

**Official Proceedings
County of Codington, Watertown, South Dakota
Codington County Courthouse**

April 15, 2014

The Codington County Commissioners met in regular session at 9:00 a.m., Tuesday, April 15, 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 McElhany, second by Heller, to approve the minutes of April 8, 2014; all present voted aye; motion carried.

ORDINANCE TO PROHIBIT JAKE BRAKING – 1ST READING

The Board held the first reading of an ordinance to prohibit the unlawful use of engine and compression brakes (jake brakes) within designated areas of Codington County. The Board scheduled the second reading and possible adoption of the proposed ordinance for Tuesday, May 6th, 2014.

HIGHWAY 81 SOUTH SPEED LIMIT

The Board discussed the possibility of requesting the lowering of the speed limit on Highway 81 S. Commissioner Hanten reported she has discussed this matter with the local SDDOT and the County should submit, to the SDDOT, a formal request for a traffic/road study along the stretch of Highway 81 S in question. Motion by Hanten, second by McElhany, to submit a formal request to the SDDOT for a road study on Highway 81 S. Discussion was held regarding the timing of a road study in conjunction with the adoption of an ordinance to prohibit the use of engine and compression brakes in this same stretch of highway. Discussion was also held regarding the possibility of the City changing the way traffic is regulated at the intersection of Highway 81 and the South Bypass route. Upon vote of the Board on Commissioner Hanten's motion; all present voted aye; motion carried.

MORATORIUM ON APPLICATIONS FOR FIREWORKS ESTABLISHMENTS

States Attorney, Dawn Elshere, and Zoning Officer, Luke Muller, met with the Board to discuss establishing a moratorium on receiving and processing permit applications for fireworks establishments within the unincorporated areas of Codington County that are located within one mile of the corporate limits of the City of Watertown. Ms. Elshere noted a request for an Attorney General's Opinion, regarding jurisdictional authority within one mile of the Watertown City limits, was submitted and the Attorney General's Office responded that they would not issue an opinion on the matter. The Attorney General's Office referred the States Attorney to joint jurisdiction and the SD Legislature for resolving these types of issues. Motion by Hanten, second by McElhany, to adopt Resolution 2014-7. Discussion was held regarding the need for a moratorium until such time that the City and County adopt a joint powers agreement for the unincorporated areas of the County located within one mile of the Watertown City limits. Dan Raderschadt, Lew's Fireworks, addressed the Board regarding this issue and urged support of the proposed resolution. Upon vote of the Board; all present voted aye; motion carried.

RESOLUTION 2014-7

**A RESOLUTION ADOPTING A MORATORIUM ON RECEIVING AND PROCESSING
PERMIT APPLICATIONS FOR FIREWORKS ESTABLISHMENTS WITHIN THE**

**UNINCORPORATED AREAS OF CODINGTON COUNTY THAT ARE LOCATED WITHIN
ONE MILE OF THE CORPORATE LIMITS OF THE CITY OF WATERTOWN**

WHEREAS Codington County and the City of Watertown has been engaged in the process of researching possible regulations for establishing joint zoning controls for land uses within the growth area of the City of Watertown.

WHEREAS Codington County and the City of Watertown have conflicting regulations regarding the warehousing and sale of fireworks in the unincorporated areas of Codington County that are located within one mile of the corporate limits of the City of Watertown.

WHEREAS a letter requesting and interpretation to State Law regarding the applicability of the conflicting regulations as they relate to State Law was sent to the office of the South Dakota Attorney General on March 28, 2014.

WHEREAS the South Dakota Attorney General's office response of April 8, 2014 stated that it would not render a legal opinion.

WHEREAS the Board of County Commissioners finds it would be in the best interest of Codington County and the City of Watertown to adopt a joint jurisdictional zoning ordinance for regulating various land uses within the growth area of the City of Watertown

WHEREAS the County and City finds the warehousing and sale of fireworks to have an impact on the County and City's immediate health, safety, and welfare; and

WHEREAS the County has determined that it is necessary to temporarily suspend the receipt and permit processing of applications for fireworks warehousing and sales that do not have a current permit issued or are not considered a legal non-conforming use until a joint jurisdictional zoning ordinance between Codington County and the City of Watertown is adopted;

NOW, THEREFORE, BE IT RESOLVED by Codington County that the County hereby imposes a moratorium on receiving and processing permit applications for new fireworks establishments to be located in the unincorporated areas of the County that are located within one mile of the corporate limits of the City of Watertown until such time as the Board of County Commissioners adopts a joint jurisdictional zoning ordinance or until such time as the Board of County Commissioners agrees to lift this moratorium, whichever is shorter. It is an express condition of this Resolution that it does not apply to existing fireworks establishments with an active County Permit or recognized as a legal non-conforming use.

BE IT FURTHER RESOLVED that this Resolution is necessary for the immediate preservation of the public peace, health, safety, or support of the county government and its existing public institutions, and that this Resolution takes effect from and after the 15th day of April, 2014.

Adopted this 15th day of April, 2014.

Elmer Brinkman
Chairman Codington County

ATTEST:

Cindy Brugman

Codington County, April 15, 2014

Codington County Auditor

EMERGENCY MANAGEMENT AND E.O.C. COMPUTER EQUIPMENT

Motion by Johnson, second by Heller, to authorize the purchase of 2 PC's for the Emergency Management Office and 10 laptop computers for the E.O.C. Emergency Management Director, Jim Sutton, advised the Board of the need for the new computers due to the discontinuance of Microsoft support for Windows XP which is the software currently used on the old computers. Mr. Sutton noted the cost to his budget for the replacement computers in the E.O.C. will be approximately \$1,400.00 as the remaining cost will be covered under a Homeland Security grant and the cost of the PC's for his office will come from his 2014 budget. Upon vote of the Board; all present voted aye; motion carried.

FAMILY HERITAGE SUPPLEMENTAL INSURANCE

Representatives from Family Heritage Supplemental Insurance, Brian Hosmer and Wade Ericson, met with the Board to request authorization to meet with County employees to review their product and offer employees the opportunity to purchase said insurance privately and not through a payroll deduction. Motion by McElhany, second by Hanten, to authorize the representatives from Family Heritage Supplement Insurance to present their product to County employees; all present voted aye; motion carried.

BOND COUNSEL

The Board discussed the need to hire Bond Counsel, for the County's proposed Justice Center Building project, in a timely manner to prepare the bond issue for placement on the County's 2014 General Election Ballot. States Attorney, Dawn Elshere, will contact the project's Financial Advisor, Toby Morris, to determine when a Bond Counsel should be hired to ensure the timeline is met for placing the bond issue on the ballot.

PROPERTY TAX ABATEMENT APPLICATIONS

Motion by Johnson, second by McElhany, to approve the following applications for property tax abatements:

<u>Property tax record</u>	<u>Abatement allowed</u>
11849	\$541.40 Property owner qualified for State assessment program
7968	\$364.52 Property owner qualified for State assessment program

Upon vote of the Board; all present voted aye; motion carried.

GENERAL FUND SURPLUS ANALYSIS

The Board noted the General Fund surplus cash as of March 31, 2014: \$2,423,234.39 or 27% of the 2014 General Fund budget.

TRAVEL REQUESTS

Motion by Hanten, second by Johnson, to approve the following travels requests; all present voted aye; motion carried: Deputy States Attorneys, Nelson and McCann, States Attorneys Association conference in Deadwood. Welfare Director, Sarah Petersen, Leadership Training, at the Event Center in Watertown.

PERSONNEL CHANGES

Motion by McElhany, second by Hanten, to approve the following personnel changes; all present voted aye; motion carried: Correctional Officer, Lori Mills; anniversary step increase; from step 7/\$19.71 to step 8/\$20.01. Deputy Director of Equalization, Heidi Thorson; anniversary step increase; from step 6/\$20.44 to step 7/\$20.75. Director of Equalization Office Coordinator, Diane Merchant; anniversary step increase from step 7/\$18.18 to step 8/\$18.45 per hour.

OTHER BUSINESS

Commissioner Hanten reported on the Watertown Area Transit meeting she recently attended. Commissioner Johnson noted the Governors luncheon will be held on April 22nd at the Watertown Event Center. Commissioner McElhany reported on the County Weed and Pest meeting he recently attended. Auditor, Cindy Brugman, advised the Board that 2015 budget request forms have been sent out to all departments.

JUSTICE CENTER BUILDING PROJECT

Commissioner Heller reported on a meeting held on April 10th with department heads who will not be moving to the proposed Justice Center and representatives from Architecture Inc. The purpose of this meeting was to discuss how best to utilize the space being vacated by offices and departments who will be moving to the proposed Justice Center. A follow up meeting was held with several departments who would be moving to the proposed center.

ADJOURNMENT

There being no further business to come before the Board a motion was made by Johnson, second by Hanten, to adjourn at 9:58 a.m., until 9:00 a.m., Tuesday, April 22nd, 2014; all present voted aye; motion carried.

ATTEST:

Cindy Brugman
Codington County Auditor

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