

YANKTON COUNTY COMMISSION MEETING
February 18, 2009

The regular meeting of the Yankton County Commission was called to order by Chairman Bruce Jensen at 5:00 PM on Wednesday, February 18, 2009.

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

Action 0952C: A motion was made by Tamisiea and seconded by Sinclair to set the agenda with the following additions/changes: Stimulus package discussion
Voting Aye: All Nay: None Motion carried.

Action 0953C: A motion was made by Tamisiea and seconded by Freng to approve the minutes of the February 3rd 2009 meeting of the Board.
Voting Aye: All Nay: None Motion carried.

No indigent requests were presented.

Alan Sorensen, Highway Superintendent, advised the Board Johnson Engineering will be starting survey work on the Deer Boulevard bike trail project.

Action 0954H: A motion was made by Johnson and seconded by Tamisiea to authorize as a proper charge against the County, travel expenses for unnamed Highway personnel to attend the Highway Short course in Chamberlain, SD on March 10th and 12th, 2009.
Voting Aye: All Nay: None Motion carried.

Possible stimulus-eligible road and bridge projects were discussed. Sorensen advised the Board any possible stimulus payment would be equal to County STIP funds, which is \$150,000.

Action 0955H: A motion was made by Johnson and seconded by Tamisiea to adopt two Federal Aid surface Transportation Program Resolutions for FAS Route 6366 ~ County Road 366, approximately 3.7 miles from Yankton to County Road 369 to fill wheel ruts and a two (2) inch asphalt overlay ~ estimated project cost \$400,000, STP Funds \$300,000 resulting in local funds needed of \$60,000 and FAS Route 6370 ~ County Road 368 approximately 4.4 miles from County Road 373 at Clay County line west to County Road 408 ~ estimated project cost \$450,000, STP Funds \$400,000 resulting in local funds needed of \$80,000.
Voting Aye: All Nay: None Motion carried.

These two projects will be listed as potential stimulus fund project also.

The ambulance report for the month of January 2009 was presented by Randy Webert. The department responded to 133 calls in January with 108 1st calls, 13 2nd/3rd calls and 12 transfers. \$87,835 was billed out in January and \$35,672 was receipted in for January. Webert advised the Commission that the year-to-date cost per resident of Yankton County for ambulance services is .75 cents. Year-to-date expenditures were \$51,739 and receipts as of January 31, 2009 were \$35,672.

Action 0956A: A motion was made by Johnson and seconded by Tamisiea to write off \$14,395.63 (Medicare), \$3,761.76 (Medicaid), \$2,096.96 (Misc), \$1,734.85 (Other Misc) and cancel the corresponding liens.

Voting Aye: All Nay: None Motion carried.

Action 0957A: A motion was made by Sinclair and seconded by Freng to authorize as a proper charge against the County, travel and tuition expenses for three or four ambulance personnel to attend the EMS 2009 conference in Sioux City, IA on March 6th and 7th, 2009.

Voting Aye: All Nay: None Motion carried.

Webert advised the Board he is in receipt of a request from the Hartington, NE ambulance department, asking that the Yankton County EMS fill their oxygen tanks on an as needed basis. It was the consensus of the Board that Webert should investigate any possible liability issues with the County insurance agent and further check with the States Attorney regarding a written agreement for both entities to execute, and then to proceed to provide the service as requested once the above issues are addressed.

Action 0958A: A motion was made by Tamisiea and seconded by Johnson to accept into the record the ambulance department report for the month of January, 2009.

Voting Aye: All Nay: None Motion carried.

The Vesper/Fiedler zoning permit appeal was returned to the table as scheduled.

Action 0959Z: 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.

Rob Klimisch, States Attorney discussed the timing of the appeal by Terry Fiedler regarding the issuance of a building permit to Robert and Eva Vesper for an accessory building. Klimisch advised the Board the issue at hand is the Board of Adjustment's jurisdictional ability to hear the appeal. Klimisch further advised the Board that he does not believe the Board of Adjustment has the jurisdiction to hear the appeal as the Zoning ordinance states an appeal must be made within five (5) days of the issuance of a permit (November 20, 2008) and the appeal was dated January 20, 2009. Klimisch further advised the Board of Adjustment could elect to receive into evidence the building permit and the Terry Fiedler appeal.

Action 0960Z: A motion was made by Sinclair and seconded by Tamisiea that the building permit (indicating date of issuance) and Terry Fiedler's appeal (indicating date of appeal) be taken into evidence per advice of the States Attorney.

Voting Aye: All Nay: None Motion carried.

Comments were taken from Terry Fiedler, who requested documents prepared by him also be taken into evidence. Other comments in favor of rescinding the building permit were received from Jim Carlson, Marvin Anderson and Mike McHenry. Kevin Lofthus, attorney for Robert and Eva Vesper, advised he concurs with the States Attorney's recommendation.

There being no further persons who came forward to offer comments, the issue was closed to further public comment and the Board of Adjustment discussed the issue.

Action 0961Z: A motion was made by Freng and seconded by Tamisiea to dismiss the appeal of Terry Fiedler as not being properly before the Board of Adjustment due to the window of time to appeal as outlined in the Yankton County Zoning Ordinance.

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

Terry Fiedler then asked the Board what options were now available. The States Attorney advised that Fiedler could file a complaint with the Zoning Administrator and the States Attorney based on the issuance of the building permit being in violation of the Zoning Ordinance regarding number of allowable accessory buildings.

Action 0962Z: 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.

Rob Klimisch advised the Board that he did not believe Mr. Rod Weiss is agreeable to the proposed compromise regarding the platting of his acreage and relocation of his carport.

Klimisch will report back to the Board as to the process of the negotiations.

Sheriff Hunhoff discussed RFP 100 to relocate three (3) security cameras at the Safety Center in the amount of \$2,650.00.

Action 0963SC: A motion was made by Sinclair and seconded by Tamisiea to approve RFP 100 to relocate three (3) security cameras for a cost of \$2,650.00.

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

RFP 101 to provide security drywall on the ceilings in the jail in lieu of the plaster specified. This is a no-cost change.

Action 0964SC: A motion was made by Tamisiea and seconded by Sinclair to approve RFP 101 to provide security drywall on the ceilings in the jail in lieu of the plaster specified. This is a no-cost change.

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

RFP 102 to balance and test the air handling unit that feeds the jail. Only hours used will be billed up to a maximum of \$2,890.00.

Action 0965SC: A motion was made by Freng and seconded by Johnson to approve RFP 102 to balance and test the air handling unit that feeds the jail. Only hours used will be billed up to a maximum of \$2,890.00.

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

RFP 103 to provide VCT tile in the jail to cover the patched concrete in the amount of \$7,846.00.

Action 0966SC: A motion was made by Freng and seconded by Johnson to approve RFP 103 to provide VCT tile in the jail to cover the patched concrete in the amount of \$7,846.00.

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

The Board discussed the process for filling Planning Commission member terms expiring in April 2009. There will be four members' terms available. The Auditor was authorized to send a PSA to the local media and further to notify the members whose terms are expiring about the process to re-apply if they wish.

Brett Ritter and Jeff Kavan with Knology presented an estimated proposal for upgrading the Government Center telephone system and networking system. No action was taken.

Action 0967C: 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 Southeast District meeting on Wednesday, March 25, 2009 at Parker, SD.

Voting Aye: All Nay: None Motion carried.

Action 0968Int/S/VA/Hwy/BH//MI: A motion was made by Sinclair and seconded by Freng to accept into the record the Auditor's Interest Report for January 2009 indicating interest earned as follows: General fund \$1,327.08, Road & Bridge fund \$136.45, Emergency E911 fund \$111.22, Emergency & Disaster \$2.56, County buildings \$32.72, Special Highway \$0, Safety Center Capital Project \$54.18, Courthouse Debt Service fund \$11.64, the Veterans Service office report for the 2008 annual report and January, 2009, the report of Bob Hanson, Safety Center Project inspector, the Road & Bridge report for January, 2009, the Sheriff's report for January 2009, the Yankton County Planning Commission minutes for January 13th, 2009, the out-of-county mental illness billing report for January, 2009, the Auditor's-Treasurer's reconciliation report for January, 2009 as follows: cash on hand of \$50,735.99, Checking Account Balance \$622,489.28 (1st Dakota National) and \$14,523.68 (First National Bank), Savings Account Balances: Wells Fargo Banks \$1,322,479.85, Cor Trust Bank Gayville \$244,675.39, First Dakota National Bank \$745,950.90, Cor Trust Bank Yankton \$289,116.66; First Federal Bank \$347,626.64; 1st National Bank \$159,378.57; Certificates of Deposit: Wells Fargo Bank \$900,000.00. Bad Checks \$1,393.79. Total Cash and Balances \$4,698,370.75 and the 2009 year-to-date revenue/expenditure report indicating January general fund revenues of \$135,410.72 and general fund expenditures of \$321,213.19 and road and bridge revenue for January of \$221,629.16 and expenditures of \$122,882.50.

Voting Aye: All Nay: None Motion carried.

Action 0969C: A motion was made by Sinclair and seconded by Freng to approve the following claims: **Commissioners:** Knology (Utilities) \$82.60, Lower James RC & D (Services) \$100.00, Yankton County Observer (Publishings) \$391.69, MT & RC Smith (Work Comp) \$126.00, MT & RC Smith (Bonds) \$78.00, Yankton Daily P&D (Publishings) \$362.88; **Elections:** Pack & Ship (Rental) \$39.50; **Court:** 60 Payees @\$10.00 (Juror Fees) \$600.00, 10 Payees @\$60.00 (Grand Juror Fees) \$600.00, 1 Payee (Grand Juror Fees) \$100.00, 1 Payee (Juror/mileage) \$22.20, 3 Payees @8.88 (Juror/mileage) \$26.64, 1 Payee (Juror/mileage) \$10.36, 1 Payee (Juror/mileage) \$32.56, 1 Payee (Juror/mileage) \$3.70, 1 Payee (Juror/mileage) \$7.40, 7 Payees @ \$1.48 (Juror/mileage) \$10.36, 1 Payee (Juror/mileage) \$11.10, 1 Payee (Juror/mileage) \$5.92, County of Ramsey (Services) \$46.80, Department of Motor Vehicles (Services) \$3.00, Dean Schaefer (Hearing) \$210.80; **Auditor:**

Knology (Utilities) \$92.06, Kansas State Bank (Lease Agreement) \$1,222.42, Pack & Ship (Rental) \$39.50, MT & RC Smith (Work Comp) \$637.87, MT & RC Smith (Bonds) \$48.00, Security Shredding (Maintenance) \$30.00, Western Office Plus (Supplies) \$213.02; **Treasurer:** Knology (Utilities) \$86.93, Kansas State Bank (Lease Agreement) \$1,156.47, Miller Consulting (Maintenance) \$17.50, MT & RC Smith (Work Comp) \$744.85, MT & RC Smith (Bonds) \$381.00, Security Shredding (Maintenance) \$30.00, Western Office Plus (Supplies) \$61.84; **Data Processing:** Knology (Utilities) \$44.95, Kansas State Bank (Lease Agreement) \$1,087.13, Miller Consulting (Maintenance) \$245.00, TRK Hosting (Maintenance) \$79.95; **States Attorney:** Kansas State Bank (Lease Agreement) \$1,105.05, MT & RC Smith (Work Comp) \$305.00, MT & RC Smith (Bonds) \$16.00, Western Office Plus (Supplies) \$89.00, **Government Buildings:** Big-M Security (Maintenance) \$40.00, Consolidated Business (Maintenance) \$86.40, JCL Solutions (Supplies) \$40.00, Knology (Utilities) \$24.93, MT & RC Smith (Work Comp) \$701.00, Yankton Winnelson (Supplies) \$151.90; **Director of Equalization:** Knology (Utilities) \$88.75, Kansas State Bank (Lease Agreement) \$1,482.08, Mcleod's Printing (Supplies) \$140.08, MT & RC Smith (Work Comp) \$798.50, MT & RC Smith (Bonds) \$95.00, Western Office Plus (Supplies) \$146.71; **Register of Deeds:** Knology (Utilities) \$91.17, Kansas State Bank (Lease Agreement) \$764.37, MT & RC Smith (Work Comp) \$484.03, MT & RC Smith (Bonds) \$32.00; **Veterans Service:** Knology (Utilities) \$83.66, Kansas State Bank (Lease Agreement) \$402.40, MT & RC Smith (Work Comp) \$115.92, Western Office Plus (Supplies) \$58.62; **Court House & Safety Center:** City of Yankton (Utilities) \$120.00, Eisenbraun & Associates (Maintenance) \$157.50, JCL Solutions (Supplies) \$106.90, Oreck (Supplies) \$42.47, MT & RC Smith (Work Comp) \$971.00, Yankton Janitorial (Supplies) \$456.16; **Sheriff:** Brian's Electric (Maintenance) \$324.62, City of Yankton (Gasoline) \$565.05, Fedex (Supplies) \$4.81, Knology (Utilities) \$89.90, Mobile Electronic Service (Maintenance) \$160.00, Northtown Automotive (Maintenance) \$37.39, Robinson Motors (Maintenance) \$248.35, MT & RC Smith (Work Comp) \$3,806.00, MT & RC Smith (Bonds) \$16.00; **County Jail:** Ace Hardware (Supplies) \$78.35, CBM Food Service (Meals) \$2,512.18, Fullerton's (Supplies) \$250.80, Miller Consulting (Maintenance) \$122.50, Olson's Pest (Maintenance) \$96.00, MT & RC Smith (Work Comp) \$4,580.00, Velvet Uniforms (Supplies) \$29.82, Yankton Drug Co. (Medicine & Supplies) \$1,437.75, Yankton Medical Clinic (Services) \$168.68, Yankton Janitorial (Supplies) \$139.96; **Coroner:** MT & RC Smith (Bonds) \$16.00; **Juvenile Detention:** Minnehaha County Regional (Child Care) \$7,830.00, Volunteers of America (Shelter Care) \$4,100.00; **Care of Poor:** Avera Sacred Heart Hospital (Care) \$10,792.93, Kansas State Bank (Lease Agreement) \$815.44, Roger's Family Pharmacy (Medicine) \$1,286.54, Yankton Drug Company (Medicine) \$107.76; **Contact:** SD State Treasurer (Poor Relief Program) \$6,531.00; **Public Health Nurse:** Ace Hardware (Supplies) \$26.83, Knology (Utilities) \$96.83, MT & RC Smith (Work Comp) \$376.00; **Ambulance:** City of Yankton (Gasoline) \$379.21, Card Service Center (Supplies) \$382.09, Fox Run Quick Lube (Maintenance) \$99.95, H & J Lawn Service (Maintenance) \$115.00, National Registry (Travel) \$160.60, Yankton County Observer (Publishings) 15.00, MT & RC Smith (Work Comp) \$6,709.00 TMA (Maintenance) \$20.65, Yankton Daily P&D (Publishings) \$208.20; **Mentally Handicapped:** SD Achieve (Services) \$180.00; **Mental Illness Board:** Donna Dietrich (Hearings) \$493.61, Joan Kittelson (Hearings) \$15.00, Nelva Kooistra (Hearings) \$30.00, Gary Mikelson (Hearings) \$207.70, Cathy Rehfuß (Hearings) \$15.00; **Senior Citizens:** City of Yankton (2nd-4th Quarter Budget) \$19,645.92; **County Extension:** Ace Hardware (Supplies) \$39.73, Hy-Vee (Supplies) \$56.99, John's Service (Maintenance) \$140.00, Kansas

State Bank (Lease Agreement) \$877.16, Miller Consulting (Maintenance) \$52.50, Northwestern Energy (Utilities) \$277.18, MT & RC Smith (Work Comp) \$329.00, Western Office Plus (Maintenance & Supplies) \$662.21, Yankton Janitorial (Supplies) \$44.40; **Soil Conservation:** MT & RC Smith (Work Comp) \$132.88; **Weed:** MT & RC Smith (Work Comp) \$898.00; **Planning & Zoning:** Champlain Planning (Supplies) \$55.00, Knology (Utilities) \$85.49, Kansas State Bank (Lease Agreement) \$509.24, O'Reilly Auto Parts (Maintenance) \$499.99, MT & RC Smith (Work Comp) \$168.95, Western Office Plus (Supplies) \$69.37, Yankton Daily P&D (Publishings) \$64.82; **Road & Bridge:** A-Ox Welding (Supplies) \$252.79, Ace Hardware (Supplies) \$52.45, Appera (Supplies) \$74.78, B-Y Electric (Utilities) \$24.98, Battery Exchange (Supplies) \$299.85, Butler Machinery (Supplies) \$1,473.71, City of Yankton (Utilities) \$304.25, Cox Auto Supply (Supplies) \$200.32, Concrete Materials (Supplies) \$454.69, Ehresmann Engineering (Supplies) \$129.00, Fastenal (Supplies) \$520.42, Great Plains (Supplies) \$60.00, Hy-Vee (Supplies) \$96.25, Jim Hawk Truck Trailers (Supplies) \$93.00, Hedahls (Supplies) \$479.47, Koletzky Implement (Supplies) \$1,180.98, Kaiser Appliance (Supplies) \$859.15, Knology (Utilities) \$89.37, Kimball Midwest (Supplies) \$340.81, Kansas State Bank (Lease Agreement) \$569.60, Miller Consulting (Maintenance & Supplies) \$872.50, Michael Todd & Co. (Supplies) \$106.90, MidAmerican Energy (Utilities) \$2,657.07, Mike's Auto Glass (Supplies) \$145.00, Northwestern Energy (Utilities) \$534.27, Newman Traffic Signs (Supplies) \$1,024.80, Northern Truck Equipment (Supplies) \$374.64, Northtown Automotive (Supplies) \$26.20, Professional Security (Service) \$69.00, Yankton County Observer (Publishings) \$27.48, Riverside Hydraulics (Supplies) \$102.72, MT & RC Smith (Work Comp) \$20,708.00, MT & RC Smith (Bonds) \$32.00, Southeastern Electric (Utilities) \$77.40, Vanderhule's (Supplies) \$31.50, Varilek Truck Repair (Repair) \$12,133.81, Wick's (Supplies) \$810.66, Western Office Plus (Supplies) \$58.62, Yankton P&D (Publishings) \$46.88, Yankton Automotive (Supplies) \$127.50, Yankton Diesel Injection (Supplies) \$124.00, Yankton Winnelson (Supplies) \$151.90, Yankton Motor Co. (Supplies) \$25.97; **911 Fund:** Golden West (Utilities) \$145.00, Knology (Utilities) \$1,100.00; **Emergency Management:** Knology (Utilities) \$138.26, Kansas State Bank (Lease Agreement) \$683.29, MT & RC Smith (Work Comp) \$840.00; **Capitol Project/Safety Center:** Welfl Construction (Project #26185) \$34,537.00; **MISC.:** West Payment Center (Supplies – County Law Library) \$484.00.

Total General Fund \$98,573.33, Road & Bridge \$47,824.69, 911 Fund \$1,245.00, Emergency Management \$1,661.55, Capital Project/Safety Center \$34,537.00, Misc. \$484.00.

Manual check not in total: SD State Treasurer (MI/Services) \$4,427.27.

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

Action 0970C: A motion was made by Freng and seconded by Tamisiea to approve the following abatements: Tom Ortman (09.018.100.222) in the amount of \$7,623.29 – structure burned 12-22-07, Ann M. Heine (01.017.100.250) in the amount of \$1,883.82 – structure burned 12-17-07, Violet Waters (78.540.001.200) in the amount of \$629.48 – qualified for tax freeze, and Richard Franklin (10.002.300.126) in the amount of \$254.37 – value entry error in Assessor's office.

Voting Aye: All Nay: None Motion carried.

The auditor was asked to notify Greg Henderson at Planning & Development, District III that the County would like the east and west side proposed sewer projects and the proposed

County Highway shop building placed on the list of possible projects qualifying for stimulus dollars.

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

The next regular meeting of the Board will be Tuesday, March 3rd 2009 at 4:30 PM in the Commission chambers.

Bruce Jensen, Chairman
Yankton County Commission

ATTEST:
Paula Jones, Auditor