

2010 Legal and Public Notices

a. Shall pay a monthly fixed user charge of \$8.37 per month.

b. Shall pay an incremental cost of \$5.06 per 1,000 gallons as billed for water consumption.

3.Class III - Industrial

a. Shall pay a monthly fixed user charge of \$8.37 per month.

b. Shall pay an incremental cost of \$5.06 per 1,000 gallons as billed for water consumption.

c. Shall pay an incremental cost of \$0.756/lb. BOD5 sur-charge (over 220 mg/l strength) and \$0.267/lb. TSS surcharge (over 250 mg/l strength). Said surcharge rates shall be determined based on test monitoring results for the month billed.

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

Action 14-185
Resolution 14-24, consenting to transferring control of the franchise agreement from WOW to Clarity Telecom, LLC, was considered. Brett Ritter, Director of Sales for WOW, and Keith Davidson, Chief Financial Officer of Clarity Telecom, LLC, were present to speak in favor of the transfer. Moved by Commissioner Sommer, seconded by Commissioner Knoff, to adopt Resolution 14-24. (Memorandum 14-131)

**RESOLUTION 14-24
RESOLUTION CONSENTING TO TRANSFER OF FRANCHISE**

WHEREAS, Knology, Inc. ("Franchisee") currently holds a cable television franchise ("Franchise") granted by the City of Yankton, South Dakota ("Municipality"), authorizing Franchisee to own and operate a cable television system in the Municipality;

WHEREAS, Franchisee and certain of its affiliates have entered into an Asset Purchase Agreement ("Agreement") with Clarity Telecom, LLC ("Clarity"), dated June 12, 2014, under which Clarity will acquire the cable system assets (including the Franchise) of Franchisee ("Transaction");

WHEREAS, Franchisee and Clarity, according to the requirements of the Franchise and applicable law, have requested that Municipality consent to the Transaction as described in the FCC Form 394 filed with Municipality ("Transfer Application"); and

WHEREAS, Municipality has reviewed the Transfer Application

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and will consent to the transfer of Control as described in the Transfer Application.

NOW, THEREFORE, MUNICIPALITY RESOLVES:

1. Municipality consents to the transfer of the Franchise to Clarity.
2. Municipality confirms the Franchise is valid and in full force and effect.
3. The Clerk of Municipality is authorized to enter into, execute, and deliver on behalf of Municipality a certificate, along with other documents as may be necessary evidencing this Resolution without further action by this governing body.

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

Action 14-186
Moved by Commissioner Knoff, seconded by Commissioner Balaalid, to approve Change Order No. 2 from Welfl Construction Corporation, Yankton, South Dakota, an increase in the project costs by \$12,687.00 for a new contract total of \$715,667.00, for Water Treatment Plant No. 2 upgrades. (Memorandum 14-130)

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

Action 14-187
Moved by Commissioner Gross, seconded by Commissioner Sommer, to authorize the City Manager to submit a letter of intent to the South Dakota Department of Transportation to determine if segments or portions of segments of the Fox Run Trail System would be eligible for Federal Transportation Alternative Program Grant Funds. (Memorandum 14-129)

Roll Call: Members present voting "Aye;" Commissioners Aklard, Balaalid, Ferdig, Gross, Hoffner, Knoff, Sommer, and Mayor Carda; voting "Nay:." None; Abstaining: Commissioner Woerner.
Motion adopted.

Action 14-188
Moved by Commissioner Balaalid, seconded by Commissioner Sommer, to approve the Joint Financial and Combination Agreement between the State of South Dakota Department of Transportation and the City of Yankton for project NH 0050(99)381 PCN 6929 SD50 (East Highway 50 reconstruction project) and to authorize the Mayor to sign the agreement on behalf of the City. (Memorandum 14-132)

Roll Call: All members present

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voting "Aye;" voting "Nay:." None.
Motion adopted.

The letter of request from Lisa Willcoxon, Director of Student Activities from Mount Marty College, asking for permission to display temporary signage during their new student orientation weekend was considered. (Memorandum 13-133) Sara Carda, representing Mount Marty College, Nancy Wenande, representing the National Field Archery Association, and Dan Lammer, representing River Boat Days, were all present to request that the sign ordinance be reviewed for some alternatives for special events. It was the consensus of the Commission to direct staff to explore some options for temporary, non-permanent signage for special events that would be administered by the City Manager's Office.

Action 14-189
Moved by Commissioner Woerner, seconded by Commissioner Sommer, to adjourn into Executive Session at 8:29 p.m. to discuss contractual matters.

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 Carda.

Roll Call: Present: Commissioners Aklard, Balaalid, Ferdig, Gross, Hoffner, Knoff, Sommer, and Woerner. City Attorney Den Herder and City Manager Nelson were also present. Absent: Junior Commissioner Hauer. Quorum present.

Action 14-190
Moved by Commissioner Balaalid, seconded by Commissioner Sommer, to adjourn at 9:13 p.m.

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

David Carda
Mayor

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mission, Yankton County, South Dakota, Tuesday, August 12, 2014, at 7:20 P.M. at the Yankton County Government Center, Commission Chambers, 321 West Third St., Yankton, South Dakota.

Said hearing is to consider the following:
Applicant is requesting a Variance of Minimum Yard Requirement from seventy-five (75) feet on the rear yard to fifty (50) feet to build an accessory structure in an Agriculture District (AG) in Yankton County. Said property is legally described as Nelsen Addition, NE1/4, S27-T94N-R55W herein-after referred to as Mission Hill North Township, County of Yankton, State of South Dakota. The E911 address is 30725 444 Ave., Mission Hill, SD.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, Tuesday, August 12, 2014, at 7:35 P.M. at the Yankton County Government Center, Commission Chambers, 321 West Third St., Yankton, South Dakota.

Said hearing is to consider the following:
Applicant is requesting a Conditional Use Permit for a Bed and Breakfast in a Low Density Rural Residential District. Said property is legally described as Tract 1, Kneiff's Addition, S7-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBA 434 Ave., Yankton, SD.

Patrick Garrity
Zoning Administrator
Published once at the approximate cost of \$42.37.

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David Carda
Mayor

Horton

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at the Human Services Center (HSC) would be able to deliver the evaluation at no cost to Yankton County. Johnke also cited the lack of a plea.

Fox added there's a backlog at HSC that would prevent Hudson from being evaluated by their doctors for another three to four months, whereas Spanggaard would be able to see Hudson by Aug. 25.

Citing the backlog, First Circuit Judge Glen Eng granted the defense motion, setting a cap of \$5,000 for the evaluation's cost. A new motion would be required for additional funds.

The date of the next hearing was not set at this time.

You can follow Rob Nielsen on Twitter at twitter.com/RobNielsen-PandD/. Discuss this story at www.yankton.net/

Cicadas

From Page 1

weird weather and late plants," she said. "That's why you aren't hearing or seeing them."

The area cicadas are part of the periodical species, not the 17-year cicadas that are so well known.

These cicadas live underground as nymphs most of their lives living on sap from roots. In their final stage of development, the cicada tunnel their way to the surface where they molt on plants and trees.

In past years it was hard not to miss the many exoskeleton remains still clinging to the bark of Yankton trees. This year, there are less.

Even though they have been a "no-show" so far, there is a possibility for people to hear them towards the end of the summer.

"The cicadas aren't sick or gone," Bachmann said. "There is still a high chance that they could show."

You can follow Jordynne Hart on Twitter at twitter.com/hartjordynne. Discuss this story at yankton.net

Mideast

From Page 1

from various factions, including Hamas, has been negotiating with Egypt in recent days. Hamas spokesman Fawzi Barhoum said the group had accepted the plan.

"It's clear now that the interest of all parties is to have a cease-fire," said Bassam Salhi, a member of the Palestinian delegation. "It's going to be tough negotiations because Israel has demands too. We don't have any guarantees the siege will be removed."

Hamas is seeking a full Israeli withdrawal from Gaza, an end to an Israeli and Egyptian blockade of the territory, the release of Hamas prisoners held by Israel and international assistance in the reconstruction of Gaza.

Israel says the blockade is needed to prevent Hamas, an Islamic militant group sworn to its destruction, from arming. But the Palestinians and members of the international community have criticized the blockade as collective punishment. The blockade, known to the Palestinians as "the siege," has ground Gaza's economy to a standstill.

Israel has demanded that Gaza become "demilitarized," requiring the unlikely cooperation of Hamas in giving up its significant arsenal.

"We will be putting first on our agenda preventing Hamas from rearming," Regev said. "Ultimately the Palestinians have a written commitment that Gaza should be demilitarized and it's time the international community held them to that commitment."

Israel had been signaling in recent days that it was winding down its military campaign. On Sunday, it withdrew most of its ground forces from Gaza, and the army said the pullout was continuing Monday.

In addition, Israel declared a seven-hour pause Monday in its air campaign for what it called a "window" to allow much-needed humanitarian aid into Gaza.

Supermarkets were open for business and more cars were on the streets than during any of the short-lived cease-fires since the war began. Fresh fruits and vegetables were available in outdoor markets.

Despite a drop in military activity, Israel still attacked 38 targets, though well below the levels of recent days.

At least 20 people were killed Monday, including three children — an 8-year-old girl in the Shati refugee camp and a 12-year-old boy and his 5-year-old sister in

the southern border town of Rafah, according to Palestinian medical officials. Still, that was far below the levels during the heaviest fighting.

Israel's chief military spokesman, Brig. Gen. Moti Almoz, disputed Palestinian claims that the vast majority of the dead were civilians.

"We estimate that between 700 and 900 terrorists were killed in direct contact with Israeli soldiers," he told Channel 2 TV. "That's a number that could rise because there were many terrorists inside the tunnels that were probably killed when the tunnels were blown up."

Almoz said Israel expected to destroy the last of the tunnels, allegedly built by militants to stage attacks across the border, in the coming hours.

As the fighting appeared to be tapering off, a Palestinian website close to the Hamas internal security service in Gaza said an unspecified number of Palestinians accused of collaborating with Israel were executed.

It said the alleged collaborators were caught "red-handed" providing information to Israel, including details on certain houses and alerts about planned ambushes. "The resistance will show no mercy to anyone tempted to provide information to the enemy," the al-Majad website said.

In Jerusalem, an assault carried out with a construction vehicle served as another reminder of the tense climate.

Israeli TV stations broadcast a series of amateur videos of the attack, in which a Palestinian man used the front shovel of a construction excavator to ram a bus and tip it over.

Police said a man who worked at the site was run over and killed by the construction vehicle. He was identified as a 29-year-old religious inspector whose job was to ensure that ancient graves were not damaged by construction work.

A policeman who happened to be in the area shot the driver, who was identified as a resident of a Palestinian neighborhood in east Jerusalem. The man's uncle, Hisham Jaabis, said the incident was a traffic accident and that his nephew had been gunned down in cold blood while trying to dodge the bus. "All of them started shooting at him," he said.

In the past, Palestinian attackers have gone on deadly rampages with bulldozers in Jerusalem traffic.

Shortly after the excavator attack, a gunman on a motorcycle shot and seriously wounded an Israeli soldier in Jerusalem. Police called it a "terrorist" attack, signaling alleged Palestinian involvement, and searched for the shooter in east Jerusalem.

Officers

From Page 1

drug or drugs this individual is on," he said. "We don't specifically say a certain drug that this person is on, but we call it a category of drugs."

The categories are depressants, stimulants, hallucinogens, inhalants, dissociative anesthetics, narcotic analgesics and cannabis.

Originally, DREs were mostly found in larger cities and rarely operated in smaller departments.

YPD's Lt. Mike Burgess on an assessment of the department's needs led to the decision to bring the DRE program to Yankton.

"It's not something we overlooked, but we started to look at what our problems were in Yankton," Burgess said. "As with every community, drugs are a problem, and we wanted to have individuals within our department that were DRE certified."

Officer McNinch came to us (in 2011) and he was already certified in the drug recognition program. We found the value of it, and we had a second officer go through it."

McNinch said the major distinction between being a regular patrol officer and DREs comes down to extra training.

"The classroom is pretty intense," he said. "It's two weeks of classroom where they throw a lot of information at you because you've got to look at the medical-type stuff and how the different types of drugs will affect you."

Heine said as part of their training, they also do extra work out in the field.

"We actually go do field certifications, as well, where they place us in a very drug-

rich environment and they bring people in and all we do eight to 12 hours per day is perform these DRE evaluations on drug-impaired individuals," Heine said. "The two-week program out there is extremely intense. It's a lot of information thrown at you, lot of studying after hours, but it's well worth it."

McNinch did his certification work in Arizona while Heine gained his with the California Highway Patrol.

While DRE officers help law enforcement do their jobs better, sometimes they are able to help a person stay out of trouble.

"Not only is it enforcement to help the officers, but there's also been times I've done evals where the person wasn't impaired - they have a medical condition," McNinch said. "I know there's other DREs across the nation that have had somebody who's diabetic, and instead of hauling them to jail, they were able to see this person needs an ambulance."

Burgesson said the department's DREs have been an asset to the department.

"(They've) assisted us in apprehending people that are under the influence of drugs on our roads," he said. "In essence, what it has done is made our community a much safer place because it has taken people off the road who are under the influence of drugs."

McNinch added that in addition to helping the community, DREs help educate their fellow officers.

"We're able to sit down with other officers and share our wealth of knowledge so they can use that out in the streets," he said.

You can follow Rob Nielsen on Twitter at twitter.com/RobNielsenPandD/. Discuss this story at www.yankton.net/

8+5+12
STATE OF SOUTH DAKOTA IN CIRCUIT COURT
COUNTY OF YANKTON FIRST JUDICIAL CIRCUIT
Green Tree Servicing LLC,)
)
Plaintiff,)
)
vs,) Civil No. 14-81
)
)
Megan McCloud; Christopher)
McCloud; Discover Bank; HSBC Bank)
Nevada NA; Tri County Propane;)
Portfolio Recovery Associates LLC;)
and any person in possession,)
)
Defendants.)

Judgment in the amount of \$205,934.05 having been entered in favor of plaintiff and against defendants, which Judgment was filed with the Clerk of Courts of Yankton County, South Dakota, on July 6, 2014, for the foreclosure of a real estate mortgage.

Notice is hereby given pursuant to said Judgment that the real property described in the Mortgage dated May 18, 2007, which Megan McCloud and Christopher McCloud, Jr., Mortgagors, executed and delivered to Mortgage Electronic Registration Systems, Inc., Mortgagee:
Lot Sixteen (16), Schwarz Addition, County of Yankton, South Dakota as per Plat as Recorded in Book 58, Page 71.

and recorded in the office of the Register of Deeds of Yankton County, South Dakota, on the 21st of May, 2007, in Book 470, Page 446; said mortgage was assigned to BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing, LP by Assignment of Mortgage recorded may 2, 2011 in Book 498, Page 387. Said Mortgage was further assigned to Green Tree Servicing LLC by Assignment of Mortgage recorded on July 15, 2013, in Book 513, on Page 360., in order to realize the amount of \$147,250.00, as of May 18, 2007, plus interest accruing thereafter on said amount at the rate of 6.5% per year together with the costs and expenses of sale, will be sold subject to redemption as provided by law as one parcel of land at public auction, subject to the lien for unpaid real estate taxes and assessments of Yankton County, South Dakota, and easements and restrictions of record, to the highest bidder for cash under the direction of the Sheriff of Yankton County, South Dakota, at the front door of the Yankton County Courts and Safety Center , in Yankton, South Dakota, on August 19, 2014, at 10:00 A.M. (CT).

If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the deposit paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee or the Mortgagee's attorney.

Dated July 14, 2014.

Sheriff of Yankton County, South Dakota

MACKOFF KELLOGG LAW FIRM

By: David C. Piper, Attorney #4128
38 Second Avenue East
Dickinson, ND 58601
(701) 227-1841
Attorneys for Plaintiff

Published twice at the total approximate cost of \$239.40.

**8+5
NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, Tuesday, August 12, 2014, at 7:00 P.M. at the Yankton County Government Center, Commission Chambers, 321 West Third St., Yankton, South Dakota.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, Tuesday, August 12, 2014, at 7:05 P.M. at the Yankton County Government Center, Commission Chambers, 321 West Third St., Yankton, South Dakota.

Said hearing is to consider the following:

Applicant is requesting a Variance of Minimum Yard Requirement on side yard from twenty-five (25) feet to six 1/2 (6.5) feet and rear yard from fifty (50) feet to twenty-five 1/2 (25.5) feet to build a commercial sales structure (No. 1). Applicant is requesting a Variance of Minimum Yard Requirement on front yard from one hundred (100) feet to forty-six (46) feet and rear yard from fifty (50) feet to twenty-four (24) feet to build a commercial sales structure (No. 2) in a Commercial District (C) in Yankton County. Said property is legally described as (Structure No. 1) S1/2, W1/2, W1/2, NW1/4, exc S942.85' & exc E191' & exc W335' & exc Hwy R.O.W., S15-T93N-R56W and (Structure No. 2) E135', W185', N150', S942.85', S1/2, W1/2, W1/2, NW1/4, S15-T93N-R56W and E135', W320', N150', S942.85', S1/2, W1/2, W1/2, NW1/4, S15-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 addresses are 3701 West 8th Street, 3706 West 7th Street, 3710 West 7th Street, Yankton, SD.

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