

## YANKTON COUNTY COMMISSION MEETING

February 4, 2020

The regular meeting of the Yankton County Commission was called to order by Chair Cheri Loest at 6:00 PM on Tuesday, February 4, 2020.

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

There were no conflicts of interest reported by Commissioners.

**Action 2047C:** A motion was made by Klimisch and seconded by Kettering to approve the meeting agenda with the following change: Item 21, Township Secession was removed. All present voted aye; motion carried.

There was one public comment by Patty Gramkow.

Chair Loest closed public comment.

**Action 2048C:** A motion was made by Klimisch and seconded by Kettering to approve the minutes of the January 21, 2020 meeting with the following correction: statement Chair Loest closed public comment should be after the two comments instead of before. All present voted aye; motion carried.

**Action 2049C:** A motion was made by Klimisch and seconded by Swensen to approve the following claims with the deletion of \$20,073.68 for Meierhenry Sargent LLP: **Non Departmental:** SD Department of Revenue (Sales Tax Return) \$86.39; **Commissioners:** Intuvio Solutions (Professional Services) \$99.90, River Rat Productions (Professional Services) \$975.00, MT & RC Smith (Liab Ins 2020) \$21,014.00; **Elections:** Election Systems & Software Inc. (Professional Services) \$588.54, Verizon (Rentals) \$720.18; **Court:** Fox & Youngberg PC (Professional Services) \$9,039.35, Fox & Youngberg PC (Neglected) \$1,527.20, Fox & Youngberg PC (Delinquent/Minor) \$1,470.75, Hy-Vee (Supplies) \$39.62, KCH Law (Professional Services) \$372.70, LaCroix Law Office (Neglected) \$893.95, Pizza Ranch (Juror Meals) \$93.39, Dean Schaefer (Professional Services) \$570.00, **Auditor:** McLeod's Printing & Office Supply (Supplies) \$58.55, Leaf (Rentals) \$159.00, MT & RC Smith (Liab Ins 2020) \$692.00, One Office Solutions (Supplies) \$80.30, One Office Solution (Maintenance) \$470.77; **Treasurer:** MT & RC Smith (Liab Ins 2020) \$692.00; **Data Processing:** Leaf (Rentals) \$104.86; **States Attorney:** MT & RC Smith (Liab Ins 2020) \$970.00; **Government Center Building:** City of Yankton (Utilities) \$1,713.93, JJ Benji (Supplies) \$22.00, Menards (Supplies) \$54.96, Northwestern Energy (Utilities) \$1,989.01, Olson's Pest Technicians (Maintenance) \$79.00, MT & RC Smith (Liab Ins 2020) \$14,742.00, United Laboratories Inc. (Supplies) \$267.10; **Director of Equalization:** MT & RC Smith (Liab Ins 2020) \$2,114.00, Verizon (Utilities) \$174.70, One Office Solution (Maintenance) \$104.11; **Register of Deeds:** Microfilm Imaging Systems (Supplies) \$96.97, MT & RC Smith (Liab Ins 2020) \$692.00, One Office Solution (Supplies) \$11.47; **VA:** MT & RC Smith (Liab

Ins 2020) \$278.00; **Safety Center Building:** Kopetsky's Ace Hardware (Maintenance) \$54.25, City of Yankton (Utilities) \$509.23, Yankton Home & Garden (Maintenance) \$472.50, Fejfar Plumbing & Heating (Maintenance) \$1,398.68, Menards (Supplies) \$192.54, Northwestern Energy (Utilities) \$6,350.01, Olson's Pest Technicians (Maintenance) \$243.00, MT & RC Smith (Liab Ins 2020) \$16,632.00, SD Department of Public Safety (Professional Services) \$300.00; **Sheriff:** Hanson Briggs Specialty (Supplies) \$62.57, Cardmember Services (Fuel) \$38.37, Fox Run Quick Lube (Maintenance) \$69.24, FedEx (Supplies) \$22.11, Midcontinent Communications (Utilities) \$120.00, National Sheriffs Association (Professional Services) \$129.00, MT & RC Smith (Liab Ins 2020) \$27,528.00, Walmart Community/SYNCB (Minor Equip) \$54.00; **County Jail:** Avera Medical Group (Professional Services) \$114.29, Cardmember Services (Supplies) \$62.69, Diamond Drugs (Professional Services) \$228.76, Detco (Supplies) \$501.60, Summit Food Services LLC (Food Services) \$6,371.64, McKesson Medical-Surgical Inc. (Professional Services) \$70.16, Hy-Vee (Professional Services) \$36.18, JCL Solutions (Supplies) \$774.76, Menards (Supplies) \$86.76, Northtown Automotive (Auto Expense) \$141.16, Pharmchem Inc. (Supplies) \$1,211.00, MT & RC Smith (Liab Ins 2020) \$8,558.00, Turnkey Corrections (Supplies) \$471.60, Yankton Anesthesiology PC (Professional Services) \$455.00; **Coroner:** Bomgaars (Supplies) \$249.86, Cox Auto Supply Inc. (Supplies) \$163.98, Kaiser Appliance & Refrigeration (Maintenance) \$92.85, Menards (Supplies) \$182.39; **Public Health Nurse:** MT & RC Smith (Liab Ins 2020) \$278.00, Office of Child & Family Services (1<sup>st</sup> Quarter 2020) \$2,671.05; **Ambulance:** Sacred Heart Health Services (Professional Services) \$1,500.00, AT & T (Utilities) \$36.05, City of Yankton (Utilities) \$185.75, Change Healthcare (Professional Services) \$286.54, Menards (Supplies) \$53.21, MidAmerican Energy (Utilities) \$746.03, Northwestern Energy (Utilities) \$850.89, Roger's Family Pharmacy (Supplies) \$81.36, MT & RC Smith (Liab Ins 2020) \$2,061.00, Two Way Solutions Inc. (Maintenance) \$540.99, Verizon (Utilities) \$316.59, **Mental Illness Board:** Darcy Lockwood (Hearings) \$57.00, Fox & Youngberg PC (Hearings) \$3,346.70, Kennedy Pier Loftus & Reynolds, LLP (Hearings) \$5,031.80, Mark Katterhagen (Hearings) \$57.00, Lucille M. Lewno (Hearings) \$814.50; **County Extension:** City of Yankton (Utilities) \$72.35, MidAmerican Energy (Utilities) \$147.25, Yankton County Observer (Other) \$30.00, MT & RC Smith (Liab Ins 2020) \$1,166.00, Yankton Daily P & D (Publishing's) \$133.09; **Soil Conservation:** MT & RC Smith (Liab Ins 2020) \$1,336.00; **Weed:** MT & RC Smith (Liab Ins 2020) \$7,608.00; **Drainage Comm:** Missouri Sedimentation (2020 Annual Membership) \$1,000.00; **Planning & Zoning:** Southgate (Maintenance) \$50.00, Boller Printing Co (Supplies) \$36.00, Schneider Geospatial LLC (Maintenance) \$6,900.00, Richardson, Wyly, Wise, Sauck & Hieb LLP (Professional Services) \$231.00, River Rat Productions (Professional Services) \$140.00, ESRI (Professional Services) \$7,000.00, MT & RC Smith (Liab Ins 2020) \$474.00, Verizon (Utilities) \$44.36, One Office Solution (Supplies) \$66.23; **Road & Bridge:** C & B Operations LLC (Supplies) \$404.98, Bomgaars (Supplies) \$39.07, Butler Machinery Co (Supplies) \$613.37, Boyer Trucks (Supplies) \$1,416.53, Interstate Power Systems (Supplies) \$289.25, Mills & Miller (Supplies) \$ 3,557.40, Ban Koe Companies, Inc. (Utilities) \$1,690.00, City of Yankton (Utilities) \$75.49, Cox Auto Supply, Inc. (Supplies) \$1,225.46, Concrete Materials (Supplies) \$747.84, CenturyLink (Utilities) \$55.00, Certified Laboratories (Supplies) \$138.76, Clark Engineering (Professional Services) \$10,568.75, Calibration Technologies, Inc. (Supplies) \$2,165.00, I29 Trailer Sales (Supplies) \$733.10, Dakota Riggers (Supplies) \$783.94, Direct TV (Utilities) \$83.99, Diamond Mowers Inc. (Supplies) \$324.74, Ryland

Manufacturing, Inc. (Supplies) \$3,833.40, Ehresmann Engineering, Inc. (Supplies) \$80.86, Fleetpride Truck & Trailer (Supplies) \$1,171.03, Fastenal Industrial & Construction Supply (Supplies) \$25.19, Graham Tire Yankton (Supplies) \$8,057.40, I State Truck Center (Supplies) \$36.95, Kaiser Heating & Cooling (Supplies) \$75.96, Kimball Midwest (Supplies) \$373.59, Menards (Supplies) \$33.96, Northwestern Energy (Utilities) \$1,195.44, O'Reilly auto Parts (Supplies) \$47.88, Riverside Hydraulics & Labs (Supplies) \$246.06, MT & RC Smith (Liab Ins 2020) \$58,632.00, Sturdevant's Auto Supply (Supplies) \$310.10, Two Way Solutions Inc. (Supplies) \$700.00, Two Way Solutions Inc. (Secondary Roads) \$100.00, Southeastern Electric Cooperative Inc. (Utilities) \$103.07, Truck Trailer Sales Services, Inc. (Supplies) \$131.25, TimeKeeper Northstar (Utilities) \$720.00, Verizon (Utilities) \$90.95, Vermillion Yankton Joint Solid Waste (Utilities) \$243.20, One Office Solution (Supplies) \$421.67; **Emergency 911 Fund:** Vast Business (Utilities) \$1,100.33, CenturyLink (Utilities) \$.49, CenturyLink (Utilities) \$69.29; **Emergency Management:** Kopetsky's Ace Hardware (Supplies) \$104.85, Bomgaars (Supplies) \$118.46, Hanson Briggs Specialty (Supplies) \$53.24, TIAA Commercial Finance, Inc. (Rentals) \$173.15, Amanda Jackson (Maintenance) \$198.50, Xtreme Car Wash (Maintenance) \$11.20, Midcontinent Communications (Utilities) \$682.95, Mead Lumber (Supplies) \$77.16, Menards (Supplies) \$154.45, MidAmerican Energy (Utilities) \$37.93, Racom Corporation (Utilities) \$36.03, Verizon (Utilities) \$1,566.32, One Office Solution (Supplies) \$383.20; General Fund \$202,428.30, Road & Bridge, \$101,542.63, Emergency Management, \$3,597.44. All present voted aye; motion carried.

**Action 2050C:** A motion was made by Kettering and seconded by Klimisch to approve the **JANUARY, 2020 Gross Payroll: Commissioners:** \$5,606.74; **Court:** \$4,198.79; **Election:** \$0.00; **Auditor:** \$15,484.14; **Treasurer:** \$17,590.33; **States Attorney:** \$31,076.69; **Government Buildings:** \$6,902.35; **Director of Equalization:** \$25,636.98; **Register of Deeds:** \$12,894.00; **Veterans Service:** \$3,503.08; **Courthouse & Safety Center:** \$6,148.90; **Sheriff:** \$68,978.56; **County Jail:** \$80,831.90; **Coroner:** \$1,300.00; **Juvenile:** \$52.91; **Nurse:** \$3,122.44; **Ambulance:** \$49,645.04; **WIC :** \$1,583.26; **Extension:** \$7,190.02; **Soil Conservation:** \$435.60; **Weed:** \$703.90; **Planning & Zoning:** \$9,554.14; **Road & Bridge:** \$81,152.44; **E911:** \$42.99; **OEM:** \$9,990.51; **24-7 Program:** \$3,398.26. First Dakota National Bank \$35,078.86 (Withholding), First Dakota National Bank \$54,136.58 (FICA) First Dakota National Bank \$12,661.10 (Medicare), South Dakota Retirement System \$32,829.72 (Other Employees), South Dakota Retirement System \$20,677.82 (Sheriff), South Dakota Retirement System (Spouse Opt) \$128.01, 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 \$447,023.97, Net Payroll \$333,626.85. All present voted aye; motion carried.

Sheriff James Vlahakis presented his 2019 4<sup>th</sup> quarter report. Mr. Vlahakis also requested approval to paint a couple of jail pods that had been heavily used at estimated cost between

\$8,000 and \$10,000 and an approval of unanticipated grant revenue for court services security.

**Action 2051S:** A motion was made by Kettering and seconded by Swensen to approve the request for painting. All present voted aye; motion carried.

**Action 2052S:** A motion was made by Klimisch and seconded by Kettering to approve the 2019 fourth quarter report from the Sheriff's office. A detailed report is on file with the County Auditor. All present voted aye; motion carried.

**Action 2053S:** A motion was made by Klimisch and seconded by Kettering to supplement the Courts budget due to unanticipated grant revenue in the amount of \$5,302.62. All present voted aye; motion carried.

Brian Hunhoff, Register of Deeds, presented his 2019 annual report. Commissioner Klimisch mentioned that Mr. Hunhoff was inducted into the hall of fame for Yankton High School Fine Arts.

**Action 2054ROD:** A motion was made by Klimisch and seconded by Kettering to approve the 2019 annual report from the Register of Deeds office. A detailed report is on file with the County Auditor. All present voted aye; motion carried.

Commissioner Healy entered the meeting.

**Action 2055C:** A motion was made by Kettering and seconded by Healy to approve a temporary 1 Day Malt Beverage License for 6<sup>th</sup> Meridian LLC at Mead Cultural Education Center. Kettering, Healy, Klimisch and Loest voting Aye; Swensen Voting Nay; Motion carried.

Mike Sedlacek, Highway Superintendent presented the amended 5-Year Highway Plan for board approval. The amended plan is for future grant bridge applications.

**Action 2056Hwy:** A motion was made by Healy and seconded by Klimisch to approve the amended 5-year Highway Plan. All present voted aye; motion carried.

Jon Andersen from Andersen Telecom LLC presented a quote for the sound system upgrade for the commission chambers. Mr. Andersen said there is a change to the original quote of \$19,239.83 to an estimation of \$21,000.00. There were a couple of changes to the speakers and the mic for the podium.

**Action 2057C:** A motion was made by Kettering and seconded by Swensen to approve the quote from Andersen Telecom LLC in the estimated cost of \$21,000.00. All present voted aye; motion carried. Klimisch, Swensen, Kettering and Loest voting Aye; Healy Voting Nay; Motion carried, 4-1.

With two positions on the planning commission coming up for renewal in March, the board discussed changing the planning commission from the nine current board members to seven members with only one commissioner.

**Action 2058C:** A motion was made by Klimisch and seconded by Swensen to keep the planning commission at the current nine including two commissioners and to advertise two open positions which will be named in April 2020. Roll call vote was taken with Klimisch, Swensen, and Healy voting Aye; Kettering and Loest voting Nay; Motion carried, 3-2.

**Insurance:** Roger Smith from MT & RC Smith Insurance appeared before the board to discuss the Property and Liability insurance and putting emergency response team volunteers on Yankton County Workman's Comp.

**Action 2059C:** A motion was made by Healy and seconded by Kettering to place the Emergency response team volunteers on Yankton County Workman's Comp. All present voted aye; motion carried.

Planning and Zoning Administrator Gary Vetter appeared before the board to receive guidance on Section 513 (plats) in the zoning manual. The board instructed Mr. Vetter to abide by the zoning manual and that a second home placed in the farmstead must meet all required setback and restrictions in the ordinance.

**Hearing:** There was a first reading on the re-adoption of the Zoning Ordinance and Map with no changes. Mr. Vetter said there were no changes to the ordinance or map. The second reading of Yankton County Ordinance No 20-01 will be at the next commission meeting on February 18, 2020.

There was no public comment.

**Action 2060Z:** 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.

**Variance Public Hearing:** This was the time and place for a public hearing for a Variance of application from Steven Novak and Bernice Hauck. Variance to decrease the minimum lot size requirement in an AG District on a proposed plat from 20 acres to 18.529 for Lot 1 and 18.501 for Lot 2 in Yankton County. Said property is legally described as N2 N2 NE4, S23-T94N-R57W, hereinafter referred to as Ziskov North Township, County of Yankton, State of South Dakota. The Planning Commission recommended approval 8-0.

Attorney Tom Reynolds spoke on behalf the applicant.

**Action 2061Z:** A motion was made by Healy and seconded by Klimisch, to approve the variance application based on Findings of Fact from the January 14, 2020 Yankton County Planning Commission meeting the Variance as presented, 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 2062Z:** A motion was made by Klimisch and seconded by Kettering to adopt the following resolution: Whereas it appears, Charles Novak, owner of record, has caused a plat to be made of the following real property: Lot 1 and Lot 2 of Charles Novak Addition, N1/2, N1/2, NE1/4, S23-T94N-R57W, hereinafter referred to as Ziskov North Township, 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. Roll call vote was taken with Klimisch, Kettering, Healy, Swensen and Loest voting Aye; Motion carried, 5-0.

**Action 2063C:** 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.

**Action 2064Z:** A motion was made by Kettering and seconded by Klimisch to adopt the following resolution: Whereas it appears, Jason Tramp, owner of record, has caused a plat to be made of the following real property: Lot 2 of Parcel 3 of Quarry Pines Addition, NW4, NW4 S16-T93N-R56W, hereinafter referred to as Utica South Township 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.

**HR Consultant:** Dan Oakland from Alternative HRD, LLC of Sioux Falls, SD presented a risk assessment and proposed employee handbook. Mr. Oakland made some suggestions on the current handbook and suggested hiring a Human Resource position in two to three years. The board delayed the decision on Good Friday and Native American/Columbus Day.

**Code of Conduct:** The board discussed the code of conduct for Yankton County. Commissioner Klimisch said he would like the document to be sent to the department heads and other elected officials for their recommendations. Chair Loest said she would send the document out to all the department heads for their review and comment.

Commissioner Klimisch read a resolution of support for local control. Individuals commenting on the resolution were: Zane Williams, John Gunderson, Louis Johnson and Cathy Wiess.

**Action 2065C:** A motion was made by Klimisch and seconded by Swensen to approve the following resolution. Roll call vote was taken with Klimisch, Swensen, Healy and Loest voting Aye; Kettering voting Nay; Motion carried, 4-1.

## RESOLUTION 20-4

### RESOLUTION IN SUPPORT OF LOCAL CONTROL IN YANKTON COUNTY

**WHEREAS,** county government is best served by the governing and management of local resources by local elected officials

**WHEREAS,** local control is much more responsive to the needs of local citizens

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

**WHEREAS,** local leaders and governing bodies reduce bureaucracy, reduce taxpayer expenses, and improve the efficiency of government operations,

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

**NOW, THEREFORE, BE IT RESOLVED,** that we the Yankton Board of County Commissioners do hereby resolve that we support local control of county government.

Yankton County Chair, Cheri Loest /s/  
Commissioner, Joseph Healy /s/  
Commissioner, Dan Klimisch /s/  
Commissioner, Gary Swensen /s/

The board discussed scheduling town hall meetings for 2020. Meetings will be in Utica with Commission Klimisch and Kettering, and in the lake area with Commissioner Klimisch and Healy. Commissioner Healy suggested hosting a meeting with townships and Commissioner Klimisch suggested meeting with the small towns.

**2019 Budget:** The board discussed final budget figures for 2019.

**Legislative Update:** the board discussed several house and senate bills that are being discussed in Pierre.

**Ambulance:** Chair Loest said Ambulance Taskforce met February 3rd and discussed financial aspects of operating an ambulance service and hiring an outside service for billing services. The next meeting will be February 17, in the commission chambers.

**Township meeting:** Chair Loest and Commissioner Kettering discussed issues with Mayfield, Turkey Valley, Marindahl, Walshtown and Jamesville township officials. Items of concerns that were discussed: roads and dollars spent on the roads in those areas, district

representation, zoning issues, animal feeding operations and secession. Also discussed was the meetings that are not open to the public.

There were public comments from Leah Bunkers and John Gunderson.

Chair Loest closed public comment.

**Commissioner updates:** Commissioner Kettering said he attended the first Cracker Barrel, Yankton Day in Pierre and a meeting at District III sponsored by SD Housing and GOED. Commissioner Swensen said he will be attending a pipeline public safety meeting in Vermillion, SD. Commissioner Healy mentioned the YAPG meeting, annual Ditch meeting; and also mentioned was flood risk meeting.

**Action 2066C:** A motion was made by Kettering and seconded by Healy to recess the regular session at 8:40 pm and convene in executive session to discuss Poor Relief Issues SDCL 1-25-2 & 28-13, litigation SDCL 1-25-2(3) and personnel issues SDCL 1-25-2(1). All present voted aye; motion carried.

**Action 2067C:** A motion was made by Healy and seconded by Swensen to adjourn the executive session at 9:15 pm and reconvene in regular session. All present voted aye; motion carried.

**Action 2068C:** A motion was made by Klimisch and seconded by Swensen to deny the poor relief applications due to the inability to determine indigence as defined in codified law 28-13-1.3. All present voted aye; motion carried.

Chair Loest reported no action would be taken as a result of the executive session for Personnel and Litigation.

**Action 2069C:** A motion was made by Swensen and seconded by Klimisch to adjourn. All present voted aye; motion carried.

The next regular meeting will be Tuesday, February 18, 2020 at 6:00 p.m.

Cheri Loest, Chair  
Yankton County Commission

ATTEST:  
Patty Hojem, County Auditor