YANKTON COUNTY COMMISSION MEETING

November 15, 2022

The regular meeting of the Yankton County Commission was called to order by Chairman Joe Healy at 6:00 p.m. on Tuesday, November 15, 2022.

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

There were no conflicts of interest reported by Commissioners.

Action 22441C: A motion was made by Fox and seconded by Loest to approve agenda with addition of executive session for personnel issues SDCL 1-25-2(1). Fox, Loest, Kettering and Healy voted aye; Klimisch voting nay; motion carried, 4-1.

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

Yankton County Ambulance Director Steve Hawkins appeared before the board to present new and updated ambulance job descriptions. No action was taken.

Dana Schmidt from Yankton Community Library appeared to update the board on statistics from the 2021 annual YCL report and request approval of agreement for the provision of library services to county residents outside of the City of Yankton.

Action 22442C: A motion was made by Klimisch and seconded by Fox to approve the Agreement for Provision of Library Services. All present voted aye; motion carried, 5-0.

Highway Superintendent Mike Sedlacek appeared for approval of Resolution 22-06 to establish criteria to award Rural Action Infrastructure Funding.

Action 22443Hwy: A motion was made by Klimisch and seconded by Loest to approve the following resolution. All present voted aye; motion carried, 5-0.

RESOLUTION Yankton County 22-06
To Establish Criteria to Award Rural Action Infrastructure Funding

WHEREAS, in 2021, SDCL § 31-34 (Rural Access Infrastructure) was enacted to provide funding for counties and townships to inventory their small structures, identify needs and plan improvements and to fund construction, rehabilitation, and maintenance of small structures on township and county secondary highways;

WHEREAS, in 2021, Yankton County received its share of funds from the State of South Dakota and, as required, inventoried its small structures, identified needs, and planned improvements of certain small structures;

WHEREAS, in 2022, Yankton County received its share of the \$11,333,333.33 million additional funds to award rural access infrastructure grants to local public agencies, including townships;

WHEREAS, as statutorily required, Yankton County created a Rural Access Infrastructure Fund ("RAIF") in which to deposit moneys it received under SDCL § 31-34;

WHEREAS, SDCL § 31-34-4 creates a process for townships to apply for RAIF grants; **WHEREAS**, SDCL § 31-34-5 requires county commissions to consider certain criteria in awarding RAIF funds; now it is hereby

RESOLVED that Yankton County hereby establishes the criteria to be considered in awarding Rural Access Infrastructure grants as follows:

Yankton County RAIF Funding Award Criteria

Pursuant to SDCL § 31-34-5, the Yankton County Board of County Commissioners shall, at a minimum, consider the following criteria in awarding rural access infrastructure grants:

- (1) Traffic use of the highway;
 - Use SDDOT Bridge Improvement Grant ("BIG") formula as follows
 - User Impact (20 points maximum) User Impact will be a variable that
 measures impact on users of the culvert and will be calculated by
 multiplying the Average Daily Traffic ("ADT") for the bridge by the Detour
 Length. The points will be assigned based on the following formulas with
 the maximum value for user impact capped at 20 points: User Impact =
 ADT x Detour Length (miles) / 100
- (2) Public Safety;
 - Structure to be in poor condition to qualify, points given based on condition:

 Structure Condition 	Good	0	
	Fair	0	
	Poor	5	
	Critical	10	
Posted Structure	No Posting	0	
	Posting		10

- (3) Residential, commercial, recreational, and other uses of the highway, points given based on use:
 - Residential 1
 - Commercial 2
 - Recreational 2
- (4) Cost of the Project;
 - Follow BIG formula
 - For any Local Public Agency ("LPA") cost share beyond the required 20%, additional points will be awarded as shown in the Table as follows:

County Share (%)	LPA Share (%)	Points
80	20	0.00
79	21	0.33
78	22	0.67
77	23	1.00
76	24	1.33
75	25	1.67
74	26	2.00
73	27	2.33
72	28	2.67
71	29	3.00
70	30	3.33
69	31	3.67
68	32	4.00
67	33	4.33
66	34	4.67
65	35	5.00
64	36	5.33
63	37	5.67
62	38	6.00
61	39	6.33
60	40	6.67
59	41	7.00
58	42	7.33
57	43	7.67
56	44	8.00
55	45	8.33
54	46	8.67
53	47	9.00
52	48	9.33
51	49	9.67
50 or less	50 or more	10.00

- (5) Contribution from township or others to the project and ability of township to fund their share of the project;
 - Township's annual operating budget plus cost of structure; Pass/Fail
- (6) Confirmation the project is not located on a no-maintenance or minimum-maintenance road;
 - Pass/Fail

- (7) If the highway does not terminate into a field entrance, driveway, single residence, farm, or ranch;
 - Pass/Fail
- (8) The application, or group of applications, that best serves the citizens of this state; and
 - Pass/Fail
- (9) Any other matters deemed applicable by the Board of County Commissioners, including but not limited to application failure in previous year at same location, 5 points granted.

Dated this 15th day of November, 2022.

Joe Healy/s/ - Chairman Yankton County Commission

ATTEST Patty Hojem/s/

Action 22444Z: A motion was made by Klimisch and seconded by Kettering to adopt the following resolution: Whereas it appears, Bob Law, owner of record, has caused a plat to be made of the following real property: Tract F, Deer Ridge, NE1/4, SE1/4, S8-T93N-R56W, hereinafter referred to as Utica Township, County of Yankton, S.D., 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 22445Z: A motion was made by Fox and seconded by Klimisch to adopt the following resolution: Whereas it appears, David Walloch Living Trust, owner of record, has caused a plat to be made of the following real property: Kelsey's addition, SE1/4, S20-T95N-R57W, hereinafter referred to as Lesterville Township, County of Yankton, S.D., 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 22446Z: A motion was made by Klimisch and seconded by Kettering to adopt the following resolution: Whereas it appears, David Akland, owner of record, has caused a plat to be made of the following real property: Tract 1 and 2 Akland Addition, SE1/4, S32-T96N-R54W, hereinafter referred to as Turkey Valley Township, County of Yankton, S.D., 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 22447Z: A motion was made by Klimisch and seconded by Fox to adopt the following resolution: Whereas it appears, Karl Schenk, owner of record, has caused a plat to be made of the following real property: Keith's Addition, SW1/4, NW1/4, S13-T93N-R57W, hereinafter referred to as Ziskov Township, County of Yankton, S.D., 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 22448D: A motion was made by Loest and seconded by Fox to recess the regular session and convene as Ditch Board. All present voted aye; motion carried.

Chairman Healy presented bids for work to be done on the Clay Creek and Yankton Clay Ditches. The Engineer's Estimate was \$171,000.00. Bids were received from Wieman Construction, LLC in the amount of \$137,750.00 and Two Rivers in the amount of \$144,207.77.

Action 22449D: A motion was made by Fox and seconded by Loest to approve the bid from Wieman Construction, LLC for \$137,750.00. All present voted aye; motion carried, 5-0.

Action 22450C: A motion was made by Loest and seconded by Fox to recess the Ditch Board and reconvene in regular session. All present voted aye; motion carried, 5-0.

Action 22451RD: A motion was made by Loest and seconded by Kettering to accept the petitions submitted to form the White Crane Estates Road District. All present voted aye; motion carried, 5-0.

Action 22452C: A motion was made by Loest and seconded by Fox to approve the November 1, 2022 meeting minutes. All present voted aye; motion carried, 5-0.

Action 22453C: A motion was made by Loest and seconded by Fox to approve the following claims: **Commissioners:** Bluepeak (Utilities) \$50.50; Alternative HR, LLC (Prof Services) \$131.25; First Bankcard (Supplies) \$266.25; Qualified Presort Services (Supplies) \$19.11; Yankton Daily Press & Dakotan (Publishing) \$528.96; **Elections:** First Bankcard (Supplies) \$4.24; McLeod's Printing & Office Supply (Supplies) \$274.08; Yankton County Observer (Publishing) \$436.81; Qualified Presort Services (Supplies) \$224.22; Lisa VenOsdel (Salary)

\$849.17; Yankton Daily Press & Dakotan (Publishing) \$9.12; Court: Avera Sacred Heart Hospital (Lab) \$1,305.00; Certified Languages International (Prof Services) \$290.40; Juror Fees (Juror Fees) \$2,139.08; Department of Health (Lab) \$960.00; Dean Schaefer (Prof Services) \$699.00; Thomson Reuters-West (Supplies) \$1,377.43; **Auditor:** Andersen Telecom LLC (Prof Services) \$475.00; Bluepeak (Utilities) \$121.39; LEAF (Rentals) \$183.83; McLeod's Printing & Office Supply (Supplies) \$189.90; Qualified Presort Services (Supplies) \$270.87; One Office Solution (Maintenance) \$122.36; One Office Solution (Supplies) \$142.42; Thomson Reuters-West (Supplies) \$132.90; **Treasurer:** Andersen Telecom LLC (Maintenance) \$50.00; Bluepeak (Utilities) \$197.49; Qualified Presort Services (Supplies) \$181.21; One Office Solution (Maintenance) \$246.62; **Data:** Andersen Telecom LLC (Prof Services) \$223.47; Bluepeak (Utilities) \$718.82; First Bankcard (Maintenance) \$524.61; Tyler Technologies (Prof Services) \$59,342.39; States Attorney: Century Business Products (Rentals) \$539.66; State Bar of South Dakota (Travel) \$500.00; Security Shredding Services (Maintenance) \$35.00; **Government Buildings:** Bluepeak (Utilities) \$25.25; City of Yankton (Maintenance) \$5.50; Midwestern Mechanical Inc. (Maintenance) \$120.00; Heiman Inc. (Maintenance) \$199.00; Johnson Controls, Inc. (Maintenance) \$6,094.50; JCL Solutions (Supplies) \$673.62; Menards (Supplies) \$257.04; Menards (Maintenance) \$95.32; MidAmerican Energy (Utilities) \$652.74; OTIS Elevator Company (Maintenance) \$125.00; Director of Equalization: Andersen Telecom LLC (Maintenance) \$300.00; Bluepeak (Utilities) \$193.50; Ramkota Hotel & Conference Center (Travel) \$1,960.00; ESRI (Maintenance) \$2,200.00; First Bankcard (Supplies) \$63.52; Aumentum Technologies (Maintenance) \$12,291.00; Microfilm Imagining Systems, Inc. (Maintenance) \$120.00; Qualified Presort Services (Supplies) \$47.67; One Office Solution (Maintenance) \$118.39; Register of Deeds: Bluepeak (Utilities) \$171.50; Qualified Presort Services (Supplies) \$41.81; **Veteran's Service Office:** Bluepeak (Utilities) \$25.25; Ramkota Hotel & Conference Center (Travel) \$144.00; LEAF (Rentals) \$58.60; Qualified Presort Services (Supplies) \$11.29; One Office Solution (Maintenance) \$7.20; Safety Center Building: Bluepeak (Utilities) \$818.52; City of Yankton (Dumpster Fees) \$168.00; Midwestern Mechanical Inc. (Maintenance) \$275.00; Septic Services of SD (Maintenance) \$292.88; Echo Group (Maintenance) \$210.18; Johnson Controls, Inc. (Maintenance) \$8,742.80; JCL Solution (Supplies) \$673.63; Menards (Maintenance) \$97.09; MidAmerican Energy (Utilities) \$2,597.72; Olson's Pest Technicians (Maintenance) \$137.00; One Office Solution (Supplies) \$149.18; **Sheriff:** City of Yankton (Fuel) \$3,211.90; NAPA Auto Parts of Yankton (Maintenance) \$73.70; Culligan (Supplies) \$32.00; Qualified Presort Services (Maintenance) \$143.20; Streicher's Inc. (Law Enforcement Equipment) \$166.80; Tire Muffler Alignment (Maintenance) \$1,078.67; One Office Solution (Maintenance) \$46.89; **County Jail:** Avera McKennan Hospital (Prof Services) \$8,148.45; Anesthesiology Associates (Prof Services) \$910.00; Avera Sacred Heart Hospital (Prof Services) \$6,852.16; AMG Radiology-Yankton (Prof Services) \$426.89; Avera Medical Group (Prof Services) \$1,125.00; Bob Barker Company, Inc. (Mattress Replacement) \$5,055.60; Scott Family Dentistry, Inc. (Prof Services) \$254.00; Charm-Tex (Supplies) \$188.70; Jerry Sorbel (Prof Services) \$800.00; Trinity Services Group (Food Services) \$8,155.66; EZ Duz It Laundry (Uniforms) \$14.00; Jacks Uniforms & Equipment (Uniforms) \$229.69; Menards (Supplies) \$227.33; Correctional Risk Services (Inmate Liability Insurance) \$1,855.35; One Office Solution (Supplies) \$88.22; Yankton Rexall Drug Co. (Prof Services)

\$2,740.64; Coroner: One Office Solution (Supplies) \$44.80; Yankton Search and Rescue: City of Yankton (Supplies) \$19.96; Feld Fire (Equipment Grant) \$1,099.06; First Bankcard (Supplies) \$129.78; Care of Poor: Qualified Presort Services (Supplies) \$64.16; Thomson Reuters-West (Supplies) \$83.55; Public Health Nurse: Bluepeak (Utilities) \$202.00; Qualified Presort Services (Supplies) \$17.46; **Ambulance:** Bound Tree Medical (Supplies) \$1,088.99; City of Yankton (Supplies) \$373.87; Cintas (Maintenance) \$113.45; Melisa Smith (Travel) \$339.59; First Bankcard (Supplies) \$831.51; Investigative Services (Prof Services) \$149.00; LEAF (Rentals) \$81.43; Matheson Tri-Gas Inc. (Rentals) \$31.86; Menards (Supplies) \$252.15; One Office Solution (Maintenance) \$32.53; Mentally Handicapped: SD Achieve dba Lifescape (Misc.) \$180.00; Mental Illness Board: Kennedy Pier Loftus & Reynolds, LLP (Hearings) \$171.70; Lewis & Clark Behavioral Health Services (Hearings) \$736.00; Lincoln County Treasurer (Hearings) \$1,347.16; **Library:** Yankton Community Library (Misc.) \$9,000.00; County Extension: Buhl's Cleaners (Supplies) \$37.82; Katie Doty (Travel) \$75.00; Schroeder Memorials (Maintenance) \$50.00; LEAF (Rentals) \$226.76; Northwestern Energy (Utilities) \$187.75; Olson's Pest Technicians (Maintenance) \$150.00; Yankton County Leaders Association (4H/Other) \$2,062.00; **Weed:** Bomgaars (Supplies) \$78.43; NAPA Auto Parts of Yankton (Maintenance) \$71.87; First Bankcard (Supplies) \$154.52; First Bankcard (Travel) \$84.73; Graham Tire-Yankton (Maintenance) \$1,293.06; One Office Solution (Supplies) \$77.50; Planning and Zoning: Andersen Telecom LLC (Prof Services) \$125.00; Bluepeak (Utilities) \$50.50; LEAF (Rentals) \$104.86; Microfilm Imaging Systems (Rentals) \$70.00; Pheasantland Industries (Supplies) \$48.80; Qualified Presort Services (Supplies) \$34.94; One Office Solution (Maintenance) \$83.35; One Office Solution (Supplies) \$57.50; Yankton Daily Press & Dakotan (Publishing) \$186.97; **Highway:** C & B Operations, LLC (Maintenance) \$284.61; Bomgaars (Supplies) \$335.88; B-Y Electric (Utilities) \$69.52; B-Y Water (Utilities) \$100.50; Bluepeak (Utilities) \$141.08; Boyer Trucks (Maintenance) \$273.10; Presto-X (Maintenance) \$133.34; NAPA Auto Parts of Yankton (Maintenance) \$136.44; Knife River-South Dakota (Supplies) \$904.28; Centurylink (Utilities) \$42.46; CHS Inc. (Hwy Fuel) \$2,589.60; Diamond Mowers Inc. (Maintenance) \$568.12; CM Tools LLC (Supplies) \$122.75; Titian Machinery-Yankton (Maintenance) \$278.01; First Bankcard (Maintenance) \$34.81; First Bankcard (Supplies) \$75.00; I State Truck Center (Maintenance) \$909.24; Janssen's Garbage Service (Utilities) \$50.00; Kimball Midwest (Supplies) \$204.54; Menards (Supplies) \$9.98; MidAmerican Energy (Utilities) \$173.10; Yankton County Observer (Prof Services) \$46.93; O'Reilly Auto Parts (Maintenance) \$81.56; Riverside Hydraulics & Labs (Maintenance) \$459.41; Southeastern Electric Cooperative Inc. (Utilities) \$41.64; One Office Solution (Supplies) \$77.51; Yankton Daily Press & Dakotan (Publishing) \$594.51; Local Emergency Planning: Golden West Telecommunications (Utilities) \$147.21; TriTech Software Systems (Prof Services) \$23,915.41; **Emergency Management:** B-Y Electric (Utilities) \$53.19; The Response Group (LEPC Supplies) \$2,900.00; Verizon (Utilities) \$122.15; First Bankcard (Supplies) \$717.20; First Bankcard (Prof Services) \$248.74; First Bankcard (LEPC Supplies) \$267.80; First Bankcard (Maintenance) \$255.54; First Bankcard (Other) \$284.95; LEAF (Rentals) \$90.00; Menards (Grant) \$2,798.97; Two Way Solutions (Maintenance) \$43.99; Two Way Solutions (Supplies)\$134.00; One Office Solution (Supplies) \$22.38; One Office Solution (Maintenance) \$97.01; Government Buildings: Culligan (Misc.) \$206.00; Agap LLC dba Power Source

Electric (Misc.) \$735.42; Agap LLC dba Power Source Electric (Maintenance) \$191.33; First Bankcard (Misc.) \$1,124.00; **24/7**: Precision Kiosk Technologies (Prof Services) \$1,350.00; PharmChem, Inc. (Supplies) \$2,270.45; **Debt Services**: BOKF, NA (Principal & Interest) \$595,240.00; **Non-Departmental**: Ulteig (Yankton Ditch Cleanout) \$751.56; Ulteig (Clay Creek Ditch Cleanout) \$751.57; Satellite Tracking of People (Tracking Monitors) \$386.75; Byron Nogelmeier (SCRAM Bracelets) \$2,115.00; Byron Nogelmeier (Sobriety Testing) \$200.00; SDACO (M & PR Fund) \$404.00; SD Department of Revenue (Motor Vehicle Fees) \$401,835.15; SD Department of Revenue (Waste Fees) \$3,437.75; SD Department of Revenue (ROD Fees) \$2,240.00; SD Department of Revenue (Services-HSC) \$2,924.61; SD Department of Revenue (Services-Redfield) \$240.00. General Fund \$177,452.48; Road & Bridge \$8,737.92; Emergency Management \$8,035.92. All present voted aye; motion carried, 5-0.

Action 22454C: A motion was made by Loest and seconded by Kettering to approve the September 2022 and October 2022 Pooled Cash and Auditor Treasurer Reports. All present voted aye; motion carried, 5-0.

Commissioner updates included attendance at the RTech board meeting, cost of living raise, Operation Greenlight and scheduling a meeting with Yankton County state legislators.

Commissioner Klimisch read Resolution 22-07 to reduce the speed limit on Kaiser Road. Steve Kirby and Kelly Kneifl spoke on the resolution.

Action 22455Hwy: A motion was made by Kettering and seconded by Fox to approve the Resolution 22-07. All present voted aye; motion carried, 5-0.

YANKTON COUNTY BOARD OF COUNTY COMMISSIONERS YANKTON COUNTY, SOUTH DAKOTA

Resolution No. 22-7

ESTABLISHING REDUCED SPEED LIMIT FOR HIGHWAY

WHEREAS, pursuant to SDCL 32-25-9.1, the Yankton County Board of Commissioners may determine and establish speed zones upon all or any part of the highways under its jurisdiction having charge of the maintenance of its roads; and,

WHEREAS, that portion of the Yankton County road 434th Avenue from SD HWY 50 to Kaiser Road in the approximate distance of 7,900 feet and that portion of the Yankton County road Kaiser Road from SD HWY 153 (435th Ave) to 434th Avenue in the approximate distance to 5,500 feet has seen a significant increase in residential dwellings and residential traffic; and, **WHEREAS**, the speed limit on the Residential Road is currently 40 mph; and, **WHEREAS**, the Yankton County Highway Superintendent recommends that the herein described roadways' speed limit be reduced to 30 mph to ensure the safety of travelers on

said roadways due to the significant number of residential traffic and residential dwellings located thereon and nearby; and,

WHEREAS, pursuant to SDCL 7-18A-8, the adoption of a resolution may take effect immediately for the preservation of the public peace, health, or safety.

NOW THEREFORE BE IT RESOLVED by the Yankton County Board of Commissioners, in accordance with SDCL 32-25-9.1, declares that the Yankton County Highway Department is hereby authorized to reduce the speed limit on 434th avenue to 30 miles per hour from SD HWY 50 to Kaiser Road in the approximate distance of 7,900 feet and the Yankton County Highway Department is authorized to reduce the speed limit on Kaiser Road to 30 miles per hour from SD HWY 153 (435th Ave) to 434th Avenue in the approximate distance to 5,500 feet; and,

BE IT FURTHER RESOLVED that this Resolution shall be effective immediately.

Joe Healy/s/ - Chairman Yankton County Commission

ATTEST Patty Hojem/s/

Commissioner Fox presented a revised code of conduct policy. The policy will be reviewed by the board with action to follow at the next commission meeting.

Commissioner Loest presented and explained each paragraph of the social media policy. The policy will be reviewed by the board with action to follow at the next commission meeting.

There were no public comments. Chairman Healy closed public comment.

Action 22456C: A motion was made by Fox and seconded by Kettering to recess the regular session at 7:25 p.m. and convene in executive session to discuss Poor Relief Issues SDCL 1-25-2 & 28-13 and personnel issues SDCL 1-25-2(1). All present voted aye; motion carried, 5-0.

Action 22457C: A motion was made by Fox and seconded by Klimisch to adjourn executive session at 8:05 p.m. and reconvene in regular session. All present voted aye; motion carried, 5-0.

Action 22458C: A motion was made by Loest and seconded by Fox to approve files of poor relief case CW 20-3-054, CW MI 22-4-001, CW MI 22-4-002, CW MI 22-4-003, CW MI 22-4-005 CW, MI 22-4-006 CW, MI 22-4-007 in the amount of \$3,696.79. All present voted aye; motion carried, 5-0.

Action 22459C: A motion was made by Fox and seconded by Klimisch to deny files of poor relief case CW MI 22-4-004, CW 21-4-034, CW 21-4-030, CW 21-4-048, CW 22-3-043, CW 22-3-045, CW 22-1-005, CW 22-2-032, CW 22-2-059, CW 20-2-004 in the amount of \$70,163.96

based on following SDCLs: 28-13-3, 28-13-3.1, 28-13-1.1, 28-13.27(6)(a), 28-13-33. All present voted aye; motion carried, 5-0.

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

Action 22460C: A motion was made by Loest and seconded by Fox to adjourn. All present voted aye; motion carried, 5-0.

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

Joe Healy, Chairman Yankton County Commission

ATTEST:

Patty Hojem, County Auditor