

YANKTON COUNTY COMMISSION MEETING
February 19, 2019

The regular meeting of the Yankton County Commission was called to order by Chairman Dan Klimisch at 6:00 PM on Tuesday, February 19, 2019.

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

There were no conflicts of interest reported by Commissioners.

Action 1947C: A motion was made by Loest and seconded by Healy to approve the meeting agenda with following additions: Class F permits, extended absence of Zoning Administrator, County lawsuits and allegedly banned individuals. All present voted aye; motion carried.

Action 1948C: A motion was made by Kettering and seconded by Loest to approve the minutes of the February 5, 2019 meeting with the following additions: a quorum of Planning Commission members were in attendance. All present voted aye; motion carried.

There was one public comment from John Gunderson.

Action 1949C: A motion was made by Kettering and seconded by Loest to approve a Malt Beverage License transfer for Ma & Pa's Convenience Store to Jeanie White. Roll call vote was taken with Kettering, Loest, Healy, Swensen and Klimisch voting Aye; Motion carried, 5-0.

Action 1950C: A motion was made by Kettering and seconded by Healy to approve the following claims: **General Fund: Commissioners:** SDACC (Travel) \$400.00, Vast Business (Utilities) \$52.50, Dan Klimisch (Travel) \$229.40, Cheri Loest (Travel) \$95.76, River Rat Productions (Professional Services) \$675.00, First Bankcard (Supplies) \$1,316.87, M.T. & R.C. Smith Insurance (Liability Insurance) \$20,505.00, Yankton Daily P & D (Publishing) \$468.36; **Elections:** Qualified Presort Services LLC (Supplies) \$59.82; **Court:** Avera Sacred Heart Hospital (Professional Services) \$1,050.00, Avera Sacred Heart Hospital (Lab) \$630.00, Jurors Fees-Crt (34 @ \$10.00) \$340.00, Jurors Fees-Crt (12 @ \$50.00) \$600.00, Jurors Fees-MI (2 @ \$9.24) \$18.48, Jurors Fees-MI (2 @ \$10.08) \$20.16, Jurors Fees-MI (2 @ \$2.52) \$5.04, Jurors Fees-Crt (2 @ \$0.84) \$1.68, Jurors Fees-MI (1 @ \$5.04) \$5.04, Jurors Fees-MI (3 @ \$8.40) \$25.20, Witness Fees (1 @ \$20.00) \$20.00, Qualified Expert Witness (1 @ \$487.50) \$487.50, Hy-Vee (Supplies) \$16.56, Horn Law Office LLC (Professional Services) \$2,636.70, Kennedy Pier Loftus & Reynolds LLP (Professional Services) \$1,034.00, Jurors Fees-Crt (1 @ \$13.44) \$13.44, South Dakota Department of Health (Lab) \$1,000.00; **Auditor:** Vast Business (Utilities) \$175.06, Culligan Water (Supplies) \$13.50, First Bankcard (Supplies) \$39.00, Leaf (Rentals) \$189.34, Miller Consulting LLC (Maintenance) \$60.00, Qualified Presort Services LLC (Supplies) \$279.94, M.T. & R.C. Smith Insurance (Liability Insurance) \$732.00, One Office Solution (Supplies) \$25.50; **Treasurer:** Vast Business (Utilities) \$211.93, Miller Consulting LLC (Maintenance) \$20.00, Qualified Presort Service LLC (Supplies)

\$5,415.76, M.T. & R.C. Smith Insurance (Liability Insurance) \$732.00; **Data Processing:** Vast Business (Utilities) \$1,135.75, First Bankcard (Supplies) \$34.28, Miller Consulting LLC (Maintenance) \$680.00; **States Attorney:** Culligan Water (Supplies) \$6.75, Qualified Presort Services LLC (Supplies) \$83.39, M.T. & R.C. Smith Insurance (Liability Insurance) \$974.00, Yankton Daily P & D (Publishing) \$87.05; **Government Buildings:** Kopetsky's Ace Hardware (Supplies) \$22.99, Bomgaars (Supplies) \$13.48, Vast Business (Utilities) \$26.25, First Bankcard (Supplies) \$39.71, Johnson Controls, Inc. (Maintenance) \$177.94, JCL Solutions (Supplies) \$146.44, Miller Consulting LLC (Maintenance) \$100.00, Menards (Supplies) \$240.81, MidAmerican Energy (Utilities) \$1,135.21, Olson's Pest Technicians (Maintenance) \$79.00, M.T. & R.C. Smith Insurance (Liability Insurance) \$12,644.00; **Director of Equalization:** Vast Business (Utilities) \$229.50, First Bankcard (Supplies) \$860.44, John's Service (Maintenance) \$766.40, McLeod's Printing & Office Supply (Supplies) \$173.49, Miller Consulting LLC (Maintenance) \$260.00, Microfilm Imaging Systems, Inc. (Maintenance) \$70.00, Qualified Presort Services LLC (Supplies) \$25.01, M.T. & R.C. Smith Insurance (Liability Insurance) \$1,716.00; **Register of Deeds:** Vast Business (Utilities) \$178.24, Microfilm Imaging System, Inc. (Rentals) \$336.00, Qualified Presort Services LLC (Supplies) \$59.15, M.T. & R.C. Smith Insurance (Liability Insurance) \$732.00; **Veterans Service Officer:** Vast Business (Utilities) \$26.25, Qualified Presort Services LLC (Supplies) \$8.50, M.T. & R.C. Smith Insurance (Liability Insurance) \$242.00; **Safety Center Building:** Kopetsky's Ace Hardware (Supplies) \$7.99, Bomgaars (Supplies) \$152.65, Vast Business (Utilities) \$831.40, City of Yankton (Utilities) \$192.00, Cole Papers Inc. (Supplies) \$242.88, Echo Electric (Maintenance) \$13.29, Fastenal Industrial & Construction Supply (Maintenance) \$32.15, Mead Lumber (Maintenance) \$6.79, Menards (Supplies) \$49.70, Olson's Pest Technicians (Maintenance) \$110.00, M.T. & R.C. Smith Insurance (Liability Insurance) \$15,515.00; **Sheriff:** Vast Business (Utilities) \$111.00, Mike Rothschadl (Travel) \$60.00, City of Yankton (Fuel) \$2,741.19, Culligan Water (Supplies) \$60.75, Qualified Presort Services LLC (Maintenance Contract) \$380.91, M.T. & R.C. Smith Insurance (Liability Insurance) \$24,693.00, James C. Vlahakis (Travel) \$43.00, Yankton Daily P & D (Publishing) \$257.42; **County Jail:** Avera Sacred Heart Hospital (Professional Services) \$2,382.99, Scott Family Dentistry, Inc. (Professional Services) \$491.00, CBM Food Service (Food Services) \$4,311.87, Avera Medical Group Radiology (Professional Services) \$133.50, Correctional Risk Services (Inmate Liability Insurance) \$1,262.17, M.T. & R.C. Smith Insurance (Liability Insurance) \$6,923.00, One Office Solution (Supplies) \$66.44, Yankton Drug Co., Inc. (Professional Services) \$1,067.81, Yankton Medical Clinic (Professional Services) \$223.74, Yankton Anesthesiology (Professional Services) \$155.61; **Yankton Area Search & Rescue:** Kopetsky's Ace Hardware (Supplies) \$370.86, Bomgaars (Minor Equipment) \$39.99, Battery Exchange (Supplies) \$355.20, City of Yankton (Supplies) \$33.38, Fluent Information Management Systems Inc. (Professional Services) \$421.00, Ocean Technology Systems (Maintenance) \$637.44, Dive Rescue International (Supplies) \$74.39, Feld Fire (Supplies) \$96.00, Investigative Services (Professional Services) \$148.50, Two Way Solutions Inc. (Maintenance) \$422.89, One Office Solution (Supplies) \$120.00; **Care of Poor:** Miller Consulting LLC (Maintenance) \$40.00, Opsahl-Kostel Funeral Home (Professional Services) \$1,250.00, Qualified Presort Services LLC (Supplies) \$234.39; **Contact:** Contact (1st Half 2019 Allotment) \$25,000.00; **Public Health Nurse:** Vast Business (Utilities) \$239.03, TIAA Commercial Finance, Inc. (Rentals) \$70.96, Qualified Presort Services LLC (Supplies) \$52.34,

M.T. & R.C. Smith Insurance (Liability Insurance) \$242.00; **Ambulance:** Avera Education & Staffing Solutions (Supplies) \$10.00, Kopetsky's Ace Hardware (Supplies) \$242.36, Arrow International (Supplies) \$677.50, Billion Auto (Maintenance) \$315.20, Vast Business (Utilities) \$177.64, Bound Tree Medical LLC (Supplies) \$7,179.78, City of Yankton (Supplies) \$589.86, Auto Value Yankton (Supplies) \$16.98, Justin McMahan (Travel) \$68.04, First Bankcard (Maintenance) \$10.00, First Bankcard (Supplies) \$1,190.73, Matheson Tri-Gas, Inc. (Rentals) \$67.56, Menards (Supplies) \$41.91, Practical Design Group (Maintenance) \$830.00, M. T. & R.C. Smith Insurance (Liability Insurance) \$1,736.00; **Mental Illness Board:** Darcy Lockwood (Hearings) \$51.00, Kerri Cook-Huber (Hearings) \$50.00, Mark Katterhagen (Hearings-MI) \$66.00, Lewis & Clark Behavioral Health Services (Hearings-MI) \$2,475.00, Lincoln County Treasurer (Hearings-MI) \$1,383.56, Lucille M. Lewno (Hearings-MI) \$1,080.40, Cathy Rehfuss (Hearings-MI) \$15.00, South Dakota Achieve dba Lifescape (Care) \$300.00; **County Extension:** Buhl's Cleaners (Supplies) \$37.82, Leaf (Rentals) \$176.40, Northwestern Energy (Utilities) \$230.98, M.T. & R. C. Smith Insurance (Liability Insurance) \$1,048.00, SDSU Extension (Travel) \$35.92; **Soil Conservation:** M.T. & R.C. Smith Insurance (Liability Insurance) \$1,147.00; **Weed:** M.T. & R.C. Smith Insurance (Liability Insurance) \$6,707.00; **Planning & Zoning:** Vast Business (Utilities) \$62.50, 3-D Specialties, Inc. (House #'s) \$25.28, First Bankcard (Travel) \$85.07, Miller Consulting LLC (Maintenance) \$20.00, Qualified Presort Services LLC (Supplies) \$41.16, M.T. & R.C. Smith Insurance (Liability Insurance) \$506.00, One Office Solution (Supplies) \$36.03, Yankton Daily P & D (Publishing) \$25.18; **Road & Bridge:** A-Ox Welding Supply Co., Inc. (Supplies) \$67.55, Kopetsky's Ace Hardware (Supplies) \$128.33, Appera (Supplies) \$110.09, C & B Operations, LLC (Supplies) \$37.91, B-Y Electric (Utilities) \$93.10, B-Y Water District (Utilities) \$89.25, Battery Exchange (Supplies) \$850.75, Butler Machinery Co. (Supplies) \$64.00, Vast Business (Utilities) \$167.47, Country Pride Coop (Hwy Fuel) \$16,138.36, City of Yankton (Utilities) \$12.00, Cox Auto Supply, Inc. (Supplies) \$1,067.08, Concrete Materials (Supplies) \$2,619.30, Christensen Radiator & Repair (Supplies) \$263.50, Diesel Machinery, Inc. (Supplies) \$827.98, Direct TV (Utilities) \$86.49, D-P Tools (Supplies) \$239.68, Ehresmann Engineering, Inc. (Supplies) \$299.60, Fleetpride Truck & Trailer Parts (Supplies) \$817.03, Fastenal Industrial & Construction Supply (Supplies) \$175.04, Gerstner Oil Co. (Supplies) \$56.60, Graham Tire Yankton (Supplies) \$99.50, Janssen's Garbage Service (Utilities) \$45.00, Mark's Machinery (Supplies) \$175.16, Menards (Supplies) \$19.02, MidAmerican Energy (Utilities) \$3,128.33, Northwestern Energy (Utilities) \$893.67, Yankton County Observer (Publishing) \$128.00, O'Reilly Auto Parts (Supplies) \$172.79, Overhead Door Company of Sioux City, Inc. (Supplies) \$119.00, Riverside Hydraulics & Labs (Supplies) \$474.41, M.T. & R.C. Smith Insurance (Liability Insurance) \$53,203.00, Sturdevant's Auto Supply (Supplies) \$48.54, Southeastern Electric Cooperative, Inc. (Utilities) \$104.17, Truck Trailer Sales Service, Inc. (Supplies) \$316.00, Tabor Lumber Cooperative (Supplies) \$30.38, Vermillion Ford (Supplies) \$198.82, Yankton Daily P & D (Publishing) \$279.38, Yankton Janitorial Supply (Supplies) \$92.70; **Emergency 911 Fund:** Vast Business (Utilities) \$110.66, CenturyLink (Utilities) \$1,352.01, Golden West Telecommunications (Utilities) \$147.21; **Emergency Management:** Bomgaars (Supplies) \$692.59, B-Y Electric (Utilities) \$59.89, Vast Business (Utilities) \$524.66, City of Yankton (Supplies) \$195.46, Cox Auto Supply, Inc. (Supplies) \$127.78, Creative Product Source (Publishing) \$279.32, Xtreme Car Wash (Maintenance) \$73.60, First Bankcard (Travel) \$11.51, First Bankcard (Maintenance) \$140.58, First Bankcard (Supplies) \$1,003.16,

Kaiser Appliance & Refrigeration (Supplies) \$57.97, Mead Lumber (Supplies) \$77.84, Menards (Minor Equipment) \$1,109.28, Midwest Card & ID Solution (Professional Services) \$937.50, MACS, Inc. (Minor Equipment) \$2,172.00, Qualified Presort Services LLC (Supplies) \$91.70, Two Way Solutions Inc. (Maintenance) \$422.88, Tabor Lumber Cooperative (Supplies) \$177.27, Verizon (Utilities) \$418.70, One Office Solution (Supplies) \$12.00; **Non-Departmental: Drainage Ditches:** Duncan Law Firm LLP (Turkey Valley Ditch-Water Project) \$426.00, Feimer Construction, Inc. (Yankton Clay Ditch) \$4,950.00; **Clearing Fund: Non-Department:** Satellite Tracking of People (Tracking Monitors) \$393.25; **South Dakota State Treasurer:** Fees (Motor Vehicles) \$347,916.04, Fees (Waste Fee) \$6,211.75, Fees (ROD) \$1,790.00, Services (HC) \$6,646.52, Services (Redfield) \$120.00; **SDACO** (M & PR Fund) \$388.00. General Fund \$184,031.05, Road & Bridge \$83,738.98, Emergency Management, \$8,585.69. All present voted aye; motion carried.

Action 1951Aud: A motion was made by Loest and seconded by Healy to approve the Auditor's Monthly Settlement with the Treasurer as of January 31, 2019 which showed Total Cash of \$8,042,950.25. The General Fund was \$4,249,943.13; Special Funds were \$2,447,807.21; and Trust and Agency Funds were \$1,346,039.38 adding to a Grand Total of General Ledger Cash and Investments of \$8,043,789.72. A detailed report is on file with the County Auditor. All present voted aye; motion carried.

Action 1952Aud: A motion was made by Kettering and seconded by Loest to approve the MI Illness income of \$6,494.60 for December 2018. All present voted aye; motion carried.

Action 1953D: A motion was made by Healy and seconded by Loest to recess the regular session and convene as Ditch Board. All present voted aye; motion carried.

Action 1954D: A motion was made by Loest and seconded by Healy to approve the following claims: Duncan Law Firm LLP \$426.00 for Turkey Valley Ditch and Feimer Construction Co., Inc. \$4,950.00 for Yankton Clay Ditch. All present voted aye; motion carried.

Action 1955C: A motion was made by Healy and seconded by Swensen to recess the Ditch Board and reconvene in regular session. All present voted aye; motion carried.

Action 1956EMS: A motion was made by Loest and seconded by Swensen to approve the Emergency Medical Services monthly report for January 2019. There were 166 total calls. Year to date, Yankton County EMS has collected \$12,529 and spent \$72,104. All present voted aye; motion carried.

Action 1957ROD: A motion was made by Loest and seconded by Swensen to approve the Register of Deeds report from January 2019 showing collections of \$9,290.00 in regular fees; \$7,063.50 in transfer fees; \$3,791.00 in copies revenue. All present voted aye; motion carried.

Sheriff's report will be rescheduled to the next commission meeting.

Action 1958VSO: A motion was made by Kettering seconded by Healy to approve the Veterans Office January 2019 report showing 153 contacts on behalf of veterans last month. McDonald also coordinated transportation of 16 veterans (seven trips) to appointments at the VA Hospital in Sioux Falls. All present voted aye; motion carried.

Action 1959D: A motion was made by Loest and seconded by Kettering to recess the regular session and convene as Ditch Board. All present voted aye; motion carried.

Action 1960D: A motion was made by Healy and seconded by Kettering to approve a Drainage Permit request from applicant Wayne Knutson, based on Findings of Fact Dated January 22, 2019. Said property is described as S1/2, SW1/4, exc Lot R-5, SW1/4, SW1/4, exc Lot R-6, SE1/4, SW1/4, & E3/4, S1/2, SE1/4, exc Lot R-7, SW1/4, & exc Lot R-8, SE1/4, SE1/4, S23-T95N-R54W and S450', W11220' & E630', W1750', S360', N1/2, SW1/4, S23-T95N-R54W, hereinafter referred to as Marindahl 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 1961C: A motion was made by Healy and seconded by Swensen to recess the Ditch Board and reconvene in regular session. All present voted aye; motion carried.

Emergency Management: Emergency Management Director Paul Scherschligt appeared to request to hire a full time employee for the office. Scherschligt said the full-time position would replace the current part-time position. Scherschligt also said the county would be reimbursed 50% of the salary for the position.

Action 1962OEM: A motion was made by Kettering and seconded by Loest to approve the hiring of a full-time position in the Emergency Management Office.

DOE: Yankton County Director of Equalization Lori Mackey presented the Board with her annual report, which included county valuation statistics. There were 25 to 30 paid subscriptions for the Beacon website and there were a good number of new housing units in the County and the City of Yankton. Mackey also presented a tax abatement for board approval.

Action 1963C: A motion was made by Kettering and seconded by Healy to approve the abatement for parcel 06.027.100.100 in the amount of \$897.37. Roll call vote was taken with Kettering, Healy, Loest, Swensen and Klimisch voting Aye; Motion carried, 5-0.

Administrative Review: Commissioner Healy said that he and Commissioner Loest had gone through 10 years of changes to the zoning ordinance and said there were no major discrepancies. There were five minor findings, but none would be considered changes to the ordinance. There were two other items predating the 2008 zoning revision with table of contents and a reading incorrectly dated 2005 for a hearing that was in 2006, Pat was going to try and find the history to make those changes. Commissioner Loest said the last two

issues occurred before Garrity was employed in the zoning office. Loest and Healy recommended the online version is ready to be published on the web page, and to determine policy for posting webpage content.

Planning and Zoning: Chairman Klimisch had worked with District III and presented a job description for planning commission members and also board applications. Commission Kettering said he would like to review the document and discuss it at the next commission meeting. Other items discussed were the update on the online zoning ordinance and the weekly building permit report, which will be discussed at the next commission meeting.

Load Limits/Bridge update: Highway Superintendent Mike Sedlacek discussed the Spring Load Limit. Kevin Goff, Adam Polley from Clark Engineering presented a power point review of inspection results and estimated repair cost for the following James River bridges: Stone Church, Jamesville, Johnson and Fleeg's.

Action 1964H: A motion was made by Loest and seconded by Swensen to approve the following resolution. Loest, Swensen, Kettering, Healy and Klimisch voting Aye; Motion carried, 5-0.

AMENDED Resolution 19-2

WHEREAS, seasonal climatic changes can be detrimental to our Yankton County Highways, and

WHEREAS, the Yankton County Board of Commissioners desire to protect existing Yankton County Paved Highways, ultimately saving tax dollars and,

WHEREAS, South Dakota Codified Laws 32-14-6 allows for the reduction of the legal weight limit, which may be carried upon all county hard surfaced roads within Yankton County,

THEREFORE, BE IT RESOLVED, that certain Yankton County Highways be restricted to a load limit of 6 tons per axle imposed on trucks, trailers, and wagons. Yankton County will allow a permit process for non-divisible loads for overweight/oversize loads. There will be two options:

Option 1: A single trip permit fee of \$150.00 for over 6 tons per axle or 80,000 lbs. Gross Vehicle Weight, with an additional \$25.00 fee for every 2,000 lbs. over 80,000 lbs. (with specified route)

Option 2: An Annual permit fee of \$200.00 for over 6 tons per axle less than 70,000 lbs. Gross Vehicle Weight.

The Yankton County Highway Superintendent will cause to be installed adequate warning signs notifying the traveling public of the load weight restrictions on the restricted county hard surfaced roads with the following exception of County Road 210 or Deer Boulevard north of SD Highway 50, extending north 3.22 miles to the entrance of Dakota Plains Ag Center, and that the restrictions will be in force upon the placing of such signs until such signs are removed and.

BE IT FURTHER RESOLVED, that the penalty for the violation of the load restrictions shall be set force in SDCL 32-22-55.

Amended dated of February 19th, 2019.

Yankton County Chairman, Dan Klimisch /s/

ATTEST: Patty Hojem, Yankton County Auditor /s/

Action 1965C: A motion was made by Loest and seconded by Kettering to recess for five minutes. All present voted aye; motion carried.

Action 1966C: A motion was made by Kettering and seconded by Swensen to reconvene. All present voted aye; motion carried.

Health Insurance: Julie Fisher Missouri River Associates along with Lonnie McKittrick from Rapid City, SD, presented options for health insurance.

Town Hall Meetings: The board discussed town hall meetings. Locations mentioned Yankton, Gayville, Utica, Cottonwood, Lesterville and Mayfield. There will be two meetings a year at each location. Commissioners Loest and Healy will be at Mayfield in March and Commissioners Kettering and Klimisch will meet at Gayville in April.

Commission Updates: Chairman Klimisch said that Commissioner Kettering will be presenting the Citizen of the Year Proclamation to Ron and Jan Bertsch at the Elks reception February 24, 2019. Commissioner Kettering recommended attending the new commissioners workshop in March in Pierre.

Several residents voiced concerns that some county residents were told they were banned from the County Government Center and not to discuss certain topics.

There were public comments from Karl Schenk, Sandy Williams, Louis Johnson, Patty Gramkow Van Pace, and Jessica Goeken.

Chairman Klimisch closed the public comment portion of the meeting.

Action 1967C: A motion was made by Loest and seconded by Healy to reopen the public comment portion of the meeting.

There was one public comment by Jerry Huber.

Chairman Klimisch closed public comment.

The Class F Permit discussion will be placed on the next commission meeting agenda. None of the commission members have heard of county lawsuits that have been dismissed. There was no discussion concerning Mr. Garrity's extended absence.

Action 1968C: A motion was made by Swensen and seconded by Healy to recess the regular session at 9:50 pm and convene in executive session. All present voted aye; motion carried.

Action 1969C: A motion was made by Kettering and seconded by Swensen to adjourn executive session at 10:25 pm and reconvene in regular session. All present voted aye; motion carried.

Chairman Klimisch reported there will be further investigation before a decision is made.

Action 1970C: A motion was made by Swensen and seconded by Kettering to adjourn. All present voted aye; motion carried.

The next regular meeting will be Tuesday, March 5, 2019.

Dan Klimisch, Chairman
Yankton County Commission

ATTEST:
Patty Hojem, County Auditor