

YANKTON COUNTY COMMISSION MEETING  
October 1, 2019

The regular meeting of the Yankton County Commission was called to order by Chairman Dan Klimisch at 6:00 PM on Tuesday, October 1, 2019.

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

There were no conflicts of interest reported by Commissioners.

**Action 19440C:** A motion was made by Loest and seconded by Swensen to approve the meeting agenda with the following changes: Approval of MI Board Members and reschedule agenda items 13, 14, 15, 19 and 20. All present voted aye; motion carried.

**Action 19441C:** A motion was made by Loest and seconded by Healy to approve the minutes of the September 18, 2019 meeting. All present voted aye; motion carried.

There were public comments from Dale Knode and Patty Gramkow.

Chairman Klimisch closed the public comment portion of the meeting.

**Action 19442C:** A motion was made by Healy and seconded by Loest to approve the following claims; **Commissioners:** Clubhouse Hotel & Suites (Travel) \$564.00, River Rat Productions (Professional Services) \$550.00; **Elections:** Qualified Presort Services (Supplies) \$34.38, Verizon (Rentals) \$360.09; **Court:** Thurman Law Office (Neglected) \$4,033.70, Certified Languages International (Professional Services) \$128.70, Horn Law Office LLC (Professional Services) \$399.00, Horn Law Office LLC (Neglected) \$1,450.30 Juror Fees (11 @ \$50.00) \$550.00, Juror Mileage (2 @ \$8.40) \$16.80, Juror Mileage (2 @ \$.84) \$1.68, Juror Mileage (1 @ \$4.20) \$4.20, Juror Mileage (1 @ \$5.04) \$5.04, Juror Mileage (1 @ \$21.00) \$21.00, Juror Mileage (1 @ \$16.80) \$16.80; **Auditor:** Clubhouse Hotel & Suites (Travel) \$282.00, Patty Hojem (Travel) \$229.08, Qualified Presort Services (Supplies) \$109.68, One Office Solution (Supplies) \$143.29; **Treasurer:** Clubhouse Hotel & Suites (Travel) \$282.00, Qualified Presort Services (Supplies) \$105.36; **Data:** Leaf (Rentals) \$104.86; **States Attorney:** Century Business Products (Rentals) \$402.33, Hy-Vee (Supplies) \$27.47, Qualified Presort Services LLC (Supplies) \$33.81, Staples Credit Plan (Supplies) \$477.43; **Government Building:** City of Yankton (Utilities) \$2,991.08, JCL Solutions (Supplies) \$65.35, Northwestern Energy (Utilities) \$2,695.40; **Director of Equalization:** Matt Archer (Travel) \$314.04, Qualified Presort Services LLC (Supplies) \$11.52, Verizon (Maintenance) \$174.95, One Office Solution (Supplies) \$112.20; **Register of Deeds:** Qualified Presort Services LLC (Supplies) \$26.57, One Office Solution (Supplies) \$494.92, One Office Solution (Maintenance) \$8.33; **VA:** Qualified Presort Services LLC (Supplies) \$6.52; **Safety Center Building:** City of Yankton (Utilities) \$1,070.13, City of Yankton (Dumpster Fees) \$5.50, Cole Paper Inc. (Supplies) \$328.95, Hansen Locksmithing Inc. (Supplies) \$12.00, Northwestern Energy (Utilities) \$9,707.18, Nebraska Air Filter INC (Supplies) \$1,303.73, Pheasantland Industries

(Supplies) \$52.46, MidAmerican Energy (Utilities) \$512.04; **Sheriff:** Stewart Bass (Travel) \$11.00, Jack's Uniforms & Equipment (Ballistic Vest) \$3,257.35, Midcontinent Communications (Utilities) \$115.00, Northtown Automotive (Maintenance) \$130.71, Pennington County Jail (Travel) \$140.65, Qualified Presort Services LLC (Maintenance Contracts) \$105.87, Tire Muffler Alignment (Maintenance) \$79.38, One Office Solution (Supplies) \$29.56, One Office Solution (Maintenance Contracts) \$15.88, Cardmember Services (Fuel) \$65.26; **County Jail:** Avera Medical Group (Professional Services) \$816.00, Boller Printing Co (Supplies) \$189.00, Bob Barker Company Inc. (Supplies) \$109.09, Scott Family Dentistry, Inc. (Professional Services) \$1,173.00, Avera Medical Group Radiology (Professional Services) \$93.34, Diamond Drug (Professional Services) \$1,326.26, Summit Food Services LLC (Food Services) \$6,436.94, Hy-Vee (Supplies) \$12.99, Jacks Uniforms & Equipment (Uniforms) \$113.89, JCL Solutions (Supplies) \$741.92, JCL Solutions (Security Maintenance) \$104.00, Menards (Supplies) \$11.98, Strachan Sales Inc. (Food Services) \$450.99, Tire Muffler Alignment (Auto Expense) \$160.68, Top Quality Glove (Supplies) \$359.44; **Juvenile Detention:** Minnehaha County Juvenile Detention Center (Other) \$6,210.00; **Care of Poor:** Clubhouse Hotel & Suites (Travel) \$282.00, Qualified Presort Services LLC (Supplies) \$120.06; **Public Health Nurse:** Qualified Presort Services, LLC (Supplies) \$25.81; **Ambulance:** Avera Education & Staffing Solutions (Supplies) \$80.00, Avera Sacred Heart Hospital (Supplies) \$64.02, Stryker Sales Corporation (Supplies) \$767.55, The UPS Store 6716 (Supplies) \$315.96, City of Yankton (Utilities) \$366.07, Credit Collection Services Inc. (Professional Services) \$51.75, Cintas (Supplies) \$68.13, Airspace Monitoring Systems Inc. (Maintenance) \$206.85, Fox Run Quick Lube (Maintenance) \$86.24, Menards (Supplies) \$44.89, Northtown Automotive (Maintenance) \$442.47, Olson's Pest Technicians (Maintenance) \$114.00, One Office Solution (Supplies) \$42.02, Yankton Medical Clinic (Professional Services) \$167.00, Northwestern Energy (Utilities) \$901.33, MidAmerican Energy (Utilities) \$14.71; **Mental Illness Board:** Darcy Lockwood (Hearings) \$123.00, Kerri Cook-Huber (Hearings) \$90.00, Dana Larson (Hearings) \$200.00, Gary Mikelson (Hearings) \$2,234.00 Mark Katterhagen (Hearings) \$123.00, Lucille M. Lewno (Hearings) \$1,263.75; **County Extension:** Vast Business (Utilities) \$405.36, FP Mailing Solutions (Rentals) \$74.85, City of Yankton (Utilities) \$54.07, Hy-Vee (Supplies) \$123.11; **Soil Conservation:** Yankton County Conservation District (2<sup>nd</sup> Half Wage for Tree Mgr.) \$2,500.00; **Weed:** Bomgaars (Supplies) \$23.94, Battery Exchange (Supplies) \$136.95, C & R Supply Inc. (Supplies) \$98.64; **Planning & Zoning:** River Rat Productions (Professional Services) \$280.00, Pheasantland Industries (Supplies) \$61.80, Qualified Presort Services, LLC (Supplies) \$20.98, One Office Solution (Supplies) \$136.24; **Road & Bridge:** Bomgaars (Supplies) \$22.28, Battery Exchange (Supplies) \$113.95, Presto-X (Publishing's) \$105.00, Scotland Redi-Mix (Supplies) \$5,280.00, LG Everist (Supplies) \$1,062.49, City of Yankton (Utilities) \$78.69, Cox Auto Supply, Inc. (Supplies) \$684.82, Concrete Materials (Supplies) \$486.23, CenturyLink (Utilities) \$52.87, Clark Engineering (Bridges) \$10,551.48, Snap on Tools (Supplies) \$108.50, Nelson Service, LLC (Supplies) \$105.06, CHS (Fuel) \$18,856.00, Beth Wilhelms (Travel) \$84.49, Francotyp-Postalia, Inc. (Supplies) \$68.85, Hollaway Construction Co. Inc. (Bridges) \$25,393.50, Kimball Midwest (Supplies) \$289.33, Yankton County Observer (Publishing's) \$7.47, Riverside Hydraulics & Labs (Supplies) \$198.95, Truenorth Steel (Supplies) \$19,168.83, Yankton Redi Mix (Supplies) \$261.75, DirecTV (Utilities) \$85.24, Northwestern Energy (Utilities) \$705.10; **Emergency 911 Fund:** Vast Business (Utilities) \$112.45,

CenturyLink (Utilities) \$151.71, Vast Business (Utilities) \$1100.33; **Emergency Management:** Kopetsky's Ace Hardware (Supplies) \$107.69, Bomgaars (Supplies) \$158.82, Vast Business (Utilities) \$607.49, Clubhouse Hotel & Suites (Travel) \$1,294.84, Acutemp Thermal System (Supplies) \$3,100.00, MidAmerican Energy (Utilities) \$8.70, Qualified Presort Services, LLC (Supplies) \$1.73, Racom Corporation (Utilities) \$36.03, Two Way Solutions INC (Supplies) \$48.94, Tabor Lumber Cooperative (Supplies) \$148.44, One Office Solution (Supplies) \$781.39, One Office Solution (Maintenance) \$86.54; **Domestic Abuse:** River City Domestic Violence Center ('19 Allocated FDS Women Abuse) \$10,000.00; **24/7 Program:** Pharmchem Inc. (Supplies) \$2,073.60; General Fund \$62,999.40, Road & Bridge, \$82,980.54, Emergency Management, \$6,380.61. Healy, Loest and Klimisch voting Aye; Swensen Voting Nay; Motion carried, 3-1.

**Action 19443C:** A motion was made by Healy and seconded by Loest to approve the September, 2019 gross payroll: **Commissioners:** \$5,606.74; **Election:** \$0.00; Auditor: \$13,865.90; **Treasurer:** \$17,128.00; **States Attorney:** \$25,946.77; **Government Buildings:** \$10,362.76; **Director of Equalization:** \$25,119.31; **Register of Deeds:** \$13,254.90; **Veterans Service:** \$3,595.13; **Sheriff:** \$66,451.04; **County Jail:** \$78,886.81; **Coroner:** \$800.00; **Juvenile:** \$172.85; **Nurse:** \$3,049.25; **Ambulance:** \$54,490.54; **WIC :** \$1,803.70; **Extension:** \$7,023.84; **Soil Conservation:** \$2,944.95; **Weed:** \$7,193.11; **Planning & Zoning:** \$2,885.85; **Road & Bridge:** \$78,392.30; **E911:** \$83.97; **OEM:** \$10,178.98; **24-7 Program:** \$3,464.48. First Dakota National Bank \$34,483.20 (Withholding), First Dakota National Bank \$52,263.00 (FICA) First Dakota National Bank \$12,222.74 (Medicare), South Dakota Retirement System \$32,327.06 (Other Employees), South Dakota Retirement System \$19,431.12 (Sheriff), South Dakota Retirement System (Spouse Opt) \$133.67, South Dakota Retirement System (Supplemental) \$4,714.60, American Family Life Assurance Company (AFLAC) \$5,549.13, 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 \$1,475.98, Optilegra \$467.68, Wellmark BC Health Insurance \$64,674.00, United Way of Greater Yankton \$47.50, Delta Dental \$1,002.60, VSP Vision \$157.75, WageWorks \$1,312.50. Gross Payroll \$431,701.18, Net Payroll \$321,674.22. All present voted aye; motion carried.

**Highway:** Highway Superintendent Mike Sedlacek presented several items for board approval, including The 5-Year Highway Plan, PE (Preliminary Engineering) Grant for Stone Church Bridge. Gravel bids were submitted by First Rate Excavate, 60,000 tons at \$6.00 per ton; Utica Gravel, Inc., 60,000 tons at \$5.95 per ton and Fischer Gravel, 20,000 tons at \$7.25 per ton. Sedlacek also presented an Entrance Application from James Hansen. The board also discussed having the county spray for mosquitoes in flooding areas of the county for individuals in the cleanup effort.

It was the consensus of the board to spray for mosquitoes in flooding areas.

**Action 19444H:** A motion was made by Loest and seconded by Healy to approve the Yankton County Highway Department 5-Year Road Plan. Roll call vote was taken with Loest, Healy, Swensen and Klimisch voting Aye; motion carried.

**Action 19445H:** A motion was made by Loest and seconded by Healy to approve the Stone Church Bridge PE Grant. Roll call vote was taken with Loest, Healy, Swensen and Klimisch voting Aye; motion carried.

**Action 19446H:** A motion was made by Loest and seconded by Healy to approve the gravel bids as presented from Utica Gravel, Inc. All present voted aye; motion carried.

**Action 19447H:** A motion was made by Healy and seconded by Loest to approve the gravel bids as presented from Fischer Gravel. All present voted aye; motion carried.

**Action 19448H:** A motion was made by Healy and seconded by Loest to approve the application for Entrance from James Hansen located in NE1/4 in S24-T96N-54W, Yankton County. All present voted aye; motion carried.

States Attorney Rob Klimisch presented a resolution for a joint mental illness board between Minnehaha, Lincoln and Yankton Counties.

**Action 19449C:** A motion was made by Healy and seconded by Loest to adopt the following resolution. Roll call vote was taken with Healy, Loest, Swensen and Klimisch voting aye; Motion carried, 4-0.

### **RESOLUTION YC 19-8**

#### **CROSS-APPOINTING MINNEHAHA COUNTY AND LINCOLN COUNTY CURRENT REGULAR AND ALTERNATE LAY MENTAL ILLNESS BOARD MEMBERS TO THE TEMPORARY JOINT COOPERATIVE MENTAL ILLNESS BOARDS BETWEEN MINNEHAHA, LINCOLN, AND YANKTON COUNTIES**

**WHEREAS,** on September 24, 2019, Minnehaha and Lincoln Counties executed a Joint Cooperative Agreement for Consolidated Mental Illness Boards, and on October 1, 2019, Yankton County executed the Joint Cooperative Agreement for Consolidated Mental Illness Boards; and

**WHEREAS,** it is the recommendation of the Co-Chairs of the Joint Minnehaha-Lincoln County Board of Mental Illness that the Current Regular and Alternate Lay Mental Illness Board Members be Cross-Appointed as Regular and Alternate Lay Board Members of the Temporary Joint Cooperative Mental Illness Boards between Minnehaha, Lincoln, and Yankton Counties;

**NOW, THEREFORE, BE IT RESOLVED BY THE YANKTON COUNTY COMMISSION,** that it hereby appoints Minnehaha County residents Pam Tiede, Mary Ellen Heirigs, Mona Helseth, Jan Schmuck and Lincoln County residents Janae Poppens, Candice Gearman, Laurie Wernke, and Francie Miller as regular and alternate lay members to the Temporary Joint Cooperative Mental Illness Board between Minnehaha, Lincoln, and Yankton Counties to terms concurrent with those previously established by action of the Minnehaha County

Commission, Lincoln County Commission, and Yankton County Commission, pursuant to the terms of the Counties' Joint Cooperative Agreement.

Dated this 1st day of October, 2019.

Yankton County Chairman, Dan Klimisch /s/  
ATTEST: Patty Hojem, Yankton County Auditor /s/

**Action 19450C:** A motion was made by Loest and seconded by Swensen to appoint Jessica Atkinson as acting Planning and Zoning Administrator under the guidance of Commissioner Healy on Building Permits, Conditional Use and Variance applications and also to appoint the Planning and Zoning Commission to review any and all complaints that are received for zoning enforcement and render a decision on the complaints. Roll call vote was taken with Loest, Swensen, Healy and Klimisch voting aye; motion carried, 4-0.

**Budget Review:** Rescheduled to next commission meeting.

**Repair of Road or Alternate Access:** Commissioner Loest said she would call Mike Marlow along with Chairman Klimisch and States Attorney to view the property and discuss the issue at the next commission meeting.

**Neighborhood Watch Guidelines Not Being Followed:** Rescheduled to next commission meeting.

**Action 19451Z:** A motion was made by Swensen and seconded by Loest 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 Tim Binder. Applicant requested a permit to develop multi-family dwellings in the second-story of a Commercial District. Said property is legally described as S200' W330' Parcel A NE4, NW4 exc Lt H-2, S15-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The Planning Commission recommended approval.

Applicant Tim Binder spoke on his CUP request

**Action 19452Z:** A motion was made by Healy and seconded by Loest, to approve based on Findings of Fact from the September 10, 2019 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 Healy, Loest and Klimisch voting Aye; Swensen voting Nay; Motion failed, 3-1.

**Variance Public Hearing:** This was the time and place for a public hearing for a Variance from Dales James a Variance to decrease minimum lot size from 2 acres to .69 acres and decrease the front yard from 100 feet to 50 feet in a Commercial District in Yankton County.

Said property is legally described as Lot 20 Blk 2 Sunrise Addition, S10-T93N-R55W, hereinafter referred to as Mission Hill South Township, County of Yankton, State of South Dakota. The Planning Commission recommended approval.

Applicant Dale James spoke on the Variance request.

**Action 19453Z:** A motion was made by Healy and seconded by Loest, to approve based on Findings of Fact from the September 10, 2019 Yankton County Planning Commission meeting the Variance to decrease minimum lot size from 2 acres to .69 acres as requested by Mr. James, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Roll call vote was taken with Healy, Loest voting Aye; Swensen and Klimisch voting Nay; Motion failed, 2-2.

**Action 19454Z:** A motion was made by Healy and seconded by Loest, to approve based on Findings of Fact from the September 10, 2019 Yankton County Planning Commission meeting the Variance for the setback front yard from 100 feet to 50 feet in a Commercial District, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Roll call vote was taken with Healy, Loest and Klimisch voting Aye; Swensen voting Nay; Motion failed, 3-1.

**Variance Public Hearing:** This was the time and place for a public hearing for a Variance to decrease front yard from 30 feet to 13 feet in a Moderate Density District application from Joseph Bruening in a Moderate Density District in Yankton County. Said property is legally described as Lot 10 Blk 1 Timberland Park Hills S15-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The Planning Commission did not approve the Variance.

Applicant Joseph Bruening spoke on the Variance request.

**Action 19455Z:** A motion was made by Loest and seconded by Healy, to deny the variance application as presented based on Findings of Fact from the September 10, 2019 Yankton County Planning Commission meeting, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Roll call vote was taken with all voting aye; motion carried.

**Action 19456C:** A motion was made by Loest and seconded by Swensen to recess the Board of Adjustment and reconvene in regular session. All present voted aye; motion carried.

**YAPG Conflict of Interest:** Rescheduled to next commission meeting.

**Permit Fee Discussion:** Rescheduled to next commission meeting.

**Zoning Ordinance Discussion:** The board presented three areas they wanted looked at with the zoning ordinance. The top three were Wind Ordinance, Agriculture and Telecomm services. It was a consensus of the board to have a joint meeting with the Planning and Zoning board and to give direction on moving forward with possible changes.

There was one public comment from Nancy Wenande.

Chairman Klimisch closed the public comment portion of the meeting.

**Commission Updates:** Commissioner Loest said the "Farm Forum" went well. Commissioner Swensen said he was sending information to Washington DC on the flooding issues. Chairman Klimisch explained the usage complaint.

No Executive Session was held.

**Action 19457C:** 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, October 15, 2019 at 6:00 p.m.

**Dan Klimisch**, Chairman  
Yankton County Commission

ATTEST:  
**Patty Hojem**, County Auditor