

2010 Legal and Public Notices

BER - \$57,160.43; SCRAPMART - RETURN - \$25.00; SD PUBLIC ASSURANCE ALLIANCE - ADDITIONAL INSURANCE - \$525.00; SDAFC CONFERENCE - CONFERENCE REGISTRATION - \$75.00; SDEMTA CONFERENCE '11 - CONFERENCE REGISTRATION - \$135.00; SDML - SDML - CONFERENCE - \$65.00; SDSRP - EMPLOYEE DEDUCTION - \$895.00; SMITH & SMITH CONSTRUCTION INC - GEHL EXT - \$64,405.33; STEVENS CONSTRUCTION/DOYLE - MISC CONCRETE - \$13,889.77; SUMMITACTIVITY CENTER - EMPLOYEE DEDUCTIONS - \$995.96; US POST OFFICE - UTIL POSTAGE - \$1,121.90; UNITED PARCEL SERVICE INC - SHIPPING - \$59.68; UNITED WAY - EMPLOYEE DEDUCTIONS - \$22.00; VISA - OFFICE SUPPLIES - \$12.49; VISA - TONER - \$364.25; VISA - USB ADAPTER - \$45.93; VISA - PHOTOGRAPHS - \$2,478.41; VISA - RANGE UPGRADE - \$233.69; VISA - DVD SHELF - \$1,358.74; VISA - CONFERENCE - \$4,275.09; VISA - EMPLOYEE RECOGNITION - \$58.30; VISA - CONFERENCE - \$1,286.18; VISA - CONFERENCE - \$217.60; VISA - SUMMER READING PROGRAM - \$27.37; VISA - SCHOOL - \$344.40; VISA - CAMERA SUPPLY - \$8.65.

Roll Call: All members present voting “Aye;” voting “Nay:” None.
Motion adopted.

SALARIES - OCTOBER 2011:
ADMINISTRATION - \$24,277.04; FINANCE - \$26,598.07; COMMUNITY DEVELOPMENT - \$14,699.01; POLICE - \$119,641.61; FIRE - \$9,460.80; ENGINEERING - \$34,154.73; STREET - \$39,592.01; TRAFFIC CONTROL - \$1,455.64; LIBRARY - \$24,984.12; PARKS/SAC - \$47,639.00; MARNE CREEK - \$4,122.46; WATER - \$32,972.91; WASTEWATER - \$31,069.51; CEMETERY - \$2,864.86; SOLID WASTE - \$15,043.78; LANDFILL - \$14,948.23; GOLF COURSE - \$17,111.64; CENTRAL GARAGE - \$6,796.93.
PERSONNEL CHANGES & NEW HIRES:
New Hires: Karie Forman - \$10.00 hr. - Rec. Div.; Kathryn Kelley - \$15.00 gm. - Rec. Div.; Megan Leader - \$7.25 hr. - Rec. Div.; Cindy Sedlacek - \$7.25 hr. - Rec. Div.; Macy Tipton - \$7.25 hr. - Rec. Div.
Salary Increase: Jamie Blankenfeld - Tramp - \$9.00 hr. - Rec. Div.; Pam Bruening - \$7.75 hr. - Rec. Div.; Francis Horacek - \$9.00 gm. - Rec. Div.; Rebecka Jensen - \$8.25 hr. - Rec. Div.; Kelsey Odens - \$7.50 hr. - Rec. Div.; Patty Schieffer - \$8.25 hr. - Rec. Div.; Ashley Sudbeck - \$7.50 hr. - Rec. Div.; Britta True - \$7.50 hr. - Rec. Div.; Beth Westergaard - \$8.25 hr. - Rec. Div.

Status Change: Cody Garvey - \$8.75 &/or \$15.00 gm. - Weight Rm. Supervisor plus Volleyball Official; James Gevens - \$1209.50 bi - wk. from Interim Clubhouse Mgr. back to Assistant Clubhouse Mgr.; Alyssa Duncan - \$7.25 hr. &/or \$15.00 gm. - Tot Time Child Care plus Volleyball Official; Brian Odens - \$7.50 hr. &/or \$15.00 gm. - Weight Rm. Supervisor plus Volleyball Official; Mitchel Seitzinger - \$7.25 hr. &/or \$15.00 gm. - Recreation Intern plus Volleyball Official.
LONGEVITY INCREASE:
Tim Garvey - \$1775.70 bi - wk. - Water; Alan Peterson - \$1651.62 bi - wk. - Water.

City Manager Russell submitted a written report giving an update on community projects and items of interest.

Action 11-260
Moved by Commissioner Gross, seconded by Commissioner Carda, that the following items on the consent agenda be approved.
1. Discussion to establish Tuesday, December 27, 2011, at 12:00 noon as the date and time for the second City Commission meeting in December.
Roll Call: All members present voting “Aye;” voting “Nay:” None.
Motion adopted.

Action 11-261
This was the time and place for the public hearing on Resolution 11-45, a resolution approving the 2011 Special Assessment Roll for the removal of noxious vegetation. (Memorandum 11-186) No one was present to speak for or against approval of the Resolution. Moved by Commissioner Sommer, seconded by Commissioner Wenande, to adopt Resolution 11-45.

RESOLUTION 11-45
A RESOLUTION APPROVING THE 2011 SPECIAL ASSESSMENT ROLL FOR THE DESTRUCTION OF NOXIOUS VEGETATION, TREE TRIMMING AND ABATEMENT OF NUISANCES

BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, South Dakota:

SECTION 1. That the special assessment roll for the assessment of the property assessable for the destruction of noxious

2010 Legal and Public Notices

vegetation, tree trimming and abatement of nuisances in the City of Yankton, South Dakota, is hereby approved and the assessments as set out in said special assessment roll approved this date are hereby levied against such property upon filing of said special assessment roll in the office of the City Finance Officer.

SECTION 2. The assessments set forth in the assessment role will become due and payable in one (1) annual installment together with interest at a rate prescribed by the Board of City Commissioners, by resolution, per annum, in accordance with SDCL 9-43.

The above assessments may be paid without interest to the City Finance Officer on or before December 15, 2011, thereafter, the entire assessment may be paid with interest from the date of filing with the City Finance Officer at the rate established by resolution of the Board of City Commissioners.

Roll Call: All members present voting “Aye;” voting “Nay:” None.
Motion adopted.

Action 11-262
This was the time and place for the public hearing on Resolution 11-44, a resolution approving the 2011 Special Assessment Roll for the Alley Reconstruction from 5th Street to 6th Street between Picotte Street and Burleigh Street. (Memorandum 11-185) No one was present to speak for or against adoption of the Resolution. Moved by Commissioner Akland, seconded by Commissioner Sommer, to adopt Resolution 11-44.

RESOLUTION 11-44
A RESOLUTION APPROVING THE 2011 SPECIAL ASSESSMENT ROLL FOR ALLEY RECONSTRUCTION FROM 5TH STREET TO 6TH STREET BETWEEN PICOTTE STREET AND BURLEIGH STREET

BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, South Dakota:

SECTION 1. That the special assessment roll for the assessment of the property assessable for the alley reconstruction from 5th Street to 6th Street between Picotte Street and Burleigh Street in the City of Yankton, South Dakota, is hereby approved and the assessments as set out in said special assessment roll approved this date are hereby levied against such property upon filing of said special assessment roll in the office of the City Finance Officer.

SECTION 2. Said assessment may be paid in ten (10) annual installments and shall be collected under Plan Two “Collection by City Finance Officer”, as provided in SDCL 9-43.
Finance Officer

Roll Call: All members present voting “Aye;” voting “Nay:” None.
Motion adopted.

Action 11-263
This was the time and place for the public hearing on the application for a Special Events RETAIL (on-sale) Malt Beverage and a Special RETAIL (on-sale) Wine dealers License for one day, February 17, 2012 from United Way & Volunteer Services, National Field Archery Association, 800 Archery Lane, Yankton, South Dakota. (Memorandum 11-180) Moved by Commissioner Woerner, seconded by Commissioner Lowrie, to approve the license application.
Roll Call: All members present voting “Aye;” voting “Nay:” None.
Motion adopted.

Action 11-264
Moved by Commissioner Gross, seconded by Commissioner Sommer, to approve the dental insurance plan with Delta Dental for the 2012 fiscal year at a cost of \$33.50 per month for single coverage, a \$1.86 per month increase over 2011 rates with the City paying all but \$2.04 per month as part of the employee's benefit package. (Memorandum 11-179)

Roll Call: All members present voting “Aye;” voting “Nay:” None.
Motion adopted.

Action 11-265
Awarding of a contract for Employee Health Insurance for 2012 was considered. Dr. Thomas Stotz, was present and asked if the co-pay for chiropractors was the same as for other physicians. It was clarified that the co-pay is the same. Citizen Brad Dykes was also present and asked who the insurance carriers were for both health and dental insurance and what portion of the plan premium is paid by the city for single health insurance coverage. It was clarified that dental insurance is through Delta Dental and the health insurance is through Avera Health Plans with the City paying 100 percent of the premium for single coverage and 50 percent of the premium for family and two-person coverage. Moved by

2010 Legal and Public Notices

Commissioner Gross, seconded by Commissioner Sommer, to approve the contract with Avera Health Plans for 2012 Employee Health Insurance, a 5.55 percent increase in premiums over 2011 rates with employees paying increased co-pays for office visits as outlined in Memorandum 11-181.
Roll Call: All members present voting “Aye;” voting “Nay:” None.
Motion adopted.

Action 11-266
This was the time and place to award the bid for the Compact Excavator for the Department of Public Services/Joint Powers Department for use at the Solid Waste Transfer Station. Moved by Commissioner Woerner, seconded by Commissioner Carda, to approve the purchase of one new Volvo ECR88 Mini Excavator from Nuss Truck & Equipment of Burnsville, Minnesota, in the amount of \$84,685.10 under the State of Minnesota bid tab. (Memorandum 11-182)
Roll Call: All members present voting “Aye;” voting “Nay:” None.
Motion adopted.

Action 11-267
Moved by Commissioner Gross, seconded by Commissioner Sommer, to accept the Replacement Gate Operator and Miscellaneous Items Project at the Chan Gurney Airport as complete and to authorize the City Finance Officer to issue a manual check in the amount of \$17,515.00 to American Fence, Sioux Falls, South Dakota, as final payment for the project. (Memorandum 11-184)
Roll Call: All members present voting “Aye;” voting “Nay:” None.
Motion adopted.

Action 11-268
Moved by Commissioner Gross, seconded by Commissioner Woerner, to approve the agreement with the South Dakota Department of Transportation for appraisal of land parcels on the north side of Chan Gurney Airport involved in a land exchange with the neighboring property owner, for a not-to-exceed amount of five thousand dollars (\$5000.00). (Memorandum 11-183)
Roll Call: All members present voting “Aye;” voting “Nay:” None.
Motion adopted.

Action 11-269
Moved by Commissioner Woerner, seconded by Commissioner Akland, to adjourn at 7:19 p.m.
Roll Call: All members present voting “Aye;” voting “Nay:” None.
Motion adopted.

David D. Knoff
Mayor

ATTEST:

Al Viereck
Finance Officer

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NEBRASKA

Court To Decide If Alleged Victim Has To Testify

BY MARGERY A. BECK
Associated Press

OMAHA, Neb. — The Nebraska Supreme Court will decide whether an alleged victim of sexual assault in the state has the right to refuse to testify against the accused, or be compelled by a judge to testify under threat of jail.
The state's high court will hear arguments next month in the case of a 24-year-old woman ordered last spring by Lancaster County District Judge Paul Merritt to testify against the man accused of molesting her when she was 7, or spend 90 days in jail for refusing.
The woman, referenced only as “H.M.” in court documents, was found in contempt in April when she refused to testify against Glen Riensche, of Lincoln, saying that doing so would cause her deep humiliation. The judge said the case hinged on her testimony, outweighing any shame she might feel.
The contempt order drew criticism from victims' groups like the Rape, Abuse & Incest National Network, which said judge's actions would make the criminal justice system even less attractive to rape victims who are already reluctant to report their assaults.
An attorney for the woman argues that the lower court judge erred by ignoring state law, which says “when the matter sought to be elicited would tend to render the witness criminally liable or to expose him or her to public ignominy, the witness is not compelled to answer.”

Instead of applying the law's plain meaning, the judge added a requirement to it that the privilege of declining to testify only applies if such testimony is not material to the case, Lincoln attorney Randall Wertz said in a brief submitted to the state Supreme Court.
“Forcing victims in sexual assault cases to testify is contrary to (state law) and bad public policy,” Wertz wrote. “We, as a state and society, cannot have a policy that forces sexual assault victims to testify, as it will have the unintended effect of potential victims not wanting to subject themselves to mandatory testimony under threat of duress and contempt.”
The Nebraska Attorney General's office counters that an 1896 U.S. Supreme Court decision is the authority in the matter. That decision found that if testimony of a witness might disgrace him, and the proposed evidence is material to the trial, “the great weight of authority is that he may be compelled to answer.”

Nebraska Wood Furnace Firm Being Sued For Loan Default

BEATRICE, Neb. (AP) — A southeast Nebraska village is suing an outdoor wood furnace company for defaulting on a business loan.
The *Beatrice Daily Sun* reports that the village of Filley is seeking more than \$116,000 from former HeatSource1 owners Mark, Kathy and Thomas Setzer. The lawsuit was filed in Gage County District Court.
Village officials say HeatSource1 failed to make payments required by an April 2002 promissory note. Village attorney

Black Friday Shoppers Camping Out In S.D.

SIOUX FALLS (AP) — Black Friday is still several hours away, but a handful of the most dedicated shoppers have been in line for more than a day outside of a Sioux Falls Best Buy store.
Thirty-one-year Ben Bouza and 37-year-old David Havermann lined up outside the store about 1 p.m. Wednesday. The two — who are second and third in line of about 10 people — didn't know each other but quickly became friends as they passed the time watching movies on Bouza's laptop and playing cards.
Both men say they only got a few hours of sleep Wednesday night. Bouza slept in his truck, while Havermann spent the night in an ice tent with portable heater.
Both say they are thankful that it's not snowing like it did last year.

South Dakota Spurns Federal Tutor Mandate

SIOUX FALLS (AP) — South Dakota officials are seeking an end to a federal requirement that underperforming schools offer free, third-party tutoring to students from low-income families.
Education Secretary Melody Schopp says request to waive many provisions of the No Child Left Behind law will include the elimination of mandatory spending on supplemental education services.
Schools that receive Title I money must spend 20 percent of it on tutoring. The programs are popular with parents, but the *Argus Leader* reports they've shown little difference in children's math and reading scores.
The latest evaluation report on the program services shows children who received tutoring made slight year-over-year improvement on standardized tests in reading but lost ground in math.

USDA: \$189M Invested In Neb. In FY2011

LINCOLN, Neb. (AP) — The U.S. Department of Agriculture says Nebraska received more than \$189 million in rural support during the federal fiscal year that ended in September.
The agency's annual report says the money went to housing, business and community development, energy projects and telecommunications. The money was part of the USDA's Rural Development program.
The program's home ownership initiatives had a record year of funding, with \$115 million that helped more than 1,200 households. Rural development money helped provide affordable rent to more than 2,500 tenants.
Nebraska State Director Maxine Moul says the program is intended to strengthen rural communities throughout the state.

Authorities Locate S.D. Prison Escapee

SIOUX FALLS (AP) — The South Dakota Department of Corrections says it has located an inmate who escaped from a minimum security unit of the State Penitentiary.
Corrections officials say they located 31-year-old Shawn Hawley a few hours after he escaped from the Jameson Annex at the State Penitentiary in Sioux Falls Wednesday morning.
Hawley is serving 10 years in the prison for a third-degree burglary charge.

Man Gets 3-5 Years In Sex Assault Case

LINCOLN, Neb. (AP) — A 26-year-old Lincoln man has been given three-to-five years in prison after pleading no contest in a sex assault case.
The *Lincoln Journal Star* reports that in court on Wednesday, Justin Davis told the judge he didn't know the girl he met online was 14.
But Deputy Lancaster County Attorney Matt Acton said it was clear that Davis knew the girl was 14.
Under Nebraska law, people 19 and over cannot have sexual contact with people under 16.

Bismarck Sees Record High Temperature

BISMARCK, N.D. (AP) — Bismarck set a new record high temperature Wednesday.
The National Weather Service says the city hit 62 degrees on Wednesday, a record high for that day.
This broke the record of 61 set in 1890 by one degree.
National Weather Service meteorologist Lindsay Tardif-Huber tells the *Bismarck Tribune* that a few other cities came close to setting new records. Dickinson had a high of 60 on Wednesday, nearing 1984's record of 63 degrees.

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2 People.....\$1,594
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