

2010 Legal and Public Notices

1+17+24  
NOTICE TO BIDDERS

Sealed bids will be received by the Board of City Commission of the City of Yankton, South Dakota, at the 416 Walnut Street Yankton, South Dakota, at the office of the City Finance Officer of said City until 3:00 P. M. or may be hand delivered to the place of opening at 3:00 P. M. on the 30th day of January, 2013, at which time they will be publicly opened and read in Second Floor Meeting Room of City Hall, Yankton, South Dakota. Disposition of said bids will be held on the 11th day of February, 2013 at 7:00 P.M., in the City of Yankton Community Meeting Room located in the Technical Education Center at 1200 W. 21st Street, Yankton, South Dakota.

Bids will be received on the following:

ONE (1) NEW SELF PROPELLED TANDEM VIBRATORY ROLLER

THE DEPARTMENT OF PUBLIC SERVICES STREET DIVISION

Copies of the specifications may be obtained at the office of the Department of Public Services, 700 Levee Street, Yankton, South Dakota 57078 or by telephoning (605) 668-5211.

All bids must be submitted on forms provided by the City of Yankton.

The City of Yankton, South Dakota reserves the right to reject any or all bids and to waive any informalities therein to determine which is the best and most advantageous bid to the City.

Kevin Kuhl PE  
Director of Public Services  
City of Yankton, South Dakota

Dated: January 17, 2013

-THE CITY OF YANKTON IS AN EQUAL OPPORTUNITY EMPLOYER-  
Published twice at the approximate cost of \$51.53.

1+17+24+31&2+7  
STATE OF SOUTH DAKOTA) COUNTY OF YANKTON) :SS

IN CIRCUIT COURT  
FIRST JUDICIAL CIRCUIT

PRO. #13-2  
AMENDED  
NOTICE TO CREDITORS

\*\*\*\*\*  
ESTATE OF:

ALBERT ALAN BRUE,  
  
Deceased.

\*\*\*\*\*

NOTICE IS HEREBY GIVEN THAT on January 9, 2013, Duane Brue, whose address is 3008 West 23rd Street, Yankton, SD 57078, was appointed the Personal Representative of the Estate of **Albert Alan Brue**.

Creditors of Decedent must file their claims within four (4) months after the date of the first publication of this notice or their claims may be barred.

Claims may be filed with the Personal Representative or may be filed with the Yankton County Clerk of Courts, with a copy of the claim mailed to the Personal Representative.

Dated this 14th day of January, 2013.

/s/:  
Duane Brue  
3008 West 23rd St.  
Yankton, SD 57078  
(605) 760-0222

Jody L. Johnson  
Yankton County Courthouse  
410 Walnut Street  
Suite #201  
Yankton, SD 57078  
(605) 668-3080

Jason Ravnsborg  
HARMELINK, FOX &  
RAVNSBORG LAW OFFICE  
721 Douglas, Suite 101  
Yankton, SD 57078  
(605) 665-1001

Call Classifieds  
665-7811

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Bids will be received on the following:

ONE (1) NEW JACKETED FIREBOX HEATER

THE DEPARTMENT OF PUBLIC SERVICES STREET DIVISION

Copies of the specifications may be obtained at the office of the Department of Public Services, 700 Levee Street, Yankton, South Dakota 57078 or by telephoning (605) 668-5211.

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Kevin Kuhl PE  
Director of Public Services  
City of Yankton, South Dakota

Dated: January 17, 2013

-THE CITY OF YANKTON IS AN EQUAL OPPORTUNITY EMPLOYER-  
Published twice at the approximate cost of \$50.06.

1+17+24  
TOWN OF LESTERVILLE  
Notification of Termination of Term of Office  
and for Nomination of Petitions

Notice is hereby given that the following vacancy will occur by termination of office of the elected offices of the Town of Lesterville, South Dakota.

\*One trustee for a three-year term

Notice is hereby given that nominating petitions for the above trustee may be filed with the Town Finance Officer of Lesterville no earlier *than Friday January 25, 2013 and no later than Friday February 22, 2013 (5:00 p.m.)*

Roxanne Ellinger  
Finance Officer  
Published twice at the approximate cost of \$17.57.

1+24  
NOTICE OF APPLICATION  
NO. 7507-3 to Appropriate Water

Notice is given that Shawn Vannorsdel, 28457 US Hwy 81, Freeman SD 57029 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from one well to be completed into the Niobrara Aquifer (100 feet deep) located in SW 1/4 NE 1/4 Section 2 for irrigation of 156 acres located in the NE 1/4 Section 2; all in T96N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7507-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The ap-

2010 Legal and Public Notices

plicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 4, 2013.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$25.16.

1+24+31&2+7  
Invitation To Bid

Sealed bids will be received by the State Engineer on behalf of the Department of Transportation at the Office of the State Engineer, Joe Foss Building, 523 East Capitol, Pierre, SD 57501-3182 until 2:00 PM CT, February 14, 2013 for labor and materials for Standby Electrical Generation, SD Department of Transportation, Yankton, SD, OSE# T2213--17X.

Copies of the Plans and Specifications may be obtained by bidders at the office of Roby, Quintal & Everson, 2000 N. Kimball, Mitchell, SD 57301, phone 605.996.7543. Copies are on file for viewing purposes at the Office of the State Engineer, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501-3182. Anyone requesting, reviewing, or copying Plans and Specifications for this project (such individual is hereinafter referred to as "bidder") agrees that they are doing so for the sole purpose of submitting a bid on the project. In consideration of the State of South Dakota providing such Plans and Specifications for the purpose of preparing a bid, bidder further agrees:

A. The Plans and Specifications are the sole property of the State;

B. Any copies of the Plans and Specifications obtained directly from the State will be returned to the office of Roby, Quintal & Everson immediately after the State provides notice that bidder will not be awarded a contract, or thirty (30) days after the bid opening for the project, which ever occurs first;

C. Any copies of the Plans and Specifications made by the bidder will be destroyed immediately after the State provides notice that bidder will not be awarded a contract, or thirty (30) days after the bid opening for the project, which ever occurs first;

D. If bidder does not submit a bid, bidder will fulfill the requirements of B and C above on or before the date of the bid opening;

E. The Plans and Specifications are to be used only with respect to this project and are not to be used for any other project or purposes other than preparing a bid for this project;

F. The Plans and Specifications will not be disseminated to any person or entity for purposes other than obtaining pricing information without the express written approval of the state;

G. All information contained in the Plans and Specifications is confidential; and

H. Should the bidder disseminate the Plans and Specifications to an individual or entity for purposes of obtaining pricing information, the bidder will require that individual or entity to adhere to the terms set forth herein. The bidder, however, assumes no liability for the misuse of the Plans and Specifications by such third party or such third party's failure to comply with the provisions contained herein.

Should bidder be awarded a contract for construction of the project, bidder does not need to return or destroy Plans and Specifications until after completion of the project.

Each bid in excess of \$50,000.00 must be accompanied by a certified check, cashier's check or draft in the amount of 5% of the base bid and all add alternates and drawn on a State or National Bank or a 10% bid bond issued by a surety authorized to do business in the State of South Dakota and made payable to the Department of Transportation of the State of South Dakota.

The Department of Transportation reserves the right to reject any or all bids and to waive any irregularities therein.

KRISTI HONEYWELL, P.E.  
State Engineer  
Office of the State Engineer  
Published twice at the total approximate cost of \$111.87.

Read & Recycle!

# Limbo

From Page 1

taxpayers by Yankton County officials.

"I was hoping that it was a short-term problem," Yankton County Commission Chairman Bruce Jensen said Wednesday. "It isn't that I'm holding back from people. When they call me, I tell them there is a problem and we're trying to get it resolved."

He and other commissioners have contacted Jones, as well as the Department of Revenue, to determine what is holding up the process.

Ultimately, Jensen said Jones is an elected official and the County Commission has limited abilities to exercise influence over her office and its operations.

Yankton County State's Attorney Rob Klimisch told the *Press & Dakotan* that he is researching what options the County Commission might have if the issue is not resolved soon.

"The other commissioners and I are very frustrated about this situation," Jensen said. "I've gotten a lot of calls from citizens who want to pay their taxes. I've also gotten calls from real estate people because they have to shoot in the dark on the tax figures (for property transactions)."

## WHY HAVEN'T YANKTON COUNTY'S TAXES BEEN CALCULATED?

When asked why Yankton County's taxes haven't been calculated, Skinner offered a concrete answer.

"We have a question as to the proper valuation being used within Yankton County's fire districts," she stated. "There are several of them, and we want to make sure we have the correct properties in the correct fire district so they receive the correct levy."

Other issues have already been resolved, and Skinner said this is the final piece.

However, the Department of Revenue has been waiting on Jones to produce a report on the matter for more than a week.

"We sent her an email (Tuesday, Jan. 15) requesting a report that would show us we have the proper valuations in the proper taxing district," Skinner said. "I wouldn't think it would take too long, but I can't answer how she is doing it."

An email sent by the Department of Revenue Tuesday asking Jones if any progress had been made had not received a response as of Wednesday afternoon, according to Skinner.

The current tax levy situation comes on the heels of a report issued in December by the South Dakota Department of Legislative Audit that the Auditor's Office had miscalculated tax levies for 2011 payable in 2012. The result was that the county did not collect \$223,796.23 in property taxes due to various local entities. The County Commission was left with no choice but to pay the difference to the taxing entities out of the county's contingency fund.

Jones said the problem started with a data entry error that was compounded by the software used to compute the taxes.

At the time, members of the County Commission expressed concern that the Department of Revenue recognized errors in the Auditor's Office calculations as early as last spring. Yet, neither Jones nor the Department of Revenue had notified commissioners of the problem until December. Department of Revenue efforts to fully understand the scope of the problem were hampered by the fact that Jones failed to produce reports for them in a timely manner.

Hoping to avoid a repeat of last year, Skinner said the Department of Revenue is "going the extra mile" with Yankton County this time.

"We've requested the recap report from the auditor before she does any tax notices," she stated. "The department is trying to do whatever we can to make sure the tax list is right and balances before any of those tax bills are done."

Skinner expressed some frustration that the process is not yet complete.

"We shouldn't be dealing with it at this date. Tax levies should be put to bed by now," she said. "Hopefully, we can get it resolved. The only thing it is hurting is the Yankton County taxpayer."

## LACK OF TAX BILLS LEAVES COUNTY OFFICES UNABLE TO COMPLETE SOME TASKS

At this point, the soonest Yankton County taxpayers can expect to receive tax notices in the mail is the third week of February.

Marchand, the county treasurer, said that once her office gets the tax information from the Auditor's Office, her employees have to file it, stuff the notices in envelopes and mail them.

Marchand waits until all the taxes have been filed before sending them out. The entire process can take two to three weeks depending on how busy the office is with other duties. The end of the month is particularly active with people coming in for license plate renewals.

"The reason why it takes as long as it does to process the taxes is because an Anderson may have sold a piece of

# Speaker

From Page 1

set of learning outcomes that are broad enough yet specific enough to provide a robust framework for the discussion about curriculum transformation, and that seeks to make excellence inclusive," Clayton-Pedersen said.

The outcome will be beneficial to all students, as it will aid them in developing skills for the workforce and society.

"It is the culminating educational outcome of educational excellence," she said. "By this we mean that graduates have the capacity to adapt knowledge, skills and responsibilities to new settings and new questions."

Clayton-Pedersen acknowledged that in speaking as part of a Martin Luther King, Jr., Day observance, she was "preaching to the choir."

However, the choir needs preaching sometimes, she said.

"I think the choir needs rehearsal, I think the choir needs to sing better, and the choir needs new music," she said. "Why? Because, if the choir were doing its job — and that is proselytizing for whatever we're trying to do — we would have made more progress."

There has been a lot of progress, but more needs to be done, Clayton-Pedersen said.

"Inclusive excellence is the new music," she said.

Tuesday's address was hosted by the campus Center for Academic Engagement.

property to a Zimmerman, and we have to cross-file that," Marchand said. "That's also why we wait to send them all out at the same time. There may be an 'A' notice that goes in with a 'Z.'"

She hasn't yet decided if she will wait until all the notices are processed before sending them out this year or if they will be mailed as they are completed.

"This is an entirely new experience," Marchand stated. She said a news release will be issued as soon as the tax information is received so that taxpayers who do not want to wait for their notices can come into the office and settle their bills.

Marchand added that the County Commission has already given the Treasurer's Office permission to work overtime to process the tax notices and mail them out.

Information for mortgage lenders who pay property tax bills for clients out of escrow accounts will be processed after the other notices are complete, she said.

"I don't think the banks are going to be very happy but, depending on when we get the tax figures, it will be at least the end of February or the beginning or March before we can get them those," Marchand stated.

Meanwhile, the Yankton County Department of Equalization is unable to process mobile home registrations. The county has approximately 290 mobile homes that have to be registered by Jan. 31, according to director Lori Mackey.

"Right now, we're just stacking up our cards," she said. "We'll have our pile for people who came in by Jan. 31 and did not incur a penalty, and those who came in after the deadline and will be penalized."

In a normal year, mobile home owners would get their registration completed immediately, which also creates a tax bill.

"Many registered mobile home owners will pay that tax right away," Mackey said. "They are not able to now because we are not able to run the forms."

The office is also unable to complete other tasks, she added.

"People who are doing home closings, mobile home title transfers or plat filings need to pay the current year's taxes to do those functions," Mackey said. "The process for estimating the current year's taxes starts in our office. We send a worksheet to the auditor, who then estimates the taxes. Without having levies, those can't be calculated. From my standpoint, I would say you can't do a home closing, transfer a mobile home title or transfer a plat at this point in time."

Additionally, she pointed out that customers who pay for access to the county's Beacon site have no access to new tax information.

In the Yankton County Planning and Zoning Office, Patrick Garrity said he doesn't know if plat requests scheduled for the Feb. 12 Planning Commission meeting will be eligible for approval.

"The plat process is, you present the plat and we have the treasurer sign off on it, which acknowledges the taxes are up to date and current," he stated. "Right now, my clients can't get a signature from the treasurer because she has no way to calculate taxes."

It is not ideal when zoning processes are thrown off their normal course, Garrity said.

"Another thing I'm encountering is that I have some people who have bought property and want to start putting buildings on them, but they can't complete the (real estate) transaction," he stated.

All three of the department heads said they have dealt with customers who are not happy when tasks can't be completed. Often, the public doesn't understand that their departments have no control over the fact the property tax notices are not complete.

"If I have to bump (a plat hearing) back, I become the bad guy because I had to bump it a month," Garrity said. "That's frustrating."

You can follow Nathan Johnson on Twitter at [Twitter.com/AnInlandVoyage](https://twitter.com/AnInlandVoyage)

## CROSSWORD

By THOMAS JOSEPH

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