

2010 Legal and Public Notices

amounts, estimates and all matters therein set forth, SHALL BE APPROVED AND ADOPTED AS THE ANNUAL BUDGET OF THE APPROPRIATION AND EXPENDITURES FOR Yankton County, South Dakota and all its institutions and agencies for calendar year beginning January 1, 2016 and ending December 31, 2016 and the same hereby approved and adopted by the Board of County Commissioners of Yankton County, South Dakota this 6th day of October, 2015. The Annual Budget so adopted is available for public inspection during normal business hours at the office of the County Auditor, Yankton County, South Dakota. The accompanying taxes are levied by Yankton County for the year January 1, 2106 through December 31, 2016.

As of October 6, 2015 these levies are not approved by the Department of Revenue.

Highway: Highway Superintendent Brian Gustad presented applications for right-of-way and for entrance and also discussed a letter that will be mailed out to the organized townships. The letter stating that the Highway Department will no longer be providing Road Maintenance Services to the organized townships.

Action 15382H: A motion was made by Bodenstedt and seconded by Epp to approve the following right of way applications from Robert Cap for Section 6, Novak NE, Ellis NE Corner and Ellis SE Corner. All present voted aye; motion carried.

Action 15383: A motion was made by Epp and seconded by Freng to approve the right of way application from Robert Cap for Section 5, Peterkas South Side and Peterkas NW. All present voted aye; motion carried.

Action 15384H: A motion was made by Epp and seconded by Freng to approve right of way application from Golden West Telecommunications, 294th St., Section 13, 14 & 23 Township 96-56. All present voted aye; motion carried.

Action 15385H: A motion was made by Bodenstedt and seconded by Epp to approve the application for entrance Paul and Kathryn Hejna in section 11 and 14, Sherwood Acres, Township 93-57. All present voted aye; motion carried.

Action 15386H: A motion was made by Bodenstedt and seconded by Epp to allow the Highway Superintendent Gustad to proceed with the notification that the Highway Department will no longer provide road maintenance services to organized townships effective January 1, 2016. All present voted aye; motion carried.

Action 15387Z: A motion was made by Kettering and seconded by Epp to recess the regular session and convene as Board of Adjustment. 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 Ronald Burwitz for Variance of Minimum Lot Requirement from twenty (20) acres to one +/- (1.45) acres and Minimum Lot Width from five hundred (500) feet to two hundred-fifty-four (254) feet in an Agriculture District (AG) in Yankton County. Said property is legally described as NW1/4, SE1/4, W1/2, NE1/4 & E1/2, NW1/4, S4-T93N-R54W, hereinafter referred to as Gayville Township, County of Yankton, State of South Dakota. The E911 address 44825 309th St., Gayville, SD. The Planning Commission recommended approval

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proval 10-0.

Action 15388Z: A motion was made by Epp and seconded by Freng, based on Findings of Fact from the September 22, 2015 Yankton County Planning Commission meeting and on file in the Zoning Administrators Office, to approve a Minimum Lot Requirement Variance for Ronald Burwitz, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. from twenty (20) acres to one +/- (1.45) acres and Minimum Lot Width from five hundred (500) feet to two hundred-fifty-four (254) feet in an Agriculture District (AG) in Yankton County. Said property is legally described as NW1/4, SE1/4, W1/2, NE1/4 & E1/2, NW1/4, S4-T93N-R54W, hereinafter referred to as Gayville Township, County of Yankton, State of South Dakota. The E911 address is 44825 309th St., Gayville, 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 Setback Requirement application from Robert Pechous Variance of Minimum Setback Requirement from six hundred sixty (660) feet to seventy-five (75) feet to construct a waste handling facility for a Class E dairy operation in an Agriculture District (Ag) in Yankton County. Said property is legally described as SW1/4, exc W1/2, SW1/4, NE1/4, SW1/4 & exc SE1/4, SW1/4, SE1/4, NW1/4, SW1/4 & exc E1/2, SE1/4, NW1/4, SW1/4 exc NW1/4, NE1/4, SE1/4, NW1/4, SW1/4, S7-T94N-R57W, hereinafter referred to as Ziskov North Township, County of Yankton, State of South Dakota. The E911 address 30464 428th Ave., Tabor, SD. The Planning Commission recommended approval 8-2.

Action 15389Z: A motion was made by Kettering and seconded by Epp, based on Findings of Fact from the September 22, 2015 Yankton County Planning Commission meeting and on file in the Zoning Administrators Office, to approve a Minimum Setback Requirement Variance for Robert Pechous, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Variance of Minimum Setback Requirement from six hundred sixty (660) feet to seventy-five (75) feet to construct a waste handling facility for a Class E dairy operation in an Agriculture District (Ag) in Yankton County. Said property is legally described as SW1/4, exc W1/2, SW1/4, NE1/4, SW1/4 & exc SE1/4, SW1/4, SE1/4, NW1/4, SW1/4 & exc E1/2, SE1/4, NW1/4, SW1/4 exc NW1/4, NE1/4, SE1/4, NW1/4, SW1/4, S7-T94N-R57W, hereinafter referred to as Ziskov North Township, County of Yankton, State of South Dakota. The E911 address is 30464 428th Ave., Tabor, 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 Daniel Ulmer Variance of Minimum Yard Requirement in front yard from thirty (30) feet to twenty-five (25) feet to build a Single Family Dwelling in a Moderate Density Rural Residential District (R-2) in Yankton County. Said property is legally described as Lot A, Blk 3, Oak Hills, S13-T93N-R57W, hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota. The E911 address is TBA, Madison Drive, Yankton, SD. The Planning Commission recommended approval 10-0.

Action 15390Z: A motion was made by Bodenstedt and seconded by Freng, based on Findings of

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Fact from the September 22, 2015 Yankton County Planning Commission meeting and on file in the Zoning Administrators Office, to approve a Minimum Yard Requirement Variance for Daniel Ulmer, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. Variance of Minimum Yard Requirement from thirty (30) feet to twenty-five (25) feet to build a Single Family Dwelling in a Moderate Density Rural Residential District (R-2) in Yankton County. Said property is legally described as Lot A, Blk 3, Oak Hills, S13-T93N-R57W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. The E911 address is TBA, Madison Drive, Yankton, SD. All present voted aye; motion carried.

Action 15391Z: A motion was made by Epp and seconded by Kettering to recess the Board of Adjustment and reconvene in regular session. All present voted aye; motion carried.

Action 15392Z: A motion was made by Bodenstedt and seconded by Kettering to adopt the following resolution: Whereas it appears Paul Eichfeld III, owner of record, has caused a preliminary plat to be made of the following real property: Lots 1, 2, 3, 4 And 5, Blk 7A, Kabesemans Addition, N1/2, NW1/4, Sec 17, and S1/2, SW1/4, Sec 8 all In T93N-R56W, Ziskov South Township, County of Yankton, 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 15393Z: A motion was made by Freng and seconded by Bodenstedt to adopt the following resolution: Whereas it appears Ronald Burwitz, owner of record, has caused a plat to be made of the following real property: Burwitz Tract 1, W1/2, Lot 2, NW1/4, S4-T93N-R54W, hereinafter referred to as Gayville Township, County of Yankton, 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 15394Z: A motion was made by Kettering and seconded by Freng to adopt the following resolution: Whereas it appears Randy Frost, owner of record, has caused a plat to be made of the following real property: Lots 31A & 31B, Crestview Home, Subdivision, NE1/4, S21-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, 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 15395Z: A motion was made by Freng and seconded by Bodenstedt to adopt the following resolution: Whereas it appears Kenneth Henseler, owner of record, has caused a plat to be made of the following real property: Lot B, Blk 3, Bramsen Addition, NE1/4, SW1/4, S14-T93N-R57W, hereinafter referred to as Ziskov South Township, County of Yankton, 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 15396Z: A motion was made by Bodenstedt and seconded by Epp to adopt the following resolution: Whereas it appears Max Zeeb, owner of record, has caused a plat to be made of the following real property Tracts 2 and 3, Zeeb Addition, Lots 8 and 9, SW1/4, SE1/4 S9-T96N-R57W, hereinafter referred to as Odessa Township, County of Yankton, 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 15397Z: A motion was

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made by Kettering and seconded by Bodenstedt to Approve the following resolution. All present voted aye; motion carried.

A Resolution Recommending the Adoption of Article 27 Yankton County Overlay Districts SD Hwy 52 Corridor Overlay District Yankton County Zoning Ordinance #16

WHEREAS, South Dakota Codified Law 11-2-13 allows Yankton County to establish zoning regulations; and,

WHEREAS, the Yankton County Zoning Ordinance (Ordinance #16) establishes zoning regulations in Yankton County, South Dakota; and,

WHEREAS, Article 20, Section 2003 of the Yankton County Zoning Ordinance (Ordinance #16) gives the Yankton County Commission powers to approve amendments to The Yankton County Zoning Ordinance (Ordinance #16); and,

WHEREAS, the Yankton County Commission hereby agrees Yankton County offers one of the most scenic drives in South Dakota. The view from Chalkstone Hill is spectacular and the corridor ends at beautiful Lewis and Clark Lake. This rich natural environment should be complemented by a vibrant built environment. The Highway 52 Corridor Overlay District (HC) provides basic guidelines that promote quality design along the most visible and heavily traveled road corridor in the Yankton County zoning jurisdiction: Highway 52 from the City of Yankton to Lewis and Clark Lake. The Highway 52 Corridor Overlay District is intended to: Encourage development design that strengthens the physical character and image of Yankton County; Support the value of property and quality of development in the major highway corridor; set basic requirements for good site design and development, building design, landscaping, and signage without discouraging creativity and flexibility in design; permit safe and convenient transportation access and circulation for motorized and non-motorized vehicles, and for pedestrians; manage the impact of commercial and industrial development on adjacent residential neighborhoods.

WHEREAS, the Highway Corridor Overlay District (HC) applies to the following areas:

- Land within 650 feet south and north side of the centerline of Highway 52 within the planning jurisdiction of Yankton County.
- The eastern terminus of the Corridor Overlay District is the intersection of Highway 52 and lower Chalkstone Road.
- The western terminus of the Corridor Overlay District is the intersection of Highway 52 and Welkom Avenue. This area shall include all property zoned Lakeside Commercial on the north side of Highway 52.

NOW, THEREFORE, BE IT RESOLVED, that the Yankton County Commission, hereby recommends in order to establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of the impact of all Hwy 52 corridor activity, and to protect the health, safety and welfare of the County of Yankton, recommend the adoption of Article 27, Corridor Overlay Districts, Highway 52 Corridor Overlay District to the amending Yankton County Zoning Ordinance (Ordinance #16.)

Website: David May from CivicPlus appeared before the board to present a quote for a new county website.

Abatement: Judy Heffel property tax abatement will be rescheduled.

Convention: The report from the convention will be given at the next regular meeting.

Action 15398: A motion was made by Kettering and seconded by Epp to recess the regular session at 6:05 pm and convene in executive session for litigation. All present voted aye; motion carried.

Action 15399C: A motion was made by Epp and seconded by Freng to adjourn executive session at 6:30 pm and reconvene in regular session. All present voted aye; motion carried.

Commissioner Bodenstedt left the meeting for a prior engagement.

No action was taken on litigation issue.

Action 15400ROD/ VSO: A motion was made by Epp and seconded by Freng to approve the following monthly department reports. All present voted aye; motion carried.

ROD: The Register of Deeds report from September 2015 showed collection of \$13,700.00, in regular fees; \$5,027.00 in transfer fees; and \$1,639.50 in copies revenue.

Veterans Office: VSO Michael McDonalds report showed 91 contacts on behalf of veterans last month. McDonald also coordinated transportation of 12 veterans (seven trips) to appointments at the VA Hospital in Sioux Falls.

Action 15401C: A motion was made by Kettering and seconded by Epp to approve the September,

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2015 gross payroll: Commissioners: \$5,104.42; Auditor: \$11,306.25; Treasurer: \$12,325.71; States Attorney: \$24,529.32; Custodian: \$5,195.70; Director of Equalization: \$21,508.31; Register of Deeds: \$12,438.83; Veterans Service: \$2,307.36; Courthouse & Safety Center: \$5,667.17; Sheriff: \$57,604.86; County Jail: \$59,992.22; Coroner: \$1,300.00; Juvenile: \$44.00; Nurse: \$2,688.82; Ambulance: \$50,973.47; WIC : \$1,626.50; Extension: \$6,316.37; Soil Conservation: \$2,618.70; Weed: \$6,300.17; Planning & Zoning: \$7,100.66; Road & Bridge: \$66,402.38; E911: \$173.32; OEMHS: \$5,355.60; 24-7 Program: \$3,892.75. South Dakota Retirement System \$27,842.22 (Other Employees), South Dakota Retirement System \$17,005.00 (Sheriff/EDS), South Dakota Retirement System (Payroll Deduction-Spouse Opt) \$220.36, South Dakota Retirement System (Supplemental) \$3,750.00, American Family Life Assurance Company (AFLAC) \$3,770.69, Legalshield \$25.90, Office of Child Support \$903.00, Nationwide Retirement Solutions \$69.44, First Dakota National Bank \$34,237.69 (Withholding), First Dakota National Bank \$45,479.30 (FICA), First Dakota National Bank \$10,636.20 (Medicare), Boston Mutual Life Insurance \$503.09, Colonial Life & Accident \$1,530.60, Avera Health Plans \$55,412.99, Optilegra \$529.38. Gross Payroll \$372,823.89. Net Payroll \$275,940.93. All present voted aye; motion carried.

Commissioner Kettering presented notes from the recent town hall meeting that were recently held. Commissioner Kettering suggested forming a road and bridge task force committee to discuss the issues. Commissioner Kettering also presented an email received from Dan Johnson concerning the bridge issues discussed at the previous commission meeting.

Action 15402C: A motion was made by Kettering and seconded by Freng to adjourn. All present voted aye; motion carried.

The next regular meeting will be Tuesday, October 20, 2015.

Todd Woods, Chairman
Yankton County Commission

ATTEST:
Patty Hojem, County Auditor
Published once at the total approximate cost of \$313.03.

Lincoln Man Arrested By US Marshals In Omaha

OMAHA, Neb. (AP) — A Lincoln man wanted for violating his supervised release has been arrested in southwest Omaha.

According to Supervisory Deputy U.S. Marshal William Iverson, 29-year-old David L. Erickson was arrested Tues-

Hunting

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fifth year of CRP, which is the most productive it can be for wildlife, and pheasants in particular, according to Norton.

SDGFP surveys roosters, hens and broods on 109 routes throughout the state and groups them into 13 major areas based on a local city.

The Yankton area included 10 routes which cover Yankton, Charles Mix (south route), Bon Homme, Clay, Turner/Hutchinson (west and south routes) and Union counties.

Each of those areas shows an increase in birds. The Yankton area falls towards the bottom of the list at 2.06 ppm for the 2015 season – a 0.70 increase from 2014. Chamberlain remains at the top with 8.84 ppm for 2015. Areas with high amounts of ppm typically exist toward the middle of South Dakota.

“The central part of the state has traditionally been the core pheasant range,” Norton said. “When you get that type of increase on more birds, that can exponentially increase faster because they have a lot more base hens to start with.”

Survey results indicate that pheasant numbers will again be highest along the Missouri River corridor in the broad regions around Winner, Chamberlain, Pierre and Mobridge areas. Pheasant abundance also exists in the James River Valley in the regions near Mitchell, Huron and Aberdeen.

“This year’s population index is more than double the 2013 level when hunters harvested just under 1 million pheasants,” stated Kelly Hepler, GFP Secretary in a press release. “A second straight year of substantial gains in the index is great news for our hunting community.”

Not only are the numbers good for hunters, it also means a good economic

Alcohol

From Page 1

campus of any state educational institution.

The law defines campus as the area immediately surrounding the buildings used for classrooms, administrative offices, athletic facilities and housing.

Toman said in an e-mail there are varying viewpoints about alcohol sales on campus.

“In some states, the availability of alcohol on campuses has been further restricted in recent years,” she wrote.

“In other locations, stadiums, performing arts centers and/or leased restaurant facilities have launched in this direction, primarily as a way to generate revenue and to offer their customers of legal drinking age additional services,” she continued.

The task force members are:

* Steve Meeker, Black Hills State University;

* Jeff Dittman, Dakota State University;

* Veronica Paulson and Josh Moon, Northern State University;

* Mike Keegan and Joel Lueken, South Dakota School of Mines and Technology;

* Doug Wermedal and Tracy Greene, South Dakota State University;

* Kim Grieve and Darby Ganschow, University of South Dakota; and

* Chance Costello, Student Federation.

Got News?

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At 665-7811

day by the Metro Fugitive Task Force.

Authorities had been searching for Erickson since Oct. 5. He had served time in federal prison for gun and drug charges, and was believed to be armed and dangerous.

season for the county. According to SDGFP, in 2014, approximately \$800,000 was spent in Yankton County by residents and non-residents in regards to average per-hunter spending estimates and the number and distribution of pheasant hunters.

All the counties combine came with a total of \$154.5 million in economic gain for South Dakota.

But SDGFP representatives say there are some additional factors that hunters should be aware of coming into the new season.

Some of the Conservation Reserve Enhancement Program (CREP) lands in the Yankton area may include less cover conditions than anticipated.

Lands under this program are required do maintenance of the fields, including land management practices like haying, light disking or harrowing. The most common management practice involves haying one-half of the CREP area one year and one half the next year. These low-cover areas may cause a temporary loss of hunting opportunity.

“Lands in the Yankton area are coming into the middle of those contracts,” Norton said. “It would be good idea to scout ahead.”


According to Norton, these conditions, in the long run, will result in higher quality wildlife habitat and improved hunting opportunities.

SDGFP officials also remind hunters to bear in mind the recent weather conditions while hunting.

“There were some fires this past weekend with that dry, heavy wind,” Norton said. “Be conscious of not parking in tall grass with hot vehicles. Be conscious of anything that might start a fire.”

Shooting hours begin at noon Central Time for the first seven days of the season. The rest of the season will begin at 10 a.m. to sunset. This 2015 season will last for 79 days.



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OCTOBER IS PUBLIC NOTICES MONTH

SDNA

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