

## YANKTON COUNTY COMMISSION MEETING

May 2, 2023

The regular meeting of the Yankton County Commission was called to order by Chairman Don Kettering at 6:00 p.m. on Tuesday, May 2, 2023.

Roll call was taken with the following Commissioners present: Wanda Howey-Fox, Ryan Heine, John Marquardt, Dan Klimisch and Don Kettering.

There were conflicts noted for Commissioner Fox regarding claims and Commissioner Heine regarding malt beverage licenses. There were no conflicts cited by the rest of the Commissioners.

**Action 23122C:** A motion was made by Kettering and seconded by Fox to approve the meeting agenda. All present voted aye; motion carried, 5-0.

There were no public comments. Commissioner Kettering closed public comment.

**Surplus Property:** Bids were opened at 10:00 A.M. on April 28, 2023 at the Yankton County Government Center for the following properties: 05.002.500.200, 14.037.300.110, 14.037.300.130, 14.037.600.010, 14.037.600.150, 14.037.700.160, 14.037.700.190, and 31.300.002.040. There were no bids received for 46.200.003.120 and 78.330.001.110. Bids were received from Paul & Carolyn DeLong for parcel 05.002.500.200 in the amount of \$2,505.00 and from Nancy Steffen in the amount of \$2,375.00. David Cap submitted bids for parcel 14.037.300.110 in the amount of \$400.00; parcel 14.037.300.130 in the amount of \$2,000.00; parcel 14.037.600.010 in the amount of \$400.00; parcel 14.037.600.150 in the amount of \$500.00; parcel 14.037.700.160 in the amount of \$800.00; and parcel 14.037.700.190 in the amount of \$1,200.00. Bids were received from Brian Munkvold for parcel 14.037.300.110 in the amount of \$101.00; parcel 14.037.300.130 in the amount of \$600.00; parcel 14.037.600.010 in the amount of \$300.00; parcel 14.037.600.150 in the amount of \$700.00; parcel 14.037.700.160 in the amount of \$625.00; and parcel 14.037.700.190 in the amount of \$625.00. Jim & Betty Bye submitted a bid for 31.300.002.040 in the amount of \$3,501.50 and Dave Crissey in the amount of \$3,605.00.

**Action 23123C:** A motion was made by Fox and seconded by Heine to approve the bid from Paul & Carolyn Delong for parcel 05.002.500.200; bids from David Cap for parcels 14.037.300.110, 14.037.300.130, 14.037.600.010, 14.037.700.160 and 14.037.700.190; bid from Brian Munkvold for parcel 14.037.600.15; and bid from Dave Crissey for parcel 31.300.002.040. All present voted aye; motion carried, 5-0.

**Action 23124C:** A motion was made by Klimisch and seconded by Fox to approve a package off sale liquor license to Captain Norm's LLC, located at 43592 S Hwy 52, Yankton, SD. All present voted aye; motion carried, 5-0.

**Action 23125C:** A motion was made by Marquardt and seconded by Fox to approve the first quarter report for 2023 from the Extension Office. All present voted aye; motion carried, 5-0.

Mike Welsh presented a power point on concerns about a proposed voltage line west of Yankton. Mr. Welsh said he would be willing to volunteer to help work on a master plan for the lake area.

Planning and Zoning Administrator Gary Vetter appeared before the board to inform them he will advertise for three positions that will be open on the ditch board.

**Action 23126Z:** A motion was made by Heine and seconded by Klimisch to approve the Zoning Administrator to advertise for the positions. All present voted aye; motion carried, 5-0.

Lyle Perman, rancher from Lowry SD, spoke to the board (via phone) on information about SD Agricultural Land Trust and conservation easements. Representative Julie Auch asked Mr. Perman a question on conservation easements.

**Action 23127C:** A motion was made by Marquardt and seconded by Fox to deny Resolution 3-23 Opposing the Federal Government's 30 X 30 program. All present voted aye; motion carried, 5-0.

Julie Auch spoke on her revised version of the 30 x 30 resolution. Bernie Hunhoff also spoke on a resolution he submitted to the board. Other individuals speaking on the resolution were Zane Williams, Guy Larson, Chris Patton, Devin Wagner and Guy Stone.

A motion was made by Kettering and seconded by Heine to place the item for discussion.

**Action 23128C:** A motion was made by Fox and seconded by Heine to approve the following resolution with removal of: WHEREAS, lands placed under permanent conservation easements reduce the tax value of the parcel of land while increasing the tax burden on other private landowners and industries to make up the property valuation difference and paragraph #7. Roll call vote was taken with Fox, Heine, Marquardt, Klimisch and Kettering voting aye; motion carried, 5-0.

## STATE OF SOUTH DAKOTA

### COUNTY OF YANKTON

At a regular meeting of the Board of County Commissioners for Yankton, South Dakota held during the Yankton County Commission meeting on May 2, 2023 there were present: Don Kettering, Chair; Wanda Howey-Fox, Vice Chair; Ryan Heine; Dan Klimisch; and John Marquardt.

RESOLUTION NO. 3- 2023

RESOLUTION OPPOSING THE FEDERAL GOVERNMENT'S "30 X 30" or America the Beautiful  
LAND PRESERVATION GOAL

WHEREAS, Yankton is a legal and political subdivision of the State of South Dakota for which the Board of County Commissioners ("Board") is authorized to act; and

WHEREAS, Yankton contains 333,440 acres of land in the State of South Dakota; and

WHEREAS, the well-being, health, safety, welfare, economic condition, and culture of Yankton County, its businesses, and its citizens depend on private land ownership and the use of these resources; and

WHEREAS, these industries are important components of the South Dakota economy, and are major contributors of the economic and social well-being of Yankton County and its citizens; and

WHEREAS, on January 27, 2021, President Joseph R. Biden, Jr., issued Executive Order 14008, entitled "Tackling the Climate Crisis at Home and Aboard" (86 Fed. Reg. 7,619); and

WHEREAS, in Section 216 of Executive Order 14008, President Biden directed the Secretary of the Interior, in consultation with the Secretary of Agriculture, Secretary of Commerce, Chairman of the Council of Environmental Quality, and other senior officials, to develop a program to conserve at least thirty (30) percent of the lands and waters in the United States by 2030, which is called the "30 x 30" program or America the Beautiful; and

WHEREAS, under the 30 x 30 program, an estimated 700 million acres of our Nation's lands would be set aside and permanently preserved in its natural state by 2030, preventing the productive use of these lands and their resources; and

WHEREAS, there is no constitutional or statutory authority for the President, the Department of the Interior, the Department of Agriculture, or any other federal agency to set aside and permanently preserve 30 percent of all land and water in the United States, and no such authority is referenced in Executive Order 14008; and

WHEREAS, placing private lands into permanent conservation status will cause dramatic and irreversible harm to the economy of South Dakota, and counties, such as Yankton whose citizens depend on private lands for their security and prosperity; and

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Yankton County, South Dakota as follows:

1. The Board opposes the 30 x 30 program, including its objective of permanently preserving at least 30 percent of the Nation's lands and waters in its natural state by 2030,

or any similar program that will set aside and prevent the productive use of lands within our county.

2. The Board further opposes the designation and use of lands in Yankton County to be included as a part of the "30 x 30" program, ~~or as wilderness study areas, wildlife preserves, open spaces, or other conservation land, and preventing the development and productive use of the resources on or within such lands.~~ conservation easements implemented and affected by Executive order 14008 216(a).

3. The Board supports the continued private ownership of land in the County, recognizing the Nation's need for domestic sources of minerals, energy, timber, food, and fiber.

4. The Board recognizes and supports the State of South Dakota laws governing water rights and water use and opposes any federal designation of waters and watercourses within the County that would impair or restrict water diversions and uses authorized under South Dakota law.

5. The Board supports reasonable, national, regional, and global greenhouse gas emissions policies and goals that are comprehensive, practical, cost effective, and do not unnecessarily single out specific industries or activities but oppose the use of global climate change as an excuse to set aside large tracts of land as preserves or open space to fulfill the 30x30 program's objectives.

6. The Board also maintains that any lands or other rights that are acquired to fulfill the 30 x 30 program's objectives should be acquired only from willing sellers/landowners and for the payment of full and fair market value for all rights and interests acquired, and not through regulatory compulsion, and only after analyzing and considering the impacts of such land acquisitions on the well-being, health, safety, welfare, economy, and culture of Yankton County, its businesses, and its citizens.

7. The Board shall send a copy of this Resolution to the U.S. Departments of Interior and Agriculture, the South Dakota Department of Agriculture, South Dakota Attorney General and Governor Noem.

Yankton County Chairman, Don Kettering /s/  
ATTEST: Patty Hojem, Yankton County Auditor /s/

**Action 23129C:** A motion was made by Marquardt and seconded by Heine to approve the April 11, 2023 meeting minutes. All present voted aye; motion carried, 5-0.

**Action 23130C:** A motion was made by Fox and seconded by Marquardt to approve the April 17, 2023 meeting minutes. All present voted aye; motion carried, 5-0.

Chairman Kettering said he would like to discuss procedural items with the board at a later date.

**Action 23131AUD:** A motion was made by Fox and seconded by Klimisch to approve the following 2023 Malt Beverage License Renewal applications: Riverside Roadhouse, 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, Marina Grill, Lewis & Clark Marina, Lewis & Clark Meat Lodge, LLC, Kozy's Bar, Pioneer Spirit, LLC, Lewis & Clark Resort, 6<sup>th</sup> Meridian, LLC, Mazing Acres Pumpkin Patch and Fire and Ice. Voting aye: Fox, Klimisch, Marquardt and Kettering. Heine abstained; motion carried, 4-0.

**Action 23132C:** A motion was made by Fox and seconded by Klimisch to approve the following claims. **Commissioners:** Don Kettering (Travel) \$40.00; Intuivo Solutions (Prof Services) \$149.85; Dan Klimisch (Travel) \$281.74; John Marquardt (Travel) \$281.74; M.T. & R.C. Smith Insurance (Insurance) \$80.00; **Elections:** Election Systems & Software (Supplies) \$100.00; Qualified Presort Services (Supplies) \$57.20; **Court:** Avera Sacred Heart Hospital (Lab) \$1,392.00; Youngberg Law Prof. LLC (Prof Services) \$2,500.00; Youngberg Law Prof. LLC (Prof Services) \$4,447.90; Dan Fox, Fox Law Firm, Prof. LLC (Prof Services) \$2,500.00; Juror (Fees) \$518.34; Witness (Fees) \$64.20; Horn Law Office LLC (Prof Services) \$12,500.00; Clovia Dee (Prof Services) \$608.60; Dean Schaefer (Prof Services) \$680.00; **Auditor:** Alyssa Lange (Travel) \$40.00; LEAF (Rentals) \$699.77; Qualified Presort Services (Supplies) \$154.15; SDACO (Travel) \$200.00; Kasi Foss (Travel) \$281.74; **Treasurer:** Qualified Presort Services (Supplies) \$187.67; SDACO (Travel) \$200.00; **Data Processing:** Alyssa Lange (Prof Services) \$149.03; **States Attorney:** Deb Lillie (Diversion Expense) \$613.72; Culligan (Supplies) \$26.00; Qualified Presort Services (Supplies) \$57.38; Staples Credit Plan (Supplies) \$135.40; **Government Center:** Bomgaars (Maintenance) \$8.00; City of Yankton (Utilities) \$1,900.51; Trugreen (Maintenance) \$119.09; JCL Solutions (Supplies) \$224.12; Menards (Supplies) \$46.49; Olson's Pest Technicians (Maintenance) \$84.00; Northwestern Energy (Utilities) \$2,373.13; **Director of Equalization:** SDAAO (Travel) \$350.00; SDAAO (Travel) \$1,150.00; Qualified Presort Services (Supplies) \$27.81; **Register of Deeds:** Qualified Presort Services (Supplies) \$34.10; SDACO (Travel) \$200.00; **Safety Center Building:** Bomgaars (Maintenance) \$52.93; City of Yankton (Utilities) \$632.87; Trugreen (Maintenance) \$94.14; Northwestern Energy (Utilities) \$6,004.43; **Sheriff:** Culligan (Supplies) \$60.24; FedEx (Prof Services) \$16.97; Hansen Locksmithing, Inc. (Auto Equipment) \$199.00; Pennington County Jail (Travel) \$831.20; Qualified Presort Services (Maintenance Contract) \$190.57; SD Special Pay Plan (Salary) \$9,043.97; SD Special Pay Plan (Retirement) \$45.00; Tire Muffler Alignment (Maintenance) \$1,837.32; **County Jail:** Avera Sacred Heart Hospital (Prof Services) \$288.63; Avera Medical Group (Prof Services) \$2,025.00; Diamond Drugs (Prof Services) \$18.22; McKesson Medical-Surgical Government Solutions LLC (Prof Services) \$69.39; Trinity Services Group (Food Service) \$5,043.55; Jacks Uniforms & Equipment (Uniforms) \$81.94; JCL Solutions (Supplies) \$516.13; Olson's Pest Technicians (Maintenance) \$115.00; **Coroner:** Arica Nickles (Travel) \$83.58; **Yankton Area Search & Rescue:** Hanson Briggs Specialty Advertising, Inc. (Supplies) \$436.81; Inflatable Technologies (Maintenance) \$661.65; **Care of Poor:** Qualified Presort Services (Supplies)

\$73.65; **Public Health Nurse:** Qualified Presort Services (Supplies) \$16.22; **Ambulance:** Kopetsky's Ace Hardware (Supplies) \$23.99; Avera Sacred Heart Hospital (Supplies) \$933.22; Sacred Heart Health Services (Prof Services) \$1,500.00; Clarity Telecom, LLC (Utilities) \$129.59; Bound Tree Medical LLC (Supplies) \$1,812.15; City of Yankton (Utilities) \$132.09; Credit Collection Services (Prof Services) \$33.00; Amazon Capital Services (Supplies) \$161.95; House of Brands (Supplies) \$596.00; United Collison, Inc. (Maintenance) \$1,552.77; Menards (Supplies) \$56.88; MidAmerican Energy (Utilities) \$259.26; Yankton Medical Clinic (Prof Services) \$60.00; **Mental Illness Board:** Blackburn & Stevens Prof. LLC (Hearings) \$417.30; Darcy Lockwood (Hearings) \$15.00; Val Larson (Hearings) \$21.00; Dan Fox (Hearings) \$382.85; Mark Katterhagen (Hearings) \$6.00; Luci Lewno (Hearings) \$260.00; **County Extension:** Kopetsky's Ace Hardware (Supplies) \$28.98; City of Yankton (Utilities) \$79.69; Katie Doty (Travel) \$220.78; AmericInn by Wyndham-Aberdeen (Travel) \$154.00; Hy-Vee (4H-Other) \$13.02; LEAF (Rentals) \$191.75; MidAmerican Energy (Utilities) \$65.51; **Weed:** Association of SD Weed & Pest Boards (Travel) \$200.00; NAPA Auto Parts (Maintenance) \$25.25; Dakotaland Autoglass, Inc. (Supplies) \$149.94; **Planning and Zoning:** Pheasantland Industries (Supplies) \$38.34; Qualified Presort Services (Supplies) \$102.14; **Highway:** Bomgaars (Supplies) \$710.01; City of Yankton (Utilities) \$85.53; Knife River-South Dakota (Bridges) \$606.00; IMEG Corp. (Bridges) \$2,848.01; CHS Inc. (Supplies) \$1,635.50; Ulteig (Annual Projects) \$3,529.00; UST Testing Services, Inc. (Maintenance) \$1,650.00; Filter Care of Nebraska (Supplies) \$32.45; Fastenal Industrial & Construction Supply (Supplies) \$76.58; Hollaway Construction Co., Inc. (Bridges) \$62,678.83; I State Truck Center (Supplies) \$176.49; Lyle Signs, Inc. (Supplies) \$2,966.48; LEAF (Supplies) \$125.30; Locators & Supplies, Inc. (Supplies) \$418.05; Menards (Maintenance) \$49.27; Northern Truck Equipment (Maintenance) \$2,334.220; O'Connor & Son Trucking (Bridges) \$8,348.03; Power Source Electric (Supplies) \$77.37; Riverside Hydraulics & Labs (Supplies) \$22.06; Wieman Construction, LLC (Bridges) \$1,729.13; One Office Solution (Supplies) \$71.51; Yankton Janitorial Supply (Supplies) \$194.50; Directv (Utilities) \$95.99; Northwestern Energy (Utilities) \$956.69; **E911:** Clarity Telecom, LLC (Utilities) \$1,214.61; CenturyLink (Utilities) \$163.82; **Emergency Management:** Verizon (Utilities) \$366.45; Medical Waste Transport, Inc. (POD Expense) \$167.02; Great America Financial Services (Rentals) \$202.92; MidAmerican Energy (Utilities) \$18.50; **County Buildings:** Menards (Supplies) \$165.44; **24/7 Program:** PharmChem, Inc. (Supplies) \$1,946.01; Redwood Toxicology Laboratories, Inc. (Prof Services) \$15.60; **Debt Service:** BOKF, NA (Misc.) \$19,140.00; BOKF, NA (Misc. Fee) \$400.00; **Misc.:** South Dakota Department of Revenue (Malt Beverage Renewals) \$2,700.00. General Fund \$77,840.72; Road & Bridge \$91,416.98; Emergency Management \$754.89. All present voted aye; motion carried, 5-0.

**Action23133C:** A motion was made by Marquardt and seconded by Klimisch to approve the following claim: **Court:** Harmelink & Fox (Prof Services) \$1,615.88. Voting aye: Klimisch, Heine, Marquardt and Kettering. Fox abstained; motion carried, 4-0.

**Action 23134C:** A motion was made by Fox and seconded by Marquardt to approve the **April 2023 gross payroll: Commissioners:** \$6,104.70; **Court:** \$0.00; **Election:** \$0.00; **Auditor:** \$16,846.32; **Treasurer:** \$20,500.32; **States Attorney:** \$33,815.49;

**Government Buildings:** \$5,762.16; **Director of Equalization:** \$20,284.81; **Register of Deeds:** \$15,780.56; **Veterans Service:** \$3,729.88; **Courthouse & Safety Center:** \$10,378.59; **Sheriff:** \$56,780.63; **County Jail:** \$89,989.99; **Coroner:** \$2,600.00; **Juvenile:** \$334.49; **Nurse:** \$2,791.63; **Ambulance:** \$71,396.79; **WIC:** \$1,975.04; **Extension:** \$8,187.09; **Soil Conservation:** \$3,367.09; **Weed:** \$1,443.37; **Planning & Zoning:** \$11,613.92; **Road & Bridge:** \$83,278.83; **OEM:** \$10,967.74; **24-7 Program:** \$1,570.80. First Dakota National Bank \$35,642.43 (Withholding), First Dakota National Bank \$57,362.94 (FICA) First Dakota National Bank \$13,415.60 (Medicare), South Dakota Retirement System \$36,568.12 (Other Employees), South Dakota Retirement System \$19,988.12 (Sheriff), South Dakota Retirement System (Spouse Opt) \$190.34, South Dakota Retirement System (Supplemental) \$3,790.00, American Family Life Assurance Company (AFLAC) \$4,581.11, Legalshield \$25.90, Nationwide Retirement Solutions \$69.44, Boston Mutual Life Insurance \$290.69, Colonial Life & Accident \$783.96, Medica Health Insurance \$60,196.96, Optilegra \$284.42, Delta Dental \$2,228.84, VSP Vision \$568.95, HealthEquity \$3,762.67. Gross Payroll \$479,557.24, Net Payroll \$357,759.97. All present voted aye; motion carried, 5-0.

**Action 23135S:** A motion was made by Klimisch and seconded by Marquardt to supplement the Yankton County Sheriff budget due to unanticipated miscellaneous revenue in the amount of \$634.13. All present voted aye; motion carried, 5-0.

There was a public comment from Loren Nelson. Commissioner Kettering closed public comment.

**Commissioner updates:** County unfunded mandate study, Agrotourism at Lewis and Clark Lodge May 25th from 5:00 to 7:30 p.m.

**Action 23136C:** A motion was made by Fox and seconded by Heine to recess the regular session at 7:50 p.m. and convene in executive session to discuss Poor Relief Issues SDCL 1-25-2 & 28-13 and personnel issues SDCL 1-25-2(1). All present voted aye; motion carried, 5-0.

**Action 23137C:** A motion was made by Fox and seconded by Heine to adjourn the executive session at 8:10 p.m. and reconvene in regular session. All present voted aye; motion carried, 5-0.

No action was taken on executive session issues.

The board will ask Mike Welsh to be at the May 16 commission meeting to ask if he will spearhead a master plan for the lake area.

**Action 23138C:** A motion was made by Heine and seconded by Marquardt to adjourn. All present voted aye; motion carried, 5-0.

The next regular meeting will be Tuesday, May 16, 2023 at 6:00 p.m.

**Don Kettering**, Chairman  
Yankton County Commission

ATTEST:  
**Patty Hojem**, Yankton County Auditor