**WALWORTH COUNTY BOARD OF COMMISSIONERS**

**MINUTES OF PROCEEDINGS**

**February 7, 2023**

**9:00am**

Present Commissioners: Scott Schilling, Justin Jungwirth, Duane Mohr, Kevin Holgard, and Jim Houck

Others present: Auditor Kahl, Deputy Auditor Charity Pepin, ROD DeToy, Highway Superintendent Gary Byre, Saniford & Jennifer Andree, Collin Brockel, Brian Brockel, Rory Thorstenson

**Call to Order:**

The meeting was called to order by Chairman Houck.

**Pledge of Allegiance**:

The Pledge of Allegiance was recited by those in attendance.

**Public Forum**

There were no persons present for the Public Forum.

**Agenda**:

Schilling moved to approve the agenda with the addition of the Master Transportation Plan, Mohr seconded, all ayes, motion carried.

**Claims:**

Holgard moved to approve the claims as presented, Schilling seconded, all ayes, motion carried.

S. Chapman, Services/mileage $5,885.60; Hoven Media, publishing, $468.80; Marco Inc., rentals, $195.40; Selby Record, supplies/publishing $578.45; ROD $60.00; Senior Center, rental $75.00; K. Brandt $33.80; Relx Inc., subscription $640.00; Connecting Point, services $2,010.00; Health Partners $25,631.13; Midcontinent Communications, services $135.77; Quill Corporation $443.77; A&B Business $426.82; B. Landreaux $40.91; MOB Reg Hospital, $1,390.25; J. Schaefbauer, $40.91; M. Kroontje, $599.00; Cogley Law, $2,904.00; Von Wald Law, $277.75; Heartland Waste, January $120.00; Kens Western Lumber, supplies/repairs $70.06; Larrys Lock & Key, courthouse $70.00; MDU, utilities $3703.92; L. Schmidt, snow removal $160.00; City of Selby, funds/utilities $25,983.43; Web Water Bottling, rentals $139.75; Zuber Refrigeration, repairs $442.42; SD Veterans, memberships/conference $100.00; P. Weinzirl, supplies $20.51; West River Communications, utilities $41.45; AMF Radiology, services $44.82; AT&T services $478.71; Axon Enterprises, sheriff supplies $2,880.00; Beadle Co., $15,420.00; Brown Co. Sheriff, boarding $6,855.00; Cardmember Serv. $2,702.72; Dakota Glass, repairs $1,293.22; DRG Media $200.00; Galls LLC, sheriff supplies $90.40; Grafix Shoppe, sheriff supplies $348.99; High Point, programing $168.75; Hughes Co., jail $5,239.84; Huron Reg Med Center $49.46; Lewis Fam Drug, jail $56.87; Mcleod’s Print & Office, supplies $530.83; City of Mobridge, funds/maintenance $89,091.88; Rees Communications, sheriff supplies $100.00; Selby Auto, sheriff repair/supplies $478.75; Selby Oil, tires $927.00; Senior Nutrition, meals $82.50; Servall Uniform & Linen, sheriff supplies $179.26; Stateline Designs, sheriff supplies $116.07; Uniform Center, sheriff supplies $864.96; Venture Comm., services $286.21; SD Development, service fees $60.00; Selby Ambulance, grants $15,000.00; Dakotabilities, Jan/Feb/Mar fees $180.00; D. Ritter $200.00; R.Walker $200.00; S. Zambo $150.00; City of Java, hwy water $23.00; Agtegera, hwy fuel $856.69; Auto Value Aberdeen, $220.40; Butler Machinery, $26,387.70; Central Diesel, $267.08; Dady Drug, first aids $29.15; J. Dady $50.00; Dakota Fluid Power Inc., supplies $1,279.19; Great Western Tire Jan. $35.90; Homestead Building Supplies $51.28; Matheson Tri-Gas Inc., tank rental $96.22; L. Moak $50.00; Runnings, hwy supplies $259.02; Schlachter Lumber, fuel/supplies $4,677.98; SD Dept. of Transportation $555.51; Shortys One Stop, fuel/meals $628.19; D. Thompson $50.00; Uptown Market, supplies $44.12; Gas & Goodies, fuel $297.33; AMCS, annual subscription $1,736.44; P. Davis, supplies $42.91; Geotek Engineering, annual rpt. $5,510.00; GTC Auto Parts, $540.45; Saber Shred Solutions, tire shred $21,539.50; Dept of SD, landfill tonnage $945.73; Slater Oil & LP Gas, landfill propane $388.70; Stern Oil Co. Inc, landfill oil $1,157.78; Tran Source Track & Equip., parts $164.90; Valley Telecomm., services $129.92; Verizon, compactor $48.06; Web Water Development, Jan. $42.47; AFLAC $2728.61; Shred Solutions, tire shred $21,539.50; Dept of SD, landfill tonnage $945.73; Slater Oil & LP Gas, landfill propane $388.70; Stern Oil Co. Inc,

**Auditor:**

Auditor Kahl introduced Charity Pepin as the new hire for deputy auditor. Kahl requested approval to add Charity Pepin on Bank West to include online and e-banking privileges. Mohr moved to approve the addition of Charity Pepin on Bank West accounts to include online and e-banking privileges, Holgard seconded, upon roll call vote all ayes motion carried. A list of surplus property was presented to the commissioners for disposal. Holgard moved to declare the list presented by Auditor Kahl as Surplus for Disposal, Schilling seconded, all ayes, motion carried. The list may be found on file in the Walworth County Auditor’s Office.

**Landfill:**

Mohr presented a Landfill monthly report. Schilling reports that he has brought someone to the landfill about recycling. He stated that the new recycling company is not as particular in deciding what gets recycled.

**Saniford and Jennifer Andree**:

Saniford and Jennifer Andree were present to express their concerns over the possible addition of a solar farm near New Evarts. They have concerns that the plant could negatively impact people with certain medical conditions. Jennifer provided the Commissioners with a packet of resources on the damaging effects solar panels can have on the environment, wildlife and communities. Andree’s also expressed their concern of a Conflict of Interest for Commissioner Holgard on the topic.

**Register of Deeds**:

Register of Deeds DeToy presented the January ROD Fee Report. DeToy requested travel approval to attend the 2023 Spring Welfare Workshop Class in April. Schilling moved to approve the travel request for DeToy to attend the 2023 Spring Welfare Workshop, Holgard seconded, motion carried. ROD DeToy presented a list of items for surplus. Mohr moved to declare the list presented by ROD DeToy as surplus to be destroyed, Jungwirth second, all ayes, motion carried. The list may be found on file in the Walworth County Auditor’s Office. She also reported on a chair that broke and it has been destroyed.

**Land Lease Auction**:

Chairman Houck declared that it was 9:30am, and time for the County Land Lease Auction. The leases are for three years beginning February 7, 2023. Public Auction commenced with the following results:

E2NE4 8-T124-R76, Walworth County, SD – 80 acres – Collin Brockel - $600.00

SE4 5-T124-R76, Walworth County, SD – 111.3 acres – Rory Thorstenson - $3,950.00

SE4 5-T124-R76, Walworth County, SD – 37 acres – Brian Brockel - $850.00

Landfill Tract located in 36 -T124-R79, Walworth County, SD – 30 acres – No bidders

SE4 5-T124-R76, Walworth County, SD - 73.2 acres – Collin Brockel - $1,850.00

**Highway Department:**

Superintendent Byre wanted to discuss the truck driver position for the County Highway Department. Byre expressed concerning on the specificity of the job title advertised as it is related to the wage rate. Schilling moved, to set the wage for Seasonal Employee with CDL at $21.00 per hour and Seasonal Employee without CDL at $18.00 per hour, Holgard seconded, following roll call vote, all ayes, motion carried. Superintendent Byre brought forth the document on the Manke Bridge removal project. The document has been signed. There is some design encroachment outside the right-of-way where the County would be justified in reimbursing for the encroachment. The landowner has signed a Certificate of Voluntary Right-of-Way. which indicates the encroachment which the landowner would like $1.40 per cubic yard for reimbursement of material. Schilling moved to approve Superintendent Byre as signatory on the Right-of-Way Agreement to reimburse Manke $1.40 per cubic yards for approximately 1500 cubic yards (approximately $2,100.00), Mohr seconded, following roll call vote, all ayes, motion carried. Byre has received quotes for a pallet fork and a tiller. It was the consensus of the Commissioners to allow Byre authority to purchase as needed.

**Master Transportation Plan**

Schilling moved to extend the review of the 2023 Walworth County Master Transportation Plan, Holgard seconded, all ayes, motion carried.

**Weight Limit Resolution**

Mohr moved to introduce and approve Resolution 2023-02 “Weight Limit Resolution, Jungwirth seconded, all ayes, motion carried.

**RESOLUTION WC 2023-00HD**

**RESOLUTION TO SET OVERWEIGHT LIMITS**

**WHEREAS,** the ultimate responsibility for the county roads in Walworth County rests with the Walworth County Commission; and

**WHEREAS,** the Walworth County Commission has appointed the Highway Superintendent as the proper highway authority, responsible for the care and maintenance of all Walworth County roads; and

**WHEREAS,** to preserve the roads in Walworth County during all seasons of the year, weight restrictions must be imposed and enforced; and

**WHEREAS**, to preserve the roads in Walworth County during the spring season, weight restrictions and/or reduced speeds must be enforced; and

**WHEREAS**, it would be beneficial to Walworth County to seek and obtain the assistance of the South Dakota Highway Patrol in enforcing load restrictions on all Walworth County roads;

**NOW THEREFORE, BE IT RESOLVED**, that the Walworth County Board of Commissioners, hereby, authorizes the Walworth County Highway Superintendent to impose, consistent with the recommendations of the South Dakota Department of Transportation and the South Dakota Highway Patrol, weight restrictions for overall vehicle weight and/or weight restrictions per axle during all seasons of the year, and to also include the reduced weight limits due to thawing and excessive moisture during the spring season. In so resolving, the Commission directs the Highway Superintendent to post notice of weight restrictions as required by law.

**BE IT FUERTHER RESOLVED**, that the Walworth County Board of Commission requests assistance from the South Dakota Highway Patrol in the enforcement of weight restrictions in Walworth County and authorizes the Walworth County Highway Superintendent to work in conjunction with the South Dakota Highway Patrol to reduce damage to the roads in Walworth County due to overweight vehicles.

Dated this 7th day of February, 2023 at Selby, South Dakota

**Wildland Fire Designee Resolution**

Wildland Fire Designee Resolution was presented to the commissioners for approval by EM Jeffrey Jensen. Mohr moved to approve the Wildland Fire Designee Resolution, Schilling seconded, all ayes, motion carried.

**RESOLUTION WC 2023-05**

**WILDFIRE DIVISION DESIGNEE**

**WHEREAS,** South Dakota State Law SDCL 41-20a-11 states, *Assistance in suppression of range fire within county-Reimbursement of expenses.* At the request of the board of county commissioners or a person designated by a board of county commissioners for such purposes, the state wildland fire coordinator may assist in the suppression of any range fire within the county. If any assistance provided by the coordinator includes the use of more than six (6) state employees and more than two (2) vehicles, the county to which the assistance is given shall reimburse the coordinator for the reasonable expenses incurred, and;

**WHEREAS,** pursuant to SDCL 41-20A-11, the South Dakota Wildland Fire Coordinator may assist in the suppression of rangeland fires within the county upon request of a Board of County Commissioners or its designee, and;

**WHEREAS,** at the time of the fire emergency there is insufficient time to convene the Board of Walworth county Commissioners to make such requests, and;

**WHEREAS,** the South Dakota Wildland Fire Coordinator as requested that a person(s) be officially designated by the Walworth County Commission to make such requests, and;

**WHEREAS,** Walworth County is responsible for the reasonable expenses incurred by the South Dakota Wildland Fire Coordinator for the assistance that Walworth County requests as set forth above.

**NOW, THEREFORE, BE IT HEREBY RESOLVED,** by the Walworth County Board of County Commissioners in and for the County of Walworth, State of South Dakota, the Walworth County Board of County Commissioners Representatives, the Walworth County Sheriff and Chief Deputy, the Walworth County Emergency Manager and the Walworth County Rural Fire Chief is hereby designated and authorized to request, on behalf of Walworth County, fire suppression assistance from the State Wildland Fire Coordinator as deemed necessary within Walworth County.

The authority to request assistance as provided shall continue in full force and effect until terminated or modified by resolution of the county of Walworth Board of Commissioners.

Dated this 7th day of February, 2023

**EM Jeffrey Jensen**:

EM Jensen reminded the Commissioners about the ICS Training he will be presenting on February 28, 2023. The training is also available on-line. EM Jensen opened discussion on the Hiddenwood Project and handed out the report from IMEG. Commissioner Schilling thought that IMEG would be present to talk to the Commission about the report. EM Jensen will arrange that.

**APPROVED:**

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**JIM HOUCK, CHAIRPERSON**

**ATTEST:**

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**DEBBIE KAHL, AUDITOR**

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