

YANKTON COUNTY COMMISSION MEETING

August 4, 2020

The regular meeting of the Yankton County Commission was called to order by Chair Cheri Loest at 6:00 p.m. on Tuesday, August 4, 2020.

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

There were no conflicts of interest reported by Commissioners.

Action 20317C: A motion was made by Klimisch and seconded by Kettering to approve the meeting agenda with the following addition: Item 11A, voting requirement for conditional use permits. All present voted aye; motion carried.

There were no public comments.

Chair Loest closed public comment.

Action 20318C: A motion was made by Healy and seconded by Klimisch to approve the minutes of July 21, 2020 meeting. All present voted aye; motion carried.

Action 20319C: A motion was made by Kettering and seconded by Healy to approve the minutes of July 22, 2020 budget meeting. All present voted aye; motion carried.

Action 20320C: A motion was made by Healy and seconded by Kettering to approve the following claims; **Elections:** BPro, Inc. (Professional Services) \$4,500.00, Qualified Presort Services (Supplies) \$45.29, Verizon (Rentals) \$320.08; **Court:** Juror Fees (\$50.00 x 7) \$350.00, Juror Mileage (\$0.84 x 2) \$1.68, Juror Mileage (\$8.40 x 2) \$16.80, Juror Mileage (\$4.20 x 1) \$4.20, Juror Mileage (\$5.04 x 1) \$5.04, Kennedy Pier Loftus & Reynolds (Legal Assistance) \$5,438.50, Thomson Reuters (Supplies) \$1,841.98; **Auditor:** Leaf (Rentals) \$159.00, Qualified Presort Services (Supplies) \$102.48; **Treasurer:** Qualified Presort Services (Supplies) \$156.30; **States Attorney:** Robert Klimisch (Supplies) \$110.00, Hy-Vee (Supplies) \$7.39; **Clerk:** SDACC (Catastrophic Expense 3rd Qtr.) \$9,589.00; **Government Center Building:** Kopetsky's Ave Hardware (Supplies) \$46.34, City of Yankton (Utilities) \$1,966.41, Echo Group (Maintenance) \$75.00, Johnson Controls, Inc. (Maintenance) \$475.16, JCL Solutions (Supplies) \$268.17, Mead Lumber (Maintenance) \$305.83, Northwestern Energy (Utilities) \$3,497.99; **Director of Equalization:** Qualified Presort Services (Supplies) \$14.13, Verizon (Utilities) \$164.95, One Office Solution (Maintenance) \$43.08; **Register of Deeds:** Qualified Presort Services (Supplies) \$41.90; **VA:** Qualified Presort Services (Supplies) \$5.52; **Safety Center Building:** Kopetsky's Ace Hardware (Maintenance) \$4.59, Mark's (Maintenance) \$370.02, City of Yankton (Utilities) \$736.52, Cole Papers Inc. (Supplies) \$659.76, MidAmerican Energy (Utilities) \$238.75, Northwestern Energy (Utilities) \$9,416.92, Olson's Pest Technicians (Maintenance) \$133.00; **Sheriff:** Raider

Firearms (Law Enforcement Equipment) \$149.95, Raider Firearms (Ammunition) \$59.96, Jacks Uniforms & Equipment (Uniforms) \$153.89, Menards (Supplies) \$59.91, Qualified Presort Services (Maintenance) \$88.30, Tire Muffler Alignment (Maintenance) \$697.44, One Office Solution (Supplies) \$65.25; **County Jail:** Scott Family Dentistry (Professional Services) \$552.00, Jerry Sorbel (Professional Services) \$285.00, Summit Food Services, LLC (Food Services) \$6,035.78, Embroidery Plus (Uniforms) \$34.08, Olson's Pest Technicians (Maintenance) \$110.00, Sherwin Williams Company (Maintenance) \$103.62, Two Way Solutions Inc. (Security Maintenance) \$530.93, Yankton Medical Clinic (Professional Services) \$132.00; **Coroner:** Opsahl-Kostel Funeral Home (Travel) \$379.50, Arica Nickles (Travel) \$33.60; **Juvenile Detention:** Minnehaha County Juvenile Detention Center (Rentals) \$12,158.90; **YASR:** Kopetsky's Ace Hardware (Supplies) \$169.86, Cox Auto Supply Inc. (Supplies) \$128.97; **Contact Center:** Qualified Presort Services (Supplies) \$131.49; **Public Health Nurse:** Qualified Presort Services (Supplies) \$108.65; **Ambulance:** Avera Sacred Heart Hospital (Supplies) \$815.64, Sacred Heart Health Service (Professional Services) \$1,500.00, AT & T (Utilities) \$36.05, Boller Printing Co. (Supplies) \$127.00, City of Yankton (Utilities) \$273.95, Credit Collections Services (Professional Services) \$39.00, Cintas (Supplies) \$68.13, Change Healthcare (Professional Services) \$155.83, Auto Value Yankton (Maintenance) \$32.45, Matheson Tri-gas Inc. dba, Lifescape (Supplies) \$183.26, Menards (Supplies) \$112.48, MidAmerican Energy (Utilities) \$14.11, Northwestern Energy (Utilities) \$1,097.85, Qualified Presort Services (Supplies) \$17.48, Roger's Family Pharmacy (Supplies) \$81.36, Tire Muffler Alignment (Supplies) \$104.03, Verizon (Utilities) \$319.39, Yankton Janitorial Supply (Supplies) \$340.73; **Mental Illness Board:** Darcy Lockwood (Hearings) \$43.50, Ver Beek Law Prof. LLC. (Hearings) \$543.71, Mark Katterhagen (Hearings) \$43.50, Lucille M. Lewno (Hearings) \$865.75, Minnehaha County Auditor (Hearings) \$269.90; **County Extension:** Avera Heart Hospitals of South Dakota (Supplies) \$87.00, City of Yankton (Utilities) \$72.35, Mead Lumber (Supplies) \$72.38, MidAmerican Energy (Utilities) \$8.52, Olson's Pest Technicians (Maintenance) \$150.00; **Weed:** Bomgaars (Supplies) \$16.99, C & R Supply Inc. (Supplies) \$295.56, Graham Tire Yankton (Supplies) \$480.00; **Planning & Zoning:** Leaf (Rentals) \$104.86, Qualified Presort Services (Supplies) \$81.80, Verizon (Utilities) \$44.92, One Office Solution (Supplies) \$33.36; **Road & Bridge:** Kopetsky's Ace Hardware (Supplies) \$14.99, Appera (Supplies) \$114.01, Bomgaars (Supplies) \$151.95, Butler Machinery Co (Supplies) \$198.62, Boyer Trucks (Supplies) \$84.02, City of Yankton (Utilities) \$38.88, Cox Auto Supply Inc. (Supplies) \$502.61, Concrete Materials (Supplies) \$11,196.80, Direct TV (Utilities) \$83.99, Kimball Midwest (Supplies) \$123.20, Longs Propane Inc. (Supplies) \$40.00, Northwestern Energy (Utilities) \$849.06, Riverside Hydraulics & Labs (Supplies) \$4,316.40, Stern Oil Co. Inc. (Fuel) \$3,592.96, SD Department of Transportation (Annual Projects) \$264.40, Truck Trailer Sales Services Inc. (Supplies) \$69.20, Truenorth Steel (Bridges) \$20,352.70, Verizon (Utilities) \$91.92, Vermillion Yankton Joint Solid Waste (Utilities) \$49.80, One Office Solution (Supplies) \$75.45; **Emergency 911 Fund:** Vast Business (Utilities) \$1,100.33, CenturyLink (Utilities) \$57.04; **Emergency Management:** Midcontinent Communications (Utilities) \$167.47, TIAA Commercial Finance Inc. (Rentals) \$173.15, Kopetsky's Ace Hardware (Supplies) \$13.77, Bomgaars (Supplies) \$290.02, Bound Tree /medical LLC (Disaster Plan) \$1,600.00, MidAmerican Energy (Utilities) \$8.00, Verizon (Utilities) \$743.75; **24/7 Sobriety Fund:** Sobriety Testing Refund (\$51.00x1) \$51.00;

Clearing Fund: First Dakota National Bank (Fire Premium Refund) \$20,964.87, Gayville Fire Department (Fire Premium Refund) \$12,097.96, Irene Fire Department (Fire Premium Refund) \$3,982.86, Lesterville Fire District (Fire Premium Refund) \$3,564.33, Menno Rural Fire (Fire Premium Refund) \$1,461.56, Scotland Fire Department (Fire Premium Refund) \$255.40, Tabor Fire Department (Fire Premium Refund) \$1,066.18, Volin Fire Department (Fire Premium Refund) \$1,811.06, Viborg Fire District (Fire Premium Refund) \$479.26, Yankton City Fire Department (Fire Premium Refund) \$45,273.41; General Fund \$71,813.70, Road & Bridge, \$42,210.96, Emergency Management, \$2,996.16. All present voted aye; motion carried.

Action 20321C: A motion was made by Kettering and seconded by Klimisch to approve the **July, 2020 Gross Payroll: Commissioners:** \$5,894.39; **Court:** \$0.00; **Election:** \$0.00; **Auditor:** \$15,256.84; **Treasurer:** \$17,590.33; **States Attorney:** \$28,551.00; **Government Buildings:** \$6,261.92; **Director of Equalization:** \$25,536.98; **Register of Deeds:** \$12,869.00; **Veterans Service:** \$3,361.89; **Courthouse & Safety Center:** \$5,585.48; **Sheriff:** \$62,697.23; **County Jail:** \$80,380.05; **Coroner:** \$1,100.00; **Juvenile:** \$46.96; **Nurse:** \$3,122.44; **Ambulance:** \$56,245.85; **WIC :** \$1,587.82; **Extension:** \$5,827.66; **Soil Conservation:** \$3,1113.25; **Weed:** \$7,409.36; **Planning & Zoning:** \$10,198.72; **Road & Bridge:** \$66,076.44; **E911:** \$28.66; **OEM:** \$8,812.13; **24-7 Program:** \$839.04. First Dakota National Bank \$32,474.53 (Withholding), First Dakota National Bank \$51,380.56 (FICA) First Dakota National Bank \$12,016.38 (Medicare), South Dakota Retirement System \$31,660.14 (Other Employees), South Dakota Retirement System \$19,595.54 (Sheriff), South Dakota Retirement System (Spouse Opt) \$209.95, South Dakota Retirement System (Supplemental) \$5,616.66, American Family Life Assurance Company (AFLAC) \$5,509.21, 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 \$1,290.40, Optilegra \$496.08, Wellmark BC Health Insurance \$68,933.39, United Way of Greater Yankton \$47.50, Delta Dental \$1,253.00, VSP Vision \$196.10, WageWorks \$3,178.36. Gross Payroll \$428,447.44, Net Payroll \$316,503.74. All present voted aye; motion carried.

Action 20322C: A motion was made by Healy and seconded by Klimisch to approve the 2021 Provisional Budget. Healy, Klimisch, Kettering and Loest voting aye; Swensen voted nay; motion carried 4-1.

Action 20323C: A motion was made by Klimisch and seconded by Healy to approve the following resolution. All present voted aye; motion carried.

Yankton County Resolution Number 2020-8

A RESOLUTION AUTHORIZING THE EXECUTION OF CONTRACTUAL DOCUMENTS WITH THE STATE OF SOUTH DAKOTA FOR THE RECEIPT OF CARES ACT FUNDS TO ADDRESS THE COVID-19 PUBLIC HEALTH CRISIS

WHEREAS, pursuant to Section 5001 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, div. A, Title V (Mar. 27, 2020) (the "CARES Act"), the State of South Dakota has received federal funds that may only be used to cover costs that: (a) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); (b) were not accounted for in the budget most recently approved as of March 27, 2020, for the State of South Dakota; and (c) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020; and

WHEREAS, Yankton County acknowledges that the State of South Dakota, in its sole discretion, may retain full use of these funds for the purposes delineated in the CARES Act; and

WHEREAS, Yankton County acknowledges that in order to provide financial assistance to counties and municipalities in South Dakota, the State of South Dakota, in its sole discretion, may allocate CARES Act funds Act on a statewide basis to reimburse counties and municipalities as delineated herein; and

WHEREAS, Yankton County seeks funding to reimburse eligible expenditures incurred due to the public health emergency with respect to COVID-19; and

WHEREAS, Yankton County acknowledges that any request for reimbursement of expenditures will only be for expenditures that were not accounted for in the budget for Yankton County most recently approved as of March 27, 2020; and

WHEREAS, Yankton County acknowledges that it will only seek reimbursement for costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020; and

NOW, THEREFORE BE IT RESOLVED by the County Commission of Yankton County that the chairman of the Yankton County Commission may execute any and all documents as required by the State in order to receive CARES Act funds.

It is further:

RESOLVED that any request for reimbursement will be only for those costs authorized by the State that: (1) Are necessary expenditures incurred due to the public health emergency with respect to COVID-19; (2) Were not accounted for in the County budget most recently approved as of March 27, 2020; and (3) Were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

It is further

RESOLVED that the County will not request reimbursement from the State under the CARES Act for costs for which the County previously received reimbursement, or for which the County has a reimbursement request pending before another source.

Approved and adopted this 4th day of August, 2020.

Yankton County Chairperson, Cheri Loest /s/

ATTEST: Patty Hojem, Yankton County Auditor /s/

Bruce Jensen appeared before the board to discuss values being lowered on hog confinements. John Gunderson also spoke on the discussion.

Benefits: Cody Brown, representative from Global Life, appeared before the board to offer Global Life Insurance to county employees. It was the consensus of the board to check with employees to determine if they would be interested.

Commissioner Swensen presented to the board the option of limiting Johnson Bridge to car traffic only and no trucks.

Action 20324C: A motion was made by Swensen to limit Johnson Bridge to car traffic only and no trucks; motion died for lack of second.

Hearing: There was a first reading on the adoption of proposed amendments to Ordinance 2020 definitions and Article 5 Agricultural District, Ordinance 20-24. The second reading of Yankton County Ordinance No 20-24 will be at the next commission meeting on August 18, 2020.

Commenting on the reading were Fred Schultz, John Gunderson, Paige Herrig, Bruce Jensen, Louis Johnson, Carter Damaray, Dale Knode, Zane Williams and Kristy Schultz.

The board asked Deputy States Attorney Debra Lillie about the voting requirements on conditional use permits. Starting July 1, 2020, South Dakota state law now reads that a majority of the voting board (three votes) is required for approval of Conditional Use Permits. The Yankton County ordinance requires four votes for approval. The Attorney General was asked to give his opinion whether State law or Yankton County ordinance prevails. A response was not received before the meeting. Deputy States Attorney Debra Lillie advised to follow State Law, but to also give each applicant the choice to delay their hearing until final clarification is received from the Attorney General.

Action 20325C: A motion was made by Klimisch and seconded by Healy to recess the commission meeting for five minutes. All present voted aye; motion carried.

Action 20326C: A motion was made by Klimisch and seconded by Healy to reconvene. All present voted aye; motion carried.

Action 20327C: 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.

Each applicant was asked if they would like to wait for clarification on the requirements or continue their hearing.

CUP Public Hearing: This was the time and place for a public hearing for a Conditional Use Permit application from P.R. Olson III. Applicant requested a permit for an increase in the maximum accessory structure size. Said property is legally described as Wubben's Second Addition, NW1/4, S6-T93N-R56W and Government Lots 1 and 2, SW1/4, S31-T94N-R56W,

Less Lot H1 and Lot H1 and H2, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The Planning Commission recommended approval 9-0.

Applicant P.R. Olson spoke on the CUP request.

Action 20328Z: A motion was made by Klimisch and seconded by Swensen to approve based on Findings of Fact from the July 14, 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 vote was taken with Klimisch, Swensen, Healy, Kettering and Loest voting aye; motion carried, 5-0.

Variance Public Hearing: This was the time and place for a public hearing for a Variance of application from Shawny Schiltz (Tacke). Variance of a Minimum Lot Requirement from 20 acres to 12.516 acres and a variance of the Minimum Lot width from 500 to 370.78 on the south lot line in an Agriculture District. Said property is legally described as Shawny's Addition, SE1/4, SE1/4, S22-T96N-R56W, hereinafter referred to as Jamesville Township, County of Yankton, State of South Dakota. The Planning Commission recommended approval 9-0.

Tony Sees spoke on behalf of the applicant.

Action 20329Z: A motion was made by Klimisch and seconded by Kettering to approve the variance application based on Findings of Fact from the July 14, 2020 Yankton County Planning Commission meeting the Variance as presented, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Roll call vote was taken with Klimisch, Kettering, Healy, Swensen and Loest voting aye; motion carried, 5-0.

CUP Public Hearing: This was the time and place for a public hearing for a Conditional Use Permit application from Scott Walter. Applicant requested a permit for a Manufactured Home Moderate Density Residential District. Said property is legally described as Lot 2, Block 2, Pioneer Hills Addition, S17-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The Planning Commission recommended approval 9-0.

Applicant Scott Walter spoke on the CUP request.

Action 20330Z: A motion was made by Kettering and seconded by Swensen, to approve based on Findings of Fact from the July 14, 2020 Yankton County Planning Commission meeting the Conditional Use Permit on the condition the property be re-platted in six months, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Roll call vote was taken with Kettering, Swensen, Klimisch, Healy and Loest voting aye; motion carried, 5-0.

CUP Public Hearing: This was the time and place for a public hearing for a Conditional Use Permit application from Neal Lange. Applicants requested a permit for a campground in a Lakeside Commercial District. Said property is legally described as E1/2,W1/2, N1/2, NW1/4 except the N 690' and excepting Highway right-of way, S15-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The Planning Commission recommended approval 9-0.

Applicant Neal Lange spoke on the CUP request.

Action 20331Z: A motion was made by Kettering and seconded by Healy, to approve on the same condition as approved by the Planning Commission, based on Findings of Fact from the July 14, 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 vote was taken with Kettering, Healy, Swensen, Klimisch and Loest voting aye; motion carried, 5-0.

Variance Public Hearing: This was the time and place for a public hearing for a Variance of application from Jim Bye. Variance of a Minimum Lot requirement from 20 acres to 3.50+- acres and a variance of the Minimum Lot Width from 500 feet to 390.46 feet in a Agriculture District in Yankton County. Said property is legally described as Tract 1, N390.46' of the E390.46', NE1/4, NE1/4, S27-T93N-R54W, hereinafter referred to as Gayville Township, County of Yankton, State of South Dakota. The Planning Commission recommended approval 8-1.

Applicant Jim Bye spoke on the request.

Action 20332Z: A motion was made by Klimisch and seconded by Swensen, to approve the variance application based on Findings of Fact from the July 14, 2020 Yankton County Planning Commission meeting the Variance as presented, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Roll call vote was taken with Klimisch, Swensen and Kettering voting aye; Healy and Loest voting nay; motion failed 3-2.

Action 20333C: A motion was made by Klimisch and seconded by Swensen to recess the Board of Adjustment and reconvene in regular session. All present voted aye; motion carried.

Action 20334C: A motion was made by Healy and seconded by Klimisch to recess the regular session and convene as Board of Adjustment. All present voted aye; motion carried.

Action 20335C: A motion was made by Klimisch and seconded by Healy to deny the plat from Jim Bye. All present voted aye; motion carried.

Action 20336C: A motion was made by Healy and seconded by Klimisch to recess the Board of Adjustment and reconvene in regular session. All present voted aye; motion carried.

Action 20337Z: A motion was made by Klimisch and seconded by Healy to adopt the following resolution. Whereas it appears, Crestview Homes, owners of record, have caused a plat to be made of the following real property: Lots 53 and 54 Crestview Homes Subdivision, S21-T93N-R56W, County of Yankton, S.D., and has submitted such plat to the Yankton County Planning Commission and the Yankton County Commission for approval. Now therefore be it resolved that such plat has been executed according to law and conforms to all existing applicable zoning, subdivision and erosion and sediment control and the same is hereby approved. The County Auditor is hereby authorized and directed to endorse on such the proper resolution and certify the same. All present voted aye; motion carried.

Action 20338Z: A motion was made by Klimisch and seconded by Kettering to adopt the following resolution. Whereas it appears, Crestview Homes, owners of record, have caused a plat to be made of the following real property: Lots 28 and 29 Crestview Homes Subdivision, S21-T93N-R56W, County of Yankton, S.D., and has submitted such plat to the Yankton County Planning Commission and the Yankton County Commission for approval. Now therefore be it resolved that such plat has been executed according to law and conforms to all existing applicable zoning, subdivision and erosion and sediment control and the same is hereby approved. The County Auditor is hereby authorized and directed to endorse on such the proper resolution and certify the same. All present voted aye; motion carried.

Employee Handbook: Dan Oakland from Alternative HRD, LLC of Sioux Falls, SD presented proposed changes to the employee handbook.

Wheel Tax: The board discussed increasing the wheel tax. The proposal of the increase will be placed on the next commission meeting for discussion and action.

Bruce Jensen spoke on the discussion.

There was one public comment from Frank Kloucek.

Chair Loest closed public comment.

Commissioner updates: Items mentioned were the Ag Gala, and that there was a dead cow out by Volin. Commissioner Swensen said he has had conference calls with Washington every two weeks. Also mentioned was one open position on the planning commission.

Action 20339C: A motion was made by Kettering and seconded by Healy to recess the regular session at 8:10 pm and convene in executive session to discuss litigation SDCL 1-25-2(3), personnel issues SDCL 1-25-2(1) and Poor Relief Issues SDCL 1-25-2 & 28-13. All present voted aye; motion carried.

Action 20340C: A motion was made by Kettering and seconded by Healy to adjourn the executive session at 10:05 p.m. and reconvene in regular session. All present voted aye; motion carried.

Action 20341C: A motion was made by Healy and seconded by Klimisch to approve the recommendations for poor relief assistance on Case #1, #3 & #4. Four voted aye with Swensen abstaining; motion carried, 4-0.

Action 20342C: A motion was made by Healy and seconded by Klimisch to approve the burial request. Four voted aye with Kettering abstaining; motion carried, 4-0.

Action 20343C: A motion was made by Klimisch and seconded by Swensen to adjourn. All present voted aye; motion carried.

Commissioner Swensen said there will be a tractor display Friday to Sunday, August 21, 22 and 23 by Farm Credit Services.

The next regular meeting will be Tuesday, August 18, 2020 at 6:00 p.m.

Cheri Loest, Chair
Yankton County Commission

ATTEST:
Patty Hojem, County Auditor