

YANKTON COUNTY COMMISSION MEETING

July 20, 2021

The regular meeting of the Yankton County Commission was called to order by Chair Cheri Loest at 6:00 p.m. on Tuesday, July 20, 2021.

Roll call was taken with the following Commissioners present: Wanda Howey-Fox, Don Kettering, Dan Klimisch, Joseph Healy and Cheri Loest.

There were no conflicts of interest reported by Commissioners.

Action 21330C: A motion was made by Fox and seconded by Healy to approve the regular meeting agenda. All present voted aye; motion carried, 5-0.

There were no public comments.

Chair Loest closed public comment.

Highway: Highway Superintendent Mike Sedlacek presented the board with a request from the South Dakota Department of Transportation to create a T intersection at the intersection of 310th Street and 451st Avenue, due to four crashes in the past ten years. The project is eligible for federal safety funds which is 90% and 10% local match. The county's share would be \$13,000. Sedlacek suggested using rumble bars and traffic warning lights first. It was the consensus of the board to use the bars and lights and check with the Gayville Town Board for their input.

Action 21331C: A motion was made by Fox and seconded by Klimisch to approve a Temporary 2 Day Liquor License for Upper Deck Bar & Grill at Gavins Point Recreational Center. All present voted aye; motion carried, 5-0.

There was no public comment on the liquor license request.

Emergency Management Director Paul Scherschligt presented a list of programs for the Pre-Disaster Mitigation Plan. A few items mentioned were storm ready county, shelters, tornado shelter location information, severe weather awareness week and weather radios. Commissioner Healy would like to see a tent on the list.

Action 21332OEM: A motion was made by Healy and seconded by Klimisch to approve the list presented and the addition of a Multi Hazard Portable Facility. All present voted aye; motion carried, 5-0.

Chair Loest presented a 2021 Achievement Award from the National Association of Counties to Michelle Goeken, Deputy Director of Equalization. This award was given for the Director of Equalization program titled "Lending a Helping Hand." Items noted on the application

including helping the County Auditor's office with 2020 absentee voting, work on the county handbook, helping with Highway Department paperwork for the 2019 flood, and development of a wage matrix for county employees. Members of the Equalization team in 2020 and 2021 include Lori Mackey (retired), Matt Archer (retired), Nancy Brockmoller (retired), Jeff Puthoff, Michelle Goeken, Andrea Wright, Jessica Atkinson and Kasi Foss.

Drainage: There was a second reading on Yankton County Drainage Ordinance #19.

There was no public comment.

Action 21333DR: A motion was made by Fox and seconded by Kettering to approve the amendments to the Yankton County Drainage Ordinance #19 with the removal of 3.03G. Roll call vote was taken with Fox, Kettering, Healy, Klimisch and Loest voting aye; motion carried, 5-0.

Article 5: There was a second reading of Article 5 and Definitions. Individuals commenting at the Article 5 hearing were: Chris Barkl, Jay Cutts, Ryan Heine, Zane Williams, Louis Johnson, Laura Nelson and Ron Budde.

Commissioner Healy proposed the corrected definition: Solid Manure System - any style of manure not conforming to the definition of "Liquid Manure", systems include floor-raised poultry, deep-bedded housing systems and dry lot.

The following is inserted after the Facility setback chart: "Operations that utilize both solid and liquid manure shall have a blended setback, taking into account setback distances proportional to the number of animal units of each style of manure. Example: An operation 1/1000 dry lot beef cattle and 940 AUs of finishing swine would have a setback of (1000 AU x 1.98 ft.) + (940 AU x 2.64 ft.) = 4462'.

Action 21334C: A motion was made Kettering and seconded by Healy to recess the commission meeting for five minutes. All present voted aye; motion carried, 5-0.

Action 21335C: A motion was made by Fox and seconded by Kettering to reconvene. All present voted aye; motion carried, 5-0.

Action 21336Z: A motion was made by Fox and seconded by Kettering to approve changes to Article 5 that were in the commission packet with the following addition: change liquid and dry manure definitions as proposed by Commissioner Healy and change setbacks to 1/4 mile for all animal units. Commissioner Fox withdrew her motion.

Action 21337Z: A motion was made by Kettering and seconded by Fox to approve the proposed changes that were in the commission packet with the following additions: change in liquid and dry manure definitions as proposed by Commissioner Healy and change setbacks for less than 1,000 animal units to 1/4 mile and over 1,000 animal units to a half

mile. Roll call vote was taken with Kettering and Fox voting aye; Healy, Klimisch and Loest voting nay; motion failed, 2-3.

Action 21338Z: A motion was made by Healy and seconded by Loest to approve proposed changes that were in the commission packet with the following addition: change in the liquid and dry manure definitions as proposed by Commissioner Healy. Roll call vote was taken with Healy and Loest voting aye; Kettering, Fox and Klimisch voting nay; motion failed, 2-3.

Action 21339Z: A motion was made by Fox and seconded by Healy to approve proposed changes that were in the commission packet with the following addition: change in the liquid and dry manure definitions as proposed by Commissioner Healy. Roll call vote was taken with Fox, Healy and Loest voting aye; Klimisch and Kettering voting nay; motion carried, 3-2.

Action 21340Z: A motion was made by Healy and seconded by Klimisch to adopt the following resolution: Whereas it appears, Deerfield Trucking, owner of record, has caused a plat to be made of the following real property: Lot 13, Whitetail Run, SE1/4, NE1/4, S16-T93N-R56W, 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, 5-0.

Action 21341Z: A motion was made by Kettering and seconded by Fox to adopt the following resolution: Whereas it appears, James Souhrada, owner of record, has caused a plat to be made of the following real property: Souhrada's Addition, SE1/4, NE1/4, S31-T95N-R57W, 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, 5-0.

Action 21342Z: A motion was made by Kettering and seconded by Fox to adopt the following resolution: Whereas it appears, Brandy McDonald, owner of record, has caused a plat to be made of the following real property: Tract 1, McDonald Addition, Lots 1 and 2, NE1/4, S2-T95N-R55W, 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, 5-0.

Action 21343Z: A motion was made by Fox and seconded by Klimisch to adopt the following resolution: Whereas it appears, Mike Mathison, owner of record, has caused a plat to be made of the following real property: Mathison Tract 6, NE1/4, NE1/4, S6-T93N-R56W, 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, 5-0.

Gary Vetter presented to the board a letter to land owners that would be interested in a onetime administrative rezone of some Rural Transitional District Zones. The board approved the letter.

Action 21344C: A motion was made by Kettering and seconded by Fox to approve the following claims: **Non-Departmental:** SD Department of Revenue (Sales Tax Return) \$144.89; **Commissioners:** Vast Business (Utilities) \$52.50, First Bankcard (Supplies) \$62.78, Yankton County Observer (Publishing's) \$584.80, Qualified Presort Services (Supplies) \$7.10, Yankton Daily P & D (Publishing's) \$1,168.27; **Elections:** Qualified Presort Services (Supplies) \$25.88; **Court:** Avera Sacred Heart Hospital (Lab) \$624.00, Certified Languages International (Professional Services) \$130.35, Megan Reeves (Professional Services) \$49.40, Juror Fees (Crt) \$511.64, Murphy Law Office (Professional Services) \$606.45, John Billings (Professional Services) \$4,009.50, Clovia Dee (Professional Services) \$337.80, Kennedy Pier Loftus & Reynolds (Professional Services) \$1,360.00, Sheriff McDonough County (Professional Services) \$10.00, Polk County Sheriff's Office (Professional Services) \$76.80, Department of Health (Lab-June 2021) \$280.00, Dean Schaeffer (Professional Services) \$564.00, Thomson Reuters (Supplies) \$855.57; **Auditor:** Vast Business (Utilities) \$175.06, Culligan (Supplies) \$43.50, Qualified Presort Services LLC (Supplies) \$119.01, Security Shredding Services (Maintenance) \$35.00; **Treasurer:** Vast Business (Utilities) \$209.41, Culligan (Supplies) \$57.50, Qualified Presort Services LLC (Supplies) \$183.41, Security Shredding Service (Maintenance) \$35.00; **Data Processing:** Vast Business (Utilities) \$832.83, First Bankcard (Maintenance) \$44.28, Miller Consulting LLC (Maintenance) \$680.00; **States Attorney:** Century Business Products (Rentals) \$457.26, Miller Consulting LLC (Maintenance) \$40.00, Security Shredding Services (Maintenance) \$210.00; **Government Building:** Southgate (Maintenance) \$140.00, Vast Business (Utilities) \$26.25, City of Yankton (Supplies) \$37.22, Echo Group (Maintenance) \$93.30, Janssen's Garbage Service (Utilities) \$240.00, JCL Solutions (Supplies) \$105.87, MidAmerican Energy (Utilities) \$560.61, **Director of Equalization:** Vast Business (Utilities) \$229.50, Miller Consulting LLC (Maintenance) \$40.00, Microfilm Imaging Systems (Maintenance) \$70.00; **Register of Deeds:** Vast Business (Utilities) \$177.58, Microfilm Imaging Systems (Rentals) \$171.00, Qualified Presort Services (Supplies) \$56.34, One Office Solution (Supplies) \$37.96, Yankton Daily P & D (Supplies) \$190.10; **VA:** Vast Business (Utilities) \$26.25, Miller Consulting LLC (Minor Equipment) \$1,250.00, Miller Consulting LLC (Maintenance) \$160.00, Qualified Presort Services (Supplies) \$6.76; **Safety Center**

Building: Vast Business (Utilities) \$821.38, City of Yankton (Dumpster Fees) \$192.00, Cole Paper Inc. (Supplies) \$86.94, Echo Group (Supplies) \$577.56, Kone Inc. (Maintenance) \$325.38; **Sheriff:** City of Yankton (Fuel) \$2,716.61, Culligan (Supplies) \$46.00, Microsoft (Maintenance Contracts) \$1,188.00, Qualified Presort Services (Maintenance Contracts) \$264.94, Tire Muffler Alignment (Maintenance) \$22.66, One Office Solution (Supplies) \$53.18; **County Jail:** Avera Sacred Heart Hospital (Professional Services) \$3,155.28, AMG Radiology Yankton (Professional Services) \$462.90, Avera Medical Group (Professional Services) \$1,592.00, Buhl's Cleaners (Supplies) \$10.65, Culligan (Food Services) \$27.75, Diamond Drugs (Professional Services) \$354.68, Trinity Services Group (Food Services) \$7,733.11, Leaf (Maintenance Contracts) \$335.37, Strachan Sales Inc. (Food Services) \$3,704.72, Yankton Rexall Drug Co (Professional Services) \$161.43, Yankton Medical Clinic (Professional Services) \$254.60, Yankton Anesthesiology (Professional Services) \$107.40; **Coroner:** Sanford Health (Professional Services) \$2,340.00; **Yankton Area Search & Rescue:** City of Yankton (Supplies) \$16.43; **Care of Poor:** Miller Consulting LLC (Maintenance) \$20.00, Qualified Presort Services LLC (Supplies) \$79.41, Thomson Reuters (Supplies) \$79.57; **Public Health Nurse:** TIAA Bank (Rentals) \$58.67, Vast Business (Utilities) \$243.67, Qualified Presort Services (Supplies) \$37.27; **Ambulance:** ESO Solutions Inc. (Maintenance) \$5,764.50, Bound Tree Medical LLC (Supplies) \$1,637.25, B & L Communications (Supplies) \$2,580.00, City of Yankton (Fuel) \$907.60, First Bankcard (Fuel) \$1,037.62, First Bankcard (Supplies) \$773.56, First Bankcard (Travel) \$50.00, Janssen's Garbage Services (Utilities) \$300.00, Leaf (Rentals) \$81.43, Matheson Tri-Gas Inc. (Rentals) \$86.15, Tire Muffler Alignment (Supplies) \$138.37, One Office Solution (Supplies) \$194.63, Yankton Daily P & D (Publishing's) \$248.31; **Mental Handicapped:** Dakotabilities (Care July/Aug/Sept 2021) \$540.00, SD Achieve dba Lifescape (Care MI June 2021) \$240.00; **Mental Illness Board:** Lewis & Clark behavioral Health (Hearings) \$368.00, Lucille M Lewno (Hearings) \$140.00; **Senior Citizens:** City of Yankton (2nd Qtr Senior Citizens) \$6,764.47; **County Extension:** SDSU Extension (Travel) \$32.42, Northwestern Energy (Utilities) \$132.15, Olson's Pest Technicians (Maintenance) \$150.00, Yankton Fire & Safety (Supplies) \$30.00; **Weed:** NAPA Auto Parts of Yankton (Supplies) \$111.25, C 7 R Supply Inc. (Supplies) \$61.34, CMRS-FP (Supplies) \$25.00, Yankton County Observer (Publishing's) \$96.00, Van Diest Supply Co (Chemicals) \$5,331.80, Yankton Daily P & D (Publishing's) \$275.25; **Planning & Zoning:** Vast Business (Utilities) \$62.50, First Bankcard (Travel) \$957.83, Microfilm Imaging Systems (Rentals) \$70.00, Pheasantland Industries (Supplies) \$55.93, Qualified Presort Services, LLC (Supplies) \$19.07, One Office Solution (Supplies) \$47.50, Yankton Daily P & D (Publishing's) \$432.63; **Road & Bridge:** A-OX Welding Supply Co (Supplies) \$216.34, Bomgaars (Maintenance) \$7.98, B-Y Electric (Utilities) \$57.79, B-Y Water District (Utilities) \$108.00, Barco Municipal Products (Supplies) \$695.08, Butler Machinery (Maintenance) \$476.92, Vast Business (Utilities) \$228.20, Napa Auto Parts of Yankton (Maintenance) \$126.99, Napa Auto Parts of Yankton (Supplies) \$41.99, Concrete Materials (Supplies) \$49,572.91, CenturyLink (Utilities) \$48.92, Diamond Mowers Ins (Maintenance) \$1,220.27, CMRS-FP (Supplies) \$25.00, Wease Auto (Maintenance) \$651.00, Growmark FS (Fuel) \$3,804.80, Growmark FS (Supplies) \$58.32, Fastenal Industrial (Maintenance) \$63.98, I State Truck Center (Maintenance) \$3,379.63, Janssen's Garbage Service (Utilities) \$45.00, Longs Propane Inc. (Fuel) \$41.85, Midwest Striping (Supplies)

\$1,540.00, Midwest Radiator & Exhaust (Supplies) \$118.80, MidAmerican Energy (Utilities) \$30.68, O'Reilly Auto Parts (Maintenance) \$37.20, Riverside Hydraulics (Maintenance) \$338.98, Transource (Maintenance) \$2,000.32, Southeastern Electrical Co (Utilities) \$39.30, Truck Trailer Sales Services (Maintenance) \$188.11, Vermeer High Plains (Maintenance) \$560.89, One Office Solution (Supplies) \$37.98, Yankton Winnelson Company (Maintenance) \$9.10; **Emergency 911 Fund:** Vast Business (Utilities) \$115.35, City of Yankton (2nd Qtr E911 Dispatch) \$31,539.00, CenturyLink (Utilities) \$83.20, Golden West Telecommunications (Utilities) \$145.03; **Emergency Management:** B-Y Electric (Utilities) \$52.85, First Bankcard (Supplies) \$946.82, First Bankcard (Travel) \$99.61, First Bankcard (Publishing's) \$231.32, First Bankcard (Professional Services) \$45.30, First Bankcard (LEPC Fund) \$150.28, Qualified Presort Services (Supplies) \$1.58, Tabor Lumber Cooperative (Supplies) \$407.52, Verizon (Utilities) \$104.70; **County Law Library:** Thomson Reuters (Yankton Law Library) \$1,984.87; **Non-Departmental:** Satellite Tracking of People (Tracking Monitors) \$630.50, Cam Daily Fee (Refund) \$10.00, Byron Nogelmeier (Cam Daily Fee) \$2,670.00, Byron Nogelmeier (State Participation Fee) \$250.00, SCRAM (Refund) \$69.00, Sobriety Testing (Refund) \$141.00, SD Department of Revenue (HSC) \$4,370.05, SD Department of Revenue (Redfield Services) \$120.00, SD Department of Revenue (Motor Vehicle Fees) \$586,209.68, SD Department of Revenue (Waste Fees) \$8,355.75, SD Department of Revenue (ROD Fees) \$2,220.00, SDACO (M & PR Fund) \$770.00; General Fund \$79,385.08, Road & Bridge, \$65,772.33, Emergency Management, \$2,039.9. All present voted aye; motion carried, 5-0.

Action 21345AUD: A motion was made by Healy and seconded by Fox to approve the Auditor's Monthly Settlement with the Treasurer and Pooled Cash Report as of June 30, 2021 which showed Total Cash of \$16,581,508.71. The General Fund was \$7,748,536.81; Special Funds were \$7,162,351.97; and Trust and Agency Funds were \$1,568,979.84 adding to a Grand Total of General Ledger Cash and Investments of \$16,479,868.62. Federal Tax payment was taken out July 7, 2021 not June 30, 2021. A detailed report is on file with the County Auditor. All present voted aye; motion carried, 5-0.

July 6, 2021 commission minutes will be approved at the next scheduled meeting.

Deputy States Attorney Debra Lillie appeared before the board to request to hire a temporary position to review poor relief cases and report findings back to the State's Attorney's office.

Action 21346C: A motion was made by Fox and seconded by Kettering to approve the request. All present voted aye; motion carried, 5-0.

There were no public comments.

Chair Loest closed public comment.

There were no commissioner updates.

Action 21347C: A motion was made by Fox and seconded by Healy to recess the regular session at 9:10 p.m. and convene in executive session to discuss Poor Relief Issues SDCL 1-25-2 & 28-13 and litigation issue SDCL 1-25-2(3). All present voted aye; motion carried, 5-0.

Action 21348C: A motion was made by Fox and seconded by Healy to adjourn the executive session at 9:20 p.m. and reconvene in regular session. All present voted aye; motion carried, 5-0.

Action 21349C: A motion was made by Fox and seconded by Kettering to pre-pay travel costs for witness travel in the amount \$551.04 for an upcoming trial. All present voted aye; motion carried, 5-0.

Action 21350C: A motion was made by Fox and seconded by Kettering to rescind her previous motion and correct the dollar amount to \$509.04. All present voted aye; motion carried, 5-0.

Action 21351C: A motion was made by Healy and seconded by Fox to pend the files of poor relief case CW21-046, CW 21-049, CW 21-050 and 21-056 through CW 21-064 based on the following SDCLs: 28-13-1.3(1); 28-13-1.3(2); 28-13-1.3(4); 28-13-34.2; 28-13-33-2; 28-13-3; 28-13-33. All present voted aye; motion carried, 5-0.

Action 21352C: A motion was made by Healy and seconded by Fox to deny the files of poor relief case CW21-050 through CW 21-055 based on the following SDCLs: 28-13-1.3(1); 28-13-1-3(2); 28-13-1-3(4); 28-13-33; 28-13-33.2. All present voted aye; motion carried, 5-0.

Action 21353C: A motion was made by Fox and seconded by Healy to adjourn. All present voted aye; motion carried, 5-0.

The next regular meeting will be Tuesday, August 3, 2021 at 6:00 p.m.

Cheri Loest, Chair
Yankton County Commission

ATTEST:
Patty Hojem, County Auditor