

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

August 21, 2018

The Codington County Commissioners met in regular session at 9:00 a.m., Tuesday, August 21, 2018, at the Codington County Courthouse. Commission members present were: Lee Gabel, Charlie Waterman, Myron Johnson, Troy VanDusen and Brenda Hanten; Chairman Johnson, presiding; Zoning Officer, Luke Muller, led the pledge of allegiance.

AGENDA APPROVED

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

MINUTES APPROVED

Motion by Hanten, second by Gabel, to approve the minutes of August 14, 2018; all voted aye; motion carried.

RIPARIAN BUFFER STRIP RESOLUTION

Jay Gilbertson, Executive Director East Dakota Water Development District; Roger Foote, Project Coordinator for the Upper Big Sioux River Watershed Project; and Shawna Constant, Codington County Director of Equalization, met with the Board to further review a resolution to classify qualified agricultural land within riparian buffer strips. Motion by Hanten, second by Waterman, to approve Resolution 2018-18 identifying qualifying water bodies; all voted aye; motion carried.

RESOLUTION #2018-18

A RESOLUTION IDENTIFYING WATER BODIES OF LOCAL CONCERN FOR THE PURPOSE OF TAXATION AS A RIPARIAN BUFFER STRIP

WHEREAS, South Dakota Codified Law (SDCL) 10-6-31.7 authorizes any agricultural land within one hundred twenty (120) feet of:

1. a lake assigned immersion recreation or limited contact recreational beneficial uses in the Administrative Rules of South Dakota (ARSD) 74:51:02:02 and listed in ARSD 74:51:02:04;
2. or a river or stream assigned any of the warm water or cold-water fish life propagation beneficial uses in ARSD 74:51:03:02 and listed in ARSD 74:51:03:04 to 74:51:03:27, inclusive;

that meets the requirements of SDCL 10-6-31.8 is classified for the purpose of taxation as a riparian buffer strip.

WHEREAS, SDCL 10-6-31.7 further allows that the board of county commissioners may, by resolution, authorize the director of equalization to treat any agricultural land within one hundred twenty (120) feet of a water body of local concern, identified by the county commission, that is contiguous and tributary to any lake, river, or stream specified in subdivision (1) and (2) of SDCL 10-6.31.7, as riparian buffer strip, provided it meets the requirements of SDCL 10-6-31.8.

WHEREAS, the agricultural land so classified as riparian buffer strip shall be assessed at sixty (60) percent of its agricultural income value as determined by SDCL 10-6-33.28 to 10-6-33.34, inclusive.

THEREFORE, BE IT RESOLVED that agricultural land along the following water bodies, contiguous and tributary to a lake, river, or stream specified in ARSD 74:51:02:04 and ARSD 74:51:03:07, may qualify for classification as a riparian buffer strip in Codington County:

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Soo Creek, from the confluence with the Big Sioux River upstream to the Codington-Grant County Line;

Mahoney Creek, from the confluence with the Big Sioux River upstream to the west boundary Section 33, Township 119 North/Range 52 West (Germantown Township);

Mud Creek, from the confluence with the Big Sioux River upstream to the north boundary of Section 5, Township 118 North/Range 51 West (Waverly Township);

Unnamed tributary to Mud Creek, from the confluence with Mud Creek upstream to east boundary of Section 1, Township 117 North/Range 52 West (Elmira Township);

Unnamed tributary to the Big Sioux River, from the confluence with the Big Sioux River upstream to the outlet of Still Lake; and

Stray Horse Creek, from the south boundary of Section 26, Township 116 North/Range 51 West (Kranzburg Township) upstream to the Codington Deuel County Line.

THEREFORE, ALSO BE IT RESOLVED that any land adjacent to these water bodies, which meets the requirements of SDCL 10-6-31.8, shall be assessed at sixty (60) percent of its agricultural income value as determined by SDCL 10-6-33.28 to 10-6-33.34, inclusive.

Dated this 21st day of August, 2018

Myron Johnson

Chairman Codington County Commission

ATTEST:

Cindy Brugman

Auditor Codington County

COMMUNITY HEALTH NURSES

Community Health Nurse, Anne Kriese, introduced Melissa Coull to the Board. Melissa was recently hired as a Community Health Nurse in the Watertown Office. Community Health Nurse, Anne Kriese, at this time announced her retirement from the Watertown Office, effective August 30, 2018.

MONTHLY REPORTS

Facilities Manager, Milo Ford, updated the Board on the following: Memorial Park – revenue is projected to increase by over 10% from 2017, the lakeside Chapel has received a new roof and new windows, Kampeska Hall has been re-painted and tentatively planned for plumbing upgrades and new siding, and the contract with the Watertown Community Foundation has been completed to begin the Memorial Park Tree project; Ag. Building – the damage to the south end of the livestock building has been repaired and the roofing project, due to hail damage in 2017, has been completed; Courthouse – phase I of the Courthouse Remodel project is winding up with phase II to begin shortly, the Clerk of Courts Office has been moved to ground floor and re-locating of the Director of Equalization Office to first floor is underway, the water service line for the sprinkler system and domestic water use has been installed, and KARR Tuckpointing is scheduled to be on site this fall; Detention Center – the air conditioning situation has improved but is not at 100% and work continues with an HVAC contractor to proceed with repairs and/or the replacement of components to the current system, inmate counts have been steadily increasing causing additional maintenance issues. **Weed Supervisor, Steve Molengraaf**,

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updated the Board on the following: spraying on State highway medians will begin this week, spot checking for weeds continues, and mosquito fogging/trapping continues. Mr. Molengraaf will work the Weed booth at the SD State Fair, will attend the State Weed Commission meeting and tour, and the local Weed Board will meet on August 27th at 6:30 p.m. **Highway Supt., Rick Hartley**, reported chip sealing has been completed and roads are being prepped for striping, rumble strips have been installed on County Roads 6 and 20-3, shoulder work is underway on the new mat on County Road 6, spots are being repaired related to the wet snow from this spring as weather permits, and plans are in the works to tear down an old building on the Highway Dept. grounds pending asbestos reports.

HIGHWAY DEPT. HAUL ROAD AGREEMENT WITH APEX CLEAN ENERGY

Highway Supt., Rick Hartley and States Attorney, Rebecca Morlock Reeves, met with the Board to review a revised draft of a haul road agreement submitted by Apex Clean Energy. Mark Junker, Banner and Associates and Mark Mauersberger, Apex Clean Energy, were also present for this discussion. The County contracted with Banner and Associates to assist with language for a haul road agreement. Apex Clean Energy responded to the agreement prepared by Banner and Associates with a new draft for the Board's consideration. The States Attorney expressed concerns with the Apex draft containing generic language and lacking details for road inspection after construction and restoration of haul roads after construction. Mr. Hartley agreed with the States Attorney's concerns. The Board discussed working on the agreement for another week with possibly action scheduled for the Board's meeting on August 28th. Mark Mauersberger, Apex Clean Energy, informed the Board that a closing is scheduled for the 28th and that timeline would hamper the closing. Mr. Mauersberger asked that the Board consider allowing a permit to complete the closing process conditional upon agreement of the terms and conditions of the haul road agreement within the next 30 days. Motion by Hanten to conditionally approve the haul road agreement in order to issue a permit to Apex subject to adoption of the haul road agreement in the next 30 days; second by Gabel. Further discussion ensued. Subsequent motion by Hanten to amend her motion to conditionally approve the road use agreement, upon satisfaction of the States Attorney and Highway Superintendent within the next 30 days, and submission to the County Commissioners for final approval; second by Gabel; upon vote of the amendment; all voted aye; motion carried. Upon vote of the original motion as amended; all voted aye; motion carried.

RIEFFENBERGER SECOND ADDITION PLAT RESOLUTION

Zoning Officer, Luke Muller, presented to the Board and reviewed the Rieffenberger Second Addition Plat. The Board acted on the plat as presented by the Zoning Officer.

RESOLUTION #2018-21

A Resolution to approve the platting of the Rieffenberger 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:

Rieffenberger Second Addition located in the Northeast Quarter of Section 27 Township 117 North, Range 52 West of the 5th P.M., in the County of Codington, South Dakota; and it appearing to the Board of County Commissioners that the 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.

determined it would be in the best interest of County taxpayers to combine some of the current precincts for said election.

THEREFORE, BE IT RESOLVED, that the following precincts will be combined for the County-wide 2018 General Election to be held on November 6, 2018.

Precincts A3 & A4
Precincts B1, B4, & E5
Precincts B3 & C1
Precincts C2 & D4
Precincts C3 & C4
Precincts E1 & E4
Precincts E2 & E3
Precincts Dexter & Fuller/Florence
Precincts Germantown & Rauville
Precincts Kampeska & Richland
Precincts Lake & Pelican

The above and foregoing resolution was moved for adoption by Commissioner Hanten, second by Commissioner VanDusen. Upon vote of the Board; all voted aye; motion carried.

Dated this 21st day of August, 2018

Myron Johnson
Chairman

ATTEST:

Cindy Brugman
Auditor

PART TIME ELECTION ASSISTANCE

Motion by Hanten, second by Gabel, to authorize the hiring of one or two, temporary part time election clerks, in the Auditor's office, to assist with the 2018 General Election; per a request from the County Auditor; all voted aye; motion carried.

CLAIMS

Motion by VanDusen, second by Gabel, to approve for payment the following list of claims; all voted aye; motion carried: VISA Reliabank 1,924.90 sup/trav.

PERSONNEL CHANGES

Motion by Gabel, second by Hanten, to approve the following personnel changes; all voted aye; motion carried: Betty Overlie, Treasurer Clerk, anniversary step increase to step 12/\$19.45 per hour.

TRAVEL REQUESTS

Motion by Hanten, second by Gabel, to approve the following travel request; all voted aye; motion carried: West & Pest Supervisor, South Dakota State Fair Weed Booth and 2018 Weed Commission Meeting & Tour.

OTHER

Commissioner Gabel informed the Board that after a recent meeting of the CCJAC, that committee has recommended that the County budget funds, in 2019, for pre-design services for a jail. Commissioner Gabel reported on the JDAI Conference he recently attended.

EXECUTIVE SESSION

Motion by Hanten, second by VanDusen, to enter into executive session at 10:31 a.m., per SDCL 1-25-2, (4) Preparing for contract negotiations or negotiating with employees or employees' representatives; all voted aye; motion carried. The Board returned to regular session at 11:34 a.m., no action was taken. Labor Contract Negotiator, Terry Satterlee, was present for executive session.

ADJOURNMENT

There being no further business to come before the Board a motion was made by Hanten, second by Waterman, to adjourn at 11:34 a.m., until 9:00 a.m., Tuesday, August 28th, 2018; all 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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