

2010 Legal and Public Notices

22, 2015, for the 5th Annual South Dakota Kayak Challenge. (Memorandum 15-28)
Roll Call: All members present voting Aye; voting Nay: None. Motion adopted.

Action 15-45
Moved by Commissioner Gross, seconded by Commissioner Woerner, to approve the request from the Greenview Townhome Association for tax relief in the amount of \$1,520.33 for interest and penalty that was accrued on Yankton Road Tax Assessments on a parcel of land that had not been transferred by the developer to the association at the time the townhome association was put on the tax rolls. (Memorandum 15-35)
Roll Call: All members present voting Aye; voting Nay: None. Motion adopted.

Action 15-46
Moved by Commissioner Gross, seconded by Commissioner Woerner, to approve flipping 2015 and 2016 budgeted items for Cemetery Capital Improvements Project purchases in order to allow the purchase of a John Deere Gator with canopy and windshield without box for a cost of \$24,835.00 in 2015 and the purchase of a 3/4 ton truck with snow blade for a cost of \$35,000.00 in 2016. (Memorandum 15-17)
Roll Call: All members present voting Aye; voting Nay: None. Motion adopted.

Action 15-47
Moved by Commissioner Woerner, seconded by Commissioner Akland, to approve the Right of Way Agreement between the City of Yankton and South Dakota Department of Transportation authorizing the purchase of property, with the City's share of cost being two-thirds and the States share being one-third, described as Parcels 11 and 11A of Outlot 108 of the County Auditors Plat of Outlots, from John and Pamela Frick for a total cost of \$69,370.00, that is needed for completion of the East Highway 50 Project; and to authorize the City Manager to execute associated documents. (Memorandum 15-34)
Roll Call: All members present voting Aye; voting Nay: None. Motion adopted.

Action 15-48
Moved by Commissioner Gross, seconded by Commissioner Woerner, to authorize the purchase of a Trimble Robotic Total Station, Data Collector, and associated appurtenances from Frontier Precision, Inc., Bismarck, North Dakota, for a cost of \$25,197.00 under the State Bid contract for the Public Works Department, Engineering Division. (Memorandum 15-24)
Roll Call: All members present voting Aye; voting Nay: None. Motion adopted.

Action 15-49
Moved by Commissioner Gross, seconded by Commissioner Akland, to authorize the replacement of K-9 officer Grief in 2015 as outlined in Memorandum 15-31 for a cost of \$12,700.00.
Roll Call: All members present voting Aye; voting Nay: None. Motion adopted.

Action 15-50
Moved by Commissioner Gross, seconded by Commissioner Akland, to adopt Resolution 15-05. (Memorandum 15-32)

RESOLUTION 15-05

WHEREAS, SDCL 6-13-1 requires a municipality owning personal property which is no longer necessary, usable or suitable for municipal purposes to, 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 SOLD BY SEALED BIDS
1992 True Mfg. Direct Draw Beer Dispenser
Model # TDD-3 s/n 1000147
located at Fox Run Golf Course

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

Action 15-51
Moved by Commissioner Woerner, seconded by Commissioner Ferdig, to approve the purchase of a City Hall Gym Floor Covering system from Rush-Co, Yankton, South Dakota, for a cost of \$10,176.44. (Memorandum 15-33) Prior to a vote being taken, moved by Commissioner Gross, seconded by Commissioner Ferdig, to amend the motion to include specifying purchase of the floor covering systems with General Fund monies.
Roll Call on amendment: All members present voting Aye; voting Nay: None. Motion adopted.
Roll Call on original motion: All members present voting Aye; voting Nay: None. Motion adopted.

Action 15-52
Moved by Commissioner Akland, seconded by Commissioner Woerner, to approve the First Addendum to Professional Services Agreement between the City and Ross K. Den Herder, City Attorney, to amend the City Attorney Contract to appoint Lindsay Hovden and John Billings as Deputy City Attorneys with no additional compensation owed by the City. (Memorandum 15-36)
Roll Call: All members present

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voting Aye; voting Nay: None. Motion adopted.

Action 15-53
Moved by Commissioner Woerner, seconded by Commissioner Sommer, to adjourn into Executive Session at 7:27 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 Acting Mayor Knoff.
Roll Call: Present: Commissioners Akland, Ferdig, Gross, Hoffner, Knoff, Sommer, and Woerner. City Attorney Den Herder was also present. Absent: Commissioner Blaaid, Mayor Carda, and City Manager Nelson. Quorum present.

Action 15-54
Moved by Commissioner Akland, seconded by Commissioner Woerner, to adjourn at 7:45 p.m.
Roll Call: All members present voting Aye; voting Nay: None. Motion adopted.

David Knoff
Acting Mayor

ATTEST:

Al Viereck
Finance Officer
Published once at the approximate cost of \$327.69.

2+23+26
Mobile Home
Annual Listing

The owner of each mobile home 1976 or older shall, starting January 1st thru the 1st day of February of each year, list the mobile home with the county Director of Equalization in the county where the mobile home is located. Any owner who fails to list his/her mobile home is guilty of a Class 2 misdemeanor.

Lori Mackey
Director of Equalization
Yankton County
Published twice at the approximate cost of \$12.92.

Fire

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Firewise for tips on how to prevent wildfires.
"You can go online under firewise.com and learn a lot about how far back your fuel should be cut and at what levels, including tree branches and such away from your home," he said.
He also said residents in the area around Lewis & Clark Lake need to take precautions, as well.

"We try to educate people in the lake area because they've got a lot of cedars up close to their homes and if they do get a grass fire that comes up underneath, the tree will torch and the excessive heat will get other trees going or (cause) damage to a home," he said.
He added controlled burns should also be closely monitored and evaluated.

"When they do burn, we want them to call in to notify (us) during the daylight hours," he said.
"They need to report when they're burning and they need to report when they're done. Watch the weather conditions because, if you're burning a tree pile on Friday with a five mph wind and on Saturday it's going to go to 30 mph, you might think about holding off on burning that tree pile."
He said that most of last year's calls for grass fires stemmed from rekindles of controlled burns that had been smoldering since the day before.

Last year, the department responded to 15 wildfires, which Nickles said is around average. The most recently reported grass fire responded to by Yankton firefighters was over Thanksgiving weekend.

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GOT NEWS?
Call The P&D
At 665-7811

Arquette, Simmons, 'Ida' Take Early Oscars

BY JAKE COYLE
AP Film Writer

LOS ANGELES — Patricia Arquette and J.K. Simmons won supporting acting awards Sunday at a stormy but buoyant Oscars that was heavy on song-and-dance, occasionally lacking in clothes and animated by a passionate stand for women's rights.

Accepting the Academy Award for best supporting actress she was widely expected to win, Arquette added a political burst to a ceremony otherwise happy to keep it light.

"To every woman who gave birth, to every taxpayer and citizen of this nation," said Arquette. "We have fought for everybody else's equal rights. It's our time to have wage equality once for all. And equal rights for women in the United States of America."

Cheers erupted throughout the Dolby Theatre, perhaps the loudest coming from a fellow supporting-actress nominee who Arquette bested: Meryl Streep.

Oscar host Neil Patrick Harris wasted no time kicking off a stormy 87th Academy Awards and conceding the ceremony's much-discussed lack of diversity.

"Tonight we honor Holly-

wood's best and whitest — I mean brightest," Harris said before the star-studded crowd. All of this year's acting nominees are white, a ratio that led some to push for a boycott of the broadcast.

The night's first Oscar went to Simmons, a career character actor widely acclaimed for one of his biggest parts: a drill sergeant of a jazz instructor in the indie "Whiplash." Simmons fittingly accepted his supporting acting Oscar with some straightforward advice, urging: "Call your mom. Call your dad."

Backstage, Simmons, known to many from various bit parts or his insurance commercials, recalled a long road as a professional actor that began decades ago in regional theater in Montana.

"Maybe more people saw me tonight than see me in the commercials," said Simmons. Most of Sunday's early awards went as expected, though Disney's "Big Hero 6" pulled off something of an upset in the best animated feature category, besting DreamWorks' favored "How to Train Your Dragon 2."

Two of the night's early awards went to Wes Anderson's "The Grand Budapest Hotel": costume design, and makeup and styling. The Eu-

ropean caper — released back around last year's Academy Awards — could be the night's unlikely leader in trophies, rewarding the hand-made craft of Anderson's latest confection.

The black-and-white Polish film "Ida" took best foreign language film, marking the first such win for Poland despite a rich cinema history. Director Pawel Pawlikowski charmed the audience with a bemused acceptance speech that ran drastically over his allotted time.

Pawlikowski remarked on having made a quiet film of contemplation about withdrawing from the world, "and here we are at the epicenter of noise and attention. It's fantastic. Life is full of surprises."

Several of this year's biggest box-office hit nominees — Clint Eastwood's Iraq war drama "American Sniper" and Christopher Nolan's sci-fi epic "Interstellar" — had to settle for single wins in technical categories. "Interstellar" won for visual effects, while "American Sniper" — far and away the most widely seen of the mostly independent best-picture nominee — took the best sound editing award.

Harris' opening quickly segued into a song-and-dance routine that celebrated a love

for movies, complete with a villain to his sunny outlook in Jack Black. The comedian jumped on stage to counter that Hollywood movies weren't so fabulous: "Opening with lots of zeroes, all we get is superheroes."

"After 'Fifty Shades of Grey,'" Black added, referring to the weekend's top box office draw, "they'll all have leather whips."

Harris, a frequent Tony Awards host, struck a chipper tone, while slyly mocking the Oscars or parodying Michael Keaton's half-naked scene in "Birdman."

The \$160,000 gift bags for attendees, Harris said, came with "an armored car ride to safety when the revolution comes." The performance by Andy Samberg's Lonely Island of the Oscar-nominated song "Everything Is Awesome" from "The Lego Movie," let some live out their Oscar dreams, handing out golden Lego statuettes to Oprah Winfrey and Steve Carell.

'Glory' wins Oscar for best original song.

'Citizenfour' wins Oscar for best documentary.

A full list of winners will be printed in Tuesday's Press and Dakotan.

Revenue

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would be necessary in the five remaining months of February through June to reach the 2.8 percent target.

State sales and use taxes are the top source of general fund revenue. They've increased just 1.6 percent while 3.4 percent was expected.

That's a difference of nearly \$7.7 million — and most of the overall difference of almost \$7.9 million.

Better than expected receipts in other categories such as contractor excise tax and insurance tax have been offset by \$4 million less than expected in unclaimed property receipts.

The Legislature is still betting enough money will be available to pay for increasing the amount of the South Dakota Opportunity scholarship to a four-year total of \$6,500.

The scholarship has been \$5,000 since the program began a decade ago for university and technical-institute students. The House of Representatives voted 65-3 for the scholarship legislation, HB 1147, on Wednesday.

The governor recommended the increase, instead of asking for a second consecutive year of tuition freezes.

But the dollar bills became the general rule, from battling pine beetles, and renovating an elevator shaft at the Sanford laboratory in the former Homestake underground mine, to providing extra compensation to direct-care support workers in health care jobs.

On Friday the extra-compensation bill, HB 1190, was taken down to \$1.

The governor had recommended additional state spending of approximately \$2.9 million for the Department of Social

Services, more than \$1 million for the Department of Human Services and \$157,028 for the Department of Corrections.

Those changes are costly in a second way.

Those extra amounts would have triggered additional federal spending totaling about \$3 million for those departments.

The purpose was to send more money down to health care businesses so they can pay signing bonuses and other incentives to low-salary staff, who typically earn between \$10 and \$11 per hour and are difficult to recruit.

"Our revenue is uncertain," said Rep. Dan Dryden, R-Rapid City. The House appropriators voted 8-0 to accept his amendment.

"Hopefully those dollars will be restored at the end of the day," Rep. Jean Hunhoff, R-Yankton, said. "Because we need those individuals."

Rep. Fred Romkema, R-Spearfish, sounded optimistic. "I think that we'll come to a positive conclusion of this discussion," Romkema said. But, he added, "I think this is a bit of a Band-Aid in this area."

Dryden said he was "hopeful we can put all the money back into it when we get down to the end."

The January 2015 revenue numbers didn't encourage optimism, however. They were nearly \$1 million behind, or a negative 0.7 percent, from January 2014. The sales tax category was up just 2.1 percent.

Lt. Gov. Matt Michels described the economy as "somewhat soft" Friday as he sat in for Daugaard at the governor's weekly legislative news conference.

"We've had to revise down where we're at," Michels said. "We're not flush with cash."

The situation affects adjustments the Legislature would make for the remainder

of the 2015 budget year that runs through June 30 and for the 2016 budget that starts this summer on July 1.

Legislators will decide in the next few weeks the amounts that their 2016 revenue estimates should be. That in turn will drive decisions on the governor's recommended increases in state aid to public schools, Medicaid services providers and state employee salaries.

Those recommendations already were lower than had been typical a decade ago. The economy's slowdown also limits what legislators can consider regarding K-12 teachers' pay, which is lowest in the nation.

Michels said the governor's council of economic advisers met with state officials Thursday. The expectation: "We're going to see moderate growth the next fiscal year," he said.

Tourism should be stronger because of lower fuel prices for travel, but agriculture overall isn't as strong and that affects money farmers and ranchers can spend on equipment, buildings and other improvements, Michels said.

Sales tax receipts are currently forecast to grow 3.5 to 4 percent in the coming budget year, he said.

"Workforce, workforce, workforce" was Michels' summary of the difficulty in the economy. He said business manager continuously tell the governor and him that they can't find enough workers.

Welders are in high need — "Orders are being turned away," he said — and nursing homes are turning away new patients because they can't get employees.

"That's really going to be our growth constraint," Michels said.

As for a bump in tourism from low fuel prices, it's up to consumer whether they buy things with the windfall or save the money, he said.

"At this point, they're not spending it," Michels said.

Forum

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institute a corporate income tax in order to raise the funds for education.

"I had a bill out there this year to put on the ballot to (install) a corporate income tax — that's where the dollars are in South Dakota," he said. "Clearly, there's enough revenue to do it with a corporate income tax. North Dakota's corporate income tax raises about \$250 million per year. I don't know if that's what ours would raise — somewhere up and down from that depending on how high of an exemption we had for smaller businesses — but even if you could raise (up to) \$100 million, that would go a long way to solving the problem. ... The idea that we can operate a good school system moving into the future without that is almost like the Minnesota Twins saying they can win without pitchers."

Rep. Jean Hunhoff said there's a need to find the money before any real action can be taken on education. "It comes down to the point — where do we have these extra dollars?" she said. "I saw a letter from someone that said, 'South Dakota is asking for the largest tax increase by doing the gas tax.' People's perception of what they're willing to pay for services or pay for anything is the bottom line, and right now there's not a lot of interest for that. In my own groups that I'm working in, teachers' salaries is still an issue that's out there. We're still trying to find the dollars, but I have to wait to see what we're looking at for a total big picture for what we're going to do."

Rep. Stevens said repeated study of the teacher shortage isn't going to solve anything if no action is taken.

"The problem of teacher shortage is a big deal and it's only going to get really worse," Stevens said. "I think if we go about studying it as we have in the past, I don't think we're going to end up any bet-

ter than where we are right now."

EXPANDING MEDICAID

Stevens said that while there's no lack of desire to help others in Pierre, there's a need to look at the funding situation when it comes to the prospect of funding Medicaid expansion.

"I don't know any legislator who doesn't want to help people who need help," he said. "On the other hand, there's some of us who are very cautious about it for many reasons. ... One thing we do know for sure — if the numbers were to stay the same, in 2020, South Dakota would have to come up with \$32 million to fund that part of expanding Medicaid. Where are we going to get that? Where are we going to get the money? Who loses on this?"

Rep. Hunhoff said there's a more pressing need to find workers for healthcare roles.

"I think we have a more urgent crisis in healthcare providers that are out there," she said. "When you think about the services that you're

going to need — are there people that are going to provide that for you? ... We're looking at these healthcare providers to be able to put that workforce out there, and it's all of them, and they're finding that difficult."

Sen. Hunhoff said the state's expansion may not take on as many people as previously thought.

"We've been working out numbers that indicates there are about 48,000 people who would access Medicaid services if they were able to," he said. "North Dakota has already done this and they've only got 12-16,000, so it looks like the numbers might be quite a bit lower than we've been talking about, thus making the program much more affordable."

The final District 18 forum of the 2015 session is set for March 7 at 10 a.m. at the Avera Professional Pavilion in Yankton.

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Attack

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like this is particularly important."

In the slickly produced video posted online, a masked man, his face wrapped in a black-and-white kaffiyeh-type scarf and wearing a camouflage jacket, declared: "Westgate was just the beginning." The video included footage from major news organizations showing the assault on the mall and said it was in reprisal for alleged abuses by Kenyan troops against Muslims in Somalia.

"What if such an attack were to occur in the Mall of America in Minnesota? Or the West Edmonton Mall in Canada? Or in London's Oxford Street?" said the man, who spoke with a British accent and appeared to be of Somali origin.

The Mall of America said in a statement that it was "aware of a threatening video which includes a mention and images of the mall," and said extra security had been put in place.

Shoppers seemed undeterred Sunday by the threat.

"I'm more afraid of the cold today than any terrorists," said Mary Lamminen, of St. Paul.

David Modrynski said he talked with his wife and son about whether to visit the mall after hearing about the video. "But we can't stop living our lives because somebody says they're going to do something," Modrynski said.

While al-Shabab has carried out attacks in neighboring Kenya, Uganda and Djibouti, which all have troops fighting the extremists as part of the multinational African Union force, the al-Qaida affiliate has never operated outside East Africa and the Horn of Africa.

Minnesota, home to the largest Somali population in the U.S., has been the target of terror recruiters in the past. Since 2007, more than 22 young Somali men from Minnesota have traveled to Somalia to join al-Shabab, and a handful of Minnesota residents have also traveled to Syria to fight with militant groups within the last year, authorities say. At least one Minnesotan has died while fighting for the Islamic State group.

On Thursday, a 19-year-old Minneapolis man who was stopped at a New York City airport in November as he and three

others were allegedly attempting to travel to Syria was indicted on charges associated with supporting the Islamic State group.

Last week U.S. Attorney Andy Luger led a Minnesota delegation, including law enforcement officials and Somali community leaders, to a White House summit on countering extremism and radicalization. In his remarks, Vice President Joe Biden held up Minneapolis, Boston and Los Angeles as examples of communities moving ahead with programs to counter extremism locally.

In Kenya, the government dismissed the al-Shabab video.

"They're using propaganda to legitimize what cannot be legitimized. When you lead a group to go and attack a shopping mall and kill innocent shoppers that cannot be legitimized, those were not soldiers," Interior Ministry spokesman Mwenda Njoka said.

"Muslims also died in the Westgate attack. It's in our interest to ensure Somalia is stabilized because the instability affects us. The video is cheap propaganda trying to re-write history and to get more support from those support them.