Notices

### 2010 Legal and Public 2010

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 April 15, 2013.

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. 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.

Published once at the total approximate cost of \$25.49.

4+3NOTICE OF APPLICATION NO. 7662-3 to Appropriate Water

Notice is given that Daniel Schuurmans, 30434 412th Ave, Tyndall SD 57066 has filed an application for a water permit to appropriate 2.67 cubic feet of water per second from one well to be completed into the Niobrara Aquifer (237 feet deep) located in the SW 1/4 NW 1/4 Section 9 for irrigation of 172 acres located in the NW 1/4. N 1/2 SW 1/4 Section 9: all in T94N-R60W. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends AP-PROVAL of Application No. 7662-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of 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 April 15, 2013.

The petition may be informal but

### Notice Program, Foss Building, 523 Capitol, Pierre SD 57501 (60 773-3352)" and the applicant mailing address is given above. petition filed by either an inte ested person or the applicant mu

be filed by April 15, 2013.

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. 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. Published once at the total approximate cost of \$26.15.

### 4+3YANKTON COUNTY COMMISSION MEETING March 18, 2013

The regular meeting of the Yankton County Board of Commissioners was called to order by Chairman Bruce Jensen at 3:40 PM on Monday, March 18, 2013 at the Commission Chambers in the County Government Center.

The Pledge of Allegiance was recited.

Roll call was taken with the following members present: Donna Freng, Bruce Jensen, Mark Johnson, Garry Moore and Allen Sinclair.

Action 13102C: A motion was made by Freng and seconded by Sinclair to approve the meeting agenda with the addition of Executive Session discussions for personnel issues and indigent requests. All present voted aye; motion carried.

Action 13103C: A motion was made by Moore and seconded by Sinclair to approve the minutes from the March 5, 2013 meeting. All present voted aye; motion carried.

Action 13104C: A motion was made by Sinclair and seconded by Freng to recess the regular session and enter an Executive Session to discuss indigent requests. All present voted aye; motion carried.

Action 13105C: A motion was made by Johnson and seconded by Sinclair to reconvene in regular session. All present voted aye; motion carried.

Chairman Jensen said no action was decided in the Executive Session.

## ject: Highway Superintendent Brian Gustad, S.D. Department of Transportation official Laurie Schultz, and project engineer Pete

Legal and Public Notices	2010 Legal and Public Notices	2010 Legal and Public Notices		
oss Building, 523 E erre SD 57501 (605	son, Sinclair; voting no: Moore; motion carried 4-1.	credit toward hours worked in a 40 hour work week.		
and the applicant's ess is given above. A d by either an inter- or the applicant must spril 15, 2013.	Chairman Jensen directed Johnson Engineering officials to prepare a project change order with a July 1, 2013 completion date for the Board's review and action at its	5. Employees may be sent home once 40 hour work week is completed at the Admin- istrative Highway Superinten- dent's discretion. All present voted aye; motion car-		
may be informal, but	April 2 meeting.	ried.		

Commissioners Freng and Johnson asked representatives of Johnson Engineering to work with Gustad in a review of the trail's current status and prepare an updated punch-list of defects that need to be repaired or completed. ule was developed after speaking The Board will also review that list at its April 2 meeting.

Equalization Appeals: Matt Archer, Chief Deputy Appraiser in the Director of Equalization Office, reported the DOE office has received notice of 23 assessment appeals to date, compared to 70 appeals in 2012. Archer said DOE staff will schedule the annual appeals, which must be heard between April 9 and April 30. He asked Commissioners to select

dates for those hearings. The Board agreed to hold its first day of appeals on Tuesday, April 9 starting at 12 noon in the Commission Chambers of the County Government Center. The schedule will begin with Consolidated Board of Appeals hearings, which require voting representatives from the Yankton City Commission and Yankton School Board. A second day of appeals will be heard on Wednesday, April 10, starting at 12 noon if necessary.

County Health Insurance: Gary Welter. Wellmark representative for Yankton County's employee health insurance program, reviewed the current status of the policy and renewal terms. Welter said the County had total covered medical charges of \$1.093.291 in 2012; up from \$871,566 in 2011 and \$937,000 in 2010. After its provider's discount was

applied, Wellmark paid \$438,531 in Yankton County claims in 2012, compared to \$471,098 in premiums paid to Wellmark from the County.

Welter said maintaining current policy levels will result in an 18.5 percent increase in premiums paid by the County, effective June 1, 2013. This will increase the current monthly premium paid by the County from \$38,822 to \$46,005. The County's total annual premium paid to Wellmark over the 12 months of the contract would be \$552,060; a one-year increase

of \$86,196. Welter presented two options that would lower the County's cost increase to 13 percent or 5 percent by increasing deductibles paid by single employees and families. The Board took no immediate action to change the current policy. but will review options prepared by Welter at its April 2 meeting.

Deer Boulevard Bike Trail Pro- Highway Report: Highway Superintendent Brian Gustad reported to the Board that load limits were implemented on March 18. He said his employees have been busy with placing gravel on county-maintained roads; grading gravel roads; equipment upkeep; sign repair and maintenance: and tree removal. He said the state inmate who has been hired is doing a good job of keeping the shop area clean.

2010	Legal and Public Notices	2010	Legal and Public Notices
redit towa 0 hour wo	ard hours worked in a ork week.	Sargent	misch. Meierhenry and is serving as bonding

Action 13110H: A motion was

made by Sinclair and seconded by

Freng to approve 2013 equipment

rates for highway work done for

towns and townships. Gustad said

the rates were last changed in

2008. He said the new rate sched-

with staff from the S.D. Dept. of

Legislative Audit. The new rates

will be higher than in the past, but

Gustad said they will more accu-

rately reflect the County's cost for

equipment repairs, maintenance

and fuel. All present voted aye;

Department Credit Cards:

County Treasurer Pam Marchand

addressed the Board about a re-

quest from Highway Supt. Gustad

for a credit card to pay for miscel-

laneous travel expenses and office

supplies. Marchand said she is

working with First Dakota Na-

tional Bank, where the County has

its checking account, to set up a

County credit card account that

would prevent late fees on occa-

sions when County bills are not

approved until after the credit card

Voucher System: Treasurer Mar-

which is managed by Deputy

prepares a voucher for each in-

the end of April, Marchand sug-

gested this may be the right time

to transition to a system where de-

partment heads prepare their own

vouchers and designate the appro-

priate budget section a bill should

Action 13111C: A motion was

made by Johnson and seconded by

Sinclair to recess the regular ses-

sion and convene in Executive

Session to discuss a personnel is-

sue. All present voted aye; motion

Action 13112C: A motion was

made by Sinclair and seconded by

Freng to reconvene in regular ses-

sion. All present voted aye; mo-

Chairman Jensen stated an indi-

vidual has been hired for the ad-

vertised clerical position in the

Auditor's Office, pending results

of a standard county background

Turkey Valley Ditch: Craig Han-

sen, of Turkey Valley Township,

again addressed the Board about

taxation errors for the Turkey Val-

be paid from.

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tion carried.

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fice.

motion carried.

payment is due.

is bonding agent for the Yankton-Clay Lateral Drainage Ditch No. 2 project.

Action 13116DB: A motion was made by Sinclair and seconded by Freng to approve Resolution No. 13116 as follows:

A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF THE YANKTON COUNTY (YANKTON-CLAY COUNTY LATERAL DRAIN-AGE DITCH NO. 2 DRAIN-AGE DITCH) BOND, SERIES 2013, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$148,000; FIXING THE FORM AND SPECIFICATIONS OF THE BOND; RATIFYING AND AUTHORIZING THE EXECUTION AND DELIV-ERY OF CERTAIN RELATED INSTRUMENTS. Yankton

WHEREAS, County (the "County") on behalf of Yankton-Clay County Lateral Drainage Ditch No. 2, Gayville, South Dakota (the "Drainage Ditch") is authorized by SDCL Chapter 46A-11, as amended (the "Law") to issue bonds which are not general or special obligations of County but are issued on behalf of the Drainage District and are pavable from assessments levied by or for the Drainage Ditch against properties within the Drainage District paid for by the net proceeds of such Bond; and

WHEREAS, the Drainage Ditch has authorized the funds to replace the 30" Vitrified Clay Pipe (VCP) drain line with new chand also discussed the County's 30" reinforced concrete pipe current system of paying bills, (RCP) drain line. This drain line is the sole method of transporting Auditor Lois Eli. Eli currently storm runoff water in this rural area of Gayville, SD (the "Imvoice she receives from a departprovements"), let construction ment head and determines which contracts for the improvements part of a department budget and directs assessments to be levshould be designated to fund the ied against the properties benepayment. With Eli set to retire at fited by the improvements; and

> WHEREAS, the Drainage Ditch requires financing to pay for the improvements and desires to have the County raise the money for the financing therefore by issuing a bond (the "Bond"), in the principal amount of \$148.000: and

WHEREAS, the

ments of assessments for all of the improvements will be used to secure the Bond; and WHEREAS, the

pav

County Commission hereby finds and determines that issuing the Bond to finance the improvements will promote the public welfare, safety, convenience and prosperity of the District and its inhabitants:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF YANKTON COUNTY, SOUTH DAKOTA AS FOLLOWS:

Section 1. Ratification of Prior Actions and Declaration of Necessity. All actions heretofore taken (not inconsistent with the provisions of this Resolution) by the Drainage Ditch and by the officers of the Drainage Ditch directed toward the issuance of the bond are hereby ratified, approved

2010 Legal and Public 2010 Notices

provements and all moneys in the Bond Fund. No moneys may be transferred out of the fund until all obligations which are or may be charged against the Bond Fund have been discharged.

Section 7. Pledge of Special Assessments. All funds, special assessments, assessments of the Drainage District levied pursuant to Title 46A are hereby pledged for the payment of the principal of and interest on the Bond when due and shall be deposited into the

Bond Fund. Section 8. Authorization to Take Action. The Chairman and Auditor are hereby authorized and directed to take all other action necessary or appropriate to effectuate the provisions of this resolution. including without limiting the generality of the foregoing, negotiating the final terms of the sale, the printing of the Bond, and the execution of such certificates as may reasonably be required, including, without limitation, certification relating to the signing of the Bond, the tenure and identity of the officials, the receipt of the bond purchase price and, if in accordance with the facts, the ab-

validity thereof. Section 9. Resolution Constitutes Contract. After the Bond has been issued, this resolution shall constitute a contract between the Drainage Ditch, the County and the holder or holders of the Bond, and shall be and remain irrepealable and unalterable until the Bond and the interest accruing thereon shall have been duly paid, satisfied and discharged.

sence of litigation affecting the

# Section 10. Partial Invalidity. If

any one or more of the provisions of this resolution, or of any exhibit or attachment thereto, shall be held invalid, illegal, or unenforceable in any respect, by final decree of any court of lawful jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, or of any exhibit or attachment thereto, but this resolution, and the exhibits and attachments thereto, shall be construed the same as if such invalid, illegal, or unenforceable provision had never been contained herein, or therein, as the case may be.

Section 17. This resolution is an administrative act by the County for the Drainage District and shall become effective immediately upon its passage. All present voted aye; motion carried.

Action 13117DB: A motion was made by Johnson and seconded by Freng to adjourn as Ditch Board and reconvene as the Yankton County Drainage Board. All present voted aye; motion carried.

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# Legal and Public Notices

Commissioner Moore presented a drainage permit request from Ron Schaeffer of Jamesville Township on behalf of Zoning Administrator Patrick Garrity who could not attend the meeting. Following his presentation and recommendation for approval, Moore said he would recuse himself from voting on the request because he had presented it to the Board.

Action 13118DB: A motion was made by Sinclair and seconded by Johnson to approve a Drainage Permit (Ron Schaeffer) for the following properties: NW1/4, NW1/4. S4-T96N-R56W and SW1/4, NW1/4, S4-T96N-R56W and NE1/4, NE1/4. S4-T96N-R56W, hereinafter referred to as Jamesville Township, County of Yankton, State of South Dakota.

1. Drainage Commission recommends approval 7 - 0.

2. Recommendations/conditions: Per Findings of Fact on file in Zoning and Auditor offices. 3. Tile Drainage Permit request approval per Article III, Section 3.09, Section 3.10 and Section 3.11 of the Yankton County Drainage Ordinance #19. Voting aye: Freng, Jensen, Johnson and Sinclair: voting nav: none: abstain: Moore. Motion carried 4-0.

Action 13119DB: A motion was made by Johnson and seconded by Freng to adjourn as Drainage Board and reconvene in regular session. All present voted aye; motion carried.

**Emergency Management Re**port: Yankton County Emergency Management Director Paul Scherschligt informed the Board he intends to add a part-time deputy to his staff to assist with increasing workload in the County Office of Homeland Security and Emergency Management. Scherschligt currently has two deputies who are paid \$150 per month to help cover on-call time. He plans to promote one of those individuals to a position of 20 hours per week at a wage of \$10 per hour. Scherschligt said his 2013 budget has adequate funds for the new position.

Scherschligt invited the Board to observe a full scale emergency management exercise on May 15 at 10:30 a.m. The exercise will be held at the County's Emergency Operations Center at the Yankton County Ambulance and Emergency Management Building at 805 Capital St., in Yankton. He also notified the Board of a Wildfire Season public meeting to be held March 26 at 7 p.m. at Yank-

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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. 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.

Published once at the total approximate cost of \$25.82.

### 4+3 NOTICE OF APPLICATION NO. 7664-3 to Appropriate Water

Notice is given that James Kokes and Jason Kokes, 42273 SD Hwy

50, Tabor SD 57063 have filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Codell Aquifer (207 feet deep) located in the SW 1/4 NW 1/4 Section 13 for irrigation of 90 acres located in the NW 1/4, N 1/2 SW 1/4 Section 13: all in T94N-R59W. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends AP-PROVAL of Application No. 7664-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of 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 Johnson of Johnson Engineering were present to discuss DOT's Feb. 28, 2013 recommendation that the Board grant a change order on the Deer Boulevard Bike Trail Project.

The change order would allow Vermillion contractor LRC, Inc., until July 1, 2013 to satisfactorily complete the trail, which extends from Highway 52 south to the Missouri River near Riverside Acres.

Chairman Jensen said it was States Attorney Rob Klimisch's recommendation to grant the change order for a time extension. Schultz, Administration Program Manager for DOT, said this extension change order will protect Yankton County from repaying federal funds it has received for the project.

LRC was awarded a \$276,641 bid on Aug. 3, 2010 to construct the trail. Yankton County designated \$105,000 for the project with the remainder of the cost paid from grant funds. However, Commissioners have been dissatisfied with the project results after granting previous extensions to LRC. Concerns that have been cited include ruts, missing chips, missed deadlines and - more recently - an opinion from Gustad that the sub-grade of the trail is failing.

At its Sept. 5, 2012 meeting, the Board voted 5-0 to notify LRC's bonding company that Yankton County has requested forfeiture of the bond for the project; and to advise LRC do no further work on the trail as of Sept. 6, 2012. Schultz said the Board should re-

scind the action taken at its Sept. 5, 2012 meeting, and then proceed with preparation of a change order to grant a final time extension deadline to July 1, 2013.

Members of the Board expressed repeated concerns about the quality of work on the trail, stating LRC failed to correct various areas of concern when granted previous extensions.

Schultz said she believes a final extension to July 1 is necessary to prevent repayment of \$183,751 in federal funding that Yankton County has received for the project.

Action 13106H: A motion was made by Johnson and seconded by Sinclair to rescind Commission Action 12371H from the Board's Sept. 5, 2012 meeting regarding the Deer Boulevard Trail project. Voting aye: Freng, Jensen, John-

Gustad discussed two software proposals from D-Ware, Inc., to improve his department's asset management and sign management systems.

Action13107H: A motion was made Johnson and seconded by Sinclair to approve an annual lease agreement for \$2,500 with D-Ware, Inc., for lease of its Highway Manager Pro and Sign Manager Pro software products. All present voted aye; motion carried.

Gustad also recommended the Board change the Highway Department's official work week to save overtime costs. He said starting the work week on Saturday will allow him greater flexibility in giving flexed time off to employees who do snow removal during the weekend.

Action13108H: A motion was made by Johnson and seconded by Freng to rescind Commission Action 10650C. This action was taken at the Board's Oct. 5, 2010 meeting and had established the Highway Department work week from 12:00 AM Sunday through 11:59 PM Saturday. All present voted aye; motion carried.

Action 13109H: A motion was made by Johnson and seconded by Sinclair to make the following amendment to the Yankton County Highway Department section of the Yankton County Personnel Manual, effective March 18, 2013 due to the annulment of Action 10650C.

1. Work week will be 12:00 AM Saturday through 11:59 PM Friday. 2. Hours worked on Satur-

day and Sunday will count toward the 40 hour work week. 3. Sick time, vacation

time, or other leave categories will not be included as "hours worked" in determining overtime. 4. Should an employee

have to work one of the 10 approved and scheduled holidays they will receive regular pay for hours worked and eight hours

ley Drainage Ditch. The Board voted Oct. 2, 2012 to reinstitute a levy on benefitted acres of the ditch to fund a ditch improvement project. Commissioner Johnson said the levy was not applied correctly by the Auditor's Office. Johnson said property directly adjacent to the ditch was taxed, but non-adjacent properties that benefit from the drainage system were not taxed. Because it is too late to correct levies for taxes payable in 2013, the Board agreed to rescind the Oct. 2, 2012 motion and encourage landowners taxed for the ditch project to file abatement applications with the Auditor's Of-

Action 13113TVD: A motion was made by Moore and seconded by Johnson to rescind Commission Action 12409TVD from the Board's Oct. 2, 2012 meeting, regarding Turkey Valley Ditch levies. All present voted aye; motion carried.

Action 13114TVD: A motion was made by Johnson and seconded by Sinclair to direct Auditor's Office staff to send letters to landowners incorrectly levied for the Turkey Valley Drainage Ditch, notifying them of the abatement option available to them along with instructions about filing an abatement application. All present voted aye; motion carried.

Commissioner Johnson said Zoning Administrator Patrick Garrity is preparing an accurate list of property owners that benefit from the Turkey Valley Drainage Ditch with plans to reinstitute the levy for taxes payable in 2014.

Action 13115DB: A motion was made by Johnson and seconded by Freng to recess the regular session and convene as the County Ditch Board. All present voted aye; motion carried.

The Board reviewed correspondence from Jay Jorgensen, secretary of the board for Yankton-Clay Lateral Drainage Ditch No. 2, which passes through the Town of Gavville. Jorgensen requested the County Commission adopt the following Resolution to approve issuance and sale of bonds in the maximum principal amount of \$148,000 for work on Yankton-Clay Lateral Drainage Ditch No. 2. The resolution was prepared by the Sioux Falls firm of Meierhenry and Sargent, in consultation with States Attorney

and confirmed. It is hereby de-111 clared a necessity to issue the Bond to pay the contractor for services rendered. 12\

Section 2. Issuance of Special Assessment Bond. To provide funds to pay the costs of the improvements, the County shall issue its registered Bond, in an aggregate principal amount of \$148,000, to be issued in full conformity and solely pursuant to the provisions of SDCL Chapter 46A-11. The Bond does not constitute a debt within the meaning of the Constitution of the State of South Dakota. The Bond shall be dated in 2013 and shall also bear the date of authentication, shall be in fully registered form, shall be on such terms and conditions as are determined by the Chairman and Auditor, and the Bond shall become due and pavable as determined by the Chairman and Audi-

Section 3. Redemption. The Bond is redeemable prior to maturity at the option of the County, on the dates and terms set forth in the bond certificate.

tor.

Section 4. Authentication. The Bond shall have thereon a certificate of authentication substantially in the form hereinafter set forth duly executed by the Bond Registrar as authenticating agent of the County and showing the date of authentication. No bond shall be valid or obligatory for any purpose or be entitled to any security or benefit under this resolution unless and until such certificates of authentication shall have been duly executed by the Bond Registrar by manual signature, and such certificate of authentication upon any such bond shall be conclusive evidence that such bond has been authenticated and delivered under this resolution. The certificate of authentication on the bond shall be deemed to have been executed by the Bond Registrar if signed by an authorized officer of the Bond Registrar.

Section 5. Sale of Bond. The United States Government, acting through Rural Utility Services, shall purchase the Bond.

Section 6. Creation of Bond Fund. A segregated asset account (hereafter "Bond Fund") is hereby created for the Bond. For the purpose of providing the necessary funds to make required payments of principal of and interest on the Bond, the funds obtained pursuant to Title 46A hereby irrevocably pledges all amounts derived from special assessments for all im-

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### AXYDLBAAXR is LONGFELLOW

One letter stands for another. In this sample, A is used for the three L's, X for the two O's, etc. Single letters, apostrophes, the length and formation of the words are all hints. Each day the code letters are different.

# CRYPTOQUOTE

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WHO CHEATS ON HIS WIFE, YOU'LL BE MARRIED TO A MAN WHO CHEATS ON HIS WIFE. - ANN LANDERS