

2010 Legal Notices

Inc., dba Casey's General Store, 801 Burleigh; Casey's General Stores, Inc., dba Casey's General Store, 515 West 4th St.; Freedom Valu Centers, Inc., dba Freedom Valu Center, 301 Broadway St.; Hy-vee Inc., dba Hy-vee Gas, 2100 Broadway St.; Walgreen Co., dba Walgreens #09806, 2020 Broadway St.; Wal-Mart Stores, Inc., dba Wal-Mart Super Center #1483, 3100 Broadway St. PACKAGE (OFF-SALE) MALT BEVERAGE AND SOUTH DAKOTA FARM WINE: Boomers, Inc., dba Boomers Lounge, 100 East 3rd St. Roll Call: Members present voting "Aye;" Commissioners Aklund, Carda, Ellingson, Gross, Lowrie, Woerner, and Acting Mayor VanDerhulst; voting "Nay;" None; Abstaining: Commissioner Wenande. Motion adopted.

Action 10-132 This was the time and place for the public hearing on the application for a New Package (off sale) Malt Beverage and South Dakota Farm Wine License for July 1, 2010, to June 30, 2011, from JoDean Corp, dba JoDeans Steakhouse, (John Nielsen, President), 2809 Broadway St, Yankton, South Dakota. (Memorandum 10-85) No one was present to speak for or against approval of the license application. Moved by Commissioner Carda, seconded by Commissioner Carda, seconded by Commissioner Lowrie, to approve the license application. Roll Call: Members present voting "Aye;" Commissioners Aklund, Carda, Gross, Lowrie, Wenande, Woerner, and Acting Mayor VanDerhulst; voting "Nay;" Commissioner Ellingson. Motion adopted.

Action 10-133 This was the time and place for the public hearing to consider Ordinance No. 930, AN ORDINANCE CREATING THE REFERENCED SECTIONS OF ZONING ORDINANCE NO. 711 MAKING WIND ENERGY CONVERSION SYSTEMS A CONDITIONAL USE IN THE B-2 HIGHWAY BUSINESS DISTRICT, INDUSTRIAL DISTRICTS, AND CERTAIN NEW RESIDENTIAL DISTRICTS WHEN ESTABLISHED AS A COMMUNITY UNIT PLAN; AND ESTABLISHING REGULATIONS FOR THE SAME. (Memorandum 10-91) No one was present to speak for or against adoption of the Ordinance. Moved by Commissioner Wenande, seconded by Commissioner Aklund, to adopt Ordinance No. 930. Roll Call: All members present voting "Aye;" voting "Nay;" None. Motion adopted.

Action 10-134 This was the time and place for the public hearing to consider Ordinance No. 931, AN ORDINANCE CREATING THE REFERENCED SECTIONS OF ZONING ORDINANCE NO. 707, EXTRATERRITORIAL JURISDICTION REGULATIONS, MAKING WIND ENERGY CONVERSION SYSTEMS A CONDITIONAL USE IN THE B-2 HIGHWAY BUSINESS DISTRICT AND INDUSTRIAL DISTRICT; AND ESTABLISHING REGULATIONS FOR THE SAME. (Memorandum 10-92) No one was present to speak for or against adoption of the Ordinance. Moved by Commissioner Ellingson, seconded by Commissioner Carda, to adopt Ordinance No. 931. Roll Call: All members present voting "Aye;" voting "Nay;" None. Motion adopted.

Action 10-135 This was the time and place for the public hearing on the application to transfer location of a Retail (on-sale) Liquor License for January 1, 2010, to December 31, 2010, from WR Capital I, LLC, d/b/a Minerva's Grill & Bar, 1607 E Hwy 50, Suite A, to same licensee but expanding the licensed area to property lines to hold special events, Yankton, South Dakota. (Memorandum 10-86) Jeff Steppat, representing Minerva's was present to answer questions. Moved by Commissioner Aklund, seconded by Commissioner Wenande, to approve the application for transfer of location of the license. Roll Call: All members present voting "Aye;" voting "Nay;" None. Motion adopted.

Action 10-136 This was the time and place to award the bids for the Annual Supply of Petroleum and Transport/Tankwagon Petroleum Products. The following bids were received and opened on June 3, 2010: (Memorandum 10-87) Stern Oil Co., Inc., Freeman, South Dakota: Gasoline: Lead Free (Transport) - \$0.2250/gal.; Lead Free (Tankwagon) - \$0.965 gal. Diesel Fuel - Dyed: No. 1 (Transport) - \$0.800 gal.; No. 1 (Tankwagon) - \$1.1700 gal.; No. 2 (Transport) - \$0.2250 gal.; No. 2 (Tankwagon) - \$1.1200 gal.; No. 1&2 50/50 Mix (Transport) - \$0.800 gal.; No. 1&2 50/50 Mix (Tankwagon) - \$1.1700 gal. Diesel Fuel - Clear of Hwy: No. 1 (Transport) - \$0.8000 gal.; No. 2 (Transport) - \$0.2250 gal.; No. 1&2 50/50 Mix (Transport) - \$0.8000 gal. Gerstner Oil, Yankton, South Dakota: Gasoline: Lead Free (Transport) - \$0.008 gal.; Lead Free (Tankwagon) - \$0.908 gal. Diesel Fuel - Dyed: No. 1 (Transport) - \$0.288 gal.; No. 1 (Tankwagon) - \$1.188 gal.; No. 2 (Transport) - \$0.008 gal.; No. 2 (Tankwagon) - \$0.908 gal.; No. 1&2 50/50 Mix (Transport) - \$0.144 gal.; No. 1&2 50/50 Mix (Tankwagon) - \$1.144 gal. Diesel Fuel - Clear of Hwy: No. 1

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(Transport) - \$0.288 gal.; No. 2 (Transport) - \$0.008 gal.; No. 1&2 50/50 Mix (Transport) - \$0.144 gal. Motor Oil: SAE 15W - 40 - EO - 1 (Drum) - \$8.35 gal.; SAE 5W - 20 (Drum) - \$6.69 gal.; SAE 5W - 30 (Drum) - \$6.68 gal. Miscellaneous Oil: Hydraulic Oil - 10W (55 gal. Drum) - \$5.90 gal.; Dextron III (30 gal. Drum) - \$11.73 gal.; Mobile Fluid 424 (30 gal. Drum) - \$9.90 gal. Petroleum Traders Corporation, Fort Wayne, Indiana: Gasoline: Lead Free (Transport) - \$2.601 gal. Diesel Fuel - Dyed: No. 1 (Transport) - \$1.015 gal.; No. 2 (Transport) - \$0.0394 gal.; No. 1&2 50/50 Mix (Transport) - \$1.188 gal. Diesel Fuel - Clear of Hwy: No. 1 (Transport) - \$3.188 gal.; No. 2 (Transport) - \$2.589 gal.; No. 1&2 50/50 Mix (Transport) - \$3.166 gal. The bid from Petroleum Traders Corporation, Fort Wayne, Indiana, did not meet specifications and was, therefore, not considered. Moved by Commissioner Gross, seconded by Commissioner Carda, to award the bids for the annual supply of petroleum and transport/tankwagon petroleum products as follows: Stern Oil Co., Inc., Freeman, South Dakota: Gasoline: Lead Free (Transport) - \$0.2250 gal.; Lead Free (Tankwagon) - \$0.965 gal. Diesel Fuel - Dyed: No. 1 (Transport) - \$0.800 gal.; No. 1 (Tankwagon) - \$1.1700 gal.; No. 2 (Transport) - \$0.2250 gal.; No. 2 (Tankwagon) - \$1.1200 gal.; No. 1&2 50/50 Mix (Transport) - \$0.800 gal. No. 1 & No. 2 50/50 Mix (Tankwagon) - \$1.1700 gal. Diesel Fuel - Clear of Hwy: No. 1 (Transport) - \$0.800 gal.; No. 2 (Transport) - \$0.2250 gal.; No. 1&2 50/50 Mix (Transport) - \$0.800 gal. Prices are plus the OPIC (Oil Price Information Service) daily publish price on the date the product is ordered. Gerstner Oil Co. Petroleum Products: Motor Oil SAE 15W - 40 - EO - L (Drum) - \$8.35 gal.; Motor Oil SAE 5W - 20 (Drum) - \$6.69 gal.; Motor Oil SAE 5W - 30 (Drum) - \$6.68 gal.; Hydraulic Oil (55 gal. Drum) - \$5.90 gal.; Dextron VI Oil (30 gal. Drum) - \$11.73 gal.; Mobile Fluid 424 (30 gal. Drum) - \$9.90 gal. Prices are plus the OPIC (Oil Price Information Service) daily publish price on the date the product is ordered. Roll Call: All members present voting "Aye;" voting "Nay;" None. Motion adopted.

Action 10-137 Moved by Commissioner Gross, seconded by Commissioner Lowrie, to approve the Permanent Easement for Drainage Purposes over and through property described as a tract of land in Tract 4 of Fox Run Subdivision No. 2 in the North of the Southeast of Section 1, Township 93 North, Range 56 West of the 5th P.M., in the City of Yankton, South Dakota, and to authorize the City Manager to execute the document on behalf of the City. (Memorandum 10-89) Roll Call: All members present voting "Aye;" voting "Nay;" None. Motion adopted.

Action 10-138 Moved by Commissioner Gross, seconded by Commissioner Aklund, to approve Change Order No. 1 from Smith & Smith Construction, a decrease of \$2,852.00 for a new contract total of \$98,175.50, for the 8th Street Reconstruction and Water Main Extension Project-Broadway to Linn Street, to accept the project as complete, and to authorize the Finance Officer to issue a manual check in the amount of \$98,175.50 to Smith & Smith Construction, Tea, South Dakota, as final payment. (Memorandum 10-88) Roll Call: All members present voting "Aye;" voting "Nay;" None. Motion adopted.

Action 10-139 Moved by Commissioner Wenande, seconded by Commissioner Woerner, to adjourn at 7:34 p.m. Roll Call: All members present voting "Aye;" voting "Nay;" None. Motion adopted. Judy VanDerhulst Acting Mayor ATTEST: Al Viereck Finance Officer

6+18+25 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 until 1:30 p.m., Wednesday, July 7, 2010 at which time bids will be opened, read aloud and tabulated in the Meeting room at the Grove Administration Building at 1900 Ferdig Avenue, 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 \$18.77. Estimated publishing cost per published copy: \$0.0011 6+18+25 YANKTON SCHOOL DISTRICT 63-3 ADVERTISEMENT TO BIDDERS

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Sealed bids for the furnishing of the annual supply of Gasoline and Diesel Fuel will be received by the Business Manager until 1:30 p.m., Wednesday, July 7, 2010 at which time bids will be opened, read aloud and tabulated in the School Board Meeting room at the Grove Administration Building at 1900 Ferdig Avenue, 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 \$19.36. Estimated publishing cost per published copy: \$0.0011 6+25

YANKTON COUNTY COMMISSION MEETING June 10th, 2010 The regular meeting of the Yankton County Commission was called to order by Co-Chairman Allen Sinclair at 12:10 PM on Thursday, June 10th, 2010. Roll Call was taken with the following Commissioners present:

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Donna Freng, Mark Johnson, Allen Sinclair. Commissioners Bruce Jensen and Bill Tamisieva were absent. The Board canvassed the election results from the June 8th, 2010 Primary election. Action 10C: A motion was made by Johnson and seconded by Freng to accept the results of the election as presented by the Auditor. Votes tallies: Republican -United States Representative: Kristi Noem 674; Republican Blake Curd 366; Chris Nelson 539; Republican Governor: Dennis Daugaard 703; Scott Munsterman 354; Dave Knudson 335; Gordon Howie 205; Ken Knappe 26 Voting Aye: Johnson, Freng, Sinclair Nay: None Motion carried. A motion was made by Johnson to adjourn. The next regular meeting of the Board will be Tuesday, June 15th, 2010 in the Commission chambers. Allen Sinclair, Co-Chairman Yankton County Commission ATTEST: Paula Jones, Auditor

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6+25 & 7+2+9+16 NOTICE OF HEARING: Pursuant to SDCL 21-37-4 In the Matter of a Name Change for Michelle Lee Honomichl. Time and Place of Hearing: Monday, July 19th, 2010 at 10:30 am at the Yankton County Courthouse. Petitioner is seeking a change of name from Michelle Lee Honomichl to Michelle Lee Hoyer. Kerri Cook Huber Attorney at Law Blackburn & Stevens LLC 4th & Douglas PO Box 753 Yankton, SD 57078 605-665-5550 6+25 & 7+2

NOTICE OF APPLICATION NO. 7202-3 to Appropriate Water Notice is given that Willard Schmidt, 43970 306th St, Yankton SD 57078 has filed an application for a water permit to irrigate an additional 40 acres. Water Right No. 6483-3 appropriates 1.56 cubic feet of water per second from one

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well completed into the Lower James/Missouri Aquifer (220 feet deep) located in SW 1/4 SE 1/4 Section 13 to irrigate 112 acres located in the W 1/2 SE 1/4, E 1/2 SW 1/4 Section 13; all in T94N-R56W. This application proposes to irrigate an additional 40 acres located in the NE 1/4 NW 1/4 Section 24-T94N-R56W. This application, if approved, does not increase the developed diversion rate. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7202-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

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Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 12, 2010. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pinner, Secretary, Department of Environment and Natural Resources. Published twice at the total approximate cost of \$53.62. Estimated publishing cost per copy: \$0.0031

Northtown's Driving Down the Prices with Deep Discounts! The Truck X-Change Your Lease Headquarters! NEW 2010 Silverado 1/2 Ton Crew Cab 4x4s Everybody Qualifies! \$8,000 off! Example: MSRP \$37,515 Northtown Discount \$3,000 Factory Rebate \$5,000 \$29,515 And you may qualify for up to \$11,000 off! Example: GM Card Earnings Rebate \$1,500 Pontiac, Saturn, Hummer Loyalty \$1,000 Business Choice Program \$500 \$26,515 We Need Your Trade! -TRADE = SAVINGS PRE-OWNED CARS & TRUCKS 1.9% APR Financing with Qualifying Credit Up to 48 Months W.A.C. '09 Colorado Crew Cab SOLD '07 Avalanche 3LT \$29,990 '07 Avalanche 1LT \$28,490 '07 GMC Sierra Crew Cab 4x4 \$25,990 '07 Trailblazer LT \$17,990 '06 Dodge Ram Crew Cab 4x4 \$19,990 '07 Cadillac DTS Luxury \$19,990 '08 Chevrolet Cargo SOLD '06 Cadillac DTS Luxury \$17,990 '09 Buick Lucerne CXL \$25,990 '07 GMC Acadia SLT \$25,990 '07 Ford Five Hundred \$13,990 '06 Buick Lucerne SOLD Pre-owned '09 Pontiac G6 \$11,990 Pre-owned '09 Chevrolet Impalas \$15,990 2010 Chevrolet Impalas Starting at only \$15,990 2010 Chevrolet Traverses Starting at only \$26,990