

**Official Proceedings**  
**County of Codington, Watertown, South Dakota**  
**Codington County Courthouse**  
**14 1<sup>st</sup> Ave SE**

December 27, 2016

The Codington County Commissioners met in regular session at 9:00 a.m., Tuesday, December 27, 2016, at the Codington County Courthouse. Commission members present were: Lee Gabel, Tyler McElhany, Myron Johnson, Elmer Brinkman and Brenda Hanten; Chairman Brinkman presiding.

**AGENDA APPROVED**

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

**MINUTES APPROVED**

Motion by McElhany, second by Hanten, to approve the minutes of December 20, 2016; all present voted aye; motion carried.

**ORDINANCE #65**

The Board held the second reading and public hearing on proposed Ordinance #65 an ordinance amending Ordinance #15 establishing comprehensive zoning regulations for Codington County. Zoning Officer, Luke Muller, gave the second reading of the proposed ordinance. States Attorney, Patrick McCann, reviewed the process and reasoning for re-establishing the County's entire zoning ordinance by the adoption of Ordinance #65, due to a procedural issue in the adoption of Ordinance #30 an ordinance amending Ordinance #15 the County's comprehensive zoning ordinance. Zoning Officer, Luke Muller, noted the Planning and Zoning Board recommends the adoption of Ordinance #65 to allow the County to proceed in an organized manner to apply zoning laws in Codington County and to ensure that property owners within the flood zone will have access to federal funding in the case of an emergency. Chairman Brinkman called for a motion to adopt Ordinance #65. Motion by McElhany, second by Hanten, to adopt Ordinance #65. Chairman Brinkman opened the public hearing at this time and asked for comments from those present. No person present addressed the Board during the public hearing. Chairman Brinkman closed the hearing to the public and turned to the Board for further discussion on the motion. The Board is of the consensus that this ordinance will legally re-adopt the zoning laws previously followed and allow for the regulation of zoning in the County. Upon vote of the motion to adopt Ordinance #65; Gabel voted yea; Johnson voted yea; McElhany voted yea; Brinkman voted yea; and Hanten voted yea; motion carried.

**CZECH SECOND ADDITION PLAT RESOLUTION**

Zoning Officer, Luke Muller, reviewed the plat of the Czech Second Addition. The Board adopted Resolution 2016-34 as follows:

**RESOLUTION #2016-34**

A Resolution to approve the platting of the Czech Second Addition in the County of Codington, South Dakota.

BE IT RESOLVED by the County Commissioners of Codington County, South Dakota, as follows:  
That an examination has been made of the plat entitled:

Czech Second Addition located in the Northeast Quarter of Section 34-T116N-R52W of the 5<sup>th</sup> P.M., in the County of Codington, South Dakota; and it appearing to the Board of County Commissioners that the

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arrangement of streets and alleys and the area within its jurisdiction have not been interfered with by the said plat and survey, and that the County Planning Commission of the said County has recommended approval of the said plat, and it also appearing that the plat and survey accompanying the same has been executed according to law.

NOW, THEREFORE, said plat is hereby approved and the County Auditor of Codington County, South Dakota, is hereby authorized to endorse on the said plat a copy of the Resolution and to certify to the same thereon.

The above and foregoing resolution was moved for adoption by Commissioner Hanten, second by Commissioner McElhany; whereupon the Chairman of the Board of County Commissioners declared the same to be duly passed and adopted.

Dated this 27<sup>th</sup> day of December, 2016, at Watertown, Codington County, South Dakota.

Elmer P. Brinkman  
Chairman, Board of County Commissioners

STATE OF SOUTH DAKOTA  
§  
COUNTY OF CODINGTON

I, the undersigned, the duly appointed, elected, qualified, and acting County Auditor of Codington County, South Dakota, do hereby certify that the foregoing is a true and correct copy of Resolution 2016-34, adopted by the Board of County Commissioners of Codington County, South Dakota.

Dated this 27<sup>th</sup> day of December, 2016, at Watertown, Codington County, South Dakota.

Cindy Brugman  
County Auditor, Codington County, South Dakota

**MOTOR GRADER BIDS AWARD**

Highway Supt., Rick Small, met with the Board and recommended acceptance of Motor Grader bids B & C as submitted on December 20<sup>th</sup>, 2016, by Butler Machinery Co. Mr. Small advised the Board he has budgeted \$624,000 in 2017 for two Motor Graders. Motion by McElhany, second by Hanten, to follow the recommendation of the Highway Supt. and accept Bids B & C from Butler Machinery; all present voted aye; motion carried.

<u>Vendor</u>	BID B	BID C
Butler Machinery Co. Aberdeen, SD Bid Bond included Caterpillar 140M3 AWD		
<u>Cash Price</u>	\$331,615	\$331,615
<u>Trade Allowance</u>	\$135,000 s/n 00163	\$135,000 s/n 00164
<u>NET PRICE</u>	\$196,615	\$196,615

**MONTHLY REPORTS**

**Emergency Management Director, Jim Sutton**, reported on the following items: The Search and Rescue team has made four trips to Brookings County to aid in the recovery of a drowning victim with no recovery success at this time. A Search and Rescue team member suffered an injury during this effort and a claim has been submitted to Codington County's workers' compensation insurance carrier. The Emergency Management Office has been assisting those affected by the Christmas Day ice storm in the area. Mr. Sutton advised the Board the City of South Shore is currently without power as are other rural areas of Codington County. The Emergency Management Office has offered assistance to local power cooperatives to aid in restoring power to these areas as soon as possible. A shelter, powered by a generator previously purchased with Homeland Security Grant Funds, has been opened in South Shore.

**Chief Deputy Sheriff, Brad Howell**, submitted the following statistics compiled during the month of November, 2016, for the Detention Center and Sheriff's Office: Average daily inmate population 77.9 (low of 73 and high of 82); bookings 190; \$13,515.35 collected in fees for out of county prisoner contracts; \$8,100.00 collected in work release fees; \$4,698.00 collected in fees for the 24/7 program; \$6,976.00 collected in SCRAM fees, which were remitted to the office of the SD Attorney General; 48 individuals testing twice daily for PBT'S; 19 individuals reporting twice weekly for UA Drug testing; 3 individuals wearing drug detecting sweat patches; and 39 individuals wearing SCRAM (security continuous remote alcohol monitor) bracelets; 423 cases/calls for service; 18 traffic accidents investigated; 68 arrest warrants served; 283 sets of civil papers served; and 2,945 transport miles conducting 14 transports. Chief Deputy Howell provided the Board with a report of fees collected in the amount of \$9,912.23 retained by the County, during the month of November, 2016. Chief Deputy Howell updated the Board on the following: Homeland Security Grant funds have been secured for the purchase of 2 digital radios for patrol vehicles; Drug Control Grant funds have been awarded Codington County for the purchase of 9 body cameras and storage in house; and an awareness training will be held on January 27<sup>th</sup> in conjunction with the local Sex Trafficking Coalition/Drug Endangered Children Division.

**EMERGENCY MANAGEMENT VEHICLE PROPOSALS**

Emergency Management Director, Jim Sutton, presented the Board with four proposals received from local auto dealers, Watertown Ford, Sharp Automotive, and Schuchard's Westside GMC, for a 2017 4x4 crew cab truck. Motion by Johnson, second by McElhany, to accept the low quote of \$30,877.00 for a 2017 Ram 2500 4x4 crew cab, from Watertown Ford. Watertown Ford's proposal also includes a \$5,000.00 credit for the trade in of the Emergency Management's 2004 Chevrolet Suburban, purchased with Homeland Security Grant Funds in the amount of \$28,533.00. This will result in a net cost of \$25,877.00 for the vehicle quoted by Watertown Ford. Upon vote of the motion to purchase from Watertown Ford; all present voted aye; motion carried.

**SURPLUS EQUIPMENT**

Motion by McElhany, second by Johnson, to declare GEN01126, a 2004 Chevrolet Suburban, surplus to be traded for a 2017 Ram crew cab. Commissioner McElhany noted this surplus vehicle was purchased with Homeland Security Grant funds and can only be traded in, not sold outright. Upon vote of the motion, all present voted aye; motion carried.

**BODY CAMERA EQUIPMENT**

Motion by McElhany, second by Hanten, to authorize the purchase of body cameras and storage equipment for the Sheriff's Office; all present voted aye; motion carried. The County has received \$9,960.00 in grant funds for this purchase.

**PATROL VEHICLES**

Motion by McElhany, second by Hanten, to authorize Chief Deputy Howell to secure proposals for two patrol vehicles; all present voted aye; motion carried.

**TOBY WISHARD RESOLUTION 2016 -33**

Chief Deputy Sheriff, Brad Howell, presented Sheriff, Toby Wishard, with a resolution of appreciation and recognition for his years of service to Codington County. Motion by Hanten, second by McElhany, to approve Resolution 2016-33 honoring Sheriff Toby Wishard; all present voted aye; motion carried.

**RESOLUTION 2016-33**

**WHEREAS**, Toby Wishard has devoted 20 years to enforcement of the law in Codington County as deputy sheriff and sheriff; and,

**WHEREAS**, Toby Wishard has safely and humanely directed the operation of the Codington County Detention Center keeping occupants safe from others and themselves; and,

**WHEREAS**, Toby Wishard has operated the sheriff's office of Codington County in a fiscally responsible manner during his term of service; and,

**WHEREAS**, Toby Wishard has served capably as an officer of the court during his tenure as sheriff; and,

**WHEREAS**, Toby Wishard has elected to retire from his office of Sheriff of Codington County effective December 31, 2016;

**THEREFORE, BE IT RESOLVED**, by the board of County Commissioners for Codington County, and on behalf of all the citizens of Codington County, that Toby Wishard be recognized for exemplary service in the line of duty, and that he be rightfully recognized for his dedication to the public he served.

**BE IF FURTHER RESOLVED**, that December 31, 2016 be designated as **“TOBY WISHARD DAY”** in Codington County, and that record of this act be spread upon the official minutes of the board of Codington County Commissioners.

The above and foregoing resolution was adopted December 27, 2016 at Watertown, Codington County, South Dakota.

Elmer P. Brinkman, District IV and Chairman

D. Lee Gabel, District I

Tyler McElhany, District II

Myron Johnson, District III

Brenda Hanten, District V and Vice Chair

ATTEST:

Cindy Brugman, Auditor

**Chief Deputy Sheriff, Brad Howell**, at this time, presented to Sheriff Wishard, a plaque from the Codington County Law Enforcement staff in appreciation and in honor of his 20 years of service.

**CHIEF DEPUTY HOWELL V.F.W. RECOGNITION**

Chairman Brinkman announced that Chief Deputy Sheriff, Brad Howell, has been awarded a 2016-2017 Law Enforcement certificate of appreciation by the Frank H. Adams Post 750 VFW in recognition of unyielding adherence to the highest ideals of law enforcement maintaining, preserving and protecting the lawful rights of all citizens.

**2017 UNION LABOR CONTRACTS APPROVED**

**Human Resource Director, Terry Satterlee**, reviewed with the Board the modifications within the 2017 Teamsters Local Union No. 120 Contract (Correctional Officers), 2017 Codington County Deputy Sheriff's Association Contract and 2017 AFSCME Local 2488A Contract (Highway Dept. employees). Mr. Satterlee noted the following changes within the Teamsters (Correctional Officers) contract: 1% COLA and modification of language for compensation of administrative pay and holiday time. Motion by McElhany, second by Gabel, to authorize the Chairman to sign the 2017 contract between Codington County and the Teamsters Local Union No. 120; all present voted aye; motion carried. Mr. Satterlee reviewed the changes within the 2017 Codington County Deputy Sheriff's Association as follows: 1% COLA and modification of language for compensation of administrative pay and holiday time. Motion by Hanten, second by McElhany, to authorize the Chairman to sign the 2017 contract between Codington County and the Codington County Deputy Sheriff's Union; all present voted aye; motion carried. Mr. Satterlee reviewed the changes within the 2017 AFSME Local 2488A Contract (Highway Dept. employees): 1% COLA and a \$.10 an hour increase to employee hourly wage for those employees who has successfully completed a two or four-year advance degree program from an accredited institution. Motion by McElhany, second by Gabel, to authorize the Chairman to sign the 2017 AFSCME contract; all present voted aye; motion carried.

**WEED AND PEST GRANT**

Weed Supervisor, Steve Molengraaf, presented the Board with a request to participate in a state weed grant. This grant, if approved, will help reimburse labor and mileage for bio-control releases and evaluations. Motion by Hanten, second by Gabel, to approve Codington County's participation with the SD Weed Board on a Poison Hemlock Bio-Control Grant; all present voted aye; motion carried.

**FUTURE BUILDING FUND CASH DESIGNATION**

Motion by McElhany, second by Gabel, to assign General Fund unassigned/undesignated cash, in the amount of \$5,500,000.00, for future building projects; all present voted aye; motion carried.

**TRAVEL REQUEST**

Motion by Hanten, second by McElhany, to approve the following travel request; all present voted aye; motion carried: Weed Supervisor, Sioux Falls Farm Show.

**CODINGTON COUNTY JUSTICE ADISORY COMMITTEE**

Commissioner Gabel noted the next working meeting of the CCJAC will take place on January 5, 2017 and the next public meeting of the CCJAC will take place on January 24<sup>th</sup>, 2017. Both meetings will be held at LATI. Commissioner Gabel reported the soil boring project, at the Hwy 212 and City Auditorium locations, has been completed and test results are pending. Commissioner Gabel has contacted the Watertown City Finance Office regarding the placement of a County Bond issue on the City's 2017 election ballot.

**TYLER MCELHANY RESOLUTION 2016-31**

Chairman Brinkman, presented Commissioner, Tyler McElhany, with a resolution of appreciation and recognition for his service to Codington County. Motion by Hanten, second by Gabel, to approve Resolution 2016-31 honoring Commissioner Tyler McElhany; all present voted aye; motion carried.

**RESOLUTION 2016-31**

**WHEREAS**, Tyler McElhany has been the representative for Codington County District II; and,

**WHEREAS**, Tyler McElhany has provided excellent constituent service to the citizens of District II; and,

**WHEREAS**, Tyler McElhany has worked to operate Codington County in a fiscally responsible manner; and,

**WHEREAS**, Tyler McElhany has served on the State Catastrophic Legal Expense Program board for the South Dakota Association of County Commissioners; and,

**WHEREAS**, Tyler McElhany, has been an effective liaison to the County's Highway Department, Maintenance Department, Memorial Park, Weed Department and Emergency Management Office; and,

**WHEREAS**, Tyler McElhany has earned the respect of all those who have worked with him during his tenure as a Codington County Commissioner; and

**WHEREAS**, Tyler McElhany is leaving public service on December 31<sup>st</sup>, 2016

**THEREFORE, BE IT RESOLVED**, that the citizens of Codington County join the Board of County Commissioners in expressing their appreciation to Tyler McElhany for his leadership to Codington County.

Upon vote of the Board this resolution was adopted this 27<sup>th</sup> day of December, 2016.

Elmer P. Brinkman, Chairman/District IV

D. Lee Gabel, District I

Myron Johnson, District III

Brenda Hanten, Vice-Chair/District V

ATTEST:

Cindy Brugman, Codington County Auditor

**ELMER P. BRINKMAN RESOLUTION 2016-32**

Vice-Chair, Brenda Hanten, presented Chairman Elmer Brinkman, with a resolution of appreciation and recognition for his thirty-two years of service to Codington County. Motion by McElhany, second by Hanten, to approve Resolution 2016-32 honoring Commission Chairman, Elmer Brinkman; all present voted aye; motion carried.

**RESOLUTION 2016-32**

**WHEREAS**, Elmer Brinkman has represented Codington County District IV for thirty-two years; from January 1, 1985 to December 31, 2016, with eleven years as Chair and,

**WHEREAS**, Elmer Brinkman has provided excellent constituent service to the citizens of District IV; and,

**WHEREAS**, Elmer Brinkman has worked to operate Codington County in a fiscally responsible manner; and,

**WHEREAS**, Elmer Brinkman has served as a trustee for the South Dakota Retirement System, from July 1, 1991 to December 31, 2016, and as Chairman for the past twenty-three years; and

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**WHEREAS**, Elmer Brinkman, has been an effective liaison to the County Treasurer, and Director of Equalization Offices; and,

**WHEREAS**, Elmer Brinkman has earned the respect of all those who have worked with him during his tenure as Codington County Commissioner; and

**WHEREAS**, Elmer Brinkman is leaving public service at the end of this term;

**THEREFORE, BE IT RESOLVED**, that the citizens of Codington County join the Board of County Commissioners in expressing their appreciation to Elmer Brinkman for his leadership to Codington County; and,

**BE IT FURTHER RESOLVED**, that December 27, 2016 be declared **ELMER BRINKMAN DAY** in Codington County, and that this action be spread over the minutes of the Board of County Commissioners for Codington County to remain there for all posterity.

Upon vote of the Board this resolution was adopted this 27<sup>th</sup> day of December, 2016

Brenda Hanten, Vice-Chair/District V

D. Lee Gabel, District I

Tyler McElhany, District II

Myron Johnson, District III

ATTEST:

Cindy Brugman, Codington County Auditor

**ADJOURNMENT**

There being no further business to come before the Board a motion was made by Johnson, second by McElhany, to adjourn at 10:25 a.m., until 9:00 a.m., Tuesday, January 3<sup>rd</sup>, 2017; 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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