

YANKTON COUNTY COMMISSION MEETING
February 3rd, 2009

The regular meeting of the Yankton County Commission was called to order by Chairman Bruce Jensen at 4:30 PM on Tuesday, February 3rd, 2009.

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

Action 0935C: A motion was made by Tamisiea and seconded by Sinclair to set the agenda with the following additions/changes: DOE report, Zoning position job description
Voting Aye: All Nay; None Motion carried.

Action 0936C: A motion was made by Johnson and seconded by Sinclair to approve the minutes of the January 21st meeting of the Board.
Voting Aye: All Nay: None Motion carried.

Alan Sorensen, Highway Superintendent, presented the Board a comparison of bids for highway supplies as submitted and opened at 10:00 AM on Tuesday, February 3rd, 2009.

Action 0937H: A motion was made by Sinclair and seconded by Freng to accept the low bids for the highway supplies for 2009 as follows

Gasoline: Stern Truckload 1.9770
Fuel #1 Truckload 2.5887; Fuel #2 Truckload 2.2387
Fuel #1 Transport \$2.3387; Fuel #2 Transport 2.0387

Crushed Quartzite 3/8" Chips:

Concrete Material 16.25/ton
LG Everist 22.79/ton

Spencer Quarries 15.85/ton

Pre-Stressed Bridge Decking: Cretex 40"x6 \$5,973.00; 45"x6' \$6,639.00;
50"x6' \$7,613.00; 40"x6'6" \$6,250.00; 45"x6'6" \$6,948.00; 50"x6'6" \$7,946.00; 40"x8'
\$7,132.00; 45"x8' \$7,866.00; 50"x8' \$9,035.00 (3% increase)

Culverts: Huron Culvert 15"x16' \$9.97; 18"x16' \$11.85; 24"x14' \$19.43;
30"x14' \$23.80; 36"x14' \$28.43; 42"x14' \$33.27; 48"x14' \$37.88; (Round)
30"x14' \$25.23; 36"x12' \$40.75; 42" x 12" \$47.71; 48"x12' \$54.32;
60"x10' \$87.41; 72"x10' \$104.67 (Arch)
60"x12' \$65.83; 72"x12' \$78.59; 84"x12' \$115.96; 96"x10' \$132.90;
(3x1 & 5x1 Round)
60"x12' \$69.44; 72"x12' \$83.38; 96"x10' \$132.90; (Arch) (9% increase-all)

Magnesium Chloride: Buskerud .55/Sq Yard .0650 Water

Z & S Dust .065/Sq Yard .055 Water

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

Alan Sorensen advised the Board of the status of Bridge project number BRO 8068 (08) (located four (4) miles south and three (3) miles east of Utica over the Marne Creek.) It having now been determined it is not necessary to attempt to dispose of the existing bridge per historical regulations, the bridge replacement project can move forward to the bid process.

Action 0938H: A motion was made by Tamisiea and seconded by Johnson to approve the Right of Way Certificate and Agreement for Voluntary Right of Way Donation (documents on file with Highway Department and Auditor)
Voting Aye: All Nay: None Motion carried.

Action 0939H: A motion was made by Johnson and seconded by Tamisiea to approve the Letting Authorization for Project Number BRO 8068(08) as presented.
Voting Aye: All Nay: None Motion carried.

Lori Mackey, Director of Equalization, advised the Board valuation notices will be mailed around March 1st, 2009. Mackey further advised she will be out of the office for approximately six (6) weeks and Roberta Zimmerman, appraiser, will be handling her duties during that time frame.

Two indigent requests were presented to the Board for consideration. Case #1 request for financial assistance for a medical procedure- indicates applicant is over income guidelines and Case #2 request for financial assistance for medical and prescription bills – applicant has not returned required documentation. It was the consensus of the Board to deny both requests.

John Andersen of Andersen Telecom, LLC, presented a proposal for an ESI CS-200 communications server package (includes telephones, paging system, server and software) in an approximate amount of \$31,700, with a \$1,300 trade-in allowance. No action was taken.

Action 0940C: A motion was made by Sinclair and seconded by Freng to approve as a proper charge against the county, travel expenses for the Coroner to attend an Emergency Conference in Sioux City, IA on March 6th, 2009.
Voting Aye: All Nay: None Motion carried.

Action 0941ROD/Aud-Tr/S/BH: A motion was made by Freng and seconded by Sinclair to accept into the record the Register of Deeds' Statement of Transfer Fees collected during the month of January, 2009 in the amount of \$3,235.50 and the Register of Deeds Statement of Fees collected during the month of January, 2009 in the amount of \$10,834.00 and copy fees of \$555.20, the Sheriff's monthly fee report for January 2009, the report of Bob Hanson, Safety Center Site Inspector, the Auditor's-Treasurer's reconciliation report for December, 2008 as follows: cash on hand of \$38,279.64, Checking Account Balance \$667,079.97 (1st Dakota National) and \$8,492.73 (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 \$4,724,474.14.

Voting Aye: All Nay: None Motion carried.

Action 0942SC: A motion was made by Johnson and seconded by Sinclair to authorize the purchase of three (3) blinds for the Court services area at the Courthouse and Safety Center for a total amount of \$303.00 (includes installation).

Voting Aye: All Nay: None Motion carried.

Action 0943C: A motion was made by Sinclair and seconded by Freng to authorize expenditures of no more than \$1,000.00 to affect the transport of the refurbished murals for the Courthouse and Safety Center from Minneapolis to Yankton.

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

Action 0944C: 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 0945Z: A motion was made by Sinclair and seconded by Tamisiea to approve **A Conditional Use Permit, for the construction of an in-ground swimming pool in a Moderate Density Rural Residential District** for **Robert White** as follows:

Robert White, 8980 Raven Drive, Louisville, NE 68037-2130

LEGAL DESCRIPTION (Physical Location): Lot 2 of Oak Ridge Road Estates of previously platted Engen Tract 4, SW4 SW4, Section 14, Township 93N, Range 57W, Yankton County, SD

Carmen Olivieri of MC & R Pools, Inc explained the proposed construction. No public comment was received either pro or con.

1. Planning Commission recommends approval 8-0.
2. Granting of conditional use will bring property into compliance with Yankton County Zoning Ordinance, conditional use will not confer on the applicant any special privilege
3. No nonconforming lands, structures or buildings were considered grounds for this recommendation
4. Use of applicants' property is allowed by the Yankton County Zoning Ordinance and in the district
5. No public comments were received

Approval is pursuant to Section 1905, 1 through 6, of the Yankton County Zoning Ordinance

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

The appeal of the Robert D Vesper building permit was conducted as scheduled. Comments against the issuance of the building permit were received from Terry Fiedler and Jim Carlson. Kevin Lofthus, attorney for Robert & Eva Vesper, addressed the issue from his client's perspective.

Action 0946Z: A motion was made by Sinclair and seconded by Johnson to table the issue until further review by States Attorney Rob Klimisch, and further to reconsider the matter at the February 18th, 2009 meeting.

Voting Aye: All Nay: None Motion carried.

Action 0947C: 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.

Action 0948C: A motion was made by Sinclair and seconded by Freng to approve the following claims: **Commissioners:** River Rat Productions (Services) \$375.00, SD Dept Health (Services) \$666.00, Yankton County Observer (Publishings) \$176.41; **Court:** Affordable Self Storage (Services) \$176.80, 32 Payees @\$10.00 (Juror Fees) \$320.00, 3 Payees @\$20.00 (Juror Fees) \$60.00, 12 Payees @ \$200.00 (Juror Fees) \$2,400.00, 1 Payee (Juror Fees/mileage) \$12.58, 1 Payee (Juror/mileage) \$8.88, 3 Payees @1.48 (Juror/mileage) \$4.44, 1 Payee (Juror/mileage) \$2.96, 1 Payee (Juror/mileage) \$12.58, 1 Payee (Juror/mileage) \$47.36, 1 Payee (Juror/mileage) \$7.40, 3 Payees @ \$.74 (Juror/mileage) \$2.22, 1 Payee (Juror/mileage) \$5.92, 1 Payee (Juror/mileage) \$160.00, 1 Payee (Juror/mileage) \$53.28, 1 Payee (Juror/mileage) \$17.76, 1 Payee (Juror/mileage) \$5.18, 1 Payee (Juror/mileage) \$23.68, Fox, Youngberg & Lewno (Services) \$9,000.00, Knox County Sheriff (Services) \$99.95, Madison County Sheriff (Services) \$14.86, Pottawattamie County Sheriff (Services) \$5.00, SD Dept Health (Lab) \$1,486.00, Union County Sheriff (Services) \$37.00; **Treasurer:** Harland Technology (Maintenance) \$63.75, Yankton County Observer (Publishings) \$117.48; **States Attorney:** Avera Sacred Heart Hospital (Lab) \$551.51, Culligan (Supplies) \$6.00, Knology (Utilities) \$150.35, Pitney Bowes (Postage) \$166.66, **Government Buildings:** Ace Hardware (Supplies) \$49.99, City of Yankton (Utilities) \$174.86, MidAmerican Energy (Utilities) \$2,430.09, Northwestern Energy (Utilities) \$1,419.62; **Director of Equalization:** AllTel (Utilities) \$26.85, Sodak Printing (Supplies) \$400.00, Western Office Plus (Supplies) \$334.42, Yankton Motor Co. (Maintenance) \$25.97; **Register of Deeds:** Executive Mgmt Finance (Utilities) \$28.00; **Court House & Safety Center:** City of Yankton (Utilities) \$374.32, Paul Helgerson (Supplies) \$67.28, Knology (Utilities) \$374.58, MidAmerican Energy (Utilities) \$5,271.47, Northwestern Energy (Utilities) \$4,823.38, Yankton Janitorial (Supplies) \$188.68; **Sheriff:** AllTel (Utilities) \$82.46, Deca(Services) \$1,000.00, K-Mart (Supplies) \$43.95, Knology (Utilities) \$170.57, Lab Safety Supply (Supplies) \$45.80, MidAmerican Energy (Utilities) \$1,204.03, Northwestern Energy (Utilities) \$541.00, Master-Tech Auto Clinic (Maintenance) \$301.94, Racon (Utilities) \$390.60, Orkin Pest Control (Maintenance) 71.84, Practical Design Group (Maintenance & Supplies) \$500.00, Robinson Motors (Supplies) \$26.60, Sioux Falls 2-Way Radio (Maintenance) \$485.00, Vogt's Cleaners (Maintenance) \$37.00, Western Office Plus (Supplies) \$159.15, Yankton Janitorial Supply (Supplies) \$114.12; **Mental Health Centers:** Lewis & Clark Behavioral Health (1st Quarter 2009 Budget) \$15,435.25; **Mental Illness Board:** Avera Sacred Heart Hospital (Evaluations) \$1,867.87, Donna Dietrich (Hearings) \$179.79, Kennedy, Pier & Knoff (Hearings) \$48.00, Nelva Kooistra (Hearings) \$105.00, Lewis & Clark Behavioral (Hearings) \$568.00, Cathy Rehfuss (Hearings) \$15.00; **County Extension:** Ace Hardware (Supplies) \$316.74, Appera (Supplies) \$56.26, Cindy Bergman (Travel) \$100.00, City of Yankton (Utilities) \$35.06, Dolphin Capital Corp. (Rental) \$242.07, Extension Service (Travel) \$205.01, Floor Tec

(Maintenance) \$350.00, Knology (Utilities) \$223.34, MidAmerican Energy (Utilities) \$281.87, Dennis Roy (Travel) \$136.96; **Weed:** Weed and Pest Conference (Registration) \$220.00; **Planning & Zoning:** AllTel(Utilities) \$26.85, Yankton County Observer (Publishings) \$14.13, Planning & Development (2009 Membership Dues) \$24,985.00; **Economic Development:** Pictometry (Services) \$4,961.29; **Road & Bridge:** AllTel (Utilities) \$31.41, Bomgaars (Supplies) \$327.97, City of Yankton (Utilities) \$39.77, Kimball Midwest (Supplies) \$245.86, Northwestern Energy (Utilities) \$1,995.42, Newman Traffic Signs (Supplies) \$1,223.40, Qwest (Utilities) \$97.75, Yankton County Observer (Publishings) \$10.01, Printing Specialists (Supplies) \$53.91, Tendaire Industries (Supplies) \$508.00; **911 Fund:** Qwest (Utilities) \$1,358.49; **Emergency Management:** AllTel (Utilities) \$9.15, Bomgaars (Supplies) \$89.99, Embroidery & Screen Works (Supplies) \$85.00, Fireguard (Supplies) \$61.88, Knology (Utilities) \$135.08, RPM unlimited (Maintenance) \$282.61, Racom (Utilities) \$27.90, Sioux Falls Two-Way Radio (Supplies) \$488.93, Yankton Fire & Safety (Maintenance) \$48.50; **Capitol Project/Safety Center:** Robert Hanson (Contract) \$345.00, Luken-Hacecky (Services) \$2,933.87; **MISC.:** West Payment Center (Supplies – County Law Library) \$456.60.

Total General Fund \$119,907.18, Road & Bridge \$4,533.50, 911 Fund \$1,358.49, Emergency Management \$1,229.04, Capital Project/Safety Center \$3,278.87, Misc. \$456.60.

Manual checks not included in totals: Northwestern Energy (Hwy) \$734.69 and Walgreens (Poor Relief) \$1,354.04.

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

Sheriff Hunhoff gave an update on the progress at the Courthouse/Safety Center.

Action 0949C: A motion was made by Freng and seconded by Johnson to approve the following gross payroll (monthly amounts unless otherwise noted): **Commissioners:** Donna Freng \$852.33, Bruce D Jensen \$907.49, Mark E Johnson \$852.33, Allen R Sinclair \$852.33, Bill Tamisiea \$852.33; **Auditor:** Lois Eli \$2,402.94, Patricia A Hojem \$2,2287.67 (\$4,168.01-Check-Longevity & Vac/Sick Payout), Karen K Faerber \$2,085.04, Paula D Jones \$3,490.99; **Treasurer:** Linda M Larson \$2,287.67, Pamela K Marchand \$3,490.99 (Chk \$4,490.99 with Longevity), Valerie Novak \$1,827.98, Rita J Stanage \$2,085.04, Patty L Vavra \$2,244.28; **States Attorney:** John P Billings \$5,043.98, Robert W Klimisch \$4,563.90, Erich K Johnke \$4,521.17, Pamela J McBride \$2,443.55, Laura Lee Swenson \$2,547.43; **Custodian:** Dudley Haarsager (\$819.89-Chk) \$11.27/hour, Paul O Helgerson (\$2,107;00-Chk)\$14.00/hour; **Director of Equalization:** Nancy M Brockmoller \$2,287.67, Connie M Dorzok \$2,587.11, Roberta L Gravholt \$2,587.11, Lori A Mackey \$3,490.99; Glenda Waddell \$1,895.89; **Register of Deeds:** Brian J Hunhoff \$3,490.99, Mallory J Wriedt \$1,895.89, Janet K Moderegger \$2,402.94; **Veterans Service:** Charles E Haffner \$1,866.22; **Courthouse & Safety Center:** Joyce E Stahlecker \$1,974.00 (11.75/hr), Wayne Hespe \$1,363.00 (11.75/hr); **Sheriff:** Daniel W Christiansen \$2,819.26, Clint A Clites \$2,983.32, Thomas E Deibert \$2,983.32, Karen M Denzin \$770.00 (10.00/hr), David Hunhoff \$4,861.00, Jerry L Jarvis \$2,564.71, Dennis J Klimisch \$2,983.32, Steven C Larson \$3,761.39, Ryan J Mulder \$3,380.40, Bradley S Swenson \$3,380.40, Kevin S Woodmancy \$3,380.40, Robert Furdeck \$352.50 (\$10.00); **County Jail:** Glenn L Andersen \$2,494.38, Leslie Drake \$2,494.38, Roddy R Heinrich \$2,538.47,

Jordan C Helming \$2,494.38, Stewart B Howell \$3,213.60, Lee T Lohff \$1,105.00 (10.00/hr), Kimberly Leonard \$2,351.18, Jason Marquardt \$2,351.18, Greg Moser \$2,351.18, Javier Murguia \$2,494.38, Evangeline Orr \$2,494.38, Cynthia K Pfeifle \$2,773.34, Tonna K Poppe \$2,538.47, Cassondra K Rabe \$2,773.34, Edward B Sasse \$2,494.38, John L Slama \$2,494.38, Cara L Stahlecker \$2,494.38; **Coroner:** Melisa Smith \$540.60 (Coroner/Amb); **Juvenile Detention:** James Payne \$62.50 (10.00/hr), Gregg W Kirkland \$185.00 (10.00/hr); **Nurse:** Shannon Pavel \$2,443.55; **Ambulance:** William F Arens \$720.22, Troy Cowman \$918.18, Catherine R Cuka \$2,138.50, Gordon S Dekkenga \$4,850.86 (Payout \$6,407.42), Jarod Drotzman \$662.13, Joe E Gill \$320.88, Lloyd D Hanes \$617.86, Dawn Lammers \$180.84, Glen H Lange \$122.55, Jamie Larson \$2,884.60, Daryl R Madsen \$239.88, Teresa L Madsen \$163.09, Darrel Michael \$248.60, Arica K Nickles \$855.27, Mark A Nickles \$3,185.99 Tina Monteith \$1,217.16, Brandon G Novak \$185.40, Bonnie D Peterson \$1,274.16, Doug Ray \$2,968.61 (Longevity \$295.00-Vac/Sick Payout \$707.94), Jean M Scherschligt \$407.32, Michael Slowey \$197.20, Randy L Webert \$4,823.75, Weiland, Anita L \$309.00, William H Wilson \$1,024.14, Ethan Young \$601.44; **Extension:** Bye, Todd \$25.00, Andres Renteria \$25.00, Jepsen, Danielle J McFarland \$2,211.74, Roy Jr, Dennis M \$1,979.04, Stark; **Soil Conservation:** Amanda M Rehurek \$2,138.50; **Weed:** Thomas R Schramm \$1,830.46, Mark Helgerson \$135.12; **Planning & Zoning:** Thomas W Fiedler \$2,716.47; **Road & Bridge:** Duane H Bagstad \$3,116.05-\$18.30/Hr, William Boden \$3,003.81-17.09/hr, Randy S Boese \$3,022.25-16.49/hr, Patricia J Davies \$2,244.28, Thomas W Foxhoven \$2,807.69-16.02/hr, Gary Guthmiller \$3,407.99-16.02/hr, Randy L Hlavac \$3,353.95-18.30/hr, Thomas L Hunhoff \$3,317.35-18.30/hr, Douglas Kenney \$2,563.88-\$13.99/hr, Daniel J Matcha \$3,014.00-16.49/hr, Duaine R Palu \$3,097.81-17.09/hr, Johnathan D Palu \$2,451.96-13.99/hr, Garth A Paulsen \$3,131.99-17.09/hr, Arnold Rokusek \$3,725.95-21.38/hr, Edward J Sedlacek \$3,131.99-17.09/hr, Michael J Sedlacek \$2,935.85-16.02/hr, Tim T Sherman \$3,597.41-19.21, Alan P Sorensen \$3,894.83, Michael L Tweedy \$3,347.68-19.21/hr; **WIC/Sheriff:** Teri Brooks \$2,383.91; **OEMHS:** Jeremy Dangel \$2,611.99, Timothy Engle \$175.00, Paul Scherschligt \$240.00. First Dakota National Bank \$22,322.98 (Withholding), First Dakota National Bank \$32,896.64 (FICA) First Dakota National Bank \$7,693.64 (Medicare) South Dakota Retirement System \$11,917.42 (Sheriff/EDS), South Dakota Retirement System \$20,393.24 (Other Employees), South Dakota Retirement System (Payroll Deduction) \$1,342.91, South Dakota Retirement System (Payroll Deduction-Spouse Opt) \$327.68, South Dakota Retirement System (Supplemental) \$450.00, American Family Life Assurance Company \$3,913.97, 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 \$33,963.04. Gross Payroll \$339,481.12, Net Payroll \$203,938.60.

Voting Aye: All Nay: None Motion carried.

Roger Smith, MT & RC Smith Insurance, Inc. discussed with the Board the payment request by Karl Schenk for the balance of attorney fees he incurred in 2002-2003 in the amount of \$11,007.26 arising from legal action taken against him at that time. The County's insurance carrier paid approximately \$75,618.00 of the total attorney fees incurred by Mr. Schenk, leaving the aforementioned amount unpaid. Action was deferred at this point.

States Attorney Rob Klimisch reported he has been in contact with Mr. Weiss regarding the proposed compromise (on behalf of adjoining landowners) regarding construction of a carport. Klimisch will return to the Board with any further counter-proposals and/or acceptance.

The Board advised they would convene in Executive session to discuss two personnel matters and a legal issue.

Action 0950C: A motion was made by Sinclair and seconded by Johnson 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 at 7:50 PM.

As a result of the Executive session, the following action resulted:

Action 0951C: A motion was made by Johnson and seconded by Tamisiea to authorize the Auditor to advertise a supplemental budget in the amount of \$11,007.26 and further pursuant to the hearing on the supplemental budget to authorize payment of \$11,007.26 to Karl Schenk for compensation for legal fees incurred.

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

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

The next regular meeting of the Board will be Wednesday, February 18, 2009 at 5:00 PM in the Commission chambers.

Bruce Jensen, Chairman
Yankton County Commission

ATTEST:
Paula Jones, Auditor