

YANKTON COUNTY COMMISSION MEETING
May 5th, 2009

The regular meeting of the Yankton County Commission was called to order by Chairman Bruce Jensen at 4:00 PM on Tuesday, May 5th, 2009.

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

Action 09149C: A motion was made by Sinclair and seconded by Johnson to set the agenda with the following additions/changes: EMS Weed proclamation, Safety Center plaque, additional liquor license ordinance for restaurants
Voting Aye: All Nay: None Motion carried.

Action 09150C: A motion was made by Tamisiea and seconded by Johnson to approve the minutes of the April 21st, 2009 meeting of the Board.
Voting Aye: All Nay: None Motion carried.

Action 09151C: A motion was made by Sinclair and seconded by Freng to recess the regular session of the Board and convene in Executive Session to discuss a personnel issue.
Voting Aye: All Nay: None Motion carried.

Action 09152C: A motion was made by Tamisiea and seconded by Sinclair 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 09153Z: 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.

Action 09154Z: A motion was made by Tamisiea and seconded by Freng to approve a **Setback Variance Permit** for **Chris Nelsen, as follows:**
Chris Nelsen, 30725 444th Avenue, Mission Hill, SD 57046
LEGAL DESCRIPTION (Physical Location): 8.95 Acres Nelsen Addition, NE4, Section 27, Township 94N, Range 55W, Yankton County, SD.
No comments were received either pro or con.

1. Planning Commission recommends approval 11-0.
2. A setback variance of 65 feet or 10 feet from the south 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: Tamisiea, Freng, Sinclair, Johnson, Jensen, Nay: None Motion carried 5-0

Action 09155Z: A motion was made by Sinclair and seconded by Tamisiea to approve a **Reduction of Minimum Lot Size and Minimum Lot Width Variance Permit** for **Tim Kotalik**, as follows:

Tim Kotalik, 2514 SW Jim River Road, Yankton, SD

LEGAL DESCRIPTION (Physical Location): Tract 1, River Ridge Subdivision, W2 SW4, Section 4, Township 93N, Range 55W, Yankton County, SD.

No comments were received either pro or con.

1. Planning Commission recommends approval 11-0.
2. A lot size reduction variance from 20 acres to 5.45 acres.
3. A lot size width reduction variance from 500 feet to 165. feet
4. Granting of variance will bring property into compliance with Yankton County Zoning Ordinance, variance will not confer on the applicant any special privilege
5. No nonconforming lands, structures or buildings were considered grounds for this recommendation
6. Use of applicants' property is allowed by the Yankton County Zoning Ordinance and in the district
7. Variance request approval per Section 1907, Parts 1 through 10 of the Yankton County Zoning Ordinance

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

Action 09156Z: A motion was made by Sinclair and seconded by Johnson to approve a **Reduction of Minimum Lot Size and Minimum Lot Width Variance Permit** for **Robert Lucas**, as follows:

Robert Lucas, 29526 41st Avenue, Irene, SD

LEGAL DESCRIPTION (Physical Location): Tract 3, Lucas Addition in portions of Gov Lots 1 & 2, SW4, Section 31, Township 96N, Range 55W, Yankton County, SD.

No comments were received either pro or con.

1. Planning Commission recommends approval 11-0.
2. A lot size reduction variance from 20 acres to 6.4 acres.
3. A lot size width reduction variance from 500 feet to 70 feet
4. Granting of variance will bring property into compliance with Yankton County Zoning Ordinance, variance will not confer on the applicant any special privilege
5. No nonconforming lands, structures or buildings were considered grounds for this recommendation

6. Use of applicants' property is allowed by the Yankton County Zoning Ordinance and in the district
7. Variance request approval per Section 1907, Parts 1 through 10 of the Yankton County Zoning Ordinance

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

Action 09157C: A motion was made by Sinclair and seconded by Johnson to adjourn as a Board of Adjustment and reconvene in regular session.

Voting Aye: All Nay: None Motion carried.

Action 09158Z: A motion was made by Johnson and seconded by Tamisiea to adopt the following resolution: Whereas it appears that Timothy A & Laura L Kotalik, owners of record, have caused a plat to be made of the following real property: Tract 1 of River ridge subdivision, W2 SW4, Section 4, Township Ninety-Three (93) 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.

Action 09159Z: A motion was made by Sinclair and seconded by Freng to adopt the following resolution: Whereas it appears that Robert & Linda Lucas, owners of record, have caused a plat to be made of the following real property: Tract 3 of Lucas Addition, in portions of Government Lots 1 & 2, NW4, Section 31, Township Ninety-Six (96) 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.

Action 09160SC: A motion was made by Johnson and seconded by Freng to authorize the purchase of a marble plaque for the Safety Center for a price of \$825.00.

Voting Aye: All Nay: None Motion carried.

Action 09161A: A motion was made by Sinclair and seconded by Johnson to adopt the following:

EXECUTIVE PROCLAMATION
YANKTON COUNTY COMMISSION

To Designate the Week of May 17-23, 2009 as Emergency Medical Services Week

WHEREAS, Emergency medical services are vital public services; and,
WHEREAS, members of emergency medical service teams stand ready to provide lifesaving care to those in need 24 hours a day, 7 days a week; and
WHEREAS, access to quality emergency care provided by these teams dramatically improves the survival and recovery rates of those who experience sudden illness or injury; and,
WHEREAS, emergency medical services teams include emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others; and
WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and,
WHEREAS, it is appropriate to recognize the value and accomplishments of emergency medical services providers by designating Emergency Medical Services Week;
NOW, THEREFORE, I, Bruce Jensen, Chairman of the Yankton County Commission, Yankton, South Dakota, in recognition of this even do hereby proclaim May 17th—23rd, 2009, as

EMERGENCY MEDICAL SERVICES WEEK

In Yankton County, with the theme, "EMS: A Proud Partner in Your Community" and I encourage the community to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand
And caused the County seal to be affixed, in Yankton, South Dakota,
This 5th day of May, 2009.
Bruce Jensen, Chairman

Action 09162Z: A motion was made by Sinclair and seconded by Tamisiea to recess the regular session of the Board and convene as a Board of Adjustment.
Voting Aye: All Nay: None Motion carried.

Action 09163Z: A motion was made by Sinclair and seconded by Johnson to approve **A Conditional Use Permit, for the construction of a temporary PCC Batch Plant and/or asphalt plant in a Commercial District for Knife River** as follows:

Tom Coulson for Knife River, 1205 W 11th Street, Yankton, SD

LEGAL DESCRIPTION (Physical Location): NE4 NW4, Section 14, Township 93N, Range 55W, Yankton County, SD

1. Planning Commission recommends approval 9-0.
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. Condition: Applicant will provide sufficient refuse containers during the CUP time period
6. Condition: Temporary construction site will begin May 6, 2009 and terminate December 1, 2009
7. No adverse public comments were received
Approval is pursuant to Section 1905, 1 through 6, of the Yankton County Zoning Ordinance

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

Action 09164C: 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.

Alan Sorensen advised the Board the Midway Road project is ready for bid letting.

Action 09165H: A motion was made by Johnson and seconded by Tamisiea to set the bid letting for the Midway Road project for May 27th, 2009 at 10:00 AM in the Commission chambers.

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

Mag water applications were discussed for Highway 314 & Kaiser Road, Larson's Landing area and West 11th Street. A request was received from residents on Mission Hill Township (a 7/10 mile area on north Peninah adjacent to the airport) for application of mag water. Township officers advised there are not sufficient township funds to allow for mag water application requests. Residents were advised that they should take steps to institute a special assessment per statutes for any future mag water applications.

Action 09166H: A motion was made by Sinclair and seconded by Johnson to add the 7/10 mile request to the unorganized township roads that are to receive mag water applied.

Voting Aye: Sinclair, Johnson, Freng, Jensen Nay: Tamisiea Motion carried.

Matt Archer, Appraiser, advised the Board he had researched the possibility of discretionary formula applications for rural development properties. Current statute prevents any application for commercial ventures. The issue was tabled for further review.

Ruby Goeden, representing the Cramer-Kenyon Home, requested financial assistance for mold testing and abatement. The total cost of the project is \$3,457 and the City of Yankton is also going to be asked to help fund the project.

Action 09167C: A motion was made by Sinclair and seconded by Freng to authorize the expenditure of not more than \$3,457 to assist the Cramer-Kenyon Home with the mold testing and abatement, contingent upon non-participation by the City of Yankton. Voting Aye: Sinclair, Freng, Johnson, Tamisiea, Jensen Nay: None Motion carried.

Greg Henderson, District III Planning and Development, presented the 2008 Performance Report and advised the Board of current services being offered by District III.

Action 09168S: A motion was made by Tamisiea and seconded by Johnson to declare a 2003 Ford Crown Victoria, from the Sheriff's inventory, surplus property to be sold by sealed bid.

Voting Aye: All Nay: None Motion carried.

The Board discussed the RFP for three locks for the State's Attorney's office. A cost proposal will be requested from Scott Hanson (in addition to the proposal from Burke Engineering).

Action 09169SC: A motion was made by Sinclair and seconded by Johnson to approve the purchase of a markerboard as per the proposal of Combined Building Specialties in the amount of \$618.00.

Voting Aye: All Nay: None Motion carried.

Doug Russell, Yankton City Manager, requested the County to sign off on an **Interlocal Agreement between the City & County of Yankton for a Justice Assistance Grant Program Award.**

Action 09C: A motion was made by Sinclair and seconded by Tamisiea to approve entering into the Interlocal Agreement with the City of Yankton and further to authorize the Chairman to sign the agreement on behalf of the County.

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

Action 09170Ext: A motion was made by Sinclair and seconded by Freng to approve as a proper charge against the County, the Extension calendar for the month of May, 2009.

Voting Aye: All Nay: None Motion carried.

Action 09171ROD/H/BH/ S/PR/VA: A motion was made by Johnson and seconded by Tamisiea to accept into the record the Register of Deeds' Statement of Transfer Fees collected during the month of April, 2009 in the amount of \$5,295.00 and the Register of Deeds Statement of Fees collected during the month of April, 2009 in the amount of \$12,133.00 and copy fees of \$634.00, the Secondary Road report for April 2009, the report of Bob Hanson, Safety Center Site Inspector, the

Sheriff's report for April, 2009, the Veterans Service office report for April, 2009 and the Poor Relief report for April, 2009.

Voting Aye: All Nay: None Motion carried.

Action 09172C: A motion was made by Freng and seconded by Sinclair to approve the following claims: **Commissioners:** River Rat Productions (Services) \$250.00; **Court:** Affordable Self Storage (Services) \$88.40, Fox, Youngberg & Lewno (Public Defender) \$9,000.00, Horn Law Office (Legal Counsel) \$368.60, 5 Payees @ \$20.00 (Witness Fees) \$100.00, 2 Payees @ \$9.62 (Witness/Mileage) \$19.24, 1 Payee (Witness/Mileage) \$22.94, 1 Payee (Juror/Mileage) \$33.30, SD Dept Health (Lab) \$1,120.00, Dean Schaefer (Hearings) \$183.20, Creighton Thurman (Legal Counsel) 1,553.68; **Auditor:** Brown & Saenger (Supplies) \$109.85, Pitney Bowes (Maintenance) \$62.70, Western Office Plus (Supplies) \$160.09; **Treasurer:** Pitney Bowes (Maintenance & Rental) \$323.70, Western Office Plus (Supplies) \$162.58; **States Attorney:** A&B Business (Maintenance & Supplies) \$46.72, Belnick, Inc. (Supplies) \$538.98, Culligan (Supplies) \$12.00, Pitney Bowes (Maintenance) \$62.70, Pam McBride (Supplies) \$126.95; **CLERP:** SDACC (Catastrophic Legal Expense) \$12,525.41; **Government Buildings:** Ace Hardware (Supplies) \$49.12, City of Yankton (Utilities) \$88.68, Crescent Electric (Supplies) \$54.08, H & J Lawn (Maintenance) \$125.00, JCL Solutions (Supplies) \$36.30, MidAmerican Energy (Utilities) \$576.44, Northwestern Energy (Utilities) \$1,565.07; **Director of Equalization:** Pitney Bowes (Maintenance) \$62.70; **Register of Deeds:** Executive Mgmt Finance (Utilities) \$28.00, Brian Hunhoff (Supplies) \$36.04, Pitney Bowes (Maintenance) \$62.70; **Veterans Service:** Pitney Bowes (Maintenance) \$62.70, Western Office Plus (Supplies) \$39.93; **Court House & Safety Center:** City of Yankton (Utilities) \$429.60, MidAmerican Energy (Utilities) \$1,916.68, Northwestern Energy (Utilities) \$4,526.56, Yankton Janitorial (Supplies) \$773.63; **Sheriff:** Graham Tire (Maintenance) \$422.68, Hewlett-Packard (Supplies) \$552.00, Hansen Locksmithing (Maintenance) \$6.00, Mobile Electronic (Equipment & Maintenance) \$3,499.70, Pump N Stuff (Maintenance) \$9.00, Pennington County Jail (Travel) \$225.00, Lewis & Clark Ford (Maintenance) \$120.01, Wal-Mart (Supplies) \$31.52, Yankton Office Equipment (Supplies) \$88.95; **County Jail:** CBM Food Service (Meals) \$2,279.77, Central Restaurant Products (Supplies) \$351.51, Ecolab (Supplies) \$1,534.12, Hy-Vee Pharmacy (Medicine) \$4.00, Hy-Vee (Supplies) \$506.84, Keefe Supply (Supplies) \$205.24, Yankton Medical Clinic (Services) \$179.05; **Coroner:** Melisa Smith (Travel) \$28.93; **Juvenile Detention:** Minnehaha County Treasurer (Joint Powers Agreement) \$7,387.89, Woodbury County Juvenile (Secure Detention) \$600.00; **Airport:** City of Yankton (2009 Budget) \$15,000.00; **Care of Poor:** Hy-Vee Pharmacy (Medicine) \$69.99, Pitney Bowes (Maintenance) \$62.70, Xerox (Maintenance) \$52.68, Yankton Medical Clinic (Services) \$41.53, Yankton Anesthesiology (Services) \$192.00; **Public Health Nurse:** Consolidated Business (Maintenance) \$90.50, Pitney Bowes (Maintenance) \$62.70, Xerox

(Maintenance) \$52.68; **Ambulance:** Avera Sacred Heart Hospital (Supplies) \$84.63, City of Yankton (Utilities) \$129.85, Credit Collection Service (Services) \$140.33, Century Business Products (Maintenance) \$38.37, Fox Run Quik Lube (Maintenance) \$99.95, Health Care Logistics (Supplies) \$95.91, JEMS (Supplies) \$32.00, Darla Edinger (Services) \$1,000.00, Linweld (Supplies) \$49.39, Northwestern Energy (Utilities) \$503.76, Orkin Pest Control (Maintenance) \$71.84, Pitney Bowes (Rental) \$210.00, Polk City Directories (Supplies) \$297.40, Racom (Utilities) \$390.60, Western Office Plus (Supplies) \$81.11; **Mental Health Centers:** Lewis & Clark Behavioral (2nd Quarter 2009 Budget) \$15,435.25; **Mental Illness Board:** Norma Andersen (Hearings) \$24.00, Donna Dietrich (Hearings) \$525.13, Nelva Kooistra (Hearings) \$39.00, Gary Mikelson (Hearings) \$118.90, Cathy Rehfuss (Hearings) \$15.00, Yavonne Slowey (Hearings) \$245.00; **Library:** Yankton Community Library (1st Half 2009 Budget) \$10,000.00; **Historical Sites:** Yankton County Historical Society (2nd Quarter 2009 Budget) \$7,905.75; **Senior Citizens:** City of Yankton (2009 Budget) \$9,497.81; **County Extension:** Bomgaars (Supplies) \$174.12, City of Yankton (Utilities) \$35.06, Dolphin Capital Corp. (Rental) \$214.02, Extension Service (Travel) \$130.22, Sharon Guthmiller (Services) \$50.00, Sharon Guthmiller (Travel) \$60.68, Knology (Utilities) \$223.77, MidAmerican Energy (Utilities) \$81.09, Soil Testing Laboratory (Supplies) \$130.00, SDCAA (Registration Fee) \$55.00; **Weed:** SD/NE PLS Mgmt Project (Supplies) \$500.00; **Planning & Zoning:** Doug Hevle (Travel) \$11.54, Printing Specialists (Supplies) \$73.45, Pitney Bowes (Maintenance) \$62.70, Western Office Plus (Supplies) \$26.03; **Road & Bridge:** Bomgaars (Supplies) \$608.47, B-Y Water (Utilities) \$42.00, City of Yankton (Utilities) \$53.59, Farm Plan (Supplies) \$23.48, MidAmerican Energy (Utilities) \$404.43, Northwestern Energy (Utilities) \$1,586.03, Newman Traffic Signs (Supplies) \$1,019.30, Pitney Bowes (Maintenance) \$62.70, Qwest (Utilities) \$97.75, Stern Oil (Supplies) \$457.62; **911 Fund:** City of Yankton (1st Quarter 2009 Budget) \$15,000.00, Miller Consulting (Maintenance) \$35.00, Qwest (Utilities) \$1,381.22; **Emergency Management:** Cabela's (Supplies) \$1,531.94, Hy-Vee (Supplies) \$34.05, Hedahl's (Supplies) \$44.32, MidAmerican Energy (Utilities) \$42.31, Racom (Utilities) \$27.90, Sioux Falls Two-Way Radio (Supplies) \$1,335.72, Stitchin Coroner (Supplies) \$60.00, Truck Trailer Sales (Maintenance) \$199.73; **Domestic Abuse:** Yankton Women's Shelter (2009 Budget) \$2,500.00; **24/7 Sobriety Fund:** Contec, Inc. (Supplies) \$91.65; **Capitol Project:** Robert Hanson (Contractual Inspection) \$525.00, OConnor Company (MTII Board-Safety Center) \$2,309.00.

Total General Fund \$119,829.92, Road & Bridge \$4,355.37, 911 Fund \$16,416.24, Emergency Management \$3,275.97, Domestic Abuse \$2,500.00, 24/7 Sobriety Fund \$91.65, Capitol Project \$2,834.00. Manual checks not included in totals: SD Special Pay Plan \$5,587.21 (Treas).

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

Action 09173C: A motion was made by Sinclair and seconded by Freng to approve the following gross payroll: **Commissioners:** \$4,316.81; **Auditor:** \$10,707.24; **Treasurer:** \$10,970.55; **States Attorney:** \$19,100.03; **Custodian:** \$2,768.43; **Director of Equalization:** \$16,444.61; **Register of Deeds:** \$7,789.82; **Veterans Service:** \$1,866.22; **Courthouse & Safety Center:** \$3,619.00; **Sheriff:** \$37,156.43; **County Jail:** \$38,164.88; **Juvenile Detention:** \$345.00; **Nurse:** \$2,443.55; **Ambulance:** \$27,738.68; **Extension:** \$4,315.68; **Soil Conservation:** \$2,138.50; **Weed:** \$1,904.91; **Planning & Zoning:** \$5,211.28; **Road & Bridge:** \$60,397.68; **OEMHS:** \$3,101.47; **24/7 Program:** \$3,623.34. South Dakota Retirement System (Payroll Deduction) \$166.63, South Dakota Retirement System \$12,077.30 (Sheriff/EDS), South Dakota Retirement System \$19,890.68 (Other Employees), South Dakota Retirement System (Payroll Deduction-Spouse Opt) \$333.03, South Dakota Retirement System (Supplemental) \$450.00, American Family Life Assurance Company \$3,968.77, 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 \$16,209.32 (Withholding), First Dakota National Bank \$31,898.76 (FICA) First Dakota National Bank \$7,460.20 (Medicare), Credit Collections Bureau \$100.00, Blue Cross Blue Shield \$33,963.04. Gross Payroll \$330,104.91, Net Payroll \$202,318.65.
Voting Aye: All Nay: None Motion carried.

Action 09174A/C: A motion was made by Sinclair and seconded by Tamsiea to authorize the Auditor to advertise for bids for an ambulance and the Malt Beverage License applications hearing set for May 19th, 2009 at 5:30 PM in the Commission Chambers at the Government Center.
Voting Aye: All Nay: None Motion carried.

Action 09175W: A motion was made by Tamsiea and seconded by Johnson to approve the Joint Cooperative Agreement for mosquito abatement with the towns of Utica and Mission Hill for the 2009 year.
Voting Aye: All Nay: None Motion carried.

Rob Klimisch, States Attorney, presented the board with an example of an ordinance to create an on-sale, full-service restaurant alcohol license. The issue will be reviewed and returned to the table at a later date.

A motion was made by Johnson to adjourn.

The next regular meeting of the Board will be Tuesday, May 19, 2009 at 5:00 PM in the Commission chambers.

Bruce Jensen, Chairman
Yankton County Commission

ATTEST:
Paula Jones, Auditor