

YANKTON COUNTY COMMISSION MEETING
October 6th, 2009

The regular meeting of the Yankton County Commission was called to order by Chairman Bruce Jensen at 4:00 PM on Tuesday, October 6th, 2009.

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

Action 09373C: A motion was made by Sinclair and seconded by Freng to set the agenda with the following changes/additions: An additional Executive Session regarding a personnel matter.

Voting Aye: All Nay: None Motion carried.

Action 09374C: A motion was made by Johnson and seconded by Sinclair to approve the minutes of the September 15th, 23rd and 28th meetings of the Board.

Voting Aye: All Nay: None Motion carried.

Action 09375C: A motion was made by Sinclair and seconded by Johnson to recess the regular session of the Board and convene in Executive Session to address a personnel matter.

Voting Aye: All Nay: None Motion carried.

Action 09376C: A motion was made by Sinclair and seconded by Johnson to reconvene in regular session.

Voting Aye: All Nay: None Motion carried.

Chairman Jensen announced no action would result from the Executive Session.

Action 09377ROD, H, Aud/Tr,Aud,S, Int: A motion was made by Johnson and seconded by Freng to accept into the record the September Secondary Road report indicating total expenditures for September of \$77,952.64, the Register of Deeds Statement of Fees collected for September 2009 in the amount of \$10,121.00 and the Register of Deeds statement of transfer fees collected during the month of September 2009 in the amount of \$5,659.00 and copy fees of \$594.20, the Auditor/Treasurer's report for September, 2009 indicating Cash on Hand \$48,185.53, Checking account balances – First Dakota National \$51,939.57 and First National Bank \$32,875.47, Savings Accounts – Wells Fargo Banks \$1,162,845.03, Cor Trust Bank Gayville \$546,364.21, First Dakota National \$856,891.73, Cor Trust Bank Yankton \$540,750.94, 360 Bank \$348,548.33 and First National Bank \$751,188.86; Bad checks \$1,044.80 and Grand total cash and bank balances \$4,340,634.47; the Sheriff's monthly fee report for September, 2009 indicating revenue of \$5,521.65; the monthly revenue & expenditure reports for major funds; and the Interest report for September 2009 indicating General Fund \$1,181.51, E911 \$132.43, OEMHS \$9.62, County Buildings \$39.85, Safety Center Capital Project \$20.42 and Debt Service \$74.48.

Voting Aye: All Nay: None Motion carried.

Action 09378C: A motion was made by Sinclair and seconded by Freng to approve the following claims: **Commissioners:** Knology (Utilities) \$93.13, River Rat Productions (Services) \$250.00, Yankton County Observer (Publishings) \$163.77, Star Publishing (Publishings) \$681.69, Town of Lesterville (Mowing) \$357.50; **Court:** 23 Payees @\$10.00 (Juror Fees) \$230.00, 9 Payees @\$50.00 (Grand Jury Fees) \$450.00, 12 Payees @ \$150.00 (Juror Fees) \$1,800.00, 7 Payees @.74 (Juror/mileage) \$5.18, 2 Payees @\$11.10 (Juror/mileage) \$22.20, 2 Payees @\$4.44 (Juror/mileage) \$8.88, 2 Payees @\$22.20 (Juror/mileage) \$44.40, 1 Payee (Juror/mileage) \$35.52, 1 Payee (Juror/mileage) \$14.80, 1 Payee (Juror/mileage) \$26.64, 2 Payees @\$13.32 (Juror/mileage) \$26.64, 1 Payee (Juror/mileage) \$2.96, 1 Payee (Juror/mileage) \$18.50, Fox, Youngberg & Lewno (Public Defender) \$9,000.00, SD Dept of Health (Lab) \$1,136.00; **Auditor:** Knology (Utilities) \$116.99, Pitney Bowes (Maintenance) \$62.70; **Treasurer:** Harland Technology (Maintenance) \$63.75, Knology (Utilities) \$125.17, Pam Marchand (Travel) 149.18, Knology (Utilities) \$125.17, Pitney Bowes (Maintenance & Rental) \$323.70; **Data Processing:** Knology (Utilities) \$67.45, Western Office Plus (Supplies) \$31.98; **States Attorney:** A & B Business (Maintenance & Supplies) \$37.42, Knology (Utilities) \$151.08, Rob Klimisch (Travel) \$328.40, Kansas State Bank (Rental) \$945.67, National Directory (Supplies) \$144.00, Pitney Bowes (Maintenance) \$62.70, Staples (Supplies) \$573.96, Great Western Bank (Lease Agreement) \$158.46, West Payment Center (Books) \$484.00; **Government Buildings:** City of Yankton (Utilities) \$417.41, JCL Solutions (Maintenance) \$66.96, Knology (Utilities) \$25.61, MidAmerican Energy (Utilities) \$266.41, Northwestern Energy (Utilities) \$2,461.37, Yankton Janitorial (Supplies) \$159.31; **Director of Equalization:** AllTel (Utilities) \$27.10, Connie Dorzok (Travel) \$151.00, Roberta Zimmerman (Travel) \$151.00, Knology (Utilities) \$133.14, McLeod's Printing (Supplies) \$45.47, Lori Mackey (Travel) \$151.00, Lori Mackey (Vehicle Repairs & Gasoline) \$687.16, Pitney Bowes (Maintenance) \$62.70; **Register of Deeds:** Executive Mgmt Finance (Utilities) \$30.00, Brian Hunhoff (Travel) \$127.28, Knology (Utilities) \$119.48, Microfilm Imaging (Maintenance) \$661.50, Pitney Bowes (Maintenance) \$62.70; **Veterans Service:** Knology (Utilities) \$94.73, Pitney Bowes (Maintenance) \$62.70; **Court House & Safety Center:** City of Yankton (Utilities) \$1,583.57, Knology (Utilities) \$403.75, MidAmerican Energy (Utilities) \$552.86, Northwestern Energy (Utilities) \$6,757.27, Yankton Janitorial (Supplies) \$618.96; **Sheriff:** AllTel (Utilities) \$87.94, Fedex (Supplies) \$4.10, Hewlett-Packard (Supplies) \$605.00, Knology (Utilities) \$196.29, Northtown Automotive (Maintenance) \$255.14; **County Jail:** American Institutional (Supplies) \$29.95, Cascade County Sheriff (Medical) \$9.81, CBM Food Service (Meals) \$4,838.98, Hy-Vee (Supplies) \$374.51, Knology (Utilities) \$96.50, Larry's Plumbing (Maintenance & Supplies) \$337.03, Robinson Textiles (Supplies) \$256.00, Velvet Uniforms (Supplies) \$149.97, Yankton Drug Co. (Supplies) \$6.29, Yankton Medical Clinic (Supplies) \$74.76; **Coroner:** Melisa Smith (Travel) 12.21, Melisa Smith (Supplies) \$1.73; **Care of Poor:** Jennifer Adamson (Travel) \$33.00, Pitney Bowes (Maintenance) \$62.70; **Public Health Nurse:** Knology (Utilities) \$108.44, Pitney Bowes (Maintenance) \$62.70, SD Department of Health (4th Quarter 2009 Budget) \$2,575.00; **Ambulance:** First Dakota National Bank (EMS

Checking Account) \$50.00, Aspen Mills (Freight & Supplies) \$408.25, Center for Education (Books) \$254.95, AllTel (Utilities) \$199.46, Boller Printing (Supplies) \$130.00, City of Yankton (Utilities) \$198.95, Credit Collections (Services) \$254.23, Century Business Products (Maintenance) \$32.84, Embroidery & Screen Works (Supplies) \$353.25, Fox Run Quik Lube (Maintenance) \$175.90, Hy-Vee (Supplies) \$46.28, Hedahls (Supplies) \$5.44, Darla Edinger (Services) \$1,000.00, Knology (Utilities) \$170.45, Henry Schein (Supplies) \$183.80, MidAmerican Energy (Utilities) \$23.66, Midwest Vehicle Professional (Supplies) \$102.50, Northwestern Energy (Utilities) \$788.65, National Registry of EMT's (Supplies) \$150.00, Olson's Pest Technician (Maintenance) \$1,750.00, Orkin Pest Control (Maintenance) \$74.71, Pitney Bowes (Rental) \$210.00, SDEMTA Conference (Registration) \$475.00, Yankton Janitorial (Supplies) \$64.00; **Mentally Handicapped:** SD Achieve (Services) \$180.00; **Mental Health Centers:** Ability Building Services (2nd Half 2009 Budget) \$10,250.00; **Mental Illness Board:** Denise Cody (Hearings) \$30.00, Donna Dietrich (Hearings) \$98.31, Marvin Ekeren (Hearings) \$15.00, Kennedy, Pier & Knoff (Hearings) \$98.40, Kabeisman & Pollard (Hearings) \$41.00, Lewis & Clark BHS (Hearings) \$1,278.00, Cathy Rehfuss (Hearings) \$15.00, Shepherd Reporting (Hearings) \$25.00; **Library:** Yankton Community Library (2nd Half 2009 Budget) \$10,000.00; **County Extension:** Appera (Supplies) \$58.24, Jana Pederson (Registration) \$90.00, Cindy Bergman (Registration) \$60.00, City of Yankton (Utilities) \$41.97, Extension Service (Travel) \$327.08, J & H Cleaning (Services) \$200.00, Knology (Utilities) \$230.62, Northwestern Energy (Utilities) \$320.20; **Weed:** Crop Production Service (Chemicals) \$2,770.00; **Planning & Zoning:** AllTel (Utilities) \$27.10, Joyce Franklin (Travel) \$8.14, Patrick Garrity (Travel) \$526.33, Knology (Utilities) \$95.37, Pitney Bowes (Maintenance) \$62.70, Western Office Plus (Maintenance & Supplies) \$18.78, Yankton Office Equipment (Supplies) \$239.80; **Road & Bridge:** AllTel (Utilities) \$31.73, Bomgaars (Supplies) \$559.82, B-Y Water (Utilities) \$81.25, City of Yankton (Utilities) \$72.68, Clark's Rental (Rental) \$30.00, D-P Tools (Supplies) \$119.80, Diamond Mowers (Supplies) \$1,722.84, Farm Plan (Supplies) \$22.05, Knology (Utilities) \$98.55, MidAmerican Energy (Utilities) \$13.72, Northwestern Energy (Utilities) \$676.06, Pitney Bowes (Maintenance) \$62.70, Qwest (Utilities) \$97.91, Stern Oil (Supplies) \$2,374.11, TMA (Supplies) \$980.06, Yankton Diesel Injection (Supplies) \$151.34; **911 Fund:** Qwest (Utilities) \$1,413.41; **Emergency Management:** Alltel (Utilities) \$86.90, Racom (Utilities) \$28.30; **24/7 Sobriety Fund:** Pharmchem (Supplies) \$100.00, Redwood Biotech (Supplies) \$836.16; **Capitol Project:** Architecture, Inc. (Outside Project) \$29,050.00, Wohl's Plumbing & Heating (Outside Project) \$5,494.15; **Misc.:** West Payment Center (Supplies) \$762.25; **Tower Fund:** Center for Municipal Solutions (Services) \$2,489.00.

Total General Fund \$78,474.85, Road & Bridge \$7,094.62, 911 Fund \$1,413.41, Emergency Management \$115.20, 24/7 Program \$936.16, Capitol Project \$34,544.15, Misc. \$762.00, Tower Fund \$2,489.00.

Voting Aye: All Voting Nay: None Motion carried 4-0.

Action 09379C: 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 \$792.49; **Auditor:** \$10,320.10; **Treasurer:** \$11,396.94; **States Attorney:** \$19,100.03;

Custodian: \$2,490.27; **Director of Equalization:** \$15,387.39; **Register of Deeds:** \$7,789.82; **Veterans Service:** \$1,866.22; **Courthouse & Safety Center:** \$3,783.50; **Sheriff:** \$36,399.28; **County Jail:** \$45,004.23; **Juvenile Detention:** \$335.00; **Nurse:** \$2,443.55; **Ambulance:** \$29,610.93; **Extension:** \$2,403.74; **Soil Conservation:** \$2,211.74; **Weed:** \$2,861.77; **Planning & Zoning:** \$2,716.47; **Road & Bridge:** \$60,305.87; **OEMHS:** \$3,261.47; **24/7 Program:** \$1,855.00. South Dakota Retirement System (Buy Back) \$166.63, South Dakota Retirement System \$12,575.40 (Sheriff/EDS), South Dakota Retirement System \$19,710.58 (Other Employees), South Dakota Retirement System (Payroll Deduction-Spouse Opt) \$308.25, South Dakota Retirement System (Supplemental) \$580.00, American Family Life Assurance Company \$3,744.50, 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 \$16,451.05 (Withholding), First Dakota National Bank \$32,233.02 (FICA) First Dakota National Bank \$7,538.34 (Medicare), Credit Collections Bureau \$74.32, Blue Cross Blue Shield \$36,034.33 Gross Payroll \$335,013.57, Net Payroll \$204,385.94.
Voting Aye: All Nay: None Motion carried

Action 09380C: A motion was made by Sinclair and seconded by Freng to authorize the Auditor to move the sum of \$12,500 received as a Point of Dispensing Enhancement Grant from General Fund undesignated funds to General Fund designated funds in order to track grant expenditures.
Voting Aye: All Nay: None Motion carried.

Action 09381C: A motion was made by Sinclair and seconded by Johnson to approve the basic service agreement with Johnson Controls for the Government Center heating and cooling system in the amount of \$8,750.00 for the first of three years, \$9,013.00 for the second year and \$9,284.00 for the third year.
Voting Aye: All Nay: None Motion carried.

Action 09382C: 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.

Three indigent claims were presented to the Board for consideration. #1 Request for County payment (estimated \$3,000 to \$5,000) for a medical procedure. (Payment recommended by Jennifer Adamson, Poor Relief Administrator) #2 Request for County payment of an emergency room charge of \$2,400 (not repriced amount). (Payment recommended by Adamson). #3 Request for County payment of hospital, radiology and clinic bills totaling approximately \$9,000.00 (not repriced amount). (Payment recommended by Adamson with a repayment agreement)
It was the consensus of the Board to pay all requests after repricing and with a signed repayment agreement for request #3.

Kevin & Lori Huber addressed the Board with concerns regarding the County's contract with the Second Chance Rescue Center. Comments were taken from the Huber's and Nancy Voegle. Sheriff Hunhoff advised that the Yankton

County contract requires that any involvement by Second Chance has to be initiated by the Sheriff's office.

Action 09383C: 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.

Action 0984Z: A motion was made by Sinclair and seconded by Freng to adopt "A Resolution Amending the Yankton County Zoning Ordinance – Ordinance #16; Article 9 and Article 15."

Voting Aye: Sinclair, Freng, Johnson, Jensen Nay: None Motion carried 4-0.

Action 09385C: 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 09386C: A motion was made by Sinclair and seconded by Johnson to approve paying for seasonal influenza shots for all full-time employees and part-time EMTs.

Voting Aye: All Nay: None Motion carried.

Action 09387C: A motion was made by Johnson 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.

Rob Klimisch, States Attorney, advised the Rod Wiese appeal has been tabled until the next County Commission meeting.

Action 09388Z: A motion was made by Sinclair and seconded by Freng to approve **A Lot Setback Variance Permit**, for **Gary Hauck** as follows:

Gary Hauck, 43431 SD Highway 46, Utica, SD

LEGAL DESCRIPTION (Physical Location): Tract 1, SE4, Section 31, Township 96N, Range 56W, Yankton County, SD

1. Planning Commission recommends approval 9-0.
2. A setback variance of 65 feet or no closer than 10 feet to the lot line.
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, Article 19 of the Yankton County Zoning Ordinance

Voting Aye: All Nay: None Motion carried.

Action 09389Z: A motion was made by Johnson and seconded by Freng to approve **A Lot Size Variance Permit**, for **David 7 Bernadette Hacecky** as follows:

David & Bernadette M Hacecky, 44185 303rd Street, Mission Hill, SD

LEGAL DESCRIPTION (Physical Location): Tract 1, Eagle's Roost, Government Lot 1 of NW4, Section 4, Township 94N, Range 55W and Government Lot 5, NE4, Section 5, Township 94N, Range 55W, Yankton County, SD

1. Planning Commission recommends approval 9-0.
2. A lot size variance of 17 acres or a lot size of three (3) 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, Article 19 of the Yankton County Zoning Ordinance

Voting Aye: All Voting Nay: None Motion carried.

Action 09390C: A motion was made by Johnson and seconded by Sinclair to adjourn as a Board of Adjustment and reconvene in regular session.

Voting Aye: All Nay: None Motion carried.

Action 09391Z: A motion was made by Johnson and seconded by Freng to adopt the following resolution: Whereas it appears that David & Bernadette M Hacecky, owners of record, have caused a plat to be made of the following real property: Tract 1, Eagle's Roost, Government Lot 1 of the NW4, Section 4 and in Government Lot 5 NE4, Section 5, Township Ninety-Four (94)N, Range Fifty-Five (55) 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: All Voting Nay: None Motion carried.

Sharon Guthmiller, Extension Educator, advised the Board there have been 23 applications for the Youth Development/4-H Coordinator position. The Extension Board will be conducting interviews and will bring a recommendation to the Board. Guthmiller also distributed the updated job description for the position.

Representatives from Johnson Controls discussed the process for applying for current energy assistance grant dollars as it relates to replacing the boilers and air handlers in the old portion of the Safety Center.

Action 09392C: A motion was made by Sinclair and seconded by Johnson to proceed with the initial recommended steps to include advertising for a partnering proposal with energy service providers, to obtain an energy assessment and pursuing the possibility of the design build process.

Voting Aye: All Nay: None Motion carried.

Alan Sorensen, Highway Superintendent, advised that he has closed a bridge south of Joe's Substation due to damage caused by something colliding with the bridge framework causing it to be unsafe. Sorensen further advised the bridge has been inspected by Pete Johnson, bridge inspector, and Johnson recommended closure of the bridge. Sorensen was asked to contact DOT in Pierre to obtain a Resolution to have the bridge placed on the State plan for repair/replacement, as recommended.

Action 09393H: A motion was made by Sinclair and seconded by Johnson to authorize the Chairman to sign the Resolution.

Voting Aye: All Nay: None Motion carried.

Action 09394H: A motion was made by Johnson and seconded by Freng to authorize the transfer of \$12,548.90 from General Fund designated funds for Road & Bridge Maintenance/Construction to the Road & Bridge fund for magnesium water application charges.

Voting Aye: All Nay: None Motion carried.

Action 09395E911: A motion was made by Sinclair and seconded by Johnson to approve payment of travel expenses in the amount of \$1,830.00 from E911 funds for three dispatchers to attend the Dakota 911 Conference in Fargo, ND.

Voting Aye: All Nay: None Motion carried.

The Board discussed the need for a drainage ordinance to address the increasing number of tiling plans being presented to the County.

The additional Executive Session to address a personnel issue was cancelled.

The next regular meeting of the Board will be Tuesday, October 20th, 2009 at 5:00 PM in the Commission chambers, with architectural proposals for the proposed Highway maintenance building to be heard prior to the meeting.

Bruce Jensen, Chairman
Yankton County Commission

ATTEST: Paula Jones, Auditor

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