

## 2010 Legal and Public Notices

and solid waste collection for the one year period. (Memorandum 15-298)

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

### Action 15-392

Moved by Commissioner Hoffner, seconded by Commissioner Knoff, to keep 2016 rates for Fox Run Golf Course fees the same as in 2015, and to add one additional category for season pass holders who are between 25-30 years of age for a cost of \$300.00 annually. (Memorandum 15-307)

**Roll Call:** Members present voting Aye: Commissioners Ferdig, Hoffner, Johnson, Knoff, Miner, Sommer, Woerner, and Mayor Carda; voting Nay: Commissioner Gross. Motion adopted.

### Action 15-393

Moved by Commissioner Knoff, seconded by Commissioner Johnson, to adopt Resolution 15-79. (Memorandum 15-313)

#### RESOLUTION 15-79

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, 2015; and,

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

WHEREAS, more than 798 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, 2015.

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, 2016, through December 31, 2016.

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

### Action 15-394

This was the time and place to award the bid for the annual supply of Transport-Tankwagon Petroleum Products for Chan Gurney Airport for 2016. The following bids were received and opened on December 3, 2015: **Stern Oil, Freeman, South Dakota:** Aviation gas-100 low lead, Transport-\$0.2421/gal.; Aviation gas-Tankwagon-\$0.4092/gal.; Jet A fuel-Transport (with fuel system ice inhibitor)-\$0.1011/gal.; Jet A fuel- Tankwagon (with fuel system ice inhibitor)-\$0.3303/gal. **Gerstner Oil, Yankton, South Dakota:** Aviation gas-100 low lead, Transport-\$0.2648/gal.; Aviation gas-Tankwagon-\$0.4848/gal.; Jet A fuel-Transport (with fuel system ice inhibitor)-\$0.0974/gal.; Jet A fuel-Tankwagon (with fuel system ice inhibitor)-\$0.3448/gal.

A bid was also submitted by Av-fuel Corporation, Leawood, Kansas, that did not meet specifications and was, therefore, not considered. (Memorandum 15-308)

Moved by Commissioner Sommer, seconded by Commissioner Knoff, to award the bids to the lowest qualified bidders, Stern Oil, Freeman, South Dakota, for Aviation Gas-100 low lead Transport for \$0.2421 per gallon; Aviation Gas-100 low lead Tankwagon for \$0.4092 per gallon; and Jet A Fuel Tankwagon for \$0.3303 per gallon; and to Gerstner Oil, Yankton, South Dakota, for Jet A fuel Transport (with fuel system ice inhibitor) for \$0.0974 per gallon. **Roll Call:** All members present voting Aye; voting Nay: None. Motion adopted.

### Action 15-395

Moved by Commissioner Johnson, seconded by Commissioner Knoff, to adopt Resolution 15-84. (Memorandum 15-297)

#### RESOLUTION 15-84 A RESOLUTION AUTHORIZING THE CONTINUATION OF A (FIVE (5) YEAR) CONTRACTUAL AGREEMENT BETWEEN THE CITY OF YANKTON AND THE YANKTON HOUSING AND REDEVELOPMENT COMMISSION (YHRC)

WHEREAS, the Board of the City Commissioners of the City of Yankton enacted Resolution #94-78, creating the Yankton Housing and Redevelopment Commission (YHRC); and

WHEREAS, South Dakota Codified Law 11-7A 1 and 2, allows a City and a Housing and Redevelopment Commission to enter into an agreement to provide services to one another; and

WHEREAS, it is appropriate for the City and the YHRC to enter into an agreement for services and activities as provided for in South Dakota Codified Law 11-7A-2.

NOW, THEREFORE, BE IT RESOLVED that the Mayor be authorized to sign the attached agreement with the Yankton Housing and Redevelopment Commission (YHRC) for the continuation of services as identified in said agreement.

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

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Motion adopted.

### Action 15-396

Moved by Commissioner Gross, seconded by Commissioner Sommer, to approve the purchase of property from Schramm Properties, LLC, that is necessary for the East Highway 50 Project NH 0050(99)381 for a cost of \$58,900.00, with the State paying two-thirds of the cost and the City paying one-third of the cost, and to authorize the City Manager to execute associated documents. (Memorandum 15-320).

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

### Action 15-397

Moved by Commissioner Knoff, seconded by Commissioner Sommer, to adopt Resolution 15-80. (Memorandum 15-314)

#### RESOLUTION 15-80 Resolution of Necessity of the Yankton Board of City Commissioners

It is hereby resolved by the Yankton Board of City Commissioners:

Whereas, the City of Yankton and the South Dakota Department of Transportation, acting through its Transportation Commission, are undertaking a highway improvement and utility project involving Highway 50, known as Project NH 0050(99)381, PC-N6926, in Yankton County, which begins at East 4th Street from the south junction of United States Highway 81 east to Ferdig Avenue in Yankton; and

Whereas, a portion of the project east of the City of Yankton will require the acquisition, either by purchase or condemnation, of 30 feet of land for right of way, including control of access, borrow pits, cut-slopes, fill-slopes, impoundments, and channel changes, 10 feet of which right of way will ultimately be acquired by the State of South Dakota for highway right of way and 20 feet of which will be acquired in fee by the City of Yankton for a utility corridor; and

Whereas, the Project is scheduled for construction in 2017, and construction bids must be obtained before construction with a scheduled bid letting date of August 3, 2016; and

Whereas, acquisition of the land for right of way must be completed before construction bids can be obtained; and

Whereas, despite having made a good-faith offer to acquire the land, the City of Yankton has been unable to acquire through voluntary acquisition the land for right of way from the landowners indicated below.

Now, therefore, BE IT RESOLVED:

1. That it is necessary for the City of Yankton to initiate and maintain condemnation proceedings under SDCL Ch. 21-3 and Ch. 31-19 at any time after the date of this resolution against any of the following landowners to acquire the right of way necessary for the project:

Landowner: Gary Becker  
Real Property: Outlot A, Branaughs Addition in Section 17, Township 93 North, Range 55 West of the Fifth Prime Meridian, and Bernard Tramp Addition in Section 17, Township 93 North, Range 55 West of the Fifth Prime Meridian, Yankton County, South Dakota. The right of way for this property is depicted in the recorded plats of Lots H1 and U1.

Landowner: Gary Becker; Charleen Ward; The R&J Asset Protection Trust, David R. Smith and Joleen M. Smith, Trustees; and Majorie Becker  
Real Property: Outlot 1, Branaughs Addition in Section 17, Township 93 North, Range 55 West of the Fifth Prime Meridian, Yankton County, South Dakota. The right of way for this property is depicted in the recorded plats of Lots H1 and U1.

Landowner: Lee Goeden  
Real Property: Parcel D, in the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4), Section 17, Township 93 North, Range 55 West of the Fifth Prime Meridian, Yankton County, South Dakota. The right of way for this property is depicted in the recorded plats of Lots H1 and U1.

Landowner: Kyle, Erica, and Kent Hochstein  
Real Property: Parcel R, in the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4), and Parcel A in the Southwest Quarter of the Southwest Quarter of the Northwest Quarter (SW1/4SW1/4NW1/4), all in Section 17, Township 93 North, Range 55 West of the Fifth Prime Meridian, Yankton County, South Dakota. The right of way for this property is depicted in the recorded plats of Lots H1 and U1.

Landowner: John and Sandra Justa  
Real Property: Lot 201 in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE1/4SW1/4NW1/4), Section 17, Township 93 North, Range 55 West of the Fifth Prime Meridian, Yankton County, South Dakota. The right of way for this property is depicted in the recorded plats of Lots H1 and U1.

Landowner: Phyllis Blakey Thornton, et al.  
Real Property: Lots 1, 2, and 3 of Blakeys 2nd Addition in Government Lot 3 of Section 17, Township 93 North, Range 55 West of the Fifth Prime Meridian, Yankton County, South Dakota. The right of way for this property is

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depicted in the recorded plat of Lot U1.

2. That the City of Yankton will pay reasonable compensation to the landowners and any other rightful claimants as determined by state law.

3. That the City of Yankton may undertake any and all other condemnation actions related to the Project necessary to acquire the described right of way, including filing a Declaration of Taking under SDCL § 31-19-23.

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

### Action 15-398

Moved by Commissioner Johnson, seconded by Commissioner Gross, to accept the water, sewer, storm and street improvements located in front of Block 1, Lots 1-20, and Block 2, Lots 1-4, all in Drotzmann's Addition as complete. (Memorandum 15-309)

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

### Action 15-399

Moved by Commissioner Sommer, seconded by Commissioner Gross, to adopt Resolution 15-78. (Memorandum 15-310)

#### RESOLUTION 15-78 A RESOLUTION AUTHORIZING THE PLACEMENT OF A STOP SIGN AT THE INTERSECTION OF COLE DRIVE AND DOUGLAS AVENUE.

WHEREAS, Cole Drive is a new street that was recently accepted by the City; and;

WHEREAS, the intersection of Cole Drive and Douglas Avenue is a tee intersection that reflects the need for the installation of a stop sign for the eastbound traffic;

WHEREAS, Cole Drive is a cul-de-sac with local traffic only;

WHEREAS, it is provided by the Code of Ordinances of the City of Yankton that the City has the authority to place and maintain all regulatory signs that meet the requirements of the Manual on Uniform Traffic Control Devices.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, SD, that a stop condition be established at the intersection of Cole Drive and Douglas Avenue, for eastbound traffic.

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

### Action 15-400

Moved by Commissioner Knoff, seconded by Commissioner Johnson, to approve Change Order No. 3, from T&R Contracting, Inc., Sioux Falls, South Dakota, for the street and utility improvements for the Douglas Avenue and Wilson Road Paving Project, a decrease of \$74,932.08 for a new contract total of \$1,920,415.62; to accept the project as complete; and to authorize the City Finance Officer to issue a manual check in the amount of \$133,944.14 to T&R Contracting, Inc., as final payment for the project. (Memorandum 15-319)

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

### Action 15-401

Moved by Commissioner Knoff, seconded by Commissioner Johnson, to authorize the purchase of a 2016 Chevrolet Silverado 1500 4x4 crew cab pickup for the Fire Department from Northtown Automotive, Yankton, South Dakota, under the state bid, for a cost of \$35,089.00. (Memorandum 15-311)

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

### Action 15-402

Moved by Commissioner Knoff, seconded by Commissioner Ferdig, to adopt Resolution 15-81. (Memorandum 15-315)

#### RESOLUTION 15-81

WHEREAS, it appears from an examination of the plat of Lot 3, in Lewis and Clark Business Center, in the South 645 Feet Except for Lot H2, of the N. 1/2 of the N.E. 1/4, Section 16, T93N, R56W of the 5th P.M., Yankton County, South Dakota prepared by Thomas Lynn Week, 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 and is subject to County Planning and Zoning review.

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 15-403

Moved by Commissioner Knoff, seconded by Commissioner Johnson, to adopt Resolution 15-82. (Memorandum 15-316)

#### RESOLUTION 15-82

WHEREAS, it appears from an examination of the plat of Tract C of Martins Subdivision lying in Government Lots 1 and 2 in the N.E. 1/4 of Section 3, T93N, R55W of the 5th P.M., Yankton

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County, South Dakota prepared by Thomas Lynn Week, 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 and is subject to County Planning and Zoning review.

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.

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

### Action 15-404

Moved by Commissioner Knoff, seconded by Commissioner Woerner, to adopt Resolution 15-83. (Memorandum 15-317)

#### RESOLUTION 15-83

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**  
935 feet of iron fence.

Following the motion and prior to a vote being taken, discussion ensued. It was then moved by Commissioner Gross, seconded by Commissioner Sommer, to table consideration of adoption of the resolution.

**Roll Call:** All members present voting Aye; voting Nay: None, to table action on Resolution 15 83. Motion adopted.

### Action 15-405

Moved by Commissioner Gross, seconded by Commissioner Sommer, to approve the design, construction plans, specifications, and bid package prepared by Banner and Associates Inc., Brookings, South Dakota, for the proposed Solid Waste Transfer Station Scale Project and to authorize the bid letting for the project to be scheduled for January 27, 2016. (Memorandum 15-318)

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

Memorandum 15-312, proposing options pertaining to future operations of the Fox Run Golf Course was considered. After discussion by Commissioners and citizens, the general consensus was to continue running Fox Run Golf Course as is, with the addition of a full-time employee, and to explore options for an outside consultant to advise on operations.

### Action 15-406

Moved by Commissioner Gross, seconded by Commissioner Woerner, to adjourn into Executive Session at 9:29 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 Mayor Carda.

**Roll Call:** Present: Commissioners Ferdig, Hoffner, Johnson, Knoff, Miner, Sommer, and Woerner. City Manager Nelson was also present. Absent: Commissioner Gross and City Attorney Den Herder. Quorum present.

### Action 15-407

Moved by Commissioner Ferdig, seconded by Commissioner Sommer, to adjourn at 10:55 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 total approximate cost of \$457.03.

12+21  
PUBLIC NOTICE: Horvath Communications, Inc. is proposing to build a new self-support telecommunications tower located near 310th St. & 452nd Ave. in Gayville, Yankton County, South Dakota (Lat: 42-53-41.65 N; Long: 97-10-01.36 W). The height of the proposed tower is 190 feet above grade surface (AGS). The overall proposed structure height is 195 feet AGS. Public comments regarding potential effects from this site on historic properties may be submitted within 30 days from the date of this publication to: Terracon Consultants, ATTN: NEPA Department, 15080 A Circle, Omaha, NE 68144, (402) 330-2202 or keburgert@terracon.com

# ‘Multi-State’ Health Plans Unavailable In Many States

BY MICHELLE ANDREWS  
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A health law insurance program that was expected to boost consumer choice and competition on the marketplaces has slipped off course and is so far failing to meet expectations.

Since just a few insurers, or sometimes just one, dominate the market for individuals and small businesses in some states, the law sought to increase competition in those areas by calling for “multi-state” health plans

that would be offered by some insurers. The law required that at least two multi-state plans be available to consumers in 31 states by 2014 and in all states by 2017, but it doesn’t require

insurers to offer the plans and most so far have opted not to. Federal officials and insurance experts say it is unlikely that the 2017 goal will be met.

“Conceptually, the idea just didn’t have legs,” says Linda Blumberg, a senior fellow at The Health Policy Center at the Urban Institute. “It’s too hard to find an insurer who could suddenly compete across the breadth of states and do better on rates than existing insurers.”

The multi-state plan program’s tepid start threatens to undermine one of the key tenets of the health law: that boosting competition in the individual market will lead to lower premiums and better coverage. It doesn’t help that health insurance co-ops are shutting down in a dozen states. Of the roughly 9 million people who are covered through the health insurance marketplaces, only 480,000 have multi-state plans.

Multi-state plans are similar in many ways to the other plans offered on the health insurance marketplaces. Insurers that offer multi-state plans must cover the so-called essential health benefits and follow the same federal rules for setting premiums, among other things.

The Office of Personnel Management, which oversees the Federal Employee Health Benefit Program (FEHB) and has experience with insurers that offer plans in more than one region, was designated by the law to oversee the multi-state plan program.

An ongoing source of consumer confusion is the name: Multi-state plans don’t necessarily offer a national network of providers or in-network coverage away from home, except in emergencies. Some plans do, but consumers need to check the plan documents for network coverage just as they would with any plan.

In the marketplaces’ first year, the Blue Cross Blue Shield Association, which represents three dozen independent Blue Cross and Blue Shield companies, was the only group to join, offering roughly 150 multi-state plans in 30 states and the District of Columbia. In 2015, a coalition of co-op plans agreed to offer multi-state plans in 11 states as well, bringing the number of states in the program to 35. But the shuttering of some co-ops and BCBS’ decisions to discontinue multi-state plans in some states led to a drop-off to 32 states and D.C. in 2016, according to OPM.

An OPM spokesperson said the agency doesn’t anticipate having a multi-state option available in every state by the 2017 deadline.

“OPM does not have the authority to compel any issuer to participate in the (multi-state plan) program,” said a spokesperson by email. “We are hopeful that there will be at least one new

issuer or group of issuers participating in the MSP program in 2017.”

The program’s origin is fuzzy. Some say it was created as an alternative to the “public option,” a proposed public health plan run by the federal government that won the support of many consumer advocates but ended up on the cutting room floor during the health law debate. Others say it was an alternative to allowing insurers to sell coverage nationally across state lines, a strategy long favored by Republi-

cans who believe it would encourage competition. What-ever its beginnings, health policy analysts generally agree that given the way the health insurance markets

work, there’s little reason to expect the multi-state plan program to succeed.

In order to offer health plans in multiple states, if an insurer doesn’t already have a network of doctors, hospitals and other providers in a state or region it has to build one, which is no easy task.

“If issuers don’t have a provider network already, they’re not going to be able to get market share,” says the Urban Institute’s Blumberg.

On the other hand, insurers that have a provider network in place in a state or region are generally already selling plans there, and “they don’t want to compete against themselves,” Blumberg says.

An analysis of health plans sold on the marketplaces in 2015 by consultant Avalere Health shows what happened when the Blues’ multi-state and regular individual plans went head-to-head in the marketplaces. Average premiums at the bronze, silver and gold levels for the Blues’ multi-state plans were all higher than average premiums for regular individual Blues plans at those metal levels (there were no platinum multi-state plans offered). For example, average monthly premiums for the most popular silver plans, which pay 70 percent of medical costs, were \$447 for the regular Blues plans and \$483 for the multi-state Blues plans.

“Because the multi-state plans are always priced higher, they’re not really increasing competition,” says Caroline Pearson, a senior vice president at Avalere. “They’re potentially providing a modicum of consumer choice. But they’re not injecting competition into the market.”

The Blue Cross Blue Shield Association didn’t respond to requests for comment.

The Avalere analysis also found that the multi-state Blues and multi-state co-op plans were not competitive against other carriers. In the most popular silver-level plans, the multi-state Blues plans made up only 4 percent of the lowest priced or second lowest priced plans, while just 2 percent of the silver multi-state co-op plans did. The average for national carriers was 20 percent.

It’s unclear why multi-state plans offered by the Blues or co-ops are pricier than their regular individual plan options on a marketplace, say experts. The plans are often similar in design. In fact, it may be hard for consumers to tell them apart.

“I think they’re confusing for people,” says Sabrina Corlette, research professor at Georgetown University’s Center on Health Insurance Reforms. “People think they’re getting a broad national network, but they’re not. I don’t think the plans add a lot of value.”

“Conceptually, the idea just didn’t have legs. It’s too hard to find an insurer who could suddenly compete across the breadth of states and do better on rates than existing insurers.”

LINDA BLUMBERG

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