

YANKTON COUNTY COMMISSION MEETING
October 3, 2017

The regular meeting of the Yankton County Commission was called to order by Chairman Don Kettering at 4:00 PM on Wednesday, October 3, 2017.

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

Action 17301C: A motion was made by Woods and seconded by Epp to approve the meeting agenda with the following additions: discussion on townships. All present voted aye; motion carried.

Action 17302C: A motion was made by Bodenstedt and seconded by Epp to approve the minutes of the September 20, 2017 meeting. All present voted aye; motion carried.

Action 17303C: A motion was made by Woods and seconded by Epp to approve the following claims: Don Kettering (Travel) \$336.60, Debra Bodenstedt (Travel) \$30.00, Ramon Epp (Travel) \$327.48, River Rat Productions (Professional Services) \$750.00; **Elections:** Qualified Presort Services, LLC (Supplies) \$34.27, Verizon (Utilities) \$383.49; **Court:** Jurors Fees (7 @ \$50.00) \$500.00, Jurors Fees-MI (1 @ \$4.20) \$4.20, Jurors Fees-MI (1 @ \$2.52) \$2.52, Jurors Fees-MI (2 @ \$29.40) \$58.80, Witness Fees (1 @ \$270.00) \$270.00, Fox & Youngberg, PC (Legal Assistance) \$15,000.00, (Jurors Fees-MI) \$16.80, Kennedy Pier Knoff & Loftus, LLP (Legal Assistance) \$1,031.80; **Auditor:** Culligan Water (Supplies) \$12.50, Leaf (Rentals) \$159.00, Qualified Presort Services LLC (Supplies) \$129.46; **Treasurer:** Qualified Presort Services, Inc. (Supplies) \$93.92; **Data:** Leaf (Rentals) \$104.86, Pictometry (Maintenance) \$33,410.00; **States Attorney:** Executive Management Finance Office (Utilities) \$54.00, Hy-Vee (Supplies) \$23.59, Qualified Presort Services PPC (Supplies) \$59.90; **Government Buildings:** Kopetsky's Ace Hardware (Supplies) \$10.36, City of Yankton (Utilities) \$2,767.63, Cole Papers, Inc. (Supplies) \$182.83, JB Heating & Cooling (Maintenance) \$175.00, Fastenal Industrial & Construction Supply (Supplies) \$20.13, Menards (Supplies) \$13.76, Northwestern Energy (Utilities) \$2,726.55; **Director of Equalization:** JJ Benji (Supplies) \$308.00, Qualified Presort Service LLC (Supplies) \$162.19, One Office Solution (Maintenance) \$49.17; **Register of Deeds:** Executive Management Finance Company (Utilities) \$54.00, Brian Hunhoff (Travel) \$682.41, Qualified Presort Services, Inc. (Supplies) \$3.59; **Safety Center Building:** Kopetsky's Ace Hardware (Supplies) \$34.99, City of Yankton (Utilities) \$1,014.36, Cole Papers, Inc. (Supplies) \$150.10, Echo Electric (Supplies) \$577.70, Johnson Controls (Maintenance) \$1,015.99, Menards (Supplies) \$234.93, Northwestern Energy (Utilities) \$8,551.10, Olson's Pest Technicians (Maintenance) \$125.00, One Office Solution (Supplies) \$4.75; **Sheriff:** Brad Swenson (Travel) \$30.00, Brad Swenson (Fuel) \$64.20, Vast Business (Utilities) \$111.00, Axon Enterprise, Inc (Law Enforcement Equipment) \$3,532.56, Teri Lippert (Travel) \$72.24; **County Jail:** Avera Sacred Heart Hospital (Professional Services) \$1,243.71, AMG Radiology Yankton (Professional Services) \$178.80, Bob Barker Company, Inc. (Supplies) \$349.35, CBM Food Services (Food Services) \$3,146.87, AMG Family Medicine Yankton (Vaccinations)

\$70.57, Diamond Drugs (Professional Services) \$1,767.32, Hy-Vee (Professional Services) \$171.10; **Coroner:** Arica Nickles (Travel) \$17.64; **Yankton Area Search & Rescue:** Amanda Jackson (Travel) \$273.24; **Care of Poor:** Opsahl-Kostel Funeral Home (Professional Services) \$1,250.00, Qualified Presort Services LLC (Supplies) \$131.88; **Public Welfare:** Pathway Shelter for the Homeless (2017 Appropriated Funds) \$5,000.00; **Public Health Nurse:** Qualified Presort Services, LLC (Supplies) \$33.88, South Dakota Department of Health (4th Qtr Budget-2017) \$2,575.00, One Office Solution (Supplies) \$35.38; **Ambulance:** Sacred Heart Health Services (Professional Services) \$1,500.00, AT & T (Utilities) \$35.30, Boston Shoes to Boots (Supplies) \$139.00, Integrated Technology & Security (Minor Equipment) \$568.00, Century Business Products (Rentals) \$42.00, Change Healthcare (Professional Services) \$130.00, City of Yankton (Utilities) \$240.41, Credit Collection Services, Inc. (Professional Services) \$53.62, Danko Emergency Equipment Co. (Supplies) \$204.55; Embroidery & Screen Works, Inc. (Supplies) \$210.00, G & K Services (Maintenance) \$68.77, Graham Tire Yankton (Maintenance) \$92.34, Hy-Vee (Supplies) \$21.24, Jacks Uniforms & Equipment (Supplies) \$146.99, Menards (Supplies) \$3.94, MidAmerican Energy (Utilities) \$18.47, Northwestern Energy (Utilities) \$943.56, Olson's Pest Technicians (Maintenance) \$74.00, South Dakota Department of Health (Professional Services) \$150.00, Vogt's Cleaners (Maintenance) \$3.94, Verizon (Utilities) \$348.57, One Office Solution (Supplies) \$312.82; **Mental Illness Board:** Darcy Lockwood (Hearings-MI) \$75.00, Mark Katterhagen (Hearings-MI) \$75.00, David Knoff (Hearings-MI) \$45.00, Lincoln County Treasurer (Hearings) \$462.12, Lucille M. Lewno (Hearings-MI) \$876.80; **County Extension:** Vast Business (Utilities) \$41.86, City of Yankton (Utilities) \$53.75, Olson's Pest Technician (Maintenance) \$150.00. Yankton County 4-H Leaders Association (Ground Maintenance) \$4,755.38; **Weed:** Graham Tire Yankton (Supplies) \$308.78; **Planning & Zoning:** Southgate (Maintenance) \$42.60, Qualified Presort Services, LLC (Supplies) \$44.27, Verizon (Utilities) \$17.40, One Office Solution (Supplies) \$34.44; **Road & Bridge:** Appera (Supplies) \$110.72, Asphalt Zipper (Supplies) \$3,054.79, Bomgaars (Supplies) \$90.96, B-Y Water District (Utilities) \$91.50, Biersbach Equipment & Supply (Supplies) \$5,460.00, North Central Rental & Leasing (Rentals) \$3,500.00, Presto-X (Maintenance) \$95.00, Country Pride Coop (Hwy Fuel) \$12,563.21, City of Yankton (Utilities) \$86.86, Cox Auto Supply, Inc. (Supplies) \$250.47, CenturyLink (Utilities) \$55.94, Snap On Tools (Supplies) \$145.50, D-P Tools (Supplies) \$35.69, Farm & Home (Supplies) \$269.00, Filter Care of Nebraska (Supplies) \$329.95, Fleetpride Truck & Trailer Parts (Supplies) \$609.96, Fastenal Industrial & Construction Supply (Supplies) \$21.88, Graham Tire Yankton (Maintenance) \$8.00, Graham Tire Yankton (Supplies) \$12,103.86, Auto Value Yankton (Supplies) \$67.94, Janssen's Garbage Service (Utilities) \$45.00, Kimball Midwest (Supplies) \$101.21, Menards (Supplies) \$257.80, Midwest Radiator & Exhaust (Maintenance) \$65.00, Midwest Radiator & Exhaust (Supplies) \$101.88, Overhead Door Company of Sioux City, Inc. (Maintenance) \$115.41, Sheehan Mack Sales and Equipment, Inc. (Supplies) \$406.76, Truck Trailer Sales Service, Inc. (Supplies) \$1,769.50, Team Laboratory Chemical Corp (Supplies) \$209.50, Verizon (Utilities) \$71.66, Williams Septic Service (Maintenance) \$300.00, One Office Solution (Supplies) \$103.46, Yankton Janitorial Supply (Supplies) \$272.00; **Emergency 911 Fund:** Vast Business (Utilities) \$1,100.25, City of Yankton (Maintenance) \$80.00, CenturyLink (Utilities) \$1,279.78; **Emergency Management:** Bomgaars (Supplies) \$84.14, Boston Shoes to Boots (Supplies) \$418.00, Integrated Technology & Security (Equipment Grant)

\$14,902.00, Holiday Inn Express Hotel (Travel) \$247.80, Miller Consulting LLC (POD Expense) \$1,178.00, MidAmerican Energy (Utilities) \$8.00, Qualified Presort Services LLC (Supplies) \$5.99, Racom Corporation (Utilities) \$34.29, Sioux Falls Two Way Radio Service, Inc. (Professional Services) \$520.00, Verizon (Utilities) \$153.89; **24/7 Program:** Intoximeters, Inc. (Supplies) \$1,875.00; **Non-Departmental:** Satellite Tracking of People, LLC (Tracking Monitors) \$2,658.25; Total General Fund \$104,033.61, Road & Bridge \$42,770.41, Emergency Management \$17,552.11. All present voted aye; motion carried.

Action 17304C: A motion was made by Woods and seconded by Bodenstedt to approve the September, 2017 gross Payroll: **Commissioners:** \$5,362.72; **Auditor:** \$13,681.29; **Treasurer:** \$15,974.48; **States Attorney:** \$28,518.79; **Custodian:** \$4,39.32; **Director of Equalization:** \$22,664.22; **Register of Deeds:** \$11,448.05; **Veterans Service:** \$2,203.20; **Courthouse & Safety Center:** \$7,318.36; **Sheriff:** \$63,292.47; **County Jail:** \$67,125.71; **Coroner:** \$900.00; **Juvenile:** \$43.88; **Nurse:** \$2,916.55; **Ambulance:** \$57,908.39; **WIC :** \$1,483.01; **Extension:** \$6,672.51; **Soil Conservation:** \$2,816.78; **Weed:** \$7,723.39; **Planning & Zoning:** \$7,503.58; **Road & Bridge:** \$65,559.38; **E911:** \$53.56; **OEM:** \$5,451.91; **24-7 Program:** \$3,476.16. South Dakota Retirement System \$30,388.92 (Other Employees), South Dakota Retirement System \$18,039.22 (Sheriff/OEM), South Dakota Retirement System (Payroll Deduction-Spouse Opt) \$112.13, South Dakota Retirement System (Supplemental) \$3,760.00, American Family Life Assurance Company (AFLAC) \$5,088.97, Legalshield \$25.90, Office of Child Support \$578.00, Nationwide Retirement Solutions \$69.44, Accounts Management \$250.00, First Dakota National Bank \$37,813.69 (Withholding), First Dakota National Bank \$49,255.06 (FICA) First Dakota National Bank \$11,519.26 (Medicare), Boston Mutual Life Insurance \$503.09, Colonial Life & Accident 2,214.07, Wellmark BC Health Insurance \$55,807.61, Optilegra \$636.57, Credit Collection Services \$477.76. Gross Payroll \$404,339.71, Net Payroll \$297,356.98. All present voted aye; motion carried.

Action 17305N: A motion was made by Epp and seconded Bodenstedt to allow all full and part time county employees to receive the yearly flu shot. All present voted aye; motion carried.

Highway: Highway Superintendent Brian Gustad appeared to present the five-year Highway and Bridge Improvement Plan, approve the entrance application from Ron Kulish and to advertise for gravel bids.

Action 17306H: A motion was made by Bodenstedt and seconded by Epp to approve the entrance application from Ron Kulish in Township 15-95-57. All present voted aye; motion carried.

Action 17307H: A motion was made by Epp and seconded by Bodenstedt for the Highway Superintendent to advertise for gravel bids which will be opened October 16, 2017. All present voted aye; motion carried.

Action 17308H: A motion was made by Woods and seconded by Bodenstedt to approve the County Highway and Bridge Improvement Plan. All present voted aye; motion carried.

Action 17309Z: 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.

CUP Public Hearing: This was the time and place for a public hearing for a Conditional Use Permit application from Ralph Marquardt and Mike Burgeson. Applicants requested a permit to operate an outdoor shooting range (local law enforcement) in an Agriculture District (AG) in Yankton County. Said property is legally described as SE1/4, exc Lot H1 & exc Lot 6, Sun Valley S/D, S2-T94N-R56W, hereinafter referred to as Utica North Township, County of Yankton, State of South Dakota. E911 address is TBA 439th Avenue, Yankton, SD. The Planning Commission recommended approval 9-0.

Action 17310Z: A motion was made by Woods and seconded by Swensen to approve a Conditional Use Permit, 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 provide operate an outdoor shooting range (local law enforcement) in an Agriculture District (AG) in Yankton County, pursuant to Article 19, Section 1905 of the Yankton County Zoning Ordinance. Said property is legally described as SE1/4, exc Lot H1 & exc Lot 6, Sun Valley S/D, S2-T94N-R56W, hereinafter referred to as Utica North Township, County of Yankton, State of South Dakota. E911 address is TBA 439th Avenue, 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 Maximum Accessory Structure application from Joe and Julie Eickhoff. Variance of Maximum Accessory Structure Size Requirement from 800 sq. ft. to 936 sq. ft. in a High Density Rural Residential District (R-3) in Yankton County. Said property is legally described as Lot 5, Block 1, Riverside Acres, S22-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 109 Wayne Street, Yankton, SD. The Planning Commission recommended approval 8-0.

Action 17311Z: A motion was made by Bodenstedt and seconded by Woods, based on Findings of Fact from the September 12, 2017 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve a Variance of Maximum Accessory Structure Size Requirement from 800 sq. ft. to 936 sq. ft. in a High Density Rural Residential District (R-3) in Yankton County. Said property is legally described as Lot 5, Block 1, Riverside Acres, S22-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 109 Wayne Street, Yankton, SD. All present voted aye; motion carried.

Chairman Kettering read two documents concerning the conditional use permit submitted by JHGAS Farms LLC. The Zoning Administrator will present the Conditional use Permit. The applicant will provide any expert support. The proponents and opponents will have 30 minutes each for comments and applicant will have 10 minutes for rebuttal.

CUP Public Hearing: This was the time and place for a public hearing for a Conditional Use Permit application from JHGAS Farms LLC. Applicant requested a permit to build two (2) 2400 head pork (finisher swine over 55 pounds) Class D (1920 AU Animal Units) finishing barn in an Agriculture District (AG) in Yankton County. Said property is legally described as NE1/4 & SE1/4, S16-T95N-R55W, hereinafter referred to as Walshtown Township, County of Yankton, State of South Dakota. E911 address 29875 443rd Avenue, Irene, SD. The Planning Commission recommended approval 7-1.

Marie Ruetters, representing John Gunderson, requested to present a brief presentation and reserve any time left for rebuttal.

Brad Woerner from Johnson Engineering appeared on behalf of the applicant. Mr. Woerner spoke on the engineering permitting, environmental permitting and site design.

Speaking for the opponents was Joseph Healy. Mr. Healy asked the commissioners to deny the CUP application from Mr. Gunderson on behalf of JHGAS Farms LLC. The applications do not adhere to sections 519 paragraph 10-C and paragraph 10-G. Healy also stated he would also ask to place conditions on the permit. Some of conditions consist of biofilters, road maintenance program, setback from any tile lines and building shall be fully enclosed. Also speaking for the opponents was Phil Tau.

Brad Woerner spoke on the order footprint conducted by Erin Cortus from South Dakota State University. Applicant Gunderson also commented on issues concerning the permit. Ruetters stated that no permit will be issued until the DENR requirements are satisfied and that the board grant the permits that are submitted today.

Action 17312Z: A motion was made by Epp and seconded by Woods to approve a Conditional Use Permit, based on Findings of Fact from the September 12, 2017 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to build two (2) 2400 head pork (finisher swine over 55 pounds) Class D (1920 AU Animal Units) finishing barn in an Agriculture District (AG) in Yankton County, pursuant to Article 19, Section 1905 of the Yankton County Zoning Ordinance. Said property is legally described as NE1/4 & SE1/4, S16-T95N-R55W, hereinafter referred to as Walshtown Township, County of Yankton, State of South Dakota. E911 address is 29875 443rd Avenue, Irene, SD. Roll call vote on the application was taken with Epp, Woods, Bodenstedt and Kettering voting Aye; Swensen Voting Nay; Motion carried, 4-1.

Action 17313C: 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.

Commissioner Swensen left the meeting at 6:00 p.m.

Zoning Administrator Pat Garrity presented the resignation from Steven Pietila, Yankton County Planning and Zoning Board, effective immediately. Garrity said it was up to the board if they wanted to fill the position.

Action 17314OEM: A motion was made by Woods and seconded by Bodenstedt to appoint Paul Scherschlight Applicant Agent for the Hazard Mitigation Grant Program (HMGP). All present voted aye; motion carried.

Department Meetings: Chairman Kettering and the board discussed having scheduled meetings with department heads.

Wage Scale: The board discussed the wage scale for the custodians.

Action 17315C: A motion was made by Woods and seconded by Bodenstedt to recess the regular session at 6:20 p.m. and convene in executive session to discuss a personnel issue. All present voted aye; motion carried.

Action 17316C: A motion was made by Bodenstedt and seconded by Epp to adjourn executive session at 6:25 p.m. and reconvene in regular session. All present voted aye; motion carried.

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

Action 17317C: A motion was made by Epp and seconded by Woods to adjourn. All present voted aye; motion carried.

The next regular meeting will be Tuesday, October 17, 2017.

Don Kettering, Chairman
Yankton County Commission

ATTEST:
Patty Hojem, Auditor