

2010 Legal and Public Notices

peara (Supplies) \$44.24, AT&T (Utilities) \$36.38, City of Yankton (Utilities) \$79.83, Concrete Materials (Supplies) \$134.28, Clark's Rental (Rental) \$98.00, Diamond Mowers (Supplies) \$520.70, D-P Tools (Supplies) \$46.48, Ehresmann Engineering (Supplies) \$64.35, Sherwin-Williams (Supplies) \$45.54, Stern Oil (Fuel) \$3,312.53, Sheehan Mack Sales (Supplies) \$103.68, Alan Sorensen (Travel) \$504.63, TMA (Supplies) \$3,680.00, Tabor Lumber (Fuel) \$225.11, Wheelco Brake (Supplies) \$1,176.44, Yankton County Treasurer (Postage) \$12.71; **911:** Golden West (Utilities) \$145.07; **Emergency Management:** Racom (Utilities) \$29.70, Paul Scherschligt (Flood Supplies) \$79.64; **County Building:** Tessier's Inc. (Safety Center) \$54,326.00; **24/7 Program:** Pharmchem (Supplies) \$84.00; **Capitol Project:** Robert Hanson (Inspection) \$630.00, WeH Construction (Project 30278) \$104,395.00; **Drainage Ditches:** Martz Excavating (Services) \$12,275.70. Total General Fund \$76,837.87, Road & Bridge \$10,084.90, 911 Fund \$145.07, Emergency Management \$109.34, County Building \$54,326.00, 24/7 Program \$84.00, Capitol Project \$105,025.00, Drainage Ditches \$12,275.70. Voting Aye: All Voting Nay: None Motion carried 5-0.

Action 11404C: A motion was made by Sinclair and seconded by Freng to approve the September, 2011 gross payroll: **Commissioners:** \$4,516.56; **Auditor:** \$11,219.34; **Treasurer:** \$12,698.71; **States Attorney:** \$18,350.00; **Custodian:** \$2,253.94; **Director of Equalization:** \$14,485.67; **Register of Deeds:** \$9,959.01; **Veterans Service:** \$1,960.64; **Courthouse & Safety Center:** \$6055.89; **Sheriff:** \$41,042.59; **County Jail:** \$44,439.05; **Coroner:** \$808.96; **Juvenile Detention:** \$1,465.00; **Nurse:** \$2,567.20; **Ambulance:** \$32,068.69; **Extension:** \$5,411.04; **Soil Conservation:** \$2,323.65; **Weed:** \$1,943.09; **Planning & Zoning:** \$3,143.20; **Road & Bridge:** \$53,035.89; **EDS:** \$3,983.94; **WIC:** \$658.38; **24/7:** \$1055.00; South Dakota Retirement System (Payroll Deduction) \$166.63; South Dakota Retirement System \$20,741.38 (Other Employees), South Dakota Retirement System \$12,401.24 (Sheriff/EDS), South Dakota Retirement System (Payroll Deduction-Spouse Opt) \$310.68, Supplemental Retirement Plan \$2,360.00; American Family Life Assurance Company \$3,991.58, Prepaid Legal Services, Inc \$129.50, Office of Child Support \$371.00, Office of Child Support \$697.00, Office of Child Support \$379.00, Nationwide Retirement Solutions \$128.26, First Dakota National Bank \$22,760.82 (Withholding), First Dakota National Bank \$28,057.77 (FICA) First Dakota National Bank \$7,823.82 (Medicare), Blue Cross Blue Shield \$37,549.85, Gross Payroll \$347,881.03, Net Payroll \$210,012.50. Voting Aye: All Voting Nay: None Motion carried.

The Auditor reported she has contacted the GFP Department with regard to the beaver dam on the drainage way in Volin township. They will inspect the dam and determine whether trapping will be necessary. Cleaning cannot be pursued until the animals are removed. The Auditor also advised contact with Geotek for soil testing/sampling at the site of the current Highway shop and arrangements have been made for three market analysis on the property.

Action 11405C: A motion was made by Johnson and seconded by Sinclair to recess the regular session of the board and convene in Executive session to discuss a personnel issue and indigent applications. Voting Aye: All Voting Nay: None Motion carried.

Action 11406C: A motion was made by Sinclair and seconded by Moore to adjourn the Executive session and reconvene in regular session. Voting Aye: All Voting Nay: None Motion carried.

The chairman advised no action would result from the Executive session.

Action 11407C: A motion was made by Freng and seconded by Johnson to recess the regular session of the Board and convene as a Board of Adjustment. Voting Aye: All Voting Nay: None Motion carried.

Action 11408Z: A motion was made by Sinclair and seconded by Moore to approve a **Minimum Yard Size Permit** for Mark &

2010 Legal and Public Notices

Patricia Hunhoff as follows:
LEGAL DESCRIPTION (Physical Location): All Lot C & Lot D, except S90' E280', N2 NE4 NE4, Section 16, Township 93N, Range 55W, Yankton County, SD.
1. Planning Commission recommends approval 10-0.
2. A variance as follows: variance of 45 feet or 5 feet from 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 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 Voting Nay: None Motion carried

Action 11409Z: A motion was made by Johnson and seconded by Freng to approve a **Maximum Accessory Structure Variance Permit** for Daniel & Joyce Shudak to allow for the construction of an accessory building as follows:
LEGAL DESCRIPTION (Physical Location): N394.56', SE4 NE4 except Lots 1 & 2, Held Subdivision, except Lot H-6, NE4, except N1298.38', Section 7, Township 93N, Range 56W Yankton County, SD.
1. Planning Commission recommends approval 10-0.
2. A variance as follows: Second accessory structure in Moderate Density Rural Residential District
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 Voting Nay: None Motion carried

The application of Lane Dull for a conditional use permit to place a Manufactured Mobile Home in a Moderate Density Rural Residential District was cancelled as water service was unavailable to the property.

Action 11410Z: A motion was made by Sinclair and seconded by Freng to approve a **Conditional Use Permit to replace communications tower in Low Density Rural Residential District** as follows:
LEGAL DESCRIPTION (Physical Location): County Auditor's Tract No. 1A, NE4 NE4, Section 2, Township 93N, Range 57W, Yankton County, SD.
Comments were taken from Bob Neuman, Center for Municipal Solutions, regarding temporary relief issues, made part of the application.
1. Planning Commission recommends approval 10-0.
2. Granting of Conditional Use permit, as outlined in the September 13th, 2011 Findings of Fact and hereby made a part of this action, will bring property into compliance with Yankton County Zoning Ordinance.
3. Conditional Use 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: Building permit will not be issued until the three temporary relief issues per Findings of Fact on file in Zoning & Auditor's offices are completed and approved.
7. Variance request approval per Section 1905 (1-5), of the Yankton County Zoning Ordinance
Voting Aye: All Voting Nay: None Motion carried

Action 11411Z: A motion was made by Johnson and seconded by Freng to approve a **Minimum Lot Size Variance Permit** for Lynn Peterson/James Wer-

2010 Legal and Public Notices

del to allow for the separation of production land from building site as follows:
LEGAL DESCRIPTION (Physical Location): Werdel/Peterson Tract 1, NW4, Section 8, Township 96N, Range 54W, Yankton County, SD.
1. Planning Commission recommends approval 10-0.
2. A variance as follows: variance of 12.27 acres or a 7.73 acre lot
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 Section 1907 (1-10), of the Yankton County Zoning Ordinance
Voting Aye: All Voting Nay: None Motion carried

Action 11412Z: A motion was made by Freng and seconded by Johnson to approve a **Maximum Accessory Structure Variance Permit** for Mike & Karen Sovereign to allow for the construction of an unattached garage larger than 1,200 square feet as follows:
LEGAL DESCRIPTION (Physical Location): Tract 1, Sovereign Addition, SE4 NW4, Section 8, Township 93N, Range 57W, Yankton County, SD.
1. Planning Commission recommends approval 10-0.
2. A variance as follows: variance of 1,716 square feet or 2,916 square foot structure before the primary structure
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 Section 1907 (1-10), of the Yankton County Zoning Ordinance
Voting Aye: All Voting Nay: None Motion carried

Action 11413Z: A motion was made by Johnson and seconded by Sinclair to approve a **Minimum Lot Size Variance Permit** for Dennis Breck/Linda Messler as follows:
LEGAL DESCRIPTION (Physical Location): Breck Tract 1, Lot 1 & Lot 2, Block 1, Marina Dell Estates, SW4 SW4, Section 8, Township 93N, Range 56W, Yankton County, SD.
1. Planning Commission recommends approval 10-0.
2. A variance as follows: variance of .14 acres or .86 acre lot size
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 Section 1907 (1-10), of the Yankton County Zoning Ordinance
Voting Aye: All Voting Nay: None Motion carried

Action 11414Z: A motion was made by Johnson and seconded by Johnson to adjourn as a Board of Adjustment and reconvene in regular session. Voting Aye: All Voting Nay: None Motion carried.

Action 11415Z: A motion was made by Sinclair and seconded by Freng to adopt the following resolution: Whereas it appears that Lynn R Peterson, owner of record, has caused a plat to be made of the following real property: Werdel/Peterson Tract 1, NW4, Section 8, Township 96N, Range 54W 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

2010 Legal and Public Notices

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 Voting Nay: None Motion carried.

Action 11416Z: A motion was made by Freng and seconded by Moore to adopt the following resolution: Whereas it appears that Linda & Clare Messler, owners of record, have caused a plat to be made of the following real property: Lot 1, Block 1, except Lot 1, Marina Dell Estates, SW4 SW4, Section 8, Township 93N, Range 56W 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 Voting Nay: None Motion carried.

Daryl Raschke, James River Development District, presented a video regarding drainage issues.

The Board discussed a complaint from a rural resident regarding the railroad not mowing along the tracks which may result in drifting snow during the winter months. No action was taken.

The issue of flooding along Stone Church Road was returned to the table. The application documents for federal financial assistance were presented to the Board for approval and signature.

Action 11417H: A motion was made by Sinclair and seconded by Moore to proceed with the application process for financial assistance to address flooding issues adjacent to and over Stone Church Road in Odessa Township.
Voting Aye: Sinclair, Moore, Freng, Johnson, Jensen Voting Nay: None Motion carried.

Commissioners Jensen and Moore and Highway Superintendent Sorensen will determine cost estimates for a partial fix of the area in question and it will be discussed at the next meeting. Jody Kludt requested estimates for additional culverts.

Commissioner Moore requested the issue of a 10-year highway maintenance/construction plan be put on the agenda for the October 18th, 2011 meeting.

The Board received a drainage request by Dale Korslund to improve drainage within/adjacent to Section 20, Township 96N, Range 54W.

A motion was made by Johnson and subsequently withdrawn to approve.

It was the consensus of the Board that the first two options (per permit application on file in Zoning and Auditor's office) would not need Board action as they would not impact road right-of-way.

Action 11418DR: A motion was made by Moore and seconded by Freng to table further action on the request until such time as a determination is made as to the viability of proposed options one (1) or two (2).
Voting Aye: All Voting Nay: None Motion carried.

A motion was made by Sinclair to adjourn.

The next regular meeting of the Board will be Tuesday, October 18th, 2011 in the Commission chambers.
Bruce Jensen, Chairman
Yankton County Commission
ATTEST: Paula Jones, Auditor

No Anthrax Vaccine Testing On Children — For Now

BY RANDOLPH E. SCHMID

AP Science Writer

WASHINGTON — Should the anthrax vaccine be tested in children? It will be a while longer before the government decides.

An advisory board said Friday that ethical issues need to be resolved — but if that can be accomplished the vaccine can be tested in children to be sure it's safe and to learn the proper dose in case it's needed in a terrorist attack.

Because of concerns that terrorists might use the potentially deadly bacteria, the government has stockpiled the vaccine. It has been widely tested on adults but never on children.

The question is whether to do tests so doctors will know if children's immune systems respond to the shots well enough to signal protection. The children would not be exposed to anthrax.

The National Biodefense Science Board said Friday a separate review board should look into the ethical issues of doing such tests in children. If that is completed successfully, the panel, said, the Department of Health and Human Services should develop a plan for a study of the vaccine in children.

How to protect young people after an anthrax attack is a challenging issue, said Dr. Nicole Lurie, a member of the board and assistant secretary for preparedness and response at the Public Health Service. "Protecting children still stands, for me, among the most important responsibilities that we have as a nation."

The board gives advice to the Department of Health and Human Services on preparations for chemical, biological and nuclear events. Its vote was 12-1.

There is no deadline for the government to decide whether to go along. And if it does agree, it's not clear how much time it would take to find money for such research and get clearance from review boards at medical centers that would conduct studies.

Another big question is whether parents would sign up their children to test a vaccine when there is no immediate threat. It's not possible to get anthrax from the vaccine, but there are side effects. In adults, shot-site soreness, muscle aches, fatigue and headache are the main ones, and rare but serious allergic reactions have been reported.

Cuts

From Page 1

sions about buying and selling.

South Dakota farmer Richard Adee said he used the annual honey and bee report to decide when to sell his honey. If the February report indicated a large supply nationwide, he'd sell before prices dropped. If the supply was short, he'd hold on to the honey and wait for prices to go up.

"It's really going to limit us to information for making future plans," said Adee, one of the nation's largest honey producers. "It's not good. It's not good we're losing that."

Adee Honey Farms, based in Bruce, S.D., provide bees that pollinate crops and produce honey in the Midwest, California and Washington. Adee said he knows something must be done to deal with the federal deficit, but "they're beating up on agriculture."

A spokeswoman for the USDA division that produces the reports said it didn't want to cut them but it had to do something to save money. Eliminating or reducing the frequency of 14 crop and livestock reports will save the National Agricultural Statistics Service about \$10 million, Sue duPont said. NASS's \$156 million budget was cut in the federal fiscal year that ended Sept. 30 and more reductions are expected this year as Congress and the White House aim to trim federal spending.

The agency based its choices on the reports' impact on markets and use by other programs that provide assistance to farmers, along with the availability of information from other sources, duPont said.

"It was just tough decisions," she said.

Roger Barlow, executive vice president of Catfish Farmers of America, said the annual report on his industry tells his organization's 800 members how many millions of tons of catfish are being produced in how many acres of water, how much is being held by processors and what prices are being paid. The information determines

prices and guides farmers as they decide to expand or cut back production, he said.

"Lots of decisions are made upon this," Barlow said. "This information is used on a daily basis."

Mississippi is the leading catfish producer according to the latest and last report. But the farmers, who are mostly located in the South, hope NASS will reconsider its decision to dump the report.

"I guess we're just scratching a hole in our head trying to figure out how we're going to continue with what we feel is extremely important," Barlow said.

Most of the information in the reports being cut will still be included in the agricultural census, which is conducted once every five years. The one released in 2013 will reflect the state of farming in 2012.

But the lack of annual reports "kind of limits what we have as far as information for making decisions on a year-to-year basis," said Shane Ellis, a livestock economist at Iowa State University.

Farmers in some industries may turn to trade organizations to collect information previously reported by NASS, while those in smaller ones, such as honey and catfish, might be able to get by without the data, he said.

"It's just the nature of the niche marketing in how it tends to be more of a market where everybody knows everybody else. ... They have a good idea of where everything is going," Ellis said.

He speculated on the logic behind NASS's decisions. For example, the agency is cutting its July report on the cattle industry but will keep a similar one in January. Ellis said the agency probably eliminated its sheep and goat report because sheep numbers haven't changed much in recent years.

But Steve Clements, who raises sheep near Philip, S.D., said the report would be particularly valuable right now because there's a short supply of breeding ewes and no one is sure where sheep being shipped from drought-stricken Texas are ending up.

"The ones that don't affect you, you don't think they need to do, I guess," he said.

will not affect the other two cases and both Berget and Nordman are presumed innocent.

A lawyer for Berget had said he feared it may be hard to find an impartial jury in Sioux Falls. Zell has said he would wait to rule on a venue change to see if it was necessary.

Tom Sorensen, a dean at the University of South Dakota School of Law, said he thinks Nordman's lawyer will also want to move his client's trial.

"I would imagine that these defendants will ask for a change of venue given that there has been so much coverage and because the people from the jury will come from the Sioux Falls area," Sorensen said.

Defense attorneys for Berget and Nordman did not respond to messages seeking comment Friday.

Follow Kristi Eaton on twitter at twitter.com/kristieaton.

Robert

From Page 1

as some people do not shed as much DNA, or he may have handled a part of the pipe not tested.

Leonard Niehoff, a professor at the University of Michigan Law School in Ann Arbor, said defense attorneys can argue that logically only one person can swing the pipe and that person has been convicted and sentenced to die.

The state Supreme Court will look over Robert's sentence as part of a mandatory process, but Robert's attorney has said Robert will not take any additional steps to delay the execution.

South Dakota Attorney General Marty Jackley re-iterated after Robert's death sentence was handed down Thursday that it

Obama

From Page 1

dent himself announced two other executive actions this week, one offering help for homeowners seeking to refinance at lower mortgage rates and the other allowing college students to simplify and lower their student loan payments. The White House also issued a challenge to community health centers in a bid to help get

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