

**2010 Legal and Public Notices**

Bids may not be withdrawn after the time fixed for opening them. The OWNER reserves the right to reject any and all bids, and to waive any irregularities therein.

City of Yankton, South Dakota  
Published twice at the approximate cost of \$76.47.

3+28  
**NOTICE OF TESTING  
AUTOMATIC TABULATING  
EQUIPMENT**

Notice is hereby given that the automatic tabulating equipment will be tested to ascertain that it will correctly count the votes for all offices and measures that are to be cast at the Joint City of Yankton And Yankton School District 63-3 Election held on the 9th day of April, 2013.

The test will be conducted on the 4th day of April, 2013, at 3:00 o'clock p.m. at the following location: Yankton County Auditor's Office.

Dated this 21st day of March 2013.

Finance Officer  
City of Yankton  
Published once at the cost of \$9.77.

3+28  
**NOTICE OF APPLICATION  
NO. 7784-3 to Appropriate Water**

Notice is given that Koletzky Family Limited Partnership, c/o Robert Koletzky, Box 589, Yankton SD 57078 has filed an application for a water permit to impound 25 acre-feet of water from springs and runoff by constructing a dam located in the NW 1/4 SE 1/4 Section 7 with water impounded in the NW 1/4 SE 1/4, NE 1/4, E 1/2 NW 1/4 Section 7; all in T93N-R57W. This application requests impoundment of sufficient water to maintain water to the outlet elevation. The water is for fish and wildlife propagation and domestic purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7784-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully im-

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paired, 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 April 8, 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. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$27.14.

3+28  
**NOTICE OF APPLICATION  
NO. 7684-3 to Appropriate Water**

Notice is given that John Steven Donnelly, 616 S Crawford Rd, Vermillion SD 57069 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 Missouri:Elk Point Aquifer (110 feet deep) located in the center of the NW 1/4 Section 29 for irrigation of 160 acres located in the NW 1/4 Section 29; all in T92N-R50W.

Pursuant to SDCL 46-2A-2, the

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Chief Engineer recommends APPROVAL of Application No. 7684-3 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.

**Bond**

From Page 1

ovations in the elementary school and adding a preschool to this new facility," she said. "We keep thinking we need more space."

While many community members have voiced support for the changes, one part of the proposal that has drawn concern from some is the location chosen for the new school, Sandoz said. The site would leave the buildings susceptible to both groundwater and river flooding, she said.

"We had considered a new location, but the cost involved in moving to a new location is not something we have the capacity to bond or ask our taxpayers to pay for," she said. "So that became a non-issue because of the inability to finance it."

In 1971, the town of Niobrara was moved to higher ground when groundwater rose due to the creation of the Fort Randall Dam and the Gavins Point Dam. However, the elementary school — the site where the new school would be built — remained at a lower level.

"I know groundwater is one of the key concerns about building down below the hill," Sandoz said. "A lot of that will be addressed, if the bond passes, with the grade level that the school is built at, as well as options to help alleviate groundwater, such as tiling around the facility."

Published once at the total approximate cost of \$25.49.

3+28  
**NOTICE OF PUBLIC MEETING**

Notice is hereby given that the Yankton City Zoning Board of Adjustment will conduct a public hearing at 7:00 P.M. on the 8th day of April, 2013, in the City of Yankton Community Meeting Room at the Technical Education Center, 1200 W. 21st Street that will include action on the following variance request:

A request for a variance from the 25 foot rear yard setback requirement in a residential district for a garage addition. The request is located on the South 97.96 feet of Lot 1, Block 1, West Yankton Addition to the City of Yankton, South Dakota. Address, 1000 W. 14th Street. Dean Kaiser, owner.

Dave Mingo, AICP  
Community Development  
Director  
Published once at the approximate cost of \$9.93.

**Plan**

From Page 1

In the first phase, the governor proposes to:

- preserve the Mead Building through a partnership with the Yankton County Historical Society;
- demolish the Edmunds Building, which was built in 1951 and has been vacant since 1996;
- demolish the Haas Building, which was built in 1956 and has been vacant since 1996;
- demolish the Medical Institute, which was built in 1961 and has been vacant since 1996; and
- identify a private entity to develop the Secure Treatment Unit Building, possibly as town homes.

In phase two, Daugaard proposes to:

- repair the roof and windows of the Calf Barn to protect it for a future partnership with a private organization;
- demolish the Show Barn, which was built in 1905 and has been vacant for more than 25 years;
- demolish the Dairy Barn, which was built in 1910 and has been vacant for more than 25 years;
- demolish the Bull Barn, which was built in an

**Fitzgerald**

From Page 1

Health Insurance Fund that could potentially help this situation for a few years. However, I believe in fiscal responsibility and believe we must close this gap. Closing this gap over the next 2-3 years will have several inherent challenges. One of those will be in maintaining our educational resources, such as the possibility of not filling some of the retiring teaching positions as well as some of the non-required exploratory classes. I feel educating our youth is important. If our general fund reserves and other fund balances continue to drop, I would support another

opt-out, rather than decrease the educational opportunities of Yankton's future citizens

**Besides the Budget, what would you say is the number one issue facing the school district?**

The instructional changes and mandates are continually a challenge for our administration and staff. Education continues to evolve and is in constant transition, currently, we are transitioning stages of curriculum and examining how to increase and improve both teaching and learning. We need to make sure all those involved are focused on the needs of the students and their classrooms. Change can be stressful and with the additional financial challenges, that stress increases. Yankton is a great community and together we can work on these challenges for the advancement of all.

**What are your thoughts on the school sentinel bill?**

Currently, the School District is working with other entities on a grant that would help finance a School Resource Officer. Yankton is one of a few schools of our size currently without a Resource Officer. If, we get this position in place, I would be in favor of a trained Resource Officer being able to carry a weapon. I would not agree with arming any other employee in the district, without the appropriate training. I envision further discussions with our district, YPD and the Sheriff's Dept.

**Final Thoughts?**

Vote on April 9. "A Nation's best defense is an educated citizenry." — Thomas Jefferson

Another issue is the threat of floodwaters, which the schools battled during the 2011 Missouri River flood. With help from the Federal Emergency Management Agency (FEMA), school officials created a makeshift levee system that successfully protected the buildings.

Concerned that a similar disaster could occur again, the school district had the U.S. Army Corps of Engineers analyze Niobrara's situation.

"What they basically told us was the elementary and the facilities are not in the 100-year flood plain," Sandoz said. "So there's a chance that Mother Nature could come down and do what it did in 2011, but it is a very slight chance. And if that happens, I think the board is willing to go along with any mitigation efforts from FEMA, like we did back in 2011."

In addition to planning for nature, Niobrara school officials also have been busy with their effort to inform the public about the bond issue.

Sandoz said the district hopes to avoid a situation similar to that which Verdigre, a town 12 miles south of Niobrara, faced when it approved a bond issue in 2008 for a new school building.

In 2009, a group of 27 residents filed a lawsuit that argued the Verdigre School Board had violated open meeting laws and misled the district's patrons. That lawsuit was dismissed by a District Court judge. The case eventually reached the Nebraska Supreme Court, which upheld the dismissal.

A petition effort in 2009 also forced

a recall election for the entire Verdigre School Board. Voters chose to keep all six board members in office.

"I think we were able to learn a lot watching the bond issue go forward in Verdigre," Sandoz said. "It helped the board come to a very good understanding for what needed to be done for our community and our school, and we hope that we are able to keep our community informed and open to the possibilities of this expansion effort."

The superintendent said informational packets have been mailed out to all patrons of the district. All meetings discussing the bond are being advertised, inviting the public to attend, with minutes being taken and published. The last special meeting will be held April 4, and the final regular school board meeting before the vote will be held April 8.

Sandoz said she thinks there is a good chance that the measure will pass, as it isn't asking much from property owners. She said the bond comes to 1 cent per \$100 of valuation.

"That's the minimum amount that we can ask for," she said.

Sandoz added that she believes that community members are also aware of how important education is to Niobrara's future.

"They realize the school system is the lifeblood of any community," she said.

You can follow Derek Bartos on Twitter at [twitter.com/d\\_bartos](http://twitter.com/d_bartos)

**Tax**

From Page 1

because we want to make sure that it is a well-established event."

Officials running events that are given funding are asked to fill out an income and expense report following their event to make sure the funds are being spent properly.

"After the event, we'll score their form, and if they score under 50 percent, they will not be awarded the funds," she said. "The post-event report includes nights stayed, attendance and local spending."

Other events that the fund has granted money to include the Lewis and Clark Adventure Race and the 2015 National Cribbage Tournament.

She added that the fund seeks to bring larger events to Yankton,

particularly from November to March, which are slower months for tourism to the city.

Rob Stephenson, chairman of the BID, said he thinks some money should be set aside for big opportunities.

"There are some other communities in the area with a similar fund in place," Scheve said. "We started small with the \$5,000 and we want to see where we can go with it and how we can grow."

The next BID meeting is currently set for June.

You can follow Andrew Atwal on Twitter at [twitter.com/andrewatwal](http://twitter.com/andrewatwal)

undetermined year and has been vacant more than 25 years;

- demolish the Butcher Shop, which was built in an undetermined year and has been vacant more than 25 years;
- demolish the Fire House, which was built in 1936 and currently shelters a fire truck; and
- demolish the Root Cellar, which was built in an undetermined year and has been vacant more than 25 years.

In phase three, Daugaard proposes to:

- take necessary steps to keep the Burbank Building in solid condition for a future partnership with a private organization;
- demolish Lee Cottage, which was built in 1898 and has been vacant since 1996;
- demolish the Herried Building, which was built in 1903 and has been vacant since 1996;
- demolish the Mellette Building, which was built in 1905 and has been vacant since 1996; and
- demolish the Ordway Building, which was built in 1915 and has been vacant since 1980.

Speaking to local residents during Yankton Day at the Legislature in Pierre last month, Daugaard said, "I don't want to rush to (carry out demolition) if there are people who genuinely have a credible willingness to look at re-use. I'd be more than

happy to come back to the Legislature next year and say, 'You said we could sell the Mead Building to the Yankton County Historical Society. Here is another developer. Let's sell another building to them.' That would be great, but I'm very doubtful that will happen."

Depending on the cost of acquiring the buildings, Jensen said he believes multiple uses could be found for the campus.

"I've been in Edmunds, Haas and the Medical Institute," he stated. "There is a need for affordable housing and small, scalable office space in Yankton. We believe that Edmunds, Haas and the Institute have that potential. That's part of the proposal we're working on."

Jensen, who has provided historic preservation consulting services for projects totaling in excess of \$10 million valuation, said he is providing pro bono services because of his desire to see a valuable state asset put to good use.

"We want the same things out there as the state wants," he stated. "We want them to take the most effective course of action with the property."

You can follow Nathan Johnson on Twitter at [twitter.com/AnInlandVoyage](http://twitter.com/AnInlandVoyage)

3+21+28  
**SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION  
AND CITY OF YANKTON  
NOTICE OF PUBLIC INFORMATION MEETING/ OPEN  
HOUSE**  
Project NH 0050(99)381 / PCN 6926 YANKTON COUNTY  
SD HWY 50 (4th Street) from Broadway Ave to Archery Road  
Grading, PCC Pavement, Asphalt Concrete Surfacing, Curb & Gutter, Storm Sewer, Traffic Signals, Roadway Lighting, Permanent Signing, & Structures  
Date: Thursday, April 4, 2013  
Time: 5:30 p.m. – 6:30 p.m.  
Place: Yankton Fire Station #2, 201 W. 23rd Street, Yankton, SD 57078  
The South Dakota Department of Transportation (SDDOT) and the City of Yankton will hold an open house style public meeting to discuss and receive public input on the above project. The open house will be informal, with one on one discussion with SDDOT and City design staff.  
A presentation will take place shortly after 5:30 p.m. Afterwards, SDDOT and City staff will be available with displays to discuss the proposed project and answer your questions. During this time, you will also have the opportunity to present written comments.  
Information will be available on the acquisition of right-of-way, relocation assistance, and the environmental, social and economic considerations on two historic districts and the Memorial Trail system located adjacent to project. This project is being developed in compliance with state and federal environmental regulations.  
Notice published twice at the total approximate cost of \$151.20.

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