

## YANKTON COUNTY COMMISSION MEETING

March 3, 2020

The regular meeting of the Yankton County Commission was called to order by Chair Cheri Loest at 6:00 PM on Tuesday, March 3, 2020.

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

There were no conflicts of interest reported by Commissioners.

**Action 2093C:** A motion was made by Kettering and seconded by Klimisch to approve the meeting agenda. All present voted aye; motion carried.

There was no public comment.

Chair Loest closed public comment.

**Action 2094C:** A motion was made by Klimisch and seconded by Healy to approve the minutes of the February 18, 2020 meeting. Kettering, Klimisch, Healy and Loest voting aye; Swensen voting nay; motion carried, 4-1.

**Citizens of the Year:** Chair Loest read a proclamation recognizing Howard and Jane Gilmore as 2019 Yankton Citizens of the Year.

**Action 2095C:** A motion was made by Klimisch and seconded by Healy to approve the following claims: **Commissioners:** Dan Klimisch (Travel) \$33.00, River Rat Production (Professional Services) \$550.00; **Elections:** Valli Stockland (Travel) \$11.00, Lyndsey Fiechuk(Travel) \$43.60, McLeod's Printing & Office Supply (Supplies) \$15.00, Qualified Presort Services (Supplies) \$175.26, Verizon (Rentals) \$739.27, One Office Solution (Supplies) \$1,426.52; **Court:** Juror Fees (\$50.00x9) \$450.00, Juror Mileage (\$0.84X2) \$1.68, Juror Mileage (\$4.20x1) \$4.20, Juror Mileage (\$5.04x1) \$5.04, Juror Mileage (\$8.40x2) \$16.80, Juror Mileage (\$21.00X1) \$21.00, Witness Fees (20.00X1) \$20.00, Crowd Control Direct Inc. (Maintenance) \$482.26, Event Metal Detectors LLC (Maintenance) \$320.62, Harmelink & Fox Law Office (Professional Services) \$1,327.25, Fox & Youngberg PC (Professional Services) \$13,243.50, Fox & Youngberg PC (Delinquent/Minor) \$240.50, LaCroix Law Office (Neglected) \$476.05; **Auditor:** Miller Consulting LLC (Maintenance) \$40.00, Qualified Presort Services LLC (Supplies) \$85.09, One Office Solutions (Supplies) \$11.11, One Office Solution (Maintenance) \$263.50; **Treasurer:** Qualified Presort Services, LLC (Supplies) \$121.53; **Data Processing:** Miller Consulting LLC (Maintenance) \$2,095.00; **States Attorney:** Hy-Vee (Supplies) \$23.45, Miller Consulting LLC (Maintenance) \$400.00, Qualified Presort Services (Supplies) \$44.66, Staples Credit Plan (Supplies) \$190.68, Lisa Ven Osdel (Supplies) \$40.60, Yankton Daily P & D (Professional Services) \$115.88; **Government Center Buildings:** City of Yankton (Utilities) \$1,814.73, JCL Solutions (Supplies) \$252.10, Northwestern Energy (Utilities) \$2,276.07, Olson's Pest Technicians (Maintenance) \$79.00,

Otis Elevator Company (Maintenance) \$848.04, Yankton County Treasurer (Other) \$1,868.02; **Director of Equalization:** Marshall & Swift/Boeckh LLD (Maintenance) \$371.95, Microfilm Imaging Systems (Maintenance) \$336.00, Qualified Presort Services LLC (Supplies) \$20.87, Verizon (Maintenance) \$164.39, One Office Solution (Supplies) \$296.64; **Register of Deeds:** Qualified Presort Services LLC (Supplies) \$27.66, One Office Solution (Supplies) \$161.74; **VA:** Qualified Presort Services LLC (Supplies) \$6.73; **Safety Center Building:** Bomgaars (Supplies) \$110.58, City of Yankton (Utilities) \$559.63, Cole Papers Inc. (Supplies) \$184.87, JCL Solutions (Supplies) \$1,239.74, Kaiser Appliance & Refrigeration (Maintenance) \$904.90, Menards (Supplies) \$154.53, Menards (Maintenance) \$53.92, Northwestern Energy (Utilities) \$4,649.99; **Sheriff:** Watch Guard Video (Maintenance) \$43.50, International Assoc of Chiefs of Police (Professional Services) \$190.00, Roger Wolff (Fuel) \$11.87, Cardmember Services (Travel) \$85.00, Auto Value Yankton (Maintenance) \$16.99, Midcontinent Communications (Utilities) \$115.00, Qualified Presort Services LLC (Maintenance Contracts) \$132.01, James C Vlahakis (Travel) \$124.70; **County Jail:** Bob Barker Company, Inc. (Supplies) \$2,064.00, Charm-Tex (Supplies) \$729.60, Avera Home Medical Equipment (Professional Services) \$50.00, Cardmember Services (Maintenance) \$39.99, Diamond Drug (Professional Services) \$36.28, Summit Food Services, LLC (Food Services) \$3,209.87, EZ Duz It Laundry (Supplies) \$84.00, Galls Incorporated (Uniforms) \$32.75, Harding Glass (Auto Expense) \$55.00, Hy-Vee (Supplies) \$17.99, Jacks Uniforms & Equipment (Uniforms) \$144.64, Menards (Supplies) \$166.13, Phoenix Supply (Supplies) \$1,009.30; **Juvenile Detention:** Minnehaha County Juvenile Detention Center (Rentals) \$5,922.50; **Yankton Ares Search & Rescue:** Dive Rescue International (Equipment Grant) \$784.93, Frontier Precision, Inc. (Supplies) \$50.00; **Care of Poor:** Qualified Presort Services LLC (Supplies) \$128.96; **Public Health Nurse:** Qualified Presort Services (Supplies) \$23.04; **Ambulance:** Avera Sacred Heart Hospital (Supplies) \$328.27, Sacred Heart Hospital Services (Professional Services) \$1,500.00, Teleflex Funding LLC (Supplies) \$1,345.50, Stryker Sales Corporations (Supplies) \$2,892.00, City of Yankton (Utilities) \$147.95, Credit Collection Services (Professional Services) \$78.21, Fox Run Quick Lube (Maintenance) \$86.24, McLeod's Printing & Office Supply (Supplies) \$179.32, Miller Consulting LLC (Maintenance) \$140.00, Menards (Supplies) \$48.74, MidAmerican Energy (Utilities) \$529.58, Northwestern Energy (Utilities) \$1,421.75, Tire Muffler Alignment (Maintenance) \$25.75, Verizon (Utilities) \$316.59, Yankton Janitorial Supply (Supplies) \$75.80; **Mental Illness Board:** Darcy Lockwood (Hearings) \$60.00, Fox & Youngberg PC (Hearings) \$1,516.00, Mark Katterhagen (Hearings) \$60.00, Lucille M. Lewno (Hearings) \$856.50; **County Extension:** Best Western of Huron (Travel) \$117.00, City of Yankton (Utilities) \$72.35, Katie Doty (Travel) \$10.65, Hy-Vee (Supplies) \$28.58, Leaf (Rentals) \$247.69, Miller Consulting LLC (Maintenance) \$260.00, Olson's Pest Technicians (Maintenance) \$150.00; **Planning & Zoning:** Boller Printing Co (Supplies) \$36.00, River Rat Productions (Professional Services) \$280.00, Miller Consulting LLC (Maintenance) \$180.00, Pheasantland Industries (Supplies) \$42.58, Qualified Presort Services, LLC (Supplies) \$25.74, Verizon (Utilities) \$44.36, One Office Solution (Supplies) \$129.21; **Road & Bridge:** Bomgaars (Supplies) \$327.24, Broadway Chrysler, Dodge & Jeep (Supplies) \$161.64, Butler Machinery Co (Maintenance) \$2,394.90, Boyer Trucks (Supplies) \$744.10, Brock White Company LLC (Supplies) \$1,242.00, City of Yankton (Utilities) \$127.33, Cox Auto Supply, Inc. (Supplies) \$437.88, CenturyLink (Utilities) \$62.00, Certified Laboratories (Supplies) \$1,542.95, Clark Engineering (Bridges) \$1,310.00, Driveline Service

(Maintenance) \$125.34, D-P Tools (Supplies) \$665.61, Ehresmann Engineering INC (Supplies) \$197.38, Graham Tire Yankton (Maintenance) \$476.00, Kimball Midwest (Supplies) \$234.85, Locators & Supplies Inc. (Supplies) \$608.98, Miller Consulting LLC (Maintenance) \$990.00, Midwest Striping (Supplies) \$1,050.00, Menards (Supplies) \$32.76, Office Depot (Supplies) \$36.70, Overhead Door Company of Sioux City, Inc. (Maintenance) \$290.25, SD Department of Transportation (Annual Projects) \$738.28, Verizon (Utilities) \$90.95, Northwestern Energy (Utilities) \$1,124.16; **Emergency 911 Fund:** Powerphone Inc. (Travel) \$329.00, CenturyLink (Utilities) \$69.29; **Emergency Management:** Clarks Rental Inc. (Minor Equipment) \$1,440.00, Frontier Precision, Inc. (Supplies) \$325.00, Electair, Inc. (Professional Services) \$216.35, Embroidery & Screens Works, Inc. (Supplies) \$81.00, Karl's TV (Supplies) \$929.95, Miller Consulting LLC (Maintenance) \$460.00, Northtown Automotive (Maintenance) \$363.07, Qualified Presort Services (Supplies) \$34.94, Racom Corporation (Utilities) \$36.03, Verizon (Utilities) \$432.33, One Office Solution (Supplies) \$104.96, MidAmerican Energy (Utilities) \$33.91; **Government Buildings:** Mozak's Inc. (Maintenance) \$3,424.20, Hansen Locksmithing Inc. (Maintenance) \$141.00, Johnson Controls, Inc. (Maintenance) \$12,444.00; **24/7 Program:** Sobriety Refund (\$19.00x1) \$19.00, Sobriety Refund (\$7.00x3) \$21.00, Sobriety Refund (\$8.00x1) \$8.00, Sobriety Refund (\$150.00x1) \$150.00, Pharmchem Inc. (Supplies) \$1,655.90, State Participation Refund (\$8.00x1) \$8.00, State Participation Refund (\$25.00x1) \$25.00; General Fund \$67,916.56, Road & Bridge, \$15,011.30, Emergency Management, \$4,457.54. All present voted aye; motion carried.

**Action 2096C:** A motion was made by Klimisch and seconded by Kettering to approve the **February, 2020 Gross Payroll: Commissioners:** \$5,606.74; **Court:** \$0.00; **Election:** \$0.00; **Auditor:** \$14,373.10; **Treasurer:** \$17,590.33; **States Attorney:** \$28,628.69; **Government Buildings:** \$7,030.65; **Director of Equalization:** \$25,736.98; **Register of Deeds:** \$12,561.72; **Veterans Service:** \$3,521.98; **Courthouse & Safety Center:** \$6,322.87; **Sheriff:** \$67,809.15; **County Jail:** \$82,007.86; **Coroner:** \$300.00; **Juvenile:** \$434.57; **Nurse:** \$3,542.44; **Ambulance:** \$63,538.86; **WIC :** \$1,847.02; **Extension:** \$7,190.02; **Soil Conservation:** \$366.30; **Weed:** \$1,838.26; **Planning & Zoning:** \$9,948.78; **Road & Bridge:** \$73,529.70; **E911:** \$114.64; **OEM:** \$8,426.84; **24-7 Program:** \$3,741.33. First Dakota National Bank \$35,088.78 (Withholding), First Dakota National Bank \$54,024.00 (FICA) First Dakota National Bank \$12,634.60 (Medicare), South Dakota Retirement System \$33,048.58 (Other Employees), South Dakota Retirement System \$20,068.80 (Sheriff), South Dakota Retirement System (Spouse Opt) \$122.37, South Dakota Retirement System (Supplemental) \$5,336.66, American Family Life Assurance Company (AFLAC) \$5,591.94, Legalshield \$25.90, Office of Child Support \$578.00, Nationwide Retirement Solutions \$69.44, Accounts Management \$50.00, Boston Mutual Life Insurance \$407.46., Colonial Life & Accident \$1,428.78, Optilegra \$467.68, Wellmark BC Health Insurance \$65,334.67, United Way of Greater Yankton \$47.50, Delta Dental \$1,172.00, VSP Vision \$181.54, WageWorks \$1,262.50. Gross Payroll \$446,116.83, Net Payroll \$332,872.05. All present voted aye; motion carried.

**Highway:** Highway Superintendent Mike Sedlacek appeared for discussion on items: 2020 bridge inspection program resolution, spring load limits and approval for Right of Way for Century Link.

**Action 2097Hwy:** A motion was made by Kettering and seconded by Klimisch to retain Clark Engineering for the 2020 bridge inspection program. Kettering, Klimisch, Swensen and Loest voting aye; Healy voting nay; motion carried, 4-1.

**Action 2098Hwy:** A motion was made by Healy and seconded by Klimisch to approve the Right of Way application from Century Link in Township 94-55. All present voted aye; motion carried.

**Bridge Inspection:** Adam Polley and Joshua Prather from Clark Engineering of Sioux Falls, SD updated the board on inspection of two bridges in Yankton County. Bridges that were inspected were Fleeg's and Marindahl.

**Zoning Ordinance:** Bruce Jensen appeared before the board to ask the commission to form a committee of three to discuss and present changes to the planning commission concerning the Yankton County Zoning Ordinance.

**Action 2099C:** A motion was made by Klimisch and seconded by Swensen to have the commission form a committee to review the Yankton County Ordinance. Roll call vote was taken with Klimisch, Swensen voting aye; Kettering, Healy and Loest voting nay; motion failed, 2-3.

**Zoning Enforcement:** Cathy Weiss appeared before the board to request information regarding the status of the expired permits that were acted on in November and December of 2019. States Attorney Rob Klimisch was present to explain the process and the status of the expired permits.

**Action 20100Z:** A motion was made by Healy and seconded by Swensen 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 Thomas and Beth Kaltsulas. Applicants requested a permit for Self-Storage Warehouse in a Lakeside Commercial (C) District in Yankton County. Said property is legally described as Lot 27 Lewis and Clark Business Center, located in the S 645' exc for Lot H2, N1/2, NE1/4, S16-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The Planning Commission recommended approval 8-0.

Applicant Thomas Kaltsulas spoke on the CUP application.

**Action 20101Z:** A motion was made by Kettering and seconded by Klimisch, to approve based on Findings of Fact from the February 11, 2020 Yankton County Planning Commission meeting the Conditional Use Permit as presented, pursuant to Article 19, Section 1907 of the

Yankton County Zoning Ordinance. Roll call was taken with Kettering, Klimisch, Healy and Loest voting aye; Swensen voting nay; motion carried, 4-1.

**CUP Public Hearing:** This was the time and place for a public hearing for a Conditional Use Permit application from East River Electric Coop. Applicant requested a permit to construct a Communication Tower in Yankton County. Said property is legally described as East River Electric Addition, N2, NW4, S17-T93N-R567W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The Planning Commission recommended approval 8-0.

Applicant Paul Letsche spoke on the CUP request.

**Action 12102Z:** A motion was made by Kettering and seconded by Healy, to approve based on Findings of Fact from the February 11, 2020 Yankton County Planning Commission meeting the Conditional Use Permit as presented, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Roll call vote was taken with all voting aye; motion carried.

**Action 20103C:** 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.

Commissioner Loest talked briefly on the special commission meeting held on Saturday, February 29, 2020.

**Flood Map:** Flood risk map was discussed from the Flood Risk Review Meeting that Commissioners Loest, Klimisch and Gary Vetter attended.

**FEMA Grant:** The board discussed the hazard mitigation grant for the Stone Church Road elevation project and appointed Emergency Manager Paul Scherschligt as the authorized applicant agent for the project. Commissioner Klimisch was concerned how it will affect other structures regarding flooding.

**Action 20104C:** A motion was made by Klimisch and seconded by Healy to approve the FEMA Grant resolution on the condition that before the road is raised, a study be conducted to look at the effects of the area. Roll call vote was taken with all voting aye; motion carried.

Commissioner Klimisch suggested the board have an extra commission meeting on months that have an extra week. No action was taken.

Commissioner Klimisch presented a resolution for board approval in opposition to Senate Bill #1157.

Cathy Weiss spoke on the resolution.

**Action 20105C:** A motion was made by Klimisch and seconded by Swensen to approve the following resolution. Roll call vote was taken with Klimisch, Swensen, and Healy voting aye; Kettering, and Loest Voting nay; motion carried, 3-2.

**RESOLUTION IN OPPOSITION TO SENATE BILL #157**

**WHEREAS;** elected officials in the counties are closest to its citizens, are more invested in the success of community, and are best suited to make important decisions about its operation, zoning and governance.

**WHEREAS;** the Board of Adjustment's voting requirements should be determined by local voters and not mandated by state government.

**WHEREAS;** local elected officials have an obligation to protect the safety, health and welfare of their entire communities.

**WHEREAS;** SB 157 may negatively impacts those affected by a project by inhibiting their ability to appeal decisions, and force financial hardships by imposing attorney fees and court costs.

**NOW, THEREFORE, BE IT RESOLVED,** that we the Yankton Board of County Commissioners do hereby resolve that we oppose Senate Bill #157.

This the 3<sup>rd</sup> day of March 2020

Commissioner Dan Klimisch, /S/  
Commissioner Gary Swensen, /S/  
Commissioner Joe Healy, /S/

There was one public comment from Louis Johnson.

Chair Loest closed public comment.

**Commissioner updates:** Items mentioned were town meeting in Utica SD, at the old school on March 16th, Ambulance Taskforce meeting, Rock-a-Thon at The Center March 17<sup>th</sup> and town hall meeting at L&C Recreational Area on March 10<sup>th</sup> at 6:30. Commissioner Swensen said he had sent pictures to his contact in Washington, DC.

**Action 20106C:** A motion was made by Kettering and seconded by Healy to recess the regular session at 8:15 pm and convene in executive session to discuss litigation SDCL 1-25-2(3). All present voted aye; motion carried.

**Action 20107C:** A motion was made by Klimisch and seconded by Swensen to adjourn the executive session at 8:45 pm 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.

**Action 20108C:** A motion was made by Kettering and seconded by Swensen to adjourn. All present voted aye; motion carried.

The next regular meeting will be Tuesday, March 17, 2020 at 6:00 p.m.

**Cheri Loest**, Chair  
Yankton County Commission

ATTEST:  
**Patty Hojem**, County Auditor