

YANKTON COUNTY COMMISSION MEETING
November 7, 2017

The regular meeting of the Yankton County Commission was called to order by Chairman Don Kettering at 4:00 PM on Tuesday, November 7, 2017.

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

Action 17327C: A motion was made by Woods and seconded by Bodenstedt to approve the meeting agenda with the following additions: Conflict of interest, and the minutes of the October 17, 2017 meeting. All present voted aye; motion carried.

Action 17328C: A motion was made by Bodenstedt and seconded by Epp to approve the following claims: **Non-Departmental:** Ambulance (Refund) \$198.91; **Commissioners:** Intuvio Solutions (Professional Services) \$49.95, River Rat Productions (Professional Services) \$750.00, M.T. & R.C. Smith Insurance (Liability Insurance) \$775.00; **Elections:** Qualified Presort Services, LLC (Supplies) \$33.81, Verizon (Utilities) \$383.49; **Court:** Certified Languages International (Professional Services) \$57.75, Lori Bame (Jurors Fees) \$50.00, Chasity Feser (Jurors Fees) \$50.00, Chasity Feser (Jurors Fees-MI) \$4.20, Diane Hauger (Jurors Fees) \$50.00, Diane Hauger (Jurors Fees-MI) \$2.52, Richard Koupal (Jurors Fees) \$50.00, Regan Luken (Jurors Fees) \$50.00, Alan Moehring (Jurors Fees) \$50.00, Angela Shuff (Jurors Fees) \$50.00, Lydel Thomas (Jurors Fees) \$50.00, Lydel Thomas (Jurors Fees-MI) \$29.40, Travis Van Beek (Jurors Fees) \$50.00, Travis Van Beek (Jurors Fees-MI) \$29.40, Fox & Youngberg, PC (Legal Assistance) \$15,000.00, Sandra Herrlein (Jurors Fees) \$50.00, Sandra Herrlein (Jurors Fees-MI) \$16.80, Horn Law Office, LLC (Legal Assistance) \$4,585.79, Kennedy Pier Knoff Loftus LLP (Legal Assistance) \$2,367.60, West Payment Center (Supplies) \$726.86; **Auditor:** Leaf (Rentals) \$159.00, Qualified Presort Services LLC (Supplies) \$87.33, One Office Solution (Supplies) \$182.72; **Treasurer:** Harland Technology Services (Maintenance) \$34.68, McLeod's Printing & Office Supply (Supplies) \$319.80, Qualified Presort Services LLC (Supplies) \$131.67; **Data:** Leaf (Rentals) \$104.86, Tyler Technologies (Maintenance) \$47,419.47; **States Attorney:** Century Business Products (Rentals) \$252.41, Executive Management Finance Office (Utilities) \$252.41, Hy-Vee (Supplies) \$33.50, M.T. & R.C. Smith Insurance (Insurance) \$80.00; **CLERP:** SDACC (Catastrophic Legal Expense-4th Qtr) \$4,686.97; **Government Buildings:** City of Yankton (Utilities) \$2,340.92, Cole Papers, Inc. (Supplies) \$189.55, Midwestern Mechanical, Inc. (Maintenance) \$120.00, Northwestern Energy (Utilities) \$2,547.21, Ron's Auto Glass, Inc. (Maintenance) \$106.50, M.T. & R.C. Smith Insurance (Liability Insurance) \$163.00, Yankton Janitorial Supply (Supplies) \$157.30; **Director of Equalization:** Matt Archer (Travel) \$370.08, Clubhouse Hotel & Suites (Travel) \$2,820.00, Michelle Goeken (Travel) \$171.00, Lori Mackey (Travel) \$370.08, Jeffrey Puthoff (Travel) \$241.83, Qualified Presort Service, LLC (Supplies) \$15.43, One Office Solution (Supplies) \$24.77, One Office Solution (Maintenance) \$103.94; **Register of Deeds:** Executive Management Finance Office (Utilities) \$27.00, Qualified Presort Services, Inc. (Supplies) \$36.53; **Safety Center Building:** Kopetsky's Ace Hardware (Supplies) \$9.99, City of Yankton (Utilities) \$762.92, Cole Papers, Inc. (Supplies) \$665.04, Midwestern Mechanical,

Inc. (Maintenance) \$275.00, Echo Electric (Supplies) \$26.87, Menards (Supplies) \$106.85, Midwestern Energy (Utilities) \$1,799.15, Northwestern Energy (Utilities) \$9,124.05, M.T. & R.C. Smith Insurance (Liability Insurance) \$146.00; **Sheriff:** Vast Business (Utilities) \$111.00, Embroidery & Screen Works, Inc. (Uniforms) \$308.00, Northtown Automotive (Maintenance) \$91.62, Rodney Pieper (Fuel) \$28.20, Pro Auto, Inc. (Other) \$120.00, Qualified Presort Services, LLC (Maintenance Contracts) \$112.37, M.R. & R.C. Smith Insurance (Insurance) \$436.00, M. T. & R.C. Smith Insurance (Liability Insurance) \$649.00, Teachout & Franklin Prof LLC (Other) \$74.56, One Office Solution (Furniture) \$1,526.23, One Office Solution (Supplies) \$16.99, One Office Solution (Maintenance Contract) \$55.66; **County Jail:** AMG Radiology Yankton (Professional Services) \$494.32, Horwath Laundry Equipment (Maintenance) \$63.17, CBM Food Service (Food Services) \$9,259.99, AMG Family Medicine Yankton (Vaccinations) \$65.77, Diamond Drugs (Professional Services) \$1,501.70, EZ Duz It Laundry (Supplies) \$75.85, Hy-Vee (Professional Services) \$54.99, Jacks Uniforms & Equipment (Uniforms) \$52.74, JCL Solutions (Supplies) \$1,757.04, Olson's Pest Technicians (Maintenance) \$110.00, One Office Solution (Maintenance Contract) \$69.53; **Coroner:** First Bankcard (Supplies) \$96.75, Arica Nickles (Travel) \$275.60, Sanford Health (Professional Services) \$4,722.00, Jerold Sorbel (Travel) \$239.71; **Care of Poor:** City of Yankton (Professional Services) \$1,700.00, Goglin Funeral Home & Legacy Crematory (Professional Services) \$1,550.00, Opsahl-Kostal Funeral Home (Professional Services) \$1,525.00, Qualified Presort Services, LLC (Supplies) \$132.97; **Public Health Nurse:** Everbank Commercial Finance, Inc. (Rentals) \$70.96, Qualified Presort Services, LLC (Supplies) \$24.16; **Ambulance:** Avera Education & Staffing Solutions (Travel) \$105.00, Sacred Heart Health Services (Professional Services) \$1,500.00, AT & T (Utilities) \$36.30, Arrow International (Supplies) \$677.65, Boller Printing Co. (Supplies) \$107.00, Channing Bete Co., Inc. (Supplies) \$109.85, Vast Business (Utilities) \$179.11, Century Business Products (Rentals) \$42.00, Change Healthcare (Professional Services) \$130.00, The UPS Store 6716 (Supplies) \$270.30, City of Yankton (Utilities) \$230.45, Troy Cowman (Supplies) \$44.96, Credit Collection Services (Professional Services) \$86.55, Danko Emergency Equipment (Supplies) \$806.84, Embroidery & Screenworks, Inc. (Supplies) \$336.00, Ferdig's Transmissions (Maintenance) \$348.15, G & K Services (Maintenance) \$68.77, Graham Tire Yankton (Maintenance) \$67.65, Hy-Vee (Supplies) \$15.98, Auto Value Yankton (Supplies) \$51.96, Matheson Tri-Gas, Inc. (Supplies) \$163.58, Menards (Supplies) \$672.35, MidAmerican Energy (Utilities) \$38.31, Physio-Control, Inc. (Maintenance) \$1,809.00, Northwestern Energy (Utilities) \$944.72, Power Source Electric (Maintenance) \$95.85, M.T. & R.C. Smith Insurance (Insurance) \$100.00, Jean Scherschligt (Travel) \$189.00, Tire Muffler Alignment (Maintenance) \$452.01, Verizon (Utilities) \$348.72, One Office Solution (Supplies) \$297.01, Yankton Janitorial Supply (Supplies) \$241.46; **Mental Illness Board:** Darcy Lockwood (Hearings-MI) \$66.00, Marvin R. Ekeren (Hearings) \$15.00, Kennedy Pier Knoff & Loftus LLP (Hearings) \$94.00, Mark Katterhagen (Hearings) \$81.00, Lincoln County Treasurer (Hearings) \$842.27, Lucille M. Lewno (Hearings) \$1,429.55, Gary E. Mikelson (Hearings) \$90.00; **Senior Citizens:** City of Yankton (Senior Citizens share-3rd Qtr) \$7,994.26; **County Extension:** Kopetsky's Ace Hardware (Supplies) \$49.98, Vast Business (Utilities) \$83.72, City of Yankton (Utilities) \$53.75, Boys & Girls Club of Yankton (Other) \$25.00, Echo Electric (Supplies) \$86.30, Hy-Vee (Supplies) \$15.99, MidAmerican Energy (Utilities) \$10.71; **Weed:** Bomgaars (Supplies) \$61.93, Cox Auto Supply, Inc. (Supplies) \$34.17, C & R Supply, Inc. (Supplies) \$1,128.92,

Menards (Supplies) \$149.98, M.T. & R.C. Smith Insurance (Liability Insurance) \$135.00; **Planning & Zoning:** Qualified Presort Services, LLC (Supplies) \$49.36, Verizon (Utilities) \$17.42; **Road & Bridge:** Kopetsky's Ace Hardware (Supplies) \$42.49, Appera (Supplies) \$115.51, Karla Bossman (Supplies) \$10.18, Karla Bossman (Travel) \$33.60, Bomgaars (Supplies) \$36.45, B-Y Water District (Utilities) \$105.50, Battery Exchange (Supplies) \$572.85, Butler Machinery Co. (Maintenance) \$2,687.95, Butler Machinery Co. (Supplies) \$115.15, Zep Sales & Service (Supplies) \$1,058.09, North Central Rental & Leasing (Rentals) \$3,500.00, Boyer Trucks (Supplies) \$14.84, Presto-X (Maintenance) \$95.00, Country Pride Co-op (Hwy Fuel) \$907.59, City of Yankton (Utilities) \$73.27, Cox Auto Supply, Inc. (Supplies) \$70.88, Concrete Materials (Supplies) \$24,241.75, CenturyLink (Utilities) \$56.21, Clarks Rental, Inc. (Rentals) \$70.00, Snap On Tools (Supplies) \$695.75, D-P Tools (Supplies) \$11.17, Diamond Mowers, Inc. (Supplies) \$1,244.55, Ehresmann Engineering, Inc. (Supplies) \$169.58, Fastenal Industrial (Supplies) \$45.75, Auto Value Yankton (Supplies) \$195.67, Kaiser Appliance & Refrigeration (Supplies) \$33.99, Marks Machinery (Supplies) \$273.40, Mead Lumber (Supplies) \$41.31, Menards (Supplies) \$31.72, Northwestern Energy (Utilities) \$887.28, O'Reilly Auto Parts (Supplies) \$49.99, Pack & Ship (Secondary Roads) \$3,000.00, Riverside Hydraulics & Labs (Supplies) \$121.06, M.T. & R.C. Smith Insurance (Liability Insurance) \$941.00, Sioux City Foundry Company (Supplies) \$6,622.00, Midwest Tire Yankton (Supplies) \$90.00, Verizon (Utilities) \$392.97, Yankton Winnelson Company (Supplies) \$47.88; **Emergency 911 Fund:** Vast Business (Utilities) \$1,100.25, City of Yankton (E911 3rd Qtr Dispatch) \$15,000.00, CenturyLink (Utilities) \$1,378.14; **24/7 Program:** PharmChem, Inc. (Supplies) \$3,066.00, Redwood Toxicology Laboratory, Inc. (Supplies) \$70.00, One Office Solution (Supplies) \$18.55; **Emergency Management:** B-Y Electric (Utilities) \$79.88, Cox Auto Supply, Inc. (Maintenance) \$22.97, Auto Value Yankton (Maintenance) \$128.99, Midwest Card & ID 2012 (Professional Services) \$3,500.00, MidAmerican Energy (Utilities) \$9.08, Northtown Automotive (Maintenance) \$750.70, Racom Corporation (Utilities) \$34.29, Sioux Falls Two Way Radio Service, Inc. (Maintenance) \$2,035.13, Verizon (Utilities) \$145.57, One Office Solution (Supplies) \$1,133.49, One Office Solution (Supplies-POD) \$322.41; **24/7 Program:** PharmChem, Inc. (Supplies) \$3,066.00, Redwood Toxicology Laboratory (Supplies) \$70.00, One Office Solution (Supplies) \$18.55; **Tower Fund:** Center for Municipal Solutions (Services) \$175.00; **St Wide 24/7 Sobriety Fund:** South Dakota Attorney General (State Participation Fee) \$1,322.00. Total General Fund \$152,854.62, Road & Bridge, \$97,868.58, Emergency Management \$8,162.51. All present voted aye; motion carried.

Action 17329C: A motion was made by Woods and seconded by Epp to approve the **October, 2017 Gross Payroll: Commissioners:** \$5,362.72; **Auditor:** \$13,681.29; **Treasurer:** \$16,134.57; **States Attorney:** \$26,558.89; **Custodian:** \$4,457.74; **Director of Equalization:** \$22,489.22; **Register of Deeds:** \$11,940.98; **Veterans Service:** \$2,111.40; **Courthouse & Safety Center:** \$7,648.22; **Sheriff:** \$64,206.46; **County Jail:** \$63,443.42; **Coroner:** \$1,100.00; **Juvenile:** \$0.00; **Nurse:** \$2,916.55; **Ambulance:** \$47,626.52; **WIC :** \$1,604.05; **Extension:** \$6,672.51; **Soil Conservation:** \$2,816.78; **Weed:** \$7,640.80; **Planning & Zoning:** \$8,220.99; **Road & Bridge:** \$69,887.12; **E911:** \$80.34; **OEM:** \$5,380.69; **24-7 Program:** \$3,292.56. South Dakota Retirement System \$29,641.28 (Other Employees), South Dakota Retirement System \$17,782.66 (Sheriff/OEM),

South Dakota Retirement System (Payroll Deduction-Spouse Opt) \$117.31, South Dakota Retirement System (Supplemental) \$3,760.00, American Family Life Assurance Company (AFLAC) \$4,962.22, Legalshield \$25.90, Office of Child Support \$578.00, Nationwide Retirement Solutions \$69.44, Accounts Management \$300.00, First Dakota National Bank \$36,787.64 (Withholding), First Dakota National Bank \$48,072.64 (FICA) First Dakota National Bank \$11,242.70 (Medicare), Boston Mutual Life Insurance \$503.09, Colonial Life & Accident 2,203.38, Wellmark BC Health Insurance \$56,411.61, Optilegra \$598.78, Credit Collection Services \$477.76. Gross Payroll \$395,393.82, Net Payroll \$290,156.09. All present voted aye; motion carried.

Action 17330C: A motion was made by Bodenstedt and seconded by Woods to approve the following applications for renewal of retail (on-sale) liquor licenses: Huber Enterprises, LLC dba Mayfield Bar and Grill; Shipwreck, Inc dba The Cottonwood; Donlin Marine, LLC dba Marina Grill; Hebda Family Produce dba Hebda Family Produce; Jerry Flegge and Terry Flegge dba Fleeg's Roadhouse; Captain Norm's, LLC dba Captain Norm's; SAT Enterprises LLC dba TJ's Mini Mart; and Glenridge Golf Course, Inc dba Glenridge Golf Course. All present voted aye; motion carried.

Action 17331C: A motion was made by Epp and seconded by Bodenstedt to approve the bids from the personal property sale as presented. All present voted aye; motion carried.

Action 17332C: A motion was made by Woods and seconded by Bodenstedt to approve the disposal of old or non-fixable items from the county's inventory. All present voted aye; motion carried.

Weed: Truck purchase rescheduled for November 21st meeting.

Government Building: Building & Grounds Supervisor Bruce Christensen appeared before the board to discuss the water leaks in the basement of the Government Center.

Action 17333C: A motion was made by Epp and seconded by Woods to approve to pay \$2436.10 of funeral expense lien on tax deed property. All present voted aye; motion carried.

Action 17334Z: A motion was made by Epp and seconded by Bodenstedt 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 Mike Sempek. Applicant requested a permit to operate a repair shop, auto body business in an Agriculture District (AG) in Yankton County. Said property is legally described as Tract A, E1/2, SW1/4, S22-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. E911 address is 44342 307th Street, Mission Hill, SD. The Planning Commission recommended approval 7-0.

Action 17335Z: A motion was made by Woods and seconded by Bodenstedt to approve a Conditional Use Permit, based on Findings of Fact from the October 10, 2017 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to operate a repair shop, auto body business in an Agriculture District (AG) in Yankton County, pursuant

to Article 19, Section 1905 of the Yankton County Zoning Ordinance. Said property is legally described as Tract A, E1/2, SW1/4, S22-T94N-R55W, hereinafter referred to as Mission Hill North, County of Yankton, State of South Dakota. E911 address is 44342 307th Street, Mission Hill, SD. All present voted aye; motion carried.

The Zoning Administrator will present the Conditional use Permit. The applicant will provide any expert support. The proponents and opponents will have 30 minutes each for comments and applicant will have 10 minutes for rebuttal.

CUP Public Hearing: This was the time and place for a public hearing for a Conditional Use Permit application from Jay Cutts. Applicant requested a permit to build one (1) 2400 head pork (finisher swine over 55 pounds) Class E (960) AU Animal Units) finishing barn in an Agriculture District (AG) in Yankton County. Said property is legally described as NE1/4, S4-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. E911 address is TBA 303rd Street, Mission Hill, SD. The Planning Commission recommended approval 6-1.

4 persons spoke on behalf of the applicant.

6 persons spoke against the applicant.

Action 17336Z: A motion was made by Woods and seconded by Epp to approve a Conditional Use Permit, based on Findings of Fact from the October 10, 2017 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to build one (1) 2400 head pork (finisher swine over 55 pounds) Class E (960) AU Animal Units) finishing barn in an Agriculture District (AG) in Yankton County, pursuant to Article 19, Section 1905 of the Yankton County Zoning Ordinance. Said property is legally described as NE1/4, S4-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. E911 address is TBA 303rd Street, Mission Hill, SD. All present voted aye; motion carried. Roll call vote on the application was taken with Epp, Woods, Bodenstedt and Kettering voting Aye; Motion carried.

Action 17337C: 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 17338C: A motion was made by Woods and seconded by Epp to adopt the following resolution Whereas it appears, Terry Saylor, owner of record, has caused a plat to be made of the following real property: Lot 8, Blk 1, East 50 Industrial Park, in Government Lot 3, S16-T93N-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.

Section Line: No action taken.

Library Agreement: Rescheduled to the November 21 commission meeting.

Snow Removal: The town of Lesterville Mayor, Kevin Frangenberg, appeared before the board to discuss the highway department continuing removing snow from the streets. Frangenberg stated they would continue to pay the hourly rate for the service. No action taken. Commissioners advised Town of Lesterville and County Highway Department will have 30 days to submit a contract for snow removal.

Action 17339C: A motion was made by Bodenstedt and seconded by Woods to recess the regular session at 6:20 p.m. and convene in executive session to discuss a personnel issue and litigation. All present voted aye; motion carried.

Action 17340C: A motion was made by Woods and seconded by Epp to adjourn executive session at 6:50 p.m. and reconvene in regular session. All present voted aye; motion carried.

Chairman Kettering reported no action would be taken as a result of the executive session.

Action 17341C: A motion was made by Woods and seconded by Epp to adjourn. All present voted aye; motion carried.

The next regular meeting will be Tuesday, November 21, 2017.

Don Kettering, Chairman
Yankton County Commission

ATTEST:
Karen Faerber, Deputy Auditor