

YANKTON COUNTY COMMISSION MEETING

November 17, 2020

The regular meeting of the Yankton County Commission was called to order by Chair Cheri Loest at 6:00 p.m. on Tuesday, November 17, 2020.

Roll call was taken with the following Commissioners present: Don Kettering, Dan Klimisch, Gary Swensen (via Zoom), Joseph Healy and Cheri Loest.

There were no conflicts of interest reported by Commissioners.

Action 20491C: A motion was made by Kettering and seconded by Healy to approve the meeting agenda with the following correction: Item 11, should be Lot 9 and 18. All present voted aye; motion carried.

There were no public comments.

Chair Loest closed public comment.

Action 20492C: A motion was made by Kettering and seconded by Klimisch to approve the November 5, 2020 meeting minutes. All present voted aye; motion carried.

Action 20493C: A motion was made by Klimisch and seconded by Kettering to approve a Malt Beverage License for Pioneer Spirit LLC, located in S12-T93N-R54W. All present voted aye; motion carried.

Action 20494C: A motion was made by Kettering and seconded by Healy to approve the following applications for renewal of retail (on-sale) liquor licenses except Shipwreck, Inc. dba The Cottonwood: Mayfield Bar and Grill; Donlin Marine, LLC dba Marina Grill; Hebda Family Produce dba Hebda Family Produce; Riverside Roadhouse; Captain Norm's, LLC dba Captain Norm's; SAT Enterprises LLC dba TJ's Mini Mart; Glenridge Golf Course, Inc dba Glenridge Golf Course; Tiger Tooth Fireworks, LLC (Wine & Cider only). Roll call vote was taken with Kettering, Healy, Klimisch and Loest voting aye; Swensen voting nay; motion carried, 4-1.

Action 20495C: A motion was made by Healy and seconded by Kettering to approve the following claims: **Non Departmental:** Department of Revenue & Regulations (New Malt Beverage) \$150.00; **Commissioners:** Vast Business (Utilities) \$52.50, Yankton County Observer (Publishing's) \$187.36, Qualified Presort Services (Supplies) \$6.27, Yankton Daily P & D (Publishing's) \$455.21; **Elections:** Election Systems & Software (Supplies) \$136.35, First Bankcard (Supplies) \$197.31, J & H Cleaning Services (Maintenance) \$300.00, McLeod's Printing & Office Supply (Publishing's) \$92.24, Yankton County Observer (Publishing's) \$1,009.89, Qualified Presort Services (Supplies) \$306.94, Yankton Daily P & D (Publishing's) \$2,741.65; **Court:** Juror Fees (\$50.00 x 8) \$400.00, Juror Mileage (\$0.84 x 2) \$1.68, Juror

Mileage (\$8.40 x 1) \$8.40, Juror Mileage (\$4.20 x 2) \$8.40, Juror Mileage (\$5.04 x 1) \$5.04, Avera Sacred Heart Hospital (Lab) \$780.00, Megan Reeves (Professional Services) \$47.60, Fox & Youngberg PC (Professional Services) \$15,000.00, Kennedy Pier Loftus & Reynolds (Professional Services) \$698.40, Department of Health (Lab-October 2020) \$230.00, Thomson Reuters (Supplies) \$306.75; **Auditor:** Vast Business (Utilities) \$178.69, Culligan (Supplies) \$21.00, Leaf (Rentals) \$159.00, Miller Consulting LLC (Maintenance) \$300.00, Qualified Presort Services LLC (Supplies) \$79.02, One Office Solution (Supplies) \$331.53, One Office Solution (Maintenance) \$292.28; **Treasurer:** Vast Business (Utilities) \$210.55, Culligan (Supplies) \$28.00, Miller Consulting LLC (Maintenance) \$220.00, Qualified Presort Services LLC (Supplies) \$141.76, One Office Solution (Maintenance) \$200.00, Yankton Daily P & D (Publishing's) \$110.10; **Data Processing:** Vast Business (Utilities) \$832.83, ESRI (Maintenance) \$2,200.00, First Bankcard (Maintenance) \$47.92, Miller Consulting LLC (Maintenance) \$2,480.00, Tyler Technologies (Maintenance) \$54,221.81; **Government Building:** Vast Business (Utilities) \$26.25, City of Yankton (Utilities) \$4.50, Chad Jones Construction (Supplies) \$1,169.35, Rhomar Industries Inc. (Supplies) \$211.43, Sorlien Electric Inc. (Maintenance) \$86.73, First Bankcard (Supplies) \$81.61, MidAmerican Energy (Utilities) \$395.11, Olson's Pest Technicians (Maintenance) \$82.00, United Laboratories Inc. (Supplies) \$634.23; **Director of Equalization:** Vast Business (Utilities) \$229.50, First Bankcard (Travel) \$1,160.00, Miller Consulting LLC (Maintenance) \$440.00, Microfilm Imaging Systems (Maintenance) \$70.00, Qualified Presort Services (Supplies) \$70.23, One Office Solution (Maintenance) \$137.71; **Register of Deeds:** Vast Business (Utilities) \$177.61, Microfilm Imaging Systems (Rentals) \$336.00, Qualified Presort Services LLC (Supplies) \$36.09; **VA:** Vast Business (Utilities) \$26.25; **Safety Center Building:** Vast Business (Utilities) \$844.65, City of Yankton (Dumpster Fees) \$152.00, Drain Masters INC. (Maintenance) \$554.08, Rhomar Industries Inc. (Supplies) \$211.42; **Sheriff:** Hanson Briggs Specialty (Supplies) \$270.07, Raider Firearms (Ammunition) \$590.00, City of Yankton (Fuel) \$1,928.00, Axon Enterprise Inc. (Law Enforcement Equipment) \$141.00, Axon Enterprise Inc. (Supplies) \$607.00, Culligan (Supplies) \$35.00, Sunset Law Enforcement (Ammunition) \$438.00, Motorola Solutions Inc. (Law Enforcement Equipment) \$5,581.96, Qualified Presort Services (Maintenance Contracts) \$129.26, South Dakota Sheriff's Association (Professional Services) \$1,173.14, Two Way Solutions Inc. (Maintenance) \$15.99, Security Shredding Services (Maintenance Contracts) \$105.00, Tire Muffler Alignment (Maintenance) \$1,232.16, One Office Solution (Maintenance Contracts) \$74.57, One Office Solution (Supplies) \$901.01; **County Jail:** Avera Medical Group (Professional Services) \$1,838.00, Battery Exchange (Security Maintenance) \$61.90, Axon Enterprise Inc. (Security Maintenance) \$1,249.00, Culligan (Food Services) \$18.00, Idemia Identity & Security (Maintenance Contracts) \$5,459.00, Summit Food Services (Food Services) \$8,947.47, Interstate All Battery (Security Maintenance) \$36.00, JCL Solutions (Supplies) \$975.17, Pharmchem Inc. (Supplies) \$1,284.75, Correctional Risk Services (Inmate Medical Liab Ins) \$1,076.00, Trittech Software Systems (Maintenance Contracts) \$8,554.00, Tire Muffler Alignment (Auto Expense) \$1,525.66, Yankton Rexall Drug Co (Professional Services) \$2,192.40; **Juvenile Detention:** Minnehaha County Juvenile Detention Center (Rentals) \$14,537.58; **Yankton Area Search & Rescue:** City of Yankton (Supplies) \$22.38, First Bankcard (Minor Equipment) \$188.63, First Bankcard (Supplies) \$160.30, First Bankcard (Software Updates) \$106.49; **Care of**

Poor: Miller Consulting LLC (Maintenance) \$180.00, Qualified Presort Services LLC (Supplies) \$122.42, Thomson Reuters (Supplies) \$306.75; **Public Health Nurse:** Vast Business (Utilities) \$238.75, Qualified Presort Services (Supplies) \$46.48; **Ambulance:** Arrow Manufacturing (Supplies) \$148.50, Boston Shoes to Boots (Supplies) \$145.00, Stryker Sales Corporation (Supplies) \$1,088.00, Yankton Auto Body (Supplies) \$180.75, Bound Tree Medical LLC (Supplies) \$2,996.99, City of Yankton (Fuel) \$361.98, Aladtec Inc. (Professional Services) \$2,426.00, First Bankcard (Supplies) \$919.56, Leaf (Rentals) \$81.43, Matheson Tri-Gas Inc. dba Lifescape (Supplies) \$204.56, Matheson Tri-Gas Inc. dba Lifescape (Rentals) \$80.53, Northtown Automotive (Professional Services) \$1,506.43, Practical Design Group (Supplies) \$315.00, Qualified Presort Services (Supplies) \$13.59, Security Shredding Services (Maintenance) \$35.00; **Mental Handicapped:** SD Achieve dba Lifescape (Care MI October 2020) \$300.00; **Mental Illness Board:** Darcy Lockwood (Hearings) \$30.00, Marv Ekeren (Hearings) \$18.00, Mark Katterhagen (Hearings) \$48.00, Lucille M. Lewno (Hearings) \$931.00, Minnehaha County Auditor (Hearings) \$557.02; **Extension:** A & T Industries (Other) \$5.60, Buhl's Cleaners (Supplies) \$37.82, Dept. of Animal Sciences (2021 IRM Red Books) \$31.25, Leaf (Rentals) \$210.93, Northwestern Energy (Utilities) \$183.52, Olson's Pest Technicians (Maintenance) \$300.00; **Weed:** Bierschbach Equipment (Supplies) \$427.00; **Planning & Zoning:** Vast Business (Utilities) \$62.50, First Bankcard (Travel) \$32.00, Leaf (Rentals) \$104.86, Miller Consulting LLC (Maintenance) \$40.00, Microfilm Imaging Systems, Inc. (Rentals) \$70.00, Pheasantland Industries (Supplies) \$26.31, Qualified Presort Services, LLC (Supplies) \$11.58, One Office Solution (Maintenance) \$235.62, Yankton Daily P & D (Publishing's) \$720.36; **Road & Bridge:** Appera (Supplies) \$126.21, Bomgaars (Supplies) \$36.87, B-Y Electric (Utilities) \$77.92, B-Y Water District (Utilities) \$81.75, Butler Machinery Co. (Supplies) \$981.22, Vast Business (Utilities) \$228.20, Cox Auto Supply, Inc. (Supplies) \$258.78, Myers Tire Supply (Supplies) \$1,202.93, Nelson Services LLC (Supplies) \$63.25, Dakotaland Autoglass (Supplies) \$72.00, CHS Inc. (Fuel) \$9,594.82, Heritage-Crystal Clean (Supplies) \$58.58, Fejfar Plumbing & Heating (Supplies) \$174.94, Geotek Engineering & Testing Services Inc. (Utilities) \$1,013.25, Janssen's Garbage Services (Utilities) \$45.00, Kaiser Appliance & Refrigeration (Supplies) \$662.32, Kimball Midwest (Supplies) \$203.05, Marks Machinery (Supplies) \$249.18, Utica Gravel Inc. (Supplies) \$1,008.00, Menards (Supplies) \$49.98, MidAmerican Energy (Utilities) \$294.18, Yankton County Observer (Publishing's) \$35.00, O'Reilly Auto Parts (Supplies) \$11.94, Riverside Hydraulics & Labs (Supplies) \$155.32, Sioux Equipment Co (Maintenance) \$1,986.35, Spencer Quarries Inc. (Supplies) \$417.76, Southeastern Electric Co (Utilities) \$48.73, Truck Trailer Sales Service Co (Supplies) \$185.50, One Office Solution (Supplies) \$145.22; **Emergency 911 Fund:** Vast Business (Utilities) \$113.28, Powerphone Inc. (Travel) \$329.00, CenturyLink (Utilities) \$83.20; **Emergency Management:** B-Y Electric (Utilities) \$53.65, TIAA Commercial Finance (Rentals) \$193.15, Echo Group (Maintenance) \$700.00, First Bankcard (Disaster Plan) \$2,350.09, First Bankcard (Supplies) \$607.75, Leaf (Rentals) \$99.00, Miller Consulting LLC (Maintenance) \$180.00, Midcontinent Communications (Utilities) \$167.47, Qualified Presort Services (Supplies) \$5.52, Truck Trailer Sales Services (Maintenance) \$175.94, Tabor Lumber Cooperative (Supplies) \$192.89, Verizon (Utilities) \$30.74, One Office Solution (Maintenance) \$96.24; **M & PR Fund:** US Records Midwest LLC (M & PR Fund) \$5,152.99, Microfilm Imaging Systems (M & PR Fund) \$249.16; **Non-Departmental:** Satellite Tracking of People

(Tracking Monitors) \$455.00, Byron Nogelmeier (Cam Daily Fee) \$3,085.00, SD State Treasurer (Predatory Animal) \$1,729.25, SD Department of Revenue (HSC Services) \$5,552.23, SD Department of Revenue (Redfield Services) \$60.00, SD Department of Revenue (Motor Vehicle Fees) \$374,177.92, SD Department of Revenue (Waste Fees) \$4,002.75, SD Department of Revenue (ROD Fees) \$1,750.00, SDACO (M & PR Fund) \$822.00; General Fund \$178,109.69, Road & Bridge, \$19,468.25, Emergency Management, 4,852.44. Healy, Kettering, Klimisch, and Loest voted aye; Swensen voted nay; motion carried, 4-1.

Action 20496AUD: A motion was made by Klimisch and seconded by Kettering to approve the Auditor's Monthly Settlement with the Treasurer and Pooled Cash report as of October 31, 2020 which showed Total Cash of \$17,111,054.32. The General Fund was \$6,656,575.66; Special Funds were \$1,710,511.27; and Trust and Agency Funds were \$8,743,967.39 adding to a Grand Total of General Ledger Cash and Investments of \$17,111,054.32. A detailed report is on file with the County Auditor. All present voted aye; motion carried.

Contact Center: With the retirement of Jennifer Adamson, Roger Renner of the Contact Center Board introduced Troy Thurman as the new Director of the Yankton County Contact Center.

Highway: Highway Superintendent Mike Sedlacek appeared for board approval of several items: Right of Way application for Midcontinent Communications, bid for Johnson Bridge repair and Utilities Certificate, Letting Authorization and Easements. Bids submitted for Johnson Bridge were: Journey Group, \$45,948.00; and BX Civil & Construction, \$76,212.00.

Action 20497Hwy: A motion was made by Klimisch and seconded by Kettering to approve the Right of Way application from Midcontinent Communications in Township Sections 7&8-93-55. All present voted aye; motion carried.

Action 20498Hwy: A motion was made by Klimisch and seconded by Healy to approve the bid from Journey Group in the amount of \$45,948.00 for Johnson Bridge Repair. All present voted aye; motion carried.

Action 20499Hwy: A motion was made by Klimisch and seconded by Healy to approve the Easement Agreement for Dean Vaith on parcel 16.011.350.200. All present voted aye; motion carried.

Action 20500Hwy: A motion was made by Kettering and seconded by Healy to approve the Easement Agreement for Curtis and Barb Ulmer on parcel 16.011.300.100. All present voted aye; motion carried.

Action 20501Hwy: A motion was made by Kettering and seconded by Healy to approve Easement Agreement for Levi Kludt on parcel 16.011.350.300. All present voted aye; motion carried.

Action 20502Hwy: A motion was made by Healy and seconded by Kettering to approve the Utilities Certificate on Project BRO8068(13). All present voted aye; motion carried.

Action 20503Hwy: A motion was made by Healy and seconded by Klimisch to approve the Right of Way Certificate on Project BRO8068(13). All present voted aye; motion carried.

Action 20504Hwy: A motion was made by Healy and seconded by Klimisch to approve the Letting Authorization on Project BRO8068(13). All present voted aye; motion carried.

Development Plan: The board discussed Section 1719 of Article 5 of the zoning manual. The board scheduled January 20th, 2020 for special meeting to discuss further.

Action 20505Z: A motion was made by Klimisch and seconded by Healy to adopt the following resolution. Whereas it appears, Bay Properties, owners of record, has caused a plat to be made of the following real property: Lots 9 and 18, of Baycliffe Estates, S18-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, 5-0.

Action 20506Z: A motion was made by Healy and seconded by Klimisch to adopt the following resolution. Whereas it appears, Bay Properties, owners of record, has caused a plat to be made of the following real property: Lots 4, 5 and 8 Baycliffe Estates, S18-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, 5-0.

The board discussed the open position in the Conservation Office. Chair Loest and Commissioner Klimisch met with the Conservation Board and they were in favor of keeping the position.

Action 20507C: A motion was made by Klimisch and seconded by Healy to recess the commission meeting for five minutes. All present voted aye; motion carried.

Action 20508C: A motion was made by Klimisch and seconded by Healy to reconvene. All present voted aye; motion carried.

The seconded reading of Yankton County Ordinance 2020, Ordinance No. 20-28 a rezone from an Article 7 Moderate Density Rural Residential District (R2) to an Article 13 Planned Unit Development (PUD).

Matt Evans spoke on the hearing.

Speaking in opposition were, Bob Cap, Kari Rumsey, Ryan Heine, Scott Hughes, Matt Rumsey, Bill Tacke and Frank Kralicek.

Action 20509C: A motion was made by Klimisch and seconded by Healy to approve on conditions: Rip Rap on 305th with guarantee of access to the lake for current residents; septic has to follow DNR requirements; agreement with upstream ½ mile and downstream 1 mile based on #1 and #9 under the county planning challenges for chapter V11 of the comprehensive plan. Roll call vote was taken with Klimisch, Healy, Swensen voting aye; Kettering and Loest voting nay; motion carried, 3-2.

The board discussed the proposed salary matrix for Yankton County employees.

There were public comments from Scott Hughes, Ray Epp and Gary Swensen.

Chair Loest closed public comment.

There were no commissioner updates

Action 20510C: A motion was made by Kettering and seconded by Healy to recess the regular session at 9:50 pm and convene in executive session to discuss Poor Relief Issues SDCL 1-25-2 & 28-13, litigation SDCL 1-25-2(3) and personnel issues SDCL 1-25-2(1). All present voted aye; motion carried.

Action 20511C: A motion was made by Klimisch and seconded by Healy to adjourn the executive session at 10:20 pm and reconvene in regular session. All present voted aye; motion carried.

Action 20512C: A motion was made by Healy and seconded by Klimisch to make poor relief case #1 pending, based on definition of indigence as defined in Codified Law 28-13-1.3. All present voted aye; motion carried.

Action 20513C: A motion was made by Healy and seconded by Klimisch to deny poor relief case #2 as defined in Codified Law 28-13-1.3. All present voted aye; motion carried.

Action 20514C: A motion was made by Klimisch and seconded by Kettering to approve a request of payment of \$1,250.00 for burial expenses. All present voted aye; motion carried.

Action 20515C: A motion was made by Klimisch and seconded by Kettering to approve a request of payment of \$1,250.00 for burial expenses. All present voted aye; motion carried.

Action 20516C: A motion was made by Kettering and seconded by Klimisch to adjourn. All present voted aye; motion carried.

The next regular meeting will be Tuesday, December 1, 2020 at 6:00 p.m.

Cheri Loest, Chair
Yankton County Commission

ATTEST:
Patty Hojem, County Auditor