July 8, 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 8th, 2021 at 9:00 a.m. at the County Courthouse. Members present were: Jim Houck, Duane Mohr, Rick Cain, Scott Schilling and Kevin Holgard. Also, present was States Attorney Jamie Hare and Auditor, Eva Cagnones.

The Pledge of Allegiance was recited by those in attendance.

**WALWORTH COUNTY PLANNING AND ZONING BOARD:**

Schilling moved and Cain seconded to approve the following plat as listed below. Voting Aye: 5; Nay 0. The motion was adopted.

Plat of Bohle Subdivision in the SE3 of Section 17 – T124N – R 76W of the 5th P.M.  Walworth County, South Dakota. “Be it resolved by Walworth County Board of Commissioners that the Bohle subdivision located SE 4 17-124-76, Walworth County, South Dakota, having been examined, is hereby approved in accordance with the provisions of SDCL, Chapter 11-3, and any amendments thereof”.

Plat of Stiegelmeier Subdivision in the NE4 of Section 30-T123N-R76W of the 5th P.M.  Walworth County, South Dakota “Be it resolved by Walworth County Board of Commissioners that the Plat of Tract ? Steigelmeier subdivision located Lot 1 NE 4 30-123-76, Walworth County, South Dakota, having been examined, is hereby approved in accordance with the provisions of SDCL, Chapter 11-3, and any amendments thereof”.

There was no new or old business to report. Holgard moved and Schilling 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:**

Holgard moved and Cain seconded to approve the meeting agenda with the addition of the second reading of the Covered Load Ordinance 2021-12, moving agenda items #17 & #18 to go after item #20, to add Planning and Zoning Plat approvals by Board of Commissioners, Highway dept to add discussion / act on Power of Agreement with JRS, add discussion on Master Transportation Plan. Voting Aye: 5, Nay: 0. The motion was adopted.

**CLAIMS APPROVED:**

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

**COMMISSIONERS: Marco Inc – Copier Usage Contract, $21.87; Mobridge Tribune – Publications, $534.57; Selby Record – Publications, $495.72; Venture Communications Coop – Utilities, $48.04**

**COURTS: Relx Inc. DBA LexisNexis – Library Supplement, $614.00; West Payment Center – Library Subscription, $22.86**

**AUDITOR: Eva Cagnones – Supplies Reimbursement, $55.00; Clubhouse Hotel & Suites – Travel, $105.68; Connecting Point – Backup & Replication, $75.00; Marco Inc – Copier Usage Contract, $36.56; Midcontinent Communications – Services, $22.57; Ramkota Hotel & Conference – Travel, $202.00; Venture Communications Coop – Services, $64.55**

**TREASURERS: Clubhouse Hotel & Suites – Travel, $105.68; Marco Inc – Copier Usage Contract, $19.93; Midcontinent Communications – Services, $22.57; Quill Corporation – Toner, $249.19; Ramkota Hotel & Conference – Travel, $101.00; Venture Communications Coop – Services, $86.12**

**STATES ATTORNEY: Renee Bear Stops – Services, $511.84; Kristi A. Brandt – Services/Transcripts, $124.60; Lynette Kleinschmit – Services, $157.64; Midcontinent Communications – Services, $22.58; Mobridge Regional Hospital – Services, $288.00; Mobridge Tribune – Publications, $101.39; Quill Corporation – Supplies, $177.92; SD Public health Laboratory – Services, $80.00; Venture Communications Coop – Services, $595.41; Sarah Weber – Services, $396.20**

**COURT APPOINTED ATTORNEY: Cogley Law Office – Services & Fees, $3841.68; Mark K Kroontje – Services & Fees, $4633.37**

**ABUSED CHILD DEFENSE: Kristi A Brandt – Services/Transcripts, 180.80; Cogley Law Office – Servies & Fees, $2694.90; Von Wald Law Offices – Services & Fees, $121.25**

**COURTHOUSE: City of Selby – Services, $1385.74; Cole Papers – Supplies, $285.65; Kens Western Lumber – Supplies, $4.00; Montana-Dakota Utilities – Utilities, $922.59; Pfitzer Pest Control LLC – Services, $77.18; Premier Equipment – Services, $1800.00; Louis Schmidt – Services/Reimbursement, $137.83**

**DOE: Marco Inc – Copier Usage Contract, $19.05; Midcontinent Communications – Services, $22.57; Quill Corporation – Supplies, $1350.92; Selby Auto Sales & Services – Oil Change, $137.40; Shorty’s One Stop – Gas, $35.21; Vanguard Appraisals Inc – Annual Services & Fees, $6750.00; Venture communications Coop – Services, $54.04**

**ROD: Clubhouse Hotel & Suites – Travel, $105.68; Marco Inc – Copier Usage Contract, $18.63; Midcontinent Communications – Services, $22.57; Casi Thomason – Supplies Reimbursement, $66.00; Venture Communications Coop – Services, $53.03**

**SHERIFF: Allied 100 – Supplies, $5580.64; AT&T Mobility – Services, $297.54; Axon Enterprise – Services, $590.10; Beadle Ford Inc – Oil Change, $95.00; Dakota Glass & Alignment – Supplies, $839.91; Double Duty Portable Storage – Services & Fees, $2439.58; Galls LLC – Supplies, $9.79; Brad Hompe – Services, $3778.70; John Stefanich DBA – Services, $440.00; Carol Leavitt – Services, $130.00, Marco Inc – Copier Usage Contract, $18.81, Midcontinent Communications – Services, $22.57; Montana-Dakota Utilities – Services, $370.38; Pfitzer Pest Control LLC – Services, $70.91; Andrea Sandmeier – Services, $65.00; Schick’s Repair & Service – Services, $42.60; Selby Oil Company – Oil Changes, $352.00; Selby Record – Publications, $66.00; Venture communications Coop – Services 376.57; Western Communications Inc – Services, $21.60**

**JAIL: Brown County Sheriff – Boarding, $1140.00; Dakota Glass & Alignment LLC – Services, $656.51; Meade County – Boarding, $240.00; Merkel’s Foods – Meals/Water, $11.15; Mobridge Regional Hospital – Services, $2371.96; Senior Nutrition Center – Meals, $540.00; Winner Regional Hospital – Services, $4593.80**

**CORONER: Clinical Laboratory OF – Autopsy, $1675.00; Ripley Funeral Home – Transport/Autopsy, $600.00; Monument Health, INC – Autopsy, $922.00**

**SUPPORT OF POOR: Brenda DeToy –Travel Reimbursement, $73.92; Venture Communications Coop – Services, $24.76**

**DEV DISABLED: Dakotabilities – 3rd Qtr 2021 Fees, $180.00**

**MENTALLY ILL BOARD: Lucy Lewno – Services, $196.51**

**SENIOR CITIZENS: Mobridge Senior Citizens – 2021 Allocation, $5,000.00**

**EXTENSION: Midcontinent Communications – Services, $22.57; Shari Rossow – Travel, $80.38; Venture Communications Coop – Services, $50.77**

**WEED CONTROL: Selby Auto Sales & Service – Supplies, $33.90; Shorty’s One Stop – Gas, $37.88; Valley Telecommunications – Services, $70.00; West River Telecommunications – Services, $40.67; Western Communications Inc – Services, $8.80**

**RD & BR: Agtegra Cooperative – Supplies, $920.64; Bierschback Equipment & Supply – Supplies, $323.86; Butler Machinery Co – Supplies -- $923.71; Cam Wal Electric Cooperative – Services, $44.86; Central Diesel Sales Inc – Supplies, $13.10; City of Java – Services, $18.00; City of Mobridge – Services, $49.30; City of Selby – Services, $72.85; Dakota Fluid Power Inc – Services, $36.19; Diamond Mowers LLC – Supplies, $389.90; Farnams Genuine Parts – Supplies, $151.92; Fire Safety First – Supplies, $341.00; Floyd’s Truck Center – Supplies, $374.37; Great Western Tire Inc – Supplies, $60.00; GTC Auto Part – Supplies, $60.72; Hase Plumbing Heating & Air – Supplies, $75.39; Jensen Rock & Sand Inc – Chip Seal, $7148.00; John Deere Financial – Supplies, $4.20; Kens Western Lumber – Supplies, $193.34; KLJ Engineering LLC – Asphalt Service, $2910.68; Gene Klug – Repairs/Selby Shop, $61.22; Louseau Construction – Services, $19354.96; Marco Inc – Copier Usage Contract, $19.10; Montana-Dakota Utilities – Utilities, $234.54; Runnings Supply Inc – Supplies, $170.69; Selby Auto Sales & Service – Supplies, $1023.90; Selby Oil Company – Services & Supplies, $572.60; Shorty’s One Stop – Gas, $1395.35; Team laboratory Chemical LLC – Services, $6694.50; Trans Source Truck & Equipment – Services, $823.03; Valley Telecommunications – Services, $70.00; Venture Communications Coop – Services, $276.20; West River Telecommunications – Services, $38.27; Western Communications Inc – Services, $135.90**

**COMMUNICATION CENTER: City of Mobridge – June 911 Surcharge, $29127.53**

**EMERGENCY & DISASTER: AT&T Mobility – Services, $87.77; Dakota Glass & Alignment LLC – Oil Change, $76.75; Jeff Jensen – Supplies & Meal Reimbursement, $29.00; Mobridge Fire Dept – Supplies, $806.67; Selby Record – Publications, $66.00**

**REGISTER OF DEEDS: Quill Corporation – Supplies, $396.92**

**SOLID WASTE: Agtegra Cooperative – Fuel, $1411.47; Central Diesel Sales Inc – Coolant, $139.83; Dakota Glass & Alignment – Services, $120.00; Dept of AG & Natural Resources – Services & Fees, $50.00; Fire Safety First – Services -- $150.00; GTC Auto Parts – Supplies, $69.66; Landis Machine –Services, $930.91; Lucky’s Gas & More – Gas, $295.35; Matheson Tri-Gas Inc – Supplies, $41.40; Mobridge Hardware – Supplies, $123.95; Premier Equipment – Supplies, $5.50; Runnings Supply Inc – Supplies, $361.15; SD Dept of Environment – Tonnage Fee, $1110.61; Servall Uniform & Linen – Supplies, $57.26; Shorty’s One Stop – Gas, $8.41; Trans Source Truck & Equipment – Supplies, $172.90; Valley Telecommunications – Services, $132.11; Web Water Development – Services, $44.60; Western Communications Inc – Services, $9.30; Yates Haying & Trucking – Surplus Sale, $168.00**

**PARTIAL PYMTS FUND: Walworth County Treasurer – NSF Balance, $450.87**

**SDACO M & P FUND: June M & P Remittance, $284.00**

**As required by SDCL-1-1-10, the complete March payroll paid by department was as follows;**

Commissioners - $9551.55; Auditors - $13,481.92; Treasurers - $10,698.81; States Attorney - $15,772.70, Courthouse - $4,012.81; Director of Equalization - $10,445.03; Register of Deeds - $7,012.88; Veterans Service - $1,261.08; Sheriff - $45,648.45; Poor - $709.73; Extension - $4,446.08; Zoning - $1,360.96; Highway - $24,688.97; Emergency Management - $3,518.77; Landfill - $19,437.38

**As required by SDCL-1-1-10, the complete April payroll paid by department was as follows;**

Commissioners - $10,989.19; Auditors - $13,017.21; Treasurers - $16,287.00; States Attorney - $21,753.74, Courthouse - $5,462.96; Director of Equalization - $15,094.08; Register of Deeds - $9,787.37; Veterans Service - $1,891.62; Sheriff - $74,974.71; Poor - $1,472.11; Extension - $5,906.08; Zoning - $274.35; Highway - $65,038.07; Emergency Management - $6,390.62; Landfill - $26,759.42; Weed and Pest - $452.90.

**As required by SDCL-1-1-10, the complete May payroll paid by department was as follows;**

Commissioners - $8,785.78; Auditors - $10,258.07; Treasurers - $12,037.29; States Attorney - $16,153.36, Courthouse - $4,012.81; Director of Equalization - $10,903.03; Register of Deeds - $7,012.88; Veterans Service - $1,261.07; Sheriff - $49,181.77; Poor - $1,070.87; Extension - $4,446.09; Zoning - $323.89; Highway - $51,684.80; Emergency Management - $4,631.22; Landfill - $19,292.68.

**PUBLIC FORUM:**

Patty Roebuck; in reference to agenda item #19 County Landfill land for haying. Asking to hay the land to the north of her property. Cain moved and Schilling seconded to approve Ms. Roebuck to hay to the north of N2S2 Lying W of perimeter HWY 36-124-79. Ms. Roebuck asked to purchase 3.3 acres of N2S2 Lying W of perimeter HWY 36-124-79.Landfill County land on Holgard said that the property would need to be declared as surplus have a public auction. Schilling would rather have an exchange of property than having a public auction. Also discussed was the garbage that gets suck in Ms. Roebuck’s fence. Houck suggested that the problem will be looked into and come up with solution to fix it.

**EXECUTIVE SESSION:**

Cain moved and Holgard seconded to enter into Executive Session at 9:23 a.m. per SDCL 1-25-2(1) regarding a personnel matter. Voting Aye: 5; Nay: 0. The motion was adopted.

Houck declared the executive session ended at 10:17 a.m. No action was taken.

**HIGHWAY:**

Holgard moved and Mohr seconded to reappoint Gary Byre as Walworth County Highway Superintendent.

Cain moved and Schilling seconded to approve the transfer of the John Deere mower tractor from the landfill to the highway dept instead of it going to surplus sale and to transfer the proceeds from the sale of highway department’s mower tractor which sold at the surplus sale auction to the Landfill. Voting Aye: 5; Nay: 0. The motion was adopted.

Cain moved and Schilling seconded to approve the 90 day probationary completion of Gorgon Hangstrom effective July 19, 2021. No motion was taken on a title or wage change. It will be discussed / act on the next commissioner meeting. Voting Aye: 5; Nay: 0. The motion was adopted.

There was a discussion on Hangstrom’s employee insurance benefits. Cain asked the auditor if it can be effective on July 19th, Cagnones said Wellmark Health only chooses the 1st of the month as an effective date. Cain asked Cagnones to check with Wellmark.

Holgard moved and Schilling seconded to approve a cost proposal by KLS for an environmental study on D1SR keeping the cost under $6,700. Voting Aye: 5; Nay: 0. The motion was adopted.

Byre discussed the scrap metal which was surplus to be sold at the public auction, however it was forgotten by the auctioneer. Cain suggested that it gets appraised. Cain moved and Schilling seconded to approve the sale of scrap metal on August 3, 2021. Voting Aye: 5; Nay: 0. The motion was adopted.

Cain moved and Schilling seconded to approve the Master Transportation Plan. Voting Aye: 5; Nay: 0. The motion was adopted.

Schilling moved and Mohr seconded to approve the joint power of agreement with JRS to asphalt after chip sealing. Voting Aye: 5; Nay: 0. The motion was adopted.

**EXECUTIVE SESSION:**

Schilling moved and Holgard seconded to enter into executive session at 10:36 a.m. per SDCL 1-25-2(1) regarding a legal matter. Voting Aye: 5; Nay: 0. The motion was adopted.

Chairman Houck declared the executive session ended at 10:50 a.m.

**EXTENSION / 4-H:**

Cain moved and Schilling seconded to ratify hiring Ashley Hanson as part time extension/4-H assistant to Sharri Rossow at $15.95 an hour. Voting Aye: 5; Nay: 0. The motion was adopted.

**SHERIFF:**

Mohr moved and Cain seconded to approve contract with Beadle County Jail at $80.00 a day for adult male/female inmate housing. Voting Aye: 5; Nay: 0. The motion was adopted.

**LANDFILL:**

Mohr stated that he would like to surplus a 500-gallon gas barrel with trailer.

Cain moved to surplus the equipment and Schilling seconded it. Voting Aye: 5; Nay: 0. The motion was adopted.

Mohr also would like to surplus 4 tires that are unusable with permission to destroy them. Cain moved and Holgard seconded. Voting Aye: 5; Nay: 0. Motion was adopted.

**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. For the purpose of the American Rescue Plan money. Voting Aye: 5; Nay: 0. Motion was adopted.

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

**LANDFILL:**

States Attorney Hare read the second reading of the Covered Load ordinance 2021-12. Cain moved and Hilgard seconded to approve the second reading with the inclusion of changed language to “Appliances and other heavy materials which by its nature not blow way”. Voting: Aye: 5; Nay: 0. Motion was adopted.

**COMMISSIONERS:**

Schilling moved and Cain seconded to approve the following plat as listed below. Voting Aye: 5; Nay 0. The motion was adopted.

Plat of Bohle Subdivision in the SE3 of Section 17 – T124N – R 76W of the 5th P.M.  Walworth County, South Dakota. “Be it resolved by Walworth County Board of Commissioners that the Bohle subdivision located SE 4 17-124-76, Walworth County, South Dakota, having been examined, is hereby approved in accordance with the provisions of SDCL, Chapter 11-3, and any amendments thereof”.

Plat of Stiegelmeier Subdivision in the NE4 of Section 30-T123N-R76W of the 5th P.M.  Walworth County, South Dakota “Be it resolved by Walworth County Board of Commissioners that the Plat of Steigelmeier subdivision located Lot 1 NE 4 30-123-76, Walworth County, South Dakota, having been examined, is hereby approved in accordance with the provisions of SDCL, Chapter 11-3, and any amendments thereof”.

**JAIL:**

Holgard began discussion on the Shopko jail/ Behavioral Modification Facility. At no cost to the county, Holgard had two engineers from Colorado come look at the facility and consult. The current facility is 50,400 square feet, at a cost of 1.5 million dollars, that brings the cost to $29.76 per square feet. Holgard suggests using Drake construction out of Denver, CO and Trustbuilt Systems out Huron, SD. They will only need about 18,000 square feet which leaves plenty of space for offices, future expansion and rental. Plenty of opportunities to make revenues. Holgard suggested to keep the Sheriff’s office in Selby. Holgard also mentioned that the county can go into a contract with the US Marshalls for $90 a day inmate boarding. There was more lengthy discussion of labor costs, possible revenues, and building and material costs, bringing a potential savings of up to $800,000 per year compared to the estimates for building a brand-new facility in Selby with EACP Engineering. Holgard said that if we go this route, there will not be a need for an Opt Out by the county. There was discussion on the type of materials need, type of exterior walls, steele, etc. Cain mentioned that the materials, walls, etc would need to meet ECC regulations

Cain is suggesting an Opt Out for 1.175 million per year and Holgard is suggesting a 1.260 million Opt Out per year.

Mohr moved and Cain seconded to approve to Opt Out. Rollcall voting: Holgard: Nay; Mohr: Aye; Schilling: Nay; Cain: Aye; Houck: Aye. 2/3 votes need to pass, the motion was not adopted.

Cain presented the board with Resolution to Opt Out 2021-11.

**Resolution 2021-11**

**ATTENTION TAXPAYERS:**

**NOTICE OF**

**PROPERTY TAX INCREASE**

**OF $1,175,474**

**RESOLUTION FOR OPT OUT**

**THE GOVERNING BOARD OF Walworth County, South Dakota do state that the above said**

**board is unable to operate under the tax limitation measure currently in statute. We therefore OPT**

**OUT of such tax limitation in the amount of $1,175,474 starting with calendar year 2021 taxes**

**payable in the calendar year 2022. This opt out will be for 21 years, which will be through taxes**

**payable in the calendar year 2042. This action has been taken by the board and approved by at**

**least a two-thirds vote of the board.**

**It is further RESOLVED that this action shall be referred to a vote of the people and unless**

**reversed by such vote, this resolution authorizes the county auditor to spread an excess levy to raise**

**tax dollars in the above stated amount.**

**Dated: July 8, 2021**

**Signed**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Board Chairman**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Board Member**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Board Member**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Board Member**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Board Member**

Cain moved and Mohr seconded to approve the Resolution 2021-11. Rollcall voting: Holgard: Aye; Mohr: Aye; Schilling: Aye; Cain: Aye; Houck: Aye. The motion was adopted.

The Auditor’s office will prepare to hold an election. The date of the election will set on the next commissioners meeting, July 20, 2021.

**OLD BUSINESS:**

Holgard asked how much the county made from the auction. Mohr said that we should the totals by August 3rd.

Mohr mentioned that the Landfill received $87,712 from FEMA for damages from a few years ago.

**NEW BUSNESS:**

Walworth County 4-H board members would to meet with the Campbell County and Brookings 4-H board members next Wednesday, July 14 2021 at 7 p.m. at Campbell County’s preferred location. Houck will set up the meeting.

**ADJOURNMENT:**

Holgard moved and Mohr seconded that the Board of County Commissioners adjourn until the hour of 9:00 a.m. July 20th, 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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**JIM HOUCK, CHAIRPERSON**

**ATTEST:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**EVA CAGNONES, AUDITOR**

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