

YANKTON COUNTY COMMISSION MEETING  
September 1st, 2009

The regular meeting of the Yankton County Commission was called to order by Chairman Bruce Jensen at 4:00 PM on Tuesday, September 1st, 2009.

Roll Call was taken with the following Commissioners present: Donna Freng, Bruce Jensen, Mark Johnson, Bill Tamisiea and Allen Sinclair.

**Action 09314C:** A motion was made by Johnson and seconded by Sinclair to set the agenda with the following changes/additions: Deer Boulevard Trail, Energy savings grant/Safety Center.

Voting Aye: All Nay: None Motion carried.

**Action 09315C:** A motion was made by Sinclair and seconded by Tamisiea to approve the minutes of the August 18th 2009 meeting of the Board adding discussion of a personnel matter to the Executive Session.

Voting Aye: All Nay: None Motion carried.

There were no indigent requests to be considered.

Steve Hawkins, Ambulance Administrator advised the Commission that electronic payments are now a Medicare/Medicaid requirement. Pursuant to discussions with the Treasurer, it was determined a separate checking account to accommodate the electronic deposits/withdrawals would best serve the purpose. It was further determined two signatures would be required on any checks written and the authorized signatories should be bonded.

**Action 09316A:** A motion was made by Sinclair and seconded by Johnson to authorize the establishment of a checking account for electronic deposits/withdrawals for the Ambulance department, authorize two bonded signatories on said account and further to authorize Medicare/Medicaid to deposit and withdraw from said account as is appropriate.

Voting Aye: All Nay: None Motion carried.

Sheriff Hunhoff reported the relocation of the laundry room at the Safety Center is nearing completion.

**Action 09317S:** A motion was made by Freng and seconded by Tamisiea to approve travel for Sheriff Hunhoff to attend a Juvenile Detention Planning Session on September 2, 2009 and a Sheriff's conference in Watertown, SD on October 20 through 22<sup>nd</sup>, 2009.

Voting Aye: All Nay: None Motion carried.

**Action 09318S:** A motion was made by Sinclair and seconded by Johnson to authorize submission of a monthly travel calendar for the Sheriff's department.

Voting Aye: All Nay: None Motion carried.

**Action 09319S:** A motion was made by Johnson and seconded by Sinclair to authorize hiring Jason Marquardt as a Deputy Sheriff and Michael Aman as a new jailer.  
Voting Aye: All Nay: None Motion carried.

Commissioner Johnson advised the Board he has had a discussion with representatives of the State regarding the vacant land adjacent to Riverside Acres and to the south of the proposed bike trail. The State suggested the County possibly maintain the area. Johnson also updated the Board on the progress on the proposed bike trail project.

**Action 09320C:** A motion was made by Tamisiea and seconded by Freng to recess the regular session of the Board and convene as a Board of Adjustment.  
Voting Aye: All Nay: None Motion carried.

**Action 09321Z:** A motion was made by Sinclair and seconded by Freng to approve  
**A Lot Size Variance Permit, for Harold & Janice Klimisch** as follows:

**Harold & Janice Klimisch, 43765 298<sup>st</sup> Street, Utica, SD**

**LEGAL DESCRIPTION (Physical Location):** Tract 1, Klimisch Addition, NE4, Section 10, Township 95N, Range 56W, Yankton County, SD

1. Planning Commission recommends approval 7-0.
2. A lot size variance of 17.93 acres or lot size of 2.07 acres.
3. Granting of variance will bring property into compliance with Yankton County Zoning Ordinance, variance will not confer on the applicant any special privilege
4. No nonconforming lands, structures or buildings were considered grounds for this recommendation
5. Use of applicants' property is allowed by the Yankton County Zoning Ordinance and in the district
6. Variance request approval per Section 1907, Parts 1 through 10 of the Yankton County Zoning Ordinance

Voting Aye: All Nay: None Motion carried.

**Action 09322C:** A motion was made by Sinclair and seconded by Tamisiea to adjourn as a Board of Adjustment and reconvene in regular session.  
Voting Aye: All Nay: None Motion carried.

Commissioner Sinclair advised the Board he has asked Paul Helgerson to obtain proposals for replacement of the old chiller at the Safety Center that would possibly qualify for an Energy Grant.

**Action 09323OEMHS:** A motion was made by Johnson and seconded by Sinclair to approve as a proper charge against the County, travel expenses for Jeremy Dangel to attend an All Hazards Situation Unit Leader, Resource Unit Leader and Demobilization Unit Leader conference in Denver, CO September 21<sup>st</sup> through 25<sup>th</sup>, 2009 (FEMA is covering all expenses) and to attend the State Conference in Brookings, SD September 15<sup>th</sup> through the 17<sup>th</sup>, 2009 (State of SD is covering all expenses).  
Voting Aye: All Nay: None Motion carried.

**Action 09324C:** A motion was made by Tamisiea and seconded by Freng to recess the regular session of the Board and convene as a Board of Adjustment.  
Voting Aye: All Nay: None Motion carried.

**Action 09325Z:** A motion was made by Johnson and seconded by Tamisiea to approve  
**A Lot Size Variance Permit, for Clinton & Darlis Kaser** as follows:  
**Clinton & Darlis Kaser, 31349 450<sup>th</sup> Avenue, Gayville, SD**  
**LEGAL DESCRIPTION (Physical Location):** Tract A, sE4, Section 27, Township 93N, Range 54W, Yankton County, SD

1. Planning Commission recommends approval 7-0.
2. A lot size variance of 16.57 acres or lot size of 3.43 acres.
3. Granting of variance will bring property into compliance with Yankton County Zoning Ordinance, variance will not confer on the applicant any special privilege
4. No nonconforming lands, structures or buildings were considered grounds for this recommendation
5. Use of applicants' property is allowed by the Yankton County Zoning Ordinance and in the district
6. Variance request approval per Section 1907, Parts 1 through 10 of the Yankton County Zoning Ordinance

Voting Aye: All Nay: None Motion carried.

**Action 09326C:** A motion was made by Tamisiea and seconded by Johnson to adjourn as a Board of Adjustment and reconvene in regular session.  
Voting Aye: All Nay: None Motion carried.

**Action 09327Z:** A motion was made by Tamisiea and seconded by Sinclair to adopt the following resolution: Whereas it appears that Clinton & Darlis Kaser, owners of record, have caused a plat to be made of the following real property: Tract A, SE4, Section 27, Township Ninety-Three (93) N, Range Fifty-Four (54) West of the 5<sup>th</sup> PM, Yankton County, South Dakota and has submitted such plat to the Yankton County Planning Commission and the County Commission, of Yankton County, South Dakota for approval. Now therefore be it resolved that such plat has been executed according to the 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 plat the proper resolution and certify the same.

Voting Aye: All Voting Nay: None Motion carried.

**Action 09328Z:** A motion was made by Johnson and seconded by Sinclair to adopt the following resolution: Whereas it appears that Harold & Janice Klimisch, owners of record, have caused a plat to be made of the following real property: Tract 1, Klimisch addition, N2 NE4, Section 10, Township Ninety-Five (95) N, Range Fifty-Six (56) West of the 5<sup>th</sup> PM, Yankton County, South Dakota and has submitted such plat to the Yankton County Planning Commission and the County Commission, of Yankton County, South Dakota for approval. Now therefore be it resolved that such plat has been executed according to the 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 plat the proper resolution and certify the same.

Voting Aye: All Voting Nay: None Motion carried

The Board discussed the request to vacate a platted road in the Far View Heights Addition. The issue will be put on the agenda for the September 15<sup>th</sup>, 2009 meeting.

**Action 09329C:** A motion was made by Tamisiea and seconded by Sinclair to recess the regular session of the Board and convene as a Board of Adjustment.

Voting Aye: All Nay: None Motion carried.

**Action 09330Z:** A motion was made by Tamisiea and seconded by Johnson to approve **A Accessory Building Sidewall Height Variance Permit**, for **Alan & Marcia Brevik** as follows:

**Alan & Marcia Brevik, 187 Sherwood Drive, Yankton, SD**

**LEGAL DESCRIPTION (Physical Location):** W2 SE4 NE4 SW4, Section 11, Township 93N, Range 57W, Yankton County, SD

1. Planning Commission recommends approval 7-0.
2. A sidewall height variance of 14 feet or sidewall height of 28 feet.
3. Granting of variance will bring property into compliance with Yankton County Zoning Ordinance, variance will not confer on the applicant any special privilege
4. No nonconforming lands, structures or buildings were considered grounds for this recommendation
5. Use of applicants' property is allowed by the Yankton County Zoning Ordinance and in the district
6. Variance request approval per Section 1907, Parts 1 through 10 of the Yankton County Zoning Ordinance

Voting Aye: All Nay: None Motion carried.

**Action 09331Z:** A motion was made by Sinclair and seconded by Freng to approve **A Conditional Use Permit, for placement and use of camping units on a lot not designated as a campground for greater than 14 days** for **JSCC, LLC, Brad**

**Johnson, Agent** as follows:

**JSCC, LLC, Brad Johnson, Agent 43853 294<sup>th</sup> Street, 2913 W Bitterroot, Sioux Falls, SD**

**LEGAL DESCRIPTION (Physical Location):** Lots 5 & 6, Sundance Ridge, SE4 SE4, Section 12, Township 93N, Range 57W, Yankton County, SD

1. Planning Commission recommends approval 7-0.
2. Granting of conditional use will bring property into compliance with Yankton County Zoning Ordinance, conditional use will not confer on the applicant any special privilege
3. No nonconforming lands, structures or buildings were considered grounds for this recommendation
4. Use of applicants' property is allowed by the Yankton County Zoning Ordinance and in the district
5. No adverse public comments were received
6. Recommendations/conditions: Three (3) camping units allowed for personal use

7. Recommendations/conditions: Administrative review yearly
8. Recommendations/conditions: Annual renewal required
9. Recommendations/conditions: As per Findings of Fact which are available for public viewing in the Yankton County Zoning Office during regular business hours.

Approval is pursuant to Section 1905, 1 through 6, of the Yankton County Zoning Ordinance  
 Voting Aye: Sinclair, Freng, Johnson, Tamisiea, Jensen Nay: None Motion carried.

**Action 09332C:** A motion was made by Tamisiea and seconded by Johnson to adjourn as a Board of Adjustment and reconvene in regular session.  
 Voting Aye: All Nay: None Motion carried.

**Action 09333ROD, H, Aud:** A motion was made by Johnson and seconded by Sinclair to accept into the record the August Secondary Road report, the Register of Deeds Statement of Fees collected for August 2009 in the amount of \$12,348.00 and the Register of Deeds statement of transfer fees collected during the month of August 2009 in the amount of \$7,689.00 and copy fees of \$805.40, and the Interest report for July 2009 indicating General Fund \$1,498.80, Road & Bridge \$155.66, E911 \$145.86, OEMHS \$1.65, County Buildings \$42.00, Special Highway \$15.94, Safety Center Capital Project \$21.80 and Debt Service \$74.40.  
 Voting Aye: All Nay: None Motion carried.

**Action 09334C:** A motion was made by Johnson and seconded by Tamisiea to approve the following claims: **Commissioners:** Yankton County Observer (Publishings) \$310.54, Pied Piper Flowers (Supplies) \$106.00; **Court:** David Bergendahl (Testimony) \$530.40, Brevik Law Office (Legal Counsel) \$628.24, Dakota County Sheriff (Services) \$24.65, Fox, Youngberg & Lewno (Public Defender) \$9,000.00, 3 Payees @ \$20.00 (Witness Fees) \$60.00, 7 Payees @ \$50.00 (Grand Jury Juror Fees) \$350.00, 1 Payee (Grand Jury Juror/Mileage) \$11.10, 1 Payee (Grand Jury Juror/Mileage) \$13.32, 1 Payee (Grand Jury Juror/Mileage) \$2.96, 1 Payee (Grand Jury Juror/Mileage) \$22.20, 1 Payee (Grand Jury Juror/Mileage) \$4.44, 1 Payee (Witness Fees/Mileage) \$46.99, Creighton Thurman (Legal Counsel) \$332.42; **Data Processing:** Crescent Electric (Supplies) \$150.27; **States Attorney:** A&B Business (Maintenance & Supplies) \$37.42, Culligan (Supplies) \$12.00, Pitney Bowes (Rental & Supplies) \$271.77, Great Western Bank (Rental) \$158.46; **Government Buildings:** Ace Hardware (Supplies) \$95.91, City of Yankton (Utilities) \$410.50, H&J Lawn (Maintenance) \$125.00, MidAmerican Energy (Utilities) \$205.81, Northwestern Energy (Utilities) \$2,742.58, Otis Elevator (Maintenance) \$579.90; **Director of Equalization:** Lori Mackey (Supplies) \$156.86, Vanguard Appraisals (Maintenance) \$3,600.00, McLeod's Printing (Supplies) \$205.04, Western Office Plus (Supplies) \$92.45; **Register of Deeds:** Western Office Plus (Supplies) \$25.58; **Court House & Safety Center:** Ace Hardware (Supplies) \$169.00, City of Yankton (Utilities) \$1,493.74, Crescent Electric (Supplies) \$48.42, Hansen Locksmithing (Maintenance) \$300.00, Larry's Plumbing (Supplies) \$13.40, MidAmerican Energy (Utilities) \$346.86, Northwestern Energy (Utilities) \$7,456.59, Yankton Janitorial (Supplies) \$413.40; **Sheriff:** AllTel (Utilities) \$98.02, Bomgaars (Supplies) \$47.96, Stewart Howell (Travel) \$7.00, Gregg Kirkland (Travel) \$7.00, Pitney Bowes (Rental & Supplies) \$271.76, Quartermaster (Supplies) \$232.38, Vogt's Cleaners (Maintenance) \$16.00, Walmart (Supplies) \$75.21; **County Jail:** CBM Food Service (Meals) \$2,087.52, Hy-Vee (Supplies) \$196.35, Larry's

Heating & Cooling (Maintenance) \$80.00, Pitney Bowes (Rental & Supplies) \$142.02. Walmart (Supplies) \$87.20, Yankton Medical Clinic (Services) \$206.36; **Care of Poor:** Avera Sacred Heart Hospital (Care) \$9,582.79, Ear, Nose & Throat Assoc. (Services) \$214.65, Xerox (Maintenance) \$56.89, Yankton Medical Clinic (Services) \$1,363.22; **Public Health Nurse:** Jackie Husman (Supplies) \$20.00, Xerox (Maintenance) \$56.89; **Ambulance:** AllTel (Utilities) \$195.22, Channing L. Bete Co. (Supplies) \$194.57, City of Yankton (Utilities) \$198.95, Credit Collection Service (Services) \$307.50, Century Business Products (Maintenance) \$28.00, Darla Edinger (Services) \$1,000.00, Knology (Utilities) \$179.24, Master-Tech Auto (Maintenance) \$746.66, Northwestern Energy (Utilities) \$795.57, Mark Nickles (Travel) \$216.60, Western Office Plus (Supplies) \$65.40; **Mental Illness Board:** Norma Andersen (Hearings) \$45.00, Avera Sacred Heart Hospital (Evaluation) \$166.80, Donna Dietrich (Hearings) \$1,046.48, Johnson, Miner, Marlow (Hearings) \$157.43, Joan Kittelson (Hearings) \$15.00, Kabeiseman & Pollard (Hearings) \$738.00, Lewis & Clark BHS (Hearings) \$1,278.00, Gary Mikkelson (Hearings) \$65.60, Cathy Rehfuss (Hearings) \$108.00, Karen Swanda (Hearings) \$48.00; **County Extension:** Department of Animal & Range Sciences (Supplies) \$23.75, City of Yankton (Utilities) \$41.97, Sharon Guthmiller (Travel) \$101.23, Sharon Guthmiller (Supplies) \$76.69, Hy-Vee (Supplies) \$35.57, J&H Cleaning (Maintenance) \$200.00, Knology (Utilities) \$236.15, MidAmerican Energy (Utilities) \$20.53, Greg Pirak (4-H Judge) \$25.00, Josh Svatos (4-H Judge) \$25.00, USPS (Stamps) \$198.00, Western Office Plus (Supplies) \$21.69; **Road & Bridge:** Bomgaars (Supplies) \$531.73, B-Y Water (Utilities) \$91.25, City of Yankton (Utilities) \$93.41, Concrete Materials (Supplies) \$15,248.86, Diamond Mowers (Supplies) \$737.65, Tabor Lumber (Fuel) \$16.43, Zep Manufacturing (Supplies) \$723.86; **911 Fund:** Qwest (Utilities) \$1,412.00; **Emergency Management:** MidAmerican Energy (Utilities) \$7.99, ServiceMaster (Services) \$187.40, Racom (Utilities) \$28.30; **Tower Fund:** Center for Municipal Solutions (Services) \$445.50. Manual check not in totals: Department of Parks & Recreation (Commission/Rental) \$50.00. Total General Fund \$54,054.05, Road & Bridge \$17,443.19, 911 Fund \$1,412.00, Emergency Management \$223.69, Tower Fund \$445.50. Voting Aye: All Voting Nay: None Motion carried 5-0.

**Action 09335C:** A motion was made by Sinclair and seconded by Freng to approve the following payroll for August 2009: **Commissioners:** \$4,316.81; **Elections:** Virginia Bee \$455.48; **Auditor:** \$10,320.10; **Treasurer:** \$11,396.94; **States Attorney:** \$19,100.03; **Custodian:** \$3,210.38; **Director of Equalization:** \$15,551.51; **Register of Deeds:** \$7,789.82; **Veterans Service:** \$1,866.22; **Courthouse & Safety Center:** \$3,619.00; **Sheriff:** \$36,391.82; **County Jail:** \$42,830.92; **Juvenile Detention:** \$357.00; **Nurse:** \$2,443.55; **Ambulance:** \$32,556.46; **Extension:** \$3,871.35; **Soil Conservation:** \$2211.74; **Weed:** \$2,315.79; **Planning & Zoning:** \$2,716.47; **Road & Bridge:** \$57,795.80; **OEMHS:** \$3,156.47; **24/7 Program:** \$1,940.00. South Dakota Retirement System (Buy Back) \$166.63, South Dakota Retirement System \$12,210.68 (Sheriff/EDS), South Dakota Retirement System \$19,985.12 (Other Employees), South Dakota Retirement System (Payroll Deduction-Spouse Opt) \$324.00, South Dakota Retirement System (Supplemental) \$580.00, American Family Life Assurance Company \$3,846.47, Prepaid Legal Services, Inc \$14.95, Office of Child Support \$697.00, Nationwide Retirement Solutions \$128.26, Office of Child Support \$371.00, , First Dakota National Bank \$16,183.62 (Withholding), First Dakota National Bank \$32,154.92 (FICA) First

Dakota National Bank \$7,520.06 (Medicare), Credit Collections Bureau \$57.55, Blue Cross Blue Shield \$35,626.01 Gross Payroll \$333,998.01, Net Payroll \$204,131.74.  
Voting Aye: All Nay: None Motion carried.

**Action 09336C:** A motion was made by Johnson and seconded by Tamisiea to authorize a supplementary transfer of \$30,000 from General Fund reserve to the Safety Center Capital Outlay fund and further to authorize expenditures in the amount of \$30,000.00.  
Voting Aye: All Nay: None Motion carried.

The Board set 4:00 PM on Tuesday September 8<sup>th</sup>, 2009, in the commission chambers, as the time and place for budget hearings.

The Board discussed the proposed construction of a Highway Maintenance building.  
**Action 09337H:** A motion was made by Sinclair and seconded by Johnson to authorize the Auditor to advertise for architectural services for a flat dollar fee to include engineering services and a site topography survey.  
Voting Aye: All Nay: None Motion carried.

**Action 09338A:** A motion was made by Tamisiea and seconded by Sinclair to reverse an ambulance bill written off in August of 2005 as uncollectible. The creditor received an insurance payment for the services provided by the County and advised the County of the fact payment would be made. The county will receive \$427.21 minus the collection service fee of 40%.  
Voting Aye: All Nay: None Motion carried.

The Board discussed the sale of the structure adjacent to the ambulance facility.  
**Action 09339A:** A motion was made by Tamisiea and seconded by Freng to authorize the Auditor to purchase advertising in the local newspapers for the property in discussion.  
Voting Aye: All Nay: None Motion carried.

**Action 09340SC:** A motion was made by Johnson and seconded by Sinclair to approve Change Order No 9 (Final) which encompasses RFP #88-1, 94R, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104 for a total of \$29,050.00 and results in a total project price of \$9,436,711.00 (this figure does not reflect additional "outside of project" costs).  
Voting Aye: Johnson, Sinclair, Freng, Tamisiea, Johnson Nay: None Motion carried.

The final payment to the contractor discussion will be returned to the table at the September 15<sup>th</sup>, 2009 meeting.

**Action 09341SC:** A motion was made by Freng and seconded by Sinclair to approve the following: Substantial Completion Certificates for the Police Department areas, Sheriff's Department areas, courtroom 202 and Court Administration areas, three kitchen areas, three second floor court Services areas (existing building – Phase II), and three States Attorney areas, Jail areas and restrooms 234/235.  
Voting Aye: All Nay: None Motion carried.

The Board discussed the amended Lease Agreement proposed by the city of Yankton for space occupied in the Yankton County Courthouse and Safety Center.

**Action 09342SC:** A motion was made by Sinclair and seconded by Johnson to reiterate approval of the Lease Agreement prepared by States Attorney Rob Klimisch and originally approved August 18<sup>th</sup>, 2009, and further approving the addition of the year 2009 to Section 6a noting County payment of \$60,000 for 2009 and 2010 for dispatch center services.

Voting Aye: Sinclair, Johnson, Freng, Tamisiea, Jensen    Nay: None    Motion carried.

**Action 09343C:** A motion was made by Sinclair and seconded by Freng to recess the regular session and reconvene in Executive Session to discuss two personnel issues.

Voting Aye: All    Nay: None    Motion carried.

**Action 09344C:** A motion was made by Tamisiea and seconded by Johnson to adopt the Provisional Budget for fiscal year 2010 as proposed.

Voting Aye: All    Nay: None    Motion carried.

Chairman Jensen announced no action would be taken as a result from the Executive Session.

The next regular meeting of the Board will be Tuesday, September 15th, 2009 at 4:30 PM in the Commission chambers.

Bruce Jensen, Chairman  
Yankton County Commission

ATTEST: Paula Jones, Auditor

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