

2010 Legal and Public Notices

Said hearing is to consider the following:

Applicant is requesting a Drainage Permit to install tile drainage in Yankton County. Said properties are legally described as SW1/4, exc Lt 1, Walsh S/D, S23-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Drainage Board, Yankton County, South Dakota, Tuesday, October 16, 2012, at 4:55 P.M. at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota.

Said hearing is to consider the following:

Applicant is requesting a Drainage Permit to install tile drainage in Yankton County. Said properties are legally described as N1/2, SE1/4, S23-T94N-R55W and S1/2, SE1/4, S23-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota.

Patrick Garrity
Drainage Administrator
Yankton County

Published twice at the total approximate cost of \$40.21

10+6 NOTICE OF AMENDMENT ADOPTION

CHANGE IN ZONING

HEREBY TAKE NOTICE:

The Yankton County Commission, County of Yankton, State of South Dakota, has adopted the following amendment to the Yankton County Zoning Ordinance #16, more specifically the Official Zoning Map.

Now therefore be it ordained that the Official Zoning Map be amended to rezone property legally described as Lt 4, Dakota de Casa Equestrian Estates, NE1/4, SE1/4 & SE1/4, NE1/4, S1-T94N-R56W, hereinafter referred to Utica North Township, County of Yankton, State of South Dakota. The E911 address is 116 deCasa Drive, Utica, SD. Said property is hereby rezoned from Planned Unit Development District (PUD) to Agriculture District (AG).

Now therefore be it ordained that the Official Zoning Map be amended to rezone property legally described as Lt 11, Dakota de Casa Equestrian Estates, NE1/4, SE1/4 & SE1/4, NE1/4, S1-T94N-R56W and NE1/4, SE1/4, exc Lt H1 & SE1/4, NE1/4, exc Lt H1, E1/2, NE1/4, & exc Lts 4 & 11, Dakota de Casa Equestrian Estates, S1-T94N-R56W, hereinafter referred to Utica North Township, County of Yankton, State of South Dakota. The E911 address is 107 Sky Ranch Drive, Utica, SD. Said property is hereby rezoned from Planned Unit Development District (PUD) to Agriculture District (AG).

The complete file of the amendment to the Official Zoning Map referred to above is on file with the Yankton County Auditor and may be inspected, reviewed, or examined by any interested party by contacting the office at (605) 260-4400.

The amendment shall be effective upon the twenty-first (21st) day after publication of this summary and notice. Written comments shall be submitted to the Auditor's Office no later than 5:00 P.M. on the twentieth (20th) day after publication of this notice.

Paula Jones
Yankton County Auditor
Published once at the approximate cost of \$23.84.

Neb. Lawmakers To Look At Agriculture In K-12 Education

LINCOLN, Neb. (AP) — Nebraska lawmakers are exploring ways to fold agriculture into K-12 classroom lessons, amid concerns that students aren't learning enough about the state's largest industry.

The Legislature's Education and Agriculture Committees heard testimony Friday from farm and ranch advocates who say a growing number of students know virtually nothing about the business.

Deanna Karmazin, the state coordinator of the Nebraska Agriculture in the Classroom program, told lawmakers that she visited students this week who believed that eggs came from cows. She says the material used in many classrooms today is often outdated, fragmented and condescending.

Cedar Rapids Sen. Kate Sullivan introduced a proposal last year to create an Agriculture Literacy Task Force, but the bill died in committee.

Attorneys Hoping To Argue S.D. Execution Protocol Case

BY DIRK LAMMERS
Associated Press

SIoux FALLS — Arkansas attorneys who stand ready to challenge the constitutionality of South Dakota's new one-drug execution method face an unexpected obstacle: their own client.

Donald Moeller, convicted of the 1990 slaying of 9-year-old Becky O'Connell, says he's ready to die for the crime and wants the federal case bearing his name dismissed. The attorneys say Moeller is incompetent and incapable of making voluntary and rational decisions.

Like many other states faced with dwindling supplies of sodium thiopental, South Dakota has turned to pentobarbital, a barbiturate used to treat anxiety and convulsive disorders such as epilepsy.

The attorneys contend pentobarbital would inflict cruel and unusual punishment. He says the lawyers "are working for their own agenda."

What happens next is in the hands of U.S. District Court Judge Lawrence Piersol, who must quickly decide whether to let Moeller clear the last roadblock to his execution or dive into the nuts and bolts of the drug, where it's coming from and how it would be administered. Moeller, 60, is scheduled to be executed between Oct. 28 and Nov. 3, with the exact date and time up to prison officials.

"There may indeed be grounds for arguing that out and hearing some experts," said Richard Dieter, executive director of the Washington-based Death Penalty Information Center. "But if the defendant doesn't want it, then the courts have to say, 'Why are we doing this?'"

Piersol has upheld the consti-



Moeller

tutionality of Moeller's conviction and sentence, but he hasn't ruled on the South Dakota previously just had a three-drug protocol for executions. The change added one- and two-drug

procedures as options. The two-drug protocol calls for sodium thiopental or pentobarbital to be used before pancuronium bromide is injected to stop the inmate's breathing. The three-drug procedure includes sodium thiopental or pentobarbital, followed by pancuronium bromide to stop the breathing and potassium chloride to stop the heart.

South Dakota's supply of sodium thiopental expired last month, so it's planning to use pentobarbital on Moeller.

Megan McCracken with the University of California Berkeley School of Law's Death Penalty Clinic said a one-drug method can lessen the risk of pain and suffering by removing the paralytic agent and potassium chloride from the mix. "On the other hand," she said, "in a one-drug procedure, needless to say, the one drug matters."

McCracken also wonders where some states are getting the drug. Prison supplies of the only form of pentobarbital approved by the Food and Drug Administration for use in humans have shrunk after the manufacturer said it would prevent its use in executions.

A July court filing suggests South Dakota will obtain its pentobarbital through a compounding pharmacy. Such pharmacies custom-mix solutions, creams and other medications in doses or forms that generally aren't

commercially available. The pharmacy's identity and location have been sealed by the court.

The FDA considers compounding pharmacy products unapproved drugs and does not verify their safety or effectiveness.

McCracken said she'd be concerned about the source of the active pharmaceutical ingredient, how it will be compounded, by whom, in what form, and whether the pharmacy would do a good job. "All of that comes together to say, 'Will the final product be what it purports to be: a pure, effective and safe form of this anesthetic drug?'" she said.

Dieter said pentobarbital acts more slowly than sodium thiopental, and staffers running the IVs need to be trained on what dosage is needed, how long it's going to take and what adverse reactions might occur depending on an inmate's medical history.

"It is sort of an off-the-shelf use. So we're into a realm where few people know the answers to these kinds of questions like how long will it take and what's the inmate feeling and when," he said.

Authorities say Moeller kidnapped O'Connell from a Sioux Falls convenience store, drove her to a secluded area near the Big Sioux River, then raped and killed her. Her naked body was found the next day. She had been stabbed and her throat was slashed.

McCracken said the questions surrounding Moeller's execution deal with constitutionality issues, and such a legal challenge cannot simply be waived.

"It does seem to be a bigger question than about just one prisoner," she said.

Row Crop Harvest Speeding Along

ABERDEEN (AP) — An early start to spring planting and a hot summer that pushed crops to maturity has led to an early row crop harvest in the Dakotas.

"We should be finishing harvest in record time," South Dakota State University agronomy specialist Mark Rosenberg told the American News. "Instead of finishing by Thanksgiving, we will be done by Halloween."

The latest statistics from the federal Agriculture Department show that the soybean harvest is more than three-fourths complete in both South Dakota and North Dakota, when typically only about one-fifth of the crop would be in the bin at this time of the year. About one-third of the corn crop in North Dakota and half of the corn in South Dakota have been harvested, at a time when the corn harvest typically is just getting under way.

"Who ever heard of all the corn being done before the pheasant (hunting) opener?" South Dakota Wheat Growers agronomist David Clark said.

Yields, or bushels per acre, are surprisingly good, farmers and others say. Though the hot, dry summer hurt corn and soybeans overall, the crops held up better

than expected thanks to generally good subsoil moisture and an occasional shower.

Astoria, S.D., farmer David Iverson told Agweek that a similar rapid harvest happened in 1988, but that year drought hurt soybeans. This year's crop is pretty good considering the weather, he said.

The corn crop in the Dakotas also seems to be faring well despite the lack of rain.

"Overall, I think farmers are surprised and very happy" with corn yields, Bart Schott, a Kulm, N.D., farmer and chairman of the National Corn Growers Association, told Agweek.

Market prices are strong, and the hot, dry conditions also have helped farmers financially.

"Only once in my life have I combined corn this dry," Wes Nolte, who farms near Webster, S.D., told the American News. "We are saving on drying costs."

Corn prices this fall average about a dollar a bushel more than a year ago at area elevators surveyed by Agweek. Soybean prices average \$4 per bushel more this fall than a year ago. The good market prices combined with average or better yields will help many producers make strong

profits.

"It should be an exceptional year (financially)," said Andy Swenson, farm management specialist with the North Dakota State University Extension Service.

"We've had a string of pretty good years starting with 2007. This year looks to be very strong. I would not be surprised if it surpasses the net farm income (in North Dakota) of even these recent years."

The dry weather has been good for this year's harvest but it doesn't bode well for next year's crops, said SDSU climate field specialist Laura Edwards.

"The whole region has been excessively dry," she told the American News. "Our moisture carry-over is going to be an issue."

The latest U.S. Drought Monitor map shows more than 82 percent of South Dakota in severe, extreme or exceptional drought. North Dakota is a little better off, with about half the state in severe or extreme drought and no areas in exceptional drought.

"I'd be glad to shut down (harvest) for a few days for 2 inches of rain," Jody Horner, who farms near Napoleon, N.D., told Agweek.

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Holiday Party Food Recipes

We Need Your Holiday Party Food Ideas—finger foods, snack mixes, appetizers, mini desserts etc. Anything portable & pint size!

For our upcoming Nov./Dec. HerVoice Magazine Deadline: October 16th

Send Recipes To: Press & Dakotan HerVoice Recipes
Attn: Cathy Sudbeck
319 Walnut, Yankton SD 57078
or email to: cathy.sudbeck@yankton.net

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Following Death, Beatrice Appoints New Leader

BEATRICE, Neb. (AP) — The Beatrice School Board has appointed an administrator to lead the district following the death of Superintendent Jon Lopez.

The board on Friday approved Jami Jo Thompson to act for and on behalf of the superintendent until the board approves an interim superintendent.

Lopez died Sept. 28 after a battle with pancreatic cancer. His funeral was Thursday in Omaha.

The board will choose an interim within the next two weeks. The interim will likely serve for the remainder of the school year, with a permanent replacement beginning in the 2013-2014 school year.

Man Pleads To Abusing Neb. Girl Who Died

LINCOLN, Neb. (AP) — A Lincoln man has pleaded no contest to abusing a 12-year-old girl who later died of a drug overdose.

The Lincoln Journal Star says Andrew Walker entered the plea to child abuse and attempted first-degree sexual assault on Friday. He faces up to 25 years in prison when he's sentenced on Nov. 21. Walker was charged with abusing Serena Garrett hours before she died in March.

Ashley Jackson, who asked Garrett to babysit her infant twins, is charged with child abuse in the case.

According to court records, Jackson brought Walker and two boys to her home and supplied them with alcohol and drugs. After Jackson left, Garrett took painkillers, had sexual contact with Walker and fell unconscious. Jackson returned home the next day and found the girl.

More Than 9,000 S.D. Residents Already Voted

PIERRE (AP) — More than 9,000 South Dakotans have already cast their votes in the presidential election.

The South Dakota Secretary of State's Office reports that as of Friday, about 19,800 absentee ballots have been requested, with nearly all of the requests granted. About 9,200 people have already returned the ballots.

Explosion Blows Top Off Oil Tank At Rail Yard

NORTH PLATTE, Neb. (AP) — Officials say no one was injured when an explosion blew off the top of a 6,000-gallon oil tank at a rail yard in North Platte.

Union Pacific spokesman Mark Davis says the explosion was reported about 12:30 p.m. Thursday.

Davis says the North Platte Fire Department used foam to fight the resulting fire at the railroad's Bailey Yard. It took about an hour to extinguish the blaze inside tank.

The cause of the blast is being investigated.

Flandreau Renames Center After Janklow

FLANDREAU (AP) — The community center in Flandreau has been renamed in honor of former South Dakota governor and U.S. Representative Bill Janklow.

The re-naming became official during a dedication ceremony Friday morning. Janklow died in January 2012 after a months-long battle with brain cancer.

Flandreau officials proposed a name change soon after, and chose Friday as the dedication date after consulting with Janklow's family. Janklow had a hand in other Flandreau centers as well; the city's aquatic center was funded in part by a grant approved by Janklow.

Janklow was born in Chicago but moved to his mother's hometown of Flandreau when he was young.

What's For Dinner?
Hy-Vee Kitchen Daily Specials *served 4-8pm*

MONDAY NIGHT
ITALIAN NIGHT
2 PIECES OF PIZZA & 1 BREADSTICK **\$3.00**

TUESDAY NIGHT
2-PIECE CHICKEN DINNER **\$4.00**

WEDNESDAY NIGHT
HOT TURKEY SANDWICH **\$3.00**

THURSDAY NIGHT
CHINESE EXPRESS 2 ENTREE MEAL **\$5.00**

FRIDAY NIGHT
BIG BOB'S COD DINNER **\$5.00**

SATURDAY NIGHT
6-INCH SUB & CUP OF SOUP **\$5.00**

SUNDAY NIGHT
1/2 LB. BURGER WITH FRIES **\$3.00**

HyVee EMPLOYEE OWNED

2100 Broadway
Yankton, SD
665-3412