

YANKTON COUNTY COMMISSION MEETING

May 3, 2022

The regular meeting of the Yankton County Commission was called to order by Chairman Joe Healy at 6:00 p.m. on Tuesday, May 3, 2022.

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

Commissioner Fox said she would like to abstain from voting on Item #10 – Posch Variance.

There were no conflicts of interest reported by Commissioners.

Action 22193C: A motion was made by Fox and seconded by Kettering to approve the meeting agenda. All present voted aye; motion carried, 5-0.

There were no public comments. Chairman Healy closed public comment.

Building and Grounds Supervisor Jeff Pfeifle appeared before the board to discuss roofing repairs for the County Government Center.

Action 22194C: A motion was made by Kettering and seconded by Klimisch to approve the roofing repairs for the Government Buildings at \$29,686. All present voted aye; motion carried, 5-0.

Highway Superintendent Mike Sedlacek appeared before the board for approval of the South Dakota Striping Agreement and to ask permission to advertise for part-time summer position

Action 22195HWY: A motion was made by Fox and seconded by Loest to approve the Highway Superintendent to advertise for part time summer position. All present voted aye; motion carried, 5-0.

Action 22196HWY: A motion was made by Loest and seconded by Fox to approve the SD Striping Agreement. All present voted aye; motion carried, 5-0.

Action 22197AUD: A motion was made by Klimisch and seconded by Fox to approve the following 2021 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, and 6th Meridian, LLC. All present voted aye; motion carried, 5-0.

Action 22198AUD: A motion was made by Loest and seconded by Fox to approve the Public Defender contract contingent that all three locations of Dan Fox, Lucy Youngberg, and Garrett Horn be physically located separately. All present voted aye; motion carried, 5-0.

Sewer Study: Eric Derickson and Ryan Truax presented the results of their sewer study for areas west of Yankton. No action was taken.

Action 22199C: A motion was made by Loest and seconded by Fox 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 Thomas Posch. Variance to a minimum lots size for accretion property in a Rural Transitional District. Said property is legally described as Plat of Lot B1, Being Accretion Property lying south of Lot B, S16-T93N-R55W, hereinafter referred to as Mission Hill South Township, County of Yankton, State of South Dakota.

Applicant Thomas Posch spoke on the request.

Action 22200Z: A motion was made by Loest and seconded by Kettering, to approve the variance application based on Findings of Fact from the April 12, 2022 Yankton County Planning Commission meeting, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Roll call vote was taken with Loest, Klimisch, Kettering, Healy voting aye; Fox abstaining. Motion carried, 4-0.

Variance Public Hearing: This was the time and place for a public hearing for a Variance of application from Darlene Jensen. Variance to minimum lot size in a Moderate Density Residential District. Said property is legally described Tracts 3A, 6A and 8A of DJ's Addition, Being Accretion Property lying south of Lots A and B, S16-T93N-R55W, hereinafter referred to as Mission Hill Township, County of Yankton, State of South Dakota.

Applicant Darlene Jensen spoke on the request.

Action 22201Z: A motion was made by Klimisch and seconded by Fox, to approve the variance application based on Findings of Fact from the April 12, 2022 Yankton County Planning Commission meeting, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Roll call vote was taken with Loest, Klimisch, Kettering, Healy, Fox voting aye; Motion carried, 5-0.

CUP Public Hearing: This was the time and place for a public hearing for a Conditional Use Permit application from Ryan Heine. Applicant is requesting a Conditional Use Permit to hold events that may include live entertainment and the serving of food and alcohol in an Agriculture District. Said property is legally described as NW1/4, SE1/4, NE1/4, SW1/4 S16-

T93-R56, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota.

Applicant Ryan Heine spoke on the CUP request.

There were public comments from Amber Evans and Matt Evans. Chairman Healy closed public comment.

Action 22202Z: A motion was made by Klimisch to approve the Conditional Use Permit, based on Findings of Fact from the January 11, 2022 Yankton County Planning Commission meeting as presented, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance on condition of no amplified music after 11:30pm. Motion died for lack of second.

Action 22203Z: A motion was made by Fox to approve the Conditional Use Permit, based on Findings of Fact from the January 11, 2022 Yankton County Planning Commission meeting as presented, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Motion died for lack of second.

Action 22204Z: A motion was made by Kettering and seconded by Klimisch to approve the Conditional Use Permit, based on Findings of Fact from the January 11, 2022 Yankton County Planning Commission meeting as presented, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance on condition of no amplified music after 12 midnight. Roll call vote was taken with Loest, Klimisch, Kettering, Healy, and Fox voting aye; motion carried, 5-0.

CUP Public Hearing: This was the time and place for a public hearing for a Conditional Use Permit application from Chad Rolfes. Applicant wishes to use his house as a vacation rental in a Moderate Density Residential District. Said property is legally described as Lot 1, Dan Kaiser Addition, NW1/4, SW1/4, together with a perpetual easement for ingress and egress across, over and through Lot 4 of Kabeisman Tract 8 and a perpetual 40' ingress/egress and utility easement over, across and through the NW1/4, SE1/4, for the benefit of Lot 1 Dan Kaiser Addition, S14-T93-R57, hereinafter referred to as Ziskov Township, County of Yankton, State of South Dakota.

Lora Rolfes spoke on the CUP request.

Action 22205Z: A motion was made by Fox and seconded by Kettering, to approve the Conditional Use Permit, based on Findings of Fact from the April 12, 2022 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 Loest, Klimisch, Kettering, Healy, and Fox voting aye; motion carried, 5-0.

Action 22206Z: A motion was made by Loest and seconded by Kettering to recess the Board of Adjustment and reconvene in regular session. All present voted aye; motion carried.

Action 22207Z: A motion was made by Klimisch and seconded by Kettering to adopt the following resolution: Whereas it appears, Thomas Posch, owner of record, has caused a plat to be made of the following real property: Lot B1, being accretion property lying south of Lot B, S16-T93N-R56W hereinafter referred to as Mission Hill South Township, County of Yankton, S.D., and has submitted such plat to the Yankton County Planning Commission and 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 22208Z: A motion was made by Loest and seconded by Fox to adopt the following resolution: Whereas it appears, Darlene Jensen, owner of record, has caused a plat to be made of the following real property: Tracts 1A, 2A, 3A, 6A and 8 of DJ's Addition in Lot B, S6-T93N-R55W hereinafter referred to as Mission Hill 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, 5-0.

Planning Commission: Planning and Zoning Administrator Gary Vetter appeared before the board to request advertising for Drainage Commission openings.

Action 22209Z: A motion was made by Kettering and seconded by Fox to approve advertising for two openings for the Drainage Commission. All present voted aye; motion carried, 5-0.

Action 22210C: A motion was made by Klimisch and seconded by Fox to recess the commission meeting for five minutes. All present voted aye; motion carried.

Action 22211C: A motion was made by Loest and seconded by Fox to reconvene. All present voted aye; motion carried.

Action 22212C: A motion was made by Kettering and seconded by Fox to approve a Letter of Support for the Lewis and Clark Behavioral Health Services Regional Facility. All present voted aye; motion carried.

Action 22213C: A motion was made by Loest and seconded by Fox to approve the April 19, 2022, Joint Planning & County Commission meeting minutes with correction of changing the date at bottom of page to April 19. All present voted aye; motion carried, 5-0.

Action 22214C: A motion was made by Loest and seconded by Fox to approve the April 19, 2022, regular meeting minutes with correction of changing the date at bottom of pages to April 19. All present voted aye; motion carried, 5-0.

Action 22215C: A motion was made by Loest and seconded by Fox to approve the following claims with correction of moving \$9,157.83 from States' Attorney to Care of Poor;

Commissioners: Cheri Loest (Travel) 71.00; EMC Insurance Companies (Prof Services) \$5,000; **Elections:** QPS (Supplies) \$12.25; Verizon (Rentals) \$280.07; **Court:** Juror Fees (Court) \$389.48; Certified Languages International (Prof Services) \$216.45; Gary's Repair & Wrecker Service (Maintenance) \$481.75; Premier Biotech Labs LLC (Supplies) \$500.00; Fox & Youngberg PC (Prof Services) \$15,000; Horn Law Office LLC (Prof Services) \$1,414.30; Koletzky Law Office Prof, LLC (Neglected) \$630.50; Dean Schaefer (Prof Services) \$360.00; Woodbury County Sheriff (Hearings) \$43.00; Patricia LaCroix (Prof Services) \$200.00; **Auditor:** QPS (Supplies) \$141.05; One Office Solution (Supplies) \$385.25; **Treasurer:** QPS (Supplies) \$176.46; **Data Processing:** Tyler Technologies (Prof Services) \$2,079.62; **States Attorney:** Culligan (Supplies) \$24.25; Mary Holzwarth (Supplies) \$3.16; Mary Holzwarth (Travel) \$230.16; Staples Credit Plan (Supplies) \$574.62; Verizon (Utilities) \$31.81; Security Shredding Services (Maintenance) \$35.00; **Govt Buildings:** Kopetsky's Ace Hardware (Supplies) \$50.97; City of Yankton (Utilities) \$1,796.19; Menards (Supplies) \$21.98; Menards (Utilities) \$86.75; NorthWestern Energy (Utilities) \$2,449.02; **Director of Equalization:** QPS (Supplies) \$22.40; **Register of Deeds:** Executive Management Finance (Supplies) \$36.25; QPS (Supplies) \$37.30; **Veterans Service Officer:** Verizon (Utilities) \$41.81; Verizon (Rentals) \$40.01; **Safety Center Building:** Bomgaars (Maintenance) \$25.30; City of Yankton (Utilities) \$574.16; Cole Papers (Supplies) \$206.12; ECHO Group (Supplies) \$540.40; Electair, Inc (Maintenance) \$4,770.42; JCL Solutions (Supplies) \$31.54; Menards (Maintenance) \$10.15; Northwestern Energy (Utilities) \$7,753.09; MidAmerican Energy (Utilities) \$1,857.90; **Sheriff:** Midcontinent Communications (Utilities) \$115.39; Cardmember Services (Fuel) \$160.74; Cardmember Services (Travel) \$249.54; Yankton Daily Press & Dakotan (Computer Services) \$108.59; McLeod's Printing & Office Supply (Supplies) \$348.59; Harding Glass (Maintenance) \$382.29; Qualified Presort Services (Maintenance Contracts) \$128.25; Security Shredding Service (Maintenance) \$87.50; Xtreme Car Wash (Maintenance) \$141.60; **County Jail:** Scott Family Dentistry (Prof Services) \$396.00; Charm-Tex (Supplies) \$92.90; Harding Glass (Auto Expense) \$419.98; Hy-Vee (Prof Services) \$41.99; Olson's Pest Technicians (Maintenance) \$115.00; Pharmchem, Inc (Supplies) \$3,648.20; One Office Solution (Supplies) \$141.40; Jerry Sorbel (Prof Services) \$450.00; Trinity Services Group, Inc (Food Service) \$7,779.04; EZ Duz It (Uniforms) \$18.00; One Office Solution (Supplies) \$141.40; **Coroner:** NMS Labs (Prof Services) \$251.00; **Juvenile Detention:** Minnehaha County Juvenile Detention Center (Rentals) \$2,056.00 **Yankton Area Search & Rescue:** NAPA Auto Parts of Yankton (Supplies) \$178.70; R & D Repair (Supplies) \$395.13; Two Way Solutions Inc

(Maintenance) \$976.30; **Care of Poor:** QPS (Supplies) \$34.83; Avera Sacred Heart Hospital (Prof Services) \$9,157.83; **Public Health Nurse:** QPS (Supplies) \$9.39; **Ambulance:** Avera Health dba Avera Education & Staffing (Prof Services) \$370.00; Avera Sacred Heart Hospital (Supplies) \$314.86; Sacred Heart Health Services (Prof Services) \$1,500.00; The UPS Store (Supplies) \$79.88; Bound Tree Medical LLC (Supplies) \$1,414.04; City of Yankton (Utilities) \$112.68; Credit Collection Services (Prof Services) \$112.50; Cintas (Maintenance) \$113.45; Amazon Capital Services (Supplies) \$674.82; Menards (Supplies) \$98.06; MidAmerican Energy (Utilities) \$384.08; Olson's Pest Technicians (Maintenance) \$119.00; Roger's Family Pharmacy (Supplies) \$122.43; Verizon (Utilities) \$304.25; Yankton Janitorial Supply (Supplies) \$505.63; **Mental Illness Board:** Darcy Lockwood (Hearings) \$60.00; Mark Katterhagen (Hearings) \$60.00; Lincoln County Treasurer (Hearings) \$3,925.00; Lucille Lewno (Hearings) \$1,186.12; Gary Mikelson (Hearings) \$544.00; **County Extension:** City of Yankton (Utilities) \$73.38; LEAF (Rentals) \$121.12; MidAmerican Energy (Utilities) \$100.08; Olson's Pest Technicians (Maintenance) \$160.00; **Weed:** Verizon (Utilities) \$24.68; **Planning & Zoning:** Pheasantland Industries (Supplies) \$23.80; Verizon (Utilities) \$41.81; One Office Solution (Supplies) \$69.50; **Highway:** Bomgaars (Maintenance) \$21.92; Butler Machinery (Maintenance) \$469.11; Boyer Trucks (Maintenance) \$41.74; City of Yankton (Utilities) \$45.22; NAPA Auto Parts of Yankton (Supplies) \$269.35; Double-D Machine Works (Maintenance) \$205.00; Riverside Hydraulics (Maintenance) \$261.43; Truenorth Steel (Supplies) \$50,338.56; Verizon (Utilities) \$61.86; Northwestern Energy (Utilities) \$1,242.50; DirecTV (Utilities) \$93.99; **Local Emergency Planning:** Powerphone, Inc (Travel) \$729.00; Centurylink (Utilities) \$76.00; Vast Business (Utilities) \$1,100.36; **Emergency Management:** Kopetsky's Ace Hardware (Maintenance) \$34.99; Hanson Briggs Specialty Advertising, Inc (Supplies) \$1,040.77; NAPA Auto Parts of Yankton (Supplies) \$77.25; Xtreme Car Wash (Supplies) \$38.40; Great America Financial Services (Rentals) \$215.19; MidAmerican Energy (Utilities) \$13.69; M.T. & R.C. Smith Insurance (Insurance) \$518.00; Two Way Solutions Inc (Maintenance) \$976.31; Verizon (Utilities) \$812.07; One Office Solution (Supplies) \$48.62; **Government Buildings:** ARS, A Tecta America Company, LLC (Misc.) \$1,190.00; **24/7 Program:** Redwood Toxicology Laboratories (Supplies) \$15.00; One Office Solution (Supplies) \$21.54; Intoximeters (Minor Equipment) \$941.75 **Non-Departmental:** Ambulance (Refunds) \$1,890.55; South Dakota Department of Revenue (Alcoholic Beverage License) \$2,400; Satellite Tracking of People (Tracking Monitors) \$455.00; Byron Nogelmeier (CAM Daily Fee) \$2,590.00; Byron Nogelmeier (State Participation Fee) \$262.00. General Fund \$93,645.24; Road & Bridge \$53,050.68; Emergency Management \$3,775.29. All present voted aye; motion carried, 5-0.

Action 22216C: A motion was made by Klimisch and seconded by Fox to approve the APRIL 2022 Gross Payroll: **Commissioners:** \$6,034.66; **Court:** \$0.00; **Election:** \$120.54; **Auditor:** \$16,633.65; **Treasurer:** \$18,692.80; **States Attorney:** \$31,402.18; **Government Buildings:** \$4,543.45; **Director of Equalization:** \$20,611.75; **Register of Deeds:** \$14,521.54; **Veterans Service:** \$3,381.80; **Courthouse & Safety Center:** \$6,813.53; **Sheriff:** \$63,124.00; **County Jail:** \$77,626.67; **Coroner:** \$900.00; **Juvenile:** \$174.49; **Nurse:** \$2,581.98; **Ambulance:** \$63,126.28; **WIC:** \$1,714.20; **Extension:** \$6,159.15; **Soil Conservation:** \$2,681.12; **Weed:** \$1,402.92; **Planning & Zoning:** \$10,847.40; **Road &**

Bridge: \$75,143.91; **E911:** \$0.00; **OEM:** \$9,549.02; **24-7 Program:** \$1,643.34. First Dakota National Bank \$32,889.96 (Withholding), First Dakota National Bank \$52,890.56.62 (FICA) First Dakota National Bank \$12,369.62 (Medicare), South Dakota Retirement System \$33,142.84 (Other Employees), South Dakota Retirement System \$18,675.04 (Sheriff), South Dakota Retirement System (Spouse Opt) \$173.37, South Dakota Retirement System (Supplemental) \$9,965.00, American Family Life Assurance Company (AFLAC) \$5,013.50, Legalshield \$25.90, Office of Child Support \$578.00, Nationwide Retirement Solutions \$69.44, Boston Mutual Life Insurance \$290.69, Colonial Life & Accident \$1,107.04, Wellmark Blue Cross/Blue Shield \$62,877.06, Optilegra \$291.31, United Way of Greater Yankton 10.00, Delta Dental \$1,219.98, VSP Vision \$298.02, HealthEquity \$2,195.00. Gross Payroll \$439,487.38, Net Payroll \$323,273.05. All present voted aye; motion carried.

Action 22217Hwy: A motion was made by Fox and seconded by Klimisch to supplement the County Highway Budget due to unanticipated insurance revenue in the amount of \$69,000.00. All present voted aye; motion carried, 5-0.

There were public comments from Bob Gleich, Matt Evans, and Buddy Freng. Chairman Healy closed public comment.

Action 22218C: A motion was made by Fox and seconded by Klimisch to recess the regular session at 8:33 p.m. and convene in executive session to discuss Poor Relief Issues SDCL 1-25-2 & 28-13 and 28-13-1.3 and litigation issue SDCL 1-25-2(3). All present voted aye; motion carried, 5-0.

Action 22219C: A motion was made by Fox and seconded by Kettering to adjourn the executive session at 8:55 p.m. and reconvene in regular session. All present voted aye; motion carried, 5-0.

Action 22220C: A motion was made by Loest and seconded by Fox to approve file of poor relief case CW 22-2-001 in the amount of \$1,250.00 based on following SDCL: 28-13. All present voted aye; motion carried, 5-0.

Action 22221C: A motion was made by Loest to approve files of poor relief case CW 22-1-002 and 22-2-001 in the amount of \$1,000.00 based on following SDCLs: 28-13-3, 12-13-33, 28-13-34.1, 28-13-1.3 and 28-13-1.3(4). Motion withdrawn by Loest.

Action 22222C: A motion was made by Loest and seconded by Fox to pend files of poor relief case CW 22-1-002 and 22-2-001 in the amount of \$1,000.00 based on following SDCLs: 28-13-3, 12-13-33, 28-13-34.1, 28-13-1.3 and 28-13-1.3(4). All present voted aye; motion carried, 5-0.

There was no action on litigation.

Action 22223C: A motion was made by Fox and seconded by Kettering to adjourn. All present voted aye; motion carried, 5-0.

The next regular meeting will be Tuesday, May 17, 2022 at 6:00 p.m.

Joe Healy, Chairman
Yankton County Commission

ATTEST:
Karen Faerber, Deputy County Auditor