

YANKTON COUNTY COMMISSION MEETING
September 15th, 2009

The regular meeting of the Yankton County Commission was called to order by Chairman Bruce Jensen at 3:00 PM on Tuesday, September 15, 2009.

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

Action 09345C: A motion was made by Sinclair and seconded by Johnson to set the agenda with the following additions/changes: set liquor license transfer hearing, ROW approvals

Voting Aye: All Nay; None Motion carried.

Action 09346C: A motion was made by Sinclair and seconded by Johnson to approve the minutes of the September 1st, 2009 meeting of the Board.

Voting Aye: All Nay: None Motion carried.

The Board discussed budgetary items and the draft wage study recommendations from the Mercer Group.

Action 09347C: A motion was made by Sinclair and seconded by Tamisiea to approve an adjustment of 3% to 2009 wages as recommended by the draft wage study and to add an additional \$50,000 to cover recommended adjustments to minimum level wages as per the study.

Voting Aye: All Nay: None Motion carried.

The Board authorized the Auditor to procure architectural proposals for the proposed highway maintenance structure. Proposals will be heard prior to the October 20th Commission meeting, with the start time being dependent on the number of proposals received.

Action 09348C: A motion was made by Johnson and seconded by Tamisiea to approve as a proper charge against the County, travel expenses for Extension office personnel for September (amended) and October, 2009 calendars as submitted.

Voting Aye: All Nay: None Motion carried.

Action 09349Aud-Tr/Int/VA/S&J: A motion was made by Johnson and seconded by Freng to accept into the record the Interest allocation report for August 2009 indicating General Fund \$1,344.54, E911 \$146.99, County Buildings \$43.93, Special Highway \$16.63, Safety Center Capital Project \$22.65 and Debt Service \$79.04; the Sheriff's department and Jail report for August, 2009; the Veteran's Service office report for August, 2009 and the Aud/Treasurer's report for August, 2009 indicating Cash on Hand \$183,421.88, Checking account balances – First Dakota National \$22,219.90 and First National Bank \$25,928.76, Savings Accounts – Wells Fargo Banks \$1,162,295.93, Cor Trust Bank Gayville \$546,154.73, First Dakota National \$855,253.08, Cor Trust Bank Yankton \$540,521.40, 360 Bank \$348,444.75 and First National Bank \$750,917.30; Bad

checks \$1,147.70 and Grand total cash and bank balances \$4,436,305.43.
Voting Aye: All Nay: None Motion carried.

Action 09350C: A motion was made by Sinclair and seconded by Freng to approve the following claims: **Commissioners:** River Rat Productions (Services) \$250.00, Knology (Utilities) \$83.85, Allen Sinclair (Travel) \$223.85 Yankton P&D (Publishings) \$229.38; **Elections:** McLeod's Printing (Supplies) \$1,033.20; **Court:** Horn Law Office (Legal Counsel) \$960.62, Knox County Sheriff (Services) \$34.24, SD Department of Health (Lab) \$975.00; **Auditor:** Paula Jones (Supplies) \$25.62, Knology (Utilities) \$95.09, Western Office Plus (Supplies) \$162.99; **Treasurer:** Knology (Utilities) \$104.44, McLeod's Printing (Supplies) \$344.52, Miller Consulting (Maintenance) \$35.00; **Data Processing:** Knology (Utilities) \$44.95, Miller Consulting (Maintenance) \$314.00; **States Attorney:** Avera Sacred Heart Hospital (Lab) \$869.24, Hewlett-Packard (Maintenance) \$232.87, Knology (Utilities) \$154.63, Miller Consulting (Maintenance) \$137.50; **Government Buildings:** Big-M Security (Maintenance) \$20.00, Paula Jones (Supplies) \$102.72, Knology (Utilities) \$25.61, Yankton Janitorial (Supplies) \$228.16; **Director of Equalization:** Nancy Brockmoller (Travel) \$225.82, Knology (Utilities) \$90.23, McLeod's Printing (Supplies) \$167.68, Glenda Waddell (Travel) \$46.00, Western Office Plus (Supplies) \$236.99; **Register of Deeds:** Executive Mgmt Finance (Utilities) \$30.00, Hansen Locksmithing (Maintenance) \$45.00, Knology (Utilities) \$88.01, Miller consulting (Maintenance) \$35.00, Microfilm Imaging (Maintenance, Rental, Supplies) \$1,241.25, Western Office Plus (Maintenance) \$229.95; **Veterans Service:** Charles Haffner (Registration Fee) \$25.00, Knology (Utilities) \$85.07, Western Office Plus (Supplies) \$75.99; **Court House & Safety Center:** City of Yankton (Utilities) \$112.00, Kaiser Heating & Cooling (Supplies) \$192.00, Knology (Utilities) \$422.16, Larry's Heating & Cooling (Maintenance & Supplies) \$1,312.48, Stanley Security Solutions (Supplies) \$134.19, Yankton Janitorial Supply (Supplies) \$51.13; **Sheriff:** City of Yankton (Supplies) \$1,574.67, Farm & Home Publishers (Supplies) \$160.00, Graham Tire (Maintenance) \$156.72, Knology (Utilities) \$168.02, Matthew Bender & Co. (Books) \$50.24, Northtown Automotive (Maintenance) \$74.78, Public Safety Center, Inc. (Supplies) \$45.00, Quartermaster (Supplies) \$85.44, Virgin Mobile (Services) \$15.00; **County Jail:** American Institutional (Supplies) \$559.98, Ace Hardware (Supplies) \$97.86, Bomgaars (Supplies) \$22.99, Best Business Products (Supplies) \$200.01, CBM Food Service (Meals) \$4,318.33, Cash-WA Distributing (Supplies) \$956.05, Ecolab (Supplies) \$1,510.86, Knology (Utilities) \$104.55, Moore Medical (Supplies) \$232.15, Olson's Pest (Maintenance) \$96.00, Robinson Textiles (Supplies) \$335.78, Yankton Drug Co. (Medicine) \$550.78, Yankton Medical Clinic (Services) \$41.53, Yankton Janitorial Supply (Supplies) \$1,595.97; **Care of Poor:** Xerox (Maintenance) \$56.89, Yankton Drug Co. (Medicine) \$55.92; **Public Health Nurse:** Knology (Utilities) \$99.41, Xerox (Maintenance) \$56.89; **Ambulance:** Ace Hardware (Supplies) \$45.95, Avera Education (Supplies) \$42.00, Avera Sacred Heart Hospital (Supplies) \$341.75, City of Yankton (Supplies) \$758.63, Crescent Electric (Supplies) \$36.12, Card Service Center (Supplies) \$358.22; Dell Marketing (Supplies) \$1,595.98, K-Mart (Supplies) \$245.83, Linweld (Supplies) \$54.45, Henry Schein (Supplies) \$838.10, Northwestern Energy (Utilities) \$5.09, Orkin Pest Control (Maintenance) \$74.71, Qwest (Utilities) \$80.00, Racom (Utilities) \$396.20, Radioshack (Supplies) \$29.33, Western Office Plus (Supplies) \$35.55; **Mental Illness Board:** Donna Dietrich (Hearings) \$515.24, Marvin Ekeren (Hearings) \$30.00, Joan Kittelson

(Hearings) \$30.00, Cathy Rehfuss (Hearings) \$60.00, Gary Mikelson (Hearings) \$266.50; **Extension:** Appera (Supplies) \$58.24, Cindy Bergman (Supplies) \$17.75, Cindy Bergman (Travel) \$75.00, Sharon Guthmiller (Supplies) \$24.97, Sharon Guthmiller (Travel) \$138.00, Larry's Heating & Cooling (Maintenance) \$138.00, LEAF (Rental) \$349.74, Danielle McFarland (Travel) \$205.18, Larry Remington (Maintenance) \$350.00, Super 8 Motel (Travel) \$467.28, Wholesale Supply (Supplies) \$124.65, Western Office Plus (Supplies) \$314.02; **Weed:** Bomgaars (Supplies) \$18.53; **Planning & Zoning:** Knology (Utilities) \$87.78, Western Office Plus (Supplies) \$31.89, Yankton Daily P&D (Publishings) \$156.24; **Road & Bridge:** Ace Hardware (Supplies) \$27.27, Appera (Supplies) \$80.30, B-Y Electric (Utilities) \$28.88, Battery Exchange (Supplies) \$335.00, Butler Machinery (Supplies) \$25.58, City of Yankton (Utilities) \$218.24, Cox Auto Supply (Supplies) \$49.40, Patricia Davies (Supplies) \$20.03, Ehresmann Engineering (Supplies) \$382.50, Fastenal Industrial (Supplies) \$14.26, Fullerton's (Supplies) \$32.06, Holcomb Freightliner (Supplies) \$101.87, Hedahl's (Supplies) \$501.22, JD Evans (Supplies) \$1,119.72, Kaiser Appliance (Supplies) \$226.93, Knology (Utilities) \$93.03, Kimball Midwest (Supplies) \$135.96, Miller Consulting (Maintenance) \$35.00, MidAmerican Energy (Utilities) \$78.91, Northwestern Energy (Utilities) \$778.34, Qwest (Utilities) \$97.89, Riverside Hydraulics (Supplies) \$168.47, Stern Oil (Fuel) \$4,163.45, SD Department of Transportation (Services) \$13,213.82, Sheehan Mack (Supplies) \$671.42, Sioux Equipment (Supplies) \$91.65, Southeastern Electric (Utilities) \$17.77, TMA (Supplies) \$1,206.02, Vanderhule's (Supplies) \$42.50, Wick's (Supplies) \$54.20, Wheelco Brake & Supply (Supplies) \$24.72, Western Office Plus (Supplies) \$80.18, Yankton Office Equipment (Supplies) \$49.95, Yaggies, Inc. (Supplies) \$97.50, Z&S Dust Control (Maintenance) \$12,548.90; **911 Fund:** Golden West (Utilities) \$145.00, Knology (Utilities) \$1,100.00, Miller Consulting (Maintenance) \$225.00, Planning & Development (Maintenance) \$140.00; **Emergency Management:** City of Yankton (Supplies) \$82.02.
 Total General Fund \$33,152.27, Road & Bridge \$36,812.94, 911 Fund \$1,610.00, Emergency Management \$82.02.

Voting Aye: All Voting Nay: None Motion carried 5-0.

Action 09351H/OEMHS: A motion was made by Sinclair and seconded by Johnson to approve budgeted supplementary transfers from General Fund Operating Transfers to Road and Bridge in the amount of \$450,000.00 and authorize expenditures in said amount and from General Fund Operating Transfers to the Emergency Management budget in the amount of \$30,000 and authorize expenditures in said amount.

Voting Aye: All Nay: None Motion carried.

Action 09352H: A motion was made by Johnson and seconded by Freng to approve two ROW applications by Bon Homme Yankton Electric for occupancy of County Highways 587 and 102 rights of way in Sections 23, Township 96N, Range 56W and 17, Township 94N, Range 55W for 240 volt single phase cable installation.

Voting Aye: All Nay: None Motion carried.

Action 09353C: A motion was made by Sinclair and seconded by Tamisiea to authorize the Auditor to advertise a hearing for the transfer of a liquor license from Thomas & Christie Schell dba Boulder Creek, LLC to Stuart Huber for October 20, 2009.

Voting Aye: All Nay: None Motion carried.

Action 09354Z: A motion was made by Johnson and seconded by Tamisiea to adopt the following resolution: Whereas it appears that Thomas Joseph Langdon, owner of record, has caused a plat to be made of the following real property: Lot 1, Engen Tract 1, SW4 SW4, Section 14, Township Ninety-Three (93) N, Range Fifty-Seven (57) West of the 5th 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: Johnson, Tamisiea, Jensen, Freng, Sinclair Nay: None Motion carried 5-0.

Sheriff Hunhoff distributed amended jail budget request figures due to issues with the food service for the jail. The Board advised a budget meeting will be held on Monday, September 28th, 2009 at 9:00 AM in the Commission chambers.

No indigent requests were submitted.

The ambulance report for the month of August 2009 was presented by Steve Hawkins. The department responded to 128 calls in August with 99 1st calls, 22 2nd/3rd calls, 7 standbys and 14 transfers. \$73,777 was billed out in August and \$19,022 was receipted in for August. Hawkins advised the Commission that the year-to-date cost per resident of Yankton County for ambulance services is .01 cents. Year-to-date expenditures were \$396,573 and receipts were \$396,361.

Action 09355A: A motion was made by Johnson and seconded by Freng to authorize as a proper charge against the County, travel expenses and registration fees for ambulance personnel to attend the SD EMT Conference in Sioux Falls, SD October 23 through 25, 2009 (expenditures not to exceed \$1,000.00).
Voting Aye: All Nay: None Motion carried.

Shari Gustad was recognized for five (5) years of service to YCEMS.

Action 09356A: A motion was made by Sinclair and seconded by Tamisiea to declare a non-functioning vacuum cleaner in the Ambulance inventory, as surplus for destruction.
Voting Aye: All Nay: None Motion carried.

Hawkins reported Randy Webert is developing an informational newsletter regarding the H1N1 virus.

Action 09357A: A motion was made by Freng and seconded by Tamisiea to accept into the record the report of the Ambulance Department.
Voting Aye: All Nay: None Motion carried.

Action 09358C: A motion was made by Sinclair and seconded by Johnson to recess the regular session of the Board and convene as a Board of Adjustment.
Voting Aye: All Nay: None Motion carried.

The appeal by Gary Johnson regarding the decision reached by the Yankton County Zoning Administrator concerning two building permits to Mr. Rodney Wiese was introduced. The complaint alleges four (4) violations of Article 7, Section 705(1) and Article 17, Section 1721 of the Yankton County Zoning Ordinance. The States Attorney advised the Board of Adjustment could vote to uphold the decision of the Zoning Administrator or overturn the decision of the Zoning Administrator (would require four of five votes). Comments were taken from Michael Marlow, Attorney for Rodney Wiese, Fred Bender, Jeannette Lammers and Gary Johnson, adjacent property owners.

Commissioner Sinclair advised he felt the notices should have included the four (4) alleged violations.

Action 09359Z: A motion was made by Sinclair and seconded by Johnson to table a decision on the issue until the October 6th, 2009 meeting and new notices be published to include the four(4) alleged violations as per the complaint of Gary R. Johnson.
Voting Aye: Sinclair, Johnson, Jensen Nay: Freng, Tamisiea Motion carried 3-2.

Action 09360C: A motion was made by Sinclair and seconded by Tamisiea to recess as a Board of Adjustment and reconvene in regular session.
Voting Aye: All Nay: None Motion carried.

The petition for vacation of Lewis and Clark Trail VAC-1, being part of the original road right of way and also being part of the East six (6) feet of Lot C-30 and B-40, Far View Heights, SE4, Section 13, Township 93N, Range 57W, Yankton County, SD was discussed.

Action 09361H: A motion was made by Freng and seconded by Sinclair to authorize the Auditor to advertise a hearing upon the petition for vacation to be held at the Commission meeting on October 20, 2009.

Voting Aye: All Nay: None Motion carried.

The Auditor was also asked to obtain proposals for a survey to redefine the location of the roadway in question.

Action 09362C: A motion was made by Sinclair and seconded by Johnson to recess the regular session of the Board and convene as a Board of Adjustment.
Voting Aye: All Nay: None Motion carried.

The hearing on the Robert Vesper appeal was cancelled.

Pat Garrity, Zoning Administrator, conducted the First Reading of Ordinance No 2009 2PZ ~ An Ordinance amending Ordinance 16 ~ Regarding Article 9 and Article 15

Action 09363Z: A motion was made by Sinclair and seconded by Tamisiea to set the second reading of Ordinance No 2009 SPZ for the October 6th, 2009 meeting of the Board.
Voting Aye: All Nay: None Motion carried.

Action 09364C: A motion was made by Sinclair and seconded by Johnson to adjourn as a Board of Adjustment and reconvene in regular session.
Voting Aye: All Nay: None Motion carried.

The Board discussed payment of the final bill of Welfl Construction Inc.

Action 09365SC: A motion was made by Sinclair and seconded by Freng to approve the final payment to Welfl Construction Inc in the amount of \$60,237.00.
Voting Aye: All Nay: None Motion carried.

Action 09366C: A motion was made by Freng and seconded by Tamisiea 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.

Action 09367C: A motion was made by Sinclair and seconded by Freng to reconvene the regular session of the Board.
Voting Aye: All Nay: None Motion carried.

The Chairman announced no action would result from the discussion of the personnel issue.

A motion was made by Sinclair and seconded by Freng to adjourn.

The next regular meeting of the Board will be Tuesday, October 6th, 2009 at 5:00 PM in the Commission chambers, with architectural proposals for the proposed highway maintenance shop to precede the meeting.

Bruce Jensen, Chairman
Yankton County Commission

ATTEST:
Paula Jones, Auditor

Published at the approximate cost of _____