June 3rd, 2021

9:00 A.M.

**WALWORTH COUNTY BOARD OF COMMISSIONERS**

**MINUTES OF PROCEEDINGS**

The Walworth County Board of Commissioners met in scheduled session on June 3, 2021 at 9:00 a.m. at the County Courthouse. Members present were: Jim Houck, Kevin Holgard, Rick Cain, Duane Mohr and Scott Schilling. Also, present were Auditor Eva Cagnones and State Attorney, Jaime Hare.

The Pledge of Allegiance was recited by those in attendance.

Chairperson Houck called the County Commission meeting to order.

**AGENDA:**

Mohr requested to add discussion on recycling trailers at City Hall and also to add a motion to surplus an old Cannon copier.

Holgard moved and Mohr seconded. Voting Aye: 5. Nay: 0. The motion was adopted.

**CLAIMS APPROVED:**

Cain moved to add the School Bond payment and approve the claims as presented. Mohr seconded. Voting Aye: 5. Nay: 0. The motion was adopted.

**COMMISSIONERS:** Rick Cain – Mileage, $221.76; Kevin Holgard – Mileage, $117.60; Jim Houck – Mileage, $191.52; Marco, Inc – Copier Usage Contract, $24.28; Duane Mohr – Mileage, $246.96; WBCBS – Insurance Premium, $5003.80

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

**AUDITOR**: Connecting Point – Backup/Replication, $75.00; Marco, Inc – Copier Usage Contract, $46.80; Midcontinent Communications – Internet Service, $22.57; Quill Corp – Office Supplies, $111.42; WBCBS – Insurance Premium, $201.82

**TREASURERS:** Marco, Inc – Copier Usage Contract, $17.37; Midcontinent Communications – Internet Service, $22.58; Selby Record – Publications, $44.42; Venture Communications – Telephone Service, $79.81; WBCBS – Insurance Premium, $3026.62

**STATES ATTORNEY**: A&B Business Inc – Equipment Fees/Contract Usage, $913.56; Midcontinent Communications – Internet Service; Mobridge Regional Hospital – Services, $432.00; Quill Corp. – Supplies,$128.28; The Support Circle – Services, $175.00; WBCBS – Insurance Premium, $5003.80

**COURT APPT ATTY**: Cogley Law Office – Services & Fees, $981.60; DPLS – Services & Fees, $726.00; Mark K Kroontje – Services & Fees, $2687.87; SDACC – 2nd Qtr Fees, $896.00

**COURTHOUSE:** City of Selby – Water/Sewer, $81.45; Cole Papers – Cleaning Supplies, $297.57; Elite Drain & Sewer Cleaning – Clean Sewer Line, $1313.75; MDU – Electricity, $709.77; Oahe Landscapes – Sprinkler Repairs, $583.86; Runnings Supply – Bedding Flowers, $18.99; Web Water Bottling Co. – Rental/Water, $74.50; WBCBS – Insurance Premium, $1049.44

DOE: Marco, Inc – Copier Usage Contract, $18.07; Midcontinent Communications – Internet Service, $22.57; WBCBS – Insurance Premium, $2623.60

**REGISTER OF DEEDS**: Midcontinent Communications – Internet Services, $22.57; Marco, Inc – Copier Usage Contract, $17.07; Venture Communications – Telephone, $53.76; WBCBS – Insurance Premium, $1574.16

**PREDITORY ANIMAL**: SD Dept Game, Fish & Parks, 2021 Bi-Annual Appropriation, $1286.48

**SHERIFF**: Aden Stone – Meal Reimbursement, $45.30 AT&T Mobility – Cell/Tablet Service, $297.54; Axon Enterprise – Taser Bundle Pymt, $2691.84; City of Selby – Water/Sewer, $119.45; Connecting Point – Storage, $208.00; Dakota Glass & Alignment – Tahoe Repairs, $494.47; Datatek Services, Admin. Supplies, $904.00; Hase Plumbing Heating & Air – Move A/C to Holding Trailer, $2775.40; Carol Leavitt – Services, $65.00; Marco Inc – Copier Usage Contract, $17.57; Midcontinent Communications – Internet Service, $22.57; MDU – Electricity/Gas, $326.34; Motorola Solutions - Radio Parts, $3618.29; Paige Pfeiffer – Meal Reimbursement, $19.76; Chelsea Prasek – Meal Reimbursement, $23.26; Quenzer Electric – Hldg Trailer Electrical Work, $5915.03; Rees Communications – Radio Parts/Supplies, $460.00; Ronnie Troyer – Meal Reimbursement - $5.16; Selby Auto Sales – Explorer Oil, $41.40; Selby Oil Co – Explorer Oil Change, $82.00; Selby Record – Publishing, $264.00; Uniform Center – Uniform Pants, $79.98; WBCBS – Insurance Premium, $6296.64;   
Western Communications – Monthly Radio Maintenance, $21.60; Western Rancher – Services, $16.00

**JAIL:** Meade County – Prisoner Boarding, $3520.00; Merkel’s Food – Inmate Food, $23.41; Mobridge Regional Hospital – Jail Medical, $75.00; SD Dept of Labor – Unemployment, $428.00; Senior Nutrition Center – Meals/Inmates, $187.50

**CORONER**: Ripley Funeral Home – Transport, $600.00; Monument Health – Autopsies, $922.00

**SUPPORT OF POOR:** WBCBS – Insurance Premium, $3026.62

**SENIOR CITIZENS:** Area IV Senior Nutrition – 2021 Allocation, $2000.00

**EXTENTION:** Midcontinent Communications – Internet Service, $22.57; Shari Rossow – Supplies Reimbursement, $18.37; Selby Record – 1 Yr. Subscription, $35.00; Venture Communications – Telephone, $50.77; WBCBS – Insurance Premium, $1977.18;

**WEED CONTROL:** Marco Inc – Copier Usage Contract, $17.11; Shorty’s One Stop – Gas, $105.52; Van Diest Supply Co – Chemical, $3120.00; Western Communications – Radio Maintenance, $8.80

**RD & BR:** Agtegra Coop – Diesel/Gas/Propane, $13,571.39; Butler Machinery – Parts/Supplies, $452.51; City of Java – Water @ Java Shop, $18.00; City of Mobridge – Water @ Mobridge Shop, $49.24; City of Selby – Water @ Selby Shop, $69.50; Dave’s Welding – Repairs, $95.50; Great Western Tire – Tires, $307.90; Jensen Rock & Sand – Cold Mix, $893.20; Marco, Inc – Copier Usage Contract, $17.79; Matheson Tri-Gas – Tank Rental/Supplies, $358.71; Mobridge Hardware – Supplies, $15.12; Mobridge Manufacturing – Supplies, $875.00; MDU – Electricity @ Selby Shop, $229.90; Pheasantland Industries – Signs, $315.92; Selby Oil Co – Repairs, $13.00; Share Corporation – Shop Supplies, $295.81; Uptown Market – Supplies, $8.14; Venture Communications – Telephone/Internet, $276.16; WBCBS – Insurance Premium, $11,300.44; Western Communications – Radio Maintenance, $135.90

EMERGENCY & DISASTER: Active 911, Inc – Subscription, $26.00; AT&T Mobility – Phone/Tablet Service, $87.77; WBCBS – Insurance Premium, $1049.44

**SOLID WASTE**: Agtegra Coop – Fuel, $1535.81; Central Diesel Sales – Parts, $2.80; Dakota Fluid Power – Equipment Repairs, $341.90; Dakota Glass & Alignment – Repairs/Supplies, $676.02; Premier Equipment – Lawnmower/Supplies, $8442.60; Runnings Supply – Supplies, $1783.23; SD Dept of Labor – Unemployment, $272.00; Servall Uniform & Linen – Rentals, $122.07; WBCBS – Insurance Premium, $3148.32; Western Communications – Radio Maintenance, $9.30

SDACO: M &P Remittance, $342.00

**MOBRIDGE-POLLOCK SCHOOL BOND**: US Bank – M-P School Bond, $91,698.75

**MINUTES:** Consider motion to approve Commissioner minutes from May 18, 2021.Cain moved and Schilling seconded. Voting Aye: 5; Nay: 0. The motion was adopted.

Consider motion to approve Commissioner minutes from May 20, 2021.Cain moved and Schilling seconded. Voting Aye: 5; Nay: 0. The motion was adopted.

**STATES ATTORNEY:** Hare requested to approve allocating 10 hours to the States Attorney’s department for debt collection of Poor Relief liens and Court appointed Attorney liens. Cain moved and Schilling seconded. Voting Aye: 5. Nay: 0. The motion was adopted.

The reading of Ordinance 2021-10 Medical and Recreational Marijuana was read by States Attorney Hare. Cain approved the motion of the 2nd reading and Holgard seconded. Voting Aye: 5. Nay: 0. The motion was adopted.

**LANDFILL:** Lewus Morgan presented the monthly report. Huck asked if the accounts are current. Morgan said that only one account is behind for $17,000 and they have 15 days before incurring interest.

Consider motion to approve Morgan register to take the Management of Landfill Operations/MOLO certification class and exam at a cost $740.00 and register to become a member of SWANA for $100. Without the SWANA membership, the cost of MOLO would be $1,072.00. Schilling asked who would be paying for the cost, himself for the County. Morgan said the County would be paying for it since it is to benefit and improve the Landfill. Holgard asked if he Morgan expected his title and salary to change once he is certified and what would happen to Paul Davis’ job then. Mohr clarified that Davis is the Landfill foreman not the manager so Morgan getting certified as Landfill manager would not affect Davis. Once Morgan passes his exams and becomes certified, he will be promoted to Landfill Manager. Schilling requested to add a clause stipulating that Morgan shall repay the county for the cost of the MOLO certification if he leaves before, he completes a year of employment with the County. Cain motioned to approve with the stipulation and Schilling seconded. Voting Ay: 5. Nay: 0. The motion was adopted.

Morgan discussed the recycling trailers at City Hall. People are leaving unrecycled items on these trailers and because there is not enough hired hands at the Landfill, it is all getting dumped as trash. Mohr suggested to pull out the trailers and leave them at the Landfill. Holgard suggested to surplus trailers and bailer.

Consider motion to surplus a Cannon copier which does not work and it has been stored on the first floor of the Courthouse for a few years. Schilling moved and Holgard seconded. Voting Aye: 5. Nay:0. The motion was adopted.

First reading of State Covered Load Ordinance by States Attorney Hare. It was suggested to have an Ordinance drawn up more specific for Walworth County Landfill. A new Ordinance will be presented and read at the next Commissioner’s meeting. Holgard suggested to have a fine of $250 to cover the expense of landfill employees cleaning up after uncovered loads. Hare wanted to ensure that the Landfill have signs at the Landfill regarding uncovered load fines.

There was brief discussion on the rubble site at Mobridge. It only takes wood, not grass. Cain moved to table this topic for another date and Mohr seconded. Aye: 5. Nay: 0. The motion was adopted.

**EMERGENCY MANAGER:** Second reading of Ordinance 2021-11 Fire Hazards was read by Jensen. There was a brief discussion on people having to call the police or fire station before burning and the upcoming 4th of July festivities. Cain moved to approve the 2nd reading with the addition of verbiage, “except for legal use of fireworks. Mohr seconded. Voting Aye: 4. Nay: 1. The motion was adopted.

Jensen had a brief discussion on the SD4440 and SD4463 FEMA road grant update. “The county should be receiving about $56,000 today or next day”.

**FIRE HAZARDS ORDINANCE 2021-11**

WALWORTH COUNTY

ORDINANCE NO. 2021-11

AN ORDINANCE FOR THE REGULATION OF FIRE HAZARDS IN WALWORTH COUNTY.

BE IT ORDIANED by the Board of Walworth County Commissioners that the following restrictions in regard to open burning be imposed:

SECTION 1:

Walworth Cunty Commission may impose a ban to prohibit or restrict open burning in order to protect the public health and safety pursuant to South Dakota Codified Law 7-8-20(18).

SECTION 2:

Open burning defined. For purposes of this ordinance, open burning means the intentional burning of any substance, whether natural or manmade, or the intentional casing off of any burning substance, whether natural or manmade, except the burning of such substance in a container sufficient so as to prohibit the escape of any of the burning substance, or any sparks, flames or hot ashes from the container. The escape of any of such burning substance, or the escape of any sparks, flames or hot ashes from any such container shall be deemed prima facie evidence that the container was insufficient so as to meet the exception from the definition of an open burning set forth herein. The maintaining of a fire in any interior fireplace, stove or furnaces specifically excluded from the definition of an open burning as contemplated by this ordinance. Fireworks which produce sparks are specifically included in the definition of open burning.

SECTION 3:

In the interest of public health and safety no person shall conduct open burning outside the municipalities in Walworth County when the National Weather Service has declared the South Dakota Grassland Fire Danger Index to be in the HIGH, VERY HIGH or EXTREME category or has issued a RED FLAG WARNING for any portion of Walworth County. The prohibition against open burning shall automatically be suspended during any period the South Dakota Grassland Fire Danger Index falls below the HIGH category or RED FLAG WARNING has been rescinded or cancelled by the National Weather Service.

SECTION 4:

Other than when deemed necessary by the fire officials for the preservation of life and/or property, exemptions may not be granted during the conditions identified in Section 3.

SECTION 5:

This ordinance requires that the Mobridge Police Dispatch Center shall be notified before an open burn is conducted in Walworth County, specifying the date, time and place of the open burn. The Mobridge Police Dispatch Center shall also b notified when the open burn is completed. Except for the legal use of fireworks.

SECTION 6:

Violations of this ordinance shall be subject to penalties pursuant to SDCL 7-18A-2; specifying a fine not to exceed five hundred dollars for each violation, or by imprisonment; and an action of civil injunctive relief, pursuant to South Dakota Codified Law 21-8.

All ordinances or parts thereof in conflict herewith are hereby repealed.

Adopted this\_\_\_\_\_ day of \_\_\_\_\_\_\_, 2021.

First reading:

Public Hearing:

Adoptions:

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James Houck, Chairperson

Walworth County

ATTEST:

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Eva Cagnones, Auditor

Walworth County, South Dakota

**SHERIFF:** Deputy Sheriff, Justin Jungwirth requested to consider motion to approve the contract with Roberts County for Walworth County inmate housing at $90.00 per adult per night and $200.00 per juvenile per night. Also included is medical and emergency transportation by Roberts County at an hourly rate of $20.00 and .42 cent rate per mile.

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

First reading of SDCL 24-11-13 Ordinance 2021-12 Establish Jail Administrator. Read by Holgard.

Holgard moved and Schilling seconded. Rollcall vote. Houck: Yes. Mohr: Yes. Schilling: Yes. Cain: Yes. Houck: Yes. The motion was adopted.

**ORDINANCE SDCL 24-11-13:**

**Be it ordained by Walworth County**, that pursuant to SDCL 24-11-13, there is hereby designed an officer to be hereafter referenced as a Jail Supervisor who shall have charge of any new facility owned and operated by Walworth County and of all persons by law confined therein.

The Jail Supervisor position shall be appointed by the County Commission and shall serve at the pleasure of the County Commission.

The jail Supervisor shall be appointed by the County Commission and shall prepare and submit independent budgets, employee numbers and wages to the Commission for approval in the same manner as other non-elected county Department Heads.

The Jail Supervisor shall have authority to hire and fire employees necessary to run and administer the Cunty Jail, subject to approval of the County Commissioner designated to oversee the Jail facility.

APPROVED: Walworth County Commission

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James Houck. Chairperson

Passed First Reading: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Passed second Reading: \_\_\_\_\_\_\_\_\_\_\_\_

Adopted: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Published: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Effective: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ATTEST: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Eva Cagnones, Auditor

**HIGHWAY:** Create aMaster Transportation Plan Board of 5 to 7 local county residents. Houck suggested 1 resident per district. Schilling suggested appointing 7 residents. Will need to ask Gary Byre for potential candidates.

**AUDITOR:** Consider motion to approve banking access for new Deputy Auditor, Jessica Bostelmann with the same level of accessibility as Deputy Auditor Marcje Keller and Auditor Eva Cagnones. Holgard moved and Mohr seconded. Voting Aye: 5; Nay: 0. The motion was adopted.

Discussion took place on moving employee insurance benefits from Key Agency Inc. to Risty Benefits Inc. Cain spoke of a potential savings to the county of about $60,000 up to $90,000. Auditor Cagnones mentioned she was notified by Fischer Rounds/Key Agency that an increase for 2022 is very likely but did not get a percentage of the increase. Cagnones mentioned that from 2020 to 2021 there was an increase to the county’s healthcare premiums of 8.85% and there was increase of 7.25% from 2019 to 2020. Holgard asked if there is a way that we can have the county’s renewal date set for October 1st. so that we have the cost of benefits forecast earlier when we the county works on the upcoming year’s budget. Cagnones will inquire if this is a possibility. Cain asked to consider moving the Life, Vision and Dental to Risty Benefits effective July 1st. However, because a motion was not put on the agenda, the Commissioners could not make a motion. It will be put on the agenda for the next Commissioner meeting, June 15th.

**OLD BUDINESS:**

Mohr mentioned that the Auctioneer has moved the surplus items sale date to late June 2021.

**NEW BUSINESS:**

Holgard asked Greg Pudwill if there have been any changes to Zoning Ordinances. Pudwill said there were no changes, only the creation of a Zoning Board.

**ADJOURNMENT:**

Holgard moved and Mohr seconded that the Board of County Commissioners adjourn until the hour of 9:00 am June 15, 2021. Voting Aye: 5; Nay: 0.

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**JIM HOUCK, CHAIRPERSON**

**ATTEST:**

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**EVA CAGNONES, AUDITOR**

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