

2010 Legal and Public Notices

sioner Knoff, seconded by Commissioner Woerner, to amend the original motion to adopt Section Two, 1. 5-1(f), Option A.

Roll Call: Members present voting "Aye;" Commissioners Blaaid, Carda, Hoffner, Knoff, Sommer, and Woerner; voting "Nay;" Commissioners Aklund, Gross, and Mayor Wenande. Motion to amend adopted.

Commissioner Carda then moved, seconded by Commissioner Knoff, to amend the original motion to adopt Section Two, 2. 5-1(i), Option B.

Roll Call: Members present voting "Aye;" Commissioners Blaaid, Carda, Gross, Knoff, Sommer, Woerner, and Mayor Wenande; voting "Nay;" Commissioners Aklund and Hoffner. Motion to amend adopted.

Moved by Commissioner Knoff, seconded by Commissioner Sommer, to amend the original motion to adopt Section Two, 3. Section 5-3, Option B.

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

Motion to amend adopted.

Moved by Commissioner Knoff, seconded by Commissioner Gross, to amend the original motion to adopt Section Two, 4. Section 5-5, Option A.

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

Motion to amend adopted.

Moved by Commissioner Knoff, seconded by Commissioner Sommer, to amend the original motion to adopt Section Two, 5. 5-23(c), Option A.

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

Motion to amend adopted.

Moved by Commissioner Knoff, seconded by Commissioner Sommer, to amend the original motion to adopt Section Two, 6. 5-23(k), Option A.

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

Motion to amend adopted.

Moved by Commissioner Knoff, seconded by Commissioner Carda, to amend the original motion to adopt Section Two, 7. 5-23(q), Option A.

Roll Call: Members present voting "Aye;" Commissioners Aklund, Blaaid, Carda, Knoff, Sommer, Woerner, and Mayor Wenande; voting "Nay;" Commissioners Gross and Hoffner.

Motion to amend adopted.

Moved by Commissioner Knoff, seconded by Commissioner Aklund, to amend the original motion to adopt Section Two, 8. 5-32 & 5-33, Option B, and set the term of license as one-year.

Roll Call: Members present voting "Aye;" Commissioners Aklund, Blaaid, Carda, Knoff, Sommer, Woerner, and Mayor Wenande; voting "Nay;" Commissioners Gross and Hoffner.

Motion to amend adopted.

Moved by Commissioner Knoff, seconded by Commissioner Carda, to amend the original motion to adopt Section Two, 9. 5-100, et seq., Option A.

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

Motion to amend adopted.

A vote was then taken on the original motion to adopt Ordinance No. 962, ANIMAL ORDINANCE, as amended.

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

Motion adopted.

City Manager Nelson presented a power point explaining new utility rates for residential customers.

Action 13-287

Moved by Commissioner Woerner, seconded by Commissioner Sommer, to approve the naming rights recommendation from the Park Board for the Riverside Baseball Field improvement project to convert the infield from grass to artificial turf; and, to also authorize the City of Yankton to contribute up to \$20,000.00 in financial assistance for moving of utility lines located under the field. (Memorandum 13-222)

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

Motion adopted.

Action 13-288

Moved by Commissioner Woerner, seconded by Commissioner Knoff, to approve Change Order Number 1, an increase of \$3,106.40 for a new contract total of \$530,348.50, to accept the project as complete, and to authorize the City Finance Officer to issue a check in the amount of \$8,733.83 to Masonry Components, Yankton, South Dakota, as final payment for the Bill Baggs Road Reconstruction Project. (Memoran-

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dum 13-223)
Roll Call: All members present voting "Aye;" voting "Nay:" None.

Motion adopted.

Action 13-289

Moved by Commissioner Woerner, seconded by Commissioner Gross, to approve Change Order Number 1, an increase of \$22,002.72 for a new contract total of \$335,302.67, to accept the project as complete, and to authorize the City Finance Officer to issue a check in the amount of \$23,225.08, to Smith & Smith Construction, Tea, South Dakota, as final payment for the 5th Street, Broadway to Douglas, Reconstruction Project. (Memorandum 13-224)

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

Motion adopted.

Action 13-290

Moved by Commissioner Carda, seconded by Commissioner Woerner, to adjourn into Executive Session at 8:02 p.m. to discuss proposed litigation and contractual matters under SDCL 1-25-2.

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

Motion adopted.

Regular meeting of the Board of City Commissioners of the City of Yankton was reconvened by Mayor Wenande.

Roll Call: Present: Commissioners Aklund, Blaaid, Carda, Gross, Hoffner, Knoff, Sommer, and Woerner. City Attorney Hosmer and City Manager Nelson were also present. Absent: None. Quorum present.

Action 13-291

Moved by Commissioner Woerner, seconded by Commissioner Carda, to adjourn at 8:59 p.m.

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

Motion adopted.

Moved by Commissioner Knoff, seconded by Commissioner Carda, to amend the original motion to adopt Section Two, 7. 5-23(q), Option A.

Roll Call: Members present voting "Aye;" Commissioners Aklund, Blaaid, Carda, Knoff, Sommer, Woerner, and Mayor Wenande; voting "Nay;" Commissioners Gross and Hoffner.

Motion to amend adopted.

ATTEST:

Al Viereck
Finance Officer
Published once at the approximate cost of \$407.63.

11+22+29&12+6+13
STATE OF SOUTH DAKOTA)
COUNTY OF YANKTON)

IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT
CIV. #12-170

NOTICE OF REAL ESTATE
SALE

T.J. Land Inc.,
A South Dakota Corporation,
Plaintiff,

vs.

CENTRAL PLAINS PROFESSIONAL INSURANCE SERVICES, LLC, A South Dakota Limited Liability Company, THE STATE OF SOUTH DAKOTA and UNITED STATES OF AMERICA,

Defendants,

Judgment in the amount of \$128,847.07 having been entered in favor of Plaintiff pursuant to a Judgment and Decree of Foreclosure dated, signed and filed with the Clerk of Courts of Yankton County, South Dakota on October 28, 2013, for the foreclosure of a real estate contract for deed.

Notice is hereby given that pursuant to the contract for deed, dated June 16, 2010, between the Plaintiff, T.J. Land, Inc., A South Dakota Corporation, and the Defendant, Central Plains Professional Insurance Services, LLC, A South Dakota Limited Liability Company said Judgment and Decree of Foreclosure entitles the Plaintiff to the foreclosure of the following described real property, to-wit:

EAST FOUR HUNDRED THIRTY FIVE FEET (E435') OF LEWIS AND CLARK BUSINESS CENTER, AS PLATTED IN BOOK S19, PAGE 330 EXCEPTING THEREFROM LOTS TWENTY-ONE (21) AND

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TWENTY-TWO (22) AS PLATTED IN BOOK S19, PAGE 127, ALL IN THE YANKTON COUNTY, SOUTH DAKOTA, LESS HIGHWAYS.

Said contract for deed recorded in the office of the Register of Deeds of Yankton County, South Dakota, on the 21th day of June, 2010, at 2:25 p.m. in Book 493, Page 36, which property will be sold subject to redemption as provided by law as one parcel of land at public auction, subject to any lien for unpaid real estate taxes and assessments of Yankton County, South Dakota, and easements and restrictions of record, if any, to the highest bidder for cash under the direction of the Sheriff of Yankton County, South Dakota, at the door of the Yankton County Government Center, 321 West 3rd Street, in Yankton, South Dakota, on December 24, 2013, at 10:00 a.m. (CDT).

Dated this 20 day of November, 2013.

/s/:

James C. Vlahakis, Sheriff of Yankton County, South Dakota

Robert W. Klimisch
KLIMISCH & KOLETZKY
LAW OFFICE
101 W. 2nd Street
Yankton, SD 57078
605/665-9495
Attorneys for Plaintiff

South Dakota To Probe Reports Of Poker Cheating In Deadwood

DEADWOOD (AP) — South Dakota's gambling commission is looking into reports of cheating at poker tables in the western gambling town of Deadwood.

The state Commission on Gaming has received numerous informal complaints in the past couple of years of players working together in poker games to obtain the chips of opponents, Commissioner Dennis Duncan said.

"There's a perception out there in the public that the games aren't on a level playing field," he said. "Sometimes perception becomes reality in certain people's minds, and I think that's the point where we're at. If there are 10 people talking about it, that's 10 people too many. "The commission is here to ensure the integrity of those games for the public," he said.

The commission has approved hiring a consultant to look into the validity of the collusion claims and to provide recommendations to casinos on how to identify cheating at poker tables, the *Rapid City Journal* reported. Commission Executive Secretary Larry Eliason in a Nov. 5 letter to several major casino owners said the commission was concerned that casino owners and managers "may not take this matter as seriously as does the commission."

Man Gets Prison For Sex Assault Of Nebraska Teen

LINCOLN, Neb. (AP) — A 39-year-old man already serving time in a California prison for sexual abuse of a minor has been sentenced to 35 to 45 years in a Nebraska prison for a similar teen sex crime committed years earlier.

Todd Tackwell admitted on Tuesday that he broke Nebraska law when he conducted what he described as a consensual relationship starting in 2004 with a girl who was then 14 years old, the *Lincoln Journal Star* said. Under Nebraska law, people 19 and over cannot have sexual contact with people under 16.

"This happens all the time in history. How can all the sudden it be wrong?" Tackwell said in court at his sentencing. "It can't be wrong. It is the position of the Legislature of Nebraska to say we're going to make a law about it. I don't have to agree with that."

In September Tackwell pleaded no contest to sexual assault of a minor. Authorities said Tackwell had rented the basement of the Lincoln house where she lived.

The girl is now a young woman, and she told the

Resolution Would Give Those Outside Omaha A Vote

BY MARGERY A. BECK
Associated Press

OMAHA, Neb. — The Omaha City Council is seeking state legislation that would allow people living just outside city limits to vote in municipal elections.

The resolution by City Councilman Franklin Thompson has sparked debate between those who say giving people who don't pay city taxes a vote is unconstitutional, and those who say residents living in a 3-mile zone outside city limits are often subjected to city laws and regulations — such as the licensing and housing of pets and the planning of neighborhoods — and should therefore get a vote.

"It's representation without taxation; that's what it is," said Councilman Ben Gray, one of three members who voted against the measure Tuesday.

The City Council voted 4-3 for a resolution to lobby the Nebraska Legislature next year to pass a bill that would allow the change. The measure would pertain only to those living in the 3-mile zone or in separately taxed sanitary and improvement districts, which are formed to provide new housing developments basic services such as power, sewer and water services and roads. The districts are most commonly known as SIDs, and are found just outside city limits or in undeveloped areas in the city.

Thompson said Thursday that he thought the time was right to propose the measure

after hearing complaints for years from people in neighborhoods just outside the city who have little to no say in their planning and development.

While SIDs have elected boards, the decisions of those boards can be overridden by the city planning commission, Thompson said. As an example, he pointed to the city's

approval this week of a 272-unit apartment complex in a southwest Omaha neighborhood, Grove Ridge, outside city limits. The approval came over the protests of residents in the neighborhood and the neighborhood's SID board, who said it was too large for the neighborhood and would cause traffic problems.

"How can the city have that much power over an area outside the city?" Thompson asked. "The question is: Is

that fair?"

But Gray said Thursday that allowing those outside the city who don't pay taxes for city bonds, roads and other infrastructure to vote in city elections would violate the U.S. Constitution's equal protection clause, as well as the Voting Rights Act.

"It would dilute the minority vote inside the city, and that is unconstitutional," he said. "If they want to vote, they need to move to the city and pay city taxes. In other words, you need to pay to play. It is that simple."

Council members Garry Germandt, Aimee Melton and Rich Pahls joined Thompson in voting for the change. Council members Chris Jerram and Pete Festersen joined Gray in voting against it.

Court Says No To New Malpractice Trial

PIERRE (AP) — The South Dakota Supreme Court has ruled that a woman who sued Sanford Medical Center for malpractice for a 2007 surgical procedure that was aborted should not be granted another trial.

Lisa Lewis sued Sanford after an anesthesiologist mistakenly attached a stomach tube to an oxygen supply rather than a suction device during prep for laparoscopic gastric band surgery. Lewis claimed that the flow of oxygen into her stomach caused cardiac problems, which led to the need for a pacemaker.

Sanford admitted negligence but denied that its negligence caused damage.

A jury awarded zero damages and Lewis appealed, and the circuit court granted her a new trial.

Sanford appealed that decision to the Supreme Court, and the justices on Thursday reversed the circuit court's order for a new trial.

Gambling Commission Punishes Casino

DEADWOOD (AP) — South Dakota's Commission on Gaming has punished a Deadwood casino for failing to provide acceptable revenue reports over several years.

The *Rapid City Journal* reports that the group fined the Four Aces Casino \$25,000 and suspended the business's gambling license for 15 days, effective Dec. 2. Executive Secretary Larry Eliason says it's the largest penalty he can remember in his nearly two decades with the commission. The casino plans to appeal.

The commission says the casino has repeatedly failed to provide accurate, complete and legible revenue reports, dating to 2008.

Casino Chief Financial Officer Steve Comer says the reporting errors were due to changing state reporting requirements and problems with the casino's antiquated software program. He says Four Aces hired a consultant to address the problem.

Police: Mines Faculty Took His Own Life

RAPID CITY (AP) — Rapid City police say a South Dakota School of Mines & Technology faculty member apparently took his own life on campus.

The school canceled classes in the Electrical Engineering/Physics building late Thursday morning after the man's body was found.

The university sent out alerts to students and staff telling them to avoid that part of campus.

School of Mines canceled classes for the day in the building and made counselors available.

Late Thursday afternoon police updated a news release indicating that it appears the man died from a self-inflicted gunshot wound.

Police did not release his name because his family has not been notified.

Baskets Headed To Troubled Ranchers

AMIDON, N.D. (AP) — Some ranchers and others in southwestern North Dakota are sending a bit of holiday cheer to their counterparts in northwestern South Dakota who are recovering from a devastating early October blizzard.

Volunteer Linda Narum, of Amidon, tells KXMB-TV that donations of everything from turkeys to homemade pies to money have been coming in from around Slope County. She says she's overwhelmed by the support. More than 200 people have contributed items or volunteer time for the Thanksgiving baskets.

Children began putting the baskets together on Wednesday and were continuing Thursday. Volunteers plan to deliver the baskets on Friday.

The blizzard that hit with surprising intensity on Oct. 4 dumped up to 4 feet of snow in western South Dakota, killing more than 15,000 cattle, sheep, horses and bison.

No Injuries In School Bus Crash In S.D.

SIoux FALLS (AP) — Minnehaha County authorities say no one was hurt when a Brandon Valley school bus collided with a pickup truck.

The crash happened at an intersection just north of Sioux Falls about 4:40 p.m. Wednesday. There were 12 students and the driver on the bus. Students were released to their parents.

The school district and the sheriff's office say the bus driver did not see the truck and failed to yield.

Man Gets Jail For Bad Checks For Pizza

LINCOLN, Neb. (AP) — A Lincoln man has been sentenced to nearly a year in jail for writing more than \$1,200 in bad checks to buy a lot of pizza.

The *Lincoln Journal Star* reports Damaun P. Goods was sentenced Tuesday. He has served at least 180 days in jail, and he may finish his sentence soon with good time.

Goods pleaded guilty to theft after he was accused of writing nearly 30 bad checks to several businesses that serve pizza. Police say he wrote the checks from his closed account, as well as one that belonged to a relative.

Goods says he used the checks because he needed to eat and his oven didn't work.