

## YANKTON COUNTY COMMISSION MEETING

May 18, 2021

The regular meeting of the Yankton County Commission was called to order by Chair Cheri Loest at 6:00 p.m. on Tuesday, May 18, 2021.

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

Commissioner Loest said she would like to abstain from voting on Item #11 – JHGAS Drainage Permit. There were no other conflicts of interest reported by Commissioners.

**Action 21229C:** A motion was made by Kettering and seconded by Fox to approve the amended meeting agenda with the following change: Item 17-mask discussion will be moved to Item 4A. All present voted aye; motion carried.

There were no public comments.

Chair Loest closed public comment.

**Action 21230C:** A motion was made by Healy and seconded by Kettering to approve removing the mask mandate signs on the front doors of the Government Center. All present voted aye; motion carried.

**Action 21231C:** A motion was made by Fox and seconded by Healy to approve the May 4, 2021 meeting minutes. All present voted aye; motion carried.

**Action 21232C:** A motion was made by Healy and seconded by Fox to approve the following claims: **Commissioners:** Vast Business (Utilities) \$52.50, Yankton Transit (2021 Budget Request) \$5,000.00, SD Department of Legislature (Professional Services) \$17,880.00, First Bankcard (Supplies) \$75.14, Yankton County Observer (Publishings) \$522.28, Qualified Presort Services (Supplies) \$67.36, Yankton Daily P & D (Publishings) \$1,280.31; **Elections:** First Bankcard (Supplies) \$20.67, Qualified Presort Services (Supplies) \$58.61, Verizon (Rentals) \$320.08; **Court:** Avera Sacred Heart Hospital (Lab) \$624.00, Megan Reeves (Professional Services) \$98.60, Murphy Law Office PC (Professional Services) \$106.70, Juror Fees \$904.60, Philip A Terwilliger (Professional Services) \$1,466.27, Great Plains Psychological Associates (Professional Services) \$2,812.50, Horn Law Office LLC (Professional Services) \$1,870.80, Kennedy Pier Loftus & Reynolds (Professional Services) \$178.20, Department of Health (Lab-April 2021) \$1,015.00, Dean Schaeffer (Professional Services) \$885.00, Thomson Reuters (Supplies) \$273.32; **Auditor:** Vast Business (Utilities) \$175.00, Clubhouse Hotel & Suites (Travel) \$336.64, Culligan (Supplies) \$29.00, Patty Hojem (Travel) \$229.08, Leaf (Rentals) \$159.00, Qualified Presort Services LLC (Supplies) \$113.82, One Office Solution (Maintenance) \$204.34, **Treasurer:** Vast Business (Utilities) \$209.56, Clubhouse Hotel & Suites (Travel) \$312.88, Culligan (Supplies) \$35.75, Qualified Presort

Services LLC (Supplies) \$178.33, Patty Vavra (Travel) \$30.00, Patty Vavra (Supplies) \$309.00, One Office Solution (Maintenance) \$220.00, Yankton Daily P & D (Publishing's) \$110.10; **Data Processing:** Vast Business (Utilities) \$832.83, First Bankcard (Maintenance) \$51.13, Pictometry International (Maintenance) \$29,754.92; **States Attorney:** Staples Credit Plan (Supplies) \$311.10, Security Shredding Services (Maintenance) \$280.00; **Government Building:** Stryker Sales Corporation (Minor Equipment) \$2,609.20, Vast Business (Utilities) \$26.25, Johnson Controls Inc. (Maintenance) \$5,860.92, MidAmerican Energy (Utilities) \$701.98; **Director of Equalization:** Battery Exchange (Maintenance) \$241.90, Vast Business (Utilities) \$229.50, GWorks (Maintenance) \$1,576.00, Jessica Atkinson (Travel) \$57.12, South Dakota Department of Revenue (Travel) \$452.00, EcoWater Systems (Supplies) \$32.50, Investigative Services (Professional Services) \$149.00, Microfilm Imaging Systems (Maintenance) \$70.00, O'Reilly Auto Parts (Dodge Radiator Surplus) \$205.32, Qualified Presort Services (Supplies) \$20.81, One Office Solution (Maintenance) \$17.71; **Register of Deeds:** Vast Business (Utilities) \$177.50, Ramkota Hotel & Conference Center (Travel) \$202.00, Brian Hunhoff (Travel) \$247.68, Microfilm Imaging Systems (Rentals) \$336.00, Qualified Presort Services (Supplies) \$42.03, One Office Solution (Supplies) \$75.54; **VA:** Vast Business (Utilities) \$26.25, Qualified Presort Services (Supplies) \$5.59; **Safety Center Building:** Stryker Sales Corporation (Minor Equipment) \$2,609.20, Vast Business (Utilities) \$809.61, City of Yankton (Dumpster Fees) \$184.00, Cole Paper Inc. (Supplies) \$462.33, Johnson Controls Inc. (Maintenance) \$5,860.92; **Sheriff:** Mark Payer (Travel) \$128.00, Roger Wolff (Travel) \$37.68, City of Yankton (Fuel) \$2,716.34, Darren Moser (Travel) \$108.00, Culligan (Supplies) \$21.75, Doug Holland (Travel) \$477.97, Jim Vlahakis (Travel) \$128.00, Steve Wuebben (Travel) \$45.00, Jacks Uniforms & Equipment (Law Enforcement Equipment) \$325.89, Jacks Uniforms & Equipment (Uniforms) \$107.90, Light and Siren (Auto Equipment) \$4,086.43, Northtown Automotive (Maintenance) \$156.51, Qualified Presort Services (Maintenance Contracts) \$207.68, Michael Rothschadl (Travel) \$128.00, Tire Muffler Alignment (Maintenance) \$19.72, One Office Solution (Supplies) \$36.90, Yankton Fire & Safety Company (Maintenance) \$56.00; **County Jail:** Avera Medical Group (Professional Services) \$136.16, Buhl's Cleaners (Uniforms) \$10.00, Charm-Tex (Supplies) \$519.10, Jerry Sorbel (Professional Services) \$465.00, Culligan (Food Services) \$27.75, Diamond Drugs (Professional Services) \$758.98, Trinity Services Group (Food Services) \$7,531.62, JCL Solutions (Supplies) \$226.12, Correctional Risk Services (Inmate Liab Ins) \$847.28, Strachan Sales Inc. (Food Services) \$498.13, Yankton Medical Clinic (Professional Services) \$109.00; **Juvenile Detention:** Minnehaha County Juvenile Detention Center (Rentals) \$19,894.22; **Care of Poor:** Avera McKennan (Professional Services) \$229.49, Avera Heart Hospital (Professional Services) \$346.54, Qualified Presort Services LLC (Supplies) \$92.22, Thomson Reuters (Supplies) \$79.57; **Public Health Nurse:** Vast Business (Utilities) \$245.08, TIAA Bank (Rentals) \$58.67, Qualified Presort Services (Supplies) \$66.05; **Ambulance:** Stryker Sales Corporation (Supplies) \$1,196.00, Vast Business (Utilities) \$175.01, Bound Tree Medical LLC (Supplies) \$2,557.44, City of Yankton (Fuel) \$808.86, Cintas (Supplies) \$72.43, Quick Med Claims (Supplies) \$3,211.28, First Bankcard (Fuel) \$614.45, First Bankcard (Supplies) \$77.73, First Bankcard (Travel) \$224.59, Auto Value Yankton (Maintenance) \$7.98, Investigative Services (Professional Services) \$149.00, Matheson Tri-Gas Inc. (Rentals) \$86.15, Tina Monteith (Travel) \$80.00, Tire Muffler

Alignment (Supplies) \$711.96, One Office Solution (Supplies) \$32.31; **Mental Handicapped:** SD Achieve dba Lifescape (Care MI April 2021) \$240.00; **Mental Illness Board:** Darcy Lockwood (Hearings) \$54.00, Mark Katterhagen (Hearings) \$54.00, Lewis & Clark Behavioral Health Services (Hearings) \$920.00, Lincoln County Treasurer (Hearings) \$1,503.64, Lucille M. Lewno (Hearings) \$1,017.54; **Library:** Yankton Community Library (1<sup>st</sup> Half 2021 Library Services) \$7,500.00; **Extension:** Buhl's Cleaners (Supplies) \$18.91, Leaf (Rentals) \$69.41, Northwestern Energy (Utilities) \$195.34; **Weed:** Bomgaars (Supplies) \$85.22, Battery Exchange (Supplies) \$171.80, Battery Exchange (Maintenance) \$115.85, Yankton County Observer (Publishing's) \$108.00, Yankton Daily P & D (Publishing's) \$544.22; **Planning & Zoning:** Vast Business (Utilities) \$62.50, Microfilm Imaging Systems (Rentals) \$70.00, Pheasantland Industries (Supplies) \$36.70, Qualified Presort Services, LLC (Supplies) \$16.18, One Office Solution (Supplies) \$95.00, One Office Solution (Maintenance) \$134.97, Yankton Daily P & D (Publishing's) \$107.09; **Road & Bridge:** Appeara (Supplies) \$127.67, Bomgaars (Supplies) \$219.98, B-Y Electric (Utilities) \$60.78, Battery Exchange (Supplies) \$361.90, Battery Exchange (Maintenance) \$120.95, Vast Business (Utilities) \$228.20, Jim River Fencing (Bridges) \$1,080.61, Rockmount Research & Alloys (Supplies) \$929.86, Napa Auto Parts of Yankton (Supplies) \$6.50, Concrete Materials (Supplies) \$778.40, Dware Inc. (Travel) \$150.00, Beth Wilhelms (Travel) \$58.38, D-P Tools (Supplies) \$123.01, Growmark FS (Professional Services) \$1.08, Growmark FS (Fuel) \$3,151.25, First Bankcard (Supplies) \$70.76, Fischer Gravel (Supplies) \$3,843.00, Fastenal Industrial & Construction Supply (Maintenance) \$13.26, Janssen's Garbage Service (Utilities) \$45.00, Kimball Midwest (Supplies) \$119.73, MidAmerican Energy (Utilities) \$353.30, Riverside Hydraulics & Labs (Maintenance) \$661.94, SD Department of Transportation (Bridges) \$1,546.52, Spencer Quarries Inc. (Supplies) \$2,371.20, Titan Machinery (Bridges) \$1,334.80, Truenorth Steel (Bridges) \$41,580.04, One Office Solution (Supplies) \$73.55, Yankton Daily P & D (Publishing's) \$29.97; **Emergency 911 Fund:** Vast Business (Utilities) \$1,199.34, CenturyLink (Utilities) \$83.20, Golden West Telecommunications (Utilities) \$147.18; **Emergency Management:** B-Y Electric (Utilities) \$53.08, NAPA Auto Parts of Yankton (Supplies) \$168.99, Clarks Rentals Inc. (Supplies) \$115.00, Dive Rescue International (Maintenance) \$296.96, Echo Group (Maintenance) \$100.68, Boy Scouts of A Sioux Council (L&C Boy Scout Room Grant) \$20,400.00, Disaster Management Systems (Equipment Grant) \$9,761.70, First Bankcard (Travel) \$44.88, First Bankcard (Supplies) \$466.74, First Bankcard (Publishing's) \$6.99, First Bankcard (LEPC Supplies) \$184.86, First Bankcard (Furniture) \$351.44, Great American Financial (Rentals) \$148.58, Leaf (Rentals) \$90.00, Midcontinent Communications (Utilities) \$162.47, Midcontinent Communications (POD Expense) \$138.52, Tabor Lumber Cooperative (Supplies) \$273.50, Verizon (Utilities) \$178.66, One Office Solution (Supplies) \$59.00, Yankton Computer and Networking (Supplies) \$7.49; **24/7 program:** Amber Hursell (Refund) \$28.00; **Debt Service:** Kansas State Bank (Lease Agreement) \$9,059.66, Yankton County Observer (Special Road District) \$19.14; **Predatory Animal:** SD State Treasurer (Predatory Animal) \$1,368.86; **Non-Departmental:** Satellite Tracking of People (Tracking Monitors) \$533.00, Byron Nogelmeier (Cam Daily March Fee) \$2,480.00, Byron Nogelmeier (State Participation March 2021) \$18.00, SD Department of Revenue (HSC) \$7,202.49, SD Department of Revenue (Redfield Services) \$120.00, SD Department of Revenue (Motor Vehicle Fees) \$460,270.22, SD Department of Revenue

(Waste Fees) \$4,627.75, SD Department of Revenue (ROD Fees) \$2,150.00, SDACO (M & PR Fund) \$708.00; General Fund \$165,428.94, Road & Bridge, \$59,441.64, Emergency Management, \$33,009.54. All present voted aye; motion carried.

**Action 21233AUD:** A motion was made by Healy and seconded by Fox to approve the Auditor's Monthly Settlement with the Treasurer and Pooled Cash Report as of April 30, 2021 which showed Total Cash of \$22,325,484.27. The General Fund was \$8,328,092.50; Special Funds were \$3,377,791.60; and Trust and Agency Funds were \$10,619,600.17 adding to a Grand Total of General Ledger Cash and Investments of \$22,325,484.27. A detailed report is on file with the County Auditor. All present voted aye; motion carried.

**Action 21234AUD:** A motion was made by Klimisch and seconded by Kettering to authorize the formation of the Bird Dog Road District legally described as Lots F1, F2, G1, G2, H1, H2, I, J, K, L and M, NE4, 7-93-56. County of Yankton, State of South Dakota. All present voted aye; motion carried.

**Action 21235AUD:** A motion was made by Healy and seconded by Kettering to approve the following 2021 Malt Beverage License Renewal application: 6<sup>th</sup> Meridian, LLC. All present voted aye; motion carried.

**Off-Sale Liquor:** The board discussed the resolution submitted by Deputy States Attorney Debra Lillie. The board agreed to set the initial Package Off-Sale Liquor License at \$1,000.00 and renewal at \$500.00. The resolution will be presented and approved at the June 1<sup>st</sup> commission meeting and applicants can file the application with the County Auditor's office Starting on June 15<sup>th</sup>, 2021 at a first come basis.

**Action 21236AUD:** A motion was made by Fox and seconded by Kettering to amend Action 21213Aud from the April 4, meeting. Action should have been to transfer \$6,211.34 from Capital Project Safety Center to the Debt Service Safety Center, not to the General Fund. All present voted aye; motion carried.

**Action 21237OEM:** A motion was made by Healy and seconded by Klimisch to adjust the Emergency Management Office budget due to unanticipated grant revenue in the amount of \$20,400.00. All present voted aye; motion carried.

**Highway:** Superintendent Mike Sedlacek appeared before the board to approve the purchase of a Motor Grader with Ripper for \$342,636.24.

**Action 21238Hwy:** A motion was made by Kettering and seconded by Healy to approve the Motor Grader with Ripper purchase for January of 2022 in the amount of \$342,636.24. All present voted aye; motion carried.

**Marijuana Regulation:** The board discussed the ordinance presented by States Attorney Debra Lillie to regulate medical cannabis within Yankton County. The ordinance has to be approved by July 31, 2021. The first hearing of the Ordinance will be June 1<sup>st</sup>, 2021 and second hearing on June 15<sup>th</sup> 2021.

**Action 21239C:** A motion was made by Fox and seconded by Klimisch to recess the regular session and convene as Board of Adjustment. All present voted aye; motion carried.

**Variance Public Hearing:** This was the time and place for a public hearing for a Variance of application from Tim Ganschow. Variance to decrease the Minimum side yard requirement in an Agriculture District from 75 feet for a side yard to 15 feet, a variance of 60 feet. Said property is legally described as N290.4 of S340.4 of W225', SE4, SE4, Less Highway Lt R-2, S22-T95N-R54W, hereinafter referred to as Central Township, County of Yankton, State of South Dakota.

Applicant Tim Ganschow spoke on the request.

Speaking on behalf of the applicant were Chauncey Christiansen and Lyle Johnson.

**Action 21240Z:** A motion was made by Klimisch and seconded by Fox, to approve the variance application based on Findings of Fact from the April 13, 2021 Yankton County Planning Commission meeting, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Roll call vote was taken with Klimisch, Fox, Kettering and Healy voting aye; Loest voting nay; Motion carried, 4-1

**Action 21241C:** 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 21242Z:** A motion was made by Kettering and seconded by Klimisch to adopt the following resolution: Whereas it appears, Maurice Becker, owner of record, has caused a plat to be made of the following real property: Tract 1, Becker's Addition, NE1/4, S9-T95N-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.

No action was taken on the Maier plat.

**Action 21243DR:** A motion was made by Fox and seconded by Healy to recess the regular session and convene as Drainage Board. All present voted aye; motion carried.

Chair Loest left the room for the discussion.

The board discussed approval of the Drainage Commission Findings of Facts for the JHGAS drainage permit.

Chair Loest made comment on discussion.

John Gunderson commented on the discussion. Also commenting was Louis Johnson.

**Action 21244DR:** A motion was made by Kettering and seconded by Fox to approve the Findings of Fact for JHGAS Farms drainage permit DP-20-015. Roll call vote taken with Kettering, and Fox, and Healy voting aye; and Klimisch voting nay; motion carried. 3-1

Chair Loest returned to the meeting.

**Planning Commission:** Planning and Zoning Administrator Gary Vetter appeared before the board to request approval to advertise for three positions on the Drainage Commission.

**Action 21245DR:** A motion was made by Kettering and seconded by Fox to recess the Drainage Board and reconvene in regular session. All present voted aye; motion carried.

**Floodplain Map:** Planning and Zoning Administrator Gary Vetter appeared before the board to inform they will be moving forward with the floodplain map and it will be ready for adoption in the summer or fall of 2022.

**Long Term Housing:** Commissioner Klimisch would like to possibly look at rural residential zones. Klimisch also said he would like draw up a proposal with Gary Vetter to look into rezoning the RT (Rural Transitional).

**American Rescue Plan:** Chair Loest discussed dollars the county will be getting from the American Rescue Plan (ARP). The county will be receiving \$4,424,635. \$2,212,318 should be received by May 2021 and the second half May of 2022. Dollars must be committed by 2024 and spent by December 2026.

**Article 5:** The board discussed the updated changes to Article 5. First hearing will be scheduled June 8<sup>th</sup>, 2021 at the Planning and Zoning meeting.

There was one comment from Louis Johnson.

Chair Loest closed public comment.

Commissioner updates included: James River Water District awarded \$90,000 to Yankton County for two bridges and Don Kettering was appointed as the county representative for Yankton Thrive.

**Action 21246C:** A motion was made by Healy and seconded by Fox 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. All present voted aye; motion carried.

**Action 21247C:** A motion was made by Healy and seconded by Fox to adjourn the executive session at 9:05 p.m. and reconvene in regular session. All present voted aye; motion carried.

**Action 21248C:** A motion was made by Fox and seconded by Klimisch to pend the files of poor relief case CW121-029 through CW 21-035 based on the following SDCLs: 28-13-1.3(1); 28-13-34.2; 28-13-33-2; 28-13-33. All present voted aye; motion carried.

No action was taken for litigation or personnel.

**Action 21249C:** A motion was made by Healy and seconded by Fox to adjourn. All present voted aye; motion carried.

The next regular meeting will be Tuesday, June 1, 2021 at 6:00 p.m.

**Cheri Loest**, Chair  
Yankton County Commission

ATTEST:  
**Patty Hojem**, County Auditor