

YANKTON COUNTY COMMISSION MEETING  
September 18, 2018

The regular meeting of the Yankton County Commission was called to order by Chairman Todd Woods at 4:00 PM on Tuesday, September 18, 2018.

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

Commissioner Epp did not attend the commission meeting due to family emergency.

There were no conflicts of interest reported by Commissioners.

Commissioner Swensen mentioned today is the 71<sup>st</sup> anniversary of the creation of the Air Force, signed into law by President Harry S. Truman.

**Action 18338C:** A motion was made by Bodenstedt and seconded by Kettering to approve the meeting agenda with the following addition: County convention. All present voted aye; motion carried.

**Action 18339C:** A motion was made by Kettering and seconded by Bodenstedt to approve the minutes of the September 4, 2018 meeting. All present voted aye; motion carried.

**Action 18340C:** A motion was made by Kettering and seconded by Woods to approve the minutes of the September 7, 2018 meeting. Kettering and Woods voting Aye; Bodenstedt abstain; and Swensen did not vote; Motion carried, 2-0.

**Action 18341C:** A motion was made by Bodenstedt and seconded by Kettering to approve the following claims: **General Fund: Commissioners:** Debra Bodenstedt (Travel) \$208.62, Vast Business (Utilities) \$52.50, Intuvio Solutions (Professional Services) \$49.95, Clubhouse Hotel & Suites (Travel) \$1,088.00, Yankton Transit (Other) \$5,000.00, Yankton County Observer (Publishing) \$507.53, Yankton Daily P & D (Publishing) \$946.10, Yankton Area Progressive Growth, Inc. (Travel) \$30.00; **Elections:** Election Systems & Software, Inc. (Supplies) \$3,971.29, Election Systems & Software, Inc. (Supplies) \$2,683.16, Qualified Presort Services LLC (Supplies) \$51.23; **Court:** Certified Languages International (Professional Services) \$74.25, Avera Medical Group-UPA (Professional Services) \$3,500.00, South Dakota Department of Health (Lab) \$145.00, Dean Schaefer (Professional Services) \$614.00; **Auditor:** Vast Business (Utilities) \$210.84, Clubhouse Hotel & Suites (Travel) \$272.00, Culligan Water (Supplies) \$26.00, Patty Hojem (Travel) \$229.08, Leaf (Rentals) \$216.81, McLeod's Printing & Office Supply (Supplies) \$115.93, Pitney Bowes (Rentals) \$105.03, Qualified Presort Services LLC (Supplies) \$133.02, Security Shredding Service (Maintenance) \$35.00, Tyler Technologies (Travel) \$125.00, One Office Solution (Supplies) \$233.33; One Office Solution (Maintenance) \$107.50; **Treasurer:** Vast Business (Utilities) \$324.19, Clubhouse Hotel & Suites (Travel) \$272.00, Harland Technology Services

(Maintenance) \$315.09, Pitney Bowes (Rentals) \$105.03, Qualified Presort Services LLC (Supplies) \$128.25, SDACO (Supplies) \$50.00, Security Shredding Services (Maintenance) \$35.00, One Office Solution (Supplies) \$341.22; **Data:** Vast Business (Utilities) \$743.36, First Bankcard (Maintenance) \$25.86, Leaf (Rentals) \$220.21; **States Attorney:** Century Business Products (Rentals) \$287.62, Culligan Water (Supplies) \$26.00, Executive Management Finance (Utilities) \$24.75, Qualified Presort Services LLC (Supplies) \$62.78, South Dakota Continuing Legal Education (Supplies) \$500.00; **Government Building:** Vast Business (Utilities) \$26.25, Echo Electric (Supplies) \$64.50, First Bankcard (Supplies) \$322.60, JCL Solutions (Supplies) \$130.68, MidAmerican Energy (Utilities) \$235.81, Nebraska Air Filter, Inc. (Supplies) \$231.80, One Office Solution (Supplies) \$23.57; **Director of Equalization:** Matt Archer (Travel) \$228.56, Kopetsky's Ace Hardware (Supplies) \$12.99, Vast Business (Utilities) \$283.20, Clubhouse Hotel & Suites (Travel) \$242.00, First Bankcard (Supplies) \$4.80, Microfilm Imaging System (Maintenance) \$70.00, Pitney Bowes (Rentals) \$105.03, Jeffrey Puthoff (Travel) \$32.00, Qualified Presort Service LLC (Supplies) \$18.04, Security Shredding Service (Maintenance) \$35.00; **Register of Deeds:** Vast Business (Utilities) \$231.83, Executive Management Finance (Utilities) \$24.75, Microfilm Imaging Systems, Inc. (Rentals) \$336.00, Qualified Presort Services LLC (Supplies) \$33.76, One Office Solution (Supplies) \$99.38; **VA:** Vast Business (Utilities) \$26.25, Michael McDonald (Travel) \$519.56; **Safety Center Building:** Kopetsky's Ace Hardware (Supplies) \$12.96, Vast Business (Utilities) \$834.16, City of Yankton (Utilities) \$176.00, Echo Electric (Supplies) \$83.34, First Bankcard (Supplies) \$42.22, Menards (Supplies) \$645.06, Nebraska Air Filter, Inc. (Supplies) \$1,036.52, Northtown Automotive (Maintenance) \$54.30; **Sheriff:** City of Yankton (Fuel) \$3,792.42, Qualified Presort Services LLC (Maintenance Contract) \$153.39, The Lodge at Deadwood (Travel) \$474.00, One Office Solution (Supplies) \$64.99; **County Jail:** Avera Education & Staffing Solutions (Travel) \$800.00, Scott Family Dentistry (Professional Services) \$497.50, CBM Food Services (Food Services) \$8,384.87, Charm-Tex (Supplies) \$228.96, Ez Duz It Laundry (Supplies) \$78.00, First Bankcard (Supplies) \$79.11, Correctional Risk Services (Inmate Liability Insurance) \$1,291.15, One Office Solution (Supplies) \$20.99, Yankton Drug Co., Inc. (Professional Services) \$1,848.96; **Coroner:** First Bankcard (Travel) \$75.00; **Juvenile Detention:** Jack's Uniforms & Equipment (Supplies) \$113.89; **Yankton Area Search & Rescue:** City of Yankton (Supplies) \$20.70; **Care of Poor:** Jennifer Adamson (Travel) \$30.00, Clubhouse Hotel & Suites (Travel) \$272.00, Opsahl-Kostel Funeral Home (Professional Services) \$1,250.00, Qualified Presort Services LLC (Supplies) \$112.98; **Public Health Nurse:** Vast Business (Utilities) \$302.33, TIAA Commercial Finance, Inc. (Rentals) \$70.96, Qualified Presort Services LLC (Supplies) \$17.21; **Ambulance:** Kopetsky's Ace Hardware (Supplies) \$37.80, AT & T (Utilities) \$36.77, Vast Business (Utilities) \$179.71, The UPS Store #6716 (Supplies) \$131.71, Bound Tree Medical, LLC (Supplies) \$2,486.01, City of Yankton (Supplies) \$121.35, Fire Safety USA, Inc. (Supplies) \$760.00, Neopost USA, Inc. (Supplies) \$18.11, Echo Electric (Supplies) \$64.50, First Bankcard (Supplies) \$1,673.96, Auto Value Yankton (Supplies) \$36.99, Leaf (Rentals) \$78.61, Matheson Tri-Gas, Inc. (Supplies) \$76.36, Matheson Tri-Gas, Inc. (Rentals) \$67.56, Mead Lumber (Supplies) \$62.80, Menards (Supplies) \$18.93, Northwestern Energy (Utilities) \$1,197.54, Pitney Bowes (Rentals) \$215.34, Security Shredding Services (Maintenance) \$35.00, Verizon (Utilities) \$456.01, One Office Solution (Supplies) \$53.85, Yankton Janitorial

Supply (Supplies) \$189.75; **Mental Illness Board:** Darcy Lockwood (Hearings) \$30.00, Dana Lockwood (Hearings) \$50.00, Mark Katterhagen (Hearings) \$30.00, Lewis & Clark Behavioral Health (Hearings) \$990.00, Lucille Lewno (Hearings) \$383.94, Gary E. Mikelson (Hearings) \$1,349.00, South Dakota Achieve dba Lifescape (Care) \$300.00; **Library:** Yankton Community Library(2<sup>nd</sup> Half 2018 Payment) \$12,000.00; **County Extension:** Kopetsky's Ace Hardware (Other) \$70.01, Buhl's Cleaners (Supplies) \$56.73, Best Western of Huron (Travel) \$179.00; Katie Doty (Other) \$600.04, Leaf (Rentals) \$176.40, Danielle McFarland (Travel) \$544.80, Northwestern Energy (Utilities) \$435.21, SDSU Extension (Travel) \$21.59, WNAX Radio (Other) \$400.00, One Office Solution (Maintenance) \$159.15, Yankton County 4-H Leaders Association (Grounds Maintenance) \$5,160.62; **Weed:** First Bankcard (Supplies) \$44.14, First Bankcard (Travel) \$14.00, Van Diest Supply Co. (Chemicals) \$2,116.20, One Office Solution (Supplies) \$20.05; **Planning & Zoning:** Vast Business (Utilities) \$80.40, Qualified Presort Services LLC (Supplies) \$13.04, South Dakota Planners Association (2018 SD Planners Conference) \$80.00, Verizon (Utilities) \$17.62, One Office Solution (Maintenance) \$27.96, Yankton Daily P & D (Publishing) \$146.23; **Road & Bridge:** B-Y Water District (Utilities) \$76.75, Butler Machinery Co. (Rentals) \$2,098.72, Vast Business (Utilities) \$68.31, SDSU – SD LTAP (Travel) \$100.00, Scotland Redi-Mix (Emergencies) \$590.00, City of Yankton (Secondary Roads) \$29.70, Cox Auto Supply Inc. (Supplies) \$317.18, Clark Engineering (Bridges) \$9,277.68, Clark Engineering (Secondary Road) \$1,875.00, Snap On Tools (Supplies) \$488.95, Cummins Central Power LLC (Supplies) \$77.42, Journey Group (Bridges) \$87,390.83, Direct TV (Utilities) \$79.24, D-P (Supplies) \$280.56, First Bankcard (Hwy Fuel) \$387.04, First Bankcard (Supplies) \$98.24, First Bankcard (Travel) \$34.40, I State Truck Center (Maintenance) \$457.20, I State Truck Center (Supplies) \$252.73, Janssen's Garbage Service (Utilities) \$45.00, Midwest Radiator & Exhaust (Supplies) \$105.00, Northwestern Energy (Utilities) \$266.32, RPM Unlimited (Maintenance) \$211.78, Riverside Hydraulics & Lab (Supplies) \$20.62, Lewis & Clark Ford Lincoln (Supplies) \$38.86, Stern Oil Co., Inc. (Supplies) \$58.67, Sioux Equipment Co. (Supplies) \$206.62, Sturdevant's Auto Supply (Supplies) \$2.07, Southeastern Electric Cooperative (Utilities) \$38.78, Security Shredding Service (Maintenance) \$35.00, Truck Trailer Sales Service, Inc. (Supplies) \$106.88, Verizon (Utilities) \$33.85, One Office Solution (Supplies) \$20.05, Yankton Redi Mix (Secondary Roads) \$2,400.00; **Emergency 911 Fund:** Golden West Telecommunications (Utilities) \$147.18; **Emergency Management:** B-Y Electric (Utilities) \$54.04, Vast Business (Utilities) \$788.81, TIAA Commercial Finance, Inc. (Rentals) \$173.15, City of Yankton (Supplies) \$208.71, First Bankcard (Supplies-LEPC) \$466.09, First Bankcard (Supplies) \$311.66, Leaf (Rentals) \$66.91, Tabor Lumber Cooperative (Supplies) \$218.18, Verizon (Utilities) \$527.06, One Office Solution (Supplies-POD) \$65.00, One Office Solution (Supplies) \$136.32, One Office Solution (Minor Equipment) \$150.00, One Office Solution (Maintenance) \$114.34; **Clearing Fund:** Satellite Tracking of People, LLC (Tracking People) \$351.00, Byron Nogelmeier (Scram Fee-August 2018) \$1,595.00; **St Wide 24/7 Sobriety Fund:** Byron Nogelmeier (State Participation Fee-August 2018) \$171.00; General Fund \$83,774.30, Road & Bridge \$107,569.45, Emergency Management, \$3,280.27. All present voted aye; motion carried.

**Action 18342C:** A motion was made by Bodenstedt and seconded by Kettering to authorize the County Auditor to advertise for a budget supplement in the amount of \$178,000.00 for the Jail Building and \$208,981.37 for Debt Service Napa Junction Debt Service. All present voted aye; motion carried.

**Action 18343Aud:** A motion was made by Kettering and seconded by Bodenstedt to have the 2001 Ford MedTech 2x4 Type III ambulance declared surplus. All present voted aye; motion carried.

Veterans Service Office report was pulled from consent agenda for discussion.

**Action 18344Aud:** A motion was made by Kettering and seconded by Bodenstedt to approve the consent agenda. All present voted aye; motion carried.

The Yankton County Welfare Report for August 2018 included 11 contacts, 25 notices of hospitalization, 6 medical bills for the County Jail and 3 funeral applications.

**ROD:** The Register of Deeds report from August 2018 showed collection of \$13,541.00 in regular fees; \$10,085.00 in transfer fees; \$3,103.00 in copies revenue.

**EMS:** Emergency Medical Services monthly report for August 2018 listed 216 total calls. Year to date, Yankton County EMS has collected \$512,307 and spent \$227,635.

**Auditor/Treasurer:** The Auditor's Monthly Settlement with the Treasurer as of August 31, 2018, showed Total Cash of \$8,288,299.20. The General Fund was \$5,184,024.84; Special Funds were \$1,892,164.76; and Trust and Agency Funds were \$1,212,109.60 adding to a Grand Total of General Ledger Cash and Investments of \$8,288,299.20. A detailed report is on file with the County Auditor.

**Sheriff:** Sheriff's office collected \$8,988.00 in fees last month. Jail income was \$180,367.21 in July. There were 65 county inmates, 78 city inmates, 45 state inmates and 43 federal inmates. Income from the 24-7 program was \$5,341.00 in August.

**MI Income:** The MI Illness income for August 2018 was \$7,748.20.

Entrance application from Jeff Koster in Township 93-55.

Entrance application from Joseph Mutschelknaus in Township 93-56.

Right of Way requests for Golden West Telecommunications in 95-57.

**Action 18345Aud:** A motion was made by Kettering and seconded by Swensen to approve the Veterans Office report. August 2018 report showed 114 contacts on behalf of veterans

last month. McDonald also coordinated transportation of 24 veterans (eight trips) to appointments at the VA Hospital in Sioux Falls.

**Action 18346A:** A motion was made by Bodenstedt and seconded by Kettering to approve the 2019 Provisional budget as the Annual budget for 2019 with the following changes: increase Commissioners budget to \$184,193.00, Debt Service to \$335,000 and E911 Budget to \$627,926. All present voted aye; motion carried.

Tax Levy in	Dollars	\$/s/1,000
<b>COUNTY TAX LEVIES</b>		
<b>WITHIN LIMITED LEVY:</b>		
* General County Purposes (10-12-9)	6,091,328	2.998
Library		
LIMITED LEVY (10-12-21) - SUB TOTAL	6,091,328	2.998
<b>OUTSIDE LIMITED LEVY:</b>		
County Snow Removal Fund (34-5-2)		
* Highway and Bridge (10-12-13)		
Courthouse, Jail, etc., Bldg. (7-25-1)	60,000	.030
Bond Interest Sinking (7-24-18)		
Ag Building (7-27-1)		
Debt Service	617,000	.304
Historical	100,000	.05
UNLIMITED LEVY - SUB TOTAL	777,000	.383
LIMITED AND UNLIMITED LEVY - SUB-TOTAL		
<b>OTHER SPECIAL LEVIES</b>		
Secondary Road (Unorg. PT-76) (31-12-27)	334,946	.621

RESOLUTION

ADOPTION OF ANNUAL BUDGET FOR Yankton County, South Dakota

Whereas, (7-21-5 thru 13), SDCL provides that the Board of County Commissioners shall each year prepare a Provisional Budget of all contemplated expenditures and revenues of the County and all its institutions and agencies for such fiscal year and, Whereas, the Board of County Commissioners did prepare a Provisional Budget and cause same to be published by law, and Whereas, due and legal notice has been given to the meeting of the Board of County Commissioners for the consideration of such Provisional Budget and all changes, elimination's and additions have been made thereto.

NOW THEREFORE BE IT RESOLVED, That such provisional budget as amended and all its purposes, schedules, appropriations, amounts, estimates and all matters therein set forth, SHALL BE APPROVED AND ADOPTED AS THE ANNUAL BUDGET OF THE APPROPRIATION AND EXPENDITURES FOR YANKTON County, South Dakota and all its institutions and agencies for calendar year beginning January 1, 2018 and ending December 31, 2018 and the same is hereby approved and adopted by the Board of County Commissioners of YANKTON County, South Dakota, this 20th day of SEPTEMBER, 2017. The Annual Budget so adopted is available for public inspection during normal business hours at the office of the county auditor YANKTON County, South Dakota. The accompanying taxes are levied by YANKTON County for the year January 1, 2018 through December 31, 2018.

BOARD OF COUNTY COMMISSIONERS OF YANKTON County, South Dakota

Todd Woods	Chairman
Debra Bodenstedt	Commissioner
Don Kettering	Commissioner
Gary Swensen	Commissioner

Secondary Road (Unorg. PT-76)		
OPT/OUT	50,000	.093
Road & Bridge Levy		
TOTAL SPECIAL LEVIES	384,946	.714
TOTAL TAXES LEVIED BY COUNTY	7,253,274	4.051

ATTEST  
Patty Hojem

County Auditor

As of September 18, 2018 these levies are (are not ) approved by the Department of Revenue

**Revenue Bond Hearing and Request:** Toby Morris from Dougherty & Company LLC gave a brief statement on the revenue bond request from Yankton Protein LLC/Dakota Protein LLC.

Commissioners Bodenstedt called a question with Kettering seconded.

Individuals speaking at the hearing were Cathy Weiss and Patty Gramkow.

**Action 18347C:** A motion was made by Swensen to table action until 2019. Motion failed due to lack of second.

**Action 18348C:** A motion was made by Bodenstedt and seconded by Kettering to approve the following resolution. Roll call vote was taken with Bodenstedt, Kettering, and Woods voting Aye; Swensen Voting Nay; Motion carried, 3-1.

#### RESOLUTION NO.18-6

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF THE YANKTON COUNTY ECONOMIC DEVELOPMENT REVENUE BONDS (DAKOTA PROTEIN LLC PROJECT), SERIES 2018 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED EIGHT MILLION DOLLARS (\$8,000,000), AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO.

WHEREAS, Yankton County, a body politic and corporate duly organized and validly existing under the laws of the State of South Dakota (the "County"), pursuant to South Dakota Codified Laws Section 7-18-16 and Chapter 9-54, as supplemented and amended (collectively, the "Act"), is authorized and empowered to issue and sell its revenue bonds to finance the costs of manufacturing facilities to stimulate and develop the general economic welfare and prosperity of the state through the promotion and advancement of manufacturing; and

WHEREAS, as a result of negotiations between the County and Yankton Protein, LLC (the "Borrower"), contracts will be entered into by the Borrower for the purpose of the acquisition, construction, installation and equipping of a new 50,000+- sq. ft. DDG Pellet manufacturing facility (the "Project"), located at Lot 5 of Lot 1 of Dakota Rail Park Subdivision in the SW ½ of Section 21, Township 94 North, Range 56 West of the 5th

Principal Meridian, Yankton County, South Dakota, (located near what is locally known as Napa Junction) (the "Project"); and

WHEREAS, the Project will be owned by the Borrower for use as manufacturing facility and leased to and operated by Dakota Protein, LLC (the "Lessee"), pursuant to a written Lease Agreement (the "Lease Agreement") for use by the Lessee"; and

WHEREAS, the County proposes to issue its Economic Development Revenue Bonds (Yankton Protein LLC Project), Series 2018 (the "Bonds"), in an aggregate principal amount not to exceed Eight Million Dollars (\$8,000,000), to provide funds for financing all or portion of the Project, by lending the proceeds of the Bonds to the Borrower pursuant to a Loan Agreement (the "Loan Agreement") between the County and the Borrower, which prescribes the terms and conditions under which the Borrower shall repay the loan; and

WHEREAS, it is estimated that the costs of the Project, including costs relating to the preparation and issuance of the revenue bonds will exceed \$8,000,000; and

WHEREAS, pursuant to the provisions of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), a public hearing on the proposed plan of financing of the Project was held on September 4, 2018, prior to the adoption of this Resolution, pursuant to notice caused to be published on August 21<sup>st</sup>, 2018 in the Yankton Press and Dakotan being a newspaper of general circulation published in the County; and

WHEREAS, the County desires to authorize its Chairman, Vice Chairman or County Auditor to take certain action in preparation for issuing and selling the Bonds.

NOW, THEREFORE, BE IT RESOLVED by the Yankton County as follows:

Section 1. Definitions. In addition to the words and terms defined in this Resolution, the words and terms used in this Resolution shall have the meanings as set forth in the Loan Agreement, unless the context or use indicates another or different meaning of intent.

Section 2. Determination of the County. The County determines that notice of said public hearing was published as required by Section 147(f) of the Code, that a hearing was held and that all persons appearing were given a reasonable opportunity to express their views, both orally and in writing.

Section 3. Small Issue Election of County. The County elects to have the provisions as to the \$10,000,000 limitation contained in Section 144(a)(4)(A) of the Code apply to the Bonds.

Section 4. Authorization of Bonds. There are hereby authorized to be issued, sold and delivered the Bonds, designated as "Economic Development Revenue Bonds (Yankton

Protein LLC Project), Series 2018," in an aggregate principal amount not to exceed Eight Million Dollars (\$8,000,000) for the purpose of paying a portion of the costs of the acquisition, construction, installation and equipping the Project, including costs of issuance which will not exceed 2%.

Section 5. Terms and Execution of the Bonds. The Bonds shall be issued as fully registered Bonds, without coupons, in the form and denomination set forth in the Loan Agreement; shall bear such date as provided in the Loan Agreement; shall mature no later than thirty (30) years from the date of issue; shall bear interest at a rate or rates set forth in the Loan Agreement, but not to exceed seven percent (7.00 %) per annum; shall be payable at such place or places and in such medium as provided in the Loan Agreement; shall be subject to the terms of redemption as are set forth in the Loan Agreement; and shall contain such other terms and provisions as are set forth in the Loan Agreement.

The Bonds shall be executed by the manual or facsimile signatures of any of the Chairman or Vice Chairman of the County Commission or the County Auditor (each an "Authorized Signatory" and, collectively, the "Authorized Signatories") and attested by the manual or facsimile signature of any other Authorized Signatory.

The Bonds are special limited obligations of the County payable solely from revenues and receipts derived from the Loan Agreement except to the extent that the principal of, premium, if any, and interest on the Bonds maybe paid out of money attributable to Bond proceeds or from temporary investments or from other moneys, if any.

The County will assign to the purchaser of the Bonds the County's rights under the Loan Agreement (except for certain unassigned County rights) as security for the repayment of the Bonds. As a result of the County's assignment as provided herein, the County will have no ownership interest in the Project.

The Bonds and obligation to pay interest thereon do not now and shall never constitute a debt, a liability, a general, moral or other obligation or a pledge of the full faith and credit of the County, the state of South Dakota or any political subdivision thereof, or a charge against the general faith and credit or taxing powers, if any, of any of them, within the meaning of any constitutional or statutory provision, but shall be secured as aforesaid, and are payable solely from the revenue and receipts derived from the loan agreement. No holder of any of the Bonds shall have the right to compel the taxing powers, if any, of the county, the state of South Dakota or political subdivision thereof to pay any principal of or premium, if any, or interest on the Bonds. Neither the commissioners, officers, employees or agents of the county nor any person executing the Bonds shall be subject to personal liability or accountability by reason of the issuance of the Bonds or failure to issue or sell such Bonds.

Section 6. General. The Authorized Signatories, or any of them, are hereby authorized and directed, in the name of and on behalf of the County, to execute any and all instruments, documents and certificates, perform any and all acts, approve any and all



matters, and do any and all things deemed by them to be necessary or desirable in order to carry out the purposes of this Resolution (including the preambles hereto), the acquisition, construction equipping and financing of the Project by the Borrower, the issuance and sale of the Bonds and the securing thereof pursuant to the Loan Agreement.

Section 7. Invalidity. If any section, paragraph, clause or provision of this Resolution shall be ruled by any court of competent jurisdiction to be invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions.

Section 8. Conflicts. All ordinances, resolutions and orders, or parts thereof, in conflict with the provisions of this Resolution, are, to the extent of such conflict, hereby repealed.

Section 9. Effective Date. This Resolution shall be in full force and effect immediately upon its passage.

Adopted by Yankton County this 18th day of September 2018.

Yankton County Chairperson, Todd Woods /s/

ATTEST: Patty Hojem, Yankton County Auditor

**Mosquito Program:** Jim Liebsch, Weed Supervisor, appeared before board to request permission to not include Yankton City in the mosquito contracts moving forward. With spraying the city and the area towns Liebsch stated that Yankton City is being underserved and it would be better for them to take control of the program. Liebsch stated he has spoken with Yankton City and will help with training or anything they need to get up and going. The board requested coordinating with the city to allow a seamless transition.

**Highway:** Highway Superintendent Brian Gustad and Adam Polley from Clark Engineering of Sioux Falls, SD appeared before the board to discuss Fleege's Bridge, emergency declaration for repair on the Johnson Bridge and full depth reclamation of 449<sup>th</sup> St. Mr. Polley presented change order #2 for the Stone Church, Jamesville and Johnson Bridges. Application payment #6 was also presented for approval. With the retrofit design finished declaring the repairs and emergency would help expedite the process. However while the process would go faster, it could still take and estimated two months to make the bridge safe for all traffic. The status on the Fleege's bridge has not changed. Discussed changing to one lane traffic and the rating system which comes from the Federal Highway Administration. Also discussed the request from Loiseau Construction Inc. to move up the full depth reclamation of 449<sup>th</sup> Avenue between 305<sup>th</sup> Street.

**Action 18349C:** A motion was made by Kettering and seconded by Bodenstedt to change order #2 from \$32,308.28 to \$35,503.49. All present voted aye; motion carried.

**Action 18350C:** A motion was made by Kettering and seconded by Bodenstedt to approve Application for payment #6 in the amount of \$178,175.45. Kettering, Bodenstedt, and Woods voting Aye; Swensen Voting Nay; Motion carried, 3-1.

**Action 18351HWY:** A motion was made by Bodenstedt and seconded by Kettering to approve the emergency repair declaration for Johnson Bridge structure 68-134-120. Kettering, Bodenstedt, and Woods voting Aye; Swensen Voting Nay; Motion carried, 3-1.

**Action 18352D:** A motion was made by Bodenstedt and seconded by Kettering to recess the regular session and convene as Ditch Board. All present voted aye; motion carried.

**Action 18353D:** A motion was made by Bodenstedt and seconded by Kettering to reinstate the original assessment of the Mission Hill Watershed levy and \$1,000.00 opt out for 2019. All present voted aye; motion carried.

**Action 18354C:** A motion was made by Kettering and seconded by Bodenstedt to recess the Ditch Board and reconvene in regular session. All present voted aye; motion carried.

**Drainage Commission:** Zoning Administrator Pat Garrity presented to the commissioners names of the two applicants applying for the open spot on the ditch board. The board appointed Thomas J. Bixler to the open seat.

Patty Gramkow commented on the applicants.

**Action 18355C:** A motion was made by Kettering and seconded by Bodenstedt to approve the vacation of section line between Section 9 and Section 16, T93N-R56W, Utica South Township, for Brett Hacecky. All present voted aye; motion carried.

**434<sup>th</sup> Avenue:** Todd Huber appeared before the board to request the county to assume maintenance of 434<sup>th</sup> Avenue. When Yankton county motor graders maintain 434<sup>th</sup> Ave., going north of Highway 52 they turn around on 250 feet of Sundance Ridge Road and the graders severely tear up Sundance Ridge road and the adjacent ditch. Superintendent Brian Gustad said the can turn around on Baycliff Road

**Life Insurance:** Jennifer Genant and Shannon Jepsen, District Sales Coordinators for AFLAC appeared to present a quote for life insurance for Yankton County employees.

**Life Insurance:** Julie Auch, representative from Blue Cross Blue Shield Wellmark, appeared to present a quote for life insurance for Yankton County employees.

No action was taken on the life insurance at this time.

**Missouri River Sedimentation:** Sandy Stockholm from Missouri Sedimentation Action Coalition (MSAC) appeared before the board to request a pledge or intent for the sediment management plan for Lewis and Clark Lake under Section 1179a of WRDA 2016.

**Action 18356C:** A motion was made by Kettering and seconded by Bodenstedt to pledge \$10,000.00 to the Missouri Sedimentation Action Coalition (MSAC) for the sediment management plan under Section 1179A. All present voted aye; motion carried.

**Action 18357C:** A motion was made by Kettering and seconded by Epp to recess the regular session at 6:30 p.m. and convene in executive session to discuss litigation. Bodenstedt, Kettering and Woods voting Aye; Swensen Voting Nay; motion carried.

Commissioner Swensen did not join the executive session.

**Action 18358C:** A motion was made by Bodenstedt seconded by Kettering to adjourn executive session at 6:26 p.m. and reconvene in regular session. Bodenstedt, Kettering and Woods voted aye; Swensen did not vote; motion carried.

Chairman Woods reported no action would be taken as a result of the executive session.

There was no public comment.

Commission Swensen stated he would like the public comment period to be at the beginning instead of at the end meeting.

**Action 18359C:** A motion was made by Kettering and seconded by Bodenstedt to adjourn. All present voted aye; motion carried.

The next regular meeting will be Tuesday, October 2, 2018.

**Todd Woods**, Chairman  
Yankton County Commission

ATTEST:  
**Patty Hojem**, County Auditor