

YANKTON COUNTY COMMISSION MEETING
June 18, 2019

The regular meeting of the Yankton County Commission was called to order by Chairman Dan Klimisch at 6:00 PM on Tuesday, June 18, 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 19262C: A motion was made by Healy and seconded by Loest to approve the meeting agenda. All present voted aye; motion carried.

Action 19263C: A motion was made by Loest and seconded by Swensen to approve the minutes of June 4, 2019 meeting with the following addition: Commissioner Kettering had requested the June 18th meeting begin at 4:00 p.m. to attend the Ag Gala. All present voted aye; motion carried.

There were no public comments.

Chairman Klimisch closed the public comment portion of the meeting.

Action 19264C: A motion was made by Kettering and seconded by Loest to approve the following claims: **General Fund: Non-Departmental:** SD Dept. of Revenue (2017 & 2018 Sales Tax) \$720.66; **Commissioners:** Vast Business (Utilities) \$52.50, Intuvio Solutions (Professional Services) \$49.95, Computer Forensic Resources Inc. (Professional Services) \$2,400.00, Yankton County Observer (Publishing) \$623.27, Yankton Daily P & D (Publishing) \$860.33; **Elections:** Qualified Presort Services LLC (Supplies) \$39.52; **Court:** Jurors Fees (10 @ \$50.00) \$500.00, Jurors Fees-MI (2 @ \$12.60) \$25.20, Jurors Fees-MI (1 @ \$33.60) \$33.60, Jurors Fees-MI (1 @ \$6.72) \$6.72, Jurors Fees-MI (1 @ \$1.68) \$1.68, Jurors Fees-MI (1 @ \$16.80) \$16.80, Witness Fees (3 @ \$20.00) \$60.00, Avera Sacred Heart Hospital (Lab) \$560.00, Certified Languages International (Professional Services) \$6.60, Harmelink & Fox Law Office, Prof, LLC (Professional Services) \$2757.41, SD Department of Health (Lab Crt) \$1,115.00, Dean Schaefer (Professional Services) \$1,032.00, West Payment Center (Supplies) \$75.00; **Auditor:** Vast Business (Utilities) \$175.49, Culligan (Supplies) \$13.50, Patty Hojem (Travel) \$42.00, Investigative Services (Professional Services) \$148.50, Leaf (Rental) \$174.90, Qualified Presort Services LLC (Supplies) \$181.61, One Office Solution (Maintenance) \$108.67; **Treasurer:** Vast Business (Utilities) \$210.20, Scantron (Maintenance) \$224.00, Qualified Presort Service LLC (Supplies) \$133.01, One Office Solution (Maintenance) \$180.00; **Data:** Vast Business (Utilities) \$998.78, First Bankcard (Supplies) \$40.01; **States Attorney:** Culligan (Supplies) \$6.75, Executive Mgmt Finance (Utilities) \$24.75, Robert W. Klimisch (Travel) \$363.80, Qualified Presort Services LLC (Supplies) \$41.65, Security Shredding Services (Maintenance) \$245.00, Yankton Daily P & D (Publishing) \$90.82, Yankton Daily P & D (Supplies) \$139.64, Yankton Title Company

(Professional Services) \$150.00; **CLERP:** SDACC (Catastrophic Legal Exp-2nd Qtr.) \$6188.00; **Government Buildings:** Kopetsky's Ace Hardware (Supplies) \$45.17, Vast Business (Utilities) \$26.25, Cole Papers INC (Supplies) \$487.38, MidAmerican Energy (Utilities) \$264.43, Nebraska Air Filter, INC. (Supplies) \$330.73; **Director of Equalization:** Vast Business (Utilities) \$229.50, Ecowater Systems (Supplies) \$20.00, First Bankcard (Supplies) \$105.88, First Bankcard (Travel) \$932.99, Microfilm Imaging Systems, INC. (Maintenance) \$70.00, Qualified Presort Services, LLC. (Supplies) \$328.75, One Office Solutions (Supplies) \$247.39; **Register of Deeds:** Vast Business (Utilities) \$177.57, Executive Mgmt Finance (Utilities) \$24.75, Microfilm Imaging Systems, INC. (Rental) \$336.00, Qualified Presort Services, LLC (Supplies) \$35.88, One Office Solution (Supplies) \$35.00, One Office Solutions (Maintenance) \$6.53; **Veterans Service Officer:** Vast Business (Utilities) \$26.25, Qualified Presort Services, LLC (Supplies) \$27.57, Yankton Area Chamber of Commerce (Chamber Dues) \$22.65; **Safety Center Building:** Kopetsky's Ace Hardware (Supplies) \$7.98, Bomgaars (Supplies) \$11.24, Vast Business (Utilities) \$772.75, City of Yankton (Utilities) \$200.00, Cole Papers INC. (Supplies) \$464.28, Avera Sacred Heart Hospital (Supplies) \$79.00, Justice Fire & Safety (Maintenance) \$200.00, Johnson Controls, INC. (Maintenance) \$479.62; **Sheriff:** Vast Business (Utilities) \$111.00, City of Yankton (Fuel) \$3548.30, Xtreme Car Wash (Maintenance) \$233.40, Jerry Sorbel (Fuel) \$26.71, Culligan (Supplies) \$ 40.50, Jacks Uniforms & Equipment (Uniforms) \$258.74, Jacks Uniforms & Equipment (Law Enforcement Equip) \$200.79, Qualified Presort Service, LLC. (Maintenance) \$161.81, M.T. & R.C. Smith (Insurance) \$490.00, Security Shredding Services (Maintenance) \$35.00, One Office Solution (Maintenance) \$104.95, One office Solution (Supplies) \$12.53; **County Jail:** Avera Education & Staffing Solutions (Professional Services) \$700.00, Avera Sacred Heart Hospital (Professional Services) \$2,432.79, Avera Medical Group (Professional Services) \$1,257.00, CBM Food Service (Food Services) \$8,213.34, Culligan (Food Services) \$8.75, EZ Duz it Laundry (Supplies) \$28.00, Menards (Supplies) \$158.78, Correctional Risk Services (Inmate Medical LIAB Ins) \$1,185.75, One Office Solution (Maintenance) \$54.16, Yankton Drug Co. Ins (Professional Services) \$442.48; **Yankton Area Search & Rescue:** City of Yankton (Supplies) \$71.22, First Bankcard (Travel) \$340.92; **Care of Poor:** Opsahl-Kostel Funeral Home (Professional Services) \$1,250.00, Qualified Presort Services LLC (Supplies) \$85.83, West payment Center (Supplies) \$75.00; **Public Health Nurse:** Vast Business (Utilities) \$238.92, TIAA Commercial Finance (Rentals) \$70.96, Qualified Presort Services LLC (Supplies) \$16.42; **Ambulance:** Avera Education & Staffing Solutions (Supplies) \$30.00, Kopetsky's Ace Hardware (Supplies) \$390.83, Avera Sacred Heart Hospital (Supplies) \$778.31, Arrow International (Supplies) \$677.50, Bomgaars (Supplies) \$39.99, Vast Business (Utilities) \$179.36, Integrated Technology & Security (Repairs) \$275.80, The USP Store 6716 (Supplies) \$5.59, Bound Tree Medical LLC (Supplies) \$2,431.83, City of Yankton (Maintenance) \$12.00, City of Yankton (Supplies) \$749.59, USPS (Supplies) \$50.00, Cintas (Supplies) \$66.57, Berkley Motors (Maintenance) \$642.48, Change Healthcare (Professional Services) \$133.77, First Bankcard (Travel) \$609.10, First Bankcard (Supplies) \$1,453.59, Kaiser Heating & Cooling (Maintenance) \$505.74, Leaf (Rental) \$81.43, Matheson Tri-Gas Inc. (Supplies) 161.02, Matheson Tri-Gas Inc. (Rental) \$75.99, Menards (Supplies) \$17.74, Physio-Control, Inc. (Maintenance) \$11,662.20, Pitney Bowes (Rental) \$215.34, Vogt's Cleaners (Maintenance) \$7.00, Jerry Webber (Supplies) \$95.99, Yankton Janitorial Supply (Supplies) \$165.40; **Mental Handicapped:** South Dakota Achieve dba Lifescape, (Care)

\$300.00; **Mental Illness Board:** Darcy Lockwood (Hearings) \$57.00, Mark Katterhagen (Hearings) \$57.00, Lucille M. Lewno (Hearings) \$1047.00, Lewis & Clark Behavioral Health Services (Hearings) \$1,068.00, Lincoln County Treasurer (Hearings) \$962.13, Gary E. Mikelson (Hearings) \$1,469.00, Minnehaha County Auditor (Hearings) \$236.40; **County Extension:** Kopetsky's Ace Hardware (Supplies) \$10.99, Bomgaars (Supplies) \$13.47, Buhl's Cleaners (Supplies) \$37.82, SDSU Extension (Travel) \$42.93, Katie Doty (Supplies) \$18.83, Leaf (Rental) \$176.40, Northwesters Energy (Utilities) \$363.60, One Office Solution (Maintenance) \$278.35; **Weed:** Bomgaars (Supplies) \$109.99, Agterra Technologies (Supplies) \$600.00, Cox Auto Supply, Inc. (Supplies) \$10.99, Yankton County Observer (Publishing) \$108.00, Yankton Daily P & D (Publishing) \$220.20; **Planning & Zoning:** Vast Business (Utilities) \$62.50, Collection Trust Publications (Supplies) \$280.00, Planning & Development (Professional Services) \$11,805.25, Qualified Presort Service, LLC (Supplies) \$10.10, Yankton Daily P & D (Publishing) \$112.77; **Road & Bridge:** Bomgaars (Supplies) \$22.99, B-Y Electric (Utilities) \$70.33, B-Y Water District (Utilities) \$89.25, Butler Machinery Co. (Supplies) \$1,443.09, Butler Machinery Co. (Equip Expense) \$14,596.77, Vast Business (Utilities) \$167.52, Boyer Trucks (Supplies) \$963.77, Cox Auto Supply Inc. (Supplies) \$333.65, Concrete Materials (Supplies) \$1,640.10, Myers Tire Supply (Supplies) \$94.49, CHS (Hwy Fuel) \$8,317.82, CHS (Supplies) \$1,892.00, Fischer Bros. Trucking (Supplies) \$538.20, D-P Tools (Supplies) \$32.43, Filter Care if Nebraska (Supplies) \$24.55, First Bankcard (Supplies) \$309.31, Fleetpride Truck & Trailer Parts (Supplies) \$184.98, Fastenal Industrial & Construction Supply (Supplies) \$12.26, Hollaway Construction Co, Inc. (Professional Services) \$938.86, Hollaway Construction co, Inc. (Bridges) \$46,000.00, Investigative Services (Professional Services) \$148.50, Janssen's Garbage Service, Inc. (Utilities) \$45.00, Larry's Heating & Cooling Inc. (Maintenance) \$362.05, MidAmerican Energy (Utilities) \$59.61, Riverside Hydraulics & Labs (Supplies) \$878.68, M.T. & R. C. Smith (Insurance) \$585.00, Southeastern Electric Cooperative Inc. (Utilities) \$39.82, Truck Trailer Sales Service Inc. (Supplies) \$11.25, Truenorth Steel (Supplies) \$15,352.08, Truenorth Steel (Bridges) \$95,626.08, One Office Solution (Supplies) \$82.88; **Emergency 911 Fund:** Vast Business (Utilities) \$110.27, CenturyLink (Utilities) \$1,351.47, Golden West Telecommunication (Utilities) \$147.18, Justice Fire & Safety (Maintenance) \$256.00; **Emergency Management:** B-Y Electric (Utilities) \$53.77, Vast Business (Utilities) \$603.32, City of Yankton (Supplies) \$101.74, Xtreme Car Wash (Maintenance) \$76.80, Erin Hacecky (Travel) \$54.00, Arrowood Resort & Conference Center At CED (Travel) \$367.80, ESRI (Professional Services) \$3,750.00, First Bankcard (Travel) \$400.19, First Bankcard (Supplies) \$212.57, Leaf (Rentals) \$81.00, Midcontinent Communications (Utilities) \$8.95, Midwest Card & ID Solutions LLC (Supplies) \$105.00, Qualified Presort Service LLC (Supplies) \$15.19, Paul Scherschligt (Travel) \$54.00, Tabor Lumber Cooperative (Supplies) \$158.56, One Office Solution (Supplies) \$75.00; **Government Buildings:** Larsen Carpet (Misc) \$495.00; **24/7 Sobriety Fund (Non-Departmental):** Refund (Sobriety Testing) \$18.00; **24/7 Program:** Pharmchem Inc. (Supplies) \$1,816.50; **Clearing Fund:** Satellite Tracking of People LLC (Tracking Monitors-Jail) \$952.25, Byron Nogelmeier (Cam Fee (Apr/May) 2019) \$2,754.00; **St Wide 24/7 Sobriety Fun:** Byron Nogelmeier (State Participation Apr/Mar) \$120.00; **South Dakota State Treasurer:** Fees (Motor Vehicle) \$491,127.85, Fees (Waste Fee) \$7,595.75, Fees (ROD) \$2,020.00, Services (HC) \$6,180.06, Services (Redfield) \$60.00, Animal Damage Control Fund - \$1,564.05, SDACO (M & PR Fund) \$566.00

General Fund \$89,617.14, Road & Bridge \$190,863.32, Emergency Management \$6,117.89. All present voted aye; motion carried.

Action 19265C: A motion was made by Loest and seconded by Healy to approve the Auditor's Monthly Settlement with the Treasurer as of May 31, 2019 showed Total Cash of \$11,744,797.56. The General Fund was \$6,244,855.64; Special Funds were \$3,414,149.55; and Trust and Agency Funds were \$2,085,873.73 adding to a Grand Total of General Ledger Cash and Investments of \$11,744,878.92, difference of \$81.36 due to a voided check. A detailed report is on file with the County Auditor. All present voted aye; motion carried.

Action 19266C: A motion was made by Kettering and seconded by Healy to allow county employees off Friday July 5, 2019. All present voted aye; motion carried.

Action 19267AUD: A motion was made by Loest and seconded by Kettering to approve the Right of Way application for H. Catherine Hunhoff in Township 13-95-56. All present voted aye; motion carried.

Action 19268AUD: A motion was made by Loest and seconded by Healy to approve the application for Entrance from Dean Morman located SW1/4 in S23-T95N-R55W, Yankton County. All present voted aye; motion carried.

Beacon Software: Ryan Smith, Business Development Manager for Schneider Geospatial, presented software program that would allow individuals to apply for building permits, variances, CUP's and nuisance complaints. It would be an online option. One-time setup cost would be \$4,500 with annual hosting cost of \$6,900 and standard implementation of \$25,000.00.

Lori Mackey and Bob Gleich spoke on the software program.

Action 19269C: A motion was made by Loest and seconded by Kettering to approve the software program with the first year \$32,950 for years 2, 3, 4 and 5 in the amount of \$6,900. Roll call vote was taken with Loest, Kettering, Healy and Klimisch voting Aye; Swensen Voting Nay; Motion carried, 4-1.

Notary Fees: Director of Equalization Lori Mackey appeared before the board to present a resolution charging a notary fee for non-county business.

Brian McGinnis and Ross Den Herder spoke on the request.

Action 19270C: A motion was made by Healy and seconded by Loest to approve the resolution as read with a \$10.00 fee. Roll call vote was taken with Loest, Healy, Kettering voting Aye; Swensen and Klimisch Voting Nay; Motion carried, 3-2.

Yankton City: Yankton City Manager Amy Leon presented the city's annual requests for county funding of shared city-county operations. Leon requested a \$48,489.00 county funding for the Senior Citizens Center. She requested no change in the county's current

\$15,000 funding for Chan Gurney Municipal Airport. Nelson requested \$148,210.00 in 2020 for the Dispatch Center. The City's funding request for the Yankton Community Library is \$24,000. Total city request for county funding is \$235,699.

No Action was taken.

911 Radio Project: Duane Johnson from the city appeared to update the commission on the dispatch project and request approval to place antennas, mounts and equipment on the roof of the safety center.

Action 19271C: A motion was made by Kettering and seconded by Healy to approve the request. Roll call vote was taken with Kettering, Healy, Loest and Klimisch voting Aye; Swensen Voting Nay; Motion carried, 4-1.

Zoning Permits: Commissioner Healy gave an overview of expirations/extensions on various zoning permits. State's Attorney Rob Klimisch stated that section 1725 of the Zoning Ordinance does not allow for the extension of the time limits as set forth therein. Further, Rob Klimisch stated that pursuant to South Dakota Codified Law the board may upon appeal consider the extension of the time limits as set forth in said section 1725. Brian McGinnis spoke on the discussion and requested guidance from the board on how to proceed. Commissioner Kettering suggested, as a one-time courtesy to publish notice of the deadline times contained in section 1725 of the Zoning Ordinance to those individuals who may be close to their deadline.

Action 19272C: A motion was a motion made by Kettering and seconded by Healy to recess for five minutes. All present voted aye; motion carried.

Action 19273C: A motion was a motion made by Kettering and seconded by Loest to reconvene. All present voted aye; motion carried.

Risk Map: Marc Macy, South Dakota Office of Emergency Management appeared to update the commission on the recent Presidential Disaster Declaration declared for Yankton County, and to discuss the status of FEMA'S ongoing comprehensive flood risk assessment for the county and upcoming February and November 2020 mapping meetings. Mr. Macy said there will be an applicant briefing July 17 at 3:00 at Fire Station #2, 201 W. 23rd St., Yankton SD.

Action 19274D: A motion was a motion made by Kettering and seconded by Loest to recess the regular session and convene as Drainage Board of Resolution. All present voted aye; motion carried.

There was a drainage complaint brought to the resolution board at the June 4th commission meeting. States Attorney Rob Klimisch advised the Drainage Resolution Board that since there was no drainage permit or the drainage issue complained of occurred after 1991, the board has no jurisdiction to hear the complaint.

Action 19275C: A motion was made by Loest and seconded by Healy to recess the Board of Resolution and reconvene in regular session. All present voted aye; motion carried.

Action 19276D: A motion was made by Loest and seconded by Healy to recess the regular session and convene as Drainage Board. All present voted aye; motion carried.

The board discussed the drainage laws and the complaint. States Attorney Rob Klimisch said the individual who made the complaint needed to provide the complaint to the zoning administrator for his review. The board reviewed the complaint and determined that there is sufficient evidence to believe that the complaint has merit and the zoning administrator should proceed accordingly. Brian McGinnis asked the board if he could have the two parties reach a compromise. The board agreed if a resolution between the two parties would be reached this would be highly encouraged.

Action 19277D: A motion was made by Healy and seconded by Loest to recess the Drainage Board and reconvene in regular session. All present voted aye; motion carried.

Abatement: Yankton County Director of Equalization Lori Mackey presented the Board an appeal to and abatement on parcel 01.009.300.100 which was denied at the March 19, 2019 commission meeting.

Ross Den Herder spoke on behalf of the applicant.

Action 19278C: A motion was made by Kettering and seconded by Loest to approve the abatement for parcel 01.009.300.100 in the amount of \$696.29. Roll call vote was taken with Kettering, Loest and Healy Voting Aye; Klimisch and Swensen voting Nay; Motion carried 3-2.

Action 19279Z: A motion was made by Loest and seconded by Healy to adopt the following resolution: Whereas it appears, Patrick J. and Jolene C. Foss, owners of record, have caused a re-plat to be made of the following real property: Lot D of Fishin Hole No. 2, Lot 5 Tramp's 6th Addition, and the remaining portion of Lot 5 of Tramp's 6th Addition in NE1/4 NE1/4 S17-T93N- R56W, 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 19280C: A motion was made by Kettering and seconded by Loest to approve the extension of Planning and Development District III services for the Planning and Zoning Office for one month. All present voted aye; motion carried.

Roads: Highway Superintendent Mike Sedlacek, appeared before the board to discuss minimum/no maintenance roads. Sedlacek said no resolution is needed for minimum maintenance, but one is required for no maintenance and also has to be approved by the

South Dakota Department of Transportation. Sedlacek said there is one road with a bridge and the plank was taken out and it has been closed for about 10 years. He said the structure could be moved so it is passable again with a sign stating 'no maintenance and travel at your own risk.' Sedlacek said there are some county roads that are in pretty tough shape.

No action was taken.

2019 Road Plan: Chairman Klimisch said he has been getting reports from people who do not want grinding of some of the roads. The board approved placing Stone Church road as a priority but haven't put any funding towards it. Klimisch said the county should still gravel the 4 miles west of Utica and not grind the other areas with that money put towards Stone Church Bridge.

Action 19281C: A motion was made by Klimisch and seconded by Swensen to modify the 2019 Road Plan to grind 4 miles west of Utica and not grind the other 7 miles, with that money put towards the Stone Church Replacement Bridge Fund. Roll call vote was taken with Klimisch, Swensen, Kettering voting Aye; Healy and Loest Voting Nay; Motion carried, 3-2.

No Thru Truck Fines: The board discussed increasing the no thru trucks fine from \$500.00 to \$1,000.00.

Bob Gleich commented on increase.

Action 19282C: A motion was made by Swensen and seconded by Kettering to increase the fine to \$2,500. The fine doubles if not paid. Roll call vote was taken with Swensen, Kettering, Healy voting Aye; Loest and Klimisch Voting Nay; Motion carried, 3-2.

Commissioner Wages/Toll Bridges: Commissioner Swensen suggested cutting the commissioners wages to designate for the Fleeg's East Highway Bridge fund and Swensen distributed copies of a news article on the toll bridge discussion from 2018.

Action 19283: A motion was made by Swensen to take 10% of the commissioner's wages and put in the Fleeg's East Highway Fund. Motion died for lack of second.

Commissioner Swensen said he would like 10% of his wages taken out of his check for the Fleeg's bridge fund. Auditor Patty Hojem said she would have to check with state auditor to see if it would be possible.

2020 Budget: Chairman Klimisch mentioned the 2020 Budget meeting Thursday June 20th beginning at 9:15 a.m.

Road Task Force: There were several names submitted for the road task force. Chosen were Bob Cap, Utica Township; Roger Fahrenholz, Ziskov South; Daniel Grant, Volin Township; Tim McManus, Marindahl Township; Kent Mettler, Odessa Township and commissioners Kettering, from Utica South and Loest, from Central.

Raising Fees: The board discussed raising the zoning fees and permit fees and to place the issue on the next agenda for further discussion.

Commission Updates: Commissioner Klimisch mentioned the 8-County meeting held in Beresford SD. Commissioner Loest said she has contacted department heads and asked for input on county handbook and mentioned the Town Hall meeting in Lesterville, SD, Thursday June 27th.

There were public comments from Jeff Gudahl, Patty Gramkow and Louis Johnson. Chairman Klimisch closed the public comment portion of the meeting.

Action 19284C: A motion was made by Kettering and seconded by Swensen to adjourn. All present voted aye; motion carried.

The next regular meeting will be Tuesday, July 2, 2019 at 6:00 p.m.

Dan Klimisch, Chairman
Yankton County Commission

ATTEST:
Patty Hojem, County Auditor