Legal and Public 2010 **Notices**

RESOLUTION 12-27 A RESOLUTION APPROV-ING AN AIRPORT HANGAR LEASE AGREEMENT JAKE HOFFNER, WITH HOFFNER FLYING INC.

WHEREAS, The Board of City Commissioners of the City of Yankton has been given the authority to approve airport hangar lease agreements at Chan Gurney Airport; and,

WHEREAS, Jake Hoffner, Hoffner Flying Inc. desires to lease a 41' deep by 60' wide lot at Chan Gurney Airport on which he intends to build an airplane hangar;

WHEREAS, it is in the best interest of the City of Yankton and Chan Gurney Airport for the Board of City Commissioners to approve the land lease agreement with Hoffner Flying Inc.,

NOW, THEREFORE, BE IT RE-SOLVED by the Board of City Commissioners of the City of Yankton, SD, that the airport hangar land lease agreement, with Hoffner Flying Inc., for building location number 25, is hereby approved at a rate of \$0.10 per square foot of building space.

Roll Call: Members present voting "Aye:" Commissioners Akland, Carda, Gross, Knoff, Lowrie, Sommer, Woerner, and Mayor Wenande; voting "Nay:" None; Abstaining: Commissioner Hoff-

Motion adopted.

Action 12-168

Amy Miner and Sarah Mannes-Homstad, from Yankton Area Arts Association (YAAA) were present to provide information about a proposed Public Art Project titled "Before I Die..." and to request use of an area to the east of the north entrance of the lower level of the Meridian Bridge for the project. Yankton citizens Dan Specht, Ben Hanten, and Tom Bixler were present to speak in favor of the project. Moved by Commissioner Woerner, seconded by Commissioner Gross, to approve the request from YAAA to locate the public art project "Before I Die..." in an area to the east of the north entrance to the lower level of the Meridian Bridge for a 30-day trial period. (Memorandum 12-119)

Roll Call: Members present voting "Aye:" Commissioners Gross, Hoffner, Knoff, Lowrie, Sommer, Woerner, and Mayor Wenande; voting "Nay:" Commissioners Akland and Carda. Motion adopted.

Action 12-169

The request from Bernard Properties, LLC, for permission to occupy public right of way to locate planters and place landscaping brick around trees on the sidewalk in front of 117 and 119 West 3rd Street was considered. (Memorandum 12-121) Moved by Commissioner Gross to adopt Resolution 12-28 allowing permissive use of Nancy Wenande right-of-way per Memorandum Mayor 12-121. Motion died for lack of a second.

Moved by Commissioner Knoff. seconded by Commissioner Sommer, to adopt Resolution 12-28,

2010 **Legal and Public**

amended to require all landscape brickwork be at sidewalk level.

RESOLUTION 12-28 Permissive Use of Right-of-Way

Notices

WHEREAS, Bernard Properties, LLC, owns property adjacent to 3rd Street Right-of-Way (ROW) at 117 &119 W. 3rd Street, and

WHEREAS, Mr. Curt Bernard on behalf of Bernard Properties has requested permission to occupy space in ROW for the purpose of installing four brick planters and brick landscaping around two street trees as shown on the attached drawing and photograph,

WHEREAS, the owner, their heirs, assignees or successors modify said planters/landscaping in any manner without first having the written approval from the City of Yankton, and

WHEREAS, the top of the brick landscaping around the trees must be kept at the same level as the adjacent sidewalk.

NOW, THEREFORE, BE IT RE-SOLVED, that the Board of Commissioners of the City of Yankton, South Dakota hereby approves the permissive use of ROW at the described location in the manner shown on the attachments to this resolution.

Roll Call: Members present vot-Commissioners Gross, Hoffner, Knoff, Lowrie, Sommer, and Woerner; voting "Nay:" Commissioners Akland, Carda, and Mayor Wenande. Motion adopted.

Action 12-170

The proposed contract with Bartlett & West, Inc., Sioux Falls, South Dakota, for engineering services related to the redesign and replacement of the Chesterman and Dale Wastewater Lift Stations and Construction of Gravity and Pressure Water Mains as outlined in Memorandum 12-122 was considered. Jeff Hines of Bartlett & West was present to provide information and answer questions about the project. Moved by Commissioner Carda, seconded by Commissioner Akland, to authorize Interim City Manager Viereck to execute contract documents with Bartlett & West, Inc., associated with the lift station replacement project.

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

Motion adopted.

Action 12-171

Moved by Commissioner Woerner, seconded by Commissioner Sommer, to adjourn at 7:53 p.m. Roll Call: All members present voting "Aye;" voting "Nay:" None.

Motion adopted.

ATTEST:

Ann L. Clough Deputy Finance Officer

7+12+19 STATE OF SOUTH DAKOTA COUNTY OF YANKTON

IN CIRCUIT COURT FIRST JUDICIAL CIRCUIT

Bank of America N.A., as Successor to BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing, LP,

Plaintiff,

vs,

Joe E. Christensen a/k/a Joseph E. Christensen; and any person in possession,

Defendants.

Registration Systems, Inc., Mortgagee:

Civil No. 12-62

NOTICE OF

REAL ESTATE SALE

2012, for the foreclosure of a real estate mortgage, Notice is hereby given pursuant to said Judgment that the real property described in the Mortgage dated June 27, 2006, which Joe E Chris tensen, Mortgagor, executed and delivered to Mortgage Electronic

Judgment in the amount of \$187,480.31 having been entered in

favor of plaintiff and against defendants, which Judgment was filed

with the Clerk of Courts of Yankton County, South Dakota, on May 1,

Tract 3, West James River Division, Yankton County, South Dakota, as Per Plat Recorded in Book S15, Page 35.

and recorded in the office of the Register of Deeds of Yankton County South Dakota, on the July 3, 2006, in Book 464, Page 158; Said Mort gage was assigned to Countrywide Home Loans Inc, by Assignment of Mortgage recorded August 13, 2007, in Book 472, Page 429; Said Mortgage has been further assigned to Bank of America, NA, Successor by Merger to BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing, LP, in order to realize the amount of \$137,600.00, as of June 27, 2006, plus interest accruing thereafter on said amount at the rate of 6.875% per year together with the costs and expenses of sale. will be sold subject to redemption as provided by law as one parcel of land at public auction, subject to the lien for unpaid real estate taxes and assessments of Yankton County, South Dakota, and easements and restrictions of record, to the highest bidder for cash under the direction of the Sheriff of Yankton County, South Dakota, at the front door of the Yankton County Courts and Safety Center, in Yankton, South Dakota on July 24, 2012, at 10:00 A.M. (CT).

Dated June 13, 2012.

Sheriff of Yankton County, South Dakota MACKOFF KELLOGG LAW FIRM

David C. Piper, Attorney #4128 38 Second Avenue East Dickinson, ND 58601 (701) 227-1841 Attorneys for Plaintiff

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Danish

From Page 1

contributed to Viborg's progress. "In honor of the elevator, our

Danish Days theme is, 'Storing Up Some Fun at Danish Days," Hartmann said.

The festival is also honoring the late Dr. Curt Mark, who died of cancer last fall. He grew up and attended school in Viborg and practiced medicine in the community.

This year's celebration will feature new events, including a dodge ball tournament, Hartmann said. "We have tried volleyball in the past, and someone asked, 'Why not dodge ball?' because it's the rage right now," she added.

Friday evening also features a car show, including motorcycle and pickup classes, and evening entertainment with a "Hee Haw" show and the "WOW Entertainment" disc

A new Saturday morning event is the "Son Rise Bike Ride" from Viborg to the Spring Valley Lutheran Church about 10 miles northwest of town. Stops are offered along the way, and a breakfast will be served at the church. Participants have

the option of taking a shuttle or

biking back to Viborg. The event holds an emotional

connection for the church, destroyed by a March 2010 fire just before Holy Week. The congregation held services for the next year at its sister parish, Our Savior Lutheran Church in Viborg, before re-opening a year later in time for Easter.

"Pastor Steve (Unzicker) always wanted an event at Spring Valley, and we needed something that would bring people out there," Hartmann said. "One of our members is a very active bicyclist and mentioned, 'Why not have a bike ride to bring it all together?

Saturday's activities include the Main Street parade, the aebleskiver breakfast with traditional Danish pancakes, ethnic foods during the day and the "Red Book" worship service at Our Savior's Lutheran Church. Saturday evening concludes with "Freddie's Combo" at the DBS Hall and the Sioux Falls band "Too Drunk To Fish" at the tent dance.

A new event is the fireman's tractor pull on Sunday afternoon about a mile west of town. The event is sponsored by the Tractor Pullers Association.

A community worship service is scheduled for Sunday morning.

During the noon luncheon in the community center, the Strengthening Viborg's Economy Now (SVEN) organization will take up a freewill

offering to save the Lund Theater. Danish Days co-chair Paul Christensen, also a SVEN member, said the luncheon will serve as a major fundraiser for keeping open the Main Street theater.

'We need to go digital (with our projector), and the current owners don't have the cash flow to do that," he said. "We are taking over as a non-profit group. Danish Days will provide a big kick for raising the money we need to save the theater."

The effort has received \$5,000 so far from the Community Club and Viborg Foundation, with another \$3,000 anticipated next month. Christensen said. But the project needs to raise an estimated \$125,000 to \$250,000, he said.

"Right now, we're just trying to raise enough for the digital projector and take care of the updates later," he said.

Danish Days looks at the community's past but also focuses on its future during Friday's leadership luncheon, Christensen said. The event features reports from Mayor Kyle Christiansen, SVEN chairman Glenn Petersen, Viborg-Hurley superintendent Jerry

Joachim, Turner County Commissioner Jerry Adamson and Pioneer Memorial Hospital & Health Services administrator Georgia Pokorney.

Viborg has found success with its sewer, water and road project, and the hospital has recruited a new physician, Christensen said. Challenges remain, such as dealing with the unknowns of the economy and health reform, he said.

However, Viborg and Hurley have joined forces on a number of fronts, signaling the ability to think in new ways that benefit both communities, Christensen said.

'We are working together to share expenses by joining the Turner-McCook water system at the same time, and our city maintenance crews help each other if needed," he said.

"With the school consolidation, things were split for a while, but people are starting to accept it and make it work. And if it works for the school, how about other things?"

For more information on this weekend's activities, visit online at www.danishdays.com.

You can follow Randy Dockendorf on Twitter at twitter.com/RDockendorf

Center

From Page 1

physician who is serving as the interim CEO for

Included in the federal Affordable Care Act is funding to double the number of patients served nationally at FQHCs over five years. Hoping to take advantage of that money, efforts are under way to get new FOHCs in Huron, De Smet and Flandreau, in addition to Yankton.

(If the Yankton FQHC were approved), we would recreate our organization to have three major sites," O'Shea said. "We're governed by a board of directors and would realign it to include people from the Yankton area.

Stanage said support from allPOINTS is important because it means that Yankton will not have to "reinvent the wheel."

"allPOINTS Health has a long, established his-

tory of providing health services to low-income individuals based on ability to pay," he stated. "They have the ability to provide services and, in fact, already have many of the arrangements in place that will allow a smooth start-up.'

O'Shea said the arrangement also has benefits for allPOINTS.

"It's the economy of scale. Being a bigger organization, you can buy things more cheaply," she said. "It will be wonderful to have a larger community to draw staff from, too."

At this point, Stanage said it is not known when submissions for new healthcare access points will be accepted, but the expectation is that it will be late this year.

"Historically, there has then been a four- to six-month waiting period before it is known whether an application has been accepted," he added. "Once accepted, the applicant has 120 days to have a clinic up and running. I am hopeful that we could see this come about before the end of 2013.'

The funding request will be for approximately \$650,000 for the first year. Of that,

\$150,000 would go toward equipment, while the rest will be for providing services on a sliding fee scale according to need. In subsequent years, all of the approximately \$650,000 will go toward services.

As currently planned, the FQHC will include primary care, oral health, pharmacy, mental health, outreach and transportation services, among others.

'Services will either be provided directly or will be contracted to be provided," Stanage said. "As planned, the new access point will open as a full-time clinic and will make some evening hours available. The plan is to lease space from Avera Sacred Heart Hospital's Professional Office

Stanage said he is grateful for all of the work various individuals have put into the effort.

"I am especially thankful for the fact that all-POINTS Health Services has stepped up to the plate to help us make this happen," he stated.

You can follow Nathan Johnson on Twitter at twitter.com/AnInlandVoyage

Moeller

From Page 1

Before setting the date, Judge Caldwell asked him, 'Anything you want to say, Mr. Moeller? "No, thank you," he replied.

Curl said she doesn't believe Moeller's execution will help her heal, as she still thinks of her daughter every day and talks to her. Still, when asked if she plans to attend the execution, Curl replied, "I do, even if I have to walk."

Curl is disabled and her husand is out of work, so they will be setting up a benefit to raise money for the trip.

The warrant for execution comes despite a pending federal lawsuit dating back to 1983 to which Moeller is adjoined arguing the state did not follow procedures in setting its execution method. In that case, Moeller's Little

Rock, Ark.-based attorney contends the execution method violates the constitutional ban on cruel and unusual punishment, partly because drugs obtained from foreign sources not approved by federal agencies could be flawed and cause pain during the execution. In an order issued last Thurs-

day, federal Judge Lawrence Piersol said state officials now say Moeller will be executed using the one-drug pentobarbital protocol, so he will limit the court's focus on discovery to that drug. An attorney challenged that lim-

itation Monday, citing a comment Jackley made to The Associated Press that the state had both sodium thiopental and pentobarbital in its inventory.

The fact that the State has so zealously resisted the Department of Justice and Food & Drug Administration's admonition to not use

its supply of sodium thiopental and to destroy the drug is also evidence to support Mr. Moeller's assertion that the State will use sodium thiopental in his execution," wrote Arkansas-based federal defender Jenniffer Horan. "The Defendants' representation that Mr. Moeller will be executed using pentobarbital alone is a material fact in genuine dispute."

Jackley in his motion to set the execution date cited a U.S. Supreme Court case that says a warrant of execution may be issued from state court independent of a pending action in federal court. He said there's no stay of execution pending in any court, and if Moeller wishes to seek a federal stay, he must show a significant possibility of success on the merits.

Jackley said the federal case should be dismissed.

Moeller initially was convicted in 1992, but the state Supreme

proper evidence was used at trial. Moeller was again convicted and sentenced to die in 1997. The

state Supreme Court affirmed the sentence, and Moeller has lost appeals on both the state and federal Authorities said he kidnapped the O'Connell girl from a convenience store, drove her to a se-

cluded area, then raped and killed her. Her body was found the next day. She had been stabbed and her throat was slashed. Curl, who now lives in upstate New York, visited the crime scene in 2010 to put up a cross recognizing the 20th anniversary of her

daughter's killing. She said lethal injection is nothing compared to the way her daughter was slain, and a killer should die the way the victim dies.

"I'd have no problem with it," she said. "I figure an eye for an eye."

Group

Renner.

group of journalists and exhibitors. So far 65 journalists

and 50 exhibitors are registered for the showcase. Buchheim, who is heading up the showcase from the tourism association, said this year they will try a "clips for cash" initiative. This will be aimed at journalists who decide to write about the area getting a reward for turning in their articles to the association. The reward would be paid at the 2013 showcase.

Fan tours in the area continue to become more valuable for businesses," Buchheim said. "We are excited for the showcase, and it should be good for the area.

The board also considered its rates for members to join the association. Rates are currently \$210 per year for association members. However, the board is considering changing those rates and having a different rate for out-

of-state members. 'We need to make sure our membership rates are in line with other regions in the area," Buchheim said. Fuks added the need to continue to tell member busi-

nesses about all the benefits they get for their membership fee, including space on the tourism website. What it comes down to is paying a big fee to get a lot of stuff, or paying a small fee and having to pay extra money to get more benefits," said Jeff Van Meeteren, the

ment of Game, Fish and Parks (GFP). The board also discussed tourism numbers in the region this year.

regional park supervisor for the South Dakota Depart-

We are seeing lots of positive numbers for tourism in the area so far," Fuks said. Board members added that visitor inquiries, car

counts at visitors centers and guide requests are all up from where they have been in previous years. State park numbers are also up about 20 percent this year from last Van Meeteren also gave an update on the Blood Run

Nature Area. He noted that the GFP added an additional 60 acres to the park, bringing the total area to nearly 600 acres. The GFP also plans on adding another area of land that would serve as an entrance to the entire park. If all goes according to plan, Blood Run could become the newest South Dakota state park in 40 years. The next board meeting is scheduled for Sept. 19 in

www.yankton.net

You can follow Andrew Atwal on Twitter at twitter.com/andrewatwal

Court overturned it, ruling that im-

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