

## 2010 Legal and Public Notices

Payroll \$314,742.81, Net Payroll \$234,579.23. All present voted aye; motion carried.

**Action 13318DOE:** A motion was made by Johnson and seconded by Sinclair to approve travel expenses for Director of Equalization Lori Mackey to attend a property assessment workshop July 28-30 in Rapid City. All present voted aye; motion carried.

**Action 13319C:** A motion was made by Sinclair and seconded by Johnson to move the Board's scheduled Sept. 17, 2013 meeting to Tuesday, Sept. 24, 2013 because of a conflict with the South Dakota Counties Convention. All present voted aye; motion carried.

**Action 13320OEMHS:** A motion was made by Sinclair and seconded by Johnson to transfer \$30,000 from the General Fund to Emergency Management. All present voted aye; motion carried.

**Action 13321VSO:** A motion was made by Sinclair and seconded by Johnson to approve the monthly activity report for June 2013 from Veteran Services Officer Charles Haffner. VSO Haffner made 39 contacts on behalf of veterans last month, and coordinated transportation of 19 veterans (seven trips) to appointments at the VA Hospital in Sioux Falls. All present voted aye; motion carried.

**Oath of Office:** Patty Hojem was sworn in by Register of Deeds Hunhoff as the new Yankton County Auditor. Hojem will serve out the term of retired Auditor Paula Jones, which expires March 1, 2015.

**Oath of Office:** Karen Faerber was sworn in by Auditor Hojem as the new Deputy Auditor for Yankton County, replacing Hojem in that role.

**Action 13322H:** A motion was made by Johnson and seconded by Sinclair to recess the regular session and enter executive session to discuss a Highway Department contractual issue. All present voted aye; motion carried.

**Action 13323H:** A motion was made by Sinclair and seconded by Johnson to reconvene in regular session. All present voted aye; motion carried.

Chairman Jensen reported no action would be taken as a result of the executive session.

**Oath of Office:** Arica Nickles was sworn in by Register of Deeds Hunhoff to a new term as Yankton County Coroner.

Commissioner Freng joined the meeting at 3:45 p.m.

**Volin Street Maintenance:** Volin Mayor Nancy Steffen asked if the County Highway Department can be hired to do crack sealing maintenance on streets in the Town of Volin. She said there are 24 blocks in Volin. Commissioners directed Highway Supt. Brian Gustad to meet with Mayor Steffen to work out an agreement for the services needed.

**District III Report:** Greg Henderson, Executive Director of Planning and Development District III (PDIII), presented his agency's annual performance report for 2012. Henderson said PDIII assisted the City of Yankton/RTEC and the Yankton Homeless Shelter in three successful 2012 grant applications that totaled \$2,188,100. Henderson said PDIII provided Yankton County with 911 System assistance; job description assistance; and helped the County get a \$1,500 "Broadband" grant. As regional host for the South Dakota Small Business Development Center, Henderson and his staff serve 40 active clients in Yankton County. PDIII assisted those clients in the creation or retention of 31 jobs in 2012. Henderson said PDIII fees will increase in 2014, based on the consumer price index.

**Dept of Ag Study:** Henderson asked the Board if Yankton County would approve of PDIII doing research for a rural development site feasibility analysis funded by the S.D. Department of Agriculture. One goal of the project is to identify sites conducive to large dairies and feedlots. Commissioners Sinclair and Johnson said the State Agriculture Department does not need Yankton County's permission to gather such data, but Henderson said his agency will not do the research for the state if a PDIII member county objects. Henderson said he is seeking input from member counties in this case because large scale livestock feeding operations are a sensitive issue. Henderson said 13 of the 16 counties served by PDIII have approved the agency's participation in the research project. Commissioner Sinclair said the County's role in any new large-scale livestock feeding operation should occur during the zoning process. Sinclair said the County Commission should not

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take an action that could raise questions about the Board's objectivity in a future zoning dispute.

**Action 13324C:** A motion was made by Sinclair and seconded by Freng to decline PDIII's request for County Commission permission to perform a site feasibility analysis in Yankton County for the South Dakota Department of Agriculture. Voting aye: Sinclair, Freng, Jensen. Voting no: Johnson. Motion carried 3-1.

**Malt Beverage License Public Hearing:** This was the time and place for a public hearing on an application from Janet Buckmiller, doing business as Buckaroos Hog Roast, for a temporary license to sell malt beverages at a special event. Buckaroos Hog Roast will be held July 26-27, 2013 on the Buckmiller property in rural Irene. The event site is 44947 296th St., located 2 miles west, 1 mile north, ½ mile west of Irene. Event organizers John and Janet Buckmiller were present to request the license and answer questions. They intend to donate profits to indigent families. Commissioners said the license application will be reevaluated next year to confirm there were no law enforcement issues at this year's event. The Board also asked for a report listing beneficiaries of the profits. No other comments, positive or negative, were received at the hearing. The Planning Commission recommended approval 11-0.

**Action 13325C:** A motion was made by Sinclair and seconded by Johnson to approve a Temporary Malt Beverage License for Janet Buckmiller, doing business as Buckaroos Hog Roast, on July 26-27, 2013 in rural Irene. The event will be held on the Buckmiller property at 44947 296th St., located 2 miles west, 1 mile north, ½ mile west of Irene. All present voted aye; motion carried.

**Action 13326C:** A motion was made by Freng and seconded by Sinclair to charge a \$75 fee for the Temporary Malt Beverage License approved for Janet Buckmiller, doing business as Buckaroos Hog Roast, on July 26-27, 2013 in rural Irene. The fee is based on precedent established for a previous special event malt beverage license. All present voted aye; motion carried.

Commissioner Moore joined the meeting at 4:10 p.m.

**Department Credit Cards:** The Board discussed a previous request from Highway Supt. Gustad for a credit card to pay for miscellaneous travel expenses and office supplies.

**Action 13327C:** A motion was made by Moore and seconded by Johnson to approve credit card accounts with a \$1,500 monthly spending limit for county departments that request credit cards. All present voted aye; motion carried.

**Phone System:** Brett Ritter and Brian Hankel, representatives of WOW (formerly Knology), appeared before the Board to discuss ongoing problems with the new phone system Knology installed in the Government Center earlier this year. Ritter speculated that some of the problems may be related to an old switch that routes phone traffic in the building. Ritter said the County could buy a new switch for \$1,356 or lease a switch from Wow that would cost \$47.95 per month. The Board agreed to have Wow technicians install a new switch for a three-month trial period with no financial commitment unless it solves problems with the new phone system.

**Action 13328Z:** A motion was made by Sinclair and seconded by Freng to recess the regular session and convene as the Board of Adjustment. All present voted aye; motion carried.

**CUP Public Hearing:** This was the time and place for a public hearing for a Conditional Use Permit application from Jim River Trap Range. Applicant is requesting the permit to install one (1) 24' X 12' off-site sign, illuminated at night, on an existing structure in an Agriculture District (AG) in Yankton County. Said property is legally described as Isaac Walton Addition, SW ½ SE ½ of S7-T93N-R54W, hereinafter referred to as Gayville Township, Yankton County, SD. The E911 address is 44650 SD Hwy 50, Yankton, S.D. No public comments, positive or negative, were received at the hearing. The Planning Commission recommended approval 11-0.

**Action 13329Z:** A motion was made by Johnson and seconded by Moore to approve a Conditional Use Permit for Jim River Trap Range, pursuant to Article 18, Section 1805 of the Yankton County Zoning Ordinance. The permit allows one (1) 24' X 12' off-site sign, illuminated at night, on an existing structure in an Agriculture District (AG) in Yankton County. The action is based on recommendations/conditions per

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findings of fact on file in the Zoning and Auditor's offices Said property is legally described as Isaac Walton Addition, SW ½ SE ½ of S7-T93N-R54W, hereinafter referred to as Gayville Township, Yankton County, 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 David Gubbels. Applicant is requesting a variance from fifty (50) to thirty seven (37) feet in the yard setback requirement in a Moderate Density Rural Residential District (R-2) in Yankton County to allow for completed deck intrusion. Said property is legally described as N300' S633' exc W861' and exc E75' in SE ½ NE ½ of S7-T93N-R56W, hereinafter referred to as Utica South Township, Yankton County, SD. The E911 address is 108 Marina Park Drive, Yankton, S.D. Mr. Gubbels was present to explain his reason for the application request. No other public comments, positive or negative, were received at the hearing. The Planning Commission recommended approval 11-0.

**Action 13330Z:** A motion was made by Sinclair and seconded by Freng to approve a Minimum Yard Requirement Variance for David Gubbels, pursuant to Article 18, Section 1807 of the Yankton County Zoning Ordinance. The variance allows front yard requirement reduction from fifty (50) feet to thirty seven (37) feet to allow for completed deck intrusion in a Moderate Density Rural Residential District (R-2) in Yankton County. The action is based on recommendations/conditions per findings of fact on file in the Zoning and Auditor's offices. Said property is legally described as N300' S633' exc W861' and exc E75' in SE ½ NE ½ of S7-T93N-R56W, hereinafter referred to as Utica South Township, Yankton County, 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 Yankton Sharpshooters Association. Applicant is requesting a Variance of Minimum Lot Requirement from twenty (20) acres to eleven +/- (11.4945) acres in an Agriculture District (AG) in Yankton County to accommodate future growth. Said property is legally described as E1040' W1090' N314.18' in NW ¼ SW ¼ of S20-T94N-R56W, hereinafter referred to as Utica North Township, Yankton County, SD. The E911 address is 30652 435th Ave., Yankton, S.D. No public comments, positive or negative, were received at the hearing. The Planning Commission recommended approval 10-0.

**Action 13331Z:** A motion was made by Sinclair and seconded by Freng to approve a Minimum Lot Requirement Variance for the Yankton Sharpshooters Association, pursuant to Article 18, Section 1807 of the Yankton County Zoning Ordinance. The variance reduces the Minimum Lot Requirement from twenty (20) acres to eleven +/- (11.4945) acres in an Agriculture District (AG) in Yankton County. The action is based on recommendations/conditions per findings of fact on file in the Zoning and Auditor's offices. Said property is legally described as E1040' W1090' N314.18' in NW ¼ SW ¼ of S20-T94N-R56W, hereinafter referred to as Utica North Township, Yankton County, 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 Terence and Lacey Manas. Applicant is requesting a Variance of Minimum Lot Requirement from twenty (20) acres to three +/- (3.14) in an Agriculture District (AG) in Yankton County to separate the farmstead from production property. Said property is legally described as SW ½ SW ½ in S21-T95N-R56W, hereinafter referred to as Central Township, Yankton County, S.D. The E911 address is 30086 436th Ave., Utica, S.D. No public comments, positive or negative, were received at the hearing. The Planning Commission recommended approval 10-0.

**Action 13332Z:** A motion was made by Freng and seconded by Johnson to approve a Minimum Lot Requirement Variance for Terence and Lacey Manas, pursuant to Article 18, Section 1807 of the Yankton County Zoning Ordinance. The variance reduces the Minimum Lot Requirement from twenty (20) acres to three +/- (3.14) acres in an Agriculture District (AG) in Yankton County. The action is based on recommendations/conditions per findings of fact on file in the Zoning and Auditor's offices.

Said property is legally described as SW ½ SW ½ in S21-T95N-R56W, hereinafter referred to as Central Township, Yankton County, S.D. All present

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voted aye; motion carried.

**Action 13333Z:** A motion was made by Freng and seconded by Johnson to adjourn as Board of Adjustment and reconvene in regular session. All present voted aye; motion carried.

**Action 13334Z:** A motion was made by Freng and seconded by Johnson to adopt the following resolution: Whereas it appears Yankton County Sharpshooters Association, owner of record, has caused a plat to be made of the following real property: Gun Club Addition in the SW ½ NW ½ and NW ½ SW ½ in S20-T94N-R56W, hereinafter referred to as Utica North Township, Yankton County, 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 13335Z:** A motion was made by Sinclair and seconded by Freng to adopt the following resolution: Whereas it appears Terence E. Manas and Lacey Manas, owners of record, have caused a plat to be made of the following real property: Manas Tract A in the SW ½ SW ½ in S21-T95N-R56, hereinafter referred to as Central Township, Yankton County, 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.

**State 911 Board Ruling:** Commissioners discussed a June ruling by the State 911 Coordination Board that Yankton County spent 911 surcharge funds on non-allowable expenditures in 2012 and prior years. The State Board cited Yankton County for annual maintenance payments for a public safety software system and expenditures related to the public safety radio narrow banding project. In a letter from the State 911 Board to Commission Chairman Jensen, it was stated the South Dakota Department of Legislative Audit and State 911 Board agree those expenses were unallowable and reimbursement to the 911 Fund is appropriate. The letter asked Yankton County officials to identify the amount improperly paid from the 911 Fund for these two items and communicate corrective action that has or will be taken. Commissioners Sinclair and Moore expressed concern about the state's limits on items counties can purchase with 911 surcharge funds. Radios, cell phones, pagers, warning sirens and radio towers are on the list of non-allowable 911 expenditures. Sinclair said those items are key

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components in an effective dispatch system. Sinclair also said the 911 system will not function properly if a county cannot afford some to buy items on the non-allowable expenditures list.

**Action 13336C:** A motion was made by Johnson and seconded by Moore to authorize Commissioner Sinclair to prepare a resolution for the South Dakota Association of County Commissioners Convention to pursue legislation to expand the number of allowable county expenditures from 911 surcharge funds. All present voted aye; motion carried.

**Real Estate Auction:** D.W. Duhachek of East River Auctioneers discussed details of the upcoming sale of land parcels owned by Yankton County. The parcels include newly-platted lots at the old County Highway Shop site on Broadway Ave., in Yankton; and an abandoned ethanol plant located south and east of Mark's Machinery on the east side of Yankton. The ethanol plant was acquired due to delinquent taxes owed on the property. Commissioners discussed if the two large Highway Shop lots should be sold as a package because a deed restriction requires Lot 2 to be sold to the owner of an adjoining lot, due to issues with city sewer and water access.

**Action 13337C:** A motion was made by Moore and seconded by Sinclair to sell the ethanol plant property with all current contents on the premises, including scrap metal and grain bins. All present voted aye; motion carried.

**Action 13338C:** A motion was made by Sinclair and seconded by Johnson to hold the old Highway Shop and ethanol plant auctions on the same day during the third week of August. Duhachek will notify county officials of the exact auction date later in the week. All present voted aye; motion carried.

**Action 13339C:** A motion was made by Moore and seconded by Sinclair to sell Lot 1 and Lot 2 at the old Highway Shop site as one unit, due to a Lot 2 deed restriction. All present voted aye; motion carried.

Chairman Jensen asked Duhachek and States Attorney Rob Klimisch to negotiate a contract agreement between Yankton County and East River Auctioneers for auctioneering services. The Board will act on the proposed contract at its next meeting.

**Next Meeting:** The next regular meeting of the Board will be held on Tuesday, July 16, 2013 at 2:30 p.m. in the Commission Chambers of the County Government Center.

Items on the next meeting agenda will include: further review of the 2014 provisional budget; bid opening for new government center security system; bid opening for Emergency Medical Services vehicle storage building; proposed contract with East River Auctioneers for sale of county-owned land; consideration of policy to recognize retiring employees; and planning for eight-county district meeting to be held in Yankton in August.

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A motion was made by Johnson to adjourn.

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

ATTEST:  
**Patty Hojem, County Auditor**  
Published once at the approximate cost of \$377.84.

## 7+12+19 YANKTON SCHOOL DISTRICT 63-3 ADVERTISEMENT TO BIDDERS

Sealed bids for the furnishing of foil and plastic containers & accessories for the School Food Service will be received by the Business Manager, and witnessed by Sandi Kramer or other designee, until 1:30 p.m., Monday, July 29, 2013 at which time bids will be opened, read aloud and tabulated in the Meeting room at the Yankton School District Administration Building at 2410 West City Limits Road, Yankton, South Dakota. The School Board reserves the right to reject any and all bids and to waive any irregularities or informalities therein.

Jason L. Bietz  
Business Manager

Published twice at the total approximate cost of \$19.67.

## Unusual Rabbit Video Attracts Attention

MANKATO, Minn. (AP) — A southern Minnesota college student's spoof video of an apparently tumorous rabbit that he dubbed "Frankenstein" has attracted hundreds of thousands of Internet viewers. Gunnar Boettcher, a 20-year-old student at Gustavus Adolphus College in St. Peter, and his brother took photos and video of the rabbit, which looks to have tumors growing on its head, on June 26. "We've seen it before around the house but we've never been able to get a close look," Boettcher said. "But we went over to him that day and he didn't run away like he normally does." In the video, entitled "The World's Scariest Rabbit," Boettcher speaks in an Australian accent, imitating the late crocodile hunter Steve Irwin.

Boettcher put it on Facebook, and a friend of his posted it to Reddit. Within four days, more than 200,000 people had watched, according to *The Free Press of Mankato*. Boettcher last saw the rabbit Wednesday night. He thinks it might have a papilloma virus that's a form of cancer. Joe Stangel, area wildlife supervisor for the state Department Natural Resources, said he also suspects that is what it is but is waiting for confirmation from a veterinarian. It's not an uncommon ailment in rabbits, Stangel said, but he's not seen it on the top of the head.



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**4:00PM-7:00PM**

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