

2010 Legal and Public Notices

Notice is hereby given that a public hearing will be held before the Yankton County Drainage Board, Yankton County, South Dakota, Tuesday, November 20, 2012, at 4:55 P.M. at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota.

Said hearing is to consider the following:
Applicant is requesting a Drainage Permit to install tile drainage in Yankton County. Said property is legally described as NE1/4, S31-T96N-R54W, hereinafter referred to as Turkey Valley Township, County of Yankton, State of South Dakota.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Drainage Board, Yankton County, South Dakota, Tuesday, November 20, 2012, at 5:00 P.M. at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota.

Said hearing is to consider the following:
Applicant is requesting a Drainage Permit to install tile drainage in Yankton County. Said properties are legally described as NE1/4, exc Lts H1 & H2 & exc Hinseth's Addition, & exc Hinseth's 2nd Addition, S5-T95N-R54W and W1/2, SE1/4, S5-T95N-R54W and Hinseth's Addition, S5-T95N-R54W, hereinafter referred to as Marindahl Township, County of Yankton, State of South Dakota.

Patrick Garrity
Drainage Administrator
Yankton County
Published once at the approximate cost of \$32.61.

11+17 PUBLIC MEETING NOTICE

A regular monthly meeting of the Yankton County Drainage Commission will be held at 7:00 P.M., Tuesday, November 27, 2012 in the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Drainage Commission, Yankton County, South Dakota, Tuesday, November 27, 2012, at 7:05 P.M. at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota.

Said hearing is to consider the following:
Applicant is requesting a Drainage Permit to install tile drainage in Yankton County. Said properties are legally described as N917, SW1/4 & S1/2, NW1/4, S20-T96N-R55W and NE1/4, S20-T96N-R55W, hereinafter referred to as Mayfield Township, County of Yankton, State of South Dakota.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Drainage Commission, Yankton County, South Dakota, Tuesday, October 30, 2012, at 7:20 P.M. at the Yankton County Government Center,

2010 Legal and Public Notices

Commissioners Chambers, 321 West Third St., Yankton, South Dakota.

Said hearing is to consider the following:
Applicant is requesting a Drainage Permit to install tile drainage in Yankton County. Said property is legally described as E1/2, NE1/4 exc Lt H1, NE1/4, S3-T95N-R57W, hereinafter referred to as Lesterville Township, County of Yankton, State of South Dakota.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Drainage Commission, Yankton County, South Dakota, Tuesday, October 30, 2012, at 7:40 P.M. at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota.

Said hearing is to consider the following:
Applicant is requesting a Drainage Permit to install tile drainage in Yankton County. Said properties are legally described as SE1/4, exc Lt H-8, S25-T96N-R55W and SW1/4, SW1/4 exc Lt H-10, S30-T96N-R54W, hereinafter referred to as Mayfield Township and Turkey Valley Township, County of Yankton, State of South Dakota.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Drainage Commission, Yankton County, South Dakota, Tuesday, October 30, 2012, at 8:00 P.M. at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota.

Said hearing is to consider the following:
Applicant is requesting a Drainage Permit to install tile drainage in Yankton County. Said property is legally described as E1/2, SW1/4, S23-T96N-R54 and W1/2, SE1/4, S23-T96N-R54W, hereinafter referred to as Turkey Valley Township, County of Yankton, State of South Dakota.

Patrick Garrity
Drainage Administrator
Yankton County
Published once at the approximate cost of \$42.20.

Study Concludes 24/7 Sobriety Program Works

PIERRE (AP) — An independent study of South Dakota's sobriety program for drunken drivers concludes it has reduced repeat DUI cases by 12 percent and domestic violence rates by 9 percent.
The 24/7 Sobriety Program was started in 2005, giving people convicted of alcohol-related crimes a chance to stay out of jail as long as they are monitored daily for alcohol use.
Attorney General Marty Jackley says the study done by the RAND Corp. was funded by the National Institute of Alcohol Abuse and Alcoholism. He says he hopes the results will open the door to funding for future highway safety projects.

High Court Upholds New Trial For Lincoln Man

BY MARGERY A. BECK
Associated Press

OMAHA, Neb. (AP) — The Nebraska Supreme Court upheld Friday the right to a new trial for a Lincoln man convicted of attempted murder for shooting and wounding another man in a parking lot.
William Smith, 39, was sentenced to up to 55 years in prison for his role in a 2008 fight.
Earlier this year, the Nebraska Court of Appeals ordered a new trial for Smith, saying the trial court erred in failing to instruct the jury on the lesser offense of attempted "sudden quarrel" manslaughter. The high court affirmed that finding Friday.
Witnesses told police that Smith and Gaskins got into a fight outside of a bar on Nov. 13, 2008. After that, Smith and his friend, Carlos Helmstadter, followed Gaskins' group to a store parking lot, where another fight ensued.
Helmstadter fired two shots into the air to defuse the fight between Smith and Gaskins, but Smith grabbed the gun and shot Gaskins, according to court records. Helmstadter and Smith fled the scene.
Gaskins suffered critical injuries, including a broken rib, punctured lung and kidney and liver lacerations, but survived.
Helmstadter pleaded guilty to two gun charges for his role in the shooting and testified against Smith, who was convicted in 2010 of attempted murder, first-degree assault and a weapons count.

Smith appealed, saying that if the trial court had instructed the jury on the lesser offense of attempted "sudden quarrel" manslaughter, he would have received a lesser sentence.
The state argued that even if the evidence would have supported such an instruction, Smith was not entitled to it because his counsel did not request, and therefore, waived it.
But the Nebraska Supreme Court said Friday that an express waiver occurs "when a defendant specifically informs the court that he or she does not want an instruction on a specific offense," Nebraska Supreme Court Judge Kenneth Stephan wrote in the opinion. "Because Smith did not do so here, he has not waived his argument on the attempted manslaughter instruction."
The state's high court also said that the evidence showed Smith found himself in a lopsided fistfight, and that there is conflicting evidence as to whether the fight ended immediately when Helmstadter fired shots in the air.
"From this evidence, a finder of fact could conclude that Smith was provoked when he was 'jumped' by several persons in the parking lot and that as a result of this sudden occurrence, he acted rashly and from passion, without due deliberation and reflection, rather than from judgment," Stephan wrote.
Neither attorneys for Smith nor the Nebraska Attorney General's office immediately returned messages Friday seeking comment on the state high court's decision.

More Than 250 Buffalo Set To Be Auctioned In S.D.

BY AMBER HUNT
Associated Press

SIoux FALLS (AP) — In the market for a pregnant buffalo? Then western South Dakota's Custer State Park is the place to be Saturday.
More than 250 buffalo will be sold at the park's annual auction, including 43 2-year-old pregnant heifers. The auction follows September's jaw-dropping roundup in which more than 1,000 of the beasts stampeded across the prairie.
The sale raises money for the park system while reducing the herd to a sustainable size — something that is especially important after a mild winter and dry summer left the grassland parched and at risk for over-grazing, said Gary Brundige, the park's resource program manager.
"We'd started to rebuild (the herd) a little bit, but this past year we were probably two-thirds normal on rainfall," Brundige said. "So we upped the sale a little bit more than we'd initially planned."
The auction, set in picturesque Black Hills prairie, is part of a carefully planned bison management program. The park aims to keep the herd at about 1,300 bison. Each September, cowboys and cowgirls help corral the rumbling animals in

a stampede that draws thousands of spectators from across the world.
The animals are sorted, branded and checked for pregnancy. As many as 400 are sold each year — most to supplement existing herds and help start new ones. Some are used for meat.
Though Saturday's event doesn't draw the same crowds as the stampede, a few hundred spectators from the region come each year, said Craig Pugsley, the park's visitors services coordinator. They'll gather around the buffalo corrals on Wildlife Loop Road.
"It's kind of a cool event to see if you haven't witnessed one," Pugsley said. "My grandpa would take me to see cattle sales when I was a boy. Watching live bison getting sold is not something you get to see often, and you don't see it just anywhere."
But there's more to buy than buffalo. Custer State Park also has a famous herd of burros. Visitors feed the animals, which have become so friendly with passers-by that they stick their heads inside cars and lick windshields in hopes of getting a treat. Seventeen will be auctioned Saturday, reducing the park's count to about 35.
Most burro buyers like the idea of a novelty pet or use the donkeys to guard sheep herds, Pugsley said.

County Makes Second Offer For Superintendent Position

BY NATHAN JOHNSON
nathan.johnson@yankton.net

The Yankton County Commission is offering its highway superintendent position to a second candidate after the first one declined.
According to Commission Chairman Bruce Jensen, the candidate has been contacted and has asked to have until noon Monday to make a decision.
The identities of the candidates have not been disclosed.
If the offer is accepted, a background check will be completed.

Eleven male applicants were vying for the position.
During a meeting earlier this week, commissioners used paper ballots to vote on their preferences for the superintendent post. One individual received three first preference votes, and another garnered two votes.
The new hire will replace Alan Sorensen, who is retiring in December after 19 years of service.

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

Kearney Optimistic About Other Investments

KEARNEY, Neb. (AP) — Kearney Mayor Stan Clouse says he's optimistic about other investment opportunities now that a \$1.5 billion data center could be headed for Iowa.
A site in Kearney has been identified, and in May the City Council approved the rezoning of a site that would accommodate a \$1 billion-plus center.
The Des Moines Register reported Thursday that officials are discussing the fine details on a deal with a still-unnamed company to build a data center in the Des Moines suburb of Altoona.
Clouse told the *Kearney Hub* that "if we don't land the big fish, we'll go for a stringer of smaller ones."
Kearney City Manager Mike Morgan says the city made a good investment in the site and officials feel good about the ability to attract similar industries.

Alliance Water Well Shut Down Due To Arsenic

ALLIANCE, Neb. (AP) — Alliance has shut down one of its water wells due to high levels of arsenic.
The *Panhandle Post* says the city water department was notified by the Nebraska Department of Health that the arsenic level in the well exceeded the drinking water standard. The health department says there is no immediate risk but the city is notifying customers.
City Water Superintendent Mike Hulquist says the well was blended with water from other wells and he doesn't believe the limit was exceeded in the distribution system.
According to the health department, arsenic is naturally present in the environment and may occur as a by-produce of agricultural and industrial activities.

Alabama Man Dies After Car Catches Fire

BUFFALO (AP) — Authorities say a 76-year-old Alabama man has died after the car he was driving caught fire and burned about 12 miles south of Buffalo.
The South Dakota Highway Patrol says Alfred Duane Stament of Huntsville, Ala., was driving south on U.S. Highway 85 about 3:10 p.m. Thursday when his 2005 Ford Focus caught fire and went into a ditch.
A passerby was able to pull Stament from the car. He was taken to a Rapid City hospital but died.
The highway patrol is investigating the case. The cause of the fire is unknown.

What's For Dinner?

Hy-Vee Kitchen Daily Specials **served 4-8pm**

MONDAY NIGHT



ITALIAN NIGHT
2 PIECES OF PIZZA & 1 BREADSTICK **\$3.00**

TUESDAY NIGHT



2-PIECE CHICKEN DINNER
\$4.00

WEDNESDAY NIGHT



HOT TURKEY SANDWICH
\$3.00

THURSDAY NIGHT



CHINESE EXPRESS 2 ENTREE MEAL
\$5.00

FRIDAY NIGHT



BIG BOB'S COD DINNER
\$5.00

SATURDAY NIGHT



6-INCH SUB & CUP OF SOUP
\$5.00

SUNDAY NIGHT



1/2 LB. BURGER WITH FRIES
\$3.00

 **EMPLOYEE OWNED**

2100 Broadway
Yankton, SD
665-3412

Thanksgiving Day Deadlines

The Yankton Daily Press & Dakotan will be closed Thursday, November 22, for the Thanksgiving holiday.

The following deadlines will apply:
Friday, November 23 newspaper – Monday, November 19, 5 p.m.
Out On The Town – Wednesday, November 21, 5 p.m.
Saturday, November 24 and Monday, November 26 newspapers – Tuesday, November 20, 5 p.m.
Tuesday, November 27 newspaper – Wednesday, November 21, 3 p.m.

There will be no newspaper on Thursday, November 22, 2012.



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AG EQUIPMENT AUCTION

WED., NOV. 28
Bidding starts to close at 10 a.m. CST

PARTIAL LISTING: COMBINES: (2) '10 JD 9770 STS RWA, '10 JD 9770 STS, '09 JD 9770 STS, '09 JD 9770 STS RWA **APP EQUIP:** '10 JD 4930 self-propelled sprayer, '09 & '06 Top Air TA1200 sprayer, '07 & '06 Bestway Field-Pro IV sprayer, '04 & '03 Hardi 1100 Navigator sprayer, Schaben 8500 sprayer **TRACTORS:** '05 JD 4720 MFWD, JD 6400 4WD w/loader & bucket **HEADER:** '94 CIH 1020 flex **PLUS:** tillage, grain handling, livestock equip and more. 10% buyer's premium applies. **866.608.9283 | www.purplewave.com**



Your photo could be featured in the Dec. 3rd print edition!

PHOTOS WITH SANTA

Saturday, December 1st
1:00-4:00pm • LilyCrest 211 W. 3rd

Have your picture taken by the Spotted Elves! First 50 kids will receive a goody bag from Santa! Photos will be available for purchase on **spotted.yankton.net**!