

**2010 Legal and Public Notices**

**Action 14421Z:** A motion was made by Sinclair and seconded by Harper, based on Findings of Fact from the October 14, 2014 Yankton County Planning Commission and on file in the Zoning Administrator's Office, to approve a Variance of Minimum Yard Requirement application from Steve & Jessica Freeling, pursuant to Article 18, Section 1807 of the Yankton County Zoning Ordinance. The variance allows a front yard from seventy-five (75) feet on the rear yard to fifty (50) feet to build a cabin in an Agriculture District (AG) in Yankton County. Said property is legally described as 3 acre parcel, NW1/4, South of road, S35-T95N-R54W, hereinafter referred as Marindahl Township, County of Yankton, State of South Dakota. The E911 address is 303 St., Volin, SD. All present voted aye; motion carried.

**Variance Public Hearing:** This was the time and place for a public hearing for a Variance of Minimum Lot Requirement application from Smith LLC a Variance of Minimum Lot Requirement from twenty (20) acres to five +/- (5.77) acres in an Agriculture District (AG) in Yankton County. Said property is legally described as SE1/4, S8-T94N-R56W, hereinafter referred as Utica North Township, County of Yankton, State of South Dakota. The E911 address TBA 436 Ave., Utica, SD. The Planning Commission recommended approval 12-0.

**Action 14422Z:** A motion was made by Freng and seconded by Harper, based on Findings of Fact from the October 14, 2014 Yankton County Planning Commission and on file in the Zoning Administrator's Office, to approve a Variance of Minimum Lot Requirement application from Smith LLC, pursuant to Article 18, Section 1807 of the Yankton County Zoning Ordinance. The variance allows a Lot Requirement from twenty (20) acres to five +/- (5.77) acres and width from 500 feet to 426.90 feet in an Agriculture District (AG) in Yankton County. Said property is legally described as SE1/4, S8-T94N-R56W, hereinafter referred as Utica North Township, County of Yankton, State of South Dakota. The E911 address TBA 436 Ave., Utica, SD. All present voted aye; motion carried.

**Variance Public Hearing:** This was the time and place for a public hearing for a Variance of Minimum Lot Requirement application from Darlene Jensen a Variance of Minimum Lot Requirement from twenty (20 acres to eight +/- (8.85) acres in a Rural Transitional District (RT) in Yankton County. Said property is legally described as Lots A, exc Tracts 1, 2 & 3, DJ's Addition & E 558', Lot B S16-T93N-R55W, hereinafter referred as Mission Hill South Township, County of Yankton, State of South Dakota. The E911 address TBA Whippoorwill Lane, Yankton, SD. The Planning Commission recommended approval 12-0.

**Action 14423Z:** A motion was made by Harper and seconded by Sinclair, based on Findings of Fact from the October 14, 2014 Yankton County Planning Commission and on file in the Zoning Administrator's Office, to approve a Variance of Minimum Lot Requirement application from Darlene Jensen, pursuant to Article 18, Section 1807 of the Yankton County Zoning Ordinance. The variance allows a lot requirement from twenty (20 acres to eight +/- (8.85) acres in a Rural Transitional District (RT) in Yankton County. Said property is legally described as Lots A, exc Tracts 1, 2 & 3, DJ's Addition & E 558', Lot B S16-T93N-R55W, hereinafter referred as Mission Hill South Township, County of Yankton, State of South Dakota. The E911 address is TBA Whippoorwill Lane, Yankton, SD. All present voted aye; motion carried.

**CUP Public Hearing:** This was the time and place for a public hearing for a Conditional Use Permit application from Haymacker Farms. Applicant requested a permit to locate a veterinary service business in a Lakeside Commercial District in Yankton County. Said property is legally described as Lot 1, Huston's Addition, L & C Business Center, S645', exc Lot H2, N1/2, NE1/4, S16-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. E911 address is 4210 West 8th St., Yankton, SD. The Planning Commission recommended approval 11-0.

**Action 14424Z:** A motion was made by Sinclair and seconded by Moore, based on Findings of Fact from the April 22, 2014 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve a Conditional Use Permit for Haymaker Farms LLC to locate a veterinary service business in a Lakeside Commercial District in Yankton County. Said property is legally described as Lot 1, Huston's Addition, L & C Business

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Center, S645', exc Lot H2, N1/2, NE1/4, S16-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. E911 address is 4210 West 8th St., 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 Minimum Yard Requirement application from SAT Enterprise LLC a Variance of Minimum Yard Requirement from twenty five (25) feet on the side yard to thirteen (13) feet to build an addition to an existing commercial structure in a Commercial District (C) in Yankton County. Said property is legally described as E150', W200', exc S942.85' S1/2, W1/2, W1/2, NW1/4, exc Hwy, S15-T93N-R56W, hereinafter referred as Utica South Township, County of Yankton, State of South Dakota. The E911 address 3703 West 8th St., Yankton, SD. The Planning Commission recommended approval 12-0.

**Action 14425Z:** of Minimum A motion was made by Harper and seconded by Sinclair, based on Findings of Fact from the October 14, 2014 Yankton County Planning Commission and on file in the Zoning Administrator's Office, to approve a Variance of Minimum Yard Requirement application from SAT Enterprise LLC, pursuant to Article 18, Section 1807 of the Yankton County Zoning Ordinance. The variance allows a lot requirement from twenty five (25) feet on the side yard to thirteen (13) feet to build an addition to an existing commercial structure in a Commercial District (C) in Yankton County. Said property is legally described as E150', W200', exc S942.85' S1/2, W1/2, W1/2, NW1/4, exc Hwy, S15-T93N-R56W, hereinafter referred as Utica South Township, County of Yankton, State of South Dakota. The E911 address 3703 West 8th St., Yankton, SD. All present voted aye; motion carried.

**Action 14426Z:** A motion was made by Sinclair and seconded by Freng to adjourn as Board of Adjustment and reconvene in regular session. All present voted aye; motion carried.

**Action 14427Z:** A motion was made by Harper and seconded by Freng to adopt the following resolution: Whereas it appears JTH LLC Jim Huston, has caused a plat to be made of the following real property: Lots 1 and 2, Huston's Addition, Lewis & Clark Business Center, S645', exc Lot H2, N1/2, NE1/4, S6-T93N-R56W, hereinafter referred to as Utica South Township, Yankton County, S.D., 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 14428Z:** A motion was made by Sinclair and seconded by Freng to adopt the following resolution: Whereas it appears Kelly Tramp/David Mines, has caused a plat to be made of the following real property: Lots 29 & 30 Blk 2, Riverside Acres North Addition, S22-T93N-R56W, hereinafter referred to as Utica South Township, Yankton County, S.D., 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 14429Z:** A motion was made by Freng and seconded by Sinclair to adopt the following resolution: Whereas it appears Darlene Jensen, has caused a plat to be made of the following real property: Tract 4, DJ's Addition, Lot A, S16-T93N-R55W, hereinafter referred to as Mission Hill South Township, Yankton County, S.D., 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

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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 14430Z:** A motion was made by Harper and seconded by Sinclair to adopt the following resolution: Whereas it appears Smith LLC, has caused a plat to be made of the following real property: Smith LLC Homestead, SE1/4, S8-T94N-R56W, hereinafter referred to as Utica North Township, Yankton County, S.D., 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 14431C:** A motion was made by Sinclair and seconded by Freng to adjourn. All present voted aye; motion carried.

The next regular meeting will be Tuesday, November 18th, 2014.

Bruce Jensen, Chairman  
Yankton County Commission

ATTEST:  
Patty Hojem, County Auditor  
Published once at the approximate cost of \$301.38.

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**Clinic**

From Page 1

South Dakota. Through its sliding fee program, Horizon offers reduced prices on office visits and services for qualifying individuals. Springfield city finance officer Ashlea Pruss declined comment on the local clinic's closing. However, she said city officials are aware of the situation and will look at the community's future health care needs. "We are meeting next week with our medical board to start discussing our options," she said.

**LACK OF NUMBERS**

Horizon chief operating officer Jeff Mengenhausen told the Press & Dakotan the clinic's closure was made based on patient numbers — or lack of it. On some days, the clinic was seeing only two patients, he said. "The clinic wasn't bringing enough patients," he said. "There weren't enough people to support the practice. The usage just wasn't there." Horizon's departure won't affect Mike Durfee State Prison in Springfield, he said. The medium-security prison operates under a contract with a different provider for medical care for the prison's 1,200 inmates, he said.

Horizon maintained adequate staffing at Springfield during its nearly five years of operating the facility, Mengenhausen said. However, the Springfield clinic lost its physician assistant, Paul Brown, when he accepted a position earlier this year at another Horizon facility, the James Valley Community Health Center in Huron.

Dr. Mary Miller remained as the lone physician on the Springfield staff, Mengenhausen said. "It's hard keeping the clinic open with just the one provider," he said. Horizon provided outside staff members who commuted to Springfield, Mengenhausen said. But with the Springfield clinic's uncertain future, staff members sought positions elsewhere, and it became difficult to recruit new staff, he added. "You couldn't hold it against the staff," he said. "Our staff had to take care of themselves. I wrote letters of recommendation for them." The clinic's sudden closure

**Official: Ferguson Grand Jury Still Meeting**

BY ALEX SANZ  
AND JIM SALTER  
Associated Press

FERGUSON, Mo. — Activists, authorities and the family of Michael Brown called for calm Friday as a grand jury drew closer to an announcement in the Ferguson police shooting. But it was unclear whether the panel was still at work or when it would render a decision.

Earlier in the day, a spokesman for St. Louis County Prosecutor Bob McCulloch told reporters that jurors were reviewing evidence as they weigh whether to indict officer Darren Wilson.

Five hours later, Ed Magee declined to say whether the panel was still meeting.

The time, date and place for a news conference announcing the decision has not been decided, Magee said.

Wilson, 28, reportedly told the grand jury that he feared for his life on Aug. 9 as Brown, who was 6-foot-4 and nearly 300 pounds, came at him. Witnesses said Brown was trying to surrender and had his hands up. The shooting of an un-

armed 18-year-old black man by a white police officer led to protests, some of which turned violent. Demonstrations have continued for more than three months, though the number of protesters has dwindled and violence has become uncommon.

There were signs of rising tension.

Protesters were arrested Thursday outside Ferguson police headquarters for the second night in a row after around 40 demonstrators blocked South Florissant Road. One of the three people arrested pushed an officer and was hit with pepper spray, according to St. Louis County Police spokesman Brian Schellman.

Calls for peace and restraint emanated from several quarters, including President Barack Obama, Attorney General Eric Holder and civil-rights leaders and business owners.

The most emotional appeal came from Brown's father, Michael Brown Sr.

"Hurting others or destroying property is not the answer," Brown said in the video released by the group STL Forward. "No matter what the grand jury decides, I don't want my son's death

to be in vain. I want it to lead to incredible change, positive change, change that makes the St. Louis region better for everyone."

Holder issued a general reminder to police to prepare for demonstrations and to "minimize needless confrontation."

His video message did not explicitly mention Ferguson, but it did reference demonstrations over the past few months that have "sought to bring attention to real and significant underlying issues involving police practices."

"I know from firsthand experience that demonstrations like these have the potential to spark a sustained and positive national dialogue, to provide momentum to a necessary conversation and to bring about critical reform," Holder said in the video.

"But history has also shown us that the most successful and enduring movements for change are those that adhere to nonaggression and nonviolence," he added.

Eddie Hassaun of the civil rights group Justice Disciples urged protesters not to be confrontational and for police to follow suit.

**Turkey**

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the building," Nickles said. "Many of the incidents that we've been around, the fires have been too close to the building or inside and they've caused an issue. We've had a couple garage fires and a deck fire. The number one priority is to get it away from the building."

• Follow directions for use. "Read the manufacturer's directions on how to use the burner and the pot," he said. "Fill your oil levels to the proper level because when you do drop the turkey in, your oil level comes way up."

• Make sure the frying equipment is in proper working order.

"Make sure that your thermometer reads accurately," he said. "We did have an incident where the thermometer did not read accurate that caused an issue and we had a boil-over which resulted in a fire."

• Frozen turkey + boiling oil = bad idea.

"Make sure the turkey is completely thawed," he said. "A frozen turkey going into very hot grease causes a boil-over which in turn causes fires."

Nickles said that Yankton hasn't experienced too many fryer fires through the years, but they have happened in the area.

"To our surprise, it's not very many," he said. "We've only had had three over the last five or six years that were reported. There may be some incidents that were not reported that we don't know about."

He added that beyond fryers, there's still a need to be careful with all methods of cooking.

"Don't leave your cooking area unattended, keep (children) away from that cooking area and (practice) good stove safety," he said.

You can follow Rob Nielsen on Twitter at twitter.com/RobNielsenPandD/. Discuss this story at www.yankton.net/.

came when the facility simply ran out of staff sooner than expected, he said.

"All my support staff was done Friday," he said. "The closest Horizon clinic is two hours away, so it's hard to send staff down to Springfield."

Horizon officials had planned to give the Springfield clinic more time and then re-evaluate the situation, Mengenhausen said.

"We had been talking in September about operating for six more months, until the February or March time frame, to make a final decision," he said. "But the staffing issues forced our hand, and it didn't make sense to continue."

Mengenhausen admitted some Springfield residents may learn of the clinic's sudden closing through the Press & Dakotan article. However, he said Horizon officials had informed the Springfield mayor and city council this week, along with whatever patients possible.

Many residents will learn of the clinic closure through word of mouth, he said. "It's a small community, so I'm sure the news will spread," he added.

Mengenhausen said he wished there had been more advance warning about the clinic's end of medical services.

"It's not ideal (by) closing immediately, but we're happy to keep it administratively open," he said. "We are still doing the (prescription) refills, but we're not taking appointments. We will stay open through Dec. 19, but we may be closed next Wednesday, Thursday and Friday (for Thanksgiving)."

**LONG-TERM CHALLENGES**

The Springfield clinic was struggling prior to Horizon's arrival, Mengenhausen said. An area doctor was facing difficulties running the clinic alone as a private practice, he added.

"The city approached us at Horizon and asked if we would take a look at it. We took over the practice, but we couldn't turn it around. The community wouldn't support it," Mengenhausen said. "We were losing money every single year. It was getting to the point on the business side where it didn't make sense."

The Springfield clinic's low patient numbers could be attributed to two major factors, Mengenhausen said. Quality medical care was available in

neighboring communities, and local patients were unwilling to switch from their current providers to the Springfield clinic, he said.

With the low patient numbers and financial issues at the Springfield clinic, Mengenhausen turned to two audiences in recent months.

"We approached the Horizon board on what action they wanted to take," he said. "We also talked to the (Springfield) mayor and city council. We told them, this is what is going on. We wanted to get people to go to the clinic if they were seeking health care elsewhere."

From the outset, the problem wasn't a lack of staffing or services, Mengenhausen said. "We were a full running acute care clinic," he said. "We had primary care physicians, a board certified pediatrician, X-ray, telemedicine, behavior health and urgent care. We were also referring patients to specialists."

Even with the recent low patient numbers, Horizons continued to offer full-time regular clinic hours at Springfield, Mengenhausen said.

"We were open five days a week, from 8 to 5 (o'clock)," he said. "We had to restructure the clinic to make it more efficient and financially viable. It just wasn't working out in today's economy."

**LOOKING AHEAD**

In the news release, Horizon officials said they would assist patients with referrals to other health care facilities. The release listed options such as AllPOINTS and the Yankton Medical Clinic, both in Yankton, and St. Michael's Hospital Avera Health and the Bon Homme Family Practice Clinic Avera, both in Tyndall.

"Patients can go anywhere they want. We listed those four (clinics) because they are the major health care facilities within the area," Mengenhausen said. "However, AllPoint in Yankton is the only clinic where you can pay on the sliding fee scale. AllPoint is another community health center, like Horizon, and is based out of Elk Point."

While it closed the Springfield clinic, Horizon Health remains strong in South Dakota, Mengenhausen said. Most recently, the organization opened Huron and Aberdeen facilities and is looking at starting a Fort Thompson site on the Crow Creek reservation in central South Dakota.

In terms of federal funding,

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