November 2, 2021

9:00 A.M.

**WALWORTH COUNTY BOARD OF COMMISSIONERS**

**MINUTES OF PROCEEDINGS**

The Walworth County Board of Commissioners met in a scheduled session on November 2, 2021 at 9:00 a.m. at the County Courthouse. Members present were: Scott Schilling, Duane Mohr, Kevin Holgard and Rick Cain. Jim Houck via telephone. 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 moved and Houck seconded to have the Highway Superintendent review the address lists for 911.

Voting Aye; 5; Nay; 0. The motion was adopted.

Mohr moved and Holgard seconded to approve plat for Mark Stiegelmeier out lot 1 in N2NW4 gov’t lots 3 & 4 of STR 5-123-76. Voting Aye; 5; Nay; 0. The motion was adopted.

There was no old or new 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.

Sitting Chairperson Schilling called the County Commission meeting to order.

**PLAT:**

Holgard moved and Houck seconded to approve plat for Mark Stiegelmeier out lot 1 in N2NW4 gov’t lots 3 & 4 of STR 5-123-76. Voting Aye; 5; Nay; 0. The motion was adopted.

**AGENDA:**

Holgard moved and Houck seconded to approve the agenda. Voting Aye; 5; Nay; 0. The motion was adopted.

**CLAIMS:**

Mohr moved and Houck seconded to approve the agenda. Mohr moved and Houck seconded to rescind the motion to pay all claims added to remove the claim for Skip Rau for now and wait to discuss the claim with Gary Byre, Highway Superintendent. Voting Aye; 5; Nay; 0. The motion was adopted.

**GENERAL FUND:** Charles Robbins – Tax Refund, $45.60; Jerry Houx – Tax Refund, $2.26; Walworth Co Treasurer – Crt Appt Atty fees C Robbins, $32.40.

**COMMISSIONERS:** Lewis Reuer – Auction Sale Commission, $1,860.00; Marco Co – Copier Usage Contract, $35.03.

**ELECTIONS:** City of Mobridge – Scherr Howe Clean up fee, $25.00; Marco Inc - Copier Usage Contract, $61.78

**AUDITORS:** Marco Inc - Copier Usage Contract, $39.20; Midco Comm – Internet Service, $22.58; Principal Life Ins – November Premiums, $115.89; Quill Corp – Clasp Envelopes, $68.95; Wellmark BCBS – Admin Fees, $215.06

**TREASURER:** Marco Inc – Copier Usage Contract, $15.84; Midco Comm – Internet Services, $22.57; Mobridge Tribune – 2nd Taxes Due, $284.80.

**STATE ATTORNEY:** Kristi Brandt – Transcripts, $260.06; Midco Comm – Internet Services, $22.57; Mobridge Regional Hospital – services/Labs, $72.00; The support Group – State Youth Diversion Program, $1,330.14.

**COURT APPT ATTY:** Cogley Law Office – T. Utter & R. Pheasant, $1,486.20; DPLS – R. Rough Surface, C. Mellette, M. Parisien, J. Logg, L. Rough Surface, J. Warner, D. Decourteau, B. Bridges, C. Taken Alive, T. Archambault, N. Cadotte, S. Nelson, C. Wells, E. End of Horn and N. Cadotte, $8,974.00; mark Kroontje – D Ternes, A Miner, W White Eagle, $916.95.

**ABUSED AND NEGLECT:** Von Wald Law Offices – 64JUV20-36, $594.00

**COURTHOUSE:** City of Selby – water/Sewer Services, $83.99; MDU – Electricity service, $704.24; Servall Uniforms & Linens – Towels/Mops/Rugs, $65.48

**DOE:** Marco Inc – Copier usage contract, $15.35; Midco Comm – Internet Services, $22.57; Greg Pudwill – Registration Fees/Annual Conference reimbursement, $80.00.

**ROD:** Marco Inc – Copier usage contract, $15.79; Midco Comm – Internet Services, $12.57; Venture Comm – Phone Service, $52.34.

**SHERIFF:** AT&T Mobility – Cell/Tablet Services, $296.74; Blue 360 Media – SD Criminal/Traffic Law Manual and shipping, $84.82; City of Selby – Water/Sewer Services/Jail/ Trailer, $124.43; Dakota Glass – Repairs and Maintenance to 2012 Tahoe, 2017 Explorer, 2020 Durango, $549.21; John Stefanic DBA– Repairs and Maintenance, 2010 Tahoe, 2017 Explorer, 2013 Tahoe, 2019 Charger, $1,126.79; Marco Inc – Copier usage contract, $15.14; Midco Comm – Internet Services, $22.57; MDU – Electric/Gas, $257.53; Schumacher Repair LLC – 2006 Van Repairs, $305.44; Sirchie Acquisition Co – Medical Supplies, $63.93.

**JAIL:** Brad Hompe – Jail Facilities Consulting, $375.00; Tami Hogie-Lorenzen – CPR Classes, $1,910; Lewis Drug – RX Supplies, $53.78, Minnehaha County – 3 Days Juvenile Boarding, $945.00; Roberts County – 1 Day Adult Boarding, $910.00; 21 Days Juvenile Boarding, $4,200.00; Senior Nutrition Center – Inmate Meals, $325.00.

**MENTAL ILLNESS BOARD:** Yankton Co Sheriff’s Office – Serve Civil Papers, $50.00.

**EXTENSION:** Midco Comm – Internet Services, $22.57; Venture Comm – Phone Services, $50.69.

**WEED CONTROL: J**ames Austin – Travel Reimbursement Pierre meeting, $89.58.

**PLANNING & ZONING:** Marco Inc – Copier usage contract, $15.12; Greg Pudwill – Travel Reimbursement Rapid City, $476.81.

**RD & BR:** Agtegra Cooperative – Gs t-132, $38.76; Diesel P-99, $1,491.51; Auto Value Aberdeen – Supplies, 4250.32. Avera Occupational Medicine – Services, $121000; Central Diesel Sales – parts, $156.62; City of Java – Water @ Java Shop $18.00; City of Mobridge – Water @ Mob Shop, $49.24; City of Selby – Water @ Selby Shop, $710.28; Crawford Trucks & Equipment – Parts, $969.36; Dakota Fluid Power – Repairs, $667.78; Diamond Mowers LLC – Parts, $1,440.90; KLJ Engineering – Asphalt Surface treatment, $891.62; LaDean Moak – Travel MTP Meetings, $66.80; Marco Inc – Copier usage contract, $15.72; MDU Electricity @ State Shop, $22.21; @ Selby Shop, $160.52; @ Mobridge Shop, $17.20; Premier Equipment – Fence Supplies, $256.00; Sign Solutions – Telespar Posts, $2,247.13; Skip Rau – Royalty Payment, $63,127.16; Venture Comm – Phone @ Java Shop, $46.75, Phone & Internet @Selby Shop, $21231.14.

**EM:** AT&T Mobility – Phone/Wifi Services, $87.64

**ROD:** Quill Corp – Supplies, $122.45.

**LANDFILL:** Beadles – Parts, $99.01; Butler Machinery – Supplies, $246.86; Energy Labs Inc – Oil Disposal, $270.00; Farnams – Supplies, $13.20; GTC Auto Parts – Supplies, $6616; Homestead Building Materials – Fence Wire, $809.97; Jim Houck – Gravel Royalties, $201.36; Justice Fire & Safety – Inspection, $165.25; Mobridge Hardware – Supplies, $32.97; Mobridge Pit & Stop – Gas, $2366.65; Premier Equipment – batteries, $691.36; SD Dept of Environment – SW Surcharge Fee, $1,066.50’ Servall Uniform & Linen - Dust/Mops/Rags, $30.06; Webster Scale – Scale Installment, $25,384.50.

**SCHOOL DIST FUND:** Charles Robbins – Tax Refund, $170.91; Jerry Houx – Tax Refund, $8.48; Walworth County Treasurer – Tax Refund/Crt Appt Atty Fees C Robbins, $ 121.46.

**CITIES & TOWNS FUND:** Charles Robbins – Tax Refund, $101.79; Jerry Houx – Tax Refund, $5.05; Walworth County Treasurer – Tax Refund/Crt Atty Fees C Robbins, $72.34.

**PARTIAL PAYMENTS:** Marlow Schaffer – Advance tax Overpayment, $1,107.40; Phil Lindskov – Refund, $492.81.

**SDACO M&P FUND:** M&P Remittance – October, $216.00.

**PREPAID MEDICAL INS:** Wellmark BCBS – Insurance Premiums, $48, 228.38

**MINUTES:**

Cain moved and Houck seconded to approve the minutes from October 19, 2021. Voting Aye; 5; Nay; 0. The motion was adopted.

**PUBLIC FORUM:**

District 23 representative, Spencer Gosch appeared before the board to discuss the status of the jail and County finances. He asked to be appointed as Special Liaison to create a committee of my choosing for the Jail planning. He will look into State and Federal resources. He is not making any promises but will definitely try. States Attorney Hare said, “I am under the understanding that the “jail issues” is a done deal. We can not opt out for another two years. We pretty much shot ourselves in the foot with the failed Opt Out election”. Cain said, “The analysis is that the County cannot dig out of the hole without the State’s help”. Cain strongly recommends that this board follow Gosch’s lead. Cain moved and Houck seconded to appoint Gosch as Special Liaison and create a jail committee. Voting Aye; 5; Nay; 0. The motion was adopted.

**BUDGET:**

Cain moved and Mohr seconded to reschedule the hearing for Supplemental Budget 2021 to November 16, 2021. Voting Aye; 5; Nay; 0. The motion was adopted.

**READING OF ORDINANCE WC 21-18**

Second reading of Ordinance WC-21-18 was read by Cain. Rollcall Vote, Holgard: Nay, Houck; Aye, Mohr: Aye, Cain: Aye, and Schilling; Nay. The motion was adopted.

**ORDINANCE WC 21-18**

**AN ORDINANCE TO APPEAL ORDINANCE WC-21-13**

**Be it ordained by Walworth County**, that ORDINANCE WC 21-13 is hereby repealed.

APPROVED: Walworth County Commission

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

James Houck, Chairman

Passed First Reading: \_\_\_10-19-21\_\_\_\_\_\_\_\_\_\_

Passed Second Reading: \_\_11-2-21\_\_\_\_\_\_\_\_\_\_

Adopted: \_\_\_\_\_\_\_\_\_\_\_\_\_11-2-21\_\_\_\_\_\_\_\_\_\_\_

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

Eva Cagnones, Auditor

**SELBY AREA SCHOOL:**

Superintendent, Lenny Schroeder appeared before the board to discuss the repayment of the Clerk of Courts Fines monies which was overpaid by the County from 2017-2020. He received an email from the State which said that they were still looking for a way for resolution to fix the issue. Finance Officer, Don Knecht said that if the school had a surplus, they would be able to repay within four years, however there is not a surplus. This debt will probably take 7 to 10 years to repay in monthly installments. The monthly installments will vary on the apportionments the school receives monthly.

Cain recommended that there be a written letter where the school agrees to pay back the debt without any interest added or a timeline. Only the Principal will be paid back minus the school’s legal fees for council obtained for this matter, up to $750.00. Schilling agreed that the County should pay or reimburse the school’s legal fees. Schroeder will discuss with the school board. The Agreement letter will be presented to the school board on Monday, December 13, 2021 during their meeting which starts at 7:00 p.m.

**EMPLOPYEE HEALTH INSURANCE:**

Cain moved and Mohr seconded to renew with Wellmark Blue Cross Blue Shield – Plan MERP 3500, effective December 1, 2021 through November 30, 2022. Rollcall Vote, Holgard: Aye, Houck; Aye, Mohr: Aye, Cain: Aye, and Schilling; Aye. The motion was adopted.

Mohr moved and Houck seconded to renew with Key Insurance as the County’s health Insurance representative. Rollcall Vote, Holgard: Aye, Houck; Aye, Mohr: Aye, Cain: Abstained, and Schilling; Aye. The motion was adopted.

**EMERGENCY MANAGER:**

There was discussion on the budget deficit caused by Clark Engineering. (Lake Hiddewood) Although it was anticipated to be done by December 2021, now we have been told that that is not the case and they will not be done by the end of 2021. We need to make sure we have enough funds in the budget for 2022.

Warhawk has reimbursed Walworth County for the expenses of the full exercise, which covered food, water and supplies.

Jensen offered to do a tutorial with the Commissioners (two Commissioners at a time) to show the new technology for the Emergency manager. Date set for the tutorial is Monday, November 8, 2021 at 8:00 a.m. with Schilling and Holgard and 8:30 a.m. with Mohr. Houck will not be available and Cain will coordinate with his schedule and get back to Jensen.

Consider motion to approve travel and lodging to Pierre, SD on November 17th and 18th, for EM training. Cain moved and Holgard seconded to approve travel request. Voting Aye; 5; Nay; 0. The motion was adopted.

**HIGHWAY:**

Closing out P1SR project by Lake Hiddenwood. Close out pit option with Skip Rau and voucher for royalties.

There was discussion on paying Rau, $40,995.47 and Schilling felt it should be $16,705.69.

Cain moved and Houck seconded to pay Rau $40,995.47. Rollcall vote, Holgard: Nay, Mohr: Nay, Houck: Aye, Cain: Aye and Schilling: Nay. The motion failed.

Holgard moved and Mohr seconded to pay Rau, $46,421.47. Rollcall vote, Holgard: Aye, Mohr: Aye, Houck: Aye, Cain: Nay and Schilling: Aye. The motion was passed. The voucher on the claims for $16,705.69 will be changed to $46,421.47.

Cain moved and Mohr seconded to transfer $38,845.31 from the R&B 201 fund account to the Secondary Road and Bridge account. Rollcall vote, Holgard: Aye, Mohr: Aye, Houck: Aye, Cain: Aye and Schilling: Aye. The motion was adopted.

Mohr moved and Holgard seconded to pay $50.00 plus mileage to the MTP stakeholders for attending MTP meetings. Voting, Aye: 5 and Nay: 0. The motion was adopted.

**ARP FUNDS:**

There was discussion if the County can assist County residents with medical bills due to COVID19 with the American Rescue Plan funds. Auditor Cagnones said that the state is still smoothing out the details on what the County can and cannot use the funds for. Cagnones will reach out to Department of Revenue and enquire.

**EXTENSION:**

Conference call with Campbell County commissioners regarding the 4H Advisor. Campbell County is considering hiring their own part time 4H Advisor. Schilling asked if they are not wanting to have a full time 4H Advisor and split with Walworth County. The answer was “no”. Campbell would rather have their own 4H Advisor with an office in Campbell County. Schilling said that there were two people interested in the fulltime 4H Advisor position and tried to have Campbell County reconsider their decision. Cain said that he was very candid about Walworth County’s financial status and cannot promise that in two years the County won’t be broke and have to cut the 4 H Advisor from the budget. Campbell County has concerns/fears of Walworth County’s decisions in the future when working on budget cuts. For this reason, they will hire their own part time 4H Advisor.

**RETURN TO HIGHWAY:**

Highway Superintendent, Gary Byre spoke with Skip Rau who asked for $63,127.16 in royalties. Byre wants the motion to pay Skip Rau $46,472.47 rescinded. Cain moved and Holgard seconded to rescind their motion to pay Rau $46,472.47. Rollcall vote; Holgard: Aye, Mohr: Aye; Houck: Aye, Cain: Aye, and Schilling: Aye. The motion was adopted.

Holgard moved and Mohr seconded to pay Rau $63,127.16 contingent of receipt $16,705.69 from Rau. Rollcall vote; Holgard: Aye, Mohr: Aye; Houck: Aye, Cain: Aye, and Schilling: Aye. The motion was adopted.

**LANDFILL:**

Lewus Morgan presented to the Commissioners a financing agreement with Butler Machinery of three payments in the amount of $144,406.52 each. Cain moved and Houck seconded to accept the financing agreement with Butler Machinery. Rollcall vote; Holgard: Aye, Mohr: Aye; Houck: Aye, Cain: Aye, and Schilling: Aye. The motion was adopted.

Consider motion to surplus two balers and advertise to sell. Mohr moved and Holgard seconded. Voting Aye; 5; Nay; 0. The motion was adopted.

**FEDERAL GRANTS:**

Charles Huyck presented to the Commissioners with information on Federal Grants which the County might want to take advantage of. For the Jail, there are ten million dollars set aside for Facilities Funds in rural communities. Huyck spoke of a partner up with Senators, Lobbyists and Ranchers for a Community Center for kids, perhaps a bowling alley. There was discussion on building a meat processing plant and create local jobs. Also discussed combining with other Counties to build a new jail. Walworth County can apply for a loan from USDA, but the loan will not be too significant. There is COVID money for infrastructure. There is also Capital funding grants. Mohr asked Huyck how much his services fees are. Huyck said that it is a percentage of the money the County would receive from these grants. Mohr asked what Huyck would need from the County Commissioners to start. Huyck said a firm handshake. Huyck also discussed Walworth County donate money from these grants to Tribal Reservations, he would need to discuss with the Tribal Councils. Cain said that the County does not need a bowling alley or a meat processing plant. The County is broke and needs a jail. Huyck said that there is a better chance to get a grant if we combine several projects. Schilling said to get a proposal for the County to look at. Cain added to have cost and timeframe on the proposal.

**JAIL:**

Commissioner Holgard discussed to have Drake Construction from Colorado inspect the Shopko building to determine if a jail can be built in it. The cost for the inspection is $50,000.00. Holgard moved to pay Drake Construction $50,000.00 to inspect the Shopko building. There was no second to the motion. The motion failed.

Cain asked Holgard if he has asked any local inspectors to look and inspect the Shopko building’s roof and air exchangers. Holgard said he had not. Cain asked Holgard if he has received something in writing from the Shopko building owners regarding buying the building for 1.5 million. Holgard said he had not but he could. Holgard said that he wants to get the building inspected first and then negotiate the purchase. Cain said that if the County uses a local inspector, it would not cost $50,000.00. That money is not in the budget and there is no money to build a jail.

**OLD BUSSINESS:**

None

**NEW BUSINESS:**

Sheriff Boll introduced new Deputy Sheriff, Dax Johnson. Johnson’s first day will be November 8, 2021.

**ADJOURNMENT:**

Mohr moved and Cain seconded that the board of County Commissioners adjourn until the hour or 9:00 a.m. November 16, 2021.

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

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**JIM HOUCK, CHAIRPERSON**

**ATTEST:**

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**EVA CAGNONES, AUDITOR**

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