

2010 Legal and Public Notices

410 Walnut Street, Yankton, South Dakota on July 10, 2013 at 3:00 p.m., the Honorable Cheryl Gering presiding.

Dated this 17th day of May, 2013.

KENNEDY PIER KNOFF
LOFTUS, LLP

/s/

Craig A. Kennedy
322 Walnut Street
Yankton, South Dakota 57078
(605) 665-3000
Attorney for Christine Vlahakis, Petitioner

5+22+29&6+5
(STATE OF SOUTH DAKOTA)

: ss

(COUNTY OF YANKTON)

IN CIRCUIT COURT

FIRST JUDICIAL COURT

Pro. No. 13-25
NOTICE TO CREDITORS AND
NOTICE OF INFORMAL
PROBATE AND
APPOINTMENT OF
PERSONAL
REPRESENTATIVE

In The Matter Of The Estate Of)

MARGARET E. TURNER,)

Deceased.)

Notice is given that on the 16th day of May, 2013, Vicki Lynn Galvan, whose address is 300 Pearl Street, Yankton, South Dakota 57078, was appointed as Personal Representative of the Estate of Margaret E. Turner.

Creditors of Decedent must file their claims within four months after the date of the first publication of this notice or their claims may be barred.

Claims may be filed with the Personal Representative or may be filed with the Clerk, and a copy of the claim mailed to the Personal Representative.

Vicki Lynn Galvan
300 Pearl Street
Yankton, South Dakota 57078

Yankton County Clerk of Courts
410 Walnut Street, #205
Yankton, SD 57078

Michael D. Stevens
Blackburn & Stevens, Prof.
L.L.C.
100 West 4th Street
Yankton, South Dakota 57078
(605) 665-5550

6+5
NOTICE OF APPLICATION
NO. 7814-3 to Appropriate Water

Notice is given that David W Huber, 28419 431st Ave, Menno SD 57045 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Niobrara Aquifer (140 feet deep) located in the SW 1/4 SW 1/4 Section 27 for irrigation of 80 acres located in the E 1/2 NW 1/4 Section 34-T98N-R57W. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7814-3 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.

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 June 17, 2013.

The petition may be informal, but must include a statement describing the petitioner's interest in the

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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. Pimer, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$26.15.

6+5
NOTICE OF APPLICATION
NO. 7812-3 to Appropriate Water

Notice is given that Dennis Namminga, 40632 315th St, Springfield SD 57062 has filed an application for a water permit to irrigate 120 additional acres. Water Right Nos. 2442-3 and 6448-3 authorize 4.66 cubic feet of water per second from the Missouri River located in the NE 1/4 SW 1/4 Section 8-T92N-R61W. This application proposes to irrigate 120 new acres located in the SW 1/4 NE 1/4, N 1/2 SE 1/4 Section 32 and the N 1/2 SW 1/4 Section 33; all in T93N-R61W utilizing the existing Missouri River diversion point authorized by Water Right Nos. 2442-3 and 6448-3. This application, if approved, does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7812-3 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.

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 June 17, 2013.

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. Pimer, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$

6+5
YANKTON COUNTY
COMMISSION MEETING
May 21, 2013

The regular meeting of the Yankton County Board of Commissioners was called to order by Chairman Bruce Jensen at 3:30 p.m. on Tuesday, May 21, 2013 at the Commission Chambers in the County Government Center. The Pledge of Allegiance was recited.

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

Also present at the start of the meeting were the following county officials: Poor Relief Director Jennifer Adamson and Register of Deeds Brian Hunhoff (meeting recorder).

Action 13226C: A motion was made by Johnson and seconded by Sinclair to approve the agenda with the following additions: executive session for personnel and contractual matters; and discussion of the possibility of merging the Auditor and Treasurer offices. All present voted aye; motion carried.

Action 13227C: A motion was made by Sinclair and seconded by Johnson to approve minutes from the May 7, 2013 regular meeting. All present voted aye; motion carried.

Action 13228C: A motion was made by Sinclair and seconded by Moore to recess the regular session and enter executive session with Poor Relief Director Adamson to discuss indigent issues. All present voted aye; motion carried.

Action 13229C: A motion was made by Sinclair and seconded by Moore to reconvene in regular

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session. All present voted aye; motion carried.

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

Government Center Security System: Emergency Management Director Paul Scherschligt said the security system at the County Government Center could be replaced at a cost of \$25,886. Integrated Technology and Security (ITS) is the vendor that provided the estimate, but there would need to be an advertisement for bids before the project could move forward. Scherschligt said a department head asked to have the current system evaluated, so he toured the building with two vendors. Their consensus was that the existing system needs to be replaced. Scherschligt said the current system's panic buttons are not working and only the Auditor's office has the capability of recording video activity in the building. The new system would feature cameras activated by motion sensors, and record activity in the building's public areas, along with all people entering or leaving the Government Center. Register of Deeds Hunhoff said department heads wished to hear a presentation on exactly how the new system will differ from the current system before the Commission takes action. Scherschligt agreed to bring a representative of ITS to a department head meeting in June. Commissioner Jensen said he would also like Scherschligt to provide protocol training for the building's staff in the event of a lockdown or other emergency situation.

211 Program: EM Director Scherschligt, Yankton Mayor Nancy Wenande and Yankton United Way Director Lauren Hansen spoke to the Board in favor of Yankton County participating in a 211 program for Bon Homme, Hutchinson and Yankton counties. The program would allow residents to dial 211 to get information on child care, volunteer needs, health care options, employment, severe weather, disaster response, suicide prevention and many other services. Scherschligt said the 211 service would take pressure off the 911 system because fewer people would use that number for non-emergency calls. Hansen said 211 would serve as a connector for the community. Annual cost of the three-county program would be \$22,091 with Yankton County contributing \$13,462 of that amount. The cost share is based on 60 cents per resident of each county. Commissioner Jensen asked the presenters to bring the proposed 211 contract to a future meeting for additional cost-benefit analysis.

Yankton Search and Rescue: EM Director Scherschligt asked the Board to place Yankton Search and Rescue Program under his department's management and rename it Yankton County Search and Rescue. Under terms of the agreement, Search and Rescue equipment would be placed in Emergency Management's inventory and become county property. Scherschligt said the change would require no additional personnel, and he would still use Search and Rescue's current leadership chain of command for dive teams, search teams and rescue teams. Scherschligt said the merger would make both agencies stronger and more cohesive. He requested the change take effect July 1. Commissioner Moore expressed support for the concept, but was concerned about the budgetary logistics of a mid-year change. Commissioner Johnson said the merger would ensure safer and more consistent funding for the Search and Rescue program. The Board agreed to ask the South Dakota Department of Legislative Audit for input and revisit the plan during June budget hearings.

Generator Bid: Bids were opened at 2 p.m. on May 21, as advertised, for a generator for the Emergency Services Building. EM Director Scherschligt said awarding of the bid was inadvertently left off the May 21 meeting agenda, requiring a brief special meeting later in the week so the item can be given proper public notice.

Action 13230OEMHS: A motion was made by Sinclair and seconded by Johnson to hold a special meeting of the Board on May 24 at 12 noon to act on bids for a generator for the Emergency Services Building. All present voted aye; motion carried.

Emergency Services Insurance: EM Director Scherschligt and Emergency Medical Services Administrator Steve Hawkins asked to switch current insurance coverage for their departments to Fire Pak Insurance. The two department heads said this change would save the county money by lowering the annual premium from \$24,000 to \$20,000; and lower the deductible from \$2,500 to \$250. Commissioner Sinclair said he wanted to have Roger Smith, the county's insurance agent, at the Board's June 4 meeting to hear his opinion of the proposed change.

Action 13231EMS: A motion was made by Johnson and seconded by Sinclair to accept a bid

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of \$107,750 from Arrow Manufacturing of Rock Rapids, Iowa for an ambulance remount. The remount process involves placing one of the County's current ambulance boxes on a new chassis (cab, engine, frame, wheels). All present voted aye; motion carried.

Action 13232EMS: A motion was made by Sinclair and seconded by Johnson to authorize the Auditor to advertise a notice of public hearing on June 4, 2013 at 5 p.m. as the time and date for a budget hearing to supplement the Emergency Medical Services budget by \$107,750 to pay for an ambulance remount. All present voted aye; motion carried.

Action 13233EMS: A motion was made by Sinclair and seconded by Johnson to approve a rate increase for ambulance calls as recommended by the EMS Administrator. The July 1 rate increase ranges from \$25 to \$175 per call, depending on the type of service provided. All present voted aye; motion carried.

Action 13234EMS: A motion was made by Johnson and seconded by Sinclair to approve \$17,970.19 in EMS insurance adjustments. All present voted aye; motion carried.

Action 13235EMS: A motion was made by Johnson and seconded by Sinclair to approve \$14,166.67 in EMS individual write-off adjustments. All present voted aye; motion carried.

Action 13236EMS: A motion was made by Johnson and seconded by Moore to accept the monthly EMS report. All present voted aye; motion carried.

Phone System Problems: Knology/Wow representative Paul Buriak was present to discuss several problems with the new phone system in the County Government Center. Treasurer Pam Marchand, Director of Equalization Lori Mackey, Zoning Administrator Patrick Garrity, and Register of Deeds Hunhoff all shared specific staff complaints about the new phones, ranging from poor sound quality to a problematic transfer system. Buriak said he will continue to work with Government Center staff to resolve the problems and make necessary changes.

Dog Complaint: Roger and Carolyn Holtzmann appeared before the Board to request assistance dealing with neighborhood dogs that have repeatedly damaged the siding of their home along Timberland Drive, west of Yankton. The Holtzmanns said they notified the neighbor who owned the dogs, but damage to their property continued. The Board directed Zoning Administrator Garrity to send a letter to the neighbors requesting the dogs be prevented from continually damaging the Holtzmann residence. The Board also asked States Attorney Rob Klimisch and Garrity to begin the process of amending the county's nuisance ordinance to include language that specifically addresses incidents of this type.

Highway Report: Highway Superintendent Brian Gustad gave the Board an update on some of the work his department is doing, including crack-sealing on several oil roads; grading on gravel roads; sign repair and maintenance; and equipment repairs.

Highway Entrance Application: Supt. Gustad distributed a proposed application form for property owners who plan to build new entrances or approaches along any Yankton County highway. Gustad listed several specifications, including a minimum of an 18-inch steel culvert; clean fill dirt; and grass reseeding after construction. The application form would require exact location, a legal description, and date of installation. Gustad suggested \$75 as the application fee. Commissioner Sinclair requested the item be placed on the June 4 meeting agenda for possible Board action.

Action 13237H: A motion was made by Moore and seconded by Johnson to approve the Highway Department purchase of a \$10,300 commercial riding mower from Fred Haar Company. All present voted aye; motion carried.

Action 13238H: A motion was made by Johnson and seconded by Sinclair to approve an application from the City of Yankton for occupancy of County Right-Of-Way for an approach in the following section-township-range location: 9-93-55 (County Highway 366). All present voted aye; motion carried.

Action 13239H: A motion was made by Johnson and seconded by Sinclair to approve an application from MidAmerican Energy for occupancy of County Right-Of-Way for gas pipe line maintenance in the following section-township-range locations: 16-93-56 and 21-93-56 (Deer Boulevard). All present voted aye; motion carried.

Action 13240H: A motion was made by Johnson and seconded by Sinclair to approve an application

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from Karl Schenk for occupancy of County Right-Of-Way for a driveway approach in the following section-township-range location: 22-94-55 (County Highway 444). All present voted aye; motion carried.

Action 13241C: A motion was made by Johnson and seconded by Sinclair to recess the regular session and enter executive session to discuss a personnel issue and a contractual matter. All present voted aye; motion carried.

Action 13242C: A motion was made by Sinclair and seconded by Moore 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.

Sheriff's report: Sheriff Jim Vlahakis provided his monthly report for April 2013. Totals included: jail income, \$37,253.72; fee collections, \$5,646.09; and 24-7 income, \$6,414. Inmate count for April: 89 county inmates, 60 city inmates, 17 state inmates and 11 federal inmates with a total of 3,836 inmate meals served.

Action 13243S/J: A motion was made by Moore and seconded by Sinclair to accept the April 2013 report for the Sheriff's Office, Jail and 24-7 program. All present voted aye; motion carried.

Action 13244C: A motion was made by Moore and seconded by Sinclair to approve the following 2013-2014 malt beverage license renewal applications: Fleg's Road House; Captain Norm's; Lewis and Clark Marina; Shipwreck; Ma and Pa's C Store LLC; Pump N Stuff - Riverside Acres; Double T Truck Stop LLC; Yankton Rodeo Association; Mayfield Store; Joe's Substation; Gerstner Oil Co.; and TJ's Mini Mart. All present voted aye; motion carried.

Action 13245C: A motion was made by Johnson and seconded by Sinclair to set June 4, 2013 as the date for a public hearing for a new application for alcoholic beverage license for Kozy Inn. The owner is requesting a change from the current retail malt beverage license to a retail malt beverage and S.D. farm wine license. Legal description for Kozy Inn is Kozak Lot 1 in the NW4 of the NE4 of Section 6-93-56. Any person, persons or their attorney may appear at said scheduled public hearing if interested in the approval or rejection of the application. All present voted aye; motion carried.

Action 13246C: A motion was made by Johnson and seconded by Sinclair to authorize Chairman Jensen to sign an Arens Engineering replat of the old county highway shop property in Yankton. The replat takes that part of Lots 1, 2 and 4 in Block 6, including the alley along Lots 1 and 4 of Hoffman's Addition to Yankton, lying East of the Railroad; to be known as: Lots 1, 2, 1A, 2A, 3A, 4A, 5A, 6A, 7A and 8A in Block 6, lying east of the Railroad, Hoffman's Addition to Yankton in the City of Yankton, South Dakota. All present voted aye; motion carried.

County Health Insurance: The Board discussed three health insurance proposals for 2013-2014 and reaffirmed its decision to remain with Wellmark for the 12-month period that begins June 1, 2013. The Board had voted to remain with Wellmark at its April 2 meeting, so no additional action was taken.

Action 13247C: A motion was made by Johnson and seconded by Sinclair to hold department head budget hearings on June 4 from 2-3:30 p.m., and on June 18 from 2-3:30 p.m. All present voted aye; motion carried.

Action 13248C: A motion was made by Moore and seconded by Johnson to decline a proposal from MidAmerican Energy to change the County's customer classification to gas rate SVF. All present voted aye; motion carried.

Action 13249C: A motion was made by Johnson and seconded by Sinclair to approve the following claims: **Commissioners:** Arens Engineering (Services) \$2,310.00, Knology (Utilities) \$52.50 Yankton Daily P&D (Legal Notices) \$1,623.23; **Election:** Knology (Utilities) \$341.59 **Court:** 8 Payees @ \$50.00 (Grand Juror Fees) \$400.00, 2 Payees @ \$3.70 (Juror Mileage) \$7.40, 2 Payees @ \$18.50 (Juror Mileage) \$37.00, 2 Payees @ \$0.74 (Juror Mileage) \$1.48, 1 Payee @ \$1.48 (Juror Mileage), Great Plains Psychological Services (Services) \$3,027.50, Koletzky Law Office (Legal Assistance) \$1,528.40, LaCroix Law Office (Legal Assistance) \$5,284.14; **Auditor:** Farm & Home Publishers (Supplies) \$300.00, Knology (Utilities) \$124.88, Western Office Technologies (Maintenance) \$59.57, Western Office Technologies (Supplies) \$267.98; **Treasurer:** Harland Technology (Maintenance) \$29.32, Knology (Utilities) \$265.61, Western Office Technologies (Supplies) \$109.48; **Data Processing:** Knology (Utilities) \$438.56, Tyler Technologies (Maintenance) \$1,340.54; **States Attorney:** Knology (Utilities)

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\$155.46; **Government Buildings:** Ace Hardware (Supplies) \$4.98, City of Yankton (Utilities) \$129.14, Flynn's Flowing Flags (Supplies) \$466.00, Knology (Utilities) \$57.60, Larry's Heating & Cooling (Maintenance) \$3,885.00, Menards (Supplies) \$22.30, MidAmerican Energy (Utilities) \$827.42; **Director of Equalization:** Hanson Briggs Specialty Advertising (Supplies) \$425.00, Nancy Brockmoller (Services) \$199.45, Comfort Inn & Suites (Travel) \$223.98, ESRI (Maintenance) \$519.95, GIS Workshop (Maintenance) \$1,500.00, JJ Benji (Supplies) \$664.62, Knology (Utilities) \$229.50, Microfilm Imaging Systems (Maintenance) \$70.00, Jeffrey Puthoff (Travel) \$164.00, Security Shredding Services (Maintenance) \$52.50, Western Office Technologies (Supplies) \$456.68, Yankton Area Chamber of Commerce (Travel) \$55.00; **Register of Deeds:** Executive Management Finance (Utilities) \$21.00, Brian Hunhoff (Supplies) \$55.00, Knology (Utilities) \$177.29, Microfilm Imaging System (Rentals) \$501.00; **Veteran's Service:** Knology (Utilities) \$26.69; **Court House & Safety Center:** Bullseye Fire Sprinkler (Maintenance) \$839.03, City of Yankton (Utilities) \$970.96, Fejfar Plumbing & Heating (Repairs) \$573.76, Knology (Utilities) \$327.02, Larry's Heating & Cooling (Maintenance) \$8,625.00; **Sheriff:** City of Yankton (Supplies) \$3,091.49, Fox Run Quik Lube (Maintenance) \$412.40, Graham Tire Yankton (Maintenance) \$123.61, Hedahls, Inc (Maintenance) \$12.46, Knology (Utilities) \$213.20, Southeast Job Link Inc (Travel) \$79.00, Surefire LLC (Law Enforcement Equipment) \$89.04, Yankton Motor Company (Maintenance) \$151.65; **County Jail:** CBM Food Service (Meals) \$6,738.63, Intoximeters, Inc (Maintenance) \$448.55, JCL Solutions (Food Service & Supplies) \$816.00, Knology (Utilities) \$83.08, Olson's Pest Technician (Maintenance) \$103.00, Oral Surgery Associates (Services) \$2,289.52, Pro Vantage, LLC (Minor Equipment) \$120.45, Yankton Rexall (Supplies) \$8.47, Yankton Medical Clinic (Services) \$569.38; **Coroner:** Jared Drotzman (Travel) \$61.62, Mark Nickles (Supplies & Travel) \$234.06; **Juvenile Detention:** Minnehaha County Regional Detention Center (Child Care) \$8,700.00, **Yankton Area Search & Rescue:** Yankton Area Search & Rescue (1st Half 2013 Budget) \$6,000.00, **Care of Poor:** Hy-Vee Pharmacy (Medicine) \$228.34; **Public Health Nurse:** Ace Hardware (Supplies) \$14.57, Knology (Utilities) \$203.41; **Ambulance:**

CROSSWORD
By THOMAS JOSEPH

ACROSS	DOWN
1 Latvia's capital	1 Indy event
5 Use a water pistol	2 Infamous czar
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12"— Mame"	4 Piercing tool
13Beckon	5 Company division
14Admits	6 Searches
15Finish	7 "Do — others ..."
16Mexican money	8 "— been real"
17Belt setting	9 Carnival city
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22Bowling round	16Dessert choice
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42Lebanon's capital	
43Ivy League school	
44Jazz dances	
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Yesterday's answer

19Ring true	33Comfy spots
20Basilica part	34Salon job
21Owner's document	36Melody
22Tent door	37Writer
23Be furious	38Crunch targets
25Luke's sister	39Wager
29Occupies jacket bit	40Book
30Maximum amount	41Pampering place

NEW CROSSWORD BOOK! Send \$4.75 (check/m.o.) to Thomas Joseph Book 1, P.O. Box 536475, Orlando, FL 32853-6475

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6-5

A XYDLB AAXR
is LONGFELLOW

One letter stands for another. In this sample, A is used for the three L's, X for the two O's, etc. Single letters, apostrophes, the length and formation of the words are all hints. Each day the code letters are different.

6-5 CRYPTOQUOTE

X E A I M Z W H V G Y C W W M Y

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I P V X V T R Y M Z M C Z I V X G X M

R Z M I G E P Z J A Z . — U A Z X Z P T H

Z C G G A W W

Yesterday's Cryptoquote: THEY SAY MARRIAGES ARE MADE IN HEAVEN. BUT SO IS THUNDER AND LIGHTNING. — CLINT EASTWOOD