

YANKTON COUNTY COMMISSION MEETING
October 15, 2019

The regular meeting of the Yankton County Commission was called to order by Chairman Dan Klimisch at 6:00 PM on Tuesday, October 15, 2019.

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

There were no conflicts of interest reported by Commissioners.

Action 19458C: A motion was made by Kettering and seconded by Healy to approve the meeting agenda with the following changes: reschedule agenda item 21 and discussion only for item 23. All present voted aye; motion carried.

Action 19459C: A motion was made by Healy and seconded by Loest to approve the minutes of the October 1, 2019 meeting. All present voted aye; motion carried.

There were no public comments. Commissioner Loest read an email from Dale Knode.

Chairman Klimisch closed the public comment portion of the meeting.

Action 19460C: A motion was made by Healy and seconded by Kettering to approve the following claims; **Non-Departmental:** Shannon Pavel (Travel) \$133.38, SD Department of Revenue (State Sales Tax) \$80.41; **Commissioners:** Vast Business (Utilities) \$52.50, Dan Klimisch (Travel) \$220.08, Cheri Loest (Travel) \$269.87, Cheri Loest (Rentals) \$125.00, Yankton County Observer (Publishing) \$226.81, Yankton Daily P & D (Publishing) \$1,135.84; **Elections:** Qualified Presort Services (Supplies) \$110.36; **Court:** Avera Sacred Heart Hospital (Professional Services) \$592.00, Megan Reeves (Professional Services) \$30.60, Harmelink & Fox Law Office (Professional Services) \$3,725.64, Fox & Youngberg PC (Professional Services) \$15,000.00, Great Palins Psychological Services (Professional Services) \$1,190.00, Department of Health (Lab Crt-Aug 2019) \$1,180.00, Dean Schaefer (Professional Services) \$1,633.00, Juror Fees (8 X \$50.00) \$400.00, Juror Mileage (1 X 4.20) \$4.20, Juror Mileage (1 X 5.04) \$5.04, Juror Mileage (1 X 21.00) \$21.00, Juror Mileage (2 X .84) \$1.68; **Auditor:** Vast Business (Utilities) \$175.06, Culligan (Supplies) \$20.25, Leaf (Rentals) \$174.90, Qualified Presort Services LLC (Supplies) \$210.80, One Office Solution (Supplies) \$323.37, One Office Solution (Maintenance) \$130.95; **Treasurer:** Vast Business (Utilities) \$209.33, Qualified Presort Services, LLC (Supplies) \$104.45; **Data Processing:** Vast Business (Utilities) \$999.78, First Bankcard (Maintenance) \$287.19; **States Attorney:**, Century Business Production (Rentals) \$411.22, Culligan (Supplies) \$6.75, Executive MGMT Finance Office (Utilities) \$24.00, Qualified Presort Services LLC

(Supplies) \$66.05; **Government Building:** Wellmark Blue Cross & Blue Shield (Spouse Health Ins Coverage) \$964.01, Vast Business (Utilities) \$26.25, City of Yankton (Other) \$5.50, Cole Paper Inc. (Supplies) \$122.18, Janssen's Services (Utilities) \$240.00, Olson's Pest Technicians (Maintenance) \$79.00; **Director of Equalization:** Matt Archer (Travel) \$283.04, Vast Business (Utilities) \$229.50, First Bankcard (Travel) \$1,004.11, Microfilm Imaging Systems (Maintenance) \$70.00, Lori Mackey (Travel) \$283.04, Qualified Presort Services LLC (Supplies) \$55.81; **Register of Deeds:** Vast Business (Utilities) \$177.70, Executive Mgmt. Finance (Utilities) \$24.00, Brian Hunhoff (Travel) \$207.90, Microfilm Imaging Systems (Rentals) \$537.89, Qualified Presort Services LLC (Supplies) \$37.94; **VA:** Vast Business (Utilities) \$26.25, Qualified Presort Services LLC (Supplies) \$6.66; **Safety Center Building:** Vast Business (Utilities) \$846.61, City of Yankton (Utilities) \$152.00, Cole Paper Inc. (Supplies) \$533.80, Kone Inc. (Maintenance) \$304.38, Menards (Supplies) \$71.16, Olsen's Pest Technicians (Maintenance) \$133.00; **Sheriff:** Kopetsky's Ace Hardware (Supplies) \$27.16, Vast Business (Utilities) \$112.69, Mike Rothschadl (Travel) \$113.00, Mark Payer (Travel) \$22.00, City of Yankton (Fuel) \$3,249.00, Culligan (Supplies) \$40.50, Stewart Bass (Travel) \$316.70, Quinn Koenen (Travel) \$11.00, Pennington County Jail (Travel) \$639.90, Qualified Presort Services LLC (Maintenance Contracts) \$148.17, M.T. & R.C. Smith (Vehicle Change) \$92.00; **County Jail:** Avera Medical Group (Professional Services) \$2,760.00, Steve Bolhouse (Travel) \$47.00, Cook Correctional (Food Services) \$613.75, Culligan (Supplies) \$17.50, Summit Food Services LLC (Food Services) \$5,905.15, Mike Sanow (Travel) \$47.00, Stephanie Janssen (Uniforms) \$113.89, JCL Solutions (Supplies) \$1,893.39, Kaiser Appliance & Refrigeration (Maintenance) \$1,268.70, Menards (Supplies) \$110.97, Phoenix Supply (Supplies) \$442.86, Correctional Risk Services (Inmate Medical Lab INS) \$861.52, One Office Solution (Maintenance) \$71.37, Yankton Rexall Drug Co. (Professional Services) \$721.69, Yankton Medical Clinic (Professional Services) \$301.00; **Coroner:** Wintz & Ray Funeral Home & Cremation Services (Travel) \$280.00; **Yankton Ares Search & Rescue:** City of Yankton (Supplies) \$124.55, Frontier Precision, Inc. (Supplies) \$2,956.00, Frontier Precision, Inc. (Professional Services) \$212.00, First Bankcard (Supplies) \$104.20; **Care of Poor:** Qualified Presort Services LLC (Supplies) \$82.56; **Public Health Nurse:** Vast Business (Utilities) \$238.82, Qualified Presort Services, LLC (Supplies) \$58.34, One Office Solution (4th Qrt 2019) \$2,606.00; **Ambulance:** AT & T (Utilities) \$36.30, Bomgaars (Supplies) \$169.43, Battery Exchange (Supplies) \$59.90, Boston Shoes to Boots (Supplies) \$128.00, Bound Tree Medical LLC (Supplies) \$1,102.37, City of Yankton (Utilities) \$776.27, Cintas (Supplies) \$68.13, Fire Safety USA, Inc. (Supplies) \$125.00, Change Healthcare (Professional Services) \$133.77, First Bankcard (Supplies) \$847.62, First Bankcard (Maintenance) \$127.67, Janssen's Garbage Services (Utilities) \$300.00, Leaf (Rentals) \$81.43, Matheson Tri-Gas, Inc. (Rentals) \$75.95, Menards (Supplies) \$19.99, Olson's Pest Technicians (Maintenance) \$114.00, Roger's Family Pharmacy (Supplies) \$122.04, Verizon (Utilities) \$812.32, One Office Solution (Supplies) \$118.45, Yankton Janitorial Supply (Supplies) \$434.15, Vast (Utilities) \$178.06;

Mentally Handicapped: SD Achieve dba Lifescape (Care) \$300.00; **Mental Health Centers:** Dakotabilities (Care, Oct. Nov. Dec. 2019) \$360.00; **Mental Illness Board:** Darcy Lockwood (Hearings) \$45.00, Denise M Cook (Hearings) \$15.00, Dana Larson (Hearings) \$20.00, Kruse Law Office (Hearings) \$178.15, Mark Katterhagen (Hearings) \$60.00, Lincoln County Treasurer (Hearings) \$2,309.44, Lucille M. Lewno (Hearings) \$1,319.50, Minnehaha County Auditor (Hearings) \$128.00; **County Extension:** Buhl's Cleaners (Supplies) \$37.82, SDSU Extension (Travel) \$60.52, Leaf (Rentals) \$265.28, Northwestern Energy (Utilities) \$223.75, One Office Solution (Supplies) \$106.19; **Weed:** Cox Auto Supply Inc. (Supplies) \$56.28, C & R Supply Inc. (Supplies) \$9.31, First Bankcard (Supplies) \$201.23; **Planning & Zoning:** Vast Business (Utilities) \$62.50, Yankton County Observer (Publishing's) \$22.60, Planning & Development (Professional Services) \$13,893.75, Pheasantland (Supplies) \$35.90, Qualified Presort Services, LLC (Supplies) \$33.48, Verizon (Utilities) \$116.02, Yankton Daily P & D (Publishing) \$69.55; **Road & Bridge:** C & B Operations LLC (Supplies) \$273.15, B-Y Electric (Utilities) \$75.04, B-Y Water District (Utilities) \$81.75, Butler Machinery Co (Supplies) \$1,435.83, Boyer Trucks (Supplies) \$176.40, Cox Auto Supply, Inc. (Supplies) \$264.35, Concrete Materials (Supplies) \$118.92, Certified Laboratories (Supplies) \$2,962.67, Snap on Tools (Supplies) \$123.25, H & K Oil (Supplies) \$116.42, Dakotaland Autoglass, Inc. (Supplies) \$243.00, CHS (Fuel) \$2,415.50, Filter Care of Nebraska (Supplies) \$81.05, First Bankcard (Supplies) \$74.27, First Bankcard (Travel) \$145.19, Fastenal Industrial & Construction Supply (Supplies) \$182.73, Graham Tire Yankton (Supplies) \$17,562.87, I State Truck Centers (Supplies) \$36.10, Janssen's Garbage Service (Utilities) \$45.00, Kimball Midwest (Supplies) \$304.00, Utica Gravel Inc. (Supplies) \$36,923.96, Midwest Radiator & Exhaust (Supplies) \$92.00, MidAmerican Energy (Utilities) \$23.02, Yankton County Observer (Publishing's) \$7.47, Riverside Hydraulics & Labs (Supplies) \$4.75, M.T. & R.C. Smith (Equipment Changes) \$248.00, Transource (Supplies) \$47.98, Spencer Quarries Inc. (Supplies) \$384.68, Southeastern Electric Cooperative Inc. (Utilities) \$85.45, Truck Trailer Sales Services INC (Supplies) \$592.39, Titan Machinery (Rentals) \$3,752.50, Tabor Lumber Cooperative (Dust Control) \$40.00, Verizon (Utilities) \$269.49, One Office Solution (Supplies) \$175.92, Yankton Daily P & D (Publishing's) \$768.40, Yankton Janitorial Supply (Supplies) \$324.75, Yankton Redi Mix (Supplies) \$30.00, Yankton Redi Mix (Bridges) \$231.75, Vast Business (Utilities) \$167.61; **Emergency 911 Fund:** Powerphone (Travel) \$329.00, CenturyLink (Utilities) \$1,357.83, Golden West Telecommunications (Utilities) \$147.21; **Jail Building:** Welfl Construction co (Jail Capitol Improvement) \$80,393.42; **Emergency Management:** Bomgaars (Supplies) \$146.96, B-Y Electric (Utilities) \$52.85, Vast Business (Utilities) \$866.95, TIAA Commercial Finance (Rentals) \$173.15, City of Yankton (Supplies) \$75.46, Robert G or Santos A (Rentals) \$2,400.00, Echo Group (Maintenance) \$350.00, First Bankcard (Supplies) \$764.47, First Bankcard (Travel) \$514.24, Leaf (Rentals) \$ 9.00, Midcontinent Communications (Utilities) \$22.90, Qualified Presort Services, LLC (Supplies) \$3.64, SD Federal Property Agency (Disaster Plan) \$2,000.00, Tabor Lumber

Cooperative (Supplies) \$189.02, Verizon (Utilities) \$1,222.29, One Office Solution (Supplies) \$398.92; **24/7 Program:** Jason Stiles (Refund-Sobriety Testing) \$8.00, Jeffrey Stracqualursi (Refund-Sobriety Testing) \$32.00, Intoximeters Inc. (Supplies) \$1,875.00, One Office Solution (Supplies) \$116.71; **Misc:** Thomson Reuters (Law Library) \$816.63; **Non-Departmental:** Chris Nelsen (YC County Ditch) \$250.00, Satellite Tracking of People (Tracking Monitors) \$650.00, Byron Nogelmeier (Cam Daily Fee) \$1,305.00, Byron Nogelmeier (State Participation Fee) \$258.00; General Fund \$88,403.60, Road & Bridge \$70,887.61, Emergency Management, \$9,189.85. Healy, Kettering, Loest and Klimisch voting Aye; Swensen Voting Nay; Motion carried, 4-1.

Action 19461AUD: A motion was made by Kettering and seconded by Healy to approve the Auditor's Monthly Settlement with the Treasurer as of September 30, 2019 showed Total Cash of \$9,415,295.16. The General Fund was \$4,613,960.23; Special Funds were \$2,782,012.48; and Trust and Agency Funds were \$2,019,462.35 adding to a Grand Total of General Ledger Cash and Investments of \$9,415,435.06. A detailed report is on file with the County Auditor. Kettering, Healy, Loest and Klimisch voting Aye; Swensen Voting Nay; Motion carried, 4-1.

Action 19462MI: A motion was made by Loest and seconded by Healy to approve the quarterly MI Illness income for 2019. A detailed report is on file with the County Auditor. All present voted aye; motion carried.

Action 19463C: A motion was made by Kettering and seconded by Healy to adopt the following resolution. All present voted aye; motion carried.

SOUTH DAKOTA JOBS GRANT PROGRAM CORPORATE RESOLUTION

RESOLUTION OF BOARD OF COUNTY COMMISSIONERS OF YANKTON COUNTY, ("COUNTY") APPROVING THE SOUTH DAKOTA JOBS GRANT PROGRAM GRANT APPLICATION AND DESIGNATING NAMED COMMISSIONERS TO EXECUTE DOCUMENTS AND TO ACT ON ITS BEHALF.

WHEREAS, the County made an Application dated July 23, 2019 to the Board of Economic Development ("BED") for a grant from the South Dakota Jobs Grant Program pursuant to SDCL § 1-16G-48(5), et. seq. and ARSD Chapter 68:02:10;

WHEREAS, BED reviewed the Application, determined that the County is eligible to receive a permit for such a grant, and issued an Agreement dated August 13, 2019, a true copy of which is attached hereto; and

WHEREAS, the Board has reviewed the proposed grant Agreement and has authorized its acceptance;

NOW, THEREFORE, BE IT RESOLVED,

(1) That the County hereby approves the entry into the South Dakota Jobs Grant Program Agreement.

(2) That the commissioners of this County named below, or any one of them, or their or any one of their, duly elected or appointed successors in office, be and they are hereby authorized and empowered in the name and on behalf of this County and under its corporate seal to execute and deliver to BED, in the form required by BED, the Agreement and all reports and other documents described in the Agreement.

(3) That the aforesaid commissioners, or any one of them, or their duly elected or appointed successors in office, be and they are hereby authorized and empowered to do any acts, and to execute in the name and on behalf of this County and under its corporate seal or otherwise, any instruments or agreements deemed necessary or proper by BED, in respect to the grant.

(4) That any contracts or agreements heretofore made with BED on behalf of this County, and all acts of commissioners or agents of this County in connection with said grant or said contracts or agreements, are hereby ratified and confirmed.

(5) That the officers referred to in the foregoing resolutions are as follows:

Chairman, Dan Klimisch /s/

Vice-Chair, Cheri Loest /s/

Commissioner, Don Kettering /s/

Commissioner, Joseph Healy /s/

Commissioner, Gary Swensen /s/

6) That BED is authorized to rely upon the aforesaid resolution until receipt of written notice of any change.

Dated this 15 day of October, 2019.

Yankton County Chairman, Dan Klimisch /s/

ATTEST: Patty Hojem, Yankton County Auditor /s/

Action 19464C: A motion was made by Kettering and seconded by Loest to authorize the County Auditor to advertise for a budget supplement in the amount of \$600,000.00 for the Jail Building, \$94,000.00 for Debt Service Napa Junction, Safety Center Building \$148,000 and Court \$93,000. All present voted aye; motion carried.

The following departments presented monthly reports for board approval: Welfare, County Nurse, Ambulance, Register of Deeds, Sheriff/Jail and Veterans Service.

Action 19465C: A motion was made by Kettering and seconded by Loest to approve the 3rd quarter Yankton County Welfare Reports for 2019. A detailed report is on file with the County Auditor. All present voted aye; motion carried.

Action 19466N: A motion was made by Healy and seconded by Swensen to accept the 3rd quarter 2019 report for the Nurse and WIC office. All present voted aye; motion carried.

Action 19467AMB: A motion was made by Kettering and seconded by Loest to approve Emergency Medical Services 3rd quarter report for 2019. A detailed report is on file with the County Auditor. All present voted aye; motion carried.

Action 19468AMB: A motion was made by Healy and seconded by Loest to approve the Avera Sacred Heart transport agreement. All present voted aye; motion carried.

Action 19469ROD: A motion was made by Swensen and seconded by Kettering to approve the Register of Deeds 3rd quarter report for 2019. A detailed report is on file with the County Auditor. All present voted aye; motion carried.

Action 19470S: A motion was made by Healy and seconded by Loest to approve the Sheriff and Jail 3rd quarter report for 2019. A detailed report is on file with the County Auditor. All present voted aye; motion carried.

Action 19471VSO: A motion was made by Swensen and seconded by Kettering to approve VSO Michael McDonald's 3rd quarter report for 2019. 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 Ways and Entrance Applications. Sedlacek also gave an update on roads and bridges.

Action 19472H: A motion was made by Kettering and seconded by Loest to approve the Right of Way applications from Golden West Telecommunications in Township 04-94-57. All present voted aye; motion carried.

Action 19473H: A motion was made by Healy and seconded by Loest to approve the Right of Way from Golden West Telecommunications located 32 & 33-96-57, Yankton County. All present voted aye; motion carried.

Action 19474H: A motion was made by Healy and seconded by Loest to approve the application for Entrance from East River Electric Power Coop. Inc. located NW1/4, 08-94-56, Yankton County. All present voted aye; motion carried.

Action 19475H: A motion was made by Loest and seconded by Kettering to approve the application for Entrance from East River Electric Power Coop. Inc. located Lot 1 Lancer Substation NW1/4, 08-94-56, Yankton County. All present voted aye; motion carried.

Repair of Road or Alternate Access: Commissioner Kettering said he had met with Mr. Marlow and the attorney representing the other party and that they would work out between them. Commissioner Healy said we should make sure we follow up. Kettering said he would call Mr. Marlow.

Town of Utica: Utica Town board president Cherie Hoffman appeared before the board to receive permission to clean culverts that are on county property north and west of Utica. The board has no issue with the cleaning.

Action 19476Z: A motion was made by Kettering and seconded by Loest to recess the regular session and convene as Board of Adjustment. All present voted aye; motion carried.

Jim DeSaix appeared before the Board of Adjustment to appeal the decision to rescind a stop work order for construction at 154 Oak Hills Dr. Appellants request the board of adjustment to enforce drainage and public nuisance ordinance for general health, welfare and safety of the tenements. Also speaking on the request was Neal Anthony and Scott Rhinehart from Rhinehart Law, P.C., Sioux City, IA. The board chose to delay action to the next meeting so States Attorney can be present.

Joel Rempfer appeared before the Board of Adjustment to request clarification on monitoring wells for the Conditional Use Permit he was granted at the August 6, 2019 commission meeting. The condition was a 3rd party ground monitoring consisting of two wells and testing for the first two years, then every other year. Mr. Rempfer presented documents showing the soil type and condition and requested reconsidering the ground monitoring.

Speaking on the topic were Louis Johnson, Ray Epp and Glen Mueller from South Dakota Pork Producers.

The board chose to delay action to the next meeting so States Attorney can be present.

Action 19477C: A motion was made by Swensen and seconded by Healy to recess the Board of Adjustment and reconvene in regular session. All present voted aye; motion carried.

Action 19478C: A motion was made by Loest and seconded by Kettering to recess for five minutes. All present voted aye; motion carried.

Action 19479C: A motion was made by Kettering and seconded by Swensen to reconvene. All present voted aye; motion carried.

Action 19480Z: A motion was made by Klimisch and seconded by Swensen to increase Deputy Planning and Zoning Jessica Atkinson wage \$1.00 per hour from September 1, 2019 to December 31, 2019. Roll call vote was taken with Klimisch, Swensen, Kettering, Loest, Healy voting Aye; Motion carried, 5-0.

Zoning Enforcement: Commissioner Healy said we will be proceeding in accordance with the zoning ordinance and under the guidance of States Attorney. Discussion will be continued to next commission meeting. No action was taken from the October 4, 2019 special Planning and Zoning meeting.

YAPG Conflict of Interest: Commissioner Kettering said the conflict was on his part, not YAPG. Discussion rescheduled to next commission meeting.

Permit Fee Discussion: Commissioner Kettering presented a comparison of other county's permit fees. Kettering asked the board to reconsider the newly approved permit fee schedule. Chairman Klimisch suggested placing a cap on the projects. Further discussion will be scheduled to the next meeting for States Attorney guidance.

No Thru Truck Resolution: Commissioner Loest said there is a maximum charge of \$500.00, so the \$2,500 will need to be changed. Rescheduled to next commission meeting for States Attorney guidance.

There were public comments from Louie Johnson and Ray Epp.

Chairman Klimisch closed the public comment portion of the meeting.

Commission Updates: Commissioner Loest said she will report the Road TaskForce findings at the next commission meeting. Loest also discussed forming Ambulance taskforce and Mitagation Grants. Commissioner Healy said Gary Vetter will be starting October 21, 2019 as the new Planning & Development Services Director. Commissioner Kettering suggested having a session on the pros and cons of township organizations.

Action 19481C: A motion was made by Kettering and seconded by Loest to adjourn. All present voted aye; motion carried.

The next regular meeting will be Tuesday, November 5, 2019 at 6:00 p.m.

Dan Klimisch, Chairman
Yankton County Commission

ATTEST:
Patty Hojem, County Auditor