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10+28
YANKTON COUNTY COMMISSION MEETING
October 15, 2013

The regular meeting of the Yankton County Board of Commissioners was called to order by Chairman Bruce Jensen at 3:30 p.m. on Tuesday, Oct. 15, 2013 in the Commission Chamber at the County Government Center. The Pledge of Allegiance was recited.

Roll call was taken with the following members present: Donna Freng, Bruce Jensen, Mark Johnson, Garry Moore and Allen Sinclair.

Also present at the start of the meeting were the following county officials: Auditor Patty Hojem (clerk) and Register of Deeds Brian Hunhoff (recorder).

Action 13501C: A motion was made by Johnson and seconded by Freng to approve the meeting agenda with the addition of discussions about the courtroom remodeling project and rain leakage into the basement of the Government Center. All present voted aye; motion carried.

Action 13502C: A motion was made by Moore and seconded by Sinclair to approve minutes from the Oct. 1, 2013 Commission meeting. All present voted aye; motion carried.

Action 13503C: A motion was made by Sinclair and seconded by Johnson to approve the following claims: **Non-Departmental:** Broadway Chrysler, Dodge, Jeep (Insurance Proceeds) \$3,868.00; **Commissioners:** River Rat Productions (Services) \$450.00, National Association of Counties (Membership Dues) \$28.13, Yankton Daily P&D (Legal Notices) \$650.06; **Election:** Karen Faerber (Travel) \$12.95; **Court:** Kennedy, Pier, Knoff & Loftus (Legal Assistance) \$2,189.08, Shreve Law Office (Legal Assistance) \$4,804.77; **Auditor:** Farm & Hope Publishers (Supplies) \$25.00, Leaf (Rentals) \$152.00, National Association of Counties (Membership Dues) \$28.13, Security Shredding Service (Maintenance) \$17.50, Western Office Technologies (Supplies) \$16.73; **Treasurer:** Harland Technology (Maintenance) \$29.32, McLeod's Printing & Office Supply (Supplies) \$675.21, National Association of Counties (Membership Dues) \$28.13, Security Shredding Service (Maintenance) \$17.50, Western Office Technologies (Supplies) \$25.00; **Data Processing:** Miller Consulting (Maintenance) \$1,991.25; **States Attorney:** Security Shredding Service (Maintenance) \$35.00; **Government Buildings:** Ace Hardware (Supplies) \$9.99, Detco (Supplies) \$38.16, Echo Electric Supply (Supplies) \$179.60, Janssen's Garbage (Utilities) \$210.00, Menards (Supplies) \$28.02, MidAmerican Energy (Utilities) \$401.94, Northwestern Energy (Utilities) \$2,173.94; **Director of Equalization:** Ecowater Systems (Supplies) \$20.00, Hansen Locksmithing (Maintenance) \$35.00, Microfilm Imaging Systems (Maintenance) \$70.00, Lori Mackey (Supplies & Travel) \$90.36, National Association of Counties (Membership Dues) \$28.13, Steiny Real Estate Appraisals (Travel) \$495.00, Security Shredding Service (Maintenance) \$17.50, Western Office Technologies (Supplies) \$394.99; **Register of Deeds:** McLeod's Printing & Office Supply (Supplies) \$258.66, Microfilm Imaging Systems (Rentals) \$546.20, National Association of Counties (Membership Dues) \$28.13; **Veteran's Service:** National Association of Counties (Membership Dues) \$28.13; **Court House & Safety Center:** Ace Hardware (Supplies) \$6.05, Buhl's of Yankton (Maintenance) \$23.57, City of Yankton (Utilities) \$184.00, Kone (Maintenance) \$247.32, MidAmerican Energy (Utilities) \$758.14, Northwestern Energy (Utilities) \$7,518.77, Stockmen's Trailer Sales (Repairs) \$190.95, Turner Plumbing (Repairs) \$382.34, TruGreen (Maintenance) \$100.00, Yankton Janitorial Supply (Supplies) \$637.33; **Sheriff:** Broadway Chrysler, Dodge & Jeep (Auto Equipment) \$13,600.00, City of Yankton (Fuel) \$2,404.56, Wow! Business (Utilities) \$87.90, Light & Siren (Auto Equipment) \$117.90, National Association of Counties (Membership Dues)

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\$28.13, Pennington County Sheriff's Office (Travel) \$306.60, Ed Roehr Safety Products (Ammunition) \$289.79, SD Department of Motor Vehicles (Auto Equipment) \$5.00, Yankton Motor Company (Maintenance & Repairs) \$458.77; **County Jail:** Anesthesiology Associates (Services) \$216.94, Avera Medical Group Neurosurgery (Services) \$74.70, AMG Physical Medicine & Rehabilitation (Services) \$384.78, Avera Medical Group Radiology (Services) \$112.32, Avera Medical Group Internal Medicine (Services) \$41.81, Broadway Chrysler, Dodge & Jeep (Auto Expense) \$732.00, CBM Food Service (Meals) \$5,456.30, Core Orthopedics Avera Medical Group (Services) \$789.68, Olson's Pest Technician (Maintenance) \$103.00, Surgical Institute of South Dakota (Services) \$160.12; **Coroner:** National Association of Counties (Membership Dues) \$28.13; **Care of Poor:** National Association of Counties (Membership Dues) \$28.13, Opsahl-Kostel Funeral Home (Services) \$1,250.00, Yankton Drug Company (Medicine) \$104.22; **Public Health Nurse:** National Association of Counties (Membership Dues) \$28.13; **Ambulance:** Ace Hardware (Supplies) \$109.38, Avera Sacred Heart Hospital (Supplies) \$792.90, AT & T (Utilities) \$37.70, Bound Tree Medical (Supplies) \$481.50, City of Yankton (Supplies) \$1,016.09, Common Cents EMS Supply (Supplies) \$29.95, Catherine Cuka (Supplies) \$25.92, Card Service Center (Supplies) \$1,197.05, Century Business Products (Rentals) \$35.00, Hedahl's (Supplies) \$11.70, Janssen's Garbage Services (Utilities) \$81.00, Kaiser Heating & Cooling (Repairs) \$68.00, Matheson Tri-Gas (Rentals) \$38.40, Master Tech Auto Clinic (Maintenance) \$159.73, Northwestern Energy (Utilities) \$851.19, National Association of Counties (Membership Dues) \$28.12, Public Safety Center (Supplies) \$239.94, Roger's Family Pharmacy (Supplies) \$83.46, Sioux Falls Two Way Radio Service (Minor Equipment) \$1,138.00, TMA (Maintenance) \$1,357.54, Verizon (Utilities) \$277.14, Yankton Janitorial Supply (Supplies) \$173.80; **Mentally Handicapped:** Dakota Abilities (Care) \$360.00, South Dakota Achieve (September Services) \$240.00, SD State Treasurer (Services-HSC) \$6,559.50; SD State Treasurer (Services-Redfield) \$180.00; **Mental Illness Board:** Norma Andersen (Hearings) \$15.00, Lincoln County Treasurer (Hearings) \$270.25, Lucille Lewno (Hearings) \$322.96, Karen Swanda (Hearings) \$15.00, Shepherd Reporting (Hearings) \$30.00; **County Extension:** Ace Hardware (Maintenance) \$23.99, Leaf (Rentals) \$288.00, Larry's Plumbing Service (Repairs) \$155.26, Northwestern Energy (Utilities) \$319.27, National 4-H Council Supply Service (Supplies) \$292.25, National Association of Counties (Membership Dues) \$28.12, Larry D. Remington (Maintenance) \$345.00, Wholesale Supply Company (Supplies) \$34.95, Western Office Technologies (Supplies) \$214.21; **Weeds:** National Association of Counties (Membership Dues) \$28.12; **Planning & Zoning:** Miller Consulting (Supplies) \$818.00, National Association of Counties (Membership Dues) \$28.12, Verizon (Utilities) \$30.77, Western Office Technologies (Publishings) \$6.75, Yankton Daily P&D (Legal Notices) \$106.60; **Economic Development:** Keep Yankton Beautiful (2013 Budget Request) \$2,500.00; **Road & Bridge:** Ace Hardware (Supplies) \$111.26, Appera (Supplies) \$69.63, B-Y Electric (Utilities) \$31.46, Bierschbach Equipment & Supply (Supplies) \$590.90, Butler Machinery Company (Repairs) \$126.39, Boyer Trucks (Supplies) \$249.80, City of Yankton (Utilities) \$27.56, Cox Auto (Supplies) \$1,131.54, Concrete Materials (Supplies) \$47,492.88, Century Link (Utilities) \$59.18, Clarks Rentals (Rentals) \$672.00, Caterpillar Financial Service (Machinery) \$86,756.13, Direct TV (Utilities) \$68.43, Diamond Mowers (Supplies) \$221.48, Fastenal Industrial & Construction Supply (Supplies) \$19.92, Brian Gustad (Travel) \$139.00, Graham Tire (Supplies) \$3,466.00, Jebro (Annual Projects) \$14,832.43, Johnson Engineering (Annual Projects) \$1,870.35, Jamar Technologies (Supplies) \$814.07, Janssen's Garbage (Utilities) \$40.00, Mead Lumber (Supplies) \$8.96, Myer's Tire (Supplies) \$267.04, Mid-American Energy (Utilities) \$60.00, Northwestern Energy (Utilities) \$18.19, National Association of Counties (Membership Dues) \$28.12, South Dakota Department of Transportation (Stone Church Rd Project ER6213) \$30,151.64, Stern Oil Company (Fuel) \$1,871.38, SD Department of Corrections (Services) \$195.08, Southeastern Electric Cooperative (Utilities) \$23.67, Truck Trailer Sales & Service (Supplies) \$79.98, Titan Machinery (Annual Projects) \$2,550.47, Truonorth Steel (Supplies) \$44,271.40, TMA (Supplies) \$169.95, Verizon (Utilities) \$53.46, Western Office Technologies (Supplies) \$171.83, Yankton Fire & Safety Company

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(Maintenance) \$65.00, SD State Treasurer (Excise Tax) \$100.00; **911 Fund:** City of Yankton (Travel) \$384.02, Century Link (Utilities) \$83.20, Golden West (Utilities) \$149.66, Wow! Business (Utilities) \$1,100.00; **Emergency Management:** Ace Hardware (Maintenance & Repairs) \$153.52, B-Y Electric (Utilities) \$38.88, City of Yankton (Supplies) \$64.55, Cedar Shore (Travel) \$208.00, Great America Financial Services (Rentals) \$94.54, Hedahl's (Maintenance) \$98.55, Wow! Business (Utilities) \$401.36, Modern Body Shop (Repairs) \$465.00, National Association of Counties (Membership Dues) \$28.12, Racom Corporation (Utilities) \$31.21, Sign Tech (Supplies) \$1,168.50, Tabor Lumber Cooperative (Supplies) \$309.86, Verizon (Utilities) \$178.16, Western Office Technologies (Supplies) \$708.90; **Court House Building & Structure:** Larry's Heating & Cooling (Maintenance) \$5,059.94, Turner Plumbing (Repairs) \$5,795.93; **24/7:** Intoximeters (Supplies) \$1,500.00, SD Attorney General's Office (3rd Quarter PBT Fees) \$982.00; **State Motor:** SD State Treasurer (Treasurer Fees) \$278,285.55, SD State Treasurer (Waste Fees) \$6,197.00; **Clearing Fund:** SD State Treasurer (ROD Fees) \$1,570.00; **M&PR Fund:** SDACO (M & PR Fund) \$616.00. Total General Fund \$78,407.50, Road & Bridge \$238,876.58, 911 Fund \$1,716.88, Emergency Management \$3,949.15, Court House Building & Structure \$10,855.87, 24/7 \$2,482.00, State Motor \$284,482.55, Clearing Fund \$1,570.00, M & PR Fund \$616.00. All present voted aye; motion carried.

Action 13504N: A motion was made by Freng and seconded by Johnson to accept the quarterly (third quarter) report from Jackie Husman of the S.D. Department of Health and Yankton County WIC office. Husman said her staff has been busy giving flu shots to county employees, students at Yankton area schools and others. All present voted aye; motion carried.

Office Space Request: The Board discussed a request from Jackie Binder for Government Center office space to house her new position as a Nutrition/Training Coordinator for the State of South Dakota. The Board and Binder were in agreement that she could use a small conference room on the second floor.

Action 13505N: A motion was made by Moore and seconded by Freng to rent a conference room on the second floor of the Government Center to the State of South Dakota for \$75 per month as office space for Nutrition/Training Coordinator Jackie Binder. All present voted aye; motion carried.

Action 13506H: A motion was made by Johnson and seconded by Freng to recess the regular session and convene in executive session with Highway Superintendent Brian Gustad to discuss personnel issues. All present voted aye; motion carried.

Action 13507H: A motion was made by Moore and seconded by Freng to adjourn from executive session and reconvene in regular session. All present voted aye; motion carried.

Chairman Jensen said no actions would be taken as a result of the executive session.

Action 13508H: A motion was made by Freng and seconded by Johnson to accept the low bid of \$28,481 from Mark's Machinery for a new skid loader for the Highway Department. The model is an S570 Bobcat. All present voted aye; motion carried.

Highway Report: Highway Superintendent Brian Gustad said he has continued to work with Clay County officials on proposed improvements to a county-line road east of Gayville. Gustad said there is still heavy truck traffic on the road this month, but he hopes to see the project completed this fall. He plans to have a specific cost share proposal available for the Board's review at the Nov. 5 meeting. Gustad will be out of town later in October to attend state and regional conferences in Rapid City. He said Lead Highway Foreman Tim Sherman will be available in his absence.

Ambulance Report: Emergency Medical Services Administrator Steve Hawkins presented his monthly report, which listed 140 ambulance calls and 2,287 patient-loaded miles in September 2013. Hawkins said the department's new ambulance has been delivered and placed in service. Hawkins requested the Board's approval of a proposal to pay each of the county's five first responder groups \$1,000 per year instead of paying the first responders \$50 per call. The responder groups would use the funds to purchase supplies and equipment.

Action 13509EMS: A motion

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was made by Sinclair and seconded by Freng to approve \$35,199.10 in EMS insurance adjustments. All present voted aye; motion carried.

Action 13510EMS: A motion was made by Johnson and seconded by Freng to approve \$4,997.59 in EMS individual write-offs. All present voted aye; motion carried.

Action 13511EMS: A motion was made by Moore and seconded by Sinclair to approve annual payments of \$1,000 per year to the county's five first responder groups for purchase of supplies and equipment. The first payments will be made in December 2013 and will replace the \$50 per call agreement between Yankton County and the first responder groups. All present voted aye; motion carried.

Courthouse Project: Commissioner Freng provided an update on remodeling of an unfinished courtroom at the Yankton County Courthouse. The County previously hired Luken Construction to do cabinetry and desk work in the courtroom for \$15,000. Commissioner Freng said the company has requested a \$7,000 advance payment to purchase bulletproof material needed to construct the judge's bench. Freng also said Court Administrator Kim Allison has now requested additional furniture for the courtroom, including three tables and a printer stand. Freng said Luken Construction would charge \$4,000 to build the tables and printer stand, bringing the total project cost to \$19,000.

Action 13513SC: A motion was made by Moore and seconded by Johnson to approve a \$7,000 advance payment to Luken Construction for the courtroom remodeling project and include that payment as an allowable expense in the Nov. 5 list of claims. All present voted aye; motion carried.

Action 13514SC: A motion was made by Johnson and seconded by Sinclair to table a request from the court administrator for \$4,000 in additional furniture for the courtroom remodel project. All present voted aye; motion carried.

Phone System: Chairman Jensen said he has contacted representatives of WOW about problems with the phone system in the Government Center. There have been discussions about replacing the system with higher quality phones.

Basement Water: Heavy rainfall on Oct. 14 caused water to leak through conduits and into the electrical panel in the basement utility room of the Government Center, causing a hazardous situation. Jensen and Freng will meet with local contractors to develop a plan that solves the issue.

A c t i o n 1 3 5 1 5 A U D - T R E A S / R O D / V S O / M I : A motion was made by Johnson and seconded by Sinclair to approve the following monthly reports: Auditor-Treasurer, Pooled Cash, Register of Deeds fee collections, Veteran's Service Office activity and Mental Illness Hearings income. All present voted aye; motion carried.

The Auditor's Monthly Settlement with the Treasurer report for Sept. 30, 2013 showed Total Cash on Hand of \$123,941.47; Checking Account Balance at First Dakota National Bank, \$305,744.97; and Savings Account Balances as follows: Wells Fargo Bank, \$368,908.99; CorTrust Bank of Gayville, \$752,949.55; First Dakota National Bank, \$2,093,688.12; CorTrust Bank of Yankton, \$847,421.86; and First National Bank South Dakota, \$2,006,421.57. Yankton County's bad check balance was \$1,058.33. The County's Grand Total of Cash and Balances at the end of September 2013 was \$6,500,134.86. The General Fund was \$4,399,243.81; Special Funds were \$1,349,716.15; and Trust and Agency Funds were \$751,688.90 adding to a Grand Total of General Ledger Cash and Investments of \$6,500,648.86 on Sept. 30, 2013.

The Pooled Cash report showed a beginning monthly balance of \$4,528,049.06 on Sept. 1, 2013 and an ending monthly balance of \$4,399,243.81 on Sept. 30, 2013.

The Register of Deeds report from September 2013 showed collections of \$13,340.00 in regular fees; \$8,770.00 in transfer fees; and \$2,061.50 in copies revenue.

The Veteran's Service Office report noted 32 contacts on behalf of veterans last month, and transportation of 26 veterans (nine trips) to appointments at the VA Hospital in Sioux Falls.

The Mental Illness Hearings income report stated 21 counties

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paid Yankton County a total of \$7,064.60 for providing representation from the Yankton County State's Attorney Office at August 2013 MI hearings held at the South Dakota Human Services Center.

Auditor Staffing: Auditor Patty Hojem requested Board approval for hiring a part-time staff person in her office. The Auditor's Office has four budgeted full-time positions, but the office has operated with three employees for most of 2013. With the added work of two elections next year, Hojem said a fourth person working 9 a.m. to 1 p.m. each day is needed. Hojem also said she and Deputy Auditor Karen Faerber will periodically be out of town for training and her clerk will need some staff support to cover lunch breaks, appointments, sick days, etc.

Action 13516AUD: A motion was made by Sinclair and seconded by Freng to approve hiring a part-time staff member for the Auditor's Office. All present voted aye; motion carried.

Action 13517EMS: A motion was made by Commissioner Mark Johnson and seconded by Commissioner Allen Sinclair to approve the following Resolution in honor and recognition of the retirement of Donald Suing, Emergency Medical Technician with Yankton County Emergency Medical Services.

WHEREAS, Donald G. Suing began his employment with Yankton County Emergency Medical Services on April 21, 1996; and

WHEREAS, Donald G. Suing retired from his position with Yankton County Emergency Medical Services, effective Oct. 1, 2013; and

WHEREAS, Donald G. Suing provided compassionate and skilled care to Yankton County EMS patients from 1996-2013; and

WHEREAS, Donald G. Suing was a dependable co-worker who often volunteered to work open shifts on the EMT schedule; and

WHEREAS, Donald G. Suing was a hard-working and loyal public servant who performed his duties in a professional manner; and

WHEREAS, Donald G. Suing wishes to spend more time with his family and to his service as a softball umpire for the City of Yankton; and

WHEREAS, Donald G. Suing devoted 17 1/2 years of his life to Yankton County Emergency Medical Services; and

WHEREAS, the Yankton County Board of Commissioners wish to thank and formally recognize Donald G. Suing for his dedicated service to Yankton County.

NOW THEREFORE, BE IT RESOLVED by the Yankton County Board of Commissioners that we honor Donald G. Suing on the occasion of his retirement from Yankton County Emergency Medical Services; express our gratitude and appreciation for Don's long and faithful service to Yankton County; extend him our best wishes for a happy, healthy and rewarding retirement; and hereby make this commendation part of the official Yankton County record.

All present voted aye; motion carried.

Action 13518D: A motion was made by Sinclair and seconded by Freng to recess the regular session and convene as Drainage Board. All present voted aye; motion carried.

Action 13519D: A motion was made by Moore and seconded by Johnson to approve a Drainage Permit to install tile drainage from applicant Roger Hansen per Findings of Fact from the Sept. 24, 2013 meeting of the Yankton County Drainage Commission and on file in the County Zoning office. The legal description of the property is SE1/4 of S11-T96N-R55W, hereinafter referred to as Mayfield Township, County of Yankton, state of S.D. The Drainage Commission recommended approval of the permit. All present voted aye; motion carried.

Action 13520D: A motion was made by Moore and seconded by Sinclair to approve a Drainage Permit to install tile drainage from applicant Kirschenman Farms, LLC per Findings of Fact from the Sept. 24, 2013 meeting of the Yankton County Drainage Commission and on file in the County Zoning office. The legal descriptions of the properties are NW1/4 S11-T96N-R56W and the W1/2 NE1/4 S11-T96N-R56W and the E1/2 NE1/4 S11-T96N-R56W and the NW1/4, NE1/4 and SW1/4 S12-T96N-R56W, hereinafter referred to as Jamesville Township, County of Yankton, state of S.D. The Drainage Commission recommended approval of the permit. All present voted aye; motion carried.

Action 13521D: A motion was made by Johnson and seconded by Freng to approve a Drainage Permit to install tile drainage from applicant James Larsen per Find-

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ings of Fact from the Sept. 24, 2013 meeting of the Yankton County Drainage Commission and on file in the County Zoning office. The legal descriptions of the properties are N1/2 NW1/4 S2-T96N-R55W and the N917 SW1/4 and S1/2 NW1/4 S20-T96N-R55W, hereinafter referred to as Mayfield Township, County of Yankton, state of S.D. The Drainage Commission recommended approval of the permit. All present voted aye; motion carried.

Action 13522Z: A motion was made by Johnson and seconded by Freng to adjourn as Drainage Board and reconvene as Board of Adjustment. All present voted aye; motion carried.

Wildwood Park Administrative Review: Zoning Administrator Patrick Garrity requested the Board's direction on zoning issues in Wildwood Park Addition, located along the James River near Kelly's Cove east of Yankton. Concerns have been expressed about the occupancy of campers and small sheds, and the placement of portable toilets, in the development. Wildwood Park Addition is a moderate-density rural residential district platted as 41 lots in 1978. Seven houses have been built there. Garrity said the area was designated as a flood plain in 2010. This change requires landowners to meet flood plain requirements and moderate density residential requirements in the zoning ordinance.

A flood plain development permit must be issued by Garrity before a property owner can do any riverbank stabilization, build fences, or put up structures in Wildwood Park Addition. One of the conditions of a flood plain development permit is that all structures must be removable within 48 hours of a flood event.

Section 1521 of the Yankton County Zoning Ordinance states a campground must be greater than five acres in size.

Section 1525 of the Yankton County Zoning Ordinance states no camping unit shall be parked and occupied on a residential lot for a period greater than 14 days within a calendar year.

Section 1721 of the Yankton County Zoning Ordinance states a property owner is permitted to build one exempt structure of 120 square feet or less without obtaining a building permit.

Commissioner Freng said the area is being turned into a campground. Freng also said property owners are using the exempt structure classification to develop small residences without obtaining building permits.

Six property owners in Wildwood Park Addition shared their views on the issues presented by Garrity.

Troy Kabella purchased Lot 20 in Wildwood Park Addition in 2006. He has a flood plain development permit. Kabella said the 2010 flood plain designation has made it unfeasible to build a new home on Wildwood Park Addition lots, due to site elevation requirements. Kabella said he built a shed on his property that he believes is allowed as an exempt structure of less than 120 square feet.

Commissioner Freng said exempt structures are intended to be sheds or playhouses and not to be used as residences. Kabella said he spends a lot of time at the shed, but does not live in it.

Tim Floen purchased Lot 24 in Wildwood Park Addition in 2013. Freng to recess the regular session and convene as Drainage Board. All present voted aye; motion carried.

Floen said an exempt shed was built on his property in 2011 before he purchased it. Floen said he parks a camper on the lot, but keeps it covered when his family is not using it. Floen said he plans to build a house on the property within 3-5 years.

Mike McHenry purchased Lot 19 in Wildwood Park Addition in 2012. McHenry said he parks his camper on the lot. He said he built a fence and placed a sunshade and portable toilet on the property. McHenry said he occupies the camper fewer than 14 nights per year. McHenry said he painted the portable toilet in camouflage colors and has it pumped out regularly by a sanitary service.

Tim Miller has owned a house on Lot 12 in Wildwood Park Addition since 2003. Miller said he understands the 2010 flood plain designation has lowered property values and makes it unlikely any new houses will be built in the residential development. Miller said he does not believe that change means the subdivision should now be turned into a campground.

Randy Hlavac purchased Lot 11 in Wildwood Park Addition in 2012. He has a flood plain development permit. Hlavac said he parks his camper on the lot, but occupies it fewer than 14 nights per year. Hlavac said he has a portable toilet on the lot that is pumped as needed by a sanitary service.

Sue Chaney and her husband have owned a home on Lots 40 and 41 in Wildwood Park since 1997. Chaney said they plan to sell their house soon and move to Yankton. She said an attorney informed her that flood plain restrictions, combined with adjacent landowners out of compliance with zoning re-