**WALWORTH COUNTY BOARD OF COMMISSIONERS**

**MINUTES OF PROCEEDINGS**

The Walworth County Board of Commissioners met in regular session on August 16, 2022, at 9:00 a.m. at the Walworth County Courthouse. Members present were: Jim Houck, Duane Mohr, Kevin Holgard, Scott Schilling and Justin Jungwirth. Also present was Auditor Debbie Kahl. Also present was Linda Beaman.

The Pledge of Allegiance was recited by those in attendance.

Chairman Houck convened as Planning & Zoning.

Chairman Houck asked that a motion to adjourn be added to approve the agenda. Commissioner Mohr moved to approve the agenda as amended. Commissioner Schilling seconded. All in favor: Aye – 5; Nay- 0. Motion carried.

Chairman Houck said he had talked to several people and on thinking the situation over, he thinks that we were wrong when we made the motion to rescind the conditional use extension that we had granted the CAFO. He feels that because even though we thought they were ready to put their permit in place with the state, we did not stipulate that in the motion to extend the Conditional Use Permit. He believes that when we get to the Commission part of the meeting, we need to add action on the CAFO. He said we should take this as a learning experience. Commissioner Jungwirth said that action on the CAFO was already on the commission agenda.

The commission discussed the change of zoning on parcels requested by Kennith Gosch. Commissioner Holgard moved to approve the first reading of the zoning change. Commissioner Schilling seconded. Roll Call Vote: Holgard – yes; Mohr – yes; Schilling – yes; Jungwirth – yes; Houck – yes. Motion carried. Commissioner Holgard made a motion to set the date for the second reading on September 8, 2022. Commissioner Mohr seconded. Roll Call Vote: Holgard – yes;; Mohr – yes; Schilling – yes; Jungwirth – yes; Houck – yes. Motion carried.

Commissioner Mohr moved to authorize Planning & Zoning Director Greg Pudwill to advertise for a variance hearing for Shannon Goldade. Commissioner Holgard stated that he would abstain from this vote. Commissioner Schilling seconded. Chairman Houck stated that he believed the variance should have been requested before they poured concrete. He feels that this puts us in somewhat of a bind. Commissioner Holgard stated that the variance should have been done before the building permit was issued. Commissioner Schilling asked Auditor Kahl if they normally would go out and look things over before a building permit is issued. She said when Shannon came in for the building permit she told Director Pudwill it was 125’ from the road. Director Pudwill issued the permit and then checked some measurements on our maps and when it appeared to be in question, he went to the site and measured it and it was not set back far enough. He then reached out to Shannon, the same day she received her permit, that she was going to need to apply for a variance. All in favor: Aye – 4; Nay – 0. Commissioner Holgard abstained. Motion carried.

Commissioner Schilling moved to adjourn. Commissioner Jungwirth seconded. Motion carried.

Chairman Houck convened as Walworth County Commission.

**APPROVAL OF AGENDA:**

Chairman Houck added authorize Auditor to publish Provisional Budget. Commissioner Holgard moved to approve the agenda as amended. Commissioner Mohr seconded. Linda Beaman asked if we needed to add Approve Agenda, which the Chair told her we were. All in favor: Aye – 5; Nay – 0. Motion carried.

**MINUTES**

Commissioner Schilling moved to approve the minutes of 5-24-2022. Commissioner Holgard seconded. All in favor: Aye- 5; Nay – 0. Motion carried.

Commissioner Holgard moved to approve the minutes of 6-10-2022. Commissioner Jungwirth seconded. All in favor: Aye – 0; Nay – 0. Motion carried.

**CLAIMS:**

Commissioner Jungwirth made a motion to approve the claims. Commissioner Schilling seconded. Roll Call Vote: Holgard – yes; Mohr – yes; Schilling – yes; Jungwirth – yes; Houck – yes. Motion carried.

AFLAC – insurance - $1287.36; AGTEGRA – gas, diesel - $3256.28; AVERA OCCUPATIONAL MED – professional services - $346.00; ARGUS DENTAL – dental premiums - $1014.20; BANKWEST – deposit slips - $69.24; BEADLE COUNTY – prisoner boarding - $6400.00; BEADLE COUNTY – juvenile boarding - $200.00; BOWDLE SCHOOL – May, July apportionment – 18667.53; BRITTANY BISSETT – meals - $16.92; NANCY BROCKEL – sewing - $50.00; BROWN COUNTY SHERIFF – prisoner boarding, prisoner prescription - $13,523.00; BUTLER MACHINERY – repairs, maintenance, switch - $1074.95; CAM WAL – electricity - $211.53; CARDMEMBER – carwashes, late fee, meals - $970.37; CHS RIVER PLAINS – crop protection - $11.00; COGLEY LAW – crt appt atty - $1970.71; COLEMAN LAW – crt appt atty - $1227.50; CONNECTING POINT – offsite backup, software - $787.00; THURMAN CREIGHTON – professional services - $332.40; DACOTAH BANK– election supplies, stamps, office supplies, locks - $1147.85; JOHN DADY – MTP meeting - $50.00; DAKOTA GLASS – repairs & maintenance - $25.00; DAKOTA RADIO GROUP – jobline - $150.00; DIAMOND MOTORS – PARTS - $436.39; EDMUNDS COUNTY – prisoner boarding - $75.00; ROCHELLE FORGET - meals - $39.69; GAS & GOODIES – gas - $212.67; GORDON HAGSTROM – meals, travel - $292.00; HEARTLAND WASTE – grass clippings - $210.00; HOVEN COOP – diesel, gas - $1638.43; HOVEN SCHOOL – May, July apportionment – 10,530.37; HUGHES COUNTY – prisoner boarding - $1235.00; HUGHES COUNTY – juvenile boarding - $1180.00; JOHN DEERE FINANCIAL - $138.97; KEN’S WESTERN LUMBER – keys, supplies -$97.97; MARK KROONTJE – crt appt atty - $303.95; MATHESON TRI-GAS – acetylene - $52.08; VAL LARSON – professional services - $15.00; LEWIS & CLARK BEHAVIORAL – professional services - $184.00; LUCY LEWNO – professional services - $166.57; DARCY LOCKWOOD – professional services - $15.00; MDU – electricity - $28.68; MIDCONTINENT COMM – utilities - $311.21; CITY OF MOBRIDGE – water - $49.26; MOBRIDGE REGIONAL HOSPITAL – labs - $261.26; MOBRIDGE-POLLOCK SCHOOL – May, July apportionment - $173,004.76; MOBRDIGE TRIBUNE – notices - $37.04; PENNINGTON COUNTY JAIL – transport - $86.00; GREG PUDWILL – education course - $209.00; QUILL – office supplies, toner – 806.93; RUNNINGS – supplies - $21.25; SDAAO 0 school - $400.00; JOSEPH SCANNIELLO – meals - $20.82; SDACC – conference registration - $1365.00;SD DEPT OF LABOR – G Kosters unemployment - $368.07; SD DEVELOPMENTAL CENTER – professional services - $60.00; SDEMA – conference registration - $100.00; SDPAA – insurance - $258.64; SDRS – July retirement - $14,711.56; SD DEPT REVENUE – mentally ill, motor vehicle, vital records - $153,934.05; SD PUBLIC HEALTH LAB – labs - $240.00; SDSU – extension salary - $4719.30; SELBY AUTO – battery - $304.79; SELBY RECORD – notices, subscription - $86.25; SELBY SCHOOL – May, July apportionment - $168,375.94 SENIOR NUTRITION CENTER – prisoner meals - $225.00; SERVALL LINENS – towels, mats - $283.87; SHORTY’S – gas - $1103..41; STATELINE DESIGNS – shipping - $7.96; THOMSON REUTERS PAYMENT CENTER – bound volumes - $26.29; KALA TROYER – meals - $77.53; VENTURE COMM – phone, fax - $769.40; VON WALD LAW – abused child atty - $1029.43; WALWORTH CO TREASURER – license - $15.00; WEB WATER BOTTLING – rental, water, cups - $93.75; WEB WATER DEV – water - $52.18; WEST RIVER TELECOMMUNICATIONS – phone - $81.28; CITY OF WINNER – prisoner boarding - $497.00; YANKTON CO SHERIFF – service of papers - $50.00; YANKTON CO TREASURER – mental illness hearing - $127.50; STEVE ZABEL – MTP meeting - $50.00;

**CAFO EXTENSION**

Commissioner Holgard moved to re-approve the extension for the CAFO until the first of April, 2023. Commissioner Schilling seconded. Auditor Kahl reminded the commission that the variance also goes along with the Conditional Use Permit. Linda Beaman asked the commission if they sought legal advice. Chairman Houck said that we did and that we did not put any stipulations on the extension when it was granted. All in favor: Aye – 5; Nay – 0. Motion carried.

Commissioner Holgard mentioned that he has been asking to redo the ordinances. He wanted to know if anyone else was interested in that. He thinks that they need to be reviewed as they have not been updated since 2017. He believes there needs to be a few clarifications. He thinks some of the wording is confusing. Auditor Kahl said the ordinances say we can penalize up to $500 per day per violation. The problem is that we have not chosen to enforce that penalty. The commission needs to enforce that or the Planning and Zoning Director cannot charge that penalty. Commissioner Holgard would like to discuss the setbacks for ag land. Commissioners Jungwirth and Mohr do not have a copy of the ordinances. Commissioner Holgard said he needed another copy as he gave his copy to someone. Linda Beaman said she felt Chairman Houck was right in saying that if we were not going to abide by the ordinances, they should just be thrown out. She says a perfect example of this is the CAFO. She does not feel that we should pick and choose which ones we will follow at any particular time. She feels that we can go back and review the ordinances but if the commission is not going to abide by them it would be a waste of time.

**HIGHWAY**

Superintendent Byre presented his monthly report to the Commission. There were no questions.

He reports that Game, Fish & Parks is looking at some improvements to the entry to Thomas Bay. Superintendent Byre is working on some cost estimates and told the commission that will not come back to them until he has a funding agreement in hand. A representative from SD Game, Fish & Parks was present to request the county to improve a section line at Spring Lake. They are seeking approval to enter into a contract with the highway department. This would be at Game, Fish & Parks expense. Superintendent Byre reminded commissioners that according to the Master Transportation Plan that we are trying to minimize section line work in order to stay out of the pockets of taxpayers. He is not against the project itself but he wants to avoid sending a mixed message to people that it can be done for Game, Fish & Parks but not for individual taxpayers. Superintendent Byre would like to see it included in the annual maintenance plan we have entered into with Game, Fish & Parks. The road being discussed is on the west side of Spring Lake. This will be tabled until Game, Fish & Parks has a contract to present to the Highway Superintendent.

Superintendent Byre presented a request from WEB Water for an easement across the road on 292nd Ave in Township 124 Range 78. He recommends the commission approve that. Commissioner Mohr moved to approve the agreement. Commissioner Jungwirth seconded. All in favor: Aye – 0. Nay – 0. Motion carried.

Superintendent Byre announced that Allen Frost has retired as of August 18, 2022 after 44 years of service. The Highway Department has presented him with a plaque to thank him for his years of service. Superintendent Byre spoke with the commission about hiring a replacement for Allen Frost. The commission was in agreement that he should consider the position open and try to get someone hired.

Superintendent Byre informed the commission of the status of the Master Transportation System. He wants the commission to be sure to familiarize themselves with the plan as there will be more public meetings concerning this project. He hopes the public will go on the website for KLJ and study the plan also.

Superintendent Byre discussed a contract with Jensen Rock & Sand for Asphalt Surface Treatment which has already been awarded. He made the commission aware of a penciled in item. The original bid allowance for the Type 2 cover aggregate was $30 per ton. We are now using a lower quality aggregate and the price has lowered to $23 per ton. Samples have been taken and it has been proven that this aggregate will work just as well and it is a $7 per ton cost savings. He is requesting that the commission authorize and sign this amended agreement. Commissioner Schilling moved to accept and sign the agreement. Commissioner Mohr seconded. Roll Call Vote: Holgard – yes; Mohr – yes; Schilling – yes; Jungwirth – yes; Houck – yes. Motion carried.

Superintendent Byre told the commission that the contractor will be moving in to crush gravel. The awarded contract has been delayed a little, as Superintendent Byre is requiring a document from the landowner that the county’s ownership of the gravel pile will not be lost due to something happening outside of the landowner’s or the county’s control. He is also requiring that the document include ingress and egress guarantee. He would like the commission to authorize the Chair to sign that agreement when it comes in. Commissioner Holgard so moved. Commissioner Schilling seconded. Roll Call Vote: Holgard – yes; Mohr – yes; Schilling – yes; Jungwirth – yes; Houck – yes. Motion carried.

Superintendent Byre announced that Ryan Stiklestad has returned to school and his last day of work was August 11. He will be on leave of absence until he finishes school.

He told the commission that the Peterbilt truck that was purchased is in the fleet and operational. The final cost was $100,000.

Commissioner Schilling would like everyone to know that it is important to attend the next public hearing for the Master Transportation Plan. He said if you don’t care enough to attend the meeting then you must not care about the roads in Walworth County. There were less than 10 people that weren’t already involved with the plan that attended the first public hearing.

**CURT RAWSTERN**

Curt explained to the commission that the 911 Board is cleaning up their by-laws. It has been discovered that 5 counties in the surrounding area were not brought in. Curt is asking for a motion to allow the five counties to be brought into the system. The five counties are Campbell, McPherson, Harding, Dewey, and Sioux ND. The States Attorney’s who have been reviewing the by-laws discovered that they were brought in but a motion was not made to allow them voting rights. This would allow them to have voting rights under the by-laws. Chairman Houck said that we wouldn’t be able to act on this today because action was not noted on the agenda for today. Curt will make an appointment to appear at the next commission meeting.

**EMERGENCY MANAGEMENT**

EM Jensen requested travel permission to go to the SDEMA Conference from September 13-15, 2022. Commissioner Jungwirth made a motion to approve the travel. Commissioner Mohr seconded. Roll Call Vote : Holgard – yes; Mohr – yes; Schilling – yes; Jungwirth – yes; Houck – yes. Motion carried.

Em Jensen discussed the Local Emergency Management Performance Grant. He explained that this is the grant that provides the 50% reimbursement of his salary, benefits, and state trainings. He has spoken with his regional director to make sure there have been no significant changes to the agreement from last year and there has not been. Commissioner Holgard moved to sign the agreement. Commissioner Schilling seconded. All in favor: Aye – 5; Nay – 0. Motion carried.

EM Jensen discussed some full scale exercise he is planning for the upcoming year. This will involve all fire departments, law enforcement and Game, Fish and Parks. He is planning to hold one exercise on September 24, 2022. It will begin at 9:00 at the Mobridge Fire Hall.

Em Jensen discussed getting approval for a Walworth County Fire Channel and a Walworth County Fire Mutual Aid channel. The intent is to reprogram the radios to be consistent with the new digital radios that will be required. He provided the commission with a map of when the towers are going to be switched over. There could be a time when it may cause a few problems with radio usage for a short time. He is developing a plan to switch back to analog during that time to avoid as much confusion as possible. He is hoping to provide the Mutual Aid Talk Group to surrounding counties. Commissioner Jungwirth said the more communication the better.

EM Jensen said that War Hawk Civil Defense antenna south of Dupree is being replaced. They have entered into a lease agreement with the Cheyenne River Sioux Tribe to put the antenna on one of their towers.

**REGISTER OF DEEDS**

Register of Deeds DeToy asked the commission to add Dylan Zabel to her checking account and that he has access to e-banking. Commissioner Jungwirth so moved. Commissioner Schilling seconded. Commissioner Holgard asked if he was on the e-banking for any other department. ROD DeToy told him that Dylan was not on any other departments e-banking. All in favor: Aye – 5; Nay – 0. Motion carried.

**POOR RELIEF**

Brenda DeToy presented a funeral request for an individual. DeToy said she had done all of her due diligence and she would recommend that the commission allow this expense. Commissioner Jungwirth so moved. Commissioner Mohr seconded. Roll Call Vote: Holgard – yes, Mohr – yes, Schilling – yes; Jungwirth – yes; Houck – yes. Motion carried.

**SHERIFF**

Sheriff Boll told the commission that he had put his topics on the agenda at the request of Commissioner Schilling. Commissioner Schilling was interested in knowing what everyone’s thoughts are on the Brown County Regional Jail. They are considering putting together another jail committee. Commissioner Holgard wondered if we had any idea what Brown County was expecting us to invest initially. Commissioner Schilling said he did not have any hard numbers at this time, but he was of the impression that what you gave initially would have something to do with what your boarding costs would be down the road. He says Brown County is trying to get their numbers ready which is why they need some commitments from other counties that are interested in using their facility. Commissioner Holgard said he would like to speak with Duane Sutton himself. He is concerned that if we are having problems hiring transport people how we would get enough people to staff a jail. Commissioner Jungwirth said that staffing a jail or staffing for transport were completely different animals. He would like to see a jail in Walworth County and keep our money here rather than sending out money to another county. Commissioner Holgard asked how we could afford it. Chairman Houck said how can we not afford it. Commissioner Jungwirth said he’s not saying by any means that it has to be huge, but it needs to be able to accommodate our people. Commissioner Jungwirth said he thinks we should watch the Brown County project but at the same time he believes we need to start looking at us again. Commissioner Holgard does not believe we have enough work force to manage a jail as far as staffing is concerned. Commissioner Schilling is of the opinion that we have to do something now – we can’t wait for three or four more years. Commissioner Mohr said he does not have a problem with giving Brown County some money for boarding costs but he does not want to invest in their infrastructure. Commissioner Holgard brought up why Mobridge doesn’t have to transport their own prisoners. Sheriff Boll explained that at this point our only holding cells are in Mobridge, which makes it our primary jail facility at this time. He said we must remember that there are things that Mobridge is doing for the county that they are not charging for. Linda Beaman asked permission to direct some questions to Commissioner Schilling. She asked if our initial investment with Brown County would then guarantee us enough beds for our prisoners. Commissioner Schilling said at this point everything is in the discussion and planning stage but he thinks that whatever we were willing to invest would then guarantee us a certain number of beds. These are all things that are still wide open for discussion. Linda asked what would happen if we had 30 prisoners and we were only guaranteed 10 beds, would we then have to transport to other jails anyway. Commissioner Schilling said having 30 prisoners at one time is not normal, it may happen once a year, maybe. Sheriff Boll said he is of the understanding that Brown County would want to take all of our prisoners but it’s so early in the negotiations that none of those parameters are really known. Commissioner Mohr asked Sheriff Boll how many prisoners we had today. Sheriff Boll said at one point today we were at 17, right now we are at 15. Sheriff Boll also believes that to properly plan we must look at the spikes in prisoner counts. Commissioner Holgard said the current average is 11 prisoners per day. Sheriff Boll said that statement is not true. Our average daily prisoner count has remained steady at 15 for the last two years. Commissioner Holgard said 15 prisoners times $80 is $438,000 per year. Linda Beaman asked how long it would be before we could house prisoners in Brown County if they decide to go ahead with the project. It was the opinion of the commission and Sheriff Boll that it would most likely be between 18 months to 2 years.

Commissioner Schilling left the meeting.

Linda Beaman asked if it was feasible for us to get a jail committee together and start looking on our end. Chairman Houck said we could appoint another committee. She feels that we do need a jail in our county. She says she does not believe it has to be a large jail, but we do need to be able to hold our own prisoners. Chairman Houck said he has always said we need to build for the future not just today, and in the meantime, we could lease extra beds out. He said that Commissioner Mohr had stated that Faulk County is bringing in $80,000 to $90,000 a month housing US Marshall prisoners and other out of county inmates. Chairman Houck said he will be looking into appointing another jail committee for our county.

**BUDGET**

Auditor Kahl asked for permission to advertise the provisional budget. We have a Special Meeting September 6, 2022 for a public hearing for the provisional budget. Our regular Commission Meeting will be on September 8, 2022. Commissioner Mohr moved to give the auditor permission to advertise for the public hearing. Commissioner Jungwirth seconded. All in favor: Aye – 4; Nay – 0. Motion carried.

Commissioner Holgard said he would like to have another budget meeting before the end of August. Chairman Houck said he could guarantee we will spend more than we take in. Commissioner Holgard said we need to make cuts. Chairman Houck said he cannot imagine where you would cut $500,000 out of the budget. He says he does not know if the general public is really aware of what happens if we go broke. Auditor Kahl said due to the failed jail opt out votes we are in a position now, that even if we would opt out and build a jail, we will probably have to opt out just for operating funds to keep our heads above water until a jail is built and operational. We have now waited until it’s too late to have an opt out payable in 2023. That has to be decided before July 15, so at best, the first time we would be able to collect opt out money would be 2024.

**ADJOURNMENT**

Commissioner Holgard moved to adjourn. Commissioner Jungwirth seconded. All in favor: Aye – 4; Nay – 0. Motion carried.

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**JIM HOUCK, CHAIRPERSON**

**ATTEST:**

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**DEBBIE KAHL, AUDITOR**

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