

Yankton County Planning Commission  
Yankton County Board of Adjustment

Date filed: 02/27/20

Applicant

Woodward - Variance

District type:  AG  R1-Low  R2-Moderate  R3-High  C-Comm.

LC - Lakeside Commercial  RT-Rural Transitional

Variance needed:  
 Section 513  Section 515  Section 705  Section 715  Section 805  
 Section 1907

North Side/ Yard lot line: \_\_\_\_\_ feet or no closer than \_\_\_\_\_ feet to the \_\_\_\_\_ lot line.

East Side / Yard lot line: \_\_\_\_\_ feet or no closer than \_\_\_\_\_ feet to the \_\_\_\_\_ lot line.

South Side / Yard lot line: \_\_\_\_\_ feet or no closer than \_\_\_\_\_ feet to the \_\_\_\_\_ lot line.

West Side / Yard lot line \_\_\_\_\_ feet or no closer than \_\_\_\_\_ feet to the \_\_\_\_\_ lot line.

|  |
|--|
| <p>Accessory Building Size allowed: _____</p> <p>Proposed building size: _____</p> <p>Proposed sidewall height: 14</p> <p>Affects Section: _____</p> |
|--|

**NOTE:**

**Variance**

Applicant is requesting a Variance to increase the side wall height on an accessory structure from 12 feet to 14 feet, which is a variance of 2 feet in height. Said property is legally described as N300' of the S333' of W1066' exc the W861' thereof located in the SE4 NE4 Section 7 T93N R56W hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota.

PC: Article 7 Section 705                      Article 18 Section 1807  
BOA: Article 7 Section 705                    Article 19 Section 1907

Planning Commission date: 04/14/20  
Board of Adjustment date: 05/19/20

Time: 7:10 PM  
Time: 7:05 PM

YANKTON COUNTY  
APPLICATION # VAR-20-001

(Type or Print)

OWNER: Leasa Woodward

|                                     |                        |
|-------------------------------------|------------------------|
| <input checked="" type="checkbox"/> | Variance Application   |
| <input type="checkbox"/>            | Conditional Use Permit |
| <input type="checkbox"/>            | Rezoning Permit        |

OWNERS ADDRESS: 102 Marina Park Dr, Yankton

OWNERS DAYTIME PHONE#: 605-660-4352

DATE OF BUILDING PERMIT REQUEST: 2/25/20

DESCRIPTION OF BUILDING PERMIT: Detached garage 30x40 with 14' sidewalls

REASON FOR BUILDING PERMIT DENIAL: \_\_\_\_\_

DATE OF DENIAL: \_\_\_\_\_

JOB ADDRESS: 102 Marina Park Dr, Yankton

LEGAL: N300' S333' W 1066' EXC W 861' S24 N24 Section 7

TOWNSHIP: A3 SECTION: 56

EXISTING USE OF PROPERTY: single family dwelling

PRESENT ZONING CLASSIFICATION: R2

PROPOSED ZONING CLASSIFICATION: UA

AFFECTED SECTION OF ZONING ORDINANCE: \_\_\_\_\_

REASON FOR REQUEST: two foot variance for side walls

LIST SPECIFIC HARDSHIPS: Camper won't fit with 10ft. door + 1/2 of the building is for storage

Applications will not be accepted nor acted upon until the following information has been provided by the applicant:

- A) Detailed Site Plan (Refer to handout)
- B) Location and Use of Adjacent Structures
- C) Application Fee(s)

SCHEDULED FOR PLANNING COMMISSION ACTION (Date): April 14, 2020

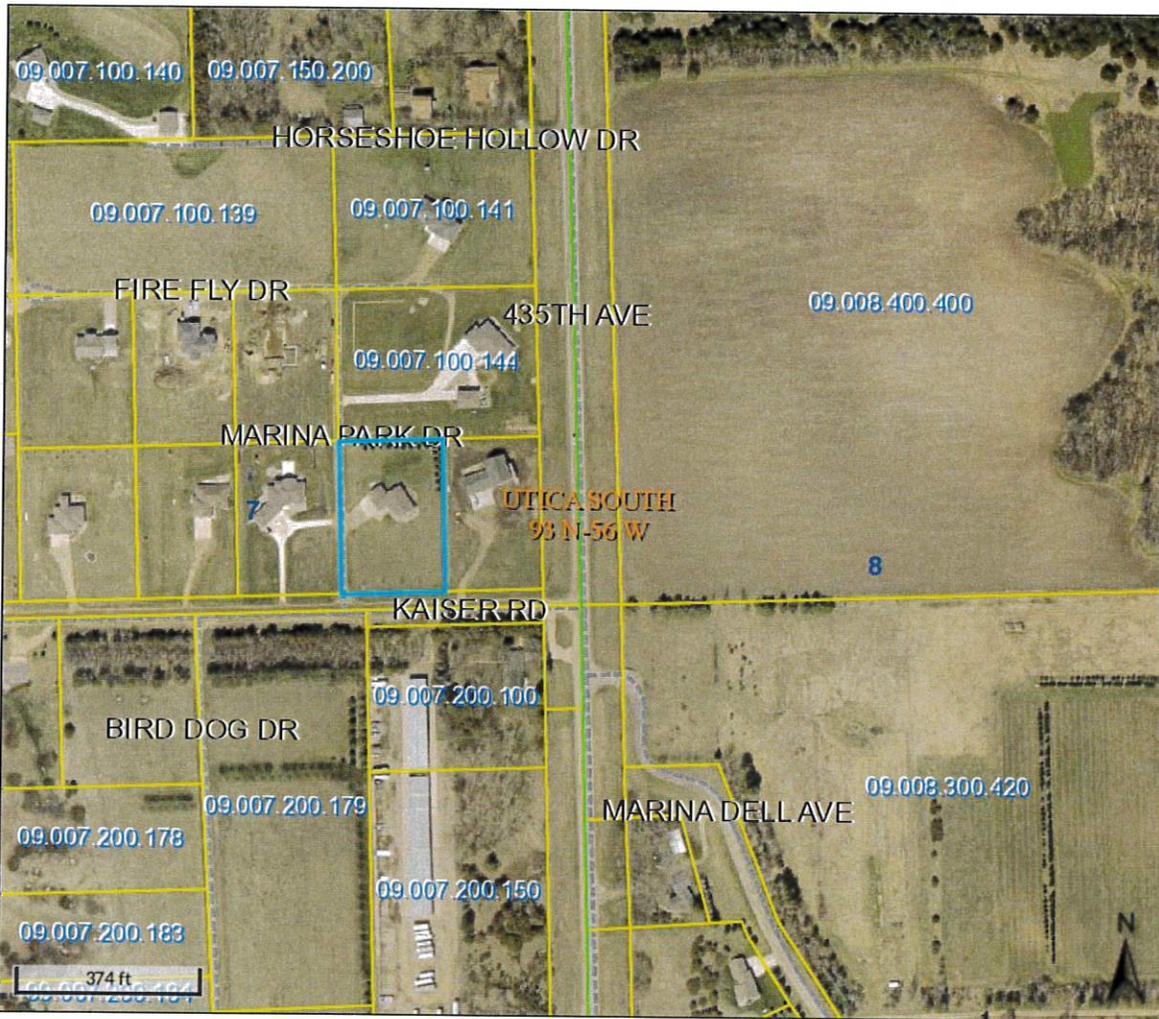
SCHEDULED FOR BOARD OF ADJUSTMENT ACTION (Date): May 5, 2020

\*TENTATIVE DATE: Final date announced at Planning Commission Meeting: \_\_\_\_\_

APPLICATION FEE: 450 CHECK #: 2861 RECEIPT #: 5153

The undersigned acknowledges/declares that all the facts and representations stated in this application are true and by signing, acknowledges the cost and the procedure for the processing of the application and certifies that the property described by the legal description is not delinquent.

Leasa Woodward 2-27-2020 Leasa Woodward 2-27-2020  
Name of Applicant Date Signature of Applicant/Owner Date



Overview



Legend

-  Townships
-  Sections
-  Parcels
-  City Limits
-  Streets and Roads

Parcel ID - 09.007.100.103  
 Address - 102 MARINA PARK DR  
 Owner - LONG, AMY S (D)  
 WOODWARD, LEASAL (D)

**Disclaimer:** Yankton County digital cadastral data are a representation of recorded plats and surveys for use within the Geographic Information System for purposes of data access and analysis. These and other digital data do not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership or use.

Date created: 3/26/2020  
 Last Data Uploaded: 3/26/2020 3:04:53 AM

Developed by  Schneider  
 GEOSPATIAL

# YANKTON COUNTY BUILDING PERMIT APPLICATION

Each building site must have a separate site plan

|  |  |  |              |
|--|--|--|--------------|
| JOB ADDRESS<br>102 MARINA PARK DR, YANKTON, SD 57078   |  | PARCEL ID<br>09.007.100.103  |              |
| LEGAL DESCRIPTION<br>N300' S333' W1066' EXC W861' THEREOF SE4 NE4  |  |  |              |
| OWNER NAME AND MAILING ADDRESS<br>LONG, AMY S   102 MARINA PARK DR   YANKTON SD 57078 WOODWARD, LEASA L  |  | PHONE/CELL<br>/ 605-660-4352   |              |
| CONTRACTOR<br>Jason Drotzmann  | MAIL ADDRESS<br>PO Box 161 Yankton SD 57078  | PHONE<br>661-0170  |              |
| ARCHITECT OR DESIGNER  | MAIL ADDRESS   | PHONE  |              |
| USE OF BUILDING: Det. Garage   | SETBACKS   |  |              |
| CLASS OF WORK: New   | Front: 30 Rear: 141  |  |              |
| DESCRIBE WORK: 30x40 detached garage   | Side: 215 Side: 42   |  |              |
| VALUATION OF WORK: \$50000   | Mobile/Manufactured Home Tax Affidavit:  |  |              |
| SPECIAL CONDITIONS: Per Section 703, 705 and 715 may proceed per site plan   |  |  |              |
| App. Accepted By:<br><i>ja</i>   | Site Plans Check By:<br><i>ja</i>  | Approved for Issuance By:<br><i>ja</i>   |              |
|  |  | <b>PERMIT FEE: \$197.00    Check # 2835</b>  |              |
| <p style="text-align: center;"><b>NOTICE</b></p> <p>THIS PERMIT WILL EXPIRE IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN ONE HUNDRED EIGHTY (180) DAYS OR CONSTRUCTION IS NOT SUBSTANTIALLY COMPLETED WITHIN TWO (2) YEARS OF ISSUANCE. I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF THE YANKTON COUNTY ZONING ORDINANCE OR ANY OTHER FEDERAL, STATE, OR LOCAL LAW REGULATING CONSTRUCTION ACTIVITIES OR THE USE OF ANY PROPERTY.</p> <p>Application keyed in by staff</p> <p style="text-align: right;">02/25/2020</p> | Type of Construction<br>Wood   | Sewer<br>N/A   | Water<br>N/A |
|  | Total Square Feet  | Number of Stories<br>1   |              |
|  | Zoning District<br>R2  | Number of Accessory Buildings<br>No  |              |
|  | Number of Dwelling Units<br>1  | Property/Parcel/Lot Size (Acres)<br>0  |              |
|  | <b>For County Officials Use Only</b>   |  |              |
|  | When properly validated (in this space), this is your permit.<br>The above application is hereby approved. |  |              |
| Signature of STAFF   | Date   | Building Permit Number: BP-20-012  |              |
| <p>BY THIS SIGNATURE, THE ZONING ADMINISTRATOR IS AUTHORIZED TO ENTER UPON THE PROPERTY DESCRIBED FOR THE PURPOSE OF INSPECTION</p>  |  | Post Construction?   |              |
|  |  | <p style="font-size: 1.2em;"><i>Jessica Atkinson</i></p> <p style="text-align: right;">2/25/2020</p> |              |
|  |  | Deputy Zoning Administrator  | Date         |



**FINDINGS OF FACT – VARIANCE**  
**Leasa Woodward – VAR-20-001**

|   |  |
|---|--|
| <p>Are the requirements of Section 1723 met?<br/>         (signed by owner unless there is a binding purchase agreement then signed by applicant, Variance accompanied by building permit (if applicable), site plan included with building permit,</p>   | <p>Yes</p>   |
| <p>Are the requirements of Section 1729 met?<br/>         (all fees paid at time of application)</p>  | <p>Yes</p>   |
| <p>Section 1807:</p>  |  |
| <p>1. A. The strict application of the ordinance would produce undue hardship;</p>  | <p>Applicant is requesting a Variance to increase the side wall height on an accessory structure from 12 feet to 14 feet, which is a variance of 2 feet in height.</p> |
| <p>B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;</p>  | <p>The hardship is not generally shared by other properties in the district.</p>   |
| <p>C. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the grant of the variance; and</p>  | <p>The granting of a variance will not be of substantial detriment to adjacent property nor the character of the district.</p>   |
| <p>D. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, and caprice.</p>   | <p>None shown</p>  |
| <p>2. No variance shall be recommended for approval unless the Planning Commission finds the condition or situation of the property concerning or the intended use of the property concerned, or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment of this ordinance.</p> |  |
| <p>3. A. A written application for a variance is submitted demonstrating that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings, in the same district;</p>   |  |
| <p>B. The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;</p>   | <p>Previous variances for height have been granted in Yankton County</p>   |
| <p>C. The special conditions and circumstances do not result from the actions of the applicant; and</p>   | <p>The special conditions and circumstances are not a result of the applicant.</p>   |

|  |  |
|--|--|
| <p>D. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the same district.</p>   | <p>Variance requests of this type have been approved by the Planning Commission.</p>   |
| <p>E. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.</p>   | <p>No nonconforming uses of neighboring lands, structures, or buildings in this district, and no permitted or nonconforming use of lands, structures, or buildings in other districts were considered.</p> |
| <p>F. Notice of public hearing shall be given, as in Section 1803 (3-5).</p>   | <p>Mailed – April 1, 2020, April 23, 2020 and May 8, 2020<br/>Published – April 3, 2020 and April 24, 2020 and May 8, 2020</p>   |
| <p>G. The public hearing shall be held. Any party may appear in person for by agent or by attorney.</p>  | <p>Public hearing April 14, 2020</p>   |
| <p>H. The Planning Commission shall make findings that the requirements of this Section have been met by the applicant for a variance; the Commission shall further make a finding that the reasons set forth in the application justify the recommendation of granting the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; the Planning Commission shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.</p> | <p>The Planning Commission further finds that the reasons set forth in the application and hearing satisfy all requirements for this variance request</p>  |
| <p>I. In recommending approval of any variance, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance.</p>   | <p>The Planning Commission approves this request.</p>  |
| <p>J. Under no circumstances shall the Planning Commission recommend granting a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.</p>   | <p>Motion to approve the Woodward variance request for 14ft sidewall height<br/><br/>7-2 Motion carries<br/>Michael and Williams vote nay</p>  |

AFFIDAVIT OF MAILING

I, Leasa Woodward, hereby certify that on the 15<sup>th</sup> day of April, 2020, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within a 1,320 feet radius of the proposed project to the most recent address of the recipient known to your Affiant.

A true and correct copy of the Notice of Public Hearing notification letters are attached as Exhibit #1 or #2.

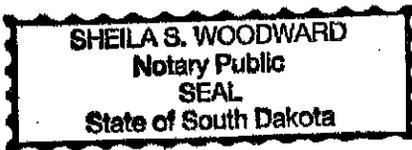
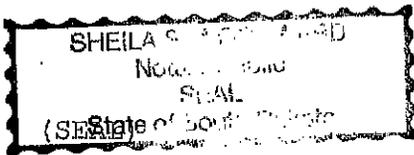
A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 3<sup>rd</sup> day of April, 2020.

Leasa Woodward  
(Name)  
Affiant

Subscribed and sworn to before me this 3<sup>rd</sup> day of April, 2020.

Sheila Woodward  
Notary Public - South Dakota  
My commission expires: 4.15.2022



# NOTIFICATION

April 3, 2020

Leasa Woodward  
102 Marina Park Dr  
Yankton, SD 57078

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 1,320 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

## NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:10 P.M. on the 14<sup>th</sup> day of April, 2020 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Said hearing is to consider the following:

*Applicant is requesting a Variance to increase the side wall height on an accessory structure from 12 feet to 14 feet, which is a variance of 2 feet in height. Said property is described as N300' of the S333' of W1066' exc the W861' thereof located in the SE4 NE4 Section 7 T93N R56W hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota.*

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D. or online at the Yankton County Website.

Sincerely,

Leasa Woodward  
Petitioners

ARENS, JAMES L (D)  
117 BIRD DOG DR.  
YANKTON SD 57078

ARENS, JAMES L (D)  
43487 KAISER RD  
YANKTON SD 57078

BATCHELLER, JAY (D)  
30967 436 AVE  
YANKTON SD 57078

BRUNICK, LLOYD (D)  
31012 435 AVE  
YANKTON SD 57078

DEGROOT, BRIAN (D)  
152 MARINA DELL AVE  
YANKTON SD 57078

GILLEN, TYLER C (D)  
912 S FAWN CT  
SIOUX FALLS SD 57110

GRAHAM, BARRY REVOCABLE TRUST (I  
PO BOX 18  
YANKTON SD 57078

GREENEWAY, DAVID L (D)  
31055 435 AVE  
YANKTON SD 57078

GUBBELS, DAVID J (D)  
108 MARINA PARK DR  
YANKTON SD 57078

HENNING, ERIC (D)  
202 FIRE FLY DR  
YANKTON SD 57078

KABEISEMAN, WILLIAM J (D)  
1210 DOUGLAS AVE  
YANKTON SD 57078

KAISER, DIANE (D)  
12317 HASCALL ST  
OMAHA NE 68144

KNUDSEN, KEITH A (D)  
107 7 ST  
LAUREL NE 68745

KOUPAL, RICHARD G (D)  
100 HORSESHOE HOLLOW DR  
YANKTON SD 57078

KRIER, TREY J (D)  
109 MARINA PARK DR  
YANKTON SD 57078

LAW, ROBERT (D)  
3812 SD HWY 314  
YANKTON SD 57078

LOHFF, GARY W (D)  
43472 KAISER RD  
YANKTON SD 57078

LONG, AMY S (D)  
102 MARINA PARK DR  
YANKTON SD 57078

MCMENAMY, GAYLENE (D)  
31051 435 AVE  
YANKTON SD 57078

MCMENAMY, WM C (D)  
31051 435 AVE  
YANKTON SD 57078

MENTELE, ADAM (D)  
103 MARINA PARK DR  
YANKTON SD 57078

MOSER, JONATHAN B (D)  
213 FIREFLY DR  
YANKTON SD 57078

MYERS, RUSSELL L (D)  
43474 KAISER RD  
YANKTON SD 57078

NEUMAYR, JAMES R (D)  
2504 BURLEIGH ST  
YANKTON SD 57078

PAVLISH, JOSHUA W (D)  
105 BIRD DOG DR  
YANKTON SD 57078

PHILIPS, TIMOTHY H (D)  
43473 KAISER RD  
YANKTON SD 57078

RASMUSSEN, RANDY L (D)  
43498 KAISER RD  
YANKTON SD 57078

REDMAN, HARRY R (D)  
223 FIRE FLY DR  
YANKTON SD 57078

RICHMAN, KIM A (D)  
834 BRIGGS AVE  
HASTINGS NE 68901

ROBERTS, BRYCE B (D)  
1303 WEST 19 ST #4  
YANKTON SD 57078

SCHWEITZER, MELINDA A (D)  
43486 KAISER RD  
YANKTON SD 57078

SHUDAK, DAN REVOCABLE TRUST (D)  
214 HORSESHOE HOLLOW DR  
YANKTON SD 57078

SMIT, KENNETH (D)  
215 FIREFLY DR  
YANKTON SD 57078

STACH, GREGORY T (D)  
31060 435 AVE  
YANKTON SD 57078

WEATHERWAX, JIM G (D)  
31078 435 AVE  
YANKTON SD 57078

WESTERMAN, MARK (D)  
43481 KAISER RD  
YANKTON SD 57078

WINTERRINGER, MARK (D)  
148 MARINA DELL AVE  
YANKTON SD 57078

YOUMANS, LUKE (D)  
222 FIRE FLY DR  
YANKTON SD 57078

AFFIDAVIT OF MAILING

I, Leasa Woodward, hereby certify that on the 23<sup>rd</sup> day of April, 2020, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within a 1,320 feet radius of the proposed project to the most recent address of the recipient known to your Affiant.  
A true and correct copy of the Notice of Public Hearing notification letters are attached as Exhibit #1 or #2.  
A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 23<sup>rd</sup> day of April, 2020.

Leasa Woodward  
(Name)  
Affiant

Subscribed and sworn to before me this 23<sup>rd</sup> day of April, 2020.

Sheila S. Woodward  
Notary Public - South Dakota  
My commission expires: 4-15-2022

SHEILA S. WOODWARD  
(SEAL) Notary Public  
SEAL  
State of South Dakota

# NOTIFICATION

April 24, 2020

Leasa Woodward  
102 Marina Park Dr  
Yankton, SD 57078

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 1,320 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

## NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Board of Adjustment, Yankton County, South Dakota, at 7:05 P.M. on the 5<sup>th</sup> day of May, 2020 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Said hearing is to consider the following:

*Applicant is requesting a Variance to increase the side wall height on an accessory structure from 12 feet to 14 feet, which is a variance of 2 feet in height. Said property is described as N300' of the S333' of W1066' exc the W861' thereof located in the SE4 NE4 Section 7 T93N R56W hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota.*

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D. or online at the Yankton County Website.

Sincerely,

Leasa Woodward  
Petitioners

ARENS, JAMES L (D)  
117 BIRD DOG DR.  
YANKTON SD 57078

ARENS, JAMES L (D)  
43487 KAISER RD  
YANKTON SD 57078

BATCHELLER, JAY (D)  
30967 436 AVE  
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31012 435 AVE  
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152 MARINA DELL AVE  
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31055 435 AVE  
YANKTON SD 57078

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108 MARINA PARK DR  
YANKTON SD 57078

HENNING, ERIC (D)  
202 FIRE FLY DR  
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KABEISEMAN, WILLIAM J (D)  
1210 DOUGLAS AVE  
YANKTON SD 57078

KAISER, DIANE (D)  
12317 HASCALL ST  
OMAHA NE 68144

KNUDSEN, KEITH A (D)  
107 7 ST  
LAUREL NE 68745

KOUPAL, RICHARD G (D)  
100 HORSESHOE HOLLOW DR  
YANKTON SD 57078

KRIER, TREY J (D)  
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YANKTON SD 57078

LAW, ROBERT (D)  
3812 SD HWY 314  
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LOHFF, GARY W (D)  
43472 KAISER RD  
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102 MARINA PARK DR  
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105 BIRD DOG DR  
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PHILIPS, TIMOTHY H (D)  
43473 KAISER RD  
YANKTON SD 57078

RASMUSSEN, RANDY L (D)  
43498 KAISER RD  
YANKTON SD 57078

REDMAN, HARRY R (D)  
223 FIRE FLY DR  
YANKTON SD 57078

RICHMAN, KIM A (D)  
834 BRIGGS AVE  
HASTINGS NE 68901

ROBERTS, BRYCE B (D)  
1303 WEST 19 ST #4  
YANKTON SD 57078

SCHWEITZER, MELINDA A (D)  
43486 KAISER RD  
YANKTON SD 57078

SHUDAK, DAN REVOCABLE TRUST (D)  
214 HORSESHOE HOLLOW DR  
YANKTON SD 57078

SMIT, KENNETH (D)  
215 FIREFLY DR  
YANKTON SD 57078

STACH, GREGORY T (D)  
31060 435 AVE  
YANKTON SD 57078

WEATHERWAX, JIM G (D)  
31078 435 AVE  
YANKTON SD 57078

WESTERMAN, MARK (D)  
43481 KAISER RD  
YANKTON SD 57078

WINTERRINGER, MARK (D)  
148 MARINA DELL AVE  
YANKTON SD 57078

YOUMANS, LUKE (D)  
222 FIRE FLY DR  
YANKTON SD 57078

AFFIDAVIT OF MAILING

I, Lessa Woodward, hereby certify that on the 8<sup>th</sup> day of May, 2020, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within a 1,320 foot radius of the proposed project to the most recent address of the recipient known to your Affiant.  
A true and correct copy of the Notice of Public Hearing notification letters are attached as Exhibit #1 or #2.  
A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 10<sup>th</sup> day of May, 2020.

Lessa Woodward  
(Name)  
Affiant

Subscribed and sworn to before me this 10<sup>th</sup> day of May, 2020.

Sheila's Woodward  
Notary Public - South Dakota  
My commission expires 4-15-2022



## NOTIFICATION

May 9, 2020

Leasa Woodward  
102 Marina Park Dr  
Yankton, SD 57078

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 1,320 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

### NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Board of Adjustment, Yankton County, South Dakota, at 7:05 P.M. on the 19<sup>th</sup> day of May, 2020 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Said hearing is to consider the following:

*Applicant is requesting a Variance to increase the side wall height on an accessory structure from 12 feet to 14 feet, which is a variance of 2 feet in height. Said property is described as N300' of the S333' of W1066' exc the W861' thereof located in the SE4 NE4 Section 7 T93N R56W hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota.*

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D. or online at the Yankton County Website.

Sincerely,

Leasa Woodward  
Petitioners

ARENS, JAMES L (D)  
117 BIRD DOG DR.  
YANKTON SD 57078

ARENS, JAMES L (D)  
43487 KAISER RD  
YANKTON SD 57078

BATCHELLER, JAY (D)  
30987 436 AVE  
YANKTON SD 57078

BRUNICK, LLOYD (D)  
31012 435 AVE  
YANKTON SD 57078

DEGROOT, BRIAN (D)  
162 MARINA DELL AVE  
YANKTON SD 57078

GILLEN, TYLER C (D)  
912 S FAWN CT  
SIOUX FALLS SD 57110

GRAHAM, BARRY REVOCABLE TRUST (E)  
PO BOX 18  
YANKTON SD 57078

GREENEWAY, DAVID L (D)  
31066 435 AVE  
YANKTON SD 57078

GUBBELS, DAVID J (D)  
108 MARINA PARK DR  
YANKTON SD 57078

HENNING, ERIC (D)  
202 FIRE FLY DR  
YANKTON SD 57078

KABEISEMAN, WILLIAM J (D)  
1210 DOUGLAS AVE  
YANKTON SD 57078

KAISER, DIANE (D)  
12317 HASCALL ST  
OMAHA NE 68144

KNUDSEN, KEITH A (D)  
107 7 ST  
LAUREL NE 68746

KOUPAL, RICHARD G (D)  
100 HORSESHOE HOLLOW DR  
YANKTON SD 57078

KRIER, TREY J (D)  
109 MARINA PARK DR  
YANKTON SD 57078

LAW, ROBERT (D)  
3812 SD HWY 314  
YANKTON SD 57078

LOHFF, GARY W (D)  
43472 KAISER RD  
YANKTON SD 57078

LONG, AMY S (D)  
102 MARINA PARK DR  
YANKTON SD 57078

MCMENAMY, GAYLENE (D)  
31051 435 AVE  
YANKTON SD 57078

MCMENAMY, WM C (D)  
31051 435 AVE  
YANKTON SD 57078

MENTELE, ADAM (D)  
103 MARINA PARK DR  
YANKTON SD 57078

MOSER, JONATHAN B (D)  
213 FIREFLY DR  
YANKTON SD 57078

MYERS, RUSSELL L (D)  
43474 KAISER RD  
YANKTON SD 57078

NEUMAYR, JAMES R (D)  
2604 BURLEIGH ST  
YANKTON SD 57078

PAVLISH, JOSHUA W (D)  
105 BIRD DOG DR  
YANKTON SD 57078

PHILIPS, TIMOTHY H (D)  
43473 KAISER RD  
YANKTON SD 57078

RASMUSSEN, RANDY L (D)  
43498 KAISER RD  
YANKTON SD 57078

REDMAN, HARRY R (D)  
223 FIRE FLY DR  
YANKTON SD 57078

RICHMAN, KIM A (D)  
834 BRIGGS AVE  
HASTINGS NE 68901

ROBERTS, BRYCE B (D)  
1303 WEST 19 ST #4  
YANKTON SD 57078

SCHWEITZER, MELINDA A (D)  
43486 KAISER RD  
YANKTON SD 57078

SHUDAK, DAN REVOCABLE TRUST (D)  
214 HORSESHOE HOLLOW DR  
YANKTON SD 57078

SMIT, KENNETH (D)  
215 FIREFLY DR  
YANKTON SD 57078

STACH, GREGORY T (D)  
31060 435 AVE  
YANKTON SD 57078

WEATHERWAX, JIM G (D)  
31078 435 AVE  
YANKTON SD 57078

WESTERMAN, MARK (D)  
43481 KAISER RD  
YANKTON SD 57078

WINTERRINGER, MARK (D)  
148 MARINA DELL AVE  
YANKTON SD 57078

YOUMANS, LUKE (D)  
222 FIRE FLY DR  
YANKTON SD 57078

Yankton County Planning Commission  
Yankton County Board of Adjustment

Date filed: 03/06/20

Applicant

Zimmerer - Variance

District type:  AG  R1-Low  R2-Moderate  R3-High  C-Comm.

LC - Lakeside Commercial  RT-Rural Transitional

Variance needed:

Section 613  Section 515  Section 705  Section 715  Section 805

Section 1907

North Side/ Yard lot line: \_\_\_\_\_ feet or no closer than \_\_\_\_\_ feet to the \_\_\_\_\_ lot line.

East Side / Yard lot line: \_\_\_\_\_ feet or no closer than \_\_\_\_\_ feet to the \_\_\_\_\_ lot line.

South Side / Yard lot line: \_\_\_\_\_ feet or no closer than \_\_\_\_\_ feet to the \_\_\_\_\_ lot line.

West Side / Yard lot line \_\_\_\_\_ feet or no closer than \_\_\_\_\_ feet to the \_\_\_\_\_ lot line.

Accessory Building Size allowed:

Proposed building size:

Proposed sidewall height:

Affects Section:

**NOTE:**

**Variance**

Applicant is requesting a Variance for minimum lot size in a Low Density Rural Residential District which will allow them to reduce six lots currently down to four lots bringing the lots more into compliance. The new lots will be .89 acres (lot 15), .73 acres (lot 16), .71 acres (lot 17) and 1.11 acres (lot 18). Said property is legally described as Lots 8 thru 13 Block 2 Sherwood Acres, Section 14 T93N R57W hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota.

PC: Article 6 Section 613 Article 18 Section 1807  
BOA: Article 6 Section 613 Article 19 Section 1907

Planning Commission date: 04/14/20  
Board of Adjustment date: 05/19/20

Time: 7:15 PM  
Time: 7:10 PM

YANKTON COUNTY  
APPLICATION # VAR-20-002

(Type or Print)

OWNER: Douglas J Zimmerman

OWNERS ADDRESS: 1318 Green St.

OWNERS DAYTIME PHONE#: 402-640-9313

|                                     |                        |
|-------------------------------------|------------------------|
| <input checked="" type="checkbox"/> | Variance Application   |
| <input type="checkbox"/>            | Conditional Use Permit |
| <input type="checkbox"/>            | Rezoning Permit        |

DATE OF BUILDING PERMIT REQUEST: \_\_\_\_\_

DESCRIPTION OF BUILDING PERMIT: \_\_\_\_\_

REASON FOR BUILDING PERMIT DENIAL: \_\_\_\_\_

DATE OF DENIAL: \_\_\_\_\_

JOB ADDRESS: \_\_\_\_\_

LEGAL: Lots 8, 9, 10, 11, 12 & 13 of Sherwood Acres:

TOWNSHIP: 93 SECTION: 11 & 14 of 9357

EXISTING USE OF PROPERTY: Vacant

PRESENT ZONING CLASSIFICATION: R1

PROPOSED ZONING CLASSIFICATION: N/A

AFFECTED SECTION OF ZONING ORDINANCE: 6-13

REASON FOR REQUEST: Variance to have smaller than Sacre lots, making lots larger than previously platted.

LIST SPECIFIC HARDSHIPS: small lots making them larger

Applications will not be accepted nor acted upon until the following information has been provided by the applicant:

- A) Detailed Site Plan (Refer to handout)
- B) Location and Use of Adjacent Structures
- C) Application Fee(s)

SCHEDULED FOR PLANNING COMMISSION ACTION (Date): April 14 2020

SCHEDULED FOR BOARD OF ADJUSTMENT ACTION (Date): May 5, 2020

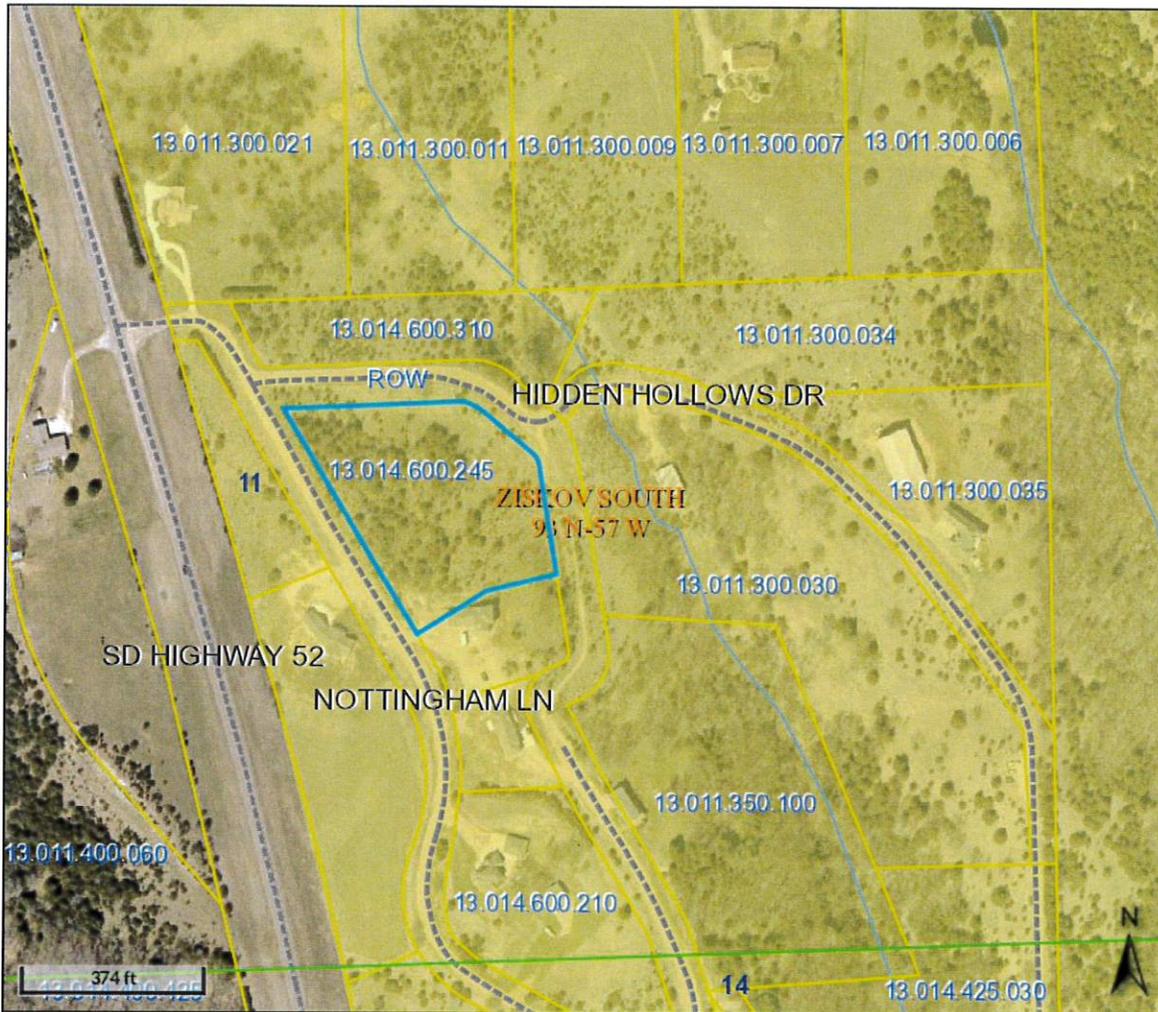
\*TENTATIVE DATE: Final date announced at Planning Commission Meeting:

APPLICATION FEE: 450- CHECK #: 10467 RECEIPT #: 5167

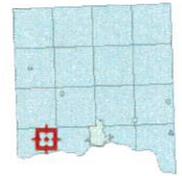
The undersigned acknowledges/declares that all the facts and representations stated in this application are true and by signing, acknowledges the cost and the procedure for the processing of the application and certifies that the property described by the legal description is not delinquent.

Douglas J Zimmerman 3-6-20  
Name of Applicant Date

[Signature] 3-6-20  
Signature of Applicant/Owner Date



Overview



Legend

-  Townships
-  Sections
-  Parcels
-  City Limits
-  Streets and Roads
- County Zoning District**
-  <all other values>
-  COMMERCIAL
-  ETJ
-  HIGH DENSITY RESIDENTIAL
-  LAKE SIDE COMMERCIAL
-  LOW DENSITY RESIDENTIAL
-  MODERATE DENSITY RESIDENTIAL
-  PLANNED UNIT DEVELOPMENT
-  PUBLIC
-  RURAL TRANSITIONAL
-  Streams
- Floodplain**
-  100 YEAR FLOOD NO BFE; 100 YEAR FLOOD WITH BFE
-  500 YEAR FLOOD

Parcel ID - 13.014.600.245  
 Owner - ZIMMERER, DOUGLAS J (D)

**Disclaimer:** Yankton County digital cadastral data are a representation of recorded plats and surveys for use within the Geographic Information System for purposes of data access and analysis. These and other digital data do not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership or use.

Date created: 3/23/2020  
 Last Data Uploaded: 3/23/2020 3:06:05 AM

SILVERWOOD ACCT.  
 LOTS 1-11, BLOCK 1; LOTS 1-4, BLOCK 2  
 IN THE S<sup>2</sup>SW<sup>4</sup> SECTION 11 & THE N<sup>2</sup>NW<sup>4</sup> SEC.  
 YANKTON COUNTY, SOUTH

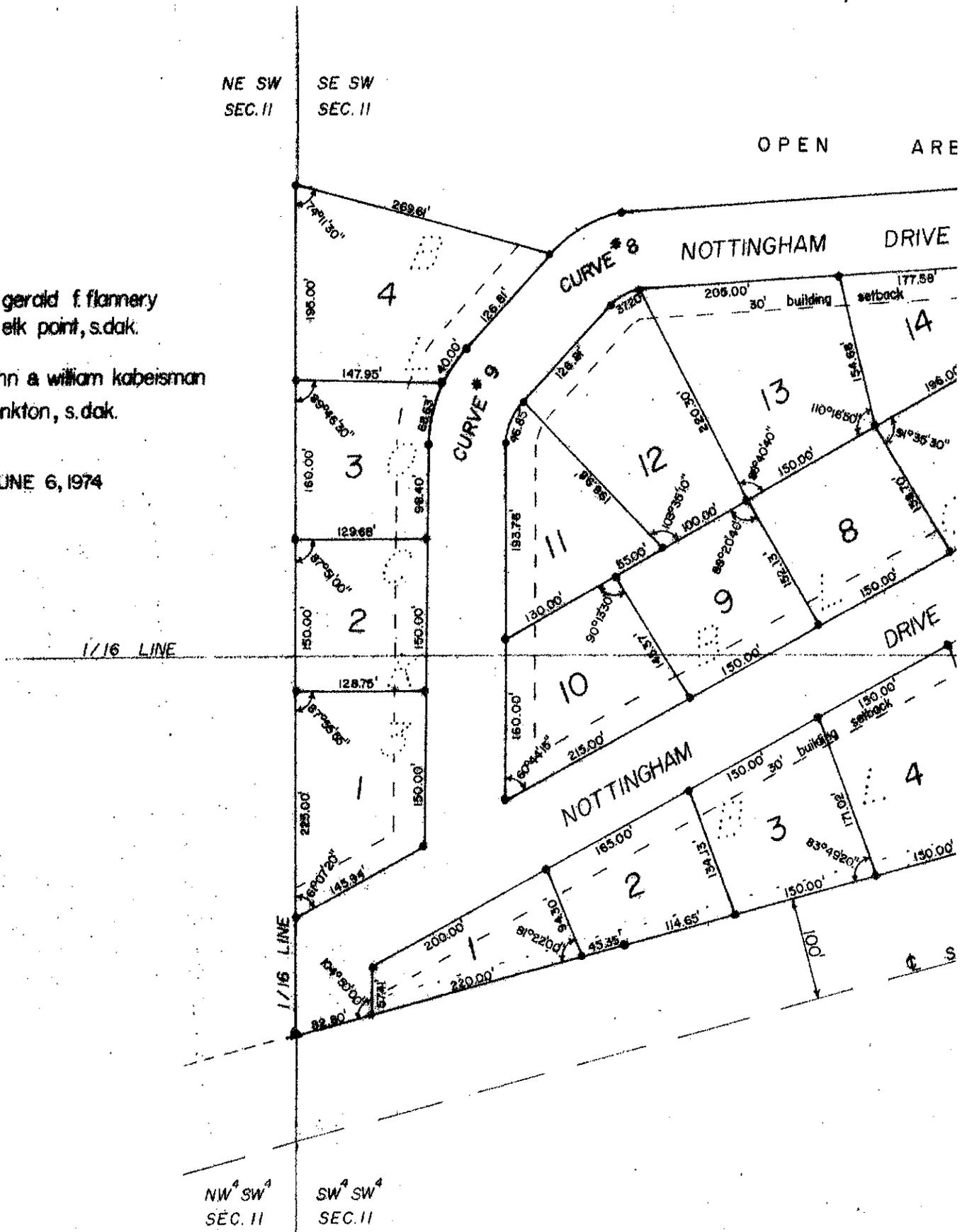
NE SW SEC. 11    SE SW SEC. 11

OPEN ARE

SURVEYOR: gerald f. flannery  
 elk point, s.dak.

OWNERS: john & william kabeisman  
 yankton, s.dak.

JUNE 6, 1974



**FINDINGS OF FACT – VARIANCE**  
**Douglas Zimmerer – VAR-20-002**

|   |   |
|---|---|
| <p>Are the requirements of Section 1723 met?<br/> (signed by owner unless there is a binding purchase agreement then signed by applicant, Variance accompanied by building permit (if applicable), site plan included with building permit,</p>   | <p>Yes</p>  |
| <p>Are the requirements of Section 1729 met?<br/> (all fees paid at time of application)</p>  | <p>Yes</p>  |
| <p>Section 1807:</p>  |   |
| <p>1. A. The strict application of the ordinance would produce undue hardship;</p>  | <p>Applicant is requesting a Variance to decrease the minimum lot size for a new plat in a Low Density Residential Zone from 5 acres to .89 acres (lot 15), .73 acres (lot 16), .71 acres (lot 17) and 1.11 acres (lot 18).</p> |
| <p>B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;</p>  | <p>The hardship is not generally shared by other properties in the district.</p>  |
| <p>C. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the grant of the variance; and</p>  | <p>The granting of a variance will not be of substantial detriment to adjacent property nor the character of the district.</p>  |
| <p>D. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, and caprice.</p>   | <p>None shown</p>   |
| <p>2. No variance shall be recommended for approval unless the Planning Commission finds the condition or situation of the property concerning or the intended use of the property concerned, or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment of this ordinance.</p> | <p>The requested variance is not recurring sufficiently to provide remedy with a zoning amendment.</p>  |
| <p>3. A. A written application for a variance is submitted demonstrating that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings, in the same district;</p>   |   |
| <p>B. The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;</p>   | <p>Previous variances for this type have been granted in Yankton County</p>   |

|   |   |
|---|---|
| C. The special conditions and circumstances do not result from the actions of the applicant; and  | The special conditions and circumstances are not result of the applicant.   |
| D. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the same district.   | Variance requests of this type have been approved by the Planning Commission.   |
| E. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.   | No nonconforming uses of neighboring lands, structures, or buildings in this district, and no permitted or nonconforming use of lands, structures, or buildings in other districts were considered. |
| F. Notice of public hearing shall be given, as in Section 1803 (3-5).   | Mailed – March 27, 2020, April 22, 2020, May 6, 2020<br>Published – April 3, 2020, April 24, 2020 and May 8, 2020   |
| G. The public hearing shall be held. Any party may appear in person for by agent or by attorney.  | Public hearing April 14, 2020   |
| H. The Planning Commission shall make findings that the requirements of this Section have been met by the applicant for a variance; the Commission shall further make a finding that the reasons set forth in the application justify the recommendation of granting the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; the Planning Commission shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare. | The Planning Commission further finds that the reasons set forth in the application and hearing satisfy all requirements for this variance request  |
| I. In recommending approval of any variance, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance.   | The Planning Commission approves this request.  |
| J. Under no circumstances shall the Planning Commission recommend granting a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.   | Move approval of the variance<br>9-0 Motion carries   |

AFFIDAVIT OF MAILING

I, Douglas J. Zimmerer, hereby certify that on the 27 day of March, 2020, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within a 1,320 feet radius of the proposed project to the most recent address of the recipient known to your Affiant.

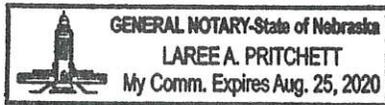
A true and correct copy of the Notice of Public Hearing notification letters are attached as Exhibit #1 or #2.

A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 27 day of March, 2020.

[Signature]  
(Name)  
Affiant

Subscribed and sworn to before me this 27<sup>th</sup> day of March, 2020.



Laree A. Pritchett  
Notary Public - Nebraska  
My commission expires: 8-25-2020

(SEAL)

## NOTIFICATION

April 3, 2020

Douglas Zimmerer  
1318 Green St  
Yankton, SD 57078

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 1,320 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

### NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:15 P.M. on the 14<sup>th</sup> day of April, 2020 at the Yankton County Government Center, Commissioners Chambers; 321 West Third St., Yankton South Dakota.

Said hearing is to consider the following:

*Applicant is requesting a Variance to decrease the minimum lot size for a new plat in a Low Density Residential Zone from 5 acres to .89 acres (lot 15), .73 acres (lot 16), .71 acres (lot 17) and 1.11 acres (lot 18). Said property is legally described as Lots 8 thru 13 Block 2 Sherwood Acres, Section 14 T93N R57W hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota.*

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D. or online at the Yankton County Website.

Sincerely,

Douglas Zimmerer  
Petitioners

ANDERSON, JUSTIN W (D)  
145 NOTTINGHAM LN  
YANKTON SD 57078

AUGHENBAUGH, PAUL J (D)  
109 SHERWOOD DR  
YANKTON SD 57078

BILLESBACH, ROBERT M (D)  
43117 SD HWY 52  
YANKTON SD 57078

BLAALID, DENNIS S (D)  
43075 SD HWY 52  
YANKTON SD 57078

BREVIK, ALAN (D)  
PO BOX 200  
YANKTON SD 57078

BREVIK, ALAN K (D)  
PO BOX 200  
YANKTON SD 57078

COLBY, DAVID ANTHONY (D)  
4037 MANCHESTER ST  
SIOUX CITY IA 51103

FEIMER FAMILY PROTECTION TRUST (D)  
43118 SD HWY 52  
YANKTON SD 57078

GODING, MARTIN A (D)  
143 NOTTINGHAM LN  
YANKTON SD 57078

HAASE, EDWARD J REV TRUST (D)  
PO BOX 7053  
YANKTON SD 57078

HACECKY FAMILY PROPERTIES LLC (D)  
1500 WHITING DR  
YANKTON SD 57078

HEJNA, PAUL S (D)  
146 NOTTINGHAM LN  
YANKTON SD 57078

HORNSTRA, FRED JR LIVING TRUST (D)  
% FNN TRUST COMPANY  
PO BOX 1089  
MITCHELL SD 57301

HUSMAN, GREG A (D)  
298 NOTTINGHAM LN  
YANKTON SD 57078

HUSMAN, GREGORY A (D)  
298 NOTTINGHAM LN  
YANKTON SD 57078

ISBURG, CARROLL D (D)  
43137 VALLEY VIEW RD  
YANKTON SD 57078

JENSEN, BENJAMIN D (D)  
158 HIDDEN HOLLOW DR  
YANKTON SD 57078

JERKE FAMILY PROTECTION TRUST (D)  
111 COTTONWOOD ST  
YANKTON SD 57078

KAISER, RYAN R (D)  
506 HIDDEN HOLLOW DR  
YANKTON SD 57078

LONG, MARCUS B (D)  
307 NOTTINGHAM LN  
YANKTON SD 57078

LYONS, SEAN C (D)  
179 SHERWOOD DR  
YANKTON SD 57078

MAUCH, MARK W (D)  
186 SHERWOOD DR  
YANKTON SD 57078

O'FARRELL, JAMIE L (D)  
304 NOTTINGHAM LN  
YANKTON SD 57078

PETERSON, COREY J (D)  
2905 LAKEVIEW DR  
YANKTON SD 57078

TWEEDY, RICHARD R (D)  
1915 COUNTY RD T  
COLON NE 68018

WYNIA, MICHEAL (D)  
123 SHERWOOD DR  
YANKTON SD 57078

ZIMMERER, DOUGLAS J (D)  
PO BOX 74  
BRISTOW NE 68719

AFFIDAVIT OF MAILING

I, Doug Zimmerman, hereby certify that on the 22 day of April, 2020, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within a 1,320 feet radius of the proposed project to the most recent address of the recipient known to your Affiant.

A true and correct copy of the Notice of Public Hearing notification letters are attached as Exhibit #1 or #2.

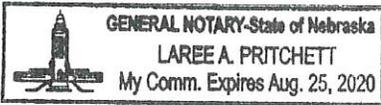
A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 22 day of April, 2020.

[Signature]  
(Name)  
Affiant

Subscribed and sworn to before me this 22 day of April, 2020.

Laree A Pritchett  
Notary Public - Nebraska  
My commission expires: 8-25-2020



(SEAL)

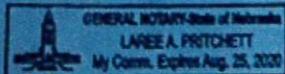
AFFIDAVIT OF MAILING

I, Doug Zimmerman, hereby certify that on the 22 day of April, 2020, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within a 1,320 feet radius of the proposed project to the most recent address of the recipient known to your Affiant.  
A true and correct copy of the Notice of Public Hearing notification letters are attached as Exhibit #1 or #2.  
A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 22 day of April, 2020.

[Signature]  
(Name)  
Affiant

Subscribed and sworn to before me this 22 day of April, 2020.



Larée A. Pritchett  
Notary Public - Nebraska  
My commission expires: 8-25-2020

(SEAL)

# NOTIFICATION

April 24, 2020

Douglas Zimmerer  
1318 Green St  
Yankton, SD 57078

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 1,320 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

## NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Board of Adjustment, Yankton County, South Dakota, at 7:10 P.M. on the 5<sup>th</sup> day of May, 2020 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Said hearing is to consider the following:

*Applicant is requesting a Variance for minimum lot size in a Low Density Rural Residential District which will allow them to reduce six lots currently down to four lots bringing the lots more into compliance. The new lots will be .89 acres (lot 15), .73 acres (lot 16), .71 acres (lot 17) and 1.11 acres (lot 18). Said property is legally described as Lots 8 thru 13 Block 2 Sherwood Acres, Section 14 T93N R57W hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota.*

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D. or online at the Yankton County Website.

Sincerely,

Douglas Zimmerer  
Petitioners

ANDERSON, JUSTIN W (D)  
145 NOTTINGHAM LN  
YANKTON SD 57078

AUGHENBAUGH, PAUL J (D)  
109 SHERWOOD DR  
YANKTON SD 57078

BILLESBACH, ROBERT M (D)  
43117 SD HWY 52  
YANKTON SD 57078

BLAALID, DENNIS S (D)  
43075 SD HWY 52  
YANKTON SD 57078

BREVIK, ALAN (D)  
PO BOX 200  
YANKTON SD 57078

BREVIK, ALAN K (D)  
PO BOX 200  
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COLBY, DAVID ANTHONY (D)  
4037 MANCHESTER ST  
SIOUX CITY IA 51103

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43118 SD HWY 52  
YANKTON SD 57078

GODING, MARTIN A (D)  
143 NOTTINGHAM LN  
YANKTON SD 57078

HAASE, EDWARD J REV TRUST (D)  
PO BOX 7053  
YANKTON SD 57078

HACECKY FAMILY PROPERTIES LLC (D)  
1500 WHITING DR  
YANKTON SD 57078

HEJNA, PAUL S (D)  
146 NOTTINGHAM LN  
YANKTON SD 57078

HORNSTRA, FRED JR LIVING TRUST (D)  
% FNN TRUST COMPANY  
PO BOX 1089  
MITCHELL SD 57301

HUSMAN, GREG A (D)  
298 NOTTINGHAM LN  
YANKTON SD 57078

HUSMAN, GREGORY A (D)  
298 NOTTINGHAM LN  
YANKTON SD 57078

ISBURG, CARROLL D (D)  
43137 VALLEY VIEW RD  
YANKTON SD 57078

JENSEN, BENJAMIN D (D)  
168 HIDDEN HOLLOW DR  
YANKTON SD 57078

JERKE FAMILY PROTECTION TRUST (D)  
111 COTTONWOOD ST  
YANKTON SD 57078

KAISER, RYAN R (D)  
506 HIDDEN HOLLOWS DR  
YANKTON SD 57078

LONG, MARCUS B (D)  
307 NOTTINGHAM LN  
YANKTON SD 57078

LYONS, SEAN C (D)  
179 SHERWOOD DR  
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MAUCH, MARK W (D)  
186 SHERWOOD DR  
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304 NOTTINGHAM LN  
YANKTON SD 57078

PETERSON, COREY J (D)  
2905 LAKEVIEW DR  
YANKTON SD 57078

TWEEDY, RICHARD R (D)  
1915 COUNTY RD T  
COLON NE 68018

WYNIA, MICHEAL (D)  
123 SHERWOOD DR  
YANKTON SD 57078

ZIMMERER, DOUGLAS J (D)  
PO BOX 74  
BRISTOW NE 68719

AFFIDAVIT OF MAILING

I, Ray Zimmerer, hereby certify that on the 6 day of May, 2020, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within a 1,320 feet radius of the proposed project to the most recent address of the recipient known to your Affiant.

A true and correct copy of the Notice of Public Hearing notification letters are attached as Exhibit #1 or #2.

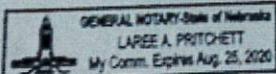
A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 6 day of May, 2020.

[Signature]  
(Name)  
Affiant

Subscribed and sworn to before me this 6<sup>th</sup> day of May, 2020.

Lance A. Pritchett  
Notary Public - Nebraska  
My commission expires: 8-25-2020



(SEAL)

# NOTIFICATION

May 9, 2020

Douglas Zimmerer  
1318 Green St  
Yankton, SD 57078

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 1,320 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

## NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Board of Adjustment, Yankton County, South Dakota, at 7:10 P.M. on the 19<sup>th</sup> day of May, 2020 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Said hearing is to consider the following:

*Applicant is requesting a Variance for minimum lot size in a Low Density Rural Residential District which will allow them to reduce six lots currently down to four lots bringing the lots more into compliance. The new lots will be .89 acres (lot 15), .73 acres (lot 16), .71 acres (lot 17) and 1.11 acres (lot 18). Said property is legally described as Lots 8 thru 13 Block 2 Sherwood Acres, Section 14 T93N R57W hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota.*

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D. or online at the Yankton County Website.

Sincerely,

Douglas Zimmerer  
Petitioners

ANDERSON, JUSTIN W (D)  
145 NOTTINGHAM LN  
YANKTON SD 57078

AUGHENBAUGH, PAUL J (D)  
109 SHERWOOD DR  
YANKTON SD 57078

BILLESBACH, ROBERT M (D)  
43117 SD HWY 52  
YANKTON SD 57078

BLAALID, DENNIS S (D)  
43075 SD HWY 52  
YANKTON SD 57078

BREVIK, ALAN (D)  
PO BOX 200  
YANKTON SD 57078

BREVIK, ALAN K (D)  
PO BOX 200  
YANKTON SD 57078

COLBY, DAVID ANTHONY (D)  
4037 MANCHESTER ST  
SIOUX CITY IA 51103

FEIMER FAMILY PROTECTION TRUST (D)  
43118 SD HWY 52  
YANKTON SD 57078

GODING, MARTIN A (D)  
143 NOTTINGHAM LN  
YANKTON SD 57078

HAASE, EDWARD J REV TRUST (D)  
PO BOX 7053  
YANKTON SD 57078

HACECKY FAMILY PROPERTIES LLC (D)  
1500 WHITING DR  
YANKTON SD 57078

HEJNA, PAUL S (D)  
146 NOTTINGHAM LN  
YANKTON SD 57078

HORNSTRA, FRED JR LIVING TRUST (D)  
% FNN TRUST COMPANY  
PO BOX 1089  
MITCHELL SD 57301

HUSMAN, GREG A (D)  
298 NOTTINGHAM LN  
YANKTON SD 57078

HUSMAN, GREGORY A (D)  
298 NOTTINGHAM LN  
YANKTON SD 57078

ISBURG, CARROLL D (D)  
43137 VALLEY VIEW RD  
YANKTON SD 57078

JENSEN, BENJAMIN D (D)  
158 HIDDEN HOLLOW DR  
YANKTON SD 57078

JERKE FAMILY PROTECTION TRUST (D)  
111 COTTONWOOD ST  
YANKTON SD 57078

KAISER, RYAN R (D)  
506 HIDDEN HOLLOW DR  
YANKTON SD 57078

LONG, MARCUS B (D)  
307 NOTTINGHAM LN  
YANKTON SD 57078

LYONS, SEAN C (D)  
179 SHERWOOD DR  
YANKTON SD 57078

MAUCH, MARK W (D)  
186 SHERWOOD DR  
YANKTON SD 57078

OFARRELL, JAMIE L (D)  
304 NOTTINGHAM LN  
YANKTON SD 57078

PETERSON, COREY J (D)  
2905 LAKEVIEW DR  
YANKTON SD 57078

TWEEDY, RICHARD R (D)  
1915 COUNTY RD T  
COLON NE 68018

WYNIA, MICHEAL (D)  
123 SHERWOOD DR  
YANKTON SD 57078

ZIMMERER, DOUGLAS J (D)  
PO BOX 74  
BRISTOW NE 68719

**Please Check Plat Type:**

Final  Amended  Preliminary  Revision

-----**Development Information**-----

Plat Name: Lots 15, 16, 17 & 18 BK 2 Sherwood  
Acres 02 SW 4 11-12 02 NW 4 Sec 14-93-57

Section No: 93 Township No: 93

Range: 57 Number of Lots/Tracts: 4

Number of Acres: .89, .73, .71, 1.11

How is the property currently being used? vacant  
residential

What is the proposed use of the property? residential

-----**Surveyor/Engineer Information**-----

Firm Name: menigan Land Surveying  
Address: 1109 Douglas  
City: Yankton State: SD Zip 57078  
Contact Person: \_\_\_\_\_  
Phone: \_\_\_\_\_

-----**Property Owner Information**-----

Name: Douglas Zimmerman  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Contact person: \_\_\_\_\_  
If the property owner is represented by an authorized agent, please provide the following:  
Agent's name: \_\_\_\_\_  
Agents Title: \_\_\_\_\_

You must provide the following:

The Yankton County Zoning Ordinance requires minimum lot sizes.

1. Does this lot/tract conform?  Yes  No
2. What is/are the lot size(s) .89, .73, .71, 1.11
3. Is this (plat) an existing farmstead?  Yes  No
4. If a farmstead, how many acres are surrounding it? \_\_\_\_\_
5. The Yankton County Zoning Ordinance requires a variance from minimum lot sizes. Are you willing to apply for the variance, if necessary?  Yes  No
6. Is this property to have construction on it?  Yes  No

Name, address and phone number of contractor(s)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

-----**Owner certification**-----

This is to certify that \_\_\_\_\_  
the undersigned is/are the sole owner(s) of the property described above on the date of this application, and that I/we have read and understand Section 207 of the Yankton county Zoning Ordinance.

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Owner Signature

This is to certify that \_\_\_\_\_  
acting by and through the undersigned, its duly authorized agent is/are the sole owner(s) of the property described above on the date of this application, and that I have read and understand Section 207 of the Yankton County Zoning Ordinance.

\_\_\_\_\_  
Agent Signature

Planning Office Use Only: Planning Commission Date: 4/14/20  
County Commission Date: 5/5/20

Some plats of subdivisions and additions may require a Perpetual Road Maintenance Agreement prior to consideration.

## YANKTON COUNTY PLANNING PLAT APPROVAL CHECKLIST

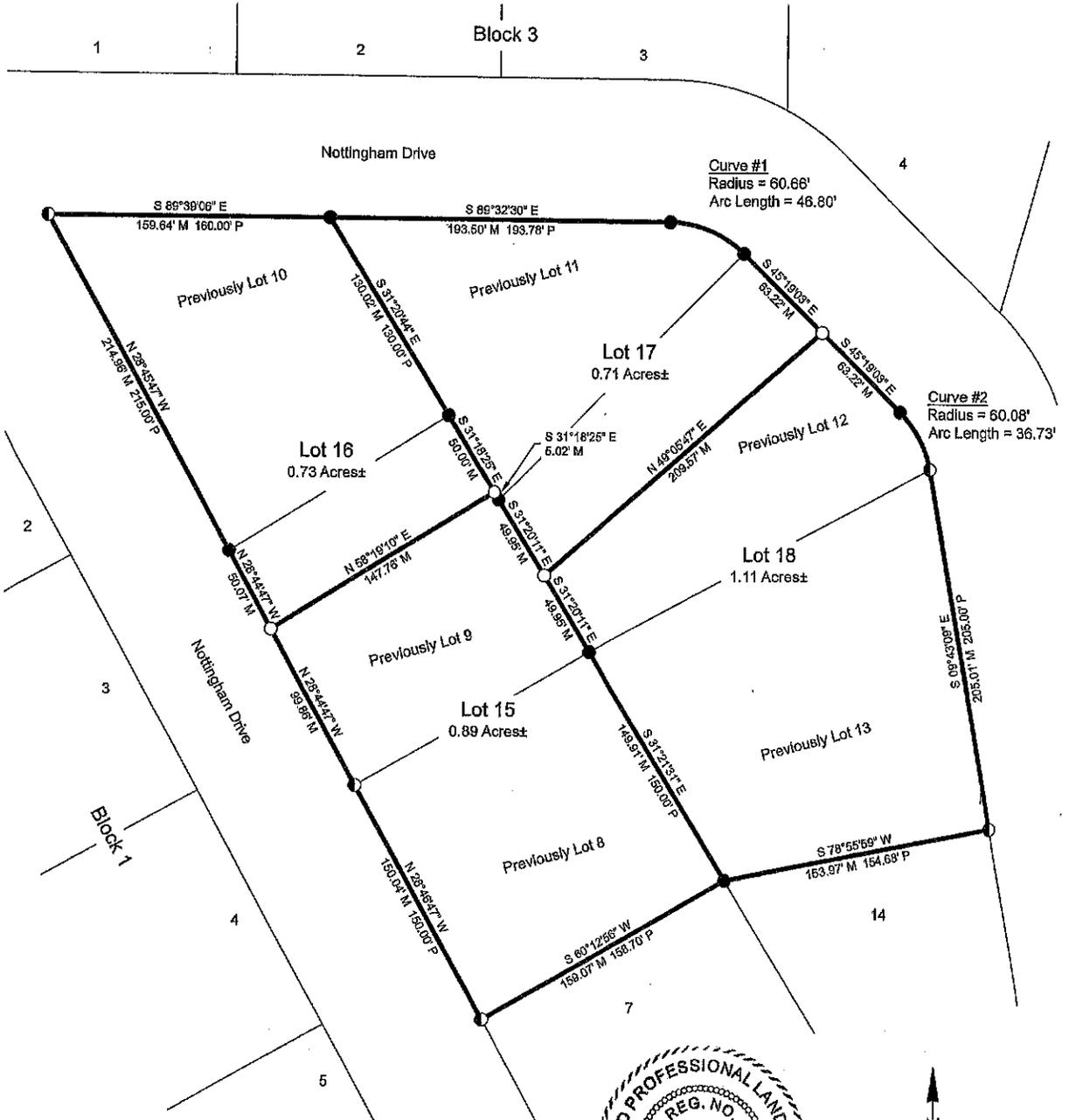
In order to insure prompt approval of your plat, please follow these steps:

Plat has been approved by the City of Yankton, if within the ETJ or 3 mile buffer zone?

- 1. All required signatures notarized (owner(s), surveyor)?
- 2. Taxes paid at County Treasures?
- 3. County Treasurer's signature?
- 4. Ownership verified by Director of Equalization and signed?
- 5. Street authority signature (DOT, Highway, Township)?
- 6. \$100.00 Fee Paid at Zoning Office?
- 7. Plat has been scheduled/approved by the Yankton County Planning Commission?
- 8. County Planning Commission Chair signature?
- 9. Plat has been scheduled/approved by the Yankton County Board of County Commissioners?
- 10. County Commission Chairs signature?
- 11. County Auditor's signature?
- 12. Plat has been filed with the Register of Deeds?

Planning Commission date: 4/14/20  
Board of Adjustment date: 5/5/20

A Replat of Lots 8, 9, 10, 11, 12 and 13, Block 2, Sherwood Acres, located in the S1/2 of the SW1/4 of Section 11 and the N1/2 of the NW1/4 of Section 14, T93N, R57W of the 5th P.M., Yankton County, South Dakota, hereafter to be known as:  
 Lots 15, 16, 17 and 18, Block 2, Sherwood Acres, located in the S1/2 of the SW1/4 of Section 11 and the N1/2 of the NW1/4 of Section 14, T93N, R57W of the 5th P.M., Yankton County, South Dakota



**Surveyor's Certificate**

I, Brian J. Benson, a Licensed Land Surveyor under the Laws of South Dakota, do hereby certify that I did on or prior to February 21st, 2020, survey the land described as: A Replat of Lots 8, 9, 10, 11, 12 and 13, Block 2, Sherwood Acres, located in the S1/2 of the SW1/4 of Section 11 and the N1/2 of the NW1/4 of Section 14, T93N, R57W of the 5th P.M., Yankton County, South Dakota, hereafter to be known as: Lots 15, 16, 17 and 18, Block 2, Sherwood Acres, located in the S1/2 of the SW1/4 of Section 11 and the N1/2 of the NW1/4 of Section 14, T93N, R57W of the 5th P.M., Yankton County, South Dakota

I also hereby certify that this survey was performed by me or under my direct supervision and is to the best of my knowledge and belief a true description of said property.

*Brian Benson*  
 Brian J. Benson, LS #11950

*3/5/2020*  
 Date



**Legend**

- Found 3/4" Bar M Measured Distance
- ⊙ Found 1/2" Bar P Plat Distance
- Set 5/8"x18" Rebar & Cap stamped "BENSON LS11950"

|                   |
|-------------------|
| Date: 3/5/2020    |
| Job Number: 20002 |
| Drawn by: BRIANB  |
| Page: 1 of 2      |

**Meridian**  
 LAND SURVEYING, LLC

Brian J. Benson  
 1109 Douglas Ave.  
 Yankton, SD 57078

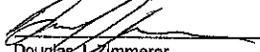
402-860-4332  
 brian@meridianrls.com

A Replat of Lots 8, 9, 10, 11, 12 and 13, Block 2, Sherwood Acres, located in the S1/2 of the SW1/4 of Section 11 and the N1/2 of the NW1/4 of Section 14, T93N, R57W of the 5th P.M., Yankton County, South Dakota, hereafter to be known as:  
Lots 15, 16, 17 and 18, Block 2, Sherwood Acres, located in the S1/2 of the SW1/4 of Section 11 and the N1/2 of the NW1/4 of Section 14, T93N, R57W of the 5th P.M., Yankton County, South Dakota

Owner's Certificate

I, Douglas J. Zimmerer, do hereby certify that I am the owner of the following described property: A Replat of Lots 8, 9, 10, 11, 12 and 13, Block 2, Sherwood Acres, located in the S1/2 of the SW1/4 of Section 11 and the N1/2 of the NW1/4 of Section 14, T93N, R57W of the 5th P.M., Yankton County, South Dakota, hereafter to be known as:  
Lots 15, 16, 17 and 18, Block 2, Sherwood Acres, located in the S1/2 of the SW1/4 of Section 11 and the N1/2 of the NW1/4 of Section 14, T93N, R57W of the 5th P.M., Yankton County, South Dakota; that this plat was made at my request and under my direction for the purpose of defining and describing the property as shown by this plat. The development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.

Dated this 6 day of March, 2020

  
Douglas J. Zimmerer

State of SD  
County of Yankton

Be it remembered that on this 6 day of March, 2020 before me the undersigned, a Notary Public within and for the county and state aforesaid, personally appeared Douglas J. Zimmerer known to me to be the persons who are described in and who executed the within and foregoing instrument and certificate and acknowledged to me that they executed the same.

My commission expires 7-15-2022

Nancy Hall Seal



Notary Public, Yankton County, South Dakota

County Planning Commission Resolution

Be it resolved by the Yankton County, South Dakota, Planning Commission that the above survey and plat is approved and the same be certified to the Yankton County Board of County Commissioners with the recommendation that said survey and plat be approved.

\_\_\_\_\_  
Planning Commission Chair

\_\_\_\_\_  
Zoning Administrator

County Commissioner's Resolution

Be it resolved by the County Board of Commissioners of Yankton County, South Dakota, that the above survey and plat be approved and the County Auditor of Yankton County, South Dakota, is hereby authorized and directed to endorse on such plat a copy of the resolution and certify the same.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

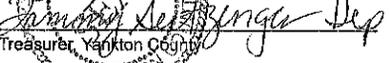
\_\_\_\_\_  
Chairperson, Yankton County Commissioners

I, the undersigned, County Auditor for Yankton County, South Dakota, do hereby certify that the foregoing resolution was passed by the Board of County Commissioners of Yankton County, South Dakota, at the regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Auditor, Yankton County

County Treasurer's Certificate

I, the undersigned, Treasurer of Yankton County, South Dakota, certify that all taxes which are liens upon any land included in the above plat, as shown by the records of this office, have been paid in full. Dated this 6 day of March, 2020

  
Treasurer, Yankton County

Approval of Highway Authority

State of South Dakota County of Yankton

The location of the existing proposed access roads abutting the County or State highway as shown hereon is hereby approved. Any change in the location of the existing or proposed access shall require additional approval.

  
Highway Authority

Director of Equalization

I, the undersigned, County Director of Equalization of Yankton County, South Dakota, do hereby certify that a copy of the above plat has been filed at my office.

  
Director of Equalization, Yankton County

Register of Deeds Certificate

I, \_\_\_\_\_ Register of Deeds, Yankton County, South Dakota, certify that I have received the original plat, filed for record this \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and duly recorded in Book No. \_\_\_\_\_ Page \_\_\_\_\_

\_\_\_\_\_  
Register of Deeds, Yankton County

|                   |
|-------------------|
| Date: 3/5/2020    |
| Job Number: 20002 |
| Drawn by: BRIANB  |
| Page: 2 of 2      |



**Meridian**  
LAND SURVEYING LLC  
Brian J. Benson  
1109 Douglas Ave.  
Yankton, SD 57078  
402-860-4332  
brian@meridianllc.com

Yankton County Planning Commission  
Yankton County Board of Adjustment

Date filed: 03/27/20

Applicant

WIEMAN - CUP

District type:  AG  R1-Low  R2-Moderate  R3-High  C-Comm.

LC – Lakeside Commercial  RT-Rural Transitional

CUP needed:

Section 507  Section 515  Section 705  Section 715  Section 805

Section 1905

**NOTE:**

**Conditional Use Permit**

Applicant is requesting a Conditional Use Permit for a Quarry in an Agricultural District. Said property is legally described as NW4 Exc Lot 1 Oursland's Addition excepting a parcel of land described as follows: Commencing in the SW corner SW4 NW4 of said Section 13 thence running North along the West line of said Section 13, 108 feet; thence running East parallel with the said Section 13 403 1/3 feet; thence running South parallel with the West line of said SW4 NW4 of said Section 13, 108 feet; thence running West along the South line of the SW4 NW4 of said Section 13, 403 1/3 feet to the place of beginning containing 1 acre, and further excepting a parcel of land deed to the Volin Cemetery Association, Section 13 T94N R54W hereinafter referred to as Volin Township, County of Yankton, State of South Dakota.

PC: Article 5 Section 507 #34 Article 18 Section 1805  
BOA: Article 5 Section 507 #34 Article 19 Section 1905

Planning Commission date: 4/14/20  
Board of Adjustment date: 05/19/20

Time: 7:30 PM  
Time: 7:15 PM

Welman Construction @ yahoo.  
670-1221  
can

YANKTON COUNTY  
APPLICATION # CUP-20-004

(Type or Print) OWNER: Tyler Johnson

OWNERS ADDRESS: 2825 Petersen Rd

OWNERS DAYTIME PHONE#: 670-2137

|                                     |                        |
|-------------------------------------|------------------------|
| <input type="checkbox"/>            | Variance Application   |
| <input checked="" type="checkbox"/> | Conditional Use Permit |
| <input type="checkbox"/>            | Rezoning Permit        |

DATE OF BUILDING PERMIT REQUEST: \_\_\_\_\_

DESCRIPTION OF BUILDING PERMIT: \_\_\_\_\_

REASON FOR BUILDING PERMIT DENIAL: \_\_\_\_\_

DATE OF DENIAL: \_\_\_\_\_

JOB ADDRESS: \_\_\_\_\_

LEGAL: NW 1/4 Exc 6.28 A Parcel in City Limits of volin & Exc Ltl overland

TOWNSHIP: 94 SECTION: 13

EXISTING USE OF PROPERTY: Ag

PRESENT ZONING CLASSIFICATION: Ag

PROPOSED ZONING CLASSIFICATION: N/A

AFFECTED SECTION OF ZONING ORDINANCE: 507 #34

REASON FOR REQUEST: Quarry

LIST SPECIFIC HARDSHIPS: \_\_\_\_\_

Applications will not be accepted nor acted upon until the following information has been provided by the applicant:

- A) Detailed Site Plan (Refer to handout)
- B) Location and Use of Adjacent Structures
- C) Application Fee(s)

SCHEDULED FOR PLANNING COMMISSION ACTION (Date): 4/14/20

SCHEDULED FOR BOARD OF ADJUSTMENT ACTION (Date): 5/5/20

\*TENTATIVE DATE: Final date announced at Planning Commission Meeting:

APPLICATION FEE: 300<sup>00</sup> CHECK #: 4512 RECEIPT #: 578

The undersigned acknowledges/declares that all the facts and representations stated in this application are true and by signing, acknowledges the cost and the procedure for the processing of the application and certifies that the property described by the legal description is not delinquent.

Daniel Welman 03/27/20 [Signature] 03/27/20  
Name of Applicant Date Signature of Applicant/Owner Date

**YANKTON COUNTY  
APPLICATION # \_\_\_\_\_**

(Type or Print)

**OWNER:** Tyler Johnson

**OWNERS ADDRESS:** 2825 Petterson Rd

**OWNERS DAYTIME PHONE#:** 670-2137

|                          |                        |
|--------------------------|------------------------|
| <input type="checkbox"/> | Variance Application   |
| <input type="checkbox"/> | Conditional Use Permit |
| <input type="checkbox"/> | Rezoning Permit        |

**DATE OF BUILDING PERMIT REQUEST:** \_\_\_\_\_

**DESCRIPTION OF BUILDING PERMIT:** \_\_\_\_\_

**REASON FOR BUILDING PERMIT DENIAL:** \_\_\_\_\_

**DATE OF DENIAL:** \_\_\_\_\_

**JOB ADDRESS:** \_\_\_\_\_

**LEGAL:** \_\_\_\_\_

**TOWNSHIP:** \_\_\_\_\_ **SECTION:** \_\_\_\_\_

**EXISTING USE OF PROPERTY:** \_\_\_\_\_

**PRESENT ZONING CLASSIFICATION:** \_\_\_\_\_

**PROPOSED ZONING CLASSIFICATION:** \_\_\_\_\_

**AFFECTED SECTION OF ZONING ORDINANCE:** \_\_\_\_\_

**REASON FOR REQUEST:** \_\_\_\_\_

**LIST SPECIFIC HARDSHIPS:** \_\_\_\_\_

**Applications will not be accepted nor acted upon until the following information has been provided by the applicant:**

- A) Detailed Site Plan (Refer to handout)
- B) Location and Use of Adjacent Structures
- C) Application Fee(s)

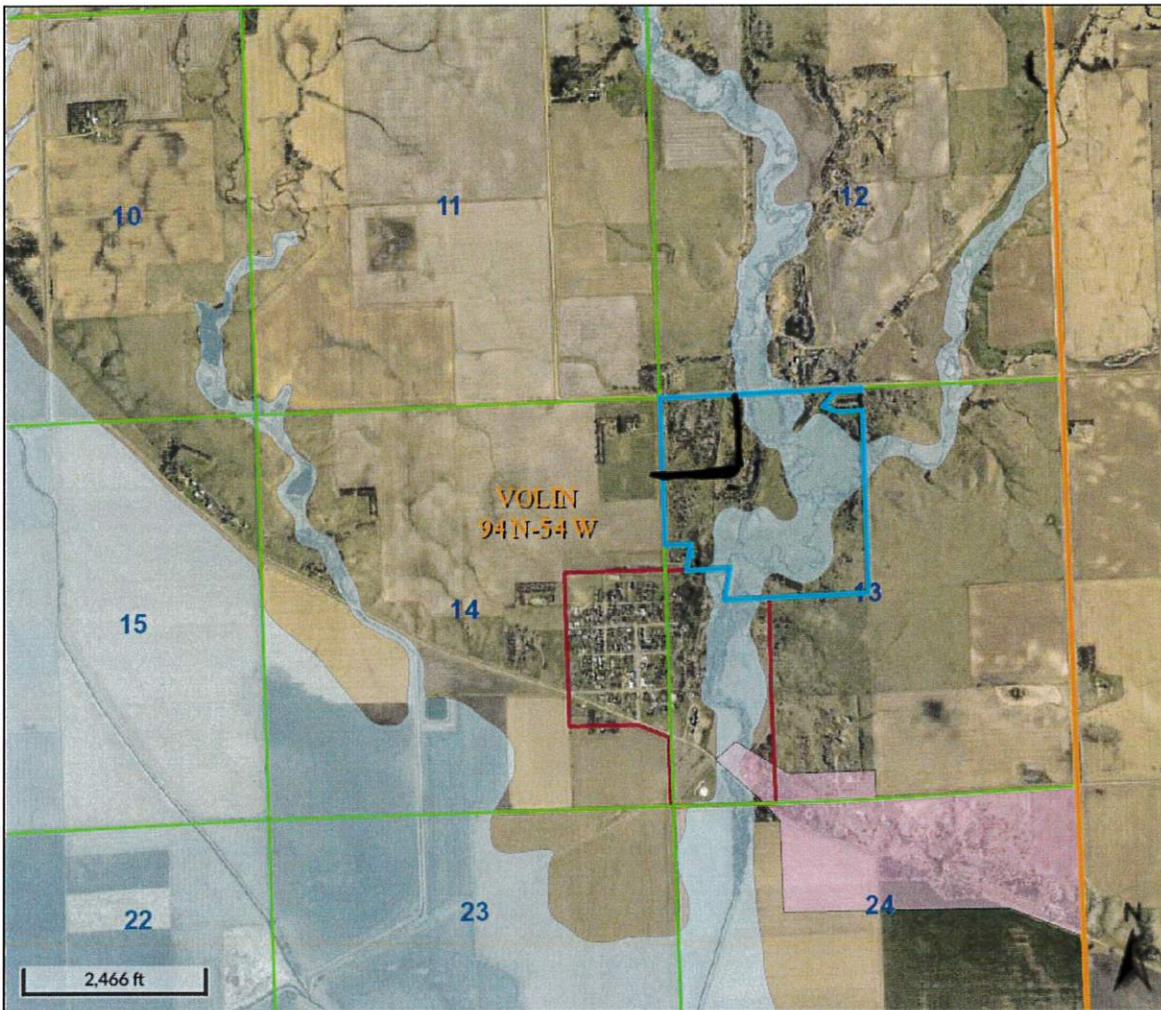
**SCHEDULED FOR PLANNING COMMISSION ACTION (Date):** \_\_\_\_\_

**SCHEDULED FOR BOARD OF ADJUSTMENT ACTION (Date):** \_\_\_\_\_

**\*TENTATIVE DATE: Final date announced at Planning Commission Meeting:**

**APPLICATION FEE:** \_\_\_\_\_ **CHECK #:** \_\_\_\_\_ **RECEIPT #:** \_\_\_\_\_

|  |                |  |                |
|--|----------------|--|----------------|
| The undersigned acknowledges/declares that all the facts and representations stated in this application are true and by signing, acknowledges the cost and the procedure for the processing of the application and certifies that the property described by the legal description is not delinquent. |                |  |                |
| <u>Tyler Johnson</u>   | <u>3/27/20</u> |  | <u>3/27/20</u> |
| Name of Applicant  | Date           | Signature of Applicant/Owner   | Date           |



**Overview**



**Legend**

- Townships
- Sections
- Parcels
- City Limits
- Streets and Roads
- County Zoning District**
- <all other values>
- COMMERCIAL
- ETJ
- HIGH DENSITY RESIDENTIAL
- LAKE SIDE COMMERCIAL
- LOW DENSITY RESIDENTIAL
- MODERATE DENSITY RESIDENTIAL
- PLANNED UNIT DEVELOPMENT
- PUBLIC
- RURAL TRANSITIONAL
- City ETJ (Extra Territorial Jurisdiction)**
- <all other values>
- 0
- Floodplain**
- 100 YEAR FLOOD NO BFE; 100 YEAR FLOOD WITH BFE
- 500 YEAR FLOOD

Parcel ID - 02.013.400.200  
 Owner - JOHNSON, TYLER D (D)  
 JOHNSON, ASHLEY E (D)  
 Acres - 144.84

**Disclaimer:** Yankton County digital cadastral data are a representation of recorded plats and surveys for use within the Geographic Information System for purposes of data access and analysis. These and other digital data do not replace or





## Mine License



15-986

The Department of Environment and Natural Resources renews Mine License 15-986 to mine construction aggregate, pegmatite minerals, or limestone, iron ore, sand, gypsum or shale used in the process of making cement or lime in accordance with SDCL 45-6 for:

WIEMAN CONSTRUCTION  
30962 FROG CREEK RD  
VERMILLION SD 57069-6715

Secretary  
Dept. of Environment and Natural Resources

This license expires May 12, 2020.

- Any authorization to operate under this license does not convey any property rights or any exclusive privilege.
- Prior to the commencement of any mining operation, the operator is required to publish a Notice of Intent to Mine and notify several agencies
- The operator is required to maintain an adequate amount of reclamation surety in accordance with SDCL 45-6-71.
- The federal Mine Safety Health Administration (MSHA) has additional requirements for mining operations in South Dakota. Please contact their district field office at 605.348.2076 or check the MSHA web page at <http://www.msha.gov/> for more information.



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

January 9, 2020

**COPY**

Vermillion Federal Credit Union  
105 East Cherry Street  
Vermillion, SD 57069

RE: Certificates of Deposit Nos. 50456-300, 50456-301, and 50456-302 (reclamation surety)  
for Dan Wieman, Wieman Construction and SD Department of Environment & Natural  
Resources

|                  |                           |                           |
|------------------|---------------------------|---------------------------|
| CD No. 50456-300 | Principal Amount: \$2,500 | Issuance Date: 04/23/2015 |
| CD No. 50456-301 | Principal Amount: \$1,500 | Issuance Date: 07/11/2017 |
| CD No. 50456-302 | Principal Amount: \$2,500 | Issuance Date: 01/07/2020 |

This document describes the mutually agreed upon instructions of the parties to Vermillion Federal Credit Union ("Credit Union") regarding the ownership and release of the above-described certificates of deposit ("CDs") which are being used as surety to guarantee the availability of reclamation funds for Dan Wieman, Wieman Construction ("Operator"), License 15-986. It is the intention of the parties that the certificates be used as surety to guarantee that \$6,500 in reclamation funds will be available to the SD Department of Environment & Natural Resources ("Department") upon demand in the event Operator is unable or unwilling to complete reclamation of the area mined under the license in compliance with the requirements of the license and SDCL 45-6.

Ownership & Renewal

Joint ownership of the certificates is retained by Operator and Department and is held by Department. Credit Union acknowledges the pledge of CDs to Department and agrees to record the information in the credit union's written and electronic records entry. Credit Union shall be liable to Department for any losses to the principal amount of the CDs caused in any manner whatsoever during the terms of this agreement. CDs shall automatically renew indefinitely until redeemed or released by Department. Department may request information pertaining to the CDs on an occasional basis. This document grants approval by Operator for Credit Union to provide information to Department any time an inquiry is made via telephone, email, or letter.

The accounts shall show the joint ownership between Operator and Department. If account documents require signatures from the authorized signer for Department, the documents shall be submitted to:

Patty McQuay  
SD Department of Environment & Natural Resources  
Minerals & Mining Program  
523 East Capitol Avenue  
Pierre, SD 57501

Accrued Interest

Interest which accrues shall be reinvested in the CDs until such time Operator may instruct Credit Union where to transfer such interest. In no event shall Credit Union transfer any amount from the CDs which would cause the redemption amount of the CDs to be less than the initial amounts of \$2,500, \$1,500, and \$2,500 respectively. In the event Operator has pledged the interest to Department, the interest shall accrue and not be paid to Operator.

All tax liabilities for accrued interest remain the responsibility of Operator.

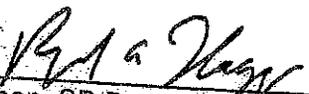
Release

Credit Union shall release CDs only upon notification from Department. Upon notification of release by Department, the terms of this agreement are no longer in effect. If Operator has met the reclamation requirements under the license, CDs will be returned to Operator. If Operator does not complete reclamation requirements CDs shall be forfeited to Department. In the event of a forfeiture of the reclamation funds, CDs will be paid to Department, less interest, unless the interest has been pledged by Operator to Department.

Agreed-Upon By:

  
\_\_\_\_\_  
Dan Wieman, Wieman Construction  
(Authorized signer)

Date: \_\_\_\_\_  
Tax ID: 35-2271754

  
\_\_\_\_\_  
Chairman, SD Board of Minerals & Environment  
(Authorized signer for SD Department of Environment & Natural Resources)

Date: January 23, 2020

## AGREEMENT FOR USE AND RESTORATION OF HAUL ROAD

THIS AGREEMENT entered into by and between VOLIN TOWNSHIP, a political subdivision of the State of South Dakota, of Yankton County, South Dakota, hereafter referred to as the "Township" and Wieman Construction of Vermillion, South Dakota hereinafter referred to as the "Hauler" as follows:

WHEREAS, Hauler plans to use township roads in transporting any item including but not limited to products, equipment, materials, and/or supplies over township roads; and

WHEREAS, the Township and the hauler anticipate that as a result of the Hauler's use of township roads, accelerated deterioration or wear may occur. Thus repairs or improvements will be required and additional maintenance expenses will be incurred by the Township; and

WHEREAS, the Township is responsible for constructing, altering, improving, and maintaining township roads under the supervision and direction of its Board of Supervisors.

NOW THEREFORE, in consideration of the terms, conditions, and covenants contained herein, it is mutually agreed as follows:

### 1. PURPOSE

This Haul Route Agreement shall be completed for existing, new, and expanded hauling operations that may cause accelerated deterioration of township roads. These hauling operations shall include but not be limited to: Haulers, subcontractors and employees.

### 2. Definitions

- A. Additional Maintenance. "Additional Maintenance" means grading, graveling, reshaping, repair, and/or modification performed on township roads in excess of the same operations performed as routine maintenance by the Township.
- B. Township Road. "Township Road" means a street, road, or other public way, including shoulder, and right-of-way designated for the purpose of vehicular traffic and under the jurisdiction of the Township.
- C. Haul Road. "Haul Road" means any Township road, bridge, or other structure which is used for transporting items included but not limited to products, equipment, materials and/or supplies and as a result incurs deterioration.
- D. Haul Route. "Haul Route" means the system of haul roads between a source site and the destination and/or the source site and the nearest major intersection as determined by the Township.
- E. Improvements. "Improvements" mean roadway improvements required by the Township because of the Hauler's use of the haul road.
- F. Significant Fugitive Dust. "Significant Fugitive Dust" means dust that creates a nuisance by drifting beyond the boundary of the property on which such dust is raised, it being understood that a nuisance is not created unless a person is significantly and adversely affected and that dust drifting onto a vacant lot, pasture, or field may not be a nuisance.

3. GENERAL AGREEMENT AS TO ROAD USE:

- A. The Hauler understands and agrees that, although the haul roads covered by this Agreement are on the Township Road System and are subject to normal traffic use by the Hauler, by virtue of its use of the road as a haul route, assumes responsibility for additional maintenance and signing costs on such roads resulting from its use of such roads as a haul route.
- B. The Township hereby agrees to the Hauler's use of the haul road, as shown on the attached map "A" (specifically 305<sup>th</sup> Street between 451<sup>st</sup> Ave and 452<sup>nd</sup> Ave and 451<sup>st</sup> Ave from northern edge of Volin to 304<sup>th</sup> Street – denoted in red on Map "A") covered by the Agreement subject to the conditions contained herein. The Hauler shall be responsible for obtaining any other permits or licenses which the Township or any other governmental entity may be required to operate or move its vehicles on county roads. This agreement shall not serve to relieve any operator of a Hauler's vehicle from complying with applicable speed limits, weight restrictions, or other posted restrictions.
- C. Any improvements to or widening of the road necessitated by the Hauler's operations, including modification of roadway approach (specifically main entrance approach approximately 0.2 Miles east of 451<sup>st</sup> Ave on the south side of the road) to accommodate transport vehicles, shall be considered incidental to the hauling performed, shall be made at the Hauler's sole expense unless otherwise authorized in an addendum to this Agreement. Any such improvements shall be authorized by Township permit.

4. TERMS:

- A. The Townships have determined that Hauler using Township road between the source site in such a quantity for usage as to cause accelerated deterioration or damage. Said route is described as township road running east and west and township road as bordered by on the east and on the west and township road running north and south bordered on the south and on the north. Said road described in this paragraph is hereby designated as "Haul Road".
- B. The Township shall maintain the Haul Road at the same level of maintenance as other roads within the township including but not limited to blading, graveling and snow removal.
- C. The Hauler shall be responsible for any costs associated with extraordinary maintenance and graveling, specifically additional blading, grading, gravel, or snow removal done by the Township over and above the customary maintenance done on other roads within the township.
- D. Hauler shall be responsible for addressing Significant Fugitive Dust created by the hauling parties. When requested by the Township, Hauler shall reasonable address or minimize Significant Fugitive Dust using water, calcium chloride, or appropriate other commercially available reasonable means in Hauler's reasonable discretion.

5. Extraordinary maintenance and graveling shall be determined by comparing the maintenance and graveling required for the Haul Road to the maintenance and graveling required for other Township roads. In other words, the Township shall maintain and gravel the roads in the same schedule as the other Township roads. To the extent additional maintenance and graveling is required, the Hauler shall be responsible for those costs.
6. Unless the Hauler receives prior authorization from the Township, any extraordinary maintenance and graveling shall be done by and through the Township contractor and shall meet Township specifications. The Township agrees to designate one of its supervisors (Ray Epp 605-661-7099) as the contact person for the Hauler to call seeking authorization to improve, repair or maintain any portion of the Road. The Township agrees to promptly schedule a special meeting of the Board of Supervisors to consider any Haulers request, and to thereafter promptly report back its decision to the Hauler through the designated contact person.
7. The Township will bill Hauler each month for any costs Hauler is responsible for under the terms of this Agreement. Hauler shall reimburse the Township within thirty (30) days of receipt of the bill. If the Hauler fails to promptly make payment interest shall accrue at the rate of eighteen (18%) percent per annual, or the rate which is charged by the contractor to the Township, whichever is less.
8. The Hauler acknowledges that, to the extent already provided by law, the Hauler shall be responsible for any and all damage to the road or road right-of-way caused by trucks, semis or other vehicles conducting business with the Hauler. However, no unique standard or obligation not otherwise provided for by law is created by this acknowledgement.
9. The Township shall be responsible for all ordinary snow removal on the above described Haul Road on the same basis as provided to the remainder of the Township by the contractor of the Township. Any additional snow removal shall be at the Haulers expense.
10. The Hauler shall reimburse the Township for any and all legal expenses associated with this agreement including but not limited to attorney's fees and costs in preparation of this agreement which shall be paid within thirty (30) days of receipt of the bill.
11. It is agreed by and between the parties herein to encourage all vehicles traveling upon said roads drive in a friendly and neighborly manner giving full consideration to the rights and needs for others to use these roads.

12. This agreement is entered into by the parties based upon current circumstances, and the anticipated use of the Road by the Hauler following expansion. Depending upon actual traffic patterns after expansion, and depending upon changes in the future use of the Road by the Hauler following expansion, and depending upon future use of the Road by both the Hauler and other third parties, and depending on extended wet weather conditions causing impassable roads, this Agreement shall be open to modification to the extent future circumstances may warrant, either by agreement of the parties, or by a Court of competent jurisdiction. However, before seeking judicial modification, the parties agree to negotiate in good faith in an effort to obtain a mutually agreeable modification of the Agreement which addresses the circumstances as they then exist. The Township does reserve the right to close the Haul Road at any time for public safety should it be deemed necessary by the Township.

This agreement is binding upon the heirs, executors, assignees and successors of interest of the parties herein.

IN WITNESS WHEREOF, the parties hereto executed this Haul Route Agreement on the 9<sup>th</sup> day of April, 2020.

VOLIN TOWNSHIP

Chairman [Signature]

Supervisor David Hoyer

Supervisor Raymond D. Egg

ATTEST:

Clerk Betty Highland

HAULER

[Signature]

Wiemann Const LLC

# Want a "free" extra book?

By reviewing township Directory maps for correct information before we publish the next issue, FHP will send you a free book of any county in any state printed by FHP for that year.

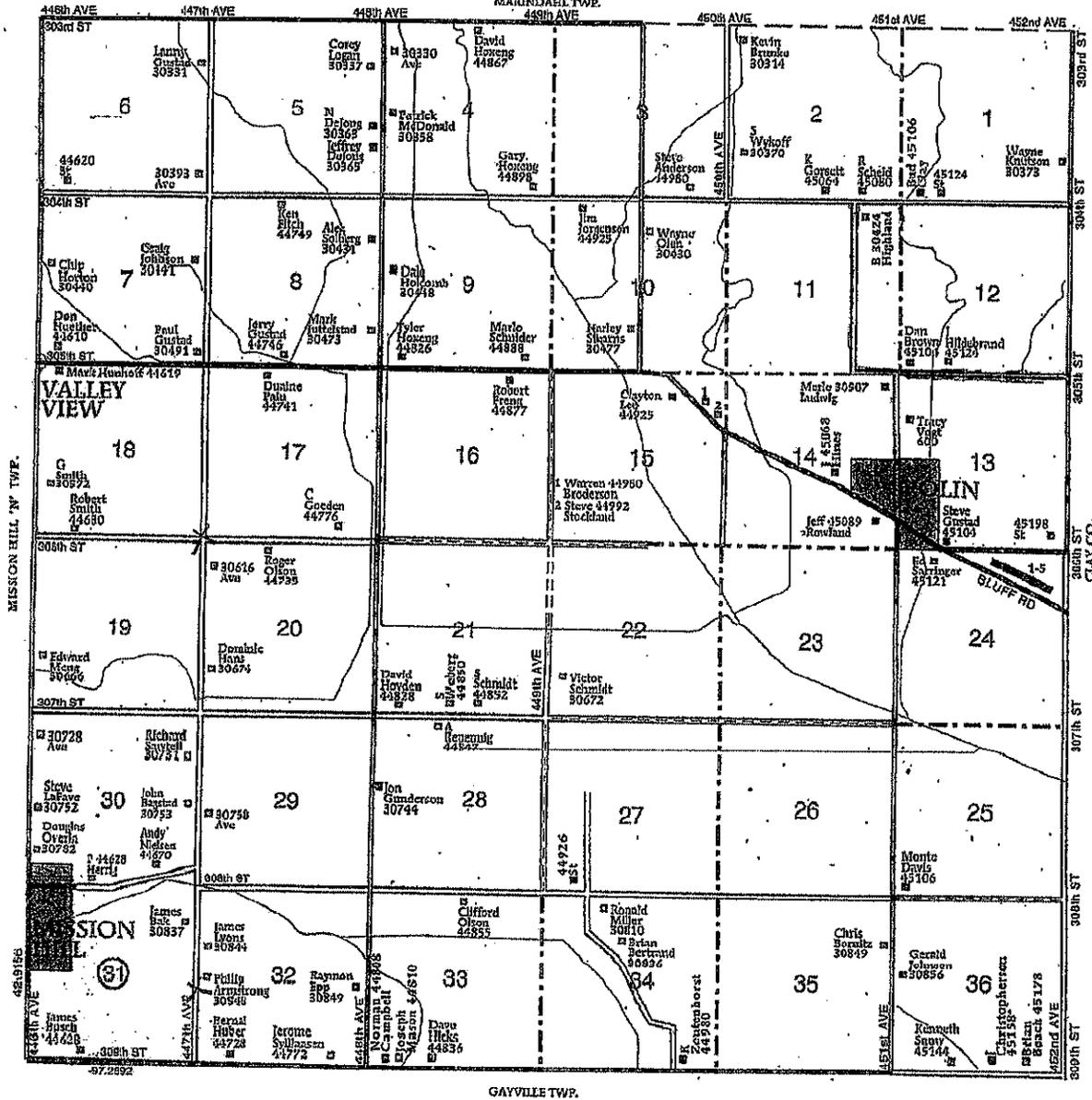
Contact our updating dept. at  
**800-685-7432-ext. 2605** or  
 email: [camille.knowles@farmandhomepublishers.com](mailto:camille.knowles@farmandhomepublishers.com)

MAP "A"

T-94-N

## VOLIN DIRECTORY

R-54-W



### VOLIN TOWNSHIP SECTION 24

- 1 Ewert, Ron 45130
- 2 Hult, Danwood 45148
- 3 Chladek, Jim 45152
- 4 Adameon, Delmar 45109
- 5 Baus, M 45182

# AFFIDAVIT OF PUBLICATION

PLAIN TALK

WIEMAN CONSTRUCTION  
30962 FROG CREEK RD  
VERMILLION SD 57069

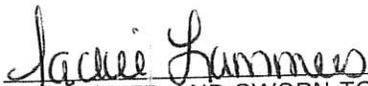
STATE OF SOUTH DAKOTA  
COUNTY OF CLAY

JACKIE LAMMERS, BEING FIRST DULY SWORN ON OATH DEPOSES AND SAYS THAT (S)HE IS THE CLASSIFIED MANAGER OF YANKTON MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE PLAIN TALK, A LEGAL WEEKLY NEWSPAPER PUBLISHED AND CIRCULATED IN THE CITY OF VERMILLION, SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED NOTICE OF INTENT TO MINE

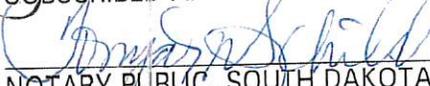
TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE NEWSPAPER ON THE 10th DAY OF January, 2020 THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION OF SAID NOTICE TO WIT \$10.92 ENSURES TO THE BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 01/10/2020

FILED ON: 01/10/2020



SUBSCRIBED AND SWORN TO BEFORE ME THIS 10th DAY OF January, 2020



NOTARY PUBLIC, SOUTH DAKOTA  
MY COMMISSION EXPIRES 08/19/2021

Ad text : Notice of Intent to Mine

Notice is hereby given that a gravel mining operation is to be conducted by Wiernan Construction, 30962 Frog Creek Road, Vermillion, SD 57069. The legal location is: Northwest Quarter (NW1/4), Section Thirteen (13), Township Ninety-four (94) North, Range Fifty-four (54) West of the 5th PM, Yankton County, South Dakota. The general location is: Approximately \* of a mile from Volin.

The operation is to begin February 10th, 2020 and will be completed to include final reclamation by February 10th, 2040. Proposed future use of the affected land will consist of regrading, replacing topsoil, and reseeding to allow the area to be returned to pasture land and wildlife habitat.

For additional information, contact Wiernan Construction at (605) 670-1221 or the Department of Natural Resources, Minerals and Mining Program, 523 East Capital Avenue, Pierre, SD, 57501, (605) 773-4201.

Published once at the total approximate cost of \$10.92.  
Published January 10th, 2020.

## Notice of Intent to Mine Notice is hereby given that

Save

Share

### Details for Notice of Intent to Mine Notice is hereby given that

Jan 10, 2020

**Notice of Intent to Mine** Notice is hereby given that a gravel mining operation is to be conducted by Wieman Construction, 30962 Frog Creek Road, Vermillion, SD 57069. The legal location is: Northwest Quarter (NW1/4), Section Thirteen (13), Township Ninety-four (94) North, Range Fifty-four (54) West of the 5<sup>th</sup> PM, Yankton County, South Dakota. The general location is: Approximately 3/4 of a mile from Volin. The operation is to begin February 10<sup>th</sup>, 2020 and will be completed to include final reclamation by February 10<sup>th</sup>, 2040. Proposed future use of the affected land will consist of regrading, replacing topsoil, and reseeding to allow the area to be returned to pasture land and wildlife habitat. For additional information, contact Wieman Construction at (605) 670-1221 or the Department of Natural Resources, Minerals and Mining Program, 523 East Capital Avenue, Pierre, SD, 57501, (605) 773-4201. Published once at the total approximate cost of \$10.92. **Published January 10<sup>th</sup>, 2020.**

YANKTON/CLAY COUNTY HIGHWAY DEPARTMENT  
AGREEMENT FOR USE AND RESTORATION OF HAUL ROAD

Agreement No. 2020-2

WHEREAS, Wieman Construction (herein referred to as *The Permittee*) has requested authorization to use Yankton/Clay County Road(s)/Structures numbered (373) 452 Ave beginning from SD HWY 46 and ending at SD HWY 50, to haul equipment and materials. Start Date: 4/28/2020 Completion Date: until gravel pit is depleted.

WHEREAS, the Wieman Construction plans to utilize a portion of the Yankton/Clay County Highway System for the conveyance of construction equipment, materials, products and/or supplies to the project site over county roads and structures: and

WHEREAS, prior to project construction The Permittee agrees to place gravel surfacing on weak areas of the proposed haul route or as agreed upon by The Permittee and the Highway Superintendent. The Permittee also agrees to maintain said highway(s) in a safe condition satisfactory to the Highway Superintendent, or the assignee. Such maintenance shall include: repair of potholes, repair of soft spots, replacement of gravel, removal of debris, regular blading, dust control and proper signing. The Permittee further agrees to repair any damage to the asphalt road(s) including, but not limited to, wheel rutting and asphalt break-up on the roadway, shoulder and in the turning radius. The Permittee will follow all seasonal load restrictions of six ton per axle, follow all traffic laws and modify operations when wet conditions exist; and

WHEREAS, an inspection of the proposed route(s) to be utilized will be conducted not more than thirty (30) days prior to initiation of its use as a haul route, at which time, an inspection team consisting of an authorized representative of The Permittee and The Yankton/Clay County Highway Departments will determine and record the existing condition of said route(s), including the type and width of surfacing material in place, condition of culverts, ditches and bridges. After completion of said inspection, the authorized representative of The Permittee and The Yankton/Clay County Highway Departments shall sign a Haul Road Inspection Report agreeing to the conditions stated therein; and

NOW THEREFORE, in consideration of the requirements herein stated, the undersigned parties hereto agree as follows: that portion of Yankton/Clay County Highway System described above is maintained by the Yankton County/Clay Highway Department, and is that segment that is proposed for use as a haul road(s), and that after use herein stated, the Permittee hereby agrees to restore, immediately after stated us, the road(s), culverts, ditches, bridges and structures to their pre-project condition or better, and to the conditions as stated in the Haul Road Inspection Report or better. In the event of failure to meet these guidelines, Yankton/Clay County shall enforce completion of the needed repair(s) and/or maintenance, and all billing for such work will be the sole responsibility of the Permittee.

IN WITNESS HEREOF, the said parties hereto have caused this agreement to be signed by their respective and duly authorized officers on the 28<sup>th</sup> day of April, 2020.

Permittee: Wieman Construction

By: [Signature]

Title: Owner

Address: 30962 Frog Creek Rd.

Vermillion SD 57069

Telephone: 605-670-1221

Yankton County  
Highway Department  
[Signature]  
Mike Sedlacek  
Highway Superintendent  
3302 W. City Limits Rd  
Yankton, SD 57078  
605-260-4473

Clay County  
Highway Department  
[Signature]  
Rodney Polly  
Highway Superintendent  
45969 Timber Road  
Vermillion, SD 57069  
605-677-7149

HAUL ROUTE AGREEMENT REPORT

Agreement No. 2020-2 Date 4/28/2020 Page 1 of 1

Representative Daniel Wieman Requesting Permit Wieman Construction Company

Representative Mike Sedlacek  
Yankton County Highway Department

| Road #                | Comments  |
|-----------------------|---|
| <u>(373) 452 Ave.</u> | <u>452 Ave From SD HWY 46 to 306 St. - Asphalt</u><br><u>Asphalt does show fatigue and is in</u><br><u>need of repair patching. Yankton/Clay</u><br><u>Counties will repair existing road damage.</u>                                     |
| <u>(373) 452 Ave</u>  | <u>452 Ave From 306 St. to SD HWY 50 - Gravel</u><br><u>Gravel road is in need of gravel and repair</u><br><u>from 2019 flooding. Yankton/Clay Counties</u><br><u>will repair/replace gravel from the existing</u><br><u>road damage.</u> |

Permittee: Wieman Construction

By: [Signature]

Title: Owner

Address: 30962 Frog Creek Rd.

Vermillion, SD 57069

Telephone: 605-670-1221

Yankton County  
Highway Department  
[Signature]  
Mike Sedlacek  
Highway Superintendent  
3302 W. City Limits Rd  
Yankton, SD 57078  
605-260-4473

Clay County  
Highway Department  
[Signature]  
Rodney Polly  
Highway Superintendent  
45969 Timber Road  
Vermillion, SD 57069  
605-677-7149

YANKTON COUNTY HIGHWAY DEPARTMENT  
AGREEMENT FOR USE AND RESTORATION OF HAUL ROAD

Agreement No. 2020-1

WHEREAS, Wieman Construction (herein referred to as *The Permittee*) has requested authorization to use Yankton County Road(s)/Structures numbered 68-233-140 & 68-237-140 beginning on 305 St. & 451 Ave and ending on 305 St. & 452 Ave., to haul equipment and materials. Start Date: 4/28/2020 Completion Date: until Pit is depleted

WHEREAS, the Wieman Construction plans to utilize a portion of the Yankton County Highway System for the conveyance of construction equipment, materials, products and/or supplies to the project site over county roads and structures: and

WHEREAS, prior to project construction The Permittee agrees to place gravel surfacing on weak areas of the proposed haul route or as agreed upon by The Permittee and the Highway Superintendent. The Permittee also agrees to maintain said highway(s) in a safe condition satisfactory to the Highway Superintendent, or the assignee. Such maintenance shall include: repair of potholes, repair of soft spots, replacement of gravel, removal of debris, regular blading, dust control and proper signing. The Permittee further agrees to repair any damage to the asphalt road(s) including, but not limited to, wheel rutting and asphalt break-up on the roadway, shoulder and in the turning radius. The Permittee will follow all seasonal load restrictions of six ton per axle, follow all traffic laws and modify operations when wet conditions exist; and

WHEREAS, an inspection of the proposed route(s) to be utilized will be conducted not more than thirty (30) days prior to initiation of its use as a haul route, at which time, an inspection team consisting of an authorized representative of The Permittee and The Yankton County Highway Department will determine and record the existing condition of said route(s), including the type and width of surfacing material in place, condition of culverts, ditches and bridges. After completion of said inspection, the authorized representative of The Permittee and The Yankton County Highway Department shall sign a Haul Road Inspection Report agreeing to the conditions stated therein; and

NOW THEREFORE, in consideration of the requirements herein stated, the undersigned parties hereto agree as follows: that portion of Yankton County Highway System described above is maintained by the Yankton County Highway Department, and is that segment that is proposed for use as a haul road(s), and that after use herein stated, the Permittee hereby agrees to restore, immediately after stated us, the road(s), culverts, ditches, bridges and structures to their pre-project condition or better, and to the conditions as stated in the Haul Road Inspection Report or better. In the event of failure to meet these guidelines, Yankton County shall enforce completion of the needed repair(s) and/or maintenance, and all billing for such work will be the sole responsibility of the Permittee.

IN WITNESS HEREOF, the said parties hereto have caused this agreement to be signed by their respective and duly authorized officers on the 28<sup>th</sup> day of April, 2020.

Permittee: Wieman Construction

By: Daniel Wieman

Title: Owner

Address: 30962 Frog Creek Rd.

Vermillion, SD 57069

Telephone: 605-670-1221

Yankton County Highway Department

Mike Sedlacek

Mike Sedlacek

Highway Superintendent

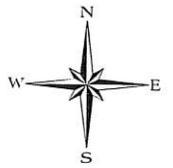
3302 W. City Limits Rd

Yankton, SD 57078

605-260-4473



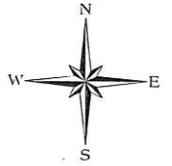
**\*\*FOR COUNTY PURPOSES ONLY\*\***  
**ACCURACY OF THE INFORMATION**  
**MUST BE VERIFIED BY THE USER**



## WIEMAN TOWNSHIP HAUL AGREEMENT



**\*\*FOR COUNTY PURPOSES ONLY\*\*  
ACCURACY OF THE INFORMATION  
MUST BE VERIFIED BY THE USER**



# WIEMAN COUNTY HAUL AGREEMENT



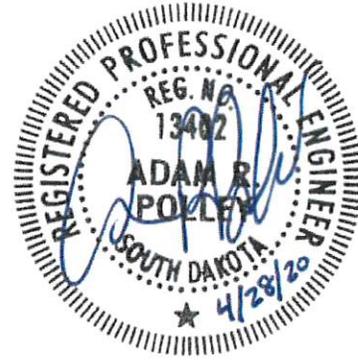
# 2020 Yankton County Bridge Inspection Report

Structure Number  
68-233-140



Structure Number: 68-233-140  
Agency: Yankton County  
Feature Carried: 305<sup>th</sup> Street  
Feature Crossed: Turkey Creek  
Location: 1.0 mile north and 0.3 miles east of Volin, SD  
Year Built: 1989  
Bridge Description: Single Span Prestressed Concrete Double Tee  
Length 35.6'; Roadway Width 18.0'

Date Inspected: April 24, 2020  
Inspectors: Adam Polley & Joshua Prather  
Temperature: 55°F  
Crew Leaders Signature:



### Location Map



## **Region Repair Recommendation / Contract Repairs**

### **Preservation Repair Recommendations**

1. Consider installing diaphragms at the supports and at midspan.
2. Patch spalls on deck units.

### **Rehabilitation Recommendations**

There are no rehabilitation recommendations.

### **Replacement Recommendations**

There are no replacement recommendations.

### **General / Safety Recommendations**

1. Upgrade the bridge railing to meet current standards.
2. Install additional delineation to meet current standards.

## Approach - Items 65.00 - 65.09

### 1. Alignment

The approach roadway aligns well with the structure horizontally. Vertically there is a hill to the west.

### 2. Condition

The approach roadways are gravel surfaced. The surfacing is smooth and well maintained.

### 3. Joints

There are no joints.

### 4. Guard Rails

There are no existing guard rails.

### 5. Embankment

The approach roadway embankments are well vegetated and stable.

### 6. Drainage

The approach roadway ditches drain adequately to the channel.

### 7. Signing

There is a Type 3 object marker on each corner of the structure. There are four (4) delineators on the northwest and northeast approaches and two (2) delineators on the southeast and southwest approaches.

## Deck - Items 58.00 - 58.17

### 1. Deck Condition

The deck is constructed of the top flange of concrete Double Tee deck units. The deck is only 10% visible due to an overlay. The visible portion of the deck seems to be in good condition.

### 2. Overlay

#### A. Type of Overlay

The overlay consists of gravel surfacing covering 90% of the deck.

#### B. Overlay Thickness

The overlay is 0-1" thick.

#### C. Condition

The overlay is smooth.

### 3. Joints

There are longitudinal joints between deck units. The joints are grouted.

### 4. Drains

There are no deck drains.

### 5. Curbs and Median

There are no curbs.

### 6. Sidewalks

The structure has no existing sidewalk.

### 7. Railing or Barrier

The railing consists of a W-beam mounted on five (5) steel rail posts.

#### A. Railing Paint

The W-beam is galvanized, and the steel rail posts are painted silver. The paint for the rail posts will be considered 90% effective.

### 8. Lighting

There is no structure lighting in place.

### 9. Utilities

There are no utilities on the structure.

## Superstructure – Items 59.00 – 59.20

### 1. Underside of Deck

The underside of deck consist bottom of the top flange of prestressed concrete deck units. There is minor leakage between deck units.

### 2. Bearing Devices

The deck units bear directly onto the structure.

### 3. Girders or Beams

There are six (6) prestressed concrete Double Tee deck units. There is a spall on the north leg of Deck Unit 2 10' from Abutment 2 and a spall on the south leg of Deck Unit 3 near Abutment 1. There are a couple areas of minor chipping on the south leg of Deck Unit 6 near Abutment 1.

### 4. Diaphragms

There are no diaphragms.

### 5. Truss System

The structure has no truss system.

### 6. -----

### 7. Rivets or Bolts

There are no rivets or bolts.

### 8. Welds

The deck units are welded together in the keyways. The welds are not visible.

### 9. Paint

No paint required.

### 10. Drainage System

There is no drainage system.

### 11. Utilities

There is a conduit attached to the inside of the north leg of Unit 1.

### 12. Reaction Under Load

There was no traffic while inspecting the structure.

### 13. Collision Damage

No collision damage observed.

## Substructure – Items 60.00 – 60.05

### 1. Abutments

The abutments consist of timber planks behind timber piles.

#### A. Wingwalls

The wingwalls are flared. The wingwalls have 3" x 12" timber caps. The wingwalls have minor weathering throughout.

#### B. Backwalls

The backwalls have a 12" x 12" timber cap. The backwalls have minor weathering throughout. The pile cap on Abutment 2 has horizontal cracking throughout the middle of the cap.

#### C. Footings

There are no footings.

### 2. Piers or Bents

There are no piers or bents.

### 3. Grout Pads

There are no grout pads.

### 4. Anchor Bolts

There are anchor bolts for the piles and caps. The anchor bolts are tight.

### 5. Piles

There are seven (7) timber piles per backwall and two (2) per wingwall. The piles have minor weathering throughout. There is a check in Pile 5 of Abutment 1 through the anchor bolt.

### 6. Bracing

There is no bracing.

### 7. Paint

No paint is required.

### 8. Movement

#### A. Plumbness

The structure shows good plumbness.

#### B. Settlement

There is no noticeable settlement.

#### C. Horizontal

There is no noted horizontal movement.

### Channel and Channel Protection – Items 61.00 – 61.09

**1. Channel**

**A. Alignment**

The channel aligns fair with the structure. The channel enters from the northwest and exits to the south.

**B. Vegetation**

The channel banks are well vegetated both upstream and downstream.

**C. Scour**

There is 2' scour hole at the outlet.

**D. Debris**

There is no debris.

**E. Flow Line**

The channel flow line appears to be degrading.

**2. Embankment Erosion**

There is moderate erosion upstream and severe erosion on the southwest bank.

**3. Waterway Adequacy**

The waterway appears to be adequate for normal flows.

**4. Spur Dikes & Jetties**

There are no spur dikes or jetties.

**5. Wing Dams**

There are no wing dams.

**6. Rip Rap**

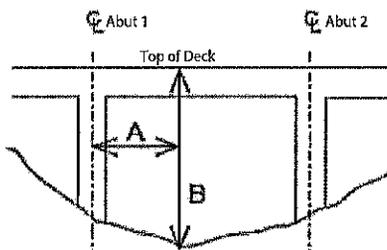
There are field stones next to both backwalls and across the channel.

**7. Observed High Water Elev.**

The high water elevation was not observed.

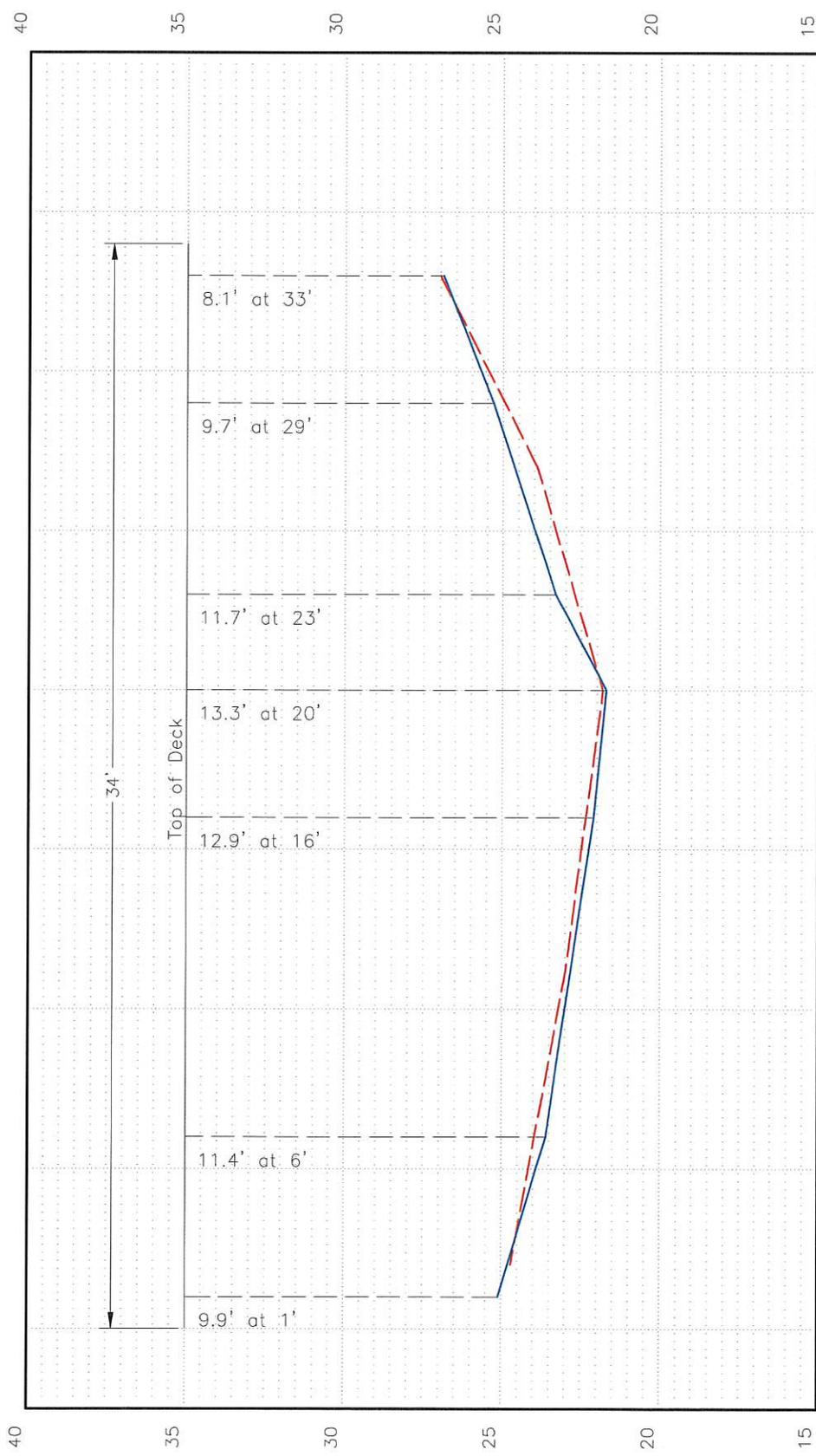
**8. Streambed**

The streambed appears stable, with sandy material.



| Date | A   | B     | Comments |
|------|-----|-------|----------|
| 8/18 | 20' | 13.2' |          |
| 4/20 | 20' | 13.3' |          |
|      |     |       |          |
|      |     |       |          |
|      |     |       |          |

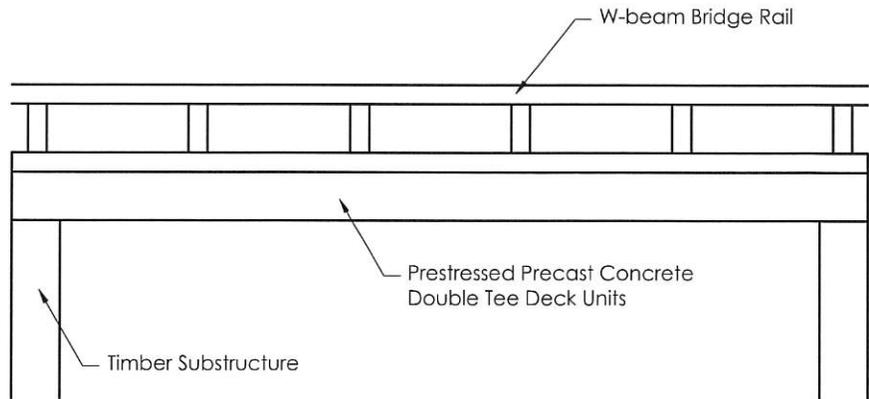
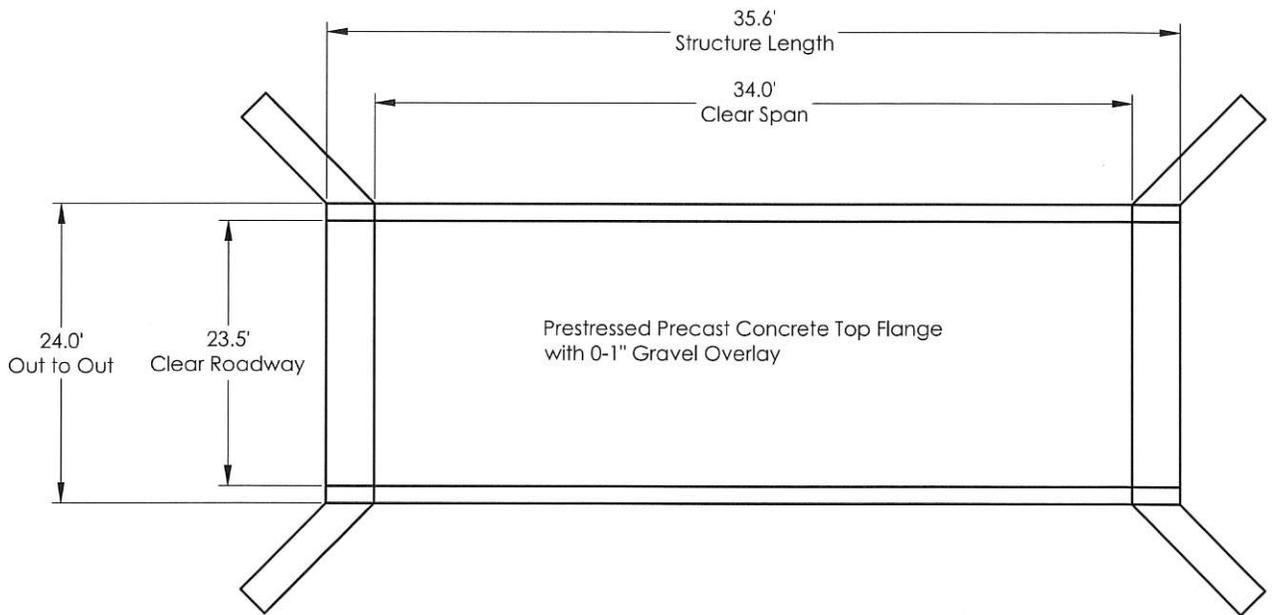
All measurements shall be taken on the inlet side of structure



- - - 2018 Upstream Channel Profile  
— 2020 Upstream Channel Profile

Assumed Elevation of 35' at Top of Deck

|                             |   |  |                                   |
|-----------------------------|---|--|-----------------------------------|
| <b>CLARK</b><br>ENGINEERING | Convention Center Plaza<br>1410 West Russell Street<br>Sioux Falls, SD 57104-1328<br>Phone: (605) 331-2505<br>Fax: (605) 331-2602<br>siouxfalls@clark-eng.com | PROJ. NO. X20026<br>DRAWN BY: JRP<br>CHECKED BY: ARP<br>REVISIONS: - | DATE: 4/24/2020<br>SCALE: 1" = 5' |
| SHEET<br><b>1</b><br>OF 1   | <b>Upstream Channel Profile</b><br><b>Structure 68-233-140</b><br><b>2020 Yankton County Bridge Inspections</b>   |  |                                   |



Not Drawn to Scale



|             |           |
|-------------|-----------|
| PROJ. NO.   | X20026    |
| DRAWN BY:   | JRP       |
| CHECKED BY: | ARP       |
| DATE:       | 4/24/2020 |

**Bridge Inspection Sketch**

**Structure 68-233-140**

**2020 Yankton County Bridge Inspections**

SHEET

**1**

OF 1



Profile Facing North



Profile Facing South



Alignment Facing West



Alignment Facing East



Typical Underside of the Deck and Girders



Spall on North Leg of Deck Unit 2 near Abutment 2



Spall on the South Leg of Deck Unit 3 near Abutment 1



Abutment 1



Abutment 2



Horizontal Cracking on the Pile Cap of Abutment 2

General Bridge Data

Status

(6) STR NO : 68-233-140  
 (7) FACILITY : 46130 306 ST  
 (6) FEAT INTER : Turkey Creek  
 TOPEKA SHINER : N  
 (9) LOCATION : 1 N & 0.3 E Vofin  
 SECTION(S) : 12 13 -1 -1  
 TOWNSHIP(S) : 094N -1  
 RANGE(S) : 54W -1  
 (2) REGION : Mitchell  
 (3) COUNTY : 68 YANKTON  
 (21) CUSTODIAN : 2 County Hwy Agency  
 (22) OWNER : 2 County Hwy Agency  
 (103) TEMP STRUCTURE : ...  
 (99) BORDER BRIDGE STR NO : -1  
 (98A) NEIGHBOR STATE : Unknown (P)  
 (98B) PERCENT SHARE : -2.00

Main Span

(27) YEAR BUILT : 1989  
 (106) RECONSTR : -1  
 (49) STR LENGTH : 35.60 FT  
 NBIS BRIDGE LENGTH : 33.00 FT  
 (48) MAX SPAN LENGTH : 34.00 FT  
 (43A) MATERIAL : 6 Prestressed Concrete  
 (43B) DESIGN : 04 Tee Beam  
 SD STR TYPE : X081  
 (107) DECK STR TYPE : 2 Concrete Precast Panel  
 (52) DECK WIDTH : 24.00 FT  
 (51) BRIDGE RDWY WIDTH : 23.50 FT  
 (32) APPR RDWY WIDTH : 18.00 FT  
 (50A) LT SIDEWALK WIDTH : 0.00 FT  
 (50B) RT SIDEWALK WIDTH : 0.00 FT  
 (34) SKEW : 0.00°  
 SKEW DIR :  
 (45) NO MAIN SPANS : 1  
 (46) NO APPR SPANS : 0  
 (31) DESIGN LOAD : 6 MS 18 (HS 20)  
 (35) STR FLARED : 0 No flare

SUFF RATE : 01.70  
 FED SUFF RATE : 01.70  
 FED SR DATE : 03/09/2020  
 DEFICIENCY :  
 CANDIDATE :

Proposed Type Work (NBI)

(75A) WORK TYPE : Not Applicable (P)  
 (75B) WORK BY : Not Applicable (P)  
 (76) IM PROV LENGTH : FT  
 (94) BRIDGE IMPROV COST :  
 (95) RDWY IMPROV COST :  
 (96) TOTAL PROJECT COST :  
 (97) YEAR OF IMPROV COST :

Load Rating Data

(41) OPER STATUS : A  
 (66) INV HS20 : 27.00 TONS  
 (65) METHOD : 0 Field eval and docs  
 (64) OP HS20 : 38.00 TONS  
 (63) METHOD : 0 Field eval and docs  
 TRUCK TYPE 3 : 24.00 TONS  
 TRUCK TYPE 3S2 : 40.00 TONS  
 TRUCK TYPE 3-2 : 46.00 TONS  
 NRL : TONS  
 SHV-4 : TONS  
 SHV-5 : TONS  
 SHV-6 : TONS  
 SHV-7 : TONS  
 EV2 : TONS  
 EV3 : TONS  
 BARS NO : JDG000

HIGHWAY CARRIED (NBI 5)

POSTED SPEED : 0 MPH  
 SCHOOL BUS RT : N Mail RT : N  
 FA ROUTE : 0000  
 (26) FUNC CLASS : 09 Rural Local  
 (28A) LANES : 2  
 (102) DIRECTION TRAFFIC : 2 2-way traffic  
 (19) DETOUR : 2 MILES  
 ADT : 60 YEAR : 2017

Box Culvert Data

BOX CULVERT SIZE : 0 X 0 X 0 0 X 0 X 0  
 FILL HT OVER BOX : 0.00 FT  
 LENGTH OF LONGEST CELL : 0.00 FT

GIS Data

LATITUDE : 42.96741  
 LONGITUDE : -97.17601  
 DATE : 03/28/2018  
 COMMENT : Calculated GIS INFO

Deck Data

(108A) WEARING SURFACE : 8 Gravel  
 DECK PROTECTION : NN  
 OVERLAY THICKNESS : 1.00 IN

Condition Ratings

(58) DECK : 7  
 (59) SUPER : 6  
 (60) SUB : 6  
 (62) CULVERT : N  
 (113) SCOUR : U  
 (81) CHANNEL : 7  
 APPROACH : 7 gravel

Appraisal Ratings

STR APPR : 6 -1  
 DECK GEOM : 5 23.6 FT. ROADWAY  
 UNDERCLR : N -1  
 WATERWAY : 8 adequate for normal flows  
 APPR ALIGN : 8 -1  
 BR POST : 6 Legal Loads

Inspection

GENERAL COMMENT : -1  
 REGION COMMENT :  
 FREE COMMENT :

| INSPECTION TYPE    | LAST INSPECTION DATE | REQUIRED | INSPECTION FREQUENCY | NEXT INSP DATE |
|--------------------|----------------------|----------|----------------------|----------------|
| NBI                | 04/24/2020           |          | 24 month(s)          | 08/23/2020     |
| FRACTURE CRITICAL  | NA                   | N        | NA                   | NA             |
| UNDERWATER         | NA                   | N        | NA                   | NA             |
| SPECIAL            | 4/24/2020            | N        | NA                   | NA             |
| ELEMENT INSPECTION | 08/23/2018           |          | 24 month(s)          | 08/23/2020     |

INSPKEY : JYCA  
 APPRAIS BY : CSF  
 APPRAIS DATE : 04/24/2020  
 QA INSPECTOR :  
 QA INSP DATE :  
 LAST INSPECTION BY :  
 CONSULTANT CODE : CLARK ENG

| Elements  | Unit | ID   | Env | Quantity | Units | Q 1    | Q 2    | Q 3   | Q 4   |
|---|------|------|-----|----------|-------|--------|--------|-------|-------|
| Pre Concrete Top Flange   | MAIN | 15   | 2   | 854.00   | sq.ft | 854.00 | 0.00   | 0.00  | 0.00  |
| -   |      |      |     |          |       |        |        |       |       |
| Pre Opn Conc Girder/Beam  | MAIN | 109  | 2   | 214.00   | ft    | 211.00 | 3.00   | 0.00  | 0.00  |
| -   |      |      |     |          |       |        |        |       |       |
| Delamination/Spall/Patched Area   | MAIN | 1080 | 2   | 3.00     | ft    | 0.00   | 3.00   | 0.00  | 0.00  |
| -   |      |      |     |          |       |        |        |       |       |
| Timber Abutment   | MAIN | 216  | 2   | 56.00    | ft    | 28.00  | 0.00   | 28.00 | 0.00  |
| -   |      |      |     |          |       |        |        |       |       |
| Split/Delamination (Timber)   | MAIN | 1170 | 2   | 28.00    | ft    | 0.00   | 0.00   | 28.00 | 0.00  |
| -   |      |      |     |          |       |        |        |       |       |
| Timber Pile   | MAIN | 228  | 2   | 14.00    | (EA)  | 0.00   | 13.00  | 1.00  | 0.00  |
| -   |      |      |     |          |       |        |        |       |       |
| Decay/Section Loss  | MAIN | 1140 | 2   | 13.00    | (EA)  | 0.00   | 13.00  | 0.00  | 0.00  |
| -   |      |      |     |          |       |        |        |       |       |
| Split/Delamination (Timber)   | MAIN | 1170 | 2   | 1.00     | (EA)  | 0.00   | 0.00   | 1.00  | 0.00  |
| -   |      |      |     |          |       |        |        |       |       |
| Metal Bridge Railing  | MAIN | 330  | 2   | 71.00    | ft    | 71.00  | 0.00   | 0.00  | 0.00  |
| JOHNSONE element inspection comments -<br>Structure 00000068233140 -<br>Date 2002-06-06 -<br>Previous comments > < none > |      |      |     |          |       |        |        |       |       |
| Non-lead based paint  | MAIN | 817  | 2   | 110.00   | sq.ft | 83.00  | 0.00   | 0.00  | 27.00 |
| -   |      |      |     |          |       |        |        |       |       |
| Eff (Stl Protect Coat)  | MAIN | 3440 | 2   | 27.00    | sq.ft | 0.00   | 0.00   | 0.00  | 27.00 |
| -   |      |      |     |          |       |        |        |       |       |
| Metallized/Galvanized   | MAIN | 818  | 2   | 192.00   | sq.ft | 0.00   | 192.00 | 0.00  | 0.00  |
| -   |      |      |     |          |       |        |        |       |       |
| Eff (Stl Protect Coat)  | MAIN | 3440 | 2   | 192.00   | sq.ft | 0.00   | 192.00 | 0.00  | 0.00  |
| -   |      |      |     |          |       |        |        |       |       |

# 2020 Yankton County Bridge Inspection Report

Structure Number  
68-237-140



Structure Number: 68-237-140  
Agency: Yankton County  
Feature Carried: 305<sup>th</sup> Street  
Feature Crossed: Tributary to Turkey Creek  
Location: 1.0 mile north and 0.7 miles east of Volin, SD  
Year Built: 1989  
Bridge Description: Single Span Prestressed Double Tee  
Length 35.6'; Roadway Width 16.0'

Date Inspected: April 24, 2020  
Inspectors: Adam Polley & Joshua Prather  
Temperature: 55°F  
Crew Leaders Signature:



### Location Map



## **Region Repair Recommendation / Contract Repairs**

### **Preservation Repair Recommendations**

There are no preservation repair recommendations.

### **Rehabilitation Recommendations**

There are no rehabilitation recommendations.

### **Replacement Recommendations**

There are no replacement recommendations.

### **General / Safety Recommendations**

1. Upgrade the bridge railing to meet current standards.
2. Arrest the erosion at the northeast and scour at the northeast corner of the structure.

### **Approach - Items 65.00 - 65.09**

**1. Alignment**

The approach roadway aligns well with the structure horizontally. Vertically there are slight inclines in both directions.

**2. Condition**

The approach roadways are gravel surfaced and smooth.

**3. Joints**

There are no joints.

**4. Guard Rails**

There are no existing guard rails.

**5. Embankment**

The approach roadway embankments are well vegetated and stable.

**6. Drainage**

The approach roadway ditches drain adequately to the channel.

**7. Signing**

There is a Type 3 object marker on each corner of the structure. There are four (4) delineators on each approach.

## Deck - Items 58.00 - 58.17

### 1. Deck Condition

The deck is constructed of the top flange of concrete Double Tee deck units. The deck is 50% visible due to an overlay. The visible portion of the deck has light scaling.

### 2. Overlay

#### A. Type of Overlay

The overlay consists of gravel surfacing covering 50% of the deck.

#### B. Overlay Thickness

The overlay is 0-1" thick.

#### C. Condition

The overlay is smooth.

### 3. Joints

There are longitudinal joints between the deck units. The joints are grouted.

### 4. Drains

There are no deck drains.

### 5. Curbs and Median

There are no curbs.

### 6. Sidewalks

The structure has no existing sidewalk.

### 7. Railing or Barrier

The railing consists of a W-beam mounted on five (5) steel rail posts.

#### A. Railing Paint

The W-beam is galvanized and the steel rail posts are painted silver and the paint is 90% effective.

### 8. Lighting

There is no structure lighting in place.

### 9. Utilities

There is a conduit attached to the inside of the north leg of Unit 6.

## Superstructure – Items 59.00 – 59.20

### 1. Underside of Deck

The underside of deck consists of the bottom of the top flange of prestressed concrete deck units.

### 2. Bearing Devices

The deck units bear directly onto the substructure.

### 3. Girders or Beams

There are six (6) prestressed concrete Double Tee deck units. There are small spalls under all deck units near the bearing locations.

### 4. Diaphragms

There are concrete diaphragms over the supports.

### 5. Truss System

The structure has no truss system.

### 6. -----

### 7. Rivets or Bolts

There are no rivets or bolts.

### 8. Welds

The deck units are welded together in the keyways. The welds are not visible.

### 9. Paint

No paint required.

### 10. Drainage System

There is no drainage system.

### 11. Utilities

There is a conduit attached to the inside of the north leg of Unit 6.

### 12. Reaction Under Load

There was no traffic while inspecting the structure.

### 13. Collision Damage

No collision damage observed.

## Substructure – Items 60.00 – 60.05

### 1. Abutments

The abutments consist of timber planks behind timber piles.

#### A. Wingwalls

The wingwalls are flared. The wingwalls have a 3" x 12" timber cap. The wingwalls have minor weathering.

#### B. Backwalls

The backwalls have 12" x 12" timber cap. The backwalls have minor weathering. The pile cap for Abutment 2 has minor horizontal cracking.

#### C. Footings

There are no footings.

### 2. Piers or Bents

There are no piers or bents.

### 3. Grout Pads

There are no grout pads.

### 4. Anchor Bolts

There are no anchor bolts.

### 5. Piles

There are six (6) timber piles per backwall and one (1) per wingwall. The piles for Abutment 2 are beginning to sound hollow at the water line. Piles 3 and 5 of Abutment 2 are split. Pile 4 of Abutment has a chunk missing.

### 6. Bracing

There is no bracing.

### 7. Paint

No paint is required.

### 8. Movement

#### A. Plumbness

The structure shows good plumbness.

#### B. Settlement

There is no noticeable settlement.

#### C. Horizontal

There is no noted horizontal movement.

### Channel and Channel Protection – Items 61.00 – 61.09

**1. Channel**

**A. Alignment**

The channel aligns fair with the structure. The channel runs along Abutment 2.

**B. Vegetation**

The channel banks are well vegetated both upstream and downstream.

**C. Scour**

There is no scour

**D. Debris**

There is a refrigerator that has been dumped into the channel under the structure.

**E. Flow Line**

The channel flow line appears stable.

**2. Embankment Erosion**

There is no embankment erosion.

**3. Waterway Adequacy**

The waterway appears to be adequate for normal flows.

**4. Spur Dikes & Jetties**

There are no spur dikes or jetties.

**5. Wing Dams**

There are no wing dams.

**6. Rip Rap**

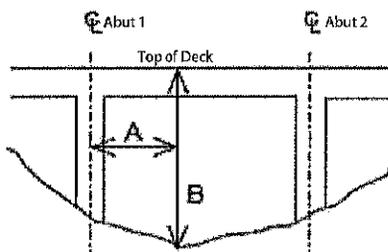
There are field stones along Abutment 2.

**7. Observed High Water Elev.**

The high water elevation was not observed.

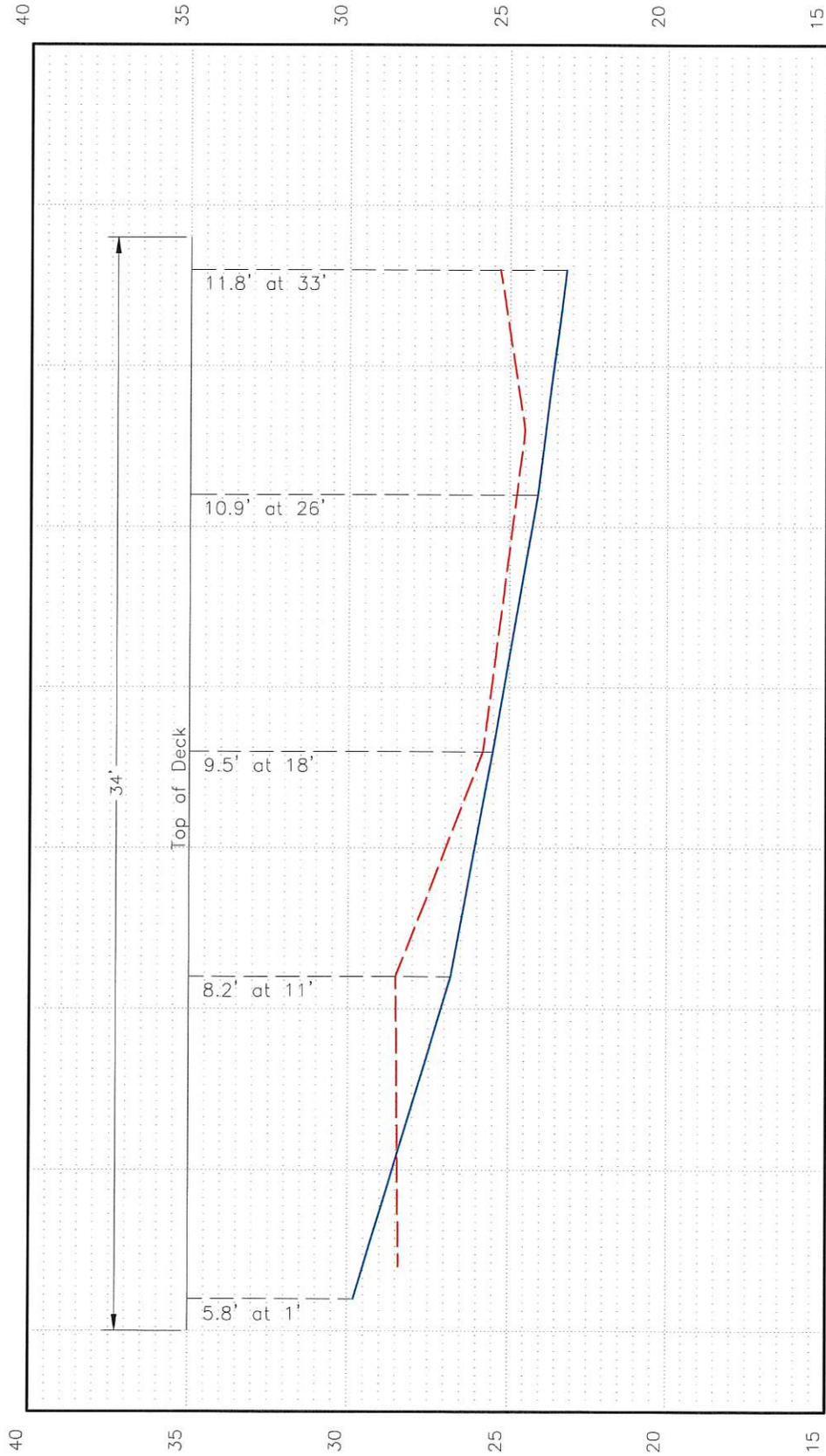
**8. Streambed**

The streambed appears stable, with silty material.



| Date | A   | B     | Comments |
|------|-----|-------|----------|
| 8/18 | 28' | 10.5' |          |
| 4/20 | 33' | 11.8' |          |
|      |     |       |          |
|      |     |       |          |
|      |     |       |          |

All measurements shall be taken on the inlet side of structure



- - - 2018 Upstream Channel Profile  
— 2020 Upstream Channel Profile

Assumed Elevation of 35' at Top of Deck

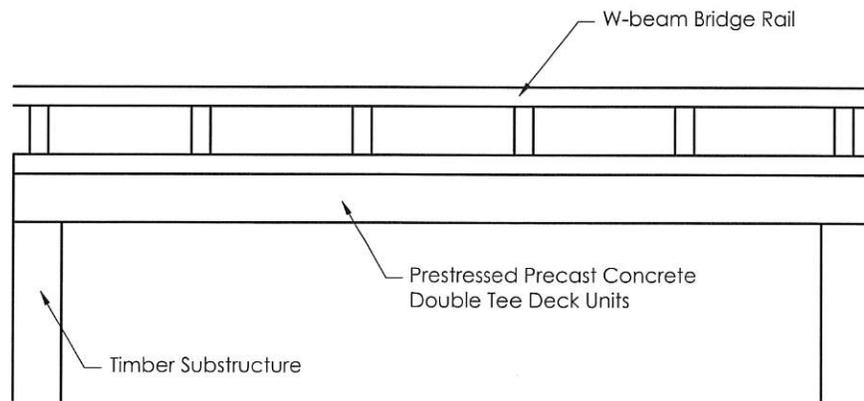
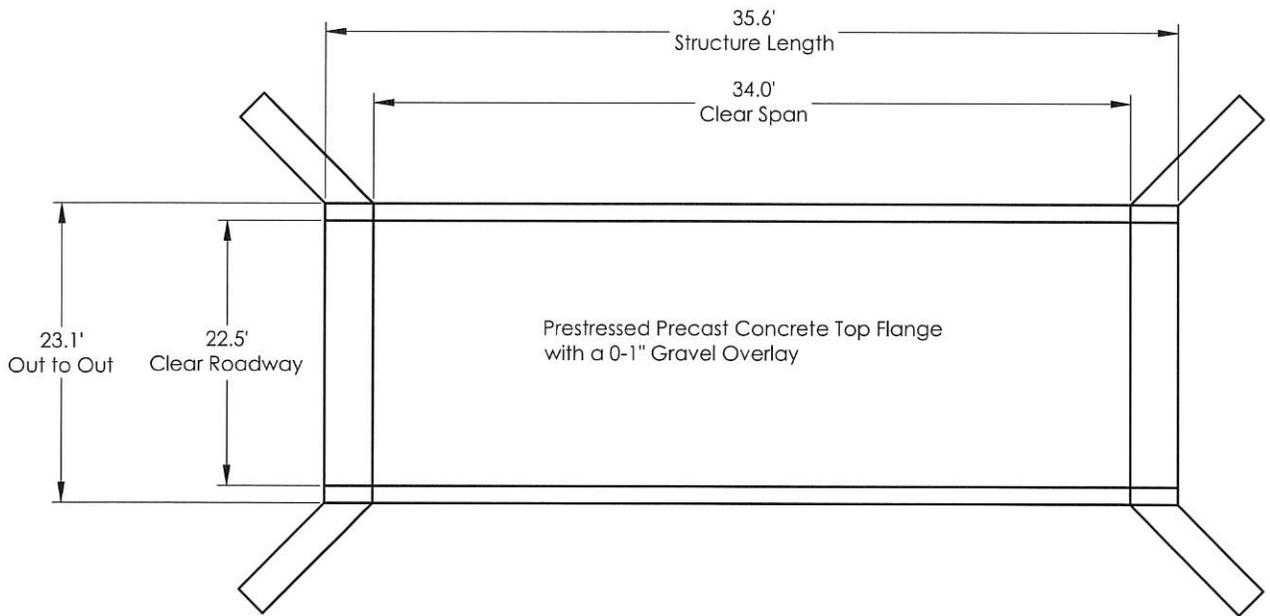
Convention Center Plaza  
 1410 West Russell Street  
 Sioux Falls, SD 57104-1328  
 Phone: (605) 331-2505  
 Fax: (605) 331-2602  
 siouxfalls@clark-eng.com



EOE

|             |        |            |           |
|-------------|--------|------------|-----------|
| PROJ. NO.   | X20026 | DATE:      | 4/24/2020 |
| DRAWN BY:   | JRP    | SCALE:     | 1" = 5'   |
| CHECKED BY: | ARP    | REVISIONS: | -         |

|   |  |
|---|--|
| <b>Upstream Channel Profile</b>               |  |
| <b>Structure 68-237-140</b>                   |  |
| <b>2020 Yankton County Bridge Inspections</b> |  |



Not Drawn to Scale



|             |           |
|-------------|-----------|
| PROJ. NO.   | X20026    |
| DRAWN BY:   | JRP       |
| CHECKED BY: | ARP       |
| DATE:       | 4/24/2020 |

|   |
|---|
| <b>Bridge Inspection Sketch</b>               |
| <b>Structure 68-237-140</b>                   |
| <b>2020 Yankton County Bridge Inspections</b> |

|          |
|----------|
| SHEET    |
| <b>1</b> |
| OF 1     |



Profile Facing South



Profile Facing North



Alignment Facing West



Alignment Facing East



Typical Underside of the Deck and Girders



Typical Spall on Bottom of the Deck Unit Legs at the Bearing Locations



Abutment 1



Abutment 2



Missing Section of Pile 3 Abutment 2



Splitting of Pile 4 Abutment 2



Erosion at the Northeast Corner

General Bridge Data

Status

|  |  |                                      |
|--|--|--------------------------------------|
| (8) STR NO : 68-237-140                | (27) YEAR BUILT : 1989                         | SUFF RATE : 80.70                    |
| (7) FACILITY : 45170 305 ST            | (108) RECONSTR : -1                            | FED SUFF RATE : 80.70                |
| (8) FEAT INTER : Trib. to Turkey Creek | (49) STR LENGTH : 35.60 FT                     | FED BR DATE : 03/09/2020             |
| TOPEKA SHINER : N                      | NBIS BRIDGE LENGTH :33.00 FT                   | DEFICIENCY :                         |
| (9) LOCATION : 1 N & 0.7 E Votin       | (48) MAX SPAN LENGTH : 34.00 FT                | CANDIDATE :                          |
| SECTION(S) : 12 13 -1 -1               | (43A) MATERIAL : 5 Prestressed Concrete        |                                      |
| TOWNSHIP(S) : 094N -1                  | (43B) DESIGN : 04 Tee Beam                     | <b>Proposed Type Work (NBI)</b>      |
| RANGE(S) : 54W -1                      | SD STR TYPE : X081                             | (75A) WORK TYPE : Not Applicable (P) |
| (2) REGION : Mitchell                  | (107) DECK STR TYPE : 2 Concrete Precast Panel | (75B) WORK BY : Not Applicable (P)   |
| (3) COUNTY : 68 YANKTON                | (52) DECK WIDTH : 23.10 FT                     | (76) IM PROV LENGTH : FT             |
| (21) CUSTODIAN : 2 County Hwy Agency   | (51) BRIDGE RDWY WIDTH : 22.50 FT              | (94) BRIDGE IMPROV COST :            |
| (22) OWNER : 2 County Hwy Agency       | (32) APPR RDWY WIDTH : 16.00 FT                | (95) RDWY IMPROV COST :              |
| (103) TEMP STRUCTURE : _               | (50A) LT SIDEWALK WIDTH : 0.00 FT              | (96) TOTAL PROJECT COST :            |
| (99) BORDER BRIDGE STR NO : -1         | (50B) RT SIDEWALK WIDTH : 0.00 FT              | (97) YEAR OF IMPROV COST :           |
| (98A) NEIGHBOR STATE : Unknown (P)     | (34) SKEW : 0.00°                              |                                      |
| (98B) PERCENT SHARE : -2.00            | SKEW DIR :                                     | <b>Load Rating Data</b>              |

HIGHWAY CARRIED (NBI 5)

|   |
|---|
| POSTED SPEED : 0 MPH                      |
| SCHOOL BUS RT : N                         |
| FA ROUTE : 0000                           |
| (26) FUNC CLASS : 09 Rural Local          |
| (29A) LANES : 2                           |
| (102) DIRECTION TRAFFIC : 2 2-way traffic |
| (19) DETOUR : 2 MILES                     |
| ADT : 60                                  |
| YEAR : 2017                               |

Main RT : N

|                                    |
|------------------------------------|
| (45) NO MAIN SPANS : 1             |
| (48) NO APPR SPANS : 0             |
| (31) DESIGN LOAD : 5 MS 18 (HS 20) |
| (35) STR FLARED : 0 No flars       |

Box Culvert Data

|  |
|--|
| BOX CULVERT SIZE : 0 X 0 X 0 0 X 0 X 0 |
| FILL HT OVER BOX : 0.00 FT             |
| LENGTH OF LONGEST CELL : 0.00 FT       |

GIS Data

|                               |
|-------------------------------|
| LATITUDE : 42.96748           |
| LONGITUDE : -97.16611         |
| DATE : 03/28/2016             |
| COMMENT : Calculated GIS INFO |

Deck Data

|                                   |
|-----------------------------------|
| (108A) WEARING SURFACE : 8 Gravel |
| DECK PROTECTION : NN              |
| OVERLAY THICKNESS : 1.00 IN       |

|                                     |
|-------------------------------------|
| (41) OPER STATUS : A                |
| (66) INV HS20 : 27.00 TONS          |
| (66) METHOD : 0 Field eval and docs |
| (64) OP HS20 : 36.00 TONS           |
| (63) METHOD : 0 Field eval and docs |
| TRUCK TYPE 3 : 24.00 TONS           |
| TRUCK TYPE 3S2 : 40.00 TONS         |
| TRUCK TYPE 3-2 : 46.00 TONS         |
| NRL : TONS                          |
| SHV-4 : TONS                        |
| SHV-5 : TONS                        |
| SHV-6 : TONS                        |
| SHV-7 : TONS                        |
| EV2 : TONS                          |
| EV3 : TONS                          |
| BARS NO : JDG000                    |

Condition Ratings

|                     |
|---------------------|
| (58) DECK : 7       |
| (59) SUPER : 7      |
| (60) SUB : 5        |
| (62) CULVERT : N    |
| (113) SCOUR : U     |
| (61) CHANNEL : 8    |
| APPROACH : 7 gravel |

Appraisal Ratings

|                |                           |
|----------------|---------------------------|
| STR APPR : 6   | -1                        |
| DECK GEOM : 5  | 23.5 FT. RDWAY            |
| UNDERCLR : N   | -1                        |
| WATERWAY : 8   | adequate for normal flows |
| APPR ALIGN : 8 | -1                        |
| BR POST : 5    | Legal Loads               |

Inspection

GENERAL COMMENT :

REGION COMMENT :

FREE COMMENT :

| INSPECTION TYPE    | LAST INSPECTION DATE | REQUIRED | INSPECTION FREQUENCY | NEXT INSP DATE |
|--------------------|----------------------|----------|----------------------|----------------|
| NBI                | 04/24/2020           |          | 24 month(s)          | 08/23/2020     |
| FRACTURE CRITICAL  | NA                   | N        | NA                   | NA             |
| UNDERWATER         | NA                   | N        | NA                   | NA             |
| SPECIAL            | 4/24/2020            | N        | NA                   | NA             |
| ELEMENT INSPECTION | 08/23/2018           |          | 24 month(s)          | 08/23/2020     |

INSPKEY : LYGX  
 APPRAIS BY : CSF  
 APPRAIS DATE : 04/24/2020  
 QA INSPECTOR :  
 QA INSP DATE :  
 LAST INSPECTION BY :  
 CONSULTANT CODE : CLARK ENG

| Elements                        | Unit | ID   | Env | Quantity | Units | Q 1    | Q 2    | Q 3  | Q 4   |
|---------------------------------|------|------|-----|----------|-------|--------|--------|------|-------|
| Pre Concrete Top Flange         | MAIN | 15   | 2   | 822.00   | sq.ft | 798.00 | 24.00  | 0.00 | 0.00  |
| -                               |      |      |     |          |       |        |        |      |       |
| Wearing Surfaces                | MAIN | 510  | 2   | 411.00   | sq.ft | 411.00 | 0.00   | 0.00 | 0.00  |
| Gravel                          |      |      |     |          |       |        |        |      |       |
| Pre Opn Conc Girder/Beam        | MAIN | 109  | 2   | 214.00   | ft    | 190.00 | 24.00  | 0.00 | 0.00  |
| -                               |      |      |     |          |       |        |        |      |       |
| Delamination/Spall/Patched Area | MAIN | 1080 | 2   | 24.00    | ft    | 0.00   | 24.00  | 0.00 | 0.00  |
| -                               |      |      |     |          |       |        |        |      |       |
| Timber Abutment                 | MAIN | 216  | 2   | 56.00    | ft    | 0.00   | 56.00  | 0.00 | 0.00  |
| -                               |      |      |     |          |       |        |        |      |       |
| Decay/Section Loss              | MAIN | 1140 | 2   | 56.00    | ft    | 0.00   | 56.00  | 0.00 | 0.00  |
| -                               |      |      |     |          |       |        |        |      |       |
| Timber Pile                     | MAIN | 228  | 2   | 12.00    | (EA)  | 0.00   | 9.00   | 3.00 | 0.00  |
| -                               |      |      |     |          |       |        |        |      |       |
| Decay/Section Loss              | MAIN | 1140 | 2   | 10.00    | (EA)  | 0.00   | 9.00   | 1.00 | 0.00  |
| -                               |      |      |     |          |       |        |        |      |       |
| Split/Delamination (Timber)     | MAIN | 1170 | 2   | 2.00     | (EA)  | 0.00   | 0.00   | 2.00 | 0.00  |
| -                               |      |      |     |          |       |        |        |      |       |
| Metal Bridge Railing            | MAIN | 330  | 2   | 71.00    | ft    | 71.00  | 0.00   | 0.00 | 0.00  |
| -                               |      |      |     |          |       |        |        |      |       |
| Non-lead based paint            | MAIN | 817  | 2   | 142.00   | sq.ft | 106.00 | 0.00   | 0.00 | 36.00 |
| -                               |      |      |     |          |       |        |        |      |       |
| Eff (Sil Protect Coat)          | MAIN | 3440 | 2   | 36.00    | sq.ft | 0.00   | 0.00   | 0.00 | 36.00 |
| -                               |      |      |     |          |       |        |        |      |       |
| Metalized/Galvanized            | MAIN | 818  | 2   | 192.00   | sq.ft | 0.00   | 192.00 | 0.00 | 0.00  |
| -                               |      |      |     |          |       |        |        |      |       |
| Eff (Sil Protect Coat)          | MAIN | 3440 | 2   | 192.00   | sq.ft | 0.00   | 192.00 | 0.00 | 0.00  |
| -                               |      |      |     |          |       |        |        |      |       |



STATE OF SOUTH DAKOTA  
County of Yankton

Filed for record at 1:00 P M  
In Book 548 Page 092

NOV 12 2019

*Brian J. Hunhoff*  
Register of Deeds

Prepared by:  
Horn Law Office  
401 Capital St  
Yankton, SD 57078  
(605) 260-1300

Num  Alpha   
Margin  Tran   
Paid  Seal

\$ 30.00 pd  
# 174887

Return:

Return to:  
Yankton Title Company, Inc  
202 West 3rd Street  
Yankton, SD 57078

Space above this line for Register of Deeds

### WARRANTY DEED

**526614**

**Beverly J. Johnson**, a single person, grantor(s), of 30819 462<sup>nd</sup> Ave, Wakonda, SD 57073, for and in consideration of **ONE AND 00/100 DOLLARS (\$1.00)** GRANTS, CONVEYS AND WARRANTS, to **Tyler D. Johnson**, a married person, grantee, of 2825 Pettersen Rd, Vermillion, SD 57069 the following described real estate in the County of Yankton, in the State of South Dakota:

Northwest Quarter (NW1/4), Section Thirteen (13), Township Ninety-four (94) North, Range Fifty-four (54) West of the 5th PM, Yankton County, South Dakota,

EXCEPT Lot One (1), Oursland's Addition as platted in Book S19, page 85, and

EXCEPTING a parcel of land described as follows: Commencing at the Southwest corner of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW1/4) of said Section Thirteen (13); thence running North along the West line of said Section Thirteen (13), 108 feet; thence running East parallel with the said Section Thirteen (13), 403 1/3 feet; thence running South parallel with the West line of said Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of said Section Thirteen (13), 108 feet; thence running West along the South line of the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of said Section Thirteen (13), 403 1/3 feet to the place of beginning containing 1 acre, and

FURTHER EXCEPTING a parcel of land deed to the Volin Cemetery Association as described as: commencing at a point on the quarter section line 33 feet south of the quarter corners of Sections Twelve (12) and Thirteen (13) in Township Ninety-four (94) North, Range Fifty-four (54) West of the 5th PM, and running thence south on said quarter line 255 feet; thence west parallel to the north line of Section Thirteen (13), 334 feet; thence northwesterly 191 feet to the right of way of the Chicago & Northwestern Railroad; thence northeasterly along said right of way 253.2 feet to a point 33 feet south of the north line of said Section 13; thence east 337.9 feet to the point of beginning.

Subject to easements, covenants and restrictions of record.

TRANSFER FEE  
PAID \$ 72.00  
DATE 11-12-2019  
# 66678

Dated this 1st day of November, 2019.

Beverly J. Johnson  
Beverly J. Johnson

State of South Dakota)

County of Clay ) ss.

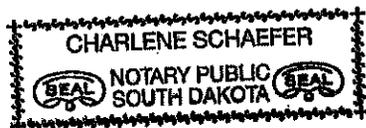
On this the 1st day of November, 2019 before me, the undersigned officer, personally appeared Beverly J. Johnson, known to me or satisfactory proven to be the person named in and who subscribed to the within instrument and acknowledged that it was executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

Charlene Schaefer

Notary Public:

My commission expires 8-9-20



## Jessica Atkinson

---

**From:** Jessica Atkinson  
**Sent:** Wednesday, May 13, 2020 4:31 PM  
**To:** Jessica Atkinson  
**Subject:** RE: Yankton County

**From:** Deanna Huether [mailto:smoothmove57037@yahoo.com]  
**Sent:** Tuesday, April 14, 2020 6:24 PM  
**To:** Jessica Atkinson <jessica@co.yankton.sd.us>  
**Subject:** RE: Yankton County

I was just concerned that if he doesn't own the railroad, then why is he digging on it. I know Tyler owns the land and he's leasing it. If he owns the railroad id like to see the deed but if he doesn't then why are they digging there. So my concern is who owns the railroad property that he plans to dig on.

[Sent from Yahoo Mail on Android](#)

## Jessica Atkinson

---

**From:** Jeanie S <gregorygenie@yahoo.com>  
**Sent:** Tuesday, April 14, 2020 4:34 PM  
**To:** Jessica Atkinson  
**Subject:** Wiseman proposal

Plans for quarry proposal, we would ask that no digging be allowed within a 100 yards of our property line at 600 Dace street parcel 02.013.400.250 Volin Sd.

Respectfully  
Don and Jeanie White

Sent from my iPhone

## Jessica Atkinson

---

**From:** hazen@midconetwork.com  
**Sent:** Monday, April 13, 2020 4:54 PM  
**To:** Jessica Atkinson  
**Subject:** Wieman Conditional use permit hearing

To: Yankton Planning and Zoning Office  
From: John D. Hazen

I am writing this letter as I am not able to attend the hearing pertaining to the already completed crushing job by Wieman Construction north of Volin, SD, because of my recent exposure to the CoronaVirus.

I was told by your office that Wieman was not aware he needed a conditional use permit and applied after the out of state company was already crushing.

He knew enough to get permits in Pierre, SD, to mine and crush, but yet he pleads stupidity when it comes to local rules. This is the most inexcusable excuse I have ever heard.

Now that he is done crushing and the crushing company has left the area, he now expects the tax payers of Volin township to give him haul roads on 305th St., and 451 Ave.

I live one quarter mile east of the pit area on 305th st., just west of my farm the road has never been repaired since the flood occurred over the road a year ago and at present is only wide enough for one way traffic.

The excuse being used for not repairing the road is lack of funds and waiting for FEMA monies by Volin twsp. It appears that they are willing to allow large gravel trucks to use this road, even though area is dangerous and there are two county bridges to protect. I read something about a conditional use permit and it said health, safety, and general welfare for the people in the area.

I did not see anything about getting a conditional use permit after the fact that the crushing project was complete.

I do not feel sorry for anyone who does not take local rules and regulations to heart and there is no way that any groups of people can award such arrogance or stupidity with a permit.

Fax 605-668-9682

to Jessica - zoning officer

cell # 602-448  
OURSLAND, 9258

My concern is  
that if these people  
are giving a permit to  
mine all the property

North of my fence - don't  
that mean they can  
mine & dig a hole  
right next without  
feet of my house  
at property? I don't

care if they mine previous  
gavel land - but really do  
not want to give permission  
for them to dig next  
Fence separates  
OURSLAND property  
to North of only  
fence about  
20 feet from house

gavel road goes  
East to County line

I don't care if they  
mine old gavel area - but  
do not want them to  
dig next to my house.

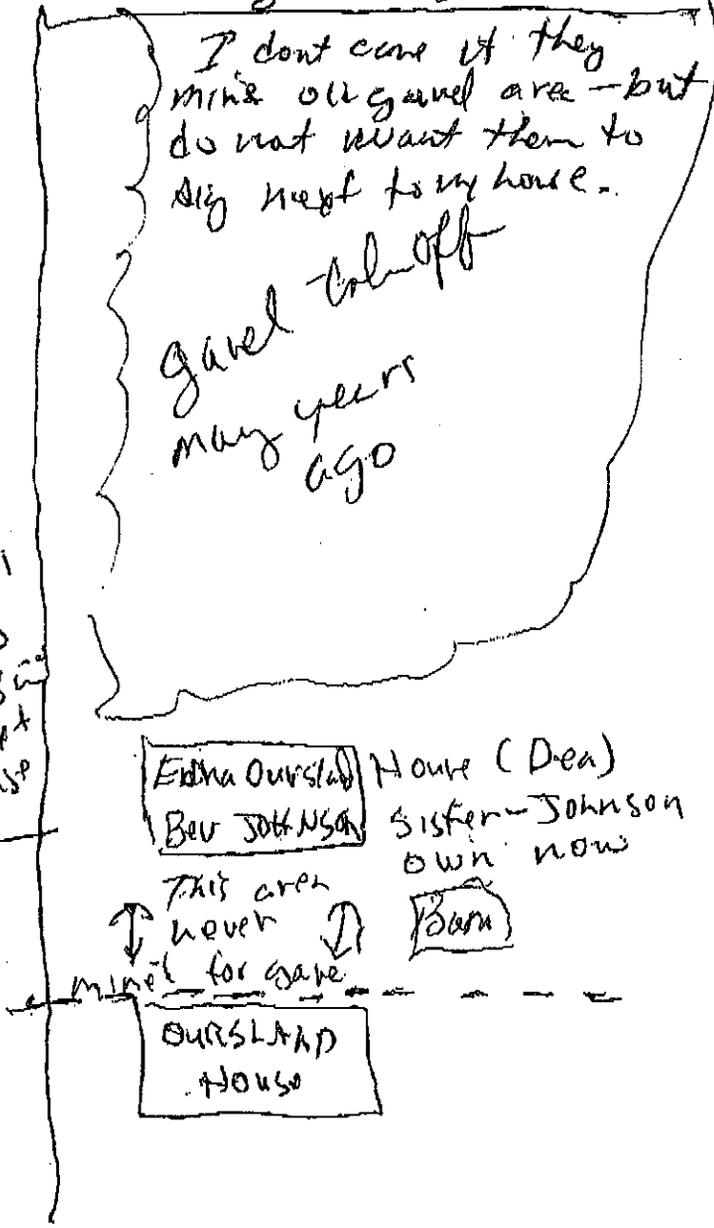
gavel take off  
many years  
ago

Edna Ourslan House (Dea)  
Ber Johnson Sister - Johnson  
own now

This area  
never  
Barn

marked for gate

OURSLAND  
House



**FINDINGS OF FACT – CONDITIONAL USE PERMIT**

**Daniel Wieman – CUP-20-004**

|   |  |
|---|--|
| <p>Are the requirements of Section 1723 met?<br/>(signed by owner unless there is a binding purchase agreement then signed by applicant, Variance accompanied by building permit (if applicable), site plan included with building permit,</p>  | <p>Yes</p>   |
| <p>Are the requirements of Section 1729 met?<br/>(all fees paid at time of application)</p>   | <p>Yes</p>   |
| <p>Section 1805:</p>  |  |
| <p>1. Did you specifically cite, in the application, the section of the Ordinance under which the conditional use is sought and state the grounds on which it is requested</p>  | <p>Applicant is requesting a Conditional Use Permit for a Quarry in an Agricultural District.</p>  |
| <p>2. Was notice of public hearing given per Section 1803 (3-5)?</p>  | <p>Mailed – March 30, 2020, April 21, 2020, May 8, 2020<br/>Published – April 3, 2020, April 24, 2020, May 8, 2020</p>   |
| <p>3. Attend the public hearing</p>   | <p>April 14, 2020<br/>Rod Nelson spoke in opposition<br/>Cory Logan spoke in support<br/>Louis Johnson spoke in support</p>  |
| <p>4. Planning Commission: Make a recommendation to include:<br/><br/>a. Granting of conditional use;<br/>b. Granting with conditions; or<br/>c. Denial of conditional use</p>  | <p>Motion to approve this conditional use permit based on the following conditions: the Road Haul Agreement must be signed and approved by the Highway Superintendent, a haul route must be signed and approved by the Highway Superintendent, bridge inspections for these routes shall be completed prior to approval and at the applicant’s cost, a floodplain development permit if needed and stay 100 yards from neighboring property lines.</p> <p>9-0 Motion Carries</p> |
| <p>5. Planning Commission must make written findings certifying compliance with specific rules including:<br/><br/>a. Ingress and Egress to proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe:</p> | <p>The applicant has shown sufficient access to property with established roadway</p>  |
| <p>b. Off right-of-way parking and loading areas where required; with particular attention to the items in (A) above and the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district;</p>  | <p>All off right-of-way parking is in compliance.</p>  |
| <p>c. Refuse and service areas, with particular reference to the items in (A) and (B) above;</p>  | <p>Refuse and service areas are in compliance.</p>   |

|  |  |
|--|--|
| d. Utilities, with reference to locations, availability, and compatibility;  | Utilities are currently available and will be in operational condition   |
| e. Screening and buffering with reference to type, dimensions, and character;  | Screening and buffering sufficient.  |
| f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect;   | All signage will conform to the Yankton County Zoning Ordinance  |
| g. Required yards and other open spaces; and   | Yards and open spaces are sufficient.  |
| h. General compatibility with adjacent properties and other property in the district and that the granting of the conditional use will not adversely affect the public interest. | <p>The use is compatible with adjacent properties and the granting of a Conditional Use Permit will not adversely affect the public interest.</p> <p>Conditions -</p> <ul style="list-style-type: none"> <li>- Road Haul Agreement must be signed and approved by the Highway Superintendent,</li> <li>- a haul route must be signed and approved by the Highway Superintendent,</li> <li>- bridge inspections for these routes shall be completed prior to approval and at the applicant's cost,</li> <li>- a floodplain development permit if needed and</li> <li>- stay 100 yards from neighboring property lines.</li> </ul> |

AFFIDAVIT OF MAILING

I, Daniel Wieman, hereby certify that on the 30 day of March, 2020, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within a 2640 feet radius of the proposed project to the most recent address of the recipient known to your Affiant.

A true and correct copy of the Notice of Public Hearing notification letters are attached as Exhibit #1 or #2.

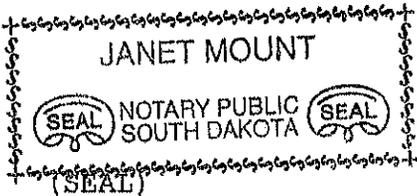
A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 30 day of March, 2020.

[Signature]

(Name)  
Affiant

Subscribed and sworn to before me this 30 day of March, 2020.



Janet Mount  
Notary Public - South Dakota  
My commission expires: \_\_\_\_\_

My Commission Expires 12/30/2022

## NOTIFICATION

April 3, 2020

Daniel Wieman  
30962 Frog Creek Rd  
Vermillion, SD 57069

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 2,640 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

### NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:30 P.M. on the 14<sup>th</sup> day of April, 2020 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Said hearing is to consider the following:

*Applicant is requesting a Conditional Use Permit for a Quarry in an Agricultural District. Said property is legally described as NW4 Exc Lot 1 Oursland's Addition excepting a parcel of land described as follows: Commencing in the SW4 NW4 of said Section 13 thence running North along the West line of said Section 13, 108 feet; thence running East parallel with the said Section 13 403 1/3 feet; thence running South parallel with the West line of said SW4 NW4 of said Section 13, 108 feet; thence running West along the South line of the SW4 NW4 of said Section 13, 403 1/3 feet to the place of beginning containing 1 acre, and further excepting a parcel of land deed to the Volin Cemetery Association, Section 13 T94N R54W hereinafter referred to as Volin Township, County of Yankton, State of South Dakota.*

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D. or online at the Yankton County Website.

Sincerely,

Daniel Wieman  
Petitioners

ADAMS, RICHARD GERALD (D)  
44521 306 ST  
MISSION HILL SD 57046

ASHTON, HOLLY (D)  
PO BOX 257  
GAYVILLE SD 57031

BLODGETT, LARRY E (D)  
505 JAMES PL  
YANKTON SD 57078

BOGGS, MEGAN (D)  
45198 306 ST  
VOLIN SD 57072

BROWN, CINDY (D)  
PO BOX 236  
VOLIN SD 57072

BROWN, CYNTHIA (D)  
PO BOX 236  
VOLIN SD 57072

BROWN, CYNTHIA E (D)  
PO BOX 236  
VOLIN SD 57072

BROWN, LINDA D (D)  
45104 305 ST  
VOLIN SD 57072

BURLINGTON NORTHERN RAILROAD (D)  
PROPERTY TAX DEPARTMENT  
P O BOX 961089  
FORT WORTH TX 76161

BYE, BETTY E (D)  
44920 312 ST  
GAYVILLE SD 57031

CITY OF VOLIN (D)  
PO BOX 175  
VOLIN SD 57072

CLARK, MICHAEL D (D)  
31129 452 AVE  
GAYVILLE SD 57031

CRECELIUS, PAUL TRUST (D)  
744 SHARON WAY  
EL CAJON CA 92020

CRISSEY, ANGLENE (D)  
105 MAIN ST  
VOLIN SD 57072

DAKOTA CO-OP TELE CO (D)  
PO BOX 66  
IRENE SD 57037

DANGEL, PHILIP L IRR TRUST (D)  
44521 306 ST  
MISSION HILL SD 57046

DANGEL, TRAVIS (D)  
PO BOX 162  
VOLIN SD 57072

DAWLEY, TODD LIVING TRUST (D)  
48530 263 ST  
VALLEY SPRINGS SD 57068

DEAN, TERRY (D)  
103 DACE ST  
VOLIN SD 57072

DITTBERNER, MELISSA (D)  
104 DACE ST  
VOLIN SD 57072

DOUGLASS, GREGORY A (D)  
309 LINCOLN AVE  
VOLIN SD 57072

FARMERS TRADING COMPANY (D)  
%VALLEY VIEW HAY  
45104 BLUFF RD  
VOLIN SD 57072

FLEMMING, CHARLES L (D)  
106 LINCOLN ST  
PO BOX 234  
VOLIN SD 57072

FLEMMING, MARIE (D)  
PO BOX 234  
VOLIN SD 57072

FRANK, DANIEL R (D)  
PO BOX 143  
VOLIN SD 57072

GUSTAD, JOHN JACOB (D)  
45104 BLUFF RD  
VOLIN SD 57072

GUSTAD, STEVE (D)  
45104 BLUFF RD  
VOLIN SD 57072

GUY, JOEY L (D)  
101 JACKSON AVE  
VOLIN SD 57072

HAAS, DARRELL J (D)  
PO BOX 125  
VOLIN SD 57072

HAMILTON ENTERPRISES EAST LLC (D)  
PO BOX 1706  
WILLISTON ND 58802

HARMELINK, TYLER J (D)  
55365 897 RD  
CROFTON NE 68730

HAZEN, JOHN D (D)  
PO BOX 14  
VERMILLION SD 57069

HIGHLAND, BETTY (D)  
30424 451 AVE  
VOLIN SD 57072

HIGHLAND, BETTY O (D)  
30424 451 AVE  
VOLIN SD 57072

HOPSON, MARILYN (D)  
PO BOX 155  
VOLIN SD 57072

HUETHER, DEANNA (D)  
PO BOX 213  
VOLIN SD 57072

HUETHER, THOMAS (D)  
PO BOX 213  
VOLIN SD 57072

ISBURG, DEAN (D)  
PO BOX 223  
VOLIN SD 57072

ISBURG, DEAN C (D)  
PO BOX 223  
VOLIN SD 57072

JENSEN, FAYE J (D)  
216 SOUTH TILL AVE  
IRENE SD 57037

JENSEN, JULIE MAE (D)  
4035 HWY 33  
VENTUCOPA CA 93252

JENSEN, TIMOTHY L (D)  
PO BOX 231  
VOLIN SD 57072

JOHNSON, CAROL K (D)  
206 WINDSOR ST  
PO BOX 242  
VOLIN SD 57072

JOHNSON, DENNIS W REV TRUST (D)  
PO BOX 244  
VOLIN SD 57072

JOHNSON, TYLER D (D)  
2825 PETTERSEN RD  
VERMILLION SD 57069

JORGENSEN, JAMIE J (D)  
203 WINDSOR ST  
VOLIN SD 57072

JORGENSEN, PAUL (D)  
405 GRANT AVE  
VOLIN SD 57072

JORGENSEN, PAUL (D)  
PO BOX 111  
VOLIN SD 57072

JORGENSEN, PAUL W (D)  
PO BOX 111  
VOLIN SD 57072

JRD ENTERPRISES LLC (D)  
PO BOX 76  
YANKTON SD 57078

KAUFMAN, IVAN L (D)  
45089 305 ST  
VOLIN SD 57072

KAVANAUGH, DAN (D)  
45192 BLUFF RD  
VOLIN SD 57072

KAVANAUGH, DANIEL (D)  
45192 BLUFF RD  
VOLIN SD 57072

KING, DOYLE W (D)  
PO BOX 156  
VOLIN SD 57072

KMS PARTNERSHIP (D)  
PO BOX 711  
YANKTON SD 57078

KUCHTA ENTERPRISES LLC (D)  
89384 558 AVE  
FORDYCE NE 68736

KUCHTA, TIM (D)  
307 DACE ST  
VOLIN SD 57072

KUCHTA, TIMOTHY (D)  
307 DACE ST  
VOLIN SD 57072

L F & COMPANY (D)  
%KAEBERLE, KAREN  
PO BOX 285  
VERMILLION SD 57069

LAMBERT, CURTIS (D)  
105 GRANT AVE  
VOLIN SD 57072

LAMMERS, HEATH T (D)  
306 WINDSOR ST  
VOLIN SD 57072

LAWRENSEN, MARTIN (D)  
PO BOX 106  
VOLIN SD 57072

LAWRENSEN, MARTIN H (D)  
PO BOX 106  
VOLIN SD 57072

LEE ENTERPRISES INC (D)  
PO BOX 134  
VOLIN SD 57072

LOGAN, COREY (D)  
PO BOX 212  
VOLIN SD 57072

LOGAN, JAMIEN A (D)  
PO BOX 195  
VOLIN SD 57072

LOGAN, SANDRA (D)  
303 MAIN ST  
VOLIN SD 57072

LUDWIG, JEAN (D)  
30507 451 AVE  
VOLIN SD 57072

MARQUARDT, RALPH J (D)  
PO BOX 1040  
YANKTON SD 57078

MCCLURE, SUSAN D TRUST (D)  
105 MORTON RD  
COLUMBUS NE 68601

MCSHANNON, ARCHIE (D)  
PO BOX 113  
VOLIN SD 57072

MERKWAN, MICHAEL J (D)  
301 LINCOLN AVE  
VOLIN SD 57072

MUNKVOLD, MICHELLE (C)  
PO BOX 171  
VOLIN SD 57072

MURPHY, THOMAS (D)  
PO BOX 236  
VOLIN SD 57072

NAUMAN, CHARLES W (D)  
PO BOX 2064  
HAILEY ID 83333

NELSEN, RODNEY (D)  
1030 RATINGEN STRASSE  
VERMILLION SD 57069

NELSON, CHAD A (D)  
PO BOX 114  
VOLIN SD 57072

NELSON, JEREMY K (D)  
PO BOX 243  
VOLIN SD 57072

OIEN, MATTHEW L (D)  
1607 SUNRISE DR  
YANKTON SD 57078

OLSON, JENNIFER M (D)  
PO BOX 184  
VOLIN SD 57072

OURS LAND, JEFFREY ALAN (D)  
45668 306 ST  
WAKONDA SD 57073

PEDERSON, KRISTINE (D)  
PO BOX 136  
VOLIN SD 57072

PENNYMAC LOAN SERVICES LLC (D)  
3043 TOWNSGATE RD STE 200  
WESTLAKE VILLAGE CA 91361

POSPISHIL, DANIEL (D)  
PO BOX 221  
VOLIN SD 57072

POSPISHIL, DANIEL L (D)  
PO BOX 221  
VOLIN SD 57072

RAFIAN-NAINI, MEHDI (D)  
600 BAXTER LN  
PISMO BEACH CA 93449

RYKEN FAMILY LIMITED PARTNRSHP (D)  
PO BOX 603  
YANKTON SD 57078

S & S APARTMENT RENTALS LLC (D)  
PO BOX 23  
IRENE SD 57037

SATHE, JOSEPH (D)  
PO BOX 154  
VOLIN SD 57072

SCHLAEFLI, GARY (D)  
30342 SW JIM RIVER RD  
YANKTON SD 57078

SCHOENBERGER, JEANIE M (D)  
600 DACE ST  
VOLIN SD 57072

SHARPLES, DOUGLAS (D)  
PO BOX 476  
WAKONDA SD 57073

SIMMONS, DAVID (C)  
PO BOX 227  
VOLIN SD 57072

SNOOZY, ADAM (D)  
PO BOX 191  
VOLIN SD 57072

SOBOTKA, JEREMY E (D)  
304 DACE ST  
VOLIN SD 57072

STEENHOVEN, FERDINAND (D)  
300 GRANT AVE  
VOLIN SD 57072

STEFFEN, NANCY A (D)  
LOWERY, NANCY A (FKA)  
300 SHERMAN ST  
VOLIN SD 57072

STEFFEN, PETER (D)  
PO BOX 163  
VOLIN SD 57072

SYVERSON, KELLY (D)  
407 WINDSOR ST  
VOLIN SD 57072

TOWN OF VOLIN (D)  
PO BOX 175  
VOLIN SD 57072

TRIPP, JEREMY (D)  
104 GRANT AVE  
VOLIN SD 57072

TRIPP, SCOTTIE L (D)  
PO BOX 305  
VOLIN SD 57072

VALLEY VIEW HAY COMPANY LLP (D)  
45104 BLUFF RD  
VOLIN SD 57072

VOLIN CEMETERY ASSOCIATION (D)  
PO BOX 47  
MISSION HILL SD 57046

VRBKA, DANIEL (D)  
204 SHERMAN AVE  
VOLIN SD 57072

WEBER, CAMERON (D)  
201 GARFIELD AVE  
VOLIN SD 57072

WOODS, RAY LIVING TRUST (D)  
1601 E DANA DR  
SIOUX FALLS SD 57105

AFFIDAVIT OF MAILING

I, Daniel Wiseman, hereby certify that on the 21<sup>st</sup> day of April, 2020, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within a 2640 feet radius of the proposed project to the most recent address of the recipient known to your Affiant.

A true and correct copy of the Notice of Public Hearing notification letters are attached as Exhibit #1 or #2.

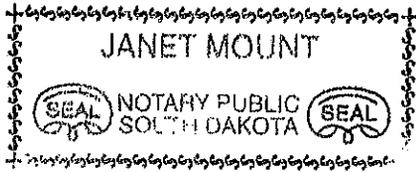
A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 21<sup>st</sup> day of April, 2020.

[Signature]

(Name)  
Affiant

Subscribed and sworn to before me this 21 day of April, 2020.



(SEAL)

Janet Mount

Notary Public - South Dakota  
My commission expires: \_\_\_\_\_

My Commission Expires 12/30/2022

# NOTIFICATION

April 24, 2020

Daniel Wieman  
30962 Frog Creek Rd  
Vermillion, SD 57069

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 2,640 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

## NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Board of Adjustment, Yankton County, South Dakota, at 7:25 P.M. on the 5<sup>th</sup> day of May, 2020 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Said hearing is to consider the following:

*Applicant is requesting a Conditional Use Permit for a Quarry in an Agricultural District. Said property is legally described as NW4 Exc Lot 1 Oursland's Addition excepting a parcel of land described as follows: Commencing in the SW4 NW4 of said Section 13 thence running North along the West line of said Section 13, 108 feet; thence running East parallel with the said Section 13 403 1/3 feet; thence running South parallel with the West line of said SW4 NW4 of said Section 13, 108 feet; thence running West along the South line of the SW4 NW4 of said Section 13, 403 1/3 feet to the place of beginning containing 1 acre, and further excepting a parcel of land deed to the Volin Cemetery Association, Section 13 T94N R54W hereinafter referred to as Volin Township, County of Yankton, State of South Dakota.*

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D. or online at the Yankton County Website.

Sincerely,

Daniel Wieman  
Petitioners

ADAMS, RICHARD GERALD (D)  
44521 306 ST  
MISSION HILL SD 57046

ASHTON, HOLLY (D)  
PO BOX 257  
GAYVILLE SD 57031

BLODGETT, LARRY E (D)  
505 JAMES PL  
YANKTON SD 57078

BOGGS, MEGAN (D)  
45198 306 ST  
VOLIN SD 57072

BROWN, CINDY (D)  
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PROPERTY TAX DEPARTMENT  
P O BOX 981089  
FORT WORTH TX 76161

BYE, BETTY E (D)  
44920 312 ST  
GAYVILLE SD 57031

CITY OF VOLIN (D)  
PO BOX 175  
VOLIN SD 57072

CLARK, MICHAEL D (D)  
31129 452 AVE  
GAYVILLE SD 57031

CRECELIUS, PAUL TRUST (D)  
744 SHARON WAY  
EL CAJON CA 92020

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WOODS, RAY LIVING TRUST (D)  
1601 E DANA DR  
SIOUX FALLS SD 57105

AFFIDAVIT OF MAILING

I, Daniel Wieman, hereby certify that on the 8th day of May, 2020, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within a 2640 feet radius of the proposed project to the most recent address of the recipient known to your Affiant.

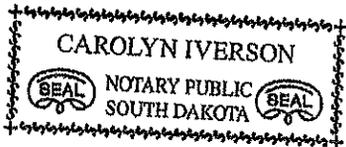
A true and correct copy of the Notice of Public Hearing notification letters are attached as Exhibit #1 or #2.

A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 8th day of May, 2020.

[Signature]  
(Name)  
Affiant

Subscribed and sworn to before me this 8th day of May, 2020.



Carolyn Iverson  
Notary Public - South Dakota  
My commission expires: 4/21/2026

(SEAL)

My commission expires April 21, 2026

# NOTIFICATION

May 9, 2020

Daniel Wieman  
30962 Frog Creek Rd  
Vermillion, SD 57069

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 2,640 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

## NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Board of Adjustment, Yankton County, South Dakota, at 7:15 P.M. on the 19<sup>th</sup> day of May, 2020 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Said hearing is to consider the following:

*Applicant is requesting a Conditional Use Permit for a Quarry in an Agricultural District. Said property is legally described as NW4 Exc Lot 1 Oursland's Addition excepting a parcel of land described as follows: Commencing in the SW corner SW4 NW4 of said Section 13 thence running North along the West line of said Section 13, 108 feet; thence running East parallel with the said Section 13 403 1/3 feet; thence running South parallel with the West line of said SW4 NW4 of said Section 13, 108 feet; thence running West along the South line of the SW4 NW4 of said Section 13, 403 1/3 feet to the place of beginning containing 1 acre, and further excepting a parcel of land deed to the Volin Cemetery Association, Section 13 T94N R54W hereinafter referred to as Volin Township, County of Yankton, State of South Dakota.*

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1601 E DANA DR  
SIOUX FALLS SD 57105

Yankton County Planning Commission  
Yankton County Board of Adjustment

Date filed: 03/12/20

Applicant

**Auch - Variance**

District type:  AG  R1-Low  R2-Moderate  R3-High  C-Comm.

LC – Lakeside Commercial  RT-Rural Transitional

Variance needed:

Section 513  Section 515  Section 705  Section 715  Section 805

Section 1907

North Side/ Yard lot line: \_\_\_\_\_ feet or no closer than \_\_\_\_\_ feet to the \_\_\_\_\_ lot line.

East Side / Yard lot line: \_\_\_\_\_ feet or no closer than \_\_\_\_\_ feet to the \_\_\_\_\_ lot line.

South Side / Yard lot line: \_\_\_\_\_ feet or no closer than \_\_\_\_\_ feet to the \_\_\_\_\_ lot line.

West Side / Yard lot line \_\_\_\_\_ feet or no closer than \_\_\_\_\_ feet to the \_\_\_\_\_ lot line.

Accessory Building Size allowed:

Proposed building size:

Proposed sidewalk height:

Affects Section:

**NOTE:**

**Variance**

Applicant is requesting a Variance to decrease the minimum side yard requirement in an Agriculture District from 75 feet for a side yard to 26 feet, a variance of 49 feet. Said property is legally described as Lot 7B Hackberry Addn, Section 1 T94N R56W hereinafter referred to as Utica North Township, County of Yankton, State of South Dakota.

PC: Article 5 Section 515 Article 18 Section 1807

BOA: Article 5 Section 515 Article 19 Section 1907

Planning Commission date: 04/14/20

Time: 7:25 PM

Board of Adjustment date: 05/19/20

Time: 7:20 PM

YANKTON COUNTY  
APPLICATION # VAR-20-003

(Type or Print)

OWNER: Calby Auch

|                                     |                        |
|-------------------------------------|------------------------|
| <input checked="" type="checkbox"/> | Variance Application   |
| <input type="checkbox"/>            | Conditional Use Permit |
| <input type="checkbox"/>            | Rezoning Permit        |

OWNERS ADDRESS: 128 Hackberry LN

OWNERS DAYTIME PHONE#: 605 660 6841

DATE OF BUILDING PERMIT REQUEST: 3/12/20

DESCRIPTION OF BUILDING PERMIT: Shed Addition

REASON FOR BUILDING PERMIT DENIAL: Storage

DATE OF DENIAL: \_\_\_\_\_

JOB ADDRESS: 128 Hackberry LN

LEGAL: Lot 7B Hackberry Addition

TOWNSHIP: North Utica SECTION: 1

EXISTING USE OF PROPERTY: Residential

PRESENT ZONING CLASSIFICATION: ~~A1~~ N/A

PROPOSED ZONING CLASSIFICATION: N/A

AFFECTED SECTION OF ZONING ORDINANCE: 515 #3

REASON FOR REQUEST: property size ~~not~~ to close to

building that I would like to build

LIST SPECIFIC HARDSHIPS: grand fathered in building want to

build on to it and topography limit were I can build.

Applications will not be accepted nor acted upon until the following information has been provided by the applicant:

- A) Detailed Site Plan (Refer to handout)
- B) Location and Use of Adjacent Structures
- C) Application Fee(s)

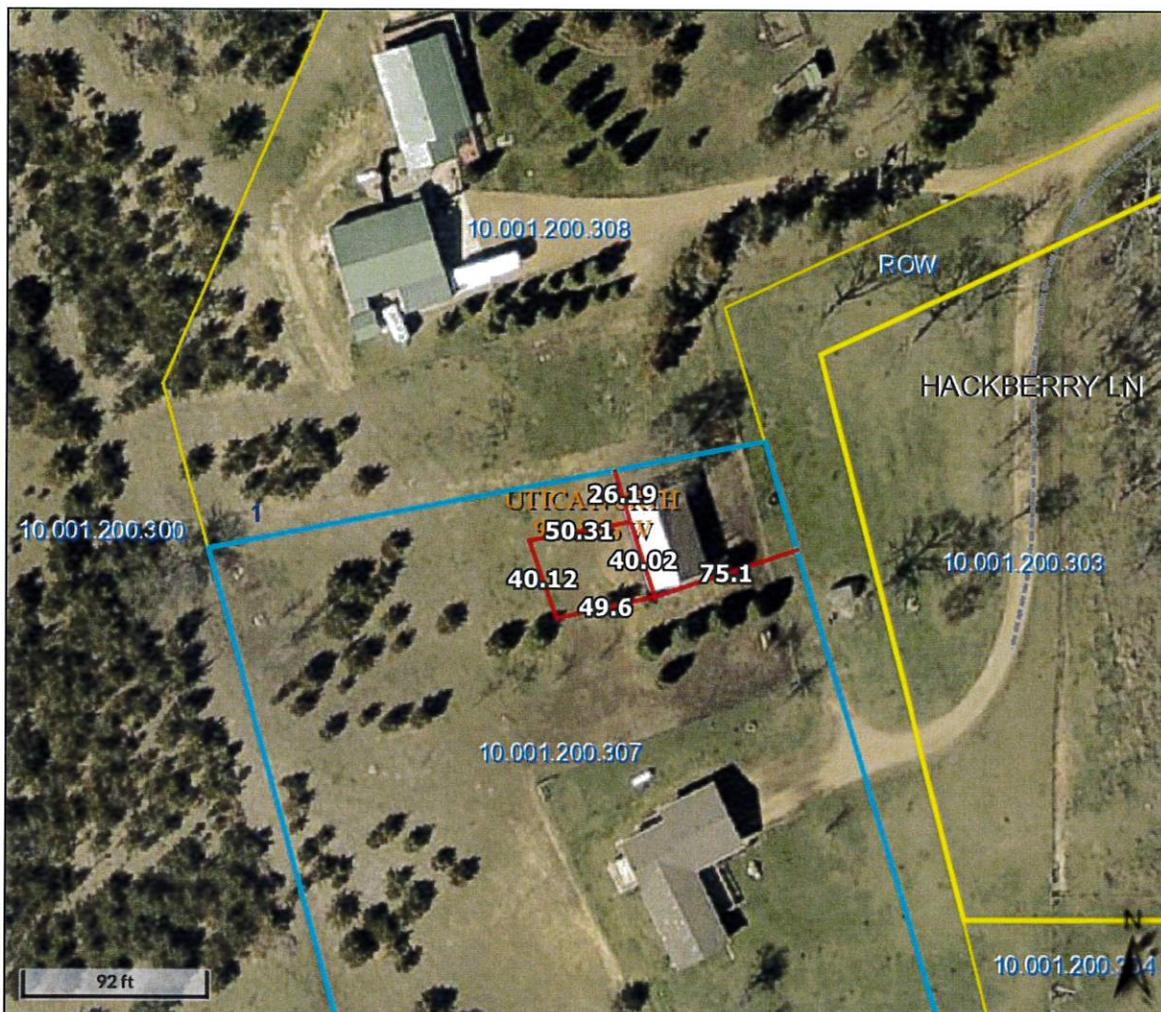
SCHEDULED FOR PLANNING COMMISSION ACTION (Date): April 14, 2020

SCHEDULED FOR BOARD OF ADJUSTMENT ACTION (Date): May 5, 2020

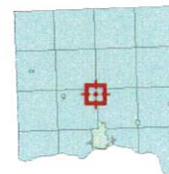
\*TENTATIVE DATE: Final date announced at Planning Commission Meeting:

APPLICATION FEE: 455 CHECK #: 1027 RECEIPT #: 5180

|  |                |                              |                |
|--|----------------|------------------------------|----------------|
| The undersigned acknowledges/declares that all the facts and representations stated in this application are true and by signing, acknowledges the cost and the procedure for the processing of the application and certifies that the property described by the legal description is not delinquent. |                |                              |                |
| <u>Calby Auch</u>  | <u>3/12/20</u> | <u>Calby Auch</u>            | <u>3/12/20</u> |
| Name of Applicant  | Date           | Signature of Applicant/Owner | Date           |



Overview



Legend

-  Townships
-  Parcels
-  Streets and Roads

Parcel ID - 10.001.200.307  
Address - 128 HACKBERRY LN  
Owner - AUCH, NATASHA (D)  
AUCH, CALBY (D)

**Disclaimer:** Yankton County digital cadastral data are a representation of recorded plats and surveys for use within the Geographic Information System for purposes of data access and analysis. These and other digital data do not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership or use.

Date created: 3/24/2020  
Last Data Uploaded: 3/24/2020 3:09:13 AM

Developed by  Schneider  
GEOSPATIAL

# YANKTON COUNTY BUILDING PERMIT APPLICATION

Each building site must have a separate site plan

calbyauch@gmail.com

Applicant to complete numbered spaces only.

|   |                              |  |   |
|---|------------------------------|--|---|
| 1. Job Address                            | 128 Hackberry Ln Yankton     |  |   |
| 2. Legal Description of Construction Site | Lot 2B Hackberry Addition    |  |   |
| 3. Owner                                  | Mail Address                 | Zip  | Phone   |
| Calby Auch                                | 128 Hackberry Ln             | 57078  | 605660-6944   |
| 4. Contractor                             | Mail Address                 | Zip  | Phone   |
| Self                                      |                              |  |   |
| 5. Architect or Designer                  | Mail Address                 | Zip  | Phone   |
| Self                                      |                              |  |   |
| 6. Type and Use of Building               | Wood Frame Addition          |  |   |
| 7. Class of Work (Check One)              | <input type="checkbox"/> New | <input checked="" type="checkbox"/> Addition | <input type="checkbox"/> Alteration <input type="checkbox"/> Repair <input type="checkbox"/> Move <input type="checkbox"/> Remove |
| 8. Describe Work:                         | Addition for Storage         |  |   |
| 9. Valuation of Work:                     | \$ 8500                      | Mobile/Manufactured Home Tax Affidavit       | Y N   |

Owner  
Job Address

For Official Use Only-

SPECIAL CONDITIONS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

|  |                        |                           |   |                                      |
|--|------------------------|---------------------------|---|--------------------------------------|
| Application Accepted By:   | Site Plans Checked By: | Approved for Issuance By: | <b>PERMIT FEE</b>   | <b>Check #</b>                       |
| <p style="text-align: center;"><b>NOTICE</b></p> <p>THIS PERMIT WILL EXPIRE IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN ONE HUNDRED EIGHTY (180) DAYS OR CONSTRUCTION IS NOT SUBSTANTIALLY COMPLETED WITHIN TWO (2) YEARS OF ISSUANCE. I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF THE YANKTON COUNTY ZONING ORDINANCE OR ANY OTHER FEDERAL, STATE, OR LOCAL LAW REGULATING CONSTRUCTION ACTIVITIES OR THE USE OF ANY PROPERTY.</p> |                        |                           | Type of Construction  | Sewer/Water Certification of Service |
|  |                        |                           | Total Square Feet   | Number of Stories                    |
|  |                        |                           | Zoning District   | Number of Accessory Buildings        |
|  |                        |                           | Number of Dwelling Units  | Property/Parcel/Lot Size             |
| Signature of Contractor or Authorized Agent _____ Date _____<br>Signature of Owner (if owner builder) _____ Date _____<br>BY THIS SIGNATURE, THE ZONING ADMINISTRATOR IS AUTHORIZED TO ENTER UPON THE PROPERTY DESCRIBED FOR THE PURPOSE OF INSPECTION   |                        |                           | <p style="text-align: center;"><b>For County Officials Use Only</b></p> When properly validated (in this space), this is your permit.<br>The above application is hereby approved.<br>Building Permit Number: _____<br>Post Construction?    Y        N |                                      |
| Zoning Administrator or Authorized Representative _____ Date _____   |                        |                           |   |                                      |

**FINDINGS OF FACT – VARIANCE**  
**Calby Auch – VAR-20-003**

|   |  |
|---|--|
| <p>Are the requirements of Section 1723 met?<br/>         (signed by owner unless there is a binding purchase agreement then signed by applicant, Variance accompanied by building permit (if applicable), site plan included with building permit,</p>   | <p>Yes</p>   |
| <p>Are the requirements of Section 1729 met?<br/>         (all fees paid at time of application)</p>  | <p>Yes</p>   |
| <p>Section 1807:</p>  |  |
| <p>1. A. The strict application of the ordinance would produce undue hardship;</p>  | <p>Applicant is requesting a Variance to decrease the minimum side yard requirement in an Agriculture District from 75 feet for a side yard to 26 feet, a variance of 49 feet.</p> |
| <p>B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;</p>  | <p>The hardship are not generally shared by other properties in the district.</p>  |
| <p>C. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the grant of the variance; and</p>  | <p>The granting of a variance will not be of substantial detriment to adjacent property nor the character of the district.</p>   |
| <p>D. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, and caprice.</p>   | <p>None shown</p>  |
| <p>2. No variance shall be recommended for approval unless the Planning Commission finds the condition or situation of the property concerning or the intended use of the property concerned, or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment of this ordinance.</p> | <p>The requested variance is not recurring sufficiently to provide remedy with a zoning amendment.</p>   |
| <p>3. A. A written application for a variance is submitted demonstrating that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings, in the same district;</p>   |  |
| <p>B. The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;</p>   | <p>Previous variances for this type have been granted in Yankton County</p>  |
| <p>C. The special conditions and circumstances do not result</p>  | <p>The special conditions and circumstances are not result of the applicant.</p>   |

|  |  |
|--|--|
|  |  |
| <p>D. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the same district.</p>   | <p>Variance requests of this type have been approved by the Planning Commission.</p>   |
| <p>E. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.</p>   | <p>No nonconforming uses of neighboring lands, structures, or buildings in this district, and no permitted or nonconforming use of lands, structures, or buildings in other districts were considered.</p> |
| <p>F. Notice of public hearing shall be given, as in Section 1803 (3-5).</p>   | <p>Mailed – March 30, 2020, April 24, 2020, May 9, 2020<br/>Published – April 3, 2020, April 24, 2020, May 8, 2020</p>   |
| <p>G. The public hearing shall be held. Any party may appear in person for by agent or by attorney.</p>  | <p>Public hearing April 14, 2020</p>   |
| <p>H. The Planning Commission shall make findings that the requirements of this Section have been met by the applicant for a variance; the Commission shall further make a finding that the reasons set forth in the application justify the recommendation of granting the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; the Planning Commission shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.</p> | <p>The Planning Commission further finds that the reasons set forth in the application and hearing satisfy all requirements for this variance request</p>  |
| <p>I. In recommending approval of any variance, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance.</p>   | <p>The Planning Commission approves this request.</p>  |
| <p>J. Under no circumstances shall the Planning Commission recommend granting a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.</p>   | <p>Move to grant the lot variance<br/><br/>9-0 Motion carries</p>  |

Yankton County Planning Commission  
Yankton County Board of Adjustment

Date filed: 4-2-2014

Applicant: **Leslie Roberts**

District type:  AG  R1-Low  R2-Moderate  R3-High  C-Comm.  
 RT-Rural Transitional

Variance(s) needed:  
 Section 513  Section 519  Section 605  Section 715  Section 805  
 Other: 515 (1)

North Side/ Yard lot line: 6 feet or no closer than 4 feet to the side lot line.

East Side / Yard lot line: \_\_\_\_\_ feet or no closer than \_\_\_\_\_ feet to the \_\_\_\_\_.

South Side / Yard lot line: \_\_\_\_\_ feet or no closer than \_\_\_\_\_ feet to the \_\_\_\_\_.

West Side / Yard lot line: \_\_\_ feet or no closer than \_\_\_ feet to the front lot line.

Accessory Building Size allowed: sq. ft. Sidewall: foot

Proposed building size: or sq. ft.

Proposed sidewall height: ft.

Affects Section:

NOTE:

Variance Required:

Minimum Yard Requirement: from 75 feet side yard to 30 feet front .

PC: Article 18, Section 1807

BOA: Article 19, Section 1907

Planning Commission date: 5-13-2014 Time: 7:30 P.M.

Board of Adjustment date: 6-17-2014 *filed* Time: 4:45 P.M.

## Yankton County Planning Recommendation

The Yankton County Planning Commission recommends that the following be approved / denied by the Yankton County Commission or the Board of Adjustment.

Applicant: Leslie Roberts  
 Address: 128 Hackberry Lane  
 Hearing date: May 13, 2014  
 Description: Variance of Min. Yard Requirement 75' to 30'

**Action 51314D:** Moved by Becker, second by LaCroix to recommend approval of the Variance, pursuant to Article 18, Section 1807 of the Yankton County Zoning Ordinance, based on Finding of Facts dated May 13, 2014, of Minimum Yard Requirement in front yard from seventy-five (75) feet to thirty (30) feet to build an agriculture structure in an Agriculture District (AG) in Yankton County. Said property is legally described as Lot 7A, Hackberry Addition, S1-T94N-R56W, hereinafter referred to as Utica North Township, County of Yankton, State of South Dakota. The E911 address is 128 Hackberry Lane, Yankton, SD.  
 By roll call vote, all members present voted aye.  
 Motion carried.

Kristi Schultz Y N AB

Scott Pospishil Y N AB

Donna Freng Y N AB

Art Kotalik (Y) N AB

Allen Sinclair (Y) N AB

Marlin LaCroix (Y) N AB

Butch Becker (Y) N AB

Glen Ekeren Y N AB

Doug Heyle (Y) N AB

Chuck Mackey Y N AB

Carll Kretsinger (Y) N AB

Michael Welch (Y) N AB

Cynthia Franklin-Guenther Y N AB

Motion: Becker  
 Second: LaCroix

Yankton County Planning Commission

Meeting date: May 13, 2014

VARIANCE

Article 18, Section 1807

FINDINGS OF FACT

Applicant: Leslie Roberts

Parcel Number: 10.001.200.307

Legal description: Lot 7A, Hackberry Addition, S1-T94N-R56W

Physical Address: 128 Hackberry Lane, Yankton, SD

1. No such variance shall be recommended for approval by the Planning Commission unless it finds:
  - A. The strict application of the ordinance would produce undue hardship; The structure increased conformance with Agriculture District yard requirements of the Yankton County Zoning Ordinance.
  - B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; The hardship can be shared by other properties but the property size must be created before 2003 zoning regulations became effective.
  - C. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the grant of the variance; The granting of a variance will not be of substantial detriment to adjacent property nor the character of the district.
  - D. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposed of convenience, profit, and caprice. No convenience, profit or caprice was shown.
2. No variance shall be recommended for approval unless the Planning Commission finds the condition or situation of the property concerning or the intended use of the property concerned, or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment of this ordinance. The requested variance cannot be recurring with special circumstances discussed in the findings.
3. A recommendation of approval concerning a variance from the terms of this ordinance shall not be founded by the Planning Commission unless and until:
  - A. A written application for a variance is submitted demonstrating that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or

buildings, in the same district; The property is demonstrating special conditions or circumstances with size and location and could not be applicable to others structures or buildings in the district.

- B. The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance; Previous variances of minimum yard requirement have been granted in Yankton County.
  - C. The special conditions and circumstances do not result from the actions of the applicant; The special conditions and circumstances are not a result of the applicant.
  - D. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the same district. Variance requests of this type (minimum yard requirement) have been recommended previously by the Planning Commission.
4. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance. No nonconforming uses of neighboring lands, structures, or buildings in this district, and no permitted or nonconforming use of lands, structures, or buildings in other districts were considered.
  5. Notice of public hearing shall be given, as in Section 1803 (3-5). The applicant mailed letters of notification to property owners within a one-half mile radius of the proposed variance on May 1, 2014 (supported by affidavit), a legal notice was published on May 3, 2014 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on May 5, 2014.
  6. The public hearing shall be held. Any party may appear in person or by agent or by attorney. A public hearing was held at 7:05 pm on May 13, 2014. Leslie Roberts requested a variance of Minimum Yard Requirement to replace an agriculture structure. The structure increased yard setback by ten (10) feet and therefore increasing the conformance for yard requirement. The Planning Commission discussed the application and stated the request improves the property and acknowledged the increase in conformance of yard requirement.
  7. No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.
  8. The Planning Commission shall make findings that the requirements of this Section have been met by the applicant for a variance; the Commission shall further make a finding that the reasons set forth in the application justify the recommendations of granting the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; the Planning Commission shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.  
The Planning Commission further finds that the reasons set forth in the application and hearing satisfy all requirements for this variance request.

9. In recommending approval of any variance, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance. The Planning Commission approves this request.
10. Under no circumstances shall the Planning Commission recommend granting a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district. The variance request of Minimum Yard Requirement is approved.

Action 51314D: Moved by Becker, second by LaCroix to recommend approval of the Variance, pursuant to Article 18, Section 1807 of the Yankton County Zoning Ordinance, based on Finding of Facts dated May 13, 2014, of Minimum Yard Requirement in front yard from seventy-five (75) feet to thirty (30) feet to build an agriculture structure in an Agriculture District (AG) in Yankton County. Said property is legally described as Lot 7A, Hackberry Addition, S1-T94N-R56W, hereinafter referred to as Utica North Township, County of Yankton, State of South Dakota. The E911 address is 128 Hackberry Lane, Yankton, SD.

By roll call vote, all members present voted aye.

Motion carried.

YANKTON COUNTY

APPLICATION #: 2279

(Type or Print)

OWNER:

Leslie Roberts

OWNERS ADDRESS

128 Hackberry Lane

OWNERS DAYTIME PHONE#:

605-660-7601

|                                     |                        |
|-------------------------------------|------------------------|
| <input checked="" type="checkbox"/> | Variance Application   |
| <input type="checkbox"/>            | Conditional Use Permit |
| <input type="checkbox"/>            | Rezoning Permit        |

DESCRIPTION OF BUILDING PERMIT:

Pole barn

REASON FOR BUILDING PERMIT DENIAL:

Minimum Yard Requirement

DATE OF DENIAL:

3-27-2014

JOB ADDRESS:

128 Hackberry Lane, Yankton, SD

LEGAL:

Lot 7A, Hackberry Addition, 1-94-56

TOWNSHIP:

Union North

SECTION:

1

EXISTING USE OF PROPERTY:

Residential

PRESENT ZONING CLASSIFICATION:

AG

PROPOSED ZONING CLASSIFICATION:

AG

AFFECTED SECTION OF ZONING ORDINANCE:

Article 5, Section 515(1)

REASON FOR REQUEST:

Pole shed near property line, property lines not properly placed (30')

LIST SPECIFIC HARDSHIPS:

ROW property lines are not accurate to the actual usage

Applications will not be accepted nor acted upon until the following information has been provided by the applicant:

- A) Detailed Site Plan (Refer to handout)
- B) Location and Use of Adjacent Structures
- C) Application Fee(s)

SCHEDULED FOR PLANNING COMMISSION ACTION (Date):

May 13, 2014 approved & filed

SCHEDULED FOR BOARD OF ADJUSTMENT ACTION (Date):

June 9, 2014

\*TENTATIVE DATE; Final date announced at Planning Commission Meeting:

APPLICATION FEE:

100.00

CHECK #:

8742

RECEIPT #:

The undersigned acknowledges/declares that all the facts and representations stated in this application are true and by signing, acknowledges the cost and the procedure for the processing of the application and certifies that the property described by the legal description is not delinquent.

Leslie Roberts

4/2/2014

Leslie Roberts

4/2/2014

Name of Applicant

Date

Signature of Applicant/Owner

Date

Yankton County South Dakota  
Parcel Record Information

Parcel Number: 10.001.200.307 Type: RE Year: 2014

---

**Address Info**

Deed:  
ROBERTS, LESLIE

Contract:

Mailing:  
ROBERTS, LESLIE  
128 HACKBERRY LN  
YANKTON SD 57078

---

**Legal Info**

Location: 128 HACKBERRY LN

Section/Town/Range: 1/ 94/ 56

Township: UTICA TOWNSHIP

Addition/Block/Lot: 1-94-56

Acres: 0.00

Legal Description: LOT 7A HACKBERRY ADD

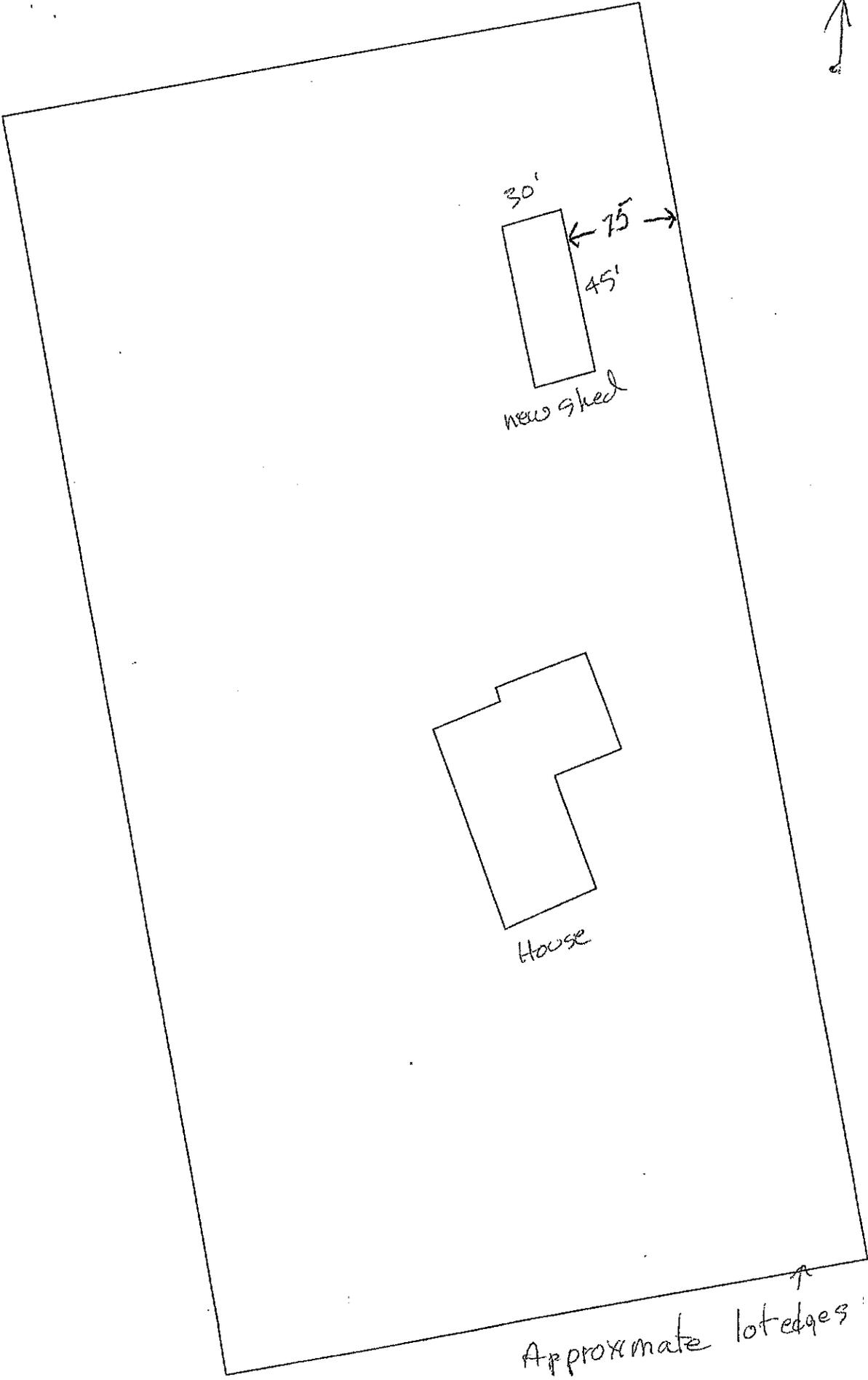
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**Values Info**

| Class | Description    | Assessed | Equalized | Exempt |
|-------|----------------|----------|-----------|--------|
| NACO  | OWNER OCCUPIED | 13,600   | 13,600    | 0      |
| NAC10 | OWNER OCCUPIED | 132,400  | 132,400   | 0      |

TOTAL 146,000

↑ North



30'  
75'  
45'  
new shed

House

↑  
Approximate lot edges





B.P. #2277

AFFIDAVIT OF MAILING

I, Calby Auch, hereby certify that on the 30 day of March, 2020, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within a 2640 feet radius of the proposed project to the most recent address of the recipient known to your Affiant.

A true and correct copy of the Notice of Public Hearing notification letters are attached as Exhibit #1 or #2.

A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 30 day of March, 2020.

Calby Auch

(Name)

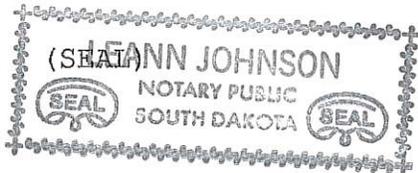
Affiant

Subscribed and sworn to before me this 30 day of March, 2020.

Sean Johnson

Notary Public - South Dakota

My commission expires: 1/2/26



## NOTIFICATION

April 3, 2020

Calby Auch  
128 Hackberry LN  
Yankton, SD 57078

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 2,640 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

### NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:25 P.M. on the 14<sup>th</sup> day of April, 2020 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Said hearing is to consider the following:

*Applicant is requesting a Variance to decrease the minimum side yard requirement in an Agriculture District from 75 feet for a side yard to 26 feet, a variance of 49 feet. Said property is legally described as Lot 7B Hackberry Addn, Section 1 T94N R56W hereinafter referred to as Utica North Township, County of Yankton, State of South Dakota.*

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D. or online at the Yankton County Website.

Sincerely,

Calby Auch  
Petitioners

AUCH, NATASHA (D)  
128 HACKBERRY LN  
YANKTON SD 57078

BROWNE, PHILIP (D)  
120 HACKBERRY LN  
YANKTON SD 57078

FINCK, JARED J (D)  
43992 304 ST  
YANKTON SD 57078

FRANK, MARK (D)  
116 DE CAZA DR  
YANKTON SD 57078

HALLA, GRANT (D)  
2900 OAKSIDE DR  
BRYAN TX 77802

HALLA, GREGORY (D)  
415 COLORADO AVE #C  
CHULA VISTA CA 91910

JONES, BOYD E (D)  
44006 304 ST  
YANKTON SD 57078

MARQUARDT FAMILY LTD PRTRNSHIP (C)  
PO BOX 1040  
YANKTON SD 57078

MARQUARDT, RALPH (D)  
PO BOX 1040  
YANKTON SD 57078

MARQUARDT, RALPH J (D)  
PO BOX 1040  
YANKTON SD 57078

RUBIO, LILI S (D)  
3200 THEODORE AVE #117  
SIOUX FALLS SD 57106

SCHROEDER, JOHN (D)  
101 SKY RANCH DR  
YANKTON SD 57078

SD DEPT OF TRANSPORTATION (D)  
700 E BROADWAY AVE  
PIERRE SD 57501

SPARKS, EARL R (D)  
30479 US HWY 81  
YANKTON SD 57078

ULMER, AL E (D)  
43984 304 ST  
YANKTON SD 57078

VELLEK, FRANK C (LE) (D)  
1010 APRIL LN  
YANKTON SD 57078



# NOTIFICATION

April 24, 2020

Calby Auch  
128 Hackberry LN  
Yankton, SD 57078

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 2,640 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

## NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Board of Adjustment, Yankton County, South Dakota, at 7:20 P.M. on the 5<sup>th</sup> day of May, 2020 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Said hearing is to consider the following:

*Applicant is requesting a Variance to decrease the minimum side yard requirement in an Agriculture District from 75 feet for a side yard to 26 feet, a variance of 49 feet. Said property is legally described as Lot 7B Hackberry Addn, Section 1 T94N R56W hereinafter referred to as Utica North Township, County of Yankton, State of South Dakota.*

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D. or online at the Yankton County Website.

Sincerely,

Calby Auch  
Petitioners

AUCH, NATASHA (D)  
128 HACKBERRY LN  
YANKTON SD 57078

BROWNE, PHILIP (D)  
120 HACKBERRY LN  
YANKTON SD 57078

FINCK, JARED J (D)  
43992 304 ST  
YANKTON SD 57078

FRANK, MARK (D)  
116 DE CAZA DR  
YANKTON SD 57078

HALLA, GRANT (D)  
2900 OAKSIDE DR  
BRYAN TX 77802

HALLA, GREGORY (D)  
415 COLORADO AVE #C  
CHULA VISTA CA 91910

JONES, BOYD E (D)  
44006 304 ST  
YANKTON SD 57078

MARQUARDT FAMILY LTD PRTRNSHIP (C)  
PO BOX 1040  
YANKTON SD 57078

MARQUARDT, RALPH (D)  
PO BOX 1040  
YANKTON SD 57078

MARQUARDT, RALPH J (D)  
PO BOX 1040  
YANKTON SD 57078

RUBIO, LILI S (D)  
3200 THEODORE AVE #117  
SIOUX FALLS SD 57106

SCHROEDER, JOHN (D)  
101 SKY RANCH DR  
YANKTON SD 57078

SD DEPT OF TRANSPORTATION (D)  
700 E BROADWAY AVE  
PIERRE SD 57501

SPARKS, EARL R (D)  
30479 US HWY 81  
YANKTON SD 57078

ULMER, AL E (D)  
43984 304 ST  
YANKTON SD 57078

VELLEK, FRANK C (LE) (D)  
1010 APRIL LN  
YANKTON SD 57078



# NOTIFICATION

May 9, 2020

Calby Auch  
128 Hackberry LN  
Yankton, SD 57078

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 2,640 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

## NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Board of Adjustment, Yankton County, South Dakota, at 7:20 P.M. on the 19<sup>th</sup> day of May, 2020 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Said hearing is to consider the following:

*Applicant is requesting a Variance to decrease the minimum side yard requirement in an Agriculture District from 75 feet for a side yard to 26 feet, a variance of 49 feet. Said property is legally described as Lot 7B Hackberry Addn, Section 1 T94N R56W hereinafter referred to as Utica North Township, County of Yankton, State of South Dakota.*

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D. or online at the Yankton County Website.

Sincerely,

Calby Auch  
Petitioners

AUCH, NATASHA (D)  
128 HACKBERRY LN  
YANKTON SD 57078

BROWNE, PHILIP (D)  
120 HACKBERRY LN  
YANKTON SD 57078

FINCK, JARED J (D)  
43992 304 ST  
YANKTON SD 57078

FRANK, MARK (D)  
116 DE CAZA DR  
YANKTON SD 57078

HALLA, GRANT (D)  
2900 OAKSIDE DR  
BRYAN TX 77802

HALLA, GREGORY (D)  
415 COLORADO AVE #C  
CHULA VISTA CA 91910

JONES, BOYD E (D)  
44006 304 ST  
YANKTON SD 57078

MARQUARDT FAMILY LTD PARTNERSHIP (C)  
PO BOX 1040  
YANKTON SD 57078

MARQUARDT, RALPH (D)  
PO BOX 1040  
YANKTON SD 57078

MARQUARDT, RALPH J (D)  
PO BOX 1040  
YANKTON SD 57078

RUBIO, LILI S (D)  
3200 THEODORE AVE #117  
SIOUX FALLS SD 57106

SCHROEDER, JOHN (D)  
101 SKY RANCH DR  
YANKTON SD 57078

SD DEPT OF TRANSPORTATION (D)  
700 E BROADWAY AVE  
PIERRE SD 57501

SPARKS, EARL R (D)  
30479 US HWY 81  
YANKTON SD 57078

ULMER, AL E (D)  
43984 304 ST  
YANKTON SD 57078

VELLEK, FRANK C (LE) (D)  
1010 APRIL LN  
YANKTON SD 57078

**Please Check Plat Type:**

Final  Amended  Preliminary  Revision

-----**Development Information**-----

Plat Name: lots 47, 48, 55, 56 & 57  
Crestview Homes C/DIV in NE4

Section No: 21 Township No: 93

Range: 50 Number of Lots/Tracts: 5

Number of Acres: 1.02 each

How is the property currently being used? residential  
vacant

What is the proposed use of the property? residential  
R2

-----**Surveyor/Engineer Information**-----

Firm Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Phone: \_\_\_\_\_

-----**Property Owner Information**-----

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Contact person: \_\_\_\_\_  
If the property owner is represented by an authorized agent, please provide the following:  
Agent's name: \_\_\_\_\_  
Agents Title: \_\_\_\_\_

You must provide the following:

The Yankton County Zoning Ordinance requires minimum lot sizes.

1. Does this lot/tract conform?  Yes  No
2. What is/are the lot size(s) 1.02
3. Is this (plat) an existing farmstead?  Yes  No
4. If a farmstead, how many acres are surrounding it? \_\_\_\_\_
5. The Yankton County Zoning Ordinance requires a variance from minimum lot sizes. Are you willing to apply for the variance, if necessary?  Yes  No
6. Is this property to have construction on it?  Yes  No

If yes :  
Name, address and phone number of contractor(s)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

-----**Owner certification**-----

This is to certify that \_\_\_\_\_  
the undersigned is/are the sole owner(s) of the property described above on the date of this application, and that I/we have read and understand Section 207 of the Yankton county Zoning Ordinance.

\_\_\_\_\_  
Owner Signature  
\_\_\_\_\_  
Owner Signature

This is to certify that \_\_\_\_\_  
acting by and through the undersigned, its duly authorized agent is/are the sole owner(s) of the property described above on the date of this application, and that I have read and understand Section 207 of the Yankton County Zoning Ordinance.

\_\_\_\_\_  
Agent Signature

Planning Office Use Only: Planning Commission Date: \_\_\_\_\_  
County Commission Date: \_\_\_\_\_

Some plats of subdivisions and additions may require a Perpetual Road Maintenance Agreement prior to consideration.

## YANKTON COUNTY PLANNING PLAT APPROVAL CHECKLIST

In order to insure prompt approval of your plat, please follow these steps:

Plat has been approved by the City of Yankton, if within the ETJ or 3 mile buffer zone?

1. All required signatures notarized (owner(s), surveyor)?

2. Taxes paid at County Treasures?

3. County Treasurer's signature?

4. Ownership verified by Director of Equalization and signed?

5. Street authority signature (DOT, Highway, Township)?

6. \$100.00 Fee Paid at Zoning Office?

7. Plat has been scheduled/approved by the Yankton County Planning Commission?

8. County Planning Commission Chair signature?

9. Plat has been scheduled/approved by the Yankton County Board of County Commissioners?

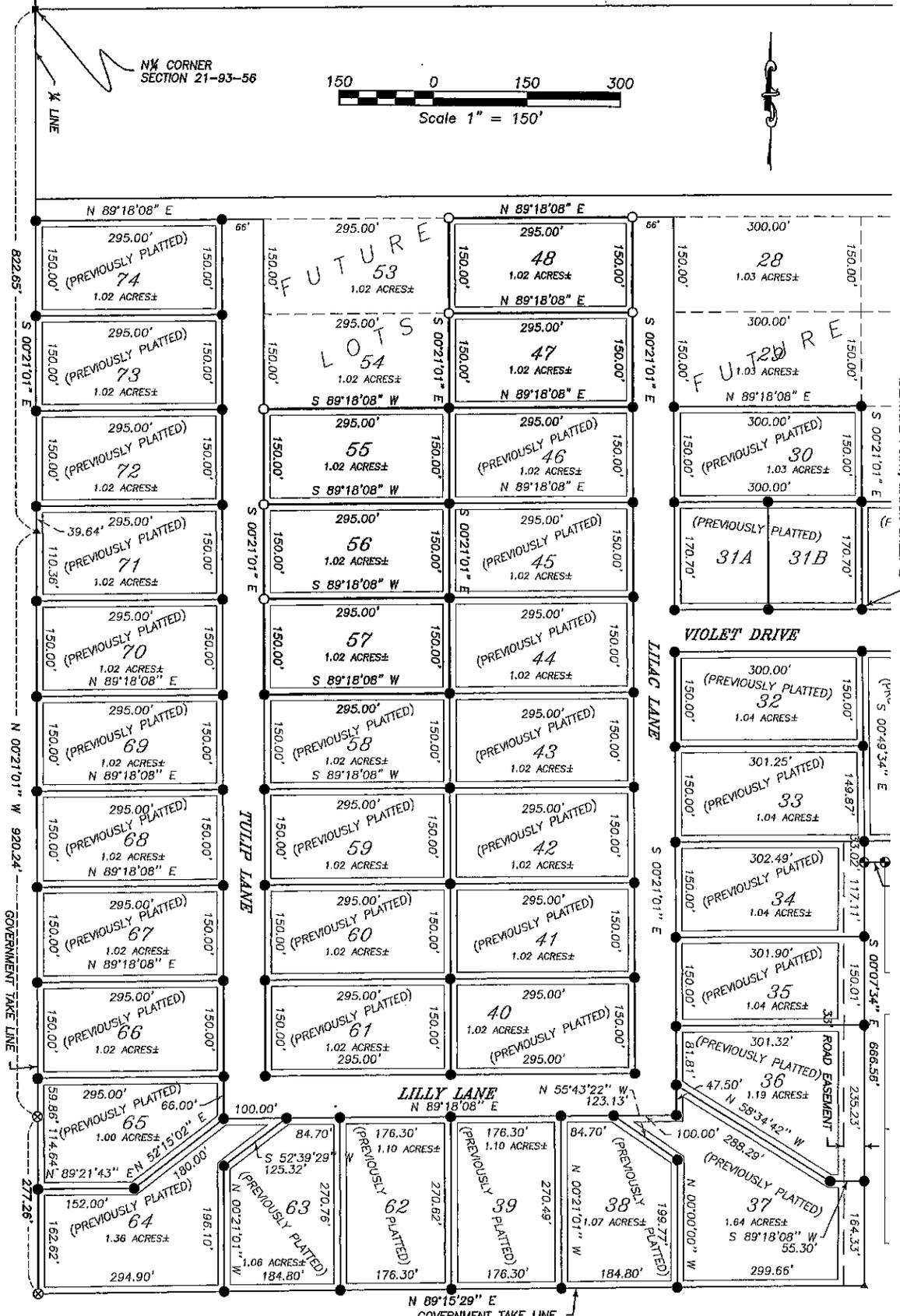
10. County Commission Chairs signature?

11. County Auditor's signature?

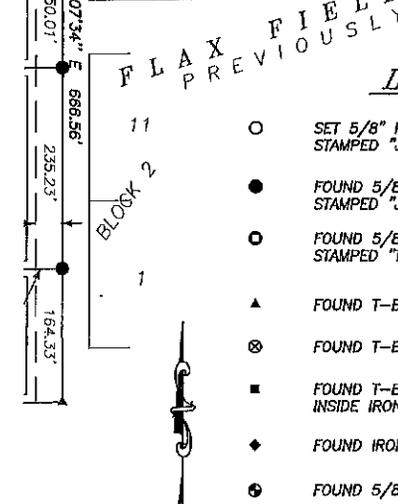
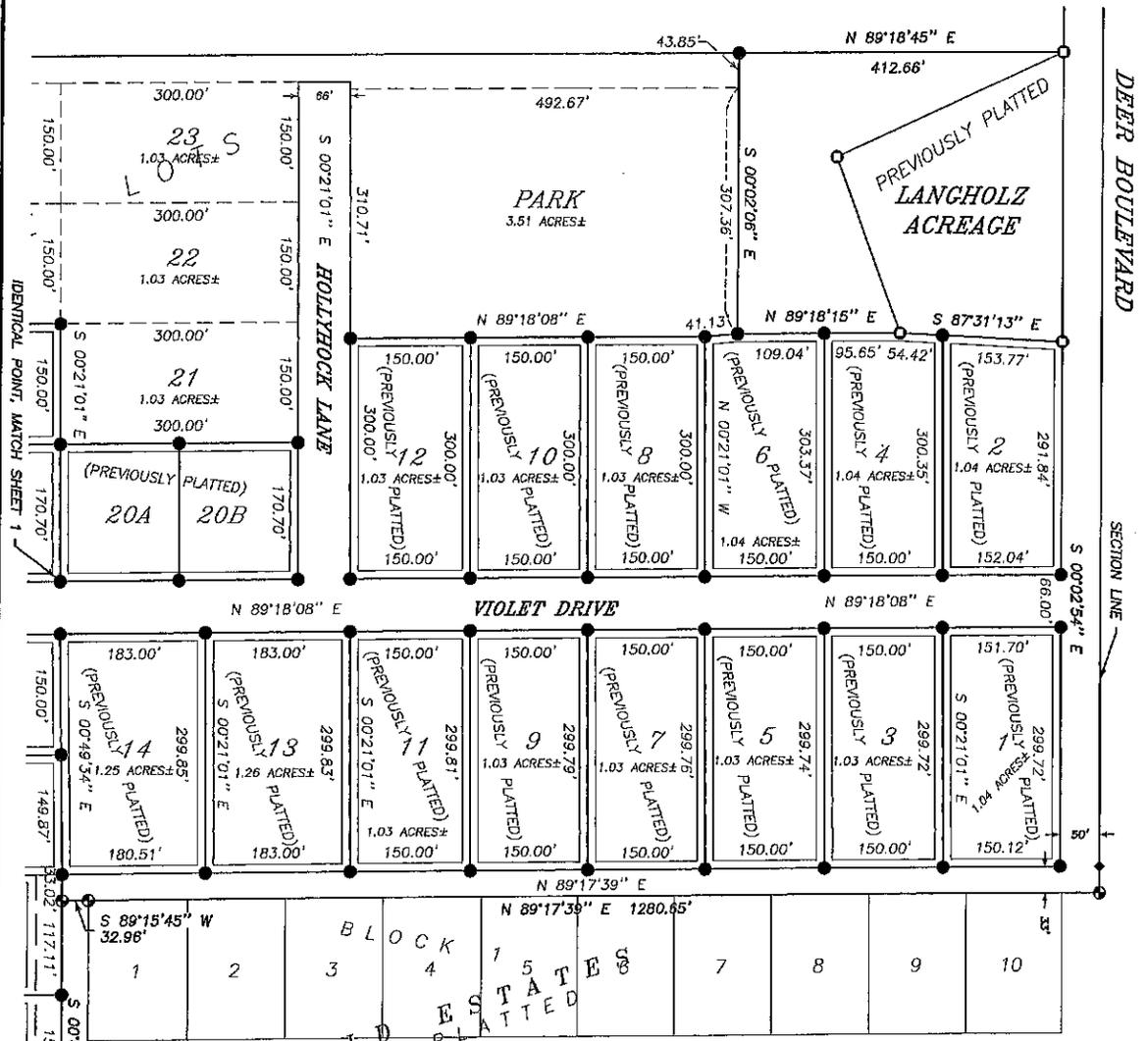
12. Plat has been filed with the Register of Deeds?

Planning Commission date: 5/12/20  
Board of Adjustment date: 6/4/20

PLAT OF LOTS 47, 48, 55, 56 AND 57, CRESTVIEW HOMES SUBDIVISION  
 IN THE NE1/4 OF SECTION 21, T93N, R56W OF THE 5TH P.M.,  
 YANKTON COUNTY, SOUTH DAKOTA.



**PLAT OF LOTS 47, 48, 55, 56 AND 57, CRESTVIEW HOMES SUBDIVISION  
IN THE NE1/4 OF SECTION 21, T93N, R56W OF THE 5TH P.M.,  
YANKTON COUNTY, SOUTH DAKOTA.**

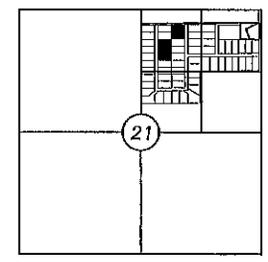


**LEGEND**

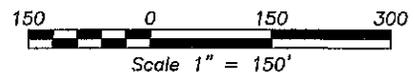
- SET 5/8" REBAR WITH L.S. CAP STAMPED "J. BRANDT R.L.S. 5349"
- FOUND 5/8" REBAR WITH L.S. CAP STAMPED "J. BRANDT R.L.S. 5349"
- FOUND 5/8" REBAR WITH L.S. CAP STAMPED "TOM WEEK PELS 2912"
- ▲ FOUND T-BAR
- ⊗ FOUND T-BAR WITH CAP
- FOUND T-BAR WITH CAP INSIDE IRON PIPE
- ◆ FOUND IRON PIPE WITH L.S. CAP
- FOUND 5/8" REBAR
- FUTURE LOT LINES

PREPARED BY:  
BRANDT LAND SURVEYING  
1202 WILLOWDALE ROAD  
YANKTON, SD 57078  
(605) 665-8455

NOTE:  
BASIS OF BEARING  
BY GPS OBSERVATION



LOCATION (N.T.S.)



**PLAT OF LOTS 47, 48, 55, 56 AND 57, CRESTVIEW HOMES SUBDIVISION  
IN THE NE1/4 OF SECTION 21, T93N, R56W OF THE 5TH P.M.,  
YANKTON COUNTY, SOUTH DAKOTA.**

SURVEYOR'S CERTIFICATE

I, JOHN L. BRANDT, A REGISTERED LAND SURVEYOR UNDER THE LAWS OF SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNER, MADE A SURVEY OF PORTIONS OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW¼ NE¼), EXCEPT THE NORTH TWO HUNDRED NINETY-NINE AND TWENTY-EIGHT HUNDREDTHS FEET (N299.28') THEREOF, AND THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW¼ NE¼), EXCEPT THE SOUTH SIX HUNDRED NINETEEN AND SEVENTY-TWO HUNDREDTHS FEET (S619.72') THEREOF, AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE¼ NE¼), EXCEPT THE NORTH TWO HUNDRED NINETY-NINE AND TWENTY-EIGHT HUNDREDTHS FEET (N299.28'), AND EXCEPT THE SOUTH THREE HUNDRED FIFTY-ONE AND TWENTY-FOUR HUNDREDTHS FEET (S351.24') OF THE NORTH SIX HUNDRED FIFTY AND FORTY-TWO HUNDREDTHS FEET (N650.42') OF THE EAST FOUR HUNDRED SIXTY-TWO AND TWENTY-EIGHT HUNDREDTHS FEET (E462.28') EXCEPT THE EAST FIFTY FEET (E50') THEREOF, AND EXCEPT LOTS 1-14, 20, 31-40, 60-66, CRESTVIEW HOMES SUBDIVISION, AND FURTHER EXCEPTING LANGHOLZ ACREAGE AS PLATTED IN BOOK S17, PAGE 52, SECTION TWENTY-ONE (21), TOWNSHIP NINETY-THREE NORTH (T93N), RANGE FIFTY-SIX WEST (R56W) OF THE 5TH P.M., ALL LOCATED IN YANKTON COUNTY, SOUTH DAKOTA, TO BE HEREAFTER KNOWN AS: PLAT OF LOTS 47, 48, 55, 56 AND 57, CRESTVIEW HOMES SUBDIVISION IN THE NE¼ OF SECTION 21, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA. I HAVE SET IRON REBAR AS SHOWN, AND SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



*John L. Brandt*  
JOHN L. BRANDT REG. NO. 5349

DATED THIS 29TH DAY OF MARCH, 2020.

OWNER'S CERTIFICATE

I, MATTHEW CHRISTENSEN, AS MANAGING MEMBER OF WHITE CRANE ESTATES, L.L.C., A SOUTH DAKOTA LIMITED LIABILITY COMPANY, DO HEREBY CERTIFY THAT WHITE CRANE ESTATES, L.L.C. IS THE OWNER OF THE ABOVE SAID REAL PROPERTY AND THAT THE ABOVE SURVEY AND PLAT WAS MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSE OF MARKING, PLATTING, AND TRANSFER. I ALSO CERTIFY THAT THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS. I ALSO HEREBY DEDICATE THE UTILITY EASEMENTS AS SHOWN.

*Matthew Christensen*  
MATTHEW CHRISTENSEN, MANAGING MEMBER  
WHITE CRANE ESTATES, L.L.C.

DATED THIS 2 DAY OF April, 2020.

STATE OF South Dakota  
COUNTY OF Yankton

ON THIS 2 DAY OF April, 2020, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED MATTHEW CHRISTENSEN, WHO ACKNOWLEDGED HIMSELF TO BE MANAGING MEMBER OF WHITE CRANE ESTATES, L.L.C. AND THAT HE AS MANAGING MEMBER, BEING AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.



*J. J. Brack*  
10-11-2024  
MY COMMISSION EXPIRES NOTARY PUBLIC

RESOLUTION BY THE CITY COMMISSION

WHEREAS, IT APPEARS THAT THE OWNER THEREOF HAS CAUSED A PLAT TO BE MADE OF THE ABOVE DESCRIBED REAL PROPERTY, AND HAS SUBMITTED SUCH PLAT TO THE CITY COMMISSION OF THE CITY OF YANKTON, SOUTH DAKOTA FOR APPROVAL; AND

WHEREAS, SUCH PLAT HAS BEEN SUBMITTED TO THE PLANNING COMMISSION OF THE CITY OF YANKTON, SOUTH DAKOTA FOR A REPORT AND RECOMMENDATIONS THEREON TO THE CITY COMMISSION AS REQUIRED BY LAW; NOW

THEREFORE BE IT RESOLVED, THAT SUCH PLAT HAS BEEN EXECUTED ACCORDING TO THE LAW AND THE SAME IS HEREBY APPROVED. THE CITY FINANCE OFFICER IS AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THE RESOLUTION AND CERTIFY THE SAME.

\_\_\_\_\_  
MAYOR, CITY OF YANKTON

I, \_\_\_\_\_, CITY FINANCE OFFICER OF THE CITY OF YANKTON, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE COPY OF THE RESOLUTION PASSED BY THE CITY OF YANKTON, SOUTH DAKOTA, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
CITY FINANCE OFFICER

COUNTY PLANNING COMMISSION RESOLUTION

BE IT RESOLVED BY THE YANKTON COUNTY, SOUTH DAKOTA, PLANNING COMMISSION THAT THE ABOVE SURVEY AND PLAT IS APPROVED AND THE SAME BE CERTIFIED TO THE YANKTON COUNTY BOARD OF COUNTY COMMISSIONERS WITH THE RECOMMENDATION THAT SAID SURVEY AND PLAT BE APPROVED.

\_\_\_\_\_  
PLANNING COMMISSION CHAIR

\_\_\_\_\_  
ZONING ADMINISTRATOR

COUNTY COMMISSIONER'S RESOLUTION

BE IT RESOLVED BY THE COUNTY BOARD OF COMMISSIONERS OF YANKTON COUNTY, SOUTH DAKOTA, THAT THE ABOVE SURVEY AND PLAT BE APPROVED AND THE COUNTY AUDITOR OF YANKTON COUNTY, SOUTH DAKOTA IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THE RESOLUTION AND CERTIFY THE SAME.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

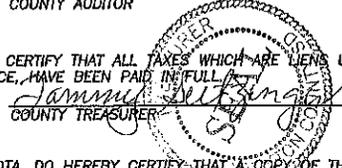
\_\_\_\_\_  
CHAIRMAN, COUNTY COMMISSIONERS

I, THE UNDERSIGNED, COUNTY AUDITOR FOR YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF YANKTON COUNTY, SOUTH DAKOTA AT THE REGULAR MEETING ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
COUNTY AUDITOR

COUNTY TREASURER'S CERTIFICATE

I, THE UNDERSIGNED, COUNTY TREASURER OF YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY LAND INCLUDED THE ABOVE AND FOREGOING PLAT, AS SHOWN BY THE RECORDS OF MY OFFICE, HAVE BEEN PAID IN FULL.



*Jammie Deitzinger*  
COUNTY TREASURER

DIRECTOR OF EQUALIZATION

I, THE UNDERSIGNED, COUNTY DIRECTOR OF EQUALIZATION OF YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT A COPY OF THE ABOVE PLAT HAS BEEN FILED AT MY OFFICE.

*Matthew Christensen*  
DIRECTOR OF EQUALIZATION

REGISTER OF DEEDS

FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., AND RECORDED IN BOOK \_\_\_\_\_ OF PLATS ON PAGE \_\_\_\_\_.

**Please Check Plat Type:**

Final  Amended  Preliminary  Revision

-----**Development Information**-----

Plat Name: WBS 75 & 76 Crestview Homes  
8/21/14

Section No: 21 Township No: 93

Range: 56 Number of Lots/Tracts: 2

Number of Acres: 1.02 each

How is the property currently being used? R2

What is the proposed use of the property? R2

-----**Surveyor/Engineer Information**-----

Firm Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Phone: \_\_\_\_\_

-----**Property Owner Information**-----

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Contact person: \_\_\_\_\_

If the property owner is represented by an authorized agent, please provide the following:  
Agent's name: \_\_\_\_\_  
Agents Title: \_\_\_\_\_

**You must provide the following:**

The Yankton County Zoning Ordinance requires minimum lot sizes.

1. Does this lot/tract conform?  Yes  No
  2. What is/are the lot size(s) 1.02
  3. Is this (plat) an existing farmstead?  Yes  No
  4. If a farmstead, how many acres are surrounding it? \_\_\_\_\_
  5. The Yankton County Zoning Ordinance requires a variance from minimum lot sizes. Are you willing to apply for the variance, if necessary?  Yes  No
  6. Is this property to have construction on it?  Yes  No
- If yes :  
Name, address and phone number of contractor(s)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

-----**Owner certification**-----

This is to certify that \_\_\_\_\_  
the undersigned is/are the sole owner(s) of the property described above on the date of this application, and that I/we have read and understand Section 207 of the Yankton county Zoning Ordinance.

\_\_\_\_\_  
Owner Signature  
\_\_\_\_\_  
Owner Signature

This is to certify that \_\_\_\_\_  
acting by and through the undersigned, its duly authorized agent is/are the sole owner(s) of the property described above on the date of this application, and that I have read and understand Section 207 of the Yankton County Zoning Ordinance.

\_\_\_\_\_  
Agent Signature

Planning Office Use Only: Planning Commission Date: \_\_\_\_\_  
County Commission Date: \_\_\_\_\_

Some plats of subdivisions and additions may require a Perpetual Road Maintenance Agreement prior to consideration.

## YANKTON COUNTY PLANNING PLAT APPROVAL CHECKLIST

In order to insure prompt approval of your plat, please follow these steps:

Plat has been approved by the City of Yankton, if within the ETJ or 3 mile buffer zone?

- 1. All required signatures notarized (owner(s), surveyor)?
- 2. Taxes paid at County Treasures?
- 3. County Treasurer's signature?
- 4. Ownership verified by Director of Equalization and signed?
- 5. Street authority signature (DOT, Highway, Township)?
- 6. \$100.00 Fee Paid at Zoning Office?
- 7. Plat has been scheduled/approved by the Yankton County Planning Commission?
- 8. County Planning Commission Chair signature?
- 9. Plat has been scheduled/approved by the Yankton County Board of County Commissioners?
- 10. County Commission Chairs signature?
- 11. County Auditor's signature?
- 12. Plat has been filed with the Register of Deeds?

Planning Commission date: 5/12/20  
Board of Adjustment date: 6/4/20





**PLAT OF LOTS 75 AND 76, CRESTVIEW HOMES SUBDIVISION IN  
THE NE1/4 OF SECTION 21, T93N, R56W OF THE 5TH P.M.,  
YANKTON COUNTY, SOUTH DAKOTA.**

**SURVEYOR'S CERTIFICATE**

I, JOHN L. BRANDT, A REGISTERED LAND SURVEYOR UNDER THE LAWS OF SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNER, MADE A SURVEY OF PORTIONS OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW¼ NE¼), EXCEPT THE NORTH TWO HUNDRED NINETY-NINE AND TWENTY-EIGHT HUNDREDTHS FEET (N299.28') THEREOF, AND THE NORTH TWO HUNDRED NINETY-NINE AND TWENTY-EIGHT HUNDREDTHS FEET (N299.28') OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW¼ NE¼), AND THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW¼ NE¼), EXCEPT THE SOUTH SIX HUNDRED NINETEEN AND SEVENTY-TWO HUNDREDTHS FEET (S619.72') THEREOF, AND THE NORTH TWO HUNDRED NINETY-NINE AND TWENTY-EIGHT HUNDREDTHS FEET (N299.28') OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE¼ NE¼), AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE¼ NE¼), EXCEPT THE NORTH TWO HUNDRED NINETY-NINE AND TWENTY-EIGHT HUNDREDTHS FEET (N299.28'), AND EXCEPT THE SOUTH THREE HUNDRED FIFTY-ONE AND TWENTY-FOUR HUNDREDTHS FEET (S351.24') OF THE NORTH SIX HUNDRED FIFTY AND FORTY-TWO HUNDREDTHS FEET (N650.42') OF THE EAST FOUR HUNDRED SIXTY-TWO AND TWENTY-EIGHT HUNDREDTHS FEET (E462.28') EXCEPT THE EAST FIFTY FEET (E50') THEREOF, AND EXCEPT LOTS 1-14, 20, 31-40, 60-66, CRESTVIEW HOMES SUBDIVISION, AND FURTHER EXCEPTING LANGHOLZ ACREAGE AS PLATTED IN BOOK S17, PAGE 52, SECTION TWENTY-ONE (21), TOWNSHIP NINETY-THREE NORTH (T93N), RANGE FIFTY-SIX WEST (R56W) OF THE 5TH P.M., ALL LOCATED IN YANKTON COUNTY, SOUTH DAKOTA, TO BE HEREAFTER KNOWN AS: PLAT OF LOTS 75 AND 76, CRESTVIEW HOMES SUBDIVISION IN THE NE¼ OF SECTION 21, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA. I HAVE SET IRON REBAR AS SHOWN, AND SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

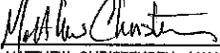
DATED THIS 20TH DAY OF APRIL, 2020.

  
 JOHN L. BRANDT REG. NO. 5349  


**OWNER'S CERTIFICATE**

I, MATTHEW CHRISTENSEN, AS MANAGING MEMBER OF WHITE CRANE ESTATES, L.L.C., A SOUTH DAKOTA LIMITED LIABILITY COMPANY, DO HEREBY CERTIFY THAT WHITE CRANE ESTATES, L.L.C. IS THE OWNER OF THE ABOVE SAID REAL PROPERTY AND THAT THE ABOVE SURVEY AND PLAT WAS MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSE OF MARKING, PLATTING, AND TRANSFER. I ALSO CERTIFY THAT THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS. I ALSO HEREBY DEDICATE THE PUBLIC ROAD AND UTILITY EASEMENTS AS SHOWN.

DATED THIS 23 DAY OF April, 2020.

  
 MATTHEW CHRISTENSEN, MANAGING MEMBER  
 WHITE CRANE ESTATES, L.L.C.

STATE OF South Dakota  
 COUNTY OF Yankton

ON THIS 23 DAY OF April, 2020, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED MATTHEW CHRISTENSEN, WHO ACKNOWLEDGED HIMSELF TO BE MANAGING MEMBER OF WHITE CRANE ESTATES, L.L.C. AND THAT HE AS MANAGING MEMBER, BEING AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.



10-11-2024 Dennis Bleck  
 MY COMMISSION EXPIRES NOTARY PUBLIC

**RESOLUTION BY THE CITY COMMISSION**

WHEREAS, IT APPEARS THAT THE OWNER THEREOF HAS CAUSED A PLAT TO BE MADE OF THE ABOVE DESCRIBED REAL PROPERTY, AND HAS SUBMITTED SUCH PLAT TO THE CITY COMMISSION OF THE CITY OF YANKTON, SOUTH DAKOTA FOR APPROVAL; AND

WHEREAS, SUCH PLAT HAS BEEN SUBMITTED TO THE PLANNING COMMISSION OF THE CITY OF YANKTON, SOUTH DAKOTA FOR A REPORT AND RECOMMENDATIONS THEREON TO THE CITY COMMISSION AS REQUIRED BY LAW; NOW

THEREFORE BE IT RESOLVED, THAT SUCH PLAT HAS BEEN EXECUTED ACCORDING TO THE LAW AND THE SAME IS HEREBY APPROVED. THE CITY FINANCE OFFICER IS AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THE RESOLUTION AND CERTIFY THE SAME.

\_\_\_\_\_  
 MAYOR, CITY OF YANKTON

I, \_\_\_\_\_, CITY FINANCE OFFICER OF THE CITY OF YANKTON, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE COPY OF THE RESOLUTION PASSED BY THE CITY OF YANKTON, SOUTH DAKOTA, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
 CITY FINANCE OFFICER

**COUNTY PLANNING COMMISSION RESOLUTION**

BE IT RESOLVED BY THE YANKTON COUNTY, SOUTH DAKOTA, PLANNING COMMISSION THAT THE ABOVE SURVEY AND PLAT IS APPROVED AND THE SAME BE CERTIFIED TO THE YANKTON COUNTY BOARD OF COUNTY COMMISSIONERS WITH THE RECOMMENDATION THAT SAID SURVEY AND PLAT BE APPROVED.

\_\_\_\_\_  
 PLANNING COMMISSION CHAIR

\_\_\_\_\_  
 ZONING ADMINISTRATOR

**COUNTY COMMISSIONER'S RESOLUTION**

BE IT RESOLVED BY THE COUNTY BOARD OF COMMISSIONERS OF YANKTON COUNTY, SOUTH DAKOTA, THAT THE ABOVE SURVEY AND PLAT BE APPROVED AND THE COUNTY AUDITOR OF YANKTON COUNTY, SOUTH DAKOTA IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THE RESOLUTION AND CERTIFY THE SAME.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
 CHAIRMAN, COUNTY COMMISSIONERS

I, THE UNDERSIGNED, COUNTY AUDITOR FOR YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF YANKTON COUNTY, SOUTH DAKOTA AT THE REGULAR MEETING ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
 COUNTY AUDITOR

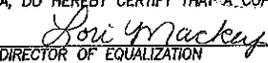
**COUNTY TREASURER'S CERTIFICATE**

I, THE UNDERSIGNED, COUNTY TREASURER OF YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY LAND INCLUDED THE ABOVE AND FOREGOING PLAT, AS SHOWN BY THE RECORDS OF MY OFFICE, HAVE BEEN PAID IN FULL.

  
 COUNTY TREASURER

**DIRECTOR OF EQUALIZATION**

I, THE UNDERSIGNED, COUNTY DIRECTOR OF EQUALIZATION OF YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT A COPY OF THE ABOVE PLAT HAS BEEN FILED AT MY OFFICE.

  
 DIRECTOR OF EQUALIZATION

**REGISTER OF DEEDS**

FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_, AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., AND RECORDED IN BOOK \_\_\_\_\_ OF PLATS ON PAGE \_\_\_\_\_.

JOB N<sup>o</sup> 20093  
 PAGE 3 OF 3

REGISTER OF DEEDS

**Please Check Plat Type:**

Final  Amended  Preliminary  Revision

**-----Development Information-----**

Plat Name: Lot 6 Baycliffe Est.

Section No: 7 & 18 Township No: 93

Range: 54 Number of Lots/Tracts: ~~132~~ 1

Number of Acres: 1.32

How is the property currently being used? R2

What is the proposed use of the property? R2

**-----Surveyor/Engineer Information-----**

Firm Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Phone: \_\_\_\_\_

**-----Property Owner Information-----**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Contact person: \_\_\_\_\_

If the property owner is represented by an authorized agent, please provide the following:

Agent's name: \_\_\_\_\_  
Agents Title: \_\_\_\_\_

**You must provide the following:**

The Yankton County Zoning Ordinance requires minimum lot sizes.

1. Does this lot/tract conform?  Yes  No
2. What is/are the lot size(s) 1.32
3. Is this (plat) an existing farmstead?  Yes  No
4. If a farmstead, how many acres are surrounding it? \_\_\_\_\_
5. The Yankton County Zoning Ordinance requires a variance from minimum lot sizes. Are you willing to apply for the variance, if necessary?  Yes  No
6. Is this property to have construction on it?  Yes  No

If yes :  
Name, address and phone number of contractor(s)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**-----Owner certification-----**

This is to certify that \_\_\_\_\_  
the undersigned is/are the sole owner(s) of the property described above on the date of this application, and that I/we have read and understand Section 207 of the Yankton county Zoning Ordinance.

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Owner Signature

This is to certify that \_\_\_\_\_  
acting by and through the undersigned, its duly authorized agent is/are the sole owner(s) of the property described above on the date of this application, and that I have read and understand Section 207 of the Yankton County Zoning Ordinance.

\_\_\_\_\_  
Agent Signature

Planning Office Use Only: Planning Commission Date: \_\_\_\_\_  
County Commission Date: \_\_\_\_\_

Some plats of subdivisions and additions may require a Perpetual Road Maintenance Agreement prior to consideration.

## YANKTON COUNTY PLANNING PLAT APPROVAL CHECKLIST

In order to insure prompt approval of your plat, please follow these steps:

Plat has been approved by the City of Yankton, if within the ETJ or 3 mile buffer zone?

1. All required signatures notarized (owner(s), surveyor)?

2. Taxes paid at County Treasures?

3. County Treasurer's signature?

4. Ownership verified by Director of Equalization and signed?

5. Street authority signature (DOT, Highway, Township)?

6. \$100.00 Fee Paid at Zoning Office?

7. Plat has been scheduled/approved by the Yankton County Planning Commission?

8. County Planning Commission Chair signature?

9. Plat has been scheduled/approved by the Yankton County Board of County Commissioners?

10. County Commission Chairs signature?

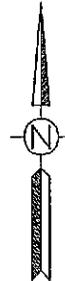
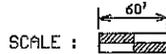
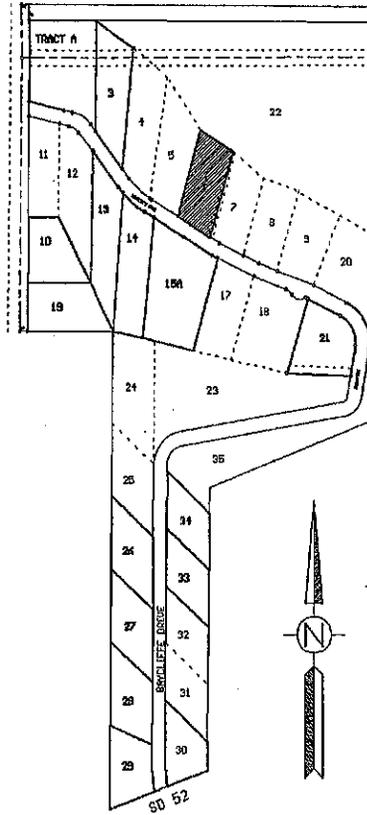
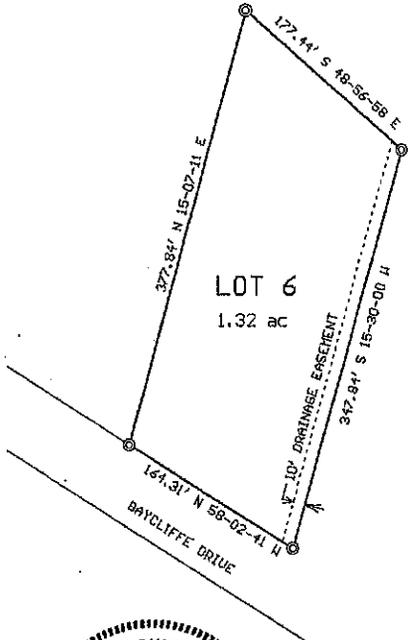
11. County Auditor's signature?

12. Plat has been filed with the Register of Deeds?

Planning Commission date: 5/12/20  
Board of Adjustment date: 5/19/20

PLAT OF LOT 6 IN BAYCLIFFE ESTATES, LOCATED IN THE W.1/2 OF THE SOUTH 12.91 ACRES OF THE S.1/2 OF THE S.W.1/4 OF SECTION 7; AND IN THE W.1/2 OF THE W.1/2 OF SECTION 18, LYING NORTH OF HIGHWAY 52, EXCEPT PLATTED AREAS KNOWN AS TRAMP'S 7TH. ADDITION, AND EXCEPT LOTS 1 AND 2 OF PARCEL A, AND FURTHER EXCEPTING PARCELS B AND C, McVAY ADDITION, ALL BEING IN T93N, R56W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA

© FOUND 5/8" REBAR WITH CAP



LOCATION MAP (NO SCALE)



**SURVEYORS CERTIFICATE**

I, THOMAS LYNN WEEK, REGISTERED LAND SURVEYOR IN YANKTON, SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNER, MADE A SURVEY OF LOT 6 IN BAYCLIFFE ESTATES, LOCATED IN THE W.1/2 OF THE SOUTH 12.91 ACRES OF THE S.1/2 OF THE S.W.1/4, OF SECTION 7; AND IN THE W.1/2 OF THE W.1/2 OF SECTION 18, LYING NORTH OF HIGHWAY 52, EXCEPT PLATTED AREAS KNOWN AS TRAMP'S 7TH. ADDITION, AND EXCEPT LOTS 1 AND 2 OF PARCEL A, AND FURTHER EXCEPTING PARCELS B AND C, McVAY ADDITION, ALL BEING IN T93N, R56W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA. I HAVE SET IRON PINS AS SHOWN, AND SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 30TH. DAY OF APRIL, 2020.

*Thomas Lynn Week*  
 THOMAS LYNN WEEK  
 REG. LAND SURVEYOR  
 REG. NO. 2912

**CERTIFICATE OF STREET AUTHORITY**

THE LOCATION OF APPROACHES ENTERING EACH LOT FROM BAYCLIFFE DRIVE WILL BE APPROVED BY BAY PROPERTIES, L.L.C.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
 MANAGER OF BAY PROPERTIES, L.L.C.

PLAT OF LOT 6 IN BAYCLIFFE ESTATES, LOCATED IN THE W.1/2 OF THE SOUTH 12.91 ACRES OF THE S.1/2 OF THE S.W.1/4, OF SECTION 7; AND IN THE W.1/2 OF THE W.1/2 OF SECTION 18, LYING NORTH OF HIGHWAY 52, EXCEPT PLATTED AREAS KNOWN AS TRAMP'S 7TH. ADDITION, AND EXCEPT LOTS 1 AND 2 OF PARCEL A, AND FURTHER EXCEPTING PARCELS B AND C, McVAY ADDITION, ALL BEING IN T93N, R56W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA.

OWNERS CERTIFICATE

I, SCOTT G. GREEN, AS MANAGER OF BAY PROPERTIES, L.L.C., A SOUTH DAKOTA L.L.C., DO HEREBY CERTIFY THAT BAY PROPERTIES, L.L.C., A SOUTH DAKOTA L.L.C., IS THE ABSOLUTE AND UNQUALIFIED OWNER OF THE ABOVE DESCRIBED PROPERTY: LOT 6 IN BAYCLIFFE ESTATES, LOCATED IN THE W.1/2 OF THE SOUTH 12.91 ACRES OF THE S.1/2 OF THE S.W.1/4, OF SECTION 7; AND IN THE W.1/2 OF THE W.1/2 OF SECTION 18, LYING NORTH OF HIGHWAY 52, EXCEPT PLATTED AREAS KNOWN AS TRAMP'S 7TH. ADDITION, AND EXCEPT LOTS 1 AND 2 OF PARCEL A, AND FURTHER EXCEPTING PARCELS B AND C, McVAY ADDITION, ALL BEING IN T93N, R56W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA. THAT THE ABOVE SURVEY AND PLAT WAS MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSE OF LOCATING, MARKING AND PLATTING THE SAME, AND THAT SAID PROPERTY IS FREE FROM ALL ENCUMBRANCES. THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

SCOTT G. GREEN, MANAGER OF  
BAY PROPERTIES, L.L.C.

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED SCOTT G. GREEN, MANAGER OF BAY PROPERTIES, L.L.C. A SOUTH DAKOTA L.L.C., KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.  
MY COMMISSION EXPIRES \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

RESOLUTION OF COUNTY PLANNING COMMISSION

BE IT RESOLVED BY THE YANKTON COUNTY PLANNING COMMISSION, THAT THE ABOVE PLAT REPRESENTING LOT 6 IN BAYCLIFFE ESTATES, LOCATED IN THE W.1/2 OF THE SOUTH 12.91 ACRES OF THE S.1/2 OF THE S.W.1/4, OF SECTION 7; AND IN THE W.1/2 OF THE W.1/2 OF SECTION 18, LYING NORTH OF HIGHWAY 52, EXCEPT PLATTED AREAS KNOWN AS TRAMP'S 7TH. ADDITION, AND EXCEPT LOTS 1 AND 2 OF PARCEL A, AND FURTHER EXCEPTING PARCELS B AND C, McVAY ADDITION, ALL BEING IN T93N, R56W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA, BE AND THE SAME IS HEREBY APPROVED.

\_\_\_\_\_  
CHAIRMAN, PLANNING COMMISSION

RESOLUTION OF APPROVAL

WHEREAS, IT APPEARS THAT THE OWNER THEREOF HAS CAUSED A PLAT TO BE MADE OF THE FOLLOWING REAL PROPERTY: LOT 6 IN BAYCLIFFE ESTATES, LOCATED IN THE W.1/2 OF THE SOUTH 12.91 ACRES OF THE S.1/2 OF THE S.W.1/4, OF SECTION 7; AND IN THE W.1/2 OF THE W.1/2 OF SECTION 18, LYING NORTH OF HIGHWAY 52, EXCEPT PLATTED AREAS KNOWN AS TRAMP'S 7TH. ADDITION, AND EXCEPT LOTS 1 AND 2 OF PARCEL A, AND FURTHER EXCEPTING PARCELS B AND C, McVAY ADDITION, ALL BEING IN T93N, R56W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA, AND HAS SUBMITTED SUCH PLAT TO 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 SAME IS HEREBY APPROVED. THE COUNTY AUDITOR IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THIS RESOLUTION AND CERTIFY THE SAME.

I, \_\_\_\_\_, COUNTY AUDITOR OF YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF YANKTON COUNTY, SOUTH DAKOTA, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
COUNTY AUDITOR

\_\_\_\_\_  
CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

DIRECTOR OF EQUALIZATION CERTIFICATE

I, \_\_\_\_\_, DIRECTOR OF EQUALIZATION, YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT I HAVE RECEIVED A COPY OF THE FOREGOING PLAT. DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
DIRECTOR OF EQUALIZATION, YANKTON COUNTY

TREASURER CERTIFICATE

I, \_\_\_\_\_, TREASURER OF YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT ALL TAXES WHICH ARE LIEN UPON ANY LAND INCLUDED IN THE ABOVE PLAT, AS SHOWN BY THE RECORDS OF THIS OFFICE, HAVE BEEN PAID. DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
TREASURER, YANKTON COUNTY

REGISTER OF DEEDS CERTIFICATE

I, \_\_\_\_\_, REGISTER OF DEEDS, YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT I HAVE RECEIVED THE ORIGINAL PLAT, FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., AND DULY RECORDED IN BOOK NO. \_\_\_\_\_, PAGE \_\_\_\_\_.

PREPARED BY: TOM WEEK  
407 REGAL DRIVE  
YANKTON, SOUTH DAKOTA 57078  
605-665-8333

\_\_\_\_\_  
REGISTER OF DEEDS, YANKTON COUNTY, SD



**COMMISSIONER MEETING AGENDA REQUEST**  
**321 W 3<sup>rd</sup>, Suite 100, Yankton, SD 57078**

E-Mail: [patty@co.yankton.sd.us](mailto:patty@co.yankton.sd.us) or [yalli@co.yankton.sd.us](mailto:yalli@co.yankton.sd.us)

**Submission Deadline: 3:00pm on the Wednesday before scheduled meeting**

Date Request Submitted \_\_\_\_\_

Request is for Commission Meeting Dated \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Topic to be Addressed and Length of Presentation: \_\_\_\_\_

\_\_\_\_\_

Specific Purpose for the Request (Please Also Attach Support Documents): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Person(s) Making Presentation to the Board: \_\_\_\_\_

\_\_\_\_\_

Audio/Visual Equipment Needed: \_\_\_\_\_

\_\_\_\_\_

-----  
For Office Use:

Approved \_\_\_\_\_ Denied \_\_\_\_\_ Reason(s): \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Yankton County, South Dakota  
Employee Handbook

[Update and Revisions](#)

Draft April 2020

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## SECTION 1: WELCOME & INTRODUCTION

### WELCOME

Welcome to the Yankton County team! Together, we serve the residents of Yankton County. As an employer, Yankton County is committed to ensuring that working for the County is a rewarding and positive experience.

It is the policy of the Yankton County Commission that this document be used as the basic outline for personnel employment policies, practices, and procedures. The Personnel-Employee Handbook contains general statements of County policy and should not be read as including the fine details of each policy, or as forming an expressed or implied contract or promise that the policies discussed in it will be applied in all cases.

The Yankton County Commission may add to the policies in the Manual-Handbook or revoke or modify them from time to time. The Commission will attempt to keep the Manual-Handbook current, but there may be times when policies change before this document can be updated. In the event of a conflict between these policies and any state or federal law, the law shall prevail.

As an employee, it is important that you understand the policies and benefits available to you. This Employee Handbook explains various policies that will help you do your job to the best of your abilities. As a member of the Yankton County team, we want to help you develop professionally and personally, and to realize your potential as a valuable employee who contributes to the success of our County. Please refer to this Handbook often, and do not hesitate to contact your supervisor if you have questions or concerns that are not addressed here.

Once again, welcome to our team and we wish you a fulfilling, enjoyable future with the County.

### ABOUT YANKTON COUNTY

Yankton County played an early and important role in the history of Dakota Territory and the state of South Dakota.

Bordered on the south by the Missouri River, the county is named for the Yankton band of Sioux Indians who lived in the area since the early 1700s. Pierre Dorion was the first non-native person to reside here. Dorion married a Yankton Sioux woman 20 years before the arrival of Lewis and Clark in 1804.

The first known white woman to visit Yankton County was Pelagie LaBarge, traveling on the Missouri River in 1847 on a steamboat piloted by her husband. Major William Lyman was the first known white settler in Yankton County in 1857. Lyman established a ferry across the James River along with a small trading post.

In 1861, the territorial government was established with the City of Yankton designated as the first capital of Dakota Territory. The year 1861 also saw the first official newspaper, "The Weekly Dakotian," published in Yankton. Steamboat trade flourished here until 1873 when the first railroad line connected Yankton and Sioux City, Iowa.

The first school, held in the home of Dr. Abram Van Osdel, opened in December of 1862. Governor Howard selected Yankton County as the site for the hospital for the insane in September of 1878. Yankton lost the fight to retain the status of Territorial Capital in 1883 when the capital was moved to Bismarck, ND.

The rich history of Yankton County is preserved through many landmark buildings, historical sites and the written word.

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## EMPLOYEE'S RESPONSIBILITY

### EMPLOYEE RESPONSIBILITY

It is the employee's responsibility to follow the guidelines, regulations, policies, and procedures of Yankton County. An employee's refusal to correct a violation or repeated violations can lead to disciplinary action, up to and including suspension and discharge.

### EFFECTIVE DATE

This ~~policy manual~~ Employee Handbook shall become effective on ~~February 1, 2005,~~ by formal adoption of the Yankton County Board of Commissioners.

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## TERMS AND DEFINITIONS

As used in this Manual Employee Handbook:

1. The words "shall" or "will" are construed as mandatory.
2. The word "may" is construed as permissive.
3. The masculine gender shall be construed to include the female gender. To the extent possible, nouns and pronouns will be gender neutral and inclusive of all employees.
4. "Supervisor" means an individual with the authority to assign, direct, or review the work of subordinates. In many situations, the supervisor will be a County department head.
5. Unless otherwise specified, the term "family member" means the employee's:
  - Mother/Father
  - Grandmother/Grandfather
  - Wife/Husband
  - Son/Daughter
  - Stepson/Stepdaughter
  - Brother/Sister
  - Mother-in-Law/Father-in-Law
  - Aunt/Uncle
  - Niece/Nephew

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6. The word "County" means Yankton County as managed under the authority of the Board of County Commissioners, elected County officers, and appointed department heads.

7. "Exempt" employees are those whose position contains duties and responsibilities of an executive, administrative or professional nature as described under the Fair Labor Standards Act and is therefore exempt from the overtime provisions of the Act. Exempt employees may be required to perform work in excess of the standard work week without additional compensation.

8. "Non-Exempt" employees are those whose position is covered by the overtime provisions of the Fair Labor Standards Act due to the duties and responsibilities of the position. The Fair Labor Standards Act includes the provision for payment of all overtime hours worked in excess of 40 hours per week for these non-exempt positions.

9. "Temporary or seasonal" employees are those who are hired as interim replacements to supplement the work force or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Generally, they are not eligible for benefits beyond workers compensation.

10. "Part-time" employees are those required to work less than 20 hours of compensated work per week. Generally, they are not eligible for benefits beyond workers compensation.

11. "Regular full-time" employees are those who are not in a temporary or introductory status and who are regularly scheduled to work at least 35 30 hours per week. Generally, they are eligible for all employee benefits, subject to the terms, conditions and limitation of each benefit program.

12. "Regular part-time" employees are those who are not assigned to a temporary or introductory status and also are regularly scheduled to work at least 20 hours a week, but less than 30 hours per week less than the full-time work schedule, of over 20 hours per week. Generally, they are eligible for some benefits, subject to the terms, conditions, and limitations of each program.

13. "Contract" employees are those who work under a special agreement and conditions established by the County Commission, and whose compensation may include specified benefits.

14. "Introductory" employees are those whose performance is being evaluated to determine whether further employment as regular full-time or regular part-time employees with the County is appropriate. Introductory employees include new hires plus present employees being transferred or promoted to a new position.

As used in this Manual:

3. The words "shall" or "will" are construed as mandatory.

5. The word "may" is construed as permissive.

7. The masculine gender shall be construed to include the female gender.

9. "Supervisor" means an individual with the authority to assign, direct, or review the work of subordinates. In many situations, the supervisor will be a County department head.

11. Unless otherwise specified, the term "Family member" means the employee's:

|                           |                  |
|---------------------------|------------------|
| ▶ Mother/Father           | ▶ Brother/Sister |
| ▶ Grandmother/Grandfather | ▶ Mother-in-law  |
| ▶ Wife/Husband            | ▶ Father-in-law  |
| ▶ Son/Daughter            | ▶ Aunt/Uncle     |
| ▶ Stepson/Stepdaughter    | ▶ Niece/Nephew   |

17. The word "County" means Yankton County as managed under the authority of the Board of County Commissioners, elected County officers, and appointed department heads.

19. "Temporary or seasonal" employees are those who are hired as interim replacements to

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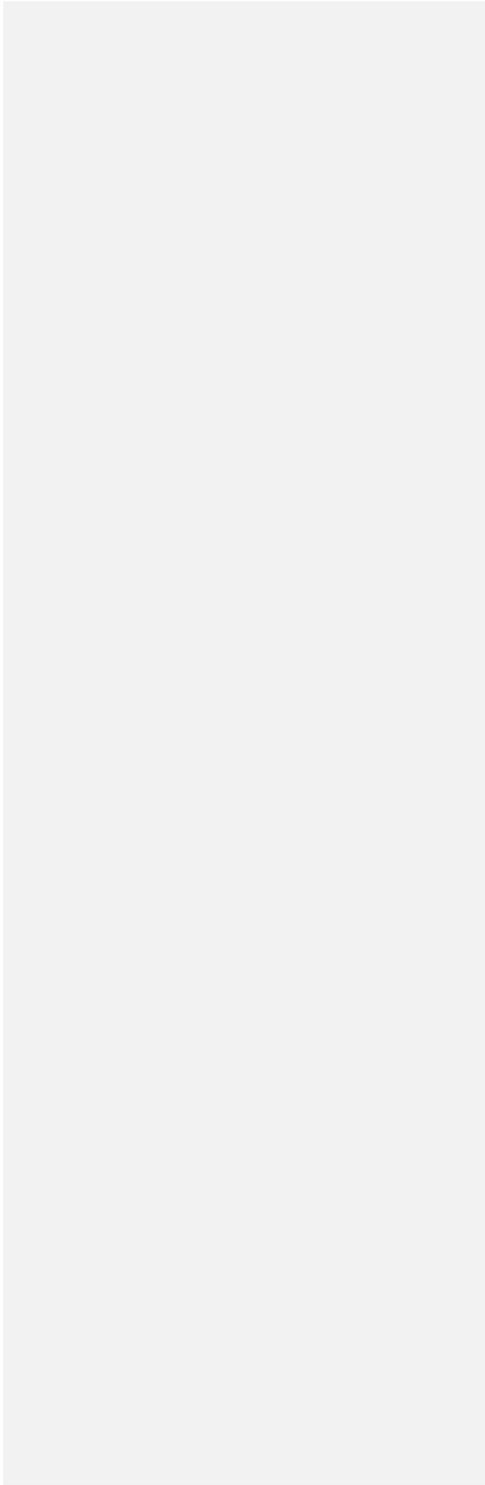
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supplement the work force or to assist in the completion of a specific project. Employment

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## Section II: EMPLOYMENT

### 101 NATURE OF EMPLOYMENT

- A. Employment-At-Will: Employment with Yankton County is voluntarily entered into, and the ~~employee is free to resign at will at any time~~ employer/employee relationship may be terminated at any time for any lawful reason by either party. In ~~such an~~ the event an employee resigns their position, the employee is expected to give the County two weeks' notice of the intended action.
- B. Not a Contract: Policies set forth in this handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the County and any of its employees. The provisions of the handbook have been developed at the discretion of management and, except for its policy of employment-at-will, may be amended or canceled at any time, at the County's sole discretion.
- C. Changes to these Policies: These provisions supersede all existing policies and practices and may not be amended or added to without the expressed written approval of the Yankton County Commission.

### 102 EQUAL EMPLOYMENT OPPORTUNITY

In compliance with Title VII of the Civil Rights Act of 1964 as amended and under authority of SDCL 7-8-20, it is the policy of Yankton County ~~shall to provide equal opportunities in employment to all employees and applicants for employment. The County does not discriminate in hiring or in any terms and conditions of employment based on sex, race, color, creed, religion, national origin, ancestry, citizenship, gender, age, disability, sexual orientation, genetic information or veteran status or on any other status that is protected under law against discrimination. This policy applies to employees and applicants and to all phases of employment including, but not limited to, hiring, promotion, demotion, and treatment during employment, rates of pay or other forms of compensation, and termination of employment. No person is to be discriminated against in employment because of race, religion, color, sex, creed, age, national origin, disability, military status, or any other characteristic protected by law.~~

If an individual is concerned about a violation of this policy, they may utilize the Complaint Resolution policy set forth in this handbook.

#### VETERAN'S PREFERENCE

Yankton County will comply with South Dakota's Veterans Preference Law, SDCL 3-3-1, which means that eligible veterans receive preference for appointment, employment and promotion. If the applicant possesses at least the minimum qualifications necessary to fill the position, the qualifying veteran shall be granted an interview. The unmarried spouse of a deceased veteran is entitled to the same preference, as is the spouse of a disabled veteran who is unable to exercise his or her right due to a disability.

#### AMERICANS WITH DISABILITIES ACT (ADA)

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments Act of 2008, known as the ADAAA, are federal laws that prohibit employers with 15 or more employees from discriminating against applicants and individuals with qualified disabilities and require employers to provide reasonable accommodations to applicants and employees as below discussed.

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It is the policy of Yankton County to comply with all federal and state laws concerning the employment of persons with disabilities. Furthermore, it is our policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

Reasonable accommodation is available to all qualified individuals with disabilities in accordance with the ADA and provided such accommodation does not pose an undue hardship or pose a direct threat to the safety of the employee or others. Employees requiring reasonable accommodation during either a recruitment or employment process should contact the Auditor or their Department Head to begin an interactive discussion about potential accommodations that would be available and appropriate. The County will consider specific requests but reserves the right to offer its own recommendations for accommodations to the extent permitted by law.

If an employee makes a request to their Department Head and no response is received within one (1) week, the employee should take the matter to the Auditor or Commissioners.

All employment decisions regarding disability accommodations will be based on the merits of the situation in accordance with the defined criteria and federal and state regulations.

Any form of retaliation against an employee for engaging in activity under this provision is expressly prohibited and will result in disciplinary action up to and including termination. Please see the complaint and retaliation provisions set out in the Discrimination and Harassment policy.

## **IMMIGRATION LAW COMPLIANCE**

The County is committed to employing only people who are United States citizens or non-citizens who are legally authorized to work in the United States. We do not discriminate because of a person's citizenship or national origin.

To comply with the Immigration Reform and Control Act of 1986, every new employee is required to complete the Employment Eligibility Verification Form I-9 and show documents that prove identity and employment eligibility. All employees will be expected to complete the I-9 Form on or before the first day of work. If the employee is not able to provide the necessary documentation within three (3) working days from the date of hire, they must provide proof that they have applied for the required documents. If this is not provided, the employee will be terminated. Former employees who are rehired must complete the form if they have not completed an I-9 or it is no longer retained or valid.

It is the policy of Yankton County to:

- A. Prohibit the purchase of supplies, equipment or tools without authorization from a supervisor; and
- B. Prohibit the loaning or selling of equipment, supplies or tools unless the action was previously and clearly authorized by the County Commission.
- C. Require employees to turn in County vehicle and/or building keys and any County equipment prior to receiving their final paycheck.
- D. Seek reimbursement for the replacement value of County property that is damaged or destroyed by employee negligence.

## **105104 EDUCATION AND TRAINING**

- A. The County may support certain training events, such as workshops, if permission is obtained from the supervisor and County Commission in advance.

B. Yankton County encourages employees to take advantage of educational opportunities that will enhance their job performance.

~~106105 DISCRIMINATION & HARASSMENT-FREE WORKPLACE PRODUCTIVE WORK ENVIRONMENT AND SEXUAL HARASSMENT~~

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~~A. It is the policy of Yankton County to promote a productive work environment and not to tolerate verbal or physical conduct by any employee that harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile environment.~~

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~~B. Employees are expected to act in a positive manner and contribute to a productive work environment that is free from harassing or disruptive behavior.~~

~~C. Each supervisor has the responsibility of keeping the work place free of any form of sexual harassment. No supervisor is to threaten or insinuate, either explicitly, or implicitly, that an employee's refusal or unwillingness to submit to sexual advances will affect the employee's terms or conditions of employment.~~

~~D. Other sexually harassing or offensive conduct in the work place, whether committed by supervisors, non-supervisory employees, or non-employees, is also prohibited. Such conduct includes:~~

~~1. Sexual flirtation, touching, advances, or propositions;~~

~~2. Verbal abuse of a sexual nature;~~

~~3. Graphic or suggestive comments about an individual's dress or body;~~

~~4. Sexually degrading words to describe an individual; and~~

~~5. The display in the work place of sexually suggestive objects or pictures, including nude photographs.~~

~~E. Any employee who believes that they are being sexually harassed by another employee should take the following actions:~~

~~1. Confront the offending person stating how they feel about the actions or comments;~~

~~2. Ask that individual to cease their offensive behavior; and~~

~~3. Notify their department head, unless the department head is the offending party, in which case, the individual should notify the Chairperson of the County Commission as soon as possible so that appropriate follow up action can be taken if needed.~~

Yankton County recognizes that the strength of the organization relies on an environment where people are treated with dignity and respect without intimidation, oppression or exploitation. Therefore, the County is committed to providing a work environment that is free of unlawful discrimination and harassment. The County expressly prohibits any form of employee harassment, which includes verbal or physical conduct that denigrates or shows hostility or aversion toward an individual, based upon on race, color creed, religion, national origin, citizenship, ancestry, gender, gender identity, sexual orientation, marital status, pregnancy, age, disability, veteran's status, genetic information, or any other protected group in accordance with state and federal law. Yankton County will strive to prevent, correct

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and discipline behavior that is not consistent with its commitment to provide equal opportunity and an environment free from harassment and discrimination.

This policy is adopted using the following definitions:

**Discrimination** includes conduct, in violation of federal and state law, where unfavorable decisions are made, or unfavorable actions are taken, based on an individual's protected classification, as listed above. This policy is intended to be consistent with the prohibitions stated in such anti-discrimination laws.

**Harassment** based on an individual's protected classification as listed above includes conduct which interferes with an individual's ability to do their job by creating an intimidating, hostile or offensive work environment; unreasonably interfering with the individual's work performance and/or adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to, the following:

- Epithets, slurs, negative stereotyping or threatening, intimidating or hostile acts that relate to the categories above. This includes jokes or pranks that are hostile or demeaning to the above protected categories.
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group included in the above categories.

**Sexual harassment** (both overt and subtle) is a form of unlawful harassment that includes employee misconduct that is demeaning to another person or undermines the integrity of the employment relationship and is strictly prohibited. Sexual harassment is unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. Sexual harassment occurs when:

- Submission to such conduct is made either explicitly or implicitly as a condition of employment
- Submission or rejection of such conduct by an individual is used as a basis for employment decisions
- Such conduct has a purpose or effect of substantially interfering with an individual's work performance
- Such conduct has a purpose or effect of creating an intimidating, hostile or offensive work environment

Some examples of sexual harassment include, but are not limited to, the following:

- Sexual innuendo, jokes of a sexual nature, propositions, threats
- Sexually suggestive pictures or objects, staring, leering, obscene gestures
- Unwanted physical contact
- Unwelcome repeated requests for a date, telephone calls, letters or messages
- Discussion of sexual activities

This policy applies not only to normal working hours, but also to social contact, off-premises work and business travel. This policy protects employees from harassment by supervisors, co-workers, and third parties with whom they come into contact with during the course of their job.

Harassment can be found where, in aggregate, the incidents are sufficiently pervasive, persistent or severe that a reasonable person with the same characteristics of the victim of the harassing conduct would be adversely affected to a degree that unreasonably interferes with employment. If the victim does not subjectively perceive the environment to be hostile or the conduct has not actually altered the conditions of employment, then there may not be a violation of this policy.

#### **Reporting Discrimination / Harassment**

It is the responsibility of every employee to act consistently with the spirit and intent of this policy. Department Heads and supervisors shall work to establish and maintain a climate in the work unit which encourages employees to communicate questions or concerns regarding this policy, recognize incidents of harassment and discrimination, and take immediate action in accordance with this policy.

If you experience any possible unlawful harassment or discrimination, promptly report the concern to your immediate supervisor, to a Department Head, or to any Commissioner. The County takes complaints of discrimination and harassment very seriously and investigates claims received. Thus, there is no need to follow any formal chain of command when filing a complaint or discussing or expressing any issue of concern regarding alleged discrimination or harassment, and you may bypass anyone in your direct chain of command.

This policy applies to all incidents of alleged discrimination or harassment, including those which occur off-premises, or off-hours, where the alleged offender is a group leader, supervisor, coworker, or even a nonemployee, such as a vendor or customer, with whom the employee is involved, directly or indirectly, in a business or potential business

relationship.

Should the alleged discrimination or harassment occur at a time other than your normal business hours, your complaint should be made as early as practicable following the incident. The County will undertake an investigation of any complaints in a timely and appropriate manner. All complaints will be kept confidential to the extent possible.

All employees have a duty to report any conduct which they believe violates this policy. In addition, every employee has a duty to cooperate with any investigation conducted by the County, regardless of whether the investigation is being conducted by County officials or outside parties retained by the County for this purpose, or, for that matter, by an outside agency.

If the County determines that an employee has violated this policy including unlawfully discriminated against or harassed another individual, violated the confidentiality or nonretaliation provisions, or who have been found to have knowingly made a false complaint, appropriate disciplinary action will be taken against the offending employee, up to and including an unpaid suspension or termination of employment.

#### **Retaliation**

The County, in accordance with state and federal law, prohibits any form of retaliation against any employee for reporting in good faith a violation of this policy, filing a complaint under this policy, or assisting in a complaint investigation.

One type of retaliation occurs when an employer takes adverse employment action against an employee who complains about harassment or discrimination, or who engages in activities such as refusal to provide genetic information, testifying at or providing information related to a labor investigation, filing or having filed a workers' compensation claim, or whistleblower status as provided for by law. Another type of retaliation occurs when coworkers ostracize, employ derogatory epithets (verbal, written or gestural) against or otherwise harass an employee because he or she has complained about discrimination or harassment.

It is illegal to retaliate against any employee because of a complaint about harassment or discrimination, even if no harassment or discrimination ever happened. The County policy strictly PROHIBITS any form of retaliation against an employee because of a complaint about harassment or discrimination. Any complaints of retaliation should be reported to your direct supervisor, any Department Head, or any Commissioner.

However, if an individual is found to have made a complaint in bad faith, fails to cooperate with an investigation or provides false or intentionally misleading information or testimony, that employee is subject to disciplinary action up to and including termination.

## **COMPLAINT RESOLUTION**

### **General Complaints**

The County is committed to providing an excellent working environment for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any complaint or problem can be discussed rather than utilizing any formal, restrictive grievance procedure. No employee will be penalized, formally or informally, for voicing a complaint in a reasonable, business-like manner.

Employees with concerns or complaints should first discuss the problem with their immediate supervisor or, if this is not possible, with their Department Head. Employees who believe they are not able to discuss the concern with their Department Head may instead contact a Commissioner.

Employees who have a complaint about the interpretation or application of a specific County policy or about a disciplinary act may submit a written inquiry or complaint to their Department Head and, if unresolved at that level, to the Commissioners. Department Heads and the Commissioners will strive to respond to written inquiries or complaints in a timely manner. Although not all complaints can be resolved to everyone's complete satisfaction, this written option provides employees with a method for receiving information about their inquiries and for potentially resolving concerns.

Individuals who wish to pursue a formal complaint to the Commissioners should submit a timely written statement of the factual basis for the complaint to their immediate supervisor. If the employee is not comfortable going to their immediate supervisor, alternative contact can be made with the State's Attorney, another Department Head, or any Commissioner. The Commissioners or their Agent will coordinate an

investigation into the complaint in a timely manner. All interested parties will be afforded the opportunity to submit evidence on the complaint. At the conclusion of the investigation, the Commissioners will review the evidence in executive session and determine the appropriate course of action. The decision made by the County Commissioners shall be deemed final.

However, if an individual is found to have made a complaint in bad faith, fails to cooperate with an investigation or provides false or intentionally misleading information or testimony, that employee is subject to disciplinary action up to and including termination.

### **Confidential Nature of Work**

Yankton County will comply with all applicable laws and regulations and expects its employees to conduct business in accordance with the letter, spirit and intent of all relevant laws and refrain from any illegal, dishonest or unethical conduct. In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be openly discussed with your immediate supervisor and, if necessary, with your Department Head or the Commissioners for advice and consultation.

While much of the work that the County does is public, certain information obtained during your employment may be sensitive or confidential. Employees must not disclose such information, purposefully or inadvertently through casual conversation, to any unauthorized person inside or outside the County. Employees who are unsure about the confidential nature of specific information must ask their supervisor for clarification. Employees will be subject to appropriate disciplinary action, up to and including dismissal, for knowingly or unknowingly revealing information of a confidential nature.

### **Personnel Records**

Official personnel files for each employee will be maintained in the Auditor's Office. Although supervisors may keep some records within the department, the official personnel file is maintained in the Auditor's Office.

Records to be maintained in the official personnel file include, but are not limited to, the following: application forms, personnel actions, training records, performance appraisals, and disciplinary actions. Due to the particularly sensitive nature, some records pertaining to employees are maintained in separate files outside the basic files such as relating to medical issues and internal investigations.

All information maintained in the official personnel files will be considered confidential and may be accessed by the Auditor's staff, the supervisor, the Department Head, and the Commissioners. Current employees may also review their own personnel file upon request to the Auditor. In addition, when potential legal issues arise regarding an employee, the County's legal counsel will have access to that employee's personnel files. Representatives of government or law enforcement agencies, in the course of their duties, may be allowed access to file information. Employees, or their representative, may be provided access according to state law and at the discretion of the County.

Information relating to dates of employment, position titles and rates of pay are a matter of public record. The Auditor will publish such information as required by law.

Department Heads are responsible for completing personnel action forms for new hires, promotions, demotions, transfers, terminations, or related personnel changes. Employees are responsible for informing the Auditor's Office of changes in name, address, marital status, dependents, emergency contacts, and beneficiaries as soon as they occur.

**SECTION III:**  
**CONDUCT OF EMPLOYEES**

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**201 APPEARANCE**

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- A. It is the policy of Yankton County that each employee's dress, grooming, and personal hygiene should be appropriate to the work situation.
- B. Employees are expected at all times to present a professional, business-like image to the public.
  - 1. The appearance of employees that do not regularly meet the public is to be governed by the requirements of safety and comfort, but should still be as neat as working conditions permit.
  - 2. The appearance of office workers and employees who have regular contact with the public shall follow normally accepted standards for similar situations.
  - 3. Department heads may authorize periodic "casual days" and establish dress standards for those occasions. This option is solely at the discretion of individual department heads and may be rescinded by the County Commission at any time should abuses and/or public complaints arise.
- C. Any employee that does not meet the standards of this policy will be required to take corrective action, which may include leaving the premises or work location. Any work time missed, because of failure to comply with this policy, may not be compensated. Repeated violations of this policy will be cause for disciplinary action.

**202 ATTITUDE**

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- A. It is the policy of Yankton County that certain rules, concerning employee behavior, are necessary for the efficient operation of County government.
- B. Employees are expected to conduct themselves in a positive manner so as to promote the best interests of Yankton County. This conduct includes:
  - 1. Reporting to work as scheduled and being at the proper workstation, ready for work, at the assigned starting time;
  - 2. Giving proper advance notice whenever unable to work or report on time;
  - 3. Complying with all County safety and security regulations;
  - 4. Smoking only at times and places not prohibited by the County Commission;
  - 5. Eating meals in the workplace is discouraged, except during designated breaks and within designated eating areas;

6. Maintaining work place cleanliness and orderliness;
7. Treating all customers, visitors and fellow employees in a courteous manner;
8. Refraining from behavior or conduct deemed offensive or undesirable;
9. Performing assigned work efficiently and in accord with established quality standards;  
and
10. Reporting to the supervisor and/or County Commission suspicious, unethical, or illegal  
conduct by fellow employees, customers or suppliers.

### **203 PUBLIC RELATIONS**

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- A. It is the policy of Yankton County to be service oriented and to require all employees to treat the public in a courteous and respectful manner at all times.
- B. All employees have an obligation to make the public feel as comfortable as possible in dealing with County government.
- C. Employees should attempt to educate the public in using County services and should seek ways to improve services.
- D. Employees are encouraged to report recurring customer-related problems to their supervisor. If a customer becomes unreasonable or abusive and the employee cannot resolve the problem, the customer should be referred to the supervisor.

### **204 COUNTY EQUIPMENT, ELECTRONIC MAIL, AND INTERNET UTILIZATION**

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- A. Supervisors are responsible for instructing employees on the proper use of County equipment.
- B. Employees should not use County equipment for personal purposes.
- C. The personal use of the telephone for long distance and toll calls, at the County's expense, is prohibited.
- D. Any use of Yankton County's Internet access or E-mail services shall be considered and treated as any other work product, subject to periodic or specific review by, and approval of, the employee's immediate supervisor or department head.
- E. Supervisors or department heads shall designate which employees may use E-mail. Each employee using E-mail or the Internet shall be required to sign an "Acceptable Use Agreement." Yankton County reserves the right to monitor transmissions of E-mail. Supervisors and department heads shall periodically monitor both Internet and E-mail use by Yankton County employees in their office to ensure they are in conformance with these policies and the Acceptable Use Agreement. Any employee found to be in violation of the Acceptable Use Agreement shall be subject to disciplinary action up to and including termination.

F. In addition to the terms of the Acceptable Use Agreement, prohibited uses of Yankton County's E-mail and Internet systems via County-owned computer equipment include, but are not limited to the following:

1. To transmit, receive, access, unload, download, or distribute offensive, threatening, pornographic, obscene, or sexually explicit material;
2. To vandalize, damage, or disable property of the County or another individual or organization;
3. To access another individual's materials, information, or files without permission;
4. To use the network or Internet for commercial or political campaign purposes;
5. To release personal information, files, addresses, passwords, or other vital accessing information;
6. To promote or solicit for illegal activities, including gambling;
7. To interfere with another person's use or account in any way;
8. To violate copyright or other protected material laws, trade secrets, proprietary financial information, or similar materials without authorization;
9. To attempt to log on to the Internet as a system administrator;
10. To subscribe, without authorization, to mailing lists, e-mail messages, games, chain letters, or other services;
11. To circumvent security measures on County or remote computers or networks;
12. To enroll in or engage in any activity on the Internet which results in an unauthorized charge or assessment to Yankton County or its representatives;
13. Use of the system to conduct non-Yankton County activities, including, but not limited to, operation of a private business, conducting job searches, promoting religious beliefs, or forwarding political advertisements; and
14. Use of the system to harass, intimidate, defame, or injure another individual or group.

G. Any member of the Yankton County Commission may inspect the contents of the E-mail or Internet activity of any employee or department head without prior notice.

## 205 **PERSONAL PROPERTY**

- A. It is the policy of Yankton County to ask employees to refrain from bringing unnecessary or inappropriate personal property to work.
- B. The County recognizes that employees may wish to bring certain personal items to work. However, personal property that is not related to the employee's job performance may disrupt

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work or pose a safety risk to other employees. The employee's supervisor shall determine the appropriateness of personal items in the work place.

## 206 CONFLICTS OF INTEREST

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- A. It is the policy of Yankton County to prohibit employees from engaging in any activity, practice or act, which conflicts with, or appears to conflict with, the interests of the County.
- B. A conflict of interest is defined to include any situation in which a County official, employee or board member, in the discharge of official duties, would be required to take any action or make any decision that may cause financial benefit to:
  - 1. the same County official, employee or board member;
  - 2. any member of that official's, employee's or board member's immediate family, defined to include a spouse, parent, child or a sibling related by blood, marriage or adoption; or
  - 3. a business enterprise owned in whole or in part by the public official, employee, or board member; unless the benefit is extended to the general public or a broad segment of the public at large.
- C. As soon as a County official, employee, or a board member is actually aware or should reasonably be aware of a conflict of interest, they are required either to make full public disclosure of or to remove himself/herself from the conflict of interest.
- D. Specifically, County officials, employees, and board members are prohibited from:
  - 1. using their County position or any influence, power, authority, or confidential information derived from it, or any County time, equipment, property, or supplies for private gain; or
  - 2. receiving any outside compensation, gift, or gratuity, for the performance of County duties except as follows:
    - a. awards for meritorious public contributions publicly awarded.
    - b. Receipt of honoraria or expenses paid for papers, talks, demonstrations, or appearances made by employees with the approval of the employee's department head or the County Commission
    - c. Receipt of social amenities, ceremonial gifts, or advertising gifts, worth less than \$100 in value.
- E. Unless directed otherwise by the County Commission, any gifts beyond those listed above received for performance of County duties will be considered County property and will be immediately reported to the County Auditor's Office for inventory.

**207 NEPOTISM**

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A. A member of an employee's family will be considered for employment by Yankton County, provided the applicant possesses all the qualifications for employment. An immediate family member may not be hired, however, if such employment would:

- 1. Create either a direct or indirect supervisor/subordinate relationship with a family member; or
- 2. Create either an actual conflict of interest or the appearance of a conflict of interest.

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**208 SECONDARY EMPLOYMENT**

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A. County employment must be the principal vocation of all full-time employees; however, a County employee may engage in outside employment, subject to all of the following conditions:

- 1. The secondary employment must not interfere with the efficient performance of the employee's County duties;
- 2. The secondary employment must not conflict with the financial or public interests of the County or any department thereof; and
- 3. The secondary employment must not be the type that would give rise to criticism or suspicion of conflicting interests or duties.

B. County employees must notify their supervisor before engaging in secondary employment. Non-elected department heads must notify the County Commission before engaging in secondary employment that exceeds ten hours per work week.

**209 WORKPLACE VIOLENCE PREVENTION**

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- A. The County is committed to preventing workplace violence and to maintaining a safe work environment.
- B. Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law;
- C. All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to the supervisor, sheriff's office, or any member of the County Commission. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.
- D. All suspicious individuals or activities should also be reported as soon as possible to the supervisor or sheriff's office.

**210 SMOKING PROHIBITED**

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- A. Smoking is prohibited inside all Yankton County buildings and vehicles, ~~unless otherwise authorized by the County Commission.~~
- B. The limitation on smoking applies to employees, customers, and visitors.
- C. An exception to the smoking ban is allowed in County road maintenance and heavy equipment vehicles (example - road maintainer). However, should smoking related complaints arise from other employees operating the same piece of equipment, the preferences of the nonsmokers shall prevail.

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**211 DISTRACTED DRIVING**

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- A. Employees are prohibited from undertaking any activity that could distract them from the safe operation of County vehicles. Examples of distractions while operating a vehicle include but are not limited to:
  - 1. operating a cell phone;
  - 2. consuming food or beverages;
  - 3. reading; and
  - 4. smoking, as noted in Section 210.
- B. Employees who use cell phones or radios as part of their normal work activities should operate those communication devices in a manner that does not inhibit or interfere with the safe operation of County vehicles.

**Electronic Information Systems Policy**

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This policy makes it clear that the County owns and controls all workplace technology and, therefore, all communications and activity conducted over it. Authorized use of County owned or operated computing and network resources shall be consistent with the mission of the County and consistent with this policy.

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Underlying this policy is the idea that each employee has a responsibility to use County's information technology resources in a manner that increases productivity, enhances the County's public image, and is respectful of other employees.

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Email, computer, voice mail systems and other electronic information systems are County property and are intended for business use. The County has the right to access any information or file maintained in or on our property or transmitted or stored through electronic information systems or other technical resources.

Information technology and equipment is to be used for county business purposes and to increase the timeliness and effectiveness of county business communications. At the discretion of an employee's Department Head, an employee may use county information technology and equipment for private purposes, provided such use, including the value of time spent, results in no incremental cost to the county or results in an incremental cost that is so small as to make accounting for it unreasonable or administratively impractical.

While employees may make personal use of county information technology and equipment during work hours, the amount of use is expected to be limited to incidental use or emergency situations. Excessive time spent on such personal activities during work hours will subject the employee to disciplinary action.

Employee use of information technology and equipment must be able to withstand public scrutiny without embarrassment to the County, its taxpayers, its clients, or its employees. Employees should use generally accepted

standards of business conversation in all computer, electronics and internet usage. Employees should use good judgment in the type of messages created and the tone and content of messages. The content of messages is always considered personal opinion unless specifically stated as a county position.

The County prohibits the use of its electronic information systems in ways that are unlawful, disruptive, offensive to others, or harmful to morale. Keep in mind that even though a message may be deleted from the system, a record of that message remains. The County has the right to access information stored in its electronic information systems. Therefore, you should have no expectation of privacy to any communication or activity on the County's information system.

Employees may also be held personally liable for any misuse of electronic information systems. The following is not an exhaustive list of behaviors but are examples of previously stated or additional actions and activities that are prohibited and can result in disciplinary action:

- Sending or posting discriminating, harassing, or threatening messages or images
- Using the County's time and resources for personal gain
- Stealing, using or disclosing someone else's password or code without authorization
- Copying, pirating, or downloading software and electronic files without permission
- Sending or posting confidential material, trade secrets or proprietary information outside of the organization
- Violating Copyright law
- Failing to observe licensing agreements
- Engaging in unauthorized transactions that may incur a cost to the organization or initiate unwanted internet services or transmissions
- Sending or posting messages or materials that could damage the organization
- Participating in the viewing or exchange of pornography or obscene material
- Sending or posting messages that defame or slander other individuals
- Attempting to break in to the computer system of another organization or person
- Refusing to cooperate with a security investigation
- Sending or posting chain letters, solicitations or advertisements not related to business activities
- Using the internet for political causes or activities, religious activities, or any sort of gambling
- Jeopardizing the security of the organization's electronic communications system
- Sending or posting messages that disparage another organization's products or services
- Passing off personal views as representing those of the organization
- Game Playing, Gambling, Spamming, Spoofing
- Sending anonymous e-mail messages
- Engaging in any other illegal activities

Employees learning of any misuse of County electronic information systems or a violation of this policy must notify their Department Head or the Commissioners of such misuse or violation immediately. Failure to notify may result in corrective action up to and including termination. **Nothing in this policy, however, shall be deemed to interfere with employee rights to engage in discussions protected by law.**

## Social Media

Personal websites, blogs and social media sites have become prevalent methods of self-expression in our culture. However, the County is also committed to ensuring that the use of such communications does not detract from our business by maintaining the County's identity, integrity, and reputation in a manner consistent with our values and policies.

The County respects the right of employees to use these media outlets during their personal time. Employees may not use their County email addresses to register for social media sites. If you, as an employee, choose to identify yourself as a County employee on a website or blog, you should make it clear to the readers that the views expressed are the employee's alone and that they do not necessarily reflect the views of the County.

Employees are prohibited from using, disclosing or discussing confidential and/or proprietary information, including business and personal information about clients, vendors and co-workers.

Employees are prohibited from posting or displaying comments about customers, suppliers and co-workers that are vulgar, obscene, threatening, intimidating, harassing, or a violation of the employer's workplace policies against discrimination, bullying, harassment, retaliation, or hostility on account of age, race, religion, sex, ethnicity, nationality, disability, or other protected class, status, or characteristic. Instead, it is recommended to use the following questions as a guideline in the creation of social media content: Is the content positive? Is it professional? Is this information protected?

As an employee, you must be careful not to let online communications interfere with your job or customer commitments. Refrain from using social media while on work time or on equipment provided by Yankton County unless it is work-related as authorized by your Department Head or consistent with County policy.

If an employee believes that a blog or other online communication violates any County policy, the employee should immediately report the blog or online communication to their Department Head.

The County reserves the right to monitor all public blogs and social networking forums for the purpose of protecting its interests and monitoring compliance with County policies. If online activity is seen as compromising the County, the County may request a cessation of such commentary, and the employee may be subject to coaching and, potentially, disciplinary action.

Any employee who violates this policy may be subject to disciplinary action, up to and including termination. Additionally, legal action may be taken where necessary against employees who engage in prohibited or unlawful conduct.

Nothing in this policy, however, shall be deemed to interfere with employee rights to engage in discussions protected by law. This policy is not intended to restrict an employee's right to discuss wages and other terms and conditions of employment with co-workers or in any way limit employees' rights under applicable laws. For any questions about these guidelines or any matter related to personal websites or blogs, contact the Department Head.

## **SECTION IV: #**

### **DRUG AND ALCOHOL-FREE WORKPLACE**

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#### **301 COUNTY COMMITMENT**

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- A. It is the policy of Yankton County to maintain a work place that is free from the effects of drug and alcohol abuse.
- B. Consistent with the spirit and intent of this policy, Yankton County will act to eliminate any substance abuse which could impair an employee's ability to safely and effectively perform a particular job and which increases the potential for accidents, absenteeism, substandard performance and tends to undermine public confidence in the County's workforce.

#### **302 DEFINITIONS**

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- A. Alcohol means the intoxicating agent is beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.
- B. Drugs means any substance (other than alcohol) that is a controlled substance as defined in this section.
- C. Controlled Substance which has a stimulant, depressant, or hallucinogenic effect on the central nervous system.
- D. "Reasonable suspicion" means a belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drug or alcohol. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:
  - I. A pattern of abnormal or erratic behavior which is so unusual that it warrants summoning a supervisor, department head or other individual for assistance.
  2. Information provided by a reliable and credible source with personal knowledge.
  3. Direct observation of drug or alcohol use.
  4. Presence of the physical symptoms of drug or alcohol use: (i.e. glossy or blood-shot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes).
  5. Possession of substances in violation of the County's drug and alcohol policy.
- E. Refusing to submit to an alcohol or controlled substance test means that an employee:
  1. Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing.

2. Fails to provide adequate urine for controlled substance testing without a valid medical explanation after he or she has received notice of the requirement for urine testing; or
3. Engages in conduct that clearly obstructs the testing process.

### 303 COUNTY POLICIES

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- A. Employees are prohibited from the use, sale, dispensing, distribution, possession, or manufacture of illegal drugs and narcotics or alcoholic beverages on County premises or work sites. In addition, employees are prohibited from the off-premises use of alcohol and possession, use, or sale of illegal drugs when such activities adversely affect job performance or job safety.
- B. Employees will be subject to disciplinary action, as provided in Section IX for violations of these policies. Such violations include, but are not limited to, possessing illegal or non-prescribed drugs and narcotics or alcoholic beverages at work; being under the influence of is such substance while working; using them while working; or dispensing, distributing, or illegally manufacturing or selling them on County property and work sites. Employees, their possessions, and County issued equipment and containers under their control are subject to search and surveillance at all times while on County property or while conducting County business.

C. Certain positions with the County may require that an applicant pass a post-offer, pre-employment drug test. Applicants for those positions will be notified of the need for such test. Failure to pass the pre-employment test, or failure to submit to testing, will prevent the applicant from further consideration for that position.

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C.D. Employees may be requested to undergo drug and alcohol testing if there is a "reasonable suspicion" that the employee is under the influence of drugs or alcohol during work hours. Where "reasonable suspicion" exists that the policies have been violated, the supervisor should report the situation immediately to the County Commission Chairman. The Commission Chairman may ask the employee to submit to blood and urine testing by a qualified medical physician or hospital at the County's expense. Prior to testing, the proper authority (County Commission Chairman or State's Attorney) shall secure a signed release statement from the employee to have the hospital/physician release medical information to the County.

D.E. An employee who refuses to consent to a drug and alcohol test when reasonable suspicion exists may be subject to disciplinary action. A positive result from the drug and/or alcohol test confirming the reasonable suspicion may result in disciplinary action. All information from an employee's drug and/or alcohol test is confidential, and only those with a need to know are to be informed of the results.

E.F. The County may conduct random testing of employees, as required by state and federal law. Example - persons with a certain class of license, which operate County vehicles.

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F.G. Employees are required to notify their supervisor no later than five (5) days after any criminal drug statute conviction for a violation occurring in the work place.

G.H. The County Commission will take one or both of the following actions within thirty (30) days of the notice specified in 303 F:

- H.I. Take appropriate disciplinary action against the employee up to and including termination; and/or

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2. Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program.

use may affect their ability to perform their work, must report this fact to their supervisor. A determination will then be made as to whether the employee should be able to perform the essential functions of the job safely and properly.

- J. Employees who are experiencing work-related or personal problems resulting from drug, narcotic, or alcohol abuse or dependency may request, or be required to seek, counseling help. County required counseling should be kept confidential and should not have any influence on performance appraisals. Job performance alone, not the fact that an employee seeks counseling, is to be the basis of all performance appraisals.
- K. Any employee who is abusing drugs or alcohol may be granted a leave of absence to undertake rehabilitation treatment. The employee will not be permitted to return to work until certification is presented to the supervisor that the employee is capable of performing his job. Failure to cooperate with an agreed upon treatment plan may result in discipline, up to and including termination. Participation in a treatment program does not insulate an employee from the imposition of discipline for violations of this or other County policies.
- L. If any employee has been found to have violated County policies the employee may in certain circumstances be permitted to return to [their/his/her](#) position. Determination of whether or not employee will be returned to work, and what specific conditions may be set for an employee's return to work, will be made on a case by case basis by the County Commission. The specific conditions may include, but are not limited to:
  1. An employee may be required to submit to an alcohol and controlled substance abuse assessment with a designated substance abuse professional.
  2. An employee may be required to successfully complete an in-patient or out-patient chemical dependency treatment program as recommended by a substance abuse professional.
  3. An employee may be required to continue participation in aftercare treatment programs, counseling, support groups, or other rehabilitation/maintenance program as may be recommended by the substance abuse professional.
  4. An employee may be required to meet very specific on-the-job requirements involving performance, sick leave use, attendance, etc.
  5. An employee may be required to submit to a return-to-work alcohol and controlled substance tests, with negative results, before being allowed to return to work.
  6. An employee may be required to submit to a number of unannounced follow-up alcohol and controlled substance tests for an extended period following return to work, with consistently negative outcomes.

#### **304 MANAGEMENT GUIDELINES**

- A. Supervisors and department heads should not physically search the person of employees nor

should they search the personal possession of the employees without the freely given consent of, and in the presence of the employee.

have reasonable suspicion to believe that an employee may have illegal drugs in [his/her/their](#) in an area jointly or fully controlled by the County.

D.C. Any supervisor or department head encountering an employee who refuses to consent to a drug and/or alcohol analysis when "reasonable suspicion" has been identified, should remind the employee of the requirements of the policy and that [he/she/they](#) may be subject to action. The reason(s) for the refusal shall be considered in determining the appropriate disciplinary action. Where there is reasonable suspicion that the employee is under the influence of alcohol or drugs, the supervisor or department head should direct the employee to remain at work for a reasonable time until the employee can be safely transported home.

E.D. Nothing in this policy shall be interpreted as constituting any waiver of or limitation on the County's responsibility to maintain discipline, or the right to invoke disciplinary measures, nor the employee's right to due process and the processing of grievances concerning such disciplinary measures in accordance with the grievance procedures set forth in this handbook.

## **SECTION IV: SAFETY RULES AND REGULATIONS**

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### **401 GENERAL POLICIES**

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- A. Yankton County is subject to the Occupational Safety and Health Act (OSHA) and will strive to provide a safe working environment for its employees.
- B. Yankton County is committed to making the best effort to detect and correct unsafe conditions and unsafe practices on the job. However, employees are in an especially good position to observe such hazards. Without employee participation in recognizing and reporting hazards, perhaps the greatest source of discovering them would be lost.
- C. Employees are required to support the safety rules and regulations that have been implemented for their protection on the job. Always remember, safety never just happens. If a job is safe, it is because somebody is working to make it safe. Every employee of Yankton County has an important role in maintaining a safe working place for all County employees. Therefore, all employees are required to participate in Yankton County's safety program.

### **402 SUPERVISOR'S RESPONSIBILITIES FOR SAFETY**

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- A. Supervisors have the definite responsibility for the following:
  - I. Maintaining safe working conditions;
  - 2. Making available suitable protective equipment as furnished by the County and seeing that it is properly used by all employees;
  - 3. Properly maintaining tools and equipment in safe working condition;
  - 4. Properly planning all work performed in a safe manner;
  - 5. Requiring all employees to practice the general and specific safety rules;
  - 6. Assigning employees to jobs which they are capable of doing safely; and
  - 7. Taking immediate steps to correct any violation of safety rules observed or reported to them.
- B. Employees assigned to direct or lead a working crew will be held responsible for seeing that job procedures are carried out in a safe manner. They should make certain that the employees understand the following:
  - I. The work to be done;
  - 2. The hazards that may be encountered;

3. The proper procedures for doing the work safely including any recommended training;
  4. The proper use of suitable protective equipment as furnished by the County; and
  5. The work plan and individual job responsibilities and job procedures.
- C. Frequent periodic inspections of road construction sites, hazardous areas, maintenance equipment, materials, conditions, and methods will be made by supervisors as a part of their routine duty. Such inspections are essential to prevent accidents.

#### 403 **ACCIDENT REPORTING AND INVESTIGATION**

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- A. Any employee who suffers an injury while working for the County shall report as soon as possible (the same workday) such injury to the person directly in charge of the job.
- B. All accidents to the public involving County personnel, motor vehicles, equipment, or property shall be reported as soon as possible (the same workday).
- C. Every accident shall be investigated to determine the cause and steps needed to prevent a recurrence. It shall be the responsibility of the supervisor to obtain complete and detailed information about the accident.
- D. Supervisors shall see to it, as soon as possible after the occurrence of any accident, that the Accident Report Form is filled out completely, giving the fullest possible description of the accident and any resulting injuries. Department heads should review and approve all accident reports originating in their areas of operation.
- E. Recommendations should be made on each accident concerning any corrective safety measures needed and proper follow-up and monitoring of these recommendations provided by department heads. Even accidents that do not result in personal injury should be reported and investigated as if an injury had occurred so that proper corrective safety measures may be taken.

#### 404 **ACCIDENT INVESTIGATION POLICY**

A. Some key points about conducting an accident investigation are:

1. Accurately identify locations, machines, equipment, operations, and individuals involved;
2. Provide enough detail to be understood; and
3. Provide additional description as needed.

B. The following list comprises the information needed for the investigation of each accident:

1. Date, time, location, employees, and equipment involved;
2. What was the employee doing? Explain;
3. How was the employee injured? Explain;
4. Was an unsafe or hazardous condition present? Explain;

5. What were the environmental conditions of the work site (heat, cold, noise, ventilation, lighting, etc.)?
  6. Were all guards in place and functioning properly? Explain;
  7. Was all necessary protective equipment supplied, in good condition, and properly used? Explain;
  8. Were proper job procedures being followed? Explain;
  9. Was an existing safety rule violated? Explain;
  10. To what degree was the employee being supervised, and was the employee properly instructed in the safe way to perform this task? Explain; and
  11. What corrective actions could be taken to avoid this type of accident in the future? Explain recommendations.
- C. The following forms should be filled out completely within twenty-four (24) hours of the accident or incident and turned in to the County Auditor:
1. State of South Dakota Workers' Compensation First Report of Injury Form; and
  2. Yankton County Accident Report Form.
- D. The County Auditor has immediate responsibility for completing-filing these forms and submitting them to the department head for processing within twenty-four (24) hours of the accident or incident.

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## 405 **JOB RELATED INJURIES**

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Employees injured on the job are covered by the South Dakota State Worker's Compensation Act. This law provides specific benefits. In order to qualify for these benefits, certain specific procedures shall be followed:

- A. The employee shall immediately report any injury, regardless of extent, to said employee's immediate supervisor. The immediate supervisor shall provide first aid treatment or the injured employee shall be taken to the hospital or a physician;
- B. The supervisor shall immediately inform the department head of the action taken. The department head shall be responsible for providing the necessary information to the Auditors office for the completion of all accident reports within seventy-two (72) hours of the injury. Upon the employee's return to work, the department head will inform the Auditor and Board of County Commissioners by memorandum;
- C. Medical and hospital expenses incurred due to on-the-job injuries received shall be paid for in accordance with County policy and the applicable provisions of the Worker's Compensation Act;

D. The County shall compensate employees on injury leave up to a maximum of ninety (90) calendar days by paying the difference between any payment made to the employee for salary

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by the County's Workers' Compensation insurance carrier and the employee's County salary at the time he/she was placed on injury leave;

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- E. After the ninety (90) day period, the employee may elect to use accumulated sick leave and/or vacation credits to continue receiving full pay;
- F. Should the employee not elect such action or should the employee exhaust all available leave benefits he/she may apply for disability under the provisions of the Workers' Compensation Act or unpaid disability leave of absence under County policies; and
- G. All vacation, sick leave, and holiday leave earned while on injury leave shall accrue at the employee's regular rate.

**SECTION VI:**  
**WORK PERIODS AND TIME RECORDS**

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**501 WORKWEEK AND WORKDAY**

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- A. It is the policy of Yankton County to establish the time and duration of working hours as required by workload, customer service needs, the efficient management of personnel resources, and applicable laws.
- B. The normal workweek is Monday through Sunday, beginning and ending at midnight on Sunday.
- C. Each supervisor will determine the schedule of hours for employees. The supervisor will inform employees of their daily schedule, including meal periods and rest or coffee breaks.
- D. Yankton County offices will normally be open to the public Monday through Friday. The County Commission will establish the daily office hours.

E. Highway Department

- 1. Monday through Friday, forty (40) hours per week as scheduled;
- 2. Eight (8) hours base pay per day; and

3. Any hours worked beyond the forty (40) hour workweek must be approved by the Yankton County Commission prior to being worked, emergencies being the exception.

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F. County Government Center Offices

- 1. County Government Center offices shall be open and functioning during each day of the year, except Saturdays, Sundays, ~~and designated holidays, and emergencies;~~
- 2. The Auditor's office shall remain open, upon the request of a person in charge of school or municipal elections, until the closing of the polls for that election; and
- 3. Any hours worked beyond the forty (40) hour workweek must be approved by the Yankton County Commission prior to being worked, emergencies being the exception.

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- G. County employees working with the Soil Conservation and Extension Services Office will work according to the office hours established by those offices. County employees will follow County policies for holidays and any other unscheduled time off (example - weather related office closing).
- H. The custodian's workweek shall not exceed forty (40) hours in any calendar week. The work scheduled shall be approved by the Yankton County Commission.
- I. The Sheriff's Department shall work as scheduled.

J. The Ambulance Department shall work as scheduled.

K. The Department of Emergency Management and Homeland Security shall work as scheduled.

**502 CHANGES IN WORKDAYS**

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A. A change in the workday schedule within any calendar week to establish a long weekend is permissible provided the department head approves and it is recommended to the Yankton County Commission before such action is taken and providing no overtime is involved.

B. In accordance with SDCL §7-7-2.1, the Chairperson of the Board of the Yankton County Commission, ~~at his/her~~ **has the** discretion, ~~may~~ **to** close the Yankton County Government Center in case of emergency or severe weather and each such closing shall be for no more than one business day. The public shall be adequately notified. An emergency for the purpose of this section is an unforeseen occurrence or combination of circumstances that calls for immediate action or remedy. Any extended closings due to emergency situations must be approved by the Commission.

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C. County employees shall receive their regular pay should the County Government Center or other facilities be closed under the circumstances described in 502B. Employees on authorized leave (example - sick or vacation time) during a closed event shall not be allowed to substitute the weather or emergency related leave for their already approved absence.

D. If any full-time employee is unable to get to work due to inclement weather and County offices are open, the employee can take earned vacation time or time off without pay will be charged.

**503 BREAKS**

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A. County employees subject to work regular office hours are allowed a one (1) hour unpaid midday break and two (2) paid fifteen (15) minute breaks. Break times shall be at the discretion of the department head. There may be times when job conditions and/or work demands do not permit a break.

**504 OVERTIME**

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A. For the purposes of this ~~manual~~**Handbook**, **holiday hours will be included as "hours worked" during a workweek, in determining overtime.** Vacation, sick, and other leave categories will not be included as "hours worked," in determining overtime.

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**505 TIME RECORDS**

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A. All non-exempt employees (those employees subject to the minimum wage and overtime provisions of the Fair Labor Standards Act) may be required to complete an individual time record showing the daily hours worked or annual leave, sick leave, or compensatory time used. The following points should be considered in filling out time records:

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B. Employees may be required to record their hours worked, using a monthly time sheet;

- C. Employees are not permitted to sign in or commence work before their normal starting time or to sign out or stop work after their normal quitting time without the prior approval of their supervisor;
- D. Employees are required, whenever possible, to take scheduled lunch or meal breaks;

Leave time for which an employee is entitled to be paid (paid absences, paid holidays, or paid vacation time) should be entered on the time record. **Authorized comp time should also be identified;**

- ~~H.~~
- ~~F.~~ Unapproved absences are not to be considered as hours worked for pay purposes. Supervisors are to inform employees if they will not be paid for certain hours of absence;
- ~~J.~~~~G.~~ The filling out of another employee's time record or the falsifying of any time record is prohibited and may be grounds for disciplinary action, up to and including termination;
- ~~K.~~~~H.~~ Time Sheets should be turned in to the Auditors office by noon on the 25th of each month, unless the employee is otherwise directed by their supervisor; and
- ~~L.~~~~I.~~ Personnel employed in executive, administrative, professional, or certain computer-related capacities are exempt from the provisions of the Fair Labor Standards Act. Such employees may be required to fill out monthly time records and must account for daily attendance.

**506 HOLIDAYS**

- A. Each full-time employee, beginning with starting date of employment, shall be eligible for the **10 legal holidays**, with regular base pay.
- B. A holiday that occurs on a Saturday will be observed on the preceding Friday and a holiday occurring on a Sunday will be observed on the following Monday.
- C. The following days are deemed holidays for eligible employees:
  1. January 1..... New Year's Day
  2. ~~3<sup>rd</sup>~~ Monday in January..... Martin Luther King Jr. Day
  3. ~~3<sup>rd</sup>~~ Monday in February..... President's Day
  4. Last Monday in May..... Memorial Day
  5. July 4<sup>th</sup>..... Independence Day
  6. ~~1<sup>st</sup>~~ Monday in September..... Labor Day
  7. ~~2<sup>nd</sup>~~ Monday in October..... [Native American Day \(?\)](#)
  - ~~7-8.~~ November 11..... Veteran's Day
  - ~~8-9.~~ 4<sup>th</sup> Thursday in November..... Thanksgiving Day
  - ~~9-10.~~..... 4<sup>th</sup> Friday in November Day  
after Thanksgiving Day
  - ~~10-11.~~..... December 25 Christmas Day

D. In addition, every day appointed by the President of the United States or by the Governor of South Dakota for a public fast, thanksgiving, or holiday may be observed as a legal holiday, if approved by the County Commission.

E. If any employee is required to work during a holiday caused by emergency circumstances, then that employee shall receive overtime pay plus holiday pay.

F. Holiday pay does not apply to members of the Sheriff's Department and Ambulance Department. Efforts will be made to let them off when deemed possible by the Sheriff and Ambulance Department Administrator.

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A. ~~As of August 1, 2017,~~ all employees will be paid by electronic deposit (direct deposit) on the last working day of each month. Payroll will not be issued in advance.

B. Individual timecards or timesheets are issued to each employee and are used to record the number of hours worked per week. It is the responsibility of each employee to record their own time accurately. Employees are not allowed to record time for another employee. If an error occurs, only your Department Head is to adjust the card.

#### 509508 OVERTIME PAY

A. For non-exempt employees in most positions, any work performed in excess of standard forty (40) hours in a workweek shall be considered overtime and shall be compensated as overtime or as compensatory time off. The work period for public safety employees (Sheriff Department and EMS Department) shall be based on a twenty-eight (28) day cycle. The work period for the Department of Emergency Management and Homeland Security shall be based upon a thirty (30) day cycle.

B. Any overtime worked shall be with the prior knowledge and approval of the department head.

C. Overtime shall be granted at one and one-half (1½) times the employee's regular hourly rate of pay.

D. Compensatory time off shall be granted at a rate of one and one-half (1½) hours of compensatory time for each hour of overtime worked.

E. The decision to compensate with compensatory time must be agreed to or understood before the work is performed. **Department heads may establish the limit of compensatory time to be earned in their department.**

F. The maximum compensatory time accrual will not exceed 90 hours (for 60 hours of overtime worked).

G. Compensatory time may be used with the approval of the department head at the convenience of the County.

H. All department heads and other employees exempt from the provisions of the Fair Labor Standards Act shall not receive extra compensation or overtime pay. The

need for them to work extra or irregular hours from time to time in order to carry out their assigned responsibilities and properly administer the authority vested in them is a consideration in the determination of their salary. Supervisors serving positions below the administrative or staff level shall be eligible for overtime pay subject to the approval of the department head and compliance with federal regulations pertaining to the Fair Labor Standard Act.

#### **510509 PAYROLL DEDUCTIONS**

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- B. The Federal Social Security tax is deducted as required by law. The employee's Social Security number must be on file with the County before the first paycheck can be issued. Employees must be certain that their Social Security number is included with the information supplied when they are first placed on the payroll.

**C. Other** regular deductions may include hospitalization and major medical insurance premiums, optional life insurance premium, and/or other voluntary contributions.

**D. Garnishments** are court orders requiring an employer to withhold specific amounts from an employee's wages for payment of a debt owed by the employee to a third party. State law requires the County to honor garnishments of employee wages (including child support) as a court or other legal judgment may instruct. The law also provides for an administrative fee to be charged when a garnishment occurs.

[The County will not terminate any employee solely for the reason of being subject to garnishment.](#)

#### **511510 CHANGE OF STATUS**

To assure that the county employee list is complete and up-to-date, it is important that department heads have the most current information regarding employee addresses and telephone numbers. Additionally, for tax and health insurance purposes, any changes in marital status and dependents must be reported to the employee's department head immediately. [Auditor's Office.](#)

#### **Pay Plan**

[The County's goal is to recruit and retain high performing employees that provide outstanding service to our citizens. While recognizing that we are stewards of taxpayers' dollars, we focus on offering pay that is generally competitive and recognizes employees' growth and development. The objectives of the compensation program are to ensure appropriate compensation for positions considering both internal worth to the organization and external market. The wages and compensation method for a position depends on its classification. The following provisions apply to regular, full-time, non-elected positions unless otherwise specified.](#)

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E. Employee time records are to be checked and signed by the supervisor involved. Leave time for which an employee is entitled to be paid (paid absences, paid holidays, or paid vacation time) should be entered on the time record. **Authorized comp time should also be identified;**

H.  
F. Unapproved absences are not to be considered as hours worked for pay purposes. Supervisors are to inform employees if they will not be paid for certain hours of absence;

G. The filling out of another employee's time record or the falsifying of any time record is prohibited and may be grounds for disciplinary action, up to and including termination;

H. Time Sheets should be turned in to the Auditors office by noon on the 25th of each month, unless the employee is otherwise directed by their supervisor; and

L. Personnel employed in executive, administrative, professional, or certain computer-related capacities are exempt from the provisions of the Fair Labor Standards Act. Such employees may be required to fill out monthly time records and must account for daily attendance.

**506 HOLIDAYS**

A. Each full-time employee, beginning with starting date of employment, shall be eligible for the **10 legal holidays**, with regular base pay.

B. A holiday that occurs on a Saturday will be observed on the preceding Friday and a holiday occurring on a Sunday will be observed on the following Monday.

C. The following days are deemed holidays for eligible employees:

1. January 1..... New Year's Day
2. 3<sup>rd</sup> Monday in January..... Martin Luther King Jr. Day
3. 3<sup>rd</sup> Monday in February..... President's Day
4. Last Monday in May..... Memorial Day
5. July 4<sup>th</sup>..... Independence Day
6. 1<sup>st</sup> Monday in September..... Labor Day
7. 2<sup>nd</sup> Monday in October.....Native American Day (?)
- ~~7-8~~ November 11..... Veteran's Day
- ~~8-9~~ 4<sup>th</sup> Thursday in November..... Thanksgiving Day
- ~~9-10~~.....4<sup>th</sup> Friday in November Day  
after Thanksgiving Day
- ~~10-11~~..... December 25 Christmas Day

D. In addition, every day appointed by the President of the United States or by the Governor of South Dakota for a public fast, thanksgiving, or holiday may be observed as a legal holiday, if approved by the County Commission.

E. If any employee is required to work during a holiday caused by emergency

circumstances, then that employee shall receive overtime pay plus holiday pay.

F. Holiday pay does not apply to members of the Sheriff's Department and Ambulance Department. Efforts will be made to let them off when deemed possible by the Sheriff and Ambulance Department Administrator.

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- A. As of August 1, 2017, all employees will be paid by electronic deposit (direct deposit) on the last working day of each month. Payroll will not be issued in advance.
- B. Individual timecards or timesheets are issued to each employee and are used to record the number of hours worked per week. It is the responsibility of each employee to record their own time accurately. Employees are not allowed to record time for another employee. If an error occurs, only your Department Head is to adjust the card.

#### 509508 OVERTIME PAY

- A. For non-exempt employees in most positions, any work performed in excess of standard forty (40) hours in a workweek shall be considered overtime and shall be compensated as overtime or as compensatory time off. The work period for public safety employees (Sheriff Department and EMS Department) shall be based on a twenty-eight (28) day cycle. The work period for the Department of Emergency Management and Homeland Security shall be based upon a thirty (30) day cycle.
- B. Any overtime worked shall be with the prior knowledge and approval of the department head.
- C. Overtime shall be granted at one and one-half (1½) times the employee's regular hourly rate of pay.
- D. Compensatory time off shall be granted at a rate of one and one-half (1½) hours of compensatory time for each hour of overtime worked.
- E. The decision to compensate with compensatory time must be agreed to or understood before the work is performed. Department heads may establish the limit of compensatory time to be earned in their department.
- F. The maximum compensatory time accrual will not exceed 90 hours (for 60 hours of overtime worked).
- G. Compensatory time may be used with the approval of the department head at the convenience of the County.
- H. All department heads and other employees exempt from the provisions of the Fair Labor Standards Act shall not receive extra compensation or overtime pay. The need for them to work extra or irregular hours from time to time in order to carry out their assigned responsibilities and properly administer the authority vested in them is a consideration in the determination of their salary. Supervisors serving positions below the administrative or staff level shall be eligible for overtime pay subject to the approval of the department head and compliance with federal regulations pertaining to the Fair Labor Standard Act.

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- C. **Other** regular deductions may include hospitalization and major medical insurance premiums, optional life insurance premium, and/or other voluntary contributions.
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[The County will not terminate any employee solely for the reason of being subject to garnishment.](#)

## 544510 CHANGE OF STATUS

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[Auditor's Office.](#)

### Pay Plan

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[Pay Matrix Adjustments](#)

## ~~508~~507 PAYDAY

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[Auditor's Office.](#)

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### Pay Matrix Adjustments

[The County Commission considers adjustments to the pay matrix periodically. When evaluating adjustments to the pay matrix, the County Commission may consider compensation philosophy, County's relative position to the market, cost of living, and other factors. The County's current financial status, revenue sources, and expenditures may also impact any type of pay structure adjustment.](#)

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If an adjustment is warranted, the entire structure would be adjusted by the determined amount. When a structure adjustment is completed, each employee's pay moves with the structure so that all employees stay on step.

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In turn, the department head must pass along that information to the Auditor's Office.

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#### Rate of Pay upon Hire

New employees are typically hired at the base of their position's pay grade. With approval from the County Commission, Department Heads may hire new employees at a higher rate of pay if warranted by the individual's experience and after consideration of equity issues within the department.

#### Seasonal, Variable Hour and Part-time Position Pay

Pay ranges for individuals in seasonal or variable hour positions are based on a variety of factors including market, equity within the County, economic environment, and other items. Compensation for individuals in regular, part-time positions which are authorized as part of the County budget depends on the position classification and funding source. Part-time positions may either be paid similarly to those on the matrix or based on a rate similar to variable hour positions.

#### Pay Increases

Changes are recommended by Department Heads to the County Commissions as part of the annual budget process. The County Commission reviews and must approve all pay changes. Approved pay increases become effective at the beginning of the pay period in which an employee's anniversary occurs.

### Position changes

#### New Positions

New positions may be requested by the department. The County Commission must approve all new positions and the position's associated pay grade. New position requests will typically be considered as part of the annual budget process. When necessary, new job descriptions will be developed in cooperation with the department head.

#### Transfers

County employees may apply for job openings in other County departments. If the new position is at the same level of responsibility as the current position, the employee will receive the same rate of pay.

#### Promotions

A promotion is the movement of an individual to a position with greater responsibilities or to a position with a different employment status. Promotions are situations where employees either apply and are selected for a position with greater minimum qualifications or when a supervisor advances them to a position in the same series when they possess the qualifications to perform the required duties of the higher-level position. Employees who are promoted may receive a pay increase. If a non-exempt employee is promoted into an exempt position, any accrued compensatory time will be paid out the pay period following the first date the employee works in the promoted position.

#### Demotions

An employee may be demoted for performance concerns, misconduct, in the event of a reduction in force, or at management's discretion. Demotions also occur when employees apply for or voluntarily accept a position with a lower pay grade than their current position.

In the case of a demotion, the employee's rate of pay may be reduced within the range established for the position to which demoted. If an employee had been promoted and is currently demoting to their previous classification, the employee may be placed at the rate of pay the employee would have been at if he/she had never been promoted.

#### Reclassification

A reclassification is the movement of a position to a higher or lower pay grade or a change in exemption status. Reclassification requests will typically be considered as part of the annual budget process and must be approved by the County Commission. Because a reclassification is the movement of a position, all employees in the position are consequently also moved to the new pay grade, retaining their current rate of pay (or, if that is not possible in the new range, the step closest to but higher than their current rate of pay).

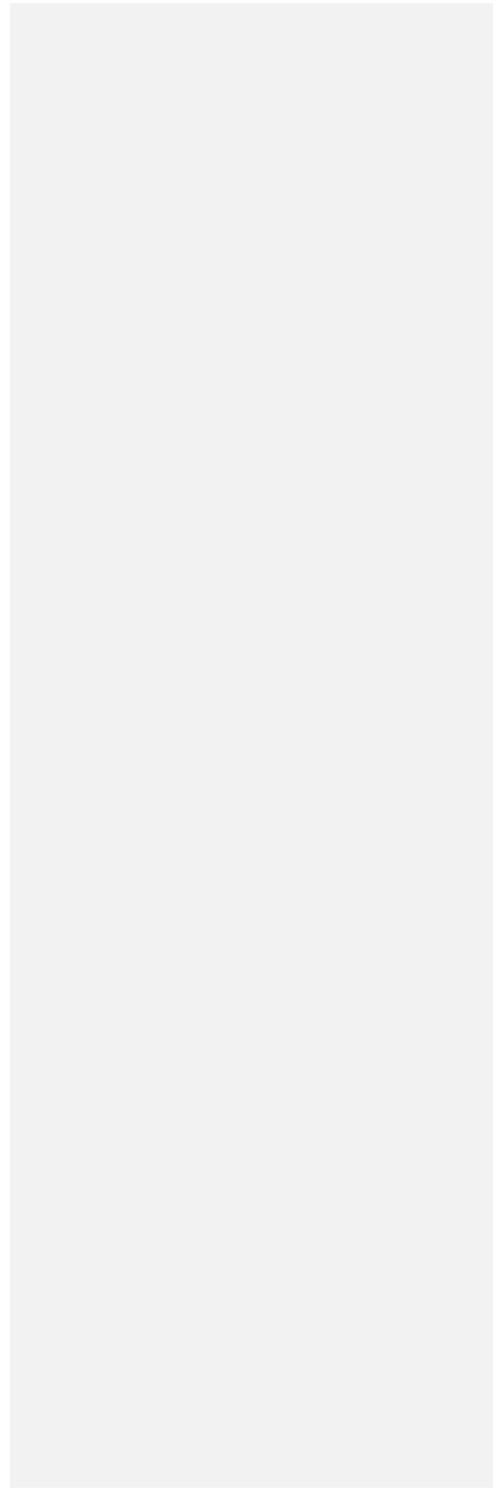
#### Reduction in Force

A reduction in force (RIF) occurs when changing priorities, budgetary constraints or other business conditions require Yankton County to abolish positions. A RIF can also occur when a position changes so significantly that the employee is no longer able to perform the required duties. Any Department Head may terminate or demote any employee without prejudice because of lack of funds or curtailment of work. In such event, the Department Head or immediate supervisor will give at least a two week notice of the intended action to the employee. The employee's rate and receipt of pay will not be altered until at least two weeks after the date notice is given. In the event of demotion or job termination, the monies received by the employee during the two weeks will be considered the total sum of any "severance pay" which may be claimed by the employee.

#### Compensation for Elected Officials

Elected Officials are paid on a salary that is set by the County Commission. The salary for each elected official will be reviewed during the annual budget process. Items to be considered when budgeting for adjustments may include, but not be limited to, market for similar positions, equity within Yankton County management positions, pay of subordinate staff, performance and funding. Adjustments in the flat rate, either increases or decreases, will be made at the discretion of the County Commission.

|



## SECTION VII: EMPLOYEE BENEFITS

### Statutory Benefits

In accordance with applicable law, the following benefits are provided to all employees:

- Worker's Compensation Insurance: Worker's Compensation Insurance provides financial protection in case you are injured or become ill as a result of your employment. This coverage complies with the worker's compensation laws of the applicable state and the County pays the cost of this protection on your behalf.
- Social Security: Social Security coverage entitles you and your family to certain health and retirement benefits based on income and number of years worked. The County contributes to this coverage by paying one half of the Social Security tax.

### 601 VACATION LEAVE

- A. Vacations are only allowed after six (6) months of employment as a full-time staff employee.
- B. The employee's anniversary date of hiring shall be the date used for determining vacation accrual. Vacations must be scheduled and approved in advance by the department head. The following conditions are based upon "years of service to Yankton County, not continuous years of service:
1. Payment is based on regular day's pay not to exceed eight hours. Any changes to this policy must be authorized by the County Commission;
  2. Vacation Leave Accrual
 

| Years of Service | 40 Hour Per Week Employees |                    | 35 Hour Per Week Employees |                    |
|------------------|----------------------------|--------------------|----------------------------|--------------------|
|                  | Hours Per Month            | 8HourDays Per Year | Hours Per Month            | 7HourDays Per Year |
| 0-6              | 6.6667                     | 10                 | 5.8333                     | 10                 |
| 7-14             | 10                         | 15                 | 8.7500                     | 15                 |
| 15-19            | 13.3333                    | 20                 | 11.6667                    | 20                 |
| 20+              | 16.6667                    | 25                 | 14.5836                    | 25                 |
  3. At the option of the employee, persons with at least seven (7) years of service may take one (1) week in cash payment. Persons with at least 15 years of service may take two (2) weeks in cash payment. Such payment will be at the employee's current base rate of pay and the Department Head must be notified prior to the 25<sup>th</sup> day of the month.
  4. Employees are allowed to accrue a maximum of 200 hours of vacation leave that may be carried over from year to year.
- C. Years of service shall mean full years of service based on the anniversary date of employment.
- D. Any employee, upon retirement or who is terminated through no fault of their own, shall be allowed credit for a partial year of accumulated vacation based on their status. It will be allowed as time off with pay or lump sum payment.
- E. The department head shall maintain monthly records for all department employees on the approved

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form.

- F. This section does not cover elected officials.
- G. Vacation and sick leave start accumulation as of your start date. However, the vacation leave will not be credited or taken until after the 180-day introductory period is successfully completed.

**602 SICK LEAVE (This Section does not cover elected officials.)**

- A. Full-time employees shall accumulate sick leave at the rate of one (1) day consisting of seven (7) or eight (8) hours, depending upon their normal work day period per month beginning with the first full month of employment. A maximum of one hundred twenty (120) usable sick days (840 or 960 hours depending upon their normal work day) may be accrued. Accumulated sick leave days may not be used until after sixty (60) days of employment
- B. As an incentive for good work attendance, accumulated sick leave days in excess of the one hundred twenty (120) days accrual limit shall be paid back to the employee annually at one-fourth (1/4) of the employee's current base pay. This payment shall be included in the monthly payroll check in which the hiring anniversary date of the employee falls. A County voucher requesting this annual payment shall be submitted to the County Auditor by the department head at least five (5) working days prior to the normal monthly payday.
- C. Sick leave may be used when an employee is legitimately ill, consulting a doctor, or utilizing clinic or hospital facilities. Sick leave may also be used to care for an immediate family member. For the purposes of this section, an immediate family member is the employee's:
  - 1. Husband or wife;
  - 2. Son or daughter; or
  - 3. Mother or father.
- D. If at any time the County questions the validity of the illness, the employee shall be required to furnish adequate proof of the actual illness.
- E. Any employee abusing sick leave privileges or falsifying a doctor's statement shall be subject to disciplinary action.
- F. Any person who has been employed by the County for five (5) years shall be entitled to a check from Yankton County in an amount equal to twenty (20) percent of the employee's total accumulated sick days effective upon leaving employment from Yankton County.

**603 DONATED SICK LEAVE**

Full-time employees may transfer sick leave to a fellow employee suffering an extended illness or family crisis.

- A. Each request will be reviewed on a case-by-case basis and approved by the County Commission;
- B. A donor may authorize the transfer of a minimum of four (4) hours and a maximum of forty

(40) hours. There will also be a forty (40) hour maximum per year;

—The sick leave balance of the employee donating hours may not go below twenty-four (24) hours after the transfer has been made;

completed. The donor's names will be confidential; however, individual donors may personally inform the recipient of their transfer if they so desire;

- E. Transfers will only be permitted for a specified individual and during a specified time period upon administrative approval. Donations will be taken in the order they are received, and in the event that all hours are not needed the remainder will be given back to the employee donating the hours;
- F. In the case of a family crisis, all sick leave must be exhausted by the recipient prior to the transfer of sick leave;
- G. In the case of personal illness, both vacation leave and sick leave must be exhausted by the recipient prior to the transfer of sick leave;
- H. The recipient must be on leave-of-absence status, and will not accrue benefit time. They will be covered for the full costs of the health insurance, dental insurance and life insurance premiums during this time as required by FMLA (Family and Medical Leave Act);
- I. Recipients will receive sick leave at their hourly rate and they will not be obligated to repay it; and
- J. Recipients receiving Worker's Compensation will not be eligible for this program.

#### 604 ~~BEREAVEMENT FUNERAL LEAVE~~

- A. Regular, full time employees will be granted up to four (4) days leave from work with pay, in the event of death in the employee's immediate family.
- B. Immediate family is defined as a spouse, child, mother, father, mother-in-law, father-in-law, brother, sister, grandparents and grandchildren.
- C. A regular, full time employee may take one (1) day leave from work with pay to attend the funerals of other relatives or friends. This benefit is limited to two (2) occurrences per year.
- D. Any additional days taken by the eligible employee for any one situation will be deducted from vacation time or be taken without pay.

#### TIME OFF TO VOTE

In general, if you wish to vote, you are expected to do so before or after your scheduled shift. If, on the day of any election, the polls are not open for at least two consecutive hours before or after your scheduled shift, you may be granted up to two consecutive paid hours off work during times that the polls are open in order to allow you to vote. To be granted time off to vote, you must provide reasonable advance notice to your supervisor. In order to provide you with sufficient time to vote while minimizing disruption to County business, your supervisor may specify the particular hours you may take off work to vote. Such time will be treated as regular work time for the purpose of pay.

D.

**605 JURY DUTY**

- A. County employees who are summoned for jury duty during assigned work hours will receive regular county pay. All fees received by the employee for serving on the jury will be returned to the County. Mileage, lodging, meals, and any other travel expenses paid to the employee by the court system will be retained by the employee. County travel compensation will not be allowed.
- B. Jury time off duty shall not be used in combination with annual or other leave, unless authorized in advance by the Department Head. Eligible employees will continue to accrue authorized leave benefits during the jury leave period.
  
- A. An employee who is required to make a court appearance in an official capacity in connection with the County or as an expert witness shall be deemed to be on duty and no charge will be made against leave.
- B. If an employee is involved in a personal case, either as a plaintiff or as a defendant, the employee may be granted leave but the time off will be charged to annual leave, compensatory time, or leave of absence without pay.
- C. Any payments received by an employee for appearing as a legally required or expert witness, in their official county capacity, shall be turned over to the County.

**607 LEAVE OF ABSENCE**

The County recognizes that there are circumstances when, for various reasons, employees may find it necessary to be absent themselves for an indefinite period of time. Leaves of absence constitute an additional expense to the County and will be carefully controlled. Each request will be considered on its own merits. If the leave is granted, preferential treatment will be given and every effort will be made to re-employ such people when their leave is up, provided the type and kind of work for which they are suited is available, and under the following conditions and/or rules:

- A. Request for leave of absence is to be made in advance so far as possible;
- B. Employees shall notify their supervisor and fill out the appropriate form, obtaining written approval of those officers listed under authorization;
- C. Employees must notify the County Commission and department head at least one week in advance of their agreed-upon return to work date. If the employee fails to report to work on the agreed-upon-date, they will be terminated and coded as a voluntary quit. If, while on leave, the employee decides to terminate, they shall notify the County Commission;
- D. If a leave of absence is applied for under false pretenses, the employee will be subject to automatic discharge;
- E. If a leave of absence is for a time period of less than sixty (60) days, the returning employee does not suffer a break in continuous service. However, the employee must complete the specified period of time required for earning benefits (i.e., vacations) and will be eligible for holiday pay as soon as he/she returns; and

- F. If a leave of absence is for more than sixty (60) days, the remaining employee will be treated as a new employee and will serve the one hundred eighty (180) days introductory period. Exceptions to this rule are jobs related and non-job-related disability leaves.

**608 JOB RELATED AND NON-JOB-RELATED DISABILITY LEAVE**

Disability leave may be granted to any regular full-time employee. A disability leave of absence requires a continued physician's statement of disability (each two [2] weeks). A maximum of twelve (12) months applies. During this period the employee wishing to continue insurance coverage will continue to pay their portion of all insurance premiums. Section 607 F applies if disability leave is in excess of twelve (12) months. Employees must present a signed physician's "release to return to work" form in order to return to work.

- A. Regular employees ordered for temporary monthly training (usually two [2] days) or annual training (usually two [2] weeks) by the respective military reserve or National Guard unit will be granted time off without pay for this purpose. However, employees are required to provide department heads with a copy of written military orders sufficiently in advance of training dates so that work-scheduling adjustments can be made.
- B. Employees will continue to accrue all of the normal employment benefits for which they are eligible during periods of temporary or annual military training.
- C. Employees may voluntarily use accrued vacation time during military leave if they choose.
- D. Employees are responsible for making their required contributions to keep their health insurance in force during military leave.
- E. Employees called to active duty in the Armed Forces of the United States will be reinstated under the provisions of the Veteran's Reemployment Rights Act and other applicable state and federal laws. Every reasonable effort will be made to return eligible employees to their previous position or a comparable one.
- F. Employees on military leave will be treated as if they were continuously employed for the purpose of determining benefits, based upon the length of service.

**610 FAMILY AND MEDICAL LEAVE POLICY**

- A. Upon request, any eligible employee will be granted up to twelve (12) weeks of unpaid family and medical leave during any twelve (12) month period. Such leave will be available as the result of the birth, adoption, or placement of a child for foster care, to care for a spouse, child, or parent with a serious health condition or due to the disabling illness of the employee. Where possible, employees are required to provide at least thirty (30) days- notice before beginning to take leave.
- B. It is the policy of Yankton County to allow flexibility in the employee utilizing paid leave before the taking of unpaid family and medical leave.
- C. "Serious Health Condition" means an illness, injury, impairment, or physical or mental condition involving inpatient care or continuing treatment or supervision by a health care

**Commented [AH6]:** Consider Appendix A as an alternate FMLA policy.

**Commented [AH7]:** We recommend using a rolling 12-month lookback period. So when a request for leave is made, you look at whether any leave has been used in the past 12 months.

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**Commented [AH8]:** Most employers require the used of accrued paid sick and/or vacation leave if it is available. Yankton County allows employees to use accrued paid sick and vacation leave before placing them on FMLA, which allows leave to exceed 12 weeks.

provider.

**Commented [AH9]:** Certain military leave is also a qualifying reason, and needs to be added to this policy.

—An employee must have worked for Yankton County at least twelve (12) months and for a minimum of one thousand two hundred fifty (1,250) hours during the previous year. Where a husband and wife work for Yankton County, the combined total number of weeks leave to which both are entitled will be limited to twelve (12) weeks during any twelve (12) month period. Each spouse, however, still can receive 12 weeks a year for his or her own serious health condition, or to care for a child or the other spouse with a serious health condition. Where leave is requested as a result of a serious health condition, the employee will provide Yankton County a certification statement issued by a health care provider. Should there be a question of validity of the certification provided by the employee, Yankton County may, at its own expense, require an opinion from a second health care provider. Where there is a conflict between the two (2) opinions, Yankton County may pay for the opinion of a third provider. The opinion of the third provider is binding on both the employee and employer.

**D.E. Child:** A biological, adopted, foster child, stepchild, a legal ward, or child of a person standing in loco parentis (in the place of a parent), who is under age eighteen (18) or eighteen (18) years or older and incapable of self-care because of a mental or physical disability.

**E.F. Spouse:** A husband or wife.

**F.G. Parent:** The biological parent of an employee or an individual who stood in loco parentis to an employee

**G.H. Serious Health Condition:** An illness, injury, impairment, or physical or mental condition that involves (a) inpatient care in a hospital, hospice, or residential care facility; or (b) continuing treatment by a health care provider.

**H.I. Health Care Provider:** Either (a) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the state in which the doctor practices; or (b) any other person determined by the Secretary of Labor to be capable of providing health care services.

**I.J. Notification:** Employees are expected to provide at least thirty (30) days-notice of the need for leave for birth, adoption, or planned medical treatment. No notice is required for unseen events such as premature birth or sudden changes in patient's condition that requires a change in scheduled medical treatment. Yankton County also recognizes that parents who are waiting to adopt a child are often given short notice. Notice is waived for employees who face emergency medical conditions or unforeseen changes.

**J.K. Restoration:** An employee returning from family leave will entitled to return to the same position or to a position with equivalent benefits, pay, and other terms and conditions of employment.

**K.L. Key Employees:** Under certain conditions, employees who are designated as "key" may be denied job restoration rights. These employees must be in the highest paid ten percent (10%) of the workforce, and their absence must mean a substantial economic loss to Yankton County. Supervisors are urged not to use a "key" person designation unless absolutely necessary. If a person designated as "key" still takes family leave, Yankton County will pay the health care premiums, but no guarantees are made about returning the key employee to the job he or she left. Yankton County will not attempt to recover health care premiums from such employees who do not return to work.

L.M. **Vacation and Sick Leave:** Employees on family leave will not accrue any seniority, vacation, or sick leave benefits.

M.N. **Health Insurance Coverage:** Yankton County will continue to provide health care coverage under the same provisions as prior to the leave. Where the employee fails to return from leave, Yankton County can recover the premium(s) that have been paid on behalf of the employee to maintain health care coverage. If failure to return to work is due to the continuation, recurrence, or onset of a serious health condition beyond the employee's control, the employee will not be liable for health care premiums paid while on family leave. In such cases, a certification issued by a health care provider will be required.

- A. Employees must provide certification explaining their own serious health condition or that of a family member. It should detail:
  - 1. The date on which the condition began;
  - 2. The probable duration of the condition;
  - 3. Appropriate medical facts regarding the condition;
  - 4. A statement that the employee is needed to care for a spouse, parent, or child; and
  - 5. A statement that the employee's own health condition makes it impossible for them to work.
- B. All employees returning from medical leave caused by their own illness will be required to obtain medical certification from Yankton County's health care provider that the employee is able to resume work.
- C. Employees on leave status will be required to report their status on a weekly basis. The employee's estimated date of return to work will be communicated to the appropriate Yankton County compliance officer or supervisor as far in advance as practical so that scheduling can be facilitated. Supervisors will communicate with employees during the leave to determine the employee's intention to return to work, and they should be informed immediately if the medical condition changes or the employee states that they will not be returning to work.
- D. The employee and Yankton County may work an agreement by which leave may be taken intermittently or on a reduced leave schedule. While this would not reduce the employee's twelve (12) week entitlement for the full-year period, it would enable them to spread the leave over a longer period of time.
- E. Employees who take intermittent leave may be transferred to another position that would better accommodate a part-time schedule. They would receive equivalent pay and benefits during the temporary transfer.
- F. Employees who are on a family or medical leave during a layoff will be treated in exactly the same way as they would have been treated if they were not on leave. They will not be given preferential treatment because of the leave nor will it be held against them in the layoff selection. They will be recalled to work in the same order as they would have been under normal

circumstances.

**612 HEALTH INSURANCE**

A. It is the policy of Yankton County to provide health insurance benefits to regular full-time employees in the following manner.

- I. Yankton County will pay the single premium for each eligible employee; and
2. Employees who want family coverage must pay the difference between the single and family premiums.

**Commented [AH10]:** May want to consider contributing part of dependent coverage, to increase participation, and improve competitiveness.

- B. Payroll deductions will be used for the employee's share of health insurance premiums.
- C. Employees will be added to the County's policy under the terms of the policy. Questions concerning the timing of coverage or other insurance policy issues should be directed to the County Auditor.
- D. Yankton County provides insurance coverage as an optional benefit to eligible employees. The terms of coverage and associated costs are subject to change.

**613 HEALTH INSURANCE CONTINUATION (COBRA)**

A. Group health coverage would normally terminate on the last day of active full-time employment with Yankton County. However, under the Federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), employees and covered dependents may be able to continue group health coverage beyond the date it would normally terminate by paying the premiums for the continued group health coverage, plus an administrative fee. Other qualifying events, such as leave of absence, change of work hours, change of marital status, change of dependent status, or death, may also trigger the ability to continue coverage.

~~B.~~ After a qualifying event, eEmployees and/or covered dependents may apply to continue group health coverage. Such persons will be known as continuation applicants. As continuation applicants, former employees and eligible dependents will be entitled to the same health benefits for which they were covered under the County's Plan immediately prior to the employee's termination. Coverage includes medical benefits, but does not include any life insurance or accidental death and dismemberment benefits.

B.

C. When an employee becomes eligible for Yankton County's health insurance plan, they will be given a written notice describing the COBRA rights.

D. In the event that you become divorced or legally separated, or one of your dependents ceases to be eligible for coverage under our group health insurance plans, you and/or your dependent(s) is/are responsible for contacting the Auditor's office and the Plan Administrator to discuss continuation or conversion rights. You and your qualified beneficiary are also responsible for notifying the Auditor's and the Plan Administrator within 60 days of qualifying for social security disability benefits.

~~—~~ Detailed information about health insurance continuation benefits is available from the County's insurance carrier (see the Auditor's Office for contact information).

**616614 RETIREMENT**

- A. It is the policy of Yankton County to grant retirement benefits on the following basis:
  - I. Regular full-time employees: Participation in the South Dakota Retirement system. Yankton County contributes six (6) percent of gross wages and the employee contributes six (6) percent of gross wages for "Class A" members.
  - 2. Yankton County contributes eight (8) percent of gross wages and the employee contributes eight (8) percent of gross wages for "Class B," (public safety) members.
- B. Employees seeking information on the County's retirement benefits should contact the South

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Dakota Retirement System.

**617615 LONGEVITY PAY (Bonus for time employed in County service)**

- A. The length of County employment shall be the full number of years as of the hire date of the employee during the calendar year. The employee's "years of service" shall be considered for longevity pay. The department head shall determine any question on eligibility.
- B. Eligible employees shall be paid a prorated share of longevity pay upon their voluntary termination of employment.
- C. Longevity pay shall be paid annually on the employee's anniversary date, according to the following formula:

| Years of Service |                         | Annual Payment | Years of Service |                         | Annual Payment |
|------------------|-------------------------|----------------|------------------|-------------------------|----------------|
| 0-5              |                         | NONE           | 31               | \$30 increase each year | \$930          |
| 6-10             |                         | \$100          | 32               |                         | \$960          |
| 11-15            |                         | \$175          | 33               |                         | \$990          |
| 16               | \$15 increase each year | \$250          | 34               |                         | \$1,020        |
| 17               |                         | \$265          | 35               |                         | \$1,050        |
| 18               |                         | \$280          | 36               | \$35 increase each year | \$1,260        |
| 19               |                         | \$295          | 37               |                         | \$1,295        |
| 20               |                         | \$310          | 38               |                         | \$1,330        |
| 21               | \$20 increase each year | \$420          | 39               |                         | \$1,365        |
| 22               |                         | \$440          | 40               |                         | \$1,400        |
| 23               |                         | \$460          | 41               | \$40 increase each year | \$1,640        |
| 24               |                         | \$480          | 42               |                         | \$1,680        |
| 25               |                         | \$500          | 43               |                         | \$1,720        |
| 26               | \$25 increase each year | \$650          | 44               |                         | \$1,760        |
| 27               |                         | \$675          | 45               |                         | \$1,800        |
| 28               |                         | \$700          | 46               | \$45 increase each year | \$2,070        |
| 29               |                         | \$725          | 47               |                         | \$2,115        |
| 30               |                         | \$750          | 48               |                         | \$2,160        |

**618616 EMPLOYEE BENEFIT ELIGIBILITY SUMMARY TABLE**

- A. The following table outlines the benefits that are generally available to various employee classifications. The table's purpose is to provide a "quick reference" for employees. It may not accurately represent the benefit situation for each employee within a particular classification; nor does it infer a promise by the County to provide particular benefits to any group of employees.
- B. Yankton County's Available Benefits

**\*Please refer to the individual benefit descriptions for information on the timing of benefit accrual and use.**

| <b>Employee Classification</b>  |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| The following classifications are defined in the "Terms and Definitions" Section on page v. |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| - Indicates benefit eligibility   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Temporarv or Seasonal (Less than 6 Months)  | X |   |   |   |   |   |   | X |   |   |   |   |   |   |
| Temporarv or Seasonal (More than 6 Months)  | X |   |   |   |   |   | X |   |   |   |   | X |   |   |
| Part Time Under 20 hours per week   | X |   |   |   |   |   | X |   |   |   |   |   |   |   |
| Regular Full Time (at least 35 hours per week)  | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| Regular Full Time (at least 30 hours per week)  | X |   |   |   |   | X | X |   |   | X |   | X |   | X |
| Regular Part Time (over 20 per week)  | X |   |   |   |   | X | X |   |   | X |   |   |   | X |
| Contract (under County supervision)   | X |   |   |   |   |   | X |   |   |   |   |   |   |   |
| Introductory (Regular Full Time) *  | X | X | X |   | X | X | X |   |   | X |   | X |   | X |
| Introductory (Regular Part-Time) *  | X |   |   |   |   |   | X |   |   | X |   | X |   | X |

**Commented [AH11]:** Heading did not transfer with this table and need to be added.

**Inclement Weather**

Weather conditions may, on occasion, make it impossible for you to arrive at work safely. The County does not want you to take unnecessary risks to get to work under such circumstances and you should use common sense and your best judgment when traveling to work in inclement weather.

If weather conditions cause the Courthouse to close, hourly employees who have reported to work will be paid for all hours worked or a minimum of two (2) hours, whichever is greater.

If the County opens for business and you elect not to come into work or to leave early because of dangerous weather conditions, available paid time off will be used or otherwise the time off is unpaid.

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**Nursing Mothers**

Nursing mothers are entitled to reasonable break times each day to allow for expressing breast milk for her nursing child. The County will provide a room or location (not a restroom), for a nursing mother to express milk with privacy.

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**Staff Development**

Yankton County employees are afforded various training opportunities for the purpose of providing academic and technical knowledge in the area of their official duties. Budget permitting, these may include in-service seminars, workshops, or training for academic credit. All travel and expenses are subject to approval by the County

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Commissioners.

### **Credit Cards**

County employees traveling outside the county on county business may be issued a credit card under their name and office.

Credit cards may be used for motels, gas and/or repairs for county vehicles, and purchases where open accounts are unavailable or inefficient including conference registration. Meals are covered on a per diem basis and credit cards are not used.

Department Heads are responsible for cards issued to their offices and shall code all credit card receipts monthly for the Auditor. Department officials shall immediately report any lost cards to the bank. Misuse of credit cards may result in loss of the card privilege.

**SECTION VII  
TRAVEL POLICIES**

**701 MILEAGE COMPENSATION**

- A. It is the policy of Yankton County to reimburse employees for business related travel, in personal vehicles, according to the following conditions:
  - 1. The travel must have been approved by the employee's supervisor; and
  - 2. A properly prepared voucher must have been submitted to the Auditor.
- B. The mileage rate is subject to change. Employees should contact their supervisor or the County Auditor to obtain the current mileage rate. State mileage figures will be considered in determining the rate amount.

**702 MEALS**

- A. County business related meal expenses will be reimbursed under the following conditions:
  - 1. The employee was on authorized County business; and
  - 2. A properly prepared voucher must have been submitted to the Auditor.
- B. The County will reimburse the employee based upon current state government rates.
- D. Meal payments will be based upon the following time periods.
  - 1. Breakfast .....Leave before 6:00 a.m.
  - 2. Lunch .....Leave before 11:00 a.m.
  - 3. Dinner .....Leave before 5:00 p.m.
- E. The meal rates are subject to change. Employees should contact their supervisor or the County Auditor to obtain the current rates.
- E. Meal costs may not be allowable expenses unless the business trip is overnight. Meal compensation may be treated as employee income if the activity does not involve an overnight stay.

**703 LODGING**

- A. Yankton County will reimburse employees for lodging expenses, while on official business, under the following conditions:
  - 1. The travel was authorized by their supervisor;
  - 2. The accommodations were reasonable in price for the area. If the expenses appear excessive, "state lodging rates" shall be the initial consideration in evaluating costs. The location of the meeting or work sites in relation to the lodging may also be considered. Finally, the prevailing price of similar accommodations may be reviewed; and
  - 3. A completed voucher and applicable receipt are submitted to the Auditor.
- B. Employees are encouraged to stay at the most economical accommodations available.

**704 REGISTRATION AUTHORIZATION**

- A. Except otherwise noted in state law, no registration charges for attending meetings shall be approved by Yankton County, unless authorized by the County Commission in advance.
- B. A completed voucher must be submitted to the Auditor.

**705 RIDESHARING AND USE OF COUNTY VEHICLES**

- A. County personnel are encouraged to pool rides whenever possible while traveling to worksites, meetings, conferences, or training locations.
- B. Vehicles, owned, or leased by Yankton County are to be used for business purposes only. This includes transportation for County personnel during business hours (on County business).
- C. The personal use of county vehicles is not allowed without prior approval of the County Commission. Commission's approval will be contingent, in part, upon the necessity of the employee having immediate access to a county vehicle (Example: on call emergency personnel).
- D. All Yankton County employees are reminded to wear seatbelts when traveling in any County-owned or leased vehicle, as required by state law.
- E. Consumption of alcohol in any County-owned or leased vehicle, either by a driver or a passenger is expressly prohibited. Violation of this policy will result in disciplinary action, up to and including termination for the first such offense.
- F. Drivers should not consume beverages or food or participate in any other behavior that could distract them while operating a vehicle.

**706 DRIVERS LICENSE AND INSURANCE RESPONSIBILITIES**

- A. The County may require all drivers to submit a photocopy of their state operator's license to facilitate a review of their driving record and restrictions.

- B. The County may request a copy of any Motor Vehicle Report or associated legal documents if the driver is under disciplinary probation or suspension.
- C. Drivers are required to report to their supervisor any and all tickets received while driving a County vehicle.
- D. Drivers are required to inform their Supervisor of any Driving Under the Influence (DUI) tickets, suspensions or revocation of driving privileges immediately. Continuing to drive a County vehicle while under suspension may result in termination.
- E. All employees using their personal vehicle for county business on a regular basis shall provide a Certificate of Insurance or a photocopy of an insurance statement to show proof of insurance.

**707 DEFENSIVE DRIVING CLASSES**

- A. Employees are encouraged to complete a defensive driving course at least every two years if they [regularly operate motorized vehicles and/or](#) travel regularly on County business.
- B. The County may provide opportunities for all employees to take defensive driving classes as it deems necessary.

**708 PERSONAL USE OF COUNTY VEHICLES**

- A. Certain employees may be authorized to use county vehicles to commute to and from work, if immediate access to such a vehicle is necessary for the effective delivery of services (examples - emergency response and snowremoval determinations).
- B. Employees using a county vehicle for commuting may have a "financial benefit" added to their gross income. The amount of the benefit will be determined by applicable state and federal guidelines.
- C. Employees will be responsible for paying appropriate taxes on the additional income.

**SECTION VIII**  
**HIRING PROCEDURES AND PERFORMANCE REVIEWS**

**801 RESPONSIBILITIES OF THE COUNTY COMMISSION**

SDCL §7-7-20 authorizes the County Commission, if it deems it necessary to dispatch business, to fix:

- A. The number of deputies or clerks to be employed;
- B. The time of employment; and
- C. The compensation which they shall receive.

**802 RESPONSIBILITIES OF CONSTITUTIONAL OFFICERS**

SDCL §7-7-21 gives the officer the authority to appoint and remove clerks and deputies at pleasure.

**803 RESPONSIBILITIES OF APPOINTED DEPARTMENT HEADS**

The County Commission delegates the responsibility ~~of~~ hiring employees to appointed department heads, subject to the policies of Section 804.

**804 POLICIES**

- A. It is the policy of Yankton County to be an equal opportunity employer and to hire individuals solely upon the basis of their qualifications and ability to perform the job. [South Dakota's Veterans Preference Law must be followed in the hiring process.](#)
- B. All supervisors, including constitutional officers, shall inform the County Commission of a job opening, prior to advertising and/or filling the position unless they are replacing an employee that was already part of the department's current annual operating budget.
- C. Yankton County will normally try to fill job openings, above entry level, by promoting from within, if qualified applicants are known to be available internally.
- D. Regular full-time and part-time positions will be advertised in the County's official newspaper(s) and other designated publications or offices.
- E. Temporary positions may be filled at the discretion of the supervisor, provided the job(s) are part of the department's current annual operating budget.
- F. During the recruitment, hiring, and orientation process, no statement is to be made promising permanent or guaranteed employment and no document should be called a contract unless, in fact, a written employment agreement is to be used.

**Commented [AH12]:** Are open positions required to be posted internally?

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G. The Board of County Commissioners shall be informed of all hiring decisions. Prior Commission approval is needed for any hiring decision that will result in the department exceeding its authorized budget.

H. The County Commission reserves the right to review all hiring decisions to determine if County policies have been followed in selecting the employee.

~~805~~ **EMPLOYMENT ELIGIBILITY VERIFICATION**

~~A. Yankton County complies with the Immigration Reform and Control Act of 1986.~~

~~B. All employees will be asked to provide documentation of their eligibility to be employed in the United States within three (3) days of their first day of employment. These documents can be a valid driver's license, with picture, and a valid social security card or certified birth certificate, or a United States passport. Certificate of United States Citizenship or Naturalization or Alien Registration Card will also be accepted as valid documentation.~~

~~C. This information will be recorded on the I 9 Form, and retained in confidential County files.~~

**806 INTRODUCTORY PERIOD**

A. Introductory employees shall work an introductory period of one hundred eighty (180) days.

B. The department head will utilize the introductory period to observe the employees work, to train and aid employees in meeting the required work standards.

C. At the end of the introductory period, the department head will conduct a performance appraisal. If this performance appraisal results in a "satisfactory" evaluation, or better, then the employee will have successfully completed the introductory period.

D. The department head, on behalf of the supervisor or other person charged with responsibility of overseeing the employee's position may terminate the employee for any reason during the introductory period.

E. Employees will accrue benefits during the introductory period.

F. Any significant absence from work during the introductory period may result in a corresponding extension of the introductory period.

~~807~~ **EMPLOYMENT AT WILL**

~~At all times employment with Yankton County is considered to be "at will" and the employer/employee relationship may be terminated at any time for any lawful reason by either party.~~

**808 REGULARLY SCHEDULED REVIEW**

A. Yankton County encourages annual performance reviews where department heads assess each individual's work and areas of responsibility, and convey this information to that person to enable the employee to know whether they are on target or not with their efforts. Positive feedback is just as important as negative in that both help an employee do a better job, which is the County's overall goal. Also, this time is set aside for employees to meet with their

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supervisors and to bring up any subjects they would like; such as new ideas, policy questions, etc.

- B. The performance of employees should be evaluated according to an ongoing twelve (12) month cycle, beginning at the calendar year end.
- C. Department heads are encouraged to conduct performance evaluations no later than November 30u, of each year. Non-elected department heads may be evaluated by the County Commission on or near the first regular commission meeting in December.

## 809 WAGES

Changes in salary or wage rates are normally made on an annual basis in December of each year, with any adjustments to be effective January 1<sup>st</sup> of the following year.

### Political Activity

Political affiliation or activity will not be a factor in hiring, promotion, demotion, transfer, suspension, termination, or any other conditions and privileges of employment with Yankton County. County employees will not use their County work time or County facilities to aid, encourage, or promote candidates for elected public office whether partisan or nonpartisan.

Those employees whose employment is financed by loans or grants made by the United States or a federal agency may be subject to the provisions of the Federal Elections Campaign Act (the "Hatch" Act) regardless of when or where partisan election activities occur. This Act prohibits certain types of involvement in federal, state and local elections such as use of official authority or influence to affect an election or nomination of a candidate, donations of items of value to an election fund, or becoming a candidate for office in a partisan election.

Nothing in this section will prohibit any non-elective County officer or employee from exercising his/her right as a citizen to express an opinion or do any partisan or nonpartisan political act not expressly prohibited herein as long as it is not done on County time or with County resources. This includes advocating for or against ballot issues.

A County employee will not be obliged to, by reason of employment, contribute to any political funds or collections or to render political service. Any employee refusing to contribute such funds or to render such service may not be removed or otherwise disciplined or prejudiced for that refusal. A County employee cannot use their position to coerce the political action of a person or group.

In the case of any County employee running for an elective public office, the following provisions will apply:

1. A County employee who intends to be a candidate for political office or participate in other time-consuming responsibilities connected with a governmental unit other than the County must notify their Department Head and the County Commission in writing as soon as possible.
2. Due to the wide variance in demands on time and the employee's differing job responsibilities, leaves of absence for the purpose of campaigning or holding political office will be arranged with the County Commission on an individual basis.
3. The Commission will give the employee a written copy of any agreement it reaches regarding the employee's political activity and job responsibilities.
4. Employees who are granted a leave of absence for political activity may return to their previous employment with the County without loss of position or benefits following that absence.
- 5) These restrictions do not apply to elected County officials.

The County will not employ or retain any person who advocates or belongs to an organization that advocates the overthrow or change of our government by force or violence. Employees may be required to take an oath as set forth in the State Constitution (Art. XXI, Sec. 3), SDCL 3-1-5, SDCL 3-5-11, and SDCL 3-2-3.

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**SECTION IX**  
**DISCIPLINARY PROCESS AND GRIEVANCE PROCEDURES**

**901 DISCIPLINARY PROCESS**

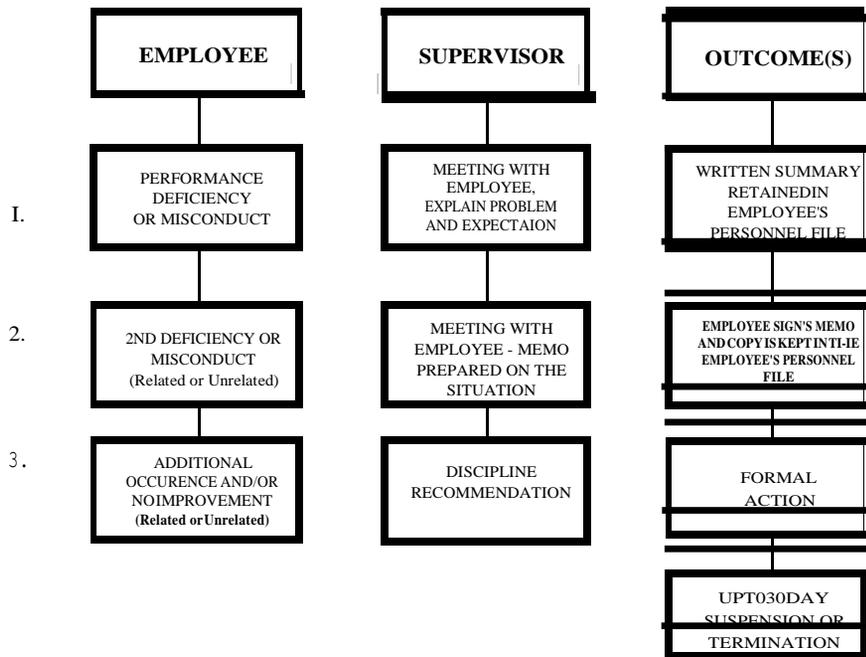
- A. Yankton County encourages employees to develop their performance to the highest level or ability. To achieve this level an employee cannot let lateness, tardiness, failure to follow work rules and policies, or unacceptable job performance interfere with their job.
- B. When a problem occurs, the normal process will be to encourage the employee to change the unacceptable behavior or performance problem. The normal process includes the following steps:
  - 1. Verbal warning and counseling with the department head or supervisor;
  - 2. Written warning with a copy in personnel file;
  - 3. Up to a thirty (30) day suspension; or
  - 4. Termination.

Item 3 and 4 may be applied on the first offense if the performance or behavioral problem is sufficiently serious, upon recommendation of the department head and approved by the Yankton County Commission.
- C. The steps taken and time allowed for resolution is dependent upon the nature and severity of the problem.
- D. Verbal Warning and Counseling: If a supervisor or department head views the employee's behavior or performance on the job as unacceptable, they will counsel the individual regarding the problem area. A written summary of this decision will be retained in the employee's personnel file.
- E. Written Warning and Counseling: If unacceptable behavior or performance continues after counseling, the department head will document the behavioral or performance problem, previous discussions, the current situation, and conditions toward necessary improvements in a memo. The employee will be asked to sign this document and a copy will be retained in their personnel file. The employee will also receive a copy of this memo. Continuation of the unacceptable behavior or performance, after verbal and written warning, will be cause for termination.
- F. Suspension or Termination: When all measures of progressive disciplinary action regarding behavioral or performance problems have been taken, and there is no improvement, there is little choice but to either impose a suspension of up to thirty (30) days or terminate the employment relationship. Employees under suspension may be subject to the withholding of wages and benefits for the period of the suspension, with the exception of health insurance contributions.

G. An employee who has been dismissed shall be entitled to a hearing at the next Commissioner's meeting following their dismissal. No written request shall be necessary. Such hearing shall be conducted in private with the dismissed employee and the department head present. The hearing may be adjourned from time to time. If the employee wishes to have an attorney present, they must notify the Commissioners who may then reschedule the hearing to a time when the state attorney can be present to advise the Board. Both sides may call sworn witnesses. Employees may provide a court reporter at their own expense. The Commissioners' decision shall be entered into the minutes of the meeting.

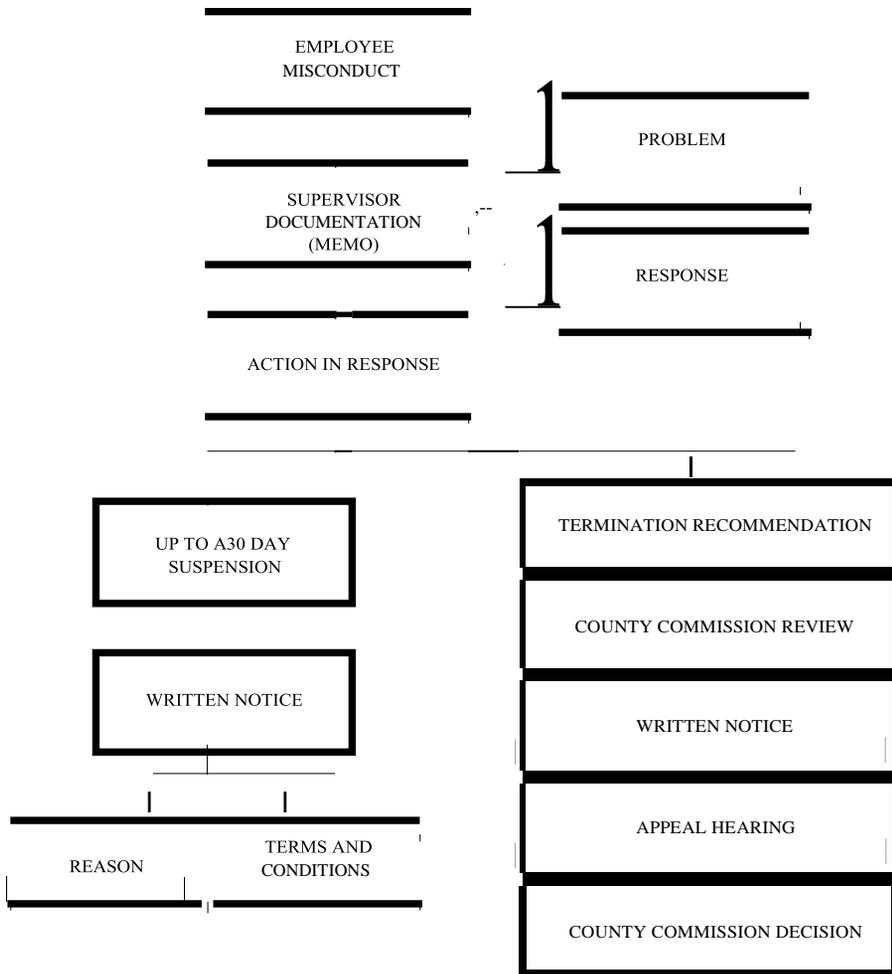
H. The following illustration is a representation of progressive discipline. It does not supersede the County's written policies, nor does it infer that the same steps will be taken in all cases. Its purpose is to show how employees and supervisors could interact and the outcomes of various misconduct situations.

**ILLUSTRATION OF PROGRESSIVE DISCIPLINE**



- I. The following illustration is a representation of the actions associated with suspension or termination. It does not supersede the County's written policies, nor does it infer that the same steps will be taken in all cases. Its purpose is to show how the process would typically work.

**ILLUSTRATION OF SUSPENSION OR TERMINATION PROCESS**



902 GRIEVANCE PROCEDURE

A. Definitions:

1. **Grievance:** An alleged violation, misrepresentation, or inequitable application of an existing agreement, contract, resolution, policy, rule or regulation, of County Commissioners or of any County office.
2. **County Office:** Any office under the supervision of the County Commissioners or of any elected County Officer.
3. **Department Head:** The County Officer in charge of the employee's office. Where applicable, it also refers to the Board of County Commissioners.

B. All employee grievances will be handled in the manner set out by this resolution. Failure to follow this grievance procedure will result in the grievance being dismissed with prejudice.

1. The employee will discuss the grievance with his/her department head. If the grievance is of a non-recurring nature, this step must be within thirty (30) calendar days of the event leading to the grievance. If the grievance is of a recurring nature, this step must be taken within five (5) working days of the event leading to the grievance.
2. If the grievance cannot be reconciled through step one to the employee's satisfaction within one week (7 calendar days) from the time the grievance is originally presented to his/her department head, the employee shall present the department head with a written grievance which shall state specifically the event(s) causing the grievance, all actions taken by the employee to resolve it and the action the employee desires the employer to take.
3. The department head shall resolve the grievance by themselves if he/she is able to and if he/she feels it is justified. If the department head cannot resolve it within one week (7 calendar days), he/she shall present it to the Board of County Commissioners for discussion at its next regularly scheduled meeting.
4. The Commissioners shall render a decision on the grievance at the meeting in which it is presented. The Commissioners may postpone a decision to the next regularly scheduled meeting if additional information or legal advice is needed.

C. The Burden of Proof in this procedure shall be on the employee. The employee will have to furnish the evidence necessary to prove any contested facts.

D. This procedure is for the benefit of the individual employees only. It may not be used by a non-employee (including former employees who have resigned, retired or been dismissed), nor by employee associations or by labor unions.

E. The department head should carry out the following four steps with fairness, firmness, and understanding, since these are fundamental to the satisfactory handling of any grievance.

1. **The department head shall:**

- a. Receive the grievance properly;
- b. Arrange for privacy;
- c. Give a good hearing;
- d. Give their full attention;
- e. Don't interrupt;
- f. Ask questions to make certain all the facts are given;
- g. Repeat the essentials to the employee in their own words to assure accurate communication; and
- h. Assure the employee of prompt action.

**2. Get the facts:**

- a. Check every angle;
- b. Check the union agreement (if applicable);
- c. Check State law and County practices; and
- d. Examine the employment record of the employee involved.

**3. Take action within one week:**

- a. If the employee is right, take steps to correct the situation and prevent its **recurrence; and**
- b. If the employee is wrong, explain decisions to them.

**4. Follow-up:**

- a. Make sure actions are carried out;
- b. Maintain an atmosphere, which will promote high morale; and
- c. Check with employees to find out whether there are potential irritations, which may become grievances. Take steps toward their removal.

- F. Department heads shall not discourage employees from coming to them with grievances. Neither shall an employer discriminate against or take discriminatory action against an employee who has filed or is in the process of filing a grievance. Although they may be troublesome and time-consuming, it is better that employees make their grievances known than to keep them within themselves. An unheard grievance can be a serious infection, which before long may undermine the morale of an entire office.
- G. The following illustration is a representation of the County's grievance procedure. It does not supersede the County's written policies, nor does it infer that the same steps will be taken in all cases. Its purpose is to show typical steps and time frames.

## GRIEVANCE PROCEDURE ILLUSTRATION

### Employee Issue or Event

Within 30 calendar or 5 working days,  
depending on the nature

Employee Discussion with Department Head

Issue Unresolved - Next Step

Issue Resolved - No Further Action

Within 7 calendar days

Written Grievance Presented to  
Department Head by Employee

Issue Unresolved- Next Step

Issue Resolved- No Further Action

Within 7 calendar days

Grievance Issue Presented to  
County Commission

Issue Resolved by County  
Commission

### Separation of Employment

Termination of employment is an inevitable part of personnel activity within any organization and many reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

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- [Resignation – voluntary employment separation initiated by an employee](#)
- [Discharge – involuntary employment termination initiated by the organization](#)
- [Lay-off – involuntary employment termination initiated by the organization for non-disciplinary reasons](#)
- [Retirement – voluntary employment termination initiated by the employee meeting age, length of service and any other criteria for retirement from the organization.](#)

[As a matter of courtesy, non-exempt employees who desire to leave County employment are requested to give a 2-week notice. Exempt employees are requested to give at least a 30-day notice. Retirement notices should be given as far in advance as possible. Separation notices should be in written form. Generally, the last day worked will be recognized as the termination date. Employees will be paid for all time worked up to the separation date and time in accordance with the Fair Labor Standards Act. Paid time off will be paid out at the next pay period to employees that provide adequate notice and as set forth in this Handbook.](#)

[Employees must return all equipment belonging to the County on or before the last day of employment including but not limited to, all keys, County telephones and/or radios, and charge card \(if issued\). No final settlement of pay will be made until all items are returned in appropriate condition, unless it conflicts with state or federal laws. The cost of replacing non-returned items may be deducted from the final paycheck to the extent permitted by law. Furthermore, any outstanding financial obligations owed to the County will also be deducted from the final check.](#)

[Since employment at Yankton County is based on mutual consent between both the employee and the County, both the employee and Yankton County have the right to terminate employment at will, with or without cause, at any time.](#)

[Employee benefits will be affected by employment termination. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.](#)

## **[Reinstatement](#)**

[Employees who resign from an SDRS benefits eligible position with the County may be reinstated to their former position and rate of pay under the following conditions.](#)

1. [The vacated position or an equivalent position is open;](#)
2. [The Department Head and County Commission approve the reinstatement; and](#)
3. [The employee forfeits all previously accrued leave and seniority.](#)

[Re-employment at any time later than two weeks after separation will be treated as new employment in all respects, including the requirement to compete in an open selection process.](#)

## Appendix A – Family and Medical Leave Act policy

### Family and Medical Leave Act

The federal Family & Medical Leave Act of 1993 (FMLA) as amended, requires employers with 50 or more employees to provide eligible employees with unpaid leave. There are two types of leave available, including the basic 12-week leave entitlement (Basic FMLA Leave), as well as the military family leave entitlements (Military Family Leave) described in this policy.

#### Eligibility for FMLA Leave:

Employees are eligible for FMLA leave if they:

1. Have worked for the company for at least 12 months;
2. Have worked at least 1,250 hours for the company during the 12 calendar months immediately preceding the request for leave; and
3. Are employed at a work site that has 50 or more employees within a 75-mile radius.

The 12 months of service need not be consecutive. Employment before a break in service of 7 years or more will not be counted, unless the break in service was caused by the employee's USERRA-covered service obligation, or there was a written agreement that the employer intended to rehire the employee after the break in service.

#### Basic FMLA Leave

Employees who meet the eligibility requirements described above are eligible to take up to 12 weeks of unpaid leave during any 12-month period for one of the following reasons:

1. To care for the employee's son or daughter during the first 12 months following birth;
2. To care for a child during the first 12 months following placement with the employee for adoption or foster care;
3. To care for a spouse, son, daughter, or parent ("covered relation") with a serious health condition;
4. For incapacity due to the employee's pregnancy, prenatal medical or child birth; or
5. Because of the employee's own serious health condition that renders the employee unable to perform an essential function of his or her position.

The twelve (12) month period is determined on a "rolling basis"; measured backward from the date an employee uses any FMLA leave. Under this method, each time an employee takes FMLA leave, the remaining leave entitlement would be any balance of the twelve (12) weeks that has not been used during the immediately preceding twelve (12) months. Employees will be required to take any unused sick and vacation time as part of this 12-week period.

**Married couples.** In cases where a married couple is employed by the County, the two spouses together may take a combined total of 12 weeks' leave during any 12-month period for reasons 1 and 2, or to care for the same individual pursuant to reason 3.

#### Military Family Leave

There are two types of Military Family Leave available.

1. **Qualifying exigency leave.** Employees meeting the eligibility requirements described above may be entitled to use up to 12 weeks of their Basic FMLA Leave for a qualifying exigency while the employee's spouse, son, daughter, or parent (the military member or member) is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty).

For Regular Armed Forces members, "covered active duty or call to covered active duty status" means duty during the deployment of the member with the Armed Forces to a foreign country (outside of the United States, the District of Columbia, or any territory or possession of the United States, including international waters).

For a member of the Reserve components of the Armed Forces (members of the National Guard and Reserves), "covered active duty or call to covered active duty status" means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation.

Qualifying exigencies may include:

- [Short-notice deployment \(seven or less calendar days\)](#)
- [Attending certain military events and related activities](#)
- [Childcare or school activities](#)
- [Addressing certain financial and legal arrangements](#)
- [Periods of rest and recuperation for the military member \(up to 15 calendar days of leave, dependent on orders\)](#)
- [Attending certain counseling sessions](#)
- [Attending post-deployment activities \(available for up to 90 days after the termination of the covered military member's covered active duty status, and to address issues arising from death of military member\)](#)
- [Attending to parental care needs arising from covered active duty or call to duty \(arrange for alternative care for a parent of a military member, provide urgent or immediate care, admit or transfer to a care facility, or attend non-routine caregiver meetings with care facility staff\)](#)
- [Other activities arising out of the military member's covered active duty or call to active duty and agreed upon by the company and the employee](#)

**2. Leave to care for a covered service member.** There is also a special leave entitlement that permits employees who meet the eligibility requirements for FMLA leave to take up to 26 weeks of leave during a single 12-month period if the employee is the spouse, son, daughter, parent, or next of kin caring for a covered military service member or veteran recovering from a serious injury or illness, as defined by FMLA's regulations.

[For a current member of the Armed Forces, including a member of the National Guard or Reserves, the member must be undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status; or is otherwise on the temporary disability retired list, for a serious injury or illness.](#)

[For a covered veteran, he or she must be undergoing medical treatment, recuperation or therapy for a serious injury or illness. Covered veteran means an individual who was a member of the Armed Forces \(including a member of the National Guard or Reserves\), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.](#)

[An eligible employee must begin leave to care for a covered veteran within five years of the veteran's active duty service, but the single 12-month period may extend beyond the five-year period.](#)

#### [Use of FMLA Leave](#)

[An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Military Family Leave due to qualifying exigencies may also be taken on an intermittent basis. Leave may not be taken on an intermittent basis when used to care for the employee's own child during the first year following birth, or to care for a child placed with the employee for foster care or adoption, unless both the employer and employee agree to such intermittent leave. Employees are prohibited from engaging in alternative employment while on FMLA leave from the County. Employment by a branch of the United States' Armed Forces during approved military leave does not constitute alternative employment during sick leave.](#)

#### [Time off for FMLA](#)

[Employees are required to first use available sick and vacation time for FMLA qualifying events. Department Heads and Deputy States Attorneys who do not receive vacation or sick benefits will be allowed to use up to a total of 30 calendar days of paid leave for any combination of type of leave of absence, including an approved FMLA leave, per year. If all paid time off options have been exhausted, the remaining time off will be unpaid.](#)

[The substitution of paid leave time for unpaid leave time does not extend the 12- or 26-week leave period. Furthermore, in no case can the substitution of paid leave time for unpaid leave time result in the receipt of more than 100 percent of an employee's salary.](#)

[Employees are prohibited from working any other job for another employer while out on FMLA leave.](#)

[While out on leave, employees may be required to periodically report in to their supervisors regarding their return to work plans.](#)

#### Medical and other benefits during an approved FMLA leave

During an approved family medical leave, the company will maintain the employee's health benefits as if the employee continued to be actively employed. If paid leave is substituted for unpaid family medical leave, the company will deduct the employee's portion of the health plan premium as a regular payroll deduction. If leave is unpaid, the employee must pay his or her portion of the premium and make arrangements through the payroll department.

An employee's healthcare coverage will cease if the employee's premium payment is more than 30 days late. If the payment is more than 15 days late, the company will send the employee a letter to this effect. If the company does not receive the co-payment within 15 days after the date of that letter, the employee's coverage may cease. If the employee elects not to return to work for at least 30 calendar days at the end of the leave period, the employee will be required to reimburse the company for the cost of the premiums paid by the company for maintaining coverage during the unpaid leave, unless the employee cannot return to work because of a serious health condition or other circumstances beyond the employee's control.

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave.

#### Return to job at end of FMLA leave

Upon return from FMLA leave, eligible employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms except as otherwise provided by law. Return to work documentation may be necessary if an employee is on leave for their own serious medical condition.

#### Employee Responsibilities When Requesting FMLA Leave

If an employee is unable to return to work following the expiration of all FMLA leave, the County will engage in the ADA accommodation process. If the need to use FMLA leave is foreseeable, the employee must give the company at least 30 days' prior notice of the need to take leave. When 30 days' notice is not possible, the employee must give notice as soon as practicable (within 1 or 2 business days of learning of the need for leave except in extraordinary circumstances). Failure to provide such notice may be grounds for delaying the start of the FMLA leave.

Whenever possible, requests for FMLA leave should be submitted in writing to **the Auditor's Office**.

If the need for leave is not foreseeable, employees are required to provide as much notice as soon as practicable under the facts of the particular case. An employee requiring unforeseeable leave must, absent extraordinary circumstances, call his or her direct supervisor and provide sufficient information regarding the employee's need for leave to support a request for FMLA leave. It generally should be practicable for the employee to provide notice of leave within one business day.

When submitting a request for leave, the employee must provide sufficient information for the County to determine if the leave might qualify as FMLA leave, and also provide information on the anticipated date when the leave would start as well as the duration of the leave. Calling in "sick" is not sufficient. Sufficient information may include that the employee is unable to perform job functions; that a family member is unable to perform daily activities; that the employee or family member needs hospitalization or continuing treatment by a healthcare provider; or the circumstances supporting the need for military family leave. Employees also must inform the company if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also will be required to provide a certification and periodic recertification supporting the need for leave.

#### Employer Responsibilities during an FMLA Leave

When an employee requests leave, the County will inform the employee whether he or she is eligible under the FMLA. If the employee is eligible for FMLA leave, the employee will be given a written notice that includes details on any additional information he or she will be required to provide. If the employee is not eligible under the FMLA, the company will provide the employee with a written notice indicating the reason for ineligibility.

If leave will be designated as FMLA-protected, the County will inform the employee in writing and provide information on the amount of leave that will be counted against the employee's 12- or 26-week entitlement.

#### Reporting While on FMLA Leave

If an employee takes leave because of the employee's own serious health condition or to care for a covered relation, the employee must notify their Department Head as soon as possible. If the FMLA is intermittent, it is the employee's responsibility to notify their Department Head in accordance with company call in standards. The employee also must clarify the time off is FMLA related.



**CODE OF CONDUCT**

**FOR COUNTY COMMISSIONERS, ELECTED AND APPOINTED DEPARTMENT HEADS, MEMBERS OF ALL BOARDS, COMMISSIONS, COMMITTEES, TASK FORCES OR OTHER APPOINTED ADVISORY GROUPS**

**YANKTON COUNTY, SOUTH DAKOTA**

**ADOPTED BY THE YANKTON COUNTY BOARD OF COMMISSIONERS**

**2020**

## PREFACE

### Business Ethics and Conduct

The successful business operation and reputation of Yankton County is built upon the principles of fair dealing and ethical conduct. The reputation of county governance for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of personal conduct, integrity and public service.

The continued success of Yankton County is dependent upon the public's trust and those who serve the public on behalf of the County should be dedicated to preserving that trust. County Commissioners, elected and appointed department heads, members of all boards, commissions, committees, task forces or other appointed advisory groups owe a duty to Yankton County and the public to act in a way that will merit the continued trust and confidence of the public.

Yankton County expects its elected officials, appointed department heads, members of boards, commissions, committees, task forces and other appointed advisory groups to conduct business in accordance with the letter, spirit and intent of all relevant laws and to refrain from any illegal, dishonest, unethical or disruptive behavior. In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct.

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It is the policy of the County of Yankton, South Dakota, to uphold, promote and demand the highest standard of ethical behavior from its elected and appointed department heads and individuals serving on all boards, commissions, committees, task forces or other appointed advisory groups, hereinafter referred to collectively as “Members.” It is presumed that all Members have chosen to serve in order to preserve and protect the present and the future of the County. Honesty, integrity and fairness are hallmarks of public service.

This code has been created to ensure that all Members have clear guidelines for carrying out their responsibilities in their relationships with each other, with all other county employees, with the citizens of Yankton County and with all other private and governmental entities.

### **SECTION 1: Obey the Laws**

Obeying the law, both in letter and in spirit, is the foundation on which this County’s ethical standards are built. The Members shall support the Constitution of the United States and the State of South Dakota as well as all federal, state and local laws, rules and regulations.

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### **SECTION 2: Responsibility of Public Service**

Members are to be trustworthy, respectful, responsible, fair, caring and promote citizenship at all times and are not entitled to special consideration or treatment based on their official position or responsibility.

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In addition to the above:

- A. Members should actively pursue policy goals they believe to be in the best interest of all residents within the parameters of orderly decision-making and the laws and rules governing those decisions.
- B. Members should respect the legitimacy of the goals and interests of other Members and should respect the rights of others to pursue goals and policies different from their own.
- C. Members, who sit on county boards, commissions, committees, advisory groups, task forces, etc., do not individually speak for the body itself unless approved by the Member body to do so.
- D. Members should dispose of the business of the County in a deliberate manner that assures citizens have meaningful knowledge of and input into their decisions.
- E. Members should conserve the resources of the County in their charge. They should employ county equipment, property, funds and personnel only in legally permissible pursuits and in a manner that exemplifies excellent stewardship.
- F. No Member may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated.
- G. No person may offer or give to a Member, directly or indirectly, and no Member may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the Member’s vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the Member.
- H. Members are cautioned to refrain from giving legal advice or other related direction to members of the public on matters under investigation by Yankton County departments/offices, on matters pending before the courts or government bodies and on any matters where a conflict of interest would caution against any such communication.

### SECTION 3: Members' Conduct with County Employees

Governance of the County relies on the cooperative efforts of the Members and the County employees who implement and administer adopted policies and procedures within the County. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each other for the good of the community. The following are examples of how the Members should relate to the employees of Yankton County:

- A. Members should treat all employees as professionals. Clear, honest communication that respects the abilities, experience and dignity of each employee is expected. Poor behavior or disrespectful comments toward employees are not acceptable.
- B. Members should never publicly criticize employees. Public criticism of employees leads to poor morale of the employees and undermines their effectiveness with the public and is detrimental to their performance.
- C. Members should not attempt to influence by intimidation or other unethical means, the decisions or opinions of employees on issues that may come before the Planning Commission, Board of Commissioners or other Member bodies.
- D. Individual Members may not intentionally coerce or intimidate employees or interfere with employees' duties or authority.
- E. Members, with the exception of elected and appointed department heads interacting with their own employees, shall not instruct nor direct employees to perform duties related to the employee's job.
- F. Requests for information and clarification on items of County business is allowed and encouraged. Communication is most effective when the Member contacts the Department Head or Elected Official in charge. Members in general should always respect and interact appropriately when requesting information pertinent to County business.

### SECTION 4: Conduct in Public Meetings

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual Members toward an individual participating in a public meeting. Every effort should be made to be fair and impartial in listening to public comments. Members should listen to comments from the public and ask for clarification if they do not understand the comment. Members should not disparage or insult other Members, County employees or other members of the public.

The Chairperson presiding over any meeting, which is subject to open meetings laws or not, shall not allow an individual or other Member to interfere with the orderly progression of meetings. Personal attacks against any Member, County employees or any other person are not allowed regardless of whether the meeting is in session or in recess. If the audience dialogue or Member discussion becomes disruptive or abusive, the Chairman has the option to ask the offending individual(s) to leave or have the individual(s) removed from the meeting by law enforcement.

### SECTION 5: Open Government

The citizens of Yankton County expect and deserve open government. South Dakota's open meetings law embodies the principle that the public is entitled to the greatest possible information about public affairs and is intended to encourage public participation in

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government.

Members who are subject to the Open Meetings Laws of the State of South Dakota shall conduct themselves in a manner that fully adheres to the intention of state laws concerning open meetings and transparency of actions. These Members are encouraged to employ a “mindset of openness” in conducting the affairs of the County in an open meeting and should resort to conducting business in executive session only when allowed by law.

**SECTION 6: Conflict of Interest**

In the execution of official County business, a Member shall not put himself or herself in a position where his or her personal interest conflicts with his or her duties and responsibilities. Members shall disclose any personal relationships to the governing body in the instance where there could be an appearance of a conflict of interest. The Member shall not use official information acquired in the course of their duties for personal gain.

**SECTION 7: Violation of Code of Conduct**

Violations of this Code of Conduct may result in disciplinary action taken by the Board of County Commissioners. Disciplinary action may involve public or private reprimand at the discretion of the appropriate governing body and may include removal from serving on an appointed body or removal from Office as provided in law.

Date of Adoption: February 4, 2020

APPROVED BY THE YANKTON COUNTY BOARD OF COMMISSIONERS

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Cheri Loest, Chair  
Yankton County Commission

ATTEST:

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Yankton County Auditor/Deputy

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