

YANKTON COUNTY COMMISSION MEETING

November 5, 2020

The regular meeting of the Yankton County Commission was called to order by Chair Cheri Loest at 6:00 p.m. on Thursday, November 5, 2020.

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

There were no conflicts of interest reported by Commissioners.

Action 20470C: A motion was made by Healy and seconded by Klimisch to approve the meeting agenda with the following addition: Item 5A, COVID update. All present voted aye; motion carried.

There was one public comment by Gary Swensen.

Chair Loest closed public comment.

Action 20471C: A motion was made by Kettering and seconded by Healy to approve the October 20, 2020 meeting minutes. Kettering, Healy, Klimisch, and Loest voted aye; Swensen voted nay; motion carried, 4-1.

Emergency Management Director Paul Scherschligt appeared before the board to update the board on COVID-19.

Action 20472C: A motion was made by Healy and seconded by Kettering to approve the following claims: **Commissioners:** Best Western Plus Ramkota (Travel) \$199.98; **Elections:** Election Systems & Software (Maintenance) \$4,607.50, Election Systems & Software (Supplies) \$309.95, Qualified Presort Services (Supplies) \$368.10, Verizon (Rentals) \$320.08, One Office Solution (Supplies) \$28.00; **Court:** Juror Fees (\$50.00 x 9) \$450.00, Juror Mileage (\$0.84 x 2) \$1.68, Juror Mileage (\$8.40 x 2) \$16.80, Juror Mileage (\$4.20 x 2) \$8.40, Juror Mileage (\$5.04 x 1) \$5.04, Megan Reeves (Professional Services) \$51.00, Patricia LaCroix (Professional Services) \$127.50, Kennedy Pier Loftus & Reynolds (Professional Services) \$2,422.90, Dean Schaefer (Professional Services) \$1,901.00; **Auditor:** Best Western Plus Ramkota (Travel) \$99.99, McLeod's Printing & Office Supplies (Supplies) \$169.90, Qualified Presort Services (Supplies) \$186.79, One Office Solution (Supplies) \$63.81; **Treasurer:** Best Western Plus Ramkota (Travel) \$99.99, Qualified Presort Services (Supplies) \$163.64, Patty Vavra (Supplies) \$319.26, Patty Vavra (Maintenance) \$15.00; **Data:** Data Cloud Solutions (Maintenance) \$4,695.00, Pictometry International (Professional Services) \$22,316.19, Verizon (Maintenance) \$162.03; **Government Center Building:** Bomgaars (Supplies) \$84.99, City of Yankton (Utilities) \$2,085.58, Midwestern Mechanical (Maintenance) \$120.00, Echo Group (Supplies) \$238.69, Jim Flynn (Supplies) \$1,098.00, JCL Solutions (Supplies) \$191.60, Menards (Maintenance) \$63.80, Northwestern Energy (Utilities)

\$2,612.48, Yankton Winnelson Company (Supplies) \$37.52; **Director of Equalization:** Qualified Presort Services (Supplies) \$17.84; **Register of Deeds:** Qualified Presort Services (Supplies) \$45.33, One Office Solution (Supplies) \$168.29, One Office Solution (Maintenance) \$16.04; **VA:** Qualified Presort Services (Supplies) \$6.09; **Safety Center Building:** Mark's (Maintenance) \$1,009.08, City of Yankton (Utilities) \$754.87, Cole Papers Inc. (Supplies) \$540.75, Clarks Rentals Inc. (Rentals) \$115.00, Midwestern Mechanical (Maintenance) \$275.00, Menards (Supplies) \$335.91, MidAmerican Energy (Utilities) \$1,199.74, Northwestern Energy (Utilities) \$8,862.63, Overhead Door Company out of Sioux City (Maintenance) \$255.98; **Sheriff:** Xtreme Car Wash (Maintenance) \$175.80, Cardmember Services (Fuel) \$36.21, Cardmember Services (Travel) \$748.90, Qualified Presort Services (Maintenance) \$126.52, South Dakota Department of Labor & Regulations (Unemployment Ins) \$223.50; **County Jail:** Scott Family Dentistry (Professional Services) \$575.00, Aarms (Maintenance Contracts) \$1,800.00, Jerry Sorbel (Professional Services) \$585.00, Cardmember Services (Travel) \$495.00, Cardmember Services (Supplies) \$21.34, Summit Food Services, LLC (Food Services) \$3,070.43, Hy-Vee (Professional Services) \$79.14, Olson's Pest Technicians (Maintenance) \$110.00; **Coroner:** One Office Solution (Supplies) \$25.57; **Juvenile Detention:** Minnehaha County Juvenile Detention Center (Rentals) \$19,856.77; **YASR:** Bomgaars (Supplies) \$114.99; **Contact Center:** Opsahl-Kostel Funeral Home (Professional Services) \$1,200.00, Qualified Presort Services (Supplies) \$121.06; **Public Health Nurse:** Qualified Presort Services (Supplies) \$61.17; **Ambulance:** Avera Health dba Avera Education & Staffing (Travel) \$10.00, Avera Sacred Heart Hospital (Professional Services) \$310.94, Sacred Heart Health Service (Professional Services) \$1,500.00, AT & T (Utilities) \$36.05, Bomgaars (Supplies) \$317.74, Vast Business (Utilities) \$178.15, The UPS Store 6716 (Supplies) \$48.00, B & L Communications (Supplies) \$159.36, City of Yankton (Utilities) \$261.35, Credit Collections Services (Professional Services) \$61.50, Cintas (Supplies) \$68.13, Quick Med Claims (Supplies) \$2,867.29, Change Healthcare (Professional Services) \$155.83, MidAmerican Energy (Utilities) \$45.51, Northwestern Energy (Utilities) \$840.59, Qualified Presort Services (Supplies) \$4.14, Two Way Solutions (Minor Equipment) \$1,550.00, Verizon (Utilities) \$280.14; **Mental Illness Board:** Darcy Lockwood (Hearings) \$15.00, Kennedy Pier Loftus & Reynolds (Hearings) \$106.70, Mark Katterhagen (Hearings) \$15.00, Lincoln County Treasurer (Hearings) \$2,551.35, Lucille M. Lewno (Hearings) \$246.50; **Senior Citizens:** City of Yankton (3rd Quarter Senior Citizens) \$17,176.18; **County Extension:** Vast Business (Utilities) \$818.83, City of Yankton (Utilities) \$72.35, Katie Doty (Other) \$26.00, Hodges Badge Co Inc. (Other) \$144.50, Hy-Vee (Other) \$91.76, MidAmerican Energy (Utilities) \$8.52, National 4-H Council (Other) \$137.50, Olson's Pest Technicians (Maintenance) \$150.00, One Office Solution (Supplies) \$26.84; **Weed:** Bomgaars (Supplies) \$72.87, Yankton Winnelson Company (Supplies) \$78.90; **Planning & Zoning:** Best Western Plus Ramkota (Travel) \$99.99, Pheasantland Industries (Supplies) \$43.00, Qualified Presort Services (Supplies) \$102.45, Verizon (Utilities) \$42.00; **Road & Bridge:** Bomgaars (Supplies) \$219.97, Battery Exchange (Supplies) \$724.90, Butler Machinery Co (Supplies) \$1,028.98, Boyer Trucks (Supplies) \$229.43, Presto-X (Maintenance) \$110.00, Interstate Power Systems (Supplies) \$103.38, City of Yankton (Utilities) \$86.61, Cox Auto Supply Inc. (Supplies) \$372.26, Concrete Materials (Supplies) \$1,743.00, Concrete Materials (Bridges) \$1,626.90, Certified Laboratories (Supplies) \$465.23, Clark Engineering

(Bridges) \$18,351.81, Direct TV (Utilities) \$83.99, Driveline Services (Utilities) \$606.05, Fastenal Industries & Construction Supply (Supplies) \$309.63, Marks Machinery (Supplies) \$1,161.04, C & C Hauling & Construction Inc. (Annual Projects) \$17,627.58, Northwestern Energy (Utilities) \$643.00, O'Reilly Auto Parts (Supplies) \$11.75, SD Department of Transportation (Annual Projects) \$3,444.76, Truck Trailer Sales Services Inc. (Supplies) \$46.00, Verizon (Utilities) \$86.88; **Emergency 911 Fund:** Vast Business (Utilities) \$1,213.61, City of Yankton (3rd Quarter E911 Dispatch) \$29,348.25, CenturyLink (Utilities) \$156.68, Midcontinent Communications (Utilities) \$115.00; **Emergency Management:** Allegiant Emergency Services (Disaster Plan) \$2,161.50, Bomgaars (Supplies) \$102.04, Hanson Briggs Specialty Advertising Inc. (Supplies) \$183.11, Bound Tree Medical LLC (Disaster Plan) \$744.20, Cox Auto Supply Inc. (Minor Equipment) \$189.57, Creative Product Source (Disaster Plan) \$90.44, Xtreme Car Wash (Maintenance) \$43.20, Boy Scouts of A. Sioux Council (L & C Scout Camp Safe Room Grant) \$74,296.60, Embroidery & Screen Works (Disaster Plan) \$60.00, Miller Consulting LLC (Professional Services) \$640.00, Menards (Supplies) \$102.17, MidAmerican Energy (Utilities) \$8.00, Qualified Presort Services (Supplies) \$14.99, Verizon (Utilities) \$759.63, One Office Solution (Supplies) \$31.30, Yankton Computer & Network Services (Professional Services) \$150.00, Yankton Computer & Network Services (Supplies) \$884.99; **Debt Service:** BOKF, NA (Principal & Interest) \$579,197.50, BOKF, NA (Agent Fee) \$400.00; General Fund \$119,392.10, Road & Bridge, \$49083.15, Emergency Management, \$80,461.74. Healy, Kettering, Klimisch, and Loest voted aye; Swensen voted nay; motion carried, 4-1.

Action 20473C: A motion was made by Kettering and seconded by Klimisch to approve the **October, 2020 Gross Payroll: Commissioners:** \$6,306.49; **Court:** \$0.00; **Election:** \$234.11; **Auditor:** \$15,256.84; **Treasurer:** \$17,590.33; **States Attorney:** \$29,247.73; **Government Buildings:** \$6,257.45; **Director of Equalization:** \$25,536.98; **Register of Deeds:** \$12,903.16; **Veterans Service:** \$3,201.80; **Courthouse & Safety Center:** \$5,899.71; **Sheriff:** \$65,303.37; **County Jail:** \$80,609.62; **Coroner:** \$1,200.00; **Juvenile:** \$325.13; **Nurse:** \$3,122.44; **Ambulance:** \$63,539.84; **WIC :** \$1,587.82; **Extension:** \$7,190.02; **Soil Conservation:** \$3,113.25; **Weed:** \$6,396.74; **Planning & Zoning:** \$10,261.46; **Road & Bridge:** \$62,802.76; **E911:** \$28.66; **OEM:** \$9,220.07; **24-7 Program:** \$970.14. First Dakota National Bank \$34,124.11 (Withholding), First Dakota National Bank \$52,570.98 (FICA) First Dakota National Bank \$12,294.74 (Medicare), South Dakota Retirement System \$32,358.16 (Other Employees), South Dakota Retirement System \$19,805.42 (Sheriff), South Dakota Retirement System (Spouse Opt) \$219.82, 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 \$94.05, 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 \$47.50, Delta Dental \$1,210.00, VSP Vision \$196.10, Harmelink & Fox Law Office \$293.24, WageWorks \$3,078.36. Gross Payroll \$438,108.92, Net Payroll \$322,637.53. All present voted aye; motion carried.

The Board canvassed the election results from the November 3, 2020 General election.

Action 20474C: A motion was made by Klimisch and seconded by Swensen to accept the results of the election as presented by the Auditor. All present voted aye; motion carried.

Approved Tuesday December 29, 2020 as the last scheduled commission meeting for end of year business.

Action 20475Aud: A motion was made by Kettering and seconded by Healy to approve the budgeted cash transfer of \$1,500,000.00 from the General Fund to County Highway. All present voted aye; motion carried.

Action 20476Aud: A motion was made by Healy and seconded by Klimisch to approve the Amendment of Agreement number 1 to Agreement number 614952 for the 2019 Snow/Flood Event. All present voted aye; motion carried.

Action 20477Hwy: A motion was made by Klimisch and seconded by Kettering to approve the Right of Way application from Midcontinent Communications in Township 93-56. All present voted aye; motion carried.

Action 20478Hwy: A motion was made by Klimisch and seconded by Healy to approve the Right of Way application from Northwestern Energy in Township 93-55. All present voted aye; motion carried.

Action 20479Hwy: A motion was made by Kettering and seconded by Klimisch to approve the Local Bridge Improvement Grant (BIG) in the amount \$54,000 for Fleegs Bridge. Structure Number 68-156-182 and Project Number BRF 6366. All present voted aye; motion carried.

Zoning: Bruce Jensen appeared before the board to discuss an open meeting violation complaint.

Missouri River Sedimentation: Sandy Stockholm from Missouri Sedimentation Action Coalition (MSAC) appeared before the board to request the phase 2 contribution the commission approved in September 2018. Stockholm also gave an update to the Sediment Management Plan at L&C Lake.

Action 20480C: A motion was made by Klimisch and seconded by Kettering to approve the agreement for the phase 2 contribution only of \$3800.00 and for MSAC to request the phase 3 contribution at a later date.

Zoning Permits: Planning and Zoning Administrator Gary Vetter appeared before the board to discuss fines for construction without permits. Mr. Vetter presented the fee schedule that was approved, effective November 5, 2019. The board was in favor of the zoning office following the schedule as presented.

Action 20481C: A motion was made by Healy 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 Peter Rosberg. Applicant requested a permit for an increase in maximum structure size in a dual zoned Low Density Rural Residential (R1) and High Density Rural Residential (R3) District. Said property is legally described as Lot 6, Block 1 Riverside Acres North Addition, S22-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The Planning Commission recommended approval, 8-0.

Peter Rosberg spoke on the CUP request.

Action 20482Z: A motion was made by Klimisch and seconded by Kettering, to approve the Conditional Use Permit, based on Findings of Fact from the October 13, 2020 Yankton County Planning Commission meeting as presented, 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 20483C: 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 20484C: A motion was made by Klimisch 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 AT&T Velocitel. Applicants requested a permit for a Communications Tower. Said property is legally described as Tract 4, E 590.30' of the S590.30" of Kabeiseman's Tract 4, N1/2 and excepting the E 590.30' of the N 590.30', S12-T93N-R57W, hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota. The Planning Commission denied the application, 6-1 per Section 1805 #5A Ingress/Egress for property, the proposed structure does not meet standards.

Attorney Bill Van Kamp representing the applicants spoke on the CUP application. Also speaking were Cheryl Riley, Ryan Struck and Jim Tidmore. Josh Luther (via Zoom) also spoke.

Residents speaking for or against were Andrea Maibaum, Lisa and Todd Huber, John Sizmore, Todd Woods, Marcia and Terry Labounty, Matt Evans and Jim Thorson.

Action 20485Z: A motion was made by Commissioner Kettering to approve the Conditional Use Permit and then rescinded his motion.

Action 20486Z: A motion was made by Healy and seconded by Kettering to approve the Conditional Use Permit on contingent of a Road Haul agreement including but not limited to Ingress/Egress from 310 only, costs of Yankton County to inspect the condition of the road prior to and after, 2 inches of gravel from 434th to the entrance and grading. Work to be done by the County and charged to AT&T, based on Findings of Fact from the October 13, 2020 Yankton County Planning Commission meeting as presented, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Roll call vote was taken with Healy, Kettering, Klimisch and Loest voting aye; Swensen voting nay; motion carried, 4-1.

Action 20487Z: A motion was made by Kettering and seconded by Healy to recess the Board of Adjustment and reconvene in regular session. All present voted aye; motion carried.

Action 20488C: 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 20489C: A motion was made by Healy and seconded by Klimisch to reconvene. All present voted aye; motion carried.

The first reading of Yankton County Ordinance 2020, Ordinance No. 20-28 a rezone from an Article 7 Moderate Density Rural Residential District (R2) to an Article 13 Planned Unit Development (PUD). The hearing for the second reading will be November 17, 2020.

Matt Evans spoke on the hearing.

Speaking in opposition were, Bob Cap, Bill Tacke, Frank Kralicek, Kari and Matt Rumsey, Scott Hughes, Matt Arens and Dylan Tacke.

Kerry Feilmeier, Nicole Brandt also and Jerry Terveer spoke in support of the rezone.

Drainage Commission: Chair Loest met with the Drainage Board and a motion was made to retain the commission with revisions.

Guidance for Variances: Commissioner Klimisch asked the board for guidance on county residents applying for zoning variances.

Rezoning Duties: The board discussed Section 1719 County Commission Amendment and rezoning duties.

There were two public comments from Gary Swensen and John Gunderson.

Chair Loest closed public comment.

Commissioner updates: Conservation District position, Air purification, Cares Act dollars, NACO training.

Action 20490C: A motion was made by Healy and seconded by Kettering to adjourn. All present voted aye; motion carried.

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

Cheri Loest, Chair
Yankton County Commission

ATTEST:
Patty Hojem, County Auditor