

YANKTON COUNTY COMMISSION MEETING  
December 18, 2018

The regular meeting of the Yankton County Commission was called to order by Chairman Todd Woods at 4:00 PM on Tuesday, December 18, 2018.

Roll Call was taken with the following Commissioners present: Debra Bodenstedt, Raymon Epp, Don Kettering and Todd Woods; Absent: Gary Swensen.

There were no conflicts of interest reported by Commissioners.

**Action 18472C:** A motion was made Bodenstedt and seconded by Epp to approve the meeting agenda with the following additions; Item 23 was withdrawn, Town & Township meeting. All present voted aye; motion carried.

**Action 18473C:** A motion was made by Epp and seconded by Kettering to approve the minutes of the December 4, 2018 meeting minutes with the following correction; on CUP hearing for Joshua Johnson speaking in favor should have read Bud Gustad instead of Bud Johnson. All present voted aye; motion carried.

**Action 18474C:** A motion was made by Bodenstedt and seconded by Epp to approve the following claims: **Commissioners:** Vast Business (Utilities) \$52.50, Vision Real Estate (Other) \$75.00, First Bankcard (Supplies) \$1,051.16, Donald Kettering (Travel) \$79.80, Yankton County Observer (Publishing) \$414.02, M.T. & R.C. Smith Insurance (2019 Workmen's Compensation) \$425.00, Todd Woods (Travel) \$86.52, Yankton Daily P & D (Publishing) \$543.73; **Elections:** BPro (Professional Services) \$8,400.00, First Bankcard (Supplies) \$138.93, 2018 General Election (Worker) \$150.00, McLeod's Printing & Office Supply (Supplies) \$45.00, Yankton County Observer (Publishing) \$250.20, Qualified Presort Services, Inc. (Supplies) \$51.75, Yankton Daily P & D (Publishing) \$1,079.51; **Court:** Avera Sacred Heart Hospital (Lab) \$770.00, Thurman Law Office (Professional Services) \$1,367.70, Certified Language International (Professional Services) \$89.10, Witness Fee 2 @ \$45.90) \$91.80, Department of Social Services (Professional Services) \$72.40, Horn Law Office (Professional Services) \$996.40, Kennedy Pier & Loftus LLP (Professional Services) \$3,411.60, South Dakota Department of Health (Lab) \$3,575.00, Tschetter & Adams Law Office (Professional Services) \$740.22; **Auditor:** Vast Business (Utilities) \$175.25, Culligan Water (Supplies) \$13.50, Patty Hojem (Travel) \$68.04, Kansas State Bank (Lease Agreement) \$501.83, Leaf (Rentals) \$144.41, McLeod's Printing & Office Supply (Supplies) \$38.40, Pitney Bowes (Rentals) \$105.03, Qualified Presort Services LLC (Supplies) \$147.61, M.T. & R.C. Smith Insurance (2019 Workmen's Compensation) \$1,596.37, Security Shredding Service (Maintenance) \$105.00, One Office Solution (Maintenance) \$342.83; **Treasurer:** Vast Business (Utilities) \$210.46, Kansas State Bank (Lease Agreement) \$692.24, Pitney Bowes (Rentals) \$105.03, Qualified Presort Services LLC (Supplies) \$113.14, M.T. & R.C. Smith Insurance (2019 Workmen's Compensation) \$1,882.61, Security Shredding Service (Maintenance) \$35.00, One Office Solution (Maintenance) \$165.00; **Data Processing:** Vast

Business (Utilities) \$778.23, Kansas State Bank (Lease Agreement) \$4,648.75; **States Attorney:** Century Business Products (Rentals) \$274.09, Kansas State Bank (Lease Agreement) \$1,190.30, Qualified Presort Service (Supplies) \$31.32, M.T. & R.C. Smith Insurance (2019 Workmen's Compensation) \$489.00, Security Shredding Service (Maintenance) \$35.00; **Government Building:** Kopetsky's Ace Hardware (Supplies) \$12.98, Bomgaars (Supplies) \$58.90, Vast Business (Utilities) \$26.25, JB Heating & Cooling (Supplies) \$112.20, Electair, Inc. (Maintenance) \$1,277.08, First Bankcard (Supplies) \$33.84, Graham Tire Yankton (Supplies) \$342.09, Heiman Fire Equipment Company (Maintenance) \$160.00, JCL Solutions (Supplies) \$534.89, Mead Lumber (Supplies) \$55.83, MidAmerican Energy (Utilities) \$788.80, Olson's Pest Technician (Maintenance) \$79.00, South Dakota Federal Property Agency (Supplies) \$45.12, M.T. & R.C. Smith Insurance (2019 Workmen's Compensation) \$2,397.00, United Laboratories, Inc. (Supplies) \$25.15; **Director of Equalization:** Vast Business (Utilities) \$229.50, First Bankcard (Supplies) \$111.69, JJ Benji (Supplies) \$634.00, Kansas State Bank (Lease Agreement) \$817.20, Miller Consulting LLC (Maintenance) \$2,210.00, Manatron, Inc. (Maintenance) \$8,749.69, Microfilm Imaging Systems, Inc. (Maintenance) \$70.00, Pitney Bowes (Rentals) \$105.03, Qualified Presort Services LLC (Supplies) \$49.57, M.R. & R.C. Smith Insurance (2019 Workmen's Compensation) \$2,589.08, Security Shredding Service (Maintenance) \$35.00, The Schneider Corporation (Maintenance) \$10,560.00; **Register of Deeds:** Vast Business (Utilities) \$177.73, Kansas State Bank (Lease Agreement) \$654.47, Microfilm Imaging Systems, Inc. (Rentals) \$336.00, Qualified Presort Services LLC (Supplies) \$22.59, M.T. & R.C. Smith Insurance (2019 Workmen's Compensation) \$1,379.95, One Office Solution (Maintenance) \$3.42, Yankton County Treasurer (Cash Items) \$58.43; **VA:** Vast Business (Utilities) \$26.25, Kansas State Bank (Lease Agreement) \$150.88, Qualified Presort Services LLC (Supplies) \$7.50, M.T. & R.C. Smith Insurance (Workmen's Compensation) \$375.53, Yankton County Treasurer (Cash Items) \$14.63; **Safety Center Building:** Kopetsky's Ace Hardware (Supplies) \$16.47, Bomgaars (Supplies) \$54.33, Vast Business (Utilities) \$812.21, Country Pride Coop (Supplies) \$516.43, City of Yankton (Utilities) \$176.00, Cole Papers, Inc. (Supplies) \$340.82, Drain Masters, Inc. (Maintenance) \$156.00, Echo Electric (Maintenance) \$490.71, First Bankcard (Supplies) \$33.84, Heiman Fire Equipment Company (Maintenance) \$512.20, Menards (Supplies) \$215.23, Olson's Pest Technicians (Maintenance) \$135.00, South Dakota Property Agency (Supplies) \$45.15, M.T. & R.C. Smith Insurance (2019 Workmen's Compensation) \$2,313.00; **Sheriff:** Hanson Briggs Specialty Advertising, Inc. (Supplies) \$441.67, Vast Business (Utilities) \$111.00, City of Yankton (Fuel) \$3,935.92, Culligan Water (Supplies) \$28.22, The Collision Center (Maintenance) \$2,000.00, Grafix Shoppe (Auto Equipment) \$218.29, Harding Glass (Maintenance) \$300.00, Auto Value Yankton (Maintenance) \$26.98, Jack's Uniforms & Equipment (Uniforms) \$196.83, Jack's Uniforms & Equipment (Law Enforcement Equipment) \$286.69, Motorola Solutions, Inc. (Minor Equipment) \$4,145.00, Northtown Automotive (Maintenance) \$40.75, Pennington County Jail (Travel) \$495.55, Qualified Presort Services LLC (Maintenance Contracts) \$148.26, M.T. & R.C. Smith Insurance (2019 Workmen's Compensation) \$17,338.00, South Dakota Sheriff's Association (Travel) \$170.00, Bradley Swenson (Travel) \$187.00, Two Way Solutions, Inc. (Minor Equipment) \$528.97, Two Way Solutions, Inc. (Maintenance) \$25.00, Two Way Solutions, Inc. (Supplies) \$703.91, One Office Solution (Maintenance Contracts)

\$72.30, One Office Solution (Supplies) \$411.98; **County Jail:** Avera Sacred Heart Hospital (Professional Services) \$3,083.92, Bob Barker Company, Inc. (Supplies) \$324.79, Scott Family Dentistry, Inc. (Professional Services) \$1,653.00, CBS Food Service (Food Services) \$16917.63, Diamond Drugs (Professional Services) \$1,580.82, Jack's Uniforms & Equipment (Supplies) \$111.89, JCL Solutions (Supplies) \$1,493.68, Mead Lumber (Supplies) \$114.25, Menards (Supplies) \$162.24, Phoenix Supply (Supplies) \$498.07, Correctional Risk Services (Inmate Liability Insurance) \$1,045.50, M.T. & R.C. Smith Insurance (Workmen's Compensation) \$19,471.00, Triview Communications, Inc. (Maintenance) \$425.00, One Office Solution (Maintenance Contracts) \$48.62, One Office Solution (Supplies) \$2.12, Yankton Drug Co., Inc. (Professional Services) \$1,637.68; **Juvenile Detention:** Minnehaha County Regional Detention Center (Rentals) \$10,321.40; **Yankton Area Search & Rescue:** City of Yankton (Supplies) \$15.59; **Care of Poor:** Avera Medical Group Hospitalists (Professional Services) \$59.73, George Boom Funeral Home (Professional Services) \$1,250.00, Kansas State Bank (Lease Agreement) \$489.96, Qualified Presort Services LLC (Supplies) \$103.57, Wintz Funeral Home and Cremation Service (Professional Services) \$1,250.00; **Public Health Nurse:** Vast Business (Utilities) \$238.98, TIAA Commercial Finance, Inc. (Rentals) \$70.96, Qualified Presort Services LLC (Supplies) \$24.17, M.T. & R.C. Smith Insurance (2019 Workmen's Compensation) \$623.00; **Ambulance:** Avera Education & Staffing Solutions (Professional Services) \$225.00, Kopetsky's Ace Hardware (Supplies) \$144.66, Avera Sacred Heart Hospital (Professional Services) \$319.84, AT & T (Utilities) \$36.76, Arrow International (Supplies) \$1,345.50, Vast Business (Utilities) \$177.95, The UPS Store 6716 (Supplies) \$140.65, Bound Tree Medical LLC (Supplies) \$5,798.92, City of Yankton (Supplies) \$620.30, Christensen Radiator & Repair (Maintenance) \$78.36, Cintas (Supplies) \$129.58, Echo Electric (Supplies) \$52.64, Ez Duz It Laundry (Supplies) \$46.80, Donna Freng (Knox Box Refund) \$50.00, First Bankcard (Supplies) \$1,159.51, First Bankcard (Travel) \$99.00, Graham Tire Yankton (Maintenance) \$188.70, Heiman Fire Equipment Company (Maintenance) \$72.00, Kansas State Bank (Lease Agreement) \$1,208.18, Matheson Tri-Gas Inc. (Rentals) \$65.70, Menards (Supplies) \$176.19, Mark Nickles (Travel) \$11.76, Olson's Pest Technicians (Maintenance) \$114.00, Pitney Bowes (Rentals) \$215.34, Roger's Family Pharmacy (Supplies) \$81.36, M.T. & R.C. Smith Insurance (2019 Workmen's Compensation) \$18,038.00, Security Shredding Service (Maintenance) \$52.50, Yankton Janitorial Supply (Supplies) \$205.36, Yankton Medical Clinic (Professional Services) \$229.00; **Mental Illness Board:** Darcy Lockwood (Hearings) \$141.00, Mark Katterhagen (Hearings-MI) \$141.00, Lewis & Clark Behavioral Health (Hearings-MI) \$1,155.00, Lincoln County Treasurer (Hearings-MI) \$700.42, Lucille Lewno (Hearings-MI) \$2,100.23, Minnehaha County Auditor (Hearings-MI) \$90.00, South Dakota Achieve da Lifescape (Care-Nov 2018) \$300.00; **County Extension:** Vast Business (Utilities) \$8,852.11, Katie Doty (Supplies) \$17.49, Kansas State Bank (Lease Agreement) \$438.78, Leaf (Rentals) \$176.40, Northwestern Energy (Utilities) \$214.74, M.T. & R.C. Smith Insurance (2019 Workmen's Compensation) \$904.00, SDSU Extension (Travel) \$35.70, One Office Solution (Supplies) \$8.01, Yankton County Leaders (Ground Maintenance) \$1,468.00; **Soil Conservation:** M.T. & R.C. Smith Insurance (2019 Workmen's Compensation) \$328.67; **Weed:** First Bankcard (Travel) \$30.00, M.T. & R.C. Smith Insurance (Workmen's Compensation) \$1,904.00; **Planning & Zoning:** Vast Business (Utilities) \$62.50, First Bankcard (Travel) \$19.95, Kansas State Bank (Lease

Agreement) \$495.85, Qualified Presort Services LLC (Supplies) \$45.61, M.T. & R.C. Smith Insurance (Workmen's Compensation) \$915.79, One Office Solution (Supplies) \$49.16, Yankton Daily P & D (Publishing) \$297.10; **Economic Development:** Yankton Area Progressive Growth (Yes3 Campaign) \$10,000.00; **Road & Bridge:** C & B Operations, LLC (Supplies) \$113.71, Vermillion Landfill (Utilities) \$438.90, Bomgaars (Supplies) \$31.96, B-Y Water District (Utilities) \$76.75, Bierschbach Equipment & Supply (Emergencies) \$1,029.29, Battery Exchange (Supplies) \$393.90, Butler Machinery Co. (Rentals) \$2,098.72, Bakke Hlavac Farm Drainage (Emergencies) \$230.00, Boyer Trucks (Supplies) \$304.44, Plastic Works (Supplies) \$1,850.00, City of Yankton (Utilities) \$61.06, Cox Auto Supply, Inc. (Supplies) \$1,240.50, Clark Engineering (Bridges) \$11,207.28, A Bar K, Inc. (Supplies) \$611.56, Dware, Inc. (Professional Services) \$3,525.00, Direct TV (Utilities) \$76.74, Echo Electric Supply (Maintenance) \$450.00, Ehresmann Engineering, Inc. (Supplies) \$36.22, First Bankcard (Supplies) \$476.22, First Bankcard (Hwy Fuel) \$537.95, Fleetpride Truck & Trailer Parts (Supplies) \$360.00, Fastenal Industrial & Construction Supply (Supplies) \$109.22, Graham Tire Yankton (Supplies) \$3,031.95, Janssen's Garbage Service (Utilities) \$45.00, Kimball Midwest (Supplies) \$295.63, Kansas State Bank (Supplies) \$250.92, Menards (Supplies) \$65.96, Midwest Radiator & Exhaust (Supplies) \$292.00, Northwestern Energy (Utilities) \$756.88, Yankton County Observer (Publishing) \$41.42, O'Reilly Auto Parts (Supplies) \$27.98, RPM Unlimited (Supplies) \$792.00, Riverside Hydraulics & Labs (Supplies) \$3,413.94, M.T. & R.C. Smith Insurance (Workmen's Compensation) \$38,048.00, Southeastern Electric Cooperative (Utilities) \$15.56, Truck Trailer Sales Service, Inc. (Maintenance) \$438.00, Truck Trailer Sales Service, Inc. (Supplies) \$143.35, One Office Solution (Supplies) \$55.84, Yankton Daily P & D (Publishing) \$53.30; **Emergency 911 Fund:** Vast Business (Utilities) \$110.70, City of Yankton (Maintenance) \$1,800.00, InContact, Inc. (Professional Services) \$1,800.00, CenturyLink (Utilities) \$2,874.61, Golden West Telecommunications (Utilities) \$147.18, One Office Solution (Furniture) \$136.16; **Emergency Management:** Kopetsky's Ace Hardware (Supplies) \$56.44, B-Y Electric (Utilities) \$556.21, Boston Shoes to Boots (Supplies) \$199.00, Vast Business (Utilities) \$523.34, City of Yankton (Supplies) \$204.27, Cox Auto Supply, Inc. (Supplies) \$253.19, First Bankcard (Supplies) \$53.49, Heiman Fire Equipment Company (Maintenance) \$168.88, Kansas State Bank (Lease Agreement) \$719.07, Midcontinent Communication (Utilities) \$12.90, Midwest Card & ID Solutions LLC (Maintenance) \$2,500.00, Qualified Presort Services, Inc. (Supplies) \$19.97, M.T. & R.C. Smith Insurance (2019 Workmens Compensation) \$1,937.00, Tabor Lumber Cooperative (Supplies) \$129.81; **Government Building:** Builders Supply Company (Miscellaneous) \$3,400.00; **24/7 Sobriety Fund:** PharmChem (Supplies) \$1,398.95; **Drainage Ditches:** Plumbing & Electric Service (Due to Yankton County Ditch) \$10,000.00, Duncan Law Firm (Water Project District) \$534.10; **Clearing Fund:** Satellite Tracking of People LLC (Tracking People) \$162.50, Byron Nogelmeier (Scram Fee-Nov 2018) \$123.00; **State Wide 24/7 Sobriety Fund:** Byron Nogelmeier (State Disbursement-Nov 2018) \$1,845.00; **South Dakota State Treasurer:** Fees (Motor Vehicles) \$333,134.38, Fees (Waste Fee) \$5,127.00, Fees (ROD) \$2,070.00, Services (HC) \$7,889.51, Services (Redfield) \$180.00; **SDACO** (M & PR Fund) \$584.00.

General Fund \$236,052.56, Road & Bridge \$73,027.15, Emergency Management, \$7,332.57. All present voted aye; motion carried.

**Action 18475Aud:** A motion was made by Bodenstedt and seconded by Epp to supplement the Emergency Management budget due to unanticipated grant revenue in the amount of \$29,650.00. All present voted aye; motion carried.

**Action 18476Aud:** A motion was made by Bodenstedt and seconded by Epp to supplement the County Highway Department budget due to unanticipated grant revenue in the amount of \$712,974.30. All present voted aye; motion carried.

No action was taken on the unanticipated revenue and moving of accumulation dollars.

The 2019 county budget was approved by Department of Revenue with the following levy corrections; Secondary Road .613, Secondary Road Opt Out .092 and Historical .05.

**Action 18477Aud:** A Motion was made by Kettering and seconded by Bodenstedt to approve the Juvenile Detention Center agreement with Minnehaha County. All present voted aye; motion carried.

Sheriff and Welfare reports were pulled from consent agenda for discussion.

**Action 18478C:** A motion was made by Epp and seconded by Kettering to approve the consent agenda. All present voted aye; motion carried.

The Yankton County Welfare Report for November 2018 included 46 contacts, 22 notices of hospitalization, and 1 medical bill for the County Jail.

**ROD:** The Register of Deeds report from November 2018 showed collection of \$12,935.00 in regular fees; \$20,478.50 in transfer fees; \$4,729.00 in copies revenue.

**Veterans Office:** VSO Michael McDonald's November 2018 report showed 161 contacts on behalf of veterans last month. McDonald also coordinated transportation of 22 veterans (eight trips) to appointments at the VA Hospital in Sioux Falls.

**Auditor/Treasurer:** The Auditor's Monthly Settlement with the Treasurer as of November 31, 2018 showed Total Cash of \$9,238,457.67. The General Fund was \$5,255,388.32; Special Funds were \$2,341,561.00; and Trust and Agency Funds were \$1,641,508.35 adding to a Grand Total of General Ledger Cash and Investments of \$9,238,457.67. A detailed report is on file with the County Auditor.

**Sheriff:** Sheriff's office collected \$9,516.00 in fees last month. Jail income was \$169,681.81 in November. There were 50 county inmates, 74 city inmates, 30 state inmates and 38 federal inmates. Income from the 24-7 program was \$5,185.00 in October.

**MI Income:** The MI Illness income for November 2018 was \$8,344.15.

**Entrance Application** request from Jay Cutts, W1/2, NW1/4 in Township 94-55.

**Action 18479C:** A motion was made by Bodenstedt and seconded by Epp to approve The Sheriff and Welfare reports. All present voted aye; motion carried.

**Action 18480Hwy:** A motion was made by Kettering and seconded by Bodenstedt to accept the resignation of the Yankton County Highway Administrative Assistant and allow the County Auditor to advertise for the position. All present voted aye; motion carried.

**Action 18481Hwy:** A motion was made by Kettering and seconded by Bodenstedt to hire the highway secretary from Bon Homme County to work part-time on temporary basis with the wage at \$15.00 per hour. All present voted aye; motion carried.

**Employee Wages:** Brian Hunhoff, Register of Deeds, appeared before the board to request to increase the county employee raise to 3% instead of the 2% currently approved for 2019. No action was taken on the request.

**Action 18482C:** A motion was made by Kettering and seconded by Epp to approve an abatement request in the amount \$571.88. All present voted aye; motion carried.

**Action 18483C:** A motion was made by Epp and seconded by Kettering to approve the Road Use and Repair Agreement between Prevailing Wind Park, LLC and Yankton County. All present voted aye; motion carried.

**Action 18484D:** A motion was made by Epp and seconded by Bodenstedt to recess the regular session and convene as Drainage Board. All present voted aye; motion carried.

Applicant Steve Schmidt spoke on his Drainage permit. John Gunderson also spoke.

**Action 18485D:** A motion was made by Epp and seconded by Kettering to approve a Drainage Permit request from applicant Steve Schmidt, based on Findings of Fact dated November 27, 2018. Said property is described as N1/2, NE1/4, & N1/2, NW1/4 and SW1/4, NE1/4, SE1/4, NW1/4, NE1/4, SW1/4, NW1/4, SE1/4 and 1 Acre, SE1/4, SW1/4, S28-T94N-R54W, hereinafter referred to as Volin Township, County of Yankton, State of South Dakota. The drainage board imposes an inspection fee of \$500.00 (Section 4.07) and a fine of \$1,000.00 (Section 4.08) on Mr. Schmidt and fine of \$1,000.00 (Section 4.08) for Charlie's Construction Inc. All present voted aye; motion carried.

**Action 18486D:** A motion was made by Bodenstedt and seconded by Kettering to approve a Drainage Permit request from applicant Ron Schaeffer, based on Findings of Fact dated November 27, 2018. Said property is described as SE1/4, NE1/4 & N324', exc S65', W176', NE1/4, SE1/4, & N260', E330, NW1/4, SE1/4, S4-T96N-R56W hereinafter referred to as

Jamesville Township, County of Yankton, State of South Dakota. All present voted aye; motion carried.

Applicant Daryl Nelson spoke on his Drainage permit.

**Action 18487D:** A motion was made by Kettering and seconded by Epp to approve a Drainage Permit request from applicant Nelson AG Holdings, LLC, based on Findings of Fact dated November 27, 2018. Said property is described as SW1/4, exc Lot R-1, S32-T95N-R54W, hereinafter referred to as Marindahl Township and N1/2, NE1/4, exc Lot R-4, NE1/4, S5-T94N, and S5-T94N-R54W and S1/2 NE1/4, exc Tract 2, Juttelstad's Addition, S5-T94-N-R54W and SW1/4, NW1/4, S4-T94N-R54W, hereinafter referred to as Volin Township, County of Yankton, State of South Dakota. All present voted aye; motion carried.

Applicant Doug Schaeffer spoke on their Drainage permit.

**Action 18488D:** A motion was made by Epp and seconded by Kettering to approve a Drainage Permit request from applicants Doug and Josh Schaeffer, based on Findings of Fact dated November 27, 2018. Said property is described as W1/2, NE1/4 & N1/2, NE1/4 exc Lot R-14, NE1/4 & exc Tract 1, Weidenbach Addition, S29-T96N-R57W and Tract 1 Weidenbach Addition, S29-T96N-R57W and NW1/4, SE1/4, S29-T96N-R57W, hereinafter referred to as Odessa Township, County of Yankton, State of South Dakota. All present voted aye; motion carried.

Applicant Alvin Novak spoke on his Drainage permit.

**Action 18489D:** A motion was made by Kettering and seconded by Bodenstedt to approve a Drainage Permit request from applicant Alvin Novak, based on Findings of Fact dated November 27, 2018. Said property is described as NW1/4, exc Lot R-13 & exc SW1/4, NW1/4, S23-T94N-R57W, hereinafter referred to as Ziskov North Township, County of Yankton, State of South Dakota. All present voted aye; motion carried.

**Action 18490C:** A motion was made by Epp and seconded by Kettering to recess the Drainage Board and reconvene in regular session. All present voted aye; motion carried.

**Action 18491Z:** A motion was made by Kettering and seconded by Bodenstedt to recess the regular session and convene as Board of Adjustment. All present voted aye; motion carried.

**Zoning Appeal Public Hearing:** This was the time and place for a public hearing on the appeal of a decision Yankton County Board of Adjustment from Doug Stevens. The applicant requested variance September 4, 2018. The Variance of Minimum Yard Requirement in front yard from one hundred (100) feet to ninety-three (93) feet and rear yard from fifty (50) feet to fifteen (15) feet and one side yard from twenty-five (25) feet to fifteen (15) feet in a Commercial District (C) in Yankton County. Said property is legally described as E135',

W335', exc S942.85', exc Lot H-3, S1/2, W1/2, W1/2, NW1/4, S15-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 3706 West 7<sup>th</sup> Street, Yankton, SD.

Applicant Doug Stevens spoke on his appeal.

**Action 18492Z:** A motion was made by Kettering and seconded by Bodenstedt to approve the Variance. All present voted aye; motion carried.

**Administrative Review Hearing:** This was the time and place for a public hearing on the Administrative Review from James Larson. The Board of Adjustments approves Zoning Administrators recommendation to relocate accessory structure based on findings of fact from July 10, 2018.

**Conditional Use Permit:** This was the time and place for a public hearing on the modification of Conditional Use Permit #3138 for Karl Schenk. The applicant is requesting to modify Conditional Use Permit #3138 "Mission Hill Site" to be modified from a Class D Confined Animal Feeding Operation to a Class E Confined Animal Feeding Operation. Applicant requests to decrease to one (1) 2400 head pork (finisher swine over 55 pounds) (960 AU Animal Units) Class E finishing barn in an Agriculture District (AG) in Yankton County, pursuant to Article 19, Section 1905 of the Yankton County Zoning Ordinance. Said property is legally described as E1/2, SW1/4 & SE1/4, S26-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. E911 address is TBA 308<sup>th</sup> Street, Mission Hill, SD.

Mike Stevens spoke on behalf of the applicant.

**Action 18493Z:** A motion was made by Kettering and seconded by Bodenstedt to approve the Conditional Use Permit #3138. Roll call vote was taken with Kettering, Bodenstedt, Epp and Woods voting aye; Motion carried, 4-0. All present voted aye; motion carried.

**Administrative Review Hearing:** This was the time and place for a public hearing on the Administrative Review from James Swift. The Board of Adjustments approved the building permit based on facts presented by Dr. Don Swift at the meeting.

Administrative Review was heard against Tim Gubbels for not paying \$100.00 fine for not obtaining a building permit for a 12x16 shed. Mr. Gubbels said he will not pay the fine since he did not know he needed a building permit. Zoning Administrator will proceed with Yankton County States Attorney.

**Class F Permits:** Paige D. Herrig filed a notice of appeal to Board of Adjustment. Mr. Herrig complaint is the Planning and Zoning Administrator Pat Garrity, issued building permits #3415, #3418 and #3429 for and animal feeding operation. Section 519 of the



Yankton County Ordinances states Animal Feeding Operations are considered conditional uses and shall comply with the Conditional Use Permit Process.

Speaking on behalf of Mr. Herrig was Attorney Reece Almond from Sioux Falls, SD.

Speaking in favor of the Class F Permit was Louis Johnson and Robert Freng.

Paige Herrigs gave a brief statement.

**Action 18494Z:** A motion was made by Kettering and seconded by Epp to uphold Zoning Administrator's decision. Roll call vote was taken with Kettering, Epp, Bodenstedt and Woods voting Aye; Motion carried, 4-0.

**Action 18495C:** A motion was made by Epp and seconded by Bodenstedt to recess the Board of Adjustment and reconvene in regular session. All present voted aye; motion carried.

**Action 18496Z:** A motion was made by Bodenstedt and seconded by Epp to allow the County Auditor to advertise for the Zoning Code Enforcement position. All present voted aye; motion carried.

**Bridge Projects:** Adam Polley and Kevin Goff from Clark Engineering of Sioux Falls, SD presented change order and application payment for board approval. Mr. Polley also presented two bridge preservation project resolutions for approval. The project consists of installing a two coat bridge deck polymer chip seal.

**Action 18497Hwy:** A motion was made by Bodenstedt and seconded by Kettering to approve change order #4 from \$795,178.39 to \$787,238.71, a decrease of \$7,939.68. All present voted aye; motion carried.

**Action 18498Hwy:** A motion was made by Epp and seconded by Kettering to approve Application payment #8 in the amount of \$24,907.94.

**Action 18499Hwy:** A motion was made Bodenstedt and seconded by Epp to approve the Bridge Preservation Grant for 68-010-113. All present voted aye; motion carried.

**Action 18500Hwy:** A motion was made Bodenstedt and seconded by Kettering to approve the Bridge preservation Grant for 68-200-103. All present voted aye; motion carried.

Liquor License application was withdrawn.

**Removal of Landscaping:** James DeSaix, from Beresford, SD appeared to discuss the commission ordering removal of landscaping from Lots 4A and 5 of Oak Hills addition. James and Sandra Desaix spoke on the request. Neal Anthony also spoke. No action was taken by the board.

Cell Tower discussion was rescheduled.

**Action 18501C:** A motion was made by Epp and seconded by Bodenstedt to recess the regular session at 7:55 p.m. and convene in executive session to discuss a personnel issue. All present voted aye; motion carried.

**Action 18502C:** A motion was made by Bodenstedt and seconded by Kettering to adjourn executive session at 8:25 p.m. and reconvene in regular session. All present voted aye; motion carried.

Chairman Woods reported no action would be taken as a result of the executive session.

There was one public comment from Cheri Loest.

**Action 18503C:** A motion was made by Kettering and seconded by Epp to adjourn. All present voted aye; motion carried.

The next regular meeting will be Tuesday, January 8, 2019.

**Todd Woods**, Chairman  
Yankton County Commission

ATTEST:  
**Patty Hojem**, County Auditor