

- 1) That the Miner County Board of Adjustment is empowered under Section 505 of the Miner County Zoning Ordinance to grant with conditions the conditional use and that the granting of the conditional use will not adversely affect the public interest.
- 2) That the Miner County Board of Adjustment certifies compliance with the specific rules governing individual conditional uses.
- 3) That the Miner County Board of Adjustment is able to make the applicable findings required by Section 505, Subsection 5 of the ordinance, which are considered prerequisite to the granting of a conditional use.

IX

That the Board of Adjustment vote upon approval of such application was five in favor thereof and none opposed thereto.

It is, therefore, ORDERED that said application be approved.

Dated this 1st day of July, 2008.

Pat Maroney, Chairman
Miner County Board of Adjustment

Attest:

Susan Connor, Secretary

MINER COUNTY
NOTICE OF APPEAL
CONDITIONAL USE/VARIANCE APPLICATION

PERMIT NUMBER 25

APPLICANT (PRINT): TransCanada Keystone Pipeline, LP PHONE: (816) 880-4881
ADDRESS: 2509 NW Tiffany Springs Parkway, Northpointe Circle II, Suite 200; Kansas City, MO 64153
OWNER (PRINT): Denis Moschell and siblings PHONE: (605) 921-9098
ADDRESS: 23195 - 426th Avenue, Howard, SD 57349

I/WE, THE UNDERSIGNED, DO HEREBY PETITION THE BOARD OF ADJUSTMENT OF MINER COUNTY SOUTH DAKOTA, TO ISSUE A CONDITIONAL USE PERMIT OR VARIANCE FOR THE PROPERTY DESCRIBED AS:
(CIRCLE APPROPRIATE)

LEGAL DESCRIPTION (Please print or type):

Tract PS-SD-MN-0791.0000 Roswell Pump Station Addition in the SE ¼ of the SE ¼ of Section 20, Township 106 North, Range 57 West of the 5th P.M., Miner County, South Dakota

PARCEL NUMBER: _____
GENERAL AREA OR STREET ADDRESS: corner of 236th Street and 426th Avenue
EXISTING LAND USE: Agricultural EXISTING ZONING: Agricultural
SIZE OF PARCEL: ACRES 6.74 LOT DIMENSIONS: WIDTH 502' LENGTH 585' DEPTH 502'

SURROUNDING LAND USE
NORTH: Agricultural
SOUTH: Agricultural
EAST: Agricultural
WEST: Agricultural

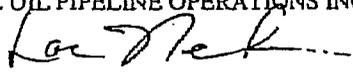
PLEASE DESCRIBE WHAT YOU PROPOSE TO DO AND WHY YOU ARE SEEKING A CONDITIONAL USE PERMIT (attach a separate sheet of paper if necessary)

Construction of control and storage buildings for the pump station along the Keystone Pipeline route

IF YOU ARE SEEKING A VARIANCE PLEASE PROVIDE A BRIEF STATEMENT OF THE VARIANCE DESIRED AND PLEASE STATE THE HARDSHIP REQUIRING RELIEF. (Proof of hardship is on the applicant - Hardship examples are odd size or shape of the lot, unusual topography, etc. attach a separate sheet of paper if necessary)

Signature of Applicant(s):

TRANSCANADA KEYSTONE PIPELINE, LP

By its agent:
TC OIL PIPELINE OPERATIONS INC.

By Lauri Newton
Its Assistant Secretary

By Kelly James
Its Secretary

Note: A sketch of proposed property shall accompany this application, showing the following:

- | | |
|--|--|
| 1. North Direction | 5. Location of Proposed Structure On Lot |
| 2. Dimensions of Proposed Structure | 6. Dimensions of Front and Side Set Backs |
| 3. Street Names | 7. Location of Adjacent Existing Buildings |
| 4. Other Information As May Be Requested | |

THE BOARD OF ADJUSTMENT MAY REQUIRE THAT SUCH PLANS BE PREPARED BY A REGISTERED ENGINEER OR LAND SURVEYOR.

**PLEASE USE THE ATTACHED SKETCH INSTRUCTION SHEET FOR AN EXAMPLE.

FOR OFFICIAL USE ONLY

DATE FILED WITH ZONING ADMINISTRATOR: 6/10/08 FEE PAID (NON-REFUNDABLE): X YES NO
DATE OF HEARING: 7/1/08 ACTION BY BOARD OF ADJUSTMENT: APPROVED

Patricia D. Wharmy
7-1-08

CONDITIONS: COMPLIANCE WITH ALL APPLICABLE FEDERAL AND STATE REGULATIONS. APPROPRIATE AGREEMENTS BE MADE WITH THE COUNTY AND TOWNSHIPS REGARDING ROAD MAINTENANCE DURING CONSTRUCTION AND OPERATION OF THE PUMP STATION.

9-25-08
Roswell Township does not require a permit
for an approach for Pump Station 22.

Chairman:
Bob Calmer
Roswell TWP

Received 9-29-08
Kumar Patel
Permit Coordinator

Roswell Township
Mines County, South Dakota

Miner Co. S.D.

Co. Road #19 first mile south of 34
gravel tested 7 inches deep 150 ft south
of Hwy 34 stop sign. Road width is 22 ft.

Phil J. Weather 7-22-2008

Ben Byers 7/22/2008

MINER COUNTY DOES NOT REQUIRE A PERMIT FOR AN ACCESS APPROACH.

PROPER SIZE CULVERT WILL BE INSTALLED IF NEEDED.

APPROACH AND CULVERT WILL BE THE RESPONSIBILITY OF KEYSTONE PIPELINE.

ROSWELL TOWNSHIP, SECTION 7 S.W. – COUNTY ROAD 19

Ron Krempges 7/22/08

RON KREMPGES
SUPERINTENDENT

McCOOK COUNTY HIGHWAY DEPARTMENT
331 W. NORTON AVENUE
SALEM, SD 57058

APPLICATION FOR ENTRANCE FROM A McCOOK COUNTY HIGHWAY

Application made by Trans Canada Keystone Pipeline, LP
for an entrance to be located along McCook County Highway C.Rd. 23A
in McCook County, South Dakota.

Pertinent information to the proposed entrance:

1. Type of entrance-Development _____ Field Home _____
2. Location by legal description T101N R56W Sec 33 SW4
3. Approximate location 125' From center line 268th St.
4. Width of entrance 60'
5. Requested installation date NA

Submitted: Date 7-22, 2008

[Signature]
Signature of Applicant

110 3rd St SW - Huron, SD 57350
Address

Entrance locations to be checked by the McCook County Highway before construction. Entrances to be built to McCook County specifications. The property owner is responsible for labor, equipment, fill and culvert (if necessary). Permit expires 180 days after date requested installation date.

DO NOT WRITE BELOW THIS LINE

Property owner to construct his own entrance with final inspection by McCook County Highway Dept.

Size, type and length of culvert 18" min.

Authorized: Date 7-22, 2008 [Signature]
Highway Superintendent

Approved: Date _____, 20____
Highway Superintendent

YANKTON COUNTY COMMISSION MEETING
September 3, 2008

Yankton County
CUP
Yankton North
23
P/AE
YCW

The regular meeting of the Yankton County Commission was called to order by Chairman Allen Sinclair at 3:30 PM on Wednesday, September 3, 2008.

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

Budget requests were presented by Rob Klimisch for the States Attorney's office and Courts. The Auditor advised increasing energy costs will necessitate increasing the utility budget to \$100,000 for the Courthouse and Safety Center (this increase is \$15,000 more than the provisional budget). Jeremy Dangel, Emergency Manager, advised four persons have agreed to serve as on-call deputies for 2009 (Paul Scherschligt, Tim Engle, Paul Helgerson and Lee Rettig). Dangel discussed his salary increase (\$31,344 to \$41,500) request for 2009, advising the requested increase is based on reducing staffing by one part-time person and averaging state-wide salaries for the OEM position.

Action 08341OEMHS: A motion was made by Jensen to increase the Emergency Manager's salary to the requested amount for 2009 and to pro-rate the increase for the balance of 2008. The motion died for lack of a second.

Action 08342OEMHS: A motion was made by Jensen and seconded by Johnson to increase the Emergency Manager's salary for the balance of 2008 in an amount not to exceed \$5,000. (\$1,250.00 per month).

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

Action 08343C: A motion was made by Johnson and seconded by Freng to authorize Commissioners Tamisiea and Jensen to conduct a salary study and report back to the commission.

Voting Aye: All Nay: None Motion carried.

The Board also discussed outside agency requests.

Action 08344C: A motion was made by Jensen and seconded by Johnson to set the agenda with the following additions/changes: Highways 46 & 81 junction (Commissioner Jensen).

Voting Aye: All Nay: None Motion carried.

Action 08345C: A motion was made by Tamisiea and seconded by Johnson to approve the minutes of the August 22nd, 2008 meeting of the Board.

Voting Aye: All Nay: None Motion carried.

Mark Aspaas, Architecture, Inc reported on the Safety Center/Courts project. The following RFPs were acted upon:

RFP 87 – furnish and install additional items in jail and to modify the Electronic Security System - \$49,141.00

Action 08346C: A motion was made by Johnson and seconded by Jensen to accept Items 1, 3 & 4 of RFP 87 for a total of \$12,679.
Voting Aye: All Nay: None Motion carried.

RFP 90 – Finish & install door position switches – Doors 102-2, 127-1 & -2 – \$747.00
Action 08347C: A motion was made by Freng and seconded by Jensen to approve the proposal for RFP 90, as presented, at a cost of \$747.00.
Voting Aye: All Nay: None Motion carried.

RFP 88 – Courts hardware modifications – \$14,462.00.
Action was tabled on RFP 88 pending determination of security grant funds availability.

Action 08348C: A motion was made by Jensen and seconded by Johnson to recess the regular session of the Board and convene as a Board of Adjustment.
Voting Aye: All Nay: None Motion carried.

Action 08349Z: A motion was made by Johnson and seconded by Tamisiea to approve a **Lot Size and Lot Width Reduction Variance Permit** for **Heine Farms** as follows:

Heine Farms, PO Box 477, Yankton, SD 57078

LEGAL DESCRIPTION (Physical Location): Heine Tract A, N2 SW4, Section 15, Township 93N, Range 56W, Yankton County, SD.

1. Planning Commission recommends approval 12-0.
2. A lot size variance to create one (1) lot of 1.62; and a lot width reduction from 500 feet to 254.01 feet in a Rural Transitional District.
3. Granting of variance will bring property into compliance with Yankton County Zoning Ordinance, variance will not confer on the applicant any special privilege
4. No nonconforming lands, structures or buildings were considered grounds for this recommendation
5. Use of applicants' property is allowed by the Yankton County Zoning Ordinance and in the district
6. Variance request approval per Section 1907, Parts 1 through 10 of the Yankton County Zoning Ordinance

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

Action 08350C: A motion was made by Johnson and seconded by Jensen to recess as a Board of Adjustment and reconvene in regular session.
Voting Aye: All Voting Nay: None Motion carried.

Action 08351Z: A motion was made by Freng and seconded by Johnson to adopt the following resolution: Whereas it appears that Gary J Heine, Partner, Heine Farms, A Nebraska Partnership, owner of record, has caused a plat to be made of the following real property: Heine Tract A, N2 SW4, Section 15, Township Ninety-Three (93) N, Range Fifty-Six (56) West of the 5th PM, Yankton County, South Dakota and has submitted such plat to the Yankton County Planning Commission and the County Commission, of Yankton County, South Dakota for approval. Now therefore be it resolved that such plat has been executed

according to the law and conforms to all existing applicable zoning, subdivision and erosion and sediment control and the same is hereby approved. The county Auditor is hereby authorized and directed to endorse on such plat the proper resolution and certify the same.

Voting Aye: All Voting Nay: None Motion carried.

Action 08352C: A motion was made by Jensen and seconded by Johnson to recess the regular session of the Board and convene as a Board of Adjustment.

Voting Aye: All Nay: None Motion carried.

Action 08353Z: A motion was made by Johnson and seconded by Jensen to approve two **Lot Line Variance Permits for Lloyd & Pat Hanes** as follows:

Lloyd & Pat Hanes

LEGAL DESCRIPTION (Physical Location): Lot 22, Block 1, Riverside Acres, Section 22, Township 93N, Range 56W, Yankton County, SD.

1. Planning Commission recommends approval 12-0.
2. A front yard lot line variance of 31 feet, or no closer than 19 feet if Lot 22, Block 1, Riverside Acres requires a 50 foot setback or 11 feet, or no closer than 19 feet, bordering the right-of-way of Richard Street if it does not, and a side yard lot line variance of 33 feet, or no closer than 17 feet if Lot 22, Block 1, Riverside Acres requires a 50-foot setback or 13 feet, or no closer than 17 feet if it does not.
3. Granting of variance will bring property into compliance with Yankton County Zoning Ordinance, variance will not confer on the applicant any special privilege
4. No nonconforming lands, structures or buildings were considered grounds for this recommendation
5. Use of applicants' property is allowed by the Yankton County Zoning Ordinance and in the district
6. Variance request approval per Section 1907, Parts 1 through 10 of the Yankton County Zoning Ordinance

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

Action 08354Z: A motion was made by Jensen and seconded by Tamisiea to approve a **Conditional Use Permit, to allow for the temporary storage of pipes** as follows:
TransCanada Keystone Pipeline, 45 – 1st Street SW, Calgary, Alberta, Canada
LEGAL DESCRIPTION (Physical Location): 20 acres in E2, Section 12, Township 95N, Range 56W, Yankton County, SD.

Pro comments were received from Todd Knutson, Tom Schell, Paul Clites and Beth Lewis, Att. (No negative comments were presented) (Regarding both applications)

1. Planning Commission recommends approval 12-0.
2. Granting of conditional use will bring property into compliance with Yankton County Zoning Ordinance, conditional use will not confer on the applicant any special privilege
3. No nonconforming lands, structures or buildings were considered grounds for this recommendation
4. Use of applicants' property is allowed by the Yankton County Zoning Ordinance and in the district;

5. Recommendations/conditions: Ingress and egress shall be from US Highway 81 only ;
6. Recommendations/conditions: All property shall be returned to its agricultural use;
7. Recommendations/conditions: TransCanada shall enter into a haul road agreement with Yankton County which shall be approved by the Yankton County Commission;
8. Recommendations/conditions: The Conditional Use Permit shall be effective from September, 2008 to December 31, 2009 and is for the construction of the Keystone Pipeline only;
9. Recommendations/conditions: Truck crossing signs shall be placed in the surrounding right-of-ways as permitted by state law.
10. Approval is per pursuant to Section 1905 (1-6) of the Yankton County Zoning Ordinance

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

Action 08355Z: A motion was made by Freng and seconded by Johnson to approve a **Conditional Use Permit, to allow for the temporary storage of pipes** as follows: **TransCanada Keystone Pipeline, 45 – 1st Street SW, Calgary, Alberta, Canada**
LEGAL DESCRIPTION (Physical Location): 30 Acres in NW4, Section 12, Township 95N, Range 56W, Yankton County, SD.

1. Planning Commission recommends approval 12-0.
2. Granting of conditional use will bring property into compliance with Yankton County Zoning Ordinance, conditional use will not confer on the applicant any special privilege
3. No nonconforming lands, structures or buildings were considered grounds for this recommendation
4. Use of applicants' property is allowed by the Yankton County Zoning Ordinance and in the district;
5. Recommendations/conditions: Ingress and egress shall be from US Highway 81 only ;
6. Recommendations/conditions: All property shall be returned to its agricultural use;
7. Recommendations/conditions: TransCanada shall enter into a haul road agreement with Yankton County which shall be approved by the Yankton County Commission;
8. Recommendations/conditions: The Conditional Use Permit shall be effective from September, 2008 to December 31, 2009 and is for the construction of the Keystone Pipeline only;
9. Recommendations/conditions: Truck crossing signs shall be placed in the surrounding right-of-ways as permitted by state law.
10. Approval is per pursuant to Section 1905 (1-6) of the Yankton County Zoning Ordinance

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

Action 08356C: A motion was made by Johnson and seconded by Freng to adjourn as a Board of Adjustment and reconvene in regular session.

Voting Aye: All Nay: None Motion carried.

The ambulance report for the month of August 2008 was presented by Gordon Dekkenga. The department responded to 121 calls in August with 108 1st call/standbys and 13 2nd/3rd call, 136 transfers... \$65,285 was billed out in August and \$47,121 was receipted in for

August. The year-to-date cost per resident of Yankton County for ambulance services is 6.05. Year-to-date expenditures were \$506,163 and receipts as of August 31, 2008 were \$376,607.

Action 08357A: A motion was made by Jensen and seconded by Johnson to write off \$9,086.49 (Medicare), \$3,043.14 (Medicaid), \$1,986.81 (Misc) and cancel the corresponding liens.

Voting Aye: All Nay: None Motion carried.

Darla Edinger, MD was recognized for 10 years of service.

Action 08358A: A motion was made by Johnson and seconded by Tamisiea to approve as a proper charge against the County, travel expenses for personnel to attend a Rural Trauma Team Development Course in Sioux Falls, SD on September 5th, 2008 and the SD EMT conference in Pierre, SD October 31st through November 2nd, 2008 (not to exceed \$2,500).

Voting Aye: All Nay: None Motion carried.

Action 08359A: A motion was made by Johnson and seconded by Tamisiea to accept into the record the August 2008 report of the Ambulance Department.

Voting Aye: All Nay: None Motion carried.

Action 08360/BH/ROD/Int/H/FireIns: A motion was made by Jensen and seconded by Freng to accept into the record the report of Bob Hanson, Safety Center Site Inspector; the Register of Deeds Statement of Fees collected for August, 2008 in the amount of \$10,655.00 and the Register of Deeds Statement of Transfer Fees collection for August, 2008 in the amount of \$6,600.50 and copy fees of \$773.00; the Secondary Road report for August, 2008 indicating expenditures of \$21,873.09; the interest allocation report for the month of July, 2008 indicating credited to General Fund \$15,955.49, Road & Bridge fund \$1,759.41, Emergency E911 \$1,119.01, County Buildings \$259.33, Courthouse Debt Service Fund \$655.85; Fire Insurance Premium refunds as follows: Yankton Volunteer FD \$47,760.35, Lesterville FD \$2,506.56, Menno FD \$1,084.12, Scotland FD \$329.82, Gayville FD \$2,190.64, Irene FD \$2,809.97, Volin FD \$1,736.05, Tabor FD \$1,133.99 for a total of \$59,551.50.

Voting Aye: All Nay: None Motion carried.

Action 08361EXT: A motion was made by Jensen and seconded by Johnson to approve the travel calendar for Extension office personnel for the month of September, 2008.

Voting Aye: All Nay: None Motion carried.

Action 08362H: A motion was made by Tamisiea and seconded by Johnson to approve the application for occupancy of Qwest Corporation for installation of buried service wire adjacent to West 23rd Street in Section 3, Townships 93 & 94N, Range 56W, adjacent to Kaiser Road in Section 7 Township 93N, Range 56W and adjacent to 447th Avenue in Section 32, Township 94N, Range 54W; Bon Homme-Yankton Electric for electric cable adjacent to Highway 215 Sections 9 & 16, Township 96N, Range 57W, Highway 587 in Sections 9 & 10, Township 96N, Range 57W, adjacent to Highway 368 in Section 14, Township 94N, Range 55W and in Section 25, Township 95N, Range 55W.

Voting Aye: All Nay: None Motion carried.

The second reading of Ordinance No YC-019 entitled "An Ordinance providing for the process and requirements of an interested party to apply and compete for a Liquor License in Yankton County as defined in said Ordinance" was held at 5:45 PM as scheduled.

Comments were received from Tom Schell and Pat Backman.

Action 08363C: A motion was made by Freng and seconded by Tamisiea to adopt the following:

ORDINANCE NO. YC-019

AN ORDINANCE ENTITLED, YC-019 "An Ordinance providing for the process and requirements of an interested party to apply and compete for a Liquor License in Yankton County as defined in said Ordinance."

Yankton County, as authorized by state statute, may issue on-sale liquor licenses. As the ownership of a liquor license has evolved into a valuable commodity, the Yankton County Commission has elected to institute a process whereby the taxpayers of the county shall receive the benefit of that value as a license fee. When a liquor license becomes available the Commissioners shall designate a special session whereby all interested parties will be allowed to submit a deposit and a business plan for the right to apply and bid for the license. The bids will be received in an open bid auction format conducted by the Chair of the Commission. The bid amount shall include the amount statutorily authorized as the fee amount the commission may impose. To qualify as a bidder, interested parties shall submit the following to the County Auditor:

1. Certified funds in the amount of \$5,000.00;
2. A letter of intent identifying the party bidding and an affidavit stating the owner(s) and/or management plan. The plan shall show that the applicant acknowledges and accepts the following:
 - a. An affidavit identifying the owner(s) and/or officers of a business or corporation applying for the license.
 - b. The affidavit shall list all persons having an interest in the license and must include a statement of compliance with SDCL § 35-2-6.2;
 - c. An awareness of contractual obligations set forth in SDCL 35-2-2.1.
 - d. An awareness and understanding of the obligations and risks stated by SDCL § 35-2-5.3.
 - e. An awareness and understanding that SDCL § 35-2-5.3 does not entitle the license holder to a refund of the license fee.
 - f. An awareness and understanding that an immediate and/or subsequent transfer request of a license pursuant to SDCL § 35-2-5.2, is subject to independent reviews by the Board of County Commissioners and the Secretary of Revenue, and therefore is not guaranteed.
 - g. An awareness and understanding that the owner(s) or business that receives the license shall be subject to a public hearing pursuant to SDCL § 35-2-5.
 - h. An awareness and understanding that this application process shall be complete upon a majority vote of the County Commissioners in open session following the discussion at the public hearing on this matter.

- i. An awareness and understanding of SDCL § 35-2-5.1 will preclude a denied applicant (person's / business / corporations with interest identified in the original application) from participating for a license for one year.
 - j. An awareness and understanding of SDCL § 35-2-6.6.
 - k. A business plan listing:
 - i. Location of establishment;
 - ii. Statement of zoning compliance;
 - iii. Statement of compliance with an applicable covenant;
 - iv. Square footage / planned square footage;
 - v. Cursory or primary activities associated with planned establishment;
 - l. A completed Uniform Alcoholic Beverage License Application.
 - m. All required elements and funds must be submitted to the County Auditor at least five (5) days prior to the date of the auction.
3. Business plans are subject to review by the commissioners and may be rejected pursuant to SDCL § 35-2-1.2.
 4. Unsuccessful bidders shall receive their deposited funds upon closing of the sale.
 5. Upon completion of the bid process, confirmation of the successful bid shall be placed on the agenda pursuant to SDCL § 35-2-4.
 6. The successful bidder shall then submit certified funds for the (license fee) purchase amount on the date of the auction to the County Auditor.
 7. In order to preserve the process, but not to exercise favoritism, the County Commission reserves the right to reject any and all bids upon finding that the bidder intends to subvert the process, and hamper the Commission's efforts to maximize the benefits to the taxpayers.
 8. The County reserves the right to rescind, amend or otherwise change this process up to and until the closing of the transaction. Such changes shall be made in open session of a County Commission meeting.
 9. Failure of the successful bidder to consummate the purchase of the license fee shall forfeit their deposit.
 10. Bids under \$25,000 shall automatically be rejected.
 11. SEVERABILITY AND SAVING CLAUSE: If any provision of this ordinance shall be held invalid, it shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this saving purpose the provisions of this ordinance is hereby declared to be severable.

First Reading: 8-22-2008

Second Reading: 9-03-2008

Adopted this 3rd day of September, 2008.

Allen Sinclair, Chairman, Yankton County Board of County Commissioners

Paula Jones, Yankton County Auditor

Voting Aye: All Nay: None Motion carried.

The Board discussed the recent request for Director of Equalization records data. The Director presented an amended policy for obtaining records from the Director of Equalization office (policy on file in the Director of Equalization office – Auditor's note).

Action 08364DOE: A motion was made by Jensen and seconded by Johnson to adopt the proposed fee schedule for Director of Equalization records.

Voting Aye: All Nay: None Motion carried.

Alan Sorensen, Highway Superintendent, advised the Board Bon Homme-Yankton Water District has requested permission to dig along a road for water line installation due to the topography of the area. Sorensen was asked to request an alternate plan from B-Y Water. Private road maintenance requests and assessment procedures were discussed. Sorensen was asked to review the issue with the States Attorney and SD DOT. Sorensen further advised that the purchase of road graders, as budgeted, will be accomplished through the bid of Fall River County of October 16, 2007 from Butler-Cat. The individual price bid and accepted was \$194,675. The trade-in allowances for Yankton County's surplus graders will cover the first year's lease payment on three new graders. Add-ons per machine totaling \$17,732.00 are to be covered by County funds and are not considered part of the bid price.

Action 08365H: A motion was made by Jensen and seconded by Johnson to proceed with the purchase of road graders as outlined by Highway Superintendent Sorensen.

Voting Aye: All Nay: None Motion carried.

Action 08366C: A motion was made by Johnson and seconded by Jensen to declare the following items surplus for sale at public auction on September 30, 2008: Oak plat book cabinet, 2 stuffed office chairs, 1 computer Desk, Nitsuko Phone System, 1 Wooden book shelf, 1 metal book shelf, 1 metal trophy case, 2 office chairs, 1 waiting room chair, 1 Broan Electronic Stove Hood (doesn't work), 2 utility carts, 1 wooden desk, 1 metal desk, 1 green file cabinet, 1 old TV 1 Cannon FB 620P Scanner, 1 electric typewriter, IBM Wheel Writer 1000, 1 Swintec electric typewriter, 1 Kyocera cell phone, 1 Sanyo desk calculator Samsung 35mm camera w/case, 1 HP Photosmart M-Series camera docking station, 1 AC Power Adapter, 1 Dot matrix printer, 1 desk printer EPSON, 1 IBM Computer Ser #0054858, 1 IBM Monitor Ser # 88-B5555, 1 Hewlett Packard Printer Model HP-PSC 1610V, 1 IBM Printer Ser #00AP071, 1 Proton Computer and Monitor Ser # GM1772CPL00-6136, 1 Custom Computer with windows 98, Model MB M841LR, 1 Oak Computer cart, 1 handmade desk divider, 1 Delta locking box for S-10 pickup box, 1 10/50 Bushnell binocular, 1 Victor 850 calculator, 1 IBM Selectric II typewriter, 1 1999 Ford Crown Victoria Ser #2FAFP71W6xx208676, 1 2 wheel 6 x 13 handmade trailer, 1 telephone module 408GS/LS 8MLX, 7 desktop telephones Lucent, 1 Motorola cell phone Ser #472GSQJ354, 1 black metal typing table, 1993 Chevrolet Blazer, miscellaneous fixtures, shelving and other items from the Courthouse and Safety Center project.

Voting Aye: All Nay: None Motion carried.

The Board discussed putting a spray bar on one of the county trucks to assist in mag water applications.

Action 08367OEMHS: A motion was made by Jensen and seconded by Johnson to approve as a proper charge against the County, travel expenses for OEMHS personnel to attend an

Emergency Management meeting in Pierre September 22nd through 24th, 2008 and an
Emergency Management meeting in Watertown.
Voting Aye: Aye Nay: None Motion carried.

Dangel advised the Board the recent workman's compensation audit resulted in a suggestion
that a county-wide safety plan be developed.

Action 08368C: A motion was made by Jensen and seconded by Tamisiea to authorize the
Emergency Manager to commence working on a county-wide safety plan.
Voting Aye: All Nay: None Motion carried.

Dangel also advised the Board he felt the purchase of a County vehicle for use by employees
traveling to various meetings would be advantageous. No action was taken.

Action 08369C: A motion was made by Johnson and seconded by Jensen to approve
the following payroll for August 2008: **Commissioners:** \$4,150.79; **Auditor:** \$9,872.34;
Treasurer: \$11,613.43; **States Attorney:** \$18,348.92; **Custodian:** \$3,552.77;
Director of Equalization: \$12,354.59; **Register of Deeds:** \$7,424.91; **Veterans
Service:** \$1,794.44; **Courthouse & Safety Center:** \$1,977.50; **Sheriff:** \$32,927.50;
County Jail: \$34,359.24; **Juvenile Detention:** \$172.50; **Nurse:** \$2,349.57;
Ambulance: \$33,047.78; **Extension:** \$4,134.61; **Soil Conservation:** \$2056.25;
Weed: \$2,836.98; **Planning & Zoning:** \$2,611.99; **Road & Bridge:** \$53,480.90; **EDS:**
\$3,588.36; **WIC/Sheriff:** \$2,292.22; South Dakota Retirement System (Payroll
Deduction) \$858.96; South Dakota Retirement System \$18,732.18 (Other Employees),
South Dakota Retirement System \$10,664.34 (Sheriff/EDS), South Dakota Retirement
System (Payroll Deduction-Spouse Opt) \$292.41, Supplemental Retirement Plan \$450.00;
American Family Life Assurance Company \$3,658.00, Prepaid Legal Services, Inc \$14.95,
Office of Child Support \$371.00, Office of Child Support \$697.00, Nationwide Retirement
Solutions \$128.26, Accounts Management Inc \$150.00, First Dakota National Bank
\$19,473.31 (Withholding), First Dakota National Bank \$29,611.66 (FICA) First Dakota
National Bank \$6,925.34 (Medicare), Credit Collections Bureau (Assignment) \$100.00;
Blue Cross Blue Shield \$32,778.67. Gross Payroll \$307,530.53, Net Payroll \$182,624.45.
Voting Aye: All Nay: None Motion carried.

Action 08370C: A motion was made by Tamisiea and seconded by Jensen to
approve the following claims: **Commissioners:** River Rat Productions (Video Taping)
\$250.00; **Court:** Affordable Self Storage (Services) \$88.40, Franklin County Sheriff
(Services) \$15.00, Fox, Youngberg & Lewno (Public Defender) \$7,435.00, Great Plains
Psychological (Services) \$3,025.00, Hennepin County Sheriff (Services) \$142.00, SD
Department of Health (Lab) \$979.00, 2 Payees @\$20.00 (Witness Fees) \$40.00, The
Daily Record (Services) \$41.60; **Auditor:** Xerox (Maintenance) \$33.06; **Treasurer:**
Western Office Plus (Supplies) \$129.93, Xerox (Maintenance) \$33.06; **States
Attorney:** West Payment Center (Books & Supplies) \$763.80; **Government
Buildings:** City of Yankton (Utilities) \$575.92, Consolidated Business (Maintenance)
\$86.40, Flynn's Flowing Flags (Maintenance) \$1,413.84, H&J Lawn (Maintenance)
\$95.40, Northwestern Energy (Utilities) \$3,602.43, Newman Traffic Signs (Supplies)
\$102.36, Otis Elevator Company (Maintenance) \$555.99, Yankton Janitorial (Supplies)

\$46.32; **Director of Equalization:** Governor's Inn (Travel) \$140.00; **Register of Deeds:** Microfilm Imaging (Rental) \$560.00; **Court House & Safety Center:** City of Yankton (Utilities) \$1,342.98, Knology (Utilities) \$453.50, Northwestern energy (Utilities) \$7,495.52, Nebraska Air filter (Supplies) \$136.06; **Sheriff:** Ace Hardware (Supplies) \$73.20, Graham tire (Maintenance) \$429.55, Harold Hoffman (Services) \$70.00, Hansen Locksmithing (Supplies) \$15.00, Knology (Utilities) \$167.27, Mobile Electronic Service (Maintenance) \$2,894.98, Northtown Automotive (Maintenance) \$33.44, Pump N Stuff (Maintenance) \$18.00, Pennington County Jail (Travel) \$195.80, Sioux Falls Two-Way Radio (Maintenance) \$35.00, Quartermaster (Supplies) \$494.23; **County Jail:** American Institutional (Supplies) \$59.01, CBM Food (Meals) \$2,427.48, Cash-WA Distributing (Supplies) \$607.75, Charm-Tex (Supplies) \$376.00, Central Restaurant Products (Supplies) \$977.27, Crescent Electric (Supplies) \$184.34, Evercom (Supplies) \$420.00, Hy-Vee (Supplies) \$525.86, Knology (Utilities) \$85.65, Larry's Plumbing (Maintenance) \$48.96, Olson's Pest Technician (Maintenance) \$56.25, Wohl's Plumbing (Maintenance) \$132.25, Yankton Medical Clinic (Services) \$425.53; **Coroner:** Sioux Falls Two-Way Radio (Maintenance) \$230.00, Melisa Smith (Travel) \$17.46, Melisa Smith (Supplies) \$3.19; **Juvenile:** Harold Hoffman (Services) \$37.50; **Care of Poor:** Hy-Vee Pharmacy (Medicine) \$1.90, Xerox (Maintenance) \$105.36; **Public Health Nurse:** Xerox (Maintenance) \$105.36; **Ambulance:** City of Yankton (Utilities) \$165.37, Credit Collection (Services) \$284.90, Emblem Enterprises (Supplies) \$459.01, Flynn's Flowing Flags (Supplies) \$86.00, Justra's Body Shop (Maintenance) \$211.13, Darla Edinger (Services) \$1,000.00, Linweld (Supplies) \$28.85, Luken-Hacecky (Maintenance) \$960.00, Master-Tech Auto clinic (Maintenance) \$78.27, Northwestern Energy (Utilities) \$937.92, Orkin Pest control (Maintenance) \$71.84, Racom (Supplies) \$457.59, Western Office Plus (Supplies) \$59.97, Your Wireless Store (Supplies) \$47.40; **Mental Health Centers** (3rd Quarter 2008 Budget) \$14,948.05; **Mental Illness Board:** Donna Dietrich (Hearings) \$696.60, Nelva Kooistra (Hearings) \$64.50, Denise Cody (Hearings) \$30.00, Lewis & Clark Behavioral (Hearings) \$710.00, Cathy Rehfuss (Hearings) \$30.00, Gary Mikelson (Hearings) \$40.00; **County Extension:** Cindy Bergman (Supplies) \$15.60, City of Yankton (Utilities) \$124.29, Dolphin Capital Corp (Rental) \$214.02, Extension Service (Travel) \$10.44, Ben Hellmann (4-H Judge) \$61.10, Knology (Utilities) \$209.81, MidAmerican Energy (Utilities) \$15.03, LaDawn Remington (4-H Judge) \$25.00, Western Office Plus (Supplies) \$213.91, Wholesale Supply (Supplies) \$51.35; **Weed:** Bomgaars (Supplies) \$2.86, TMA (Supplies) \$21.63; **Planning & Zoning:** Don's Auto Repair (Maintenance) \$35.00, Western Office Plus (Supplies) \$23.95, Yankton Office Equipment (Supplies) \$239.80; **Road & Bridge:** Bomgaars (Supplies) \$27.98, B-Y Water (Utilities) \$61.00, City of Yankton (Utilities) \$74.69, D-P Tools (Supplies) \$34.62, Ehresmann Engineering (Supplies) \$181.92, EMC Insurance (Work Comp) \$345.65, Kimball Midwest (Supplies) \$139.92, L&L Machine Shop (Supplies) \$85.00, Myers Tire Supply (Supplies) \$111.03, Qwest (Utilities) \$96.52, Leonard Wieseler (Supplies) \$385.50; **Emergency 911 Fund:** Knology (Utilities) \$1,100.00, Qwest (Utilities) \$1,360.90; **Emergency Management:** Century Business Products (Maintenance) \$75.00, MidAmerican Energy (Utilities) \$18.81; **County Building:** Goeden Construction (Repair) \$3,105.90; **Capitol Project/Safety Center:** Robert Hanson (Contractual) \$330.00, Luken-Hacecky (Services) \$831.90, Pheasantland Industries (Court Benches) \$14,275.00;

County Law Library: West Payment Center (Supplies) \$434.50; **MISC:** Hy-Vee (Extension Supplies) \$21.68, 4-H Leep (Rocketry Class Repay) \$265.00. Total General Fund \$63,467.35, Road & Bridge \$1,543.83, Emergency 911 Fund \$2,460.90, Emergency Management \$93.81, County Building \$3,105.90, Capital Project/Safety Center \$15,436.90, County Law Library \$434.50, Miscellaneous \$286.68. Manual checks not included in totals: River Rat Production (Comm/Services) \$250.00, Hy-Vee Pharmacy (Supplies/Poor Relief) \$1.90 and Hy-Vee (Supplies) \$525.86.
Voting Aye: All Voting Nay: None Motion carried 5-0.

Commissioner Jensen advised that in light of the recent accident at the intersection of Highways 46 & 81 he felt the Commission should encourage SD Department of Transportation to consider alternate solutions for traffic control.

Action 08371C: A motion was made by Tamisiea and seconded by Johnson to send a letter to SD DOT supporting the installation of lights at the intersection of Highways 46 & 81.
Voting Aye: All Nay: None Motion carried.

The Auditor advised an invitation has been extended to the Commissioners to attend a Wind for Schools Initiative informational program to be held Monday, September 8th, 2008 at 7:00 PM at the GAR Hall.

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

The next regular meeting of the Board will be Tuesday, September 16, 2008 at 5:00 PM in the Commission chambers, with budget hearings to begin at approximately 3:30 PM.

Allen Sinclair, Chairman
Yankton County Commission

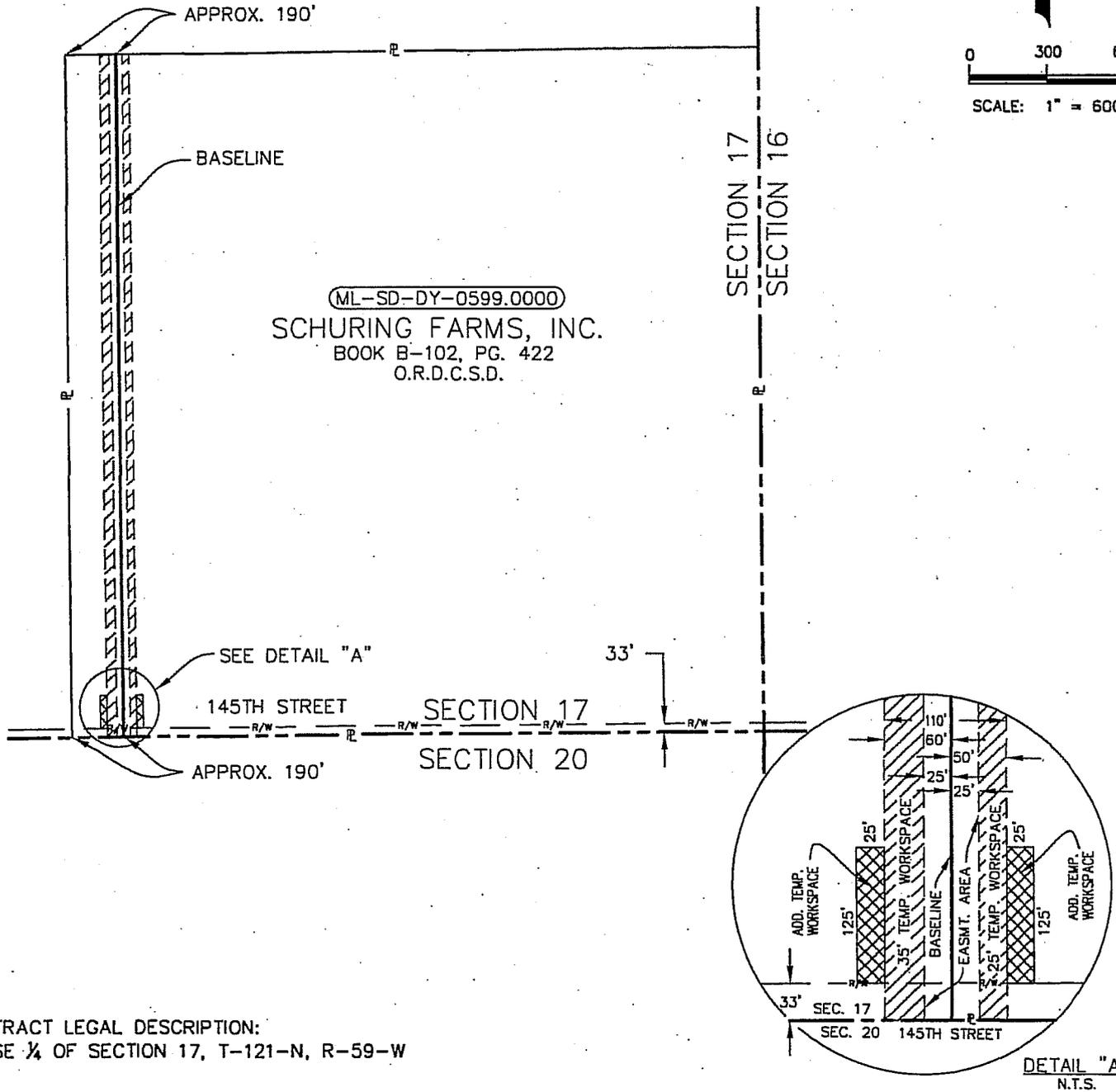
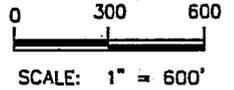
ATTEST:
Paula Jones, Auditor

LEGEND:

- P/L PIPELINE
- PG. PAGE
- P PROPERTY LINE
- ADD. ADDITIONAL
- EASMT. EASEMENT
- APPROX. APPROXIMATELY
- EXIST. EXISTING
- TEMP. TEMPORARY
- SEC. SECTION
- O.R.D.C.S.D. OFFICE OF THE RECORDER OF DAY COUNTY, SOUTH DAKOTA

DAY COUNTY, SOUTH DAKOTA

T-121-N, R-59-W, SECTION 17



ML-SD-DY-0599.0000

SCHURING FARMS, INC.
BOOK B-102, PG. 422
O.R.D.C.S.D.

SEE DETAIL "A"

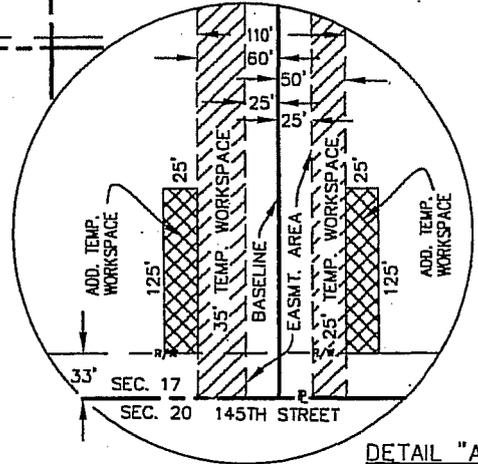
145TH STREET

SECTION 17

SECTION 20

APPROX. 190'

33'



DETAIL "A"
N.T.S.

TRACT LEGAL DESCRIPTION:
SE ¼ OF SECTION 17, T-121-N, R-59-W

TOTAL LENGTH: APPROX. 2,590 FT.
EASEMENT AREA: APPROX. 3.0 ACRES
TEMPORARY WORKSPACE: APPROX. 3.6 ACRES
ADDITIONAL TEMP. WORKSPACE: APPROX. 0.2 ACRES

NOTE:

THIS SKETCH DOES NOT MEET THE MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS. IT WAS NOT DERIVED FROM AN ON THE GROUND

| | | | | |
|--|--|--|---|------------------|
| | | | <p style="font-size: small;">In business to deliver</p> | |
| | | | KEYSTONE PIPELINE PROJECT | |
| | | | EASEMENT AREA ACROSS THE PROPERTY OF SCHURING FARMS, INC. ML-SD-DY-0599.0000 | |
| | | | PROJECT: | EXHIBIT A |
| | | | 9347.000 | |

| NO. | REVISION | DATE |
|-----|---------------------------|----------|
| 0 | ISSUED FOR REVIEW HOUSTON | 01/02/07 |
| 1 | BASED ON SURVEY & TITLE | 04/23/07 |
| 2 | CHANGED TRACT NO. | 04/23/07 |
| 3 | APPROVED IN K.C. | 04/25/07 |
| 4 | ISSUED FOR ACQUISITION | 04/25/07 |

AGREEMENT FOR USE AND RESTORATION OF HAUL ROAD

Please Note:

DATE:

7-23-08

- * Applicant will be held responsible for damages.
- * See paragraphs below
- * Agreement is to travel approved county roads hauling Legal Loads for your vehicle.

APPLICANT: TRON CANADA Key Stone Pipe Line, LP

ADDRESS: 7509 NW TIFFANY SPRINGS PARKWAY, North Pointe Circle II Suite 200
KANSAS CITY, MO 64133

PHONE: 1-816-580-4609 FAX: _____

PERMIT EFFECTIVE FROM: 8-1-08 TO 12-31-09

DESCRIPTION OF EQUIPMENT/CARGO TO BE MOVED: _____

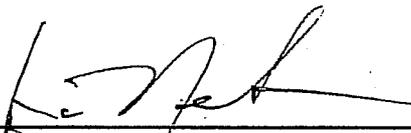
COUNTY HIGHWAYS TRAVELED: County Road #04 -60 (150th Street) from

State 37 east to county line - 6 miles

It is to be understood that we, the undersigned applicant, will be liable for any damage done within the existing right of way of county highways being used to move the above described.

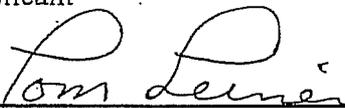
Not valid unless a copy is on file in the Highway Department Office containing both signatures.

Phone: 605-472-5008
FAX: 605-472-5010



Applicant

Issued by:



Spink County Highway Superintendent

Upon completion of project, applicant will contact the Spink County Highway Office for release of roads listed above.

Date Released: _____ Hwy Personnel Signature: _____

AGREEMENT FOR USE AND RESTORATION OF HAUL ROAD

Please Note:

DATE: August 12, 2008

- * Applicant will be held responsible for damages.
- * See paragraphs below
- * Agreement is to travel approved county roads hauling Legal Loads for your vehicle.

APPLICANT: Trans Canada Keystone Pipeline, LP

ADDRESS: 2509 NW Tiffany Springs Parkway, North Pointe Circle II, Suite 20
Kansas City, MO 64153

PHONE: 1-816-880-4609 FAX: _____

PERMIT EFFECTIVE FROM: 8-12-08 TO 12-31-09

DESCRIPTION OF EQUIPMENT/CARGO TO BE MOVED: Loads of Pipe,
less than 28,000 lbs.

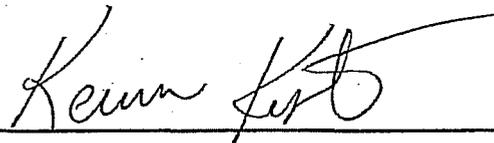
COUNTY HIGHWAYS TRAVELED: County Road #24 -61 & 60 (182nd Street)

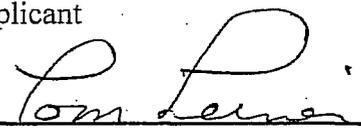
From State 37 east to Clark County line - 12 miles

It is to be understood that we, the undersigned applicant, will be liable for any damage done within the existing right of way of county highways being used to move the above described.

Not valid unless a copy is on file in the Highway Department Office containing both signatures.

Phone: 605-472-5008
FAX: 605-472-5010


Applicant

Issued by: 
Spink County Highway Superintendent

Upon completion of project, applicant will contact the Spink County Highway Office for release of roads listed above.

Date Released: _____ Hwy Personnel Signature: _____