

2010 Legal and Public Notices

IOUS; Yankton Congregation of Jehovah's Witnesses, Kingdom Hall Tract 1 NW4 NW4 7-93-55 Parcels, 100% RELIGIOUS; Elks Lodge #994 Ben & Protective Order of Elks, W2 Tract 5 Lt C NE4 Parcels 1-93-56, 75% LODGE; Sacred Heart Health Services, SW4 SE4 S/RD exc W90' & exc Lt R-4 & exc Tract B (Parcels), 95% STORAGE FACILITY; Yankton Area Progressive Growth Inc., Lt 7 of Lt A N2 NW4 exc Lt 1 12-93-56 Parcels, 100% LOCAL INDUSTRIAL DEVELOPMENT; Yankton Area Adjustment Training Center, N363'E660'NW1/4 12-93-56 Parcels, 100% EDUCATIONAL; Benedictine Convent of the Sacred Heart, Ryken Tr 2, Ryken Tr 3 East of 1/16th line & that part of Tr 4 lying west of div line between Govt Lots 2 & 3 13-93-56, 100% RELIGIOUS; Yankton County Historical Society, S2 NW4 SW4 NE4 exc W181.5' & W2 S2 NE4 SW4 NE4 lying W/Maple St exc parcel commencing @ intersection of West line of Maple St & South line of NE4 SW4 NE4, thence N250.35', then W150', thence S250.35' thence W150', thence S250.35', thence E150' to PO 13-93-56, 100% HISTORICAL; Benedictine Convent of the Sacred Heart, Parcel 44 Parcels 13-93-56, 100% LIVING QUARTERS

Published once at the approximate cost of \$216.47.

3+6+13 NOTICE OF DEADLINE FOR VOTER REGISTRATION

Voter registration for the City of Yankton Municipal Election to be held on April 8, 2014, will close on March 24, 2014. Failure to register by this date will cause forfeiture of voting rights for this election. If you are in doubt about whether you are registered, check the Voter Information Portal at www.sdsos.gov or call the county auditor at 260-4400.

Registration may be completed during regular business hours at the county auditor's office, municipal finance office, secretary of state's office and those locations which provide driver's licenses, SNAP, TANF, WIC, military recruitment, and assistance to the disabled as provided by the Department of Human Services. You may contact the county auditor to request a mail-in registration form or access a mail-in form at www.sdsos.gov.

Voters with disabilities may contact the county auditor for information and special assistance in voter registration, absentee voting, or polling place accessibility.

Al Viereck / Finance Officer
City of Yankton
Published twice at the approximate cost of \$26.21.



2010 Legal and Public Notices

3+6+13+20+27
STATE OF SOUTH DAKOTA))SS:
COUNTY OF YANKTON)

IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT

In the Matter of the Petition of
Jody Lynn Haag
For a Change of Name to
Jodey Lynn Haag

NOTICE OF HEARING FOR ADULT NAME CHANGE

NOTICE IS HEREBY GIVEN a Verified Petition for Adult Name Change has been filed by Jody Lynn Haag the object and prayer of which is to change Petitioner's name from Jody Lynn Haag to Jodey Lynn Haag. On the 29th day of April, 2014, at the hour of 10:00 am said verified petition will be heard by the Court before the Honorable Cheryle Gering Presiding, at the Court Room in the Yankton County Courthouse, City of Yankton, South Dakota, or as soon thereafter as is convenient for court. Anyone may come and appear at that time and place and show reasons, if any, why said name should not be changed as requested.

Dated this 27th day of February, 2014 at Yankton, South Dakota.

/s/ Jody Johnson
Circuit Court Judge or
Clerk of Court

ATTEST:
Clerk of Court
By: _____
Deputy

Texting

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regulations that conflict with state law.

Lobbyists for insurance companies, auto manufacturers and transportation organizations urged lawmakers to ban texting. Some said they don't care about the details of a ban.

"We don't care how you do it. Just get it done this year," Bob Miller of the Dakota Transit Association said.

"The goal here should be to remind drivers to keep their attention on the road," Matt McCauley of the Alliance of Automobile Manufacturers said.

But Rapid City Police Chief Steve Allender said he and other law enforcement officials oppose the bill because it seems aimed mostly at preventing cities from imposing their own bans. He said texting while driving should be banned to save lives, and he objected to a provision in the bill that would prevent officers from seizing someone's phone to check whether the driver had been texting behind the wheel.

"This is not an instance where the people need to be protected from the police. This is an instance where people need to be protected from each other," Allender said.

The House bill approved by the committee Wednesday would prohibit driving while using a hand-held device to write, send or read text-based messages. However, drivers could still use cellphones to talk and could text using voice-operated or hands-free technology.

Lawsuit

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Prior to Wednesday's lawsuit, the Pölsinelli law firm held public meetings up and down the Missouri River basin, including Pierre and North Sioux City. The meetings provided information about the possible suit and also sought potential plaintiffs.

Lt. Gov. Matt Michels told the *Press & Dakotan* he did meet with a Pölsinelli attorney to learn more about the arguments that the law firm would make in a lawsuit. However, Michels emphasized the meeting was for informational purposes, and the state is not part of the federal suit filed Wednesday.

Gov. Dennis Daugaard and other state officials have sought changes in the Corps' river management since the 2011 flooding, said Tony Venhuizen, the governor's director of policy and communications.

"We have worked with the Corps of Engineers since this matter came to light in the spring of 2011," the aide said in an e-mail. "We have advocated for numerous policy changes, and we have been successful in accomplishing significant reform in how the Corps handles its management of the river."

At the North Sioux City

presentation two weeks ago, Pölsinelli attorney Seth Wright met with possible plaintiffs. He said his firm had talked with hundreds of people in five states.

"We had anticipated \$200 million in total claims, and we are already over this (amount)," he said at the time.

The claims are brought under the Fifth Amendment of the U.S. Constitution, which forbids the taking of property without compensation. The suit alleges the recurrent flooding constitutes the taking of property.

According to the plaintiffs, for at least six decades prior to 2004, the Corps had prioritized flood control when managing operations of dams, reservoirs and other structures along the river.

The Corps policy changes since that time directly led to continued flooding. These changes include:

- increasing the water storage levels and altering the schedule for water releases from the six large reservoirs located along the river's upper basin upstream from Yankton;
- changing the structure of dikes and dams along the river to scour the banks and make the river more shallow;
- creating secondary channels that increase the frequency and duration of floods.

In recent years, the Corps has shifted its emphasis from flood control to eight congressionally authorized purposes with no ranking of priorities, Wright said.

The lawsuit states that after 2004, the Corps wasn't following its master plan. The operation of the reservoirs no longer required basing releases upon the Corps' forecast of the annual snowmelt and rainfall runoff.

The Corps has further changed its river management to meet environmental laws such as the Endangered Species Act and the 2000 U.S. Fish and Wildlife Service's biological opinions, Wright said. The Corps has altered its practices to protect the least tern, piping plover and pallid sturgeon, he said.

The Corps decisions have resulted in flooding from 2006 to the present time, he said.

As a result, property owners along the river have sustained economic hardships, according to Pölsinelli attorney R. Dan Boulware.

The lawsuit alleges the Corps has altered the river, Wright said.

"The claims will be based on the fact that something has changed, and this river is different," he said. "Was the flooding experienced during 2011 'typical'? I think not. Our theory is that it was a deviation in the Corps' typical water management operations."

Property owners made long-term decisions based on expectations of Corps flood control, Wright said.

"You made decisions based on what the Corps had done for the river. Now, they have to pay you," he told the North Sioux City audience.

The lawsuit seeks a remedy not only for past flooding but also to stop future flooding, Wright said. Jody Farhat, chief of the Corps' Missouri River basin management division in Omaha, has predicted continued flooding, the attorney said.

"This flooding is ongoing and will not stop till their policies are stopped and (the Corps) goes back to its historical practices," Wright said.

Lederman agreed Wednesday, noting he is seeking a change in the Corps' river management.

"We can expect more floods if the federal government doesn't change the Corps master manual back to the way it was," he said.

For additional information, including a copy of the complaint, visit online at www.MissouriRiverFlooding.com.

You can follow Randy Dockendorf on Twitter at twitter.com/RDockendorf. Discuss this story at www.yankton.net.

Frozen

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planting could be delayed, he said.

"We will probably be slowed a little bit in getting out in the fields," he said.

As the ground thaws, the melting frost could create mud and make field work difficult, Today said. Additionally, soil conditions could vary greatly.

"With the deeper frost depths, it may dry out in one spot and then you'll hit a spot that's a little wetter," he said. "I think in-field variability will be a big issue this year."

The circumstances leading to the greater depths of frozen soil are threefold, the climatologist said.

"One is obviously overall cold temperatures, as we've had a fairly cold winter overall," he said. "Two is the length of time we've been cold. We actually had some very cold temperatures even right around Thanksgiving, and we've stayed consistently cold."

Thirdly, soils are relatively dry, Today said. "There's less heat contained in them because there's less water there, and they can freeze to a deeper depth more quickly," he said.

Today said that detailed statistics on frost depth are limited, as it takes special equipment to measure. Much of the time, reports rely on anecdotal information, such as someone digging and then notifying officials of the frost depth experienced, he said.

The nearest official measurement to the Yankton area

was recently made by the National Weather Service in Sioux Falls. That depth was measured at 21 inches.

"That seems low, but the depth can vary based on the soil type and also what the ground cover of the soil is like," Today said. "Soils that have some kind of grass over them or have snow over them are somewhat protected, and the frost depth for them will probably not be as deep."

The climatologist said there has also been some misinformation circulating that warmer weather during the latter part of winter and first part of spring actually drives the frost deeper. That is incorrect, he said, as the reason frost depth can increase this time of year is that the effects the cold has on soil lag well behind the weather experienced above ground.

"So it's not until the end of winter that frost penetrates as deep as it does into the soil," he said. "As we get more heat, that actually helps improve the situation because we start warming the soils again. It just takes a while for the heat to penetrate to those greater depths."

According to the current forecast, that likely won't happen until at least late March, Today said.

"There's not a big, fast warmup on the horizon just yet," he said. "We still have some colder temperatures we're going to be dealing with in the near-term."

You can follow Derek Bartos on Twitter at twitter.com/d_bartos/. Discuss this story at www.yankton.net/.

Heartland

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construction with Welf, she said. "Between that and the purchase of the building, we're kind of finishing up phase one of the financial campaign. We reached our goal to do that and will soon be in the process of kicking off phase two of that financial campaign; that will be about another \$400,000 to take that garage on the property and turn it into the kennel system for our dogs, a vet services room so we can do surgeries on site as well as some kennels for holding purposes and cats."

The first phase was largely done through private fundraising. Schmidt said the next phase will include getting the public involved and is expected to begin as HHS moves in.

"It was important for us to be in the building before we hit that community capital campaign part of the

process," she said. "We want people to see what we've already done with the facility and ... what our opportunities are as we move forward. The more money we raise, the more we can do and the faster we can do it. Our goal — for the board and myself — would be to have the facility be fully functional and project completed by the end of the year."

Plans include utilizing mailing campaigns and open houses to help raise phase two funds. HHS also plans to collaborate with local non-profit groups to help.

One such group is Keep Yankton Beautiful, which was awarded a grant to help with work on the exterior of the building this coming summer.

KYB director Camille Swift-Slowey declined to comment on details of the grant, saying further information will be released later in the group's planning process. However, she said she looks forward to partnering with HHS.

"This will be our first

collaboration and we're really excited about it," Swift-Slowey said. "For a town the size of Yankton, we actually have an incredibly large amount of non-profits that do a lot of good work, so sometimes you've got to have each other's backs and work together."

Schmidt said there's also been a lot of volunteer support since the project got under way.

"We have anywhere from 12 to 15 volunteers who have really stepped up and taken the lead to make sure that we're moving forward," she said. "We've spent a lot of Friday nights out here at the facility. Friday nights have become painting nights and socialization nights out here. All the little things add up."

An influx of college-aged volunteers has also been noticed, Schmidt said.

"We've seen an increase in college students wanting to help," she said. "We've had several groups from both Mount Marty and USD come out and volunteer for an hour or two. It was

phenomenal to see a younger generation wanting to help put this plan together and be a part of the blueprint."

She added Yankton has also been responsive to the shelter's needs thus far.

"The community understands the need for this facility and our program," she said. "We've even had the opportunities in recent weeks to sit down with the police department and city manager, and really talk and communicate about how this is going to affect the entire community, and their response has been phenomenal."

Anyone interested in volunteering is encouraged to contact the Heartland Humane Society at (605) 664-4244 or at hhs@midconetwork.com

You can follow Rob Nielsen on Twitter at twitter.com/RobNielsenPandD/. Discuss this story at www.yankton.net/

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