

YANKTON COUNTY COMMISSION MEETING  
March 5, 2019

The regular meeting of the Yankton County Commission was called to order by Chairman Dan Klimisch at 6:00 PM on Tuesday, March 5, 2019.

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

There were no conflicts of interest reported by Commissioners.

**Action 1988C:** A motion was made by Loest and seconded by Kettering to approve the meeting agenda with the following additions: approve Director of Equalization report, set date for Board of Equalization. All present voted aye; motion carried.

**Action 1989C:** A motion was made by Kettering and seconded by Loest to approve the minutes of the February 19, 22, 25, 2019 meetings. All present voted aye; motion carried.

There was one public comment from Paty Davies.

Chairman Klimisch read a statement regarding a situation he was contacted about. Commissioner Swensen also made a comment.

**Action 1990C:** A motion was made by Healy and seconded by Kettering to approve the following claims: **General Fund: Commissioners:** Intuvio Solutions (Professional Services) \$99.90, River Rat Productions (Professional Services) \$850.00, Hansen Locksmithing Inc. (Supplies) \$109.00, Yankton Area Progressive Growth Inc. (Travel) \$15.00; **Elections:** Qualified Presort Services LLC (Supplies) \$18.17, Verizon (Utilities) \$360.09; **Court:** Jurors Fees (10 @ \$50.00) \$500.00, Jurors Fees-MI (1 @ \$12.60) \$12.60, Jurors Fees-MI (1 @ \$33.60) \$33.60, Jurors Fees-MI (1 @ 6.72) \$6.72, Harmelink & Fox Law Office (Professional Services) \$1,046.19, Jurors Fees-MI (1 @ \$1.68) \$1.68, Fox & Youngberg, PC (Professional Services) \$15,000.00, Horn Law Office, LLC (Professional Services) \$9,965.92, Jurors Fees-MI (1 @ \$16.80) \$16.80, Jurors Fees-MI (1 @ \$12.60) \$12.60, West Payment Center (Supplies) \$891.63; **Auditor:** Leaf (Rentals) \$174.90, McLeod's Printing & Office Supply (Supplies) \$519.68, Qualified Presort Services LLC (Supplies) \$95.86, One Office Solution (Supplies) \$489.75; **Treasurer:** Qualified Presort Service LLC (Supplies) \$180.53, One Office Solution (Maintenance) \$165.00; **Data Processing:** Leaf (Rental) \$104.86; **States Attorney:** Century Business Products (Rental) \$324.14, Culligan Water (Supplies) \$6.75, Executive Management Finance Office (Utilities) \$24.75, Hy-Vee (Supplies) \$26.95, Qualified Presort Services LLC (Supplies) \$94.05, Staples Credit Plan (Supplies) \$342.58; **Government Buildings:** Kopetsky's Ace Hardware (Supplies) \$19.18, City of Yankton (Utilities) \$2,766.60, Hy-Vee (Supplies) \$125.00, Johnson Controls, Inc. (Maintenance) \$284.42, JCL Solutions (Supplies) \$249.93, Menards (Supplies) \$76.72, Northwestern Energy (Utilities) \$2,114.16, Otis Elevator Company (Maintenance) \$826.50; **Director of Equalization:** Qualified Presort Services, LLC (Supplies) \$151.62, One Office Solution (Supplies) \$165.48; **Register of**

**Deeds:** Executive Management Finance Office (Utilities) \$24.75, Brian Hunhoff (Travel) \$99.20, Microfilm Imaging Systems, Inc. (Supplies) \$76.85, Qualified Presort Services LLC (Supplies) \$33.00; **Veterans Service Officer:** Qualified Presort Services LLC (Supplies) \$6.01; **Safety Center Building:** City of Yankton (Utilities) \$869.65, Cole Papers Inc. (Supplies) \$368.37, Northwestern Energy (Utilities) \$5,120.51; **Sheriff:** Cardmember Services (Fuel) \$324.09, Jennifer Larson (Travel) \$78.62, Embroidery & Screen Works, Inc. (Uniforms) \$242.00, Northtown Automotive (Maintenance) \$55.31, Pennington County Jail (Travel) \$827.40, Qualified Presort Services LLC (Maintenance Contract) \$199.48; **County Jail:** Avera Medical Group (Professional Services) \$7,032.38, Bomgaars (Supplies) \$39.40, CBM Food Service (Food Services) \$8,688.54, Nelson Electric and Electronic Service (Supplies) \$85.27, Avera Patient Financial Services (Professional Services) \$23.00, EZ Duz It Laundry (Supplies) \$44.85, Hy-Vee (Professional Services) \$124.94, Jack's Uniforms & Equipment (Uniforms) \$509.53, Northtown Automotive (Auto Expense) \$50.70, Yankton Medical Clinic (Professional Services) \$704.00; **Coroner:** Sanford Health (Professional Services) \$4,675.00; **Juvenile Detention:** Minnehaha County Regional Detention Center (Rentals) \$4,370.00; **Yankton Area Search & Rescue:** Bomgaars (Supplies) \$227.46, Battery Exchange (Supplies) \$224.95, Ocean Technology System (Maintenance) \$19.38, M.T. & R.C. Smith Insurance (Liability Insurance) \$7,244.00; **Care of Poor:** Qualified Presort Services LLC (Supplies) \$150.17, West Payment Center (Supplies) \$75.00; **Public Health Nurse:** Qualified Presort Services LLC (Supplies) \$61.26; **Ambulance:** Avera Sacred Heart Hospital (Supplies) \$1,044.19, Sacred Heart Health Services (Professional Services) \$1,500.00, Channing Bete Co., Inc. (Supplies) \$166.90, The UPS Store #6716 (Supplies) \$50.00, City of Yankton (Utilities) \$138.07, Credit Collection Services, Inc. (Professional Services) \$261.71, Fluent Information Systems, Inc. (Professional Services) \$589.00, Cintas (Supplies) \$64.79, C.F.E., Inc. (Supplies) \$116.00, Diamond Drugs (Professional Services) \$1,122.67, Change Healthcare (Professional Services) \$133.77, Light & Siren (Supplies) \$821.00, Menards (Supplies) \$218.05, MidAmerican Energy (Utilities) \$1,074.91, Northwestern Energy (Utilities) \$1,240.27, Olson's Pest Technicians (Maintenance) \$114.00, Overhead Door Company of Sioux City, Inc. (Maintenance) \$322.50, M.T. & R.C. Smith Insurance (Liability Insurance) \$11,025.00, Vogt's Cleaners (Maintenance) \$11.50, One Office Solution (Supplies) \$400.49; **Mental Illness Board:** Darcy Lockwood (Hearings) \$76.50, Mark Katterhagen (Hearings-MI) \$76.50, Lucille M. Lewno (Hearings-MI) \$1,138.97, Gary E. Mikelson (Hearings-MI) \$732.00; **County Extension:** Vast Business (Utilities) \$405.49, City of Yankton (Utilities) \$66.07, Katie Doty (Travel) \$40.00, Hy-Vee (Supplies) \$11.56, Olson's Pest Technician (Maintenance) \$160.00, One Office Solution (Supplies) \$27.54; **Soil Conservation:** Yankton County Conservation District (1<sup>st</sup> Half Wages-Tree Manager) \$2,500.00; **Weed:** Cox Auto Supply, Inc. (Supplies) \$76.16, Menards (Supplies) \$6.99; **Planning & Zoning:** River Rat Productions (Professional Services) \$280.00, Qualified Presort Services LLC (Supplies) \$12.94, One Office Solution (Maintenance) \$156.78; **Road & Bridge:** Kopetsky's Ace Hardware (Supplies) \$13.41, Capital I Industries, Inc. (Maintenance) \$5,300.00, Capital I Industries, Inc. (Machinery Equipment) \$80,872.00, Bomgaars (Supplies) \$158.03, Bierschbach Equipment & Supply (Supplies) \$172.60, Battery Exchange (Supplies) \$393.90, Butler Machinery Co. (Supplies) \$1,304.83, Boyer Trucks (Supplies) \$2,146.20, City of Yankton (Utilities) \$71.88, Cox Auto Supply, Inc. (Supplies) \$21.98, CenturyLink (Utilities) \$115.94, Clark Engineering (Professional Services) \$5,247.62, Snap on Tools (Supplies)

\$405.84, Bon Homme Colony (Supplies) \$65.00, Ehresmann Engineering, Inc. (Supplies) \$39.72, Filter Care of Nebraska (Supplies) \$180.90, Fastenal Industrial & Construction Supply (Supplies) \$25.44, Gerstner Oil Co. (Hwy Fuel) \$252.74, Graham Tire Yankton (Supplies) \$369.50, Auto Value Yankton (Supplies) \$49.32, I State Truck Center (Supplies) \$748.20, Kaiser Appliance & Refrigeration (Supplies) \$99.95, Kimball Midwest (Supplies) \$310.93, Mark's Machinery (Supplies) \$82.40, Matheson Tri-Gas, Inc. (Supplies) \$245.78, Menards (Supplies) \$152.14, Motorola (Supplies) \$2,192.25, Midwest Radiator & Exhaust (Supplies) \$58.00, Northwestern Energy (Utilities) \$58.71, O'Reilly Auto Parts (Supplies) \$15.81, Riverside Hydraulics & Labs (Supplies) \$1,122.09, Stern Oil Co., Inc. (Supplies) \$98.35, Truck Trailer Sales Service, Inc. (Supplies) \$29.25, Team Laboratory Chemical Corp (Supplies) \$143.00, Winter Equipment Co. (Supplies) \$254.18, Yankton Janitorial Supply (Supplies) \$29.95; **Emergency 911 Fund:** CenturyLink (Utilities) \$71.51, South Dakota Department of Public Safety (Utilities) \$3,590.00; **Emergency Management:** MidAmerican Energy (Utilities) \$41.85, Racom Corporation (Utilities) \$35.15, M.T. & R.C. Smith Insurance (Liability Insurance) \$6,423.00, One Office Solution (Supplies) \$44.99; **Non-Departmental:** Kayla Decora (Refund Sobriety Testing) \$17.00; **24/7 Sobriety Fund:** Intoximeters Inc. (Supplies) \$2,080.25, Pharmchem, Inc. (Supplies) \$2,312.55. General Fund \$108,249.37, Road & Bridge \$102,847.84, Emergency Management, \$6,544.99. All present voted aye; motion carried.

**Action 1991C:** A motion was made by Kettering and seconded by Loest to approve the **February, 2019 Gross Payroll: Commissioners:** \$5,606.74; **Election:** \$0.00; Auditor: \$14,472.35; **Treasurer:** \$16,868.69; **States Attorney:** \$30,498.72; **Government Buildings:** \$14,068.95; **Director of Equalization:** \$25,144.31; **Register of Deeds:** \$12,460.50; **Veterans Service:** \$3,282.51; **Sheriff:** \$68,891.56; **County Jail:** \$77,226.50; **Coroner:** \$1,300.00; **Juvenile:** \$123.46; **Nurse:** \$3,359.25; **Ambulance:** \$50,957.79; **WIC :** \$1,677.14; **Extension:** \$7,023.84; **Soil Conservation:** \$2,944.95; **Weed:** \$0.00; **Planning & Zoning:** \$8,058.49; **Road & Bridge:** \$72,614.40; **E911:** \$0.00; **OEM:** \$5,532.81; **24-7 Program:** \$3,969.38. First Dakota National Bank \$32,724.57 (Withholding), First Dakota National Bank \$51,725.86 (FICA) First Dakota National Bank \$12,097.18 (Medicare), South Dakota Retirement System \$31,270.70 (Other Employees), South Dakota Retirement System \$19,082.38 (Sheriff/OEM), South Dakota Retirement System (Spouse Opt) \$121.90, South Dakota Retirement System (Supplemental) \$4,862.43, American Family Life Assurance Company (AFLAC) \$5,382.60, Legalshield \$25.90, Office of Child Support \$578.00, Nationwide Retirement Solutions \$69.44, Accounts Management \$50.00, Boston Mutual Life Insurance \$471.59., Colonial Life & Accident \$1,628.41, Optilegra \$530.00, Wellmark BC Health Insurance \$59,982.59, United Way of Greater Yankton \$67.50, Delta Dental \$421.00, VSP Vision \$128.14. Gross Payroll \$426,082.34, Net Payroll \$320,502.64. All present voted aye; motion carried.

**Action 1992C:** A motion was made by Healy and seconded by Loest to accept the petition submitted to form the Rainbow Road District. All present voted aye; motion carried.

**Tie-Line:** Scott Creech, Prevailing Wind Park, LLC appeared for board approval for the Road Use and Repair Agreement for Prevailing Wind Park.

Stephanie Horst, General Manager of Bon Homme Yankton Electric Cooperative, had no objection to the request.

**Action 1993C:** A motion was made by Kettering and seconded by Loest to approve the Road Use and Repair Agreement between Prevailing Wind Park, LLC and Yankton County. Roll call vote was taken with Kettering, Loest, Healy, Swensen and Klimisch voting Aye; Motion carried, 5-0.

**Action 1994Z:** A motion was made by Healy and seconded by Loest to adopt the following resolution Whereas it appears, Todd Knodel, owner of record, has caused a plat to be made of the following real property: Tract A, Baycliffe Estates, Lots 1, 3 & 4 of Law Overlook Subdivision, SW1/4, SE1/4, S7-T93N-R56W and NE1/4, S18-T93N-R56W, hereinafter referred to as Utica South Township County of Yankton, S.D., and has submitted such plat to the Yankton County Planning Commission and the 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.

**Action 1995Z:** A motion was made by Healy and seconded by Kettering to adopt the following resolution Whereas it appears, Melissa Cuka/Bay Properties, LLC, owners of record, has caused a plat to be made of the following real property: W1/2, 12.91 acres S1/2, SW1/4, S7-T93N-R56W and W1/2, W1/2, S18-T93N-R56W & N Highway 52, exp Tramps 7<sup>th</sup> & exc Lots 1 and 2 Parcel A & exc Parcels B and C, McVay Addition, T93N-R56W, hereinafter referred to as Utica South Township County of Yankton, S.D., and has submitted such plat to the Yankton County Planning Commission and the 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.

**Highway:** Superintendent Mike Sedlacek appeared before the board for approval of yearly bids as presented. Sedlacek also discussed purchasing a paver from a neighboring county. The board requested Sedlacek to gather more information and report back to the board.

**Action 1996H:** A motion was made by Kettering and seconded by Healy to accept the low bids as presented for 2019. All present voted aye; motion carried.

**Bridges:** Highway Superintendent Mike Sedlacek and Adam Polley from Clark Engineering of Sioux Falls, SD appeared before the board to discuss Stone Church Bridge and Fleeg's Bridge. The board touched on what bridges would be a priority for grant applications. Mr. Polley said he would like their decision by the next commission meeting.

**Action 1997Z:** A motion was made by Swensen and seconded by Loest to recess the regular session and convene as Board of Adjustment. All present voted aye; motion carried.

**Variance Public Hearing:** This was the time and place for a public hearing for a Variance of a Maximum Building Size application from Curtis Oliver. Variance of Maximum Building Size Requirement from 1,200 sq. ft. to 15,000 sq.ft. in a Moderate Density Rural Residential District (R-2) in Yankton County. Said property is legally described as N123 acres, NE1/4, exc Lots 3, 5, 6 Block 1 & exc Lots 2 – 5, 7, 8, 10, 11, 12, Block 2, Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W, hereinafter referred to as Turkey Valley Township, County of Yankton, State of South Dakota. The E911 address is TBA Welkom Drive, Yankton, SD. The Planning Commission recommended approval 7-0.

Applicant Curtis Oliver spoke on his Variance request.

**Action 1998Z:** A motion was made by Kettering and seconded by Healy, based on Findings of Fact from the February 12, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve a Maximum Building Size requirement for Curtis Oliver, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance from 1,200 sq. ft. to 15,000 sq.ft. in a Moderate Density Rural Residential District (R-2) in Yankton County. Said property is legally described as N123 acres, NE1/4, exc Lots 3, 5, 6 Block 1 & exc Lots 2 – 5, 7, 8, 10, 11, 12 Block 2, Law Overlook & exc Tract A, Law Overlook S/D, S18-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA Welkom Drive, Yankton, SD. Kettering, Healy, Loest and Klimisch voting Aye; Swensen Voting Nay; Motion carried, 4-1.

**CUP Public Hearing:** This was the time and place for a public hearing for a Conditional Use Permit application from Neal Lange. Applicant requested a permit for a motel in a Lakeside Commercial District (LC) in Yankton County. Said property is legally described as NE1/4, NW1/4, exc Parcel A & exc Lots H-2 thru H-6 & exc Lots 1-5, Block 2, Lot A1-A, A1-B, A1-C, B & C Block 3, Kaiser Overlook, N1/2, NE1/4, NW1/4, S15-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. E911 address is 827 Hemi Drive, Yankton, SD. The Planning Commission recommended approval 7-0 with one abstain.

Applicant Neal Lange spoke on his CUP request.

**Action 1999Z:** A motion was made by Healy and seconded by Kettering based on Findings of Fact from the February 12, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve the application From Neal Lange for motel in a Lakeside Commercial District (LC) in Yankton County, pursuant to Article 19, Section 1905 of the Yankton County Zoning Ordinance. Said property is legally described as NE1/4, NW1/4, exc Parcel A & exc Lots H-2 thru H-6 & exc Lots 1-5, Block 2, Lot A1-A, A1-B, A1-C, B & C Block 3, Kaiser Overlook, N1/2, NE1/4, NW1/4, S15-T93N-R56W , hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. E911 address 827 Hemi

Drive, Yankton, SD. Roll call vote was taken with Healy, Kettering, Loest, Swensen and Klimisch voting Aye; Motion carried, 5-0.

**Action 19100C:** A motion was made by Loest and seconded by Swensen to recess the Board of Adjustment and reconvene in regular session. All present voted aye; motion carried.

**Town of Utica:** Utica Town board president Cherie Hoffman appeared before the board to request transferring of property in the town of Utica.

**Action 19101C:** A motion was made by Healy and seconded by Loest to declare parcel 67.100.007.090, Utica, SD as surplus. Roll call vote was taken with Healy, Loest, Swensen, Kettering and Klimisch voting Aye; Motion carried, 5-0.

**Action 19102C:** A motion was made by Healy and seconded by Swensen to transfer property 67.100.007.090, Utica, SD to the Town of Utica at no charge. Healy, Loest, Swensen, Kettering and Klimisch voting Aye; Motion carried, 5-0.

**Wage Increase:** there was no discussion on item 15.

**County Health Insurance:** Julie Auch, representative from Wellmark Blue Cross Blue Shield Insurance for Yankton County's employee presented the board with figures from claims paid and anticipated a rate increase for the upcoming year.

**Action 19103Z:** motion was made by Healy and seconded by Loest to adopt the following resolution Whereas it appears, Terry and Sharon Hacecky, owners of record, have caused a plat to be made of the following real property: Lot 1, Hacecky Addition in government Lot 1 and 2, Hacecky Addition in Government Lots 1 and 2, NW1/4, S31-T94N-R56W, Yankton, S.D., and has submitted such plat to the Yankton County Planning Commission and the 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.

**Action 19104D:** A motion was made by Loest and seconded by Swensen to recess the regular session and convene as Ditch Board. All present voted aye; motion carried.

Chris Nelsen appeared before the board to request payment for ditch cleaning for the Yankton Clay Ditch and maintenance on Yankton Clay Ditch #2. Also discussed cleaning 1-½ miles west of the county line. Mr. Nelsen said he could handle the bid process for the cleaning.

**Action 19105D:** A motion was made by Healy and seconded by Loest to approve the bid from Plumbing and Electric Services in the amount of \$4,150.00 for YC Ditch #2. Roll call

vote was taken with Healy, Loest, Swensen, Kettering and Klimisch voting Aye; Motion carried, 5-0.

**Action 19106D:** A motion was made by Loest and seconded by Healy to approve the bid from Plumbing and Electric Service in the amount of \$18,500.00 for the Yankton Clay Ditch. Roll call vote was taken with Loest, Healy, Swensen, Kettering and Klimisch voting Aye; Motion carried, 5-0.

**Action 19107C:** A motion was made by Kettering and seconded by Loest to recess the Ditch Board and reconvene in regular session. All present voted aye; motion carried.

**Human Resource:** The board discussed the possibility of hiring a consultant to see if training is getting done, are employee's needs being met and updating the county hand book. Commissioner Loest also said if a Human Resource position is obtained, possibility of sharing the position with counties of Bon Homme and Clay. Also discussed was County Manager position. Chairman Klimisch suggested the possibility of an existing employee having basic training on HR duties.

**Action 19108C:** A motion was made Loest and seconded by Kettering to approve the Director of Equalization report which was presented at the previous meeting. All present voted aye; motion carried.

The board also scheduled April 17, 2019 at 12:30 pm for Board of Equalization appeals.

**Advertise Employee:** States Attorney Rob Klimisch spoke to the board on options for the staffing of the now vacant Planning and Zoning office. Brian McGinnis from District III is performing the zoning duties currently.

**Action 19109C:** A motion was made Kettering and seconded by Loest to hire a Yankton County Zoning Administrator as the current administrator who is on indefinite leave and either his position is a "key employee" as defined by the Yankton County Employee Manual and The Family and Medical Leave Act or he would have an equivalent position available if he returns with the same benefits and working conditions and further move that the position be immediately posted and remain posted until filled. Roll call vote was taken with Kettering, Loest, Swensen, Healy and Klimisch voting Aye; Motion carried, 5-0.

**Commissioner Updates:** Commissioner Loest answered questions that were asked at the February 19, commission meeting. Tentatively scheduling town hall meeting at Mayfield for March 16<sup>th</sup> at 2:30 PM.

There was one public comment from John Gunderson.

Brian McGinnis updated the commissioners on progress in the zoning office.

**Action 19110C:** A motion was made by Loest and seconded by Swensen to adjourn. All

present voted aye; motion carried.

The next regular meeting will be Tuesday, March 19, 2019 at 6:00 p.m.

**Dan Klimisch**, Chairman  
Yankton County Commission

ATTEST:  
**Patty Hojem**, County Auditor