

YANKTON COUNTY COMMISSION MEETING  
March 3rd, 2009

The regular meeting of the Yankton County Commission was called to order by Chairman Bruce Jensen at 5:00 PM on Tuesday, March 3rd, 2009.

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

**Action 0973C:** A motion was made by Sinclair and seconded by Freng to set the agenda with the following additions/changes: Bike Trail project, Executive Session (Personnel)  
Voting Aye: All Nay; None Motion carried.

**Action 0974C:** A motion was made by Johnson and seconded by Tamisiea to approve the minutes of the February 13<sup>th</sup> (special), 18<sup>th</sup> (regular) and 25<sup>th</sup> (special) meetings of the Board, correcting a typo in Action 0960Z.  
Voting Aye: All Nay: None Motion carried.

RFP 88-1 to provide an additional wireless remote door opener for Door 223A (Clerk of Courts) for a cost of \$287.00.

**Action 0975SC:** A motion was made by Sinclair and seconded by Freng to approve RFP 88-1 to provide an additional wireless remote door opener for Door 223A (Clerk of Courts) for a cost of \$287.00.

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

**Action 0976H:** A motion was made by Tamisiea and seconded by Johnson to approve the Striping Agreement with SD DOT for thirty-three (33) miles of County roads for a total cost of \$24,753.60, with the County share being \$16,790.75.

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

The Board discussed the Bike Trail project. Commissioner Johnson reported the project may be eligible for stimulus funds and it was the consensus of the Board that the project should proceed on schedule (surveying is completed and right-of-way easements will not be required) in order to meet stimulus funding requirements. The County has set aside funds to meet County share funding requirements.

There were no indigent requests submitted.

**Action 0977C:** A motion was made by Sinclair 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 0978Z:** A motion was made by Sinclair and seconded by Johnson to approve a **Reduction of Minimum Lot Size and Minimum Lot Width Variance Permit for Daron Schenk, noting parcel is located adjacent to golf course and City of Irene land and not in production and further noting similar variances of lot size as**

**follows: November 1, 2005 Kevin Hunhoff 4.35 acres, May 2, 2006 Scott Sorensen 3.97 acres and March 6, 2007 Jerald Hinseth 5.0 acres, as follows: Daron Schenk, 45174 296<sup>th</sup> Street, Irene, SD  
LEGAL DESCRIPTION (Physical Location): N415' E325' W2 NW4 Section 36, Township 96N, Range 54W, Yankton County, SD.**

No comments were received either pro or con.

1. Planning Commission recommends denial 5-4
  2. A lot size reduction variance from 20 acres to 3.10 acres allowing for the placement of a single family dwelling.
  3. A lot size width reduction variance from 500 feet to 350 feet allowing for the placement of a single family dwelling
  4. Granting of variance will bring property into compliance with Yankton County Zoning Ordinance, variance will not confer on the applicant any special privilege
  5. No nonconforming lands, structures or buildings were considered grounds for this recommendation
  6. Use of applicants' property is allowed by the Yankton County Zoning Ordinance and in the district
  7. Variance request approval per Section 1907, Parts 1 through 10 of the Yankton County Zoning Ordinance
- Voting Aye: Sinclair, Johnson, Freng, Tamisiea, Jensen, Nay: None Motion carried 5-0

**Action 0979C:** A motion was made by Sinclair and seconded by Freng to adjourn as a Board of Adjustment and reconvene in regular session.  
Voting Aye: All Nay: None Motion carried.

**Action 0980Z:** A motion was made by Johnson and seconded by Sinclair to grant the applicant, Randy Golden/R.S. Investments, the request for a rezone from Rural Transitional to a Planned Unit Development:

**Randy Golden/R.S. Investments, Rezone Request, Yankton, SD 57078**

**LEGAL DESCRIPTION** Lot BPI, SE4 SE4, Section 15, Township 93N, Range 56W, Yankton County, SD – **Rural Transitional to Planned Unit Development**

**Public Comment: Mr & Mrs David Kline ~ concerning lights, odor and sound**

1. Planning Commission recommends approval 9-0
2. Recommendation/condition: Any wind generation systems shall meet Section 26 of the zoning ordinance;
3. Recommendation/condition: To avoid glare and driver distraction, downcast lighting must be used; and,
4. Recommendation/condition: Fabrication equipment shall be limited primarily (primarily meaning 51%) to use or sale on site.
5. Recommendation/condition: All necessary permits whether Federal, State or local must be obtained;
6. Recommendation/condition: Should odor become a problem the, owner must be prepared to address and eliminate any problems.
7. Request complies with Section 2003 (1-8) of the Yankton County Zoning Ordinance.

Voting Aye: Johnson, Sinclair, Freng, Tamisiea, Jensen, Nay: None Motion carried 5-0.

**Action 0981C:** A motion was made by Sinclair and seconded by Tamisiea to approve a Supplemental Budget as advertised and further to authorize expenditures in the amount of \$11,007.26: General fund reserve to Commission budget \$11,007.26  
Voting Aye: All Nay: None Motion carried.

**Action 0982C:** A motion was made by Freng and seconded by Sinclair to accept the initial Knology proposal for a new telephone/telecommunications system, with final action to be taken upon Knology furnishing the County with a firm quote on the physical telephones.  
Voting Aye: Freng, Sinclair, Johnson, Tamisiea, Jensen Nay: None Motion carried.

**Action 0983Ext:** A motion was made by Sinclair and seconded by Freng to approve as a proper charge against the County, the Extension calendar for the month of March, 2009.  
Voting Aye: All Nay: None Motion carried.

**Action 0984ROD/S/BH/PC:** A motion was made by Sinclair and seconded by Johnson to accept into the record the Register of Deeds' Statement of Transfer Fees collected during the month of February, 2009 in the amount of \$2,934.50 and the Register of Deeds Statement of Fees collected during the month of February, 2009 in the amount of \$11,069.00 and copy fees of \$671.00, the Sheriff's monthly fee report for February 2009, the report of Bob Hanson, Safety Center Site Inspector, the Secondary Road report for February 2009 and the minutes from the February 10, 2009 Planning Commission meeting.  
Voting Aye: All Nay: None Motion carried.

**Action 0985C** A motion was made by Johnson and seconded by Freng to approve the following claims: **Commissioners:** Paula Jones (Supplies) \$18.48, Knology (Utilities) \$82.60, MT & RC Smith (Liability Insurance) \$9,934.00, Star Publishing (Publishings) \$174.31, Karl Schenk (Services) \$11,007.26; **Court:** 1 Payee (Witness Fees) \$20.00, Fox, Youngberg & Lewno (Public Defender) \$9,000.00, Great Plains Psychological (Services) \$4,970.00, Hennepin County Sherriff (Services) \$71.00, Kennedy, Pier & Knoff (Legal Counsel) \$2,219.64, Kabeiseman & Pollard (Legal Counsel) \$729.73, Pottawattamie County Sheriff (Services) \$5.00, Shelby County Sheriff (Services) \$22.00; **Auditor:** Collection Trust (Supplies) \$240.00, Knology (Utilities) \$94.31, Pitney Bowes (Supplies) \$44.65, MT & RC Smith (Liability Insurance) \$460.00, Western Office Plus (Supplies) \$528.83; **Treasurer:** Harland Technology (Maintenance) \$63.75, Knology (Utilities) \$95.61, McLeod's Printing (Supplies) \$353.70, Pitney Bowes (Supplies) \$44.65, MT & RC Smith (Liability Insurance) \$460.00, Star Publishing (Publishings) \$363.61; **Data Processing:** Knology (Utilities) \$48.70; **States Attorney:** Knology (Utilities) \$156.18, Pitney Bowes (Postage) \$44.65, MT & RC Smith (Liability Insurance) \$879.00, Staples (Supplies) \$701.10; **Government Buildings:** Ace Hardware (Supplies) \$34.94, Consolidated Business (Maintenance) \$84.60, Paula Jones (Supplies) \$34.08, JCL Solutions (Supplies) \$111.80, Knology (Utilities) \$24.93, MidAmerican Energy (Utilities) \$1,166.61, Northwestern Energy (Utilities) \$1,400.64, Otis Elevator (Maintenance) \$579.90, MT & RC Smith (Liability Insurance) \$7,218.00, Yankton Janitorial (Supplies) \$83.52; **Director of Equalization:** AllTel (Utilities) \$26.85, Knology (Utilities) \$92.82, McLeod's Printing (Supplies) \$115.90, Pitney Bowes (Supplies) \$44.65, MT & RC Smith (Liability Insurance) \$691.00, Western Office Plus (Supplies) \$479.00; **Register**

**of Deeds:** Brown & Saenger (Supplies) \$319.07, Executive Mgmt Finance (Utilities) \$28.00, Knology (Utilities) \$89.87, McLeod's Printing (Supplies) \$85.00, Microfilm Imaging (Rental) \$609.00, Pitney Bowes (Supplies) \$44.65, MT & RC Smith (Liability Insurance) \$460.00; **Veterans Service:** Knology (Utilities) \$84.38, Pitney Bowes (Supplies) \$44.65, MT & RC Smith (Liability Insurance) \$137.00; **Court House & Safety Center:** City of Yankton (Utilities) \$395.05, Paul Helgerson (Supplies) \$19.08, JCL Solutions (Supplies) \$165.30, Knology (Utilities) \$378.94, MidAmerican Energy (Utilities) \$3,705.22, Northwestern Energy (Utilities) \$4,839.65, MT & RC Smith (Liability Insurance) \$11,206.00, Yankton Janitorial (Supplies) \$415.56; **Sheriff:** AllTel (Utilities) \$114.79, Beck Motors (Maintenance) \$19,186.00, Hy-Vee (Supplies) \$242.58, JB Body Shop (Maintenance) \$187.20, Knology (Utilities) \$176.36, Pennington County Jail (Travel) \$242.00, MT & RC Smith (Liability Insurance) \$12,050.00, Yankton Office Equipment (Maintenance) \$74.50, Yankton Motor (Supplies) \$128.76; **County Jail:** CBM Food Service (Meals) \$3,959.73, Cash-WA Distributing (Supplies) \$383.10, Crawford Supply (Supplies) \$228.72, EcoLab (Supplies) \$1,433.95, JCL Solutions (Supplies) \$88.20, Keefe Supply (Supplies) \$395.04, Knology (Utilities) \$84.47, Printing Specialists (Supplies) \$124.40, Robinson Textiles (Supplies) \$1,476.16, MT & RC Smith (Liability Insurance) \$2,609.00, Yankton Medical Clinic (Services) \$155.38, Yankton Janitorial (Supplies) \$251.60; **Coroner:** Arica Nickles (Supplies) \$1.51, Melisa Smith (Supplies & Travel) \$9.08; **Care of Poor:** Pitney Bowes (Supplies) \$44.65; **Public Health Nurse:** Knology (Utilities) \$97.53, Shannon Pavel (Supplies) \$10.61, MT & RC Smith (Liability Insurance) \$137.00; **Ambulance:** Ace Hardware (Supplies) \$47.93, Avera Sacred Heart Hospital (Supplies) \$96.70, AllTel (Utilities) \$261.30, Battery Exchange (Supplies) \$210.00, Boller Printing (Supplies) \$161.00, Bound Tree Medical (Supplies) \$1,691.65, City of Yankton (Utilities) \$150.57, Credit Collection Service (Services) \$366.19, Century Business Products (Maintenance) \$28.00, Fox Run Quik Lube (Maintenance) \$179.90, Hedahl's (Supplies) \$2.33, Darla Edinger (Services) \$1,000.00, K-Mart (Supplies) \$136.23, Knology (Utilities) \$182.47, MidAmerican Energy (Utilities) \$906.10, Northwestern Energy (Utilities) \$560.75, Master-Tech Auto Clinic (Maintenance) \$669.83, Physio-Control (Supplies) \$108.70, Orkin Pest Control (Maintenance) 71.84, Qwest (Utilities) \$80.00, Roger's Family Pharmacy (Supplies) \$109.66, Racom (Utilities) \$390.60, Sioux Falls 2-Way Radio (Maintenance) \$65.00, MT & RC Smith (Liability Insurance) \$13,167.00, Western Office Plus (Supplies) \$118.23, Yankton Janitorial Supply (Supplies) \$316.00, Your Wireless Store (Supplies) \$90.98, Yankton Computer (Supplies) \$161.94; **Mental Illness Board:** Donna Dietrich (Hearings) \$548.51, Kabeiseman & Pollard (Hearings) \$322.50, Nelva Kooistra (Hearings) \$30.00, Lewis & Clark Behavioral (Hearings) \$852.00, Cathy Rehfuß (Hearings) \$30.00, Shepherd Reporting (Hearings) \$50.00; **Historical Sites:** Cramer Kenyon Heritage (2009 Budget Request) \$1,200.00, Yankton County Historical Society (1<sup>st</sup> Quarter 2009 Budget) \$7,905.75; **County Extension:** Appera (Supplies) \$57.76, Cindy Bergman (Travel) \$50.00, City of Yankton (Utilities) \$31.15, Floor Tec (Maintenance) \$350.00, Hy-Vee (Supplies) \$42.86, Knology (Utilities) \$239.79, MidAmerican Energy (Utilities) \$184.14, Resource Express (Supplies) \$99.00, MT & RC Smith (Liability Insurance) \$1,015.00, Wholesale Supply (Supplies) \$75.90, Western Office Plus (Supplies) \$382.28; **Soil Conservation:** MT & RC Smith (Liability Insurance) \$350.00; **Weed:** Best Western (Travel) \$465.60, MT & RC Smith (Liability Insurance) \$2,623.00, Thomas Schramm (Travel) \$67.54; **Planning & Zoning:** AllTel(Utilities) \$26.85, Knology (Utilities) \$85.94, Pitney Bowes (Supplies) \$44.65, MT & RC Smith (Liability Insurance) \$210.00, Star Publishing (Publishings) \$64.00, Don's Auto Repair (Maintenance)

\$35.00, Western Office Plus (Supplies) \$45.44; **Road & Bridge:** AllTel (Utilities) \$31.71, ADT Security (Services) \$823.77, Bomgaars (Supplies) \$181.82, City of Yankton (Utilities) \$39.77, D-P Tools (Supplies) \$162.41, Michael D. (Tower Rental) \$100.00, Knology (Utilities) \$92.58, Pitney Bowes (Supplies) \$44.65, SD Dept Transportation (Inspection) \$7,158.00, MT & RC Smith (Liability Insurance) \$38,178.00, Star Publishing (Publishings) \$7.03, Yankton County Treasurer (Property Taxes) \$933.96; **911 Fund:** Qwest (Utilities) \$1,361.47; **Emergency Management:** AllTel (Utilities) \$51.80, B-Y Electric (Utilities) \$46.00, Century Business (Lease) \$823.43, Michael D. (Tower Rental) \$100.00, MidAmerican Energy (Utilities) \$90.74, PrintSource (Supplies) \$40.00, MT & RC Smith (Liability Insurance) \$1,288.00; **Capitol Project/Safety Center:** Robert Hanson (Contract) \$375.00, Sherwin-Williams (Blinds) \$575.00; **MISC.:** West Payment Center (Supplies – County Law Library) \$588.75. Total General Fund \$161,193.30, Road & Bridge \$47,753.70, 911 Fund \$1,361.47, Emergency Management \$2,439.97, Capital Project/Safety Center \$950.00, Misc. \$588.75. Manual check (not included in totals): SDACHS (Hwy/Reg) \$80.00. Voting Aye: All Voting Nay: None Motion carried 5-0.

**Action 0986C:** A motion was made by Freng and seconded by Johnson to approve the following gross payroll: **Commissioners:** \$4,316.81; **Auditor:** \$10,267.24; **Treasurer:** \$11,989.42; **States Attorney:** \$19,100.03; **Custodian:** \$2,939.23; **Director of Equalization:** \$13,012.46; **Register of Deeds:** \$9,316.66; **Veterans Service:** Charles E Haffner \$1,866.22; **Courthouse & Safety Center:** \$3,783.50; **Sheriff:** \$36,508.93; **County Jail:** \$41,628.96; **Juvenile Detention:** \$340.00; **Nurse:** \$2,543.55; **Ambulance:** \$31,386.91; **Extension:** \$4,374.61; **Soil Conservation:** \$2,138.50; **Weed:** \$1,858.04; **Planning & Zoning:** \$2,716.47; **Road & Bridge:** \$61,770.89; **WIC/Sheriff:** \$2,383.91; **OEMHS:** \$3,131.47. First Dakota National Bank \$21,611.14 (Withholding), First Dakota National Bank \$32,052.52 (FICA) First Dakota National Bank \$7,496.12 (Medicare) South Dakota Retirement System \$11,916.52 (Sheriff/EDS), South Dakota Retirement System \$20,254.76 (Other Employees), South Dakota Retirement System (Payroll Deduction) \$352.70, South Dakota Retirement System (Payroll Deduction-Spouse Opt) \$356.24, South Dakota Retirement System (Supplemental) \$450.00, American Family Life Assurance Company \$3,958.17, Prepaid Legal Services, Inc \$14.95, Office of Child Support \$371.00, Office of Child Support \$697.00, Nationwide Retirement Solutions \$128.26, Credit Collections Bureau \$100.00, Blue Cross Blue Shield \$33,167.24. Gross Payroll \$330,769.75, Net Payroll \$197,843.13. Voting Aye: All Nay: None Motion carried.

**Action 0987C:** A motion was made by Sinclair and seconded by Johnson to authorize as a proper charge against the County, travel expenses for County officials to attend the District III Annual Legislative Dinner at Mitchell, SD on March 19, 2009. Voting Aye: All Nay: None Motion carried.

The Board advised they would convene in Executive session to discuss a personnel issue.

**Action 0988C:** A motion was made by Johnson and seconded by Sinclair to recess the regular session of the Board and reconvene in Executive session. Voting Aye: All Nay: None Motion carried.

The Board reconvened in regular session.

No action resulted from the Executive session.

A motion was made by Johnson to adjourn.

The next regular meeting of the Board will be Tuesday, March 17th, 2009 at 4:30 PM in the Commission chambers.

Bruce Jensen, Chairman  
Yankton County Commission

ATTEST:  
Paula Jones, Auditor