

2010 Legal and Public Notices

of the Code and including "qualified 501 (c)(3) Bonds" but excluding other "private activity Bonds," as defined in Sections 141(a) and 145(a) of the Code) will be issued by or on behalf of the City and all "subordinate entities" of the City in 2013 in an amount greater than \$10,000,000.

ARTICLE IX: NOTICE OF REFUNDING

**Section 9.1. Notice of Refunding.** The City Finance Officer has received consent in writing from the South Dakota Conservancy District for prepayment of the Refunded.

**Section 9.2.** The Bonds are subject to notice requirements as set forth in SDCL §6-8B-23.

ARTICLE X: MISCELLANEOUS

Section 10.1. Failure to Present Bonds.

(a) In the event any Bond shall not be presented for payment when the principal or redemption price hereof becomes due, either at maturity or at the date fixed for prior redemption thereof or otherwise, and in the event monies sufficient to pay such Bond shall be held by the Registration Agent for the benefit of the Owner thereof, all liability of the City to such Owner for the payment of such Bond shall forthwith cease, determine, and be completely discharged. Whereupon, the Registration Agent shall hold such monies, without liability for interest thereon, for the benefit of the Owner of such Bond who shall thereafter be restricted exclusively to such monies for any claim under the Resolution or on, or with respect to, said Bond.

(b) If any Bond shall not be presented for payment within a period of six years following the date when such Bond becomes due, whether by maturity or otherwise, the Registration Agent shall, subject to the provisions of any applicable escheat or other similar law, pay to the City any monies then held by the Registration Agent for the payment of such Bond and such Bond shall (subject to the defense of any applicable statute of limitation) thereafter constitute an unsecured obligation of the City.

Section 10.2. Payments Due on Saturdays, Sundays, and Holidays.

In any case where the date of maturity or interest on or principal of any Bond, or the date fixed for redemption of any Bond, shall be a Saturday or Sunday or shall be, at the place designated for payment, a legal holiday or a day on which banking institutions similar to the Registration Agent are authorized by law to close, then the payment of the interest on, or the principal, or the redemption price of, such Bond need not be made on such date but must be made on the next succeeding day not a Saturday, Sunday, or a legal holiday or a day upon which banking institutions similar to the Registration Agent are authorized by law to close, with the same force and effect as if made on the date of maturity or the date fixed for redemption, and no interest shall accrue for the period after such date.

Section 10.3. Miscellaneous Acts.

The appropriate officers of the City are hereby authorized, empowered, and directed to do any and all such acts and things, and to execute, acknowledge, deliver, and, if applicable file or record, or cause to be filed or recorded, in any appropriate public offices, all such documents, instruments, and certifications, in addition to those acts, things, documents, instruments, and certifications hereinbefore authorized and approved, as may, in their discretion, be necessary or desirable to implement or comply with the intent of the Bond Resolution, or any of the documents herein authorized and approved, or for the authorization, issuance, and delivery by the City of the Bonds.

Section 10.4. Amendment.

The City Commission is hereby authorized to make such amendments to the Bond Resolution as will not impair the rights of the Bondholders.

Section 10.5. No Recourse Under Bond Resolution or on Bonds.

All stipulations, promises, agreements, and obligations of the City contained in the Initial Resolutions or the Resolution shall be deemed to be the stipulations, promises, agreements, and obligations of the City and not of any officer, director, or employee of the City in his or her individual capacity, and no recourse shall be had for the payment of the principal of or interest on the Bonds or for any claim based thereon or on the Initial Resolution or the Resolution against any officer, director, or employee of the City or against any official or individual executing the Bonds.

Section 10.6. Partial Invalidity.

If any one or more of the provisions of the Bond 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 pro-

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vision hereof, or of any exhibit or attachment thereto, but the Bond 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 10.7. Conflicting Resolutions Repealed.

All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 10.8. Effective Date.

This Bond Resolution shall take effect from and after its adoption, the welfare of the City requiring it.

**Roll Call:** All members present voting "Aye;" voting "Nay:" None.  
Motion adopted.

Article 13-71

Moved by Commissioner Gross, seconded by Commissioner Lowrie, to establish April 22, 2013 as the date for a public hearing to consider Resolution 13-08, a request to vacate the unimproved east-west alley Right-of-Way located between the south 3/4ths of Lot 6 and Lots 7, 8, and 9, Block 43, Noble's Addition to the City of Yankton, South Dakota, address, 808 and 822 West 5th Street and 504 Spruce Street, N-K Properties, Inc., John Keyes, President, owner. (Memorandum 13-59)

**Roll Call:** All members present voting "Aye;" voting "Nay:" None.  
Motion adopted.

Article 13-72

Moved by Commissioner Woerner, seconded by Commissioner Sommer, adjourn into Zoning Board of Adjustment at 7:12 p.m.

**Roll Call:** All members present voting "Aye;" voting "Nay:" None.  
Motion adopted.

Regular meeting of the Board of City Commissioners of the City of Yankton was reconvened by Mayor Wenande.

**Roll Call:** Present: Commissioners Akland, Carda, Gross, Hoffner, Knoff, Lowrie, Sommer, and Woerner. City Manager Nelson was also present. Absent: City Attorney Hosmer. Quorum present.

Article 13-73

Moved by Commissioner Woerner, seconded by Commissioner Akland, to adjourn into Executive Session at 7:15 p.m. to discuss contractual matters under SDCL 1-25-2.

**Roll Call:** All members present voting "Aye;" voting "Nay:" None.  
Motion adopted.

Regular meeting of the Board of City Commissioners of the City of Yankton was reconvened by Mayor Wenande.

**Roll Call:** Present: Commissioners Akland, Carda, Gross, Hoffner, Knoff, Lowrie, Sommer, and Woerner. City Manager Nelson was also present. Absent: City Attorney Hosmer. Quorum present.

Article 13-74

Moved by Commissioner Carda, seconded by Commissioner Akland, to adjourn at 8:07 p.m.

**Roll Call:** All members present voting "Aye;" voting "Nay:" None.  
Motion adopted.

Nancy Wenande  
Mayor

ATTEST:

Al Viereck  
Finance Officer  
Published once at the approximate cost of \$752.03.

4+5 ZONING BOARD OF ADJUSTMENT YANKTON, SOUTH DAKOTA MARCH 25, 2013

Regular meeting of the Zoning Board of Adjustment of the City of Yankton was called to order by Chairman Wenande.

**Roll Call:** Present: Members Akland, Carda, Gross, Hoffner, Knoff, Lowrie, Sommer, and Woerner. City Manager Nelson was also present. Absent: City Attorney Hosmer. Quorum present.

Article 13-01

Moved by Member Akland, seconded by Member Woerner, to approve the Minutes of the November 28, 2011, meeting.

**Roll Call:** All members present voting "Aye;" voting "Nay:" None.  
Motion adopted.

Article 13-02

Moved by Member Gross, seconded by Member Carda, to establish April 8, 2013, as the date for a public hearing to consider a variance from rear yard setback

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requirements in an R-1 Single Family Residential District on the South 97.96' of Lot 1, Block 1, West Yankton Addition to the City of Yankton, South Dakota, address 1000 W 14th Street, Dean Kaiser, owner. (Memorandum 13-58)

**Roll Call:** All members present voting "Aye;" voting "Nay:" None.  
Motion adopted.

Article 13-03

Moved by Member Sommer, seconded by Member Akland, that the meeting adjourn at 7:14 p.m.

**Roll Call:** All members present voting "Aye;" voting "Nay:" None.  
Motion adopted.

Nancy Wenande  
Chair

ATTEST:

Al Viereck  
Finance Officer  
Published once at the approximate cost of \$23.34.

YOUR NEWS! The Press & Dakotan

Transit

From Page 1A

and Thursday, according to Benton.

"But it was not where I wanted it to be," she said.

Bentson said Thursday evening that the software issue had been resolved, making her optimistic that Friday would see a return to the service she and others expect of Yankton Transit.

Yankton Transit provides transportation services to individuals from 7:30 a.m. to 4:30 p.m. on weekdays when an appointment is made at least 24 hours in advance. It is administered by ROCS, a private non-profit community action partnership agency located in Lake Andes.

A portion of Yankton Transit's funding is provided by the City of Yankton.

BENTSON: APPROXIMATELY 25% OF STUDENT RIDER CONTRACTS CANCELED

Indicating just how difficult this week has been, Bentson said Yankton Transit has lost approximately 25 percent of the contracts it had with parents to transport more than 200 children to and from school at \$2 per ride.

In response to a complaint filed by the National School Transportation Association (NSTA), the FTA ordered in February that Yankton Transit cease and desist from operating exclusive school bus routes. Within 60 days, Yankton Transit was told to provide a transition plan to accommodate the service through the end of the school year.

Operating an exclusive school bus service not open to the public is a violation of the rules for FTA-funded agencies.

In the past, Yankton Transit utilized routing rules that took precedence over normal scheduling

Schumacher

From Page 1A

we will be able to meet those challenges head on. Yankton is a community with many benefits. We are blessed with intelligent, hard working individuals who have a true love for their community; pair this with the lake, Mount Marty College, our parks, and local Arts, and we have a recipe for a limitless future.

2. The city is investigating the potential for approximately \$28 million in upgrades to its water treatment and water intake facilities. What are your thoughts on this process so far, and what would be the best way to go about funding such a large investment?

Regarding the Water Treatment Plant, it isn't a matter of if, but of when. I have no quarrel with the process thus far, because it has been above board. For awhile, staff has said that we are having issues with the Water Treatment in Yankton, unfortunately, the recent flooding sped up the need for replacement. I also believe the \$28 million is a reasonable price tag and, if delayed, will only increase. As far as paying for this project, barring federal funds, I believe Yankton has always had water pay for water and that should continue. Of course, the commission should always be open to other funding ideas. I also disagree with the proposing of a lease/leaseback system that removes control from the city.

software preferences that would route rides in the most efficient manner. These routing rules were used to assign students to particular buses going to a single destination and did not allow members of the general public on those routes.

Now, a child going to a school, daycare or any other destination will be routed just as any other member of the general public. Also, any bus picking students up from school will be open to any other rider.

Bentson, as well as parents, believed the routing rules were a safety measure to protect children.

When the routing rules were taken out of the system beginning Tuesday, something went wrong, according to Bentson.

Tera Schmidt, an employee of the *Press & Dakotan*, related how her 9-year-old daughter typically boarded the Yankton Transit bus at Stewart Elementary and would be home by 4 p.m. at the latest.

On Tuesday, 4 p.m. came and went, but her daughter was not home.

Schmidt and her husband chalked it up to the changes they were warned by Yankton Transit would be taking place.

However, at 4:40 p.m. they received a call from Principal Jerome Klimisch saying their daughter was still at the school. She and other children had been waiting since the end of school for a bus that hadn't yet arrived.

"She was quite upset," Schmidt said. "She was crying.

"At least she was 9 and at school," she added. "Some of the kids were on the bus for an hour and were much younger. That's kind of scary."

One of those children on a Yankton Transit bus for an extended period of time was the 5-year-old daughter of Ross Den Herder. He had also been prepared for some delays, but became concerned when he went to the baby-sitter at 4:30 p.m. and learned his daughter was not there.

of those financial issues," he said. "Financial problems are something that a lot of districts have been, and are still, currently working through."

Berens added that if he is hired as the next YSD superintendent, he will remain passionate about sharing what schools are doing for the community with the people they serve.

"I want the community to feel as if the school is a safe place for their kids," he said. "There also needs to be a collaboration between the school district and the community, and that is something that I value highly."

Berens stated that there are indicators that Yankton is a community that highly values its school district. He said he's always liked the challenge of administrators, and is excited about the opportunity to potentially work for YSD and the community.

Sittig served as a teacher in Baltic for more than a decade before switching gears to move into the administrative level. "I've held a variety of positions over the years, including coach, activities director, teacher, principal and now superintendent," he said. "I think the experience and knowledge I've gained through wearing all of these different hats gives me a good knowledge base for working with a K-12 school district."

One of the biggest differences between the Baltic School District and YSD is the size — Baltic has about 415 kids enrolled in the district.

3. The city purchased 35 acres of Human Services Center ground last May at a cost of approximately \$1.95 million. Do you think enough is being done to market the property and find a good use for it?

Regarding the purchase of the HSC land, I was a supporter of the purchase, because it allows us to have some control over a major introductory corridor to Yankton. As far as marketing the land, I believe the city is keeping their powder dry until the right proposal is received. It could also be a possible location for a potential Sports Complex. With the recent construction of Menard's, I believe this area is ripe for development and will be a benefit to the city in the future and we will be thankful that the city leaders had the foresight to purchase the land.

4. The Joint Vermillion/Yankton Solid Waste System is examining its recycling program. A majority of city commissioners have indicated they would like the organization to adopt a single-stream recycling program. Do you agree with this, and is it important enough to contemplate raising the cost of service?

I am a big supporter of single-stream recycling. One of the biggest obstacle to achieving full participation in recycling programs is the hassle of organization, separation, and delayed handling. With single-stream recycling, the citizens of Yankton would no longer have to separate their recyclables, but would rather merely have to toss them into a receptacle provided by the city. This easing of the process should serve to increase the participation by the citizens of Yankton. With increased participation, we would

Typically, she boards the bus from school at 3:15 p.m. and is dropped off at daycare a half-hour later. On Tuesday, she was picked up at 3:40 p.m.

Den Herder called Yankton Transit and confirmed that his daughter was on a bus and would be dropped off soon. He requested that she now be taken to their home, rather than daycare. Another call was made to the transit service when she didn't make it home at 4:50 p.m. It was learned there were adults on the bus, creating more concern.

Den Herder said his daughter finally got home at 5:20 p.m.

"(My wife and I) were pretty upset," he stated.

Den Herder and Schmidt said that, after their experiences Tuesday, they made other arrangements for their children's transportation to avoid using Yankton Transit.

Schmidt has found a family member willing to give rides to her daughter, and Den Herder has entered a carpooling arrangement with another family.

Den Herder and Matt Pietz, a Yankton School Board member and parent who has been affected by the Yankton Transit situation, said they are interested in organizing with other parents to try and find a solution.

Given the Yankton School District's financial woes, Pietz said he isn't really looking in that direction for help.

"I can't speak to (whether the school board will have a role to play in this issue)," he stated. "But at this point in time, I don't see how we can do in-town busing routes and cover our costs."

Den Herder, an attorney at the Hosmer Law Office, said those interested in helping Yankton Transit and finding a way to assist the community's parents should call his office at (605) 665-0494.

"I'm really angry," he said. "I don't blame Yankton Transit. They could have seen this coming, perhaps, but they got unfairly picked

"Despite the size difference, you deal with a lot of the same budget issues — Yankton's numbers are just bigger," Sittig said. "I've had good people to work with at Baltic, and I'm aware of a lot of good people that are in the Yankton district as well."

Grond has spent the last eight years as superintendent of the Boyden-Hull School District in Iowa. Prior to that, he had worked as a teacher and coach at both Watertown and Brandon Valley.

"I have a background in South Dakota, and, as a coach, I had interaction with kids, teachers and coaches from Yankton and I always came away impressed by them," he said. "Yankton has a solid reputation for high achievement and a standard of excellence in academics, arts and athletics."

Grond said one of the biggest differences between the Boyden-Hull district and YSD is the size. Boyden-Hull has about 630 students enrolled, and the town of Hull has a population of about 2,200.

"There are similarities in the fact that we want what's best for our kids," he said. "We want the best education money can afford, we want our kids to achieve at high levels and we want their to be accountability with the district."

He said his background in larger districts has helped him understand the nuances of what it takes to work in a bigger district. He also added that, unless your school district is growing dramatically, many schools are facing budget issues. "With budget issues, you have

seen a reduction in the amount of waste deposited in the landfill, which will also extend it's lifespan, which is a positive, since we aren't creating more land.

5. The City Commission is working on a partnership with other organizations to conduct a housing study for Yankton. Do you think this is a good idea? Why or why not?

I believe a housing study is a good step for the community. This will allow the city leaders to quantify on paper what is known in theory; we need more middle-income housing and multi-unit housing. One obstacle to getting people to move to Yankton is the lack of quality, affordable housing for families. Having this study in place should also allow us to pursue federal and state assistance in the forms of grants, and low-interest loans.

6. Any closing thoughts?

On April 9, the people of Yankton have the opportunity to vote for up to three candidates for City Commission. I would be honored if I would receive one of their votes. I'm active in the community through various organizations. I'm a member of Saint Benedict's Catholic Church, where I serve as a Cantor and Lector. I'm a member of a local chapter of the Knights of Columbus. I currently serve as a Board Member for the Yankton Area Concert Association. I'm also an active board member for the Lewis & Clark Theatre Company, where I've participated in multiple plays and musicals and, recently, I brought The Abrams Brothers band to the Dakota Theatre to kick off its Concert Series. I'm also a graduate of Leadership Yankton.

on. As near as I can tell, they were targeted by (the NSTA)."

LOOKING TOWARD A BRIGHTER FUTURE

Bruce Lindholm, the program manager for the South Dakota Department of Transportation who oversees agencies like Yankton Transit, said the Yankton case has spurred a re-evaluation of other transit agencies in the state. Yankton Transit is the only one that has had an adverse FTA ruling regarding transportation of school children in recent memory, he stated.

"Certainly, other transit agencies provide public transit services for children," Lindholm said. "It all depends on exactly how it is set up. None of the others had explicitly stated that they were not going to have general public riders on buses with children.

"As a result of this, we're making sure that all of the transit systems in the state are compliant with federal law," he added. "We're triple-checking, if you will."

Lindholm was involved in crafting the Yankton Transit response to the FTA ruling. He said that the FTA hasn't officially endorsed the current course of action.

"They responded to a concept that was discussed in a general way about how the order would be addressed," Lindholm stated. "Verbally, they were OK with that. But they wanted to see it in writing. We haven't received a written response from them yet."

Bentson said she hopes the worst is behind her agency.

"Our main intent is to follow the federal guidelines so that our funding remains intact," she stated. "We are losing our youth rides, relationships and trust with parents that we worked years to build. We want to prove to them that they can put that faith and trust in us again."

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be able to make tough choices," Grond said. "There is a concern with the budget from the YSD school board and the community and I do have a background in dealing with budget issues."

Cynthia Clark received her Bachelor's degree from South Dakota State University, and since that time, has worked for a number of years in California.

She served as a principal for C.K McClatchy High School, located in Sacramento for four years. After that, she became the Director of School Improvement for the Sacramento City Unified School District. Clark currently works as the San Mateo Union High School District's director of curriculum and assessment, a position she has held for more than a year.

She was not available for comment by press time.

Wayne Kindle, the Yankton High School (YHS) principal, declined to comment about the position until a final decision is made by the board next week.

"We will get to take a really close look at all the candidates next week, and they'll also get a chance to take a look at us," Specht said.

Williams said he'll be looking for a candidate that has great leadership skills and one that can pull the community together behind YSD. He said he's confident the interview process will allow the board to identify this person.

You can follow Andrew Atwal on Twitter at [twitter.com/andrewatwal](https://twitter.com/andrewatwal)