

April 7, 2022

**WALWORTH COUNTY BOARD OF COMMISSIONERS
MINUTES OF PROCEEDINGS**

The Walworth County Board of Commissioners met in scheduled session on April 7, 2022 shortly after 9:00 a.m. due to recording problems, at the County Courthouse. Members present were: Jim Houck, Kevin Holgard, Duane Mohr, Justin Jungwirth and Scott Schilling. Also present were States Attorney Jamie Hare, Auditor Debbie Kahl, Emergency Manager Jeff Jensen, Linda Beaman, Bob Thomason, Bill Waeckerle and Mobridge Mayor Gene Cox.

Pledge of Allegiance was recited by those in attendance.

Chairperson Houck called the Planning and Zoning Board to order. Discussion was held on giving the dairy farm CAFO on the eastern side of the county another extension on their Conditional Use Permit, Variance and Road Haul Agreement. Kerwin Miller and Jeremy Hoffman were present by telephone. Commissioner Holgard questioned where things stand with the dairy farm. The developers said they were in the process of completing the funding and refile for the permits from the state. Commissioner Holgard questioned if there had been changes made that would affect the permit already approved by the county. They assured the commission that there had not been any changes that would affect the county permit. Jeremy Hoffman questioned if we really wanted to go through all this again. Deputy Kahl said that they had been advised that if we extend the permits for another year we are going against our ordinances and potentially setting precedent for the next development plan that comes up. Chairman Houck stated that if we're not going to follow our ordinances we just as well throw them out. He said we should not pick and choose what we want to abide by. Schilling said that he agreed with Kerwin Miller and Jeremy Hoffman that Covid had changed a lot of things in the last two years. Jeremy Hoffman questioned if the county really wanted this development or not. He stated that the developers do not really want to start over again. The developers mentioned the tax credit from the state and Deputy Kahl questioned whether they were still active in the program from the Governor's Office of Economic Development. Kerwin assured the board that the money was still there but they may have to update some paperwork. Commissioner Holgard moved to extend the permits for one more year. Schilling seconded the motion. Roll Call vote: Holgard - Yes; Mohr No; Schilling - Yes; Jungwirth - Yes; Houck - No. Motion carried.

Planning & Zoning Director Greg Pudwill brought the plat for Lot 1 Duane & Marilyn Karst Addition in SW4 8-121-74 to the board for approval. Commissioner Schilling made a motion to approve the plat and Commissioner Mohr seconded. Roll Call vote: Holgard - Yes; Mohr - Yes; Schilling - Yes; Jungwirth - Yes; Houck - Yes; Motion carried.

Planning & Zoning Director Greg Pudwill requested to permission to advertise for a public hearing on a request from Kenneth Goshi to partially vacate a plat in the New Everts area. This has to be advertised for 10 days. There was discussion as to when the first meeting in May would be held. Auditor Kahl stated that her and Deputy Brenda DeToy would be gone for training in Pierre on May 3rd, which would be the first meeting in May. She requested that the May meetings be held on May 10th and May 24th. The Commission agreed. Schilling moved to authorize the Planning & Zoning Director to advertise the public hearing for the Gosh request for partial vacation of the plat for May 10th, 2022. Holgard seconded the motion: All in favor: Aye - 5. Nay - 0. Motion carried. Commissioner Holgard questioned what some of the repercussions of vacating the plat would be. Deputy Kahl started to explain and Chairman Houck said we should discuss this at the hearing. Chairman Houck asked if there was any old or new business. There being none, Commissioner Holgard moved to adjourn as Planning & Zoning Board. Commissioner Schilling seconded the motion. All in favor - Aye - 5. Nay - 0. The motion carried.

Chairman Houck convened as Walworth County Board of Commissioners.

APPROVAL OF AGENDA:

Chairman Houck entertained a motion to approve the agenda. Commissioner Schilling so moved and Commissioner Holgard seconded. All in favor: Aye - 5; Nay - 0. Motion carried.

CLAIMS APPROVED:

Commissioner Jungwirth moved to approve the claims and Commissioner Schilling seconded. Roll Call Vote - Holgard - Yes; Mohr - Yes; Schilling - Yes; Jungwirth - Yes; Houck - Yes. Motion carried.

April 7, 2022

COMMISSIONERS: Hoven Media Inc – publishing - \$868.36; TASC – insurance participation fee - \$122.26;
ELECTIONS: McLeod's Printing & Office - \$975.70;
COURTS: Kristi A Brandt – transcripts for L VonWald - \$72.00; transcripts for T Cogley - \$11.20; transcripts for M Kroontje - \$44.20; RELEX Inc DBA LexisNexis – 3-1-22 to 3-31-2922 - \$668.00; Thomson Reuters Payment Center – books & bound volumes - \$68.58
AUDITOR: Cardmember Service – postage rental, rolls of stamps, postage - \$616.08; Connecting Point – backup & replication, offsite backup - \$75.00; Brenda DeToy – mileage, meals - \$99.35; Deborah Kahl – meals - \$25.35; Midcontinent Communications – Internet service - \$25.54; Quill Corporation – supplies - \$167.97; SDACO – registration Kahl & Detoy - \$370.00; Wellmark Blue Cross Blue Shield - \$2721.51;
TREASURERS: Cardmember Service – postage rental - \$7.14; Midcontinent Communications – internet services - \$25.54; SDACO – registration Geier & Holder - \$370.00; Wellmark Blue Cross Blue Shield - \$3671.88;
STATES ATTORNEY: Kristie A Brandt – transcripts - \$602.00; Eva Cagnones – translator fees - \$20.00; Cardmember Services – postage rental, postage - \$403.98; Connecting Point – support work for Zurcher - \$92.50; Midcontinent Communications – internet service - \$25.54; Mobridge Regional Hospital – labs - \$360.00; Renee Bear Stops – mileage, testimony, QEW preparation - \$349.34; SD Public Health Laboratory – labs - \$510.00; Shaina M Huffman – mileage, subpoena - \$30.92; Tory Gabe – mileage, subpoena - \$37.64; Wellmark Blue Cross Blue Shield - \$4660.45
COURT APPT ATTNY: Dakota Plains Legal Service - \$11756.75; Christopher A Haar - \$373.30; Mark K Kroontje - \$2319.26;
ABUSED CHILD DEFENSE: Von Wald Law Offices LLC - \$202.00;
COURTHOUSE: Cardmember Service – postage - \$9.43; City of Selby – water & sewer - \$602.96; Larry's Lock & Key - \$202.35; MDU – gas & electricity courthouse - \$1691.12; Runnings Supply Inc – parts - \$26.47; Servall Uniform & Linen – mats, rags, mops - \$51.21; Web Water Bottling Company - \$18.75; Wellmark Blue Cross Blue Shield - \$1867.61;
DOE: Cardmember Service - \$69.66; Midcontinent Communications - \$25.54; Shorty's One Stop – gas - \$44.45; Wellmark Blue Cross Blue Shield - \$2393.15;
ROD: Cardmember Service – postage rental, postage - \$81.60; Midcontinent Communications - \$25.54; SDACO M & P Fund – M&P remittance - \$188.00; Wellmark Blue Cross Blue Shield - \$1875.55;
VET SERVICE OFFICER – West River Telecommunications – phone service - \$39.49
SHERIFF: AT&T Mobility – phones Sheriff & Transport - \$376.19; Justin Bentz – transport meals \$33.60; Travis Bentz – transport meals - \$14.00; Cardmember Service – carwash, bus ticket, Gas, postage rental, supplies, rooms, training, meals, certified mail, postage - \$2015.70; Dakota Glass & Alignment LLC – 2012 chip repair and wheel alignment - \$139.90; Rochelle Forget – transport meals - \$15.11; High Point Networks – Zurcher - \$95.00; John Stefanich DBA – 2020 Durango repairs, 2017 Explorer repairs, 2013 Tahoe repairs, 2006 Ford Van repairs, 2012 Tahoe install window bars, 2010 Tahoe install window bars - \$2419.31; Donald Knecht – meal - \$14.00; Dodie LeFebre – transport meals - \$10.07; LSQ Funding Group LC – software for SD secured cloud - \$744.00; Midcontinent Communications – internet services - \$25.54; Mobridge Regional Hospital – physical for new deputy - \$173.00; MDU – gas & electricity - \$946.60; Western Communications Inc – radio - \$22.40; Supplemental Retirement plan - \$200.00; SD Sheriff's Association – patches - \$105.80; Selby Oil Company – tire disposal, 2012 Tahoe tires - \$100.00; Selby Record – publishing - \$166.75; Servall Uniform & Linen – mats & S.A.M. Dust - \$69.97; Ronny Troyer – meals - \$32.75; Wellmark Blue Cross Blue Shield - \$12863.97;
JAIL: Avera St Mary's Hospital – medical \$216.45; Cardmember Service – inmate meals - \$25.20; City of Selby – water & sewer - \$123.72; Senior Nutrition Center – inmate meals - \$390.00
EMERGENCY & DISASTER: AT&T utility – cell phone - \$87.53
SUPPORT OF POOR: SDACC – registration Brenda DeToy - \$30.00; Wellmark Blue Cross Blue Shield - \$238.94;
AMBULANCE: Mobridge Regional Hospital – grant - \$10,000.00; Selby Ambulance Service – grant - \$10.000;
DEV DISABLED – SD Development Center - #4218 - \$60.00
MENTAL HEALTH CENTER – Dean Schaefer Court Reporting - \$42.00; Mark Katterhagen – mental illness hearing - \$6.00; Kennedy Pier Knoff & Loftus – mental illness hearing - \$80.80; Lucy Lewno – mental illness hearing - \$112.50; Lincoln County Treasurer – evaluation, paper service, board - \$825.73; Darcy Lockwood – mental illness hearing - \$6.00; Luci Youngberg – mental illness hearing - \$203.11
MENTAL ILLNESS BOARD – Yankton County Treasurer - #202204044564 - \$97.20
EXTENSION: Midcontinent Communications – internet services - \$25.54

RD & BR: Agtegra Cooperative – diesel & gas \$601.27; Butler – parts & service calls - \$5721.73; Cardmember Service – tubing - \$46.51; Central Diesel Sales Inc – parts - \$193.54; City of Java – water Java shop - \$18.00; City of Mobridge – water Mobridge shop - \$49.25; City of Selby – sewer & water Selby shop - \$69.31; Dakota Fluid Power – parts - \$403.14; Great Western Tire – tire repair, tires - \$1515.00; GTC Auto Parts – parts - \$329.95; Hoven Media – publishing - \$73.60; Ken’s Western Lumber – parts, supplies - \$21.08; Matheson Tri-Gas Inc – rental, welder repair, acetylene & oxygen \$240.53; MDU – electricity Selby shop - \$345.5; MDU – electricity Java shop - \$33.19; MDU - electricity Mobridge shop - \$28.61; Leslie Noess – CDL renewal - \$35.00; Western Communications – radios - \$135.90; Premier Equipment – parts - \$251.34; Runnings Supply Inc – parts \$265.69; Selby Oil Company – tires - \$900.00; Shorty’s One Stop – gas - \$1061.33; Venture Communications – phone Java, Selby, internet Selby - \$272.43; Wellmark Blue Cross Blue Shield – insurance - \$14687.54; West River Telecommunications – phone Mobridge - \$37.51

COMMUNICATION CENTER – City of Mobridge – 911 surcharge payment - \$4658.84

EMERGENCY & DISASTER – SD EM Management Assn – membership fee Jensen - \$30.00; Wellmark Blue Cross Blue Shield - \$ \$1835.94

SOLID WASTE: Agtegra Cooperative – fuel - \$2998.67; Cardmember Service – postage rental & postage - \$28.28; Milliken Electric – wiring - \$2259.08; Mobridge Pit Stop – gas - \$157.42; NAPA Central – parts - \$42.48; Western Communications – Radios - \$9.30; Olson Heating & Air – new furnace in shop - \$3028.97; Runnings Supply – parts & supplies - \$121.85; Servall Uniform & Linen – Rugs - \$60.12; Slater Oil & LP Gas – propane - \$567.00; Trans Source Truck & Equipment – supplies - \$153.95; Wellmark Blue Cross Blue Shield - \$6425.79;

TRANSMITTALS FOR JANUARY: Bowdle School - \$18396.60; Hoven School - \$6475.06; Selby School - \$98865.53; Mobridge School - \$93905.74; Town of Akaska - \$4938.89; Town of Glenham - \$4156.70; Town of Java - \$8713.76; Town of Lowry - \$592.66; City of Mobridge - \$60169.06; City of Selby - \$18487.16; Bowdle Fire District - \$300.63; Java Fire District - \$562.40; Mobridge School Bond - \$12046.36

MINUTES APPROVED:

Chairman Houck said he would entertain a motion to approve the minutes of March 15, 2022. Commissioner Holgard pointed out an error in the last sentence under CLAIMS APPROVED. The sentence needs to be removed. Commissioner Mohr moved to approve the minutes as amended and Commissioner Schilling seconded. All in favor: Aye – 5; Nay – 0. Motion carried

PUBLIC FORUM

There was no one signed up to speak at public forum.

WHEEL TAX

Discussion was held concerning the current wheel tax ordinance. There is a proposed ordinance to amend the way the wheel tax is being distributed. Commissioner Holgard made a motion to allow the auditor to publish a notice of public hearing on this matter to be held on May 10, 2022. Commissioner Schilling seconded. All in favor: Aye- 5; Nay – 0. Motion carried.

PUBLIC HEARINGS

The 2nd Reading of the Amended Burn Ban Ordinance was held. There are 2 parts to the amendment, one concerning the Drought Monitor reading for the county and the other concerning the hours of burning based on the Grassland Fire Index. Chairman Houck said he had received calls and had spoken with many firemen and they are all strongly supporting this amendment. Commissioner Mohr moved to adopt the amended ordinance and Commissioner Jungwirth seconded. Commission Holgard says he agrees with the 2nd part of the ordinance where the Grassland Fire Index hours are concerned but he does not agree with the Drought Monitor part making the whole county in a Burn Ban if just one little part of the county is in a D2 Drought. Commissioner Schilling said that he agrees with Commissioner Holgard. Currently the county is predominately D1 but the southwest corner is in a D2. Emergency Manager Jensen stated that the D2 area of the county had gotten larger in the past week. Roll Call Vote: Holgard – No; Mohr – Yes; Schilling – No; Jungwirth – Yes; Houck – Yes. Motion carried.

Emergency Manager Jensen informed the Commission that he had spoken with Jake Kraft about working with the County in case of fires. He will be more than happy to help but he will not be on 24 hour a day call. He is more than willing to help out when we need him when he can assist us. States Attorney Hare is working on a basic contract with the Emergency Manager.

April 7, 2022

EXECUTIVE SESSION

Commissioner Holgard moved and Commissioner Mohr seconded to go into executive session at 9:50 am regarding a legal matter according to SDCL 1-25.2 (3). All in favor: Aye – 5; Nay – 0. Motion carried. The commission came out of executive session at 10:13 am. No action was taken.

HIGHWAY

Highway Superintendent Byre received a request from Venture Communications to occupy the right of way to provide fiber optic cable to the Kathy Bohle residence. Superintendent Byre received approval from the board to sign this agreement. A short discussion concerning spading versus boring was held. Superintendent Byre will be instituting a policy for this subject.

Superintendent Byre explained that our joint power agreement with McPherson County and Flint Hills for asphalt product was not accepted due to the volatility in the market. He requested permission to advertise for bids for oil products to be opened at 10:00 on May 10, 2021. Commissioner Schilling so moved and Commissioner Mohr seconded. All in Favor: Aye – 5; Nay – 0. Motion carried.

Superintendent Byre has received a bid for scrap iron. He is going to accept the bid as it had been advertised for sale in June 2021 and did not sell. The Commission was in agreement with this decision.

Superintendent Byre reminded the Commission of the Public Hearing to be held at the Selby School on April 14, 2022 at 5:30 for the Master Transportation Plan. Commissioners Houck and Schilling will be attending.

Bill Waeckerle joined the meeting.

VETERAN'S PROCLAMATION

Bob Thomason presented The Welcome Home Viet Nam Veteran's Proclamation to the commission. The Proclamation was read by Bill Waeckerle. Mr Thomason would like to see this celebrated in many events this summer. It was requested that the Commission sign this proclamation. Commissioner Holgard so moved and Commissioner Schilling seconded. All in favor: Aye – 5; Nay – 0. Motion carried. Chairman Houck commented that he would be honored to sign the proclamation. Commissioner Holgard questioned if we have a list of all the Viet Nam Vets in Walworth County. Mr Thomason said that he felt they did have a pretty complete list.

TREASURER

Treasurer Geier and Gabe Knecht presented to the commission his request for a Treasurer's Trust to be set up with payment to be made by the 7th of each month. This will allow Mr Knecht to pay his taxes over time. Commissioner Holgard moved and Commissioner Mohr seconded to allow the Treasurer's Trust with Mr Knecht. All in favor: Aye – 5; Nay: 0. Motion carried.

Treasurer Geier requested permission for herself and Leah Holder to attend the Spring Workshop on May 3 & 4, 2022 in Pierre. Commissioner Schilling so moved and Commissioner Jungwirth seconded. All in favor: Aye – 5; Nay – 0. Motion carried.

Treasurer Geier also asked for permission to purchase a new computer for her office. Commissioner Jungwirth moved and Commissioner Mohr seconded to give permission for the purchase. Roll Call vote: Holgard – Yes; Mohr – Yes; Schilling – Yes; Jungwirth – Yes; Houck – Yes; Motion carried.

Treasurer Geier requested that Leah Holder earn comp time rather than overtime pay. Houck questioned how it was written in the personnel policy. Auditor Kahl said it is written that prior approval of the commission is needed and that there is a 40- hour limit in a year and it must be used in that year, or it will be paid out. Commissioner Mohr moved and Commissioner Jungwirth seconded to allow Leah Holder to earn comp time rather than be paid out in overtime. All in favor: Aye – 5; Nay – 0. Motion carried.

EXECUTIVE SESSION

Commissioner Holgard moved and Commissioner Mohr seconded to go into executive session at 10:40 am for a personnel matter according to SDCL 1-25.2 (1). All in favor: Aye – 5; Nay – 0. Motion carried. Commissioners came out of executive session at 11:11 am.

The commission took a five- minute break.

April 7, 2022

Commissioner Jungwirth moved that all employees receive a \$1.50 pay increase starting with the next pay period with office deputies having a starting wage from this day forward of \$17.45 per hour. Commissioner Holgard added and Commissioner Jungwirth concurred with excepting the elected officials from that raise. Commissioner Schilling seconded. Ms Beaman asked where the money would come from to fund this. Chairman Houck commented that we have been short staffed in most offices and the commission felt that the money already budgeted for salaries would cover it. He said we don't have any people applying for these jobs and the commission felt that something had to be done. Roll Call vote: Holgard – Yes; Mohr – Yes; Schilling – Yes; Jungwirth – Yes; Houck – Yes. Motion carried.

LANDFILL

A short discussion was held concerning dates for the County-Wide Clean-Up days. The city of Mobridge had contacted Auditor Kahl to find out the dates. Commissioner Mohr will have a discussion with Landfill Bookkeeper Goetz and bring some dates back to the next meeting.

AUDITOR

Auditor Kahl requested permission to list a number of unworking and unusable items, such as toners, typewriter ribbons, keyboards, battery back-ups to be declared surplus to be destroyed. Commissioner Schilling so moved and Commissioner Holgard seconded. All in favor: Aye – 5; Nay – 0. Motion carried.

Auditor Kahl requested that we skip the abatement that was on the agenda.

Auditor Kahl requested permission for Brenda DeToy and herself to attend the Spring Workshop on May 3 & 4, 2022. Commissioner Jungwirth so moved and Commissioner Schilling seconded. All in favor: Aye 5-; Nay – 0. Motion carried.

Auditor Kahl reported that she had received an e-mail from SDSU concerning a Memorandum of Understanding that needs to be approved and signed before they can move forward with anything concerning the 4-H Youth Advisor position. Commissioner Holgard so moved and Commissioner Schilling seconded to approve and sign the memorandum. All in favor: Aye – 5; Nay – 0. Motion approved.

Auditor Kahl reported that we have been approved to change our current credit card through Dacotah Bank, to a new card that Dacotah Bank has available that is more local than the one we have now. Commissioner Jungwirth so moved and Commissioner Mohr seconded to switch to that card. All in favor: Aye – 5; Nay – 0. Motion carried.

Auditor Kahl announced that we will be having a drawing for ballot positions tomorrow, April 8, 2022 at 10:00.

This drawing will be live on Facebook and the public are invited to attend, if they wish. There are races for District 3 Commissioner between incumbent Scott Schilling and Robert Thomason; Register of Deeds between Brenda DeToy and Eva Cagnones, and there are races for Republican Committeemen in 2 precincts. One race is between Dana Randall and Lyle Perman. The other race is between Vivian Witlock and Kathy Walker.

Auditor Kahl would like to thank Edmunds County Auditor Keith Schurr for coming over and spending a day with the Auditor's and Treasurer's Office, giving us assistance and teaching us about the offices. She would also like to thank Rod Fortin from Legislative Audit and Doreen Singrey from Connecting Point for all of their assistance. All the help is very much appreciated.

DIRECTOR OF EQUALIZATION

Director of Equalization Greg Pudwill requested permission to set the County Board of Equalization for April 21st, 2022 at 1:00. He said there are approximately 8 appeals. Director Pudwill requested permission to publish the meeting date. Commissioner Mohr so moved and Commissioner Jungwirth seconded. All in favor: Aye -5; Nay – 0. Motion carried.

SHERIFF/JAIL

Sheriff Boll requested a probationary wage increase of \$0.50 for Transport Officer Joe Scanniello. Chairman Houck said he would entertain that motion. Commissioner Holgard moved and Commissioner Jungwirth seconded. All in favor: Aye -5; Nay – 0. Motion carried.

Sheriff Boll requested that a contract with Codington County for adult boarding at \$95 per day be approved and signed. Commissioner Schilling moved and Commissioner Mohr seconded. All in favor: Aye -5; Nay -0. Motion carried. Sheriff Boll said this was necessary because they are often running into problems finding places for boarding.

ALTERNATE FUNDING

April 7, 2022

Chairman Houck asked if anyone had come up with any ideas on how we are going to fund this county for the next year. Commissioner Holgard said he was still working on something but hadn't talked to Sheriff Boll about it yet. Chairman Houck said the only way he sees is an opt-out. He does not believe there's anyway we can cut \$500,000 to \$750,000 out of our budget. An opt-out would have to be approved by the 15th of July, 2022 in order to have it available for the 2023 budget.

JAY UTTER

Mr Utter spoke at length to the commission but because the subject matter was not commission business no action was taken.

BROWN COUNTY REGIONAL JAIL

Commissioner Schilling attended a public meeting in Aberdeen concerning the Regional Jail that Brown County is talking about building. He said Brown County is looking for \$12-\$14 million dollars to fund the project. He said that there was not a lot of detail, but they are coming up with ideas and plans and are looking for input from others. He reports that they are talking about 200 beds and some rehab facilities. They are looking for 14-16 counties to participate. Workforce in these facilities is a big factor. Commissioner Schilling felt like the meeting was poorly attended by other counties. Commissioner Schilling asked if the commission was interested in having Brown County come and talk with them. He thinks it would be a good idea. Commissioner Mohr thinks that it would be a good idea after they have some more concrete figures. Commissioner Schilling is concerned about workforce problems in Walworth County, were we to build a jail. Many counties are experiencing workforce problems.

EASTER HOLIDAYS

Auditor Kahl reported that Good Friday is a standard holiday for Walworth County and that Governor Noem has called Easter Monday a state holiday. The courthouse will be closed on Good Friday, April 15, 2022 and on Easter Monday, April 18, 2022.

UPCOMING COMMISSION MEETINGS

The 2nd meeting in April will be Thursday April 21, 2022 at 9:00 am. The meetings in May will be Tuesday May 10, and Tuesday May 24, 2022.

OLD BUSINESS

Commissioner Schilling asked for an update on a culvert issue the county has been dealing with. States Attorney Hare reports that it will be coming up for trial in July. The mediation that we attempted was unsuccessful.

There was no New Business

ADJOURNMENT

Commissioner Holgard moved for adjournment. Commissioner Jungwirth seconded. All in favor: Aye – 5; Nay – 0. Motion carried.



JIM HOUCK, CHAIRPERSON

ATTEST:



DEBBIE KAHL, AUDITOR

Published once at the total approximate cost of \$ _____