

2010 Legal and Public Notices

ton Fire Station #2 at 201 W. 23rd St., in Yankton.

Action 13120HSEM: A motion was made by Johnson and seconded by Moore to approve May 12-13 travel expenses for Paul Scherschligt and Steve Hermanson to participate in a full scale emergency management exercise in Clark. All present voted aye; motion carried.

Action 13121OHSEM: A motion was made by Moore and seconded by Sinclair to approve the following burn ban resolution as presented by Scherschligt.

RESOLUTION TO PROVIDE FOR TEMPORARY EMERGENCY REGULATION OF OPEN BURNING AND DANGEROUS FIRE HAZARDS IN YANKTON COUNTY

WHEREAS, the Commissioners of Yankton County are charged with the protecting the health and safety of the citizens of Yankton County, including all property situated therein; and

WHEREAS, South Dakota Codified Law (SDCL) 7-8-20(18) Yankton County Commission authorizes the Yankton County Emergency Management Office to prohibit or restrict open burning, after consultation with local fire officials and law enforcement officials, in order to protect the public health and safety; and

WHEREAS, conditions of wildfire and dangerous fire hazards now exist in Yankton County;

WHEREAS, the Yankton County Commission has consulted with local fire officials and law enforcement officials concerning the threat of wildfire from open burning under certain climatic conditions; and

WHEREAS, the Yankton County Commission and the Yankton County Emergency Management Office has determined that in the interest of public health and safety, it will prohibit open burning (open fire) when climatic conditions indicate the treat of wildfire and other dangerous fire hazards within Yankton County; and

WHEREAS, the Yankton County Commission and the Yankton County Emergency Management Office, pursuant to SDCL 7-18A-8, hereby deem it necessary for immediate preservation of the public health and safety to adopt the restrictions set forth in this resolution and it is the intent of the Yankton County Commissioners, that the provision of this resolution shall take effect immediately upon passage by the board. Public notice shall be done by local media outlets.

FURTHERMORE, for purposes of this Resolution, "open burning" shall be defined as any outdoor fire, including but not limited, to the prescribed burning of fence rows, fields, wildlands, trash and debris. This Resolution excludes fires contained within liquid-fueled or gas-fueled stoves, fireplaces within all buildings, charcoal grill fires at private residences, and permanent fire pits or fire grates located on supervised developed picnic grounds and campgrounds as per listed by the above definitions.

34-37-19 County regulation of fireworks - Use of South Dakota grassland fire danger index. Any county may, by resolution, regulate or prohibit the use of fireworks outside the boundaries of any municipality in those areas where the fire danger, as determined by use of the South Dakota grassland fire danger index published by the National Weather Service, has reached the extreme category in that county during the period from June twentieth to July second, inclusive, and during the period from December twenty-eighth to January first, inclusive. During any such period, the county's action is suspended if the grassland fire danger index falls below the very high category and again becomes effective if the grassland fire danger index reaches the extreme category.

NOW, THEREFORE, BE IT ORDAINED BY THE YANKTON COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:

SECTION I. DEFINITIONS:

A. Open Fire: Means any outdoor fire, including a campfire, that is not contained within a fully enclosed fire box or structure from which the products of combustion are emitted directly to the open atmosphere without passing through a stack, duct or chimney with spark arresters. Open Fire shall not include Charcoal grills, Liquid Fuel Grills, Outdoor Fireplaces, Burn Barrels, as defined herein.

B. Charcoal Grill: Means a metal or Stone device not resting on the ground with a metal grate designed to cook food using charcoal briquettes, char wood, hard wood, or similar fuel.

C. Liquid Fuel Grill: Means a metal or stone device designed to cook food using liquefied of gaseous combustible fuel

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D. Burn Barrel: means a metal container used to hold combustible or flammable waste materials so that they can be ignited for the purpose of disposal. Burn Barrels must have a metal grate; metal grate opening shall be no larger than 1/4" square covering at any time when being used. Burn Barrels must be located in a safety zone away from any or all combustible materials 15 feet radius of the Burn Barrel.

E. Outdoor Fireplaces: Means a manufactured appliance constructed of non-combustible materials, with a maximum fuel area of three (3) feet, including a screen, (screen opening shall be no larger than 1/4" square), chimney or other device placed above the fuel area, fueled by cut or split wood, located not closer than 15 feet to any combustible surface and continually attended.

F. Campground: Means any permitted commercial campground operated by private individuals or corporations, State of South Dakota, or the United States National Park Service.

SECTION II: REGULATIONS:

A. Open Fire: No person shall set any open fire in Yankton County, outside the boundaries of any Municipality; when the National Weather Service has declared the Grassland Fire Danger Index to be in the Very High or Extreme Category in Yankton County.

B. Burn Barrels: No person may ignite a fire in a Burn Barrel when the National Weather Service has declared the Grassland Fire Danger Index to be in the Very High or Extreme Category in Yankton County. Use of a Burn Barrel as defined herein is allowed only when the Grassland Fire Danger Index falls below the Very High or Extreme Category in Yankton County.

C. Campgrounds: The ban on open burning (open fire) does not apply to those designated areas falling within the boundaries of any permitted commercial, state or federal camp grounds unless otherwise specifically banned by resolution of the Yankton County Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED, that the Yankton County Commission enact this Resolution on an emergency basis and impose a burn ban to prohibit or restrict open burning in Yankton County, and; BE IT FURTHER RESOLVED that the ban will be in place until lifted by action of the Yankton County Commissioners, that the provision of this resolution shall take effect immediately upon passage by the board. Public notice shall be done by local media outlets.

PROVISION #1
BE IT FURTHER RESOLVED that if weather conditions become less critical, the Yankton County Emergency Manager will consult with the Fire Chiefs, and Law Enforcement Agencies to see if a special consideration to the burn ban is warranted. The Burn Ban shall remain in place, but will have Provision #1 -SPECIAL CONSIDERATION FOR OPEN BURNING. The Special Consideration for Open Burning will be conducted in accordance to Ordinance #17. The Resolution shall allow the local Fire Chief to authorize a special consideration to Open Burning within the Fire Chief's Fire District. Open Burning will be allowed upon an individual contacting the Fire Chief having Authority of that Jurisdiction. The Fire Chief or his/her Assistant shall make a determination if the open burn can be conducted in a safe manner. This determination will be based on the current fire weather forecast for each controlled burn. The Fire Chief shall notify the Dispatch Center and the Local Law enforcement agencies of any open burning.

BE IT FURTHER RESOLVED that a fine not to exceed five hundred dollars for each violation, or by imprisonment for a period not to exceed thirty days for each violation, or by both the fine and imprisonment, if found in violation

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of this Resolution, as per South Dakota Codified Law 7-18A-2, and that the costs for suppressing any fire, including response fees, mutual aid assistance from other agencies or fire departments, reimbursement to governments for suppression efforts and compensation to the firefighters for time lost from their employment, be born directly by the individual or individuals responsible for setting the fire. All present voted aye; motion carried.

Action 13122S: A motion was made by Johnson and seconded by Moore to approve a 2013 Jail Contract to hold prisoners for Hutchinson County. The terms require Hutchinson County to pay Yankton County \$55.00 for each prisoner-day that Yankton County houses and maintains a prisoner from Hutchinson County. The terms also require Hutchinson County to pay Yankton County \$20.00 per hour for transport of Hutchinson County prisoners. All present voted aye; motion carried.

Action 13123S: A motion was made by Johnson and seconded by Sinclair to accept Sheriff Jim Vlahakis' February 2013 report for the Sheriff's Office, Jail and 24-7 program. All present voted aye; motion carried.

The Sheriff's Office collected \$8,239.82 in fees in February. Jail income was \$28,710.22 in February. There were 102 county inmates, 57 city inmates, 21 state inmates and four federal inmates in the County Jail in February. Income from the 24-7 program was \$5,538 in February.

Action 13124S: A motion was made by Sinclair and seconded by Johnson to increase the 2013 Sheriff's Office budget by \$1,247.50 as an automatic supplement due to unanticipated revenue from a \$1,247.50 federal matching grant for body armor vests. All present voted aye; motion carried.

Ambulance Report: Steve Hawkins, Ambulance Administrator, provided his report for February. Hawkins said it was a busy month with 128 total calls, \$84,975 billed out and 1,863 patient-loaded miles. Hawkins noted an error in his previous report regarding patient-loaded miles, which should have been 1,834 in January. Hawkins said Brian Blaaidil was selected to serve as the Tactical Emergency Medical Services Paramedic with the Yankton Police Department Special Weapons and Tactics unit. Hawkins asked the Board to review a proposed Tactical Emergency Medical Services Agreement with the City of Yankton, which will be presented for final approval at a future County Commission meeting.

Action 13125A: A motion was made by Sinclair and second by Johnson to approve \$26,974 in insurance adjustments for Emergency Medical Services calls. All present voted aye; motion carried.

Action 13126A: A motion was made by Johnson and seconded by Freng to approve \$3,779.89 as individual write-offs for EMS. All present voted aye; motion carried.

Hawkins asked for Board consent to hire two additional full-time Emergency Medical Technicians as previously approved during the 2012 budget process. When those positions are filled, EMS staff will total eight full-time employees, including the Administrator and secretary.

Action 13127A: A motion was made by Johnson and seconded by Freng to authorize the Ambulance Administrator to advertise for two full-time EMTs. All present voted aye; motion carried.

Action 13128A: A motion was made by Moore and seconded by Johnson to authorize the Ambulance Administrator to complete bid specifications, and advertise for Invitations to Bid on the removal of a current ambulance box onto a 2013 Type I 4x4 chassis. The estimated cost is

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\$105,000-\$110,000. All present voted aye; motion carried.

Action 13129A: A motion was made by Johnson and seconded by Freng to accept the February report for Emergency Medical Services. All present voted aye; motion carried.

Chairman Jensen said the Yankton Ministerial Association has asked to hold a National Day of Prayer event on the north side of the County Government Center campus on May 2, 2013. Commissioners requested a representative of the group appear at the Board's April 2 meeting to answer questions and provide proof of insurance coverage for the event.

Township Opt-Outs: Commissioner Johnson informed the Board that Volin Township approved a \$10,000 annual property tax opt-out for a 10-year period in 2011. Volin Township officials now report they have not received any funds from that opt-out action. Commissioner Moore advised the same situation has apparently occurred in Utica Township for a similar opt-out amount.

Commissioner Johnson said he will discuss the issue with States Attorney Rob Klimisch to determine what the County's options and responsibilities are, if records show the townships followed all necessary opt-out procedures. The Board also agreed to contact the S.D. Dept. of Legislative Audit for an opinion on this issue.

Commissioner Moore said it may be necessary to pay the funds owed to the townships from the County's contingency fund if the situation is proven to be the result of a County employee error.

Action 13130C: A motion was made by Sinclair and seconded by Freng to approve the following claims: **Commissioners:** Yankton County Observer (Legal Notices) \$964.59, Yankton Daily P&D (Legal Notices) \$1,034.72, Yankton Title Company (Services) \$150.00; **Court:** Affordable Self Storage (Services) \$88.00, Pollard & Larson (Legal Assistance) \$2,945.07, SD Department of Health (Lab) \$1,016.00, Sanford Medical Center (Services) \$442.45, Creighton Thurman (Legal Assistance) \$2,470.20, Yankton family Visitation (Services) \$37.15; **Auditor:** LEAF (Maintenance) \$152.00, Miller Consulting (Maintenance) \$37.50, SDACES (Membership Dues) \$10.00, Western Office Technologies (Supplies) \$1,054.99; **Treasurer:** Harland Technology (Maintenance) \$29.32, SDACES (Membership Dues) \$10.00; **Data Processing:** Miller Consulting (Maintenance) \$1,278.75, PCM-G (Membership Dues) \$10.00; **States Attorney:** A&B Business (Maintenance & Supplies) \$87.01, Avera Sacred Heart Hospital (Lab) \$249.95, Knology (Utilities) \$163.49, Security Shredding (Maintenance) \$315.00, West Payment Center (Maintenance) \$638.38; **CLERP:** SDACC (Catastrophic Legal Expense) \$3,482.66; **Government Buildings:** Buhl's (Maintenance) \$109.42, Menards (Supplies) \$98.04, MidAmerican Energy (Utilities) \$1,092.37, Yankton Janitorial Supply (Supplies) \$168.75; **Director of Equalization:** Yankton County Observer (Legal Notices) \$161.27, SDACES (Membership Dues) \$10.00, Western Office Technologies (Supplies) \$145.25; **Register of Deeds:** Boller Printing (Supplies) \$543.00, Executive Mgmt Finance (Utilities) \$18.00, McLeod's Printing (Supplies) \$511.23, Miller Consulting (Maintenance) \$168.75, Microfilm Imaging System (Rental) \$501.00, SDACES (Membership Dues) \$10.00, Western Office Technologies (Supplies) \$80.25; **Court House & Safety Center:** City of Yankton (Utilities) \$168.00, Cox Auto (Supplies) \$68.26, Echo Electric (Supplies) \$219.00, Knology (Utilities) \$362.66, L&S Electric (Maintenance) \$141.00, Menards (Supplies) \$81.00, Yankton Janitorial Supply (Supplies) \$1,233.78; **Sheriff:** City of Yankton (Fuel) \$2,168.78, Emblem Enterprises (Uniforms) \$141.95, Knology

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(Utilities) \$168.34, Pennington County Sheriff (Travel) \$145.20, TMA (Maintenance) \$516.36, Vogt's Cleaners (Uniforms) \$32.00, Verizon (Utilities) \$98.46, Yankton Motor Company (Maintenance) \$676.90; **County Jail:** CBM Food Service (Meals) \$5,766.11, Credit Collection Service (Services) \$539.63, Diamond Drugs (Medicine) \$3,299.42, Emblem Enterprises (Uniforms) \$141.94, Knology (Utilities) \$98.51, Olson's Pest Technician (Maintenance) \$103.00, Yankton Rexall (Medicine) \$66.91; **Juvenile Detention:** Volunteers of America (Rental) \$330.00; **Care of Poor:** Avera Sacred Heart Hospital (Care) \$7,064.05, AMG Radiation Oncology (Services) \$32.00, Avera Medical Group (Services) \$94.20, Physician's Laboratory (Services) \$34.02, Wintz & Ray Funeral Home (Funeral Expense) \$1,250.00, Yankton Rexall (Medicine) \$242.28, Yankton Medical Clinic (Services) \$1,218.50, Yankton Anesthesiology (Services) \$240.00; **Ambulance:** Avera Sacred Heart Hospital (Supplies) \$307.85, Bound Tree Medical (Supplies) \$156.54, City of Yankton (Supplies) \$1,135.33, Card Service Center (Supplies) \$670.71, Gibson & Barnes (Supplies) \$162.95, Hansen Locksmithing (Maintenance) \$125.00, James Steel (Maintenance) \$35.00, Justra's Body Shop (Maintenance) \$316.45, Matheson Tri-Gas (Supplies) \$108.64, Menards (Supplies) \$38.47, Master-Tech Auto Clinic (Maintenance) \$828.79, Olson's Pest Technician (Maintenance) \$69.50, Henry Schein (Supplies) \$1,158.48, Stitchein Coroner (Supplies) \$16.00, Vidacare (Supplies) \$366.30, Western Office Technologies (Supplies) \$32.24; **Mentally Handicapped:** South Dakota Achieve (February Services) \$240.00, SD State Treasurer (Services HSC) \$6,970.93, SD State Treasurer (Services Redfield) \$240.00; **Mental Illness Board:** Lincoln County Treasurer (Hearings) \$176.64, Cathy Rehffuss (Hearings) \$30.00, Lucille Lewno (Hearings) \$600.67, Gary Mikelson (Hearings) \$518.00, Shepherd Reporting (Hearings) \$110.00, Karen Swanda (Hearings) \$30.00; **Historical Sites:** Yankton County Historical Society (1st Quarter 2013 Budget) \$8,138.87; **County Extension:** Appera (Supplies) \$54.55, Lauren Fosheim (Supplies) \$189.28, Lauren Fosheim (Travel) \$91.37, J&H Cleaning Services (Maintenance) \$200.00, John's Service (Maintenance) \$75.00, Knology (Utilities) \$261.25, LEAF (Rental) \$576.00, MidAmerican Energy (Utilities) \$135.90, Northwestern Energy (Utilities) \$206.96, Western Office Technologies (Supplies) \$109.32; **Weed:** SD/NE PLS Mgmt Project (Supplies) \$500.00; **Planning & Zoning:** Southgate (Maintenance) \$40.00, Miller Consulting (Maintenance) \$18.75, Western Office Technology (Supplies) \$2.25, Yankton Daily P&D (Legal Notices) \$67.18; **Economic Development:** Yankton Area Ice Association (2012 Budget) \$15,000.00; **Road & Bridge:** Ace Hardware (Supplies) \$330.53, Appera (Supplies) \$62.03, B-Y Electric (Utilities) \$31.07, B-Y Water (Utilities) \$67.25, Battery Exchange (Supplies) \$267.90, Building Sprinkler

(Services) \$189.49, Butler Machinery (Supplies) \$317.96, Brandt Land Surveying (Supplies) \$100.00, Boyer Trucks (Supplies) \$63.08, Ban Koe Systems (Services) \$360.00, City of Yankton (Utilities) \$125.42, Cox Auto (Supplies) \$809.51, CenturyLink (Utilities) \$58.52, Dakotaland Auto Glass (Supplies) \$180.50, Fastenal (Supplies) \$19.41, Graham Tire (Supplies) \$990.66, Hudson International (Supplies) \$159.82, Hedahls (Supplies) \$46.72, Janssen's Garbage (Utilities) \$40.00, Karl's TV (Supplies) \$958.32, Mead Lumber (Supplies) \$111.05, MidAmerican Energy (Utilities) \$1,927.64, Northwestern Energy (Utilities) \$1,245.47, Newman Traffic Signs (Supplies) \$59.85, Yankton County Observer (Legal Notices) \$13.86, Stern Oil (Fuel) \$1,849.41, Southeastern Electric (Utilities) \$106.70, Truck Trailer Sales (Supplies) \$14.00, Vanderhule's (Supplies) \$100.50, Western Office Technologies (Supplies) \$1,871.99, Yankton Janitorial (Supplies) \$43.50; **911 Fund:** CenturyLink (Utilities) \$83.20, Golden West (Utilities) \$147.28, Knology (Utilities) \$1,312.53, Planning & Development (Services) \$70.00; **Emergency Management:** Ace Hardware (Supplies) \$212.72, Bomgaars (Supplies) \$270.92, B-Y Electric (Utilities) \$42.72, City of Yankton (Supplies) \$85.78, K-Mart (Supplies) \$192.97, Knology (Utilities) \$388.04, Miller Consulting (Maintenance) \$377.50, Tabor Lumber (Supplies) \$294.15, Western Office Technologies (Supplies) \$357.31, Yankton Computer and Network (Supplies) \$9.99; **Domestic Abuse:** Yankton Women's Shelter (2013 Budget) \$5,000.00; **Tower Fund:** Center for Municipal Solutions (Tower Fund) \$2,675.11; **State Motor:** SD State Treasurer (Treasurer Fees) \$188,834.40, SD State Treasurer (Waste Fees) \$5,344.50; **Clearing Fund:** SD State Treasurer (ROD Fees) \$2,910.00; **M&PR Fund:** SDACO (M & PR Fund) \$604.00, **Road District Deposits** \$665.40. Included in Total General Fund: Collision Center (Insurance Proceeds) \$778.80. Total General Fund \$90,876.76, Road & Bridge \$12,522.16, 911 Fund \$1,613.01, Emergency Management \$2,192.10, Domestic Abuse \$5,000.00, Tower Fund \$2,675.11, State Motor \$194,178.90, Clearing Fund \$2,910.00, M & PR Fund \$604.00, Road District Deposits \$665.40.

All present voted aye; motion carried.

Action 13131C: A motion was made by Johnson and seconded by Sinclair to request financial statements from the Yankton Area Ice Association for 2011 and 2012, as required by South Dakota Codified Law 7-18-12. The statute states: "The board of county commissioners may promote industrial, tourist and recreational activities and make payment from the general fund to non-profit corporations or associations engaged in promotion either within or outside the boundaries of the county. Any non-profit corporation or association which accepts funds from a board of county commissioners shall file an annual report of all receipts and expenditures with the county auditor not later

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than December thirty-first of each year." All present voted aye; motion carried.

Action 13132C: A motion was made by Sinclair and seconded by Johnson to approve travel expenses for the following: Commissioner Sinclair to County Commissioners Association Spring Workshop March 19-21 in Pierre; Commissioners and department heads to Southeast District Counties meeting March 27 in Centerville; Commissioners to District III meeting April 18 in Mitchell; Ditch Administrator Patrick Garrity and commissioners to drainage board presentation April 22 in Mitchell; Auditor, Ditch Administrator and commissioners to annual Yankton-Clay Ditch Board meeting with Clay County Commission June 11 in Meckling. All present voted aye; motion carried.

Action 13133C: A motion was made by Sinclair and seconded by Freng to approve the February report for the Highway Department; February report from the Yankton County Welfare Office; and February Auditor-Treasurer report. All present voted aye; motion carried.

The Welfare Office report included six poor relief applications; 11 notices of hospitalization; 38 contacts and 19 clients. The Auditor's Monthly Settlement with Treasurer reported Total Cash on Hand, \$171,234.46; Checking Account Balance at First Dakota National Bank, \$789,909.72; and Savings Account Balances as follows: Wells Fargo Bank, \$468,680.49; CorTrust Bank of Gayville, \$952,688.18; First Dakota National Bank, \$1,491,021.22; CorTrust Bank of Yankton, \$947,044.99; and First National Bank South Dakota, \$1,169,373.77. Yankton County received 12 bad checks in February totaling \$1,500.24. The Grand Total of Cash and Balances at the end of February was \$5,991,453.07. The General Fund was \$3,940,948.46; Special Funds were \$1,112,114.24; and Trust and Agency Funds were \$938,390.37 adding to a Grand Total of General Ledger Cash and Investments of \$5,991,453.07.

Action 13134H/Z: A motion was made by Sinclair and seconded by Freng to approve the hiring of a shared administrative assistant for the Highway Department and Zoning Office, pending results of a standard county background check. All present voted aye; motion carried.

A motion was made by Johnson to adjourn.

The next regular meeting of the Board will be on Tuesday, April 2, 2013 at 3:30 PM in the Commission Chambers at the County Government Center.

Bruce Jensen, Chairman
Yankton County Commission

ATTEST:
Lois Eli, Deputy Auditor
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