

YANKTON COUNTY COMMISSION MEETING

December 6, 2022

The regular meeting of the Yankton County Commission was called to order by Chairman Joe Healy at 6:00 p.m. on Tuesday, December 6, 2022.

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

There were no conflicts of interest reported by Commissioners.

Action 22461C: A motion was made by Loest and seconded by Fox to approve the meeting agenda with the following addition: Item 15A, overtime for Director of Equalization staff. All present voted aye; motion carried, 5-0.

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

Highway Superintendent Mike Sedlacek appeared for approval to re-advertise for a Plow/Dump truck and authorization to apply for the Big Grant for Stone Church Bridge.

Action 22462C: A motion was made by Klimisch and seconded by Fox to approve the Highway Superintendent advertise for a Plow/Dump Truck. All present voted aye; motion carried, 5-0.

Action 22463C: A motion was made by Fox and seconded by Klimisch to approve the Big Grant application for Bridge 6-030-018. All present voted aye; motion carried, 5-0.

The County Auditor presented a liquor license transfer for Hebda Family Produce, LLC located in Section 22, Township 94N, Range 55W to Fire and Ice, LLC located in Section 16, Township 93N, Range 56W. Luke McAllister spoke on the transfer.

Action 22464C: A motion was made by Kettering and seconded by Klimisch to approve a Liquor License Transfer from Hebda Family Produce, LLC to Fire and Ice, LLC. All present voted aye; motion carried, 5-0.

Monte Gulick from Rtec, Inc. appeared before the board, as requested by Commissioner Kettering, to discuss his training program, "Leadership Skills for Supervisors." The 6-week course facilitates supervisors to identify leadership styles, problem solve and build effective efficient teams. Chairman Healy suggested getting feedback from county department heads to determine if there would be interest in the course.

Oakley Perry, Program Manager for SDSU Extension 4-H County Operations, appeared to present the Memorandum of Understanding between SDSU and Yankton County. Mr. Perry

also informed the board SDSU will discontinue the 4-H Advisor provided to Yankton County. Lauren Holenbeck is currently providing services to Yankton, Clay and Union counties. Danielle McFarland also spoke on the discussion.

Action 22465C: A motion was made by Loest and seconded by Healy to approve the Memorandum of Understanding between SDSU and Yankton County for 2023. Roll call vote was taken with Loest, Healy, Fox, Kettering and Klimisch voting aye; motion carried, 5-0.

Action 22466C: A motion was made by Fox and seconded by Loest to recess the regular session and convene as Board of Adjustment. All present voted aye; motion carried.

CUP Public Hearing: This was the time and place for a public hearing for a Conditional Use Permit application from Marty Washington. Applicant wishes to have a Bed and Breakfast/short term rentals in an Agriculture District. Said property is legally described as Lot A, Parcel C in Weverstad's Addition, SE1/4, S21-T93-R54, hereinafter referred to as Gayville Township, County of Yankton, State of South Dakota.

Marty Washinton spoke on the CUP request. Leanne Johnson also spoke. Chairman Healy closed public comment.

Action 22467Z: A motion was made by Kettering and seconded by Fox, to approve the Conditional Use Permit, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Roll call vote was taken with Kettering, Fox, Loest, Klimisch and Healy voting aye; motion carried, 5-0.

Action 22468Z: A motion was made by Fox and seconded by Kettering to recess the Board of Adjustment and reconvene in regular session. All present voted aye; motion carried.

Action 22469Z: A motion was made by Klimisch and seconded by Kettering to adopt the following resolution: Whereas it appears, Neal Lange, owner of record, has caused a replat to be made of the following real property: Tract 1, Lange Addition, NE1/4, NW1/4, Lot 2A Bernard Subdivision, E1/2, W1/2, N1/2, NW1/4 except N690 feet and except the Highway Right-of-way thereof, S15-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, S.D.; Hereafter to be known as: Tract 2, Lange Addition, NW1/4, S15-T93N-R56W, and has submitted such plat to the Yankton County Planning Commission and 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.

Action 22470C: A motion was made by Klimisch and seconded by Fox to recess the regular session and convene as Board of Adjustment. All present voted aye; motion carried.

CUP Public Hearing: This was the time and place for a public hearing for a Conditional Use Permit application from Neal Lange. Applicant wishes to build a self-storage facility in a Lakeside Commercial District (LC). Said property is legally described as Lot 2A, Bernard Subdivision, N1/2, W1/2, W1/2, NW4, S15-T93-R56, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota.

Neal Lange spoke on the CUP request. Butch Becker also spoke.

Action 22471Z: A motion was made by Fox and seconded by Klimisch to approve the Conditional Use Permit based on Findings of Fact from the November 2022 Yankton County Planning Commission meeting as presented, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Roll call vote was taken with Fox, Klimisch, Loest, Kettering and Healy voting aye; motion carried, 5-0.

Action 22472Z: A motion was made by Klimisch and seconded by Fox to recess the Board of Adjustment and reconvene in regular session. All present voted aye; motion carried.

Yankton County Ambulance Deputy Director Troy Cowman appeared before the board to present new and updated ambulance job descriptions and request replacement of emergency response vehicle. It was the consensus of the board to wait until 2023 to discuss purchase of the vehicle.

Action 22473C: A motion was made by Loest and seconded by Kettering to approve the updated ambulance job descriptions as presented. All present voted aye; motion carried, 5-0.

Chairman Healy presented a letter of support from Yankton County to Minnehaha Juvenile Detention Center to continue the flat bed rate per child.

Action 22474C: A motion was made by Fox and seconded by Klimisch to approve the letter of support that Yankton County would use the proposed new facility at a per day per child rate verses pay a mortgage for a facility the county does not own. All present voted aye; motion carried, 5-0

Chairman Healy read the resolution amending the Yankton County Code of Conduct for elected officials.

Action 22475C: A motion was made by Fox and seconded by Loest to update the handbook as amended with changes presented. Fox, Loest, Kettering and Healy voting aye; Klimisch voting nay; motion carried, 4-1.

Medical Cannabis renewal requests from Rayzzz Growzz of Yankton LLC, CC Smoke LLC, RiverBend Edge LLC, ZZZ LLC and Root 52 were presented for approval.

Action 22476C: A motion was made by Loest and seconded by Klimisch to approve the renewal applications for the listed Medical Cannabis establishments. All present voted aye; motion carried, 5-0

Amanda Johnson and Mike Feimer requested if the renewal fee could be pro-rated because approval of the license was late in year and the establishments are not operational. The board will discuss the request at the next commission meeting.

Action 22477C: A motion was made by Fox and seconded by Kettering to insert the new section for social media in section 314 of the County Handbook as set forth in the packet that was provided. Fox, Kettering, Loest and Healy voting aye; Klimisch voting nay; motion carried, 4-1.

The board discussed approving overtime for the Director of Equalization office staff because of lack of staffing.

Action 22478DOE: A motion was made by Fox and seconded by Loest to pay exempt employees of the Director of Equalization office 1 ½ times their current hourly rate for extra time worked over 40 hours due to lack of staffing and to meet deadlines for 2022. Fox, Loest, Kettering and Healy voting aye; Klimisch voting nay; motion carried, 4-1.

Action 22479C: A motion was made by Fox and seconded by Loest to approve November 10, 2022 meeting minutes. All present voted aye; motion carried, 5-0.

Action 22480C: A motion was made by Fox and seconded by Loest to approve November 15, 2022 meeting minutes. All present voted aye; motion carried, 5-0.

Action 22481C: A motion was made by Fox and seconded by Kettering to approve a 6 percent cost of living raise for Yankton County employees for 2023. Fox, Kettering, Loest and Healy voting aye; Klimisch voting nay; motion carried, 4-1.

Action 22482C: A motion was made by Loest and seconded by Fox to approve the election of the final rule allowing counties to use up to \$10 million of American Recovery Plan Act (ARPA) as "loss revenue" for the provisions of the general government services without needing to use the Treasury revenue loss formula. Also electing to use salaries and County paid benefits from the General Fund as an expense of the American Rescue Plan in the amount up to \$10 million. All present voted aye; motion carried, 5-0.

Action 22483C: A motion was made by Fox and seconded by Loest to approve the following claims: **Commissioners:** Cheri Loest (Travel) \$235.20; Joe Healy (Supplies) \$71.75; Yankton County Observer (Publishing) \$138.06; The Trophy Place (Supplies) \$71.90; **Elections:** Poll Workers (Election) \$5,041.02; Gayville Community Center (Rentals) \$75.00; Lesterville Fire Hall (Rentals) \$75.00; Mayfield Store (Rentals) \$75.00; SD Game Fish & Parks (Rentals) \$75.00; Election Systems & Software (Supplies) \$492.18; Hy-Vee (Supplies) \$122.35; McLeod's Printing & Office Supply (Supplies) \$120.00; Yankton County Observer (Publishing) \$107.69; Qualified Presort Services (Supplies) \$118.13; Verizon (Rentals) \$280.07; Kasi Foss (Supplies) \$30.66; **Court:** Juror Fees (Court) \$950.98; Josette Lindahl (Prof Services) \$1,500.00; Youngberg Law, Prof. LLC (Prof Services) \$2,500.00; Youngberg Law, Prof. LLC (Prof Services) \$3,949.09; Dan Fox, Fox Law Firm PLLC (Prof Services) \$2,500.00; Dan Fox, Fox Law Firm PLLC (Prof Services) \$2,434.10; Hansen Brothers Parts & Service Inc. (Maintenance) \$500.00; Horn Law Office LLC (Prof Services) \$12,500.00; Lacroix Law Office (Neglected) \$1,006.15; Lacroix Law Office (Neglected) \$746.20; Department of Health (Lab) \$75.00; Dean Schaefer (Prof Services) \$1,244.00; Thomson Reuter-West (Supplies) \$5.43; **Auditor:** Qualified Presort Services (Supplies) \$130.48; One Office Solution (Maintenance) \$214.63; **Treasurer:** Qualified Presort Services (Supplies) \$530.92; One Office Solution (Supplies) \$416.34; **Data:** Andersen Telecom LLC (Prof Services) 387.25; Miller Consulting LLC (Prof Services) \$979.00; **States Attorney:** Andersen Telecom LLC (Maintenance) \$525.00; Mary Holzwarth (Supplies) \$12.65; Riverside Technologies, Inc. (Minor Equipment) \$6,586.00; Miller Consulting LLC (Prof Services) \$445.00; **Government Buildings:** Kopetsky's Ace Hardware (Supplies) \$76.95; Bomgaars (Supplies) \$95.79; City of Yankton (Utilities) \$2,325.82; Echo Group (Supplies) \$29.67; Echo Group (Maintenance) \$93.30; JJ Benji (Other) \$120.00; Menards (Supplies) \$143.88; Northwestern Energy (Utilities) \$2,336.22; Olson's Pest Technicians (Maintenance) \$82.00; OTIS Elevator Company (Maintenance) \$937.47; **Director of Equalization:** Southgate (Maintenance) \$42.60; Qualified Presort Services (Supplies) \$72.68; One Office Solution (Supplies) \$460.00; One Office Solution (Maintenance) \$122.85; **Register of Deeds:** Executive Management Finance Office (Supplies) \$36.25; Qualified Presort Services (Supplies) \$45.90; **Veteran's Service Office:** Qualified Presort Services (Supplies) \$13.79; Verizon (Rentals) \$40.01; One Office Solution (Maintenance) \$7.20; **Safety Center Building:** Kopetsky's Ace Hardware (Maintenance) \$14.97; Bomgaars (Maintenance) \$45.90; City of Yankton (Utilities) \$809.27; Cole Papers Inc. (Supplies) \$916.69; KONE Inc. (Maintenance) \$1,318.15; Menards (Maintenance) \$152.54; Northwestern Energy (Utilities) \$7,997.11; **Sheriff:** Kopetsky's Ace Hardware (Supplies) \$31.57; Andersen Telecom LLC (Computer Services) \$225.00; Cardmember Services (Travel) \$115.19; Rod Pieper (Fuel) \$30.00; Hansen Locksmithing Inc. (Supplies) \$15.00; Midcontinent Communications (Utilities) \$115.39; Northtown Automotive (Maintenance) \$180.15; Qualified Presort Services (Maintenance Contract) \$162.55; Lewis & Clark Ford Lincoln (Maintenance) \$449.80; Yankton Medical Clinic (Prof Services) \$356.20; **County Jail:** AMG Radiology-Yankton (Prof Services) \$254.95; Mark's (Supplies) \$1,502.43; Beyond Technology (Maintenance Contract) \$3,587.46; Scott Family Dentistry, Inc. (Prof Services) \$1,832.00; ICS Jail Supplies, Inc. (Supplies) \$287.27; Charm-Tex (Supplies) \$253.50; Diamond Drugs (Prof Services) \$287.17; McKesson Medical-Surgical Government

Solutions LLC (Supplies) \$316.21; Trinity Services Group (Food Service) \$12,507.85; AMG Plastic Reconstruct (Prof Services) \$1,573.17; Hy-Vee (Prof Services) \$426.88; JCL Solutions (Supplies) \$1,903.60; Olson's Test Technicians (Maintenance) \$115.00; **Coroner:** Opsahl-Kostel Funeral Home & Crematory (Travel) \$699.00; Sanford Health (Prof Services) \$6,959.00; **Juvenile Detention:** Minnehaha County Juvenile Detention Center (Rentals) \$7,967.00; **Care of Poor:** Andersen Telecom LLC (Prof Services) \$450.00; Qualified Presort Services (Supplies) \$76.56; Thomson Reuters-West (Supplies) \$5.43; **Public Welfare:** Pathways Shelter for the Homeless (Misc.) \$10,000.00; **Public Health Nurse:** TIAA, FSB (Rentals) \$58.67; Qualified Presort Services (Supplies) \$17.20; **Ambulance:** Avera Sacred Heart Hospital (Supplies) \$159.15; Sacred Heart Health Services (Prof Services) \$1,500.00; Quick Med Claims (Prof Services) \$5,849.73; Stryker Sales Corporation (Maintenance) \$4,744.66; Bluepeak (Utilities) \$526.20; Bound Tree Medical LLC (Supplies) \$1,186.52; City of Yankton (Maintenance) \$28.47; City of Yankton (Utilities) \$223.79; Aladtec, Inc. (Maintenance) \$2,853.00; Amazon Capital Services (Supplies) \$190.40; Investigative Services, Inc. (Prof Services) \$149.00; Menards (Supplies) \$630.39; MidAmerican Energy (Utilities) \$386.01; Olson's Pest Technicians (Maintenance) \$119.00; LEAF (Rentals) \$104.86; **Mentally Handicapped:** Avera Sacred Heart Hospital (Prof Services) \$2,500.00; **Mental Illness Board:** Darcy Lockwood (Hearings) \$51.00; Dana Larson (Hearings) \$40.00; Youngberg Law, Prof. LLC (Hearings) \$383.80; Val Larson (Hearings) \$51.00; Dan Fox (Hearings) \$50.00; Lincoln County Treasurer (Hearings) \$2,637.94; Luci Lewno (Hearings) \$821.96; **County Extension:** Buhl's Cleaners (Supplies) \$37.82; Bluepeak (Utilities) \$399.11; SDSU Extension (Travel) \$37.42; City of Yankton (Utilities) \$79.69; Katie Doty (Travel) \$109.96; Hy-Vee (4H) 36.83; LEAF (Rentals) \$247.19; MidAmerican Energy (Utilities) \$72.20; Danielle McFarland (Supplies) \$115.91; Northwestern Energy (Utilities) \$217.24; SDAE4-HP (Prof Services) \$40.00; One Office Solution (Supplies) \$131.65; **Weed:** Best Western Ramkota Hotel (Travel) \$200.00; SD Association of Co. Weed & Pest Supervisors (Supplies) \$75.00; **Planning and Zoning:** Pheasantland Industries (Supplies) \$24.40; Qualified Presort Services (Supplies) \$15.94; One Office Solution (Maintenance) \$97.22; LEAF (Rentals) \$89.57; **Highway:** Appeara (Supplies) \$141.17; C & B Operations, LLC (Maintenance) \$294.95; Andersen Telecom, LLC (Prof Services) \$125.00; Bomgaars (Supplies) \$29.50; Bomgaars (Asphalt Road) \$816.00; Butler Machinery Co. (Maintenance) \$4,529.48; City of Yankton (Utilities) \$180.63; NAPA Auto Parts of Yankton (Maintenance) \$8.75; NAPA Auto Parts of Yankton (Supplies) \$928.35; Coyote Chemical Company (Supplies) \$1,715.00; IMEG Corp. (Prof Services) \$4,470.00; IMEG Corp. (Bridges) \$4,196.47; Clarks Rental Inc. (Asphalt Road) \$310.00; Dakotaland Autoglass, Inc. (Supplies) \$90.96; CHS Inc. (Hwy Fuel) \$23,290.47; CHS Inc. (Supplies) \$2,066.40; D-P Tools (Supplies) \$212.20; CM Tools LLC (Supplies) \$423.20; Echo Electric Supply (Supply) \$957.50; Denker Tool Service (Supplies) \$59.99; Titan Machinery-Yankton (Maintenance) \$16.00; Tracker Software Corporation (Prof Services) \$6,115.00; Fastenal Industrial & Construction Supply (Supplies) \$61.37; Gerstner Oil Co. (Supplies) \$378.90; Kaiser Appliance & Refrigeration (Supplies) \$38.99; Kellen and Streit Inc. (Asphalt Road) \$19,835.46; Kimball Midwest (Supplies) \$200.04; Menards (Supplies) \$29.91; Power Source Electric (Maintenance) \$222.04; Riverside Hydraulics & Labs (Maintenance) \$1,502.97; Transource (Maintenance) \$105.50; Sturdevant's Auto Supply (Maintenance) \$403.96; SD Association of County Highway

Superintendents (Prof Services) \$350.00; Slowey Consturction Inc. (Asphalt Road) \$5,443.68; Truck Trailer Sales Service Inc. (Maintenance) \$306.50; The Road Guy Construction Co. (Supplies) \$722.50; One Office Solution (Supplies) \$67.87; Yankton Janitorial Supply (Supplies) \$179.00; Northwestern Energy (Utilities) \$843.64; DirecTV (Utilities) \$93.99; **Local Emergency Planning:** Bluepeak (Utilities) \$1,214.57; Powerphone, Inc. (Travel) \$1,058.00; CenturyLink (Utilities) \$161.78; **Emergency Management:** Andersen Telecom LLC (Maintenance) \$150.00; Bomgaars (Supplies) \$109.99; Verizon (Utilities) \$122.15; Great America Financial Services (Rentals) \$281.62; Midwest Card & ID Solutions (Prof Services) \$3,400.00; MidAmerican Energy (Utilities) \$20.97; One Office Solution (Maintenance) \$12.66; LEAF (Rentals) \$90.00; **Government Buildings:** Automatic Building Controls (Maintenance) \$2,509.00; Jim Flynn (Misc.) \$273.50; **Non-Departmental:** Department of Transportation (NAPA Junction Payment) \$507,626.00; Two Way Solutions, Inc. (Minor Equipment) \$5,777.50; Secretary of State (Election Copies) \$50.00. General Fund \$145,629.47; Road & Bridge \$81,763.34; Emergency Management \$4,187.39. All present voted aye; motion carried, 5-0.

Action 22484C: A motion was made by Kettering and seconded by Fox to approve NOVEMBER 2022 Gross Payroll: **Commissioners:** \$5,759.14; **Court:** \$0.00; **Election:** \$1,973.88; **Auditor:** \$15,374.98; **Treasurer:** \$18,609.11; **States Attorney:** \$32,250.54; **Government Buildings:** \$8,256.20; **Director of Equalization:** \$14,997.52; **Register of Deeds:** \$14,368.48; **Veterans Service:** \$3,962.70; **Courthouse & Safety Center:** \$7,491.76; **Sheriff:** \$61,676.75; **County Jail:** \$83,128.85; **Coroner:** \$1,400.00; **Juvenile:** \$66.83; **Nurse:** \$3,098.37; **Ambulance:** \$56,781.45; **WIC:** \$1,118.72; **Extension:** \$9,396.80; **Soil Conservation:** \$2,681.12; **Weed:** \$2,728.25; **Planning & Zoning:** \$10,889.81; **Road & Bridge:** \$77,417.34; **E911:** \$0.00; **OEM:** \$9,731.74; **24-7 Program:** \$1,629.87. First Dakota National Bank \$33,852.67 (Withholding), First Dakota National Bank \$53,506.10 (FICA) First Dakota National Bank \$12,513.66 (Medicare), South Dakota Retirement System \$33,581.80 (Other Employees), South Dakota Retirement System \$18,984.94 (Sheriff), South Dakota Retirement System (Spouse Opt) \$179.55, South Dakota Retirement System (Supplemental) \$6,540.00, American Family Life Assurance Company (AFLAC) \$4,789.43, Legalshield \$25.90, Nationwide Retirement Solutions \$69.44, Boston Mutual Life Insurance \$290.69, Colonial Life & Accident \$783.96, Wellmark Blue Cross/Blue Shield \$61,338.96, Optilegra \$281.89, Delta Dental \$2,129.72, VSP Vision \$510.05, HealthEquity \$1,950.00. Gross Payroll \$444,850.21, Net Payroll \$330,647.57. All present voted aye; motion carried, 5-0.

Action 22485C: A motion was made by Loest and seconded by Fox to amend the 2023 States Attorney budget to \$753,045. All present voted aye; motion carried, 5-0.

There was one public comment from Jay Cutts. Chairman Healy closed public comment.

Commissioner updates included the upcoming 8-County Meeting.

Action 22486C: A motion was made by Fox and seconded by Loest to recess the regular session at 8:50 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 22487: A motion was made by Fox and seconded by Loest to adjourn executive session at 9:50 p.m. and reconvene in regular session. All present voted aye; motion carried, 5-0.

No action was taken on personnel issues discussed in executive session.

Action 22488C: A motion was made by Klimisch and seconded by Fox to adjourn. All present voted aye; motion carried, 5-0.

The next regular meeting will be Tuesday, December 20, 2022 at 6:00 p.m.

Joe Healy, Chairman
Yankton County Commission

ATTEST:
Patty Hojem, County Auditor