

YANKTON COUNTY COMMISSION MEETING
May 7, 2019

The regular meeting of the Yankton County Commission was called to order by Chairman Dan Klimisch at 6:00 PM on Tuesday, May 7, 2019.

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

There were no conflicts of interest reported by Commissioners.

Action 19175C: A motion was made by Healy and seconded by Loest to approve the meeting agenda with the following additions: Item 17 will be rescheduled and Item 20 will have no discussion on Napa Junction. All present voted aye; motion carried.

Action 19176C: A motion was made by Healy and seconded by Swensen to approve the minutes of April 16, 2019 meeting to include the following statement read by Chairman Klimisch: Mr. Jay Cutts requested permission to address the commission. Chairman Klimisch stated that we were moving on to the next agenda item, commission updates. Mr. Jay Cutts became very angry and started screaming and yelling. Mr. Jay Cutts shouted obscenities at the commission, used vulgar language and stormed out of the commission room into the hallway where he continued to scream obscenities and profanity in a loud and bullying manner. Sheriff Jim Vlahakis went out to speak with Mr. Jay Cutts in the hallway in an attempt to calm him down and prevent further disruption of the public meeting. Mr. Jay Cutts chose not to speak at either of the two designated public comment periods. Healy, Swensen, Loest and Klimisch voting Aye; Kettering Voting Nay; Motion carried, 4-1.

Action 19177C: A motion was made by Healy and seconded by Swensen to approve the Board of Equalization minutes of April 17, 2019 meeting with the following correction; Parcel #72.100.001.110 for NADC2 should have read \$23,000. All present voted aye; motion carried.

Action 19178C: A motion was made by Healy and seconded by Swensen to approve the minutes of April 25, 2019 meeting with Kettering and Loest abstaining; motion carried. All present voted aye; motion carried.

There were two public comments by Nancy Wenande and Paty Davies.

Chairman Klimisch closed the public comment portion of the meeting.

Action 19179C: A motion was made by Loest and seconded by Swensen to approve the following claims: **General Fund: General Fund: Non-Departmental:** Department of Revenue (2019-2020 Malt Beverage Renewals) \$2,250.00; **Commissioners:** Turkey Valley Township (Purchase of culvert) \$15,000.00, Cheri Loest (Travel) \$28.56, River Rat Productions (Professional Services) \$700.00, Yankton County Observer (Publishing) \$286.21;

Elections: Qualified Presort Services LLC (Supplies) \$11.66, Verizon (Utilities) \$360.09;
Court: Avera Sacred Heart Hospital (Professional Services) \$3,500.00, Jurors Fees - \$1,105.40, Certified Languages International (Professional Services) \$79.20, Witness Fees - \$1,552.80, Darrell Livingston (Supplies) \$272.59, Fox & Youngberg, PC (Professional Services) \$15,741.00, Horn Law Office LLC (Professional Services) \$828.30, Kennedy Pier Loftus & Reynolds LLP (Professional Services) \$151.60, Terri Lembcke Schildhauer (Services) \$736.00; **Auditor:** Qualified Presort Services, LLC (Supplies) \$142.67, One Office Solution (Supplies) \$180.61, One Office Solution (Maintenance) \$270.51; **Treasurer:** Qualified Presort Service LLC (Supplies) \$131.88; **Data:** Leaf (Rentals) \$115.35, Miller Consulting LLC (Maintenance) \$1,200.00, Tyler Technologies (Maintenance) \$1,796.46; **States Attorney:** Century Business Products (Rentals) \$395.08, Culligan Water (Supplies) \$20.25, Executive Management Finance (Utilities) \$24.75, Hy-Vee (Supplies) \$12.31, Miller Consulting LLC (Maintenance) \$60.00, Qualified Presort Service LLC (Supplies) \$82.47, Staples Credit Plan (Supplies) \$514.10; **Government Building:** City of Yankton (Utilities) \$2,790.60, Flynn's Flowing Flags (Supplies) \$335.00, Northwestern Energy (Utilities) \$2,144.26, Olson's Pest Technician (Maintenance) \$79.00; **Director of Equalization:** SDAAO (Travel) \$800.00, Miller Consulting LLC (Maintenance) \$160.00, Qualified Presort Services LLC (Supplies) \$18.63, Verizon (Maintenance) \$174.34, One Office Solution (Maintenance) \$52.20, One Office Solution (Supplies) \$233.59; **Register of Deeds:** Executive Management Finance (Utilities) \$24.75, Microfilm Imaging System, Inc. (Supplies) \$96.29, Qualified Presort Services, LLC (Supplies) \$27.99; **Safety Center Building:** Kopetsky's Ace Hardware (Supplies) \$32.98, City of Yankton (Utilities) \$1,053.65, Cole Papers Inc. (Supplies) \$412.36, Drain Masters, Inc. (Maintenance) \$482.00, Echo Group (Supplies) \$19.98, Menards (Supplies) \$179.99, MidAmerican Energy (Utilities) \$1,497.71, Northwestern Energy (Utilities) \$5,880.44; **Sheriff:** Vast Business (Utilities) \$111.00, Clint Clites (Travel) \$81.00, Collision Center (Maintenance) \$274.36, Cardmember Services (Fuel) \$411.61, Cardmember Services (Travel) \$181.48, Cardmember Services (Other) \$13.67, Cardmember Services (Furniture) \$2,020.00, Jeremy & Teresa Cauwels (Repairs) \$413.77, Lightning Towing (Professional Services) \$319.00, Rod Pieper (Travel) \$49.00, Bob Parry (Travel) \$49.00, Heartland Human Society (Other) \$95.00, Northtown Automotive (Maintenance) \$125.46, Qualified Presort Services LLC (Maintenance Contract) \$142.50, South Dakota Sheriff's Association (Travel) \$170.00, Tire Muffler Alignment (Maintenance) \$439.81, James C. Vlahakis (Travel) \$81.00, One Office Solution (Supplies) \$16.35, One Office Solution (Maintenance Contracts) \$234.06; **County Jail:** Avera Sacred Heart Hospital (Professional Services) \$6,039.66, Scott Family Dentistry, Inc. (Professional Services) \$764.00, CBM Food Service (Food Services) \$13,687.53, Cooks Correctional (Food Service) \$674.91, Avera Medical Group Radiology (Professional Services) \$155.44, Cardmember Services (Furniture) \$724.00, Correct RX Pharmacy Services (Professional Services) \$8.15, Diamond Drugs (Professional Services) \$4,026.99, Jack's Uniforms & Equipment (Uniforms) \$142.89, JCL Solutions (Supplies) \$231.64, Menards (Supplies) \$136.25, Top Quality Glove (Supplies) \$472.50, One Office Solution (Supplies) \$246.54, One Office Solution (Maintenance Contract) \$97.92, Yankton Medical Clinic (Professional Services) \$779.00, Yankton Surgical Assoc., PC (Professional Services) \$81.36; **Coroner:** Sanford Health (Professional Services) \$2,694.00; **Yankton Area Search & Rescue:** Kopetsky's Ace Hardware (Supplies) \$230.00, Bomgaars (Supplies) \$164.85, Fluent Information Management Systems, Inc. (Supplies) \$106.00; **Airport:** City of

Yankton (2019 Co Share) \$15,000.00; **Care of Poor:** Qualified Presort Services LLC (Supplies) \$138.21; **Public Health Nurse:** Qualified Presort Services LLC (Supplies) \$28.98, Office of Child & Family Services (2nd Qtr Budget-2019) \$2,606.00; **Ambulance:** Avera Education & Staffing (Supplies) \$570.00, Avera Sacred Heart Hospital (Supplies) \$255.37, Sacred Heart Hospital (Professional Services) \$1,500.00, Arrow Manufacturing (Supplies) \$287.28, Bomgaars (Supplies) \$53.94, Bound Tree Medical LLC (Supplies) \$1,658.94, City of Yankton (Utilities) \$138.07, City of Yankton (Maintenance) \$6.50, Credit Collection Services, Inc. (Professional Services) \$51.52, Cintas (Supplies) \$64.79, Echo Group (Supplies) \$326.44, Change Healthcare (Professional Services) \$133.77, Matheson Tri-Gas, Inc. (Rental) \$67.56, Matheson Tri-Gas, Inc. (Supplies) \$80.03, Tina Monteith (Travel) \$100.00, Menards (Supplies) \$334.46, MidAmerican Energy (Utilities) \$257.46, Northwestern Energy (Utilities) \$1,126.01, Olson's Pest Technicians (Maintenance) \$114.00, Verizon (Utilities) \$456.22, Jerry Webber (Travel) \$140.58, One Office Solution (Supplies) \$418.99, Yankton Daily P & D (Publishing) \$589.65, Yankton Medical Clinic (Professional Services) \$38.00, Yankton Janitorial Supply (Supplies) \$197.46; **Mentally Handicapped:** Dakotabilities (Care-April, May, June) \$360.00, South Dakota Achieve dba Lifescape (Care – April) \$300.00; **Mental Illness Board:** Darcy Lockwood (Hearings) \$72.00, Dana Larson (Hearings) \$50.00, Mark Katterhagen (Hearings) \$72.00, Lincoln County Treasurer (Hearings) \$2,412.13, Lucille M. Lewno (Hearings-MI) \$1,336.47; **Library:** Yankton Community Library (1st Half 2019 Payment) \$12,000.00; **Senior Citizens:** City of Yankton (2019 1st Qtr-Senior Citizens) \$5,767.22; **County Extension:** Vast Business (Utilities) \$810.73, City of Yankton (Utilities) \$66.07, Katy Doty (Travel) \$20.00, Hy-Vee (Other) \$36.18, Olson's Pest Technicians (Maintenance) \$150.00; **Planning & Zoning:** River Rat Productions (Professional Services) \$420.00, Miller Consulting LLC (Maintenance) \$120.00, Qualified Presort Services, Inc. (Supplies) \$10.02, Verizon (Utilities) \$17.65; **Road & Bridge:** SDACC (Travel) \$75.00, B-Y Water District (Utilities) \$78.00, Butler Machinery Co. (Supplies) \$610.67, Boyer Trucks (Supplies) \$23.36, First Rate Excavate (Supplies) \$28,000.00, Terry Schramm (Supplies) \$34,500.00, Mills & Miller (Supplies) \$3,340.89, City of Yankton (Utilities) \$98.08, Cox Auto Supply, Inc. (Supplies) \$154.17, Nelson Service, LLC (Supplies) \$150.00, The Fox Stop (Hwy Fuel) \$207.93, Kim Lee (Supplies) \$50.00, Dakotaland Autoglass, Inc. (Supplies) \$99.96, Filter Care of Nebraska (Supplies) \$90.30, Fastenal Industrial & Construction Supply (Supplies) \$126.10, Kimball Midwest (Supplies) \$863.47, Lycox Enterprise (Supplies) \$8,765.00, Lyle Signs Inc. (Supplies) \$39.00, Mark's Machinery (Supplies) \$269.14, Menards (Supplies) \$13.97, Northwestern Energy (Utilities) \$773.38, Transource (Supplies) \$450.31, Stan Houston Equipment (Supplies) \$69.00, Sturdevant's Auto Supply (Supplies) \$46.97, Truenorth Steel (Supplies) \$17,012.80, Verizon (Utilities) \$35.30, Vermillion Yankton Joint Solid Waste (Utilities) \$32.80, Williams Septic Service (Utilities) \$350.00, Yankton Janitorial Supply (Supplies) \$390.95; **Emergency 911 Fund:** Vast Business (Utilities) \$1,100.25, City of Yankton (2019 1st Qtr 3911 Dispatch) \$15,000.00, CenturyLink (Utilities) \$0.73; **Emergency Management:** Kopetsky's Ace Hardware (Supplies) \$95.99, Bomgaars (Supplies) \$350.70, Hanson Briggs Specialty Advertising, Inc. (Supplies) \$148.00, Hacecky Ent., Inc. dba Berkley Motors (Maintenance) \$479.25, Vast Business (Utilities) \$446.22, TIAA Commercial Finance, Inc. (Rentals) \$193.15, Jim Kulish (Supplies-HWY-Flood) \$4,569.17, Leaf (Rentals) \$108.00, Miller Consulting LLC (Maintenance) \$1,375.00, Midcontinent Communications (Utilities) \$3.95, MidAmerican Energy (Utilities) \$17.03, MACS, Inc.

(Supplies) \$32.58, Qualified Presort Services LLC (Supplies) \$12.62, Racom Corporation (Utilities) \$35.15, Verizon (Utilities) \$526.87, One Office Solution (Maintenance) \$577.62, One Office Solution (Supplies) \$262.00; **Government Buildings:** Tred-Mark Communications (Miscellaneous) \$9,030.00; **Historical Preservation:** First Dakota National Bank (Tax Dollars Received) \$46,581.00; **24/7 Sobriety Fund:** PharmChem, Inc. (Supplies) \$3,238.05, Redwood Toxicology Laboratory Inc. (Supplies) \$10.00; **County Law Library:** West Payment Center (Supplies) \$816.63; **Clearing Fund: Non-Departmental:** Satellite Tracking of People (Tracking Monitors) \$643.50; **YC Ditch #2:** Chris Nelson (Culvert) \$2,091.40, Feimer Construction, Inc. (Culvert) \$4,840.50. General Fund \$150,973.46, Road & Bridge \$97,055.55, Emergency Management, \$9,233.30. All present voted aye; motion carried.

Action 19180C: A motion was made by Healy and seconded by Kettering to approve the April, 2019 gross payroll: **Commissioners:** \$5,606.74; **Election:** \$0.00; Auditor: \$14,372.36; **Treasurer:** \$16,815.96; **States Attorney:** \$25,946.77; **Government Buildings:** \$14,274.92; **Director of Equalization:** \$25,044.31; **Register of Deeds:** \$12,441.30; **Veterans Service:** \$3,595.13; **Sheriff:** \$67,343.69; **County Jail:** \$78,367.65; **Coroner:** \$1,125.00; **Juvenile:** \$405.66; **Nurse:** \$3,049.25; **Ambulance:** \$54,348.14; **WIC :** \$1,424.02; **Extension:** \$7,023.84; **Soil Conservation:** \$3,244.95; **Weed:** \$366.72; **Planning & Zoning:** \$4,990.93; **Road & Bridge:** \$77,261.19; **E911:** \$167.94; **OEM:** \$8,783.19; **24-7 Program:** \$3,385.03. First Dakota National Bank \$33,679.97 (Withholding), First Dakota National Bank \$52,133.20 (FICA) First Dakota National Bank \$12,192.46 (Medicare), South Dakota Retirement System \$31,873.14 (Other Employees), South Dakota Retirement System \$19,378.56 (Sheriff/OEM), South Dakota Retirement System (Spouse Opt) \$125.93, South Dakota Retirement System (Supplemental) \$4,364.60, American Family Life Assurance Company (AFLAC) \$5,365.90, Legalshield \$25.90, Office of Child Support \$578.00, Nationwide Retirement Solutions \$69.44, Accounts Management \$50.00, Boston Mutual Life Insurance \$471.59., Colonial Life & Accident \$1,786.83, Optilegra \$547.92, Wellmark BC Health Insurance \$60,590.63, United Way of Greater Yankton \$57.50, Delta Dental \$708.00, VSP Vision \$128.14. Gross Payroll \$429,184.69, Net Payroll \$322,138.04. All present voted aye; motion carried.

Action 19181RD: A motion was made by Kettering and seconded by Healy to authorize the formation of the Rainbow Road District legally described as Lts 1-11 Blk 2 & Lts 12-22 Blk 3, Mayers Addn 22-93-56. County of Yankton, State of South Dakota. All present voted aye; motion carried.

Action 19182C: A motion was made by Loest and seconded by Kettering to approve the following 2019 Malt Beverage License Renewal applications: Fleeg's Road House, Captain Norm's, The Cottonwood, Ma and Pa's C Store LLC, Pump N Stuff – Riverside Acres, Double T Truck Stop LLC, Mayfield Bar & Grill, Joe's Substation, Gerstner Oil Co., TJ's Mini Mart, 6th Meridian, LLC, Marina Grill, Lewis & Clark Marina, Lewis & Clark Meat Lodge, LLC, Kozy's Bar. Kettering, Healy, Loest and Klimisch voting Aye; Swensen Voting Nay; Motion carried, 4-1.

Action 19183H: A motion was made by Healy and seconded by Loest to approve the application for Entrance from Cory Heckenlaible and Joseph Syrovatka located S1/2, SE1/4, SW1/4 in S4-T94N-R57W, Yankton County.

Action 19184W: A motion was made Kettering and seconded by Loest to approve the Joint Powers Agreement for Weed Spraying with South Dakota Department of Transportation. All present voted aye; motion carried.

Action 19185C: A motion was made by Healy and seconded by Loest to approve the amendment to the employee handbook for domestic partner health insurance coverage. All present voted aye; motion carried.

Action 19186D: A motion was made by Healy and seconded by Swensen to recess the regular session and convene as Ditch Board. All present voted aye; motion carried.

Chris Nelsen appeared before the board to request an adjustment for ditch cleaning for the maintenance on Yankton Clay Ditch #2. The first round of maintenance on YC Ditch #2 caused more waters to move into Gayville which was causing flooding. To match culvert capacity w/BNSF rail crossing, a 60 inch culvert had to be installed.

Action 19187D: A motion was made by Healy and seconded by Loest to approve the claim from Feimer Construction Co., Inc. in the amount of \$4,840.50 and for Chris Nelson in amount of \$2,091.40. Roll call vote was taken with Healy, Loest, Swensen, Kettering and Klimisch voting Aye; Motion carried, 5-0.

Action 19188C: A motion was made by Swensen and seconded by Healy to recess the Ditch Board and reconvene in regular session. All present voted aye; motion carried.

Action 19189: A motion was made by Kettering and seconded by Healy to recess the regular session and convene as Drainage Board. All present voted aye; motion carried.

Action 19190D: A motion was made by Healy and seconded by Kettering to approve a Drainage Permit request from applicant Roger Hansen, based on Findings of Fact Dated March 26, 2019. Said property is described as SE1/4, exc Lt H-8, S25-T96N-R55W, hereinafter referred to as Mayfield Township, County of Yankton, State of South Dakota. Roll call vote was taken with Healy, Kettering, Loest, Swensen and Klimisch voting Aye; Motion carried, 5-0.

Action 19191C: A motion was made by Swensen and seconded by Healy to recess the Ditch Board and reconvene in regular session. All present voted aye; motion carried.

Action 19192Z: A motion was made by Loest 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 a Maximum Building Size application from Robert Zavadil. Variance of Maximum Building Size Requirement from 1,200 sq. ft. to 1,496 sq. ft. in a Moderate Density Rural Residential District (R-2) in Yankton County. Said property is legally described as Lot 1 Nine Acre Addition S1/2, SE1/4, S4-T93-R56, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 4203 Herman's Loop, Yankton, SD. The Planning Commission recommended approval 9-0.

Applicant Robert Zavadil spoke on his Variance request and Patty Gramkow also spoke in favor of the request.

Action 19193Z: A motion was made by Kettering and seconded by Swensen, based on Findings of Fact from the April 9, 2019 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve a Maximum Building Size requirement for Robert Zavadil, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance from 1,200 sq. ft. to 1,496 sq. ft. in a Moderate Density Rural Residential District (R-2) in Yankton County. Said property is legally described Lot 1 Nine Acre Addition S1/2, SE1/4, S4-T93-R56, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 4203 Herman's Loop, Yankton, SD. Roll call vote was taken with Kettering, Swensen, Loest, Healy and Klimisch voting Aye; Motion carried, 5-0.

Variance Public Hearing: This was the time and place for a public hearing for a Variance of a Maximum Building Size application from Terry Hacecky. Variance of Minimum Lot Requirement from twenty (20) acres to three (3 +/-) acres. Said property is legally described as Proposed Lot 1 Petrik Addition W1/2, NW1/4, S21-T95N-R57W, hereinafter referred to as Lesterville Township, County of Yankton, State of South Dakota. The E911 address is 4203 Herman's Loop, Yankton, SD The Planning Commission recommended approval 6-3.

There were no comments for or against the Variance request.

Action 19194Z: A motion was made by Healy and seconded by Kettering, based on Findings of Fact from the April 9, 2019 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve a Minimum Lot requirement for Terry Hacecky, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance from 20 (20) acres to three (3 +/-) acres in Yankton County. Said property is legally described as Proposed Lot 1 Petrik Addition W1/2, NW1/4, S21-T95N-R57W, hereinafter referred to as Lesterville Township, County of Yankton, State of South Dakota. Roll call vote was taken with Healy, Kettering, Swensen, Loest, and Klimisch voting Aye; Motion carried, 5-0.

Variance Public Hearing: This was the time and place for a public hearing for a Variance of a Maximum Building Size application from Marvin Mehlhaff. Variance of Yard Requirement from seventy five (75) feet to twenty (20) feet on the west side yard and second from seventy five (75) feet to fifty five (55) feet on the front yard in an Agriculture District (AG) in Yankton County. Said property is legally described as Tract 1 Schramm's Subdivision lying in the E/2, NE1/4, S35-T95N-R56W, hereinafter referred to as Central Township, County of

Yankton, State of South Dakota. The E911 address is 30235 439th Avenue, Yankton, SD. The Planning Commission recommended approval 9-0.

Charles Leonard spoke on behalf of the applicant.

Action 19195Z: A motion was made by Healy and seconded by Swensen, based on Findings of Fact from the April 9, 2019 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve two variance requirements for Marvin Mehlhaff, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance from seventy five (75) feet to twenty (20) feet on the west side yard and second from seventy five (75) feet to fifty five (55) feet on the front yard in an Agriculture District (AG) in Yankton County. Said property is legally described as Tract 1 Schramm's Subdivision lying in the E/2, NE1/4, S35-T95N-R56W, hereinafter referred to as Central Township, County of Yankton, State of South Dakota. The E911 address is 30235 439th, Yankton, SD. Roll call vote was taken with Healy, Swensen, Kettering, Loest, and Klimisch voting Aye; Motion carried, 5-0.

Action 19196C: A motion was made by Swensen and seconded by Loest to recess the Board of Adjustment and reconvene in regular session. All present voted aye; motion carried.

Action 19197Z: A motion was made by Healy and seconded by Loest to adopt the following resolution: Whereas it appears, Petrik Enterprises Inc., owners of record, have caused a plat to be made of the following real property: Lot 1, Petrik Addition W1/2, NW1/4, S21-T95N-R57W, 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.

Action 19198C: A motion was made by Healy and seconded by Loest to accept the resignation of Erik Koenigs from the Planning Commission and authorize advertising for the position. All present voted aye; motion carried.

Action 19199C: A motion was made by Loest and seconded by Kettering to approve a three year maintenance contract with Johnson Controls, for the Yankton County Government Center and Yankton County Safety Center with the first year being \$21,663, 2nd year \$22,314, 3rd year \$22,984. Roll call vote was taken with Loest, Healy, Kettering and Klimisch voting Aye; Swensen Voting Nay; Motion carried, 4-1.

Roads and Bridges: Item rescheduled to the next meeting

Load Limits on Bridges: Commissioner Healy suggested to the board that the James River bridges should have the LFR rating. There were concerns expressed about unknown damage

to the bridges from the recent flooding. Loest suggested a compromise of rating two bridges instead of all four.

There were two comments from Patty Gramkow and Victoria Job.

Action 19200C: A motion was made by Healy and seconded by Loest to place the LFR rating on Fleege's Bridge. Roll call vote was taken with Loest and Healy Voting Aye; Kettering, Swensen and Klimisch voting Nay; Motion failed 2-3.

Grievance: Dale Knode filed a grievance with the Planning and Zoning office and asked what the procedure is because he has had no response. Commissioner Healy is going to inquire and let Dale Knode know the status of this grievance

Pellet Plant: the board discussed the request from Ralph Marquardt, presented by Commissioner Kettering, to place a pellet plant on 450th Ave. between 310th St. and Highway 50. Kettering said Mr. Marquardt would pay for an engineering study on the condition of the road. Victoria Job from Core Engineering explained the process.

Action 19201C: A motion was made by Loest and seconded by Kettering to allow Ralph Marquardt to pay Core Engineering to collect core samples from 450th Ave. between 310th St. and Highway 50, where Core Engineering will work with the County Highway Superintendent to safely retrieve the samples and that Core Engineering will submit a copy of all test results to the County Highway Department. Loest, Kettering, Healy, and Klimisch voting Aye; Swensen Voting Nay; Motion carried, 4-1.

Drainage Permit Process: Commissioner Loest explained to the board the process of the Drainage permit process and asked the board to interpret and clarify Administrative permit requirements.

Patty Gramkow commented on the discussion.

Action 19202C: A motion was made by Loest and seconded by Healy that the Drainage Administrator has authority to approve all Administrative number one permits and for Administrative number two permits, all new drainage projects must send 10 day notice letters and be reviewed by the Drainage Commission at a public meeting. Should any complaints be received from the letters, this meeting becomes a public hearing. For drainage applications that are adding laterals to an already approved drainage project, 10 day notice letters must be sent. If no complaints are received, the Administrator has discretion to approve the project. If complaints are received, the project must then go to a public hearing before the Drainage Commission. Neither number one or number two Administrative drainage permit applications must be heard by the Drainage Board. Roll call vote was taken with Loest, Healy, Kettering and Klimisch voting Aye; Swensen Voting Nay; Motion carried, 4-1.

Commission Updates: Chairman Klimisch said he will be attending the Governor's Office of Economic Development (GEOD) meeting May 8th in Beresford, SD, Klimisch also said this is National Tourism Week. Commissioner Swensen mentioned this is Military Appreciation Month. Also mentioned was to schedule a town hall meeting in Gayville and Commissioner Kettering attended the Human Services Center Advisory meeting.

There was one public comment from Brian McGinnis.

Chairman Klimisch closed the public comment portion of the meeting.

Action 19203C: A motion was made by Loest and seconded by Swensen to recess the regular session at 8:30 p.m. and convene in executive session to discuss litigation. All present voted aye; motion carried.

Action 19204C: A motion was made by Kettering and seconded by Loest to adjourn executive session at 9:12 p.m. and reconvene in regular session. All present voted aye; motion carried.

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

Action 19205C: A motion was made by Swensen and seconded by Loest to adjourn. All present voted aye; motion carried.

The next regular meeting will be Tuesday, May 21, 2019 at 6:00 p.m.

Dan Klimisch, Chairman
Yankton County Commission

ATTEST:
Patty Hojem, County Auditor