

Agenda

Yankton County Commission

6:00 PM, Tuesday, July 6, 2021
Commission Chamber
Yankton County Government Center

DOCUMENTS WILL BE AVAILABLE AT AUDITOR'S OFFICE FOR REVIEW BEGINNING
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Meeting chaired by: Cheri Loest, Chair

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

02 Roll Call: _____ Don Kettering _____ Joseph Healy
_____ Wanda Howey-Fox _____ Dan Klimisch _____ 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	Approve Marina Grill Package Off-Sale Liquor License	Commissioners
06	6:15 PM	Abatement Approve Request for Temporary/Part Time Employee Approve Pay for Interim Director of Equalization	Jeff Puthoff
07	6:20 PM	Highway Paving Plan Entrance Application/Right of Ways Discussion	Mike Sedlacek
08	6:25 PM	Temporary Burn Ban Resolution Local Emergency Operations Plan Joint Powers Agreement	Paul Scherschligt

09	6:30 PM	First Reading of Drainage Ordinance	Gary Vetter
10	6:35 PM	First Reading of Article 5 and Definitions	Gary Vetter
11	6:40 PM	Approve Request to Advertise for New Attorney	Commissioners
12	6:45 PM	Marijuana Discussion	Commissioners
13	6:50 PM	Claims June Payroll	Auditor
14	6:55 PM	Approval of June 15, 2021, June 25, 2021 Strategic Planning and June 25, 2021 Annual Budget Meeting Minutes	Commissioners
15	7:00 PM	Public Comments	
16	7:05 PM	Commissioner Updates	
17	7:10 PM	Executive Session/Poor Relief Issues Pursuant to SDCL 1-25-2 & 28-13 and 28-13-1.3 Items for Next Meeting	State's Attorney

Date Received _____

License No. _____

Date Issued _____

Uniform Alcoholic Beverage License Application

A. Owner Name and Address

Donlin Marine, LLC
PO Box 19
Pickstown SD 57367

Owner's Telephone #: 605-491-0023

C. Indicate the class of license being applied for

(submit separate application for each class of license).

- ☐ Retail (on-sale) Liquor
☐ Retail (on-sale) Liquor - Restaurant
☐ Convention Center (on-sale) Liquor
☒ Package (off-sale) Liquor
☐ Retail (on-off sale) Wine and Cider
☐ Retail (on-off sale) Malt Beverage & SD Farm Wine
☐ Package Delivery
☐ Hunting Preserve
☐ Other _____

Is this license in active use? ☐ Yes ☒ No

Do you or any officers, directors, partners, or stockholders hold any other alcohol retail, manufacturing, or wholesaler licenses?

☒ Yes ☐ No If Yes, please list on the back page.

B. Business Name and Address

marina Grill
43497 shore Dr.
Yankton, SD 57018

Business Telephone #: 605-689-2111

Place of business is located in a municipality? ☐ Yes ☐ No

County: Yankton

Do you own or lease this property? ☐ Own ☒ LeaseAre real property taxes paid to date? ☒ Yes ☐ No

D. Legal description of licensed premise:

marina Grill
W2 SW4, section 17, 93N/56W
C9.017.200.110Have you ever been convicted of a felony? ☐ Yes ☒ No

E. State Sales Tax Number 1029-5820-51

F. New license ☒ Transfer? (\$150) ☐ Re-issuance ☐

H. CERTIFICATE: The undersigned applicant certifies under the penalties of perjury that all statements provided herein are true and correct; that the said applicant complies with all of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Date 6/12/12

Print Name Chris Donlin

Signature 

I. APPROVAL OF LOCAL GOVERNING BODY – Notice of hearing was published on _____. Public hearing on the application was held _____, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Renewal - no public hearing held ☐

Amount of fee collected with application \$ _____

Amount of fee retained \$ _____

Forwarded with application \$ _____

For Local Government Use

(Seal) _____
Mayor or Chairman

If disapproved, endorse reason thereon and return to applicant

Transferred (State Use)

From: _____

Sales tax approval _____ Date _____

STATE LIQUOR AUTHORITY:

APPROVAL _____ REVIEW _____

Please complete the reverse side if applicable

JUN 15 2021

9:00AM

Company supplement information
(For corporate/partnership/LP/LLC applicants)

Name of corporation/partnership/LP LLC Danlin Marine, LLC

Address of office and principal place of business of corporation/partnership/LP/LLC 103 W. U.S. Hwy. 18, Pickstown, SD 57367

Are all managing officers of this corporation/partnership/LP/LLC of good moral character having never been convicted of a felony? ☒ Yes ☐ No

Name, title of office, occupation and address of each of the officers/owners of the corporation, partnership, LP or LLC:

Name	Office	Address	Occupation
Chris Danlin	President	P.O. Box 19 Pickstown, SD 57367	owner

Name of any officers, directors, partners or stockholders of applicant having a financial interest or capital stock in any other alcoholic beverage license:

Name	Type of License, License Number, Financial Interest Held, and Address of Business Location
Chris Danlin	Retail Beer BB-3572, 100% Lewis + Clark Marina, 43527 Shore Dr. Yankton, SD 57078
Chris Danlin	Retail Liquor RL-6132, 100% Marina Bar + Grill, 43497 Shore Dr. Yankton, SD 57078
Chris Danlin	Retail Beer BB-25378, 100% Marina Bar + Grill, 43497 Shore Dr. Yankton, SD 57078

Where and with whom are all company records kept, such as charter, by-laws, minutes, accounts, notes payable, and notes and accounts receivable, etc?

Danlin Marine, LLC Cindy Brauhill, 103 W. U.S. Hwy. 18 Pickstown, SD 57367

With signature the applicant agrees to the following:

That the applicant company will comply with all provisions of ARSD chapter No. 64:75:02 of the Department of Revenue, relating to the transfer of stock and prior approval of the transfer of such stock by the Secretary of Revenue and violation of any of the provisions of said regulation or failure to comply therewith, whether by the undersigned corporation, partnership/LP/LLC or by any stockholder thereof, or by anyone interested in said company, shall constitute cause for revocation or suspension of any license issued pursuant to and in reliance on this application, or for refusal to renew such license upon expiration thereof.

We the undersigned officers and directors of the applicant company acknowledge that the within supplement application form is true and correct in every respect and that there exists no financial arrangement concerning this or any other alcoholic beverage license than that expressly set forth above. If company stock is to be transferred we ask for approval of such voluntary stock transfer.

Signature of Authorized Officer/Director/Partner

Date



6/12/21



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: June 29, 2021

Request is for Commission Meeting Dated: July 6, 2021

Name: Jeff Puthoff

Address: 321 West 3rd St, Suite 203

Phone: 605-260-4484

E-Mail Address: jeffrey@co.yankton.sd.us

Topic to be Addressed and Length of Presentation: Abatement/5 min

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

Abatement Request

Person(s) Making Presentation to the Board: Jeff

Audio/Visual Equipment Needed: Podium & microphone

For Office Use:

Approved _____ Denied _____ Reason(s): _____

Signature: _____

Date: _____

YANKTON COUNTY
RESOLUTION TO PROVIDE FOR TEMPORARY EMERGENCY REGULATION OF FIRE
HAZARDS IN YANKTON COUNTY

WHEREAS, the Commissioners of Yankton County are charged with the protecting health and safety of the citizens of Yankton County, including all property situated therein; and

WHEREAS, South Dakota Codified Law (SDCL) 7-8-20(18) authorizes the Yankton County Commission to prohibit or restrict open burning, after consultation with local fire officials and law enforcement officials, in order to protect the public health and safety; and

WHEREAS, the Yankton County Commission has consulted with local fire officials and law enforcement officials concerning the threat of wildfire from open burning under certain climatic conditions; and

WHEREAS, the Commissioners of Yankton County have determined that in the interest of public health and safety, it will prohibit open burning (open fire) when climatic conditions indicate the threat of wildfire and other dangerous fire hazards within Yankton County; and

WHEREAS, for purposes of this Resolution, “open burning” shall be defined as any outdoor fire, including but not limited to campfires, warming fires, charcoal grill fires, or the prescribed burning of fence rows, fields, wildlands, trash and debris. This Resolution excludes fires contained within liquid-fueled or gas-fueled stoves, fireplaces within all buildings, charcoal grill fires at private residences, and permanent fire pits or fire grates located on supervised developed picnic grounds and campgrounds; and

WHEREAS, conditions of wildfire and dangerous fire hazards now exist in Yankton County;

NOW, THEREFORE, BE IT RESOLVED, that the Yankton County Commission enact this Resolution on an emergency basis and impose a burn ban to prohibit or restrict open burning in Yankton County, and;

BE IT FURTHER RESOLVED that the ban will be in place until fire conditions improve as determined by the Yankton County Emergency Manager and Yankton County Emergency Officials within Yankton County.

BE IT FURTHER RESOLVED that a fine not to exceed two hundred dollars for each violation, or by imprisonment for a period not to exceed thirty days for each violation, or by both the fine and imprisonment, if found in violation of this Resolution, as per South Dakota Codified Law 7-18A-2, and that the costs for suppressing any fire, including response fees, mutual aid assistance from other agencies or fire departments, reimbursement to governments for suppression efforts and compensation to the firefighters for time lost from their employment, be born directly by the individual or individuals responsible for setting the fire.

Dated this 6th day of July, 2021.

Cheri Loest/s/
Cheri Loest Chairman
Yankton County Commission

ATTEST:

Patty Hojem/s/
Patty Hojem, Auditor

YANKTON COUNTY EMERGENCY OPERATIONS PLAN
ADMINISTRATIVE OVERVIEW

Yankton County Adoption of the Emergency Operation Plan

The Yankton County Emergency Operations Plan (YCEOP) is designed to provide direction and coordinate resources in a unified response to local emergencies/disasters. The following planning and response activities are intended to reduce the threat and impact to lives, property, and the environment.

Tasked with the mandated responsibility of protection of these entities, the Yankton County Board of Commissioners have reviewed and accepted the YCEOP.

This document is designed to integrate with both the State and Federal Emergency Response Plans. Actions taken through the use of this plan will coordinate response efforts in a manner that will allow transition into a declaration for assistance from either entity if the emergency/disaster situation warrants those steps.

Therefore, the Yankton County Commissioners in regular assembly, having reviewed the updated Yankton County Emergency Operations Plan, hereby approves said plan on the 6th day of July, 2021 as the primary document for emergency operations during natural and man-made emergencies and disasters and authorize the development of secondary sources as may be necessary to augment this plan.

Chair, Yankton County Board of Commissioners

Yankton County Auditor

JOINT POWERS AGREEMENT

SERVING YANKTON COUNTY, SOUTH DAKOTA, CEDAR COUNTY, NEBRASKA AND KNOX COUNTY, NEBRASKA

PURPOSE:

This Joint Powers Agreement ("Agreement") by and among the undersigned parties (together, the "Member Agencies" and individually a "Member Agency") establishes guidelines for the implementation of support in the event of incidents or events that may be beyond the capabilities of a Member Agency. In these situations, a Member Agency may need to request assistance from other Member Agencies to effectively mitigate such an incident or event.

MEMBERSHIP AND MANAGEMENT:

There is hereby created a joint board ("Board"), made up of one representative from each Member Agency, that is responsible for administering this Agreement. Such board shall not be considered a separate legal or administrative entity for purposes of South Dakota Codified Law § 1-24-4(2). The Board shall meet at the call of any one Member Agency. Agencies wanting to join this Agreement after its execution shall submit in writing a letter of intent to join this Agreement. Upon a two-thirds (2/3) vote of the Board in favor of allowing said petitioning Agency to accede to membership, such Agency shall become a Member Agency.

DURATION AND WITHDRAWAL:

This Agreement shall enter into force upon its execution by two or more Member Agencies and continue in effect for five (5) years. Any Member Agency desiring to withdraw from this Agreement must submit a "letter of withdrawal" to all other Member Agencies, which withdrawal shall become effective 30 days after the postmarked date of the last letter of withdrawal. The letter of withdrawal must be signed by the highest authority of the Member Agency. In the event a withdrawal would result in fewer than two Member Agencies, this Agreement shall terminate and any property not held individually by a Member Agency shall be disposed of by agreement among the remaining Member Agencies prior to termination.

SCOPE:

This Agreement is intended to include Agencies directly, or indirectly, involved in providing emergency services to the citizens of Yankton County, South Dakota; Cedar County, Nebraska; and Knox County, Nebraska; and any Agency outside of these Counties that may wish to participate in this Agreement.

FINANCES:

This Agreement shall be financially supported by the Agencies signing this agreement in accordance with the terms herein. In the event any costs associated with this agreement are not otherwise provided for specifically herein and borne generally for the benefit of the Member Agencies, all parties will be notified and the cost divided equally among the Member Agencies.

A. DEFINITIONS

Agency:	Any fire department, career or volunteer; governmental search & rescue team; city, county, state or federal government; ambulance service; or emergency management agency.
Assistance:	The provision of personnel, equipment, expertise, supplies, or other products or services excluding financial assistance.
Authorized Representative:	An authorized representative shall be designated in writing by each Member Agency. The authorized representative does not need to be the signatory of this document.
Deploying Agency:	The deploying agency who receives a request for Assistance and/or subsequently provides said Assistance.
Incident Commander:	The person responsible for all aspects of an emergency response, including quickly developing incident objectives, managing all incident operations, application of resources as well as responsibility for all persons involved.
Incident Command System (ICS):	A standardized approach of the National Incident Management System to the command, control, and coordination of emergency response providing a common hierarchy within which responders from multiple agencies can be effective.
Mutual Aid:	Assistance provided pursuant to this Agreement across jurisdictional boundaries. This may occur due to an emergency response that exceeds local resources, such as a disaster or a multiple-alarm fire.
Primary Area of Responsibility:	The agreed upon geographical area for which a Member Agency provides response pursuant to this Agreement.
Responding Personnel:	Personnel who respond to Requesting Agency's request for assistance. Such personnel must be eighteen years of age or older, insured by worker's compensation insurance, and must have completed ICS 100, ICS 200 and ICS 700 of the NIMS Incident Command training. In addition, the personnel must be trained to the local department level of training as per their Standard Operating Procedures (SOP).
Requesting Agency:	The public agency that requests assistance for the protection of life and property from fire, medical, technological, natural disasters, planned event, manmade and other emergency situations.

Specialized Assistance: Assistance beyond the normal scope of firefighting, medical, etc., which may include, but is not limited to, hazardous materials equipment or vehicles, high angle rescue, water rescue, contracted firefighting assistance, fixed wing aircraft and helicopters.

B. GENERAL AGREEMENTS

1. Any Member Agency may request Assistance from any other Member Agency in order to preserve and protect the public health, safety, and welfare. The Requesting Agency and the Deploying Agency shall utilize the Incident Command System.

2. Any Member Agency requesting Assistance pursuant to this Agreement may do so through an oral or written request to the Authorized Representative of the Deploying Agency to which the request is directed, and who is authorized to control the items of Assistance being requested.

3. All personnel deployed by the Deploying Agency are subject to the authority of their respective Deploying Agency and the Incident Commander.

4. It is agreed by the Agencies signing this Agreement that events or incidents are the responsibility of the Requesting Agency. The Requesting Agency is requesting Assistance to prevent any further harm to life or personnel property, and is additionally responsible for ensuring that it maintains worker's compensation insurance coverage and general liability insurance. Upon request under Section B.5. of this Agreement, the Requesting Agency is responsible for any cost that may have occurred during an event or incident.

5. A Deploying Agency involved in the event or incident may request reimbursement of its actual expenses from the Requesting Agency. These costs may include, but are not limited to: equipment, manpower, supplies, repairs, fuel and meals. If reimbursement is requested, the Deploying Agencies involved shall agree upon actual, reasonable expenses involved or Federal Emergency Management Agency rates, if actual costs are higher. The Requesting Agency may, at the option of the Deploying Agency, replace supplies, equipment, or the like, such as foam, dry chemicals, or other items consumed or expended by the Deploying Agency, instead of reimbursing the costs of the consumable supplies.

6. Responding Personnel under this Agreement shall be bona fide members of the Deploying Agency. Responding Personnel will respond with the proper protective clothing and personal safety equipment required to perform the anticipated task(s). In addition, the Responding Personnel must have completed the appropriate training for the anticipated task(s). To ensure each Member Agency has the proper trained personnel, each Member Agency shall provide a list of personnel certified by their agency and any state-level certifying agency. Said training shall include, but is not limited to, certified firefighting training, public safety diving, and ice rescue.

7. It shall be the responsibility of the Deploying Agency to ensure that the Responding Personnel meet all requirements set forth herein prior to being dispatched.

8. Investigation for origin and cause of fires, cause of vehicle accidents, etc. shall be the responsibility of the Requesting Agency; however, any Requesting Agency may request Assistance to support the Requesting Agency's investigation.
9. Any Deploying Agency that provides Assistance pursuant to a request may withdraw that assistance at any time after informing the Incident Commander.
10. Nothing in this Agreement shall prohibit a Member Agency from entering into separate or additional agreement(s) with other Agency(s), nor shall this Agreement take precedence over any other agreements entered into by such Agency(s) except as may be provided for in any separate or additional agreement.
11. It is not the intent of this Agreement for any Member Agency to subsidize personnel or equipment for the normal day-to-day operations of another Member Agency. A Member Agency may decline a reimbursement request made under Section B.5. of this Agreement if it reasonably believes such request is made for such a purpose.
12. Ownership of and liability for assistance provided, except as provided in § 34-48-12, any Deploying Agency providing Assistance in response to a request shall maintain ownership of and liability for all Assistance provided, including:
 - (1) Worker's compensation coverage for personnel employed, authorized, or designated to act by or on behalf of the Deploying Agency;
 - (2) Insurance coverage for employees, agents, or volunteers of the Deploying Agency;
 - (3) Property; and
 - (4) Personnel benefits.

A Requesting Agency may request proof of insurance from the Deploying Agency.

C. OPERATING PROCEDURES

1. The first arriving Member Agency, regardless of jurisdiction, will assume incident command. Once the Member Agency from the Primary Area of Responsibility arrives on-scene, they may assume command by going through a transfer of command with current Incident Commander or defer command authority to the current Incident Commander.
2. Member Agencies should establish Mutual Aid response lists providing a list of equipment and personnel that it is willing to provide to a Requesting Agency. Such list will be provided to each Member Agency. A Requesting Agency will only request the necessary resources it reasonably believes necessary to manage the event.
3. Deploying Agencies shall report to the Incident Commander or establish an Incident Commander if first arriving Member Agency. It is the responsibility of the Incident Commander to make the Incident Commander plainly visible and accessible.
4. If any Deploying Agency is unable to provide some or all of the requested assistance, for whatever reason, the Deploying Agency shall provide that information to the Requesting Agency as soon as possible.

Adopted:

Organization - Lead

Authorization Date

Organization

Authorization Date

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— STATE OF SOUTH DAKOTA —
OFFICE OF THE GOVERNOR

KRISTI NOEM | GOVERNOR

May 20, 2021

Yankton County Commission
321 West 3rd Street
Suite 100
Yankton, SD 57078

Dear Yankton County Commission,

I am in receipt of the proposed Joint Powers Agreement among agencies serving Yankton County, South Dakota; Cedar County, Nebraska; and Knox County, Nebraska. I have consulted with the Department of Public Safety, Office of Emergency Management and find the proposed Joint Powers Agreement is in the best interest of the public in order to protect the citizens of South Dakota during an incident or event too great to be dealt with unassisted. I hereby approve of your execution of the Joint Powers Agreement, as required by SDCL 34-48A-46.

SDCL 34-48A-46 states: *"the director of each local organization for emergency management may, subject to the approval of the Governor, enter into mutual aid arrangements with emergency management agencies or organizations in other states for reciprocal emergency management aid and assistance in case of an incident or event too great to be deal with unassisted."*

I want to commend you for taking both the citizens needs and state law into consideration to best serve South Dakota. Thank you all for all you do to be better prepared for emergencies.

Sincerely,

A handwritten signature in blue ink, which appears to read "Kristi Noem", is written over a horizontal line.

Kristi Noem
Governor

YANKTON COUNTY DRAINAGE ORDINANCE # 19

Revision: changes from Mar 23, 2021, meeting to be discussed on Apr 27

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ARTICLE I GENERAL PROVISIONS

SECTION 1.01.

TITLE

These regulations shall be referred to as the Drainage Ordinance of Yankton County.

SECTION 1.02.

AUTHORITY

The authority for this ordinance is promulgated under SDCL 46A-10A and SDCL 46A-11.

SECTION 1.03.

PURPOSE

These regulations shall govern the subsurface agricultural drainage of water within Yankton County and are designed to enhance and promote the physical, economic, and environmental management of the county; protect the tax base; prevent inordinate adverse impacts on servient properties; encourage land utilization that will facilitate economical and adequate productivity of all types of land; lessen government expenditure; conserve and develop natural resources; and preserve the important benefits provided by wetlands.

SECTION 1.04.

DRAINAGE COMMISSION

The Yankton County Commission shall ~~appoint nine (9) members to the~~ a Yankton County Drainage Commission. The Yankton County Drainage Commission shall consist of an odd number of members, including at least one (1) county commissioner. The YC Drainage Commission members shall serve a three year term and shall not have term limits. The Drainage Commission shall meet at such times as may be necessary to accomplish the purposes of their duties, but may not meet less than once every sixmonths.

SECTION 1.05.

DRAINAGE BOARD

The Yankton County Commission shall constitute the Yankton County Drainage Board. The YC Drainage Board shall meet at such times as may be necessary to accomplish the purposes of their duties, but may not meet less than once every six months.

SECTION 1.06.

BOARD OF RESOLUTION

The Yankton County Commission shall constitute the Yankton County Board of Resolution.

SECTION 1.07.

ADMINISTRATIVE OFFICIAL

The provisions of this Ordinance shall be administered and enforced by the Planning & Zoning Administrator, as the Yankton County Drainage Administrator, appointed by the Yankton County Commissioners.

YANKTON COUNTY DRAINAGE ORDINANCE # 19

SECTION 1.08.

REPEAL OF CONFLICTING ORDINANCES.

All ordinances or part of ordinances in conflict with this Ordinance or inconsistent with the provisions of this Ordinance are repealed entirely.

YANKTON COUNTY DRAINAGE ORDINANCE # 19

ARTICLE II DEFINITIONS

SECTION 2.01.

DEFINITIONS

For the purposes of this ordinance, certain terms and words are hereby defined. Any word not herein defined shall be as defined in any recognized Standard English dictionary.

Abut - Having a common border with, or being separated from such a common border by a Right-of-way, alley or easement; for the purposes of this Ordinance the 'abut' shall be synonymous with 'adjacent' or 'adjoining'.

Benefitted Area - The area within a drainage district or coordinated drainage area that receives the direct benefit from the drainage projects which have been constructed, or are to be constructed, within the district or drainage area.

Blue Line Stream - Any stream shown as a solid or broken blue line on 7.5 Minute Series quadrangle maps prepared by the U.S. Department of the Interior Geological Survey (USGS). A blue line stream may be any creek, stream or other flowing water feature, perennial or ephemeral, indicated on USGS quadrangle maps, with the exception of man-made watercourses. The United States Army Corps of Engineers uses USGS blue line stream markings as a preliminary indicator of "Waters of the United States". Streams identified on USGS maps in such a manner are therefore generally subject to federal environmental regulations.

Board of Resolution – The Yankton County Commission shall serve as the Yankton County Board of Resolution.

Closed drain or blind drain - A man-made drain or drainage scheme utilizing pipes, tiles or other materials and constructed in such a way that flow of water is not visible.

Drainage Board – The Yankton County Commission shall serve as the Drainage Board.

Drainage Commission - The Yankton County Drainage Commission, composed of nine members appointed by the Yankton County Commission; or any county drainage commission created under the terms of this ordinance.

Coordinated drainage area - A defined geographic area containing one or more parcels of real property and established under the provisions of this chapter 46A-11 by a board or commission to provide a planned network or method of natural or man-made drainage, or both, to benefit all parcels of real property involved.

Dominant estate - Any parcel of real property, usually at a higher elevation, which holds a common law or statutory legal right to drain water onto other real property.

Drain - A means of draining either surface or subsurface water through a system of ditches, pipes or tiles, natural, man-made or natural with man-made improvements.

YANKTON COUNTY DRAINAGE ORDINANCE # 19

Drainage Administrator - An official duly appointed by the Commission who is responsible for the administration and enforcement of this ordinance.

Drainage Board - Any county board designated under the terms of SDCL 46A-10A-2 or 46A-10A-34.

Drainage District - A drainage area with multiple owners that was established under state law prior to July 1, 1985 in which all planning, construction and maintenance of the drainage system conform with a master plan for the district and are funded through an assessment on the benefitted acres within the district.

Drainage Map - Any map adopted by resolution of the commission that delineates the extent of county drainage, drainage project, or a coordinated drainage area.

Drainage Plan - A document which may illustrate by maps, charts, and other descriptive matter the policies of the commission to interrelate all man-made and natural systems and activities relating to drainage under its jurisdiction.

Drainage Project - Any man-made improvements constructed or installed with the intent to drain water.

Drainage scheme - A plan or system by which water is drained from one or more parcels of real property onto one or more parcels of real property.

Engineer - A professional, registered engineer.

Entity - For the purposes of this ordinance the term “entity” shall include a person, estate, trust, corporation, company, partnership, limited liability company, limited liability partnership, governmental unit or any similar organization.

Established water course - A fixed and determinate route, either natural or man-made, by which water has flowed from one parcel of real property to another and by which water has been discharged upon a servient estate for a period of time, on such a regular basis and in such quantities as to make it a predictably continuous activity.

Governing body - A board of county commissioners, a city council or a city commission.

Hydric Soil - Soil types which are formed under saturated conditions.

Hydrophitic Vegetation - Vegetative types typically adapted for life in saturated soil conditions.

Lake - A land depression having a greater depth of water and having more permanent standing water than either a slough or pond. This definition classifies lakes as type five wetlands or “inland open freshwater” as defined in U.S. Fish & Wildlife Service Circular 39.

YANKTON COUNTY DRAINAGE ORDINANCE # 19

Landowner or owner - Any individual, firm or corporation, public or private, or public agency, who has legal title to real property as shown by the records of the register of deeds of the county in which the real property is situated. If the real property is sold under a contract for deed and the contract is of record in the office of the register of deeds for the respective county, both the recorded owner of the real property and the purchaser as named in the contract for deed are deemed owners of the real property.

Lateral drain - For the purpose of regulating the drainage of water means a drain constructed after the establishment and construction of the original drain or drainage system (for which a permit was obtained) and which flows into such original drain or drainage system.

Legal drain - A drain or drainage scheme that:

- (a) Is vested under the provisions of SDCL 46A-10 and SDCL 46A-11;
- (b) Has been constructed by a person or by a unit of government under the provisions of past or present law; or
- (c) Has been granted a drainage permit.

Maintenance – see Routine Maintenance

Meandered lake - Any pond, slough, or lake which has had its boundaries established by metes and bounds in the survey of public lands by government of the United States.

Modifications to Any Drain - Modification to any drain shall mean constructing, relocating, extending, deepening, widening, straightening or otherwise altering a surface drain, closed drain, man-made or natural drain, natural water course, ditch, or any other drain for the purpose of a natural water course.

Municipality - A city or town, however organized.

Natural drain - A drainage system which operates as part of a natural water course, as defined herein.

Natural water course - A fixed and determinate route by which water naturally flows from one parcel of real property to another due to the conformation of the land and by which water is discharged upon the land receiving the water. It is not necessary that the force or volume of the flow of water be sufficient to form a channel having a well-defined bed or banks.

Official Control - Any ordinance, order, regulation, map, or procedure adopted by a commission to regulate drainage.

Ordinance - Any ordinance, as defined in subdivision 7-18A-1(2), adopted by a commission to regulate drainage of both rural and urban areas to provide coordination of drainage projects, individual drainage efforts and drainage areas and to foster conformity with any county drainage plan.

Party of record - Any person who submits oral or written testimony and evidence for the record of the state engineer's public hearing.

Permanent - A drainage project fixed and in place for a period of time exceeding six months.

YANKTON COUNTY DRAINAGE ORDINANCE # 19

Permitted Drainage - Any drainage project that has been submitted to the Yankton County Drainage Commission and has received an authorized permit to drain.

Persons - A person, firm, partnership, association, corporation, or any other type of private legal relationship, and any governmental organization, which includes, but is not limited to, any agency of the United States, a state agency, and any political subdivision of the state.

Pond - A land depression where the soil is covered with six inches (15 centimeters) to three feet (0.91 meters) or more of water throughout the growing season. This definition classifies ponds as type four wetland or “inland deep marshes” as defined in U.S. Fish & Wildlife Service Circular 39.

Private drain - A drainage system or scheme designed, constructed and maintained by a landowner primarily for his own benefit or a natural drain, whether or not actively maintained, that provides a benefit primarily to one landowner.

Rural or rural area - Any territory outside a municipality.

Routine maintenance - Any maintenance performed on a vested and/or properly registered drainage system provided:

- (a) The repair or replacement of a closed or lateral drain does not increase the size, capacity or length of the existing drain and the original location of the drain are not altered.
- (b) The removal of sediment or vegetation from a surface drain with man-made improvements if the maintenance does not exceed the original depth and capacity of the channel and the original location of the drain is not altered.
- (c) The filling in of a drain to repair damage caused by erosion.

Servient estate - Any parcel of real property, usually at a lower elevation, which is subject to a legal right allowing a dominant estate to drain water onto it.

Slough - Includes three types (refer to U.S. Fish & Wildlife Service Circular 39):

- (a) Type one sloughs are “seasonally flooded basins or flats” which includes land depressions where the soil is covered with water, or is waterlogged, during variable seasonal periods but is usually well drained during much of the growing season.
- (b) Type two sloughs are “inland fresh meadows” which includes land depressions where the soil is usually without standing water during most of the growing season but is waterlogged within at least a few inches (centimeters) of its surface.
- (c) Type three sloughs are “inland shallow fresh marshes” which includes land depressions where the soil is usually waterlogged throughout the growing season and is often covered with as much as six inches (15 centimeters) or more of water.

Stream, Intermittent - A natural drainage channel indicated by a ~~solid-dot and dash~~ blue line in the most recently published USGS 7.5 minute quadrangle map.

Stream , Permanent - A natural drainage channel indicated by a solid blue line in the most recently published USGS 7.5 minute quadrangle map.

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Sub-watershed - The area drains into a specified lake or waterway as identified by the Natural Resources Conservation Services and displayed or described on the “Yankton County Hydrology Map.”

Surface Drain - A man-made drain on the surface of the ground.

Unit of local government - A municipality, an irrigation district, a water project district, a water user district, a township, a sanitary district, a conservation district or other special district, as defined by South Dakota Codified Law.

Vested drainage right - A right to drain water from one property to another, which was established on the basis of SDCL 46A-10A or 46A-11A. Any natural right acquired before July 1, 1985, is deemed vested if recorded at the Register of Deeds before July 1, 1991.

Water management board - The state board in SDCL 1-40-15.

Watershed - The area which drains into a slough, pond, or lake.

Wetland – Those areas which have a predominance of hydric soil, are inundated or saturated by water for at least 15 days during a growing season, and under normal circumstances support hydrophytic vegetation. Reference maps may include the U.S. Natural Resources Conservation Services wetland maps and the U.S. Fish & Wildlife Service National Wetlands Inventory.

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ARTICLE III

DRAINAGE PERMITS

SECTION 3.01.

PERMITS REQUIRED

A drainage permit shall be required prior to commencing the excavation for, or the construction, installation, or modification of, a drainage project including, but not limited to, the following:

1. Construction or installation of a surface or closed drain.
2. Any draining, filling, diverting, in whole or in part, of a pond, wetland, or lake or filling of a drain.
3. Construction of any lateral drain.
4. Modification of any permitted or vested drainage with the intent of deepening or widening any drainage channel, increasing the size and/or depth of any drainage tile, or the extending or rerouting any drainage work.
5. Improvements to a drainage district or a coordinated drainage area which were not included in the original plans.
6. Modification of any permitted or vested drainage which has the effect of causing an impediment to existing drainage.

SECTION 3.02.

PERMITS NOT REQUIRED

A drainage permit shall not be required for the routine maintenance of a drain previously permitted by the Yankton County Drainage Board / Drainage Administrator. Landowners intending to perform routine maintenance of vested drainage, permitted drainage, or other drainage as defined herein are not required to obtain a permit, however, landowners shall notify the drainage administrator prior to performing routine maintenance.

SECTION 3.03.

APPLICATION FOR A DRAINAGE PERMIT

Any person required to obtain a drainage permit under this ordinance shall file an application on a form as provided by the County and the required filing fee with the Yankton County Drainage Administrator.

Drainage Permits issued on the basis of plans and applications approved by the Drainage Administrator authorize only the drains or impediments set forth in such approved plans and specifications. Any drainage or impediments to drainage at variance without authorization shall be deemed a violation of this ordinance and shall be punishable as provided by this ordinance.

1. An Application for a Drainage Permit, accompanied with the appropriate fee to be established by resolution shall be completed by the landowner requesting the Drainage Permit. Completed applications shall be returned to the Drainage Administrator for review. To be considered complete, the application form shall be accompanied by the following additional items:
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- a. A signed statement from the Applicant and Contractor, if applicable, acknowledging each parties' understanding of the proposed project, the drainage ordinance, and zoning regulations applicable to the project as proposed.
- b. A detailed, preliminary site plan, including a map with property legal description, showing the location of the proposed construction. The site plan shall include a description of the length, type, depth and size of the drain, and the location of the proposed outlet, supported by latitude / longitude coordinates (GPS). The actual outlet shall be placed within ~~40%~~ (actual location difference/total distance of project) 250 feet of the proposed outlet location in the preliminary plan. Distances greater than 250 feet must obtain administrative approval for the change.
- ~~a-c.~~ All required easements and any required maintenance agreements ~~and / or easement~~ shall be provided.
- ~~b-d.~~ Identification of sub-watershed(s) to be affected using best available data which shall be deemed to include the Yankton County Hydrology Map as well as any other data which identifies watershed boundaries, provided the source of such information is noted.
- ~~e-e.~~ A copy of any recorded South Dakota Vested Drainage Records and/or a copy of the U.S. Natural Resources Conservation Service (NRCS) or NRCS-CPA-026, with certified drainage systems ~~and referenced wetland maps~~ (where applicable).
- f. The Drainage Administrator may also request that the applicant provide a detailed survey prepared by a professional engineer or surveyor.
- ~~d-g.~~ All signed waivers, including a complete "811 call" notification, for performing drainage work in Yankton County.
- ~~e-h.~~ Any application for any drainage into a road right-of-way must include the written approval of the ~~township board~~ local road authority (when applicable) ~~and Yankton County Commission.~~
- ~~f-i.~~ Any application for a proposed drainage project which would involve any underground construction on a county road right-of-way must include a validated permit from Yankton County for occupancy for underground construction on county roads right-of-way.
- ~~g-j.~~ Any application for a proposed drainage project which is determined to be of statewide or inter-county significance must be provided to the other counties affected by the applicant.
 - h-k. Any other information which the Drainage Administrator may deem necessary for consideration in enforcing the provisions of this Ordinance.

If the Drainage Administrator determines that the application is incomplete or if the information contained therein is insufficient to make an informed decision on the application, the application shall be returned to the applicant for revision.

SECTION 3.04.

NOTIFICATION TO OTHER PARTIES

A good faith effort must be made ~~by the applicant~~ to notify all property owners of land with the following provisions. The list of landowners to be notified shall be determined by records of the Director of Equalization. The Planning Department shall provide ~~the applicant with~~ "Notice of Hearing" forms ~~for this purpose and the notices shall be given~~ to each owner of record by depositing such notice in the United States Post Office not less than ten (10) days prior to the hearing date and supported by ~~affidavit certifying~~ certified mail receipt that the required mailing

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was completed. ~~The affidavit shall be provided to the Planning Department at least seven (7) days prior to the hearing date. Certified mailing receipts shall become part of the permanent record. The Applicant's shall, at the applicant's expense, give notice by postage mail with affidavit of mailing. The Planning Department shall give notice~~ of the application for drainage permit to the following parties:

1. ~~As detailed above, All~~ all abutting property owners ~~and (as detailed above)~~ all property owners one-half (1/2) mile above and one (1) mile below the outlet of the proposed drainage or documented Blue Line.
2. ~~A signed statement from the Applicant and Contractor, if applicable, acknowledging each parties understanding of the proposed project, the drainage ordinance, and zoning regulations applicable to the project as proposed.~~
3. ~~The Drainage Administrator may also request that the applicant provide a detailed survey prepared by a professional engineer or surveyor.~~
4. ~~2~~ Any county which will be directly affected by the water to be drained.
5. ~~3~~ Any municipality which appears to the Drainage Administrator to be adjacent to the property to be drained or its drain outlet as described in the application.
6. ~~4~~ The South Dakota Departments of Game, Fish & Parks and Department of Interior US Fish and Wildlife Service if directly affected and provided they have a recorded property interest in the water course into which the water is to be drained adjacent to the property to be drained or its drain outlet as described in the application.
7. ~~5~~ The South Dakota Department of Environment & Natural Resources.
8. ~~6~~ The applicable street authority (e.g. Township Supervisor(s), Yankton County Highway Superintendent, South Dakota Department of Transportation) for the right-of-way of any highway or roadway within their jurisdiction which will be directly affected by the water to be drained.
9. ~~7~~ The local U.S. Natural Resources Conservation Service.

SECTION 3.05.

AUTHORITY OF DRAINAGE ADMINISTRATOR TO GRANT DRAINAGE PERMITS

The Drainage Administrator shall have the authority to grant or deny a drainage permit for the following projects. All other drainage permit applications shall be Yankton County Drainage Commission / Yankton County Drainage Board public hearings.

Administrative Permits:

1. A proposed drainage project which outlets directly from the applicant's property into the legally recognized rivers and streams (both permanent and intermittent blue lines) as defined herein and as delineated on the most recently published USGS 7.5 minute topographic maps. The blue line must be on the applicant's property.
2. A proposed drainage project which outlets directly into the legally recognized rivers and streams (both permanent and intermittent blue lines) as defined herein and as delineated on the most recently published USGS 7.5 minute topographic maps but crosses a roadway or abutting property in order to reach the blue line. All parties have received a copy of the drainage permit application materials as required in Section 3.04 Notification to Other

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- Parties. A permit may be issued if no notified landowner files a written objection within ten (10) days after the certified mailing date. If a written objection is filed, a hearing is required.
- 2.3. A proposed drainage project which outlets directly into a permanent or intermittent stream which is NOT listed on the USGS 7.5 minute topographic maps not listed in #1 (above) or into an existing tile system using the currently installed outlet. All landowners having land abutting the proposed drainage project for at least one-half (1/2) mile above and one (1) mile below the proposed outlet (or legally recognized rivers and streams (blue lines) as defined herein) parties have received a copy of the drainage permit application materials as required in Section 3.04 Notification to Other Parties. A permit may be issued if no abutting notified landowner files a written objection within ten (10) days after the certified mailing date ~~stated on the affidavit of mailing. If a written objection is filed, a hearing is required.~~

Drainage Commission:

1. A proposed drainage project which does not outlet directly into a permanent or intermittent stream. All parties have received a copy of the drainage permit application materials as required in Section 3.04 Notification to Other Parties. ~~All landowners having land abutting the proposed drainage project for at least one-half (1/2) mile above and one (1) mile below the proposed outlet have received a copy of the drainage permit application materials as required in Section 3.04 Notification to Other Parties.~~ The Yankton County Drainage Commission public hearing will provide "Findings of Fact". The Yankton County Drainage Board shall review the YC Drainage Commission "Finding of Fact" (Section 3.09. or Section 3.10. or Section 3.11. or Section 3.12.); in conformance with Section 3.08.
2. A proposed drainage project which outlets directly or indirectly into a public or private road right of way. All parties have received a copy of the drainage permit application materials as required in Section 3.04 Notification to Other Parties. ~~All landowners having land abutting the proposed drainage project for at least one-half (1/2) mile above and one (1) mile below the proposed outlet have received a copy of the drainage permit application materials as required in Section 3.04 Notification to Other Parties.~~ The Yankton County Drainage Commission public hearing will provide "Findings of Fact". The Yankton County Drainage Board shall review the YC Drainage Commission "Finding of Fact" (Section 3.09. or Section 3.10. or Section 3.11. or Section 3.12.); in conformance with Section 3.08.
3. A proposed drainage project which outlets into a permanent or intermittent stream, which does not outlet into a permanent or intermittent stream or which outlets directly or indirectly into a public or private road right of way; but has state and/or inter-county significance. All parties have received a copy of the drainage permit application materials as required in Section 3.04 Notification to Other Parties. ~~All landowners having land abutting the proposed drainage project for at least one-half (1/2) mile above and one (1) mile below the proposed outlet have received a copy of the drainage permit application materials as required in Section 3.04 Notification to Other Parties.~~ The Yankton County Drainage Commission public hearing will provide "Findings of Fact". The Yankton County Drainage Board shall review the YC Drainage Commission "Finding of Fact" (Section 3.09. or Section 3.10. or Section 3.11. or Section 3.12.); in conformance with Section 3.08.
4. A proposed drainage project which outlets potentially drain water from one watershed with the intent to discharge the water into a different watershed. All parties have received a copy of the drainage permit application materials as required in Section 3.04 Notification to Other

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~~***Parties.** All landowners having land abutting the proposed drainage project for at least one-half (1/2) mile above and one (1) mile below the proposed outlet have received a copy of the drainage permit application materials as required in **Section 3.04 Notification to Other***~~

~~***Parties.***~~ The Yankton County Drainage Commission public hearing will provide “Findings of Fact”. The Yankton County Drainage Board shall review the YC Drainage Commission “Finding of Fact” (Section 3.09. or Section 3.10. or Section 3.11. or Section 3.12.); in conformance with Section 3.08.

SECTION 3.06.

AUTHORITY OF THE COUNTY TO WAIVE PERMIT HEARING

The Yankton County Drainage Board is granted authority to issue drainage permits without hearing in the following instances, subject to the conditions as specified below:

1. Construction or installation of a surface or closed drain which meets the following criteria:
 - a. Does not outlet directly into creeks or streams identified on the most recently published USGS 7.5-minute topographic maps;
 - b. Does not outlet directly into lakes, or ponds as defined herein;
 - c. Does not outlet directly into a right-of-way;
 - d. The drain or impediment does not cross a right-of-way; and
 - e. The discharged water is contained entirely on the property from which it originated until it is absorbed or evaporated; or
2. Construction or installation of an impediment to drainage, a surface, or closed drain subject to the following conditions:
 - a. The Drainage Administrator finds the application to be complete and in order
 - b. The applicant delivers with the application written consent from all persons who appear to the officer to own land adjacent to the property to be drained or its drain outlet as described in the application.
 - c. The applicant has filed a copy of the application with those parties designated in ***Section 3.04 Notification to Other Parties*** of this Ordinance by certified mail addressed to the addresses provided in the application form; or
3. Modifications that do not qualify as routine maintenance, as defined herein, of a drain or impediment of a drain permitted by the Yankton County Drainage Commission subject to the following conditions:
 - a. The Drainage Administrator finds the application to be complete and in order
 - b. The applicant delivers with the application written consent from all persons who appear to the officer to own land adjacent to the property to be drained or its drain outlet as described in the application.

Nothing in this section requires the Drainage Board to grant an application without hearing, and the officer may refer any application to the Drainage Commission for hearing as provided in Section 3.05.

SECTION 3.07.

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EMERGENCY DRAINAGE

In order to protect the public general welfare, the requirement for a permit, hearing, and notice thereon may be waived by the Yankton County Drainage Board in order to facilitate temporary emergency drainage. Within 14 days of the adoption or renewal of temporary emergency drainage, the Drainage Board will hold at least one public hearing with the time and place of the hearing published at least ten days in advance. An emergency measure is limited to six months from the date it becomes effective and may be renewed for six months by the Drainage Board, but it may not be in effect for more than one year. If the emergency drainage is to be permanent, a permit must be obtained and all hearings must be conducted as outlined throughout this ordinance.

SECTION 3.08.

HEARING BY DRAINAGE BOARD

For all hearings required pursuant to this article, the County shall, publish notice in a newspaper of general circulation in the area of the proposed drainage once a week for two consecutive weeks. The final published notice shall be published not more than fifteen days, or less than five days, before the date set for the hearing. The Applicant shall give notice to all landowners having land abutting the proposed drainage project for at least one-half (1/2) mile above and one (1) mile below the proposed outlet have received a copy of the drainage permit application materials as required in *Section 3.04 Notification to Other Parties*.

1. All persons who appear to the officer to own land adjacent to the property to be drained or its drain outlet as described in the application.
2. Any person who has notified the County in writing of the person's objection to the drainage project proposed,
3. All those parties indicated in *Section 3.04 Notification to Other Parties* and this Ordinance.

Following notification, the Drainage Board shall conduct a public hearing on a drainage permit application or the appeal of an administrative decision.

SECTION 3.09.

EVALUATION OF PERMIT APPLICATIONS

The Drainage Board shall grant a Drainage Permit to those applicants which demonstrate the following:

1. The flow or quantity of water to be drained will not overburden the water course into which the water will be drained.
 2. The drainage will not flood or adversely affect the land of the lower proprietors, or in the case of an impediment to drainage whether such an impediment will not flood or adversely affect upstream land owners. (See Section 3.10)
 3. Easements will be granted where required.
 4. The drainage will not negatively affect agricultural productivity.
 5. The land affected or the land drained is and will remain rural in character.
 6. When the land to be drained is rural land, the presumption and factors set forth in SDCL 46A-10A-20 will be satisfied.
 7. Adequate precautions have been taken to ensure that roadways will not be negatively impacted.
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8. Recommendations from the Drainage Commission in the "Findings of Fact".
9. Such other factors the Drainage Board determines to be pertinent to the application.

SECTION 3.10.

CRITERIA TO DETERMINE WHETHER DRAINAGE WILL ADVERSELY AFFECT LANDS OF LOWER LANDOWNERS

The Drainage Board or its designated official shall be guided by the following criteria:

1. Drainage into receiving watercourses which do not have sufficient capacity to handle the additional flow and quantity of water shall be considered to have an adverse effect. The applicant shall be responsible to provide sufficient evidence with third party verification when requested by the Drainage Commission or the Drainage Board.
2. Whether drainage is accomplished by reasonably improving and aiding the normal and natural system of drainage according to its reasonable carrying capacity, or in the absence of a practical natural drain, a reasonable artificial drain system is adopted.
3. The amount of water proposed to be drained.
4. The design and other physical aspects of the drain.
5. The impact of sustained flows.
6. Recommendations from the Drainage Commission in the "Findings of Fact".

SECTION 3.11.

CRITERIA FOR DETERMINING WHETHER DRAINAGE IS OF STATEWIDE OR INTERCOUNTY SIGNIFICANCE

In determining whether the proposed drainage is of statewide or intercounty significance, the Commission shall be guided by the following criteria:

1. Drainage which would affect property owned by the state or its political subdivisions.
2. Drainage of sloughs, ponds, or lakes having recognized fish and wildlife values.
3. Drainage or partial drainage of a meandered lake.
4. Drainage which would have a substantial effect on another county.
5. Drainage which would convert previously noncontributing areas (based on twenty-five year event – 4% chance) into permanently contributing areas.
6. Recommendations from the Drainage Commission in the "Findings of Fact".

For good cause, the Drainage Board may classify any proposed drainage as having statewide or intercounty significance, or the Drainage Board may determine that certain proposed drainage is not of statewide or intercounty significance.

SECTION 3.12.

HEARING ON APPLICATIONS OF STATEWIDE OR INTERCOUNTY SIGNIFICANCE

Upon determination of an application of statewide or intercounty significance, the Drainage Board shall set the date, time and place for a public hearing on the application. The purpose of the hearing is to establish a record on which to base a decision as to whether the application to drain shall be granted, and if so, under what conditions the water is to be drained. A hearing shall not be required

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for a drainage project which is not of statewide or intercounty significance. However, the Drainage Board may hold hearings on such applications at its discretion.

SECTION 3.13.

APPEALS OF DECISIONS MADE BY THE DRAINAGE ADMINISTRATOR

Any decision of the Drainage Administrator may be appealed to the Drainage Board. The applicant or any person aggrieved by a decision shall file a written appeal with the Drainage Administrator within ten (10) working days of the Drainage Administrator's decision. Upon such filing, the Drainage Administrator shall forward the appeal to the Drainage Board.

SECTION 3.14.

OFFICIAL MAPS

The official map for recording all permitted and vested projects shall be the 7.5 minute topographic illustrations published by the U.S. Geological Survey. The official maps shall be on record in the county Planning and Zoning office.

SECTION 3.15.

DRAINAGE PERMIT FEES

- General Drainage - \$100.00 ~~plus \$10 per additional non abutting parcel~~
- ~~Drainage Permits issued pursuant to Section 3.05. (1),(2) shall be \$50.00~~
- Drainage District or Coordinated Drainage Area - \$100 plus \$10 per additional parcel

Application materials for drainage permits may be obtained at the office of the Yankton County Planning and Zoning.

SECTION 3.16.

DRAINAGE INSPECTION FEE

Drainage work performed without first obtaining a required permit shall be subject to an inspection fee of \$500.00, in addition to any permit fees, and to cover additional expenses incurred by the County.

SECTION 3.17.

CONDITIONS TO PERMITS

Conditions may be attached to a drainage permit to ensure that the proposed drainage is accomplished in accordance with the purposes of this ordinance.

SECTION 3.18.

EXPIRATION OF DRAINAGE PERMITS

A drainage permit shall expire and become null and void if the authorized construction is not commenced within eighteen (18) months of the effective date and completed within thirty-six (36) months of the effective date of the permit unless written approval of an extension is given unless otherwise stated by the Board as a condition of granting the Drainage Permit.

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ARTICLE IV ADMINISTRATION AND ENFORCEMENT

SECTION 4.01.

POWERS AND DUTIES

The Drainage Administrator is hereby authorized and directed to enforce all the provisions of this ordinance and establish rules for its administration. The Drainage Administrator in conjunction with the Yankton County Commission may designate technical officers and/or inspectors, attorneys, or other employees that shall be authorized to assist in the administration and enforcement of this ordinance.

SECTION 4.02.

DISTURBING PUBLIC RIGHT-OF-WAYS PROHIBITED

No person or contractor shall cut a ditch within a public right-of-way, remove silt or soil, alter, obstruct, or otherwise disturb such right-of-way in any way. Such activity shall be a violation of this ordinance and state statute. Any person may request the County Highway Superintendent or Township Board of Supervisors to authorize the clean out and maintenance of a public right-of-way or ditch in order to restore it to its original condition. Township Board of Supervisors does not need a drainage permit to clean out and maintain the township public right-of-ways or ditches.

SECTION 4.03.

RIGHT OF ENTRY

Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, or whenever the Drainage Administrator or an authorized representative has reasonable cause to believe that there exists upon any premises an ordinance violation, the Drainage Administrator or an authorized representative may enter such premises at all reasonable times to inspect the same or to perform any duty imposed upon the Drainage Administrator by this ordinance, provided that if such property be occupied, the Drainage Administrator shall first present proper credentials and request entry; and if such property be unoccupied, the Drainage Administrator shall first make a reasonable effort to locate the owner or other persons having charge or control of the property and request entry. If such entry is refused, the Drainage Administrator or an authorized representative shall have recourse to every remedy provided by law to secure entry.

When the Drainage Administrator or an authorized representative shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any property shall fail or neglect, after proper request is made as herein provided, to promptly permit entry thereon by the Drainage Administrator or an authorized representative for the purpose of inspection and examination pursuant to this ordinance.

SECTION 4.04.

ACTIVITIES WITHOUT NOTICE

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The Yankton County Drainage Board may at any time and on its own motion, without notice, remove silt, debris, weeds and other vegetative growth, repair damaged structures, retard and/or restore an unapproved drainage or may take any other action as necessary to maintain the approved drainage improvements.

SECTION 4.05.

STOP ORDER AND INJUNCTION

Whenever any work is being done contrary to the provisions of this ordinance, the Drainage Administrator may order the work stopped by notice in writing served on any persons engaged in or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Drainage Administrator to proceed. In the event of a violation or threatened violation of this ordinance, the Drainage Board, may institute injunction or other appropriate action or proceedings, in addition to other remedies, to prevent the unlawful construction or use of any drainage work.

SECTION 4.06.

ASSESSMENT AGAINST PROPERTY

Any and all costs associated with the replacement, repair, restoration, or reconstruction to a condition prior to the work performed in violation of this ordinance may be assessed against all of the landowners' real property. Assessments shall be levied in the same manner and method as other assessments pursuant to SDCL 46A-10A and 46A-11.

SECTION 4.07.

INSPECTION FEES

Any person performing drainage activities without a permit as required under Sections 3.01. and 3.02. shall pay an inspection fee of \$500 in addition to the permit fee. These fees are in addition to the remedies set forth in other sections of this ordinance and may be assessed and collected in the same manner set forth in Section 4.06.

SECTION 4.08.

VIOLATION AND PENALTY

Any person draining water without a permit is guilty of a Class 1 misdemeanor and may be subject, in addition to any criminal penalty, a civil penalty not to exceed \$1000 per day of violation. Any person violating any other provisions of this ordinance is guilty of a Class 2 misdemeanor and shall be punished pursuant to SDCL 7-18A-2. Each and every day the violation continues may constitute a separate offense.

Violating the terms and conditions of a permit, or violating the ordinances which constitute the permit system, is punishable by a maximum \$1000 fine, thirty (30) days in jail, or both.

SECTION 4.09.

OTHER VIOLATIONS PURSUANT TO STATE STATUTE

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In addition to violations and penalties set forth in Section 4.08.; South Dakota statutes provide for the following offenses and penalties:

- a. SDCL 31-32-7 Destruction, etc., of highway grade or ditch – Violation as misdemeanor.
- b. SDCL 31-32-8 Civil liability for violating preceding sections.
- c. SDCL 31-32-9 Duty of governing body to remove obstructions or repair –
Recovery of expense from wrongdoer – Temporary
obstruction for building purposes.
- d. SDCL 31-32-1 Intentionally damaging highway or bridge – Felony.
- e. SDCL 31-12-44 Repairs for wind and water erosion assessed to private
landowner.
- f. SDCL 31-21-13 Obstruction of ditch as misdemeanor.
- g. SDCL 31-21-12 Civil liability for obstruction of ditch.
- h. SDCL 31-21-11 Entry upon land for maintenance of ditch.
- i. SDCL 31-32-3.1 Intentional dumping on highway right-of-way prohibited –
Violation as misdemeanor.

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ARTICLE V DRAINAGE COMPLAINTS

SECTION 5.01.

JURISDICTION ON DRAINAGE DISPUTES

Any landowner may take a drainage dispute directly to circuit court. Whereas the Board of Resolution is composed of the same officials as the Drainage Board in accordance with SDCL 46A-10A-34, the Board of Resolution has jurisdiction to address drainage disputes in the unincorporated area of Yankton County under the following circumstances:

1. The drainage or impediment to drainage was performed prior to September 10, 1991.
2. New information or evidence exists which was not available for consideration by the Drainage Board when the permit for the specified drainage project was issued.

SECTION 5.02.

FILING A COMPLAINT

Any aggrieved landowner may file a drainage complaint by setting forth the facts of the drainage dispute in writing and submitting it to the Yankton County Planning and Zoning office. The complaint shall include the name and address of the complainant, the location of the property which has suffered damage or may suffer damage, the name and address of the respondent, the name and address of the landowner (if different than the respondent), and the location of the property against which the complaint is being registered. The complaint shall fully describe the nature of the complaint and include any damages the complainant feels have been incurred, along with documentation in support of those damages. When possible, the complaint should detail the type and location of work, and when the work occurred. The Board of Resolution may require that a drainage complaint include expert reports from a professional engineer or surveyor at the complainant's expense. These expert reports may be requested by the Board of Resolution at the time that it initially reviews and accepts jurisdiction of the drainage complaint, or if after it has been presented with information at a hearing, the Board of Resolution may determine that expert reports are necessary in order to proceed.

Upon acceptance of jurisdiction of a drainage complaint by the Board of Resolution, the Drainage Administrator shall serve the respondent with a notice and a copy of the drainage complaint by certified mail, return receipt requested.

SECTION 5.03.

HEARING ON COMPLAINT

Upon receiving the return receipt or notification that the certified mail was refused by the respondent, the Drainage Administrator shall schedule a hearing. The Drainage Administrator shall notify all affected parties by postage prepaid, certified mail of the date and time for the hearing not less than seven (7) days prior to the public hearing. If after notice, either party cannot attend the scheduled hearing and wants to appear personally, said party shall, not less than five (5) business days prior to the scheduled hearing, request a continuance. The request for continuance must be provided to both the Board of Resolution and all other affected parties. The Board of Resolution may in its sole discretion grant or refuse the request for a continuance.

At the time set for hearing, any interested individual shall have the opportunity to appear and be heard. The parties may submit affidavits and/or oral testimony and other evidence for

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consideration by the Board of Resolution. In lieu of appearing personally, a party may submit its evidence to the County Auditor prior to the hearing to be submitted to the Board of Resolution for consideration. Failure of a party to appear at such hearing shall result in the hearing being held with whatever party does appear, and the Board of Resolution shall consider all evidence submitted to it.

The Board of Resolution may make a decision regarding the drainage dispute at the hearing, may defer the item pending additional information from either of the disputing parties, or may hold additional hearings on the dispute. Complaints may be upheld upon an affirmative vote of three-fourths of the full membership of the Board of Resolution. Any decision shall be consistent with the provisions of SDCL 46A-10A-20. Both parties shall be notified by first class mail of the Board of Resolution's decision.

SECTION 5.04.

APPEAL OF BOARD DECISION

Any affected party may appeal the Board of Resolution's decision on a drainage dispute to circuit court. Such appeal shall commence within twenty (20) days from the decision by the Board of Resolution per SDCL 46A-10A-35.

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Revision: changes from April 27, 2021, meeting to be discussed on May 25, 2021. FINAL

ARTICLE I GENERAL PROVISIONS

SECTION 1.01.

TITLE

These regulations shall be referred to as the Drainage Ordinance of Yankton County.

SECTION 1.02.

AUTHORITY

The authority for this ordinance is promulgated under SDCL 46A-10A and SDCL 46A-11.

SECTION 1.03.

PURPOSE

These regulations shall govern the subsurface agricultural drainage of water within Yankton County and are designed to enhance and promote the physical, economic, and environmental management of the county; protect the tax base; prevent inordinate adverse impacts on servient properties; encourage land utilization that will facilitate economical and adequate productivity of all types of land; lessen government expenditure; conserve and develop natural resources; and preserve the important benefits provided by wetlands.

SECTION 1.04.

DRAINAGE COMMISSION

The Yankton County Commission shall appoint a Yankton County Drainage Commission. The Yankton County Drainage Commission shall consist of an odd number of members, including at least one (1) county commissioner. The YC Drainage Commission members shall serve a three year term and shall not have term limits. The Drainage Commission shall meet at such times as may be necessary to accomplish the purposes of their duties, but may not meet less than once every six months.

SECTION 1.05.

DRAINAGE BOARD

The Yankton County Commission shall constitute the Yankton County Drainage Board. The YC Drainage Board shall meet at such times as may be necessary to accomplish the purposes of their duties, but may not meet less than once every six months.

SECTION 1.06.

BOARD OF RESOLUTION

The Yankton County Commission shall constitute the Yankton County Board of Resolution.

SECTION 1.07.

ADMINISTRATIVE OFFICIAL

The provisions of this Ordinance shall be administered and enforced by the Planning & Zoning Administrator, as the Yankton County Drainage Administrator, appointed by the Yankton County Commissioners.

SECTION 1.08.

REPEAL OF CONFLICTING ORDINANCES.

All ordinances or part of ordinances in conflict with this Ordinance or inconsistent with the provisions of this Ordinance are repealed entirely.

**ARTICLE II
DEFINITIONS**

SECTION 2.01.

DEFINITIONS

For the purposes of this ordinance, certain terms and words are hereby defined. Any word not herein defined shall be as defined in any recognized Standard English dictionary.

Abut - Having a common border with, or being separated from such a common border by a Right-of-way, alley or easement; for the purposes of this Ordinance the ‘abut’ shall be synonymous with ‘adjacent’ or ‘adjoining’.

Benefitted Area - The area within a drainage district or coordinated drainage area that receives the direct benefit from the drainage projects which have been constructed, or are to be constructed, within the district or drainage area.

Blue Line Stream - Any stream shown as a solid or broken blue line on 7.5 Minute Series quadrangle maps prepared by the U.S. Department of the Interior Geological Survey (USGS). A blue line stream may be any creek, stream or other flowing water feature, perennial or ephemeral, indicated on USGS quadrangle maps, with the exception of man-made watercourses. The United States Army Corps of Engineers uses USGS blue line stream markings as a preliminary indicator of “Waters of the United States”. Streams identified on USGS maps in such a manner are therefore generally subject to federal environmental regulations.

Board of Resolution – The Yankton County Commission shall serve as the Yankton County Board of Resolution.

Closed drain or blind drain - A man-made drain or drainage scheme utilizing pipes, tiles or other materials and constructed in such a way that flow of water is not visible.

Drainage Board – The Yankton County Commission shall serve as the Drainage Board.

Drainage Commission - The Yankton County Drainage Commission, composed of nine members appointed by the Yankton County Commission; or any county drainage commission created under the terms of this ordinance.

Coordinated drainage area - A defined geographic area containing one or more parcels of real property and established under the provisions of this chapter 46A-11 by a board or commission to provide a planned network or method of natural or man-made drainage, or both, to benefit all parcels of real property involved.

Dominant estate - Any parcel of real property, usually at a higher elevation, which holds a common law or statutory legal right to drain water onto other real property.

Drain - A means of draining either surface or subsurface water through a system of ditches, pipes or tiles, natural, man-made or natural with man-made improvements.

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Drainage Administrator - An official duly appointed by the Commission who is responsible for the administration and enforcement of this ordinance.

Drainage Board - Any county board designated under the terms of SDCL 46A-10A-2 or 46A-10A-34.

Drainage District - A drainage area with multiple owners that was established under state law prior to July 1, 1985 in which all planning, construction and maintenance of the drainage system conform with a master plan for the district and are funded through an assessment on the benefitted acres within the district.

Drainage Map - Any map adopted by resolution of the commission that delineates the extent of county drainage, drainage project, or a coordinated drainage area.

Drainage Plan - A document which may illustrate by maps, charts, and other descriptive matter the policies of the commission to interrelate all man-made and natural systems and activities relating to drainage under its jurisdiction.

Drainage Project - Any man-made improvements constructed or installed with the intent to drain water.

Drainage scheme - A plan or system by which water is drained from one or more parcels of real property onto one or more parcels of real property.

Engineer - A professional, registered engineer.

Entity - For the purposes of this ordinance the term “entity” shall include a person, estate, trust, corporation, company, partnership, limited liability company, limited liability partnership, governmental unit or any similar organization.

Established water course - A fixed and determinate route, either natural or man-made, by which water has flowed from one parcel of real property to another and by which water has been discharged upon a servient estate for a period of time, on such a regular basis and in such quantities as to make it a predictably continuous activity.

Governing body - A board of county commissioners, a city council or a city commission.

Hydric Soil - Soil types which are formed under saturated conditions.

Hydrophitic Vegetation - Vegetative types typically adapted for life in saturated soil conditions.

Lake - A land depression having a greater depth of water and having more permanent standing water than either a slough or pond. This definition classifies lakes as type five wetlands or “inland open freshwater” as defined in U.S. Fish & Wildlife Service Circular 39.

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Landowner or owner - Any individual, firm or corporation, public or private, or public agency, who has legal title to real property as shown by the records of the register of deeds of the county in which the real property is situated. If the real property is sold under a contract for deed and the contract is of record in the office of the register of deeds for the respective county, both the recorded owner of the real property and the purchaser as named in the contract for deed are deemed owners of the real property.

Lateral drain - For the purpose of regulating the drainage of water means a drain constructed after the establishment and construction of the original drain or drainage system (for which a permit was obtained) and which flows into such original drain or drainage system.

Legal drain - A drain or drainage scheme that:

- (a) Is vested under the provisions of SDCL 46A-10 and SDCL 46A-11;
- (b) Has been constructed by a person or by a unit of government under the provisions of past or present law; or
- (c) Has been granted a drainage permit.

Maintenance – see Routine Maintenance

Meandered lake - Any pond, slough, or lake which has had its boundaries established by metes and bounds in the survey of public lands by government of the United States.

Modifications to Any Drain - Modification to any drain shall mean constructing, relocating, extending, deepening, widening, straightening or otherwise altering a surface drain, closed drain, man-made or natural drain, natural water course, ditch, or any other drain for the purpose of a natural water course.

Municipality - A city or town, however organized.

Natural drain - A drainage system which operates as part of a natural water course, as defined herein.

Natural water course - A fixed and determinate route by which water naturally flows from one parcel of real property to another due to the conformation of the land and by which water is discharged upon the land receiving the water. It is not necessary that the force or volume of the flow of water be sufficient to form a channel having a well-defined bed or banks.

Official Control - Any ordinance, order, regulation, map, or procedure adopted by a commission to regulate drainage.

Ordinance - Any ordinance, as defined in subdivision 7-18A-1(2), adopted by a commission to regulate drainage of both rural and urban areas to provide coordination of drainage projects, individual drainage efforts and drainage areas and to foster conformity with any county drainage plan.

Party of record - Any person who submits oral or written testimony and evidence for the record of the state engineer's public hearing.

Permanent - A drainage project fixed and in place for a period of time exceeding six months.

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Permitted Drainage - Any drainage project that has been submitted to the Yankton County Drainage Commission and has received an authorized permit to drain.

Persons - A person, firm, partnership, association, corporation, or any other type of private legal relationship, and any governmental organization, which includes, but is not limited to, any agency of the United States, a state agency, and any political subdivision of the state.

Pond - A land depression where the soil is covered with six inches (15 centimeters) to three feet (0.91 meters) or more of water throughout the growing season. This definition classifies ponds as type four wetland or “inland deep marshes” as defined in U.S. Fish & Wildlife Service Circular 39.

Private drain - A drainage system or scheme designed, constructed and maintained by a landowner primarily for his own benefit or a natural drain, whether or not actively maintained, that provides a benefit primarily to one landowner.

Rural or rural area - Any territory outside a municipality.

Routine maintenance - Any maintenance performed on a vested and/or properly registered drainage system provided:

- (a) The repair or replacement of a closed or lateral drain does not increase the size, capacity or length of the existing drain and the original location of the drain are not altered.
- (b) The removal of sediment or vegetation from a surface drain with man-made improvements if the maintenance does not exceed the original depth and capacity of the channel and the original location of the drain is not altered.
- (c) The filling in of a drain to repair damage caused by erosion.

Servient estate - Any parcel of real property, usually at a lower elevation, which is subject to a legal right allowing a dominant estate to drain water onto it.

Slough - Includes three types (refer to U.S. Fish & Wildlife Service Circular 39):

- (a) Type one sloughs are “seasonally flooded basins or flats” which includes land depressions where the soil is covered with water, or is waterlogged, during variable seasonal periods but is usually well drained during much of the growing season.
- (b) Type two sloughs are “inland fresh meadows” which includes land depressions where the soil is usually without standing water during most of the growing season but is waterlogged within at least a few inches (centimeters) of its surface.
- (c) Type three sloughs are “inland shallow fresh marshes” which includes land depressions where the soil is usually waterlogged throughout the growing season and is often covered with as much as six inches (15 centimeters) or more of water.

Stream, Intermittent - A natural drainage channel indicated by a dot and dash blue line in the most recently published USGS 7.5 minute quadrangle map.

Stream , Permanent - A natural drainage channel indicated by a solid blue line in the most recently published USGS 7.5 minute quadrangle map.

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Sub-watershed - The area drains into a specified lake or waterway as identified by the Natural Resources Conservation Services and displayed or described on the “Yankton County Hydrology Map.”

Surface Drain - A man-made drain on the surface of the ground.

Unit of local government - A municipality, an irrigation district, a water project district, a water user district, a township, a sanitary district, a conservation district or other special district, as defined by South Dakota Codified Law.

Vested drainage right - A right to drain water from one property to another, which was established on the basis of SDCL 46A-10A or 46A-11A. Any natural right acquired before July 1, 1985, is deemed vested if recorded at the Register of Deeds before July 1, 1991.

Water management board - The state board in SDCL 1-40-15.

Watershed - The area which drains into a slough, pond, or lake.

Wetland – Those areas which have a predominance of hydric soil, are inundated or saturated by water for at least 15 days during a growing season, and under normal circumstances support hydrophytic vegetation. Reference maps may include the U.S. Natural Resources Conservation Services wetland maps and the U.S. Fish & Wildlife Service National Wetlands Inventory.

**ARTICLE III
DRAINAGE PERMITS**

SECTION 3.01.

PERMITS REQUIRED

A drainage permit shall be required prior to commencing the excavation for, or the construction, installation, or modification of, a drainage project including, but not limited to, the following:

1. Construction or installation of a surface or closed drain.
2. Any draining, filling, diverting, in whole or in part, of a pond, wetland, or lake or filling of a drain.
3. Construction of any lateral drain.
4. Modification of any permitted or vested drainage with the intent of deepening or widening any drainage channel, increasing the size and/or depth of any drainage tile, or the extending or rerouting any drainage work.
5. Improvements to a drainage district or a coordinated drainage area which were not included in the original plans.
6. Modification of any permitted or vested drainage which has the effect of causing an impediment to existing drainage.

SECTION 3.02.

PERMITS NOT REQUIRED

A drainage permit shall not be required for the routine maintenance of a drain previously permitted by the Yankton County Drainage Board / Drainage Administrator. Landowners intending to perform routine maintenance of vested drainage, permitted drainage, or other drainage as defined herein are not required to obtain a permit, however, landowners shall notify the drainage administrator prior to performing routine maintenance.

SECTION 3.03.

APPLICATION FOR A DRAINAGE PERMIT

Any person required to obtain a drainage permit under this ordinance shall file an application on a form as provided by the County and the required filing fee with the Yankton County Drainage Administrator.

Drainage Permits issued on the basis of plans and applications approved by the Drainage Administrator authorize only the drains or impediments set forth in such approved plans and specifications. Any drainage or impediments to drainage at variance without authorization shall be deemed a violation of this ordinance and shall be punishable as provided by this ordinance.

1. An Application for a Drainage Permit, accompanied with the appropriate fee to be established by resolution shall be completed by the landowner requesting the Drainage Permit. Completed applications shall be returned to the Drainage Administrator for review. To be considered complete, the application form shall be accompanied by the following additional items:

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- a. A signed statement from the Applicant and Contractor, if applicable, acknowledging each parties' understanding of the proposed project, the drainage ordinance, and zoning regulations applicable to the project as proposed.
- b. A detailed, preliminary site plan, including a map with property legal description, showing the location of the proposed construction. The site plan shall include a description of the length, type, depth and size of the drain, and the location of the proposed outlet, supported by latitude / longitude coordinates (GPS). The actual outlet shall be placed within 250 feet of the proposed outlet location in the preliminary plan. Distances greater than 250 feet must obtain administrative approval for the change.
- c. All required easements and any required maintenance agreements shall be provided.
- d. Identification of sub-watershed(s) to be affected using best available data which shall be deemed to include the Yankton County Hydrology Map as well as any other data which identifies watershed boundaries, provided the source of such information is noted.
- e. A copy of any recorded South Dakota Vested Drainage Records and/or a copy of the U.S. Natural Resources Conservation Service (NRCS) or NRCS-CPA-026, with certified drainage systems (where applicable).
- f. The Drainage Administrator may also request that the applicant provide a detailed survey prepared by a professional engineer or surveyor.
- g. All signed waivers, including a complete "811 call" notification, for performing drainage work in Yankton County.
- h. Any application for any drainage into a road right-of-way must include the written approval of the local road authority (when applicable).
- i. Any application for a proposed drainage project which would involve any underground construction on a county road right-of-way must include a validated permit from Yankton County for occupancy for underground construction on county roads right-of-way.
- j. Any application for a proposed drainage project which is determined to be of statewide or inter-county significance must be provided to the other counties affected by the applicant.
- k. Any other information which the Drainage Administrator may deem necessary for consideration in enforcing the provisions of this Ordinance.

If the Drainage Administrator determines that the application is incomplete or if the information contained therein is insufficient to make an informed decision on the application, the application shall be returned to the applicant for revision.

SECTION 3.04.

NOTIFICATION TO OTHER PARTIES

A good faith effort must be made to notify all property owners of land with the following provisions. The list of landowners to be notified shall be determined by records of the Director of Equalization. The Planning Department shall provide "Notice of Hearing" forms to each owner of record by depositing such notice in the United States Post Office not less than ten (10) days prior to the hearing date and supported by certified mail receipt that the required mailing was completed. Certified mailing receipts shall become part of the permanent record.

The Planning Department shall give notice of the application for drainage permit to the following parties:

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1. As detailed above, all abutting property owners and all property owners one-half (1/2) mile above and one (1) mile below the outlet of the proposed drainage or documented Blue Line.
2. Any county which will be directly affected by the water to be drained.
3. Any municipality which appears to the Drainage Administrator to be adjacent to the property to be drained or its drain outlet as described in the application.
4. The South Dakota Departments of Game, Fish & Parks and Department of Interior US Fish and Wildlife Service if directly affected and provided they have a recorded property interest in the water course into which the water is to be drained adjacent to the property to be drained or its drain outlet as described in the application.
5. The South Dakota Department of Environment & Natural Resources.
6. The applicable street authority (e.g. Township Supervisor(s), Yankton County Highway Superintendent, South Dakota Department of Transportation) for the right-of-way of any highway or roadway within their jurisdiction which will be directly affected by the water to be drained.
7. The local U.S. Natural Resources Conservation Service.

SECTION 3.05.

AUTHORITY OF DRAINAGE ADMINISTRATOR TO GRANT DRAINAGE PERMITS

The Drainage Administrator shall have the authority to grant or deny a drainage permit for the following projects. All other drainage permit applications shall be Yankton County Drainage Commission / Yankton County Drainage Board public hearings.

Administrative Permits:

1. A proposed drainage project which outlets directly from the applicant's property into the legally recognized rivers and streams (both permanent and intermittent blue lines) as defined herein and as delineated on the most recently published USGS 7.5 minute topographic maps. The blue line must be on the applicant's property.
2. A proposed drainage project which outlets directly into the legally recognized rivers and streams (both permanent and intermittent blue lines) as defined herein and as delineated on the most recently published USGS 7.5 minute topographic maps but crosses a roadway or abutting property in order to reach the blue line. All parties have received a copy of the drainage permit application materials as required in **Section 3.04 Notification to Other Parties**. A permit may be issued if no notified landowner files a written objection within ten (10) days after the certified mailing date. If a written objection is filed, a hearing is required.
3. A proposed drainage project which outlets directly into a permanent or intermittent stream which is NOT listed on the USGS 7.5 minute topographic maps or into an existing tile system using the currently installed outlet. All parties have received a copy of the drainage permit application materials as required in **Section 3.04 Notification to Other Parties**. A permit may be issued if no notified landowner files a written objection within ten (10) days after the certified mailing date. If a written objection is filed, a hearing is required.

Drainage Commission:

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1. A proposed drainage project which does not outlet directly into a permanent or intermittent stream. All parties have received a copy of the drainage permit application materials as required in **Section 3.04 Notification to Other Parties**. The Yankton County Drainage Commission public hearing will provide “Findings of Fact”. The Yankton County Drainage Board shall review the YC Drainage Commission “Finding of Fact” (Section 3.09. or Section 3.10. or Section 3.11. or Section 3.12.); in conformance with Section 3.08.
2. A proposed drainage project which outlets directly or indirectly into a public or private road right of way. All parties have received a copy of the drainage permit application materials as required in **Section 3.04 Notification to Other Parties**. The Yankton County Drainage Commission public hearing will provide “Findings of Fact”. The Yankton County Drainage Board shall review the YC Drainage Commission “Finding of Fact” (Section 3.09. or Section 3.10. or Section 3.11. or Section 3.12.); in conformance with Section 3.08.
3. A proposed drainage project which outlets into a permanent or intermittent stream, which does not outlet into a permanent or intermittent stream or which outlets directly or indirectly into a public or private road right of way; but has state and /or inter-county significance. All parties have received a copy of the drainage permit application materials as required in **Section 3.04 Notification to Other Parties**. The Yankton County Drainage Commission public hearing will provide “Findings of Fact”. The Yankton County Drainage Board shall review the YC Drainage Commission “Finding of Fact” (Section 3.09. or Section 3.10. or Section 3.11. or Section 3.12.); in conformance with Section 3.08.
4. A proposed drainage project which outlets potentially drain water from one watershed with the intent to discharge the water into a different watershed. All parties have received a copy of the drainage permit application materials as required in **Section 3.04 Notification to Other Parties**. The Yankton County Drainage Commission public hearing will provide “Findings of Fact”. The Yankton County Drainage Board shall review the YC Drainage Commission “Finding of Fact” (Section 3.09. or Section 3.10. or Section 3.11. or Section 3.12.); in conformance with Section 3.08.

SECTION 3.06.

AUTHORITY OF THE COUNTY TO WAIVE PERMIT HEARING

The Yankton County Drainage Board is granted authority to issue drainage permits without hearing in the following instances, subject to the conditions as specified below:

1. Construction or installation of a surface or closed drain which meets the following criteria:
 - a. Does not outlet directly into creeks or streams identified on the most recently published USGS 7.5-minute topographic maps;
 - b. Does not outlet directly into lakes, or ponds as defined herein;
 - c. Does not outlet directly into a right-of-way;
 - d. The drain or impediment does not cross a right-of-way; and
 - e. The discharged water is contained entirely on the property from which it originated until it is absorbed or evaporated; or
2. Construction or installation of an impediment to drainage, a surface, or closed drain subject to the following conditions:
 - a. The Drainage Administrator finds the application to be complete and in order

- b. The applicant delivers with the application written consent from all persons who appear to the officer to own land adjacent to the property to be drained or its drain outlet as described in the application.
 - c. The applicant has filed a copy of the application with those parties designated in ***Section 3.04 Notification to Other Parties*** of this Ordinance by certified mail addressed to the addresses provided in the application form; or
3. Modifications that do not qualify as routine maintenance, as defined herein, of a drain or impediment of a drain permitted by the Yankton County Drainage Commission subject to the following conditions:
 - a. The Drainage Administrator finds the application to be complete and in order
 - b. The applicant delivers with the application written consent from all persons who appear to the officer to own land adjacent to the property to be drained or its drain outlet as described in the application.

Nothing in this section requires the Drainage Board to grant an application without hearing, and the officer may refer any application to the Drainage Commission for hearing as provided in Section 3.05.

SECTION 3.07.

EMERGENCY DRAINAGE

In order to protect the public general welfare, the requirement for a permit, hearing, and notice thereon may be waived by the Yankton County Drainage Board in order to facilitate temporary emergency drainage. Within 14 days of the adoption or renewal of temporary emergency drainage, the Drainage Board will hold at least one public hearing with the time and place of the hearing published at least ten days in advance. An emergency measure is limited to six months from the date it becomes effective and may be renewed for six months by the Drainage Board, but it may not be in effect for more than one year. If the emergency drainage is to be permanent, a permit must be obtained and all hearings must be conducted as outlined throughout this ordinance.

SECTION 3.08.

HEARING BY DRAINAGE BOARD

For all hearings required pursuant to this article, the County shall, publish notice in a newspaper of general circulation in the area of the proposed drainage once a week for two consecutive weeks. The final published notice shall be published not more than fifteen days, or less than five days, before the date set for the hearing. The Applicant shall give notice to all landowners having land abutting the proposed drainage project for at least one-half (1/2) mile above and one (1) mile below the proposed outlet have received a copy of the drainage permit application materials as required in ***Section 3.04 Notification to Other Parties***.

1. All persons who appear to the officer to own land adjacent to the property to be drained or its drain outlet as described in the application.
2. Any person who has notified the County in writing of the person's objection to the drainage project proposed,
3. All those parties indicated in ***Section 3.04 Notification to Other Parties*** and this Ordinance.

Following notification, the Drainage Board shall conduct a public hearing on a drainage permit application or the appeal of an administrative decision.

SECTION 3.09.

EVALUATION OF PERMIT APPLICATIONS

The Drainage Board shall grant a Drainage Permit to those applicants which demonstrate the following:

1. The flow or quantity of water to be drained will not overburden the water course into which the water will be drained.
2. The drainage will not flood or adversely affect the land of the lower proprietors, or in the case of an impediment to drainage whether such an impediment will not flood or adversely affect upstream land owners. (See Section 3.10)
3. Easements will be granted where required.
4. The drainage will not negatively affect agricultural productivity.
5. The land affected or the land drained is and will remain rural in character.
6. When the land to be drained is rural land, the presumption and factors set forth in SDCL 46A-10A-20 will be satisfied.
7. Adequate precautions have been taken to ensure that roadways will not be negatively impacted.
8. Recommendations from the Drainage Commission in the "Findings of Fact".
9. Such other factors the Drainage Board determines to be pertinent to the application.

SECTION 3.10.

**CRITERIA TO DETERMINE WHETHER DRAINAGE WILL ADVERSELY AFFECT
LANDS OF LOWER LANDOWNERS**

The Drainage Board or its designated official shall be guided by the following criteria:

1. Drainage into receiving watercourses which do not have sufficient capacity to handle the additional flow and quantity of water shall be considered to have an adverse effect. The applicant shall be responsible to provide sufficient evidence with third party verification when requested by the Drainage Commission or the Drainage Board.
2. Whether drainage is accomplished by reasonably improving and aiding the normal and natural system of drainage according to its reasonable carrying capacity, or in the absence of a practical natural drain, a reasonable artificial drain system is adopted.
3. The amount of water proposed to be drained.
4. The design and other physical aspects of the drain.
5. The impact of sustained flows.
6. Recommendations from the Drainage Commission in the "Findings of Fact".

SECTION 3.11.

**CRITERIA FOR DETERMINING WHETHER DRAINAGE IS OF STATEWIDE OR
INTERCOUNTY SIGNIFICANCE**

In determining whether the proposed drainage is of statewide or intercounty significance, the Commission shall be guided by the following criteria:

1. Drainage which would affect property owned by the state or its political subdivisions.
2. Drainage of sloughs, ponds, or lakes having recognized fish and wildlife values.
3. Drainage or partial drainage of a meandered lake.
4. Drainage which would have a substantial effect on another county.
5. Drainage which would convert previously noncontributing areas (based on twenty-five year event – 4% chance) into permanently contributing areas.
6. Recommendations from the Drainage Commission in the “Findings of Fact”.

For good cause, the Drainage Board may classify any proposed drainage as having statewide or intercounty significance, or the Drainage Board may determine that certain proposed drainage is not of statewide or intercounty significance.

SECTION 3.12.

**HEARING ON APPLICATIONS OF STATEWIDE OR INTERCOUNTY
SIGNIFICANCE**

Upon determination of an application of statewide or intercounty significance, the Drainage Board shall set the date, time and place for a public hearing on the application. The purpose of the hearing is to establish a record on which to base a decision as to whether the application to drain shall be granted, and if so, under what conditions the water is to be drained. A hearing shall not be required for a drainage project which is not of statewide or intercounty significance. However, the Drainage Board may hold hearings on such applications at its discretion.

SECTION 3.13.

APPEALS OF DECISIONS MADE BY THE DRAINAGE ADMINISTRATOR

Any decision of the Drainage Administrator may be appealed to the Drainage Board. The applicant or any person aggrieved by a decision shall file a written appeal with the Drainage Administrator within ten (10) working days of the Drainage Administrator’s decision. Upon such filing, the Drainage Administrator shall forward the appeal to the Drainage Board.

SECTION 3.14.

OFFICIAL MAPS

The official map for recording all permitted and vested projects shall be the 7.5 minute topographic illustrations published by the U.S. Geological Survey. The official maps shall be on record in the county Planning and Zoning office.

SECTION 3.15.

DRAINAGE PERMIT FEES

- General Drainage - \$100.00
- Drainage District or Coordinated Drainage Area - \$100

Application materials for drainage permits may be obtained at the office of the Yankton County Planning and Zoning.

SECTION 3.16.

DRAINAGE INSPECTION FEE

Drainage work performed without first obtaining a required permit shall be subject to an inspection fee of \$500.00, in addition to any permit fees, and to cover additional expenses incurred by the County.

SECTION 3.17.

CONDITIONS TO PERMITS

Conditions may be attached to a drainage permit to ensure that the proposed drainage is accomplished in accordance with the purposes of this ordinance.

SECTION 3.18.

EXPIRATION OF DRAINAGE PERMITS

A drainage permit shall expire and become null and void if the authorized construction is not commenced within eighteen (18) months of the effective date of the permit and completed within thirty-six (36) months of the effective date of the permit unless written approval of an extension is given by the Drainage Administrator unless otherwise stated by the Board as a condition of granting the Drainage Permit.

**ARTICLE IV
ADMINISTRATION AND ENFORCEMENT**

SECTION 4.01.

POWERS AND DUTIES

The Drainage Administrator is hereby authorized and directed to enforce all the provisions of this ordinance and establish rules for its administration. The Drainage Administrator in conjunction with the Yankton County Commission may designate technical officers and/or inspectors, attorneys, or other employees that shall be authorized to assist in the administration and enforcement of this ordinance.

SECTION 4.02.

DISTURBING PUBLIC RIGHT-OF-WAYS PROHIBITED

No person or contractor shall cut a ditch within a public right-of-way, remove silt or soil, alter, obstruct, or otherwise disturb such right-of-way in any way. Such activity shall be a violation of this ordinance and state statute. Any person may request the County Highway Superintendent or Township Board of Supervisors to authorize the clean out and maintenance of a public right-of-way or ditch in order to restore it to its original condition. Township Board of Supervisors does not need a drainage permit to clean out and maintain the township public right-of-ways or ditches.

SECTION 4.03.

RIGHT OF ENTRY

Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, or whenever the Drainage Administrator or an authorized representative has reasonable cause to believe that there exists upon any premises an ordinance violation, the Drainage Administrator or an authorized representative may enter such premises at all reasonable times to inspect the same or to perform any duty imposed upon the Drainage Administrator by this ordinance, provided that if such property be occupied, the Drainage Administrator shall first present proper credentials and request entry; and if such property be unoccupied, the Drainage Administrator shall first make a reasonable effort to locate the owner or other persons having charge or control of the property and request entry. If such entry is refused, the Drainage Administrator or an authorized representative shall have recourse to every remedy provided by law to secure entry.

When the Drainage Administrator or an authorized representative shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any property shall fail or neglect, after proper request is made as herein provided, to promptly permit entry thereon by the Drainage Administrator or an authorized representative for the purpose of inspection and examination pursuant to this ordinance.

SECTION 4.04.

ACTIVITIES WITHOUT NOTICE

The Yankton County Drainage Board may at any time and on its own motion, without notice, remove silt, debris, weeds and other vegetative growth, repair damaged structures, retard and/or restore an unapproved drainage or may take any other action as necessary to maintain the approved drainage improvements.

SECTION 4.05.

STOP ORDER AND INJUNCTION

Whenever any work is being done contrary to the provisions of this ordinance, the Drainage Administrator may order the work stopped by notice in writing served on any persons engaged in or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Drainage Administrator to proceed. In the event of a violation or threatened violation of this ordinance, the Drainage Board, may institute injunction or other appropriate action or proceedings, in addition to other remedies, to prevent the unlawful construction or use of any drainage work.

SECTION 4.06.

ASSESSMENT AGAINST PROPERTY

Any and all costs associated with the replacement, repair, restoration, or reconstruction to a condition prior to the work performed in violation of this ordinance may be assessed against all of the landowners' real property. Assessments shall be levied in the same manner and method as other assessments pursuant to SDCL 46A-10A and 46A-11.

SECTION 4.07.

INSPECTION FEES

Any person performing drainage activities without a permit as required under Sections 3.01. and 3.02. shall pay an inspection fee of \$500 in addition to the permit fee. These fees are in addition to the remedies set forth in other sections of this ordinance and may be assessed and collected in the same manner set forth in Section 4.06.

SECTION 4.08.

VIOLATION AND PENALTY

Any person draining water without a permit is guilty of a Class 1 misdemeanor and may be subject, in addition to any criminal penalty, a civil penalty not to exceed \$1000 per day of violation. Any person violating any other provisions of this ordinance is guilty of a Class 2 misdemeanor and shall be punished pursuant to SDCL 7-18A-2. Each and every day the violation continues may

constitute a separate offense.

Violating the terms and conditions of a permit, or violating the ordinances which constitute the permit system, is punishable by a maximum \$1000 fine, thirty (30) days in jail, or both.

SECTION 4.09.

OTHER VIOLATIONS PURSUANT TO STATE STATUTE

In addition to violations and penalties set forth in Section 4.08.; South Dakota statutes provide for the following offenses and penalties:

- a. SDCL 31-32-7 Destruction, etc., of highway grade or ditch – Violation as misdemeanor.
- b. SDCL 31-32-8 Civil liability for violating preceding sections.
- c. SDCL 31-32-9 Duty of governing body to remove obstructions or repair –
Recovery of expense from wrongdoer – Temporary
obstruction for building purposes.
- d. SDCL 31-32-1 Intentionally damaging highway or bridge – Felony.
- e. SDCL 31-12-44 Repairs for wind and water erosion assessed to private
landowner.
- f. SDCL 31-21-13 Obstruction of ditch as misdemeanor.
- g. SDCL 31-21-12 Civil liability for obstruction of ditch.
- h. SDCL 31-21-11 Entry upon land for maintenance of ditch.
- i. SDCL 31-32-3.1 Intentional dumping on highway right-of-way prohibited –
Violation as misdemeanor.

**ARTICLE V
DRAINAGE COMPLAINTS**

SECTION 5.01.

JURISDICTION ON DRAINAGE DISPUTES

Any landowner may take a drainage dispute directly to circuit court. Whereas the Board of Resolution is composed of the same officials as the Drainage Board in accordance with SDCL 46A-10A-34, the Board of Resolution has jurisdiction to address drainage disputes in the unincorporated area of Yankton County under the following circumstances:

1. The drainage or impediment to drainage was performed prior to September 10, 1991.
2. New information or evidence exists which was not available for consideration by the Drainage Board when the permit for the specified drainage project was issued.

SECTION 5.02.

FILING A COMPLAINT

Any aggrieved landowner may file a drainage complaint by setting forth the facts of the drainage dispute in writing and submitting it to the Yankton County Planning and Zoning office. The complaint shall include the name and address of the complainant, the location of the property which has suffered damage or may suffer damage, the name and address of the respondent, the name and address of the landowner (if different than the respondent), and the location of the property against which the complaint is being registered. The complaint shall fully describe the nature of the complaint and include any damages the complainant feels have been incurred, along with documentation in support of those damages. When possible, the complaint should detail the type and location of work, and when the work occurred. The Board of Resolution may require that a drainage complaint include expert reports from a professional engineer or surveyor at the complainant's expense. These expert reports may be requested by the Board of Resolution at the time that it initially reviews and accepts jurisdiction of the drainage complaint, or if after it has been presented with information at a hearing, the Board of Resolution may determine that expert reports are necessary in order to proceed.

Upon acceptance of jurisdiction of a drainage complaint by the Board of Resolution, the Drainage Administrator shall serve the respondent with a notice and a copy of the drainage complaint by certified mail, return receipt requested.

SECTION 5.03.

HEARING ON COMPLAINT

Upon receiving the return receipt or notification that the certified mail was refused by the respondent, the Drainage Administrator shall schedule a hearing. The Drainage Administrator shall notify all affected parties by postage prepaid, certified mail of the date and time for the hearing not less than seven (7) days prior to the public hearing. If after notice, either party cannot attend the scheduled hearing and wants to appear personally, said party shall, not less than five (5) business days prior to the scheduled hearing, request a continuance. The request for continuance must be provided to both the Board of Resolution and all other affected parties. The Board of Resolution may in its sole discretion grant or refuse the request for a continuance.

At the time set for hearing, any interested individual shall have the opportunity to appear and be heard. The parties may submit affidavits and/or oral testimony and other evidence for consideration by the Board of Resolution. In lieu of appearing personally, a party may submit its evidence to the County Auditor prior to the hearing to be submitted to the Board of Resolution for consideration. Failure of a party to appear at such hearing shall result in the hearing being held with whatever party does appear, and the Board of Resolution shall consider all evidence submitted to it.

The Board of Resolution may make a decision regarding the drainage dispute at the hearing, may defer the item pending additional information from either of the disputing parties, or may hold additional hearings on the dispute. Complaints may be upheld upon an affirmative vote of three-fourths of the full membership of the Board of Resolution. Any decision shall be consistent with the provisions of SDCL 46A-10A-20. Both parties shall be notified by first class mail of the Board of Resolution's decision.

SECTION 5.04.

APPEAL OF BOARD DECISION

Any affected party may appeal the Board of Resolution's decision on a drainage dispute to circuit court. Such appeal shall commence within twenty (20) days from the decision by the Board of Resolution per SDCL 46A-10A-35.

DEFINITIONS

Joint County and Planning Commission proposed changes (05-04-21)

AMENDED

Agriculture - The planting, cultivating, harvesting and storage of grains, hay or plants, fruits, or vineyards along with the raising and feeding of livestock and/or poultry shall be considered an agricultural use. Grain elevators or Agricultural Product Processing Facilities shall not be considered an agricultural use if such use constitutes the main or principal use on a lot or parcel.

Agribusiness – A business which directly supports the agricultural industry, such as suppliers of feed, seed, chemicals, fertilizer, farm equipment, and equipment parts, farm equipment repair services, veterinary services, drain tile installers, and commercial grain elevators.

Agriculture Product Processing Facility - A business activity customarily designed to process raw agricultural products into value added products. Agricultural processing facilities include, but are not limited to; feed mills, ethanol plants, soy bean processing facilities, cheese plants, milk processors, packing plants and rendering facilities.

Aggrieved Person - A person aggrieved is any person directly interested in the outcome of and aggrieved by a decision or action or failure to act regarding a zoning decision thus:

1. Establishes that the person suffered an injury, an invasion of a legally protected interest that is both concrete and particularized, and actual or imminent, not conjectural or hypothetical;
2. Shows that a causal connection exists between the person's injury and the conduct of which the person complains. The causal connection is satisfied if the injury is fairly traceable to the challenged action, and not the result of the independent action of any third party not before the court; (3) Shows it is likely, and not merely speculative, that the injury will be redressed by a favorable decision, and; (4) Shows that the injury is unique or different from those injuries suffered by the public in general.

Animal Feeding Operation: An animal feeding operation is a lot or facility where ~~an established number~~ 200 or greater of animal units, excluding aquaculture, are confined, stabled, fed, or maintained in either an open or housed lot for a total of 45 days or more in any 12-month period. The open lot does not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season. Two or more facilities under common ownership are a single animal operation if they adjoin each other (within one mile), or if they use a common area or system for the disposal of manure.

For the purposes of these regulations, Animal Feeding Operations are divided into the following classes:

Class	Animal Units
Class A	5,000 500 - 10,000
Class B	3,000—4,999 200 – 499
Class C	2,000—2,999
Class D	1,000—1,999
Class E	300—999
Class F	1—299

~~Animal Feeding Operation or CAFO, New—An animal feeding operation or CAFO, (see definitions), constructed after the effective date of this ordinance or any subsequent amendment of applicable Articles or Sections. Operations in existence upon adoption or prior to future amendments may be considered a new operation if the facility is expanded to facilitate an increase of more than three hundred (300) animal units. Any new construction relating to an expansion must comply with the applicable performance standards. The Planning Commission and Board of Adjustment shall have the authority to decrease or waive any standard deemed contradictory to the intent of the zoning ordinance upon review and in accordance with the conditional use and variance process described herein. (Amended May 19, 2020)~~

Animal Units - A unit of measure for livestock equated as follows; one head is equivalent to animal units:

Cow, feeder, or slaughter beef animal, excluding calves under 300 pounds <u>including cow/calf pairs</u>	1.0 A.U.
Horse	2.0 A.U.
Mature dairy cattle, excluding dairy calves under 300 pounds	1.4 A.U.
Farrow-to-finish sows	3.7 A.U.
Swine in a production unit	0.47 A.U.
Nursery swine less than 55 pounds	0.1 A.U.
Finisher swine over 55 pounds	0.4 A.U.
Sheep or lambs, <u>goats</u>	0.1 A.U.
Laying hens or broilers	0.033 A.U.
Ducks and/or geese	0.2 A.U.
Turkeys	0.018 A.U.

~~Animal Unit Conversion Table—A conversion table designed to integrate the definition of animal feeding operations with the animal unit definition. (Amended 06/08/06)~~

Species Animal	Class A	Class B	Class C	Class D	Class E
Cow, feeder or slaughter beef animal, excluding calves under 300 pounds	10,000—5000—500	4,999—3,000	2,999—2,000	1,999—1,000	999—300
Horses	5,000—2,500	2,499—1500—	1,499—1,000	999—500	499—150
Mature dairy cattle, excluding calves under 300 pounds	7,143—3,571	3,570—2,143—	2,142—1,429	1,428—714	713—214
Farrow to finish sows	2,703—1,351	1,350—811—	810—541	540—270	269—81
Swine in a production unit	21,276—10,638	10,637—6,382	6,381—4,255	4,254—2,128	2,127—638
Nursery swine less than 55 pounds	100,000—50,000	49,999—30,000	29,999—20,000	19,999—10,000	9,999—3,000
Finisher swine over 55 pounds	25,000—12,500	12,499—7,500	7,499—5,000	4,999—2,500	2,499—750
Sheep or lambs, goats	100,000—50,000	49,999—30,000	29,999—20,000	19,999—10,000	9,999—3,000
Laying hens	303,030—151,515	151,514—90,909	90,908—60,606	60,605—30,303	30,302—92090
Ducks and/or geese	50,000—25,000	24,999—15,000	14,999—10,000	9,999—5,000	4,999—1,500
Turkeys—	555,555—277,777	277,776—166,666	166,665—111,111	111,110—55,555	55,554—16,666

Animal Waste Facility - A structure designed and constructed to store and/or process animal waste. Animal waste facilities include but are not limited to holding basins, lagoons, pits and slurry stores.

Building Permit - A type of authorization that must be granted by a government or other regulatory body before the construction of a new or expansion of existing building can legally occur.

Concentrated Animal Feeding Operation: An animal feeding operation that holds more than 1,000 animal units and smaller operations that discharge pollutants that impair a stream or other surface water are Concentrated Animal Feeding Operations (CAFOs).

Concentrated Animal Feeding Operation (CAFO): An animal feeding operation that is previously defined meets one or more of the following criteria:

1. Contains at least 500 animal units
2. Utilizes a Liquid Manure System (see definitions)
3. Utilizes environmentally controlled housing where the animals are contained in a thermostatically controlled environment
4. Discharges pollutants into waters of the state through man-made ditch, flushing system, or other similar man-made device
5. Discharges pollutants directly into waters of the state which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in operation

Concentrated Animal Feeding Operation (CAFO) Existing: Concentrated animal feeding operations in existence prior to the effective date of this ordinance or any subsequent amendment of applicable Articles or Sections.

Domesticated Large Animals - Any animal that through long association with man, has been bred to a degree which has resulted in genetic changes affecting the temperament, color, conformation or other attributes of the species to an extent that makes it unique and different from wild individuals of its kind. For the purpose of this ordinance the definition shall include, but is not limited to, animals commonly raised on farms and ranches, such as cattle, horses, hogs, sheep, and mules.

Family - Any number of individuals living together as a single housekeeping unit, in which not more than five (5) individuals are unrelated by blood, marriage or adoption. This definition shall not include foster families as regulated by the State.

Farm Building - All buildings and structures needed in agricultural operation.,-
~~including dwellings for owners, operators, farm laborers employed on the farm, and other family members.~~

Farm Drainage Systems - The term shall include all waterways, ditches, flood control, watershed, and erosion control structures and devices provided each individual system or structure comply with the applicable local, state, and federal regulations.

Farm Occupation - A business activity customarily carried out on a farm by a member of the occupant's family without structural alterations in the building or any of its rooms, without the installation or outside storage of any machinery, equipment or material other than that customary to normal farm operations, without the employment of more than two (2) persons not residing in the home, which does not cause the generation of additional traffic in the area. Farm occupations include, but are not limited to, seed sales and custom combining support facilities.

Farm Unit - All buildings and structures needed in an agricultural operation, including dwellings for owners, operators, and other family members.

Farm, Hobby - An activity carried out in rural residential areas, which includes the planting, cultivating, harvesting and storage of grains, hay or plants, fruits, or vineyards. The raising and feeding of livestock and poultry shall be considered as part

of a hobby farm if the area, in which the livestock or poultry is kept, is one (1) acre or more in area for every one (1) animal unit, and if such livestock does not exceed ten (10) animal units.

Farm, Ranch, Orchard - An area ~~of not less than twenty (20) acres of unplatted land, or is a part of a contiguous ownership of not less than eighty (80) acres~~ of unplatted land, which is used for growing usual farm products, vegetables, fruits, trees, and grain, and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle, hogs and sheep, and including the necessary accessory uses for raising, treating, and storing products raised on the premises; but excluding an Animal Feeding Operation. The processing and storage of raw agricultural products, such as grain elevators and ethanol plants, shall not be considered a farm, ranch or orchard if such constitutes the main or principal use on the lot or parcel.

Farmstead - A place with empirical evidence of a previous farmstead including at a minimum foundations, structures, or a tree belt. For the purposes of this ordinance the Zoning Administrator or Planning Commission shall determine the eligibility of a farmstead as a building site as described within Section ~~513(3)-~~ 516.

Game Farm - An area of five (5) acres or more, which is used for producing hatchery, raised game and non-domestic animals for sale to private shooting preserves.

Game Lodge - A building or group of detached, or semi-detached, or attached buildings occupied or used as a temporary abiding place of sportsmen, hunters and fishermen, who are lodged, with or without meals, and in which there are more than two (2) sleeping rooms.

Grain Elevator - Grain storage facilities, which are the principal and primary use of the lot. Said facilities are generally equipped with devices for housing and discharging significant quantities of grain. This definition does not include normal farm product storage and warehousing facilities such as grain bins and where such storage is an accessory use to the parcel.

Grandfather - For the purposes of this ordinance the term “grandfather” shall be defined as a lay term used to describe structures, land uses, facilities, operations or similar activities in existence prior to adoption of the zoning ordinance. The term is generally applied to uses not allowed or further regulated within the new ordinance. The act or condition of grandfathered is more fully addressed in the nonconforming Article herein.

Horticulture - The science or art of cultivating fruits, vegetables, flowers, and plants.

Horticulture Sales - The on-site retail sale of farm produce, floral, fauna, or similar items. The majority of the produce sold shall be seasonal in nature and grown on-site. An exception may be a cooperative venture between numerous producers.

Irrigation Systems - This term shall include all canals, ditches, piping, center pivot, and other methods utilized to irrigate cropland. This term does not include systems designed to land apply waste or water from animal feeding operations as defined herein. All irrigation systems shall comply with local, state, and federal regulations.

Manure System Definitions

1. Solid Manure System – Vast majority (>90%) of excreted manure will be maintained in form that can be handled with a front-end loader and stacked without seepage under normal operating conditions. Example systems include floor-raised poultry, deep-bedded housing systems, and drylots
2. Liquid Manure System – Vast majority (>90%) of excreted manure will be stored in a form that – with or without agitation/mixing – can be handled with a common centrifugal pump under normal operating conditions. Example systems include slatted floor facilities and facilities where manure can be transferred via gravity.

Nuisance - Any condition existing that is or may become injurious or dangerous to health or that prevents or hinders or may prevent or hinder in any manner the suppression of a disease.

Nursery, Swine - A facility confining a specific number of small and/or young swine averaging ten (10) to fifty five (55) pounds in size.

Permitted Special Use - A use allowed in a zoning district subject to the applicable restrictions of that zoning district and additionally subject to certain restrictions for that specific use.

Private Recreation Area - Any open space or recreational area, other than a public park, owned and operated or maintained in whole or in part for profit by a private individual(s), club or fraternal organization for members only, and may include therein one or more of the following activities: swimming, boat facilities, picnic area, tennis courts, outdoor skating rinks, athletic fields, walking, riding and cross-country skiing, snowmobiling, but does not include the racing of animals, motor vehicles, motorcycles or snowmobiles.

Private Shooting Preserves - An acreage of at least one hundred and sixty (160) acres and not exceeding one thousand two hundred and eighty (1,280) acres either privately owned or leased on which hatchery raised game and/or larger game is released for the purpose of hunting, for a fee, over an extended season.

Ranch Building - See Farm Building.

Ranch Occupation - See Farm Occupation.

Ranch Unit - See Farm Unit.

Riding Stable - Any place that has more than fifteen (15) stalls or horse spaces to board, train, or provide recreational equine activities.

Screening - A continuous fence, wall, compact evergreen hedge or combination thereof, supplemented with landscape planting, which would effectively screen the property which it encloses, and is broken only by access drives and walks.

Shelterbelt - Five or more rows of trees and/or shrubs that reduce erosion and protects against the effects of wind and storms.

Shelterbelt Restoration - The removal and replacement of two or more rows of trees or of trees totaling one-half acre or more, whichever is greater, in an existing shelterbelt.

Start of construction – includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or are not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. (Matches Flood Ordinance definition)

Swine Production Unit - An operation confining a specific number of female breeding age swine for the purpose of farrowing. The operation shall farrow no more than an average of one-third (1/3) of the total herd at any one time and the total herd shall not farrow more than an average of two and one-half (2 ½) times within a twelve month period. All farrowed swine shall be relocated to an off-site nursery facility, as defined by this ordinance, at approximately ten (10) pounds or said swine shall be calculated as part of the total animal units.

Utility Facilities - Any above-ground structures or facilities, other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities, owned by a governmental entity, a nonprofit organization, a corporation, a private citizen or any entity defined as a public utility for any purpose and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals.

Windbreak - Any non-opaque manmade structure constructed of any material and erected adjacent to an animal feeding, calving, or other such lot of which its principal use is that of protecting livestock from the effects of the wind.

ARTICLE 5

AGRICULTURAL DISTRICT (AG)

Section 501 Intent

The intent of Agricultural Districts (AG) is to protect agricultural lands and lands consisting of natural growth from incompatible land uses in order to preserve land best suited to agricultural uses and land in which the natural environment should be continued and to limit residential, commercial, and industrial development to those areas where they are best suited for reasons of practicality and service delivery.

Section 503 Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in an Agricultural District (AG):

1. Agriculture;
2. Cemeteries;
3. Day cares, family;
- ~~4. Dwellings, single family;~~
5. (Move to 4) Farms~~;~~, ranches or orchards as defined herein;
6. (Move to 5) Farm buildings;
7. (Move to 6) Historic sites;
8. (Move to 7) Horticulture;
- ~~9. Manufactured homes, pursuant to Section 1509;~~
- ~~10. Modular homes;~~
11. (Move to 8) Utility facilities; and
12. (Move to 9) Veterinary services.

Section 505 Permitted Accessory Uses and Structures

The following accessory uses and structures shall be permitted in an Agricultural District (AG):

1. Accessory ~~agricultural~~ structures.
2. Customary water irrigation systems, other than manure irrigation equipment;
3. Farm drainage systems;
4. Home and farm occupations;
5. Roadside stands;
6. Shelterbelts;
7. Signs, banner;
8. Signs, directional on-site;
9. Signs, directional off-site;
10. Signs, easement and utility;
11. Signs, exterior off-site, pursuant to Article 14;
12. Signs, flag;
13. Signs, name and address plate;
14. Signs, on-site;
15. Signs, real estate; ~~and~~
16. Stock dams- ; and
17. Swimming Pools;

Section 506 Permitted Special Uses

1. Dwellings, single family including modular homes pursuant to Section 516
2. Dwellings, two-family pursuant to Section 516
3. Dwellings, additional farm dwelling, in excess of one (1) pursuant to Section 516 and 1509;
4. Manufactured Homes, pursuant to Section 516 and 1509;
5. Animal Feeding Operations (AFOs) Class B pursuant to Section 519 (2) and Section 519 (3);
6. Concentrated Animal Feeding Operation, Existing are allowed a one-time expansion of 25 % over of current operation size if the operation exists on an

occupied farmstead of continuous property to the farmstead not to exceed 999 animal units. . The species of animals pertaining to the expansion must be that of the existing operation. Performance standards of Section 519 are applicable to the expansion with exception to the setbacks found in the *Facility Setback Chart* in Section 519(2). All DANR requirements must be met.

7. Agribusinesses are allowed on lots no smaller than five (5) acres. A deed restriction prohibiting any type of residential dwelling shall be required for agribusiness use only.

Section 507 Conditional Uses

After the provisions of this Ordinance relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in an Agricultural District (AG):

1. ~~Animal feeding operations;~~
2. (Move to 1) Agricultural, fertilizer, and chemical sales and applications;
3. (Move to 2) Agricultural product processing facilities;
4. (Move to 3) Aquaculture;
5. (Move to 4) Auction yards and barns;
6. (Move to 5) Bars;
7. (Move to 6) Bed and breakfast operations;
8. (Move to 7) Buying stations;
9. (Move to 8) Churches;
- ~~10. (Move to 9) Concentrated Animal Feeding Operations and Concentrated Animal Feeding Operation expansion over 25% of current operation size.~~
11. (Move to 10) Construction services;
12. (Move to 11) Day cares, group family home;
- ~~13. Dwellings, additional farm in excess of one (1), pursuant to Sections 513(5) and 1509;~~
14. (Move to 12) Exhibition areas;
15. (Move to 13) Fairgrounds;
16. (Move to 14) Fireworks sales;

17. (Move to 15) Game farms;
18. (Move to 16) Game lodges;
19. (Move to 17) Golf courses;
20. (Move to 18) Grain elevators;
- ~~21. Individual septic or sewage treatment facilities, pursuant to Section 1513;~~
22. (Move to 19) Indoor shooting/archery ranges;
23. (Move to 20) Kennels;
24. (Move to 21) Landing Strips;
25. (Move to 22) Manufacturing, light;
26. (Move to 23) Motor vehicle tracks or play areas;
27. (Move to 24) Manure irrigation;
28. (Move to 25) Municipal, commercial, or residential central containment, sewage disposal, treatment, or application sites;
29. (Move to 26) Open sales areas;
30. (Move to 27) Outdoor shooting/archery ranges;
31. (Move to 28) Parks;
32. (Move to 29) Portable processing plants;
33. (Move to 30) Private recreation areas;
34. (Move to 31) Private shooting preserves;
35. (Move to 32) Quarries, pursuant to Section 1515;
36. (Move to 33) Remote fuel depots;
37. (Move to 34) Repair shops, auto-body;
38. (Move to 35) Repair shops, motor vehicle and equipment;
39. (Move to 36) Riding stables;
40. (Move to 37) Rodeo arenas;
41. (Move to 38) Salvage yards;
42. (Move to 39) Sanitary landfills or restricted use sites, permitted by the Department of Environment and Natural Resources (DENR);

~~43. (Move to 40) Spreading, injection, or other application of manure or animal waste generated by an Animal Feeding Operation as described herein, or other livestock production means located outside of Yankton County pursuant to Section 519 (11)-(12); from a concentrated animal feeding operation not permitted by Yankton County, shall be required to submit a waste management plan for land application of said manure within the Agricultural (AG) District. The waste management plan shall be the same as for a permitted site, pursuant to Section 519(3);~~

~~44. Swimming pools;~~

45. (Move to 41) Temporary construction facilities; and

46. (Move to 42) Towers, pursuant to Article 25 & Article 26;

47. (Move to 43) Wildlife and game production areas; and

48. (Move to 44) Wind energy systems, pursuant to Article 26.

Section 509 Classification of Unlisted Uses

In order to ensure that the zoning ordinance will permit all similar uses in each district, the Planning Commission and Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a Agricultural District shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed. The review shall be heard at a regular meeting of the aforementioned bodies and may be required to adhere to the notification requirements as described in Section 1803(3-5).

Section 511 Prohibited Uses and Structures

All uses and structures which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 509 shall be prohibited.

Section 513 Minimum Lot Requirements

1. The minimum lot area shall be twenty (20) acres;
2. The minimum lot area shall be five (5) acres for any agribusiness as defined herein, pursuant to Section 506(7);
3. The minimum lot width shall be five hundred (500) feet;
4. The Zoning Administrator may allow a smaller minimum lot requirement where an established single-family home exists or where a permit for a single-family home is requested on an existing farmstead site. ~~, as defined herein;~~
5. Lots of record, as defined herein, existing prior to adoption of this ordinance

may be developed pursuant to Article 16 and as approved by the Zoning Administrator;

- ~~6. An additional dwelling unit is allowed within the farmstead upon approval of the building permit application if it is to be occupied by other members of the family farm unit, provided the property is not transacted or prepared, platted, or described for transaction; and~~
- ~~7. The Zoning Administrator may allow construction of single and multi-family dwelling units not in conformance with this provision only on those lands organized as a 501(d), non-profit religious and apostolic associations as described in the United States Tax Code. Prior to issuance of a building permit or permission to proceed said entity shall file the Articles of Incorporation and other requested documentation with the Zoning Administrator. Construction activities carried on under this provision shall be in conformance with all other provisions of this ordinance.~~

Section 515 Minimum Yard Requirements

All yards must meet the following criteria as measured from the lot lines. This Section shall apply to all buildings and structures, including but not limited to decks and patios:

1. There shall be a front yard of not less than a depth of ~~seventy five (75) feet~~ fifty (50) feet;
2. There shall be a rear yard of not less than a depth of ~~seventy five (75) feet~~ fifty (50) feet;
3. There shall be two (2) side yards, each of which shall not be less than ~~seventy five (75) feet~~ fifty (50) feet;
4. Buildings and structures on corner lots as defined herein shall maintain two (2) front yards for the property abutting the road right-of-ways; and
5. ~~The Zoning Administrator may allow construction of single and multi-family dwelling units not in conformance with this provision only on those lands organized as a 501(d), non-profit religious and apostolic associations as described in the United States Tax Code. Prior to issuance of a building permit or permission to proceed said entity shall file the Articles of Incorporation and other requested documentation with the Zoning Administrator. Construction activities carried on under this provision shall be in conformance with all other provisions of this ordinance.~~ Water and sewer or sanitary drainage systems shall be installed by a licensed installer and shall comply with all applicable South Dakota Department of Agriculture and Natural Resources regulations.

Section 516 New Residence Requirements

The requirements herein apply to all new residences including but not limited to single family dwellings, two family dwellings, and modular homes.

1. Any new residence must acknowledge that any AFO and/or CAFO operation located within 1.5 miles of the new residence and that is operating at the time of the issuance of the new residence's building permit may expand in the future without regard to setbacks from this new residence. Setbacks for already established residences still apply to expansion of these AFO and/or CAFO operations. This acknowledgement shall be attached to the building permit and include:
 - a. A specific list of all operators of the AFO and/or CAFO operations which are allowed to expand without regard to this residence as noted above;
 - b. A copy of South Dakota's policy to protect agricultural operations from nuisance suits as defined in SDCL 21-10-25.1 through 21-10-25.6; Agricultural operations may include, but are not limited to, the following: the cultivation, harvesting, and storage of crops; livestock production, ground rig or aerial application of pesticides or herbicides; the application of fertilizer, including animal waste; the operation of machinery; the application of irrigation water; and other accepted and customary agricultural activities conducted in accordance with Federal, State, and County laws.
 - c. Be signed by the building permit applicant; and
 - d. A copy is given to all AFO and/or CAFO operators listed. If the AFO and/or CAFO operator sells the operation to a non-family member, this setback exemption from the new residence is not transferrable. Family members noted here include: siblings, children, grandchildren, nieces, and nephews.
2. An additional dwelling unit by definition is allowed within the farmstead upon approval of the building permit application if it is to be occupied by other members of the family, provided the property is not transacted or prepared, platted, or described for transaction; and
3. The Zoning Administrator may allow construction of single and multi-family dwelling units not in conformance with this provision only on those lands organized as a 501(d), non-profit religious and apostolic associations as described in the United States Tax Code, Prior to issuance of a building permit or permission to proceed said entity shall file the Articles of Incorporation and other requested documentation with the Zoning Administrator. Construction activities carried on under this provision shall be in conformance with all other provisions of this ordinance.

Section 517 Traffic Visibility

1. There shall be no obstructions, such as buildings, structures, grain bins, trees, wind breaks, baled agricultural products, or other objects within fifty (50) feet from the right-of-way.

2. A traffic visibility triangle as defined herein shall be maintained at all road intersections, public and private, driveways, railway crossings, or similar situation as determined by the Zoning Administrator; and
3. ~~Structures, perennial, or similar vegetation planted on or immediately adjacent to a road right-of-way public shall be approved in writing by the Zoning Administrator prior to construction or planting.~~ No such perennial vegetation between the heights of thirty (30) inches and ten (10) feet shall encroach upon the right-of-way at the time of planting or future growth. The Zoning Administrator reserves the right to refer such requests to Township Supervisors, the County Highway Superintendent, or other officials.

Section 519 ~~Concentrated~~ Animal Feeding Operation Performance Standards

1. **Conditional Use Permit Application Requirements.** The following shall be submitted for the consideration of a Concentrated Animal Feeding Operation Conditional Use Permit:
 - a. **Site description information:**
 - i. The owners', managers', management company's or similar entities' name, address and telephone number.
 - ii. A legal description of the site and proposed 911 address for the location.
 - iii. The type and number of animals to be housed at the site.
 - iv. Site diagram of all existing and proposed buildings and structures.
 - v. Information on ability to meet designated setback requirements (Section 519(2)), including maps showing measured distances.
 - vi. Information on the types of soils at the site, and whether there are any shallow aquifers and/or 100-year floodplain designations at or within one half mile of the proposed site.
 - vii. Provide a Farm Service Agency wetland map.
 - viii. Test boring location and test boring results *may* be required. The standards utilized by the South Dakota Department of Environment and Natural Resources for soil borings shall be followed.
 - b. **A facility management plan shall include:**
 - i. The methods utilized to dispose of dead animals shall be identified and shall be in compliance with the South Dakota Animal Industry Board. Temporary dead animal storage or disposal sites shall be a screened substantially built fence to hold up to removal and prevent scavenging, and ~~or~~ located out of site from neighboring dwellings and the adjacent right-of-way.
 - ii. The methods utilized to control pests and flies.
 - iii. A screening and/or buffering section to include the planting of trees and shrubs of adequate size to control wind movement and dispersion of dust and odors generated by the facility. The applicant of any naturally ventilated or open style CAFO must plant a shelter belt of trees between the proposed CAFO and

- shelterbelt shall run the length of the footprint within 250' of the facility, include a minimum of five rows of trees consisting of both evergreen and deciduous species, be planted in the first year of obtaining a conditional use permit. For three consecutive years, all trees that die must be replaced within one growing season. The shelter belt must maintain 90% survivability while the conditional use permit is active.
- iv. A review of Industry Best Management practices including the use of bio-filters, pit additives, urine-feces separation systems, or other odor reduction technologies. Applicant shall identify which practices will be utilized-, subject to approval of Planning Commission and Board of Adjustment.
 - v. A storm water management plan shall provide adequate slopes and drainage to divert storm water from confinement areas, while providing for drainage of water from said area, thereby assisting in maintaining dryer confinement areas to reduce odor production.
 - vi. Road haul routes and road maintenance agreements for both the construction and operation of the facility shall be signed by the applicant and the local road authority and included in the CUP
- c. **Waste Management Plan Requirements.** An operational plan for manure collection, storage, treatment, and use shall be kept updated and implemented. The plan shall include the following:
- i. All CUP applicants must submit and receive approval for a waste management plan to the Department of Environment and Natural Resources prior to obtaining a CUP. The waste management plan will list all fields and acres that are in the waste management plan and shall include expected manure application rates.
 - ii. A state general permit is required if any of the following situations are met.
 - 1. Any CAFO greater than or equal to 1000 animal units.
 - 2. A general permit is required by the South Dakota Department of Environment and Natural Resources.
 - 3. A general permit is required by Yankton County as a condition of approval.
 - 4. The proposed site is located over a mapped shallow aquifer area as depicted on the Department of Environment and Natural Resources First Occurrence of Aquifer Materials in Yankton County, SD (Refer to South Dakota Department of Agriculture and Natural Resources).
 - iii. Proposed maintenance of waste facilities.
 - iv. Number and size of containment areas.
 - v. Timeframe for removal of manure from storage containment.
 - vi. Land application process and/or methods (surface, injection, etc.).
 - vii. Legal description and map, including documented proof of area to be utilized for manure application.

- viii. If the applicant does not own all of the land which will be used for the spreading of waste, the applicant shall provide an enforceable lease, easement, or other written agreement as part of the application. The length of the agreement shall be such that the CAFO has adequate time to make other alternative arrangements in the event that the existing lease, easement, or other written agreement cannot be renewed.
 - d. Prior to construction, such facilities shall obtain a Storm Water Permit for Construction Activities from the South Dakota Department of Environment and Natural Resources. This plan must be implemented upon the start of construction.
 - e. The Yankton County Planning Commission, Board of Adjustment or the Planning Director may require additional information or conditions reasonably related to a concentrated animal feeding operation not contained in these regulations.
2. **Facility Setback Requirements.** New Animal Feeding Operations and waste facilities shall be located no closer than the following regulations prescribe.

The applicant(s) of an animal feeding operation may request the required setback to any residence other than the applicant, active church, business, or school be lessened. This request shall only be approved after the applicant obtains signed waivers from all property owners within the setback distance. Any authorized person, business or governmental entity that is within the setback distance may waive the setback distance. The written waiver(s) shall be permanently attached to the approved conditional use permit.

<u>Facility Setback Chart (Feet)</u>		
<u>Class</u>	<u>A</u>	<u>B</u>
<u>Animal Units</u>	<u>500 to 10,000</u>	<u>200 to 499</u>
<u>Solid Manure System</u>		
<u>Residence other than owner, active church, business, schools</u>	<u>1.98 feet per A.U. (minimum 1,320) (maximum 1.5 miles)</u>	<u>1,320</u>
<u>Municipalities</u>	<u>2.2 feet per A.U. (minimum 2,640) (maximum 1.5 miles)</u>	<u>2,640</u>
<u>Liquid Manure System</u>		
<u>Residence other than owner, active church, business, schools</u>	<u>2.64 feet per A.U. (minimum 1,320) (maximum 1.5 miles)</u>	<u>1,320</u>
<u>Municipalities</u>	<u>2.64 feet per A.U. (minimum 2,640) (maximum 1.5 miles)</u>	<u>2,640</u>
<u>Any Style Manure System</u>		
<u>Public wells</u>	<u>1,000</u>	<u>1,000</u>

<u>Private well</u>	<u>250</u>	<u>250</u>
<u>Private well (operator's)</u>	<u>150</u>	<u>150</u>
<u>Lakes, rivers and streams</u>	<u>660</u>	<u>660</u>
<u>Right-of-way line</u>	<u>330</u>	<u>330</u>
<u>Property line delineating a change in ownership</u>	<u>660</u>	<u>660</u>
<u>100 year flood plain</u>	<u>PROHIBITED</u>	<u>PROHIBITED</u>

3. Manure application. New Animal Feeding Operations and waste facilities shall comply to the following:

- a. A review of weather conditions shall be conducted prior to application to minimize the potential for runoff and to mitigate effects upon neighboring properties.
- b. Animal waste shall be transported no further than five miles from the point of origination by equipment designed for direct application. Animal waste hauled within non-application or transportation equipment shall not be restricted as to distance. Both methods of transportation must comply with federal, state, and local load limits on roads, bridges, and other similar structures.
- c. All liquid manure shall be injected to provide for better agronomic benefits, to reduce the potential for runoff, and to minimize odor. Liquid manure may be surface applied if approved by the Department of Natural Resources for emergency discharge only. Documentation of this approval shall be maintained by the operator and be available upon request by the Planning Department.
- d. If irrigation is used for dewatering a lagoon (gray water) basin, these rules apply:
 - i. Must be used on systems that disperse the liquid no higher than 18" off the ground if no crop is actively growing on the field.
 - ii. If a crop is actively growing on the field, the liquid must then be ~~Drops~~ dispersed below the crop canopy.
 - iii. No runoff or diffused spray from the system onto neighboring property or public right-of-way will be allowed.
 - iv. No irrigation shall be applied when soils are water saturated, frozen, or covered with snow, or when other soil conditions would result in waste runoff.
 - v. No irrigation over FSA designated wetlands.
 - vi. No "big gun" type irrigation systems shall be used for liquid manure or dewatering lagoons or other manure containment systems.
- e. Manure should not be applied over frozen or snow covered ground.
- f. No pipes or drag lines may be permanently installed in the public right-of-way.
- g. The producer, or agent acting on behalf of the producer, shall inspect the land application equipment, land application sites and irrigation equipment, if used, on a daily basis while land application of process wastewater or manure is occurring. This inspection is to ensure that the land application equipment is not leaking and runoff from the land application site is not occurring. If a discharge or leak is found where process wastewater or manure is reaching any surface waters of the state,

flowing onto property not owned by the producer, or not included in the nutrient management plan, the producer is responsible for taking immediate steps to stop the discharge or leak and report the leak to the county zoning office, state DENR and the affected landowner. The producer shall keep documentation of these inspections so the Zoning Administrator can review them upon request or during an inspection

- h. A notification section should be formulated by the applicant. It should be a reasonable attempt is to include the names, addresses, and phone numbers of all occupied residences and public gathering places, within one-half (1/2) mile of applicant's manure application fields. The preferred hauling and application process shall should be detailed and include timetables of probable application periods. Application of manure on weekends, holidays, and evenings during the warmer seasons shall should be avoided whenever possible. Complaints could lead to having to give 48 hour notice in advance of manure applications. Annual notification advising of an upcoming 30 day window should be given.

<u>Manure Application Setback Chart</u>			
	<u>Injection or Incorporated within 24 hours</u>	<u>Surface Applied</u>	<u>Irrigated</u>
<u>Public wells (feet)</u>	<u>1,000</u>	<u>1,000</u>	<u>1,000</u>
<u>Private wells (feet)</u>	<u>250</u>	<u>250</u>	<u>250</u>
<u>Private wells (operator's) (feet)</u>	<u>150</u>	<u>150</u>	<u>150</u>
<u>Lakes, rivers and streams (public drinking supply) (feet)</u>	<u>1,000</u>	<u>1,000</u>	<u>1,000</u>
<u>Lakes, rivers and streams (fisheries) (feet)</u>	<u>250</u>	<u>660</u>	<u>660</u>
<u>All public road right- of-ways (feet)</u>	<u>10</u>	<u>10</u>	<u>100</u>
<u>Municipalities (feet)</u>	<u>660</u>	<u>1,000</u>	<u>2,640</u>
<u>Residence other than operator's (feet)</u>	<u>100</u>	<u>330</u>	<u>750</u>

~~Animal Feeding Operations are considered conditional uses and shall comply with the Conditional Use Process, all applicable state and federal requirements, and the applicable requirements as defined in this section:-~~

~~Class A (5,000 — 10,000) — Section 519(1,2,3,4,5,6,7(a),8(a),9,10,11,12,13)
Class B (3,000 — 4,999) — Section 519(1,2,3,4,5,6,7(b),8(b),9,10,11,12,13)
Class C (2,000 — 2,999) — Section 519(1,2,3,4,5,7(c),8(c),9,10,11,12,13)
Class D (1,000 — 1,999) — Section 519(1,2,3,4,5,7(d),8(d),9,10,11,12,13)~~

~~Class E (300 – 999) ————— Section 519(2,3,4*,5,7(e),8(e),9,10,11,12,13)~~

~~Class F (1 – 299) ————— NA~~

~~*If required by state law~~

- ~~1. Animal Feeding Operations shall submit animal waste management system plans and specifications for review and approval prior to construction, and a Notice of Completion for a Certificate of Compliance, after construction, to the South Dakota Department of Environment and Natural Resources or as amended by the State of South Dakota or the South Dakota Department of Environment and Natural Resources.~~
- ~~2. Prior to construction, such facilities shall obtain a Storm Water Permit for Construction Activities from the South Dakota Department of Environment and Natural Resources. The Storm Water Pollution Prevention Plan required by the permit must be developed and implemented upon the start of construction.~~
- ~~3. Animal confinement and waste facilities shall comply with the following facility setback requirements:-~~
 - ~~A. Public Wells 1,000 feet~~
 - ~~B. Private Wells 250 feet~~
 - ~~C. Private Wells (Operator's) 150 feet~~
 - ~~D. Lakes, Rivers, Streams Classified as a Public Drinking Water Supply 1,000 feet~~
 - ~~E. Lakes, Rivers, Streams Classified as Fisheries 1,000 feet~~
 - ~~F. Designated 100 Year Flood Plain PROHIBITED~~
- ~~4. Applicants must present a nutrient management plan to the Department of Environment and Natural Resources for approval and/or certification. Examples of such management shall include at least:-~~
 - ~~A. Proposed maintenance of waste facilities;~~
 - ~~B. Land application process and/or methods;~~
 - ~~C. Legal description and map, including documented proof of area to be utilized for nutrient application; and~~
 - ~~D. All CAFO's are required to obtain a South Dakota State General Permit that outlines the manure management practices that an operator must follow to prevent water pollution and protect public health.~~
- ~~5. New animal feeding operations, new CAFO's and waste facilities shall be~~

~~setback six hundred and sixty-six (660) feet from a property line delineating a change in ownership and three hundred and thirty (330) feet from a right-of-way line. Additionally, the applicant shall locate the operation ¼ of a mile or 1,320 feet from neighboring residential dwellings. The Planning Commission and/or Board of Adjustment may mandate setbacks greater than those required herein to further the intent of the Zoning Ordinance while protecting the public health, safety, and welfare.~~

~~6. New Class A and B Animal Feeding Operations shall be prohibited from locating within the area bounded by the City of Yankton, 431st Avenue, the Missouri River, and South Dakota Highway 50.~~

~~7. New animal confinement and waste facilities shall be located no closer than the following regulations prescribe from any Class I incorporated municipality or residentially zoned area bounded by the City of Yankton, 431st Avenue, the Missouri River and South of South Dakota Highway 50:~~

~~A. Class A ————— 4 miles~~

~~B. Class B ————— 2 miles~~

~~C. Class C ————— 1 mile~~

~~D. Class D ————— 2,640 feet~~

~~E. Class E ————— 2,640 feet~~

~~8. New animal confinement and waste facilities shall be located no closer than ½ mile from any Class II or III incorporated municipality, active church, or established R2 or R3 residential area as shown on the Official Zoning Map. New animal confinement and waste facilities shall be located no closer than the following regulations prescribe from a residential dwelling; one dwelling unit is allowed on the facility site. The owner(s) of an animal feeding operation and/or residential dwelling may request the required setback be lessened or waived in accordance with the variance procedures as detailed herein. Residential waiver request forms are obtainable from the Zoning Administrator. This waiver would run with the land and be filed with the Yankton County Register of Deeds.~~

~~A. Class A ————— 2 miles~~

~~B. Class B ————— 1.25 miles~~

~~C. Class C ————— 2,640 feet~~

~~D. Class D ————— 1,320 feet~~

~~E. Class E ————— 1,320 feet~~

- ~~9. Animal waste shall be transported no further than five miles from the point of origination by equipment designed for direct application. Animal waste hauled within non-application or transportation equipment shall not be restricted as to distance. Both methods of transportation must comply with federal, state, and local load limits on roads, bridges, and other similar structures.~~
- ~~10. Animal Feeding Operations shall prepare a facility management plan. The plan shall be designed to dispose of dead animals, manure, and wastewater in such a manner as to control odors or flies. The County Planning Commission and Board of Adjustment will review the need for control measures on a site specific basis, taking into consideration prevailing wind direction and topography. The following procedures to control flies and odors shall be addressed in a management control plan:~~
- ~~A. An operational plan for manure collection, storage, treatment, and use shall be kept updated and implemented;~~
 - ~~B. The methods utilized to dispose of dead animals shall be identified.~~
 - ~~C. A screening and/or buffering section to include the planting of trees and shrubs of adequate size to control wind movement and dispersion of odors generated by the facility;~~
 - ~~D. A storm water management section shall provide adequate slopes and drainage to divert storm water from confinement areas, while providing for drainage of water from said area, thereby assisting in maintaining dryer confinement areas to reduce odor production.~~
 - ~~E. A solid manure storage plan detailing the number and size of containment areas and methods of controlling drainage to minimize odor production;~~
 - ~~F. A description of the method and timeframe for removal of manure from open pens to minimize odor production;~~
 - ~~G. The applicability, economics, and effect of Industry Best Management Practices shall be covered;~~
 - ~~H. A notification section should be formulated by the applicant. It is to include the names, addresses, and phone numbers of all occupied residences and public gathering places, within one half (1/2) mile of applicant's manure application fields. The preferred hauling and application process shall be detailed and include timetables of probable application periods. Application of manure on weekends, holidays, and evenings during the warmer seasons shall be avoided whenever possible. Complaints could lead to having to give 48 hour notice in advance of manure applications. Annual notification advising of an upcoming 30 day~~

~~window should be given.~~

- ~~I. A review of weather conditions shall be included reviewing the effect of climate upon manure application. This section shall also include the preferred times and conditions for application to mitigate the potential effects upon neighboring properties while outlining the least advantageous climatic conditions.~~

- ~~11. Manure generated from Animal Feeding Operations shall comply with the following manure application setback requirements if it is injected or incorporated within twenty four (24) hours:-~~

- ~~A. Public Wells 1,000 feet~~
~~B. Private Wells 250 feet~~
~~C. Private Wells (Operator's) 150 feet~~
~~D. Lakes, Rivers, Streams Classified as a Public Drinking Water Supply 1,000 feet~~
~~E. Lakes, Rivers and Streams Classified as Fisheries 200 feet~~
~~F. All Public Road Right of ways 10 feet~~
~~G. Incorporated Communities 660 feet~~
~~H. A Residence other than the Operators 100 feet~~

- ~~12. Manure generated from Animal Feeding Operations shall comply with the following manure application setback requirements if it is irrigated or surface applied:-~~

- ~~A. Public Wells 1,000feet~~
~~B. Private Wells 250feet~~
~~C. Private Wells(Operator's) 150feet~~
~~D. Lakes, Rivers, Steams Classified as a Public Drinking Water Supply 1,000feet~~
~~E. Lakes, Rivers and Streams Classified as Fisheries 660 feet~~
~~F. All Public Road Right of ways (Surface Applied) 10 feet~~
~~G. All Public Road Right of ways (Irrigated Application) 100 feet~~
~~H. Incorporated Communities (Surface Applied) 1,000 feet~~
~~I. Incorporated Communities (Irrigated Application) 2,640 feet~~

~~J. A Residence other than the Operators (Surface Applied) 330 feet~~

~~K. A Residence other than the Operators (Irrigated Application) 750 feet~~

~~13. If irrigation is used for removal of liquid manure, dewatering a lagoon (gray water) basin, or any type of liquid manure holding pit, these rules apply:-~~

~~A. Drops must be used on systems that disperse the liquid no higher than 18" off the ground if no crop is actively growing on the field.-~~

~~B. If a crop is actively growing on the field, the liquid must then be dispersed below the crop canopy.-~~

~~C. No runoff or diffused spray from the system onto neighboring property or public right of way will be allowed.-~~

~~D. No irrigation of liquid on frozen ground or over FSA designated wetlands.-~~

~~E. No "big gun" type irrigation systems shall be used for liquid manure or dewatering lagoons or other manure containment systems.-~~

Section 520 Conditional Use Permit for an Animal Feeding Operation Not Permitted if Applicant Applies for the Permit for the Purpose of Selling, Transferring, or Brokering.

The Board of Adjustment shall not grant a Conditional Use Permit for an Animal Feeding Operation, Concentrated Animal Feeding Operation, and/or waste facility if the Applicant is applying for the Permit for the purpose of selling, transferring, or brokering the Permit.

For the purposes of this Ordinance, any sale or transfer of the Permit from the Applicant to any other person or entity within ~~two (2)~~ five (5) years of the date that the Permit is issued shall be considered to be prima facie evidence that such Permit was obtained for the purpose of selling, transferring or brokering the Permit. The Board of Adjustment may hear and grant exceptions to this rule in the case of unforeseen life events that may force the sale of an operation.

Any evidence that is presented by any person that any Building Permit and/or Conditional Use Permit for an Animal Feeding Operation, Concentrated Animal Feeding Operation, and/or waste facility was sought for the purpose of selling, transferring, or brokering the Permit ~~may~~ shall be considered by the Zoning Administrator, Planning Commission, and/or Board of Adjustment in considering a new application for Conditional Use Permit. ~~and~~ It may be the basis for a denial or revocation of the application, building permit, and/or a conditional use permit by the Board of Adjustment.

DEFINITIONS

Joint County and Planning Commission proposed changes (05-04-21)

AMENDED

Agriculture - The planting, cultivating, harvesting and storage of grains, hay or plants, fruits, or vineyards along with the raising and feeding of livestock and/or poultry shall be considered an agricultural use. Grain elevators or Agricultural Product Processing Facilities shall not be considered an agricultural use if such use constitutes the main or principal use on a lot or parcel.

Agribusiness – A business which directly supports the agricultural industry, such as suppliers of feed, seed, chemicals, fertilizer, farm equipment, and equipment parts, farm equipment repair services, veterinary services, drain tile installers, and commercial grain elevators.

Agriculture Product Processing Facility - A business activity customarily designed to process raw agricultural products into value added products. Agricultural processing facilities include, but are not limited to; feed mills, ethanol plants, soy bean processing facilities, cheese plants, milk processors, packing plants and rendering facilities.

Aggrieved Person - A person aggrieved is any person directly interested in the outcome of and aggrieved by a decision or action or failure to act regarding a zoning decision thus:

1. Establishes that the person suffered an injury, an invasion of a legally protected interest that is both concrete and particularized, and actual or imminent, not conjectural or hypothetical;
2. Shows that a causal connection exists between the person's injury and the conduct of which the person complains. The causal connection is satisfied if the injury is fairly traceable to the challenged action, and not the result of the independent action of any third party not before the court; (3) Shows it is likely, and not merely speculative, that the injury will be redressed by a favorable decision, and; (4) Shows that the injury is unique or different from those injuries suffered by the public in general.

Animal Feeding Operation: An animal feeding operation is a lot or facility where 200 or greater animal units, excluding aquaculture, are confined, stabled, fed, or maintained in either an open or housed lot for a total of 45 days or more in any 12-month period. The open lot does not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season. Two or more facilities under common ownership are a single animal operation if they adjoin each other (within one mile), or if they use a common area or system for the disposal of manure.

For the purposes of these regulations, Animal Feeding Operations are divided into the following classes:

Class	Animal Units
Class A	<u>500 - 10,000</u>
Class B	<u>200 – 499</u>

Animal Units - A unit of measure for livestock equated as follows; one head is equivalent to animal units:

Cow, feeder, or slaughter beef animal, <u>including cow/calf pairs</u>	1.0 A.U.
Horse	2.0 A.U.
Mature dairy cattle, excluding dairy calves under 300 pounds	1.4 A.U.
Farrow-to-finish sows	3.7 A.U.
Swine in a production unit	0.47 A.U.
Nursery swine less than 55 pounds	0.1 A.U.
Finisher swine over 55 pounds	0.4 A.U.
Sheep or lambs, <u>goats</u>	0.1 A.U.
Laying hens or broilers	0.033 A.U.
Ducks and/or geese	0.2 A.U.
Turkeys	0.018 A.U.

Animal Waste Facility - A structure designed and constructed to store and/or process animal waste. Animal waste facilities include but are not limited to holding basins, lagoons, pits and slurry stores.

Building Permit - A type of authorization that must be granted by a government or other regulatory body before the construction of a new or expansion of existing building can legally occur.

Concentrated Animal Feeding Operation (CAFO): An animal feeding operation that is previously defined meets one or more of the following criteria:

1. Contains at least 500 animal units
2. Utilizes a Liquid Manure System (see definitions)
3. Utilizes environmentally controlled housing where the animals are contained in a thermostatically controlled environment
4. Discharges pollutants into waters of the state through man-made ditch, flushing system, or other similar man-made device

5. Discharges pollutants directly into waters of the state which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in operation

Concentrated Animal Feeding Operation (CAFO) Existing: Concentrated animal feeding operations in existence prior to the effective date of this ordinance or any subsequent amendment of applicable Articles or Sections.

Domesticated Large Animals - Any animal that through long association with man, has been bred to a degree which has resulted in genetic changes affecting the temperament, color, conformation or other attributes of the species to an extent that makes it unique and different from wild individuals of its kind. For the purpose of this ordinance the definition shall include, but is not limited to, animals commonly raised on farms and ranches, such as cattle, horses, hogs, sheep, and mules.

Family - Any number of individuals living together as a single housekeeping unit, in which not more than five (5) individuals are unrelated by blood, marriage or adoption. This definition shall not include foster families as regulated by the State.

Farm Building - All buildings and structures needed in agricultural operation.

Farm Drainage Systems - The term shall include all waterways, ditches, flood control, watershed, and erosion control structures and devices provided each individual system or structure comply with the applicable local, state, and federal regulations.

Farm Occupation - A business activity customarily carried out on a farm by a member of the occupant's family without structural alterations in the building or any of its rooms, without the installation or outside storage of any machinery, equipment or material other than that customary to normal farm operations, without the employment of more than two (2) persons not residing in the home, which does not cause the generation of additional traffic in the area. Farm occupations include, but are not limited to, seed sales and custom combining support facilities.

Farm Unit - All buildings and structures needed in an agricultural operation, including dwellings for owners, operators, and other family members.

Farm, Hobby - An activity carried out in rural residential areas, which includes the planting, cultivating, harvesting and storage of grains, hay or plants, fruits, or vineyards. The raising and feeding of livestock and poultry shall be considered as part of a hobby farm if the area, in which the livestock or poultry is kept, is one (1) acre or more in area for every one (1) animal unit, and if such livestock does not exceed ten (10) animal units.

Farm, Ranch, Orchard - An area of unplatted land, which is used for growing usual farm products, vegetables, fruits, trees, and grain, and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle, hogs and sheep, and including the necessary accessory uses for raising, treating, and storing products raised on the premises; but excluding an Animal Feeding Operation. The processing and storage of raw agricultural products, such as grain elevators and ethanol plants,

shall not be considered a farm, ranch or orchard if such constitutes the main or principal use on the lot or parcel.

Farmstead - A place with empirical evidence of a previous farmstead including at a minimum foundations, structures, or a tree belt. For the purposes of this ordinance the Zoning Administrator or Planning Commission shall determine the eligibility of a farmstead as a building site as described within Section 516.

Game Farm - An area of five (5) acres or more, which is used for producing hatchery, raised game and non-domestic animals for sale to private shooting preserves.

Game Lodge - A building or group of detached, or semi-detached, or attached buildings occupied or used as a temporary abiding place of sportsmen, hunters and fishermen, who are lodged, with or without meals, and in which there are more than two (2) sleeping rooms.

Grain Elevator - Grain storage facilities, which are the principal and primary use of the lot. Said facilities are generally equipped with devices for housing and discharging significant quantities of grain. This definition does not include normal farm product storage and warehousing facilities such as grain bins and where such storage is an accessory use to the parcel.

Grandfather - For the purposes of this ordinance the term “grandfather” shall be defined as a lay term used to describe structures, land uses, facilities, operations or similar activities in existence prior to adoption of the zoning ordinance. The term is generally applied to uses not allowed or further regulated within the new ordinance. The act or condition of grandfathered is more fully addressed in the nonconforming Article herein.

Horticulture - The science or art of cultivating fruits, vegetables, flowers, and plants.

Horticulture Sales - The on-site retail sale of farm produce, floral, fauna, or similar items. The majority of the produce sold shall be seasonal in nature and grown on-site. An exception may be a cooperative venture between numerous producers.

Irrigation Systems - This term shall include all canals, ditches, piping, center pivot, and other methods utilized to irrigate cropland. This term does not include systems designed to land apply waste or water from animal feeding operations as defined herein. All irrigation systems shall comply with local, state, and federal regulations.

Manure System Definitions

1. Solid Manure System – Vast majority (>90%) of excreted manure will be maintained in form that can be handled with a front-end loader and stacked without seepage under normal operating conditions. Example systems include floor-raised poultry, deep-bedded housing systems, and drylots
2. Liquid Manure System – Vast majority (>90%) of excreted manure will be stored in a form that – with or without agitation/mixing – can be handled with a common centrifugal pump under normal operating conditions. Example

systems include slatted floor facilities and facilities where manure can be transferred via gravity.

Nuisance - Any condition existing that is or may become injurious or dangerous to health or that prevents or hinders or may prevent or hinder in any manner the suppression of a disease.

Nursery, Swine - A facility confining a specific number of small and/or young swine averaging ten (10) to fifty five (55) pounds in size.

Permitted Special Use - A use allowed in a zoning district subject to the applicable restrictions of that zoning district and additionally subject to certain restrictions for that specific use.

Private Recreation Area - Any open space or recreational area, other than a public park, owned and operated or maintained in whole or in part for profit by a private individual(s), club or fraternal organization for members only, and may include therein one or more of the following activities: swimming, boat facilities, picnic area, tennis courts, outdoor skating rinks, athletic fields, walking, riding and cross-country skiing, snowmobiling, but does not include the racing of animals, motor vehicles, motorcycles or snowmobiles.

Private Shooting Preserves - An acreage of at least one hundred and sixty (160) acres and not exceeding one thousand two hundred and eighty (1,280) acres either privately owned or leased on which hatchery raised game and/or larger game is released for the purpose of hunting, for a fee, over an extended season.

Ranch Building - See Farm Building.

Ranch Occupation - See Farm Occupation.

Ranch Unit - See Farm Unit.

Riding Stable - Any place that has more than fifteen (15) stalls or horse spaces to board, train, or provide recreational equine activities.

Screening - A continuous fence, wall, compact evergreen hedge or combination thereof, supplemented with landscape planting, which would effectively screen the property which it encloses, and is broken only by access drives and walks.

Shelterbelt - Five or more rows of trees and/or shrubs that reduce erosion and protects against the effects of wind and storms.

Shelterbelt Restoration - The removal and replacement of two or more rows of trees or of trees totaling one-half acre or more, whichever is greater, in an existing shelterbelt.

Start of construction – includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of

permanent construction of a structure on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or are not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Swine Production Unit - An operation confining a specific number of female breeding age swine for the purpose of farrowing. The operation shall farrow no more than an average of one-third (1/3) of the total herd at any one time and the total herd shall not farrow more than an average of two and one-half (2 ½) times within a twelve month period. All farrowed swine shall be relocated to an off-site nursery facility, as defined by this ordinance, at approximately ten (10) pounds or said swine shall be calculated as part of the total animal units.

Utility Facilities - Any above-ground structures or facilities, other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities, owned by a governmental entity, a nonprofit organization, a corporation, a private citizen or any entity defined as a public utility for any purpose and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals.

Windbreak - Any non-opaque manmade structure constructed of any material and erected adjacent to an animal feeding, calving, or other such lot of which its principal use is that of protecting livestock from the effects of the wind.

ARTICLE 5

AGRICULTURAL DISTRICT (AG)

Section 501 Intent

The intent of Agricultural Districts (AG) is to protect agricultural lands and lands consisting of natural growth from incompatible land uses in order to preserve land

best suited to agricultural uses and land in which the natural environment should be continued and to limit residential, commercial, and industrial development to those areas where they are best suited for reasons of practicality and service delivery.

Section 503 Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in an Agricultural District (AG):

1. Agriculture;
2. Cemeteries;
3. Day cares, family;
4. Farms, ranches or orchards as defined herein;
5. Farm buildings;
6. Historic sites;
7. Horticulture;
8. Utility facilities; and
9. Veterinary services.

Section 505 Permitted Accessory Uses and Structures

The following accessory uses and structures shall be permitted in an Agricultural District (AG):

1. Accessory structures;
2. Customary water irrigation systems, other than manure irrigation equipment;
3. Farm drainage systems;
4. Home and farm occupations;
5. Roadside stands;
6. Shelterbelts;
7. Signs, banner;
8. Signs, directional on-site;
9. Signs, directional off-site;
10. Signs, easement and utility;
11. Signs, exterior off-site, pursuant to Article 14;

12. Signs, flag;
13. Signs, name and address plate;
14. Signs, on-site;
15. Signs, real estate;
16. Stock dams; and
17. Swimming Pools;

Section 506 Permitted Special Uses

1. Dwellings, single family including modular homes pursuant to Section 516
2. Dwellings, two-family pursuant to Section 516
3. Dwellings, additional farm dwelling, in excess of one (1) pursuant to Section 516 and 1509;
4. Manufactured Homes, pursuant to Section 516 and 1509;
5. Animal Feeding Operations (AFOs) Class B pursuant to Section 519 (2) and Section 519 (3);
6. Concentrated Animal Feeding Operation, Existing are allowed a one-time expansion of 25 % over current operation size if the operation exists on an occupied farmstead of continuous property to the farmstead not to exceed 999 animal units. . The species of animals pertaining to the expansion must be that of the existing operation. Performance standards of Section 519 are applicable to the expansion with exception to the setbacks found in the *Facility Setback Chart* in Section 519(2). All DANR requirements must be met.
7. Agribusinesses are allowed on lots no smaller than five (5) acres. A deed restriction prohibiting any type of residential dwelling shall be required for agribusiness use only.

Section 507 Conditional Uses

After the provisions of this Ordinance relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in an Agricultural District (AG):

1. Agricultural, fertilizer, and chemical sales and applications;
2. Agricultural product processing facilities;
3. Aquaculture;
4. Auction yards and barns;

5. Bars;
6. Bed and breakfast operations;
7. Buying stations;
8. Churches;
9. Concentrated Animal Feeding Operations and Concentrated Animal Feeding Operation expansion over 25% of current operation size.
10. Construction services;
11. Day cares, group family home;
12. Exhibition areas;
13. Fairgrounds;
14. Fireworks sales;
15. Game farms;
16. Game lodges;
17. Golf courses;
18. Grain elevators;
19. Indoor shooting/archery ranges;
20. Kennels;
21. Landing Strips;
22. Manufacturing, light;
23. Motor vehicle tracks or play areas;
24. Manure irrigation;
25. Municipal, commercial, or residential central containment, sewage disposal, treatment, or application sites;
26. Open sales areas;
27. Outdoor shooting/archery ranges;
28. Parks;
29. Portable processing plants;
30. Private recreation areas;

31. Private shooting preserves;
32. Quarries, pursuant to Section 1515;
33. Remote fuel depots;
34. Repair shops, auto-body;
35. Repair shops, motor vehicle and equipment;
36. Riding stables;
37. Rodeo arenas;
38. Salvage yards;
39. Sanitary landfills or restricted use sites, permitted by the Department of Environment and Natural Resources (DENR);
40. Spreading, injection, or other application of manure or animal waste generated from a concentrated animal feeding operation not permitted by Yankton County, shall be required to submit a waste management plan for land application of said manure within the Agricultural (AG) District. The waste management plan shall be the same as for a permitted site, pursuant to Section 519(3);
41. Temporary construction facilities; and
42. Towers, pursuant to Article 25 & Article 26;
43. Wildlife and game production areas; and
44. Wind energy systems, pursuant to Article 26.

Section 509 Classification of Unlisted Uses

In order to ensure that the zoning ordinance will permit all similar uses in each district, the Planning Commission and Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a Agricultural District shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed. The review shall be heard at a regular meeting of the aforementioned bodies and may be required to adhere to the notification requirements as described in Section 1803(3-5).

Section 511 Prohibited Uses and Structures

All uses and structures which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 509 shall be prohibited.

Section 513 Minimum Lot Requirements

1. The minimum lot area shall be twenty (20) acres;
2. The minimum lot area shall be five (5) acres for any agribusiness as defined herein, pursuant to Section 506(7);
3. The minimum lot width shall be five hundred (500) feet;
4. The Zoning Administrator may allow a smaller minimum lot requirement where an established single-family home exists or where a permit for a single-family home is requested on an existing farmstead site.
5. Lots of record, as defined herein, existing prior to adoption of this ordinance may be developed pursuant to Article 16 and as approved by the Zoning Administrator;

Section 515 Minimum Yard Requirements

All yards must meet the following criteria as measured from the lot lines. This Section shall apply to all buildings and structures, including but not limited to decks and patios:

1. There shall be a front yard of not less than a depth of fifty (50) feet;
2. There shall be a rear yard of not less than a depth of fifty (50) feet;
3. There shall be two (2) side yards, each of which shall not be less than fifty (50) feet;
4. Buildings and structures on corner lots as defined herein shall maintain two (2) front yards for the property abutting the road right-of-ways; and
5. Water and sewer or sanitary drainage systems shall be installed by a licensed installer and shall comply with all applicable South Dakota Department of Agriculture and Natural Resources regulations.

Section 516 New Residence Requirements

The requirements herein apply to all new residences including but not limited to single family dwellings, two family dwellings, and modular homes.

1. Any new residence must acknowledge that any AFO and/or CAFO operation located within 1.5 miles of the new residence and that is operating at the time of the issuance of the new residence's building permit may expand in the future without regard to setbacks from this new residence. Setbacks for already established residences still apply to expansion of these AFO and/or CAFO operations. This acknowledgement shall be attached to the building permit and include:

- a. A specific list of all operators of the AFO and/or CAFO operations which are allowed to expand without regard to this residence as noted above;
 - b. A copy of South Dakota's policy to protect agricultural operations from nuisance suits as defined in SDCL 21-10-25.1 through 21-10-25.6; Agricultural operations may include, but are not limited to, the following: the cultivation, harvesting, and storage of crops; livestock production, ground rig or aerial application of pesticides or herbicides; the application of fertilizer, including animal waste; the operation of machinery; the application of irrigation water; and other accepted and customary agricultural activities conducted in accordance with Federal, State, and County laws.
 - c. Be signed by the building permit applicant; and
 - d. A copy is given to all AFO and/or CAFO operators listed. If the AFO and/or CAFO operator sells the operation to a non-family member, this setback exemption from the new residence is not transferrable. Family members noted here include: siblings, children, grandchildren, nieces, and nephews.
2. An additional dwelling unit by definition is allowed within the farmstead upon approval of the building permit application if it is to be occupied by other members of the family, provided the property is not transacted or prepared, platted, or described for transaction; and
 3. The Zoning Administrator may allow construction of single and multi-family dwelling units not in conformance with this provision only on those lands organized as a 501(d), non-profit religious and apostolic associations as described in the United States Tax Code, Prior to issuance of a building permit or permission to proceed said entity shall file the Articles of Incorporation and other requested documentation with the Zoning Administrator. Construction activities carried on under this provision shall be in conformance with all other provisions of this ordinance.

Section 517 Traffic Visibility

1. There shall be no obstructions, such as buildings, structures, grain bins, trees, wind breaks, baled agricultural products, or other objects within fifty (50) feet from the right-of-way.
2. A traffic visibility triangle as defined herein shall be maintained at all road intersections, public and private, driveways, railway crossings, or similar situation as determined by the Zoning Administrator; and
3. No perennial vegetation between the heights of thirty (30) inches and ten (10) feet shall encroach upon the right-of-way at the time of planting or future growth. The Zoning Administrator reserves the right to refer such requests to Township Supervisors, the County Highway Superintendent, or other officials.

Section 519 Concentrated Animal Feeding Operation Performance Standards

1. **Conditional Use Permit Application Requirements.** The following shall be submitted for the consideration of a Concentrated Animal Feeding Operation Conditional Use Permit:

a. Site description information:

- i. The owners', managers', management company's or similar entities' name, address and telephone number.
- ii. A legal description of the site and proposed 911 address for the location.
- iii. The type and number of animals to be housed at the site.
- iv. Site diagram of all existing and proposed buildings and structures.
- v. Information on ability to meet designated setback requirements (Section 519(2)), including maps showing measured distances.
- vi. Information on the types of soils at the site, and whether there are any shallow aquifers and/or 100-year floodplain designations at or within one half mile of the proposed site.
- vii. Provide a Farm Service Agency wetland map.
- viii. Test boring location and test boring results *may* be required. The standards utilized by the South Dakota Department of Environment and Natural Resources for soil borings shall be followed.

b. A facility management plan shall include:

- i. The methods utilized to dispose of dead animals shall be identified and shall be in compliance with the South Dakota Animal Industry Board. Temporary dead animal storage or disposal sites shall be a screened substantially built fence to hold up to removal and prevent scavenging, and ~~or~~ located out of site from neighboring dwellings and the adjacent right-of-way.
- ii. The methods utilized to control pests and flies.
- iii. A screening and/or buffering section to include the planting of trees and shrubs of adequate size to control wind movement and dispersion of dust and odors generated by the facility. The applicant of any naturally ventilated or open style CAFO must plant a shelter belt of trees between the proposed CAFO and shelterbelt shall run the length of the footprint within 250' of the facility, include a minimum of five rows of trees consisting of both evergreen and deciduous species, be planted in the first year of obtaining a conditional use permit. For three consecutive years, all trees that die must be replaced within one growing season. The shelter belt must maintain 90% survivability while the conditional use permit is active.
- iv. A review of Industry Best Management practices including the use of bio-filters, pit additives, urine-feces separation systems, or other odor reduction technologies. Applicant shall identify which practices will be utilized-, subject to approval of Planning Commission and Board of Adjustment.

- v. A storm water management plan shall provide adequate slopes and drainage to divert storm water from confinement areas, while providing for drainage of water from said area, thereby assisting in maintaining dryer confinement areas to reduce odor production.
 - vi. Road haul routes and road maintenance agreements for both the construction and operation of the facility shall be signed by the applicant and the local road authority and included in the CUP
- c. **Waste Management Plan Requirements.** An operational plan for manure collection, storage, treatment, and use shall be kept updated and implemented. The plan shall include the following:
- i. All CUP applicants must submit and receive approval for a waste management plan to the Department of Environment and Natural Resources prior to obtaining a CUP. The waste management plan will list all fields and acres that are in the waste management plan and shall include expected manure application rates.
 - ii. A state general permit is required if any of the following situations are met.
 - 1. Any CAFO greater than or equal to 1000 animal units.
 - 2. A general permit is required by the South Dakota Department of Environment and Natural Resources.
 - 3. A general permit is required by Yankton County as a condition of approval.
 - 4. The proposed site is located over a mapped shallow aquifer area as depicted on the Department of Environment and Natural Resources First Occurrence of Aquifer Materials in Yankton County, SD (Refer to South Dakota Department of Agriculture and Natural Resources).
 - iii. Proposed maintenance of waste facilities.
 - iv. Number and size of containment areas.
 - v. Timeframe for removal of manure from storage containment.
 - vi. Land application process and/or methods (surface, injection, etc.).
 - vii. Legal description and map, including documented proof of area to be utilized for manure application.
 - viii. If the applicant does not own all of the land which will be used for the spreading of waste, the applicant shall provide an enforceable lease, easement, or other written agreement as part of the application. The length of the agreement shall be such that the CAFO has adequate time to make other alternative arrangements in the event that the existing lease, easement, or other written agreement cannot be renewed.
- d. Prior to construction, such facilities shall obtain a Storm Water Permit for Construction Activities from the South Dakota Department of Environment and Natural Resources. This plan must be implemented upon the start of construction.

- e. The Yankton County Planning Commission, Board of Adjustment or the Planning Director may require additional information or conditions reasonably related to a concentrated animal feeding operation not contained in these regulations.
2. **Facility Setback Requirements.** New Animal Feeding Operations and waste facilities shall be located no closer than the following regulations prescribe.

The applicant(s) of an animal feeding operation may request the required setback to any residence other than the applicant, active church, business, or school be lessened. This request shall only be approved after the applicant obtains signed waivers from all property owners within the ~~separation~~ setback distance. Any authorized person, business or governmental entity that is within the ~~separation~~ setback distance may waive the ~~separation~~ setback distance. The written waiver(s) shall be permanently attached to the approved conditional use permit.

<u>Facility Setback Chart (Feet)</u>		
<u>Class</u>	<u>A</u>	<u>B</u>
<u>Animal Units</u>	<u>500 to 10,000</u>	<u>200 to 499</u>
<u>Solid Manure System</u>		
<u>Residence other than owner, active church, business, schools</u>	<u>1.98 feet per A.U.</u> <u>(minimum 1,320)</u> <u>(maximum 1.5 miles)</u>	<u>1,320</u>
<u>Municipalities</u>	<u>2.2 feet per A.U.</u> <u>(minimum 2,640)</u> <u>(maximum 1.5 miles)</u>	<u>2,640</u>
<u>Liquid Manure System</u>		
<u>Residence other than owner, active church, business, schools</u>	<u>2.64 feet per A.U.</u> <u>(minimum 1,320)</u> <u>(maximum 1.5 miles)</u>	<u>1,320</u>
<u>Municipalities</u>	<u>2.64 feet per A.U.</u> <u>(minimum 2,640)</u> <u>(maximum 1.5 miles)</u>	<u>2,640</u>
<u>Any Style Manure System</u>		
<u>Public wells</u>	<u>1,000</u>	<u>1,000</u>
<u>Private well</u>	<u>250</u>	<u>250</u>
<u>Private well (operator's)</u>	<u>150</u>	<u>150</u>
<u>Lakes, rivers and streams</u>	<u>660</u>	<u>660</u>
<u>Right-of-way line</u>	<u>330</u>	<u>330</u>
<u>Property line delineating a change in ownership</u>	<u>660</u>	<u>660</u>
<u>100 year flood plain</u>	<u>PROHIBITED</u>	<u>PROHIBITED</u>

3. **Manure application.** New Animal Feeding Operations and waste facilities shall comply to the following:
- a. A review of weather conditions shall be conducted prior to application to minimize the potential for runoff and to mitigate effects upon neighboring properties.
 - b. Animal waste shall be transported no further than five miles from the point of origination by equipment designed for direct application. Animal waste hauled within non-application or transportation equipment shall not be restricted as to distance. Both methods of transportation must comply with federal, state, and local load limits on roads, bridges, and other similar structures.
 - c. All liquid manure shall be injected to provide for better agronomic benefits, to reduce the potential for runoff, and to minimize odor. Liquid manure may be surface applied if approved by the Department of Natural Resources for emergency discharge only. Documentation of this approval shall be maintained by the operator and be available upon request by the Planning Department.
 - d. If irrigation is used for dewatering a lagoon (gray water) basin, these rules apply:
 - i. Must be used on systems that disperse the liquid no higher than 18" off the ground if no crop is actively growing on the field.
 - ii. If a crop is actively growing on the field, the liquid must then be ~~Drops~~ dispersed below the crop canopy.
 - iii. No runoff or diffused spray from the system onto neighboring property or public right-of-way will be allowed.
 - iv. No irrigation shall be applied when soils are water saturated, frozen, or covered with snow, or when other soil conditions would result in waste runoff.
 - v. No irrigation over FSA designated wetlands.
 - vi. No "big gun" type irrigation systems shall be used for liquid manure or dewatering lagoons or other manure containment systems.
 - e. Manure should not be applied over frozen or snow covered ground.
 - f. No pipes or drag lines may be permanently installed in the public right-of-way.
 - g. The producer, or agent acting on behalf of the producer, shall inspect the land application equipment, land application sites and irrigation equipment, if used, on a daily basis while land application of process wastewater or manure is occurring. This inspection is to ensure that the land application equipment is not leaking and runoff from the land application site is not occurring. If a discharge or leak is found where process wastewater or manure is reaching any surface waters of the state, flowing onto property not owned by the producer, or not included in the nutrient management plan, the producer is responsible for taking immediate steps to stop the discharge or leak and report the leak to the county zoning office, state DENR and the affected landowner. The producer shall keep documentation of these inspections so the Zoning Administrator can review them upon request or during an inspection
 - h. A notification section should be formulated by the applicant. It should be a reasonable attempt is to include the names, addresses, and phone numbers of all occupied residences and public gathering places, within one-half (1/2) mile of applicant's manure application fields. The preferred hauling and application process

shall should be detailed and include timetables of probable application periods. Application of manure on weekends, holidays, and evenings during the warmer seasons shall should be avoided whenever possible. Complaints could lead to having to give 48 hour notice in advance of manure applications. Annual notification advising of an upcoming 30 day window should be given.

Manure Application Setback Chart			
	Injection or Incorporated within 24 hours	Surface Applied	Irrigated
<u>Public wells (feet)</u>	<u>1,000</u>	<u>1,000</u>	<u>1,000</u>
<u>Private wells (feet)</u>	<u>250</u>	<u>250</u>	<u>250</u>
<u>Private wells (operator's) (feet)</u>	<u>150</u>	<u>150</u>	<u>150</u>
<u>Lakes, rivers and streams (public drinking supply) (feet)</u>	<u>1,000</u>	<u>1,000</u>	<u>1,000</u>
<u>Lakes, rivers and streams (fisheries) (feet)</u>	<u>250</u>	<u>660</u>	<u>660</u>
<u>All public road right- of-ways (feet)</u>	<u>10</u>	<u>10</u>	<u>100</u>
<u>Municipalities (feet)</u>	<u>660</u>	<u>1,000</u>	<u>2,640</u>
<u>Residence other than operator's (feet)</u>	<u>100</u>	<u>330</u>	<u>750</u>

Section 520 Conditional Use Permit for an Animal Feeding Operation Not Permitted if Applicant Applies for the Permit for the Purpose of Selling, Transferring, or Brokering.

The Board of Adjustment shall not grant a Conditional Use Permit for an Animal Feeding Operation, Concentrated Animal Feeding Operation, and/or waste facility if the Applicant is applying for the Permit for the purpose of selling, transferring, or brokering the Permit.

For the purposes of this Ordinance, any sale or transfer of the Permit from the Applicant to any other person or entity within five (5) years of the date that the Permit is issued shall be considered to be prima facie evidence that such Permit was obtained for the purpose of selling, transferring or brokering the Permit. The Board of Adjustment may hear and grant exceptions to this rule in the case of unforeseen life events that may force the sale of an operation.

Any evidence that is presented by any person that any Building Permit and/or

Conditional Use Permit for an Animal Feeding Operation, Concentrated Animal Feeding Operation, and/or waste facility was sought for the purpose of selling, transferring, or brokering the Permit shall be considered by the Zoning Administrator, Planning Commission, and/or Board of Adjustment in considering a new application for Conditional Use Permit. It may be the basis for a denial or revocation of the application, building permit, and/or a conditional use permit by the Board of Adjustment.

Eliminate Section 506

1. Dwellings, single family including modular homes ~~pursuant to Section 516~~ (move to permitted use (503))
2. Dwellings, two-family ~~pursuant to Section 516~~ (move to permitted use (503))
3. Dwellings, additional farm dwelling, in excess of one (1) ~~pursuant to Section 516 and 1509~~; (move to permitted use (503))
4. Manufactured Homes, ~~pursuant to Section 516 and 1509~~; (move to permitted use (503))
5. Animal Feeding Operations (AFOs) Class B pursuant to Section 519 (2) and Section 519 (3); (move to conditional use (507))
6. Concentrated Animal Feeding Operation, Existing are allowed a one-time expansion of 25 % over current operation size if the operation exists on an occupied farmstead of continuous property to the farmstead not to exceed 999 animal units. . The species of animals pertaining to the expansion must be that of the existing operation. Performance standards of Section 519 are applicable to the expansion with exception to the setbacks found in the Facility Setback Chart in Section 519(2). All DANR requirements must be met. (move to conditional use (507))
7. Agribusinesses are allowed on lots no smaller than five (5) acres. ~~A deed restriction prohibiting any type of residential dwelling shall be required for agribusiness use only.~~ (move to permitted use (503))

Also eliminate

Section 516 New Residence Requirements

~~The requirements herein apply to all new residences including but not limited to single family dwellings, two family dwellings, and modular homes.~~

- ~~1. Any new residence must acknowledge that any AFO and/or CAFO operation located within 1.5 miles of the new residence and that is operating at the time of the issuance of the new residence's building permit may expand in the future without regard to setbacks from this new residence. Setbacks for already established residences still apply to expansion of these AFO and/or CAFO operations. This acknowledgement shall be attached to the building permit and include:
 - ~~a. A specific list of all operators of the AFO and/or CAFO operations which are allowed to expand without regard to this residence as noted above;~~~~

~~b. A copy of South Dakota's policy to protect agricultural operations from nuisance suits as defined in SDCL 21-10-25.1 through 21-10-25.6; Agricultural operations may include, but are not limited to, the following: the cultivation, harvesting, and storage of crops; livestock production, ground rig or aerial application of pesticides or herbicides; the application of fertilizer, including animal waste; the operation of machinery; the application of irrigation water; and other accepted and customary agricultural activities conducted in accordance with Federal, State, and County laws.~~

~~c. Be signed by the building permit applicant; and~~

~~d. A copy is given to all AFO and/or CAFO operators listed. If the AFO and/or CAFO operator sells the operation to a non-family member, this setback exemption from the new residence is not transferrable. Family members noted here include: siblings, children, grandchildren, nieces, and nephews.~~

2. An additional dwelling unit by definition is allowed within the farmstead upon approval of the building permit application if it is to be occupied by other members of the family, provided the property is not transacted or prepared, platted, or described for transaction; and

3. The Zoning Administrator may allow construction of single and multi-family dwelling units not in conformance with this provision only on those lands organized as a 501(d), non-profit religious and apostolic associations as described in the United States Tax Code, Prior to issuance of a building permit or permission to proceed said entity shall file the Articles of Incorporation and other requested documentation with the Zoning Administrator. Construction activities carried on under this provision shall be in conformance with all other provisions of this ordinance.

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DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER

PAGE: 1

VENDOR SET: 01 Yankton County

ITEMS PRINTED: PAID, UNPAID

PACKET: 02026 07-06-2021 CLAIMS --- LYN

FUND : 101 GENERAL FUND

DEPARTMENT: 120 ELECTIONS

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-16017	QUALIFIED PRESORT SERVI	I-202107018547	101-5-120-42600	SUPPLIES-ELECTIONS		27.59
01-21042	VERIZON	I-202107018549	101-5-120-42400	RENTALS-ELECTIONS		320.08
DEPARTMENT 120 ELECTIONS						TOTAL: 347.67

BANK: ALL

DEPARTMENT 130	COURT	TOTAL:	26,661.23
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VENDOR SET: 01 Yankton County
PACKET: 02026 07-06-2021 CLAIMS --- LYN
FUND : 101 GENERAL FUND
DEPARTMENT: 141 AUDITOR

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-07281	PATTY HOJEM	I-202107018524	101-5-141-42700	TRAVEL-AUDITOR		42.00
01-12031	MILLER CONSULTING LLC	I-202107018535	101-5-141-42500	MAINTENANCE-AUDITOR		100.00
01-16017	QUALIFIED PRESORT SERVI	I-202107018547	101-5-141-42600	SUPPLIES-AUDITOR		72.62
01-22241	ONE OFFICE SOLUTION	I-202107018553	101-5-141-42500	MAINTENANCE-AUDITOR		141.95
DEPARTMENT 141 AUDITOR				TOTAL:		356.57

VENDOR SET: 01 Yankton County
PACKET: 02026 07-06-2021 CLAIMS --- LYN
FUND : 101 GENERAL FUND
DEPARTMENT: 142 TREASURER

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-07028	SCANTRON	I-202106288430	101-5-142-42500	MAINTENANCE-TREASURER		232.00
01-16017	QUALIFIED PRESORT SERVI	I-202107018547	101-5-142-42600	SUPPLIES-TREASURER		173.29
DEPARTMENT 142 TREASURER						TOTAL: 405.29

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VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 02026 07-06-2021 CLAIMS --- LYN
FUND : 101 GENERAL FUND
DEPARTMENT: 143 DATA PROCESSING BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-12031	MILLER CONSULTING LLC	I-202107018535	101-5-143-42500	MAINTENANCE-DATA		180.00
DEPARTMENT 143 DATA PROCESSING TOTAL:						180.00

VENDOR SET: 01 Yankton County

PACKET: 02026 07-06-2021 CLAIMS --- LYN

FUND : 101 GENERAL FUND

DEPARTMENT: 151 STATES ATTORNEY

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-02716	ROBERT KLIMISCH	I-202106288422	101-5-151-42700	TRAVEL-STATES ATTY		367.96
01-02994	TRED-MARK COMMUNICATION	I-202106288424	101-5-151-43500	MINOR EQUIPMENT-STATES ATTY		3,027.17
01-04156	EXECUTIVE MGMT FINANCE	I-202107018522	101-5-151-42800	UTILITIES-STATES ATTY		53.25
01-12031	MILLER CONSULTING LLC	I-202107018535	101-5-151-42500	MAINTENANCE-STATES ATTY		2,530.00

DEPARTMENT 151	STATES ATTORNEY	TOTAL:	5,978.38
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VENDOR SET: 01 Yankton County

ITEMS PRINTED: PAID, UNPAID

PACKET: 02026 07-06-2021 CLAIMS --- LYN

FUND : 101 GENERAL FUND

DEPARTMENT: 161 GOVERNMENT BUILDINGS

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01011	BOMGAARS	I-202107018498	101-5-161-42600	SUPPLIES-GOVT CTR		19.66
01-02001	CITY OF YANKTON	I-202107018503	101-5-161-42800	UTILITIES-GOVT CTR		2,005.79
01-02001	CITY OF YANKTON	I-202107018503	101-5-161-42800	UTILITIES-GOVT CTR		243.45
01-03582	CARROT-TOP INDUSTRIES I	I-202106288427	101-5-161-42600	SUPPLIES-GOVT CTR		265.45
01-03582	CARROT-TOP INDUSTRIES I	I-202107018514	101-5-161-42600	SUPPLIES-GOVT CTR		324.06
01-04023	ECHO GROUP	I-202107018521	101-5-161-42600	SUPPLIES-GOVT CTR		276.35
01-09274	JOHNSON CONTROLS, INC.	I-202106288436	101-5-161-42500	MAINTENNCE-GOVT CTR		424.97
01-09287	JCL SOLUTIONS	I-202107018527	101-5-161-42600	SUPPLIES-GOVT CTR		109.86
01-12167	MENARDS	I-202107018538	101-5-161-42600	SUPPLIES-GOVT CTR		49.97
01-12167	MENARDS	I-202107018538	101-5-161-42500	MAINTENANCE-GOVT CTR		52.66
01-13001	NORTHWESTERN ENERGY	I-202107018542	101-5-161-42800	UTILITIES-GOVT CTR		3,158.02
01-14005	OLSON'S PEST TECHNICIAN	I-202107018544	101-5-161-42500	MAINTENANCE-GOVT CTR		82.00
01-14018	O'CONNOR COMPANY	I-202106288443	101-5-161-42600	SUPPLIES-GOVT CTR		199.04

DEPARTMENT 161 GOVERNMENT BUILDINGS TOTAL: 7,211.28

VENDOR SET: 01 Yankton County

ITEMS PRINTED: PAID, UNPAID

PACKET: 02026 07-06-2021 CLAIMS --- LYN

FUND : 101 GENERAL FUND

DEPARTMENT: 162 DIRECTOR OF EQUALIZATION

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-02745	SDAAO	I-202106288423	101-5-162-42700	TRAVEL-DOE		1,070.00
01-12031	MILLER CONSULTING LLC	I-202107018535	101-5-162-42500	MAINTENANCE-DOE		20.00
01-16017	QUALIFIED PRESORT SERVI	I-202107018547	101-5-162-42600	SUPPLIES-DOE		91.21
01-21042	VERIZON	I-202107018550	101-5-162-42500	MAINTENANCE-DOE		15.33
01-22241	ONE OFFICE SOLUTION	I-202107018553	101-5-162-42600	SUPPLIES-DOE		134.72

DEPARTMENT 162 DIRECTOR OF EQUALIZATI TOTAL: 1,331.26

VENDOR SET: 01 Yankton County
PACKET: 02026 07-06-2021 CLAIMS --- LYN
FUND : 101 GENERAL FUND
DEPARTMENT: 163 REGISTER OF DEEDS

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-04156	EXECUTIVE MGMT FINANCE	I-202107018522	101-5-163-42800	UTILITIES-ROD		53.25
01-12031	MILLER CONSULTING LLC	I-202107018535	101-5-163-42500	MAINTENANCE-ROD		40.00
01-16017	QUALIFIED PRESORT SERVI	I-202107018547	101-5-163-42600	SUPPLIES-ROD		44.45
DEPARTMENT 163 REGISTER OF DEEDS TOTAL:						137.70

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VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 02026 07-06-2021 CLAIMS --- LYN
FUND : 101 GENERAL FUND
DEPARTMENT: 165 VETERANS SERVICE OFFICER BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-03708	CODY MANGOLD	I-202107018520	101-5-165-42600	SUPPLIES-VA		19.97
01-16017	QUALIFIED PRESORT SERVI	I-202107018547	101-5-165-42600	SUPPLIES-VA		6.17
DEPARTMENT 165 VETERANS SERVICE OFFIC TOTAL:						26.14

VENDOR SET: 01 Yankton County

ITEMS PRINTED: PAID, UNPAID

PACKET: 02026 07-06-2021 CLAIMS --- LYN

FUND : 101 GENERAL FUND

DEPARTMENT: 169 SAFETY CENTER BUILDING

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-02001	CITY OF YANKTON	I-202107018503	101-5-169-42800	UTILITIES-SAFETY CTR		613.46
01-02001	CITY OF YANKTON	I-202107018503	101-5-169-42800	UTILITIES-SAFETY CTR		243.46
01-02084	COLE PAPERS INC.	I-202107018505	101-5-169-42600	SUPPLIES-SAFETY CTR		706.03
01-04023	ECHO GROUP	I-202107018521	101-5-169-42600	SUPPLIES-SAFETY CTR		577.56
01-12167	MENARDS	I-202107018538	101-5-169-42600	SUPPLIES-SAFETY CTR		146.41
01-12371	MIDAMERICAN ENERGY	I-202107018541	101-5-169-42800	UTILITIES-SAFETY CTR		1,810.54
01-13001	NORTHWESTERN ENERGY	I-202107018542	101-5-169-42800	UTILITIES-SAFETY CTR		8,678.25
01-22241	ONE OFFICE SOLUTION	I-202107018553	101-5-169-42600	SUPPLIES-SAFETY CTR		137.36

DEPARTMENT 169 SAFETY CENTER BUILDING TOTAL: 12,913.07

VENDOR SET: 01 Yankton County

ITEMS PRINTED: PAID, UNPAID

PACKET: 02026 07-06-2021 CLAIMS --- LYN

FUND : 101 GENERAL FUND

DEPARTMENT: 211 SHERIFF

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-00090	KOPETSKY'S ACE HARDWARE	I-202107018496	101-5-211-42500	MAINTENANCE-SHERIFF		13.77
01-02234	DARREN MOSER	I-202107018507	101-5-211-42610	FUEL-SHIERFF		55.74
01-02483	CULLIGAN	I-202107018509	101-5-211-42600	SUPPLIES-SHERIFF		29.00
01-08019	INTERSTATE ALL BATTERY	I-202106288434	101-5-211-42600	SUPPLIES-SHERIFF		95.64
01-13252	NORTHTOWN AUTOMOTIVE	I-202107018543	101-5-211-42500	MAINTENANCE-SHERIFF		356.33
01-15118	PENNINGTON COUNTY JAIL	I-202106288446	101-5-211-42700	TRAVEL-SHERIFF		144.22
01-16017	QUALIFIED PRESORT SERVI	I-202107018547	101-5-211-42520	MAINTENANCE CONTRACTS-SHERIFF		90.94
01-22085	WEGNER AUTO COMPANY INC	I-202107018552	101-5-211-43600	AUTO EQUIPMENT-SHERIFF		34,345.00
DEPARTMENT 211 SHERIFF				TOTAL:		35,130.64

VENDOR SET: 01 Yankton County
PACKET: 02026 07-06-2021 CLAIMS --- LYN
FUND : 101 GENERAL FUND
DEPARTMENT: 212 COUNTY JAIL

ITEMS PRINTED: PAID, UNPAID

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01383	SCOTT FAMILY DENTISTRY,	I-202107018501	101-5-212-42200	PROF SERVICES-JAIL		146.00
01-02059	CHARM-TEX	I-202107018504	101-5-212-42600	SUPPLIES-JAIL		517.90
01-02428	JERRY SORBEL	I-202107018508	101-5-212-42200	PROF SERVICES-JAIL		510.00
01-03073	DIAMOND DRUGS	I-202107018512	101-5-212-42200	PROF SERVICES-JAIL		137.23
01-03678	TRINITY SERVICES GROUP	I-202107018515	101-5-212-42210	FOOD SERVICES-JAIL		11,122.14
01-03707	PRECISION KIOSK TECHNOL	I-202107018519	101-5-212-42200	PROF SERVICES-JAIL		653.25
01-09287	JCL SOLUTIONS	I-202107018527	101-5-212-42600	SUPPLIES-JAIL		1,495.60
01-10007	KAISER APPLIANCE & REFR	I-202107018528	101-5-212-42200	PROF SERVICES-JAIL		183.50
01-15097	PHOENIX SUPPLY	I-202107018546	101-5-212-42600	SUPPLIES-JAIL		498.55
01-19064	TIRE MUFFLER ALIGNMENT	I-202107018548	101-5-212-42540	AUTO EXPENSE-JAIL		188.70
01-24002	YANKTON REXALL DRUG CO.	I-202107018555	101-5-212-42200	PROF SERVICES-JAIL		306.99
				DEPARTMENT 212 COUNTY JAIL	TOTAL:	15,759.86

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-18295	SANFORD HEALTH	I-202106288450	101-5-213-42200	PROF SERVICES-CORONER		2,340.00
DEPARTMENT 213 CORONER				TOTAL:		2,340.00

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VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 02026 07-06-2021 CLAIMS --- LYN
FUND : 101 GENERAL FUND
DEPARTMENT: 216 JUVENILE DETENTION BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-12002	MINNEHAHA COUNTY JUVENI	I-202106288439	101-5-216-42400	RENTALS-JUVENILE DETENTION		12,396.22
DEPARTMENT 216 JUVENILE DETENTION					TOTAL:	12,396.22

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VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 02026 07-06-2021 CLAIMS --- LYN
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-202107018496	101-5-226-42600	SUPPLIES-YASR		802.10
01-18610	TWO WAY SOLUTIONS INC	I-202106288452	101-5-226-43570	EQUIPMENT GRANT-YARS		1,854.99
DEPARTMENT 226 YANKTON AREA SEARCH & TOTAL:						2,657.09

VENDOR SET: 01 Yankton County

PACKET: 02026 07-06-2021 CLAIMS --- LYN

FUND : 101 GENERAL FUND

DEPARTMENT: 411 CARE OF POOR

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-14036	OPSAHL - KOSTEL FUNERAL	I-202106288444	101-5-411-42200	PROF SERVICES-POOR RELIEF		1,250.00
01-16017	QUALIFIED PRESORT SERVI	I-202107018547	101-5-411-42600	SUPPLIES-POOR RELIEF		103.33
DEPARTMENT 411 CARE OF POOR					TOTAL:	1,353.33

VENDOR SET: 01 Yankton County
PACKET: 02026 07-06-2021 CLAIMS --- LYN
FUND : 101 GENERAL FUND
DEPARTMENT: 421 PUBLIC HEALTH NURSE

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-08009	INVESTIGATIVE SERVICES	I-202106288433	101-5-421-42200	PROF SERVICES-NURSE		104.00
01-16017	QUALIFIED PRESORT SERVI	I-202107018547	101-5-421-42600	SUPPLIES-NURSE		64.38
01-18140	OFFICE OF CHILD & FAMIL	I-202106288449	101-5-421-42900	3RD QUARTER 2021-NURSE		2,724.50
DEPARTMENT 421 PUBLIC HEALTH NURSE TOTAL:						2,892.88

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
=====						
01-00269	AVERA SACRED HEART HOSP	I-202106288411	101-5-424-42200	PROF SERVICES-AMBULANCE		156.70
01-00311	SACRED HEART HEALTH SER	I-202106288412	101-5-424-42200	PROF SERVICES-AMBULANCE		1,500.00
01-00363	AT & T	I-202107018497	101-5-424-42800	UTILITIES-AMBULANCE		36.05
01-01011	BOMGAARS	I-202107018498	101-5-424-42600	SUPPLIES-AMBULANCE		9.99
01-01037	BNSF RAILWAY COMPANY	I-202106288415	101-5-424-42400	RENTALS-AMBULANCE		1,835.68
01-01200	VAST BUSINESS	I-202107018499	101-5-424-42800	UTILITIES-AMBULANCE		177.41
01-02001	CITY OF YANKTON	I-202107018503	101-5-424-42800	UTILITIES-AMBULANCE		348.48
01-02125	CREDIT COLLECTION SERVI	I-202107018506	101-5-424-42200	PROF SERVICES-AMBULANCE		153.45
01-02690	CINTAS	I-202106288420	101-5-424-42600	SUPPLIES-AMBULANCE		91.40
01-03566	QUICK MED CLAIMS	I-202106288425	101-5-424-42200	PROF SERVICES-AMBULANCE		4,304.34
01-05146	FOX RUN QUIK LUBE	I-202106288428	101-5-424-42600	SUPPLIES-AMBULANCE		91.74
01-07582	HY-VEE	I-202107018525	101-5-424-42600	SUPPLIES-AMBULANCE		10.48
01-08004	AUTO VALUE YANKTON	I-202106288432	101-5-424-42600	SUPPLIES-AMBULANCE		36.79
01-12031	MILLER CONSULTING LLC	I-202107018535	101-5-424-42500	MAINTENANCE-AMBULANCE		40.00
01-12129	MATHESON TRI-GAS INC. d	I-202106288440	101-5-424-42600	SUPPLIES-AMBULANCE		174.66
01-12129	MATHESON TRI-GAS INC. d	I-202107018536	101-5-424-42600	SUPPLIES-AMBULANCE		68.02
01-12167	MENARDS	I-202107018538	101-5-424-42600	SUPPLIES-AMBUALNCE		277.77
01-12371	MIDAMERICAN ENERGY	I-202107018541	101-5-424-42800	UTILITIES-AMBULANCE		196.74
01-13001	NORTHWESTERN ENERGY	I-202107018542	101-5-424-42800	UTILITIES-AMBUALNCE		787.91
01-14005	OLSON'S PEST TECHNICIAN	I-202107018544	101-5-424-42500	MAINTENANCE-AMBULANCE		114.00
01-17015	ROGER'S FAMILY PHARMACY	I-202106288448	101-5-424-42600	SUPPLIES-AMBULANCE		162.72
01-21042	VERIZON	I-202107018551	101-5-424-42800	UTILITIES-AMBULANCE		305.05
01-24003	YANKTON DAILY P & D	I-202106288456	101-5-424-42300	PUBLISHINGS-AMBULANCE		133.09
01-24004	YANKTON MEDICAL CLINIC	I-202106288457	101-5-424-42200	PROF SERVICES-AMBULANCE		618.00

DEPARTMENT 424 AMBULANCE

TOTAL: 11,630.47

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VENDOR SET: 01 Yankton County ITEMS PRINTED: PAID, UNPAID
PACKET: 02026 07-06-2021 CLAIMS --- LYN
FUND : 101 GENERAL FUND
DEPARTMENT: 444 MENTAL HEALTH CENTERS BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-00024	ABILITY BUILDING SERVIC	I-202106288410	101-5-444-00000	2ND HALF 2021-BUDGET ALLOTMEN		11,192.50
DEPARTMENT 444 MENTAL HEALTH CENTERS TOTAL:						11,192.50

VENDOR SET: 01 Yankton County

ITEMS PRINTED: PAID, UNPAID

PACKET: 02026 07-06-2021 CLAIMS --- LYN

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-202107018502	101-5-445-00000	HEARINGS-MI		12.00
01-02660	KERRI COOK-HUBER	I-202107018510	101-5-445-00000	HEARINGS-MI		90.00
01-03562	MARV EKEREN	I-202107018513	101-5-445-00000	HEARINGS-MI		15.00
01-10118	MARK KATTERHAGEN	I-202107018529	101-5-445-00000	HEATINGS-MI		27.00
01-11033	LINCOLN COUNTY TREASURE	I-202107018531	101-5-445-00000	HEARINGS-MI		1,538.56
01-11092	LUCILLE M. LEWNO	I-202107018534	101-5-445-00000	HEARINGS-MI		301.52
01-12134	MINNEHAHA COUNTY AUDITO	I-202106288441	101-5-445-00000	HEARINGS-MI		522.18

DEPARTMENT 445 MENTAL ILLNESS BOARD TOTAL: 2,506.26

VENDOR SET: 01 Yankton County
PACKET: 02026 07-06-2021 CLAIMS --- LYN
FUND : 101 GENERAL FUND
DEPARTMENT: 514 HISTORICAL SITES

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-07012	YANKTON COUNTY HISTORIC I-202106288429		101-5-514-00000	1ST HALF 2021 ALLOTMENT		8,000.00
DEPARTMENT 514 HISTORICAL SITES TOTAL:						8,000.00

VENDOR SET: 01 Yankton County
PACKET: 02026 07-06-2021 CLAIMS --- LYN
FUND : 101 GENERAL FUND
DEPARTMENT: 611 COUNTY EXTENSION

ITEMS PRINTED: PAID, UNPAID

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-00090	KOPETSKY'S ACE HARDWARE	I-202107018496	101-5-611-42600	SUPPLIES-EXTENSION		45.96
01-01023	BUHL'S CLEANERS	I-202106288413	101-5-611-42600	SUPPLIES-EXTENSION		37.82
01-01186	LAUREN HOLLENBECK	I-202107018557	101-5-611-42700	TRAVEL-EXTENSION		23.15
01-01200	VAST BUSINESS	I-202107018499	101-5-611-42800	UTILITIES-EXTENSION		429.14
01-01523	SDSU EXTENSION	I-202106288417	101-5-611-42700	TRAVEL-EXTENSION		22.78
01-01663	FP MAILING SOLUTIONS	I-202106288418	101-5-611-42400	RENTALS-EXTENSION		74.85
01-02001	CITY OF YANKTON	I-202107018503	101-5-611-42800	UTILITIES-EXTENSION		73.38
01-02520	KATIE DOTY	I-202106288419	101-5-611-42900	OTHER-EXTENSION		60.48
01-07582	HY-VEE	I-202107018525	101-5-611-42900	OTHER-EXTENSION		19.47
01-11049	LEAF	I-202107018533	101-5-611-42400	RENTALS-EXTENSION		424.51
01-12371	MIDAMERICAN ENERGY	I-202107018541	101-5-611-42800	UTILITIES-EXTENSION		8.52
01-12558	DANIELLE MCFARLAND	I-202106288442	101-5-611-42600	SUPPLIES-EXTENSION		32.70
01-13001	NORTHWESTERN ENERGY	I-202107018542	101-5-611-42800	UTILITIES-EXTENSION		175.70
01-14005	OLSON'S PEST TECHNICIAN	I-202107018544	101-5-611-42500	MAINTENANCE-EXTENSION		310.00
01-18269	SOUTH DAKOTA STATE 4-H	I-202107018556	101-5-611-42900	OTHER-EXTENSION		55.00
01-20048	UNION COUNTY 4-H	I-202106288455	101-5-611-42900	HORSE JUDGE-4H-EXTENSION		99.43
01-22241	ONE OFFICE SOLUTION	I-202107018553	101-5-611-42600	SUPPLIES-EXTENSION		396.77
01-24035	YANKTON COUNTY LEADERS	I-202106288458	101-5-611-42500	GROUND MAINTENANCE-EXTENSION		923.59

DEPARTMENT 611 COUNTY EXTENSION TOTAL: 3,213.25

7/01/2021 4:21 PM DIRECT PAYABLES DEPARTMENT PAYMENT REGISTER
VENDOR SET: 01 Yankton County
PACKET: 02026 07-06-2021 CLAIMS --- LYN
FUND : 101 GENERAL FUND
DEPARTMENT: 615 WEED

PAGE: 24
ITEMS PRINTED: PAID, UNPAID

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01011	BOMGAARS	I-202107018461	101-5-615-42500	MAINTENANCE-WEED		39.48
01-01641	AGTERRA TECHNOLOGIES	I-202107018467	101-5-615-42600	SUPPLIES-WEED		600.00
01-03120	DIRECT TV	I-202107018471	101-5-615-42800	UTILITIES-WEED		88.99
01-22241	ONE OFFICE SOLUTION	I-202107018484	101-5-615-42600	SUPPLIES-WEED		45.67
DEPARTMENT 615 WEED					TOTAL:	774.14

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-00257	APPEARA	I-202107018460	201-5-311-42600	SUPPLIES-HWY		126.65
01-01011	BOMGAARS	I-202107018462	201-5-311-42600	SUPPLIES-HWY		216.98
01-01011	BOMGAARS	I-202107018462	201-5-311-42500	MAINTENANCE-HWY		17.58
01-01104	BARCO MUNICIPAL PRODUCT	I-202107018463	201-5-311-42600	SUPPLIES-HWY		1,747.23
01-01166	BUTLER MACHINERY CO.	I-202107018464	201-5-311-42500	MAINTENANCE-HWY		2,095.29
01-01166	BUTLER MACHINERY CO.	I-202107018464	201-5-311-42600	SUPPLIES-HWY		52.00
01-01382	BOYER TRUCKS	I-202107018465	201-5-311-42500	MAINTENANCE-HWY		5,473.76
01-01406	PRESTO-X	I-202107018466	201-5-311-42500	MAINTENANCE-HWY		110.00
01-02001	CITY OF YANKTON	I-202107018468	201-5-311-42800	UTILITIES-HWY		99.62
01-02008	NAPA AUTO PARTS OF YANK	I-202107018469	201-5-311-42600	SUPPLIES-HWY		417.90
01-02008	NAPA AUTO PARTS OF YANK	I-202107018469	201-5-311-42500	MAINTENANCE-HWY		311.36
01-02058	CONCRETE MATERIALS	I-202107018470	201-5-311-42600	SUPPLIES-HWY		107,172.37
01-03167	BETH WILHELMS	I-202107018472	201-5-311-42700	TRAVEL-HWY		101.22
01-04856	GROWMARK FS	I-202107018473	201-5-311-42640	FUEL-HWY		2,820.92
01-04856	GROWMARK FS	I-202107018473	201-5-311-42600	SUPPLIES-HWY		1.38
01-05076	FISCHER GRAVEL	I-202107018474	201-5-311-42600	SUPPLIES-HWY		3,088.80
01-05216	FRANCOTYP-POSTALIA, INC	I-202107018475	201-5-311-42600	SUPPLIES-HWY		68.85
01-06244	GRAHAM TIRE YANKTON	I-202107018476	201-5-311-42500	MAINTENANCE-HWY		193.40
01-09014	JEBRO INC.	I-202107018477	201-5-311-42600	SUPPLIES-HWY		16,557.12
01-10334	KIMBALL MIDWEST	I-202107018478	201-5-311-42600	SUPPLIES-HWY		106.07
01-11011	LONGS PROPANE INC.	I-202107018479	201-5-311-42640	FUEL-HWY		27.60
01-12031	MILLER CONSULTING LLC	I-202107018535	201-5-311-42500	MAINTENANCE-HWY		40.00
01-12167	MENARDS	I-202107018480	201-5-311-42600	SUPPLIES-HWY		18.87
01-13001	NORTHWESTERN ENERGY	I-202107018481	201-5-311-42800	UTILITIES-HWY		779.07
01-14030	O'REILLY AUTO PARTS	I-202107018482	201-5-311-42500	MAINTENANCE-HWY		28.06
01-18242	SD DEPARTMENT OF TRANSP	I-202107018483	201-5-311-42900	ANNUAL PROJECTS-HWY		45.69
01-21042	VERIZON	I-202107018551	201-5-311-42800	UTILITIES-HWY		86.96
01-22241	ONE OFFICE SOLUTION	I-202107018485	201-5-311-42600	SUPPLIES-HWY		45.67
01-24008	YANKTON JANITORIAL SUPP	I-202107018486	201-5-311-42600	SUPPLIES-HWY		625.00

DEPARTMENT 311

HIGHWAY CONSTRUCTION & TOTAL:

142,475.42

FUND

201

ROAD & BRIDGE

TOTAL:

142,475.42

VENDOR SET: 01 Yankton County

ITEMS PRINTED: PAID, UNPAID

PACKET: 02026 07-06-2021 CLAIMS --- LYN

FUND : 207 EMERGENCY 911 FUND

DEPARTMENT: 225 LOCAL EMERGENCY PLANNING

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01200	VAST BUSINESS	I-202107018499	207-5-225-42800	UTILITIES-E911		115.97
01-01200	VAST BUSINESS	I-202107018499	207-5-225-42800	UTILITIES-E911		1,116.85
01-01313	POWERPHONE, INC	I-202106288416	207-5-225-42700	TRAVEL-E911		516.00
01-01313	POWERPHONE, INC	I-202107018500	207-5-225-42700	TRAVEL-E911		587.00
01-02692	CENTURYLINK	I-202106288421	207-5-225-42800	UTILITIES-E911		83.20
01-02692	CENTURYLINK	I-202107018511	207-5-225-42800	UTILITIES-E911		76.09
01-12132	MIDCONTINENT COMMUNICAT	I-202107018539	207-5-225-42800	UTILITISE-E911		115.00

DEPARTMENT 225	LOCAL EMERGENCY PLANNI	TOTAL:	2,610.11
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FUND	207	EMERGENCY 911 FUND	TOTAL:	2,610.11
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VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-01011	BOMGAARS	I-202107018498	226-5-222-42600	SUPPLIES-EDS		460.91
01-04023	ECHO GROUP	I-202107018521	226-5-222-42600	SUPPLIES-EDS		71.21
01-10258	GREAT AMERICA FINANCIAL	I-202107018530	226-5-222-42400	RENTALS-EDS		216.11
01-11049	LEAF	I-202107018532	226-5-222-42400	RENTALS-EDS		90.00
01-12031	MILLER CONSULTING LLC	I-202107018535	226-5-222-42500	MAINTENANCE-EDS		100.00
01-12132	MIDCONTINENT COMMUNICAT	I-202107018537	226-5-222-42800	UTILITIES-EDS		167.47
01-12371	MIDAMERICAN ENERGY	I-202107018541	226-5-222-42800	UTILITIES-EDS		8.00
01-16017	QUALIFIED PRESORT SERVI	I-202107018547	226-5-222-42600	SUPPLIES-EDS		8.26
01-18377	SDEMA	I-202106288451	226-5-222-42200	PROF SERVICES-EDS		65.00
01-18610	TWO WAY SOLUTIONS INC	I-202106288453	226-5-222-42500	MAINTENANCE-EDS		112.99
01-21042	VERIZON	I-202107018551	226-5-222-42800	UTILITIES-EDS		819.08
01-22241	ONE OFFICE SOLUTION	I-202107018553	226-5-222-42300	PUBLISHINGS-EDS		38.73
01-22241	ONE OFFICE SOLUTION	I-202107018553	226-5-222-42600	SUPPLIES-EDS		246.71
01-22241	ONE OFFICE SOLUTION	I-202107018553	226-5-222-43500	FURNITURE-EDS		309.99

DEPARTMENT	222	EMERGENCY MANAGEMENT	TOTAL:	2,714.46
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FUND	226	EMERGENCY MANAGEMENT	TOTAL:	2,714.46
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VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-15051	PHARMCHEM. INC.	I-202106288445	248-5-212-42600	SUPPLIES-24/7		2,483.85
01-15051	PHARMCHEM. INC.	I-202107018545	248-5-212-42600	SUPPLIES-24/7		1,916.50
01-22241	ONE OFFICE SOLUTION	I-202107018553	248-5-212-42600	SUPPLIES-24/7		163.98
DEPARTMENT 212 24/7 PROGRAM						TOTAL: 4,564.33
FUND 248 24/7 SOBRIETY FUND						TOTAL: 4,564.33

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT
01-03705		I-202107018517	759-4-34217	REFUND-CAM DAILY FEE		48.00
01-03706		I-202107018518	759-4-34217	REFUND-CAM DAILY FEE		30.00
DEPARTMENT 0000 NON-DEPARTMENTAL						TOTAL: 78.00
FUND 759 CLEARING FUND						TOTAL: 78.00

VENDOR SET: 01 Yankton County

ITEMS PRINTED: PAID, UNPAID

PACKET: 02026 07-06-2021 CLAIMS --- LYN

FUND : 768 ST WIDE 24/7 SOBRIETY FUN

DEPARTMENT: N/A NON-DEPARTMENTAL

BANK: ALL

VENDOR	NAME	ITEM #	G/L ACCOUNT	DESCRIPTION	CHECK#	AMOUNT		
01-03705		I-202107018517	768-4-34230	REFUND-SCRAM		55.00		
01-03706		I-202107018518	768-4-34230	REFUND-SCRAM		45.00		
				DEPARTMENT 0000	NON-DEPARTMENTAL	TOTAL:	100.00	
				FUND	768	ST WIDE 24/7 SOBRIETY	TOTAL:	100.00
						REPORT GRA TOTAL:	318,685.08	

** 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	101-5-120-42400	RENTALS	320.08	4,126	4,791.55-	Y			
	101-5-120-42600	SUPPLIES	27.59	1,200	449.62				
	101-5-130-42200	PROFESSIONAL SERVICE & FEE	24,779.42	400,000	204,850.48				
	101-5-130-42210	JUROR-WITNESS-HEARINGS-LAB	981.48	50,000	31,508.84				
	101-5-130-42600	SUPPLIES	900.33	5,000	850.34-	Y			
	101-5-141-42500	REPAIRS & MAINTENANCE	241.95	2,000	369.27				
	101-5-141-42600	SUPPLIES	72.62	10,000	6,870.47				
	101-5-141-42700	TRAVEL	42.00	2,400	857.23				
	101-5-142-42500	REPAIRS & MAINTENANCE	232.00	1,800	1,110.51				
	101-5-142-42600	SUPPLIES	173.29	13,000	4,994.83				
	101-5-143-42500	REPAIRS & MAINTENANCE	180.00	41,179	15,013.50				
	101-5-151-42500	REPAIRS & MAINTENANCE	2,530.00	2,500	630.00-	Y			
	101-5-151-42700	TRAVEL	367.96	5,500	3,347.11				
	101-5-151-42800	UTILITIES	53.25	2,750	2,493.12				
	101-5-151-43500	FURNITURES & MINOR EQUIPME	3,027.17	7,500	4,472.83				
	101-5-161-42500	REPAIRS & MAINTENANCE	559.63	25,000	11,082.38				
	101-5-161-42600	SUPPLIES	1,244.39	12,000	4,349.90				
	101-5-161-42800	UTILITIES	5,407.26	72,000	41,423.15				
	101-5-162-42500	REPAIRS & MAINTENANCE	35.33	46,300	27,407.42				
	101-5-162-42600	SUPPLIES	225.93	10,000	3,085.69				
	101-5-162-42700	TRAVEL	1,070.00	16,300	13,376.59				
	101-5-163-42500	REPAIRS & MAINTENANCE	40.00	1,000	806.97				
	101-5-163-42600	SUPPLIES	44.45	3,000	1,543.08				
	101-5-163-42800	UTILITIES	53.25	2,600	1,277.66				
	101-5-165-42600	SUPPLIES	26.14	820	743.78				
	101-5-169-42600	SUPPLIES	1,567.36	19,000	11,674.79				
	101-5-169-42800	UTILITIES	11,345.71	137,000	72,100.04				
	101-5-211-42500	REPAIRS & MAINTENANCE	370.10	25,601	15,046.91				
	101-5-211-42520	MAINTENANCE CONTRACTS	90.94	10,000	8,158.44				
	101-5-211-42600	SUPPLIES	124.64	6,800	5,687.90				
	101-5-211-42610	FUEL	55.74	38,240	25,648.41				
	101-5-211-42700	TRAVEL	144.22	11,250	7,576.48				
	101-5-211-43600	MACHINERY & AUTO EQUIPMENT	34,345.00	111,170	1,056.67-	Y			
	101-5-212-42200	PROFESSIONAL SERVICES	1,936.97	115,000	87,359.44				
	101-5-212-42210	FOOD SERVICE	11,122.14	225,000	130,886.23				
	101-5-212-42540	AUTO EXPENSE	188.70	4,590	3,876.04				
	101-5-212-42600	SUPPLIES	2,512.05	40,000	22,457.05				
	101-5-213-42200	PROFESSIONAL SERVICE & FEE	2,340.00	30,000	23,274.00				
	101-5-216-42400	RENTALS	12,396.22	100,000	12,928.76				
	101-5-226-42600	SUPPLIES	802.10	7,782	4,144.49				
	101-5-226-43570	EQUIPMENT GRANT	1,854.99	5,465	3,610.01				
	101-5-411-42200	PROFESSIONAL SERVICE & FEE	1,250.00	50,000	28,782.05				
	101-5-411-42600	SUPPLIES	103.33	3,000	1,108.36				
	101-5-421-42200	PROFESSIONAL SERVICE & FEE	104.00	0	225.50-	Y			

** G/L ACCOUNT TOTALS **

YEAR	ACCOUNT	NAME	AMOUNT	=====LINE ITEM=====			=====GROUP BUDGET=====		
				ANNUAL BUDGET	BUDGET AVAILABLE	OVER BUDG	ANNUAL BUDGET	BUDGET AVAILABLE	OVER BUDG
	101-5-421-42600	SUPPLIES	64.38	1,350	526.17				
	101-5-421-42900	OTHER	2,724.50	12,775	4,601.50				
	101-5-424-42200	PROFESSIONAL SERVICE & FEE	6,732.49	74,455	40,529.24				
	101-5-424-42300	PUBLISHINGS	133.09	1,000	866.91				
	101-5-424-42400	RENTALS	1,835.68	8,160	4,014.92				
	101-5-424-42500	REPAIRS & MAINTENANCE	154.00	46,500	35,906.88				
	101-5-424-42600	SUPPLIES	923.57	104,500	56,576.11				
	101-5-424-42800	UTILITIES	1,851.64	32,130	17,515.34				
	101-5-444-00000	MISC	11,192.50	108,419	43,376.82				
	101-5-445-00000	MISC	2,506.26	100,000	69,593.42				
	101-5-514-00000	MISC	8,000.00	18,000	8,000.00				
	101-5-611-42400	RENTALS	499.36	5,000	2,736.26				
	101-5-611-42500	REPAIRS & MAINTENANCE	1,233.59	7,000	4,756.41				
	101-5-611-42600	SUPPLIES	513.25	5,500	3,616.32				
	101-5-611-42700	TRAVEL	45.93	3,500	3,235.44				
	101-5-611-42800	UTILITIES	686.74	8,000	4,027.44				
	101-5-611-42900	OTHER	234.38	5,000	4,412.85				
	101-5-615-42500	REPAIRS & MAINTENANCE	39.48	5,000	4,169.79				
	101-5-615-42600	SUPPLIES	645.67	12,000	9,500.40				
	101-5-615-42800	UTILITIES	88.99	0	88.99-	Y			
	101-5-711-42500	REPAIRS & MAINTENANCE	215.44	10,600	2,032.48				
	101-5-711-42600	SUPPLIES	135.04	4,150	1,416.95				
	101-5-711-42700	TRAVEL	355.00	5,000	3,920.29				
	101-5-711-42800	UTILITIES	42.05	1,150	480.73				
	201-5-311-42500	REPAIRS & MAINTENANCE	8,269.45	190,000	107,898.37				
	201-5-311-42600	SUPPLIES	130,244.89	500,484	61,576.24				
	201-5-311-42640	HWY FUEL	2,848.52	146,250	102,767.60				
	201-5-311-42700	TRAVEL	101.22	2,500	2,066.46				
	201-5-311-42800	UTILITIES	965.65	32,000	14,874.78				
	201-5-311-42900	ANNUAL PROJECT(S)	45.69	864,000	857,222.54				
	207-5-225-42700	TRAVEL	1,103.00	3,000	1,597.30				
	207-5-225-42800	UTILITIES	1,507.11	44,000	29,591.74				
	226-5-222-42200	PROFESSIONAL SERVICE & FEE	65.00	14,298	3,038.85				
	226-5-222-42300	PUBLISHINGS	38.73	1,000	933.31				
	226-5-222-42400	RENTALS	306.11	12,177	8,901.31				
	226-5-222-42500	REPAIRS & MAINTENANCE	212.99	24,720	21,713.60				
	226-5-222-42600	SUPPLIES	787.09	41,879	22,090.94				
	226-5-222-42800	UTILITIES	994.55	17,700	9,877.02				
	226-5-222-43500	FURNITURES & MINOR EQUIPME	309.99	9,682	9,020.57				
	248-5-212-42600	SUPPLIES	4,564.33	31,830	10,635.12				
	759-4-34217	SCRAM BRACELETS*NON-EXPENS	78.00	0	1,021.00				
	768-4-34230	SOBRIETY TESTIN*NON-EXPENS	100.00	0	295.00-				
	** 2021 YEAR TOTALS		318,685.08						

** DEPARTMENT TOTALS **

ACCT	NAME	AMOUNT
101-120	ELECTIONS	347.67
101-130	COURT	26,661.23
101-141	AUDITOR	356.57
101-142	TREASURER	405.29
101-143	DATA PROCESSING	180.00
101-151	STATES ATTORNEY	5,978.38
101-161	GOVERNMENT BUILDINGS	7,211.28
101-162	DIRECTOR OF EQUALIZATION	1,331.26
101-163	REGISTER OF DEEDS	137.70
101-165	VETERANS SERVICE OFFICER	26.14
101-169	SAFETY CENTER BUILDING	12,913.07
101-211	SHERIFF	35,130.64
101-212	COUNTY JAIL	15,759.86
101-213	CORONER	2,340.00
101-216	JUVENILE DETENTION	12,396.22
101-226	YANKTON AREA SEARCH & RES	2,657.09
101-411	CARE OF POOR	1,353.33
101-421	PUBLIC HEALTH NURSE	2,892.88
101-424	AMBULANCE	11,630.47
101-444	MENTAL HEALTH CENTERS	11,192.50
101-445	MENTAL ILLNESS BOARD	2,506.26
101-514	HISTORICAL SITES	8,000.00
101-611	COUNTY EXTENSION	3,213.25
101-615	WEED	774.14
101-711	PLANNING & ZONING	747.53

101 TOTAL	GENERAL FUND	166,142.76
201-311	HIGHWAY CONSTRUCTION & MA	142,475.42

201 TOTAL	ROAD & BRIDGE	142,475.42
207-225	LOCAL EMERGENCY PLANNING	2,610.11

207 TOTAL	EMERGENCY 911 FUND	2,610.11
226-222	EMERGENCY MANAGEMENT	2,714.46

226 TOTAL	EMERGENCY MANAGEMENT	2,714.46
248-212	24/7 PROGRAM	4,564.33

248 TOTAL	24/7 SOBRIETY FUND	4,564.33

** DEPARTMENT TOTALS **

ACCT	NAME	AMOUNT
759	NON-DEPARTMENTAL	78.00

759 TOTAL	CLEARING FUND	78.00
768	NON-DEPARTMENTAL	100.00

768 TOTAL	ST WIDE 24/7 SOBRIETY FUN	100.00

** TOTAL **		318,685.08

NO ERRORS

** END OF REPORT **

DEPT: ALL

PAYROLL NO#: 01

PAY PERIOD BEGINNING: 6/01/2021

PAY PERIOD ENDING: 6/30/2021

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

-----EARNINGS-----			----BENF/REIMB----		-----DEDUCTIONS-----			-----TAXES-----				
DESC	HRS	AMOUNT	DESC	AMOUNT	CD	ABEV	EMPLOYEE	EMPLOYER	DESC	TAXABLE	EMPLOYEE	EMPLOYER
SAL	0.00	294,686.34			010	PENSU	5227.25	539.41	FED W/H	405,493.87	34,692.81	
HOURL	6,767.50	123,597.28			011	ROTH	1950.00		FICA	437,564.49	27,129.03	27129.03
OVERT	239.50	6,712.77			020	AFLAC	1293.61		MEDI	437,564.49	6,344.61	6344.61
VAC	1,182.00	7,466.10			030	COL	458.78					
SICK	618.00	7,546.41			045	GARN	293.24					
CELL	0.00	1,250.00			050	OPTLG	418.69					
SCKPO	0.00	538.56			051	UWAY	10.00					
LONG	0.00	795.21			060	GARN	538.73					
VACPO	0.00	4,222.96			062	GARN	50.00					
HOL	502.00	5,283.86			080	LEGAL	25.90					
FNRL	20.00	227.70			086	CHLDS	578.00					
SPO	0.00	111.96			100	NRS	69.44					
WC-2	4.00	0.00			11	SDRS6	16600.93	16600.93				
					12	SDRS8	10173.00	10173.00				
					410	FLEXA	3908.10					
					420	LIFE	341.43					
					430	FLEXC	1154.60					
					440	VSP	225.22					
					450	DELTA	1296.00					
					460	AVERA	3875.08					
					463	HSA-1		7417.20				
					464	HSA	1964.32					
					465	HSA-2		18866.43				
					466	COHSA		1484.48				
					467	COPAY	2032.65					
					470	AVERA		27840.60				
					P7	SPOUS	174.94					
TOTALS:	9,333.00	452,439.15		0.00			52659.91	82922.05			68,166.45	33473.64

-----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	16,130.30	15,670.86	259.44	0.00	200.00	0.00	1,762.10	2,668.22	11,699.98
101-142	18,458.19	18,193.19	0.00	0.00	265.00	0.00	1,557.02	2,956.90	13,944.27
101-151	30,818.00	30,818.00	0.00	0.00	0.00	0.00	2,468.38	4,946.82	23,402.80
101-161	13,676.10	11,301.33	88.01	2,086.76	200.00	0.00	1,361.00	1,968.18	10,346.92
101-162	24,009.87	22,045.99	0.00	0.00	1,963.88	0.00	3,651.77	2,952.74	17,405.36
101-163	12,463.47	12,313.47	0.00	0.00	150.00	0.00	792.97	2,047.13	9,623.37
101-165	6,834.24	2,991.17	0.00	3,843.07	0.00	0.00	496.05	1,078.66	5,259.53

DEPT: ALL

PAYROLL NO#: 01

PAY PERIOD BEGINNING: 6/01/2021

PAY PERIOD ENDING: 6/30/2021

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

DEPT NO#	GROSS	REGULAR	OVERTIME	LEAVE	OTHER	BENEFITS	DEDUCTIONS	TAXES	NET
101-211	69,857.53	68,993.97	0.00	0.00	863.56	0.00	10,858.69	10,463.27	48,535.57
101-212	81,555.66	81,247.33	0.00	0.00	308.33	0.00	12,029.14	11,470.81	58,055.71
101-213	800.00	750.00	0.00	0.00	50.00	0.00	0.00	91.20	708.80
101-424	59,319.42	46,041.35	5,926.62	4,583.53	2,767.92	0.00	3,621.37	9,241.64	46,456.41
101-427	1,105.28	1,105.28	0.00	0.00	0.00	0.00	0.00	162.17	943.11
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	10,357.25	10,357.25	0.00	0.00	0.00	0.00	1,937.98	1,461.69	6,957.58
201-311	81,148.29	71,034.68	207.22	9,856.39	50.00	0.00	10,213.37	13,068.40	57,866.52
226-222	8,938.88	8,553.08	231.48	154.32	0.00	0.00	1,069.95	1,427.26	6,441.67
248-212	1,357.62	1,357.62	0.00	0.00	0.00	0.00	0.00	210.69	1,146.93
TOTALS	452,439.15	418,283.62	6,712.77	20,524.07	6,918.69	0.00	52,659.91	68,166.45	331,612.79

REGULAR INPUT: 139

MANUAL INPUT: 0

CHECK STUB COUNT: 0

DIRECT DEPOSIT STUB COUNT: 139

YANKTON COUNTY COMMISSION MEETING

June 15, 2021

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

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

There were no conflicts of interest reported by Commissioners.

Action 21283C: A motion was made by Fox and seconded by Healy to approve the regular meeting agenda with the following change: Executive session for personnel issue will be moved to item 4A. All present voted aye; motion carried, 5-0.

There was one public comment from Charlie Gross. Mr. Gross said Larry Ness had found a Railroad Bond the County had issued in 1883 and redeemed in 1892. Gross said he framed the document and would like to give it to the County.

Chair Loest closed public comment.

Action 21284C: A motion was made by Healy and seconded by Fox to recess the regular session at 6:05 p.m. and convene in executive session to discuss personnel issues SDCL 1-25-2(1). All present voted aye; motion carried, 5-0.

Action 21285C: A motion was made by Healy and seconded by Fox to adjourn the executive session at 6:30 p.m. and reconvene in regular session. All present voted aye; motion carried, 5-0.

Matt Archer read a statement that he was resigning his position as Director of Equalization.

Action 21286C: A motion was made by Healy and seconded by Fox to accept Director of Equalization Matt Archer's resignation. All present voted aye; motion carried, 5-0.

Action 21287C: A motion was made by Healy and seconded by Fox to appoint Jeff Puthoff as temporary Director of Equalization. All present voted aye; motion carried, 5-0.

Action 21288C: A motion was made by Fox and seconded by Klimisch to advertise the Director of Equalization position. All present voted aye; motion carried, 5-0.

Action 21289C: A motion was made by Klimisch and seconded by Healy to approve the June 1, 2021 meeting minutes with the following correction: Action 21264Z did not have deed restrictions. All present voted aye; motion carried, 5-0.

Action 21290C: A motion was made by Fox and seconded by Klimisch to approve the June 1, 2021 Joint Planning/County Commission meeting minutes. All present voted aye; motion carried, 5-0.

Action 21291C: A motion was made by Kettering and seconded by Healy to approve the following claims: **Commissioners:** Vast Business (Utilities) \$52.50, First Bankcard (Supplies) \$53.25, Yankton County Observer (Publishing's) \$278.41, Yankton Daily P & D (Publishing's) \$389.34; **Elections:** KnowInk LLC (Rentals) \$6,107.85, Qualified Presort Services (Supplies) \$30.52; **Court:** Avera Sacred Heart Hospital (Lab) \$1,170.00, Certified Languages International (Professional Services) \$41.25, Gary Mikelson (Professional Services) \$2,318.00, Larson & Nipe Attorneys at Law (Professional Services) \$3,464.72, Kennedy Pier Loftus & Reynolds (Professional Services) \$1,548.20, LaCroix Law Office (Neglected) \$1,085.50, Department of Health (Lab-May 2021) \$905.00, Thomson Reuters (Supplies) \$273.32; **Auditor:** Vast Business (Utilities) \$175.15, Culligan (Supplies) \$21.75, Leaf (Rentals) \$159.00, Qualified Presort Services LLC (Supplies) \$215.48, One Office Solution (Supplies) \$192.99, One Office Solution (Maintenance) \$156.55; **Treasurer:** Vast Business (Utilities) \$209.34, Culligan (Supplies) \$35.75, Qualified Presort Services LLC (Supplies) \$132.67; **Data Processing:** Vast Business (Utilities) \$832.83, First Bankcard (Maintenance) \$57.46; **States Attorney:** Century Business Products (Rentals) \$457.69; **Government Building:** Vast Business (Utilities) \$26.25, MidAmerican Energy (Utilities) \$601.64, Carrot-Top Industries (Supplies) \$161.24, Echo Group (Maintenance) \$195.10, JCL Solutions (Supplies) \$82.68, Midwest Radiator & Exhaust (Maintenance) \$226.99; **Director of Equalization:** Vast Business (Utilities) \$229.50, Jessica Atkinson (Travel) \$446.40, First Bankcard (Supplies) \$105.44, JJ Benji (Supplies) \$180.00, Microfilm Imaging Systems (Maintenance) \$70.00, Jeffrey Puthoff (Travel) \$446.40, Qualified Presort Services (Supplies) \$13.20; **Register of Deeds:** Vast Business (Utilities) \$177.50, Microfilm Imaging Systems (Rentals) \$336.00, Qualified Presort Services (Supplies) \$36.93, One Office Solution (Maintenance) \$30.50, One Office Solution (Supplies) \$122.31; **VA:** Vast Business (Utilities) \$26.25, Qualified Presort Services (Supplies) \$5.59, One Office Solution (Supplies) \$3.99; **Safety Center Building:** Vast Business (Utilities) \$803.38, City of Yankton (Dumpster Fees) \$136.00, Cole Paper Inc. (Supplies) \$201.44, MidAmerican Energy (Utilities) \$2,127.90, Yankton Winnelson Co (Maintenance) \$236.34; **Sheriff:** City of Yankton (Fuel) \$2,579.93, The Collision Center (Auto Equipment) \$339.63, Two Way Solutions (Auto Equipment) \$3,960.69, Tire Muffler Alignment (Maintenance) \$33.15, One Office Solution (Supplies) \$15.68; **County Jail:** Avera Medical Group (Professional Services) \$2,902.00, Scott Family Dentistry (Professional Services) \$126.00, Jerry Sorbel (Professional Services) \$270.00, Culligan (Food Services) \$27.75, Southern Folger Detention Equipment (Security Maintenance) \$135.01, Industrial Chem Labs (Supplies) \$719.40, Trinity Services Group (Food Services) \$7,381.45, Datatek Services Inc. (Supplies) \$380.00, Jacks Uniforms & Equipment (Uniforms) \$75.94, Correctional Risk Services (Inmate Liab Ins) \$910.47, One Office Solution (Supplies) \$130.14; **Yankton Area Search & Rescue:** City of Yankton (Supplies) \$89.88; **Care of Poor:** Qualified Presort Services LLC (Supplies) \$89.24, Thomson Reuters (Supplies) \$79.57, Wintz & Ray Funeral Home (Professional Services) \$1,250.00; **Public Health Nurse:** TIAA Bank (Rentals) \$58.67, Vast Business (Utilities) \$243.91, Qualified Presort Services (Supplies)

\$37.20; **Ambulance:** AT & T (Utilities) \$36.05, Bound Tree Medical LLC (Supplies) \$1,087.83, City of Yankton (Fuel) \$725.36, Cintas (Supplies) \$72.43, Berkley Motors (Supplies) \$450.00, Fire Safety USA (Supplies) \$150.00, First Bankcard (Fuel) \$363.78, First Bankcard (Supplies) \$61.82, First Bankcard (Travel) \$125.00, Leaf (Rentals) \$89.57, Matheson Tri-Gas Inc. (Supplies) \$296.80, Matheson Tri-Gas Inc. (Rentals) \$88.59, MidAmerican Energy (Utilities) \$154.78, Northwestern Energy (Utilities) \$839.67, Northtown Automotive (Supplies) \$843.07, Verizon (Utilities) \$305.04, One Office Solution (Supplies) \$96.89; **Mental Handicapped:** SD Achieve dba Lifescape (Care MI May 2021) \$240.00; **Mental Illness Board:** Lincoln County Treasurer (Hearings) \$3,058.43, Jacinta Labrake (Hearings) \$736.00; **Weed:** NAPA Auto Parts of Yankton (Supplies) \$2.29, First Bankcard (Supplies) \$268.32, Northtown Automotive (Maintenance) \$388.80, Yankton County Observer (Publishing's) \$96.00, Yankton Daily P & D (Publishing's) \$245.28; **Planning & Zoning:** Vast Business (Utilities) \$62.50, Arizona Planning Association (Travel) \$355.00, Leaf (Rentals) \$104.86, Microfilm Imaging Systems (Rentals) \$70.00, Qualified Presort Services, LLC (Supplies) \$21.42, Verizon (Utilities) \$42.05, One Office Solution (Supplies) \$192.51, One Office Solution (Maintenance) \$208.89, Yankton Daily P & D (Publishing's) \$725.77; **Road & Bridge:** Kopetsky's Ace Hardware (Supplies) \$28.10, MidAmerican Energy (Utilities) \$80.69, B-Y Electric (Utilities) \$61.13, B-Y Water District (Utilities) \$96.75, Battery Exchange (Maintenance) \$259.90, Buildings Sprinkler (Maintenance) \$265.00, Butler Machinery (Maintenance) \$6,970.53, Butler Machinery (Supplies) \$68.30, Vast Business (Utilities) \$228.20, Tyndall Motors (Supplies) \$53.34, Brock White Company (Supplies) \$8,064.00, Terry Schramm (Supplies) \$64,500.00, Terry Schramm (Bridges) \$7,488.00, City of Yankton (Utilities) \$11.00, Napa Auto Parts of Yankton (Supplies) \$78.70, CHS Inc. (Supplies) \$40.10, Growmark FS (Professional Services) \$560.00, Growmark FS (Fuel) 15,460.04, Growmark FS (Supplies) \$8.00, Hollaway Construction Co (Bridges) \$84,341.92, I State Truck Center (Maintenance) \$677.08, I State Truck Center (Supplies) \$91.35, Janssen's Garbage Service (Utilities) \$45.00, Longs Propane Inc. (Fuel) \$43.20, Spencer Quarries Inc. (Bridges) \$5,744.84, Southeastern Electrical Co (Utilities) \$33.91, Verizon (Utilities) \$86.96, One Office Solution (Supplies) \$165.99, Yankton Redi Mix (Supplies) \$6,732.00; **Emergency 911 Fund:** Golden West Telecommunications (Utilities) \$147.18; **Emergency Management:** Allegiant Emergency Services (Supplies) \$802.77, B-Y Electric (Utilities) \$53.42, Sunset Plaza Mall Office (Pod Expense) \$3,293.13, Masters Telecom LLC (Equipment Grant) \$2,723.89, First Bankcard (Supplies) \$906.94, Great American Financial (Rentals) \$193.94, Leaf (Rentals) \$90.00, Midcontinent Communications (Utilities) \$9.23, Midcontinent Communications (POD Expense) \$177.47, Truck Trailer Sales Services (Supplies) \$56.00, Tabor Lumber Cooperative (Supplies) \$75.24, Verizon (Utilities) \$945.27; **County Buildings:** First Bankcard (Supplies) \$289.99; **Fire-Road District:** Woodward & Huff Marlow (Refund) \$124.07, Yankton County Observer (Publishing's) \$15.30, Yankton Daily P & D (Publishing's) \$41.49; **Non-Departmental:** Satellite Tracking of People (Tracking Monitors) \$640.25, Byron Nogelmeier (Cam Daily May Fee) \$2,325.00, Byron Nogelmeier (State Participation May 2021) \$20.00, SD Department of Revenue (HSC) \$4,988.16, SD Department of Revenue (Redfield Services) \$120.00, SD Department of Revenue (Motor Vehicle Fees) \$518,457.17, SD Department of Revenue (Waste Fees) \$6,733.75,

SD Department of Revenue (ROD Fees) \$2,020.00, SDACO (M & PR Fund) \$786.00; General Fund \$61,834.00, Road & Bridge, \$202,284.03, Emergency Management, \$9,327.30. All present voted aye; motion carried. 5-0.

Action 21292AUD: A motion was made by Healy and seconded by Fox to approve the Auditor's Monthly Settlement with the Treasurer and Pooled Cash Report as of May 31, 2021 which showed Total Cash of \$14,684,318.89. The General Fund was \$8,164,815.00; Special Funds were \$3,881,550.29; and Trust and Agency Funds were \$2,637,953.60 adding to a Grand Total of General Ledger Cash and Investments of \$14,684,318.89. A detailed report is on file with the County Auditor. All present voted aye; motion carried, 5-0.

Action 21293AUD: A motion was made by Healy and seconded by Fox to approve the budgeted cash transfer of \$150,000.00 from the General Fund to Emergency Management Services. All present voted aye; motion carried, 5-0.

Action 21294Hwy: A motion was made by Healy and seconded by Klimisch to approve the Right of Way application from Midcontinent Communications in Township 93-56. All present voted aye; motion carried, 5-0.

Chair Loest informed the board that the county had received \$2,215,676.00 for the American Rescue Plan.

Ambulance: Yankton County Ambulance Director Steve Hawkins appeared before the board for approval of the addendum from the original agreement for billing agreement for credit card merchant fees.

Action 21295Amb: A motion was made by Healy and seconded by Klimisch to approve the Addendum to Billing Agreement for Credit Card Merchant Fees. All present voted aye; motion carried, 5-0.

No report was presented from the Director of Equalization.

The second reading was held for Ordinance #21-ZN-04 for Medical Cannabis. There were no public comments.

Action 21296Z: A motion was made by Fox and seconded by Klimisch to approve Ordinance #21-ZN-04. Roll call vote was taken with Fox, Klimisch, Kettering, Healy and Loest voting aye; motion carried, 5-0.

Action 21297Z: A motion was made by Klimisch and seconded by Healy to adopt the following resolution: Whereas it appears, Grant Reade, owner of record, has caused a plat to be made of the following real property: Tract 1, Reade Addition, SE1/4, NE1/4, S10-T93N-R55W, 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, 5-0.

Article 5: The board had some discussion on Article 5 but decided to discuss it at the formally advertised meetings July 6th and July 20th.

VSO: Acting Veterans Service Officer Cody Mangold appeared before the board to request purchase of a laptop. Mangold said the laptop would assist veterans and families and will be more mobile.

Action 21298Z: A motion was made by Kettering and seconded by Klimisch to approve the purchase of laptop at \$950, Docking Station \$350 and \$250 for installation. All present voted aye; motion carried, 5-0.

Drainage Commission: Planning and Zoning Administrator Gary Vetter presented applicants for three positions open on the Drainage Commission. The applicants are: Thomas Bixler, Frank Kralicek Jr., and Casey Kruse.

Action 21299DR: A motion was made by Fox and seconded by Klimisch to appoint the three applicants to three-year terms on the Drainage Board. All present voted aye; motion carried, 5-0.

The board discussed adding Domestic Partnership under the County's Health Insurance Coverage.

Action 21300C: A motion was made by Kettering and seconded by Healy to add Domestic Partnership to the Yankton County Employee Handbook. All present voted aye; motion carried, 5-0.

Rural Transitional Housing: Planning and Zoning Administrator Gary Vetter appeared before the board to give an update on Rural Transitional Housing.

There were public comments from Sandy Williams, Jay Cutts, Jim Petrik, Zane Williams, Dennis Michael and Louis Johnson.

Chair Loest closed public comment.

Action 21301C: A motion was made by Fox and seconded by Healy to recess the regular session at 7:30 p.m. and convene in executive session to discuss Poor Relief Issues SDCL 1-25-2 & 28-13. All present voted aye; motion carried, 5-0.

Action 21302C: A motion was made by Fox and seconded by Klimisch to adjourn the executive session at 7:45 p.m. and reconvene in regular session. All present voted aye; motion carried, 5-0.

Action 21303C: A motion was made by Healy and seconded by Fox to pend the files of poor relief case CW21-036 through CW 21-048 based on the following SDCLs: 28-13-1.3(1); 28-13-34.2; 28-13-33-2. All present voted aye; motion carried, 5-0.

Action 21304C: A motion was made by Healy and seconded by Fox to adjourn. All present voted aye; motion carried, 5-0.

The next regular meeting will be Tuesday, July 6, 2021 at 6:00 p.m.

Cheri Loest, Chair
Yankton County Commission

ATTEST:
Patty Hojem, County Auditor

YANKTON COUNTY COMMISSION MEETING

June 25, 2021

A special meeting of the Yankton County Commission was called to order by Chair Cheri Loest at 9:00 a.m. on Friday, June 25, 2021.

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

The board had a special Strategic Planning meeting to discuss the Temporary Medical Cannabis Ordinance. Commissioners also discussed allocating dollars from the American Rescue Plan (ARP). Chair Loest calculated the County lost \$1,100,000 in revenue due to the pandemic, but said that figure has not been confirmed. Items suggested for ARP funding included: supplementing the Highway Department budget; new ambulance; extra attorneys for the JDAI grant for the Boys and Girls Club; state radios which are being upgraded; and hazard pay for county employees. Another idea mentioned was a tent, bunkhouse and sandbag machine for Emergency Management. Klimisch suggested a sanitation district study and upgrading Deer Boulevard. Healy said his suggestion would be to use the funding for county roads and bridges. The board also discussed the Rural Access Infrastructure program, IT, and employee job descriptions. The board also addressed a water issue in the Government Center.

Commissioner Healy left the meeting.

Commissioner Healy rejoined the meeting.

There were no public comments.

Chair Loest closed public comment.

Action 21305C: A motion was made by Healy and seconded by Klimisch to adjourn. All present voted aye; motion carried.

Cheri Loest, Chair
Yankton County Commission

ATTEST:
Patty Hojem, County Auditor

YANKTON COUNTY COMMISSION MEETING

June 25, 2021

A special meeting of the Yankton County Commission was called to order by Chair Cheri Loest at 10:00 a.m. on Friday June 25, 2021.

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

There were no conflicts of interest reported by Commissioners.

Action 21306C: A motion was made by Healy and seconded by Kettering to approve the meeting agenda. All present voted aye; motion carried. 5-0

There was no public comments.

Chair Loest closed public comment.

Budget Hearings: The Board began hearings for the 2022 budget, with several of the County department heads presenting their requests.

Action 21307C: A motion was made by Klimisch and seconded by Kettering to approve the County Health Nurse recommendation to fill the Secretary position. All present voted aye; motion carried. 5-0

Yankton City: Yankton City Manager Amy Leon, presented the city's annual requests for county funding of shared city-county operations. Leon requested \$31,862 county funding for the Senior Citizens Center. She requested \$15,000 funding for Chan Gurney Municipal Airport. Also requested \$159,068 in 2022 for the Dispatch Center. The City's funding request for the Yankton Community Library is \$24,000. Total city request for county funding is \$229,930. Also appearing Duane Johnson and Dave Mingo.

Dana Schmidt from Yankton Community Library appeared to update the board on statistics from the 2020 annual report. Schmidt also read a few thank you cards from residents.

There were no public comments.

Chair Loest closed public comment.

Action 21308C: A motion was made by Healy and seconded by Fox to adjourn. All present voted aye; motion carried.

The next regular meeting will be Tuesday, July 6, 2021.

Cheri Loest, Chair
Yankton County Commission

ATTEST:
Patty Hojem, County Auditor