

WALWORTH COUNTY BOARD OF COMMISSIONERS
MINUTES OF PROCEEDINGS
March 28, 2023
9:00am

Present Commissioners: Jim Houck, Scott Schilling, Justin Jungwirth, Duane Mohr, and Kevin Holgard. . Others present: Auditor Kahl, Deputy Auditor Charity Pepin, Emergency Manager Jeff Jensen, Jeremy Hoffman, Lanny Stiklestad, Kerwin Miller, Beadle, Planning & Zoning Director Greg Pudwill, Highway Superintendent Byre, Harley Moser, Skip Rau, Rory Thorstenson, Penny Goetz, Paul Davis, Rick Cain and Brenda DeToy.

Pledge of Allegiance:

The Pledge of Allegiance was recited by those in attendance.

PLANNING & ZONING

Chairman Houck called the meeting to order and convened as County Planning & Zoning Board. Schilling moved to approve the agenda, Mohr seconded, All in Favor – all aye, motion carried.

PUBLIC HEARING

A public hearing was held concerning the dairy CAFO. Director Pudwill explained the Conditional Use permit as being updated, changes being in the number of head of cattle and the size of the cheese plant. The Board was told that the state permit has been filed. Holgard moved to recommend approval of the Conditional Use Permit by the County Commission, Schilling seconded. Susan Liedholt, a concerned citizen, spoke and had several questions concerning the CAFO as they live quite close to the site. Some of her concerns were the water source, the runoff, the county road, feed procurement, and the spreading of waste. Director Pudwill raised the subject of the Haul Road Agreement. Highway Superintendent Byre said we would have to consider a request to hire someone to inspect the road. He also mentioned that the project was stalled because the roads were never highlighted on the map. The Board contacted States Attorney Beck via telephone. His advice was that the conditional use permit could be approved contingent on a Haul Road Agreement. Holgard amended his motion to read that we recommend approval of the Conditional Use Permit contingent on a Haul Road Agreement by the County Commission, Schilling seconded, Roll Call Vote – all yes. Motion carried. Schilling moved to recommend approval of the Variance by the County Commission, Holgard seconded, Roll Call Vote – all yes. Motion carried. Holgard moved to adjourn, Mohr seconded, All in favor – all aye, motion carried.

Commissioner Houck convened as County Board of Commissioners and called the meeting to order.

Public Forum

There was no one present for the Public Forum.

Agenda:

Holgard asked that approval of the action of the Planning & Zoning Board be added to the agenda. Highway Superintendent asked that consider resolution for bridge inspections, there will be a report for the Landfill added and a list of surplus property from the Landfill. Mohr moved to approve the agenda with the changes, Schilling seconded, all ayes, motion carried.

Claims:

Schilling moved to approve the claims, Jungwirth seconded, All in favor – all aye, motion carried.

John Abshire – travel - \$50.00; Applied Concepts – radio - \$2,350.00; Bantz, Gosch & Cramer – mental board - \$122.90; Beadle County – inmate boarding \$20,805.00; Beadle Sales – repairs, maintenance - \$1,249.36; Kristi Brandt – services - \$72.25; Brown County Sheriff – inmate boarding - \$225.00; Cam Wal – utilities - \$343.07; Cardmember Service – supplies, services, travel - \$3,215.90; Cole Papers – supplies \$341.17; Coleman Law – crt appt atty - \$252.00; Connecting Point – services, repairs, maintenance \$1,136.47; Dakota Glass – repairs,

maintenance - \$1,222.53; DRG Radio – advertising - \$312.00; Galls – supplies - \$141.14; GC Auto Parts – supplies - \$211.80; Halfile Systems – maintenance - \$963.60; Hoven Coop – gas, diesel, propane - \$1,294.90; Hughes County Finance Office – inmate boarding - \$9,310.00; John Deere Financial – repairs, maintenance - \$2,154.75; Johnson Controls – repairs, maintenance - \$1000.82; Mark Kroontje – crt appt atty\$1.011.43; Landis Machinery – repairs, maintenance - \$675.73; Lewis Drug – inmate medical - \$150.52; Lexisnexis – supplies - \$640.00; Lincoln Co Treasurer – services - \$414.17; Marco Inc – rentals - \$175.78; Matheson Tri-Gas – rentals - \$87.88; McLeod's – supplies - \$62.57; Midcontinent Communications – utilities - \$183.39; Mobridge Pit Stop – gas - \$100.01; Mobridge Regional Hospital – services - \$1,962.46; Mobridge Tribune – publishing - \$784.60; MDU – utilities - \$2,129.37; North Central Steel Systems – repairs - \$1,052.98; Pennington County Jail – inmate boarding - \$1,805.00; Pumps Tire – supplies - \$2,584.00; Quill Corporation – supplies - \$209.88; Rick's Heating & Air Conditioning – supplies - \$345.66; Linda Schanzenback – elections - \$59.40; Schlachter Lumber - \$74.99; Louis Schmidt – rentals - \$1,880.00; SD Dept of Transportation – services - \$500.35; SD Public Health Lab – services - \$240.00; Selby Auto – supplies - \$94.83; City of Selby – utilities - \$126.24; Selby Oil – repairs - \$55.00; Senior Nutrition Center – supplies - \$90.00; Servall Uniform & Linen – rentals - \$115.55; Shorty's One Stop – supplies - \$90.25; Slater Oil – supplies - \$9,401.79; Thomson Reuters – law books - \$24.69; Trail King Industries – repairs - \$6,132.08; Trans Source Truck & Equip – supplies - \$569.57; Uniform Center – supplies - \$911.91; Venture Communications – utilities \$733.89; Von Wald Law Office – services - \$1,091.87; Lisa Von Wald – elections - \$59.40; Walworth County Register of Deeds – lien - \$30.00; Web Water Bottling – rentals - \$18.75; Vivian Witlock – election - \$59.40;

Minutes

Jungwirth moved to approve the minutes of 12-29-2022, Schilling seconded, All in favor – all voting aye, motion carried. Mohr moved to approve the minutes of 01-05-2023, Jungwirth seconded, All in favor – all voting aye, motion carried.,

Jennifer Andree

Ms Andree, a property owner in Walworth County, appeared to share some information about solar farms. She would like to inform the commissioners of her knowledge as they are writing ordinances concerning solar farms in Walworth County. She told the commission that her own health is at risk. She left some reading information for the commission.

Leroy Sandmeier

Mr. Sandmeier did not appear. He was going to talk about the Lake Hiddenwood Study. Commissioner Schilling addressed the commission concerning some of the concerns. There were landowners from that area of the county to speak on the subject, also. There was discussion about involving the States Attorney to see what can be done to close that ditch. Schilling will visit with him concerning this matter.

Landfill

It was reported that the annual Financial Assurance inspection of the landfill shows that there is approximately 60 years of life expectancy left at the current usage rate. The closure costs of the are also determined each year. Right now, closure costs are estimated to be near \$700,000, which would be the county's liability. He said if we would close some of the acres it would reduce the amount of money required to be held in the bank for that purpose. The post-closure costs are estimated at close to \$550,000 currently. Closure costs are currently estimated to be approximately \$60000 per acre. Jungwirth moved to destroy surplus property at the Landfill, Schilling seconded, All in Favor – all voting aye, motion carried. Monthly Landfill reports were also given to all commissioners.

Highway Department:

Highway Superintendent Byre presented his monthly reports. Superintendent Byre reports that \$135,000 has been spent for snow removal out of a budget of \$80,000. A discussion was held on the WCB3 Project. Campbell County was invited but did not attend. The agreement was discussed. Byre asked the Commission if they cared to sign the agreement, he would then send it to Campbell County for their April 4 meeting. We are getting closer to the June deadline. Holgard moved to sign the agreement, Schilling seconded, All in Favor: all voting aye, motion carried. It was stated that some material from this project may be able to be used for Site 51. Superintendent

Byre reported on D1 MB. Approval has been received from the Corp of Engineers. He is requesting a motion to approve the plan and payment for the culverts to be used on the project. Schilling moved to approve the project design and culverts, Mohr seconded, All in Favor – all saying aye, motion carried. Superintendent Byre reported 2 bids on the timber bridge structure were received and opened on 03-21-2023. One bid was for \$400 from Allen Frost, the other bid was \$2105 from Tim Ruzsa. Holgard moved to accept the \$2105 bid from Tim Ruzsa, Schilling seconded, Roll Call Vote – all voting yes, motion carried. The Joint Power Agreement with Flint Hills off the McPherson County Bid for AE 150 Road Oil was discussed. Schilling moved to accept the Joint Power Agreement for AE Road Oil, Jungwirth seconded, Roll Call Vote – all voting yes, motion carried. The Funding agreement with Game, Fish & parks for road improvements on the access road to Thomas Bay. Mohr moved to approve the funding agreement with GF&P, Jungwirth seconded, Roll Call Vote – all voting yes, motion carried. A discussion was held concerning the annual inspection of the bridge near Steve Allmendinger's. Schilling moved to approve the bridge inspection agreement, Mohr seconded, All in Favor – all voting aye, motion carried. Byre informed the commission that the price of a new road grader is at least \$500,000, just for future consideration.

The commission took a 5 -minute break.

Emergency Manager

Emergency Manager Jensen presented some information on GIS mapping. He will continue to research the process. He also gave a report on the radio updates that he has been working on. Jensen requested permission to attend take radios to Sioux Falls for programming, which he believes will be a cost savings as opposed to having them travel here. Schilling moved to approve the travel request, Mohr seconded, Roll Call Vote: all voting yes, motion carried. He also requested a travel approval for a required class in Pierre in June. Schilling moved to approve the travel request, Jungwirth seconded, Roll Call Vote: all voting yes, motion carried. Commissioner Jensen discussed the cost of the radio updates. Everybody has agreed to participate in the costs, but he is asking for direction on how he should ask for the bills to be presented. He also reported on some work he has been doing on more secure door locking in the courthouse. It has been approved and is now awaiting approval from FEMA.

Sheriff

The Sheriff presented his monthly reports. The Sheriff reports that we are getting many miles on some of the law enforcement vehicles. He says we will have to watch those vehicles carefully as repair and maintenance costs are getting quite high. Auditor Kahl requested that at some point when the Sheriff is getting rid of vehicles that we look at replacing the car used by the Director of Equalization.

Register of Deeds

Register Of Deed DeToy discussed medical bills that she is working on at the present time. Our medical costs have gone up mostly because of mental health holds and the costs associated with that. She reports that our client repayments are down considerably. She hopes to start pursuing that as soon as her new software for liens is installed. She also presented her monthly Register of Deeds monthly report.

Treasurer

Treasurer Geier had a taxpayer, Diane Pay Pay, present to set up a treasurer's trust for her taxes. She is requesting a \$100 per month payment for 24 months. Holgard moved to approve a 24 month \$100 a month treasurer trust, Mohr seconded, Roll Call Vote: all voting yes, motion carried. Geier revisited developing a resolution for the way out of state titles and registration are handled and paid for. She presented some sample resolutions for the commissioners to review. Schilling moved to approve the resolution as presented by the treasurer effective April 1, 2023, Mohr seconded, All in Favor: aye, motion carried. An executive session was requested by the treasurer. Commissioner Schilling moved to enter executive session for a personnel matter, Jungwirth seconded, All in Favor: all saying aye, motion carried. The commission came out of executive session. Treasurer Geier presented a report on LATCF funds and the status of those funds.

Director of Equalization

Director of Equalization Pudwill reports that at this point we have 7 appeals filed. He requested that a date be set as County Board of Equalization. It was set for April 11, 2023, at 9:00 am.

BROWN COUNTY JAIL

Commissioner Schilling started the discussion. He feels we should have a list of what Walworth County feels they need from a jail facility before we sign any agreements that they become our jail facility. It was agreed that Transporting is a big issue. Having a facility that will accept all of our inmates is also an issue. Rick Cain requested some time to visit with the Commission about the Brown County proposal. He questioned the upfront \$800,000 investment. That would guarantee us eight beds for 5 years. He feels that the idea of presenting a list of our needs is a good idea. Houck stated that at some time the taxpayers of this county are going to have to realize that Walworth County needs its own jail.

Discuss Meetings

Holgard brought up that there have been department head meetings that no commissioners were aware of. Schilling thinks a commissioner should really be at these meetings. Auditor Kahl said the meetings were to discuss admin time in the personnel policy. As department heads we never thought we could make changes to the personnel policy without commission approval. Jungwirth also felt a commissioner should be present at department head meetings.

Auditor

Auditor Kahl pointed out some information that the commission has that they should look at when they have time. Deputy Auditor Pepin presented the personnel policy with changes made concerning administrative time. She had gone through the policy carefully and addressed all areas where it mentioned administrative leave. A few of the commission felt like this should have already been taken care of when we took care of comp time. The commission and employees had a lengthy conversation regarding everyone's concerns. Holgard moved that any admin time starting now gets paid out as we go, anyone who has banked hours has until the end of the year to use them and any excess will be paid out at the end of the year, Jungwirth seconded. Superintendent Byre stated he does not feel that it is the right thing to do. It was decided that because no action was indicated on the agenda that we could not take any action at this meeting. Holgard rescinded his motion and Jungwirth rescinded his second. This will be taken up again at the next meeting.

Zoning

Holgard moved to approve the Conditional Use Permit recommended by the Planning & Zoning Board contingent on the Haul Road Agreement, Schilling seconded, Roll Call Vote: all voting yes, motion carried. Holgard moved to approve the Variance recommended by the Planning & Zoning Board contingent on the Haul Road Agreement, Schilling seconded, Roll Call Vote: all voting yes, motion carried. Holgard moved to hire KLJ as the engineering consultant to review the Haul Road Agreement, Mohr seconded, Roll Call Vote: all voting yes, motion carried.

Old Business

Mohr announced that April 22, 2023, will be the first day that the Landfill will be open on Saturday.

New Business

Schilling expressed his disappointment that all the cities and towns in the county that were invited to the Master Transportation Plan held yesterday did not attend. He will bring the rest of the commission up to date on that plan individually.

ADJOURN

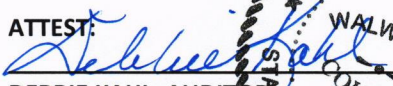
Holgard moved to adjourn, Schilling seconded, All in Favor: all saying aye, motion carried.

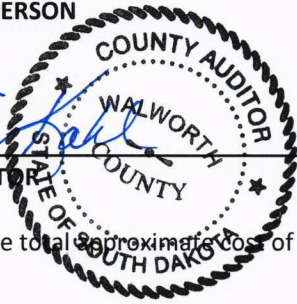
APPROVED:

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JIM HOUCK, CHAIRPERSON

ATTEST:


DEBBIE KAHL, AUDITOR



Published once at the total approximate cost of \$ _____

