

YANKTON COUNTY COMMISSION MEETING  
November 19, 2019

The regular meeting of the Yankton County Commission was called to order by Chairman Dan Klimisch at 6:00 PM on Tuesday, November 19, 2019.

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

There were no conflicts of interest reported by Commissioners.

**Action 19523C:** A motion was made by Kettering and seconded by Loest to approve the meeting agenda with the following changes: Emergency Declaration update and delete item #8, Commissioner Swensen objected deleting Item #8. Kettering, Loest, Healy and Klimisch voted aye; Swensen did not vote; motion carried. 4-0

Emergency Management Director Paul Scherschligt appeared to update the board on the Emergency Declaration process for county residents and entities.

**Action 19524C:** A motion was made by Kettering and seconded by Loest to approve the minutes of the November 5, 2019 meeting. All present voted aye; motion carried.

There was no public comment.

Chairman Klimisch closed the public comment portion of the meeting.

**Action 19525C:** A motion was made by Healy and seconded by Loest to approve the following claims; **Commissioners:** Vast Business (Utilities) \$52.50, Qualified Presort Services (Supplies) \$5.50, Yankton Daily P & D (Publishing) \$425.74; **Elections:** Qualified Presort Services (Supplies) \$39.52; **Court:** Avera Sacred Heart Hospital (Professional Services) \$518.00, Certified Languages International (Professional Services) \$183.15, Megan Reeves (Professional Services) \$132.60, Harmelink & Fox Law Office (Professional Services) \$2,447.38, Harmelink & Fox Law Office (Delinquent/Minor) \$209.40, Horn Law Office LLC (Professional Services) \$1,828.75, Kennedy Pier Loftus & Reynolds, LLP (Professional Services) \$8,838.30, Department of Health (Lab Crt-Oct 2019) \$485.00, Dean Schaefer (Professional Services) \$1,008.00, Thomson Reuters (Supplies) \$816.63; **Auditor:** Vast Business (Utilities) \$175.08, Culligan (Supplies) \$13.50, Hodges Badge Co Inc. (Travel) \$256.08, Qualified Presort Services LLC (Supplies) \$182.37; **Treasurer:** Vast Business (Utilities) \$209.85, Scantron (Maintenance) \$35.00, Qualified Presort Services, LLC (Supplies) \$143.17; **Data Processing:** Vast Business (Utilities) \$999.78, First Bankcard (Maintenance) \$55.70; **States Attorney:** Culligan (Supplies) \$13.50, Executive MGMT Finance Office (Utilities) \$24.00, Qualified Presort Services LLC (Supplies) \$23.36, Psychological Associates of Yankton (Professional Services) \$2,300.00, The State Bar of South Dakota

(Travel) \$490.00, Security Shredding Services (Maintenance) \$35.00; **Government Center Building:** Wellmark Blue Cross & Blue Shield (Spouse Health Ins Coverage) \$964.01, Bomgaars (Supplies) \$10.10, Vast Business (Utilities) \$26.25, First Bankcard (Supplies) \$54.01, JCL Solutions (Supplies) \$41.33, Menards (Supplies) \$11.15, MidAmerican Energy (Utilities) \$452.94; **Director of Equalization:** Avera Education & Staffing Solutions (Travel) \$40.00, Southgate (Maintenance) \$65.00, Vast Business (Utilities) \$229.50, Data Cloud Solutions, LLC (Maintenance) \$5,454.38, SDAAO (Travel) \$300.00, EcoWater Systems (Supplies) \$30.00, First Bankcard (Travel) \$292.91, Microfilm Imaging Systems (Maintenance) \$70.00, Microfilm Imaging Systems (Rentals) \$336.00, Qualified Presort Services LLC (Supplies) \$16.28, One Office Solution (Supplies) \$139.56; **Register of Deeds:** Vast Business (Utilities) \$177.85, Executive Mgmt. Finance (Utilities) \$24.00, Qualified Presort Services LLC (Supplies) \$46.26, One Office Solution (Supplies) \$434.00; **VA:** Vast Business (Utilities) \$26.25, Michael McDonald (Travel) \$194.04, Qualified Presort Services LLC (Supplies) \$7.02; **Safety Center Building:** Bomgaars (Maintenance) \$8.80, Vast Business (Utilities) \$835.45, City of Yankton (Dumpster Fees) \$152.00, Cole Papers Inc. (Supplies) \$309.07, Echo Group (Maintenance) \$148.40, Johnson Controls Inc. (Maintenance) \$1,346.30, Yankton Winnelson Company (Maintenance) \$115.00; **Sheriff:** City of Yankton (Fuel) \$2,910.01, Stalker Radar Applied Concepts Inc. (Law Enforcement Equip) \$2,192.00, Culligan (Supplies) \$27.00, Embroidery & Screen Works Inc. (Uniforms) \$1,313.00, Grafix Shoppe (Auto Equipment) \$667.01, Harding Glass (Maintenance) \$533.00, Intoximeters Inc. (Law Enforcement Equip) \$1,300.00, Light and Siren (Auto Equipment) \$2,347.44, Menards (Supplies) \$101.29, Qualified Presort Services LLC (Maintenance Contracts) \$118.18, South Dakota Sheriff's Association (Professional Services) \$1,173.14, Two Way Solutions Inc. (Auto Equipment) \$339.63, Tire Muffler Alignment (Maintenance) \$554.00, One Office Solution (Supplies) \$306.44, Yankton Daily P & D (Maintenance Contracts) \$757.11; **County Jail:** Avera Medical Group (Professional Services) \$478.35, Bob Barker Company Inc. (Mattress Replacement) \$2,689.60, Scott Family Dentistry Inc. (Professional Services) \$380.00, Horwath Laundry Equipment (Maintenance) \$101.96, City of Yankton (Maintenance) \$24.00, CBM Food Service (Food Services) \$4,288.63, Culligan (Food Services) \$26.25, Summit Food Services LLC (Food Services) \$11,765.39, EZ Duz it Laundry (Supplies) \$28.00, JCL Solutions (Supplies) \$479.94, Kaiser Appliance & Refrigeration (Maintenance) \$113.50, Correctional Risk Services (Inmate Medical Liab INS) \$722.58, One Office Solution (Supplies) \$213.68, Yankton Rexall Drug Co. (Professional Services) \$752.13, Yankton Medical Clinic (Professional Services) \$909.00, Yankton Surgical Associates PC (Professional Services) \$1,812.00; **Yankton Ares Search & Rescue:** City of Yankton (Supplies) \$382.80, Premier Ventures LLC (Professional Services) \$504.00, First Bankcard (Supplies) \$11.91, First Bankcard (Travel) \$35.02; **Care of Poor:** Qualified Presort Services LLC (Supplies) \$91.14; **Public Health Nurse:** Vast Business (Utilities) \$239.10, TIAA Commercial Finances (Rentals) \$70.96, Qualified Presort Services, LLC (Supplies) \$20.74; **Ambulance:** AT & T (Utilities) \$36.30, Broadway Chrysler, Dodge & Jeep (Supplies) \$39.62, Ethan Smith (Professional Services) \$80.00, Bound Tree Medical LLC (Supplies) \$1,260.24, City of Yankton (Utilities) \$649.57, Christensen Radiator & Repair

(Maintenance) \$141.34, Embroidery & Screen Works, Inc. (Supplies) \$30.00, First Bankcard (Supplies) \$1,259.01, First Bankcard (Travel) \$173.00, Gayville First Responders (First Responders Reimbursement) \$1,030.00, Auto Value Yankton (Supplies) \$90.98, Irene First Responders (First Responders Reimbursement) \$1,030.00, Leaf (Rentals) \$81.43, Lake Area First Responders (First Responders Reimbursement) \$1,030.00, Lesterville First Responders (First Responders Reimbursement) \$1,030.00, Matheson Tri-Gas, Inc. (Rentals) \$78.05, Menards (Supplies) \$16.66, Northtown Automotive (Maintenance) \$208.11, Qualified Presort Services (Supplies) \$54.97, Roger's Family Pharmacy (Supplies) \$122.04, M.T & R.C. Smith (Insurance) \$100.00, Security Shredding Services (Maintenance) \$35.00, Tire Muffler Alignment (Maintenance) \$39.62, Vogt's Cleaners (Maintenance) \$7.00, Volin First Responders (First Responders Reimbursement) \$1,030.00, One Office Solution (Supplies) \$454.93; **Mentally Handicapped:** SD Achieve dba Lifescape (Care) \$300.00; **Mental Illness Board:** Darcy Lockwood (Hearings) \$30.00, Harmelink & Fox Law Office (Hearings) \$363.30, Ver Beek Law Prof. LLC (Hearings) \$80.65, Kennedy Pier Loftus & Reynolds LLP (Hearings) \$78.40, Mark Katterhagen (Hearings) \$30.00, Lewis & Clark Behavioral Health (Hearings) \$4,806.00, Lucille M. Lewno (Hearings) \$725.00, Gary E. Mikelson (Hearings) \$1,089.00, Minnehaha County Auditor (Hearings) \$19.00; **Mentally Handicapped:** SD Achieve DBA Lifescape (Care-Oct 2019) \$300.00, SD State Treasurer (Services) \$8,313.56; **Historical Sites:** Yankton County Historical Society Inc. (2<sup>nd</sup> Half 2019 Allotment) \$12,000.00; **County Extension:** A & T Industries (Other) \$4.70, Buhl's Cleaners (Supplies) \$37.82, Hodges Badge Co Inc. (Other) \$219.25, Leaf (Rentals) \$293.28, Northwestern Energy (Utilities) \$217.35, National 4-H Council Supplies Service (Other) \$384.89, Olson's Pest Technicians (Maintenance) \$300.00; **Weed:** Bomgaars (Supplies) \$52.95, Broadway Chrysler, Dodge & Jeep (Supplies) \$495.80; **Planning & Zoning:** SDACC (Supplies) \$10.00, Vast Business (Utilities) \$62.50, First Bankcard (Supplies) \$40.53, Pheasantland Industries (Supplies) \$16.80, Qualified Presort Services, LLC (Supplies) \$60.38, One Office Solution (Supplies) \$355.49, Yankton Daily P & D (Publishing) \$62.28; **Road & Bridge:** Kopetsky's Ace Hardware (Supplies) \$19.89, Appera (Supplies) \$112.33, C & B Operations LLC (Supplies) \$370.00, Bomgaars (Supplies) \$16.48, B-Y Electric (Utilities) \$81.14, B-Y Water District (Utilities) \$89.25, Broadway Chrysler, Dodge & Jeep (Supplies) \$55.04, Broadway Chrysler, Dodge & Jeep (Maintenance) \$212.93, Vast Business (Utilities) \$167.60, Boyer Trucks (Supplies) \$1,100.00, Cox Auto Supply, Inc. (Supplies) \$321.03, Concrete Materials (Supplies) \$5,330.52, Snap on Tools (Supplies) \$531.75, Dakotaland Autoglass Inc. (Supplies) \$440.00, CHS (Fuel) \$24,960.92, Coffman Electrical Equipment Company (Maintenance) \$2,085.00, JGT Enterprises (Supplies) \$1,065.56, Fastenal Industrial & Construction Supply (Supplies) \$71.56, Graham Tire Yankton (Supplies) \$18,715.91, I State Truck Centers (Supplies) \$133.85, I State Truck Centers (Maintenance) \$591.12, Janssen's Garbage Service (Utilities) \$45.00, Menards (Supplies) \$16.68, Yankton County Observer (Professional Services) \$30.00, Sioux Equipment Co. (Supplies) \$342.00, Truenorth Steel (Supplies) \$148.96; **Emergency 911 Fund:** Vast Business (Utilities) \$112.69, Powerphone (Travel) \$1,316.00, CenturyLink (Utilities) \$1,358.37, Golden West Telecommunications (Utilities) \$145.00;

**Government Buildings:** Kaiser Heating & Cooling Inc. (Maintenance) \$878.04;  
**Emergency Management:** Bomgaars (Supplies) \$212.89, B-Y Electric (Utilities) \$53.54, Vast Business (Utilities) \$602.74, City of Yankton (Supplies) \$77.93, Coffman Electrical Equipment Company (Maintenance) \$4,456.00, Echo Group (Maintenance) \$386.85, First Bankcard (Supplies) \$826.43, First Bankcard (Travel) \$585.47, First Bankcard (POD Expense) \$21.13, Leaf (Rentals) \$90.00, Qualified Presort Services, LLC (Supplies) \$5.17, Telephone System and Service Inc. (Professional Services) \$495.00, Tabor Lumber Cooperative (Supplies) \$336.64; **24/7 Program:** Refund (1 @ \$9.00) \$9.00, Refund (1 @29.00) \$29.00; **MISC:** First National Bank of Omaha (Refund Bonds) \$577,707.50; Tower Fund (Services) \$1,500.00; **Non-Departmental:** Satellite Tracking of People LLC (Tracking Monitors) \$334.75, Byron Nogelmeier (Cam Daily Fee) \$1,691.00, Byron Nogelmeier (State Participation) \$143.00, SD Department of Revenue (Fees-Motor Vehicle) \$295,233.59, SD State Treasurer (Fees-Waste) \$2,909.00, SD State Treasurer (Fees-ROD) \$1,830.00, SDACO (M & PR Fund) \$556.00; General Fund \$107,327.89, Road & Bridge, \$57,054.52, Emergency Management, \$8,149.79. All present voted aye; motion carried.

**Action 19526AUD:** A motion was made by Kettering and seconded by Loest to approve the Auditor's Monthly Settlement with the Treasurer as of October 31, 2019 showed Total Cash of \$19,216,802.77. The General Fund was \$6,343,782.92; Special Funds were \$4,353,644.55; and Trust and Agency Funds were \$8,519,375.30 adding to a Grand Total of General Ledger Cash and Investments of \$19,216,802.77. A detailed report is on file with the County Auditor. All present voted aye; motion carried.

**Highway:** Highway Superintendent Mike Sedlacek presented agenda items for board approval: Right of Way Application, bid for 2020 Preservation Grant and discuss Jamesville Bridge repair options. Bids received for the preservation grants were Sioux Falls Construction/Journey Group \$131,433.36; BX Civil & Construction \$137,400.00; Louis-Company, LLC \$174,426.50; PCI Road, LLC \$197,551.09.

**Action 19527H:** A motion was made by Healy and seconded by Swensen to approve the Right of Way applications from Vast Broadband in Township 95-54. All present voted aye; motion carried.

**Action 19528H:** A motion was made by Loest and seconded by Kettering to approve the bid submitted by Sioux Falls Construction/Journey Group in the amount of \$131,433.36 for Bridge #68-070-113 and #68-200-103. Loest, Kettering, Healy and Klimisch voting Aye; Swensen Voting Nay; Motion carried, 4-1.

Highway Superintendent Mike Sedlacek presented a letter from Adam Polley with Clark Engineering, listing 3 options for repair of the bent cap of the Jamesville Bridge. Sedlacek said he assumed the damage was due to the flooding because it was not in the bridge inspection report from 2018. The DOT (Department of Transportation) believes it is not from the flood and will not share in the cost. Sedlacek said option three would be the most economical for the cost of \$200,000. Mr. Sedlacek said he would research further and report to the board at the next commission meeting.

Patty Gramkow commented on bridge discussion.

**Roads:** Robert Gleich appeared before the board to receive support for requesting state representative to introduce legislation of a 5 cent per gallon fuel tax at the retail level to help counties raise fund to repair roads, bridges and infrastructure.

**Action 19529C:** A motion was made by Healy and seconded by Kettering for Yankton County to show support for Mr. Gleich's efforts to raise funding for county roads. All present voted aye; motion carried.

With the County Ambulance running in the red, the board approved forming a taskforce to address how to improve the situation.

**Road TaskForce:** The board discussed the Road Taskforce report which was presented at the November 5<sup>th</sup> commission meeting. Residents commenting on the report were Dan Grant, Kent Mettler, Nick Huber, Jason Selchert, Howard Kathol and Brian Bertrand.

Chairman Klimisch closed public comment.

**Action 19530C:** A motion was made by Healy and seconded by Loest to open public comment. All present voted aye; motion carried.

One comment was made by Chaunsey Christiansen.

Chairman Klimisch closed public comment.

**Action 19531C:** A motion was made by Kettering and seconded by Klimisch to accept the Road Taskforce Report with the exception of #4 and add 3 miles of old highway 50 between 448 to 451 to status A. Roll call vote was taken with Kettering, Klimisch, Loest, Healy and Swensen voting Aye; Motion carried, 5-0.

**Action 19532C:** A motion was made by Loest and seconded by Swensen to recess the regular session and convene as Drainage Board. All present voted aye; motion carried.

Doug Stevens appeared before the board to request help for the enforcement of an abatement order that was sent out in 2017 for property E135' W335' Exc S942.85' Exc Lt H-3, S2, W2, W2, NW4, S15-T93N-R56W. Yankton County States Attorney advised the Planning & Zoning Administrator sending a letter to the individual and contact the individual and report back to the board at the next commission meeting.

Randy Golden appeared before the board to request clarification of surface water runoff at the property legally describe as LT BP1 in SE4, NE4, 15-93-56

Kerri Cook Huber spoke on behalf of Ryken Legacy Land Trustees on the objection of the Yankton County Drainage Board making declaration of the surface water runoff on the property. Steve Ryken also commented on the request.

No Action was taken by the board.

**Action 19533C:** A motion was made by Swensen and seconded by Healy to recess the Drainage Board and reconvene in regular session. All present voted aye; motion carried.

**Zoning Enforcement:** Gary Vetter gave a brief update on the zoning enforcement hearings.

**Sound System:** The board discussed replacing the sound system and projector equipment in the commission chambers.

**Action 19534C:** A motion was made by Healy and seconded by Kettering to approve the snow removal contract for the Yankton County Safety Center with Yankton Home & Garden for \$65 per hour for sidewalks and \$45 per hour for hand scooping per man. Roll call vote was taken with Healy, Kettering, Loest, Swensen and Klimisch voting Aye; Motion carried, 5-0.

**Code of Conduct:** Chairman Klimisch presented the code of conduct for elected and appointed department heads from Pennington County and request the board present their ideas and suggestions at the next commission meeting

There were public comments from Jim Petrik, Patty Gramkow and Alan Moehring.

Chairman Klimisch closed the public comment portion of the meeting.

**Commission Updates:** Commissioner Loest mentioned reading letters from the public, 8 Co Meeting in Tyndall SD, Drainage research forum in Brookings SD, the Government Center will be closed November 28 & 29 for Thanksgiving. Commissioner Swensen is still in contact with Washington DC. Commissioner Kettering mentioned HSC and YAPG Quarterly meetings. Chairman Klimisch said Med Star would like to buy the Life Packs from the Ambulance Department.

**Action 19535C:** A motion was made by Kettering and seconded by Loest to recess the regular session at 8:30 pm and convene in executive session to discuss personnel issue SDCL 1-25-2(1) and litigation SDCL 1-25-2(3). All present voted aye; motion carried.

**Action 19536C:** A motion was made by Swensen and seconded by Healy to adjourn the executive session at 9:15 pm and reconvene in regular session. All present voted aye; motion carried.

**Action 19537C:** A motion was made by Healy and seconded by Kettering to give Dan Klimisch and Cheri Loest the authority to negotiate and settle Mental Health claims with Avera Sacred Heart Hospital. Healy, Kettering, Loest, Swensen and Klimisch voting Aye; Motion carried, 5-0.

No update on lawsuits was reported

**Action 19538C:** A motion was made by Swensen and seconded by Loest to adjourn. All present voted aye; motion carried.

The next regular meeting will be Tuesday, December 3, 2019 at 6:00 p.m.

**Dan Klimisch**, Chairman  
Yankton County Commission

ATTEST:  
**Patty Hojem**, County Auditor