

YANKTON COUNTY COMMISSION MEETING

May 19, 2020

The regular meeting of the Yankton County Commission was called to order by Chair Cheri Loest at 6:00 PM on Tuesday, May 19, 2020.

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

There were no conflicts of interest reported by Commissioners.

Action 20200C: A motion was made by Healy and seconded by Kettering to approve the meeting agenda. All present voted aye; motion carried.

There was one public comment from Bob Gleich and Gary Swensen. Commissioner Kettering objected to Commissioner Swensen commenting.

Chair Loest closed public comment.

Action 20201C: A motion was made by Klimisch and seconded by Kettering to approve the minutes of May 5, 2020 meeting with correction on Action 20189C; should read properties will be developed, not property. All present voted aye; motion carried.

Action 20202C: A motion was made by Kettering and seconded by Healy to approve the following claims: **Non-Departmental:** Department of Revenue & Regulation (2020-2021 Malt Bev Renewal) \$2,100.00, SD Department of Revenue (State Sales Tax) \$38.57; **Commissioners:** Vast Business (Utilities) \$52.50, Intuvio Solutions (Professional Services) \$99.90, Qualified Presort Services (Supplies) \$16.30, Yankton Daily P & D (Publishing's) \$422.54; **Elections:** First Bankcard (Supplies) \$28.56, Kansas State Bank (Lease Agreement) \$284.57, Qualified Presort Services (Supplies) \$1,214.74, One Office Solution (Supplies) \$722.46, Yankton Daily P & D (Publishing's) \$353.00; **Court:** Megan Reeves (Professional Services) \$123.40, Great Plains Psychological Services (Professional Services) \$3,577.50, Kennedy Pier Loftus & Reynolds, LLP (Professional Services) \$750.50, Department of Health (Lab-April 2020) \$525.00, Creighton A Thurman (Neglected) \$3,018.50, Thomson Reuters (Supplies) \$934.71; **Auditor:** Vast Business (Utilities) \$175.05, Culligan (Supplies) \$14.00, Kansas State Bank (Lease Agreement) \$596.59, Leaf (Rentals) \$159.00, Qualified Presort Services LLC (Supplies) \$131.62, One Office Solution (Maintenance) \$141.06, One Office Solution (Supplies) 292.91; **Treasurer:** Vast Business (Utilities) \$208.82, Culligan (Supplies) \$123.00, Kansas State Bank (Lease Agreement) \$1,076.05, Qualified Presort Services, LLC (Supplies) \$612.74, One Office Solution (Maintenance) \$200.00, Yankton Daily P & D (Publishing's) \$110.10; **Data Processing:** Vast Business (Utilities) \$999.78, First Bankcard (Maintenance) \$43.81, Kansas State Bank (Lease Agreement) \$1,242.92; **States Attorney:** Century Business Products (Rentals) \$369.76, Culligan (Supplies) \$21.00, Executive MGMT Finance (Utilities) \$25.00, Kansas State Bank (Lease Agreement) \$1,029.39, Qualified Presort Services (Supplies) \$119.93, Security Shredding Services (Professional Services) \$35.00,

Yankton Title Company (Professional Services) \$150.00; **Government Building:** Vast Business (Utilities) \$26.25, First Bankcard (Supplies) \$61.92, Johnson Controls, Inc. (Maintenance) \$5,690.07, JCL Solutions (Supplies) \$147.13, Mead Lumber (Maintenance) \$64.55, MidAmerican Energy (Utilities) \$334.69, Northwestern Energy (Utilities) \$2,380.29, United Laboratories Inc. (Supplies) \$290.89; **Director of Equalization:** Vast Business (Utilities) \$229.50, GWorks (Maintenance) \$1,576.00, The Collision Center (Maintenance) \$253.50, Kansas State Bank (Lease Agreement) \$1,117.18, Microfilm Imaging Systems (Maintenance) \$70.00, One Office Solution (Maintenance) \$124.86, Yankton Daily P & D (Publishing's) \$11.50; **Register of Deeds:** Vast Business (Utilities) \$177.55, Executive MGMT Finance (Utilities) \$25.00, Kansas State Bank (Lease Agreement) \$737.56, Microfilm Imaging Systems (Rentals) \$336.00, Qualified Presort Services LLC (Supplies) \$50.13, One Office Solution (Supplies) \$10.12; **VA:** Vast Business (Utilities) \$26.25, Kansas State Bank (Lease Agreement) \$149.15, Qualified Presort Services LLC (Supplies) \$5.52; **Safety Center Building:** C & B Operations, LLC (Maintenance) \$35.98, Vast Business (Utilities) \$845.84, Cole Papers Inc. (Supplies) \$223.00, First Bankcard (Maintenance) \$34.89, Johnson Controls, Inc. (Maintenance) \$5,690.07, MidAmerican Energy (Utilities) \$971.14, Olson's Pest Technicians (Maintenance) \$110.00; **Sheriff:** Culligan (Supplies) \$28.00, The Collision Center (Auto Expense) \$690.59, Auto Value Yankton (Maintenance) \$190.99, Qualified Presort Services LLC (Maintenance Contracts) \$87.84, Two Way Solutions Inc. (Auto Expense) \$2,548.76; **County Jail:** Avera Medical Group (Professional Services) \$225.00, Charm-Tex (Supplies) \$4,552.80, Jerry Sorbel (Professional Services) \$120.00, Culligan (Food Services) \$18.00, Summit Food Services LLC (Food Services) \$16,067.80, Fastenal Industrial & Construction Supply (Supplies) \$300.00, JCL Solutions (Supplies) \$1,777.74, Correctional Risk Services (Inmate Medical Liab Ins) \$325.74, Sherwin Williams Company (Supplies) \$55.18, Tire Muffler Alignment (Auto Expense) \$19.72, Yankton Rexall Drug Co (Professional Services) \$440.88; **Coroner:** One Office Solution (Supplies) \$264.50; **Yankton Area Search & Rescue:** Danko Emergency Equipment (Supplies) \$364.71, First Bankcard (Supplies) \$563.37; **Care of Poor:** Kansas State Bank (Lease Agreement) \$393.04, Qualified Presort Services LLC (Supplies) \$102.46, Thomson Reuters (Supplies) \$77.25, Wintz & Ray Funeral Home (Professional Services) \$1,250.00; **Public Health Nurse:** Vast Business (Utilities) \$240.34, TIAA Commercial Finance (Rentals) \$70.96, Qualified Presort Services (Supplies) \$71.23; **Ambulance:** Avera Education & Staffing (Supplies) \$365.00, Avera Sacred Heart Hospital (Professional Services) \$943.55, AT & T (Utilities) \$36.05, Vast Business (Utilities) \$182.66, Bound Tree Medical LLC (Supplies) \$679.75, Cintas (Supplies) \$68.13, Change Healthcare (Professional Services) \$155.83, First Bankcard (Fuel) \$505.15, First Bankcard (Supplies) \$56.34, First Bankcard (Travel) \$50.00, Kansas State Bank (Lease Agreement) \$653.08, Leaf (Rentals) \$81.43, Matheson Tri-Gas Inc. dba Lifescape (Rentals) \$78.35, Northwestern Energy (Utilities) \$1,241.75, Qualified Presort Services (Supplies) \$53.26, Roger's Family Pharmacy (Supplies) \$81.36, One Office Solution (Supplies) \$333.37, Yankton Janitorial Supply (Supplies) \$165.40; **Mentally Handicapped:** SD Achieve dba Lifescape (Care-April) \$300.00; **Mental Illness Board:** Minnehaha County Auditor (Hearings) \$83.50, Darcy Lockwood (Hearings) \$42.00, Mark Katterhagen (Hearings) \$42.00, Lewis & Clark Behavioral Health (Hearings) \$1,068.00, Lucille M. Lewno (Hearings) \$754.50; **Historical Sites:** Yankton Count Historical Society (2020 Allotment) \$16,000; **Extension:** Kopetsky's Ace Hardware (Supplies) \$32.99, Buhl's Cleaners (Supplies) \$37.82, Kansas State

Bank (Lease Agreement) \$487.14, Northwestern Energy (Utilities) \$168.98, Olson's Pest Technicians (Maintenance) \$160.00; **Weed:** Cox Auto Supply Inc. (Supplies) \$25.76, Road King Inc. (Auto Equipment) \$2,600.00, Yankton Daily P & D (Publishing's) \$513.80; **Planning & Zoning:** Vast Business (Utilities) \$62.50, First Bankcard (Travel) \$7.00, Kansas State Bank (Lease Agreement) \$173.82, Microfilm Imaging Systems, Inc. (Rentals) \$70.00, Qualified Presort Services, LLC (Supplies) \$11.06, One Office Solution (Supplies) \$3.05, Yankton Daily P & D (Publishing's) \$183.93; **Road & Bridge:** A-OX Welding Supply Co (Supplies) \$28.26, Kopetsky's Ace Hardware (Supplies) \$85.97, Bomgaars (Supplies) \$294.99, B-Y Electric (Utilities) \$71.48, B-Y Water District (Utilities) \$96.75, Battery Exchange (Supplies) \$320.90, Building Sprinkler Inc. (Maintenance) \$255.00, Butler Machinery Co. (Supplies) \$1,178.20, Vast Business (Utilities) \$167.55, Boyer Trucks (Supplies) \$300.91, City of Yankton (Utilities) \$29.10, Cox Auto Supply, Inc. (Supplies) \$481.40, Concrete Materials (Supplies) \$3,626.43, CenturyLink (Utilities) \$54.68, Kogel Archaeological Co (Bridges) \$3,342.00, Thompson Signs LLC dba Mayer Signs (Supplies) \$2,163.27, The Collision Center (Maintenance) \$253.50, CHS (Supplies) \$1,107.40, CHS (Fuel) \$13,228.76, Larsen Asphalt Repair Equipment LLC (Supplies) \$90.08, Kris Ford (Annual Projects) \$14,751.10, Graham Tire Yankton (Supplies) \$5,129.80, Janssen's Garbage Services (Utilities) \$45.00, Kansas State Bank (Lease Agreement) \$537.60, Marks Machinery (Supplies) \$43.18, Mead Lumber (Supplies) \$270.52, Midwest Radiator & Exhaust (Supplies) \$78.00, MidAmerican Energy (Utilities) \$236.83, Transource (Supplies) \$34.40, Southeastern Electric Cooperative Inc. (Utilities) \$79.28, One Office Solution (Supplies) \$180.58, Yankton Daily P & D (Publishing's) \$29.73; **Emergency 911 Fund:** Golden West Telecommunications (Utilities) \$145.00; **Emergency Management:** B-Y Electric (Utilities) \$53.08, TIAA Commercial Finance Inc. (Rentals) \$173.15, First Bankcard (Professional Services) \$1,022.57, First Bankcard (Travel) \$96.20, First Bankcard (Supplies) \$85.02, First Bankcard (Maintenance) \$41.39, First Bankcard (Disaster Plan) \$265.83, Kansas State Bank (Lease Agreement) \$581.57, Leaf (Rentals) \$189.00, Midcontinent Communications (Utilities) \$177.22, Tabor Lumber Cooperative (Supplies) \$84.25; **Government Buildings:** Hander Inc. (Government Buildings) \$4,100.00; **Non-Departmental:** Byron Nogelmeier (Cam Daily Fee) \$1,889.00, SD Department of Revenue (HSC Services) \$3,567.60, SD Department of Revenue (Redfield Services) \$60.00, SD Department of Revenue (Motor Vehicle Fees) \$200,982.94, SD Department of Revenue (Waste Fees) \$3,250.25, SD Department of Revenue (ROD Fees) \$1,200.00, SDACO (M & PR Fund) \$562.00; General Fund \$103,352.02, Road & Bridge, \$48,592.65, Emergency Management, 2,769.28.

Action 20203AUD: 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 April 30, 2020 showed Total Cash of \$18,358,197.94. The General Fund was \$6,498,995.63; Special Funds were \$2,345,178.99; and Trust and Agency Funds were \$9,514,023.32 adding to a Grand Total of General Ledger Cash and Investments of \$18,358,197.94. A detailed report is on file with the County Auditor. All present voted aye; motion carried.

Action 20204AUD: A motion was made by Kettering and seconded by Healy to appoint Valli Stockland as Deputy County Auditor. All present voted aye; motion carried.

Action 20205AUD: A motion was made by Klimisch and seconded by Swensen to approve the following 2021 Malt Beverage License Renewal applications: Fleeg's Road House, Captain Norm's, The Cottonwood, Pump N Stuff – Riverside Acres, Double T Truck Stop LLC, Mayfield Bar & Grill, Joe's Substation, Gerstner Oil Co., TJ's Mini Mart, 6th Meridian, LLC, Marina Grill, Lewis & Clark Marina, Lewis & Clark Meat Lodge, LLC, Kozy's Bar. All present voted aye; motion carried.

Action 20206Hwy: A motion was made by Kettering and seconded by Healy to approve the Right of Way application from La Croix Construction Excavating in Township 96-54. All present voted aye; motion carried.

Action 20207W: A motion was made by Healy and seconded by Kettering to accept the yearly mosquito contracts. All present voted aye; motion carried.

Memorandum: Emergency Management Director Paul Scherschligt appeared before the board for the approval of the Memorandum of Understanding for the Group Occupancy Agreement, the agreement would be between Yankton County Office of Emergency Management, Avera Sacred Heart Hospital and of First Responder Agencies. The agreement would be for accommodations for person who do not need hospital treatment but who are in a high-risk category and may need to be isolated because they have contracted COVID-19 or quarantined because they have been exposed to person with COVID-19 or must be quarantined while awaiting test results for coronavirus.

Action 20208C: A motion was made by Kettering and seconded by Healy to approve the Memorandum of Understanding to Quarantine Staff. All present voted aye; motion carried.

Commissioner Klimisch said he had talked to Highway Superintendent Mike Sedlacek about a road grader he would like to declare as surplus and sell. Mr. Klimisch said he had talked to several township members and that they would be interested in purchasing the grader. Auditor Patty Hojem said the item has to be declared surplus and then advertised for bid to the public.

The board discussed the statement on conduct, which was researched by Deputy States Attorney Deb Lillie, and whether the statement should be added to public comment portion of the commission meeting. It was consensus of the board to keep two public comment portions of the meeting.

The second reading of the Yankton County Commission Adoption of Proposed Amendments to Yankton County Ordinance 2020, Ordinance No. 20-6.

Action 20209C: A motion was made by Healy and seconded by Kettering to recess the commission meeting for five minutes. All present voted aye; motion carried.

Action 20210C: A motion was made by Swensen and seconded by Healy to reconvene. All present voted aye; motion carried.

There was a comment from Bob Gleich.

Action 20211Z: A motion was made by Klimisch and seconded by Kettering to approve the second reading of Yankton County Commission adoption of proposed amendments to the Yankton County Zoning Ordinance 2020, Ordinance No. 20-6 was conducted. Roll call was taken with Klimisch, Kettering, Healy and Loest voting aye; Swensen voting nay; motion carried, 4-1.

Action 20212Z: A motion was made by Swensen and seconded by Healy 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 Leasa Woodward. Variance to increase the side wall height on an accessory structure from 12 feet to 14 feet, which is a variance of 2 feet in height. Said property is legally described as N300', S333', W1066' exc W861', SE4, NE4, S7-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The Planning Commission recommended approval 7-2.

Applicant Leasa Woodward (via phone) spoke on the Variance application.

Action 20213Z: A motion was made by Kettering and seconded by Klimisch, to approve the variance application based on Findings of Fact from the April 14, 2020 Yankton County Planning Commission meeting the Variance as presented, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Roll call vote was taken with Kettering, Healy, Klimisch, Swensen and Loest voting aye; Motion carried, 5-0.

Variance Public Hearing: This was the time and place for a public hearing for a Variance of application from Douglas Zimmerer. Variance for minimum lot size in a Low Density Rural Residential District which will allow them to reduce six lots currently down to four lots bringing the lots more into compliance. Said property is legally described as Lots 8 thru 13 Blk 2 Sherwood Acres, S14-T93N-R57W, hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota. The Planning Commission recommended approval 9-0.

Applicant Douglas Zimmerer (via phone) spoke on the Variance application.

Action 20214Z: A motion was made by Healy and seconded by Klimisch, to approve the variance application based on Findings of Fact from the April 14, 2020 Yankton County Planning Commission meeting the Variance as presented, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Roll call vote was taken with Healy, Klimisch, Kettering, Swensen and Loest voting aye; Motion carried, 5-0.

Action 20215Z: A motion was made by Klimisch and seconded by Healy to adopt the following resolution Whereas it appears, Douglas Zimmerer, owner of record, has caused a

plat to be made of the following real property: Lots 15, 16, 17 & 18 Blk 2 Sherwood Acres, S2, SW4, N2, NW4, 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.

CUP Public Hearing: This was the time and place for a public hearing for a Conditional Use Permit application from Daniel Wieman. Applicant requested a permit for a Quarry in an Agricultural District in Yankton County. Said property is legally described as NW4 Exc Lot 1 Oursland's Add Exc a parcel of land described as follows: Commencing in the SW4, NE4, Section 13 thence running North along the West line of Said Section 13, 108 feet; thence running East parallel with the said Section 13, 403 1/3 feet; thence running South parallel with the West line of said SW4, NW4 of said Section 13, 108 feet; thence running west along the South line of SW4, NW4 of said Section 13, 403 1/3 feet to the place of beginning containing 1 acre, and further excepting a parcel of land deed to the Volin Cemetery Association S13-T94N-R54W, hereinafter referred to as Volin Township, County of Yankton, State of South Dakota. The Planning Commission recommended approval 9-0.

Applicant Daniel Wieman spoke on the CUP application.

Speaking in support of the applicant were Ray Epp and Louis Johnson.

Deanna Huether also spoke on the application.

Action 20216Z: A motion was made by Kettering and seconded by Healy, to approve based on Findings of Fact from the April 14, 2020 Yankton County Planning Commission meeting the Conditional Use Permit as presented, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance.

Action 20217Z: A motion was made by Klimisch and seconded by Healy to amend Action 20216C to add that gravel trucks need to stay out of the Town of Volin unless authorized by the town board. Roll call vote was taken with Klimisch, Healy, Kettering, Swensen and Loest voting aye. Motion carried. 5-0

Action 20218Z: A motion was made by Kettering and seconded by Healy, to approve based on Findings of Fact from the April 14, 2020 Yankton County Planning Commission meeting on the condition gravel trucks need to stay out of the Town of Volin unless authorized by the town board, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Roll call vote was taken with Kettering, Healy, Klimisch, Swensen and Loest voting aye. Motion carried. 5-0

Variance Public Hearing: This was the time and place for a public hearing for a variance application from Calby Auch. Variance to decrease the minimum side yard requirement in an Agriculture District from 75 feet for a side yard to 26 feet, a variance of 49 feet. Said property is legally described as Lot 7B Hackberry Addn, S1-T94N-R56W, hereinafter referred to as Utica North Township, County of Yankton, State of South Dakota. The Planning Commission recommended approval 9-0.

Applicant Calby Auch (via phone) spoke on the Variance application.

Action 20219Z: A motion was made by Healy and seconded by Kettering, to approve the variance application based on Findings of Fact from the April 14, 2020 Yankton County Planning Commission meeting the Variance as presented, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Roll call vote was taken with Healy, Kettering, Swensen, Klimisch and Loest voting aye; motion carried, 5-0.

Action 20220C: A motion was made by Swensen and seconded by Healy to recess the Board of Adjustment and reconvene in regular session. All present voted aye; motion carried.

Action 20221Z: A motion was made by Klimisch and seconded by Healy to adopt the following resolution Whereas it appears, White Crane Estates, owners of record, have caused a plat to be made of the following real property: Lots 47, 48, 55, 56 & 57 Crestview Homes S/Div, NE4, S21-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.

Action 20222Z: A motion was made by Klimisch and seconded by Healy to adopt the following resolution Whereas it appears, White Crane Estates, owners of record, have caused a plat to be made of the following real property: Lots 75 & 78 Blk Crestview Homes S/Div, NE4, S21-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.

Action 20223Z: A motion was made by Healy and seconded by Klimisch to adopt the following resolution Whereas it appears, Bay Properties, owners of record, have caused a plat to be made of the following real property: Lot 6 Baycliffe Estates, S6-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.

Action 20224D: A motion was made by Swensen and seconded by Healy to recess the regular session and convene as Ditch Board. All present voted aye; motion carried.

Commissioner Healy said he had met with some landowners along the east side of the Clay Ditch to the Volin Lateral Ditch. There is some beaver activity and the ditch is in need of some work. Healy said they would come up with a plan and get bids for the cleaning of the ditch.

There was a comment from Ray Epp.

Action 20225C: A motion was made by Swensen and seconded by Healy to recess the Ditch Board and reconvene in regular session. All present voted aye; motion carried.

Dan Oakland (via Zoom) from Alternative HRD presented proposed changes to the employee handbook. It was the consensus of the board to have department supervisors review the proposed changes and discuss with the board for agreement on the changes.

There was one public comment from Gary Swensen.

Chair Loest closed public comment.

Commissioner updates: A letter from SD Department of Revenue was noted, along with the working session for the Planning and Zoning Commission on Wednesday, May 20. Chair Loest mentioned a conference call with Governor Noem. Commissioner Klimisch mentioned the Memorial Day holiday on Monday, May 25 in memory of the people we have lost and the sacrifices they made.

Action 20226C: A motion was made by Kettering and seconded by Healy to recess the regular session at 8:10 pm and convene in executive session to discuss litigation SDCL 1-25-2(3) and personnel issues SDCL 1-25-2(1). All present voted aye; motion carried.

Action 20227C: A motion was made by Kettering and seconded by Healy to adjourn the executive session at 8:40 p.m. and reconvene in regular session. All present voted aye; motion carried.

Action 20228C: A motion was made by Healy and seconded by Kettering to suspend Commissioner Swensen's county email account indefinitely. Roll call vote was taken with Healy, Kettering, Klimisch and Loest voting aye. Swensen abstained. Motion carried 4-0.

Action 20229C: A motion was made by Kettering and seconded by Healy to adjourn. All present voted aye; motion carried.

The next regular meeting will be Thursday, June 4, 2020 at 6:00 p.m.

Cheri Loest, Chair
Yankton County Commission

ATTEST:
Patty Hojem, County Auditor