

**2010 Legal and Public Notices**

riize the City Finance Officer to issue a manual check to Masonry Components, Inc., in the amount of \$43,703.35, as final Payment for the project. (Memorandum 15-276)  
**Roll Call:** All members present voting Aye; voting Nay: None. Motion adopted.

**Action 15-350**  
 Moved by Commissioner Johnson, seconded by Commissioner Gross, to approve Change Order Number 1 from Ankeny Construction, Yankton, South Dakota, for the Highway 81 Sidewalk Project from 33rd Street to Wilson Road, an increase of \$2,068.50 for a new contract total of \$48,028.50; to accept the project as complete; and to authorize the City Finance Officer to issue a manual check in the amount of \$5,165.00 to Ankeny Construction as final payment for the project. (Memorandum 15-275)  
**Roll Call:** All members present voting Aye; voting Nay: None. Motion adopted.

**Action 15-351**  
 Moved by Commissioner Knoff, seconded by Commissioner Sommer, to adopt Resolution 15-72. (Memorandum 15-270)

**RESOLUTION 15-72**

**WHEREAS**, SDCL 6-13-1 requires a municipality owning personal property which is no longer necessary, useful, or suitable for municipal purposes shall, by resolution, declare it surplus and may, by resolution, order the sale, trade, destruction or other disposal of said personal property.

**NOW, THEREFORE, BE IT RESOLVED** that the following personal property be declared no longer necessary, useful, or suitable for municipal purposes and said property shall be traded in in accordance with SDCL 6-13-1, et sequential:

**SURPLUS PROPERTY TO BE TRADED IN**

2001 Camel Catch Basin / Sewer / High Pressure Cleaner (Flusher Truck)  
 VIN #2FZAATAK51AJ42713

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

**Action 15-352**  
 Moved by Commissioner Sommer, seconded by Commissioner Ferdig, to adopt Resolution 15-73. (Memorandum 15-274)

**RESOLUTION 15-73**

A Resolution Establishing Base Salary Adjustments at 3%, and a 1 step increase on the pay plan for Eligible City Employees of the City of Yankton, South Dakota

**WHEREAS**, adequate monies have been provided for in the adopted 2016 budget, for the remuneration of services rendered by City of Yankton employees; and

**WHEREAS**, the City Commission wishes to provide a base adjustment for all eligible City employees of 3% and a 1 step increase on the pay plan;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of City Commissioners that the City Manager implement a base adjustment of 3% and a 1 step increase on the pay plan on January 1, 2016 for all eligible regular full-time and regular part-time employees that are below the maximum of their respective pay range.

**Roll Call:** Members present voting Aye; Commissioners Ferdig, Johnson, Knoff, Miner, Sommer, and Mayor Carda; voting Nay: Commissioners Gross and Woerner.

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Motion adopted.

**Action 15-353**  
 Moved by Commissioner Gross, seconded by Commissioner Woerner, to authorize the City Manager to execute an agreement with Alternative HRD, LLC, Sioux Falls, South Dakota, to conduct a Compensation Study to evaluate City employees current compensation for a base cost of \$7,500.00 plus additional pre-approved charges as outlined in Memorandum 15-273.  
**Roll Call:** All members present voting Aye; voting Nay: None. Motion adopted.

**Action 15-354**  
 Moved by Commissioner Johnson, seconded by Commissioner Gross, to adjourn at 7:55 p.m.  
**Roll Call:** All members present voting Aye; voting Nay: None. Motion adopted.

David Carda  
 Mayor

ATTEST:

Al Viereck  
 Finance Officer  
 Published once at the total approximate cost of \$166.17.

10+31  
**CHAMBER OF THE BOARD OF CITY COMMISSIONERS YANKTON, SOUTH DAKOTA CITY COMMISSION STUDY SESSION, 6:00 P.M. OCTOBER 26, 2015**

Study Session of the Board of City Commissioners of the City of Yankton was called to order by Mayor Carda.

**Roll Call:** Present: Commissioners Gross, Johnson, Knoff, Miner, and Sommer. City Attorney Den Herder and City Manager Nelson were also present. Absent: Commissioners Ferdig, Hoffner, and Woerner. Quorum present.

Commissioner Ferdig entered the meeting at 6:02 p.m.

General discussion was held regarding Historic Downtown Yankton.

**Action 15-358**  
 Moved by Commissioner Knoff, seconded by Commissioner Sommer, to adjourn at 7:53 p.m.  
**Roll Call:** All members present voting Aye; voting Nay: None. Motion adopted.

David Carda  
 Mayor

ATTEST:

Al Viereck  
 Finance Officer  
 Published once at the total approximate cost of \$15.59.

10+31  
**NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, Tuesday, November 10, 2015, at 7:00 P.M. at the Yankton County Government Center, Commission 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

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Yankton County Planning Commission, Yankton County, South Dakota, Tuesday, November 10, 2015, at 7:15 P.M. at the Yankton County Government Center, Commission Chambers, 321 West Third St., Yankton, South Dakota. Said hearing is to consider the following: Applicant is requesting a variance of Minimum Lot Requirement from twenty (20) acres to five +/- (5.00) acres and Minimum Lot Width from five hundred (500) feet to four hundred sixty-five (465) feet in an Agriculture District (AG) in Yankton County. Said property is legally described Viking Tract 1, SW1/4, S25-T96N-R54W, hereinafter referred to as Turkey Valley Township, County of Yankton, State of South Dakota. The E911 address is 29574 451st Avenue, Irene, SD. Plat consideration: Said property is legally described as: Viking Tract 1, SW1/4, S25-T96N-R54W, hereinafter referred to as Turkey Valley Township, County of Yankton, State of South Dakota. The E911 address is 29574 451st Avenue, Irene, SD.

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, Tuesday, November 10, 2015, at 7:15 P.M. at the Yankton County Government Center, Commission Chambers, 321 West Third St., Yankton, South Dakota. Said hearing is to consider the following: Applicant is requesting a variance of Minimum Lot Requirement from twenty (20) acres to seven +/- (7.56) acres in a Rural Transitional District (RT) in Yankton County. Said property is legally described SE1/4 & SE1/4, SW1/4, S5-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 30967 436th Avenue, Yankton, SD.

Plat consideration: Said property is legally described as: Bachelers 1st Addition, SE1/4, S5-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 30967 436th Avenue, Yankton, SD.

Patrick Garrity  
 Zoning Administrator  
 Published once at the total approximate cost of \$26.17.

10+31  
**NOTICE OF SALE PUBLICATION**

Let it be known that a 2001 Ford Windstar SE Sport, VIN 2FMZA-51451BC04971 owned by Theresa D. Goeden of 509 Locust St., Yankton, South Dakota 57078 and MW Automotive is currently in possession of said vehicle and has given notice to the above-stated owner that the vehicle is considered to be abandoned property. The above-said vehicle is currently located on the premises of MW Automotive, which is located at 114 Douglas, Yankton, South Dakota. The total storage bill that is due and owing to MW Automotive for the vehicle is one thousand, eighty-six dollars and fifty cents (\$1086.50), plus fifteen dollars (\$15.00) per day from June 6, 2015, for storage charges. As property is considered abandoned, it shall be held out for public sale. Said public sale shall be held at 114 Douglas, Yankton, South Dakota 57078 for the reasons that the vehicle would be difficult to move. The public may access the property during reasonable business hours for inspection and bidding on said vehicle. The above-stated public auction and sale of the above-described vehicle shall take place at MW Automotive, at the above address on November 16<sup>th</sup>, 2015 at 1:00 pm in Yankton, Yankton County, South Dakota. The above-stated vehicle shall be sold by public auction to the highest bidder for cash. The highest bidder would also be responsible for the unpaid repair bill as state above. Dated this 27<sup>th</sup> day of October, 2015.

MW Automotive  
 by Doug Marquardt  
 /s/:

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10+31  
**NOTICE OF SALE PUBLICATION**

Let it be known that a 1996 Chevrolet Lumina, VIN 2G1WL52M6T9230398 owned by Dennis John Hanson of 2900 Douglas Apt 204, Yankton SD 57078 and April Michelle Hanson, 1102 Bluff Drive, Springfield, SD 570762 and MW Automotive is currently in possession of said vehicle and has given notice to the above-stated owner that the vehicle is considered to be abandoned property. The above-said vehicle is currently located on the premises of MW Automotive, which is located at 114 Douglas, Yankton, South Dakota. The total storage bill that is due and owing to MW Automotive for the vehicle is nine hundred ninety-one dollars and ten cents (\$991.10), plus fifteen dollars (\$15.00) per day from July 16, 2015, for storage charges. As property is considered abandoned, it shall be held out for public sale. Said public sale shall be held at 114 Douglas, Yankton, South Dakota 57078 for the reasons that the vehicle would be difficult to move. The public may access the property during reasonable business hours for inspection and bidding on said vehicle. The above-stated public auction and sale of the above-described vehicle shall take place at MW Automotive, at the above address on November 16<sup>th</sup>, 2015 at 1:00 pm in Yankton, Yankton County, South Dakota. The above-stated vehicle shall be sold by public auction to the high-

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est bidder for cash. The highest bidder would also be responsible for the unpaid repair bill as state above. Dated this 27<sup>th</sup> day of October, 2015.

MW Automotive  
 by Doug Marquardt  
 /s/:

10+31  
**NOTICE OF SALE PUBLICATION**

Let it be known that a 1995 Ford Thunderbird, VIN 1FALP6248SH124412 owned by Vanessa Carr of 1014 Cedar St. #4, Yankton, SD 57078 and MW Automotive is currently in possession of said vehicle and has given notice to the above-stated owner that the vehicle is considered to be abandoned property. The above-said vehicle is currently located on the premises of MW Automotive, which is located at 114 Douglas, Yankton, South Dakota. The total storage bill that is due and owing to MW Automotive for the vehicle is six hundred, twenty-five dollars and forty cents (\$625.40), plus fifteen dollars (\$15.00) per day from July 16, 2015, for storage charges. As property is considered abandoned, it shall be held out for public sale. Said public sale shall be held at 114 Douglas, Yankton, South Dakota 57078 for the reasons that the vehicle would be difficult to move. The public may access the property during reasonable business hours for inspection and bidding on said vehicle. The above-stated public auction and sale of the above-described vehicle shall take place at MW Automotive, at the above address on November 16<sup>th</sup>, 2015 at 1:00 pm in Yankton, Yankton County, South Dakota. The above-stated vehicle shall be sold by public auction to the highest bidder for cash. The highest bidder would also be responsible for the unpaid repair bill as state above. Dated this 27<sup>th</sup> day of October, 2015.

MW Automotive  
 by Doug Marquardt  
 /s/:

10+31  
**NOTICE OF SALE PUBLICATION**

Let it be known that a 2001 Mitsubishi Eclipse Spyder GS, VIN 4A3AE45G41E172150 owned by Jimmy Don Rowell of 1711 Flat Creek Rd, Lancaster SC 29720 and MW Automotive is currently in possession of said vehicle and has given notice to the above-stated owner that the vehicle is considered to be abandoned property. The above-said vehicle is currently located on the premises of MW Automotive, which is located at 114 Douglas, Yankton, South Dakota. The total storage bill that is due and owing to MW Automotive for the vehicle is nine hundred, twenty-eight dollars and nineteen cents (\$928.19), plus fifteen dollars (\$15.00) per day from June 6, 2015, for storage charges. As property is considered abandoned, it shall be held out for public sale. Said public sale shall be held at 114 Douglas, Yankton, South Dakota 57078 for the reasons that the vehicle would be difficult to move. The public may access the property during reasonable business hours for inspection and bidding on said vehicle. The above-stated public auction and sale of the above-described vehicle shall take place at MW Automotive, at the above address on November 16<sup>th</sup>, 2015 at 1:00 pm in Yankton, Yankton County, South Dakota. The above-stated vehicle shall be sold by public auction to the highest bidder for cash. The highest bidder would also be responsible for the unpaid repair bill as state above. Dated this 27<sup>th</sup> day of October, 2015.

MW Automotive  
 by Doug Marquardt  
 /s/:

10+31  
 STATE OF SOUTH DAKOTA) )SS:  
 COUNTY OF YANKTON)

IN CIRCUIT COURT  
 FIRST JUDICIAL CIRCUIT

Rhona Kay Sohl  
 Plaintiff

VS.

William Wesley Sohl  
 Defendant

NOTICE OF SALE ON EXECUTION

NOTICE IS HEREBY GIVEN: THAT pursuant to a Judgment dated September 11, 2015, in the amount of ONE THOUSAND AND NINE HUNDRED SEVENTY EIGHT and 20/100 Dollars (\$1,978.20) in favor of Rhona Kay Sohl, the following personal property was levied on the 21<sup>st</sup> day of October, 2015: "reed and Barton" Silver set items #1201, 1650, 1652, 1653 and 1703. "Rogers" Silver items #171, 817, 5737. "Towle" Silver item #4005. "Oneida" Silversmiths dish. 2 - "Duchin Creation" Sterling weighted candle holders. 1 Large rectangle shaped serving tray, silver appearance 3 Misc. unmarked pieces, silver in color. Hutch with curved glass front, antique in appearance (approx. 35 wide" x 71 tall") 15 gallon crock Wooden chest, cedar appearance inside (approx. 46 wide" x 18.5" wide x 18.5" deep) Street Light Globe, antique in appearance. Cream can, antique in appearance. 2 - place wooden children's desk, antique in appearance. 2- Small outdoor boat motors (1-marked Ted Williams 4.5 HP, 1-marked Mercury, Model KG-7,

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Super 10) Craftsman Shop Vac "Nelson" tractor style lawn sprinkler Portable air tank Receiver hitch carrier Clay pigeon thrower Two wheel dolly Plastic trunk "John Deere" model 185 HYDRO tractor with cover, 38 inch snow blower, and 45 inch mowing deck.

THAT I will on the 17<sup>th</sup> day of November, 2015, at the hour of 10:00 in the morning, at the front door of the Yankton County Sheriff's Office, 410 Walnut Street, Yankton, South Dakota, proceed to sell all the right title and interest to the above described personal property to the highest bidder for cash to satisfy said Judgment with costs and interest.

THAT the afore-described personal property is subject to redemption by the Defendant up to the said date and time of sale.

Dated at Yankton, South Dakota, this 20<sup>th</sup> day of October, 2015.

/s/:  
 James C Vlahakis  
 Yankton County Sheriff's Office  
 Yankton County South Dakota  
 Published once at the total approximate cost of \$30.46.

**Judge Won't Suppress Evidence**

RAPID CITY, S.D. (AP) — A judge has refused to suppress video of police interviews during the trial of Rapid City murder suspect Michael Hand.

The 19-year-old Hand is to stand trial starting Nov. 16 in the July 2014 death of 47-year-old Myron Rock. Rock's body was found in an alley, and an autopsy concluded he'd been beaten and strangled.

Hand has pleaded not guilty by reason of insanity to second-degree murder. His attorney earlier asked Judge Craig Pfeifle (FY-flee) to suppress statements Hand gave police. A psychologist testified Hand is intellectually disabled and would have some difficulty understanding his rights. Police testified Hand was read his rights before he was interviewed, agreed to speak with police and waived his right to an attorney. KEVN-TV reports Pfeifle denied the defense motion on Thursday.

**Roman Polanski 'Very Happy' With Polish Court Ruling**

MONIKA SCISLOWSKA  
 Associated Press

WARSAW, Poland — Poland cannot extradite filmmaker Roman Polanski to the U.S. on a charge that he had sex with a minor nearly four decades ago, a judge ruled Friday, a decision that could finally close the case in the country where the Oscar-winning director grew up and still makes movies. "I can breathe now with relief," Polanski told reporters in Krakow, where the case was heard. "I pleaded guilty. I went to prison. I have done my penalty. The case is closed."

The Polish prosecutor who argued for extradition on behalf of the United States did not immediately say whether there would be an appeal. The victim in the case has repeatedly called for the prosecution to be dropped. Judge Dariusz Mazur, who ruled in Krakow, where Polanski has his apartment, said the case was very complicated but an extradition would violate Polanski's human rights because he could be held in confinement while it was happening. "I find no rational answer to the question: What is the real point of the U.S. extradition request?" said Mazur, who spent more than two hours explaining his reasoning in the court. Polanski's attorneys had argued that the U.S. request was legally flawed and contended he had already served prison time under a plea-bargain deal with a Los Angeles judge.

Polanski was initially charged on six felony counts, including rape by use of drugs, but was allowed to plead guilty in 1977 to one count of unlawful sexual intercourse with a 13-year-old girl during a photo shoot in Los Angeles.

In exchange, the judge agreed to drop the other charges and sentenced him to prison for a 90-day psychiatric evaluation. Polanski was released after 42 days by an evaluator who deemed him mentally sound and unlikely to offend again.

The California judge then said he was going to send Polanski back to prison for the remainder of the 90 days and that afterward he would ask Polanski to agree to a "voluntary deportation." Polanski fled from the United States on Feb. 1, 1978, the day he was scheduled to be sentenced to the additional time.

Mazur said Polanski served his punishment in the U.S., and later for 10 months — partly under house arrest — in Switzerland in 2009 and 2010, when the U.S. unsuccessfully sought his extradition from there. Mazur found that U.S. judges and prosecutors violated legal procedures, broke the 1977 plea deal, denied Polanski the right to a proper defense and appeared biased. He said Polanski had reason to fear he would be sentenced to more than the remaining 48 days. Los Angeles District Attorney Jackie Lacey said she was disappointed with

the ruling, but it was up to the U.S. State Department to decide whether to pursue an appeal.

She said she'll continue to pursue justice in the case as long as she's district attorney "because justice has never been served."

"It just isn't fair to allow someone with resources to escape justice for so long," Lacey said.

Polanski was not in court for the ruling, but followed live TV coverage. The 83-year-old appeared exhausted and thin when he spoke to reporters afterward. "I am glad that I have trusted Poland's justice system," he said. "I knew it would end well ... Listening to the court today I was really moved because I had not imagined the judge would know the case in such detail, with all the dates quoted correctly. There was not one mistake."

He said he now needs to return to working on a movie he is planning to shoot in Warsaw.

"This case held up everything for a year," Polanski said. "Now we need to pick up the pieces and put them together."

An attorney representing Samantha Geimer, the victim in the case, said the ruling should be the end of it.

"Both the judicial systems of Poland and Switzerland are able to do what the judicial system of the United States seems unable to do, and that is put the matter behind us," said attorney Lawrence Silver.

The Associated Press does not typically name sex abuse victims, but Geimer has publicly identified herself in court filings, interviews and a memoir.

Polanski lives in Paris, but is a celebrity in Poland, where he spent his World War II childhood and studied filmmaking. His father helped him escape the Krakow ghetto, but then was an inmate in the Nazi German Mauthausen concentration camp, while his mother died in the Auschwitz death camp.

His pregnant wife, actress Sharon Tate, was murdered in Los Angeles in 1969 along with six others by the notorious Charles Manson cult.

Public opinion in Poland has been mostly in Polanski's favor, and many politicians have indicated reluctance to hand him over, arguing he has already paid a heavy price and repented for what he did.

Polanski's movements are restricted by an Interpol warrant in effect in 188 countries, but he has avoided extradition by traveling only between France, Poland and Switzerland. Even if the judge had ruled against him, he likely could have continued traveling between Switzerland and France, but losing access to a country where he stills feels at home would have been a heavy blow.

Polanski won an Academy Award for best director for his 2002 film "The Pianist" that he filmed in Warsaw and was nominated for 1974's "Chinatown" and 1979's "Tess."

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