

May 10, 2022

**WALWORTH COUNTY BOARD OF COMMISSIONERS
MINUTES OF PROCEEDINGS**

The Walworth County Board of Commissioners met in scheduled session on May 10, 2022, at 9:00 a.m. at the County Courthouse. Members present were: Scott Schilling, Duane Mohr, Kevin Holgard. Commissioners Houck and Jungwirth were present by telephone. Also present was Auditor Debbie Kahl.

The Pledge of Allegiance was recited by those in attendance.

PLANNING & ZONING

Discussion was held on Plat 1 of Allmendinger 1st Addition in NE4 15-123-77. Director Pudwill gave the Commission a copy of the plat and maps showing the location. Commissioner Holgard moved to approve the plat. Commissioner Mohr seconded. All in favor: Aye – 5; Nay – 0. Motion carried.

Discussion was held on a request by Kenneth Gosch to vacate part of a plat at New Evarts. This had been discussed quite thoroughly during Equalization. Commissioner Holgard moved to approve vacating the requested lots. Commissioner Mohr seconded. Deputy Kahl reminded the Commission that this piece of property is zoned in the Lake Park District. In order for the Director of Equalization to change the abstract code of non-ag to ag would require re-zoning. Director Pudwill stated that Mr Gosch would have to make a request to do that. Vice-Chair Schilling asked if Mr Gosch was aware of this. Director Pudwill said it was mentioned during Equalization. All in favor: Aye – 4; Nay – 1.. Motion carried.

Discussion was held about updating ordinances. Commissioner Holgard believes that it has been a while since the Zoning Ordinances were last updated. He thinks it's time to think about updating some things. Deputy Kahl reminded the Commission that they should adopt the By-Laws first. NECOG advised us to do that. Vice-Chair Schilling questioned whether we need to go through all of them or just some. Commissioner Holgard stated that there's nothing in the ordinances about marijuana. He thinks that we should be looking to things coming up in the future. Commissioner Houck wasn't sure what we needed in there about marijuana. Commissioner Holgard stated that it's been 5 years since we looked at the ordinances.

Vice-Chair Schilling asked if there was any old or new business. There being none, Commissioner Holgard made a motion to adjourn. Commissioner Houck seconded. All in favor: Aye – 4; Nay – 0. Motion carried.

Vice-Chair Schilling called the County Commission meeting to order.

APPROVAL OF AGENDA:

Vice-Chair Schilling called for a motion to approve the agenda. Commissioner Mohr so moved. Commissioner Houck seconded. All in favor: Aye-5; Nay – 0. Motion carried.

Vice-Chair Schilling called for a motion to approve the claims. Commissioner Holgard so moved. Commissioner Mohr seconded. Roll Call vote: Holgard – yes, Mohr – yes, Jungwirth – yes, Houck – yes, Schilling – yes. Motion carried.

CLAIMS APPROVED:

Commissioner Mohr moved and Commission Houck seconded to approve the claims as presented. All in favor: Aye-5; Nay-0. Motion carried/

COMMISSIONERS: Hoven Media Inc – notice of equalization, notice of public hearing, notice of wheel tax hearing, notice of amended resolution, commission minutes - \$352.68; Mobridge Tribune – notice on wheel tax, 2 notice of equalization, minutes, petition to vacate - \$305.74; Selby Record – notice of equalization, 2 notices of public hearing, notice wheel tax, minutes - \$412.77;

ELECTIONS: City of Mobridge – rental of Scherr Howe, damage deposit - \$525.00; Election Systems & Software - \$700.00; Hoven Media Inc – notice voter registration - \$25.02;

COURTS: Relz Inc DBA LexisNexis – April subscription - \$614.00; Thomson Reuters Payment Center – books & volumes - \$22.86;

AUDITOR: Misty Blanco – meals - \$28.91; Cardmember – ½ GoToPro Subscription, rental - \$7.14, postage - \$802.51; Connecting Point – back up & replication, Laser Jet printer - \$2410.00; Brenda DeToy – mileage, meals - \$75.40; Deborah Kahl – mileage, meal - \$91.43; Midcontinent Communications – internet service - \$22.62; Quill Corporation - \$1679.60; Ramkota Hotel – Detoy, Kahl, Blanco lodging - \$329.97; SDACO – Blanco – registration Spring Workshop - \$185.00

TREASURERS: Cardmember Service – rental - \$7.14; Cindy Geier – mileage - \$148.68; Hoven Medai – first half taxes due - \$72.80; Midcontinent Communications – internet service - \$22.62; Mobridge Tribune – 2 notices first half taxers - \$219.20; Quill Corporation – envelopes - \$229.25; Ramkota Hotel – lodging - \$109.99; Selby Record – 2 notices first half taxes - \$115.00

STATES ATTORNEY: Kristi Brandt – transcripts - \$61.20; Eva Cagnones – court translator - \$25.00; Cardmember Service – postage, rental - \$17.04; Margaret E Hawk – mileage, subpoena - \$30.92; Midcontinent Communications – internet service - \$22.63; Mobridge Tribune – legal notices - \$43.26; Quill Corporation – back up battery surge protector - \$149.99; SD Public Health Laboratory – BA/drug labs - \$300.00; Tom Strickland – mileage, subpoena - \$37.64

COURT APPT ATTN: Cogley Law Office Prof LLC – court appt attorney - \$1093.20; Christopher A Haar – court appt attorney - \$995.10; Mark K Kroontje – court appt attorney - \$1208.09;

ABUSED CHILD DEFENSE: Von Wald Law Offices LLC – court appt attorney - \$4252.95

COURTHOUSE: City of Selby – water usage - \$554.21; Cole Papers – Lysol spray - \$247.42; Ken's Western Lumber – supplies - \$46.98; MDU – electricity, gas - \$1171.42; Pfitzer Pest Control LLC – early spring lawn care - \$573.56; Servall Uniform & Linen – rugs & rags - \$52.87; Web Water Bottling Company – water rentals, water & cups - \$82.75;

DOE: Cardmember Service – rental - \$7.14; Midcontinent Communications – internet services - \$22.63; Quill Corporation – ink cartridges - \$1025.95;

ROD: Cardmember Service – rental - \$7.14; Brenda Detoy – mileage, meal - \$91.43; Midcontinent Communications – internet service - \$22.63

VETERAN'S SERVICE OFFICE: Cardmember Service – Malware Bytes subscription - \$31.90; West River Telecommunications - \$45.94;

SHERIFF: AT&T Mobility – cell phones - \$375.92; Avera Occupational Medicine – medical care - \$174.00; Cardmember Services – repairs, gas, rental, certified mail, Axon, supplies, lodging, meals - \$1577.15; City of Selby – water usage jail & holding - \$118.68; Connecting Point – offsite backup, monthly desktop server - \$8.00; Dakota Radio Group – job line for full time transport officer - \$150.00; Midcontinent Communications – internet service - \$22.63; Mobridge Regional Hospital – drug testing, physical - \$299.00; MDU – electricity, gas jail and holding - \$585.52; National Sheriff's Association – training materials - \$900.70; Selby Medical Clinic – medical care - \$42.00; Selby Oil Co – 2017 Ford Explorer - \$53.00; Selby Record – advertising - \$375.00; Venture Communications – phone & fax service - \$292.96

JAIL: Beadle County – April 66 days - \$5280.00; Brown County Sheriff – April – 39 days - \$2925.00; Cardmember Service – inmate meals - \$70.53; Hughes County Jail – prescription - \$12.18; Monument Health – jail medical - \$931.03; Sanford – jail medical - \$48.74; Mobridge Regional Hospital – jail medical - \$426.80; Senior Nutrition Center – 24 meals - \$180.00

CORONER: Ripley Funeral Home – Body bags - \$998.70

MENTALLY ILL: Avera McKennan Hospital – Mental Health hold - \$746.00; Lincoln County Treasurer – evaluations - \$348.34; SD Dept of Revenue – April special tax - \$591.90; SD Dept of Revenue – April charges - \$611.63; SD Human Services Center – April charges - \$60.00

MENTAL ILLNESS BOARD: Lincoln County Treasurer - \$261.10

EXTENSION: Midcontinent Communications – internet service - \$22.63

WEED & PEST: Hoven Media – notice - \$23.85; Mobridge Tribune – notice - \$24.99; Selby Record – motice - \$29.81;

RD & BR: Ag Tegra – diesel, gas \$828.73; Avera Occupational Medicine – drug test - \$83.00; Butler Machinery Co – battery, seal - \$709.37; Central Diesel Sales – parts - \$22.35; City of Java – water Java Shop - \$18.00; City of Mobridge – water Mobridge shop - \$49.25; City of Selby – water Selby shop - \$63.14; Crawford Trucks & Equipment – 3 invoices - \$546.42; GTC Auto Parts – thread lock - \$7.79; Hoven Body Shop & Repair – truck 65 - Matheson Tri-Gas Inc – cylinder rental - \$50.40; KLJ Engineering LLC – small structure inventory - \$7510.00; Mobridge Tribune – bid openings \$36.16; MDU – Electricity Selby shop, electricity state shop, electricity Mobridge shop - \$307.00; Northern Plains Machine – bushings & pins - \$653.00; Quill Corporation - \$218.24; Runnings Supply Inc – parts, fittings, \$112.96; Schlomer Brothers – 711 yards - \$995.40; Servall Uniform & Linen

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– rugs & rags - \$57.46; Shorty's One Stop – gas & diesel - \$1245.56; Daryl Thompson – MTP meeting - \$50.00; Trans Source Truck & Equipment – rebuild engine - \$22572.78; Venture Communications - phone Java, internet & phone Selby \$270.23; West River Telecommunications – phone Mobridge shop - \$37.51; Steve Zabel – MTP meeting - \$50.00

EMERGENCY & DISASTER: AT&T Mobility - \$87.47; Gas N Goodies – gas - \$153.62; Merkel's Foods – supplies for spotter training - \$20.75

SOLID WASTE: Butler Machinery Co – work on dozer - \$2574.87; Cam-Wal Electric Cooperative – electricity - \$221.54; Cardmember Service – ½ GoToPro subscription - \$182.87; rental - \$7.15; Dakota Glass & Alignment – repair sprayer tires - \$55.00; Mobridge Gas Co – fuel for forklift - \$30.00; Mobridge Pit Stop Inc – gas - \$90.25; Mobridge Tribune – landfill summer hours - \$213.60; Quill Corporation – office supplies \$254.05; Runnings Supply Inc – supplies - \$15.18; Saber Shred Solutions Inc – pick up tires - \$3757.60; SD Dept of Environment – April tonnage fees - \$903.93; Selby Record – landfill summer hours - \$92.00; Servall Uniform & Linen – rugs & mops \$64.11; Valley Telecommunications – phone & internet service - \$113.74; Verizon – GPS service - \$50.08; Web Water Development – water - \$58.23; Web Water Bottling Company – water rental, water, cups - \$47.75;

SALES & EXCISE TAX FUND – March Sales Tax - \$195.00

SDACO M&P FUND – M&P remittance - \$188.00

No one cared to speak at Public Forum

PLAT APPROVAL

Vice Chair Schilling called for a motion to approve Plat of Allmendinger 1st Addition in the NE4 15-123-77.

Commissioner Holgard made a motion to approve the plat upon recommendation of the Planning & Zoning Board. Commissioner Houck seconded. All in favor – Aye – 5; Nay – 0. Motion carried.

Vice Chair Schilling called for a motion to approve vacating a part of the plat at New Evarts owned by Kenneth Gosch. Commissioner Holgard made a motion to approve same upon recommendation of the Planning & Zoning Committee. Commissioner Mohr seconded. Roll Call: Holgard – yes; Mohr – yes; Houck – no; Jungwirth – yes; Schilling – yes. Motion carried.

LIQUOR LICENSES

Vice Chair Schilling called for a motion to approve the Malt Beverage On-Off Sale License for Hoven County Club. Commissioner Houck so moved. Commissioner Mohr seconded. All in favor: Aye – 5; Nay – 0. Motion Carried.

Vice Chair Schilling called for a motion to approve the Malt Beverage On-Off Sale License for Mudline Adventures. Commissioner Holgard so moved. Commissioner Houck seconded. All in favor: Aye – 5; Nay – 0. Motion carried.

Vice Chair Schilling called for a motion to approve the Malt Beverage On-Off Sale Liquor License for Bridge City Marina and Resort. Commissioner Holgard so moved. Commissioner Jungwirth seconded. All in favor: Aye – 5; Nay – 0. Motion Carried.

Auditor Kahl explained that the Veteran's Service Officer has resigned. She requested permission to advertise that position, and also advertise for a full- time position, the position being part time in the Register of Deeds and part-time in the Assessor's Office. Commissioner Houck so moved to approve authorizing of advertising those positions. Commissioner Holgard seconded. Commissioner Houck requested that we also advertise for Weed & Pest Supervisor at the same time. All in favor: Aye – 5; Nay – 0. Motion carried.

HIGHWAY

Highway Superintendent presented the SDDOT Pavement Stripping Agreement. He requested a motion to approve the stripping agreement. Commissioner Mohr so moved. Commissioner Holgard seconded. Roll Call – Holgard – yes; Mohr – yes; Houck – yes; Jungwirth – yes; Schilling -yes. Motion carried.

Superintendent Byre presented a request from a taxpayer to restrict travel speed to 35 MPH citing safety concerns on 308th Ave SE of Selby. He would recommend restricting the entire mile from Highway 130 south to the mile line. Commissioner Mohr asked what the speed recommendation would be. Superintendent Byre explained that the request was for 35 MPH. Commissioner Mohr made a motion to lower the speed limit to 35 MPH on that stretch of road. Commissioner Holgard seconded. Commissioner Houck was concerned that this opened up a can of worms. He said he knows of several people in his district that would also request that if the county started doing it. Superintendent Byre reminded the commissioner that signs mean nothing if they are not enforced. He felt that

maybe we should try some signs that warn about children in the area. Commissioner Houck thought maybe we should try that first, before we actually put up a speed limit sign. Commissioner Jungwirth agreed with that. Commissioner Mohr questioned if the county would be responsible if someone got hurt now that the subject has been addressed. Commissioner Houck and Vice Chair Schilling did not think that the county would be liable. Roll Call: Holgard – no; Mohr – yes; Houck – no; Jungwirth – no; Schilling – no. Motion failed. Superintendent Byre brought a copy of a Routine Maintenance Agreement with SDGFP to provide routine maintenance specifically addressing Thomas Bay, Bowdle Beach and LeBeau Lakeside use areas. The county blades those roads upon request from Game, Fish & Parks. They pay the county for this maintenance. Superintendent Byre said his main concern is Bowdle Beach as there has not been maintenance there for some time. He thinks that since it's a traditional document the Commission should approve it. Vice Chair Schilling thinks we should do it as we've done it for years. The maintenance is done at the request of SDGFP. Commissioner Holgard moved to approve the agreement. Commissioner Mohr seconded. All in favor: Aye – 5; Nay – 0. Motion carried. Superintendent Byre requested to be allowed to join the Executive Session that is on the agenda. Vice Chair Schilling said that since we have time before his bid opening we could do it now.

EXECUTIVE SESSION

Vice Chair Schilling called for an executive session regarding a personnel matter as per SDCL 1-25.2(2). Commissioner Holgard so moved. Commissioner Houck seconded. All in favor: Aye – 5; Nay – 0. Motion carried. The Board came out of executive session at 10: 05. No action was taken.

BID OPENING

The Commission held a bid opening for road oil. Only one bid was received. The bid was from Flint Hills and was for \$712.97 per ton delivered. That is available from May 1, 2022 to September 15, 2022. The quote is only good for 3 days. Superintendent Byre felt that for 16 miles we would need 243 ton. Commissioner Holgard moved to accept the bid. Commissioner Mohr seconded. Roll call vote: Holgard – yes; Mohr – yes; Houck – yes; Jungwirth – yes; Schilling – yes. Motion carried.

EMERGENCY MANAGEMENT

Emergency Manager Jeff Jensen requested the commission act on a Letter of Commitment as participating in War Hawk District Natural Hazard Mitigation Plan. Commissioner Holgard moved to sign the letter of commitment. Commissioner Jungwirth seconded. All in favor: Aye – 5; Nay – 0. Motion carried.

EM Jensen explained the Sound the Alarm Event to the Commission. This is through the Red Cross, joining with the local fire departments. The smoke detectors are paid for by the Red Cross and the fire departments are donating their time to do the work of installing them. This is to provide smoke detectors for anyone who needs one and needs help in installing them.

EM Jensen brought up a request from the Department of Public Safety. They would like a Commission designee to coordinate with them. Commissioner Holgard said he had done this for the last few years and would be willing to do it again. Commissioner Mohr moved to appoint Kevin Holgard and Commissioner Houck seconded. All in favor: Aye – 5; Nay – 0. Motion carried.

EM Jensen requested approval for travel to a Civil Air Patrol meeting in Sioux Falls for June 16 & 17. He will need approval for 2 nights. Commissioner Holgard moved to approve the travel. Commissioner Mohr questioned if those funds could be taken out of War Hawk. EM Jensen said he will bring it up at the next War Hawk meeting to see if they are willing to split some expenses with Walworth County. Commissioner Mohr seconded the motion, requesting EM Jensen to check in to that. All in favor: Aye – 5; Nay – 0. Motion carried.

PUBLIC HEARING

Discussion was held on Amended Resolution 2022-05 concerning the disbursement of County Wheel Tax Money. Commissioner Holgard asked Highway Superintendent Byre where the money would go. Superintendent Byre said it would go into the Road and Bridge Fund. Commissioner Holgard then asked if we could put the money into anything other than Road and Bridge. Superintendent Byre said we could not. Vice Chair Schilling called for a motion to approve the resolution. Commissioner Holgard moved to approve Amended Resolution 2022-05 effective April 1, 2022. Commissioner Houck seconded. Roll Call: Holgard – yes; Mohr – yes; Houck – yes; Jungwirth – no; Schilling – yes. Motion carried.

AUDITOR

Auditor Kahl requested permission to surplus more property. There is an old computer, unused chairs, battery backups, old telephone, all to be destroyed. Commissioner Holgard moved to surplus the property to be destroyed. Commissioner Mohr seconded. All in favor: Aye – 5; Nay – 0. Motion carried.

Auditor Kahl discussed some changes to the personnel policy. The Departments Heads had discussed changing the pay period to say “paid BY Friday of that week” instead of “ON Friday of that week.” Commissioner Holgard moved to accept the change. Commissioner Houck seconded. All in favor: Aye – 5; Nay – 0. Motion carried.

Auditor Kahl also asked to change page 29 of the personnel policy. There is a paragraph that talks about HSA accounts and she feels the policy should be changed as we no longer have an HSA. Commissioner Holgard moved to delete the entire paragraph under “Full Time Employee in Training” concerning the HSA. Commissioner Mohr seconded. All in favor: Aye – 5; Nay – 0. Motion carried.

Auditor Kahl also noted that we had discussed changing some employee classifications. We have a classification that is considered Regular Part-Time/Full-Time classification that receives a portion of sick leave, vacation and they get paid holidays and the full benefit of SD Retirement. We are looking to remove that classification. Vice Chair Schilling agrees that should be removed. Commissioner Holgard moved to delete the classification “Regular Part Time/Full Time” classification. Commissioner Houck seconded. All in favor: Aye – 5; Nay – 0. Motion carried.

Auditor Kahl reported that employees have expressed an interest in talking to some insurance agents about the health insurance. She asked if she could set that up so they can meet with employees before they bring their presentation to the commission. The Commission said that it sure couldn’t hurt and to go ahead and set it up. Auditor Kahl informed the commission that Grow SD had an appointment with the commission set up for the next meeting, but they have called this morning and are in the area, and would like to talk to the Commission today.

ARPA FUNDS

Auditor Kahl reported that Rod Fortin from Legislative Audit spoke at a meeting last week in Pierre. He said the easiest, best way to handle ARPA funds under 10 million, would be to pay salaries out of General Services and Fees. That would be his recommendation. Vice Chair Schilling questioned when the money had to be spent. Auditor Kahl said that she believed the deadline to be sometime in 2023. Commissioner Holgard questioned where the extra money that we had budgeted for salaries for this year would go. Auditor Kahl replied that she believed that money would then stay in the General Fund. Vice Chair Schilling thought we should start doing this as soon as possible. Commissioner Mohr asked if June 1 would be possible. Auditor Kahl says we have to be sure that we are not paying departments or employees that receive Federal Money. Auditor Kahl will have to check into the particulars about how to handle this on the bookkeeping end. She suggested starting the first full pay period in June. Vice Chair Schilling called for a motion. Commissioner Mohr so moved and Commissioner Houck seconded. Roll Call: Holgard – yes, Mohr – yes; Houck – yes, Jungwirth – yes, Schilling – yes. Motion carried.

EXECUTIVE SESSION

Vice Chair Schilling called for a motion to go into executive session for a legal matter as per SDCL 1-25-2(3) concerning a complaint about District 5 Commissioner. Commissioner Holgard so moved. Vice Chair Schilling seconded. Commissioner Houck questioned if the Chair could make a motion. Vice Chair Schilling said you could. He said he just seconded the motion and we’re going to vote on it now. Commissioner Holgard said if not he would just bring it up in regular session. Vice Chair Schilling said that we have to finish what we’re doing. Roll Call: Holgard – yes; Mohr – yes; Houck – no; Jungwirth – no; Schilling – yes. Commissioner Houck asked whether Jungwirth should have abstained since he is the District 5 Commissioner. Jungwirth changed his vote to abstain. Motion carried. The commission came out of Executive Session at 10:50 a.m. No action was taken.

OLD BUSINESS;

Vice Chair Schilling called for old business. There was none.

NEW BUSINESS:

Auditor Kahl told the commission that the gentleman from Grow SD is here. The commissioner will hear him at this time. Commissioner Houck left the meeting. Grow SD has over \$641,000 in investments in Walworth County in 2021. He explained some of the programs available. Commissioner Holgard questioned what the income guidelines were for the services offered. A lot of programs are based on AMI (area median income). Commissioner Holgard thanked them for helping out the people of Walworth County. We will consider funding in the budgeting process.

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Auditor Kahl said she was just informed that the Sheriff's Office and Transport Officers have no federal funding, so would be eligible to pay their salaries out of ARPA funds. She also told the Commission that she just received the latest permit information from DENR and it appears as though the dairy farm has still not applied for the state permit. She told the commission she receives that notification weekly.

ADJOURNMENT

Commissioner Holgard made a motion to adjourn. Seconded by Commissioner Mohr. All in favor: Aye: 4; Nay: 0. Motion carried.


SCOTT SCHILLING, VICE CHAIRMAN

ATTEST:


DEBBIE KAHL, AUDITOR

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