

## 2010 Legal and Public Notices

bids is expected to be held on the 24th day of November, 2014, after 7:00 PM, in the Technical Education Center at 1200 W. 21st Street, Yankton, South Dakota.

Plans and Specifications may be obtained from the Quest Construction Data Network Website (<http://www.questcdn.com>). Project #3553462 for Twenty and No/100 Dollars (\$20.00). All Quest payments for downloads are non-refundable.

Please contact QuestCDN.com at 952-233-1632 or [info@questcdn.com](mailto:info@questcdn.com) for assistance in free membership registration, downloading and working with this digital project information. Addendums, if any, will be issued by email from QuestCDN only.

**Additionally, in accordance with South Dakota Codified Law 5-18B-1, one copy of Plans and Specifications shall be furnished, without charge, to each Contractor resident in South Dakota who intends, in good faith, to bid upon the project.** For qualifying contractors, plans and specifications can be obtained by contacting Mr. Kevin Newman, HDR Engineering, 6300 S. Old Village Place, Sioux Falls, SD 57108-2101, phone number 605-9770-7740, or by email at [kevin.newman@hdrinc.com](mailto:kevin.newman@hdrinc.com).

The Bidder to whom the contract is awarded will be required to furnish a construction performance bond and a construction payment bond to the OWNER in the amount of one hundred percent (100%) of the contract award for each bond, in conformance with the requirements of the Contract Documents. The construction performance bond and construction payment bond shall remain in full force until the completion of the Contract as specified in the General Conditions.

Each Bid must be accompanied by a certified check, cashier's check or draft in the amount of 5% of the base bid and all add alternates and drawn on a State or National Bank or a 10% bid bond issued by a surety authorized to do business in the State of South Dakota and made payable to the City of Yankton.

The bid guarantee will be retained by the OWNER as liquidated damages if the successful bidder refuses or fails to enter into an Agreement within fourteen (14) days after Notice of Award or fails at time of executing the contract to furnish a construction performance bond and construction payment bond guaranteeing the faithful performance of the work.

Bids may not be withdrawn after the time fixed for opening them.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.

**Bidders on this work will be required to comply with the President's Executive Order Nos. 11246 as amended, 11518 and 11625 as amended. The requirements for bidders and contractors under these orders are explained in the specifications.**

**Bidders on this work will be required to comply with Title 40 CFR 33 and Executive Order 12138. The requirements for bidders and contractors under this regulation which concerns utilization of Disadvantaged/Minority Business Enterprises (DBE/MBE) and Women's Business Enterprises (WBE) are explained in the specifications. The DBE/MBE and WBE goals for participation in this contract in terms of percentage of contract value are as follows: MBE 1.0 percent; WBE 4.0 percent.**

**Davis Bacon and Related Acts wages and American Iron and Steel Provisions apply to this project. All provisions relative to those acts must be met.**

City of Yankton, South Dakota  
Published twice at an approximate cost of \$123.35.

10+17  
NOTICE OF APPLICATION  
NO. 8040-3 to Appropriate Water

Notice is given that Heine Electric & Irrigation Inc., 31585 460th Ave, Vermillion SD 57069 has filed an application for a water permit to appropriate 0.33 cubic feet of water per second (150 gallons per minute) from one well completed into the Missouri/Elk-Point Aquifer (80 feet deep) located in the SE 1/4 SE 1/4 Section 5 for irrigation of 3 acres of grass surrounding the business located in the E 1/2 SE 1/4 Section 5; all in T92N-R52W. The well water will also be used for commercial purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8040-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of

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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 October 27, 2014.

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. Information concerning this application is available at <http://denr.sd.gov/public>. 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.

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10+17  
WATER MANAGEMENT BOARD  
NOTICE OF PUBLIC HEARING TO AMEND RULES

SDCL 34A-2-17 requires a periodic review of the state's Surface Water Quality Standards.

A public hearing will be held by the Water Management Board to conduct this review on December 3, 2014, at 8:30 a.m. CDT at the Matthew Environmental Education and Training Center, 523 East Capitol Avenue, Pierre, South Dakota, to receive and consider testimony, suggestions, and recommendations to the proposed amendments to the Administrative Rules of South Dakota (ARSD):

Surface Water Quality Standards: ARSD 74:51:01

Uses Assigned to Lakes: ARSD 74:51:02

Uses Assigned to Streams: ARSD 74:51:03

The following is a summary of the proposed changes:

- o ARSD 74:51:01 - update legal and technical references; add, modify, and delete definitions; set site-specific total suspended solids criteria for the Cheyenne River and water temperature criteria for streams in the Black Hills Trout Management Area; and update toxic pollutant criteria to be consistent with U.S. Environmental Protection Agency (EPA) criteria to include establishing a standard for methylmercury at 0.3 mg/kg in fish flesh.

- o ARSD 74:51:02 - reformat entire chapter to a single table to reduce the number of pages by two and words by over 5,100 words in the chapter; new lakes listed include Lake Alexander in Pennington County, an unnamed lake west of Bristol in Day County, and Antelope and Indian Springs Lakes in Clark County.

- o ARSD 74:51:03 - Correct typographical errors; assign immersion recreation use to the North Fork Grand River and a segment of the South Fork Grand River; update the segment breaks to reflect current highway designations for American Crow Creek in Lyman County, Hidewood and North Deer Creeks in Deuel County, and Bear Butte Creek in Meade County; remove the seasonal coldwater marginal fish life propagation use from Fall River in Fall River County and extend the warmwater permanent fish life propagation use for Fall River from the Cheyenne River to its confluence with Cold and Hot Brook Creeks; change the coldwater marginal fish life propagation use to warmwater permanent fish life propagation for both Cold and Hot Brook Creeks in Fall River County; remove the immersion recreation use from a segment of Spring Creek in Pennington County; and add the immersion recreation use to sections of the North Fork and South Fork Grand River in Perkins and Harding Counties.

The reason for the proposed changes is to review and update the designated beneficial use classifications and water quality standards. South Dakota Codified

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Law 34A-2-17 and the federal Clean Water Act require each state to conduct periodic reviews of its water quality standards.

Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the hearing or by sending written comments to the South Dakota Department of Environment and Natural Resources (DENR), Surface Water Quality Program, PMB 2020, Joe Foss Building, 523 East Capitol, Pierre, South Dakota, 57501-3182. Material sent by mail must reach the Surface Water Quality Program by 5:00 PM, December 2, 2014, to be taken into consideration at the hearing.

After the hearing, the board will consider all written and oral comments it receives on the proposed rules. The board may modify or amend a proposed rule to include or exclude matters that are described in this notice. The final water quality standards adopted by the board must be submitted to EPA pursuant to the federal Clean Water Act for review and approval. If EPA disapproves any portion of the water quality standards, EPA has the authority to promulgate federal standards for South Dakota.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the DENR at least 48 hours before the public hearing if you have a disability for which special arrangements must be made at the hearing. To request special arrangements or copies of the proposed rules and supporting documentation, call or write to: Patrick Snyder, Surface Water Quality Program, PMB 2020, Joe Foss Building, 523 East Capitol, Pierre, South Dakota, 57501-3182; phone (605) 773-3351. Copies of the proposed rules and supporting documents can also be obtained by visiting the DENR's One-Stop Public Notice website at <http://denr.sd.gov/public>.

Sincerely,

Steven M. Pirner  
Secretary

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## Pheasant

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That's good news for sportsmen headed out to hunt. With numbers like this, this year's pheasant season may be one of the most anticipated in years.

"We had resident pheasant opener on public land this last weekend," Altman said. "The guys that were out and about did fairly well. Every one at least got a bird or two, it seemed."

It isn't just in the Yankton area where numbers have risen.

"As far as this year goes state wide, South Dakota is up 76 percent on average," Altman said.

However, while the difference from 2013 PPM to 2014 PPM has increased throughout the state, the 10-year average has decreased rapidly.

"The average pheasant numbers across the whole state compared to the 10-year average right now are not looking good," Altman said. "We are way lower then what we should be as far as a 10-year average goes."

The low 10-year average numbers range from minus-43 percent all the way to minus-70 percent.

But Yankton County is the only exception to this trend. "If you just look at Yankton specifically, our ten-year average is 1.47 per mile," Altman said. "In 2014 we are sitting at 1.36. So as far as a 10-year average goes, we aren't looking that bad. Yankton is the anomaly."

The pheasant season runs through Jan. 24.

Follow Jordynne Hart on Twitter at [twitter.com/hartjordynne](https://twitter.com/hartjordynne). Discuss this story at [www.yankton.net](http://www.yankton.net).

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## Meeting

From Page 1A

February or March.

Garrity said plans include using landscaping along certain parts of the overlay and encourage active facades for businesses.

"For instance, let's look at that (new) building they built out there for storage," he said. "One of the overlay things we'll ask for is that every 50 feet, we make a landscape planting on the linear part of that building ... so then you'd have trees or shrubs or something to break that up. The buildings themselves have to have active facades."

Garrity added another part of the plan is to encourage more active businesses closer to the highway.

"One of the things we're working with that's very difficult legally-wise to do — it's possible, but we have to work through that — is can we get storage units set back farther and have more retail or active businesses up front," he said. "That's one of the things being requested by the commission and I'm looking at language to see how any of that can be played out."

Another highway project is the effort to widen Highway 50 through Yankton.

Community Development Director Dave Mingo said the



ROB NIELSEN/P&D  
City Manager Amy Nelson discusses workforce and housing issues during Thursday's Yankton City/County Planning Meeting.

project remains on schedule to kick off next spring.

"We're still in negotiations with landowners on the east half of the project," Mingo said. "That process will go on for a little bit. (Department of Transportation) staff are very confident we're going to have a spring bid letting and that's been the goal all along. It's still on schedule."

The meeting also touched on housing and workforce efforts in the city.

Mingo said that the city has made it a point to work side by side with Yankton Area Progressive Growth (YAPG) to help address the needs for more housing.

"Yankton Area Progressive Growth has a housing committee that's taking advantage of the (housing) analysis that was done in cooperation between YAPG and

the city," he said. "They're actively meeting with housing developers trying to meet a few of the projected needs."

He said addressing these needs will be important due to the number of jobs expected to be on their way to Yankton for existing employers alone.

"The projected need, from just our current employers in the community, they're saying they need 500 people over the next three years," he said. "Some news over the last couple months has probably trended that number upward anywhere from 500-800 people. That's new laborers, new workers — blue-collar and white-collar — just for the employers we have. That isn't counting if somebody else comes to town. That all spins back to the housing issue."

City manager Amy Nelson said YAPG is trying to make some headway on the issue.

"YAPG is applying for two grants, it sounds like, through the Governor's Office of Economic Development (GOED)," Nelson said. "One is for a workforce development plan, the other will be for a staff position to implement said plan."

The next city/county meeting is scheduled for Dec. 18.

You can follow Rob Nielsen on Twitter at [twitter.com/RobNielsenPandD](https://twitter.com/RobNielsenPandD). Discuss this story at [www.yankton.net/](http://www.yankton.net/)

## Kettering

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that if you live in a community, you have the obligation to give back to that community in public service. I have had the opportunity to travel through many communities over my career and have seen the great things that can happen in communities like Brookings for kids, adults and seniors when they have a vibrant economic environment. I would like to provide my leadership and economic development skills to the people of Yankton County to bring some of the same opportunities to Yankton County.

### 2. What experiences do you feel have prepared you for the position?

- Common Sense, honesty and integrity
- Work ethic
- Thirty-eight years of working with businesses that have had challenges similar to those facing Yankton County residents.
- My passion to see our county grow and provide opportunities for our citizens to realize their goals.

### 3. What do you think the biggest issue is at the county level and how would you address it?

- Development and implementation of vision and strategic plan for our community as a positive place to live and do business in a healthy, efficient and profitable manner. Some other top goals I would have:
- Work collaboratively with everyone in the county to optimize our economic opportunities and enhance

## Koch

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crafted by the person behind it. Every project creator sets their project's funding goal and deadline. If people like the project, they can pledge money. If the project succeeds in reaching its funding goal, all backers' credit cards are charged when time expires. If the project falls short, no one is charged.

Koch, who recently graduated from the Academy of Art University, has been an artist her whole life and knows the importance of having art opportunities at a young age.

"Art is just something I have always loved," she said. "When talking to people about art, I often hear the following phrase, 'I can't even draw a stick figure.' I want to teach people to be more comfortable with drawing and lose the intimidation factor. It's all in how you look at things. I tell them that if you can draw a circle, a square, a rectangle and a triangle, you can draw anything. Drawing is to art what framework is to housing. Just like you need a sturdy framework to build a house, you need to be able to con-

the opportunities of all citizens of the county to achieve their goals.

- Develop a strategic plan for long term economic growth.
- Support a strong public school system.
- Work to provide a well-trained, engaged and empowered team of county employees.
- Review County operations for efficiencies and effectiveness.

### 4. How do commissioners balance the needs of a growing city (Yankton) while also addressing the needs of smaller communities throughout the county?

I have spent almost my entire career dealing with the issue of "us vs. them" and it is one of the most challenging and self-defeating forces that we face. We are far more powerful as a social and economic force to create positive economic and social results if we work together as a team for the success of all. In my opinion, the question in itself is unfair and creates hard feelings. The better question might be how do the commissioners balance the resources and needs of the county to create an environment that everyone works together as a team for the benefit of all? My answer to this, I do not have an answer but am willing to work with anyone to achieve this type of environment.

### 5. What are your thoughts on the Napa Junction project and how it unfolded?

From the information that I had this appears to be a very large blunder on the part of the county commissioners. I believe in economic

growth in a sound environmental manner that benefits the county for tax and social reasons. This project seemed to fit very well into that scenario. Apparently the existing commissioners felt differently than most of the county citizens that I have visited with and their lack of positive leadership led to a lost opportunity to increase our tax base, provide job opportunities and increase the value of our agricultural prices considerably. We need to provide leadership to work to make opportunities like this happen rather than crushing them.

### 6. What major development projects do you foresee in the county's future?

The county has great things to offer in the way of economic development. I am not privileged to any particular project in progress. I am sure that there are several development projects that would be excited to consider Yankton County. What the county needs to do is collaboratively work together to provide a package that would be inviting to an employer. I believe that the key items in this package would include but not be limited to the following: stable work force, housing, sound school system, transportation, reasonable zoning regulations, collaborative working environment within all sectors of the community, reasonable startup taxation, land and most of all, a positive attitude throughout the entire community for economic success and growth.

### 7. Additional thoughts?

I urge everyone to participate in this election by getting out and voting. Thank you.

space in the community to hold the classes and set up a small art store.

"Right now the current owners have offered the garage, where the SAC art classes are held now, for rent until the property sells," she said. "Otherwise, there are a few places downtown that are for rent or lease."

With a target of nearly \$14,000 to raise, the catch is that a Kickstarter campaign is all or nothing.

"If the Kickstarter isn't fully funded by the end of the campaign, then I don't get any of the donations," Koch said.

Noting that she has had donation parties and has been posting to Facebook and other online media sources, she stressed she is still far short of her goal.

"I have until Oct. 27 to raise the money," she said. "If that doesn't happen, unfortunately at this point I won't be able to purchase the studio supplies."

For more information about Koch's plans for the Courage Art Center, visit <https://www.kickstarter.com/projects/1694875294/courage-art-studio?ref=email>.

Follow Shauna on Twitter at <https://twitter.com/ShaunaMarlette>. To discuss this story go to [www.yankton.net](http://www.yankton.net).