May 18, 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 18, 2021 at 9:00 a.m. at the County Courthouse. Members present were: Jim Houck, Scott Schilling, Kevin Holgard, Duane Mohr and Rick Cain. Also present were Auditor Eva Cagnones and States Attorney Jamie Hare.

The Pledge of Allegiance was recited by those in attendance.

**WALWORTH COUNTY PLANNING AND ZONING BOARD:**

Cain: The State recommends to deny any applications for Medical Marijuana licenses until the state completes regulations, which be sometime around October 2021.

Hare read the first reading of Ordinance 2021-10. Cain moved and Schilling seconded to recommend adoption of Ordinance 2021-10. Voting Aye: 5; Nay: 0. The motion was adopted

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

Chairperson Houck called the County Commission meeting to order.

**AGENDA:**

Add motion to consider approval of Burn Ban Ordinance 2021-11. Add motion to approve Marijuana Ordinance. Add motion to approve commissioner minutes from May 11, 2021 and May 13, 2021. Add Sheriff to present monthly report.

Cain moved and Schilling seconded to approve the meeting agenda with the additions. Voting Aye: 5; Nay: 0. The motion was adopted.

**MINUTES:**

Mohr moved and Holgard seconded to approve the minutes of May 8, 2021. Voting Aye: 5; Nay: 0. The motion was adopted. Holgard moved and Schilling seconded to approve the minutes of May 11, 2021. Voting Aye: 5; Nay: 0. The motion was adopted. Schilling moved and Mohr seconded to approve the minutes of May 13, 2021. Voting Aye: 5; Nay: 0. The motion was adopted.

**CLAIMS APPROVED:**

Schilling moved and Mohr seconded to approve the claims as presented. Voting Aye: 5. Nay: 0. The motion was adopted.

**COMMISSIONERS:** Delta Dental – Premium, $213.50; Mobridge Tribune – Publications, $413.20; Selby Record – Publications, $562.46; The Watering Can – Bentz Funeral Flowers, $50.00; Venture Communications – Fax Service, $47.79

**COURTS:** West Payment Center – Books/Bound Volumes, $21.36

**AUDITOR:** Cardmember Service – Supplies/Rentals, $418.66; Connecting Point – Backup/Replication, $75.00; Delta Dental – Premium, $260.90; Mobridge Tribune – Publications, $66.36; Selby Record – Publications, Publications, $110.00; Venture Communications – Telephone Service, $66.54

**TREASURERS:** Cardmember Service – Postage/Stamper, $986.30; Delta Dental – Premium, $85.40; Mobridge Tribune – Publications, $284.80

**STATES ATTORNEY:** Alan Malsam – Services/Mileage, $37.64; Cardmember Service – Rental/Postage, $6.24; Casey Two Hearts – Services, $20.00; Connecting Point – Service/Labor, $120.00; Delta Dental – Premium, $327.30; Mobridge Tribune – Publications, $66.90; SD Public Health Laboratory – Services, $160.00; Venture Communications – Telephone/Fax Service, $96.82

**COURT APPOINTED ATTORNEY:** Cogley Law Office – Services & Fees, $1154.10; Dakota Plain Legal Services – Services & Fees, $1429.00; Christopher A Harr – Services & Fees, $1548.98; Mark K Kroontje – Services & Fees, $2116.03

**ABUSED CHILD DEFENSE:**  Kristi A Brandt – Services/Transcripts, 341.20; Sara Zahn – Services/Transcripts, $28.40

**COURTHOUSE:** City of Selby – Water/Sewer, $93.25; Delta Dental – Premium, $42.70; Heartland Waste Management – Grass/Garbage Service, $150.00; Pfitzer Pest Control – Services, $498.75; Premier Equipment – Supplies, $40.72; Runnings Supply – Supplies, $41.98; Servall Uniform & Linen – Rentals, $62.37

**DOE:** Cardmember Service – Rental/Postage, $6.25; Delta Dental – Premium, $106.75; Venture Communications – Telephone Service, $57.51

**ROD:** Cardmember Service – Postage/Rental, $6.25; Delta Dental – Premium, $21.35

**VET SERVICE OFFICER:** WRT – Telephone Service, $42.56

**SHERIFF:** Beadle Ford Inc – Vehicle Oil Change, $68.50; Cardmember Service – Supplies/Rental/Gas/Postage, $1092.62; Connecting Point – Backup/Storage, $328.00; Dakota Glass – Vehicle Oil Change/Repairs, $2859.37; Delta Dental – Premium, $170.80; GTC Auto Parts – Supplies, $14.99; Ken’s Western Lumber – Inmate Holding Trailer Supplies, $1860.25; Motorola Solutions – Radio Kit/Cable, $340.00; Pennington County Jail – Transport Services, $73.30; Rees Communications – Batteries, $296.00; Runnings Supply – Supplies, $10.99; Selby Auto Sales & Service – Vehicle Oil, $41.40; Selby Oil Company – Vehicle Oil Change, $99.00; Selby Record – Publications, $650.04; Uniform Center – Uniforms Supplies, $775.49; Venture Communications – Telephone/Fax Service, $376.17; Western Communications – Radio Maintenance, $21.60; Western Rancher – Services, $4.26; Winner Police Department – Transport Services, $1816.32

**SUPPORT OF POOR:** Venture Communications – Telephone Service, $24.76

**MENTALLY ILLNESS BOARD:** Ross Herder Law Office – Service, $159.20

**EXTENSION:** American Solutions for Business – Off. Supplies, $46.81; Cardmember Service – Rental/Postage, $6.25; Delta Dental – Premium, $109.10; Shari Rossow – Reimbursement, $154.00

**WEED CONTROL:** Cardmember Service – Travel, $22.76; Selby Auto Sales – Repairs, $255.30; Valley Telecommunications – Cell Service, $35.00; Western Communications – Radio Maintenance, $8.80

**RD & BR:** Aaron Swan & Associates – Services, $75.00; Aggregate Construction – Gravel Crushing, $154,380.00; Avera Occupational Medicine – Services, $87.00; Cam Wal Electric – Elec. @ Hoven Shop, $50.45; Crawford Trucks & Equipment, Supplies, $104.15; Delta Dental – Premium, $408.00; Heartland Waste Management – Garbage Service, $60.00; Hoven Coop Service – Gas/Diesel, $2254.93; John Deere Financial – Parts, $82.57; Kens Western Lumber – Lathe, $50.00; Lucky’s – Gas, $61.14; Matheson Tri-Gas – Tank Rental, $38.40; Mobridge Hardware – Paint, $84.34; Mobridge Tribune – Publications, $76.57; MDU – Electricity @ Java Shop, $27.43; Quill – Off. Supplies, $361.92; Runnings – Paint, $11.98; SD Sept of Labor – Unemployment, $1782.00; Selby Auto Sales – Parts, $412.70; Selby Oil – Repairs, $20.00; Selby Record – Publications, $276.67; Servall Uniform & Linen – Rentals, $54.08; Shorty’s One Stop – Gas, $925.94; Team Laboratory Chemical – Supplies, $35.00; West River Telecommunications – Phone Service/Mobridge Shop, $38.42; Western Communications – Radio Maintenance, $135.90

**EMERGENCY & DISASTER:** Delta Dental – Premium, $42.70

**ROD:** Quill – Supplies, $72.99

**SOLID WASTE:** Butler Machinery – Supplies, $595.83; Cam Wal Electric – Electricity Usage, $415.64; Cardmember Service – Supplies, $371.92; Dakota Fluid Power – Parts, $341.90; Dakota Glass – Services, $80.00; Dakota Radio Group – Advertising, $345.00; Delta Dental – Premium, $128.10; GTC Auto Parts – Supplies, $2.08; Lucky’s – Gas, $96.61; Mobridge Tribune – Publications, $205.00; Lewus Morgan – Reimbursement, $11.00; Quenzer Electric – Services, $716.45; Runnings – Supplies, $396.57; SD Dept of Environment – Surcharge, $937.23; SD Dept of Labor – Unemployment, $272.00; Servall Uniform & Linen – Rentals, $54.52; Shorty’s – Gas, $30.74; TransSource Truck & Equipment – Parts, $443.51; Valley Telecomm – Telephone/Internet Usage, $14.34; Web Water Development – Water Service, $43.67; Western Communications – Radio Maintenance, $9.30

SCHOOL DIST FUND: Cortrust Bank – April 2021 Apportionment, $167,174.36; Hoven School District – April 2021 Apportionment, $65,271.93; Dacotah Bank – April 2021 Apportionment, $685,976.65; Bank West – April 2021 Apportionment, $897,637.38

**CITIES & TOWNS FUND:** City of Mobridge – April 2021 Apportionment, $360,342.36; Bank West – April 2021 Apportionment, 167,984.55; Dacotah Bank – April 2021 Apportionment, $6,313.49; Bank of Hoven – April 2021 Apportionment, $107.75

**JAVA FIRE DIST FUND:** Bank West – April 2021Apportionment, $3892.89

**BOWDLE FIRE DIST FUND:** Bowdle Rural Fire district – April 2021 Apportionment, $2352.82

**S RIVERVIEW RD DIST:** Bank West – 2021 Apportionment, $544.88

**SDACO:** M&P Remittance - $206.00

**GROW SOUTH DAKOTA:**

Brenda Waage with Grow South Dakota presented a 2019 Investment in Walworth County report which highlighted the use of contributions made the county. Waage thanked the commissioners for the $3,500.00 contribution for 2021 from Walworth County and explained how the money is being used.

**LANDFILL:**

Mohr asked to skip the Landfill since Lewus Morgan is not in attendance and move to next commissioner meeting.

Mohr also mentioned that at the next commissioner meeting, he would like to discuss adding an Ordinance for Covered Loads.

**HIGHWAY:**

Rachel Anderberg presented a request to know if Clover Road is considered a minimum maintenance road or secondary road. There was a lengthy discussion on the matter. Byre needs more time to assess the problems and has no estimated time of when he can have any answers or recommendations. Byre said that this needs a master transportation plan updated and approved. There has not been an update in 30 – 40 years. Hare will contact Department of Transportation to confirm the status of the road and this matter will be discussed again at a later time.

Byre requested to approve contract with KLJ for asphalt road chip sealing at the cost of $29,000. Byre said that he can negotiate the price down to about $9,000 to $6,000. Holgard moved to approve the contract with KLJ. Cain moved to amend the motion to authorize Byre to negotiate the cost. Hare suggested to let Holgard’s motion die without a second and have a new motion instead. Motion died due to lack of second and was not adopted. Cain moved to approve the contract with KLJ and authorize Byre to negotiate the cost. Mohr seconded. Voting Aye: 5. Nay: 0. The motion was adopted.

Byre mentioned that the road grader warranty will expire on June 26, 2021. He asked to extend the warranty for 3 more years or 2000 hours whichever comes first at a cost of $10,660.00.

Schilling moved and Holgard seconded. Voting Aye: 5. Nay: 0. Motion was adopted.

Holgard moved to approve four projects at a cost of $65,955.70 plus another $2,600 to purchase a cell grinder from Yankton County bid. Schilling seconded. Voting Aye: 4. Nay: 1.

Byre referenced a letter from WEB water to relocate the line on D1SR at a cost to the WEB water and not the County since it is in the County’s right of away.

MDU would like to occupy the right of way on 83 junction East and the second one 1 mile north of Steigelmeier’s, to service natural gas lines.Hare suggested to create an easement agreement with MDU noting their responsibility for the easement. Consider motion to approve placement of MDU gas line under the condition that it’s by our utility easement. Hare would like to draft the agreement before approval.

Consider motion to approve to enter into a joint power of agreement with Jensen Rock and Sand.

Holgard moved and Schilling seconded. Voting Aye: 5. Nay; 0.

WEB water notification to occupy the public right of way in the same manner as D1SR. Hare read the notification. Holgard moved and Schilling seconded. Voting Aye: 5. Nay: 0. The motion was adopted.

**TREASURER:**

Cindy Geier presented the Treasurer’s monthly report. Consider motion to remove Amanda Silbernagel as Treasurer point of contact and banking access with Bankwest. Cain moved and Holgard seconded. Voting Aye: 5. Nay: 0.

**EM:** First reading of Burn Ban Ordinance 2021-11. The second reading is scheduled for May 3, 2021 during the Commissioner’s meeting. Cain moved to approve the first reading with the agreement to change the word in section 5 from “controlled” to “open”. Holgard seconded. Voting Aye: 5. Nay: 0.

**STATES ATTORNEY:**

Consider motion to approve the transfer of Poor liens and Court Appointed liens debt collections from Auditor’s office to the States Attorney’s office effective June 1st. Mohr moved and Cain. Voting Aye: 5. Nay: 0.

Medical Marijuana County Commission Level – Ordinance 2021-10 Schilling moved and Mohr seconded. Voting Aye: 5. Nay: 0. Motion was adopted.

**SHERIFF:** Josh Boll presented Sheriff’s monthly report.

**EQUALIZATION:** Deb Kahl consider motion to approve an Assessment Freeze for an elderly and handicap resident for the years 2020 and 2021. In 2020, she forgot to apply and in 2021, she transferred to a nursing home and her niece turned in the application after the deadline. Holgard moved and Schilling seconded to deny the 2020 abatement and approve the 2021 abatement. Voting Aye: 1. Nay: 4. The motion was not adopted.

Cain moved to approve abatements for years 2020 and 2021 and Mohr seconded. Voting Aye: 4. Nay: 1. The motion was adopted.

Consider motion to approve a reimbursement for a resident who paid taxes in full and in advance, only to find out the parcels had already been sold. Cain moved and Mohr seconded. Voting Aye: 5. Nay: 0. The motion was adopted.

Consider motion to approve a reimbursement on a split agricultural land which was sold 80% and the owner paid for the 1st half amount. Holgard moved and Mohr seconded. Voting Aye: 5. Nay: 0.

**OLD BUSINESS:**

Schilling wanted to know if the County will still be responsible the lawn maintenance at the two properties in Java. It was determined the County would continue to take care of it for now.

**NEW BUSINESS:**

Houck mentioned the Special Meeting scheduled for May 20, 2021 at 10:00 a.m. in the Courtroom, regarding the Jail design.

**ADJOURNMENT:**

Holgard moved and Cain seconded that the Board of County Commissioners adjourn until the hour of 9:00 a.m. June 3rd, 2021. Voting Aye: 5; Nay: 0. The motion was adopted.

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

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**JIM HOUCK, CHAIRPERSON**

**ATTEST:**

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**EVA CAGNONES, AUDITOR**

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