

AGENDA
Codington County Board of County Commissioners
Codington County Courthouse, 14 1st Ave SE, Watertown, SD
Commission Chambers Room #114
9:00 a.m., July 2, 2019

1. **Pledge of Allegiance**
2. **Conflict of interest items**
3. **Call for Public Comment**
4. **Action to approve the agenda**
5. **Action to approve the minutes of June 25, 2019**
6. **Monthly reports**
 - a. **Extension**
 - b. **Nurse**
 - c. **Veterans Service**
 - d. **Weed**
7. **Action to authorize the Chairman to sign quit claim deeds for tax deed properties sold by sealed bid**
8. **Action to cancel contract with HSA for inmate counseling services**
9. **Action to approve a resolution of continued support for the First Dist. Assoc. of Local Govts.**
10. **Action to approve an agreement with Moody County for the housing of inmates**
11. **Action to authorize the Chairman to sign an agreement with the SDDOT for an apportionment of Highway Infrastructure Program funds to replace or rehabilitate bridges**
12. **Action to approve the use of Courthouse grounds for National Night Out for Law Enforcement**
13. **Discussion regarding payment from Dakota Sioux Casino for law enforcement and road services per previously adopted agreement**
14. **Discussion/possible action to adopt a resolution requesting that the SDACC pursue legislation to minimize taxpayer costs when funding County construction projects**
15. **Note 5th Tuesday in the month of July**
16. **Review 2020 budget requests**
17. **Action on change orders submitted for Courthouse Remodel Project**
18. **Action to approve claims for payment**

19. **Action to approve automatic budget supplements**
20. **Action to approve personnel changes**
21. **Action to approve travel requests**
22. **Old Business**
23. **New Business**
24. **Open**
 - a. **Public Comments**
 - b. **Commission Comments**
25. **Action to enter into Executive session per SDCL 1-25-2**
 - (1) **Discussion of personnel issues**
 - (3) **Consulting with legal counsel or reviewing communications from legal counsel regarding proposed or pending litigation or contractual matters**
 - (4) **Preparing for contract negotiations or negotiating with employees or employee representatives**
26. **Action to adjourn until 9:00 a.m., Tuesday, July 9th, 2019, at the Codington County Courthouse**

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

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

July 2, 2019

The Codington County Commissioners met in regular session at 9:00 a.m., Tuesday, July 2, 2019, at the Codington County Courthouse. Commission members present were: Charlie Waterman, Myron Johnson, Troy VanDusen, and Brenda Hanten; Commissioner Lee Gabel was present via teleconference; Chairman, Myron Johnson, presiding. Commissioner Charlie Waterman led the pledge of allegiance.

CONFLICT OF INTEREST ITEMS

There were no conflict of interest items to note.

CALLS FOR PUBLIC COMMENT

Chairman Johnson called for public comments for the Open, none were forthcoming.

AGENDA APPROVED

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

MINUTES APPROVED

Motion by Hanten, second by Gabel, to approve the minutes of June 25, 2019; all voted aye; motion carried.

MONTHLY REPORTS

4-H/Youth Program Advisor, Jodi Loehrer, updated the Board on the following: 4-H Judging Schools, Local Horse Show, Power Chef program, Camp Chance Nutrition class, Special Foods contest the week of July 8th, Progressive Farm Safety Day scheduled for July 18th, State Horse Show July 22nd, 23rd, & 24th, Fashion Review July 31st, and Achievement Days August 5th – 8th. **Community Health Nurse, Codi Martin**, provided the Board with a report of statistics for the 2nd quarter, including information on WIC program and caseload, Immunizations, School Services, Infant Mortality presentations, staffing levels, staff training, and upcoming events. Ms. Martin informed the Board that Liza Linneman, RN from Clark County, will be working in the Watertown Community Health office on Monday's and Friday's and Savannah Price, RN from Brookings will be working in the Watertown office on Tuesday, Wednesday and Thursday. The RN's will job share a full-time position. **Weed Dept. Supervisor, Steve Molengeraaf**, reported on the following: Spraying progress along roads, Plant ID tour, Poison Hemlock larvae collection, Leafy Spurge collection, pesticide container recycling July 9th, fogging for West Nile and mosquito traps set.

ACTION TO APPROVE QUIT CLAIM DEEDS FOR TAX DEED PROPERTY

Motion by Hanten, second by Waterman, to authorize the Chairman to sign quit claim deeds for the following tax deed properties sold by sealed bid on June 25, 2019; all voted aye; motion carried:

BIDS RECEIVED FROM	AMOUNT	PROPERTY RECORD
Corey Jans	\$7,000.00	#4782, 401 4 th St, Henry, SD
Corey Jans	\$4,000.00	#4839, 307 2 nd St, Henry, SD
Terry Adler	\$ 50.00	#16105, near 203 St. Peters St., Kranzburg

MENTAL HEALTH COUNSELING FOR INMATES

Motion by Gabel, second by VanDusen, to send notice of cancellation, to the Human Service Agency, for a previously approved agreement for the provision of counseling and case management services to inmates of the Codington County Detention Center, effective August 1, 2019; all voted aye; motion carried. The County will begin a new program of inmate Health Services on August 1, 2019.

FIRST DISTRICT ASSOCIATION OF LOCAL GOVERNMENTS

Motion by Hanten, second by Gabel, to approve the following resolution for continued support of the First District Association of Local Governments; all present voted aye; motion carried:

**RESOLUTION #2019-16
RESOLUTION TO CONTINUE SUPPORT FOR THE
FIRST DISTRICT ASSOCIATION OF LOCAL GOVERNMENTS
DURING FISCAL YEAR 2020
(October 1, 2019 – September 30, 2020)**

The Codington County Board of Commissioners, having adopted and signed a Joint Cooperative Agreement on the 4th day of April, 1972, creating the First Planning and Development District, Model Rural Development Program, do hereby agree to renew their participation in the Joint Cooperative Agreement for Fiscal Year 2020 (October 1, 2019 - September 30, 2020). To support the Joint Cooperative Agreement and the activities of the District staff, the Codington County Board of Commissioners will provide \$42,153.93 to the First District Association of Local Governments during the aforementioned Fiscal Year 2020 period.

Adopted this 2nd day of July, 2019

Myron Johnson
Chairman, Codington County Commissioners

ATTEST:

Cindy Brugman
Codington County Auditor

OUT OF COUNTY INMATES CONTRACT

Motion by Hanten, second by Gabel, to approve an out of County inmate housing contract with Moody County; all voted aye; motion carried.

SDDOT BRIDGE GRANT FUNDS

Motion by Hanten, second by Waterman, to authorize the Chairman to sign an agreement, with the SDDOT for Highway Infrastructure Program grant funds, in the amount of \$134,373.84 for the replacement or rehabilitation of specified bridges in Codington County. Highway Supt., Rick Hartley, provided the Board with descriptions of the six bridge structures in Codington County which have been declared to be in poor condition as determined from 2017 NBI data: 15-240-155 over Willow Creek on County Road 7-5; 15-170-144 on Sioux Conifer Road; 15-261-130 in Waverly Township (currently closed); 15-215-230 on 177th street in Sheridan Township; 15-046-180 on 172nd street in Henry Township; and 15-166-050 on County Road 4-4 in Germantown Township. Upon vote of the Board; all voted aye; motion carried.

NATIONAL NIGHT OUT FOR LAW ENFORCEMENT

Motion by VanDusen, second by Hanten, to approve the use of County property for the August 6th, 2019, National Night Out for Law Enforcement; all voted aye; motion carried.

PAYMENT FROM DAKOTA SIOUX CASINO FOR SERVICES PER AGREEMENT

Auditor, Cindy Brugman, advised the Board that a payment has been received from Dakota Sioux Casino, per previously adopted agreement, for the provision of law enforcement and road services. The Auditor noted the payment received is in the amount of \$45,937.50, which is less than the amount specified in the agreement entered into on September 24, 2013. Correspondence has been sent to the Tribe requesting an explanation of the payment received.

2020 BUDGET REVIEW

The Board reviewed the following 2020 budget requests: Extension and Weed Control.

RESOLUTION TO PERSUE LEGISLATION FOR COUNTY CONSTRUCTION PROJECTS

Commissioner, Lee Gabel, provided and reviewed a resolution, requesting the SDACC to pursue legislation to minimize taxpayer costs when funding County construction projects. Commissioner Waterman questioned whether the tax outlined in the Resolution would be exempt on food. Commissioner Gabel advised the Board that would be decided at the State level. The Board took action on the following resolution:

Resolution 2019-17

To seek an act to minimize taxpayer costs when funding county infrastructure construction.

WHEREAS; counties must construct buildings as specified in SDCL § 7-25-1 and 7-25-3 and

WHEREAS; counties are specifically required by SDCL § 16-6-7 and §16-12A-29.1 to provide adequate court facilities and are required by SDCL § 24-11-2 and SDCL § 24-11-3 to provide adequate jail facilities or provide for the housing of inmates and

WHEREAS; unlike other units of government in South Dakota, state law (SDCL Titles 7 and 10) only provides property tax as the sole source with which counties may fund such construction projects and

WHEREAS; in order to build necessary buildings, counties must usually levy additional property tax that places an added burden upon county residents for an extended period of time and

WHEREAS; this added property tax burden disproportionately taxes agricultural producers as compared to residents of municipalities and

WHEREAS; “Second penny” sales tax collections in many municipalities demonstrate that many counties could use a 1/2 cent sales tax to raise revenue for construction projects much more quickly than is possible with property tax and

WHEREAS; Raising revenue for construction projects more quickly decreases the burden on tax payers by reducing the length of time an additional tax is imposed and by lowering the costs of financial bonds used to fund construction by shortening the term of said bonds and

WHEREAS; Sales tax spreads the tax burden among all residents of a county, not only among property owners.

NOW THEREFORE BE IT RESOLVED; that the Codington County Commissioners request that the South Dakota Association of County Commissioners pursue legislation to:

- authorize county commissioners to refer to voters of their county the imposition of up to a .5 percent county-wide temporary sales tax to issue bonds for the construction expenses of buildings and structures as described in SDCL § 7-25-1 and 7-25-3 and for facilities designed to reduce jail incarceration.
- authorize county commissioners of counties that wish to contribute funding for construction of buildings and structures as described in SDCL § 7-25-1 and 7-25-3 or for facilities designed to reduce jail incarceration, taking place in another county to use the provisions of this act to raise the funds to be contributed.
- authorize counties that currently have property tax bonds to fund the construction expenses of buildings and structures as described in SDCL § 7-25-1 and 7-25-3 or for facilities designed to reduce jail incarceration to apply the above provisions to issue sales tax funded bonds to pay an outstanding balance, or portion thereof, of property tax funded bonds.
- authorize county commissioners to refer to voters of their county the imposition of sales tax, as described above, in combination with property tax, to fund a bond for the construction expenses of renovation or replacement of buildings and structures as described in SDCL § 7-25-1 and 7-25-3 and for facilities designed to reduce jail incarceration.
- require that the ballot for the referendum of the aforementioned county-wide sales tax state the maximum possible term of the sales tax and clearly state the infrastructure to be built should voters approve.
- Require that a majority of votes cast approve the tax in order for the sales tax to be levied.
- Require that all revenues generated by the sales tax levied as described above be applied to payment of the bonds issues to fund the infrastructure approved by the voters.
- Require that the tax cease (“sunset”) when either the bonds to fund the construction are paid or when the maximum possible term as approved by voters is reached.
- Require that any continuation of the tax beyond either the time when bonds to fund the construction are paid or when the maximum possible term as approved by voters is reached be approved by a majority of votes cast in a subsequent referendum held to determine whether or not the sales tax should continue.
- Cause any excess revenue received and remaining after the termination of such sales tax to be applied to the expenses of maintaining and operating the building or structure built using the provisions of this act.

Supporting Criteria

Justification for the resolution: As already recognized in South Dakota Codified Law, counties are expected to build buildings to fulfill their responsibilities. In several cases, counties are legally mandated to provide very expensive structures, like courthouses and jails. The only means to pay for the construction of these buildings in property tax.

- This is unfair.
 - Despite the fact that most of these structures benefit those who own real property and those who don't, counties only have the option to tax real property owners.
 - As individual taxpayers, agricultural producers bear a noticeably larger part of the burden caused by the added property tax for infrastructure projects.
- This is an unnecessarily expensive way to build.
 - The longer bond terms inherent in property tax, mean the added property tax will probably be in place for 20 years. In contrast, many counties would be able to generate revenue much more quickly with a ½ cent sales tax.

- The longer term a property tax-funded bond adds significantly to the financing costs.

Counties affected by the resolution: All counties in South Dakota could potentially benefit. This possibility is enhanced through the provisions that would allow counties to

- to use sales tax, as described in this resolution, to pay an outstanding balance, or portion thereof, of existing property tax funded bonds and
- to combine sales tax, as described in this resolution, with property tax, to fund bonds for construction

Impact of resolution:

- *Gives voters a voice in how they are taxed.* Any tax enacted under the provisions of this act would require voter approval.
- *Adds a significant measure of local control* to a county's ability to fund critical infrastructure. Provides locally elected officials a money-saving option to put before voters.
- *It's fairer.* Sales tax would spread the burden among all residents, not just property owners. This is particularly fair and appropriate for public safety infrastructure like courthouses and jails.
- *Shortens the length of time of the tax.* In many SD counties, 0.5% sales tax would pay off a bond more quickly than a property tax funded bond. All revenues gained would have to be used to pay the bond to build the voter-approved infrastructure minimizing the length of time for the tax.
- *Increases the opportunity to save taxpayers' money.* Paying off a bond more quickly saves on financing costs.
- *More public debate.* The requirement for voter approval would cause a healthy debate. This means that elected officials and voters would have a dialogue about the need for and nature of the infrastructure and whether property or sales tax is the best approach.
- *Eases the burden on ag producers.* Ag producers tend to be the most affected by increases in property tax. An increase to property taxes that lasts 20 years is an unwelcome added burden as commodity prices fluctuate and producers must juggle expenses

This resolution DOES NOT propose to infringe on other sales tax revenue received by the State or municipalities.

The above and foregoing resolution was approved on a motion by Gabel, second by VanDusen, and upon vote of the Board; Commissioners Gabel, Johnson, VanDusen, and Hanten voted aye; Commissioner Waterman voted no; motion carried.

Dated this 2nd day of July, 2019

Myron Johnson

Chairman Codington County Commissioners

ATTEST:

Cindy Brugman

Codington County Auditor

PERSONNEL CHANGES

Motion by Hanten, second by Gabel, to approve the following personnel changes; all voted aye; motion carried: Mary Fransen, Deputy Register of Deeds, anniversary step increase 7/1/2019, to step 12/\$23.79

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per hour; Shawn Nills, Part Time Correctional Officer, new hire 6/28/2019, step 3/\$18.95 per hour; and Jacey Moe, Part Time Correctional Officer, new hire 7/1/2019; step 1/\$17.81 per hour.

TRAVEL REQUEST

Motion by Hanten, second by VanDusen, to approve a travel request for the 4-H Youth Program Advisor to attend the National Association of Extension 4-H Agents Conference; all voted aye; motion carried.

MEMORIAL PARK FIREWORKS RESTRICTION

Chairman Johnson advised the Board that he has been asked to note, per Memorial Park management, fireworks will not be allowed at Memorial Park.

EXECUTIVE SESSION

Motion by Hanten, second by VanDusen, to enter into executive session at 10:02 a.m., per SDCL 1-25-2, preparation for contract negotiations with employees or employee's representatives; all voted aye; motion carried. The Board returned to regular session at 10:35 a.m., no action was taken. Human Resource Director, 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 VanDusen, to adjourn at 10:35 a.m., until 9:00 a.m., Tuesday, July 9th, 2019; all voted aye; motion carried.

ATTEST:

Cindy Brugman
Codington County Auditor

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Published once at the total approximate cost of \$ _____