

## 2010 Legal and Public Notices

neering Inc. (Repairs & Maintenance) \$873.64, Fejfar Plumbing & Heating (Excise Tax) \$6.54, Fejfar Plumbing & Heating (Supplies) \$320.55, Filter Care (Repairs & Maintenance) \$57.25, First Bankcard (Travel) \$66.30, Hedahls, Inc. (Supplies) \$61.97, WOW! Business (Utilities) \$122.50, Kimball Midwest (Supplies) \$697.22, Lyle Signs, Inc. (Supplies) \$959.30, Larrys Heating & Cooling, Inc. (Repairs & Maintenance) \$367.15, Miller Consulting LLC (Repairs & Maintenance) \$381.70, Midwest Stripping (Repairs & Maintenance) \$7,057.07, Menards (Supplies) \$42.60, Motorola (Supplies) \$54,324.00, MidAmerican Energy (Utilities) \$1,169.10, Mikes Auto Glass (Repairs & Maintenance) \$521.80, Northwestern Energy (Utilities) \$820.69, Sheehan Mack Sales (Repairs & Maintenance) \$1,253.85, SD Association of County Highways (Travel) \$100.00, Spencer Quarries, Inc. (Supplies) \$12,749.12, Town of Lesterville (Utilities) \$180.00, Vanderhules (Supplies) \$124.25, Verizon (Utilities) \$76.72, Vermillion Yankton Landfill (Utilities) \$163.00, Winter Equipment Co. (Supplies) \$182.64, Western Office Technologies (Supplies) \$205.91, Yankton Janitorial Supply (Supplies) \$265.35; 911 Fund: City of Yankton (Utilities) \$51.17, Century Link (Utilities) \$1,513.23, WOW! Business (Utilities) \$159.34, VPI, Inc. (Repairs & Maintenance) \$2,314.99; Emergency Management: Ace Hardware (Supplies) \$612.19, Bomgaars (Supplies) \$279.64, Danko Emergency Equipment (Furniture) \$763.18, First Bankcard (Travel) \$67.86, First Bankcard (Supplies) \$312.20, Great America Financial (Rentals) \$89.19, HyVee (Supplies) \$117.58, Miller Consulting, LLC (Repairs & Maintenance) \$75.00, Midcontinent Communications (Utilities) \$13.91, Midwest Card & ID 2012 (Supplies) \$392.00, MidAmerican Energy (Utilities) \$29.05, Power Source Electric (Supplies) \$293.05, Racom Corporation (Utilities) \$31.83, Stitchin Corner & More (Supplies) \$345.50, Verizon (Utilities) \$104.08, Western Office Technologies (Supplies) \$224.46, Yankton Computer (Repairs & Maintenance) \$163.99; Government Building: Ace Hardware (Supplies) \$202.15, Personal Touch (Miscellaneous) \$1,511.83, Luken Construction (Court Room Construction) \$3,235.00; 24/7: FedEx (Supplies) \$3.81, Intoximeters, Inc. (Supplies) \$249.65, Total General Fund \$100,673.18, Road & Bridge \$91,377.63, 911 Fund \$4,038.73, Emergency Management \$3,914.62, Court House Buildings & Structure \$4,948.98. All present voted aye; motion carried.

Action 15129C: A Motion was made by Bodenstedt and seconded by Freng to approve the resolution for accumulation of dollars over the next four years in the amount of \$56,000 per year for the replacement of Ambulance vehicles. All present voted aye; motion carried.

Action 15130C: A Motion was made by Epp and seconded by Freng to approve the resolution for accumulation of dollars over the next four years in the amount of \$15,000 per year for the replacement of equipment for Search and Rescue and Emergency Management. All present voted aye; motion carried.

Malt Beverage: Action on the 2015 Malt Beverage License application for Barton Bickley dba Lewis & Clark Meat Lodge, LLC was postponed to the next commission meeting.

Action 15131H: A motion was made by Epp and seconded by Bodenstedt to approve a Right of Way application submitted by Ron Miller. All present voted aye; motion carried.

Action 15132H: A motion was made by Kettering and seconded by Epp to approve a Right of Way application submitted by the City of Irene. All present voted aye; motion carried.

DOE: Yankton County Director of Equalization Lori Mackey appeared before the board to discuss the assessment and appeal process for board of equalization, which will be held April 14, 2015 in the commission chamber. Director Mackey also requested approval of the new job description for the temporary appraiser assistant position.

Action 15133DOE: A motion was made by Freng and seconded by Kettering to approve the new job description for the temporary appraiser. All present voted aye; motion carried.

Rail Authority: Commissioner Bodenstedt spoke to Secretary of Transportation Darin Bergquist, in regards to the County implementing a Regional Rail Authority in Yankton County. Bodenstedt said the Rail Authority would be in conjunction with Yankton City and would be a positive for Yankton County.

Action 15134C: A motion was made Kettering and seconded by Epp to initiate action to start a Regional Rail Authority. All present voted aye; motion carried.

Rail Park: Jeff Jones, representing Yankton Area Progressive Growth, said YAPG has been approached by Dakota Plains, with a possibility of building a grain facility at Napa Junction. Dakota Plains have asked YAPG to move forward with the development of a TID District, but added that does not mean that they have chosen Yankton County for the grain facility. Jones said YAPG is simply asking for a show of County

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support in moving forward with possibility of development of a TID District.

Action 15135C: A motion was made by Bodenstedt and seconded by Kettering to have the Planning Commission move forward with establishing a TID District for a Rail Park. All present voted aye; motion carried.

Red Cross: Tony Burke, Executive Director of American Red Cross appeared before the Board to introduce plans to increase community awareness of the danger of home fires, the Yankton Fire Department and the American Red Cross are planning a fire preparedness event Saturday, April 11. There will be volunteers canvassing certain high risk areas to distribute 10 year lithium battery smoke detectors in homes that do not have smoke alarms. The group will also be offering voluntary blood pressure checks to individuals.

Action 15136Z: A motion was made by Epp and seconded by Freng to recess the regular session and convene as Board of Adjustment. All present voted aye; motion carried.

Variance Public Hearing: This was the time and place for a public hearing for a Variance of Minimum Yard Requirement application from Delores Hauger for Variance of Minimum Lot Requirement from twenty (20) acres to one +/- (1.80) acres in a Agriculture District (AG) in Yankton County. Said property is legally described as NE¼, NE¼ and S½, SE¼ exc 4 rod x 5 rod parcel, S22-T96N-R55W, hereinafter referred to as Mayfield Township, County of Yankton, State of South Dakota. The E911 address 29483 44th Ave., Irene, SD. The Planning Commission recommended approval 12-0.

Action 15137Z: A motion was made by Bodenstedt and seconded by Kettering, based on Findings of Fact from the March 10, 2015 Yankton County Planning Commission meeting and on file in the Zoning Administrators Office, to approve a Minimum Lot Requirement for Delores Hauger, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Variance of Minimum Lot Requirement from twenty (20) acres to one +/- (1.80) acres in a Agriculture District (AG) in Yankton County. Said property is legally described as NE¼, NE¼ and S½, SE¼ exc 4 rod x 5 rod parcel, S22-T96N-R55W, hereinafter referred to as Mayfield Township, County of Yankton, State of South Dakota. The E911 address is 29483 44th Ave., Irene, SD. All present voted aye; motion carried.

Action 15138C: A motion was made by Kettering and seconded by Freng to adjourn as Board Adjustment and reconvene in regular session. All present voted aye; motion carried.

Action 15139Z: A motion was made by Freng and seconded by Bodenstedt to adopt the following resolution: Whereas it appears Delores Hauger, owner of record, has caused a plat to be made of the following real property: Tract 1, Hauger 2nd Addition, S1/2, SE1/4, S22-T96N-R55W, hereinafter referred to as Mayfield Township, County of Yankton, S.D., and has submitted such plat to the Yankton County Planning Commission and the Yankton County Commission for approval. Now therefore be it resolved that such plat has been executed according to 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 the proper resolution and certify the same. All present voted aye; motion carried.

Action 15140Z: A motion was made by Bodenstedt and seconded by Epp to adopt the following resolution: Whereas it appears John Harper, owner of record, has caused a plat to be made of the following real property: Lot 7 and 8, Located in Engen Tract 13, S15-T93N-R57W, hereinafter referred to as Ziskov South Township, Yankton County, S.D., and has submitted such plat to the Yankton County Planning Commission and the Yankton County Commission for approval. Now therefore be it resolved that such plat has been executed according to 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 the proper resolution and certify the same. All present voted aye; motion carried.

Action 15141Z: A motion was made by Kettering and seconded by Freng to adopt the following resolution: Whereas it appears Dennis Breck, owner of record, has caused a plat to be made of the following real property: Lot 3, Marina Del Estates West in the SW1/4, SW1/4, S8-T93N-R55W, hereinafter referred to as Utica South Township, Yankton County, S.D., and has submitted such plat to the Yankton County Planning Commission and the Yankton County Commission for approval. Now therefore be it resolved that such plat has been executed according to 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 the proper resolution and certify the same. All present voted aye; motion carried.

Comprehensive Plan: Greg Henderson, Executive Director of

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Planning and Development District III (PDIII), presented to the board the Technical Assistance Agreement between Yankton County and Planning & Development District III.

Action 15142C: A motion was made by Kettering and seconded by Bodenstedt to accept the Technical Assistance Agreement with the cost being \$6,500.00. All present voted aye; motion carried.

Awards: Yankton County Ambulance Director Steve Hawkins and Robert Keys, representing the SD Office of EMS, appeared before the board to present the AHA Heartsaver Hero Awards, to Yankton EMS, Yankton Search & Rescue, Yankton Police Department and the Irene First Responders. The above medical groups responded to two separate cardiac arrest calls that resulted in both patients surviving. Scott Hiltunen MD, YCEMS Medical Director stated in letter form, that outcomes like these are what EMS always strives for and through hard work, training and professionalism our team helped these people have a chance to see their families again.

County Health Insurance: Tara Stombaugh, Avera Health Plans representative for Yankton County employee health insurance program, reviewed the current status of the policy and renewal terms. Stombaugh said the County's claim history has resulted in a 9.99% premium increase for the County in the year ahead. Currently the County pays \$542.29 per individual. With the 9.99% increase, the premium would be \$596.48.

Safety Center Bond: Thomas J. Grimmold of Dougherty & Company LLC presented the Commission an offer to underwrite refunding bonds concerning General Obligation Bonds for the Yankton County Safety Center.

E911: Individual was not able to attend the scheduled meeting.

Boys and Girls Club: Nancy Wenande, Secretary for the Boys & Girls Club of Yankton along with Tara Mills, Director of Development & Marketing, appeared before the board to present the clubs plans for a permanent Boys & Girls Club facility in Yankton. With the new facility there would be a place for youth events, a teen center and increased level of service with longer hours to host both night and weekend programs. In an effort to accommodate more youth at the Boys & Girls Club, every capital dollar raised by the community will be matched by Larry and Diane Ness up to \$2 million, and every endowment dollar raised will be matched up to \$1 million by First Dakota National Bank. Wenande said they are requesting \$200,000.00 over the next five years in installments of \$40,000.00 per year. The endowment will provide benefits for thousands of youth for years to come.

Burn Ban: Emergency Management Director Paul Scherschligt presented to the board an amendment to Section II of the existing burn ban.

Action 15143OEMHS: A motion was made by Freng and seconded by Kettering to accept the amended Yankton County Burn Ban Resolution. All present voted aye; motion carried.

Action 15144C: A motion to accept the following resolution was made by Freng and seconded by Epp. All present voted aye; motion carried.

RESOLUTION 15-3  
A Resolution by the Yankton County Board of Commissioners to appoint and set the compensation for the position of Yankton County Treasurer.

WHEREAS, the current Yankton County Treasurer, Pam Marchand has submitted her resignation in writing effective July 1, 2015. WHEREAS, that written resignation has been appropriately filed in the office of the Yankton County Auditor; and WHEREAS, SDCL 7-8-20 states that the County commission shall superintend and secure management of county offices in the best possible manner; and WHEREAS, it is in the best interest of Yankton County and the citizens therein to assure the dispatch of prompt and accurate business; and WHEREAS, the provisions set for in SDCL 3-4-2, 2-4-3, 3-4-6, 3-4-7 and All other provisions set forth in South Dakota Codified Law have been met. NOW, THEREFORE, BE IT RESOLVED, by the Yankton County Board of Commissioners that Patty Vavra, is appointed as Yankton County Treasurer to fill the unexpired term of Pam Marchand, effective July 1, 2015. BE IT FURTHER RESOLVED, the compensation for such appointment shall be at the same level as the preceding Treasurer, beginning on July 1, 2015. All present voted aye; motion carried.

Liability Insurance: The Board discussed liability on using personal vehicles or County vehicles, traveling to County workshops and meetings. The Board also discussed the mileage rate for County employees.

County Seal: Commissioner Bodenstedt, along with Yankton County Register of Deeds Brian Hunhoff, presented to the board a report on implementing a Yankton County Seal. The County Seal Committee consists of Commissioner Bodenstedt, Brian Hunhoff, Patrick Garrity, Mike McDonald,

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Bernie Hunhoff, Julie Amsberry and Lori Rothenberger.

Action 15145C: A motion was made by Freng and seconded by Kettering to have the County Seal Committee proceed with the process of obtaining a graphic artist, to design a logo, with the cost not to exceed \$500.00.

Action 15146C: A motion was made by Freng and seconded by Bodenstedt to recess the regular session and convene in executive session for litigation. All present voted aye; motion carried.

Action 15147C: A motion was made by Bodenstedt and seconded by Freng to adjourn from executive session and reconvene in regular session. All present voted aye; motion carried.

No action was taken on litigation issue.

Action 15148C: A motion was made by Freng and seconded by Epp to approve the abatement in the amount of \$1,049.17 for Dennis Berkland, due to the structure being destroyed by fire. All present voted aye; motion carried.

Phone Lines: The board discussed adding four extra lines to the county's phone service. The commissioners would use these lines to receive their messages instead of their private phones.

Action 15149MI: A motion was made by Freng and seconded by Bodenstedt to approve the MI Income in the amount of \$10,061.50. All present voted aye; motion carried.

Action 15150C: A motion was made by Bodenstedt and seconded by Kettering to approve the March, 2015 gross payroll: Commissioners: \$5,104.42; Auditor: \$10,519.18; Treasurer: \$16,500.85; States Attorney: \$23,451.76; Custodian: \$2,994.60; Director of Equalization: \$20,684.75; Register of Deeds: \$12,151.27; Veterans Service: \$1,328.48; Courthouse & Safety Center: \$5,734.15; Sheriff: \$56,580.71; County Jail: \$57,574.99; Coroner: \$700.00; Juvenile: \$93.50; Nurse: \$2,688.82; Ambulance: \$41,690.66; WIC: \$1,165.70; Extension: \$6,348.38; Soil Conservation: \$2,394.89; Weed: \$1,132.63; Planning & Zoning: \$6,844.88; Road & Bridge: \$59,405.08; E911: \$123.80; OEMHS: \$5,315.96; 24-7 Program: \$4,209.00. South Dakota Retirement System \$25,124.72 (Other Employees), South Dakota Retirement System \$16,135.48 (Sheriff/EDS), South Dakota Retirement System (Payroll Deduction-Spouse Opt) \$215.94, South Dakota Retirement System (Supplemental) \$3,150.00, American Family Life Assurance Company (AFLAC) \$3,445.92, Legalshield \$64.75, Office of Child Support \$953.00, Nationwide Retirement Solutions \$69.44, First Dakota National Bank \$31,494.33 (Withholding), First Dakota National Bank \$41,682.60 (FICA) First Dakota National Bank \$9,748.32 (Medicare), Boston Mutual Life Insurance \$503.09, Colonial Life & Accident \$1,549.46, Avera Health Plans \$47,179.23, Optilegra \$461.54, Gross Payroll \$344,798.46, Net Payroll \$256,288.12. All present voted aye; motion carried.

Action 15151C: A motion was made by Freng and seconded by Bodenstedt to approve the Yankton County Annual Report for 2014, which was submitted to Department of Legislative Audit March 1, 2015.

Action 15152C: A motion was made by Epp and seconded by Freng to adjourn. All present voted aye; motion carried.

The next regular meeting will be Tuesday, April 21, 2015.

Todd Woods, Chairman  
Yankton County Commission

ATTEST:  
Patty Hojem, County Auditor  
Published once at the total approximate cost of \$312.80.

4+9+16  
Invitation To Bid

Sealed bids will be received by the State Engineer on behalf of the Department of Game, Fish and Parks at the Office of the State Engineer, Joe Foss Building, 523 East Capitol, Pierre, South Dakota 57501-3182 until April 23, 2015 at 3:00 PM CT for labor and materials for Marina Restaurant Roof Replacement, Lewis and Clark Recreation Area, SD Department of Game, Fish and Parks, Yankton, SD, OSE# G2114-04X. Bidders Please Note: There will be an on-site pre bid meeting on Friday, April 17, 2015 at 11:00 AM CT at the site. Meeting is optional but is the only time for bidders to review the site. Bidders are responsible to know site conditions prior to submitting bids. Copies of the Plans and Specifications may be obtained by bidders at the office of the State Engineer, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501-3182. Anyone requesting, reviewing, or copying Plans and Specifications for this project (such individual is hereinafter referred to as bidder) agrees that they are doing so for the sole purpose of submitting a bid on the project. In consideration of the State of South Dakota providing such Plans and Specifications for the purpose of prepar-

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ing a bid. Bidder further agrees: A. The Plans and Specifications are the sole property of the State; B. Any copies of the Plans and Specifications obtained directly from the State will be returned to the Office of the State Engineer immediately after the State provides notice that bidder will not be awarded a contract, or thirty (30) days after the bid opening for the project, which ever occurs first; C. Any copies of the Plans and Specifications made by the bidder will be destroyed immediately after the State provides notice that bidder will not be awarded a contract, or thirty (30) days after the bid opening for the project, which ever occurs first; D. If bidder does not submit a bid, bidder will fulfill the requirements of B and C above on or before the date of the bid opening; E. The Plans and Specifications are to be used only with respect to this project and are not to be used for any other project or purposes other than preparing a bid for this project; F. The Plans and Specifications will not be disseminated to any person or entity for purposes other than obtaining pricing information without the express written approval of the state; G. All information contained in the Plans and Specifications is confidential; and H. Should the bidder disseminate the Plans and Specifications to an individual or entity for purposes of obtaining pricing information, the bidder will require that individual or entity to adhere to the terms set forth herein. The bidder, however, assumes no liability for the misuse of the Plans and Specifications by such third party or such third parties failure to comply with the provisions contained herein.

Should bidder be awarded a contract for construction of the project, bidder does not need to return or destroy Plans and Specifications until after completion of the project. All questions should be directed to Randy Bollinger, Office of the State Engineer at 605.773.3897. Each bid in excess of \$50,000.00 must be accompanied by a certified check, cashier's check or draft in the amount of 5% of the base bid and all add alternates and drawn on a State or National Bank or a 10% bid bond issued by a surety authorized to do business in the State of South Dakota and made payable to the Department of Game, Fish and Parks of the State of South Dakota.

The Department of Game, Fish and Parks reserves the right to reject any or all bids and to waive any irregularities therein.

KRISTI HONEYWELL, P.E.  
State Engineer  
Office of the State Engineer  
Published twice at the total approximate cost of \$77.45.

# Firefighter

FROM PAGE 1

Kludt predicted a large turnout of fellow firefighters at the visitation and funeral to pay their final respects to their fallen brother.

"The memorial for Steve Ackerman is going to be huge," he said. "Thankfully, we don't have a line of duty death (LODD) very often in South Dakota. He will be the 43rd LODD we have recorded since 1929."

In addition, an honor guard will stand watch over Ackerman around the clock until Saturday afternoon, when his body is moved to the funeral home for visitation. The honor guard will follow the body to Brandon Valley High School for Sunday's funeral services.

Ackerman's firefighting service and ultimate sacrifice are being honored and remembered in other ways.

Gov. Dennis Daugaard asks that all flags in the state be flown at half-staff on Sunday from 8 a.m. until sunset in honor of Ackerman.

In addition, several communities are leaving their porch lights on in memory of Ackerman.

Last Alarm, a non-profit organization, celebrates firefighting heroes. Last Alarm encourages people to shine a light at their home throughout the day and night. The idea has spread quickly through social media, as more than 6,000 people have "liked" the Lights On for Firefighter Steven Ackerman Facebook event.

Ackerman's death provides a reminder of the dangers faced whenever firefighters respond to the call, Kludt said.

"Firefighting is considered one of the most hazardous – and yet, most respected – occupations," he said. "Whether they are career or volunteer, firefighters are expected to do a very dangerous job and to do it well."

Kludt pointed to the public's trust when firefighters arrive on the scene.

# EU Alleges Google's Abuses Hurt Consumers

BRUSSELS (AP) — The European Union's escalating legal attack on Google is likely to ignite a debate about whether the Internet search leader makes life more convenient for consumers or abuses its power to squeeze out rivals who might have something better to offer.

The contrasting views of Google's business practices came into sharper focus Wednesday after Europe's antitrust regulators challenged the Mountain View, California, company on two different fronts.

Drawing upon a nearly five-year probe, the regulators filed a complaint alleging that Google has been improperly favoring its own shopping comparison service in its own search results. The charges could still be expanded to include other services highlighted in Google's search results, such as travel recommendations and merchant reviews, mounting a challenge to the digital advertising system that generates most of the company's revenue.

As if that blow wasn't enough, Europe's regulators also announced they are opening a separate inquiry into whether Google has been illegally using its popular Android software to bully smartphone and tablet makers to feature Google's products on their mobile devices.

Google staunchly denied any wrongdoing, setting up a showdown that could still take years to resolve. The company has 10 weeks to respond to Wednesday's complaint.

## GOOD OR BAD FOR CONSUMERS?

For now at least, Europe's case is focused on Google's shopping comparison service, known as Google Shopping, which shows various products and prices when consumers make a search request indicating they are looking to buy something.

Google Shopping consistently ranks at the top of Google's search results page to the detriment of competitors, including U.K.-based Foundem and Clao, owned by Microsoft.

"People have a feeling of relief when the help they need arrives," he said. "Just the sound of sirens in the distance, and they say, 'Good! Here they come!'"

In turn, firefighters show trust on many levels when they put themselves in harm's way, rushing into burning buildings while others are fleeing the danger, Kludt said.

"Firefighters put trust in their training, equipment and those around them," he said. "We train to do things safely and to the best of our ability."

But as the Brandon fire showed, tragedy can strike even with a firefighter's best training and performance, Kludt said.

"Firefighters from all over will be discussing the incident and trying to learn from it," he said.

The SDFA works to provide training opportunities for all the firefighters in South Dakota, Kludt said. The SDFA membership includes most of the volunteer and career departments in the state.

Each year, the SDFA oversees a State Fire School and assists in funding the training in the seven districts that make up the association.

"In addition, many departments have scheduled nights for their local training. The amount and type of training varies with what is common and needed for that area," Kludt said. "Departments near lakes and rivers may spend time with water rescue. But a department in farming areas may concentrate more on wildland firefighting and ag-related incidents."

Wherever they come from, firefighters share the common goal of protecting lives and property, Kludt said. Ackerman showed that level of belief and commitment, he added.

"Firefighters are always trying to help others," the Viborg man said. "And that's exactly what was happening at this tragic incident."

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CALL THE P&D At (605) 665-7811