**WALWORTH COUNTY COMMISSION MEETING**

**MINUTES OF PROCEEDINGS**

The Walworth County Board of Commissioners met in regular session on October 19, 2022 at 9 am. at the Walworth County Courthouse. Members present were: Jim Houck, Duane Mohr, Kevin Holgard, Scott Schilling and Justin Jungwirth. Also present were County Auditor Debbie Kahl, David and Tabitha Kulm, Denise Centeno, Duane Zabel, John Von Wald, Wilma Medicine, Gene Cox and Rick Cain.

The Pledge of Allegiance was recited by those in attendance.

Chairman Houck convened as the Planning & Zoning Board.

Commissioner Holgard moved to publish for a public hearing for Jess Schilling. Commissioner Schilling seconded. All in favor: Aye – 5; Nay – 0. Motion carried. Commissioner Holgard moved to publish for a hearing for WEB Water. Commissioner Mohr seconded. All in favor: Aye – 5; Nay – 0. Motion carried. Zoning Director Pudwill presented the year to date building permits. He noted that more than half of these permits had been submitted since the last public hearing we held. Commissioner Schilling wondered what the WEB Water hearing was for. Director Pudwill explained that it was a pump house down by Lowry. The Public Hearing was held for Duane Zabel. John Von Wald accompanied Duane. John explained the situation concerning this building. The building was constructed in 2020. That was the time that Covid shut everything down. The thought of getting a building permit was an oversight on Duane Zabel. John Von Wald proposed that had Duane applied for and received the building permit that building would have been on the tax rolls. Because there was no permit the building has not been on the tax rolls. John contacted Auditor Kahl to run some figures on what the taxes would have been. Duane does not want to get out of any taxes he may have paid and has offered to pay the taxes that he owes. Duane told the commission that he just simply forgot to get the permit. He has no excuses. He just forgot. Commissioner Holgard moved to accept Duane Zabel’s offer to pay the taxes owed. Commissioner Holgard then retracted his motion. There was conversation as to how that money would be receipted in. Auditor Kahl said we should have action to approve the building permit, then on the variance and then we could probably receipt the payment in as a payment in lieu of taxes. Commissioner Holgard moved to approve the variance for Duane Zabel. Commissioner Mohr seconded. Roll Call Vote: Holgard – yes, Mohr – yes, Schilling – yes, Jungwirth – yes, Houck – yes. Motion carried. Commissioner Mohr moved to accept the payment of $606.53 offered in lieu of taxes. Commissioner Schilling seconded. All in favor: Aye – 5; Nay – 0. Motion carried. A Public Hearing was held for David and Tabitha Kulm. David Kulm explained that they added a pole barn extension. The extension was placed as it was so that it fit into the design of the existing building. He admits that he didn’t even think of a building permit. He was not able to go south because of underground obstructions. They have now gotten a building permit. Director Pudwill reports that a building permit has been filled out but it’s approval is pending the approval of the variance. Commissioner Holgard moved to approve the variance. Commissioner Mohr seconded. Roll Call Vote: Holgard – yes, Mohr – yes, Schilling – yes, Jungwirth – yes, Houck – yes. Motion carried. Commissioner Holgard again questioned if a committee had yet been formed to go over the ordinances. Chairman Houck said he has spoken with some people and now he has to visit with Eric Senger at NECOG. Chairman Houck mentioned that we should probably address some issues on windward and non-windward. Commissioner Schilling moved to adjourn as Planning and Zoning. Commissioner Jungwirth seconded. All in favor: Aye – 5; Nay – 0. Motion carried.

Chairman Houck convened as Walworth County Commission.

Wilma Medicine has signed up to speak during Public Forum. She is talking about a house that has just been taken for taxes. Commissioner Holgard asked where the house was located. Auditor Kahl explained that the house was taken for taxes on October 5, 2022. State’s Attorney Berg provided an eviction notice giving Wilma 10 days to get out of the house. Commissioner Schilling commented that this had been going on for someone. She is asking for more time to get out of the house. Commissioner Holgard explained to her that as a commission they have no authority to do anything for her.

Highway Superintendent Byre requested to add to the agenda to discuss/act on a ban on trucks on a county road in June. Commissioner Holgard requested to add commission action on the variances approved in Planning and Zoning. Commissioner Schilling moved to approve the agenda, with the additions. . Commissioner Mohr seconded. All in favor: Aye – 4, Nay – 0. Motion carried.

**CLAIMS**

Chairman Houck requested that a claim from the Brown County Jail be moved from the Sheriff’s budget to the jail budget. He also noted that the Marco’s bill has been claimed twice under each department, and requested that one of those payments be removed. Commissioner Holgard requested that a Ken’s Western Lumber claim needs to be corrected due to an erroneous amount. Commissioner Holgard moved to approve the claims, with the changes discussed. Commissioner Jungwirth seconded. All in favor: Aye – 4, Nay – 0. Motion carried. Auditor Kahl told the commission that she appreciates them going through the claims so thoroughly, and that it helps the auditor’s office get those things done correctly.

AFLAC – employee paid premiums - $2535.91; AGTEGRA – supplies & materials - $4936.69; AKASKA FIRE DEPT – insurance reimbursement - $3022.53; ARROWHEAD MOTORS – unclaimed property payment - $341.10; AT&T MOBILITY – phones - $407.30; AVERA OCCUPATIONAL MEDICINE – drug testing - $97.00; BEADLE COUNTY – inmate boarding - $320.00; RENEE BEAR STOPS – juvenile court appointed attorney - $336.84; VAUGHN BECK – travel - $58.24; TRAVIS BENTZ – notary - $30.00; BOWDLE FIRE DEPT - $1511.27; BOWDLE HEALTHCARE CENTER – inmate medical - $419.09; KRISTI BRANDT – court services & fees - $357.60; BROWN COUNTY SHERIFF – inmate boarding - $11625.00; BUTLER MACHINERY – parts - $4195.67; CAM WAL – electric - $228.11; CARDMEMBER SERVICE – late fee, publishing, repairs & maintenance, gas, inmate meals - $1250.72; CARLSON SERVICES – sewer repair - $320.00; COGLEY LAW – court appointed attorney - $5963.40; COLEMAN LAW – court appointed attorney – 1441.50; CONNECTING POINT – backup, remote support - $1315.50; DACOTAH BANK – travel, election supplies, supplies, postage, sales tax 6376.84; DAKOTA FLUID POWER – supplies, materials, parts - $981.16; DAKOTA GLASS – repairs, maintenance - $995.14; DAKOTA RADIO GROUP – publishing - $150.00; DAKOTABILITIES – Oct/Nov/Dec - $180.00; EDMUNDS COUNTY – inmate boarding, fingerprinting - $40000; ELECTION SYSTEMS & SOFTWARE - supplies - $108.41; FAMILY PHARMACY – jail medical - $21.50; GAS N GOODIES – gas - $353.68; GLENHAM FIRE DEPT – insurance reimbursement - $1930.23; GREAT WESTERN TIRE – repairs, maintenance, tires - $1029.55; DARRELL GRIESE – travel - $12.74; GTC AUTO PARTS – parts - $164.64; HEARTLAND WASTE – garbage - $210.00; HOVEN COOP – gas - $78.40; HOVEN FIRE DEPT – insurance reimbursement - $1421.49; HOVEN MEDIA – publishing - $649.24; HUGHES COUNTY FINANCE OFFICE – inmate boarding - $9595.00; CITY OF JAVA – water - $18.00; JAVA FIRE DEPT – insurance reimbursement - $3037.50; JEFF JENSEN – travel - $22.74; JENSEN R0CK & SAND – services, rentals, materials - $93587.75; JOHN DEERE FINANCIAL – PARTS - $902.11; JUSTICE FIRE & SAFETY – supplies - $357.50; KENNEDY, PIER, LOFTUS, REYNOLDS – mentally ill services - $161.60; KEN’S WESTERN LUMBER – supplies, materials - $365.19; MICHAEL MAES – travel - $11.04; MARK KROONTJE – court appointed attorney – $34269.84; MARCO – supplies, copier usage - $175.78; MDU – electricity - $1443.84; MENARDS – repairs & maintenance - $61.88; MIDCONTINENT COMMUNICATIONS - $158.39; CITY OF MOBRIDGE – water - $116.93; MOBRIDGE FIRE DEPT – insurance reimbursement - %13391.73; MOBRIGE HARDWARE – repairs & maintenance - $99.72; MOBRIDGE PIT STOP – gas - $106.88; MOBRIDGE REGIONAL HOSPITAL – drug testing, jail medical - $387.56; MOBRIDGE TRIBUNE – publishing, subscription - $1463.25; NAPA CENTRAL – supplies - $189.01; NW BLADE – publishing - $116.10; OAHE LANDSCAPING – winterizing - $63.00; OPEN CANVAS – caps - $167.65; PENNINGTON COUNTY JAIL – transport - $119.78; PFITZER PEST CONTROL - $165.86; PRAIRIE PIONEER – publishing - $90.45; PREMIER EQUIPMENT – supplies, materials - $51.00; CHELSEA PRASEK – notary - $30.00; GREG PUDWILL – travel, meals - $190.78; QUILL – supplies - $559.54; RELX DBA LEXISNEXIS – grant to other entities - $1280.00; BRANDON ROOKEY – travel - $13.71; RUNNINGS – supplies - $401.93; SANFORD – jail medical - $49.78; JOSEPH SCANNIELLO – travel - $16.64; DEAN SCHAEFER – services & fees - $42.00; SCHLACHTER LUMBER – supplies - $42.59; TERRY SCHWEITZER – tax refund - $62.70; SDACC – services & fees - $329.00; SD DANR – landfill tonnage fee - $1023.23; SD DEVELOPMENT CENTER – disabled - $60.00; SD PUBLIC HEALTH – blood alcohol, drug testing - $535.00; SD RETIREMENT – retirement - $13839.94; SD DEPT TRANSPORTATION – bridge inspections - $1674.27; CITY OF SELBY – water - $900.49; SELBY AUTO – supplies - $252.10; SELBY FIRE DEPT – insurance reimbursement - $5611.35; SELBY OIL – repairs & maintenance - $177.00; SELBY RECORD – publishing - $550.50; SENIOR NUTRITION CENTER - $180.00; SERVALL LINEN – rentals - $278.96; SHORTY’S – gas - $1391.81; ANTHONY STANGO – travel - $5.53; TOM STRICKLAND – subpoena, mileage - $87.20; TASC – insurance fee - $722.41; THOMSON REUTERS – law books - $24.69; UNIFORM CENTER – uniforms - $775.50; US POSTAL SERVICE – annual box fee - $108.00; VALLEY TELECOMMUNICATIONS – phone, internet - $53.91; VENTURE COMMUNICATIONS – phone - $10719.69; VERIZON – compactor GPS - $47.28; VON WALD LAW – juvenile defense - $5193.00; WEB Water – water - $47.28; WEB WATER BOTTLING – water - $25.00; WELLMARK – health insurance - $24163.25; PETE WEINZIRL - supplies - $12.00; WEST RIVER TELECOMMUNICATIONS - $80.50;

**MINUTES**

Commissioner Schilling moved to approve the minutes of 08-02-2022. Commissioner Mohr seconded. All in favor: Aye – 5, Nay – 0. Motion carried.

**VARIANCES**

Commissioner Holgard moved to approve the variance for Duane Zabel. Commissioner Schilling seconded. All in favor: Aye – 5, Nay – 0. Motion carried. Commissioner Holgard moved to approve the variance for David & Tabitha Kulm. Commissioner Mohr seconded. All in favor: Aye – 5, Nay – 0. Motion carried.

**HIGHWAY**

Highway Superintendent Byre presented his monthly budget balance report. Commissioner Holgard asked if he was getting everything figured out with Diamond Mowers and Superintendent Byre said that he was. Superintendent Byre informed the commission that he was promoting Gordon Hagstrom from assistant mechanic/operator to mechanic. Hagstrom had been hired to fill vacant position in Mobridge. That position has now been filled. Hagstrom will become the head mechanic, but will also be available to be an operator if needed. Superintendent Byre is requesting a wage of $24 per hour. Commissioner Mohr moved to approve the raise effective 10-24-2022. Commissioner Holgard seconded. Roll Call Vote: Holgard – yes, Mohr – yes, Schilling – yes, Jungwirth – yes, Houck – yes. Motion carried. Superintendent Byre considered approving a Resolution to Establish Criteria to Award Rural Action Infrastructure Funding. He presented a draft model from Minnehaha County. He says this resolution is a requirement. He suggests we use that model. Commissioner Schilling moved to adopt the resolution using the Minnehaha Resolution as a model. Commissioner Mohr seconded. All in favor: Aye – 5, Nay – 0. Motion carried. Superintendent Byre presented an amended draft for the grade improvement on the north county line. This agreement is based on Basin Electric’s response. The modifications have been highlighted in yellow. Superintendent Byre said we are not ready to act on that yet, it is just for information. The owner of the gravel pit site #7002 located at SW4 Sec 10 T121 R74 asked Superintendent Byre to discuss this with the commission that he wants a lease payment from the county because of the length of time that the pile has been there long enough. The original agreement was drawn up for five years in 2014. All the paper work has been turned over to the State’s Attorney for review. Superintendent Byre reported that the Master Transportation plan will be held sometime in November. Each commissioner has received a copy of the latest plan. Superintendent Byre presented an ingress-agreement with Matt Arbach, explaining that the fencing agreement paragraph has been deleted. He recommends signing the agreement. Commissioner Schilling so moved. Commissioner Mohr seconded. All in favor: Aye – 5, Nay – 0. Motion carried. Superintendent Byre asked the commission to consider a joint power agreement with GF&P to place pit run gravel on 135th St from 316 Ave to the east. A representative from GF&P was present. Commissioner Schilling likes the fact that the GF&P and the county are working together, but at the same time there are contractors available to do the work and the county is pretty strapped for time. Superintendent Byre believes there is about 18 hours of hauling gravel from the north county pit. Superintendent Byre would prefer not to have private contractors hauling out of a county pit. Commissioner Holgard moved to approve the agreement dependent on Superintendent Byre’s schedule. Commissioner Jungwirth seconded. Commissioner Schilling said he does not think the county really has time to do this now. Commissioner Holgard said that’s why he made the motion dependent on Superintendent Byre’s time. Roll Call Vote: Holgard – yes, Mohr – yes, Schilling – no, Jungwirth – yes, Houck – no. Motion carried. Superintendent Byre spoke on an earlier resolution concerning traffic limitations on the Blue Blanket Road. He is proposing to remove the truck restriction from the resolution, which will remain in place. Commissioner Mohr so moved. Commissioner Schilling seconded. All in favor: All in favor: Aye – 5, Nay – 0. Motion carried.

**EMERGENCY MANAGEMENT**

EM Jensen was not present at the meeting. He had met with Commissioner Jungwirth. They had discussed the IMEG project at Lake Hiddenwood. We have a bill for that project. Commissioner Schilling recommended not paying the bill until the project is completed. Commissioner Schilling moved to not pay the bill. Commissioner Mohr seconded. All in favor: All in favor: Aye – 5, Nay – 0. Motion carried.

**LANDFILL**

Commissioner Mohr requested a motion to approve an annual waste survey for Santec Consulting Service in the amount of $5700. Commissioner Holgard so moved. Commissioner Schilling seconded. Roll Call Vote: Holgard – yes, Mohr – yes, Schilling – yes, Jungwirth – yes, Houck – yes. Motion carried.

The commission took a 5 minute break.

**BROWN COUNTY REGIONAL JAIL**

Commissioners Duane Sutton and Mike Wiest from Brown County came to give the commission some insight into the Regional Jail Concept they are considering. They report that a feasibility study has been completed and the building site has been shown to be adequate. They need 40% of the

2nd meeting 2:35

**REGISTER OF DEEDS**

**AUDITOR**

**SHERIFF**

There being no old or new business, Commissioner Holgard moved to adjourn. Commissioner Mohr 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