

YANKTON COUNTY COMMISSION MEETING  
April 21st, 2009

The regular meeting of the Yankton County Commission was called to order by Chairman Bruce Jensen at 4:30 PM on Tuesday, April 21st, 2009.

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

**Action 09127C:** A motion was made by Johnson and seconded by Sinclair to set the agenda as distributed.

Voting Aye: All Nay; None Motion carried.

**Action 09128C:** A motion was made by Tamisiea and seconded by Freng to approve the minutes of the April 7th, 2009 meeting of the Board.

Voting Aye: All Nay: None Motion carried.

**Action 09129C:** A motion was made by Sinclair and seconded by Johnson to recess the regular session of the Board and convene in Executive session to discuss a personnel matter.

Voting Aye: All Nay: None Motion carried.

The Board reconvened in regular session at 5:00 PM. The Chairman advised no action would result from the Executive session.

The ambulance report for the month of March 2009 was presented by Randy Webert. The department responded to 128 calls in March with 99 1<sup>st</sup> calls, 12 2<sup>nd</sup>/3<sup>rd</sup> calls and 17 transfers. \$94,497 was billed out in March and \$70,526 was received in for March. Webert advised the Commission that the year-to-date cost per resident of Yankton County for ambulance services is .03 cents. Year-to-date expenditures were \$159,109 and receipts were \$159,758.

**Action 09130A:** A motion was made by Johnson and seconded by Tamisiea to write off \$21,085.44 (Medicare) and \$7,972.21 (Medicaid) and \$2,292.13 (Misc).

Voting Aye: All Nay: None Motion carried

**Action 09131A:** A motion was made by Tamisiea and seconded by Johnson to write off \$1,804.33 (Misc) and cancel the corresponding liens.

Voting Aye: All Nay: None Motion carried.

**Action 09132A:** A motion was made by Freng and seconded by Tamisiea to write off an uncollectible bill in the amount of \$350.00 (person is deceased and there are no assets in the estate).

Voting Aye: All Nay: None Motion carried.

**Action 09133A:** A motion was made by Freng and seconded by Johnson to write off an

uncollectible bill in the amount of \$232.62.  
Voting Aye: All Nay: None Motion carried.

Webert discussed the pending purchase of a new ambulance. The specifications are complete and advertising for bids will be done next. Webert further advised the 1989 Ford ambulance could be transferred to the Coroner's office inventory if feasible. The Coroner will be asked to do a comparison between using a private vehicle and a county-owned vehicle. Disposition of the house adjacent to the ambulance facility and owned by the County was discussed. The issue will be returned to the table at the next meeting.

**Action 09134A:** A motion was made by Johnson and seconded by Tamisiea to declare the 1980 Chevrolet dually pickup surplus property.  
Voting Aye: All Nay: None Motion carried.

**Action 09135A:** A motion was made by Tamisiea and seconded by Johnson to accept into the record the report of the Ambulance Department.  
Voting Aye: All Nay: None Motion carried.

There were no indigent requests presented.

Julie DeJong presented the quarterly Community Health Nurse report.

**Action 09136N:** A motion was made by Tamisiea and seconded by Sinclair to accept into the record the quarterly report of the Community Health Nurse.  
Voting Aye: All Nay: None Motion carried.

**Action 09137H/BH/S-J/Aud/Aud-Tr/Int/MI:** A motion was made by Sinclair and seconded by Freng to accept into the record the report of Bob Hanson, Safety Center Site Inspector, the Sheriff-Jail report for April, 2009, the Revenue-Expenditure reports for the County funds, The Interest allocation report for March 2009 indicating General Fund \$1,143.42, Road & Bridge \$85.39, E911 \$102.85, County Buildings \$27.90, Safety Center Capital Project \$38.07 and Debt Service \$21.87; the Auditor's-Treasurer's reconciliation report for March, 2009 as follows: cash on hand of \$43,985.24, Checking Account Balance \$295,775.14 (1<sup>st</sup> Dakota National) and \$27,870.85 (First National Bank), Savings Account Balances: Wells Fargo Banks \$1,323,893.53, Cor Trust Bank Gayville \$244,886.59, First Dakota National Bank \$747,070.85, Cor Trust Bank Yankton \$289,350.38; First Federal Bank \$347,836.68; 1<sup>st</sup> National Bank \$609,504.10; Certificates of Deposit: Wells Fargo Bank \$900,000.00. Bad Checks \$2,295.09. Total Cash and Balances \$4,832,468.40; the out-of-county Mental Illness billing for March, 2009 in the amount of \$4,744.19.  
Voting Aye: All Nay: None Motion carried.

**Action 09138DOE/W:** A motion was made by Freng and seconded by Tamisiea to approve as a proper charge against the County, travel expenses for Lori Mackey, Roberta Zimmerman and Connie Dorzok to attend a USPAP workshop in Pierre, SD on June 15 & 16, 2009, travel for Lori Mackey to attend the SDACES meeting in Chamberlain, SD on June 11, 2009 and to acknowledge the change in the date for the Purple Loosestrife meeting in Niobrara, NE from April 14<sup>th</sup> to April 22<sup>nd</sup>, 2009.  
Voting Aye: All Nay: None Motion carried.

**Action 09139W:** A motion was made by Tamisiea and seconded by Sinclair to approve Mosquito Abatement Contracts with the City of Yankton and the Town of Lesterville for the 2009 season. Voting Aye: All Nay: None Motion carried.

The 2<sup>nd</sup> reading of Zoning Ordinance Amendment No 2009-1PZ was held at 5:30 PM as scheduled. The title of the Zoning Ordinance Amendment is as follows: An Ordinance amending Ordinance 16 – regarding Article 12, Article 17, Article 18, Article 19, Article 21, correcting numerical errors in Article 25 and striking the definition of agricultural use covenant running with the land, the striking of Section 1733 and Section 1219 (11) and reserving stricken sections for use at a later date.

Comments were taken from Joyce Franklin, John Harper and Commissioners.

**Action 09140Z:** A motion was made by Sinclair and seconded by Freng to adopt the following:

A Resolution Amending the Yankton County Zoning Ordinance (Ordinance #16)

WHEREAS, South Dakota Codified Law 12-2-13 allows Yankton County to establish zoning regulations, and,

WHEREAS, the Yankton County Zoning Ordinance establishes zoning regulations in Yankton County, South Dakota; and,

WHEREAS, Section 2003 of The Yankton County Zoning Ordinance gives the Yankton County Commission powers to amend The Yankton County Zoning Ordinance; and,\

WHEREAS, The Yankton County Commission hereby finds that certain sections of the Zoning Ordinance require clarification and changes to comply with South Dakota State statute and recent court decisions.

NOW, THEREFORE, BE IT RESOLVED, that the Yankton County Commission, in order to establish a fair and efficient process to review and make determinations concerning actions of an appellant regarding decisions of the Zoning Administrator, hereby amends the Yankton County Zoning Ordinance by the striking of certain language from the Ordinance, reserving the stricken section numbers for future use and allowing for the correction of numbering order errors.

BE IT FURTHER RESOLVED that this Ordinance shall become effective on May 14, 2009.

Bruce Jensen, Chairman  
Yankton County Commission

Attest: Paula Jones, Auditor  
Yankton County, South Dakota

Voting Aye: Sinclair, Freng, Jensen Nay: Johnson, Tamisiea Motion carried 3-2.

Gary Welter, Wellmark Blue Cross/Blue Shield, advised the Commission that the County's medical insurance rates would increase by approximately 5% for 2009-2010. This increase is well below the average 12% increase for the ensuing insurance year. Welter also discussed the change in Cobra policy.

The Board discussed the haul agreement presented by Keystone in conjunction with the pipeline project as it relates to Yankton County. It was the consensus of the Board that the haul route should be inspected by both parties (jointly) both prior to and at the conclusion of the project. Also discussed were safety issues and dust control along the haul route.

**Action 09141H:** A motion was made by Sinclair and seconded by Tamisiea to approve the haul agreement with Keystone Pipeline, with the understanding the other issues discussed by the Board will be addressed jointly.

Voting Aye: All Nay: None Motion carried.

**Action 09142SC:** A motion was made by Sinclair and seconded by Johnson to approve the contract with Kone for maintenance on the new elevator at the Yankton County Courthouse and Safety Center in the amount of \$50.00 per month.

Voting Aye: All Nay: None Motion carried.

**Action 09143SC:** A motion was made by Johnson and seconded by Freng to approve the HVAC system maintenance agreement with Johnson Controls in the amount of \$15,038.00 for 2009, \$15,490.00 for 2010, \$15,955.00 for 2011 and \$16,434.00 for 2012.

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

**Action 09144C:** A motion was made by Sinclair and seconded by Tamisiea to adopt the following:  
Resolution

BE IT RESOLVED that the County of Yankton hereby takes action to include any official of the County of Yankton, whether elected or appointed for a regular term of office, or to complete the unexpired portion of any such term, hereby elect to treat such officials as employees for the purposes of including said officials for workers compensation coverage per SDCL 62-1-3 (4).

Dated this 21<sup>st</sup> day of April, 2009.

Bruce Jensen, Chairman, Yankton County Commission

Attest: Paula Jones, Yankton County Auditor

Voting Aye: All Nay: None Motion carried.

The Board discussed the development of a County drainage plan.

Rob Klimisch, States Attorney advised the Board of his efforts to affect a compromise with Robert and Eva Vesper regarding a zoning issue.

**Action 09145C** A motion was made by Tamisiea and seconded by Johnson to approve the following claims: **Commissioners:** Knology (Utilities) \$82.60, Yankton County Observer (Publishings) \$263.26, Yankton Daily P&D (Publishings) \$641.20, Star Publishing (Publishings) \$704.88; **Elections:** Pack & Ship (Rental) \$39.50, McLeod's (Supplies) \$15.18; **Court:** 20 Payees @\$50.00 (Juror Fees) \$1,000.00, 2 Payees @\$20.00 (Witness Fees) \$40.00, 26 Payees @ \$10.00 (Juror Fees) \$260.00, 4 Payees @ \$3.70 (Juror/mileage) \$14.80, 3 Payees @ \$5.18 (Juror/mileage) \$15.54, 3 Payees @\$11.10 (Juror/mileage) \$33.30, 2 Payees @\$2.96 (Juror/mileage) \$5.92, 2 Payees @.74 (Juror/mileage) \$1.48, 2 Payees @\$1.48 (Juror/mileage) \$2.96, 1 Payee (Juror/mileage) \$6.66, 1 Payee (Juror/mileage) \$11.84, 1 Payee (Juror/mileage) \$18.50, 1 Payee (Juror/mileage) \$14.80, 2 Payees @\$10.36 (Juror/mileage) \$20.72, 1 Payee (Juror/mileage) \$7.40, 1 Payee (Juror/mileage) \$59.20, 1 Payee (Juror/mileage) \$8.88, 1 Payee (Juror/mileage) \$29.60, 1

Payee (Juror/mileage) \$11.84, Hennepin County Sheriff (Services) \$70.00; **Auditor:** Knology (Utilities) \$89.09, Pack & Ship (Rental) \$39.50, Security Shredding (Maintenance) \$30.00, Western Office Plus (Supplies) \$18.27; **Treasurer:** Harland Technology (Maintenance) \$63.75, Knology (Utilities) \$96.85, SDACO (Travel) 150.00, Security Shredding (Maintenance) \$30.00; **Data Processing:** Knology (Utilities) \$44.95, Miller Consulting (Maintenance) \$785.00, Tyler Technologies (Maintenance) \$5,036.25; **States Attorney:** Knology (Utilities) \$155.87, Staples (Supplies) \$409.04, Great Western Bank (Lease Agreement) \$158.46, West Payment Center (Books) \$484.00; **Government Buildings:** Big-M Security (Maintenance) \$20.00, Janssen's Garbage (Maintenance) \$210.00, Johnson Controls (Maintenance) \$4,180.50, Knology (Utilities) \$25.61; **Director of Equalization:** AllTel (Utilities) \$26.98, Knology (Utilities) \$95.02, Security Shredding (Maintenance) \$30.00, Western Office Plus (Supplies) \$141.69, Yankton County Observer (Publishing) \$150.18, SDAAO (Travel) \$375.00; **Register of Deeds:** Brian Hunhoff (Travel) \$288.05, Knology (Utilities) \$90.15, SDACO (Travel) \$150.00; **Veterans Service:** Western Office Plus (Supplies) \$21.48, Knology (Utilities) \$86.88; **Court House & Safety Center:** Ace Hardware (Supplies) \$55.31, City of Yankton (Utilities) \$144.00, Crescent Electric (Supplies) \$63.24, JCL Solutions (Supplies) \$109.50, Knology (Utilities) \$392.18, Yankton Janitorial (Supplies) \$202.67; **Sheriff:** AllTel (Utilities) \$85.82, City of Yankton (Gasoline) \$1,199.65, Hedahls (Supplies) \$15.66, Knology (Utilities) \$208.86, Northtown Automotive (Maintenance) \$118.50, Ron's Auto Glass (Maintenance) \$30.00, Velvet Uniforms (Supplies) \$13.20, Western Office Plus (Supplies) \$27.30; **County Jail:** Ace Hardware (Supplies) \$12.98, CBM Food Service (Meals) \$2,831.03, Cash-WA Distributing (Supplies) \$777.17, Knology (Utilities) \$93.46, Olson's Pest (Maintenance) \$96.00, Yankton Drug Co. (Medicine) \$442.68, Yankton Janitorial (Supplies) \$251.60; **Coroner:** Mercy Medical Center (Travel) \$70.00; **Juvenile Detention:** Minnehaha County Regional (Child Care) \$5,805.00, Brown County (Shelter Care) \$1,540.00; **Yankton Area Search & Rescue:** (1<sup>st</sup> Half 2009 Budget) \$6,000.00; **Care of Poor:** Avera Sacred Heart Hospital (Care) \$5,238.12, Roger's Family Pharmacy (Medicine) \$146.31, Yankton Drug Company (Medicine) \$102.57, Yankton Medical Clinic (Services) \$987.91, Yankton Radiology (Services) \$11.18; **Public Health Nurse:** Knology (Utilities) \$96.26; **Ambulance:** Avera Sacred Heart Hospital (Supplies) \$1,036.97, AllTel (Utilities) \$199.97, City of Yankton (Gasoline) \$673.50, Card Service Center (Supplies) \$144.27, Hy-Vee (Supplies) \$17.36, Janssen's Garbage (Maintenance) \$81.00, Knology (Utilities) \$221.27, Linweld (Supplies) \$44.45, Henry Schein (Supplies) \$322.50, MidAmerican Energy (Utilities) \$249.73, Northwestern Energy (Utilities) \$13.25, Qwest (Utilities) \$81.20, Yankton Computer (Supplies) \$199.00, Star Publishing (Publishings) \$56.00, Yankton Fire & Safety (Maintenance) \$48.00; **Mentally Handicapped:** SD Achieve (Services) \$180.00; **Mental Illness Board:** Donna Dietrich (Hearings) \$539.53, Nelva Kooistra (Hearings) \$45.00, Lincoln County Treasurer (Evaluation) \$22.50, Cathy Rehfuss (Hearings) \$45.00, Shepherd Reporting (Hearings) \$75.00; **County Extension:** Appera (Supplies) \$58.24, Larry Buffington (Travel) \$8.14, Floor Tec (Maintenance) \$350.00, Christine Pospishil (Travel) \$1.48, Hodges Badge (Supplies) \$646.74, Andres Renteria (Travel) \$9.62, Larry Remington (Maintenance) \$70.00, Suzanne Tessier (Travel) \$7.40, Western Office Plus (Maintenance & Supplies) \$669.94, Yankton Mall (Supplies) \$15.00; **Soil Conservation:** Yankton County (1<sup>st</sup> Half Wages Tree Manager) \$2,500.00; **Planning & Zoning:** AllTel (Utilities) \$26.98, Thomas Fiedler (Supplies) \$11.65, Karl's TV (Supplies) \$7.98, Knology (Utilities) \$88.61, Star Publishing (Publishings) \$64.10, Don's Auto Repair (Maintenance) \$167.54, Western Office

Plus (Maintenance & Supplies) \$55.09, Yankton Daily P&D (Publishings) \$71.01; **Road & Bridge:** A-OX Welding (Supplies) \$62.37, Appera (Supplies) \$111.60, AllTel (Utilities) \$31.56, City of Yankton (Utilities) \$365.27, Cox Auto Supply (Supplies) \$417.81, City of Vermillion (Utilities) \$71.67, Concrete Materials (Supplies) \$3,022.00, Christensen Radiator (Supplies) \$39.00, Fastenal (Supplies) \$29.03, Fullerton's (Supplies) \$65.18, Great Plains (Supplies) \$21.63, Harding Glass (Supplies) \$49.80, Jim Hawk Truck Trailers (Supplies) \$49.88, Hedahls (Supplies) \$233.54, Kaiser Appliance (Supplies) \$262.25, Knology (Utilities) \$85.60, Kimball Midwest (Supplies) \$141.74, MidAmerican Energy (Utilities) \$959.81, Probuild (Supplies) \$23.64, Riverside Hydraulics (Supplies) \$98.70, Star Publishing (Publishings) \$35.00, Southeastern Electric (Utilities) \$59.74, Tools & Machinery (Supplies) \$69.01, Vanderhule's (Supplies) \$18.00, Wheelco Brake (Supplies) \$372.11, Western Office Plus (Supplies) \$11.48, Yankton Diesel Injection (Supplies) \$136.00; **911 Fund:** Robinson Motors (Maintenance) \$33.25; **Emergency Management:** Alltel (Utilities) \$52.08, City of Yankton (Gasoline) \$64.86, Knology (Utilities) \$278.72; **MISC.:** West Payment Center (Supplies – County Law Library) \$693.00; **Tower Fund** (Center for Municipal Society) \$120.00. Total General Fund \$53,155.81, Road & Bridge \$6,843.42, 911 Fund \$33.25, Emergency Management \$395.66, Misc. \$693.00, Tower Fund \$120.00.

Manual checks not included in totals: SD State Treasurer (MI-Services) \$5,304.72, SD Dept of Revenue & Regulation (HWY-Excise Tax) \$104.61, Muggsy's Sub Galley (Commission-Supplies) \$70.51, Alltel (Amb-Utilities) \$199.97, Alltel (Offices-Utilities) \$137.60, Alltel (Sheriff-Utilities) \$85.82, Knology (SC-Utilities) \$781.81 (Offices-Utilities) \$881.62, Brian Hunhoff (ROD-Travel) \$288.05, Knology (Amb-Utilities) \$221.27 and MidAmerican Energy (Amb-Utilities) \$249.73.

Voting Aye: All    Nay: None    Motion carried.

**Action 09146OEMHS:** A motion was made by Johnson and seconded by Tamisiea to authorize a budgeted operating transfer of \$30,000 from the General Fund to the Emergency Management operating budget and further to authorize expenditures in the amount of \$30,000.

Voting Aye: All    Nay: None    Motion carried.

**Action 09147C:** A motion was made by Tamisiea and seconded by Johnson to approve the following abatement: Habitat for Humanity (78.430.008.170) in the amount of \$257.68 – purchased by exempt organization on 3-14-2008.

Voting Aye: All    Nay: None    Motion carried.

A motion was made by Johnson to adjourn.

The next regular meeting of the Board will be Tuesday, May 5th, 2009 at 4:30 PM in the Commission chambers.

Bruce Jensen, Chairman  
Yankton County Commission

ATTEST:  
Paula Jones, Auditor