

YANKTON COUNTY COMMISSION MEETING
August 7, 2018

The regular meeting of the Yankton County Commission was called to order by Vice-Chairwoman Debra Bodenstedt at 4:00 PM on Tuesday, August 7, 2018.

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

Commissioner Swensen mentioned his niece Autumn Erickson had passed away.

Commissioner Bodenstedt mentioned August 6th, 1945 was the date that the first atomic bomb dropped on Hiroshima.

Commissioner Swensen mentioned the Purple Heart was first created August 7, 1782.

There were no conflicts of interest reported by Commissioners.

Action 18268C: A motion was made by Epp and seconded by Kettering to approve the meeting agenda with the following change: Item 05, Resolution refund of wheel tax was removed. All present voted aye; motion carried.

Action 18269C: A motion was made by Kettering and seconded by Epp to approve the minutes of the July 17, 2018 meeting. All present voted aye; motion carried.

Action 18270C: A motion was made by Epp and seconded by Kettering to approve the following claims: **Non-Departmental:** Refund (Ambulance) \$503.59; **Commissioners:** Intuvio Solutions (Professional Services) \$49.95, River Rat Productions (Professional Services) \$500.00, EMC Insurance Companies (Professional Services) \$2,500.00, SD Counties (Travel) \$740.00; **Elections:** Qualified Presort Services LLC (Supplies) \$30.60, Verizon (Utilities) \$480.12; **Court:** Thurman Law Office (Professional Services) \$3,479.70, Jurors Fees (7 @ \$50.00) \$350.00, Jurors Fees-MI (1 @ \$6.72) \$6.72, Jurors Fees-MI (1 @ \$5.88) \$5.88, Jurors Fees-MI (1 @ \$8.40) \$8.40, Megan Reeves (Professional Services) \$340.00, Fox & Youngberg, PC (Professional Services) \$15,000.00, Horn Law Office, LLC (Professional Services) \$1,981.99, Kennedy Pier & Loftus LLP (Professional Services) \$447.40, KCH Law (Professional Services) \$865.02, South Dakota Department of Health (Lab) \$362.00, Dean Schaefer (Professional Services) \$534.00; **Auditor:** Qualified Presort Services, LLC (Supplies) \$82.53, SD Counties (Travel) \$185.00, One Office Solution (Supplies) \$239.64, West Payment Center (Supplies) \$487.38; **Treasurer:** Harland Technology Services (Maintenance) \$36.00, Qualified Presort Services LLC (Supplies) \$116.55, SD Counties (Travel) \$185.00; **States Attorney:** Century Business Products (Rental) \$267.01, Executive Management Finance Office (Utilities) \$24.75, Frantzen Reporting (Professional Services) \$91.00, Hy-Vee (Supplies) \$39.95, Qualified Presort Services LLC (Supplies) \$56.96, M.T. & R.C. Smith Insurance (Insurance) \$80.00, Staples Credit Plan (Supplies) \$347.19, West Payment Center

(Supplies) \$517.00; **Clerk:** SDACC (Catastrophic Legal Expense-3rd Qtr) \$7,910.00; **Government Building:** Kopetsky's Ace Hardware (Supplies) \$14.76, Vast Business (Utilities) \$2,350.29, City of Yankton (Utilities) \$3,080.35, Cole Papers, Inc. (Supplies) \$142.06, Echo Electric (Supplies) \$118.74, Ferdig's Transmission (Maintenance) \$39.82, JCL Solutions (Supplies) \$321.33, Menards (Supplies) \$440.13, Northwestern Energy (Utilities) \$3,125.64, Olson's Pest Technicians (Maintenance) \$79.00, United Laboratories, Inc. (Maintenance) \$333.95; **Director of Equalization:** Kopetsky's Ace Hardware (Supplies) \$12.99, National Appraisal Guide (Maintenance) \$225.00, Marshall & Swift/Boeckh, LLD (Maintenance) \$644.20, Qualified Presort Services LLC (Supplies) \$193.99, One Office Solution (Supplies) \$215.72, West Payment Center (Maintenance) \$36.10; **Register of Deeds:** Executive Management Finance Office (Utilities) \$24.75, Qualified Presort Services LLC (Supplies) \$25.46, SD Counties (Travel) \$185.00; **VA:** Qualified Presort Services LLC (Supplies) \$5.50, Yankton County Treasurer (Cash Items) \$15.74; **Safety Center Building:** Kopetsky's Ace Hardware (Supplies) \$3.43, Mark's (Maintenance) \$308.69; Vast Business (Utilities) \$821.51, City of Yankton (Utilities) \$1,144.92, Cole Papers, Inc. (Supplies) \$484.46, Echo Electric (Supplies) \$68.22, Hansen Locksmithing, Inc. (Maintenance) \$299.00, Kaiser Heating & Cooling (Maintenance) \$55.98, Kone, Inc. (Maintenance) \$294.72, Larry's Heating & Cooling, Inc. (Supplies) \$91.29, Menards (Supplies) \$77.53, MidAmerican Energy (Utilities) \$616.17, Northwestern Energy (Utilities) \$9,068.51, Olson's Pest Technicians (Maintenance) \$110.00, United Laboratories, Inc. (Maintenance) \$333.96; **Sheriff:** Hanson Briggs Specialty (Supplies) \$91.91, Vast Business (Utilities) \$111.00, Division of Motor Vehicles (Auto Equipment) \$16.20, Jack's Uniforms & Equipment (Uniforms) \$36.84, Jack's Uniforms & Equipment (Ballistic Vests) \$811.88, Menards (Law Enforcement Equipment) \$153.58, Menards (Supplies) \$82.43, Qualified Presort Services LLC (Maintenance Contract) \$115.85, Sioux Falls Two Way Radio Service, Inc. (Auto Equipment) \$1,985.86; One Office Solution (Maintenance Contract) \$75.80, One Office Solution (Supplies) \$42.63, Yankton County Treasurer (Cash Items) \$63.60; **County Jail:** Avera Sacred Heart Hospital (Professional Services) \$2,567.95, Scott Family Dentistry, Inc. (Professional Services) \$548.00, CBM Food Service (Food Services) \$11,769.62, Charm-Tex (Supplies) \$988.06, Cooks Correctional (Supplies) \$49.66, Avera Medical Group Radiology (Professional Services) \$169.47, Cardmember Services (Supplies) \$7.42, Cardmember Services (Food Services) \$134.14, Sentry Security Fasteners, Inc. (Security Maintenance) \$328.00, Diamond Drugs (Professional Services) \$1,627.59, Hy-Vee (Supplies) \$11.49, Hy-Vee (Professional Services) \$312.99, Jack's Uniforms & Equipment (Uniforms) \$179.18, JCL Solutions (Supplies) \$236.15, Larry's Heating & Cooling, Inc. (Maintenance) \$1,175.00, Menards (Supplies) \$376.65, Phoenix Supply (Supplies) \$677.46, One Office Solution (Maintenance Contract) \$72.05, One Office Solution (Supplies) \$113.78; **Coroner:** Sanford Health (Professional Services) \$2,350.00; **Juvenile Detention:** Lutheran Social Services (Rental) \$4,745.00; Minnehaha County Regional Detention Center (Rentals) \$448.80; **Care of Poor:** Qualified Presort Services LLC (Supplies) \$120.42, SD Counties (Travel) \$185.00, Wintz & Ray Funeral Home and Cremation Service (Professional Services) \$1,250.00; **Contact:** Contact (2nd Half 2018 Allotment) \$25,000.00; **Public Health Nurse:** Qualified Presort Services LLC (Supplies) \$29.52; **Ambulance:** Avera Sacred Heart Hospital (Supplies) \$943.85, Sacred Heart Health Services (Professional Services) \$1,500.00, Bomgaars (Supplies) \$127.86, Stryker Sales Corporation

(Maintenance Agreement) \$1,793.86, Vast Business (Utilities) \$180.90, The UPS Store #6716 (Supplies) \$213.40, City of Yankton (Utilities) \$174.02, City of Yankton (Maintenance) \$5.50, Credit Collection Services, Inc. (Professional Services) \$316.57, Cintas (Supplies) \$61.36, Change Healthcare (Professional Services) \$130.00, Auto Value Yankton (Supplies) \$36.99, Leaf (Rentals) \$105.18, Matheson Tri-Gas, Inc. (Supplies) \$109.40, Menards (Supplies) \$138.31, MidAmerican Energy (Utilities) \$16.56, Northwestern Energy (Utilities) \$1,056.42, Olson's Pest Technicians (Maintenance) \$74.00, Sioux Falls Two Way Radio Services, Inc. (Maintenance) \$2,699.52, Trittech Software System (Maintenance) \$4,522.80, Verizon (Utilities) \$445.78, One Office Solution (Minor Equipment) \$230.39, One Office Solution (Supplies) \$78.50; **Mental Illness Board:** Darcy Lockwood (Hearings) \$52.50, Dakotabilities (Care) \$360.00, Kennedy Pier & Loftus, LLP (Professional Services) \$1,483.60, Mark Katterhagen (Hearings) \$52.50, Lincoln County Treasurer (Hearings) \$2,260.85, Lucille M. Lewno (Hearings) \$742.74, Gary E. Mikelson (Hearings) \$1,358.00; **Senior Citizens:** City of Yankton (2nd Qtr Senior Citizens) \$15,000.00; **County Extension:** Vast Business (Utilities) \$401.07, City of Yankton (Utilities) \$71.24, Elizabeth Volzke (Other) \$35.00, Stephanie Hauger (Other) \$35.00, Kleins Watertown Store (Supplies) \$113.49, Hy-Vee (Supplies) \$12.42, JCL Solutions (Supplies) \$153.10, Olson's Pest Technicians (Maintenance) \$300.00, Wholesale Supply Co. (Supplies) \$145.50; **Soil Conservation:** Yankton County Conservation (2nd Half Wages Tree Manager) \$2,500.00; **Weed:** Agterra Technologies (Auto Equipment) \$3,140.00, C & R Supply, Inc. (Maintenance) \$300.06, Van Diest Supply Co. (Chemicals) \$6,825.60, Yankton County Treasurer (Cash Items) \$10.00; **Planning & Zoning:** 3-D Specialties, Inc. (Supplies) \$51.27, 3-D Specialties, Inc. (Tower Funds) \$69.03, River Rat Productions (Professional Services) \$250.00, Qualified Presort Services, LLC (Supplies) \$82.71, Verizon (Utilities) \$17.62, One Office Solution (Supplies) \$164.87; **Road & Bridge:** C & B Operations, LLC (Supplies) \$209.07, Butler Machinery Co. (Supplies) \$767.58, City of Yankton (Utilities) \$154.39, Cox Auto Supply, Inc. (Supplies) \$459.61, Concrete Materials (Secondary Roads) \$38,278.47, CenturyLink (Utilities) \$56.25, Snap On Tools (Supplies) \$106.05, RMS Road Machinery (Supplies) \$2,388.76, Fleetpride Truck & Trailer (Supplies) \$99.99, Fastenal Industrial & Construction Supply (Supplies) \$16.85, I State Truck Center (Supplies) \$289.15, Jebro Inc. (Annual Projects) \$55,855.95, J & W Diesel & Truck Service (Maintenance) \$140.97, Long's Propane, Inc. (Fuel) \$40.00, Menards (Supplies) \$128.84, Overhead Door Company of Sioux City, Inc. (Maintenance) \$315.30, Riverside Hydraulics & Labs (Supplies) \$128.16, SD Counties (Travel) \$185.00, Titan Machinery (Rentals) \$9,080.00, Truenorth Steel (Secondary Roads) \$13,785.60, Tabor Lumber Cooperative (Supplies) \$1.65, Verizon (Utilities) \$106.59, One Office Solution (Supplies) \$72.62, Yankton County Treasurer (Cash Items) \$57.40, Yankton Janitorial Supply (Supplies) \$92.70; **Emergency 911 Fund:** Vast Business (Utilities) \$1,207.43, City of Yankton (2nd Qtr E911 Dispatch) \$5,235.45, City of Yankton (Furniture) \$668.28, CenturyLink (Utilities) \$1,380.07, Department of Public Safety (Utilities) \$3,090.00, One Office Solution (Supplies) \$59.99; **Jail Building:** Hansen Locksmithing, Inc. (Jail Capital Improvement Fund) \$904.00; **Emergency Management:** Kopetsky's Ace Hardware (Supplies) \$131.23, Vast Business (Utilities) \$265.62, TIAA Commercial Finance, Inc. (Rentals) \$193.15, Leaf (Rentals) \$105.68, Midcontinent Communication (Utilities) \$27.90, MidAmerican Energy (Utilities) \$8.00, Qualified Presort Services LLC (Supplies) \$11.03, Racom Corporation (Utilities) \$35.15, Telephone Systems

and Service, Inc. (Maintenance) \$350.00, Verizon (Utilities) \$118.59, One Office Solution (Supplies) \$377.97, Yankton County Treasurer (Cash Items) \$42.40; **24/7 Program:** PharmChem (Supplies) \$3,089.75, Redwood Toxicology Laboratory (Supplies) \$25.00; **County Law Library:** West Payment Center (Miscellaneous) \$142.00; **Tower Fund:** Horvath Communications (Tower Funds) \$4,664.42; **Clearing Fund:** Byron Nogelmeier (Scram-24/7) \$1,395.00; **State Wide 24/7 Sobriety Fund:** State Account Disbursements) \$217.00; General Fund \$174,178.26, Road & Bridge, \$122,816.5, Emergency Management, \$1,666.72. All present voted aye; motion carried.

Action 18271C: A motion was made by Kettering and seconded by Epp to approve the July, 2018 gross payroll: **Commissioners:** \$5,469.99; **Election:** \$0.00; Auditor: \$13,954.91; **Treasurer:** \$15,554.18; **States Attorney:** \$34,355.86; **Custodian:** \$7,306.26; **Director of Equalization:** \$22,933.02; **Register of Deeds:** \$12,133.12; **Veterans Service:** \$3,355.66; **Courthouse & Safety Center:** \$6,686.39; **Sheriff:** \$67,752.58; **County Jail:** \$72,871.62; **Coroner:** \$1,700.00; **Juvenile:** \$333.93; **Nurse:** \$2,974.88; **Ambulance:** \$48,921.47; **WIC :** \$1,512.50; **Extension:** \$7,643.63; **Soil Conservation:** \$2,873.12; **Weed:** \$7,709.67; **Planning & Zoning:** \$8,204.55; **Road & Bridge:** \$76,220.93; **E911:** \$191.17; **OEM:** \$5,977.96; **24-7 Program:** \$3,221.82. First Dakota National Bank \$33,222.03 (Withholding), First Dakota National Bank \$52,297.94 (FICA) First Dakota National Bank \$12,231.02 (Medicare), South Dakota Retirement System \$31,282.94 (Other Employees), South Dakota Retirement System \$19,500.60 (Sheriff/OEM), South Dakota Retirement System (Spouse Opt) \$118.58, South Dakota Retirement System (Supplemental) \$3,170.45, American Family Life Assurance Company (AFLAC) \$5,215.36, Legalshield \$25.90, Office of Child Support \$578.00, Nationwide Retirement Solutions \$69.44, Accounts Management \$50.00, Boston Mutual Life Insurance \$503.09, Colonial Life & Accident 1,347.78, Optilegra \$565.55, Wellmark BC Health Insurance \$61,839.26, United Way of Greater Yankton \$55.00. Gross Payroll \$429,910.22, Net Payroll \$324,855.98. All present voted aye; motion carried.

Action 18272Aud: A motion was made by Epp and seconded by Kettering to transfer county accumulated dollars to undesignated and to Ambulance Budget in the amount of \$168,000.00. All present voted aye; motion carried.

Action 18273Aud: A motion was made by Kettering and seconded by Epp to approve the budgeted cash transfers from the General Fund to Emergency Management Services in the amount of \$125,000. All present voted aye; motion carried.

Action 18274RD: A motion was made by Epp and seconded by Kettering to authorize the formation of the River Aspen Road East Road District legally described as: Lots 1 & 2 of Block 5, Lots 1 & 2 of Block 6 of Lewis and Clark Estates Subdivision, according to the duly recorded plat thereof in the office of Yankton County Register of Deeds in Book S15 at Page 49. Lots A, B, G, H, J, K, L, M of Block 1 of Lewis and Clark Estates Subdivision, according to the duly recorded plat thereof in the office of Yankton County Register of Deeds in Book S17 at Page 5. Lots C1, D1, and E1 of Lewis and Clark Estates Subdivision, according to the duly

recorded Plat thereof in the office of Yankton County Register of Deeds in Book S18 at Page 117. And the right of ways contained therein, Yankton County, SD. All present voted aye; motion carried.

Action 18275C: A motion was made by Epp and seconded by Kettering to approve the consent agenda. All present voted aye; motion carried.

Plat: Whereas it appears, David Kline, owner of record, has caused a replat to be made of the following real property: Tract 2 of Blk 3, Missouri View Addition N1/2, NE1/4, S15-T93N-R56W. 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.

Plat: Whereas it appears, Bay Properties LLC, owners of record, has caused a plat to be made of the following real property: Lot 27 and Lot 30 Baycliffe Estates W1/2, S 12.91 acres of S1/2, SW1/4 of Section 7, W1/2, W1/2 of Section 18, S7-T93N-R56W. 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.

Plat: Whereas it appears, Ralph Marquardt, owner of record, has caused a plat to be made of the following real property: Lot 6 and Lot 7 Blk 1, Lots 4-7 Blk 2, Lots 4-10 Blk 3, Lots 1-5 Blk 5 and Lots 1-6 Blk 6, Benedict Estates Addition, SE1/4, NE1/4, S2-T93N-R56W. 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.

Plat: Whereas it appears, White Crane Estates, owners of record, has caused a plat to be made of the following real property: Lot 68 Crestview Homes, NE1/4, S21-T93N-R56W. 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.

Plat: Whereas it appears, Robert R. Law, owner of record, has caused a plat to be made of the following real property: Lot 1 Blk 1 Law Overlook Sub Division, NE1/4, S18-T93N-R56W. 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.

Right of Way applications from Bon Homme Yankton Electric in Township 93-57 and 94-55. All present voted aye; motion carried.

Highway: Highway Superintendent Brian Gustad and Kevin Goff, from Clark Engineering out of Sioux Falls, SD appeared before the board to present change order #1 for 2018 Yankton County Bridge Rehab Projects. There was also discussion of the signage program.

Action 18276Hwy: A motion was made by Kettering and seconded by Epp to change order #1 from \$656,479.12 to \$688,787.40 an increase of \$32,308.28. All present voted aye; motion carried.

Action 18277Z: A motion was made by Epp and seconded by Kettering 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 from James Larson. Variance of Minimum Yard Requirement on a side yard from seventy-five (75) foot to twenty-five (25) foot to build and accessory structure in an Agriculture District (AG) in Yankton County. Said property is legally described as Tract 3, West Jim River Division, NW1/4, NW1/4, S33-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. The E911 address is 3616 SW Jim River Road, Yankton, SD. The Planning Commission recommended approval 9-0.

Action 18278Z: A motion was made by Kettering and seconded by Swensen, based on Findings of Fact from the July 10, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve a Minimum Yard Requirement for James Larson, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance on a side yard from seventy-five (75) foot to twenty five (25) to build and accessory structure in an Agriculture District (AG) in Yankton County. Said property is legally described as Tract 3, West Jim River Division, NW1/4, NW1/4, S33-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. The E911 address is 3616 SW Jim River Road, 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 Yard Requirement from Leonel Herrera. Variance of Maximum Accessory Structure Size from 1,200 sq. ft. with twelve (12) foot sidewalls to build a forty (40) foot X sixty (60) foot with eighteen (18) foot sidewalls (2,400 sq. ft.) accessory structure in a Moderate Density Rural Residential District (R-2) in Yankton County. Said property is legally described as Lot L-1 & NW1/4, NE1/4, exc Lot L-2, NW1/4, NE1/4 & exc N660', NW1/4, NE1/4, S24-T94N-R54W, hereinafter referred to as Volin Township, County of Yankton, State of South Dakota. The E911 address is 45166 Bluff Road, Volin, SD. The Planning Commission recommended approval 9-0.

A motion was made Epp and seconded by Kettering. Motion was withdrawn.

Jim Chladek residing at 45152 Bluff Road commented on the application.

Action 18279Z: A motion was made by Epp and seconded by Kettering, based on Findings of Fact from the July 10, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve a Maximum Accessory Structure for Leonel Herrera, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance from 1,200 sq. ft. with twelve (12) foot sidewalls to build a forty (40) foot X sixty (60) foot with eighteen (18) foot sidewalls (2,400 sq. ft.) accessory structure in a Moderate Density Rural Residential District (R-2) in Yankton County. Said property is legally described as Lot L-1 & NW1/4, NE1/4, exc Lot L-2, NW1/4, NE1/4 & exc N660', NW1/4, NE1/4, S24-T94N-R54W, hereinafter referred to as Volin Township, County of Yankton, State of South Dakota. The E911 address is 45166 Bluff Road, Yankton, SD. Roll call vote on the application was taken with Kettering, Swensen, Epp, Bodenstedt voting Aye; Motion carried, 4-0.

Action 18280C: A motion was made by Epp and seconded by Swensen to recess the Board of Adjustment and reconvene in regular session. All present voted aye; motion carried.

Zoning Administrator Pat Garrity presented an application from Karl Schenk for a rezone from Agriculture to a Planned Unit Development District (PUD).

Ross Den Herder spoke on behalf of Karl Schenk on the rezone.

Action 18281Z: A motion was made by Epp and seconded by Kettering, based on Findings of Fact from the July 10, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve a rezone for Karl Schenk, from Agriculture District (AG) to Planned Unit Development District (PUD) in Yankton County. Said property is legally described as NW1/4, S16-T93N-R57W, hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota. The E911 address is TBA 430th Avenue, Tabor, SD. Roll call vote on the application was taken with Kettering, Swensen, Epp, Bodenstedt voting Aye; Motion carried, 4-0.

Action 18281Z: A motion was made by Epp and seconded by Kettering, based on Findings of Fact from the July 10, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve a rezone for Karl Schenk, from Agriculture District (AG) to Planned Unit Development District (PUD) in Yankton County. Said property is legally described as NW1/4, S16-T93N-R57W and N1/2, SW1/4, & S1/2, SW1/4 exc Tract B-233, S16-T93N-R57W and S1/2, SE1/4, S16-T93N-R57W, hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota. The E911 address is TBA 430th Avenue, Tabor, SD. Roll call vote on the application was taken with Kettering, Swensen, Epp, Bodenstedt voting Aye; Motion carried, 4-0.

Ross Den Herder spoke on behalf of Karl Schenk on the preliminary plan for Lake Forest Estates.

Action 18282Z: A Motion was made by Epp and seconded by Kettering, to approve for Karl Schenk the Preliminary Plat, pursuant to Article 4, Section 402 of the Yankton County Subdivision Ordinance, based on Finding of Facts dated July 10, 2018, a preliminary plat for Lake Forest Estates, Planned Unit Development District (PUD) in Yankton County. Said property is legally described as NW1/4, S16-T93N-R57W and N1/2, SW1/4, & S1/2, SW1/4, exc Tract B-233, S16-T93N-R57W and S1/2, SE1/4, S16-T93N-R57W, hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota. The E911 address is TBA 430th Avenue, Tabor, SD. All present voted aye; motion carried.

Action 18283Z: A motion was made by Kettering and seconded by Epp to adopt the following resolution Whereas it appears, Karl Schenk owner of record, has caused a plat to be made of the following real property: Lot 1, Lake Forest Estates NW1/4, N1/2, SW1/4, S1/2, SE1/4 & NE1/4, SE1/4, SW1/4, S16-T93N-R57W, hereinafter referred to as Ziskov South Township 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. All present voted aye; motion carried.

Zoning: Pat Garrity Zoning Administrator requested approval to take a look and review zoning ordinance #16, Article 6, 7, 8, Section 605, 705 & 805.

Employee Parking: Buildings and Grounds Supervisor Jeffrey Pfeifle along with Veteran's Officer Michael McDonald appeared before the board to request installing Veteran's parking spots at the County Government Center.

Emergency Management: Emergency Management Director Paul Scherschligt appeared to request the county sell the old radio tower that was used by the Yankton County Search and Rescue. We currently pay \$1,800.00 per year for land rent. Scherschligt state he would like to sell the tower to the land owner for \$1.00 because the cost to tear down structure would be extremely high. State Attorney Rob Klimisch stated that the tower will have to be declared as surplus and to have three individuals affix values on said surplus property. Scherschligt also presented a resolution declaration of disaster, for the damages that have occurred in Yankton County from the heavy rain we have received. County wide damages will be over \$100,000.00, our threshold is \$83,000.00.

Action 18284OEM: A motion was made by Epp and seconded by Kettering to declare the cell tower as surplus. All present voted aye; motion carried.

Action 18285OEM: A motion was made by Epp and seconded Kettering to approve the following resolution. All present voted aye; motion carried.

YANKTON COUNTY
RESOLUTION NO. 18-5

**RESOLUTION DECLARING AN EMERGENCY
Flooding - 2018**

WHEREAS, Yankton County, South Dakota has received above normal precipitation in June and July, 2018, which has caused severe damage to its County and Township roads; and, WHEREAS, Yankton County has evaluated all available resources for funds needed to make necessary improvements and repairs to said roads; and, WHEREAS, all resources for funds was exhausted prior to June 16, 2018; and, WHEREAS, the total costs for repairs and improvements are expected to be far in excess to what local resources are able to provide; and, WHEREAS the resulting damage and destruction will endanger and threaten the health, safety, and welfare of the public and the financial stability of the local governing units and the utility companies and power cooperatives generally; now therefore, BE IT RESOLVED that the Board of Yankton County Commissioners does hereby declare a flooding emergency.

Dated this 7th day of August 2018.

Yankton County Vice Chairperson, Debra Bodenstedt /s/

ATTEST: Patty Hojem, Yankton County Auditor /s/

Town of Utica: Utica Town board president Cherie Hoffman appeared before the board to request transferring of property in the town of Utica for no payment of taxes.

Action 18286C: A motion was made by Epp and seconded by Swensen to declare parcel 67.100.003.040, 310 Main, Utica, SD as surplus. All present voted aye; motion carried.

Action 18287C: A motion was made by Kettering and seconded by Epp to transfer property at 310 Main, Utica, SD to the town of Utica. All present voted aye; motion carried.

Board of Adjustment Voting Requirements: The States' Attorney spoke on the voting requirements for requests for conditional use and variances pursuant to the Yankton County Zoning Ordinance. Currently, conditional uses and variances require a 2/3 vote in order to grant said requests. Also, the States' Attorney stated that South Dakota Codified Law allows for Yankton County to amend its zoning ordinance to require a simple majority for conditional use requests instead of the 2/3 vote.

Action 18288C: A motion was made by Epp and seconded by Kettering to recess the regular session at 6:00 p.m. and convene in executive session to discuss a personnel issue with Director of Equalization. Bodenstedt, Kettering, Epp and Woods voting Aye; Swensen Voting Nay; Motion carried.

Action 18289C: A motion was made by Epp seconded by Kettering to adjourn executive session at 6:42 p.m. and reconvene in regular session. All present voted aye; motion carried.

Public Comment: There were four citizens who commented at the public comment portion of the meeting. Kristy Schultz asked why changes are being made to Board of Adjustment voting process. Dan Klimisch said public comment period should be scheduled earlier on the agenda and videotaping budget hearings. Louie Johnson and Robert Feng talked about Yankton County Roads.

Action 18290C: A motion was made by Kettering and seconded by Epp to form a committee of three or four to review employee compensation.

Action 182917C: 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, August 21, 2018.

Debra Bodenstedt, Vice-Chairwoman
Yankton County Commission

ATTEST:
Patty Hojem, County Auditor