

2010 Legal and Public Notices

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YANKTON COUNTY COMMISSION MEETING
June 21st, 2011

The regular meeting of the Yankton County Commission was called to order by Chairman Bruce Jensen at 1:30 PM on Tuesday, June 21st, 2011.

Roll Call was taken with the following Commissioners present: Donna Freng, Bruce Jensen, Garry Moore, Mark Johnson and Allen Sinclair.

Action 11259C: A motion was made by Freng and seconded by Johnson to set the agenda as distributed.

Voting Aye: All Nay: None
 Motion carried.

Action 11260C: A motion was made by Moore and seconded by Johnson to approve the minutes of the June 7th, 2011 meeting of the Board.

Voting Aye: All Nay: None
 Motion carried.

The poor relief appeal scheduled for 1:30 PM was tabled to be considered at a later meeting and there were no new indigent appeals presented.

Alan Sorensen, Highway Superintendent, reported because of the rains, magnesium water applications have been delayed. The Board discussed roadways that should have mag water applications including Aspen Drive, Larson Landing area, sister's Grove Road, West 11th Street and Kaiser road. The final sizing for the culvert replacement in Mayfield Township is being done. Repairs to the Stone Church Road are delayed due to water in the ditches. Sorensen also reported the contractor is ready to complete the bike trail project adjacent to Deer Boulevard. Sandbags are currently being stockpiled at the south end of Deer Boulevard and the contractor is unable to maneuver equipment in the area.

Paul Scherschligt, Emergency Manager, joined the discussion and asked how much room the contractor needs, suggesting perhaps one open lane in the area. It was the consensus to ask the contractor if one open lane in the area would be sufficient room and report back to the Commission.

Scherschligt reported sandbag filling and the Emergency Operations Center has ceased for the near future. Marne Creek and the James River are being monitored for increased water levels. A thank you was received from Union County for assistance with flooding issues in Dakota Dunes and the surrounding area. Scherschligt also advised he is switching telephone suppliers in a money saving effort.

The ambulance report for the month of May, 2011 was presented by Steve Hawkins. The department responded to 149 calls in May with 112 1st calls, 25 2nd/3rd calls, 14 transfers and 5 Standby and 7 Command/supervisor responses. \$88,711 was billed out in May and \$63,897 was received in for May. Expenditures to date are \$293,460 and year-to-date receipts are \$271,113. Year-to-date cost per Yankton County Resident is \$1.04

Action 11261A: A motion was made by Johnson and seconded by Sinclair to adjust the following bills: Medicare adjustments \$31,079.53, Medicaid adjustment \$1,950.48, miscellaneous uncollectible/adjusted bills totaling \$184.25 and the liens moved to inactive status.

Voting Aye: All Nay: None
 Motion carried

Don Suing and Bonnie Peterson were recognized for 15 years of service to the Yankton County Ambulance Service.

Hawkins advised the pagers (narrowbanding) have been ordered and the vendor is programming them. The RFP for the Radio Repeater is being prepared.

Action 11262A: A motion was made by Sinclair and seconded by Freng to accept into the record the May, 2011 report of the Ambulance Department.

Voting Aye: All Nay: None
 Motion carried

Jim Vlahakis, Sheriff, presented the May 2011 report for the Sheriff's Office and Jail.

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Action 11263A: A motion was made by Johnson and seconded by Freng to accept into the record the May, 2011 report of the County Sheriff.

Voting Aye: All Nay: None
 Motion carried

The Board discussed the proposal received for tree removal and ditch cleaning in Section 20, Township 94N, Range 54W (approximately _ mile).

Action 11264DB: A motion was made by Sinclair and seconded by Freng to recess the regular session of the Board and convene as a ditch board.

Voting Aye: All Nay: None
 Motion carried

Two proposals were received for the proposal project: Pollman Excavation Inc \$58,609.20 and Wiewman construction \$33,000.00.

Action 11265DB: A motion was made by Sinclair and seconded by Johnson that the proposal of Wiewman Construction in the amount of \$33,000.00 be approved contingent upon excise tax being paid by the contractor and freed to be completed by Gary Freeburg.

Voting Aye: All Nay: None
 Motion carried

Action 11266DB: A motion was made to adjourn as a ditch board and reconvene in regular session.

Voting Aye: All Nay: None
 Motion carried

Action 11267W: A motion was made by Johnson and seconded by Freng to approve contracts with the City of Yankton, City of Lesterville, City of Volin, City of Mission Hill and City of Utica for mosquito abatement and further to authorize the Chairman to sign the contracts on behalf of the County.

Voting Aye: All Nay: None
 Motion carried

Action 11268C: A motion was made by Sinclair and seconded by Freng to approve the following claims: **Commissioners:** Knology (Utilities) \$111.32, Yankton County Observer (Legal Notices) \$1,128.76, Star Publishing (Legal Notices) \$202.52; **Elections:** McLeod's Printing (Supplies) \$66.23; Court: 9 Payees @ \$50.00 (Grand Juror Fees) \$450.00, 1 Payee (Grand Juror Mileage) \$8.88, 1 Payee (Grand Juror Mileage) \$22.20, 1 Payee (Grand Juror Mileage) \$11.10, 1 Payee (Grand Juror Mileage) \$8.14, 2 Payees @ \$17.39 (Grand Juror Mileage) \$34.78, 4 Payees @ \$20.00 (Witness Fees) \$80.00, Affordable Self Storage (Services) \$88.00, Avera Sacred Heart Hospital (Care) \$1,105.20, Diamond Drugs (Medicine) \$466.01, Horn & Kozletzky (Legal Assistance) \$836.40, Knox County Sheriff (Services) \$22.32, Kennedy, Pier & Knoff (Legal Assistance) \$85.90, David Hosmer (Legal Assistance) \$540.16, Kabeisman & Pollard (Legal Assistance) \$970.37, Creighton Thurman (Legal Assistance) \$4,225.72, Madison County Sheriff (Services) \$30.36, Minnehaha County Sheriff (Services) \$689.49, Google Inc. (Services) \$25.00; **Auditor:** Knology (Utilities) \$355.43, MT & RC Smith (Worker's Comp) \$59.96, USPS (Box Rent) \$110.00, Western Office Plus (Maintenance) \$254.76; **Treasurer:** Harland Technology (Maintenance) \$68.75, Knology (Utilities) \$591.88, Miller Consulting (Maintenance) \$52.50, MT & RC Smith (Worker's Comp) \$71.38, USPS (Box Rent) \$110.00, Western Office Plus (Supplies) \$534.66; **Data Processing:** Knology (Utilities) \$771.46, Miller Consulting (Maintenance) \$4,010.00; **States Attorney:** Culligan (Supplies) \$6.00, Knology (Utilities) \$154.81, MT & RC Smith (Worker's Comp) \$16.00, Staples (Supplies) \$476.61, West Payment Center (Books) \$590.00; **Government Buildings:** Ace Hardware (Supplies) \$170.36, Paula Jones (Supplies) \$17.61, Johnson Controls (Maintenance) \$646.73, Knology (Utilities) \$55.66, MidAmerican Energy (Utilities) \$388.56, MT & RC Smith (Worker's Comp) \$48.00; **Director of Equalization:** Knology (Utilities) \$491.15, Lori Mackay (Supplies) \$26.30, Miller Consulting (Maintenance) \$35.00, MT & RC Smith (Worker's Comp) \$92.93, Western Office Plus (Maintenance) \$19.74; **Register of Deeds:** Executive Mgmt Finance (Utilities) \$19.00, Knology (Utilities) \$388.59, Miller Consulting (Maintenance) \$65.00, Mobile Binders (Supplies) \$310.45, Microfilm Imaging (Rental) \$504.00, MT & RC Smith (Worker's Comp) \$43.71, USPS (Box Rent) \$70.00, Western Office Plus (Supplies) \$64.49;

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Veteran's Service: Knology (Utilities) \$92.15, MT & RC Smith (Worker's Comp) \$10.47, Western Office Plus (Maintenance & Supplies) \$44.50; **Court House & Safety Center:** Ace Hardware (Supplies) \$287.59, Fullerton's (Supplies) \$2,284.71, Paul Helgerson (Supplies) \$45.16, Knology (Utilities) \$410.74, Quality Telecommunications (Supplies) \$3,868.11, Sherwin-Williams (Supplies) \$707.88, MT & RC Smith (Worker's Comp) \$38.00, Titan Energy Systems (Maintenance) \$1,645.00, Wohl's Plumbing (Maintenance) \$87.76, Winelson (Supplies) \$72.80; **Sheriff:** City of Yankton (Gasoline) \$1,363.77, Fedex (Supplies) \$17.33, JB Body Shop (Maintenance) \$52.89, Jay OS Complete Care (Maintenance) \$952.49, Knology (Utilities) \$208.33, Pennington County Jail: (Travel) \$105.95, MT & RC Smith (Worker's Comp) \$1,207.00, Verizon (Utilities) \$109.05, Western Office Plus (Maintenance & Supplies) \$129.17, Yankton Office Equipment (Maintenance) \$47.50, County Jail American Institutional (Supplies) \$511.90, Accurate Controls (Maintenance) \$112.50, Ace Hardware (Supplies) \$13.94, CBM Food Service (Meals) \$4,360.32, Diamond Drugs (Medicine) \$694.80, Knology (Utilities) \$105.34, MT & RC Smith (Worker's Comp) \$1,480.00, Yankton Rexall (Supplies) \$24.54; **Juvenile Detention:** Minnehaha County Regional (Child Care) \$10,640.00, Volunteers of America (Shelter Care) \$4,510.00; **Care of Poor:** Opsahl-Koster Funeral Home (Services) \$3,960.00, Yankton Rexall (Medicine) \$38.58; **Public Health Nurse:** Knology (Utilities) \$659.34, MT & RC Smith (Worker's Comp) \$21.00; **Ambulance:** Ace Hardware (Supplies) \$16.00, Avera Sacred Heart Hospital (Supplies) \$649.24, Avera Education (Supplies) \$64.00, Bolter Printing (Supplies) \$403.00, City of Yankton (Gasoline) \$1,504.54, Card Service Center (Supplies) \$556.45, Fox Run Quik Lube (Maintenance) \$93.99, KMart (Supplies) \$54.31, Knology (Utilities) \$170.51, Med Alliance Group (Supplies) \$468.99, Matheson Tri-Gas (Rental & Supplies) \$104.06, Henry Schein (Supplies) \$268.25, Master-tech Auto (Maintenance) \$100.00, Overhead Door (Maintenance) \$193.35, Qwest (Utilities) \$83.20, MT & RC Smith (Worker's Comp) \$1,061.00, Sioux Falls Two-Way Radio (Maintenance) \$649.49, Western Office Plus (Supplies) \$220.86, Yankton Janitorial (Supplies) \$255.77; **Mentally Handicapped:** South Dakota Achieve (May Services) \$300.00; **Mental Illness Board:** Norma Andersen (Hearing) \$15.00, Donna Dietrich (Hearings) \$578.82, Denise Cody (Hearings) \$33.00, Cathy Rehffuss (Hearings) \$39.00, Yavonne Slowey (Hearings) \$454.50, McGreevy Clinic (Services) \$183.41; **County Extension:** Appera (Supplies) \$50.25, LEAF (Rental) \$620.64, Larry Remington (Maintenance) \$400.00, Elizabeth Fiedler (Food Judge) \$35.00, Jolene Kralicek (Food Judge) \$35.00, LaDawn Remington (Food Judge) \$35.00, MT & RC Smith (Worker's Comp) \$21.00, Western Office Plus (Supplies) \$134.63; **Soil Conservation:** MT & RC Smith (Worker's Comp) \$12.43; **Weed:** Battery Exchange (Supplies) \$179.90, TMA (Supplies) \$26.90, MT & RC Smith (Worker's Comp) \$51.00, Yankton County Observer (Legal Notices) \$115.50, Yankton P&D (Legal Notices) \$249.75; **Planning & Zoning:** Knology (Utilities) \$97.11, MT & RC Smith (Worker's Comp) \$16.12, Western Office Plus (Maintenance & Supplies) \$47.23; **Economic Development:** Johnson Engineering (Bike Trail) \$44,792.63, Newman Traffic Signs (Bike Trail) \$495.65; **Road & Bridge:** Appera (Supplies) \$40.66, B-Y Electric (Utilities) \$28.98, City of Yankton (Utilities) \$119.64, Fullerton's (Supplies) \$39.96, Holcomb (Supplies) \$302.93, Hedahl's (Supplies) \$1,014.92, Knology (Utilities) \$173.66, MidAmerican Energy (Utilities) \$173.71, Miller Consulting (Maintenance) \$105.00, MT & RC Smith (Worker's Comp) \$1,152.00, Southeastern Electric (Utilities) \$18.36, Riverside Hydraulics (Supplies) \$82.97, Stern Oil (Fuel) \$26,367.51, Stern Oil (Fuel) \$5,214.87, TMA (Supplies) \$674.00, Tabor Lumber (Fuel) \$264.25, USPS (Box Rent) \$70.00, Wick's (Supplies) \$478.04, Wheelco Brake (Supplies) \$360.66, Western Office Plus (Maintenance) \$19.73, Yankton Redi Mix (Supplies) \$746.25; **911 Fund:** Knology (Utilities)

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\$1,100.00, New Cingular (Utilities) \$1,915.27, Miller Consulting (Maintenance) \$1,510.50; **Emergency Management:** City of Yankton (Gasoline) \$653.58, Paula Jones (Supplies) \$82.85, Paul Helgerson (Supplies) \$37.06, Miller Consulting (Maintenance) \$210.00, R&D Repair (Supplies) \$22.13, MT & RC Smith (Worker's Comp) \$86.00, Tabor Lumber (Supplies) \$93.50; **Capitol Project:** GeoTek (Project 30278) \$4,496.00; **Misc.:** West Payment Center (Supplies - County Law Library) \$1,377.25; Jurgens Printing (State Fair Books - Extension) \$76.25. Total General Fund \$119,771.11, Road & Bridge \$10,997.62, 911 Fund \$4,525.77, Emergency Management \$1,185.12, Capitol Project \$4,496.00, Misc \$1,453.50. Voting Aye: All Voting Nay: None Motion carried.

Action 11269DOE: A motion was made by Johnson and seconded by Freng to approve providing the County's GIS shape file to the SD GFP contingent upon a GFP data file being furnished to the County in exchange. If the exchange cannot be completed, the Director of Equalization was asked to return to the Board with the information.

Voting Aye: All Voting Nay: None Motion carried.

Action 11270MI: A motion was made by Sinclair and seconded by Johnson to appoint Karen Swanda as a member of the Mental Illness board and the Developmental disability Board effective July 1, 2011 and further to appoint Cathy Rehffuss as an alternate board member.

Voting Aye: All Voting Nay: None Motion carried.

A motion was made by Sinclair to adjourn.

The next regular meeting of the Board will be July 6th, 2011 at 4:30 PM in the Commission chambers.

Bruce Jensen, Chairman
 Yankton County Commission
 ATTEST:
 Paula Jones, Auditor
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Boaters Warned Off Yellowstone After Spill

BY MATTHEW BROWN AND GARANCE BURKE
 Associated Press

BILLINGS, Mont. — Boaters were warned to stay off an oil-fouled stretch of Montana's popular Yellowstone River on Friday, as lawmakers on Capitol Hill pressed regulators to bolster the country's pipeline safety rules following a string of high-profile spills and explosions.

The warning to stay off a 22-mile stretch of the Yellowstone between Laurel and Lockwood follows an Exxon Mobil pipeline failure that spewed an estimated 1,000 barrels of crude into the flooding river on July 1.

More than 500 workers are trying to scrub dozens of miles of fouled shoreline and backwaters along the river. With at least 40 boats being used as part of the cleanup, state officials said people recreating on the river in canoes, kayaks, drift boats or innertubes could pose a safety risk.

The cause of the spill remains under investigation, but early indications emerged Friday that the pipeline was completely severed in the accident, said Richard Opper, director of Montana Department of Environmental Quality.

Opper said that suggests the pipeline was undercut by the river and broke, rather than springing a leak due to corrosion in the line.

Exxon Mobil spokeswoman Karen Matusc said the company did not want to speculate about what happened until it could more closely inspect the line.

At a pipeline safety hearing in Washington, D.C., lawmakers questioned the government's top pipeline regulator and asked whether her agency had been overly cozy with the industry.

Cynthia Quarterman, administrator of the Pipeline and Hazardous Materials Safety Administration, told members of a congressional committee that public safety was her agency's highest concern. She added that reform proposals pending before Congress could give the government the authority it needs to prevent future accidents.

"Having spent time with the employees within the agency, I know they may have concerns about upper-level leadership but in terms of their commitment to the mission, it is the highest thing on their mind," Quarterman testified at the hearing. "To a

person, their concern is the safety of the public."

Committee members also quizzed Quarterman and other panelists about a Pacific Gas & Electric Co. natural gas pipeline explosion last September in San Bruno, Calif., that killed eight people, injured many more and left 38 homes in smoking ruins.

Also mentioned was the rupture of an Enbridge Inc. pipeline in July of last year in southwest Michigan, which spilled more than 800,000 gallons of oil into the Kalamazoo River.

"The industry has been driving policy," said U.S. Rep. Jackie Speier, a California Democrat whose district includes San Bruno. "We've got to make it safe for the consumers, for the ratepayers."

Michigan Republican Rep. Fred Upton, who chairs the Committee on Energy and Commerce, compiled a large list of witnesses including several members of the oil and gas industry. Testimony from Exxon Mobil Pipeline Co. was postponed for a second hearing next Thursday.

Quarterman said the Montana accident has focused her agency's attention on preventing pipeline failures.

It will likely be August or September before water levels in the river are low enough to exhume the section of damaged pipe responsible for the spill, Quarterman said in another hearing on Thursday.

It could take another two months after that before investigators identify a cause, and Quarterman said her agency won't know for certain how large the leak was until it examines records at the company's control room in Houston.

Montana Gov. Brian Schweitzer said Friday that he had been frustrated in his attempts to find out from the company the toxicity of the spilled oil. The Democrat had requested a breakdown of what was in the oil last week.

"Show me the analysis," he said. "We've got two weeks of people out there with paper towels and booms, and they can't tell us what's in it."

Exxon Mobil said in a Friday letter to Schweitzer it still was investigating the oil's toxicity.

Montana DEQ director Opper said the determination that the line was severed came after Exxon Mobil attempted to run an electrical current along the pipeline to see if it was still at least partially intact.

Chief

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police officer in Alaska, on an island called Unalaska. Unalaska is part of the Alaska's Aleutian Islands, and is more commonly known to most people as the home of Dutch Harbor, where the Discovery Channel's "Deepest Catch" television documentary is filmed.

"Between Washington and Alaska, I spent seven years as a patrol officer," Betzen said. "In 1995, I was promoted to sergeant, and in 2004 I was promoted to what is known as first sergeant - we don't have lieutenants and captains (in Unalaska); we have a first sergeant who oversees the police, communications and corrections division for the Unalaska Department of Public Safety.

I was first sergeant from 2004 until I retired on July 1," he said.

Betzen said he and his wife had been considering moving from Alaska back to the lower 48 states for nearly a year.

"We had a convergence of change coming - my youngest child, Noah, graduated from high school and was going off to college, and after June 1, I was eligible to retire after 20 years in law enforcement in Alaska," he said. "Alaska has a lot of wonderful things going for it, but it is kind of some rough living.

"We lived on an island with about 4,500 permanent population and about 4,000 who are in transient. Dutch Harbor is the biggest fishing port in the United States by volume of fish, so basically it's a small village surrounded by a giant work camp," Betzen said. "It doesn't have a lot of the amenities of civilization; you have to jump on a plane and go 700 miles for \$1,000 to go shopping ... so my wife said it was time to get back to civilization, and that's what we've been working on for the past year."

Betzen applied for open positions in Vermillion and in several other law enforcement agencies. Vermillion city officials were the first ones to call him

back after receiving his application.

Betzen said he and his wife began researching Vermillion to learn all they could about the community. "We got more and more excited the more we learned," he said. "The location, the fact that it is a small college town, and when I came out to interview, I arrived here a couple days early, and I talked to a realtor, and went around town and talked to different people, and met with some members of the Lions Club.

"I just got the impression that Vermillion is a wonderful town, almost ideally situated in that it was close enough to decent-sized cities in that you could drive to them, and far enough away in that it is still a little American town where people wave to each other and say 'hi.' There isn't, what I like to call, that pervasive fear that seems to exist in a lot of big cities. That really appeals to us," he said.

Betzen's son, Noah will begin his freshman year at the University of Alaska-Fairbanks. Betzen also has a daughter, Sasha, and a granddaughter who live near Richland, WA, and a stepdaughter, Carly, who lives with her husband in Palmer, AK, and works as a radiology technologist.

He believes the term "law enforcement" doesn't adequately describe the role that a police department plays in a community like Vermillion.

"Small communities in general, and really all communities want police officers because they want to have a peaceful environment to live in," Betzen said. "Law enforcement is more of a tool that we use, though it has come to be the focus of most police work ... because it is a big part of the job.

"But I really look at police work as basically public service," he said. "We fill in the gaps, we're around 24 hours, and we help with all sorts of problems, and many of those problems don't have a solution with a ticket or an arrest.

"I guess my philosophy is one of personal service, and I'd like to pass that on to the officers that work with me. Clearly, a huge part of our job is we get called to deal with violations of the law, but often we get called for other things, and those can be as im-

portant or more important that violations of the law in that we are able to help people with whatever problems they may have," Betzen said.

City Manager John Prescott said the city conducted interviews for the chief's position in late April, and extended an offer to Betzen in May. He will be paid \$70,000 annually. He arrived in Vermillion last Friday, and in the past week he was involved in a whirlwind of meetings as he prepared to begin his new leadership role with the Vermillion Police Department today.

Prescott said the city advertised the police chief's position in a couple regional and national law enforcement magazines, and attracted approximately a dozen applicants. "We did some phone interviews, and we narrowed the pool to three candidates that we invited in for interviews."

Those interviews began April 29. The three candidates had a breakfast meeting with some council members and city staff, and were later interviewed by a law enforcement panel made up of police chiefs from around the state, as well as a panel that included city department heads, Prescott said.

"There was a lunch meeting where we had department heads informally talk with the candidates," he said. "That was a one-on-one (meeting) versus having them all meet together, and that afternoon, we had a community forum, made up of approximately 20 people that we invited to come meet with the candidates.

"Each candidate was given a 45 minute block of time, and they could come in, introduce themselves, and the community member could ask questions of that candidate," Prescott said. "After the end of that 45 minute amount of time, the candidate left and another candidate would come in. We asked all of the participants to evaluate all of the candidates."

The community will get a chance to personally meet Chief Betzen next week. An open house to welcome him to the community is scheduled from 4-6 p.m. Tuesday, July 19, in the City Hall Council Chambers, and the public is encouraged to attend.



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