

## 2010 Legal and Public Notices

presented a proposal to air condition the basement of the Safety Center where law enforcement offices are located for state and county investigators. Larry's H&C staff said the air conditioning equipment would cost \$10,561. L&S Electric of Yankton would do the electrical work involved in the project for \$1,243. Auditor Hojem said the project could be funded from the Courthouse and Safety Center Building Fund.

**Action 13426C:** A motion was made by Sinclair and seconded by Johnson to accept a proposal from Larry's Heating and Cooling and L&S Electric to air condition basement offices in the Safety Center for a total cost of \$11,804. All present voted aye; motion carried.

**Request for DOE data:** DOE Mackey said her office has received a request from the District III Planning office for digital files of county parcel data. Harry Redman of District III said the information will be used to prepare wall maps for Yankton School District that show the location of rural landowners. YSD officials need the maps as a emergency response resource for bus routes.

**Action 13427DOE:** A motion was made by Johnson and seconded by Moore to provide digital parcel files to District III for his YSD wall map project. All present voted aye; motion carried.

Commissioner Freng joined the meeting at 4:25 p.m.

**E911 Address Signs:** The Board reviewed a proposal from Zoning Administrator Patrick Garrity that outlines a new process for assignment and installation of E911 rural address signs. Applicants would pay a \$35 fee to the Planning and Zoning office to begin the E911 address sign process. The Sheriff's Department would be the designated office to issue address name assignments. The Board directed Garrity to write a resolution for the new process and bring it to the Sept. 24 Commission meeting for action.

**Deer Boulevard Bike Trail:** States Attorney Rob Klimisch provided a status report on the County's contract with LRC Construction of Vermillion to build a bike trail along Deer Boulevard near Riverside Acres. County officials have not been satisfied with the quality of the trail and there have been multiple missed deadlines to correct areas of concern. Klimisch said he is preparing a letter, with assistance from S.D. Department of Transportation official Laurie Schultz, which will be sent to LRC Construction and the bonding company for the project. Klimisch will update the Board on further developments in the case at the Sept. 24 Commission meeting.

**Lien Settlement Discussion:** There was brief discussion with States Attorney Klimisch and Yankton attorney Jason Ravnsborg about an ongoing lien settlement negotiation between the County and a Ravnsborg client. The Board asked Klimisch to bring a recommendation for Board action to the Sept. 24 meeting.

**Action 13428C:** A motion was made by Johnson and seconded by Freng to approve the August 2013 gross payroll: **Commissioners:** \$4,811.43; **Auditor:** \$8,692.32; **Treasurer:** \$13,668.05; **States Attorney:** \$21,076.66; **Custodian:** \$2,596.89; **Director of Equalization:** \$18,259.53; **Register of Deeds:** \$11,365.02; **Veterans Service:** \$2,080.05; **Courthouse & Safety Center:** \$5,294.20; **Sheriff:** \$51,096.44; **County Jail:** \$49,183.09; **Coroner:** \$620.00; **Juvenile Detention:** \$45.00; **Nurse:** \$2,394.48; **Ambulance:** \$36,175.61; **Extension:** \$5,891.18; **Soil Conservation:** \$1,813.74; **Weed:** \$3,041.13; **Planning & Zoning:** \$4,350.61; **Road & Bridge:** \$49,695.24; **OEMHS:** \$4,986.72; **WIC:** \$826.71; **24-7 Program:** \$2,616.00. South Dakota Retirement System (Buy Back) \$166.63, South Dakota Retirement System \$21,497.62 (Other Employees), South Dakota Retirement System \$14,607.52 (Sheriff/EDS), South Dakota Retirement System (Payroll Deduction-Spouse Opt) \$188.00, South Dakota Retirement System (Supplemental) \$2,591.66, American Family Life Assurance Company (AFLAC) \$3,179.75, Legalshield \$89.65, Office of Child Support \$379.00, Nationwide Retirement Solutions \$128.26, First Dakota National Bank \$25,875.68 (Withholding), First Dakota National Bank \$36,666.46 (FICA) First Dakota National Bank \$8,575.20 (Medicare), Boston Mutual Life Insurance \$543.04, Colonial Life & Accident \$1,611.53, Blue Cross Blue Shield \$47,554.99, Garnishment/Capital One \$430. Gross Payroll \$300,580.10, Net Payroll \$223,936.90. All present voted aye; motion carried.

**Action 13429S:** A motion was made by Johnson and seconded by

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Freng to approve travel expenses for Jerry Jarvis and Cass Rabe of the Sheriff's Department to attend a Zuercher Technologies workshop Oct. 3-4 in Sioux Falls. All present voted aye; motion carried.

**Action 13430C:** A motion was made by Moore and seconded by Johnson to approve the July 2013 report on income from Mental Illness hearings at the South Dakota Human Services Center. Nineteen counties paid Yankton County a total of \$5,586.75 for providing representation from the Yankton County State's Attorney Office at July MI hearings held at HSC. All present voted aye; motion carried.

**Action 13431ROD/VSO:** A motion was made by Johnson and seconded by Sinclair to accept monthly reports from the Veterans Service Office and Register of Deeds for August 2013. The Register of Deeds report from August showed collections of \$16,635.00 in regular fees; \$8,380.50 in transfer fees; and \$2,032.50 in copies revenue. VSO Charles Haffner's report showed 31 contacts on behalf of veterans last month. Haffner also coordinated transportation of 19 veterans (eight trips) to appointments at the VA Hospital in Sioux Falls. All present voted aye; motion carried.

**Property Sale Process:** Auditor Hojem reported on a small piece of real estate owned by the County due to unpaid back taxes. An adjacent landowner is interested in buying the property. The Board asked States Attorney Klimisch to report back at the Sept. 24 meeting on the County's options and procedures for selling such a piece of property.

**Courtroom Remodeling:** Commissioner Freng said she has been researching the potential cost of remodeling an unfinished courtroom at the County Courthouse and splitting one small office into two work spaces for court services staff. Freng estimates it will cost \$2,000 to split the small office into two work spaces. She estimates it will cost \$20,000 to \$25,000 to complete finish work on the courtroom. She explained one reason for the high cost is because cabinets, railings and other items in a courtroom must be built with bulletproof materials. The Board asked Freng to request specific proposals from local contractors and submit them for consideration at a future meeting.

**Rezone Public Hearing:** This was the time and place for a public hearing on a Rezone application from John Gregg II in a split High Density Rural Residential (R-3) and Commercial District (C) to Commercial (C) in Yankton County. Said property to be rezoned as Commercial (C) is legally described as Block 4, except Lots 31, 32 and 33, Sunrise Addition in S10-T93N-R55W, hereinafter referred to as Mission Hill South Township, County of Yankton, State of South Dakota. The E911 address is TBA on SD Highway 50, Yankton, S.D. The Planning Commission recommended approval 8-0. Mr. Gregg was present to request support for his application. No other public comments, positive or negative, were received at the hearing.

**Action 13432Z:** A motion was made by Johnson and seconded by Sinclair, based on Findings of Facts from the Aug. 13 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve a Rezone application from John Gregg II, pursuant to Article 20, Section 2003 (1-8) of the Yankton County Zoning Ordinance. The property to be rezoned as Commercial (C) is legally described as Block 4, except Lots 31, 32 and 33, Sunrise Addition in S10-T93N-R55W, hereinafter referred to as Mission Hill South Township, County of Yankton, State of South Dakota. The E911 address is TBA on SD Highway 50, Yankton, S.D. All present voted aye; motion carried. Zoning Administrator Patrick Garrity informed Mr. Gregg that the rezone decision would be noticed in a Yankton County legal newspaper on Sept. 21, 2013, and the rezone will take effect 21 days later (Oct. 12, 2013).

**Action 13433Z:** A motion was made by Sinclair and seconded by Freng 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 Yard Requirement application from William Yeager. Applicant is requesting a Variance of Minimum Yard Requirement, side yard from seventy five (75) feet to fifteen (15) feet to construct a machine shed in an Agriculture District (AG) in Yankton County. Said property is legally described as Lot 1, W1/2 SE1/4 in S22-T95N-R55W, hereinafter referred to as Walshtown Township, County of Yankton, State of South Dakota. The E911 address is 44370 301st Street, Mission

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Hill, SD. The Planning Commission recommended approval 8-0. William Yeager was present to request support for the application. No other public comments, positive or negative, were received at the hearing.

**Action 13434Z:** A motion was made by Sinclair and seconded by Freng, based on Findings of Fact from the Aug. 13 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve a Variance of Minimum Yard Requirement for William Yeager, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. The variance allows a reduction of Minimum Yard Requirement, side yard from seventy five (75) feet to fifteen (15) feet to construct a machine shed in an Agriculture District (AG) in Yankton County. Said property is legally described as Lot 1, W1/2 SE1/4 in S22-T95N-R55W, hereinafter referred to as Walshtown Township, County of Yankton, State of South Dakota. The E911 address is 44370 301st Street, Mission Hill, S.D. 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 Chauncey Christiansen and Dean Gilbertson. Applicants are requesting a Variance of Minimum Lot Requirement from twenty (20) acres to nineteen +/- (19.07) acres in an Agriculture District (AG) in Yankton County. Said property is legally described as E1/2 SW1/4, except Lt R-28, S22-T95N-R54W, hereinafter referred to as Marindahl Township, County of Yankton, State of South Dakota. E911 address is 30089 449th Ave., Volin, S.D. The Planning Commission recommended approval 8-0. Mr. Christiansen was present to request support for the application. No other public comments, positive or negative, were received at the hearing.

**Action 13435Z:** A motion was made by Sinclair and seconded by Freng, based on Findings of Fact from the Aug. 13 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve a Minimum Lot Requirement Variance for Chauncey Christiansen and Dean Gilbertson, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. The variance allows a reduction in the minimum lot requirement from twenty (20) acres to nineteen +/- (19.07) acres in an Agriculture District (AG) in Yankton County. Said property is legally described as E1/2 SW1/4, except Lt R-28, S22-T95N-R54W, hereinafter referred to as Marindahl Township, County of Yankton, State of South Dakota. E911 address is 30089 449th Ave., Volin, S.D. All present voted aye; motion carried.

**Variance Public Hearing:** This was the time and place for a public hearing for a Variance of Maximum Accessory Structure application from Rick and Lorie Larson. Applicants are requesting a Variance of Maximum Accessory Structure size from 1,200 square feet to 2,016 square feet in a Moderate Density Rural Residential District (R-2) in Yankton County. Said property is legally described as Tract A and B, Lot 4 except Parcel 1 Tract A, and except Parcel 2 Tract A, all in Lot 5, Shore Acres, S27-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. E911 address is 2603 Moonlight Drive, Yankton, S.D. The Planning Commission recommended approval 8-0. No public comments, positive or negative, were received at the hearing.

**Action 13436Z:** A motion was made by Johnson and seconded by Sinclair, based on Findings of Fact from the Aug. 13 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve a Variance of Maximum Accessory Structure application from Rick and Lorie Larson. The variance allows an increase in Maximum Accessory Structure size from 1,200 square feet to 2,016 square feet in a Moderate Density Rural Residential District (R-2) in Yankton County. Said property is legally described as Tract A and B, Lot 4 except Parcel 1 Tract A, and except Parcel 2 Tract A, all in Lot 5, Shore Acres, S27-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. E911 address is 2603 Moonlight Drive, Yankton, S.D. 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 Michael Clark. Applicant is requesting a Variance of Minimum Yard Requirement from thirty (30) feet to twenty (20) feet to move an existing structure on an existing foundation in a Mod-

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erate Density Rural Residential District (R-2) in Yankton County. Said property is legally described as Lot E, Freng's Addition, Government Lot 4, S18-T93N-R54W, hereinafter referred to as Gayville Township, County of Yankton, state of South Dakota. E911 address is 44635 S.D. Highway 50, Mission Hill, S.D. The Planning Commission recommended approval 8-0. Mr. Clark was present to explain his plans for the property. No other public comments, positive or negative, were received at the hearing.

**Action 13437Z:** A motion was made by Sinclair and seconded by Freng, based on Findings of Fact from the Aug. 13 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve a Variance of Minimum Yard Requirement for Michael Clark, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. The variance allows a reduction of Minimum Yard Requirement from thirty (30) feet to twenty (20) feet to move an existing structure on an existing foundation in a Moderate Density Rural Residential District (R-2) in Yankton County. Said property is legally described as Lot E, Freng's Addition, Government Lot 4, S18-T93N-R54W, hereinafter referred to as Gayville Township, County of Yankton, state of South Dakota. E911 address is 44635 S.D. Highway 50, Mission Hill, 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 Inez Cotton. Applicant is requesting a Variance of Minimum Lot Requirement from one acre to .40 +/- (.40) acre in a Moderate Density Rural Residential District (R-2) in Yankton County. Said property is legally described as Lot 1, Parcel A, SW1/4 SE1/4 in S13-T93N-R57W and Lots 2 and 3, Parcel A, SW1/4 SE1/4 in S13-T93N-R57W, hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota. E911 address is 130 Russell Road and 124 Russell Road, Yankton, S.D. The Planning Commission recommended approval 8-0. Dan Specht was present to explain plans for the property. Dennis Michels was present to ask questions about an area near the site described on the application. No other public comments, positive or negative, were received at the hearing.

**Action 13438Z:** A motion was made by Sinclair and seconded by Freng, based on Findings of Fact from the Aug. 13 Yankton County Planning Commission meeting and on file in the Zoning Administrator's Office, to approve a Minimum Lot Requirement Variance for Inez Cotton, pursuant to Article 19, Section 1907 of the Yankton County Zoning Ordinance. The variance allows a reduction in the minimum lot requirement from one acre to .40 +/- (.40) acre in a Moderate Density Rural Residential District (R-2) in Yankton County. Said property is legally described as Lot 1, Parcel A, SW1/4 SE1/4 in S13-T93N-R57W and Lots 2 and 3, Parcel A, SW1/4 SE1/4 in S13-T93N-R57W, hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota. E911 address is 130 Russell Road, SD and 124 Russell Road, Yankton, S.D. All present voted aye; motion carried.

**Action 13439Z:** A motion was made by Johnson and seconded by Moore to adjourn as Board of Adjustment and reconvene in regular session. All present voted aye; motion carried.

**Action 13440Z:** A motion was made by Freng and seconded by Johnson to adopt the following resolution: Whereas it appears Dean A. Gilbertson, owner of record, has caused a plat to be made of the following real property: Gilbertson Tract 1 in the E2 SW4 in S22-T95N-R54W, hereinafter referred to as Marindahl Township, County of Yankton, State of South Dakota, 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.

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**Action 13441Z:** A motion was made by Johnson and seconded by Moore to adopt the following resolution: Whereas it appears Inez H. Cotton, owner of record, has caused a plat to be made of the following real property: Lots 1A and 2A in Parcel A lying in the SW4 SE4 of S13-T93N-R57W, hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota, 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.

**Next Meeting:** The next regular meeting of the Board will be held Tuesday, Sept. 24, 2013 at 3:30 p.m. in the Commission Chamber of the County Government Center. Items on the next meeting agenda will include: updates from States Attorney Klimisch on the LRC contract, lien settlement negotiations, and options for sale of a small county-owned parcel; final budget discussion; consideration of resolution to create new process for providing E911 rural address signs; and the courthouse remodeling project.

A motion was made by Johnson to adjourn.

**Bruce Jensen,** Chairman  
Yankton County Board of Commissioners

**ATTEST:**  
**Patty Hojem,** County Auditor  
Published once at the approximate cost of \$330.84.

## Jans

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Erich Johnke told Circuit Judge Glen Eng that he would like the psychiatric evaluation done at the South Dakota Human Services Center (HSC). The first evaluation requested by the prosecution was completed in April by Dr. Travis Hansen at HSC. It found that Jans was competent to stand trial and was not insane at the time the alleged crime was committed, according to Johnke.

A second evaluation was requested by Luci Youngberg, the court-appointed attorney for Jans. It was completed last month by Dr. David Bean, and found that Jans was not competent to stand trial and was insane at the time the alleged crime was committed. Hansen is no longer at HSC, so the evaluation will be done by a different physician at the state facility.

Johnke said he had already reserved a spot on HSC's evaluation list, and there are about 10 scheduled before Jans will be reached. Given the current caseload at HSC, officials there told Johnke it would likely be at least Jan. 1 before an evaluation could be completed and a report issued.

Youngberg told the court that she believes a new evaluation would be "redundant." However, Eng granted the request. He added that he wished the evaluation could be done sooner but understands the time and staff constraints at HSC.

After addressing some other matters in the case, the next hearing was set for Jan. 6.

In September 2012, Yankton police officers responded to an incident at 120 East Third Street near the Sir Charles Apartments, where they found Goodman unresponsive as a result of an apparent assault by Jans.

Goodman received extensive medical treatment, but died Oct. 6 at the Avera Yankton Care Center in Yankton. Jans is being held on a \$100,000 cash-only bond. Second-degree murder is a Class B felony punishable by no less than life imprisonment in the state penitentiary. In addition, a \$50,000 fine may be imposed.

You can follow Nathan Johnson on Twitter at [twitter.com/AnInlandVoyage](https://twitter.com/AnInlandVoyage). Discuss this story at [www.yankton.net/](http://www.yankton.net/).

## Officer's Arrest In Shooting Shakes Charlotte

CHARLOTTE, N.C. (AP) — An unarmed man seeking help after a car crash over the weekend was shot 10 times by the Charlotte police officer who's now charged in his death, investigators said Monday.

The release of the information supporting the voluntary manslaughter charge came at the end of a day that also included the first public remarks by victim Jonathan A. Ferrell's family. A family attorney and representatives of the NAACP questioned whether race played a role in the shooting of the black man by a white officer.

Ferrell's family said the former Florida A&M University football player moved to Charlotte about a year ago to be with his fiancée and was working two jobs. He wanted to go back to school and eventually become an automotive engineer.

"You took a piece of my heart that I can never put back," said Ferrell's mother, Georgia Ferrell, as she clutched a stuffed Winnie the Pooh doll her 24-year-old son loved as a child.

A police news release said Officer Randall Kerrick fired 12 times at Ferrell early Saturday while responding to a breaking and entering call, hitting him 10 times.

## Survey

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presented at either the Oct. 14 school board meeting or a separate open meeting.

The survey results also will be used in the district's strategic planning meeting on Oct. 23, Kindle said. Examples of how the information could be used include modifying curriculum or preparing for budget changes several years into future, he said.

"We'll take a look at this data, and I think there will be some things that we can pull out of this data that will have implications for short-term goals, as well as long-term planning," he said.

Kindle added that the nine-question survey is "short, sweet and to the point," and he hopes everyone will take a few minutes to provide their input. Those who do not have Internet access can visit any YSD school or the YSD Administration Building, as well as the Yankton Community Library, to take the survey, he said.

"We need to start building some additional partnerships in the community, and build upon those partnerships that we already have," Kindle said. "We need to provide an opportunity for people to be heard, and this is one avenue that they can do that. I really hope that people will take advantage of it and give us their honest opinion."

You can follow Derek Bartos on Twitter at [twitter.com/d\\_bartos/](https://twitter.com/d_bartos/). Discuss this story at [www.yankton.net/](http://www.yankton.net/).

## Charges

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bond-reduction hearing, Balvin said.

The *Press & Dakotan* received a reader tip last Friday about authorities conducting a four-hour search and arrest at a Scotland residence.

Bon Homme County Sheriff Lenny Gramkow confirmed Friday a search warrant had been issued, and the arrest resulted from the search.

The South Dakota Division of Criminal Investigation (DCI), the Bon Homme County sheriff's office and the Scotland police department participated in the search, Gramkow said.

Sara Rabern, spokeswoman for the South Dakota attorney general's office, provided Monday the defendant's name, age, the general charges against him and his incarceration in the Bon Homme County jail.

Rabern had no further details about the case or its investigation.

You can follow Randy Dockendorf on Twitter at [twitter.com/rdockendorf](https://twitter.com/rdockendorf). Discuss this story at [www.yankton.net/](http://www.yankton.net/).



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