

**2010 Legal and Public Notices**

\$8.91, M.T. & R.C. Smith Insurance (2015 Workers Compensation) \$1,566.00, Tabor Lumber Cooperative (Maintenance & Supplies) \$1,128.32, Verizon (Utilities) \$558.97; Court House Buildings & Structure: L & S Electric (Repairs) \$419.00; 24/7 Fund: Western Office Technologies (Supplies) \$333.00; County Law Library: West Payment Center (Supplies) \$604.64; State Motor: SD State Treasurer (Treasurer Fees) \$207,281.70, SD State Treasurer (Waste Fees) \$4,120.75; Clearing Fund: South Dakota Attorney Generals Office (Scram Fees) \$1,880.00, SD State Treasurer (ROD Fees) \$1,630.00; M&PR Fund: SDACO (M & PR Fund) \$526.00, Total General Fund \$106,653.58, Road & Bridge \$91,912.14, 911 Fund \$1,330.41, Emergency Management \$3,942.45, Court House Buildings & Structure \$419.00, 24/7 Fund \$333.00, County Law Library \$604.64, State Motor \$211,402.45, Clearing Fund \$3,510.00, M & PR Fund \$526.00. All present voted aye; motion carried.

Action 14477C: A motion was made by Harper and seconded by Sinclair to authorize the purchase of four new iPads for the newly elected County Commissioners. All present voted aye; motion carried.

Surplus Property: Bids were opened at 10:00 A.M. on December 16th 2014 at the Yankton County Government Center for properties with the following parcel numbers: 05.001.500.101, 31.300.003.090, 72.200.006.020, 78.245.000.400 and 78.430.067.100.

Action 14478C: A motion was made by Freng and seconded by Harper to accept the bid from Gary Berry in the amount of \$1,500.00 for property 05.001.500.101 Lot G Govt Lt 1 (.46A) Section 5-93-55. All present voted aye; motion carried.

Action 14479C: A motion was made by Sinclair and seconded by Moore to accept the bid from Pete and Nancy Steffen in the amount of \$3,400.00 for property 31.300.003.090 Lot 7 Blk 3 South Addition town of Gayville. All present voted aye; motion carried.

Action 14480C: A motion was made by Moore and seconded by Harper to accept the bid from Gary Berry in the amount of \$400.00 for property 72.200.006.020 E2 Lts 1 & 2 Blk 6 Volin Addition Town of Volin. All present voted aye; motion carried.

Action 14481C: A motion was made by Sinclair and seconded by Harper to accept the bid from Green View Town Home Association of Fox Run in the amount of \$1.00 for property 78.245.000.400 Outlot 4 Exc Blks 1, 2 & 3 Parcel A Fox Run Subdivision. All present voted aye; motion carried.

Action 14482C: A motion was made by Harper and seconded by Sinclair to accept the bid from Larrys Rentals LLP in the amount of \$17,777.00 for property 78.430.067.100 E3 Lts 10 & 11 Blk 67 Lower Yankton. All present voted aye; motion carried.

Work Comp: Roger Smith of MT & RC Smith Insurance Agency discussed workman's compensation premium which was down 10% from last year. The decrease of premium was due to recommendations for loss prevention and loss control procedures implemented from the different departments.

Action 14483S: A motion was made by Freng and seconded by Moore to accept the Sheriff's November 2014 monthly report. All present voted aye; motion carried.

Action 14484S: A motion was made by Sinclair and seconded by Harper to approve the contract between Yankton County, Minnehaha County, and Volunteers of America for the Juvenile Detention Center. All present voted aye; motion carried.

Ambulance Report: Emergency Medical Services Administrator Hawkins presented his monthly report, which listed 186 total calls in November 2014 with 2,588.9 patient-loaded miles. For the year to date through November 2014, Yankton County EMS has collected \$583,249 and spent \$731,640.

Action 14485EMS: A motion was made by Sinclair and seconded by Freng to approve \$27,792.22 in EMS insurance adjustments. All present voted aye; motion carried.

Action 14486MS: A motion was made by Harper and seconded by Freng to approve \$12,060.32 in individual adjustments. All present voted aye; motion carried.

Action 14487EMS: A motion was made by Sinclair and seconded by Freng to accept the monthly EMS report for November 2014. All present voted aye; motion carried.

Action 14488C: A motion was made by Sinclair and seconded by Moore to enter into an agreement with Utica Township to replace a bridge with a culvert structure, with the township paying \$500.00 and Yankton County paying the remaining balance. All present voted aye; motion carried.

Action 14489Z: A motion was made by Freng and seconded by Harper to adopt the following resolution: Whereas it appears Brian Bohlmann, has caused a plat to be made of the following real property: Lots 4A and 6A, Country

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View Acres, SW1/4, NW1/4, S4-T93N-R55W, hereinafter referred to as Mission Hill South Township, County of Yankton, State of 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 14490C: A motion was made by Moore and seconded by Sinclair to approve the following resolution. All present voted aye; motion carried.

COUNTY OF YANKTON  
STATE OF SOUTH DAKOTA  
Yankton County Commission

December 16, 2014

Resolution 14-12-A

A Resolution by the Yankton County Commission to set a one-time additional compensation for the Yankton County Planning and Zoning Administrator.

Whereas, in addition to the described duties of Yankton County Planning and Zoning Administrator of Yankton County, the duties also assigned to Planning and Zoning including, flood plain administration as dictated by FEMA, and administration of Agricultural Drainage as assigned by the Yankton County Commission; and

Whereas, in the past year the Yankton County Commission also assigned the task of E911 addressing, mapping, coordinating, enforcing and administering the E911 addressing system; and

Whereas, the Yankton County Commission also directed the Yankton County Planning and Zoning Administrator to do a comprehensive Highway 52 corridor study to enhance and provide orderly, structured and well thought out plans for future development along that corridor; and

Whereas, the Yankton County Commission also directed the Yankton County Planning and Zoning Administrator to initiate and participate in developing a Yankton County Transportation Master Plan to address future road needs in and for the County; and

Whereas, the Yankton County Commission directed the Yankton County Planning and Zoning Administrator on several occasions to draft and present Tax Increment Finance proposals with presentations; and

Whereas, these additional duties were performed in addition to and beyond the regular work week in a professional and exemplary way;

Now Therefore Be It Resolved, by the Yankton County Commission, that Patrick Garrity, Yankton County Planning and Zoning Administrator, be compensated a onetime \$7,500 additional benefit for exemplary work above and beyond his defined duties no later than December 29, 2014.

Action 14491C: A motion was made by Harper and seconded by Sinclair to direct the Highway Superintendent to compile a list of contractors to be informed, when the county has no-bid emergency projects. All present voted aye; motion carried.

Action 14492ROD/VSO/Pooled Cash/Aud-Treas: A motion was made by Sinclair and seconded by Harper to approve the following monthly department reports. All present voted aye; motion carried.

The Register of Deeds report from November 2014 showed collection of \$11,301.00 in regular fees; \$3,610.50 in transfer fees; and \$2,716.00 in copies revenue.

The Auditors Monthly Settlement with the Treasurer as of November, 2014 showed Total Cash of \$8,801,408.98. The General Fund was \$5,853,503.04; Special Funds were \$1,344,176.85; and Trust and Agency Funds were \$1,603,729.09 adding to a Grand Total of General Ledger Cash and Investments of \$8,801,408.98. A detailed report is on file with the County Auditor.

VSO Michael McDonald report showed 47 contacts on behalf of veterans for November 2014.

Action 14493N: A motion was made by Sinclair and seconded by Moore to approve the yearly contract with the Department of Health. All present voted aye; motion carried.

Action 14494C: A motion was made by Sinclair and seconded by Harper to adjourn. All present voted aye; motion carried.

The next regular meeting will be Monday, December 29th, 2014.

Bruce Jensen, Chairman  
Yankton County Commission

ATTEST:  
Patty Hojem, County Auditor  
Published once at the approximate cost of \$208.20.

12+24+31  
NOTICE OF AUDIT OF THE  
FISCAL AFFAIRS OF  
YANKTON COUNTY

Notice is hereby given that the records and books of account of Yankton County, South Dakota, have been audited by the Department of Legislative Audit for the

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two years ended December 31, 2013, and that a detailed report thereon is filed with the county auditor of Yankton County and the Department of Legislative Audit in Pierre, South Dakota for public inspection.

This notice is published in compliance with the provisions of SDCL 4-11-12.

MARTIN L. GUINDON, CPA  
AUDITOR GENERAL  
DEPARTMENT OF LEGISLATIVE AUDIT

Published twice at the approximate cost of \$19.86.

www.yankton.net

## Lawmaker Wants Drug Money Distribution Change

SIOUX FALLS (A.P.) — A South Dakota lawmaker and the attorney general are at odds over a proposal to use seized drug money to save on court-appointed attorney costs.

Rep. Steve Hickey, R-Sioux Falls, said the state should use money seized from suspects in drug investigations to help pay the legal defense bills of defendants who can't afford a lawyer. Hickey has introduced a bill that would require more thorough accounting for the Drug Control Fund and direct some money toward counties' legal fees incurred after arrests, the *Argus Leader* reports.

The fund includes money seized during drug probes and money from the sale of seized property, such as cars. It's administered by Attorney General Marty Jackley's office.

"My thought is that we should put some of that money not just into catching more bad guys, but put some of it into the cost of defending them we're stuck with afterward," Hickey said. "We get excited about sobriety checkpoints and saturation patrols, but after those tickets

# Multi-State Listeriosis Outbreak Linked To Commercial Caramel Apples

PIERRE — The CDC recommends that U.S. consumers do not eat any commercially produced, prepackaged caramel apples as the result of a multi-state outbreak of listeriosis. As of Dec. 18, 28 cases have been reported in 10 states; 26 of those cases have been hospitalized. Minnesota has reported four cases and two deaths.

Listeriosis is a life-threatening infection caused by

eating food contaminated with the bacterium *listeria monocytogenes*. It is treated with antibiotics.

The disease primarily affects pregnant women, people with weakened immune systems, and older adults. It is very uncommon in healthy children and adults. Symptoms typically include fever and body aches, usually preceded by diarrhea or other gastrointestinal symptoms. The incubation period is typ-

ically a few days to one month, but can be up to 70 days for pregnant women. While pregnant women typically experience only a mild, flu-like illness, the infection can lead to miscarriage, stillbirth, premature delivery, or life-threatening infection of the newborn.

Find more detail about the outbreak on the CDC website at [www.cdc.gov/listeria/outbreaks/caramel-apples-12-14/index.html/](http://www.cdc.gov/listeria/outbreaks/caramel-apples-12-14/index.html/).

## Daugaard Names New Game Secretary

PIERRE (AP) — Gov. Dennis Daugaard says a native South Dakotan who works as a hunting and fishing administrator in Alaska will be the state's next secretary of the South Dakota Department of Game, Fish and Parks.

Daugaard on Tuesday announced that Deadwood-born Kelly Hepler will replace Jeff Vonk, who will retire in January after serving as the agency's secretary since 2007. Hepler has worked as an assistant commissioner in the Alaska Department of Fish and Game since 2010.

Daugaard says he's "thrilled" to bring Hepler back to South Dakota.

Hepler has worked in the Alaska department since 1979. The governor's office anticipates Hepler will begin by March 2015, and Parks Division Director Doug Hofer will manage the department in the interim.

## SD Teacher Sentenced On Drug Charge

HURON (AP) — A former teacher at Huron Middle School who authorities accused of having inappropriate conversations with a minor has been sentenced.

KOKK-AM reports Thomas Wendelgass will spend 60 days in jail stemming from a felony possession of a controlled substance charge. Circuit Judge Jon Erickson suspended three years in prison for the charge on the condition that Wendelgass serves 60 days in jail and three years of probation.

Wendelgass was also sentenced to 45 days in jail for the charge of dissemination of material harmful to a child, but Erickson gave Wendelgass credit for 25 days served and suspended the remaining 20 days.

Huron Schools Superintendent Terry Nebelsick has said the allegations didn't involve a current student in the district.

Defense attorney Doug Dailey says Wendelgass recognizes the severity of his crimes.

## Record Number Of Travelers Expected

SIOUX FALLS (AP) — Low gas prices and a rebounding economy should encourage a record number of South Dakota travelers to hit the roads over the holidays, despite some chances of bad weather.

Officials with AAA South Dakota say about 260,000 residents will get behind the wheel and 8,700 people will board airlines.

The Sioux Falls *Argus Leader* reports that gas prices are lower than they were last Christmas for residents. A gallon of unleaded gas is averaging \$2.32 in the state, compared to \$3.08 a year.

Gas is even cheaper in Sioux Falls, where the average price is \$2.06 a gallon.

## Appeals Court Backs Omaha Tribe

OMAHA, Neb. (AP) — A federal appeals court has upheld a judge's ruling that lets the Omaha Tribe of Nebraska collect a liquor tax on business owners in the northeast Nebraska city of Pender.

In a decision released last week, a three-judge panel of the 8th U.S. Circuit Court of Appeals upheld a ruling by Senior U.S. District Judge Richard Kopf. He said in February that Pender is inside the Omaha Reservation and thus is subject to the tribe's liquor regulations.

Those regulations require licenses for businesses that sell alcohol and a 10 percent tax on alcohol purchases. A group of Pender retailers sued in federal court in 2007, arguing that they weren't subject to the tribe's regulations because the land upon which their businesses sat was not part of the reservation.

In the 1860s, part of the Omaha Tribe's northern land was ceded to the Winnebago Tribe, and over time, some of the remaining Omaha land came to be owned by non-Native Americans, resulting in a "checkerboard" pattern of land ownership that has caused confusion about tribal lines.

In his ruling earlier this year, Kopf dismissed various points raised by the plaintiffs and cited a previous case in his conclusion.

"Once a block of land is set aside for an Indian Reservation and no matter what happens to the title of individual plots within the area, the entire block retains its reservation status until Congress explicitly indicates otherwise," he said.

The plaintiffs failed to show that Congress had done so with the property in what became Pender, Kopf said.

## SD To Receive Settlement From T-Mobile

PIERRE (AP) — South Dakota Attorney General Marty Jackley says the state will receive more than \$194,000 as part of a settlement between T-Mobile USA and federal regulators.

The Federal Trade Commission last week announced that T-Mobile will pay at least \$90 million, mostly in refunds, for billing customers throughout the country for cellphone text services they didn't order. The practice is known as "cramming."

The FTC sued T-Mobile in July, accusing it of billing customers for subscriptions to services like \$9.99-per-month horoscopes, ringtones, trivia, sports scores or celebrity gossip updates that they didn't want or authorize.

Jackley says any South Dakota consumers who were victims of the scam should file a claim immediately. Claim forms are available at [www.t-mobilerefund.com](http://www.t-mobilerefund.com).

## At Least 2 Hospitalized After House Fire

OMAHA, Neb. (AP) — At least two people are hospitalized with injuries after a fire at a boarding house in south Omaha.

Firefighters encountered thick black smoke when they were called to the house near 22nd and M streets around 2:30 p.m. Tuesday.

Omaha Fire Battalion Chief Tim McCaw says CPR was being performed on one person who was taken in critical condition to the Nebraska Medical Center.

The second injured person was taken to another Omaha hospital in serious condition.

Authorities say the rest of the home's residents escaped safely, and the fire was controlled by 2:47 p.m.

The older home had been segmented into apartments, and a sign out front advertises weekly room rental rates.

McCaw says the fire started in the basement, but it's not clear how it started.

## Nebraska Population Continues Slow Growth

BY JOSH FUNK

Associated Press

OMAHA, Neb. (AP) — Nebraska's population continued to grow steadily this year, but possibly not fast enough for the state to keep all three of its U.S. House seats after the 2020 Census.

The U.S. Census Bureau released new estimates Tuesday showing that Nebraska's population had grown to 1,881,503 by July 1.

The state's population was 0.67 percent higher than the July 2013 estimate of 1,868,969.

The nationwide population grew at a similar 0.7 percent rate to 318,857,056 this year, but other states, particularly in the South and West, grew at a more brisk pace.

David Drozd, research coordinator for the University of Nebraska Omaha's Center for Public Affairs Research, said that although Nebraska's population has grown for 27 years in a row, it could lose a House seat in the next once-a-decade congressional redistricting if other states have grown more quickly.

But Drozd said the latest population estimates are encouraging for Nebraska

## Lincoln Girl Wandered Into Home, Unwrapped Gifts

LINCOLN, Neb. (AP) — A Lincoln elementary student who wandered off the school's campus during morning recess was unwrapping Christmas gifts and decorating cookies in a nearby home while police looked for her, authorities said.

Officers, teachers and worried residents searched Friday for 7-year-old Gracie Shafer, who disappeared after she walked away from the Everett Elementary School playground, the *Lincoln Journal Star* reported.

School district officials say Gracie, who has autism, was standing near a school employee helping supervise the 90-some first-graders outside. Staff realized Gracie was unaccounted for after everyone came inside of the building, immediately alerting police and Gracie's parents.

"They were in the process of getting lots of kids in the door," said Jane Stavem, associate superintendent for instruction at the Lincoln Public Schools District. "That's a nor-

mal, everyday kind of scene. This was just one of those situations that you never want to have happen, but it's a reality that it can. We don't want it to. But it did, and they handled it beautifully."

Mikayla Ratliff, the owner of a home, tipped off police to how Gracie spent her day, after finding her door wide open and unwrapped Christmas presents inside. She'd left the door unlocked, and assuming she'd been burglarized, she called police. Officers found Gracie's coat inside and searched the home to make sure there wasn't any sign someone else had been there with her.

"They determined she came in on her own and was just having fun playing around," Ratliff said.

Several items under Ratliff's Christmas tree were missing, including a doll and a small basketball hoop, but she said wasn't worried about the missing items. She said she was just glad Gracie was OK.