

2010 Legal and Public Notices

Architects LLC, 211 Walnut Street, Yankton SD 57078, 605.668.0883. Copies are on file for viewing purposes at the Office of the State Engineer, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501-3182. Anyone requesting, reviewing, or copying plans and specifications for this project (such individual is hereinafter referred to as "bidder") agrees that they are doing so for the sole purpose of submitting a bid on the project. In consideration of the State of South Dakota providing such plans and specifications for the purpose of preparing a bid, bidder further agrees:

A. The plans and specifications are the sole property of the State; B. Any copies of the plans and specifications obtained directly from the State will be returned to the office of Schramm Architects LLC immediately after the State provides notice that bidder will not be awarded a contract, or thirty (30) days after the bid opening for the project, which ever occurs first;

C. Any copies of the plans and specifications made by the bidder will be destroyed immediately after the State provides notice that bidder will not be awarded a contract, or thirty (30) days after the bid opening for the project, which ever occurs first;

D. If bidder does not submit a bid, bidder will fulfill the requirements of B and C above on or before the date of the bid opening;

E. The plans and specifications are to be used only with respect to this project and are not to be used for any other project or purposes other than preparing a bid for this project;

F. The plans and specifications will not be disseminated to any person or entity for purposes other than obtaining pricing information without the express written approval of the state;

G. All information contained in the plans and specifications is confidential; and

H. Should the bidder disseminate the plans and specifications to an individual or entity for purposes of obtaining pricing information, the bidder will require that individual or entity to adhere to the terms set forth herein. The bidder, however, assumes no liability for the misuse of the plans and specifications by such third party or such third party's failure to comply with the provisions contained herein.

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Should bidder be awarded a contract for construction of the project, bidder does not need to return or destroy plans and specifications until after completion of the project.

Each bid in excess of \$50,000.00 must be accompanied by a certified check, cashier's check or draft in the amount of 5% of the base bid and all add alternates and drawn on a State or National Bank or a 10% bid bond issued by a surety authorized to do business in the State of South Dakota and made payable to the Department of Social Services of the State of South Dakota.

The Department of Social Services reserves the right to reject any or all bids and to waive any irregularities therein.

KRISTI HONEYWELL, P.E.
State Engineer

Office of the State Engineer

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NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the City Planning Commission including Yankton County ETJ members, Yankton, South Dakota at 5:30 P.M. on the 12th day of September, 2011 in the City of Yankton Community Meeting Room at the Technical Education Center, 1200 W. 21st Street. Said hearing is to consider the following Conditional Use Permit:

The extraterritorial jurisdiction expansion of a self-storage facility in a B-1 Local Business District on the East 1,323.6' of the South 290', and the N115' of the E778' of the S325' in the NE 1/4, SE 1/4, Section 11, T93N, R56W of the 5th P.M., Yankton County, South Dakota. Address, 1501 and 1505 West City Limits Road. Affordable Self Storage, LLC, owner.

Dave Mingo, AICP
Community Development Director

Read & Recycle!

Tribal College Presidents Seek More Help From Feds

BY DIRK LAMMERS
Associated Press

SIOUX FALLS — A group of tribal college presidents urged federal education officials to improve Native Americans' access to higher education Wednesday ahead of Education Secretary Arne Duncan's visit to South Dakota.

Cynthia Lundquist, president of Candeska Cikana Community College in Fort Totten, N.D., said tribal colleges and universities do their best with what they have, but could do so much more with additional funding.

"We do our best with the limited resources we have to have our students succeed," Lundquist told federal officials at Oglala Lakota College in Kyle during a discussion hosted by William Mendoza, deputy director of the White

House Initiative on Tribal Colleges and Universities.

Duncan will visit South Dakota on Friday to host a rural education roundtable at Rosebud Elementary School in Mission. He and U.S. Rep. Kristi Noem, R-S.D., and Rosebud Sioux Tribe Chairman Rodney Bordeaux will talk to local teachers, students and community leaders about rural education issues.

Later that day, Duncan will deliver the commencement address at Sinte Gleska University, also in Mission, before attending the Rosebud Sioux 135th Tribal Fair.

There are 36 federally recognized tribal colleges and universities across the country, with most located in the Midwest and Southwest. They serve about 30,000 full- and part-time students and offer two-year associate degrees in

more than 200 disciplines. Some award bachelor's and master's degrees, while about 200 others provide vocational certificate programs.

Thomas Shortbull, president of Oglala Lakota College, asked Mendoza and his director to urge President Barack Obama to sign an executive order that would fund tribal colleges and universities separately and not as part of a larger education order.

Mendoza said he thinks the order will be signed, but that it was important to hear from tribal members and those invested in educational issues. He said U.S. Department of Education officials have conducted many sessions to hear about the issues, consult and make sure the various perspectives are considered.

"We're working really hard to move that process along," Mendoza said.

Obama Signs Disaster Declaration For Iowa Storms

DES MOINES, Iowa (AP) — President Barack Obama has signed a presidential disaster declaration for six Iowa counties hit by severe storms in July.

The White House says the declaration was issued Wednesday for Benton, Clay, Dickinson, Marshall, Story and Tama counties following widespread damage from storms on July 9-14.

Gov. Terry Branstad requested the declaration to help the counties recover. A presidential major disaster declaration authorizes long-term federal recovery programs and is designed to help public entities and select nonprofit organizations.

Keystone Pipeline Opponents Converge In Lincoln

LINCOLN, Neb. (AP) — Activists from California, Texas and Nebraska have converged in Lincoln to present their case against a proposed tar sands oil pipeline.

Approximately 40 people gathered Wednesday for a discussion of the Keystone XL pipeline, which is designed to carry oil from Canada to Gulf Coast refineries.

Several activists were on their way to an ongoing White House protest against the pipeline, or had just come from it after being arrested.

Environmental groups have raised concerns that the pipeline could foul underground and surface water supplies, increase air pollution around refineries and harm wildlife. Pipeline supporters say it is safe and will create much-needed jobs.

David Daniel, an east Texas landowner, says he was repeatedly pressured into signing a portion of his property away with legal threats.

Neb. Loss To Migration In 2009 Was One Of Smallest

OMAHA, Neb. (AP) — The number of people moving out of Nebraska usually exceeds the number of people moving into the state, but that gap narrowed considerably in 2009 as the recession ended.

The University of Nebraska at Omaha Center for Public Affairs Research released a new study of IRS data Wednesday.

The study shows Nebraska recorded a net loss of 400 people between 2008 and 2009 and continued a streak of 13 years of net losses from migration. In 2008, Nebraska had a net loss of about 2,500 people.

The 2009 loss is the smallest one since 1996. Researcher David Drozd says the state-by-state data suggests Nebraska may have seemed attractive to people living in states hard-hit by the recession. Nebraska recorded net gains from Florida, Arizona, California and Michigan.

Neb. State Senator To Seek Open Regent Seat

LINCOLN, Neb. (AP) — A state senator from rural southeast Nebraska says he plans to run for a seat on the University of Nebraska Board of Regents.

Elk Creek Sen. Lavon Heidemann announced Wednesday that he will seek the seat held by outgoing Regent Jim McClurg.

Heidemann says he is especially interested in the role the university plays in Nebraska agriculture. He says he will focus on prioritizing spending and programs to provide a quality and affordable education.

McClurg holds the District 5 seat on the board, but has said he will not seek re-election. Heidemann's term in the Legislature will end in 2012 because of term limits.

A press statement announcing Heidemann's candidacy includes endorsements from McClurg, Speaker of the Legislature Mike Flood and Gov. Dave Heineman.

Former Omaha Sen. Ernie Chambers To Run Again

LINCOLN, Neb. (AP) — Former Omaha Sen. Ernie Chambers, the self-proclaimed "defender of the downtrodden," wants to come back to the Legislature.

Chambers confirmed Wednesday that he will run again for the north Omaha district he represented for 38 years. The 74-year-old left office in 2008 because of new term limits, but is eligible to run again in the 2012 election.

Chambers says lobbyists, the governor and the attorney general have "run roughshod" over the Legislature with a right-wing agenda. Chambers, who was legendary for his procedural knowledge and ability to delay bills, says too much legislation is passing without serious debate.

Firm Examining Possible Corn Palace Renovation

MITCHELL (AP) — The city of Mitchell has hired a Minneapolis firm to develop a new vision for the Corn Palace.

The *Argus Leader* reports that the city is paying Meyer, Scherer and Rockcastle \$115,500 to study the potential to renovate and expand the 120-year-old tourist attraction.

The Corn Palace has been at its present location for the last 90 years. The study will last four to six months. It will examine the mechanical, electrical and structural integrity of the existing Corn Palace. It will also look at the potential for development and renovation within the palace and include recommendations for use of the nearby downtown area.

Chairman Doug Dailey says the Tourism-Corn Palace Area Development Work Group prefers not to tear the existing Corn Palace down to build a new one.

Company Blames Missouri Flooding For Pipeline Leak

BY GRANT SCHULTE
Associated Press

LINCOLN, Neb. — Massive flooding from the Missouri River is being blamed for the break of an underground pipeline earlier this month that caused fuel to pour into the waterway, a company spokesman said Wednesday.

Rick Rainey, a spokesman for Houston-based Enterprise Products, said the flooded river swept away at least 3 feet of soil that normally covers a natural gasoline pipeline that runs between Onawa, Iowa, and Decatur, Neb. The pipe ruptured on the low side of the river in what usually is a dry area but has been flooded for weeks this summer.

"Based on our visual inspection and some of the data we've been able to gather, it's pretty clear that the erosion from the quickly moving water played a key role in the pipe failure," Rainey said.

Rainey said the pipe, which is buried at least 20 feet underground when it crosses the river, wasn't designed to withstand a quick current in a usually dry area of land.

Natural gasoline differs from natural gas and the gasoline used to power engines. It is an unrefined, clear liquid that gets blended with refined gasoline to help the final product meet octane and performance requirements.

The product is heavier than air but floats on water, so any large leak would appear on the water surface, state environmental officials have said.

It wasn't clear how much fuel was released into the river, but the break occurred in a section of pipe that can hold up to 140,742 gallons of fuel.

The Iowa Department of Natural Resources said the pipeline break doesn't pose a health or environmental risk because the fuel either evaporated or was dispersed by the huge flow of water.

Keith Wilken, an environmental specialist with the state agency, said the department was working with Enterprise to have the 42-year-old pipeline repaired, but it wasn't investigating any wrongdoing.

Wilken said a company crew was able to vacuum some natural gasoline out of the line on the low side of the river, but remnants remained stuck on the Nebraska side.

Rainey said the higher elevation of land on the Nebraska side made it difficult to suck out the fuel.

The pipe will remain offline for at least two months, Rainey said. After receiving necessary permits next month, the company plans to install a new underground pipe in the same right-of-way as the old line, he said.

Area refineries and petrochemical companies rely on the pipeline, and Rainey said the company is working with them individually to meet their needs.

The line is part of a 7,226-mile Mid-America Pipeline system, which carries liquid natural gas to plants throughout the country.

Neb. Death Row Inmate's Appeal Rejected

OMAHA, Neb. (AP) — Nebraska death-row inmate John Lotter's attempt to appeal his conviction in the triple murder that inspired the 1999 film "Boys Don't Cry" has been rejected by a federal appeals court.

Lotter and co-defendant Thomas Nissen were convicted in the 1993 slayings of Teena Brandon, a 21-year-old who lived briefly as a man and dated a female friend of both suspects, and two friends who witnessed the killing in a rural farmhouse.

Lotter claims, among other things, that investigators threatened Nissen with torture to coerce him into saying Lotter fired the fatal

gunshots. Nissen has since recanted.

In a split decision, a three-judge panel of the 8th U.S. Circuit Court of Appeals rejected Lotter's claims. The single-paragraph ruling said the court dismissed the appeal after it "carefully reviewed the original file of the district court," but offered no details.

The dissenting judge, U.S. Judge Kermit Bye, said he would have allowed the appeal based on several of Lotter's claims, including that prosecutors misrepresented whether they'd reached a plea deal with Nissen on the first day of Lotter's trial and left his attorney out of key meetings with Nissen's lawyer.

8+25 & 9+1

NOTICE TO BIDDERS

Sealed bids will be received by the City Commission of the City of Yankton, South Dakota, at 416 Walnut Street Yankton, South Dakota, at the office of the City Finance Officer of said City until 3:00 P.M. or may be hand delivered to the place of opening at 3:00 P.M. on the 14th day of September, 2011, at which time they will be publicly opened and read in the Second Floor Meeting Room of City Hall, Yankton, South Dakota. Disposition of said bid will be held on the 26th day of September, 2011, at 7:00 P.M. in the City of Yankton Community Meeting Room located in the Technical Education Center at 1200 W. 21st Street, Yankton, South Dakota.

Bids will be received on the following:

ANNUAL SUPPLY OF BULK DE-ICING SALT FOR THE 2011-2012 SEASON

The work to be done under this contract consists of the supplying and delivery of bulk street de-icing salt FOB City of Yankton's salt storage facility.

Copies of the specifications may be obtained at the office of the Department of Public Services, Street Division, 700 East Levee Street, Yankton, South Dakota or by phoning (605) 668-5211.

All bids must be submitted on forms provided by the City of Yankton.

The City of Yankton, South Dakota reserves the right to reject any or all bids and to waive any informalities therein to determine which is the best and most advantageous bid to the City.

Kevin Kuhl, PE
Director of Public Services
City of Yankton, South Dakota

Dated: August 25, 2011

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