

## YANKTON COUNTY COMMISSION MEETING

May 3, 2016

The regular meeting of the Yankton County Commission was called to order by Chairman Todd Woods at 4:00 PM on Tuesday, May 3, 2016.

Roll call was taken with the following Commissioners present: Donna Freng, Debra Bodenstedt, Don Kettering, Raymon Epp and Todd Woods.

**Action 16143C:** A motion was made by Kettering and seconded by Bodenstedt to approve the meeting agenda with the following addition: Ditch cleaning policy. All present voted aye; motion carried.

**Action 16144C:** A motion was made by Kettering and seconded by Freng to approve the April 26, 2016 meeting minutes. All present voted aye; motion carried.

**Action 16145C:** A motion was made by Freng and seconded by Epp to approve the following claims: **General Fund: Elections:** Verizon (Utilities) \$381.69; **Court:** Dr. William A. Moss (Witness Fees) \$1,125.00, Certified Languages International (Services) \$62.70, Fox & Youngberg, PC (Legal Assistance) \$15,000.00, Lewis & Clark Specialty Hospital (Professional Services) \$1,770.00, Pollard Law Office (Legal Assistance) \$1,950.40, Redwood Toxicology Laboratory (Lab) \$25.38, West Payment Center (Supplies) \$679.31; **Auditor:** One Office Solution (Supplies) \$307.82; **Data Processing:** Tyler Technologies (Maintenance) \$1,551.85; **States Attorney:** Culligan (Supplies) \$18.00, Executive Management Finance Office (Utilities) \$24.00, HyVee (Supplies) \$16.32, Purchase Power (Maintenance) \$336.16; **CLERP:** SDACC (Catastrophic Legal Expense) \$4,084.94; **Government Building:** City of Yankton (Utilities) \$1,545.26, Menards (Supplies) \$170.12, Northwestern Energy (Utilities) \$668.38, Yankton Janitorial Supply (Supplies) \$69.00; **Director of Equalization:** One Office Solution (Supplies) \$174.78; **Register of Deeds:** Executive Management Finance Office (Utilities) \$24.00; **VA:** One Office Solution (Supplies) \$68.99; **Safety Center Building:** Allen Electric (Maintenance) \$331.50, City of Yankton (Utilities) \$343.77, Northwestern Electric (Utilities) \$1,884.64, Nebraska Air Filter, Inc. (Supplies) \$196.37; **Sheriff:** Purchase Power (Maintenance Contract) \$336.17; **County Jail:** Avera Education & Staffing Solutions (Professional Services) \$45.00, CBM Food Service (Food Services) \$6,378.65, Diamond Drugs (Professional Services) \$258.88, JCL Solutions (Supplies) \$188.75, Lewis & Clark Specialty Hospital (Professional Services) \$1,125.00, Purchase Power (Maintenance Contract) \$336.17, Top Quality Glove (Supplies) \$489.30; **Yankton Area Search & Rescue:** Danko Emergency Equipment (Supplies) \$343.93; **Ambulance:** Sacred Heart Health Services (Professional Services) \$1,500.00, AT & T (Utilities) \$34.70, Arrow International (Supplies) \$662.44, Century

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Business Products (Rentals) \$44.27, Tyler Zick (Travel) \$68.04, Bound Tree Medical LLC (Supplies) \$152.00, City of Yankton (Utilities) \$111.01, Brenda Gobel (Travel) \$284.25, Hedahls, Inc. (Supplies) \$83.00, Matheson Tri-Gas Inc. (Supplies) \$79.58, MidAmerican Energy (Utilities) \$191.41, Northwestern Energy (Utilities) \$413.56, Olson's Pest Technician (Maintenance) \$69.50, Power Source Electric (Maintenance) \$863.93, PrintSource (Supplies) \$59.40, Purchase Power (Supplies) \$122.09, One Office Solution (Supplies) \$36.01; **Mental Illness Board:** Denise M. Cody (Hearings) \$30.00, Lincoln County Treasurer (Hearings) \$36.00, Lucille M. Lewno (Hearings) \$317.48, Karen A. Swanda (Hearings) \$30.00; **County Extension:** City of Yankton (Utilities) \$47.71, J & H Cleaning Services (Maintenance) \$200.00, One Office Solution (Supplies) \$109.00; **Weeds:** SD/NE PLS Management Project, Inc. (Other) \$500.00; **Planning & Zoning:** 3-D Specialties, Inc. (E-911 Signs) \$44.78, One Office Solution (Supplies) \$12.78; **Road & Bridge:** Kopetsky's Ace Hardware (Supplies) \$90.39, Appera (Supplies) \$84.28, Bomgaars (Supplies) \$127.45, Butler Machinery Co. (Supplies) \$1,002.41, Country Pride Coop (Hwy Fuel) \$9,143.63, City of Yankton (Utilities) \$333.91, Cox Auto Supply, Inc. (Supplies) \$959.28, CenturyLink (Utilities) \$46.95, Dakotaland Autoglass, Inc. (Supplies) \$1,830.00, Dware, Inc. (Travel) \$115.00, Filter Care (Supplies) \$93.50, Fairbank Equipment, Inc. (Supplies) \$80.74, Kimball Midwest (Supplies) \$503.43, Mark's Machinery (Supplies) \$141.49, Menards (Supplies) \$33.63, Road King, Inc. (Supplies) \$158.57, Riverside Hydraulics & Lab (Supplies) \$393.58, Truck Trailer Sales Service (Supplies) \$15.00, Truenorth Steel (Supplies) \$31,649.88, Town of Lesterville (Utilities) \$180.00, ULine (Supplies) \$150.77, Vanderhule's (Hwy Fuel) \$23.00, One Office Solution (Supplies) \$40.50, Yankton Janitorial Supply (Supplies) \$144.00; **Emergency 911 Fund:** Vast Business (Utilities) \$1,110.25, CenturyLink (Utilities) \$1,431.83, Triview Communications (Maintenance) \$112.50; **Emergency Management:** Vast Business (Utilities) \$304.14, MidAmerican Energy (Utilities) \$15.13, Racom Corporation (Utilities) \$32.63. Total General Fund \$48,415.17, Road & Bridge \$47,341.39, Emergency Management \$341.90. All present voted aye; motion carried.

**Action 16146Aud:** A motion was made by Bodenstedt and seconded by Freng to accept the General Fund Surplus Analysis. The current unassigned fund balance percentage is 28.33%. All present voted aye; motion carried.

**Action 16147C:** A motion was made by Freng and seconded by Kettering to approve the April, 2016 gross payroll: **Commissioners:** \$5,257.57; **Auditor:** \$12,867.30; **Treasurer:** \$14,952.98; **States Attorney:** \$24,228.79; **Custodian:** \$4,239.07; **Director of Equalization:** \$21,745.06; **Register of Deeds:** \$11,206.56; **Veterans Service:** \$2,300.00; **Courthouse & Safety Center:** \$7,987.88; **Sheriff:** \$59,081.36; **County Jail:** \$58,283.87; **Coroner:** \$800.00; **Juvenile:** \$206.25; **Nurse:** \$2,716.61; **Ambulance:** \$42,162.30; **WIC :** \$1,415.62; **Extension:** \$6,713.54; **Soil Conservation:** \$2,697.26; **Weed:** \$1,144.02; **Planning & Zoning:** \$7,434.93; **Road**

**& Bridge:** \$66,712.73; **E911:** \$118.13; **OEM:** \$5,149.15; **24-7 Program:** \$3,501.75. South Dakota Retirement System \$27,352.20 (Other Employees), South Dakota Retirement System \$17,210.32 (Sheriff/EDS), South Dakota Retirement System (Payroll Deduction-Spouse Opt) \$158.27, South Dakota Retirement System (Supplemental) \$3,250.00, American Family Life Assurance Company (AFLAC) \$3,740.86, Legalshield \$25.90, Office of Child Support \$903.00, Nationwide Retirement Solutions \$69.44, First Dakota National Bank \$33,384.38 (Withholding), First Dakota National Bank \$44,394.64 (FICA) First Dakota National Bank \$10,382.58 (Medicare), Boston Mutual Life Insurance \$503.09, Colonial Life & Accident \$1,500.24, Avera Health Plans \$54,220.03, Optilegra \$542.55. Gross Payroll \$362,976.73, Net Payroll \$268,971.85. All present voted aye; motion carried.

**Action 16148C:** A motion was made by Kettering and seconded by Bodenstedt to approve the purchase of office furniture in the amount of \$1,250.00. All present voted aye; motion carried.

**Action 16149Z:** A motion was made by Bodenstedt and seconded by Kettering to approve a Rezone, from Moderate Density Rural Residential District (R-2) to Agriculture District (AG) in Yankton County, pursuant to Article 19 Section 1907 of the Yankton County Zoning Ordinance, based on the Findings of Facts dated April 12, 2016; said property is legally described as Track 2, William Schramm's Addition, S26 & S27-T95N-R56W, hereinafter referred to as Central Township, County of Yankton, State of South Dakota. The E911 address is TBA 302<sup>nd</sup> ST., Utica, SD. All present voted aye; motion carried.

**Action 16150Z:** A motion was made by Epp and seconded by Freng 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 Lloyd Nedved. Applicant requested a permit to locate an Agriculture Structure/Sales in a Low Density Rural Residential District (R-1) in Yankton County. Said property is legally described as NE1/4, exc Lots H-1 & H-2, S1-T93N-R57W, hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota. E911 address is TBA 424<sup>th</sup> Ave., Yankton, SD. The Planning Commission recommended approval 8-1.

**Action 16151Z:** A motion was made by Epp and seconded by Bodenstedt to approve a Conditional Use Permit, based on Findings of Fact from the April 12, 2016 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, for Lloyd Nedved to locate and Agriculture Structure/Sales in a Low Density Rural

Residential District (R-1) in Yankton County, pursuant to Article 19, Section 1905 of the Yankton County Zoning Ordinance. Said property is legally described as NE1/4, exc Lots H-1 & H-2, S1-T93N-R57W, hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota. E911 address is TBA 434<sup>th</sup> Ave., Yankton, SD. Voting aye: Freng, Epp, Bodenstedt and Woods. Voting nay: Kettering. Motion carried 4-1.

**Variance Public Hearing:** This was the time and place for a public hearing for a Variance of Minimum Lot Requirement application from Lloyd Nedved for Variance of Maximum Accessory Structure from 2,000 sq. ft. to 5,184 sq. ft. and a variance of Minimum Lot Requirement from five (5) acres to three (3) acres in a Low Density Rural Residential District (R-1) in Yankton County. Said property is legally described as NE1/4, exc Lots H-1 & H-2, S1-T93N-R57W, hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota. The E911 address is TBA 434<sup>th</sup> Av., Yankton, SD. The Planning Commission recommended approval 8-1.

**Action 16152Z:** A motion was made by Epp and seconded by Bodenstedt, based on Findings of Fact from the April 12, 2016 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve a Minimum Lot Requirement Variance for Lloyd Nedved, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Variance of Maximum Accessory Structure from 2,000 sq. ft. to 5,184 sq. ft. and a variance of Minimum Lot Requirement from five (5) acres to three (3) acres in a Low Density Rural Residential District (R-1) in Yankton County. Said property is legally described as NE1/4, exc Lots H-1 & H-2, S1-T93N-R57W, hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota. The E911 address is 434<sup>th</sup> Ave., Yankton, SD. Voting aye: Epp, Bodenstedt, Kettering and Woods. Voting nay: Freng. Motion carried 4-1.

**Variance Public Hearing:** This was the time and place for a public hearing for a Variance of Maximum Accessory Structure application from Richard and Carla Bahm for Variance of Maximum Accessory Structure from 1,200 sq. ft. to 2,400 sq. ft. in a Moderate Density Rural Residential District (R-2) in Yankton County. Said property is legally described as Kabeiseman Tract 3, exc Lots A, B & C & exc Frailing Addition, S1-T93-N-R57W, hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota. The E911 address 30965 434<sup>th</sup> Ave., Yankton, SD. The Planning Commission recommended approval 9-0.

**Action 16153Z:** A motion was made by Kettering and seconded by Bodenstedt, based on Findings of Fact from the April 12, 2016 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve a Maximum Accessory Structure Variance for Richard and Carla Bahm, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance From 1,200 sq. ft. to 2,400 sq.

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ft. in a Moderate Density Rural Residential District (R-2) in Yankton County. Said property is legally described as Kabeiseman Tract 3, exc Lots A, B & C & exc Frailing Addition, S1-T93-N-R57W, hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota. The E911 address is 30965 434<sup>th</sup> Ave., Yankton, SD. All present voted aye; motion carried.

**Variance Public Hearing:** This was the time and place for a public hearing for a Variance of Minimum Lot Requirement application from Darren Tuch for Variance of Maximum Accessory Structure from 2,000 (sq. ft. in a Low Density Rural Residential District (R-1) in Yankton County. Said property is legally described as Blk 1, Deer Run S/D, E1/2, SW1/4, S1-T93N-R57W, hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota. The E911 address 202 Cedar Hills Road, Yankton, SD. The Planning Commission recommended approval 9-0.

**Action 16154Z:** A motion was made by Epp and seconded by Freng, based on Findings of Fact from the April 12, 2016 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve a Maximum Accessory Structure, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance from 2,000 sq. ft. to 2,520 sq. ft. in a Low Density Rural Residential District (R-1) in Yankton County. Said property is legally described as Blk 1, Deer Run S/D, E1/2, SW1/4, S1-T93N-R57W, hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota. The E911 address is 202 Cedar Hills Road, Yankton, SD. All present voted aye; motion carried.

**Action 16155C:** A motion was made by Bodenstedt and seconded by Freng to recess the Board of Adjustment and reconvene in regular session. All present voted aye; motion carried.

**Action 16156C:** A motion was made by Bodenstedt and seconded by Epp to proceed with the Walshtown Bridge repair with the County submitting the total bill to James river Water Development District to receive the Grant Revenue and the county billing Walshtown Township for \$15,725.00. All present voted aye; motion carried.

**Highway:** Highway Superintendent Brian Gustad appeared before the board to discuss the claim submitted by the City of Yankton for West City Limits Road.

**Action 16157H:** A motion was made by Kettering and seconded by Epp to reject the claim in the amount of \$425.94. All present voted aye; motion carried.

**Action 16158W:** A motion was made Epp and seconded by Freng to approve the Weed Control Contract with the State of South Dakota. All present voted aye; motion carried.

**Action 16159W:** A motion was made by Epp and seconded by Kettering to accept the yearly mosquito contracts. All present voted aye; motion carried.

**Action 16160W:** A motion was made by Bodenstedt and seconded by Epp to approve the Loosestrife Management Project in the amount of \$500.00. All present voted aye; motion carried.

**Action 16161C:** A motion was made by Freng and seconded by Bodenstedt to approve a three year maintenance contract with Johnson Controls, for the Yankton County Governement Center and Yankton County Safety Center with the first year being \$19,825.00. All present voted aye; motion carried.

**Action 16162:** A motion was made by Epp and seconded by Freng to set May 16, 2016 at 7:00 PM for the Task Force Open House meeting. All present voted aye; motion carried.

Commissioner discussed with the board the policy the county has dealing with the cleaning of drainage ditches.

**Action 16164C:** A motion was made by Kettering and seconded by Epp to adjourn. All present voted aye; motion carried.

The next regular meeting will be Tuesday, May 17, 2016.

**Todd Woods**, Chairman  
Yankton County Commission

ATTEST:  
**Patty Hojem**, County Auditor