

YANKTON COUNTY COMMISSION MEETING
June 2nd, 2009

The regular meeting of the Yankton County Commission was called to order by Chairman Bruce Jensen at 2:15 PM on Tuesday, June 2nd, 2009.

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

Action 09195C: A motion was made by Sinclair and seconded by Tamisiea to set the agenda with the following additions/changes: Malt beverage license apps
Voting Aye: All Nay; None Motion carried.

Action 09196C: A motion was made by Tamisiea and seconded by Freng to approve the minutes of the May 19th, 2009 meeting of the Board.
Voting Aye: All Nay: None Motion carried.

Action 09197C: A motion was made by Johnson and seconded by Tamisiea to recess the regular session of the Board and convene in Executive Session to discuss personnel matters.
Voting Aye: All Nay: None Motion carried.

Action 09198C: A motion was made by Sinclair and seconded by Johnson to adjourn the Executive Session and reconvene in regular session.
Voting Aye: All Nay: None Motion carried.

Chairman Jensen advised no action would be taken as a result of the Executive Session.

Action 09199Z: 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.

Lori Mackey, Director of Equalization, advised the Department of Revenue will be conducting regional public meetings to explain statutory changes in land valuation procedures. The DOE is continuing with NAC1 reappraisals. Three local taxpayers are appealing their 2009 values to the Office of Hearing Examiners.

Action 09200DOE: A motion was made by Tamisiea and seconded by Johnson to approve as a proper charge against the County, travel expenses for Lori Mackey, Roberta Zimmerman, Connie Dorzok, Matthew Archer and one representative from the States Attorney's office to attend the OHE hearings in Pierre, SD July 7th & 8th, 2009.
Voting Aye: All Nay: None Motion carried.

The Board agreed to relocate a refrigerator (from the County-owned property next to the ambulance facility) to the Sheriff's inventory. The stove from the property may be utilized at the Extension office.

Sheriff Hunhoff requested permission to expand the telephone system at the Safety Center. The breakdown for the additional equipment is as follows: \$3,170.00-30 port digital expansion, \$60.00 -Rack mount kit, \$2,051.00-16 port analog expansion, \$60.00 -Rack mount kit, \$320.00- 5410 digital phone for security desk, \$320.00- 5410 digital phone for juvenile desk, \$5,981.00-TOTAL

Action 09201E911: A motion was made by Johnson and seconded by Tamisiea to approve the purchase of the additional telephone equipment as outlined above in the total amount of \$5,981.00 from the E911 budget.

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

Randy Webert, Interim Ambulance Administrator, advised two bids had been received to furnish a new ambulance vehicle. Conrad Fire Equipment dba MedTec Ambulance Corporation submitted a bid of \$119,500 (includes trading in the 1996 van-type ambulance) and North Central Ambulance Sales & Service submitted a bid of \$124,175.75. Mr. Webert advised the bids met specifications and recommended accepting the low bid of Conrad Fire Equipment dba MedTec Ambulance Corporation in the net amount of \$119,500.

Action 09202A: A motion was made by Johnson and seconded by Tamisiea to surplus the 1996 van-type ambulance for trade-in and to accept the low bid of Conrad Fire Equipment dba MedTec Ambulance Corporation in the net amount of \$119,500.

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

Alan Sorensen, Highway Superintendent, advised the Board the following bids were received for the Midway Road Project: Commercial Asphalt, Mitchell, SD 57301 \$703,234.44; Double H Paving, Inc, Tea, SD 57064 \$709,734.15; McLaughlin & Schulz, Inc, Marshall, MN \$722,316.75; Bituminous Paving, Inc, Ortonville, MN 56278 \$741,632.13; Krueger Excavating, Inc \$799,721.33; Asphalt Surfacing Co, Sioux Falls, SD 57104 \$919,193.70. The low bid of Commercial Asphalt of Mitchell, SD, met the specifications and Sorensen recommended accepting their bid.

Action 09203H: A motion was made by Sinclair and seconded by Tamisiea to accept the low bid of Commercial Asphalt of Mitchell, SD in the amount of \$703,234.44 for the Midway Road project.

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

Action 09204C: A motion was made by Tamisiea 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 09205Z: A motion was made by Sinclair and seconded by Johnson to approve a **Minimum Yard Size Variance Permit** for **Corey & Jackie Vaith, as follows:**

Corey & Jackie Vaith, 515 West 17th Street, Yankton, SD
LEGAL DESCRIPTION (Physical Location): Akland Addition, Government Lot 10, Section 10 & NE4 NE4, Section 9, Township 96N, Range 57W, Yankton County, SD. (43150 Stone Church Road, Menno, SD)

1. Planning Commission recommends approval 8-0.
2. A setback variance of 52 feet or 23 feet from 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, Parts 1 through 10 of the Yankton County Zoning Ordinance

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

Action 09206Z: A motion was made by Johnson and seconded by Tamisiea to approve a **Reduction of Minimum Lot Size Permit** for **Daniel Hacecky, as follows:**

Daniel Hacecky, 30480 NE Jim River Road, Mission Hill, SD
LEGAL DESCRIPTION (Physical Location): Tract A, Ann's Addition, SW4, Section 10, Township 94N, Range 55W, Yankton County, SD.

1. Planning Commission recommends approval 8-0.
2. A lot size reduction variance from 20 acres to 6.8 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, Parts 1 through 10 of the Yankton County Zoning Ordinance

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

Action 09207C: 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 09208Z: A motion was made by Sinclair and seconded by Freng to adopt the following resolution: Whereas it appears that David Hacecky, owner of record, has

caused a plat to be made of the following real property: Tract A of Ann's Addition, SW4, Section 10, 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.

Don Hillesland inquired about a mag water application for dust control adjacent to his property at 31150 434th Avenue for approximately 200 feet. Mr. Hillesland was advised the County will obtain traffic counts for the road in question and the issue will be revisited.

Action 09209C: A motion was made by Sinclair and seconded by Johnson to approve Malt Beverage license applications for Shipwreck, Inc dba **The Cottonwood**, Kusy Addition, SW4 NW4 Section 17, Township 93N, Range 56W and Justin Hacecky dba **Kozy Inn**, Section 6, Township 93N, Range 56W.

Voting Aye: All Nay: None Motion carried.

Action 09210C: A motion was made by Johnson and seconded by Tamisiea to set July 7th, 2009 at 5:30 PM in the Commission chambers at the Yankton County Government Center as the time and place for a hearing upon the application of Justin Hacecky dba Kozy Inn for a Retail Wine License.

Voting Aye: All Nay: None Motion carried.

Action 09211C: A motion was made by Sinclair and seconded by Tamisiea to approve as a proper charge against the County, travel expenses for county officials to attend the SDACES meeting in Chamberlain, SD on June 11, 2009.

Voting Aye: All Nay: None Motion carried.

Action 09212ROD/H/BH/ S/PR/VA: A motion was made by Sinclair and seconded by Freng to accept into the record the Register of Deeds' Statement of Transfer Fees collected during the month of May, 2009 in the amount of \$3,550.00 and the Register of Deeds Statement of Fees collected during the month of May, 2009 in the amount of \$11,365.00 and copy fees of \$687.00, the Secondary Road report for May 2009, the Veterans Service office report for May, 2009 and the Poor Relief report for May, 2009.

Voting Aye: All Nay: None Motion carried.

Action 09213C: A motion was made by Freng and seconded by Sinclair to approve the following claims: **Commissioners:** Department of Legislative (Services) \$16,527.00,

River Rat Productions (Services) \$250.00, Paula Jones (Supplies) \$121.14, Knology (Utilities) \$85.10; **Court:** Fox, Youngberg & Lewno (Public Defender) \$9,000.00, Kennedy, Pier & Knoff (Legal Counsel) \$474.42, Knox County Sheriff (Services) \$41.68, SD Dept Health (Lab) \$822.00; **Auditor:** Knology (Utilities) \$83.79; **Treasurer:** Knology (Utilities) \$84.84, Sodak Printing (Supplies) \$2,697.50; **Data Processing:** Knology (Utilities) \$44.95, Tyler Technologies (Maintenance) \$1,103.00; **States Attorney:** A&B Business (Maintenance & Supplies) \$43.25, Knology (Utilities) \$148.03, Pitney Bowes (Supplies) \$173.00, Staples (Supplies) \$1,037.14, Great Western Bank (Lease Agreement) \$158.46; **Government Buildings:** City of Yankton (Utilities) \$88.68, Electair (Supplies) \$45.73, Flynn's Flowing Flags (Supplies) \$138.50, Paula Jones (Supplies) \$11.36, Knology (Utilities) \$25.61, MidAmerican Energy (Utilities) \$361.25, Northwestern Energy (Utilities) \$1,853.13, Otis Elevator (Maintenance) \$579.90; **Director of Equalization:** Matt Archer (Travel) \$75.00, Ace Hardware (Supplies) \$32.99, AllTel (Utilities) \$26.98, Connie Dorzok (Travel) \$75.00, Graham Tire (Maintenance) \$15.95, Roberta Zimmerman (Travel) \$75.00, Knology (Utilities) \$86.61, Lori Mackey (Supplies) \$27.33, Lori Mackey (Travel) \$75.00, SDAAO (Registration Fees) \$1,000.00; **Register of Deeds:** Executive Mgmt Finance (Utilities) \$28.00, Knology (Utilities) \$83.92, Janet Moderegger (Travel) \$58.09, Microfilm Imaging system (Rental) \$609.00; **Veterans Service:** Knology (Utilities) \$83.41; **Court House & Safety Center:** City of Yankton (Utilities) \$408.87, Electair (Maintenance) \$61.39, Paula Jones (Supplies) \$94.99, Knology (Utilities) \$356.35, MidAmerican Energy (Utilities) \$937.69, Northwestern Energy (Utilities) \$4,560.70, Worthington Direct (Supplies) \$600.21; **Sheriff:** AllTel (Utilities) \$84.01, Noble Ink & Toner (Supplies) \$119.96, Hewlett-Packard (Equipment) \$5,492.00, Knology (Utilities) \$131.90, Mobile Electronic Service (Maintenance) \$400.00, Mobile Electronic (Supplies) \$653.38, Northtown Automotive (Maintenance) \$37.39, Pitney Bowes (Supplies) \$173.00, Cassondra Rabe (Travel) \$30.00, Lewis & Clark Ford (Maintenance) \$85.85, Velvet Uniforms (Supplies) \$286.96, Wal-Mart (Supplies) \$167.08; **County Jail:** CBM Food Service (Meals) \$2,638.45, Noble Ink & Toner (Supplies) \$119.96, Hy-Vee (Supplies) \$399.61, Knology (Utilities) \$70.01, Pitney Bowes (Supplies) \$172.99, Ray O'Herron Co. (Supplies) \$137.21, Sherwin Williams (Supplies) \$176.64, Yankton Medical Clinic (Services) \$45.93; **Coroner:** Melisa Smith (Travel) \$35.93, Melisa Smith (Supplies) \$69.40, SD Department of Health (Lab) \$177.00; **Care of Poor:** Avera Sacred Heart Hospital (Care) \$1,647.64, Yankton Medical Clinic (Services) \$98.06, Yankton Radiology (Services) \$113.61, Yankton County EMS (Services) \$98.03; **Public Health Nurse:** Knology (Utilities) \$85.29; **Ambulance:** Avera Education (Supplies & Travel) \$257.00, Avera Sacred Heart Hospital (Supplies) \$482.50, Ace Hardware (Supplies) \$21.99, Aspen Mills (Supplies) \$340.96, AllTel (Utilities) \$202.87, City of Yankton (Utilities) \$129.85, Credit Collection Service (Services) \$70.39, Electair (Maintenance) \$343.14, Emergency Education (Travel) \$220.00, Jacks Uniforms & Equipment (Supplies) \$359.19, Darla Edinger (Services) \$1,000.00, Knology (Utilities) \$171.49, Northwestern Energy (Utilities) \$478.09, Jamie Larson (Travel) 70.00, Master-Tech Auto (Maintenance) \$228.06, Racom (Utilities) \$390.60, SD Board of Medical (Relicensing Fees) \$550.00, TMA (Maintenance) \$974.00, William Wilson (Supplies) \$62.98; **Mental Illness Board:** Donna Dietrich (Hearings)

\$717.84, Kennedy, Pier & Knoff (Hearings) \$106.60, Kabeisman & Pollard (Hearings) \$492.00, Nelva Kooistra (Hearings) \$45.00, Gary Mikelson (Hearings) \$104.00, Cathy Rehfuss (Hearings) \$45.00, Shepherd Reporting (Hearings) \$25.00; **County Extension:** Ace Hardware (Supplies) \$6.49, Bomgaars (Supplies) \$23.98, City of Yankton (Utilities) \$31.15, Cindy Bergman (Supplies) \$2.00, Cindy Bergman (Travel) \$48.64, Extension Service (Travel) \$297.22, Sharon Guthmiller (Supplies) \$19.92, Sharon Guthmiller (Travel) \$214.98, Hy-Vee (Supplies) \$43.65, J & H Cleaning (Maintenance) \$200.00, Knology (Utilities) \$239.41, Larry's Heating & Cooling (Service) \$146.28, MidAmerican Energy (Utilities) \$23.48, Dennis Roy (Travel) \$109.89, Western Office Plus (Supplies) \$215.04; **Weed:** Cox Auto Supply (Supplies) \$26.00; **Planning & Zoning:** AllTel (Utilities) \$26.98, Knology (Utilities) \$84.59, Yankton Office Equipment (Supplies) \$89.95; **Road & Bridge:** AllTel (Utilities) \$31.56, Bomgaars (Supplies) \$229.04, B-Y Water (Utilities) \$41.25, City of Yankton (Utilities) \$32.86, Cretex (Supplies) \$18,358.78, Hollaway Construction (Maintenance) \$38,051.64, Hansen Locksmithing (Supplies) \$15.00, Johnson Exc. (Services) \$315.30, Knology (Utilities) \$85.61, Northwestern Energy (Utilities) \$444.49, Newman Traffic Signs (Supplies) \$11.50, SD Dept of Environment (Services) \$250.00; **911 Fund:** Knology (Utilities) \$1,100.00, Planning & Development (Maintenance) \$70.00, Qwest (Utilities) \$1,361.23; **Emergency Management:** AllTel (Utilities) \$52.08, Racom (Utilities) \$27.90; **24/7 Sobriety Fund:** Intoximeters (Supplies) (Supplies) \$21.99, Aspen Mills (Supplies) \$340.96, AllTel (Utilities) \$202.87, City of Yankton (Utilities) \$129.85, Credit Collection Service (Services) \$70.39, Electair (Maintenance) \$343.14, Emergency Education (Travel) \$220.00, Jacks Uniforms & Equipment (Supplies) \$359.19, Darla Edinger (Services) \$1,000.00, \$1,500.00, Redwood Biotech Inc. (Supplies) \$835.72; **Capitol Project:** Kathol Turf (Sod) \$1,592.90, Sherwin Williams (Blinds) \$327.00. Total General Fund \$68,857.93, Road & Bridge \$57,867.03, 911 Fund \$2,531.23, Emergency Management \$79.98, 24/7 Sobriety Fund \$2,335.72, Capitol Project \$1,919.90. Manual checks not included in totals: SDAAO \$1,000.00 (DOE), Paula Jones (Supplies-Custodian/Commissioners) \$227.49 and Tom Roper \$1,000.00 (Mural transport-SC).

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

Action 09214C: A motion was made by Freng and seconded by Johnson to approve the following gross payroll for May 2009: **Commissioners:** \$4,316.81; **Auditor:** \$10,281.51; **Treasurer:** \$12,262.98; **States Attorney:** \$19,200.03; **Custodian:** \$2,768.43; **Director of Equalization:** \$16,279.23; **Register of Deeds:** \$7,800.49; **Veterans Service:** \$1,866.22; **Courthouse & Safety Center:** \$3,454.50; **Sheriff:** \$36,038.43; **County Jail:** \$38,599.22; **Juvenile Detention:** \$197.50; **Nurse:** \$2,443.55; **Ambulance:** \$31,663.24; **Extension:** \$4,259.73; **Soil Conservation:** \$2,138.50; **Weed:** \$2,205.48; **Planning & Zoning:** \$5,161.28; **Road & Bridge:** \$56,000.49; **OEMHS:** \$3,251.47; **24/7 Program:** \$3,590.84. South Dakota Retirement System (Buy Back) \$166.63, South Dakota Retirement System \$11,946.24 (Sheriff/EDS), South Dakota Retirement System \$20,059.00 (Other Employees), South Dakota Retirement System (Payroll Deduction-Spouse

Opt) \$341.74, South Dakota Retirement System (Supplemental) \$450.00, American Family Life Assurance Company \$3,993.37, Prepaid Legal Services, Inc \$14.95, Office of Child Support \$371.00, Office of Child Support \$697.00, Nationwide Retirement Solutions \$128.26, First Dakota National Bank \$16,148.05 (Withholding), First Dakota National Bank \$31,781.06 (FICA) First Dakota National Bank \$7,432.80 (Medicare), Credit Collections Bureau \$100.00, Blue Cross Blue Shield \$36,470.43
Gross Payroll \$331,634.15, Net Payroll \$201,533.62.
Voting Aye: All Nay: None Motion carried.

Action 09215C: A motion was made by Sinclair and seconded by Johnson to approve an abatement on parcel 78.235.000.055 in the name of Calvary Baptist Church and in the amount of \$55,957.15 (property transferred to tax exempt entity on 2-14-08).
Voting Aye: All Nay: None Motion carried.

Action 09216H: A motion was made by Tamisiea and seconded by Sinclair to approve a ROW application by B-Y Water district for occupancy of County Highway 210 right of way in Section 3,4 & 10, Township 93N, Range 56W for water transmission line installation.
Voting Aye: All Nay: None Motion carried.

Richard Bonnema of Ireton, Ia , who owns property in the lake area, inquired about dust control adjacent to his property at 439 Rolling Hills Drive. Mr. Bonnema was advised the County will obtain traffic counts for the road in question and the issue will be revisited.

A motion was made by Johnson to adjourn.

The next regular meeting of the Board will be Tuesday, June 16th, 2009 at 5:00 PM in the Commission chambers.

Bruce Jensen, Chairman
Yankton County Commission

ATTEST:
Paula Jones, Auditor