

YANKTON COUNTY JOINT PLANNING AND COMMISSION MEETING

June 1, 2021

The regular meeting of the Yankton County Commission was called to order by Chair Cheri Loest at 6:00 p.m. on Tuesday, June 1, 2021. The agenda includes a Joint Public Hearing of the Yankton County Board of Commissioners and Yankton County Planning Commission.

Roll call was taken with the following County Commissioners and Planning Commissioners present: Dan Klimisch, Wanda Howey-Fox, Joseph Healy, Don Kettering, Cherie Hoffman, Kristi Schultz, Cathy Weiss, Chris Barkl and Cheri Loest. Absent were Planning Commissioners Doug Hevle and Dennis Michael.

There were no conflicts of interest reported by Commissioners.

Action 21250C: A motion was made by Kettering and seconded by Klimisch to approve the amended meeting agenda with the following addition: Introduction of new Veterans Service Officer. All present voted aye; motion carried.

There were no public comments.

Chair Loest closed public comment.

Veterans Service Officer Cody Mangold introduced himself. Mangold said he has been busy in the office and thanked the board for the opportunity.

A Joint Public Hearing of the Planning Commission and Board of County Commissioners was held about Ordinance #21-ZN-04, a temporary ordinance regarding the issuance of local cannabis establishment permits and/or licenses.

There was no public comment.

Action 21251C: A motion was made by Barkl and seconded by Schultz to approve the following Ordinance #21-ZN-04. Roll call vote was taken with Barkl, Schultz, Hoffman, Weiss and Kettering voting aye; motion carried, 5-0.

YANKTON COUNTY ORDINANCE NO. 21-ZN-04

A TEMPORARY ORDINANCE REGARDING THE ISSUANCE OF LOCAL MEDICAL CANNABIS ESTABLISHMENT PERMITS AND/OR LICENSES.

WHEREAS, a local government may enact an ordinance not in conflict with SDCL Chapter 34-20G, governing the time, place, manner, and number of medical cannabis establishments in the locality. A local government may establish civil penalties for violation of an ordinance governing the time, place, and manner of a medical cannabis establishment that may operate

in the locality. A local government may require a medical cannabis establishment to obtain a local license, zoning permit, or registration to operate, and may charge a reasonable fee for the local license, zoning permit, or registration.

WHEREAS, Yankton County, South Dakota ("County"), makes a preliminary finding that the County's current regulations and controls may not adequately address the unique needs and impacts of medical cannabis establishments as defined in SDCL 34-20G-1;

WHEREAS, medical cannabis state laws under SDCL 34-20G are effective July 1, 2021, with the South Dakota Department of Health required to promulgate rules pursuant to chapter 1-26 no later than October 29, 2021, as defined by SDCL 34-20G-72. During the time between July 1, 2021 and potentially as late as October 29, 2021, local units of government, such as Yankton County, will not yet know standards for medical cannabis and will not be able to adequately assess the local zoning and licensing requirements necessary to approve local permits and to better ensure applicants have a more predictable permitting process and avoid stranded investments.

WHEREAS, the County makes a preliminary finding that the County needs further study of the relationship of medical cannabis establishments to the County's desire and need to protect the community and the County Comprehensive Plan and Zoning Ordinance. The public interest requires that the County study, analyze, and evaluate the impacts of medical cannabis establishments and to fully explore the impacts of any proposed regulations regarding medical cannabis establishments;

WHEREAS, the County makes a preliminary finding that it would be inappropriate for the County to issue a local permit or license to a medical cannabis establishment prior to the South Dakota Department of Health's promulgation of regulations governing the same;

WHEREAS, the County hereby exercises its authority under SDCL 11-2-10 and SDCL 7-18A-8, to establish a temporary ordinance regarding the issuance of any local permits/licenses for medical cannabis establishments within the County;

WHEREAS, a temporary ordinance will ensure that more comprehensive regulations, zoning ordinance and building permit changes, licensing permits, and any proposed amendments to the County's Comprehensive Plan can be completely examined with adequate public input from citizens, business interests, and medical cannabis industry representatives;

WHEREAS, the County finds that a temporary ordinance is reasonable to preserve the status quo and prevent significant investment pending the outcome of the above study and any proposed regulations emanating therefrom;

WHEREAS, the County finds that the following ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace and support of the county government and its existing public institutions;

NOW, THEREFORE, BE IT ORDAINED BY YANKTON COUNTY, SOUTH DAKOTA THAT:
Section 1. Temporary Ordinance – Application for Local Permit/License

A medical cannabis establishment desiring to operate in the County shall be required to apply for a permit and/or license from the County. Applications for a local permit and/or license to operate a medical cannabis establishment, as defined by SDCL 34-20G-1, shall not be accepted until the South Dakota Department of Health has promulgated regulations as required by SDCL

34-20G-72. Any application received prior to such regulations being promulgated shall be denied.

Section 2. Immediate Effect.

This ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace, and support of the county government and its existing public institutions pursuant to SDCL 11-2-10 and SDCL 7-18A-8.

The Board of County Commissioners had the first reading of Ordinance #21-ZN-04 regarding the issuance of Local Cannabis Establishment Permits and or Licenses. The second reading of the Ordinance will be at the next commission meeting on June 15, 2021.

There was no public comment.

Action 21252C: A motion was made by Fox and seconded by Kettering to adjourn the Joint Public Hearing. All present voted aye; motion carried.

YANKTON COUNTY COMMISSION MEETING

June 1, 2021

The regular meeting of the Yankton County Commission was called to order by Chair Cheri Loest at 6:15 p.m. on Tuesday, June 1, 2021.

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

There were no conflicts of interest reported by Commissioners.

Action 21253C: A motion was made by Healy and seconded by Fox to approve the regular meeting agenda with the following change: Item 12 and 13 will be moved to 4A and 4B. All present voted aye; motion carried.

There were no public comments.

Chair Loest closed public comment.

Highway: Superintendent Mike Sedlacek appeared for board approval of the Agri-Business Grant and entrance application from Growmark FS.

Action 21254C: A motion was made by Healy and seconded by Fox to approve the Agri-Business Grant Agreement between SD Department of Transportation and Yankton County. All present voted aye; motion carried.

Action 21255Hwy: A motion was made by Klimisch and seconded by Kettering to approve the entrance application from GrowMark FS in Township 4-93-55. All present voted aye; motion carried.

Action 21256WD: A motion was made by Healy and seconded by Kettering to accept the Yearly Mosquito Contracts. All present voted aye; motion carried.

Action 21257C: A motion was made by Fox and seconded by Healy to approve the May 18, 2021 meeting minutes with the following correction: Cheri Loest abstained from item #11 Drainage Permit for JHGAS Farms because she was too involved with the project. Loest also abstained at the Drainage meeting. All present voted aye; motion carried.

Action 21258C: A motion was made by Healy and seconded by Fox to approve the following claims: **Commissioners:** Hy-Vee (Travel) \$45.55, Qualified Presort Services (Supplies) \$6.16, Yankton Area Chamber of Commerce (Chamber Dues) \$23.24; **Elections:** Qualified Presort Services (Supplies) \$32.82, Verizon (Rentals) \$320.08; **Court:** Juror Fees \$438.64, Certified Languages (Professional Services) \$128.70, Computer Forensic Resources (Professional Services) \$3,150.00, Dakota County Sheriff's Department (Professional Services)

\$70.00, Alvine Weidenaar LLP (Professional Services) \$3,612.90, Fox & Youngberg PC (Professional Services) \$15,624.80, Horn Law Office LLC (Professional Services) \$3,126.80, Kennedy Pier Loftus & Reynolds (Professional Services) \$2,169.10, Koletzky Law Office (Delinquent/Minor) \$641.20, Dean Schaefer (Professional Services) \$544.00, Thomson Reuters (Professional Services) \$900.33; **Auditor:** McLeod's Printing & Office Supply (Supplies) \$72.90, Qualified Presort Services (Supplies) \$54.75, One Office Solution (Supplies) \$182.19, Yankton Area Chamber of Commerce (Chamber Dues) \$23.36; **Treasurer:** Qualified Presort Services (Supplies) \$149.37, Yankton Area Chamber of Commerce (Chamber Dues) \$23.36; **States Attorney:** Century Business Products (Rentals) \$542.51, Executive MGMT. Finance (Utilities) \$53.25, Tyler Larsen (Travel) \$794.19, Yankton Daily P & D (Supplies) \$139.64, Yankton Area Chamber of Commerce (Chamber Dues) \$23.36; **Government Center Building:** Kopetsky's Ace hardware (Maintenance) \$188.95, Bomgaars (Supplies) \$19.14, City of Yankton (Utilities) \$1,704.49, Echo Group (Supplies) \$81.12, JCL Solutions (Supplies) \$91.32, Menards (Maintenance) \$79.98, Northwestern Energy (Utilities) \$2,456.39, Olson's Pest Technician (Maintenance) \$82.00, OTIS Elevator Company (Maintenance) \$878.31; **Director of Equalization:** Qualified Presort Services (Supplies) \$24.48, Yankton Area Chamber of Commerce (Chamber Dues) \$23.36; **Register of Deeds:** Executive MGMT. Finance (Utilities) \$53.25, Qualified Presort Services (Supplies) \$44.99, Yankton Area Chamber of Commerce (Chamber Dues) \$23.36; **VA:** SDVSOA (Travel) \$100.00, Yankton Area Chamber of Commerce (Chamber Dues) \$23.36; **Safety Center Building:** Kopetsky's Ace Hardware (Maintenance) \$192.89, Bomgaars (Supplies) \$32.93, City of Yankton (Utilities) \$534.86, Cole Papers Inc. (Supplies) \$146.61, Johnson Controls, INC. (Maintenance) \$1,111.60, Menards (Supplies) \$72.44, Northwestern Energy (Utilities) \$6,952.40, Olson's Pest Technician (Maintenance) \$133.00; **Sheriff:** Xtreme Car Wash (Maintenance) \$57.60, Cardmember Services (Travel) \$896.50, Cardmember Services (Fuel) \$353.37, FedEx (Other) \$14.84, Auto Value Yankton (Maintenance) \$34.98, Qualified Presort Services (Maintenance Contracts) \$111.05, MT & RC Smith (Insurance) \$311.00, One Office Solution (Supplies) \$356.25, Yankton Area Chamber of Commerce (Chamber Dues) \$23.36; **County Jail:** Southern Folger Detention Equipment (Security Maintenance) \$117.27, Cardmember Services (Travel) \$270.75, Cardmember Services (Auto Expense) \$70.12, Trinity Services Group (Food Services) \$7,717.60, EZ Duz it Laundry (Supplies) \$188.00, Hy-Vee (Professional Services) \$42.18, Jacks Uniforms & Equipment (Uniforms) \$196.85, Menards (Supplies) \$142.97, Olson's Pest Technicians (Maintenance) \$110.00, One Office Solution (Supplies) \$399.36, Yankton Rexall Drug (Professional Services) \$592.28; **Coroner:** Yankton Area Chamber of Commerce (Chamber Dues) \$23.36; **Yankton Area Search & Rescue:** NAPA Auto Parts of Yankton (Supplies) \$256.49, Menards (Supplies) \$109.62; **Care of Poor:** Qualified Presort Services (Supplies) \$89.06; **Catastrophic Fund:** SDACC (Catastrophic) \$3,000.00; **Public Health Nurse:** Qualified Presort Services (Supplies) \$70.95, Yankton Area Chamber of Commerce (Chamber Dues) \$23.36; **Ambulance:** Avera Health dba Avera Education & Staffing (Professional Services) \$75.00, Kopetsky's Ave Hardware (Supplies) \$16.99, Avera Sacred Heart Hospital (Supplies) \$239.84, Sacred Heart Health Services (Professional Services) \$1,500.00, Bomgaars (Supplies) \$7.99, B & L Communications (Supplies) \$143.85, City of Yankton (Utilities) \$191.28, City of Yankton (Supplies) \$12.00, Credit Collection Services (Professional Services) \$291.71, Menards (Supplies) \$74.11,

Olson's Pest Technicians (Maintenance) \$114.00, Yankton Janitorial Supply (Supplies) \$213.00, Yankton Area Chamber of Commerce (Chamber Dues) \$23.36; **Mental Illness Board:** Darcy Lockwood (Hearings) \$39.00, Mark Katterhagen (Hearings) \$39.00, Lucille M Lewno (Hearings) \$949.53; **County Extension:** Vast Business (Utilities) \$419.14, City of Yankton (Utilities) \$73.38, Katie Doty (Other) \$10.92, JCL Solutions (Supplies) \$55.86, Menards (Supplies) \$167.42, MidAmerican Energy (Utilities) \$23.85, Olson's Pest Technicians (Maintenance) \$150.00, Yankton Area Chamber of Commerce (Chamber Dues) \$23.36; **Soil Conservation:** Yankton Area Chamber of Commerce (Chamber Dues) \$23.36; **Weed:** Battery Exchange (Supplies) \$120.95, C & R Supply (Maintenance) \$286.08, Northtown Automotive (Supplies) \$31.64, Van Diest Supply Co (Chemicals) \$7,159.55, Yankton Area Chamber of Commerce (Chamber Dues) \$23.36; **Planning & Zoning:** Qualified Presort Services (Supplies) \$71.41, Yankton Area Chamber of Commerce (Chamber Dues) \$23.36; **Road & Bridge:** Appera (Supplies) \$126.94, Bomgaars (Supplies) \$135.00, B-Y Water District (Utilities) \$81.75, Battery Exchange (Maintenance) \$195.00, Boyer Trucks (Maintenance) \$1,876.10, Presto-X (Maintenance) \$110.00, Ban Koe Companies (Utilities) \$304.00, City of Yankton (Utilities) \$24.82, NAPA Auto Parts of Yankton (Supplies) \$384.29, Direct TV (Utilities) \$88.99, Dakota Fluid Power (Maintenance) \$2,161.12, Graham Tire Yankton (Supplies) \$476.00, Marks Machinery (Supplies) \$168.39, Midwest Radiator & Exhaust (Supplies) \$33.00, Northwestern Energy (Utilities) \$697.49, MT & RC Smith (Insurance) \$877.00, SD Department of Transportation (Annual Projects) \$1,180.39, Vermillion Yankton Joint Solid Waste (Utilities) \$101.60, Yankton Area Chamber of Commerce (Chamber Dues) \$23.36; **Emergency 911 Fund:** Vast Business (Utilities) \$1,100.36, Powerphone (Travel) \$299.70, CenturyLink (Utilities) \$74.63, Midcontinent Communications (Utilities) \$115.00, Pharmchem Inc. (Supplies) \$2,455.30; **Jail Building:** Hander Inc. (Maintenance) \$2,240.00; **Emergency Management:** Kopetsky's Ace Hardware (Supplies) \$269.10, Bomgaars (Supplies) \$100.49, NAPA Auto Parts of Yankton (Maintenance) \$9.69, Helpline Center (211 Services) \$2,000.00, Menards (Supplies) \$1,107.75, MidAmerican Energy (Utilities) \$9.91, Qualified Presort Services (Supplies) \$5.59, SDEMA (Professional Services) \$190.00, One Office Solution (Supplies) \$147.92, Yankton Area Chamber of Commerce (Chamber Dues) \$23.36; **24/7 Sobriety Fund:** Sobriety Testing (Refund) \$39.00; **Non-Departmental:** Cam Daily Fee (Refund) \$116.00, SCRAM (Refund) \$100.00, State Participation Fee (Refund) \$30.00; General Fund \$76,117.90, Road & Bridge \$9,045.24, Emergency Management \$4,044.99. All present voted aye; motion carried.

Action 21259C: A motion was made by Healy and seconded by Fox to approve the **MAY, 2021 Gross Payroll: Commissioners:** \$5,848.66; **Court:** \$0.00; **Election:** \$0.00; **Auditor:** \$16,200.07; **Treasurer:** \$18,293.19; **States Attorney:** \$30,156.17; **Government Buildings:** \$6,177.15; **Director of Equalization:** \$22,280.70; **Register of Deeds:** \$12,463.47; **Veterans Service:** \$3,990.84; **Courthouse & Safety Center:** \$5,466.50; **Sheriff:** \$68,264.27; **County Jail:** \$81,257.97; **Coroner:** \$600.00; **Juvenile:** \$0.00; **Nurse:** \$1,380.00; **Ambulance:** \$63,584.22; **WIC:** \$1,381.28; **Extension:** \$7,320.81; **Soil Conservation:** \$2,597.38; **Weed:** \$6,103.17; **Planning & Zoning:** \$10,593.95; **Road & Bridge:** \$73,519.33; **E911:** \$58.18; **OEM:** \$8,706.63; **24-7 Program:** \$1,211.21. First Dakota National Bank \$34,392.67 (Withholding), First Dakota National Bank

\$53,499.94 (FICA) First Dakota National Bank \$12,512.06 (Medicare), South Dakota Retirement System \$33,366.46 (Other Employees), South Dakota Retirement System \$20,248.36 (Sheriff), South Dakota Retirement System (Spouse Opt) \$178.92, South Dakota Retirement System (Supplemental) \$7,616.66, American Family Life Assurance Company (AFLAC) \$5,201.71, Legalshield \$25.90, Office of Child Support \$578.00, Nationwide Retirement Solutions \$69.44, Accounts Management \$50.00, Boston Mutual Life Insurance \$341.43, Colonial Life & Accident \$1,604.53, Avera Health Plans \$61,405.41, Optilegra \$463.04, Wellmark BC Health Insurance \$1,030.42, United Way of Greater Yankton 10.00, Delta Dental \$1,210.00, VSP Vision \$210.66, Harmelink & Fox Law Office \$293.24, HealthEquity \$3,376.02. Gross Payroll \$447,455.15, Net Payroll \$326,876.97. All present voted aye; motion carried.

The County Auditor presented quotes from KNOWINK for new poll books for federal elections, quote to lease 21 poll books for 5 years in the amount of \$9,732.85 and support for the Primary and General elections for 2022 in the amount of \$10,080.00.

Action 21260AUD: A motion was made by Klimisch and seconded by Kettering to approve the quote from KNOWINK for the lease of 21 poll books and the support from Dustin Van Balen for the 2022 Primary and General elections. All present voted aye; motion carried.

Action 21261C: A motion was made by Healy and seconded by Fox to approve the renewal of the County's agreement for provider services with the S.D. Department of Health. The agreement is made for the purposes of providing clerical services for the Women, Infants and Children (WIC) Program in Yankton County. All present voted aye; motion carried.

Action 21262C: A motion was made by Kettering and seconded by Healy 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 Conditional Use Permit application from Marty Steinberg. Applicant requested a permit for an accessory building that is 4320 square feet with 16 foot sidewalls in a Moderate Density Residential District. Said property is legally described as Lot 11, Homestead Addition, S6-T93N-R56W hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota.

Applicant Marty Steinberg spoke on the request.

Action 21263Z: A motion was made by Klimisch and seconded by Fox, to approve based on Findings of Fact from the May, 11 2021 Yankton County Planning Commission meeting the Conditional Use Permit as presented, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Roll call vote was taken with Klimisch, Fox, Kettering, Healy and Loest voting aye; motion carried, 5-0.

Variance Public Hearing: This was the time and place for a public hearing for a Variance application from Dean Gustad to build an AG accessory structure that would be fifty feet (50)

from the west lot line, a variance of twenty-five feet (25). Said property is legally described as SW1/4, NW1/4, S32-T95N-R54W, County of Yankton, State of South Dakota.

Applicant Dean Gustad spoke on the request. Also speaking on behalf of the applicant were Lyle Stratman and Dean Morman.

Action 21264Z: A motion was made by Klimisch and seconded by Kettering, to approve the variance application based on Findings of Fact from the May 11, 2021 Yankton County Planning Commission meeting on the condition there is a deed restriction that the lots are not to be sold separately, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Roll call vote was taken with Klimisch, Kettering, Fox and Healy voting aye; Loest 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 Mike Abel. Applicant requested a permit to build an accessory structure with 16 feet sidewalls in a Moderate Density Residential District. Said property is legally described as Block 3, Missouri View Addition, exc Tract 1 of Block 3, exc Tracts 1A and Tract 2 of Block 3, S15-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota.

Applicant Mike Abel spoke on the CUP request.

Action 21265Z: A motion was made by Kettering and seconded by Healy, to approve based on Findings of Fact from the May 11, 2021 Yankton County Planning Commission meeting the Conditional Use Permit as presented, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Roll call vote was taken with Kettering, Healy, Kettering, Fox, and Loest voting aye; motion carried, 5-0.

CUP Public Hearing: This was the time and place for a public hearing for a Conditional Use Permit application from Chad Donlin. Applicant requested a permit for an above ground swimming pool in a High Density Residential District (R3). Said property is legally described as Lot 13, Block 3 Mayer's Addition, S15-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota.

Applicant Chad Donlin spoke on the CUP request.

Action 21266Z: A motion was made by Healy and seconded by Fox, to approve based on Findings of Fact from the May 11, 2021 Yankton County Planning Commission meeting the Conditional Use Permit as presented, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Roll call vote was taken with Healy, Fox, Kettering, Klimisch and Loest voting aye; motion carried, 5-0.

Action 21267C: A motion was made by Kettering and seconded by Fox to recess the Board of Adjustment and reconvene in regular session. All present voted aye; motion carried.

Action 21268Z: A motion was made by Healy and seconded by Kettering to adopt the following resolution: Whereas it appears, Dennis Breck, owner of record, has caused a plat to be made of the following real property: Lot 1, Whitetail Run, SE1/4, NE1/4, S16-T93N-R56W, 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 21269Z: A motion was made by Healy and seconded by Kettering to adopt the following resolution: Whereas it appears, Dennis Breck, owner of record, has caused a plat to be made of the following real property: Lot 11 Whitetail Run, SE1/4, NE1/4, S16-T93N-R56W, 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 21270Z: A motion was made by Healy and seconded by Kettering to adopt the following resolution: Whereas it appears, Dennis Breck, owner of record, has caused a plat to be made of the following real property: Lot 15 Whitetail Run, NE1/4, SE1/4, S16-T93N-R56W, 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 21271Z: A motion was made by Kettering and seconded by Fox to adopt the following resolution: Whereas it appears, Dennis Breck, owner of record, has caused a plat to be made of the following real property: Lot 2 Whitetail Run, SE1/4, NE1/4, S16-T93N-R56W, 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 21272Z: A motion was made by Healy and seconded by Kettering to adopt the following resolution: Whereas it appears, Mark Peterson, owner of record, has caused a replat to be made of the following real property: Lot K-2, E 158' of Parcel 2 of Lot K-1 in the

N1/2, NE1/4, S15-T93N-R56W, County of Yankton, S.D., Hereafter to be known as: Lots 1 & 2, Metz-Peterson Addition in the N1/2, NE1/4, S15-T93N-R56W, 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 21273Z: A motion was made by Healy and seconded by Fox to adopt the following resolution: Whereas it appears, Cheri Maier, owner of record, has caused a replat to be made of the following real property: Tract 1, Maier's Addition, N1/2, SE1/4, S26-T93N-R54W, County of Yankton, S.D., Hereafter known as Tract 2, Maier's Addition, N1/2, SE1/4, S26-T93N-R54W, 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 21274C: A motion was made by Fox and seconded by Kettering 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 Conditional Use Permit application from Matt Evans. Applicant requested a permit for a campground in a Lakeside Commercial (LC) District. Said property is legally described as Lot 15, Whitetail Run, NE1/4, SE1/4, S6-T93N-R56W hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota.

Ross Den Herder, representing the applicant, spoke on the request. Applicant Matt Evans also spoke on the request. Speaking in favor of the permit were Jerry Terveer and Don Ohern.

Ryan Heine spoke in opposition to the permit request.

Action 21275Z: A motion was made by Klimisch and seconded by Healy to approve the application from Matt Evans for a Conditional Use Permit as presented based on Findings of Fact from the May, 11 2021 Yankton County Planning Commission meeting, and to require that the fence needs to be completed one year after campers start to occupy, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Roll call vote was taken with Klimisch, Healy, Fox, Kettering and Loest voting aye; motion carried, 5-0.

Action 21276C: A motion was made by Fox and seconded by Kettering to recess the Board of Adjustment and reconvene in regular session. All present voted aye; motion carried.

Mead Cultural Building: Crystal Nelson, Director of the Mead Cultural Education Center, appeared before the board to give an update on the Center. Nelson also reported on new exhibits and summer activities. Summer hours are Monday through Friday, 10:00 am to 4:00 pm, and Saturday and Sunday, 12:00 to 4:00 pm.

Employee Handbook: The board discussed changing 702(2)b of the county employee handbook and also discussed Domestic Partnership under health insurance coverage in Section 713. The board agreed to continue discussion on Section 713 to get further information.

Action 21277C: A motion was made by Fox and seconded by Kettering to strike the month notations in section 702 to the b tables. All present voted aye; motion carried.

Action 21278C: A motion was made by Kettering and seconded by Klimisch to approve the JDAI Subgrant Application. All present voted aye; motion carried.

Action 21279C: A motion was made by Fox and seconded by Healy to approve the following resolution. Roll call vote was taken with Fox, Healy, Kettering, Klimisch and Loest voting aye; motion carried, 5-0.

RESOLUTION # 21-5

WHEREAS, the Legislature of the State of South Dakota has provided for the approval of package off-sale liquor by the boards of county commissioners of the counties of said State pursuant to SDCL Chapter 35 as amended; and

WHEREAS, SDCL 35-4-11.1 as amended provides that the board of county commissioners shall on or before the first of September in each year determine by ordinance or continuing resolution the number of package off-sale liquor licenses (other than malt beverage) it will approve for the ensuing calendar year and the fees to be charged for the various classifications of licenses; and

WHEREAS, the Yankton County Board of County Commissioners has set the number of package off-sale liquor licenses at seven and the fee for such license at \$1,000.00; and

WHEREAS, Yankton County currently qualifies for seven package off-sale liquor licenses, making seven total licenses available for issuance July 1, 2021; and

WHEREAS, the Yankton County Board of Commissioners wishes to make the license available to the public on a first-come, first-serve basis beginning June 15, 2021 for those retailers not located within three miles of the exterior boundary of an incorporated municipality.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Yankton County Commission makes the following rules applicable to the issuance of new package off-sale liquor licenses:

1. Applicants may apply for the package off-sale liquor license beginning upon passage of 2021 Senate Bill 152.

2. Such application packet shall include the following:
 - A. **Uniform Alcoholic Beverage Application.** This must be completed fully and according to its instructions, and bear the necessary original signatures.
 - B. **License Purchase Fee.** License purchase fee in the amount of \$1,000.00 shall be presented at time of application.
3. In the event the first-come, first-served applicant is not able to meet the licensing standards set out by SDCL Ch. 35-2, the applicant who next submits a fully and accurately completed application shall be next considered

There were no public comments.

Chair Loest closed public comment.

Commissioner updates included discussion of a rural transitional rezone.

Action 21280C: A motion was made by Fox and seconded by Healy to recess the regular session at 8:30 p.m. and convene in executive session to discuss litigation issue SDCL 1-25-2(3) and Poor Relief Issues SDCL 1-25-2 & 28-13 and personnel issues SDCL 1-25-2(1). All present voted aye; motion carried.

Action 21281C: A motion was made by Fox and seconded by Klimisch to adjourn the executive session at 9:10 p.m. and reconvene in regular session. All present voted aye; motion carried.

Chair Loest reported no action would be taken as a result of the executive session for Litigation, Poor Relief Issues and Personnel.

Action 21282C: A motion was made by Kettering and seconded by Fox to adjourn. All present voted aye; motion carried.

The next regular meeting will be Tuesday, June 15, 2021 at 6:00 p.m.

Cheri Loest, Chair
Yankton County Commission

ATTEST:
Patty Hojem, County Auditor