

2010 Legal and Public Notices

for sale of alcoholic beverages

Establish November 11, 2013, as the date for the public hearing on the request for a Special Events (on-sale) Wine Retailers License for 1 day, November 16, 2013, from Lewis & Clark Theatre Company (Shauna Marlette, Managing Director) 328 Walnut Street, Yankton, S.D.

4. **Establish public hearing for transfer of ownership - Liquor License**

Establish November 11, 2013, as the date for the public hearing for the transfer of ownership of a Package (off-sale) Liquor License for January 1, 2013, to December 31, 2013, from Stern Oil Co., Inc. (Gillis Stern, President), d/b/a Prairie Pumper to Annis Properties, Inc. (Kevin Annis, President), d/b/a Prairie Pumper, 909 Broadway Avenue, Yankton, S.D.

5. **Establish public hearing for transfer of ownership - Malt Bev & Farm Wine**

Establish November 11, 2013, as the date for the public hearing for the transfer of ownership of a Retail (on-off sale) Malt Beverage & SD Farm Wine License for July 1, 2013, to June 30, 2014, from Stern Oil Co., Inc. (Gillis Stern, President), d/b/a Prairie Pumper to Annis Properties, Inc. (Kevin Annis, President), d/b/a Prairie Pumper, 909 Broadway Avenue, Yankton, S.D.

6. **Establish public hearing for transfer of ownership - Malt Bev & Farm Wine**

Establish November 11, 2013, as the date for the public hearing for the transfer of ownership of a Retail (on-off sale) Malt Beverage & SD Farm Wine License for July 1, 2013, to June 30, 2014, from Stern Oil Co., Inc. (Gillis Stern, President), d/b/a Pappas to Annis Properties, Inc. (Kevin Annis, President), d/b/a Patriot Express 02, 100 East 4th Street, Yankton, South Dakota.

Roll Call: All members present voting "Aye;" voting "Nay;" None.

Motion adopted.

Action 13-271

Commissioner Gross introduced and Mayor Wenande read the title of Ordinance No. 962, ANIMAL ORDINANCE, and set the date for the second reading and public hearing as November 11, 2013. City Attorney Hosmer gave an explanation of changes to the original proposed animal ordinance. (Memorandum 13-180)

City Manager Nelson presented a power point reviewing the results of the 2013 Citizen Satisfaction Survey. (Memorandum 13-211)

Action 13-272

This was the time and place to award the bid for life insurance for City employees. The following bids were received and opened on October 21, 2013: Pat Daly, Ochs, Inc., Minnesota Life - \$0.135/\$1,000.00 (3 year premium rate guarantee); Steve Ott, National Insurance Services, Madison National Life - \$0.142/\$1,000.00 (3 year premium rate guarantee); Ken Bertsch/Dawn Knutson, Northwestern Mutual, Standard Insurance - \$0.19/\$1,000.00 (3 year premium rate guarantee); Julie Auch, National Benefit Partners, Mutual of Omaha - \$0.23/\$1,000.00 (3 year premium rate guarantee); James Murphy, Farmers Union, Principal Life - \$0.241/\$1,000.00 (3 year premium rate guarantee); Tammy Matuska, Modern Woodmen, Met Life - \$0.248/\$1,000.00 (2 year premium rate guarantee); Kevin Guthmiller, Kevin Guthmiller Agency, LLC, Trans American - premium cost age rated-does not meet specifications and was, therefore, not considered. Moved by Commissioner Gross, seconded by Commissioner Woerner, to award the bid for Employee Life Insurance for \$15,000.00 group term life insurance for all regular employees to the low bidder, Pat Daley, Ochs, Inc., Minnesota Life, for a premium cost of \$0.135/\$1,000.00 for a three year period of 2014 through 2016, with options for employees to purchase, at their own cost, additional coverage in the amounts of \$15,000.00 or \$30,000.00. (Memorandum 13-215)

Roll Call: All members present voting "Aye;" voting "Nay;" None.

Motion adopted.

Action 13-273

This was the time and place to award the contract for the construction of a 12" test well, three additional monitoring wells, and a 72-hour aquifer pumping test at paddle wheel point. The following bids were received and opened on October 22, 2013: Layne Christensen Company, Omaha, Nebraska-\$71,025.00; Thein Well Inc., Spicer, Minnesota-\$64,100.00. (Memorandum 13-213) Moved by Commissioner Blaaid, seconded by Commissioner Sommer, to award the contract to Thein Well Inc., Spicer, Minnesota, in the amount of \$64,100.00.

Roll Call: All members present voting "Aye;" voting "Nay;" None.

Motion adopted.

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Action 13-274

Moved by Commissioner Blaaid, seconded by Commissioner Sommer, to award the engineering services and project management contract to HDR Engineering, Inc., Sioux Falls, South Dakota, for a total contract cost not-to-exceed \$1,990,000.00 for design services for a new collector well; raw water transmission main; pilot testing and major equipment procurement; a new 5-million gallon per day water treatment plant; and a facility site location study, at a cost of \$30,000.00, to evaluate a maximum of three potential site locations and provide an "opinion of construction cost" for each location. Memorandum 13-212)

Roll Call: Members present voting "Aye;" Commissioner Akland, Blaaid, Carda, Gross, Hoffner, Knoff, Sommer, and Mayor Wenande; voting "Nay;" None; Abstaining: Commissioner Woerner.

Motion adopted.

Action 13-275

Moved by Commissioner Gross, seconded by Commissioner Woerner, to adopt Resolution 13-47. (Memorandum 13-209)

RESOLUTION 13-47 Establish a Street Name Prairie Hills Drive

WHEREAS, there is a corridor extending west from Broadway Avenue in the NE 1/4 of Section 25, T94N, R56W of the 5th P.M., Yankton County, South Dakota. Location, west side of the 4400 block of Broadway Avenue and owned by Robert Weverstad, and

WHEREAS, the described corridor is in alignment with a previously named corridor on the east side of Broadway Avenue, and

WHEREAS, said alignment to the east is named Prairie Hills Drive having gone through a plat approval process designating the name as such.

NOW, THEREFORE BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, South Dakota, that the corridor in the above described property is hereby designated as Prairie Hills Drive.

Roll Call: All members present voting "Aye;" voting "Nay;" None.

Motion adopted.

Action 13-276

The request from the Mead Building Committee for funding for their restoration project in the amount of \$50,000.00 was considered. (Memorandum 13-214) Jim Means, chair of the committee, was present to answer questions. Moved by Commissioner Gross, seconded by Commissioner Hoffner, to approve funding for the Mead Building restoration project in the amount of \$25,000.00 to be taken from BBB funds and to ask the Committee to come back to the Commission in 2014 to request consideration of additional funding.

Roll Call: All members present voting "Aye;" voting "Nay;" None.

Motion adopted.

Action 13-277

Moved by Commissioner Blaaid, seconded by Commissioner Woerner, to adjourn at 8:53 p.m.

Roll Call: All members present voting "Aye;" voting "Nay;" None.

Motion adopted.

Nancy Wenande
Mayor

ATTEST:

Al Viereck

Finance Officer

Published once at the approximate cost of \$123.63.

Call Classifieds
665-7811

Arrest

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else involved some help," he stated. "We want to work with parents and the community to continue to make our campus and school safe and drug free."

Kindle noted that, approximately a year ago, the school district worked with

Lewis and Clark Behavioral Health, particularly executive director Dr. Tom Stanage, to get a drug/alcohol counselor for students.

"We believe that has been a great help for students and parents to have a resource person to contact at any time about any concerns they have about drug or alcohol abuse by students," Kindle said. "We are thankful for that cooperation we've had with Lewis and Clark Behavioral Health."

Swift

From Page 1

"Moments later, it looked like we had a field of red, green and yellow flames," he said.

The Explorer had been followed by a vehicle unaffected by the accident, Swift said. "We had a car behind us, and no one else was hurt," he said.

The emergency responders arrived from O'Neill, assessing the injuries to Swift and the two nurses.

"Zita thought I might need neck surgery, so she told (the O'Neill responders) that I had neck surgery years ago. Then she passed out," Swift said. "By giving them that information, she saved my life."

At that point, Swift remembers nothing for at least two days.

"I was told that I was taken by ground transport to O'Neill and then taken by fixed-wing aircraft to Sioux City," he said.

Because of a clerical error, a law enforcement report checked a box listing Swift as deceased. The

public record went to the media, with some outlets reporting the erroneous information.

The *Press & Dakotan* did not carry the incorrect report, instead running a story reaffirming that Swift remained alive.

While still alive, the Yankton surgeon faced dark days ahead.

"I had been placed in a drug-induced coma, and I woke up in a Sioux City ICU unit. I didn't know where I was at first — for some reason, I thought I was in Vermillion," he said. "I had two tubes in my left lung and two tubes in my right lung. I was wearing some kind of coon-type device. And I was wearing a halo. My head looked like a purple pumpkin."

Swift remained in a neuro-intensive care unit in Sioux City for a week and then continued recuperating in the hospital for another week. He lost 30 pounds during his recovery.

"The fact that I was fit at the time of the accident saved my life," he said, adding that he was active in karate.

Swift was discharged from the hospital but wore

When something is found in an investigation like the one completed Tuesday, Kindle said it becomes a law enforcement issue to deal with the legal element, and the school also deals with it according to its policy.

"We want to continue to work with our community, local agencies, parents and kids to get the message out there that it is not simply about punishment, but it's about providing help for kids," he stated. "If you

break the law, there is a consequence. But in addition to that, a bigger piece of that is to do whatever we can to help this student learn from it, get some help and get them back on track and to their studies."

You can follow Nathan Johnson on Twitter at twitter.com/AnInlandVoyage. Discuss this story at www.yankton.net/.

his halo for 90 days. He continued his recovery upon returning to Yankton.

Besides walking the steps at his house, he worked out at the Summit Activities Center. Initially, he worked on machines with no weights just to build up repetitions and to regain his motion.

He also started physical therapy at Avera Sacred Heart Hospital for his arm and shoulder. He worked with physical therapist Matt Dvorak as part of his regimen.

"Over a two-year period following the accident, I had seven surgeries on my left forearm," he said.

And miraculously, he recovered from his neck and head injuries.

Throughout his ordeal, Swift said he received great support from family, friends and patients.

"While I was recovering at home, my wife was really supportive. I was getting back my motion, but it was a very slow process," he said.

"And a lot of people worried over me. I received around 1,000 cards and letters from people, many of them my patients. We're really blessed to have this community."

Swift found he was unable to respond to such an outpouring of support in the manner he wanted.

"My goal was to answer every one of (those pieces of mail), but I just couldn't do it because I was so involved in rehab," he said.

For Swift, a red-letter day came when he resumed his medical practice.

"I started to see patients four months after the accident, and I performed my first surgery five months post-accident," he said. "It was March or April 2004 before I had the strength and stamina to resume working."

Swift said he always cared for his patients, but his own recuperation experiences gave him a new type of insight and a special empathy with those he served.

A decade after his near-fatal accident, Swift said each day carries special meaning.

"I'm taking time to smell the roses," he said. "I'm lucky to be here."

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

Vets

From Page 1

Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States. ... And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor."

Michels went on to cite the work of J. David Gowdy and his thoughts on what he calls the seven principles of liberty. In particular, Michels focused on four of them: Liberty is of divine origin, liberty has a price, liberty is secured by government and liberty requires unity.

"Liberty is undoubtedly of divine origin," he said.

Michels cited John Foster Dulles, who served as U.S. Secretary of State under Republican President Dwight D. Eisenhower from 1953 to 1959: "Our nation was founded as an experiment in human liberty. Its institutions reflect the belief of our founders that men had their origin and destiny in God; that they were endowed by Him with unalienable rights and had duties prescribed by moral law, and that human institutions ought primarily to help men develop their God-given possibilities."

"I have lived in places where human beings are oppressed," Michels said. "I've seen people killed for voting.

I've seen women subjugated to men who control them so that they could have cartels, weapons, power and money. That is not how God wanted us to live."

Despite the national discord over federal leadership, he said there is no doubt that the government secures liberty.

"Government is truly by the people," Michels said. "We need to continue to understand that it is us who is the government."

Michels quoted Thomas Jefferson as saying, "The will of the people is the only legitimate foundation for any government."

The largest political party in the nation is the apathetic party, Michels said.

"We must be involved," he stated.

The defense of liberty requires that the country be unified, he added.

"As long as we stay vigilant, support our government and support our forces, (our enemies) will not destroy that liberty," Michels said. "We may be bright individually ... but we're brilliant as a group. America shall prevail. We are prevailing."

You can follow Nathan Johnson on Twitter at twitter.com/AnInlandVoyage. Discuss this story at www.yankton.net/.

New Money For Cardiac Care Effort In Dakotas

BY CHET BROKAW

Associated Press

PIERRE, S.D. (AP) — Charitable grants will provide South Dakota and North Dakota hospitals and ambulance services with new life-saving equipment to increase survival rates in cases of sudden cardiac arrest, officials said Friday.

South Dakota Gov. Dennis Daugaard said the Helmsley Charitable Trust is providing \$3.7 million in South Dakota to buy the automated chest compression equipment, known as the LUCAS 2 Chest Compression System, which will be placed in all 50 hospitals and 124 ambulance services in the state.

North Dakota Gov. Jack Dalrymple said North Dakota is getting a \$3 million grant from the same trust to place the devices in hospitals and ambulances across the state.

Walter Panzrer of the Helmsley Charitable Trust said South Dakota and North Dakota will be the first states to have the devices distributed border to border. The battery-operated device, which fits around a patient, uses a

plunger to deliver chest compressions.

Daugaard said sudden cardiac arrest is a leading cause of death in the nation and is fatal for 95 percent of its victims. In sudden cardiac arrest, quick CPR and chest compression are needed because a heart stops beating, Daugaard said.


"It's a life and death situation that this responds to," the governor said.

In rural South Dakota, an ambulance might travel 50 miles or more to get to a patient, Daugaard said.

Emergency personnel in an ambulance can quickly tire after giving manual CPR, but the new equipment will deliver consistent chest compression over an extended time, the governor said. The new equipment also will help emergency personnel who deal only infrequently with sudden cardiac arrest.


"So, in South Dakota it's a problem," Daugaard said.

The grant will start delivering the equipment within about six months, with completion of the project within 2 1/2 years, Panzrer said.



Introducing Dr. Hathaway

Board Certified Urologist



Yankton Medical Clinic, P.C. is pleased to announce the addition of Board Certified Urologist, Christopher A. Hathaway, MD, PhD, to our physician staff.

Dr. Hathaway completed his undergraduate degree at Mount Marty College, Yankton, SD; his Doctorate degree from the University of South Dakota, Vermillion, SD; and his post-doctoral fellowship at the University of Iowa, Iowa City, IA. Dr. Hathaway graduated from the University of South Dakota School of Medicine, Vermillion, SD. His urology residency was completed in Augusta, Georgia at the Medical College of Georgia.

Dr. Hathaway joins Dr. George Fournier, Jr. in the medical and surgical treatment of urologic conditions for adult and pediatric patients. He will provide care for concerns, conditions and diseases associated with the kidneys, bladder, prostate, urinary incontinence, and male sexual dysfunction.

Dr. Hathaway began seeing patients at the Yankton Medical Clinic, P.C. October 28th, 2013.

Appointments can be made by calling 605-664-2742.

YANKTON MEDICAL CLINIC, P.C.
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