

2010 Legal and Public Notices

all nonconforming, nonresponsive, unbalanced, or conditional Bids, and to reject the Bid of any Bidder if Owner believes that it would not be in the best interest of Owner to make an award to that Bidder. Owner also reserves the right to waive informalities.

If the Contract is to be awarded, Owner will give the Successful Bidder a Notice of Award within the number of days set forth in the Bid Form for acceptance of the Bid. The Owner reserves the right to retain the Bid Security for thirty (30) days after the Bid Opening. Bids shall hold firm during this period.

May 12, 2010

Date

Allen Namminga
Chairman, Board of Directors
B-Y Water District

CITY

From Page 1

each case would have to receive a conditional-use permit.

"What was the reasoning to say, 'Let's not even go there with our current residential (areas)?' she asked. "They would have to go through a process. They couldn't just put one up."

After a lengthy debate, the Planning Commission decided wind energy conversion systems would not be appropriate in existing residential areas for aesthetic and other reasons, Mingo explained.

"The discussion at the Planning Commission level was, it's just not appropriate based on the fact that most of them would be tower-type applications at this point in time," he said.

Pointing out that the WECS technology is making the devices more discreet, Commissioner Paul Lowrie asked what the process would be if a residential property owner wanted to see if something would be allowable or not in the future.

"I think that door opens when those proposals are submitted," Mingo said. "I'll take them back to the Planning Commission, and we'll look at ordinance amendments as the technology evolves."

"It's obviously a rapidly changing technology," he continued. "We see different types of generators on a regular basis. I can pretty much guarantee you that the ordinance you see today is going to go through

USDA: Cool Temps Stymie S.D. Farmers

SIoux FALLS (AP) — A mixture of cool temperatures and scattered showers left many South Dakota farmers with only about three days suitable for field work last week.

The U.S. Department of Agriculture said Monday that farmers across the state worked as best they could on trying to finish corn, soybean, sorghum and sunflower planting. The report said producers also were moving cattle to pasture and harvesting hay.

The report says heavy rain affected large areas of the southeast, and hail and strong winds caused crop damage Saturday. Temperatures were generally below average for the week.

Constitution Party Sues Over Ballot Rules

Party Leaders Cite Unfair, Discriminatory Laws In Nominating Governor

PIERRE (AP) — The Constitution Party of South Dakota is in federal court fighting what it says are discriminatory state laws that restrict its ability to put a candidate for governor on the November ballot.

The Constitution Party is considered a new party in South Dakota and as such must obtain signatures of 250 party members to nominate a candidate for governor, said its attorney, Daniel Treuden.

"The problem with this situation is that they only have 315 registered voters as of the last information we have," Treuden said Monday. "That's just short

of 80 percent of the entire membership has to nominate in order to get their candidate on the ballot. There's never been a court that I know of that's approved anything above 5 percent of the entire pool."

It's discriminatory that the Republican and Democrat parties can nominate candidates for statewide office such as auditor and treasurer but the Constitution Party can't nominate a statewide gubernatorial candidate, according to the lawsuit, filed Friday in Pierre.

Secretary of State Chris Nelson, who is named as defendant in the lawsuit, said he hadn't read the complaint and

declined comment.

The Constitution Party is seeking a court order allowing it to nominate a candidate for governor at its state convention Saturday.

Joining the Constitution Party as a plaintiff is Joy Howe, a Brandon woman who is identified as its chairwoman. According to the lawsuit, she will seek its nomination for governor because another person was unable to gather 250 petition signatures.

The lawsuit asks a judge to order Nelson to recognize the gubernatorial candidate nominated at the convention and place that candidate on the November ballot.

"It would be ideal to get an order before Saturday (June 19) but realistically ... whenever they print the general election ballot is really the true deadline because they could still nominate a governor candidate and the legal issue of whether the secretary of state has to recognize it could be resolved after the 19th," said Treuden.

Treuden is affiliated with a Milwaukee law firm that he said has worked elsewhere on ballot access issues for the Constitution Party and the Green Party.

The Constitution Party, formed originally as the U.S. Taxpayers Party, is recognized nationally by the Federal Election Commission.

FLOODS

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• S.D. 44 between milepost 366 and 367;

• S.D. 44 between milepost 363 and 363.56 at the James River;

• S.D. 42 between milepost 311 and 312 at the James River

The flood warning continues for the James River near Scotland, the West Fork Vermillion River near Parker and the Vermillion River near Davis, Wakonda and Vermillion.

The flood stage for the James River at Scotland is 13 feet. At 9 a.m. Monday, the river stood at 19.5 feet with the river predicted to crest near 19.7 feet today (Tuesday) and then begin falling.

Meanwhile, releases from Gavins Point Dam are being increased to prevent water from flowing over the emergency spillway gates. Heavy rain and runoff has filled the reservoirs at Gavins Point and Fort Randall dams into their respective exclusive flood zone.

Gavins Point releases were increased from 22,000 cubic per second (cfs) to 28,000 cfs at 7 a.m. Monday and again to 30,000 cfs at 9:30 a.m. Releases through the emergency spillway are not anticipated at this time.

Releases from Fort Randall have been reduced from 6,000 cfs to 1,000 cfs. The reservoir is expected to rise to elevation 1367.8 feet next week.

"The Gavins Point elevation has risen to 1209.5 feet, only 0.5 feet below the top of the gates. Our increased releases have slowed the rate of rise, however

we will continue to monitor the pool elevation to determine if additional releases are required to prevent water from flowing over the gates," said Jody Farhat, chief of the Water Management Office in Omaha, Neb.

With forecasts for only light rain over the central Missouri River basin for the next several days, the high Missouri River flows are expected to begin falling later this week. The additional releases from Gavins Point will slow the decline but not add to the crest.

The Missouri River is above flood stage from Plattsmouth, Neb., to its confluence with the Mississippi River north of St. Louis. Nearly all the tributary rivers that flow into the Missouri are also above flood stage.

In Nebraska, floodwaters receded Monday in some parts of the state that were swamped over the weekend. Residents hoped for a couple dry days and officials struggled to get a handle on the damage done thus far.

"It's way too early to know the extent of the damage," Gov. Dave Heineman said Monday. He flew around the state Sunday to assess the flooding and said "there was water everywhere."

Interviews with emergency management officials in the hardest-hit areas indicated that while dozens of homes have been evacuated and some damaged, the extent of the destruction wasn't expected to be severe. State officials said no injuries have been reported.

Roads, bridges and other infrastructure appear to suffer the brunt of the flooding, emergency management officials across the state said. But some cautioned that they wouldn't

know for sure the extent of damage to homes until it dries out.

Several dozen homes in an area of northeast Nebraska straddling the Elkhorn River were evacuated over the past couple days, said Faythe Peterson, emergency management director for Antelope, Madison and Pierce counties. Damage to some homes in Clearwater could be significant, she said. Evacuees stayed with family and friends.

The same was true in North Loup in north-central Nebraska where 75 homes and businesses were evacuated over the weekend. Valley County Emergency Management Director Ryan Simpson said he didn't expect there would be more.

"God willing, if it doesn't rain anymore," Simpson said.

No more rain is forecast until late in the week, said Becky Kern of the National Weather Service.

"Hopefully we'll get things flushed out with dry weather," Kern said. She added, "With the ground as saturated as it is, with more heavy rains, we could be right back to where we are now."

Forecasters at the National Weather Service in Valley said Monday they expected the Platte River to crest Monday evening, carrying 104,500 cubic feet of water per second. The volume during the severe flooding in 1993 was 160,000 cubic feet of water per second at its peak.

Platte River flows are a key indicator of flood risk because the river is a major tributary and brushes up against larger towns.

Some rivers that dump into it are experiencing record-high flows. The U.S. Geological Survey reported that flow on the North Loup River near Taylor was recently the highest it's been in

73 years of record keeping, and water volume along the Elkhorn River near Ewing was higher than any point in the 62 years data has been collected there.

Still, many Nebraska towns had mostly escaped extensive flood damage Monday, with officials reporting that water was receding in hard-hit areas near Fremont and Schuyler.

Heineman, a longtime resident of Fremont before he became governor, said he'd never seen as much water around Fremont as he did Sunday.

Bill Pook, emergency management director for the region that includes Fremont, said the only significant evacuation was in Arlington, which didn't end up being flooded, and there didn't appear to be substantial damage to the area's homes because floodwaters didn't lap into the towns.

There wasn't significant flooding in Fremont, Pook said, though water in an area outside of town called "Big Island" was "right flat even with the houses."

GOT NEWS?
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FLAG

From Page 1

destination for more than 100 flags. The blaze grew higher and hotter as the Legion members took their places around the fire. Not all of the flags came from Irene.

Craig Jepsen of Gayville attended as an observer, representing the Rudolph Christensen Legion Post No. 237. He brought about 30 flags from the Gayville area for the ceremony.

"At Gayville, we have been talking about doing this (ceremony) for a long time. It's been a number of years," he said. "We have about a half-dozen flags, the 6-foot-by-8-foot ones, at our (veterans) monument every year that we could retire."

Respect for the flag starts early, with flag etiquette stressed among young people, Jepsen said. "We have flag etiquette at

the (Gayville-Volin) school, and they learn how to fold the flag," he said.

At the start of Monday's program, the Legion members read the order of the ceremony for the audience of about 30.

Hansen served as the commander, Rye the sergeant-at-arms, Damon Jorgensen the vice-commander and Don Richelieu the chaplain. Hansen and Richelieu were familiar with their roles, as they serve as the respective commander and chaplain of their Legion post.

The flags were presented for final inspection. The flags, while faded and worn, symbolized all the nation's wars and the flags draped over the caskets of the military who made the ultimate sacrifice.

"These flags were found unserviceable, and I recommend they be retired from service," Jorgensen said.

Richelieu offered a prayer as chaplain, and the Legion members saluted the U.S. flag stand-

ing alongside the Legion flag. The unserviceable flags were then retired with respect.

After the official flag was burned at the conclusion of the ceremony, the remaining flags were brought in groups to be burned. The pile included not only U.S. flags but also South Dakota and Prisoner of War/Missing in Action (POW/MIA) flags.

Stephanie Hauger and Erin Hansen, members of the Get Up 'N Go 4-H Club, assisted in the ceremony. The girls participated as a community service project.

Their club leader, Karen Richelieu, said the 4-Hers recite the Pledge of Allegiance to the flag as a regular part of their meetings.

Monday's ceremony evoked silent yet strong feelings from the onlookers.

Darrell Hansen's daughter, Beth Davis, said the solemn ceremony stood in stark contrast to demonstrators who desecrate the flag.

"It bothers me that some people do this on purpose," she said of the protesters.

Jennifer Hansen, Erin's mother, agreed. "They do it as a form of disrespect," she said, with a slight nod of disbelief.

Davis saw Monday's flag-burning ceremony as a positive sign.

"It's amazing how many flags there are in a small community, that we have a need for this (ceremony)," she said.

The respect shown for the

flag takes on even more meaning when considering its symbolism for those who have answered the call for freedom, the two women said.

"It means more when you know veterans from wars like Korea or World War II," Jennifer Hansen said, adding that she hopes the veterans' stories are told before it's too late.

Generally, area residents are very patriotic and respectful of the flag, Darrell Hansen said. But there are times when people for-

get to put their hand over their heart during the national anthem, or a man forgets to take off his cap, he added.

"Sometimes, people just don't realize they are doing something wrong," he said.

Monday's ceremony hopefully provided more than just a place for proper disposal of flags, Darrell Hansen said.

"Hopefully, it will help build some awareness about respect and proper handling of the flag," he said.

RACES

From Page 1

One of the individuals must be an attorney.

In Vermillion, a recount will also be held in the Central Ward race for City Council. The race saw challenger John Grayson finish ahead of incumbent Mary Edelen 101-96 for the four-year term.

Under state law, the race qualified for a recount because the final margin fell within five or fewer votes.

Edelen told the Press & Dakotan last week that she wanted to wait until the canvass was completed before making any final decisions. At the time, she was learning toward seeking the recount.

She attended Monday's canvass, which maintained the same five-vote margin.

"At first, I wasn't sure if I would request a recount, but I had people who encouraged me," she said. "They said I would always wonder if I didn't (seek a recount)."

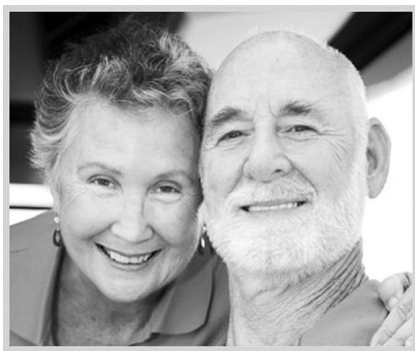
Each candidate will designate a representative to serve on the

recount board, Edelen said. Carlson will then appoint a third member agreeable to both candidates.

No date and time has been set for the recount, Edelen said. She and Grayson are working out a time convenient to both of them.

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~2010~

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- Fastest Course Completion
- Pride of the Fleet:
- Most Creative Design
- Titanic: Most Dramatic Sinking

Fastest

1st Place \$200 + Trophy
2nd Place \$50 + Trophy

Pride of the Fleet

1st Place \$100 + Trophy
2nd Place \$50 + Trophy

Titanic

1st Place \$100 + Trophy
2nd Place \$50 + Trophy

\$550 Cash Prizes

When: Saturday, June 26

Where: Lake Yankton, Training Dike Recreation Area

Registration: 1:00PM

Race: 2:00PM

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