

2010 Legal and Public Notices

miles of road was estimated at \$54,984.00 and a section option which further included design recommendations was estimated at \$76,234.00. It was the consensus of the board to investigate other testing options. Commissioner Moore will check and report back to the Board.

Action 11194C: A motion was made by Moore and seconded by Johnson to recess the regular session of the Board and convene as a Board of Adjustment.
Voting Aye: All Nay: None Motion carried.

Action 11195Z: A motion was made by Sinclair and seconded by Freng to deny an application for a Conditional Use Permit for Steven Knezevic to allow for a multi-family dwelling for short term rental (28 days or less) as follows: Steven Knezevic

LEGAL DESCRIPTION (Physical Location): Lot 13, Block 1, English Heights, Section 13, Township 93N, Range 57W, Yankton County, SD.

Three persons voiced opposition and two written objections were noted.

1. Planning Commission recommends denial 9-0 with two abstentions.

Voting Aye: All Nay: None Motion carried

Action 11196Z: A motion was made by Sinclair and seconded by Moore to approve a Minimum Lot Size Variance Permit for David Juttelstad to allow for the sale of surrounding production ground as follows: David Juttelstad, 3222 Nottingham lane, Co-coa, FL 32926

LEGAL DESCRIPTION (Physical Location): Tract 1 of Juttelstad's Addn, SE4, Section 8, Township 94N, Range 54W, Yankton County, SD.

1. Planning Commission recommends approval 10-0.

2. A variance as follows: variance of 12.5 acres or proposed lot size of 7.5 acres.

3. Granting of variance will bring property into compliance with Yankton County Zoning Ordinance, variance will not confer on the applicant any special privilege

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 & Auditor's offices.

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

Voting Aye: All Nay: None Motion carried

Action 11197Z: A motion was made by Moore and seconded by Johnson to approve a Minimum Yard Requirement Variance Permit for Terry O. Jensen to allow for construction of an accessory structure as follows: Terry O. Jensen, 44933 298th Street, Irene, SD 57037

LEGAL DESCRIPTION (Physical Location): N2NW4 Exc Lot 1, E Johnson's S/D, Section 10, Township 95N, Range 54W, Yankton County, SD.

1. Planning Commission recommends approval 10-0.

2. A variance as follows: variance of forty-five feet (45) feet or thirty (30) feet to the lot line

3. Granting of variance will bring property into compliance with Yankton County Zoning Ordinance, variance will not confer on the applicant any special privilege

4. No nonconforming 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.

2010 Legal and Public Notices

Recommendations/conditions: Per Findings of Fact on file in Zoning & Auditor's offices.

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

Voting Aye: All Nay: None Motion carried

Action 11198Z: A motion was made by Johnson and seconded by Moore to approve a Conditional Use Permit, for the operation of a gravel quarry facility: Daniel Healy, 44064 300th Street, Utica, SD

LEGAL DESCRIPTION (Physical Location): Tracts E & F, NW4SW4 and Lots 6 & 7 Section 29, Township 95N, Range 55W, Yankton County, SD

1. Planning Commission recommends approval 9 Ayes, 1 Nay and 1 Abstention

2. Granting of conditional use will bring property into compliance with Yankton County Zoning Ordinance, conditional use will not confer on the applicant any special privilege

3. No nonconforming structures or buildings were considered grounds for this recommendation

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

5. Condition/recommendation: All state mining permits will be provided to the County

6. Condition/recommendation: Property will be properly reclaimed when the quarry is exhausted

7. Approval is per Section 1905, paragraphs 1 through 6, Yankton County Zoning Ordinance

Voting Aye: Johnson, Moore, Freng, Jensen Nay: None Abstain: Sinclair Motion carried 4-0.

Action 11199Z: A motion was made by Sinclair and seconded by Johnson to approve a Maximum Yard Requirement Variance Permit for LCM Partnership to allow for the construction of an accessory building (grain bin) and administrative authority to Zoning Administrator to issue building permit for one future additional grain bin as follows: LCM Partnership (Darrrel Nelson), 44073 306th Street, Yankton, SD

LEGAL DESCRIPTION (Physical Location): Tract 2, Miller's Addn, Section 1, Township 92N, Range 54W, Yankton County, SD.

1. Planning Commission recommends approval 11-0.

2. A variance as follows: variance of 50 feet or 25 feet from the lot line

3. Administrative authority granted to Zoning Administrator to grant additional building permit if additional grain bin is constructed in the future

4. Granting of variance will bring property into compliance with Yankton County Zoning Ordinance, variance will not confer on the applicant any special privilege

5. No nonconforming structures or buildings were considered grounds for this recommendation

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

7. Recommendations/conditions: Per Findings of Fact on file in Zoning & Auditor's offices.

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

Voting Aye: All Nay: None Motion carried

2010 Legal and Public Notices

Action 11200Z: A motion was made by Freng and seconded by Moore to adjourn as a Board of Adjustment and reconvene in regular session.
Voting Aye: All Nay: None Motion carried 5-0.

Action 11201Z: A motion was made by Moore and seconded by Johnson to approve the application of Scott Green, Baycliffe Estates for a rezone from Low Density Rural Residential District (R-1) to R2 Moderate Density Rural Residential as follows: Scott Green, Baycliffe Estates, 3821 Maple Drive SE, Alexandria, MN 56308

LEGAL DESCRIPTION Lot 3, Baycliffe Estates, Section 7, Township 93N, Range 56W, Yankton County, SD - Low Density Rural Residential (R1) to Moderate Density Rural Residential (R2)

1. Planning Commission recommends approval 11-0

2. Request complies with Section 2003 (1-8) of the Yankton County Zoning Ordinance and Chapter 8 Overview of the Yankton County Comprehensive Plan, Page 138 - Goals and Page 139 Residential Development Policies...

3. Condition: Applicant shall follow the preliminary plan when requesting all future plat considerations

4. Condition: The platted right-of-way must be maintained and kept in good condition by the development organization

Voting Aye: All Nay: None Motion carried 5-0.

Action 11202Z: A motion was made by Moore and seconded by Freng to deny the application of Rodney Wiese for a rezone from Moderate Density Rural Residential District (R-2) to Lakeside Commercial (LC) as follows: Rodney Wiese, 4410 W 8th Street, PO Box 428, Yankton, SD

LEGAL DESCRIPTION Lot 2, Block 1, Exc Lot H-1 & Exc parcels, Hart's Addn, E2NE4NW4, Section 16, Township 93N, Range 56W, Yankton County, SD - Moderate Density Rural Residential (R2) to Lakeside Commercial (LC)

Comments were received from Gary Johnson and Melvin Lammers

1. Planning Commission recommends denial 11-0

Voting Aye: Moore, Freng, Johnson, Sinclair, Jensen Nay: None Motion carried 5-0.

Action 11203Z: A motion was made by Sinclair and seconded by Johnson to adopt the following resolution: Whereas it appears that David Juttelstad, owner of record, has caused a plat to be made of the following real property: Tract 1, Juttelstad's Addn, SE4, Section 8, Township Ninety-Four (94) N, Range Fifty-Four (54) West of the 5th PM, Yankton County, South Dakota and has submitted such plat to the Yankton County Planning Commission and the County Commission, of Yankton County, South Dakota for approval. Now therefore be it resolved that such plat has been executed according to the 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 plat the proper resolution and certify the same.

Voting Aye: All Nay: None Motion carried 5-0.

Action 11204C: A motion was made by Sinclair and seconded by Freng to recess the regular session of the Board and convene as a Board of Adjustment.
Voting Aye: All Nay: None Motion carried.

Action 11205Z: A motion was made by Freng and seconded by Sinclair to deny a Conditional Use Permit, for the operation of a small engine repair business or similar business to be transferable to any future property

2010 Legal and Public Notices

owner(s): Rodney Wiese, 4410 W 8th Street, PO Box 428, Yankton, SD

LEGAL DESCRIPTION (Physical Location): Lot 2, Block 1, Exc Lot H-1 7 Exc Parcels Hart's Addn, E2NE4NW4, Section 16, Township 93N, Range 56W, Yankton County, SD

Comments were taken from Melvin Lammers, Gary & Christine Johnson and Judy Schull speaking against the CUP and Dani Ninke in favor of granting the CUP designation.

1. Planning Commission recommends approval 6 Ayes, 5 Nay
Voting Aye: Freng, Sinclair, Johnson, Moore, Jensen Nay: None Motion carried.

Action 11206Z: A motion was made by Johnson and seconded by Freng to adjourn as a Board of Adjustment and reconvene in regular session.

Voting Aye: All Nay: None Motion carried 5-0.

Mark Meierhenry appeared before the Commission and advised of a planned new title company to be located in Yankton, SD. Meierhenry has been in conversation with Brian Hunhoff, Register of Deeds, as to obtaining the County records. Meierhenry's firm would do all duplication of records and it's estimated it would take four to six months to complete. Hunhoff discussed a proposed up-front fee of \$15,000. No action was taken at this point.

The Board discussed the highway maintenance shop project. It was the consensus to dispose of the pillars from the old courthouse. The county did not receive any bids for the pillars at a previous public auction.

Action 11207H: A motion was made by Sinclair and seconded by Johnson to approve a Memorandum of Understanding with B-Y Water District which will agree to allowing the city of Yankton to provide fire protection water to the new Yankton County Highway Maintenance facility.
Voting Aye: All Nay: None Motion carried 5-0.

Morris Nelson appeared before the Board requesting dust control on a roadway adjacent to his property in the organized Mission Hill township. He further advised two other property owners with land on the same roadway are interested in dust control. Nelson was advised when the firm who provides magnesium water for dust control for the County is here, they will be put into contact with Nelson.

Action 11208D: A motion was made by Johnson and seconded by Freng to recess the regular meeting of the Board and reconvene as a Ditch Board.

Gary Freeburg discussed the need for ditch cleaning for approximately 1/2 miles on the Volin First Extension waterway one (1) mile west of Volin and one (1) mile south. Freeburg will obtain price quotes and return to the Board with the results.

Action 11209D: A motion was made by Johnson and seconded by Sinclair to authorize Freeburg to solicit price quotes for the cleanup of the aforementioned area of the Volin First Extension waterway.
Voting Aye: All Nay: None Motion carried 5-0.

Commissioner Moore reported that he had attended a Clay County Ditch Board meeting regarding a drainage issue in the right-of-way adjacent to Highway 50 and possibly affecting the Yankton-Clay Ditch. A resolution was reached which will result in the pooling water being drained to the south and eventually into the Missouri River. This plan will not affect the Yankton-Clay Ditch.
Voting Aye: All No: None Motion carried.

Action 11210D: A motion was made by Johnson and seconded by Freng to adjourn as a Ditch Board and reconvene in regular session.
Voting Aye: All Nay: None Motion carried 5-0.

Facts

From Page 1

• supplies and materials (4.5 percent)
• other (1 percent)
"If a school district has an opt-out and does not use all the funds collected in the year, the excess funds would be placed in the general fund reserve account," Darnell said.

QUESTION: What evidence is there that Paul Dorr has ever been in our state or done anything to influence the opt-out outcome as claimed by large ads in your paper paid for by Yes For kids, Kyle Repp, Treasurer? If there is no evidence supporting the that statement, the ads are false and misleading the voters.

ANSWER: According to the financial disclosure statements filed with the State of South Dakota by the Yankton Citizens For Sustainable Education, a consultant was hired and paid \$5,550 as of May 9.

Dorr was in attendance at the April 11 meeting of the Yankton School Board.

When contacted by the *Press and Dakotan* for comment regarding the Yankton School District referendum on Wednesday, May 11, Dorr referred all contact regarding the committee to Charles "Murph" Murphy and Wayne Wurth.

QUESTION: How will the opt-out effect seniors living on Social Security, and low-income citizens with respect to their ability to pay more taxes on their homes or higher rent on apartments or houses when the country is in a recession with rising costs for medical, gas, food and other necessities?

What happened to the above question? Your paper doesn't seem to care about poor people being hurt. Or course, your paper doesn't make money off of poor people. Try giving poor people a break and answering the above question.

ANSWER: According to Gary Wood, publisher/owner of the *Press and Dakotan*: "There is virtually no way for us to answer this question. Because every individual has a different financial situation, we would have to talk to every person in the community to accurately reflect how each individual person will be affected by the opt-out should it pass. Other than to tell you how the levies would increase should the opt-out pass, our only comment can be: It will create more impact on some individuals than others because of individual financial situations."

Owner-occupied property could be increased as much as \$1.98 per \$1,000, ag property could be increased as much as 63 cents per \$1,000 and commercial property could be increased by as much as \$5.39 per \$1,000 of property values each year for the duration of the 10-year opt-out should the referendum pass on Tuesday.

Wood added: "To address the statement that we do not care about the people of this community who are struggling, that is far from the truth. Two years ago when all the layoffs were happening in Yankton, many times we would extend the subscription at our cost for readers who had been laid off in order to allow them to continue to read our paper.

"If anyone that would like to entertain another option on how to answer this question, they are invited to contact the *Press & Dakotan*."

www.yankton.net
www.yankton.net
www.yankton.net
www.yankton.net

Pilot

From Page 1

go look at other things, if you want to we can come back.' And we did, for another 45 minutes."

To earn his license, Bicknell spent many hours both in the plane flying and in the classroom studying — first with Lindeman and then with flying instructor John Lillevold.

"Jesse has more dedication than many of the people who have come to me to learn to fly," Lillevold said. "He was here ever day — not just after school, but after work. He would go to work until five and then come out here and study with me."

Jesse's mother, Leann, said it does not surprise her that he has accomplished his goals.

"When Jesse was a kid, we used to take him to the race track and he learned the motto, 'Don't hit the breaks until you see God,'" she said. "Well he is still going."

Jesse added, "I haven't met Him yet." Jesse's first solo flight took place in November. From there he dedicated the next months to passing the flying test before he graduated from high school.

He took his flying test and passed two

weeks ago. Lillevold said he knew Jesse had passed when he heard the description of the final test.

"When the instructor starts showing off, you know you have passed," he said. "When I called Ted to tell him the news, he was so proud."

Bicknell plans to join the Air Force as part of its military police canine unit later this year. Already a member of the Civil Air Patrol, Bicknell said he feels he has some idea what to expect at basic training, but he said he is most looking forward to the flying clubs that being on an air base will provide.

But before then, he has a date with a diploma this Sunday at the Summit Activities Center.

"It really hasn't hit me yet that I am done with high school," he said. "Give me a week or two to let that sink in. Then I want to be able to enjoy the summer, work, save some money, before going to basic training."

Bicknell said he didn't tell his friends that he was planning on taking the test. But he does plan to take his mom and a few friends flying.

"I just love it," he said. "I like sports, but I never really did get into them, it wasn't my thing. I just wanted to do something a little bit different than everyone else. We joke, 'Everyone can take their cool car and cruise Broadway, (but) I get to do that with a plane.'"

Teachers

From Page 1

to show the taxpayer that it was not going to happen."

Specht said that the district did not ask the teachers to take cuts to their salaries.

"If you read and believe the national information, South Dakota educators are the lowest paid in the nation already," he said. "It is pretty tough to go to those people and seek a decrease in salary. They negotiated in good faith, and were very upbeat and positive about the process. The board felt that no increase over the next two-year period of time is fair and something we should take advantage of."

Specht said the new contract gives the district the ability to recover more quickly

than if there had been raises.

"It means that in the event that the opt-out passes, our recovery will go much faster thanks to the sacrifice of the employees," he said. "If the opt-out does not pass, it is really irrelevant because there was not going to be any money there for any kind of increase. In fact there is going to be a need for at least an additional \$2.2 million in cuts next year on top of what has already been cut this year."

"We have been hopeful that the state Legislature will continue to look at school funding, understanding that they have Medicaid, prison systems and state government issues to look at, as well. We are just hopeful that in two years time, in addition to the opt-out being successful, that the dollars are there for additional salaries based on the school funding formula reconciling and not needing to take all the opt-out dollars like we have been discussing."

JOHN DEERE SERVICE TECHNICIANS WANTED!!

South Dakota John Deere dealership looking for immediate hires in two locations. We offer factory training, health insurance, dental insurance, life insurance, 401 K plan, paid holidays and vacation days in our benefit package. Applicants must be able to work independently and want to progress in compensation and skill level. Our very competitive wage depends on qualifications and experience.

Please contact Josh in Miller at
smithj@deerequipment.com and 605-853-2482
or Chris in Selby at stallkampc@deerequipment.com
and 605-649-7665

See What You Can Do

Service to the Blind and Visually Impaired Provides Solutions:

- Hands-on Training
- Education
- Technology
- And more

SBVI
Division of Service to the Blind and Visually Impaired
Telephone: (605) 773-4644
Toll Free: (800) 658-5441
www.dhs.sd.gov/sbvi

incredible!

American Egg Board
incredibleegg.org

Good source of Vitamin D
No added hormones
Nutrient rich
Economical
All natural

This message brought to you by the SD Poultry Association

2011 Ford Fiesta

MSRP \$18,510
MFG Rebate \$1,000
Dealer Savings \$911
Sale Price \$16,599

\$225 and 3.99% APR

Lewis & Clark Ford
316 Capitol St. • Yankton, SD
(605)664-2000 • 1-877-865-7668

www.lewisandclarkford.com

2011 Ford Ranger XLT 4X4

#3149

MSRP \$27,110
MFG Rebate \$5,000
Dealer Savings \$2,111
Sale Price \$19,999

\$275 and 3.99% APR

Lewis & Clark Ford
316 Capitol St. • Yankton, SD
(605)664-2000 • 1-877-865-7668

www.lewisandclarkford.com