

2010 Legal and Public Notices

gross payroll: **Commissioners:** \$4,811.43; **Auditor:** \$11,546.06; **Treasurer:** \$13,701.92; **States Attorney:** \$22,544.06; **Custodian:** \$2,763.30; **Director of Equalization:** \$18,259.53; **Registrar of Deeds:** \$11,153.53; **Veterans Service:** \$2,080.05; **Courthouse & Safety Center:** \$5,305.97; **Sheriff:** \$50,303.57; **County Jail:** \$48,005.43; **Coroner:** \$720.00; **Juvenile Detention:** \$130.00; **Nurses:** \$2,315.02; **Ambulance:** \$32,425.79; **Extension:** \$5,777.18; **Soil Conservation:** \$1,813.74; **Weed:** \$2,546.76; **Planning & Zoning:** \$4,183.87; **Road & Bridge:** \$50,166.49; **OEMHS:** \$4,966.72; **WIC:** \$1,216.85; **24-7 Program:** \$2,420.00. South Dakota Retirement System (Buy Back) \$166.63, South Dakota Retirement System \$21,696.00 (Other Employees), South Dakota Retirement System \$14,564.36 (Sheriff/EDS), South Dakota Retirement System (Payroll Deduction-Spouse Opt) \$188.80, South Dakota Retirement System (Supplemental) \$2,566.66, American Family Life Assurance Company (AFLAC) \$3,326.76, Legalshield \$89.65, Office of Child Support \$379.00, Nationwide Retirement Solutions \$128.26, First Dakota National Bank \$25,260.51 (Withholding), First Dakota National Bank \$36,456.72 (FICA) First Dakota National Bank \$8,526.22 (Medicare), Boston Mutual Life Insurance \$625.58, Colonial Life & Accident \$1,669.37, Blue Cross Blue Shield \$45,953.74, Garnishment/Capital One \$430.00. Gross Payroll \$299,157.27, Net Payroll \$222,935.19.

All present voted aye; motion carried.

Action 13268C: A motion was made by Sinclair and seconded by Johnson to approve travel expenses for EMS staff to attend a June 15 seminar in Sioux Falls; and for commissioners and county officials to attend the Southeast District Counties meeting on June 26 at Elk Point. All present voted aye; motion carried.

Office Merger Presentation: Commissioner Moore said he has talked with officials from the S.D. County Commissioners Association and S.D. County Officials Association about scheduling a presentation on merging Auditor and Treasurer offices. The Board agreed to hear the presentation at its Tuesday, Aug. 6 meeting. Moore said representatives of Brookings and Hughes counties may be present as well.

Action 13269Z: A motion was made by Sinclair and seconded by Moore to recess the regular session and convene as Board of Adjustment. All present voted aye; motion carried.

Action 13270Z: A motion was made by Sinclair and seconded by Johnson to approve an application from Guy Larson for a Minimum Yard Requirement Variance in an Agriculture District (AG) in Yankton County.

LEGAL DESCRIPTION (Physical Location): Lot C, Cwach's Addition, NW1/4 SW1/4 in S2-T94N-R56W, hereinafter referred to as Utica North Township, Yankton County, S.D. E911 address is 30370 438th Ave., Yankton, S.D.

1. Planning Commission recommends approval 8-0.

2. A variance as follows: reduction of Minimum Yard Requirement from seventy-five (75) feet to sixty-six (66) feet and from seventy-five (75) feet to forty-five (45) feet to construct a 10' X 24' garden cabin in an Agriculture District (AG) in Yankton County.

3. Granting of variance will bring property into compliance with Yankton County Zoning Ordinance.

4. No nonconforming lands, structures or buildings were considered grounds for this recommendation.

5. Use of applicants' property is allowed by the Yankton County Zoning Ordinance and in the district.

6. Recommendations/conditions: Per Findings of Fact on file in Zoning and Auditor offices.

7. Variance request approval per Article 19, Section 1907 of the Yankton County Zoning Ordinance.

All present voted aye; motion carried.

Action 13271Z: A motion was made by Johnson and seconded by Sinclair to approve an application from Daniel Riederick for a Minimum Yard Requirement Variance in an Agriculture District (AG) in Yankton County.

LEGAL DESCRIPTION (Physical Location): N1/2 NE1/4 except Santa Fe side of Right of Way, Great Northern Railroad, and except Lot R-11, NW1/4 NE1/4 except strip 100' wide in S26-T95N-R54W, hereinafter referred to as Marindahl Township, Yankton County, S.D. E911 address is 45065 301st St., Volin, S.D.

1. Planning Commission recommends approval 8-0.

2. A variance as follows: reduction of Minimum Yard Requirement from seventy-five (75) feet to thirty-five (35) feet to construct a 19,000-sf machine storage structure in an Agriculture District (AG) in Yankton County.

3. Granting of variance will bring property into compliance with Yankton County Zoning Ordinance.

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4. No nonconforming lands, structures or buildings were considered grounds for this recommendation.

5. Use of applicants' property is allowed by the Yankton County Zoning Ordinance and in the district.

6. Recommendations/conditions: Per Findings of Fact on file in Zoning and Auditor offices.

7. Variance request approval per Article 19, Section 1907 of the Yankton County Zoning Ordinance.

All present voted aye; motion carried.

Action 13272Z: A motion was made by Sinclair and seconded by Moore to approve an application from Richard and Jennifer Hladky for a Minimum Yard Requirement Variance in a Moderate Density Rural Residential District (R-2) in Yankton County.

LEGAL DESCRIPTION (Physical Location): Lot 3, Block 3, English Heights in S13-T93N-R57W, hereinafter referred to as Utica South Township, Yankton County, S.D. E911 address is 299 Lewis and Clark Trail, Yankton, S.D.

1. Planning Commission recommends approval 8-0.

2. A variance as follows: reduction of Minimum Yard Requirement from thirty (30) feet to fifteen +/- (15.5) feet to construct an addition on a single family house in a Moderate Density Rural Residential District (R-2) in Yankton County.

3. Granting of variance will bring property into compliance with Yankton County Zoning Ordinance.

4. No nonconforming lands, structures or buildings were considered grounds for this recommendation.

5. Use of applicants' property is allowed by the Yankton County Zoning Ordinance and in the district.

6. Recommendations/conditions: Per Findings of Fact on file in Zoning and Auditor offices.

7. Variance request approval per Article 19, Section 1907 of the Yankton County Zoning Ordinance.

All present voted aye; motion carried.

Action 13273Z: A motion was made by Johnson and seconded by Moore to approve an application from Ruby Zdenek for a Minimum Lot Requirement Variance in an Agriculture District (AG) in Yankton County.

LEGAL DESCRIPTION (Physical Location): NW1/4 in S33-T94S-R57W, hereinafter referred to as Lesterville Township, Yankton County, S.D. E911 address is 30232 430th Ave., Lesterville, S.D.

1. Planning Commission recommends approval 8-0.

2. A variance as follows: reduction of Minimum Lot Requirement from twenty (20) acres to five +/- (5.16) acres in an Agriculture District (AG) in Yankton County.

3. Granting of variance will bring property into compliance with Yankton County Zoning Ordinance.

4. No nonconforming lands, structures or buildings were considered grounds for this recommendation.

5. Use of applicants' property is allowed by the Yankton County Zoning Ordinance and in the district.

6. Recommendations/conditions: Per Findings of Fact on file in Zoning and Auditor offices.

7. Variance request approval per Article 19, Section 1907 of the Yankton County Zoning Ordinance.

All present voted aye; motion carried.

Action 13274Z: A motion was made by Sinclair and seconded by Johnson to approve an application from Arthur Kotalik for a Minimum Yard Requirement Variance in an Agriculture District (AG) in Yankton County.

LEGAL DESCRIPTION (Physical Location): Tract A and Tract C in SW1/4 and the SW1/4 in S31-T94N-R57W, hereinafter referred to as Ziskov North Township, Yankton County, S.D. E911 address is 30866 428th Ave., Taber, S.D.

1. Planning Commission recommends approval 8-0.

2. A variance as follows: reduction of Minimum Yard Requirement from seventy-five (75) feet to sixty-eight (68) feet to correct a machinery building; and from seventy-five (75) feet to sixty-six (66) feet to construct an addition to a machinery building in an Agriculture District (AG) in Yankton County.

3. Granting of variance will bring property into compliance with Yankton County Zoning Ordinance.

4. No nonconforming lands, structures or buildings were considered grounds for this recommendation.

5. Use of applicants' property is allowed by the Yankton County Zoning Ordinance and in the district.

6. Recommendations/conditions: Per Findings of Fact on file in Zoning and Auditor offices.

7. Variance request approval per Article 19, Section 1907 of the Yankton County Zoning Ordinance.

All present voted aye; motion carried.

Action 13275Z: A motion was made by Johnson and seconded by Moore to approve an application from White Crane LLC for a Conditional Use Permit to construct two-family houses on one-acre lots in a Moderate Density Rural Residential District (R-2) in Yankton County.

The request was for two existing one-acre lots and six proposed one-acre lots on Violet Drive in the Crestview Homes subdivision west of Yankton. Yankton Realtor Dennis Breck was the applicant for the CUP. He said the Yankton area needs homes available in the price range that would be allowed by the permit. Neighboring home owners Travis Hendricks, Tim Foxhoven, Tim Herchenroether and attorney Ross Den Herder opposed the request, stating it would change the character of the neighborhood; lower their property values; place too much traffic on the road serving the neighborhood; and add more septic systems than the subdivision was designed to support. States Attorney Rob Klimisch said a Conditional Use Permit would be appropriate for the two lots that have already been platted, but not for the six proposed lots.

Conditional Use Permit Public Hearing: A public hearing was held on a request from White Crane LLC for a Conditional Use Permit to construct two-family houses on one-acre lots in a Moderate Density Rural Residential District (R-2) in Yankton County. The request was for two existing one-acre lots and six proposed one-acre lots on Violet Drive in the Crestview Homes subdivision west of Yankton. Yankton Realtor Dennis Breck was the applicant for the CUP. He said the Yankton area needs homes available in the price range that would be allowed by the permit. Neighboring home owners Travis Hendricks, Tim Foxhoven, Tim Herchenroether and attorney Ross Den Herder opposed the request, stating it would change the character of the neighborhood; lower their property values; place too much traffic on the road serving the neighborhood; and add more septic systems than the subdivision was designed to support. States Attorney Rob Klimisch said a Conditional Use Permit would be appropriate for the two lots that have already been platted, but not for the six proposed lots.

Ambulance Budget Public Hearing: A public hearing was held on supplementing the 2013 Emergency Medical Services Budget by \$107,750 for an ambulance remount. No one appeared to object.

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Action 13277EMS: A motion was made by Sinclair and seconded by Johnson to supplement the Emergency Medical Services budget by \$107,750 to pay for an ambulance remount. All present voted aye; motion carried.

Action 13278EMS: A motion was made by Johnson and seconded by Moore to change to FirePak Insurance coverage for the Emergency Medical Services, Emergency Management and Search and Rescue departments, effective July 1. County insurance agent Roger Smith said the change will provide coverage specifically designed for those departments. All present voted aye; motion carried.

Alcohol License Public Hearing: A public hearing was held for a new application for alcoholic beverage license for Kozy Inn. The owner requested 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. No one appeared to object.

Court Services remodel: Commissioner Johnson said he was notified by First Circuit Court Administrator Kim Allison that two remodeling projects are needed on the second floor of the Yankton County Courthouse. Johnson said the projects are an offshoot of Senate Bill 70, the criminal justice system reform legislation that passed in the S.D. State Legislature this year. The first project involves splitting a current office into two offices for two new staff members - a probation officer and a drug court officer. The second project involves final completion of Courtroom C, which will be utilized for drug court cases. Johnson estimated total cost of the two projects at \$10,000.

Bruce Jensen, Chairman
Yankton County Commission

ATTEST:
Patty Hojem, Deputy Auditor
Published once at the approximate cost of \$349.37

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History

From Page 1

to life.

Rangers from the Missouri National Recreational River (MNR) open the Territorial Capitol weekdays from 10 a.m. to 4 p.m. During that time, the capitol features exhibits, and rangers offer guided walks over the Meridian Bridge with stops for short presentations.

At selected times during the week, Rokosz appears at the Territorial Capitol to re-enact a historical character.

In addition, he will help kick off a new program this Saturday night that features a special monthly event at the Capitol. This weekend's special event, called "Junior River Ranger Day," runs from 5-8 p.m.

At 7 p.m. Rokosz will re-enact the purser for the steamboat *Far West*. He will talk about the river's challenges and his adventures traveling the Missouri with Captain Grant Marsh, including the wild ride from the Little Bighorn.

When it comes to his re-enactments, Rokosz doesn't limit himself to Missouri River characters and will re-enact anyone from pioneer times.

"The late 1800s are such a huge historical era, and Yankton has the rail-to-river connection," he said. "When we had the education festival (in Riverside Park last month), I met with the students as a steamboat purser. Today, I'm a fur trader from the 1850s."

His exhibit included a variety of furs spread out on the floor.

"Any fur was fair game," he said. "You had buffalo, fox, rabbit, muskrat, deer, coyote and other animals."

Fur traders worked with buyers, with the American Fur Company as the largest of them, he said. Furs were shipped all over the world.

The fur trade brought with it the use of sign language for communication between parties, along with the interaction of cultures and customs, Rokosz said.

"The fur trade was active," he said. "The mountain man era only lasted about 15 years, while the Indian (fur) trade lasted about 30 years, from 1830 to 1860."

Rokosz is developing new characters. He started three years ago with the fur trader, then added the steamboat purser last year.

Corps

From Page 1

"Thunderstorms can cause localized flooding even during droughts, so flood risk reduction remains a primary consideration as we progress through 2013."

South Dakota state climatologist Dennis Todey echoed many of those sentiments, warning that the drought may have eased but not ended for many areas.

"It's certainly not over from the hydroelectric perspective and also the agricultural perspective," he said. "We still have issues, especially to the west, where two or three dry weeks could turn the tide back to problems again."

Southeast South Dakota and northeast Nebraska continue to exhibit moderate to severe drought, according to the National Drought Monitor. Spring climate and drought predictions indicate ongoing drought for Nebraska through the end of the month.

Those drought conditions continue despite heavy rainfall during the past month, Todey said. Soil moisture issues remain, even in parts of South Dakota removed from drought, he said.

"We are seeing pre-existing conditions, where lower parts of the basin are carrying over the impacts of the drought from last year," he said.

The eastern part of South Dakota has experienced below-average temperatures this spring, Todey said. The forecast for the next 8 to 14 days indicates warmer-than-average temperatures and drier-than-average conditions.

The chances remain for active weather patterns in the coming days, he added.

"There are chances for episodic heavy rains this time of year," he said. "There are also chances for episodic flooding and some changes in stream management."

The summer should continue to be

This year, he's working to re-enact Thomas Tibbles, an Omaha journalist and author who lived from 1840-1928. As a teenager, Tibbles joined the abolitionists and fought the pro-slavery forces in Kansas during the mid-1850s battles known as "Bleeding Kansas." He briefly joined forces with John Brown, a militant anti-slavery leader.

"(Tibbles) escaped hanging twice, and he survived numerous bullet wounds and one attempted poisoning," Rokosz said. "He was a circuit-riding preacher, and in the end, he was a journalist."

Tibbles became an activist for American Indian rights in the late 19th century. As assistant editor of the *Omaha Herald* in 1879, he helped Chief Standing Bear and the Ponca Tribe make the legal argument before the U.S. District Court that Indians were human beings.

The judge ruled that Indians are persons, with all the rights of full citizens.

"Chief Standing Bear became the first American Indian to successfully file suit against the United States government," Rokosz said.

In 1882, Tibbles married Susette "Bright Eyes" LaFlesche, a member of the Omaha tribe who had served as Standing Bear's interpreter at the trial.

Tibbles remained an active reformer during his lifetime. He ran as the Populist Party's vice presidential candidate in 1904.

Rokosz believes his re-enactments offer a special historical insight into the people connected with the unique wild and scenic river.

"We are one of the few remaining free-flowing sections of the Missouri River," he said. "From Sioux City down to the Mississippi, it's channelized. Above Gavins Point Dam, it's impounded by the dams."

"We have seen a major change in the river's hydrology and habitat over the years, and we need to maintain this stretch," he added.

The MNR is the only national park in eastern South Dakota and northeast Nebraska, he said. It protects the natural and cultural resources of 128 miles of undammed river for all to experience and enjoy.

"The public needs to know that they are living amidst and visiting a national park that is very special," he said.

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drier and warmer in the Plains and southern part of the river basin, Todey said. Officially, predictions call for a neutral situation for La Nina and El Nino this summer.

Despite the drought conditions, flooding could occur in the James River basin and the Missouri River tributaries, according to Scott Dummer with the National Weather Service (NWS).

"The minor flooding along the James River is occurring due to increased stream flow from the early spring," he said. "The snowmelt runoff, combined with this spring's precipitation, makes its way downstream this month, and we have had elevated stream melt."

The Corps will continue to monitor basin conditions and adjust its regulation of the reservoirs based on updated information, Farhat said.

Releases out of Gavins Point Dam are expected to increase to 23,000 cfs and average that level through the end of the month. Those releases will prevent the endangered least tern and threatened piping plover from nesting on low sandbars that would be flooded later this summer when higher releases are needed to provide navigation flows. The nesting season runs from May to late August.

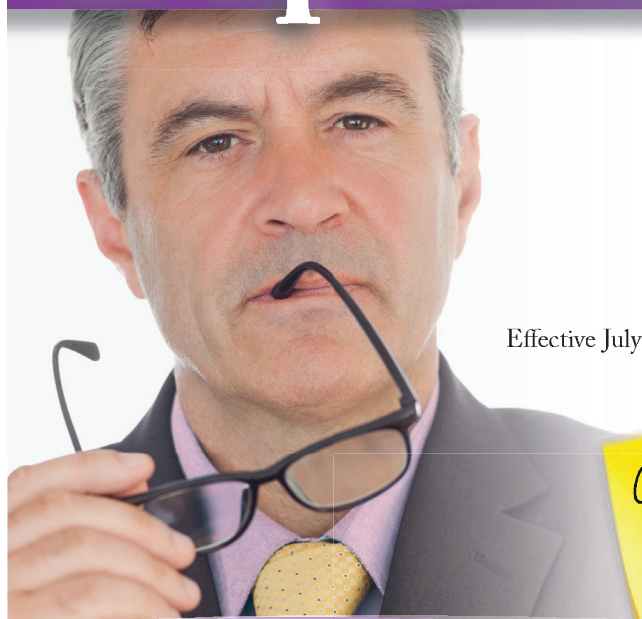
Fort Randall Dam releases at Pickstown ranged from 5,000 cfs to 23,000 cfs during May, averaging 15,700 cfs. Fort Randall releases will be adjusted during June as necessary to maintain the desired elevation at Gavins Point.

The six mainstem power plants generated 608 million kilowatt hours (kWh) of electricity in May. Typical energy generation for the month of May is 687 million kWh.

The power plants are projected to generate 7.6 billion kWh of electricity this year, compared to the normal of 10 billion kWh.

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de-pen-da-ble

Adjective

1. Capable of being depended on; reliable.

Synonyms: good, responsible, safe, secure, trustworthy

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