

YANKTON COUNTY COMMISSION MEETING

September 5, 2023

The regular meeting of the Yankton County Commission was called to order by Chairman Don Kettering at 6:00 p.m. on Tuesday, September 5, 2023.

Roll call was taken with the following Commissioners present: John Marquardt, Dan Klimisch, Wanda Howey-Fox, Ryan Heine and Don Kettering.

There were conflicts noted for Commissioner Fox regarding claims and Commissioner Heine regarding malt beverage licenses. There were no conflicts cited by the rest of the Commissioners.

Action 23290C: A motion was made by Fox and seconded by Klimisch to approve the meeting agenda. All present voted aye; motion carried, 5-0.

There was one comment from Louis Johnson. Chairman Kettering closed public comment.

Action 23291C: A motion was made by Marquardt and seconded by Fox to approve a Temporary 1-Day Malt Beverage License for 6th Meridian, LLC, at Mead Cultural Education Center, Yankton SD. Marquardt, Fox, Klimisch and Kettering voted aye; Heine abstained. motion carried, 4-0.

There was no public comment on the liquor license request.

Brad Bies representing the City of Yankton appeared before the board to request the county transfer tax deed property that received no bids at the county tax sale. Mr. Bies said Yankton City has developed a plan with Habitat for Humanity of Clay and Yankton Counties to demolish the existing structure and replace with a new housing unit.

Action 23292C: A motion was made by Klimisch and seconded by Fox to transfer property at 1402 Ash Street, legally described as Lot 11 Blk 1 Haney's Addition, with the condition something is done with the property within three years. All present voted aye; motion carried, 5-0.

Action 23293C: A motion was made by Klimisch and seconded by Marquardt to approve the following resolution; All present voted aye; motion carried, 5-0.

Supporting Operation Green Light for Veterans RESOLUTION 23-6

WHEREAS, the residents of Yankton County have great respect, admiration, and the utmost gratitude for all the men and women who have selflessly served our country and this community in the Armed Forces; and

WHEREAS, the contributions and sacrifices of those who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and
WHEREAS, Yankton County seeks to honor individuals who have made countless sacrifices for freedom by placing themselves in harm's way for the good of all; and
WHEREAS, veterans continue to serve our community in the American Legion, Veterans of Foreign Wars, religious groups, civil service, and by functioning as County Veterans Service Officers in 29 states to help fellow former service members access more than \$52 billion in federal health, disability and compensation benefits each year; and
WHEREAS, approximately 200,000 service members transition to civilian communities annually; and
WHEREAS, an estimated 20 percent increase of service members will transition to civilian life in the near future; and
WHEREAS, studies indicate that 44-72 percent of service members experience high levels of stress during transition from military to civilian life; and
WHEREAS, active military service members transitioning from military service are at a high risk for suicide during their first year after military service; and
WHEREAS, the National Association of Counties encourages all counties, parishes and boroughs to recognize Operation Green Light for Veterans; and
WHEREAS, the Yankton County appreciates the sacrifices of our United States military personnel and believes specific recognition should be granted; therefore be it
RESOLVED, with designation as a Green Light for Veterans County, Yankton County hereby declares from October 30th, 2023 through Veterans Day, November 12th 2023 a time to salute and honor the service and sacrifices of our men and women in uniform transitioning from active service; therefore, be it further
RESOLVED, that in observance of Operation Green Light, Yankton County encourages its citizens in patriotic tradition to recognize the importance of honoring all those who made immeasurable sacrifices to preserve freedom by displaying green lights in a window of their place of business or residence from November 6th through the 12th, 2023.

Dated this 5th day of September, 2023.
Yankton County Chairman, Don Kettering /s/
ATTEST: Patty Hojem, Yankton County Auditor /s/

Emergency Management Director Paul Scherschligt appeared before the board to request a vehicle purchase, approval of Performance Grant Agreement and office overview.

Action 23294C: A motion was made by Klimisch and seconded by Marquardt to approve the Performance Grant Agreement. All present voted aye; motion carried, 5-0.

Action 23295C: A motion was made by Fox and seconded by Heine to approve the vehicle purchase. Fox, Heine, Klimisch and Kettering voted aye; Marquardt abstained. Motion carried, 4-0.

Action 23296C: A motion was made by Fox and seconded by Marquardt to approve the following Ordinance. All present voted aye; motion carried, 5-0.

**YANKTON COUNTY BOARD OF COUNTY COMMISSIONERS
YANKTON COUNTY, SOUTH DAKOTA**

**ORDINANCE
IMPOSING AN INCREASE IN THE MAXIMUM DOLLARS TAXED PER VEHICLE
PURSUANT TO THE WHEEL TAX**

ORDINANCE NO. 23-5

WHEREAS, the Commissioners of Yankton County have the power to construct and repair bridges; to open, lay out, vacate, and change roads; and, to protect all property of Yankton County situated therein; and,

WHEREAS, South Dakota Codified Law (SDCL) 32-5A-1 ("Wheel Tax Statute") authorizes the Yankton County Commission to impose a wheel tax on all motor vehicles, as defined by SDCL 32-3-1, at a rate not to exceed five dollars per vehicle wheel with a maximum of sixty dollars per vehicle; and,

WHEREAS, SDCL 32-3-1 defines "motor vehicles" as automobiles, motor trucks, motorcycles, house trailers, trailers, and all vehicles propelled by power other than muscular power, except traction engines, road rollers, farm wagons, freight trailers, vehicles that run only on rails or tracks, and off-road vehicles as defined by SDCL 32-20-1; and,

WHEREAS, the proceeds from the tax created by the Wheel Tax Statute shall be retained by the County and deposited in the county road and bridge fund, and the revenue may be used only for highway and bridge maintenance and construction; and,

WHEREAS, Yankton County currently imposes a wheel tax on all motor vehicles as defined by SDCL 32-3-1, at a rate not to exceed five dollars per vehicle wheel with a maximum of four vehicle wheels; and,

WHEREAS, Yankton County has insufficient funds to properly maintain and construct highways and bridges situated therein.

NOW THEREFORE, BE IT RESOLVED, that the Yankton County Commission, in accordance with SDCL 32-5A-1, shall impose a wheel tax on all motor vehicles, as defined in SDCL 32-3-1, registered in the county at a rate of five dollars per vehicle wheel with a maximum of sixty dollars per vehicle commencing on January 1st, 2024; and,

BE IT FURTHER RESOLVED, that the proceeds of the wheel tax shall be deposited in a Yankton County road and bridge fund, to be used only for highway and bridge maintenance and construction; and,

BE IT FURTHER RESOLVED, that this Ordinance shall be published within ten days of today's date and shall be published at least twice in each legal newspaper designated by Yankton County, with no fewer than five days between dates.

DATED THIS 5th DAY OF September, 2023.

Yankton County Chairman, Don Kettering /s/

ATTEST: Patty Hojem, Yankton County Auditor /s/

Rezone: There was a first reading on the request from Rick Daugherty to rezone a Rural Transitional District (RT) to Lakeside Commercial District (LC). The second reading of the rezone request will be at the next commission meeting on September 19, 2023.

Rezone: There was a first reading on the request from Alan Ferris to rezone a Rural Transitional District (RT) to Moderate Density Residential District (R2). The second reading of the rezone request will be at the next commission meeting on September 19, 2023.

Action 23297C: A motion was made by Fox and seconded by Klimisch to approve the July 18, 2023 Meeting minutes. All present voted aye; motion carried, 5-0.

Action 23298C: A motion was made by Marquardt and seconded by Heine to approve the August 15, 2023 Meeting minutes. All present voted aye; motion carried, 5-0.

Action 23299C: A motion was made by Fox and seconded Heine to approve claims:

Commissioners: Wellmark Blue Cross Blue Shield (Group Insurance) \$870.00; Intuvio Solutions (Prof Services) \$199.80; Dan Klimisch (Travel) \$40.00; Yankton County Observer (Publishing) \$207.06; **Elections:** Qualified Presort Services (Supplies) \$60.47; Verizon (Rentals) \$280.07; **Court:** Youngberg Law, Prof LLC (Prof Services) \$2,650.00; Youngberg Law, Prof LLC (Prof Services) \$588.50; Fox Law Firm, PLLC (Prof Services) \$2,650.00; Fox Law Firm, PLLC (Prof Services) \$428.00; Juror (Fees) \$484.68; Horn Law Office LLC (Prof Services) \$13,250.00; Kennedy Pier Loftus & Reynolds, LLP (Prof Services) \$3,362.55; Kennedy Pier Loftus & Reynolds, LLP (Minor) \$400.30; Dean Schaefer (Prof Services) \$1,406.00; **Auditor:** Andersen Telecom, LLC (Prof Services) \$450.00; Arrowwood Resort at Cedar Shore (Travel) \$239.44; Patty Hojem (Travel) \$185.24; Qualified Presort Services (Supplies) \$157.55; **Treasurer:** LEAF (Rentals) \$121.07; Qualified Presort Services (Supplies) \$283.22; **Data Processing:** Andersen Telecom, LLC (Prof Services) \$694.40; **States Attorney:** Andersen Telecom, LLC (Prof Services) \$175.00; Deb Lillie (Diversion Expense) \$116.31; Tyler Larsen (Travel) \$623.27; Qualified Presort Services (Supplies) \$125.41; Verizon (Utilities) \$42.00; **Government Center:** Mozak's, Inc. (Maintenance) \$245.04; City of Yankton (Utilities) \$2,540.21; ECHO Group (Maintenance) \$104.38; JCL Solutions (Supplies) \$188.58; Menards (Supplies) \$277.81; Menards (Maintenance) \$65.53; Northwestern Energy (Utilities) \$3,233.29; Olson's Pest Technicians (Maintenance) \$84.00; OTIS Elevator Company (Maintenance) \$958.98; **Director of Equalization:** Andersen Telecom, LLC (Maintenance) \$1,750.00; Riverside Technologies, Inc. (Rentals) \$3,287.00; Michelle Goeken (Travel) \$171.24; Marshall & Swift (Maintenance) \$674.20; Qualified Presort Services (Supplies) \$79.07; **Register of Deeds:** Executive Management Finance (Supplies) \$46.50; Qualified Presort Services (Supplies) \$42.49; **Veterans Service Office:** Andersen

Telecom, LLC (Maintenance) \$50.00; Verizon (Utilities) \$42.00; Verizon (Rentals) \$40.01; **Safety Center Building:** City of Yankton (Utilities) \$879.58; Cole Papers, Inc. (Supplies) \$712.75; ECHO Group (Maintenance) \$86.20; Crescent Electric Supply Co. (Maintenance) \$128.13; Heiman, Inc. (Maintenance) \$206.50; Menards (Supplies) \$425.10; Menards (Maintenance) \$130.30; Northwestern Energy (Utilities) \$10,194.22; **Sheriff:** Andersen Telecom, LLC (Computer Services) \$1,075.00; Broadway Chrysler, Dodge, Jeep (Maintenance) \$98.62; Culligan (Supplies) \$65.94; Cardmember Services (Travel) \$554.59; Cardmember Services (Supplies) \$54.39; Cardmember Services (Ammunition) \$31.94; Cardmember Services (Uniforms) \$316.23; Cardmember Services (Law Enforcement Equipment) \$219.01; Cardmember Services (Maintenance) \$22.89; Doug Holland (Travel) \$92.00; GATR Technologies, Inc. (Law Enforcement Equipment) \$430.00; FedEx (Prof Services) \$16.97; JJ Benji (Uniforms) \$98.00; Jacks Uniforms & Equipment (Uniforms) \$129.90; Qualified Presort Services (Maintenance Contract) \$178.81; SD Special Pay Plan (Salary) \$1,629.29; SD Special Pay Plan (Retirement) \$45.00; South Dakota Sheriff's Association (Travel) \$121.05; Two Way Solutions (Maintenance) \$1,252.99; **County Jail:** Avera Sacred Heart Hospital (Prof Services) \$9,460.33; Buhl's Cleaners (Maintenance) \$4.00; Cooks Correctional (Supplies) \$368.40; Jerry Sorbel (Prof Services) \$480.00; Cardmember Services (Supplies) \$84.72; Trinity Services Group (Food Service) \$15,010.85; EZ DUZ It Laundry (Uniforms) \$5.00; City of Yankton-Landfill (Maintenance) \$12.00; Avera Medical Group-Radiology (Prof Services) \$46.78; Laura Frey (Uniforms) \$74.53; Jack's Uniforms & Equipment (Uniforms) \$838.35; JCL Solutions (Supplies) \$830.36; Menards (Supplies) \$34.99; Olson's Pest Technicians (Maintenance) \$155.00; Strachan Sales, Inc. (Maintenance) \$287.00; **Yankton Area Search and Rescue:** Pechous Repair (Maintenance) \$1,611.57; ABRA-Sioux Falls North (Maintenance) \$398.37; **Care of Poor:** Qualified Presort Services (Supplies) \$96.59; **Public Health Nurse:** TIAA, FSB (Rentals) \$58.51; Qualified Presort Services (Supplies) \$54.51; **Ambulance:** Sacred Heart Health Services (Prof Services) \$1,500.00; Arrow Manufacturing (Maintenance) \$454.60; Andersen Telecom, LLC (Maintenance) \$125.00; ESO Solutions, Inc. (Supplies) \$5,764.50; City of Yankton (Utilities) \$171.39; Vendnovation, LLC (Maintenance) \$1,200.00; Quick Med Claims (Prof Services) \$4,244.67; Amazon Capital Services (Supplies) \$233.40; Valvoline Instant Oil Change (Maintenance) \$131.36; United Collision, Inc. (Maintenance) \$3,355.82; Eric Van Dusen (Travel) \$252.82; Henry Schein (Supplies) \$1,115.93; LEAF (Rentals) \$129.57; Menards (Supplies) \$342.22; MidAmerican Energy (Utilities) \$18.88; Northwestern Energy (Utilities) \$1,154.13; Olson's Pest Technicians (Maintenance) \$119.00; M.T. & R.C. Smith Insurance (Insurance) \$34.00; Verizon (Utilities) \$560.29; **Mental Health Centers:** Lewis & Clark Behavioral (Misc.) \$45,393.95; **Mental Illness Board:** Fox Law Firm, PLLC (Hearings) \$1,204.00; Val Larson (Hearings) \$102.00; Fox Law Firm, PLLC (Hearings) \$1,369.00; Kennedy Pier Loftus & Reynolds LLC (Hearings) \$342.40; Mark Katterhagen (Hearings) \$102.00; Lincoln County Treasurer (Hearings) \$3,239.68; Luci Lewno (Hearings) \$933.30; **County Extension:** Bomgaars (Other/4-H) \$83.89; Clarity Telecom, LLC (Utilities) \$404.35; City of Yankton (Utilities) \$79.69; Hy-Vee (Other/4-H) \$56.39; MidAmerican Energy (Utilities) \$9.83; National 4-H Council (Other/4-H) \$145.81; Olson's Pest Technicians (Maintenance) \$150.00; WNAX SAGA Communications (Other/4-H) 324.00; Yankton County Leaders

Association (Other/4-H) \$5,608.42; **Weed:** Verizon (Utilities) \$24.78; **Planning and Zoning:** Andersen Telecom, LLC (Prof Services) \$300.00; Riverside Technologies, Inc. (Supplies) \$1,779.00; Pheasantland Industries (E911 Signs) \$89.30; Verizon (Utilities) \$42.00; **Highway:** C & B Operations, LLC (Supplies) \$66.81; Bomgaars (Supplies) \$896.64; B-Y Electric (Utilities) \$74.35; Butler Machinery Co. (Maintenance) \$336.04; Presto-X (Maintenance) \$133.34; City of Yankton (Utilities) \$121.93; NAPA Auto Parts of Yankton (Supplies) \$535.72; Knife River-South Dakota (Supplies) \$26,313.42; Knife River-South Dakota (Annual Projects) \$139,452.44; CenturyLink (Utilities) \$61.49; Nelson Service, LLC (Supplies) \$549.00; Direct TV (Utilities) \$95.99; Ulteig (Annual Projects) \$18,633.45; Dakota Battery LLC (Supplies) \$139.90; Kimball Midwest (Supplies) \$40.44; Longs Propane, Inc. (Supplies) \$21.28; LEAF (Supplies) \$124.98; Menards (Supplies) \$56.88; Northwestern Energy (Utilities) \$817.17; SD Department of Transportation (Bridges) \$2,536.79; Verizon (Utilities) \$60.38; Vander Haag's, Inc. (Maintenance) \$325.00; One Office Solution (Supplies) \$50.12; Yankton Fire & Safety Center (Maintenance) \$1,047.50; **E911:** Clarity Telecom, LLC (Utilities) \$1,116.87; CenturyLink (Utilities) \$85.87; Midcontinent Communications (Utilities) \$95.39; **Emergency Management:** Andersen Telecom, LLC (Maintenance) \$100.00; Bomgaars (Supplies) \$37.99; NAPA Auto Parts of Yankton (Supplies) \$111.32; AT & T Mobility (Utilities) \$146.23; PD's Mobile RV Repair (Supplies) \$255.29; Great America Financial (Rentals) \$167.96; Midcontinent Communications (Utilities) \$172.84; Menards (Supplies) \$1,401.50; Midwest Card & ID Solutions (Supplies) \$287.42; MidAmerican Energy (Utilities) \$11.06; Verizon (Utilities) \$939.59; **County Buildings:** ECHO Group (Misc.) \$453.89; Flynn's Flowing Flags (Misc.) \$1,499.00; Mead Lumber (Misc.) \$232.64; Menards (Misc.) \$563.75; **M & PR Fund:** Andersen Telecom, LLC (Prof Services) \$225.10; **Non-Departmental:** Yankton Rural Fire Prot. District (Fire Refund) \$30,325.29; Lesterville Fire (Fire Refund) \$4,709.74; Gayville First Responders (Fire Refund) \$3,097.15; Irene Fire Department (Fire Refund) \$5,444.36; Menno Rural Fire (Fire Refund) \$1,672.83; Scotland Fire Department (Fire Refund) \$348.93; Tabor Fire Department (Fire Refund) \$1,488.85; Volin Fire Department (Fire Refund) \$2,474.19; Viborg Fire District (Fire Refund) \$569.39; Yankton City Fire Department (Fire Refund) \$65,748.10. General Fund \$175,876.86; Road & Bridge \$192,491.06; Emergency Management \$3,631.20. All present voted aye; motion carried, 5-0.

Action 23300C: A motion was made by Klimisch and seconded by Marquardt to approve the following claims: **Court:** Harmelink & Fox (Prof Services) \$116.56. Voting Aye: Klimisch, Heine, Kettering, and Marquardt. Fox abstained; motion carried, 4-0

Action 23301C: A motion was made by Klimisch and seconded by Fox to approve the August 2023 Gross Payroll: **AUGUST, 2023 Gross Payroll: Commissioners:** \$6,104.70; **Court:** \$0.00; **Election:** \$0.00; **Auditor:** \$16,990.45; **Treasurer:** \$20,388.04; **States Attorney:** \$34,134.99; **Government Buildings:** \$6,174.26; **Director of Equalization:** \$17,999.94; **Register of Deeds:** \$16,661.82; **Veterans Service:** \$3,899.42; **Courthouse & Safety Center:** \$11,907.80; **Sheriff:** \$65,300.57; **County Jail:** \$88,287.97; **Coroner:** \$2,150.00; **Juvenile:** \$0.00; **Nurse:** \$2,847.46; **Ambulance:** \$63,056.88; **WIC:** \$1,401.21; **Extension:** \$8,673.43; **Soil Conservation:** \$2,898.83; **Weed:** \$9,217.01; **Planning &**

Zoning: \$11,613.92; **Road & Bridge:** \$74,781.66; **OEM:** \$11,522.09; **24-7 Program:** \$1,722.08. First Dakota National Bank \$35,012.26 (Withholding), First Dakota National Bank \$57,111.86 (FICA) First Dakota National Bank \$13,356.68 (Medicare), South Dakota Retirement System \$32,576.36 (Other Employees), South Dakota Retirement System \$26,232.86 (Sheriff/Jail/EMS), South Dakota Retirement System (Spouse Opt) \$192.64, South Dakota Retirement System (Supplemental) \$3,967.00, American Family Life Assurance Company (AFLAC) \$4,531.63, Nationwide Retirement Solutions \$69.44, Boston Mutual Life Insurance \$290.69, Colonial Life & Accident \$773.27, Medica Health Insurance \$59,108.26, Optilegra \$275.00, Delta Dental \$2,187.38, VSP Vision \$568.34, HealthEquity \$3,190.83. Gross Payroll \$477,770.53, Net Payroll \$355,272.61. All present voted aye; motion carried.

Action 23302C: A motion was made by Fox and seconded by Heine to recess the regular session and convene as Board of Adjustment. All present voted 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 Milton White. Applicant requested a permit to build a single family dwelling in a Lakeside Commercial District (LC). Said property is legally described as Lot 1, Metz-Peterson Addition, N1/2, NE1/4 S15-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota.

Milton White spoke on the CUP request.

Action 23303Z: A motion was made by Klimisch and seconded by Heine to approve based on Findings of Fact from the August 8, 2023 Yankton County Planning Commission meeting on the condition the requested truck parking to be completed, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. All present voted aye; motion carried, 5-0.

Action 23304C: A motion was made by Fox and seconded by Klimisch to recess the Board of Adjustment and reconvene in regular session. All present voted aye; motion carried, 5-0.

Action 23305C: A motion was made by Klimisch and seconded by Marquardt to authorize Chairman Kettering to sign the Triton Professional Service Agreement.

Commissioner Marquardt informed the board the county was awarded the federal grant for the replacement of the Stone Church Bridge. Highway Superintendent Mike Sedlacek said the earliest bid letting will be late summer or late fall of 2024. Sedlacek also said that on January 2024 the county can apply for a Big Grant to assist with the counties share.

There was no public comment. Chairman Kettering closed public comment.

Commissioner updates: State Convention September 12th & 13, 8-Co Meeting September 7th, county picnic and strategic planning.

Action 23306C: A motion was made by Fox and seconded by Heine to recess the regular session at 7:00 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 23307C: A motion was made by Fox and seconded by Heine to adjourn the executive session at 7:20 p.m., and reconvene in regular session. All present voted aye; motion carried, 5-0.

Action 23308C: A motion was made by Fox and seconded by Klimisch to adjourn. All present voted aye; motion carried, 5-0.

The next regular meeting will be Tuesday, September 19, 2023 at 6:00 p.m.

Don Kettering, Chairman
Yankton County Commission

ATTEST:
Patty Hojem, County Auditor
Yankton County