

YANKTON COUNTY COMMISSION MEETING
September 5, 2017

The regular meeting of the Yankton County Commission was called to order by Chairman Don Kettering at 4:00 PM on Tuesday, September 5, 2017.

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

Action 17268C: A motion was made by Woods and seconded by Bodenstedt to approve the meeting agenda with the following additions: District III Workshop. All present voted aye; motion carried.

Action 17269C: A motion was made by Epp and seconded by Bodenstedt to approve the minutes of the August 15, 2017 meeting. All present voted aye; motion carried.

Action 17270C: A motion was made by Bodenstedt and seconded by Epp to approve the following claims: **Non-Departmental:** Obligation Recovery Center (Collection Agency-Clerk of Courts) \$243.60, Refund (Ambulance) \$30.00; **Commissioners:** Boys & Girls Club of Brookings (2016 Allotment) \$20,000.00, River Rat Production (Professional Services) \$750.00, River Rat Productions (Supplies) \$146.00, Yankton County Observer (Publishings) \$328.04, SD Counties (Travel) \$175.00; **Elections:** Qualified Presort Services, LLC (Supplies) \$379.58, Verizon (Utilities) \$383.49; **Court:** Cedar County Sheriff (Professional Services) \$18.00, Certified Languages International (Professional Services) \$51.15, Jurors Fees (9 @ \$50.00) \$450.00, Jurors Fees-MI (1 @ \$2.52) \$2.52, Jurors Fees-MI (2 @ \$29.40) \$58.80, Witness Fees (5 @ \$20.00) \$100.00, Witness Fees-MI (1 @ \$18.50) \$18.50, Witness Fees-MI (1 @ \$19.24) \$19.24, Witness Fees-MI (1 @ \$24.42) \$24.42, Witness Fees (1 @ \$180.00) \$180.00, Witness Fees-MI (1 @ \$52.08) \$52.08, Fox & Youngberg, PC (Legal Assistance) \$15,404.20, Jurors Fees-MI (1 @ \$16.80) \$16.80, Horn Law Office, LLC (Legal Assistance) \$1,312.60, Kennedy Pier Knoff & Loftus, LLP (Legal Assistance) \$968.20, West Payment Center (Supplies) \$1,329.94; **Auditor:** Culligan Water (Supplies) \$18.00, McLeod's Printing & Office Supply (Supplies) \$139.80, Qualified Presort Services, LLC (Supplies) \$174.75, One Office Solution (Supplies) \$129.63; **Treasurer:** Harland Technology Services (Maintenance) \$34.68, Qualified Presort Services, Inc. (Supplies) \$165.81; **Data:** CDW Government, Inc. (Minor Equipment) \$383.02, Leaf (Rentals) \$76.44; **States Attorney:** Hy-Vee (Supplies) \$23.98, Century Business Products (Rentals) \$278.04, Executive Management Finance Office (Utilities) \$27.00, Qualified Presort Services, LLC (Supplies) \$37.53; **Government Building:** City of Yankton (Utilities) \$2,588.86, Cole Papers, Inc. (Supplies) \$118.69, Northwestern Energy (Utilities) \$2,752.29, Olson's Pest Technician (Maintenance) \$79.00, Otis Elevator Company (Maintenance) \$771.42; **Director of Equalization:** Matt Archer (Travel) \$354.58, Qualified Presort Services, LLC (Supplies) \$156.13; **Register of Deeds:** Executive Management Finance Office (Utilities) \$27.00, McLeod's Printing & Office Supplies (Supplies) \$58.50, Microfilm Imaging System (Supplies) \$74.63, Qualified Presort Services, LLC (Supplies) \$38.19; **VA:** Best Western Ramkota Hotel (Travel) \$216.00, Michael McDonald (Travel) \$331.08; **Safety Center Building:** City of Yankton (Utilities) \$988.90, Cole Papers,

Inc. (Supplies) \$38.26, Nelson Electric and Electronic Service (Maintenance) \$24.00, MidAmerican Energy (Utilities) \$695.61, Northwestern Energy (Utilities) \$10,300.73; **Sheriff:** One Office Supply (Furniture) \$491.99, One Office Supply (Supplies) \$70.51; **County Jail:** Avera Sacred Heart Hospital (Professional Services) \$4,220.44, AMG Radiology (Professional Services) \$194.20, Avera Medical Group (Professional Services) \$900.00, Buhl's Cleaners (Uniforms) \$25.56, CBM Food Service (Food Services) \$6,818.94, Charm-Tex (Supplies) \$72.90, Diamond Drugs (Professional Services) \$142.20, Ez Duz It Laundry (Supplies) \$86.25, Hy-Vee (Professional Services) \$287.25, Hy-Vee (Supplies) \$36.02, JCL Solutions (Supplies) \$1,745.28, Menards (Supplies) \$14.98, Phoenix Supply (Supplies) \$874.70, Strachan Sales, Inc. (Maintenance) \$454.00, Yankton Drug Co., Inc. (Professional Services) \$1,428.82, Yankton Medical Clinic (Professional Services) \$237.00; **Coroner:** Sanford Health (Professional Services) \$4,650.00; **Juvenile Detention:** Minnehaha County Regional Detention Center (Other) \$4,400.00; **Yankton Area Search & Rescue:** Kopetsky's Ace Hardware (Supplies) \$90.97, Bomgaars (Supplies) \$45.98, Battery Exchange (Maintenance) \$199.90, Clarks Rental, Inc. (Supplies) \$10.00; **Care of Poor:** City of Yankton (Professional Services) \$400.00, George Boom Funeral Home (Professional Services) \$1,745.00, Qualified Presort Services, LLC (Supplies) \$137.10; Opsahl-Kostal Funeral Home (Professional Services) \$1,250.00, Qualified Presort Service, LLC (Supplies) \$55.38, Wintz & Ray Funeral Home (Professional Services) \$2,495.00; **Contact:** Contact (2nd Half 2017 Allotment) \$22,500.00; **Public Health Nurse:** Everbank Commercial Finance Company (Rentals) \$70.96, Qualified Presort Services, LLC (Supplies) \$50.22; **Ambulance:** Sacred Heart Health Services (Professional Health Services) \$1,500.00, AT & T (Utilities) \$36.30, Arrow Manufacturing (Supplies) \$1,161.93, Boller Printing Co. (Supplies) \$136.60, Vast Business (Utilities) \$180.97, Century Business Products (Rentals) \$50.22, The UPS Store 6716 (Supplies) \$160.00, Bound Tree Medical, LLC (Supplies) \$3,015.51, City of Yankton (Utilities) \$229.43, Cole Papers, Inc. (Supplies) \$266.38, Credit Collection Services, Inc. (Professional Services) \$54.30, Change Healthcare (Professional Services) \$130.00, Embroidery & Screen Works, Inc. (Supplies) \$732.00, G & K Services (Maintenance) \$68.77, Gayville First Responders (Replacement Check) \$1,000.00, Kaiser Heating & Cooling, Inc. (Maintenance) \$493.78, MidAmerican Energy (Utilities) \$17.51, Northwestern Energy (Utilities) \$1,069.38, Olson's Pest Technician (Maintenance) \$74.00, Jean Scherschligt (Travel) \$126.00, Security Shredding Services (Supplies) \$140.00, Vogt's Cleaners (Maintenance) \$24.00, Verizon (Supplies) \$374.81, One Office Solution (Supplies) \$16.07; **Mental Illness Board:** Darcy Lockwood (Hearings-MI) \$96.00, Mark Katterhagen (Hearings-MI) \$96.00, Lincoln County Treasurer (Hearings-MI) \$1,958.18, Lucille M. Lewno (Hearings-MI) \$1,945.22; **County Extension:** Loren Hollenbeck (Travel) \$26.20, Vast Business (Utilities) \$22.03, City of Yankton (Utilities) \$53.75, Sam Stukel (Achievement Days) \$35.00, Echo Electric (Supplies) \$135.20, Hy-Vee (Achievement Days) \$28.73, Hy-Vee (Travel) \$30.21, J & H Cleaning Services (Maintenance) \$200.00, National 4-H Council Supply Service (Youth Science Day) \$55.85, Olson's Pest Technicians (Maintenance) \$150.00, Yankton County 4-H Leaders Association (Achievement Days) \$94.52; **Weed:** Bomgaars (Supplies) \$16.98, Battery Exchange (Supplies) \$217.90, Dakota Alignment & Frame Service (Maintenance) \$115.54, Menards (Supplies) \$99.24; **Planning & Zoning:** Qualified Presort Services, LLC (Supplies) \$38.68, Verizon (Utilities) \$17.40, One Office Solution (Supplies) \$1,072.41; **Road & Bridge:** Appera (Supplies) \$103.82, C & B Operations, LLC (Supplies) \$37.04, RPM Truck

(Maintenance) \$197.15, Bomgaars (Supplies) \$57.86, B-Y Water District (Utilities) \$80.50, Butler Machinery Co. (Supplies) \$226.80, North Central Rental & Leasing (Rentals) \$3,500.00, Interstate Power System (Supplies) \$53.64, Country Pride Coop (Hwy. Fuel) \$1,373.88, BX Civil & Construction (Secondary Roads) \$36,334.08, Cox Auto Supply, Inc. (Supplies) \$124.41, CenturyLink (Utilities) \$55.94, C & R Supply, Inc. (Supplies) \$33.60, Snap On Tools (Supplies) \$124.95, Filter Care of Nebraska (Supplies) \$130.55, Graham Tire Yankton (Supplies) \$2,945.56, I State Truck Center (Supplies) \$174.47, Jebro, Inc. (Annual Projects) \$16,246.67, Kimball Midwest (Supplies) \$191.89, Locators & Supplies, Inc. (Supplies) \$41.04, Menards (Supplies) \$37.95, O'Reilly Auto Parts (Supplies) \$8.56, Road King, Inc. (Supplies) \$3.96, Riverside Hydraulics & Labs (Supplies) \$70.95, SD Counties (Travel) \$175.00, Slowey Construction, Inc. (Supplies) \$366.64, Truck Trailer Sales Service, Inc. (Supplies) \$141.00, The Road Guy Const. Co., Inc. (Annual Projects) \$57,162.00, Verizon (Utilities) \$71.66, Wheelco Brake & Supply (Supplies) \$198.84, Yankton Janitorial Supply (Supplies) \$209.40; **Emergency 911 Fund:** Vast Business (Utilities) \$1,206.96, CenturyLink (Utilities) \$1,376.87, CenturyLink (Utilities) \$2.42; **Jail Building:** HP, Inc. (Capitol Improvement) \$206.12; **Emergency Management:** Battery Exchange (Maintenance) \$19.95, Vast Business (Utilities) \$265.62, Everbank Commercial Finance, Inc. (Rentals) \$193.15, Modern Body Shop, Inc. (Supplies) \$469.00, MidContinent Communications (Utilities) \$8.95, Menards (Supplies) \$702.73, MidAmerican Energy (Utilities) \$8.00, Qualified Presort Services, LLC (Supplies) \$1.59, Racom Corporation (Utilities) \$34.29, SD Federal Property Agency (Minor Equipment) \$95.00, Sioux Falls Two Way Radio Service, Inc. (Maintenance) \$212.50, Verizon (Utilities) \$153.89, One Office Solution (Maintenance) \$49.38, One Office Solution (Supplies) \$996.56, One Office Solution (Supplies-LEPC) \$19.42; **Government Building:** Ron's Auto Glass, Inc. (Miscellaneous) \$1,224.49; **24/7 Program:** PharmChem, Inc. (Supplies) \$1,525.00, Redwood Toxicology Laboratory, Inc. (Supplies) \$20.00; **NAPA Junction:** PCI Roads, LLC (Capital Project) \$304,567.46, Railroad Materials Salvage, Inc. (Capital Project) \$53,600.00, Yankton County Highway Department (Capital Project) \$5,220.00. Total General Fund \$110,833.88, Road & Bridge \$120,479.81, Emergency Management \$3,230.03. All present voted aye; motion carried.

Action 17271C: A motion was made by Bodenstedt and seconded by Woods to approve the August, 2017 gross Payroll: **Commissioners:** \$5,362.72; **Auditor:** \$13,681.29; **Treasurer:** \$15,899.43; **States Attorney:** \$28,713.37; **Custodian:** \$4,479.48; **Director of Equalization:** \$22,489.22; **Register of Deeds:** \$11,786.73; **Veterans Service:** \$2,533.68; **Courthouse & Safety Center:** \$8,015.65; **Sheriff:** \$65,285.61; **County Jail:** \$67,680.55; **Coroner:** \$500.00; **Juvenile:** \$27.00; **Nurse:** \$2,916.55; **Ambulance:** \$47,190.22; **WIC :** \$1,467.88; **Extension:** \$7,446.00; **Soil Conservation:** \$999.00; **Weed:** \$6,954.05; **Planning & Zoning:** \$7,403.58; **Road & Bridge:** \$71,575.85; **E911:** \$26.78; **OEM:** \$5,558.74; **24-7 Program:** \$3,381.81. South Dakota Retirement System \$29,413.62 (Other Employees), South Dakota Retirement System \$18,482.64 (Sheriff/OEM), South Dakota Retirement System (Payroll Deduction-Spouse Opt) \$115.70, South Dakota Retirement System (Supplemental) \$3,760.00, American Family Life Assurance Company (AFLAC) \$4,438.61, Legalshield \$25.90, Office of Child Support \$578.00, Nationwide Retirement Solutions \$69.44, Accounts Management \$250.00, First Dakota National Bank \$36,724.54 (Withholding), First Dakota National Bank \$48,457.52 (FICA) First Dakota

National Bank \$11,332.84 (Medicare), Boston Mutual Life Insurance \$503.09, Colonial Life & Accident \$2,288.95, Wellmark BC Health Insurance \$55,213.27, Optilegra \$650.77, Credit Collection Services \$477.76. Gross Payroll \$397,465.19, Net Payroll \$292,872.24. All present voted aye; motion carried.

Action 17272C: A motion was made by Woods and seconded by Bodenstedt to have the 2001 Chevy 4x4 Blazer used by the Equalization office declared surplus. All present voted aye; motion carried.

Action 17273H: A motion was made by Epp and seconded by Bodenstedt to approve the following Right of Way requests: B-Y Electric in 94-56, 94-57, 95-57 and B-Y Water in 93-57. All present voted aye; motion carried.

Action 17274OEM: A motion was made by Bodenstedt and seconded by Woods to approve the 2018 Emergency Management Performance Grant Subaward Agreement. All present voted aye; motion carried.

Public Hearing: This was the time and place for a public hearing on budget supplement for the Boys & Girls Club, in the amount of \$20,000.00. No one appeared to speak for or against the supplements.

Action 17275C: A motion was made by Woods and seconded by Bodenstedt to approve the \$20,000 supplement for the Boys & Girls budget. Woods, Epp, Bodenstedt and Kettering voting Aye; Swensen Voting Nay; motion carried 4-1.

Soil Conservation: Bob Diede and Ryan Frickel, District Conservationists for Yankton County, appeared before the board to explain the conservationist district and the duties they perform for the county. Frickel stated there was a memorandum of understanding signed in 1965 between the County, State and the State Conservationist for Yankton County to support the office secretary.

Action 17276Z: A motion was made by Woods 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 Maximum Accessory Structure application from Doug Overla. Variance of Minimum Lot Requirement from twenty (20) acres to two +/- acres (2.475 A) and from twenty (20) acres to six +/- acres (6.05 A) in an Agriculture District in Yankton County. Said property is legally described as S320', Clark's Addition, S30-T94N-R54W, hereinafter referred to as Volin Township, County of Yankton, State of South Dakota. The E911 address is 30782 446th Avenue, Mission Hill, SD. The Planning Commission recommended approval 7-1 with 1 abstain.

Action 17277Z: A motion was made by Woods and seconded by Bodenstedt, based on Findings of Fact from the August 8, 2017 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve a Minimum Lot Requirement for Doug

Overla, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance from twenty (20) acres to two +/- acres (2.475 A) and from twenty (20) acres to six +/- acres (6.05 A) in an Agriculture District in Yankton County. Said property is legally described as S320', Clark's Addition, S30-T94N-R54W, hereinafter referred to as Volin Township, County of Yankton, State of South Dakota. The E911 address is 30909 Sandbar Drive, Yankton, SD. Woods, Swensen, Bodenstedt and Kettering voting Aye; Epp Voting Nay; motion carried, 4-1.

Zoning Appeal: The board heard an appeal which was filed 08-18-17 for building permits that were issued to Karl Schenk on August 14, 2017 and Craig Johnson July 18, 2017 for three proposed concentrated animal feeding operations (CAFOs). States Attorney Rob Klimisch explained how to proceed through the appeal process. Article 19 in the zoning manual states the Zoning Administrator shall present the decision to the board of adjustment, which must uphold, overrule or amend the decision. Klimisch advised the appellant and applicant should each have 10 minutes to speak and then Zoning Administrator Pat Garrity should present his evidence on why he issued the building permits.

Pat Garrity presented a power point demonstration to show the process of issuing county building permits. Any person aggrieved by a decision by the Zoning Administrator shall file a written intent to appeal with the Zoning Administrator within ten (10) days after the building permit has been issued.

Phil Tau, speaking for the appellant, stated the three building permits clearly needed a conditional use permit.

Marie Ruetters, representing Karl Schenk and Craig Johnson, said a conditional use permit is not required for Class F feeding operations. Ruetters said that Mr. Schenk and Mr. Johnson did all that was required to receive the building permits and Mr. Garrity did what was required to issue the building permits.

Action 17278C: A motion was made by Epp and seconded by Bodenstedt to uphold the the decision to approve building permits #3067 and #3068 for Karl Schenk. Roll call vote was taken with Woods, Epp, Bodenstedt and Kettering voting Aye; Swensen Voting Nay; Motion carried, 4-1.

The board did not act on the Craig Johnson building permit because the appeal was not filed in a timely matter.

Action 17279C: A motion was made by Bodenstedt and seconded by Epp to recess the Board of Adjustment and reconvene in regular session. All present voted aye; motion carried

Action 17280Z: motion was made by Woods and seconded by Bodenstedt to adopt the following resolution Whereas it appears, Doug Overla, owner of record, has caused a plat to be made of the following real property: Tract A, S320', Clark's Addition, Government Lot 2, SW1/4, S30-T94N-R54W, hereinafter referred to as Volin 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. Woods, Swensen, Bodenstedt and Kettering voting Aye; Epp Voting Nay; motion carried 4-1.

Meeting Agenda Policy: Pat Garrity presented an example compiled from three different counties on agenda policy. Chairman Kettering stated he also has an example and they would discuss the policy issue later in the meeting.

Building permits issued: There was no discussion on the building permits.

Action 17281D: A motion was made by Bodenstedt and seconded by Epp to recess the regular session and convene as Ditch Board. All present voted aye; motion carried.

Yankton-Clay Ditch: Troy Walraven and Mark Fairley discussed with the board tiling part of the Yankton-Clay Ditch that is located in Yankton County. Commissioner Woods asked Pat Garrity to comment on the request. Garrity said he would have to look into it further before commenting.

Action 17282C: A motion was made by Woods and seconded by Bodenstedt to recess the Ditch Board and reconvene in regular session. All present voted aye; motion carried.

Action 17283C: A motion was made by Woods and seconded by Bodenstedt to table the the vacation of section line request from Dave and Mary Ellen Kline until the next commission meeting.

Tax Abatement: Larry Wuestewald appeared before the board to request an abatement for his 2016 (payable 2017) real estate taxes. The applicant did not have the tax freeze form submitted in time for the reduction. The abatement would be in the amount of \$802.98.

Action 17284C: A motion was made by Woods and seconded by Swensen to approve the Abatement. All present voted aye; motion carried.

Township Task Force: Cheri Loest, Chair of the township task force, presented the report and recommendations compiled by the committee.

Commission Districts: Kevin Huber from Mayfield Township suggested to the board they establish commission districts for election rather than the current at-large seats. Huber stated rural areas often find their needs neglected and are not getting represented the way they should. Possible commission districts could be the 12 townships north of Highway 50 or the six townships on either side of U.S. Highway 81 he said. Huber also stated he didn't think there would be a problem getting rural candidates to run. Chairman Kettering stated he doesn't object to the commission districts as long as they are fair for everyone.

Meeting, Organization and Structure: Chairman Kettering read an example for an agenda policy. Kettering said he will speak with Pat Garrity and prepare a policy to present to the board.

Donations: Commissioner Swensen suggested donating 1,000.00 to the Houston Red Cross.

Action 17285C: A motion was made by Swensen to donate 1,000.00 to the Houston Red Cross. Motion died for lack of second.

Chairman Kettering said to place the request at the next commission meeting for more discussion.

Action 17286: A motion was made by Woods and seconded by Swensen to adjourn. All present voted aye; motion carried.

Chairman Kettering reported to the board information from the District III workshop he attended in Platte.

The next regular meeting will be Wednesday, September 20, 2017.

Don Kettering, Chairman
Yankton County Commission

ATTEST:
Patty Hojem, Auditor