

YANKTON COUNTY COMMISSION MEETING  
July 5, 2017

The regular meeting of the Yankton County Commission was called to order by Chairman Don Kettering at 4:00 PM on Tuesday, July 5, 2017.

Roll Call was taken with the following Commissioners present: Gary Swensen, Debra Bodenstedt, Todd Woods, Raymon Epp and Don Kettering.

**Action 17203C:** A motion was made by Woods and seconded by Bodenstedt to approve the meeting agenda with the following additions: Organized/Unorganized committee. All present voted aye; motion carried.

**Action 17204C:** A motion was made by Epp and seconded by Woods to approve the minutes of the June 20, 2017 meeting. All present voted aye; motion carried.

**Action 17205C:** A motion was made by Woods and seconded by Epp to approve the following claims: **Non-Departmental:** Yankton Title Company (Refund-Attorney Fees) \$217.50; **Commissioners:** River Rat Productions (Professional Services) \$750.00; **Elections:** Qualified Presort Services, Inc. (Supplies) \$32.29, Verizon (Utilities) \$383.49; **Court:** Jurors Fees (12 @ \$150.00) \$1,800.00, Jurors Fees (53 @ \$10.00) \$530.00, Witness Fees (7 @ \$20.00) \$140.00, Jurors Fees-MI (10 @ \$2.52) \$25.20, Jurors Fees-MI (9 @ \$0.84) \$7.56, Jurors Fees-MI (13 @ \$1.68) \$21.84, Jurors Fees-MI (1 @ \$17.64) \$17.64, Sherron Walsted (Professional Fees) \$79.80, Thurman Law Office (Legal Assistance) \$608.91, AMG Hospitalists Yankton (Professional Services) \$254.46, Certified Languages International (Professional Services) \$26.40, Kelly R. Rafferty, MD (Professional Services) \$100.43, Expert Witness (1 @ \$535.00) \$535.00, Jurors Fees-MI (1 @ \$11.76) \$11.76, Jurors Fees-MI (3 @ \$5.04) \$15.12, Jurors Fees-MI (2 @ \$6.72) \$13.44, Jurors Fees-MI (1 @ \$50.00) \$50.00, Jurors Fees (5 @ \$10.08) \$50.40, Jurors Fee-MI (3 @ \$8.40) \$25.20, Jurors Fees-MI (2 @ 50.40) \$100.80, Jurors Fees-MI (1 @ \$5.88) \$5.88, Jurors Fees-MI (1 @ \$3.36) \$3.36, Fox & Youngberg, PC (Legal Assistance) \$15,206.80, Hy-Vee (Supplies) \$102.85, Horn Law Office LLC (Legal Assistance) \$3,506.00, KCH Law (Legal Assistance) \$397.28, Pollard Law, PC (Legal Assistance) \$192.70, Pizza Ranch (Supplies) \$102.85, West Payment Center (Supplies) \$726.86, Jurors Fees-MI (1 @ \$25.20) \$25.20, Jurors Fees-MI (1 @ \$15.96) \$15.96, Jurors Fees-MI (3 @ \$10.08) \$30.24; **Auditor:** Kansas State Bank (Lease Agreement) \$501.83, Leaf (Rentals) \$159.00, Qualified Presort Services LLC (Supplies) \$108.58; **Treasurer:** Kansas State Bank (Lease Agreement) \$692.24, Qualified Presort Service LLC (Supplies) \$126.57; **Data Processing:** Kansas State Bank (Lease Agreement) \$4,648.75, Leaf (Rentals) \$201.36; **States Attorney:** Century Business Products (Rentals) \$294.69, The UPS Store 6716 (Supplies) \$165.19, Hy-Vee (Supplies) \$34.17, Erich Johnke (Travel) \$488.84, Kansas State Bank (Lease Agreement) \$1,190.30, Qualified Presort Service (Supplies) \$85.63, Yahoo (Supplies) \$40.00; **CLERP:** SDACC (Catastrophic Legal Expense 3<sup>rd</sup> Qtr.) \$4,686.97; **Government Center:** Kopetsky's Ace Hardware (Supplies) \$9.48, City of Yankton (Utilities) \$303.26, Cole Papers, Inc. (Supplies) \$147.98, Flynn's Flowing Flags (Supplies) \$1,109.00, J & H Cleaning Services (Maintenance) \$700.00, Northwestern Energy

(Utilities) \$2,664.86, Nebraska Air Filter, Inc. (Supplies) \$197.33, Olson's Pest Technician (Maintenance) \$79.00; **Director of Equalization:** Kopetsky's Ace Hardware (Supplies) \$29.98, SDAAO (Travel) \$900.00, JJ Benji (Supplies) \$310.00, Kansas State Bank (Lease Agreement) \$817.20, Qualified Presort Services, LLC (Supplies) \$168.07, Tire Muffler Alignment (Maintenance) \$69.63, The Schneider Corporation (Travel) \$99.00, One Office Solution (Maintenance) \$116.45, Yankton County Treasurer (Cash Items) \$5.00; **Register of Deeds:** Kansas State Bank (Lease Agreement) \$654.47, Qualified Presort Services LLC (Supplies) \$34.03; **VA:** Kansas State Bank (Lease Agreement) \$150.88, SDVSOA (Travel) \$50.00, One Office Solution (Supplies) \$69.81; **Safety Center Building:** Kopetsky's Ace Hardware (Supplies) \$88.52, City of Yankton (Utilities) \$2,327.89, Cole Papers, Inc. (Supplies) \$464.66, Echo Electric (Supplies) \$210.56, Justice Fire & Safety (Maintenance) \$200.00, J & P Electrical Service (Maintenance) \$600.00; Larry's Heating & Cooling, Inc. (Maintenance) \$276.90, Northwestern Energy (Utilities) \$6,976.03; **Sheriff:** Qualification Targets, Inc. (Ammunition) \$74.42; Applied Concepts, Inc. (Law Enforcement Equipment) \$3,990.00, Culligan (Supplies) \$36.00, Jack's Uniforms & Equipment (Uniforms) \$587.64, McLeods Printing & Office Supplies (Supplies) \$87.15, Northtown Automotive (Maintenance) \$121.86, Qualified Presort Services LLC (Maintenance Contracts) \$128.78, Tire Muffler Alignment (Maintenance) \$568.52, Walmart Community/GEMB (Other) \$18.52, One Office Solution (Maintenance Contracts) \$61.93, Yankton County Treasurer (Cash Items) \$31.00; **Jail:** AMG Radiology Yankton (Professional Services) \$20.00, CBM Food Service (Food Services) \$9,137.68, Diamond Drugs, Inc. (Professional Services) \$203.66, EZ Duz It Laundry (Uniforms) \$68.25, Jack's Uniforms & Equipment (Uniforms) \$325.53, JCL Solutions (Supplies) \$1,959.52, Menards (Supplies) \$48.74, Olson's Pest Technicians (Maintenance) \$110.00, Strachan Sales, Inc. (Food Service) \$1,717.14, One Office Solution (Supplies) \$61.79, Yankton Medical Clinic, PC (Professional Service) \$49.00; **Coroner:** Sanford Health (Professional Services) \$6,917.02; **Yankton Area Search & Rescue:** Cox Auto Supply, Inc. (Supplies) \$19.19, Auto Value Yankton (Supplies) \$47.98, M.T. & R.C. Smith Insurance (Insurance) \$3,826.00; **Care of Poor:** Kansas State Bank (Lease Agreement) \$489.96, Qualified Presort Services LLC (Supplies) \$130.77; **Public Health Nurse:** Qualified Presort Services, LLC (Supplies) \$33.04, South Dakota Department of Health (3<sup>rd</sup> Qtr. Budget-2017) \$2,575.00, Yankton County Treasurer (Cash Items) \$5.18; **Ambulance:** Avera Education & Staff Solutions (Professional Services) \$250.00, Kopetsky's Ace Hardware (Supplies) \$129.96, Avera Sacred Heart Hospital (Supplies) \$539.25, Sacred Heart Health Services (Professional Services) \$1,500.00, AT & T (Utilities) \$36.30, BNSF Railway Company (Rentals) \$1,630.97, Vast Business (Utilities) \$179.84, Century Business Products (Rentals) \$42.00, City of Yankton (Utilities) \$97.67, Credit Collections Services, Inc. (Professional Services) \$122.58, Auto Value Yankton (Supplies) \$77.94, Change Healthcare (Professional Services) \$130.00, Ferdig's Transmissions (Maintenance) \$216.34, Kansas State Bank (Lease Agreement) \$1,208.18, Matheson Tri-Gas, Inc. (Supplies) \$60.53, MidAmerican Energy (Utilities) \$49.87, Physio-Control, Inc. (Utilities) \$12,697.68, Northwestern Energy (Utilities) \$744.64, Olson's Pest Technician (Maintenance) \$74.00, Pitney Bowes (Rentals) \$215.34, M.T. & R.C. Smith Insurance (Insurance) \$10,793.00, Jean Scherschligt (Travel) \$126.00, Verizon (Utilities) \$348.56, Yankton Daily P & D (Publishings) \$736.05, Yankton Medical Clinic (Professional Services) \$53.00; **Mental Illness Board:** Mark Katterhagen (Hearings-MI) \$60.00, Lincoln County Treasurer (Hearings-MI) \$2,572.22, Lucille Lewno (Hearings-MI)

\$881.84, Gary E. Mikelson (Hearings-MI) \$1,395.50, Karen A. Swanda (Hearings) \$60.00; **Arts:** Yankton Area Arts Association (2017 Annual Allocation) \$2,575.00; **County Extension:** Buhl's (Supplies) \$37.82, City of Yankton (Utilities) \$42.77, Hy-Vee (Other) \$111.38, Kansas State Bank (Lease Agreement) \$438.78, MidAmerican Energy (Utilities) \$32.53, Olson's Pest Technician (Maintenance) \$150.00, South Dakota State 4-H Office (Other) \$100.00, Stephanie Siebrandt (Other) \$23.42, Yankton County Leaders Association (Grounds Maintenance) \$1,522.60; **Weed:** Mark's Machinery (Supplies) \$451.49; **Planning & Zoning:** Printing Specialist (Publishings) \$166.25, First Bankcard (Travel) \$566.13, Kansas State Bank (Lease Agreement) \$495.85, Qualified Presort Service LLC (Supplies) \$49.98, Verizon (Utilities) \$17.40; **Road & Bridge:** Apeara (Supplies) \$96.92, Karla Bossman (Travel) \$173.92, B-Y Water District (Utilities) \$112.50, Butler Machinery Co. (Maintenance) \$3,050.78, Butler Machinery Co. (Supplies) \$407.02, North Central Rental & Leasing (Rentals) \$3,500.00, Country Pride Coop (Hwy Fuel) \$1,126.01, Don's Dust Control (Secondary Roads) \$5,037.00, City of Yankton (Utilities) \$118.08, Cox Auto Supply, Inc. (Supplies) \$166.10, Concrete Materials (Supplies) \$3,688.48, Concrete Materials (Bridges) \$2,720.25, Concrete Materials (Annual Projects) \$1,200.00, CenturyLink (Utilities) \$55.52, Diamond Mowers, Inc. (Supplies) \$1,244.55, Fastenal Industrial & Construction Supply (Supplies) \$23.24, Hollaway Construction Co., Inc. (Bridges) \$46,536.45, I State Truck Center (Supplies) \$5,955.93, Johnson Engineering Co. (Professional Services) \$2,693.12, Kimball Midwest (Supplies) \$127.54, Kansas State Bank (Lease Agreement) \$250.92, Locators & Supplies, Inc. (Supplies) \$1,529.95, Menards (Supplies) \$11.24, Northern Truck Equipment (Supplies) \$324.32, Riverside Hydraulics & Labs (Supplies) \$9.62, Verizon (Utilities) \$71.63, Yankton County Treasurer (Cash Items) \$51.20; **Emergency 911 Fund:** Powerphone (Travel) \$1,290.00, CenturyLink (Utilities) \$1,292.86, CenturyLink (Utilities) \$0.87, Justice Fire & Safety (Maintenance) \$200.00; **Emergency Management:** Kopetsky's Ace Hardware (Supplies) \$207.14, Bomgaars (Supplies) \$86.09, Clarks Rentals, Inc. (Supplies) \$63.10, Hansen Locksmithing, Inc. (Maintenance) \$65.00, Hy-Vee (Supplies-LEPC) \$240.00, Hy-Vee (Supplies) \$92.21, Kansas State Bank (Lease Agreement) \$719.07, MidAmerican Energy (Utilities) \$9.80, Qualified Presort Services LLC (Supplies) \$6.48, Racom Corporation (Utilities) \$33.45, M.T. & R.C. Smith Insurance (Insurance) \$5,063.00, Sioux Falls Two Way Radio Service, Inc. (Maintenance) \$474.47, Verizon (Utilities) \$153.88, One Office Solution (Supplies) \$162.58, One Office Solution (Supplies-LEPC) \$123.82, Yankton County Treasurer (Cash Items) \$41.20; **24/7 Program:** PharmChem, Inc. – Supplies) \$1,991.00; **M & PR Fund:** Tri-State Binders (Supplies-M & PR Fund-ROD) \$437.00; **Tower Fund:** Center for Municipal Solutions (Services-Tower Funds) \$1,200.00. Total General Fund \$136,629.26, Road & Bridge \$80,282.29, Emergency Management \$7,541.29. All present voted aye; motion carried.

**Action 17206C:** A motion was made by Bodenstedt and seconded by Epp to approve **June, 2017 Gross Payroll:** **Commissioners:** \$5,362.72; **Auditor:** \$13,681.29; **Treasurer:** \$16,074.43; **States Attorney:** \$24,713.37; **Custodian:** \$4,198.72; **Director of Equalization:** \$22,489.22; **Register of Deeds:** \$11,796.89; **Veterans Service:** \$2,203.20; **Courthouse & Safety Center:** \$7,266.36; **Sheriff:** \$62,904.67; **County Jail:** \$67,741.83; **Coroner:** \$800.00; **Juvenile:** \$0.00; **Nurse:** \$2,916.55; **Ambulance:** \$43,218.40; **WIC :** \$1,483.01; **Extension:** \$10,469.18; **Soil Conservation:** \$2,816.78;

**Weed:** \$6,519.70; **Planning & Zoning:** \$7,453.63; **Road & Bridge:** \$64,659.89; **E911:** \$0.00; **OEM:** \$5,311.26; **24-7 Program:** \$3,358.86. South Dakota Retirement System \$28,311.72 (Other Employees), South Dakota Retirement System \$18,183.70 (Sheriff/OEM), South Dakota Retirement System (Payroll Deduction-Spouse Opt) \$108.57, South Dakota Retirement System (Supplemental) \$3,760.00, American Family Life Assurance Company (AFLAC) \$4,405.38, Legalshield \$25.90, Office of Child Support \$578.00, Nationwide Retirement Solutions \$69.44, Accounts Management \$250.00, First Dakota National Bank \$35,440.02 (Withholding), First Dakota National Bank \$47,352.74 (FICA) First Dakota National Bank \$11,074.42 (Medicare), Boston Mutual Life Insurance \$503.09, Colonial Life & Accident \$1,762.53, Wellmark BC Health Insurance \$55,203.61, Optilegra \$653.62. Gross Payroll \$387,490.96, Net Payroll \$287,244.17. All present voted aye; motion carried.

Commission Epp reminded the public of the organized/unorganized committee meeting July 10, at 7:00 pm at the Government Center.

**Transportation Program:** Commissioner Debra Bodenstedt attended the transportation improvement program. Bodenstedt informed the board of projects that will be done in Yankton County in 2018. Bodenstedt also stated there will be a public meeting July 12<sup>th</sup> at the Ramada Inn at 7:00 pm in Mitchell, SD.

**CAFOs:** Paty Davies, a Yankton County resident, appeared to present her concerns on the current CAFO'S that are being considered by the board. Davies stated the factories will pose a threat to our county water supply.

**Transportation Assistance Program:** Greg Vavra, program manager with the South Dakota Local Transportation Assistance Program (SDLTAP) appeared to discuss the roads in Yankton County and how they compare to the surrounding counties.

**Action 17207D:** A motion was made by Bodenstedt and seconded by Epp 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 Minimum Yard Requirement application from Lonny Lee. Variance of Minimum Yard Requirement from seventy-five (75) feet to fifteen (15) feet to build an accessory structure in an Agriculture District (AG) in Yankton County. Said property is legally described as Lot 1, Cayla's Addition, NW1/4, NW1/4, S8-T94N-R54W, hereinafter referred to as Volin Township, County of Yankton, State of South Dakota. The E911 address is 30416 447<sup>th</sup> Avenue, Volin, SD. The Planning Commission recommended approval 10-0.

**Action 17208Z:** A motion was made by Epp and seconded by Bodenstedt, based on Findings of Fact from the June 13, 2017 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve a Minimum Yard Requirement for Lonny Lee, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance from seventy-five (75) feet to fifteen (15) feet to build an accessory structure in an Agriculture District (AG) Yankton County. Said property is legally described as Lot 1, Cayla's

Addition, NW1/4, NW1/4, S8-T94N-R54W, hereinafter referred to as Volin Township, County of Yankton, State of South Dakota. The E911 address is 30416 447<sup>th</sup> Avenue, Volin, SD. Woods, Epp, Bodenstedt and Kettering voting Aye; Swensen voting Nay; Motion carried, 4-1.

**CUP Public Hearing:** This was the time and place for a public hearing for a Conditional Use Permit application from Karl Schenk. Applicant requested a permit to build a Class E 2400 head (960 AU Animal Unites) pork (finisher swine over 55 pounds) production barn in an Agriculture District (AG) in Yankton County. Said property is legally described as E1/2, SW1/4, SE1/4 S26-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. E911 address TBA 308<sup>th</sup> Street, Mission Hill, SD. By roll call vote Planning Commission recommended approval 8-2.

Ross Den Herder, representing the applicants, asked each commissioner if they can listen to the information presented with an open mind and make an unbiased decision. All five commissioners said they could.

Brad Woerner from Johnson Engineering spoke on the permitting process. Several residents were on hand to voice their concerns. Each individual had four minutes to speak. Their concerns consisted of quality of drinking water, health issues, polluted air and the decline of property values. Residents mentioned the wetlands, flood plains and aquifers. Also mentioned was that the applicants have not met the requirements for the conditional use permits for animal feeding operations. Written testimonies were submitted for record.

Mitch Peterson from Davenport, Evans, Hurwitz & Smith, LLP, Sioux Falls, SD, represented those opposed to the permits. Mr. Peterson stated it is up to the applicants to provide all of the information needed to meet the requirements of the permits. Items that should be provided would be engineering reports, manure disposal reports and a study of wind patterns. Peterson also stated there is no report on who will be running the operations. Peterson said the applicants have not met the requirements.

**Action 17209Z:** A motion was made by Epp to approve the Conditional Use Permit but died for lack of second.

**Action 17210Z:** A motion was made by Woods and seconded by Bodenstedt to send the Conditional Use Permit back to the planning commission for more information. Roll call vote was taken with Swensen, Bodenstedt, Woods, and Kettering voting Aye; Epp Voting Nay; Motion carried, 4-1.

**Action 17211Z:** A motion was made by Woods and seconded by Bodenstedt to send the remaining six Conditional Use Permit and Variance requests back to the Planning Commission for more information. Roll call vote was taken with Bodenstedt, Woods, and Kettering voting Aye; Epp and Swensen voting Nay; Motion carried, 3-2.

**Action 17212C:** A motion was made by Bodenstedt and seconded by Epp to recess the Board of Adjustment and reconvene in regular session. All present voted aye; motion carried.

**Action 17213C:** A motion was made by Bodenstedt and seconded by Woods to adjourn. All present voted aye; motion carried.

The next regular meeting will be Tuesday, July 18, 2017.

**Don Kettering**, Chairman  
Yankton County Commission

ATTEST:  
**Patty Hojem**, Auditor