September 20, 2022

**WALWORTH COUNTY COMMISSION MEETING**

**MINUTES OF PROCEEDINGS**

The Walworth County Board of Commissioners met in regular session on September 20, 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 State’s Attorney Vaughn Beck and County Auditor Debbie Kahl. Also present was Harley Overseth.

**Pledge of Allegiance**

The Pledge of Allegiance was recited by those in attendance.

**Planning & Zoning**

Chairman Houck convened as the Planning & Zoning Board. He informed everyone that because Commissioner Holgard is abstaining on the Goldade Variance, Harley Overseth was asked to be present as an alternate. No one was present to speak at Public Forum. He requested a motion to approve the agenda. Commissioner Schilling so moved and Commissioner Mohr seconded. All in favor: Aye – 5; Nay – 0. Motion carried. John Von Wald was present with Shannon Goldade. He presented the Board with a timeline surrounding the situation with the variance. He explained that Goldade did not understand that dirt work was considered part of the construction, so she did not get a building permit at that time. Von Wald said there was a miscommunication between Goldade and Director Pudwill. When Pudwill questioned whether the set back was far enough, Goldade said it was. Director Pudwill meant from the middle of the road to the edge of the bin on the west, and Goldade understood him as asking if there was enough room between the existing bins, south, to the driveway into the building site. Director Pudwill was not present at this meeting. She was not informed that she must stop building until her variance hearing. Von Wald said Goldade did get a building permit, even though she did not understand she needed it at the time the dirt work was done. Auditor Kahl said that she didn’t think there would have been any problem with Goldade getting the variance if she had done everything in a timely manner. Von Wald stated that the building permit should not have been issued until it was confirmed that the set back was appropriate. State’s Attorney Beck thinks because of the existing bins there should not be a problem granting the variance. He does not feel that any fines should be outrageous. He thought a $500 - $1000 would be appropriate. Commissioner Schilling said that although Goldade was late, he feels that the Director should have told her to stop as soon as he realized the setbacks were not adequate. Auditor Kahl said everyone is informed of building permits every year when they get their assessment notices. She feels that a $1000 fine is not adequate because the feeling out there seems to be that it is just a cost of doing business, the building is already there, what are they going to do about it. She feels the fine should much steeper. Commissioner Schilling stated that on January 1, 2023 we should commit to a much steeper fine than what it is now. He made a motion to grant Goldade the variance. Harley Overseth seconded. Commissioner Houck asked Commissioner Schilling if there should be a penalty. He doesn’t think we should fine Goldade at this time but that we need to address this the first of the year. Roll Call Vote: Overseth – yes, Mohr – yes, Schilling – yes, Jungwirth – yes, Houck – yes. Motion carried. Von Wald clarified that the motion that just passed grants the variance. Commissioner Mohr moved that the fine be $2500.00 less that she has already paid for the permit fee and variance fee. The chair called for a second. Commissioner Mohr withdrew his motion and made a motion that the fine be $1000 minus the fees already paid. Commissioner Jungwirth seconded. Commissioner Schilling stated he would still rather wait until the first of the year to establish fines. Harley Overseth stated that he thinks mistakes were made on both sides and he feels a $1000 fine was far too much. Commissioner Mohr feels the fine should be a flat fee. Roll Call Vote: Overseth – no; Mohr – yes; Schilling – no; Jungwirth – yes, Houck -yes. Motion required a 2/3 vote, motion denied. Auditor Kahl requested permission for Director Pudwill to advertise for variance hearings for David Kulm and Duane Zabel. Commissioner schilling so moved. Commissioner Mohr seconded. All in favor: Aye – 5, Nay – 0. Motion carried. In Old Business Commissioner Schilling asked if a committee had yet been formed to review ordinances. Chairman Houck said he did not have the entire committee appointed at this time. State’s Attorney Beck asked if the commission would like a proposal for penalties. Commissioner Holgard moved to adjourn as Planning & Zoning Board. Commissioner Jungwirth seconded. All in favor: Aye – 5, Nay – 0. Motion carried.

**Chairman Houck convened the Board as Walworth County Commission**

**Public Forum**

No one was present to speak at Public Forum.

**Approval of Agenda**

Commissioner Holgard requested to add County Board action on the action taken by the Planning & Zoning Board. Commissioner Schilling requested that we talk about the items that the Sheriff requested to surplus at the last meeting. Commissioner Schilling moved to approve the agenda with the added items. Commissioner Holgard seconded. All in favor: Aye – 5, Nay – 0. Motion carried.

**CLAIMS**

Commissioner Jungwirth moved to approve the claims. Commissioner Holgard seconded. Superintendent Byre expressed a desire to hold the claim for Diamond Mowers as the machinery purchased had suffered a mechanical failure. Motion was amended to approve claims with the exception of the Diamond Mowers claim. Roll Call Vote: Holgard – yes, Mohr – yes, Schilling – yes, Jungwirth – yes, Houck -yes. Motion carried.

AMG UNIVERSITY PSYCH – mental hold - $149.58; AVERA PHARMACY – dental care, medical care - $898.23; AVERA-MCKENNAN HOSPITAL – mentally ill services - $746.00; AVERA ST LUKE’S – jail medical - $260.11; BEADLE COUNTY – inmate boarding - $14080.00; BEADLE FORD – repair, maintenance - $220.13; MISTY BLANCO – travel - $88.80; BLUE 360 MEDIA – law books - $93.93; BROWN COUNTY SHERIFF – boarding, medical & dental repair - $8274.00; CARDMEMBER - publishing, maintenance, gas, uniforms, travel, inmate meals - $2024.16; CNA SURETY – services & fees - $50.00; KRISTI BRANDT – transcripts - $748.60; BRIDGEWAY COUNSELING CENTER – court services - $1500.00; CGI LLC – private investigator - $1450.40; COGLEY LAW – court appointed attorney, abused child defense - $2939.10; COLEMAN LAW – court appointed attorney - $263.50; CONNECTING POINT – antivirus renewal, maintenance, backup - $946.00; DAKOTA GLASS – repairs, maintenance - $302.75; BRENDA DETOY – travel - $90.30; DRG RADIO GROUP – advertising - $150.00 ELECTION SYSTEMS & SOFTWARE – election supplies - $1658.75; FLINT HILLS RESOURCES – asphalt - $119237.12; GAS N GOODIES – supplies - $132.65; CINDY GEIER – travel - $129.12; GRAFIX SHOPPE – supplies - $217.62; GRAHAM TIRE – repairs, maintenance - $1302.76; DARRELL GRIESE - travel - $6.89; HEARTLAND WASTE – garbage - $60.00; HOVEN COOP – repairs, maintenance, gas diesel – $2237.38; HUGHES COUNTY FINANCE OFFICE – inmate boarding - $5415.00; JEBRO INC – supplies, materials - $33532.29; JOHN DEERE FINANCIAL – supplies, materials - $119.84; KOLETZKY LAW – court appointed attorney - $255.50; LEWIS & CLARK BEHAVIORAL – mental illness services - $184.00; LOCKEN OIL – gas, diesel - $13930.00; MARK KROONTJE – court appointed attorney - $4864.23; MARCO – rentals - $42.44; MCLEOD’S – election supplies, supplies - $2532.76; MDU – electricity - $29.62; MOBRIDGE TRIBUNE – publishing - $623.60; MOTOROLA SOLUTIONS – supplies - $4723.10; QUILL – office supplies - $102.81; LOUIS SCHMIDT – window blinds - $53.24; SELBY AUTO – repairs & maintenance - $28.95; SELBY OIL – repairs & maintenance - $244.00; SENIOR NUTRITION CENTER – inmate meals - $300.00; SERVALL LINEN – supplies - $167.68; SHORTY’S – gas - $36.38; SLATER OIL – gas - $9789.66; TASC – insurance fee - $117.90; THOMSON REUTER’S – law books - $24.69; KALA TROYER – travel - $49.46; RONNY TROYER – travel - $60.18; TRUE NORTH STEEL – supplies, materials - $510.00; UNIFORM CENTER – uniforms - $206.96; VENTURE COMMUNICATIONS – phone service - $1087.45; VON WALD LAW – abused child defense - $850.08;

**MINUTES**

Commissioner Holgard requested a change to the minutes regarding salaries in the Sheriff’s motion. Commissioner Holgard moved to approve the minutes of 7-19-2022 as corrected. Commissioner Mohr seconded. All in favor: Aye – 5, Nay – 0. Motion approved.

**HIGHWAY SUPERINTENDENT**

* Superintendent Byre submitted his monthly report. State’s Attorney Beck left the meeting at this point. Superintendent Byre has accepted an application to take over the open position in Hoven. The starting wage would be $20.16 with a step increase of $20.66 after probationary period. He will start October 3, 2022.
* Superintendent Byre reported on the current status of his work progress. There was discussion on signs and posts put on county roads by the DOT project. There seems to be a lot of dissatisfaction.

**EXECUTIVE SESSION**

Superintendent Byre requested to go into executive session for a personnel matter. Commissioner Schilling moved to go into Executive Session at 9:50 am. Commissioner Holgard seconded. All in favor – Aye – 5, Nay – 0. Motion carried. The Board came out of executive session at 10:02 am. No action was taken.

**AUDITOR**

* **Abatements:** Auditor Kahl presented an abatement/refund for record #8720. Individual owns only the mobile home and was charged property taxes for land also. Commissioner Jungwirth moved to approve the abatement/refund of $70.94. Commissioner Jungwirth moved to approve the abatement/refund. Commissioner Schilling seconded. Roll Call Vote – Holgard – yes, Mohr – yes, Schilling – yes, Jungwirth – yes, Houck – yes. Motion carried.
* **2022 Annual Safety and Loss Control:** Auditor Kahl reminded the commission of the 2022 Annual Safety and Loss Control on November 2 & 3 at the Ramkota Hotel in Pierre. She recommended that someone should go. Registration is $75 before October 28, 2022.
* **Budget:** Auditor Kahl told the commission she needs some motions to make corrections to the provisional budget. She needs a motion to the Transfer Out Fund from $12000 to $74150. This needs to be moved to Emergency Management so that we are not running it in the negative. Commission Schilling so moved. Commissioner Holgard seconded. Roll Call Vote: Holgard – yes, Mohr -yes, Schilling – yes, Jungwirth – yes, Houck – yes. Motion carried. Auditor Kahl requested a motion to increase the M&P Fund from $2000 - $6000. Commissioner Holgard so moved. Commissioner Mohr seconded. Roll Call Vote: Holgard – yes, Mohr – yes, Schilling – yes, Jungwirth – yes, Houck – yes. Motion Carried. Auditor Kahl requested a motion to increase the Commissioners Contingency Fund from $41000 to $75000 as was actually reflected in the 2022 budget. Commissioner Mohr so moved. Commissioner Schilling seconded. Roll Call Vote – Holgard – yes, Mohr – yes, Schilling – yes, Jungwirth – yes, Houck – yes. Motion carried. Auditor Kahl requested a motion to add $45500 to the Landfill budget for closure/post closure that had not been put in the budget for 2023. Commissioner Holgard so moved. Commissioner Jungwirth seconded. Roll Call Vote – Holgard – yes, Mohr – yes, Schilling – yes, Jungwirth -yes, Houck – yes. Motion Carried. Commissioner Mohr moved to adopt the Annual Budget for 2023. Commissioner Jungwirth seconded. Roll Call Vote – Holgard – no, Mohr – yes, Schilling – yes, Jungwirth – yes, Houck – yes. Motion carried. The resolution to adopt is as follows:

**ANNUAL BUDGET FOR WALWORTH COUNTY SOUTH DAKOTA**

**FOR THE YEAR JANUARY 1, 2023 THRU DECEMBER 31, 2023.**

**RESOLUTION**

**ADOPTION OF ANNUAL BUDGET FOR WALWORTH COUNTY, SOUTH DAKOTA**

**WHEREAS,** (7-21-5 thru 13), SDCL provides that the Board of County Commissioners shall each year prepare a Provisional Budget of all contemplated expenditures and revenues of the County and all its institutions and agencies for each fiscal year and,

**WHEREAS,** the Board of County Commissioners did prepare a Provisional Budget and cause same to be published by law, and

**WHEREAS,** due and legal notice has been given to the meeting of the Board of County Commissioners for the consideration of such Provisional Budget and all changes, eliminations and additions have been made thereto.

**NOW THEREFORE BE IT RESOLVED,** That such provisional budget as amended and all its purposes, schedules, appropriations, amounts, and estimates and all matters therein set forth, **SHALL BE APPROVED AND ADOPTED AS THE ANNUAL BUDGET OF THE APPROPRIATION AND EXPENDITURES FOR WALWORTH COUNTY SOUTH DAKOTA,** and all its institutions and agencies for calendar year beginning January 1, 2023 and ending December 31, 2023 and the same is hereby approved and adopted by the Board of County Commission of Walworth County, South Dakota, this 6th day of September, 2022. The Annual Budget so adopted is available for public inspection during normal business hours at the office of the county auditor Walworth County, South Dakota, The accompanying taxes are levied by Walworth County for the year January 1, 2023 thru December 31, 2023.

**WHEREAS,** (7-21-5 thru 13), SDCL provides that the Board of County Commissioners shall each year prepare a Provisional Budget of all contemplated expenditures and revenues of the County and all its institutions and agencies for each fiscal year and,

**WHEREAS,** the Board of County Commissioners did prepare a Provisional Budget and cause same to be published by law, and

**WHEREAS,** due and legal notice has been given to the meeting of the Board of County Commissioners for the consideration of such Provisional Budget and all changes, eliminations and additions have been made thereto.

**NOW THEREFORE BE IT RESOLVED,** That such provisional budget as amended and all its purposes, schedules, appropriations, amounts, and estimates and all matters therein set forth, **SHALL BE APPROVED AND ADOPTED AS THE ANNUAL BUDGET OF THE APPROPRIATION AND EXPENDITURES FOR WALWORTH COUNTY SOUTH DAKOTA,** and all its institutions and agencies for calendar year beginning January 1, 2023 and ending December 31, 2023 and the same is hereby approved and adopted by the Board of County Commission of Walworth County, South Dakota, this 20th day of September, 2022. The Annual Budget so adopted is available for public inspection during normal business hours at the office of the county auditor Walworth County, South Dakota. The accompanying taxes are levied by Walworth County for the year January 1, 2023 thru December 31, 2023.

**COUNTY TAX LEVIES LEVY IN DOLLARS $’s/1,000**

General County Purposes $2,436,422 2.850

County Snow Removal $31,320 0.037

Rural Fire District $5,934 0.013

* **Operation Green Light:** Auditor Kahl also mentioned Operation Green Light again and asked the Commission if they wanted information about it put in the paper and a resolution on the website. Commissioner Holgard wanted to know if we could have green lights shining on the Veteran’s Memorial. He requested to have the custodian to check into the potential lights on the roof and what our options are for the lights at the Veteran’s Memorial, itself. Commissioner Holgard moved to support Operation Green Light. Commission Schilling seconded. All in favor: Aye – 5, Nay – 0. Motion carried.
* **Cyber Security:** Auditor Kahl asked if we wanted to add the extra money to our cyber security agreement for them to run a phishing test. Commissioner Schilling thinks it would be money well spent. Commissioner Jungwirth moved to have Connecting Point run the phishing test. Commissioner Mohr seconded. Roll Call Vote: Holgard – yes, Mohr – yes, Schilling – yes, Jungwirth - yes, Houck – yes. Motion carried.

**LANDFILL**

Commissioner Mohr requested permission to apply for a grant for tire disposal. The grant is an 80%/20% cost share and to get requested permission to advertise to have a free tire disposal starting 10-11-22 through 10-22-22. Only individuals can bring tires for disposal at no charge, businesses cannot. Commissioner Holgard asked if farmers were considered businesses. Commissioner Mohr said they are not. Commissioner Schilling so moved. Commissioner Holgard seconded. All in favor: Aye – 5, Nay – 0. Motion carried.

**PLANNING & ZONING**

Commissioner Schilling moved to approve the Goldade variance approved earlier with Planning and Zoning. Commissioner Mohr seconded. Commissioner Holgard is abstaining. Roll Call Vote: Holgard – abstain, Mohr – yes, Schilling – yes, Jungwirth – yes, Houck – yes. Motion carried.

**REGISTER OF DEEDS**

Register DeToy presented her monthly reports. She went over the reports with the commission. She wanted to make the Commission aware of the amount of money going through that office. She also confirmed that she has taken the training for the Medicare part D and will be handling that again this year.

**SHERIFF**

Commissioner Schilling brought up the guns that were declared surplus by the Sheriff at the last meeting. He said he has received quite a few calls on this. He doesn’t feel that it was handled fairly. He thinks it should either be an auction or sealed bids. Commissioner Houck said to his understanding the officers that used the weapons had first chance to buy them. Commissioner Schilling said he thought that the commission should have seen the appraisal value before they approved the items for surplus. Sheriff Boll said he did get them appraised. He said he put the price on the list according to the appraisal. Sheriff Boll said they have all been spoken for. Commissioner Mohr purchased the gun that he had used for 16 years. Commissioner Houck said he had quite a few calls also. Sheriff Boll said it is not uncommon for agencies to give their officers the first option to buy their own weapons. A little later in the meeting Sheriff Boll returned to the meeting. He had discovered some information on a statute that would exclude Commissioner Mohr or himself from buying a gun. No appointed or elected officials are allowed to do that. Commissioner Mohr will be bringing his weapon back. He will be issued a refund. Sheriff Boll recommended in light of the statute that we refund Commissioner Mohr’s money. Commissioner Jungwirth so moved. Commissioner Schilling seconded. Roll Call Vote: Holgard – yes, Mohr – abstain, Schilling - yes, Jungwirth – yes, Houck – yes. Motion carried.

**INSURANCE**

The Commission spent a great deal of time visiting with Paul Miller & Sheila Rau from Marin – Biel and Sonja Nordbye from Risty Benefits. We will be visiting with them again in October.

**ADJOURNMENT**

There being no old or new business, Commissioner Holgard moved to adjourn. Commissioner Schilling seconded. All in favor: Aye – 5, Nay – 0. Motion carried.

APPROVED: ATTEST:

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

Jim Houck, Chairperson Debbie Kahl, Auditor