**WALWORTH COUNTY BOARD OF COMMISSIONERS**

**MINUTES OF PROCEEDINGS**

**February 22, 2024, 9:00 a.m.**

**Call to Order:** Chairman Houck called the meeting to order at 9:00 a.m.

**In Attendance**: Commissioners Jim Houck, Duane Mohr, Kevin Holgard, Justin Jungwirth, and Scott Schilling, by phone. Also, present were Lyle Perman, Deputy Auditors Deb Kahl, JoAnn Nehls, and Brooke Kirschman. Public in attendance were Rochelle Forget, Dagere Forget, Shannon Goldade, Sid Wells, Pam Wells, Dan Beaman, Linda Beaman, Bud Andree and Corey Eisemann.

**Pledge of Allegiance**: The Pledge of Allegiance was recited by those in attendance.

**Planning & Zoning:** Moved by Commissioner Holgard and seconded by Commissioner Mohr to approve the Planning and Zoning Agenda. All in favor – all voting aye. Motion carried.

**Public Hearing on a Proposed Variance – Permit No. 24-01:**

Greg Pudwill, Director of Equalization advised the Commission of a request from Shannon Goldade to build one 48’ D grain bin, 112’ (one hundred twelve) feet, from the center of road instead of the 158’ (one hundred fifty-eight) feet from the center of the road, required by the Walworth County Ordinances. Houck advised Lyle Perman is sitting in as an alternate for Commissioner Holgard as he recused himself from any voting on this variance. Moved by Mohr and seconded by Perman to recommend to the County Commission that the variance be approved. After discussion, Chairman called for roll call vote – all voting Yes, the motion for approval was carried.

**Old/New Business:**  No old or new business.

**Adjournment of Planning & Zoning:** Moved by Mohr to adjourn the Planning & Zoning meeting and seconded by Commissioner Jungwirth. All in favor – all voting aye. There being no further discussion, the meeting was adjourned at 9:06 a.m.

**Convene as County Commission**

**Call to Order:** Commission Chairman Houck called the County Commission meeting to order at 9:06 a.m.

**Agenda:** The agenda was amended to add approval of the February Public Hearing minutes to the agenda. Moved by Commissioner Schilling and seconded by Jungwirth to approve the agenda as amended. All in favor - All voting aye. Motion carried.

**Claims**: Moved by Jungwirth and seconded by Holgard to approve the claims as presented. With no further discussion, Houck called for Roll call vote - All in favor - All voting yes. Motion carried. AEL Inc $8092.50 Stairlift repairs; Applied Concepts Inc $165.00 Sheriff supplies; AT&T Mobility $570.98 Sheriff phone; Avera Occupational Medicine $201.00 Sheriff, EMG services/fees; Bantz Gosch Cremer LLC $227.46 prof services; Beadle County $32630.00 Sheriff inmate boarding; Brule County $1944.00 inmate boarding; Cam Wal $2534.80 Hwy & Landfill repairs; Coleman Law $546.25 court appt atty fees; Connecting Point $5188.85 Auditor & Sheriff fees/services/supplies; Dacotah Bank $10158.01 supplies/postage/travel; Dady Drug $147.87 Hwy supplies; Dakota Fluid $326.94 Hwy parts; Dept of Health $325.00 States Atty fees; DRG Media Group $200.00 Sheriff advertising; Fastenal $47.40 Hwy supplies; Galls $182.99 Sheriff supplies; Gas n Goodies $100.12 EMG supplies; Geib Elston $1675.00 Sheriff services; Geotek Engineering $5365.00 Landfill annual report; Graham Tire $682.20 Sheriff supplies; Hase Plumbing $437.26 Hwy boiler inspection & pump; Health Partners $1553.77 insurance; Heartland Waste $180.00 Courthouse & Hwy garbage; Hoven Coop $2664.22 Hwy supples/utilities; Hughes County $1350.00 inmate boarding; John Stefanich DBA $2294.00 Sheriff repairs; John Deere $20.57 Hwy lock collar; Mark Kroontje $5191.06 court appt & child defense fees; Lewis Drug $352.12 Sheriff inmate medical; Relx/LexisNexis $666.00 Courts law books; Marco $156.15 rentals; Matheson Tri Gas $113.46 Hwy rentals; Mc Leods $489.04 Reg of Deeds supplies; Mobridge Ace Hardware $68.95 EMG & Landfill supplies; Mobridge Regional Hospital $1513.63 States Atty & Sheriff inmate medical; MDU $59.57 Hwy utilities; Pennington County Jail $199.89 Sheriff inmate transport; Quill Corp $427.57 States Atty & DOE supplies; Real Tuff $92.80 Sheriff supplies; SD States Atty Assoc $824.45 States Atty Assoc dues; Selby Ambulance $15000.00 ambulance subsidy; Senior Nutrition Center $296.00 Sheriff inmate meals; Servall $188.89 Hwy rentals; Shortys One Stop $789.32 DOE & Sheriff travel; Uniform Center $29.99 Hwy rentals; Venture Comm $707.27 utilities; Von Wald Law $460.00 court appt fees; Walk-n-Roll $315.93 Hwy supplies; WRT $38.54 Vet Services utilities; Wise Imaging $58.05 Sheriff services/fees.

**Tisdall Property:**  Discussion was held regarding the Tisdall surplus property in Mobridge on whether the County should hire an excavator to tear down the house and the garage, then the City of Mobridge can clean it up and the County retains ownership. A second option could be to give the property to the City of Mobridge and have them handle it. After discussion, Mohr moved the County to tear down the house on the property, leaving the garage and trees, and have the City of Mobridge remove the debris, adding that the County would retain ownership of the lot. Motion was seconded by Schilling. Houck called for a roll call vote – all in favor – all voting Yes. Motion carried.

**Solar Ordinance Hearings**: Dates were set for the first and second ordinance hearings as March 7, 2024, at 9:00 a.m. for the first hearing and the second hearing being March 27, 2024, at 9:00 a.m., provided there are no changes on the first hearing. Both hearings will be held in the County Courtroom. If there are no changes made to the ordinance, there will be no need for any further hearings, and if there were a referendum, the County could have it placed on the June 4, 2024, Primary Election ballot.

**Variance – Permit No. 24-01:**

Moved by Jungwirth and seconded by Mohr to accept the approval of a variance request by Shannon Goldade, as recommended by Planning and Zoning for the construction location of a grain bin on her property. Motion by Jungwirth and seconded by Mohr to approve the variance request. Houck called for roll call vote: Holgard abstained. Mohr -Yes; Jungwirth – Yes; Schilling – Yes; Houck – Yes. Motion carried.

**Abatements #6258 and #9046:** Discussion was held regarding the Schmidt property deeded to the City of Mobridge being abatement #6258 on 2022, 2023, and 2024 taxes. Moved by Holgard and seconded by Mohr to approve Abatement #6258 in the amount of $493.78. Houck called for roll call vote: All in favor – all voting Yes. Motion carried. Abatement #9046 for WEB Water due to tax coded wrong and should have been exempt. Motion by Jungwirth and seconded by Schilling to approve Abatement #9046 for WEB Water in the amount of $17.10. Houck called for roll call vote: All in favor – all voting Yes. Motion carried.

**Approve Minutes:** Moved by Holgard and seconded by Mohr to approve the February 6, 2024, minutes. All in favor – All voting aye. Motion carried. Moved by Holgard and seconded by Mohr to approve the February 7, 2024, Public Hearing on Solar Ordinance minutes. All in favor – all voting aye. Motion carried.

**Public Forum:** Degare Forget of Java spoke asking to have clarification on the definition of terminology on a purchase agreement for a tax deed regarding the terms “remove or rehabilitate.” The Commission advised Forget to talk with the States Attorney to define that wording or Forget can contact his own legal counsel to clarify the definition.

**Register of Deeds:** Register of Deeds, Brenda De Toy, presented the monthly report. De Toy also asked for approval for the Extension Office to cover the cost of the 4H Ribbons and a letter from the County stating that she could purchase those. Moved by Holgard and seconded by Mohr to approve the purchase of 4H ribbons/badges and to have Auditor Kim Dills sign a letter stating the approval for purchasing the 4H ribbons/badges from Extension Office funds and to send the bill to Walworth County Extension for payment. Houck asked for roll call vote: All in favor – all saying Yes. Motion carried. De Toy advised there was need to deny or approve a medical assistance claim. After discussion it was decided to revisit the topic and De Toy will get additional information. De Toy also advised that the County could lien jail costs following conviction. The item will be placed on the agenda for the next regular commission. De Toy stated the collection of poor liens is improving. Motion by Mohr and seconded by Jungwirth approving Register of Deeds Brenda De Toy to attend the Spring Workshop in Pierre on May 15 & 16, 2024. All in favor – all voting aye. Motion carried. Motion by Jungwirth and seconded by Mohr to surplus and destroy an HP computer serial # MXL00414J7 in the Register of Deeds office. All in favor – all voting aye. Motion carried.

**Highway:** Highway Superintendent Tom Hannan presented the Bridge Reinspection Resolution for SDDOT Retainer Contract. Moved by Mohr and seconded by Jungwirth to approve the resolution. All in favor – all voting aye. Motion carried.

**BRIDGE REINSPECTION PROGRAM RESOLUTION FOR USE WITH SDDOT RETAINER CONTRACTS**

**WHEREAS,** 23 CFR 650 Subpart C, requires initial inspection of all bridges and reinspection at intervals not to exceed two years, with the exception of reinforced concrete box culverts that meet specific criteria. These culverts are reinspected at intervals not to exceed four years.

**THEREFORE,** Walworth County is desirous of participating in the Bridge Inspection Program.

The County requests SDDOT to hire IMEG (Consulting Engineers) for the inspection work. SDDOT will secure federal approvals, make payments to the Consulting Engineer for inspection services rendered, and bill the County for 20% of the cost. The County will be responsible for the required 20% matching funds.

Dated this 22nd day of February 2024, at Selby, South Dakota.

Board of County Commissioners of Walworth County

Hannan requested workdays be changed to four 10-hour workdays beginning the week of February 26, 2024. Moved by Mohr and seconded by Jungwirth to approve the 10-hour 4-day workweek for the Highway Department. Chairman Houck called for roll call vote with Holgard and Schilling voting No and Houck, Jungwirth and Mohr voting Yes. Motion carried.

**Sheriff**: Sheriff Boll presented the January monthly report for the Sheriff Department.

**Auditor:** Deputy Auditor Kahl introduced Brooke Kirschman as the new additional Deputy Auditor. Moved by Jungwirth and seconded by Mohr to also have Kirschman attend the Election Training February 28-29, 2024, in Pierre. Houck called for roll call vote: All in favor – all saying Yes. Motion carried. Motion by Schilling and seconded by Jungwirth to have Auditor Dills attend the Spring Workshop in Pierre on May 15-16, 2024. Roll call vote: All in favor – all voting Yes. Motion carried.

**Landfill:** Mohr gave the Landfill report. Last year the January income was $48488.00, and this year is $57500.00. The final payment was made on the compactor, dumping fees are current and up to date, and new lights were installed in the landfill building.

**Treasurer**: Treasurer Cindy Geier reported the status of potential tax deed properties looking at being taken this year. Some were possibly being paid up this year, in the process of selling, and the State’s Attorney will be preparing quit claim deeds on others. On last year’s properties taken, there are some to be put up for sale and abated. These are all now in Walworth County’s possession.

Telephone System: Geier addressed the commission with concerns of the new parking lot door system. There have been complaints about not being able to access the Courthouse through the back door located in the parking lot. This is a problem for handicapped people to access the courthouse. Geier suggested we have a phone on the first floor so handicapped persons could call staff to get assistance. In visiting with Venture Communications, there is the possibility of a phone system where we can transfer calls to other offices in the Courthouse. Geier also suggested an intercom system for the handicapped to use on the first floor when they would need assistance. Venture is willing to do a survey and see what kind of system they could provide for the Courthouse.

**Assessor’s Office:** Moved by Mohr and seconded by Jungwirth to approve the surplus sale for a 2012 Chevrolet Impala which would be sold at auction. All if favor – all voting aye. Motion carried.

**Old Business**: None

**New Business:** Register of Deeds De Toy inquired on how the MDU statement is to be paid.

**Adjournment:**  There being no further business, moved by Holgard to adjourn and seconded by Mohr. All in favor - All saying aye. Motion carried. Adjournment at 10:14 a.m.

**APPROVED: ATTEST:**

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**CHAIRPERSON AUDITOR**

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