

YANKTON COUNTY COMMISSION MEETING  
November 17th, 2009

The regular meeting of the Yankton County Commission was called to order by Chairman Bruce Jensen at 4:00 PM on Tuesday, November 17th, 2009.

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

**Action 09452C:** A motion was made by Sinclair and seconded by Tamisiea to set the agenda with the following changes/additions: Library contract and Christmas holiday schedule

Voting Aye: All Nay: None Motion carried.

**Action 09453C:** A motion was made by Freng and seconded by Johnson to approve the minutes of the November 3rd, 2009 meeting of the Board.

Voting Aye: All Nay: None Motion carried.

The Commission acknowledged receipt of one proposal from Johnson Controls, Inc for partnering with energy service providers to obtain an energy assessment to initiate the energy grant application process. After discussion regarding cost, timeline and end results, the following action was taken:

**Action 09454C:** A motion was made by Tamisiea and seconded by Freng to accept the proposal for partnering with Johnson Controls, Inc to obtain an energy assessment.

Voting aye: All Nay: None Motion carried.

The Board discussed the Christmas holiday schedule with the following action taken:

**Action 09455C:** A motion was made by Freng and seconded by Tamisiea to close the Government Center on Thursday, December 24<sup>th</sup>, 2009.

Voting Aye: All Nay: None Motion carried.

The Board heard an appeal regarding an indigent request for financial assistance with a medical procedure. The Board had previously denied the request as the applicant had not contacted the County for pre-approval. The issue was tabled for further review.

The ambulance report for the month of October 2009 was presented by Steve Hawkins. The department responded to 137 calls in September with 117 1<sup>st</sup> calls, 17 2<sup>nd</sup>/3<sup>rd</sup> calls, 3 standbys and 12 transfers. \$90,374 was billed out in October and \$51,143 was receipted in for October. Hawkins advised the Commission that the year-to-date cost per resident of Yankton County for ambulance services is -.38 cents. Year-to-date expenditures were \$490,232 and receipts were \$498,297.

**Action 09456A:** A motion was made by Sinclair and seconded by Freng to adjust the following bills: Medicare adjustments \$20,779.27, Medicaid adjustment \$1,728.78, miscellaneous uncollectible bills totaling \$1,312.27 and the liens moved to inactive status.

Voting Aye: All Nay: None Motion carried

**Action 09457A:** A motion was made by Johnson and seconded by Sinclair to authorize as a proper charge against the County, travel expenses ambulance personnel to participate in the H1N1 flu immunizations (schedule to be forthcoming) for Yankton, Charles Mix, Tripp, Menno & Bon Homme counties.

Voting Aye: All Nay: None Motion carried.

**Action 09458A:** A motion was made by Sinclair and seconded by Freng to authorize travel expenses for ambulance personnel for an H1N1 clinic in Bon Homme County on November 16<sup>th</sup>, 2009, as pre-approved.

Voting Aye: All Nay: None Motion carried.

Hawkins discussed moving forward with converting the EMS department to the State Radio System. The total cost will be \$13,451.75, with the County responsibility being approximately \$3,325.

**Action 09459A:** A motion was made by Sinclair and seconded by Johnson to authorize the ambulance department to proceed with the grant application process for converting to the State Radio System and further to authorize the County share be paid from the E911 fund.

Voting Aye: All Nay: None Motion carried.

**Action 09460A:** A motion was made by Johnson and seconded by Tamisiea to approve hiring Troy Cowman to fill the vacant paramedic position.

Voting Aye: All Nay: None Motion carried.

Per recommendation by Hawkins:

**Action 09461A:** A motion was made by Freng and seconded by Johnson to change the Full Time Ambulance Paramedic job title to Senior Paramedic and to reflect said change in the employee manual. The title change will not affect status, responsibilities or salaries.

Voting Aye: All Nay: None Motion carried.

Hawkins recommended the establishment of a new position (as previously discussed) for a Department Training Officer. The person holding the position will be responsible for all training conducted by YCEMS, will function as a Senior Paramedic when on the schedule and act as the Department Administrator in the absence of the Administrator. Hawkins furnished the Board with a job description for the position and the employee manual will be changed to reflect this change.

**Action 09462A:** A motion was made by Johnson and seconded by Freng to accept the job description as presented.

Voting Aye: All Nay: None Motion carried.

**Action 09463A:** A motion was made by Johnson and seconded by Tamisiea to proceed with the hiring process and further to fund the position to reflect the additional responsibilities.

Voting Aye: All Nay: None Motion carried.

**Action 09464C:** A motion was made by Sinclair and seconded by Freng to approve the Agreement for the Provision of Library Services with the city of Yankton providing for an annual payment by the County of \$20,000.00.

Voting Aye: All Nay: None Motion carried.

**Action 09465W/Aud:** A motion was made by Johnson and seconded by Tamisiea to approve travel expenses for Weed Department personnel to attend a purple loosestrife conference in Clay County on November 30, 2009 and travel expenses for Auditor's office personnel to attend an election school in Pierre, SD on November 18 through the 20<sup>th</sup>, 2009.

Voting aye: All Nay: None Motion carried.

**Action 09466C:** A motion was made by Tamisiea and seconded by Freng to authorize as a proper charge against the County, travel expenses for County officials to attend the District Meeting in Bon Homme County on Wednesday, December 9<sup>th</sup>, 2009.

Voting Aye: All Nay: None Motion carried.

**Action 09467Aud/Tr,Aud,S,MI, Int:** A motion was made by Sinclair and seconded by Freng to accept into the record the Auditor/Treasurer's report for October, 2009 indicating Cash on Hand \$858,257.47, Checking account balances – First Dakota National \$765,877.54 and First National Bank \$20,967.23, Savings Accounts – Wells Fargo Banks \$2,363,144.03, Cor Trust Bank Gayville \$1,046,626.16, First Dakota National \$1,557,863.61, Cor Trust Bank Yankton \$1,140,973.17, 360 Bank \$948,645.26 and First National Bank \$1,071,438.24; Bad checks \$1,020.53 and Grand total cash and bank balances \$9,774,813.24, the Auditor's pooled cash report for October 2009 indicating \$9,774,813.24; the October Mental Illness hearings billing in the amount of \$6,992.25; the Sheriff's and Jail monthly report for October, 2009; and the Interest report for October 2009 indicating General Fund \$1,360.55, E911 \$41.98, OEMHS \$3.50, County Buildings \$21.42, Safety Center Capital Project \$3.46 and Debt Service \$63.08.

Voting Aye: All Nay: None Motion carried.

The Auditor discussed with the Board the new regulations regarding incarceration of inmates that are in altered states. The issue was referred to the Sheriff and States Attorney for definition.

**Action 09468C:** A motion was made by Tamisiea and seconded by Sinclair to approve the following claims:

**Action 09469C:** A motion was made by Sinclair and seconded by Freng to approve payment of the State of South Dakota bill for road construction adjacent to the Town of Gayville as per a prior agreement with the State of South Dakota and Clay County.

Voting Aye: All Nay: None Motion carried.

**Action 09470C:** A motion was made by Johnson and seconded by Freng to authorize the Auditor to publish a notice for hearing upon a Malt Beverage license application, a wine license application renewal and a liquor license transfer, said hearing to be conducted at the December 15<sup>th</sup>, 2009 meeting of the Board.

Voting Aye: All    Nay: None    Motion carried.

**Action 09471C:** A motion was made by Sinclair and seconded by Freng to approve an abatement of \$31.96 (interest) for Calvary Baptist Church on Parcel 78.235.000.55.

Voting Aye: All    Nay: None    Motion carried.

**Action 09472Z:** A motion was made by Sinclair and seconded by Johnson to adopt the following resolution: Whereas it appears that Darold Loecker, owner of record, has caused a plat to be made of the following real property: Lots C-29A, C030A, B40A, and B041A, being part of the original road right of way and also including the E6' S50' Lot C-29 and also the E6' Lots c-30, B-40 and B-41, Far View Heights, SE4, Section 13, Township 93N, Range 57W of the 5<sup>th</sup> 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    Nay: None    Motion carried 5-0.

**Action 09473Z:** A motion was made by Johnson and seconded by Tamisiea to adopt the following resolution: Whereas it appears that Bay Properties, owners of record, have caused a plat to be made of the following real property: Lot 10 & Lot 19, Baycliffe Estates, W2 S12.91 Acres of S2 SW4, Section 7, and W1 W2 Section 18, North of Highway 52, Exc platted areas known as Tramp's 7<sup>th</sup> Addition and Exc Lots 1 & 2 Parcel A, and further excepting Parcels B & C, McVay Addition, all in Township 93N, Range 56W of the 5<sup>th</sup> 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    Nay: None    Motion carried 5-0.

**Action 09474H:** A motion was made by Tamisiea and seconded by Johnson to approve the application for occupancy in Yankton County highway right-of-way submitted by Slowey Construction for water/sewer line installation in Section 17, Township 93N, Range 55W.

Voting Aye: All    Nay: None    Motion carried.

Chairman Jensen signed the amendment to work order for consultant services for the Deer Boulevard Bike Path project (as previously authorized) to reflect the additional charges necessitated by the requirement to conduct an encroachment survey.

The Board returned the issue of the proposed Highway Maintenance facility to the table. The Board then reviewed and discussed the architectural proposals as re-submitted. Proposals reworked and resubmitted were: Marquis X Erickson \$39,700.00, Mannes

Architects 5.25% or \$78,750 on a 1.5 million dollar structure, Architecture Automated, Inc \$51,580.

**Action 09475H:** A motion was made by Johnson and seconded by Freng to negotiate with Marquis X Erickson, as low bidder, to determine exact scope of services to be provided if awarded the contract for the Highway facility. (Commissioners Johnson and Freng and Highway Superintendent Sorensen will meet with Erickson – Auditor’s note).

Voting Aye: All Nay: None Motion carried.

The appeal of Gary Johnson requesting zoning ordinance conformance regarding a property owned by Rodney Weise was returned to the table. Mike Marlow, Attorney for Rodney Weise made a motion to dismiss the appeal. Gary Johnson addressed the Board regarding the nature of his appeal. The parties concerned requested a recess to discuss a compromise.

**Action 09476Z:** A motion was made by Johnson and seconded by Tamisiea to recess as a Board of Adjustment and reconvene in Executive session to discuss a personnel matter.

Voting Aye: All Nay: None Motion carried.

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

**Action 09477Z:** A motion was made by Sinclair and seconded by Johnson to recess the regular session of the Board and reconvene as a Board of Adjustment.

Voting Aye: All Nay: None Motion carried.

**Action 09478Z:** A motion was made by Sinclair and seconded by Tamisiea to dismiss the appeal by Gary Johnson per the compromise agreement reached by the parties involved.

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

**Action 09479Z:** A motion was made by Johnson and seconded by Freng to accept the conditions of the above-referenced compromise agreement as presented. (The agreement is on file in the Zoning Administrator’s office and the Auditor’s office.)

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

**Action 09480C:** A motion was made by Freng and seconded by Johnson to adjourn as a Board of Adjustment and reconvene in regular session.

Voting Aye: All Nay: None Motion carried.

A motion was made by Sinclair to adjourn.

The next regular meeting of the Board will be Tuesday, December 1st, 2009 in the Commission chambers.

Bruce Jensen, Chairman  
Yankton County Commission

ATTEST: Paula Jones, Auditor

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