

2010 Legal and Public Notices

SOLVED by the Board of City Commissioners of the City of Yankton, SD, for those sidewalks, required by the City, to be wider than the current minimum standard, the City will reimburse the adjacent property owner at a rate set by Resolution from time to time. Upon approval of Resolution 14-56, the reimbursement rate, of \$4.00 per additional square foot of four-inch thick sidewalks and \$4.75 per additional square foot of six-inch thick sidewalks, is hereby established until revised.

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

Action 14-304

Moved by Commissioner Woerner, seconded by Commissioner Gross, to adopt Resolution 14-57. (Memorandum 14-211)

RESOLUTION 14-57

WHEREAS, it appears from an examination of the plat of Tract 4, DJ's Addition, in Lot A, Section 16, T93N, R55W, of the 5th P.M., Yankton County, South Dakota prepared by John L. Brandt, a registered land surveyor in the State of South Dakota, and

WHEREAS, such plat has been prepared according to law and is 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 for the above described property is hereby approved.

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

Action 14-305

Moved by Commissioner Woerner, seconded by Commissioner Akland, to adopt Resolution 14-58. (Memorandum 14-212)

RESOLUTION 14-58

WHEREAS, from an examination of the Replat of Lots 4, 5 and 6, Country View Acres in the SW _ of the NW _ of Section 4, T93N, R55W of the 5th P.M., Yankton County, South Dakota to be known as:

Lots 4A and 6A, Country View Acres in the SW _ of the NW _ of Section 4, T93N, R55W of the 5th P.M., Yankton County, South Dakota, prepared by John L. Brandt, a registered land surveyor in the State of South Dakota, and

WHEREAS, such replat has been prepared according to law and is 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 for the above described property is hereby approved.

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

Action 14-306

Moved by Commissioner Woerner, seconded by Commissioner Blaalid, to accept the City Hall Gym Flooring project as complete and to authorize the City Finance Officer to issue a manual check in the amount of \$24,928.80 to Sport Games, Sioux Falls, South Dakota, as final payment for the project. (Memorandum 14-215)

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

Action 14-307

Moved by Commissioner Blaalid, seconded by Commissioner Woerner, to approve the Chan Gurney Municipal Airport 2015 Capital Improvement Program budget and to authorize the City Manager to sign the 2015 Apron Expansion Pre-Application Funding Request to the Federal Aviation Administration. (Memorandum 14-209)

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

Action 14-308

Moved by Commissioner Woerner, seconded by Commissioner Blaalid, to grant Fire Chief Kurtenbach to apply for a 2014 Assistance to Firefighter's Grant in the amount of \$25,572.00 to purchase a thermal imaging camera, helmet lights, rapid intervention team response kits, a gas operated ventilation saw, and a smoke generator for training. (Memorandum 14-220)

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

Action 14-309

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Moved by Commissioner Woerner, seconded by Commissioner Blaalid, to approve Change Order Number 1 from Fiemer Construction for the Mulberry Street Storm Sewer and Pavement Project from 23rd to Donohoe Boulevard and the 23rd Street Pavement Project from Douglas to Mulberry, a decrease in project costs of \$18,564.16 for a new contract total of \$1,101,923.59; to accept the project as complete; and to authorize the City Finance Officer to issue a manual check in the amount of \$164,319.97 to Feimer Construction, Yankton, South Dakota, as final payment for the projects. (Memorandum 14-214)

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

Action 14-310

Moved by Commissioner Blaalid, seconded by Commissioner Woerner, to adopt Resolution 14-59. (Memorandum 14-221)

RESOLUTION 14-59

WHEREAS, the City of Yankton and Yankton County have entered into an agreement for the provision of library services for residents living outside the corporate limits of the city; and,

WHEREAS, the current agreement is slated to expire December 31, 2014; and,

WHEREAS, Yankton County has contracted with the City for library services since 1993; and,

WHEREAS, more than 623 Yankton County households are cardholders at the Yankton Community Library; and,

WHEREAS, the current agreement between the City and County contains a provision for extending this service until December 31, 2014.

NOW, THEREFORE BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, South Dakota, that the Agreement for the Provision of Library Services between the City and Yankton County be extended for the term January 1, 2015, through December 31, 2015.

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

City Manager Nelson reviewed the findings of the Noise Ordinance Review Committee and their recommendation that no changes be made to the City's noise ordinance at this time. (Memorandum 14-216).

Action 14-311

Moved by Commissioner Blaalid, seconded by Commissioner Knoff, to approve the Permanent Easement for Access and Utility Purposes on City Owned Property on the west end of 25th Street described as the south 33 feet of the Northeast Quarter of the Southwest Quarter east of the South Dakota Railroad, in Section 1, T93N, R56W, of the 5th P.M., City of Yankton, Yankton County, South Dakota. (Memorandum 14-213)

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

Action 14-312

Moved by Commissioner Woerner, seconded by Commissioner Sommer, to adopt Resolution 14-60. (Memorandum 14-222)

RESOLUTION 14-60

A RESOLUTION

TRANSFERRING A HANGAR LAND LEASE AGREEMENT FROM RANDY DERAAD TO JACOB HOFFNER D/B/A HOFFNER FLYING INC

WHEREAS, The City of Yankton has been given the authority to approve the airport hangar ground lease agreement transfer for the airport hangar No. 31 owned by Randy DeRaad; and,

WHEREAS, Jacob Hoffner d/b/a Hoffner Flying Inc. wishes to assume ownership of the hangar from Randy DeRaad; and,

WHEREAS, Jacob Hoffner d/b/a Hoffner Flying Inc. has signed an agreement assuming the responsibilities and obligations of the current lease agreement; and,

WHEREAS, it is in the best interest of the City of Yankton and the operations of Chan Gurney Airport to approve the transfer of the ownership of this airport hangar and to approve the assignment of the land lease agreement to Jacob Hoffner d/b/a Hoffner Flying Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, SD, that the transfer of the ownership of the airport hangar and the assignment of the land

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lease agreement from Randy DeRaad to Jacob Hoffner d/b/a Hoffner Flying Inc. is hereby approved.

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

Action 14-313

Commissioner Gross introduced and Mayor Carda read the title of Ordinance No. 969, THAT ORDINANCE NO. 960 APPROPRIATING MONIES FOR DEFRAYING THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF YANKTON, SOUTH DAKOTA, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2014, AND ENDING DECEMBER 31, 2014, AND PROVIDING FOR THE LEVY OF THE ANNUAL TAX FOR ALL FUNDS CREATED BY THE ORDINANCE WITHIN SAID CITY BE AMENDED TO WIT, and set the date for the second reading and public hearing as December 19, 2014. (Memorandum 14-217)

Action 14-314

Moved by Commissioner Woerner, seconded by Commissioner Blaalid, to adjourn into Executive Session at 8:28 p.m. to discuss personnel and 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 Akland, Blaalid, Ferdig, Gross, Hoffner, Knoff, Sommer, and Woerner. City Attorney Den Herder and City Manager Nelson were also present. Absent: None. Quorum present.

Action 14-315

Moved by Commissioner Woerner, seconded by Commissioner Akland, to adjourn at 9:07 p.m.

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

David Carda Mayor

ATTEST:

Al Viereck Finance Officer
Published once at the approximate cost of \$182.55.

STATE OF SOUTH DAKOTA)
:SS
COUNTY OF YANKTON)

IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT

SOUTH DAKOTA HOUSING DEVELOPMENT AUTHORITY,
Plaintiff,
vs.

STEVEN J. KOTALIK, BRIANA N. WARREN, NKA BRIANA N. KOTALIK, CREDIT COLLECTION SERVICES, CREDIT COLLECTION SERVICES, INC., CENTER FOR ORTHOPAEDICS, AND YANKTON COUNTY, SOUTH DAKOTA,
Defendants.

CIV. NO. 14-313

NOTICE OF MORTGAGE FORECLOSURE SALE

NOTICE IS HEREBY GIVEN in accordance with South Dakota Codified Laws 21-49-25, and pursuant to a Judgment dated the 4th day of November, 2014, that a sale of certain mortgaged premises described as follows:

North One Hundred Feet (N100') of Lots Six (6) and Seven (7), Block Five (5), Original Town of Gayville, County of Yankton, South Dakota, as per plat as recorded in Book G, Page 26

Also known as 501 McCook, Gayville, South Dakota,

shall be made by public sale to the highest bidder on the 16th day of December, 2014, at 10:00 a.m., at the front door of the Yankton County Courthouse, Yankton, South Dakota.

The names of the mortgagors are Steven J. Kotalik and Briana N. Warren, nka Briana N. Kotalik and the mortgage was given to CorTrust Mortgage Inc. and as

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signed to the South Dakota Housing Development Authority of Pierre, South Dakota. The amount due, pursuant to the Judgment, is \$91,656.46. The date of the mortgage is 13th day of June, 2008, and the mortgage was recorded in the Office of the Yankton County Register of Deeds on the 18th day of June, 2008, at 3:15 p.m., in Book 478, page 535. **The sale is subject to the 2013 real property taxes due and payable in 2014, and any special assessments due and owing.**

Dated at Yankton, South Dakota, this 21st day of November, 2014.

JAMES C. VLAHAKIS
SHERIFF OF YANKTON COUNTY

Robert E. Hayes Attorney for Plaintiff
Davenport, Evans, Hurwitz & Smith, L.L.P.

c/o South Dakota Housing Development Authority
3060 E. Elizabeth Street, P. O. Box 1237
Pierre, South Dakota 57501-1237

Plan

From Page 1A

property taxes provide 46.2 percent and state government 53.8 percent.

The Legislature then sets the statewide general-education levies to generate the necessary amount on a statewide basis. There are three levies for agricultural property, owner-occupied homes and other properties such as businesses, apartments and second homes.

Each school district keeps the revenue raised within its boundaries from the general-education levies. State government then provides whatever additional amount is needed to reach the per-student allocation for that school district.

That means school districts receive varying amounts of state aid per student depending upon their revenues from the general-education levies. Some districts don't receive any state aid under this formula.

The governor's plan calls for applying the same ratio of 46.2 percent support from local property taxes to three programs currently 100 percent funded by state government.

They are school technology, academic assessments and bonus payments to sparsely populated rural school districts.

They currently cost state government \$11.2 million.

For the first year, the governor's proposed change would reduce state government's costs for the three programs by \$2.6 million.

The governor in turn wants to redirect the \$2.6 million into the state aid formula so there would be a 2 percent increase in the per-student allocation.

In the second year, the change would reduce state government's costs for the three special programs by approximately \$5.2 million, based on current amounts.

The governor had planned to recommend the minimum 1.5 percent CPI-based inflation increase for state aid but would be able to offer 2 percent under the funding switch, according to officials for his administration.

The Legislature would need to adjust the general-education levies to account for the local 46.2 percent match on the additional one-half percent of state aid.

The additional details that came out Thursday clarified the incomplete information that was provided to reporters Wednesday.

The per-student allocation for the current school year is estimated at \$4,781.

It was \$4,805 prior to the cuts made in 2011 by the governor and the Legislature.

The governor's new 2 percent proposal would raise the amount to \$4,877.

Obama To Announce Defense Secretary Pick Friday

BY JULIE PACE
AP White House Correspondent

WASHINGTON — President Barack Obama's choice for his next defense chief, to be announced Friday, faces conflict abroad, budget retrenchment at home and the expectation that the White House will have a heavy hand in Pentagon affairs — at least if past is prologue.

For the job, Obama is turning to a seasoned Pentagon operative who rose up the short list when others took themselves out of contention.

The White House said Obama will announce his pick Friday. Ashton Carter will be nominated to replace Defense Secretary Chuck Hagel, according to people close to the process who spoke on condition of anonymity before the announcement. Carter's nomination has been expected for days but Obama held off on making a statement while the vetting of the former Pentagon official was being completed.

Although defense is typically a coveted Cabinet portfolio, it has appeared less so heading into Obama's final two years in office, especially once tensions surfaced between the White House and Pentagon, where top officials complained about West Wing micromanagement. The next defense chief will inherit a Pentagon wrestling with the Islamic State militant threat in Iraq and Syria, an unsettled course for Afghanistan, Russia's provocations in Ukraine, tensions elsewhere and reports of sexual assault in the military, all in a time of deep budget cuts.

Hagel, who is staying on until a successor is in place, resigned under pressure from the president but cast his departure Thursday as a mutual decision and said "no major differences" with Obama led to his stepping down. Asked directly whether he felt pressure to resign, Hagel was not specific.

Carter, 60, has extensive national security experience as well as keen knowledge of the inner workings of the U.S. nuclear arsenal. He served as the Pentagon's second-ranking official from 2011 to 2013, during Defense Secretary Leon Panetta's tenure, spent two years previously as the department's technology and weapons-buying chief, and was assistant secretary of defense for international security policy during Bill Clinton's administration.

He holds bachelor's degrees in physics and medieval history from Yale University and received his doctorate in theoretical physics from Oxford University, where he was a Rhodes scholar. He has served on the advisory boards of MIT's Lincoln Laboratories and the Draper Laboratory.

Carter is known among national security experts for the "preventive defense" concept he and former Defense Secretary William Perry promoted in the 1990s. The concept held that the U.S. could head off major new threats through security partnerships with Russia, China and others in the post-Cold War world.

Privett

From Page 1A

Knox County Sheriff Don Henery. The state filed a notice it was not alleging any aggravating circumstances, which means it is not seeking the death penalty.

Phillip Privett also faces a second felony charge for the use of a firearm to commit a felony. The Class 1C felony carries a maximum sentence of 50 years imprisonment.

Privett was previously held in the Nebraska State Penitentiary for safe keeping, and he was arraigned in Knox County Court by video conference.

At the time, Knox County Judge Donna Taylor appointed attorneys Rodney Smith and Douglas Stratton to represent Privett. The defendant's bond has been revoked, Thomas said. The case began when the

Knox County sheriff's office and the Verdigre police responded to a report of a shooting at 620 Main Street in Verdigre. Linda Privett was found shot at her home and was pronounced dead at the scene.

Phillip Privett was taken into custody by the officers, Henery said at the time. There were no other suspects in the shooting, he added.

The Douglas County coroner's office performed an autopsy the next day in Omaha. The Knox County sheriff's office received the results the following day.

The autopsy determined Linda Privett died from a gunshot wound to her face and neck, according to Henery and Verdigre police chief Dean Wavrunek.

You can follow Randy Dockendorf on Twitter at twitter.com/RDockendorf. Discuss this story at www.yankton.net.

Chamber

From Page 1A

high on the legislative agenda is the state's workforce.

"This is all the business community's talking about in terms of the number-one issue," he said. "We either don't have enough people, or we've got enough people and there's two things that don't line up: they're either not in the right place ... or two, they don't have the right skills."

Owen said one detriment has actually been competitiveness between trade schools and liberal arts colleges/universities.

"(We're) midway through our discussion about how to help young people evaluate careers," he said. "To be honest with you, this gets a little bit shaky. At its worst, it gets into some kind of war between tech schools and four-year universities and who has the 'better' education. That's the fastest road to nowhere we could get."

He said a focus on debt may help better focus the

state's future workers.

"I think the door that's opening up that will help us have this conversation is going to be a door that starts talking about student debt and what kinds of degrees help you pay back loans if you need them," he said.

Owen also took some time during the luncheon to summarize the results of the recent election, saying that while the rest of the country saw this as an election of major changes, not a lot did in South Dakota.

"We reelected the governor at 70 percent, our congresswoman at 67 (percent)," he said. "Eighty-two legislators are going back that have either been there before that are returning or that were incumbents. In fact, the only incumbents that I can think of that got defeated got defeated by other incumbents. ... Nationally we saw what is being interpreted as a 'wave election' with a lot of change. Not so much here."

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

Obama To Get Most Of \$6.2B Request To Fight Ebola

WASHINGTON (AP) — President Barack Obama will be awarded the bulk of his \$6.2 billion request to fight Ebola in Africa, a senior member of the Senate Appropriations Committee said Thursday.

Sen. Lindsey Graham, R-S.C., said Thursday that Obama won't get the full \$1.5 billion he requested for a contingency fund but he's getting the green light for other portions of the request.

Graham is the lead Senate GOP negotiator on the foreign aid budget as lawmakers wrap up talks on a \$1 trillion-plus omnibus spending bill in advance of a likely vote next week.

Obama asked for \$2 billion for the United States Agency for International Development and \$2.4 billion for the Department of Health and Human Services.

That money would be used to strengthen the public

health system in the U.S., combat the epidemic in West Africa and speed up the development of vaccines and other therapies. The money also would be used to help vulnerable foreign countries detect and respond to the disease.

The administration would establish more than 50 Ebola treatment centers throughout the U.S., buy safety suits and more strictly monitor travelers upon their arrival in the country.