

February 8, 2022
9:00 A.M.

WALWORTH COUNTY BOARD OF COMMISSIONERS MINUTES OF PROCEEDINGS

The Walworth County Board of Commissioners met in scheduled session on February 8, 2022 at 9:00 a.m. at the County Courthouse. Members present were: Jim Houck, Duane Mohr, Kevin Holgard and Justin Jungwirth. Scott Schilling was present by phone. Also present were States Attorney Jaime Hare and Deputy Auditor Debbie Kahl. Auditor, Also present was Lisa Merkel.

The Pledge of Allegiance was recited by those in attendance.

WALWORTH COUNTY PLANNING AND ZONING BOARD

A Plat of Stahlman's Second Addition in the N2NE4 of Section 28 Township 124 Range 77 W of the 5th P.M. Walworth County was presented by Planning and Zoning Director Greg Pudwill. Chairman Houck entertained a motion to approve the plat. Commissioner Mohr so moved. Commissioner Holgard seconded. All in favor: Aye – 5; Nay – 0. Motion carried. There being no further new or old business Commissioner Holgard moved to adjourn. Commissioner Jungwirth seconded. All in favor: Aye – 5; Nay – 0. Motion carried.

WALWORTH COUNTY BOARD OF ZONING ADJUSTMENT

There was no business before the Board of Adjustment. Board adjourned.

Chairperson Houck called the County Commission meeting to order.

APPROVAL OF AGENDA:

Houck requested to the Stahlman Plat to the Commission Agenda. Commissioner Holgard moved and Commissioner Schilling seconded to approve the agenda with the addition of discussion and action on the Stahlman Plat. Voting: Aye, 5; Nay, 0. Motion carried.

MINUTES APPROVED:

Commission Holgard moved and Commissioner Jungwirth moved to approve the minutes of January 18, 2022. All in favor: Aye – 5; Nay – 0. Motion adopted.

CLAIMS APPROVED:

Commissioner Holgard moved and Commissioner Mohr seconded to approve the claims as presented. Roll call vote; Holgard: Aye; Mohr: Aye; Jungwirth: Aye; Schilling: Aye and Houck: Aye. Motion carried.

COMMISSIONERS: Federal Communications Comm - \$407.42; Federal Communications Comm - 407.42; Federal Communications Comm - \$407.42; Hoven Media Inc – Walworth County Salary Schedule & Minutes - \$314.03; Marco – Copier Usage Contract - \$20.67; Venture Communications Coop – Fax Service - \$48.97

ELECTIONS: Hoven Media Inc – Notice of Deadline - \$57.09

COURTS: Kristi A Brandt – Transcriptions - \$577.66; Sara Zahn – Transcript - \$17.00; Thompson Reuters Payment Center – Books & Volumes 1-2022 - \$22.86

AUDITOR: Marco Inc – Copier Usage Contract - \$27.42; Midcontinent Communications – Internet - \$22.58; Venture Communications – Phone Service - \$58.21

TREASURERS: Marcos Inc – Copier Usage Contract - \$18.49; Midcontinent Communications – Internet - \$22.57; Venture Communications Coop – Phone Service - \$92.52

STATES ATTORNEY: Jerald D Bleyle Jr – Subpoena - \$20.00; Midcontinent Communications – Internet - \$22.57; Mobridge Regional Hospital – Labs - \$360.00; Quill Corporation – Ink Pad - \$7.99; Venture Communications Coop – Phone & Fax Service - \$111.01

COURT APPT ATTNY: Cogley Law Office – Court Appointed Attorney - \$1695.50; Dakota Plains Legal Service – Court Appointed Attorney - \$4696.00; Mark K Kroontje – Court Appointed Attorney - \$3026.85;

ABUSED CHILD DEFENSE: Mark Kroontje - \$137.45; Von Wald Law Offices - \$2789.25

COURTHOUSE: Allied Climate Professionals – Install New Heater Valves - \$1600.00; City of Selby – Water ^& Sewer Courthouse - \$498.62; Cole Papers – Courthouse Supplies - \$624.97; MDU – Electricity/Gas Usage -

February 8, 2022
9:00 A.M.

\$1862.76; Premier Equipment LLC – 2 Sprockets - \$63.60; Servall Uniform & Linen - Towels, Mats & Mop - \$57.03;

DOE: Marco Inc – Copier Usage Contract - \$16.45; Midcontinent Communications – Internet - \$22.57; Venture Communications Coop – Phone Service - \$55.71

ROD: Marco Inc – Copier Usage Contract - \$16.36; Midcontinent Communications – Internet - \$22.57; Venture Communications Coop - \$51.96

VET SERVICE OFFICER: Hoven Media Inc – Ad for Position - \$44.80

SHERIFF: AT&T Mobility – Cell Phones - \$296.11; Axon – 15' Smart Cartridge, Jail Training Program - \$1294.17; City of Mobridge – Maintenance Fees Zuerche - \$11400.99; City of Selby – Water & Sewer Jail, Water & Sewer Intake Trailer - \$63.99; Dakota Glass & Alignment LLC – Battery 2013 Tahoe - \$146.14; Marco Inc – Copier Usage Contract - \$16.49; Midcontinent Communications – Internet - \$22.57; MDU – Electricity/Gas Usage - \$993.07; SDSRP – Boll - \$200.00; Selby Oil – 2010, 2012, 2013 Oil Change - \$200.00; Venture Communications Coop – Internet Walco phone, Fax Service, Phone Service - \$377.66; Western Communications – Mobile Communications - \$22.40; Yankton County Sheriff's Office – Service of Papers - \$50.00

JAIL: Abigail Faul, DDS PC – Jail Dental - \$196.55; Hughes County Finance Office – 35 Days @80, 13 days @ \$295 - \$6635.00; Huron Regional Medical Center – Jail Medical - \$487.02; Robert County Detention Center – Juvenile Boarding - \$200.00; Sanford – Jail medical - \$65.63; Senior Nutrition Center - 49 Lunches - \$367.50; 68

EMERGENCY & DISASTER: AT&T Mobility – Cell Phones - \$87.53; Jeff Jensen – Wash Truck - \$14.00

SUPPORT OF POOR: Venture Communications Coop – Phone Service - \$24.26

DEVELOPMENTALLY DISABLED – Dakotabilities – 1st Quarter 2022 Fees - \$180.00

EXTENSION: Midcontinent Communications – Internet - \$22.57; Venture Communications Coop – Phone Service - \$49.77;

WEED CONTROL: Dave Ritter, 2 Meetings - \$100.00; Tom Fiedler – 3 Meetings - \$150.00; Roger Walker – 2 Meetings - \$100.00; Scott Zambo – 2 Meetings - \$100.00;

RD & BR: Butler Machinery Co – Labor - \$708.68; City of Java – Water @ Java Shop - \$18.00; City of Selby – Water & Sewer @ Selby Shop - \$64.06 Crawford Trucks & Equipment – Filter, Gasket, Seal Kit T-7 - \$85.61; Marco Inc – Copier Usage Contract - \$16.26; MDU Electricity at Mobridge & Selby - \$429.32; Newman Traffic Signs – Signs - \$1398.46; Corinne Olson – AFLAC Reimbursement - \$8.33; Real Tuff Inc – Square Tubing - \$334.56; Venture Communications Coop Phone at Selby & Java, Internet at Selby - \$411.32; Western Communications Inc – Mobile Communications - \$135.90

COMMUNICATION CENTER: City of Mobridge – 911 Surcharge - \$4665.98

SOLID WASTE: Agtegra Cooperative – Diesel - \$2336.88; Butler Machinery – Service Call, Replace Power Relay, Troubleshoot Electrical - \$3508.68; Farnums Genuine Parts – Clamps - @23.48 Craig J Imberi DBA – Backup Hard Drive - \$79.99 Marco Inc – Copier Usage Contract - \$16.24; Mobridge Hardware – Num, 2 Phones, Tube, Supplies - \$94.55; Mobridge Pit Stop – Fuel - \$96.30; Runnings Supply Inc – Supplies - \$99.47; SDPAA – 2016 Caterpillar Compactor - \$145.14; Slater Oil & LP Gas – Propane - \$397.50; Servall Uniform & Linen – Mop, Handle, Mat - \$30.06; Stantec Consulting Services – Permit Renewal & Waste Survey - \$4000.00; Transource – Labor, Parts - \$2728.72; Western Communications – Mobile Communications - \$9.30

PUBLIC FORUM: No one from the Public cared to speak..

APPOINTMENTS:

Auditor Cagnones' resignation was submitted by email as she had planned to be present, but was ill, and unable to attend. Deputy Auditor Kahl explained that Auditor Cagnones' resignation was contingent on Deputy Auditor Kahl being appointed as Auditor. Holgard questioned if we could appoint an Auditor without first accepting the resignation of the present Auditor. The email resignation was presented to the Commission, Chairman Houck said that States Attorney Hare had told him that we could appoint Deputy Kahl contingent on Auditor Cagnones' resignation. Chairman Houck said he would entertain a motion to appoint Deputy Kahl as Walworth County Auditor. Commissioner Mohr so moved and Commissioner Jungwirth seconded. In further discussion Deputy Kahl said she would step down to Deputy Auditor when an auditor is elected and would remain as a Deputy. Commissioner Holgard questioned Deputy Kahl as to her intentions. Deputy Kahl explained that she would be filling in as Auditor until someone is elected to the position. Commissioner Jungwirth questioned if there were any applicants. Deputy Kahl said that we have one applicant for a Deputy position. Deputy Kahl said she did not think it would be a good idea to appoint someone until we see if someone comes in to take out a petition to run for

February 8, 2022
9:00 A.M.

Auditor. At this point, States Attorney Hare joined the meeting. Commissioner Holgard asked Deputy Kahl if she intended to take out a petition. Deputy Kahl said she did not. Lisa Merkel told the Commission she had applied for the Auditor Position. Deputy Kahl replied that she had not seen the application but she was told it was an application for a Deputy position. Chairman Houck asked Ms Merkel if she had taken out a petition,. Ms Merkel replied she had only filled out an application. Chairman Houck called for a roll call vote on the motion to appoint Deputy Kahl as Auditor. Holgard – Yes; Mohr – Yes; Jungwirth – Yes; Schilling – Yes; Houck – Yes. Motion carried.

Chairman Houck asked States Attorney Hare if we now needed a motion to accept the resignation of Auditor Cagnones. States Attorney Hare replied that we did. Chairman Houck said he would entertain a motion to accept Auditor Cagnones' resignation. Commissioner Holgard so moved and Commissioner Jungwirth seconded the motion. A roll call vote was taken: Holgard – Yes; Mohr – Yes; Jungwirth – Yes; Schilling – Yes; Houck – Yes. Motion carried.

EXTENSION

Commissioner Holgard explained that they had interviewed someone for the Extension position and that he would like to send a letter to SDSU saying that they would request approval to hire that person. Commissioner Schilling remarked that she has a Bachelor's Degree. Commissioner Mohr moved to send the application and letter of approval to SDSU. Seconded by Commissioner Holgard. All in favor: Aye – 5; Nay – 0.

PLAT APPROVAL

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

OATH OF OFFICE

The Oath of Office was given to Debbie Kahl, County Auditor by Gwenn Ackerman, Deputy Clerk Magistrate.

2018 VOUCHERS

Commissioners Holgard said he had received copies of letters from Marion Schlomer and Rebecca Krein that they had received from the Auditor, requesting repayment of monies paid to them for Travel in 2018. Commissioner Holgard said that we had discussed this travel in a meeting and that the Commission had agreed to pay for their lodging but not their airflight. Chairman Houck commented that he knew nothing about the trip until Schlomer and Krein had returned. Commissioner Holgard remained adamant that the travel had been approved. Chairman Houck said he didn't think so because they vouchers were questioned by Legislative Audit during an audit of county business, and the State Auditor had been unable to find anywhere that we had documented the approval. Commissioner Holgard maintained that the bills were in the Claim List and therefore approved when that claims list was approved. States Attorney Hare stated that he did not know if anything was done on the record so that is where the problem comes from. Commissioner Schilling stated that he didn't remember exactly when it was brought up but he said it was about 4 years ago. States Attorney Hare said it was brought up by Legislative Audit to be corrected and questioned the Commission on what their decision would be to handle this matter. There was discussion back and forth between Commissioners as to whether this matter was brought up in a meeting or not, and no agreement was reached on that matter. States Attorney Hare told the Commission again that this matter was brought to the forefront by the recent audit as a matter to be corrected and he asked if the Commission wanted to continue to ignore these errors. Commissioner Schilling asked what years the recent audit covered as this matter happened quite a while ago. Auditor Kahl said that the most recent audit covered 2018 & 2019, At this point conversation continued between Commissioner Holgard and States Attorney Hare about how they would settle this matter. Commissioner Schilling wondered why the State Auditor had not brought this particular matter up when he had given his Audit report to the Board. Schilling commented that he was sure if the Auditor had found something he would have had it on his list when he spoke with the Commission,. States Attorney Hare said we will have to do some research and we will bring the matter up again at the next meeting.

LANDFILL

Chairman Houck said our next agenda item is to discuss the bookkeeper position at the Landfill. He stated that he knew someone who was interested in the position but they did not have a current application on file. Chairman Houck requested that we delay this until the next meeting. Commissioner Holgard asked if the position was going

February 8, 2022
9:00 A.M.

to be full or part time. Commissioner Houck responded that it would be part time. Commissioner Schilling asked if Lewus Morgan had attended the Landfill certification training. Mr Morgan said that he had. Commissioner Schilling said he knows that in a meeting we had discussed that when the county paid for someone's training if they didn't stay for a certain length of time they had to pay the county back. Mr Morgan replied that he did intend to pay it back and that they could take it out of his last check. He also advised the board that he had saved all the materials and intended to leave them at the Landfill so that if someone else wanted to become certified the County would not have to pay for the materials, just the fee for taking the exam. Commissioner Schilling commented that he was sorry to see Mr Morgan leave. Mr Morgan stated that he would continue to do the bookkeeping until they filled the position and that he would do some training with the new person. He said he appreciated the County and opportunities they have given him. Chairman Houck told Mr Morgan that his work was greatly appreciated.

A Public Hearing on raising the rubble tipping fees was held. Commissioner Mohr made a motion to raise the rubble tipping fees from \$25 to \$30, effective January 1, 2022. The motion was seconded by Commissioner Holgard. A roll call vote was taken: Holgard – Yes; Mohr – Yes; Jungwirth – Yes; Schilling – Yes; Houck – Yes. Motion carried.

SHERIFF:

Chairman Houck entertained a motion to increase the hourly wage by fifty cents for Transport Office Ryan Counts as he has completed his 90-day probationary period. Mohr so moved and Jungwirth seconded. A roll call vote was taken: Holgard – Yes; Mohr – Yes; Jungwirth – Yes; Schilling – Yes; Houck – Yes. Motion carried.

BROWN COUNTY REGIONAL JAIL

A discussion was held concerning the requested support of the Walworth County Commission by Brown County for their Regional Jail facility. Commissioner Schilling said he would make the motion. Chairman Houck asked what the motion should say. Commissioner Schilling said that all along that he supports the concept and that he hopes the rest of the Commission would, too. He said it would be nice if we had something a little closer. Commissioner Houck again asked Commissioner Schilling to state his motion. Commissioner Schilling said that he would support Brown County in their jail because even if we ever get decided on what we're about to do about a jail he believes it would help us by being able to transport our prisoners 80 miles instead of 180. States Attorney Hare asked if the motion would be to support Brown County and sign the letter. Mohr seconded the motion. All in favor: Aye – 5; Nay – 0/ Motion adopted. Sheriff Boll stated that he also did a letter of support for Brown County from his office.

NEW BUSINESS

It was discussed whether we should pull the ad from the paper about the auditor position. It was decided we should at least wait until after the March deadline for petitions.

Commissioner Houck wondered if we wanted to continue to use the Hoven paper. It cost nearly \$500 for the month of January. Auditor Kahl questioned whether we could do that because we named them as one of our official newspapers in January. States Attorney Hare said he would have to look into it.

Commissioner Houck asked if we wanted to pursue an opt out. He explained that we only have a few days leeway this year to do so. The decision has to be made by July 15. Commissioner Houck said that if this entire Board in not in favor of it, it would not be worth the time and effort to do it. Commissioner Mohr said he would like to see what happens with HB1053 in the legislative session. Commissioner Houck commented if that passed it would only be for building. He said he was talking about an opt out for operating money to continue to pay our bills because in about 2 years, Walworth County will be bankrupt at the rate we're going. He also remarked that the opt out he is speaking of has nothing to do with a jail. He wanted people to know that with an opt out we could in any given year decide how much money we would need of the opt out, or if it wasn't needed we wouldn't have to use it at all. Commissioner Holgard said he is still working with that Charles and he had to open a non-profit organization first before he could get it submitted. Commissioner Houck was of the opinion by the time that was done we would be bankrupt, out of business,. Commissioner Houck again asked the board if they would support an opt out. Commissioner Holgard said that it's a no for him. Commissioner Mohr said that he didn't think we really have much of a choice if we are to continue as Walworth County. Commissioner Jungwirth also felt that we didn't have much of a choice. Commissioner Schilling said the public has already spoken and that we need to try to figure

February 8, 2022
9:00 A.M.

elsewhere to get money and that he doesn't think the opt out is the answer. He said we have to put on our thinking caps as on what else to do. He feels that if the people wanted an opt out they would have said it and that he was going to have to say no to an opt out. Commissioner Houck said if we're not all going to support it unanimously as a Board that it's a waste of time. He said it looks as though we'll just have to forget about that.

Commissioner Houck also brought up the question of the County selling tax deeds. He said that by state law the County is allowed to do so by passing a resolution. Commissioner Schilling also agreed with Commissioner Houck that we should be doing that. The Commission requested that States Attorney Hare look into this for some more information.

Commissioner Houck said he had one more thing to bring up. He commented that when we closed our jail in 2020 the 2021 budget had already been approved. Because of that we had no money budgeted for transport. He said that there were at least two articles in the Mobridge Tribune last year that indicated the reason for the financial condition of the County was because of our Sheriff and his staff. Commissioner Houck said this is a bold-faced lie and those that contributed to those articles know that. He said at the end of fiscal 2021 our Sheriff was under budget by over \$100,000. He also wanted the public to know that Walworth County had spent a little over a million dollars transporting inmates out of the county – and that is money that is gone to other counties.

ADJOURNMENT

Commissioner Houck said that he would entertain a motion to adjourn until the hour of 9:00 am February 8, 2022.. Commissioner Holgard so moved, seconded by Commissioner Mohr. All in favor Aye – 5; Nay -0. Motion adopted.



JIM HOUCK, CHAIRPERSON

ATTEST:



EVA CAGNONES AUDITOR

REBBIE KAHL

Published once at the total approximate cost of \$ _____

