**WALWORTH COUNTY COMMISSION MEETING**

The Walworth County Commission met in regular session at 9:00 am on November 22, 2022 in Commission Chambers at the Walworth County Courthouse. Present were: Jim Houck, Duane Mohr, Kevin Holgard, Scott Schilling and Justin Jungwirth. Also present was Auditor Debbie Kahl.

The live feed was delayed for a time due to technical issues. The Commission and staff apologize for this.

Chairman Houck convened as the Planning & Zoning Board

**PLANNING & ZONING**

Commissioner Holgard moved to approve the agenda. Commissioner Schilling seconded. All in favor: Aye – 5; Nay – 0. Motion carried.

Zoning Director Pudwill presented a plat for Web Water, located N of Blue Blanket. He has no knowledge at this time of any buildings being erected. Commissioner Mohr moved to approve the plat. Commissioner Jungwirth seconded. Commissioner Schilling asked whether Highway Superintendent Byre was aware of the plat. He has been notified. All in favor: Aye – 5; Nay – 0. Motion carried.

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

**COUNTY COMMISSION**

Chairman Houck convened as Walworth County Board of Commissioners.

**AGENDA**

Sheriff reports for July and August were added to the agenda. Commissioner Schilling moved to approve the agenda as amended. Commissioner Mohr seconded. All in favor: Aye – 5; Nay – 0. Motion carried.

**CLAIMS**

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

AARON SWAN & ASSOC – material testing - $300.00; AGTEGRA – propane, gas, diesel - $1929.03; BRANDON AKRON – election work - $187.50; ARGUS DENTAL – insurance - $826.83; DEB BACKOUS – election work - $195.00; CONNIE BAUER – election work - $127.65; PATTI BAUMANN – election work - $142.50; BEADLE COUNTY - inmate boarding - $1680.00; LINDA BEAMAN – election work - $130.20; EATHON BENNIS – winterizing tax deed properties - $285.15; ANGELA BIEBER – election work-- $234.18; BERNADETTE BISBEE – election work - $236.32; MISTY BLANCO – election travel - $158.81; BRITTNEY BONEN – election work - $249.28; KRISTI BRANDT – transcripts - $47.60; BROWN COUNTY SHERIFF – publishing, adult boarding, juvenile boarding - $1335.00; ARLYS BROWN – election work - $227.50; BUTLER MACHINERY – parts - $2958.05; CAM WAL ELECTRIC – fluorescent tubes - $493.65; CARDMEMBER SERVICES – repairs, supplies, travel, inmate meals - $1004.53; DENISE CENTENO – election work - $220.00; CGI LLC – CAA - $1492.68; SYLVIA CHAPMAN – labor, mileage – $612.80;

COGLEY LAW – CAA - $1818.94 $1737.65

COLE PAPER – supplies - $68.29; COLEMAN LAW – CAA - $3310.75; COMPUTER FORENSIC RESOURCES – CAA - $2487.95; CONNECTING POINT – services - $1776.30; DAKOTA GLASS – wheel alignment - $99.95; DAKOTA RADIO GROUP – advertising - $150.00; DIAMOND MOWERS – supplies - $1283.79; EDMUNDS COUNTY – inmate boarding - $150.00; FIRE SAFETY FIRST – annual maintenance - $35.00; SHEILA FREY – election work - $228.16; CINDI FRITZ – election work - $120.00; DOUG FRITZ – election work, mileage – $66.72; JACQUELYN FIEDLER – election work - $235.30; GAS & GOODIES – gas - $296.30; THE GLASS DOCTOR – glass installation - $820.00; CAROL GODKIN – election work - $246.00; DARRELL GRIESE – meals - $12.88; GTC- parts - $133.79; HEARTLAND WASTE – garbage service - $210.00; DOROTHY HETTICH – election work - $254.50; HOVEN COOP – gas, diesel - $1431.93; HUGHES COUNTY – inmate boarding - $15010.00; LAURENA IDLER – election work - $195.00; JEFF JENSEN – travel, meals - $12.00; JOHN DEERE FINANCIAL – parts - $950.19; JENSEN ROCK & SAND – services - $10.00; KAISER CONSTRUCTION – overhead door Hoven - $2955.48; NANCY KELLER – election work - $246.19; KEN’S WESTERN LUMBER – supplies - $85.96; MARK KROONTJE – CAA - $2771.33; FAYE KRONE – election work - $242.44; AUDREY LESMEISTER – election work - $254.50; LINCOLN COUNTY – mental health services - $590.90; DEBRA LUTZ – election work - $195.00; MICHAEL MAES – meals - $33.72; MARCO – copier rental & usage - $131.74; SHIRLEY MASTELLAR – election work - $238.36; BONITA MAY – election work - $270.74; MCLEOD’S – supplies - $304.047; MDU – utilities - $20.51; CITY OF MOBRIDGE – utilities - $49.45; MOBRIDGE PIT STOP – supplies, gas - $293.94; MOBRIDGE REGIONAL HOSPITAL – drug testing - $72.00; MOBRIDGE TRIBUNE – publishing - $49.00; DONNA PFTIZER – election work - $236.32; JANET RAU – election work - $203.85; RELX INC DBA LEXISNEXIS – law books - $1920.00; DAVE RITTER – travel, fees - $118.54; BRANDON ROOKEY – meals - $6.86; GLADYS SCHILLING – election work - $236.32; SHANNON SCHLOMER – election work - $221.00; CINDY SCHOCK – election work - $218.16; THE RADAR SHOP – radar, forks - $384.00; ROSALIE SCHUMACER – election work - $255.40; SD DEVELOPMENTAL CENTER – services - $60.00; SD PUBLIC HEALTH LAB – drug testing - $240.00; SELBY AUTO – parts - $413.75; SELBY OIL – repairs - $56.00; SELBY RECORD – publishing - $1457.25; SENIOR NUTRITION CENTER - inmate meals - $60.00; SERVALL – rentals - $99.65; DONNA SHERWOOD – election work - $220.00; SHORTY’S – gas - $10786.10; SLATER OIL – diesel, heating fuel - $17038.78; CATHERINE SPIRY – election work - $220.00; JOHN STEFANICH DBA – repairs - $375.00; EMILY STIEGELEIER – election work - $107.04; BERNOLD SWANSON – subpoena - $30.92; TASC – insurance fee - $120.74; THOMSON REUTERS – law books - $24.69; RONNY TROYER – meals - $45.86; UNIFORM CENTER – supplies - $1380.70; JUSTIN VAN ORMAN – election work - $240.40; VENTURE COMMUNICATIONS – utilities - $1123.17; VON WALD LAW – defense services - $681.75; BILL WAECKERLE – election work- $411.92; REBECCA WALTH – election work - $195.00; WEB WATER – utilities - $54.31; WEB WATER BOTTLING – water - $138.00; WEST RIVER TELECOMMUNICATIONS – utilities - $38.00; BECKY WITLOCK – election work, mileage - $270.14;

**REGISTER OF DEEDS**

We were finally able to live stream this meeting at the end of Register of Deeds DeToy’s report. She presented the commission with her monthly report for October and gave them an explanation of the activities in her office for the month.

**SDACO**

Commissioner Holgard moved to approve paying the dues for 2023 to the South Dakota Association of County Officials. Commissioner Schilling seconded. Roll Call Vote: Holgard – yes, Mohr – yes, Schilling – yes, Jungwirth – yes, Houck – yes. Motion carried.

**SDACC**

Commissioner Holgard moved to approve paying the dues for 2023 to the South Dakota Association of County Commissioners. Roll Call Vote: Holgard – yes, Mohr – yes, Schilling – yes, Jungwirth – yes, Houck – yes. Motion carried.

**ABATEMENTS**

Commissioner Mohr moved to abate record # 4041 in the amount of $20.52. Commissioner Jungwirth seconded. Roll Call Vote: Holgard – yes, Mohr – yes, Schilling – yes, Jungwirth – yes, Houck – yes. Motion carried.

Commissioner Holgard moved to abate record # 4113 in the amount of $1042.92. Commissioner Schilling seconded the motion. Roll Call Vote – Holgard – yes, Mohr – yes, Schilling – yes, Jungwirth – yes, Houck – yes. Motion carried.

Commissioner Holgard moved to abate record # 4157 in the amount of $1529.64. Commissioner Mohr seconded. Roll Call Vote: Holgard – yes, Mohr – yes, Schilling – yes, Jungwirth – yes, Houck – yes. Motion carried.

Commissioner Holgard moved to abate record # 4215 in the amount of $2.74. Commissioner Jungwirth seconded the motion. Roll Call Vote: Holgard – yes, Mohr – yes, Schilling – yes, Jungwirth – yes, Houck – yes. Motion carried.

Commissioner Holgard moved to abate record # 5164 in the amount of $2170.42. Commissioner Mohr seconded the motion. Roll Call Vote: Holgard – yes, Mohr – yes, Schilling – yes, Jungwirth – yes, Houck – yes. Motion carried.

Commissioner Holgard moved to abate record #5536 in the amount of $10329.08. Commissioner Mohr seconded the motion. Roll Call Vote: Holgard – yes, Mohr – yes, Schilling – yes, Jungwirth – yes, Houck – yes. Motion carried.

Commissioner Holgard moved to abate record # 5681 in the amount of $5478.66. Commissioner Jungwirth seconded the motion. Roll Call Vote: Holgard – yes, Mohr – yes, Schilling – yes, Jungwirth – yes, Houck – yes. Motion carried.

Commissioner Holgard moved to abate record # 5818 in the amount of $7820.80. Commissioner Jungwirth seconded the motion. Roll Call Vote: Holgard – yes, Mohr – yes, Schilling – yes, Jungwirth – yes, Houck – yes. Motion carried.

Commissioner Holgard moved to abate record # 7468 in the amount of $1482.64. Commissioner Mohr seconded the motion. Roll Call Vote: Holgard – yes, Mohr – yes, Schilling – yes, Jungwirth – yes, Houck – yes. Motion carried.

Commissioner Holgard moved to abate record # 8685 in the amount of $665.42. Commissioner Jungwirth seconded the motion. Roll Call Vote: Holgard – yes, Mohr – yes, Schilling – yes, Jungwirth – yes, Houck – yes. Motion carried.

Commissioner Holgard moved to abate record # 8859 in the amount of $755.88. Commissioner Schilling seconded. Roll Call Vote: Holgard – yes, Mohr – yes, Schilling – yes, Jungwirth – yes, Houck – yes. Motion carried.

**HIGHWAY**

**WEB PLAT** Commissioner Schilling asked Superintendent Byre to look over the WEB plat to see if everything looked OK to him. Superintendent Byre said he does not like some of the verbiage on the plat and that he told WEB as much. He says as long as the State’s Attorney says the verbiage is all right he has no reason to object. Commissioner Holgard moved to approve the WEB plat. Commissioner Mohr seconded. All in favor: Aye – 5; Nay – 0. Motion carried.

**BUDGET SUPPLEMENT.**

The Chairman read the notice of the Budget Supplement for the Sheriff’s Office for $108000. No one from the public was present. Commissioner Jungwirth moved to approve the supplement. Commissioner Mohr seconded. Commissioner Holgard wondered how we could approve a budget that has unlimited hours. Commissioner Holgard said he has talked to a lot of people and they agree with him that we should follow the Attorney General’s opinion that says the arresting officer should haul the inmate to jail. Sheriff Boll said that there are things that have changed regarding the budget, such as pay raises halfway through the year, and a shortage of transport and deputy staff. Chairman Houck said we cannot compare our Sheriff’s office with any of the surrounding counties. He also said he doesn’t feel we have any option, as we still have to transport inmates. He said we can’t just turn people loose because we don’t have anymore transport hours this month. Sheriff Boll reminded the Commission that he has designated the two holding cells over in Mobridge as the jail because that is only recourse he has available at this time. Commissioner Holgard insisted that the arresting officer haul the prisoners to a jail, because that is not a jail over in Mobridge. Sheriff Boll told Commissioner Holgard that if he has designated those cells in Mobridge as the jail, technically it is the jail. Houck asked Commissioner Holgard which inmates should we not transport. Commissioner Holgard said it would be the ones we don’t arrest. Chairman Houck also reminded Commissioner Holgard that the Attorney General’s opinion is nearly 50 years old. Commissioner Schilling said that he agrees with some of Commissioner Holgard’s points. He asked Sheriff Boll if we had signed contracts with several jails. Sheriff Boll responded that we do. Commissioner Schilling says Mobridge is going to have to transport their prisoners to whatever jail we find available at the time. Commissioner Schilling says we cannot continue to operate like we are. He says we need to sit down with Mobridge and tell them that the bottom line is that they are going to have to start doing their own transports. Sheriff Boll says that the fact that he has contracts with 19 jails and he has to call several to find one that can take extra prisoners at that time does not make them a designated jail. Commissioner Holgard said he has been talking to Mike Weist from Aberdeen. Commissioner Holgard asked Sheriff Boll if he would have them as our designated jail at the first of the year. Sheriff Boll says that will not happen. The last four times he has called them to get a cell they have already been full. Commissioner Schilling feels that the highway patrol and the Mobridge police department have to take their own prisoners to a jail designated by Sheriff Boll. Chairman Houck said that there is a motion and a second on the table. Roll Call Vote: Holgard – no, Mohr – yes, Schilling – no, Jungwirth – yes, Houck – yes. Motion carried.

**HIGHWAY**

Highway Superintendent presented his budget balance report. Superintendent Byre stated that he is staying within the projected budget.

Superintendent Byre explained that he was presenting again a Notification to Occupy Right of Way from WEB Water. This had been approved at a previous meeting but the area first considered for the water line that WEB had requested was found to be quite congested with other utilities and they have requested a modification to the original agreement to relocate the water line to an area less congested. Commissioner Holgard moved to approve the modification. Commissioner Mohr seconded the motion. All in favor: Aye – 5, Nay – 0. Motion carried.

Superintendent Byre reminded the commission that the next and last public meeting of the Master Transportation Plan is November 29, at 5:30 at the Selby School gymnasium. He recommends that the entire commissioner attend this meeting.

Superintendent Byre presented the annual contract for the software used in the Highway Department, D-Ware, in the amount of $4350. Commissioner Schilling moved to approve the contract. Commissioner Mohr seconded. Roll Call Vote: Holgard – yes, Mohr – yes, Schilling – yes, Jungwirth – yes, Houck – yes. Motion carried.

Commissioner Byre reported on the progress being made on Project WCBD3. This is at the site of the Basin transmission line failure. He has provided some projected costs, but there could be additional materials needed that will raise that price. He would like the commission to look this over and at a future meeting he will be asking permission to circulate this to the other entities involved. Commissioner Schilling moved to approve the Superintendent’s estimates and plans and give him permission to circulate the plan to the other entities involved. Commissioner Holgard seconded the motion. Roll Call Vote: Holgard – yes, Mohr – yes, Schilling – yes, Jungwirth – yes, Houck – yes. Motion carried.

Superintendent Byre explained a situation concerning the stockpile of aggregate material at the pit down by Hoven. He believes this cover aggregate stockpile was created in 2013. The landowner has approached Superintendent Byre and is asking for a yearly contract to help him compensate for the use of the land at that location. It is believed that the pile will remain there for at least the next 10 – 15 years. Superintendent Byre has discussed this with State’s Attorney Beck. Commissioner Schilling moved to allow Superintendent Byre to draw up and sign a contract for $500 per year with the landowner. Commissioner Mohr seconded. Roll Call Vote: Holgard – yes, Mohr – yes, Schilling – yes, Jungwirth - -yes, Houck – yes, Motion carried.

**HEALTH INSURANCE**

The commission had a discussion on the insurance proposals presented to them at the last meeting. Commissioner Schilling moved to use Risty Benefits as our agent of record, using their proposal for Wellmark Blue Cross Blue Shield, and to go with an HSA account for employees, to be paid to them on a biweekly basis, and that anyone on the commission would be eligible to obtain the insurance, paying their own premium. Commissioner Holgard seconded. A discussion was held concerning the deductible amount and the amount put in the HSA accounts. We will ask Sonja Nordby from Risty to attend our December 6, 2022 meeting, to finalize details. There was also discussion held concerning the availability of AFLAC insurance to all employees. Tonya Schoenhard will be here on November 30, 2022 for an open enrollment period and to discuss policies with employees. All in favor: Aye – 5, Nay – 0. Motion carried.

**PARTIAL LIEN SATISFACTIONS**

Auditor Kahl reminded the commission of the history of this particular lien. It showed up on a sale of some property in Akaska. The total lien was nearly $8000 dollars. Reseearch was done and a listing of the property owned by the people whom the lien was against was made. It was decided to split the lien by percentages of current land only value and release the lien against a particular policy when their portion of the lien was paid. The only portion of the lien not paid is owed by the city of Akaska. Auditor Kahl asked if the commission would consider forgiving that portion to the city. It was decided by the commission that it would be setting a precedent in future dealing with poor liens if it was forgiven. Commissioner Schilling moved to deny forgiving the poor lien to the city of Akaska. Commissioner Holgard seconded. Akaska will still need to pay their portion of the poor lien to get it removed from property that they own. Roll Call Vote: Holgard – yes, Mohr – yes, Schilling – yes, Jungwirth – yes, Houck – yes. Motion carried.

Commissioner Schilling made a motion to have the State’s Attorney draw up lien satisfaction for record numbers 3840, 3845, 3847, 7034, 3908, 3912 and 3913, and to allow the Chairman to sign them when they are completed and to allow them to be filed with the Register of Deeds when they are signed. Commissioner Mohr seconded. All in favor: Aye – 5, Nay – 0. Motion carried.

**TAX DEED PROPERTIES**

Auditor Kahl presented two deeds, one to Brian Gill and one to Stanley Goldade, for tax deed properties sold on November 16, 2022. Commissioner Holgard moved to approve the deed to Brian & Linda Gill. Commissioner Mohr seconded. Roll Call Vote: Holgard – yes, Mohr – yes, Schilling – yes, Jungwirth – yes, Houck – yes. Motion carried. Commissioner Holgard moved to approve the deed to Stanley & Connie Goldade. Commissioner Jungwirth seconded. All in favor: Aye – 5, Nay – 0. Motion carried.

**QUIT CLAIM DEED**

Auditor Kahl presented a quit claim deed to the City of Mobridge on a tax deed property that the county had taken some time ago. Heather Beck, Mobridge Finance Officer, attached minutes which show that the county had agreed to this a motion. Commissioner Holgard moved to approve the Quit Claim deed to the City of Mobridge. Commissioner Mohr seconded. All in favor: Aye – 5, Nay – 0. Motion carried.

**SHERIFF**

Sheriff Boll presented the July and August jail reports for the commission’s review. Sheriff Boll informed the commission that so far, year to date, we have 332 inmates held a total of 1928 days. Those totals are for January through August. Commissioner Schilling questioned about fees for guns. Sheriff Boll explained some of the differences the state is doing, due to the fact that we are a constitutional carry state. There were 7 enhanced renewals in August and that renewal is good for 5 years. Commissioner Holgard asked Sheriff Boll is he thought there are people getting arrested just to receive prescriptions. Commissioner Holgard feels that with the cost of some of the prescriptions listed he can see where it would be cheaper to get arrested, get your drugs and then get out.

**ZONING ORDINANCE REVIEW COMMITTEE**

Chairman Houck wondered if Auditor Kahl had heard anything from Eric Senger, with NECOG. She had not and she did not know if Director Pudwill had or not. He had and they had tentatively discussed having a meeting in early December. Chairman Houck told Director Pudwill to set up a date and let them know.

**OLD BUSINESS**

Commissioner Schilling pointed out a cone at the south end of the driveway where the drive up drop box will be placed. He said Superintendent Byre and his crew have worked on getting it ready to install it. He just wanted the rest of the commission to be aware that it will soon be there for the convenience of the public. Commissioner Holgard wondered if Register of Deeds DeToy had been taken off of the Auditor’s checking account. She had been. Commissioner Mohr wondered if there had been any applicants for the auditor’s job. There has been once recently but they did not live in Walworth County and were not interested in moving to Walworth County. Chairman Houck wondered if there had been any applicants for State’s Attorney and there have not. Commissioner Mohr suggested we send something to Vermillion, also, just in case there would be a recent graduate interested.

**ADJOURNMENT**

Commissioner Holgard moved to adjourn. Commissioner Schilling seconded. All in favor: Aye – 5, Nay – 0. Motion carried.