

Official Proceedings
County of Codington, Watertown, South Dakota
Codington County Courthouse
14 1st Ave SE

May 20, 2014

The Codington County Commissioners met in regular session at 9:00 a.m., Tuesday, May 20, 2014, at the Codington County Courthouse. Commission members present were: George Heller, Tyler McElhany, Myron Johnson, Elmer Brinkman, and Brenda Hanten; Chairman Brinkman presiding.

AGENDA APPROVED

Motion by Johnson, second by Hanten, to approve the agenda, all present voted aye; motion carried.

MINUTES APPROVED

Motion by Hanten, second by McElhany, to approve the minutes of May 13, 2014; all present voted aye; motion carried.

ORDINANCE #55 SECOND READING AND ACTION

The Board held the second reading and public hearing regarding Ordinance #55, an ordinance to amend Ordinance #30, an ordinance amending Ordinance #15 establishing zoning regulations for Codington County. Zoning Officer, Luke Muller, reviewed the details behind the proposed ordinance which would establish a rural residential district in the County. This ordinance is a recommendation of the land use plan that was adopted in 2012. Motion by McElhany, second by Hanten, to approve Ordinance #55 as presented by the Zoning Officer. Chairman Brinkman asked for public comment at this time on the proposed ordinance. No persons present offered comment on the proposed ordinance. Chairman Brinkman closed the hearing to the public and asked the Board for comment. Commissioner Johnson asked the Zoning Officer if this ordinance would prevent current property owners, with applicable properties, from putting up out buildings on their own property. Mr. Muller advised the Board that the proposed ordinance itself does not change any of the uses currently allowed on applicable lots. Upon vote of the Board; a roll call vote was held with Commissioners Heller, McElhany, Johnson, Brinkman, and Hanten voting aye; motion carried.

WATERTOWN TRANSIT

Watertown Area Transit Director, Pam Kwasniewski, appeared before the Board to provide an update on the two new buses which have been ordered for the transit. Ms. Kwasniewski noted the new buses will be delivered between September 20th and October 4th, 2014. Watertown Area Transit will increase their rates, for riders within the 18 square mile area of the city of Watertown, beginning June 1, 2014, from \$2.00 per trip to \$2.50 per trip in an attempt to keep up with annual rising costs to operate the transit system.

SWINE MORATORIUM

The Board addressed the swine moratorium currently in place for any swine related events at the Codington County Extension Center Complex and the public and expert input previously received regarding the moratorium. Motion by Johnson, second by Hanten, to lift the swine moratorium adopted on March 25, 2014. The Board discussed the need for disinfecting measures if the moratorium was lifted, the continued support of local agriculture, and how best to protect the County's liability if swine events were to be allowed once again on the premises. Upon vote of the Board, a roll call vote was held with Commissioners Heller, McElhany, Johnson, Brinkman, and Hanten voting aye; motion carried. Motion by McElhany, second by Hanten, to review the rates currently charged at the facility with regard to clean up costs and to seek additional language for related use of the facility to cover unbudgeted costs of clean

up following swine related activities at the facility. Commissioner Johnson noted the point was made when representatives from the SDSU Extension Service were present at the Board's meetings held on May 6th and questioned if cleanup costs were also going to be charged to sheep, cattle, and horse producers, or if only swine producers were going to be singled out when all livestock can carry some type of virus or disease which is transferable. Upon vote of the Board; Hanten, Brinkman, and McElhany voted aye; Johnson and Heller voted no; motion carried. Chuck Langner addressed the Board and questioned why the expense to remove wood chips would be required following a swine event as the Extension Center Complex is not a Bio-Secure facility and the removal of wood chips would not guarantee a virus could not spread.

JAKE BRAKE ORDINANCE

A contingent of property owners, who live or own a business in the vicinity of 20th Ave South and Highway 81, and who are in favor of a County Jake Brake Ordinance appeared before the Board. Mike Lantsberger, Bill Schmitt, Steven Wess, and Jodi LaFave gave testimony as to the excessive noise issues caused by the use of jake brakes in this area and urged the Board to take action to pass an ordinance to prohibit the unlawful use of jake brakes in Codington County. The Board along with States Attorney, Dawn Elshere; Highway Supt., Rick Small; and Sheriff, Toby Wishard; further discussed the wording of the proposed ordinance, a meeting scheduled for this evening at the Watertown Event center regarding the intersection of 20th Ave S and Highway 81, enforcement reality, persons who have contacted members of this Board in opposition to a jake brake ordinance, the possibility of reducing truck speed in the aforementioned stretch of highway, and an existing exhibition driving statute that could prevent the excessive noise caused by jake brakes. Ben Flemming addressed the Board regarding the use of jake brakes as a safety measure for truck operators. The Board set the first reading for an ordinance prohibiting the unlawful use of engine and compression brakes (jake brake ordinance) for Tuesday, May 27th, 2014.

NOTICE OF PUBLIC HEARING LIQUOR LICENSE TRANSFER

Motion by Johnson, second by Brinkman, to authorize the Auditor to publish a notice of public hearing for an application of a one day liquor license transfer for Rauville Station; all present voted aye; motion carried. Said hearing and action on the transfer application will take place at the Board's meeting on Thursday, June 5th, 2014.

MONTHLY REPORTS

Facilities Manager, Milo Ford, reported on the following: Memorial Park – playground equipment has been ordered, a gazebo will be installed at the campground, reservation and payments are coming in at heavy pace, the campground is full for the Memorial Day weekend, the new computer system is gradually progressing, volunteers Arnie and Pam Dornbusch should be added to the County's workers, compensation insurance, an additional custodial position was discussed with hours shared and no additional expense incurred, buoys have been put in place utilizing equipment from the Search and Rescue team, the Highway Dept. has assisted as needed with various projects at the campground. Courthouse – the Maintenance Dept. will be assisting the Auditor's office with the deliver and set up of election equipment for the June 3rd Primary. Ag. Building – Discussion was held on how to best disinfect and clean up after swine shows to prevent the spread of P.E.D.V., and the cost for same. Commissioner Johnson has been contacted by a private party who is willing to donate disinfectant and rubber boots to aid in containing the spread of the virus. **Highway Supt., Rick Small**, reviewed with the Board a map which will update the FHWA adjusted urban boundary of the City of Watertown. Changes to the urban boundaries will have an impact on the County's current roadway functional classification. Mr. Small also reported on the following: SDDOT funds are available for work on the intersection of County Roads 6 & 11, total cost of the project would be \$45,000.00 with a cost to the County of \$4,500.00 to put in rumble strips and wider edge striping along this section of County highway; a spill of atrazine herbicide has occurred on County Road 6 west of Watertown, the DENR has taken charge of supervising the cleanup of

the chemical spill, the Emergency Management Dept. also assisted with this incident; positions are being advertised for two (2) vacant Maintenance II positions at the Highway Dept. along with a part time seasonal position; radio reception problems are occurring and discussion was held with regards to allowing Highway employees a cell phone stipend to use personal cell phones instead of radios on the job.

CLAIMS APPROVED FOR PAYMENT

Motion by Johnson, second by Hanten, to approve for payment the following claims; all present voted aye; motion carried: Clark County 80.00 reg; Watertown City Finance Office 22,507.50 E-911 surcharge collections; Watertown Ford 14,019.00 vehicle.

APPROVAL OF TAX DEED PROPERTY AUCTION

RESOLUTION 2014-12

APPROVING THE SALE OF COUNTY LAND ACQUIRED BY TAX PROCEEDINGS

WHEREAS, PURSUANT TO DIRECTION FROM The Board of County Commissioners of Codington County, South Dakota, the County Auditor did heretofore offer for sale the hereinafter described real property belonging to said County, which was acquired by said County by tax deed, and

WHEREAS, it now appears from the said County Auditor’s report of sale on file herein and from the proof of publication of Notice of Sale attached to said report and on file herein that all the proceedings necessary to a legal sale have been completed and the following have offered the following price for the following described real property to-wit.

<u>DESCRIPTION</u>	<u>PURCHASER</u>	<u>PRICE</u>
Lots 1 & 2, Block 17 Original Town of Henry Record #4879	Steven L & Roberta T Berg 501 Willow St. Henry, SD 57243	\$2,700.00

Which full amount of the purchase price has been deposited with the County Treasurer;

NOW THEREFORE, be it and it hereby is resolved by the Board of County Commissioners of Codington County, South Dakota in regular session on the 20th day of May, 2014, that the sale of said premises to the above be and the same is hereby approved and the Chairman of the Board of County Commissioners of said Codington County, South Dakota is hereby authorized and directed to execute and the County Auditor to attest a Quit Claim Deed to said real property in the name of said County, and deliver said Quit Claim Deed to said purchasers conveying to said purchasers all of the right, title, and interest of said County therein.

Dated this 20th day of May, 2014

Motion by Hanten, second by Heller, to approve the above and foregoing resolution, all members present voted aye; motion carried.

Elmer Brinkman
Chairman

ATTEST:

Cindy Brugman

Codington County, May 20, 2014

Codington County Auditor

PART TIME CORRECTIONAL OFFICER POSITION

Motion by McElhany, second by Hanten, to approve the hiring of a part time correctional officer; as requested by the Chief Correctional Officer to sustain the current pool of part time officers; all present voted aye; motion carried.

SURPLUS EQUIPMENT

Motion by Johnson, second by Hanten, to declare the following laptops from the E.O.C. surplus to be destroyed or hard drives cleaned and distributed to nonprofit agencies; all present voted aye; motion carried: GEN #'S 01110, 01111, 01112, 01113, 01114, 01115, 01116, 01117, 01118, 01119, 01120, 01121, 01122, 01123 & 01161. Motion by Heller, second by McElhany, to declare the following jet skis surplus to be traded to Sheehan Equipment for new jet skis to be purchased by the Search and Rescue team; all present voted aye; motion carried: 2007 Kawasaki s/n KAW13684D707 & 2007 Kawasaki s/n KAW108071607.

EQUIPMENT REQUEST

Motion by Johnson, second by Hanten, to authorize the purchase of two jet skis for the Search and Rescue Team utilizing Search and Rescue funds; all present voted aye; motion carried.

MEETING DATE CHANGE

Motion by Hanten, second by McElhany, to change this Board's regularly scheduled meeting from June 3rd, 2014 to June 5th, 2014; as requested by the Auditor; all present voted aye; motion carried.

TRAVEL REQUESTS

Motion by McElhany, second by Hanten, to approve the following travel requests; all present voted aye; motion carried: Community Health Nurse and WIC clerical staff, conference in Pierre. Various elected and appointed officials, Planning of New Institutions Class in Aurora, Colorado.

JUSTICE CENTER BUILDING PROJECT

Commissioner Heller will attempt to contact Financial Advisor, Toby Morris, regarding a proposed meeting of the Justice Center Community Committee, Architecture Inc. and other County Officials.

EXECUTIVE SESSION

Motion by Hanten, second by McElhany, to enter into executive session at 11:11 a.m. to discuss a contractual matter and a personnel issue; all present voted aye; motion carried. The board returned to regular session at 11:31 a.m., no action was taken. Weed Dept. Supervisor, Steve Molengraaf and Human Resource Officer, Terry Satterlee were present for executive session.

WEED DEPT. MANAGER CONTRACT

Action to amend the Weed Dept. Manager contract will be placed on the Board's agenda for May 27th, 2014.

ADJOURNMENT

There being no further business to come before the Board a motion was made by Johnson, second by Hanten, to adjourn at 11:31 a.m., until 9:00 a.m., Tuesday, May 27th, 2014; all present voted aye; motion carried.

ATTEST:
Cindy Brugman

Codington County Auditor

Codington County does not discriminate on the basis of color, national origin, sex, religion, age, or disability in employment or the provision of service.

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