

YANKTON COUNTY COMMISSION MEETING
September 4, 2018

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

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

There were no conflicts of interest reported by Commissioners.

Action 18315C: A motion was made by Kettering and seconded by Bodenstedt to approve the meeting agenda. All present voted aye; motion carried.

Action 18316C: A motion was made by Bodenstedt and seconded by Epp to approve the minutes of the August 21, 2018 meeting. All present voted aye; motion carried.

Commissioner Bodenstedt wanted it noted that Commissioner Swensen did not attend the Executive Session at the previous meeting.

Action 18317C: A motion was made by Epp and seconded by Bodenstedt to approve the following claims: **General Fund: Commissioners:** River Rat Productions (Professional Services) \$646.00, EMC Insurance Companies (Professional Services) \$5,000.00; **Elections:** McLeod's Printing & Office Supply (Supplies) \$750.00, Qualified Presort Services LLC (Supplies) \$31.14, Verizon (Utilities) \$348.48; **Court:** Jurors Fees (9 @ \$50.00) \$450.00, Jurors Fees (13 @ \$10.00) \$130.00, Jurors Fees-MI (2 @ \$6.72) \$13.44, Jurors Fees-MI (1 @ \$10.08) \$10.08, Avera Sacred Heart Hospital (Lab) \$700.00, Jurors Fees-MI (1 @ \$12.60) \$12.60, Certified Languages International (Professional Services) \$39.60, Jurors Fees-MI (1 @ \$33.60) \$33.60, Jurors Fees-MI (1 @ \$21.00) \$21.00, Jurors Fees-MI (1 @ \$14.28) \$14.28, Jurors Fees-MI (2 @ \$1.68) \$3.36, Jurors Fees-MI (1 @ \$0.84) \$0.84, Jurors Fees-MI (1 @ \$20.00) \$20.00, Fox & Youngberg, PC (Professional Services) \$15,000.00, Horn Law Office (Professional Services) \$1,878.50, Jurors Fees-MI (1 @ \$16.80) \$16.80, Jurors Fees-MI (1 @ \$12.60) \$12.60, Sanford Health (Professional Services) \$2,377.14, Tschetter & Adams Law Office, PC (Professional Services) \$239.60; **Auditor:** McLeod's Printing & Office Supply (Supplies) \$399.00, Qualified Presort Services LLC (Supplies) \$113.11, West Payment Center (Supplies) \$203.38; **Treasurer:** Qualified Presort Services LLC (Supplies) \$158.20; **Data:** Miller Consulting LLC (Maintenance) \$2,936.00; **States Attorney:** Hy-Vee (Supplies) \$39.95, Qualified Presort Services LLC (Supplies) \$63.85; **Government Building:** Kopetsky's Ace Hardware (Supplies) \$211.89, C & B Operations (Supplies) \$39.40, City of Yankton (Utilities) \$3,146.31, JCL Solutions (Supplies) \$314.81, Menards (Supplies) \$314.51, Northwestern Energy (Utilities) \$2,956.67, Olson's Pest Technicians (Maintenance) \$79.00, Otis Elevator Company (Maintenance) \$798.75, One Office Solution (Supplies) \$5.79; **Director of Equalization:** Michelle Goeken (Travel) \$72.04, Lori Mackey (Travel) \$59.64, Qualified Presort Service LLC (Supplies) \$69.79, Verizon (Utilities) \$133.19, One Office Solution

(Maintenance) \$337.65; **Register of Deeds:** Qualified Presort Services LLC (Supplies) \$29.75, One Office Solution (Supplies) \$432.65; **VA:** Qualified Presort Services LLC (Supplies) \$6.50; **Safety Center Building:** Kopetsky's Ace Hardware (Supplies) \$2.88, City of Yankton (Utilities) \$1,188.04 Cole Papers, Inc. (Supplies) \$541.50, Trane U.S. Inc. (Maintenance) \$1,311.55, Echo Electric (Supplies) \$6.81, Johnson Controls, Inc. (Maintenance) \$251.61, Larry's Heating & Cooling, Inc. (Maintenance) \$358.91, MidAmerican Energy (Utilities) \$531.35, Northwestern Energy (Utilities) \$11,331.77, Olson's Pest Technicians (Maintenance) \$110.00; **Sheriff:** Vast Business (Utilities) \$111.00, Microsoft (Computer Services) \$1,728.00, Northtown Automotive (Maintenance) \$70.31, Pennington County Jail (Travel) \$840.55, Qualified Presort Services, LLC (Maintenance Contract) \$118.34, Walmart Community/GEMB (Supplies) \$1.96, One Office Solution (Maintenance Contract) \$67.30; **County Jail:** Scott Family Dentistry (Professional Services) \$1,461.00, CBM Food Services (Food Services) \$8,230.77, Diamond Drugs (Professional Services) \$201.30, JCL Solutions (Supplies) \$259.25, Menards (Supplies) \$61.42, PharmChem, Inc. (Professional Services) \$1,216.00, One Office Solution (Supplies) \$62.79, One Office Solution (Maintenance Contract) \$78.04; **Coroner:** NMS Lab (Professional Services) \$1,026.00, Sanford Health (Professional Services) \$2,350.00; **Juvenile Detention:** Lutheran Social Service (Rental) \$6,263.40; **Yankton Area Search & Rescue:** Kopetsky's Ace Hardware (Supplies) \$203.08, Ocean Technology System (Maintenance) \$987.98, Danko Emergency Equipment Co. (Minor Equipment) \$1,026.97, Danko Emergency Equipment Co. (Supplies) \$664.73, Menards (Supplies) \$145.81, Sioux Falls Two Way Radio Service, Inc. (Maintenance) \$61.91, One Office Solution (Minor Equipment) \$129.00; **Care of Poor:** Miller Consulting LLC (Maintenance) \$93.75, Qualified Presort Services LLC (Supplies) \$ 139.37; **Public Health Nurse:** Qualified Presort Services LLC (Supplies) \$45.80; **Ambulance:** Sacred Heart Health Services (Professional Service) \$1,500.00, Arrow Manufacturing (Supplies) \$82.36, Buhl's Cleaners (Supplies) \$12.00, Stryker Sales Corporation (Maintenance) \$805.08, City of Yankton (Utilities) \$231.12, Cintas (Supplies) \$64.79, Chad Jones Construction (Maintenance) \$2,913.79, Change Healthcare (Professional Services) \$130.00, Graham Tire Yankton (Maintenance) \$117.64, Miller Consulting LLC (Maintenance) \$37.50, Menards (Supplies) \$38.39, MidAmerican Energy (Utilities) \$15.62, Olson's Pest Technicians (Maintenance) \$74.00, One Office Solution (Supplies) \$195.00; **Mental Illness Board:** Darcy Lockwood (Hearings) \$30.00, Mark Katterhagen (Hearings) \$30.00, Lincoln County Treasurer (Hearings) \$878.60, Lucille M. Lewno (Hearings) \$713.44; **Historical Sites:** Yankton County Historic Society, Inc. (3rd Qtr Allotment-2018) \$8,000.00; **County Extension:** Lauren Hollenbeck (Travel) \$15.00, City of Yankton (Utilities) \$59.82, Katy Doty (Other) \$14.91, Hy-Vee (Other) \$79.09, Olson's Pest Technician (Maintenance) \$160.00, SDSU Extension (Travel) \$53.28; **Planning & Zoning:** 3-D Specialties Inc. (E911 Signs) \$47.96, River Rat Production (Professional Services) \$250.00, Qualified Presort Services, LLC (Supplies) \$35.04, One Office Solution (Supplies) \$44.72; **Road & Bridge:** Appera (Supplies) \$108.61, C & B Operations (Supplies) \$81.51, Bomgaars (Supplies) \$220.95, Bierschbach Equipment (Supplies) \$164.04, Bierschbach Equipment (Supplies) \$(77.00), Butler Machinery Co. (Supplies) \$825.14, Brock White Company, LLC (Supplies) \$27,342.00, Presto-X (Maintenance) \$95.00, Kevin Hauger (Supplies) \$2,000.00, Country Pride Coop (Hwy-Fuel) \$802.50, City of Yankton (Utilities) \$357.22, Cox Auto Supply, Inc. (Supplies)

\$381.19, Concrete Materials (Supplies) \$573.23, CenturyLink (Utilities) \$59.37, Clarks Rental, Inc. (Rentals) \$800.00, Marvin Hinseth Trucking (Hwy Fuel) \$495.00, Diesel Machinery, Inc. (Supplies) \$827.00, Ehreshmann Engineering Inc. (Supplies) \$266.13, Ehreshmann Engineering, Inc. (Secondary Roads) \$300.00, Filter Care of Nebraska (Supplies) \$152.85, I State Truck Center (Supplies) \$277.14, Miller Consulting LLC (Maintenance) \$37.50, Mead Lumber (Secondary Road) \$1,769.12, Menards (Secondary Roads) \$162.77, Midwest Radiator & Exhaust (Supplies) \$108.00, Sturdevant's Auto Supply (Supplies) \$77.42, Slowey Construction Inc. (Bridges) \$731.00, Titan Machinery (Rentals) \$9,080.00, Team Laboratory Chemical Corp (Supplies) \$1,956.98, The Lodge at Deadwood (Travel) \$288.00, Vermillion Yankton Joint Solid Waste (Secondary Roads) \$129.80, Yankton Ready Mix (Secondary Roads) \$4,643.00, Yankton Fire Safety Company (Supplies) \$430.50; **Emergency 911 Fund:** Vast Business (Utilities) \$1,100.25, CenturyLink (Utilities) \$1,394.20; **Emergency Management:** Kopetsky's Ace Hardware (Supplies) \$150.18, Boston Shoes to Boots (Supplies) \$262.00, Cox Auto Supply, Inc. (Maintenance) \$15.18, Midwest Card & ID Solutions LLC (Supplies-LEPC) \$360.00, Mid-American Energy (Utilities) \$8.95, Racom Corporation (Utilities) \$35.15, One Office Solution (Supplies-LEPC) \$148.68, One Office Solution (Minor Equipment) \$321.42; **County Law Library:** West Payment Center (Law Library) \$777.74; **Clearing Fund:** First Dakota National Bank (Fire Premium Refund) \$20,786.12, Gayville Fire Department (Fire Premium Refund) \$2,411.20, Irene Fire Department (Fire Premium Refund) \$4,301.79, Lesterville Fire Department (Fire Premium Refund) \$3,721.55, Menno Fire Department (Fire Premium Refund) \$1,547.14, Scotland Fire Department (Fire Premium Refund) \$283.07, Tabor Fire Department (Fire Premium Refund) \$1,126.41, Volin Fire Department (Fire Premium Refund) \$1,867.38, Viborg Fire Department (Fire Premium Refund) \$510.29, Yankton City Fire Department (Fire Premium Refund) \$44,029.61. General Fund \$101,080.29, Road & Bridge \$55,465.97, Emergency Management, \$1,301.56. All present voted aye; motion carried.

Action 18318: Commissioners: \$5,469.99; **Election:** \$0.00; Auditor: \$13,696.89; **Treasurer:** \$15,683.19; **States Attorney:** \$28,671.14; **Custodian:** \$7,214.89; **Director of Equalization:** \$22,933.02; **Register of Deeds:** \$12,295.19; **Veterans Service:** \$3,355.66; **Courthouse & Safety Center:** \$6,506.68; **Sheriff:** \$68,265.51; **County Jail:** \$74,085.84; **Coroner:** \$700.00; **Juvenile:** \$161.81; **Nurse:** \$2,974.88; **Ambulance:** \$46,348.49; **WIC :** \$1,635.94; **Extension:** \$7,277.87; **Soil Conservation:** \$2,873.12; **Weed:** \$7,174.90; **Planning & Zoning:** \$8,004.55; **Road & Bridge:** \$69,717.58; **E911:** \$163.86; **OEM:** \$6,074.21; **24-7 Program:** \$3,145.78. First Dakota National Bank \$31,589.86 (Withholding), First Dakota National Bank \$50,398.52 (FICA) First Dakota National Bank \$11,786.70 (Medicare), South Dakota Retirement System \$30,705.46 (Other Employees), South Dakota Retirement System \$19,678.36 (Sheriff/OEM), South Dakota Retirement System (Spouse Opt) \$114.39, South Dakota Retirement System (Supplemental) \$3,470.45, American Family Life Assurance Company (AFLAC) \$5,080.42, Legalshield \$25.90, Office of Child Support \$578.00, Nationwide Retirement Solutions \$69.44, Accounts Management \$50.00, Boston Mutual Life Insurance \$503.09, Colonial Life & Accident 1,347.78, Optilegra \$592.89, Wellmark BC Health Insurance \$61,839.26, United Way of

Greater Yankton \$55.00. Gross Payroll \$414,484.99, Net Payroll \$312,243.43. All present voted aye; motion carried.

Action 18319C: A motion was made by Epp and seconded by Kettering to approve the lease agreement between Department of Agriculture and Yankton County to pay \$87.50 per month for office space at the County Extension building. All present voted aye; motion carried.

Action 18320C: A motion was made by Bodenstedt and seconded by Epp to approve the engagement letter from South Dakota Department of Legislative Audit for years 2016 and 2017. All present voted aye; motion carried.

Revenue Bond Hearing and Request: Toby Morris from Dougherty & Company LLC appeared before the board to give a power point of the revenue bond request from Yankton Protein LLC/Dakota Protein LLC.

Individuals speaking at the hearing were Joseph Healy, Matt Winsand, Dan Specht, Paty Davies, Phil Tau and Robert Freng.

Two letters were presented for the record, from Garry Moore and Randy J. Gleich.

Highway: Highway Superintendent Brian Gustad and Adam Polley from Clark Engineering of Sioux Falls, SD appeared before the board to discuss Fleege's Bridge and Johnson Bridge. The board also discussed violations for anyone disobeying the load limit signs. Gustad presented an entrance application for approval.

Action 18321Hwy: A motion was made by Epp and seconded by Bodenstedt to approve the application for Entrance from Jay Cutts located in NE1/4 of Section 4 of Mission Hill Township in Yankton County. Bodenstedt, Kettering, Epp and Woods voting Aye; Swensen Voting Nay; Motion carried.

Action 18322Z: A motion was made by Epp and seconded by Swensen 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 Minimum Yard Requirement from Jason Jatou. Variance of Minimum Lot Requirement from twenty (20) acres to one +/- (1.42) acres in an Agriculture District (AG) in Yankton County. Said property is legally described as Tract 1A & N1/2, NE1/4, exc Arneson Tract 1 & exc W539', E1371' & exc W209', E1580', N296, N1/2, NE1/4, exc Irene City parcels, S1-T95N-R54W, hereinafter referred to as Marindahl Township, County of Yankton, State of South Dakota. The E911 address is TBA SD Hwy 46, Irene, SD. The Planning Commission recommended approval 6-0.

Action 18323Z: A motion was made by Kettering and seconded by Swensen, based on Findings of Fact from the August 14, 2018 Yankton County Planning Commission meeting

and on file in the Zoning Administrator's Office, to approve a Minimum Lot Requirement for Jason Jatton, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance from twenty (20) acres to one +/- (1.42) acres in an Agriculture District (AG) in Yankton County. Said property is legally described as Tract 1A & N1/2, NE1/4, exc Arneson Tract 1 & exc W539', E1371' & exc W209', E1580', N296, N1/2, NE1/4, exc Irene City parcels, S1-T95N-R54W hereinafter referred to as Marindahl Township, County of Yankton, State of South Dakota. The E911 address is TBA SD HWY 46, Irene, SD. 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 Jason Jatton. Applicant requested a permit to operate a commercial business in an Agriculture District (AG) in Yankton County. Said property is legally described as Tract 1, NW1/4, NE1/4, S1-T95N-R54W, hereinafter referred to as Marindahl Township, County of Yankton, State of South Dakota. E911 address TBA SD Hwy 46, Irene, SD. The Planning Commission recommended approval 6-0.

Action 18324Z: A motion was made by Bodenstedt and seconded by Epp based on Findings of Fact from the August 14, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve application Jason Jatton to operate a commercial business in an Agriculture District (AG) in Yankton County, pursuant to Article 19, Section 1905 of the Yankton County Zoning Ordinance. Said property is legally described as Tract 1, NW1/4, NE1/4, S1-T95N-R54W, hereinafter referred to as Marindahl Township, County of Yankton, State of South Dakota. E911 address is TBA SD Hwy 46, Irene, SD. All present voted aye; motion carried.

Variance Public Hearing: This was the time and place for a public hearing for a Variance of Minimum Yard Requirement from Doug Stevens. Variance of Minimum Yard Requirement in front yard from one hundred (100) feet to ninety-three (93) feet and rear yard from fifty (50) feet to fifteen (15) feet and one side yard from twenty-five (25) feet to fifteen (15) feet in a Commercial District (C) in Yankton County. Said property is legally described as E135', W335', exc S942.85', exc Lot H-3, S1/2, W1/2, W1/2, NW1/4, S15-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 3706 West 7th Street, Yankton, SD. The Planning Commission recommended approval 5-1.

Action 18325Z: A motion was made by Bodenstedt and seconded by Swensen, based on Findings of Fact from the August 14, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve a Minimum Yard Requirement for Doug Stevens pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance in front yard one hundred (100) feet to ninety-three (93) feet and rear yard from fifty (50) feet to fifteen (15) feet and one side yard from twenty-five (25) feet to fifteen (15) feet in a Commercial District (C) in Yankton County. With the stipulation the drainage will be underground at the south end of the property and exiting Deer Boulevard ditch, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Said property is legally

described as E135', W335', exc S942.85', exc Lot H-3, S1/2, W1/2, W1/2, NW1/4, S15-T93N-R56W hereinafter referred to as Marindahl Township, County of Yankton, State of South Dakota. The E911 address is 3706 West 7th Street, Yankton, SD. Woods Voting Aye; Bodenstedt, Epp, Kettering, Swensen voting Nay; Motion failed 1-4.

Variance Public Hearing: This was the time and place for a public hearing for a Variance of Minimum Yard Requirement from Robert Ausdemore. Variance of Minimum Lot Requirement from twenty (20) acres to twelve +/- (12.15) acres in an Agriculture District (AG) in Yankton County. Said property is legally described as Lot F-2 and F-3, NE1/4, S3-T93N-R57W, hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota. The E911 address is 43175 SD Hwy 50, Yankton, SD. The Planning Commission recommended approval 6-0.

Action 18326Z: A motion was made by Epp and seconded by Bodenstedt, based on Findings of Fact from the August 14, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve a Minimum Lot Requirement for Robert Ausdemore, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance from twenty (20) acres to twelve +/- (12.15) acres in an Agriculture District (AG) in Yankton County. Said property is legally described as Lot F-2 and F-3, NE1/4, S3-T93N-R57W hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota. The E911 address is 43175 SD Hwy 50, Yankton, SD. All present voted aye; motion carried.

Action 18327C: A motion was made by Epp and seconded by Kettering to recess the Board of Adjustment and reconvene in regular session. All present voted aye; motion carried.

Action 18328Z: A motion was made by Bodenstedt and seconded by Kettering to adopt the following resolution Whereas it appears, Jason Jatou, owner of record, has caused a plat to be made of the following real property: Jatou Tract 1, NW/4, NE1/4, S1-T95N-R54W, hereinafter referred to as Marindahl Township 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 18329Z: motion was made by Kettering and seconded by Bodenstedt to adopt the following resolution Whereas it appears, Robert Ausdemore, owner of record, has caused a plat to be made of the following real property: Lot F-23, N1/2, NE1/4, S3-T93N-R57W, hereinafter referred to as Ziskov South Township 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. Bodenstedt, Kettering, Epp and Woods voting Aye; Swensen Voting Nay; Motion carried.

Action 18330EM: A motion was made by Epp and seconded by Bodenstedt to approve the 2019 Emergency Management Performance Grant Subaward Agreement. Bodenstedt, Kettering, Epp and Woods voting Aye; Swensen Voting Nay; Motion carried.

E911 Dispatch Project: Clint Clites from the Sheriff's Department and Julia Hussein, dispatch supervisor for the City of Yankton, presented a recommendation from the E911 Board to request funding for the dispatch project. The request was originally presented at June 6th commission meeting.

Action 18331C: A motion was made by Bodenstedt and seconded by Kettering to budget \$400,000.00 to the E911 Dispatch project, to be paid March and December 2019. All present voted aye; motion carried.

Missouri River Sedimentation: Sandy Stockholm from Missouri Sedimentation Action Coalition (MSAC) appeared before the board to inform them about the process of obtaining a sediment management plan for Lewis and Clark Lake under Section 1179a of WRDA 2016. Mark Simpson, Board President from Niobrara Ne. was also in attendance.

Action 18332C: A motion was made by Bodenstedt and seconded by Kettering to approve a temporary 1 Day Malt Beverage License for 6th Meridian LLC at Mead Cultural Education Center and temporary 1 Day Liquor License for Minervas's Yankton, SD. Woods, Epp, Bodenstedt and Kettering voting Aye; Swensen Voting Nay; Motion carried.

Action 18333C: A motion was made by Kettering and seconded by Epp to recess the regular session at 6:50 p.m. and convene in executive session to discuss a personnel issue. Bodenstedt, Epp, Kettering and Woods voting Aye; Swensen Voting Nay; motion carried.

Commissioner Swensen did not join the executive session.

Action 18334C: A motion was made by Bodenstedt seconded by Epp to adjourn executive session at 7:00 p.m. and reconvene in regular session. Epp, 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.

Action 18335C: A motion was made by Epp and seconded by Swensen to adjourn. All present voted aye; motion carried.

The next regular meeting will be Tuesday, September 18, 2018.

Todd Woods, Chairman
Yankton County Commission

ATTEST:
Patty Hojem, County Auditor