

Agenda

Yankton County Commission

6:00 PM, Monday, April 5, 2021

Commission Chamber

Yankton County Government Center

DOCUMENTS WILL BE AVAILABLE AT AUDITOR'S OFFICE FOR REVIEW BEGINNING
APRIL 2. COPIES AVAILABLE FOR \$1.00 PER PAGE

Meeting chaired by: Cheri Loest, Chair

01 Call to order: 6:00 PM **PLEDGE OF ALLEGIANCE**

02 Roll Call: _____ Dan Klimisch _____ Wanda Howey-Fox
_____ Joseph Healy _____ Don Kettering _____ Cheri Loest

AGENDA ITEMS

No.	Time	Item Description	Presenter
03	6:00 PM	Abstain Financial Conflict of Interest (SDCL 6-1-17) Non-Financial Interest-Must State Reason for Abstaining	Commissioner Loest
04	6:05 PM	Approval of Agenda Public comment is a time for persons to address this body on any subject. No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action will be taken. Each person has up to three minutes to speak. There shall be no personal attacks against the members of this body, county staff, individual, or organizations. The Chair has the authority to enforce this policy. Failure to adhere to these rules may result in forfeiture of the remaining speaking time.	Public Comment
05	6:10 PM	Approval of Minutes from March 15, 2021	
06	6:15 PM	Claims March Payroll Bird Dog Drive Road District Unanticipated Grant Revenue	Patty Hojem
07	6:20 PM	Second Amendment Resolution	Gary Auch David Wright

08	6:25 PM	Annual Health Insurance Presentation	Julie Auch
		Board of Adjustment	
09	6:30 PM	Daniel Swihart- CUP	Gary Vetter
		Regular Session	
10	6:35 PM	Ryan Heine- Request for Zoning Enforcement	Gary Vetter
11	6:40 PM	Michael Kuchta- Rezone	Gary Vetter
12	6:45 PM	Appoint Second Deputy Director of Equalization Abatement of 2020 Taxes Payable 2021	Matt Archer
13	6:50 PM	Approval for Design Engineering for Stone Church Bridge #68-030-018 Approve Bridge Removal Grant Resolution for Bridge #68-010-134 Right of Ways Entrance Application	Mike Sedlacek
14	6:55 PM	District III Yearly Update	Greg Henderson
15	7:25 PM	Burn Ban Resolution	Paul Scherschligt
16	7:30 PM	JDAI Discussion/Decision	Commissioners
17	7:35 PM	Article 5 Update	Commissioners
18	7:40 PM	Appoint Two New Planning Commissioners	Commissioners
19	7:50 PM	Approve Employee Evaluation Form	Cheri Loest
		Drainage Board	
20	7:55 PM	Update on Proposed Amendments to Drainage Ordinance	Cheri Loest
		Regular Session	
21	8:00 PM	Public Comments	
22	8:05 PM	Commissioner Updates	
23	8:10 PM	Executive Session/Poor Relief Issues Pursuant to SDCL 1-25-2 & 28-13 and 28-13-1.3 Executive Session/Personnel Issue Pursuant to SDCL 1-25-2(1) Items for Next Meeting	State's Attorney

YANKTON COUNTY COMMISSION MEETING

March 15, 2021

The regular meeting of the Yankton County Commission was called to order by Chair Cheri Loest at 6:00 p.m. on Monday, March 15, 2021.

Roll call was taken with the following Commissioners present: Wanda Howey-Fox (via Zoom), Don Kettering, Dan Klimisch, Joseph Healy (via Zoom) and Cheri Loest.

There were no conflicts of interest reported by Commissioners.

Action 21118C: A motion was made by Kettering and seconded by Fox to approve the meeting agenda. All present voted aye; motion carried.

There were no public comments.

Chair Loest closed public comment.

Action 21119C: A motion was made by Fox and seconded by Healy to approve the March 2, 2021 meeting minutes. All present voted aye; motion carried.

Action 21120C: A motion was made by Kettering and seconded by Fox to approve the following claims: **Commissioners:** Vast Business (Utilities) \$52.50, EMC Insurance Companies (Professional Services) \$10,000.00, Yankton County Observer (Publishing's) \$166.22, Yankton Daily P & D (Publishing's) \$768.98; **Elections:** Election Systems & Software (Maintenance) \$94.80, Qualified Presort Services (Supplies) \$27.68; **Court:** Avera Sacred Heart Hospital (Lab) \$1,170.00, Juror Fees \$509.64, Megan Reeves (Professional Services) \$378.60, Murphy Law Office \$2,888.20, Fox & Youngberg PC (Professional Services) \$14,938.90, Fox & Youngberg PC (Delinquent/Minor) \$726.40, Geotek Engineering & Testing Services, Inc. (Professional Services) \$1,158.95, Horn Law Office LLC (Professional Services) \$659.60, Kennedy Pier Loftus & Reynolds (Delinquent/Minor) \$220.40, Microfilm Imaging System (Supplies) \$193.75, Microfilm Imaging System (Supplies) \$79.57, Mary Anne Meyer (Professional Services) \$31.40, Department of Health (Lab-February 2021) \$465.00, Dean Schaeffer (Professional Services) \$665.00, Thomson Reuters (Supplies) \$273.32; **Auditor:** Vast Business (Utilities) \$175.14, Culligan (Supplies) \$29.00, Leaf (Rentals) \$159.00, McLeod's Printing & Office Supply (Supplies) \$399.90; Qualified Presort Services LLC (Supplies) \$109.51, Security Shredding Service (Professional Services) \$35.00, One Office Solution (Maintenance) \$140.91, One Office Solution (Supplies) \$76.11; **Treasurer:** Vast Business (Utilities) \$210.16, Culligan (Supplies) \$43.00, Qualified Presort Services LLC (Supplies) \$172.28, Security Shredding Service (Professional Services) \$35.00; **Data Processing:** Vast Business (Utilities) \$832.83, First Bankcard (Maintenance) \$135.56, Miller Consulting LLC (Maintenance) \$1,460.00; **States Attorney:** Century Business Products (Rentals) \$424.77, Executive MGMT. Finance (Supplies) \$53.25, Miller Consulting LLC (Maintenance) \$100.00, Security Shredding Service (Professional Services) \$35.00;

Government Building: Vast Business (Utilities) \$26.25, A Bar K Inc. (Maintenance) \$16.68, Harding Glass (Maintenance) \$225.00, JCL Solutions (Supplies) \$40.75, Olson's Pest Technician (Maintenance) \$82.00, OTIS Elevator Company (Maintenance) \$878.31, United Laboratories, Inc. (Supplies) \$267.33, Yankton Winnelson Company (Maintenance) \$2,439.97; **Director of Equalization:** Vast Business (Utilities) \$229.50, Marshall & Swift/Boeckh LLD (Maintenance) \$371.95, Qualified Presort Services LLC (Supplies) \$5,253.20, Security Shredding Service (Professional Services) \$35.00, Yankton Daily P & D (Publishing's) \$220.29; **Register of Deeds:** Vast Business (Utilities) \$177.56, Executive MGMT Finance (Utilities) \$53.25, Qualified Presort Services (Supplies) \$27.54, One Office Solution (Supplies) \$11.07; **VA:** Vast Business (Utilities) \$26.25; **Safety Center Building:** Battery Exchange (Supplies) \$239.90, Vast Business (Utilities) \$813.33, City of Yankton (Dumpster Fees) \$152.00, Cole Papers Inc. (Supplies) \$815.21, Midwest Striping (Professional Services) \$1,100.00; **Sheriff:** International Associates of Chiefs of Police (Professional Services) \$190.00, City of Yankton (Fuel) \$1,528.98, Culligan (Supplies) \$29.00, The Collision Center (Maintenance) \$8,230.82, Hansen Locksmithing Inc. (Supplies) \$21.00, Jacks Uniforms & Equipment (Uniforms) \$209.85, Northtown Automotive (Maintenance) \$365.00, Qualified Presort Services (Maintenance Contracts) \$140.66, Security Shredding Service (Professional Services) \$35.00, One Office Solution (Maintenance) \$150.55, One Office Solution (Supplies) \$66.62; **County Jail:** Scott Family Dentistry (Professional Services) \$365.00, Jerry Sorbel (Professional Services) \$480.00, Culligan (Food Services) \$27.75, Trinity Services Group (Food Services) \$8,635.75, Interstate All Battery (Security Maintenance) \$39.00, Jacks Uniforms & Equipment (Uniforms) \$307.77, Olson's Pest Technician (Maintenance) \$110.00, Phoenix Supply (Supplies) \$139.11, Correctional Risk Services (Inmate Liab Ins) \$772.52, Pennington County Jail (Travel) \$244.85, One Office Solution (Maintenance) \$65.45; **Juvenile Detention:** Minnehaha County Juvenile Detention Center (Rentals) \$11,956.00; **Yankton Area Search & Rescue:** First Bankcard (Supplies) \$158.26; **Care of Poor:** Microfilm Imaging System, Inc. (Supplies) \$79.57, Qualified Presort Services LLC (Supplies) \$111.83, Thomson Reuters (Supplies) \$79.57, SDACC (Travel) \$110.00; **Public Health Nurse:** Vast Business (Utilities) \$244.04, TIAA Commercial Finance, Inc. (Rentals) \$70.96, Qualified Presort Services (Supplies) \$44.45; **Ambulance:** AT & T (Utilities) \$36.05, Vast (Utilities) \$115.35, Bound Tree Medical LLC (Supplies) \$2,171.90, City of Yankton (Fuel) \$637.45, Cintas (Supplies) \$76.73, First Bankcard (Fuel) \$487.27, First Bankcard (Supplies) \$1,018.74, First Bankcard (Fuel) \$487.27, Sheehan Trailers (Minor Equipment) \$1,873.75, First Bankcard (Travel) \$85.00, First Bankcard (Utilities) \$228.64, Leaf (Rentals) \$89.57, McLeod's Printing & Office Supply (Supplies) \$69.90, Matheson Tri-Gas Inc. dba Linweld (Supplies) \$113.59, Matheson Tri-Gas Inc. dba Linweld (Rentals) \$73.99, Daryl Madsen (Travel) \$25.00, One Office Solution (Supplies) \$18.35, Yankton Medical Clinic (Professional Services) \$52.00; **Mental Handicapped:** SD Achieve dba Lifescape (Care MI February 2021) \$300.00; **Mental Illness Board:** Darcy Lockwood (Hearings) \$30.00, Mark Katterhagen (Hearings) \$30.00, Lewis & Clark Behavioral Health Services (Hearings) \$1,288.00, Lincoln County Treasurer (Hearings) \$450.68, Lucille M. Lewno (Hearings) \$571.52; **Extension:** Buhl's Cleaners (Supplies) \$37.82, Leaf (Rentals) \$201.25, Miller Consulting LLC (Maintenance) \$240.00, MidAmerican Energy (Utilities) \$154.54, Northwestern Energy (Utilities) \$235.29; **Weed:** NAPA Auto Parts of Yankton (Supplies)

\$26.28; **Planning & Zoning:** Vast Business (Utilities) \$62.50, Pheasantland Industries (Supplies) \$26.54, Qualified Presort Services, LLC (Supplies) \$91.31, One Office Solution (Maintenance) \$241.35, One Office Solution (Supplies) \$95.00, Yankton Daily P & D (Publishing's) \$25.02; **Economic Development:** Yankton Area Progressive Growth (YES Contribution) \$50,000.00; **Road & Bridge:** Appeara (Supplies) \$143.91, Bomgaars (Supplies) \$320.00, B-Y Electric (Utilities) \$66.99, B-Y Water District (Utilities) \$81.75, Bierschbach Equipment & Supply (Maintenance) \$1,730.40, Vast Business (Utilities) \$228.20, Boyer Trucks (Maintenance) \$2,497.88, Brock White Company, LLC (Supplies) \$70,833.00, City of Yankton (Utilities) \$9.85, NAPA Auto Parts of Yankton (Maintenance) \$268.81, NAPA Auto Parts of Yankton (Supplies) \$63.84, Direct TV (Utilities) \$88.99, CHS Inc. (Fuel) \$13,506.71, Missouri Valley Maintenance and Repair LLC (Maintenance) \$559.40, First Bankcard (Maintenance) \$338.56, First Bankcard (Supplies) \$276.44, Fastenal Industrial & Construction Supply (Maintenance) \$40.81, Graham Tire Yankton (Supplies) \$641.55, Janssen's Garbage Service (Utilities) \$65.00, Kimball Midwest (Supplies) \$103.25, MidAmerican Energy (Maintenance) \$1,065.62, Yankton County Observer (Publishing's) \$44.90, Pollman Excavation (Supplies) \$17,005.72, Ron's Auto Glass, Inc. (Maintenance) \$66.00, Riverside Hydraulics & Lab's \$980.84, Southeastern Electric Cooperative Inc. (Utilities) \$121.59, TrueNorth Steel (Supplies) \$36,488.93, TrueNorth Steel (Bridges) \$28,957.60, One Office Solution (Supplies) \$128.89, Yankton Daily P & D (Publishing's) \$48.15; **Emergency 911 Fund:** Vast Business (Utilities) \$1,134.09, Golden West Telecommunications (Utilities) \$145.00; **Emergency Management:** B-Y Electric (Utilities) \$56.87, NFAAF (LEPC) \$85.20, TIAA Commercial Finance (Rentals) \$193.15, ESRI (Professional Services) \$3,750.00, First Bankcard (Professional Services) \$1,910.35, First Bankcard (Travel) \$847.26, First Bankcard (Supplies) \$6.99, First Bankcard (Supplies) \$409.18, First Bankcard (LECP Supplies) \$271.16 LEAF (Rentals) \$99.00, Midcontinent Communications (POD Expense) \$138.52, Midcontinent Communications (Utilities) \$5.00, Tabor Lumber Cooperative (Supplies) \$1,102.15, Verizon (Utilities) \$253.62, One Office Solution (Maintenance) \$95.70; **Government Buildings** Stryker Sales Corporation (Lifepaks) \$5,218.40; **24/7 program:** Centurylink (Utilities) \$83.20, Pharmchem Inc. (Supplies) \$5,105.70; **M&PR Fund** One Office Solution (M&PR fund) \$861.77; **Non-Departmental:** Satellite Tracking of People (Tracking Monitors) \$471.25, Byron Nogelmeier (Cam Daily Fee) \$2,084.00, Byron Nogelmeier (State Participation Feb 2021) \$11.00, SD Department of Revenue (HSC) \$5,833.02, SD Department of Revenue (Redfield Services) \$120.00, SD Department of Revenue (Motor Vehicle Fees) \$374,952.55, SD Department of Revenue (Waste Fees) \$6,295.00, SD Department of Revenue (ROD Fees) \$2,360.00, SDACO (M & PR Fund) \$650.00; General Fund \$147,903.66, Road & Bridge, \$176,773.28, Emergency Management, 9,224.15. All present voted aye; motion carried.

Action 21121AUD: A motion was made by Kettering and seconded by Healy to approve the Auditor's Monthly Settlement with the Treasurer and Pooled Cash Report as of February 28, 2021 which showed Total Cash of \$10,617,812.91. The General Fund was \$6,262,456.17; Special Funds were \$2,288,033.38; and Trust and Agency Funds were \$2,067,323.36 adding to a Grand Total of General Ledger Cash and Investments of \$10,617,812.91. A detailed report is on file with the County Auditor. All present voted aye; motion carried.

Highway: Highway Superintendent Mike Sedlacek appeared for board approval of several items: Entrance application for Tyler Wuebben, approve bid for gravel and riprap, approval of milling/reclamation bid, resolution for Hwy 52 Bike Path, DOT Transportation Amendments, Federal Aid Bridge Resolution and 2021 Bridge inspections. Gravel Bids were: Schramm Pit \$6.45 per ton and Utica Gravel, Inc. \$7.50 per ton. Bids received for rip/rap were from Spencer Quarries, Inc. and L.G. Everist.

Action 21122Hwy: A motion was made by Klimisch and seconded by Kettering to approve the Gravel bid from Schramm Pit. All present voted aye; motion carried.

Action 21123Hwy: A motion was made by Klimisch and seconded by Healy to approve the Chips, Rip/Rap and Rock bid from Spencer Quarries, Inc. All present voted aye; motion carried.

Action 21124Hwy: A motion was made by Klimisch and seconded by Healy to approve the Milling and Reclaiming bid from Brown County. All present voted aye; motion carried.

Action 21125H: A motion was made by Klimisch and seconded by Kettering to approve the following Resolution. All present voted aye; motion carried.

2021-3 Resolution of Local Support

Whereas, Yankton County has identified the need to make improvements to the multi-use trail along South Dakota Highway 52 near Yankton; and

Whereas, Yankton County is eligible for Recreational Trail funds from the South Dakota Department of Game, Fish and Parks; and

Whereas, Yankton County does not have adequate funding available to complete the project without assistance.

Therefore Be It Resolved that Yankton County supports seeking assistance through the South Dakota Department of Game, Fish and Parks' Recreational Trails Program in accordance with all program requirements;

Be It Further Resolved that Yankton County would support a minimum of twenty percent (20%) of all eligible costs;

And Be It Further Resolved that Yankton County will be responsible for maintenance and repairs to the trail after the construction of the project;

And Be It Further Resolved that the Yankton County Commission supports the project proposal and the Superintendent of the Yankton

County Highway Department be authorized to execute the Recreational Trails Program application.

Dated this 15th day March, 2021

Yankton County Chair, Cheri Loest /s/

ATTEST: Patty Hojem, Yankton County Auditor /s/

Action 21126Hwy: A motion was made by Healy and seconded by Klimisch to approve the Entrance application from Christopher Hughes in Township Section 14-93-57. All present voted aye; motion carried.

Action 21127Hwy: A motion was made by Klimisch and seconded by Fox to approve the Entrance application from Tyler Wuebben in Township Section 12-93-54. All present voted aye; motion carried.

Action 21128Hwy: A motion was made by Healy and seconded by Fox to approve Amendment number 1 to Agreement #614992. All present voted aye; motion carried.

Action 21129Hwy: A motion was made by Fox and seconded by Healy to approve Amendment number 2 to Agreement #614952. All present voted aye; motion carried.

Action 21130Hwy: A motion was made by Klimisch and seconded by Healy to approve Resolution for Structure 68-040-158. All present voted aye; motion carried.

Action 21131Hwy: A motion was made by Fox and seconded by Kettering to approve Resolution for Structure 68-168-070. All present voted aye; motion carried.

Action 21132Hwy: A motion was made by Klimisch and seconded by Kettering to approve IMEG for the 2021 Bridge Inspections. All present voted aye; motion carried.

Weed: Jim Liebsch, Weed Supervisor, presented the joint powers agreement for weed spraying services with State of South Dakota.

Action 21133WD: A motion was made by Fox and seconded by Healy to accept the Weed Spraying Joint Agreement with the State of South Dakota. All present voted aye; motion carried.

Action 21134Z: A motion was made by Healy and seconded by Klimisch to adopt the following resolution: Whereas it appears, Dennis Breck, owner of record, has caused a plat to be made of the following real property: Lots 21, 22, 23, 24 and 25, Crestview Homes Subdivision, NE1/4, S21-T93N-R56W, County of Yankton, S.D., and has submitted such plat to the Yankton County Planning Commission and the Yankton County Commission for

approval. Now therefore be it resolved that such plat has been executed according to law and conforms to all existing applicable zoning, subdivision and erosion and sediment control and the same is hereby approved. The County Auditor is hereby authorized and directed to endorse on such the proper resolution and certify the same. All present voted aye; motion carried.

Action 21135Z: A motion was made by Kettering and seconded by Klimisch to adopt the following resolution: Whereas it appears, Dennis Breck, owner of record, has caused a re-plat to be made of the following real property: Portion of Lot 4, Kabeisman Tract 8, S1/2, S1/2 of section 11, N1/2, Section 14, T93N-R57W, County of Yankton, S.D., and portion of Kabeisman Tract 8, S1/2, S1/2, Section 11, N1/2, Section 14, T93N-R57W, County of Yankton. SD., hereafter to be known as Lots 1 and 2 Kaiser Canyon Addition in S1/2, S1/2, Section 11, N1/2, Section 14, T93N-R57W and has submitted such plat to the Yankton County Planning Commission and the Yankton County Commission for approval. Now therefore be it resolved that such plat has been executed according to law and conforms to all existing applicable zoning, subdivision and erosion and sediment control and the same is hereby approved. The County Auditor is hereby authorized and directed to endorse on such the proper resolution and certify the same. All present voted aye; motion carried.

DOE: Yankton County Director of Equalization Matt Archer appeared before the board to request approval to appoint a Deputy Director and advertise for Appraiser.

Action 21136DOE: A motion was made by Kettering and seconded by Fox to approve Matt Archer's recommendation to appoint Michelle Goeken as a Deputy Director of Equalization. All present voted aye; motion carried.

Action 21137DOE: A motion was made by Healy and seconded by Kettering to authorize Matt Archer, Director Equalization, to offer a Deputy Director of Equalization position to Jeffrey Puthoff. All present voted aye; motion carried.

Action 21138DOE: A motion was made by Kettering and seconded by Fox to allow Matt Archer, Director of Equalization, to advertise for an Appraiser position. All present voted aye; motion carried.

Action 21139C: A motion was made Healy and seconded by Kettering to approve the quote from MT & RC Smith Insurance for Cyber Insurance not to exceed \$1,218.00. All present voted aye; motion carried.

JDAI: The board discussed approving the Memorandum of Understanding (MOU) for the Juvenile Detention Alternatives Initiative (JDAI).

Action 21140C: A motion was made by Healy and seconded by Kettering to approve the Memorandum of Understanding (MOU) for the Yankton County Juvenile Detention Alternatives Initiative Committee. All present voted aye; motion carried.

The board moved the April 6, 2021 commission meeting to Monday April 5, 2021.

ARTICLE 5: The board discussed items concerning Article 5 of the Yankton County Zoning Ordinance.

Commissioner updates included American Recovery Act and Drainage Meeting.

There were no public comments.

Chair Loest closed public comment.

Action 21141C: A motion was made by Kettering and seconded by Fox to adjourn. All present voted aye; motion carried.

The next regular meeting will be Monday, April 5, 2021 at 6:00 p.m.

Cheri Loest, Chair
Yankton County Commission

ATTEST:
Patty Hojem, County Auditor

4/01/2021 9:50 AM DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER PAGE: 1
VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 02000 Lyndsey--- Claims 04-05-2
FUND : 101 GENERAL FUND
DEPARTMENT: 111 COMMISSIONERS BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-02258	DAN KLIMISCH	I-202103307538	101-5-111-42700	TRAVEL-COMMISSIONERS		67.00
01-18049	M.T. & R.C. SMITH	I-202104017632	101-5-111-42100	INSURANCE-COMMISSIONERS		1,122.50
DEPARTMENT 111 COMMISSIONERS					TOTAL:	1,189.50

VENDOR SET: 01 Yankton County
PACKET: 02000 Lyndsey--- Claims 04-05-2
FUND : 101 GENERAL FUND
DEPARTMENT: 120 ELECTIONS

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-16017	QUALIFIED PRESORT SERVI	I-202104017630	101-5-120-42600	SUPPLIES-ELECTIONS		49.04
01-21042	VERIZON	I-202104017636	101-5-120-42400	RENTALS-ELECTION		320.08
01-22241	ONE OFFICE SOLUTION	I-202104017633	101-5-120-42600	SUPPLIES-ELECTION		318.00
DEPARTMENT 120 ELECTIONS						TOTAL: 687.12


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VENDOR SET: 01 Yankton County
PACKET: 02000 Lyndsey--- Claims 04-05-2
FUND : 101 GENERAL FUND
DEPARTMENT: 130 COURT

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BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-00574		I-202103307524	101-5-130-42210	JUROR FEES-CRT		74.36
01-01021		I-202103307512	101-5-130-42210	JUROR FEES-CRT		55.88
01-03599		I-202103307510	101-5-130-42210	JUROR FEES-CRT		50.84
01-03601		I-202103307511	101-5-130-42210	JUROR FEES-CRT		51.68
01-03604		I-202103307513	101-5-130-42210	JUROR FEES-CRT		54.20
01-03606		I-202103307514	101-5-130-42210	JUROR FEES-CRT		50.84
01-03607		I-202103307515	101-5-130-42210	JUROR FEES-CRT		51.68
01-03609		I-202103307516	101-5-130-42210	JUROR FEES-CRT		51.68
01-03610		I-202103307517	101-5-130-42210	JUROR FEES-CRT		51.68
01-03611		I-202103307518	101-5-130-42210	JUROR FEES-CRT		52.52
01-03613		I-202103307519	101-5-130-42210	JUROR FEES-CRT		51.68
01-03614		I-202103307520	101-5-130-42210	JUROR FEES-CRT		51.68
01-03615		I-202103307521	101-5-130-42210	JUROR FEES-CRT		52.52
01-03616		I-202103307522	101-5-130-42210	JUROR FEES-CRT		51.68
01-03617		I-202103307523	101-5-130-42210	JUROR FEES-CRT		50.84
01-03619		I-202103307525	101-5-130-42210	JUROR FEES-CRT		50.00
01-03620		I-202103307526	101-5-130-42210	JUROR FEES-CRT		50.84
01-03621		I-202103307527	101-5-130-42210	JUROR FEES-CRT		51.68
01-05215	FOX & YOUNGBERG PC	I-202103317609	101-5-130-42200	PROF SERVICES-CRT		15,148.50
01-11080	LACROIX LAW OFFICE	I-202103307549	101-5-130-42220	NEGLECTED-CRT		405.90
01-12667	MARY ANNE MEYER, RDR	I-202103307556	101-5-130-42210	PROF SERVICES-CRT		170.00
01-13756	AVINE WEIDENAAR, LLP	I-202103307558	101-5-130-42200	PROF SERVICES-CRT		4,356.00
01-18170	DEPARTMENT OF HEALTH	I-202103307562	101-5-130-42210	LAB FEBRUARY 2021-CRT		400.00
01-18801	DEAN SCHAEFER	I-202103307565	101-5-130-42200	PROF SERVICES-CRT		564.00
01-22259	THOMSON REUTERS - WEST	I-202104017634	101-5-130-42600	SUPPLIES-CRT		900.33

DEPARTMENT 130	COURT	TOTAL:	22,901.01
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4/01/2021 9:50 AM DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER
VENDOR SET: 01 Yankton County
PACKET: 02000 Lyndsey--- Claims 04-05-2
FUND : 101 GENERAL FUND
DEPARTMENT: 141 AUDITOR

PAGE: 4
ITEMS PRINTED: PAID, UNPAID

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-16017	QUALIFIED PRESORT SERVI	I-202104017630	101-5-141-42600	SUPPLIES-AUDITOR		148.26
DEPARTMENT 141 AUDITOR					TOTAL:	148.26

4/01/2021 9:50 AM DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER PAGE: 5
VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 02000 Lyndsey--- Claims 04-05-2
FUND : 101 GENERAL FUND
DEPARTMENT: 142 TREASURER BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-16017	QUALIFIED PRESORT SERVI	I-202104017630	101-5-142-42600	SUPPLIES-TREASURER		156.28
DEPARTMENT 142 TREASURER					TOTAL:	156.28

4/01/2021 9:50 AM DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER PAGE: 6
VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 02000 Lyndsey--- Claims 04-05-2
FUND : 101 GENERAL FUND
DEPARTMENT: 151 STATES ATTORNEY BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-02483	CULLIGAN	I-202103317604	101-5-151-42600	SUPPLIES-STATES ATTY		14.00
DEPARTMENT 151 STATES ATTORNEY TOTAL:						14.00

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01011	BOMGAARS	I-202103317597	101-5-161-42600	SUPPLIES-GOVT CTR		85.55
01-02001	CITY OF YANKTON	I-202103317602	101-5-161-42800	UTILITIES-GOVT CTR		187.13
01-02001	CITY OF YANKTON	I-202103317602	101-5-161-42800	UTILITIES-GOVT CTR		1,255.36
01-09287	JCL SOLUTIONS	I-202103317614	101-5-161-42600	SUPPLIES-GOVT CTR		140.11
01-12167	MENARDS	I-202104017623	101-5-161-42600	SUPPLIES-GOVT CTR		98.81
01-12371	MIDAMERICAN ENERGY	I-202103307553	101-5-161-42800	UTILITIES-GOVT CTR		818.90
01-12371	MIDAMERICAN ENERGY	I-202103307554	101-5-161-42800	UTILITIES-GOVT CTR		24.20
01-13001	NORTHWESTERN ENERGY	I-202104017626	101-5-161-42800	UTILITIES-GOVT CTR		2,235.54
01-14005	OLSON'S PEST TECHNICIAN	I-202104017628	101-5-161-42500	MAINTENANCE-GOVT CTR		82.00
DEPARTMENT 161 GOVERNMENT BUILDINGS TOTAL:						4,927.60

VENDOR SET: 01 Yankton County

ITEMS PRINTED: PAID, UNPAID

PACKET: 02000 Lyndsey--- Claims 04-05-2

FUND : 101 GENERAL FUND

DEPARTMENT: 162 DIRECTOR OF EQUALIZATION

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-02745	SDAAO	I-202103317606	101-5-162-42700	TRAVEL-DOE		400.00
01-11033	LINCOLN COUNTY TREASURE	I-202104017617	101-5-162-42400	HEARINGS-MI		1,191.36
01-12418	MICROFILM IMAGING SYSTE	I-202103307555	101-5-162-42400	RENTALS-DOE		70.00
01-16017	QUALIFIED PRESORT SERVI	I-202104017630	101-5-162-42600	SUPPLIES-DOE		66.17

DEPARTMENT 162 DIRECTOR OF EQUALIZATI TOTAL: 1,727.53

VENDOR SET: 01 Yankton County
PACKET: 02000 Lyndsey--- Claims 04-05-2
FUND : 101 GENERAL FUND
DEPARTMENT: 163 REGISTER OF DEEDS

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-07199	BRIAN HUNHOFF	I-202103317610	101-5-163-42600	SUPPLIES-ROD		137.80
01-12418	MICROFILM IMAGING SYSTE	I-202103307555	101-5-163-42400	RENTALS-ROD		336.00
01-16017	QUALIFIED PRESORT SERVI	I-202104017630	101-5-163-42600	SUPPLIES-ROD		46.92
DEPARTMENT 163 REGISTER OF DEEDS TOTAL:						520.72

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VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 02000 Lyndsey--- Claims 04-05-2
FUND : 101 GENERAL FUND
DEPARTMENT: 165 VETERANS SERVICE OFFICER BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-16017	QUALIFIED PRESORT SERVI	I-202104017630	101-5-165-42600	SUPPLIES-VA		5.59
DEPARTMENT 165 VETERANS SERVICE OFFIC TOTAL:						5.59

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01011	BOMGAARS	I-202103317597	101-5-169-42600	SUPPLIES-SAFETY CTR		2.49
01-02001	CITY OF YANKTON	I-202103317602	101-5-169-42800	UTILITIES-SAFETY CTR		456.26
01-02084	COLE PAPERS INC.	I-202103317603	101-5-169-42600	SUPPLIES-SAFETY CTR		415.27
01-12110	MIDWEST STRIPING	I-202104017621	101-5-169-42200	PROF SERVICES-SAFETY CTR		110.00
01-12167	MENARDS	I-202104017623	101-5-169-42600	SUPPLIES-SAFETY CTR		203.05
01-12371	MIDAMERICAN ENERGY	I-202104017638	101-5-169-42800	UTILITIES-SAFETY CTR		2,363.03
01-13001	NORTHWESTERN ENERGY	I-202103307557	101-5-169-42800	UTILITIES-SAFETY CTR		6,202.92
01-14005	OLSON'S PEST TECHNICIAN	I-202104017628	101-5-169-42500	MAINTENANCE-SAFETY CTR		133.00
DEPARTMENT 169 SAFETY CENTER BUILDING TOTAL:						9,886.02

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-00090	KOPETSKY'S ACE HARDWARE	I-202103317596	101-5-211-42600	SUPPLIES-SHERIFF		66.97
01-02265	XTREME CAR WASH	I-202103307539	101-5-211-42500	MAINTENANCE-SHERIFF		45.00
01-02631	CARDMEMBER SERVICES	I-202103307540	101-5-211-42610	FUEL-SHERIFF		60.90
01-11049	LEAF	I-202104017619	101-5-211-42520	MAINTENANCE CONTRACTS-SHERIFF		293.52
01-16017	QUALIFIED PRESORT SERVI	I-202104017630	101-5-211-42520	MAINTENANCE CONTRACTS-SHERIFF		137.81
01-18051	SOUTH DAKOTA SHERIFF'S	I-202103307561	101-5-211-42700	TRAVEL-SHERIFF		345.00
01-18268	SIRCHIE	I-202103307563	101-5-211-42660	LAW ENFORCEMENT EQUIP-SHERIFF		582.54
DEPARTMENT 211 SHERIFF					TOTAL:	1,531.74

VENDOR SET: 01 Yankton County

ITEMS PRINTED: PAID, UNPAID

PACKET: 02000 Lyndsey--- Claims 04-05-2

FUND : 101 GENERAL FUND

DEPARTMENT: 212 COUNTY JAIL

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-00269	AVERA SACRED HEART HOSP	I-202103307530	101-5-212-42200	PROF SERVICES-JAIL		312.00
01-00402	AVERA MEDICAL GROUP	I-202103307532	101-5-212-42200	PROF SERVICES-JAIL		2,943.00
01-01383	SCOTT FAMILY DENTISTRY,	I-202103307534	101-5-212-42200	PROF SERVICES-JAIL		285.00
01-02059	CHARM-TEX	I-202103307536	101-5-212-42600	SUPPLIES-JAIL		188.00
01-02631	CARDMEMBER SERVICES	I-202103307540	101-5-212-42600	SUPPLIES-JAIL		111.31
01-02631	CARDMEMBER SERVICES	I-202103307540	101-5-212-42530	SECURITY MAINTENANCE-JAIL		69.48
01-03073	DIAMOND DRUGS	I-202103307542	101-5-212-42200	LAB FEBRUARY 2021-JAIL		31.07
01-03538	INDUSTRIAL CHEM LABS	I-202103307544	101-5-212-42600	SUPPLIES-JAIL		549.46
01-03678	TRINITY SERVICES GROUP	I-202103307546	101-5-212-42210	FOOD SERVICES-JAIL		7,276.49
01-04056	EZ DUZ IT LAUNDRY	I-202103307547	101-5-212-42640	UNIFORMS-JAIL		14.00
01-07582	HY-VEE	I-202103317612	101-5-212-42200	PROF SERVICES-JAIL		218.59
01-09287	JCL SOLUTIONS	I-202103317614	101-5-212-42600	SUPPLIES-JAIL		1,080.50
01-19064	TIRE MUFFLER ALIGNMENT	I-202103307567	101-5-212-42540	AUTO EXPENSE-JAIL		118.52
01-24002	YANKTON REXALL DRUG CO.	I-202103307569	101-5-212-42200	PROF SERVICES-JAIL		960.73
01-24004	YANKTON MEDICAL CLINIC	I-202103307570	101-5-212-42200	PROF SERVICES-JAIL		205.00

DEPARTMENT 212 COUNTY JAIL TOTAL: 14,363.15

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-18295	SANFORD HEALTH	I-202103307564	101-5-213-42200	PROF SERVICES-CORONER		4,089.00
DEPARTMENT 213 CORONER				TOTAL:		4,089.00

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VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 02000 Lyndsey--- Claims 04-05-2
FUND : 101 GENERAL FUND
DEPARTMENT: 226 YANKTON AREA SEARCH & RES BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-00090	KOPETSKY'S ACE HARDWARE	I-202103317596	101-5-226-42600	SUPPLIES-YASR		102.82
01-03122	DIVE RESCUE INTERNATIONAL	I-202103307543	101-5-226-42600	SUPPLIES-YASR		508.35
DEPARTMENT 226 YANKTON AREA SEARCH & TOTAL:						611.17

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DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER

PAGE: 16

VENDOR SET: 01 Yankton County

ITEMS PRINTED: PAID, UNPAID

PACKET: 02000 Lyndsey--- Claims 04-05-2

FUND : 101 GENERAL FUND

DEPARTMENT: 411 CARE OF POOR

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-16017	QUALIFIED PRESORT SERVI	I-202104017630	101-5-411-42600	SUPPLIES-POOR RELIEF		110.79
01-18020	SD ASSOCIATION OF COUNT	I-202104017631	101-5-411-42700	TRAVEL-POOR RELIEF		30.00
DEPARTMENT 411 CARE OF POOR						TOTAL: 140.79

4/01/2021 9:50 AM DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER
VENDOR SET: 01 Yankton County
PACKET: 02000 Lyndsey--- Claims 04-05-2
FUND : 101 GENERAL FUND
DEPARTMENT: 421 PUBLIC HEALTH NURSE

PAGE: 17
ITEMS PRINTED: PAID, UNPAID

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-16017	QUALIFIED PRESORT SERVI	I-202104017630	101-5-421-42600	SUPPLIES-NURSE		77.56
DEPARTMENT 421 PUBLIC HEALTH NURSE TOTAL:						77.56

4/01/2021 9:50 AM DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER
VENDOR SET: 01 Yankton County
PACKET: 02000 Lyndsey--- Claims 04-05-2
FUND : 101 GENERAL FUND
DEPARTMENT: 424 AMBULANCE

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ITEMS PRINTED: PAID, UNPAID

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-00074	AVERA HEALTH dba AVERA	I-202103307529	101-5-424-42200	PROF SERVICES-AMBULANCE		45.00
01-00269	AVERA SACRED HEART HOSP	I-202103307531	101-5-424-42200	PROF SERVICES-AMBUALNCE		238.50
01-00311	SACRED HEART HEALTH SER	I-202103307528	101-5-424-42200	PROF SERVICES-AMBULANCE		1,500.00
01-02001	CITY OF YANKTON	I-202103317602	101-5-424-42800	UTILITIES-AMBULANCE		125.78
01-02125	CREDIT COLLECTION SERVI	I-202103307537	101-5-424-42200	PROF SERVICES-AMBULANCE		67.19
01-02690	CINTAS	I-202103317605	101-5-424-42600	SUPPLIES-AMBULANCE		72.43
01-03566	QUICK MED CLAIMS	I-202103307545	101-5-424-42200	PROF SERVICES-AMBULANCE		6,216.06
01-04062	CHANGE HEALTHCARE	I-202103307566	101-5-424-42200	PROF SERVICES-AMBULANCE		155.83
01-05146	FOX RUN QUIK LUBE	I-202103307548	101-5-424-42500	MAINTENANCE-AMBULANCE		91.74
01-08009	INVESTIGATIVE SERVICES	I-202103317613	101-5-424-42200	PROF SERVICES-AMBULANCE		149.00
01-12129	MATHESON TRI-GAS INC. d	I-202103307551	101-5-424-42600	SUPPLIES-AMBULANCE		87.97
01-12167	MENARDS	I-202104017623	101-5-424-42600	SUPPLIES-AMBULANCE		150.16
01-12371	MIDAMERICAN ENERGY	I-202104017624	101-5-424-42800	UTILITIES-AMBULANCE		447.76
01-13001	NORTHWESTERN ENERGY	I-202104017627	101-5-424-42800	UTILITIES-AMBULANCE		1,213.36
01-14005	OLSON'S PEST TECHNICIAN	I-202104017628	101-5-424-42500	MAINTENANCE-AMBULANCE		114.00
01-17015	ROGER'S FAMILY PHARMACY	I-202103307560	101-5-424-42600	SUPPLIES-AMBULANCE		130.85
01-21042	VERIZON	I-202104017639	101-5-424-42800	UTILITIES-AMBULANCE		304.99
01-24008	YANKTON JANITORIAL SUPP	I-202104017635	101-5-424-42600	SUPPLIES-AMBULANCE		408.85

DEPARTMENT 424 AMBULANCE TOTAL: 11,519.47

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VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 02000 Lyndsey--- Claims 04-05-2
FUND : 101 GENERAL FUND
DEPARTMENT: 445 MENTAL ILLNESS BOARD BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01765	DARCY LOCKWOOD	I-202103317601	101-5-445-00000	HEARINGS-MI		66.00
01-10118	MARK KATTERHAGEN	I-202103317615	101-5-445-00000	HEARINGS-MI		66.00
01-11092	LUCILLE M. LEWNO	I-202104017620	101-5-445-00000	HEARINGS-MI		1,191.05
DEPARTMENT 445 MENTAL ILLNESS BOARD TOTAL:						1,323.05

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01200	VAST BUSINESS	I-202103317598	101-5-611-42800	UTILITIES-EXTENSION		378.50
01-01663	FP MAILILNG SOLUTIONS	I-202103317600	101-5-611-42400	RENTALS-EXTENSION		74.85
01-02001	CITY OF YANKTON	I-202103317602	101-5-611-42800	UTILITIES-EXTENSION		73.38
01-07582	HY-VEE	I-202103317611	101-5-611-42900	OTHER-EXTENSION		18.97
01-11049	LEAF	I-202104017618	101-5-611-42400	RENTALS-EXTENSION		182.26
01-12371	MIDAMERICAN ENERGY	I-202104017625	101-5-611-42800	UTILITIES-EXTENSION		112.93
01-14005	OLSON'S PEST TECHNICIAN	I-202104017628	101-5-611-42500	MAINTENANCE-EXTENSION		150.00
01-22241	ONE OFFICE SOLUTION	I-202104017633	101-5-611-42600	SUPPLIES-EXTENSION		15.36
DEPARTMENT 611 COUNTY EXTENSION TOTAL:						1,006.25

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DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER

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VENDOR SET: 01

Yankton County

ITEMS PRINTED: PAID, UNPAID

PACKET: 02000

Lyndsey--- Claims 04-05-2

FUND : 101

GENERAL FUND

DEPARTMENT: 711

PLANNING & ZONING

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-12418	MICROFILM IMAGING SYSTE	I-202103307555	101-5-711-42400	RENTALS-ZONING		70.00
01-15188	PHEASANTLAND INDUSTRIES	I-202103307559	101-5-711-42600	SUPPLIES-ZONING		16.96
01-15188	PHEASANTLAND INDUSTRIES	I-202104017629	101-5-711-42600	SUPPLIES-ZONING		33.94
01-16017	QUALIFIED PRESORT SERVI	I-202104017630	101-5-711-42600	SUPPLIES-ZONING		59.32
01-21042	VERIZON	I-202104017639	101-5-711-42800	UTILITIES-ZONING		42.04
01-22241	ONE OFFICE SOLUTION	I-202104017633	101-5-711-42500	MAINTENANCE-ZONING		177.70
DEPARTMENT 711 PLANNING & ZONING TOTAL:						399.96
FUND 101 GENERAL FUND TOTAL:						77,225.77

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-00257	APPEARA	I-202103307571	201-5-311-42600	SUPPLIES-HWY		127.67
01-01011	BOMGAARS	I-202103307572	201-5-311-42600	SUPPLIES-HWY		99.99
01-01130	BATTERY EXCHANGE	I-202103307573	201-5-311-42600	SUPPLIES-HWY		90.00
01-01166	BUTLER MACHINERY CO.	I-202103307574	201-5-311-42500	MAINTENANCE-HWY		731.74
01-01166	BUTLER MACHINERY CO.	I-202103307574	201-5-311-42600	SUPPLIES-HWY		519.16
01-01392	BROCK WHITE COMPANY, LL	I-202103307575	201-5-311-42400	RENTALS-HWY		2,065.00
01-01534	INTERSTATE POWER SYSTEM	I-202103307576	201-5-311-42500	MAINTENANCE-HWY		42.54
01-01773	PLASTIC WORKS	I-202103307577	201-5-311-42600	SUPPLIES-HWY		2,130.00
01-02001	CITY OF YANKTON	I-202103307578	201-5-311-42800	UTILITIES-HWY		51.99
01-02008	NAPA AUTO PARTS OF YANK	I-202103307579	201-5-311-42500	MAINTENANCE-HWY		334.98
01-02008	NAPA AUTO PARTS OF YANK	I-202103307579	201-5-311-42600	SUPPLIES-HWY		320.96
01-02143	CENTURYLINK	I-202103307580	201-5-311-42800	UTILITIES-HWY		138.04
01-02708	JOURNEY GROUP	I-202103307581	201-5-311-42500	MAINTENANCE-HWY		45,948.00
01-02901	NELSON SERVICE, LLC	I-202103307582	201-5-311-42600	SUPPLIES-HWY		184.97
01-03074	DIESEL MACHINERY, INC.	I-202103307583	201-5-311-42500	MAINTENANCE-HWY		349.29
01-03120	DIRECT TV	I-202103307584	201-5-311-42800	UTILITIES-HWY		95.24
01-03178	LARSEN ASPHALT REPAIR E	I-202103307585	201-5-311-42500	MAINTENANCE-HWY		184.95
01-04043	EHRESMANN ENGINEERING I	I-202103307586	201-5-311-42500	MAINTENANCE-HWY		245.85
01-04856	GROWMARK FS	I-202103317594	201-5-311-42200	PROF SERVICES-HWY		836.36
01-04856	GROWMARK FS	I-202103317594	201-5-311-42640	FUEL-HWY		4,806.08
01-04856	GROWMARK FS	I-202103317594	201-5-311-42600	SUPPLIES-HWY		2.99
01-05216	FRANCOTYP-POSTALIA, INC	I-202103307587	201-5-311-42600	SUPPLIES-HWY		68.85
01-06244	GRAHAM TIRE YANKTON	I-202103307588	201-5-311-42600	SUPPLIES-HWY		314.92
01-12011	MARKS MACHINERY	I-202103307589	201-5-311-42600	SUPPLIES-HWY		253.95
01-13001	NORTHWESTERN ENERGY	I-202103307590	201-5-311-42800	UTILITIES-HWY		783.29
01-14001	YANKTON COUNTY OBSERVER	I-202103317595	201-5-311-42300	PUBLISHINGS-HWY		10.52
01-17226	RIVERSIDE HYDRAULICS &	I-202103307591	201-5-311-42500	MAINTENANCE-HWY		598.46
01-18242	SD DEPARTMENT OF TRANSP	I-202103307592	201-5-311-42900	ANNUAL PROJECTS-HWY		426.19
01-21042	VERIZON	I-202104017639	201-5-311-42800	UTILITIES-HWY		86.94
01-22241	ONE OFFICE SOLUTION	I-202103307593	201-5-311-42600	SUPPLIES-HWY		2.59

DEPARTMENT 311

HIGHWAY CONSTRUCTION & TOTAL:

61,851.51

FUND

201

ROAD & BRIDGE

TOTAL:

61,851.51

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01200	VAST BUSINESS	I-202104017637	207-5-225-42800	UTILITIES-E911		1,100.34
01-02692	CENTURYLINK	I-202103307541	207-5-225-42800	UTILITIES-E911		75.59
01-12132	MIDCONTINENT COMMUNICAT	I-202103307552	207-5-225-42800	UTILITIES-E911		115.00
DEPARTMENT 225 LOCAL EMERGENCY PLANNI TOTAL:						1,290.93
FUND 207 EMERGENCY 911 FUND TOTAL:						1,290.93

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-00090	KOPETSKY'S ACE HARDWARE	I-202103317596	226-5-222-42600	SUPPLIES-EDS		55.88
01-01131	HANSON BRIGGS SPECIALTY	I-202103307533	226-5-222-42600	SUPPLEIS-EDS		357.76
01-01536	TIAA COMMERCIAL FINANCE	I-202103317599	226-5-222-42400	RENTALS-EDS		178.24
01-02008	NAPA AUTO PARTS OF YANK	I-202103307535	226-5-222-42500	MAINTENANCE-EDS		59.45
01-02265	XTREME CAR WASH	I-202103307539	226-5-222-42500	MAINTENANCE-EDS		11.20
01-03552	BOY SCOUTS OF A. SIOUX	I-202103317607	226-5-222-42630	L&C SCOUT CAMP SAFE ROOM GRAN		235,310.56
01-03681	SUNSET PLAZA MALL OFFIC	I-202103317608	226-5-222-42621	POD EXPENSE-EDS		521.60
01-10258	GREAT AMERICA FINANCIAL	I-202104017616	226-5-222-42400	RENTALS-EDS		148.58
01-12031	MILLER CONSULTING LLC	I-202103307550	226-5-222-42500	MAINTENANCE-EDS		455.00
01-12132	MIDCONTINENT COMMUNICAT	I-202104017622	226-5-222-42800	UTILITIES-EDS		172.47
01-19064	TIRE MUFFLER ALIGNMENT	I-202103307568	226-5-222-42500	MAINTENANCE-EDS		397.58
01-21042	VERIZON	I-202104017639	226-5-222-42800	UTILITIES-EDS		738.13
DEPARTMENT 222 EMERGENCY MANAGEMENT TOTAL:						238,406.45
FUND 226 EMERGENCY MANAGEMENT TOTAL:						238,406.45
REPORT GRA TOTAL:						378,774.66

** G/L ACCOUNT TOTALS **

YEAR	ACCOUNT	NAME	AMOUNT	=====LINE ITEM=====			=====GROUP BUDGET=====		
				ANNUAL BUDGET	BUDGET AVAILABLE	OVER BUDG	ANNUAL BUDGET	BUDGET AVAILABLE	OVER BUDG
2021	101-5-111-42100	INSURANCE	1,122.50	21,000	7,773.50	- Y			
	101-5-111-42700	TRAVEL	67.00	10,000	4,978.86				
	101-5-120-42400	RENTALS	320.08	4,126	2,561.11				
	101-5-120-42600	SUPPLIES	367.04	1,200	640.73				
	101-5-130-42200	PROFESSIONAL SERVICE & FEE	20,068.50	400,000	292,783.15				
	101-5-130-42210	JUROR-WITNESS-HEARINGS-LAB	1,526.28	50,000	39,942.40				
	101-5-130-42220	NEGLECTED	405.90	50,000	48,754.15				
	101-5-130-42600	SUPPLIES	900.33	5,000	1,793.85				
	101-5-141-42600	SUPPLIES	148.26	10,000	8,345.85				
	101-5-142-42600	SUPPLIES	156.28	13,000	6,399.64				
	101-5-151-42600	SUPPLIES	14.00	8,800	8,684.23				
	101-5-161-42500	REPAIRS & MAINTENANCE	82.00	25,000	19,052.10				
	101-5-161-42600	SUPPLIES	324.47	12,000	9,644.98				
	101-5-161-42800	UTILITIES	4,521.13	72,000	55,984.64				
	101-5-162-42400	RENTALS	1,261.36	2,500	121.46				
	101-5-162-42600	SUPPLIES	66.17	10,000	3,991.01				
	101-5-162-42700	TRAVEL	400.00	16,300	15,871.87				
	101-5-163-42400	RENTALS	336.00	8,000	4,814.44				
	101-5-163-42600	SUPPLIES	184.72	3,000	2,061.39				
	101-5-165-42600	SUPPLIES	5.59	820	796.99				
	101-5-169-42200	PROFESSIONAL SERVICES	110.00	0	1,025.00	- Y			
	101-5-169-42500	REPAIRS & MAINTENANCE	133.00	40,000	38,206.67				
	101-5-169-42600	SUPPLIES	620.81	19,000	15,321.24				
	101-5-169-42800	UTILITIES	9,022.21	137,000	106,232.29				
	101-5-211-42500	REPAIRS & MAINTENANCE	45.00	25,601	15,799.97				
	101-5-211-42520	MAINTENANCE CONTRACTS	431.33	10,000	8,716.35				
	101-5-211-42600	SUPPLIES	66.97	6,800	6,320.31				
	101-5-211-42610	FUEL	60.90	38,240	33,338.65				
	101-5-211-42660	LAW ENFORCEMENT EQUIP	582.54	12,790	12,207.46				
	101-5-211-42700	TRAVEL	345.00	11,250	10,264.58				
	101-5-212-42200	PROFESSIONAL SERVICES	4,955.39	115,000	103,307.42				
	101-5-212-42210	FOOD SERVICE	7,276.49	225,000	183,339.04				
	101-5-212-42530	SECURITY MAINTENANCE	69.48	6,590	6,346.51				
	101-5-212-42540	AUTO EXPENSE	118.52	4,590	4,471.48				
	101-5-212-42600	SUPPLIES	1,929.27	40,000	30,837.41				
	101-5-212-42640	UNIFORMS	14.00	2,450	1,958.34				
	101-5-213-42200	PROFESSIONAL SERVICE & FEE	4,089.00	30,000	25,911.00				
	101-5-226-42600	SUPPLIES	611.17	7,782	5,460.49				
	101-5-411-42600	SUPPLIES	110.79	3,000	1,931.54				
	101-5-411-42700	TRAVEL	30.00	400	341.87				
	101-5-421-42600	SUPPLIES	77.56	1,350	922.97				
	101-5-424-42200	PROFESSIONAL SERVICE & FEE	8,371.58	74,455	51,229.90				
	101-5-424-42500	REPAIRS & MAINTENANCE	205.74	46,500	36,459.61				
	101-5-424-42600	SUPPLIES	850.26	104,500	85,000.00				

** G/L ACCOUNT TOTALS **

YEAR	ACCOUNT	NAME	AMOUNT	=====LINE ITEM=====			=====GROUP BUDGET=====		
				ANNUAL BUDGET	BUDGET AVAILABLE	OVER BUDG	ANNUAL BUDGET	BUDGET AVAILABLE	OVER BUDG
	101-5-424-42800	UTILITIES	2,091.89	32,130	23,208.08				
	101-5-445-00000	MISC	1,323.05	100,000	84,628.33				
	101-5-611-42400	RENTALS	257.11	5,000	3,792.17				
	101-5-611-42500	REPAIRS & MAINTENANCE	150.00	7,000	6,300.00				
	101-5-611-42600	SUPPLIES	15.36	5,500	4,425.46				
	101-5-611-42800	UTILITIES	564.81	8,000	6,210.96				
	101-5-611-42900	OTHER	18.97	5,000	4,791.55				
	101-5-711-42400	RENTALS	70.00	8,900	8,201.60				
	101-5-711-42500	REPAIRS & MAINTENANCE	177.70	10,600	2,591.78				
	101-5-711-42600	SUPPLIES	110.22	4,150	2,458.99				
	101-5-711-42800	UTILITIES	42.04	1,150	794.38				
	201-5-311-42200	PROFESSIONAL SERVICE & FEE	836.36	44,000	38,948.10				
	201-5-311-42300	PUBLISHINGS	10.52	3,000	2,873.59				
	201-5-311-42400	RENTALS	2,065.00	25,000	15,251.90				
	201-5-311-42500	REPAIRS & MAINTENANCE	48,435.81	190,000	131,712.77				
	201-5-311-42600	SUPPLIES	4,116.05	500,484	286,671.96				
	201-5-311-42640	HWY FUEL	4,806.08	146,250	125,495.84				
	201-5-311-42800	UTILITIES	1,155.50	32,000	22,424.46				
	201-5-311-42900	ANNUAL PROJECT(S)	426.19	864,000	858,448.62				
	207-5-225-42800	UTILITIES	1,290.93	44,000	34,520.48				
	226-5-222-42400	RENTALS	326.82	10,271	8,405.16				
	226-5-222-42500	REPAIRS & MAINTENANCE	923.23	24,720	22,405.70				
	226-5-222-42600	SUPPLIES	413.64	41,879	29,449.13				
	226-5-222-42621	POD EXPENSE	521.60	0	1,093.55-	Y			
	226-5-222-42630	Hazard Mitigation Grant	235,310.56	0	235,310.56-	Y			
	226-5-222-42800	UTILITIES	910.60	17,700	13,386.37				
	** 2021 YEAR TOTALS		378,774.66						

** DEPARTMENT TOTALS **

ACCT	NAME	AMOUNT
101-111	COMMISSIONERS	1,189.50
101-120	ELECTIONS	687.12
101-130	COURT	22,901.01
101-141	AUDITOR	148.26
101-142	TREASURER	156.28
101-151	STATES ATTORNEY	14.00
101-161	GOVERNMENT BUILDINGS	4,927.60
101-162	DIRECTOR OF EQUALIZATION	1,727.53
101-163	REGISTER OF DEEDS	520.72

** DEPARTMENT TOTALS **

ACCT	NAME	AMOUNT
101-165	VETERANS SERVICE OFFICER	5.59
101-169	SAFETY CENTER BUILDING	9,886.02
101-211	SHERIFF	1,531.74
101-212	COUNTY JAIL	14,363.15
101-213	CORONER	4,089.00
101-226	YANKTON AREA SEARCH & RES	611.17
101-411	CARE OF POOR	140.79
101-421	PUBLIC HEALTH NURSE	77.56
101-424	AMBULANCE	11,519.47
101-445	MENTAL ILLNESS BOARD	1,323.05
101-611	COUNTY EXTENSION	1,006.25
101-711	PLANNING & ZONING	399.96

101 TOTAL	GENERAL FUND	77,225.77
201-311	HIGHWAY CONSTRUCTION & MA	61,851.51

201 TOTAL	ROAD & BRIDGE	61,851.51
207-225	LOCAL EMERGENCY PLANNING	1,290.93

207 TOTAL	EMERGENCY 911 FUND	1,290.93
226-222	EMERGENCY MANAGEMENT	238,406.45

226 TOTAL	EMERGENCY MANAGEMENT	238,406.45

** TOTAL **		378,774.66

NO ERRORS

** END OF REPORT **

DEPT: ALL

PAYROLL NO#: 01

PAY PERIOD BEGINNING: 3/01/2021

PAY PERIOD ENDING: 3/31/2021

*** G R A N D T O T A L S ***

-----EARNINGS-----			----BENF/REIMB----		-----DEDUCTIONS-----			-----TAXES-----				
DESC	HRS	AMOUNT	DESC	AMOUNT	CD	ABBV	EMPLOYEE	EMPLOYER	DESC	TAXABLE	EMPLOYEE	EMPLOYER
SAL	0.00	294,782.08			010	PENSU	4177.25	539.41	FED W/H	383,700.43	32,451.83	
HOUR	6,292.50	111,091.06			011	ROTH	1450.00		FICA	413,800.11	25,655.64	25655.64
OVERT	170.50	4,793.69			020	AFLAC	1338.46		MEDI	413,800.11	6,000.11	6000.11
VAC	793.50	6,290.01			030	COL	525.52					
SICK	447.25	7,816.81			045	GARN	293.24					
CELL	0.00	1,250.00			050	OPTLG	463.04					
LONG	0.00	760.00			051	UWAY	10.00					
VACPO	0.00	1,520.05			062	GARN	50.00					
HOL	158.00	0.00			080	LEGAL	25.90					
FNRL	31.00	0.00			086	CHLDS	578.00					
WC-2	16.00	206.88			100	NRS	69.44					
					11	SDRS6	15755.21	15755.21				
					12	SDRS8	10097.78	10097.78				
					410	FLEXA	3908.10					
					420	LIFE	341.43					
					430	FLEXC	1154.60					
					440	VSP	225.22					
					450	DELTA	1253.00					
					460	FLEXB	3188.69					
					461	BCEMP		33964.35				
					462	BC-3		693.15				
					463	HSA-1		11090.40				
					464	HSA	2009.32					
					465	HSA-2		18269.16				
					466	COHSA		1139.04				
					467	COPAY	2508.50					
					P7	SPOUS	167.18					
TOTALS:	7,908.75	428,510.58		0.00			49589.88	91548.50			64,107.58	31655.75

-----DEPARTMENT RECAP-----									
DEPT NO#	GROSS	REGULAR	OVERTIME	LEAVE	OTHER	BENEFITS	DEDUCTIONS	TAXES	NET
101-111	5,690.86	5,690.86	0.00	0.00	0.00	0.00	0.00	471.81	5,219.05
101-141	15,647.94	15,447.94	0.00	0.00	200.00	0.00	1,684.31	2,568.41	11,395.22
101-142	18,193.19	18,193.19	0.00	0.00	0.00	0.00	1,501.12	2,889.69	13,802.38
101-151	30,090.62	30,090.62	0.00	0.00	0.00	0.00	2,479.90	4,740.82	22,869.90
101-161	11,041.71	8,995.85	51.09	1,549.77	445.00	0.00	1,212.95	1,508.31	8,320.45
101-162	21,162.03	20,912.03	0.00	0.00	250.00	0.00	3,888.48	2,771.33	14,502.22
101-163	13,260.77	12,313.47	0.00	0.00	947.30	0.00	797.97	2,242.68	10,220.12
101-165	3,341.80	2,625.70	0.00	716.10	0.00	0.00	286.51	559.62	2,495.67

DEPT: ALL

PAYROLL NO#: 01

PAY PERIOD BEGINNING: 3/01/2021

PAY PERIOD ENDING: 3/31/2021

-----DEPARTMENT RECAP-----

DEPT NO#	GROSS	REGULAR	OVERTIME	LEAVE	OTHER	BENEFITS	DEDUCTIONS	TAXES	NET
101-211	67,642.84	67,127.84	0.00	0.00	515.00	0.00	10,050.98	10,250.93	47,340.93
101-212	80,995.82	80,845.82	0.00	0.00	150.00	0.00	10,652.92	11,533.39	58,809.51
101-213	1,100.00	1,050.00	0.00	0.00	50.00	0.00	0.00	122.48	977.52
101-421	3,001.60	3,001.60	0.00	0.00	0.00	0.00	287.83	404.95	2,308.82
101-424	54,399.21	47,287.65	4,671.63	1,617.18	822.75	0.00	2,888.30	8,344.93	43,165.98
101-427	1,783.13	1,783.13	0.00	0.00	0.00	0.00	0.00	294.30	1,488.83
101-611	7,320.81	7,220.81	0.00	0.00	100.00	0.00	534.28	1,138.26	5,648.27
101-612	2,597.38	2,597.38	0.00	0.00	0.00	0.00	305.84	340.60	1,950.94
101-711	10,517.35	10,517.35	0.00	0.00	0.00	0.00	2,046.62	1,472.53	6,998.20
201-311	70,509.77	60,312.50	15.02	9,925.37	256.88	0.00	9,851.15	10,861.97	49,796.65
226-222	9,148.95	8,794.60	55.95	298.40	0.00	0.00	1,120.72	1,435.55	6,592.68
248-212	1,064.80	1,064.80	0.00	0.00	0.00	0.00	0.00	155.02	909.78
TOTALS	428,510.58	405,873.14	4,793.69	14,106.82	3,736.93	0.00	49,589.88	64,107.58	314,813.12

REGULAR INPUT: 135

MANUAL INPUT: 0

CHECK STUB COUNT: 0

DIRECT DEPOSIT STUB COUNT: 135

PETITION TO ESTABLISH A ROAD DISTRICT

WE, THE UNDERSIGNED are qualified voters in the area herein described. We petition that the question of forming the Bird Dog Drive Road District be submitted for a vote of approval or rejection pursuant to law.

Lots F1, F2, G1, G2, H1, H2, I, J, K, L, and M, in the Northeast Quarter (NE1/4) of Section Seven (7), Township Ninety-three (93) North, Range Fifty-six (56) West of the 5th P.M., Yankton County, South Dakota.

The proposed Bird Dog Drive Road District is to be established for the purpose of maintaining the existing Bird Dog Drive and to be able to respond to immediate needs, such as snow removal. The residents of Bird Dog Drive request the county commissioners to define boundaries for the district and make a determination that such a district can be created.

INSTRUCTIONS TO SIGNERS:

1. Signers of this petition must individually sign their names in the form in which they are registered to vote or as they usually sign their names.
2. Before the petition is filed, each signer or the circulator must add the residence address of the signer and the date of signing. If the signer is a resident of a second or third class municipality, a post office box may be used for the residence address.
3. Before the petition is filed, each signer or the circulator must print the name of the signer in the space provided and add the county of voter registration.
4. Abbreviations of common usage may be used. Ditto marks may not be used.
5. Failure to provide all information requested may invalidate the signature.

NAME	RESIDENCE	DATE/COUNTY
SIGN 1 <u>James L. Arens</u> PRINT James L. Arens	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER <u>410 W. Riverside Dr</u> CITY OR TOWN <u>Yankton SD 57078</u>	DATE OF SIGNING <u>2/23/2021</u> COUNTY OF REGISTRATION <u>Yankton</u>
SIGN 2 <u>Danna M. Arens</u> PRINT Danna M. Arens	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER <u>410 W. Riverside Dr</u> CITY OR TOWN <u>Yankton, SD 57078</u>	DATE OF SIGNING <u>2/23/2021</u> COUNTY OF REGISTRATION <u>Yankton</u>
SIGN 3 <u>Melissa R. Paulish</u> PRINT Melissa R. Paulish	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER <u>105 Bird Dog Dr</u> CITY OR TOWN <u>Yankton SD 57078</u>	DATE OF SIGNING <u>2-23-2021</u> COUNTY OF REGISTRATION <u>Yankton</u>
SIGN 4 <u>Joshua W. Paulish</u> PRINT Joshua W. Paulish	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER <u>105 Bird Dog Dr</u> CITY OR TOWN <u>Yankton SD 57078</u>	DATE OF SIGNING <u>03-01-2021</u> COUNTY OF REGISTRATION <u>Yankton</u>
SIGN 5 <u>Bryce Roberts</u> PRINT Bryce Roberts	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER <u>101 Bird Dog Dr</u> CITY OR TOWN <u>Yankton SD 57078</u>	DATE OF SIGNING <u>03-01-2021</u> COUNTY OF REGISTRATION <u>Yankton</u>
SIGN 6 <u>Blake Merritt</u> PRINT Blake Merritt	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER <u>510 Linn St</u> CITY OR TOWN <u>Yankton, SD 57078</u>	DATE OF SIGNING <u>03-01-2021</u> COUNTY OF REGISTRATION <u>Yankton</u>
SIGN 7 <u>Katelyn Merritt</u> PRINT Katelyn Merritt	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER <u>510 Linn St</u> CITY OR TOWN <u>Yankton SD 57078</u>	DATE OF SIGNING <u>03-01-2021</u> COUNTY OF REGISTRATION <u>Yankton</u>
SIGN 8 _____ PRINT _____	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN _____	DATE OF SIGNING COUNTY OF REGISTRATION _____
SIGN 9 _____ PRINT _____	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN _____	DATE OF SIGNING COUNTY OF REGISTRATION _____
SIGN 10 _____ PRINT _____	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN _____	DATE OF SIGNING COUNTY OF REGISTRATION _____

FILED
IN THE OFFICE OF
YANKTON COUNTY AUDITOR

MAR 15 2021

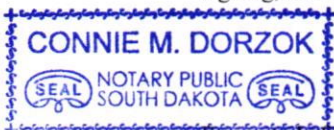
PATTY A. HOJEM
COUNTY AUDITOR

VERIFICATION BY PERSON CIRCULATING PETITION

INSTRUCTIONS TO CIRCULATOR: This section **must** be completed following circulation and before

filing Joshua W. Paulish 105 Bird Dog Dr Yankton SD
Print name of the circulator Residence Address City State

I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, and that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration.



Sworn to before me this 2 day of March, 2021.
(Seal)

My Commission Expires 4-25-2023

Form Revised 2004 - 5.02.08.39

Signature of Circulator

Signature of Officer Administering Oath

Title of Officer Administering Oath

100708596

STATE of SOUTH DAKOTA

OFFICE of STATE AUDITOR

Pierre, South Dakota

Void After 180 Days From Date of Issue

DATE: 03/12/2021

WARRANT NO: 100708596

*****235,310.56

226522242630

RICHARD L. SATTCAST

STATE AUDITOR

PAY TO THE
ORDER OFYANKTON COUNTY AUDITOR
321 W 3RD ST
YANKTON SD 57078-4324

PAYABLE THROUGH

FIRST PREMIER BANK
SIOUX FALLS, SD 57104

TWO HUNDRED THIRTY-FIVE THOUSAND THREE HUNDRED TEN DOLLARS FIFTY-SIX CENTS

⑈100708596⑈ ⑆091408598⑆ 1701269755⑈

VOID AFTER 180 DAYS FROM DATE OF ISSUE

STATE OF SOUTH DAKOTA

REMITTANCE ADVICE / NON-NEGOTIABLE

PAYEE: YANKTON COUNTY AUDITOR

WARRANT #: 100708596

DATE: 03/12/2021

DATE	INVOICE #	BDGU APPROVAL #	GROSS AMOUNT	NET AMOUNT
02/25/2021	DR4298-12R PMT#4	1432 595711	116,786.21	116,786.21
	DSR4298 HMGP DR4298-12R PMT#4	CFDA #97.039 ATTN: P.HOJEM		
02/25/2021	DR4298-12R PMT#5	1432 595710	107,257.34	107,257.34
	DSR4298 HMGP DR4298-12R PMT#4	CFDA #97.039 ATTN: P.HOJEM		
02/25/2021	DR4298-12R PMT#6	1432 595709	11,267.01	11,267.01
	DSR4298 HMGP DR4298-12R PMT#6	CFDA #97.039 ATTN: P.HOJEM		

226433190

FILED
IN THE OFFICE OF
YANKTON COUNTY AUDITOR

MAR 17 2021

PATTY A. HOJEM
COUNTY AUDITOR

158,000.00

235,310.56

235,310.56



COMMISSIONER MEETING AGENDA REQUEST

321 W 3rd, Suite 100, Yankton, SD 57078

E-Mail: patty@co.yankton.sd.us or valli@co.yankton.sd.us

Submission Deadline: 3:00pm on the Wednesday before scheduled meeting

Date Request Submitted 3/12/2021

Request is for Commission Meeting Dated April 6th

Name: Gary Auch

Address: 43174 294th St Westerville SD 57040

Phone: 605 660 5708

E-Mail Address: text only

Topic to be Addressed and Length of Presentation: 2nd Amendment Resolution

Specific Purpose for the Request (Please Also Attach Support Documents):

Concerned Citizens of Yankton County will be presenting
a Resolution that has been emailed to all County Commissioners.

Person(s) Making Presentation to the Board: Gary Auch, David Wright

Audio/Visual Equipment Needed: none

For Office Use:

Approved _____ Denied _____ Reason(s): _____

Signature: _____

Date: _____

2021 Second Amendment Sanctuary Ordinance for Yankton County State of South Dakota.

SECTION 1. TITLE

The title of this ordinance shall be known as the "Second Amendment Sanctuary Ordinance," or "SASO."

SECTION 2. FINDINGS

The people of Yankton County, South Dakota, find and declare:

- A. Acting through the United States Constitution, the people created government to be their agent in the exercise of a few defined powers, while reserving to the citizens the right to decide on matters which concern their lives, liberty, and property in the ordinary course of affairs;
- B. The Second Amendment to the Constitution of the United States of America states, "A well-regulated Militia being necessary to the security of a free State, the right of the People to keep and bear arms, shall not be infringed";
- C. The right of the people to keep and bear arms is further protected from infringement by State and Local Governments under the Ninth, Tenth, and Fourteenth Amendments to the Constitution of the United States of America.
- D. The Supreme Court of the United States of America in District of Columbia v. Heller recognized the individual's right to keep and bear arms, as protected by the Second Amendment of the Constitution of the United States of America. Justice Antonin Scalia's prevailing opinion in that case stated that the Second Amendment protects an individual's right to possess a firearm unconnected with service in a militia, and the right to use that firearm for traditionally lawful purposes, such as self-defense within the home;
- E. Section 1 of the Fourteenth Amendment to the Constitution of the United States of America states, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws";

- F. The Supreme Court of the United States recognized in McDonald v. City of Chicago that the Second Amendment to the Constitution was incorporated by the Fourteenth Amendment and thereby made applicable to the States;
- G. Justice Thomas M. Cooley in the People v. Hurlbut 24 Mich.44, page 108 (1871), states: "The State may mold local institutions according to its views of policy or expediency: but local government is a matter of absolute right; and the state cannot take it away";
- H. The right to be free from the commandeering hand of government has been recognized by the United States Supreme Court in Printz v. United States. The Court held: "The Federal Government may neither issue directives requiring the States to address particular problems, nor command the States' officers, or those of their political subdivisions, to administer or enforce a federal regulatory program." The anti-commandeering principles recognized by the U.S. Supreme Court in Printz v. United States are predicated upon the advice of James Madison, who in Federalist #46 advised "a refusal to cooperate with officers of the Union" in response to either unconstitutional federal measures or constitutional but unpopular federal measures;
- I. Therefore, the right to keep and bear arms is a fundamental individual right that shall not be infringed; and all local, state, and federal acts, laws, orders, rules or regulations regarding firearms, firearms accessories, and ammunition are a violation of the Second Amendment;
- J. Local governments have the legal authority to refuse to cooperate with state and federal firearm laws that violate those rights and to proclaim a Second Amendment Sanctuary for law-abiding citizens in their cities and counties;
- K. Therefore, through the enactment of this document, Yankton County, South Dakota, is hereby a Second Amendment Sanctuary Yankton County.

SECTION 3. PROHIBITIONS

- A. Notwithstanding any other law, regulation, rule or order to the contrary, no agent, department, employee or official of Yankton County, a political subdivision of the State of South Dakota, while acting in their official capacity, shall:

1. Knowingly and willingly, participate in any way in the enforcement of any Unlawful Act, as defined herein, regarding personal firearms, firearm accessories, or ammunition.

2. Utilize any assets, Yankton County funds, or funds allocated by any entity to the Yankton County, in whole or in part, to engage in any activity that aids in the enforcement or investigation relating to an Unlawful Act in connection with personal firearms, firearm accessories, or ammunition.

SECTION 4. PENALTIES

A. An "Unlawful Act" shall consist of any federal or state act, law, order, rule, or regulation, which restricts an individual's constitutional right to keep and bear arms, including any federal or state act, law, order, rule, or regulation which bans or effectively bans, registers, or effectively registers, or limits the lawful use of firearms, firearm accessories or ammunition (other than a fully automatic firearm which is made unlawful by federal law). Any such "Unlawful Act" is invalid in Yankton County and shall not be recognized by Yankton County, is specifically rejected by the voters of Yankton County, and shall be considered null, void and of no effect in Yankton County, South Dakota, and this includes, but shall not be limited to the following:

1. Any tax, levy, fee, or stamp imposed on firearms, firearm accessories, or ammunition not common to all other goods and services on the purchase or ownership of those items by citizens;

2. Any registration or tracking of firearms, firearm accessories, or ammunition;

3. Any registration or tracking of the owners of firearms, firearm accessories, or ammunition;

4. Any act forbidding the possession, ownership, or use or transfer of any type of firearm, firearm accessory, or ammunition by citizens of the legal age of eighteen and over, other than pursuant to federal law background check requirements for transfers or purchases through FFL dealers;

5. Any act ordering the confiscation of firearms, firearm accessories, or ammunition from citizens;

6. Any prohibition, regulation, and/or use restriction related to ownership or the constitutionally guaranteed lawful use or carry of non-fully automatic firearms; and

7. Any prohibition, regulation, and/or use restriction limiting hand grips, stocks, flash suppressors, bayonet mounts, magazine capacity, clip capacity, internal capacity, bump stocks, suppressors, or types of ammunition available for sale, possession or use by citizens.

- B. Anyone within the jurisdiction of Yankton County, South Dakota, accused to be in violation of this ordinance may be sued in the district court of the state of South Dakota for declaratory and injunctive relief, damages, and attorneys' fees. Neither sovereign nor official or qualified immunity shall be an affirmative defense in cases pursuant to this section.
- C. Any peace officer may enforce this ordinance.
- D. A civil offense against this ordinance is a Class A violation, per offense, with a maximum fine of \$2,000 for an individual, and \$4,000 for a corporation, per offense.
- E. Exceptions:
 - 1. The protections provided to citizens by this ordinance do not apply to persons who have been convicted of felony crimes or who are prohibited from possessing firearms under federal law.
 - 2. This ordinance is not intended to prohibit or affect in any way the prosecution of any crime for which the use of, or possession of, a firearm is an aggregating factor or enhancement to an otherwise independent crime.
 - 3. This ordinance does not permit or otherwise allow the possession of firearms in Federal buildings.
 - 4. This ordinance does not prohibit individuals in Yankton County from voluntarily participating in assisting in permitting, licensing, registration, or other processing of applications for concealed carry permits, or other firearm, firearm accessory, or ammunition licensing or registration processes that may be required by law.

SECTION 5. SEVERABILITY

- A. The provisions of this act are hereby declared to be severable, and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

SECTION 6. EFFECTIVE DATE

- A. The effective date of this ordinance, The Second Amendment Sanctuary Ordinance, or SASO, shall be immediately upon approval by the Yankton County Commissioners.

Commissioner

Loest_____

Commissioner

Healy_____

Commissioner

Fox_____

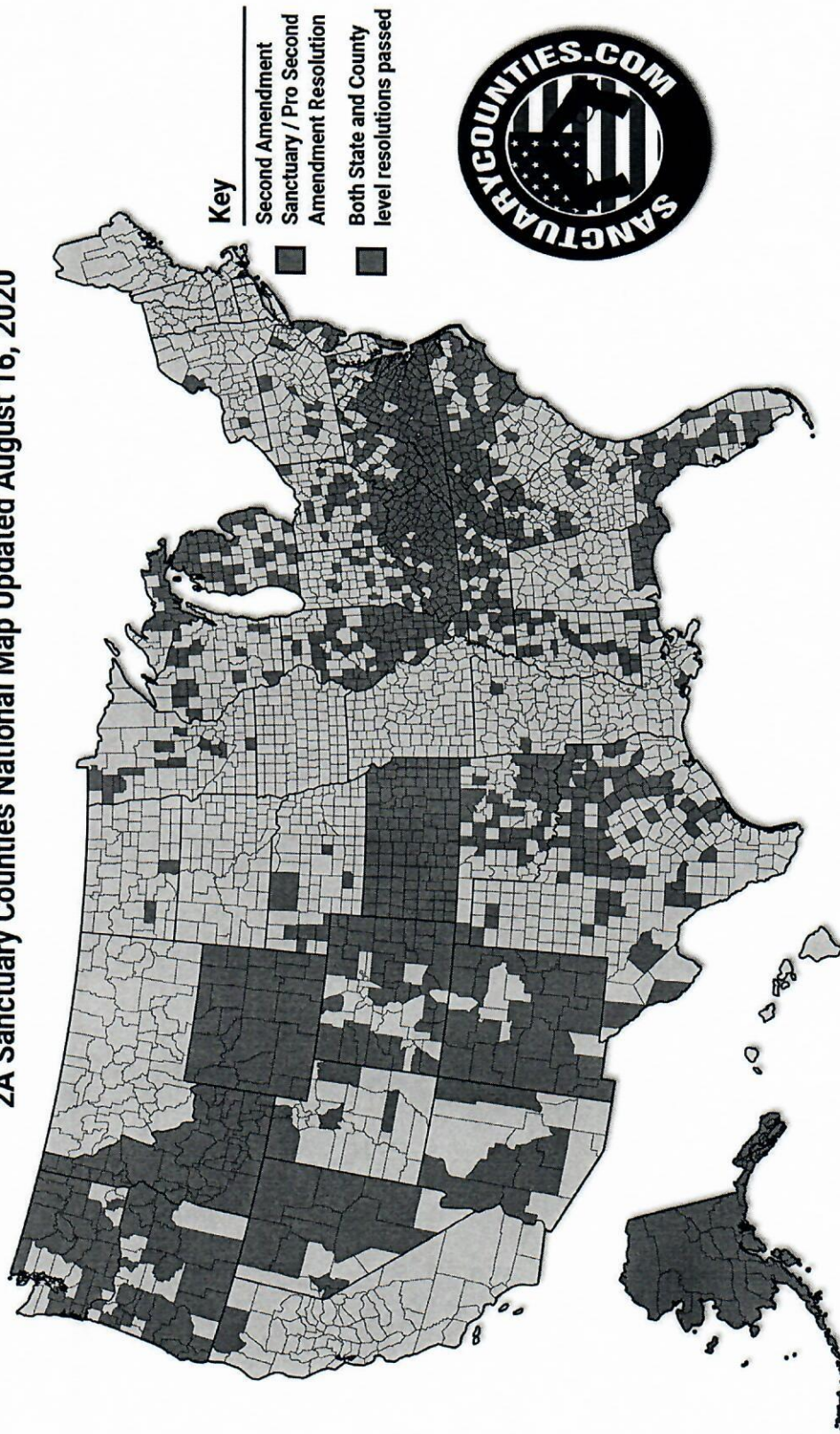
Commissioner

Kettering_____

Commissioner

Klimisch_____

2A Sanctuary Counties National Map Updated August 16, 2020





2021 South Dakota Legislature

Senate Concurrent Resolution 607

ENROLLED

AN ACT

A CONCURRENT RESOLUTION, Affirming the Legislature's support of the constitutional right to keep and bear arms.

WHEREAS, the United States Supreme Court upheld the individual right to own firearms under the Second Amendment of the United States Constitution in *District of Columbia v. Heller*; and

WHEREAS, any executive action by the current administration or act of Congress to infringe upon that right would be a violation of the Supreme Court's decision; and

WHEREAS, any effort by the federal government to require the registration of legally possessed firearms or ammunition would be an infringement on the Second Amendment; and

WHEREAS, any effort by the federal government to confiscate or require the mandated sale of legally possessed or transferred firearms would be an infringement upon the Second Amendment; and

WHEREAS, any new tax, fee, or required stamp specifically on firearms or ammunition not common to all other goods would be an infringement on the Second Amendment:

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Ninety-Sixth Legislature of the State of South Dakota, the House of Representatives concurring therein, that this Legislature strongly favors and supports the decision of the United States Supreme Court in *District of Columbia v. Heller*, affirming the right of individual citizens to own and possess firearms; and

BE IT FURTHER RESOLVED, that this Legislature firmly opposes any effort by the current administration to require the registration, confiscation, or mandated sale of firearms, and any other unconstitutional restriction on the individual right to keep and bear arms.

Adopted by the Senate,
Concurred in by the House of Representatives,

March 3, 2021
March 8, 2021

Larry Rhoden
President of the Senate

Kay Johnson
Secretary of the Senate

Spencer Gosch
Speaker of the House

Patricia Miller
Chief Clerk

PENNINGTON COUNTY, SD RESOLUTION
A RESOLUTION TO DECLARE PENNINGTON COUNTY, SOUTH DAKOTA A
"SECOND AMENDMENT SANCTUARY COUNTY"

WHEREAS, The Constitution of the United States of America is the supreme law of our nation. The Second Amendment to the Constitution states "A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed"; and

WHEREAS, the Constitution of the State of South Dakota in Article 6, Section 24 states, "Right to bear arms. The right of the citizens to bear arms in defense of themselves and the State shall not be denied."; and

WHEREAS, the right of the citizens to keep and bear arms is guaranteed as an individual right under the Second Amendment to United States Constitution and under the Constitution of the State of South Dakota; and

WHEREAS, the right of the citizens to keep and bear arms for the defense of Life, Liberty and Property is regarded as an inalienable right by the citizens of Pennington County, South Dakota; and

WHEREAS, the citizens of Pennington County, South Dakota, derive substantial economic and personal benefit from all safe forms of firearm recreation, hunting and shooting conducted within Pennington County as allowed under the United States and South Dakota Constitutions, and

WHEREAS, it is the desire of the Pennington County Board of County Commissioners to declare its support of the Second Amendment to the Constitution of the United States of America and Article 6, Section 24 of the Constitution of the State of South Dakota protecting citizens' right to keep and bear arms; and

WHEREAS, the Pennington County Board of County Commissioners fully supports the Ninety-Sixth Legislature of the State of South Dakota Concurrent Resolution 607 passed and adopted on _____ which strongly favors and supports the constitutional right of citizens to own and possess firearms. It also firmly opposes any effort by the current administration to require the registration, confiscation or mandated sale of firearms, and any other unconstitutional restriction on the individual right to keep and bear arms;

WHEREAS, the members of the Pennington County Board of Commissioners took an oath to support and defend the Constitutions of the United States and of the State of South Dakota.

NOW, THEREFORE, BE IT RESOLVED that the Pennington County Board of Commissioners strongly supports the Second Amendment of the Constitution of the United States of America and Article 6, Section 24 of the Constitution of the State of South Dakota and that the Board strongly believes that it is the right of the citizens of Pennington County to keep and bear arms for the defense of life, liberty and property; and

FURTHER BE IT RESOLVED, to defend the rights and liberties of the citizens, the Pennington County Board of Commissioners hereby declares Pennington County, SD to be a:

"Second Amendment Sanctuary County"

PASSED AND APPROVED in this ____ day of _____, 2021

By: _____

Gary Drewes, Chair
District 5

By: _____

Ron Rossknecht, Vice Chair
District 1

By: _____

Lloyd LaCroix, Commissioner
District 2

By: _____

Deb Hadcock, Commissioner
District 3

By: _____

Travis Lasseter, Commissioner
District 4

Attest:

Pennington County Auditor/Deputy



COMMISSIONER MEETING AGENDA REQUEST

321 W 3rd, Suite 100, Yankton, SD 57078

E-Mail: patty@co.yankton.sd.us or valli@co.yankton.sd.us

Submission Deadline: 3:00pm on the Wednesday before scheduled meeting

Date Request Submitted March 12, 2021

Request is for Commission Meeting Dated Health Insurance Renewal

Name: Julie Auch

Address: 206 W 8th St Yankton SD 57078

Phone: 605 665 8657

E-Mail Address: jkaucha@t.newyorklife.com

Topic to be Addressed and Length of Presentation: Quote for Renewal BCBS

Quotes from Avera, United Health Care

Specific Purpose for the Request (Please Also Attach Support Documents): Renewal

from Wellmark BCBS, Quotes for Avera

Person(s) Making Presentation to the Board: Julie Auch, agent

Audio/Visual Equipment Needed: none

For Office Use:

Approved _____ Denied _____ Reason(s): _____

Signature: _____

Date: _____

Yankton County Planning Commission
Yankton County Board of Adjustment

Application Date: 1/21/2021

Applicant:

Daniel Swihart

District type: ☐ AG ☐ R1-Low ☒ R2-Moderate ☐ R3-High ☐ C-Comm.

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

CUP needed:

☐ Section 507 ☐ Section 607 ☒ Section 707 ☐ Section 807

☒ Section 1805 ☐ Section 1905

NOTE:

Conditional Use Permit

Applicant is requesting a Conditional Use Permit to use his property as an AIR/BNB in a moderate Density Residential District (R2) Per Article 7 Section 709

PC: Article 18 Section 1805
BOA: Article 19 Section 1905

Planning Commission date:
3/9/2021
Board of Adjustment
date:4/5/2021

Time:
7:05PM
Time:
6:30PM

Permit Number: CUP-2021-36

Yankton County

 Variance X Conditional Use Rezoning

Owner: Daniel A Swihart and Kay L Swihart Revocable Trust

Owners Address: 296 Gavins Point Road, Yankton, SD 57078

Owners Phone: 214 850 3184

Applicants Name,
if different from

Owner: Daniel & Kay Swihart

Applicants

Address: 296 Gavins Point Road, Yankton, SD 57078

Job Address: 304 GAVINS POINT RD

Legal: LTS B & C EXC W3' LT B ERSKINE'S PLAT

Section,
Township, Range: 22-93-57

Zoning
Classification: MD

Affected Zoning Ordinance: 709

Reason for Request: When not using the property for personal use, we would like to use it as a vacation rental.

Request:	vacation rental.
List Specific Hardships:	Currently the property is zoned "Moderate Density Residential" which we are uncertain if that allows use for vacation rental use. We would like to rent the property for vacation use providing tax revenue to the county and

SCHEDULED FOR PLANNING COMMISSION ACTION (DATE): 03/09/2021 7:05 PM CST

SCHEDULED FOR BOARD OF ADJUSTMENT ACTION (DATE):

Application Fee: \$300.00 Check #: 934 Receipt #:

Date:

01/26/2021

Signature:

Daniel A Swihart and Kay L

Site Map



Parcel Number: 13.022.001.020

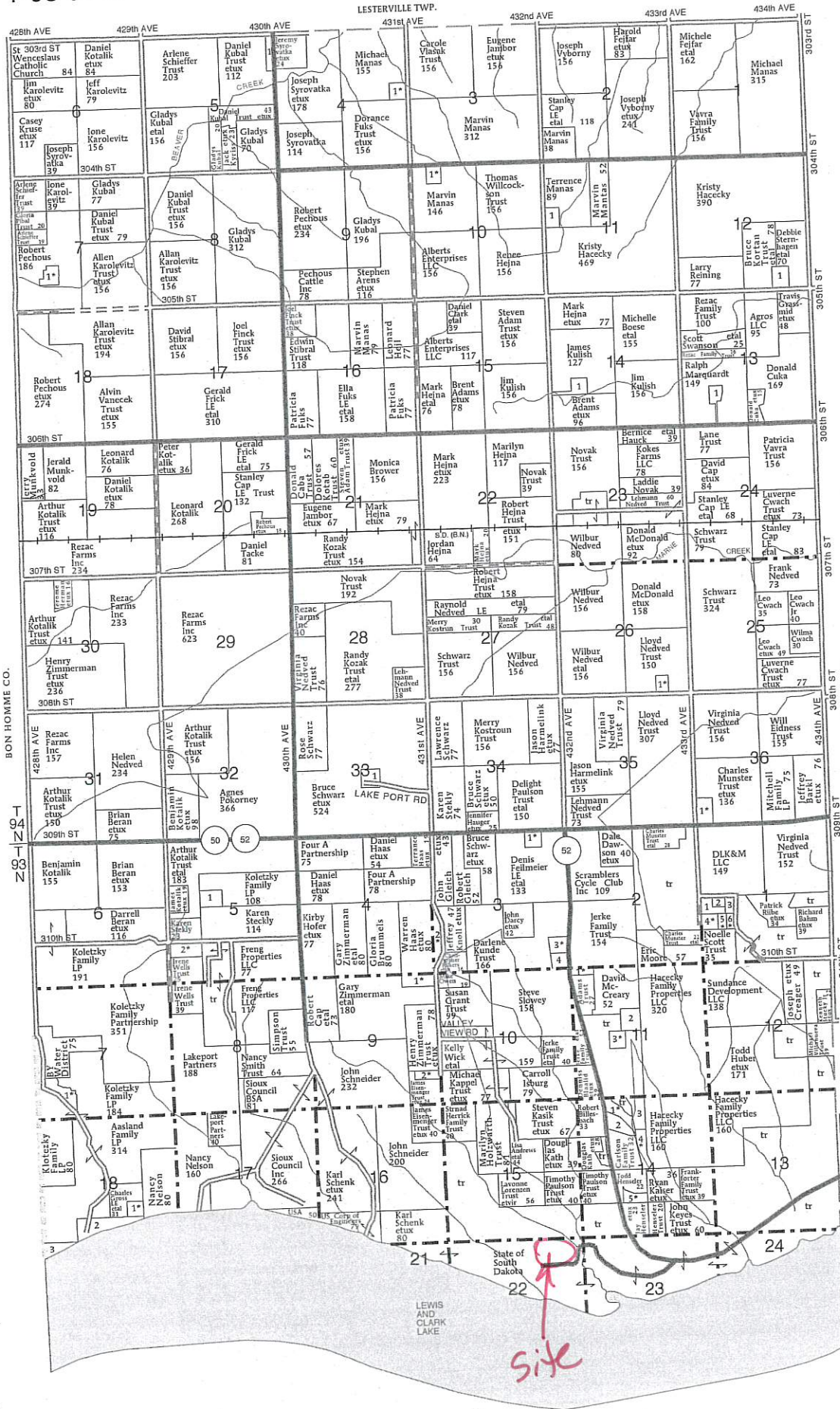
Site Description:

T-93-94-N

ZISKOV PLAT

(Landowners)

R-57-W

ZISKOV TOWNSHIP
SECTION 1S

1. Barth, Chad 9
2. Fischer, Katrina 5
3. Gause, Janell 5
4. Taylor, Lynn etux 9
5. Scott, Bjaye etux 5
6. Kramer, Francis etal 5

SECTION 3S

1. Ausdemore, Robert etal 9
2. Haas, Warren etux 10
3. Mueller, James etux 8
4. Kunde, Darlene 8

SECTION 4N

1. Hoffman, RC etux 10

SECTION 5N

1. Polish Catholic Congregation 9

SECTION 5S

1. Willsie, Carol 11
2. Sedlacek, Kenneth etux 12

SECTION 7N

1. Pechous, Robert etux 10

SECTION 7S

1. Koletzky, Ione etal 17

SECTION 9S

1. Jungemann, Jerry etux 15
2. Wostrel, Eldon etux 15

SECTION 10N

1. Manas, Terence etux 10

SECTION 11N

1. Cap, Daniel 11

SECTION 11S

1. Haberman, Adam etux 10
2. Konopasek Family Trust 10

SECTION 12N

1. Lyons, Sean etal 10

SECTION 12S

1. Hejna, Marilyn 9

SECTION 13N

1. Manas, Dylan 6

SECTION 14N

1. Sudbeck, Charlene 12
2. Peterson, Corey etal 9
3. Feimer Family Protection Trust 9
4. Colby, David 13
5. VanDeKop, Dale etux 10
6. Henseler, Kevin etux 9

SECTION 14S

SECTION 18S

1. Lynch, Daniel etux 9
2. State of South Dakota Game Fish & Parks 66
3. Yonke Trust, Mark 5

SECTION 26

1. Martin, Nathan etux 6

SECTION 33

1. St Wenceslaus Roman Catholic Church 10

SECTION 36

1. Koletzky, David etux 8

KNOX CO., NE

FINDINGS OF FACT – CONDITIONAL USE PERMIT

Swihart– CUP-2021-36

Are the requirements of Section 1723 met? (signed by owner unless there is a binding purchase agreement then signed by applicant, Variance accompanied by building permit (if applicable), site plan included with building permit,	Yes
Are the requirements of Section 1729 met? (all fees paid at time of application)	Yes
Section 1805:	
1. Did you specifically cite, in the application, the section of the Ordinance under which the conditional use is sought and state the grounds on which it is requested	Applicant is requesting a Conditional Use Permit to use his property as an AIR/BNB in a Moderate Density Residential (R2) Per Article 7 Section 709
2. Was notice of public hearing given per Section 1803 (3-5)?	Mailed – 2-12-2021 Published – 2-26-2021
3. Attend the public hearing	Yes
4. Planning Commission: Make a recommendation to include: a. Granting of conditional use; b. Granting with conditions; or c. Denial of conditional use	Granting of Conditional Use Permit
5. Planning Commission must make written findings certifying compliance with specific rules including: a. Ingress and Egress to proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;	Ingress/Egress exists
b. Off right-of-way parking and loading areas where required; with particular attention to the items in (A) above and the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district;	Non required
c. Refuse and service areas, with particular reference to the items in (A) and (B) above;	Refuse and service area present
d. Utilities, with reference to locations, availability, and compatibility;	Utilities present
e. Screening and buffering with reference to type, dimensions, and character;	None planned
f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect;	Signs will be requested through planning if needed
g. Required yards and other open spaces; and	Required yard exists
h. General compatibility with adjacent properties and other property in the district and that the granting of the conditional	Generally compatible and will not adversely affect public interest

use will not adversely affect the public interest.	
--	--



Overview



Legend

-  Townships
-  Sections
-  Parcels
-  City Limits
-  Streets and Roads

Parcel ID - 13.022.001.020
 Address - 304 GAVINS POINT RD
 Owner - SWIHART, DANIEL REVOCABLE TRST (D)
 SWIHART, KAY REVOCABLE TRUST (D)

Disclaimer: Yankton County digital cadastral data are a representation of recorded plats and surveys for use within the Geographic Information System for purposes of data access and analysis. These and other digital data do not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership or use.

Date created: 2/9/2021
 Last Data Uploaded: 2/9/2021 8:16:01 AM

Developed by  **Schneider**
 GEOSPATIAL

Variance, Conditional
Use and Rezoning
Application
CUP-2021-36

Fees Paid
\$300.00

Applicant
Daniel & Kay
Swihart

Created
January 21, 2021

Number
CUP-2021-
36

13.022.001.020 | Daniel A
Swihart and Kay L Swihart
Revocable Trust | 304
GAVINS POINT RD,
YANKTON, SD, 57078
Submitted by Riverbank on
1/21/2021



Applicant

Daniel & Kay Swihart

(214) 850 3184

swihart.dan@gmail.com

Parcel search Completed On 1/21/2021 4:21 PM EST by Anonymous



Maxar, Microsoft

ParcelID	Address	City	OwnerName	Acres
13.022.001.020	304 GAVINS POINT RD	YANKTON	SWIHART, DANIEL REVOCABLE TRST (D) SWIHART, KAY REVOCABLE TRUST (D)	0.000

Request Information Completed On 1/21/2021 5:57 PM EST by Riverbank

Type of Request

Conditional Use

Fee

\$300.00

Reason for Request

When not using the property for personal use, we would like to use it as a vacation rental.

List Specific Hardships

Currently the property is zoned "Moderate Density Residential" which we are uncertain if that allows use for vacation rental use. We would like to rent the property for vacation use providing tax revenue to the county and to offset the cost of renovations. We are attempting to avoid future issues with the county by requesting under Section 709 classification of unlisted uses, the issuing of a conditional use permit. Since "bed and breakfast" use is allowed under the current zoning, we believe it is possible what we are requesting may be allowed under the existing zoning since that is vacation rental also. The CUP would not be needed in that case.

Applicant Information

Are you the owner of the property?

Yes

Applicant Name

Daniel & Kay Swihart

Applicant Address

296 Gavins Point Road, Yankton, SD 57078

Applicant Phone

214 850 3184

Owner Information

Owner Name

Daniel A Swihart and Kay L Swihart Revocable Trust

Owner Address

296 Gavins Point Road, Yankton, SD 57078

Owner Phone Number

214 850 3184

Property Information

Parcel ID Number

13.022.001.020

Legal Description

LTS B & C EXC W3' LT B ERSKINE'S PLAT

Site Address

304 GAVINS POINT RD

City

YANKTON

Zip

57078

Section-Township-Range

22-93-57

Zoning District

MD

Zoning Description

Moderate Density

Existing Use of Property

Undergoing renovation but would be single family residential.

Site Plan Completed On 1/21/2021 6:12 PM EST by Riverbank

Map - Mark the location of structures and other necessary information.

☐ Sketch Layer

☐ Reference Layer

☒ Mapproxy



Describe the location and use of adjacent structures

Upload Site Plan and/or additional plans and documents

[swihart.pdf](#)

Draft Building Permit Completed On 1/21/2021 6:12 PM EST by Riverbank

Upload Draft Building Permit

Draft Building Permit Form Completed On 1/21/2021 6:12 PM EST by Riverbank

Job Address

304 GAVINS POINT RD

Legal Description of Construction Site

LTS B & C EXC W3' LT B ERSKINE'S PLAT

Owner Name

SWIHART, DANIEL REVOCABLE TRST (D) || SWIHART, KAY REVOCABLE TRUST (D)

Owner Address

Owner Phone

Contractor

Contractor Mailing Address

Contractor Phone

Architect or Designer

Architect or Designer Mailing Address

Architect or Designer Phone

Type and Use of Building

Class of Work

Describe Work

Valuation of Work

\$

Generate Draft Building Permit Completed On 1/21/2021 6:12 PM EST by Riverbank[Generate Draft Building Permit](#)**Submit** Completed On 1/26/2021 10:43 AM EST by Riverbank

A notification sign shall be posted on the property upon which action is pending at least seven (7) days prior to the hearing date. Such signs shall be placed along all the property's road frontage so as to be visible from the road. If a property does not have a road frontage, then such signs shall be placed upon the closest available right-of-way and upon the property. Said signs shall not be less than one hundred and eighty seven (187) square inches in size. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearings.

Please pick the sign up from the zoning office on or before eight (8) days prior to the meeting.

Applicant Agreement

Please check the box to confirm you have read and agree to the notices above.

Signature

Date

1/26/2021

Application Submitted Successfully Completed On 1/26/2021 10:43 AM EST by Riverbank

Your application has been submitted for review. Thank you.

Please click next at the bottom to continue. Thank you

Director Review Completed On 1/26/2021 3:50 PM EST by gvetter**Zoning Director Review**

Approve

Payment Completed On 1/26/2021 4:25 PM EST by bconkling**Fees Paid**[VIEW RECEIPT](#)

Fee Name	Recipient	Amount
Confirmation Data		
Payment Method		Check
Confirmation Number		934
Amount Paid		\$0.00

PC Prep Completed On 2/9/2021 9:40 AM EST by bconkling

Planning Commission Meeting

Planning Commission Meeting Date and Time

March 9th 2021, 7:05 pm CST

Letters to be mailed 10 days prior to the public meeting:

02/27/2021 7:05 PM

Additional instructions for PC email

Return the affidavit 8 days prior to the public meeting:

03/01/2021 7:05 PM

Place your zoning action sign 7 days prior to the public meeting:

03/02/2021 7:05 PM

Upload PC Mailing Labels

[Swihartlabels.pdf](#)

Upload PC Affidavit of Mailing

[3 Mailing affidavit 1320.pdf](#)

Upload PC Notification Letter

[SwihartCUPNotificationletter.pdf](#)

Upload PC Newspaper Publication

[LegalsSwihart.pdf](#)

Check box when ready to send notices

Send Notice

Permit Number

CUP-2021-36

Receipt Number

Planning Review Completed On 2/9/2021 9:43 AM EST by bconkling

Continue with application

Continue

Describe what the applicant is requesting

Applicant is seeking a conditional Use Permit to use his house as an AIR/BNB in a Moderate Density Residential (R2) area.

Planning Commission Code Reference

Other Planning Commission Code Reference ①

709

Board of Adjustment Code Reference

Other Board of Adjustment Code Reference ①

Wave Fee

Notes ①

Email Preview Completed On 2/9/2021 9:43 AM EST by bconkling

Please see the attached Notification Letter, address labels, and affidavit of mailing.

First Notification Letters are to be mailed pursuant to Section 1803(4). This is required to be completed 10 days prior to public hearing, which is 02/27/2021 7:05 PM.

Return the affidavit to me (email is fine) 7 days prior to the public meeting, by 03/01/2021 7:05 PM

Place your zoning action sign 7 days prior to the public meeting, by 03/02/2021 7:05 PM

If any information is incorrect, please let me know immediately.

PC App Form Completed On 2/9/2021 9:43 AM EST by bconkling

PC App Form

External Notes

Documents

Internal Notes

AFFIDAVIT OF MAILING

I, Daniel A Swihart, hereby certify that on the 12 day of Feb, 2021, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within a 1,320 feet radius of the proposed project to the most recent address of the recipient known to your Affiant.

A true and correct copy of the Notice of Public Hearing notification letters are attached as Exhibit #1 or #2.

A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 12 day of February, 2021.

Daniel A Swihart

(Name)

Affiant

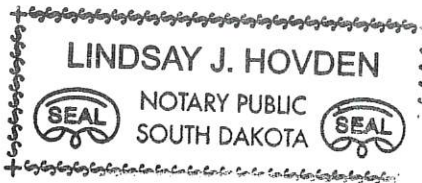
Subscribed and sworn to before me this 12 day of February, 2021.

L. Hovden

Notary Public - South Dakota

My commission expires: 8-27-2025

(SEAL)



AFFIDAVIT OF MAILING

I, Daniel Swihart, hereby certify that on the _____ day of 3-23, 2021, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within a 1,320 feet radius of the proposed project to the most recent address of the recipient known to your Affiant.

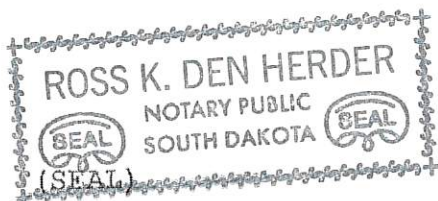
A true and correct copy of the Notice of Public Hearing notification letters are attached as Exhibit #1 or #2.

A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 23 day of MARCH, 2021.

Daniel Swihart
(Name)
Affiant

Subscribed and sworn to before me this 23rd day of March, 2021.



Ross K Den Herder
Notary Public - South Dakota
My commission expires: 11/29/2024

NOTIFICATION

February 8, 2021

Daniel Swihart
296 Gavins Point Road
Yankton, SD 57078

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 1,320 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:05 P.M. on the 9th day of March, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota.

Said hearing is to consider the following:

Applicant is requesting a Conditional Use Permit to use his property as an AIR/BNB in a moderate Density Residential District (R2) Per Article 7 Section 709. Said property is legally described as Lot B, except the West Three Feet (W3') of said Lot B, and all of Lot C. Erskine's Plat, Yankton County, South Dakota, as per plat recorded on Book S3, page 61. E911 Address is 304 Gavins Point Road.

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D. or online at the Yankton County Website.

Sincerely,

Daniel Swihart
Petitioner

NOTIFICATION

March 10, 2021

Daniel Swihart
296 Gavins Point Road
Yankton, SD 57078

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 1,320 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Board of Adjustment, Yankton County, South Dakota, at 6:30 P.M. on the 5th day of April, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota.

Said hearing is to consider the following:

Applicant is requesting a Conditional Use Permit to use his property as an AIR/BNB in a moderate Density Residential District (R2) Per Article 7 Section 709. Said property is legally described as Lot B, except the West Three Feet (W3') of said Lot B, and all of Lot C. Erskine's Plat, Yankton County, South Dakota, as per plat recorded on Book S3, page 61. E911 Address is 304 Gavins Point Road.

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D. or online at the Yankton County Website.

Sincerely,

Daniel Swihart
Petitioner

AANNING, H LARS REV TRUST (D)
252 GAVINS POINT RD
YANKTON SD 57078

BOLKS, VERLYN (D)
2672 340 ST
ROCK VALLEY IA 51247

DESSONVILLE, KATHRYN A (D)
19410 CONCORD LOOP
COUNCIL BLUFFS IA 51503

HANSEN, PATRICIA A REV TRUST (D)
27133 C 60
HINTON IA 51024

HOLMES, ROGER L (D)
37 S PINE ST
VERMILLION SD 57069

JEDLICKA, SHAREE JO (D)
3416 53 ST
COLUMBUS NE 68601

KLEIN-BOUR, NANCY L (D)
608 S OUTLOOK DR
SIOUX FALLS SD 57106

LOCKWOOD, MARVIN G (D)
117 GAVINS PL
YANKTON SD 57078

PEARSON, JAMES T REV TRUST (D)
447 ROLLING HILLS DR
YANKTON SD 57078

PIERCE, ANTHONY (D)
120 GAVINS PL
YANKTON SD 57078

RYKEN, JAMIE (D)
244 GAVINS POINT RD
YANKTON SD 57078

SCHLAEFLI, DOUGLAS J (D)
42407 310 ST
TABOR SD 57063

SD DEPT OF GAME FISH & PARKS (D)
523 EAST CAPITOL AVE
PIERRE SD 57501

STICKNEY, FRANK G (D)
BOX 367
ELK POINT SD 57025

SWIHART, DANIEL REVOCABLE TRST (D)
296 GAVINS POINT RD
YANKTON SD 57078

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:05 P.M. on the 9th day of March, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Applicant is requesting a Conditional Use Permit to use his house as an Air/BNB in Moderate Density Residential (R2) zoning. Said property is legally described as Lot B, except the West Three Feet (W3') of said Lot B, and all of Lot C. Erskine's Plat, Yankton County, South Dakota, as per plat recorded on Book S3, page 61. E911 Address is 304 Gavins Point Road.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Board of Adjustment, Yankton County, South Dakota, at 6:30 P.M. on the 5th day of April, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Said hearing is to consider the following: Applicant is requesting a Conditional Use Permit to use his property as an AIR/BNB in a moderate Density Residential District (R2) Per Article 7 Section 709. Said property is legally described as Lot B, except the West Three Feet (W3') of said Lot B, and all of Lot C. Erskine's Plat, Yankton County, South Dakota, as per plat recorded on Book S3, page 61. E911 Address is 304 Gavins Point Road.

Notice is hereby given that a public hearing will be held before the Yankton County Board of Adjustment, Yankton County, South Dakota, at 6:35 P.M. on the 5th day of April, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. There will be a discussion on a Request for Zoning Enforcement. Said property is legally described as Tract Two (2), Whitetail Run, Yankton County, South Dakota, as per plat recorded in Book S20, page 282 in the Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4), Section Sixteen (16), Township Ninety-three (93), North, Range Fifty-Six (56) West of the 5th PM, County of Yankton, State of South Dakota. The E911 address is 3900 Alphonse Road, Yankton, SD.

Notice is hereby given that a public hearing will be held before the Yankton County Commission on Tuesday, April 5, 2021 beginning at 6:40P.M., and April 20, 2021 beginning at 6:35P.M., at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Said hearing is to consider the following: Applicants are requesting to Rezone the following properties from Rural Transitional District (RT) to Moderate Density Residential (R2). Said properties are described as:

Tract 3, DJ's Addition, County of Yankton, South Dakota as per plat as recorded in Book S19, page 350

Tract 5, DJ's Addition, in Lot A. Section Sixteen (16), Township Ninety-three (93) North, Range Fifty-five (55), West of the 5th P.M., Yankton County, South Dakota

Tract 4, DJ's Addition, Yankton County, South Dakota, as per plat recorded in Book S20, page 85

Tract 1, DJ's Addition, Yankton County, South Dakota

Lots A Excluding Tracts 1-6, DJ's Addition, and E558' of Lot B, Yankton County, South Dakota

Tract 6, DJ's Addition, in Lot B, Section Sixteen (16), Township Ninety-three (93) North, Range Fifty-five (55), West of the 5th P.M., Yankton County, South Dakota

West of the 5th P.M., Yankton County, South Dakota.

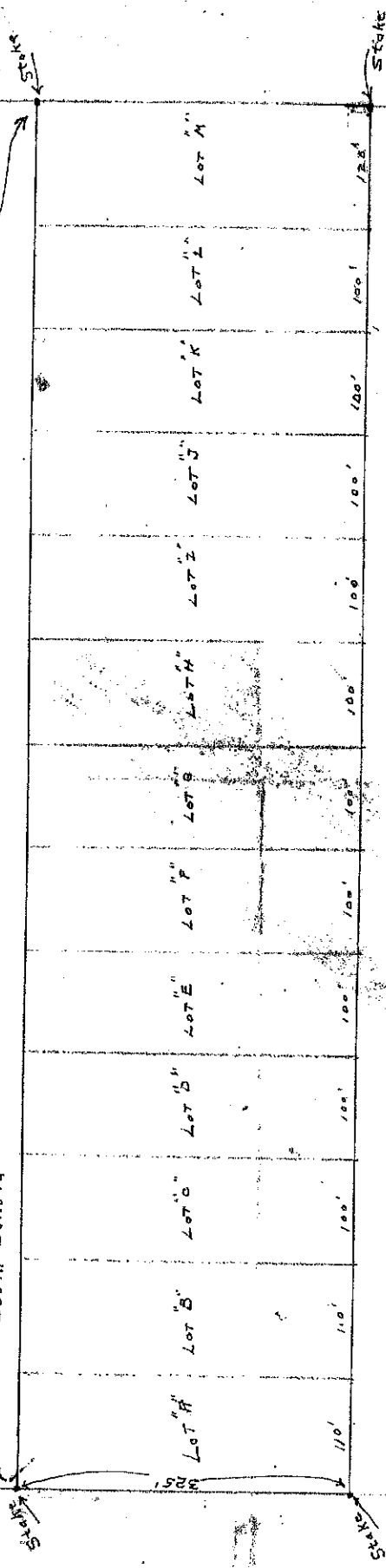
When all items upon the tract described above, have been fully paid.

Dated February 21, 1955.

County Treasurer, Yankton County, South Dakota.

Northwest corner of the South 10 acres of the North 40 acres of Lot 1, of Section 22, Township 93 North, of Range 57, West of the 5th P.M. YANKTON COUNTY South Dakota

Northwest corner of the 10 acres of No. 10 acres of Lot 1, of Range 57, West of the 5th P.M. YANKTON COUNTY South Dakota



STATE OF SOUTH DAKOTA
COUNTY OF MINNEHAHA, SS:

STATE OF SOUTH DAKOTA
COUNTY OF MINNEHAHA, SS:

I, THOMAS ERSKINE, being the owner of the property above described, and the same being free of all encumbrances, hereby state that I am the absolute and unqualified owner thereof, and that I desire to plat, and therefore have platted, said property as Lots "A" to "J", both inclusive, and that said property hereafter may be conveyed as lots of "Erskine's Plat" of the South 10 Acres of the North 40 Acres of Lot 1, Section 22, Township 93 North, of Range 57, West of the 5th P.M., Yankton County, South Dakota, and that said property has been surveyed and stakes placed at the corners and places indicated therein, and that the lots are of the size stated in said plat.

Dated February 18, 1955.

Thomas Erskine
THOMAS ERSKINE

On this, the 18th day of February, 1955, before me, the undersigned officer, personally appeared THOMAS ERSKINE, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

Darryl M. Buehler
Notary Public, Minnehaha County, South Dakota.

My Commission expires:
May 10, 1956

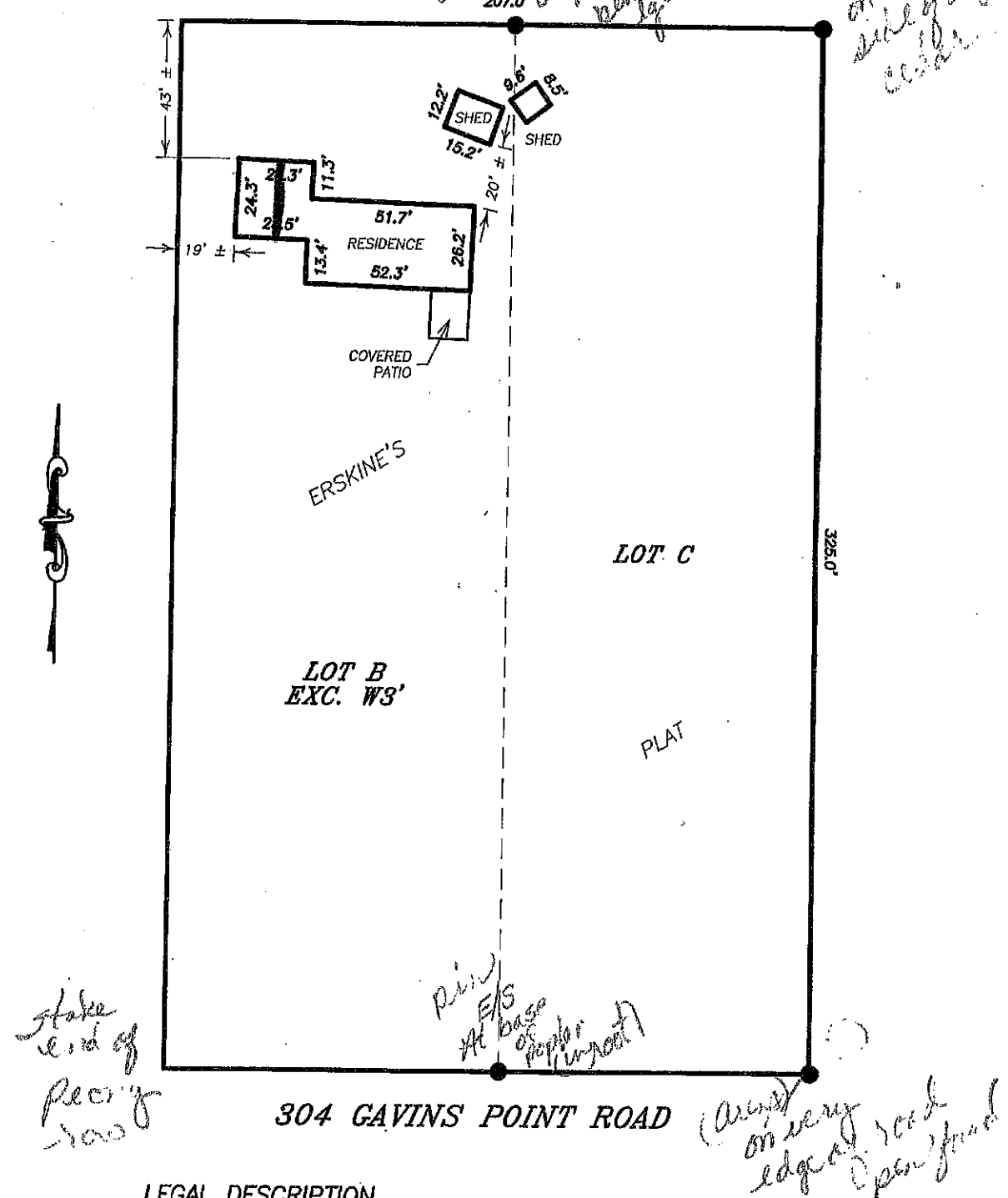


MORTGAGE LOAN INSPECTION

FOR DAN SWIHART

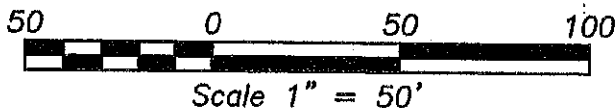
arrow point on hill behind lg shed

stake on NW side of larger cedar



LEGAL DESCRIPTION

LOT B EXCEPT THE WEST 3 FEET THEREOF AND LOT C, ERSKINE'S PLAT, LOT 1, SECTION 22, T93N, R57W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA.



LEGEND:

- FD. MONUMENT
- (R) RECORD DISTANCE
- (M) MEASURED DISTANCE

PETERSON LAND SURVEYING

29714 455TH. AVENUE
WAKONDA, SD 57073
PHONE: (605)263-3526

INVOICE

7/29/18

DAN & KAY SWIHART
296 GAVINS POINT ROAD
YANKTON, SD 57078

RE: 296/304 GAVINS POINT ROAD
YANKTON, SD 57078

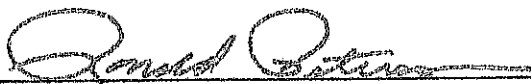
LOCATE THE CORNERS OF THE FOLLOWING PROPERTY:

THE BOUNDARY BETWEEN LOTS B AND C,
ERSKINE'S PLAT, LOT 1, SECTION 22,
T93N, R57W OF THE 5TH.P.M.,
YANKTON COUNTY, SOUTH DAKOTA.....

\$70.00

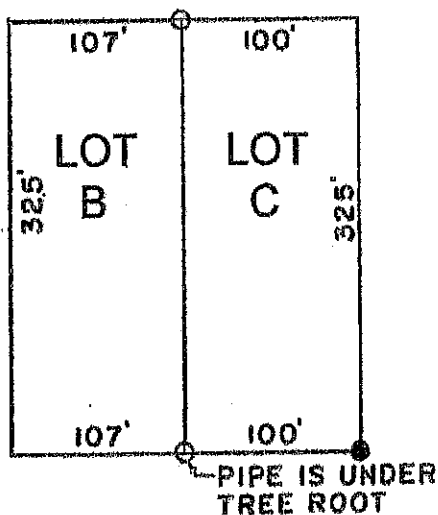
SALES TAX \$3.15

TOTAL \$73.15



RONALD PETERSON
P.E. & L.S. NO. 2725

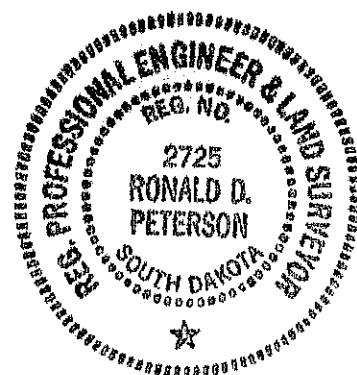
THANK YOU!



○ = IRON PIPE FOUND
● = IRON PIN FOUND



NO SCALE



SEAL

REQUEST FOR ZONING ENFORCEMENT

Mail/ Return To:
Yankton County Zoning Administrator
321 West Third St.
PO Box 209
Yankton, South Dakota 57078

Please complete this form and return it or mail it to the above address. The property will be visited to determine if a violation exists. The permit holder/property owner will be contacted by this office and notified to respond within 7 days concerning the allegation(s). An informal meeting between parties may be scheduled or, a Stop Order will be issued and referred to the respective Commissions and/or the States Attorney for further action.

Complaint

ALLEGED VIOLATOR:

Name (if known): Matt Evans

Address: 3900 Alphonse Road

Phone: 6056617024

Date: 01/25/2021

Owner X Tenant

Business Name (if any)

Yankton RV

NATURE OF COMPLAINT (Please be as specific as possible. If the information is inadequate we cannot process the complaint) – Use other side of form if necessary.

Multiple complaints:

1. Failure to comply to CUP:

a. No screening provided to neighbors as stated in CUP. Screening was required BEFORE beginning operation and this business has been in operation for 3 years with no screening.

b. Not built to provided site plan. The site plan clearly shows internal East/West lanes with clear internal pathways for traffic and parking on the East boarder. Currently the park operates with North/South lanes directly connected to the road creating large amount of unnecessary road traffic in the summer.

c. No road agreement with neighbors for Alphonse Road.

2. Setback Violation: Building built next to Alphonse road with no variance. This is Lakeside Commercially zoned which requires 75 ft. setback for frontage.

3. ROW violation: Building is inside the ROW for Alphonse Road. Additionally it appears there is a septic tank placed further into the ROW.


4. Permanent Residents: RV parks are intended for transitional residents. Currently

Requested Relief Sought:

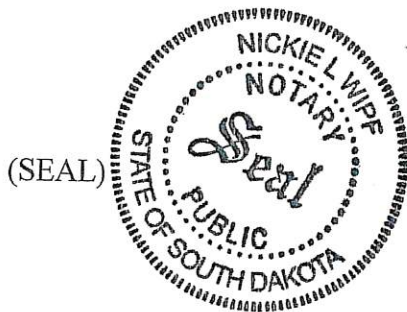
CUP needs to be revoked. Conditions in the original CUP must be met before commencing operations.
Building and septic need to be moved so that Alphonse Road may be built to County ROW specifications.

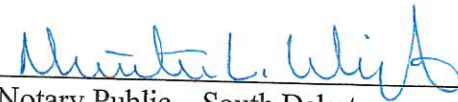
Residents must be vacated to proper legal housing.

Your Name: Ryan Heine
Address: 4200 Alphonse Road

Signature: 
Phone: 6057603033

Subscribed and sworn to before me this 25th day of January, 2021.




Notary Public – South Dakota
My commission expires: May 26, 2023

For Office Use Only:

☐ Notary ☐ I.D.



Planning & Zoning

321 W. 3rd St. Suite 209
PH: (605) 260-4445
EMAIL: gary@co.yankton.sd.us

Yankton, SD 57078
FAX: (605) 668-9682
WEBSITE: co.yankton.sd.us

2-17-21

Matt Evans
31120 435th Ave.
Yankton SD 57078

Dear Mr. Evans,

Mr. Heine presented a formal Request for Zoning Enforcement regarding Tract Two (2) Whitetail Run at 3900 Alphonse Road. Below are going to be my findings. You have 7 working days upon receipt of certified mail to respond in writing a response for a March 15, 2021 (rescheduled to a Monday night due to County Commission Spring Workshop) Board of Adjustment Hearing at 7:00 PM.

Here is what I have found regarding Ryan Heine's Request for Zoning Enforcement in red below.

1. Failure to comply to CUP:
 - a. No screening provided to neighbors as stated in CUP. Screening was required BEFORE beginning operation and this business has been in operation for 3 years with no screening. **It was recommended in the meeting that Mr. Heine and Mr. Evans should just build a fence on the west side of Doe Avenue and this issue would be resolved.**
 - b. Not built to provided site plan. The site plan clearly shows internal East/West lanes with clear internal pathways for traffic and parking on the East border. Currently the park operates with North/South lanes directly connected to the road creating large amount of unnecessary road traffic in the summer. **As stated previously in meeting, there appears to be a missing plan showing the amended alignment due to final approval of a 70 site plan which cannot be verified per minutes.**
 - c. No road agreement with neighbors for Alphonse Road. **Per Perpetual Easement recorded in Book 376 P230 recorded in March 1995, there has always been a recorded document stating maintenance of said dirt roadway with shared responsibility.**
2. Setback Violation: Building next to Alphonse Road with no Variance. This is a Lakeside Commercially zoned which requires a 75 ft. setback for frontage. **As stated previously meeting, the existing setback was approved during the CUP process and was stated in the meeting minutes. The Petersen Campground had the same thing stated in the CUP back in 2014.**
3. ROW Violation: Building inside the ROW for Alphonse Road. Additionally it appears there is a septic tank placed further into the ROW. **As stated in number 2 the building appears to be at the approved distance per CUP. A survey would have to be completed to prove that it is not.**
4. Permanent Residents: RV parks are intended for transitional residents. **There is no proof that any of the residents stay there year round.**



February 26, 2021

Gary Vetter
Yankton County Zoning Administrator
321 W. 3rd Street, Suite 209
Yankton, SD 57078

ROSS K. DEN HERDER, ESQ.
LINDSAY J. HOVDEN, ESQ.
BEAU C. BARRETT, ESQ.¹

¹ Licensed in South Dakota, Nebraska & Iowa
² Licensed in South Dakota

329 Broadway | Phone: 605-665-0494
Yankton, SD 57078 | Fax: 605-260-2222

Email: RossDenHerder@dhlaw.co
LindsayHovden@dhlaw.co
BeauBarrett@dhlaw.co

Re: Ryan Heine Zoning Enforcement Complaint - Yankton RV Park

Dear Gary,

As you may recall, I represent Matt Evans and his business, Ryken RV Park, Inc., which operates Yankton RV Park. Thank you for your letter dated February 17, 2021, and for providing Mr. Evans an opportunity to respond to the complaint filed by Mr. Ryan Heine. Based upon your findings and based upon our conversations since you sent the letter, it appears that you have already determined that the allegations are unfounded or not proven, which is good news. However, as requested in your letter, please accept this letter as Mr. Evan's timely response to Mr. Heine's allegations. Please note that our response utilizes the same layout from your letter. We have included your responses, which you will see below in bold print. Mr. Evan's responses follow and are highlighted.

1. Failure to comply to CUP:
 - a. No screening provided to neighbors as stated in CUP. Screening was required BEFORE beginning operation and this business has been in operation for 3 years with no screening. It was recommended in the meeting that Mr. Heine and Mr. Evans should just build a fence on the west side of Doe Avenue and this issue would be resolved.

The Planning Board's Findings of Fact applicable to the CUP for Yankton RV Park states in paragraph 6.B., "Proper Screening is provided in the site plan and must be implemented before operation begins." Similarly, paragraph 6.E. states, "Screening and buffering proposal will provide sufficient buffering." As we know by this point, the approved site plan is missing from the County's files. Mr. Evans believes that the site plan only contained screening in the form of a fence along Alphonse Road, which has been built (and will be timely repaired following recent wind damage). There is also a shared privacy fence along the eastern boundary of Yankton RV Park, which Mr. Evans indicates is not required under the CUP. Mr. Evans does not

believe and there is no contrary evidence or law indicating that Mr. Evans is required under the CUP to build a privacy fence or provide any other type of "screening" along the Western boundary of Yankton RV Park. I have attached the Planning Board's Findings of Fact and the official minutes of the Board of Adjustment's approval of the CUP for your review.

In response to your suggestion, Mr. Evans is willing to construct a privacy fence along the Western boundary of Yankton RV Park (or even on the Western boundary of the Doe Road right of way on Mr. Heine's property line) if Mr. Heine will equally share the cost with him. However, this willingness should not be misconstrued as any legal obligation or admission thereof requiring Mr. Evans to build any additional fence or any other screening as a condition of the existing CUP.

- b. Not built to provided site plan. The site plan clearly shows internal East/West lanes with clear internal pathways for traffic and parking on the East border. Currently the park operates with North/South lanes directly connected to the road creating large amount of unnecessary road traffic in the summer. As stated previously in meeting, there appears to be a missing plan showing the amended alignment due to final approval of a 70 site plan which cannot be verified per minutes.

The final approved site plan is missing. Mr. Evans insists that the approved site plan matches his current layout. There does not appear to be any evidence to the contrary at this time. See the attached Planning Board's Findings of Fact and Board of Adjustment minutes.

- c. No road agreement with neighbors for Alphonse Road. Per Perpetual Easement recorded in Book 376 P230 recorded in March 1995, there has always been a recorded document stating maintenance of said dirt roadway with shared responsibility.

The CUP conditions imposed for Yankton RV Park did not include any requirement for a road agreement. See the attached Planning Board's Findings of Fact expressly declining to make that a condition. Notwithstanding that fact, the Perpetual Easement you reference does, in fact, contain road maintenance terms that apply to Alphonse Road.

- 2. Setback Violation: Building next to Alphonse Road with no Variance. This is a

Lakeside Commercially zoned which requires a 75 ft. setback for frontage. As stated previously in meeting, the existing setback was approved during the CUP process and was stated in the meeting minutes. The Petersen Campground had the same thing stated in the CUP back in 2014.

The CUP and building permit were both granted by the County and the structure was built in the approved location.

3. ROW Violation: Building inside the ROW for Alphonse Road. Additionally it appears there is a septic tank placed further into the ROW. As stated in number 2 the building appears to be at the approved distance per CUP. A survey would have to be completed to prove that it is not.


The building is not located within the ROW for Alphonse Road. This was recently confirmed by Jack Brandt, who is a licensed land surveyor. A site inspection also reveals the locations where the septic systems are installed. No septic system was installed within the ROW.

4. Permanent Residents: RV parks are intended for transitional residents. There is no proof that any of the residents stay there year round.

Mr. Evans maintains there are no year-round residents in Yankton RV Park.

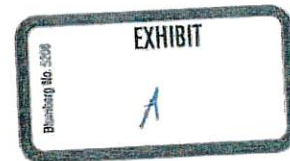
The responses provided herein are given to the best of Mr. Evan's personal knowledge. If Yankton County should obtain legitimate evidence that Mr. Evans failed to comply with the law or the terms of his CUP for Yankton RV Park, please let us know immediately. If trustworthy evidence establishes that we are wrong in our positions, Mr. Evans will take immediate steps to correct. Mr. Evans wishes only to operate Yankton RV Park within the law and the CUP as issued. Thank you again for providing him an opportunity to respond.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ross K. Den Herder".

Ross K. Den Herder

Cc: Matt Evans



Yankton County Planning Commission

Meeting Date: February 13, 2018

CONDITIONAL USE
Article 18, Section 1805

FINDINGS OF FACT

Applicant: Matt Evans

Parcel Number: 09.016.200.100

Legal description: Tract 1, Whitetail Run, NE1/4, SE1/4, S16-T93N-R56W

Physical Address: TBA Alphonse Road, Yankton, SD

1. The applicant specifically cited the section of the zoning ordinance under which the conditional use is sought and has stated the grounds on which it is requested; Applicant requested CUP under Article 11, Section 1107 (2) and Article 15, Section 1521 to establish a campground in a Lakeside Commercial District (LC).
2. Notice of public hearing was given, as in Section 1803 (3-5);
3. The applicant mailed letters of notification to property owners within a one-quarter mile radius of the proposed conditional use permit on 1st of February, 2018, 10 days prior to the PC hearing as supported by the affidavit. Legal notification was published on February 3, 2018. The property was posted on February 5, 2018.
4. The public hearing shall be held. Any party may appear in person, or by agent or attorney; A public meeting was held at 7:40 pm on February 13, 2018 in the Yankton County Government Center County Commission chambers. Mr. Evans proposed a Recreation Vehicle Park (campground) on six +/- (6.78) acres in a Lakeside Commercial District (LC) in Yankton County. Mr. Evans presented the proposal to build a forty (40) with expansion to seventy (70) unit park with proper septic system, electric and water hookups. All camping pads will have predetermined options for decks, utility sheds and sun screen / porch covers. All outdoor lighting will be downcast. The park will operate under published rules and submitted site plan.
Public comment was presented by Ryan Heine, neighbor of the proposed site. Mr. Heine stated the access is not currently in place, the area has drainage issues and multiple issues with the neighboring manufactured home park and vehicle parking issues. Mr. Ryan also commented about the manufactured home park nuisance factor regarding an open dump area.
Michelle Donner, neighbor of the proposed site, stated need for road maintenance agreement, how will road standards be monitored, proper ingress / egress standards and rename road Alphonse Road and eliminate Gary Avenue.
The Planning Commission discussed the application and determined the subdivision ordinance will govern road standards, proper Right of Way (ROW) standards and assist

with drainage and road maintenance agreements. The rename process for eliminating Gary Avenue and establish Alphonse Road can also be accomplished in the Planning & Zoning Office. The utility shed was requested to be sixteen (16) feet from the parking area into the lot area. All sun screens roofs shall not exceed the camper height. No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.

5. The Planning Commission shall make a finding and recommendation that it is empowered under the section of this Ordinance described in the application, to include:
 - A. Recommend granting of the conditional use;
 - B. Recommend granting with conditions; or

The commission recommends approving granting of the conditional use permit with conditions for a campground in a Lakeside Commercial District (LC) in Yankton County.

- C. Recommend denial of the conditional use.
6. Before any conditional use is decided, the Planning Commission shall make written findings certifying compliance with the specific rules governing individual conditional uses and that satisfactory provision and arrangement has been made concerning the following, where applicable:
 - A. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe; The applicant site is a multiple ingress / egress and with the revised site plan will meet the requirements for emergency access as presented in proposal.
 - B. Off right-of-way parking and loading areas where required; with particular attention to the items in (A) above and economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district; RV area will impact noise and the RV operations rules must be enforced as written. The septic systems must meet DENR standards to eliminate odor issues. Parking space at each camping unit must be maintained and be available for RV users during the camping season. Proper screening is provided in the site plan and must be implemented before operation begins.
 - C. Refuse and service areas, with particular reference to the items in (A) and (B) above; Refuse and service areas will be available and is provided in the site plan.
 - D. Utilities, with reference to locations, availability, and compatibility; Utilities are limited with potential problems with B-Y Water pressure, septic system must meet DENR requirements and electrical hookups meet state code requirements.
 - E. Screening and buffering with reference to type, dimensions, and character; Screening and buffering proposal will provide sufficient buffering.
 - F. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district; Signs will be onsite and proper permits are required in Article 14.
 - G. Required yards and other open spaces; Proposed campground density and buffer trees and shrubs do not offer large green space or open areas.

- H. General compatibility with adjacent properties and other property in the district and that the granting of the conditional use will not adversely affect the public interest. The use is compatible with adjacent properties and the granting of a Conditional Use Permit will not affect the public interest as presented by the applicant. The applicant must obtain a South Dakota camping license and a Department of Environment and Natural Resources septic system permit. All Yankton County Subdivision Ordinance requirements will be compliant. All drainage plans or systems will be approved by the Planning and Zoning Office. Any changes to the site plan, RV operation rules or utility requirements must submit to the Yankton County Planning Department for approval.

Action 21318F: Moved by Kettering, second by Kretsinger, based on findings of fact dated February 13, 2018, to recommend approval of the Conditional Use Permit, pursuant to Article 18, Section 1805 of the Yankton County Zoning Ordinance, for a seventy (70) camping unit campground in a Lakeside Commercial District (LC) in Yankton County. Said property is legally described as Tract 2, Whitetail Run, NE1/4, SE1/4, S16-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBD Alphonse Road, Yankton, SD.

By roll call vote, six members present voted aye, one member present abstain.

Motion carried.

CUP Public Hearing: This was the time and place for a public hearing for a Conditional Use Permit application from Matt Evans. Applicant requested a permit for a seventy (70) camping unit campground in a Lakeside Commercial District in Yankton County. Said property is legally described as Tract 2, Whitetail Run, NE1/4, SE1/4, S16-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. E911 address TBD Alphonse Road, Yankton, SD. The Planning Commission recommended approval 6-0 with one abstain.

Action 18104Z: A motion was made by Kettering and seconded by Epp to approve a Conditional Use Permit for Matt Evans, based on Findings of Fact from the February 13, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, for a seventy (70) camping unit campground in a Lakeside Commercial District in Yankton County, pursuant to Article 19, Section 1905 of the Yankton County Zoning Ordinance. Said property is legally described as Tract 2, Whitetail Run, NE1/4, SE1/4, S16-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. E911 address is TBD Alphonse Road, SD. Bodenstedt, Kettering, Epp and Woods voting Aye; Swensen Voting Nay; Motion carried.

CUP Public Hearing: This was the time and place for a public hearing for a Conditional Use Permit application from Karl Schenk. Applicant requested a permit to build two (2) 2400 head pork (finisher swine over 55 pounds) (960 AU Animal Units each – 1920 AU Animal Units total) Class D Finishing barns in an Agriculture District in Yankton County. Said property is legally described as SW1/4, exc E794.52, W1542.30, S615.61 & exc Lots H-3, H4 & H-5, S9-T93N-R54W and E794.52, W1542.30, S615.61, SW1/4, S9-T93N-R54W, hereinafter referred to as Gayville Township, County of Yankton, State of South Dakota. E911 address TBA SD Hwy 50, Gayville, SD. The Planning Commission recommended approval 7-0.

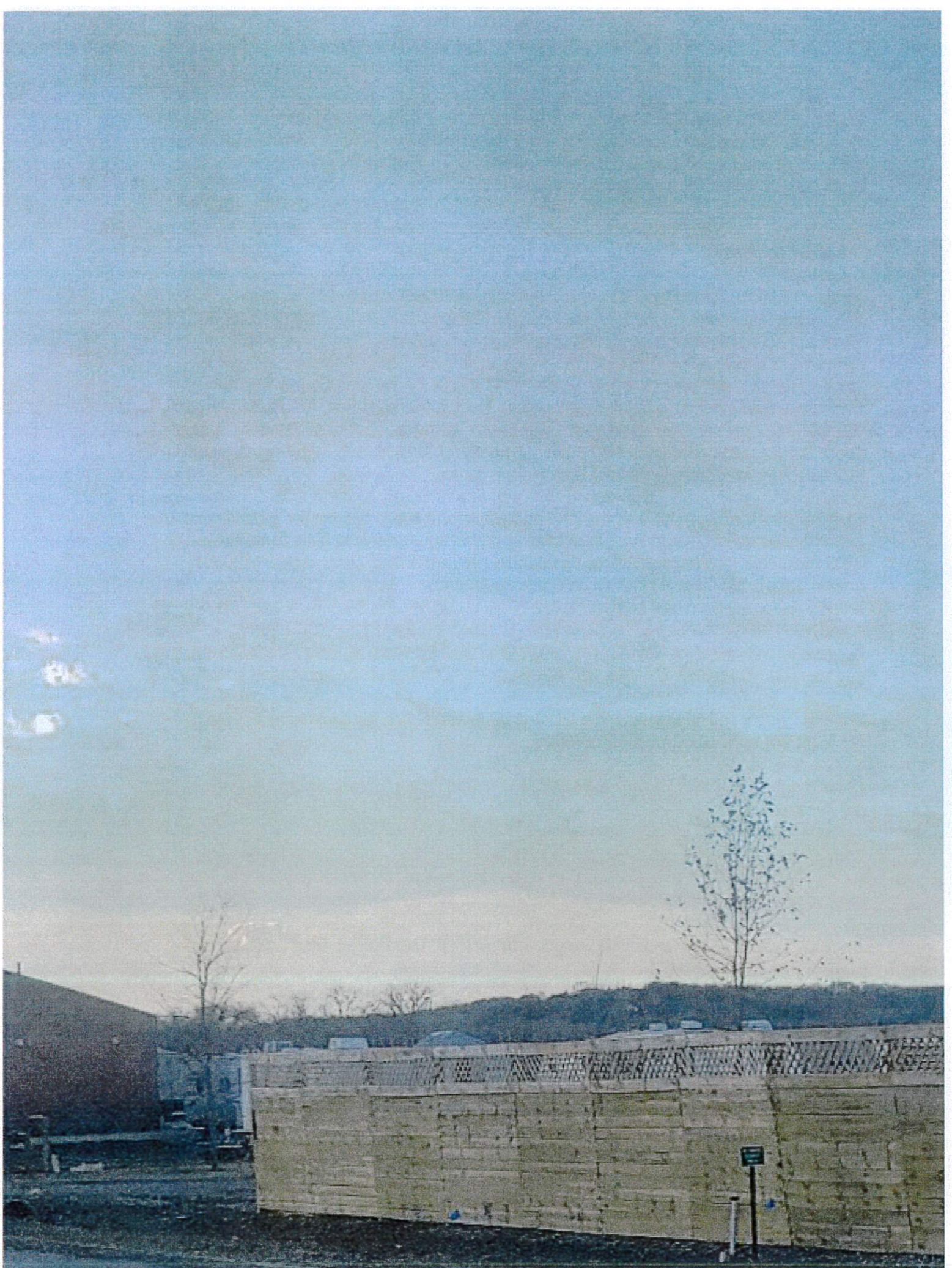
The proponents and opponents were allowed 30 minutes each for comments and the applicant will have 10 minutes for rebuttal.

Dave Domina along with Ross Den Herder representing the applicant, spoke on the behalf of the applicant.

Brad Woerner from Johnson Engineering and Brad Hohn from MDS Manufacturing also appeared on behalf of the applicant. Charlotte Rommereim, Lynn Peterson, Glen Mueller, Lyn Lyons, John Gunderson and Robert Freng spoke in favor of the permit.

Speaking in opposition were, Paige Herrig, Amy Wishon, Dan Dolejsi, Dale Hebda, Patty Gramkow and Kristi Schultz.

Action 18105Z: A motion was made by Kettering and seconded by Epp to approve a Conditional Use Permit for Karl Schenk, based on Findings of Fact from the February 13, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, for a permit to build two (2) 2400 head pork (finisher swine over 55 pounds) (960 AU



REQUEST FOR ZONING ENFORCEMENT

Mail/ Return To:
Yankton County Zoning Administrator
321 West Third St.
PO Box 209
Yankton, South Dakota 57078

Please complete this form and return it or mail it to the above address. The property will be visited to determine if a violation exists. The permit holder/property owner will be contacted by this office and notified to respond within 7 days concerning the allegation(s). An informal meeting between parties may be scheduled or, a Stop Order will be issued and referred to the respective Commissions and/or the States Attorney for further action.

Complaint

ALLEGED VIOLATOR:

Name (if known): Matt Evans

Address: ? Buck St.

Phone: _____

Date: 03/02/2021

Owner X Tenant _____

Business Name (if any)

Ryken RV Park

NATURE OF COMPLAINT (Please be as specific as possible. If the information is inadequate we cannot process the complaint) – Use other side of form if necessary.

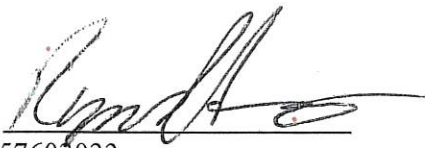
Utilizing Alphonse road as access to property against CUP requirement.

Requested Relief Sought:

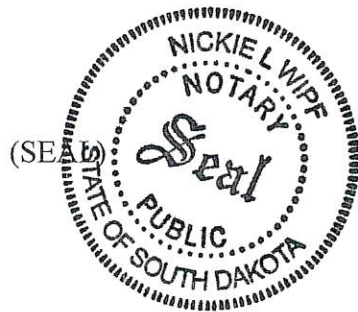
No use of Alphonse Road to access the property.

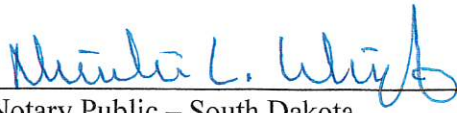
Remove 'staged' Camper units.

Your Name: Ryan Heine
Address: 4200 Alphonse Road

Signature: 
Phone: 6057603033

Subscribed and sworn to before me this 3rd day of March, 2021.




Notary Public – South Dakota
My commission expires: May 26th, 2023

For Office Use Only:

☐ Notary ☐ I.D.



Planning & Zoning

321 W. 3rd St. Suite 209

PH: (605) 260-4445

EMAIL: gary@co.yankton.sd.us

Yankton, SD 57078

FAX: (605) 668-9682

WEBSITE: co.yankton.sd.us

3-16-21

Matt Evans
31120 435th Ave.
Yankton SD 57078

Dear Mr. Evans,

Mr. Evans,

Mr. Heine presented a second formal Request for Zoning Enforcement regarding Tract Two (2) Whitetail Run at 3900 Alphonse Road. Below are going to be my findings. You have 7 working days upon receipt of certified mail to respond in writing a response for a April 5, 2021 (rescheduled to a Monday night) Board of Adjustment Hearing at 6:35 PM where both complaints will be discussed with my findings in red.

Here is what I have found regarding Ryan Heine's Request for Zoning Enforcement in red below.

1. Utilizing Alphonse road as access to property against CUP requirements. **Per meeting discussion it appears that you are in violation as per discussion. It was stated that all access to Lot 16 was to not use Alphonse Road. A clarification by the Commission will be sought regarding if the intent was for future campers in the new campground or for construction related activity to the new campground on Lot 16 Whitetail Run.**

Thanks,

Gary Vetter
Development Services Director
Yankton County
(605) 260-4445
gary@co.yankton.sd.us

cc: Ross Den Herder



March 25, 2021

Gary Vetter
Yankton County Zoning Administrator
321 W. 3rd Street, Suite 209
Yankton, SD 57078

ROSS K. DEN HERDER, ESQ.
LINDSAY J. HOVDEN, ESQ.
BEAU C. BARRETT, ESQ.[†]

^{*} Licensed in South Dakota, Nebraska & Iowa
[†] Licensed in South Dakota

329 Broadway | Phone: 605-665-0494
Yankton, SD 57078 | Fax: 605-260-2222

Email: RossDenHerder@dhlaw.co
LindsayHovden@dhlaw.co
BeauBarrett@dhlaw.co

Re: Ryan Heine Zoning Enforcement Complaint - Paramount RV Park

Dear Gary,

Again, I write to you on behalf of Matt Evans and his business, Ryken RV Park, Inc., which holds a conditional use permit for Paramount RV Park currently under construction on Lot 16, Whitetail. Thank you for your letter dated March 16, 2021, and for providing Mr. Evans an opportunity to respond to the 2nd complaint filed by Mr. Ryan Heine. Based upon your findings, it appears that you have determined that Mr. Evans is in violation. Please note that Mr. Evans disputes your conclusion and denies that he is in violation. Please accept this letter as Mr. Evan's timely response to your findings. We have included the complaint, followed by your response in bold print below. Mr. Evan's response follows.

1. Utilizing Alphonse road as access to property against CUP requirements. **Per meeting discussion it appears that you are in violation as per discussion. It was stated that all access to Lot 16 was to not use Alphonse Road. A clarification by the Commission will be sought regarding if the intent was for future campers in the new campground or for construction related activity to the new campground on Lot 16 Whitetail Run.**

On behalf of my client, we dispute this conclusion. This conclusion ignores the fact that the Conditional Use Permit provides conditions for the operation of a campground. No CUP is required to build it, and as such, the conditions do not apply to its construction. There is absolutely nothing in the law that prevents Mr. Evans from crossing other real property that his business owns or from any other public right of way to access this property from any direction for purposes of completing construction. To state otherwise is to impose rules and restrictions that do not exist.

However, to the extent we are wrong in this analysis, I wish to point out that the restriction does not forbid access over Alphonse Road. The strongest that could be argued is that the condition as passed by the Board of Adjustment merely restricts access

between *campgrounds*. To that end, during the period of construction, Mr. Evans is willing to adjust his point of access so that any access to Paramount RV park from the South shall be exclusively over the existing public right of way platted as Doe Avenue. That directly prevents any argument that he is in violation because he is crossing directly from campground to campground. Access over Doe Avenue from the South was expressly discussed by the Board of Adjustment during the passage of the motion approving the CUP and its conditions. The following excerpt of a certified transcript created from meeting video taken during the making of the motion approving the CUP clarifies this issue pretty well:

* * *

MR. HEALY: So I want to note on there that I have ingress/egress from Buck to Doe or Buck to Private, not -- there will be no access from the campground to the south.

MR. EVANS: So that's -- I'm sorry. That saying, that's from campground to campground.

MR. HEALY: Right, yup.

MR. EVANS: I have no problem with that. I was just making sure that you weren't saying I could never build a road to the south. That's not my plan right now, but if it ever were to come up it is right-of-way.

MR. HEALY: Yup. It's just from campground to campground.

MR. EVANS: Okay.

MR. HEALY: Because that's what's in the findings which was an error.

* * *

A complete copy of the certified transcript is provided to accompany this response.

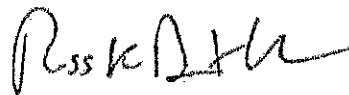
Based upon these comments, we believe this solution is obvious and should adequately address any perceived violation based upon this complaint until construction is complete. We also believe that a public meeting intended to "clarify" what the commission intended only provides an opportunity to create additional biased and

Re: Ryan Heine Zoning Enforcement Complaint - Paramount RV Park

arbitrary conditions, rules, and roadblocks for the sole purpose of slowing or stopping Mr. Evans's lawful development of his property in a manner that violates his rights. As previously stated, Mr. Evans wishes only to construct and operate his RV Parks within the law and the CUPs as issued. He will comply with the CUP conditions placed upon the operation of his parks as required by law. At the present time, he is not operating an RV park in this location, and as such, he is not violating any such conditions. However, he is willing to adjust his point of access during the period of construction to conform to the clearly stated intentions of the Board of Adjustment.

We also wish to remind the County that the construction period is temporary anyway. Mr. Evans is contractually obligated to complete the RV park and the roads that access the park by May 1, 2021. Be warned that if the County attempts to order Mr. Evans to cease construction based upon this improper conclusion, Mr. Evans will immediately commence a lawsuit against you and the County. Thank you again for providing him an opportunity to respond.

Sincerely,



Ross K. Den Herder

Cc: Matt Evans

Enc. Certified Transcript of Board of Adjustment Motion Discussion
held 2/2/2021

1 (Yankton County Commission Meeting,
2 February 2, 2021.)

3 MR. HEALY: Okay. I'm going to move approval
4 of the conditional use permit based on the findings
5 of fact, which you don't have to put this in, Patty,
6 but which include the sign, they include the fencing
7 on east and west.

8 MS. LOEST: And that's in there.

9 MR. HEALY: That's in -- so that's what I'm
10 saying. This is all --

11 MS. LOEST: Yeah.

12 MR. HEALY: -- in here already. Um -- with the
13 additional conditions that ingress/egress will be
14 from Buck Street to Doe or from Buck to Private
15 Drive. There will be no year-round residents.

16 SECRETARY: That was in the original.

17 MR. HEALY: Oh, that's the original CUP. But
18 I'm referencing this findings of fact from Planning
19 and Zoning. He will obtain approval from the
20 Department of Health for the pool and campground
21 license. The septic will be installed by a licensed
22 plumber.

23 MR. KLIMISCH: That's now what he said.
24 Licensed installer.

25 MR. HEALY: Licensed installer. And then I've

1 got that the Buck and Doe will be inspected to
2 county road standards prior to the campground
3 opening.

4 MS. LOEST: Do you want reference 2828?

5 MR. HEALY: Yeah. Per Section 2828 of our
6 county ordinance.

7 MS. LOEST: It's 2828.

8 MR. KLIMISCH: I'll second that.

9 MR. HEALY: So I want to note on there that I
10 have ingress/egress from Buck to Doe or Buck to
11 Private, not -- there will be no access from the
12 campground to the south.

13 MR. EVANS: So that's -- I'm sorry. That
14 saying, that's from campground to campground.

15 MR. HEALY: Right, yup.

16 MR. EVANS: I have no problem with that. I was
17 just making sure that you weren't saying I could
18 never build a road to the south. That's not my plan
19 right now, but if it ever were to come up it is
20 right-of-way.

21 MR. HEALY: Yup. It's just from campground to
22 campground.

23 MR. EVANS: Okay.

24 MR. HEALY: Because that's what's in the
25 findings which was an error.

1 MS. LOEST: So I'm going to restate my chicken
2 scratch that I tried to get there. So your motion
3 is move approval of conditional use permit based on
4 findings of fact with additional conditions that
5 ingress/egress is from Buck to Doe or Buck to
6 Private Drive. No access from campground to the
7 south. No year-round residents. Approval from the
8 Department of Health for pool and campground
9 license. Septic installed by licensed installer,
10 and Buck/Doe will be inspected to county standards
11 per Ordinance 2828 before --

12 MR. HEALY: -- before operation of the
13 campground.

14 MS. LOEST: Use -- operation. I didn't get
15 that last one. Before operation. And Klimisch
16 seconded. Correct? You're still good seconding all
17 that? Okay.

18 MR. KETTERING: Yeah, I have some discussion
19 points.

20 MS. LOEST: You bet.

21 MR. KETTERING: I don't see in on the plat map
22 of the site locations where a business office or
23 whatever, whatever you're going to be in to monitor
24 the in -- egress to the site.

25 MR. EVANS: So I don't have business offices at

1 my place.

2 MR. KETTERING: Whatever you call the building
3 on Alfonz Road.

4 MS. FOX: The maroon one.

5 MR. EVANS: That's just a utility building.
6 It's not like an office. You're wondering how I'm
7 going to monitor?

8 MR. KETTERING: Are you going to sit -- you
9 told me that you're going to monitor everybody that
10 goes in and out.

11 MR. EVANS: Correct.

12 MR. KETTERING: Are you just going to sit in
13 your vehicle out there and do that?

14 MR. EVANS: So we as -- we have campground
15 managers that come to the parks and stuff and take
16 care of everything. Like, I have a guy who mows and
17 stuff for me. I'll have the same thing there. I'll
18 have the campground manager there. If anybody is to
19 pull in, they have to come on a scheduled time. My
20 campground manager will meet them there and make
21 sure it's done properly.

22 MR. KETTERING: That seems a little bit
23 unlikely to me. But the next question is -- are --
24 are these lots 48 feet wide? Is that right?

25 MR. EVANS: I think there's --

1 MS. LOEST: 48 by 60? Is that what it said?

2 MR. EVANS: Yeah. I think there's a couple
3 different measurements on there.

4 MR. KETTERING: Yeah. That's close enough.

5 MR. EVANS: Yeah. Yeah. They're right there.
6 I think one's 48-by-60 and the other one is
7 45-by-50. There's like seven of them.

8 MR. KETTERING: Do we -- do we -- do we have
9 any requirements for pool and lazy river setbacks
10 and property lines?

11 MS. LOEST: I think just the building, the
12 building associated with that. Your bathrooms have
13 to be 25 foot off.

14 MR. EVANS: Which is -- correct. Which is
15 listed on the plan as a twenty --

16 MR. KETTERING: As a pool, you could go right
17 up to the edge of the boundary line?

18 MR. EVANS: I'm not sure for building setbacks
19 what's required. Like, if a pool is a building?
20 I'm not sure if it is.

21 MR. KETTERING: I wouldn't think it would be,
22 but it's a structure that -- you know, it seems to
23 me like it's pretty crowded in 48 feet, and if
24 there's any setbacks at all --

25 MR. EVANS: So it's actually -- the length is

1 actually 60 feet. So from the property line to the
2 road is 60 feet.

3 MR. KETTERING: Right. I agree.

4 MR. EVANS: So --

5 MR. KETTERING: And it looks like you got three
6 of those in length.

7 MR. EVANS: In the whole -- correct. So the
8 whole area -- let's see. It would be 48 plus 48
9 plus 48 -- roughly 150-feet-by-60-feet would be the
10 area for the pool, splash pad, and lazy river.

11 MR. KETTERING: The last -- the last point that
12 I would like to see resolved or in -- in the
13 agreement is I'd like some kind of reference to the
14 quality of the fence because there's a significant
15 difference, in my opinion, between the quality of
16 the fence that the Petersons have put up and the
17 quality of the fence that you have.

18 MR. EVANS: I would like to address that
19 definitely. So what -- what part of my fence do you
20 think was -- quality was bad?

21 MR. KETTERING: The parts that have blown --
22 blew down.

23 MR. EVANS: So treated -- brand new treated
24 4-by-4 posts.

25 MR. KETTERING: Isn't much for an 8-foot fence.

1 MR. EVANS: Oh, it's 7-foot and a couple of
2 inches, but it was -- that's what they told me, the
3 fencing company told me. They said, hey, this is
4 what you can use for it. And it was 4-by-4 posts.
5 I mean, it was 70 to 80 mile an hour winds. It's
6 been up for -- we had a couple windstorms, I
7 believe, this summer and it withstood that. There's
8 no wind protection from the north, so when winter
9 comes and those -- those high winds --

10 MR. KETTERING: You're putting up a nice
11 RV park.

12 MR. EVANS: Thank you.

13 MR. KETTERING: -- and I would just like to see
14 a nice fence.

15 MR. EVANS: Thank you.

16 MR. KETTERING: One that won't be blown over by
17 a wind.

18 MR. EVANS: Yeah. I agree. I agree
19 completely. And, I mean, I -- I'll build my other
20 one to -- the existing one to how it was before. If
21 it happens again, I'll redo it because I'm not going
22 to keep doing that. I was told that the 4-by-4
23 treated post for a 7-foot fence with lattice on the
24 top was good, I guess. If I was -- I know the
25 concrete was good on it because the 4-by-4s

1 literally snapped off at the concrete and went down.
2 But other than that, everything stayed pretty good,
3 so...

4 MR. KETTERING: I guess the only other thing --
5 and it's certainly not a requirement, it's just a
6 suggestion to think about -- but maybe to help in
7 the collaboration between you and the neighbors and
8 the neighbors concerned about running his business,
9 if maybe 50 feet or 100 feet of fence on the south
10 side of the park running from the west border 60 or
11 100 feet --

12 MR. EVANS: At the existing park?

13 MR. KETTERING: Yeah -- no. That -- of the new
14 park might be appropriate. Might -- might help.

15 MR. EVANS: The south property line?

16 MR. KETTERING: Might help Mr. Heine and his
17 problems.

18 MR. EVANS: Oh. I get what you're saying. So
19 bring it down? I get it.

20 MR. KETTERING: Doe isn't going to go on south.
21 It's just an idea.

22 MR. EVANS: Okay. You know, honestly, I really
23 wish between me and Ryan that we could meet eye to
24 eye. I -- I wish there was a way. I mean, I wish
25 there was just a snap of my fingers and we could get

1 along and figure things out together. I really want
2 to get along with my neighbors.

3 MR. KETTERING: Good. Thank you.

4 MR. EVANS: Thank you.

5 MR. HEALY: On that, too, I don't know if it
6 needs to be in the motion, but if it's agreeable to
7 move that fence to your side, because the logistics
8 right now is he can't have it on the west side of
9 the road because that's public right-of-way.

10 MR. KLIMISCH: I think that's something that
11 they're going to have to figure out --

12 MR. HEALY: I know.

13 MR. KLIMISCH: -- if the two went in there.

14 MR. HEALY: But if -- if RCP mandates it to be
15 on the west side of Matt's property.

16 MS. FOX: I have a comment regarding the motion
17 that was made. It didn't refer to the signage and
18 the fencing.

19 MR. HEALY: I -- that is in the findings of
20 fact.

21 MS. LOEST: That's in the findings of fact.

22 MS. FOX: Okay.

23 MS. LOEST: Yup. That's in there.

24 MS. FOX: These are in addition to?

25 MS. LOEST: Right. That's correct.

1 MR. HEALY: Thank you, though, for -- because
2 it's been missed before.

3 MS. FOX: I'd rather not come back and revisit
4 this again.

5 MR. HEALY: Yup.

6 SECRETARY: And I would just mention, I don't
7 think part of the motion was what you talked about
8 earlier in getting rid of the old one, however, you
9 want to term it. I think that was what
10 Mr. DenHerder --

11 MR. HEALY: Oh.

12 MS. LOEST: I think we're moving forward from
13 that.

14 MS. FOX: At the end just say, "and we get rid
15 of the old one."

16 MR. HEALY: I just thought that was --

17 MS. FOX: I think we're just dealing with this
18 one.

19 SECRETARY: Supersedes or something.

20 MR. HEALY: Yeah.

21 MS. FOX: I do think it's appropriate to add a
22 condition, though, that if Mr. Heine and -- and
23 Mr. Evans are able to reach an agreement on a fence
24 on the western side, that that could take the place
25 of the western fence.

1 MR. HEALY: That's what I'm saying.

2 MS. FOX: I think that's what you were getting
3 at. I think that's an appropriate alternative
4 condition. Couldn't they then come forward with a
5 variance request if they could agree?

6 MR. HEALY: We don't want to see them again.

7 MS. FOX: Just saying. Mr. Heine.

8 MR. HEINE: I just wasn't quite following what
9 you were saying with this moving of a fence is a
10 little hard to follow.

11 MR. HEALY: Essentially he would build you a
12 fence.

13 MR. HEINE: Okay. And it would be on his west
14 border?

15 MS. FOX: It would be right on the property
16 line.

17 MR. HEALY: So the problem is -- see, the pin.
18 Okay. To the -- to the -- right there. Stop. That
19 pin. So he can't build anything to the west of that
20 pin because it's not his property.

21 MS. FOX: Right.

22 MR. HEINE: It is his property, but it's in the
23 ROW.

24 MR. HEALY: But it's in the right-of-way.

25 MS. FOX: It's in the right-of-way.

1 MR. HEALY: So he can't technically build it.

2 MR. HEINE: It is your property, just -- it's
3 in the right-of-way on your property.

4 VOICE:

5 MR. DEN HERDER: There's a road here and that's
6 it.

7 MR. HEINE: Yeah.

8 MR. HEALY: And so if it would be -- and we
9 don't have to decide tonight. I'm just saying leave
10 it open. If it would be agreeable to you -- the
11 long and short of it is he would build -- he would
12 build the fence on your property.

13 MS. FOX: On your side of the easement --

14 MR. HEINE: Right.

15 MR. DEN HERDER: (Inaudible) -- I think that's
16 an appropriate alternative.

17 MR. HEALY: Because that would be the way to --
18 as it stands he can't -- he can't build a fence in
19 the middle of the right-of-way, and so that road, he
20 can't block the road. He can only go to his
21 property line where that pin is.

22 MR. HEINE: Okay.

23 MR. HEALY: And I know it would be probably
24 preferable for you to have it on your --

25 MR. HEINE: Yes.

1 MR. HEALY: On the west side of the road.

2 MR. HEINE: Because of traffic and lots of
3 noise traffic and all those other things.

4 MR. HEALY: So that's -- I would like to amend
5 my motion to leave that option open.

6 MR. KLIMISCH: Second.

7 MS. FOX: Patty's liking that. Not.

8 MS. LOEST: Well, right now how it is in the
9 findings of fact is there is -- where did it go --
10 east -- fence at --

11 MR. HEALY: East-west.

12 MS. LOEST: Yeah. Fencing along west and east
13 border.

14 MR. HEALY: Yeah. So that technically -- okay.

15 MS. LOEST: I mean -- I think if you put it on
16 Mr. Heine's property, it would still meet the intent
17 of the CUP.

18 MR. HEALY: Yeah.

19 MS. FOX: Sure. If they would agree.

20 MR. HEALY: If they -- and if they don't agree
21 and it's on his property, we still meet the intent
22 of the findings of fact.

23 MS. FOX: Correct.

24 MR. HEALY: Okay. So I'm going to read this
25 motion one more time. Move approval of CUP based on

1 finding of fact with additional conditions that
2 ingress/egress are from Buck to Doe or Buck to
3 Private Drive. No access from the campground to the
4 south. No year-round residents. Approval from
5 Department of Health for pool and campground
6 licensing. Septic system is installed by a licensed
7 installer and Buck-Doe will be inspected -- Buck and
8 Doe will be inspected to county standards per
9 Section 2828 of the ordinance before operation of
10 the campground. And can we just say this
11 essentially supersedes previous CUP?

12 MR. KETTERING: Yes.

13 SECRETARY: You don't have to have a date on
14 there or anything from when that was approved?

15 MR. HEALY: We can get a number of it and
16 reference the number in the --

17 SECRETARY: Okay.

18 MS. LOEST: Do you know what the number was?

19 MR. DEN HERDER: I have an action number here.

20 It's 20534Z.

21 SECRETARY: 2053Z?

22 MR. DEN HERDER: 20534Z.

23 SECRETARY: I'll just put that in there then to
24 reference that.

25 MS. LOEST: Okay. That will work. Further

1 discussion? All right. Roll call vote.

2 SECRETARY: Joe?

3 MR. HEALY: Yes.

4 SECRETARY: Dan?

5 MR. KLIMISCH: Yes.

6 SECRETARY: Wanda?

7 MS. FOX: Yes.

8 SECRETARY: Don?

9 MR. KETTERING: Yes.

10 SECRETARY: Cheri?

11 THE WITNESS: Yes.

12 MS. LOEST: Motion passes five/zero. Thank
13 you, everyone, for your patience.

14 MR. EVANS: Thank you, Commissioners.

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25

1 STATE OF SOUTH DAKOTA)

:SS

2 COUNTY OF LINCOLN)

3 CERTIFICATE OF TRANSCRIBER

4 I, Pat L. Beck, Registered Merit Reporter
5 and Notary Public within and for the State of South
6 Dakota:

7 DO HEREBY CERTIFY that I transcribed the
8 audio tape recording of the proceedings described on
9 page 1 hereof, and that to the best of my ability,
10 knowledge, and belief, this transcript contains a
11 true and correct transcription of said recording.

12 I FURTHER CERTIFY that I am not related by
13 consanguinity or affinity within the fourth degree
14 to any party, his attorney, or an employee of any of
15 them; that I am not financially interested in this
16 action; and that I am not the attorney or employee
17 of any party.

18 To all of which I have affixed my
19 signature this 24th day of March, 2021.

20 /s/ Pat L. Beck

21 Pat L. Beck, Notary Public

22 Expiration Date: June 11, 2023

23 Iowa CSR: No. 1185

24

25

Yankton County Planning Commission
Yankton County Board of Adjustment

Applicant

Michael Kuchta – Rezone

District type: ☐ AG ☐ R1-Low ☐ R2-Moderate ☐ R3-High ☐ C-Comm.

☐ LC – Lakeside Commercial ☒ RT-Rural Transitional

Variance needed:

☐ Section 513 ☐ Section 607 ☐ Section 705 ☐ Section 1709 ☐ Section 1723

☒ Section 1809

NOTE:

Applicant is requesting to rezone a Rural Transitional District (RT) to a Moderate Density Rural Residential District (R2).

PC: Article 18 Section 1809

BOA: Article 19 Section 1907

Planning Commission date: 3/9/2021

Time: 7:10 PM

Board of Adjustment date: 4/5/2021

Time: 6:40PM

Yankton County

Variance

 Conditional Use

X Rezoning

Owner: Kris Llewellyn

Owners Address: 3109 Old River Rd

Owners Phone: 6056610856

Applicants Name,
if different from

Owner: Michael Kuchta

Applicants

Address: 3109 Old River Rd

Job Address: 3109 OLD RIVER RD

Legal: TRACT 3 IN LOT A DJ'S ADDN

Section,
Township, Range: 16-93-55

Zoning
Classification: RT

Affected Zoning Ordinance: 1809

Reason for Request: With rezoning this area to moderate density it would bring the existing land owners up to compliance. In addition it would allow a better use for

List Specific Hardships:

SCHEDULED FOR PLANNING COMMISSION ACTION (DATE): 03/09/2021 7:10 AM CST

SCHEDULED FOR BOARD OF ADJUSTMENT ACTION (DATE):

Application Fee: \$450.00 Check #: 1076 Receipt #:

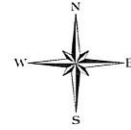
Date:

Signature:

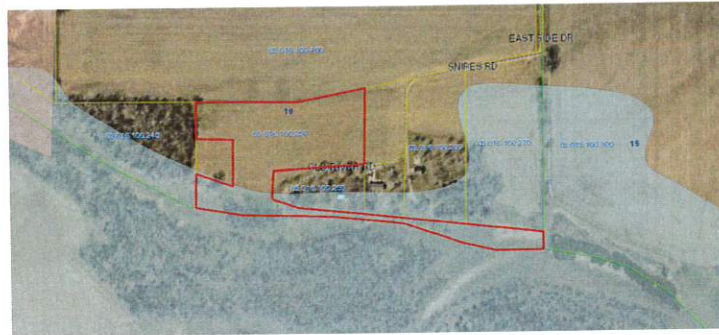
Michael Kuchta

02/05/2021

****FOR COUNTY PURPOSES ONLY****
ACCURACY OF THE INFORMATION
MUST BE VERIFIED BY THE USER

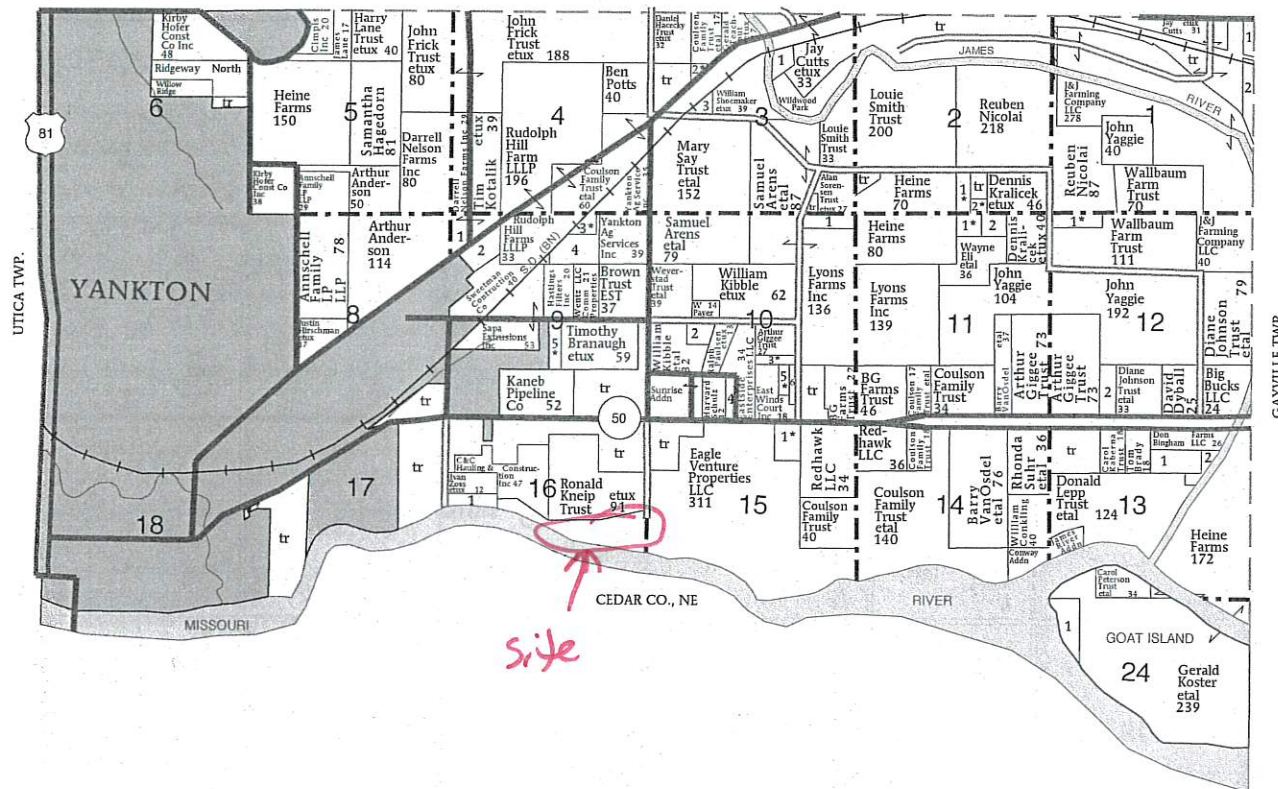


Site Map



Parcel Number: 05.016.100.250

Site Description:

**MISSION HILL 'S'****TOWNSHIP****SECTION 1**

1. RWH Land LLC 6

2. Nelson, Nancy 13

SECTION 2

1. Palecek, Lance et ux 15

2. Willman, David et ux 5

SECTION 3

1. State of South Dakota 9

2. Anderson, Richard et ux 9

3. Loecker, Reynold 9

SECTION 9

1. Keehr, Mark 5

2. Northwestern Public

Service 15

3. Eide, Mark et ux 6

4. Yankton Area

Progressive Growth Inc

25

5. Holmstrom, Thomas

et ux 10

SECTION 10

1. Madson Trust, Clifford

14

2. Goeden, Josephine 10

3. Brasel, Anthony et ux 6

4. Schulz Trust, Harvard 6

5. Tackle, Dan et al 7

6. Tackle, Dan 5

SECTION 11

1. Jensen Trust, Gary et ux

10

2. Merkwan, Daryl 10

SECTION 12

1. Kopejtko, Jeff et ux 8

2. Kaberna Trust, Carol 8

SECTION 13

1. Brady Tree Farm &

Landscape LLC 27

2. Brady, Thomas 8

SECTION 15

1. Harper, John et ux 8

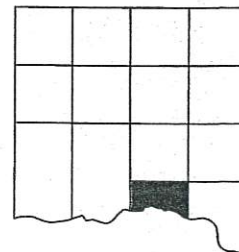
SECTION 16

1. National Field Archery

Assn Foundation 12

SECTION 24

1. Henning, Mary 15



FINDINGS OF FACT – REZONE

Kuchta– REZ-2021-37

Are the requirements of Section 1723 met?	Yes
Are the requirements of Section 1729 met? (all fees paid at time of application)	Yes
Section 1805:	
1. All documents required for application for said request have been satisfactorily completed and all required fees have been paid in full.	Yes
2. The individual petitioner provides a completed amendment or change in zone request. Said request must clearly state: <ul style="list-style-type: none"> a. Special conditions and circumstances exist which require the land to be rezoned; b. The special conditions and circumstances do not result from the actions of the applicant; and c. The granting of the amendment or change in zoning will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the area. 	Applicants are requesting to Rezone several properties from Rural Transitional District (RT) to Moderate Density Residential (R2). All properties are nonconforming with Rural Transitional.
3. Notice of public hearing shall be given, as in Section 1803 (3-5).	Yes
4. The public hearing shall be held. Any party may appear in person or by agent or attorney.	Yes
5. The Planning Commission shall make findings that the requirements of this Section have been met by the applicant for an amendment or change in zone, to include: <ul style="list-style-type: none"> a. The reasons set forth in the application justify a recommendation to approve the amendment or change in zone; 	Rezone is justified
<ul style="list-style-type: none"> b. The amendment or change in zone will make possible the reasonable use of the land, building, or structure; 	All lots are currently noncompliant. Rezone would make more compliant and allow development
<ul style="list-style-type: none"> c. A recommendation to grant the amendment or change in zone will be in harmony with the general purpose and intent of this ordinance; and 	Yes

<p>d. A recommendation of approval will not be injurious to the neighborhood, or otherwise detrimental to the public welfare as presented and testified to by the applicant.</p>	<p>Will not be injurious</p>
<p>6. No petition for amendment or change in zone shall be recommended for approval unless the Planning Commission finds that the condition, situation or the intended use of the property concerned is unique, required, or necessary as to make reasonably practicable the amendment or change in zone.</p>	<p>It is necessary for applicant to be in compliance</p>
<p>7. Before any amendment or petition for rezoning is recommended for approval, the Planning Commission shall make written findings certifying compliance with:</p> <ul style="list-style-type: none"> a. The Comprehensive Plan; b. Specific rules governing land uses; c. Zoning district regulations; and d. Satisfactory provision and arrangement has been made concerning the following, where applicable: 	<p>In compliance</p>
<ul style="list-style-type: none"> 1. Certification of compliance with all ordinances and regulations regarding licensing and zoning, health, plumbing, electrical, building, fire prevention, and all other applicable ordinances and regulations; 2. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe; 3. Off right-of-way parking and loading areas where required; with particular attention to the items in (A) above and the economic, noise, glare or odor effects of the amendment or rezone on adjoining properties and properties generally in the district; 4. Refuse and service areas, with particular reference to the items in (A) and (B) above; 5. Utilities, with reference to locations, availability, 	<p>Existing homes on two of the lots</p> <p>Ingress/egress already exist</p> <p>Parking exists</p> <p>Refuse and service area present</p> <p>Utilities present</p>

<p>and compatibility;</p> <p>6. Screening and buffering with reference to type, dimensions, and character;</p> <p>7. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;</p> <p>8. Required yards and other open spaces; and</p> <p>9. General compatibility with adjacent properties and other property in the district.</p>	<p>No additional screening and buffering required</p> <p>No signs planned</p> <p>Has required yards</p> <p>Generally compatible with surrounding properties, other residences are in the area</p>
<p>8. In recommending approval of any petition for amendment or change in zone, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance.</p>	<p>Motion to approve rezone from Rural Transitional (RT) to Moderate Density Residential (R2)</p>

Variance, Conditional
Use and Rezoning

Fees Paid
\$450.00

Application
REZ-2021-37

Applicant
Bill Conkling

Created
February 2, 2021

Number
REZ-2021-
37

05.016.100.265 | Kris
Llewellyn | 3109 OLD RIVER
RD, YANKTON SD, SD, 57078
Submitted by bconkling on
2/2/2021



Applicant

Bill Conkling

6052604447

Bill@co.yankton.sd.us

Site Plan Completed On 2/2/2021 11:16 AM EST by Mikekuchta

Map - Mark the location of structures and other necessary information.

☐ Sketch Layer

☐ Reference Layer

☒ Mapproxy



Describe the location and use of adjacent structures

Upload Site Plan and/or additional plans and documents

kingRZ.pdf

jensen.pdf

Draft Building Permit Completed On 2/2/2021 11:17 AM EST by Mikekuchta

Upload Draft Building Permit

Submit Completed On 2/2/2021 11:18 AM EST by Mikekuchta

A notification sign shall be posted on the property upon which action is pending at least seven (7) days prior to the hearing date. Such signs shall be placed along all the property's road frontage so as to be visible from the road. If a property does not have a road frontage, then such signs shall be placed upon the closest available right-of-way and upon the property. Said signs shall not be less than one

hundred and eighty seven (187) square inches in size. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearings.

Please pick the sign up from the zoning office on or before eight (8) days prior to the meeting.

Applicant Agreement

Please check the box to confirm you have read and agree to the notices above.

Signature

Mesi

Date

2/5/2021

Application Submitted Successfully Completed On 2/2/2021 11:18 AM EST by Mikekuchta

Your application has been submitted for review. Thank you.

Please click next at the bottom to continue. Thank you

Parcel search Completed On 2/16/2021 9:32 AM EST by bconkling



USDA FSA, GeoEye, Maxar

Powered by Esri

ParcelID	Address	City	OwnerName	Acres
05.016.100.250			JENSEN, DARLENE M (D)	0.000

Planning Review Completed On 2/16/2021 9:46 AM EST by bconkling

Continue with application

Continue

Describe what the applicant is requesting

Applicants are requesting their properties currently zoned Rural Transitional (RT) be rezoned to Moderate Density Residential (R2)

Planning Commission Code Reference

Other Planning Commission Code Reference ⓘ

1809

Board of Adjustment Code Reference

Other Board of Adjustment Code Reference ⓘ

Wave Fee

Notes ⓘ

Director Review Completed On 2/17/2021 10:24 AM EST by gvetter

Zoning Director Review

Approve

Property Owner Verification of Approval Completed On 2/17/2021 1:43 PM EST by bconkling

Applicants who are not the property owner must provide consent by the owner for the proposed request. Please download/print the Verification of Approval document here. Fill out the form and attach below.

Upload signed document here

kuchta.pdf

Payment Completed On 2/19/2021 3:32 PM EST by bconkling

Fees Paid

[VIEW RECEIPT](#)

Fee Name	Recipient	Amount
Confirmation Data		
Payment Method		Check
Confirmation Number		1076
Amount Paid		\$0.00

Request Information Completed On 2/22/2021 9:54 AM EST by bconkling

Type of Request

Rezoning

Fee

\$450.00

Reason for Request

With rezoning this area to moderate density it would bring the existing land owners up to compliance. In addition it would allow a better u

List Specific Hardships

Applicant Information

Are you the owner of the property?

No

Applicant Name

Michael Kuchta

Applicant Address

3109 Old River Rd

Applicant Phone

605-760-4459

Owner Information

Owner Name

Kris Llewellyn

Owner Address

3109 Old River Rd

Owner Phone Number

6056610856

Property Information

Parcel ID Number

05.016.100.265

Legal Description

TRACT 3 IN LOT A DJ'S ADDN

Site Address

3109 OLD RIVER RD

City

YANKTON SD

Zip

57078

Section-Township-Range

16-93-55

Zoning District

RT

Zoning Description

RT

Existing Use of Property

Single family home.

Email Preview Completed On 2/22/2021 1:53 PM EST by bconkling

Please see the attached Notification Letter, address labels, and affidavit of mailing.

First Notification Letters are to be mailed pursuant to Section 1803(4). This is required to be completed 10 days prior to public hearing, which is 02/27/2021 7:10 AM.

Return the affidavit to me (email is fine) 7 days prior to the public meeting, by 03/01/2021 7:10 AM

Place your zoning action sign 7 days prior to the public meeting, by 03/02/2021 7:10 AM

If any information is incorrect, please let me know immediately.

PC App Form Completed On 2/22/2021 1:53 PM EST by bconkling

PC App Form

PC Prep Completed On 2/22/2021 2:09 PM EST by bconkling

Planning Commission Meeting

Planning Commission Meeting Date and Time

March 9th 2021, 7:10 am CST

Letters to be mailed 10 days prior to the public meeting:

02/27/2021 7:10 AM

Additional Instructions for PC email

Return the affidavit 8 days prior to the public meeting:

03/01/2021 7:10 AM

Place your zoning action sign 7 days prior to the public meeting:

03/02/2021 7:10 AM

Upload PC Mailing Labels

kuchtalabels (2).pdf

Upload PC Affidavit of Mailing

3 Mailing affidavit 1320.pdf

Upload PC Notification Letter

KuchtaNotification Letter.pdf

Upload PC Newspaper Publication

Legals 03-09-2021.pdf

Check box when ready to send notices

Send Notice

Permit Number

REZ-2021-37

Receipt Number

External Notes

Documents

Internal Notes

Documents

PURCHASE AGREEMENT

This PURCHASE AGREEMENT (the "**Agreement**") is made and entered into on February 7, 2021 (the "**Effective Date**") by and between Kris Llewellyn (the "**Seller**") and Micheal & Haley Kuchta (the "**Buyer**"). Buyer and Seller may be referred to individually as the "**Party**", or collectively, the "**Parties**".

RECITALS

WHEREAS, Seller desires to sell certain property to Buyer in an "as is" condition; and

WHEREAS, Buyer desires to purchase certain property from Seller in an "as is" condition.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

TERMS

1. PROPERTY

Seller agrees to sell, convey, assign, and transfer to Buyer, and Buyer agrees to purchase from Seller, the following property (the "**Property**"):

Tract 5 DJ's Addition
2.20 Acres
In Lot A Section 16
Township 93

It is located at , Yankton, South Dakota 57078. The sale, conveyance, assignment, and transfer of said Property shall become effective as of the Effective Date.

2. "AS IS" CONDITION

Seller agrees to sell, convey, assign, and transfer to Buyer, on an "AS-IS" basis, and makes no warranties, either expressed or implied, unless otherwise stated herein, and Buyer agrees to purchase from Seller, on an "AS-IS" basis. The sale, conveyance, assignment, and transfer of said Property shall become effective as of the date set forth above, and the Seller shall deliver said Property to Buyer in "AS-IS" condition.

3. PURCHASE PRICE

Buyer shall purchase Property from Seller for the total sum of \$0.00.

4. LIMITATION OF DAMAGES

Each Party hereby waives any right which it may have to claim or recover any incidental, special, exemplary, punitive or consequential damages or any damages other than, or in addition to, actual damages.

5. FORCE MAJEURE

Neither Party shall be in default nor liable to the other for any failure to perform directly caused by events beyond that Party's reasonable control, such as acts of nature, labor strikes, war, insurrections, riots, acts of governments, embargoes and unusually severe weather provided the affected Party notifies the other party within ten (10) days of the occurrence. Such an event is an excusable delay. THE PARTY AFFECTED BY AN EXCUSABLE DELAY SHALL TAKE ALL REASONABLE STEPS TO PERFORM DESPITE THE DELAY.

6. AMENDMENTS

This Agreement may only be changed or supplemented by a written amendment, signed by authorized representatives of each Party.

7. ASSIGNMENT

Neither Party may assign its rights or delegate its obligations under this Agreement without the prior written approval of the other Party. Any attempted assignment or delegation without such an approval shall be void.

8. GOVERNING LAW; CHOICE OF FORUM

8.1 To the extent not preempted by federal law, the provisions of this Agreement shall be construed and enforced in accordance with the laws of the State of South Dakota, notwithstanding any choice-of-law or conflicts-of-law rules to the contrary.

8.2 The Parties agree that any legal action relating to this Agreement shall be commenced and maintained exclusively before any appropriate state court of record in the State of South Dakota.

9. SEVERABILITY

If any provision of this Agreement is held to be illegal, invalid or unenforceable by a court of competent jurisdiction, the remaining provisions shall not be affected.

10. EFFECT OF TITLE AND HEADINGS

The title of the Agreement and the headings of its Sections are included for convenience and shall not affect the meaning of the Agreement or the Section.

11. WAIVER

Failure of either Party to insist in any strict conformance to any term herein or failure by either Party to act in the event of a breach or default shall not be construed as a consent to or waiver of that breach or default or any subsequent breach or default of the same or any other term contained herein.

12. ENTIRE AGREEMENT

This Agreement is the complete statement of the Parties' agreement and supersedes all previous and contemporaneous written and oral communication about its subject.

13. COUNTERPARTS

This Agreement may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same document.

14. AUTHORITY

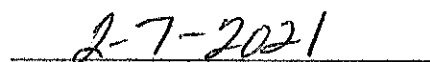
The Parties represent that they have full capacity and authority to grant all rights and assume all obligations they have granted and assumed under this Agreement.

15. ATTORNEYS FEES


If any legal proceeding is brought for the enforcement of this Agreement, or because of an alleged breach, default or misrepresentation in connection with any provision of this Agreement or other dispute concerning this Agreement, the successful or prevailing party shall be entitled to recover reasonable attorney's fees incurred in connection with such legal proceeding. The term "**prevailing party**" shall mean the Party that is entitled to recover its costs in the proceeding under applicable law, or the party designated as such by the court.

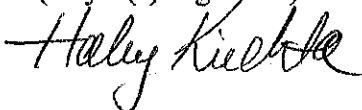
IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date first written above.

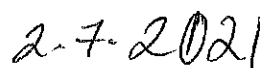

(Authorized Seller(s) Signature)


(Date Signed)


(Buyer(s) Signature)


(Date Signed)





I Kris Llewellyn am in favor of rezoning my property
to moderate density.

Kris Llewellyn

Signature

2-7-2021

Date

I Patience Jensen am in favor of rezoning my property
to moderate density.

Patience Jensen
Signature

2-7-2021
Date

February 22, 2021

To whom it may concern:

We Merton Johnson "Joe" and Susan Johnson are in favor of the rezoning to Moderate Density.

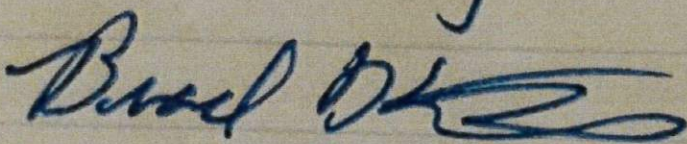
Merton Johnson



Susan Johnson



I would like to change
the Zoning on my
property to R2.

Brad King


AFFIDAVIT OF MAILING

I, Michael Kuchta, hereby certify that on the 25th day of Feb, 20 21, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within a 1,320 feet radius of the proposed project to the most recent address of the recipient known to your Affiant.

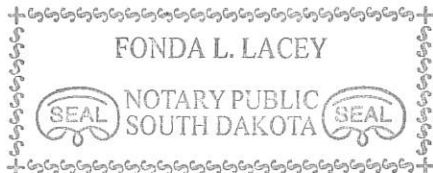
A true and correct copy of the Notice of Public Hearing notification letters are attached as Exhibit #1 or #2.

A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 26 day of February, 20 21.

Mise Kuchta
(Name)
Affiant

Subscribed and sworn to before me this 26 day of February, 20 21.



FONDA L. LACEY

Fonda Lacey
Notary Public - South Dakota
My commission expires: 11/01/2024

(SEAL)

AFFIDAVIT OF MAILING

I, Michael Kuchta, hereby certify that on the 25 day of March, 2021, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within a 1,320 feet radius of the proposed project to the most recent address of the recipient known to your Affiant.

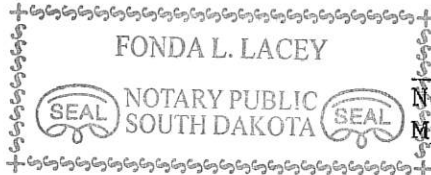
A true and correct copy of the Notice of Public Hearing notification letters are attached as Exhibit #1 or #2.

A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 25 day of March, 2021.

Mike Kuchta
(Name)
Affiant

Subscribed and sworn to before me this 25 day of March, 2021.



Fondal Lacey
Notary Public - South Dakota
My commission expires: 11/01/2024

(SEAL)

NOTIFICATION

February 22, 2021

Michael Kuchta
3109 Old River Rd
Yankton, SD 57078

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 1,320 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:10 P.M. on the 9th day of March, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota.

Said hearing is to consider the following:

Applicants are requesting to Rezone the following properties from Rural Transitional District (RT) to Moderate Density Residential (R2). Said properties are described as:

Tract 3, DJ's Addition, County of Yankton, South Dakota as per plat as recorded in Book S19, page 350

Tract 5, DJ's Addition, in Lot A, Section Sixteen (16), Township Ninety-three (93) North, Range Fifty-five (55), West of the 5th P.M., Yankton County, South Dakota

Tract 4, DJ's Addition, Yankton County, South Dakota, as per plat recorded in Book S20, page 85

Tract 1, DJ's Addition, Yankton County, South Dakota

Lots A Excluding Tracts 1-6, DJ's Addition, and E558' of Lot B, Yankton County, South Dakota

Tract 6, DJ's Addition, in Lot B, Section Sixteen (16), Township Ninety-three (93) North, Range Fifty-five (55), West of the 5th P.M., Yankton County, South Dakota

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D. or online at the Yankton County Website.

Sincerely,
Michael Kuchta
Petitioner

NOTIFICATION

March 10, 2021

Michael Kuchta
3109 Old River Rd
Yankton, SD 57078

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 1,320 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

NOTICE OF PUBLIC HEARINGS

Notice is hereby given that a public hearing will be held before the Yankton County Commission on Tuesday, April 5, 2021 beginning at 6:35P.M., and April 20, 2021 beginning at 6:35P.M., at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota.

Said hearing is to consider the following:

Applicants are requesting to Rezone the following properties from Rural Transitional District (RT) to Moderate Density Residential (R2). Said properties are described as:

Tract 3, DJ's Addition, County of Yankton, South Dakota as per plat as recorded in Book S19, page 350

Tract 5, DJ's Addition, in Lot A, Section Sixteen (16), Township Ninety-three (93) North, Range Fifty-five (55), West of the 5th P.M., Yankton County, South Dakota

Tract 4, DJ's Addition, Yankton County, South Dakota, as per plat recorded in Book S20, page 85

Tract 1, DJ's Addition, Yankton County, South Dakota

Lots A Excluding Tracts 1-6, DJ's Addition, and E558' of Lot B, Yankton County, South Dakota

Tract 6, DJ's Addition, in Lot B, Section Sixteen (16), Township Ninety-three (93) North, Range Fifty-five (55), West of the 5th P.M., Yankton County, South Dakota

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D. or online at the Yankton County Website.

Sincerely,
Michael Kuchta
Petitioner

EAGLE VENTURE PROPERTIES LLC (D)
PO BOX 711
YANKTON SD 57078

GULLIKSON, GREGORY (D)
3102 MISSOURI VALLEY DR
YANKTON SD 57078

HUNTLEY, CHARLES (D)
2015 GREEN ST #123
YANKTON SD 57078

JENSEN, DARLENE M (D)
511 EASTSIDE DR
YANKTON SD 57078

JOHNSON, MERTON (D)
PO BOX 32
WALKER IA 52352

KAISER, DONALD J (D)
3104 MISSOURI VALLEY DR
YANKTON SD 57078

KING, BRAD (D)
908 BILL BAGGS RD #19
YANKTON SD 57078

KNEIP, RONALD J REV LIV TRUST (D)
1380 TURNBERRY AVE
LE MARS IA 51031

LARRINGTON, THOMAS J (D)
406 SNIPE'S RD
YANKTON SD 57078

LLEWELLYN, KRIS (D)
3109 OLD RIVER RD
YANKTON SD 57078

NELSON, DOMINIC AUBREY (D)
801 EAST SIDE DR
YANKTON SD 57078

POSCH, THOMAS (D)
234 MARINA DELL AVE
YANKTON SD 57078

ROBINSON, CARMEN (D)
3106 MISSOURI VALLEY DR
YANKTON SD 57078

SOESBE, SHELBY L (D)
710 EAST SIDE DR
YANKTON SD 57078

SOTELO-ZAGAL, JUAN ANTONIO (D)
3205 MISSOURI VALLEY DR
YANKTON SD 57078

SUDBECK, KENNETH (D)
807 EAST SIDE DR
YANKTON SD 57078

TK ACQUISITION I LLC (D)
2200 SOUTH OHLMAN
MITCHELL SD 57301

WENZLAFF, RODGER (D)
805 EAST SIDE DR
YANKTON SD 57078

EAGLE VENTURE PROPERTIES LLC (D)
PO BOX 711
YANKTON SD 57078

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YANKTON SD 57078

LLEWELLYN, KRIS (D)
3109 OLD RIVER RD
YANKTON SD 57078

NELSON, DOMINIC AUBREY (D)
801 EAST SIDE DR
YANKTON SD 57078

RIVERSIDE HYDRAULICS INC (D)
2609 SD HWY 50
YANKTON SD 57078

ROBINSON, CARMEN (D)
3106 MISSOURI VALLEY DR
YANKTON SD 57078

ROKUSEK, NORMAN L (D)
811 EAST SIDE DR
YANKTON SD 57078

SOESBE, SHELBY L (D)
710 EAST SIDE DR
YANKTON SD 57078

SOTELO-ZAGAL, JUAN ANTONIO (D)
3205 MISSOURI VALLEY DR
YANKTON SD 57078

SUDBECK, KENNETH (D)
807 EAST SIDE DR
YANKTON SD 57078

SWENNING, THOMAS D (D)
2303 MISSOURI VALLEY DR
YANKTON SD 57078

TK ACQUISITION I LLC (D)
2200 SOUTH OHLMAN
MITCHELL SD 57301

WENZLAFF, RODGER (D)
805 EAST SIDE DR
YANKTON SD 57078

C&C HAULING & CONSTRUCTION INC (D)
2300 WILLOWDALE RD
YANKTON SD 57078

EAGLE VENTURE PROPERTIES LLC (D)
PO BOX 711
YANKTON SD 57078

GULLIKSON, GREGORY (D)
3102 MISSOURI VALLEY DR
YANKTON SD 57078

HUNTLEY, CHARLES (D)
2015 GREEN ST #123
YANKTON SD 57078

JENSEN, DARLENE M (D)
511 EASTSIDE DR
YANKTON SD 57078

JOHNSON, MERTON (D)
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WALKER IA 52352

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YANKTON SD 57078

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LARRINGTON, THOMAS J (D)
406 SNIPE'S RD
YANKTON SD 57078

LLEWELLYN, KRIS (D)
3109 OLD RIVER RD
YANKTON SD 57078

NELSON, DOMINIC AUBREY (D)
801 EAST SIDE DR
YANKTON SD 57078

POSCH, THOMAS (D)
234 MARINA DELL AVE
YANKTON SD 57078

ROBINSON, CARMEN (D)
3106 MISSOURI VALLEY DR
YANKTON SD 57078

SOTELO-ZAGAL, JUAN ANTONIO (D)
3205 MISSOURI VALLEY DR
YANKTON SD 57078

WENZLAFF, RODGER (D)
805 EAST SIDE DR
YANKTON SD 57078

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Board of Adjustment, Yankton County, South Dakota, at 6:30 P.M. on the 5th day of April, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Said hearing is to consider the following: Applicant is requesting a Conditional Use Permit to use his property as an AIR/BNB in a moderate Density Residential District (R2) Per Article 7 Section 709. Said property is legally described as Lot B, except the West Three Feet (W3') of said Lot B, and all of Lot C. Erskine's Plat, Yankton County, South Dakota, as per plat recorded on Book S3, page 61. E911 Address is 304 Gavins Point Road.

Notice is hereby given that a public hearing will be held before the Yankton County Board of Adjustment, Yankton County, South Dakota, at 6:35 P.M. on the 5th day of April, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. There will be a discussion on a Request for Zoning Enforcement. Said property is legally described as Tract Two (2), Whitetail Run, Yankton County, South Dakota, as per plat recorded in Book S20, page 282 in the Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4), Section Sixteen (16), Township Ninety-three (93), North, Range Fifty-Six (56) West of the 5th PM, County of Yankton, State of South Dakota. The E911 address is 3900 Alphonse Road, Yankton, SD.

Notice is hereby given that a public hearing will be held before the Yankton County Commission on Tuesday, April 5, 2021 beginning at 6:40P.M., and April 20, 2021 beginning at 6:35P.M., at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Said hearing is to consider the following: Applicants are requesting to Rezone the following properties from Rural Transitional District (RT) to Moderate Density Residential (R2). Said properties are described as:

Tract 3, DJ's Addition, County of Yankton, South Dakota as per plat as recorded in Book S19, page 350

Tract 5, DJ's Addition, in Lot A. Section Sixteen (16), Township Ninety-three (93) North, Range Fifty-five (55), West of the 5th P.M., Yankton County, South Dakota

Tract 4, DJ's Addition, Yankton County, South Dakota, as per plat recorded in Book S20, page 85

Tract 1, DJ's Addition, Yankton County, South Dakota

Lots A Excluding Tracts 1-6, DJ's Addition, and E558' of Lot B, Yankton County, South Dakota

Tract 6, DJ's Addition, in Lot B, Section Sixteen (16), Township Ninety-three (93) North, Range Fifty-five (55), West of the 5th P.M., Yankton County, South Dakota