

YANKTON COUNTY COMMISSION MEETING  
June 7, 2018

The regular meeting of the Yankton County Commission was called to order by Chairman Todd Woods at 4:00 PM on Tuesday, May 15, 2018.

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

Commissioner Swensen commented that he objected to the conflict of interest questions.

There were no conflicts of interest reported by Commissioners.

**Action 18191C:** A motion was made by Epp and seconded by Bodenstedt to approve the meeting agenda. All present voted aye; motion carried.

**Action 18192C:** A motion was made by Kettering and seconded by Bodenstedt to approve the minutes of the May 1, commission meeting. All present voted aye; motion carried.

**Action 18193C:** A motion was made by Bodenstedt and seconded by Kettering to approve the minutes of the May 15, 2018 commission meeting. All present voted aye; motion carried.

The Board canvassed the election results from the June 5, 2018 Primary election.

**Action 16194C:** A motion was made by Bodenstedt and seconded by Epp to accept the results of the election as presented by the Auditor. All present voted aye; motion carried.

**Action 18195C:** A motion was made by Epp and seconded by Kettering to approve the following claims; **Non-Departmental: General Fund:** Wellcare of Nebraska (Refund) \$821.92; **Commissioners:** River Rat Productions (Professional Services) \$500.00, Qualified Presort Services LLC (Supplies) \$53.75, Yankton Area Chamber of Commerce (Dues) \$21.47; **Elections:** Election Systems & Software, Inc. (Supplies) \$2,880.28, Qualified Presort Services LLC (Supplies) \$108.93, Verizon (Utilities) \$360.09; **Court:** Witness Fees (4 @ \$20.00) \$80.00, Witness Fees-MI (1 @ \$119.14) \$119.14, Jurors Fees (7 @ \$50.00) \$350.00, Jurors Fees-MI (1 @ \$6.72) \$6.72, Jurors Fees-MI (1 @ \$8.40) \$8.40, Fox & Youngberg, PC (Professional Services) \$15,000.00, Horn Law Office LC (Professional Services) \$1,741.74, Kennedy Pier & Loftus, LLP (Professional Services) \$1,193.80, West Payment Center (Supplies) \$777.74; **Auditor:** Clubhouse Hotel & Suites (Travel) \$302.00, Patty Hojem (Travel) \$229.08, Qualified Presort Services LLC (Supplies) \$109.02, One Office Solution (Supplies) \$24.73, Yankton Area Chamber of Commerce, Inc. (Dues) \$21.48; **Treasurer:** Clubhouse Hotel & Suites (Travel) \$302.00, Harland Technology Services (Travel) \$36.00, Qualified Presort Services, LLC (Supplies) \$174.23, Yankton Area Chamber of Commerce (Dues) \$21.47; **Data Processing:** Leaf (Rentals) \$104.86; **States Attorney:** Century Business Products (Rentals) \$279.69, John P. Billings (Travel) \$339.50, Executive

Management Finance Office (Utilities) \$25.50, Investigative Services of NE/SD/IA (Professional Services) \$137.00, Qualified Presort Services Inc. (Supplies) \$43.31, Staples Credit Plan (Supplies) \$403.60, West Payment Center (Supplies) \$167.08, Yankton Area Chamber of Commerce (Dues) \$21.47; **Government Building:** Kopetsky's Ace Hardware (Supplies) \$25.35, Kopetsky's Ace Hardware (Maintenance) \$90.24, City of Yankton (Utilities) \$1,940.04, Cole Papers, Inc. (Supplies) \$96.21, Fred Haar Co., Inc. (Equipment) \$480.00, Johnson Controls, Inc. (Maintenance) \$5,686.55, JCL Solutions (Supplies) \$120.55, Kaiser Appliance & Refrigeration (Maintenance) \$12.99, Mead Lumber (Maintenance) \$69.32, Menards (Minor Equipment) \$205.22, Menards (Supplies) \$295.42, Northwestern Energy (Utilities) \$2,518.55, Otis Elevator Company (Maintenance) \$798.75, One Office Solution (Supplies) \$42.17; **Director of Equalization:** Lori Mackey (Supplies) \$7.90, Verizon (Utilities) \$1,644.75, One Office Solution (Supplies) \$23.16, One Office Solution (Maintenance) \$74.43, Yankton Area Chamber of Commerce (Maintenance) \$21.47; **Register of Deeds:** Best Western Ramkota Hotel (Travel) \$203.98, Executive Management Finance, Office (Utilities) \$25.50, Brian Hunhoff (Travel) \$218.40, Qualified Presort Services, LLC (Supplies) \$44.29, Yankton Area Chamber of Commerce (Dues) \$21.47; **VA:** Qualified Presort Services LLC (Supplies) \$6.50, One Office Solution (Supplies) \$79.79, Yankton Area Chamber of Commerce (Dues) \$21.47; **Safety Center Building:** Kopetsky's Ace Hardware (Supplies) \$104.31, City of Yankton (Utilities) \$564.18, Cole Papers, Inc. (Supplies) \$1,928.47, Fred Haar Co., Inc. (Equipment) \$480.00, Johnson Controls (Maintenance) \$5,680.05, Larry's Heating & Cooling, Inc. (Maintenance) \$925.14, MidAmerican Energy (Utilities) \$1,026.26, Northwestern Energy (Utilities) \$6,414.46, Olson's Pest Technician (Maintenance) \$110.00; **Sheriff:** Vast Business (Utilities) \$111.00, City of Yankton (Fuel) \$2,199.52, Cardmember Services (Travel) \$57.00, Cardmember Services (Fuel) \$165.20, Heartland Humane Society (Other) \$50.00, Jack's Uniforms & Equipment (Uniforms) \$130.89, Pennington County Sheriff (Travel) \$613.85, Yankton Area Chamber of Commerce (Dues) \$21.47; **County Jail:** Avera Sacred Heart Hospital (Professional Services) \$2,466.76, Avera Medical Group (Professional Services) \$1,190.53, ICS Jail Supplies, Inc. (Supplies) \$477.08, CBM Food Services (Food Services) \$7,316.81, Avera Medical Group Radiology (Professional Services) \$38.47, Diamond Drugs (Professional Services) \$1,773.27, Ear, Nose & Throat Association, P.C. (Professional Services) \$660.00, Hansen Locksmithing, Inc. (Security Maintenance) \$24.00, Jack's Uniforms & Equipment (Uniforms) \$345.99, One Office Solution (Supplies) \$44.17; **Coroner:** Yankton Area Chamber of Commerce (Dues) \$21.47; **Yankton Area Search & Rescue:** Bomgaars (Supplies) \$54.84, Consolidated Business Products, Inc. (Supplies) \$28.19, Cox Auto Supply, Inc. (Supplies) \$81.55, M.T. & R.C. Smith Insurance (Insurance) \$6,514.00; **Care of Poor:** Qualified Presort Services LLC (Supplies) \$135.82; **Public Welfare:** Pathways Shelter for the Homeless (2018 Allocation) \$5,000.00; **Public Health Nurse:** Everbank Commercial Finance, Inc. (Rentals) \$90.96, Qualified Presort Services, LLC (Supplies) \$30.35, Yankton Area Chamber of Commerce (Dues) \$21.47; **Ambulance:** Avera Education & Staff (Travel) \$75.00, Avera Sacred Heart Hospital (Supplies) \$422.13, Sacred Heart Health Services (Professional Services) \$1,500.00, AT & T (Utilities) \$36.76, Arrow International (Supplies) \$777.71, Ethan Smith (Travel) \$25.00, City of Yankton (Utilities) \$116.92, City of Yankton (Supplies) \$402.46, Credit Collection Services, Inc. (Professional Services) \$174.67, Brett Moeller (Travel) \$60.00, Danko Emergency

Equipment (Supplies) \$509.17, Echo Electric (Maintenance) \$65.94, Change Healthcare (Professional Services) \$130.00, Hansen Locksmith, Inc. (Maintenance) \$104.00, Hy-Vee (Supplies) \$79.05, Auto Value Yankton (Supplies) \$14.35, McLeod's Printing & Office Supply (Supplies) \$239.68, Matheson Tri-Gas Inc. (Supplies) \$99.84, Menards (Supplies) \$138.79, MidAmerican Energy (Utilities) \$84.42, Northwestern Energy (Utilities) \$1,204.46, Northtown Automotive (Maintenance) \$69.12, Olson's Pest Technicians (Maintenance) \$74.00, Purchase Power (Supplies) \$32.22, M.T. & R.C. Smith Insurance (Insurance) \$12,133.00, Tire Muffler Alignment (Maintenance) \$323.16, Verizon (Utilities) \$436.26, Verizon (Supplies) \$1,319.94, One Office Solution (Supplies) \$253.62, Yankton Area Chamber of Commerce (Dues) \$21.47; **Mental Illness Board:** Darcy Lockwood (Hearings) \$79.50, Mark Katterhagen (Hearings) \$79.50, Lincoln County Treasurer (Hearings) \$752.18, Lucy Lewno (Hearings) \$1,186.85, Gary E. Mikelson (Hearings) \$1,297.00; **County Extension:** Vast Business (Utilities) \$484.91, City of Yankton (Utilities) \$59.82, Katie Doty (Travel) \$10.08, Olson's Pest Technicians (Maintenance) \$150.00, Yankton Area Chamber of Commerce (Dues) \$21.47, Yankton County Leaders Association (Ground Maintenance) \$389.31; **Soil Conservation:** Yankton Area Chamber of Commerce (Dues) \$21.47; **Weed:** Bomgaars (Supplies) \$248.94, C & R Supply, Inc. (Maintenance) \$255.00, C & R Supply, Inc. (Supplies) \$11.25, Auto Value Yankton (Supplies) \$770.11, Menards (Supplies) \$48.97, Van Diest Supply Co. (Chemicals) \$11,033.25, Yankton Area Chamber of Commerce (Dues) \$21.47; **Planning & Zoning:** Printing Specialists (Supplies) \$58.00, Qualified Presort Services, LLC (Supplies) \$43.18, Verizon (Utilities) \$17.68, Yankton Area Chamber of Commerce (Dues) \$21.47; **Road & Bridge:** Karla Bossman (Travel) \$263.30, Butler Machinery Co. (Maintenance) \$5,221.68, Brock White Company, LLC (Supplies) \$27,342.00, Country Pride Coop (Hwy Fuel) \$496.91, LG Everist (Bridges) \$1,529.14, City of Yankton (Utilities) \$167.11, CenturyLink (Utilities) \$56.12, Certified Laboratories (Supplies) \$1,382.72, DMC Wear Parts (Supplies) \$424.00, Force America (Supplies) \$101.82, Reflective Apparel Factory (Supplies) \$258.99, DR Transport (Annual Projects) \$660.00, Fastenal Industrial & Construction Supply (Supplies) \$9.62, Auto Value Yankton (Supplies) \$707.92, I State Truck Center (Maintenance) \$1,303.52, I State Truck Center (Supplies) \$218.21, Northwestern Energy (Utilities) \$1,125.96, O'Reilly Auto Parts (Supplies) \$64.93, Syds Eastside Auto (Supplies) \$10.00, Transource (Supplies) \$1,241.50, Sioux City Foundry Company (Supplies) \$7,057.47, Truenorth Steel (Bridges) \$27,144.18, The Trophy Place (Supplies) \$137.00, Verizon (Utilities) \$56.73, Yankton Area Chamber of Commerce (Dues) \$21.47; **Emergency 911 Fund:** Vast Business (Utilities) \$1,100.25, Powerphone (Travel) \$258.00, Centurylink (Utilities) \$.90; **Jail Building:** Avera Hospital of South Dakota (Jail Capitol Improvement Fund) \$2,238.00; **Emergency Management:** City of Yankton (Supplies) \$255.01, Midwest Striping (Supplies) \$1,000.00, MidAmerican Energy (Utilities) \$11.16, Racom Corporation (Utilities) \$34.29, M.T. & R.C. Smith Insurance (Insurance) \$5,777.00, Signs By Design (Maintenance) \$212.09, Sioux Falls Two Way Radio Service, Inc. (Maintenance) \$1,455.98, Verizon (Utilities) \$128.88, One Office Solution (Supplies) \$196.92, Yankton Area Chamber of Commerce (Dues) \$21.47; **Historical Preservation:** Cramer Kenyon Heritage (Historical Preservation Expense) \$2,500.00, Clay County Historic Preservation Commission (Historical Preservation Expense) \$100.00; **24/7 Program:** PharmChem, Inc. (Supplies) \$2,797.90; **State of South Dakota:** Fees (Motor Vehicle) \$341,644.41, Fees (Waste Fee) \$3,583.75,

Fees (ROD) \$2,300.00; **State of South Dakota:** Services (HC) \$5,596.26, Services (Redfield) \$180.00, **SDACO** (M & PR Fund) \$584.00. General Fund \$126,422.55, Road & Bridge, \$77,002.30, Emergency Management, \$9,092.80. All present voted aye; motion carried.

**Action 18196C:** A motion was made by Bodenstedt and seconded by Epp to approve the **MAY, 2018 Gross Payroll: Commissioners:** \$5,469.99; **Auditor:** \$13,129.82; **Treasurer:** \$16,457.25; **States Attorney:** \$27,717.02; **Custodian:** \$4,360.47; **Director of Equalization:** \$22,933.02; **Register of Deeds:** \$11,964.55; **Veterans Service:** \$3,355.66; **Courthouse & Safety Center:** \$6,501.37; **Sheriff:** \$66,821.65; **County Jail:** \$67,621.64; **Coroner:** \$1,600.00; **Juvenile:** \$168.68; **Nurse:** \$2,974.88; **Ambulance:** \$44,015.10; **WIC :** \$1,512.50; **Extension:** \$6,854.96; **Soil Conservation:** \$2,873.12; **Weed:** \$6,940.85; **Planning & Zoning:** \$8,004.55; **Road & Bridge:** \$71,038.93; **E911:** \$136.55; **OEM:** \$6,985.81; **24-7 Program:** \$3,177.06. First Dakota National Bank \$30,820.43 (Withholding), First Dakota National Bank \$48,966.86 (FICA) First Dakota National Bank \$11,451.86 (Medicare), South Dakota Retirement System \$30,272.56 (Other Employees), South Dakota Retirement System \$18,803.26 (Sheriff/OEM), South Dakota Retirement System (Spouse Opt) \$119.20, South Dakota Retirement System (Supplemental) \$3,170.45, American Family Life Assurance Company (AFLAC) \$4,784.40, 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 1,315.72, Optilegra \$580.53, Wellmark BC Health Insurance \$50,002.05, United Way of Greater Yankton \$55.00. Gross Payroll \$402,669.43, Net Payroll \$303,370.18. All present voted aye; motion carried.

**Action 18197C:** A motion was made by Kettering and seconded by Swensen to accept the petition submitted to form the River Aspen East Road District. All present voted aye; motion carried.

**Ambulance:** Troy Cowman appeared before the board to present the bids received for the new ambulance. Three bids were from; Peck Fire Safety USA, Inc. \$148,059.00 with a trade in amount of \$5,000.00, Feld Fire \$156,723.00 with a trade in amount of \$2,500.00 and Allegiant Emergency Services, Inc. in the amount of \$159,875.00.

**Action 18198AMB:** A motion was made by Kettering and seconded by Bodenstedt to accept the low bid from Peck Fire Safety USA, Inc. in the amount of \$148,059.00. All present voted aye; motion carried.

**Action 18199C:** A motion was made by Epp and seconded by Bodenstedt to approve the consent agenda. All present voted aye; motion carried.

**Plat:** Whereas it appears, Devin Bakley, owner of record, has caused a plat to be made of the following real property: Bakley Addition in Government Lots 2, 3 and 4, S33-T94N-R55W and SW1/4, NW1/4, S34-T94N-R55W. 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, Terry Saylor, owner of record, has caused a plat to be made of the following real property: Lots 6, 7, 8 & 9 Blakey's Addition in the NW1/4 of NW1/4, S16-T93N-R55W, 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.

Zoning Administrator Garrity requested permission to place Helpline posters in the government center. Commissioner Woods suggested a process in which to address this issue. Garrity said he will speak with the grounds supervisor about where to place them in the Government Building and Safety Center.

Chairman Woods reported on the Yankton Chamber trip to Washington, DC, which was held May 21 to May 24.

**Action 18200Z:** A motion was made by Epp and seconded by Bodenstedt 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 Lot Requirement application from Kelly Kneifl. Variance of Maximum Accessory Structure Size Requirement from 2,000 sq. ft. with fourteen (14) foot sidewalls to 3,168 sq. ft. with eleven + (11'4") foot sidewalls in a Low Density Rural Residential District (R-1) in Yankton County. Said property is legally described as Tract 1, Kneifl's Addition, SW1/4, S7-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 31072 434th Avenue, Yankton, SD. The Planning Commission recommended approval 9-0.

Randy Johnson spoke on the behalf of the applicant.

**Action 18201Z:** A motion was made by Kettering and seconded by Bodenstedt, based on Findings of Fact from the May 8, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve a Maximum Accessory Structure for Kelly Kneifl, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance from 2,000 sq. ft. with fourteen (14) foot sidewalls to 3,168 sq. ft. with eleven + (11'4") foot sidewalls in a Low Density Rural Residential District (R-1) in Yankton County. Said property is legally described as Tract 1, Kneifl's Addition, SW1/4, S7-T93N-R56W, hereinafter referred to

as Utica south Township, County of Yankton, State of South Dakota. The E911 address is 31072 434th Avenue, Yankton, SD. 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 Kelly Kneifl. Applicant requested a permit for a Swimming Pool in a Low Density Rural Residential District (R-1) in Yankton County. Said property is legally described as Tract 1, Kneifl's Addition, SW1/4, S7-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. E911 address 31072 434<sup>th</sup> Avenue, Yankton, SD. The Planning Commission recommended approval 9-0. Randy Johnson spoke on behalf of the applicant.

**Action 18202Z:** A motion was made by Bodenstedt and seconded by Kettering to approve a Conditional Use Permit for Kelly Kneifl, based on Findings of Fact from the May 8, 2018 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, for a Swimming Pool 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 Tract 1, Kneifl's Addition, SW1/4, S7-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. E911 address is 31072 434<sup>th</sup> Avenue, Yankton, SD. All present voted aye; motion carried.

**Action 18203D:** A motion was made by Epp and seconded by Bodenstedt to reconvene as Ditch board.

**Action 18204D:** A motion was made by Kettering and seconded by Epps to rescind Action 18203D. All present voted aye; motion carried.

**Action 18205D:** A motion was made by Swensen and seconded by Kettering to recess the Board of Adjustment. All present voted aye; motion carried.

**Action 18206C:** A motion was made by Epp and seconded by Bodenstedt to convene as the Ditch board. All present voted aye; motion carried.

Zoning Administrator presented to the board the Volin Lateral ditch request for work to be done on the Volin Lateral Ditch No. 1. With no tax dollars being collected, the board requested that members address the commission, to reinstate the tax levy.

**Action 18207C:** A motion was made by Bodenstedt and seconded by Epp to come before the board to reinstate the levy for the ditch to fund the repairs.

**Action 18208C:** A motion was made by Kettering and seconded by Swensen to recess the Ditch Board and reconvene in regular session. All present voted aye; motion carried.

**Finder Permits:** Zoning Administrator Garrity appeared before the board to receive approval to send out letters for notices of possible building permit compliance issues based on historical aerial pictures. Garrity stated there was 133 violations and presented two different statements for their approval. The board approved the Planning and Zoning office sending the letters and imposing \$100.00 fines as stated in the zoning ordinance.

**Malt Beverage License:** States Attorney Klimisch stated there was a request from Cam McAlister to postpone the action on the license for Fire & Ice. It was the consensus of the board to move forward with the action.

**Action 18209C:** A motion was made by Epp and seconded by Kettering to deny the malt beverage license renewal for Fire & Ice for non-compliance, which includes lack of septic system and other Zoning related issues. All present voted aye; motion carried.

**Culvert:** Kevin Huber from Mayfield Township appeared before the board to request the county share cost for the replacement of culvert issue. Huber said the cost of the repair Would be roughly \$65,000.00. Huber stated the Township is asking the county to pay for the culvert only, which would be \$35,000.00. Dan Klimisch, Director of James River Water Development District, said the District will be donating \$10,000.00 for the rip rap portion of the project.

**Action 18210C:** A motion was made by Kettering and seconded by Epp to table the request until the July 17, commission meeting. All present voted aye; motion carried.

**Budget Request:** There was no discussion on the Aspire budget request.

**Action 18211C:** A motion was made by Epp and seconded by Bodenstedt to recess the regular session at 6:01 p.m. and convene in executive session to discuss a personnel issue. Bodenstedt, Kettering, Epp and Woods voting Aye; Swensen Voting Nay; Motion carried.

**Action 18212C:** A motion was made by Epp and seconded by Bodenstedt to adjourn executive session at 6:15 p.m. and reconvene in regular session. All present voted aye; motion carried

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

**Action 18213C:** A motion was made by Epp and seconded by Swensen to adjourn. All present voted aye; motion carried.

The next regular meeting will be Tuesday, June 19, 2018.

**Todd Woods**, Chairman  
Yankton County Commission

ATTEST:  
**Patty Hojem**, County Auditor