

## 2010 Legal and Public Notices

County Zoning Ordinance. Variance of Maximum Accessory Structure Size Requirement from 2,000 sq. ft. to 2,560 sq. ft. in a Low Density Rural Residential District (R-1) in Yankton County. Said property is legally described as Blk 2, Deer Run S/D, E1/2, SW1/4, S1-T93N-R57W, hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota. The E911 address is 118 Badger Drive, Yankton, SD. All present voted aye; motion carried.

Variance Public Hearing: This was the time and place for a public hearing for a Variance of a Maximum Accessory Structure Size Requirement application from John & Jean Fitzgerald for Variance of Maximum Accessory Structure Size Requirement from 1,200 sq. ft. to 2,000 sq. ft. in a Moderate Density Rural Residential District (R-2) in Yankton County. Said property is legally described as Parcel A, Homestead 3rd Addition, S6-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 30934 434th Ave., Yankton, SD. The Planning Commission recommended approval 11-0.

Action 15233Z: A motion was made by Kettering and seconded by Epp, based on Findings of Fact from the May 12, 2015 Yankton County Planning Commission meeting and on file in the Zoning Administrators Office, to approve a Variance of Maximum Accessory Structure Size Requirement for John & Jean Fitzgerald, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Variance of Maximum Accessory Structure Size Requirement from 1,200 sq. ft. to 2,000 sq. ft. in a Moderate Density Rural Residential District (R-2) in Yankton County. Said property is legally described as Parcel A, Homestead 3rd Addition, S6-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 30934 434th Ave., Yankton, SD. All present voted aye; motion carried.

Action 15234Z: A motion was made by Freng and seconded by Epp to recess the Board of Adjustment and reconvene in regular session. All present voted aye; motion carried.

Action 15235Z: A motion was made Epp and seconded by Kettering to recommend approval of a Rezone, from High Density Rural Residential District (R-3) to Commercial District (C), pursuant to Article 1809 (I-8) of the Yankton County Zoning Ordinance, based on the Findings of Facts dated May 12, 2015; said property is legally described as Lot 20, Blk 2, Sunrise Addition, S10-T93N-R55W, hereinafter referred to as Mission Hill South Township, County of Yankton, State of South Dakota. The E911 address is TBD Oak St., Yankton, SD. All present voted aye; motion carried.

Action 15236Z: A motion was made by Freng and seconded by Bodenstedt to adopt the following resolution: Whereas it appears Adolph Kudara, owner of record, has caused a plat to be made of the following real property: Tract 1, Nature Acres Addition, W1/2, NW1/4, S9-T93N-R57W, hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota, 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 15237Z: A motion was made by Epp and seconded by Freng to adopt the following resolution: Whereas it appears David Charles, owner of record, has caused a plat to be made of the following real property: Charles 1st Addition, SE1/4, NE1/4, S34-T95N-R55W, hereinafter referred to as Walshtown Township, County of Yankton, State of South Dakota, 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 15238C: A motion was made by Bodenstedt and seconded by Freng to approve the May, 2015 gross payroll: Commissioners: \$5,104.42; Auditor: \$10,684.63; Treasurer: \$16,841.04; States Attorney: \$24,917.18; Custodian: \$3,122.25; Director of Equalization: \$21,685.75; Register of Deeds: \$12,376.41; Veterans Service: \$1,437.73; Courthouse & Safety Center: \$6,048.01; Sheriff: \$57,118.55; County Jail: \$54,575.08; Coroner: \$700.00; Juvenile: \$0.00; Nurse: \$2,688.82; Ambulance: \$40,352.17; WIC: \$1,378.10; Extension: \$7,068.61; Soil Conservation: \$2,618.70; Weed: \$1,959.83; Planning & Zoning: \$6,719.88; Road & Bridge: \$66,489.71; E911: \$74.28; OEMHS: \$5,381.12; 24-7 Program: \$4,245.00. South Dakota Retirement System \$26,102.48

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(Other Employees), South Dakota Retirement System \$16,383.54 (Sheriff/EDS), South Dakota Retirement System (Payroll Deduction-Spouse Opt) \$219.25, South Dakota Retirement System (Supplemental) \$3,150.00, American Family Life Assurance Company (AFLAC) \$3,574.52, Legalshield \$64.75, Office of Child Support \$903.00, Nationwide Retirement Solutions \$69.44, First Dakota National Bank \$31,418.64 (Withholding), First Dakota National Bank \$42,611.20 (FICA) First Dakota National Bank \$9,965.46 (Medicare), Boston Mutual Life Insurance \$503.09, Colonial Life & Accident \$1,484.49, Avera Health Plans \$53,086.72, Optilegra \$481.27, Gross Payroll \$353,647.27, Net Payroll \$263,849.72. All present voted aye; motion carried.

Action 15239C: A motion was made by Epp and seconded Bodenstedt by to approve the assigned budget transfer in the amount of \$7,200.00 to the Emergency Management. All present voted aye; motion carried.

Action 15240C: A motion was made by Freng and seconded by Bodenstedt to approve the cash transfer in the amount of \$7,200.00 to Emergency Management Fund. All present voted aye; motion carried.

Action 15241C: A motion was made by Epp and seconded by Freng to adjourn. All present voted aye; motion carried.

The next regular meeting will be Tuesday, June 16, 2015.

Todd Woods, Chairman  
Yankton County Commission

ATTEST:  
Patty Hojem, County Auditor  
Published once at the total approximate cost of \$343.91.

6+15  
YANKTON COUNTY  
COMMISSION MEETING  
June 4, 2015

A special meeting of the Yankton County Commission was called to order by Chairman Todd Woods at 11:30 PM on Wednesday, June 4, 2015.

Roll call was taken with the following Commissioners present: Donna Freng, Raymon Epp, Debra Bodenstedt and Todd Woods. Absent: Don Kettering.

The special session was called to approve the refund bond resolution for the Yankton County Safety Center Building.

Action 15242C: A motion was made by Epp and seconded by Freng to approve the Safety Center Bond Resolution with Dougherty & Company LLC. All present voted aye; motion carried.

Action 15243C: A motion was made by Freng and seconded by Bodenstedt to adjourn. All present voted aye; motion carried.

The next regular meeting will be Tuesday, June 16, 2015.

Todd Woods, Chairman  
Yankton County Commission

ATTEST:  
Patty Hojem, County Auditor  
Published once at the total approximate cost of \$15.23.

## Pot

From Page 5

Wright and Shepherd said their companies have yet to ink any deals with tribes.

A few other Native Americans also are attempting to get tribes into the marijuana business, but Shepherd said he and Hall are likely the only ones who have held national-level posts with Indian organizations. Shepherd is a former secretary of the National Congress of American Indians and Hall has served two terms as president of the group that bills itself as the "oldest, largest and most representative American Indian and Alaska Native organization."

Wright said his company is focusing on tribes in 23 states that have laws allowing medical marijuana. In those states, he also sees medical marijuana clinics to help native and non-natives deal with various maladies, such as post-traumatic stress disorder.

Pot remains illegal in all forms in the Dakotas.

Sam Deloria, board chairman of the American Indian Law Center in Albuquerque, New Mexico, said he knows of no tribes that have successfully started a marijuana business on tribal land.

Most tribal leaders are split over whether the idea is "marketing tribal sovereignty" or "marketing a vice," said Deloria, member of the Standing Rock Sioux Tribe, which straddles the North Dakota-South Dakota border.

"Nobody has put together a package yet to get that money without a downside," he said. "In a way I'm proud tribes are thinking about this but I hope everybody has moral concerns. If I were a tribal chairman, I wouldn't do it. It might mean losing the next election."

## Court

From Page 1

afford it.

A ruling that eliminates the subsidies would have a larger-than-average impact on Nebraska, which had the nation's 13th highest rate of enrollees that receive them as of March. Nearly 90 percent of Nebraska's marketplace enrollees qualified for a tax credit, compared to 85 percent nationally, according to the Centers for Medicare and Medicaid Services.

At issue in the case is whether President Barack Obama's signature health care law allows tax credits for residents of all states.

The Affordable Care Act offers subsidized private insurance to people without access to it on the job. Opponents of the law argue that its literal wording only lets the federal government subsidize coverage in states that built their own marketplaces where individuals and businesses can shop for insurance. The Obama administration argues the

## Tribute

From Page 1

The number of balloons was as symbolic as the colors, she said.

"David was 58 when he died, and it's been five years, so we're releasing 63 balloons," she explained.

The site of the balloon release, near a Blue Spruce tree next to her trailer, also carried symbolism. Shulburg had planted the tree, and it seemed a fitting background for the tribute.

Zachariasen had thought of doing the balloon release on the third anniversary of Shulburg's passing, but it didn't work out. The postponement actually worked out better, as additional friends were able to attend this year, she added.

Shulburg and Zachariasen had been a couple for 23 years. She described him in loving terms.

"Dave was super liked, and he could do so many things," she said. "He was so handy, and he would help anybody with anything. He

## Shooting

From Page 3

was not a bitter person."

His mother, Jeannine Howard, said in a statement to local media that she considered her son "lost to mental health" long before his death.

"We tried to get him mental help numerous times, but the system failed him, because he was declared 'sane,'" she said in the statement. "He was very delusional. It was very obvious.

"We hope something good can come from this, and that people will reach out to hurting souls around them and unite to build up others, rather than tearing them down," she added. "We hope that people with mental illness will receive the care they need to avoid situations like this in the future."

Boulware lost custody of his son, something that his father, Jim, said weighed on him deeply and caused him to distrust police.

The day before the shooting, Boulware spent several hours at his father's home in the Dallas suburb of Carrollton. He was talking about the armored van he had just purchased days earlier, having taken a bus to Georgia to pick it up and drive it back.

He also talked about the police, including his reaction to a widely-watched video of a white police officer in McKinney, Texas, pushing down a black teenage girl at a pool party.

"He made statements while he was here that the police are the ones that took his son away from him," Jim Boulware said.

But Jim Boulware said he didn't know what was to come. His son left the house that day suggesting he was driving out to West Texas and planning to sleep in the van.

Andrew Boulware said he hadn't seen his brother in more than two years. He remembers James Boulware living in a home in Paris without electricity and tried to help him, but was rebuffed.

"I went back out there after he got released and I brought him a box of food, and he said, 'Get off my property,' and so I did," he said. "I tried to call him three or four times after that, but he never did answer."

law's intent was to provide the subsidy to all qualified enrollees.

Former Republican Gov. Dave Heineman announced in 2012 that Nebraska would default to a market set up by the federal government. Heineman said at the time that the federal option was cheaper for the state, and argued that state-run models were still heavily controlled by the federal government.

Nordquist said that, if the court strikes down the subsidies, the sudden spike in prices could prompt Congress to intervene.

If Congress doesn't act, the problem would fall to Nebraska and other states that chose not to create a marketplace. Congress could also approve a temporary fix and then leave it to the states to set up their own.

Nordquist said setting up a state-run marketplace could require a special legislative session, because lawmakers would have to approve funding and give the governor the authority to move forward.

A spokeswoman for Gov. Pete Ricketts said his office

was that kind of person."

Dorothy Iverson, Zachariasen's niece, agreed. "He was a hard worker and a very kind man. He was really good to my aunt," Iverson said.

Iverson recalled a great deal of teasing back and forth with Shulburg. She also recalled his many skills.

"Dave worked a garden, and he was a really good cook," she said. "He put in the trees out here (next to the trailer), and he was a real handyman. He upholstered a lot of things."

Shulburg was also really kind and good with children, Iverson said. "He did a lot of nice things for the kids," she said.

Iverson laughed at a photo of Shulburg playing with the children and working with Play Dough.

"He had just such a great laugh and zest for life," she said. "We talk about him all the time. Something always comes up in our minds."

Sometimes, the little things trigger special memories, she said.

"We'll bring up something and say, 'Dave, this one's for you!'" she said. "Lately, we laughed about something

is monitoring the case and working with the state Departments of Insurance and Health and Human Services. Communications Director Brittany Hardin said it's too early to discuss specific responses because no one knows what the court will decide. She dismissed talk of a special session as "purely speculative."

"As we saw from the previous Supreme Court decision on the Affordable Care Act, the court can rule in a number of ways," Hardin said.

Eliminating the credits would likely increase costs for Nebraska's entire individual insurance market, and not just customers who are subsidized. Without credits, enrollees who do keep their coverage are more likely to need it because of expensive medical problems. Younger and healthier people who help subsidize the pool are more likely to drop their plans.

"Ultimately what ends up happening is the market can no longer be sustained," said Clare Krusing, a spokeswoman for America's Health

that just cracked us up while we were in the kitchen because it reminded us of Dave."

Barb Zachariasen, Pat's daughter, recalled her own memories. For those gathered Saturday, the balloon release provides one more opportunity to remember their late friend, she said.

"We just want to celebrate his life," she said.

As they gathered Saturday, group members distributed the balloons inside Zachariasen's trailer. Clutching their balloons, they made their way outside in the breezy conditions.

At the designated time of 1 p.m., the group gathered outside the trailer. The Blue Spruce tree and the balloon release were visible to traffic passing the site.

Helping lead the procession was Sevrin Zachariasen-Haak, Barb's son. Now age 8, Sevrin was only 3 years old when Shulburg passed away.

The group gathered in a circle next to the Blue Spruce, balloons held firmly in hand. At the same moment, they released the balloons which quickly caught wind and floated quickly

Insurance Plans, a Washington-based industry group.

A spokeswoman for Blue Cross & Blue Shield of Nebraska, the state's largest private insurer, declined to comment on the case. Rohan Hutchings, a spokesman for Aetna and Coventry Health Care of Nebraska, said it's too early to talk about the ruling's potential impact on Nebraska's market.

Nebraska groups that helped with the enrollment effort said they've notified clients about the lawsuit, and many are worried their premiums will rise.

"It would be devastating for the whole state," said Karen Harbach, executive director of the Chadron-based Northwest Community Action Partnership. "If the Supreme Court were to strike this down, I'm sure we'd be flooded with people asking for advice and assistance."

Harbach said many of the new enrollees were never insured before and are now receiving medical care they had previously postponed. The sudden loss of insurance would add undue stress to patients and providers, she said.

away.

"Celebrate life!" Iverson yelled amidst the release.

The group admired the colorful sky – and then one member noticed five balloons had become stuck in the Blue Spruce tree.

"Oh, look! Dave kept five of the balloons! Five balloons for the fifth anniversary!" a woman shouted.

Afterwards, friend Kari Kietly stood quietly on the lawn. She spoke of how well the moment had gone. "It was very emotional, very moving," she said.

Even before Saturday's launch, Pat Zachariasen spoke of making the balloon release a tradition. "We're thinking about doing this every five years," she said.

Saturday's balloon release will now become one more memory keeping Shulburg close in everyone's hearts, Iverson said.

"When you lose someone, it's hard anytime," she said. "You remember them with things (like this) through the years."

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