

YANKTON COUNTY COMMISSION MEETING

December 1, 2020

The regular meeting of the Yankton County Commission was called to order by Chair Cheri Loest at 6:00 p.m. on Tuesday, December 1, 2020.

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

Chair Loest said she had a conflict of interest on Item 21. Loest said she would benefit from the resolution and felt it would be best if she excused herself.

Action 20517C: A motion was made by Healy and seconded by Kettering to approve the meeting agenda with the following change: Item 11 will be pulled from the agenda. All present voted aye; motion carried.

There were no public comments.

Chair Loest closed public comment.

Action 20518C: A motion was made by Kettering and seconded by Healy to approve the November 17, 2020 meeting minutes with the following correction on Motion 20509C; 25' setback from neighboring properties, Agreement required before water can be pumped and DNR should be DENR. All present voted aye; motion carried.

Action 20519C: A motion was made by Klimisch and seconded by Kettering to approve the following application for renewal of retail (on-sale) liquor license; Shipwreck, Inc. dba The Cottonwood. All present voted aye; motion carried.

Action 20520C: A motion was made by Healy and seconded by Kettering to approve the following claims: **Non-Departmental:** Ambulance (Refunds) \$2,049.75; **Commissioners:** Intuvio Solutions (Professional Services) \$149.85; **Elections:** 2020 Primary Election (Worker's) \$4,281.37, 2020 Primary Election (School) \$300.00, 2020 Primary Election (Rent) \$300.00, 2020 Primary Election (Mileage) \$199.92, Election Systems & Software (Supplies) \$2,670.15, BPro Inc. (Professional Services) \$6,300.00, Qualified Presort Services (Supplies) \$13.82, McLeod's Printing & Office Supply (Supplies) \$525.00; **Court:** Juror Fees (\$50.00 x 6) \$300.00, Juror Mileage (\$0.84 x 2) \$1.68, Juror Mileage (\$4.20 x 2) \$8.40, Juror Mileage (\$5.04 x 1) \$5.04, Witness Fees (\$25.58 x 1) \$25.58, Murphy Law Office PC (Professional Services) \$50.80, Judy Tereshinski (Professional Services) \$35.00, Sherron Walstad (Professional Services) \$27.20, Horn Law Office LLC (Professional Services) \$5,487.00, Carol Johnson (Professional Services) \$20.40, Koletzky Law Office (Neglected) \$1,033.70, LaCroix Law Office (Neglected) \$1,005.10, Dean Schaefer (Professional Services) \$1,171.00, Trittech Software Systems (Professional Services) \$4,262.61, Thomson Reuters (Supplies) \$1,714.92; **Auditor:** Qualified Presort Services (Supplies) \$65.40; **Treasurer:** Qualified Presort Services

(Supplies) \$92.67; **States Attorney:** NDAA Insurance Services (Insurance) \$3,419.00, Hy-Vee (Supplies) \$62.52, Staples Credit Plan (Supplies) \$709.94, The State Bar of South Dakota (2021 Bar Dues) \$1,195.00; **Government Center Building:** Bomgaars (Supplies) \$212.18, City of Yankton (Utilities) \$2,282.34, Carrot-Top Industries Inc. (Supplies) \$246.89, Echo Group (Supplies) \$650.00, Johnson Controls, Inc. (Maintenance) \$5,690.07, JCL Solutions (Supplies) \$245.54, Menards (Maintenance) \$191.85, Midwest Radiator & Exhaust (Supplies) \$52.00, Northwestern Energy (Utilities) \$2,295.77, OTIS Elevator Company (Maintenance) \$848.04; **Director of Equalization:** SDAAO (Travel) \$300.00, Qualified Presort Services (Supplies) \$37.28, Yankton Area Chamber of Commerce (Travel) \$129.00; **Register of Deeds:** Qualified Presort Services (Supplies) \$34.48; **Safety Center Building:** Mark's (Maintenance) \$528.71, City of Yankton (Utilities) \$759.02, Cole Papers Inc. (Supplies) \$399.04, Echo Group (Maintenance) \$34.68, Fejfar Plumbing & Heating (Maintenance) \$204.09, Johnson Controls Inc. (Maintenance) \$6,805.48, Menards (Supplies) \$13.93, Northwestern Energy (Utilities) \$7,345.45; **Sheriff:** City of Yankton (Professional Services) \$24.00, Rod Pieper (Fuel) \$47.15, Midcontinent Communications (Utilities) \$120.00, Pennington County Jail (Travel) \$144.20, Qualified Presort Services (Maintenance) \$117.32, Tire Muffler Alignment (Maintenance) \$86.57; **County Jail:** Avera Sacred Heart Hospital (Vaccinations) \$160.00, Avera Sacred Heart Hospital (Professional Services) \$390.11, AMG Radiology Yankton (Professional Services) \$121.99, Bob Barker Company (Mattress Replacement) \$3,698.20, Diamond Drugs (Professional Services) \$999.24, Summit Food Services, LLC (Food Services) \$3,012.92, Hy-Vee (Professional Services) \$48.64, JCL Solutions (Supplies) \$423.84, Karl's TV (Supplies) \$149.96, Strachan Sales Inc. (Food Services) \$515.91; **YASR:** Kopetsky's Ace Hardware (Supplies) \$45.35, Cox Auto Supply Inc. (Professional Services) \$302.62; **Contact Center:** Hartland Funeral Home (Professional Services) \$1,250.00, Qualified Presort Services (Supplies) \$109.78, Wintz & Ray Funeral Home (Professional Services) \$1,250.00; **Public Health Nurse:** Kopetsky's Ace Hardware (Supplies) \$34.95, TIAA Commercial Finance (Rentals) \$70.96, Qualified Presort Services (Supplies) \$67.63; **Ambulance:** Avera Health dba Avera Education & Staffing (Travel) \$80.00, Kopetsky's Ace Hardware (Supplies) \$251.75, Avera Sacred Heart Hospital (Professional Services) \$147.60, Sacred Heart Health Service (Professional Services) \$1,500.00, Bomgaars (Supplies) \$82.29, Stryker Sales Corporation (Maintenance) \$4,744.67, Vast Business (Utilities) \$179.72, City of Yankton (Utilities) \$256.78, Credit Collections Services (Professional Services) \$16.50, Cintas (Supplies) \$68.13, Quick Med Claims (Supplies) \$3,018.77, Change Healthcare (Professional Services) \$155.83, Investigative Services (Professional Services) \$465.50, Menards (Supplies) \$737.96, MidAmerican Energy (Utilities) \$282.70, Olson's Pest Technicians (Maintenance) \$114.00, Overhead Door Company (Supplies) \$195.00, Pioneer Memorial Hospital (Professional Services) \$118.00, Qualified Presort Services (Supplies) \$13.02, Roger's Family Pharmacy (Supplies) \$122.04, Tire Muffler Alignment (Maintenance) \$830.22, Yankton Medical Clinic (Professional Services) \$38.00, Yankton Janitorial Supply (Supplies) \$1,709.08; **Mental Illness Board:** Lincoln County Treasurer (Hearings) \$2,861.19; **County Extension:** Kopetsky's Ace Hardware (Supplies) \$7.17, City of Yankton (Utilities) \$73.38; **Weed:** Cox Auto Supply Inc. (Supplies) \$97.96, Dware Inc. (Supplies) \$500.00, SD Assoc. of County Weed (Supplies) \$50.00; **Planning & Zoning:** Qualified Presort Services (Supplies) \$54.87; **Road & Bridge:**

Bomgaars (Supplies) \$8.04, Barco Municipal Products (Supplies) \$90.70, Battery Exchange (Supplies) \$431.85, Rockmount Research & Alloy's (Supplies) \$294.99, City of Yankton (Utilities) \$102.02, Cox Auto Supply Inc. (Supplies) \$221.23, Concrete Materials (Supplies) \$3,850.00, Dware Inc. (Professional Services) \$4,350.00, Wease Auto (Supplies) \$182.19, Echo Electric Supply (Maintenance) \$450.00, Fastenal Industries & Construction Supply (Supplies) \$50.51, Graham Tire Yankton (Maintenance) \$150.00, Northwestern Energy (Utilities) \$809.42, Riverside Hydraulics (Supplies) \$553.14, Yankton Janitorial Supply (Supplies) \$150.70; **Emergency 911 Fund:** City of Yankton (Maintenance) \$400,000.00, City of Yankton (Professional Services) \$21,651.08, CenturyLink (Utilities) \$72.52, Golden West Telecommunications (Utilities) \$147.18; **Emergency Management:** Kopetsky's Ace Hardware (Supplies) \$381.04, Andersen Telecom LLC (Disaster Plan) \$18,418.40, Bomgaars (Supplies) \$582.98, Hanson Briggs Specialty Advertising Inc. (Supplies) \$518.43, Cox Auto Supply Inc. (Minor Equipment) \$25.72, Echo Group (Maintenance) \$700.00, Electair Inc. (Supplies) \$124.62, Menards (Supplies) \$65.03, MidAmerican Energy (Utilities) \$17.15, Qualified Presort Services (Supplies) \$10.04, SDEMA (Travel) \$60.00, Stitchin Corner & More (Supplies) \$109.50; **24/7 Sobriety Fund:** Pharmchem Inc. (Supplies) \$1,261.00; **Debt Service NAPA Junction:** Department of Transportation (NAPA Junction 2020) \$428,400.00; **Drainage Ditches:** Wieman Construction LLC (Cleaning Clay Creek Ditch) \$8,163.28; General Fund \$98,227.13, Road & Bridge, \$11,694.79, Emergency Management, \$21,012.91. All present voted aye; motion carried.

Action 20521C: A motion was made by Kettering and seconded by Klimisch to approve the **November, 2020 Gross Payroll: Commissioners:** \$5,777.79; **Court:** \$0.00; **Election:** \$1,455.43; **Auditor:** \$15,256.84; **Treasurer:** \$17,590.33; **States Attorney:** \$29,288.63; **Government Buildings:** \$6,624.89; **Director of Equalization:** \$26,121.67; **Register of Deeds:** \$11,953.96; **Veterans Service:** \$3,750.69; **Courthouse & Safety Center:** \$5,885.76; **Sheriff:** \$65,773.61; **County Jail:** \$75,137.68; **Coroner:** \$1,600.00; **Juvenile:** \$303.45; **Nurse:** \$3,122.44; **Ambulance:** \$56,177.12; **WIC :** \$1,847.02; **Extension:** \$8,783.22; **Soil Conservation:** \$0.00; **Weed:** \$2,786.10; **Planning & Zoning:** \$9,574.89; **Road & Bridge:** \$76,382.20; **E911:** \$28.66; **OEM:** \$8,738.69; **24-7 Program:** \$1,206.12. First Dakota National Bank \$33,779.99 (Withholding), First Dakota National Bank \$52,214.78 (FICA) First Dakota National Bank \$12,211.58 (Medicare), South Dakota Retirement System \$32,870.02 (Other Employees), South Dakota Retirement System \$19,252.12 (Sheriff), South Dakota Retirement System (Spouse Opt) \$228.99, South Dakota Retirement System (Supplemental) \$5,616.66, American Family Life Assurance Company (AFLAC) \$5,806.61, Legalshield \$25.90, Office of Child Support \$578.00, Nationwide Retirement Solutions \$69.44, Accounts Management \$50.00, Boston Mutual Life Insurance \$341.43, Colonial Life & Accident \$1,680.12, Optilegra \$496.08, Wellmark BC Health Insurance \$68,049.05, United Way of Greater Yankton \$37.50, Delta Dental \$1,210.00, VSP Vision \$196.10, Harmelink & Fox Law Office \$293.24, WageWorks \$3,078.36. Gross Payroll \$435,236.19, Net Payroll \$320,328.20. All present voted aye; motion carried.

Action 20522C: A motion was made by Klimisch and seconded by Healy to authorize the County Auditor to advertise for a budget supplement in the amount of \$339,000.00 for the

Jail Building, \$173,000.00 for Juvenile Detention and \$400,000.00 for E911. All present voted aye; motion carried.

Action 20523C: A motion was made by Klimisch and seconded by Healy to approve the Memorandum of Agreement with Missouri Sedimentation Action Coalition (MSAC) and to pay \$3,800 per agreement for Phase 2. All present voted aye; motion carried.

Action 20524C: A motion was made by Klimisch and seconded by Kettering to approve December 24 as a paid day off for Yankton County employees. Klimisch, Kettering, Healy and Loest voted aye; Swensen voted nay; motion carried, 4-1.

Action 20525OEM: A motion was made by Healy and seconded by Klimisch to supplement the Emergency Management budget due to unanticipated grant revenue in the amount of \$74,296.60. All present voted aye; motion carried.

Action 20526C: A motion was made by Klimisch and seconded by Swensen to approve the Agreement for Provision of Library Services for 2021. All present voted aye; motion carried.

Highway: Highway Superintendent Mike Sedlacek appeared to request approval of the BIG application for Stone Church Bridge.

Action 20527Hwy: A motion was made by Klimisch and seconded by Kettering to approve the 2021 application for Bridge Improvement Application for Stone Church Bridge. All present voted aye; motion carried.

Bridge Inspections: Adam Polley from Clark Engineering of Sioux Falls, SD updated the board on the 2020 annual bridge inspection.

Action 20528C: A motion was made by Kettering and seconded by Klimisch to recess the regular session and convene as Board of Adjustment. 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 Kenneth Hausmann. Applicant requested a permit for an additional single family dwelling in a High Density Rural Residential (R3) District. Said property is legally described as Lot 4A, Block 3, Mayer's Addition, NW1/4, SW1/4, S22-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The Planning Commission recommended approval, 5-0.

Kenneth Hausmann spoke on the CUP request.

Action 20529Z: A motion was made by Healy and seconded by Kettering, to deny the Conditional Use Permit, but authorize the building of the home under 1503 and authorize the refund of the CUP permit. Roll call vote was taken with Healy, Kettering, Swensen and Loest voting aye; Klimisch voting nay; motion carried, 4-1.

Variance Public Hearing: This was the time and place for a public hearing for a Variance of application from Fleege/Ackerman. Variance to a proposed plat for Minimum Yard Requirements and a Variance for all existing structures that do not meet minimum yard setbacks in order to bring the lots more into compliance in a Moderate Density Rural Residential District (R2) in Yankton County. Said property is legally described as Lots 1, 2, 3 and 4, Frost-Todd Addition, Lot 2, S3-T94N-R55W, hereinafter referred to as Mission Hill South Township, County of Yankton, State of South Dakota. The Planning Commission recommended approval, 5-0.

Jerry Fleege spoke on the Variance request. Jay Cutts also spoke on the request.

Action 20530Z: A motion was made by Klimisch and seconded by Swensen, to approve the variance application as presented based on Findings of Fact from the November 10, 2020 Yankton County Planning Commission meeting, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Roll call vote was taken with Klimisch, Swensen, Kettering, Healy and Loest voting Aye; Motion carried, 5-0.

Action 20531Z: A motion was made by Klimisch and seconded by Kettering to adopt the following resolution. Whereas it appears, Fleege/Ackerman, owners of record, have caused a replat to be made of the following real property: Lot 2 of S3-T93N-R55W, hereafter to be known as Lots 1, 2, 3 and 4 Frost-Todd Addition, Lot 2, S3-T93N-R55W, 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 20532C: A motion was made by Klimisch and seconded by Kettering to recess the commission meeting for five minutes. All present voted aye; motion carried.

Action 20533C: A motion was made by Swensen and seconded by Healy to reconvene. 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 Rykens RV Park (Matt Evans). Applicant requested a permit for a Campground and Pool in a Lakeside Commercial District (LC). Said property is legally described as Lot 16, Whitetail Run, NE1/4, SE1/4, S6-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The Planning Commission recommended approval, 5-0.

Matt Evans spoke on the CUP request. Ryan Heine also spoke on the request.

Action 20534Z: A motion was made by Klimisch and seconded by Healy, to approve the Conditional Use Permit, based on Findings of Fact from the November 10, 2020 Yankton County Planning Commission meeting on the conditions: no year-round residents, privacy fence on east and west within 1 year and pool has to have fence and lock, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Roll call vote was taken with Klimisch, Healy, Kettering and Swensen voting aye; Loest voting nay; motion carried, 4-1.

Variance Public Hearing: This was the time and place for a public hearing for a Variance of application from Ordell and Shirley Oswald. Variance to a proposed plat from Minimum Yard Requirement of 20 acres to 9.46 acres in order to bring the lot more into compliance in an AG District in Yankton County. Said property is legally described as Oswald Tract 1A, SW1/4, S2-T96N-R55W, hereinafter referred to as Mayfield Township, County of Yankton, State of South Dakota. The Planning Commission recommended approval 5-0.

Ryan Wieman spoke on behalf of the applicant on the Variance request.

Action 20535Z: A motion was made by Healy and seconded by Kettering, to approve the variance application as presented based on Findings of Fact from the November 10, 2020 Yankton County Planning Commission meeting, 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 20536Z: A motion was made by Kettering and seconded by Klimisch to adopt the following resolution. Whereas it appears, Ordell and Shirley Oswald, owners of record, has caused a plat to be made of the following real property: SE1/4, S2-T96N-R55W, 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, 5-0.

CUP Public Hearing: This was the time and place for a public hearing for a Conditional Use Permit application from Aaron Petersen. Applicant requested a permit for a Campground, Pool and Self-Storage Warehouses in a Lakeside Commercial District (LC). Said property is legally described as Lot 18 Whitetail Run, NE1/4, SE1/4, S16-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The Planning Commission recommended approval, 5-0.

Aaron and Sherry Petersen spoke on the CUP request.

Action 20537Z: A motion was made by Healy and seconded by Swensen to approve the CUP with no year round camping. Commissioner Healy withdrew his motion.

Action 20538Z: A motion was made by Klimisch and seconded by Healy, to approve the Conditional Use Permit on the conditions: no year-round residents, privacy fence within 1 year, pool has to have fence and lock and no warehouse facility on site, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Roll call vote was taken with Klimisch, Kettering, Healy, Swensen and Loest voting aye; motion carried, 5-0.

Action 20539Z: A motion was made by Kettering and seconded by Klimisch to recess the Board of Adjustment and reconvene in regular session. All present voted aye; motion carried.

Action 20540Z: A motion was made by Klimisch and seconded by Healy to adopt the following resolution. Whereas it appears, Deerfield Truck and Equipment Co., owners of record, has caused a plat to be made of the following real property: Lots 16, 17, 19, 20, Whitetail Run, S16-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, 5-0.

Action 20541Z: A motion was made by Healy and seconded by Klimisch to adopt the following resolution. Whereas it appears, Deerfield Truck and Equipment Co., owners of record, have caused a plat to be made of the following real property: Lot 18, Whitetail Run, NE1/4, SE1/4, S16-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, 5-0.

Action 20542Z: A motion was made by Healy and seconded by Klimisch to approve the Deputy Planning and Zoning job description. All present voted aye; motion carried.

Action 20543Z: A motion was made by Healy and seconded by Klimisch to approve the wage of \$22.99 for the Deputy Planning and Zoning position. All present voted aye; motion carried.

Changing Section 513: Bruce Jensen appeared before the board to discuss changing Section 513 of the Yankton County Zoning.

Salary Matrix: Chair Loest explained the proposed County Salary Matrix which will be discussed further with action taken at the next commission meeting.

Riparian Buffers: Commissioner Klimisch presented a resolution to identify water bodies of local concerns for the purpose of taxation as a riparian buffer strip.

Action 20544C: a motion was made Klimisch and seconded by Healy to approve the resolution as presented. Voting aye: Klimisch, Healy, Swensen and Kettering. Loest abstained. Motion carried, 4-0.

There was one public comment from Gary Swensen.

Chair Loest closed public comment.

Veterans: Commissioner Swensen discussed his Uncle Earl Svendsen's battlefield experiences in Iwo Jima during World War II.

Commissioner updates: State call on Marijuana was discussed. Also, Commissioner Klimisch thanked everyone involved in securing the \$600,000 economic development grant for the Growmark expansion. Commissioner Klimisch also thanked the States Attorney's office for its work and victory in the Supreme Court case.

Action 20545C: A motion was made by Swensen and seconded by Healy to adjourn. All present voted aye; motion carried.

The next regular meeting will be Tuesday, December 15, 2020 at 6:00 p.m.

Cheri Loest, Chair
Yankton County Commission

ATTEST:
Patty Hojem, County Auditor