

YANKTON COUNTY COMMISSION MEETING

August 17, 2021

The regular meeting of the Yankton County Commission was called to order by Chair Cheri Loest at 6:00 p.m. on Tuesday, August 17, 2021.

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

Commissioner Fox Abstained from claim for Harmelink & Fox Law Office.

Action 21381C: A motion was made by Healy and seconded by Fox to approve the regular meeting agenda with the following change: Item 17 will be moved to Item 21. All present voted aye; motion carried, 5-0.

There was one public comment from Ryan Heine.

Chair Loest closed public comment.

Action 21382C: A motion was made by Kettering and seconded by Fox to approve the following resolution effective August 17, 2021. All present voted aye; motion carried.

YANKTON COUNTY RESOLUTION TO PROVIDE FOR TEMPORARY EMERGENCY REGULATION OF FIRE HAZARDS IN YANKTON COUNTY

WHEREAS, the Commissioners of Yankton County are charged with the protecting health and safety of the citizens of Yankton County, including all property situated therein; and **WHEREAS**, South Dakota Codified Law (SDCL) 7-8-20(18) authorizes the Yankton County Commission to prohibit or restrict open burning, after consultation with local fire officials and law enforcement officials, in order to protect the public health and safety; and **WHEREAS**, the Yankton County Commission has consulted with local fire officials and law enforcement officials concerning the threat of wildfire from open burning under certain climatic conditions; and

WHEREAS, the Commissioners of Yankton County have determined that in the interest of public health and safety, it will prohibit open burning (open fire) when climatic conditions indicate the threat of wildfire and other dangerous fire hazards within Yankton County; and **WHEREAS**, for purposes of this Resolution, "open burning" shall be defined as any outdoor fire, including but not limited to campfires, warming fires, charcoal grill fires, or the prescribed burning of fence rows, fields, wildlands, trash and debris. This Resolution excludes fires contained within liquid-fueled or gas-fueled stoves, fireplaces within all buildings, charcoal grill fires at private residences, and permanent fire pits or fire grates located on supervised developed picnic grounds and campgrounds; and

WHEREAS, conditions of wildfire and dangerous fire hazards now exist in Yankton County;

NOW, THEREFORE, BE IT RESOLVED, that the Yankton County Commission enact this Resolution on an emergency basis and impose a burn ban to prohibit or restrict open burning in Yankton County, and;

BE IT FURTHER RESOLVED that the ban will be in place until fire conditions improve as determined by the Yankton County Emergency Manager and Yankton County Emergency Officials within Yankton County.

BE IT FURTHER RESOLVED that a fine not to exceed two hundred dollars for each violation, or by imprisonment for a period not to exceed thirty days for each violation, or by both the fine and imprisonment, if found in violation of this Resolution, as per South Dakota Codified Law 7-18A-2, and that the costs for suppressing any fire, including response fees, mutual aid assistance from other agencies or fire departments, reimbursement to governments for suppression efforts and compensation to the firefighters for time lost from their employment, be born directly by the individual or individuals responsible for setting the fire.

Dated this 17th day of August, 2021.

Yankton County Chair, Cheri Loest /s/

ATTEST: Patty Hojem, Yankton County Auditor /s/

Archery Association: Bruce Cull, Brittany Salonen and Kasi Haberman appeared before the board to request funding for the 2021 Archery Championships in Yankton.

Action 21383C: A motion was made by Kettering and seconded by Fox to give \$20,000 to Archery Association for the World Archery Trifecta Event. Kettering, Fox and Klimisch voting aye; Healy and Loest voting nay; motion carried, 3-2.

Action 21384C: A motion was made by Kettering and seconded by Klimisch to approve a temporary 1 Day Liquor License for Ben's Brewing Co. for Avera Fundraiser on Sept. 9 at Mazing Acres, 30851 433rd Ave., Yankton, SD. All present voted aye; motion carried, 5-0.

Action 21385C: A motion was made by Klimisch and seconded by Healy to approve a temporary 1 Day Liquor License for Ben's Brewing Co. on Sept. 18 at Mazing Acres, 30851 433rd Ave., Yankton, SD. All present voted aye; motion carried, 5-0.

Jan Odens appeared before the board to ask that the load limits on Fleege's Bridge be increased to 40 tons. Mr. Odens said he would like to have the bridge limited to one truck on the bridge at a time and increase the weight limit to 40 tons for combination vehicles (semis) and 27 tons for straight trucks. It was consensus of the board to have the Highway Superintendent check with Adam Polley from IMEG Corp.

Individuals speaking on the request where Ray Epp, Chris Nelson and Daryl Nelson.

Action 21386Z: A motion was made by Klimisch and seconded by Fox to adopt the following resolution: Whereas it appears, Bob Law, owner of record, has caused a plat to be

made of the following real property: Lot 9, Block 2, Law Overlook Subdivision, NE1/4, S18-T93N-R56W, County of Yankton, SD, 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 21387Z: A motion was made by Kettering and seconded by Klimisch to adopt the following resolution: Whereas it appears, Bob Law, owner of record, has caused a plat to be made of the following real property: Lot 13, Block 4, Law Overlook Subdivision, NE1/4, S18-T93N-R56W, County of Yankton, SD, 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 21388Z: A motion was made by Healy 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 4, Whitetail Run, SE1/4, NE1/4, S16-T93N-R56W, County of Yankton, SD, 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.

Planning Commission: Planning and Zoning Administrator Gary Vetter appeared to inform the board that he will be advertising for the planning commission position due to the resignation of Doug Hevle. The board also discussed a campground checklist which was drafted by Matt Evans.

The board discussed adding Juneteenth to the employee handbook as a county holiday.

Action 21389C: A motion was made by Fox and seconded by Kettering to delay decision until the 2022 Legislative Session is over. All present voted aye; motion carried, 5-0.

Action 21390C: A motion was made by Kettering and seconded by Fox to approve the August 3, 2021, meeting minutes. All present voted aye; motion carried, 5-0.

Action 21391C: A motion was made by Healy and seconded by Klimisch to approve the following claims: **Commissioners:** Wellmark Blue Cross & Blue Shield (HRA Fees) \$5,535.00, Vast Business (Utilities) \$52.50, Yankton County Observer (Publishing's) \$320.75, SDACC

(Travel) \$555.00, Yankton Daily P & D (Publishing's) \$562.93; **Elections:** First Bankcard (Supplies) \$165.00, Qualified Presort Services (Supplies) \$132.17; **Court:** Avera Sacred Heart Hospital (Lab) \$1,394.00, Megan Reeves (Professional Services) \$102.60, Computer Forensic (Professional Services) \$2,653.10, Larson & Nipe Attorneys at Law (Professional Services) \$26,985.14, Juror Fees (Crt) \$468.48, Jerry A Miller (Professional Services) \$162.00, Horn Law Office LLC (Professional Services) \$1,524.60, Horn Law Office LLC (Delinquent/Minor) \$396.00, Clovia Dee (Professional Services) \$333.20, Kennedy Pier Loftus & Reynolds (Professional Services) \$5,646.18, LaCroix Law Office (Neglected) \$3,720.85, Department of Health (Lab-July 2021) \$855.00, Thomson Reuters (Supplies) \$1,173.65; **Auditor:** Vast Business (Utilities) \$175.24, Culligan (Supplies) \$29.00, Qualified Presort Services LLC (Supplies) \$152.36, SDACC (Travel) \$185.00, One Office Solution (Maintenance) \$164.42; **Treasurer:** Vast Business (Utilities) \$209.52, Culligan (Supplies) \$35.75, Qualified Presort Services LLC (Supplies) \$156.38, One Office Solution (Maintenance) \$220.00; **Data Processing:** Vast Business (Utilities) \$832.83, First Bankcard (Maintenance) \$49.23; **States Attorney:** Century Business Products (Rentals) \$444.66; **Government Building:** Vast Business (Utilities) \$26.25, City of Yankton (Supplies) \$12.89, Echo Group (Maintenance) \$217.99, JCL Solutions (Supplies) \$183.85, United Laboratories Inc. (Supplies) \$291.57, MidAmerican Energy (Utilities) \$554.53; **Director of Equalization:** Vast Business (Utilities) \$229.50, Stay USA Hotel & Suites (Travel) \$333.00, Jessica Atkinson (Travel) \$14.00, EcoWater Systems (Supplies) \$32.50, First Bankcard (Supplies) \$14.78, Michelle Goeken (Travel) \$42.00, Marshall & Swift (Maintenance) \$656.20, Microfilm Imaging Systems (Maintenance) \$70.00, Jeffery Puthoff (Travel) \$14.00, Qualified Presort Services (Supplies) \$11.64, Verizon (Maintenance) \$120.03, Andrea Wright (Travel) \$14.00, Yankton Daily P & D (Publishing's) \$263.50; **Register of Deeds:** Vast Business (Utilities) \$177.66, Brian Hunhoff (Supplies) \$27.67, Microfilm Imaging Systems (Rentals) \$171.00, Qualified Presort Services (Supplies) \$41.94, SDACC (Travel) \$185.00, Yankton Daily P & D (Supplies) \$110.10; One Office Solution (Supplies) \$33.58, **VA:** Vast Business (Utilities) \$26.25, Qualified Presort Services (Supplies) \$5.53; **Safety Center Building:** Vast Business (Utilities) \$801.43, City of Yankton (Dumpster Fees) \$152.00, Cole Paper Inc. (Supplies) \$457.60, Septic Services of SD (Maintenance) \$275.00, Heiman Inc. (Maintenance) \$199.00, Johnson Controls (Maintenance) \$5,020.95, JCL Solutions (Supplies) \$49.35, One Office Solution (Supplies) \$53.99; **Sheriff:** City of Yankton (Fuel) \$3,523.34, The Collision Center (Auto Equipment) \$735.68, Cheryl Stahlecker (Travel) \$246.00, John Slemp (Fuel) \$38.25, Northtown Automotive (Maintenance) \$126.14, One Office Solution (Supplies) \$39.39; **County Jail:** Avera Sacred Heart Hospital (Professional Services) \$5,469.52, Avera Medical Group (Professional Services) \$675.00, Scott Family Dentistry (Professional Services) \$285.00, Horwath Laundry Equipment (Maintenance) \$169.65, Industrial Chem Labs (Supplies) \$359.70, Trinity Services Group (Food Services) \$7,784.62, Olson's Pest Tech (Maintenance) \$230.00; **Juvenile Detention Center:** Minnehaha County Juvenile Detention Center (Rentals) \$7,564.00; **Yankton Area Search & Rescue:** City of Yankton (Supplies) \$39.22, NAPA Auto Parts of Yankton (Fuel) \$67.46, Frontier Precision (Maintenance) \$950.00, Premier Ventures (Professional Services) \$602.00; **Care of Poor:** Qualified Presort Services LLC (Supplies) \$92.91, Thomson Reuters (Supplies) \$79.57; **Public Health Nurse:** Vast Business (Utilities) \$243.93, Qualified Presort Services (Supplies) \$13.23; TIAA Bank \$58.67

(Rental); **Ambulance:** AT & T (Utilities) \$36.05, Arrow Manufacturing (Supplies) \$6,900.00, Bound Tree Medical LLC (Supplies) \$1,680.87, City of Yankton (Fuel) \$1,024.79, Vendnovation LLC (Professional Services) \$1,200.00, CLIA Laboratory Program (Professional Services) \$180.00, CAN Surety (Insurance) \$100.00, Embroidery & Screen Works (Supplies) \$45.00, First Bankcard (Fuel) \$597.75, First Bankcard (Supplies) \$301.48, First Bankcard (Travel) \$244.22, Leaf (Rentals) \$89.57, Matheson Tri-Gas Inc. (Rentals) \$88.59, Northwestern Energy (Utilities) \$1,096.29, Northtown Automotive (Supplies) \$256.54, Verizon (Utilities) \$304.99, One Office Solution (Supplies) \$109.10, Vast (Utilities) \$181.89; **Mental Handicapped:** SD Achieve dba Lifescape (Care MI July 2021) \$180.00; **Mental Illness Board:** Darcy Lockwood (Hearings) \$13.50, Mark Katterhagen (Hearings) \$13.50, Lucille M Lewno (Hearings) \$421.51; **County Extension:** Buhl's Cleaners (Supplies) \$37.82, Lisa Barger (4H) \$40.00, Kathy Jorgensen (4H) \$40.00, Adam Haberman (4H) \$20.00, Stephanie Hauger (4H) \$40.00, Lisa Rohlk (4H) \$40.00, Lindsey Hayes (4H) \$40.00, Morgan Korthals (4H) \$40.00, Andrew Adams (4H) \$210.00, Joan Miller (4H) \$40.00, Bobbie Moehring (4H) \$40.00, Charlene Arens (4H) \$40.00, Shelbi Lindner (4H) \$40.00, Raven Jensen (4H) \$60.00, Barb Ohlrich (4H) \$209.64, Extension Services (Travel) \$64.24, Elizabeth Fiedler (4H) \$40.00, Jeff Hochstein (4H) \$171.00, Jolene Kralicek (4H) \$40.00, Leaf (Rentals) \$659.47, Barbara Law (4H) \$40.00, Matt Mette (4H) \$100.00, MidAmerican Energy (Utilities) \$8.52, Northwestern Energy (Utilities) \$528.61, WNAX Saga Communications (Other) \$194.00, Adam Wirt (4H) \$150.00; **Weed:** Marks Machinery (Maintenance) \$586.37, One Office Solution (Supplies) \$40.47; **Planning & Zoning:** Vast Business (Utilities) \$62.50, First Bankcard (Travel) \$33.00, Microfilm Imaging Systems (Rentals) \$70.00, Pheasantland Industries (Supplies) \$54.28, Qualified Presort Services, LLC (Supplies) \$51.11, Verizon (Utilities) \$42.04, One Office Solution (Supplies) \$171.11, Yankton Daily P & D (Publishing's) \$266.04; **Road & Bridge:** Kopetsky's Ace Hardware (Maintenance) \$52.99, B-Y Electric (Utilities) \$62.51, B-Y Water District (Utilities) \$100.50, Vast Business (Utilities) \$228.20, Napa Auto Parts of Yankton (Maintenance) \$218.97, Napa Auto Parts of Yankton (Supplies) \$207.86, Concrete Materials (Supplies) \$1,718.91, Concrete Materials (Asphalt Road) \$87,330.36, CHS Inc. (Supplies) \$3,388.45, Ehresmann Engineering (Maintenance) \$21.69, Growmark FS (Professional Services) \$560.00, Growmark FS (Fuel) \$19,538.00, Growmark FS (Supplies) \$10.00, First Bankcard (Supplies) \$27.22, First Bankcard (Maintenance) \$194.16, Graham Tire Yankton (Maintenance) \$971.85, Janssen's Garbage Service (Utilities) \$45.00, Menards (Supplies) \$129.98, MidAmerican Energy (Utilities) \$24.65, RDO Equipment Co (Maintenance) \$7,083.93, SDACC (Travel) \$185.00, Spencer Quarries (Supplies) \$1,328.45, Southeastern Electrical Co (Utilities) \$33.91, Truck Trailer Sales Services (Maintenance) \$363.25, The Road Guy Const. (Maintenance) \$1,187.88, Verizon (Utilities) \$86.95, One Office Solution (Supplies) \$40.48, Yankton Fire & Safety Co (Supplies) \$535.75, CenturyLink (Utilities) \$62.24; **Emergency 911 Fund:** Golden West Telecommunications (Utilities) \$147.18; **Emergency Management:** B-Y Electric (Utilities) \$53.08, ESRI (Professional Services) \$400.00, First Bankcard (Supplies) \$1,099.16, First Bankcard (Professional Services) \$61.26, First Bankcard (LEPC Fund) \$274.26, Kaiser Appliance & Refrigeration (Professional Services) \$137.00, Leaf (Rentals) \$90.00, Tabor Lumber Cooperative (Supplies) \$210.44, Verizon (Utilities) \$818.25; **Government Buildings:** First Bankcard (Govt Buildings) \$289.99, Ron's Auto Glass Repair (Govt Buildings) \$4,076.54, Welfl Construction Co (Govt

Buildings) \$6,739.00; **Non-Departmental:** Satellite Tracking of People (Tracking Monitors) \$468.00, Byron Nogelmeier (Cam Daily Fee) \$2,555.00, Byron Nogelmeier (State Participation Fee) \$188.00, SCRAM (Refund) \$20.00, Cam Daily Fee (Refund) \$2.00, SD Department of Revenue (HSC) \$9,818.48, SD Department of Revenue (Redfield Services) \$120.00, SD Department of Revenue (Motor Vehicle Fees) \$510,349.56, SD Department of Revenue (Waste Fees) \$6,001.75, SD Department of Revenue (ROD Fees) \$2,080.00, SDACO (M & PR Fund) \$796.00; General Fund \$124,195.35, Road & Bridge, \$125,676.90, Emergency Management, \$3,143.45. All present voted aye; motion carried, 5-0.

Action 21392C: A motion was made by Klimisch and seconded by Kettering to approve the following claim: **Court:** Harmelink & Fox Law Office \$3,363.85 (Professional Services); Voting aye: Klimisch, Kettering, Healy and Loest; motion carried, 4-0.

Action 21393AUD: A motion was made by Healy and seconded by Klimisch to approve the Auditor's Monthly Settlement with the Treasurer and Pooled Cash Report as of July 31, 2021 which showed Total Cash of \$16,084,151.50. The General Fund was \$7,401,107.13; Special Funds were \$7,428,899.21; and Trust and Agency Funds were \$1,254,145.16 adding to a Grand Total of General Ledger Cash and Investments of \$16,084,151.50. A detailed report is on file with the County Auditor. All present voted aye; motion carried, 5-0.

Action 21394AMB: A motion was made by Healy and seconded by Kettering to adjust the Ambulance Office budget due to unanticipated insurance revenue in the amount of \$5,900.00. All present voted aye; motion carried, 5-0.

Action 21395C: A motion was made by Healy and seconded by Klimisch to allow all full and part time county employees to receive the yearly flu shot at no cost to employees. All present voted aye; motion carried.

The board scheduled Monday, September 3rd at 9:00 a.m. to meet with the organized townships to discuss the inventory process for the Rural Access Infrastructure Funding.

Cannabis: The commission discussed the drafts presented by the States Attorney's Office: two documents that look at updating the zoning ordinance and one that focuses on the cannabis license. The board made changes to the documents which will be presented to the board for final approval at the next commission meeting. A joint hearing with the planning commission is scheduled for Tuesday, August 31st at 6:00 p.m. to address the zoning amendment. Action on the licensing ordinance will be taken after further revision of the proposed ordinance.

There was no public comment.

Chair Loest closed public comment.

Commissioner updates: Commissioner Kettering said he attended the Federal Prison meeting and Commission Klimisch was appointed to Veteran Military Services Committee for NACO.

Action 21396C: A motion was made by Fox and seconded by Kettering to recess the regular session at 7:40 p.m. and convene in executive session to discuss Poor Relief Issues SDCL 1-25-2 & 28-13 and 28-13-1.3, litigation issue SDCL 1-25-2(3) and personnel issues SDCL 1-25-2(1) All present voted aye; motion carried, 5-0.

Action 21397C: A motion was made by Fox and seconded by Klimisch to adjourn the executive session at 8:10 p.m. and reconvene in regular session. All present voted aye; motion carried, 5-0.

Action 21398C: A motion was made by Fox and seconded by Klimisch to offer the Director of Equalization position to Jessica Atkinson at a Grade 11 Step 0. All present voted aye; motion carried, 5-0.

Action 21399C: A motion was made by Healy and seconded by Kettering to revoke the \$750.00 HRA Plan back to June 1st, 2021. All present voted aye; motion carried, 5-0.

Action 21400C: A motion was made by Healy and seconded by Kettering to replace the HRA with hazard pay of \$750.00 to every full time employee with part time employees paid on a prorated basis. Those employees who have already received HRA dollars would have that amount deducted from the \$750.00. All present voted aye; motion carried, 5-0.

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

Action 21401C: A motion was made by Fox and seconded by Kettering to adjourn. All present voted aye; motion carried, 5-0.

The next regular meeting will be Tuesday, September 7, 2021 at 6:00 p.m.

Cheri Loest, Chair
Yankton County Commission

ATTEST:
Patty Hojem, County Auditor