

YANKTON COUNTY COMMISSION MEETING

June 16, 2020

The regular meeting of the Yankton County Commission was called to order by Chair Cheri Loest at 6:00 PM on Tuesday June 16, 2020.

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

There were no conflicts of interest reported by Commissioners.

Action 20240C: A motion was made by Swensen and seconded by Healy to approve the meeting agenda. All present voted aye; motion carried.

There was one public comment from Gary Swensen.

Chair Loest closed public comment.

Action 20241C: A motion was made by Healy and seconded by Kettering to approve the minutes of June 4, 2020 meeting. All present voted aye; motion carried.

Action 20242C: A motion was made by Kettering and seconded by Healy to approve the following claims: **Non-Departmental:** SD Department of Revenue (State Sales Tax) \$5.39; **Commissioners:** Intuvio Solutions (Professional Services) \$99.90, Alternative HRD, LLC (Professional Services) \$1,625.00, First Bankcard (Supplies) \$106.50, Yankton County Observer (Publishing's) \$715.55, Qualified Presort Services (Supplies) \$1.38, Yankton Daily P & D (Publishing's) \$442.61, Vast Business (Utilities) \$52.50; **Elections:** Valli Stockland (Travel) \$30.24, First Bankcard (Supplies) \$789.46, J & H Cleaning (Professional Services) \$450.00, Yankton County Observer (Publishing's) \$278.96, Qualified Presort Services (Supplies) \$582.29, One Office Solution (Maintenance) \$40.56, One Office Solution (Supplies) \$334.20, Yankton Daily P & D (Publishing's) \$3,578.87, 2020 Primary Election (Worker's) \$3,744.41, 2020 Primary Election (School) \$255.00, 2020 Primary Election (Rent) \$300.00, 2020 Primary Election (Mileage) \$124.74; **Court:** AMG Radiology Yankton (Professional Services) \$8.73, Avera Sacred Heart Hospital (Professional Services) \$10,000.00, James Place LLC (Professional Services) \$1,700.00, Juror Fees (\$50.00X7) \$350.00, Juror Mileage (0.84X2) \$1.68, Juror Mileage (4.20X1) \$4.20, Juror Mileage (\$5.04X1) \$5.04, Juror Mileage (\$8.40X2) \$16.80, Dakota County Sheriff Department (Professional Services) \$70.00, McClure & Hardy Attorney at Law (Professional Services) \$845.80, Fox & Youngberg PC (Professional Services) \$11,427.10, Fox & Youngberg PC (Neglected) \$1,237.10, Fox & Youngberg PC (Delinquent/Minor) \$223.10, Horn Law Office (Professional Services) \$3,129.82, Horn Law Office (Delinquent/Minor) \$1,976.00, Kennedy Pier Loftus & Reynolds LLP (Professional Services) \$1,318.40, KCH Law (Professional Services) \$686.35, LaCroix Law Office (Neglected) \$424.40, Department of Health (Lab May 2020) \$370.00, Thomson Reuters (Supplies) \$934.71, Yankton Daily P & D (Supplies) \$242.16; **Auditor:** Vast Business (Utilities) \$175.17, Culligan (Supplies) \$14.00, Leaf (Rentals) \$174.90, Qualified Presort

Services LLC (Supplies) \$109.78; **Treasurer:** Vast Business (Utilities) \$209.38, Culligan (Supplies) \$28.00, Scantron (Maintenance) \$232.00, Qualified Presort Services, LLC (Supplies) \$209.95; **Data Processing:** Vast Business (Utilities) \$999.78, First Bankcard (Maintenance) \$54.28; **States Attorney:** Century Business Products (Rentals) \$549.54, Robert Klimisch (Supplies) \$125.00, Executive MGMT Finance (Utilities) \$25.00, Qualified Presort Services (Supplies) \$37.63, SD Special Pay Plan (Vacation & Sick Payout) \$14,591.69; **Government Building:** Vast Business (Utilities) \$26.25, MidAmerican Energy (Utilities) \$263.60, JCL Solutions (Supplies) \$12.79, Menards (Supplies) \$143.69, Menards (Maintenance) \$11.82, Top Notch Window Cleaning (Maintenance) \$530.00; **Director of Equalization:** Vast Business (Utilities) \$229.50, First Bankcard (Supplies) \$59.42, Microfilm Imaging Systems (Maintenance) \$70.00, Qualified Presort Services (Supplies) \$11.03, Verizon (Maintenance) \$164.51, One Office Solution (Supplies) \$283.99, One Office Solution (Maintenance) \$92.35; **Register of Deeds:** Vast Business (Utilities) \$177.50, Executive MGMT Finance (Utilities) \$25.00, Microfilm Imaging Systems (Supplies) \$96.82, Microfilm Imaging Systems (Rentals) \$336.00, Qualified Presort Services LLC (Supplies) \$37.17, One Office Solution (Supplies) \$193.23; **VA:** Qualified Presort Services LLC (Supplies) \$6.15, Vast Business (Utilities) \$26.25; **Safety Center Building:** Vast Business (Utilities) \$923.09, City of Yankton (Dumpster Fees) \$128.00, Cox Auto Supply Inc. (Maintenance) \$56.96, First Bankcard (Maintenance) \$53.23, Justice Fire & Safety (Maintenance) \$200.00, Johnson Controls, Inc. (Maintenance) \$598.42, Menards (Supplies) \$58.92, MidAmerican Energy (Utilities) \$765.16; **Sheriff:** City of Yankton (Fuel) \$1,707.22, Culligan (Supplies) \$21.00, FedEx (Supplies) \$13.55, Pennington County Jail (Travel) \$144.22, Qualified Presort Services LLC (Maintenance Contracts) \$89.27, Yankton Daily P & D (Publishing's) \$238.65; **County Jail:** Avera Medical Group (Professional Services) \$900.00, Boller Printing Co (Supplies) \$238.00, Laboratory Corporation (Professional Services) \$778.00, Culligan (Food Services) \$18.00, Summit Food Services LLC (Food Services) \$12,299.10, Pharmchem Inc. (Supplies) \$1,199.10, Correctional Risk Services (Inmate Medical Liab Ins) \$321.97, Sherwin Williams Company (Supplies) \$57.23, Yankton Rexall Drug Co (Professional Services) \$304.54; **Yankton Area Search & Rescue:** City of Yankton (Fuel) \$31.45, Danko Emergency Equipment (Supplies) \$404.48, First Bankcard (Supplies) \$117.85, First Bankcard (Minor Equipment) \$1,690.11; **Care of Poor:** Opsahl-Kostel Funeral Home (Professional Services) \$1,890.00, Qualified Presort Services LLC (Supplies) \$107.76, Thomson Reuters (Supplies) \$77.25; **Public Health Nurse:** Qualified Presort Services (Supplies) \$34.86, TIAA Bank (Rentals) \$70.96, Vast Business (Utilities) \$239.29; **Ambulance:** Avera Sacred Heart Hospital (Professional Services) \$48.96, Bound Tree Medical LLC (Supplies) \$958.78, City of Yankton (Fuel) \$611.91, Credit Collection Services (Professional Services) \$39.00, Cintas (Supplies) \$68.13, TacticalGear.com (Supplies) \$420.00, Embroidery & Screen Work Inc. (Supplies) \$896.00, First Bankcard (Fuel) \$339.94, First Bankcard (Supplies) \$329.49, First Bankcard (Travel) \$100.00, Fox Run Quick Lube (Maintenance) \$86.24, Auto Value Yankton (Supplies) \$36.99, Leaf (Rentals) \$81.43, Matheson Tri-Gas Inc. dba Lifescape (Rentals) \$80.53, Menards (Supplies) \$63.69, Qualified Presort Services (Supplies) \$15.08, Roger's Family Pharmacy (Supplies) \$81.36, Tire Muffler Alignment (Maintenance) \$783.10, One Office Solution (Supplies) \$330.49; **Mentally Handicapped:** SD Achieve dba Lifescape (Care-May) \$300.00; **Mental Illness Board:** Darcy Lockwood (Hearings) \$84.00, Fox & Youngberg PC (Hearings) \$2,112.70, Horn Law Office LLC (Hearings) \$350.00, Mark

Katterhagen (Hearings) \$84.00, Lewis & Clark Behavioral Health (Hearings) \$1,780.00, Lucille M. Lewno (Hearings) \$1,294.00; **Extension:** Buhl's Cleaners (Supplies) \$37.82, Northwestern Energy (Utilities) \$154.31; **Weed:** Bomgaars (Supplies) \$23.26, Battery Exchange (Supplies) \$39.95, Agterra Technologies (Supplies) \$715.00, Yankton Daily P & D (Publishing's) \$204.00; **Planning & Zoning:** Vast Business (Utilities) \$62.50, Leaf (Rentals) \$104.86, Microfilm Imaging Systems, Inc. (Rentals) \$70.00, Pheasantland Industries (Supplies) \$26.32, Qualified Presort Services, LLC (Supplies) \$12.75, One Office Solution (Supplies) \$11.87, One Office Solution (Maintenance) \$112.14, Yankton Daily P & D (Publishing's) \$106.20; **Road & Bridge:** Vast Business (Utilities) \$167.63, CenturyLink (Utilities) \$54.68, Kopetsky's Ace Hardware (Supplies) \$55.96, Appera (Supplies) \$123.84, B-Y Electric (Utilities) \$68.95, B-Y Water District (Utilities) \$96.75, Butler Machinery Co. (Supplies) \$471.94, Boyer Trucks (Supplies) \$446.12, Presto-X (Maintenance) \$105.00, Interstate Power Systems (Maintenance) \$157.78, City of Yankton (Utilities) \$68.24, Cox Auto Supply, Inc. (Supplies) \$357.61, Concrete Materials (Supplies) \$17,055.96, Handel Repair (Supplies) \$35.00, CHS (Fuel) \$1,665.22, CHS (Supplies) \$865.00, First Bankcard (Supplies) \$31.48, Graham Tire Yankton (Supplies) \$10.97, Janssen's Garbage Services (Utilities) \$45.00, Longs Propane Inc. (Fuel) \$50.00, Menards (Supplies) \$88.84, MidAmerican Energy (Utilities) \$68.91, Yankton County Observer (Publishing's) \$13.46, Transource (Supplies) \$432.88, SD Department of Transportation (Professional Services) \$979.30, Spencer Quarries Inc. (Supplies) \$6,008.12, Southeastern Electric Cooperative Inc. (Utilities) \$44.04, Security Shredding Service (Professional Services) \$35.00, Truenorth Steel (Bridges) \$25,085.36, One Office Solution (Supplies) \$117.25, Yankton Janitorial Supply (Supplies) \$272.60; **Emergency 911 Fund:** Vast Business (Utilities) \$1,210.92, CenturyLink (Utilities) \$83.20, Golden West Telecommunications (Utilities) \$145.00; **Emergency Management:** B-Y Electric (Utilities) \$53.42, Boston Shoes to Boots (Supplies) \$196.00, TIAA Commercial Finance Inc. (Rentals) \$193.15, Amanda Jackson (Disaster Plan) \$150.00, Macs-Sioux Falls (Supplies) \$376.00, Mike Simmons (LEPC) \$874.00, First Bankcard (Professional Services) \$423.62, First Bankcard (Supplies) \$75.09, First Bankcard (Disaster Plan) \$18.08, Fastenal Industrial & Construction Supply (Disaster Plan) \$1,042.71, Kaiser Appliance & Refrigeration (Maintenance) \$135.00, Leaf (Rentals) \$198.00, Midcontinent Communications (Utilities) \$182.22, Mead Lumber (Supplies) \$165.90, Menards (Supplies) \$66.36, Menards (Disaster Plan) \$23.44, Master-Tech Auto Clinic (Maintenance) \$67.19, Qualified Presort Services (Supplies) \$23.68, Tabor Lumber Cooperative (Supplies) \$259.25, One Office Solution (Maintenance) \$51.55; **24/7 Sobriety Fund:** Pharmchem Inc. (Supplies) \$1,211.00; **Non-Departmental:** Satellite Tracking of People (Tracking Monitors) \$65.00, Byron Nogelmeier (Cam Daily Fee) \$1,420.00, SD State Treasurer (Predatory Animal) \$1,368.86, SD Department of Revenue (HSC Services) \$5,643.82, SD Department of Revenue (Redfield Services) \$60.00, SD Department of Revenue (Motor Vehicle Fees) \$441,719.58, SD Department of Revenue (Waste Fees) \$6,969.00, SD Department of Revenue (ROD Fees) \$1,450.00, SDACO (M & PR Fund) \$676.00; General Fund \$107,696.56, Road & Bridge, \$55,078.89, Emergency Management, 4,574.66. All present voted aye; motion carried.

Action 20243AUD: A motion was made by Kettering and seconded by Klimisch to approve the Auditor's Monthly Settlement with the Treasurer and Pooled Cash report as of May 30, 2020 showed Total Cash of \$10,921,403.71. The General Fund was \$6,344,752.01; Special

Funds were \$2,500,138.79; and Trust and Agency Funds were \$2,076,512.91 adding to a Grand Total of General Ledger Cash and Investments of \$10,921,403.71. A detailed report is on file with the County Auditor. All present voted aye; motion carried.

Deputy Director of Equalization, Matt Archer appeared for board approval for resolution 20-7. The resolution establishing a discretionary reduce taxation formula for new industrial commercial or nonresidential agricultural structures in county of Yankton. The 2020 legislature repealed several laws regarding discretionary formula so a new resolution is needed effective July 1, 2020.

Action 20244DOE: A motion was made by Healy seconded by Klimisch to approve the following resolution. All present voted aye; motion carried.

Yankton County
Resolution #20-7

A RESOLUTION REPEALING ALL PREVIOUS RESOLUTIONS AND REPLACING WITH RESOLUTION NO. 20-7 FOR ESTABLISHING A DISCRETIONARY REDUCED TAXATION FORMULA FOR NEW INDUSTRIAL, COMMERCIAL OR NONRESIDENTIAL AGRICULTURAL STRUCTURES AND ADDITIONS IN THE COUNTY OF YANKTON SOUTH DAKOTA.

Whereas, previous resolutions complied with and referenced SDCL 10-6-35.1, 10-6-35.21, 10-6-35.22, 10-6-35.24 and 10-6-35.25.

Whereas, House Bill 1259 of the 2020 South Dakota Legislature was enrolled as an act to clarify provisions regarding the discretionary formula for determining the assessed value of property for tax purposes.

Whereas, SDCL 10-6-35.1, 10-6-35.21, 10-6-35.22, 10-6-35.24 and 10-6-35.25 are repealed effective June 30, 2020.

Whereas, those repealed laws are replaced July 1, 2020 with SDCL 10-6-35.2 subsections 1-5.

Whereas, this necessitates Counties and Cities that currently have a discretionary formula to pass a new resolution, referencing the updated statute and respective subsection.

Whereas it would appear to be in the best interests of Yankton County and its citizens to promote the further growth and development by adopting such formula.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF YANKTON COUNTY, SD, THAT:

Yankton County elects to adopt a discretionary reduced taxation formula in compliance with SDCL 10-6-35.2 for properties described in subsections 1-5 including new industrial, commercial, or non-residential agricultural structures and additions in the County of Yankton, South Dakota effective beginning with the 2021 assessment year.

All new industrial or commercial structures which have a full and true value of \$30,000.00 or more following completed construction and all new nonresidential agricultural structures which have a full and true value of \$10,000.00 or more following completed construction effective beginning with the 2021 assessment year.

Any real property qualifying for the discretionary formula pursuant to this resolution shall be assessed as follows:

First Year	20% of full and true value
Second Year	40% of full and true value
Third Year	60% of full and true value
Fourth Year	80% of full and true value
Fifth Year and Thereafter	100% of full and true value

PRESENTED, READ, AND ADOPTED THIS 16TH DAY OF JUNE, 2020.

Yankton County Chairperson, Cheri Loest /s/

Rob Klimisch, States Attorney/s/

ATTEST: Patty Hojem, Yankton County Auditor /s/

Highway: Highway Superintendent Mike Sedlacek appeared before the board for approval of bids received for the Hwy 52 Bike Path Asphalt Overlay. Three bids were received from Asphalt Surfacing Company for a bid of \$188,710.00; Seal Pros, Inc. \$221,732.50 and Double H Paving, Inc. \$258,227.00 and the bid for concrete from C & C Concrete Construction, LLC for \$16,878.63. Sedlacek also gave an update on county projects.

Action 20245Hwy: A motion was made by Kettering and seconded by Healy to accept the asphalt bid from Asphalt Surfacing Company in the amount of \$188,710.00. All present voted aye; motion carried.

Action 20246Hwy: A motion was made by Healy and seconded by Kettering to accept the concrete bid from C & C Concrete Construction, LLC in the amount of \$16,878.63. All present voted aye; motion carried.

Kevin Bender from Welfl Construction Corp. appeared to discuss with the board liquidated damages for the Women’s Jail project. Commissioner Kettering said he will speak with Sheriff Jim Vlahakis and report back to the board with more information.

Action 20247Z: A motion was made by Kettering and seconded by Healy to adopt the following resolution Whereas it appears, Craig and Teresa Carlson, owners of record, have caused a plat to be made of the following real property: Lots 1 and 2 of C.C. Hollow, S14-T93N-R57W, 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. Roll call vote was taken with Klimisch, Healy, Kettering, Swensen and Loest voting aye; Motion carried, 5-0.

Action 20248C: A motion was made by Kettering and seconded by Healy to recess the regular session at 6:34 p.m. and convene in executive session to discuss litigation SDCL 1-25-2(3). All present voted aye; motion carried.

Action 20249C: A motion was made by Swensen and seconded by Healy to adjourn the executive session at 6:50 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.

Mead Cultural Building: Crystal Nelson, Director of the Mead Cultural Education Center appeared before the board to give an update on the reopening of the Mead Building. Nelson also reported on new exhibits opening and projects.

Action 20250MI: A motion was made by Healy and seconded by Kettering to approve the re-appointment of Darcy Lockwood to the Yankton County Mental Illness and Developmental Disability Board. All present voted aye; motion carried.

This was the Second Reading of the Yankton County Commission Adoption of Proposed Subdivision Regulation Amendments to the Yankton County Ordinance 2020, Ordinance No. 20-23.

There was no public comment.

Action 20251Z: A motion was made by Healy and seconded by Klimisch to adopt the Yankton County Ordinance 20-23 Subdivision Regulation Amendment's. Roll call vote was taken with Healy, Klimisch, Kettering, Swensen and Loest voting Aye; Motion carried, 5-0.

Construction Permit: Waylon Payer appeared before the board to appeal the \$500.00 Post construction permit fee. Mr. Payer feels the fee is too much for not getting his permit ahead of time. He feels with COVID and not knowing the office was open or he could do it online that it should be waived. He also claims he made an attempt and the office was closed. It was the consensus of the board that Mr. Payer file a complaint and a hearing, to be heard in Board of Adjustment.

Boys and Girls Club: Tim Lease, Chief Executive Officer and Nicole Biever appeared before the board to request the continuing allocation of \$20,000.00 per year to support the

operation of the Boys and Girls Club, which serves over 900 Yankton County youth with services like teen Court, summer school, workforce development, meals and snacks and other programs.

No action was taken

Dan Oakland from Alternative HRD presented proposed changes to the employee handbook. There were changes the board will look into and will discuss at the next commission meeting. Some proposed changes are employee holidays, part-time compensation, FMLA and tobacco use.

There were no public comments.

Chair Loest closed public comment.

Commissioner updates: Schedule of budget hearings with department heads, Commissioner Swensen had conference call with Washington D.C., STIP zoom meeting June 23, and Chair Loest has been communicating with township members.

Action 20252C: A motion was made by Kettering and seconded by Healy to adjourn. All present voted aye; motion carried.

The next regular meeting will be Tuesday, July 7, 2020 at 6:00 p.m.

Cheri Loest, Chair
Yankton County Commission

ATTEST:
Patty Hojem, County Auditor