

YANKTON COUNTY COMMISSION MEETING

September 21, 2021

The regular meeting of the Yankton County Commission was called to order by Vice-Chairman Joseph Healy at 6:00 p.m. on Tuesday, September 21, 2021.

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

There were no conflicts of interest reported by Commissioners.

Action 21437C: A motion was made by Klimisch and seconded by Fox to approve the meeting agenda with the following addition: Bids to replace water heater at the Safety Center. All present voted aye; motion carried. All present voted aye; motion carried, 4-0.

There were no public comments.

Vice-Chairman Healy closed public comment.

Action 21438AMB: A motion was made by Kettering and seconded by Fox to authorize Ambulance Administrator to advertise for a truck chassis. All present voted aye; motion carried, 4-0.

Action 21439C: A motion was made by Kettering and seconded by Fox to approve the 2022 provisional budget as the Annual Budget for 2022. All present voted aye; motion carried, 4-0.

Members from the Military Order of the Purple Heart presented signs to be placed at the entrance of Yankton County as a Purple Heart County. Speaking on behalf of the Purple Heart organization was Ken Keunissen. Veterans Service Officer Cody Mangold read the proclamation.

Highway: Superintendent Mike Sedlacek appeared for board approval of the 5-year plan and to transfer assigned dollars.

Action 21440Hwy: A motion was made by Klimisch and seconded by Fox to approve the 5-year Highway Plan as presented. All present voted aye; motion carried, 4-0.

Action 21441Hwy: A motion was made by Klimisch and seconded by Kettering to transfer \$117,640.00 assigned dollars to the Highway Department. All present voted aye; motion carried, 4-0.

Action 21442Z: A motion was made by Klimisch and seconded by Kettering 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: Lot 6, Lake Forest Estates, NW1/4, S16-T93N-R57W,

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, 4-0.

Action 21443Z: A motion was made by Klimisch and seconded by Fox to adopt the following resolution: Whereas it appears, Marlys Jensen, owner of record, has caused a re-plat to be made of the following real property: Replat of Saylor Tract 1, NE1/4, NW1/4, S1-T96N-R55W, 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.

Bill Conkling from the Planning and Zoning office presented applicants for completing an existing term on the Planning Commission ending in April 2023. The applicants are Matt Evans and Dale Hebda.

Action 21444DR: A motion was made by Kettering and seconded by Klimisch to appoint Matt Evans to fill the existing term ending April 2023. All present voted aye; motion carried, 4-0.

The second reading was held for Ordinance #21-ZN-06 for Medical Cannabis. Ned Horsted from Cannabis Industry Association of South Dakota spoke about the Ordinance.

Action 21445C: A motion was made by Fox and seconded by Klimisch to approve the following Ordinance. Roll call vote was taken with Fox, Klimisch, Kettering and Healy voting aye; motion carried, 4-0.

ORDINANCE #21-ZN-06

**AN ORDINANCE AMENDING THE YANKTON COUNTY ZONING ORDINANCE DEFINITIONS, ARTICLE 5, ARTICLE 10 AND ARTICLE 11 AND ALL AMENDMENTS THERETO, REGARDING REGULATION OF MEDICAL CANNABIS ESTABLISHMENTS IN YANKTON COUNTY IN ACCORDANCE WITH THE PROVISION OF CHAPTER 11-2, 1967 SDCL, AND AMENDMENTS THEREOF, AND FOR THE REPEAL OF ALL RESOLUTIONS AND ORDINANCES IN CONFLICT THEREWITH
BE IT ORDAINED BY THE COUNTY COMMISSION OF YANKTON COUNTY, SOUTH DAKOTA AS FOLLOWS:**

The Definitions Section shall be amended to add the following definitions:

CANNABIS (or MARIJUANA): all parts of any plant of the genus cannabis, whether growing or not; the seeds thereof; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds. The term does not include fiber produced from the mature stalks of the plant, or oil or cake made from the seeds of the plant, or the resin when extracted from any part of the plant or cannabidiol in a drug product approved by the United States Food and Drug Administration. The term does not include the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis.

CANNABIS CULTIVATION FACILITY: a legally licensed entity that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a cannabis establishment.

CANNABIS DISPENSARY: a legally licensed entity that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials.

CANNABIS PRODUCT MANUFACTURING FACILITY: a legally licensed entity that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a cannabis dispensary.

CANNABIS TESTING FACILITY: a legally licensed entity legally authorized to analyze the safety and potency of cannabis.

CANNABIS ESTABLISHMENT: a cannabis cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a cannabis dispensary.

NON-LICENSED CANNABIS ESTABLISHMENT: an entity which would otherwise meet the definition of a cannabis establishment but which is not legally licensed.

BE IT FURTHER ORDAINED THAT:

Article 10: Commercial District (C) shall be amended as follows:

Section 1003 Permitted Principal Uses and Structures shall be amended to include

27. Cannabis Cultivation Facility

28. Cannabis Dispensary

29. Cannabis Product Manufacturing Facility

30. Cannabis Testing Facility

BE IT FURTHER ORDAINED THAT:

Article 11: Lakeside Commercial District (LC) shall be amended as follows:

Section 1103 Permitted Principal Uses and Structures shall be amended to include

20. Cannabis Cultivation Facility

21. Cannabis Dispensary

22. Cannabis Product Manufacturing Facility

23. Cannabis Testing Facility

BE IT FURTHER ORDAINED THAT:

Article 5: Agricultural District (AG) shall be amended as follows:

Section 503 Permitted Principal Uses and Structures shall be amended to include

10. Cannabis Cultivation Facility

11. Cannabis Dispensary

12. Cannabis Product Manufacturing Facility

13. Cannabis Testing Facility

Saving Clause.

Should any section, clause, or provision of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Effective Clause.

This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

Adopted by majority vote of the Yankton County Board of Commissioners in regular session this 21st day of September, 2021.

Yankton County Vice-Chairman, Joseph Healy /s/

ATTEST: Patty Hojem, Yankton County Auditor /s/

Action 21446C: A motion was made by Klimisch and seconded by Fox to recess the regular session and convene as Board of Adjustment. All present voted aye; motion carried.

CUP Public Hearing: This was the time and place for a public hearing for a Modify Conditional Use Permit & Oversized Accessory Structure application from Curtis Olivier. Applicant requested a permit to build an accessory structure in a different location than was previously approved in a Moderate Density Residential District that exceeds the maximum aggregate square footage of 2400 square feet. Said property is legally described as Lot 4 Block 3, Law Overlook Subdivision, NE1/4, S18-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota.

There was no public comment.

Action 21447Z: A motion was made by Kettering and seconded by Klimisch to approve based on Findings of Fact from the August 10, 2021 Yankton County Planning Commission meeting on the condition the requested truck parking to be completed, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Roll call vote was taken with Kettering, Klimisch, Fox and Healy voting aye; motion carried, 4-0.

Action 21448C: A motion was made by Klimisch and seconded by Fox to recess the Board of Adjustment and reconvene in regular session. All present voted aye; motion carried, 4-0.

Commissioner Klimisch presented two bids to replace a water heater at Yankton County Safety Center, bids received Hander Inc. Plumbing & Heating for \$17,725.00 and Fejfar Plumbing & Heating for \$14,256.00.

Action 21449C: A motion was made by Klimisch and seconded by Kettering to accept the bid from Fejfar Plumbing & Heating. All present voted aye; motion carried, 4-0.

Emergency Management Director Paul Scherschligt appeared before the board for approval of the Mutual Aid Agreement for inter county sharing of resources during emergency or disasters within South Dakota.

Action 21450OEM: A motion was made by Klimisch and seconded by Fox to approve the SD Region 6 Mutual Aid Agreement. All present voted aye; motion carried, 4-0.

Sanitary District Study: Gregg Jorgenson, Dennis Rebelein and Cullen Kohles from Banners Associates, Inc. presented a power point on the process of forming a Sanitary District. Commissioners Klimisch and Kettering will work with Banners Associates to have an estimate on how much it would cost the County to update the feasibility study.

Action 21451C: A motion was made by Fox and seconded by Kettering to approve the following claims: **Non-Departmental:** Blue Cross Blue Shield (Refund) \$208.23, Ambulance \$376.32; **Court:** Avera Sacred Heart Hospital (Lab) \$1,558.00, Megan Reeves (Professional Services) \$102.60, Kent E Lehr Law Office (Professional Services) \$585.20, Patricia LaCroix (Supplies) \$85.00, Juror Fees (Crt) \$386.12, Horn Law Office LLC (Professional Services) \$2,028.00, Clovia Dee (Professional Services) \$570.00, LaCroix Law Office (Neglected) \$1,548.20, Department of Health (Lab-July 2021) \$980.00, Thomson Reuters (Supplies) \$273.32; **Auditor:** Vast Business (Utilities) \$175.28, Culligan (Supplies) \$21.75, John A Conkling Distributing (Supplies) \$50.00, Patty Hojem (Travel) \$327.00, Leaf (Rentals) \$159.00, Microsoft Corporation (Supplies) \$10.70; **Treasurer:** Vast Business (Utilities) \$210.07, Culligan (Supplies) \$43.00, John A Conkling Distributing (Supplies) \$50.00, Miller Consulting LLC (Maintenance) \$760.00, Yankton County Treasurer (Supplies) \$806.00, Yankton County Treasurer (Travel) \$42.00; **Data Processing:** Vast Business (Utilities)

\$832.83, First Bankcard (Maintenance) \$54.49, Miller Consulting, LLC (Maintenance) \$3,420.00; **States Attorney:** Century Business Products (Rentals) \$401.39, Culligan (Supplies) \$14.50, Miller Consulting LLC (Maintenance) \$380.00, National District Attorney (Supplies) \$85.00, One Office Solution (Supplies) \$1,468.00; **Government Building:** Vast Business (Utilities) \$26.25, Echo Group (Maintenance) \$208.76, JCL Solutions (Supplies) \$73.22, MidAmerican Energy (Utilities) \$625.25, Top Notch Window Cleaning (Professional Services) \$530.00; **Director of Equalization:** Southgate (Maintenance) \$300.00, Vast Business (Utilities) \$229.50, Jessica Atkinson (Supplies) \$44.70, South Dakota Department of Revenue (Travel) \$452.00, John A Conkling Distributing (Supplies) \$50.00, EcoWater Systems (Supplies) \$32.50, Miller Consulting LLC (Maintenance) \$100.00, Microfilm Imaging Systems (Maintenance) \$70.00, Jeffrey Puthoff (Travel) \$119.28; **Register of Deeds:** Vast Business (Utilities) \$177.75, Microfilm Imaging Systems (Rentals) \$171.00, One Office Solution (Supplies) \$74.46; **VA:** Vast Business (Utilities) \$26.25, Cody Mangold (Travel) \$91.14, Cody Mangold (Supplies) \$94.79, Leaf (Rentals) \$148.80; **Safety Center Building:** City of Yankton (Dumpster Fees) \$64.00, Cole Paper Inc. (Supplies) \$682.66, Olson's Pest Technicians (Maintenance) \$133.00, Top Notch Window Cleaning (Professional Services) \$345.00; **Sheriff:** City of Yankton (Fuel) \$2,637.43, Axon Enterprise Inc. (Law Enforcement Equip) \$4,442.18, Culligan (Supplies) \$24.25, A Division of United Tactical Systems (Law Enforcement Equip) \$2,047.84, Pennington County Jail (Travel) \$361.34, One Office Solution (Supplies) \$6.82, One Office Solution (Furniture) \$599.00; **County Jail:** Avera Medical Group (Professional Services) \$2,004.00, McKesson Medical-Surgical (Professional Services) \$94.79, Jacks Uniforms & Equipment (Uniforms) \$365.40, Correctional Risk Services (Inmate Medical Insurance) \$1,083.76, Strachan Sales (Food Services) \$2,417.11, Tire Muffler Alignment (Auto Expense) \$43.67; **Juvenile Detention Center:** Minnehaha County Juvenile Detention Center (Rentals) \$10,004.00; **Care of Poor:** Department of Parks & Recreation (Professional Services) \$400.00, Goglin Funeral Home (Professional Services) \$1,250.00, Thomson Reuters (Supplies) \$79.57; **Public Health Nurse:** Vast Business (Utilities) \$244.57, TIAA Commercial Finance (Rentals) \$58.67, Investigative Services (Professional Services) \$122.50; **Ambulance:** Arrow Manufacturing (Supplies) \$519.46, Teleflex Funding LLC (Supplies) \$2,010.50, Stryker Sales Corporation (Supplies) \$205.00, Vast Business (Utilities) \$180.88, Bound Tree Medical (Supplies) \$2,815.42, City of Yankton (Fuel) \$1,091.48, Caleb Sutton (Supplies) \$19.13, First Bankcard (Fuel) \$334.09, First Bankcard (Supplies) \$824.76, Leaf (Rentals) \$81.43, Matheson Tri-Gas Inc. (Rentals) \$88.59, Olson's Pest Technicians (Maintenance) \$114.00, Pearson Education (Supplies) \$2,071.25, Tire Muffler Alignment (Supplies) \$1,298.44, One Office Solution (Supplies) \$239.73; **Mental Handicapped:** SD Achieve dba Lifescape (Care MI August 2021) \$180.00; **Mental Illness Board:** Darcy Lockwood (Hearings) \$66.00, Mark Katterhagen (Hearings) \$66.00, Lucille M Lewno (Hearings) \$1,062.15; **County Extension:** Buhl's Cleaners (Supplies) \$37.82, Vast Business (Utilities) \$399.11, Katie Doty (Travel) \$468.16, Northwestern Energy (Utilities) \$421.53, WNAX Saga Communications (Other) \$308.00, One Office Solution (Supplies) \$129.00, Yankton County Leaders (Maintenance) \$4,687.68; **Weed:** Kaiser Appliance & Refrigeration (Maintenance) \$514.97, One Office Solution (Supplies) \$37.61; **Planning & Zoning:** Vast Business (Utilities) \$62.50, Microfilm Imaging Systems (Rentals) \$70.00, Pheasantland Industries (Supplies) \$52.64, Yankton Daily P & D (Publishing's) \$21.53; **Road & Bridge:**

Appera (Supplies) \$131.86, C & B Operations (Maintenance) \$123.57, Bomgaars (Supplies) \$65.94, B-Y Electric (Utilities) \$63.08, B-Y Water District (Utilities) \$81.75, Battery Exchange (Maintenance) \$119.95, Vast Business (Utilities) \$228.20, Napa Auto Parts of Yankton (Maintenance) \$623.62, Concrete Materials (Supplies) \$315.95, Concrete Materials (Asphalt Road) \$117,637.02, IMEG Corp (Bridges) \$16,500.00, D-P Tools (Supplies) \$428.34, Growmark FS (Fuel) \$965.73, Growmark FS (Supplies) \$0.48, Filter Care of Nebraska (Supplies) \$26.85, First Bankcard (Maintenance) \$447.96, Jebro Inc. (Annual Projects) \$298,928.85, Janssen's Garbage Service (Utilities) \$45.00, Longs Propane Inc. (Fuel) \$88.40, Menards (Maintenance) \$19.88, Menards (Supplies) \$35.22, MidAmerican Energy (Utilities) \$30.65, Overhead Door Company (Maintenance) \$195.73, Truck Trailer Sales Services (Maintenance) \$158.86, The Road Guy Const. (Annual Projects) \$348,184.98, One Office Solution (Supplies) \$224.67, Yankton Daily P & D (Publishing's) \$27.11; **Emergency 911 Fund:** Vast Business (Utilities) \$1,100.36, Powerphone Inc. (Travel) \$729.00, Golden West Telecommunications (Utilities) \$42.26; **Emergency Management:** Frontier Precision Inc. (Maintenance) \$2,487.24, First Bankcard (Supplies) \$310.40, First Bankcard (Professional Services) \$93.20, First Bankcard (LEPC Fund) \$276.71, Two Way Solutions Inc. (Supplies) \$174.95, Truck Trailer Sales Services (Maintenance) \$280.34, Tabor Lumber Cooperative (Supplies) \$126.86, One Office Solution (Supplies) \$1,030.00, One Office Solution (Maintenance) \$2.31; **24/7 Program:** Precision Kiosk Technology (Professional Services) \$1,350.00; **Non-Departmental:** Wieman Construction LLC (Cleaning Clay Creek Ditch) \$28,709.24, Satellite Tracking of People (Tracking Monitors) \$432.25, Byron Nogelmeier (Cam Daily Fee) \$2,790.00, Byron Nogelmeier (State Participation Fee) \$164.00, Sobriety Testing (Refund) \$19.00, SCRAM (Refund) \$6.00, SD Department of Revenue (HSC) \$5,151.52, SD Department of Revenue (Redfield Services) \$120.00, SD Department of Revenue (Motor Vehicle Fees) \$423,181.12, SD Department of Revenue (Waste Fees) \$5,951.75, SD Department of Revenue (ROD Fees) \$2,450.00, SDACO (M & PR Fund) \$746.00; **Clearing Fund:** First Dakota National Bank (Fire Premium Refund) \$27,597.54, Gayville Fire Department (Fire Premium Refund) \$2,713.92, Irene Fire Department (Fire Premium Refund) \$5,569.43, Lesterville Fire District (Fire Premium Refund) \$4,752.61, Menno Rural Fire (Fire Premium Refund) \$1,973.77, Scotland Fire Department (Fire Premium Refund) \$366.43, Tabor Fire Department (Fire Premium Refund) \$1,482.82, Volin Fire Department (Fire Premium Refund) \$2,372.31, Viborg Fire District (Fire Premium Refund) \$655.53, Yankton City Fire Department (Fire Premium Refund) \$56,071.76; General Fund \$77,293.99, Road & Bridge, \$785,699.65, Emergency Management, \$4,782.01. All present voted aye; motion carried, 4-0.

Action 21452AUD: A motion was made by Kettering and seconded by Fox to approve the Auditor's Monthly Settlement with the Treasurer and Pooled Cash Report as of July 31, 2021 which showed Total Cash of \$15,480,495.46. The General Fund was \$6,939,977.89; Special Funds were \$7,313,748.62; and Trust and Agency Funds were \$1,226,768.95 adding to a Grand Total of General Ledger Cash and Investments of \$15,480,495.46. A detailed report is on file with the County Auditor. All present voted aye; motion carried, 4-0.

Action 21453C: A motion was made by Fox and seconded by Klimisch to approve the September 7, 2021, meeting minutes. All present voted aye; motion carried, 4-0.

Action 21454C: A motion was made by Kettering and seconded by Klimisch to approve the September 10, 2021, special meeting minutes. Voting aye Kettering, Klimisch, Fox and Healy. Motion carried 4-0.

Action 21455C: A motion was made by Klimisch and seconded by Kettering to approve the September 15, 2021, special meeting minutes. All present voted aye; motion carried 4-0.

Action 21456C: A motion was made by Klimisch and seconded by Kettering to adopt the State rates for travel reimbursement. All present voted aye; motion carried 4-0.

There was no public comment.

Vice-Chairman Healy closed public comment.

Commissioner updates: Item mentioned was the 2021 State Convention held in Rapid City.

Action 21457C: A motion was made by Fox and seconded by Klimisch to recess the regular session at 7:50 p.m. and convene in executive session to discuss Poor Relief Issues SDCL 1-25-2 & 28-13 and 28-13-1.3, litigation issue SDCL 1-25-2(3) and personnel issues SDCL 1-25-2(1) All present voted aye; motion carried, 4-0.

Action 21458C: A motion was made by Fox and seconded by Klimisch to adjourn the executive session at 8:25 p.m. and reconvene in regular session. All present voted aye; motion carried, 4-0.

Vice-Chairman Healy reported no action would be taken as a result of the executive session.

Action 21459C: A motion was made by Klimisch and seconded by Fox to adjourn. All present voted aye; motion carried, 4-0.

The next regular meeting will be Tuesday, October 5, 2021 at 6:00 p.m.

Joseph Healy, Vice-Chairman
Yankton County Commission

ATTEST:
Patty Hojem, County Auditor