

**AGENDA**  
**Codington County Board of Commissioners**  
**Codington County Court House, 14 1<sup>st</sup> Ave SE, Watertown SD**  
**Commission Chambers, Room #114**  
**9:00 a.m., Tuesday, July 6, 2021**

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 July 6, 2021 agenda**
5. **Action to approve the June 21, 2021, minutes of the joint County/City meeting**
6. **Action to approve the June 22, 2021, minutes of the Board of Codington County Commissioners**
7. **Monthly reports**
  - a. **Community Health Nurse**
  - b. **Extension**
  - c. **Veterans Service Officer**
  - d. **Treasurer**
8. **Action to approve a Human Resources Service Agreement**
9. **Action to approve Highway Dept. Union contract**
10. **Action to advertise and hire a Deputy States Attorney to fill a vacancy**
11. **Action to approve a lease agreement for Veterans Service and Welfare Offices**
12. **Action to approve a tax deed auction notice to bidders, appoint property appraisers and declare property surplus to be sold**
13. **Action to approve a notice to bidders for Asphalt Mat Construction**
14. **Discussion regarding gravel crushing failure to meet specifications**
15. **Action to approve plat resolutions**
  - a. **Blais Addition (Dexter Township)**
  - b. **VandeZande Addition(Sheridan Township)**
16. **Action to approve a fireworks show permit**
17. **Action to compensate employees for Juneteenth Federal/State Holiday**
18. **Note Waverly-South Shore basketball team's raffle**
19. **Discussion/possible action to pass a resolution to lift the ban on open burning**
20. **Discussion/possible action to adopt a resolution to pursue legislation regarding a .5 percent county-wide temporary sales tax for construction of County facilities**
21. **Action to approve claims for payment**

22. Action to approve automatic budget supplements
23. Action to approve personnel changes
24. Action to approve travel requests
25. Public Notices – a possible quorum of Commissioners could be in attendance at
26. Old Business
27. New Business
28. Open
  - a. Public Comments
  - b. Commission Comments
29. 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)
30. Action to adjourn until 9:00 a.m., Tuesday, July 13, 2021; at the Codington County Court House

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 Court House  
14 1<sup>st</sup> Ave SE**

July 6, 2021

The Codington County Commissioners met in regular session at 9:00 a.m., Tuesday, July 6, 2021, at the Codington County Court House. Commission members present were: Lee Gabel, Charlie Waterman, Myron Johnson, Troy VanDusen and Brenda Hanten; Chair, Brenda Hanten, presiding. Commissioner Waterman led the pledge of allegiance.

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

Chair Hanten called for public comments to be taken up during the open portion of the meeting; none were offered. There were no conflict-of-interest items to note.

**AGENDA APPROVED**

Motion by VanDusen, second by Gabel, to approve the July 6, 2021 agenda as posted; all voted aye; motion carried.

**MINUTES APPROVED**

Motion by Johnson, second by Gabel, to approve the minutes of the June 21, 2021, joint County Commissioners and City Council meeting; all voted aye; motion carried. Motion by VanDusen, second

by Gabel, to approve the minutes of the June 22, 2021 meeting of the Codington County Commissioners; all voted aye; motion carried.

### **MONTHLY REPORTS**

**Community Health Nurse, Codi Martin**, was not present and provided the Board with a written report: WIC caseload numbers have seen a slight decrease and most appointments are conducted over the phone; Immunization numbers are steady; school services for the 2020-2021 have been completed and contacts are in place for the 2021-2022 year; complete prenatal care continues; the Nurse's office has taken over the car seat program previously run by the police department; staff have been completing all training virtually during the pandemic; and the office will participate in National Night Out in August.

**4-H/Youth Program Advisor, Jodi Loehrer**, updated the Board: July 4-H home projects will go out this week, the Special Foods contest will be held July 8, the Eastern Dakota 4-H Rodeo will be held July 10 & 11 at Derby Downs, a Clover Bud camp will be held July 14, the State Horse Show is scheduled for July 19, 20, & 21 in Huron, the County Horse Show was held June 30 with Clark and Spink Counties, the Fashion Review contest will be held July 28, and Achievement Days will be held August 2 – 5. **Veterans Service Officer, Todd Rose**, updated the Board: 4 DAV transports were conducted in June and 2 are currently scheduled for July; 11 qualified drivers are in place and shirts have been purchased for those drivers; there is no word on the delivery of the new van at this time; the 2022 budget request has been submitted to the Auditor; and the bridge dedication for SPC Mark Horner was conducted at the National Guard Readiness Center. Mr. Rose provided the Board with the FY20 Geographic Distribution of VA Expenditures. Codington County saw an annual increase of over 1 million dollars in expenditures for a total of \$16,658,000 for care of Codington County Veterans. Codington also saw an increase in veteran population of just over 100 for a total of 2137 veterans. These numbers are compiled and provided by the Federal Veterans Administration. **Treasurer, Carol Maloney**, reviewed her 2022 budget request with the Board.

### **2022 BUDGET REVIEW**

The Board reviewed the 2022 budget requests from the Treasurer, Veteran Service, and Extension Offices.

### **HUMAN RESOURCE SERVICES AGREEMENT**

Motion by Gabel, second by Waterman, to approve an agreement between Codington County and Multi Business Solutions, Inc., for Human Resource and Labor Contract Negotiation services, from July 1, 2021 through June 30, 2022, in the amount of \$3,250.00 per mo.; all voted aye; motion carried.

### **HIGHWAY EMPLOYEES' UNION CONTRACT**

Human Resources Representative, Natalie Remund, presented the Board with the recently negotiated 2022 AFSCME Local 2488A (County Highway Dept. employees) union contract. Motion by VanDusen, second by Gabel, to approve the contract as negotiated, regarding wages only, for the time period January 1, 2022 through December 31, 2022; all voted aye; motion carried.

### **DEPUTY STATES ATTORNEY POSITION**

Motion by Johnson, second by VanDusen, to authorize the States Attorney to advertise and hire a Deputy States Attorney to fill a vacancy, upon the resignation of Deputy States Attorney, Megan LaFromboise; all voted aye; motion carried.

### **TAX DEED AUCTION**

Motion by Gabel, second by VanDusen, to approve a notice of Tax Deed Auction; appoint property appraisers, Shawna Constant, Jacki Manning and Steve Molengraaf; and declare the following property surplus to be sold: Lots 5 and 6, Block 15, of the Village of Wallace, SD; all voted aye; motion carried. The auction will take place during the Board's meeting scheduled for August 10, 2021.

**ASPHALT MAT CONSTRUCTION NOTICE TO BIDDERS**

Motion by Gabel, second by Johnson, to approve a notice to bidders for asphalt mat construction in several locations on County roads; all voted aye; motion carried. The bids will be opened at the Board's meeting schedule for Tuesday, July 27<sup>th</sup>, 2021.

**GRAVEL CRUSHING FAILURE TO MEET SPECIFICATIONS**

**Highway Supt., Rick Hartley**, advised the Board that gravel crushed, by Rogge Excavating, the successful low bidder from bids received on 2/16/2021, will be refused by the County as the gravel does not meet specifications per the SDDOT Standard Specification for Roads and Bridges. Mr. Hartley noted the gravel was tested, by two different firms, and failed to meet specifications with both. Mr. Hartley has notified Rogge Excavation of the situation. Mr. Hartley advised the Board that the bid received from Brownlee, which was also accepted by the Board, will be honored for the remainder of the bid year.

**BLAIS ADDITION AND VANDEZANDE PLAT RESOLUTIONS**

The Board took action on the following plat resolutions:

**RESOLUTION #2021-19**

A Resolution to approve the platting of the Blais 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: Blais Addition, located in the South West Quarter (SW1/4) of Section 10-T119N-R54W 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 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 VanDusen, second by Commissioner Waterman; whereupon the Chair of the Board of County Commissioners declared the same to be duly passed and adopted.

Dated this 6<sup>th</sup> day of July, 2021, at Watertown, Codington County, South Dakota

Brenda Hanten

Commission Chair, Codington County, South Dakota

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 2021-19, adopted by the Board of County Commissioners of Codington County, South Dakota.

Dated this 6<sup>th</sup> day of July 2021, at Watertown, Codington County, South Dakota.

Codington County, 6 July 2021

Cindy Brugman

County Auditor, Codington County, South Dakota

**RESOLUTION #2021-20**

A Resolution to approve the platting of the VandeZande 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: VandeZande Addition, located in the North East Quarter (NE1/4) of Section 28-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 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 VanDusen, second by Commissioner Gabel; whereupon the Chair of the Board of County Commissioners declared the same to be duly passed and adopted.

Dated this 6<sup>th</sup> day of July, 2021, at Watertown, Codington County, South Dakota

Brenda Hanten

Commission Chair, Codington County, South Dakota

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 2021-20, adopted by the Board of County Commissioners of Codington County, South Dakota.

Dated this 6<sup>th</sup> day of July 2021, at Watertown, Codington County, South Dakota.

Cindy Brugman

County Auditor, Codington County, South Dakota

**FIREWORKS SHOW PERMIT**

Motion by Johnson, second by Gabel, to approve the following fireworks show permit: Matthew Kranz, 2137 20<sup>th</sup> Ave SE, July 31, 2021; all voted aye; motion carried. The Board noted that in the event a County ban on open burning is in place on the date requested, this permit will become null and void.

**WAVERLY-SOUTH SHORE BASKETBALL TEAMS RAFFLE**

The Board noted the intent of the Waverly-South Shore Boys and Girls Basketball teams to conduct a raffle during the 2021-2022 professional football season.

**OPEN BURNING BAN**

Codington County, 6 July 2021

**Emergency Management Director, Jamie Torstenson**, met with the Board to discuss the burn ban resolution currently in place in Codington County. The Emergency Management Director recommended leaving the ban in place for an additional week due to information from the State and the drought monitor prediction center. The issue will be re-visited during the Board's July 13<sup>th</sup> meeting. The ban was left in place at this time.

**RESOLUTION TO PURSUE COUNTY SALES TAX FOR ISSUANCE OF BONDS FOR CONSTRUCTION PROJECTS**

Commissioner Gabel presented a resolution to the Board to request that the SDACC pursue legislation to authorize Counties to refer to voters the imposition of up to a .5 percent county-wide temporary sales tax to issue bonds for the construction of County buildings. Motion by Gabel, second by VanDusen, to approve Resolution 2021-21 and to submit said resolution to the SDACC for further action including potential legislative action in 2022. Gabel, Johnson, VanDusen, and Hanten voted aye; Waterman voted no; motion carried.

**Resolution 2021-21**

*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;** SDCL § 10-52-2.4 Which authorizes municipalities to levy a temporary "third penny" sales tax, establishes legal precedent for codifying the "sunsetting" of a temporary sales 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;** Jails across the state continue to age, the list of counties (Codington-2014, Codington-2017, Lake-2017, Walworth 2018, Lincoln-2020, Clay-2021) whose voters reject property tax-funded bonds to fund necessary jail construction continues to grow

**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.

Dated this 6<sup>th</sup> day of July, 2021

Brenda Hanten

Codington County Commission Chair

ATTEST:

Cindy Brugman

Codington County Auditor

**SALARY CLAIMS**

Motion by Gabel, second by VanDusen, to approve June salary claims as listed; all voted aye; motion carried: Commissioners: 10,595.06 total salaries. Auditor: 21,834.45 total salaries. Co. Treasurer:

Codington County, 6 July 2021

32,453.40 total salaries Ashley Lindner 3403.44 promotion. States Attorney: 39,021.97 total salaries. Gov. Buildings: 19,863.16 total salaries. Dir. Equalization: 43,928.72 total salaries. Reg. of Deeds: 22,907.73 total salaries. Veterans Service: 10,623.88 total salaries. Sheriff: 104,506.70 total salaries; Lisa Feltch 3584.40 transfer; Michael Morgan 4499.64 step increase. Co. Jail: 125,369.49 total salaries; Marie Suman P/T 23.00 step increase; Jordan Jensen 18.44 P/T new hire; Levi Saunder 18.44 P/T new hire; Marcy Rossow 3514.80 step increase; Charles Rossow 18.73 P/T step increase. Welfare: 7,658.47 total salaries. County Nurse: 5,099.28 total salaries. Co. Park: 13,584.30 total salaries. Ag. Bldg.: 9,677.53 total salaries. Co. Extension: 10,213.87 total salaries. Weed: 5657.85 total salaries. Planning Board: 510.85 total salaries. Road & Bridge: 100,340.27 total salaries; Jeff Riley 14.75 P/T seasonal. Emergency Management: 12,193.15 total salaries. Crime Victim: 7,003.35 total salaries. W.I.C.: 4,751.47 total salaries. Total 607,794.95. Breakdown of withholding amounts which are included in the above: S.D. Retirement 54,819.86; S.D. Retirement 69.79 spouse option; S.D. Supplemental Retire. 3,330.00 suppl. retire.; Sanford 82,257.79 ins.; Reliance Standard Life Insurance 763.98 life ins.; Delta Dental 6,415.72 ins.; Avesis 910.87 ins.; Nationwide Retire. Sol. 25.29 suppl. retire.; AFSCME Council 65 526.90 employee union dues; AFLAC 4,116.77 ins.; John Hancock 5,320.00 suppl. retire.; AFLAC 823.42 ins.; Watertown United Way 70.00 employee contributions; Office of Child Support 435.00 employee payments; Sioux Valley Credit Union 24,693.00 employee payments; SDRS Supplemental Retirement 3,880.00 Roth retirement; Teamsters Local Union 120 394.00 employee union due; Codington County Deputy Sheriff's Association 120.00 employee union dues; ReliaBank Dakota 41,413.64 federal withholding; ReliaBank Dakota 68,896.18 social security; SDRS Special Pay Plan 9,423.05 payout of employee's vacation and sick leave; SDRS Special Pay Plan 45.00 participation fee.

#### **AUTOMATIC BUDGET SUPPLEMENT**

Motion by Johnson, second by Waterman, to approve an automatic budget supplement to the Historical Sites expenditure budget with grant reimbursement funds in the amount of \$1,175.00; all voted aye; motion carried.

#### **PERSONNEL CHANGES**

Motion by VanDusen, second by Gabel, to approve the following personnel changes: Alison Bakken, Deputy States Attorney, 6 mo. step increase, step 9/\$34.50 per hour, effective 7/1/2021; Jamie Monson, States Attorney Criminal Records Manager, anniversary step increase, step 7/\$23.29 per hour, effective 7/1/2021; Mary Fransen, Deputy Register of Deeds, anniversary step increase, step 14/\$25.25 per hour, effective 7/1/2021; Jill Schweitzer, Register of Deeds Clerk, anniversary step increase, step 14/\$21.05 per hour, effective 7/1/2021; Adam Reeves, Deputy Sheriff, anniversary step increase, step 9/\$27.64 per hour, effective 6/1/2021; Jamie Dolen, Highway Maintenance III, anniversary step increase, step 9/\$24.48 per hour, effective 7/1/2021; Cheri Howell, Emergency Management Secretary, anniversary step increase, step 12/\$20.44 per hour, effective 7/1/2021; all voted aye; motion carried.

#### **TRAVEL REQUESTS**

Motion by Johnson, second by VanDusen, to approve the following travel requests: Auditor, NACo Leadership Academy; Deputy States Attorney, Sexual Violence Institute conference; Community Health Nurse Office Coordinator, Regional Staff meeting; Emergency Management Director and Secretary, Sate EM 102 Class; all voted aye; motion carried.

#### **EXECUTIVE SESSION**

Motion by VanDusen, second by Gabel, to enter into executive session at 9:56 a.m., to discuss safety/security issues, personnel issues, and contract negotiations; all voted aye; motion carried. The Board returned to regular session at 10:55 a.m., action was taken. Human Resource Representative, Natalie Remund, was present for executive session.

#### **JUNETEENTH FEDERAL/STATE HOLIDAY**

Codington County, 6 July 2021



The Board discussed the Juneteenth federal holiday which was observed, on extremely short notice, by federal and state offices, Friday, June 18<sup>th</sup>, 2021. Codington County's policy 8.11 is to follow designated holidays and all other days proclaimed as legal non-working days declared by the President of the United States or the Governor of the State of South Dakota. Due to the short notice of the newly adopted holiday the County did not have practical time to close County offices and the Court House and all County offices scheduled to be open on June 18<sup>th</sup> were in fact open from 8:00 a.m. to 5:00 p.m. as scheduled. Motion by VanDusen, second by Gabel, to follow County policy 8.11.1 Work on a Holiday and policy 8.11.2 Paid Holiday on a regular day off as follows:

A regular full-time employee and Non-Exempt Department heads required to work on a paid holiday, observed by Codington County, will be paid time and one-half wages for those hours worked as well as the holiday pay (normal 8 hours pay) and Regular part-time employees will receive paid time and half (1 ½) wages for hours actually worked, Exempt Department Heads will be paid an additional 8 hours wages;

Employees on paid leave, on June 18<sup>th</sup>, 2021, will be paid for 8 hours at regular pay;

Employees covered under union contracts with specific language as to holiday pay will follow the language specific to the contract;

This motion does not apply to Elected Officials, and upon vote of the Board; all voted aye; motion carried.

#### **ADJOURNMENT**

There being no further business to come before the Board a motion was made by Johnson, second by Waterman, to adjourn at 11:03 a.m., until 9:00 a.m., Tuesday, July 13<sup>th</sup>, 2021; 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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