

## YANKTON COUNTY COMMISSION MEETING

May 5, 2020

The regular meeting of the Yankton County Commission was called to order by Chair Cheri Loest at 6:00 PM on Tuesday, May 5, 2020.

Roll call was taken with the following Commissioners present: Don Kettering, Gary Swensen Dan Klimisch and Cheri Loest; Absent: Joseph Healy.

There were no conflicts of interest reported by Commissioners.

**Action 20178C:** A motion was made by Kettering and seconded by Klimisch to approve the meeting agenda change: Item 16, 17 and 20 were removed. All present voted aye; motion carried.

There was one public comment from Gary Swensen. Commissioner Kettering objected.

Chair Loest closed public comment.

**Action 20179C:** A motion was made by Klimisch and seconded by Kettering to approve the County Board of Equalization minutes of April 21, 2020. All present voted aye; motion carried.

**Action 20180C:** A motion was made by Kettering and seconded by Klimisch to approve the Consolidated Board of Equalization minutes of April 17, 2020. All present voted aye; motion carried.

**Action 20181C:** A motion was made by Klimisch and seconded by Kettering to approve the minutes of the April 21, 2020 meeting with the following correction: Commissioner Klimisch left the meeting due to technical difficulties. All present voted aye; motion carried.

**Action 20182C:** A motion was made by Klimisch and seconded by Kettering to approve the following claims: **Commissioners:** AGC of South Dakota (Travel) \$50.00, River Rat Productions (Professional Services) \$550.00, Yankton County Observer (Publishings) \$197.27; **Elections:** Alphagraphics of Sioux Falls (Supplies) \$2,465.00, Qualified Presort Services (Supplies) \$17.41, Verizon (Rentals) \$320.08, One Office Solution (Supplies) \$292.80; **Court:** Megan Reeves (Professional Services) \$782.80, Harmelink & Fox Law Office (Delinquent/Minor) \$2,373.71, Juror Fees (\$50.00x6) \$300.00, Juror Mileage (\$0.84x2) \$1.68, Juror Mileage (\$4.20x1) \$4.20, Juror Mileage (\$5.04x1) \$5.04, Juror Mileage (\$8.40x1) \$8.40, Fox & Youngberg PC (Professional Services) \$15,000.00, Kennedy Pier Loftus & Reynolds (Professional Services) \$12,120.00, Dean Schaefer (Professional Services) \$300.00, Thomson Reuters (Supplies) \$857.46; **Auditor:** Qualified Presort Services (Supplies) \$94.30, One Office Solutions (Supplies) \$358.82; **Treasurer:** Qualified Presort Services (Supplies) \$257.68; **Data Processing:** Tyler Technologies (Maintenance) \$1,886.28; **States Attorney:** Hy-Vee (Supplies) \$13.99; **Government Center Building:** Kopetsky's Ace

Hardware (Maintenance) \$18.58, Kopetsky's Ace Hardware (Supplies) \$26.99, Bomgaars (Supplies) \$32.15, City of Yankton (Utilities) \$1,663.53, Direct Automation (Supplies) \$240.00, JCL Solutions (Supplies) \$115.26, Mead Lumber (Maintenance) \$48.75, Menards (Maintenance) \$5.48, Menards (Supplies) \$130.26, Nebraska Air Filter Inc. (Supplies) \$249.17, Olson's Pest Technicians (Maintenance) \$82.00; **Director of Equalization:** Qualified Presort Services (Supplies) \$28.16, Verizon (Maintenance) \$164.26; **Register of Deeds:** Qualified Presort Services (Supplies) \$46.07; **VA:** Qualified Presort Services (Supplies) \$13.25; **Safety Center Building:** Kopetsky's Ace Hardware (Maintenance) \$26.98, Bomgaars (Supplies) \$62.97, City of Yankton (Utilities) \$547.03, City of Yankton (Maintenance) \$12.00, Cole Paper Inc. (Supplies) \$580.97, Yankton Home & Garden (Maintenance) \$146.25, Menards (Supplies) \$232.80, Northwestern Energy (Utilities) \$6,768.29, Nebraska Air Filter, Inc. (Supplies) \$842.48; **Sheriff:** Cardmember Services (Fuel) \$90.49, The Collision Center (Auto Expense) \$260.00, The Collision Center (Maintenance) \$1,000.00, Division of Motor Vehicle (Auto Expense) \$5.00, Business Bulletin, LLC (Professional Services) \$280.00, Grafex Shoppe (Auto Expense) \$214.41, Midcontinent Communications (Utilities) \$115.00, Northtown Automotive (Maintenance) \$911.46, Qualified Presort Services (Maintenance Contracts) \$73.30, Two Way Solutions Inc. (Auto Expense) \$2,356.20, Midwest Tire Admin-TMA (Maintenance) \$19.72; **County Jail:** Avera Sacred Heart Hospital (Professional Services) \$218.13, AMG Radiology (Professional Services) \$13.75, Avera Home Medical Equipment (Professional Services) \$128.75, AMG Hospitalists (Professional Services) \$374.03, Cardmember Services (Maintenance) \$24.74, McKesson Medical-Surgical Inc. (Professional Services) \$171.85, Hy-Vee (Professional Services) \$115.14, Menards (Supplies) \$9.94; **Coroner:** One Office Solution (Supplies) \$264.50; **Juvenile Detention:** Cardmember Services (Travel) \$116.63; **Yankton Area Search & Rescue:** Kopetsky's Ace Hardware (Supplies) \$73.34, Cox Auto Supply, Inc. (Supplies) \$44.85; **Airport:** City of Yankton (2020 Co Share) \$15,000.00; **Care for the Poor:** Qualified Presort Services (Supplies) \$151.59; **Public Health Nurse:** Qualified Presort Services (Supplies) \$28.04, Office of Child & Family (2<sup>nd</sup> Qtr. 2020) \$2,671.05; **Ambulance:** Sacred Heart Health Services (Professional Services) \$1,500.00, Bomgaars (Supplies) \$120.30, City of Yankton (Utilities) \$173.15, Credit Collection Services (Professional Services) \$328.12, Kaiser Heating & Cooling (Maintenance) \$79.95, Matheson Tri-Gas Inc. (Supplies) \$91.63, Menards (Supplies) \$56.71, MidAmerican Energy (Utilities) \$225.50, Northwestern Energy (Utilities) \$90.67, Qualified Presort Services (Supplies) \$65.05, Verizon (Utilities) \$315.94, Yankton Medical Clinic (Professional Services) \$76.00, Yankton Janitorial Supply (Supplies) \$113.40; **Mental Illness Board:** Harmelink & Fox Law Office (Hearings) \$264.25, Kennedy Pier Loftus & Reynolds (Hearings) \$332.10, Minnehaha County Auditor (Hearings) \$136.35; **Library:** Yankton Community Library (1<sup>st</sup> Half 2020 Library Services) \$7,500.00; **Senior Citizens:** City of Yankton (2020 1<sup>st</sup> Half Senior Citizens) \$5,079.13; **Extension:** Buhl's Cleaners (Supplies) \$37.82, Vast Business (Utilities) \$405.36, SDSU Extension (Travel) \$43.58, City of Yankton (Utilities) \$59.75, Leaf (Rentals) \$139.91, MidAmerican Energy (Utilities) \$66.65, Northwestern Energy (Utilities) \$232.20, Olson's Pest Technicians (Maintenance) \$300.00; **Weed:** Yankton County Observer (Publishing's) \$108.00; **Planning & Zoning:** River Rat Productions (Professional Services) \$280.00, Pheasantland Industries (Supplies) \$16.75, Qualified Presort Services (Supplies) \$73.12, Verizon (Utilities) \$44.25; **Road & Bridge:** Appera (Supplies) \$115.13, Bomgaars (Supplies) \$27.05, Bierschbach

Equipment & Supply (Supplies) \$62.71 Boyer Trucks (Supplies) \$250.16, Brock White Company LLC (Supplies) \$ 28,644.00, Midwest Ready Mix & Equipment (Supplies) \$5,999.00, City of Yankton (Utilities) \$49.57, Cox Auto Supply, Inc. (Supplies) \$460.80, Clark Engineering (Bridges) \$517.34, Clarks Rental Inc. (Supplies) \$242.00, Nelson Services LLC (Supplies) \$109.90, Beth Wilhelms (Travel) \$39.06, Larsen Asphalt Repair Equipment LLC (Supplies) \$555.99, Fejfar Plumbing & Heating (Supplies) \$29.50, Hollaway Construction Co, Inc. (Bridges) \$122,754.82, Kimball Midwest (Supplies) \$234.38, Lyle Signs INC. (Supplies) \$673.59, Long Propane Inc. (Supplies) \$58.00, Menards (Supplies) \$39.77, Northwestern Energy (Utilities) \$56.16, Yankton County Observer (Publishing's) \$22.60, Transource (Supplies) \$111.88, Truck Trailer Sales Services (Supplies) \$1,073.25, Verizon (Utilities) \$90.70, Yankton Janitorial Supply (Supplies) \$1,056.00; **Emergency 911 Fund:** Vast Business (Utilities) \$1,100.33, City of Yankton (2020 1st Qtr. E911 Dispatch) \$29,348.25, CenturyLink (Utilities) \$68.09; **Emergency Management:** Kopetsky's Ace Hardware (Supplies) \$105.89, Bomgaars (Supplies) \$141.49, City of Yankton (Supplies) \$5.50, Kulish Repair (Professional Services) \$300.00, Echo Group (Maintenance) \$179.80, Fastenal Industrial & Construction Supply (disaster Plan) \$364.01, Leaf (Rentals) \$104.86, MidAmerican Energy (Utilities) \$14.02, Racom Corporation (Utilities) \$36.03, Verizon (Utilities) \$1,018.98, One Office Solution (Supplies) \$82.00; **MISC:** First National Bank of Omaha (General Obligation Refunding) \$34,197.50; General Fund \$93,354.86, Road & Bridge \$164,056.35, Emergency Management, \$2,352.55. Klimisch, Kettering and Loest voting aye; Swensen voting nay; motion carried.

**Action 20183C:** A motion was made by Kettering and seconded by Swensen to approve the **April, 2020 Gross Payroll: Commissioners:** \$5,606.74; **Court:** \$0.00; **Election:** \$0.00; **Auditor:** \$14,691.90; **Treasurer:** \$17,765.33; **States Attorney:** \$41,639.64; **Government Buildings:** \$7,103.57; **Director of Equalization:** \$25,711.98; **Register of Deeds:** \$12,711.72; **Veterans Service:** \$3,351.98; **Courthouse & Safety Center:** \$6,395.80; **Sheriff:** \$66,292.42; **County Jail:** \$80,595.93; **Coroner:** \$1,100.00; **Juvenile:** \$0.00; **Nurse:** \$3,122.44; **Ambulance:** \$50,901.87; **WIC :** \$1,328.62; **Extension:** \$7,190.02; **Soil Conservation:** \$3,199.86; **Weed:** \$0.00; **Planning & Zoning:** \$17,554.14; **Road & Bridge:** \$76,768.58; **E911:** \$0.00; **OEM:** \$9,442.62; **24-7 Program:** \$891.48. First Dakota National Bank \$34,969.26 (Withholding), First Dakota National Bank \$52,968.66 (FICA) First Dakota National Bank \$12,387.84 (Medicare), South Dakota Retirement System \$33,283.42 (Other Employees), South Dakota Retirement System \$19,584.54 (Sheriff), South Dakota Retirement System (Spouse Opt) \$125.23, South Dakota Retirement System (Supplemental) \$5,566.66, American Family Life Assurance Company (AFLAC) \$5,557.49, Legalshield \$25.90, Office of Child Support \$578.00, Nationwide Retirement Solutions \$69.44, Accounts Management \$50.00, Boston Mutual Life Insurance \$341.43., Colonial Life & Accident \$1,381.77, Optilegra \$448.84, Wellmark BC Health Insurance \$64,013.33, United Way of Greater Yankton \$47.50, Delta Dental \$1,172.00, VSP Vision \$181.54, WageWorks \$1,312.50. Gross Payroll \$437,571.64, Net Payroll \$325,099.61. All present voted aye; motion carried.

**Action 20184S:** A motion was made by Klimisch and seconded by Kettering to adjust the Sheriffs Office budget due to unanticipated insurance revenue in the amount of \$645.00. All present voted aye; motion carried.

Due to the increase in absentee voting for the June 2020 Primary Election, County Auditor Patty Hojem requested hiring temporary help.

**Action 20185Aud:** A motion was made by Klimisch and seconded by Kettering to allow the County Auditor to advertise up to four temporary positions for the June Primary election. All present voted aye; motion carried.

**Action 20186C:** A motion was made by Kettering and seconded by Klimisch to add the Health Reimbursement Account (HRA) to the county handbook. All present voted aye; motion carried.

**Action 20187C:** A motion was made by Kettering and seconded by Klimisch to approve the renewal of the County's agreement for provider services with the S.D. Department of Health. The agreement is made for the purposes of providing clerical services for the Women, Infants and Children (WIC) Program in Yankton County. All present voted aye; motion carried.

**Action 20188C:** A motion was made by Klimisch and seconded by Swensen to approve the Yankton County 4-H activity report. All present voted aye; motion carried.

Avera Sacred Heart Hospital CEO Doug Ekeren, via telephone, gave an update on the COVID-19 pandemic. Chief Deputy Emergency Manager Erin Hacecky who is on the County Health Board said the resolution on business and social distancing restrictions had been suspended as of May 4, 2020. She also said that the resolution could be reenacted if there was a surge in the near future.

Dave Mingo (via telephone), Yankton City Economic Development Director, presented a proposal for approval by the board. The proposal involves three delinquent tax properties: 310 Pearl Street, 900 E 8<sup>th</sup> Street and 819 Birch Road. The county and city each own two of the properties and the county is in the process of obtaining the other one. Mr. Mingo requested a city and county partnership to transfer the property to the city and waive liens and unpaid taxes to place the properties back on the tax rolls.

**Action 20189C:** A motion was made by Klimisch and seconded by Kettering approve the property development proposal on the three properties with the City of Yankton, on the condition the property will be developed in no less than three years. Roll call vote was taken with Klimisch, Kettering, Swensen and Loest voting aye; motion carried.

The board discussed commissioners speaking during the public comment period.

Highway Superintendent Mike Sedlacek appeared for approval on the annual striping agreement with the state and right of way request submitted by Vast Broadband.

**Action 20190Hwy:** A motion was made by Klimisch and seconded by Kettering to approve the Right of Way application from Vast Broadband in Township 96-54. All present voted aye; motion carried.

**Action 20191Hwy:** A motion was made by Kettering and seconded by Klimisch to approve the striping agreement with the Department of Transportation with the county's share being \$36,972.32. All present voted aye; motion carried.

Commissioner Swensen suggested getting extra fuel storage tanks. Chair Loest said she had called the State and they highly cautioned against.

Commissioner Swensen suggested looking into a standby generator for the Government Center.

The board discussed the virtual county meeting format and the amount of public participation.

**Action 20192C:** A motion was made by Klimisch and seconded by Swensen to recess the commission meeting for five minutes. All present voted aye; motion carried.

**Action 20193C:** A motion was made by Kettering and seconded by Klimisch to reconvene. All present voted aye; motion carried.

The first reading of the Yankton County Commission Adoption of Proposed Amendments to Yankton County Ordinance 2020, Ordinance No. 20-6. Chair Loest read the changes proposed. The hearing for the second reading will be May 19, 2020.

There was a comment by Nancy Wenande.

**Action 20194Z:** A motion was made by Kettering and seconded by Swensen to recess the regular session and convene as Board of Adjustment. All present voted aye; motion carried.

**Item 16** rescheduled to next commission meeting.

**Item 17** rescheduled to next commission meeting.

**CUP Public Hearing:** This was the time and place for a public hearing for a Conditional Use Permit application from Mike Barkl. Applicant requested a permit for retail Firework Sales in a (C) District in Yankton County. Said property is legally described as W12 Rods N34 Rods Exc Lts H1 & H3, NW4, NW4, S6-T95N-R55W, hereinafter referred to as Walshtown Township, County of Yankton, State of South Dakota. The Planning Commission recommended approval 9-0.



Applicant Mike Barkl (via telephone) spoke on the CUP application.

**Action 20195Z:** A motion was made by Klimisch and seconded by Swensen, to approve based on Findings of Fact from the February 11, 2020 Yankton County Planning Commission meeting the Conditional Use Permit as presented, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Roll call was taken with Klimisch, Swensen, Kettering and Loest voting aye; motion carried, 4-0.

**Item 19** rescheduled to next commission meeting.

**Item 20** rescheduled to next commission meeting.

**Action 20196C:** A motion was made by Swensen and seconded by Klimisch to recess the Board of Adjustment and reconvene in regular session. All present voted aye; motion carried.

There was a drainage complaint hearing request from Monte James. Mr. James filed a Nuisance Abatement against Neal Anthony for drainage that has caused extensive erosion on his property and has washed away retaining border and eroded in several areas.

Neal Anthony spoke on the complaint.

No action was taken.

Commissioner Klimisch suggested there be public comments on proposed zoning changes and all commission discussions.

There were public comments from Louis Johnson, Ray Epp and Gary Swensen.

Chair Loest closed public comment.

**Commissioner updates:** Commissioner Swensen reported on a Washington, D.C. conference call and Commissioner Kettering said he attended the Human Services Center Advisory Board meeting.

**Action 20197C:** A motion was made by Kettering and seconded by Klimisch to recess the regular session at 8:25 pm and convene in executive session to discuss litigation SDCL 1-25-2(3). All present voted aye; motion carried.

**Action 20198C:** A motion was made by Klimisch and seconded by Kettering to adjourn the executive session at 8:55 pm and reconvene in regular session. All present voted aye; motion carried.

Chair Loest reported no action would be taken as a result of the executive session for Litigation.

**Action 20199C:** A motion was made by Kettering and seconded by Swensen to adjourn. All present voted aye; motion carried.

The next regular meeting will be Tuesday, May 19, 2020 at 6:00 p.m.

**Cheri Loest**, Chair  
Yankton County Commission

ATTEST:  
**Patty Hojem**, County Auditor