

2010 Legal and Public Notices

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.

1+28+31  
ADVERTISEMENT FOR BIDS

Notice is hereby given that the City of Yankton, South Dakota will receive bids for the **Bill Baggs Road from SD Highway 50 to Alumas Road**

The project includes the following major construction items:

- Removal of Asphalt Pavement 11470 SY
- 8" Concrete Fillet Section 3100 SF
- Aggregate Base Course 11750 SY
- 8" PCC Pavement 11750 SY
- Traffic Control 831 UNITS
- And Other Miscellaneous Items

Owner reserves the right to make the award based on the lowest responsive bid.

Sealed bids will be received for the City Commission of the City of Yankton, South Dakota, at the office of the City Finance Officer of said City until 3:00 PM or may be hand delivered to the place of

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opening at 3:00 PM on the 28th day of February, 2013, at which time they will be publicly opened and read in the Second Floor Meeting Room located at 416 Walnut Street in Yankton, South Dakota. Disposition of said bids is expected to be held on the 11th day of March, 2013, after 7:00 PM, in the Technical Education Center at 1200 W. 21st Street, Yankton, South Dakota.

Drawings, Specifications and Contract Documents may be obtained at the City Engineer's Office, 416 Walnut Street, Yankton, SD, 57078, or by calling 605-668-5251.

The Bidder to whom the contract is awarded will be required to furnish a construction performance bond and a construction payment bond to the OWNER in the amount of one hundred percent (100%) of the contract award for each bond, in conformance with the requirements of the Contract Documents. The construction performance bond and construction payment bond shall remain in full force until the completion of the Contract as specified in the General Conditions.

Each Bid must be accompanied by a certified check, cashiers 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 City of Yankton.

The bid guarantee will be retained by the OWNER as liquidated damages if the successful bidder refuses or fails to enter into an Agreement within ten (10) days after Notice of Award or fails at time of executing the contract to furnish a construction performance bond and construction payment bond guaranteeing the faithful performance of the work.

Bids may not be withdrawn after the time fixed for opening them. The OWNER reserves the right to reject any and all bids, and to waive any ir--regularities therein.

Kevin Kuhl, PE, City Engineer  
City of Yankton, South Dakota  
Published twice at the approximate cost of \$64.94.

Stocks Drop As Economy Put Brakes On Stock Rally

NEW YORK (AP) — Worries about the economy have slowed a January stock rally.

After a month of impressive gains that brought the Dow within 200 points of a record, the markets have paused this week. Stocks started the day lower after a report showed that the U.S. economy unexpectedly contracted in the fourth quarter. That decline extended after the Federal Reserve said that it would continue to try to boost growth through a bond-buying program designed to keep borrowing costs down.

The Dow Jones industrial average fell 44 points, or 0.3 percent, to close at 13,910.42, logging only its second decline in nine days. The Standard & Poor's 500 fell 6 points, or 0.4 percent, to 1,501.96, its biggest decline since Dec. 28. The Nasdaq composite fell 11 points to 3,142.31.

The U.S. economy shrank from October through December for the first time since the recession ended, hurt by the biggest cut in defense spending in 40 years, fewer exports and sluggish growth in company stockpiles, the Commerce Department said Wednesday.

The Fed acknowledged that the economy is still struggling to regain momentum, in a statement it released after its two-day policy meeting. The central bank said that growth had "paused in recent months," and while it was taking no new action, it would keep buying \$85 billion of bonds a month.

"The Fed didn't really say anything out of the ordinary, so you got the reaction you should've had in the morning," said Joe Saluzzi a co-founder at brokerage firm Themis Trading. "When you've spent this much money trying to prop up an economy and you still come up with a negative print, that's bad news."

Still, stocks remain on track for a great January.

The Dow Jones average has surged 6.2 percent since the start of the year, climbing close to 14,000 and within touching distance of its record level. The S&P 500 has gained 5.3 percent this month, close to its highest level in more than five years. Investors bought stocks after lawmakers reached a deal to avoid the "fiscal cliff" and on optimism the U.S. housing market is recovering and the jobs market is slowly healing.

U.S. gross domestic product, the volume of all goods and services produced, contracted at an annual rate of 0.1 percent in the fourth quarter. That's a sharp slowdown from the 3.1 percent growth rate in the July-September quarter.

"To ignore this is folly," said Doug Cote, chief market strategist at ING Investment Management. "Certainly, this market could continue to move forward, but ignoring the fundamentals is not something I'd counsel my clients to do."

Murder

From Page 1

Judge Glen Eng had granted a defense request for a change of venue from Bon Homme County, where the crime occurred.

The charges stemmed from a 911 call from the Miller residence in Scotland on March 3, 2011, where 4-month-old Jacob Miller was reported as not breathing. Hospital staff notified law enforcement that Jacob was

USD Professor Resigns Amid Affair Scandal

From P&D Staff Reports

VERMILLION — A University of South Dakota professor resigned in December amid allegations that he was having an affair with an undergraduate student.

*The Volante*, USD's student newspaper, reported Wednesday that tenured history professor Robert Hildebrand resigned Dec. 14.

In court documents, the husband of the student stated that he had discovered his wife of nine years having an affair with Hildebrand. He filed for divorce Oct. 22. Hildebrand was also married, and his wife filed for divorce Nov. 26.

*The Volante* reported that university Provost Chuck Staben would not comment on

diagnosed with a severe skull fracture and bleeding on the brain.

Attorney General Marty Jackley and Bon Homme County State's Attorney Lisa Rothschadl announced the verdict late Wednesday night in a news release.

The case was investigated by the Division of Criminal Investigation, Bon Homme County State's Office and the Scotland Police Department.

whether Hildebrand disclosed his relationship to a superior as required, saying it was a personnel issue.

Policy established by the South Dakota Board of Regents states that university faculty members are not permitted to have consensual relationships with any student "under their academic supervision."

Hildebrand had been sanctioned by the university in 1997 for sexually harassing a female student, according to *The Volante*.

The mid-year resignation of the history professor required students at the university to make late adjustments to their schedules after one course was canceled and new instructors were found for other classes.

2 Dead In Powerful Storms

ADAIRSVILLE, Ga. (AP) — A massive storm system raked the Southeast on Wednesday, generating tornadoes and dangerous winds that flipped cars on a major Georgia interstate, demolished homes and businesses and killed at least two people.

WSB-TV in Atlanta aired footage of an enormous funnel cloud bearing down on Adairsville where the storm ripped through the city's downtown. Winds flattened homes and wiped out parts of a large manufacturing plant in the city about 60 miles northwest of Atlanta. Pieces of insulation hung from trees and power poles, and a bank was missing a big chunk of its roof.

A 51-year-old man was killed when a tree crashed through the mobile home roof, and nine were hospitalized for minor injuries, emergency management officials said. Residents said no traces remained of some roadside produce stands — a common sight on rural Georgia's back roads. One other death was reported in Tennessee when an uprooted tree fell onto a storage shed where a man had taken shelter.

The storms tossed vehicles on Interstate 75 onto their roofs, closing the highway for a time.

In Adairsville, the debris in one yard showed just how dangerous the storm had been: a bathtub, table, rolls of toilet paper and lumber lay in the grass next to what appeared to be a roof. Sheets of metal dangled from a large tree like ornaments.

"The sky was swirling," said Theresa Chitwood, who owns the Adairsville Travel Plaza. She said she went outside to move her car because she thought it was going to hail. Instead, the storm decimated a building behind the plaza. Wind gusts were powerful enough to flip several tractor-trailers onto their sides in the parking lot.

Danny Odum and Rocky Depauw, truckers from Marion, Ill., had stopped for breakfast when the suspected tornado hit.

The pair had been driving their trucks through storm warnings all night long. They went inside to eat and Depauw got a weather alert on his phone. About two minutes later they saw debris flying through the parking lot and ran for an inner room.

"I've been stopping here for probably 40 years," Odum said. "I just stopped and had breakfast this morning, and this happened."

After it passed, Odum said he went outside to find his truck that was hauling diapers on its side with his dog Simon, a Boston terrier, still inside. Simon was scared but otherwise fine.

Depauw's truck was parked next to Odum's and was damaged but still upright. He speculated his heavy haul of cat litter may have helped his truck handle the hit better than his friend's.

River

From Page 1

tation), my mouth opened up just like everybody else today."

The Missouri River sediment will back up the James River and worsen any flooding in the valley, Koepsell said. He would like to see a channel cut through the siltation.

"You can walk across the Missouri River at the mouth of the Jim," he said.

Koepsell is no stranger to James River flooding. The river, the flattest in North America and one of the flattest in the world, remains flooded for long periods because of its meandering position.

"I have gone through every flood on the Jim since I bought my place in 1984. I have lost 70-some feet of property to the Jim," he said. "I know what it does to the north of us, all the way up the river. It affects a lot of farmers."

Koepsell said he's concerned about the potential for even more flooding this year. He pointed to the recent snowfall of 8 to 12 1/2 inches in the Aberdeen area, which will likely find its way into the James River and head south toward Yankton.

Wednesday's tour covered not only the Missouri River shore but also the Old Highway 50 bridge near Flegg's Riverside Road House east of Yankton.

The delegation included JRWDD executive director Dave Bartel and board members Dan Klimisch and Clinton Bauer; Lower James board members Mark Roth, Art Sees, Gary Schlafli and Koepsell; and Sinclair.

Bartel said the tour provided an excellent opportunity to view the mouth of the James River and the siltation situation. The U.S. Army Corps of Engineers would

Man Bound Over For Trial In Abuse Case

COLUMBUS, Neb. (AP) — A Columbus man accused of abusing his four-month-old son has been bound over for trial in district court.

The *Columbus Telegram* reports the man will face trial on a felony child abuse charge. A judge Tuesday also denied a request to have his bond lowered.

Court documents say the man contacted authorities on Jan. 22 to report his son had stopped breathing. The boy was hospital-

need to take any action on the Missouri River, he said.

"There's a lot of problems there. There's going to be major issues," he said. "I think siltation is definitely slowing the flow of the Jim and creating some problems, and I think it's going to be a campaign now to get the Corps involved and take a look at it."

As for any JRWDD projects, Yankton County would need to make a project request to the water district's board for action, he said.

Bartel is scheduled to meet with the Yankton County commissioners at their Feb. 5 meeting.

"It's just kind of an overview of how the James River Water Development District is doing and what we are looking at for the coming year," he said.

Sinclair said he appreciated the opportunity to join Wednesday's tour and learn more about the siltation. He also enjoyed the face time with the water districts' officials.

"I think, with the new JRWDD executive director and the new board members, they are changing their philosophy," he said. "The board and the executive director have chosen to phase into more of a hands-on type of approach."

The JRWDD typically holds its July meeting in Yankton, usually devoting the meeting to its budget. Sinclair said he would like to see another siltation tour offered at that time.

Bartel said he considered Wednesday's tour as a fact-finding opportunity rather than a commitment to any particular action.

"I guess time will tell if anything is accomplished as far as remedying the problem," he said. "We need more than Mother Nature to fix it."

You can follow Randy Dockendorf on Twitter at [twitter.com/RDockendorf](https://twitter.com/RDockendorf)

CROSSWORD

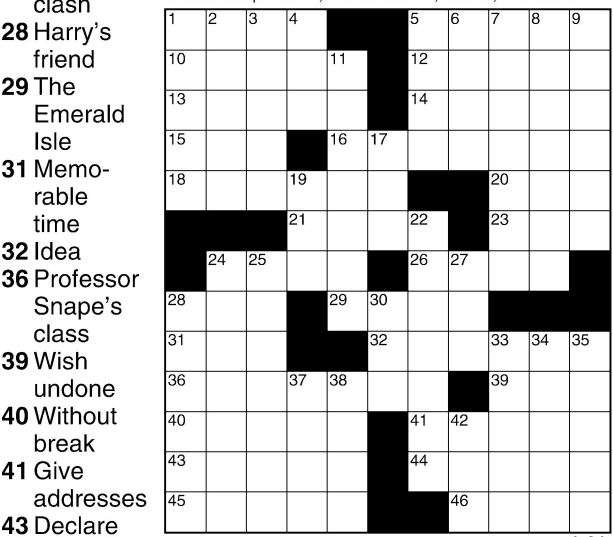
By THOMAS JOSEPH

ACROSS 44 Like ears

1 Fight and memento  
5 URL brains  
10 High part  
12 Scout boots  
13 Start of a Caesar quote  
14 Player bearing tree  
15 Track trip  
16 They're up for discussion  
18 Hand figure  
20 Once type  
21 Vicinity  
23 Tax agcy.  
24 A lot

26 They may clash  
28 Harry's friend  
29 The Emerald Isle  
31 Memorable time  
32 Idea  
36 Professor Snape's class  
39 Wish undone  
40 Without break  
41 Give addresses  
43 Declare

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A X Y D L B A A X R  
is L O N G F E L L O W

One letter stands for another. In this sample, A is used for the three L's, X for the two O's, etc. Single letters, apostrophes, the length and formation of the words are all hints. Each day the code letters are different.

1-31 CRYPTOQUOTE

M E N K A G K J N S F P G F K G F X  
K G X F J M N E O S M W V M J S N R K  
I K G F J M P M J Z V G C R O J J F U G  
J S G J M C G F E A I F K G J N  
I R X J M P F J G M J . — Y R X M F

I F C G K N E  
Yesterday's Cryptoquote: YOU MUST DO THE THING WHICH YOU THINK YOU CANNOT DO. — ELEANOR ROOSEVELT