

## 2010 Legal and Public Notices

mission recommended approval 7-3. Those speaking in favor of the application included Mike Stevens, Lee Kuntz, Rod McNatt, Dennis Breck, Carol Breck and Brent Arens. Commissioner Johnson said that area was probably the best place in Yankton County for duplexes. Commissioner Sinclair said two-family units are not compatible with an R-2 district. Commissioner Moore said approval of the application could lead to requests for other non-compatible properties such as four-plexes and apartment buildings.

**Action 13376Z:** A motion was made by Sinclair and seconded by Moore, based on Findings of Fact, to deny a Conditional Use Permit for White Crane LLC to construct two (2) family unit houses in a Moderate Density Rural Residential District (R-2) in Yankton County, pursuant to Article 19, Section 1905-6H of the Yankton County Zoning Ordinance, which states proposed structures must be compatible with other properties in the district. Said property is legally described as Lot 20 and Lot 31, NE1/4, Crestview Homes S/D, S21-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. Voting aye: Sinclair, Moore, Jensen. Voting no: Johnson. Motion carried 3-1.

**Variance Public Hearing:** This was the time and place for a public hearing for a Variance of Minimum Yard Requirement application from Dustin Stefani. Applicant is requesting a front yard Variance of Minimum Yard Requirement from thirty (30) feet to twenty (20) feet to construct a front porch / entryway on a Single Family Dwelling in a Moderate Density Rural Residential District (R-2) in Yankton County. Said property is legally described as Lot 13, Block 1, Timberland Park, S15-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 116 Forestview Drive, Yankton, SD. The Planning Commission recommended approval 10-0. No public comments, positive or negative, were received at the hearing.

**Action 13377Z:** A motion was made by Johnson and seconded by Sinclair, based on Findings of Fact, to approve a Variance of Minimum Yard Requirement for Dustin Stefani, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. The variance allows front yard requirement reduction from from thirty (30) feet to twenty (20) feet to construct a front porch / entryway on a Single Family Dwelling in a Moderate Density Rural Residential District (R-2) in Yankton County. Said property is legally described as Lot 13, Block 1, Timberland Park, S15-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 116 Forestview Drive, Yankton, SD. All present voted aye; motion carried.

**Variance Public Hearing:** This was the time and place for a public hearing for a Variance of Minimum Lot Requirement application from Mark Ryken. Applicant is requesting a Variance of Minimum Lot Requirement from twenty (20) acres to ten +/- (10.01) acres in an Agriculture District (AG) in Yankton County. Said property is legally described N1/2, NW1/4, exc Lt 1, Blk 1, Poverty Valley Addition and Lt 2, Blk 1, Poverty Valley Addition and SE1/4, NW1/4, S18-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. The E911 address is 44054 Raspberry Lane, Yankton, SD. The Planning Commission recommended approval 10-0. No public comments, positive or negative, were received at the hearing.

**Action 13378Z:** A motion was made by Sinclair and seconded by Johnson, based on Findings of Fact, to approve a Minimum Lot Requirement Variance for Mark Ryken, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. The variance allows reduction of the Minimum Lot Requirement from twenty (20) acres to ten +/- (10.01) acres in an Agriculture District (AG) in Yankton County. Said property is legally described N1/2, NW1/4, exc Lt 1, Blk 1, Poverty Valley Addition & Lt 2, Blk 1, Poverty Valley Addition & SE1/4, NW1/4, S18-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. The E911 address is 44054 Raspberry Lane, Yankton, SD. 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 Glen Harnish. Applicant is requesting a Variance of Minimum Yard Requirement from thirty (30) feet to fifteen (15) feet to construct a Single Family Dwelling in a Moderate Density

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Rural Residential District (R-2) in Yankton County. Said property is legally described as Lots 1 and 2, Blk 1, Oak Hills, S13-T93N-R57W, hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota. The E911 address is TBA on Russell Road, Yankton, SD. The Planning Commission recommended approval 10-0. Glen Harnish was present to explain his plans for the property. No other public comments, positive or negative, were received at the hearing.

**Action 13379Z:** A motion was made by Sinclair and seconded by Johnson, based on Findings of Fact, to approve a Variance of Minimum Yard Requirement for Glen Harnish, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. The variance allows a reduction of Minimum Yard Requirement from thirty (30) feet to fifteen (15) feet to construct a Single Family Dwelling in a Moderate Density Rural Residential District (R-2) in Yankton County. Said property is legally described as Lots 1 and 2, Blk 1, Oak Hills, S13-T93N-R57W, hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota. The E911 address is TBA on Russell Road, Yankton, SD. 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 Dipan Patel. Zoning Administrator Garrity reported the applicant did not send required letters of notification and, therefore, no action could be taken.

**CUP Public Hearing:** This was the time and place for a public hearing for a Conditional Use Permit application from Wayne Wurth to operate a Hobby Farm in a High Density Rural Residential District (R-3) in Yankton County. Zoning Administrator Garrity reported the applicant did not send required letters of notification and, therefore, no action could be taken.

**Variance and Conditional Use Permit Public Hearing:** This was the time and place for a public hearing for a Variance of Minimum Lot Requirement and Conditional Use Permit application from John Brockmueller. Applicant is requesting a Variance of Minimum Lot Requirement from twenty (20) acres to five +/- (5.81) acres in an Agriculture District and a Conditional Use Permit to construct agriculture sales facility in an Agriculture District (AG) in Yankton County. Said property is legally described as SW1/4, exc Lots H1 and H5 and exc Lt H2, S1/2, SW1/4, S31-T96N-R54W, hereinafter referred to as Turkey Valley Township, County of Yankton, State of South Dakota. The E911 address is TBA 446th Ave., Irene, SD. The Planning Commission recommended approval 10-0. John Brockmueller was present to explain plans for the property. No other public comments, positive or negative, were received at the hearing.

**Action 13380Z:** A motion was made by Moore and seconded by Sinclair, based on Findings of Fact, to approve an application from John Brockmueller for a Variance of Minimum Lot Requirement, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. The action allows a Variance of Minimum Lot Requirement from twenty (20) acres to five +/- (5.81) acres in an Agriculture District in Yankton County. Said property is legally described as SW1/4, exc Lots H1 and H5 and exc Lt H2, S1/2, SW1/4, S31-T96N-R54W, hereinafter referred to as Turkey Valley Township, County of Yankton, State of South Dakota. All present voted aye; motion carried.

**Action 13381Z:** A motion was made by Sinclair and seconded by Moore, based on Findings of Fact, to approve an application from John Brockmueller for a Conditional Use Permit, pursuant to Article 19, Section 1905 of the Yankton County Zoning Ordinance. The action allows a Conditional Use Permit to construct an agriculture sales facility in an Agriculture District in Yankton County. Said property is legally described as SW1/4, exc Lots H1 and H5 and exc Lt H2, S1/2, SW1/4, S31-T96N-R54W, hereinafter referred to as Turkey Valley Township, County of Yankton, State of South Dakota. All present voted aye; motion carried.

**Variance Public Hearing:** This was the time and place for a public hearing for a Variance of Minimum Lot Requirement application from Edna Kludt. Applicant is requesting a Variance of Minimum Lot Requirement from twenty (20) acres to nine +/- (9.92) acres in an Agriculture District (AG) in Yankton County. Said property is legally described as Lts 2 and 3, S15-T96N-R57W, hereinafter referred to as Odessa Township, County of Yankton, State of

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South Dakota. The E911 address is TBA on NW Jim River Road, Lesterville, SD. The Planning Commission recommended approval 10-0. Jody Kludt was present to explain her family's plans for the project. No other public comments, positive or negative, were received at the hearing.

**Action 13382Z:** A motion was made by Sinclair and seconded by Moore, based on Findings of Fact, to approve a Minimum Lot Requirement Variance for Edna Kludt, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. The variance allows a reduction in the minimum lot requirement from twenty (20) acres to nine +/- (9.92) acres in an Agriculture District (AG) in Yankton County. Said property is legally described as Lts 2 and 3, S15-T96N-R57W, hereinafter referred to as Odessa Township, County of Yankton, State of South Dakota. The E911 address is TBA on NW Jim River Road, Lesterville, SD. All present voted aye; motion carried.

**Variance and Conditional Use Permit Public Hearing:** This was the time and place for a public hearing for a Conditional Use Permit to allow a Manufactured Home in a Commercial District and a Variance of Minimum Yard Requirement from Kyle Klein. Applicant is requesting a Variance of Minimum Lot Requirement from one hundred (100) acres to forty-six (46) acres in a Commercial District in Yankton County. Said property is legally described as Lot 8, Blk 1, Shipton Acres, S9-T93N-R55W, hereinafter referred to as Mission Hill Township, Yankton County, S.D. The E911 address is 1603 East Side Drive. The Planning Commission recommended approval 10-0. No public comments, positive or negative, were received at the hearing.

**Action 13383Z:** A motion was made by Johnson and seconded by Moore, based on Findings of Fact, to approve an application from Kyle Klein for a Variance of Minimum Yard Requirement, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. The action grants a reduction in minimum lot requirement from one hundred (100) acres to forty-six (46) acres in a Commercial District in Yankton County. Said property is legally described as Lot 8, Blk 1, Shipton Acres, S9-T93N-R55W, hereinafter referred to as Mission Hill Township, Yankton County, S.D. All present voted aye; motion carried.

**Action 13384Z:** A motion was made by Sinclair and seconded by Johnson, based on Findings of Fact, to approve an application from Kyle Klein for a Conditional Use Permit to allow a Manufactured Home in a Commercial District, pursuant to Article 19, Section 1905. The action grants a permit for a manufactured home with a pillar foundation in a Commercial District in Yankton County. Said property is legally described as Lot 8, Blk 1, Shipton Acres, S9-T93N-R55W, hereinafter referred to as Mission Hill Township, Yankton County, S.D. All present voted aye; motion carried.

**Action 13385Z:** A motion was made by Sinclair and seconded by Moore to adjourn as Board of Adjustment and reconvene in regular session. All present voted aye; motion carried.

**Action 13386Z:** A motion was made by Johnson and seconded by Moore to adopt the following resolution: Whereas it appears Larry L. Ryken of Ryken Family Limited Partnership, owner of record, has caused a plat to be made of the following real property: Mark Ryken Addition in the SE4 of the NW4 in S18-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota, 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 13387Z:** A motion was made by Sinclair and seconded by Johnson to adopt the following resolution: Whereas it appears Wallace S. Bakke and Vivian J. Bakke, owners of record, have caused a plat to be made of the following real property: Brockmueller Seed Tract 1 in the SW4 in S31-T96N-R54W, hereinafter referred to as Turkey Valley Township, County of Yankton, State of South Dakota, 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 appli-

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cable 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 13388Z:** A motion was made by Sinclair and seconded by Johnson to adopt the following resolution: Whereas it appears Edna W. Kludt and Nancy A. Dallman, owners of record, have caused a plat to be made of the following real property: Tract 1, Kludt's Addition in Government Lot 2 of S15-T96N-R57W, hereinafter referred to as Odessa Township, County of Yankton, State of South Dakota, 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 13389C:** A motion was made by Johnson and seconded by Sinclair to advertise Aug. 20, 2013 at 3:45 PM as the date for a public hearing on an application for transfer of a Liquor License from Lorna Phillips dba The Rock House to Jolene Foss dba The Quarry Steakhouse, located in Section 17, Township 93N, Range 56W. Notice is further given that any person, persons, or their attorney may appear and be heard at said scheduled public hearing who is interested in the approval or rejection of such transfer. All present voted aye; motion carried.

**Action 13390C:** A motion was made by Johnson and seconded by Moore to advertise Aug. 20, 2013 at 3:45 PM as the date for a public hearing on an application from Hy-Vee Wine and Spirits for a temporary 1-day Wine License: Hy-Vee Wine Tasting on August 28th, 2013 at 31299 449th Ave., Gayville, SD. Notice is further given that any person, persons, or their attorney may appear and be heard at said scheduled public hearing who is interested in the approval or rejection of said license. All present voted aye; motion carried.

**Next Meeting:** The next regular meeting of the Board will be held on Tuesday, August 20, 2013 at 3:30 p.m. in the Commission Chamber of the County Government Center. Items on the next meeting agenda will include: final review of the 2014 provisional budget; consideration of bids received July 16 for construction of Emergency Services Building No. 2; consideration of resolution to create a new process for providing E911 rural address signs; and a drainage permit request.

A motion was made by Sinclair to adjourn.

**Bruce Jensen**, Chairman  
Yankton County Board of Commissioners

ATTEST:  
**Patty Hojem**, County Auditor  
Subscribed once at the approximate cost of \$479.45.

# System

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Rep. Mark Mickelson, R-Sioux Falls, said CNSI is “not someone any of us have a lot of confidence in.”

Jim Edman, the deputy commissioner for state government’s technology bureau, said the project could take three to five years to complete once work starts again.

“That is not satisfactory,” Rep. Susan Wismer, D-Britton, said. “I don’t think we’re doing our duty if we don’t push harder on this.”

She added, “I think we knew it was a mess and we ignored it for a while.” She said

## Feds Running Out Of Wildfire Money

GRANTS PASS, Ore. (AP) — Running out of money to fight wildfires at the peak of the season, the U.S. Forest Service is diverting \$600 million from timber, recreation and other areas to fill the gap.

The nation’s top wildfire-fighting agency was down to \$50 million after spending \$967 million so far this year, Forest Service spokesman Larry Chambers said Wednesday in an email.

Chambers says the \$50 million the Forest Service has left is typically enough to pay for just a few days of fighting fires when the nation is at its top wildfire preparedness level, which went into effect Tuesday.

There are 51 large uncontained fires burning across

the nation, making it tough to meet demands for fire crews and equipment.

Forest Service Chief Thomas Tidwell sent a letter Aug. 16 to regional foresters and other top officials telling them to come up with the cuts by Friday.

“I recognize that this direction will have significant effects on the public whom we serve and on our many valuable partners, as well as agency operations, target accomplishments and performance,” he wrote. “I regret that we have to take this action and fully understand that it only increases costs and reduces efficiency.”

It was the sixth time the Forest Service has had to divert funds since 2002, Chambers said.

conference is held in Yankton during October, according to Mingo.

“I’m going to be curious to see what their impression is, because those are my counterparts around the state who are just completing a code similar to this or are somewhere along in the process,” he said.

Mingo expressed appreciation for the employees of his department who are in the field working with the business community to implement the sign ordinance.

“Our philosophy is education, education, education,” he said. “They do a really good job of that.”

Most of all, Mingo said he wants to thank local businesses.

“This does not happen without the business community buying into it,” he stated. “I never in my wildest dreams would have imagined the community getting through the learning curve on this thing as fast as it did. It’s a testament to the business community. The change that has happened is all up to their willingness to work with us.”

You can follow Nathan Johnson on Twitter at [twitter.com/AnInlandVoyage](https://twitter.com/AnInlandVoyage)

# Safety

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be on the bus for a field trip or other event sometime throughout the year,” he said. “They need to be able to get on a bus, ride safely and understand the rules so they’re not a distraction to the driver.”

Other rules taught to the students included arriving on time, staying in the seats, not throwing things, no fighting, keeping aisles clear of obstructions, keeping arms and heads inside the bus, and respecting the driver.

Third-grader Lillian Zimmerman said the most important rule to know is “to not stand up and move around.”

In addition to the presentations, bracelets with the appropriate bus name were

it can’t be ignored any longer.

Edman said the cost for operating and maintaining the new system can’t be estimated yet. He had approximately 10 people assigned to the project while CNSI was still active on it, and work by some members of his staff continues to this day.

The big challenge in CNSI’s design is the use of more than 20 different types of software and getting them to consistently work as intended, according to Edman.

For each type, he said, the state Bureau of Information and Telecommunications will need to hire experts or develop service contracts within South Dakota or nationally.

“It’s certainly a roll of the dice,” Edman said.

He said BIT plans to take

given to kindergarten students riding the buses for the first time. Many classes also used art projects, singing or other activities to reinforce the information they learned.

“It was a lot of fun,” Zimmerman said.

Mitzel said he believes that holding Bus Safety Day for numerous years has helped the children remember the rules — even if they don’t always follow them.

“If there is an issue on the bus and I go through the rules with a student, they understand what they did wrong. They remember hearing the rules when their teacher went over them on Bus Safety Day,” he said. “Students make mistakes, but we want to make sure we’re up front with our expectations of them.”

You can follow Derek Bartos on Twitter at [twitter.com/d\\_bartos](https://twitter.com/d_bartos)

over management and maintenance 12 months after the new system is put into full operation.

Meanwhile Social Services continues to use the main-frame system that’s been in place for more than 30 years for Medicaid claims processing.

Said Mickelson, “They (the company) have their \$50 million and we have no product.”

None of the legislators or state officials at the meeting suggested inviting CNSI representatives to a future meeting with the legislative committee.

A reporter for this newspaper sent a list of questions to a CNSI spokesperson Wednesday in an to get the company’s perspective. Those responses will be reported as they become available.

Binder says determination can make a healthier lifestyle for anyone, and he’s willing to do what he can to help.

“Once you really put your mind to it, becoming healthier is probably one of the most life-changing things that a person can ever do,” he says. “I just can’t stress enough that it is possible and that kids can do it. And if they ever need someone to talk to about it, they can talk to their teachers or they can contact me. It’s a really great thing that everybody should strive for.”

Follow Rob Nielsen on Twitter at [twitter.com/Rob-NielsenPandD](https://twitter.com/Rob-NielsenPandD)