

**2010 Legal and Public Notices**

City Finance Officer asked for nominations for Acting Mayor for the ensuing meeting.

**Action 13-292**

Commissioner Gross nominated Commissioner Knoff to act as Mayor for the meeting, seconded by Commissioner Woerner. Commissioner Gross called for nominations to cease and a unanimous ballot be cast for Commissioner Knoff for the position of Acting Mayor.

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

Finance Officer Viereck turned the meeting over to Acting Mayor Knoff at this time.

**Action 13-293**

Moved by Commissioner Woerner, seconded by Commissioner Carda, to approve the Minutes of the regular meeting of November 11, 2013.

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

City Manager Nelson submitted a written report giving an update on community projects and items of interest.

Lisa Scheve from the Convention and Visitor's Bureau (CVB) presented an update of the CVB's activities.

**Action 13-294**

Moved by Commissioner Gross, seconded by Commissioner Akland, that the following items on the consent agenda be approved.

1. **Establish public hearing for renewal of Alcoholic Beverage Licenses**  
Establish December 9, 2013, as the date for a public hearing and consideration of the applications for renewal of Alcoholic Beverage Licenses for the 2014 (January 1, 2014, to December 31, 2014) licensing period.

2. Discussion to establish Friday, December 20, 2013, at 12:00 noon, City Hall, as the date and time for the second City Commission meeting in December.

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

**Action 13-295**

Moved by Commissioner Sommer, seconded by Commissioner Akland, to adopt Resolution 13-48. (Memorandum 13-226)

**RESOLUTION 13-48**

Conditional Use

WHEREAS, Tracey Lathrop is the applicant for a Conditional Use Permit on Lot 3, Block 94 B.C. Fowler's Addition to the City of Yankton. Address, 912 Locust Street, and

WHEREAS, the above described property is zoned R-2 Single Family which allows conditional uses under the City of Yankton's Zoning Ordinance No. 711 as amended, and

WHEREAS, this conditional use request is necessary for the property to be used as a daycare facility and has been reviewed and recommended for approval by a vote of the City Planning Commission.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Yankton, South Dakota hereby approves a Conditional Use Permit for a daycare facility in accordance with all ordinances and regulations applicable to the above described property.

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

**Action 13-296**

Moved by Commissioner Gross, seconded by Commissioner Sommer, to adopt Resolution 13-49. (Memorandum 13-227)

**RESOLUTION 13-49**

Plat

WHEREAS, it appears from an examination of the plat of Lots 1 and 2 of Groseth Crossing Subdivision in the Southwest Quarter of the Southwest Quarter of Section 31, T94N, R55W of the 5th P.M., City and County of Yankton, South Dakota prepared by Brett R. Kennedy of Eisenbraun and Associates, a registered land surveyor in the State of South Dakota, and

WHEREAS, such plat has been prepared according to law and is substantially consistent with the City's overall Comprehensive Development Plan.

NOW, THEREFORE BE IT RESOLVED by the Board

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of City Commissioners of the City of Yankton, South Dakota, that the plat and associated Developer's Agreement for the above described property are hereby approved.

**Roll Call:** Members present voting "Aye;" Commissioners Akland, Blaaid, Carda, Gross, Hoffner, Sommer, and Acting Mayor Knoff; voting "Nay:" None; Abstaining: Commissioner Woerner. Motion adopted.

**Action 13-297**

Moved by Commissioner Blaaid, seconded by Commissioner Sommer, to adopt Resolution 13-50. (Memorandum 13-228)

**RESOLUTION 13-50**

Plat

WHEREAS, it appears from an examination of the plat of Lot 34, Railroad Subdivision in the NE 1/4 and Government Lot 1 of Section 18, Township 93 North, Range 55 West of the 5th P.M., City and County of Yankton, South Dakota prepared by Brett R. Kennedy of Eisenbraun and Associates, a registered land surveyor in the State of South Dakota, and

WHEREAS, such plat has been prepared according to law and is substantially consistent with the City's overall Comprehensive Development Plan.

NOW, THEREFORE BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, South Dakota, that the plat and associated Platting Determinations for the above described property are hereby approved.

**Roll Call:** Members present voting "Aye;" Commissioners Akland, Blaaid, Carda, Gross, Hoffner, Sommer, and Acting Mayor Knoff; voting "Nay:" None; Abstaining: Commissioner Woerner. Motion adopted.

Lynn Peterson, representing CorTrust Bank, was present to request that the Commission review a handout and asked that they consider supporting a resolution in support of the full taxation of Federal Farm Credit System Institutions and Federal Credit Unions. (Memorandum 13-231) Ken Keegan, Farm Credit Services, presented a letter opposing the resolution. Dave Wright, Services Center Federal Credit Union, also opposed the resolution. No action was taken at this time.

**Action 13-298**

Moved by Commissioner Sommer, seconded by Commissioner Gross, to adopt Resolution 13-52. (Memorandum 13-232)

**RESOLUTION 13-52 Hwy 50 Reconstruction Project**

WHEREAS, the City of Yankton and the State of South Dakota, acting by and through its Department of Transportation, have been working together to complete design of the Highway 50 Reconstruction Project; and

WHEREAS, the City of Yankton is supportive of the Project as a whole and understands the constraints that must be considered, and

WHEREAS, the current scope of work for the project specifies three (3) eleven foot interior lanes and two (2) twelve foot exterior lanes on the east portion of the Project extending from Marne Creek to Archery Lane; and

WHEREAS, the City of Yankton has expressed a preference to construct five (5) twelve foot lanes on the east portion of the Project from Marne Creek to Archery Lane; and

WHEREAS, the City of Yankton understands it will be responsible for the increase in costs associated with acquiring additional right-of-way and construction of three (3) feet of additional width; and

WHEREAS, the remaining terms and estimated costs between the City of Yankton and the State of South Dakota will be set forth in an Agreement to be signed at a later date.

NOW, THEREFORE BE IT RESOLVED that the Board of City Commissioners of the City of Yankton, South Dakota, do hereby support the proposed project with the additional recommendations set forth herein for the additional lane width and those costs to be borne by the City as set forth in an Agreement to be signed at a later date.

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

**Action 13-299****2010 Legal and Public Notices**

Moved by Commissioner Carda, seconded by Commissioner Sommer, to approve a proposal from Patrick Ibarra of Meioranda Group to facilitate a Strategic Planning Session for City of Yankton Department Heads and City Commissioners on March 14 and 15, 2014, at a cost of \$11,000.00 plus travel expenses. (Memorandum 13-230)

**Roll Call:** Members present voting "Aye;" Commissioners Blaaid, Carda, and Sommer; voting "Nay:" Commissioners Akland, Gross, Hoffner, Woerner, and Acting Mayor Knoff. Motion failed.

**Action 13-300**

Moved by Commissioner Blaaid, seconded by Commissioner Woerner, to authorize the use of the preferred alternative sketch plan prepared by the Engineering firm of Kadmas, Lee, and Jackson, Inc., in the preparation of the final Chan Gurney Airport Layout Plan. (Memorandum 13-233)

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

**Action 13-301**

Moved by Commissioner Woerner, seconded by Commissioner Akland, to adopt Resolution 13-51. (Memorandum 13-229)

**RESOLUTION 13-51**

WHEREAS, SDCL 6-13-1 requires a municipality owning personal property which is no longer necessary, useful, or suitable for municipal purposes shall, by resolution, declare it surplus and may, by resolution, order the sale, trade, destruction or other disposal of said personal property.

NOW, THEREFORE, BE IT RESOLVED that the following personal property be declared no longer necessary, useful, or suitable for municipal purposes and said property shall be disposed of in accordance with SDCL 6-13-1, et sequential:

**SURPLUS PROPERTY TO BE DONATED**  
Six (6) 6" race lane swimming pool dividers (75' in length)  
Two (2) storage reels for race lane dividers

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

Citizen Jeff Gudahl questioned why the City did not pick up branches after the last wet snow storm. City Manager Nelson explained that the decision is on a case-by-case basis.

**Action 13-302**

Moved by Commissioner Sommer, seconded by Commissioner Blaaid, to adjourn into Executive Session at 8:06 p.m. to discuss contractual and personnel 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 Acting Mayor Knoff.

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

**Action 13-303**

Moved by Commissioner Carda, seconded by Commissioner Woerner, to adjourn at 8:42 p.m.

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

David D. Knoff  
Acting Mayor



PHOTO: NEBRASKA STATE PATROL  
**Nebraska State Patrol pilot Sgt. Brian Petersen opens the helicopter doors for two rescued hunters who are disembarking from the helicopter near Santee, Neb., Thursday.**

## Rescue

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and Rescue responded.

Nebraska Game and Parks acted as the lead agency on the rescue, Wilson said. The initial reports indicated the boaters were on Lewis and Clark Lake, in the vicinity of the Santee dock.

The boats had been blocked by ice in the river, and attempts by Nebraska Game and Parks Commission officers to reach them were prevented by the ice.

"(State Patrol officials) were dispatched on request from Nebraska Game and Parks to provide some assistance in locating these boaters. Game and Parks attempted to make contact with the individuals on their boats but was unable to do so," he said.

"Shortly thereafter, the Nebraska State Patrol's aviation support division (in Lincoln) was summoned to assist. They responded up to that area (near Santee) and proceeded to rescue eight individuals from the boat, bringing them to the Santee boat dock area."

The NSP helicopter pulled the hunters from the boats two at a time by mid-afternoon, according to the State Patrol news release. There

were four hunters in each boat.

The rescued men, whose names were released by the NSP, were: Leigh Winterboer, Spencer, Iowa; Bill Lang, Huntington Beach, Calif.; Eric Scranton, Norfolk; Mitch Scranton, Norfolk; Brad Rasmussen, Spencer, Iowa; Colby Kerber, Broken Bow, Neb.; Matthew Cronk, Scottsdale, Ariz.; and Ben Micek, Omaha.

The hunters said no ice was on the river when they put their boats into the water at approximately 6 a.m. Thursday, according to the news release. The 18-foot flat-bottom boats were left in the river following the rescue.

Wilson said the conditions quickly worsened once the hunters were in the water.

"My understanding, and this is preliminary, they ventured out on the lake and got caught on some ice due to the temperatures," he said. "More ice began to develop, and basically, it wedged the boats in the lake area, and they were unable to make it back to the shore, either the Nebraska or South Dakota side."

Nebraska conservation officer Jeff Jones told a Sioux City television station that two "boat blinds" became stuck in the ice and couldn't make their way back to the Santee boat dock.

In making the rescue, the State Patrol helicopter landed on a sandbar and then pro-

ceeded with the hour-long airlift until all parties were safe, Jones told the station.

The boats will have to stay in the ice until the ice jam clears and officials from the Army Corps of Engineers and the Nebraska Game, Fish and Parks Department can safely tow them in, Jones said.

As the lead agency, Nebraska Game and Parks will conduct any investigation into the matter, Wilson said.

Tom Zimmer, Game and Parks law enforcement supervisor for northeast Nebraska, said sportsmen must take precautions outdoors in changing conditions.

"In cold weather conditions, be aware of your surroundings," he said in a news release. "The river can ice up very quickly."

Wilson echoed similar sentiments, particularly with wind-chill temperatures forecast to plunge to 30 degrees below zero the remainder of the week.

"My advice for people: Don't be outside if you don't have to be, especially in these frigid temperatures," he said. "It only takes a matter of minutes, and seconds in some cases, for hypothermia to set in."

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/).

## Mandela

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Mandela's death deprived the world of one of the great figures of modern history and set the stage for days of mourning and reflection about a colossus of the 20th century who projected astonishing grace, resolve and good humor.

South African President Jacob Zuma made the announcement at a news conference late Thursday, saying "we've lost our greatest son."

At times, Mandela embraced his iconic status, appearing before a rapturous crowd in London's Wembley Stadium soon after his 1990 release from jail. Sometimes, he sought to downplay it, uneasy about the perils of being put on a pedestal. In an unpublished manuscript, written while in prison, Mandela acknowledged that leaders of the anti-apartheid movement dominated the spotlight but said they were "only part of the story," and every activist was "like a brick which makes up our organization."

He pondered the cost to his family of his dedication to the fight against the racist system of government that jailed him for 27 years and refused him permission to attend the funeral of his mother and of a son who was killed in a car crash. In court, he described himself as "the loneliest man" during his mid-1990s divorce from Winnie Mandela. As president, he could not forge lasting solutions to poverty, unemployment and other social ills that still plague today's South Africa, which has struggled to live up to its rosy depiction as the "Rainbow Nation."

He secured near-mythical status in his country and beyond. Last year, the South

African central bank released new banknotes showing his face, a robust, smiling image of a man who was meticulous about his appearance and routinely exercised while in prison. South Africa erected statues of him and named buildings and other places after him. He shared the 1993 Nobel Peace Prize with F. W. de Klerk, the country's last white president. He was the subject of books, films and songs and a magnet for celebrities.

In 2010, Mandela waved to the crowd at the Soccer City stadium at the closing ceremony of the World Cup, whose staging in South Africa allowed the country, and the continent, to shine internationally. It was the last public appearance for the former president and prisoner, who smiled broadly and was bundled up against the cold.

One of the most memorable of his gestures toward racial harmony was the day in 1995 when he strode onto the field before the Rugby World Cup final in Johannesburg, and then again after the game, when he congratulated the home team for its victory over a tough New Zealand team. Mandela was wearing South African colors and the overwhelmingly white crowd of 63,000 was on its feet, chanting "Nelson! Nelson! Nelson!"

It was typical of Mandela to march headlong into a bastion of white Afrikanerdom — in this case the temple of South African rugby — and make its followers feel they belonged in the new South Africa.

The moment was portrayed in "Invictus," Clint Eastwood's movie telling the story of South Africa's transformation through the prism of sport.

It was a moment half a century in the making. In the 1950s, Mandela sought universal rights through peaceful means but was sentenced to life imprisonment in 1964 for

leading a campaign of sabotage against the government. The speech he gave during that trial outlined his vision and resolve.

"During my lifetime I have dedicated myself to this struggle of the African people," Mandela said. "I have fought against white domination, and I have fought against black domination. I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and to achieve. But if needs be, it is an ideal for which I am prepared to die."

He was confined to the harsh Robben Island prison near Cape Town for most of his time behind bars, then moved to jails on the mainland. It was forbidden to quote him or publish his photo, yet he and other jailed members of his banned African National Congress were able to smuggle out messages of guidance to the anti-apartheid movement, and in the final stages of his confinement, he negotiated secretly with the apartheid leaders who recognized change was inevitable.

Thousands died, or were tortured or imprisoned in the decades-long struggle against apartheid, which deprived the black majority of the vote, the right to choose where to live and travel, and other basic freedoms.

So when inmate No. 46664 went free after 27 years, walking hand-in-hand with his wife Winnie out of a prison on the South African mainland, people worldwide rejoiced. Mandela raised his right fist in triumph, and in his autobiography, "Long Walk to Freedom," he would write: "As I finally walked through those gates ... I felt — even at the age of seventy-one — that my life was beginning anew."

credible odds during this stage of the war in the Pacific.

Baron said his own experience with the law drew him to this narrative.

"The situation was very much a 'David and Goliath' scenario — and the United States was not Goliath," he said. "As a lawyer, you're frequently in a position of representing a client who's on the other side of the 8-Ball — the odds are stacked against them and they're involved in a litigation that seems impossible to prevail. I just became intrigued that the United States in the Pacific was able to do this and pull off this reversal of fortunes, and I studied that from the standpoint of translating this

into litigation strategy.

There's some crossover." This will only be the second time Baron has made the presentation outside of a classroom setting, and the first since coming to USD in 1990. Events covered will include Pearl Harbor, the Doolittle Raid on Tokyo, Gen. Douglas MacArthur's retreat from the Philippines, the breaking of Japanese codes and the Battle of Midway.

For more information on the event, call the Yankton Elks Lodge at 665-3333.

You can follow Rob Nielsen on Twitter at [twitter.com/RobNielsenPandD/](https://twitter.com/RobNielsenPandD/). Discuss this story at [www.yankton.net/](http://www.yankton.net/).

## WWII

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"I have a course I teach in law school and every time I teach that course period, I tell this story," he said. "I started doing it down in Houston in 1986. (Students) come to enjoy the presentation — even though they were only there one time — but when I contact them, it seems like they always remember that class period and seemed to like that one the best."

The overall theme of the presentation deals with how the U.S. had to overcome in-

