 1981 single axel dump truck with snow plow, transferred from the highway department to the landfill department. Hare suggested to put this matter on the next Commissioner meeting agenda. It was not need to be appraised.

**JAIL:**

Motion to retain Brad Hompe as new jail consultant. Phase one will cost $14,000.00. Schilling asked where we will get the money from. Houck said that we should have had something done 5 years ago. Houck said that we need to move forward. Schilling said that Brad Hompe is not the person for the job due to his unprofessionalism. Schilling would rather try someone else. Cain moved and Mohr seconded. Rollcall, Mohr; Yes, Schilling; No, Cain; Yes, and Houck; Yes. The motion was adopted.

**LANDFILL:** Per the Landfill’s bookkeeper, Lewus Morgan’s report, **t**he county will be getting back $59,608.98 for the work done on the Leach pond. A total of $92,722.40, however the Wenk Associates will be taking, $33,113.42 for their evolvement. We could have been able to keep more if the landfill supervisor had kept a better track of equipment usage and man power hours, which were not included. According to the Department of Homeland Security.

Discussion on building improvement.Mohr needs approval to remedy concrete that is settling next to the building and scale. To replace with cement pad and an overhead door on building. Schilling asked if he had a cost amount. Mohr said that he had gotten one bid and waiting on two others, that it would be about $10.000. Houck suggested that this matter get tabled until Mohr is able to come up with some cost numbers.

Kent Mauck and Brian Defender with Heartland Waste, discussed concerns with the current state of the landfill since the departure of Ryan Badten Landfill Supervisor. The landfill is nowhere near what it was when Ryan was Supervisor. Ryan made decisions and took the bull by the horns, but with, Rebecca Krein, it was quite the opposite. She probably did the best she could but that she may have been scared to offend any commissioners and therefor, not able to make any right moves or make any decisions. Mauck would like the $5.00 tipping fee increase reconsidered. Landfill has gone backwards with terrible roads and rubble site issue. Municipal waste is the problem. Mohr said that Walworth County will be flexible and will work with haulers, but the County needs a new compactor, so the fees need to increase. Houck will consider and discuss further. Mohr has no problem with negotiating the tipping fees. Mauck and Defender will be happy to help. Hare asked Mauck what increase they are comfortable with. Mauck said that $3.00 would be fine but with the right Landfill Supervisor. Houck said, this matter will be revisited. Hare suggested to come up with a dollar amount to present and we can put this back on the Agenda.

Mohr said that a 500 foot long by 8-foot-high fence to catch trash will be implanted.

**OLD BUSINESS:**

Byre received application from DOT for the transportation grant. Houck needs to sign and attest.

How long will the Burn Ban continue? Schilling suggested that people don’t use common sense, it doesn’t matter if there is a burn ban or not. Cain said that the conditions haven’t changed, so its not a good idea to lift the burn ban yet.

NEW BUSINESS:

Mohr would like to hire a couple of people to help clean up trash on the fence at the landfill at $5.00 an hour. Hare reminded Mohr that there are 2 one-thousand-hour positions on the budget.

Treasurer opened position. Hare suggested to let the Auditor, Cagnones know whether the commissioners will be decided to hire within. If there are no internal employees interested in the position, then to advertise.

**ADJOURNMENT:**

Cain moved and Mohr seconded that the Board of County Commissioners adjourn until the hour of 9:00 am May 4, 2021. Voting Aye: 4; Nay: 0. The motion was adopted.

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**JIM HOUCK, CHAIRPERSON**

**ATTEST:**

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**EVA CAGNONES, DEPUTY AUDITOR**

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