May 04, 2021

9:00 A.M.

**WALWORTH COUNTY BOARD OF COMMISSIONERS**

**MINUTES OF PROCEEDINGS**

The Walworth County Board of Commissioners met in scheduled session on May 04, 2021 at 9:00 a.m. at the County Courthouse. Members present were: Jim Houck, Kevin Holgard, Scott Schilling, Duane Mohr and Rick Cain. Also present was Deputy Auditor, Marcie Keller and State’s Attorney Jamie Hare.

Chairperson Houck called the meeting to order.

The Pledge of Allegiance was recited by those in attendance.

Holgard moved and Mohr seconded to approve the agenda with the additions of: Consider motion to move single axle truck with snow plow from the Highway Dept to Landfill to #16 on the agenda. Mohr also asked to add the approval for a motion to add surplus property to the consignment sale in Bowdle on June 15th.

Under Sheriff, a correction to the starting wage for transporters be set at $18.33 - $19.33 per hour instead of $1.00 per hour increase and also add a discussion regarding signing the contract with EAPC. Holgard asked to move the discussion regarding the jail consultant to the top of the list under #17. Voting Aye: 5; Nay: 0. The motion was adopted.

Holgard mentioned that the minutes from the April 20th, 2021 would need a correction to new business. The landfill workers would be receiving $12.50 per hour instead of $5.00. The revised minutes were approved with a motion from Holgard and Mohr seconding it. Voting Aye: 5; Nay: 0. The motion was adopted.

Houck moved and Schilling seconded to approve the Equalization minutes of April 18, 2017. Voting Aye: 5; Nay: 0. The motion was adopted.

**CLAIMS APPROVED:**

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

**COMMISSIONERS:** Farm & Home Publishers – 2021 Plat Books, $375.00; Mobridge Fire Dept – Donation in memory of Don Opie, $50.00

**COURTS:** Lexis Nexis – Monthly Subscription, $614.00

**AUDITOR:** Connecting Point – Service work, $63.33; Midcontinent Cable – Internet Service, $22.58

**TREASURERS:** Connecting Point – Service Work, $53.34; Midcontinent Cable – Internet Service, $22.57

**STATES ATTORNEY:** Holly Randall – Subpoena/mileage, $37.64; Human Services Center – Medical Information, $5.60; Midcontinent Communications – Internet Service, $22.57; Mobridge Regional Hospital – BA Testing/labs, $72.00; Stan Schily – Subpoena/mileage, $37.64

**COURT APPOINTED ATTORNEY:** Kristi Brandt – Transcripts, 27.20; Cogley law Office – Services & Fees, $2089.20; Dakota Plains Legal Service – Services & Fees, $478.25; Mark K Kroontje – Services & Fees, $399.05

**ABUSED CHILD DEFENSE:** Kristi Brandt – Transcripts, $352.20; Sara Zahn – Transcripts, $241.40

**COURTHOUSE:** Carlson Services – Services/Snake Sewer, $290.00; City of Selby – Water Usage, $$84.20; MDU – Utilities, $946.04

**DIRECTOR OF EQUALIZATION:** Connecting Point – Service Work, $53.33; Midcontinent Communications – Internet Service, $22.57; SDAAO – Membership/Conference Fees, $550.00

**REGISTER OF DEEDS:** Midcontinent Communications – Internet Service, $22.57

**SHERIFF:** Applied Concepts, Inc., - New Radar, $2192.00; AT&T Mobility – Cell/Tablet Service, $297.54; Beadle’s Sales – Spare Vehicle Keys, $25.00; City of Selby – Holding Trailer Parts, $597.94; Dakota Glass & Alignment – 2013 Tahoe Repairs, $114.25; John Stefanich DBA – Vehicle Decals/Installation, $958.00; Midcontinent Communications – Internet Service, $22.57; MDU – Utilities, $428.50; Selby Oil Company – Vehicle Maintenance, $117.00; Slater Oil & LP – Bulk Gas, $5060.00; Zachary Starks – Inmate Holding Trailer Labor, $1312.04; The Lodge at Deadwood – Travel/Jungwirth, $79.00

**JAIL:** Accounts Management – Replacement Check/Garnishments, $100.00; Mobridge Regional Hospital – Inmate Medical, $135.32; Roberts County – Inmate Medical, $71.15; Senior Nutrition Center – Inmate Meals, $142.50; Winner Regional Hospital – Inmate Medical, $303.20;

**CORONER:** Geib, Elston, Frost PA – Forensic Autopsy, $2117.00; Ripley Funeral Home – Transport for Autopsy, $1200.00; Monument Health, Inc – Autopsy Services, $461.00

**MENTALLY ILL:** Lincoln County Treasurer – Services & Fees, $217.50

**MENTAL ILLNESS BOARD:** Lincoln County Treasurer – Services & Fees, $135.80

**EXTENSION:** Midcontinent Communications – Internet Service, $22.57

**WEED CONTROL:** James Austin – Reimbursement/Travel, $65.29; Selby auto Sales – Sprayer Repairs/Battery, $129.30

**RD & BR:** Accounts Management – Check re-issue/Garnishments, $103.23; Aggregate Construction – Gravel Crushing, $150,199.65; Agtegra Coop – Gas/Diesel, $2138.95; Avera Occupational Medicine – Remote Drug Test, $76.00; Butler machinery Co – Parts, $65.15; Carlson Services – Pre-employment Drug Test, $35.00; City of Java – Water Usage, $18.00; City of Mobridge – Water @ Mobridge Shop, $49.23; City of Selby – Water @ Selby Shop, $66.06; KLJ Engineering – Asphalt Surface Seal, $2982.73; Allen Lawrence – Gravel Surfacing, $54,133.32; Michael Todd & Co – Shovels, $82.09; Mobridge Regional Hospital – Drug Test, $42.00; MDU – Utilities, $285.29; True North Steele – 2 Culverts, $18,170.40; Venture Communications – Internet/Phone Service/Selby, $276.09

**EMERGENCY MANAGEMENT:** AT&T Mobility – Cell/Tablet Service, $87.77; Gas n Goodies – Gas, $$39.68; Jeff Jensen – Reimbursement/Car Wash, $14.00; Quill Corporation – Office Supplies, $331.57

**SOLID WASTE:** Accounts Management – Check Reissue/Garnishments, $188.05; Agtegra Coop – Ruby Bulk Fuel, $1953.35; Central Diesel Sales, Supplies, $60.60; Connecting Point – Service/Supplies, $401.88

As required by SDCL 6-1-10, the complete April payroll paid by department was as follows: Commissioners - $10,989.19; Auditor - $13,017.21; Treasurer - $16,287.00; States Attorney - $21,753.74; Court House - $5,462.96; Director of Equalization – $15,094.08; Register of Deeds - $9,787.37; Veterans Service Officer - $1,891.62; Sheriff - $74,974.71; Emergency & Disaster - $6,390.62; Poor - $1,472.11; Extension - $5,906.08; Weed & Pest - $452.90; Zoning – $274.35; Road & Bridge - $65,038.06; Solid Waste - $26,759.42;

**GROW SOUTH DAKOTA:**

Representative, Brenda Waage was scheduled to discuss the past year’s stats along with programs available to clients and request fund for the 2021 budget year. Brenda was not present.

**STATE ATTORNEY:**

Jamie Hare, States Attorney, updated the Commissioners in regards to the lawsuit that was filed against the county in terms of the mistreatment to an inmate years before, was dismissed in Federal Court.

**EMERGENCY MANAGER:**

Jeff Jensen, emergency manager, had an update from the April 20th meeting in reference to the generator purchased for emergency situations. The end result is the same; the county will still own nothing, but the invoice needs to go through the county and the city of Mobridge will reimburse the county resulting in a zero-balance due for the generator.

The burn ban was also discussed. Jensen stated that a county ordinance in reference to violating the burn ban cannot be located. This gives the Sheriff no authority to levy any penalties against burn ban offenders.

After looking through other county burn ban ordinances to find a solution, Jensen told the commission board he feels that the best option would be to adopt the National Weather Service’s daily fire index warning for the state of SD, which is based on scientific factors such as relative humidity, wind speed and fuel availability to name a few. Maps were presented from the National Weather Service website of Walworth county showing the fire index level for a particular day. These are provided on the website every day between 5-7am.

Jensen would like to propose a 2-fold ordinance for Walworth Counties burn ban.

The first ordinance would require that all open burning needs to be reported to the Mobridge Police Dept. and followed up with another phone call when burning is complete.

The second ordinance, Jensen recommends following the guidelines set forth by the National Weather Service. Factors for burning change daily, so by following the science put out by the NWS, this will allow open burning to occur when the conditions are most favorable.

Steps were discussed to put these ordinances into place, which are to put them on the next meeting’s agenda for a first reading. If any changes occur, there will need to be a second reading of the ordinances. Fines for violating the burn ban will also be discussed at the next meeting.

**HIGHWAY DEPT:**

Holgard moved and Mohr seconded to approve the pavement striping agreement provided by the SD DOT. Voting Aye: 5; Nay:0.

Gary reported that so far, the county has been invoiced for 52,000 ton of crushed gravel from Glenham and would like the support of the board to increase the volume to 80,000+ ton. The board was in full support of the added volume, which the county is in need of.

Increased staffing was also discussed. The thought of day laborers was mentioned, but there are limitations regarding that option. Finding help will be on Gary’s short list, but he needs help filling potholes and things of that nature. Schilling reminded Byre that his budget included 2 part-time summer employees; Hare backed up that statement as did Houck. Byre directed the conversation back to the first item on the Highway agenda list to consider the motion to award Asphalt Surface Treatment Bid that was opened on April 29th, 2021. A KLJ representative was present to report the status of the bids of which there were two. The bid included using the counties rock located at Akaska. This will reduce the bid by $15,000.00. Bids were from:

Bituminous Paving, Ortonville, MN Bid: $263,687.00 with a reduction of ($7,460.00) final bid: $256,227.00

Jensen Rock & Sand, Mobridge, SD Bid: $168,963.93 with a reduction of ($15,658.54) final bid: $153,305.39

KLJ recommended the bid from Jensen Rock & Sand. Holgard moved to accept the bid from Jensen Rock & Sand for $153,305.39 and seconded by Mohr. Voting Aye: 5; Nay: 0. Motion was adopted.

The motion to approve expanding the agreement with KLJ to include project administration was tabled until the next meeting on 5-18-21.

Cain moved and Holgard seconded to approve in-house design on assigned project #D1SS and authorize easements with the condition that the county has net zero cost. Voting Aye: 5; Nay: 0. Motion was adopted.

Gary wrapped up discussion with tabling the bid for asphalt road milling to a future date.

**EQUILIZATION:**

Equalization director, Deb Kahl, brought 2 abatements to the board:

Abatements: Record #7038 for $24.26

Record #4088 for $1776.51

Cain moved and Mohr seconded to approve these abatements. Voting Aye: 5; Nay: 0. Motion was adopted

A motion was also approved for the Accessors to attend the annual conference may 25-26th in Hot Springs. Cain moved and Schilling seconded. Voting Aye: 5; Nay: 0. Motion was adopted. Kahl added that they will split travel costs with Campbell county by traveling together.

**EXECUTIVE SESSION:**

Cain moved and Schilling seconded to enter into Executive Session SDCL 1-25-2 (1) at 9:49 am for a personnel matter. Voting Aye: 5; Nay: 0. Motion was adopted

Chairperson Houck declared executive session ended at 10:32am.

Cain moved and Schilling seconded that the auditor shall advertise for the Treasurer’s position. Job applications are due back to the county by May 12th. Interviews for the Treasurer’s position will be held at the courthouse, commission room, on May 13th. A new county Treasurer will be appointed on May 18th. Voting Aye: 5; Nay: 0. Motion was adopted.

Mohr suggested running the job advertisement on the DRG job line.

**EXTENSION:**

Shari Rossow stated that she would like to pursue the hiring of a part time admin person for the Extension Dept. This person could eventually take on other responsibilities. Holgard stated he was all for making this a full-time position.

Holgard moved and Schilling seconded the hiring of a part-time extension admin, 20 hours per week, with possibilities of adding more duties making it full time with benefits down the road. Voting Aye: 4; Nay 1. Motion was adopted.

**LANDFILL:**

Lewus Morgan & Paul Davis, employees from the landfill, were present. Lewus wanted to keep the board updated on the surprise state inspection that occurred on May 3rd, 2021. Seth from the state found tires, oil and pesticide containers along with diapers which is MSW (Municipal solid waste) in the rubble-site, all of which have their own designated areas. There was also a lot of paper and litter in the fences including the neighboring fence.

Due to lack of equipment and staff to monitor the rubble-site, Seth advised Paul that re-opening the rubble site would be detrimental to the landfill operation and to have it remain at a closed status. To mitigate the rubble issue, it was suggested that rubble be compacted and placed in the main cell to be charged OR re-classified as MSW @ $38.00/ton.

Tipping fees was also re-visited. Cain sent out an e-mail to other commissioners comparing inflation rates to our tipping fees and the going rate is $43.00/ton. Cain based his figures by using the 2019-year-end figures, as the 2020-year-end figures had not been completed by former auditor, Krein. The 2019-year-end figures showed the Landfill only profited 11K, therefore, raising the tipping fees is necessary. The board discussed lowering the tipping fees from the recently raised price of $42.00 (effective 1-1-22).

Holgard moved and Schilling seconded to drop the newly raised tipping fees by $3, making the 2022 tipping fees $39/ton and leaving everything else the same. Voting: Roll Call – Holgard, yes; Mohr, No; Schilling, yes; Cain, No; Houck, No: Motion failed.

Mohr moved and Schilling seconded to set the 2022 tipping fees for MSW at $41.00. Voting: Roll Call – Holgard, No; Mohr, Yes; Schilling, Yes; Cain, Yes; Houck, No: Motion was adopted.

Mohr moved to have county surplus items included in on the upcoming consignment auction happening in June at Bowdle on June 15th. Items need to be appraised asap and pictures sent to auctioneer, Randy Ulmer, so he can get items on the internet sale bill. Cain seconded motion. Voting Aye: 5; Nay: 0. Motion was adopted. Mohr also explained to the board that the landfill surplus items which are the John Deere mower & Ariens Snowblower would be put on Ebay next winter when they would have more value.

Mohr then updated the board on the concrete work needed at the Landfill. Two bids were given to Mohr that are from Faehnrich Construction and Hepper Construction, both of Mobridge. Mohr feels that going with Faehnrich Construction would be in the best interest since they can get to the work shortly. The total for the bid is $6730.00. Hepper Construction could do the work for less money, but stated he doesn’t have time at the present moment to get at the work. Mohr also updated the board in regards to the overhead door on the Landfill building that needs to be added. North Central Steel will be doing the work which includes cutting the hole for the door, the new door, 2 energy efficient windows and a garage door opener.

Mohr moved and Schilling seconded to transfer the single axel truck with snow plow from the Highway Dept to the Landfill. Voting: Aye, 5; Nay, 0: Motion was adopted.

**SHERIFF:**

Sheriff Josh Boll presented a list of surplus items for sale. Mohr moved and Cain seconded to declare the following items for surplus with the auditor appointing an appraisal team. Voting Aye, 5; Nay, 0: Motion was adopted.

1 upright freezer

1 upright cooler

1 walk in cooler

1 walk in freezer

1 full size refrigerator.

Sheriff Boll said that these items would not be removed from the jail. Anyone interested can come to the jail to look at them, to buy and then remove.

Cain moved and Mohr seconded for Transporter’s starting wage to be set at $18.33-$19.33. (Current Transporters would be moved to $18.33) Voting: Roll Call: Holgard, Nay; Mohr, Yes; Cain, Yes; Houck, Yes, Schilling, Nay.

Motion was adopted. New wages will go into effect starting the next pay period beginning Sunday, May 9th, 2021.

In regards to the Jail Consultant, Brad Hompe, Holgard asked, “What are we expecting from Brad that he hasn’t provided 2 years ago?” After much discussion, Cain shared his opinion about the importance of trying to move forward with hiring a consultant, getting figures together and then considering an Opt Out by the July 15th deadline. An Opt Out is the starting point to collect extra revenue VIA taxes if building a jail is the plan.

Cain moved and Mohr seconded to accept the EAPC proposal (added agenda item) as jail consultants. Holgard agreed that something needed to be done but didn’t agree to use the same company that was used in the past. Voting: Roll Call: Holgard, Nay; Mohr, Yes; Schilling, Nay; Cain, Yes; Houck, Yes. Motion was adopted.

**COURTHOUSE PLUMBING UPDATE:**

Recently, there have been plugged sewer lines in the courthouse with bathrooms being unusable for a couple of days. A company from Watertown came and opened the lines, but discovered that at a certain point, which they marked with green paint in the parking lot, the PVC sewer pipe was crumbling and in poor condition. Schilling reported they proposed that the system should have 2 clean outs installed where the green paint markings are to avoid any more sewer issues. Once the 2 clean outs are put in, they could clean the lines the rest of the way and then put their cameras through the lines to see if there are any more areas that will need repairing.

**PUBLIC HEARING/DEAN SCHUMACHER:**

Cain moved and Holgard seconded to hold a public hearing pursuant to SDCL 31-11-41 on May 18th, 2021 for a petition requested by Dean Schumacher for maintenance on public roads. Voting: Aye, 5; Nay, 0. Motion was adopted.

**OLD BUSINESS:**

Commissioner Holgard had a question regarding the change on the policy for travel reimbursements requiring a receipt. It was clarified that receipts are now required for any said reimbursements.

Mohr asked Schilling why a purchase of tires from Graham Tires was questioned at the last meeting when it was never questioned before when he was head chairman. Cain also had the same question as to why it has become an issue now? Schilling feels we should support our local businesses. Cain pointed out that we should have supported our local businesses in the past, too and Schilling commented, “probably should’ve”

**NEW BUSINESS:**

Schilling asked if there should be some follow up on the sewer issue and seeing what repairs will cost. Everyone was in agreement to check on costs involved with the repairs. Schilling will check with Mobridge business, Gregg Griewski of Gregg’s Drilling & Excavating. Mohr also would like to move a hydrant out at the landfill which is in the way of traffic.

Houck would like to be included on the jail design committee along with Rick, Josh, Justin & Jamie.

Holgard moved and Mohr seconded to adjourn the meeting until 9:00 am on May 18th. Voting: Aye, 5; Nay, 0.

**Full proceedings of this and all meetings of the Walworth County Board of Commissioners can be viewed from Walworth County’s Facebook page: Walworth County, Selby, SD,**

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**JAMES HOUCK, CHAIRPERSON**

**ATTEST:**

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**MARCIE KELLER, DEPUTY AUDITOR**

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