

2010 Legal and Public Notices

Office of Emergency Management Office will continue to call upon the knowledge and skills of existing Yankton Area Search and Rescue membership to ensure the Search and Rescue teams remain willing and ready to serve as needed; and

WHEREAS, Yankton Area Search and Rescue will be known as Yankton County Search and Rescue on July 1, 2013 with the approval of this Resolution.

NOW THEREFORE BE IT RESOLVED that Yankton County and the Yankton County Office of Emergency Management will acquire Yankton Area Search and Rescue in accordance with the terms of this resolution, effective July 1, 2013. All present voted aye; motion carried.

Government Center Security System: The Board reviewed a proposal from EM Director Scherschligt to advertise for bids for a new security system at the County Government Center. The current video monitor system is 10 years old and still working, but Scherschligt said it is outdated. Commissioners noted concerns with a tight budget, but agreed to advertise the project. Commissioners Sinclair and Moore pointed out the Board can reject all bids if they decide funding must go to other projects that pose a greater immediate need.

Action 132990EMHS: A motion was made by Sinclair and seconded by Freng to advertise for bids for the installation of a new security system at the County Government Center. Bid documents can be picked up at the Auditor's Office. Bids will be received until 2 p.m. on July 16, 2013. Bids will be opened at 2 p.m. on July 16 and read aloud. The lowest responsible bid will be awarded at 5 p.m. at the July 16 regular meeting of the County Commission. All present voted aye; motion carried.

Emergency Services Station #2 Project: The Board reviewed a proposal from EM Director Scherschligt to advertise for bids for construction of Emergency Services Station #2 - a vehicle storage building to be located adjacent to the current Emergency Services Building at 805 Capital St., in Yankton.

Action 133000EMHS: A motion was made by Johnson and seconded by Freng to advertise for bids for the construction of Emergency Services Station #2. Bid documents can be picked up at the Auditor's Office. Bids will be received until 2 p.m. on July 16, 2013. Bids will be opened at 2 p.m. on July 16 and read aloud. The lowest responsible bid will be awarded at 5 p.m. at the July 16 regular meeting of the County Commission. All present voted aye; motion carried.

Department Credit Cards: Treasurer Pam Marchand addressed the Board about a previous request from Highway Supt. Gustad for a credit card to pay for miscellaneous travel expenses and office supplies. Marchand said the Board should establish a county policy for credit card use before allowing departments to have credit cards. The Board discussed monthly limits between \$500 and \$1,500 for each department that requests a credit card. Chairman Jensen said he will consult with Supt. Gustad and Treasurer Marchand later in the week and bring recommendations to the July 2 Commission meeting.

License Plate Fees: Treasurer Marchand reported that an increase in license plate fees will take effect July 1, and generate an estimated \$190,000 to spend on Yankton County road maintenance. Marchand said the fee increase is estimated to generate \$13 million statewide.

Nome Street Road District Election: Zoning Administrator Patrick Garrity reported results of a June 4 election to form the Nome Street Road District, south of Highway 52 along Deer Boulevard. Of the 27 eligible voters, 10 cast ballots. The result was a 5-5 tie, which means supporters failed to establish the simple majority needed to form the district. Arnie Boschker, a supporter of the proposed road district, appeared before the Board to question why some area residents were denied the right to vote. Commissioners explained that residents who have not updated the voter registration list with their current address would not be eligible to cast ballots.

Action 13301C: A motion was made by Sinclair and seconded by Johnson to reappoint Denise Cody to a three-year term on the Yankton County Mental Illness Board, effective July 1, 2013. All present voted aye; motion carried.

Action 13302C: A motion was made by Moore and seconded by Sinclair to approve the following claims: **Commissioners:** City of Yankton (Property Tax Underpayment) \$778.70, Yankton Daily P&D (Legal Notices) \$890.91,

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Yankton Area Chamber of Commerce (Travel) \$60.00; **Court:** Blackburn & Stevens (Legal Assistance) \$485.78, Great Plains Psychological Services (Services) \$2,640.00, Koletzky Law Office (Legal Assistance) \$198.20, Tamara D. Lee (Legal Assistance) \$6,909.70, Shreves Law Office (Legal Assistance) \$865.00; **Auditor:** Best Western Ramkota Hotel (Travel) \$88.99, Clubhouse Hotel & Suites (Travel) \$330.00, Leaf (Maintenance) \$152.00, Miller Consulting (Maintenance) \$37.50, Western Office Technologies (Maintenance) \$77.64; **Treasurer:** Best Western Ramkota Hotel (Travel) \$88.99, Collection Trust Publications (Supplies) \$100.00, Clubhouse Hotel & Suites (Travel) \$330.00, Harland Technology (Maintenance) \$29.3; **Data Processing:** Miller Consulting (Maintenance) \$768.75; **States Attorney:** Knology (Utilities) \$146.27; **Government Buildings:** Ace Hardware (Supplies) \$19.99, Buhl's of Yankton (Maintenance) \$52.14, H & J Lawn & Landscape (Maintenance) \$75.00, MidAmerican Energy (Utilities) \$368.54, Yankton Janitorial Supply (Supplies) \$296.90; **Director of Equalization:** Matt Archer (Travel) \$91.07, Best Western Ramkota Hotel (Travel) \$924.00, Ecowater Systems (Supplies) \$20.00, Michelle Goeken (Travel) \$51.00, JJ Benji (Supplies) \$296.00, Microfilm Imaging Systems (Maintenance) \$70.00, Lori Mackey (Maintenance, Supplies & Travel) \$220.91, Jeffrey Puthoff (Travel) \$51.00, Western Office Technologies (Supplies) \$60.13; **Register of Deeds:** Clubhouse Hotel & Suites (Travel) \$228.00, Miller Consulting (Maintenance) \$56.25, Microfilm Imaging System (Rentals & Supplies) \$546.20, Western Office Technologies (Supplies) \$50.36, Yankton Daily P & D (Supplies) \$92.00; **Court House & Safety Center:** Ace Hardware (Repairs & Supplies) \$15.96, City of Yankton (Utilities) \$144.00, Fejfar Plumbing & Heating (Repairs) \$701.36, Knology (Utilities) \$347.49, Menards (Repairs & Maintenance) \$51.65, TSC (Minor Equipment) \$229.99, Yankton Winnelson Company (Maintenance) \$26.92; **Sheriff:** Anytime Fitness (Supplies) \$14.81, City of Yankton (Supplies) \$3,606.40, Fox Run Quik Lube (Maintenance) \$43.99, Knology (Utilities) \$194.13, LA Police Gear (Law Enforcement Equipment) \$384.00, Neve's Uniforms (Uniforms) \$149.97, M.T. & R.C. Smith (Insurance Policy Updates) \$599.00; **County Jail:** AMG Radiation Oncology (Services) \$7.50, Avera Medical Group Psychiatry (\$255.03), CBM Food Service (Meals) \$2,106.35, Cortech Correctional Technologies (Supplies) \$1,255.00, Chemco (Supplies) \$694.80, Knology (Utilities) \$68.56, Lewis & Clark Specialty Hospital (Services) \$233.55, Neurology Associates (Services) \$54.61, Olson's Pest Technician (Maintenance) \$103.00, Physicians Laboratory (Services) \$35.52, Yankton Medical Clinic (Services) \$1,061.05, Verizon (Utilities) \$98.34; **Juvenile Detention:** Minnehaha County Regional Detention Center (Child Care) \$900.00, Volunteers of America (Shelter Care Beds) \$4,180.00; **Care of Poor:** Yankton Drug Company (Medicine) \$344.32; **Ambulance:** Ace Hardware (Supplies) \$40.13, Avera Sacred Heart Hospital (Supplies) \$574.15, Arrow Manufacturing (Machinery) \$32,325.00, City of Yankton (Supplies) \$1,259.95, Card Service Center (Supplies) \$935.71, Flynn's Flowing Flags (Supplies) \$101.20, Matheson Tri-Gas (Rentals & Supplies) \$88.38, Master Tech Auto Clinic (Supplies, Maintenance & Repairs) \$303.08, Royal Sport Shop (Supplies) \$195.80, Henry Schein (Supplies) \$613.50, Slumberland Furniture (Furniture) \$1,919.98, Vogt's Cleaners (Maintenance) \$16.00, Western Office Technologies (Supplies) \$11.61, Yankton Daily P & D (Legal Notices) \$20.56, Yankton Janitorial Supply (Supplies) \$17.88, Yankton Computer & Network (Supplies) \$36.99; **Mentally Handicapped:** South Dakota Achieve (May Services) \$240.00, SD State Treasurer (Services - HSC) \$4,560.04; SD State Treasurer (Services - Redfield) \$240.00; **Mental Illness Board:** Joan Kittelson (Hearings) \$15.00, Lincoln County Treasurer (Hearings) \$278.00, Lucille Lewno (Hearings) \$332.46, Minnehaha County Treasurer (Services) \$500.00, Karen Swanda (Hearings) \$15.00, Shepherd Reporting (Hearings) \$62.00; **Arts:** Yankton Area Arts Association (2013 Budget) \$2,575.00; **County Extension:** Lauren Fosheim (Travel) \$112.11, Katherine Fiedler (Special Food Contest) \$35.00, Hy-Vee (Supplies) \$5.73, Sandy Kramer (Special Food Contest) \$35.00, Jolene Kralicek (Special Food Contest) \$35.00, LEAF (Rentals) \$288.00, Northwestern Energy (Utilities) \$166.00, Larry D. Remington (Maintenance) \$400.00, Western Office Technologies (Supplies) \$185.39; **Weed:** M.T. & R.C. Smith (Insurance Policy Updates) \$454.00; **Planning & Zoning:** Collection Trust Publications (Supplies) \$100.00, Miller Consulting (Maintenance) \$18.75, Western

Office Technologies (Supplies) \$91.95, Yankton Daily P&D (Legal Notices) \$182.33; **Road & Bridge:** Ace Hardware (Supplies) \$294.34, Appera (Supplies) \$151.96, C & B Operations (Supplies) \$112.80, Bomgaars (Supplies) \$116.39, B-Y Electric (Utilities) \$31.71, Butler Machinery (Repairs) \$53.83, Boyer Trucks (Supplies) \$21.64, Brock White Company (Supplies) \$23,403.89, City of Yankton (Utilities) \$21.18, Direct TV (Utilities) \$72.07, Ehresmann Engineering (Supplies) \$22.08, Eisenbraun & Associates (Services) \$21.00, Fastenal Industrial & Construction Supply (Supplies) \$126.84, Hedahl's (Supplies) \$65.78, I State Truck Center (Maintenance & Repairs) \$2,502.41, Janssen's Garbage (Utilities) \$40.00, Lyle Signs (Supplies) \$415.18, Luken Memorials (Services) \$645.00, Miller Consulting (Maintenance) \$150.00, Mead Lumber (Supplies) \$4.00, Professional Security (Services) \$445.00, Southeastern Electric (Utilities) \$27.66, Tabor Lumber Cooperative (Supplies) \$1,442.50, Tools & Machinery (Supplies) \$207.10, Uline (Supplies) \$114.91, Western Office Technologies (Supplies) \$165.27, SD State Treasurer (Excise Tax) \$85.00; **911 Fund:** City of Yankton (Maintenance) \$12,831.44, Centurylink (Utilities) \$83.20, Golden West (Utilities) \$147.28, Knology (Utilities) \$92.97; **Emergency Management:** Ace Hardware (Maintenance & Supplies) \$442.28, B-Y Electric (Utilities) \$39.39, City of Yankton (Supplies) \$257.55, Hedahl's (Supplies) \$98.56, Knology (Utilities) \$388.80, Tensator (Supplies) \$2,712.00, M.T. & R.C. Smith (Insurance Policy Updates) \$437.00, Stitchen' Corner & More (Supplies) \$272.00, Tabor Lumber Cooperative (Supplies) \$534.98, Utica Gravel (Flood Supplies) \$2,100.00, Western Office Technologies (Supplies) \$841.30, Yankton Daily P & D (Legal Notices) \$29.50; **Tower Fund:** Center For Municipal Solutions (Services) \$350.00; **Ditch Fund:** Arens Engineering (Drainage Sewer Construction) \$2,196.00; **YC Ditch #2:** Slowey Construction (Yankton-Clay Ditch #2 Project #20525) \$88,820.74; **State Motor:** SD State Treasurer (Treasurer Fees) \$308,686.00, SD State Treasurer (Waste Fees) \$7,531.75; **Clearing Fund:** SD State Treasurer (ROD Fees) \$2,550.00; **M&PR Fund:** SDACO (M & PR Fund) \$800.00; **Non Departmental:** Kenneth Michael Frick (Confinement Fee Refund) \$167.40, Department of Revenue & Regulation (2013-14 Malt Beverage License) \$162.40, Total General Fund \$86,070.42, Road & Bridge \$30,759.54, 911 Fund \$13,154.89, Emergency Management \$8,153.36, Tower Fund \$350.00, Ditch Fund \$2,196.00, YC Ditch #2 \$88,820.74, State Motor \$316,217.75, Clearing Fund \$2,550.00, M & PR Fund \$800.00. All present voted aye; motion carried.

Action 13303ROD/AUD-TREAS/POOLED CASH/MI INCOME/WELFARE: A motion was made by Sinclair and seconded by Johnson to approve the following monthly reports from May 2013: Register of Deeds, Auditor's Settlement with the Treasurer, Pooled Cash, Mental Illness Hearings Income, and County Welfare. All present voted aye; motion carried.

The Register of Deeds report from May showed collection of \$17,260 in regular fees; \$11,239.50 in transfer fees; and \$2,007 in copies revenue.

The Auditor's Monthly Settlement with the Treasurer report showed Total Cash on Hand of \$124,300.63; Checking Account Balance at First Dakota National Bank, \$558,717.54; and Savings Account Balances as follows: Wells Fargo Bank, \$2,168,736.66; CorTrust Bank of Gayville, \$752,809.04; First Dakota National Bank, \$2,491,944.01; CorTrust Bank of Yankton, \$1,547,164.81; and First National Bank South Dakota, \$2,010,063.31. Yankton County's bad check balance was \$1,058.33. The County's Grand Total of Cash and Balances at the end of April was \$9,654,794.33. The General Fund was \$5,411,342.00; Special Funds were \$1,719,580.54; and Trust and Agency Funds were \$2,523,871.79 adding to a Grand Total of General Ledger Cash and Investments of \$9,654,794.33.

The Pooled Cash Report showed a beginning monthly balance of \$12,701,761.43 on May 1 and an ending monthly balance of \$9,654,794.33 on May 31.

The May report of income Yankton County received from providing a deputy states attorney for mental illness hearings at the South Dakota Human Services Center was \$7,049.50 from 18 different counties.

The Welfare Report for May showed: 26 contacts, eight hospital requests for payment, six notices of hospitalization, and three new applications.

Action 13304C: A motion was made by Sinclair and seconded by Freng to approve a deed restriction for one of the newly-platted

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lots at the old Yankton County highway shop site. Because Lot 2, Block 6, Hoffman's Addition has access issues, the deed restriction will limit its sale only to individuals who own an adjoining lot. All present voted aye; motion carried.

Action 13305C: A motion was made by Sinclair and seconded by Moore to send a letter to the South Dakota Retirement System, confirming Yankton County's intent to offer the Roth 457 SDRS Option to county employees. All present voted aye; motion carried.

Safety Center Remodel: Commissioner Johnson said he received a \$5,750 estimate from Weif Construction to split a Safety Center room into two office spaces. A small courtroom will also require some finish work. The Board directed commissioners Johnson and Moore to seek estimates from multiple contractors on the two jobs combined as one project.

County Lien Issue: States Attorney Rob Klimisch and Peggy Bartunek were present to speak about county liens that Mrs. Bartunek believes were mistakenly filed under her late husband's name. The Board directed Klimisch to investigate and bring a recommendation for action to the Board's special meeting on Friday, June 21 at 4:30 p.m.

Action 13306C: A motion was made by Sinclair and seconded by Johnson to add the Bartunek county lien issue to the Board's June 21 special meeting agenda. All present voted aye; motion carried.

A motion was made by Sinclair to adjourn.

A special meeting of the Board will be held June 21, 2013 at 4:30 p.m. The next regular meeting of the Board will be on Tuesday, July 2, 2013 with budget hearings at 2:30 p.m., and the regular session beginning at 3:30 p.m. in the Commission Chambers of the County Government Center.

Bruce Jensen, Chairman
Yankton County Commission

ATTEST:
Patty Hojem, Deputy Auditor
Published once at the approximate cost of \$350.03.

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lots at the old Yankton County highway shop site. Because Lot 2, Block 6, Hoffman's Addition has access issues, the deed restriction will limit its sale only to individuals who own an adjoining lot. All present voted aye; motion carried.

Action 13305C: A motion was made by Sinclair and seconded by Moore to send a letter to the South Dakota Retirement System, confirming Yankton County's intent to offer the Roth 457 SDRS Option to county employees. All present voted aye; motion carried.

Safety Center Remodel: Commissioner Johnson said he received a \$5,750 estimate from Weif Construction to split a Safety Center room into two office spaces. A small courtroom will also require some finish work. The Board directed commissioners Johnson and Moore to seek estimates from multiple contractors on the two jobs combined as one project.

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Action 13306C: A motion was made by Sinclair and seconded by Johnson to add the Bartunek county lien issue to the Board's June 21 special meeting agenda. All present voted aye; motion carried.

A motion was made by Sinclair to adjourn.

A special meeting of the Board will be held June 21, 2013 at 4:30 p.m. The next regular meeting of the Board will be on Tuesday, July 2, 2013 with budget hearings at 2:30 p.m., and the regular session beginning at 3:30 p.m. in the Commission Chambers of the County Government Center.

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Nebraska**Inmate In Crash Had Been Driver For 2 Months**

OMAHA, Neb. (AP) — A thrice-convicted drunken driver who was behind the wheel of a prison-owned van involved in a fatal crash earlier this week was assigned to the job only two months ago, the Nebraska Department of Correctional Services said Thursday.

Inmates selected to drive vans for the prison's work release programs first go through a review of their driving and chemical abuse records, the Corrections Department said in a news release.

Those were a few of the details of the policy released by the department Thursday, following Tuesday's fatal crash.

Authorities have said Jeremy Dobbe, 35, was speeding in a department van when he went into oncoming traffic and struck a minivan nearly head-on, killing its driver, 47-year-old Joyce Meeks. The department has not said whether a blood-alcohol test was administered after the accident.

The department's news release said inmates have been allowed to drive other inmates to work detail sites since 1985. The release said selection as an inmate van driver includes a review of the inmate's driving record, with particular attention to recent history. Drivers also undergo weekly urine testing to check for drug use, the release said. If prison staff suspect alcohol use by a driver, they administer a breathalyzer test, department spokeswoman Dawn Renee Smith said via email Thursday.

Under the department's policy, inmates are automatically ineligible to be van drivers if they have ever been convicted of a crime that took a human life, one that used a vehicle as a weapon or a method of escape to avoid arrest, or "a sexual offense of any nature."

Online court records show Dobbe has an extensive criminal record, including DUI convictions in 1999, 2001 and 2003, a reckless driving conviction in 2003, and driving under a suspended license in 2004. He was charged with driving with no proof of insurance or registration, reckless driving and leaving the scene of an accident in 2010, but those charges were dismissed. He is serving a five to seven year sentence for possession of methamphetamine with intent to deliver, making terroristic threats and criminal mischief.

Dobbe was also convicted in Lancaster County of misdemeanor sexual contact in 2002 and fined \$100, according to online records.

Smith, the Corrections Department spokeswoman, did not return email and phone messages Thursday asking why Dobbe's criminal record — including his sexual contact conviction — did not disqualify him from being an inmate driver.

S.D. Penitentiary Staff Thwart Escape Plan

SIoux FALLS (AP) — Staff at the South Dakota State Penitentiary in Sioux Falls thwarted a planned escape attempt, corrections officials said Thursday.

Authorities said the escape was planned Tuesday during a medical transport of inmate Silver McClanahan, who is serving a life sentence for first-degree manslaughter in Brown County. He's been in prison for nearly two decades.

Corrections officials said

penitentiary staff learned of the plot and alerted security officers, who prevented the escape from happening.

"Public safety is our ultimate responsibility and security is something we deal with every minute of every day," said Corrections Secretary Denny Kaemgink in a statement.

He said no correctional officers were injured and the public wasn't in danger because the inmate never left the prison grounds.

Report Recommends Changes At South Dakota's Division Of Insurance

PIERRE (AP) — A department secretary's report on the South Dakota Division of Insurance is recommending increased oversight from supervisors and the secretary, better staff communication and a new informal settlement process, state officials said Thursday.

Gov. Dennis Daugaard earlier this month requested the report from Department of Labor and Regulation Secretary Pam Roberts reviewing the division's investigative procedures for consumer complaints on long-term care insurance providers.

Daugaard said the division has the difficult task of balancing consumer protection and business needs.

"While perfect equilibrium will never be possible, implementing these recommendations will increase the balance between the division's priorities," he said in a release.

The report also recommends setting new timelines and posting completed market conduct examination reports on the department's website.

Under existing law, the division can suspend, revoke or refuse to renew a license until fines are paid, but cannot independently fine insurers or agents without their consent.

"Once DOI has revoked a license, they no

longer have leverage over a licensee to ensure future compliance with South Dakota law and regulations," Roberts said in her report. "Consumers are then left with insurance contracts that are still in force with an insurance company DOI no longer has authority to regulate."

Some of the proposed changes would require legislation.

Daugaard requested the report after the Argus Leader newspaper in Sioux Falls reported that the division had not publicly disciplined Ability Insurance Co. despite having evidence that the company allegedly broke state laws when it wrongfully denied claims for some long-term care policyholders.

Ability, based in Omaha, Neb., has been sued half a dozen times in federal court in South Dakota, and it also has been sued in Washington, Mississippi, Iowa and Montana. The company has said it has enacted reforms that should put an end to the lawsuits, and that only two cases — including one in South Dakota — are currently being litigated in federal court.

State laws require the division to keep confidential the details of its investigations of companies, and officials have not commented on the division's investigation of Ability.

CDCW

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Memorial Day fair and the Johnny Cash tribute concert to the communities. She is now working on the Corps of Discovery Welcome Center Fourth of July Music Festival.

Leapley has been working closely with Elaine Peacock of Elk Point to organize the festival, which aims to keep music alive and keep kids interested in music. The activities will begin at 10:30 at the Welcome Center, with food for sale, and will end with Yankton's fireworks show.

"I want it to be a place where families can come, and mom and dad can relax and enjoy music, and the kids can be outdoors and play," Leapley said. "The good old-fashioned fourth of July is when people used to get together as a family."

A music major in college, the Brookings-native began her career as a K-12 music education teacher in Coleridge, Neb.

"I love music and I still do some performing, so I don't want to see that die with kids," Leapley said. "Everything is so sports oriented —

and that's great because our kids do need to go out and move and not be with the Xbox all the time — but when they're 65 years old, they're going to be more likely to sing with the church choir than play on the basketball court."

That passion pushed Leapley to bring entertainment to the Yankton area.

"To make up for not being able to get some grants, we had to get that money somewhere," Leapley said. "Giving people some top-quality entertainment — and these are not people we just find in a bar somewhere — people can have a great night out. I wanted it to be affordable, family friendly and memorable with everything we do."

Because Leapley has so many friends and acquaintances in Yankton and the Nebraska area, blending the state lines and providing entertainment for both states has become a priority, she said. Leapley's husband grew up in Coleridge, where they lived for 22 years, and Leapley has now lived and worked in Yankton for 10 years.

"There is no border for me," she said. "(The CDCW) probably was a little more Nebraska-South Dakota oriented before because most of the board members started out from Nebraska — it was

started out by people in Nebraska ... But I see that a lot of our volunteers are from Yankton. That helps meld the borders together, and I see it becoming more as one as we use Facebook and Twitter more — everything is all connected anymore."

With more than 15,000 people passing through the Welcome Center every year, Leapley also makes working with local businesses and local vendors a priority, she said. Aside from just being a tourist stop, the Welcome Center is also a gift shop with unique items such as hand made greeting cards, handmade quilts and Brule CDs.

"I'm trying to make it a cultural center for the area, too, so there is a reason for local people to come up here," Leapley said. "You really won't see another gift shop like this until you get to the tourist information stop in Kansas. It's really hard to find a handmade quilt for \$500 other than here. We're trying to change it to more aggressive marketing, trying to keep the gift shop fresh and new, and always have something going on."

You can follow Emily Niebrugge on Twitter at twitter.com/Niebrugge