

YANKTON COUNTY COMMISSION MEETING
November 8, 2018

The regular meeting of the Yankton County Commission was called to order by Chairman Todd Woods at 4:00 PM on Thursday, November 8, 2018.

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

There were no conflicts of interest reported by Commissioners.

Action 18402C: A motion was made by Kettering and seconded by Swensen to approve the meeting agenda. All present voted aye; motion carried.

Action 18403C: A motion was made by Bodenstedt and seconded by Epp to approve the minutes of the October 16, 2018 meeting. Bodenstedt, Kettering, Epp and Woods voting Aye; Swensen voting Nay; Motion carried.

Action 18404C: A motion was made by Bodenstedt and seconded by Epp to approve the following claims: **General Fund: Commissioners:** River Rat Productions (Professional Services) \$500.00, Yankton County Observer (Publishing) \$390.04; **Elections:** BPRO, Inc. (Supplies) \$863.37, Verizon (Utilities) \$360.09; **Court:** Juror's Fees (10 @ \$50.00) \$500.00, Jurors Fees-MI (2 @ \$12.60) \$25.20, Thurman Law Office (Professional Services) \$3,493.60, Certified Languages International (Professional Services) \$90.75, Witness Fees (1 @ \$450.00) \$450.00, Jurors Fees-MI (1 @ \$33.60) \$33.60, Jurors Fees-MI (1 @ \$6.72) \$6.72, Witness Fees (1 @ \$20.00) \$20.00, Den Herder Law Office (Professional Services) \$507.60, Jurors Fees-MI (1 @ \$1.68) \$1.68, Fox & Youngberg, PC (Professional Services) \$15,000.00, Kennedy Pier & Loftus, LLP (Professional Services) \$409.80, Jurors Fees-MI (1 @ \$16.80) \$16.80, Dean Schaefer (Professional Services) \$612.00; **Auditor:** Leaf (Rentals) \$169.31, Qualified Presort Services LLC (Supplies) \$165.10, One Office Solution (Supplies) \$26.83; **Treasurer:** Harland Technology Services (Maintenance) \$36.00, Qualified Presort Services LLC (Supplies) \$150.82; **Data Processing:** Vast Business (Utilities) \$2,552.94, Leaf (Rentals) \$124.79, Tyler Technologies (Maintenance) \$49,577.30, One Office Solution (Maintenance) \$68.78; **States Attorney:** Century Business Products (Rentals) \$568.26, Culligan (Supplies) \$19.50, Executive Management Finance Office (Utilities) \$24.75, Hy-Vee (Supplies) \$34.29, Erich Johnke (Travel) \$115.00, Qualified Presort Services LLC (Supplies) \$78.28, Staples Credit Plan (Supplies) \$576.38; **Government Building:** Kopetsky's Ace Hardware (Supplies) \$6.99, Bomgaars (Supplies) \$14.98, City of Yankton (Utilities) \$2,882.90, Clarks Rental, Inc. (Maintenance) \$150.00, Midwestern Mechanical, Inc. (Maintenance) \$120.00, Hartford Steam Boiler Company (Maintenance) \$90.00, Investigative Services of NE/SD/IA (Professional Services) \$171.00, Northwestern Energy (Utilities) \$2,259.83, Olson's Pest Technician (Maintenance) \$79.00; **Director of Equalization:** Matt Archer (Travel) \$196.56, SDAAO (Travel) \$300.00, Ecowater Systems (Supplies) \$30.00, Microfilm Imaging Systems, Inc. (Maintenance) \$70.00, Qualified Presort Services LLC

(Supplies) \$26.12, Verizon (Maintenance) \$74.39, One Office Solution (Maintenance) \$71.34; **Register of Deeds:** Executive Management Finance Office (Utilities) \$24.75; Brian Hunhoff (Travel) \$400.80, Microfilm Imaging Systems, Inc. (Supplies) \$89.25, Qualified Presort Services LLC (Supplies) \$39.21; **VA:** Ramkota Hotel & Conference Center (Travel) \$360.00; **Safety Center Building:** Kopetsky's Ace Hardware (Supplies) \$17.17, Bomgaars (Supplies) \$40.62, City of Yankton (Utilities) \$901.79, Cole Papers, Inc. (Supplies) \$901.67, Midwestern Mechanical Inc. (Maintenance) \$275.00, Echo Electric (Supplies) \$415.77, JCL Solutions (Supplies) \$42.95, Menards (Supplies) \$155.28, MidAmerican Energy (Utilities) \$1,391.77, Northwestern Energy (Utilities) \$7,855.77, Olson's Pest Technicians (Maintenance) \$110.00, Yankton Winnelson Company (Maintenance) \$246.09; **Sheriff:** Beyond Technology (Ballistic Vests) \$720.00, Beyond Technology (Minor Equipment) \$3,758.99, Cardmember Services (Law Enforcement Equipment) \$833.39, Cardmember Services (Travel) \$473.06, Cardmember Services (Fuel) \$47.83, FedEx (Other) \$26.25, Jack's Uniforms & Equipment (Uniforms) \$31.30, Jack's Uniforms & Equipment (Ballistic Vests) \$2,519.67, Jack's Uniforms & Equipment (Uniforms) \$308.29, Jack's Uniforms & Equipment (Law Enforcement Equipment) \$1,106.39, Lynn Peavey Company (Law Enforcement Equipment) \$137.75, Pennington County Jail (Travel) \$354.20, Qualified Presort Services LLC (Maintenance Contracts) \$150.50, Tire Muffler Alignment (Maintenance) \$609.08, Walmart Community (Law Enforcement Equipment) \$20.00, One Office Solution (Supplies) \$696.15; **County Jail:** Bomgaars (Supplies) \$53.79, Beyond Technology (Security Maintenance) \$1,219.97, AARMS (Professional Services) \$1,800.00, CBM Food Service (Food Service) \$15,667.09, Charm-Tex (Supplies) \$1,907.74, Cooks Correctional (Food Service) \$51.89, Jerry Sorbel (Auto Expense) \$61.75, Avera Medical Group Radiology (Professional Services) \$11.16, Cardmember Services (Minor Services) \$883.27, Thompson Signs LLC dba Mayer Signs (Security Maintenance) \$225.00, Idemia Identity & Security (Maintenance Contract) \$4,951.00, Hobart Service (Food Services) \$289.58, Diamond Drugs (Professional Services) \$1,645.59, Detco (Supplies) \$985.06, Hy-Vee (Professional Services) \$88.95, JCL Solutions (Supplies) \$167.52, Menards (Supplies) \$7.29, Moore Medical LLC (Professional Services) \$168.73, Phoenix Supply (Supplies) \$142.65, Redlinger Brothers Plumbing & Heating Co. (Maintenance) \$737.70; **Coroner:** Arica Nickles (Travel) \$75.60; **Juvenile Detention:** Lutheran Social Service (Rentals) \$2,087.80, JJ Benji (Supplies) \$282.00, Minnehaha County Regional Detention Center (Rentals) \$14,361.60; **Yankton Area Search & Rescue:** Bomgaars (Supplies) \$16.68, Cox Auto Supply, Inc. (Supplies) \$161.98; **Care of Poor:** Qualified Presort Services LLC (Supplies) \$139.97; **Public Health Nurse:** TIAA Commercial Finance (Rentals) \$70.96, Qualified Presort Services LLC (Supplies) \$37.02, SD Department of Health (4th Qtr- 2018 Nurse) \$2,575.00; **Ambulance:** Kopetsky's Ace Hardware (Supplies) \$25.51, Center for Education & Employment Law (Supplies) \$124.95, Avera Sacred Heart Hospital (Supplies) \$368.07, Avera Sacred Heart Hospital (Lab-Crt Sept 2018) \$420.00, Sacred Heart Health Services (Professional Services) \$1,500.00, AT & T (Utilities) \$36.30, Bomgaars (Supplies) \$98.89, Boston Shoes to Boots (Supplies) \$156.00, Stryker Sales Corporation (Supplies) \$264.27, The UPS Store 6716 (Supplies) \$19.61, Ethan Smith (Travel) \$80.00, City of Yankton (Utilities) \$219.70, Cole Papers, Inc. (Supplies) \$316.32, Credit Collection Services (Professional Services) \$56.62, Cathy Cuka (Travel) \$604.47, Cintas (Supplies) \$64.79, Custer County Sheriff's Office (Professional Services) \$50.00, Change Healthcare

(Professional Services) \$130.00, Gayville First Responders (Reimbursement) \$1,030.00, Graham Tire Yankton (Maintenance) \$99.75, Investigative Services (Professional Services) \$136.50, Irene First Responders (Reimbursement) \$1,030.00, Leaf (Rentals) \$92.21, Lake Area First Responders (Reimbursement) \$1,030.00, Lesterville Fire & Rescue (Reimbursement-First Responders) \$1,030.00, Matheson Tri-Gas, Inc. (Supplies) \$113.01, Menards (Supplies) \$112.36, Motorola Solutions Inc. (Supplies) \$5,760.62, MidAmerican Energy (Utilities) \$107.59, Northwestern Energy (Utilities) \$823.09, Northtown Automotive (Maintenance) \$293.80, Olson's Pest Technician (Maintenance) \$84.00, Daniel Prendable (Travel) \$51.24, Roger's Family Pharmacy (Supplies) \$162.72, Two Way Solutions Inc. (Maintenance) \$370.80, Two Way Solutions Inc. (Supplies) \$3,281.99, Vogt's Cleaners (Maintenance) \$28.00, Verizon (Utilities) \$617.75, Volin First Responders (Reimbursement) \$1,030.00, One Office Solution (Supplies) \$438.65; **Mental Illness Board:** Darcy Lockwood (Hearings-MI) \$115.50, Dana Larson (Hearings-MI) \$50.00, Mark Katterhagen (Hearings-MI) \$115.50, Lincoln County Treasurer (Hearings-MI) \$738.77, Lucille M. Lewno (Hearings-MI) \$2,333.07; **Senior Citizens:** City of Yankton (2018 3rd Qtr Senior Citizens) \$12,197.52; **County Extension:** Buhl's Cleaners (Supplies) \$37.82, Vast Business (Utilities) \$453.22, FP Mailing Solutions (Rentals) \$105.00, City of Yankton (Utilities) \$59.82, Katie Doty (Travel) \$22.68, Hodges Badge Co., Inc. (Supplies) \$88.00, MidAmerican Energy (Utilities) \$26.69, Northwestern Energy (Utilities) \$350.52, One Office Solution (Supplies) \$128.16; **Weed:** Bomgaars (Supplies) \$23,84, Cox Auto Supply, Inc. (Supplies) \$4.69; **Planning & Zoning:** Judy Tereshinski (Professional Services) \$43.75, 3-D Specialties Inc. (E911 Signs) \$77.25, River Rat Productions (Professional Services) \$250.00, Qualified Presort Services LLC (Supplies) \$65.07, One Office Solution (Supplies) \$45.00; **Road & Bridge:** Appera (Supplies) \$108.43, Bomgaars (Supplies) \$37.09, Bomgaars (Annual Projects) \$50.38, B-Y Electric (Utilities) \$86.80, Vast Business (Utilities) \$2,552.94, Boyer Trucks (Supplies) \$1,494.02, Brock White Company, LLC (Secondary Roads) \$244.84, Country Pride Coop (Hwy Fuel) \$1,099.22, Mills & Miller (Supplies) \$3,407.04, Cox Auto Supply, Inc. (Supplies) \$435.81, Concrete Materials (Annual Projects) \$4,210.68, Cornhusker International (Supplies) \$92.65, CenturyLink (Utilities) \$58.04, Kibble Equipment LLC (Supplies) \$306.08, Ehresmann Engineering Inc. (Supplies) \$314.23, Filter Care of Nebraska (Supplies) \$132.45, Fastenal Industrial & Construction Supply (Supplies) \$34.98, Graham Tire Yankton (Supplies) \$2,366.93, Auto Value Yankton (Supplies) \$47.06, I State Truck Center (Supplies) \$787.73, Jebro Inc. (Annual Projects) \$14,233.50, Koletzky Implement Inc. (Supplies) \$56.70, Menards (Supplies) \$122.19, Midwest Radiator & Exhaust (Hwy Fuel) \$217.00, South Dakota Department of Transportation (Professional Services) \$1,536.71, South Dakota Association of County Highway Superintendents (Professional Services) \$275.00, Truck Trailer Sales Service (Supplies) \$70.75, Titan Machinery (Rentals) \$9,080.00, Titan Machinery (Supplies) \$10.00; **Emergency 911 Fund:** Vast Business (Utilities) \$1,100.25, City of Yankton (2018 3rd Qtr E911 Dispatch) \$15,000.00, Centurylink (Utilities) \$1,385.85; **Jail Building:** Integrated Technology & Security (Jail Capital Improvement Fund) \$26,700.48, Bow Creek Metal, Inc. (Jail Capitol Improvement Fund) \$1,810.00; **Emergency Management:** Kopetsky's Ace Hardware (Supplies) \$74.08, Bomgaars (Minor Equipment) \$4,999.99, B-Y Electric (Utilities) \$54.30, Boston Shoes to Boots (Supplies) \$301.00, Cox Auto Supply, Inc. (Supplies) \$151.98, Clubhouse Hotel & Suites (Travel) \$141.00, Clark's Rental, Inc. (Travel) \$135.91, Clark's

Rental, Inc. (Rentals) \$135.91, Danko Emergency Equipment (Maintenance) \$616.56, Julie Deyonge (Supplies) \$246.38, Echo Electric (Supplies) \$77.52, Echo Electric (Maintenance) \$445.00, Fry'n Pan (Supplies) \$134.50, Hy-Vee (Supplies) \$79.40, Hy-Vee (Supplies-POD) \$235.12, Menards (Supplies) \$477.40, MidAmerican Energy (Utilities) \$12.95, Qualified Presort Services LLC (Supplies) \$8.01, Racom Corporation (Utilities) \$35.15, South Dakota Federal Property Agency (Supplies) \$285.00, One Office Solution (Supplies) \$272.17; **24/7 Sobriety Fund:** PharmChem, Inc. (Supplies) \$1,502.60, Two Way Solutions, Inc. (Minor Equipment) \$195.84; **County Law Library:** West Payment Center (Supplies) \$777.41; **Tower Fund:** Community Wireless Consultants (Payment for Telecom Consulting) \$2,125.00; General Fund \$199,844.17, Road & Bridge \$43,469.25, Emergency Management, \$8,783.42. All present voted aye; motion carried.

Action 18405C: A motion was made by Kettering and seconded by Bodenstedt to approve the October, 2018 gross payroll: **Commissioners:** \$5,469.99; **Election:** \$845.82; Auditor: \$13,954.91; **Treasurer:** \$16,457.25; **States Attorney:** \$28,821.99; **Custodian:** \$7,453.86; **Director of Equalization:** \$22,933.02; **Register of Deeds:** \$12,332.73; **Veterans Service:** \$3,355.66; **Courthouse & Safety Center:** \$7,091.08; **Sheriff:** \$67,313.18; **County Jail:** \$74,974.44; **Coroner:** \$1,600.00; **Juvenile:** \$516.38; **Nurse:** \$3,021.39; **Ambulance:** \$48,422.91; **WIC :** \$1,759.38; **Extension:** \$8,589.36; **Soil Conservation:** \$2,873.12; **Weed:** \$5,705.57; **Planning & Zoning:** \$8,229.55; **Road & Bridge:** \$74,153.76; **E911:** \$191.17; **OEM:** \$5,754.21; **24-7 Program:** \$3,187.80. First Dakota National Bank \$32,515.51 (Withholding), First Dakota National Bank \$51,541.26 (FICA) First Dakota National Bank \$12,054.00 (Medicare), South Dakota Retirement System \$31,720.40 (Other Employees), South Dakota Retirement System \$19,813.80 (Sheriff/OEM), South Dakota Retirement System (Spouse Opt) \$118.73, South Dakota Retirement System (Supplemental) \$3,580.45, American Family Life Assurance Company (AFLAC) \$5,667.26, Legalshield \$25.90, Office of Child Support \$578.00, Nationwide Retirement Solutions \$69.44, Accounts Management \$50.00, Boston Mutual Life Insurance \$503.09, Colonial Life & Accident 1,793.91, Optilegra \$507.61, Wellmark BC Health Insurance \$62,458.15, United Way of Greater Yankton \$55.00, Delta Dental \$464.00, VSP Vision \$128.14. Gross Payroll \$425,068.23, Net Payroll \$319,089.87. All present voted aye; motion carried.

The Board canvassed the election results from the November 6, 2018 General election.

Action 18406C: A motion was made by Kettering and seconded by Bodenstedt to accept the results of the election as presented by the Auditor. All present voted aye; motion carried.

Commissioner Swensen left the meeting.

Action 18407C: A motion was made by Epp and seconded by Bodenstedt to approve the consent agenda. All present voted aye; motion carried.

Cancellation of building permits #3067 and #3068 issued to Karl Schenk at the August 14, 2018 commission meeting.

Action 18408C: A motion was made by Bodenstedt and seconded by Epp to approve the abatement for Brian Steward in the amount of \$54.31. All present voted aye; motion carried.

Ambulance: Yankton County Ambulance Director Steve Hawkins appeared to request a pay increase for Troy Cowman during the time of his medical absence. Hawkins also informed the board that there will be two grants sponsored by South Dakota Department of Labor and Regulation-Workforce Development. One will pay the tuition for a current EMT to attend paramedic school and the other will pay for a non-EMT to attend EMT training and then pay for this person to attend paramedic schooling. The goal is to increase the number of paramedics in the State of South Dakota.

Action 18409AMB: A motion was made by Bodenstedt and seconded by Epp to approve the \$1.00 wage increase per hour for Troy Cowman starting November 11th, 2018 to January 1, 2019. All present voted aye; motion carried.

434th Avenue: Todd Huber appeared before the board to discuss the maintenance of 434th Avenue. Mr. Huber said when the county's motor graders turn around they severely tear up the road and the adjacent ditch and he would like the county to take over maintenance of the 250 feet of Sundance Ridge Road. Highway Superintendent Brian Gustad said he is waiting to hear from Department of Transportation if the road has been abandoned. If it hasn't then it can be readdressed. Chairman Woods said the highway department make sure they do not turn around on the road. Resident Kenneth Guenther also commented on 444th Avenue. Highway Superintendent Brian Gustad informed the board the contractor will start November 12th on the repair to Johnson Bridge. The contractor anticipates 3 days for completion for the repair. The board also discussed minimal maintenance of secondary roads.

Action 18410Z: 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.

Action 18411Z: A motion was made by Kettering and seconded by Epp to approve voiding permits #3067 and #3068 for Karl Schenk. Roll call vote was taken with Kettering, Epp, Bodenstedt and Woods voting Aye; Motion carried, 4-0.

CUP Public Hearing: This was the time and place for a public hearing for a Conditional Use Permit application from Dan Dolejsi. Applicant requested a permit for a swimming pool in an Agriculture District (Ag) in Yankton County. Said property is legally described as N700.5', S1608', W1/2, NW1/4, S26-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. E911 address 30732 444th Avenue, Mission Hill, SD. The Planning Commission recommended approval 7-1.

Applicant Dan Dolejsi commented on the Conditional Use Permit.

There was no opposition for the Conditional Use Permit.

Action 18412Z: A motion was made by Kettering and seconded by Bodenstedt to approve a Conditional Use Permit for Dan Dolejsi, based on Findings of Fact from the October 9, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, for a swimming pool 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 N700.5', S1608', W1/2, NW1/4, S26-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. E911 address is 30732 444th Avenue, Mission Hill, SD. 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 Verizon Wireless. Applicant requested a permit to construct wireless telecom facility with a 190' monopole in an Agriculture District (AG) in Yankton County. Said property is legally described as E1/2, SE1/4, exc Lot H-1, S36-T95N-R56W, hereinafter referred to as Central Township, County of Yankton, State of South Dakota. E911 address TBA 303rd Street, Yankton, SD. The Planning Commission recommended approval 7-0.

Rick Adams, representing the applicant, spoke on the Conditional Use Permit.

There was no opposition for the Conditional Use Permit.

Action 18413Z: A motion was made by Epp and seconded by Bodenstedt to approve a Conditional Use Permit for Verizon Wireless, based on Findings of Fact from the October 9, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, for a Principal Structure before Accessory Structure Requirement in a Moderate Density Rural Residential District (R-2) District in Yankton County, pursuant to Article 19, Section 1905 of the Yankton County Zoning Ordinance. Said property is legally described as E1/2, SE1/4, exc Lot H-1, S36-T95N-R56W, hereinafter referred to as Central Township, County of Yankton, State of South Dakota. E911 address TBA 303rd Street, Yankton, SD. The Planning Commission recommended approval 7-0.

Variance and Conditional Use Permit Public Hearing: This was the time and place for a public hearing for a Conditional Use Permit application from Caleb Pedersen. Applicant requested a permit to build a Class E 2400-head (906 AU Animal Units) Pork (finisher swine over 55 pounds) production barn and a variance of Minimum Property Line Setback requirement of 660 feet to 65 feet on west property line and 500 feet on north property line, with an Agriculture waiver in an Agriculture District (AG) in Yankton County. Said property is legally described as Tract 1, Weidenbach Addition, S29-T96N-R57W, hereinafter referred to as Odessa Township, County of Yankton, State of South Dakota. The E911 address is 29533 430th Avenue, Lesterville, SD. The Planning Commission recommended approval 8-0.

Applicant Caleb Pedersen spoke on his CUP application. Louis Johnson, Willard Schmidt and Leo Pedersen also spoke in support of the permit.

Patty Gramkow spoke on the Conditional Use Permit.

Speaking in opposition were, Paul Weidenbach, Kristy Schultz, Susanne Skyrn, and Ann Horton.

Action 18414Z: A motion was made by Kettering and seconded by Epp to approve a Conditional Use Permit for Caleb Pederson, based on Findings of Fact from the October 9, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to build a Class E 2400-head (906 AU Animal Units) Pork (finisher swine over 55 pounds) production 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 Tract 1, Weidenbach Addition, S29-T96N-R57W, hereinafter referred to as Odessa Township, County of Yankton, State of South Dakota. E911 address is 29533 430th Avenue, Lesterville, SD. Roll call vote was taken with Kettering, Epp, Bodenstedt and Woods voting Aye; Motion carried, 4-0.

Action 18415Z: A motion was made by Epp and seconded by Kettering, based on Findings of Fact from the October 9, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve a variance of Minimum Property Line Setback requirement of 660 feet to 65 feet on west property line and 500 feet on north property line, with an Agriculture waiver in an Agriculture District (AG) in Yankton County, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Said property is legally described as Tract 1, Weidenbach Addition, S29-T96N-R57W, hereinafter referred to as Odessa Township, County of Yankton, State of South Dakota. The E911 address is 29533 430th Avenue, Lesterville, SD. Roll call vote was taken with Epp, Kettering, Bodenstedt and Woods voting Aye; Motion carried, 4-0.

CUP Public Hearing: This was the time and place for a public hearing for a Conditional Use Permit application from Karl Schenk. Applicant requested a permit to build a Class E 2400 head (960 AU Animal Units) pork (finisher swine over 55 pounds) production barn in an Agriculture District (AG) in Yankton County. Said property is legally described as SE1/4, exc Lot 2, Helgerson's Addition S14-T94N-R55W and SW1/4, exc Parcel A, NW1/4, SW1/4, exc Lot 1, Helgerson's Addition S14-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. E911 address TBA 306 Street, Mission Hill, SD. The Planning Commission recommended approval 8-0.

Mike Stevens spoke on behalf of Karl Schenk on the Conditional Use Permit and also said that Mr. Schenk will not request a Variance.

Sarah Jepsen spoke in favor of the Conditional Use Permit.

Jim Williams spoke on the withdrawal of the Variance application.

Speaking in opposition were, Patti Davies, Paige Herrig, Dale Hebda and Kristy Schultz.

Mike Stevens gave a brief statement of rebuttal.

Applicant Karl Schenk spoke on the Conditional Use Permit.

Action 18416Z: A motion was made by Kettering and seconded by Epp to approve a Conditional Use Permit for Karl Schenk, based on Findings of Fact from the October 9, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to build a Class E 2400 head (960 AU Animal Units) pork (finisher swine over 55 pounds) production barn in an Agriculture District in Yankton County, pursuant to Article 19, Section 1905 of the Yankton County Zoning Ordinance. Said property is legally described as SE1/4, exc Lot 2, Helgerson's Addition S14-T94N-R55W and SW1/4, exc Parcel A, Nw1/4, SW1/4, exc Lot 1, Helgerson's Addition S14-T94N-R55W, hereinafter referred to as Mission Hill Township, County of Yankton, State of South Dakota. E911 address is TBA 306th Street, Mission Hill, SD. Roll call vote was taken with Kettering, Bodenstedt, Epp and Woods voting Aye; Motion carried, 4-0.

Variance and Conditional Use Permit Public Hearing: This was the time and place for a public hearing for a Conditional Use Permit application from Jay Cutts. Applicant requested a permit to build a Class E 2400-head (906 AU Animal Units) Pork (finisher swine over 55 pounds) production barn and a variance of Minimum ROW Setback requirement from 330 feet to 150 feet in an Agriculture District (AG) in Yankton County. Said property is legally described as SE1/4, SE1/4, S19-T94N-R54W, hereinafter referred to as Volin Township, County of Yankton, State of South Dakota. The E911 address is TBA 307th Street, Mission Hill, SD. The Planning Commission recommended approval 7-1.

Applicant Jay Cuts spoke on his CUP application. Louis Johnson, Robert Freng, Bran Holn and Willard Schmidt spoke in favor of the application.

Brendan and Andrea Gramkow appeared in opposition to the Conditional Use Permit. Mr. Gramkow read two letters one from Attorney Mitchell Peterson and David Nielsen of Nielsen Farm Enterprises. Both letters were placed into the record. Patty Gramkow, Kristy Schultze and Paige Herrig spoke in opposition of the application.

Jay Cutts gave a brief rebuttal.

Action 18417Z: A motion was made by Epp and seconded by Kettering to approve a Conditional Use Permit for Jay Cuts, based on Findings of Fact from the September 26 and October 9, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to build a Class E 2400-head (906 AU Animal Units) Pork (finisher swine over 55 pounds) production 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 SE1/4, SE1/4, S19-T94N-R54W, hereinafter referred to as Volin Township, County of Yankton, State of South Dakota. E911 address TBA 307th Street, Mission

Hill, SD. Roll call vote was taken with Epp, Kettering, Bodenstedt and Woods voting aye; Motion carried, 4-0.

Action 18418Z: A motion was made by Kettering and seconded by Epp, based on Findings of Fact from the October 9, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve a variance of Minimum ROW Setback requirement of 330 feet to 150 feet in an Agriculture District (AG) in Yankton County, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Said property is legally described as SE1/4, SE1/4, S19-T94N-R54W, hereinafter referred to as Volin Township, County of Yankton, State of South Dakota. The E911 TBA 307th Street, Mission Hill, SD. Roll call vote was taken with Kettering, Epp, Bodenstedt and Woods voting aye; Motion carried, 4-0.

Action 18419C: A motion was made by Bodenstedt and seconded by Kettering to recess the Board of Adjustment. All present voted aye; motion carried.

Action 18420D: A motion was made by Kettering and seconded by Epp to recess the regular session and convene as Ditch Board. All present voted aye; motion carried.

Action 18421D: A motion was made by Epp and seconded by Bodenstedt to change contractors from C & C Concrete Construction LLC to Feimer Construction Co., Inc. for culvert replacement for the Yankton Clay Ditch and maintenance on Yankton Clay Ditch #2. All present voted aye; motion carried.

Action 18422D: A motion was made by Epp and seconded by Bodenstedt to recess the Ditch Board and reconvene in regular session. All present voted aye; motion carried.

Action 18423C: A motion was made by Bodenstedt and seconded by Epp to approve the vacation of section line in Lt 5 Blk 2 Zedikers's Sub/Division and Lt 14 Blk 2 Zediker's Sub/Division, for Bob Berglund. All present voted aye; motion carried.

Action 18424C: A motion was made by Epp and seconded by Bodenstedt to approve the following applications for renewal of retail (on-sale) liquor licenses: Huber Enterprises, LLC dba Mayfield Bar and Grill; Shipwreck, Inc dba The Cottonwood; Donlin Marine, LLC dba Marina Grill; Hebda Family Produce dba Hebda Family Produce; Jerry Flegge and Terry Flegge dba Fleeg's Roadhouse; Captain Norm's, LLC dba Captain Norm's; SAT Enterprises LLC dba TJ's Mini Mart; and Glenridge Golf Course, Inc dba Glenridge Golf Course. All present voted aye; motion carried.

Action 18425C: A motion was made by Bodenstedt and seconded by Epp to allow all county employees off December 24, 2018 with pay. All present voted aye; motion carried.

Commissioner Kettering presented options for the board to review on the hiring of Personnel (HR) Manager. Kettering asked the board to review the options for discussion at the next commission meeting.

There was one public comment from Louis Johnson.

Action 18426C: A motion was made by Epp and seconded by Bodenstedt to adjourn. All present voted aye; motion carried.

The next regular meeting will be Tuesday, November 20, 2018.

Todd Woods, Chairman
Yankton County Commission

ATTEST:
Patty Hojem, County Auditor