

2010 Legal and Public Notices

B-Y Water District, 2,352.00; City of Sioux Falls, 42.18; Bomgaars, 90.60; Fullerton Building Center, 47.98; Western Office Plus, 219.95; Scotland Redi-Mix, 392.75; Menards, 348.83; Press & Dakotan, 50.34; Lesterville Rural Fire Protection District, 58.38; Golden West Telecommunications, 105.37; Bartneks, 590.00; Designer Checks, 118.95; Paul Bloch (ball park project supplies reimbursement), 92.12; SD One Call (e-mails), 2.22; Roxanne Ellinger (office supplies reimbursement), 14.00; Joel Finck (mowing/FICA), 193.89; Paul Scherschligt (salary/FICA), 245.31; Roxanne Ellinger (salary/FICA/water sample), 658.94; IRS (941/FICA), 154.09; **TOTAL \$6,403.14**

REPORTS:

July Water Report

Water service has been shut-off at 706 Railroad due to nonpayment & legal eviction notice served by the landowners. Finance Officer Ellinger will provide landowners with a billing after the eviction period of August 31st. All other accounts are current.

Water Superintendent Report

Water Superintendent Scherschligt noted all equipment is working well at the tower and lift station. South Dakota Association of Rural Water Systems personnel checked for water leaks in the town's system using their equipment, but discovered none. However, Scherschligt noted that small leaks could be occurring, but the equipment could not accurately detect them. No action taken.

Scherschligt also noted that MAK Construction has officially ended his business. A search will continue for a replacement contractor for the town.

Finance Officer Report

Finance Officer Ellinger provided a six-month financial report for the period ending June 30th. Account balances were noted: *General Fund* - \$5,229.71; *Water Account* - \$19,681.39; *Sewer Account* - \$23,952.84; and *Reserve Account* - \$3,520.24. Ellinger also noted that she is working on the Quick Books program with Trustee Pratt.

OLD BUSINESS:

Vacant Lots

Finance Officer Ellinger contacted the Yankton County Auditor on the county's future sale of the property located at 309 Jackson Ave. The Auditor stated the redemption period was not complete and an October sale date was noted.

Unlicensed Vehicles

Legal counsel sent letters to three landowners with repeated violations of unlicensed vehicles. Copies of the documents will be requested by the Finance Office.

Ballpark Claim

No correspondence was received from the town's insurance carrier.

NEW BUSINESS:

RESOLUTION #11-03 A RESOLUTION SUPPORTING THE ADOPTION OF THE YANKTON COUNTY MULTI-JURISDICTION PRE-DISASTER MITIGATION PLAN

WHEREAS a Pre-Disaster Mitigation Plan for Yankton County (the Plan) has been developed; and

WHEREAS the Town of Lesterville participated in the development of the Plan; and

WHEREAS the Plan will be used as a disaster mitigation planning tool as deemed appropriate by the Lesterville Town Board.

NOW THEREFORE BE IT RESOLVED that the Lesterville Town Board hereby adopts and supports the Plan, and will take action to ensure that the Plan is implemented.

Adopted and approved this 13TH day of August, 2011.

Motion Frank, second Pratt to adopt Resolution #11-03. Motion carried.

Malt Beverage Special Event License

Motion Pratt, second Frank to approve a special event malt beverage license to the Lesterville Fire & Rescue for the truck pull event to be held on Saturday, August 27th in the Lesterville ball park at 1:00 p.m. Motion carried.

FY2012 Budget

Finance Officer Ellinger reviewed the town's preliminary fiscal year 2012 budget. The first reading of the Appropriations Ordinance #119 was completed by the Board of Trustees. Approval of the budget is scheduled at the September Board meeting.

Post Office Closure

Discussion was held on the US Post Office preliminary list of closures which included Lesterville. More information will be avail-

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able at the September meeting.

OTHER:

*Trustee Frank contacted Northwestern Energy again to replace the pole at the intersection of Jackson Ave & 2nd Street. Northwestern's representative was unable to guarantee a completion date.

ADJOURNMENT:

Motion Frank, second Pratt, to adjourn the town board meeting at 10:35 a.m. Motion carried. Next meeting of the Lesterville Town Board is scheduled for *Monday, September 12th* at the regular time of 7:00 p.m. in the fire hall meeting room.

Roxanne Ellinger
Finance Officer

8+27

PUBLIC MEETING NOTICE

A meeting of the Yankton County Board of Adjustment will be held at 4:45 P.M., Wednesday, September 7, 2011 in the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Board of Adjustment, Yankton County, South Dakota, Wednesday, September 7, 2011, at 4:45 P.M. at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota.

Said hearing is to consider the following:

Applicant is requesting a Variance of Minimum Yard Requirement from seventy-five (75) feet to forty (40) feet for property in an Agricultural District (AG) in Yankton County. Said property is legally described as SE1/4, exc Lot R-34, S15-T94N-R56W of Yankton County, hereinafter referred to as Utica North Township, County of Yankton, State of South Dakota. The E911 address is 43792 306th Street, Yankton, SD.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Board of Adjustment, Yankton County, South Dakota, Wednesday, September 7, 2011, at 4:50 P.M. at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota.

Said hearing is to consider the following:

Applicant is requesting a Variance of Minimum Yard Requirement from seventy-five (75) feet to twenty (20) feet for property in an Agriculture District (AG) in Yankton County. Said property is legally described as Parcels C, D & E, Lt. 4, Withee's S/D, S32-T94N-R56W of Yankton County, hereinafter referred to as Utica North Township, County of Yankton, State of South Dakota. The E911 address is 43544 SD Hwy 50, Yankton, SD.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Board of Adjustment, Yankton County, South Dakota, Wednesday, September 7, 2011, at 4:55 P.M. at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota.

Said hearing is to consider the following:

Applicant is requesting a Variance of Minimum Lot Requirement from twenty (20) acres to two +/- (2.27) acres and width from 500 feet to 276.52 feet for property in an Agriculture District (AG) in Yankton County. Said property is legally described as Lot A, Lt 1, Clay's Addition, SE1/4, SE1/4, S2-T94N-R54W of Yankton County, hereinafter referred to as Volin Township, County of Yankton, State of South Dakota. The E911 address is 45106 304th Street, Volin, SD. Plat consideration to follow.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Board of Adjustment, Yankton County, South Dakota, Wednesday September 7, 2011, at 5:00 P.M. at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota.

Said hearing is to consider the following:

Applicant is requesting a Variance of Minimum Yard Requirement from seventy-five (75) feet to forty (40) feet for property in an

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Agriculture District (AG) in Yankton County. Said property is legally described as N495', NE1/4, NE1/4, less ROW, S9-T93N-R57W of Yankton County, hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota. The E911 address is 31001 431st Ave., Yankton, SD.

Patrick Garrity
Zoning Administrator
Yankton County

8+27

CHAMBER OF THE BOARD OF CITY COMMISSIONERS YANKTON, SOUTH DAKOTA August 22, 2011

Regular meeting of the Board of City Commissioners of the City of Yankton was called to order by Mayor Knoff.

Roll Call: Present: Commissioners Aklund, Carda, Gross, Hoffner, Lowrie, Sommer, and Woerner. City Attorney Hosmer and City Manager Russell were also present. Absent: Commissioner Wenande. Quorum present.

Action 11-191

Moved by Commissioner Gross, seconded by Commissioner Carda, to approve the Minutes of the regular meeting of August 8, 2011.

Roll Call: All members present voting "Aye;" voting "Nay;" None.

Motion adopted.

City Manager Russell submitted a written report giving an update on community projects and items of interest.

Action 11-192

Moved by Commissioner Gross, seconded by Commissioner Carda, that the following items on the consent agenda be approved.

1. Appointment to Advisory Board
Consideration of Memorandum 11-124 recommending approval of the Mayor's Appointments to fill the balance of the unexpired terms on the following Advisory Boards:

Rod Nohr,
Airport Advisory Board 2013
Roger Huntley,
Airport Advisory Board 2013
Kim Auch,
Golf Advisory Board 2014
Scott Schindler,
Planning Commission 2013

2. Establishing public hearing for sale of alcoholic beverages

Establish September 12, 2011, as the date for the public hearing on the request for a Special Malt Beverage Retailers License for 1 day, September 17, 2011, from Yankton Morning Optimists, Inc. (Lisa Berry, Sec./Treas.) Ribfest, 100' area N. of the intersection at 3rd and Walnut Street, Yankton, South Dakota.

3. Establish public hearing for transfer of ownership

Establish September 12, 2011, as the date for the public hearing on the request for the transfer of ownership of a Retail (on-off sale) Malt Beverage License for July 1, 2011, to June 30, 2012, from Valley View Gaming, Inc., (Kevin M Murley, President) d/b/a Robbie's Little Casino to Drotzmann & Portillo Enterprises, LLC, (Steve Drotzmann, partner) d/b/a Rounding 3rd Bar & Casino, 304 West 3rd Street, Yankton, South Dakota.

4. Establish public hearing for transfer of ownership

Establish September 12, 2011, as the date for the public hearing on the request for the transfer of ownership of a Retail (on-sale) Liquor License for January 1, 2011, to December 31, 2011, from Valley View Gaming, Inc., (Kevin M Murley, President) d/b/a Robbie's Little Casino to Drotzmann & Portillo Enterprises, LLC, (Steve Drotzmann, partner) d/b/a Rounding 3rd Bar & Casino, 304 West 3rd Street, Yankton, South Dakota.

Roll Call: All members present voting "Aye;" voting "Nay;" None.

Action 11-193

This was the time and place for the public hearing on the application for a Special (on-sale) Wine

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Retailers License for one day, October 7, 2011, from Sanford School of Medicine, (Susan Bak, Education Coordinator), such event to be held at Pavilion Center, 1st Floor of the Surgical Center on Avera Campus, 409 Summit, Suite 1421, Yankton, South Dakota. (Memorandum 11-132) Moved by Commissioner Woerner, seconded by Commissioner Gross, to approve the license.

Roll Call: All members present voting "Aye;" voting "Nay;" None.

Motion adopted.

Action 11-194

This was the time and place for the public hearing on the application for a Special Events RETAIL (on-sale) Liquor License for 1 day, September 13, 2011, from Miner's Grill & Bar, (Jeff Stepat, Sales & Catering Director) d/b/a Miner's Grill & Bar, Great Plains Therapy, 801 Summit Street, Yankton, South Dakota. (Memorandum 11-133) Moved by Commissioner Woerner, seconded by Commissioner Aklund, to approve the license.

Roll Call: All members present voting "Aye;" voting "Nay;" None.

Motion adopted.

Action 11-195

Commissioner Gross introduced and Mayor Knoff read the title of Ordinance 943, AN ORDINANCE APPROPRIATING MONIES FOR DEFRAYING THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF YANKTON, SOUTH DAKOTA, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2012, AND ENDING DECEMBER 31, 2012, AND PROVIDING FOR THE LEVY OF ANNUAL TAXES FOR ALL FUNDS CREATED BY ORDINANCE WITHIN SAID CITY and set the date for the second reading and public hearing for September 12, 2011.

Action 11-196

Moved by Commissioner Carda, seconded by Commissioner Lowrie, to adopt Resolution 11-34. (Memorandum 11-129)

RESOLUTION 11-34

WHEREAS, At the July 28th, 2011, Joint Powers Advisory Board meeting in Vermillion, the board voted to recommend that each city increase the tipping fees at each municipality's respective facility; and

WHEREAS, It has been almost 10 years (2002) since an increase in tipping fees was last enacted and the cost to operate per ton has exceeded the revenue per ton that is being charged; and

WHEREAS, it is appropriate to adopt user rates in order to properly fund the operation of the Joint Powers Landfill and Recycling,

NOW, THEREFORE, BE IT RESOLVED by the City Commission of Yankton, South Dakota, that the following Joint Powers Landfill and Recycling tipping rates are hereby adopted, effective for October 3, 2011

Per ton, Minimum

1. Garbage for Licensed Haulers, \$40.00, \$12.00
2. Garbage for Un-Licensed Haulers, \$43.00, \$12.00
3. Garbage / Out of County / Licensed, \$47.00, \$12.00
4. Garbage / Construction Debris, \$45.00, \$12.00
5. Wood / tree branches and untreated wood, \$5.50, \$5.50
6. Asphalt and or Concrete Rubble, \$5.50, \$5.50
7. Uncontaminated Dirt, \$5.50, \$5.50
8. Reclaimed Gravel, \$5.50, \$5.50
9. Scrap metals, white goods and appliances w/o Freon***, \$10.00, \$5.50
10. Tires: Car tires - \$2.50, Truck tires (17-22.5") - \$5.00, Truck tires greater than 22.5" - \$10.00, Construction equipment tires- \$15.00, bulk tires - \$180.00 per ton. Tires with rims - additional \$10.00 surcharge fee.

***White goods with Freon or other gasses removed must be ac-

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panied by a certificate from a licensed dealer verifying removal. If a certificate is not provided, the fee charges will be \$55.00 per unit for Yankton County residents and \$110.00 per unit for out of county residents.

Any operator desiring to deposit garbage, trees, rubbish, or other waste materials where the contents are not covered or tied down shall be charged a \$15.00 additional fee.

The City of Yankton reserves the right to impose additional fees on loads or items deemed to be not in keeping with the above rates. This fee will be set in accordance with the final recycling cost, transportation costs and operations cost affected.

Roll Call: All members present voting "Aye;" voting "Nay;" None.

Motion adopted.

Action 11-197

Moved by Commissioner Lowrie, seconded by Commissioner Sommer, to adopt Resolution 11-33. (Memorandum 11-128)

RESOLUTION 11-33

A resolution of the City Commission of Yankton declaring its support for, and adoption of, the Yankton County Multi-Jurisdiction Pre-Disaster Mitigation Plan.

WHEREAS a Pre-Disaster Mitigation Plan for Yankton County (the Plan) has been developed; and

WHEREAS the City of Yankton participated in the development of the Plan; and

WHEREAS the Plan will be used as a disaster mitigation planning tool as deemed appropriate by the Yankton City Commission.

NOW THEREFORE BE IT RESOLVED that the Yankton City Commission hereby adopts and supports the Plan, and will take action to ensure that the Plan is implemented.

Roll Call: All members present voting "Aye;" voting "Nay;" None.

Motion adopted.

Action 11-198

This was the time and place to award the bid for Alley Paving between Cedar Street and Walnut Street from Riverside Drive to 2nd Street. The following bids were received and opened on August 11, 2011: Masonry Components, Yankton, South Dakota - \$48,084.25; T&R Contracting, Sioux Falls, South Dakota - \$52,075.58. (Memorandum 11-130) Moved by Commissioner Gross, seconded by Commissioner Sommer, to award the bid to the low bidder, Masonry Components, Yankton, South Dakota, in the amount of \$48,084.25.

Roll Call: All members present voting "Aye;" voting "Nay;" None.

Motion adopted.

Action 11-199

Moved by Commissioner Woerner, seconded by Commissioner Aklund, to adopt Resolution 11-35. (Memorandum 11-131)

RESOLUTION 11-35 A RESOLUTION APPROVING PINE STREET BRIDGE REHABILITATION PROJECT

WHEREAS, the Pine Street Bridge over the Marne Creek in an arch type structure built in 1912 and is listed on the historical register;

WHEREAS, the bridge is in need of repair and is eligible for enhancement funding;

WHEREAS, the Yankton City Commission supports the possible rehabilitation of the structure using the enhancement funding program;

AND WHEREAS, the cost of the feasibility analysis will be funded through the enhancement project program to determine if the structure can be rehabilitated, fol-

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lowed by the enhancement funding for the rehabilitation project;

NOW, THEREFORE, BE IT RESOLVED by the Yankton City Commission, that City provide 18.05% funding or up to \$110,000 for a possible project cost of \$610,000, contingent upon the determination that rehabilitation is feasible.

Roll Call: All members present voting "Aye;" voting "Nay;" None.

Motion adopted.

Action 11-200

This was the time and place to award the annual bids for Sludge Removal at the Wastewater and Water Treatment Plants. One bid was received and opened on August 11, 2011: Willard Schmidt, Yankton, South Dakota - Wastewater Treatment Plant Liquid Sludge-\$0.0295/gal.; Water Treatment Plant Caked Lime Sludge- \$9.00/ton. (Memorandum 11-134) Moved by Commissioner Woerner, seconded by Commissioner Carda, to award the bid for wastewater liquid sludge removal to the only bidder, Willard Schmidt of Yankton, South Dakota, at \$.0295 per gallon and water caked lime sludge removal at \$9.00 per ton.

Roll Call: All members present voting "Aye;" voting "Nay;" None.

Motion adopted.

Action 11-201

Moved by Commissioner Woerner, seconded by Commissioner Sommer, to approve Change Order Number 1 from Masonry Components for the Picotte Street Reconstruction Project from 4th Street to 6th Street, a decrease of \$8,574.00 for a new contract total of \$281,723.70; to acceptance the project as complete; and to authorize the City Finance Officer to issue a manual check in the amount of \$12,515.00 to Masonry Components, Yankton, South Dakota, as final payment for the project. (Memorandum 11-135)

Roll Call: All members present voting "Aye;" voting "Nay;" None.

Motion adopted.

Action 11-202

Moved by Commissioner Woerner, seconded by Commissioner Gross, to approve Change Order No. 1, from Prunty Construction for the Park Street (8th to 10th) and Maple Street (7th to 8th) Water Main Replacement project, an increase of \$9,627.64 for a new contract total of \$147,812.16; to accept the project as complete; and to authorize the City Finance Officer to issue a manual check in the amount of \$18,572.28 to Prunty Construction, Brookings, South Dakota, as final payment for the project.

Roll Call: All members present voting "Aye;" voting "Nay;" None.

Motion adopted.

Action 11-203

Moved by Commissioner Sommer, seconded by Commissioner Carda, to accept the Chan Gurney Airport Grant Agreement for an Airport Layout Plan Update, motorized gate operator, and installation of a safety light for a total project grant amount of \$72,888.47, with the FAA funding (95%) \$69,244.05; State funding (3%) \$2,186.65; and the City's responsibility being (2%) \$1,457.77; and to authorize the Mayor, City Attorney, and City Manager to execute the grant agreement and to enter into a professional services agreement contingent upon the review and approval of the scope of services by the South Dakota Department of Transportation and Federal Aviation Association. (Memorandum 11-137)

Roll Call: All members present voting "Aye;" voting "Nay;" None.

Motion adopted.

Action 11-204

Moved by Commissioner Hoffner, seconded by Commissioner Woerner, to adjourn into Executive Session at 7:20 p.m. to discuss Labor Negotiations and Contractual Matters.

Roll Call: All members present voting "Aye;" voting "Nay;" None.

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Motion adopted.

Regular meeting of the Board of City Commissioners of the City of Yankton was reconvened by Mayor Knoff.

Roll Call: Present: Commissioners Aklund, Carda, Gross, Hoffner, Lowrie, Sommer, Wenande, and Woerner. City Attorney Hosmer and City Manager Russell were also present. Absent: None. Quorum present.

Action 11-205

Moved by Commissioner Woerner, seconded by Commissioner Sommer, to adjourn at 8:18 p.m.

Roll Call: All members present voting "Aye;" voting "Nay;" None.

Motion adopted.

David D. Knoff
Mayor

ATTEST:

Al Viereck
Finance Officer

State Dept. Report Favors U.S.-Canada Oil Pipeline

BY MATTHEW DALY
Associated Press

WASHINGTON — The Obama administration on Friday removed a major roadblock to a planned \$7 billion oil pipeline from western Canada to the Texas coast, saying in a report that the project is unlikely to cause significant environmental problems during construction or operation.

The thousand-page report by the State Department says the proposed 1,700-mile Keystone XL pipeline would have no significant environmental impacts on most natural resources in its six-state path.

Calgary-based TransCanada wants to build a massive pipeline to carry crude oil extracted from tar sands in Alberta to refineries in Texas. The pipeline, which would travel through Montana, South Dakota, Nebraska, Kansas and Oklahoma, would carry an estimated 700,000 barrels of oil a day, doubling the capacity of an existing pipeline from Canada. Supporters say it could significantly reduce U.S. dependence on Middle Eastern oil.