July 20, 2021

9:00 A.M.

**WALWORTH COUNTY BOARD OF COMMISSIONERS**

**MINUTES OF PROCEEDINGS**

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

The Pledge of Allegiance was recited by those in attendance.

**AGENDA:**

Holgard moved and Mohr seconded to approve the meeting agenda with the addition to add discussion on Opt Out Resolution 2021-11, add discussion/act on Colorado team travel, add discussion/act on Master Transportation Plan Committee County Commissioner appointment and add discussion/act on Courthouse AC units. Add additional claims for Poor relief. Voting Aye: 5, Nay: 0. The motion was adopted.

**CLAIMS APPROVED:**

Holgard moved and Cain seconded that the following claims be paid. Voting Aye: 5, Nay: 0. The motion was adopted.

COMMISSIONERS: Marco – Copier Usage Contract, $17.84; Selby Record – Publications, $35.00; Uptown market – Funeral Plant, $44.99; Venture Communications – Fax Service, $47.81; WBCBS – Insurance Premium, $5003.80

COURTS: West Payment Center – Books/Bound Volumes, $22.76

AUDITOR: Cardmember Service – Postage/Rental/Monitors, $910.98; Marco, Inc – Copier Usage Contract, $87.35; Quill Corporation – Office Supplies, $76.74; Venture Communications – Telephone Service, $84.99; WBCBS – Insurance Premium, $3026.62

TREASURERS: Cardmember Service – Postage/Rental/Stamper, $116.52; Marco, Inc – Copier Usage Contract, $17.48; Venture Communications – Telephone Service, $80.89; WBCBS – Insurance Premium, $4076.10

STATES ATTORNEY: Cardmember Service – Postage/Rental, $194.99; Kristi A Brandt – Transcripts, $47.60; Jerald Bleyle Jr – Subpoena, $20.00; Venture Communications – Telephone Service, $116.36; WBCBS – Insurance Premium, $5003.80

COURT APPT ATTY: Cogley Law Office – Services & Fees, $5082.40; Mark K Kroontje – Services & Fees, $986.79

ABUSED CHILD DEFENSE: Kristi A Brandt – Transcripts, $10.80

COURTHOUSE: Cummins Central Power – Generator Service, $810.53; Heartland Waste – Garbage/Grass Service, $150.00; Louis Schmidt – Supplies Reimbursement, $7.46; Servall Uniform & Linen, Rentals, $65.48; WBCBS – Insurance Premium, $1049.44

DIRECTOR OF EQUALIZATION: Cardmember – Postage/Rental/Travel, $712.45; Marco, Inc – Copier Usage Contract, $16.29; SDAAO – Workshop Fees, $720.00; Venture Communications – Telephone Service, $53.83; WBCBS - $2623.60

REGISTER OF DEEDS: Cardmember – Postage/Rental, $47.87; Marco, Inc – Copier Usage Contract, $16.53; WBCBS – Insurance Premium

SHERIFF: Avera Occupational Medicine – Services, $174.00; Cardmember Service, Postage/Car Washes/Gas/Office Supplies, $1904.59; City of Selby, Holding Trailer Utilities, $121.15; Connecting Point – Monthly Storage, $208.00; Cummins Central Power – Generator Service, $674.05; Dakota Glass & Alignment – Windshield Repairs, $327.15; EAPC Architects – Professional Service, $10,181.05; Kens Western Lumber – Supplies, $6.79; Marco – Copier Usage Contract, $16.26; McLeods Printing – Supplies, $170.07; Mobridge Regional Hospital – Services, $84.00; Louis Schmidt – Supplies Reimbursement, $7.46; Selby Oil Co – Vehicle Oil Change, $106.00; Shorty’s One Stop – Diesel, $65.11; WBCBS – Insurance Premium, $6174.94; Western Rancher – Service, $28.00; Winner Police Dept – Transport/Load/Guard Fees, $267.52

JAIL: Accounts Management – Check Re-issue/Garnishments, $100.00; Beadle County – Inmate Boarding, $4326.00; Cardmember Service – Inmate Meals, $165.25; Edmunds County – Inmate Boarding, $1377.50; Family Pharmacy – Inmate RX Supplies, $18.96; Lewis Drug – Inmate RX Supplies, $53.89; Mobridge Regional Hospital – Jail Medical, $1263.21; SD Dept of Labor – Employee Unemployment, $2286.60; Senior Nutrition Site – Inmate Meals, $210.00; The Winner Pharmacy – Inmate RX Supplies, $22.44; Winner Police Dept – Inmate Boarding, $15,422.00

CORONER: Geib, Elston, Frost PA – Coroner Services, 1675.00

SUPPORT OF POOR: Venture Communications Coop – Telephone Service, $24.66

MENTALLY ILL: SD Dept of Revenue – HCS Fees, $600.00

DEV DISABLED: SD Dept of Revenue – SDC Fees, $60.00

MENTAL ILLNESS BOARD – Dean Schaefer Court Reporting – Transcripts, $96.00

EXTENSION: Cardmember – Postage/Rental, $6.25; Marco – Copier Usage Contract, $16.29; SDSU Extension – Services, $15.00; Venture Communications – Telephone Service, $51.00; WBCBS – Insurance Premium, $1977.18

WEED CONTROL: James Austin – Supplies Reimbursement, $15.96; Van Diest Supply – Chemical, $4785.40

HIGHWAY: Aberdeen Area Radiator – Repairs, $1920.00; Accounts Management – Check Re-issue/Garnishments, $103.23; Heartland Waste Management – Garbage Service, $60.00; Hoven Coop Service – Gas/Diesel, $1494.30; Lucky’s Gas – Gas, $121.75; Midwest Truck Parts – Parts, $534.54; MDU – Utilities, $26.44; SD Dept of Labor – Excise Tax, $23.89; Servall Uniform & Linen – Rentals, $56.78; TNT Gas – Supplies, $50.00; WBCBS – Insurance Premium, $10,372.68

COMMUNICATION CENTER: City of Mobridge – 911 Surcharge, $4677.63

EMERGENCY & DISASTER: Cardmember Service – Supplies, $2470.12; Gas N Goodies, Gas, $85.24; The Open Canvas – Supplies, $145.26; WBCBS – Insurance Premium, $1049.44

LANDFILL: Accounts Management – Re-issue Check/Garnishment, $188.05; Cardmember Service – Postage/Rental, $45.00; Marco, Inc – Copier Usage Contract, $16.29; WBCBS – Insurance Premium, $3,148.32

STATE ACCOUNT FUND: SD Dept of Revenue - ROD/MV Fees, $150,240.15

SCHOOL DIC FUND: CorTrust Bank – June 2021 Apportion, $7,699.59; Hoven School District - June 2021 Apportion, $4,943.50; Dacotah Bank - June 2021 Apportion, $41,750.55; Bank West - June 2021 Apportion, $49,103.10

CITIES & TOWNS FUND: City of Mobridge - June 2021 Apportion, $20,058.24; Bank West - June 2021 Apportion, $3,032.39; Dacotah Bank, $925.89; Bank of Hoven - June 2021 Apportion, $218.99

PARTIAL PYMTS FUND: Walworth County Treasurer – Records #5632/5245/4069, $1447.22

SALES/EXCISE TAX FUND: Cardmember Service – State Sales Tax, $459.07

JAVA FIRE DIST FUND: Bank West - June 2021 Apportion, .32

BOWDLE FIRE FUND: Cortrust Bank – June 2021 Apportion, $66.47

**MINUTES APPROVED:**

Holgard moved and Mohr seconded to approve the minutes from June 15, 2021. Voting Aye: 5, Nay: 0. The motion was adopted. Holgard moved and Mohr seconded to approve the minutes from July 8, 2021 with the following changes/corrections; page 4 under Highway, KLS to KLJ to read, “Holgard moved and Schilling seconded to approve a cost proposal by KLJ”. Page 5 under Landfill; add the word “will” to read, “Appliances and other heavy materials which by its nature will not blow away”. Page 6 under Jail; remove, “two engineers” and replace with “people” to read, Holgard had two people from Colorado come look at the facility and consult”.

**POOR RELIEF:**

Brenda DeToy presented and asked to consider the approval of funeral application case #202182 cost for burial $2,500, funeral home $3,338 and concrete liner $750. Holgard moved and Mohr seconded. Voting 5: Aye; Nay: 0. The motion was adopted.

**COMMISSIONERS:**

Schilling began discussion on Opt Out Resolution 2021-11. The resolution should have had wording to explain that the Opt Out is for the jail only. Cain stated that the verbiage on the resolution is set by statute and the only thing that could be added to it was the dollar amount requested. Holgard said that the resolution letter mailed out should have been approved by the commissioner board. Schilling asked to rescind the Opt Out Resolution letter which was mailed out to the taxpayers. Cain said “we are following statute. We can have public meetings and send out another letter to educate the public. We are following the law”. Mohr is in favor of sending another letter educating the public on the Opt Out. Mary Massingill who was present as part of the public, asked the board, “who determines how the letter reads, the legislature?” The answer was, “yes”. Mohr suggested to hold a public Q&A meeting. Cain said to do so after meeting with the Holgard’s Colorado team. Cagnones stated that the election day for the Opt Out will be September 21, 2021. Holgard said that Jeff from Colorado will be flying in with a team of 4 or 5 guys on Monday August 2, 2021 and will be staying for 2 nights at New Evarts. Holgard requested to consider motion to approve the county paying for their boarding costs of approximately $300 from the commissioner contingency fund. Mohr motioned and Holgard seconded. Voting Aye: 5, Nay: 0. The motion was adopted.

**HIGHWAY:**

Byre presented the monthly report. Byre mentioned that bids will be accepted on August 3, 2021 at 10: a.m. MDU is requesting the board to provide a franchise agreement. Byre revisited the discussion/act on Gordon Hangstrom’s job title and compensation. Holgard motioned and Houck seconded to approve a .50 cent wage increase for the completion of his 90-day probationary period. Voting Aye: 5; Nay: 0. The motion was adopted. Holgard moved and Mohr seconded to approve job title of Assistant Mechanic with an additional wage increase of $1.00. Voting Aye: 5; Nay 0. The motion was adopted. Consider motion, sign and approve Utility Easement Agreement with Jean and Joan Hettich. Cain suggested to have a legal description to record it with the Register of Deeds for 5 years. Holgard moved and Mohr seconded. Voting Aye: 5; Nay: 0. The motion was adopted. Consider motion to appoint Scott Schilling to county master Transportation Plan. Cain moved and Mohr seconded. Schilling abstained from vote. Voting Aye: 4; Nay: 0. Motion was adopted.

**SHERIFF:**

Boll presented the monthly report. Also presented was the monthly medical report and the transport monthly report.

**EMERGENCY MANAGER:**

Jensen updated the Commissioners on project DR4463. A check for about $8,300 has already been received and another check for about $4,000 for administrative costs will be received soon. “We are all wrapped up with FEMA.” Jensen also discussed the pre-disaster litigation grant for Hiddenwood. Clark Engineering will have the job completed by September.

**LANDFILL:**

Commissioner Cain read the Covered Load ordinance 2021-12. Mohr moved and Holgard seconded to approve the second reading Voting: Aye: 5; Nay: 0. Motion was adopted.

**COVERED LOAD ORDINANCE 2021-12**

WAKWORTH COUNTY

ORDINANCE NO. 2021-12

AN ORDINANCE FOR THE REGULATION PF CPVERED LOADS IN WALWORTH COUNTY

BE IT ORDAINED by the Board of Walworth County commissioners that the following restrictions in regard to covered loads be imposed.

SECTION 1:

Walworth County Commission may impose an ordinance for covered loads in order to protect the public health and safety pursuant to South Dakota Codified Law 7-8-20(18).

SECTION 2:

**Transporting refuse to landfill or Rural Container Sites:**

ALL VEHICLES OR TRAILERS SHALL BE COVEREED OR SECURE.

Vehicles used for transporting rubble, compost, tree limbs (less than 8 inches), household garbage and other waste material shall be transported in an enclosed covered vehicle having appropriate side and rear gates to prevent its load from dropping, sifting, leaking, or otherwise escaping from vehicle.

SECTION 3:

Untarped or Nonsecured Loads:

Tarping Exceptions: Large rocks, concrete, large trees (over 8 inches and less that 8ft. in length), appliances and other heavy material which by its nature will not blow away.

Items in the exception category still require appropriate end and side gates and additional restraints (ropes, chains, straps, etc.) as necessary.

SECTION 4;

ALLLOADS MUST:

* Be covered or secure
* Weighed In & Out: Scale operator inspects & directs load to proper location.
* Be in and unloaded by listed closing time.
* Separate materials & place in designated location by listed material type.
* The Walworth County Commission’s Covered Loads Policy was adopted to supplement existing state laws and local ordinances, in order to reduce the potential for accidents and roadside litter as loose items could fall or blow from vehicles in transit to the landfill.

SECTION 5:

Improperly loaded vehicle unlawful-Violation as misdemeanor. No person may drive or move any vehicle on any highway unless such vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping therefrom. A violation of this section is a Class 2 misdemeanor; SDCL 32-5-28.

SECTION 6:

Violations of this ordinance shall be subject to penalties pursuant to SDCL 7-18A-2; specifying a fine not to exceed one hundred twenty-five dollars for each violation, or by imprisonment for a period not to exceed thirty days doe each violation, or by both the fine and 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.

**STATES ATTORNEY:**

Cain approved and Mohr seconded to approve the Corrective Quit Claim Deed which corrects the date to Feb 6, 2017 on Docs #17-69 with Walworth County and Scott Schilling / Deb Berens. Schilling abstained from voting. Voting Aye: 4; Nay; 0. The motion was adopted.

**AUDITOR:**

Cain moved and Mohr seconded to approve opening a separate Walworth County Money Market account with Bankwest of Selby with web banking authorization and point of contact to Treasurer, Cindy Geier and Auditor, Eva Cagnones. This account will be for the purpose of the American Rescue Plan money. Voting Aye: 5; Nay: 0. Motion was adopted.

Cain moved and Holgard seconded to approve travel to the SDACO convention during Sept 12-14 and the treasurer staying until the 15th for additional training. The convention will be held in Rapid City, SD to all county officers and deputy auditor. Voting: Aye: 5; Nay: 0. Motion was adopted.

**TREASURER:**

Geier presented the monthly report. Holgard had a question about the difference in the interest earned. Geier explained that the CDs were not earning much interest, so they were moved to the Money Market account where the interest is higher. Holgard asked Cagnones if the auditor’s numbers match with the treasurers. Cagnones answered, “No.” The Auditor and the Treasurers have not matched in a few years. In the past, the Auditor was not balancing with the treasurer, but as of April, both departments began doing so and are getting much closer to matching. Mohr moved to approve the monthly report and Cain seconded. Voting Aye: 5; Nay: 0. The motion was adopted.

**COURTHOUSE:**

Louie Schmidt, discussed the necessity to replace a few air conditioners in the courthouse, specifically in the Auditor’s and State’s Attorney offices. The units shut off after a few hours of use. Schilling suggested to have Schmidt obtain a few quotes from Allied of Aberdeen, Hase of Selby and Zuber of Gettysburg.

**EXECUTIVE SESSION:**

Mohr moved and Holgard seconded to enter into Executive Session at 10:07 a.m. per SDCL 1-25-2(1) regarding a personnel matter. Voting Aye: 5; Nay: 0. The motion was adopted.

Schilling declared the executive session ended at 10:18 a.m. No action was taken.

**OLD BUSINESS:**

Cain said that Holgard’s jail proposal with the Shopko building did not incorporate the law enforcement. Cain asked Sheriff Boll to explain the use of the inmate holding trailer. Boll said that there is no juvenile holding facility. The juveniles have to sit in the Sheriff’s office with the Sheriff’s administrative assistant or sit in a car. Boll added that with the Shopko facility, there is still the transport and temporary holding issue in Selby for court. There is also the need for Sheriff’s department space. There are no private rooms for recording interviews, fingerprinting and storage. Mohr discussed the attorneys traveling to Mobridge to meet with clients. There will be mileage reimbursement costs. Cain: ‘We can’t just fix half the problem. We need to look at the whole problem”.

**NEW BUSNESS:**

Holgard discussed plans for Shopko facility. Holgard asked Boll if he has any after school plans for kids’ programs. Boll answered that currently they have the D.A.R.E program, but it is not an after-school program and that he and officers actually go to the schools to meet with the kids. Holgard said, “we should come up with some after school programs to prevent criminal activities and arrests.” Boll said that he can’t see having children in the same building as the inmates. Holgard said that Boll can use the extra space for storage, like vehicles.

**ADJOURNMENT:**

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

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

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**SCOTT SCHILLING, COMMISSIONER**

**ATTEST:**

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**EVA CAGNONES, AUDITOR**

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