

**AGENDA**  
**Codington County Board of Commissioners**  
**Codington County Courthouse, 14 1<sup>st</sup> Ave SE, Watertown SD**  
**Commission Chambers, Room #114**  
**9:00 a.m., Tuesday, November 17, 2020**

- 1. Pledge of Allegiance**
- 2. Call for public comment. Public comment may be submitted via telephone at 605-882-6248 or 605-882-6297**
- 3. Conflict of interest items**
- 4. Action to approve the November 17<sup>th</sup>, 2020 agenda**
- 5. Action to approve the minutes of November 10<sup>th</sup>, 2020**
- 6. Monthly reports**
  - a. Highway Superintendent**
  - b. Facilities Manager**
- 7. Action to approve a change order for the County Road 8-2 Grade Raise Project**
- 8. Action to approve a funding agreement with USGS for CY21**
- 9. Action to health insurance employee/employer premium splits**
- 10. Action to approve 2021 Liquor License renewals**
  - a. Country Road Barn**
  - b. Dakota Sioux Casino**
  - c. Rooster Sports Bar**
  - d. Southfork Lounge**
- 11. Action to amend CCJAC Charter**
- 12. Discussion/possible action to adopt a resolution to ban open burning**
- 13. Action to approve claims for payment**
- 14. Action/possible discussion on COVID-19 practices, procedures, policy**
- 15. Action to approve automatic budget supplements**
- 16. Action to approve personnel changes**
- 17. Action to approve travel requests**
- 18. Public Notices – a possible quorum of Commissioners could be in attendance at:**
- 19. Old Business**

**20. New Business**

**21. Open**

- a. Public Comments
- b. Commission Comments

**22. Action to enter into Executive session per SDCL 1-25-2**

- (1) Discussion of personnel issues
- (2) Consulting with legal counsel or reviewing communications from legal counsel regarding proposed or pending litigation or contractual matters
- (3) Preparing for contract negotiations with employees or employee's representatives
- (4) Discussing information listed in SDCL 1-27-1.5 (8) and 1-27-1.5 (17) (safety or disaster)

**23. Action to adjourn until 9:00 a.m., Tuesday, November 24<sup>th</sup>, 2020; 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 1<sup>st</sup> Ave SE**

November 17, 2020

The Codington County Commissioners met in regular session at 9:00 a.m., Tuesday, November 17, 2020, at the Codington County Courthouse. Commission members present were: Lee Gabel, Charlie Waterman, Myron Johnson, Troy VanDusen and Brenda Hanten; Chair Brenda Hanten, presiding. Commissioner Gabel lead the pledge of allegiance.

**CALLS FOR PUBLIC COMMENT AND CONFLICT OF INTEREST ITEMS**

Chair Hanten called for public comment to be taken up during the open portion of the meeting. There were no conflict of interest items to note.

**AGENDA APPROVED**

Motion by Waterman, second by Gabel, to approve the November 17th, 2020 agenda as posted; all voted aye; motion carried.

**MINUTES APPROVED**

Motion by VanDusen, second by Gabel to approve the minutes of November 10th, 2020; all voted aye; motion carried.

**MONTHLY REPORTS**

**Highway Supt., Rick Hartley**, updated the Board as follows: all County roads are currently open and above water, with the exception of those roads that have been closed for a number of years; fall mowing has been completed; gravel is being hauled and spread on the roads in the western portion of the County; wing posts have been installed on the motor graders and hitches have been installed on trucks; discussion continues, on the railroad crossing near Rauville, with the State of South Dakota and BNSF; the boxes,

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which were ordered for the new dump trucks, are being held up due to COVID in the facilities which make and install the boxes; a notice to bidders will be presented to the Board for additional rip rap on County 8-1; and a recent conference call was held with FEMA official, James Teats, to close out the 2019 Spring disaster. NextEra has informed the Highway Superintendent that they are finished with repairs to the County’s gravel roads. Mr. Hartley advised the Board that the roads are not in compliance with the haul road agreement. Mr. Hartley noted Banner will finish their assessment of the roads and will prepare a plan for further reparation by NextEra. The South Dakota PUC has been made aware of this situation.

**Facilities Manager, Steve Molengraaf**, reported on the following: Courthouse – a jury trial is scheduled for 11/18 and the facility is being prepped to accommodate jurors, center handrails have been installed on the steps leading from ground floor to first floor, a security camera has been installed on the ground floor in the vestibule, and parking lot signage will be replaced. Extension Center Complex – auction sales are being held, a change to the rental agreement at the facility is being prepared to address tables that showing considerable wear and tear, and the Ag. Committee is proposing a project to install additional electrical outlets in the barn, the Committee is seeking the County’s assistance to share in the cost of the project. Weed Dept. – a recent district meeting was held via Zoom. Mr. Molengraaf will begin working on the FY2021 weed chemical grant. Memorial Park – Mr. Molengraaf advised the Board it was an excellent year for Memorial Park, attributed primarily to the COVID Pandemic, and provided the following statistics:

	2019	2020
Occupancy	48.2%	52.2%
Revenue	\$149,061.95	\$194,235.70
Receipt transactions	2,021	2,269
Online reservations	26,167	47,599

**COUNTY ROAD 8-2 GRADE RAISE PROJECT CHANGE ORDER**

Motion by Johnson, second by Gabel, to approve a change order, in the amount of \$879.85 (increase), to the County Road 8-2 Grade Raise Project; as presented by Highway Supt., Rick Hartley; all voted aye; motion carried.

**U.S. GEOLOGICAL FUNDING AGREEMENT/ FLOOD MONITORING STATIONS**

Motion by VanDusen, second by Johnson, to authorize Chairman Hanten to sign the annual Joint Funding Agreement, between Codington County and the USGS (United States Geological Survey), for flood monitoring stations and precipitation gages, for the time period from January 1, 2021 through December 31, 2021, in the amount of \$9,835.00; all present voted aye; motion carried.

**EMPLOYEE HEALTH INSURANCE PLAN**

Motion by Gabel, second by Waterman, to approve the 2021 employee health insurance premium renewals from the Sanford Health plan and the following employer/employee payments; all voted aye; motion carried:

<u>PLAN</u>	<u>COUNTY COST</u>	<u>EMPLOYEE COST</u>
Single – option 1	\$777.40	
Single – option 2	\$704.66	
Single – option 3	\$662.75	
Family – option 1	\$971.76	\$971.75
Family – option 2	\$971.76	\$789.90
Family – option 3	\$971.76	\$685.12

### **2021 LIQUOR LICENSES**

The Board reviewed the 2021 renewal of Codington County held liquor licenses. Motion by Johnson, second by VanDusen, to approve the renewal of the following County liquor licenses for the year beginning January 1, 2021; all voted aye; motion carried:

CLASS A – On sale liquor and Sunday liquor located nearest a class one municipality:

Sisseton-Wahpeton Sioux Tribe, d.b.a. Dakota Sioux Casino; Robert & Brenda Boettcher d.b.a. Country Road Bard LLC; David Blutorn, d.b.a. The Rooster Bar; and W.J. Schmitt Enterprise, d.b.a. Southfork Lounge. On-off sale wine and cider: Sisseton Wahpeton Sioux Tribe, d.b.a. Dakota Sioux Casino

### **CODINGTON COUNTY JUSTICE ADVISORY COMMITTEE CHARTER AMENDMENT**

Motion by Gabel, second by VanDusen, to approve an amendment to the CCJAC Charter. Commissioner Gabel outlined the change to the charter which addresses the number of meetings to be held and changes meeting language from “at least two times per year to as needed”. Upon vote of the Board; all voted aye; motion carried.

#### **AMENDED**

#### **RESOLUTION 2020-32**

#### **CODINGTON COUNTY JUSTICE ADVISORY COMMITTEE CHARTER**

I. The Committee will be called the Codington County Justice Advisory Committee, (hereafter referred to as “CCJAC”). It is created by the Codington County Board of Commissioners (hereafter referred to as “the Commissioners”) and will serve at the pleasure of the same. The Commissioners may amend this charter at their discretion.

#### II. Purposes

In light of the stated intent in the U.S. and South Dakota Constitutions to “establish justice,” the CCJAC, is created to advise the Commissioners concerning Codington County’s justice responsibilities.

- In light of South Dakota Codified Laws, 24-11-2 and 24-11-23, the CCJAC shall provide information and offer recommendations to the Commissioners regarding the, budget, and facilities of the Codington County Detention Center.
- In light of South Dakota Codified Laws 16-2-25, 16-5-22, 16-6-7 and 16-12A-29.1, the CCJAC shall provide information and offer recommendations to the Commissioners regarding facilities for the Circuit and Magistrate Court proceedings and related Court administration that take place in Codington County.
- In light of the complexity of the criminal justice process and factors that influence that process, the CCJAC shall:
  - Provide a forum for discussion of ideas to improve the criminal justice process and control the inmate population of the Codington County Detention Center
  - Facilitate awareness and coordination of community efforts to improve the criminal justice process and control the inmate population of the Codington County Detention Center
  - Provide information and offer recommendations to the Commissioners

#### III. Relationship of CCJAC to the Commissioners

The CCJAC shall offer recommendations and provide information relevant to the County’s justice responsibilities. The CCJAC has no authority to expend funds or to make decisions on behalf of the Commissioners. CCJAC action will not inhibit or hinder concerned individuals or groups from directly interacting with the Commissioners about criminal justice matters.

#### IV. Membership

Composition: The advisory committee shall consist of up to ten members. Of these, up to seven members shall be voting members and shall include:

- up to four members of the public appointed by the Commissioners,
- two County Commissioners, to be appointed by the Commissioners,
- the County Sheriff, as an ex officio member. If necessary, the Sheriff may designate a Sheriff's deputy or corrections officer to attend and vote at CCJAC meetings.

The three non-voting members shall include:

- With the agreement of the 3<sup>rd</sup> Circuit Court, one Judge of the 3<sup>rd</sup> Judicial Circuit chambered in Codington County, as an ex officio member. The appointed Judge may designate another 3<sup>rd</sup> Judicial Circuit Judge or 3<sup>rd</sup> Judicial Circuit Administration official to attend CCJAC meetings on the appointed judge's behalf.
- The County Chief Corrections Officer, as an ex officio member.
- The County State's Attorney, as an ex official member. The State's Attorney may designate a deputy State's Attorney to attend CCJAC meetings on the State's Attorney's behalf.

Liaison with the City of Watertown: The City of Watertown is invited to designate up to two city council members as liaisons. These liaisons may participate in CCJAC meetings in a manner similar to non-voting members.

Term: A term of membership for the two County Commissioners and members of the public shall last for two years. Terms will begin on February 1st. At the end of the two year term, the Commissioners may re-appoint serving committee members or appoint new members.

The appointment of appointed members shall be recorded in the minutes of the official proceedings of the Commissioners. The Commissioners shall appoint one of the two County Commissioners appointed to the CCJAC to serve as interim CCJAC Chairman to organize the first meeting of the term, during which the CCJAC officers will be elected by the CCJAC.

#### V. Organizational Structure

Officers: The committee will have a chair and vice chair, who are elected for one-year terms by the members of CCJAC. The CCJAC will also have a recording secretary elected for a one-year term by the members of CCJAC. The recording secretary need not be a CCJAC member. There are no limits on consecutive terms. Elections will be held at the first meeting of the new membership year.

Duties of Officers: The chair shall ensure that the committee complies with this charter and preside over committee meetings. The vice-chair shall fulfill the duties of the chair in the chair's absence. The recording secretary shall record and keep minutes.

#### VI. Procedural Rules

By-Laws: The committee will operate according to Roberts Rules of Order. The committee may adopt by-laws at its discretion to further govern committee operation. By-laws shall require that two-thirds of the appointed members of CCJAC vote to approve adoption or change.

Meetings: The committee will meet as needed. A quorum must be present in order for the CCJAC to vote on any matters. A quorum shall be a simple majority of appointed and ex officio voting CCJAC members. All meetings shall be public and shall be held in compliance with South Dakota public meeting laws (South Dakota Codified Law, Chapter 1-25). Notices of upcoming meetings will be communicated to members and to the public sufficiently in advance to allow members and the public to make plans to attend.

Minutes: Minutes of each meeting will be kept. Copies will be filed with the County Auditor and made available to the public in accordance with South Dakota public meeting laws.

Instructions to the CCJAC: When the Commissioners refer a specific question or issue instructions to the CCJAC, the Commissioners shall record such in the minutes of the official proceedings of the Commissioners.

Recommendations and Reports: Committee recommendations and reports shall be approved by a simple majority of CCJAC members present and will be submitted to the Commissioners and may be presented during the official proceedings of the Commissioners. Recommendations/reports shall be summarized in the minutes of the official proceedings of the Commissioners or attached to said minutes as written reports/recommendations. The Commissioners' reaction/response to such recommendations/reports shall be recorded in the minutes of the official proceedings of the Commissioners. The Commissioners may attach written reactions/responses to the minutes of the Commissioners proceedings.

Tie votes: Should a CCJAC vote on a recommendation or report result in a tie vote, the text of the motion that was voted upon, and supporting information, will be provided to the Commissioners. The Commissioners shall decide how to proceed regarding the matter voted upon. The Commissioners may require a report that reflects both points of view on the motion that resulted in a tie vote.

Dismissal: Appointed members who are absent without reasonable cause from two successive meetings will be considered to have resigned their seat. The Commissioners will move to fill the position.

Compensation of members of the public: The Commissioners may decide to compensate members of the public for their service as members of CCJAC.

#### VI. Liability and Indemnification

Neither the CCJAC nor any CCJAC member shall be corporately or personally liable for decisions or recommendations made by the CCJAC. Codington County shall indemnify the members of the CCJAC to the fullest extent possible allowed by law with respect to duties performed on behalf of the CCJAC and shall advance all expenses and other costs incurred by or on behalf of such persons in connection with any legal or other proceedings thereto, unless and until a final determination is made that the person has been found to have acted with negligence, gross negligence or willful misconduct with respect to such duties.

#### ACCEPTANCE AND AUTHORIZATION

Originally approved this 3<sup>rd</sup> day of February 2015, Amended December 27, 2017, October 1, 2019 and November 17, 2020.

Brenda Hanten  
Chairman

Attest:

Cindy Brugman  
County Auditor

#### PERSONNEL CHANGES

Motion by Johnson, second by Waterman, to approve the following personnel change: Peg Raml, Veterans Service Office Secretary, anniversary step increase, step 14/\$20.59 per hour, effective 8/1/2020; all voted aye; motion carried.

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**EXECUTIVE SESSION**

Motion by Gabel, second by VanDusen, to enter into executive session at 9:44 a.m., per SDCL 1-25-2, for personnel issues and employee contract negotiations; all voted aye; motion carried. The Board returned to regular session at 10:07 a.m. Human Resource Representative, Natalie Remund, was present, for executive session. No action was taken following executive session.

**ADJOURNMENT**

There being no further business to come before the Board a motion was made by VanDusen, second by Johnson, to adjourn at 10:07 a.m., until 9:00 a.m., Tuesday, November 24<sup>th</sup>, 2020; 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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