

2010 Legal and Public Notices

publicly described as Lot 2, Blalid's Addition, NE1/4, S15-T93N-R56N of Yankton County, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 site address is TBA West 11th Street, Yankton, SD.

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 8:15 P.M. on the 9th day of March, 2010 in the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota.

Said hearing is to consider the following:

A Conditional Use Permit for Camping Units Requirement thereby allowing for an additional six (6) camping units in a designated area for property in a Lakeside Commercial District (LC) in Yankton County. Said property is legally described as Lts. 1 & 2, Exc. N130', Lewis & Clark Business Center, S16-T93N-R56W of Yankton County, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 site address is 4306 West 8th Street, Yankton, SD.

Patrick Garrity
Zoning Administrator
2+27

CHAMBER OF THE BOARD OF CITY COMMISSIONERS YANKTON, SOUTH DAKOTA FEBRUARY 22, 2010

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

Roll Call: Present: Commissioners Carda, Ellingson, Gross, Knoff, Lowrie, VanDerhule, and Wenande. City Attorney Hosmer and City Manager Russell were also present. Absent: Commissioner Akland.

Action 10-36 Moved by Commissioner Gross, seconded by Commissioner Wenande, to approve the Minutes of the regular meeting of February 8, 2010.

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

Mayor Specht presented a proclamation to Jack and Margaret Lyons in honor of being recognized as Yankton's 2009 Citizens of the Year and declared February 28, 2010, as Jack and Margaret Lyons Day.

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

Action 10-37 Moved by Commissioner Knoff, seconded by Commissioner VanDerhule, that the following items on the consent agenda be approved.

1. Permission for Alcoholic Beverages Consideration of a request from John Heemstra to carry in and serve alcoholic beverages at the Dakota Territorial Capitol Building for a birthday party on January 15, 2011.

2. Permission for Alcoholic Beverages Consideration of a request from Judy Lane to carry in and serve alcoholic beverages at the Dakota Territorial Capitol Building for a bridal shower on April 17, 2010.

3. Approval of Peddler's License Consideration of Memorandum 10-26 recommending approval of an application for a Peddler's License for TAK Communication of Sioux Falls, South Dakota for nine (9) people to go door to door to sell cable, internet, and phone service for MidContinent Communications.

4. Establish public hearing for sale of alcoholic beverages Establish March 8, 2010, as the date for the public hearing on the request for a Special Events RETAIL (on-sale) Malt Beverage and a Special RETAIL (on-sale) Wine dealers License for March 9, 2010, with an alternative date of March 11, 2010, from Chamber of Commerce, (Carmen Schramm, Director) d/b/a Chamber of Commerce, Avera Sacred Heart Hospital Pavilion, 409 Summit Street, Yankton, South Dakota.

5. Permission for Alcoholic Beverages Consideration of a request from Chandra Ostidick to carry in and serve alcoholic beverages at City Hall Gymnasium for a wedding rehearsal and wedding from June 11 through 13, 2010.

6. Permission for Alcoholic Beverages Consideration of a request from Lynn Belfany to carry in and serve alcoholic beverages at the Dakota Territorial Capitol Building for a birthday party on August 7, 2010.

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

Action 10-38 This was the time and place for the

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public hearing on the application for a New Retail (on-off sale) Malt Beverage License for July 1, 2009, to June 30, 2010, from Addar, Inc. d/b/a Coco Loco (Kristin S. Martin, Vice President), 1208 Broadway, Yankton, South Dakota. Kristin S. Martin and Shujah S. Khan were present to answer any questions. (Memorandum 10-23) Moved by Commissioner Gross, seconded by Commissioner Knoff, to approve the license application.

Roll Call: Members present voting "Aye;" Commissioners Carda, Gross, Knoff, Lowrie, VanDerhule, Wenande, and Mayor Specht; voting "Nay;" Commissioner Ellingson. Motion adopted.

Action 10-39 This was the time and place for the public hearing on the application for a New Retail (on-off sale) Wine License for January 1, 2010, to December 31, 2010, from Addar, Inc. d/b/a Coco Loco (Kristin S. Martin, Vice President), 1208 Broadway, Yankton, South Dakota. (Memorandum 10-24) Moved by Commissioner Wenande, seconded by Commissioner Carda, to approve the license application.

Roll Call: Members present voting "Aye;" Commissioners Carda, Gross, Knoff, Lowrie, VanDerhule, Wenande, and Mayor Specht; voting "Nay;" Commissioner Ellingson. Motion adopted.

Action 10-40 This was the time and place for the public hearing on the application for a Special Events RETAIL (on-sale) Malt Beverage and a Special RETAIL (on-sale) Wine dealers License for 1 day March 7, 2010, with an alternate date of March 14, 2010, from The Center (Tamera Matuska, Executive Director), 900 Whiting Drive, Yankton South Dakota. (Memorandum 10-25) No one was present to speak for or against approval of the license.

Moved by Commissioner VanDerhule, seconded by Commissioner Gross, to approve the license application. Roll Call: All members present voting "Aye;" voting "Nay;" None. Motion adopted.

Action 10-41 This was the time and place for the public hearing to consider adopting a Master Plan Concept for the Memorial Park Pool. (Memorandum 10-11) Shujah Khan testified he would like to see more amusement-type functions that would be open more than three months for that kind of investment. Dan Ruppier and Larry Jones appeared regarding adoption of the plan. Charles Murphy was present and stated he would like to see the plan put on the back burner at this time. Moved by Commissioner Ellingson, seconded by Commissioner Wenande, to adopt the Master Plan Concept for the Memorial Park Pool.

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

Action 10-42 This was the time and place to award the bid for the City of Yankton Door and Window Replacement Project. The following bids were received and opened on February 10, 2010: Welf Construction Corporation, Yankton, South Dakota - \$76,000.00; Lloyd Construction Company, Sioux Falls, South Dakota - \$80,100.00; Heartland Glass, Sioux Falls, South Dakota - \$81,565.00. (Memorandum 10-28) Moved by Commissioner Ellingson, seconded by Commissioner Knoff, to reject all bids for the door and window replacement project because all bids were higher than the grant funds allocated for the project, and also to direct staff to revise the scope and specifications and rebid the project.

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

Action 10-43 This was the time and place to award the bid to replace the Golf Course Automated Control Irrigation System. The following bids were received and opened on February 12, 2010: Midwest Turf & Irrigation, Omaha, Nebraska - \$24,690.30; Trant - Irrigation, Fargo, North Dakota - \$47,300.00; Luxury Landscaping & Lawn

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Care, LLP, Audubon, Minnesota - \$54,848.31. (Memorandum 10-31) Moved by Commissioner Knoff, seconded by Commissioner Gross, to award the bid to the low bidder, Midwest Turf & Irrigation, Omaha, Nebraska, in the amount of \$24,690.30.

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

Action 10-44 Resolution 10-04, approving a request for a Conditional Use Permit from Sacred Heart Catholic Church for a Community and Education Center Addition and Parish Facility on the east one-third of Lots 1 and 2, and Lots 10 through 18, Block 20, Lower Yankton Addition to the City of Yankton, South Dakota, was considered. Father Mark Lichter, representing the Catholic community, Dan Eisenbraun, Engineer, and Bob Winkels, Architect, all appeared in favor of adoption of Resolution 10-04. Mike Miller also appeared in favor of adoption of the resolution. Moved by Commissioner Gross, seconded by Commissioner Ellingson, to adopt Resolution 10-04. (Memorandum 10-29)

RESOLUTION 10-04 Conditional Use

WHEREAS, Sacred Heart Catholic Church is the applicant for a Conditional Use Permit on E 1/3 of Lots 1 and 2, and Lots 10-18, Block 5 and Lots 1-9, Block 20, Lower Yankton Addition to the City of Yankton, South Dakota located on both sides of the 500 block of Capital Street; and,

WHEREAS, the above described property is zoned R-4 Multiple Family Residential which allows conditional uses under the City of Yankton's Zoning Ordinance No. 711 as amended; and,

WHEREAS, this conditional use request is necessary for the construction of a Community and Education Center Addition and Parish Facility and the proposed project has been reviewed and recommended for approval by a vote

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of the City Planning Commission based on the seven items referenced in the associated memorandum.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Yankton, South Dakota hereby approves a Conditional Use Permit for the construction of a Community and Education Center Addition and Parish Facility as defined in the attached memorandum, drawings and in accordance with all applicable ordinances and regulations on the above described property.

Roll Call: Members present voting "Aye;" Commissioners Ellingson, Gross, Knoff, Lowrie, VanDerhule, and Wenande; voting "Nay;" None; Abstaining: Commissioners Carda, Knoff, and Mayor Specht. Motion adopted.

Action 10-45 Moved by Commissioner Gross, seconded by Commissioner Wenande, to adopt Resolution 10-05. (Memorandum 10-30)

RESOLUTION 10-05

WHEREAS, it appears from an examination of the Replat of Lot A of Outlot 2, Lot B of Outlot 2, Lot C, Except Tract 1 Through Tract 6 Thereof, of Outlot 2, and Tract 1, Tract 2, Tract 3, Tract 4, Tract 5 and Tract 6 of Lot C of Outlot 2, Hillcrest East Addition to the City of Yankton, South Dakota, Travis J. Kropfenske of Johnson Engineering a registered land surveyor in the state of South Dakota, and

WHEREAS, such plat has been prepared according to law and is consistent with the City's overall Comprehensive Development Plan.

NOW, THEREFORE BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, South Dakota, that the plat for the above described property is hereby approved.

Roll Call: All members present voting "Aye;" voting "Nay;"

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None. Motion adopted.

Action 10-46 Moved by Commissioner Gross, seconded by Commissioner Carda, to approve the tax abatement requests from Yankton School District (tax exempt organization) in the amount of \$1,533.02, City's share \$240.58; Lorraine Slade Living Trust (error in tax extension) in the amount of \$749.67, City's share zero dollars; Ability Building Services (four parcels) (tax exempt organization) for a total \$58.46, City's share \$9.19; and XYZ, Inc. (five parcels) (tax exempt organization) for a total of \$4,200.67, City's share \$659.23. (Memorandum 10-27)

Roll Call: Members present voting "Aye;" Commissioners Carda, Ellingson, Gross, Knoff, Lowrie, VanDerhule, and Wenande; voting "Nay;" None; Abstaining: Mayor Specht. Motion adopted.

Action 10-47 Moved by Commissioner Ellingson, seconded by Commissioner Carda, to adjourn at 9:09 p.m.

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

Dan Specht Mayor

Al Viereck Finance Officer

Estimated Publishing Cost Per Circulated Copy: \$0.02

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None. Motion adopted.

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Roll Call: Members present voting "Aye;" Commissioners Carda, Ellingson, Gross, Knoff, Lowrie, VanDerhule, and Wenande; voting "Nay;" None; Abstaining: Mayor Specht. Motion adopted.

Action 10-47 Moved by Commissioner Ellingson, seconded by Commissioner Carda, to adjourn at 9:09 p.m.

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

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Senator: Find Missing Interrogation E-Mails

WASHINGTON (AP) — A Senate committee chairman told the Justice Department on Friday to hunt for the missing e-mails of an attorney who provided legal justification for the Bush administration's harsh interrogation of terror suspects.

Judiciary Chairman Patrick Leahy's demand came at a committee hearing where the Justice Department's No. 2 official defended his department's investigation of the legal advice by the former Justice attorney, John Yoo, and his boss, Jay Bybee.

The missing e-mails raise serious questions about whether the probe had all relevant information, Leahy said.

The inquiry concluded the two lawyers showed poor judgment and provided significantly flawed advice, but it ruled they committed no misconduct and stopped short of referring their actions to state bar authorities for possible discipline. However, Justice's internal investigators said their probe was hampered by the loss of Yoo's e-mail records, and those of another attorney.

Bybee is now a judge at the U.S. Court of Appeals for the 9th Circuit in San Francisco. Yoo is a University of California law professor.

The legal views of Bybee and Yoo "were intended to provide a 'golden shield' to commit torture and get away with it," said Leahy, D-Vt. He added that their legal advice in 2002 in response to a CIA proposal was "designed to achieve an end."

Advertisement for Alltel Wireless featuring the slogan "Thumbs Up! Text-friendly phones for". It displays four mobile phones: LG Banter, LG 8575 Touch, Samsung Freeform, and Samsung DoubleTake. The ad highlights a "1 YEAR CONTRACTS" offer with "same low price, shorter contract." Below the phones, it states "My Circle includes unlimited texting to your circle." and "Plus Add Lines Get 3 Months FREE". The bottom section lists various retail locations across South Dakota, including Aberdeen, Brookings, Huron, Mitchell, Pierre, and Watertown, with their respective addresses and phone numbers. It also includes a "BEST BUY" logo and a "Proud Sponsor of" logo for a local organization.